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<b>CHAPTER ii – CHAPITRE ii :</b>  <b>Interpretation and Application</b> <b>Interprétation et Application</b>	Readers are referred to the list of Related Documents at the end of this Policy for additional information.  Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.	

## SPECIALIZED PROVINCIAL COURTS

### 1. Introduction

The Attorney General supports the use of specialized provincial courts. Where appropriate and when in operations, the Crown Prosecutor should consider proceeding in the Domestic Violence Court, the Elsipogtog First Nation Healing to Wellness Court, or the Mental Health Court.

### 2. Statement of the Policy

This Manual applies to proceedings in specialized provincial courts. Where there is a conflict between this Manual and a policy of a specialized provincial court, this Manual prevails.

### 3. Specialized Provincial Courts

#### 3.1 Domestic Violence Court

The Domestic Violence Court provides assistance to the victim and the accused in matters concerning domestic violence. To help end the cycle of domestic violence, the Domestic Violence Court aims to achieve the following objectives:

- (a) to improve the response of the criminal justice system to victim needs and safety planning;
- (b) to provide timely access to services for the victim and the accused;
- (c) to promote offender accountability and early intervention; and
- (d) to accelerate prosecution and court processes.

The Domestic Violence Court implements its mandate through a combination of specialization in domestic violence cases and coordinated community-based resources for the support and treatment of the victim and the accused.

Support is provided to the victim and any children of the victim throughout the entire court process, with the main objective of such support being to ensure victim safety.

Treatment options for the offender encourage understanding of violent behavior, and help the offender learn new ways to interact in relationships to avoid abusive behaviour in the future.

The Domestic Violence Court operates in the judicial district of Moncton.

### 3.2 Elsipogtog First Nation Healing to Wellness Court

The Elsipogtog First Nation Healing to Wellness Court is a therapeutic court established to make the criminal justice system more responsive to the needs of Aboriginal people. To accomplish this, the Court focuses on the following objectives:

- (a) to deal with crime and its underlying causes, such as mental health and substance abuse; and
- (b) to provide a culturally sensitive approach to dealing with accused from the community that incorporates First Nations practices and culture.

Not all offences are within the scope of the Court. Eligibility is determined based on the offence type. Where an offence is within the scope of the Court and the accused is eligible to participate, the accused will be required to take responsibility for his or her actions and to comply with a treatment plan ordered by the Court. The plan will be supervised by medical and mental health professionals and Elsipogtog First Nation elders. The progress of the accused will be monitored regularly by a provincial court judge. An accused person who is ineligible for the program may be able to have his or her charge disposed of in the Court.

No trial appearances will be scheduled in the Court, but the Court will help to bridge the gap between the provincial court and Aboriginal culture.

The Elsipogtog First Nation Healing to Wellness Court is located on the Elsipogtog First Nation.

### 3.3 Mental Health Court

The Mental Health Court provides assistance to accused persons who have a mental illness or intellectual disability and are in conflict with the law, where fitness for trial and criminal responsibility are not in issue. By expanding procedures and employing targeted programs, the Mental Health Court aims to achieve the following goals:

- (a) to effectively deal with the accused under the provisions of the *Criminal Code*;
- (b) to provide the accused with effective treatment following the principles of the least restrictive intervention in the least restrictive environment;
- (c) to protect the rights of the public, the rights of the accused, and the integrity of the criminal justice system; and
- (d) to hold the accused accountable for his or her behaviour.

The Mental Health Court uses a judicially monitored program and a multidisciplinary team approach to encourage voluntary treatment over punishment in order to address the underlying cause of the criminal conduct.

The Mental Health Court operates in the judicial district of Saint John.

## 4. Related Documents

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None