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19-18

BC Prosecution Service confirms the appointment of Special Prosecutor

Victoria - The BC Prosecution Service (BCPS) confirmed today that Richard Peck QC has been appointed as Special Prosecutor to provide legal assistance and advice to the RCMP in relation to an investigation being conducted into allegations of criminal wrongdoing against MLA Jinny Sims and other persons unknown to the BCPS.

On September 30, 2019 the Assistant Deputy Attorney General for the BCPS, Peter Juk, QC (the ADAG), received a formal request from the RCMP that he consider the appointment of a Special Prosecutor to provide police with legal advice during the course of their investigation.

The ADAG concluded based on the request, involving as it did a sitting MLA and Cabinet member, that a Special Prosecutor should be appointed to avoid any significant potential for real or perceived improper influence in the administration of criminal justice.

On October 4, 2019 the ADAG appointed Mr. Peck as Special Prosecutor in the matter. Mr. Peck is a senior lawyer in private practice in Vancouver. His mandate includes the following:

- offering such legal advice to the investigative agency as may be necessary in the circumstances;
- conducting an independent assessment of any Report to Crown Counsel (RCC) that may be submitted and making the charging decision he deems appropriate in the exercise of his independent discretion in accordance with BC Prosecution Service policies;
- providing a written report to the ADAG with the results of the assessment and the reasons for the decision; and
- if he determines, in the exercise of his discretion that a prosecution is warranted, conduct the prosecution and any subsequent appeal.

When providing legal advice to investigators a Special Prosecutor does not control, supervise or direct the investigation. It is up to the investigators, once they have received any advice, to independently decide whether and how they should conduct the investigation; who should be investigated; and what evidence to gather.

Should the RCMP, in the independent exercise of its discretion, decide to submit a Report to Crown Counsel for charge assessment and possible prosecution to the Special Prosecutor, the BCPS anticipates that a Media Statement will be issued at an appropriate time announcing the results of the review.

When the fact of the investigation and the appointment first entered the public domain on October 4, 2019, the BCPS confirmed it publicly. As the matter is currently the subject of an ongoing investigation, neither the BCPS nor the Special Prosecutor will comment further or release any additional information at this time.

For general information, the BCPS policy on Special Prosecutors and a related Information Sheet can be found at:

www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/spe-1.pdf

www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/information-sheets/role-special-prosecutors.pdf

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