

<p>TYPE OF DOCUMENT – TYPE DE DOCUMENT : Policy – Politique</p>	<p>EFFECTIVE DATE – ENTRÉE EN VIGEUR : September 1, 2015 Le 1^{er} septembre 2015</p>	<p>DOCUMENT ORDER – No. DU DOCUMENT: Policy – Politique 16</p>
<p>CHAPTER II – CHAPITRE II : The Decision to Prosecute Décision d’engager une poursuite</p>	<p>Readers are referred to the list of Related Documents at the end of this Policy for additional information. Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.</p>	

WITHDRAWAL OF CHARGES

1. Statement of the Policy

Generally, once a charge has been laid it should not be withdrawn.

2. Circumstances Where it May Be Appropriate to Withdraw a Charge

It may be appropriate for the Crown Prosecutor to withdraw a charge in the following circumstances:

- (a) the legal or factual circumstances relied upon during the pre-charge screening have changed such that there is no longer a reasonable prospect of conviction or the prosecution is no longer in the public interest;
- (b) the accused has successfully completed a post-charge alternative measures program;
- (c) the withdrawal is part of a plea resolution agreement that was negotiated in accordance with Policy 30, Sentencing and Plea Resolution;
- (d) the charge is stale and the relevant period described in subsection 2.1 below has lapsed; or
- (e) the charge is laid as an alternative count.

Where the Crown Prosecutor withdraws a charge, the Crown Prosecutor shall note the reasons for the withdrawal in the file.

2.1 Withdrawal of a Stale Charge

A “stale charge” is a charge in respect of which a warrant has been issued but which has been outstanding for some time.

A Crown Prosecutor may withdraw a stale charge in either of the following circumstances:

- (a) where the charge relates to a summary conviction offence and at least three (3) years have passed since the charge was laid; or
- (b) the charge relates to an indictable or hybrid indictable offence and at least five (5) years have passed since the charge was laid.

In either case, the Crown Prosecutor shall not withdraw the charge unless the Regional Director or the Director of Specialized Prosecutions, as the case may be, consents to the withdrawal.

Before the Regional Director or the Director of Specialized Prosecutions determines whether to consent to the withdrawal of a stale charge, the Crown Prosecutor, the Regional Director, or the Director of Specialized Prosecutions shall consult with the originating police or investigative agency and consider that agency's position. The Regional Director and the Director of Specialized Prosecutions retain the discretion to determine whether to withdraw the charge.

3. Related Documents

Policy 14	Post-charge Reassessment
Policy 15	Stay of Proceedings and Recommencement of Proceedings
Policy 30	Sentencing and Plea Resolution