



CRIMINAL JUSTICE BRANCH, MINISTRY OF ATTORNEY GENERAL
CROWN COUNSEL POLICY MANUAL

ARCS/ORCS FILE NUMBER: 55100-00	EFFECTIVE DATE: November 18, 2005	POLICY CODE: CHA 1.1
SUBJECT: Charge Assessment Decision – Police Appeal		CROSS-REFERENCE: CHA 1 PRI 1

POLICY

Where the police disagree with a charge assessment decision, they should discuss their concerns with the Crown Counsel who made the decision and then follow the appeal procedure outlined below if not satisfied with that discussion.

APPEAL PROCEDURE

After discussing their concerns with the Crown Counsel who made the decision and if not satisfied with that discussion, the police should contact Administrative Crown Counsel as the first step in appealing a charge assessment decision.

If the matter is not resolved following a discussion with Administrative Crown Counsel, and a Chief Constable, Officer in Charge of a detachment or more senior officer of the RCMP disagrees with the charge assessment decision, Regional Crown Counsel may be asked to review the decision and respond to the police.

If a Chief Constable, Officer in Charge of a detachment or more senior officer of the RCMP disagrees with the decision of Regional Crown Counsel, the Assistant Deputy Attorney General may be asked to conduct a further review of the charge assessment decision and respond to the police.

If upon exhaustion of this appeal process the police decide to swear an Information, it is anticipated that it would be sworn by, or on behalf of, a Chief Constable or the Assistant Commissioner of the RCMP, as the case may be, and that the Assistant Deputy Attorney General would be notified in advance of the Information being sworn.

Where an Information has been sworn by the police contrary to a charge assessment decision by Crown Counsel without exhaustion of the appeal process outlined above, the Private Prosecutions policy applies (see policy PRI 1).