



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

ARCS/ORCS FILE NUMBER: 55100-00	EFFECTIVE DATE: September 15, 2004	POLICY CODE: CON 1
SUBJECT: Conflict of Interest – Including Prosecutions Against the Crown (R. v. R.)		CROSS-REFERENCE: SPE 1 STA 1

Policy

Generally, local Crown Counsel should handle all prosecution functions, including charge assessment, unless there is a compelling reason not to do so.

In any case where there could be an objectively reasonable perception of a conflict of interest in the Criminal Justice Branch making a charge assessment decision, the matter should be referred to Regional Crown Counsel who may consult with the Assistant Deputy Attorney General in deciding:

- a) whether to obtain an opinion on charge assessment from ad hoc counsel or from Crown Counsel in another province or region; and
- b) whether it would be appropriate for local Crown Counsel to review the aforementioned opinion, conclude a charge assessment decision, and then handle any prosecution which may result.

Discussion

This policy has application where there could be a perception of a conflict of interest in the Criminal Justice Branch making a charge assessment decision because the potential accused is an agency of government (R. v. R.) or there is some connection between the potential accused and the Criminal Justice Branch, and the case falls short of the need for a special prosecutor (see SPE 1).