



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

January 18, 2012

12-01

Appointment of Special Prosecutor Announced

Victoria - The Criminal Justice Branch of the Ministry of Attorney General today announced that Peter Wilson, Q.C. has been appointed as an independent Special Prosecutor in connection with an investigation into potential offences involving individuals associated with the community of Bountiful.

Mr. Wilson, a senior Vancouver lawyer, was appointed by Assistant Deputy Attorney General Robert W. G. Gillen, Q.C., who was acting pursuant to a direction issued by Attorney General Shirley Bond under the authority of the *Crown Counsel Act*.

On January 9, 2012 acting on advice from the Criminal Justice Branch that Richard Peck, Q.C. did not wish to act further as Special Prosecutor in connection with the police investigation related to Bountiful, Attorney General Bond directed that a Special Prosecutor be appointed respecting the possible prosecution of sexual exploitation and other alleged offences against minors connected with conduct of members of Bountiful, from the early 1980's to the present.

A copy of the direction from the Attorney General has been published in the B.C. Gazette and is attached to this statement.

Mr. Wilson's mandate includes the following:

- Offering such legal advice as is necessary to the police in their continuing investigation;
- If a Report to Crown Counsel is forwarded to him as a result of that investigation, conducting an independent charge assessment of that report, the materials assembled by the Criminal Justice Branch and any other information that the investigating officers may provide to him for his consideration and making the charging decision he deems appropriate in the exercise of his independent prosecutorial discretion;

Criminal Justice Branch HQ
Ministry of Attorney General

Mailing Address:
PO Box 9276 Stn Prov Govt
Victoria, BC V8W 9J7

Office Location:
9th Floor, 1001 Douglas Street
Victoria, BC V8W 9J7
Telephone: (250) 387-3840
Fax: (250) 387-0090

- As part of any charge assessment, considering, if the evidence supports it, the possible prosecution of sexual exploitation and other alleged offences against minors by individuals associated with the community of Bountiful, from the early 1980s to the present which may include;
 - Section 271 of the *Criminal Code* (Sexual assault),
 - Section 151 of the *Criminal Code* (Sexual interference)
 - Section 152 of the *Criminal Code* (Invitation to sexual touching),
 - Section 153 of the *Criminal Code* (Sexual exploitation of a young person),
 - Section 170 of the *Criminal Code* (Parent or guardian procuring prohibited sexual activity),
 - Section 171 of the *Criminal Code* (Householder permitting prohibited sexual activity),
 - Such other similar offences as may have existed under the provisions of the *Criminal Code* from time to time during the period covered by the police investigation,
 - Section 14 of the *Child, Family and Community Service Act* (Failure to report a child in need of protection), and
 - Any criminal or other statutory offences involving or related to unlawful cross border movement of children;

- Providing the Assistant Deputy Attorney General a written report with the reasons for any charging decision;

- If in his view a prosecution is warranted, conducting the prosecution and any subsequent appeals; and

- Providing adequate reasons to the police, the victim or other significantly interested person, and the public, as appropriate, where the decision not to prosecute is made.

At this time Mr. Wilson's mandate does not include consideration of polygamy related offences.

As this matter involves an ongoing police investigation no additional public statements will be made by either the Criminal Justice Branch or Mr. Wilson at this time.

Media Contact: Neil MacKenzie
Communications Counsel
Criminal Justice Branch
(250) 387-5169



BRITISH
COLUMBIA

JAN 09 2012

Mr. Robert Gillen, Q.C.
Assistant Deputy Attorney General
Criminal Justice Branch
Ministry of Attorney General
PO Box 9276 Stn Prov Govt
Victoria, BC V8W 9J7

Dear Mr. Gillen;

Since the 2007 appointment of Richard Peck Q.C. as special prosecutor with respect to alleged offences committed by members of the community of Bountiful, B.C., and his resulting 2007 report, there have been a number of important developments that have led to renewed investigation and that will require further prosecutorial review.

Information generated in the course of court proceedings in British Columbia and the United States, and media reports, suggest the possibility of sexual exploitation and abuse of children in connection with conduct of members of the fundamentalist Mormon communities in and around the community informally known as Bountiful, at Lister, British Columbia. This has naturally caused me concern and, as I have told you before, it is my view that concerted investigative and prosecutorial efforts are warranted.

The Deputy Attorney General has told me that Mr. Peck has confirmed to you that he is not prepared to carry on with his mandate as special prosecutor. Therefore, pursuant to s. 5 of the *Crown Counsel Act*, I direct you to appoint a new special prosecutor respecting the possible prosecution of sexual exploitation and other alleged offences against minors connected with conduct of members of Bountiful, from the early 1980s to the present. Those offences may include:

- section 271 of the *Criminal Code* (sexual assault),
- section 153 of the *Criminal Code* (sexual exploitation of a young person),
- section 170 of the *Criminal Code* (parent or guardian procuring prohibited sexual activity),
- section 171 of the *Criminal Code* (householder permitting prohibited sexual activity), and
- section 14 of the *Child, Family and Community Service Act* (failure to report a child in need of protection).

.../2

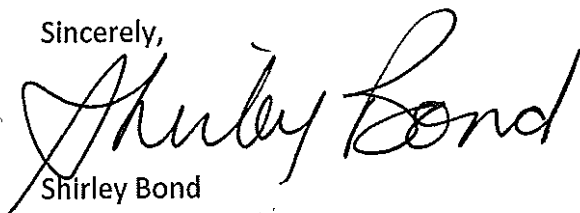
Mr. Robert Gillen, Q.C.

Page 2

I will leave it to you to set out in writing the special prosecutor's mandate pursuant to s. 7(2) of the *Crown Counsel Act*. However, in my view the special prosecutor is to fulfil the role under the *Crown Counsel Act* as described by Stromberg-Stein J. in *Blackmore v. British Columbia*, 2009 BCSC 1299, at para. 54, quoting from the 1990 report by Stephen Owen on prosecutions in British Columbia:

...to liaise with the police during the investigation; to make the charging decision; to lay the information and conduct the prosecution where this decision is made; and to provide adequate reasons to the police, the victim or other significantly interested person, and the public, as appropriate, where the decision not to prosecute is made.

Sincerely,

A handwritten signature in cursive script that reads "Shirley Bond". The signature is written in black ink and is positioned above the typed name and title.

Shirley Bond
Attorney General
and Solicitor General