



Policy:

Charge Assessment Decision – Police Appeal

Policy Code:

CHA 1.1

Effective Date:

May 20, 2022

Cross-references:

PRI 1

If an investigative agency disagrees with a charge assessment decision, they should discuss their concerns with the Crown Counsel who made the decision and then, if not satisfied, follow the appeal procedure outlined below.

Appeal Procedure

After discussing their concerns with the Crown Counsel who made the decision and if not satisfied, the investigative agency 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, or head of the investigative agency disagrees with the charge assessment decision, they may seek a review of the decision from Regional Crown Counsel, Director, or their respective deputy.

If a Chief Constable, Officer in Charge of a detachment or more senior officer of the RCMP, or head of the investigative agency disagrees with the decision of Regional Crown Counsel, Director, or their respective deputy, they may seek a final review of the decision from the Assistant Deputy Attorney General.

If upon exhaustion of this appeal process the police or investigative agency decides 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 or another senior officer, 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 final charge assessment decision by Crown Counsel, *Private Prosecutions* (PRI 1) applies.