



April 16, 2018

18-11

BC Prosecution Service assumes conduct of contempt proceedings – announces appointment of Special Prosecutors

Victoria – The BC Prosecution Service (BCPS) announced today that it will assume conduct of contempt proceedings for breaches of Trans Mountain Pipeline’s injunction covering its work site in Burnaby.

On April 9, 2018, the BC Supreme Court formally asked the Attorney General, through the BC Prosecution Service, to assume conduct of the contempt proceedings. Mr. Justice Affleck expressed his view that the public nature of the breaches warranted criminal sanction.

In response to this request the BCPS has independently conducted a general review of the cases that Trans Mountain Pipeline has put before the Court under our charge assessment (CHA1) and civil disobedience (CIV1) policies. The BCPS has concluded that criminal contempt proceedings are warranted for those who have been brought before Court after being arrested in breach of the injunction; and the BCPS should assume conduct of the proceedings.

The BCPS also announced today that on April 11, 2018 the Assistant Deputy Attorney General Peter Juk QC (ADAG) appointed two Special Prosecutors to handle the cases of two Members of Parliament who were arrested along with other protestors at the work site. The ADAG made the appointments under section 7 of the *Crown Counsel Act* because he considered it in the public interest to do so. The appointments were necessary to avoid any significant potential for real or perceived improper influence in the administration of criminal justice.

Mr. Michael Klein QC is a senior Vancouver lawyer in private practice. He has been appointed to deal with the case involving Mr. Kennedy Stewart. Mr. Greg DelBigio QC is also a senior Vancouver lawyer in private practice. He has been appointed to deal with the case involving Ms. Elizabeth May. Both Special Prosecutors have been given mandates to conduct an independent review of the evidence to determine whether the actions amount

to criminal contempt of court. And, if they determine that prosecution for criminal contempt is warranted, conduct the prosecution and any subsequent appeal.

As these matters are now before the court, neither the BCPS nor the Special Prosecutors will be making any further comment.

The *Charge Assessment Guidelines* that are applied by the BCPS and Special Prosecutors in reviewing all RCCs are established in Branch policy and are available at:

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

The BCPS policy *Special Prosecutors* and a related Information Sheet can be found at:

www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/spe-1.pdf

[Role of Special Prosecutors](#)

The BCPS policy *Civil Disobedience and Contempt of Related Court Orders* can be found at:

www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/civ-1.pdf

Media Contact: Dan McLaughlin
 Communications Counsel
 Daniel.McLaughlin@gov.bc.ca
 250.387.5169

To learn more about B.C.'s criminal justice system, visit the British Columbia Prosecution Service website at: gov.bc.ca/prosecutionservice or follow [@bcprosecution](https://twitter.com/bcprosecution) on Twitter.