



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 8, 2011
OPCC File No.: 2011-6157
DA File No.: [REDACTED]

TO: [REDACTED] (Complainant)

AND TO: [REDACTED] (Member)
South Coast British Columbia
Transportation Authority Police Service

AND TO: Acting Deputy Chief Officer J.B. MacDonald (Chief Officer)
South Coast British Columbia
Transportation Authority Police Service

AND TO: Mr. Ben Casson, Q.C.
Retired Judge of the Provincial Court of British Columbia (New Discipline Authority)

An investigation was conducted into the above-noted matter by Staff Sergeant [REDACTED] of South Coast British Columbia Transportation Authority Police Service's Professional Standards Unit and the Final Investigation Report was submitted to [REDACTED] for decision. On November 8, 2011, [REDACTED] issued his Notice of Discipline Authority's Decision pursuant to section 112 of the *Police Act* and forwarded his decision to this office on November 10, 2011. [REDACTED] determined that the evidence did not appear to substantiate the following allegation against [REDACTED]

Count 1: Abuse of Authority

That on [REDACTED], it is alleged that [REDACTED] abused her authority by using foul or obscene language while interacting with the public. If proven the allegation would constitute misconduct pursuant to section 77(3)(a)(iii) 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 profane, abusive or insulting language, 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 Ben Casson, Q.C., as adjudicator to review this matter and, based on the evidence, arrive at a decision with respect to [REDACTED] treatment 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.

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.



Stan T. Lowe,
Police Complaint Commissioner

cc. Staff Sergeant [REDACTED] – SCBCTAPS PSU
SCBCTAPS Police Board
[REDACTED] – OPCC Analyst