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CHAPTER II – CHAPITRE II : The Decision to Prosecute Décision d’engager une poursuite	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.	

POST-CHARGE REASSESSMENT

1. Introduction

Although the Crown Prosecutor employs careful consideration during the pre-charge screening to ensure that an appropriate charge is laid based on the sufficiency of evidence and the public interest, the Crown Prosecutor has an ongoing duty to reassess charges after they have been laid and, in limited circumstances, may seek a stay, or request a withdrawal or substitution, as appropriate.

2. Statement of the Policy

A stay or withdrawal may only be considered where it becomes apparent on reassessment of all the circumstances that either the evidential test or the public interest test can no longer be met on the charge before the court and that the charge must therefore be stayed or withdrawn in a timely manner in the interest of the administration of justice.

The substitution of a charge may only be considered where it becomes apparent on a reassessment of all the circumstances that either the evidential test or the public interest test can no longer be met on the charge before the court, but that it can be met on a substituted charge.

3. Matters Concerning Proceeds of Crime and Offence-related Property

Where a matter has or may have a proceeds of crime or offence-related property component, unless there are exceptional circumstances, where the Crown Prosecutor determines that the likelihood of a successful prosecution has diminished, he or she shall not seek to enter a stay, withdraw the charges, or substitute a charge, until he or she has consulted with the Proceeds of Crime Counsel, unless doing so is impractical.

Where the Crown Prosecutor does not consult with the Proceeds of Crime Counsel prior to entering a stay, withdrawing charges, or substitute a charge, he or she shall take into account beforehand the impact such action will have on recovering proceeds of crime or offence-related property. The Crown Prosecutor shall advise the Proceeds of Crime Counsel of any action taken as soon as practicable.

4. Related Documents

Policy 11	Pre-charge Screening
Policy 12	Proceeds of Crime and Offence-related Property
Policy 15	Stay of Proceedings and Recommencement of Proceedings
Policy 16	Withdrawal of Charges