



FIRST NATIONS SUMMIT

NEWS RELEASE

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Crown's decision to have Commissioner's ruling reviewed in Frank Paul Inquiry must be reversed to maintain trust

Coast Salish Traditional Territory/West Vancouver - In order to maintain trust in the Frank Paul Inquiry, the First Nations Summit calls on the provincial Criminal Justice Branch to reverse its decision to seek a judicial review of Commissioner William Davies' recent ruling.

Commissioner Davies recently ruled that the inquiry's terms of reference includes having those decisions made by the branch examined as they pertain to the circumstances surrounding Frank Paul's death in December 1998.

The Mi'kmaq man died of exposure after being dumped in an alley as a result of a series of decisions and actions taken by members of the Vancouver Police Department. He was intoxicated and unable to care for himself.

The central concern surrounds the Crown's decision not to press charges in Mr. Paul's death. In a 2004 CBC News interview, Crown spokesperson Geoff Gaul said: "Is there sufficient evidence that we could prove on a criminal standard, beyond a reasonable doubt, that somebody was culpable for Mr. Paul's death? The conclusion of all five assessments is that no, we can't prove it."

The inquiry however has since heard testimony surrounding Mr. Paul's death that now appears to contradict that finding, all of which brings into question the Crown's move to avoid having its decision not to proceed with charges from being examined.

"At the outset of the inquiry, Attorney General Wally Oppal made a commitment to fully examine all the circumstances surrounding Mr. Paul's death," said Grand Chief Edward John, a member of the political executive of the First Nations Summit. "And so, in addition to being completely contrary to what was promised, this decision will now hamper the Commissioner's ability to examine the actions of the Criminal Justice Branch. That's a very questionable decision and it's one I don't think the public or the Aboriginal people of this province should accept."

"The terms of reference issued by the Attorney General specifically set out a mandate that allows the Commissioner to examine all the institutional responses

surrounding the death of Mr. Paul, including the Criminal Justice Branch's response," said Dave Porter, also a member of Summit's political executive. "The Crown's move to avoid the spotlight is not at all consistent with that mandate."

"If the Crown does not reverse its decision to avoid its role in the circumstances surrounding Mr. Paul's death from being examined at the inquiry, this will only add to the feelings of mistrust that Aboriginal people generally have toward the criminal justice system in this province," said Chief Judith Sayers, also a member of Summit's political executive. "As with all the others who are being scrutinized at the inquiry, the Crown's role should be, too."

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Further background information on the Summit may be found at www.fns.bc.ca