



Training, Mentorship & Professional Development

Initial Stages of Enforcement Prior to Prosecution – Step by Step Procedures

National Law Enforcement Workshop
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Initial Stages of Enforcement Prior to Prosecution

– Step by Step Procedures

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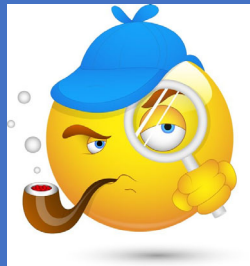
LINKS:

 [Land Governance Manual - Law Development](#)

Consideration in an Investigations

Question:

What is an Investigation?



An investigation is frequently an inquiry into an event reported to authorities which can then be used in a court of law or committee to make decisions on what to do in the future. The decisions may be to find a person guilty or innocent or assess a remedy to prevent future re-occurrence of the incident.

LINKS:

 [Land Governance Manual - Law Development](#)

Consideration in an Investigations

When Receiving a complaint there are many stages or steps to be considered;

- What is the allegation?
- Is there a law dealing with the situation,
- Does the Lands Manager have the personnel or expertise to deal with the allegation?



It is recommended that the Lands Manager, Operations Manger and Council ensure that laws, regulations, internal policies and directives provide authorities, offences, and procedures directing enforcement staff.



[Land Governance Manual - Law Development](#)

LINKS:



Considerations in an Investigation – Preliminary Considerations

The Lands Manager should consider the following:

- Training for the Enforcement officers or Security firms,
- Uniforms, vehicles and markings, and administration, requirements of the Lands Department,
- Does the Lands Manager have the personnel or expertise to deal with the incident?

Oversight by the Lands Manager will provide guidance for all involved;

Training,

Administration policies

Notifications,

Administration and records management requirements.

LINKS:

 [Land Governance Manual - Law Development](#)



Considerations in an Investigation – Preliminary Considerations

The Lands Manager can then determine;
Can this complaint be handled within the Nation?

Lands Manager responsibilities:
Who should investigate the complaint; Enforcement Staff or Inspectors or Hired Agencies?

LINKS:

 [Land Governance Manual - Law Development](#)



Considerations in an Investigation – Steps in an Investigation

The enforcement team or personnel attends the location and conducts their inquiries by talking to the complainant or witnesses at the location.

Gather evidence and treat every complaint as if it is going to court. If the inspection or incident is resolved - case closed. If the incident cannot be resolved, then evidence is not lost.

LINKS:

 [Land Governance Manual - Law Development](#)



Considerations in an Investigation – Gathering of Evidence

What happens if this is a serious case where a court action is considered?

What happens if there is a dispute or court challenge?

Ensure the evidence is gathered and recorded and stored securely;

Types of Evidence: Statements, Documents,

Inspection Reports, testing results and recommendations

Security of evidence and documents.

LINKS:

 [Land Governance Manual - Law Development](#)



Considerations in an Investigation – Evidence Review

The team may want to review the investigation, documents and conditions under the law. Consider and examine what the person(s) involved have stated along with the evidence.

Examine and review remedies that are outlined under the laws and consider a dispute resolution, or tickets before a court remedy. Courts are time consuming and costly.

LINKS:

 [Land Governance Manual - Law Development](#)



Considerations in an Investigation – Records Management

Expectations for records management of a complaint.

All notes, documents, evidence should be stored in a location either in file drawer, computer or secure room where access is limited and can be proven in court.

LINKS:

 [Land Governance Manual - Law Development](#)



Considerations in an Investigation – Crown Brief

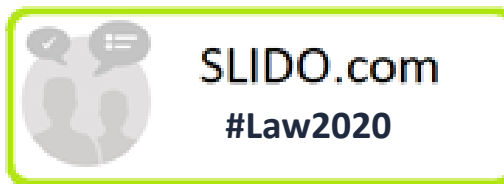
In the event a person(s) wish to challenge a ticket or there is a court appearance what is needed?

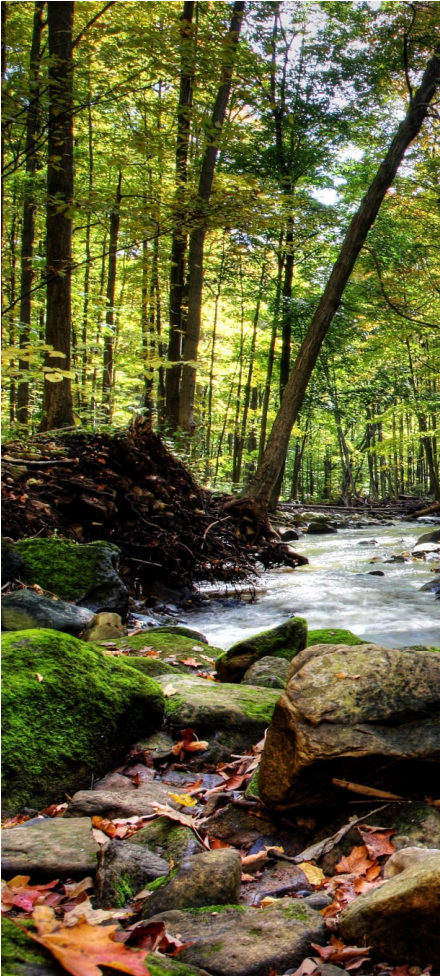
All the information gathered should be compiled into a brief for review by the prosecutor. Resource staff will assist in the case management and court brief preparation.

LINKS:

 [Land Governance Manual - Law Development](#)

Questions & Discussion





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THANK YOU!

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