
Missing Women Commission of Inquiry

Ruling on Participation – Cst. Doug Fell

The Honourable Wally Oppal, Q.C.

Commissioner

Missing Women Commission of Inquiry
Ruling on Participation for Cst. Doug Fell

September 21, 2011

1. Background

In a letter dated September 16, 2011, Mr. Kevin Woodall requested standing on behalf of his client Cst. Doug Fell. As Mr. Woodall states in his application letter “Cst. Fell was one of the officers who was the subject of adverse comments in the LePard report,” and is therefore requesting standing for the “fairness of the hearing.”

2. The Criteria for Participation in Evidentiary Hearings

In my ruling of May 2, 2011 (the “Ruling”), I set out the test for participation. The test for participation is set out s. 11(4) of the Public Inquiry Act. There are three factors to be considered:

- a. Whether, and to what extent, the person’s interests may be affected by the findings of the commission,
- b. Whether the person’s participation would further the inquiry,
- c. Whether the person’s participation would contribute to the fairness of the inquiry.

Formal participation in the Commission’s evidentiary hearings has been limited to those persons or groups who demonstrate that they meet the test for participation with respect to Terms of Reference 4(a) and (b).

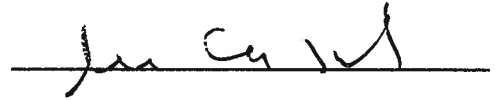
3. Applicant Accepted as Full Participant

Cst. Doug Fell was a member of the Vancouver Police Department who was assigned to work with on the Missing Women Investigation for a period of time in 1999. It is my belief that Cst. Fell may be in a position to provide evidence with respect to the Vancouver Police Department’s investigation into the women missing from the DTES and specifically his involvement in the investigation. Additionally Cst. Fell was subject to adverse comments in the LePard report.

In this way, Cst. Fell’s participation will contribute to the fairness of the inquiry.

Cst. Fell meets the test for participation and therefore granted Full Participant rights as defined in my earlier Ruling.

In short, Full Participants may participate in all phases of the evidentiary hearings and exercise all rights of participation in those hearings, including cross examining witnesses and making submissions. They will also be granted access to the documents disclosed to the Commission.

A handwritten signature in black ink, appearing to read "Wally Oppal", is written over a solid horizontal line.

Wally T. Oppal, QC

Commissioner