



CHAPTER 7: CANADIAN LEGAL SYSTEM

LEARNING OBJECTIVES:

This unit will help you to learn:

There are three components in this section:

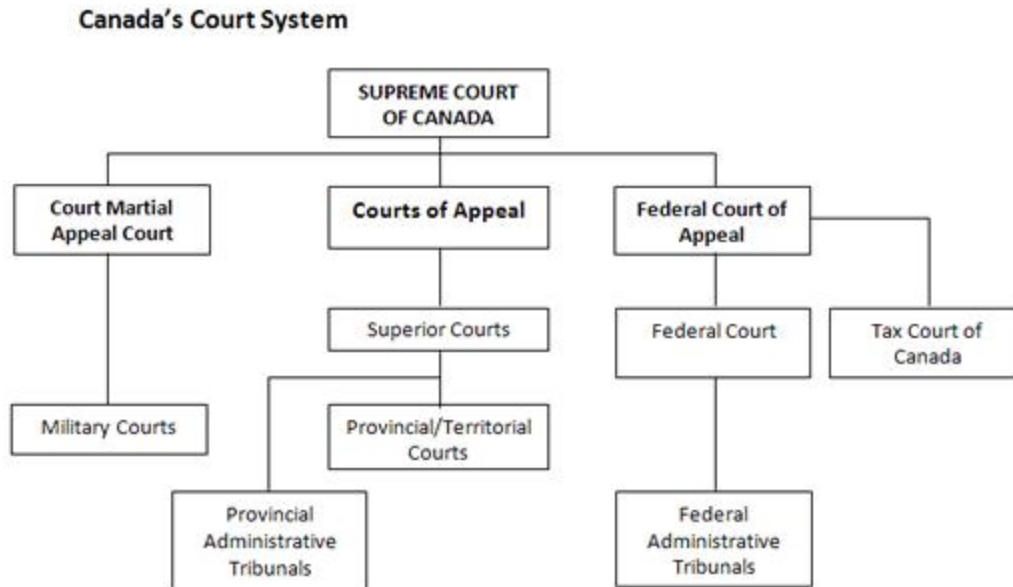
1. Canadian criminal court system,

- The Canadian criminal court system
- The hierarchy of the court system and court protocols/procedures
- The protocols and procedures for the purpose of giving evidence

2. Evidence handling techniques

- The proper procedures for collecting and handling audio/video materials
- The six core steps for containing evidence: Collect, Secure, Preserve, Identify, Continuity, Log
- Explain relevant sections of the Ontario Evidence Act and Canada Evidence Act that pertain to admissible evidence

3. Municipal by-laws.



The Canadian legal system is an integral aspect of daily life for all citizens, affecting everything from personal relationships to driving a car. It can often be perceived as difficult to understand and navigate, with laws that are lengthy and technical in nature. However, the fundamentals of Canadian law are based on common sense and are something that every citizen should strive to understand.

Security guards must have a fundamental understanding of the Canadian legal system, including the rights that all people have, the authorities that can be exercised that affect those rights, and the duties that come with those privileges. This chapter discusses the role of the criminal law and how it affects persons in the security services industry.

The law is more than just a set of commands or rules; it is an attempt to balance the rights and obligations that people share as members of society.

For example, a law that gives a person a legal right may also impose a legal duty upon that person or another. It is the overall apportionment of rights, duties, privileges, and powers, and how they are administered, that make up our legal system.

It is important to understand that laws are not simply handed down from above, but are created and changed by society. As members of society, we must decide what our laws will be. However, when creating new laws or changing old ones, it is important to understand the basic principles of our legal heritage.



The Canadian legal system can function effectively only when citizens understand their legal rights and responsibilities. This includes being willing to serve on a jury or coming forward to testify in a trial.

Above all, it is the duty of citizens in a democratic society to learn as much as they can about the laws and how the system of justice works. This section aims to demystify the Canadian legal system and stimulate discussion about its fundamental principles, in an attempt to encourage citizens to better understand the laws that govern their daily lives.

LAW

Law plays a crucial role in regulating the relationship between individuals and society as a whole. Every human society has a legal system in place, as it is essential to resolve conflicts that arise between the needs of individuals and those of the community. However, it is important to note that law and justice are not synonymous, as law is seen as "part of Western man's dream of life governed by reason."

In Canada, the legal system is a combination of two of the world's basic law systems:

1. COMMON LAW
2. CIVIL LAW.

❖ COMMON LAW

Common law, which originated in England, is unenacted law, as opposed to statutes and ordinances. It is considered traditional law that has been in place for a long time and has not been overridden by legislation.

❖ CIVIL LAW

Civil law is based on ancient Roman law and is codified by Napoleon. Most of continental Europe, Scotland, Central and South America, parts of Asia (such as Taiwan), some of the West Indies, and much of Africa use the civil law system.

The term "common law" has different meanings in different contexts. Sometimes it refers to the entire legal system (in contrast with "civil law"), while other times it is contrasted with equity or criminal law.



In the past, New France was the first region in Canada to adopt a system based on European law. In 1664, Louis XIV of France ordained that French law that existed in the area surrounding Paris should apply in the colony. This body of law was later supplemented by portions of French law that developed in France during the 18th century and by laws and regulations developed by the colonial authorities.

In 1763, the sovereignty of the territory now known as Canada was transferred from the French to the English Crown. In 1774, the Quebec Act guaranteed that French civil law (le droit civil) would be in place in Canada alongside English or public or constitutional law and English parliamentary institutions. In 1857, the province of Canada legislated the drafting of a Civil Code and a Code of Civil Procedure, which were major compilations of Quebec private law on property and civil rights, as well as the form and style of proceedings before Quebec courts.

These works were brought into force just prior to Confederation. Today, theorists describe the Quebec legal system as mixed, as the relationships between and transactions among persons subject to Quebec law are regulated by both the Civil Code and the Code of Civil Procedure. Additionally, as a result of legislation passed in Quebec since 1763 and later incorporated into the codes, portions of English law have also found their way into Quebec private law.

The Civil Code in Quebec governs various aspects of law including:

- The status of individuals,
- Marriage and relationships between married individuals,
- Relations between parents and children,
- Property law, and contracts and responsibility for non-criminal wrongs.

While French court decisions and legal commentary may be respected in cases where the provisions of French law align with those in Quebec, they do not hold binding authority. Law reform in Quebec is influenced by legal developments in North America and other regions, as well as continental Europe.

In contrast, the other Nine Provinces and territories in Canada have adopted English common law. Each jurisdiction has a statute that states that from a certain date, the law of England will be the law of the jurisdiction, unless it is changed by a statute. Prior to



1949, the highest court in Canada was the Judicial Committee of the Privy Council, which was based in London and primarily composed of English judges.

English common law developments were automatically incorporated into Canadian common law. However, since 1949, English court decisions, while not binding on Canadian courts, are highly respected.

Canadian decisions are frequently cited in English cases and have had an impact on English law. American states, with the exception of Louisiana, also adopted English common law in the 18th century and, while the connection to modern English law is weaker in the United States, American common law still retains the same style of reasoning and argument found in countries affected by English law.

As Canada continues to adopt legislation based on American models, the influence of American law will likely increase, especially in the interpretation of the Canadian Charter of Rights and Freedoms, which is incorporated into the Canadian Constitution, as some of its origins can be traced back to the American Bill of Rights.

UNDERSTANDING THE LAW

It is not necessary for individuals to have a thorough knowledge of the law, as this is the role of lawyers. However, it is important to understand that in the Canadian legal system, ignorance of the law is not a valid excuse for breaking it.

Those who are charged with an offence cannot simply claim that they were unaware of the laws they were breaking, although the court may take into account any honest mistakes of fact. Additionally, laws in Canada are publicly debated before being passed by Parliament or a provincial legislature, and it is expected that the general public is aware of what actions are permissible and which are not.

Being knowledgeable about the law means that citizens should take steps to ensure they are acting within legal boundaries. Resources for information on the law can be found at federal and provincial government offices, public libraries, and through the police. If after consulting these sources, an individual is still uncertain about the legality of a certain action, they should consult with a lawyer.



❖ ADAPTING TO A CHANGING SOCIETY

The legal system in Canada serves as a valuable framework for society, promoting the rule of law, freedom under the law, and democratic principles. Our tradition of law and justice is a significant aspect of Canadian heritage. As society evolves and changes, it is important to ensure that this tradition continues to meet the challenges of the future.

In today's rapidly changing world, new social issues, medical advancements, and technological advancements are constantly emerging. Issues that are of concern today were not even imaginable just two decades ago. For instance, we are becoming increasingly aware of the impact of modern society on the environment and the dangers of pollution and waste. People are altering their attitudes towards various matters and society.

❖ COURTS OF LAW

The Canadian courts are responsible for interpreting and enforcing the laws of the country. They handle disputes between individuals, organizations, and governments, both at the federal and provincial level. The courts are responsible for interpreting all laws, whether they are passed by the federal Parliament, a provincial legislature, or a municipality. The provinces are responsible for setting up and administering the courts within their jurisdiction, while the federal government appoints the judges for the superior and county/district courts.

The "inferior" provincial courts are staffed by appointees from the respective provinces. However, the federal courts are both administered and staffed by the federal government.

The Canadian court system is structured as a hierarchy of courts. The Supreme Court of Canada is Canada's highest court.

As seen in the graph above, the Supreme Court can hear cases recommended to it by the three lower courts:

1. The Court Martial Appeal Court,
2. Provincial Courts of Appeal, and
3. Federal Court of Appeal.



Appeals from Provincial or Territorial Superior Courts are heard by the Provincial Courts of Appeal. Provincial courts and provincial administrative tribunals assign cases to these courts.

SUPREME COURT OF CANADA

The Supreme Court of Canada, established in 1875, is the highest court for all legal issues related to federal and provincial jurisdiction. It was created through a statute passed by the Parliament as part of the Constitution Act, 1870. This change was made in 1949, when appeals to the Judicial Committee of the Privy Council of the UK were abolished.

The creation of the Supreme Court sparked a heated debate among the Fathers of Confederation, with some opposing the idea due to concerns over its impact on provincial rights.

For example, John A. Macdonald, argued that the Constitution did not anticipate the creation of such a court. Despite this opposition, the federal government led by Alexander Mackenzie was able to persuade Parliament to pass the legislation, arguing that it was needed to standardize Canadian law and provide constitutional interpretations on issues that affect the evolution of the new federation.

PROVINCIAL/TERRITORIAL COURT

Cases involving either federal or provincial/territorial laws are heard in provincial/territorial courts. The provincial court in Ontario is known as the Ontario Court of Justice. This court's justices of the peace have authority over provincial regulatory offences, bail hearings, and search warrants.

The court's provincially appointed judges consider criminal charges filed in Ontario as well as family law proceedings including child protection, custody, access, maintenance (not during divorce), child protection, and adoption (where there is no Unified Family Court).

In a criminal law case, one judge handles less serious indictable and summary offences (section 553 of the Criminal Code). Juvenile Court, Mental Health Court, Gladue Court, and Drug Treatment Court are the four specialty courts.



❖ YOUTH COURT

Hears cases involving young persons charged under the Youth Criminal Act.

SCENARIO:

A 16-year-old student has been accused of stealing a textbook from a local bookstore. The owner of the bookstore called the police and reported the theft, and the student was subsequently arrested and charged with shoplifting.

YOUTH COURT RESPONSE:

In a youth court, the process for dealing with this case would differ somewhat from an adult criminal trial. Typically, the goal of a youth court is to provide an opportunity for rehabilitation and punishment less severe than what might be given to an adult for similar offenses. Additionally, there may be restrictions on publishing the names or other identifying information of the youth participants.

The youth court may start with a pre-adjudication meeting, where the accused and their parents or guardians meet with the prosecuting attorney and the judge to discuss possible rehabilitation options. If a plea agreement cannot be worked out, the case may go to trial, where the judge hears evidence and makes a ruling based on the law.

In this case, if the accused is found guilty, they may be ordered to pay restitution to the store, perform community service, and/or attend counseling or other intervention programs. The goal of the youth court is to balance the necessity of discipline and accountability with the youth's need for learning and rehabilitation in order to prevent future offenses

❖ MENTAL HEALTH COURT

Hears cases involving charges against people who have mental health difficulties.

SCENARIO:

A 25-year-old man suffering from schizophrenia is arrested and charged with assault after an altercation with a passerby on the street. The accused, who has a history of mental health issues and substance abuse, admits to the offense but also explains that he was experiencing a delusion at the time of the incident.



MENTAL HEALTH COURT RESPONSE:

In a mental health court, the focus is on providing treatment and support for individuals with mental health disorders, rather than solely on punishing individuals for their crimes. The court aims to address underlying issues such as addiction, homelessness, lack of education, and social isolation in order to break the cycle of recidivism.

In this case, the mental health court would take into account the accused's mental health history when making a ruling. Treatment providers, including both psychiatrists and community support services, would be available to make recommendations to the court.

If the accused is deemed competent to stand trial and is found guilty, the judge may order treatment measures such as therapy, medication, or counseling. The court may also work with the accused's family and community agencies to ensure that he has access to the services he needs to address his underlying issues and work towards long-term recovery.

Overall, the goal of the mental health court is to provide a more compassionate and effective response to individuals struggling with mental health and addiction issues, helping to both improve individual well-being and reduce the pressure on the criminal justice system.

❖ GLADUE COURT

is held in some locations for Aboriginal people who have been charged with a crime.

Scenario:

A 30-year-old Indigenous man is arrested and charged with assault after an altercation with a neighbor. The accused, who has a history of substance abuse, spent some time in a residential school as a child and has experienced significant trauma throughout his life.

GLADUE COURT RESPONSE:

In a Gladue court, the focus is on recognizing the unique histories and circumstances of Indigenous peoples and addressing the systemic issues that can contribute to criminal behavior. The court takes into account the specific cultural backgrounds, education, and familial situations of the accused in order to provide an outcome that is mindful of, and



seeks to heal or remediate, historical wrongs. The court draws on Gladue reports, which are documents that detail the individual's background information, family history, and cultural heritage.

In this case, the Gladue report would be used to help the judge understand the unique challenges faced by the accused, including systemic and intergenerational traumas. Based on the report, the accused may be recommended for various rehabilitative measures, such as counseling or culturally appropriate addiction support. The court may also work with restorative justice programs, Indigenous Elders, or other community-based resources to develop a response that addresses the underlying issues behind the behavior and promotes healing for both the accused and the community.

Overall, the goal of the Gladue court is to provide a culturally relevant and healing-centered response to Indigenous peoples who have been involved in the criminal justice system. By taking into account the specific experiences and histories of Indigenous peoples, Gladue courts promote rehabilitation and healing, while still maintaining accountability and responsibility for actions committed

❖ DRUG TREATMENT COURT

Offers court-supervised treatment to people who are addicted to drugs and have been charged with drug-related offences.

SCENARIO:

A 35-year-old man is arrested and charged with possession of cocaine. The accused has a history of substance abuse and has been in and out of treatment programs in the past.

DRUG TREATMENT COURT RESPONSE:

In a drug treatment court, the focus is on helping individuals overcome their addiction and address the underlying issues that may have led to their substance abuse. The court aims to provide a combination of legal and treatment-based interventions to support recovery and reduce the chances of future criminal activities.

In this case, the accused may be offered the opportunity to participate in a drug treatment program as an alternative to incarceration. The goal of the treatment program is to address the individual's addiction and any co-occurring mental health or other problems



that contribute to drug use. Treatment may involve various therapeutic approaches such as cognitive-behavioral therapy, individual and group counseling, medication-assisted treatment or 12-step recovery programs.

The accused may be required to attend regular court appearances, submit to drug tests, and adhere to strict probationary terms, such as following a curfew, maintaining employment or performing community service. Upon successful completion of the drug treatment program, the accused may have their charges dismissed, reduced

PROVINCIAL/TERRITORIAL SUPERIOR COURTS

Superior courts are administered by the provinces and territories, but justices are appointed and paid by the federal government. The most serious criminal and civil cases are heard in the superior courts.

THE SUPERIOR COURT also hears municipal appeals of less than \$25,000 summary offences, and family matters from provincial/territorial courts, as well as judicial review from provincial tribunals.

The Rules of Civil Process, which are regulations under the Courts of Justice Act, govern civil cases in the Superior Court.

The Provincial Superior Court is known as the Superior Court of Justice in Ontario. Serious criminal offences (section 469 of the Criminal Code) and hybrid offences are heard by a judge and a jury in the Superior Court of Justice, unless the parties agree to a judge-only trial. The Unified Family Court hears all family cases, including divorce (federal) and separation (provincial). A single judge presides over family cases.

❖ SMALL CLAIMS COURT

now handles cases for up to \$25,000 (up from \$10,000) as of January 1, 2010. A judge or, in some cases, a master hears the claims. The Superior Court of Justice has a division called Divisional Court. It is not a trial court, but it is the primary forum for judicial review of government action in Ontario.

❖ THE DIVISIONAL COURT

Considers statutory appeals of the intermediate (not final), judicial reviews of administrative tribunal rulings, and civil disputes with relatively low monetary values (up to \$50,000).



PROVINCIAL APPEAL COURTS

Federally appointed judges review appeals from the Superior Court of Justice in the Court of Appeal for Ontario. The Supreme Court of Canada hears appeals from the Ontario Court of Appeal.

Each Canadian province is responsible for its own justice system, so when it comes to evidence, each province has its own laws that must follow the CEA. Under s. 92 of the Constitution Act, the rules of evidence for civil trials and some administrative matters are set by provincial evidence acts.

MAKEUP OF THE COURT

❖ THE COURT CLERK

The clerk of the court serves as the judge's assistant. When the judge enters the court, the clerk commands "all rise," asks witnesses to take an oath or affirmation, calls witnesses to the stand, and requests their full name for the court reporter.

❖ REPORTER FOR THE COURTS

The court reporter sits near the front of the courtroom, near the judge, recording the verbal aspects of the trial proceedings.

❖ CROWN PROSECUTOR (prosecutor, crown counsel, crown)

The Crown Prosecutor, as the defender of societal values in criminal cases, recommends whether a trial should proceed based on the volume and merits of the evidence. The prosecutor is a government-hired lawyer.

❖ DEFENSE ADVOCATE

The lawyer who represents the person accused of breaking the law is known as counsel for the defence. When the prosecutor has finished, the defence begins cross-examining him.



❖ JUDGE

They hear the evidence and, if there is no jury (bench trial), decide on the accused's innocence or guilt. When a jury is present, the judge instructs the jury on the applicable law in a criminal case as well as the interpretation of the evidence they have heard. If the accused is found guilty, the judge decides on the type and severity of the sentence.

The following phrases are used to address judges:

Your Majesty

Your Excellency

Lord and Lady

❖ JURY

Juries are made up of 12 adult Canadian citizens who are sworn to investigate and render a rational, impartial decision on facts. In other words, they will decide the outcome of the case after hearing the information presented. They must reach a unanimous decision. Jury Duty: Ministry of the Attorney General

❖ SECURITY GUARD

The court has a security guard to maintain a safe environment.

❖ WITNESSES

Witnesses are called to the court to give evidence in order to discover the truth about a matter. They present evidence based on what they saw, heard, or know. This significant contribution assists courts in reaching a fair decision.

WITNESSES

A Summons to Witness is a legal document that compel witnesses to testify in a trial or other adversarial proceeding (subpoena). This summons is served in such a way that the witness has enough time to make arrangements to attend the hearing. When a witness is summoned by the court, they are required to appear on a specific date.



Witnesses are called to testify in court for the court to learn the truth about an incident. The witness is summoned to court because he or she is knowledgeable about the case.

"EXPERT WITNESSES" are people whose knowledge of a specific topic (DNA, metal fatigue, blood spatter, and so on) can help the court to understand an issue "being debated. Expert witnesses provide expert advice.

"ORDINARY WITNESSES", such as security guards, are expected to tell the truth about what they know or saw; they may have a document that sheds light on a disputed issue or have witnessed an offence.

Ordinary witnesses are not expected to be courtroom experts or even experts in what occurred. While they should not provide expert opinions, they should answer questions honestly because their information can assist the courts in making a fair decision. They may be required to take the stand and testify personally, or they may simply be required to produce documents related to the proceeding that they have in their possession.

❖ NO APPEARANCES IN COURT

If a summoned witness fails to appear in court, a warrant for their arrest may be issued. If a witness appears in court but refuses to testify, the witness may be jailed for contempt of court because witnesses are required to answer all questions unless the judge orders otherwise. Summoning all witnesses, even willing witnesses, is important because it ensures that their evidence will be heard even if they become ill with H1N1 on the day they are to testify. Summoning witnesses avoids potentially irreversible damage to a case if the witness fails to appear.

PREPARING WITNESS FOR COURT

Witnesses can prepare for a court appearance in the following ways:

1. **EXPLAIN TO THE WITNESS THE IMPORTANCE OF THEIR ROLE.** Let the witness know how their testimony can affect the outcome of the case.
2. **SHARE RELEVANT DOCUMENTS,** facts and details of the case, and discuss the questions that may rise during cross-examination. Familiarity with relevant facts helps the witness to provide more clear and accurate testimony.



3. **GIVE THE WITNESS AN OVERVIEW OF THE COURT PROCESS**, including their role as a witness. Make the witness aware of the procedures they will have to follow and what to expect while they are on the witness stand.
4. **DESCRIBE THE COURTROOM ENVIRONMENT** so that the witness can feel comfortable and confident at the time of testimony. If possible, take the witness to the courtroom where he or she will testify so that they can familiarize themselves with the surroundings.
5. **PRACTICE TESTIMONY WITH THE WITNESS**. It's important to ensure that they can communicate clearly and effectively. Encourage the witness to answer in full sentences, and to avoid using jargon, vague or uncertain language.
6. **EMPHASIZE THE IMPORTANCE OF HONESTY THROUGHOUT THE TESTIMONY**. Encourage the witness to present all facts and to be truthful, even if the answer is unfavorable to their side.
7. **BEFORE THE COURT DATE, TALK THROUGH ANY FINAL QUESTIONS OR CONCERNS** the witness may have. Ensure they have a copy of all their previous statements or depositions related to the case so that they can review them before testifying in court.

Upon the court date, wish the witness good luck and assure them that they are confident enough to present their testimony.

SECURITY GUARD AS A WITNESS

❖ ADDRESSING THE COURT

When the Security Guard is in court, it is important to be aware of the proper ways to address those in authority. In most cases, the judge is referred to as "Your Honor." If you are unsure of how to address the judge, you can ask the Crown or pay attention to how court officials address them. When the judge speaks directly to you, it is important to always address them as "Your Honor".

In the Supreme Court, the judge should be referred to as "My Lord" or "My Lady." When responding to a question from the Crown or Defense, it is appropriate to address them as "Sir" or "Madam." It is important to maintain a level and respectful tone when



communicating in court. Avoid using sarcasm, becoming abusive, or using a condescending tone.

It is important to stay focused and stick to the facts when speaking in court. If you are confused or unsure about a question, take a moment to think about it and ask for clarification if necessary. The court will appreciate your efforts to be clear and precise in your responses.

When preparing to testify, it is important to gather all relevant information related to the incident. This includes:

- The original occurrence report,
- Your personal notebook,
- Any statements given to the police,
- A copy of the Barr book,
- Supplementary or follow-up reports,
- Photographs or sketches,
- Statements from witnesses taken by security, and
- Any letters or memos related to the incident.

Having all of this information readily available will help ensure that your testimony is clear and accurate.

❖ PERSONAL APPEARANCE

It is highly advisable to wear business attire when appearing in court. Dressing professionally can help prevent confusion and ensure that those involved in the case will be able to identify you easily. Avoid wearing casual or informal clothing, such as jeans, when appearing in court.

❖ BEFORE APPEARING IN COURT

When preparing for your court appearance, it is important to thoroughly review any relevant documents and familiarize yourself with the details of the case. Keep a



designated section in your memo book for notes related to the case and make sure to arrive at the courthouse at least 15 minutes before your trial is scheduled to begin.

It is important to keep discussions about the case limited to the Crown or your defense lawyer if you are the accused. Additionally, make sure to keep your notes out of sight from the accused, defense lawyer, and any other parties connected to the case.

❖ CONDUCT INSIDE THE COURT ROOM

When testifying in court, it is important to remember your role as a professional and impartial witness.

- Your demeanor should be serious and mature, and you should speak clearly and deliberately.
- Use simple language and describe events in a logical and chronological order. Do not exaggerate or use inflammatory language.
- Use standard time, not military time.
- If the judge is taking notes, speak directly to them and be prepared to repeat information if asked.
- Only give facts that you know to be true and avoid hearsay.
- Refer to the accused by their last name and answer all questions unless stopped by the judge or the Crown.
- If stopped, stay alert and do not volunteer opinions or additional information.

❖ RESPONDING TO QUESTIONS

When responding to questions in court, it is important to take a thoughtful and measured approach. Here are some tips to keep in mind:

- Wait for the entire question to be asked before providing an answer. This ensures that you understand the full context of the question and can give a more accurate and complete response.



- Consider the question carefully before answering. Take a moment to think about what is being asked and how you should respond.
- Do not answer a question if you do not understand it. If you are unclear on what is being asked, it is important to ask for clarification before providing an answer.
- Do not volunteer information. Only give the information that is requested. This can help to avoid confusion and ensure that your testimony is focused and relevant.
- If you are in doubt as to whether to answer a question posed by the defense, pause and look at the Crown for guidance. This helps to ensure that your testimony is accurate and consistent with the prosecution's case.
- Do not appear to be evasive. It is important to answer questions directly and honestly, even if the answer may not be favorable to the prosecution.
- The defense may ask you if you have discussed the case with anyone, and may attempt to make it seem improper. You have the right to discuss the case with the Crown, your client, your employer, or the police.
- Do not get confused by "rapid-fire" questions. Take your time and provide thoughtful, well-considered answers.
- Do not answer multiple questions at once. It is important to focus on one question at a time to ensure that your responses are clear and accurate.
- Maintain eye contact with your questioner. This helps to establish your credibility and shows that you are engaged and attentive.
- If the judge asks you a question, look directly at them and turn your body so that you are facing them directly.
- Remember to refer to yourself as "I" when giving your testimony.
- When mentioning fellow guards, always use their full name i.e. John, Douglas, etc.
- When referring to witnesses or others in the case, refer to them as Mr./Mrs./Miss/Ms and last name. This also goes for the accused.



PERJURY

Perjury is a criminal offense that is committed when an individual makes a false statement under oath or affirmation, knowing that the statement is false. This can include statements made in court, in affidavits, or in other legal proceedings.

Section 131 of the Criminal Code of Canada states that anyone who makes a false statement with the intent to mislead, while under oath or affirmation, is guilty of committing perjury. This applies to statements made both in writing and orally.

According to Section 132 of the Criminal Code, anyone found guilty of committing perjury can face severe punishment. They may be charged with an indictable offense and may be subject to imprisonment for a maximum of 14 years. This highlights the seriousness of making false statements under oath and the severe consequences that can result from doing so.

Here are some examples of perjury:

1. A witness in a criminal trial testifies under oath that they did not see the defendant at the scene of the crime, when in fact they did.
2. A person is called to testify in regard to their knowledge of a car accident. The witness lies about having seen the accident occur and the details that they provide do not match the physical evidence.
3. During a divorce proceeding, a spouse lies under oath about not having had an affair, even though they had.
4. A person gives false testimony during a hearing or deposition in a civil lawsuit, and their testimony causes the case to be decided unfairly.
5. A witness who has been granted immunity lies about their involvement in a crime during their testimony in order to avoid criminal charges.
6. A police officer who used excessive force against a suspect gives false testimony in court about the events that took place during the arrest.



7. A defendant in a trial lies under oath about their whereabouts during the time of a crime, and the lie is discovered through witness testimony or physical evidence.

Perjury is a serious crime that can result in fines, imprisonment, and other legal consequences. It undermines the fairness and integrity of the court system and can lead to wrongful convictions, which is why it is punished harshly.

PART 2: EVIDENCE

❖ CANADA EVIDENCE ACT AND ONTARIO EVIDENCE ACT

Canada has its own Evidence Act for each province and territory. Here is a list of the Evidence Acts that were in place at the time this was written:

- Alberta: Alberta Evidence Act, RSA 1980, c. A-21
- British Columbia: Evidence Act, RSBC 1979, c. 116
- Manitoba: Manitoba Evidence Act, RSM 1987, c. E150
- New Brunswick: Evidence Act, RSNB 1973, c. E-11
- Newfoundland: Evidence Act, RSN 1990, c. E-16
- Northwest Territories: Evidence Act, RSNWT 1974, c. E-4
- Nova Scotia: Evidence Act, RSNS 1989, c. 159
- Nunavut: Nunavut Evidence Act, RSA 1988, c. E-8
- Ontario: Ontario Evidence Act, RSO 1990, c. E.23
- Prince Edward Island: Evidence Act, RSPEI 1980, c. E-11
- Saskatchewan: Saskatchewan Evidence Act, RSS 1978, c. S-16
- Yukon Territory: Evidence Act, RSYT 1986, c. 57
- Quebec: Civil Code of Quebec

When security guards know the rules of evidence, they can use these rules to collect and keep evidence for use in a court of law. Since security guards are responsible for making documents that are often important in criminal and civil law cases, they should pay special attention to the electronic evidence and business records sections. So, they should read the Ontario Evidence Act, the Canada Evidence Act, and the Charter of Rights and Freedoms often so that they know what the Act says. Take some time now to read the Ontario Evidence Act if you haven't already.

The Victim's Bill of Rights, which became law in 1996, sets out important rules for how crime victims should be treated. The Ontario Evidence Act was changed because of



these ideas (see section 18). These changes make it easier for children and people who are vulnerable to testify in court by:

Changing the rules about how child witnesses can testify, getting rid of the need to confirm a child's testimony, putting up screens and closed-circuit TV, and giving child witnesses options for reviewing whether hearsay evidence can be used in court.

❖ SOME EXTRACTS FROM THE ONTARIO EVIDENCE ACT:

❖ EXPERT EVIDENCE

"Where it is intended by a party to examine as witnesses persons entitled, according to the law or practice, to give opinion evidence, not more than three of such witnesses may be called upon either side without the leave of the judge or other person presiding.— R.S.O. 1990, c. E.23, s. 12."

❖ ATTENDANCE OF WITNESSES

"A witness served in due time with a summons issued out of a court in Ontario, and paid proper witness fees and conduct money, who makes default in obeying such summons, without any lawful and reasonable impediment, in addition to any penalty he or she may incur as for a contempt of court, is liable to an action on the part of the person by whom, or on whose behalf, he or she has been summonsed for any damage that such person may sustain or be put to by reason of such default.— R.S.O. 1990, c. E.23, s. 19."

❖ BUSINESS RECORDS

"35. (1) In this section, "business" includes every kind of business, profession, occupation, calling, operation or activity, whether carried on for profit or otherwise; ("enterprise"). "record" includes any information that is recorded or stored by means of any device. ("document").— R.S.O. 1990, c. E.23, s. 35 (1)."

❖ ADMISSIBLE BUSINESS RECORDS

"(2) Any writing or record made of any act, transaction, occurrence or event is admissible as evidence of such act, transaction, occurrence or event if made in the usual and ordinary course of any business and if it was in the usual and ordinary course of such business to make such writing or record at the time of such act, transaction, occurrence or event or within a reasonable time thereafter. — R.S.O. 1990, c. E.23, s. 35 (2)."



TYPES OF EVIDENCE

Types of evidence play an important role in the legal system. They are used to prove the facts in a case and can include:

❖ TESTIMONIAL

It is testimony when a witness gives an oral statement under oath. Even if witnesses appear in court voluntarily, they are frequently summoned or subpoenaed.

❖ DOCUMENTARY

Documentary evidence is evidence that has been preserved through the use of some form of media.

This includes the following:

- Witnesses' written statements
- Diagrams
- Recordings on video
- Recordings on tape
- Film \Photographs \Letters
- Emails that have been printed
- Contracts
- Invoices
- Your reports and notes

❖ DIGITAL (ELECTRONIC)

Digital evidence is information stored or transmitted in a digital format that is used in a trial. Evidence can come in a variety of forms, including the following:

- Emails
- Photographs taken on a digital camera
- History of instant messaging



- Electronic door registries
- Digital audio and video files
- Databases
- The contents of a computer's memory

❖ INCULPATORY AND EXCULPATORY

Exculpatory evidence in a criminal trial is evidence that tends to clear the defendant of guilt or blame. It is illegal for the police or the prosecution to withhold such evidence. A case can be dismissed if the prosecution fails to disclose exculpatory evidence.

Inculpatory evidence is the inverse of exculpatory evidence. It demonstrates someone's guilt or blameworthiness.

Both of these words derive from the Latin word "culpa," which means "fault."

❖ SCIENTIFIC

Scientific evidence is theoretic evidence based on the scientific method and involves the use of expert witnesses who educate the judge and/or jury about a relevant theory, report tests and results to the judge and/or jury, and interpret test results.

❖ DEMONSTRATIVE

Evidence presented to assist the judge and/or jury in better understanding a fact, object, or testimony is known as demonstrative evidence. This evidence can be used to illustrate or explain testimony, or it can be used to recreate something tangible in nature, such as an experiment or event. Among the various types of demonstrative evidence are scale models, police composites, computer animation, and microscopic enlargements.

EVIDENCE HANDLING TECHNIQUES AS A SECURITY GUARD

In the previous chapter, it was highlighted that security guards play a crucial role in preserving crime scenes by collecting and protecting evidence. However, it is important to note that the handling of evidence is not as straightforward as portrayed on television. It is important to remember that not all evidence is physical; some can be in the form of written documents. The role of security guards is to safeguard any evidence that may be used in court.



Security guards must follow six core steps. to ensure that evidence is collected, secured, and preserved correctly,

1. COLLECT
2. SECURE
3. PRESERVE
4. IDENTIFY
5. CONTINUITY
6. LOG

❖ COLLECT

Evidence must be collected in such a way that its evidentiary value is preserved. All evidence collection materials and equipment are chosen and assembled by the investigator or designated evidence technician.

A thorough investigation of a crime scene leaves no area unexplored. Strip searches, grid searches, zone searches, and spiral searches are all options. Evidence that has been improperly collected and/or handled, as well as evidence that has not been collected, compromises an investigation and the legal case.

Different types of crime scenes require different types of experts to collect the evidence. These experts will determine what constitutes evidence and which evidence should be collected first.

For example, evidence in a crime against a person may include blood, sperm, saliva, hair, tissue, and fibre, whereas evidence in a crime against property may include glass, paint, tool marks, or accelerants. In general, evidence that is at risk of being lost or destroyed is collected first.

At the crime scene, comparison samples are also collected. Comparison samples help in determining what was present at the scene prior to the crime. For example, in the case of suspected arson, the investigator may collect non-fire debris carpet or wood trim at the scene and compare it to fire debris carpet or wood trim samples.

Special equipment is used by investigating guards to collect evidence. Crime biohazard bags, body fluid collection kit, casting materials, cutting instruments (knives, box cutter, scalpel, scissors), evidence collection containers, evidence identifiers, evidence



seals/tape, high - intensity lights, latent print kit, magnifying glass, measuring devices, permanent markers, photographic scale (ruler), presumptive blood test supplies, sketch paper, tool kit, tweezers/forceps are just a few examples.

Other useful items include a bloodstain pattern examination kit, business cards, chemical enhancement supplies, an entomology (insect) collection kit, extension cords, a forensic light source (alternate light source, UV lamp/laser, goggles), a gunshot residue kit, a laser trajectory kit, maps, marking paint/snow wax, a metal detector, a mirror, a phone listing (important numbers), privacy screens, a protrusion rod set,

There are also evidence collection kits for blood collection, blood stain pattern documentation, fingerprint impression and excavating tool marks, trace evidence collection, trajectory, and pattern print lifter kits.

❖ SECURE

When the crime scene has been secured, every effort must be made to protect the evidence. Access to evidence must be exceedingly restricted to protect it from being trampled, destroyed or lost. Controlled, well-documented access safeguards the chain of custody and, as a result, the likelihood of admissibility in court. Furthermore, crime scene evidence must be properly protected, packaged, labelled, and kept secure until it is submitted to a secure storage area, such as a law enforcement agency.

❖ PRESERVE

Access to the crime scene is restricted to avoid contamination. Trampling, weather, and excessive handling can all cause evidence to deteriorate. People who arrive at the scene can contaminate evidence by leaving their own hairs, fibers, prints, and so on.

Excessive handling, folding, crumpling, and so on can result in the loss of evidence. Such treatment causes impressions to deteriorate, among other things. Shoeprints, tyre tracks, and trace evidence are all fragile.

Because weather can degrade important evidence, it is sometimes necessary to protect it with tarps or boxes to prevent it from being blown, washed away, or bleached by the sun. Evidence that is at risk of being lost to the atmosphere must be kept in an airtight container.



Forensic teams have access to a variety of preservation/storage containers. Using the incorrect container can lead to contamination and loss. For example, flammable vapours can deteriorate metal container seams and glass container lid rubber seals.

Because forensic science laboratories can take weeks to process evidence, care must be taken in packaging and preserving the evidence to maintain its quality and prevent deterioration, release, or contamination.

Packaging options include envelopes, paper bags, plastic bags, and containers designed for physical evidence. Obviously, the size, shape, and type of evidence, as well as lab policies and procedures and the type of testing to be performed, determine which will be used.

❖ IDENTIFY

Investigators must determine what immediate action is required to preserve evidence. The sample must be labelled after it has been collected and sealed. Evidence labels should be placed on the container's side rather than the top or bottom. The label should include the following information:

- Evidence must be described precisely.
- Measurements of the location where evidence was recovered
- Evidence number Who found the evidence?
- Recovery or seizure date and time
- The name, rank, and agency of the investigator
- The scene of the crime
- Incident number
- Witnesses who were present at the time evidence was recovered or seized

Comparative samples, such as soil or fibres, should be labelled as such for comparison with evidence samples.

❖ CONTINUITY

The continuity of the chain of custody from discovery to collection to storage to presentation in court is critical to the successful presentation of evidence. If evidence is



to be admitted as evidence in court, the chain of custody, which reveals how the evidence was discovered, collected, analysed, and preserved, must be meticulously maintained. The continuity of the chain of custody ensures the evidence's integrity.

A valid chain of custody record is required for evidence to be admissible in court. The chain of custody is a record of the custodial history of evidence, that is, who has had physical possession as well as why and where.

❖ LOG

Every step in the evidence collection procedure must be clearly documented, in addition to being documented with photographs, videos, and sketches.

That documentation includes where the evidence was discovered, how it was handled, and what happened to it. Furthermore, all access to evidence must be clearly documented in order for it to be admissible in court.

The process of establishing the chain of custody for evidence begins at the crime scene. As a result, the following is documented:

- Where was the evidenced discovered and collected?
- When was the evidence discovered and collected?
- By whom was the evidence discovered and collected?
- Where was the evidenced handled or examined?
- When was the evidence handled or examined?
- By whom was the evidence handled or examined?

SECURITY GUARD DUTIES ON THE SIX CORE STEPS TO HANDLE THE EVIDENCE

❖ COLLECT

It is not the job of the security guard to process a crime scene. Security guards do not have the skills, training or proper equipment to perform such a job. Collecting evidence is a police responsibility. Despite that, the notes that security guards take, including witness and suspect statements, are part of the collection process.



❖ SECURE

Contain the scene and protect it to prevent contamination or loss of evidence. The perimeter of a crime scene or accident should be set generously since it is easier to contract the perimeter than to expand it once evidence has been trampled. Yellow tape barricades, traffic cones, and rope, or even branches can be used to set the perimeter. Do not leave until you are relieved of your duties and record the name of the guard that relieves you and the time. Evacuate the scene if there is a threat.

According to the Correctional Service of Canada, "The scene of a crime is a delicate area and must be treated with the utmost care so as not to contaminate or destroy potential evidence. Therefore, the following minimum standards must be used to protect the scene of a crime:

- Establish a perimeter to protect the scene;
- Prevent any damage or further damage;
- Evacuate non-involved persons;
- Prevent unauthorized persons from entering the crime scene or contaminating any evidence;
- When personnel who have no bona fide need to be on the scene insist on entering, record their names and the times they were on the scene, for court purposes;
- Maintain an accurate "scene log" of the names and the times that everyone enters or leaves the scene;
- Maintain control of the scene until relieved by a designated guard or by police;

when another guard arrives to assume control of the scene, verbally confirm this as a fact and record the time and the person's name and rank."

❖ PRESERVE

When you enter the scene of an incident, enter carefully and maintain a restricted path so as not to destroy evidence. Do not touch or remove evidence unless it is in danger of being destroyed or compromised. Photographs of such information can be useful. Evidence that is outdoors can be protected from the elements, if necessary, by covering



with boxes. Note areas of possible evidence and protect it. Record unusual odours or nearby vehicles. Do not move seriously injured people except to protect them from further harm. Do not use toilets, sinks or telephone at the scene if at all possible (but make note that you did if you must). Permit only essential personnel inside the scene.

According to the Correctional Service of Canada, the following steps must be taken to preserve evidence:

- Do not move anything unless absolutely necessary;
- To the extent possible, avoid contamination of evidence;
- Photograph, if possible, before something is moved;
- Protect physical evidence from the elements;
- Record and identify any evidence found or moved (i.e. what, where, by whom and when);
- Maintain evidence in possession of the person who seized it until it can be handed over to police or properly stored using the chain of custody form or tag;
- Do not cross – contaminate evidence (i.e. keep each piece of evidence separate from other evidence);
- Use a paper bag for bloody items;
- Isolate witnesses from each other and other persons;

if a computer is part of a crime scene and no apparent attempt to destroy computer-based evidence has been observed, the computer should not be disturbed and the computer systems administration staff should be notified;

if an apparent attempt to destroy or alter computer-based evidence has been observed (such as rapidly blinking hard drive access light), turn the computer off as quickly as possible and keep it safe from any unauthorized intervention.

❖ IDENTIFY

Identify yourself as a security guard. Recognize the problem, assess the situation and take control. Identify injuries and give first aid as required. Identify witness and separate



them from the scene. Separate witnesses and victims. Identify sources of evidence including all of the following: victims, witnesses, suspects, and physical evidence.

❖ CONTINUITY

If as a security guard you are the first to arrive on scene, you will begin the process of preserving continuity of evidence. Diligently keep the evidence in sight and stay at the scene until you are relieved of your duties. If the evidence is temporary in nature, describe it in your notebook. You can also photograph it and/or cover it with boxes. Log your actions. A continuity log notes the time, the evidence, the location of the evidence and what you did to the evidence. For the security guard, the responsibility for the protection, preservation and continuity of the evidence ends when the crime scene and the evidence are assumed by the police or investigative body.

❖ LOG

If you have been called to a crime scene by a resident, customer, etc, record who told you and when, and your route to the scene. Be aware of the people and vehicles you see on the way to the crime scene as they may be suspects or witnesses. Log the time of your arrival whether you have been called to the crime scene or come upon it. Notify your supervisor when you arrive. If emergency service or police or backup is necessary and has not yet been called for, make the calls.

Describe the scene upon arrival. Draw a diagram of it. Be careful to not alter the scene. Record sensory information (what you see, hear, smell, etc) since EMS personnel, Police officers and fire fighters may inadvertently alter the scene while saving lives and preserving property.

Log your route or path taken through the crime scene, the location of possible evidence, the circumstances, the conditions (including weather), actions taken and why they were taken, people on the scene (victims, witnesses, possible suspects and their descriptions).

Log the name, addresses and phone numbers of people at the scene. Ask what they were doing there before you arrived on the scene. Record anything you change at the scene. Record evidence that was collected, from where, when, why and by whom. Record arrivals and departures from the scene.



COLLECTING AND HANDLING AUDIO/VISUAL DEVICES

Remember the following if digital cameras or other technological equipment or recording devices are discovered at a crime scene:

- If the gadget is "off," it should remain "off."
- If the device is active, consult a professional.
- Whether or when a specialist will be available:
- Protect recorded media (tape, memory card) - Protect the device
- **HOW ELECTRONIC EVIDENCE IS SECURED**

The device is photographed (including its screen, position, and connections). Then, disconnect all power sources by unplugging the gadget from the rear. In the event that this is not possible, the device is retrieved and an expert is consulted as quickly as possible, as inspection delays may result in the loss of data because to insufficient internal power supply

- Tape is affixed to the access points (e.g., drive slots and media slots).
- The backs of components and connections are documented with photographs/diagrams and labels.
- The connector/cable ends are identified to assist the collecting evidence procedure and reassembly when necessary.
- If the evidence is to be transported, the components are packaged and stored as fragile cargo. Because circumstances or conditions such as cold or damp might damage evidence, appropriate precautions are used in handling and storage.
- When available, all manuals are collected alongside the corresponding equipment.
- The criminal justice system has benefited from technological advances in the areas of collection, storage, identification, and testing. Because audio/video materials are fragile and magnetically sensitive, special steps must be taken to protect them.
- Mark the exterior box with "Fragile, Sensitive Electronic Devices" or "Fragile, Sensitive Audio/Video Material" and "Keep Away from Magnets or Magnetic Forces."



➤ THE EXCLUSIONARY RULE

The Exclusionary Rule is a principle in Canadian courts that states that physical evidence of an offence that is obtained through illegal means may still be introduced as evidence in a trial.

This means that even if the police conduct an illegal search and seize items that are later used in a person's trial, these items can still be used as evidence.

The Supreme Court of Canada has upheld this principle, stating that society's interest in obtaining a conviction outweighs the infringement of a defendant's human rights, regardless of whether or not the defendant is guilty. This means that even if the evidence was obtained through police misconduct, it can still be used in court as long as it establishes the defendant's guilt.

MUNICIPAL BY LAWS

As a security guard, it is important to be aware of the municipal by-laws that apply to your specific location of work.

By-laws, also known as laws passed by the municipal council, can vary depending on the municipality in which you are working.

This includes urban municipalities such as:

- Towns,
- Villages, and resort villages,
- Rural municipalities,
- Restructured municipalities, and
- Northern municipalities.

Under the Canadian Constitution, provinces have the authority to create municipalities and delegate certain law-making powers to them. These laws, known as by-laws, can be specific or general in nature depending on the legislation. The Municipalities Act and The Cities Act provide municipalities with the general power to pass by-laws within their areas of jurisdiction.



It is important to note that in the event of a conflict between a local by-law and a Provincial Act, the provincial statutory provision typically takes precedence. Information about city by-laws can be found on the internet or at your local city or town hall.

Bylaws addressing the following are usually in place:

- Smoking
- Animal care
- The removal of snow
- Fire
- Stopping and parking, including idling
- Collection and disposal of waste
- Property requirements
- Water constraints
- Licensing (taxis, adult video stores, and massage parlours)

It is hard to present a comprehensive list of potential bylaws for a municipality. Each municipality must be contacted for the most up - to - date information in order to receive the municipal code or ordinances.

MUNICIPAL ACT 2001

The Municipal Act, 2001 Section 8 broadly empowers Ontario municipalities to pass bylaws, subject to the rules in subsection (4), respecting the following matters:

- Governance structure of the municipality and its local boards.
- Accountability and transparency of the municipality and its operations and of its local boards and their operations.
- Financial management of the municipality and its local boards.
- Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act.
- Economic, social and environmental well – being of the municipality.
- Health, safety and well-being of persons.
- Services and things that the municipality is authorized to provide under subsection (1).



- Protection of persons and property, including consumer protection. 2006, c. 32, Sched. A, s. 8.

❖ MUNICIPAL ACT 2001- CLOSING PREMISES, PUBLIC NUISANCE

Under the Municipal Act 2001, security guards may be called upon to play a role in the closing of premises and addressing public nuisances.

Specifically, Section 443 of the Act grants authority to Municipalities to appoint inspectors to enter and investigate properties in order to ensure compliance with municipal bylaws and regulations.

In some cases, a security guard may be appointed as an inspector for the purposes of enforcing these regulations. In this capacity, their role may involve responding to complaints from the public, identifying areas of non-compliance, and ensuring that property owners are taking appropriate action to address any issues.

For example, if a property owner is operating outside of permitted business hours or engaging in other activities that constitute a public nuisance, a security guard inspector may be dispatched to investigate the issue. The guard would be responsible for conducting a thorough investigation, including collecting evidence of any violations, and reporting their findings back to the appropriate authorities.

Based on the evidence collected, the security guard may be required to take actions such as issuing warnings or compliance orders, closing the premises, or taking other enforcement actions as permitted under municipal bylaws.

In some cases, their role may involve coordinating with other law enforcement agencies or community organizations in order to effectively address concerns related to public safety and security.

In summary, the role of a security guard under the Municipal Act 2001 in relation to the closing of premises and addressing public nuisance is to act as an inspector, investigating complaints and identifying areas of non-compliance with municipal bylaws and regulations.

Through their efforts, they play a vital role in ensuring the safety and well-being of the community by enforcing rules that promote public order and harmony.



❖ MUNICIPAL ACT 2001- POWERS OF ENTRY:

Under the Municipal Act 2001, security guards may be granted the power of entry when acting as an inspector or enforcement officer for a municipality. This power allows them to enter onto a property in order to conduct investigations, ensure compliance with municipal bylaws, and to take appropriate enforcement action as necessary.

The power of entry is an important tool available to security guards acting under the Municipal Act, and it allows them to enter onto a property without prior notice or consent from the owner or occupant. This power can be used to investigate issues such as building code violations, health and safety concerns, and public nuisance complaints.

Before exercising the power of entry, the security guard must identify themselves and explain the purpose of their visit to the property owner or occupant. They must also be able to provide evidence that they are authorized to act as an inspector or enforcement guard under the Municipal Act.

During their investigation, the security guard is obligated to respect the property rights of the owner or occupant, and to minimize any disruptions or inconveniences caused by their presence. They must also comply with any applicable privacy laws, and only collect information that is relevant to their investigation.

If the security guard discovers evidence of a violation during their investigation, they may take appropriate enforcement action as permitted under the Municipal Act. This may include issuing compliance orders, levying fines, or taking other steps to ensure that the property owner comes into compliance with municipal bylaws.

In summary, the power of entry granted to security guards under the Municipal Act 2001 allows them to enter onto a property in order to investigate suspected violations of municipal bylaws and to take appropriate enforcement action. When exercising this power, security guards must act in accordance with the law, respect the property rights of owners and occupants, and ensure that their actions are reasonable and proportionate to the circumstances.

❖ MUNICIPAL ACT 2001 : SMOKING IN PUBLIC PLACES, ETC.

Under the Municipal Act 2001, security guards may be appointed as bylaw enforcement officer to help ensure compliance with smoking regulations in public places. Specifically,



the Smoke-Free Ontario Act (SFOA) prohibits smoking in enclosed public places and enclosed workplaces, as well as other designated outdoor spaces.

As a bylaw enforcement officer, the security guard has the authority to approach individuals who appear to be smoking in prohibited areas and inform them of the applicable smoking restriction. The guard may also investigate complaints from the public regarding smoking bylaws and conduct inspections of public places to ensure compliance.

If the security guard identifies an individual who is smoking in violation of these regulations, they may take steps to enforce the bylaw. This could include issuing a warning and educating the individual about the smoking restrictions in the area, or issuing a ticket or fine for non-compliance.

To enforce smoking bylaws effectively, security guards should be familiar with the specific restrictions in their jurisdiction and understand the proper procedures for issuing warnings or fines. They may also need to be trained in methods of collecting evidence, conducting investigations, and employing de-escalation techniques when interacting with individuals who are smoking in prohibited areas.

In addition to their enforcement duties, security guards acting as bylaw enforcement officer for smoking regulations may also play a role in educating the public about these restrictions. This could involve distributing information brochures, posting signs in designated smoking areas, or engaging in media campaigns to raise awareness about the risks associated with smoking and the importance of complying with municipal bylaws.

In sum, the security guard role under the Municipal Act 2001, as it relates to smoking in public places, is that of a bylaw enforcement officer responsible for ensuring compliance with municipal regulations prohibiting smoking in certain areas. By enforcing these bylaws, along with taking steps to educate the public and raise awareness about public health concerns, security guards help to promote a safe and healthy environment for all.

SECURITY GUARD DUTIES IN ACCORDANCE WITH THE MUNICIPAL LAW

Security guards in Ontario are responsible for enforcing municipal bylaws and regulations, as well as protecting people and property. Some of their specific duties under Municipal acts may include:



1. ENFORCING MUNICIPAL BYLAWS:

One of the primary duties of a security guard operating under Municipal bylaws is enforcing regulations and bylaws within a given jurisdiction. These regulations include, but are not limited to, noise control, trespassing, parking regulations, and property maintenance, among others. The security guard ensures that these bylaws are being followed, ensuring the safety and security of residents and visitors within the community.

2. CONDUCTING REGULAR PATROLS:

Another key duty of security guards operating under Municipal bylaws is conducting regular patrols of Municipal properties. This includes parks, public buildings, streets, and other community spaces. The patrols are done to monitor the behavior of those who use the spaces, identify any illegal activities, or potential safety hazards, and to ensure that the community property is well-maintained.

3. IDENTIFYING AND REPORTING SAFETY AND MAINTENANCE ISSUES:

As part of their regular patrols, security guards operating under the municipal bylaw are responsible for identifying any safety or maintenance issues that could put the safety of the public at risk. This includes broken playground equipment, damaged park benches, uneven sidewalks or tripping hazards, and others. The guard should promptly report such issues and ensure repairs or maintenance take place to mitigate safety risks.

4. ASSISTING MEMBERS OF THE PUBLIC:

Security guards providing services under municipal bylaws also do assist members of the public with queries or concerns in managing municipal affairs. They are responsible for providing directions and guidance to visitors and residents while also providing other services the public may require.

5. RECORD-KEEPING AND REPORTING:

Security guards working under Municipal bylaws are expected to maintain accurate records of incidents related to their duties, including accidents or incidents leading to personal injury or property damage. This information is reported to the relevant authorities to help with response and measure the effectiveness of the by-laws.