



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

September 26, 2013

13-25

Appointment of Special Prosecutor – Alleged Violations of the Provincial *Election Act*

Victoria – The Criminal Justice Branch, Ministry of Justice (the Branch), announced today that a Special Prosecutor has been appointed under the *Crown Counsel Act*, R.S.B.C 1996, c.87, to assist police with an ongoing investigation into alleged contraventions of the provincial *Election Act*.

The appointment of a Special Prosecutor was made on August 29, 2013 by the Assistant Deputy Attorney General for the Branch, M. Joyce DeWitt-Van Oosten, QC. She made the appointment the same day on which Ms. DeWitt-Van Oosten received a request from the Royal Canadian Mounted Police (R.C.M.P.) for the assistance of a Special Prosecutor.

Following receipt of a complaint in August 2013, the R.C.M.P. commenced an investigation into matters arising out of the *Review of the Draft Multicultural Strategic Outreach Plan* that was completed in March 2013 by Mr. John Dyble, Deputy Minister to the Premier. The complaint also alleged *Election Act* irregularities for consideration by police.

As the investigation could include members of government and/or government employees, Ms. DeWitt-Van Oosten was satisfied, based on the material provided to her by the R.C.M.P., that a Special Prosecutor was necessary to avoid any real or perceived improper influence in the advice given to police, or the exercise of prosecutorial discretion should charges be approved. Special Prosecutors manage their assignments outside of the Ministry of Justice.

Announcement of the appointment was delayed by the Branch until today's date at the specific request of the R.C.M.P. to safeguard the integrity of the investigation in its early stages.

Branch Vision

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

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David Butcher, QC, a senior counsel with the private bar in Vancouver, has been appointed as the Special Prosecutor. His mandate includes the following:

- Discuss matters with the police investigators assigned to the case and offer such legal advice as they may require during the course of their investigation;
- Conduct an independent charge review of any Report to Crown Counsel which may be submitted by the investigative agency and make the charging decision as he deems appropriate in the exercise of his independent prosecutorial discretion. His assessment is confined to potential offences under the *Criminal Code* and provincial regulatory offences. His decision should be made in accordance with Criminal Justice Branch policies which are posted on the Internet at:

<http://www.ag.gov.bc.ca/prosecution-service/policy-man/index.htm>

- Provide a written report to the Assistant Deputy Attorney General with the results of the [Special Prosecutor's] review and the reasons for his decision; and
- If in his view a prosecution is warranted, conduct the prosecution and any subsequent appeal.

As this matter involves an ongoing police investigation and the potential for charge assessment, no additional information will be released at this time by either the Branch or the Special Prosecutor.

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David Butcher, QC
Special Prosecutor

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