Appendix A

PROSECUTION TEST SHEET

This sheet is to be completed as soon as the investigator feels there is a possible case or incident that could lead to a prosecution (not including where a violation ticket will be used)

From: Originating District:_____ Date: _____

Investigating Officer:_____ ERA File: _____

Brief Incident Description: _____

In contemplation of prosecution under Provincial Legislation or Federal Law (Criminal Code, Fisheries Act, etc.) the following three test criteria must be applied to each contravention:

CHECK BOX WHERE APPROPRIATE √

1	• The investigator has reasonable and probable grounds to believe that an offence has occurred against Provincial or Federal legislation	

Section of Act or Regulation		**Brief Description of Alleged Offence**

AND ONE OR MORE OF THE FOLLOWING FIVE CONDITIONS ARE MET:

2	• Administrative remedies alone, or other attempts to gain compliance have not been effective in the past.	
	• The offence was a consequence of recklessness or negligence.	
	• The offence has serious impact on, has damaged, or has potential to damage the environment, or has endangered the property or safety of innocent parties.	
	• There was intent to commit an offence or	
	• The public interest in the maintenance of legislative requirements otherwise demands a prosecution.	

AND ALL OF THE FOLLOWING FOUR CONDITIONS ARE MET:

3	• There is a likelihood of conviction.	
	• The evidence shows the offence occurred.	
	• The evidence shows the involvement of each of the parties involved.	
	• The standard of care taken by the person was below what could be reasonably considered duly diligent.	

The preliminary prosecution test indicates that forwarding the case to Crown counsel may be warranted and the investigating officer requests a formal evaluation of the prosecution test. Yes_____ No_____.

If **YES** – inform the district C&E leader of the decision and then forward a copy of the prosecution test sheet to the regional C&E leader. Place the original on the investigation file.

If **NO** – Place the prosecution test sheet on the investigation file.

REGION USE ONLY

Region Compliance and Enforcement Leader comments:

_____
_____
_____
_____

Signature_____ **Date** _____