



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

ARCS/ORCS FILE NUMBER: 55100-00	EFFECTIVE DATE: March 15, 2004	POLICY CODE: CHA 2
SUBJECT: Charge Precedents		CROSS-REFERENCE:

POLICY

Standard charge precedents for *Criminal Code* and other federal and provincial statute offences are available through JUSTIN. These precedents, rather than local office charging precedents, are normally to be used to ensure consistency throughout the province and to ensure that the wording of the charge is based on the legislation in force at the time that the offence was committed.

DISCUSSION

Where Crown Counsel staff cannot find a charge precedent on JUSTIN, they should contact Headquarters for assistance. Where there is no precedent, Headquarters can request that one be created.

Where there is a charge precedent in JUSTIN, it is imperative to use that precedent unless, in the opinion of Crown Counsel, it is either incorrect at law or fundamentally in need of improvement to the extent that it should be altered throughout the province. If that is the case, Headquarters should be requested to make a revision.

In all cases where it is the opinion of Crown Counsel that a precedent should be revised or created, Crown Counsel should prepare a draft wording to be provided to Headquarters staff.

In unique circumstances where Crown Counsel need to create a specialized charge wording as a one time requirement, that can be done through JUSTIN without altering the standard charge precedent. Headquarters staff can provide assistance on the wording.

In situations where JUSTIN is not available, Crown Counsel staff should assess whether it is feasible to wait until JUSTIN is available or whether it is necessary to produce the Information manually. The JUSTIN Business Continuity Checklist (on the Branch intranet site at Admin | Systems | JUSTIN) outlines the procedure to be followed in the latter case, including that Crown Counsel should advise the local court registry.