



June 17, 2020

20-07

Special Prosecutor Appointed

Victoria – The BC Prosecution Service (BCPS) announced today that on August 29, 2017, Assistant Deputy Attorney General Peter Juk QC (ADAG) appointed Joseph Doyle QC Special Prosecutor to provide advice and assistance to the RCMP in the course of their investigation into the conduct of Vancouver Police Department (VPD) officers involved in the investigation of former VPD detective James Fisher.

On July 7, 2017, the Police Complaint Commissioner wrote to the Director of Police Services requesting that he make a *Police Act* section 44(1) order for a special investigation into "allegations of serious misconduct" possibly "criminal in nature" by three members of the Counter Exploitation Unit (CEU) of the VPD.

As a result, the Director of Police Services ordered an investigation into the matter, and further ordered that it be conducted by the RCMP. The matter was ultimately investigated by RCMP officers from Alberta.

The Director of Police Services wrote to the ADAG, recommending that a Special Prosecutor be appointed. Based on the nature and circumstances of the request, and the direct involvement of the BCPS in matters involving former detective Fisher, the ADAG concluded that a Special Prosecutor should be appointed to avoid any significant potential for real or perceived improper influence in the administration of criminal justice.

Mr. Doyle is a senior lawyer in private practice in Vancouver. His mandate included 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 determined, in the exercise of their discretion that a prosecution were warranted, to conduct the prosecution and any subsequent appeal.

On August 7, 2019, the investigators provided the Special Prosecutor with a RCC. Between that date and December 2019, the investigators provided additional investigative information and material to the Special Prosecutor.

On May 30, 2020, the Special Prosecutor informed the ADAG that he had concluded that the charge assessment standard for criminal charges had not been met for any of the officers and no charges were approved.

The announcement of the appointment of the Special Prosecutor and his conclusions regarding charge assessment have been delayed, as several related matters are pending, including the conduct investigation under the *Police Act*. Neither the BCPS nor the Special Prosecutor will be releasing additional information or commenting further while related matters are outstanding. Once all related matters are concluded, the Special Prosecutor will release a clear statement summarizing his conclusions.

For general information, the BCPS policy on Special Prosecutors and a related Information Sheet, and the policy on allegations against police officers 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/infosheet_role-specialprosecutors.pdf

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

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