

Investigation report: recommendation as to prosecution

Investigation Report and Recommendations

The defendants:	
The location:	
The alleged offence:	<p><i>[The legislation and the offence provision]</i></p> <p><i>[The date and the act of the offence]</i></p> <p><i>[The zoning if RMA and rules breached]</i></p>
The date of alleged offence:	Weeks elapsed:

EVIDENCE

Attach evidence and tick the appropriate boxes:

Identification of party / parties	Photographs	Samples
Admissions obtained	Field notes	Other
Circumstantial evidence	Interview notes	

PROSECUTION FACTORS

Select Yes (Y) or No (N) and enter key point(s) if required:

Seriousness of offence			
Extent of harm to the environment / people?		Key points	1)
Harm able to be fully assessed today?		Key points	2)
Harm significant in terms of objectives / policies behind rules?		Key points	3)
Multiple statutes contravened (Building, Planning, Bylaws)?		Key points	4)
Was the offender reckless or negligent in carrying out or permitting the offence?		Key points	5)

Deliberateness			
Did the offender seek clarification of the rules or previously submit a relevant consent application?		Key points	6)
Was the offence a failure to act on prior instruction, or notice?		Key points	7)
Is there other evidence of deliberate offending?		Key points	8)

Aggravating / mitigating circumstances			
Does the offender have a history of offending or convictions under this legislation? Were the offences similar?		Key points	9)

Did the offender intend to or in fact benefit from the offence? Financially?		Key points	10)
Was the offender co-operative with council officers?		Key points	11)
Has the offender mitigated any harm? Quickly?		Key points	
Were there any limits on the offender's capacity to mitigate?		Key points	12)

Other sanctions taken			
Is other enforcement to be taken in conjunction with this offence?		Key points	13)
Is this a continuing offence for which a previous infringement notice or prosecution has been issued?		Key points	14)

SUMMARY OF FACTS

[Include in chronological order a summary of: relevant background depicting seriousness of the offence, reason for initiating the investigation, entry to site and how evidence was gathered, the material facts, reference to key annexes (eg, photos, notices), the defendant's explanation and anything adverse to council's position.]

RECOMMENDATIONS

Case officer	Comments:	
	Signed:	Date:
Senior investigator	Comments:	
	Signed:	Date:
Manager service requests	Comments:	
	Signed:	Date: