



Policy:

Complaints and Enquiries Relating to Specific Prosecutions

Policy Code:

COM 1

Effective Date:

March 1, 2018

Cross-references:

An important responsibility of the BC Prosecution Service 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 a specific prosecution, including in relation to the conduct of Crown Counsel, the following complaint procedure applies.

Procedure

Complaints made to Crown Counsel offices 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 a Regional Crown Counsel, Director, or their respective deputy. In all other cases, Administrative Crown Counsel should attempt to resolve the complaint.

In 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 of the complaint should include a discussion with that Crown Counsel.

Where a complaint has been referred to a Regional Crown Counsel, Director, or their respective deputy by an Administrative Crown Counsel, they should determine whether the complaint requires a response, and whether that response should 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.

In appropriate cases, a Regional Crown Counsel, Director, or their respective deputy may 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 a Regional Crown Counsel, Director, or their respective deputy.

If an individual Crown Counsel is the subject of a complaint, they should receive a copy of any written reply.

Where the ADAG requests a report from a Regional Crown Counsel, Director, or their respective deputy regarding a letter written to the Attorney General, the Deputy Attorney General, or the ADAG, a 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, and if requested, a draft reply.

The ADAG will ensure that a 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.

If an individual Crown Counsel is the subject of a complaint, they should receive a copy of any written reply.

Where the ADAG asks a 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 ADAG.

Where a complaint is received from, or copied to, the Office of the British Columbia Ombudsperson, it should be referred to the ADAG for reply.