

OPCC File No. 2024-25281

November 11, 2025

IN THE MATTER OF THE POLICE ACT, R.S.B.C. 1996 C. 367

AND

IN THE MATTER OF A PUBLIC HEARING INTO THE CONDUCT OF
CONSTABLE JOHN LEIVDAL AND CONSTABLE MEGHAN HAMEL
OF THE ABBOTSFORD POLICE DEPARTMENT

AND

IN THE MATTER OF AN APPLICATION FOR PARTICIPANT STATUS PURSUANT TO
SECTION 144 OF THE POLICE ACT.

TO: Richard Neary
Brian Smith
Claire Hatcher
Anila Srivastava
Steven Boorne

Public Hearing Counsel
Commission Counsel
Counsel for Constable Hamel
Counsel for Constable Leivdal
Counsel for Chief Constable Watson

INTRODUCTION

1. Police Complaint Commissioner has determined that a public hearing is in the public interest in a matter involving Constable Megan Hamel and John Leivdal. The allegations of misconduct involve abuse of authority.
2. Police Complaint Commissioner appointed me to act as adjudicator for the purposes of the public hearing.
3. At a case management conference (CMC) held on October 3, 2025, I was advised that an application on behalf of the Abbotsford Police Department's Chief Constable Watson to participate in the public hearing pursuant to section 144(1) was pending. The CMC was adjourned to November 7, 2025.
4. Steven Boorne, counsel for Chief Constable Watson, filed his application and provided the parties counsel with the application. At the continuation of the CMC on November 7 the parties all agreed that Chief Constable Watson should be allowed to participate in the public hearing. I agreed and said I would provide written reasons which follow.

RULING

5. I have considered Mr. Boorne's application and the authorities including the decisions of Retired Judge Baird Ellan in Ludeman and Logan OPCC File 2016-12210 and Retired Judge Arnold Bailey in Folkestad OPCC File 2015-11014. The factors I must consider in relation to the section 144(2) application are:
 - (a) whether, and to what extent, the person's interests may be affected by the findings of the adjudicator;
 - (b) whether the person's participation would further the conduct of the public hearing; and
 - (c) whether the person's participation would contribute to the fairness of the public hearing.

Section 145 provides that the adjudicator may circumscribe the role of a person granted the right to participate, essentially as the adjudicator sees fit, throughout the proceedings.

The matters that an adjudicator must address at the conclusion of a public hearing are enumerated under Section 143(9) and include the following:

(c) recommend to a chief constable or the board of the municipal police department concerned any changes in policy or practice that the adjudicator considers advisable in respect of the matter.

6. In the application to participate Mr. Boorne submits:

In light of the issues identified in the Notice of Public Hearing, the Applicant submits that it can be reasonably anticipated that issues related to APD policies, procedures and training in use of force and de-escalation in particular, are likely to be engaged during this Public Hearing.

Pursuant to s. 34(1) of the Act, the Applicant has general supervision and control over the Abbotsford Police Department and has ultimate responsibility for training, policies and internal procedures. He therefore has an interest that may be affected by the findings of this Tribunal.

Further, section 143(9)(c) of the Act requires the Tribunal to:
recommend to a chief constable or the board of the municipal police department concerned any changes in policy or practice that the adjudicator considers advisable in respect of the matter.

Adjudicator Baird Ellan noted in *Re Lumen and Logan* (s. 144 Application) PH 2019-01 (March 10, 2020) (“Ludeman and Logan”), that the duty on adjudicators to consider making recommendations on policy or practice is a mandatory one. *Re Ludeman and Logan* (s. 144 Application) PH 2019-01 (March 10, 2020) (“Ludeman and Logan”) at para. 22 [Applicant’s Authorities, Tab 1]

Given the Applicant's statutory role and authority as the Chief Constable, he is the person who would be primarily responsible for addressing and implementing any recommendations concerning policy, procedures and training, made by the Adjudicator under s. 143(9)(c). The Applicant's interests would clearly be affected by any recommendations made on these issues by the Tribunal.

In light of the above, the Applicant submits that he meets the criteria for participant status under s. 144(2)(a) as a party whose interests may be affected by the findings of the Adjudicator.

I agree with Mr. Boorne that Chief Constable Watson meets the criteria for participant status under section 144(2)(a) as a party whose interests may be affected by the findings of the adjudicator.

7. Mr. Boorne argues that Chief Constable Watson also meets the criteria contained in s. 144(2)(b), furthering the conduct of the public hearing and s. 144(2)(c), contributing to the hearing's overall fairness. Counsel submits:

In his capacity as Chief Constable, he and his staff have particular expertise concerning relevant APD policies, procedures and training that would assist the Adjudicator.

While Public Hearing Counsel, Commission counsel and the Responding members may call evidence related to these issues, the APD, through the Chief Constable, is best positioned to ensure that the evidence presented at this hearing related APD policies, procedures and training is both complete and accurate. This will further the conduct of the public hearing and contribute to its overall fairness.

Granting participant status to the Applicant to address issues of policy, procedure and training will also further the conduct of the public hearing and contribute to its fairness in terms of assisting the Adjudicator with making

recommendations to the Chief Constable or the Police Board regarding any changes in these areas that the Adjudicator considers advisable under s. 143(9)(c) of the Police Act.

I agree that Chief Constable Watson meets the criteria under section 144(2)(b) and (c).

8. I am mindful of the concerns expressed by Public Hearing Counsel and counsel for the members that any examination of witnesses or cross examination of the members by the participant that bears on the issues of alleged misconduct could be objectionable. I am satisfied that should any of these concerns arise I will be in a position to make the appropriate orders having regard to the factors set out in section 145.

9. I order:

The Applicant Chief Constable Watson, in his capacity as Chief Constable of the APD, is granted participant status, including access to full disclosure, the ability to question and cross examine witnesses, call evidence if necessary and make submissions on issues related to the training, policies and internal procedures of the Abbotsford Police Department and any related recommendations this Tribunal may consider under s. 143(9)(c).

David Pendleton

David Pendleton
Adjudicator