



Report to the Minister of Justice and Solicitor General Public Fatality Inquiry

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the _____ the Law Courts
in the _____ City _____ of _____ Edmonton _____, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)
on the _____ 3rd to 6th _____ days of _____ November _____, _____ 2014 _____, (and by adjournment
year
on the _____ 17th _____ day of _____ December _____, _____ 2014 _____),
year
before _____ The Honourable James K. Wheatley _____, a Provincial Court Judge,
into the deaths of:

Dwayne Richard Poirier (46), Jeanne Kathleen Heard (47),
Bradley Warren Winter (26), and Craig Donald Huber (29)
(Names in full and Ages of Deceased Persons)

of _____ Edmonton _____ and the following findings were made:

Date and Time of Death: _____ June 20, 2010 at approximately 1:15 p.m. _____

Place: _____ 18011 – 91A Street and 18013 – 91A Street, Edmonton _____

Medical Cause of Death:

("cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization – *The Fatality Inquiries Act*, Section 1(d)).

Dwayne Richard Poirier – Smoke Inhalation
Jeanne Kathleen Heard – Neck Compression
Bradley Warren Winter – Blast Injuries
Craig Donald Huber – Blast Injuries

Manner of Death:

("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental, unclassifiable or undeterminable – *The Fatality Inquiries Act*, Section 1(h)).

Dwayne Richard Poirier – Suicide
Jeanne Kathleen Heard – Homicide
Bradley Warren Winter – Homicide
Craig Donald Huber – Homicide

Circumstances under which Death occurred:

On June 20, 2010 an explosion occurred at 18011 – 91A Street, Edmonton, Alberta. That explosion destroyed that address and occasioned damage in total 41 houses, estimated building losses of 2.25 million dollars, content losses of half a million dollars. Eleven garages were damaged at a total loss of \$127,000; nine vehicles were damaged and the loss was estimated at \$50,000 for a total damage of 3.855 million dollars. At the time of the death, the body of Jeanne Kathleen Heard (Heard) was found wrapped in a rug in the basement of the home at 18011 – 91A Street. She had been strangled. Dwayne Richard Poirier (Poirier) was found dead in the same wreckage. Bradley Warren Winter (Winter) and Craig Donald Huber (Huber) were killed by the explosion in the adjoining address of 18013 – 91A Street.

THE EXPLOSION

The residence at 18011 – 91A Street was the residence of the deceased Poirier and Heard. The residence at 18013 – 91A Street was the residence of the deceased Winter and Huber and others. Although propane bottles were found at both residences, fire investigations found that the propane bottles were not the cause of any of the explosions. The fire inspection found the natural gas line to the furnace in the Poirier/Heard residence contained a dirt pocket, which aim was to collect any kind of contamination within the natural gas. That dirt pocket had a screw-on cap. The cap had been removed and there was no damage to the threads thus verifying that the cap had been removed on purpose. Evidence later to be commented on indicated that after Poirier had strangled Heard he was the lone person in the house so it is logical to find that he in fact removed the cap from the gas pocket which allowed gas to leak into the residence. Evidence received at the hearing from other experts indicated that a leak of gas from this kind of source would have filled the house in approximately one and half hours. Because of the complete destruction to the house and the death of its two occupants it was impossible to determine a source of ignition although experts believed that something as simple as a small spark from the turning on of any kind of electrical switch might have caused the ignition and the subsequent explosion. Poirier was found in a room other than the furnace room where Heard was found wrapped in a rug and Poirier's body was close to an electrical panel. It would seem that there is no doubt that Poirier's action as the last living person in the house can be related to the removal of the cap which allowed the gas to escape into the house and form the bomb that the home became.

THE HEARD / POIRIER RELATIONSHIP

Heard had been previously married before her relationship with Poirier and that prior relationship had broken up in 2003. The residence of Poirier and Heard had been purchased from Poirier's parents in part using proceeds of the divorce settlement from Heard's first marriage. Heard had been sexually assaulted by her own brother while she was growing up. That brother died in May of 2007 at which time Heard manifested the traumas resulting from the sexual attacks of her brother. She sought help from the Edmonton Sexual Assault Centre for counselling in relation to those traumas but the facts of those sexual assaults became at least one of the emotional triggers in a very complex emotional struggle between Poirier and Heard. Several Emergency Protection Orders were obtained by Heard against Poirier and by Poirier against Heard but all were discontinued voluntarily as the couple reunited and eventually it would seem were about to finally settle their differences when the murder was occasioned by a dispute between the two, described by Poirier in an email to his social worker, which amounts to a suicide note describing how he killed Heard and his remorse at having done so.

It is very clear that both Poirier and Heard were under severe emotional distress themselves and in respect of each other.

POIRIER'S MENTAL STATE

Poirier consulted both his family physician and mental health workers in relation to his health difficulties, both physical and emotional. He was on medication for both anxiety and depression and at the suggestion of his family physician was referred to the Northeast Community Health Centre Mental Health Clinic. Although both the medical doctor and the mental health worker were aware of the difficulties between Poirier and Heard and had experience with Poirier having suicide adulation they were not concerned for his safety on the basis that whenever he had such thoughts he sought either help from the medical profession

or his mental health worker. It is to be noted that the last time his family physician saw Poirier was in May of 2010 when he attended at the family physician's office in the company of Heard. The overall mental health diagnosis in relation to Poirier is one of high anxiety and depression but the opinion of the professionals involved was that it was being managed. Poirier seemed to be aware that the relationship with Heard was not a good one for him and it would appear that when Poirier was referred to a psychiatrist that the mutually abusive emotional relationship between Poirier and Heard was confirmed although the psychiatrist did not feel that he was in danger of suicide but discussed a safety and security plan with him in hopes of ensuring the mutual safety of the two persons. The mental health worker received an email from Poirier which was much like a suicide note that detailed his murder of Heard. She had not seen Poirier for a year prior to receiving this email and the email was in fact found by the mental health worker only after the explosion had already taken place.

HEARD'S MENTAL STATE

Heard was under a family physician's care since 2003 but the majority of her care as it relates to these circumstances takes place in May of 2007 when she advised her doctor that after having received word of her brother's body being found that she was getting flashbacks and remembering past childhood sexual abuse at her brother's hands. She was diagnosed with depression and provided with medication for that and advised to seek counselling. The family physician referred her to a psychiatrist who diagnosed her with major depression and placed her on medication. It would appear that Heard did not deal well with the medication and terminated its use. She was also referred in December 2008 to a mental health practitioner when she advised that she wanted help in getting out of an abusive relationship with her boyfriend. Although the family physician and the mental health practitioner were aware of the difficulties in the relationship between Heard and Poirier neither felt that she was suicidal or in a dangerous situation with Poirier. Her last visit with her family physician was on June 18, 2010 and in fact in that visit she expressed to her family physician that all was fine – "He's gotten counselling, I've gotten counselling – it's okay."

Heard attended the Sexual Assault Centre of Edmonton starting in June of 2007. Through that period she completed twelve individual sessions and some group work mainly in relation to difficulties in respect of the sexual abuse of her deceased brother. This program was completed about two years prior to her death. Officials from the Sexual Assault Centre of Edmonton were not aware that there was any severe threat to her safety at the time she was attending for counselling.

Evidence was also received from Heard's family that she was very capable of being able to push the buttons emotionally in relationships both with her family and others.

EXPERT EVIDENCE ON DOMESTIC AND FAMILY VIOLENCE

Expert Evidence of Dr. Peter Jaffe

Dr. Jaffe is a professor of Western University of Ontario and professor at the Centre for Research on Violence Against Women and Children and as such is recognized as an expert in family violence.

He advised the Court that domestic violence comes in multiple forms once commonly referred to would be actual physical violence and sexual abuse but also psychological and emotional abuse and by a gesture towards threatening, intimidating, undermining, bullying or isolating a victim is just as much emotional abuse as is seen in the physical abuse such as Heard's brother's acts towards her and the more emotional abuse of Poirier towards her and she towards Poirier. It would appear that over the period of time from 2000 to 2010 there were in Canada approximately 80 domestic homicides per year with approximately four fifths of them being women killed by an intimate partner and one fifth men killed by an intimate partner. Of those 50 percent were homicides and about 45% were homicides/suicides.

Dr. Jaffe advised that in Ontario for the past ten years a Domestic Violence Review Committee has been set up which reports to the Attorney General on a yearly basis through a report analyzing domestic deaths. Dr. Jaffe is a member of that committee and his work with the committee has helped to identify 39 risk factors which can be used to predict domestic violence.

Dr. Jaffe was provided with the materials that the hearing received as evidence and his analysis of those

materials as it pertains to the relationship between Heard and Poirier that there were 23 different incidents between 2007 and 2010 which would give rise to activating the risk factors identified by his work in Ontario which could be predictors of domestic violence in the Heard/Poirier situation.

Dr. Jaffe also gave evidence that domestic violence rates were at the highest over the last ten years in Saskatchewan, Alberta and Manitoba but he could offer no real reason for those higher rates.

Dr. Jaffe gave the hearing much evidence and help in identifying various screens, identifying risk factors to predict potential domestic violence but confirmed that when people were at risk for domestic violence and identified their participations and programs was on a voluntary basis except in circumstances of post-conviction when courts can mandate treatment and counselling and that even those cases the success of any counselling is based upon the participation and committee of the people going into the counselling and therapy sessions.

Expert Evidence of Valerie Campbell

Valerie Campbell is a former Alberta Crown Prosecutor who was involved in the development of domestic violence programs in the Province of Alberta who became through her involvement a major policy development specialist in all areas of domestic violence in the Province of Alberta. In her evidence she gave a history of the development of policies and procedures in respect of domestic violence in the Province of Alberta.

In the fall of 2001, two prosecutors were assigned to set a new Domestic Violence Court in Edmonton. In approximately 2004 one of them was moved to the head office at the Department Justice and Solicitor General (as it now is) to develop a policy in respect of how family and domestic violence was to be handled in the Province of Alberta by prosecution services and police services.

During those early years seminar-type classes were offered for police officers at 7:30 in the mornings and during this time remote education programs were set up which allowed largely RCMP officers to remotely access training programs in respect of domestic violence. It is uncertain whether any of these programs were mandated as compulsory for officers and may very well have been at that period of time only done as officers were available for training or made themselves available for training. It would appear that a formal document called *Domestic Violence for Police and Prosecutors* was first produced in 2006 with an update on that handbook being made in 2009 and another in 2013.

With the 2009 revisions to the domestic violence guidelines, the Family Violence Investigation Report (F.V.I.R.) and the Integrated Risk and Threat Assessment Centre (I-TRAC) were created.

F.V.I.R. was created as an assessment tool for frontline police to use in their interaction with domestic violence situations. The use of F.V.I.R. was mandated by the police chiefs across the Province in 2006 but it is unclear as to whether or not it was instituted at the front lines in any manner for some years and may as at the date of the writing of this report not be used on a regular basis throughout the Province of Alberta. Its use would depend on the level of training and the focus of the police agencies in various locations throughout the province.

Although F.V.I.R. and I-TRAC were formally recognized in the 2009 revisions of the manual it would appear that they may have in fact been in existence through various pilots as early as 2006.

The purpose of I-TRAC was to provide an agency which could coordinate threat assessment and assess imminent risk and the need for public awareness and police training into finding a strategy for safety. They do formalized threat assessments which are only as good as the information which they in fact can only do based upon the information which they received. The initial purpose of I-TRAC was to provide police training but it would appear from the evidence received that the training aspect seems to have diminished over the past number of years as police focus on gang crime and intellectual property crime seems to have increased.

The Police Advisory Committee (PAC) is a body composed of representatives from many police services in the Province of Alberta. It is this body that mandates standard practices and mandatory practices across the province. In 2007 fourteen pilots were run using F.V.I.R. and those pilots were deemed to be

successful and it is those pilots that lead to the supposed mandatory use of F.V.I.R. by all police forces and to lead to the inclusion of F.V.I.R. in the aforementioned 2009 update to the Police and Prosecutorial Guidelines.

The Inquiry was told that PAC has the power to mandate practices for police forces across the province and it would appear that PAC has been instrumental in the creation of a new training module relative to domestic violence being made available in the spring of 2013.

Another board which seems to exist is the Law Enforcement and Oversight Board which has as one of its mandates the Alberta Policing Standard Manual which includes mandatory statements for practice of policy in Alberta and has an adherence audit attached to it.

It would thus appear that much thought and policy work has been done over the past 13 years into the problems created by domestic and family violence.

DOMESTIC VIOLENCE and the EDMONTON POLICE SERVICE

The Inquiry heard evidence from the officer in charge of the Domestic Offenders Crime Section (DOCS) which is the division of the Edmonton Police Service responsible for domestic violence crimes.

The identification of domestic violence in large part within the Edmonton Police Service is a function of the general patrol officers (i.e., street cop) who first become involved in situations of domestic violence. On their referral the matter goes to DOCS where it is dealt with on a determination whether there is a serious complex file based upon the level of violence which would trigger one of eight detectives being assigned to the case.

In addition, there are domestic violence intervention teams staffed by five officers who work in conjunction with social workers as a sort of police crisis team to deal with mental health issues.

The procedure would seem to be that when an incident is revealed to a patrol constable the watch commander for that division would notify the on-duty commander at DOCS and based upon the level of domestic violence a detective would be assigned. If the DOCS unit is not involved the matter is returned to the patrol division for their attention. Over the past year approximately 7,600 incidents were referred to DOCS of which 2500 became active files either for detective involvement or intervention team involvement. Interestingly enough, evidence received at the Inquiry indicated that that officer's view was that 25% of all police investigations involved domestic issues.

Evidence received at the Inquiry confirmed that the use of the F.V.I.R. (Family Violence Investigation Report) has been in place since 2008 and is required if there is a domestic dispute or domestic violence.

Emergency Protection Orders are partly the work of patrol officers who make recommendations to citizens that this might be an appropriate route for them to follow in solving their domestic problems. The Edmonton Police Service becomes involved in the serving of Emergency Protection Orders upon appropriate persons but evidence received indicated to the Inquiry that the mere existence of an Emergency Protection Order does not trigger domestic violence investigation by police or that completion of a F.V.I.R. even though it would seem that there must be evidence of domestic violence for an Emergency Protection Order to be created. As it pertains to this Inquiry with Poirier and Heard it would appear that only one F.V.I.R. was ever completed throughout their involvement with the police serving Emergency Protection Orders on each other. It would appear that the mere service of a document is not enough within the terms of reference of the Edmonton Police Service to start up an investigation of domestic violence.

It was confirmed that the existence of domestic violence requires that a Criminal Code Offence be charged under the policies of the Edmonton Police Service.

The Inquiry heard evidence that within the Edmonton Police Service there is no intervention between the parties involved unless a crime is charged, i.e., police involvement is based upon the commission of a crime. The officer giving evidence at the Inquiry indicated that he was aware that within the Calgary Police Service a separate unit has been created with 14 officers responsible for intervention in situations to

prevent domestic crimes and to provide referral services to outside agencies. The officer indicated that such a unit would be desirable for Edmonton if funding and resources were available.

The Inquiry heard that the Edmonton Police Service is involved in its own risk management separate from I-TRAC (Integrated Risk and Threat Assessment Centre). The officer giving evidence commented that referrals to I-TRAC could take up to 30 days and was impossible to wait for those guidelines and that I-TRAC reports were basically providing a list back for police services of things they should be doing but in many cases were already doing. The officer opined that I-TRAC referrals may be of better use to rural detachments who do not have the expertise within their own forces to do risk evaluations.

The Inquiry was advised that the DOCS unit plays an important role in the training of Edmonton Police Service members both at a recruit education level and in continuing education for officers. Some of this education is by computer access and it is difficult to evaluate the effectiveness or the use of those modules.

Overall one must wonder if in fact 25% of all police business involves domestic violence whether the manpower allocated to DOCS is sufficient to deal with this ever-present problem within our society.

MANDATE OF FATALITY INQUIRY

The purpose of a Fatality Inquiry is to identify a deceased person's date, time and place of their death, the manner and circumstances under which the death occurred and to make recommendations which may assist in the prevention of similar deaths.

It is to be noted that the Fatality Review Committee in its recommendation that this Fatality Inquiry be held, asked specifically for an investigation as to whether all that could have been done in respect of domestic violence between the parties had in fact been done. The writer would note that such a finding is not within the mandate of this Inquiry, however, the writer has reviewed the background circumstances involving Poirier and Heard and their involvement with various agencies within our society in relation to the question posed by the Fatality Review Committee.

Recommendations for the prevention of similar deaths:

1. To continue the development of collaborative teams under the Primary Care Network model which would allow physician care by the creation of robust collaborative teams including physicians, mental health workers, social workers, psychologists and psychiatrists all available in a team approach to family medicine.
2. Police services should institute programs of domestic violence, risk assessment and management in their recruit training programs and continue to those programs into all of their field offices with a system set up to monitor continuing education by all field officers in respect of domestic violence risk situations and management of domestic violence situations and indeed all personal risk situations.
3. Programs should be set up in all police situations to monitor the performance of officers in their early stages of coming into field work so as to ensure that those officers receive the necessary backup and guidance to allow them to develop their skills especially in respect of domestic violence situations.
4. That police services on a national, regional and local basis develop a domestic violence policy and thereafter advise the community and all necessary agencies of that policy and institute programs within their ranks to enforce such a policy.
5. That police services either through the Police Advisory Commission or through their own offices adopt a procedure whereby when a domestic violence situation arises, as defined by the existing domestic violence handbook, officers intervening in such a situation are required to complete for their files a document such as the F.V.I.R. form (Family Violence Investigation Report) and ensure that policy in respect of completion of such document is consistent within its ranks and that a review process of such reports be set up within their police services to ensure that appropriate referrals are made to I-TRAC (Integrated Threat and Risk Assessment Centre) for analysis and return assessments to the police services so that they might monitor risk concerns.
6. That governmental agencies ensure that institutions such as I-TRAC continue to be funded and

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functional and available to all levels of operations within the province where risk assessments are required.

7. That the Provincial Death Review Committee continue its now fledgling operation much along the lines of its Ontario equivalent to ensure that all domestic violence deaths are reviewed and recommendations made to appropriate bodies to ensure that steps can be taken to prevent such deaths so much as are possible.
8. That Police Services review their policies to determine whether it is appropriate that a F.V.I.R. report be compiled when an officer is asked to serve an Emergency Protection Order.
9. That all F.V.I.R. reports taken by line officers be reviewed promptly by a division of police services such as DOCS to allow a risk assessment be done of potential violence or investigable violence on a case by case basis.
10. That the Police Advisory Commission on Domestic Violence (PAC) consider whether it would be advisable to have police involved in the obtaining of all Emergency Protection Orders so as to insure that a F.V.I.R. be obtained in those situations and to recommend changes in Provincial Legislation if required.
11. That Edmonton Police Service consider whether it would be appropriate and advisable within their domestic violence plans to establish an intervention services at a pre-charge level to aid in the prevention of domestic violence incidents and that the Calgary Police Service model be investigated and considered for use in Edmonton.
12. It was the recommendation of two of the mothers of the deceased persons that programs should be instituted in schools within Alberta to help children recognize instances of domestic violence to learn how to report them and to protect themselves and others from the consequences of such violence and this Inquiry endorses that recommendation.

DATED January 26, 2015,

at Edmonton, Alberta.

Original signed by

The Honourable James K. Wheatley
A Judge of the Provincial Court of Alberta