



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

Friday, February 9, 2007

07-02

NO CHARGES IN RELATION TO ALLEGED THREAT BY A FORMER KAMLOOPS CROWN COUNSEL

Victoria – The Criminal Justice Branch of the Ministry of Attorney General today wishes to announce that an independent Special Prosecutor has determined that no charges are warranted following a police investigation involving a former Kamloops Crown Counsel.

Colin Sweeney, Q.C., a senior Vancouver lawyer, was appointed as the Special Prosecutor for this matter on November 20, 2006 by Robert W.G. Gillen, Q.C., the Assistant Deputy Attorney General for the Criminal Justice Branch. Mr. Sweeney's mandate as the Special Prosecutor included:

- Offering such independent legal advice as the police investigators may require during the course of their investigation;
- Conducting an independent charge assessment based on any investigation report the police may submit to him; and
- If in his view a charge is warranted, conducting the prosecution and any subsequent appeal.

In a written report to Mr. Gillen dated January 26, 2007, Mr. Sweeney states,

“In November 2006, information was received that a Crown Counsel at the Kamloops Crown office had threatened a member of the support staff. A thorough investigation was carried out by the RCMP...

Mr. Sweeney concludes,

“The words uttered by the person, though thoughtless, and upsetting to the member of the support staff involved, were not intended to convey a threat to be taken seriously. Accordingly, the former Crown Counsel will not be charged with an offence.”

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Mr. Gillen has reviewed Mr. Sweeney's report and agrees with its conclusion not to proceed with any criminal charge in this case.

Special Prosecutors are appointed under the Crown Counsel Act when there is a significant potential for real or perceived improper influence in the independent exercise of prosecutorial responsibilities, including the charge assessment process. The decisions of Special Prosecutors are final subject only to receiving written instructions from the Attorney General, Deputy Attorney General or the Assistant Deputy Attorney General for the Criminal Justice Branch. In such an event, those directions must be made public by publishing them in the BC Gazette.

The individual who was the subject of the police investigation resigned shortly after this incident and is no longer employed by the Criminal Justice Branch.

The complainant in this matter has been advised of the decision of the Special Prosecutor and is content with how the matter has been concluded.

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