



NEWS RELEASE

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FOR IMMEDIATE RELEASE

BC SUPREME COURT RELEASES DECISION CONCERNING FRANK PAUL INQUIRY

A recent decision of the BC Supreme Court, released yesterday, held that the Criminal Justice Branch of the Ministry of the Attorney General must provide evidence in the Frank Paul inquiry concerning prosecutors' decisions not to lay charges in connection with the death of Frank Paul.

The BCCLA was a party in the case and is a participant in the Frank Paul inquiry.

Grace Pastine, BCCLA Litigation Director: "We are pleased that the court recognized that maintenance of public confidence in the justice system requires transparency. It is crucial that the Commissioner should be allowed to fully inquire into the decisions not to lay charges so that the public can be assured that prosecutors examine every police related death fairly and impartially."

Although the court's ruling allows the Commissioner to direct prosecutors to provide testimony at the inquiry, the court found that the Commissioner must not challenge or debate the propriety of the decisions with the prosecutors who testify at the inquiry. The BCCLA is concerned that this could limit the Commissioner's ability to understand why charges were not laid.

Michael Tammen, Counsel for the BCCLA: "The BCCLA welcomes the conclusion that prosecutors must provide evidence, but we are concerned that the ruling does not go far enough and may shield critical activities of the Criminal Justice Branch from public review."

At the court hearing, the BCCLA argued that in cases where prosecutors are called upon to investigate and lay charges in matters involving police officers, there is a significant potential for real or perceived improper influence in the administration of public justice. Public inquiries are important mechanisms for ensuring democratic accountability and it does not violate the principle of prosecutorial independence to require prosecutors to account for their decisions in matters of great public importance such as the Frank Paul inquiry.

Frank Paul was 47-year-old Mi'kmaq man who was left by Vancouver police on December 6, 1998 in a downtown eastside alley where he died of exposure. Crown prosecutors made five charge-approval assessments in the Frank Paul matter and decided that no charges should be laid against the police officers that were involved in his death.

The BCCLA was represented in the case and at the Paul Inquiry by Michael Tammen, of Harper Grey LLP, and Grace Pastine, BCCLA Litigation Director.

MEDIA CONTACTS: Michael Tammen, Counsel for the BCCLA: 604 603 4702 (c)
Grace Pastine, BCCLA Litigation Director: 604.630.9751 (w) 778.241.7183 (c)