



# MEDIA STATEMENT

## CRIMINAL JUSTICE BRANCH

30 April 2009

09-03

### DECISION OF SPECIAL PROSECUTOR RELEASED

**Victoria** – In response to media attention, the Criminal Justice Branch of the Ministry of Attorney General today released the decision of Michael Tammen, previously appointed as an Independent Special Prosecutor in relation to the investigation into allegations of assault and uttering threats made against Douglas George Routley, Member of the Legislative Assembly. Mr. Tammen has decided that no charges should be approved against Mr. Routley.

On December 9, 2008 the Criminal Justice Branch received a Report to Crown Counsel from the R.C.M.P. with respect to allegations made against Douglas George Routley. Given Mr. Routley's position as a Member of the Legislative Assembly, the Criminal Justice Branch determined it was appropriate to appoint an Independent Special Prosecutor pursuant to the *Crown Counsel Act*.

Mr. Tammen, a senior Vancouver lawyer, was formally appointed as an independent Special Prosecutor on December 19, 2008 by Robert W.G. Gillen Q.C., the Assistant Deputy Attorney General for the Criminal Justice Branch. Mr. Tammen's mandate as Special Prosecutor included:

- Conducting an independent charge assessment of the evidence contained in the Report to Crown Counsel submitted by the investigative agency and making the charging decision he deemed appropriate in the exercise of his independent prosecutorial discretion.
- Offering such legal advice as was necessary to the police in the event that further investigation by them was required;
- Providing the Assistant Deputy Attorney General with a written report with the results of his review and the reasons for his decision

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- If in his view a prosecution was warranted, conducting that prosecution and any subsequent appeal.

Upon completing his review Mr. Tammen concluded that the Criminal Justice Branch charge approval standard was not met in relation to any proposed charge of assault or uttering threats. Mr. Tammen concluded that the available evidence did not give rise to a substantial likelihood of conviction. He further concluded, given the six month limitation period for proceeding with any charges by way of Summary Conviction had expired, that it would not have been in the public interest to proceed with any charges by way of Indictment.

Mr. Tammen has approved the release of the attached summary of the reasons for his decision.

The Assistant Deputy Attorney General for the Criminal Justice Branch appoints Special Prosecutors pursuant to the ***Crown Counsel Act*** when there is a significant potential for real or perceived improper influence in the administration of criminal justice.

The decisions of Special Prosecutors are final subject only to receiving written directions from the Attorney General, Deputy Attorney General or Assistant Deputy Attorney General for the Criminal Justice Branch. In such an event, those directions must be made public by publishing them in the BC Gazette.

It is the general practice of the Criminal Justice Branch to make an announcement of the appointment of a Special Prosecutor only if the matter is, in our judgment, already in the public domain in circumstances that necessitate such announcement to maintain the public's confidence in the administration of justice.

If a charge is approved by the Special Prosecutor, an announcement is made when the charge is laid. An announcement will also be made in response to a direct inquiry on the matter from the media or if the matter subsequently enters the public domain.

The Branch's decision concerning the announcement of the appointment of a Special Prosecutor and the timing of the announcement is made in consultation with the Special Prosecutor and is made independent of government. Political considerations or motivations play no role in our decision making process. The Branch's practice is consistent with the principles outlined in the *Discretion to Prosecute Inquiry Report*.

The decisions to announce the appointment of Special Prosecutors and the timing of those announcements are made without any involvement or influence of the Attorney General, Deputy Attorney General or any other public official outside of the Branch.

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## **SUMMARY OF DECISION OF THE SPECIAL PROSECUTOR**

After reviewing thoroughly all the evidence gathered by the R.C.M.P. investigation into allegations of assault and threatening against Douglas Routley made by his spouse, Christine Mazur, a Special Prosecutor has declined to lay criminal charges. The allegations, which relate to conduct in 2006 and 2007, were reported to the R.C.M.P. in August and November 2008. In the opinion of the Special Prosecutor, the available evidence did not give rise to a substantial likelihood of conviction and thus no charges have been laid.

Ms. Mazur alleged that her husband, MLA Douglas Routley, had assaulted her and threatened her on several occasions. Mr. Routley met with police and denied all allegations. There was little or no confirmatory evidence available to the police and the Special Prosecutor. By the time the allegations were made to police, more than six months had elapsed since the last alleged incident. In the absence of confirmatory evidence, it could not be said that there was a substantial likelihood of conviction. Further, given the passage of time, it could not be said that it would be in the public interest to proceed with any charges by way of Indictment, which would have been required given the six month limitation period for summary conviction proceedings.