

OPCC File 2023-24938

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

AND

IN THE MATTER OF ALLEGATIONS OF MISCONDUCT AGAINST

CONSTABLE [REDACTED]

OF THE ABBOTSFORD POLICE DEPARTMENT

NOTICE OF THE ADJUDICATOR'S DECISION UPON REVIEW

CORRIGENDUM TO ADJUDICATOR'S DECISION DATED JUNE 21, 2025

TO: Constable [REDACTED] Member
c/o Abbotsford Police Department
Professional Standards Section

AND TO: Chief Constable Colin Watson Chief Constable
c/o Abbotsford Police Department
Professional Standards Section

AND TO: Staff Sergeant [REDACTED] Investigator
c/o Abbotsford Police Department
Professional Standards Section

AND TO: Inspector [REDACTED] Discipline Authority
c/o Abbotsford Police Department
Professional Standards Section

AND TO: Mayor Ross Siemens
c/o Abbotsford City Hall

Chair Police Board

AND TO: Mr. Prabhu Rajan

Police Complaint Commissioner

CORRIGENDUM

Background

1. On June 2, 2025, I completed and filed my Reasons in relation to a s. 117 Review in this discipline matter. In the Reasons at pp. 32-34 I set out my findings in relation to five allegations of misconduct in relation to the Member, finding that the evidence appeared sufficient to substantiate four of the five allegations, and was insufficient in relation to one allegation.
2. At the time through oversight, I inadvertently did not note that two of the allegations had already been found to appear to be substantiated and are presently the subject of a Form 2 Notice of Disciplinary Hearing issued to the Member on March 18, 2025, by the Disciplinary Authority. A third had been found to be unsubstantiated. Thus, it was unnecessary for me to make any findings in relation to any of the three allegations, including the two already proceeding to hearing, as they did not require a determination by me.
3. When drawing up the Form 2 Notice of Discipline Proceedings arising from the Reasons in my s. 117 review I realized my oversight and included only the two allegations of misconduct contrary to s. 77(3)(a)(i) of the *Police Act, Abuse of Authority* by intentionally or recklessly making an arrest without good or sufficient cause.
4. On June 26, 2025, the Commissioner issued a Notice of Designation of a New Disciplinary Authority designating me as the Discipline Authority for all four of the allegations of misconduct against the Member to proceed to hearing.

5. My s. 117 Reasons are to be marked on the front page “Subject to Corrigendum Dated July 21, 2025,” and to remain in their current form.
6. Therefore, the **two** allegations of misconduct found to appear to be substantiated on the evidence are allegations of *Abuse of Authority*, constituting oppressive conduct by the Member intentionally or recklessly making arrests of the Affected Person without good or sufficient cause (s. 7(3)(a)(i)) on November 26, 2023; and on December 29, 2023.
7. Those two alleged misconducts are referred to at pp. 32-33 of my s. 117 Reasons, at I and V.
8. My consideration of the other allegations did not affect my consideration of the evidence pertaining to the two incidents of alleged misconduct by the Member when he arrested the Affected Person on November 26, 2023, and again on December 29, 2023. The evidence in relation to these two incidents appears sufficient to substantiate these two allegations of misconduct and require the taking of disciplinary or corrective measures in accordance with s. 117(8)(d)(i) of the *Police Act*. My oversight does not affect the reasoning or the outcome in relation to these two allegations.

This Corrigendum is dated the 21th day of July, 2025, at Kelowna, British Columbia

The Hon. Elizabeth A. Arnold-Bailey

The Honourable Elizabeth A. Arnold-Bailey
(Supreme Court of British Columbia, Ret'd)