

# Provincial Court – Domestic Violence Moncton NB

## 27th Annual Atlantic Crime Prevention Conference

*Innovations in Crime Prevention:  
Practical Approaches to Safer Communities*  
Moncton, New Brunswick

June 5, 2014

# Provincial Court – Domestic Violence - Moncton, NB

- In operation since April 12, 2007; began as a pilot project;
- March 31, 2011: NB Government announced that the Provincial Court – Domestic Violence is made permanent

# 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”;

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- **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).

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- 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.



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- 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

- **Three Goals**

## GOAL 1

**Improve the criminal justice system's response to victim's needs and safety planning**

- An immediate victim referral to DPS Victim Services (consent of victim not required; however, victims are voluntary clients);
- Police referral to the Dept. of Social Development, Child Protection Services (Section 31(1)(f) of the Family Services Act);

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- Validated risk assessments are conducted by Police , DPS Victim Services (at police referral) and Probation Services (post sentence):
  - **Police:** Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER) was initially adopted; however, currently in transition to the Ontario Domestic Assault Risk Assessment (O.D.A.R.A.)
  - **Victim Services Coordinators:** Aid to Safety Assessment & Planning (ASAP) & Danger Assessment
  - **Probation Services;** LS-CMI & O.D.A.R.A.
  
- ❖ Police services; request KGB statement, quality photos and 911 tapes when requested by the Crown Prosecutor

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- An Information Sharing Protocol between Police and Department of Public Safety Victim Services to inform victims of their case status;
- Protocols for the Coordination of information with the Department of Social Development;
- Weekly DV Court docket distribution to the immediate key partners (including the Supervisor of Family Enhancement Unit and Child Protection Services, Department of Social Development);
- Determination (by Court Coordinator) of DV cases that have active status in Family Court;

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- Undertakings, in addition to regular conditions, includes the condition not to own, acquire or possess firearms;
- Police curfew checks routinely requested when risk of reoffending is high, and/or when an accused is released following a bail hearing;
- Referral for a consultation to DPS Victim Services, before the Court modifies a “no contact” condition;
- Designation of third party to facilitate child access (requires an adjournment)

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- When an accused is detained, the Court routinely orders “no contact” with the victim/witnesses (Section 515(12) CCC);
- When an accused represents himself at trial, the Crown Prosecutor maintains discretion for applications per section 486.3(2) CCC regarding the cross-examination of a witness; may make a request for the court to appoint a lawyer for cross-examination;
- Upon request, the victims can receive a copy of the Court order.

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## GOAL 2

### Promote offender accountability and early intervention

- All accused released in the community are placed on an Undertaking with several condition;
- At bail hearings, the Court may impose court monitoring as a condition of an interim judicial release;

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## ➤ Eligibility criteria for Domestic Violence programs:

- Agree to the facts and enter a guilty plea;
- Must be eligible for a community-based sentence;
- No prior convictions arising from a domestic violence situation, and not participated in a Domestic Violence Court Program in the past;



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- Offenders may be ordered to attend for an assessment at Addiction & Mental Health Services and follow recommended treatment;
- At sentencing, judicial monitoring of offender progress is imposed as a condition and the first monitoring date is set;
- Domestic Violence offender programs:
  - Low risk – John Howard Society – 10 sessions
  - Moderate to high risk - Beauséjour Family Crisis Resource Center – 16 sessions
  - Women’s program – John Howard Society -10 sessions

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- Information sharing between Probation Services, service providers, Mental Health and Addiction Services for attendance to program sessions and services (e.g. Probation Services shares the LS-CMI & ODARA Assessment results).

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## GOAL 3

### Accelerate prosecution and court processes

- Time Frames for processing a charge:
  - Accused deemed appropriate for release, an appearance notice within 15 days of the DV incident;
  - Police file forwarded to Crown Prosecutor in 7 days following DV incident;

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- Crown Prosecutor complete pre-charge screening and charge approval within 8 days;
- Crown Prosecutor to provide file disclosure to defense counsel within the shortest delay possible.

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- Court sessions designated for DV cases:
  - Mondays (1:30 pm) – first appearances, bail hearings, election & plea, peace bond applications, preliminary inquiries and sentencing hearings;
  - Wednesday (9:00 am) – **Monitoring** of offender progress (twice/month);
  - Thursdays (9:30 am) – Same as Mondays; and
  - Thursday at 1:30pm – Same as Mondays

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## Domestic Violence cases are diverted to the regular provincial court when:

- Accused pleads not guilty and proceeds to trial;
- Accused does not meet the eligibility criteria for Domestic Violence Court program;
- However, if an accused changes his/her plea to guilty in regular court and meets the eligibility criteria for the DV Court program, after sentencing, he/she may be referred back to the Domestic Violence Court for monitoring

# Provincial Court – Domestic Violence - Moncton, NB

## Court Team - Advisory Committee & Education

- Weekly team meetings;
- Domestic Violence educational sessions;
- Orientation package for new employees;
- Court Coordinator is member of the  
Coalition Against Abuse in Relationships

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

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