

# Provincial Court – Domestic Violence Moncton NB

Interprovincial forum on judicial  
treatment of domestic violence

Montréal, Québec

May 11<sup>th</sup> and 12<sup>th</sup> , 2015

# Provincial Court – Domestic Violence Moncton, New Brunswick

- **Goals:**

- Improving the criminal justice system's response to victim's needs and safety planning;
- Promoting offender accountability and early intervention;
- Accelerating prosecution and court processes; and
- Offering timely access to services for both victims and offenders.

# Provincial Court – Domestic Violence Moncton, New Brunswick

- **Partners**

- Department of Justice;
- Office of the Attorney General;
- Department of Public Safety (Policing Services, Victim Services, and Probation Services);
- Women’s Equality Branch;
- Department of Health - Horizon Health (Mental Health & Addiction Services);
- Department of Social Development (Child Protection Services); and
- NB Legal Aid Services Commission

# Provincial Court – Domestic Violence - Moncton, NB

- **Definition of Domestic Violence**

- Domestic Violence is defined in a context of an ***intimate personal relationship*** and occurs when a person uses abusive, threatening, harassing, or violent behaviour as a mean to psychologically, physically, sexually or financially coerce, dominate and control their partner. It includes persons involved in a current or former married, common-law or dating relationship”;

# Provincial Court – Domestic Violence - Moncton, NB

- **Definition of Domestic Violence (continued)**

- Therefore, a person who commits an act of domestic violence can be of either gender, and the relationship can involve heterosexual and same sex relationships, and past or current relationships;
- Domestic violence can also include abusive, threatening, harassing or violent behaviour towards the partner's or former partner's relatives, friends or new partner;
- This definition has been adopted by the Office of the Attorney General and Municipal police in New Brunswick.

# Provincial Court – Domestic Violence Moncton, New Brunswick

- **Local Key Partners**

- Codiac Regional RCMP ( Moncton, Riverview and Dieppe);
- Southeastern RCMP (Hillsborough, Petitcodiac, Salisbury, Irish Town, Sackville to the borders of Nova Scotia and P.E.I., Shédiac to Cocagne, NB (Shédiac region November 2012 & Richibucto region February 3, 2014);
- Codiac Regional RCMP provides Police Based Victim Services;
- Crown Prosecutors (two designated Crown Prosecutors).

# Provincial Court – Domestic Violence Moncton, New Brunswick

- Department of Public Safety
  - 6 Victim Services Coordinators (Moncton region; shared responsibility);
  - 2 designated, full time Probation Officers (greater Moncton area);
  - 5 Probation Officer (shared responsibility; serving Hillsborough, Shédiac, Sackville, Kent and First Nations regions).



# Provincial Court – Domestic Violence Moncton, New Brunswick

- Horizon Health Network
  - .5 positions for Addiction & Mental Health Services
  
- Department of Social Development
  - Child Protection Services - establish contact for DV cases at the level of management and front line.



# Provincial Court – Domestic Violence Moncton, New Brunswick

## Role of the Court Coordinator

- Responsible for the operational procedures of the court and the affiliated protocols involving key partners.
- Work in collaboration with the judiciary to preserve judicial independence.
- Liaison between all partners to ensure sharing and continuous flow of relevant information.
- Problem solve operational issues as they arise.

# Provincial Court – Domestic Violence Moncton, New Brunswick

## Role of Court Coordinator

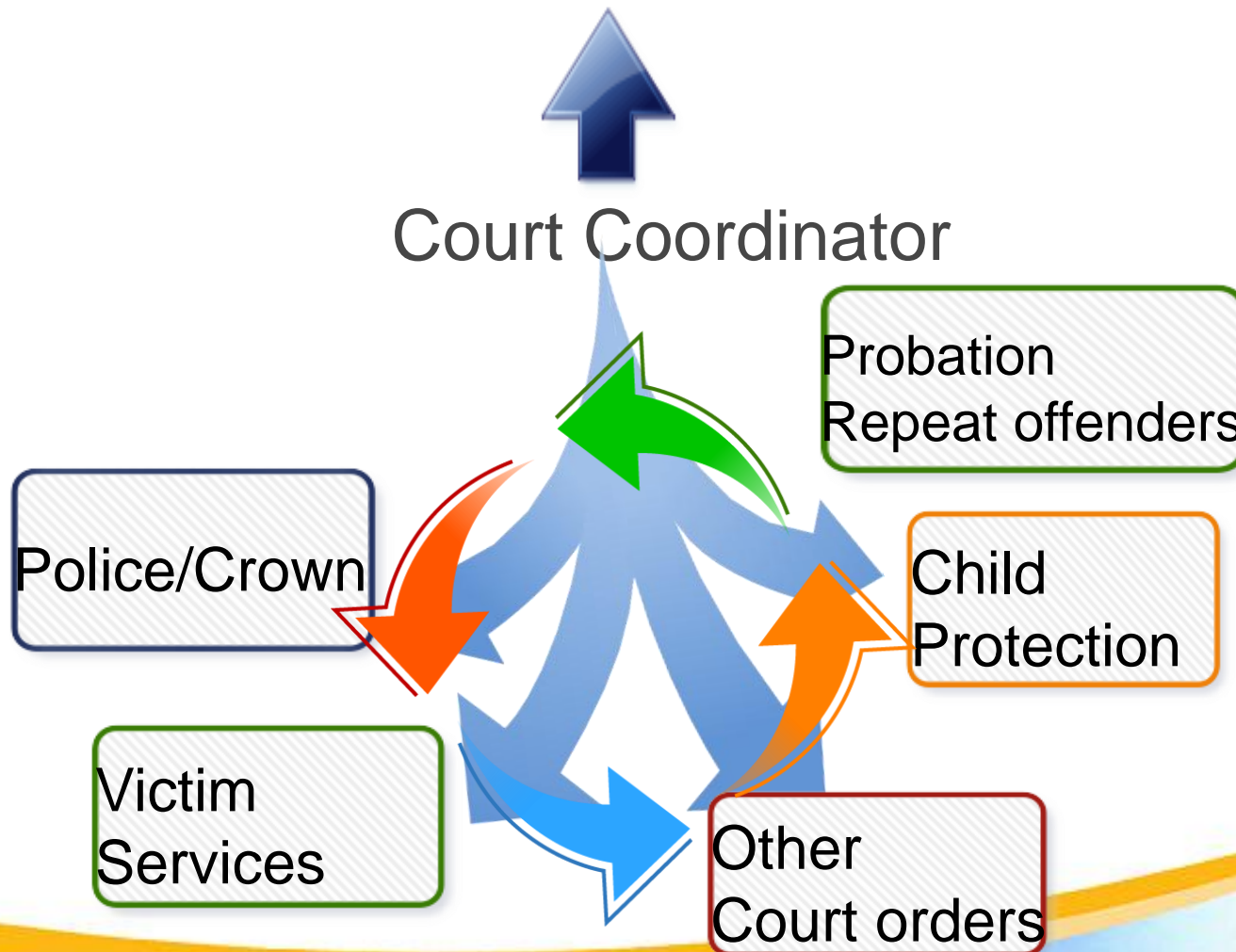
- Main liaison for the dual files having matters before the Court of Queen's Bench – Family Court division & the Provincial Court
- Liaison between the Provincial Court (Criminal) & the Dept. of Social Development – Child Protection services on the court file status.
- Distribution of court orders to complainants / victims of domestic violence including Child Protection services.
- Convoctions of meetings at the Local court advisory committee and Coordinating team meetings

# Provincial Court – Domestic Violence Moncton, New Brunswick

## Role of Court Coordinator

- Provide orientation session to new key partners.
- Coordinate any educational program offered by an agency or in the community that could benefit all partners.
- Provide public presentations and community connections.
- Maintenance of manual statistical data to produce an annual statistic report reflecting the core goals of the specialized court.

# Provincial Court (Judge)



**Accused/ Offender**

**Domestic Violence Incident**

**Victim**

**Police Investigation Results**

- Risk level
- Accused Detained – court
- Promise to appear/ undertaking (**15 days from incident date**)
- Police referral to Crown in 7days

**Police services**

- Investigation / Risk Assessment
- Police based Victim services / Emergency crisis response – (Codiac Regional RCMP)
- Referral to DPS Victim services & Dept. Social Develop.

**Court of Queen’s Bench  
Family matters**

- Court Coordinator
- Crown / Police

**Crown Prosecutor**

- Pre-charge screening / Charge approval (8days)
- Accelerated referral to court
- Disclosure to Defence

**Coordinating Team consultations**

- Electronic DV docket Review:** Crown; Police services; Court Coordinator; Probation serv. DPS Victim Services; Dept. of Soc. Dev.; Mental Health & Addiction Serv

**DPS Victim services Coordinator**

- A.S.A.P. and Danger Assessment – Case Plan – Trauma Counselling- Compensation application & Victim support

**NB Legal Aid**

- Solicitor

**Victim services**

- VIS request; -Short term couns. – DPS Victim services Coordinator is main liaison
- Referrals to community res.
- Notification of offender release / outcomes for NCR cases (Not Criminally Responsible)

**Probation Services**

- Risk Assessments; O.D.A.R.A. & LS-CMI; PSR ; Focused or full PSR
- Referral to DV program; Addiction & Mental Health; Court monitoring – brief written report

**Provincial Court – Domestic Violence  
Main entry point for all DV cases**

- First App.; Bail hearings; Peace Bonds; elect. & Plea; Preliminary Inquiry; Sentencing & Monitoring

**DV Intervention Program**

- Accused agrees to generic facts
- Eligibility for community based sentence
- Acknowledge requirements for DV program & willing to participate per section 606 CC
- No previous DV convictions and DV program. Some exceptions

**Regular Provincial Court Stream**

- Entered not guilty Plea & proceeding to Trial
- Does not meet eligibility criteria
- High risk accused / offender – significant prior history of violence

**Victim services**

- Court Prep. Supp
- Testi.Aids;
- Trauma Couns. - ASAP. re-ass.

**Domestic Violence Court**

- Court ordered condition to attend; DV program and or others serv. such as Mental Health / Addiction; Probation supervision & Monitoring

**Regular Provincial Court**

- Application of Public Prosecution Guidelines for Spousal / Partner violence.
- If accused changes plea to guilty & met eligibility criteria, case returned to DVC for Monitoring
- Upon Sentencing, case referred to regular Probation

# Provincial Court – Domestic Violence Moncton, New Brunswick

## Successes

- Consistent Police referrals to the Dept. of Public safety victim services & the Dept. of Social Dev. – child protection services
- Distribution of the weekly domestic violence court docket to key partners (especially child protection services)
- Weekly electronic domestic violence court docket reviews
- Information sharing protocols by police & victim services with victims on the status of their case



# Provincial Court – Domestic Violence Moncton, New Brunswick

## Successes

- Police undertakings are converted to Court undertakings at first court appearance with court ordered conditions in regards to firearms.
- Protocols for modification of no contact court ordered condition.
- Consistent use of risk assessments by police, victim services (victims are voluntary clients) and Probation services (offender at post-sentence)
- Protocols at the Police and Crown Prosecutor levels for the fast tracking of Domestic Violence cases including KGB & written statements, quality photos of injuries



# Provincial Court – Domestic Violence Moncton, New Brunswick

## Successes

- Sharing of information between DPS victim services and the Dept. of Social Dev. on safety plans and services in High risk domestic violence cases.
- Information Sharing Protocol between Probation Services; Mental Health & Addiction Services to provide an expedient flow of information between services on status of the offender within services.

# Provincial Court – Domestic Violence Moncton, New Brunswick

## Successes

- Domestic violence program standards includes reporting to probation services non compliant behaviour and weekly program attendance record
- Consultation between Probation and Victim services when an offender makes a request for modification to a court ordered condition.

# Provincial Court – Domestic Violence Moncton, New Brunswick

## Challenges

- Volume of cases
- Continuous change in personnel and or systems involved in administrating services in domestic violence cases.
- The sharing of risk assessments – information shared by indicating risk factors
- Accused requesting contact with their children when there is a no contact court ordered condition between the accused & victim.

# **Provincial Court – Domestic Violence - Moncton, NB**

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