



Office of the
Police Complaint Commissioner

British Columbia, Canada

Notice of Appointment of Adjudicator

(Pursuant to s. 117(4) of the *Police Act*)

Date: February 28, 2012
OPCC File No: OPCC 2010-5294
DA File No: [REDACTED]

TO: [REDACTED]
ABBOTSFORD POLICE DEPARTMENT (Member)

AND TO: CHIEF CONSTABLE BOB RICH,
ABBOTSFORD POLICE DEPARTMENT (Chief Constable)

AND TO: [REDACTED]
ABBOTSFORD POLICE DEPARTMENT (Discipline Authority)

AND TO: Mr. DENNIS OVEREND (Adjudicator)

On January 13, 2013, Sergeant [REDACTED] of the Abbotsford Police Department (APD) Professional Standards Section submitted his Final Investigation Report to [REDACTED] the Discipline Authority in this matter. Sergeant [REDACTED] recommended that three allegations of misconduct be substantiated against APD [REDACTED], including 'Corrupt Practice' for accessing a police data base (CPIC) for personal reasons; and 'Improper Disclosure of Information' and 'Deceit', set out below as Counts #1 and #2:

Count 1 – Improper Disclosure of Information

That it is alleged that [REDACTED] acted in a manner to wit: disclosed to another person police database (CPIC) search information, that if proved would constitute misconduct pursuant to section 77(3)(i) of the *Police Act*.

Count 2 – Deceit

That it is alleged that [REDACTED] acted in a manner to wit: in a statement provided details of his use of CPIC which are inconsistent with GPS and CPIC records, that if proved would constitute misconduct pursuant to section 77(3)(f)(i)(A) of the *Police Act*.

On January 27, 2012, [REDACTED] issued his Notice of Discipline Authority's Decision pursuant to section 112 of the *Police Act*, agreeing with Sergeant [REDACTED] that the evidence appeared to show on a balance of probabilities that [REDACTED] had queried the complainant on CPIC for purposes unrelated to his position as a police officer. However, [REDACTED] disagreed with Sergeant [REDACTED] in regards to the allegations of 'Improper Disclosure of Information' and 'Deceit' – and unsubstantiated both Counts.

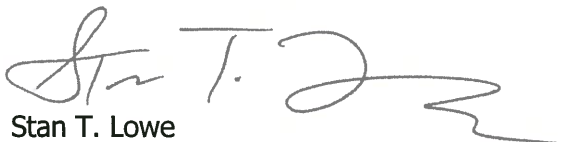
Pursuant to Section 117(1) of the *Police Act*, having reviewed the allegations individually, and the alleged conduct in its entirety, there is a reasonable basis to believe that the decision of the Discipline Authority is incorrect with respect to Counts #1 and #2.

Therefore, pursuant to Section 117(4), and based on a recommendation from the Associate Chief Justice of the Supreme Court of British Columbia, I am appointing retired Provincial Court Judge, Mr. Dennis Overend, as Adjudicator to review this matter, and based on the evidence arrive at his own decision in regards to Counts #1 and #2.

Pursuant to Section 117(9), if the Adjudicator determines that the conduct in question appears to constitute misconduct, they assume the powers and perform the duties of Discipline Authority in respect of the matter. In addition, if a service record of discipline exists the Office of the Police Complaint Commissioner will provide that record to the new Discipline Authority to assist them in proposing an appropriate range of disciplinary or corrective measures should a pre-hearing conference be offered or a disciplinary proceeding convened.

If the retired judge as adjudicator determines the conduct in question does not constitute misconduct, they must provide reasons and their decision is final and conclusive.

Finally, the *Police Act* requires that an Adjudicator arrive at a decision **within 10 business days after receipt of the materials** for review from our office. As this is a relatively short time line, our office will not forward any materials to the adjudicator until they are prepared to receive the materials. I anticipate this will be within the next 10 business days.



Stan T. Lowe
Police Complaint Commissioner

Cc: [REDACTED] Registrar
Cc: [REDACTED] Complainant
Cc: [REDACTED] OPCC Senior Investigative Analyst
Cc: Sergeant [REDACTED], APD PSS Investigator