

CANADA

PROVINCE OF NOVA SCOTIA

IN THE MATTER OF THE
FATALITY INVESTIGATIONS ACT
S.N.S. 2001, c. 31

THE DESMOND FATALITY INQUIRY

TRANSCRIPT

HEARD BEFORE: The Honourable Judge Warren K. Zimmer

PLACE HEARD: Port Hawkesbury, Nova Scotia

DATE HEARD: March 21, 2022

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1 **MARCH 21, 2022**

2 **COURT OPENED (09:32 HRS)**

3

4 **THE COURT:** Good morning.

5 **COUNSEL:** Good morning, Your Honour.

6 **THE COURT:** I understand this morning we're going to
7 hear from Ms. Sharon Flanagan. Mr. Anderson or Ms. Lunn, I
8 understand that one of you will lead some evidence from Ms.
9 Flanagan.

10 **MR. ANDERSON:** I will be, Your Honour.

11 **THE COURT:** All right, thank you. I might, just for the
12 record, indicate as well that since last we sat, a number of
13 documents have been forwarded to the Inquiry and they've been
14 marked as exhibits. Exhibit number 353 and then Exhibits 355
15 through 377 are tendered and are now part of the list of
16 exhibits and part of the exhibits on this Inquiry. The list is
17 available to Counsel. I think everyone has an updated list in
18 relation to those documents.

19 **EXHIBIT P-000353 - INTIMATE PARTNER VIOLENCE INVESTIGATION**

20 **AUDIT SUMMARY**

21 **EXHIBIT P-000355 - POLICE AUDIT - DOMESTIC AND INTIMATE**

22 **PARTNER VIOLENCE**

- 1 EXHIBIT P-000356 - DOMESTIC VIOLENCE RISK MANAGEMENT
2 (DVRM) - OFFICER GUIDE
- 3 EXHIBIT P-000357 - APP 2-4-1 HIGH RISK CASE COORDINATION
4 PROTOCOL
- 5 EXHIBIT P-000358 - ODARA BOOKLET
- 6 EXHIBIT P-000359 - ODARA ITEM SUMMARY
- 7 EXHIBIT P-000360 - HDIV IPV
- 8 EXHIBIT P-000361 - IPV - QUICK REFERENCE GUIDE TO POLICE AND
9 SERVICE PROVIDERS 2018
- 10 EXHIBIT P-000362 - RCMP IPV NARRATIVE
- 11 EXHIBIT P-000363 - INSTRUCTIONS FOR COMPLETING FORM 3997
- 12 EXHIBIT P-000364 - LESSON TITLE - INTRODUCTION
- 13 EXHIBIT P-000365 - LESSON TITLE - WHAT MAKES DOMESTIC VIOLENCE
14 DIFFERENT FROM OTHER CRIMES?
- 15 EXHIBIT P-000366 - LESSON TITLE - POLICIES GOVERNING DOMESTIC
16 VIOLENCE
- 17 EXHIBIT P-000367 - LESSON TITLE - ROLES AND RESPONSIBILITIES OF
18 OTHER KEY STAKEHOLDERS
- 19 EXHIBIT P-000368 - LESSON TITLE - DOMESTIC VIOLENCE RISK FACTORS
- 20 EXHIBIT P-000369 - LESSON TITLE - RESPONDING TO A DOMESTIC
21 VIOLENCE CALL
- 22 EXHIBIT P-000370 - LESSON TITLE - INVESTIGATING AND GATHERING

PRELIMINARY MATTERS

1 EVIDENCE

2 EXHIBIT P-000371 - LESSON TITLE - SUPPORTED VICTIM MANAGEMENT

3 EXHIBIT P-000372 - LESSON TITLE - MANAGING SUSPECT

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5 EXHIBIT P-000373 - LESSON TITLE - CONCLUSION

6 EXHIBIT P-000374 - 2022 - FEBRUARY 08 - LETTER TO INQUIRY

7 COUNSEL re HAAC REPORT - TESTIMONY

8 EXHIBIT P-000375 - 2022 - FEBRUARY 08 - NOVA SCOTIA HEALTH

9 DIVERSITY AND INCLUSION INITIATIVES WITH ATTACHMENTS

10 EXHIBIT P-000376 - TABS 1-16 - INTIMATE PARTNER VIOLENCE

11 INVESTIGATION - AUDIT SUMMARY

12 EXHIBIT P-000377 - BINDER - DESMOND INQUIRY HEALTH INITIATIVES

13 AND IPDV VIOLENCE - MARCH 31 WITH APPENDICES

14 THE COURT: Mr. Anderson?

15 MR. ANDERSON: Thank you, Your Honour.

16 Sharon Flanagan?

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1 **SHARON FLANAGAN**, sworn, testified:

2

3 **MS. FLANAGAN**: Good morning.

4 **THE COURT**: Good morning, Ms. Flanagan. How are you?

5 **MS. FLANAGAN**: Good. How are you?

6 **THE COURT**: Good. If you find that ... There's a
7 little shelf in front of you. If there's something ... if those
8 kind of get in the way, you can just ...

9 **MS. FLANAGAN**: Perfect.

10 **THE COURT**: Maybe I'll put the book over here.

11 **MS. FLANAGAN**: Thank you.

12 **THE COURT**: And is there a fresh bottle of water there
13 some place that's unopened?

14 **MS. FLANAGAN**: There is.

15 **THE COURT**: All right. That's for you. And you've
16 taken your mask off and that's perfectly fine. I often invite
17 witnesses, if they're comfortable to remove their mask, to
18 remove their mask if they're comfortable, so that's fine. We're
19 recorded. There's some amplification of your voice through the
20 system that we have here, so I'll just ask you to, if your voice
21 feels like it wants to drop a little bit, I'll just ask you to
22 remember that you need to be able to project it for the rest of

1 the room as well.

2 **MS. FLANAGAN:** Okay.

3 **THE COURT:** All right, thank you. Mr. Anderson?

4 **MS. FLANAGAN:** You're welcome.

5

6

DIRECT EXAMINATION

7 (09:35)

8 **MR. ANDERSON:** Thank you, Your Honour.

9 Ms. Flanagan, you're the Senior Lead in Policing
10 Initiatives in the Public Safety Division at the Nova Scotia
11 Department of Justice?

12 **A.** I am.

13 **Q.** And how long have you been in that position?

14 **A.** Since 2003.

15 **Q.** The Public Safety Division is involved in several
16 initiatives and they include: safer communities, cybercrime,
17 firearms, private security, First Nations policing, security
18 intelligence management, additional officer program, emergency
19 management police audits, human trafficking, sexual assault, and
20 intimate partner violence.

21 **A.** To name a few.

22 **Q.** Okay. And which ones are you mainly involved in?

SHARON FLANAGAN, Direct Examination

1 **A.** So, presently, my main files are human trafficking,
2 sex assault, IPV ...

3 **Q.** And that's intimate partner violence?

4 **A.** Sorry; intimate partner violence, emergency
5 management, the audit program, as well as I sit on all the
6 diversity committees for our division.

7 **Q.** Okay. So does all of your work pertain to policing?

8 **A.** For the most part, yes.

9 **Q.** Okay.

10 **A.** Some exceptions.

11 **Q.** All right. Exception ... one of them being emergency
12 management?

13 **A.** Emergency management and the diversity inclusion
14 committees.

15 **Q.** Okay. Now what is your policing background?

16 **A.** So I have a combination of about 30-plus years in
17 social work, policing, and justice. I started off as a social
18 worker and my education and experience was as a social worker.
19 And then I went to the Justice Institute of BC for policing and
20 was there for three years.

21 **Q.** And that's police training to be a police officer?

22 **A.** Police training. Yes.

SHARON FLANAGAN, Direct Examination

1 Q. And three years as a police officer?

2 A. Yes, working in policing.

3 Q. And that was in British Columbia?

4 A. In BC.

5 Q. Okay. And then what did you do?

6 A. And then there was some training in between. Forensic
7 science and investigations is one of them. Then I moved to
8 Halifax with the intention ... I was in the process of
9 transferring with Halifax Regional Police, had a change of
10 personal circumstances, so I applied to work with the Department
11 of Justice. Started off my career in Justice with Sheriff
12 Services and I was responsible for all their professional
13 standards as well, and their training standards, and their
14 policies and procedures, as well as became a Use of Force
15 instructor for Sheriff Services before moving on to Police and
16 Public Safety Division shortly after.

17 Q. Okay. And you have been in the Police and Public
18 Safety Division for about the last 20 years?

19 A. Yeah, coming up to, yes, I'm coming up to my 20th
20 year.

21 Q. You conduct research and sit on committees regarding
22 intimate partner violence?

SHARON FLANAGAN, Direct Examination

1 **A.** I do.

2 **Q.** What type of research do you do?

3 **A.** For me, personally, the research tends to depend on
4 ... so, for example, I do a host of research for the IPV audits
5 when I'm going into audits. I'll do a host of research for
6 training if I'm doing training initiatives. We also have people
7 on various committees who are academics and they're constantly
8 doing research, so I draw from their experience as well.

9 **Q.** Okay. So do you consult with other agencies or other
10 divisions in the Department of Justice?

11 **A.** Absolutely. I work closely with policing partners
12 across Canada. We're always looking for what the best practices
13 are. I do jurisdictional scans. I pull from my contacts and
14 connections within various divisions and departments - Community
15 Services, Public Prosecution - so constantly engaged with them
16 again to continue to support best practices.

17 **(09:40)**

18 **Q.** And it relates to both operational and academic
19 information?

20 **A.** Yes.

21 **Q.** Now you have sat on numerous committees and I just
22 wonder, if I mention a few committees, if you can tell us about

SHARON FLANAGAN, Direct Examination

1 them; that your committees include the IPV; so Intimate Partner
2 Violence Chiefs' Committee?

3 **A.** Yes.

4 **Q.** What's that?

5 **A.** That was a committee formed in 2019 with recognition
6 that we needed to pay close attention to the needs of a policing
7 community and operational policing. So one of the chiefs of
8 police chaired the committee. I co-chaired it along with other
9 members from policing across Nova Scotia, and two of the Victims
10 Services' coordinators sat on the committee.

11 **Q.** Okay.

12 **A.** And it's to address issues in relation to policing or
13 initiatives; and, again, from our best practices and that the
14 research we continue to do, we move those initiatives forward
15 and there was a direct link between the Chair and the Minister
16 of Justice at the time.

17 **Q.** So the organizations that are represented, that's the
18 police agencies in Nova Scotia, among Victim Services, and I
19 think, did you say, PPS?

20 **A.** We have PPS come in as a guest periodically on our
21 committee.

22 **Q.** And that would be the Public Prosecution Service.

SHARON FLANAGAN, Direct Examination

1 **A.** Yes.

2 **Q.** Okay. So who are, not names, but the organizations
3 who would be represented on the committee?

4 **A.** So Kentville, Bridgewater, Cape Breton, Stellarton, a
5 member of the RCMP, and then the RCMP Victim Services manager,
6 and Halifax Regional's Victim Services.

7 **Q.** Okay. So the police agencies that you represented, I
8 appreciate that the name of the committee is the Chiefs'
9 Committee. Is it the chiefs of those agencies or what level
10 would be represented?

11 **A.** I forgot to mention Halifax Regional Police are also
12 on that committee. They are senior managers or senior leads.
13 So we have chiefs, deputy chiefs, usually inspectors and above
14 who report to their deputy or their chief.

15 **Q.** And is one of the mandates to ensure consistency among
16 the police agencies?

17 **A.** Yes. It's also to, you know, note any challenges
18 within policing and how we, as a committee, can address those
19 challenges for frontline police.

20 **Q.** Okay. The next committee I'll ask you about is the
21 Provincial Public Prosecution Service Committee.

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SHARON FLANAGAN, Examination by the Court

EXAMINATION BY THE COURT

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(09:43)

THE COURT: Sorry, I'm going to stop just for a second.

MR. ANDERSON: Sure.

THE COURT: That committee that you sit on who gives you direction to sit on the committee?

A. For me to sit on it?

Q. Mmm.

A. The Minister.

Q. The Minister does.

A. Yeah.

Q. Is that the Minister of Justice?

A. Yes.

Q. Okay. And you started to say that at the time there was a link between the Chair and the Minister of Justice. And you said "at the time." What did that mean; "at the time"? Does it mean it's no longer there or it's changed?

A. The Minister has changed and now the chairperson who was the Chief of Police has changed. And so they're revising the terms of reference and I believe, right now, answering to the Deputy Minister.

Q. So does that committee ... you've got no chair on the

SHARON FLANAGAN, Examination by the Court

1 committee.

2 **A.** Yeah, there's a new chair.

3 **Q.** So there is a new chair.

4 **A.** Yes.

5 **Q.** And so when you talk about the change in the terms of
6 reference, that's because you've got now a Deputy and not the
7 Minister, and it's the Deputy that's having discussions with
8 your committee about changing the terms of reference?

9 **A.** We're changing the terms of reference mostly because
10 the initial terms of reference and the priorities were all
11 satisfied. And so with the new Minister and Deputy Minister,
12 we're getting input from them as to how they want that committee
13 to grow.

14 **Q.** So when you talked about objectives - I'll use the
15 word "objectives" - it's to ensure consistency among agencies.
16 So you're talking about or are you talking about consistence as
17 consistent practices, for instance, from the ten municipal
18 police forces, including the RCMP? So, across the board,
19 whatever jurisdiction you happen to be in, policing agencies are
20 going to have the same practices and policies across the board?
21 Is that what you talk about by "consistency"?

22 **A.** No. Municipal police have different processes,

SHARON FLANAGAN, Examination by the Court

1 protocols, and policies than the RCMP, so we don't dictate
2 operational policing. The consistency lies more with training,
3 with initiatives, challenges within frontline policing, but not
4 necessarily ... we don't dive into policy, per se.

5 **Q.** But the Minister has the capability of mandating a
6 standard across the province, and every policing agency,
7 including the RCMP, would be obliged to follow that standard?
8 Is that correct?

9 **A.** Correct.

10 **Q.** Okay. But you're not looking at standards in this
11 group?

12 **A.** No.

13 **Q.** You're looking at standards someplace else.

14 **A.** Yeah. We have not been asked to look at standards in
15 this group, no.

16 **Q.** In that group. And I know you'll get to that, Mr.
17 Anderson. I just wanted to, for my own point of view, sort out
18 where we are in the process.

19 **A.** Yeah, absolutely.

20 **MR. ANDERSON:** No, that's all helpful.

21 **THE COURT:** All right, thank you.

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SHARON FLANAGAN, Direct Examination

DIRECT EXAMINATION (Cont'd.)

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(09:46)

MR. ANDERSON: So, Ms. Flanagan, are you still on that committee?

A. I am.

Q. Okay. And what's your current role? Are you chair or co-chair?

A. Co-chair.

Q. And let's move to the Provincial Public Prosecution Service Committee. What organizations are represented on that committee?

A. So can I refer to my notes because there's a list of groups that are on that committee or do you want that detailed? So the Public Prosecution is the provincial committee that oversees IPV and they raise issues to educate, promote, and coordinate responses to IPV for Justice, Public Prosecution, and related departments and agencies. The representation on that committee is Policy and Information Management, Courts, Corrections, Public Prosecution, HRP, and RCMP Victim Services, our office - Public Safety, Community Services, Aboriginal Affairs, African Nova Scotian Affairs, and the Status of Women.

Q. And what does that committee do again?

SHARON FLANAGAN, Direct Examination

1 **A.** They raise issues; any issues related to IPV, because
2 the whole intention is to do a coordinated collaborative
3 approach with all the key partners. So it's also to educate,
4 promote, and coordinate a response to IPV.

5 **Q.** Are you currently on that committee?

6 **A.** I am, but with some of the committees, during these
7 inquiries and the audits, I have somebody else sitting on it
8 presently for me but ...

9 **Q.** And how long have you been on that committee?

10 **A.** Since 2004.

11 **Q.** Now there's a Domestic Violence Training Development
12 Committee that you sit on?

13 **A.** The committee that I chair or the one that I sit on
14 with Victim Services?

15 **Q.** All right. So there's two of them. We'll talk about
16 the one that you chair.

17 **A.** So the one that I chair is very police specific. And
18 any time that we're developing training again with
19 jurisdictional scans and best practices across Canada, if I'm
20 developing any upcoming training in relation to IPV, I
21 coordinate a team or a committee that has representation similar
22 to the Chiefs of Police Committee, but at a more operational

SHARON FLANAGAN, Direct Examination

1 policing level, to get their input on as we develop the
2 curriculum. So there's that committee.

3 **Q.** So you're Chair of the committee. Who else is on that
4 committee? Not in terms of the names but organization or level?

5 **A.** Bridgewater, Kentville, Halifax Regional, Cape Breton.
6 Again, I pull in Public Prosecution periodically, as well as
7 Community Services, and also the Victim Services coordinators.

8 **THE COURT:** Sorry. RCMP?

9 **A.** One is RCMP, yes.

10 **THE COURT:** RCMP is on that committee as well.

11 **A.** Yes.

12 **THE COURT:** And HRP?

13 **A.** Yes.

14 **THE COURT:** Thank you.

15 **MR. ANDERSON:** Now you mentioned that there was another
16 training committee - the Victim Services training committee?

17 **A.** Yes. So that's a committee where Justice has
18 appointed a lead for IPV initiatives, and they had contracted a
19 person and then seconded another person to those initiatives,
20 and they are developing a more provincial training with multi
21 stakeholders.

22 **Q.** Okay. And do you sit on that committee?

SHARON FLANAGAN, Direct Examination

1 (09:50)

2 A. I did in the beginning. They wanted to ... All the
3 training that I do specifically for police, I provided all of
4 that to them.

5 Q. Now you advised a few moments ago that your main files
6 include emergency management, police audits, human trafficking,
7 sexual assault, intimate partner violence. So my question is,
8 on those files, what do you do?

9 A. So human trafficking, right now I'm responsible for
10 oversight for the human trafficking team.

11 Q. I'm thinking generally on those files. So I
12 understand that your role is to support police.

13 A. Support, train, develop curriculum, coordinate with
14 other agencies, provide advice.

15 Q. In terms of advice, is that operational advice?

16 A. Sometimes, again, it's based on best practices or new
17 information that I may have that they may not be privy to, so
18 I'm constantly in communication with most of the police agencies
19 across the province, so any new information. I mean, with
20 emergency management, I respond for provincial emergencies, so
21 I'm the one who goes to the Provincial Coordination Centre
22 during an emergency. I represent Justice on those. So it's

SHARON FLANAGAN, Direct Examination

1 different.

2 **Q.** And does your support for the police agents include
3 developing guides for police officers?

4 **A.** Yes, through some of our initiatives and, again, for
5 when we go back to the IPV Chiefs Committee. Those are some of
6 the things that we discuss. How can we provide guides,
7 information, quick access for police officers who are in the
8 front lines, who are on scene. And we're always looking at the
9 most efficient ways to do that.

10 **Q.** So what type of training have you provided in the past
11 five years?

12 **A.** Since 2018, I provided seven one-day sessions across
13 the province, from Yarmouth to Cape Breton, for operational
14 policing, and that was specific to IPV. File review case
15 management training for supervisors and how they review files.
16 Issue tasks. I provided, in conjunction with my partner at
17 work, ten trauma-informed training sessions. We did a sexual
18 assault investigators course. And, recently, we did a five-day
19 subject matter expert training specific to IPV where we added a
20 component of human trafficking.

21 **Q.** And does the training also include the ODARA?

22 **A.** It does.

SHARON FLANAGAN, Direct Examination

1 **Q.** Okay. And we'll come back to that. Which police
2 agencies do you train?

3 **A.** All municipal; includes also RCMP, and we actually
4 always invite military police to join us in our training.

5 **Q.** And now I'm going to turn to standards briefly. Are
6 there provincial standards regarding cases involving intimate
7 partners?

8 **A.** There is no provincial standard, no.

9 **Q.** Are there provincial standards regarding policing?

10 **A.** Yes. So our office is responsible for developing
11 policing standards.

12 **Q.** But there aren't standards regarding cases involving
13 intimate partners.

14 **A.** Not at this time.

15 **Q.** Okay. Is there any plan to do that or are you able to
16 say?

17 **A.** I have suggested that it be added to the list of the
18 many standards that they're developing now, so I anticipate that
19 will happen.

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SHARON FLANAGAN, Examination by the Court

EXAMINATION BY THE COURT

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(09:54)

THE COURT: So when you talk about developing a standard for intimate partner violence, what do you mean by that?

A. So our off- ...

Q. Like what ... sorry.

A. No.

Q. Just so I clarify it. So what would be the components in the standard?

A. So it would be very high level and it would look similar to ... Every police agency must have a policy on IPV. It must include the ODARA. It would be something along that lines - very high level - because our office cannot dictate operational policing. So most of the standards are very high level.

Q. You don't dictate operational policing; that is, tell a particular officer in a patrol car what to do.

A. Right. Exactly.

Q. But the Minister can create a standard that says, In every instance in which you respond to a call relating to domestic violence or domestic disturbance, you will undertake to do "x", "y", and "z".

SHARON FLANAGAN, Examination by the Court

1 **A.** You could, yes.

2 **Q.** And how they actually go about doing that on the
3 ground and how they develop it on the ground so long as they
4 meet the parameters of the standard.

5 **A.** Correct.

6 **Q.** So when your committee meets and you make a
7 recommenda- ... like I appreciate that there's not a standard at
8 the present time.

9 **A.** Mm-hmm.

10 **Q.** But I get the feeling you'd like there to be a
11 standard.

12 **A.** Yes.

13 **Q.** And is it a matter of you advising the Deputy or the
14 Minister that you think that a standard is needed and that this
15 is what you would propose as the standard? And I realize you
16 might do that in consultation with others, but is that how that
17 would come about?

18 **A.** Because it's my file, I would make a recommendation to
19 the Executive Director who would then determine whether they
20 bring it to the Deputy.

21 **Q.** So the Executive; who is that, the Executive Director
22 of Policing Services?

SHARON FLANAGAN, Examination by the Court

1 **A.** Yes.

2 **Q.** You presently have one, do you?

3 **A.** Pardon me?

4 **Q.** I've read some of your commentary in one of your
5 reports that there had been an Executive Director, and then
6 there was a period of time where there was no Executive
7 Director.

8 **A.** We've had quite a few, yes.

9 **Q.** So you've had quite a few. So I'm sure that'll be
10 touched on at some point in time but you do have an Executive
11 Director at the present time?

12 **A.** We do now, yes. We do.

13 **Q.** Okay.

14 **A.** Yes.

15 **Q.** May I ask who that is?

16 **A.** Sorry?

17 **Q.** Who is that?

18 **A.** Hayley Crichton.

19 **Q.** Hayley Crichton. All right, thank you.

20 Again, I'm sorry, Mr. Anderson, for breaking your flow.

21 Thank you.

22

SHARON FLANAGAN, Direct Examination

DIRECT EXAMINATION (Cont'd.)

1
2 (09:57)

3 MR. ANDERSON: But whatever has developed, as I understand,
4 Ms. Flanagan, it would be at a high level.

5 A. Yes.

6 Q. So what do you look at when you develop training and
7 curriculum for training?

8 A. Well, I hate to continue to use the word "best
9 practices", which is the best word that I could use. We had a
10 very comprehensive program when I first started. And so it was
11 a great baseline. A lot of that information has not changed,
12 but every day, every week, every month, there's new information
13 that comes forward and we make sure that we're on top of that.
14 So, again, I go back to jurisdictional scans. I engage with my
15 policing partners across the province to determine, you know,
16 what's moving, what's new. There's certain laws. Like I don't
17 know if people have heard of "Clare's Law". That's on our radar
18 right now. So a lot of that would dictate what is new in the
19 curriculum.

20 Also, the audits also provided me information on what
21 obviously needed to be added to the curriculum and comments and
22 conversations with the policing community. For example, the

SHARON FLANAGAN, Direct Examination

1 challenges around mental health. Dealing with calls with
2 persons with mental health. So that is something that we're
3 trying to incorporate now into future training for IPV.

4 **Q.** All relating to identifying, articulating, and
5 including in training, best practices.

6 **A.** Absolutely. Yes.

7 **Q.** Okay. Now I'm going to ask you to talk about the
8 audit. So there are several binders in front of you.

9 **A.** Yes.

10 **Q.** This is Exhibit 376 if you wanted to look at the paper
11 version.

12 **A.** 376?

13 **Q.** Yes. Do you have it there, Ms. Flanagan?

14 **A.** I do.

15 **Q.** Okay. So you were involved in a police audit on
16 intimate partner violence investigations. You wrote a report in
17 February 2020?

18 **A.** Yes.

19 **Q.** And that's the document that we have in front of us
20 marked as Exhibit 376?

21 **A.** Yes.

22 **(10:00)**

SHARON FLANAGAN, Direct Examination

1 **Q.** Now I just wanted to kind of walk through kind of the
2 outline of it. Pages 1 to 17 of that exhibit, that's the audit
3 summary?

4 **A.** Yeah.

5 **Q.** Yes? Okay. So you wrote the audit summary that we
6 see at pages 1 to 17, and if you turn to pages 3, please. Pages
7 3 and 4 we'll look at.

8 **A.** Okay.

9 **Q.** Now on page 3 you state you audited all 10 municipal
10 police agencies in Nova Scotia?

11 **A.** Correct.

12 **Q.** And the audit did not include the RCMP?

13 **A.** It did not.

14 **Q.** Okay. Did the audit include cases involving intimate
15 partner violence where no criminal conduct was alleged?

16 **A.** It did.

17 **Q.** Now if you turn to page 5 of the audit summary you've
18 listed several audit objectives. I'll read out what they are
19 and then just ask you, and I may paraphrasing some of them and
20 then I'll just ask you about them.

21 So the first one, and these are the objectives: "Determine
22 whether adequate safeguards and case management strategies are

SHARON FLANAGAN, Direct Examination

1 in place to ensure timely, effective and complete investigation
2 of intimate partner violence complaints."

3 **A.** Mm-hmm.

4 **Q.** What were the audit findings regarding such safeguards
5 and case management?

6 **A.** The audit findings overall were that police were doing
7 a good job. The only recommendation that did come out of that
8 was I felt that there needed to be more support for the file
9 review case managers in being able to supervise and oversee
10 those files because not only are they responsible to make sure
11 that it's a complete file, but if there's anything missing they
12 issue tasks to that officer for followup. And so based on
13 looking at the files overall, felt that they could get more
14 support through training to be more effective in that job, in
15 that role.

16 **Q.** And when you say "they" that's referring to the police
17 supervisors?

18 **A.** Supervisors.

19 **Q.** Okay. And was advice or training provided regarding
20 the safeguards in case management?

21 **A.** Yes. We provided a file review case management
22 training in June of 2019. We didn't necessarily wait until all

SHARON FLANAGAN, Direct Examination

1 the audit reports were completed, I already knew that that would
2 be something that would be required. So I received support to
3 do that and provided it. 109 members came to that training, it
4 was pretty well attended and significant and, again, all
5 municipal, RCMP, and the military police attended that. We had
6 another one scheduled for June of 2020 but we had to cancel it
7 because of COVID.

8 Q. Okay. Now the next objective I'm going to ask you
9 about is: "To ensure a victim-centred approach with provision
10 and access at resources from Victim Services."

11 A. Mm-hmm.

12 Q. What is a victim-centred approach?

13 A. So, again, when I look at either video or statements
14 of how a member interviewed a victim or took a statement from a
15 victim, I look at how that officer approached that, but I also
16 make sure that in the file there were either attempts or
17 completed attempts to lend support, resources, information to a
18 victim.

19 Q. Okay. So in terms of access of resources from Victim
20 Services, what types of resources does that refer to?

21 A. To the victim?

22 Q. Yeah. Yes. "To ensure a victim-centred approach with

SHARON FLANAGAN, Direct Examination

1 provision and access of resources." So I'm just wondering what
2 resources.

3 **A.** Yeah, so making them aware of what resources are
4 available in their community; that there are options to do
5 safety planning. And, again, considering that every area of
6 policing, detachments and municipal agencies, their community
7 has a different makeup of what resources may be available to
8 them and so ensuring the officer knew what resources were
9 available within that community for the victim to access.

10 **Q.** So I'll ask you in a few moments about the term
11 "looking beyond" ...

12 **A.** Okay.

13 **Q.** ... which we'll talk about in more detail. Is this
14 part of that looking beyond?

15 **A.** Yes, always looking for that in a file.

16 **Q.** All right. And we'll talk about that in more detail
17 later.

18 **A.** Okay.

19 **Q.** What were the audit findings regarding the victim-
20 centered approach and resources?

21 **A.** Again, I would say for the most part you can tell
22 officers who were new and less experienced versus more senior

SHARON FLANAGAN, Direct Examination

1 members. But for the most part I didn't see a significant issue
2 in the files related to that, but it still did come up enough in
3 interviews where members would say they wanted to receive more
4 training or they would prefer if they had more training in
5 relation to dealing with victims. And so we did provide the
6 trauma-informed and a component of that in the 5-day subject
7 matter training.

8 Q. Okay. Next one: "Evaluate and review the adequacy of
9 existing policies and procedures regarding intimate partner
10 violence." Whose policies and procedures?

11 A. Individual municipal police agencies.

12 Q. And what were the audit findings with respect to
13 whether they had adequate existing policies and procedures?

14 A. Every municipal police agency has existing policies,
15 some of them required updating or revisions and so I built in
16 time to sit with their point of contact who oversees their
17 policies to review them and to provide some guidance and edits,
18 so they should all be up-to-date as we speak.

19 Q. All right, next one. "Review processes to determine
20 whether the key investigative controls were in place for
21 intimate partner violence investigations." What are
22 "investigative controls"?

SHARON FLANAGAN, Direct Examination

1 **A.** So we've listed some. I've listed some in there, many
2 of them. Again the investigative controls, you know, ensuring
3 that referrals were made, documentation, notification to victims
4 if the accused was released. Again, the whole looking beyond.
5 I'm looking for officers to show me in a file that they have
6 followed certain steps to consider all aspects of that call. So
7 I'm looking for that in the file.

8 **Q.** And what were the audit findings?

9 **A.** They did a really good ... I think the reason why I
10 wasn't surprised to see that that was one area that they
11 excelled at was because all of our training, all of our
12 conversations, there's a heavy focus on that. And, as you
13 mentioned earlier, a heavy focus on the looking beyond.

14 **THE COURT:** Sorry, Mr. Anderson, I just have a question.

15 **A.** Sure.

16

17

EXAMINATION BY THE COURT

18 **(10:08)**

19 **THE COURT:** When you talk about the review process is to
20 determine whether key investigative controls are in place and,
21 for an example, you note the intimate partner violence risk
22 assessment completed, is that a number of steps or is that one

SHARON FLANAGAN, Examination by the Court

1 step?

2 **A.** That's the ODARA.

3 **Q.** That's the ODARA?

4 **A.** Correct.

5 **Q.** So you have 10 municipal forces and you have the RCMP
6 contracted in a variety of places as an effectively provincial
7 police force in Nova Scotia. So do each one of those agencies
8 have a written policy in relation to the use of ODARA or another
9 risk assessment tool?

10 **A.** They all have reference to the ODARA.

11 **Q.** Okay.

12 **A.** And even though I didn't audit the RCMP or look at
13 their files, I know from working with their Victim Services
14 manager that it is in their policy that they complete an ODARA.

15 **Q.** Okay. And once the ODARA is completed, do they all
16 have written policy in terms of how it gets reviewed, who
17 reviews it and if it's reviewed as high risk who it goes to
18 next?

19 **A.** Yes, there's protocols that both municipal and RCMP
20 have that especially if it scores high risk then it goes to
21 their Victim Services coordinators.

22 **(10:10)**

SHARON FLANAGAN, Examination by the Court

1 **Q.** Do all 10 municipal police forces have Victim Service
2 coordinators?

3 **A.** No. We have an agreement with the RCMP who have four
4 Victim Services coordinators. One of them is specific to First
5 Nations policing and the other three manage the entire province
6 with the exception of Cape Breton and Halifax have their own
7 embedded within their police agency.

8 **Q.** So Stellarton has reports ... I'm sorry, I don't know
9 whether Stellarton has a PD department. They do I guess. Chief
10 Hobeck, I guess it is.

11 **A.** He's, yeah, Stellarton.

12 **Q.** Is he still there?

13 **A.** Yes. Yeah.

14 **Q.** Okay. So if one of his officers does the risk
15 assessment it would then go to a domestic violence coordinator
16 reviewer in the RCMP, one of the local RCMP detachments?

17 **A.** Correct.

18 **Q.** Or to one of those three other individuals?

19 **A.** Yeah, so they know who their designated person is
20 because the other three Victim Services coordinators have areas
21 they're responsible for, Cumberland County, Colchester, and so
22 they know who to go to or who that gets sent to.

SHARON FLANAGAN, Examination by the Court

1 **Q.** All right. And those Victim Services coordinators,
2 who manages what they do, where the information goes from them?

3 **A.** The manager of Victim Services in the RCMP.

4 **Q.** All right. And who provides the manager for Victim
5 Services in the RCMP with directions for the province?

6 **A.** That I do not know. I'm sure she has an inspector
7 that oversees that unit.

8 **Q.** And at what point in time does it get plugged back
9 into the provincial structure to deal with victims' issues?

10 **A.** So if I'm an officer and I fill out an ODARA and it's
11 high risk and I coordinate with my area Victim Services person,
12 then we continue to dialogue to ensure that there is support
13 lent to the victim. So there's constant communication with the
14 police and their designated Victim Services coordinator.

15 **Q.** But where does that person plug in? So who do they
16 contact? Who coordinates the four Victim Service coordinators
17 and the RCMP? Where does their information flow to or do they
18 each have somebody in their own territory that they report to?

19 They do a review, they see a need, they say it's high risk,
20 it's necessary to get these services in place, it's necessary to
21 contact the victim.

22 **A.** Okay.

SHARON FLANAGAN, Examination by the Court

1 **Q.** It's necessary to do this, bring these agencies in,
2 bring these resources to bear on this particular case. How does
3 that all unfold from that RCMP officer's review?

4 Are you going to get to this, Mr. Anderson?

5 **MR. ANDERSON:** Some of it. This is very helpful.

6 **THE COURT:** Oh, okay. Thank you. Sorry.

7 **A.** Yeah. So because ...

8 **Q.** Because I'm interested in how it actually happens on
9 the ground. I've got it right here in my hand ...

10 **A.** Yeah.

11 **Q.** I'm the RCMP person. I've read out there, I've read
12 the other reports and I see high risk; something needs to be
13 done like right now, what do I do?

14 **A.** Then you would contact your Victim Services
15 coordinator. They would engage either with the victim ...

16 **Q.** I'm the Victim Services coordinator in the RCMP, you,
17 the police force ...

18 **A.** I come to you.

19 **Q.** ... has given it ... you've given it to me, I've
20 looked at this and I say, High risk, something needs to be done,
21 it needs to be done today. I want to pick up the phone. Who do
22 I pick up the phone and speak to?

SHARON FLANAGAN, Examination by the Court

1 **A.** It would depend if the victim is wanting support and
2 services, but it would ... so the Victim Services coordinator
3 would reach out to the victim. They would have their own
4 conversation with them to determine the need. Whether it's
5 having to leave the home, look for a shelter in their area,
6 simply sit down with somebody and have a conversation, do safety
7 planning. They coordinate with the victim to gather all that
8 information and make that determination on which direction
9 they're going to go.

10 So if a victim said to them, I want to leave but I have no
11 idea where I could go or where I could stay or I want to bring
12 my kids or my dog, what am I going to do with that, then the
13 Victim Services coordinator would support that.

14 If they reach out to the victim and the victim says, Get
15 lost, I don't want to talk to you, mind your business, then they
16 will continue to try to have a conversation to say okay, but
17 there's concern for your risk, these are some of the resources
18 that are available. We can help you with safety planning.

19 **Q.** Sure.

20 **A.** So it all depends on how receptive. It doesn't ...
21 also, just because they may not be receptive in the beginning,
22 there's a big difference between, I don't want to talk to you

SHARON FLANAGAN, Examination by the Court

1 and the phone hangs up versus I don't want to talk to you right
2 now versus I may want to talk to you. So there's different
3 layers depending on the response from the victim.

4 **Q.** In the course of a year, apart from Cape Breton and
5 Halifax, how many ... we'll just start with ODARA. How many
6 ODARA reports would go to those four coordinators in the course
7 of a year?

8 **A.** Only the ones that are high risk.

9 **Q.** Only the ones that are high risk?

10 **A.** Correct.

11 **Q.** So how many high risk ODARAs would go to ... and, of
12 course, if it's high risk the chances are the person has been
13 charged. Would that be correct?

14 So do you have from your audit any idea of how many high
15 risk ODARA reports would go to the Victim Services coordinators
16 that did not have charges associated with them ...

17 **A.** I don't.

18 **Q.** ... such that you'd have kind of court interventions
19 and, you know, release conditions and a whole variety of other
20 things that are put in place?

21 **A.** I don't actually. I don't know that.

22 **Q.** All right. So if it's not determined to be high risk

SHARON FLANAGAN, Examination by the Court

1 ... so let me ask: Does it have to be high risk from the ODARA
2 score itself or does it become high risk because the officer who
3 is at the scene, does the investigation, goes through ODARA and
4 it's not scored high risk. So, for instance, you have to have
5 ... what's the expression? You have to have an index offence.

6 **A.** Yes.

7 **Q.** Index offence.

8 **A.** Yeah.

9 **Q.** They arrive and there's no index offence.

10 **A.** Correct.

11 **Q.** So when you look at ODARA and it being based on the
12 index offence, you're going to have a low score. But the
13 officer who arrives there, he looks at it, he or she or they
14 look at it and say, This is high risk, this is ... something has
15 got to be done here. So what happens in that situation because
16 your ODARA isn't going to get you to the Victim Services
17 coordinator, will it?

18 **A.** Will not.

19 **Q.** Will not?

20 **A.** The only way it does ...

21 **Q.** Where does it get them then?

22 **A.** And I shouldn't say it never does. The only way it

SHARON FLANAGAN, Examination by the Court

1 does is ... and we've spoken about this at great length. The
2 only way it does is the ODARA and even gathering evidence and
3 information is only as good as either prior convictions or
4 what's on the system or the willingness of the victim or
5 witnesses to provide additional information that may not be
6 obvious anywhere else to score.

7 If it doesn't score over but an officer feels like there's,
8 again, limited information but there's something not right or
9 they interview people and they say, Oh, that's that family in
10 the community, they can still go to the Victim Services
11 coordinator and say, I still have ... I have concern. I feel
12 like even though this isn't scoring there's something that's
13 telling me otherwise.

14 As they continue their investigation and continue to try to
15 gather additional information they could still engage the Victim
16 Services coordinator. And the Victim Services coordinator may
17 have more information than they do because they're so entrenched
18 in the community. And then the Victim Services coordinator
19 could and would still probably reach out to that victim, but if
20 it's not high risk then it's a challenge.

21 Q. It would be a challenge as well, I guess, if you have
22 experienced police officers who may be able to, I'll use a word,

SHARON FLANAGAN, Examination by the Court

1 "tune in" to some of the circumstances. Less experienced
2 officers perhaps in the same category that you were looking for
3 more training ...

4 **A.** Right.

5 **Q.** ... would be at kind of a disadvantage in terms of
6 experience and background and just, you know.

7 **(10:20)**

8 **A.** Which is why there is such a heavy emphasis on the
9 looking beyond piece. And again, there are risks even
10 associated with ... so an officer shows up at a call, there's
11 nothing obvious, there's something ... you know there's no
12 priors that it listed on the system. There's something in
13 having a conversation with that victim that's telling you
14 there's something more here but the victim is not willing to
15 provide additional information for a whole host of reasons,
16 fear, embarrassment, concern over Family and Children Services
17 being called.

18 So what we train police officers in is ... that's why we
19 make them aware of safety plans and resources, they may still
20 say to somebody I understand, you know, you have some fear or
21 you're not willing to continue a conversation with me, I want
22 you to know that I feel like there's something more going on.

SHARON FLANAGAN, Examination by the Court

1 You know, if you're not aware there are resources out there that
2 can support you. If that's something you're interested in I'm
3 happy to connect you with those resources.

4 And, again, in the course of that conversation they'll
5 either get a, Get out of my house, I'm not talking to you, you
6 know, curse words and whatever, or they may just say, No, no,
7 I'm good, and an officer may, you know, continue to emphasize
8 that there are resources available. But if a victim isn't
9 willing, we also are very cautious about pushing a victim so
10 that you alienate them as well and they're reluctant to call
11 police. So there are various steps that we continue to train
12 officers in that whole looking beyond and watching, you know,
13 physical cues not only just the verbal conversation.

14 Q. So part of that would be process of informing the
15 frontline, obviously, you know, the patrol officers, the
16 officers who arrive at the scene. The more information,
17 knowledge and background they have in relation to risk factors,
18 for instance, would allow them to conduct an inquiry that might
19 be a little bit broader and maybe beyond the actual scope of
20 what's happening right then. Because they come in and they look
21 at it and they say, Hmm, there's no charge here but, you know,
22 this just doesn't seem right. But if they're aware of, for

SHARON FLANAGAN, Examination by the Court

1 instance, a whole range of risk factors, for instance, you would
2 know about the domestic violence risk management protocol in
3 Ontario.

4 **A.** Correct.

5 **Q.** You would be aware of the Domestic Violence Death
6 Review committee reports and the 41 risk factors that they have
7 listed with the narratives associated with each of those.

8 So an officer who's trained on the ground that's aware of
9 all 41 and what each of those ... the narrative associated with
10 each of those factors is, for instance, out of those reports,
11 that would be of assistance to them to be able to conduct a
12 little broader inquiry to be able to probe a little bit in
13 relation to other risk factors.

14 Because it may very well be that the individual who is
15 being questioned may not even appreciate the collection of risk
16 factors that may be in their lives and may not be aware of the
17 risk that they actually face from an individual. Would that be
18 fair?

19 **A.** Yes, it would be fair, you're correct. Sometimes ...

20 **Q.** In an ideal world.

21 **A.** In an ideal world when you sit down with a victim ...
22 and I've seen safety planning or I've seen the ODARA done with

SHARON FLANAGAN, Examination by the Court

1 service providers such as transition homes or social workers or
2 people who are very much trained in that, and breaking it down
3 to make the victim, like the Jacqueline Campbell, is to get the
4 victim to be aware of the risk associated with them.

5 The difficulty with police sometimes is ... so one of the
6 examples a member gave me was he tried, he knew there was
7 something going on, there wasn't any evidence, you know,
8 separated the two, had constant conversation and then said to
9 the victim, I feel like there's something more going on and I
10 want you to know that there's resources available to you. And
11 she didn't say no but she ... he said, I remember looking at her
12 face thinking okay, well, she's not saying no and so pulled his
13 card out, wrote down a couple of the resources that are
14 available but when he went to give it to her she went like this.
15 (motions with hand)

16 And some of the conversation with Victim Services was later
17 to find out she didn't want to take the card because that could
18 have been a risk to her.

19 **Q.** If it got found on her or in her home.

20 **A.** Right.

21 **Q.** Sure.

22 **A.** Right. And so those are all the things that, you

SHARON FLANAGAN, Examination by the Court

1 know, police are trying to troubleshoot.

2 Q. Mm-hmm.

3 A. They also ... the reason why we tend to lean more on
4 Victim Services, transition houses, shelters, Naomi Society is
5 because they're trained to sit with victims in a softer, gentler
6 manner in a safer environment where they feel more comfortable.
7 But they also sometimes see police as the person who may call
8 Family and Children Services and they're going to take my
9 children away, or if you take my partner away they're the
10 breadwinner in the household. And so they may not be as
11 cooperative with police for a whole host of reasons out of fear.

12 Q. Okay.

13 A. So we tend to try leave those supports, even though we
14 expect our officers to make them aware. Yeah.

15 Q. Well, you know, for Victim Services to even be engaged
16 you leave the interaction with the victim to Victim Services.
17 But Victim Services at some point in time has to be notified
18 that there's reason for them to engage with this person, and
19 that's going to come from the officer and the officer has to be
20 able to ... you know, he's got a low score ODARA but he still
21 needs to get something to Victim Services. And, you know, is
22 there a standardized report or a form or questionnaire or

SHARON FLANAGAN, Examination by the Court

1 something that would go to Victim Services so that Victim
2 Services would appreciate that this ...

3 **A.** Engage.

4 **Q.** ... is an approach they need to make.

5 There's something here, the officer, you know, feels
6 there's something here. The person is reluctant, they don't
7 really want to engage and so now you need to have ... that's
8 where you pass it off to Victim Services for a warmer
9 engagement. Not to suggest the officer's engagement wasn't.

10 But what's the flow of paperwork, for lack of a better
11 descriptor to get it to Victim Services so that they would then
12 make an approach? And I appreciate that the approach could
13 still be rejected but at least it's kind of ... it's made by
14 someone other than a police officer.

15 **A.** And, again, it's so difficult because sometimes I've
16 had police officers say, you know, I offered this, the victim
17 was not receptive to it. I've reached out to people in my
18 community or support services in my community and even in the
19 conversations with, you know, if they had it with Victim
20 Services sometimes you really alienate if somebody has said no,
21 a victim has said no, and then you go ahead and have a
22 conversation with people and then they contact that victim,

SHARON FLANAGAN, Examination by the Court

1 sometimes that has a whole other set of repercussions: I told
2 you I didn't want you calling my house; now he's going to find
3 out; now I'm going to be in trouble; stop calling me. And so
4 every case is so different and ever file is so different that
5 what we try to do is provide as many options as possible.

6 Now if you're asking me in the perfect world, having victim
7 support that are not necessarily high risk and having resources
8 to lend to that would be a huge step forward. Because when you
9 look at even the high risk ones that three to four people are
10 doing across the entire province for all the policing is a
11 massive undertaking just on the high risk level. There are
12 whole host of people that would score under high risk which is,
13 to me, where I would see benefit in educating and awareness and
14 doing it proactively instead of in a fearful crisis situation.

15 So I'm determined before I retire at any point, to keep
16 pushing the support for those that don't necessarily fall in
17 that high risk category. Because, again, if they're scoring a
18 three or a four or they're reluctant for a host of reasons I
19 think we can put more emphasis on making victims aware of what
20 supports are out there for them.

21 **Q.** I just have one more question now, then I can give you
22 back to Mr. Anderson.

SHARON FLANAGAN, Examination by the Court

1 (10:30)

2 A. I'm hoping I'm answering all of them.

3 Q. I'm sorry. I don't know how familiar you are with the
4 circumstances with regard to the deaths in this particular
5 Inquiry.

6 A. I actually stayed away from listening to the media and
7 I certainly have an overview of it, but was waiting ...

8 Q. So that was kind of a preface to the question would be
9 if you were an officer and you were doing an ODARA and you were
10 speaking to Shanna Borden, of course you wouldn't have an index
11 offence.

12 A. No.

13 Q. So your ODARA score on any of the interactions that
14 she would have had with the RCMP would have been so low it
15 wouldn't have gone anywhere.

16 A. Uh-huh.

17 Q. So she might be a person that, at least on the ODARA
18 alone, would have had a low score. But if she had been
19 interviewed on the basis of the Domestic Violence Risk
20 Management Report protocol that they use in Ontario, for
21 instance, it would have looked at and identified many more
22 factors and she might have scored differently or it might have

SHARON FLANAGAN, Examination by the Court

1 scored differently.

2 **A.** Yes ...

3 **Q.** Right? Because appreciate here that low score ... I
4 mean it still resulted in three deaths and a suicide.

5 **A.** Yes.

6 **Q.** Right? Which is you couldn't get more dramatic
7 consequences from a low score or no score on ODARA.

8 **A.** Yes.

9 **Q.** Right?

10 **A.** However, the ones that don't fall in high risk, again
11 ...

12 **Q.** So she ... it's only ... it's high risk that get the
13 greatest resources directed towards them.

14 **A.** Right.

15 **Q.** Correct?

16 **A.** Correct. For the most part.

17 **Q.** For the most part. It's the low and medium that do
18 not. And I understand your comments a few minutes ago that
19 before you left, you'd like to see those resources available to
20 a broader range of at-risk individuals ...

21 **A.** Yes.

22 **Q.** Because they'd all benefit from it.

SHARON FLANAGAN, Examination by the Court

1 **A.** Right. And a lot of times, too, even when you're
2 scoring the ODARA and officers are asking the question, again
3 for a whole host of reasons that a victim may not be forthcoming
4 about answering them adequately is because they don't want their
5 partner to be arrested. They don't want their partner to leave.
6 They don't ... I mean, you know, a lot of people don't
7 understand that whole cycle of violence where they remain in the
8 relationship despite what's happening. And that's why the
9 concern sometimes lies with, you know, how far do you continue
10 to look beyond. The ODARA is one tool that we provide police,
11 one tool in the toolbox. The looking beyond that we refer to
12 later, and gathering information and evidence to support or to
13 maybe increase a score is dependent on a whole host of things.

14 **Q.** So is ODARA used because it identifies the high risk
15 and that's what you're trying to sort out is just ... I'm not
16 going to use the word "just." But ODARA is used because it
17 sorts out the highest risk?

18 **A.** The highest risk. So the original premise behind it
19 was when you have limited resources available in a province or
20 within a community, you want to make sure that the highest risk
21 is completely engaged with all the resources available at their
22 disposal. When you look at the other end of the spectrum, and I

SHARON FLANAGAN, Examination by the Court

1 have used this as an example before. So I knock on a door or I
2 get a call. It's an alleged domestic. It comes in as domestic.
3 I'm in an apartment complex. We open the door. She answers the
4 door. She's kind of looking like, Oh, why are you here?

5 And somebody ... you know, the officer says, Well, we
6 received a call from somebody in the building saying that there
7 were loud voices and a potential domestic. And she's mortified,
8 saying, Well, my husband and I were arguing over the fact that
9 he didn't bring the lemons home. And so the officer goes and
10 interviews him and interviews her and they're both mortified and
11 their stories check out. You're not going to lend a whole bunch
12 of resources necessarily to that call. And then the high risk,
13 you have it covered with the other.

14 But I agree the concern lies with the in-between stages
15 where you may have a victim and you show up and the victim is
16 like, Get out of my house. I'm not talking to you pigs. Go
17 screw yourself. I'm not coming through. I don't want to have
18 anything to do with you. And, again, it could be the victim is
19 not fond of police. They're worried about their kids being
20 taken, they're worried about their partner being arrested. So
21 that is a difficult area to support and to police for all
22 stakeholders involved.

SHARON FLANAGAN, Examination by the Court

1 **Q.** And the Jacquelyn Campbell, the danger assessment,
2 again it's a scale that goes to legality.

3 **A.** Yes. So that's one that again the benefit of
4 transition houses or shelters are able to sit with the victim
5 and go through it in a therapeutic setting that helps them
6 become aware when they don't think they're a victim or they
7 don't think they're at risk. That's the piece that helps them
8 become more aware.

9 **THE COURT:** Mr. Anderson, I'll return the witness to
10 you.

11

12 **DIRECT EXAMINATION (Cont'd.)**

13 **(10:36)**

14 **MR. ANDERSON:** It's all helpful. So I understand that the
15 pathway in making a referral to the Victim Services Case
16 Coordinator, it sounds like it's twofold. One is if there's a
17 high ODARA score ...

18 **A.** Correct.

19 **Q.** ... and, two, if an officer has concerns about risk,
20 and the ODARA may be a low or a medium.

21 **A.** Yes.

22 **Q.** Now I'm going to go back to the objectives and

SHARON FLANAGAN, Direct Examination

1 continue along. So you had talked about the investigative
2 controls and there's examples given there. What were the audit
3 findings regarding this review for investigative controls?

4 **A.** That, for the most part, officers had satisfied those
5 in the files and the ones that weren't, with the exception of a
6 few, the ones that weren't were caught by the supervisor and
7 tasks were issued back to that member to complete certain
8 controls.

9 **Q.** And are these investigative controls, is that part of
10 the ongoing advice and training that you provide?

11 **A.** Correct.

12 **Q.** The next one, "Identify opportunities for internal
13 control and process improvements." Were opportunities
14 identified by the audit?

15 **A.** Which one are you looking at?

16 **Q.** So this is the, "Identify opportunities for internal
17 control ..."

18 **A.** Okay. I see it now.

19 **Q.** Okay. Were opportunities identified by the audit?

20 **A.** Opportunity ... oh ...

21 **Q.** The objective, so "Identify opportunities for internal
22 control and process improvements". My question is, Did the

SHARON FLANAGAN, Direct Examination

1 audit identify opportunities for such improvement?

2 **A.** Yes.

3 **Q.** And is that a subject of ongoing advice and training
4 that you provide?

5 **A.** It is.

6 **Q.** Now the next one was, "Identify best practices for
7 possible application." And were best practices identified or is
8 that an ongoing process?

9 **A.** That continues to be ongoing. So similar when I go
10 through the audit process at the end of each day, I do a debrief
11 with whoever my contact is within that agency. It's usually the
12 deputy chief or the chief. And, again, we have that
13 conversation about, So I see that this is a new best practice
14 within policing, so trauma informed or human-centered approach.
15 You know, originally, you know, those approaches are very new.
16 So if it wasn't embedded in the files or in their policies,
17 those are discussions that I would continue to have with them to
18 bring them up to speed.

19 **Q.** So in terms of advising, that's providing advice and I
20 gather it's included in your training.

21 **A.** Absolutely.

22 **Q.** Now the last one relates to "file review and case

SHARON FLANAGAN, Direct Examination

1 management oversight". What was the audit findings regarding
2 file review and case management oversight?

3 **(10:40)**

4 **A.** Moreso it was through conversations and interviews. A
5 lot of shuffling happens within police agencies. And, again,
6 you have to remember like when you look at Annapolis Royal, they
7 have three members and a chief, so no inspectors or staff
8 sergeants, may not even be a sergeant, could be a corporal, and
9 then Halifax Regional or Cape Breton have various layers built
10 in.

11 So in the conversations, there was a lot of, I guess,
12 desire for people who supervised the files to say, We get
13 brought in. I now got promoted to a sergeant. Now I'm in
14 charge of that shift. I'm reviewing files every day that come
15 in and I'm signing off on them but nobody has ever trained me in
16 how to do case management.

17 In my interviews, that was a significant comment that I saw
18 through and through. In the files, they were pretty good.
19 Again, I saw with some of the smaller agencies, with younger,
20 less-seasoned people, who are now responsible to review files,
21 some discrepancies and so have made them aware, When you're
22 signing off on this file, you're signing off to say it's a good

SHARON FLANAGAN, Direct Examination

1 file. So you should be aware of A, B, and C. And so that's why
2 we held the file review case management training. They asked
3 for it and we delivered it. And they are continuing to ask for
4 follow-up courses on it, which I've submitted to our senior
5 management to continue on with those now that the COVID
6 restrictions are lifting.

7 Q. And in terms of the timeline, you did the fieldwork in
8 2019?

9 A. Yes.

10 Q. And after obtaining your data, you provided your
11 preliminary findings to the individual police agencies?

12 A. Yes.

13 Q. And your purpose was to obtain feedback and
14 clarification, was it?

15 A. Yes.

16 Q. And the audit was done by you and Mr. Hobeck?

17 A. Yes.

18 Q. And the individual agency reports, half were written
19 by you and the other half were written by Mr. Hobeck.

20 A. Yes.

21 Q. But the main report, the pages 1 to 17, you wrote
22 that.

SHARON FLANAGAN, Direct Examination

1 **A.** Yes. Mr. Hobeck left shortly after.

2 **Q.** Okay. Now I want to turn to your key findings and
3 I'll just refer to some of them. "Police agencies reported they
4 could benefit from training on mental health and intimate
5 partner violence investigations."

6 **A.** Yes.

7 **Q.** And was that training provided?

8 **A.** No. Well, I made sure that a small presentation and,
9 also, we did scenarios with officers at the five-day training in
10 March. We incorporated a piece of that. The preference was to
11 engage with health and mental health stakeholders to do greater
12 training. But we couldn't again because of COVID. But I would
13 say the issues surrounding calls related to IPV and mental
14 health was a comment that came across every police agency and
15 every member that I spoke to.

16 **Q.** And are there plans for having such training sessions?

17 **A.** Similar to the file review case management, I drafted
18 a briefing note that went to my executive director, now that
19 things are changing within the province, that we resume the file
20 review case management and the mental health training and
21 another IPV training for subject matter experts.

22 **Q.** Okay. And one of the other findings was "file review

SHARON FLANAGAN, Direct Examination

1 and case management training". That's what you've already
2 talked about.

3 **A.** Correct.

4 **Q.** And the purpose of that is to support a more thorough
5 review of the files reviewed by the supervising officer.

6 **A.** Correct.

7 **Q.** All right. One of the other findings is, "Ensure new
8 members are trained in ODARA."

9 **A.** Correct.

10 **Q.** And are they being trained in ODARA?

11 **A.** Yes. So that's the one area ... the Victim Services
12 coordinators have been doing in-class training, but myself and
13 the RCMP manager are the two that hold the license for the ODARA
14 within this province and so it's available online. So every new
15 member that comes in or a member from another province that may
16 not have ODARA, they're expected to complete the ODARA online
17 when they arrive. But I also reach out to all the police
18 agencies or municipal police twice a year and remind them that
19 the ODARA is available. Do any of your members need it? And
20 I'm able to track whether they've completed it or not and
21 whether they've completed it successfully.

22 **Q.** Okay. The last key finding that I'll ask you about

SHARON FLANAGAN, Direct Examination

1 is, "A desire for more collaborative relationship with Victim
2 Services and transition houses." I gather that's between police
3 and Victim Services and transition houses.

4 **A.** Correct.

5 **Q.** And are you aware of any steps taken to develop a more
6 collaborative relationship between those parties?

7 **A.** So there has not been to date. I mean we do ... you
8 know, we work on committees where there's multi-stakeholders.
9 And certain police agencies are very engaged with their
10 resources support people, but I feel it could lend to a more
11 formal process. And one of the examples that wasn't in there
12 was ... so, for example, Public Prosecution. So when I did all
13 the IPV files, the audits, I interviewed prosecutors in those
14 respective areas. I wanted to talk to them about the
15 relationship with the police agency. Are they finding any
16 challenges, any issues with the files?

17 And out of that, it was the same things. I felt like there
18 wasn't the engagement that there should be or could be. So I
19 worked with the Deputy Director of Public Prosecution, had a
20 meeting with her, and facilitated discussions with senior Crown
21 to have those discussions in their respective areas and build
22 that relationship with the police, identify challenges and gaps.

SHARON FLANAGAN, Direct Examination

1 And the next step would have been hopefully to do that with the
2 police agencies and their local service providers. But, again,
3 people were not willing to because of the COVID conditions, so
4 it's my hope that that happens.

5 I feel it's necessary for the key partners to come together
6 and work together. We're all looking, really, even though
7 sometimes we have our views and our agendas. I think that it's
8 necessary to facilitate those conversations within the
9 communities because I think our end goal is always the same when
10 it comes to IPV files. And sometimes I think we work too much
11 in silos. And so I put that as one of my key findings because I
12 felt it was important to facilitate that.

13 **Q.** Now starting at page seven, those are the findings
14 regarding individual agencies.

15 **A.** Correct.

16 **Q.** Pages 7 to 14. And just for an example, I'll ask you
17 to look at page seven. That is the one-page summary regarding
18 the Truro Police Service.

19 **A.** Correct.

20 **Q.** And I understand, starting at page 19, if you would
21 turn to that ...

22 **A.** Okay.

SHARON FLANAGAN, Direct Examination

1 **Q.** So that's an example of one of the ten individual
2 police agency reports that you provided to individual agencies?

3 **A.** Correct.

4 **Q.** So this one happens to be Truro?

5 **A.** Correct.

6 **Q.** So this is a multi-page report. It obviously provides
7 additional information on the one-page summary. What's the
8 nature of the additional information?

9 **A.** The overall summary for all of them or just specific
10 to Truro?

11 **Q.** Just as an example for Truro.

12 **A.** Yeah.

13 **Q.** So you have a nine- or ten-page report for Truro. And
14 the summary that we looked at on page seven is one page. So I'm
15 just wondering what the nature of the additional information is
16 on your individual report for Truro.

17 **(10:50)**

18 **A.** So the individual report, so the body and the
19 template, so why we're doing the audit, the premise behind it,
20 that template is all the same in all of the agencies because
21 we're providing it individually. So all of them need to know
22 why we're doing it, what the objectives are. And then the one

SHARON FLANAGAN, Direct Examination

1 page the individual speaks more to how many officers they have
2 in that police agency, how many domestic violence files they had
3 between 2017 and 2018. So, for example, you know, Truro had 111
4 DV files where Halifax, the information, I think they had 4300-
5 plus in that time period. So some of the information is just
6 very specific to that agency and the findings are specific to
7 their files that I reviewed.

8 Q. Now I'm going to jump to "looking beyond".

9 A. Okay.

10 Q. So you're familiar with that term.

11 A. I am.

12 Q. What does it refer to in the context of IPV cases?

13 A. So everything that we train in and, again, looking
14 beyond isn't just specific to IPV. It should be the focus of
15 all police investigations where looking beyond means don't just
16 stop at what you think may be obvious or don't make assumptions.

17 So, for example, if I go to a call where somebody called
18 and says there was a domestic and we go to the door and my
19 partner and I are speaking separately to the alleged victim and
20 the accused, while I'm having a conversation with that victim,
21 the victim may be saying, No, everything is fine. I don't need
22 you here. It's good. We're good. You can go.

SHARON FLANAGAN, Direct Examination

1 I, as an officer, I would expect to continue to have
2 conversation, Okay, well, just tell me a little bit about what
3 happened today but while I'm doing that, I'm also looking around
4 to see if it's consistent with, No, nothing happened. But I'm
5 looking around and I see the table overturned or the victim
6 keeps touching their throat or when I ask certain questions they
7 get teary-eyed.

8 So just because I go to a call and somebody says, No, all
9 good here, should not stop you from continuing to look beyond
10 what just the people are telling you because, most of the time,
11 the victim is not going to be forthcoming with the information.
12 So we're constantly teaching and training and looking beyond
13 what would be the obvious. Some of the terminology we also use
14 is, If you didn't have that victim in front of you, it would
15 force you to look greater at the scene or in questioning
16 somebody.

17 The looking beyond also is with regards to resources. So,
18 again, just because a victim may not be comfortable at that
19 moment, looking beyond is, So how can you look beyond the lack
20 of cooperation? Because there could be a whole host of reasons.
21 So being creative in saying, I just want you to know I feel like
22 there could be something more going on. There may not be. Are

SHARON FLANAGAN, Direct Examination

1 you aware there's these resources available?

2 And, again, there's no cookie-cutter approach. Every call
3 can be so different. But if the victim tells you to pound sand
4 and get out of my face and whatever, you could try a couple more
5 times to have that conversation or, look beyond, creative ways
6 to do it. Or, again, if you have a victim that may show ... so
7 you're watching. You're watching their social cues, their
8 behaviour, all their non-verbal. There may be some interest.
9 So how can you subtly, you know, provide information that you're
10 not putting that victim at risk either when they are staying in
11 that home. So there's looking beyond from that, as well, the
12 investigative and the support standpoint.

13 **Q.** And the supports relate to risk. In terms of advising
14 a support, the purpose would be recognizing there may be some
15 risk or in case there is?

16 **A.** Correct. And, again, looking beyond, just because
17 somebody doesn't hand you all the information on a silver
18 platter, you should be going back to the car, you should be
19 checking, you know, any prior history. Were they in another ...
20 the alleged accused, were they in another relationship? Is
21 there information from there? So, again, you just don't stop
22 because people aren't handing you everything on a silver

SHARON FLANAGAN, Direct Examination

1 platter.

2 **Q.** Did the audit show whether police were looking beyond
3 in calls relating or involving intimate partners where no
4 criminal charges were laid?

5 **A.** With some minor exceptions. And I believe those
6 exceptions were ... again, it goes back to a new officer and
7 that's part of the audit. Even though I have my findings and my
8 recommendation, I always have a notebook. And I may see
9 something in an officer's file and I could usually pick them out
10 now whether they're a junior member or not. You know, notes.
11 Notes are my biggest pet peeve if they're not in there with the
12 card, the date, the time.

13 So there may be something and it may prompt me to then ask
14 for another file of this member and have a look at it. And then
15 I make note and then at the end of the debrief every day it's
16 more of an opportunity to mentor. It may be a learning piece
17 that they have not been trained in a certain area. And so we
18 look beyond doing that, as well.

19 **Q.** And is looking beyond a part of training?

20 **A.** Yes. Absolutely. It's the overarching focus of our
21 training. And, again, in that training we don't just stand up
22 and talk. There's a huge amount of time built in for officers

SHARON FLANAGAN, Direct Examination

1 to actually conduct the training amongst each other and role
2 play and do scenarios, coach each other, mentor each other. And
3 then we have, you know, the recent training. I made sure that
4 there were members on that training that had under two years and
5 members who had 20-plus years and everything in between, so that
6 we had that cross-sectional sharing and training.

7 **Q.** Now I'm going to ask you about safety planning.

8 **A.** Okay.

9 **Q.** Do police assist intimate partners with safety
10 planning?

11 **A.** No. I shouldn't say a flat-out "no." There may be an
12 occasion that a victim is actually wanting to leave and feels
13 comfortable with the officer and is ready or thinks they're
14 ready. So it doesn't preclude a police officer from doing it,
15 if that provides the opportunity in the moment. In a safe,
16 secure environment, they could absolutely do it. But I go back
17 to the preference is police have to investigate and a victim
18 knows that. And there is a whole host of things that they know
19 that this officer has to do in order to lay a charge. So from a
20 trauma-informed approach, we leave it to the experts. So an
21 officer may mention that, Look, I can connect you with somebody
22 who can do a safety plan. You may not use it now. It's a

SHARON FLANAGAN, Examination by the Court

1 really good exercise to go through. So they may offer that as a
2 potential resource. But our preference is that the experts do
3 it in a more therapeutic, comfortable setting.

4

5

EXAMINATION BY THE COURT

6 (10:58)

7 **THE COURT:** So I'm going to ask the same question you
8 are, which is are they trained to provide, in those
9 circumstances, a warm hand-off to somebody?

10 **A.** Well, I don't use the term "warm hand-off".

11 **Q.** Well, we've heard that used in Victim Services
12 language.

13 **A.** Yes. And I don't know ...

14 **Q.** And we're talking about getting these individuals to
15 Victim Services. So what word would you use for it then?

16 **A.** Well, we do call it "looking beyond". I don't know,
17 because I wasn't here and I don't know what their intention of a
18 "warm hand-off".

19 **Q.** Well, I can hand off ... say you're the victim, I'm a
20 police officer. You need to call somebody. I hand you a card
21 and say, You call this person versus ...

22 **Q.** ... I get on the phone and I say, I've got somebody

SHARON FLANAGAN, Examination by the Court

1 here that needs to speak to you and I hand you the phone. And
2 you're talking to somebody immediately right there. That's what
3 I recall "warm hand-off."

4 **A.** Okay. So when I had heard that, I was wondering
5 whether the warm hand-off was, Okay, you don't want to
6 cooperate, here you go. Pat you on the head, send you home.
7 Call me if you need something. I would be mortified if I found
8 out an officer had conducted it in that manner. Because
9 sometimes it could be seen that it's a warm hand-off when an
10 officer may at least get to the point where a victim is at least
11 open to taking their card and a suggestion.

12 But there could be a whole host of reasons again where I've
13 seen an officer try and they're like, I told you, there's
14 nothing wrong. I don't want to talk about it. Leave. I don't
15 need any support. Or they may be on the cusp where an officer
16 will have a conversation with them. I don't know what that
17 conversation is. It leads them to believe that maybe they may
18 entertain it. And so give them their card.

19 **(11:00)**

20 **Q.** So that's the situation that I might ask. So you have
21 a police officer who has a conversation with somebody and
22 perhaps they're trying to make up their mind whether they should

SHARON FLANAGAN, Examination by the Court

1 or they shouldn't and if they have the possibility of having an
2 actual conversation and not being left with a card ...

3 **A.** Correct.

4 **Q.** ... to make a decision but rather can be then
5 immediately directed to somebody who is there, pick up the
6 phone, talk to them and continue the conversation, somebody who
7 would be trained in the approach that needs to be taken.

8 **A.** Yes.

9 **Q.** Because I appreciate the officers don't, they're
10 investigators. But the next person that the potential victim is
11 going to be dealing with is somebody that has specific training
12 on how to take that call, how to lead them forward, how to
13 encourage them, how to support them, how to give them a certain
14 amount of confidence in what they're doing.

15 So back to the question. Are they trained or are you
16 planning to train so that when they find themselves in that
17 situation that they can go to their own reference card, they can
18 punch in the number, and they've got somebody there to take that
19 next step?

20 **A.** So we do train in that. The hope is we are expanding
21 on that a little bit more. It's very difficult because it's
22 almost like a door number one, door number two, door number

SHARON FLANAGAN, Examination by the Court

1 three. As I mentioned earlier, we have seen circumstances where
2 an officer is not getting anywhere with the victim. They are
3 all about, Get out of my house, or, I keep telling you it's fine
4 and I've gone to hand a card at least to the victim and say, I
5 just want you to know you can call me at any time, there's
6 resources available to you, and the victim like freeze and say,
7 Don't hand me that card, like don't, I don't want to have
8 anything to do with it.

9 Or they may at least take the card. And I always say to
10 officers, that's a huge step for a lot of victims for them to
11 even entertain taking a card. That card may come out one day
12 when they're ready but at least they have it.

13 And then again door number three is, I'm ready to leave,
14 where can I go, what help can I get, yes, I'm open to anything.
15 And then an officer, you know, we're hoping to equip the officer
16 with everything that they can do to continue to foster that
17 relationship that there's the trust and that they can lend
18 support to resources that are available. So there's no step
19 one, step two, step three, because it all depends on what
20 they're faced with at that moment.

21 Q. And any, whether you call step one, two, or three and
22 if that covers the whole range of steps, is there a spot in

SHARON FLANAGAN, Examination by the Court

1 between those steps where the officer can actually pick up the
2 phone and say, I've got Victim Services, this is somebody I
3 think you might like to speak to?

4 **A.** Yes, and they do it with, so for example, they do it
5 for EPOs. So if there's an emergency protection order and the
6 victim at that point wants support for that, an officer may sit
7 down and call the justice centre and then hand the phone over to
8 the victim. That absolutely could happen. If the accused is
9 not on scene, either they took off or they're not there or he or
10 she, the victim, is now at a parent's or a friend's house, and
11 the officer is interviewing them there, that's a safer, softer
12 area to do that and then they may lend more resources and
13 support based on the willingness of the victim.

14 **THE COURT:** Thank you.

15

16 **DIRECT EXAMINATION (Cont'd.)**

17 **(11:04)**

18 **MR. ANDERSON:** Now I'm going to ask you to look at
19 Exhibit 355. It might be in one of the other binders. So
20 Exhibit 355, and I'm going to turn to page 16.

21 **A.** Okay.

22 **Q.** This document is a Victim Services Initiatives

SHARON FLANAGAN, Direct Examination

1 Personalized Safety Plan.

2 **A.** Correct.

3 **Q.** And it says Guidelines for Persons in Abusive
4 Relationships.

5 **A.** Uh-huh.

6 **Q.** And you're familiar with this document.

7 **A.** I am.

8 **Q.** And it was included in your police training materials?

9 **A.** Correct.

10 **Q.** And it sets out several steps to be completed by
11 persons in abusive relationships?

12 **A.** Correct.

13 **Q.** What was the reason for including this document, these
14 guidelines, in your training materials to police officers?

15 **A.** Again, the more awareness and information members have
16 to offer support to victims on the ground, that's a big part of
17 our training as well. Along with this, no different than we had
18 a panel and they were all the Victim Services support from
19 provincial to policing Victim Services, support services from
20 the African Nova Scotian community and the Indigenous
21 communities. And then we also make sure that they have
22 information, such as this safety plan, so that at any time there

SHARON FLANAGAN, Direct Examination

1 is a door open for a victim to entertain some support, they at
2 least have the information and the knowledge of what's out
3 there.

4 **Q.** Now I'm going to jump back to the audit for a moment
5 but without looking at it ...

6 **A.** Okay.

7 **Q.** Unless you wish to refer to it. Was the use of the
8 ODARA risk assessment tool part of the audit?

9 **A.** Yes.

10 **Q.** And did the audit show that police were using this
11 risk assessment tool where no criminal charges were laid?

12 **A.** Yes, with some minor exceptions.

13 **Q.** Is the use of the ODARA included in training sessions?

14 **A.** Yes.

15 **Q.** And that's the in-person and the on-line that you
16 earlier referred to?

17 **A.** Yes.

18 **THE COURT:** Mr. Anderson, we're going to take a break.

19 **MR. ANDERSON:** This would be quite timely, Your Honour.

20

21

22

SHARON FLANAGAN, Examination by the Court

EXAMINATION BY THE COURT

1

2 (11:07)

3 THE COURT: But I'm going to ask one question before we
4 do. So I'll fill the gap until 11:15 for you.

5 ODARA is premised on an index offence.

6 **A.** Correct.

7 **Q.** That's how it was developed.

8 **A.** Right.

9 **Q.** So if you have a police call and there's no index
10 offence, what's the value of ODARA when the whole rationale and
11 the development of it is based on an assault and its ability to
12 predict future assaultive behaviour?

13 **A.** It's similar to the training and, again, I engage with
14 the developers of that tool on an ongoing basis, but it's
15 similar to the original intent of the ODARA was it had to be
16 physical violence or weapon in hand. I always say to members,
17 It's a tool in the toolbox that helps you determine the risk to
18 the victim when you are trying to gather as much information.
19 So I always preface it that there are criteria that have been
20 established for that tool but it doesn't hurt to use it, which
21 is why I expect to see it in all files regardless because it
22 helps you gather information, it guides you to ask certain

SHARON FLANAGAN, Examination by the Court

1 questions, and it will still give you an indication along with
2 similar to, as I said, that officer's instinct that something
3 isn't right, that you could still go to a Victim Services
4 coordinator and say, There's no index offence or, you know, they
5 didn't score a three to five. But in speaking with the victim,
6 the looking beyond, I'm still seeing A, B, and C. So there are
7 criteria that it, you know, needs to meet but, at the end of the
8 day, I still see it as a valid tool to help guide members in the
9 course of their investigation in assessing risk to the ...

10 Q. I appreciate it's not exactly a checklist but it acts
11 as, effectively, a checklist of questions.

12 A. Absolutely, yeah, you're correct.

13 Q. So you would endorse the use of ODARA even in
14 circumstances where ODARA may not have been intended for use
15 initially at least as it was developed but it still has
16 usefulness as a guide to the officers in the field when they are
17 called to a domestic disturbance scene.

18 **(11:10)**

19 A. Right.

20 Q. Even though charges might not be laid.

21 A. Absolutely.

22 Q. It's something else that they use.

SHARON FLANAGAN, Examination by the Court

1 **A.** And originally the intention was it wasn't supposed to
2 be used in same sex relationships or dating relationships only
3 because it had not been validated for that. They did not have
4 enough research and data. That's changed now but, again, even
5 back then I said same sex relation, if they're in a
6 relationship, in an intimate partner relationship, it doesn't
7 hurt to use it.

8 **Q.** Well if ODARA, and just the number of questions that
9 it has, is still a tool then, then would you agree that a tool
10 that was a little broader, it might cover some other areas of
11 risk but also be helpful to the police officer on the scene to
12 allow him to kind of look beyond when he starts thinking about
13 risk particularly when he can't quite put his finger on what it
14 is that's causing him to be concerned?

15 **A.** The ODARA originally, I may be off by a number or two,
16 originally had, I think, 38 to 42 criteria. What the developers
17 of the tools, and again getting into more of a science of it,
18 narrowed it down to make it less cumbersome on an officer and
19 felt that the 13 criteria that they established lends to every
20 single one should send a member off in a different investigative
21 route as well. That it would still capture having a larger
22 checklist for operational purposes.

SHARON FLANAGAN, Direct Examination

1 **THE COURT:** Thank you.

2 **A.** You're welcome.

3 **THE COURT:** We usually take the morning break, Ms.
4 Flanagan. So we'll take a break now and try and come back
5 around 11:30 or so. Thank you.

6 **COURT RECESSED (11:13 HRS)**

7 **COURT RESUMED (11:34 HRS)**

8 **THE COURT:** Thank you. Mr. Anderson?

9

10 **DIRECT EXAMINATION (Cont'd.)**

11

12 **MR. ANDERSON:** Thank you, Your Honour.

13 Ms. Flanagan, I'm going to ask you to turn to Exhibit 355
14 and page 433.

15 **A.** Okay.

16 **Q.** Do you have it?

17 **A.** I do.

18 **Q.** Okay. And this document is the Nova Scotia Summary of
19 Intimate Partner Domestic Violence Risk Factors?

20 **A.** Yes.

21 **Q.** Okay. And I understand you call it a cheat sheet?

22 **A.** I call it the cheat sheet, yes.

SHARON FLANAGAN, Direct Examination

1 **Q.** And several of us have been provided with copies of
2 that here today for just convenience.

3 **A.** Okay.

4 **Q.** And so what is this document?

5 **A.** So, again, through one of the initiatives through the
6 IPV Chief's Committee, the RCMP person who sat on the committee
7 had just come from BC and mentioned they knew about the pocket
8 guide and they mentioned this risk factor card was in existence
9 in BC. So she brought it forward to the Committee, we had a
10 look at it. We thought it was another great tool to have on
11 scene to provide some guidance to police.

12 We tweaked it to Nova Scotia and then I sent a proposal
13 through to our office up through the Minister to provide funding
14 for these. We made them compact so that an officer can just
15 have it in the sleeve of their notebook or in their pocket and
16 durable so that it sustains. And that way if they're there with
17 the victim or they're back at their vehicle, they want to make
18 sure that they've satisfied as much again to support the looking
19 beyond, they could easily just pull this out and have it in
20 their notebook and be talking to the victim and have it there
21 and the victim wouldn't necessarily know.

22 So we call it a levelled approach with trying to provide

SHARON FLANAGAN, Direct Examination

1 tools to police officers to have right where they're on scene or
2 back in their vehicle or further along. And this was a level
3 before the pocket guide.

4 Q. All right. Not in terms of timing but in terms of
5 easy access for police officers at the scene?

6 A. Right. And again, it also supports when we look at
7 junior members, areas that a member may not have been to many
8 IPV calls and so may not have a certain level of experience,
9 this provides the, you know, frontline, boots on the street
10 operational guide, I guess, to support them. It prompts them.
11 It can help them.

12 Q. So when you say "prompts them" is that prompts the
13 conversation and inquiry?

14 A. Prompts the conversation. It provides a checklist; did
15 you do A, B and C. Again, for the uncertainty, another avenue,
16 another level to provide it right there on the streets.

17 Q. And when was it produced?

18 A. When was it? Sorry?

19 Q. Produced.

20 A. So we developed it in 2019. I was able to get the
21 funding in December, I think, 2019 and once I got funding
22 approval I had these mass produced and in early 2020 made them

SHARON FLANAGAN, Direct Examination

1 available to all police agencies across the province, RCMP,
2 municipal police and military police.

3 **Q.** And is this ... I appreciate there's two pages. Is it
4 something that the officers would carry it? How would they
5 carry it?

6 **A.** Usually in their notebook, it fits. That's why we
7 made it this size even though it's really hard to read for some
8 of us, me in particular, unless I hold it out that way. But the
9 sleeve of their notebook. So again, if they're taking notes
10 they can literally just pull it out and have it there and it's
11 discreet. Or they can have it in their pocket or they can have
12 it in their vehicle.

13 **Q.** Okay. Now I'm going to ask you to turn ... you
14 mentioned a few moments ago to "pocket guide" and I'm going ...

15 **A.** Yes.

16 **Q.** ... to ask you to turn to that, and that's Exhibit
17 361.

18 **A.** 361?

19 **Q.** 361, yes.

20

21

22

SHARON FLANAGAN, Examination by the Court

EXAMINATION BY THE COURT

1

2 (11:39)

3 THE COURT: Mr. Anderson, just before we move off of
4 this guide that we have. Do you know ...it came from BC?

5 A. Yes.

6 Q. And do you know who produced it?

7 A. I do not.

8 Q. Like who was responsible for putting it together?

9 A. In BC?

10 Q. Mm-hmm.

11 A. I do not. I would like to say that I recall the
12 conversation being with Vancouver Police but I don't know
13 specifically.

14 Q. Okay.

15 A. Just that the member who sat ... superintendent on our
16 committee had come from BC and we made her aware through our
17 committee that the pocket guide existed and she said, Well,
18 there was this available. Again, that was just quick and easy
19 access for members on the frontline.

20 (11:40)

21 Q. So when you look, for instance, the relationship
22 history there's a number of items that goes to 1.8 and there's

SHARON FLANAGAN, Examination by the Court

1 various bullets under each of the numbered sections.

2 So who would have validated that those are the appropriate
3 headings in the information? How was that validated, the
4 information that's on this card? Who was responsible for the
5 validation of it?

6 **A.** The IPV Chiefs Committee.

7 **Q.** And so did ... so the committee passes judgment on the
8 card ...

9 **A.** Mm-hmm.

10 **Q.** ... right, but for any individual feature ... so, for
11 instance, relationship history, current status of the
12 relationship, escalation and abuse, children exposed. I mean if
13 we were ... who made the determination that those were the
14 appropriate categories of questions to be asked?

15 Like what was the validation of the card in and of itself,
16 apart from its adoption from another police agency without, you
17 know, scrutiny by your own subject matter experts, for instance?

18 **A.** I don't know. I honestly don't know the answer to
19 that.

20 **Q.** Okay.

21 **A.** Yeah.

22 **Q.** So would it be fair to say it was adopted from that

SHARON FLANAGAN, Examination by the Court

1 agency in BC and there was an assumption that it was all valid?

2 **A.** Correct.

3 **Q.** That was the way it was adopted ...

4 **A.** Correct. Yeah.

5 **Q.** Without anything beyond that? Okay. I was just
6 curious, that's all, to see who your subject matter experts were
7 that would have applied their ...

8 **A.** Yeah. I could probably find that information out by
9 speaking with the member from BC who came over, because she used
10 it, they used it in BC, but I never did ask about who validated
11 it or if it was.

12 **Q.** So when it was tweaked for Nova Scotia, do you
13 remember what ...

14 **A.** Well, it went back and forth.

15 **Q.** If it was areas or if it was something in particular
16 that was ... maybe different acronyms or something like that.

17 **A.** Yeah, different acronyms and again, when it says
18 "information and isolation, marginalization" you can see that,
19 you know, "Is the woman Indigenous, African-Nova Scotian,
20 immigrant, refugee"?

21 **Q.** I see, yeah.

22 **A.** So those type of things.

SHARON FLANAGAN, Direct Examination

1 Q. So that ... just to bring it into the province, yeah.

2 A. Yes.

3 **THE COURT:** Okay. Thank you.

4 A. You're welcome.

5 **THE COURT:** Thank you, Mr. Anderson.

6

7

DIRECT EXAMINATION (Cont'd.)

8 (11:43)

9 **MR. ANDERSON:** Okay. Do you have the pocket guide in front
10 of you, Exhibit 361?

11 A. I have the old pocket guide and I have the one that
12 you have in ...

13 Q. Okay, so the one in the exhibit book, the one that's
14 marked as an exhibit is 361.

15 A. Yeah.

16 Q. So that's a 2018 version?

17 A. Correct.

18 Q. And you're familiar with this document?

19 A. Sorry?

20 Q. You're familiar with this document?

21 A. I am, very, yes.

22 Q. All right. And it replaced a 2005 version?

SHARON FLANAGAN, Direct Examination

1 **A.** Correct.

2 **Q.** And did you say you had the 2005 version there?

3 **A.** I do.

4 **Q.** All right. So you're just holding it up just for
5 illustration kind of a booklet that His Honour could look at if
6 he wishes. So you were the lead for the development of the 2005
7 version?

8 **A.** Correct.

9 **Q.** And that was on a consultation with stakeholders?

10 **A.** Correct.

11 **Q.** Who were the stakeholders?

12 **A.** Courts, Corrections, Public Prosecution, various
13 resource stakeholders, support groups, Victim Services, legal,
14 Crown, police agencies. It was a massive project.

15 **Q.** All right. And you developed an updated guide to be
16 the one that we have marked as Exhibit 361?

17 **A.** Yes. So when the Policing Initiatives Project and
18 there was an executive lead lent to that project, he reached out
19 to me asking about the guide and helping him update it.

20 And then my suggestion was because when we developed these
21 we had to mass produce them they became like liquid gold.

22 Police officers were taking them home and they went missing and

SHARON FLANAGAN, Direct Examination

1 we were having a ... they were ... I was constantly getting
2 asked for more and so we obviously modernized ourselves and
3 produced this one to be electronic. So a member could just
4 bring it up on their phone in their car and have it accessible
5 instead of these.

6 Q. And the developing and updating the revised guide, the
7 one that we're looking at, that was done with John Joyce-
8 Robinson at the Department of Justice?

9 A. It was.

10 Q. And what's the purpose of the guide?

11 A. Again, it's another level up to provide information to
12 police officers that they may not be familiar with. So, for
13 example, when it talks about EPOs, if a member happens to know
14 that EPOs exist but they're not sure of the process for it, they
15 don't have to go through some cumbersome manual that's 600
16 pages, it literally says EPOs in the tab. You flip to that
17 section, everything you need to know about EPOs. Firearms, same
18 thing.

19 And then there's the Police Response Checklist, so they can
20 go down, secure the scene, are their children on scene.

21 Q. Let's turn to that, so pages 26 to 27 is the Police
22 Response Checklist you were just referring to.

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1 **A.** Page? Which page?

2 **Q.** Page 26 and on to 27.

3 **A.** 26. Oh sorry, I'm looking at the top page not the
4 bottom page. 26. So just for clarification, when I developed
5 the first guide I made sure that that page was on the front.
6 (holds up checklist)

7 **Q.** And when you say "that page" that's the response
8 checklist?

9 **A.** Yes.

10 **Q.** Okay.

11 **A.** So that, again, police don't have to flip to find this
12 checklist. So clearly I was vetoed on where that is. I'm only
13 recognizing that now.

14 **THE COURT:** Style over function I guess.

15 **A.** Right. And so originally with the original pocket
16 guide, this helped. First page officer has a checklist, Did you
17 do this, did you do this, did you do this? Oh, not sure.
18 Children on scene, it says page 7, you can flip right to page 7
19 and it talks about notification of Family and Children Services
20 and the process involved when there's children on scene, so this
21 would still work the same so that's the point of that checklist.

22 They may know a whole bunch of things, what you want is

SHARON FLANAGAN, Direct Examination

1 quick, easy access to information. If they weren't sure about
2 dominant aggressor they can go to that page and flip and say,
3 What do I need to know? If they want to refresh their memory on
4 the ODARA it's there. So the whole point is a phased approach
5 to providing support to police on the front lines.

6 Q. Okay. And when you say "phased approach", the first
7 one being the cheat sheet we looked at?

8 A. Correct.

9 Q. And then this one obviously contains more information.

10 A. They can go back to their vehicle. They haven't even
11 left the scene yet. They could bring a whole host of things up
12 and have quick, easy information.

13 Again, the pocket guide is really important. So, for
14 example, I got a call from a member of the RCMP probably about
15 three months ago and I knew him through working on other
16 projects. But he was in a specialized unit for almost eight
17 years and now was sent back to Patrol as a sergeant in a
18 particular area and had not been up-to-speed on domestic
19 violence and domestic violence training because his speciality
20 was very specific.

21 And so he called me and I sent him the pocket guide
22 electronically and he said this was amazing, because he could go

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1 back to his car oh, this is what I didn't know, I could flip to
2 that page and I have everything I need to know right there.

3 Q. Okay.

4 A. Including resources.

5 Q. Okay. I'll come back to the Police Response Checklist
6 in a moment. But the preceding 25 pages provides information on
7 domestic violence? Pages 1 to 25 provide information about ...

8 A. Yes.

9 Q. ... domestic violence, seniors, and summary of the
10 province's response to domestic violence.

11 **(11:50)**

12 A. Yes. So when we sent this back out there was, you
13 know, a brief information piece that went out to members to say,
14 you know, essentially there is the need to know and nice to
15 know. And a good opportunity, especially for the first several
16 pages, if you aren't familiar with going to a lot of calls or
17 you're new or whatever, this provided a whole host of
18 information that you can educate yourself and then also
19 subsequently provide quick, easy access to additional
20 information.

21 So I always, for the legal people in the room, I always use
22 the **Criminal Code**. If I asked you to pick up a certain section,

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1 blah, blah, blah you may not know it, you would have to go in
2 and look in your **Criminal Code** under that section to gather more
3 information. So this serves a similar purpose.

4 **Q.** Okay. The bottom of page 26, that's the first page of
5 the checklist that you had referred to.

6 **A.** Yes.

7 **Q.** And it says, "The ODARA Assessment: Complete for all
8 domestic violence calls."

9 **A.** Yes.

10 **Q.** And is that all calls, whether there's charges or not?

11 **A.** Yes. And that was something I insisted was noted in
12 there.

13 **Q.** Now I'm going to ask you to turn to page 29.

14 **THE COURT:** Sorry, and the rationale for that is as you
15 explained before is that it still provides a bit of a guide for
16 questioning ...

17 **A.** Correct.

18 **THE COURT:** ... beyond whatever level of risk may not
19 ... well, despite the fact you don't have an index offence?

20 **A.** Correct.

21 **THE COURT:** Right.

22 **A.** Yes.

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1 **THE COURT:** Thank you. I'm sorry.

2 **MR. ANDERSON:** So page 29.

3 **A.** Yes.

4 **Q.** So 29, the heading is "Looking at a Victim: A Trauma
5 Informed Approach". And I see on each of the sections it says
6 "Don't assume. Don't assume." And I think you mentioned it
7 earlier, is that part of looking beyond?

8 **A.** It is. And, again, one of the other examples I wanted
9 to provide you, so in our training over time, one of the pieces
10 we never had in training was, for example, strangulation, issues
11 around strangulation. When I looked at a whole bunch of files I
12 noted an overarching theme that a lot of times when there's
13 physical violence it's a grab by the throat, up against the
14 wall, strangulation.

15 We incorporated a piece where the medical examiner comes in
16 and does a presentation. Because we say to officers if you're
17 looking at a victim and you're having the conversation and, you
18 know, you're multi-tasking, you're asking the questions, you're
19 going through the checklist, you're trying to gather
20 information, let alone if somebody may not be forthcoming or
21 cooperative, looking beyond also one of the biggest things was
22 when you talk about strangulation police officers were looking

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1 here and here. (motions to throat and face) And surprising,
2 when we incorporated the medical examiner, she said you won't
3 find them here and here (motions to throat and face), you're
4 going to find them up here. (motions to throat/ears) Up in the
5 back behind the hair.

6 Usually a hand is not choking you here (motions to throat),
7 it's grabbing you and up here. (motions to throat/ears) So look
8 for that. Look if there's marks anywhere beyond here. (motions
9 behind hair) It gets a little harder if their hair is in the
10 way. If you feel you've established enough a relationship, then
11 you may be able to ask somebody to do that, but again you'd have
12 to make, you know, a last-minute decision on how you're going to
13 proceed with that.

14 Or another one is touching your throat. A lot of times a
15 victim who has been strangled will not even consciously know
16 they're touching their throat while they're talking to you or
17 their voice is hoarse or they have petechiae. So even if
18 they're not providing you with the information and really just
19 want you to leave, don't assume just because somebody is not
20 saying something or you don't see something right in front of
21 you that nothing happened.

22 Q. Pages 40 to 41 is the ODARA Risk Assessment. I'm just

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1 going to ask, the middle of page 40 there's a reference, "You
2 must complete an ODARA Risk Assessment form for every intimate
3 partner violence incident you attend." That's obviously the
4 same direction that you provided earlier and evidence that you
5 have provided this morning that the ODARA is to be done at every
6 call involving intimate partners?

7 **A.** Correct.

8 **THE COURT:** Sorry. Is that a directive? Is that a
9 standard?

10 **A.** It's standard.

11 **THE COURT:** And what is it called?

12 **A.** Well, it was a directive from our office in 2007 and
13 it's embedded in all the policies within the police agencies.

14 **THE COURT:** But it's not a standard directed by the
15 Minister?

16 **A.** No.

17 **THE COURT:** Okay. Thank you.

18 **MR. ANDERSON:** Now if you turn to page 46.

19 **A.** Do you mind if I just add something that I forgot to
20 mention to you?

21 **Q.** Absolutely. Yes.

22 **A.** So in the "don't assume", so we say this one I do ...

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1 when we've recently done some human trafficking training with
2 victims and sex assault, we lend the same don't assume in IPV.

3 A lot of times a victim will curse at you, tell you to get
4 the f--- out of the house, I don't want to talk to you, don't
5 assume they're doing that because they want to. Sometimes they
6 have to. Because if they seem cooperative at all there may be
7 repercussions to that and so that's a big don't assume. That's
8 the other layer that we train police.

9 Just because a victim, we say it in sexual assault, you
10 know, all of a sudden is walking down the street with the person
11 who assaulted them, don't make the assumption that it's because
12 it didn't happen. There could be a whole host of reasons why.

13 So not only are there don't assume in, you know, the
14 physical or while you're investigating, but don't assume why
15 somebody is reacting a certain way. Because again, there is no
16 standard approach to how a victim may respond to an IPV case.

17 **THE COURT:** Just before you ask your next question, I'm
18 just going to back up for a second.

19 So when we were looking at page 40, the ODARA Risk
20 Assessment Form, I think that's where we were, the very first
21 bullet says: "The ODARA Ontario Domestic Risk Assessment Form
22 should be completed in all intimate partner assault

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1 investigations." Is there a reason why it's limited to assault
2 investigations and not all domestic disturbance calls, for
3 instance?

4 Because once you put in the word "assault" we all know
5 assault generally is the intentional application of force
6 without consent by definition in the **Criminal Code**, so it's
7 assault, right.

8 **A.** Yeah.

9 **THE COURT:** So ...

10 **A.** No, you are correct.

11 **THE COURT:** So does ... would that ... do you think that
12 that may on occasion mislead somebody who goes to that pocket
13 guide and thinks, Well, there's no assault here so I don't have
14 to follow the rest of this kind of route through?

15 **A.** Well, that word actually contradicts, you know, "use
16 it in all".

17 **THE COURT:** That's why I asked the question because ...

18 **A.** Yeah.

19 **THE COURT:** ... we're having a discussion about it being
20 broadly used in all calls, but the specific document that
21 provides them with the direction only limits it to assaults or
22 focuses it on assault and not all domestic dispute disturbance

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1 calls.

2 **A.** Yeah, that's a very valid point. Assault
3 investigations could absolutely lead a member to believe that
4 and it does contradict where I had asked to have it added that
5 it's completed in all.

6 **THE COURT:** Okay. Well, you can put that on your list
7 of things to consider as you move forward.

8 **A.** I am. Yeah, yeah, I definitely am.

9 **THE COURT:** All right. Wonderful. Thank you.

10 **MR. ANDERSON:** So I see the references that we're looking
11 at, the page 26, "Completed for all domestic violence calls" and
12 then the two references on page 40.

13 **A.** "Completed in all intimate partner assaults." Mm-hmm.
14 Yeah, it would be very misleading.

15 **Q.** Okay, let's turn to page 46. This is entitled "After
16 the Scene". So these are directions. Again, this is for the
17 police officer, boots on the ground?

18 **A.** Correct.

19 **Q.** And so this is a direction, the report for supervisor
20 review and what it must complete. And again, so these documents
21 are to be provided to the supervisor.

22 **A.** They're provided in the file, they should be in the

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1 file and then the supervisor should be looking for those. And,
2 if they're not in there, then they send a task to the member
3 asking why.

4 **(12:00)**

5 **Q.** And faxing or emailing a copy of the Victims Services
6 referral and information. Is that done by the police officer or
7 is that done by the supervisor?

8 **A.** It's done by the police officer.

9 **Q.** Okay. And same question related to fill our a child
10 welfare referral form and fax it to the child welfare agency?

11 **A.** The lead on that file, the officer. Again, with
12 oversight from their supervisor and that's if it's applicable,
13 if there were children in the home. And when I say children in
14 the home, again we emphasize and we engage Family and Children's
15 Services to say even if the child is not in the home at the time
16 of the offence, if there is a child living in that home at any
17 point, whether it's a shared custody or part-time, there's still
18 an expectation that the form goes to Child and Family Services.

19 **Q.** The last bullet on that page, "Fax the Domestic
20 Violence Risk Assessment Form in Form 1 to the Domestic Violence
21 Case Coordinator, when applicable." When is it applicable to do
22 that?

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1 **A.** When it's high risk.

2 **Q.** Now I'm going to ask you to turn to page 49, same
3 document. This relates to or says, "Follow-up with the victim."
4 I just wonder if you could discuss that follow-up.

5 **A.** Again, it's trying to capture an overview of it but,
6 again, it's that training in that phased approach and the
7 opportunities that a member can create to provide support
8 services, information, their business card. And that's why when
9 it says, "Use police department business card if possible to
10 record the information and send it to the victim as soon as
11 possible after the incident." So, again, the emphasis is on, do
12 they want the information, are they open to the information. I
13 would be ... the first attempt would be to try to do it on
14 scene, not do it after the fact. But there may be further
15 conversation that the victim may then reach out to the officer
16 and say, I've changed my mind. And so then it could lead to a
17 whole host of opportunities after that.

18 **Q.** And then the last bullet, "Keep the victim up to date
19 on the progress of the investigation." Is that the criminal
20 investigation?

21 **A.** So, again, it depends on how cooperative or how open.
22 There is that risk associated with, you know, calling a home

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1 when the victim is still there with their partner and having
2 those conversations. So they have to be very aware of that.
3 But there is also the notification to victims. So an example of
4 that would be there was an incident in Bridgewater where the
5 victim was not aware that the accused was released on conditions
6 and thought she was comfortable and safe in the community
7 because he was locked up and then turned around in the Tim
8 Hortons and there he was. And so that's when you want to be
9 keeping the victim notified and up to date on any new
10 developments.

11 **Q.** And might there be any other type of follow-up done by
12 the original police officer on the scene?

13 **A.** If they get additional information from witnesses or
14 other and they have to do a follow-up with the victim,
15 interviewing, I've seen times where there was a victim who,
16 actually I happened to be in this police agency, sitting beside
17 a member, and they became aware that a victim didn't show up for
18 court, she was subpoenaed to go to court. So the police
19 officer, you know, had a decent rapport, called her up, she
20 said, Well, I forgot and I don't have a way there, it was a
21 rural community. So the officer said, Are you okay with me? I
22 can come and get you and bring you there and bring you home, and

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1 did that. And so there are a host of ways that, again,
2 depending on their reluctance or the willingness of the victim,
3 there's a host of ways to do that.

4 **Q.** On page 50, it relates to action for a supervisor, in
5 the bottom half give some directions regarding ODARA. So if the
6 ODARA form indicates high risk, a score of seven plus, take
7 these steps, add your recommendations, send the form to the
8 regional domestic violence case coordinator.

9 **A.** Correct.

10 **Q.** So is the regional case coordinator, is that the case
11 coordinators that you've already talked about or is it something
12 else?

13 **A.** Yes, because embedded in Cape Breton Regional and I
14 mean they have what I call the Cadillac version of victim
15 support because they have it embedded right in their departments
16 because of the size of them. They have volunteers, they have
17 paid victim support workers, they see, you know, the files and
18 coordinate it. So they have it embedded right in and, again,
19 the other ones, the regional ones, are the ones who have a
20 section of the province that they're responsible for.

21 **Q.** What might be included in recommendations from the
22 supervising officer?

SHARON FLANAGAN, Direct Examination

1 **A.** So that's where, again, the other purpose of the
2 ODARA, which is hit and miss in some communities and sometimes
3 with ... so use for bail hearings. So for this purpose when it
4 says add recommendations, I always get members to articulate as
5 best as possible. You need to paint the picture. There's a
6 difference between, you know, going to court and trying to paint
7 a picture and saying, Yes, so I walked in and, yeah, there were
8 some kids there, they weren't really happy. I think the chair
9 was turned over. She seemed upset but, you know, they were
10 arguing. As opposed to, I arrived on scene, I could hear kids
11 screaming, I could hear shouting, I saw that the furniture was
12 smashed. There's a difference in how you articulate that.

13 And so I always recommend that they add as much information
14 as possible and the recommendations associated with their
15 community, they could benefit from, you know, information on
16 transition houses or support to the children or a whole host of
17 things. So it's their opportunity to really articulate the
18 concerns in addition to the scoring.

19 **Q.** And when you say concerns, is that risk of violence?

20 **A.** Yes, risk of violence, yes.

21 **Q.** All right, now I'm going to ask you to turn to Exhibit
22 358.

SHARON FLANAGAN, Direct Examination

1 **A.** Sorry, it could be risk of violence but it also could
2 be concerns around isolation, the geographical area they live
3 in, access to resources, transportation. So it could be
4 numerous things but that definitely is one of them.

5 **Q.** 358.

6 **A.** What do you have for your page 358?

7 **Q.** I have the ODARA scoring documents.

8 **A.** Okay.

9 **Q.** Do you have the same?

10 **A.** No.

11 **THE COURT:** Sorry, page 358?

12 **A.** Page 358?

13 **MR. ANDERSON:** Sorry, did I say page? Exhibit 358, sorry.

14 **A.** Is that a whole different book?

15 **THE COURT:** It would be Volume 10. It's Exhibit 358?

16 **MR. ANDERSON:** Exhibit 358.

17 **THE COURT:** 358?

18 **MR. ANDERSON:** Yes.

19 **A.** Okay.

20 **Q.** Do you have that in front of you?

21 **A.** I do. I have it on the screen and here.

22 **Q.** Okay, this is the Ontario Domestic Assault Risk

SHARON FLANAGAN, Direct Examination

1 Assessment.

2 **(12:10)**

3 **A.** Correct.

4 **Q.** And you're familiar with this document?

5 **A.** I am.

6 **Q.** What is the document?

7 **A.** The document is a guide to help support police in
8 scoring the ODARA.

9 **Q.** How long has this document been in use in Nova Scotia?

10 **A.** Since 2007.

11 **Q.** What involvement did you have regarding the use of
12 this guide in Nova Scotia?

13 **A.** So, again, it goes back to constantly looking for
14 better ways to help support police on the front lines in terms
15 of IPV cases. This was brought to my attention through other
16 stakeholders that I work with across Canada, specifically the
17 OPP at the time. So I inquired about the ODARA Risk Assessment
18 and I got permission to fly out to Penetanguishene, their
19 maximum security forensic prison, and spent two weeks with the
20 developers of that tool. Was trained and given the background
21 information on how they developed the tool and brought it back
22 to Nova Scotia, for lack of better words, pitched it to my

SHARON FLANAGAN, Direct Examination

1 executive director and the Minister at the time, which I would
2 like to say it was either Murray Scott or Minister Baker, I
3 can't remember, and made a determination that we were going to
4 adopt it. I reached out to the developers of the tool. They
5 were very supportive of us adopting it. They just simply didn't
6 want the name or anything altered. Gave me permission to use
7 their materials. We flew them in and we also had them speaking
8 to Public Prosecution but we also flew them in for our police
9 training where we trained a series of master trainers, which
10 they got an extensive amount of information to be subject matter
11 experts within the province and then we did frontline officer
12 training as well. And then it was a matter of getting it in
13 front of the court to have judges aware of its existence and the
14 purpose of it. So it took, you know, it took a couple of years
15 to make its way through but now everybody has the training and,
16 as I mentioned to you, it's ongoing.

17 **Q.** Starting at page 13 of that same exhibit, that is a
18 list of the ODARA factors with an explanation of what's to be
19 included and what's not to be included.

20 **A.** Yes, those are all the individual criteria. So, in
21 the guide, again if a member is not familiar with the criteria
22 that it needs to meet to score on number one or two or three, it

SHARON FLANAGAN, Direct Examination

1 details it out what it must include.

2 Q. And at pages 27 and 28, that's the direction on
3 calculation.

4 A. Yes.

5 Q. Pages 29 to 34 are on interpretations, explaining what
6 the significance of the results are?

7 A. Yes.

8 Q. Now thank you for your patience bearing various
9 documents, I don't know which binder this is in.

10 A. That's okay.

11 Q. So Exhibit 355. So Exhibit 355 ...

12 **THE COURT:** 355 would have been the volume that you just
13 put back on the table.

14 **MR. ANDERSON:** So Exhibit 355, page 226.

15 A. Yes.

16 Q. So there are several forms on pages 226 to 239.

17 You're familiar with those forms.

18 A. I am.

19 Q. And I understand you've used these forms in training?

20 A. I have, in the File Review Case Management Training.

21 Q. And what was the reason for including these documents
22 in the training to police officers?

SHARON FLANAGAN, Direct Examination

1 **A.** So when I did the audit with Bridgewater Police and
2 they were one of the first audits I did, next to Kentville, I
3 think. So these were the second. My contact within the agency,
4 when they take me through their process, showed me this and what
5 he said was, again when for ease, for consistency, to ensure
6 there's no gaps, they came up with, and it seems simple but you
7 would be surprised how many people have not done it. If I, a
8 junior member or a senior member or it's 2 o'clock in the
9 morning and I'm, you know, in the middle of doing this but now
10 you have a fatality and you have to go and you can come back,
11 all they have to do is click on a file, it's IPV, and it
12 populates everything they need for that file from a form
13 perspective and a checklist perspective. So it's literally one-
14 stop shopping. They don't have to go to different areas,
15 different sections of the system to look for the forms, it's all
16 right there.

17 So I was very impressed with that. I found it very user
18 friendly and can satisfy a host of, you know, potential concerns
19 for a file. So I asked the chief and the deputy chief if I
20 could use it as a sample, an example of a best practice for the
21 File Review Case Management Training.

22 **Q.** Now the last document I'm going to ask you to look at

SHARON FLANAGAN, Direct Examination

1 is Exhibit 356.

2 **A.** Is that a different book? Yes. Okay.

3 **Q.** So do you have 356?

4 **A.** I do.

5 **Q.** So this is entitled Domestic Violence Risk Management
6 DVRM Report Officer Guide. Is this guide used in Nova Scotia?

7 **A.** No.

8 **Q.** Are you familiar with it?

9 **A.** I am.

10 **Q.** How did you become familiar with this document?

11 **A.** You gave it to me.

12 **Q.** For the purpose of this Inquiry?

13 **A.** Correct.

14 **Q.** Do we use in Nova Scotia something similar to this
15 guide?

16 **A.** When I looked at the guide, and again I don't know,
17 you know, I can't answer to their thought behind the make-up of
18 it or putting it together, but when I dissected it, most of the
19 components that are in this guide, for example, there are
20 multiple pages on the ODARA. So we have that. When you look at
21 the pocket guide, we have it.

22 So we have similar aspects of it but what we've done, so I

SHARON FLANAGAN, Direct Examination

1 noted it's from 2013 and, of course, we had processes in place
2 in 2013 that we've updated and determined that we wanted to
3 provide those levels and layers of information and support to
4 police at different stages of their investigation. And we found
5 we, too, had documents that could have been cumbersome or did
6 not really ... They were great for awareness purposes for
7 police, like the whole piece on safety planning was very
8 extensive in there and we choose to give it to the experts who
9 can do safety planning better. So we wouldn't incorporate it in
10 a guide for police for us just, based on some of the lessons
11 we've learned.

12 And, again, I noted it says report to officer guide but
13 it's written under the Ministry of Community Safety and
14 Correctional Services and I think in the other pages there's
15 pieces for Crown and safety planning. And so, again, we try to
16 give officers what do they need to know in the course of their
17 investigation, what do they need to be aware of so they can lend
18 support, but as user friendly as possible. So we use components
19 of this, just in different ways

20 **(12:20)**

21 **MR. ANDERSON:** Those are my questions. Thank you, Ms.
22 Flanagan.

SHARON FLANAGAN, Cross-Examination by Ms. Miller

1 **A.** You're welcome.

2 **THE COURT:** Ms. Grant. Any questions?

3 **MS. GRANT:** No questions, Your Honour.

4 **THE COURT:** Thank you. Mr. Macdonald?

5 **MR. MACDONALD:** No questions, Your Honour, thank you.

6 **THE COURT:** Ms. Miller?

7 **MS. MILLER:** Just a few, Your Honour.

8 **THE COURT:** All right, thank you. Ms. Miller, if you
9 thought that you were going to be beyond a half an hour, we
10 might ...

11 **MS. MILLER:** No, I don't.

12 **THE COURT:** All right, thank you.

13

14 **CROSS-EXAMINATION BY MS. MILLER**

15 **(12:21)**

16 **MS. MILLER:** Good morning, Ms. Flanagan, my name is Tara
17 Miller and I'm counsel representing the personal representative
18 of Brenda Desmond, Cpl. Desmond's mother.

19 **A.** Okay.

20 **Q.** And I also share representation with respect to
21 Aaliyah Desmond, which of course was Cpl. Desmond's daughter.

22 Just a few questions to help sort of fill in some of my

SHARON FLANAGAN, Cross-Examination by Ms. Miller

1 understanding of the work that you do. I heard your evidence
2 about talking about playing a key role as the senior lead in
3 terms of police training and doing audits of, I guess, all the
4 protocols and material that we do have in place in Nova Scotia
5 around intimate partner violence prevention.

6 **A.** Correct.

7 **Q.** The audit that we looked at this morning was, I think,
8 from 2019. Is there a schedule of when there is another audit?
9 Are they every three years? Are they every five years?

10 **A.** So our division does audits for multiple things. So,
11 for example, I just completed audits on exhibits in evidence.
12 So there should be a schedule coming out but I couldn't say
13 whether, unless there was a request to do so, that there would
14 be another one in the next couple of years. Given right now the
15 resources in our office, I'm the only one left to do audits and,
16 you know, with the prep and the research, it takes a long time.
17 So I haven't seen a schedule yet but it could be years.

18 **Q.** Okay, thank you.

19 The focus, predominantly, and I understand why with respect
20 to the IPV work that you do is on the victims, but I'm curious
21 about the role and the consideration that's given for
22 intervention for men. And I'll give you a little bit of context

SHARON FLANAGAN, Cross-Examination by Ms. Miller

1 around that. We had evidence in September from Stephanie
2 MacInnis-Langley, she's the Nova Scotia Executive Director of
3 the Nova Scotia Advisory on the Committee of the Status of
4 Women, and also Nancy MacDonald, she's the Executive Director of
5 Family Services, I think, in Eastern Nova Scotia. They were
6 able to share with His Honour and the Inquiry resources
7 certainly for victims of domestic and intimate partner violence,
8 but also both of them talked about the need for more resources
9 around men and intervention with men. And I think it was Ms.
10 MacDonald who discussed or told us about the Men's Health
11 Centre, which was opened in 2008 and talked about the need for
12 space for men to show up safely and in control of themselves and
13 80 percent of the men that were there were for relationship
14 issues.

15 **A.** Right.

16 **Q.** And then more recently in 2020, talked about the
17 evolution of a men's help phone line with 211, which of course
18 would be after your audit had taken place.

19 **A.** Correct.

20 **MS. MILLER:** Both of them indicating there was need for
21 more intervention at a higher level of supports and services for
22 men and I'm wondering in terms of the work that you've done, Ms.

SHARON FLANAGAN, Cross-Examination by Ms. Miller

1 Flanagan, have you considered in that work interventions for men
2 in terms of playing an important role in addressing intimate
3 partner violence?

4 **A.** The resources are definitely limited for men in this
5 province and I know that, unfortunately, a lot of times it
6 becomes a part of a court order for them to seek, you know,
7 guidance counselling, men's intervention, and police officers
8 are aware of, you know, even when they're having those disputes
9 that haven't quite escalated yet, part of them having
10 conversations with the couple could be, you know, we can support
11 counselling, could provide you resources. If one of the
12 officers is speaking with one of the men, they can offer some of
13 that support. But the feedback I'm getting is it's very limited
14 to that.

15 Equally so, I also flagged that, you know, there's limited
16 resources for men who are abused in IPV cases as well. And so
17 that has been flagged through conversation with members who have
18 said there's not a lot of support to provide if there's issues
19 around anger management or how to support men in those roles,
20 it's very limited for us.

21 **Q.** And as part of your working in collaboration with
22 other stakeholders, do you work with agencies like the Nova

SHARON FLANAGAN, Cross-Examination by Ms. Miller

1 Scotia Advisory on the Status of Women and ... Okay, they would
2 be able to give input and those would be part and parcel of the
3 community agencies that you would collaborate with.

4 **A.** Yes, so for example, Stephanie MacInnis-Langley, when
5 I started out 20 years ago, our office was the Police and Victim
6 Services Division. So Victim Services was embedded in our
7 division. Stephanie MacInnis-Langley was the manager at the
8 time and she was the Chair of the PPS interdepartmental
9 committee. And so after the Maxwell George case, Stephanie and
10 I worked, I mean we were attached at the hip in developing the
11 initial like training and multi-stakeholder and facilitating
12 interagency collaboration. So I have worked with Stephanie
13 closely and we still work closely together. Sometimes we agree
14 to disagree on some things but a huge amount of respect for her
15 and the work she does. So, yes, we continue to collaborate.

16 **Q.** Exhibit 361.

17 **A.** 361?

18 **Q.** 361, that was the Intimate Partner Violence Quick
19 Reference Guide. Perhaps if that could come back up on the
20 screen.

21 **A.** Oh, yes, okay.

22 **Q.** And I'm looking at page, I guess it's 105 of the

SHARON FLANAGAN, Cross-Examination by Ms. Miller

1 exhibit numbering but it would be pages 88 and 89 on your copy.

2 **A.** Oh, here it is, okay. Yes.

3 **Q.** So this is two pages of this document and this
4 document is from 2018, is that correct?

5 **A.** Yes.

6 **Q.** Okay. So this is under the resource section and it
7 deals specifically with men's intervention program responses.

8 **A.** Correct.

9 **Q.** When I read through that, I mean there's certainly
10 detail there but if I can say it's generalized and it seems to
11 be directed to, as you said, when someone has been charged or
12 there has been an indexed offence or there's a level of
13 seriousness which would bring someone into that system.

14 **A.** Correct.

15 **Q.** Do you see a place, Ms. Flanagan, where things like
16 the Men's Health Centre and 211, the men's phone line, could be
17 inserted in here and used as resources as well?

18 **A.** Absolutely. And we've had to ... Again, the benefit
19 of having this electronically now is, I mean prior to that when
20 we had the ODARA, the original didn't have the ODARA. So we
21 provided stickers and put it on the old, you know, a page in the
22 old risk assessment. But the benefit of being electronically as

SHARON FLANAGAN, Cross-Examination by Ms. Miller

1 a page can absolutely be inserted in that to add additional
2 information as we get it.

3 **Q.** So how easy is it to change this exhibit that you said
4 is electronic? Does that involve a committee meeting and
5 discussion or are you able to go back and insert references in
6 here for supports under men's intervention service, 211, the
7 men's help line, and/or the men's health centre.

8 **A.** Yeah, that would be a matter of me collaborating again
9 with John Joyce-Robinson and just adding those pages or doing
10 additions and, because it's 2018, it's probably timely. I know
11 that there was some discussion as to waiting for some of the
12 recommendations that came out of this Inquiry because there may
13 be additional information that we want to add and that's not a
14 strenuous task to ensure that that happens.

15 **(12:30)**

16 **Q.** And when you did your audit, did you look at it at all
17 through the lens of looking at whether men's intervention was
18 addressed in terms of the policing response? Was that part of
19 the scope of what you looked at when you did your audit?

20 **A.** It wasn't in the initial scope of when I looked at
21 what we were looking for. But just by looking at the file, I
22 would naturally gravitate to that, anyway, because I would note

SHARON FLANAGAN, Cross-Examination by Ms. Miller

1 that officers had conversation, it ended up being more of not
2 necessarily a domestic where there was physical but a lot of
3 arguments ongoing because of life circumstances within that home
4 and members had noted in the file, they offered resources
5 counselling, they had a conversation about, you know, he
6 mentioned how angry he is, that he grew up in an abusive
7 household. And so they would reference the men's intervention
8 resources that are available really hard because I think we need
9 to do better with making it comfortable for men to disclose that
10 they're struggling and having those issues ahead of time.

11 So sometimes the member on guy-on-guy conversation tends to
12 be a work-in-progress. But I noted in the files that when it
13 wasn't the, you know, it was those challenging marital disputes
14 that they had mentioned opportunity to have counselling and
15 support and there's nothing wrong with that.

16 Q. Thank you. And my final question again with Exhibit
17 361 and if we can go to page, I think it's 63 in the exhibit,
18 and 46 in the guide. And Mr. Anderson, I think, he reviewed
19 this with you just moments ago. My specific question is around
20 the children. This talks about if there were children present
21 or living at the location. The quote is, "If there's a risk of
22 harm to a child, you must immediately contact the child welfare

SHARON FLANAGAN, Cross-Examination by Ms. Miller

1 agency." Is there a risk assessment tool that officers can use
2 in that type of a situation?

3 **A.** When it comes to children on scene?

4 **Q.** Yes.

5 **A.** There is no risk assessment tool but we do a very
6 comprehensive training piece on children on scene. I actually
7 have presented it myself but I have also now engaged Community
8 Services to do the presentation because there's numerous ways we
9 want police officers, like they aren't aware. We even go
10 through the developmental stages of children and how it affects
11 them at different stages and when they're exposed to it how that
12 affects them later on. But also how a lot of times members feel
13 like they don't want to have conversation with children because
14 they're worried that it will traumatize them but actually it
15 shows it empowers them based on how you approach a child. We
16 even go through, you know, don't stand over them, sit with them,
17 toys, that kind of thing. But there is no check sheet, there's
18 just training associated with it and there's child interview
19 training as well.

20 **Q.** So lots of training but there isn't similar to the
21 ODARA risk assessment.

22 **A.** No.

SHARON FLANAGAN, Cross-Examination by Ms. Miller

1 **Q.** Do you see value in having something like that
2 included in this pocket guide? I guess it's not really a pocket
3 guide, it's quite comprehensive. But would you see value in the
4 development taking all of that training and research in the
5 development of a risk assessment tool?

6 **A.** I think it would be definitely, now that you say that,
7 a good ... you know, I have a really great working relationship
8 with Child and Family Services. I guess it's similar to child
9 interviewing in child abuse cases. It's a very different
10 conversation that police have to have with a child as they
11 interview. They get their hand slapped by prosecution if they
12 allow a social worker because it's a different leading, more
13 leading questions that a social worker could ask that a police
14 officer are not supposed to ask. But having a guide to guide
15 them, because child interviewing courses are very lengthy and
16 hard to get, so having a guide or a sheet and working in
17 collaboration with Child and Family Services to make sure that
18 we're not breaching any of their protocols, would absolutely be
19 beneficial.

20 **Q.** Thank you, Ms. Flanagan. Those are my questions.

21 **A.** You're welcome.

22 **THE COURT:** Mr. Rodgers?

SHARON FLANAGAN, Cross-Examination by Ms. Miller

1 **MR. RODGERS:** No questions, Your Honour, thank you.

2 **THE COURT:** Mr. MacKenzie?

3 **MR. MACKENZIE:** No questions. Thank you, Your Honour.

4 **THE COURT:** Mr. Murray, I understand you might have some
5 questions?

6 **MR. MURRAY:** I will, Your Honour.

7 **THE COURT:** All right, thank you. So we're going to
8 break for lunch and we will try and come back for 1:30 then.

9 **A.** Sure.

10 **THE COURT:** All right, thank you. We will adjourn until
11 1:30.

12 **COURT RECESSED (12:36 HRS)**

13 **COURT RESUMED (13:32 HRS)**

14 **THE COURT:** Mr. Murray?

15 **MR. MURRAY:** Thank you, Your Honour. I couldn't remember
16 whether we were supposed to go over there or if I can stay here
17 or not.

18 **THE COURT:** No, you can stay right where you are.

19

20 **CROSS-EXAMINATION BY MR. MURRAY**

21

22 **MR. MURRAY:** All right, very good. Thank you.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 Ms. Flanagan, good afternoon.

2 A. Good afternoon.

3 Q. A couple of questions and you're going to have to help
4 me here again because I missed it when we began, but the name of
5 your, I guess, division of the Department of Justice, is that
6 the way we would define it, is Policing and Public Safety? Is
7 that correct?

8 A. Correct.

9 Q. Okay. And you said that that particular, and I'm
10 using the term "division" or "section", I guess, of the
11 Department of Justice.

12 A. Division.

13 Q. Is that fair?

14 A. Yes.

15 Q. Okay. That's had a number of different iterations or
16 different names over the last 20 years that you've been there?

17 A. Correct.

18 Q. And you said that when you first began, it was Victim
19 Services was actually in with your division.

20 A. Yes.

21 Q. How long was that? Do you recall?

22 A. I believe until around 2008.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 Q. Okay. So for ...

2 A. Give or take, yeah.

3 Q. Okay. So for the first seven or eight years you were
4 there, you were with Victim Services?

5 A. Yes.

6 Q. Or in the same division. Okay. And your title; I
7 know that you're Senior Lead, but the work you do or the title
8 of what you do is it "policing consultant"? Is that a good
9 description?

10 A. Yes. So, originally, when I started, it was Policing
11 Consultant, and then over time, there was some suggestion that
12 "consultant" lent to the fact that we aren't embedded in there
13 and that we consult only. And so they've recently changed it to
14 "policing advisors".

15 Q. Okay. And that's a recent change then, is it?

16 A. Correct. Very recent.

17 Q. Okay. And I recall from our conversation that the
18 number of people employed in your division has varied
19 significantly over the 20 years that you've been there? Is that
20 correct?

21 A. Correct.

22 Q. Okay. Maybe you can give us just a little history, at

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 least for the period of time that you were there, because I
2 understand there were quite a few more policing consultants and
3 more management when you started and it's decreased a bit over
4 the years. Is that correct?

5 **A.** Yes. So when I first started, we had a Crime
6 Prevention section also.

7 **Q.** Yes.

8 **A.** And there was a Director of Crime Prevention. So
9 there was an Executive Director, there were two to three
10 directors, and then a Manager within Victim Services. There was
11 also a Director of Victim Services. We had eight of us for the
12 entire province.

13 **Q.** Okay.

14 **A.** That remained pretty steady until 2008 when the
15 Executive Director and the Director of the Policing section left
16 and a new Executive Director came in. And then there were the
17 Executive Director, two directors. Victim Services then
18 separated as their own division in Justice. And one of the
19 directors was Crime Prevention. And then slowly, the contingent
20 of policing consultants decreased over time.

21 The biggest changes have been since 2018. I would confuse
22 you if I went through all of it, but, since 2018 ... I was on

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 secondment until 2017, so when I came back, the Executive
2 Director and one of the directors was gone. One of the
3 directors ended up being an Acting ... no, sorry. The Executive
4 Director left, so two directors and no Executive Director.

5 Q. Yes.

6 A. And then there was ... a Director left and the
7 Director that was staying became the Acting Executive Director,
8 and then there was no directors. So there's probably been 12
9 changes of senior management since 2018.

10 Q. Okay. And, presently, you have an Executive Director.

11 A. Yes.

12 Q. Do you have other management in the department?

13 A. So our Executive Director started off with us 18
14 months ago and came in as the Manager. And then there was an
15 Acting Director. And then that Acting Director left, and then
16 she became Acting Director. And then she became Acting
17 Executive, and now she's Executive.

18 The Director, who has been with us six months, came in as
19 the Manager and is now the Acting Director, but there's no
20 Manager.

21 Q. Okay. So you have an Executive Director, a Director,
22 and that's your management structure right now?

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** Yes.

2 **Q.** Which is less than it's been, I understand, then, from
3 what you said, over the years.

4 **A.** Correct. And then from 2018 on, we've fluctuated
5 between two, to one and a half, to one policing consultant.
6 And, for a lot of that, it was just me.

7 **Q.** Okay. So from the period of time ... Well, first of
8 all, the division itself has been in existence longer than
9 you've been with it. You've been there 20 years?

10 **A.** Correct. Yes.

11 **Q.** So it's closer to 30 years that that's been in
12 existence? Is that correct?

13 **A.** Correct.

14 **Q.** And do you know, prior to you joining the division,
15 were the numbers fairly consistent compared to the way they were
16 when you began?

17 **A.** Yes.

18 **Q.** Okay. So in the vicinity of eight policing
19 consultants or thereabouts?

20 **A.** Yes.

21 **Q.** And that number, you said, has decreased down to, at
22 some points, even just yourself.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** Correct.

2 **Q.** Was that through attrition; just not filling positions
3 as people left and retired and so forth?

4 **A.** Yes.

5 **Q.** Okay.

6 **A.** Retired, went on to other jobs, yes.

7 **Q.** All right. So, obviously, with fewer of you, there's
8 less that you can do.

9 **A.** Yes, because we have oversight again to support all
10 our police agencies across the province. So when there were
11 eight policing consultants, we all had areas we were responsible
12 for and chiefs we were all responsible for, so it was easy for
13 that immediate collaboration. If there were any questions, we
14 could be proactive. The Executive Director at the time, if we
15 were in our office, he wasn't happy - Go out; meet with your
16 chiefs, get into the communities. But, yes, it dwindled down to
17 then I had oversight for all of them in the province and the
18 audit program.

19 **Q.** Okay.

20 **THE COURT:** I'm sorry, how many are there now; policing
21 consultants?

22 **(13:40)**

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** Well, there's me and then there's two other people
2 that were hired that are called "policing advisors", but they're
3 not from a policing background; they're doing projects, but they
4 classify them as "policing advisors".

5 **THE COURT:** Right. So, in reality, there's still one -
6 you.

7 **A.** I'm the only one trained to do certain things in that,
8 including the audit program, yes.

9 **THE COURT:** Mr. Murray?

10 **MR. MURRAY:** Okay. So going back to when you first
11 began, your responsibilities - and I take it, from what you said
12 - in part, you were responsible for a geographic area of the
13 province?

14 **A.** Correct.

15 **Q.** Okay. And I think you had said when we spoke maybe
16 that ...

17 **A.** Pictou County.

18 **Q.** ... Pictou County, for example, was one of them.

19 **A.** Yeah. So, and I had Trenton at the time; Stellarton,
20 Westville, New Glasgow.

21 **Q.** Okay. And so now that obviously can't happen because
22 there's only one of you, so you're responsible for the province?

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** So I usually get the calls; and, again, had many in
2 the last week where somebody is looking for something -
3 everything from vehicle seizure forms to something else - and if
4 they can't get somebody, the Chief usually says, Call Sharon;
5 so, yeah.

6 **Q.** And when you began your work, apart from being
7 responsible for particular geographic areas, were you also
8 responsible for particular subject matter areas, the way you are
9 now; like intimate partner violence or human trafficking?

10 **A.** Yes.

11 **Q.** Okay.

12 **A.** That was the goal was to ... because there was enough
13 consultants, instead of piecemealing it where ... so they would
14 give intimate partner violence so that I could become the
15 subject matter expert; you can have it embedded, and then
16 somebody else took on a portfolio that was big because it's
17 quite a significant portfolio.

18 So any of the significant projects or portfolios, we all
19 took the bigger ones and then, you know, correspondence or, you
20 know, answering to the Minister, briefing notes, we all had our
21 share of that as well.

22 **Q.** And you're presently responsible for Intimate Partner

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 Violence.

2 **A.** Correct.

3 **Q.** How long have you had that file or portfolio?

4 **A.** Since 2004.

5 **Q.** Is that when you began with the department or shortly
6 thereafter?

7 **A.** I began in 2003.

8 **Q.** Okay. So for most of the time you've been there,
9 you've had the IPV file. I imagine it's been called different
10 things, domestic violence and so forth, but that subject matter
11 area?

12 **A.** With the exception of a two-year secondment that I was
13 on after the active shooter, when I was seconded to develop
14 security protocols for the Premier's office.

15 **Q.** Okay. And apart from intimate partner violence, am I
16 correct, or do I understand, that over the years, you've picked
17 up some of these other areas; like human trafficking, you said,
18 sexual assault, emergency management? I didn't get them all
19 written down. What other ones do you have?

20 **A.** Yes. I was trying to explain to Glenn, when I
21 actually went back and looked at everything I've done over the
22 last 20 years, and the portfolios I've held. So I had traffic

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 enforcement and impaired driving, that was my file for almost 13
2 years. As well, audits. Emergency management; I've held that
3 portfolio for the entire time that I've been there. And, again,
4 because it requires training people, and unless there's people
5 to train, I couldn't pass on a lot of those files, so ... and
6 tried to keep the sex assault, human trafficking with me because
7 they're so interconnected and that's a lot of the training we're
8 doing now. When you look at that domestic violence component of
9 human trafficking, there's a sexual assault component, so it
10 makes sense that it stays with one person.

11 Q. Okay.

12 A. Mm-hmm.

13 Q. So the ones that I listed, though, that I recalled you
14 answering initially, are those the ones that you have now?

15 A. Correct.

16 Q. Okay. So human trafficking, IPV, sexual assault. Do
17 you still have emergency management?

18 A. I do.

19 Q. And you have a couple of more or is that ...

20 A. The audit program.

21 Q. The audit program, okay.

22 A. Diversity and inclusion.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **Q.** Right, okay.

2 **A.** Yeah.

3 **Q.** Right. And you said there are two other policing
4 advisors, they're now called, but they're working on special
5 projects?

6 **A.** Yes. So one of them started less than a year ago and
7 the other one was brought in on a term basis to deal with some
8 legislation for cybercrimes.

9 **Q.** Okay.

10 **A.** And then they made him permanent. I don't know what
11 files he's working on at this time. I don't know what they've
12 given him, but he's more of a research/academic base.

13 **Q.** Right. And they don't have policing backgrounds.

14 **A.** No, neither one of them have, no.

15 **Q.** So just so I understand the nature of the work that
16 you do, and I know you answered this, obviously, you do the
17 auditing, you do training. Those seem to be two of the biggest
18 components of the work that you do, is that fair?

19 **A.** It is fair because I did forget to add that with the
20 IPV and the human trafficking, there's also developing
21 curriculum, delivering the training. So in that 2018 period, I
22 was doing the audit program, but also those seven, one-day

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 sessions, and then developing curriculum for the one week, plus
2 the sexual assault investigators course and the ten trauma-
3 informed training, all in a two-year period.

4 Q. Okay. All right.

5 A. Yeah.

6 Q. So that obviously would eat up a significant amount of
7 your time.

8 A. Correct.

9 Q. You did say, though, that you do have other
10 responsibilities. You said that you advise police.

11 A. Mm-hmm.

12 Q. And I just wanted to get a little better sense. I
13 mean, obviously, some of the advice I know may be privileged,
14 but, just in general, what kind of questions, what kind of
15 advice might you be asked to give to policing agencies?

16 A. It could be anything. So, for example, it works both
17 ways. If I get a complaint that comes from the Minister's
18 office about a particular police agency, I usually give them a
19 call and say, I received this complaint, you know, are you aware
20 of it? Gathering information. It usually helps assist a
21 proactive approach when I make them aware of it, that then
22 they'll call the complainant and try to sort things out amongst

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 them. So there's that daily stuff.

2 There could be, Hey, do you have any more of those pocket
3 guides? We want to speak with our board-in-council. So I go
4 and do presentations for their board-in-council maybe to help
5 support further funding for resources that they're lacking in
6 that agency.

7 They may call me on, again, one of the audit
8 recommendations, you know, We don't have the funding to do it.
9 Is there another way we can incorporate this? Best practices.
10 There's a whole host of reasons why they may call.

11 **Q.** Right.

12 **A.** And, again, the intention, when the policing
13 consultants were having areas was, again, that collaborative
14 approach so that we can stay connected with our chiefs and be
15 proactive on many initiatives.

16 **Q.** Right.

17 **A.** And that was the intention. That's the intention
18 also.

19 **Q.** So, I assume, given that you have fewer policing
20 consultants or policing advisors, that if one were to look at
21 your job description, there are some things in it that you have
22 to prioritize a little lower; some things that you can't get to

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 or is that fair?

2 **A.** Or I work a lot.

3 **Q.** Yeah, or you work a lot; right, exactly.

4 **A.** Yes. Yes.

5 **Q.** Yeah, okay.

6 **A.** Mm-hmm.

7 **Q.** So in a perfect world there were, you know, ten
8 policing consultants or what have you.

9 **A.** Yes.

10 **Q.** What other things would the Department or the Division
11 be able to do or would you be able to do?

12 **A.** Well, for example, the audit program in itself, I
13 don't think people understand how comprehensive that is. Having
14 somebody do a lot of the research, depending on the nature of
15 the subject matter that we're going into. So with me alone, I
16 have to do that component as well.

17 Setting up schedules, especially with going out and meeting
18 with the chiefs, and the paperwork, and then actually doing the
19 fieldwork, and then coming back and doing the reports yourself
20 and having to edit them. Like that in itself, which is why we
21 had eight. We would always pair up.

22 **Q.** Right.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** There's a risk in doing them alone. I've mentioned
2 that a couple of times. It's not a best practice to do them on
3 your own. You always want another set of eyes that are seeing
4 what you're seeing. It's not just Sharon saying something; so,
5 for that, in particular.

6 We had a training section. So we had a group of
7 consultants that did use-of-force training. We had a committee
8 of use of force. And that section, or those consultants who
9 worked on that, any training that we had, we had support in
10 developing the curriculum, and arranging the schedules, and
11 communicating with police, and venues and all that.

12 So, again, that all falls on one person who is doing it.
13 And so we have a pretty significant ... I think our roles and
14 responsibilities and mandate has grown when the resources have
15 diminished.

16 **Q.** Right.

17 **A.** So, yeah.

18 **Q.** And the relationship that you have with your policing
19 agencies ... Well, first of all, do you consider those police
20 forces which you deal with, would you call them your clients?

21 **A.** Yes.

22 **Q.** Okay.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** Yeah, absolutely.

2 **Q.** All right. So I take it, then, that you're there to
3 provide advice and support to those police agencies.

4 **A.** Yes.

5 **(13:50)**

6 **Q.** Okay. What's the nature of your relationship with ...
7 You've mentioned that, for example, the training, you may
8 incorporate the RCMP into your training or the military police
9 but, obviously, they're not your clients. Is that fair? Do I
10 understand that the RCMP in Nova Scotia, let's say, are not,
11 strictly speaking, your clients, or are they?

12 **A.** They are.

13 **Q.** They are. Is there someone comparable to you that
14 does similar work with the RCMP or would that still be you as a
15 provincial government employee?

16 **A.** No. The Manager that I mentioned to you who oversees
17 the Victim Services support, she is also responsible for similar
18 keeping up with best practices. I engage her in all our
19 committee meetings. She's probably more knowledgeable than I am
20 in a lot of the very close operational high-risk case
21 coordination protocols. She's front and centre on that.
22 There's never IPV training that I do that she's not involved in.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **Q.** Okay. So she would be kind of your lateral
2 counterpart, I guess, with the RCMP? Is that a fair comparison?

3 **A.** Yes. So we would develop all the curriculum. She
4 would be, you know, involved in that so that I'm capturing their
5 protocols as well. And she would attend all the training. Our
6 office would ... I put together the curriculum. I'm the one who
7 has to engage all the different stakeholders. Community
8 Services, Public Prosecution comes to every single training that
9 we have. Putting their presentations together, the venues,
10 organizing, you know, we have to send communication out to
11 police agencies, a call for interest, so that they send the
12 members who are going to be attending.

13 So our office does all that but when it comes to the
14 curriculum and the delivery, she's at every single training
15 session.

16 **Q.** So the training, obviously, is something that you
17 would do with the RCMP. The auditing, obviously, would not be?

18 **A.** Do not audit the RCMP.

19 **Q.** Okay. I wouldn't have thought so.

20 In terms of advice and questions and that sort of thing
21 that you may get from the municipal police forces, I take it
22 you're probably not going to get that from the RCMP? That's

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 something that they would deal with internally?

2 **A.** Yes. So those discussions, it's not that I wouldn't
3 get a call from the RCMP. I think their processes are less
4 flexible in a member just calling me up and saying, Hey, Sharon,
5 yadda yadda yadda. They usually have to go internally and I may
6 get a call. For the most part, as it stands now, usually,
7 senior management in our office connect with the RCMP.

8 **Q.** Okay.

9 **A.** Yeah.

10 **Q.** All right. So it's important then, I take it, to
11 maintain, in your job, good working relationships with the
12 chiefs, I guess, at least, in the municipal forces or management
13 (inaudible).

14 **A.** Every person who has come into our office who is new,
15 it is the one thing, you know, take it, don't take it. The one
16 piece of advice I give them is, If you do not have a
17 relationship with your police agencies, we're dead in the water.
18 And most of the chiefs, with the exception of a few who have
19 come from away, I've known since they were sergeants or
20 corporals or staff sergeants and have watched them, you know,
21 progress all the way up, and continue to ... and when you look
22 at all the former chiefs of police - the Delaney Chisholms and

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 the Lorne Smiths and all of them - it was the same, you know, I
2 was always there. I was very proactive. And it's important.
3 It's fundamental. They're our clients.

4 Q. And I'm going to ask you some more questions about
5 auditing, but just when you talk about the relationship; when
6 you do an audit of a police agency, you may be in a position of
7 finding problems or criticizing.

8 A. Mm-hmm.

9 Q. Or, you know, saying, This needs to get better; or,
10 This needs to change. How do you handle that when you're
11 dealing with, you know, a police chief who, essentially, you're
12 criticizing them.

13 A. Oh yeah. They don't always like what I have to say.

14 Q. Right.

15 A. But, I think, again, it goes back to, if you don't
16 have an established, trusting relationship with them, that gets
17 a little harder and that gets a little more difficult to have
18 those conversations.

19 I think because there's such a trust built and, again,
20 especially with the audits, they know that I'm not in there to
21 go, A-ha, I got you. I'm not jumping from behind a tree to say,
22 you know, You're doing this wrong; or, You're doing this.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 I establish, long before I'm even looking at files, a
2 relationship that's built on, This is what I'm going to be
3 looking at. If I'm not clear on a file, I may call them in and
4 say, Tell me what you see here; as opposed to, No, I'm just
5 going to write down that they messed up on this. And I don't
6 want to look to see maybe they didn't.

7 And, so, yeah, there's definitely times where they're not
8 happy with our office and that's just a part of the relationship
9 that we have. It's not always going to be favourable
10 information, but I, personally, have delivered, you know, news
11 and information that's not favourable, and they don't like it,
12 and they'll tell me they don't like it and then we carry on.

13 Q. Okay.

14 A. Mm-hmm.

15 Q. All right.

16

17

EXAMINATION BY THE COURT

18 (13:55)

19 **THE COURT:** Sorry. When you carry on, what does that
20 mean? You look at something and you say, This needs to be
21 remedied.

22 A. Oh, so, again, any of the recommendations, if they

SHARON FLANAGAN, Examination by the Court

1 don't agree or they don't like any of the recommendations from
2 the audits that I'm finding, they may disagree because they're
3 not aware of the lens that it's coming from. And so we have
4 that conversation and they may push back, but it usually results
5 in a favourable outcome. It usually results in they ... I have
6 never had an audit where they said, I'm not doing that. I've
7 never had one of those. They may question it but I've never had
8 them totally disagree with following up on it.

9 **Q.** And if they did disagree and you needed to follow up,
10 what's your authority to impose the change?

11 **A.** So that's a good question because it's something that
12 does get missed in the audit process. When we provide the
13 recommendations, a copy goes to their board-in-council. That's
14 why we have to be very conscientious of the recommendations we
15 make because there could be budget implications.

16 So, for example, in some of the smaller agencies; in
17 exhibits, for example, would it be nice to recommend that they
18 have a fridge, other than a Frigidaire fridge, with their
19 biological exhibits in it? Yes. Is having a \$30,000 piece of
20 machinery practical? Not necessarily. So we have to have
21 discussion on putting a recommendation that is still going to
22 satisfy a minimum standard for that versus pushing a bigger one

SHARON FLANAGAN, Examination by the Court

1 because I have to present to their board-in-council.

2 So if their board-in-council said, No, we're not doing
3 that, we're not getting a new fridge, then I note that in the
4 recommendations; and there's a liability issue associated with
5 them not following through and they're aware of that.

6 **Q.** There's still the option for the Minister to create
7 the standard and impose on everyone if he thinks there's need
8 for it.

9 **A.** Correct. There is. So if I ever had ... where
10 somebody ... and I never have. If I ever have somebody say, I'm
11 absolutely not doing that; it's not going to happen, then that
12 would go in a briefing note up to the Minister to say, We find
13 that this is a risk to the community. It would have a direct
14 impact on, you know, if the power went out and this fridge
15 doesn't work and you have exhibits in it. That could be a
16 problem. So they absolutely could impose that.

17 **Q.** Thank you.

18 **A.** Now, in saying that, the municipality would say, Fine,
19 then show us the money. We don't have the money to do it. If
20 you look at a Stellarton or Annapolis Royal or a Westville, and
21 you're making those recommendations, the Minister may, you know,
22 direct them to do so, but they're going to say, Okay, so ...

SHARON FLANAGAN, Examination by the Court

1 **Q.** I think that the original pushback was cost. I think
2 that the Minister, if he was going to impose a standard, and
3 appreciating there's a cost, that you'd expect to reasonably
4 take into account and make available.

5 **A.** True.

6 **Q.** Just like an additional ... if you needed something;
7 required an additional officer, for instance, in the APO
8 program?

9 **A.** Yeah, Additional officer program, yes.

10 **Q.** Same kind of thing, isn't it? If you were going to
11 impose a requirement and they don't have the manpower, they
12 could apply through the APO for financial support to bring on
13 that other person.

14 **A.** Correct. Which is why you see, when we're making
15 recommendations that are basically training, that's why we
16 support and fund the training. If we're going to make those
17 recommendations, the premise has always been since I've started
18 there, that then we support that. We can't bankrupt agencies,
19 police agencies, by requiring certain things because everybody
20 has a different budget. And so in order for our office to
21 ensure that we are not setting them up to fail with
22 recommendations, that's why, especially when it comes to

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 training, we support that. Or these guides, we fund it; or the
2 cheat sheets, I'll say, Well, this is a great tool, but we're
3 going to have to provide it.

4 **MR. MURRAY**: Right.

5 **THE COURT**: Right.

6 **A.** And we do.

7 **THE COURT**: Thank you.

8

9 **CROSS-EXAMINATION BY MR. MURRAY (Cont'd.)**

10 **(14:00)**

11 **MR. MURRAY**: Just while we're talking about audits maybe
12 I'll ask you some more questions about that.

13 **A.** Okay.

14 **Q.** The auditing function that your division performs or
15 that you perform, that's a function of a police standard, is a
16 requirement that audits be done on a periodic basis, is that
17 correct?

18 **A.** Correct.

19 **Q.** Okay. And so, obviously, we just looked at the
20 extensive audits done with respect to IPV files for the policing
21 agencies. First of all, how is the decision made, what is to be
22 audited; what area is to be audited?

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 So, for example, you did IPV. How do you decide if it's
2 IPV or sexual assault files or something else; impaired driving
3 or so forth?

4 **A.** So I will answer your question, but I will say that I
5 pushed very hard to modernize the audit program and including:
6 We can't do this if we don't have the proper resources; but, in
7 the beginning, when I started, we had a standards committee,
8 because I chaired it, and there were chiefs of police, and we
9 developed the standards. And as we developed the standards, we
10 developed a schedule of audits to audit against those standards.

11 **Q.** Yes.

12 **A.** Now the last couple of audits have been more reactive
13 than proactive. And so it could happen that a minister, for
14 whatever reason, or an executive director, is seeing an issue
15 emerge where they may say, We're going to stop all of the other
16 ones. I want you to go in and do domestic violence.

17 **Q.** Right.

18 **A.** I want you to go in and do sex assault. Sex assault
19 happened during the issues around consent and the "Me Too"
20 movement, and so they wanted sex assault done.

21 The evidence and exhibits came as a result of, you know,
22 some recent issues around evidence lockers, but we should be

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 doing them more proactively. I think the reason we haven't is
2 because we haven't had the staff to do it, but we're required to
3 do it; and so there's still me so ...

4 **Q.** Right. So do you see value in, for example, re-
5 establishing a committee with chiefs, perhaps, that would decide
6 on a schedule of audits or a schedule for the subject matter
7 areas that would be audited?

8 **A.** Absolutely. I know that there's ... and, again, I
9 don't know all the particulars because it's changed hands quite
10 a bit, I know that there has, you know, been work being done and
11 a lead doing the standards right now, and I believe that police
12 are engaged in those; the development of them, so the advice
13 given was and there needs to be the program needs to align with
14 the standards that are in place.

15 **Q.** The domestic violence, or intimate partner violence
16 audit, do you know where that came from, what the motivation for
17 that particular audit was?

18 **A.** Minister Furey. I don't know the particulars of what
19 ... that there was an incident or ... so Minister Furey also
20 was, at the time, familiar with audits because he was seconded
21 to our division for a period of time and I actually took him on
22 the road and he did audits with us.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **Q.** Okay.

2 **A.** And so, obviously, with having the IPV file, I had
3 said, you know, It would be interesting to do audits now,
4 because we did one for IPV, I think in 2004, and there were so
5 many emerging issues. Then I went on secondment. And so when I
6 came back, the direction came that they asked Mark Hobeck, who
7 was new, and I to do them. And all I knew was there was a
8 result of some issues or gaps that he felt were being brought to
9 his attention and wanted an audit done on IPV.

10 **Q.** Okay. So you're tasked with that. You have to do an
11 IPV audit.

12 **A.** Correct.

13 **Q.** Just walk us through, a little bit. You create, or
14 you engage the stakeholders first, do you, and create a matrix
15 of considerations, I guess? Is that ...

16 **A.** Yes. So for this one, in particular ... not all
17 audits have a matrix of criteria, although I think it's a really
18 great tool, especially when you're trying to keep focused.

19 **Q.** Yes.

20 **A.** And the matrix of criteria encompassed a lot of what I
21 would consider the essentials that you should be seeing in a
22 file, but there were others that came from senior management

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 that they wanted to make sure were a part of the matrix of
2 criteria.

3 **Q.** Senior management in your division?

4 **A.** Yes. And then, I think, just because I had sat on so
5 many committees, if I hadn't sat on IPV as long as I have, and
6 it was just the average ... or not average, but a policing
7 consultant who wasn't as familiar with IPV, then the expectation
8 would be similar to the exhibit audit. It's not my file on a
9 general day, so I make sure I research, I engage police
10 agencies: What should I be looking for? You know, exhibit
11 managers: What do you think are some of the things that I
12 should consider?

13 I looked at inquiries across Canada to say, What ... what
14 were their recommendations and why did they make those
15 recommendations? And then you develop your guide or your matrix
16 of criteria.

17 **Q.** Is that something that's signed off by, for example,
18 your Executive Director?

19 **A.** Yes.

20 **Q.** And because the police agencies are your clients and
21 the results are going back to the police agencies and to their
22 boards, I take it they have some input into the matrix of

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 criteria or do they?

2 **A.** They would. They would, yes. Again, I think it
3 wasn't as formal because I sat on so many committees with them
4 that just, by the virtue of that, I engaged them but,
5 absolutely, I would've done that had I not been as familiar.

6 **Q.** Okay. If a chief of police, for example, said, you
7 were doing an IPV audit, This is a problem I see or I'm
8 concerned about in my police agency, would you add that to your
9 matrix, potentially?

10 **A.** Absolutely, yes. And that's why I do the preliminary
11 with the chiefs of police. Before I go in, I'm having lots of
12 conversation and interviews. And it doesn't preclude them from
13 saying, Look, while you're there, can you have a look at A, B,
14 and C? Or, sometimes, when I'm there, there may be something
15 that doesn't fit the specific criteria, but it sends me off on a
16 direction that I want to look at something a little bit further.

17 Each matrix of criteria usually sends you in a direction
18 sometimes as well, so it just keeps you guided and focused.

19 **Q.** Right. And you used a phrase, and I'm not sure if it
20 was in training or auditing, but "jurisdictional scans"?

21 **A.** Yes.

22 **Q.** What is that?

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** So that's when I reach out to police agencies across
2 Canada; so my contacts in BC, Edmonton, Ottawa, Surete du
3 Quebec, and ask them what they're doing.

4 **Q.** Okay. In the area of auditing or ...

5 **A.** In the area of auditing. So I did a jurisdictional
6 scan in the area of auditing. Again, our province is unique
7 because our audit program came as a result of a recommendation
8 from the Donald Marshall Junior Inquiry. So not every other
9 province would have the Attorney General's office or the
10 Department of Justice auditing them, which is what I found in
11 the jurisdictional scan. They tend to do their own. They have
12 their own, they call them quality assurance, embedded within
13 their organization and their professional standards people who
14 do them internally.

15 **Q.** Okay. And the end result of the audits, those are
16 given back to the police agencies or to the boards? Where do
17 they go, I guess?

18 **A.** So, again, I would draft the report. I would have a
19 draft report. I meet with my police agency to make sure a lot
20 of the information is accurate; not necessarily my findings or
21 recommendation, but even things like how many members they have,
22 names spelled, that kind of thing.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **Q.** Okay.

2 **A.** I may have my own book that I need more clarification
3 on something after I've read through so I could go back and ask
4 for more information to make sure I have it clear in my mind.
5 Once I develop the draft, I send it to my Executive Director, or
6 Director, or whoever, at the time, I'm designated to send it to.
7 They review it. Then I come back, I do a final draft, and I
8 give that draft back to the police agency. I review it with
9 them. They give it to their board-in-council. Sometimes their
10 board wants me to go and present it. Sometimes they're fine
11 with it as it is. And then you do a follow-up to ensure that
12 the recommendations have been satisfied. So they have three
13 months to do that.

14 **Q.** Okay. So you come back in three months?

15 **(14:10)**

16 **A.** Yeah. Have a conversation with them, ensure that
17 they've satisfied them. Most of the domestic violence one was
18 pretty easy because it encompassed training, for the most part,
19 and so I could check that they have been engaged in the file
20 review case management, the trauma informed, the IPV.

21 **Q.** So the police agencies are your clients and you're
22 engaged to provide them various services, and the auditing

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 process is one such service where you say, Look, here are some
2 areas where your police agency needs to improve. Here are some
3 areas where you're very strong. You give that to the police
4 chief or the board, what have you.

5 **A.** Yes.

6 **Q.** It kind of sounds, again, like a client/service
7 provider relationship where you provide that to them, but you
8 said you go back in three months to see if they've followed up
9 on the recommendations.

10 **A.** Correct.

11 **Q.** And if they haven't?

12 **A.** If they haven't it may mean they need more time or
13 they're trying to get funding. So, again, they can apply for an
14 extension. And I can't answer to if they haven't because, in my
15 experience, they have never not satisfied them but ...

16 **Q.** Who decides? Or how is that determined if they've
17 satisfied the recommendations that you'd given them three months
18 earlier?

19 **A.** I, as the auditor, would do the follow-up to ensure
20 that they have. So if it's training, your members, you need
21 file review case management training for your supervisors, then
22 I happen to conduct the file review case management training so

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 I know who has attended and who hasn't.

2 Q. Right. Some recommendations, I would think, would be
3 easy to sort of follow up on. You need a new evidence fridge.
4 You come back in three months, it's there or it's not there,
5 right?

6 A. Correct. So there were a couple of police agencies
7 that their fridges were not up to standard.

8 Q. Right.

9 A. And had no choice. You know, again, not expecting,
10 you know, if you look at Cape Breton Regional, they have a
11 beautiful, amazing, state of the art. They don't have the
12 funding in some of the smaller ones to do it, but they did find
13 us one that was comparable.

14 Q. I guess my point is that's an easy thing to sort of
15 check in three months.

16 A. Correct.

17 Q. But if the recommendation is, you know, your police
18 agency has to do better in following up with this particular
19 aspect of investigations, would you not have to do a whole other
20 audit to sort of see if that had improved in three months, or do
21 you take the word of the police chief who says, It's done; don't
22 worry about it?

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** No. You're right. We would have to, and we don't
2 have the resources to do it, to go through all that, but I do a
3 follow-up with the agencies and then they have to satisfy that
4 they've had sessions with every shift. Now the file review case
5 manager. I have that conversation; Now that you're trained,
6 that they're overseeing it. So they have to satisfy to me that
7 they've taken steps and measures to ensure that those files are
8 more complete.

9 **Q.** And, again, the stick, I guess, if they don't, right,
10 and I know you said it hasn't been an issue for you, but ...

11 **A.** But there is a mechanism in place that, if there is,
12 and similar to what was mentioned earlier about I have to
13 provide a one-page high level. Usually, these audits, there was
14 more than a one-page high level, but one-page high level to the
15 Minister and the Deputy Minister to say, These are the findings.
16 Usually, they're pretty consistent across the board, with some
17 exceptions.

18 If I came back and, I don't know, by some chance, you know,
19 a chief folded their arms and said, Not going to happen, then
20 that would have to be reported back up to the Minister to
21 address.

22 **Q.** Okay. So, ultimately, it would go to the Minister,

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 the results, at least in summary.

2 **A.** Correct.

3 **Q.** And that's irrespective of whether as, in this case,
4 the impetus may have come from the Minister. It would always go
5 to the Minister of Justice, the results?

6 **A.** Yes.

7 **Q.** The intimate partner violence audit was the most
8 recent one that you've done?

9 **A.** Yes.

10 **Q.** And you may have answered this; forgive me, but you
11 have another one on the horizon, or it's going to be a little
12 bit of time?

13 **A.** For IPV?

14 **Q.** No, just for an audit; any audit.

15 **A.** I just finished the fieldwork for exhibits.

16 **Q.** Right.

17 **A.** The recommendation from me to the most recent
18 Executive Director was the program needs to be modernized and it
19 needs to have more consistency; not the, you know, Okay, go out
20 and do it, and you're rushing to do it. And, so, was provided
21 funding to get a contract person in to help with the research
22 based on that.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 So my suggestion was that we put a quick pause on the audit
2 program until we can ... because we were literally flying the
3 plane while we were building it.

4 **Q.** Right.

5 **A.** And so we need to do a pause and redevelop a more
6 comprehensive audit program and that includes resources.

7 **Q.** Okay. So the more comprehensive audit process will
8 involve, then, a research component, will it, or a more robust
9 research component?

10 **A.** Yes.

11 **Q.** Okay. And is it your intention to develop a list, I
12 guess, of priority areas for auditing?

13 **A.** Correct. And not to say that if there was a pressing
14 matter or an issue that happened in the province, that the
15 Minister then said, This is now a priority. I want it bumped
16 up. Then we would obviously have to follow that direction.

17 **Q.** Okay.

18 **A.** Yeah.

19 **Q.** I wanted to ask you a question about police standards.
20 You said that there's not a police standard in Nova Scotia right
21 now for domestic violence investigations at all. Is that
22 correct?

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** Not that I'm aware of, no.

2 **Q.** Okay. And, I think, on the government website, it
3 looks like there's 43 of these standards presently. Does that
4 sound about right to you?

5 **A.** Yeah, that sounds about right.

6 **Q.** Okay. And those are, I think you've used the term,
7 kind of "high level". They don't get down into the weeds too
8 much.

9 **A.** Correct.

10 **Q.** They're aspirational, I guess, if you will?

11 **A.** Operational, yes.

12 **Q.** Yeah. Do you have any sense of how those are created
13 or how often they're created, and the genesis of them; how they
14 get created?

15 **A.** I do not.

16 **Q.** Okay. And there is a Police Standards Committee, I
17 think, that you said ...

18 **A.** There is.

19 **Q.** Okay. And do you know who sits on that or where that
20 committee is situated? Is that in your division or is that
21 elsewhere?

22 **A.** It is in my division.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **Q.** Okay. Is that one of the other police advisors
2 dealing with that?

3 **A.** I believe so. When there wasn't those police advisors
4 because, again, they're, you know, in the last ... less than a
5 year, I think the standards went to Hayley when she was the
6 Manager, and, then, as the Director, but, I believe, now, she's
7 handed it off to somebody else, but I don't know who.

8 **Q.** Okay. So that's not in your portfolio.

9 **A.** It's not.

10 **Q.** And so in terms of the creation of them or ... because
11 there have been some questions, you know, about the potential of
12 having a police standard with respect to domestic violence
13 investigations ...

14 **A.** Correct.

15 **Q.** ... and domestic violence risk assessment tools, or
16 the use of those, as far as you know, and I appreciate it's not
17 your area, but is that something that could happen? Is it
18 something that the committee that's looking at police standards
19 could look at?

20 **A.** It's definitely something that I've asked for or that
21 I've suggested.

22 **Q.** You have asked for it?

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** I have.

2 **Q.** What would you like to see in terms of a police
3 standard on domestic violence? It is on domestic violence
4 investigations generally or on the use of risk assessment tools?

5 **A.** I think it should incorporate ... again, because it
6 drives policy and ensuring that every police agency has, you
7 know, training with domestic violence; includes the ODARA in
8 their investigative process. I mean none of that costs money.
9 I think Judge Zimmer mentioned it earlier. It doesn't hurt to
10 have ... because it doesn't dictate, you know, boots on the
11 street, operational policing to that degree, but I think it
12 should include those components of it for sure.

13 **Q.** Okay. And you said you've suggested it or recommended
14 it?

15 **A.** I did.

16 **Q.** To whom or where?

17 **A.** My Executive Director when she was the Director.

18 **Q.** Okay.

19 **A.** Or Acting.

20 **Q.** The management in your division then?

21 **A.** Management, yes.

22 **Q.** Okay. All right. And do you know if it's in the works

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 at all or not?

2 **A.** I do not.

3 **Q.** Okay. But you see value in it if it were to be
4 created?

5 **A.** I do see value in it.

6 **Q.** The other major component of your work as a police
7 consultant, as I understand it then, is training. And you've
8 talked, I think, and maybe it was in our conversation but you
9 had said that I think you previously used a "train the trainer"
10 model when you do training?

11 **A.** Correct.

12 **Q.** Okay. And has that varied at all over the years?

13 **(14:20)**

14 **A.** So, previously, we saw value in what we call the
15 "Train the Trainer" program because we can't be training every
16 single police officer in the province on an ongoing basis. So
17 the "train the trainer" concept lent ... unless we're doing a
18 lot of online or we have a bunch of resources to be out just
19 strictly doing training.

20 So the concept we came up with was having police agencies,
21 and the RCMP, and some of the military police attend training;
22 usually, again, a smaller agency, trying to get at least two

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 people, the main person and a backup, and "train them up" is
2 what I always call it. Train them up to ensure that they go
3 back to their respective agencies and become the subject matter
4 experts within their agencies so that if you have a new police
5 officer or there's new information, that officer is always ...
6 so, for example, the March training that I had with subject
7 matter experts, they're now my "go to" people. So if I get new
8 information, or everything from new posters or, Hey, we now have
9 these tools to support, I fan that information out to the
10 subject matter experts and they keep up to date on anything
11 emerging. And so that's a program that stopped for a bit and
12 that's what I'm trying to revitalize now.

13 Q. The training had stopped for a bit?

14 A. The training stopped.

15 Q. Okay. Across the board.

16 A. Across the board.

17 Q. And so was that a resource issue?

18 A. It was a management decision.

19 Q. Okay. So the training is something that's getting
20 kind of restarted then, is it?

21 A. Yes.

22 Q. How long was the training a little bit in limbo?

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** From about 2009 until 2016.

2 **Q.** Okay. And that's not just training for IPV, that's
3 training ...

4 **A.** Yeah, there were pieces of training here and there. I
5 think there was some with alcohol, standard field sobriety, and
6 then, of course, the cannabis, when the cannabis legislation
7 came through.

8 **Q.** Right.

9 **A.** And I was on secondment for a couple of years, so I
10 don't know what they did during that period of time; but,
11 definitely, I wasn't doing any IPV training.

12 **Q.** Okay. If you employ a "train the trainer" model and
13 you have subject matter experts in the different departments or
14 different detachments or police agencies, police officers come
15 and go.

16 **A.** Yes.

17 **Q.** So you lose your subject matter experts?

18 **A.** Yes.

19 **Q.** So that period of time, that seven/eight years,
20 whatever it was without training, you, I assume, lost a lot of
21 the subject matter expertise in the various police agencies?

22 **A.** Yes. They've all either retired or they're chiefs of

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 police now.

2 Q. Right.

3 A. Or deputy chiefs. So, you know, it was fortunate that
4 way; but, yes, especially ... you're right, over that period of
5 time.

6 Q. When you went back and engaged with the training again
7 for intimate partner violence investigations, did you note that
8 lack of expertise or experience among the officers?

9 A. Yes.

10 Q. Okay.

11 A. And that's when, I think, when I came back and then
12 Minister Furey was the Minister at the time. He pushed and
13 supported for that to get ramped back up again.

14 Q. Both the training and the auditing of IPV policy?

15 A. Correct. Yes. Yeah, it was one of his top
16 priorities, so that's why, during that period of time, you saw,
17 you know, the seven, one-day sessions to get the ball rolling,
18 and the audit program, the trauma informed, the file review case
19 management. A lot of the tools that we have now, you know,
20 getting funding to support. We had online. We engaged the
21 Canadian Police Knowledge Network to have ... our office paid
22 for a fee for online IPV investigative training. That was

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 accessible to all members across the province at no cost. The
2 online ODARA. All of that came back up again. It was almost
3 the floodgates have opened back up to provide all that.

4 **Q.** And where do you see yourself going in terms of IPV
5 training going forward?

6 **A.** My hope is that we continue the momentum. We did the
7 one-week subject matter expert training in March. Again, I
8 don't know if anybody remembers when we had the Justice Learning
9 Centres? Do you remember the Justice Learning Centres?

10 **THE COURT:** In Truro?

11 **A.** Yes.

12 **THE COURT:** In Truro? Yes.

13 **A.** Yes. To me, that was one of the best things that
14 government ever supported and funded because when we did the
15 "Train the Trainer" concept, the people who worked in the
16 Justice Learning Centres were educators; they had education
17 background. So we worked very closely with them to develop
18 curriculum, to deliver training, to ensure that the members who
19 were getting the training had, you know, guidance to being
20 educators and presenters. But what we also did was, once we did
21 the subject matter expert training, everybody went back to their
22 respective areas and then the Justice Learning Centre supported

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 the engagement of the multi-stakeholders then getting together.

2 So I go back to Truro and I sit with my Crown, then I sit
3 with my Community Services, and they would support getting
4 together to keep that momentum going.

5 And then what we would do is, in the second year after the
6 training, we would go back and meet within their respective
7 areas to see how that was going; them delivering the training to
8 their members, how the community was engaging together, the
9 collaboration piece. That was when we had the Justice Learning
10 Centre and a lot of support for IPV.

11 **MR. MURRAY:** Okay.

12

13 **EXAMINATION BY THE COURT**

14 **(14:26)**

15 **THE COURT:** So I'm just going to interrupt now. The
16 Justice Learning Centre is closed.

17 **A.** Yes.

18 **Q.** I have a document. It's called "Understanding the
19 Context of Domestic Violence Training: Imagining What's
20 Possible". And it says, "Summary and Next Steps - March 25,
21 2020". Are you aware of that thing?

22 **A.** I've never seen that. No.

SHARON FLANAGAN, Examination by the Court

1 **Q.** I think it was something that may have been forwarded
2 to Mr. Murray from, perhaps, Ms. Lunn's office? The only reason
3 I bring it up is it's a review of a session that took place. It
4 says, "Facilitated session led by Richard Derible and Jeannie
5 Flynn.

6 **A.** Oh yes.

7 **Q.** Do you know those people?

8 **A.** Yes.

9 **Q.** Participants from Status of Women and
10 several divisions of the Department of
11 Justice, including Public Safety and
12 Security (I guess maybe you weren't
13 invited), Court Services, Victim Services,
14 Strategic Initiatives, and Restorative
15 Initiatives Unit. Session focused around
16 key questions related to understanding the
17 needs of victims and the strength and
18 limitations of the current training approach
19 to domestic violence.

20 And on one of the pages, it's entitled "Current Approach",
21 and then under "Oversight and Responsibilities", there was a
22 note, in terms of a limitation, that there be "no educational

SHARON FLANAGAN, Examination by the Court

1 lead (and in brackets it says) (since closing of Justice
2 Learning Centre)."

3 **A.** Mm-hmm.

4 **Q.** And the other comment, "There needs to be a
5 Responsibility Centre." But you don't know what that particular
6 session was about, I take it.

7 **A.** No, but I'm happy to hear they mentioned the Justice
8 Learning Centre because that would be, you know, something that
9 we share. The benefit of having that Justice Learning Centre
10 was invaluable.

11 **Q.** It had value to you before.

12 **A.** It was. They really kept the momentum going with
13 training. They kept the momentum going with that collaborative
14 approach with the multi-stakeholders, because we tend to go off
15 and get so stuck in some of our own priorities that we tend to
16 end up working in silos instead of bringing that together.

17 So after the "Train the Trainer", that was the expectation.
18 They went back to their community. The Justice Learning Centre
19 people would work with them in those communities, bring
20 everybody together, continue to have those conversations, and
21 then do what we call "follow-up training".

22 So, again, we would go back and we would meet with the

SHARON FLANAGAN, Examination by the Court

1 trainers embedded in those areas, and their stakeholders, and we
2 would say, Okay, there's new information; or, How are things
3 going? What are the gaps you're seeing? What are the
4 challenges you're facing? And the Justice Learning Centre would
5 facilitate all that.

6 It took a big, heavy load off of everybody, but you're
7 dealing with people who have specific expertise in education and
8 training.

9 Q. Thank you.

10 A. It was an amazing, amazing program. I don't think too
11 many people would disagree that it was.

12 Q. And you are uncertain when it ended, I guess.

13 A. I believe it ended in 2009. I think it was around
14 that timeframe.

15 Q. Just after all ... Of course, if you don't have any
16 ... if all the training falls by the wayside, there's no reason
17 to have a Justice Resource Centre if you're not training anyway.

18 **(14:30)**

19 A. Well, I always say if there's no parents to the
20 program and you leave the kids to run around on their own
21 devices then, you know, some of them will keep plugging along
22 and do good and some of them will be out, you know, throwing

SHARON FLANAGAN, Examination by the Court

1 rocks in your windows. But I think the Justice Learning Centre
2 was really apparent to that program and they disbanded that
3 program and then it fell off as a priority.

4 Q. So if you say the training stopped in 2009 to 2016 do
5 you know if that was a conscious decision? Are you aware of
6 whether it was or it wasn't ...

7 A. I wasn't ...

8 Q. ... as opposed to just falling by the wayside?

9 A. Hmm.

10 Q. If you can say that's fine. If you have to speculate
11 you don't need to do that. And if you think that it's going to
12 put you in a position you'd rather not be in don't answer it.

13 A. I can say that there was lots of discussion at the
14 senior management level as to the priorities changing for
15 training and other things and I can't speak to how they
16 formulated those decisions but ...

17 Q. There were decisions discussed.

18 A. There were decisions. Yes.

19 Q. There was discussions and decisions made at that time?

20 A. Yes.

21 **THE COURT:** All right. Thank you. Sorry, Mr. Murray.

22

SHARON FLANAGAN, Cross-Examination by Mr. Murray

CROSS-EXAMINATION BY MR. MURRAY (Cont'd.)

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(14:31)

MR. MURRAY: Ms. Flanagan, you said as well presently there's a Domestic Violence Training Development Committee, I don't know if I wrote that correctly, did I? There's a training committee for domestic violence in your shop, is that ...

A. Yes, so there's two that are happening simultaneously. So Victim Services, the special initiatives, they're doing a whole host of training not necessarily the same kind of police training but more facilitating stakeholders; getting together and understanding different roles and responsibilities.

Q. Yes.

A. So they're doing those sessions. I have a training group that helped, have input into the one week subject matter expert training or the train the trainer.

Q. Right.

A. And so I pull in multiple stakeholders at various times and then obviously people who come in and do presentations. So I work with Crown, you know, on some of the curriculum development, Community Services. We added new pieces such as violence links, had Ottawa Police engaged in that, and then obviously stakeholders through the RCMP and municipal

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 police agencies.

2 Q. Is your committee still active planning additional
3 training or meets when required or ...

4 A. Well, now the focus is the human trafficking training
5 and trying to bridge the two. We did, like I said, the small
6 piece on ... felt the need for police officers to make the
7 connection with human trafficking since we came out as the
8 highest rate of human trafficking per capita in Canada. I don't
9 know if you're aware of that.

10 And so, again, making officers aware that some of the human
11 trafficking components are domestic violence relationship. And
12 that if you get a call and it may appear on optics to be a
13 domestic, also look at the other components, the looking beyond,
14 that may lead you to believe that this could be a human
15 trafficking scenario.

16 So now we're doing human traffic I'm asked to develop human
17 trafficking training, and again there's just me right now. So I
18 have put in a request to do a second session of the subject
19 matter expert training. Because it was COVID, we were lucky to
20 have what we had and we had 34 people at that training, but I
21 think we need more subject matter ... we need backup people.

22 Q. Right. Just one additional question about the audit.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 The files that you audit or that were part of your audit you
2 said some files where charges were laid, some where charges were
3 not laid?

4 **A.** Correct.

5 **Q.** How were the files identified in the first place as
6 intimate partner violence files?

7 **A.** So leading into the audit I always again work with the
8 agency in advance. I ask them to give me a list of domestic
9 violence files from between a two-year period and then I
10 randomly choose.

11 **Q.** So it was dependent on how they coded or classified
12 their files?

13 **A.** Correct. And so, again, with some of the smaller
14 agencies if I randomly chose the sample size of files and I
15 didn't see one that was a no charge it wouldn't stop me from
16 then exceeding the sample size and asking for specifics around
17 those.

18 **Q.** We've heard in previous evidence and other context,
19 for example, about UCR coding for particular charges or when an
20 officer may respond to, is any of that used in determining what
21 kind of a file it is?

22 I guess I'm thinking about, you know, a situation where we

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 have something that's a call to a home, it could be a noise
2 complaint, what have you, and it turns out to be something more,
3 it may not be coded that way, coded as a domestic violence file.
4 I'm just wondering about how you know you're getting a good
5 cross-section of files that really fall into that category.

6 **A.** Sometimes there is difficulty. Actually, in a couple
7 of the police agencies we saw them, they were coded, for
8 example, coded as a domestic and then when you read through the
9 file it was actually not a domestic, it was a disagreement
10 amongst family members and it wasn't re-coded, and so that could
11 be a false ... you know, it hadn't be re-coded as such.

12 **Q.** Right.

13 **A.** Which begged the conversation about how do we ...
14 maybe it's coded as an argument but then doesn't get re-coded as
15 something else.

16 And I think I ... well, I wouldn't say think, in a couple
17 of agencies I saw that it started out that way and then it ended
18 up being a domestic and it does get re-coded. And when you look
19 at it it has to, because especially if it deems it's high risk
20 or there's an ongoing investigation then they re-classify it in
21 the system.

22 **Q.** Okay.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** Yes.

2 **Q.** And the no charge files, were those typically ones
3 where you had an uncooperative victim or situations where there
4 may be domestic violence concerns but no actual basis for a
5 charge in that particular case?

6 **A.** Both. Yes, where you may be go and again, there's not
7 enough evidence. You know, you've spoken to the victim or the
8 alleged victim and the accused, any witnesses that may be
9 around, the neighbours say, Well, I just called because I heard
10 the voices were loud. There's no signs of injury. There's, you
11 know, there's none of that, those are the no charge files.

12 **Q.** Okay.

13 **A.** And I think I had mentioned ... I can't remember if I
14 mentioned in our conversation that the other piece that was
15 brought to my attention during the audits in conversation with
16 some of the members, was some frustration around doing what they
17 felt was a very thorough investigation and that they felt they
18 had evidence and then bringing it to the Crown and the Crown
19 deciding not to proceed; they felt that it didn't meet their
20 threshold. So that was brought to my attention a couple of
21 times.

22 And then advice. Providing advice to the supervisor or the

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 chief to make sure that they indicate that in the file as to why
2 the Crown decided not to proceed, so that if something does come
3 up later on they have indicated. It just doesn't show that,
4 Well, what happened to this file, and that they received advice
5 from the Crown in that regard.

6 Q. All right. And in a police agency's ongoing
7 electronic file, for example ...

8 A. Correct.

9 Q. ... the RCMP, you know, you use PROS different police
10 agencies ...

11 A. Niche, yeah.

12 Q. ... Niche or Versadex, what have you.

13 A. Versadex.

14 Q. It would be in there that you would want to have
15 circumstances recorded of not necessarily discussion with the
16 Crown but all of the details about the call for future
17 reference?

18 A. Correct. Yes.

19 Q. If I'm recalling this correctly, one of the things or
20 one of the concerns you had expressed I think when we spoke was
21 ... from the audit was that the training for middle level
22 managers and police agencies needed improvement. In other

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 words, some officers didn't have good IPV training to review
2 files of the officers who ... of the investigators ...

3 **A.** Correct.

4 **Q.** Is that correct?

5 **A.** And when the Justice Learning Centre was available it
6 was one of the areas that we found when we did the audits back
7 in 2004 also, the IPV audits, but it was another area that we
8 ended up getting support to provide training to middle
9 management, worked with the Justice Learning Centre to help
10 develop that. And I don't recall the numbers but, again, it was
11 around 2008 where we did that. We had to have had close to 100
12 supervisors come to that training and gave them again an
13 overview because some of them didn't have subject matter expert
14 training. So you're asking supervisors to look at a file who
15 may not have had domestic violence training.

16 **(14:40)**

17 **Q.** Right.

18 **A.** And so we actually did three sessions with middle
19 managers to do that and I think we should be bring that back
20 again.

21 Now we did file review case management, so even though it's
22 very generic on make sure, you know, you've dotted your i's

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 whether it's a homicide or sexual assault or an IPV, you know,
2 make sure that the documentation is thorough. They've, you
3 know, canvassed witnesses, they've accessed video, all of that.

4 Q. Right.

5 A. I think when it comes to IPV it would be very
6 beneficial and police don't disagree with that either.

7 Q. If an officer attends at an investigation at a home
8 domestic violence complaint and there are charges warranted, but
9 let's say they're lower end, for example, a lower end assault,
10 something that may not ultimately be classified as high risk ...

11 A. Correct.

12 Q. Perhaps the ODARA isn't over 7 or whatever the number
13 is exactly. So a file like that would not be referred to the
14 Victim Services domestic violence coordinators to complete.
15 It's not the entire risk, do I understand that correctly?

16 A. Correct.

17 Q. So it would be really for, say, a corporal or ...
18 again I'm using that term middle level manager, I don't think
19 that's the right term, but in a police agency to review that.
20 They would need the training to be able to see red flags in
21 those files?

22 A. Yeah, again, you know, if you are at a sergeant level

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 or a corporal level and you're tasked with reviewing files I
2 would hope that you have enough seniority that you're familiar
3 with, say, domestic violence calls, in particular, and that you
4 would be aware of having to need, Oh, okay, this file doesn't
5 have a notification to Family and Children Services but it says
6 here there were two children.

7 Q. Right.

8 A. So I would hope that anybody in that supervisory role
9 would have that experience or be in the agency long enough to be
10 able to determine those things and look at a file, Oh, oh okay,
11 well, the neighbours called but there's no statement here from
12 the neighbours or witnesses.

13 Q. Right.

14 A. Send a task back to the member: Did you have a
15 conversation? Oh yeah, I forgot to add it in. Come back and do
16 a supplementary. But it's not always the case when you look at
17 some of the smaller agencies because they don't necessarily have
18 people that have tenure.

19 Q. Right. And training has fell by the wayside?

20 A. Correct.

21 Q. That may not always be there?

22 A. Correct.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **Q.** So you had said that it's your expectation that a
2 domestic violence risk assessment tool will be used in every
3 domestic violence file or every domestic ... well, what ... how
4 do we set the parameters for the files that a domestic violence
5 risk assessment tool like the ODARA should be used?

6 **A.** Well, again, you know, the only time I would ever see
7 it not being used, for example, is where I said to you, you
8 know, you and I live in an apartment building, I'm mad at you
9 because you didn't do something and we're having a loud
10 disagreement and the neighbours call. I arrive on scene. I'm
11 probably checking the system before I go in to see if there's
12 any priors, there's nothing, clean as a whistle, not even a
13 parking ticket. I go to the door.

14 Again, as I said earlier, I open the door, I see Officer
15 So-and-So and I'm mortified that they're there and you can see
16 by my facial expressions I'm mortified that somebody called or
17 we were that loud. A good indicator. We still separate, have a
18 conversation with him, have a conversation with her or two
19 partners. The officers come back, they talk amongst each other,
20 What did they say, what did they say? No, they're clearly
21 mortified it was loud. I wouldn't expect an ODARA on that.

22 **Q.** Okay. If you have a situation where it's a domestic

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 situation in the sense that there are intimate partners
2 involved, a husband and wife, common law partners, what have
3 you, and there are ... let's say there's a call because one of
4 the partners is very angry and screaming and shouting and
5 there's maybe some indication that that partner has previously
6 made comments about committing suicide. And there are guns in
7 the home, but there's no assault and no threat, no direct
8 threat, and it's not a situation where it's simply an
9 uncooperative spouse. You think you're getting the story, there
10 really has been no assault, but you have a lot of these other
11 concerns floating around. Would that be a file ... and I
12 appreciate it's a hypothetical, it's difficult to answer, but in
13 your view is that the type of file where an ODARA should be
14 completed?

15 **A.** Absolutely.

16 **Q.** Okay.

17 **A.** I mean for me, I still train in ... even the first
18 scenario, just have it and it continues to keep you fresh with
19 answering the ODARA and refreshing yourself and a good
20 opportunity to familiarize yourself with the ODARA. I would be
21 doing it regardless, doesn't hurt so even on the initial one.

22 **Q.** Yes.

SHARON FLANAGAN, Examination by the Court

1 **A.** But I wouldn't expect to see it as much on the first
2 example I gave you.

3

4

EXAMINATION BY THE COURT

5 **(14:46)**

6 **THE COURT:** So in the example that Mr. Murray just gave
7 you where there's firearms and you do an ODARA. Is there a way
8 that ... no charges are laid. It depends on how it gets coded,
9 you're going to create a report, it's going to be some place,
10 does a FIP get attached to that so the CFO now has a look at it
11 to say, There's a bit of a disturbance here, a domestic nature,
12 no charges were laid, there's firearms, there's the concern
13 enough we did ODARA, this is the result. How does that
14 information get to the CFO?

15 Because the CFO has an obligation to make certain that an
16 individual has a licence, continues to be eligible to have a
17 licence, and if there's those kinds of concerns how does that
18 information get back to the CFO?

19 **A.** They should be calling.

20 **Q.** So as a part of the follow-up to the ODARA is that
21 they should be making a ...

22 **A.** They should be.

SHARON FLANAGAN, Examination by the Court

1 **Q.** So they make a call or do they ... is there something
2 that gets entered into the system so it automatically generates
3 a FIP so that it's going to get back to the CFO. CFO gets
4 notification of all the FIPs?

5 **A.** Yeah, I know that John ...

6 **Q.** As opposed to picking up the phone and making a call,
7 leaving a message. I'm talking about a method that doesn't rely
8 ...

9 **A.** That works all the while.

10 **Q.** ... doesn't rely on anything other than making certain
11 that the report goes in and gets coded the right way so that the
12 FIP gets generated and the CFO has that information and then
13 they can make the decision whether or not they're going to
14 follow up.

15 **A.** Yeah, I don't know the answer to that in particular
16 because I know when John came in as our firearms person, as
17 well, he changed a lot of the processes and protocols for that.
18 So I'm not quite sure what the process is for that.

19 **Q.** I'm going to suggest that you might not really need a
20 process for him to create a process because once he gets
21 notification of that firearms, police, that interest then he has
22 processes for that.

SHARON FLANAGAN, Examination by the Court

1 **A.** Yes.

2 **Q.** My question is, you know, to the police officer who
3 attends at a scene who has these elements, including firearms
4 and completes the ODARA, right, now you're looking at risk
5 management.

6 **A.** Right. Correct.

7 **Q.** It's the same risk management I'm going to suggest to
8 you that should be of interest to the CFO.

9 So how do you take what you would expect that officer to
10 create by way of paperwork, to do the ODARA, to have it filed,
11 to have that case reviewed but somewhere along the line when
12 that report gets created there's something that needs to go on
13 the system, CPIC, that says that was done, creates the FIP so
14 the CFO knows so that the CFO is now brought into the loop. Can
15 you do that?

16 **A.** I can do that. I can absolutely do that.

17 **Q.** Yeah, be a good idea.

18 **A.** It's a good point.

19 **Q.** Well, I just thought that it might ...

20 **A.** It's a good point because we don't ... to think of it
21 now ...

22 **Q.** Otherwise they don't get it unless ...

SHARON FLANAGAN, Examination by the Court

1 **A.** Right. So it's a good ...

2 **Q.** ... somebody picks up a phone.

3 **A.** It's a good point. Because when I look at all the
4 components that we train in and we brought in again ... when
5 somebody raised the flag about strangulation we brought that in
6 and a few other things, I can say for sure we don't touch on the
7 firearms except to mention the information that's in the pocket
8 guide. So absolutely.

9 **Q.** Because you can run the CFIS. You could find out
10 whether or not they have a licence and if they do ...

11 **A.** You can.

12 **Q.** ... you create the FIP and the information goes. In
13 particular, if it comes off a checklist, right?

14 **A.** Yes, absolutely. That's a good point.

15 **THE COURT:** Sorry, Mr. Murray.

16 **MR. MURRAY:** No, it's fine.

17

18 **CROSS-EXAMINATION BY MR. MURRAY (Cont'd.)**

19 **(14:50)**

20 **MR. MURRAY:** I wanted to ask you a couple of questions
21 about your understanding of the ODARA. So we've had the ODARA
22 in Nova Scotia since 2007?

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** 7.

2 **Q.** And it's your understanding that it's used by all
3 police agencies in the province?

4 **A.** Correct.

5 **Q.** RCMP and each of the municipal police agencies?

6 **A.** And military.

7 **Q.** Military police, all right.

8 **A.** Mm-hmm.

9 **Q.** And that's a function of the policies of each
10 individual police agency as opposed to obviously as a police
11 standard that mandates it across the board?

12 **A.** Right.

13 **Q.** Okay. But they've all adopted it and they all use it?

14 **A.** Right.

15 **Q.** And the ODARA ... and I'm just looking at the guide
16 which we have as Exhibit 358, and the guide, it looks as though
17 it's probably from about when we first got the instrument about
18 15 years ago or so?

19 **A.** Correct.

20 **Q.** Okay. And just in the introduction, for example, just
21 the terminology and it tends to change, this is about the ...
22 how it got started following the coroner's inquest into the May-

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 Iles murder-suicide in 1998. "The Government of Ontario called
2 for increased development and use of tools to predict wife
3 assault." Now we wouldn't use that term ...

4 **A.** Correct.

5 **Q.** ... today we use intimate partner violence, but the
6 tool was developed initially for use in cases where there was an
7 actual physical assault. Something that would meet the
8 definition of assault in the **Criminal Code**.

9 **A.** Correct.

10 **Q.** Okay. And so it, at least initially, did not apply or
11 at least the factors that are ... have found to be validated
12 factors for predicting recidivism in the ODARA were taken from
13 files with assaults not, for example, a threat?

14 **A.** Correct.

15 **Q.** Okay. And the sample that was used to create it were
16 married or common law opposite sex partners?

17 **A.** Correct.

18 **Q.** So not boyfriend-girlfriend outside of a domestic
19 situation or outside of a home? I mean, that aren't living
20 common law.

21 **A.** At the time, yes.

22 **Q.** At the time.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** Yes.

2 **Q.** And not same sex couples?

3 **A.** Correct.

4 **Q.** Has that changed?

5 **A.** It has.

6 **Q.** Okay.

7 **A.** And all that updated information has been provided to
8 police agencies across the province.

9 **Q.** To your knowledge, did the developers of the ODARA
10 continue to study ...

11 **A.** Correct.

12 **Q.** ... those files, for example, involving same sex
13 couples?

14 **A.** Correct. So originally they didn't have the sample
15 size of people who wanted to participate in the research.

16 **Q.** Right.

17 **A.** So the data with same sex relationships and/or dating
18 and then they did over time and so now it's validated for both.

19 **Q.** Okay. Have the factors changed?

20 **A.** The factors have not changed.

21 **Q.** So those factors have been shown to be valid in those
22 other situations as well?

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** Right. And it includes again ... you know, some
2 people will question about children but there's a whole host of
3 scenarios, how same sex relationships have children involved
4 still in the home and so it still would be very relevant.

5 **Q.** And the samples or the sample used in the files that
6 have been studied, are they still, to your knowledge, confined
7 to assaults, to physical assaults?

8 **A.** I believe so, yes. Now in saying that, I've had
9 multiple conversations with the developers of the tool because
10 they know that I train by using it.

11 **Q.** Yes.

12 **A.** And for them as scientists they have to meet certain
13 criteria to validate it and so that's the premise is the assault
14 for them.

15 **Q.** The various terms such as intimate partner violence or
16 domestic violence have come to be defined more broadly ...

17 **A.** Correct.

18 **Q.** ... than simply physical assault. There can be
19 coercive control. There can be humiliation, degradation, those
20 types of things. But to your knowledge, the ODARA still is
21 validated in cases of actual physical assault, a more, I guess,
22 defined sub-category of domestic violence?

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** Yes. So in my conversation with the developers of the
2 tool, I think you'll see that changing very soon. That it's not
3 just ... so you talk about coercive control is a new area that
4 we're starting to consider ...

5 **Q.** Yes.

6 **A.** ... and so the research is lending to including those
7 scenarios as well. Because even for us, we've started to just
8 in developing the curriculum for the March training that we just
9 had, coercive control is becoming a focal point for us as well.

10 **Q.** And the factors that, again, have been shown to be
11 statistically significant or, I guess, validated indicators are
12 of the risk of recidivism?

13 **A.** Correct.

14 **Q.** Okay. So, again, the whole test is predicated on
15 there being an index offence or an offence for which you are
16 predicting the likelihood that it will happen again.

17 **A.** And an escalation in the level of violence.

18 **Q.** Okay. All right, and this is something that I want to
19 be clear on. So the risk of recidivism, so the risk of an
20 assault happening again ...

21 **A.** Correct.

22 **Q.** ... you say that the test, to your knowledge, also

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 predicts the risk of that violence escalating?

2 **A.** So some of the research and the conversations that
3 we've had lately show indication that, you know, again with
4 domestics it sometimes starts as a slap, and then it becomes a
5 shove and then it becomes a pounding. And so the more
6 predictors, the more increase for propensity for violence of the
7 aggressor. And so, again, we're waiting for their newest,
8 latest information to come out. I'd hate to jump the gun and
9 say where they're landing with that but ...

10 **Q.** Sure, fair enough. But the test itself as I
11 understand it or the tool itself predicts ... it predicts
12 recidivism?

13 **A.** Correct.

14 **Q.** The likelihood that there will be another physical
15 assault?

16 **A.** Yes.

17 **Q.** The fact that that subsequent physical assault may be
18 more intense, more grave, more serious, that's not what the tool
19 predicts that's just what social science tells us is likely to
20 happen?

21 **A.** Correct.

22 **Q.** Okay. And we've used in this province sometimes the

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 term "lethality" ...

2 **A.** Yes.

3 **Q.** ... when we're using ODARA and we say it's ... and
4 correct me if I'm wrong, that it's a predictor of lethality?

5 **A.** Correct.

6 **Q.** And lethality in that context is defined as what?

7 **A.** Risk of death.

8 **Q.** Of death?

9 **A.** Serious harm and death.

10 **Q.** Okay. So on the ... I think His Honour has asked
11 this, many of the factors in the ODARA make reference to an
12 index offence. Obviously if there is no index offence that
13 scored a zero.

14 **A.** Correct.

15 **Q.** Okay. So you could have a situation that might be of
16 significant concern but without an index offence on many of the
17 factors you're going to be scored a one or zero?

18 **A.** Correct.

19 **Q.** There's 12, 13?

20 **A.** 13.

21 **Q.** 13 factors, right?

22 **A.** Mm-hmm.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **Q.** So if you don't have an index offence you're going to
2 get a lot of zeros on the test and you may not hit the threshold
3 for the case to be high risk?

4 **A.** Correct.

5 **Q.** And high risk we designate with ODARA as a 7, is that
6 correct?

7 **A.** Yes.

8 **Q.** Is that something that that's what the developers of
9 the test have said or is that something that ... is that a
10 policy decision that was made in this province?

11 **A.** No, the developers of the tool.

12 **Q.** Okay.

13 **A.** Yes.

14 **Q.** So if you hit a 7 that's high risk.

15 **A.** High risk. And, again, the challenge continues to be
16 as well ... you know, even if you had an index offence and
17 you're trying to investigate and gather information to satisfy
18 the rest of the scoring, if you don't have somebody who's
19 willing to provide you with a bunch of that information ...

20 **Q.** Right.

21 **A.** ... it becomes a challenge and it's not necessarily
22 indicative of the call either.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **Q.** Right.

2 **A.** Because if I say I'm not talking to you. Well, can
3 you tell me if your, you know, partner has blah, blah, blah?
4 Are you expect- ... I'm not talking to you. Then that becomes a
5 challenge and that's where, again, they have to look at other
6 means to try to gather that information.

7 **Q.** Sure, understood. And so in situations where there's
8 not an index offence charged ...

9 **A.** Correct.

10 **Q.** ... or at least the police see no evidence of an index
11 offence, then we're using the ODARA as basically a good reminder
12 for police officers of things that may be risk factors, things
13 to ask about, check into?

14 **A.** Correct. Prompt them, think beyond.

15 **Q.** And so in that sense it's used in the same way that
16 what we've been calling the cheat sheet is?

17 **A.** Correct.

18 **Q.** It's a list of factors that police officers, that
19 investigators have to be alive to to measure the risk that
20 they're dealing with or to remind them to probe further and find
21 out about those things?

22 **A.** Right. So every and any evenue, the whole ... you

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 know, one of the biggest focuses is is this person at risk and
2 if you're not getting the information you need are you asking
3 the right questions. Did you think of this, did you think of
4 that? Are you looking at other things? And so all of those
5 continue to help prompt police officers who may either not be as
6 experienced or, you know, rushing out to other calls or all
7 kinds of things and you may forget something, they could go back
8 and have a look at that and it also prompts them. Oh, I didn't
9 ask that, maybe I should, you know, ask questions around this.
10 So all of that helps.

11 **(15:00)**

12 **Q.** Right. But the only files that are going to get
13 referred to the domestic violence or the Victim Services
14 domestic violence coordinators are the ones that are deemed high
15 risk?

16 **A.** For the most part. There may be, again, the odd one
17 that a police officer is just thinking there's something not
18 right and, again, may engage the Victim Services coordinators,
19 especially because they're entrenched in the community.

20 **Q.** Right.

21 **A.** So for the most part, yes, but it doesn't stop police
22 officers from reaching out to them if there's something they

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 feel is not right.

2 Q. So apart from those files where perhaps police
3 officers, for lack of a better term, their spidey senses tell
4 them that something isn't quite right here or they see enough
5 risk factors, other than those particular cases, it's only going
6 to be if you hit a seven on an ODARA ...

7 A. Correct.

8 Q. Okay. And you don't have a sense of how many
9 referrals there may be to the Victim Services coordinators that
10 aren't 7s?

11 A. No, I don't.

12 Q. Are those statistics kept or is it more anecdotal or
13 ...

14 A. I believe the manager for the RCMP Victim Services,
15 the regional, and potentially Halifax and Cape Breton may keep
16 their own stats. They can do queries also. That would bring up
17 that information, yeah.

18 Q. So if we have potentially a serious domestic violence
19 situation with maybe an inexperienced officer and a reviewer, a
20 corporal or sergeant who is perhaps less experienced or doesn't
21 have the training that we might like on IPV files, and we don't
22 score a 7 on the ODARA, that's not going to make its way to the

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 Victim Services coordinators in those cases.

2 **A.** To be honest, I've seen both. I've seen members, like
3 more junior members who are really keen and, you know, sink
4 their teeth into files and may then reach out to, may not be a
5 file review person but a senior member and ask questions and
6 look for support. They may reach out and have conversation with
7 Victim Services anyways to say, Look, I'm new but I'm thinking I
8 may be missing something. That's the hope. But then there
9 absolutely could be the other case, the other side where they
10 don't.

11 **Q.** Okay. If they do get referred to the Victim Services
12 coordinators, is that what engages the domestic violence high
13 risk protocol?

14 **A.** Correct.

15 **Q.** So in Exhibit 361, which is our 2018 guide, so for
16 example at pages 61 and 62 of the guide, there are two forms,
17 the initial designation referral for high risk cases and then
18 the critical development ongoing information sharing documents.

19 **A.** Uh-huh.

20 **Q.** So the first document would be if, for example, as a
21 result of an investigation, we score a 7 ...

22 **A.** Correct.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **Q.** The officer is going to fill this form out and send it
2 to their local Victim Services coordinator.

3 **A.** Correct.

4 **Q.** And that's the document that gets the ball rolling,
5 gets it into their court, as it were.

6 **A.** Correct.

7 **Q.** All right. And then the critical development ongoing
8 sharing information document, which I've seen that document in
9 Crown files, that's the one that gets disseminated to various
10 agencies that may need to know about a case.

11 **A.** Correct, yes. Especially if there's children involved
12 or ...

13 **Q.** Okay. And you said from there, the local Victim
14 Services coordinator, so there's one Victim Services coordinator
15 for northern Nova Scotia, is there?

16 **A.** Yes.

17 **Q.** Okay, so that person ... And that person is an RCMP
18 employee?

19 **A.** Yes.

20 **Q.** Okay, so you said it's an agreement with the RCMP ...

21 **A.** But there's an agreement.

22 **Q.** That they'll provide those services.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** Correct.

2 **Q.** Okay. So that's the person then that will coordinate
3 or spearhead whatever services are needed for that victim and
4 will reach out to them.

5 **A.** Reach out to them and, again, as you said, if they
6 need to leave the home or go to a shelter, if they want just
7 safety planning, any type of that support. And, again, they try
8 to establish a relationship and a rapport with them to have
9 those conversations because they're experts in doing that and
10 trained. They're the ones who do that.

11 **Q.** Okay, all right. So the key then, it would seem, is
12 getting the right files to their attention.

13 **A.** Correct.

14 **Q.** Because they can only deal with what gets referred to
15 them.

16 **A.** Correct. And, again, supervisors, usually there's,
17 and I've seen it done different ways, but normally files that
18 are designated high risk, like for Bridgewater, they also have a
19 red stamp on the file, high risk, but it's also flagged on the
20 system, high risk. So even the supervisor would know
21 automatically that's a high risk file and they would
22 automatically look to make sure that those forms have been sent.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **Q.** And we've been given some information about, I don't
2 know how much you know about it yet, but the highest risk
3 domestic violence table, are you familiar with that?

4 **A.** I am. I sat on it in the beginning and then I just
5 stopped sitting on it because I was doing audits.

6 **Q.** Okay, fair enough. So you're maybe not able to tell
7 us too much about the route that a file that maybe meets the
8 criteria here might make its way even to the highest risk on the
9 domestic violence table?

10 **A.** Yeah, my understanding is anything high risk goes to
11 the situational table and it's key stakeholders that do almost
12 like a case management on how they're going to support that file
13 and there's, you know, Victim Services, police, provincial
14 Victim Services around the table, but I'm probably not doing it
15 justice, too, because I haven't sat on it.

16 **Q.** No, I understand. So are you able to say if every
17 case that has the initial designation referral for high risk
18 cases and goes to the domestic violence Victim Services
19 coordinator will also find its way to the highest risk table?

20 **A.** Go to the table, yes. And that table is a fairly new
21 process. So that's my understanding, is they do a case
22 coordinated approach for that file.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **Q.** Do the local Victim Services ... domestic violence
2 Victim Services coordinator, I don't know if I'm using the term
3 right, do they sit at the highest risk table, do you know?

4 **A.** Their manager does and then supports them in
5 continuing to provide victim support on the front lines.

6 **Q.** And the Victim Services coordinators, their
7 relationship with provincial Victim Services department is what?

8 **A.** So how I try to explain it to people is the regional
9 Victim Services, so the police Victim Services manage support
10 for victims through the investigation. The provincial Victim
11 Services, no different than any case that's going to court where
12 charges are laid and there's going to be a trial or whatever,
13 and I'm the victim and I'm coming to speak, then they support
14 the victim through the court process.

15 **Q.** Okay. Do they ...

16 **A.** Work together?

17 **Q.** Yeah, is there communication, to your knowledge?

18 **A.** Some better than others.

19 **Q.** Sure. So, again, the ODARA in situations that might
20 not meet the definition of ...

21 **A.** High risk.

22 **Q.** Well, high risk, because there may not be an index

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 offence, what have you, in those cases we're using the ODARA as
2 a reminder for officers as a checklist and so forth. And that's
3 the same as the cheat sheet, which is in Exhibit 355.

4 **(15:10)**

5 **A.** Correct. And it doesn't preclude an officer, a member
6 ... So say they do start the ODARA and say there is zero zero
7 zero or say the score is a two, as they continue to investigate
8 or maybe now the victim is feeling more comfortable and working
9 with Victim Services, for example, Victim Services may do a
10 second ODARA once they've worked with that victim and get more
11 information and it may increase the number on the ODARA.

12 So just because they did it the first time, as they gather
13 new information or new evidence or Victim Services or they go to
14 a transition home and now they're in a therapeutic process where
15 they feel comfortable disclosing, that may change the score.
16 And so, again, just because they do it once, doesn't mean it
17 would never happen again and that the score wouldn't change.
18 All kinds of new information could lead for that to happen.

19 **Q.** The cheat sheet or the Nova Scotia summary of intimate
20 partner domestic violence risk factors.

21 **A.** Correct.

22 **Q.** So it's a list of risk factors.

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1 **A.** It is.

2 **Q.** So there are a number of different instruments or
3 tools that have risk factors that have been shown to be, I
4 guess, predictors of ... Well, what are the risk factors meant
5 to predict here of domestic homicide or domestic violence or ...

6 **A.** Increased risk to the victim and that increased risk
7 could be, well, maybe you didn't get hit today but here's some
8 questions I am, now being through that on scene, prompted to
9 ask, which may lend to again course of control, living in a
10 rural area. So how do you get around, well, I don't have a car,
11 he keeps the car. Do you have support people in place? You
12 know, do you see your family? Well, I don't see them as much
13 anymore. So there's a whole ... It prompts officers to start
14 thinking in that direction.

15 **Q.** Right. So the key is to give officers good useable
16 lists of risk factors that they need to be aware of to look for,
17 to probe for, if they can, as part of their investigation when
18 they go to a domestic call.

19 **A.** Correct. And, again, in that subtle way that if you
20 have a reluctant victim, the way you may look at things or the
21 way creatively you may ask things that doesn't seem intrusive or
22 threatening to them because they're fearful, it just gives them

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 tools on the frontline to help continue to remind them.

2 Q. Is the cheat sheet, do all police agencies use that?
3 Municipal police agencies?

4 A. Yes, provided to all police agencies with extras to
5 have. I've been asked recently if I had more of them, so I'm
6 looking at producing more to continue to provide them.

7 Q. Were they given to the RCMP as well?

8 A. Yes.

9 Q. Do they use it, as far as you know?

10 A. Yes.

11 Q. And you said that it was modified, I guess, just to
12 make reference to the acronyms that we would use in Nova Scotia
13 and so forth?

14 A. Correct.

15 Q. I'm curious, at the bottom of the third page, and I
16 just don't know this, it says, "If suspect GOA pass file on BOLF
17 suspected vehicles. Request warrant." I don't know what those
18 acronyms are.

19 A. If a suspect goes ... I would have thought that that
20 was be on the lookout for suspect vehicles, BOLF.

21 Q. Okay.

22 A. If suspect goes pass file on. I don't know what GOA

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 is but BOLF would be, be on the lookout for.

2 Q. All right, I just wondered. I didn't understand the
3 acronyms. I didn't see them before.

4 **THE COURT:** Let me stop you for a minute. Anybody know?

5 **MS. MILLER:** Gone on arrival.

6 A. Gone on arrival?

7 **MS. MILLER:** GOA. That's what I think.

8 A. If suspect gone on arrival, that would make sense.

9 **THE COURT:** Thank you, Ms. Miller.

10 A. No, gone on arrival, pass on file?

11 **THE COURT:** I don't know.

12 A. I knew be on the lookout. I mean usually they do
13 BOLO, be on the lookout but ... Be on the lookout for suspect,
14 but GOA. Now I'm going to have to find out. No, I'm going to
15 get back to you because I want to know.

16 **MR. MURRAY:** I do know from this card though, on the very
17 back, it does talk about safety planning.

18 A. Yes.

19 Q. But you're saying that safety planning, in your view,
20 is best done, that police officers, investigating officers don't
21 do a lot of safety planning on the scene?

22 A. So if you look at this safety planning versus the

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 safety planning guide, the safety planning guide is specific to
2 sit down and do safety planning with the victim to make them
3 aware of what they can and cannot do. You know, put money
4 aside, have a safe place to go, that kind of thing. This safety
5 planning, the terminology here is to prompt the officer in
6 safety planning in their file, like within their file. So
7 always refer to Victim Services. So it's more safety planning
8 keeping the safety of the victim in mind and what do you need to
9 do to ensure that. The other safety planning is with and for
10 the victim, specifically.

11 Q. And these factors are used in British Columbia or they
12 come from British Columbia.

13 A. Correct.

14 Q. But you're not sure where they got these particular
15 factors or how they developed them as risk factors in British
16 Columbia.

17 A. No, and when I look at some of them, like when you
18 look at, you know, relationship, like the current status of a
19 relationship, escalation in abuse, just from, you know, work
20 with my partners across Canada, most of these are areas that
21 members would likely look at anyways.

22 Q. Sure.

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 **A.** But, again, when you're in the middle of it and you're
2 trying to, you know, we can't remember everything all the time,
3 I always say, I don't think people understand when they're
4 showing up at a domestic call, there's a whole component that I
5 even build into training. Don't rush to the front door. Don't
6 stand in front of the door. Stand outside and listen to what
7 you can hear before you go and enter the home. Once you get in
8 the home, if you have kids crying and injuries and you're
9 calling EHS and you're securing the scene and you're making sure
10 there's not weapons in the home and it's chaotic, it's easy to
11 forget some of the fundamentals and that's what this provides
12 support in.

13 **Q.** I understand that and I appreciate that a lot of these
14 are risk factors that if one deals in this at all, you would
15 recognize them as risk factors. But we've heard evidence from
16 Ontario about what they have ... They have a Domestic Violence
17 Death Review Committee there that looks at domestic homicides
18 and has identified a number of risk factors that have been shown
19 to be present in those files.

20 **A.** Correct.

21 **Q.** And we're developing a Domestic Violence Death Review
22 Committee in Nova Scotia, which you're probably aware, and they

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 are in existence in other provinces. Those risk factors, as
2 they're developed by an entity like the Domestic Violence Death
3 Review Committee, you would agree those are important to give to
4 officers so that they know what to look for.

5 **A.** Absolutely. And even with the, you know, whatever
6 recommendations are coming out of, for me as somebody who trains
7 and instructs and is involved in several committees, I can't
8 wait to see what the results are and even the Death Review
9 Committee. So if it means changing this, I expect to change it.
10 I expect this isn't going to be the same information or the same
11 approach in 10 years because the hope is when you know better,
12 you do better. And so they're all considered live documents.

13 **Q.** Sure, okay. Right, they're live documents, they can
14 change, you can use other documents, you can modify them.

15 **A.** Uh-huh.

16 **Q.** You can borrow from other provinces.

17 **A.** Correct. No different than earlier when I was asked
18 about the pocket guide and implementing the men's intervention
19 piece or additional information. Absolutely. That's the kind
20 of ... We don't expect that this guide from 2018, which is a
21 whole host of new information that will be added to that guide
22 as a result of many things.

SHARON FLANAGAN, Examination by the Court

EXAMINATION BY THE COURT

1
2
3 **THE COURT:** There would be a caveat to that. Isn't
4 there a caveat to that? That you can look at that today. The
5 Domestic Violence Death Review Committee puts out a list of risk
6 factors that they've seen appear in a large number of their
7 death review cases. You appreciate that there's more factors
8 that have to be added. Somebody has to review it. Somebody has
9 to recognize the factors. Somebody then has to take the time to
10 redo the card. And what we've been able to see so far is that,
11 for instance, training got put on hold for seven years.

12 **A.** Correct.

13 **(15:20)**

14 **Q.** So when you say that this might not be the same
15 approach in 10 years, well, that presupposes that somebody will
16 look at it on a more timely basis than 10 years. Otherwise, it
17 may simply go the same way the training went for seven years and
18 you may not get any changes. So the caveat is is that somebody
19 in government, I'm going to use that generally, needs to pay
20 attention and make certain that when the information is coming
21 out that there are people in place.

22 **A.** Yes.

SHARON FLANAGAN, Examination by the Court

1 **Q.** That have the time and the expertise and can turn
2 their attention to taking that information and immediately
3 turning it around and applying it so that months later and not
4 years later or a decade later, you know, within a very short
5 period of time, the police on the street have that up-to-date
6 information and the training so that they're then up to date.
7 And I say that in this context, and I'll turn it back to Mr.
8 Murray in a minute.

9 Just as an example of what happens to delay. When you go
10 onto the Department of Justice website, you can go and look at
11 policing standards in Nova Scotia.

12 **A.** Correct.

13 **Q.** You're aware of that. And under the policing
14 standards, it says, "All Nova Scotia policing standards are
15 currently under review and are subject to change." And then
16 there are 43 of them. Internal number 21 is called Internal
17 Audits. If you go and if you hit on that, and if you have a
18 look at it and you print it off and it says, Chapter 21 Internal
19 Audits, it says, "Standards in this chapter relate to the audit
20 function on its integral process to ensure that departments are
21 operating within the established guidelines and to resolve
22 issues before developing into major problems."

SHARON FLANAGAN, Examination by the Court

1 Paragraph 21.1.3 says: "A written directive governs the
2 facilitation of audits conducted by the Department of Solicitor
3 General." And under Comment it says, "The Department of
4 Solicitor General shall inspect and report upon the quality and
5 standards of police service delivery of each municipal police
6 department at least every three years."

7 In 1993, the Department of the Solicitor General was
8 abolished. This could not have been looked at or reviewed since
9 it was written in at least 1993.

10 **A.** That's in there right now as one of the present audits
11 or standards?

12 **Q.** I printed it off yesterday. So I make the point and
13 I'll make it later, too, that you can have all the current
14 information that you want coming to your desk but if it does not
15 find its way and properly get reviewed, then that's where it
16 stays.

17 **A.** Absolutely. I totally agree with that.

18 **Q.** 1993. That's when the Solicitor General's office was
19 abolished in this province, just by way of observation.

20 Mr. Murray, I'm sorry, go ahead.

21 **MR. MURRAY:** No, that's fine, Your Honour.

22 **A.** And to your point as well, when you look at when we

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 had the Justice Learning Centre and a comprehensive program, it
2 was continuous, it was consistent, it was a well-oiled machine
3 as new information came in. And so, unfortunately, we see it
4 all the time in government and elsewhere that priorities change
5 and then that's no longer a priority and something else is,
6 instead of just sustaining it. And so I agree, it has to be a
7 priority.

8 **THE COURT:** Well, I would think that intimate partner
9 violence is such a priority that it shouldn't be lost track of.
10 Sorry. Mr. Murray.

11

12 **CROSS-EXAMINATION BY MR. MURRAY (Cont'd.)**

13 **(15:24)**

14 **MR. MURRAY:** Thank you, Your Honour.

15 Ms. Flanagan, I wanted to ask you a little bit, just so I'm
16 clear, on situations where officers are dealing with a domestic
17 violent situation that may or may not ultimately be designated
18 as a high risk. But it's Friday night, or it's a Saturday
19 morning, or what have you, and perhaps one of the partners is
20 not being arrested and perhaps they're not being separated and
21 perhaps there's no basis for an arrest or a charge. Since it's
22 not always feasible for the officer to give information to the

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 victim or the vulnerable spouse, perhaps I'll call them in this
2 case, right there.

3 **A.** Correct.

4 **Q.** What other options are there and how can the officer
5 put that vulnerable spouse in contact with someone right there
6 if they think that that may be appropriate or necessary?

7 **A.** I guess, again, it would determine whether they were
8 open to it. It doesn't ... it shouldn't preclude the member ...
9 And, again, I've had members who have said, you know, Maybe this
10 is a good time. It doesn't mean anything but everybody just
11 maybe needs to cool down. Do you have somewhere you could stay
12 for the night? And I've seen members drive victims, even though
13 it was, especially in rural areas, to other locations, to a
14 family member or a friend. That's where there has to be some
15 thinking outside the box and creativity. And, again, it all
16 lends to whether or not a victim is open to it or telling you to
17 get out of their house.

18 **Q.** Well, let's say we have a victim. Let's say there is
19 a charge and let's say there is a victim who is cooperative and
20 wants help.

21 **A.** Right.

22 **Q.** And, again, it's Friday night. Who can the officer

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 put them ... or who should the officer be putting them in touch
2 with? Let's say it's a file that may get referred as high risk
3 on Monday morning. Is it transition house? Is it Naomi
4 Society?

5 **A.** If he is still not in custody, that makes a
6 difference, if he's not in custody, then again the same thing,
7 on a Friday night. I mean usually a lot of the shelters or
8 transition homes you can access 24/7 but the resources are
9 limited across the province in rural areas as well. That's a
10 big challenge for police and they continue to echo that. That's
11 where I talk about trying to bridge that collaborative approach
12 and come up with, you know, discussions in particular areas for
13 managing those situations.

14 **Q.** If it's a situation where, let's say it's a non-charge
15 situation but the officer wants to give some information to the
16 person who is maybe potentially vulnerable either about
17 transition house or about Victim Services and so forth. If
18 there is no other way to do it other than to hand them a card,
19 is that the best there is in that situation?

20 **A.** Sometimes. And if they don't want the card because,
21 again, they don't want it to be found on them or seen, in the
22 course of the conversation, you can say, Look, Naomi House is in

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 your area, they're a really good resource, I can write down
2 their number and then the victim could go, Mmm, but mentioning
3 just keeping it simple so that they at least have the
4 information may be all they can do at that time.

5 Q. Again, in the situation where the spouse is not
6 resistant, may want or at least may be open to the information
7 or at least not saying, Keep the card, I don't want to see it.

8 A. Then I would expect the officer to follow through on
9 ... either being with them, we can call them right now, I can
10 take you there, we can call them to make sure that there's
11 somebody available, I would expect that extra mile.

12 Q. Okay.

13 A. Yeah, if a victim is open and cooperative, I expect
14 the floodgates to open, avenue to do whatever. Okay, I'll drive
15 you to Ecum Secum and I've seen that happen. I've seen officers
16 leave and have to drive people. I've seen them take people to a
17 hotel for the night. I've seen all kinds of creative ideas in
18 rural areas where there's limited resources available.

19 Q. And, ideally, if someone is available to call to help
20 them make that call?

21 A. Absolutely. Absolutely.

22 **MR. MURRAY**: I think those are all of the questions I

SHARON FLANAGAN, Cross-Examination by Mr. Murray

1 have.

2 **A.** Okay.

3 **THE COURT:** Thank you, Mr. Murray. Ms. Flanagan, we
4 usually take an afternoon break. We went a little longer
5 because I wanted to make certain Mr. Murray could finish this
6 afternoon. So I think we're going to take a break for maybe 15
7 minutes or so, let everyone stretch their legs.

8 **A.** Okay.

9 **THE COURT:** I don't know whether Mr. Anderson has some
10 follow-up questions or not.

11 **MR. ANDERSON:** I won't have any questions, Your Honour.

12 **THE COURT:** He doesn't, okay. So I have several, just
13 several. I interjected enough during the course of the day that
14 most of my questions have already been answered and I very much
15 appreciate your patience.

16 **A.** No worries. No problem.

17 **THE COURT:** So we will take a break for maybe about 15
18 minutes or so and then we'll come back and my questions won't
19 take more than maybe half an hour or so that's all.

20 **A.** Okay.

21 **THE COURT:** All right, thank you very much.

22 **COURT RECESSED (15:31 HRS)**

SHARON FLANAGAN, Examination by the Court

1 COURT RESUMED (15:47 HRS)

2

3

EXAMINATION BY THE COURT

4

5 **THE COURT:** Thank you.

6 Ms. Flanagan, you made reference to the Maxwell/George
7 Inquiry that resulted in an Inquiry that was conducted by I
8 think it was Dean Russell and Diana Ginn. I think it was called
9 **The Framework for Action Against Family Violence**. It was a 2001
10 review. Are you familiar with that document?

11 **A.** Yes.

12 **Q.** Okay. I know on the website, the Government of the
13 Province of Nova Scotia, under "Publications" on their website,
14 you can find the framework and the framework is then hyperlinked
15 to a number of portions of their 2001 review. Under Section
16 "C", it said, "1995: The Framework for Action Against Family
17 Violence". And then number one is "Police" and so 1(f) is
18 "Conclusions and Recommendations Regarding Police". You
19 appreciate when they talk about the "framework", what the
20 framework was they reference in 1995, the development of the
21 framework, the framework ... I'm just going to read from the
22 section. "The Framework required that the Department of Justice

SHARON FLANAGAN, Examination by the Court

1 Policing Services Division, through consultation with the Nova
2 Scotia Chiefs of Police, develop a Case Management Investigation
3 Procedural Policy supportive of the pro-arrest, pro-prosecution
4 policy."

5 **(15:50)**

6 **A.** Correct.

7 **Q.** That was the framework?

8 **A.** Yes.

9 **Q.** Okay. And that's still fundamentally in place today,
10 is it not?

11 **A.** It is.

12 **Q.** Okay. And I appreciate this is 2001 that we're
13 talking about, so I'm going to read what it said and then I'm
14 just going to ask you questions about what the state of affairs
15 is today 21 years later.

16 **A.** Okay.

17 **Q.** It's under "Policing" and there's a variety of
18 sections, (a) (b) ... under section ... it would be (ix), which
19 would be nine, "Monitoring and Accountability". It says, "The
20 Framework required that each component of the justice system
21 establish an audit mechanism to review cases of intimate partner
22 abuse to ensure that policies and procedures were being

SHARON FLANAGAN, Examination by the Court

1 followed."

2 That was in 2001. We know that with respect to what we now
3 call "intimate partner violence", that audit was done in 2004.

4 **A.** Correct.

5 **Q.** And then there was no other audit done until 2018.

6 **A.** Correct.

7 **Q.** Correct? I'll leave it for anyone who wants to
8 editorialize on how that was true to the recommendations or not
9 but it seemed to me to be a pretty major gap considering it was
10 a recommendation.

11 **A.** Correct.

12 **Q.** Went on to say, under the same "Monitoring and
13 Accountability",

14 Representatives from the Police and Public
15 Service Division of the Department of
16 Justice noted that internal record keeping
17 involves three processes: (1) reports on
18 investigations of individual incidents; (2)
19 file/case management; and (3) record
20 management. They indicated that one of the
21 problems they sometimes see in their audit
22 is a carrying through from the individual

SHARON FLANAGAN, Examination by the Court

1 incident to the larger case file. They
2 stressed the importance of an officer
3 responding to a call knowing whether there
4 has been an earlier incident. As well, they
5 indicated that there must be a supervisor
6 overseeing all cases, noting discrepancies
7 in record keeping and in compliance with the
8 Framework, but also identifying cases which
9 are ongoing problems in the community that
10 require a coordinated agency approach
11 involving contacts with other departments or
12 services such as Community Services.

13 **A.** Correct.

14 **Q.** Okay. But you see some of that, yourself, now.

15 **A.** Yes.

16 **Q.** And that was the reason for the ... you talked about
17 the file management or case management. And you have ongoing
18 training in that regard presently.

19 **A.** Yes. And that's ... and, again, in 2004 when we did
20 all the curriculum development and the training for the "Train
21 the Trainers" and we worked with the Justice Learning Centre, we
22 also implemented that supervisor training for file review/case

SHARON FLANAGAN, Examination by the Court

1 management back then. And then now picking it up now.

2 Q. That was 2004. When you say that the training ... IPV
3 training stopped 2009 until 2016?

4 A. Right. So on a consistent basis between 2004 to the
5 end of 2008 - beginning of 2009 was when the last one occurred.
6 We were doing that consistently during that time.

7 Q. And then it fell by the wayside.

8 A. Correct.

9 Q. It has been picked up again to some extent.

10 A. Correct.

11 Q. Correct. Okay. The paragraph after that reads,
12 Policing Services representatives also
13 pointed out that spousal/partner violence
14 and domestic disputes both fall under the
15 Framework, but that in police practice they
16 are dealt with separately, with the result
17 that family incidents involving violence are
18 often well documented and domestic disputes
19 without violence are not. Yet both are a
20 critical part of the history of family
21 violence in a particular case.

22 What would be the state of affairs today with regard to

SHARON FLANAGAN, Examination by the Court

1 documentation of family violence incidents and the documentation
2 of domestic disputes that are without violence?

3 **A.** I can say that with the emphasis on the audits and the
4 training that resulted from those audits, there's a drastic
5 improvement in that regard.

6 **Q.** Okay. So ...

7 **A.** And it's hard, obviously, to speak to what the state
8 of affairs was in the 2009/2010 period.

9 **Q.** How about '11, '12, '13, '14 '15, '16 until it started
10 again?

11 **A.** Now an expectation, obviously, within police agencies
12 is, you know, they're required to do their own quality assurance
13 as well. But again, you're right, we didn't audit and we were
14 not doing the training that we had consistently doing, so I
15 can't say what it was like then. I could just say now we've
16 brought it back up to where it should be and hope to sustain
17 that.

18 **Q.** Okay. So the recommendation in 2001, this is what the
19 recommendation was.

20 It is recommended that police document
21 domestic disputes as carefully as they
22 document intimate partner violence

SHARON FLANAGAN, Examination by the Court

1 incidents, since both are a critical part of
2 the history of family violence in a
3 particular case.

4 So would you say with confidence that you meet the full
5 parameters of that recommendation finally today?

6 **A.** Yes.

7 **Q.** Okay. Again, under the Framework, there was a Section
8 3 which was entitled "Courts". Subsection (d) has "Conclusions
9 and Recommendations Regarding Courts". It says, in part,
10 Despite the Framework requirements and the
11 recommendations of the 1999 Evaluation
12 Report ...

13 In particular, he talks about Justices of the Peace not
14 having received training in the Framework.

15 Delays are still a significant problem in
16 the prosecution of intimate partner violence
17 cases, these cases are not given priority in
18 the justice system, and there continues to
19 be widespread concern about the perceived
20 leniency in sentencing, about low rates of
21 incarceration, and about some inappropriate
22 program referrals as conditions of

SHARON FLANAGAN, Examination by the Court

1 probation.

2 So that's just an observational background of what they saw
3 at that time. But here was the recommendations.

4 It is therefore recommended that a risk
5 assessment and management tool be developed
6 for use by police, Crown Attorneys, and
7 Corrections staff to identify those
8 perpetrators who pose a higher level of risk
9 than others, so as to assess and manage risk
10 to victims, to assist in decisions in
11 relation to bail and sentencing, and to
12 prioritize allocation of scarce probation
13 supervision and treatment resources.

14 The response to that recommendation that a risk assessment
15 and management tool be developed, the Province's response is
16 ODARA?

17 **A.** Correct.

18 **Q.** And ODARA was brought as a result of your involvement
19 with the program in Penetanguishene to Nova Scotia. And what
20 year was that?

21 **A.** So by the time I went and got trained and approval to
22 bring it in and then develop the training to have it across, it

SHARON FLANAGAN, Examination by the Court

1 was 2006/2007.

2 Q. All right. Well, I'd say six or seven years to fulfil
3 that recommendation, I guess, it may not be all that bad. I
4 realize that's a bit of editorializing but ...

5 A. I only started in 2003, so ...

6 Q. Yeah. That's why I'm just going to editorialize it
7 the way I did.

8 A. I had to stay low key for the first year at least.

9 Q. I can appreciate that. Thank you.

10 And a few minutes ago I showed you a printed page from the
11 government website that was entitled, "Policing Standards in
12 Nova Scotia". And the beginning of it says, "All Nova Scotia
13 policing standards are currently under review and are subject to
14 change." And there's a list of 43 of them. And I note that ...
15 if you go and you look at them, they're all undated. Are you
16 aware of that?

17 A. No.

18 (16:00)

19 Q. And I think that same comment can be found by Mr.
20 MacKnight who was the author of **The Structure of Policing in
21 Nova Scotia in April 2020**. And that was a document that was
22 prepared for the Joint Federal and Provincial Commission into

SHARON FLANAGAN, Examination by the Court

1 the April 2020 Nova Scotia Mass Casualty Commission by Mr. Barry
2 MacKnight, November 2021. It's on file with the Mass Casualty
3 Commission, if someone wants to go and have a look at it. But
4 he notes that, in fact, they're all undated. My question is
5 that these standards are all presently under review, are they?

6 **A.** I believe so.

7 **Q.** We know, for instance, that number 21, which was the
8 internal audit, relates to the Solicitor General's Department,
9 which was gone in 1993. So I guess there's no way to tell how
10 old and out of date and unreviewed these policing standards are.

11 **A.** No. And I will offer this. Again, with the change of
12 leadership over time, when I started in the division, we had
13 standards. I chaired a standard committee with chiefs. We had
14 standards that we audited to and have reminded people that they
15 exist somewhere but nobody has been able to find them.

16 **Q.** Yeah.

17 **A.** So I don't know ... because we would have had a
18 domestic violence audit or standard at some point that we would
19 have ...

20 **Q.** It's not listed here.

21 **A.** No. I don't think any of those are the ones that I
22 would have been familiar with from 2003 and '04.

SHARON FLANAGAN, Examination by the Court

1 **Q.** I'm going to suggest even if you look, there's another
2 ... you can also look at governance standards. The governance
3 standards are also referenced by Mr. MacKnight. At page 75 of
4 his report, he makes this comment, "Updated Police Governance
5 Standards are available on the Nova Scotia Department of Justice
6 website and they include ..." And then there's a number of
7 them: canine control, conducted energy weapons, emergency
8 management operations, exhibits seized or found, property
9 management, firearms, jurisdiction and mutual aid/contractual
10 agreements, impact weapons, and there are some others. But the
11 dates are all ... the most recent one that I note is the
12 conducted energy weapon, which was updated in 2011. All the
13 others are from 2007, 2006. Do you know if there's any move to
14 update any of the Police Governance Standards presently?

15 **A.** Yes. There is somebody who is in our office who's now
16 leading that.

17 **Q.** One person? Do they have a team?

18 **A.** One person who's working with the policing community.
19 There was somebody in our office who's now gone to the IPV
20 Initiatives, who was tasked with developing and updating the
21 standards. So I'm surprised to see that they're that old
22 because I thought there were some newer ones.

SHARON FLANAGAN, Examination by the Court

1 **Q.** Well, just to the extent that it's of any relevance, I
2 can confirm what Mr. MacKnight has reported because I went on
3 the website and the dates are right there, assuming that the
4 government's website is up to date when you look at the dates in
5 relation to which they are posted. I think it's as up to date
6 as you can get, but ... One thing that I was going to refer to
7 ... another document I wanted to refer to just briefly was there
8 was a government response to the Framework for Action Against
9 Family Violence, the 2001 review of Dean Russell.

10 **A.** Yes.

11 **Q.** And just by way of a little background not everyone
12 might appreciate what that was all about. I'm just going to
13 read just a brief ... this is from the government's response.

14 On February 28, 2000, Bruce Allan George and
15 Lori Lee Maxwell were found dead in their
16 home, victims of a domestic murder/suicide.
17 Individual internal reviews conducted by the
18 Departments of Justice and Community
19 Services made several recommendations for
20 improved response. In addition, the
21 Department of Justice, in October 2000,
22 commissioned Dean Dawn Russell and Assistant

SHARON FLANAGAN, Examination by the Court

1 Professor Diana Ginn of Dalhousie University
2 Law School to conduct an external review of
3 the Framework for Action. The terms of
4 reference of the review included an
5 assessment of the current level of support
6 for the Framework among justice workers and
7 in the community; how the policy is
8 currently being implemented in practice; as
9 well as recommendations for improving the
10 response of the justice system to incidents
11 of family violence.

12 On the next page, this is the government's response, "A
13 workshop on risk assessment sponsored by the Victim Services
14 Division, Department of Justice ...". That's what it was
15 originally called ...

16 **A.** Policing and Victim Services.

17 **Q.** Correct. You joined in 2002?

18 **A.** 2003.

19 **Q.** 2003. So this was their response to the 2001 review.

20 And, I'm sorry, I don't have the exact date that it was
21 promulgated.

22 **A.** Yeah. I believe Stephanie MacInnis-Langley

SHARON FLANAGAN, Examination by the Court

1 spearheaded that.

2 Q. All right. So this is what it reads.

3 A workshop on risk assessment sponsored by
4 the Victim Services Division, Department of
5 Justice, was held in September 2001, with
6 participation from all components of the
7 justice system as well as community agencies
8 and other government departments.

9 Standardized risk assessment tools will be
10 identified for use by Justice workers.

11 That's a positive statement. So do you know if
12 standardized risk assessment tools were ever identified for use
13 by Justice workers other than ODARA in 2006 or '07?

14 A. That would have been the Jacquelyn Campbell risk
15 assessment, I believe they're referring to.

16 Q. That was the Jacquelyn Campbell one?

17 A. I believe so.

18 Q. Do you know what date that one is?

19 A. I do not. It was already being used by the time ...
20 before I got to the division. And, again, mostly used with
21 Victim Services support in a more therapeutic environment.

22 Q. The danger assessment of Jacquelyn Campbell, that's a

SHARON FLANAGAN, Examination by the Court

1 copyright of 2003. So the standardized risk assessment tool
2 that would have been identified for use by Justice workers would
3 have been the danger assessment?

4 **A.** Correct.

5 **Q.** That became the standardized risk assessment tool.

6 **A.** Correct.

7 **Q.** Is it still a standardized risk assessment tool for
8 Justice workers?

9 **A.** It is.

10 **Q.** Together with ODARA or not?

11 **A.** The Jacquelyn Campbell is more used in transition
12 homes and in a therapeutic setting and the ODARA is more used
13 for police.

14 **Q.** Okay. So Justice workers would be ...

15 **A.** Victim ...

16 **Q.** ... not the police. They would be like Victim
17 Services.

18 **A.** Victim Services use the ...

19 **Q.** Or the transition houses or ...

20 **A.** Yeah. Transition houses.

21 **Q.** ... like shelters and places like that?

22 **A.** Yeah. And the danger assessment is more ... the

SHARON FLANAGAN, Examination by the Court

1 intention is when you can sit down in a therapeutic session. It
2 also helps the victim recognize the risk to them, whereas the
3 ODARA is more helping police identify the risk of the victim.

4 Q. Now the danger assessment reads, in part, "Several
5 risk factors have been associated with increased risk of
6 homicides of women and men in violent relationships." So is it
7 not a tool that really goes to lethality ...

8 A. For the Jacquelyn Campbell?

9 Q. ... as opposed to simply risk and ... they didn't
10 define what ...

11 A. Reoffence ...

12 Q. ... level of risk they were talking about here. But
13 considering that there was death so ...

14 A. I think so.

15 Q. You think that's what ...

16 A. Yeah. Yeah, I think that ...

17 Q. ... that that was what the intent was?

18 A. Yes.

19 **(16:10)**

20 Q. All right. One of the recommendations of Dean Russell
21 ... the recommendation would be 1.6. And recommendation was ...
22 it's a recommendation to police, actually "Document domestic

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1 dispute calls." In terms of responsibility, that would be the
2 responsibility of the police and Public Safety Services to
3 presumably give that kind of a direction. And the
4 recommendation or the action required was, "A requirement to
5 document domestic dispute calls ..." Sorry.

6 A requirement to document domestic dispute
7 calls will be incorporated in Framework
8 policies, reinforced through standard
9 operating procedures and monitoring through
10 the audit process.

11 The timeframe was enhancement of policies to commence
12 immediately.

13 **A.** Okay.

14 **Q.** So recommendation was that the requirement to document
15 be incorporated into the framework policies, reinforced through
16 a standard operating procedure and monitored through an audit
17 process. I guess the audit process is ... you just went through
18 the audit process.

19 **A.** I did.

20 **Q.** So that part was done despite the gap from 2004 to
21 2018. "Reinforced through standard operating procedures." Was
22 there a standard operating procedure directed towards that

SHARON FLANAGAN, Examination by the Court

1 particular item?

2 **A.** Every agency that I audited have their own standard
3 operating procedures.

4 **Q.** Okay. So there's a direction that the Minister can
5 give and create a standard operating procedure such as Nova
6 Scotia Policing Standards?

7 **A.** Correct.

8 **Q.** These come out of the Minister's office. Am I
9 correct?

10 **A.** Our office is responsible to develop them and
11 spearhead ...

12 **Q.** Yeah. But at the end of the day, you know it's the
13 Minister under the ...

14 **A.** Yes.

15 **Q.** ... **Police Act** that says do it or not.

16 **A.** Yes.

17 **Q.** Correct?

18 **A.** Correct.

19 **Q.** All right. So the ultimate authority is the Minister
20 of Justice under the **Police Act**.

21 **A.** Correct.

22 **Q.** Correct? So the Minister can say one of two things.

SHARON FLANAGAN, Examination by the Court

1 He can say to the local municipal police forces, including the
2 RCMP, Develop a policy with regard to a defined standard.

3 Correct?

4 **A.** Correct.

5 **Q.** Or the Minister can say, This is the standard to which
6 you are going to operate.

7 **A.** Correct.

8 **Q.** In other words, he can define the standard instead of
9 leaving it to the municipal police forces to design their own
10 standard. By the Minister making the decision about the
11 standard, then it would apply from one end of the province to
12 the other ... or it should in terms of its implementation.

13 **A.** Correct.

14 **Q.** Correct?

15 **A.** And, normally, that is still a very collaborative
16 approach.

17 **Q.** Yeah. That's right. You've explained it. It's one
18 thing for the Minister to say something but there have to be the
19 resources in place for it to be carried out. But let's assume
20 the Minister ...

21 **A.** Yeah. Absolutely.

22 **Q.** ... makes the decision and he's also weighed all the

SHARON FLANAGAN, Examination by the Court

1 other pros and cons into a particular arm and collaborates.

2 And, finally, at the end of the day says, This is what you're
3 going to do.

4 **A.** Right.

5 **Q.** Okay.

6 **A.** And if I was a betting person, you would get a lot of
7 support and buy-in from the policing community for that.

8 **Q.** Okay. Again, Dean Russell had made a recommendation
9 back in 2001. This is 3.3, "Develop a risk assessment and
10 management tool for use by police, Crown, and Corrections, a
11 workshop on risk assessment sponsored ..." And I read it
12 before, but it was the same reference to a standardized risk
13 assessment tool to be identified by Justice workers. That, I
14 think, is ... was the danger assessment by Jacquelyn Campbell.

15 **A.** Prior. And then since the ODARA came in, we did an
16 entire session with Public Prosecution, Corrections, and all
17 police agencies. I believe Mr. Murray is one of our students.

18 **Q.** Mr. Murray is a student of life. I'm sure that he was
19 engaged in everything that comes his way.

20 **MR. MURRAY:** I often fail.

21 **THE COURT:** Okay. Last question. So we talked about
22 establishment of policing standards as well as the ability of

SHARON FLANAGAN, Examination by the Court

1 the Minister to actually set the standard himself rather than
2 directing that people provide a policy and a standard internally
3 to their organization.

4 **A.** Correct.

5 **Q.** Right? One of the recommendations of the Royal
6 Commission on Donald Marshall Junior with regard to standards
7 was this. This was actually number 78,

8 We recommend that all municipal police
9 departments be able to deliver policing
10 services according to a set of minimum
11 standards for policing in Nova Scotia. This
12 set of standards should be developed by the
13 police commission with appropriate input
14 from both provincial (solicitor general) and
15 municipal (local police commissions)
16 governing authorities, recognizing that the
17 primary responsibility for delivering a
18 police service is with the municipality and
19 that it may be beyond the financial
20 capability of some to upgrade their
21 municipal police forces according to these
22 minimum standards. The Province must ensure

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1 that the municipal police departments have
2 the resources to meet the prescribed
3 standards.

4 So I take it, appreciating that that was a recommendation
5 from the Marshall Commission a long time, it seems to suggest
6 that municipal police departments should all operate at a
7 minimum standard, right, according to a set of minimum standards
8 for policing in Nova Scotia, whatever it might be. So intimate
9 partner violence, at least to a minimum standard, if you simply
10 provide them with a standard, it says develop your own standard,
11 then you do not ensure that they're all operating at a minimum
12 standard unless that minimum standard is actually directed by,
13 in this case, the Minister. Would you agree with that?

14 **A.** I agree with that.

15 **Q.** Okay. And, of course, it provides that the Minister
16 needs to make the resources available. So even 1989, when they
17 filed that report, they appreciated the importance of the
18 Minister, if he's going to take on the responsibility of
19 providing direct standards that he also make certain that the
20 municipalities can implement them and that there's sufficient
21 funding available for them.

22 **A.** Correct.

SHARON FLANAGAN, Examination by the Court

1 **Q.** Correct? Which is your point. Right. Anyone have
2 any further questions?

3 So I was a little longer than half an hour but not much.
4 Ms. Flanagan, thank you very much for the time that you put in.
5 I know that you spent some time with Mr. Murray prior to coming
6 here today and with your counsel to ask some questions. And so
7 we have some idea of the background and all the information you
8 can provide for us, plus the documentation and the insight into
9 the operation of the division, I think is really important for
10 us to be able to understand the inner workings of a lot of
11 different pieces here and how we may be able to best make some
12 recommendations to achieve some goals that would be broadly
13 beneficial and may assist some of the working of your
14 department, as well. So, again, thank you very much for your
15 time.

16 **MS. FLANAGAN:** You're more than welcome.

17 **THE COURT:** Appreciate it. Thank you.

18 **MS. FLANAGAN:** Appreciate the opportunity.

19 **WITNESS WITHDREW (16:20 hrs.)**

20 **THE COURT:** All right. Thank you, Counsel. We're ...
21 we have Mr. Parkin tomorrow?

22 **MR. ANDERSON:** Yes. He'll be here first thing in the

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1 morning.

2 **THE COURT:** Tomorrow morning? And I suspect we probably
3 won't be here past noon tomorrow or early afternoon, at any
4 rate. Depends how long Mr. Parkin might be. All right? All
5 right. Thank you. Thank you, Counsel.

6 **MS. FLANAGAN:** Thank you so much.

7 **THE COURT:** Thank you.

8 **MS. FLANAGAN:** Thank you.

9

10 **COURT CLOSED (16:20 HRS)**

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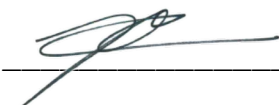
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