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18-23

BC Prosecution Service announces the appointment of Special Prosecutors

Victoria – The BC Prosecution Service (BCPS) announced today that David Butcher, QC and Brock Martland have been appointed as Special Prosecutors to provide legal assistance and advice to the RCMP in relation to an investigation being conducted into the activities of senior staff at the British Columbia Legislature.

On September 28, 2018 the Assistant Deputy Attorney General for the BCPS, Peter Juk, QC (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 Special Prosecutors is in the public interest. Given the potential size and scope of the investigation, the ADAG determined that two Special Prosecutors would be appointed. 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 Attorney General and the BCPS.

On October 1, 2018 the ADAG appointed Mr. Butcher and Mr. Martland as Special Prosecutors in the matter. Both Mr. Butcher and Mr. Martland are senior counsel with the private bar in Vancouver. Their mandate includes the following:

- offering such legal advice to the investigative agency as may be necessary in the circumstances;
- conducting an independent assessment of any Report to Crown Counsel (RCC) that may be submitted and making the charging decision they deem appropriate in the exercise of their independent discretion in accordance with BC Prosecution Service policies;
- providing a written report to the ADAG with the results of the assessment and the reasons for the decision; and
- if they determine, in the exercise of their discretion that a prosecution is warranted, conduct the prosecution and any subsequent appeal.

Should the RCMP, in the independent exercise of its discretion, decide to submit a RCC for charge assessment and possible prosecution to the Special Prosecutors, the BCPS anticipates that a Media Statement will be issued at an appropriate time announcing the results of the review.

As the matter is currently subject to an ongoing investigation, neither the BCPS nor the Special Prosecutors will comment further or release any additional information at this time.

For general information, the BCPS policy on *Special Prosecutors* (SPE 1) 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

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

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