



Office of the
Police Complaint Commissioner

British Columbia, Canada

PH: 2012-02

NOTICE OF PUBLIC HEARING

(Pursuant to Section 137(1) *Police Act*, R.S.B.C. 1996, c.267)

**In the matter of the
Public Hearing into the complaint against Constable Nathan Brown
of the Abbotsford Police Department**

TO: Constable Nathan Brown
c/o Mr. David Butcher, Q.C. (Member)

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

AND TO: Chief Constable Dave Jones
New Westminster Police Service (Designated Discipline Authority)

WHEREAS:

1. On April 26, 2011, the Office of the Police Complaint Commissioner received information from the Abbotsford Police Department (APD) outlining allegations of professional misconduct against Constable Nathan Brown.
2. According to the allegations, on the evening of April 14, 2011, Constable Brown had been in the lounge of the Abbotsford Police Union building consuming alcohol over the course of a few hours. Given his level of alcohol consumption, Constable Brown was advised by a senior member that he was not to drive his police vehicle that evening and that alternative arrangements would be made to drive him back to his residence. Despite receiving that advice, Constable Brown left the lounge and drove his assigned police vehicle to his residence. While driving back to his residence Constable Brown was involved in a single vehicle accident with a pole, and continued to drive to his residence.

Stan T. Lowe,
Police Complaint Commissioner

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3. It is alleged that the following morning, on April 15, 2011, Constable Brown falsely reported to his supervisors that he had been involved in a collision that morning on his way to work. On April 26, 2011, Constable Brown admitted to senior officers that the accident had in fact occurred while he was driving home from the Abbotsford Police Union building on the evening of April 14, 2011. According to Constable Brown, he had left the accident scene after the collision and returned the next morning, where he parked nearby and reported the accident as though it had happened at that time.
4. On April 27, 2011, at the request of the Abbotsford Police Department, the Office of the Police Complaint Commissioner issued an Order for Investigation, pursuant to section 93(1) of the *Police Act*;
5. Following an investigation conducted by the Abbotsford Police Department, APD Chief Constable Bob Rich notified Constable Brown that a disciplinary hearing would be held in relation to disciplinary defaults of Discreditable Conduct and Deceit, pursuant to Sections 77(3)(h) and 77(3)(f)(i)(A) of the *Police Act*.
6. Chief Constable Rich appointed Chief Constable Dave Jones of the New Westminster Police Service, as external Designated Discipline Authority to preside over the discipline hearing.
7. On March 16, 2012, after considering the available evidence and submissions at the discipline hearing, Chief Constable Jones found that the allegations of Discreditable Conduct and Deceit had been proven; and proposed the following disciplinary measures:
 - Discreditable Conduct - Ten day suspension without pay
 - Deceit - Dismissal from the Abbotsford Police Department
8. On April 13, 2012, with the assistance of legal counsel, Constable Brown requested a public hearing pursuant to section 137 of the *Police Act*, with a further request that I arrange a review on the record in the matter.
9. Pursuant to Section 137(1) of the *Police Act*, a police member is entitled to a mandatory public hearing in circumstances where the proposed discipline is dismissal. The police complaint commissioner has the discretion to arrange a review on the record where the circumstances meet requirements stipulated in the legislation.
10. After considering the evidentiary issues which remain unresolved, I am of the view that it is necessary to examine and cross-examine witnesses and receive evidence that was not part of the record at the discipline proceeding, in order to ensure that procedural fairness and accountability is maintained. Furthermore, I am of the view that a public hearing is required to provide the necessary transparency and accountability, to preserve public confidence in the investigation of misconduct and the administration of police discipline. Accordingly, I have determined that a public hearing is warranted in these circumstances.

11. It is therefore alleged that Constable Brown committed the following disciplinary defaults, pursuant to section 77 of the Police Act:

- 1) **Discreditable Conduct:** contrary to section 77(3)(h) of the Police Act, Constable Brown committed the disciplinary default of Discreditable Conduct, arising out of his operation of an unmarked police vehicle after consuming alcohol and being advised not to; his subsequent involvement in a collision with the unmarked police vehicle, resulting in damage to that vehicle; and his failure to remain at the accident scene or notify any person at the time the accident occurred.
- 2) **Deceit:** contrary to section 77(3)(f)(i)(A) of the Police Act, Constable Brown committed the disciplinary default of Deceit, arising out of his falsely reporting to his supervisors the circumstances of the motor vehicle accident, in a deliberate attempt to conceal the date, time and manner in which the unmarked police vehicle he was operating was damaged.

THEREFORE:

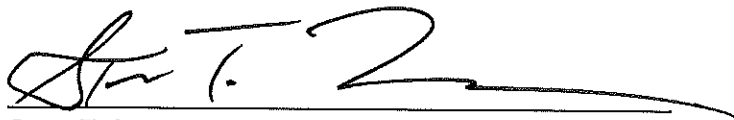
A public hearing is arranged pursuant to Section 137(1) of the *Police Act*.

Upon the recommendation of the Associate Chief Justice of the British Columbia Supreme Court, retired Provincial Court Judge DENNIS OVEREND is appointed to preside as Adjudicator in these proceedings, pursuant to s. 142(2) 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:

501 - 947 Fort Street, PO Box 9895, Stn Prov Govt, Victoria, BC V8W 9T8
Telephone: (250) 356-7458 / Facsimile: (250) 356-6503

DATED at the City of Victoria, in the Province of British Columbia, this 11th day of May, 2012.



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