



POSITION DESCRIPTION

POSITION TITLE:	Provincial Offences Act Municipal Prosecutor
GENERAL SUPERVISOR:	Treasurer/Town Solicitor
EMPLOYEE GROUP:	Management/Non-Union
PREPARED BY:	Human Resources

POSITION SUMMARY:

This position requires the highest standards of integrity, professionalism, objectivity, and confidentiality. The Municipal Prosecutor exercises independent prosecutorial discretion in accordance with applicable legislation, Law Society requirements, prosecutorial standards, and principles of procedural fairness.

- Responsible for conducting Part I, Part II, and Part III prosecutions under the Provincial Offences Act, municipal by-laws, selected federal statutes, and any matters delegated by the Attorney General.
- Responsible for conducting early resolution meetings, plea negotiations, screenings, and mediations where appropriate.

DIRECTION RECEIVED:

- The prosecutor works independently when undertaking prosecutions of offences under relevant Provincial Statutes. This includes accountability to review case law and argue law on appeals and the conducting of disclosure.
- The Prosecutor, if not a lawyer, will report to a lawyer designated by the Corporation of the Town of Fort Frances. Such reporting will be structured so that the prosecutor's exercise of discretion is not influenced.
- The Treasurer will provide oversight of hours worked.
- The prosecutor is frequently responsible to make judgements in complex matters. Errors in judgment could result in the miscarriage of justice which may have serious effects on the individuals involved, create inconvenience to the public, generate increased costs, create public dissatisfaction with the administration of justice and cause significant embarrassment for the Town.

DIRECTION OF OTHERS:

- Provides expert level functional leadership in resolving matters related to the Provincial Offences Act.

REVENUE, ASSET, AND EXPENDITURE SCOPE

- N/A

GENERAL RESPONSIBILITIES

- Conducts prosecutions under provincial statutes, the Contraventions Act (Canada) and municipal by-laws in the Ontario Court of Justice for the Fort Frances Court Service area.
- Reviews statements of witnesses; evidence and its admissibility; reviews that all charges have been sufficiently investigated.
- Ensures that all evidence has been collected before presenting arguments to the Court.
- Maintains current knowledge of applicable legislation and the common law, stays current regarding any changes and developments.
- Performs administrative duties related to prosecutions including the disclosure of documents and notice requirements.
- Liaises with Justices of the Peace, Provincial Offences Administration staff, enforcement and other agencies, legal profession and the public.
- Provides disclosure to defendants and accepts service of documents; ensuring witnesses are summonsed or cancelled as necessary.
- At trial, presents evidence and makes legal argument to prove the charge.
- In the case of appeals, files the required documents and presents legal argument on appeal before a Justice of the Ontario Court of Justice.
- Addresses complaints promptly and effectively.
- Notifies the local Crown Attorney and the Attorney General of any matter that appears likely to raise a substantive legal issue at trial or appeal, including an application for Judicial review or prerogative writ sought in relation to a prosecution.
- Prepare and conduct prosecutions of offences under provincial statutes, municipal by-laws, the Contraventions Act (Canada), and delegated matters before the Ontario Court of Justice.
- Research and prepare legal documents including Notices of Motion, Affidavits, written submissions, applications, appeal materials, factums, books of authority, and other court documents.
- Research and analyze legislation, regulations, legal precedents, and case law to determine appropriate courses of action and evaluate the sufficiency of evidence.
- Attend early resolution meetings with defendants, agents, and legal counsel and negotiate appropriate resolutions where warranted.
- Examine and cross-examine witnesses, present oral and written submissions, summarize evidence, and make submissions respecting judgment and sentencing.
- Conduct statutory, corporate, property ownership, tax, and conviction record searches as required.
- Maintain effective working relationships with enforcement agencies and provide legal guidance regarding investigations and prosecutions.
- Liaise with enforcement agencies, the Crown Attorney's Office, the Judiciary, provincial ministries, expert witnesses, and other stakeholders.

- Provide training and educational support to municipal and enforcement personnel on court procedures and emerging legal developments.

ROUTINE AND NON-ROUTINE CONTACTS

- Regular contact with Justices of the Ontario Court of Justice, Justices of the Peace and Court Administrative staff for scheduling of courts.
- Contact with the Solicitor for legal issues and advice.
- Contact with the Provincial Offences Coordinator with regard to administrative matters.
- Meets with witnesses for the Prosecution to determine evidence.
- Regular contact with the Treasurer, who oversees hours worked, and provides oversight of departmental budget.

EDUCATION AND QUALIFICATIONS:

- Licensed Paralegal in good standing with the Law Society of Ontario, or eligible to obtain and maintain such licence.
- Degree or diploma in Paralegal Studies, Law and Security Administration, Legal Studies, Criminology, Justice Studies, or a related discipline.
- Minimum five (5) years' prosecutorial, courtroom, legal, or law enforcement experience, preferably involving Provincial Offences Act matters.
- Demonstrated knowledge of:
 - Provincial Offences Act
 - Highway Traffic Act
 - Contraventions Act (Canada)
 - Canadian Charter of Rights and Freedoms
 - Rules of Evidence
- Applicable provincial statutes, regulations, and municipal by-laws.
- Demonstrated experience conducting legal research and drafting pleadings, motions, applications, factums, and written submissions.
- Strong negotiation, mediation, conflict resolution, and decision-making skills.
- Ability to exercise sound judgment, discretion, and confidentiality in sensitive legal matters.
- Strong organizational and time management skills with the ability to manage competing priorities and strict court deadlines.
- Advanced computer skills with proficiency in Microsoft Office and legal/court-related software systems such as ICON, CAMS, SharePoint, and legal research tools.
- Excellent oral and written communication skills.
- Thorough understanding of Provincial Offences Act and its application.
- Valid Class 'G' Ontario approved driver's license.

EFFORT:

- The position requires physical effort of above normal intensity and moderate duration, most work tasks are spent sitting or standing. Keyboarding with a requirement for speed and accuracy is required for some part of the day.
- Work is subject to frequent interruptions.
- A high level of concentration is required for extended periods while performing courtroom prosecutions, and day to day responsibilities, as the nature of the work requires attention to detail to ensure accuracy, and quality of work.

WORKING CONDITIONS:

- Hours of work are based on operational needs and court schedules. The extent of preparation required for prosecutions varies dependent on the matter.
- The incumbent works mainly indoors on a year-round basis, in a private workspace.
- The incumbent may be subject to dealing with human hazards such as difficult people, verbal abuse, and potential threat of violence.

CONDITIONS OF EMPLOYMENT

- Valid Class 'G' Ontario approved driver's license.
- Must provide a satisfactory criminal background and Vulnerable Sector checks.