



OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

NOTICE

September 2, 2021

OPCC 2011-6657/2012-8138

PH: 2016-01

**Public Hearing into the conduct of Constable Diaz
and former Constable Hughes**

Victoria - A Public Hearing into the misconduct allegations against Constable Diaz and former Constable Hughes of the Metro Vancouver Transit Police (MVTP), will now resume following a decision by the BC Court of Appeal. The Public Hearing is scheduled to resume on September 7 and 8, 2021, starting at 9:30am.

Location: Allwest Reporting facilities located at 1200 - 1125 Howe Street in Vancouver.

Due to the ongoing COVID-19 pandemic and in accordance with the Public Health Orders and guidelines, there will be limited public accessibility. To support public accessibility, audio from the hearing will be streamed live through the OPCC website.

Listen live: <https://opcc.bc.ca/media-room/live-hearings/>

Background

This Public Hearing relates to a *Police Act* investigation ordered by former Police Complaint Commissioner Stan Lowe into an incident involving two MVTP members, Constable Diaz and former Constable Hughes at the Rupert SkyTrain station on August 10, 2011. The ordered investigation contained allegations in relation to the arrest of an individual and the force Constable Diaz and Constable Hughes used during that arrest, including baton strikes.

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The incident was investigated externally by the New Westminster Police Department, and during the associated discipline proceedings, the matter was suspended in January 2014 in order to protect the integrity of related criminal processes.

The suspension was lifted in June 2016 and the matter proceeded to discipline proceedings against both members, at the conclusion of which the former Commissioner Lowe ordered a Public Hearing.

The Notice of Public Hearing may be found [here](#).

After the Public Hearing convened in February 2018, it was adjourned when the members petitioned the BC Supreme Court to quash the Public Hearing. The BC Supreme Court ruled to quash the Public Hearing in September 2018, but that decision was reversed by the BC Court of Appeal in July 2020, allowing the Public Hearing to continue. The continuation of the Public Hearing was delayed due to health concerns amid the COVID-19 pandemic.

The Decision of the Court of Appeal may be found [here](#).

About the OPCC and Public Hearings:

- The Police Complaint Commissioner is a civilian, independent Officer of the Legislature overseeing complaints, investigations and discipline involving municipal police in British Columbia. For more on the OPCC, visit: <https://opcc.bc.ca/about-us/>
- Following a disciplinary process, the Police Complaint Commissioner can order a Public Hearing if there is a reasonable basis to believe that the decision of the Discipline Authority is incorrect or it is in the public interest to review the matter.
- Retired judges sit as adjudicators in Public Hearings. They review evidence, hear sworn testimony, and arrive at a decision of whether there is misconduct and, if so, determine the corrective or disciplinary measures.
- An adjudicator may, by order, prohibit or restrict a person or a class of persons, or the public, from attending all or part of a Public Hearing or Review on the Record, or from accessing all or part of any information provided to or held by the adjudicator of a Public Hearing or Review on the Record.
- The adjudicator's decision in a Public Hearing is final and conclusive.
- More on public hearings: <https://opcc.bc.ca/wp-content/uploads/2020/04/Public-Hearings-General-Information.pdf>

Note to media: The OPCC is unable to comment on specific proceedings while they are underway.

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