

Corporate Policies

SECTION: TERMS & CONDITIONS OF EMPLOYEMENT		DEPT: Legal Services
SUBJECT: Conflict of Interest Provincial Offences Act		
POLICY NO. 2.2.1	SUPERCEDES POLICY DATED: N/A	PAGE: 1 OF 5
EFFECTIVE DATE: June 28, 1999	APPROVED Council BY: Resolution C356-98	APPROVAL DATE: Sept. 28, 1998

POLICY STATEMENT:

The policy provides for Conflict of Interest Guidelines with respect to the administration and prosecution of offences under the Provincial Offences Act.

PURPOSE:

Effective June 29, 1999, the administration and prosecution of certain offences under the Provincial Offences Act was assumed by the City of Brampton pursuant to the Transfer Agreement with the Ministry of the Attorney General.

This policy is to establish conflict of interest guidelines to ensure that these responsibilities are conducted in accordance with fundamental principles of justice, which include judicial and prosecutorial independence, fairness, impartiality, competence and integrity.

SCOPE:

This policy applies to all elected representatives, officials and staff of the City of Brampton.

PROCEDURE:

Principles of Conflict of Interest Guidelines

- No person shall attempt to influence or interfere, financially, politically or otherwise with employees or others person performing duties related to the administration and/or prosecution of offences at the Brampton Provincial Offences Court
- All persons involved with the administration and prosecution functions of the Provincial Offences Court shall endeavor to carry out such duties in a manner, which upholds the integrity of the administration of justice

Corporate Policies

SECTION: TERMS & CONDITIONS OF EMPLOYEMENT		DEPT: Legal Services
SUBJECT: Conflict of Interest Provincial Offences Act		
POLICY NO. 2.2.1	SUPERCEDES POLICY DATED: N/A	PAGE: 2 OF 5
EFFECTIVE DATE: June 28, 1999	APPROVED Council BY: Resolution C356-98	APPROVAL DATE: Sept. 28, 1998

Prosecution Guidelines

- Prosecutors shall adhere to the following conflict of interest guidelines:
 - A person employed as a prosecutor shall not also be employed as an enforcement officer
 - A prosecutor shall be supervised by or report to the Commissioner of Legal Services and City Solicitor or another lawyer designated for this purpose
 - A prosecutor shall not hold or have held a municipal political office within the preceding 12 months
 - A prosecutor shall not be placed, or place him or herself, in a position where the integrity of the administration of justice could be compromised
 - A prosecutor shall not, personally or through any partner in the practice of law, act or be directly involved as counsel or solicitor for any person in respect of any offence charged against the person under the laws in force in Ontario, unless it relates to his/her own case

Implementation

- All elected representative shall be provided with a copy of these guidelines following each municipal election
- These guidelines shall form part of the orientation for all current and new municipal officials and staff
- All staff members involved with the administration functions shall swear or affirm an oath as set out in Schedule A to this policy
- All municipal prosecutors engaging in prosecutions shall swear or affirm to the oath as set out in Schedule B to this policy

ACCOUNTABILITY:

- Although these are guidelines, the attention is brought to the fact that a breach may result in charges under the Criminal Code of Canada, Provincial statute or other disciplinary action
- As a result of a breach by an elected representative or official or staff member of the Corporation, the City of Brampton may be in breach of the Memorandum of Understanding with Her Majesty the Queen in Right of Ontario as represented by the Attorney General

Corporate Policies

SECTION: TERMS & CONDITIONS OF EMPLOYEMENT		DEPT: Legal Services
SUBJECT: Conflict of Interest Provincial Offences Act		
POLICY NO. 2.2.1	SUPERCEDES POLICY DATED: N/A	PAGE: 3 OF 5
EFFECTIVE DATE: June 28, 1999	APPROVED Council BY: Resolution C356-98	APPROVAL DATE: Sept. 28, 1998

- An employee or other person performing duties related to the administration or prosecution of offences under this policy shall report any attempt at improper influence or interference, financial, political or otherwise, to the Commissioner of Legal Services and City Solicitor and to the local Crown Attorney. No action shall be taken against the employee or other person for making any such report in good faith.
- Any employee or other person performing duties related to the administration or prosecution of offences under this policy contacted by an elected official with respect to the administration of justice and matters before the court shall immediately disclose such contact to the Commissioner of Legal Services and City Solicitor in order to maintain the integrity of the justice system.
- Where an employee or other person performing duties related to the administration or prosecution of offences under this policy has been charged with an offence created under a federal statute or regulation or a provincial statute or regulation, and where continuing to perform his or her duties may erode public confidence in the administration of justice, the charge shall be disclosed to the Commissioner of Legal Services and City Solicitor. Upon notification, the Commissioner of Legal Services and City Solicitor shall determine if any actual or perceived conflict of interest exists, and if so, shall take appropriate action to address the conflict.
- A prosecutor shall disclose any actual or reasonable perceived conflict as soon as possible to the Commissioner of Legal Services and City Solicitor
- Where a prosecutor is charged with an offence under the Criminal Code of Canada or any other federal statute or regulation that is dealt with under the Criminal Code of Canada, such charge shall be disclosed to the Commissioner of Legal Services and City Solicitor forthwith. Where a prosecutor is charged with an offence under other federal statutes or regulations there under or a provincial statute or regulation there under and where continuing to perform his or her duties may erode public confidence in the administration of justice, the charge shall be disclosed to the Commissioner of Legal Services and City Solicitor. The Commissioner of Legal Services and City Solicitor shall determine if any actual or perceived conflict exists and, if so, the Commissioner of Legal Services and City Solicitor shall take appropriate action to address the conflict.

Corporate Policies

SECTION: TERMS & CONDITIONS OF EMPLOYEMENT		DEPT: Legal Services
SUBJECT: Conflict of Interest Provincial Offences Act		
POLICY NO. 2.2.1	SUPERCEDES POLICY DATED: N/A	PAGE: 4 OF 5
EFFECTIVE DATE: June 28, 1999	APPROVED Council BY: Resolution C356-98	APPROVAL DATE: Sept. 28, 1998

ADMINISTRATION:

This policy shall be administered by the Legal Services Department.

CONTACT:

Legal Services Department

Corporate Policies

SECTION: TERMS & CONDITIONS OF EMPLOYEMENT		DEPT: Legal Services
SUBJECT: Conflict of Interest Provincial Offences Act		
POLICY NO. 2.2.1	SUPERCEDES POLICY DATED: N/A	PAGE: 5 OF 5
EFFECTIVE DATE: June 28, 1999	APPROVED Council BY: Resolution C356-98	APPROVAL DATE: Sept. 28, 1998

Schedule A to Conflict of Interest Guidelines - POA

All staff members involved in the administration functions related to the Brampton Provincial Offences Court shall swear or affirm the oath as follows:

I do swear (or solemnly affirm) that I will faithfully discharge my duties as a public servant and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a public servant, so help me God (omit this in an affirmation)

Schedule B to Conflict of Interest Guidelines - POA

All Prosecutors engaging in prosecutions related to the Brampton Provincial Offences Court shall swear or affirm the oath as follows:

I swear (or Affirm) that I will truly and faithfully, according to the best of my skill and ability, execute the duties, powers and trusts of a prosecutor, as an officer of the Court, without favour or affection to any part, so help me God (omit last four words in an affirmation)

I also swear (or affirm) that I will faithfully discharge my duties as prosecutor, and will comply with the laws of Canada and Ontario, and except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a prosecutor, so help me God (omit last four words in an affirmation)