



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

March 10, 2011

11-03

Appointment of Special Prosecutor

Victoria - The Criminal Justice Branch of the Ministry of Attorney General today announced that Christopher Considine, Q.C. has been appointed as an independent Special Prosecutor in relation to an investigation into the activities of police officers involved in the "Surrey Six" homicide file. In February 2010 the R.C.M.P. announced they had requested that the Ontario Provincial Police (O.P.P.) conduct an investigation into allegations an officer from the "Surrey Six" investigation was involved in an inappropriate relationship with a potential witness in the case.

The O.P.P. subsequently submitted an investigative report to the Criminal Justice Branch for charge assessment in relation to the alleged activities of four officers identified in the course of the investigation. The Criminal Justice Branch conducted an initial review of the investigative report, however given that the matter related to officers involved in an ongoing, high profile prosecution being conducted by the Branch, Assistant Deputy Attorney General Robert W.G. Gillen, Q.C. concluded that a Special Prosecutor should be appointed to avoid any risk of real or perceived improper influence in the exercise of prosecutorial responsibilities.

Mr. Considine, a senior Victoria lawyer, was appointed on November 17, 2010. Mr. Considine's mandate includes:

- Conducting an independent charge review of the Report to Crown Counsel submitted by police and making the charging decision he deems appropriate in the exercise of his independent prosecutorial discretion;
- Offering such legal advice as is necessary to the O.P.P. in the event that any further investigation by them is required;
- Providing a written report to the Assistant Deputy Attorney General with the results of his review and the reasons for any charging decision;
- If in his view a prosecution is warranted, conducting that prosecution and any subsequent appeal.

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The Assistant Deputy Attorney General for the Criminal Justice Branch appoints Special Prosecutors pursuant to the *Crown Counsel Act* when there is a significant potential for real or perceived improper influence in the administration of criminal justice.

The decisions of Special Prosecutors are final, subject only to receiving written directions from the Attorney General, Deputy Attorney General or Assistant Deputy Attorney General for the Criminal Justice Branch. In such an event, those directions must be made public by publishing them in the Gazette.

At this time it is not appropriate for Mr. Considine to discuss or comment on any aspect of the investigation, the potential evidence or his review. Mr. Considine will therefore not be making any public statements in connection with the matter.

This statement has been reviewed by Mr. Considine and he has approved its release.

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