



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

March 30, 2017

17-05

Appointment of Special Prosecutor

Victoria - The Criminal Justice Branch (CJB), Ministry of Justice, announced today that David Butcher QC has been appointed as a Special Prosecutor to provide legal advice to the RCMP in relation to an investigation being conducted into indirect political contributions and other potential contraventions of the BC *Election Act*.

On March 10, 2017 Elections BC announced that its investigation into indirect political contributions and other potential contraventions of the *Election Act* was being referred to the RCMP, in part, to “ensure that there is no perception that Elections BC’s ability to administer the general election in a fair, neutral and impartial manner is in any way compromised”.

On March 27, 2017 the Assistant Deputy Attorney General for the Criminal Justice Branch, Peter Juk, QC (the ADAG), received a formal request from the RCMP that he 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 about the alleged circumstances of the case that the appointment of a Special Prosecutor is in the public interest. 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 March 29, 2017 the ADAG appointed Mr. Butcher as Special Prosecutor in the matter. Mr. Butcher is a senior counsel with the private bar in Vancouver. His mandate includes the following:

- 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 (RCC) 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.

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- Provide a written report to the ADAG, with the results of his assessment of any RCC 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 RCMP, 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. Butcher's review.

As the matter is currently subject to an ongoing investigation, neither the CJB nor Mr. Butcher 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://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/spe-1-special-prosecutors.pdf>

<http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/information-sheets/role-special-prosecutors.pdf>

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