



# MEDIA STATEMENT

## CRIMINAL JUSTICE BRANCH

Wednesday, 6 June 2007

07-07

### SPECIAL PROSECUTOR TO REVIEW BOUNTIFUL FILE

**Victoria** - The Criminal Justice Branch of the Ministry of Attorney General today announced it has appointed senior Vancouver lawyer Richard C.C. Peck, Q.C. as an independent Special Prosecutor to conduct a charge assessment review of the results of the police investigation into allegations of potential misconduct by individuals associated with the community of Bountiful, British Columbia.

In the fall of 2006, the Branch received a Report to Crown Counsel prepared by the RCMP relating to Bountiful, BC. Charge assessment reviews of the investigatory materials were conducted by four senior Crown Counsel, including the Assistant Deputy Attorney General for the Criminal Justice Branch, Robert Gillen, Q.C.

In early May of this year Mr. Gillen advised the Attorney General of the Branch's charge assessment decision. After further consultation with Mr. Gillen the Attorney General requested that a supplemental review be conducted by a senior lawyer from the private bar.

As a result, on May 31, 2007 the Branch received written directions from the Attorney General directing it to have an additional charge assessment review conducted regarding the Bountiful file. The Attorney General also directed that the review involve the consideration of any and all potential criminal or quasi-criminal charges including but not limited to polygamy and any other offence of a sexual nature. The directions were issued pursuant to section 5 of the *Crown Counsel Act* and in compliance with that *Act* will be published in the next edition of the BC Gazette.

In light of the public position the Criminal Justice Branch has taken in the past with respect to the prosecution of polygamy under the *Criminal Code* and in order to ensure there is no risk of real or perceived improper influence during the course of the charge assessment review, Mr. Gillen concluded it was appropriate to appoint an independent Special Prosecutor responsible for the review.

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Mr. Peck's mandate as the Special Prosecutor includes:

- Conducting an independent charge assessment review based on the results of the RCMP investigation, the materials assembled by the Criminal Justice Branch and any other information that the investigating officers may provide to him;
- Offering such legal advice as is necessary to the police in the event that further investigation by them is required;
- Providing the Assistant Deputy Attorney General with a written report setting out his charge assessment decision; and
- If in his view a charge is warranted, conducting the prosecution and any subsequent appeal.

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.

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