



**SOUTH COAST BRITISH COLUMBIA  
TRANSPORTATION AUTHORITY  
POLICE SERVICE**

## **LAYING CHARGES**

Effective Date: May 9, 2005

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### **POLICY**

1. The South Coast British Columbia Transportation Authority Police Service (SCBCTAPS) will review cases involving criminal investigations where:
  1. the investigating Member recommends charges and this recommendation is overruled by a Supervisor or Crown Counsel,
  2. the investigating Member, or any other police officer, recommends a stay of proceedings or charges not be laid, notwithstanding there is a likelihood of conviction, or
  3. Crown Counsel declines to prosecute due to alleged police mishandling.

### **REASONS FOR POLICY**

2. To ensure that investigations and the laying of charges are conducted in a manner free from interference.
3. To ensure that the public interest is protected and the administration of justice is not brought into disrepute.

### **PROCEDURES**

4. At the completion of an investigation, if the investigating Member concludes charges are not warranted, the reasons for the decision will be set out in the report. The Member's Supervisor will review the decision.
5. If sufficient evidence is present to proceed with a charge, but the investigating Member recommends No Charges and the victim or complainant insists on court action, then the charges will be directed to the Crown Counsel with the Member's reasons for No Charges included. Crown Counsel will then determine whether charges will be laid.
6. In the event an investigating Member recommends charges and this recommendation is overruled by a Supervisor, the Member and the Supervisor will review the file together to clarify the reasons for rejection. If further investigation is not an alternative to correct the reasons for rejection and the Member still believes charges should be laid, then a second Supervisor from another squad will

independently review the file. If the second Supervisor also rejects the charges, the file will be concluded "No Charges."

7. In the event an investigating Member recommends charges, which are also approved by a Supervisor, but the recommendation is overruled by Crown Counsel, the charges should be reviewed by the ranking officer of the investigating Member's section. If the ranking officer also rejects the charges, the file will be concluded "No Charge". If the ranking officer concurs that charges should be laid and Crown Counsel continues to reject the charges, then Administrative Crown Counsel will be contacted to arbitrate.
8. If the investigating Member, or any other police officer, recommends not to proceed, notwithstanding there is a likelihood of conviction, the file will be submitted to their Supervisor. The Supervisor will review the file and the reason(s) for the request. The Supervisor will then approve, or refuse the request. If approved, the Supervisor will not forward the report to Crown Counsel.
9. Where laying of charges does not proceed, the Member may, where practicable, notify the person and make a notation to the file of such notification.

**[See also: OD080 – Arrests]**