



Office of the  
Police Complaint Commissioner

British Columbia, Canada

Notice of Appointment of  
Adjudicator  
(Pursuant to s.117(1) & (5) of the *Police Act*)

Date: December 6, 2011  
OPCC File No.: 2011-6110  
DA File No.: [REDACTED]

TO: [REDACTED] (Complainant)  
AND TO: [REDACTED] (Member)  
Abbotsford Police Department  
AND TO: Chief Constable Bob Rich (Chief Constable)  
Abbotsford Police Department  
AND TO: Mr. William J. Diebolt, (New Discipline Authority)  
Retired Judge of the Provincial Court of British Columbia

An investigation was conducted into the above-noted matter by Sergeant [REDACTED] of Abbotsford Police Department's Professional Standards Section, and the Final Investigation Report was submitted to [REDACTED] for decision. On November 4, 2011, [REDACTED] issued his Notice of Decision pursuant to section 112 of the *Police Act*, and forwarded this decision to this office on November 8, 2011. [REDACTED] determined that the evidence did not substantiate the following allegation:

Count 1: Abuse of Authority

That on [REDACTED], it is alleged that [REDACTED] acted in a manner to wit: with oppressive conduct towards [REDACTED], including, without limitation, in the performance, or purported performance, of her duties, intentionally or recklessly strip searching [REDACTED]. This act if proved would constitute misconduct pursuant to section 77(3)(a)(ii)(B) of the *Police Act*.

Stan T. Lowe,  
Police Complaint Commissioner

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Following a review of the Final Investigation Report and the decision by [REDACTED], I believe that there is a reasonable basis to believe the Discipline Authority was incorrect in determining that the conduct of [REDACTED] in relation to her strip search of [REDACTED] did not constitute misconduct.

Therefore, based on a recommendation pursuant to Section 117(4) of the *Police Act*, from the Associate Chief Justice of the Supreme Court of British Columbia, I am appointing retired Provincial Court Judge William J. Diebolt, as adjudicator to review this matter and, based on the evidence, arrive at a decision with respect to [REDACTED]'s strip search of [REDACTED].

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 the decision is final and conclusive.

If the adjudicator determines the conduct in question does not constitute misconduct, Judge Diebolt must provide reasons and the decision is final and conclusive.

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



Stan T. Lowe,  
Police Complaint Commissioner

cc. Abbotsford Department Police Board  
Sergeant [REDACTED] (APD PSS)  
[REDACTED] (OPCC Analyst)