



A Constructive Analysis of the Murder of Natalie Novak

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In August 2004, 18-year-old Natalie Novak was about to start her second year at Ryerson University when she met Arsei Hindessa (AH)¹, an Ethiopian refugee. On January 15, 2005, he assaulted her for the first time, at a party. Sixteen months later, on May 15, 2006, he stabbed her to death in her bedroom. After examining the circumstances that led up to Natalie's murder, we have come to the conclusion that her death was predictable and preventable. We have also come to the conclusion that the seeds of the inevitability of her death were planted on January 15, 2005, when she was first assaulted. Although we are missing some of the details, here is a summary of the details that lead us to that conclusion:

- AH assaulted Natalie at a party and left when others intervened. Natalie went home with two girlfriends and called the police. PC Ian Searles took a statement from Natalie. No witnesses at the party were ever interviewed.
- Later that night, Megan Stoeckle, a friend of Natalie's, assisted police when they were taking pictures of the injuries Natalie had suffered in the assault.
- That same night, AH phoned Natalie repeatedly; her girlfriend told him that Natalie did not want to speak to him, and that he should leave her alone. Later, he arrived and banged on Natalie's door, attempting to enter. Natalie and her friend were terrified and called police again. We know that PC Ramos attended, but we do not know what action he took. We do know that AH was not picked up, arrested or charged with any crime, even though he was clearly still harassing Natalie and she and her two friends were terrified that he was going to repeat the assault. In a paper on the Bail Hearing Process in Toronto², lawyer Daniel Brown states:

For most criminal offences, the police have the choice to release a person charged with a criminal offence without requiring a bail hearing. Police will generally not release a person without a bail hearing where they have concerns on one of the following grounds:

- 1) they need to establish the accused person's identity
- 2) they fear the accused will destroy evidence relating to their investigation
- 3) they fear the accused will continue or repeat the offence or commit other criminal offences**³

¹ For the rest of this document Arsei Hindessa will be referred to as AH. Natalie Novak will be referred to as NN only when we are quoting from police officer and court notes.

² http://www.yourbestdefence.com/the_bail_hearing_process.htm

³ We have used bold text in certain places in the document for emphasis.

4) they have reasonable grounds to believe the accused will not show up for court.

If the police hold any of these concerns, they will likely hold the accused person for a bail hearing.

Given that AH was phoning and hammering on the door, and the girls were terrified about their safety, we conclude that point #3 above applied, and AH should have been arrested that night.

- Five days later, on January 20, 2005, presumably under a warrant for his arrest, AH was arrested by Detective Teresa Monaghan for the January 15 assault and released on a Promise to Appear Form 10/11 .1, with an undertaking to appear on March 8, 2005. He also undertook to obey the following terms of his release: not to have any contact with Natalie Novak, not to go anywhere near her residence (Apt. 307, 540 Sherbourne Street), and to abstain from the consumption of alcohol and drugs. In cases such as this – a serious assault that caused bodily harm – it is highly unusual not to have a bail hearing before a Justice of the Peace. At a bail hearing, the court hears evidence and can impose terms on an accused person, requiring that they have a Surety who will supervise the accused in the community while on bail to ensure compliance with bail provisions designed to protect victims and to ensure attendance in court. The form of release employed in this case suggests AH was charged with a much less serious level of assault. Given Natalie's injuries, which are clearly visible in the photos taken by police at her residence that night, this does not make sense. In fact, Detective Monaghan told Natalie later that "AH is already under arrest for a serious [assault] on her." The charge laid on January 20 does not reflect the seriousness of this assault. There was no appearance on March 8, 2005, or do we know what consequences occurred.
- On May 5, 2005, a new Information was sworn to replace the one already before the courts for this assault charge. We do not know why the original court process required replacement. A Summons – not a warrant to arrest – was issued pursuant to the new Information by the courts. If a Warrant is issued, terms of bail can be imposed, but with a Summons they cannot. We do not know why only a Summons was issued in this case.
- On May 19, 2005, Detective Monaghan served AH with the Summons To Appear on the new Information of May 5 for the January 15 assault. AH was under no bail provisions at all for this serious assault, as no terms of release can be attached to a Summons. There should have been no need for the re-laying of the original Information. We can come to only one conclusion as to why a second Information was needed for the January 15, 2005 assault: the original process issued had a "fatal procedural difficulty" that voided it or made it voidable. As a consequence AH was never subject to any bail provisions for the assault and the promises he made to the Officer upon being released on January 20 were of no legal effect. They could not be enforced, and none of them were binding on him. This continued with the Summons. He was free to commit offences – even offences against Natalie – without being in breach of bail.

This is disturbing, and we think that this tainted the situation for both Natalie and AH from then on. Natalie came to the conclusion that either she could not depend on the police to protect her or the assault was insignificant. In her eyes, the assault appeared to be minimized by the police. AH probably concluded that he could pretty well do whatever he wanted, as long as he told the police and courts whatever they wanted to hear when they questioned him. His behaviour from then until he murdered Natalie supports this conclusion, as you will see in this document.

We wish to make it clear that only one person – Arsei Hindessa – is responsible for Natalie Novak’s death and he has been convicted and sentenced for this crime.

However, we need to examine the system – especially policies, procedures and protocols – that is in place to protect women like Natalie, find any systemic issues, problems, gaps, or shortcomings, and fix them in the hope that no other woman will die because of them.

Some conclusions based on this case

An examination of Natalie’s case has led us to these conclusions:

- 1) Either the necessary policy and protocols dealing with domestic violence do not exist, or the policy and protocols do exist, but police officers, healthcare workers, and court officials did not follow them consistently every time they interacted with AH (the perpetrator) or Natalie (the victim). Where domestic violence is concerned, individual discretion should not trump official policies and procedures.
- 2) There is little or no interaction between the various agencies that deal with domestic violence – i.e., there is no comprehensive and coordinated database of information about the victim and the perpetrator; individual agencies have their own databases, but because these are not integrated, no person or agency sees the complete picture of what is happening in a domestic violence case. Failure to obtain comprehensive information (from whatever database existed) resulted in inconsistent handling of incidents involving AH and Natalie, allowing the situation to continue and worsen until Natalie was murdered.

Probably the most glaring example of the lack of communication between the various agencies occurred on June 20, 2005, when Natalie provided the surety for AH’s release, even though there was a “no contact with Natalie Novak” order against him. Natalie was the most inappropriate person possible to provide surety, given that

A surety is somebody willing to supervise the accused person while released on bail and is responsible for ensuring that all of the conditions of the bail are being followed. In some instances, the accused person may be required to live with the surety and the surety will likely be required to pledge a monetary amount towards the bail. This monetary pledge ensures that the surety will properly supervise the accused person – or risk losing their money should they fail to do so.

(from the Daniel Brown paper on the Bail Hearing Process)

3) The role of the healthcare system – especially mental health – in domestic violence cases is unclear. In this case, the hospital seemed to value the privacy and legal rights of the perpetrator more than the safety of the victim; they did not share important information about AH with the police and courts until after he had murdered Natalie. They appeared not to make note of, report, discuss or enforce the “no contact” condition between AH and Natalie even after they were told about it. We know this because there is no mention of this condition in their notes on AH, while there are many notes about him being visited by a “gf,” or “female friend.”

4) The support available to the victim of domestic violence is inadequate and ineffective. There needs to be much more direct (proactive) personal contact with the victim, providing information about the seriousness and danger of the situation. The Ontario Provincial Police (OPP) protocol for domestic violence incidents calls for the investigating officer

- to transport the victim to safety
- to ensure that victims are provided
 1. information about shelters, legal aid, counselling, cycle of violence, safety planning (My Personal Safety Plan handout)
 2. victim impact information about the Victim Support Line, and Victims’ Services
- to complete a risk assessment form [A copy of the Domestic Violence Death Review Committee (DVDRC)⁴ Risk Assessment is attached at the end of this brief]

We have no indication that this kind of support was offered by the Metro Toronto police officers investigating the January 15, 2005 assault on Natalie. When AH was phoning repeatedly and hammering on the door, the three women were terrified for their safety; we believe that if Natalie had received information and support from the police at that time, she would have been more aware of how dangerous the situation was. She might also have had more confidence in the ability of the police to protect her and would have sought and accepted their help more readily as the situation worsened. After police attended Natalie’s address for the third time that night, she was left alone and A.H. was at large.

⁴ Ontario Domestic Violence Death Review Committees (DVDRC) assist the Office of the Chief Coroner in the investigation and review of deaths of persons that occur as a result of domestic violence, and make recommendations to help prevent such deaths in similar circumstances. The latest report is available online at http://www.mcscs.jus.gov.on.ca/english/office_coroner/PublicationsandReports/DVDRC_2008/DVDRC_report_2008.html

How Natalie's case was handled by the justice system (courts, bail programs, probation), the police, and the healthcare system – all of which have (or should have) policies designed to protect victims of domestic violence – reveals fundamental systemic failure of procedural coordination and implementation.

Policies, procedures and protocols

The domestic violence policies and procedures of all agencies involved need to be clearly stated and followed consistently if they are to protect the victims. For years, Domestic Violence Death Review Committees and Coroner's reports have been making recommendations after reviewing and analyzing homicide cases involving domestic violence (almost always women being murdered by men). Certain themes and issues seem to recur from case to case (including Natalie's case) in the DVDRC reviews and recommendations:

1. The need to educate the public about the signs of domestic violence, its potential to become lethal, and practical steps that can be taken to reduce the risk for assault and lethality.
2. The need to educate the police and healthcare workers about the dynamics of domestic violence and the best ways to respond to it. They have to realize that domestic violence does not always present itself in an obvious way. Police must understand that reluctant victims may be at greater risk of continued violence and thereby are in greater need of proactive police response.
3. The need for all professionals, including those in child-protection services, healthcare services, police, lawyers, religious leaders, mental health workers, and individuals in different systems of education, to understand and recognize the risk factors for potential lethality in an intimate relationship, and see that the level of risk is identified for the victim and dealt with appropriately. The committee recommends that all these professionals use standardized risk assessment tools to thoroughly assess and manage the potential risk for the victim and the danger of the perpetrator. This tool will help professionals conduct appropriate and effective risk management for both the victims and the perpetrator. The DVDRC Risk Assessment tool⁵ identifies 39 risk factors, and the DVDRC "arbitrarily considers a case predictable and potentially preventable if there are seven or more known risk factors present." **Twenty-one of the risk factors were present in the relationship between AH and Natalie Novak.**

While all of the above are worthwhile aims, two of the DVDRC's recommendations have particular significance in Natalie's case:

⁵ A copy of this form is attached at the end of this brief.

4. To create and maintain a comprehensive database about the victims and perpetrators of domestic violence and their circumstances.⁶
5. To help identify the presence or absence of systemic issues, problems, gaps, or shortcomings of each case to facilitate appropriate recommendations for prevention.

The dynamics of domestic violence

From the time she was first assaulted, until the time when she was brutally murdered, Natalie became part of a world she knew very little about, the dynamics of which she would never fully realize or comprehend. This world used to be euphemistically called “domestics” but is now more accurately known as violence against women. Most young women have no way of knowing how dangerous this world is for them, that it could possibly be lethal if allowed to continue unchecked by agencies and officials who are supposed to protect them: police officers, healthcare workers, probation officers, bail programs, the courts.

It is well known in the field of domestic violence that the victims in these violent situations often make what appear to be bad choices – closing ranks with the perpetrators, refusing to press charges or give statements – and this causes some people to blame the victim and think of her as complicit in her own abuse and death. In expert opinion testimony prepared for the Crown in this murder trial, Deborah Sinclair, who has been actively involved for 30 years with the issue of domestic violence, further clarified this issue as it related to Natalie Novak:

Given the intimate nature of her relationship to the abuser, victims of woman abuse frequently feel a high degree of ambivalence towards their partner. They fluctuate between feelings of hope and despair, wishing the violence to end but quite often wanting the relationship to continue. In this case, Ms. Novak wanted to end the relationship and did so on at least two occasions but she wanted to resolve things in a way that minimized any hard feelings so that she might be free to pursue her own future goals. Most victims of domestic violence ultimately do not want to hurt their partner’s feelings and so attempt to extricate themselves as carefully as possible. This is a complex dynamic that is difficult for outsiders to understand. Ms. Novak was clearly conflicted herself; at times wishing to have the genuine positive affections they shared be revived and other times when the abuse was escalating, she wished to end her contact. Her older friends knew less and less about their relationship over time as Ms. Novak knew they would disapprove.

⁶ Ideally, one person or agency would monitor all the information about each domestic violence case in such a database and take preventive action long before it reaches the lethal level.

Her friends say he [Arssei Hindessa] continued to pursue her and she tried to stay friendly with him. Over time she became reinvolved with him. This is a typical pattern for victims. She relied on her own internal resources to deal with the abuse as well as turning to her friends and roommates for support and guidance. In the literature, there are formal and informal help-seeking support systems that victims rely on for assistance. In this case, Ms. Novak chose to rely on an informal help-seeking support system consisting of herself and her friends. She only turned to professionals such as the police when she found herself in an emergency situation.

Because this complicated dynamic is so well known, it is essential that the agencies involved – police, healthcare, justice system – treat the situation the way they would treat any other crime, regardless of the wishes of the victim. After a bank robbery, police don't ask the bank tellers if they want the robber charged or if the robber seemed like a nice person who said he was sorry and promised never to do it again, or if he'd had a rough life that explained his behaviour. Bank robbery is a crime and is dealt with accordingly. **Any assault – regardless of where it occurs – is a crime and should be investigated as such.**

The Ontario Attorney General's *Crown Policy Manual*⁷ states clearly:

Domestic Violence is not a private family matter – Domestic Violence offences are criminal acts and should be prosecuted as vigorously as other serious criminal matters. Spousal abuse is a prevalent social problem which affects all of us Spouse/partner offences are often committed in a context where there is a pattern of assaultive and controlling behaviour. This violence goes beyond physical assault and often includes emotional, psychological and sexual abuse that is intended to induce fear, humiliation and powerlessness.

Victims of these offences and their children should be able to live as safely as other members of society. At all stages of the prosecution, including bail hearings, the safety of victims and their families is a paramount factor for Crown counsel to consider in the exercise of discretion.

Support for the victim

In her report on this case, domestic violence expert Deborah Sinclair addresses the need for support for the victims of domestic violence:

Only 25% of women who are victims of domestic violence come in contact with the criminal justice system. Some women have very limited knowledge about their rights and what constitutes a physical or sexual assault in the eyes of the law. Invariably women

⁷ <http://www.attorneygeneral.jus.gov.on.ca/english/crim/cpm/2005/SpousePartnerOffences.pdf>

who have been victims of abuse do not believe that existing provisions under the Criminal Code can offer them protection. They fear that by reporting to the police they will incur the wrath of the accused and place themselves at even greater risk for serious assault. These fears are compounded where the abuser has shown a disregard for the law in the past, has stalked the woman and/or has found her after she has attempted to leave previously. ... Without support, victims frequently succumb to pressure from their partner and others to withdraw charges or recant. It is not unusual for victims to assist their partners in getting bail. This is often a great source of frustration for the criminal justice system and requires ongoing training of all participants to fully understand the complexities of domestic violence dynamics and the cumulative impact of abuse on victims. ... Most victims would see victim services as an extension of the police. ... If victims can understand the benefits of prosecution for their partner, they are more likely to cooperate. In this case, Ms. Novak did not appear to be aware that she could turn to the police and the courts in the hope that her partner would be mandated to a treatment program [such as Partner Assault Response Service (PARS)]. ... If this has been her first experience with the criminal justice system, she may not even see the efficacy of the process – sees it as unhelpful; in fact perhaps even making her life worse. ... Victims of domestic violence find the court process cumbersome, frustrating and may see her partner being victimized, especially if race/class/ability/sexual orientation is an issue. ... Victims of domestic violence can shift their anger and intense feelings from their abuser to those trying to assist them, e.g., crowns, police officers, victim services, “anyone in the system.” ... Most victims find the court experience to be intimidating and even terrifying.

Natalie’s support from the various people and agencies was fairly minimal, consisting mainly of phone calls and letters, rarely direct contact. We think that the policies around victim support need to be far more aggressive and direct. Given what is known about the dynamics of domestic violence, we do not consider letters and phone calls to be sufficient. Natalie needed specific information to help her deal with the dangerous situation, not just offers of help.⁸

Role of the Probation Officer

On September 21, 2005, AH was given 12 months probation and assigned to Probation Officer (P.O.) Franklin Lyons. We have serious concerns about how the Probation Officer applied the protocols of the Ministry of Community Safety and Correctional Services in dealing with AH, especially the section of the protocol that states:

⁸ A summary of all the contacts Natalie had with “the system” can be found in APPENDIX C.

... officers are extremely vigilant about any indication of subsequent violent or abusive behaviour and/or any form of non-compliance with conditions outlined in the order. ... P.O.s enforce violations of these orders by laying a breach of probation/allegation of the conditional sentence charge or parole suspension warrant.

As you will see below, AH breached the conditions of his bail – especially those concerning “no contact” and not having alcohol or drugs – and his P.O. was made aware of these breaches, yet AH continued to remain free on bail.

On October 11, 2005, AH and Lyons met for the first time, and the conditions of his probation were discussed: to have no contact with Natalie Novak or Helene Gervais, to stay away from Natalie’s residence, not to possess or consume alcohol or illegal drugs. AH indicated that he was living with a friend, Hussain Barisso, at 892 Warden Avenue. Lyons checked and Hussain Barisso said that AH did not live there.

On October 14, 2005 AH missed his appointment and called his P.O. at 5:08 PM. Lyons reviewed the conditions of the probation and the appointment was rescheduled.

On October 17, 2005, Lyons reviewed the probation conditions and completed the risk/needs assessment with AH, as required in the Ministry’s protocol. Lyons assessed AH as “medium risk to re-offend.”

On November 14, 2005 Lyons and AH reviewed the conditions of his probation. AH still had no job, and no permanent residence.

NOTE: We assume that the P.O. should know where the person on probation is living and should verify this information if the place of residence changes. Based on P.O. Lyons’ testimony during the murder trial, we do not believe this was happening in this case. The question of where AH was living was vague and unverified most of the time.

On December 6, 2005, AH missed his parole meeting with Lyons and didn’t contact Lyons. No action appears to have been taken; we wonder why police were not notified of this breach of AH’s parole conditions, as prescribed in the protocol statement.

On December 9, 2005, AH phoned Lyons and said he had missed the December 6 appointment because he was “busy.” Later AH met with Lyons in his office. His situation was basically unchanged. He was unable to start the Partner Assault Response Service (PARS) program because he didn’t have a fixed residence.

On December 28, 2006, AH told Lyons he was arranging to rent a room from Rahim Sawadi, a friend, but was currently living at the apartment of a female friend who was away. Did Lyons know what address this was, and did he check this information? We believe this address was 540 Sherbourne, Natalie’s residence, as she was at home for Christmas at that time. We believe that

Lyons did not know this because he did not check where AH was living, as we assume he was supposed to do.

On January 25, 2006 AH met with Lyons after his appointment with a Dr. Paitich, a psychiatrist Lyons had referred him to for “anger management and other issues.” Lyons told AH that he would be starting the PARS program when his residence was settled.

On February 8, 2006 AH voluntarily checked himself into the Psychiatric Ward at St. Michael’s Hospital. Nurses’ notes from February 11 indicate that AH “expressed concern RE housing – he has no place to go once he comes out of the hospital. ... Even if I get better I have nowhere to go.” It appears that Lyons did not find out AH was in the hospital until February 16, eight days later.

On February 16, 2006 Lyons heard from Dr. Moniwa that AH had been in the Psychiatric Emergency Service since February 8. During their discussion it became obvious that AH had breached conditions of his bail, specifically those regarding drugs and having “no contact” with Natalie Novak. Dr. Moniwa’s notes state that AH “... left the hospital to spend time with his girlfriend ... He admits to smoking a joint.” Lyons’ notes from that conversation confirm that “Dr. Moniwa noted that a Natalie Novak has been visiting AH on the ward.” Even after Lyons learned about these breaches from Dr. Moniwa, he took no action. In fact, Lyons testified in court that he did not confront AH regarding these reported breaches or discuss them with him. Lyons did not consult with the hospital staff about AH after that date.

On February 20, 2006 AH spoke with Lyons from the hospital. Conditions of his probation were read to him again.

On February 28, 2006 AH phoned Lyons from the hospital and told him he was feeling better.

On March 3, 2006 Lyons’ case notes indicate that AH was discharged from the hospital and transferred to the Short Term Mental Health & Justice Bed Unit at the Salvation Army Maxwell Meighen Centre.

On April 6, 2006 Lyons’ case notes indicate that AH was referred to the PARS program at Counterpoint, as his place of residence was settled. This is the first known address in seven months of parole.

On April 17, 2006 AH was arrested and charged for Fail to Comply with the “no contact with Natalie Novak” condition of his probation. He is kept in custody until April 19, when he was released into the Toronto Bail Program.

On April 18, 2006, the Bail Program called Lyons’ office for an update about AH. Lyons testified at the murder trial that he was away that day and a “no problem” report was sent to the Bail Program.

On April 24, 2006 AH missed his appointment with Lyons. No action was taken.

On April 26, 2006 AH called Lyons and told him about the April 17 arrest for failing to comply with the “no contact” order. No action appears to have been taken as a result of this breach/non-compliance of his probation conditions. AH was allowed to remain in the Bail Program.

We are left wondering at what point the non-compliance protocol was ever going to be applied, and why AH was not arrested right away for breaching his probation condition on April 24.

On April 27, 2006 AH reported to Lyons in person. He said he was “off his meds,” but was still seeing a psychiatrist. Complying with medical treatment is a condition of bail set on April 19.

On May 11, 2006 AH missed another scheduled parole meeting with Lyons. Lyons made no effort to contact AH, and again police were not notified on that date.

May 12, 13, 14 Lyons made no effort to contact AH or have police pick him up.

On May 15, 2006, AH murdered Natalie Novak. At the murder trial, Lyons testified that he learned of Natalie’s murder when he logged onto his computer that morning.

We believe that if the protocols surrounding probation and breach of probation had been applied at the appropriate times, AH would not have been free to murder Natalie.

Justice System

The 2005 Ontario Attorney General’s *Crown Policy Manual* outlines their policies and protocols, and stresses the importance of consistency when trying cases of domestic violence, and ensuring the safety of the public, especially the victim.

Notwithstanding the importance of discretion, it is also necessary in the public interest to have uniform prosecution policies applicable across the province. Policies assist and guide individual prosecutors in exercising their prosecutorial discretion. The policies in this Manual are not intended to replace the sound judgment that Crown counsel exercise. They set out appropriate considerations for prosecutorial decision-making, while supporting flexibility.

The *Crown Policy Manual* provides consistency of approaches to prosecutions across the province, for example, in such areas as child abuse, sexual assault, and spouse/partner abuse. ... In cases of spousal abuse, Crown counsel should ensure that full submissions are made at sentencing hearings, including victim impact, and that the court is made aware of all factors relevant to the protection and safety of the victim, the victim’s family, and the public.

Of particular importance in this case, the *Crown Policy Manual* states:

Where possible and where resources permit, a Crown counsel should be assigned to the case at the earliest opportunity and should remain assigned to the case until its conclusion. ... Where a change of Crown is necessary, arrangements should be made to have the newly assigned Crown review the file and then meet with the victim. [Crown Policy Manual, 1994]

In those jurisdictions where domestic violence courts exist, a small team of Crown counsel will have carriage of all spouse/partner prosecutions and continuity of counsel should be maintained until the conclusion of the case. [Crown Policy Manual: Spouse/Partner Offences, 2005]

The exact wording may have changed in the updated Crown Policy Manual, but **the need and intent to have continuity of Crown Counsel remains clear**. An examination of four court appearances of Natalie Novak's murderer shows that there was no continuity of counsel, nor does it appear that relevant information from one hearing was reviewed and brought forward to the next. There was a different Crown Counsel in each of these court appearances, and it is clear that in several of these court appearances no adequate review of the file had been done. A brief overview of each of these court appearances will illustrate these points.

August 8, 2005 Show Cause Hearing (for Assault x 2, Fail to Comply – drinking – and Breach of an undertaking – not to have contact with Natalie Novak).

Crown: Ms. J. MacDonald Judge: Mr. Justice J. Ritchie

The Crown sought to revoke AH's two previous bails because of his total failure to abide by any of the conditions police had imposed on him when was released on a Form 10/11.1 on January 20, 2005. AH had agreed not to have any contact with Natalie, stay away from her residence, and to abstain from possession and consumption of alcohol or non-prescription drugs. However,

On March 6, 2005 police arrested AH for impaired driving and Over 80. Natalie was in the car with him.

On May 8, 2005, police answered a 911 call placed by Natalie and removed AH from Natalie's apartment (#307, at 540 Sherbourne Street).

On May 16, 2005, police answered two 911 calls involving AH and Natalie Novak.

On June 7, 2005, AH failed to appear in Old City Hall on the impaired driving charge.

On July 8, 2005, police arrested AH for assaulting Natalie and Helen Gervais at his apartment.

After outlining the above, the Crown made the following the comments:

... He's been offending virtually from one offence to the other, and the new allegations concern a domestic assault on the same victim for which he's already on bail. ... There's flagrant disregard for court releases and the significance of them. ... The time has come to revoke his outstanding bail and to have him remain in custody, which is the very best to ensure no further criminal activity. ... There is a genuine concern that if he were released there's every likelihood that Mr. Hindessa would re-offend and that the re-offending may involve alcohol and may even involve yet again Ms. Novak ... it's our concern that he is not taking these matters seriously.

The Judge agreed with the Crown:

I have heard the details of the outstanding charges. ... In light of the previous bails this is a reverse onus situation. I have heard about the allegations. The allegations certainly are serious. ... I do have great concerns on the secondary ground. In my view, there is a substantial likelihood that the defendant will re-offend if released from custody, given the history of his alleged conduct dating back to January. I conclude that detention is necessary for the protection of the public and the defence has not met the onus upon it.

AH was detained on all charges and remained in custody for 75 days until the September 21, 2005 court hearing.

Even though the Crown and Court appeared to understand the situation quite well, two serious problems are raised in this hearing as well:

1. The Crown cannot find any detail about the first "bail," the one for the January 15, 2005 assault when AH was released on a Form 10/11.1. [Note: It wasn't really a "bail"; it was the police officer's Form 10/11.1 release on January 20, 2005.]

Crown: The one bail we don't have your Honour, is the very first one. He was released on a Form 11 and

Court: You mean there is one bail covering the January, March and June charges?

Crown: No. That's the part I don't know, Your Honour. I don't know. I think – I'm not sure. We don't have that information. ... We only know that it exists.

2. The Crown points out that it was Natalie Novak who posted the surety on the impaired charge, in spite of the fact that there was not supposed to be any contact between her and AH:

... if you look at the bail that he received for the impaired driving and the fail to appear inexplicably the surety is Ms. Novak and it's – so he's actually on a bail not to have any contact with Ms. Novak and yet she appears as the surety for – it's the same person Natalie Novak. So, our concern is there's a flagrant disregard for court releases and the

significance of them. ... it could well be the court on that day didn't know about the outstanding charge that made Ms. Novak an inappropriate person for surety.

These are serious problems that illustrate the importance of having a comprehensive, up-to-date database and using it every time the victim or perpetrator are dealt with by any of the agencies involved in protecting victims of domestic violence. AH is dealt with six times by police officers between January 20, 2005 and July 8, 2005, and the conditions of his release are never mentioned once. We have concluded that the original process issued on January 20, 2005 had a "fatal procedural difficulty" that voided it or made it voidable; thus there was no information about the conditions of AH's release in the police database. This would explain why police did not arrest AH for Fail to Comply ("no contact, no alcohol") on March 6, May 8, and May 16.

September 21, 2005 Guilty Plea (for assault x 2 and Over 80)

Madam Justice S.R. Shamai Crown: J. Flaherty

AH pleaded guilty to assaulting Natalie Novak on January 15 and Helen Gervais on July 8, and blowing over 80 on March 6. The Crown and the Counsel for the Accused agreed that since AH had been in custody for the previous 75 days, that time should be counted toward AH's sentence. The judge agreed, and AH was released, with some conditions.

This hearing raises several problems:

1. AH also assaulted Natalie on July 8, 2005 and the police charged him with two counts of assault.

Crown: "Ms. Novak didn't want to provide a statement. AH was arrested for the two assaults based on the information from Ms. Gervais."

However, in this hearing, the charge against AH of assaulting Natalie appears to have been dropped, perhaps because Natalie wasn't willing to cooperate and the Crown felt there was no chance to convict. Why would this be so when they had another witness to the assault?

Tellingly, the Crown also minimizes AH's condition of release not to have any contact with Natalie Novak: "He was on a recognizance not to have any contact with Natalia Novak but it was clearly with her complicitness [sic] that he [was] found in contact with her."

The judge echoed this: "The woman who was the victim of the assault in January, I understand, is someone you've had a relationship with for a number of years, [18 months at this point] and she was also present at the incident which took place in July."

These comments sound like “blame the victim ” for the crime, as if somehow her willing presence gave him permission to assault her. Natalie was more than “present at the incident” that night; she was also assaulted by AH.

2. There is no mention of that fact that on March 6, Natalie was in the car with AH when he hit the building and was arrested and charged with impaired and over 80. We have concluded that this information was not in the police database because the January 20, 2005 charge was flawed and no information was ever entered on that date.

3. Also, there are errors in the information presented at this hearing:

a) Crown: “He was not arrested on this [January 15, 2005 assault on Natalie] until March of 2005...” This is incorrect. AH was arrested for this assault on January 20, 2005 and released on a Form 10/11.1 with the conditions not to have any contact with Natalie, to stay away from her place of residence, and not to possess or consume alcohol or drugs. As mentioned before, on May 19, 2005 AH was charged again for this assault, indicating that there was a problem with the January 20, 2005 charge. We have concluded that the Crown had no information about the conditions of AH’s release because they were not in the police database.

b) Counsel for the Accused states: “He [AH] has been steadily employed at a variety of different locations in the years that he’s been here. ... He was unemployed at the time of his arrest and had been for about two and a half months.” In reality, AH had had a series of jobs for short periods of time until he quit or was fired, while his wife worked at two jobs to make enough money to support them. Counsel appears to have taken AH’s word for it and left it at that. The Crown doesn’t object to this information, and the judge accepts as fact “that you have been employed for much of the time that you’ve been here”

April 19, 2006 Show Cause Hearing

Justice of the Peace S. Haddad Crown: Mr. A. Spiegel

This hearing started off much like the August 8, 2005 hearing, with the Crown seeking AH’s detention on secondary grounds: AH violated the “no contact” condition and assaulted Natalie and Helen Gervais. The Crown was worried about Natalie’s safety:

... sometimes the Court has to take a parental role over people who are caught up in situations and has to supervise their safety despite what they may feel is in their best interests. The difficulty with the Bail Program, of course, is that they’re not going to be there to supervise him in any way to make sure that he stays away from her, only that he

attends court as required and continues to take any treatment that he presently is taking and has been taking up to this point. ... So our concern is that the Bail Program doesn't meet the secondary ground concerns.

When the Crown points out that AH has violated the probation condition not to have contact with Natalie, the Court asks if she was there voluntarily:

Court: I mean, was there a problem? ... Was she kidnapped?

Crown: ... the Crown's concern stems from the fact that he's been convicted twice of assaulting her ...

Court: He had been convicted twice? ... I am sorry, I missed that.

Crown: We have some concerns for her safety that she may not share. ... this is a gentleman who has demonstrated violence towards girlfriends in the past and he should have to abide by his probation condition.

The Court's "Was she there voluntarily? Was she kidnapped?" questions seem to miss the point that AH's "no contact" orders are not about Natalie or her behaviour. In fact, later in the hearing, the Court makes this very point:

Court: I am going to ask you whether you are prepared to comply with the condition that you have no contact whatsoever with Natalia Novak.

AH: Yeah.

Court: Are you prepared to comply with that condition?

AH: Yes.

Court: ... Do you realize that Ms. Novac [sic] cannot change the court order, so that if you're ordered to have no contact with Ms. Novac [sic] you must comply with that condition ...

AH: Yes.

Court: ... regardless of her wishes. ... if you were to see Ms. Novac [sic], if she were to approach you, you would have to turn around and walk away? ... Do you know what would happen to you if you did not do that?

AH: I would be arrested again.

The Court seems to accept AH's word on this, even though he has violated that condition frequently in the past. Later in the hearing, the Crown makes these points:

Crown: Now sir, if you are released to the bail program there's not going to be anybody watching you to make sure that you stay away from Ms. Novac [sic]. ... what you're basically asking is that the Court trust you on your word to stay away from her.

AH: Yes.

Unfortunately, there is nothing in AH's past behaviour to warrant trusting his word, as a review of past court hearings would indicate. In fact, quite the opposite is true: In the past he has violated this "no contact" condition within days of agreeing to it.

In spite of this fact, and in spite of the fact that the Court says "... the Court's obligation is to ensure that she [Natalie] not be put at risk," the Court rules:

Court: I am going to release you to the Bail Program, and hopefully they will be able to impress upon you the fact that you are not to have any contact with these women. Do you understand?

AH: Yes, I do.

Court: If they call you, hang up. If they come near you, walk away.

The Court then stipulates a series of other conditions of this bail regarding AH's place of residence, taking part in treatment programs, abiding by all the rules of the Bail Program, attending and participating in counselling and treatment programs for mental health concerns, signing authorizations so the Bail Program can monitor his progress. When AH is asked if he understands and accepts these terms of release, he replies. "Yes, miss. ... Yes I do." He is released into the Toronto Bail Program.

Note: Apparently AH did not take this promise very seriously, as he was seen at Natalie's house on May 8 and 13, 2006.

May 12, 2006 Court Appearance

Judge: unknown

Crown: unknown

At this point we know very little about this court appearance, and have not seen the transcript. AH was allowed to continue in the bail program. The Court was not informed that AH had missed his May 10 appointment with his psychiatrist and his May 11 probation meeting with Lyons. We have been told that the charges were stayed for administrative reasons, to move the case along. Apparently the Court was waiting to receive some reports, including one from Natalie.

Three days later, on May 15, 2006, AH stabbed Natalie to death in her room.

Recommendations

1. Where **policies and protocols dealing with domestic violence** already exist, they need to be firm – not discretionary – followed to the letter, especially by police officers as they investigate each incident. These policies and protocols need to be the same across the province, and the public needs to know and understand them. Where they do not exist, they need to be created and implemented.
2. The protocol around **who can provide surety** – assuming there is one – needs to be clarified and enforced. Becoming the surety for another person is a serious responsibility and commitment. It is inconceivable that the victim in a domestic violence incident could ever be the appropriate person to provide surety for the abuser who has a “no contact” order against him, yet this is what happened in this case.
3. A **comprehensive database** that tracks and integrates information about domestic violence cases between relevant agencies is essential if perpetrators are to be stopped long before they murder their victims. Once an incident of domestic violence has occurred, every subsequent contact the victim and/or perpetrator has with the police, the court system (bail, probation), social agencies, and the healthcare system should be entered into this database. Policies and procedures of relevant organizations should be amended to define responsibilities for maintenance and use of this database. This way the pattern of violence and its pace could be visible to all concerned and steps could be taken to stop it.
4. The **role of the healthcare system** – especially mental health – in domestic violence cases needs to be clarified, with policies, procedures and protocols clearly spelled out and followed by the personnel involved. If the safety of the victim is paramount in such cases, then it is not acceptable for healthcare facilities to ignore court-imposed probation conditions involving one of their patients. The point at which victim safety should take precedence over patient privacy should be established clearly.
5. There is a need for much more protection and **support for the victim**, starting as soon as the first incident occurs. She needs to know what is happening at each step, what rights she has, how dangerous the situation is. It is especially important that the victim be sure that the police will protect her, that they are treating what is happening to her as a crime, not “just a domestic.” Otherwise she may feel she is on her own and needs to try and handle the situation by herself.

APPENDIX A: Interactions with the police

January 15, 2005 AH assaults Natalie. Police are called and PC Ian Searles takes a statement from Natalie at her apartment.

Meghan Stoeckle, a friend of Natalie's, assists police when they take pictures of Natalie's injuries. (PC MacPherson)

AH phones repeatedly, comes to Natalie's later that night, and tries to gain entry. Police are called. (PC Ramos)

What action was taken? Did police see or talk to AH? Why was he not arrested that night? Was Natalie given any support or information about how dangerous the situation was?

January 20, 2005 AH is placed under arrest for assault. (Det. Monaghan) AH is "released by the officer in charge on Form 10/11.1 with a promise to attend March 8, 2005. He is subject to a condition not to have contact with Natalie Novak, to abstain from the consumption of alcohol or drugs, and to obtain [sic – abstain] from going near 540 Sherbourne, Apt. 307 [Natalie's residence]."

Was this information entered into the police database? We have concluded it was not, as it does not appear to come up the next six times AH has dealings with police officers. The Crown in the August 8, 2005 Show Cause Hearing can find no trace of these conditions in the system. This seems to support our conclusion that there was something flawed about the January 20, 2005 charge, and no information was entered into the police database on that date.

March 6, 2005 AH is arrested for impaired and over 80. He is released on a Promise to Appear.

Natalie is a passenger in the car, but neither this "no contact" violation nor the one to abstain from alcohol are mentioned by the police. Ironically, Natalie is the one who is taken to the police station, charged with being drunk in public, and fined \$70.

Was the database consulted, and if it was, why did this information not come up? This seems to support our conclusion that there was something flawed about the January 20, 2005 charge, and no information was entered into the police database on that date.

- May 5, 2005 Timeline: "A new information is filed with the court for the original assault charge on June 1, 2005." We assume this has something to do with the January 20, 2005 assault charge.
- May 8, 2005 Natalie calls 911 from her residence at 4:04 a.m. PC McDermott attends.
- AH is removed and taken to Main & Danforth, which is near his residence.
- This is the second time the police have dealt with AH where no mention is made of the fact that AH is not supposed to have any contact with Natalie or be anywhere near this residence. This seems to support our conclusion that there was something flawed about the January 20, 2005 charge, and no information was entered into the police database on January 20, 2005. That information should have been in the database as part of the "new information" filed three days earlier on May 5.
- May 16, 2005 Donna Johnston, the building manager at AH's apartment building at 73 Eastdale, calls 911 at 2:30 a.m. about AH & Natalie "fist fighting" in the hallway. PC Rawji attends, and while he is looking for them, a 911 call comes in from Kris [a woman who's looking out her window at 31 Seacourt] reporting that AH is chasing Natalie down the street. Apparently AH has grabbed Natalie's cell phone and won't give it back. PC Rawji locates them on the street. Natalie is dropped off on the Danforth.
- We question why no assault charges were laid, although there were witnesses to the assault.
- This is the third time the police have dealt with AH where no mention is made of the fact that AH is not supposed to have any contact with Natalie. This seems to support our conclusion that there was something flawed about the January 20, 2005 charge, and no information was entered into the police database on that date. That information should have been in the database as part of the "new information" filed eleven days earlier on May 5.
- AH calls 911 at 3:28 a.m. and says his girlfriend is assaulting him. Police arrive, talk to AH, and clear the call at 3:30 a.m.
- May 19, 2005 Det. Monaghan calls AH to attend 11 Division. She serves him with a summons for the January 15 assault and a court date of June 1, 2005. She tells AH he is not to have any contact with Natalie. This time the

information seems to have been entered into the police database, as officers find it every time they deal with AH from now on.

This summons should not have been necessary, as AH was arrested on January 20, 2005 for this assault. As we stated at the beginning of this brief, we have concluded that there was something flawed about the January 20 charge that led to it being reissued.

- June 1, 2005 According to the timeline, AH “begins attending court on the assault charge again.”
- June 7, 2005 AH fails to appear on the impaired driving charge. A warrant to arrest AH would have been issued.
- June 16, 2005 AH is arrested for Fail to Appear on June 7. (PC Rawji)
- AH is kept in custody until June 20, 2005. He is released on \$1000 surety bail for impaired, over 80 and Fail to Appear Court. Natalie Novak was the surety, even though the “no contact” with Natalie condition had been filed.
- July 8, 2005 AH assaults Natalie and Helen Gervais at his apartment. (PC Yung & PC McDonald)
- AH is arrested by PC Papatheodorou, charged with assault x 2, Fail to Comply Recognizance for Drinking & Breach of an undertaking for having contact with Natalie.
- This is the first time the “no contact” condition is picked up by the police officer and acted upon. Obviously this information is now in the police database.
- AH is detained in custody until his bail hearing on August 8, 2005. This delay before the bail hearing is very unusual.
- August 8, 2005 Court hearing. AH is detained on all charges and remains in custody for 75 days.
- September 21, 2005 AH pleads guilty to January 15 assault on Natalie, July 8 assault on Helene Gervais, and impaired and over 80 from March 6, 2005.
- AH receives a sentence of 1 day jail on top of 5 days pretrial custody on each charge, plus 12 months probation with an order that he have no contact, communication or association with Natalie. AH is released.

- January 28, 2006 “NN calls 911 from 540 Sherbourne stating that a tenant threatened to assault her. PC Gillan speaks to her. Neighbour Dwayne Whitford testified in court that he ‘hears NN screaming “Help me, help me” and sees her on the phone.’ Later that week, Natalie received notice from the landlord threatening a possible eviction, stating that tenants had complained about loud noise and shouting on January 27, and that AH had been “observed banging on the doors and randomly called other tenants to try to gain entry into the building” on January 28.
- Did police not check their database? Information regarding Natalie and her address should have been in the database several times. The 911 operator identified the call as a “possible domestic,” but the police did not seem to investigate it as such or interview any of the witnesses.
- April 17, 2006 AH is arrested for Fail to Comply Probation for breaching the “no contact” term with Natalie. The probation order came to light when their names were run in the police database. (PC Clayton & PC Nichols). AH remains in custody until April 19 when he is released to the Toronto Bail Program.
- May 15, 2006 Police are called when AH murders Natalie Novak.

APPENDIX B: Interactions with St. Michael’s Hospital and post-discharge

- February 16, 2006 AH is at St. Michael’s Hospital. His probation officer, Frank Lyons, advised Dr. Moniwa that AH has a “no contact” order after Dr. Moniwa notes that Natalie has been visiting AH on the ward. Dr. Moniwa says she will note that Natalie Novak is not to be allowed to visit AH.
- February 17, 2006 Nurse’s notes say that a “female friend was in to visit.”
- February 19, 2006 Nurse’s notes: “Female friend” visits at 2200.
- February 23, 2006 Nurse observes “Female friend” and AH behind closed curtains.
- February 25, 2006 Nurse’s notes: “Female visitor at bedside. ... left after 9pm.”
- February 28, 2006 Nurse’s notes: “female visitor in.”
- Note: Is this Natalie? If so, why was she allowed in? We don’t know for sure, but it would appear that staff are ignoring the “no contact” condition and have started substituting “female visitor/friend” for “gf” in their notes.
- March 2, 2006 Nurse’s notes: AH “said he does not want his gf to visit anymore.”

Staff at the hospital also note that AH is using alcohol and marijuana when he's away from the hospital. Both are breaches of his bail, but no one is notified.

NOTE: AH was released into the Bail Program with the stipulations that he attend and participate in counselling and treatment programs for mental health concerns, and sign authorizations so the Bail Program could monitor his progress. The following is an indication of how well he complied with these stipulations.

- | | |
|----------------|--|
| March 3, 2006 | AH was discharged from hospital. The post-discharge psychiatrist responsible for follow-up treatment was Dr. Borst. |
| March 10, 2006 | AH's first visit with Dr. Borst. He said he was taking his medications and having paranoid thoughts. He also said he was smoking marijuana and drinking. |
| March 17, 2006 | AH missed his appointment with Dr. Borst and didn't call. |
| March 24, 2006 | AH said he didn't like the Salvation Army shelter and wanted better housing. Borst said that AH's delusions had decreased. |
| March 31, 2006 | AH arrived 20 minutes late, and said he was off his meds. Borst checked with the shelter and they claimed AH was taking his meds. |
| April 7, 2006 | Borst found AH "distressed and overwhelmed." AH claimed he'd been off his meds for two weeks. |
| April 18, 2006 | Borst received a request for information about AH from the Duty Counsel who was representing AH on the Fail to Comply charge. We do not know what Borst replied, but AH was allowed to remain in the Bail Program. |
| April 21, 2006 | AH arrived with 10 minutes left in his session. He said he'd gone off his meds. He had told the judge on April 19 that he was taking his meds. |
| May 4, 2006 | Dr. Borst called to confirm the May 5 appointment. AH refused to come to the phone, and did not show up for this appointment.

Dr. Borst's office made no further attempts to contact AH, even though AH's being in a treatment program was a condition of the Bail Program. |

APPENDIX C: Support for the victim of domestic violence

The following is a list of the contacts Natalie had with various agencies:

- January 20, 2005 “Det. Monaghan calls NN and advises that AH is placed under arrest for an assault on her. She [Natalie] advises the officer that she does not want to proceed. Det. Monaghan advised it is too late and that AH is already under arrest for a serious [sic – assault?] on her.”
- October 14, 2005 “The probation officer [Franklin Lyons] speaks to Natalie Novak. ... She advised that she has already spoken to victim services and that she has no safety issues or concern at this time. She was encouraged to contact the police if AH contacts her. She indicated that she understood. She was given the probation officer’s number.”
- January 7, 2006 Natalie is sent a copy of AH’s Probation Order by Yvette Barnes, a Victim Services Worker at the Ministry of the Attorney General. “If you have any questions, please do not hesitate to contact me at ...”
- NB: This Order is dated September 21, 2005; why did it take over two months to get it to Natalie?
- February 16, 2006 Dr. Moniwa, a psychiatrist at St. Michael’s Hospital in Toronto: “Spoke to Natalie briefly. She asked to be contacted tomorrow at 5 pm, as it was not a good time for her. ... Will call tomorrow for further details.” Dr. Moniwa also spoke to Probation Officer Lyons that day.
- April 17, 2006 “AH is arrested at the intersection of Earl and Bleeker ... having breached the no contact with NN. ... P.C. Nichols speaks with NN. She said that she spoke to Detective Monaghan and she wanted to withdraw the complaint.”
- April 18, 2006 Natalie is sent a letter from the Victim/Witness Assistance Programme Staff. “We at the [VWAP] would like to offer our services to you. The services include: informing you of upcoming court dates, providing accurate information about the criminal justice system ... and emotional support. We can also provide you with referrals to community agencies. ... If you have any questions of [sic] concerns about the case please contact us ...”
- April 20, 2006 Natalie is sent a copy of AH’s conditions of release. “The conditions in this order will remain in effect until the completion of this case. If the person named breaches any of these conditions please contact the police

immediately. The Victim/Witness Assistance Programme will notify you if there is a date set for trial.”

APPENDIX D: Ontario Domestic Violence Death Review Committee Risk Factor Coding Form (Sixth Annual Report, 2008)

A= Evidence suggests that the risk factor was not present

P= Evidence suggests that the risk factor was present

Unknown (Unk) = A lack of evidence suggests that a judgment cannot be made

Risk Factor	Code
1. History of violence outside of the family by perpetrator	
2. History of domestic violence	
3. Prior threats to kill victim	
4. Prior threats with a weapon	
5. Prior assault with a weapon	
6. Prior threats to commit suicide by perpetrator*	
7. Prior suicide attempts by perpetrator* (if check #6 and/or #7 only count as one factor)	
8. Prior attempts to isolate the victim	
9. Controlled most or all of victim's daily activities	
10. Prior hostage-taking and/or forcible confinement	
11. Prior forced sexual acts and/or assaults during sex	
12. Child custody or access disputes	
13. Prior destruction or deprivation of victim's property	

14. Prior violence against family pets
15. Prior assault on victim while pregnant
16. Choked victim in the past
17. Perpetrator was abused and/or witnessed domestic violence as a child
18. Escalation of violence
19. Obsessive behaviour displayed by perpetrator
20. Perpetrator unemployed
21. Victim and perpetrator living common-law
22. Presence of stepchildren in the home
23. Extreme minimization and/or denial of spousal assault history
24. Actual or pending separation
25. Excessive alcohol and/or drug use by perpetrator*
26. Depression – in the opinion of family/friend/acquaintance - perpetrator*
27. Depression – professionally diagnosed – perpetrator* (If check #26 and/or #27 only count as one factor)
28. Other mental health or psychiatric problems – perpetrator
29. Access to or possession of any firearms
30. New partner in victim's life*
31. Failure to comply with authority – perpetrator
32. Perpetrator exposed to/witnessed suicidal behaviour in family of origin
33. After risk assessment, perpetrator had access to victim

34. Youth of couple

35. Sexual jealousy – perpetrator*

36. Misogynistic attitudes – perpetrator*

37. Age disparity of couple*

38. Victim's intuitive sense of fear of perpetrator*

39. Perpetrator threatened and/or harmed children*

Other factors that increased risk in this case? Specify:

* Revised or new item

Risk Factor Descriptions

Perpetrator = The primary aggressor in the relationship

Victim = The primary target of the perpetrator's abusive/maltreating/violent actions

1. Any actual or attempted assault on any person who is not, or has not been, in an intimate relationship with the perpetrator. This could include friends, acquaintances, or strangers. This incident did not have to necessarily result in charges or convictions and can be verified by any record (e.g., police reports; medical records) or witness (e.g., family members; friends; neighbours; co-workers; counsellors; medical personnel, etc.).
2. Any actual, attempted, or threatened abuse/maltreatment (physical; emotional; psychological; financial; sexual, etc.) toward a person who has been in, or is in, an intimate relationship with the perpetrator. This incident did not have to necessarily result in charges or convictions and can be verified by any record (e.g., police reports; medical records) or witness (e.g., family members; friends; neighbours; co-workers; counsellors;

medical personnel, etc.). It could be as simple as a neighbour hearing the perpetrator screaming at the victim or include a co-worker noticing bruises consistent with physical abuse on the victim while at work.

3. Any comment made to the victim, or others, that was intended to instill fear for the safety of the victim's life. These comments could have been delivered verbally, in the form of a letter, or left on an answering machine. Threats can range in degree of explicitness from "I'm going to kill you" to "You're going to pay for what you did" or "If I can't have you, then nobody can" or "I'm going to get you."
4. Any incident in which the perpetrator threatened to use a weapon (e.g., gun; knife; etc.) or other object intended to be used as a weapon (e.g., bat, branch, garden tool, vehicle, etc.) for the purpose of instilling fear in the victim. This threat could have been explicit (e.g., "I'm going to shoot you" or "I'm going to run you over with my car") or implicit (e.g., brandished a knife at the victim or commented "I bought a gun today"). Note: This item is separate from threats using body parts (e.g., raising a fist).
5. Any actual or attempted assault on the victim in which a weapon (e.g., gun; knife; etc.), or other object intended to be used as a weapon (e.g., bat, branch, garden tool, vehicle, etc.), was used. Note: This item is separate from violence inflicted using body parts (e.g., fists, feet, elbows, head, etc.).
6. Any recent (past 6 months) act or comment made by the perpetrator that was intended to convey the perpetrator's idea or intent of committing suicide, even if the act or comment was not taken seriously. These comments could have been made verbally, or delivered in letter format, or left on an answering machine. These comments can range from explicit (e.g., "If you ever leave me, then I'm going to kill myself" or "I can't live without you") to implicit ("The world would be better off without me"). Acts can include, for example, giving away prized possessions.

7. Any recent (past 6 months) suicidal behaviour (e.g., swallowing pills, holding a knife to one's throat, etc.), even if the behaviour was not taken seriously or did not require arrest, medical attention, or psychiatric committal. Behaviour can range in severity from superficially cutting the wrists to actually shooting or hanging oneself.
8. Any non-physical behaviour, whether successful or not, that was intended to keep the victim from associating with others. The perpetrator could have used various psychological tactics (e.g., guilt trips) to discourage the victim from associating with family, friends, or other acquaintances in the community (e.g., "if you leave, then don't even think about coming back" or "I never like it when your parents come over" or "I'm leaving if you invite your friends here").
9. Any actual or attempted behaviour on the part of the perpetrator, whether successful or not, intended to exert full power over the victim. For example, when the victim was allowed in public, the perpetrator made her account for where she was at all times and who she was with. Another example could include not allowing the victim to have control over any finances (e.g., giving her an allowance, not letting get a job, etc.).
10. Any actual or attempted behaviour, whether successful or not, in which the perpetrator physically attempted to limit the mobility of the victim. For example, any incidents of forcible confinement (e.g., locking the victim in a room) or not allowing the victim to use the telephone (e.g., unplugging the phone when the victim attempted to use it). Attempts to withhold access to transportation should also be included (e.g., taking or hiding car keys). The perpetrator may have used violence (e.g., grabbing; hitting; etc.) to gain compliance or may have been passive (e.g., stood in the way of an exit).
11. Any actual, attempted, or threatened behaviour, whether successful or not, used to engage the victim in sexual acts (of whatever kind) against the victim's will. Or any assault on the victim, of whatever kind (e.g., biting; scratching, punching, choking, etc.), during the course of any sexual act.

12. Any dispute in regards to the custody, contact, primary care or control of children, including formal legal proceedings or any third parties having knowledge of such arguments.
13. Any incident in which the perpetrator intended to damage any form of property that was owned, or partially owned, by the victim or formerly owned by the perpetrator. This could include slashing the tires of the car that the victim uses. It could also include breaking windows or throwing items at a place of residence. Please include any incident, regardless of charges being laid or those resulting in convictions.
14. Any action directed toward a pet of the victim, or a former pet of the perpetrator, with the intention of causing distress to the victim or instilling fear in the victim. This could range in severity from killing the victim's pet to abducting it or torturing it. Do not confuse this factor with correcting a pet for its undesirable behaviour.
15. Any actual or attempted form physical violence, ranging in severity from a push or slap to the face, to punching or kicking the victim in the stomach. The key difference with this item is that the victim was pregnant at the time of the assault and the perpetrator was aware of this fact.
16. Any attempt (separate from the incident leading to death) to strangle the victim. The perpetrator could have used various things to accomplish this task (e.g., hands, arms, rope, etc.). Note: Do not include attempts to smother the victim (e.g., suffocation with a pillow).
17. As a child/adolescent, the perpetrator was victimized and/or exposed to any actual, attempted, or threatened forms of family violence/abuse/maltreatment.
18. The abuse/maltreatment (physical; psychological; emotional; sexual; etc.) inflicted upon the victim by the perpetrator was increasing in frequency and/or severity. For example,

this can be evidenced by more regular trips for medical attention or include an increase in complaints of abuse to/by family, friends, or other acquaintances.

19. Any actions or behaviours by the perpetrator that indicate an intense preoccupation with the victim. For example, stalking behaviours, such as following the victim, spying on the victim, making repeated phone calls to the victim, or excessive gift giving, etc.
20. Employed means having full-time or near full-time employment (including self-employment). Unemployed means experiencing frequent job changes or significant periods of lacking a source of income. Please consider government income assisted programs (e.g., O.D.S.P.; Worker's Compensation; E.I.; etc.) as unemployment.
21. The victim and perpetrator were cohabiting.
22. Any child(ren) that is(are) not biologically related to the perpetrator.
23. At some point the perpetrator was confronted, either by the victim, a family member, friend, or other acquaintance, and the perpetrator displayed an unwillingness to end assaultive behaviour or enter/comply with any form of treatment (e.g., batterer intervention programs). Or the perpetrator denied many or all past assaults, denied personal responsibility for the assaults (i.e., blamed the victim), or denied the serious consequences of the assault (e.g., she wasn't really hurt).
24. The partner wanted to end the relationship. Or the perpetrator was separated from the victim but wanted to renew the relationship. Or there was a sudden and/or recent separation. Or the victim had contacted a lawyer and was seeking a separation and/or divorce.
25. Within the past year, and regardless of whether or not the perpetrator received treatment, substance abuse that appeared to be characteristic of the perpetrator's dependence on, and/or addiction to, the substance. An increase in the pattern of use and/or change of character or behaviour that is directly related to the alcohol and/or drug use can indicate

excessive use by the perpetrator. For example, people described the perpetrator as constantly drunk or claim that they never saw him without a beer in his hand. This dependence on a particular substance may have impaired the perpetrator's health or social functioning (e.g., overdose, job loss, arrest, etc). Please include comments by family, friend, and acquaintances that are indicative of annoyance or concern with a drinking or drug problem and any attempts to convince the perpetrator to terminate his substance use.

26. In the opinion of any family, friends, or acquaintances, and regardless of whether or not the perpetrator received treatment, the perpetrator displayed symptoms characteristic of depression.
27. A diagnosis of depression by any mental health professional (e.g., family doctor; psychiatrist; psychologist; nurse practitioner) with symptoms recognized by the DSM-IV, regardless of whether or not the perpetrator received treatment.
28. For example: psychosis; schizophrenia; bi-polar disorder; mania; obsessive-compulsive disorder, etc.
29. The perpetrator stored firearms in his place of residence, place of employment, or in some other nearby location (e.g., friend's place of residence, or shooting gallery). Please include the perpetrator's purchase of any firearm within the past year, regardless of the reason for purchase.
30. There was a new intimate partner in the victim's life or the perpetrator perceived there to be a new intimate partner in the victim's life
31. The perpetrator has violated any family, civil, or criminal court orders, conditional releases, community supervision orders, or "No Contact" orders, etc. This includes bail, probation, or restraining orders, and bonds, etc.

32. As a(n) child/adolescent, the perpetrator was exposed to and/or witnessed any actual, attempted or threatened forms of suicidal behaviour in his family of origin. Or somebody close to the perpetrator (e.g., caregiver) attempted or committed suicide.
33. After a formal (e.g., performed by a forensic mental health professional before the court) or informal (e.g., performed by a victim services worker in a shelter) risk assessment was completed, the perpetrator still had access to the victim.
34. Victim and perpetrator were between the ages of 15 and 24.
35. The perpetrator continuously accuses the victim of infidelity, repeatedly interrogates the victim, searches for evidence, tests the victim's fidelity, and sometimes stalks the victim.
36. Hating or having a strong prejudice against women. This attitude can be overtly expressed with hate statements, or can be more subtle with beliefs that women are only good for domestic work or that all women are "whores."
37. Women in an intimate relationship with a partner who is significantly older or younger. The disparity is usually nine or more years.
38. The victim is one that knows the perpetrator best and can accurately gauge his level of risk. If the women discloses to anyone her fear of the perpetrator harming herself or her children, for example statements such as, "I fear for my life", "I think he will hurt me", "I need to protect my children", this is a definite indication of serious risk.
39. Any actual, attempted, or threatened abuse/maltreatment (physical; emotional; psychological; financial; sexual; etc.) towards children in the family. This incident did not have to necessarily result in charges or convictions and can be verified by any record (e.g., police reports; medical records) or witness (e.g., family; friends; neighbours; co-workers; counselors; medical personnel, etc).

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