



# **MEDIA STATEMENT**

## **CRIMINAL JUSTICE BRANCH**

June 23, 2011

11-12

### **Decision of Special Prosecutor Announced**

**Victoria** - The Criminal Justice Branch of the Ministry of Attorney General today announced that Christopher Considine, QC has approved charges against four members of the Royal Canadian Mounted Police in relation to an investigation into the activities of police officers associated to the "Surrey Six" homicide case.

Having approved charges in the matter, and taken into account the circumstances of the case as well as Criminal Justice Branch policy, Mr. Considine requested the approval of Acting Deputy Attorney General Richard J. Fyfe, QC to proceed by way of Direct Indictment. Mr. Fyfe provided the consent on June 22, 2011.

A Direct Indictment charging Derek Brassington, David Attew, Paul Johnston and Danny Michaud was preferred in Supreme Court in Vancouver today. A copy of the Indictment is attached to this Media Statement. First appearances on the file have been scheduled for July 11, 2011 at 2:00 p.m. in Vancouver.

Mr. Considine, a senior Victoria lawyer, was appointed as Special Prosecutor on November 17, 2010 by Assistant Deputy Attorney General Robert W.G. Gillen, QC. The Ontario Provincial Police (O.P.P) had previously submitted an investigative report to the Criminal Justice Branch for charge assessment following an investigation into allegations that an officer with the "Surrey Six" homicide investigation was involved in an inappropriate relationship with a potential witness in the case. In the course of that investigation four officers were identified by the O.P.P. as possibly subject to criminal charges.

The Criminal Justice Branch conducted an initial review of the investigative report, however given that the matter related to officers involved in an ongoing, high profile prosecution being conducted by the Branch, Mr. Gillen concluded that a Special Prosecutor should be appointed to avoid any risk of real or perceived improper influence in the exercise of prosecutorial responsibilities.

Mr. Considine's mandate included:

- Conducting an independent charge review of the Report to Crown Counsel submitted by police and making the charging decision he deemed appropriate in the exercise of his independent prosecutorial discretion;
- Offering such legal advice as was necessary to the O.P.P. in the event that any further investigation by them was required;

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**Criminal Justice Branch HQ**  
**Ministry of Attorney General**

*Mailing Address:*  
PO Box 9276 Stn Prov Govt  
Victoria, BC V8W 9J7

*Office Location:*  
9<sup>th</sup> Floor, 1001 Douglas Street  
Victoria, BC V8W 9J7  
Telephone: (250) 387-3840  
Fax: (250) 387-0090

- Providing a written report to the Assistant Deputy Attorney General with the results of his review and the reasons for any charging decision;
- If in his view a prosecution was warranted, conducting that prosecution and any subsequent appeal.

As a result of information received by the Special Prosecutor further investigation was conducted by the O.P.P. and additional time was therefore needed to complete the charge assessment process.

In keeping with the mandate granted, Mr. Considine will continue with conduct of the ongoing prosecution.

Given that the matter is now before the Court, it is not appropriate for Mr. Considine to discuss or comment on the case and he will therefore not be making any public statements at this time.

This media statement has been reviewed by Mr. Considine and he has approved its release.

Media Contact: Neil MacKenzie  
Communications Counsel  
Criminal Justice Branch  
(250) 387-5169

**IN THE SUPREME COURT OF BRITISH COLUMBIA**  
**DANS LA COUR SUPRÊME DE LA COLOMBIE-BRITANNIQUE**

CANADA  
PROVINCE OF BRITISH COLUMBIA/PROVINCE DE LA COLOMBIE-BRITANNIQUE  
CITY OF VANCOUVER/VILLE DE VANCOUVER

HER MAJESTY THE QUEEN / SA MAJASTÉ LA REINE

AGAINST / CONTRE

DEREK BRASSINGTON, DAVID ATTEW, PAUL JOHNSTON and DANNY MICHAUD

**INDICTMENT / ACTE D'ACCUSATION**

DEREK BRASSINGTON, DAVID ATTEW, PAUL JOHNSTON and DANNY MICHAUD  
stand charged that / sont inculpés de ce qui suit:

Count 1

Derek BRASSINGTON, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey and elsewhere in the Province of British Columbia, and elsewhere in Canada, being an official, did, in connection with the duties of his office, commit a breach of trust, by breaching the standard of responsibility and conduct demanded of him by the nature of his office during the management of Jane Doe, a witness in a criminal investigation, contrary to Section 122 of the Criminal Code.

Count 2

Derek BRASSINGTON, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey, in the Province of British Columbia, being an official, did, in connection with the duties of his office, commit fraud, contrary to Section 122 of the Criminal Code.



Count 3

Derek BRASSINGTON, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey and elsewhere in the Province of British Columbia, and elsewhere in Canada, did wilfully attempt to obstruct, pervert or defeat the course of justice by compromising the integrity of a witness or witnesses in relation to a criminal investigation, contrary to Section 139(2) of the Criminal Code.

Count 4

Derek BRASSINGTON, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey and elsewhere in the Province of British Columbia, and elsewhere in Canada, did wilfully attempt to obstruct, pervert or defeat the course of justice by compromising the safety of witnesses or informants in relation to a criminal investigation, contrary to Section 139(2) of the Criminal Code.

Count 5

Derek BRASSINGTON, between the 1<sup>st</sup> day of December, 2009 and the 31<sup>st</sup> day of December, 2009, at or near Vancouver, in the Province of British Columbia, and elsewhere in Canada, did wilfully attempt to obstruct, pervert or defeat the course of justice in relation to an investigation of alleged police misconduct, contrary to Section 139(2) of the Criminal Code.

Count 6

Derek BRASSINGTON, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey, in the Province of British Columbia, did by deceit, falsehood or other fraudulent means, defraud the Royal Canadian Mounted Police of money, in the form of wages or overtime pay to which he was not entitled, contrary to Section 380(1) of the Criminal Code.

Count 7

Derek BRASSINGTON, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey, in the Province of British Columbia, did by deceit, falsehood or other fraudulent means, defraud the Royal Canadian Mounted Police of money, by claiming reimbursement for expenses to which he was not entitled, contrary to Section 380(1) of the Criminal Code.

Count 8

David ATTEW, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey and elsewhere in the Province of British Columbia, and elsewhere in Canada, being an official, did, in connection with the duties of his office, commit a breach of trust, by breaching the standard of responsibility and conduct demanded of him by the nature of his office during the management of Jane Doe, a witness in a criminal investigation, contrary to Section 122 of the Criminal Code.

Count 9

David ATTEW, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey, in the Province of British Columbia, being an official, did, in connection with the duties of his office, commit fraud, contrary to Section 122 of the Criminal Code.

Count 10

David ATTEW, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey and elsewhere in the Province of British Columbia, and elsewhere in Canada, did wilfully attempt to obstruct, pervert or defeat the course of justice by compromising the integrity of a witness or witnesses in relation to a criminal investigation, contrary to Section 139(2) of the Criminal Code.

Count 11

David ATTEW, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey and elsewhere in the Province of British Columbia, and elsewhere in Canada, did wilfully attempt to obstruct, pervert or defeat the course of justice by compromising the safety of witnesses or informants in relation to a criminal investigation, contrary to Section 139(2) of the Criminal Code.

Count 12

David ATTEW, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey, in the Province of British Columbia, did by deceit, falsehood or other fraudulent means, defraud the Royal Canadian Mounted Police of money, in the form of wages or overtime pay to which he was not entitled, contrary to Section 380(1) of the Criminal Code.

Count 13

David ATTEW, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey, in the Province of British Columbia, did by deceit, falsehood or other fraudulent means, defraud the Royal Canadian Mounted Police of money, by claiming reimbursement for expenses to which he was not entitled, contrary to Section 380(1) of the Criminal Code.

Count 14

Paul JOHNSTON, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey and elsewhere in the Province of British Columbia, and elsewhere in Canada, being an official, did, in connection with the duties of his office, commit a breach of trust, by breaching the standard of responsibility and conduct demanded of him by the nature of his office during the management of Jane Doe, a witness in a criminal investigation, contrary to Section 122 of the Criminal Code.

Count 15

Paul JOHNSTON, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey and elsewhere in the Province of British Columbia, and elsewhere in Canada, did wilfully attempt to obstruct, pervert or defeat the course of justice by compromising the integrity of a witness or witnesses in relation to a criminal investigation, contrary to Section 139(2) of the Criminal Code.

Count 16

Paul JOHNSTON, between the 1st day of June, 2009, and the 31st day of December, 2009, inclusive, at or near Surrey and elsewhere in the Province of British Columbia, and elsewhere in Canada, did wilfully attempt to obstruct, pervert or defeat the course of justice by compromising the safety of witnesses or informants in relation to a criminal investigation, contrary to Section 139(2) of the Criminal Code.

Count 17

Paul JOHNSTON, on or about the 24th day of March, 2010, at or near Vancouver, in the Province of British Columbia, did wilfully attempt to obstruct, pervert or defeat the course of justice by attempting to mislead members of the Ontario Provincial Police who were engaged in an investigation of alleged police misconduct, contrary to Section 139(2) of the Criminal Code.

Count 18

Danny MICHAUD, between the 11th day of November, 2009, and the 13th day of November, 2009, inclusive, at or near Surrey, in the Province of British Columbia, and elsewhere in Canada, being an official, did, in connection with the duties of his office, commit a breach of trust, by breaching the standard of responsibility and conduct demanded of him by the nature of his office during the management of Jane Doe, a witness in a criminal investigation, contrary to Section 122 of the Criminal Code.

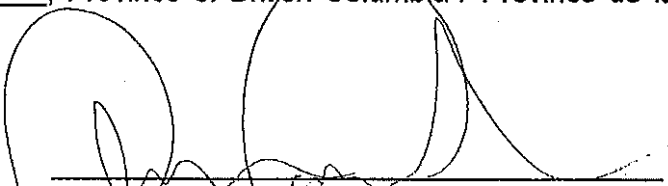
Count 19

Danny MICHAUD, between the 11th day of November, 2009, and the 13th day of November, 2009, inclusive, at or near Surrey, in the Province of British Columbia, and elsewhere in Canada, did wilfully attempt to obstruct, pervert or defeat the course of justice by compromising the integrity of a witness or witnesses in relation to a criminal investigation, contrary to Section 139(2) of the Criminal Code.

Count 20

Danny MICHAUD, on or about the 29th day of April, 2010, at or near Vancouver, in the Province of British Columbia, did wilfully attempt to obstruct, pervert or defeat the course of justice by attempting to mislead members of the Ontario Provincial Police who were engaged in an investigation of alleged police misconduct, contrary to Section 139(2) of the Criminal Code.

DATED THIS / FAIT LE 22nd day of / jour de June, 2011, at the City of /  
dans la Ville de Vancouver, Province of British Columbia / Province de la  
Colombie-Britannique.

  
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**Crown Counsel and Agent of the Attorney  
General for the Province of British Columbia**  
/ Avocat de la Couronne et Substitut du  
Procureur général pour la Province de la  
Colombie-Britannique