



OFFICE OF THE  
POLICE COMPLAINT COMMISSIONER

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British Columbia, Canada

PH 2006-01

IN THE MATTER OF A PUBLIC HEARING  
REQUESTED BY CONSTABLE R.C. EVELEIGH UNDER THE  
*POLICE ACT*, R.S.B.C. 1996, c.367

**REASONS FOR TERMINATION OF PUBLIC HEARING**

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On March 14, 2006, I issued notice arranging a *Police Act* public hearing as of right at the request of Constable R.C. Eveleigh of the Oak Bay Police Department (the Respondent). The *Police Act* grants a municipal constable the right to a public hearing where the constable has been subjected to discipline more severe than a verbal reprimand. In 2006, the discipline authority held a hearing and determined that the Respondent be given a written reprimand, a reduction in rank and a close supervision order for a period of 12 months arising from events in the year 2000. The public hearing is currently scheduled to commence on February 26, 2007.

On February 13, 2007, the Respondent, through counsel, formally withdrew her request for a public hearing. The withdrawal arises in the wake of an agreement between the Respondent and her employer, pursuant to which the Respondent will retire from the Oak Bay Police Department.

The law requires that the consent of the Police Complaint Commissioner is required before the hearing can be terminated as the Police Complaint Commissioner has an independent right to initiate a public hearing. The sole issue to be determined is whether the public interest requires that the hearing proceed despite the notice of withdrawal.

I have determined that the public interest would not be served by proceeding with the public hearing in all the circumstances. The Respondent will no longer be a police officer following her departure. By agreement, she remains on suspension, with pay, until that time. The findings of substantiation and penalty imposed by the discipline authority will continue to form a part of the Respondent's service record. In all the circumstances, I deem it appropriate to consent to the Respondent's request.

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**Victoria Office:**

3<sup>rd</sup> Floor, 756 Fort Street, PO Box 9895, Stn Prov Govt  
Victoria, British Columbia, V8W 9T8  
Tel: (250) 356-7458 / Fax: (250) 356-6503

**Vancouver Office:**

#320 – 1111 Melville Street  
Vancouver, British Columbia, V6E 3V6  
Tel: (604) 660-2385 / Fax: (604) 660-1223

Toll Free enquiries through *Enquiry BC* at 1-800-663-7867

Accordingly, I have concluded that the public hearing will not proceed and the request to withdraw the public hearing is accepted. Formal notice to that effect is concurrently being provided to Commission Counsel, the Respondent and the Adjudicator.

Dated at Victoria, British Columbia, this 20th day of February, 2007



**Dirk Ryneveld, Q.C.**  
Police Complaint Commissioner