



NEWS RELEASE

British Columbia Civil Liberties Association
April 22, 2009 - For immediate release

Over 600 days of inaction since Boyd shooting by VPD

619 days have passed since animator Paul Boyd was shot by members of the Vancouver Police Department, and an investigation by the BCCLA shows that no decisions have been made on criminal charges, or even on whether or not to hold a coroner's inquest. In addition, the VPD professional standards investigation has not even begun.

The Vancouver Police Department took a year to investigate the August 2007 shooting and provide a report to the Criminal Justice Branch (CJB) in August 2008. Now, the CJB has taken 270 days more and still not decided whether or not to lay criminal charges.

"Investigations into police involved deaths need to be timely," says Robert Holmes, President of the B.C. Civil Liberties Association, who notes that the current B.C. Crown Counsel Act and the most recent Attorney General's Ministry's description of the role of Crown Counsel say nothing about timeliness. "Why should it take more than 600 days to decide whether to lay charges and have a public hearing? In British Columbia, police involved death cases drag on as the ball gets dropped from one agency to another. The Attorney General should commit to reform it all."

The family of Mr. Boyd tells the BCCLA that they support prompt action and the BCCLA's call for reform. Undue delay in investigations of serious police-involved incidents were criticized in Josiah Wood's audit of the police complaints system in B.C. The Frank Paul Inquiry was prevented from investigating charge decision delays when the CJB refused to participate in the Inquiry, but the Commissioner did criticize the Coroner's service for not holding an inquiry into Frank Paul's death.

"Is this all a question of resources? Priorities? Embarrassment?" asked Holmes. "The family and friends of Mr. Boyd and the citizens of Vancouver have a right to know what happened and who is responsible. The officers involved need to know if their conduct was legally appropriate and to move on or be held accountable. There is no need for this kind of delay."

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Backgrounder on Boyd shooting investigation

Are Criminal Justice Branch delays for police involved deaths increasing?

Frank Paul – Died December 6, 1998, VPD report completed May 1999, 1st assessment September 1999, 2nd assessment December 1999, 3rd Assessment December 2000, 4th Assessment March 2004, 5th Assessment April 2004. (**269 days** to first charge assessment)

Ian Bush – Died October 29, 2005, first and only charge assessment announced September 5, 2006. (**311 days**)

Robert Dziekanski – Died October 14, 2007, first and only charge assessment announced December 12, 2008. (**425 days**)

Police investigations of police-involved deaths in B.C.

“No amount of tinkering can remedy the inherent conflict of interest that permeates a home police department’s criminal investigation of police-related deaths. . .”

p. 216 – Frank Paul Inquiry Report (2009)

“In some Departments we noted investigative delay that was often unexplained and without explanation. . . Because statements make up most of the evidence on many investigations under the *Police Act*, the passage of time is an impediment to obtaining the necessary contemporaneous recounting of detail required to ensure a thorough and critical analysis of the complaint.”

p. C-33 - Josiah Wood Audit of the Police Complaints System in B.C. (2007)

[Report on the Review of the Police Complaint Process in British Columbia >>](#)

Timeliness and the role of the Criminal Justice Branch

BC Government Statement on Timely Prosecutions (Budget Papers 2004)

AGBC Ministry statement on developing timelines for charging assessments and prosecutions: “Timely prosecution contributes to fair and effective processing of criminal matters. This goal helps foster public confidence in the integrity and effectiveness of the justice system.”

[Prosecution of all offences is timely, fair and effective >>](#)

Attorney General of B.C. Statement on Charge Assessments (Budget Papers 2005)

“Crown counsel conduct a pre-charge screening within a specified period of time after receiving the investigative report (Report to Crown Counsel).” Specified period has never been announced.

[Statement on Charge Assessments >>](#)

Current AGBC Ministry Statement on Role of Crown Counsel, no mention of timeliness:

[AGBC Ministry Statement >>](#)

Role of the Coroner’s Service

[Role of the Coroner >>](#)

From the Frank Paul Inquiry on failing to call an inquest into Frank Paul’s death

“Second, one of the central issues facing the Coroner’s Service was whether an inquest was mandatory in these circumstances . . . The evidentiary record does not satisfy me that adequate consideration was given to this issue.”

Page 149, “Cold and Alone” Frank

[Paul Inquiry Report >>](#)