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18-02

BC Prosecution Service Directs Stay of Proceedings of Mt. Polley Mines Private Prosecution

Victoria - The BC Prosecution Service (BCPS) announced today that it has directed a stay of proceedings in the private prosecution relating to the dam failure at Mt. Polley Mines near Likely, BC on August 4, 2014. On August 4, 2017, Bev Sellars swore a private Information alleging that the Mount Polley Mining Corporation (MPMC) had committed various offences contrary to the provincial *Environmental Management Act* and *Mines Act*. BCPS policy generally does not permit a private prosecution to proceed. When notice is received of the existence of a privately sworn information, the BCPS will usually assume conduct of the prosecution or direct a stay of proceedings after making a charge assessment decision.

The decision in this case was made after a full and careful review of the information and materials provided by counsel for the private informant, and with awareness that a formal investigation into the Mt. Polley Mine incident is still ongoing. After conducting its review, the BCPS concluded that the material provided does not meet the charge assessment standard for approval of charges.

The Charge Assessment Guidelines applied by the BCPS in reviewing all allegations of alleged offences are established in policy and are available online at:

www.gov.bc.ca/charge-assessment-guidelines

The BCPS policy on Private Prosecutions (PRI 1) can be found here:

<https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/pri-1-private-prosecutions.pdf>

As this matter is still under investigation, the BCPS will not be making any further comment at this time.

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