



Office of the
Police Complaint Commissioner

British Columbia, Canada

PH 2010-01

NOTICE OF PUBLIC HEARING
(Pursuant to Section 60(4), *Police Act*, R.S.B.C. 1996, c.267)

In the matter of
Public Hearing into the complaint against
Constable Alex Wood
of the Abbotsford Police Department

TO: Chief Constable Bob Rich,
Abbotsford Police Department (Discipline Authority)

AND TO: Constable 375 Alex Wood
Abbotsford Police Department (Respondent)

AND TO: Jonathan Peters (complainant)

WHEREAS:

1. On September 7th, 2008, Mr. Jonathan Peters submitted a Form One Record of complaint alleging Constable Wood of the Abbotsford Police Department used excessive force when he fractured his finger while seizing his camera on April 10th, 2008.
2. On March 5th, 2009, after a review of the findings of an investigation conducted by Staff Sergeant Vreeman from the Abbotsford Police Department, the

Stan T. Lowe,
Police Complaint Commissioner

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Discipline Authority, Chief Constable Bob Rich, concluded that the allegations against Constable Wood were "unsubstantiated".

3. The Police Complaint Commissioner wrote the Discipline Authority on October 7th, 2009, and invited him to review and reconsider his decision based on his failure to correctly apply the law with respect to obstruction in making his determination.
4. On October 29th, 2009, Chief Constable Rich advised the Police Complaint Commissioner that he had reviewed the matter and would not reconsider his original decision that the allegations against Constable Wood were unsubstantiated.
5. The Police Complaint Commissioner, having reviewed the investigation into this matter and all the relevant factors including, without limitation, those factors set out in section 60(5) of the *Police Act*, has determined that it is necessary in the public interest to arrange for a public hearing into the conduct of the Respondent.
6. It is therefore alleged that the Respondent committed the following disciplinary defaults under the *Code of Professional Conduct Regulation*, B.C. Reg. 205/98:
 - a) **Abuse of Authority:** contrary to section 4(1) (f) of the *Code of Professional Conduct Regulation*, the Respondent Officer committed the disciplinary default of abuse of authority by unlawfully seizing and detaining a digital camera from Mr. Jonathan Peters without lawful Authority.
 - b) **Abuse of Authority:** contrary to section 4(1) (f) of the *Code of Professional Conduct Regulation*, the Respondent Officer committed the disciplinary default of abuse of authority by using unnecessary force on the person of Jonathan Peters, by grabbing and breaking his finger.

NOW THEREFORE:

1. A public hearing is arranged pursuant to section 60(4) of the *Police Act*.
2. Pursuant to the recommendation of Associate Chief Justice Patrick Dohm of the Supreme Court of British Columbia, The Honourable T. Singh, retired Justice of the British Columbia Supreme Court is appointed to preside as Adjudicator in these proceedings, pursuant to s. 60.1(2)(a) of the *Police Act*.

TAKE NOTICE that all inquiries with respect to this matter shall be directed to the Office of the Police Complaint Commissioner:

Location 756 Fort Street, Victoria, British Columbia

Telephone: (250) 356-7458 / Facsimile: (250) 356-6503

DATED at the City of Victoria, in the Province of British Columbia, this 22nd day of February, 2010.



Stan T. Lowe
Police Complaint Commissioner
for the Province of British Columbia