

## **PART 7— THE PROFESSIONAL STANDARDS INVESTIGATION OF POLICE-RELATED DEATHS**

### **E. The Professional Standards Investigation in the Frank Paul Case**

Earlier in this report (see Part 4), I summarized the evidence I heard during the Phase 2 evidentiary hearings respecting the VPD's internal (now called professional standards) investigation arising out of Mr. Paul's death. In brief, Andrew Hobbs, then a sergeant in the department's Internal Investigations Section (later renamed the Professional Standards Section) was assigned the Frank Paul file in May 1999.

After reviewing Det. Staunton's 130-page criminal investigation file, Sgt. Hobbs concluded that there were public trust issues arising out of this very serious case that should be investigated under the *Police Act*, given the fact that someone who had been in police custody had been released into an alley, dying shortly thereafter.

On August 3, 1999, Sgt. Hobbs completed a Form 1 complaint document, and forwarded a copy to the PCC. In September 1999, he was transferred out of the Internal Investigation Section, and the Frank Paul file was assigned to Sgt. Donald Boutin.

Sgt. Boutin testified that in normal professional standards cases, when a member of the public makes a complaint about a police officer's conduct, the investigating officer interviews the complainant; or obtains a written duty report from the respondent officer; reviews other documentation; and then prepares a report for the inspector in charge of the section.

However, the procedure is different in cases where there has been a Major Crimes criminal investigation, such as the Frank Paul case. The professional standards investigator relies primarily on the homicide investigator's written report to Crown Counsel, as Sgt. Boutin did in the Frank Paul case. He testified that the assumption would be that the homicide investigation was comprehensive, and consequently it would normally be unnecessary to do any additional investigation. He did, however, take some investigative steps in the Frank Paul case, such as attempting to obtain a duty report from one of the officers, and obtaining information about the weather on the night of

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Mr. Paul's death. He did not interview Sgt. Sanderson or Cst. Instant—he relied on their written reports. The practice is that the professional standards investigation does not proceed until Crown Counsel decides whether criminal charges will be laid, and until the coroner decides whether an inquest will be held. In the event of either or both of those proceedings, the professional standards investigator would await their conclusion, and would include in his analysis the evidence tendered during those proceedings.

At one stage during Sgt. Boutin's investigation there were discussions within the section about resolving the investigation by way of "management advice," an informal disposition procedure used by the VPD that was outside the possible dispositions set out in Part 9 of the *Police Act*. He did not think this was an appropriate disposition, and ultimately recommended two-day and one-day suspensions without pay. Insp. Eldridge and the chief constable approved his recommendations. After the disciplinary measures were imposed, Sgt. Boutin forwarded the professional standards file to the PCC, who ultimately decided not to order a public hearing.