| Policy: |||
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| **Charge Assessment – Social Regulatory Offences** |||
| Policy Code: | Effective Date: | Cross-references: |
| **CHA 1.2** | March 1, 2018 | ELD 1   ENV 1   SEX 2 |

Generally speaking, Crown Counsel should exercise restraint in respect of social regulatory offences, and only initiate charges where alternate methods to enforce compliance have been tried and have failed; where the accused has demonstrated a wilful or repeated non-compliance with the social regulatory statute; or, where the public interest otherwise requires prosecution in order to protect the integrity of the regulatory scheme.

Examples of social regulatory statutes which would be subject to this policy are the: *Security Services Act*, *Gaming Control Act, Business Corporations Act*, *Home Owner Grant Act*, *Liquor Control and Licensing Act*, and *Motion Picture Act*.

Certain locations may experience an inordinate number of liquor or other minor offences of a disruptive nature to the general peace of the community. Where such a location is identified by the police in a Report to Crown Counsel, the public interest may require prosecution.

Where there has been a conviction for a social regulatory infraction, Crown Counsel should bring the circumstances of any attempts to achieve compliance to the attention of the court at sentencing.

The public interest requires that certain matters be exempted from the application of this policy, including: offences involving motor vehicles (except under the *Motor Dealer Act*), offences under environmental legislation (*Environmental Prosecutions* (ENV 1)), the *Public Health Act* (*Sexual Transmission, or Realistic Possibility of Transmission, of HIV* (SEX 2)), the *Heritage Conservation Act*, the *Securities Act*, the *Workers Compensation Act*, and the *Employment and Assistance Act*, the more serious offences under provincial tax legislation, such as the *Tobacco Tax Act*, and violations of the *Business Practices and Consumer Protection Act* involving elderly people as victims (*Elder Abuse – Offences Against Elders* (ELD 1)).