

THE FRANK PAUL INQUIRY

William H. Davies, Q.C., Commissioner

APPLICATION PACKAGE FOR PARTICIPANTS

Dear Sir/Madam:

This is the application package provided to those who are seeking to participate in the Frank Paul Inquiry.

1. Background

The Government of British Columbia has appointed an independent commission of inquiry to examine the circumstances surrounding the death of Frank Joseph Paul. Mr. Paul was removed from the Vancouver Police Department lockup at about 8:30 p.m. on December 5, 1998, and was left in a nearby alley by a police officer. His body was found in the alley early the next morning. An autopsy concluded he had died from hypothermia due to exposure/alcohol intoxication.

The sole Commissioner, appointed under the *Public Inquiry Act*, is former B.C. Supreme Court Justice William H. Davies, Q.C.

The Terms of Reference for this commission of inquiry, and other information about the commission, will soon be available at www.frankpaulinquiry.ca.

The purpose and terms of reference of the commission of inquiry are summarized as follows:

Purpose

- To provide a complete record of the circumstances relating to Mr. Paul's death;
- To recommend any changes considered necessary to any rules, policies and procedures which relate to how the police and other public officials and agencies deal with persons incapacitated by alcohol or drug use.

D. Geoffrey Cowper, Q.C., Commission Counsel
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290 – 800 Hornby St.
Vancouver, B.C. V6Z 2C5

Tel: (604) 660-6880
Fax: (604) 660-1110

Website: www.frankpaulinquiry.ca

Terms of Reference

- To determine the facts respecting the circumstances relating to Mr. Paul's death, including the response of the British Columbia Ambulance Service, the Vancouver Police Department, the BC Coroners Service, the Office of the Police Complaints Commissioner and the Criminal Justice Branch of the Ministry of Attorney General to the death of Mr. Paul;
- To examine and recommend any changes, considered appropriate, to the rules, policies and procedures of the Vancouver Police Board, the Vancouver Police Department and the British Columbia Ambulance Service respecting interaction with persons who are incapacitated by alcohol or drug use;
- To examine and recommend any changes, considered appropriate, to the rules, policies and procedures of the BC Coroners Service, the Office of the Police Complaints Commissioner and the Criminal Justice Branch of the Ministry of Attorney General related to the role and response of each of those offices where an individual dies in similar circumstances;
- To identify the available health care and social service programs and facilities available in the City of Vancouver for people incapacitated by alcohol or drug use.

The Commissioner will conduct hearings and receive submissions concerning both the factual and policy questions raised by these matters, and submit a final report to the Attorney General on or before May 31, 2008.

2. Criteria for participant status

Sections 11-13 of the *Public Inquiry Act*, S.B.C. 2007, c. 9, describe who may be granted status as a participant for this public inquiry. Interested persons may apply, pursuant to s. 11(3), and the commission may accept an applicant based on these criteria (in s. 11(4)):

- (a) whether, and to what extent, the person's interest may be affected by the findings of the Commission;
- (b) whether the person's participation would further the conduct of the Inquiry;
- (c) whether the person's participation would contribute to the fairness of the Inquiry.

3. Process for applying to become a participant

We invite all interested persons who seek to participate in the commission of inquiry to do so by submitting an application, in writing, to:

Geoff Cowper, Q.C., Commission Counsel
 Frank Paul Inquiry
 290 - 800 Hornby Street
 Vancouver, BC
 V6Z 2C5

The deadline for all applications is **3 p.m. on Tuesday, October 9, 2007.**

Applicants should address the criteria listed above, and should prepare a submission that is no longer than 15 pages (double-spaced) in length. We would request that applicants:

- explain who they are and what experience or expertise they have, relevant to the commission's work;
- outline the position the applicant expects to take (if any);
- indicate whether they propose to have counsel appear, or a representative, and who that person will be; and
- indicate what evidence they feel is relevant and should be led before the commission, including (if applicable) the names of proposed witnesses, the subject matter of their proposed testimony, their experience and background, and the estimated length of their testimony.

Applicants should also indicate what sort of participation they seek, for instance:

- to provide information or make submissions in writing only;
- to attend the public inquiry and provide information and/or submissions orally; or
- to examine witnesses and become involved in the fact-finding component of the inquiry.

4. Expected timing of hearings

The commission of inquiry will have different phases. The first phase will be a factual, evidentiary phase, concerning the events of December 5-6, 1998, leading up to Mr. Paul's death. The second phase will address the response of various

agencies to Mr. Paul's death. The third phase will address policy issues and the question of whether changes should be recommended (as described in the Terms of Reference).

It is expected that the first public hearings will commence in late October or early November, and continue for a three-week period. The second and third phases would follow later in the fall or in early 2008.

Any questions about the commission of inquiry or the process of submitting an application may be directed to Louise Stuart, Commission Secretary, at 604.660.6880.