



CRIMINAL JUSTICE BRANCH, MINISTRY OF JUSTICE
CROWN COUNSEL POLICY MANUAL

ARCS/ORCS FILE NUMBER: (case specific)	EFFECTIVE DATE: July 23, 2015	POLICY CODE: COM 1
SUBJECT: Complaints and Enquiries Relating to Specific Prosecutions		CROSS-REFERENCE:

POLICY

An important responsibility of the Criminal Justice Branch is to provide prompt and substantive responses to complaints and enquiries in order to enhance public confidence in the criminal justice system.

If a complaint is received concerning specific prosecutions, including the conduct of Crown Counsel, the following complaint procedure applies:

Procedure

A. Concerning complaints made to Crown Counsel offices:

- 1. The complaint should be referred to Administrative Crown Counsel. If the complaint involves a serious issue with regard to the conduct of Crown Counsel, Administrative Crown Counsel should report it to Regional Crown Counsel, Director, or their respective deputy. In all other cases, Administrative Crown Counsel should attempt to resolve the complaint.**

In all cases where a complaint is received in writing, any Crown Counsel who is the subject of the complaint should receive a copy of the complaint letter, and any subsequent review should include a discussion with that Crown Counsel.

- 2. Where a complaint has been referred to Regional Crown Counsel, Director, or respective deputy by an Administrative Crown Counsel, they should:**
 - (a) determine whether the complaint requires that a response be given by the Assistant Deputy Attorney General (ADAG). If so, they should ensure that a report and draft reply are prepared and forwarded to the ADAG.**
 - (b) In appropriate cases, Regional Crown Counsel, Director, or their respective deputy may wish to delegate to Administrative Crown Counsel the responsibility of further investigating the complaint and replying directly to**

the complainant. In such cases, a copy of any written reply should be sent to the Regional Crown Counsel, Director, or their respective deputy.

3. If an individual Crown Counsel is the subject of a complaint, he or she should receive a copy of any written reply.
- B. Where the Office of the ADAG requests a report from Regional Crown Counsel, Director, or their respective deputy regarding a letter written to the Attorney General, the Deputy Attorney General, or the ADAG:**
1. Regional Crown Counsel, Director, or their respective deputy should obtain a report from Crown Counsel handling the case, or from the Administrative Crown Counsel, and should prepare a report for the ADAG.
 2. If requested, a draft reply should be prepared.
 3. The ADAG will ensure that Regional Crown Counsel, Director, or their respective deputy is sent a copy of the final reply signed by the ADAG, the Deputy Attorney General, or the Attorney General, as the case may be.
 4. If an individual Crown Counsel is the subject of a complaint, he or she should receive a copy of any written reply.
- C. Where the Office of the ADAG requests Regional Crown Counsel, Director, or their respective deputy to reply directly to a complaint or enquiry, they should send a written reply to the complainant, or meet with, or telephone the complainant, as appropriate. They should then send a copy of the written reply or a report on the meeting or telephone call to the Office of the ADAG.**
- D. Where a complaint is received from, or copied to, the Office of the British Columbia Ombudsperson, it should be referred to the Office of the ADAG for reply.**

Further Information

General

The following legislation establishes related duties and responsibilities for the Branch:

Crown Counsel Act

2. The Branch has the following functions and responsibilities:
 - (f) to provide liaison with the media and affected members of the public on all matters respecting approval and conduct of prosecutions of offences or related appeals;

Freedom of Information and Protection of Privacy Act

- 15(4) The head of a public body must not refuse, after a police investigation is completed, to disclose under this section the reasons for a decision not to prosecute
- (a) to a person who knew of and was significantly interested in the investigation, including a victim or a relative or friend of a victim, or
 - (b) to any other member of the public, if the fact of the investigation was made public.

Victims of Crime Act

- 6(1) Subject to the Youth Criminal Justice Act (Canada) and insofar as this does not prejudice an investigation or prosecution of an offence, justice system personnel must arrange, on request, for a victim to obtain information on the following matters relating to the offence:
- (c) the reasons why a decision was made respecting charges.

Canadian Victims Bill of Rights

6. Every victim has the right, on request, to information about
- (a) the criminal justice system and the role of victims in it;
 - (b) the services and programs available to them as a victim, including restorative justice programs; and
 - (c) their right to file a complaint for an infringement or denial of any of their rights under this *Act*.
26. Every victim who is of the opinion that their rights under this *Act* have been infringed or denied by a provincial or territorial department, agency or body may file a complaint in accordance with the laws of the province or territory.