

# LEGAL PROCESS AND DISCLOSURE

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# ROLE OF THE ENFORCEMENT OFFICER

## 1. Inspection

- Rights of Entry
- Right to obtain assistance
- Determine ownership

## 2. Disclosure

- Officer's notes (all)
- Will say statements and any statements
- Summary of Officer
- Ongoing obligation



# ROLE OF THE FIRE PREVENTION OFFICER

## 3. Documentation to be Disclosed

- Title (Legal Dept)
- Incorporation (Legal Dept)
- Pictures
- Statements taken
- Fine suggestions
- History of Non-compliance (Orders)
- Correspondence

## 4. Prepare charging documents

## 5. Prepare Crown Brief

# Use of Cautions

What is a caution?

When is a Caution required?

When is a caution “not” required?

What are the alternatives?

# Statements and Notes

- Signatures
- **Write down utterances verbatim**
- Details
  - who, what, where, when, why, how
- Notebook
- Back of PON
- Scrap of paper
- Statement Form

# INFORMATION/DÉNONCIATION

Under Section 28 of the Provincial Offences Act  
En application de l'article 28 de la Loi sur les infractions provinciales

Form 105 / Courts of Justice Act  
Formule 105 Loi sur les tribunaux judiciaires  
R.R.O. 1990 Reg. 200 / L.R.O. 1990, Règl. 200

ONTARIO COURT  
OF JUSTICE  
PROVINCE OF ONTARIO  
COUR DE JUSTICE  
DE L'ONTARIO  
PROVINCE DE L'ONTARIO

This is the information of  
*Dénonciation déposée par*

Jim Jessop

050698

ot/de

The City of Niagara Falls Fire Department

Fire Prevention Officer

(occupation/profession)

Long Thi Dinh  
5511 Desson Avenue  
Niagara Falls, Ontario  
L2G 3S9

I have reasonable and probable grounds to believe and do believe that  
*J'ai des motifs raisonnables de croire et je crois effectivement que*

on or about the 25<sup>th</sup> day of August, 2005, at the 5511 Desson Avenue  
*le ou vers le jour de yr. an , à*

Niagara Falls, Ontario L2G 3S9

did commit the offence of  
*a commis l'infraction de*

1/ Failing to ensure that activities that create a hazard not be carried out in a building as required by Clause 2.1.2.2 of O.Reg 388/97, as amended, and did thereby commit an offence  
CONTRARY TO: The Fire Protection and Prevention Act 1997, S.O. 1997 Chapter 4, Section 28(1)C

2/ AND FURTHER that on or about August 25<sup>th</sup>, 2005 at 5511 Desson Avenue in the City of Niagara Falls did fail to ensure that temporary electrical wiring not be used where it presents a fire hazard as required by Clause 2.4.6.1 of O.Reg 388/97, as amended, and did thereby commit an offence  
CONTRARY TO: The Fire Protection and Prevention Act 1997, S.O. 1997 Chapter 4, Section 28(1)C.

LONG FORM - TWO OR MORE CHARGES  
FORMULE COMPLÈTE - DEUX ACCUSATIONS OU PLUS

FOR INFORMATION ON ACCESS  
TO ONTARIO COURTS  
FOR PERSONS WITH DISABILITIES, CALL  
1-800-387-4456  
TORONTO AREA 326-0111

POUR PLUS DE RENSEIGNEMENTS SUR L'ACCÈS  
DES PERSONNES HANDICAPÉES  
AUX TRIBUNAUX DE L'ONTARIO, COMPOSEZ LE  
1-800-387-4456  
RÉGION DE TORONTO 326-0111

OFFENCE NUMBER: **4560**      OFFENCE NUMBER: **76781737**  
 COURT OF JUSTICE: **120040617**      TIME: **12.02** a M  
**CERTIFICATE OF OFFENCE / PROCÈS-VERBAL D'INFRACTION**  
 (LE DOUSSINÉ/É)  
**Constable J. Smith**  
 NAME: **Doe**  
 SURNAME: **Jane**  
 ADDRESS: **27 Anywhere Street**  
**St. Catharines**  
**Glendale Avenue**  
**St. Catharines**  
 OFFENCE: **Speeding**  
**70 kms in a 50 km zone**  
 CONTRARY TO: **Highway Traffic Act**  
 SECTION: **128**  
**ABCDEF**      **04**      **ON**      **GHCX**  
**J. Smith**  
**80.00**      **100.00**      **EXCEL**  
**100.00**

DATE OF OFFENCE

DEFENDANT'S NAME

MUNICIPALITY

OFFICER'S SIGNATURE

SET FINE

INFORMANT'S NAME

OFFENCE LOCATION

OFFENCE

CERTIFICATE/AFFIDAVIT OF SERVICE



# Role of the Prosecutor

## 1. Pre-charge consultation (if necessary)

## 2. Review file and charging documents for:

- Essential Elements
- Best Evidence Rule
- Consistency of Evidence
- Expert Evidence and Witnesses

## 3. Trial Process:

- Qualifying notes
- Voir dire
- What makes a good witness
- Credibility
- Hearsay rule
- Expert witnesses (How to qualify)
- Cross-Examination – Survival Tips

## 4. Prosecutorial Independence



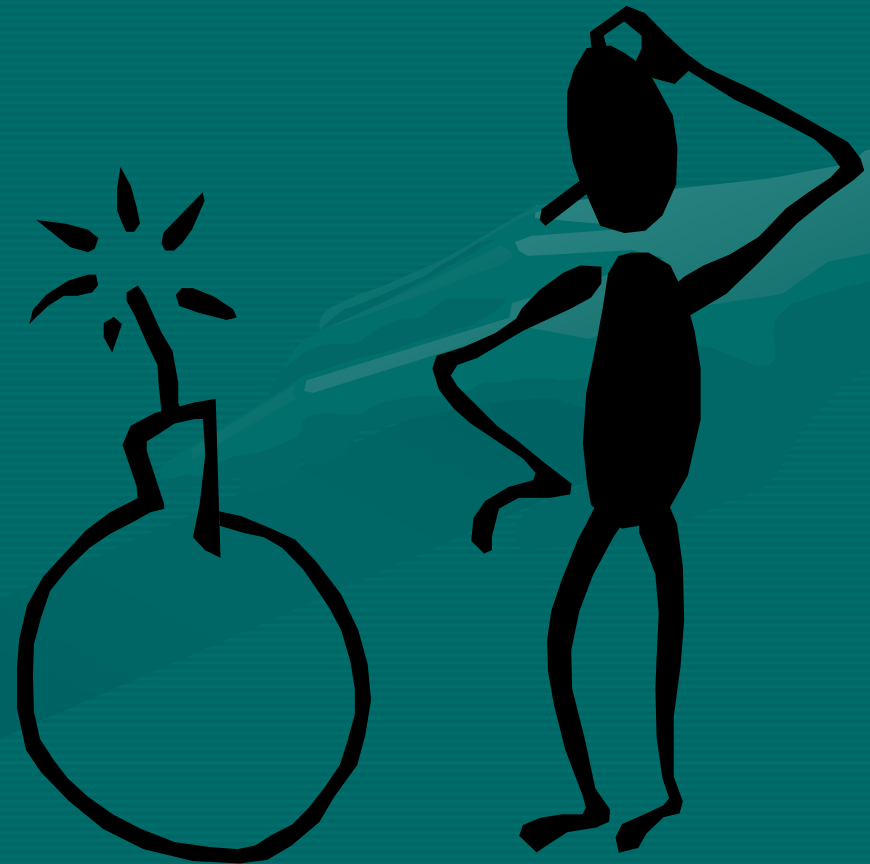
# To Proceed or Not to Proceed.....

→ Is it “right”?

→ Reasonable  
prospect of  
conviction

→ Public Interest

→ Worth it?



# Pre-trials

- 1. What's the purpose
- 2. Where do we go from here?



# TRIAL PROCESS

The background is a solid teal color. In the lower half, there is a faint, semi-transparent graphic of two hands shaking, symbolizing an agreement or a process. The text 'TRIAL PROCESS' is centered in the upper half in a white, serif font with a black outline.

# Officer's Notes

- *Your memory*
- *Past Memory Recorded and other concepts*
- *Sufficiency of your notes*
- *Memory versus notes*

# Court Terminology

- HEARSAY RULE
- MENS REA (Mens Ray-a)
- VOIR DIRE

# Orders

- BEFORE CONVICTION
- AFTER CONVICTION



# ROLE OF THE JUSTICE OF THE PEACE

- Why you shouldn't talk to Justice of the Peace?
- Exceptions:
  - \* Laying the Charge
  - \* Pre-trial if you are present
  - \* In court
  - \* In case of a fire emergency