



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

Saturday, March 29, 2008

08-09

ASSISTANT DEPUTY ATTORNEY GENERAL PROVIDES GUIDELINES TO THE ANNOUNCEMENT OF SPECIAL PROSECUTORS

Victoria – Yesterday the Criminal Justice Branch of the Ministry of Attorney General announced the appointment of a Special Prosecutor in relation to allegations of improper conduct on the part of former officials with the City of Chilliwack. Members of the public and media have raised the issue that while the appointment of the Special Prosecutor took place in June 2007, there was no public announcement of this fact until March 2008. The purpose of this Media Statement is to reiterate my earlier comments made in a Media Statement dated September 26, 2003 which outlined when the Criminal Justice Branch publicly announces the appointment of a Special Prosecutor.

As the Assistant Deputy Attorney General for the Criminal Justice Branch, I have the sole legal responsibility and authority to appoint Special Prosecutors. The power to appoint Special Prosecutors is contained in the *BC Crown Counsel Act*, a law that came into force in 1991 following the recommendations of Commissioner Stephen Owen in his 1990 *Discretion to Prosecute Inquiry Report*.

A decision to appoint a Special Prosecutor is made when there is a significant potential for real or perceived improper influence in the independent exercise of prosecutorial responsibilities. In practice, Special Prosecutors are appointed in cases involving cabinet ministers, members of the legislature, other senior public or ministry officials, high ranking police officers, other senior positions in the justice system, or persons in close proximity to them.

Commissioner Owen's major objective was to maintain public confidence in the integrity of the criminal justice system. This objective is also of paramount importance to me.

It is the general practice of the Criminal Justice Branch to make an announcement of the appointment of a Special Prosecutor only if the matter is, in our judgment, already in the public domain in circumstances that necessitate such announcement to maintain the public's confidence in the administration of justice.

**Criminal Justice Branch HQ
Ministry of Attorney General**

Mailing Address:
PO Box 9276 Stn Prov Govt
Victoria, BC V8W 9J7

Office Location:
9th Floor, 1001 Douglas Street
Victoria, BC V8W 9J7
Telephone: (250) 387-3840
Fax: (250) 387-0090

If a charge is approved by the Special Prosecutor, an announcement is made when the charge is laid. An announcement will also be made in response to a specific inquiry on the matter from the media or if the matter subsequently enters the public domain. A matter enters the public domain when information has left the privacy of the interested parties and becomes the subject of media inquiry.

The Branch's decision concerning the announcement of the appointment of a Special Prosecutor and the timing of the announcement is made in consultation with the Special Prosecutor and is made independent of government. Political considerations or motivations play no role in our decision making process. The Branch's practice is consistent with the principles outlined in the *Discretion to Prosecute Inquiry Report*.

The decisions to announce the appointment of Special Prosecutors and the timing of those announcements are made solely by the Branch without any involvement or influence of the Attorney General, Deputy Attorney General or any other public official outside of the Branch.

Robert W.G. Gillen, QC
Assistant Deputy Attorney General
Criminal Justice Branch

Media Contact: Stan Lowe
Communication Counsel
Criminal Justice Branch
(250) 387-3840