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<p>CHAPTER VII – CHAPITRE VII :</p> <p>Interjurisdictional and International Matters Questions intergouvernementales et internationales</p>	<p>Readers are referred to the list of Related Documents at the end of this Policy for additional information.</p> <p>Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.</p>	

TRANSFER OF CHARGES

1. Introduction

Under section 478 of the *Criminal Code*, a charge may be transferred from the province in which the alleged offence occurred to the province in which the accused is located, provided that the Attorney General of the transferring province consents, the offence is not an offence mentioned in section 469, and the accused pleads guilty.

Under section 479 of the *Criminal Code*, a charge may be transferred within a province, provided that the Attorney General consents and the accused pleads guilty.

Transfers of charges into and out of New Brunswick are the responsibility of the Attorney General and are coordinated by the Transfer Coordinator. The Crown Prosecutor is expected to assist in expediting such transfers.

2. Transfers Out of New Brunswick

2.1 Forwarding Transfer Requests to the Transfer Coordinator

All requests for the transfer of charges out of New Brunswick shall be sent to the Transfer Coordinator. Where a regional office or the Specialized Prosecutions unit receives a request for the transfer of charges out of New Brunswick the request shall be sent to the Transfer Coordinator.

The Transfer Coordinator shall request, and the regional office or the Specialized Prosecutions unit, as the case may be, shall provide, the following materials:

- (a) the original request from the accused;
- (b) the original Information from the court file;
- (c) the Crown file;
- (d) any specific recommendations from the Crown Prosecutor or the originating police agency; and
- (e) any special directions on sentencing.

The regional office or the Specialized Prosecutions unit, as the case may be, shall maintain a copy of the request and any correspondence relating to the transfer.

2.2 Review of Transfer Requests

Where a request for a transfer of charges out of New Brunswick is received by the Transfer Coordinator, he or she shall consider and respond to the request.

The Transfer Coordinator shall deny the request for transfer in the following circumstances:

- (a) the offence is one set out in section 469 (see subsection 478(3));
- (b) the indictable offence involves death; or
- (c) the offence is perjury.

Where the request for transfer relates to an offence other than the above offences, the Transfer Coordinator shall scrutinize the request, obtain the consent of the Regional Director or the Director of Specialized Prosecutions, as the case may be, and then determine whether to refuse or consent to the request. The consent of the Transfer Coordinator shall be deemed to be the consent of the Attorney General as required under section 478.

If the Transfer Coordinator refuses a transfer request the materials described above shall be returned to the regional office or the Specialized Prosecutions unit, as the case may be.

2.3 Concluding Transferred Matters

When a transferred matter has been completed, the Transfer Coordinator shall return the Crown file to the regional office or the Specialized Prosecutions unit, as the case may be. The Regional Director or the Director of Specialized Prosecutions, as the case may be, shall ensure that the file is concluded and that the originating police agency is notified of the result.

3. Transfers Into New Brunswick

All requests for the transfer of charges into New Brunswick shall be sent to the Transfer Coordinator. Where a regional office or the Specialized Prosecutions unit receives a request for the transfer of charges into New Brunswick, the request shall be sent to the Transfer Coordinator.

3.1 Materials Received by the Transfer Coordinator

Where the Transfer Coordinator receives materials from another province relating to the transfer of a charge, he or she shall forward the following materials to the regional office or the Specialized Prosecutions unit, as the case may be:

- (a) the original Information;
- (b) the Crown file from the transferring province; and
- (c) a document indicating that the Attorney General of the transferring province consents to the transfer.

3.2 Matters for the Attention of the Regional Office or the Specialized Prosecutions Unit

Where a regional office or the Specialized Prosecutions unit receives the above materials, the Regional Director or the Director of Specialized Prosecutions, as the case may be, shall ensure that

- (a) the original Information is sent to the court;
- (b) a date is set for the appearance of the accused; and
- (c) the accused is notified of the appearance date.

3.3 Concluded Transferred Matters

When the matter is complete, the Regional Director or the Director of Specialized Prosecutions, as the case may be, shall ensure that

- (a) a certified copy of any Order made by the sentencing judge is sent to the Transfer Coordinator; and
- (b) a file relating to the matter is kept and maintained by the regional office or the Specialized Prosecutions unit, as the case may be.

4. Transfers Within New Brunswick

Where a regional office receives a request for the transfer of a charge within New Brunswick, the Crown Prosecutor may consent to the request on behalf of the Attorney General provided

- (a) the accused has indicated that he or she intends to plead guilty; and
- (b) a transfer is in the public interest.

The consent of the Crown Prosecutor shall be deemed to be the consent of the Attorney General as required under section 479.

5. More Information

For more information on the transfer of charges into and out of New Brunswick, contact the Transfer Coordinator.

6. Related Documents

None