

<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 10</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>	

CASE CONSULTATION AND RISK MANAGEMENT COMMITTEE

1. Introduction

Criminal cases and trials have become increasingly complex and lengthy. The Crown Prosecutor has to make more difficult decisions. The Crown Prosecutor is being made more accountable for decisions to prosecute and subject to lawsuits for malicious prosecution. The Crown Prosecutor has a responsibility to prevent wrongful convictions.

In order to assist the Crown Prosecutor in decision making, Public Prosecution Services has established a case consultation and risk management process to facilitate meaningful consultation and advice where a matter relating to criminal, quasi-criminal, or youth criminal justice is particularly complex and significant.

2. Statement of the Policy

Where the Crown Prosecutor encounters a matter that involves complex and significant issues or carries a risk of civil action, he or she is encouraged to consult with the Regional Director or the Director of Specialized Prosecutions, as the case may be, and, in appropriate circumstances, seek the assistance of the Case Consultation and Risk Management Committee (CCRMC).

The CCRMC is also available to the Director of Public Prosecutions, the Executive Director, the Director of Specialized Prosecutions, and the Regional Directors.

3. Composition of the CCRMC

The CCRMC shall be chaired by the Executive Director of Public Prosecutions, or his or her designate. The Chair shall be responsible to the Director of Public Prosecutions. The Chair may appoint one or more Crown Prosecutors as standing members to assist in the regular affairs of the CCRMC.

For each CCRMC consultation the Chair shall assemble an *ad hoc* committee, comprised of the Crown Prosecutor responsible for the case, and, ordinarily, at least four (4) senior Crown Prosecutors with relevant experience where the consultation relates to a criminal or quasi-criminal matter, and at least three (3) senior Crown Prosecutors with relevant experience where the consultation relates to a youth criminal justice matter. Where such quorum cannot be met, the CCRMC may convene with such number of qualified members as are available.

The person requesting the CCRMC consultation may recommend to the Chair that particular Crown Prosecutors that, he or she believes, have relevant experience be selected for the CCRMC.

Where the person requesting the CCRMC consultation is not the Director of Public Prosecutions, the Executive Director, the Director of Specialized Prosecutions or the relevant Regional Director, both the Director of Public Prosecutions, and the person who is responsible for the supervision of the person requesting the CCRMC, shall be invited to attend the presentation of the evidence and issues to the CCRMC, but shall not participate in the deliberation or drafting of the recommendation.

In the event that the Executive Director is acting as the Director of Public Prosecutions, he or she shall appoint a designate to Chair the CCRMC consultation.

4. Procedure

4.1 Requesting a CCRMC Consultation

Where the Crown Prosecutor, in consultation with the Regional Director or the Director of Specialized Prosecutions, as the case may be; the Regional Director; the Director of Specialized Prosecutions; or the Director of Public Prosecutions determines that a matter should be presented to the CCRMC, he or she shall request a CCRMC consultation. Where the Executive Director agrees with such a request, he or she will coordinate a CCRMC consultation. Where the Executive Director requests a CCRMC consultation, he or she shall appoint a designate to act as Chair.

Where the Chair, whether the Executive Director or his or her designate, refuses to convene the CCRMC, reasons for the refusal shall be communicated in writing to the Director of Public Prosecutions. The Director of Public Prosecutions, or the Executive Director where he or she is acting as the Director of Public Prosecutions, may direct that the CCRMC consultation be held despite the Chair's refusal.

A request for CCRMC assistance may be made at any stage of an investigation or matter. In appropriate circumstances, more than one CCRMC consultation may be held concerning a single matter.

4.2 Coordinating the CCRMC Consultation

The Chair shall advise the Crown Prosecutor responsible for the case to forward to the Chair all materials required for the CCRMC consultation, including a list of issues to be discussed, any statements, the police report, and any relevant case law. The Chair shall forward a copy of the materials to each CCRMC member.

The Chair shall convene the CCRMC at such place and time as is convenient for all members. In appropriate circumstances the Chair may conduct the consultation process by teleconference or email.

4.3 CCRMC Practices

Ordinarily, the Crown Prosecutor responsible for the case presents the facts and issues at the meeting. From time to time, another person who has been invited to the assessment may assist the Crown Prosecutor in presenting and clarifying such information. CCRMC members may ask the Crown Prosecutor, or any other person presenting the evidence, questions.

For the purpose of encouraging frankness and openness, there shall be no minutes taken, nor recording made, of the meeting.

Unless invited, no person, except the CCRMC members, shall be in attendance during the deliberation of the CCRMC. In any event, only CCRMC members shall participate in the deliberation and the drafting of the recommendation.

4.4 Recommendations of the CCRMC

The purpose of the CCRMC consultation is to facilitate consultation and advice. Any recommendation made as a result of the consultation is non-binding on the Crown Prosecutor responsible for the case.

However, where the Crown Prosecutor does not agree with the recommendation of the CCRMC, he or she shall only act contrary to such recommendation with the consent of the Director of Public Prosecutions.

The Director of Public Prosecutions is not bound by any recommendation of the CCRMC.

4.5 Notice of the Outcome

The Chair shall prepare and submit a written summary of the CCRMC recommendation to the Director of Public Prosecutions within thirty (30) days of the assessment. The summary shall indicate whether the CCRMC was unanimous and the rationale for any dissent. The Chair shall forward a copy, or an edited version, of his or her summary to the person who requested the CCRMC consultation.

The Crown Prosecutor responsible for the case shall advise the investigating officer or officers of the CCRMC recommendation, or of his or her decision, as the case may be, in any manner he or she deems appropriate.

4.6 Record of CCRMC

The Executive Director shall maintain an inventory of all cases brought to the CCRMC, any recommendations made, and the outcome of the consultations. The Executive Director shall prepare and submit an annual report to the Director of Public Prosecutions concerning the activities of the CCRMC.

5. Related Documents

None