



IP21

CHARGE APPROVAL

IP21

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Contents

POLICY..... 1

REASON FOR POLICY 1

PROCEDURES..... 1

 Charges Not Approved by a Supervisor 1

 Charges Not Approved by Crown..... 2

 Member Decides Not to Proceed with Charges..... 2

POLICY

1. The Chief Constable shall cause the following to be reviewed:
 - a) recommended charges not approved by Crown counsel;
 - b) Crown counsel stays a prosecution as a result of members’ actions; and
 - c) recommendations by the investigating or another member to stay proceedings or that charges not be laid, although there is a likelihood of a conviction.

REASON FOR POLICY

2. To seek to ensure that the public interest is protected and the administration of justice is not brought into disrepute.

PROCEDURES

Charges Not Approved by a Supervisor

3. If the investigating member recommends charges and the charges are not approved by their supervisor, the member and the supervisor should review the charges together to clarify the reasons for rejection, and if further investigation is not an alternative to correct the reasons for rejection and the



investigating member still believes charges should be laid, the file shall be reviewed independently by the appropriate Staff Sergeant.

4. The reasons for 'No Charges' shall be documented in the file.

Charges Not Approved by Crown

5. When recommended charges are not approved by Crown, Crown's assessment is to be reviewed by the appropriate Inspector, who may:
 - a) concur with Crown's assessment;
 - b) require further investigation; or
 - c) appeal Crown's assessment to that Crown or Regional Crown.

Member Decides Not to Proceed with Charges

6. If sufficient evidence has been obtained to recommend a charge, but the investigating member does not wish to proceed and the victim or complainant insists on court action, the charges must be directed to Crown documenting the member's reasoning.

*Revised Dates:
18 December 2012