
FACTSHEET

2009AG0001-000009
Jan. 7, 2009

Ministry of Attorney General

BOUNTIFUL SPECIAL PROSECUTION

- Polygamy is an indictable offence under section 293 of Canada's Criminal Code, which states:
293. (1) Every one who
 - (a) practises or enters into or in any manner agrees or consents to practise or enter into
 - (i) any form of polygamy, or
 - (ii) any kind of conjugal union with more than one person at the same time, whether or not it is by law recognized as a binding form of marriage, or
 - (b) celebrates, assists or is a party to a rite, ceremony, contract or consent that purports to sanction a relationship mentioned in subparagraph (a)(i) or (ii),is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.
- Vancouver lawyer Terrence Robertson was appointed as an independent special prosecutor June 2, 2008 by British Columbia assistant deputy attorney general Robert Gillen, QC, pursuant to the provisions of the Crown Counsel Act. The appointment resulted from a direction to the assistant deputy attorney general by Attorney General Wally Oppal that Robertson be retained to conduct a charge assessment review of various investigations involving the community of Bountiful. The review was intended to determine if a polygamy charge would withstand the scrutiny of the courts.
- In considering the circumstances of the Bountiful investigation, Gillen appointed Robertson an independent special prosecutor.
- In recommending criminal charges, a special prosecutor considers whether an offence meets the criminal justice branch's two-step charge approval standard:
 - whether there is a substantial likelihood of conviction;
 - and, if so, whether prosecution is in the public interest.
- Previous charge assessment reviews were conducted by senior counsel Leonard Doust in 2007/08, special prosecutor Richard Peck in 2007 and the criminal justice branch in 2006.

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