



Policy:

Complaints Relating to Prosecutions

Policy Code:

COM 1

Effective Date:

December 18, 2023

Cross-references:

[INF 1](#)

This policy provides guidance on handling complaints relating to specific prosecutions (including appeals and other hearings). All complaints should be dealt with expeditiously. Providing appropriate and timely responses to complaints can help to maintain confidence in the justice system.

Any disclosure of information in response to a complaint should be made in accordance with the *Information Requests from Third Parties* ([INF 1](#)) policy.

When responding to a complaint, Crown Counsel should take all necessary steps to protect privacy, confidentiality, and privilege, including solicitor-client, litigation, and prosecutorial discretion privilege. Privileged material or information should not be disclosed without the express prior approval of a Regional Crown Counsel or Director.

A complaint about a prosecution from a member of the public who is not directly affected by the prosecution (e.g., neither a victim nor a witness), may be referred to BC Prosecution Service headquarters for response. When a complaint is received from, or copied to, the Office of the British Columbia Ombudsperson, it should be referred to BC Prosecution Service headquarters for coordination of a response.

A complaint from a witness, victim, or other person directly affected by a prosecution should be handled in the following manner.

In response to concerns raised regarding the progress of a prosecution, Crown Counsel may respond directly to the complainant, providing, if appropriate, information about the prosecution process, the criminal justice system, and the role of Crown Counsel.

When Crown Counsel receives or learns of a complaint that includes an allegation of prosecutorial misconduct or mishandling, Crown Counsel should consult with an Administrative Crown Counsel. Further consultation with a Regional Crown Counsel,

Director, or their respective deputy, may be necessary to determine how to respond. A Crown Counsel who is the subject of a complaint should be:

- provided with a copy of any written complaint, or a written summary of any oral complaint
- given an opportunity to respond and provide any relevant information or records
- provided with a copy of any written response made to the complainant

The form of response may be oral or written but, if given orally, a written record of the response should be made by the person responding. Copies of the complaint, response, and any notes, should be placed on the prosecution file or kept by the Regional Crown Counsel, Director, or their respective deputy.