



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

November 19, 2015

15-23

Appointment of Special Prosecutor

Victoria – The Criminal Justice Branch (CJB), Ministry of Justice, announced today that Greg DelBigio, QC has been appointed as a Special Prosecutor to provide legal advice to the R.C.M.P. in relation to an investigation arising out of Information and Privacy Commissioner Elizabeth Denham’s recent report to government.

As disclosed in the report, the Information and Privacy Commissioner referred information to the R.C.M.P. for investigative consideration. This information related to a request for access to records that was made of the Ministry of Transportation and Infrastructure, and the alleged conduct of an individual who was employed as a Ministerial Assistant at the time of the request.

On November 10, 2015, the Assistant Deputy Attorney General for the Criminal Justice Branch, M. Joyce DeWitt-Van Oosten, QC (the ADAG), received a formal request from the R.C.M.P. that she consider the appointment of a Special Prosecutor to provide police with legal advice during the course of their investigation.

The ADAG concluded, based on the request and the information available to her about the alleged circumstances of the case, that the appointment of a Special Prosecutor is in the public interest. Under the *Crown Counsel Act*, the ADAG will consider appointing a Special Prosecutor where some aspect of an investigation, or prosecution file, carries a significant potential for real or perceived improper influence in prosecutorial decision making. A Special Prosecutor works independent from government, the Ministry of Justice and the CJB.

On November 13, 2015 the ADAG appointed Mr. DelBigio as Special Prosecutor in the matter. He has been given a mandate by the ADAG to:

- Offer such legal advice to the investigative agency as may be necessary in the circumstances;
- Conduct an independent assessment of any Report to Crown Counsel (RTCC) that may be submitted and make the charging decision he deems appropriate in the exercise of his independent discretion, in accordance with Criminal Justice Branch Policies;

Branch Vision

Courageous, Fair and Efficient – A Prosecution Service that has the Confidence of the Public.

Office of the
Assistant Deputy Attorney General
Criminal Justice Branch
Ministry of Justice

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

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

- Provide a written report to the ADAG, with the results of his assessment of any RTCC submitted and the reasons for any decisions; and,
- Conduct the prosecution and any subsequent appeal, if he determines in the exercise of his discretion that a prosecution is warranted.

When providing legal advice to investigators a Special Prosecutor does not control, supervise or direct the investigation. It is up to the investigators, once they have received any advice, to independently decide whether and how they should conduct the investigation; who should be investigated; and what evidence to gather.

Should the R.C.M.P., in the independent exercise of its discretion, decide to submit a Report to Crown Counsel for charge assessment and possible prosecution, the CJB anticipates that a Media Statement will be issued at an appropriate time announcing the results of Mr. DelBigio's review.

This Media Statement has been reviewed by the Special Prosecutor and on November 18, 2015 he authorized its release. As the matter is currently subject to an ongoing investigation neither the CJB nor Mr. DelBigio will comment further or release any additional information at this time.

For general information, CJB's policy on Special Prosecutors and a related Information Sheet can be found at:

<http://www.ag.gov.bc.ca/prosecution-service/policy-man/pdf/CJB-SPE1-SpecialProsecutors.pdf>

<http://www.ag.gov.bc.ca/prosecution-service/pdf/Role-Special-Prosecutors.pdf>

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

To learn more about B.C.'s criminal justice system visit the British Columbia Prosecution Service website at:

<http://www.ag.gov.bc.ca/prosecution-service/>