

Policy:

Committee Involvement

Policy Code:

COM 2

Effective Date:

March 1, 2018

Cross-references:

[INF 1](#) [LEG 1.1](#) [STA 1](#)

This policy provides guidance to Crown Counsel regarding their involvement in justice-related committees (JRCs).

JRCs are local committees that address issues relating to law enforcement or justice system issues and which have at least one community representative (in addition to any provincial/federal government, victim service program, or police participation). The following committees are expressly excluded from the application of this policy:

- inter-ministerial or inter-governmental committees
- Crown/police committees
- court user committees
- committee work for which Crown Counsel is engaged as a member of the legal profession, but not on behalf of the BC Prosecution Service (e.g., working committees of the Canadian Bar Association or Law Society of British Columbia). This latter role is governed by the *Standards of Conduct for BC Prosecution Service Employees* ([STA 1](#)) policy and related policies

The BC Prosecution Service supports Crown Counsel's involvement in JRCs, which are aimed at improving the administration of criminal justice. These committees may involve diverse community partners and address problems such as intimate partner violence, child abuse, or mentally ill offenders. JRCs can be an important vehicle for local input and innovation into criminal justice practices. Crown Counsel's participation in these committees can provide a valuable opportunity to enhance the BC Prosecution Service's awareness and understanding of community concerns and the role of community partners, build stronger working relationships with community partners and contribute, in a meaningful way, to systemic reform.

Participation

Crown Counsel participation is to be determined in consultation with a Regional Crown Counsel, Director, or their respective deputy, based on the following factors:

- the public interest in participation, including the potential for improving:
 - the administration of justice
 - public education about the role of Crown Counsel
 - coordination between agencies while respecting privacy and information-sharing rules
- subject-matter expertise of Crown Counsel
- the need to preserve prosecutorial independence and to ensure both the real and perceived impartiality of Crown Counsel
- whether the degree of commitment required for effective participation can be accommodated by the operational requirements of the BC Prosecution Service
- whether participation is consistent with the BC Prosecution Service's core functions, responsibilities, goals, and objectives (*Crown Counsel Act*, section 2)

Manner of Participation

When participating in JRCs, Crown Counsel must act in a manner which reflects both the primary need to ensure prosecutorial independence and impartiality and the appropriate need to plan, implement and analyze justice system services through coordination and cooperation with other agencies.

Crown Counsel's participation in the JRC as well as any request that the BC Prosecution Service be a signatory to a JRC-related document must be approved by a Regional Crown Counsel, Director or their respective deputy in advance.

The following guidelines apply when participating in JRCs:

- Crown Counsel may participate in the development of JRC processes and provide subject-matter expertise (but must not give legal advice – *Legal Advice to the Public* ([LEG 1.1](#)))
- Crown Counsel may act as an educational resource to the JRC on the justice system, criminal procedure and the roles and responsibilities of the BC Prosecution Service and Crown Counsel

- unless prior approval has been provided by a Regional Crown Counsel, Director or their respective deputy, Crown Counsel should not participate in JRC meetings that discuss specific cases, unless:
 - the BC Prosecution Service is a signatory to an information sharing agreement with the JRC as described in policy *Information Requests from Third Parties* (INF 1)
 - any case specific information provided or received is relevant to: the case-management of an accused person or offender (where the information provided is in the public domain); the safety of a victim or witness; or, the consideration of witness needs to effectively participate in court proceedings (e.g. testimonial accommodations)
- Crown Counsel should not become a full voting member of the JRC, as opposed as to an *ex officio* member, unless prior approval has been provided by a Regional Crown Counsel, Director, or their respective deputy
- Crown Counsel should not participate in, or endorse, any funding efforts (including signing letters in support)

General

Notwithstanding any participation in a JRC, Crown Counsel must only accept disclosure of information relevant to a possible or active prosecution directly from the police or another investigative agency.

A Regional Crown Counsel, Director, or their respective deputy may meet with a JRC as appropriate to discuss systemic issues, improvements in practice, or to participate in case reviews of completed prosecutions to discuss in general terms issues and potential practices to address these issues; however, BC Prosecution Service representatives must not discuss any individual exercise of Crown Counsel discretion.

Any requests by the JRC for BC Prosecution Service statistics or case information must be submitted to the BC Prosecution Service's Information Access & Privacy Office to be reviewed according to the standards established by the *Freedom of Information and Protection of Privacy Act*, other relevant legislation and the policies on the disclosure of information to third parties (including *Information Requests from Third Parties* ([INF 1](#))).