



**Date: March 3, 2011**

## **City Council Committee Report**

**To: Mayor & Council**

**Fr: Heather Kasprick, Deputy Clerk**

**Re: Provincial Offences Prosecution Policy**

### **Recommendation:**

That Council hereby approves the City of Kenora Provincial Offences Prosecution Policy #AD-5-1; and further

That Council give three readings to a by-law to amend the Comprehensive Policy Manual for this purpose.

### **Background:**

Under our Memorandum of Understanding with the Province for the transfer of Provincial Offences to the Municipality, Schedule 1 establishes the standards for prosecutions. The prosecutorial independence has been reviewed over the past year and discussions with the Ministry of Attorney General have concluded that we needed to establish and adopt a prosecutorial policy for our Municipal Prosecutor.

Changes have been implemented over the past year which include, the City Solicitor overseeing the conduct of the Municipal Prosecutor, while I still administer the day to day operations of the Prosecutor. The relationship now includes the Municipal Prosecutor reporting directly to the City Solicitor with copies of correspondence coming to me. This new reporting relationship is structured to ensure that the prosecutors' exercise of discretion is not influenced by any person or body within the municipality.

A policy has been developed by our City Solicitor with input from myself to ensure that the prosecution policy is fair and impartial and establishes protocol and reporting structure.

This policy needs to be adopted by Council and included in our City Policy Manual. A copy of the Policy is attached for your review.

### **Communication Plan/Notice By-law Requirements:**

Policy will be circulated and updated on the City Portal.