

CATEGORIES OF JUSTICE OF THE PEACE AND EDUCATION AND TRAINING PLANS

Categories of Justice of the Peace:

For the purposes of remuneration and authorizations, there are two categories of Justice of the Peace in the Northwest Territories.

- 1) Administrative Justice of the Peace (A-1, and A-2)
- 2) Presiding Justice of the Peace (P-1, P-2, and P-3)

1) Administrative Justice of the Peace

The Administrative Justice of the Peace is a Clerk of the Territorial Court, appointed by the Commissioner, who may:

- Receive informations in person pursuant to section 504 CC, and by telecommunication pursuant to section 508.1 CC;
- Issue summonses, warrants of arrest and subpoenas;
- Confirm or cancel promises to appear, notices, or undertaking to an officer in charge;
- Adjourn a sitting of the Territorial Court.

The Clerk of the Court performs these duties as part of their employment; and as such, does not receive additional remuneration (*s. 2(2) of the Remuneration and Allowances Regulations*).

The Administrative Justice of the Peace shall receive the basic, Level 1, and may, with the permission of the Chief Judge, receive subsequent training to perform marriage ceremonies.

2) Presiding Justice of the Peace

The Presiding Justice of the Peace is appointed by the Commissioner to perform duties as provided in *the Justices of the Peace Act* and their *Letter of Authorization* as issued by the Chief Judge of the Territorial Court. All Presiding Justices of the Peace are remunerated according to the *Remuneration and Allowances Regulations*. A Justice of the Peace may be a lay person or be a lawyer but may not practice law in the Northwest Territories once appointed.

The Presiding Justices of the Peace receive training to perform a wide range of duties, which may include qualification to preside over hearings.

EDUCATION & TRAINING PLAN FOR JUSTICES OF THE PEACE

Within a period of 12 months of being appointed, a Justice of the Peace receives educational training to perform functions listed at Justice of the Peace Levels 1 and 2. ***This includes participating in 3 separate workshops: Basic, P-1, and Warrants.***

Candidates may be required to take this training as part of the application process to assess suitability and prior to being recommended for appointment as a Justice of the Peace.

Basic Level 1 (*offered to all Presiding and Administrative Justices of the Peace*)

- Introduction to the legal system
- Function of the Justice of the Peace
- Ethics
- Receive an *Information*
- Issue a *Summons* or a *Warrant of Arrest*
- Confirm or cancel a *Promise to Appear*, a *Notice to Appear* or a *Recognizance*
- Issue a *Subpoena*
- Adjourn a court proceeding

Presiding (P-1) (*offered to Presiding Justices of the Peace*)

- Read the accusation to the accused [JIR]
- Read the *Language Rights Advisement* to the accused [JIR]
- Release or Remand an accused on consent [JIR]

Warrants

- Issue a *Search Warrant*

Additional education and training may be offered to Presiding Justices of the Peace to qualify them to render additional services:

Emergency Protection Orders (EPO Level 1)

- *the Protection of Family Violence Act*
- conducting a hearing by telephone
- listening skills
- communication skills
- oral judgment skills

Emergency Protection Orders (EPO Refresher)

Offered to Justices of the Peace who have completed Level 1 EPO Training, with a view to addressing specific areas of difficulty.

Marriages

Educational training may be offered to Justices of the Peace who meet certain conditions, to perform marriage ceremonies.

Telecommunications (TW)

On-call Justices of the Peace participate in a rotation system to provide services to all NWT communities. TW is open to Justices of the Peace who have completed Level P-1 and performed duties at that level to the satisfaction of the Chief Judge or their delegate.

*Although it is not essential, it is recommended that a Justice of the Peace complete the **EPO** training prior participation in the On-Call Justice of the Peace training.*

- Receiving an *Information* pursuant to s. 508.1 CC
- Conducting a hearing by Telephone or by Videoconference
- Issuing Telewarrants
- Exchanging documents by telecommunications
- Listening skills
- Communication skills
- Delivering an oral judgment

Sentencing on Territorial or Municipal Offence matters (P-2)

Followed by 15 hours of observation in Justice of the Peace Court and 15 hours of mentoring in Justice of the Peace Court, this educational training includes:

- Procedure pursuant to the *Summary Conviction Procedures Act* (SCPA) and convictions in absence
- Taking a plea
- Sentencing principles
- Delivering oral judgments

Additional educational training is available to Presiding Justices of the Peace:

Presiding at Trial on Territorial or Municipal Offence matters (P-3) (4 modules)

Followed by 15 hours of observation in Justice of the Peace Court and 15 hours of presiding in Justice of the Peace Court with a mentor; it is expected the participant complete this educational training over the course of one year.

- Module 1: General principles
- Module 2: Rules of Procedure
- Module 3: *Rules of Evidence*
- Module 4: Conducting the hearing and delivering the decision