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UNION OF  
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March 19, 2009

Premier Gordon Campbell  
Government of British Columbia

Honourable Wally Oppal  
Attorney General

Honourable John van Dongen  
Minister of Public Safety and Solicitor General

Honourable Michael de Jong  
Minister of Aboriginal Relations and Reconciliation

Dear Sirs,

The BC Assembly of First Nations, First Nations Summit and the Union of BC Indian Chiefs welcome the release of the interim report, *Alone and Cold* by Commissioner Davies. The insightful findings and recommendations in his report raise many critical issues and concerns regarding municipal policing in British Columbia. While it is deeply regrettable that it has taken the loss of Frank Paul's life to have these issues brought to the forefront, we express our sincere desire and collective commitment that the report will lead to change. We fully support the recommendations and urge the BC government to move swiftly to implement them.

We wish to acknowledge Commissioner Davies and his staff for the courage and integrity they have shown. We are greatly encouraged by the opportunities to move forward as identified in the report's recommendations.

The report validates the concerns expressed by Mr. Paul's family who have pushed for years for a public inquiry into his tragic death. There can be no question that the system failed Mr. Paul. The Vancouver Police Department failed to safeguard his life, services for the homeless were severely lacking and most significantly, the police investigations were fundamentally flawed. Moreover, the decision not to lay any criminal charges regarding Mr. Paul's death highlights the critical need for far-reaching changes, especially if Aboriginal people and the public are to ever regain a level of confidence in policing in BC.

The report has shed light on serious systemic flaws within the municipal police system and states that these flaws are grounded in conflict of interest. The present practice where police investigate police when there is a police-related death must not and cannot continue.

The need for a complete overhaul of the police system is, in our view, without question. We agree with the Commissioner's comment that nothing short of a wholesale restructuring of police investigations will suffice. We therefore welcome and fully support the recommendation to establish a civilian-based body to investigate police-related deaths. We understand that the Davies Report focused only on municipal policing in BC. We urge the BC government to consider the expansion of the mandate of a civilian-based body to include the Royal Canadian Mounted Police and that this be a priority item for the preliminary negotiations for the renewal of BC government's contract with the RCMP.

In addition, we urge the BC government to pay particular attention to the report commissioned by Commissioner Davies titled *The Most Vulnerable of the Vulnerable: Aboriginal Chronic Alcoholics in the Downtown East Side*. We commend and fully support Commissioner Davies' call for a civilian-operated sobering centre, an enhanced civilian-based detoxification centre and permanent housing for chronic alcoholics.

The BC government must not lose sight of the fact that the process is not yet complete - several critical matters remain outstanding.

Firstly, it is now clear that the conduct of the officers involved was "marked by indifference, callousness, and failure to care" and that "the VPD investigation into the circumstances of Frank Paul's death was methodically flawed". In light of the report's findings, we call for the Criminal Justice Branch to now reassess whether criminal charges are warranted. It is our view that those responsible for Mr. Paul's death must be charged. This goes to the heart of our justice system – those tasked with enforcing the law cannot be seen to be above it.

Secondly, there is the issue of compensation for Mr. Paul's family who have had to endure a lengthy and painful campaign to see justice served, quite apart from the loss they have suffered.

Thirdly, the BC Court of Appeal has yet to issue its ruling on whether the prosecutors involved in the decision not to lay charges in the death of Mr. Paul can be compelled to testify at the inquiry. We have been deeply disappointed by the decision of the Criminal Justice Branch to challenge Commissioner Davies' jurisdiction – it not only obstructs the course of justice, it prolongs the process and delays the conclusion of this matter for the family and friends of Mr. Paul who deserve closure and answers. We urge the Attorney General to act with integrity and respect and withdraw his objection.

We request a meeting as soon as possible to discuss how we can move to enact the report's recommendations on an urgent basis and work together to prevent recurrences of this type of tragedy.

Sincerely,

**On behalf of the FIRST NATIONS SUMMIT:**



Grand Chief Edward John



Dan Smith



Grand Chief Doug Kelly

**On behalf of the UNION OF BC INDIAN CHIEFS**



Grand Chief Stewart Phillip



Chief Robert Shintah



Chief Lynda Price

**On behalf of the BC ASSEMBLY OF FIRST NATIONS:**



Regional Chief A-in-chut (Shawn Atleo)