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CRIMINAL JUSTICE BRANCH, MINISTRY OF JUSTICE  
**CROWN COUNSEL POLICY MANUAL**

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ARCS/ORCS FILE NUMBER:	EFFECTIVE DATE: <b>March 10, 2014</b>	POLICY CODE: <b>COM 2</b>
SUBJECT: <b>Committee Involvement</b>	CROSS-REFERENCE: <b>DIS 1.1 LEG 1.1 STA 1</b>	

### **POLICY**

This policy provides guidance to Crown Counsel regarding their involvement in justice-related committees (JRCs).

JRCs are local committees that address issues relating to law enforcement or justice system issues and which have at least one community representative (in addition to any provincial/federal government, victim service program or police participation). Certain types of committees are expressly excluded from the application of this policy (See [Appendix A](#)).

### **Participation**

Crown Counsel participation is to be determined in consultation with Regional Crown Counsel, Deputy Regional Crown Counsel, Director or Deputy Director based on the following factors:

1. The public interest in participation, including the potential for improving:
  - i. the administration of justice;
  - ii. public education about the role of Crown Counsel; and/or
  - iii. coordination between agencies while respecting privacy and information-sharing rules;
2. Subject-matter expertise of Crown Counsel;
3. The need to preserve prosecutorial independence and to ensure both the real and perceived impartiality of Crown Counsel;

4. The degree to which the allocation of Branch resources required for effective participation is available and consistent with the Branch's core functions and responsibilities, goals and objectives.<sup>1</sup>

### **Manner of Participation**

When participating in JRCs, Crown Counsel must act in a manner which reflects both the primary need to ensure prosecutorial independence and impartiality and the appropriate need to plan, implement and analyze justice system services through coordination and cooperation with other agencies.

The Regional Crown Counsel, Deputy Regional Crown Counsel, Director or Deputy Director should confirm the Crown Counsel's participation in the JRC and review any request that the Branch be a signatory to a JRC related document in advance.

The following guidelines apply when participating in JRCs:

1. Crown Counsel may participate in the development of JRC processes and provide subject-matter expertise (without giving legal advice – see policy LEG 1.1 - Legal Advice to the Public).
2. Crown Counsel may act as an educational resource to the JRC on the justice system, criminal procedure and the roles and responsibilities of the Branch and Crown Counsel.
3. Unless prior approval has been provided by Regional Crown Counsel, Deputy Regional Crown Counsel, Director or Deputy Director, Crown Counsel should not participate in JRC meetings that discuss specific cases except if:
  - i. the Branch is a signatory to an information sharing agreement with the JRC as described in policy DIS 1.1 – Disclosure of Information to Parties other than the Accused; or
  - ii. any case specific information provided or received is relevant to: the case-management of an accused person or offender (where the information provided is in the public domain); the safety of a victim or witness; or, the consideration of witness needs to effectively participate in court proceedings (e.g. testimonial accommodations).

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<sup>1</sup> *Crown Counsel Act*; [Criminal Justice Branch's Internet site](#)

4. Crown Counsel should participate *ex officio* (without formally being a JRC member) unless prior approval has been provided by Regional Crown Counsel, Deputy Regional Crown Counsel, Director or Deputy Director.
5. Crown Counsel should not participate in, or endorse, any funding efforts (including signing letters in support).

### **General**

Notwithstanding any participation in a JRC, Crown Counsel will only accept disclosure of information relevant to a possible or active prosecution directly from the police or other investigative agency.

Regional Crown Counsel, Deputy Regional Crown Counsel, Director or Deputy Director or their designate, may meet with the JRC as appropriate to discuss systemic issues, improvements in practice, or to participate in case reviews of completed prosecutions to discuss in general terms issues and potential practices to address these issues; however, in no case will Criminal Justice Branch representatives discuss the individual exercise of Crown Counsel discretion.

Any requests by the JRC for Branch statistics or case information must be submitted to the Branch's Information Access & Privacy Office to be reviewed according to the standards established by the *Freedom of Information and Protection of Privacy Act*, other relevant legislation and Branch policies on the disclosure of information to third parties (including policy DIS 1.1).

### **DISCUSSION**

The Branch supports Crown Counsel's involvement in JRCs, which are aimed at improving the administration of criminal justice. These committees may involve diverse community partners and address problems such as domestic violence, child abuse or mentally ill offenders. JRCs can be an important vehicle for local input and innovation into criminal justice practices. Crown Counsel's participation in these committees can provide a valuable opportunity to enhance the Branch's awareness and understanding of community concerns and the role of community partners, build stronger working relationships with community partners and contribute, in a meaningful way, to systemic reform.

**APPENDIX A**

The policy does not apply to Crown Counsel participation on the following committees:

- a) Inter-ministerial or inter-governmental committees;
- b) Crown/police committees;
- c) Court user committees;
- d) Committee work for which Crown Counsel is engaged as a member of the legal profession, but not on behalf of the Criminal Justice Branch (e.g. working committees of the Canadian Bar Association or Law Society of British Columbia). This latter role is governed by policy STA 1 – Standards of Conduct and related policies and the Practice Directive “Guidelines for Crown Counsel Attendance at Professional Events During Office Hours”.