

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT

(LEGAL SERVICES DIVISION – MUNICIPAL PROSECUTIONS - LOCATION – JOHN SOPINKA COURT HOUSE,
45 MAIN ST. E., SUITE 408)

MUNICIPAL PROSECUTOR

SUMMARY OF DUTIES

Reporting to the Supervisor, Municipal Prosecutions and to a lawyer, in accordance with the Memorandum of Understanding (MOU) Prosecutorial Standards as set out by the Province of Ontario and Professional Rules, responsible for conducting prosecutions and appeals in the Ontario Court of Justice for offences under provincial statutes, selected federal statutes and municipal by-laws.

GENERAL DUTIES

Conduct prosecutions (i.e. first attendance, pre-trials, trials, pre-appeals and appeals) under provincial statutes, selected federal statutes and municipal by-laws in provincial court by:

- a) Evaluating charges to determine if they have been sufficiently investigated and all evidence is collected.
- b) Reviewing admissibility of evidence.
- c) Determining the appropriate courses of action (i.e. determine whether or not to proceed with prosecution or to withdraw charges), research and analysis of issues.
- d) Conducting disclosures, motions including responding to motions under the Canadian Charter of Rights and Freedom and other pre-trial proceedings.
- e) Reviewing statements of witnesses, interviewing and preparing expert and civilian witnesses.
- f) Preparing and directing the preparation and serving of associated court documents.
- g) Negotiating settlements as required.
- h) Presenting oral and written legal arguments in the Ontario Court of Justice.

Provide advice and guidance to law enforcement officials, members of the legal profession, Ministry officials, general public, Justices of the Peace and City staff based on knowledge of the requirements and procedures under the Provincial Offences Act (POA).

Engage in resolution discussions with opposing counsel, agents and members of the public in complex and sensitive matters requiring a defusing of tensions, diplomacy and a balancing of competing interests. Decisions are made impartially, professionally, objectively and in accordance with standards required by the MOU and the Legal Services Division.

Conduct extensive research. Analyze and interpret developing case law and amendments to legislation required in preparation for trial. Compose complex technical legal documents and correspondence. Prepare oral and written legal submissions and facts. Summarize evidence and make submissions including recommendations for judgment and sentence.

Act as liaison with and resource to POA court services and POA collections financial staff. Manage various collection claims which require attendance before Small Claims Court.

Notify the supervisor of any matters that may raise substantive legal issues at trial or appeal (i.e. application for judicial review or prerogative writ sought in relation to a prosecution, anything that may affect the administration, constitutional validity or enforceability of a statute or regulation, etc.).

Notify the supervisor of offences designated as contraventions under the Contraventions Act.

Recommend changes to existing policy and procedures related to prosecution activities.

Respond to inquiries from the public, enforcement agencies and municipal staff concerning prosecutions.

Provide searches of title, subsearches, approval of forms and registration of documentation for enforcement departments.

Assist with instruction of enforcement staff on prosecution related issues. Assist in design and conduct educational seminars for enforcement staff to ensure proper collection and preparation of evidence required to meet charges, proper conduct in court, understanding of trial procedure and cross-examination.

Occasionally travel outside jurisdiction to another municipality to prosecute offences which require an out-of-town prosecutor.

Train, supervise and assign work to co-op students. Assign work, provide guidance and instructions to legal secretaries regarding prosecution administrative duties.

Work in accordance with the provisions of applicable Health and Safety legislation and all City of Hamilton corporate and departmental policies and procedures related to Occupational Health and Safety.

Perform other duties as assigned which are directly related to the responsibilities of the position.

QUALIFICATIONS

1. Proven knowledge in the theory and practice of law, advocacy, selected federal statutes, provincial statutes and municipal by-laws relative to prosecutions and appeals normally acquired through obtaining a diploma in a Court and Tribunal Agent Program recognized by the Law Society of Upper Canada or other relevant diploma or degree or related court experience. Preferred is an additional two to three years of prosecution experience. The equivalent combination of education and experience will be considered.
2. Familiarity with investigation techniques employed by enforcement agencies.
3. Must possess strong verbal, written and presentation skills.
4. Must possess strong interpersonal skills and ability to be diplomatic.
5. Excellent organizational and analytical skills.
6. Experience in a computerized environment. Working knowledge of Microsoft Office (i.e. Word, Excel and Outlook), Integrated Court Offences Network (ICON) and Teraview.
7. Ability to comply with Memorandum of Understanding Prosecutorial Standards as set out by the Province of Ontario.
8. Ability to travel to locations within the City of Hamilton and neighbouring municipalities. A valid Ontario Driver's Licence is an asset.
9. Fluency in French in a court room setting is an asset.

THE INCUMBENT SHALL COMPLY WITH ALL HEALTH AND SAFETY POLICIES AND PRACTICES FOR THIS POSITION AND THE WORKPLACE.
