



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

May 9, 2013

13 – 11

Delayed Announcement of Appointment and Decision of Special Prosecutor

Victoria – The Criminal Justice Branch of the Ministry of Justice today announced that Special Prosecutor Robert Bruneau has approved charges against Darryl Bruce McDowell in connection with allegations that he threatened and criminally harassed an employee of the Criminal Justice Branch as a result of the employee's work on behalf of the Branch. An information charging Mr. McDowell was sworn in Cranbrook Provincial Court on January 8, 2013 and a warrant for the arrest of Mr. McDowell was issued at that time. The Criminal Justice Branch deferred announcing the appointment and decision until such time as Mr. McDowell had been arrested on the outstanding warrant.

Mr. McDowell was arrested and appeared before a Judicial Justice of the Peace on April 30, 2013. He appeared in Provincial Court in Cranbrook on May 2, 2013 and was ordered released on entering into a recognizance of bail. Next appearance in the case is scheduled for May 21, 2013 in Provincial Court in Grand Forks.

Mr. Bruneau, a senior Kamloops lawyer, was appointed by then Acting Assistant Deputy Attorney General Joyce DeWitt-Van Oosten, QC on May 22, 2012 following receipt of an investigative report from the Royal Canadian Mounted Police into statements allegedly made by Mr. McDowell. Given that the complainant on the file is employed by the Criminal Justice Branch, Ms. DeWitt-Van Oosten concluded that a Special Prosecutor should be appointed to avoid any real or perceived improper influence in the exercise of prosecutorial discretion.

Mr. Bruneau's mandate included:

- Conducting an independent charge review of the Report to Crown Counsel submitted by the investigative agency and making the charging decision he deemed appropriate in the exercise of his prosecutorial discretion;

Branch Vision

Courageous, Fair and Efficient – A Prosecution Service that has the Confidence of the Public.

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- Offering such legal advice as is necessary to the police in the event that 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 his decision;
- If in his view a prosecution was warranted, conducting the prosecution and any subsequent appeal.

Mr. Bruneau will continue to have conduct of the prosecution of Mr. McDowell. As the matter is now before the Court no additional information will be released at this time by either the Criminal Justice Branch or the Special Prosecutor.

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