

# GLOSSARY

## **accountable**

required to explain actions or decisions to someone

## **actus reus**

Latin for “a guilty act”; an actus reus is the physical component of committing a criminal act

## **affiant**

any person who makes an affidavit, such as a police officer who writes a warrant application

## **amalgamate**

combine two or more existing organizations to form one; in policing, two or more municipal police forces may be combined to form one police force serving multiple municipalities

## **amendments**

changes made to enacted legislation

## **appearance notice**

a notice in Form 9, issued by a peace officer (street level), that compels an accused person to appear in court at a specific date, time, and location

## **arrest warrant**

a court’s written order, directed at all police officers within the jurisdiction where the order is valid, to find and arrest an identified person and return that person to the court that issued the order

## **bail**

any form of interim release authorized by law

## **behavioural factors**

attributes of the responding officer(s) that affect how he or she manages an incident

## **behavioural profile**

one measure of the risk posed by a subject, categorized as either cooperative, passive or active resistant, assaultive, or threatening grievous bodily harm or death

## **bench warrant**

an arrest warrant for a person, previously arrested and released, who fails to appear in court to answer to his or her charge(s); a written order from the police notifying all other peace officers to arrest the person named on the warrant

## **bill**

a proposed new or amended law in the provincial/territorial or federal legislative process

## **British North America Act**

Canada’s original constitution, which united the separate colonies of Quebec, Ontario, Nova Scotia, and New Brunswick to form Canada

## **by-laws**

regulations and rules adopted by local or municipal governments

## **Canadian Charter of Rights and Freedoms**

a constitutional document that sets out the rights and freedoms of Canadian citizens and all people in Canada

## **Canadian Police Information Centre (CPIC)**

the central police database used by all Canadian police services to access information on a number of matters, including the current charges individuals may be facing and any criminal record they may have

## **Charter remedies**

remedies that the courts provide for a breach of a person’s Charter rights; may include the exclusion of items from evidence at trial

## **codified**

written down

## **collective bargaining rights**

the rights of employees, such as safety, wage, and working hours, negotiated through a process called collective bargaining; the PSA allows police officers to be members of an association for the purpose of negotiating these rights with their employer

## **colour of right**

an honestly held belief in entitlement to property; a defence to a charge of theft

## **common law**

the body of judge-made law not found in statute

## **community-based policing**

police policy and philosophy that includes the people of the local community in the operations and activities of a police service

**compelling document**

a document that compels an individual to attend court to answer a criminal charge (for example, a summons, an appearance notice, a promise to appear, a recognizance to officer in charge or justice, or an undertaking entered into before a justice)

**concurrency**

agreement that negates the intrusive potential of a search-and-seizure activity; principle whereby a search consented to by the person being searched requires no authorizing document from police

**confidential informants**

informers who provide valuable information to the police and whose identity generally cannot be revealed by the Crown or the police unless the informant agrees to it

**constitution**

the fundamental law of a nation or state, written or unwritten, that establishes the character and conception of the nation's government

**constitutional supremacy**

a doctrine by which the law-making powers of parliament are constrained by a constitution

**contemporaneously**

with reference to notebooks, during or as soon as possible after an incident

**continuity break**

the transfer of any property or evidence from one location to another, or from one person to another

**core police services**

a collection of services required to be performed by every police service in Ontario; failure to provide these services may lead to a dismantling of a police service and the installation of another police service

**criminal offence**

any offence found within the *Criminal Code* or any other federal statute that lists criminal offences

**Crown attorney**

a lawyer responsible for prosecuting criminal offences

**delegated legislation**

legislation such as regulations and by-laws created by subordinate governmental bodies such as branches and agencies rather than the legislature

**direct discrimination**

unequal and unfair treatment of a person because of certain factors such as race, gender, culture, and sexual orientation

**disclosure**

in criminal cases prosecuted by the Crown, the practice of providing the defence with all the evidence gathered in an investigation

**discretion**

the freedom or authority to make judgments and to act as one sees fit

**discretionary release**

release of the accused by a peace officer or the officer in charge that is not mandatory, but is done on the basis of the officer's own judgment

**discrimination**

treating people differently, especially on the basis of protected personal characteristics

**division of powers**

refers to the specific powers granted to the federal and provincial levels of government, respectively, by ss. 91 and 92 of the *Constitution Act, 1867*

**doctrine of precedent or rule of precedent**

a doctrine that requires a judge, in resolving a particular case, to follow the decision of a higher court in the same jurisdiction in a previous case where the facts in the two cases are similar

**dual procedure (hybrid) offences**

offences that can be dealt with as either summary or indictable; always treated as indictable by arresting officers

**entrenched**

firmly established

**evidential chain**

the chain of evidence establishing the events that, seen in sequence, account for the actions of the suspect, the victim, and even the witnesses in an incident; can also account for different forms of evidence found within the time frame in which the crime may have occurred

**ex parte hearing**

a court proceeding held in the absence of the accused person

**ex parte motion**

a legal term referring to a proceeding or application where one of the parties has not received notice and, therefore, is neither present nor represented

**excessive force**

force whose use in the given situation does not accord with ordinary common sense

**exigent circumstances**

an emergency that permits police to make a warrantless entry or arrest

**express consent**

direct and specific permission

**federation**

a group of independent states, provinces, or territories that have agreed to unite under a central or federal government

**Feeney warrant**

a warrant that gives police authority to enter a residence to effect an arrest where there is no consent or permission to enter

**force**

psychological or physical contact with another person, used by officers in the course of performing their duties

**found committing**

a situation in which a person actually witnesses a crime taking place

**freedom of expression**

a right guaranteed under s. 2(b) of the Charter that ensures everyone the right to manifest thoughts, opinions, and beliefs

**fundamental justice**

principles which have been recognized by the common law, the international conventions and the Charter as essential elements of a system for the administration of justice which is founded upon the belief in the dignity and worth of the human person and the rule of law

**governor general**

the monarch's representative in the federal legislature

**hot pursuit**

an exigent circumstance in which police can continue the pursuit of a suspect into a building, including a dwelling-house, to make an arrest without a warrant

**implied consent**

a person's actions that are inferred by a police officer to be permission

**indictable offences**

the most serious types of offences, with a maximum penalty of life in prison

**indirect discrimination**

discrimination, generally unintentional, that results from a policy or practice that on the face of it seems reasonable, such as a height requirement for police

**informant**

the person laying an information under oath before a justice

**information**

a document that begins all criminal proceedings and that contains the charge (counts) against the accused

**information to obtain (ITO)**

a statement of facts concerning the investigation, the place to be searched, the items being sought, and the reason for their being sought

**informed consent**

voluntary consent, revocable at any time, from a person who is fully aware of the intent of the police and the consequences he or she may face if consent is given

**integrity**

soundness of moral character

**interim release**

releasing an accused person from custody with a document compelling his or her appearance in court

**investigative detention**

a situation where reasonable grounds to arrest a person are absent, but police detain the person to determine whether he or she is involved in the crime

**jurisdiction**

a body's sphere of authority to do a particular act—for example, the authority of a court to hear and determine a judicial proceeding

**knock-and-announce rule**

a rule that requires police to announce their presence outside of the dwelling and to announce that they have a search warrant

**legislate**

to make or enact laws

**legislative process**

process by which the elected representatives of government make laws

**lethal force**

force that is intended or is likely to cause death or grievous bodily harm

**lieutenant governor in council**

the monarch's representative in the provincial legislature acting by and with advice from the legislative assembly

**mandatory release**

compulsory release of the accused from custody by the peace officer or officer in charge

***mens rea***

Latin term meaning “a guilty mind”; an element of criminal responsibility; a guilty or wrongful purpose; a criminal intent

**misconduct**

improper behaviour; behaviour that contravenes certain standards or laws; an Ontario police officer is guilty of misconduct if he or she commits an offence described in s. 80 of the PSA or its regulations

**nexus of search**

a direct relationship, or nexus, between the offence that has been committed, the evidence that the police need to secure in their investigation, and the location where the police believe the evidence will be located

**night**

defined, in s. 2 of the *Criminal Code*, as the hours between 9:00 p.m. and 6:00 a.m. of the following day

**no-knock entry**

police entry into a location undertaken with a warrant but without any announcement of their presence outside the premises; used where the affiant believes that announcing the police presence could endanger police or jeopardize vital evidence

**objective standard**

a standard based on how an ordinary person would have behaved in the same circumstances; used in determining whether an officer had reasonable grounds for his or her actions

**offensive weapon**

an object designed to be used or intended to be used to cause injury, death, threat, or intimidation

**oversight**

the management of police activity, both internally and externally

**parliamentary supremacy**

a doctrine that places final law-making power in the hands of the legislature

**patriation**

the process of amending the Canadian Constitution so that control of legislation was moved from the British Parliament to the Canadian Parliament

**plain-view doctrine**

a doctrine according to which a police officer who is lawfully in a place can seize items that are in plain view and that are, on their face, illegal; requires that the initial intrusion by police be lawful and that the evidence be discovered inadvertently

**plaintiff**

a person bringing a civil action or lawsuit

**police agent**

a person who, acting under the direction of the police, goes out into the field to gather, obtain, and convey to the police the information he or she receives

**PRICE**

acronym for the criteria applied by police when deciding whether an arrested person should be released; the same as RICE except that it also includes “public interest” (Public interest, Repetition, Identity, Court, Evidence)

***prima facie***

Latin for “at first look”; evident from the facts; evidence that, if not contradicted, will be sufficient to prove a particular proposition or fact

**promise to appear**

a promise in Form 10, issued by an officer in charge (station level), requiring the accused person to attend court at a specific date, time, and location

**racial profiling**

practice that targets for police investigation people of a particular race, based on stereotypes

**reasonable force**

the force that any person with ordinary common sense would exercise if placed in the officer's position

**reasonable grounds**

a set of facts or circumstances that would cause an ordinary and cautious (in other words, prudent) person to form a belief

**recognizance**

a document, issued by the officer in charge or by a justice, that requires an accused person to agree to meet certain obligations in exchange for being released from custody, and that also requires the accused person to appear in court at a specific date, time, and location

**regulations**

a type of subordinate legislation that carries out the intent of the statute under which it is made; generally concerned with the detail and technical aspects of the law

**report to justice**

a legal document, commonly referred to as a “5.2,” that police use when asking a justice of the peace or judge for lawful permission to hold seized property for further investigation or until the completion of the trial

**res judicata**

Latin for “already decided”; a special plea with which the accused argues that the charges against him or her have already been dealt with in a court of law

**return radius**

an area, specified in an arrest warrant, within which a found suspect must be returned to the police that requested the warrant

**RICE**

acronym (Repetition, Identity, Court, Evidence) for the criteria applied by police when deciding whether an arrested person should be released

**Royal Assent**

approval of the British monarch through his or her representative

**sealing order**

an order that the details of a warrant and an ITO not be disclosed to the public after the warrant has been executed

**situational factors**

environmental factors in a situation that are beyond the officer’s control; can include time, place, and the suspect’s characteristics

**social media**

a technologically mediated method of communication that involves information being uploaded to websites or computer databases and being shared with the public

**solicitor general of Ontario**

the elected official and Cabinet member of the political party in power in Ontario; charged with duties pertaining to law enforcement and correctional services in Ontario; this position is held by the minister of community safety and correctional services

**stare decisis**

a common law doctrine stating that the decision of a higher court in a particular jurisdiction acts as a binding authority on a lower court in the same jurisdiction

**statutes**

codified legal provisions developed and adopted through the parliamentary and legal process

**subjective elements**

elements composing the officer’s personal interpretation of the situation, used in determining whether he or she had reasonable grounds for his or her actions

**summary conviction offences**

the least serious of the offences set out in the *Criminal Code*, most with a maximum penalty of \$5,000 and/or six months in jail

**summons**

a summons in Form 6, issued by a justice or judge, requiring an accused person to appear in court at a specific date, time, and location (the document is later served on the accused person personally)

**surety**

the deposit of something of value with the police or court to ensure that the accused person will attend court, or a person who takes responsibility for ensuring that the accused person complies with an undertaking

**systemic discrimination**

discrimination in which certain attitudes or values become the accepted standard in an organization or even a community

**tactical factors**

skills and resources available to an officer in helping him or her manage an incident

**telewarrant**

a warrant requested by telephone or other telecommunication means, most often a fax machine; used in circumstances where it is impracticable for the affiant to apply for the search warrant in person

**third-party consent**

search consent given by someone other than the accused

**Three Fs**

describes the criteria for search warrant applications—full, fair, and frank

**undertaking**

an undertaking in Form 11.1 or 12, used in conjunction with a promise to appear or with a recognizance (if issued by the officer in charge), that requires an accused person to meet certain obligations in exchange for being released from custody and that may also require (if issued by a justice) the accused person to attend court at a specific date, time, and place

**unsatisfactory work performance**

work performance that does not meet the standards established by the policies of chiefs of police

**Use-of-Force Continuum model**

a model, used by police, that aligns the suspect's behavioural responses and profiles with suggested police responses

**voluntary accompaniment**

a situation where a person who is neither under arrest nor being held for investigative detention chooses to accompany or remain with police for investigative purposes

**warrant in the first instance**

an arrest warrant issued in circumstances where the police are unable to locate the suspect, or where the suspect, knowing that he or she is wanted, is evading police or other authorities

**warrantless search**

a search conducted without a warrant; presumed to be unreasonable unless the Crown demonstrates, on a balance of probabilities, that it is reasonable