



OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

For Immediate Release – January 23, 2008

**PUBLIC HEARING ORDERED INTO ABUSE OF AUTHORITY BY VICTORIA
POLICE OFFICER**

Victoria – Police Complaint Commissioner Dirk Ryneveld, Q.C. has arranged a Public Hearing concerning the actions of Victoria Police Department officer, Constable Greg Smith.

On April 27th, 2004 the Police Complaint Commissioner received a Form 1 Record of Complaint from Mr. Mark McKay, on behalf of his son Thomas McKay, of Victoria, B.C. alleging that Thomas McKay received serious head injuries while at the Victoria Police cell block during the early morning hours of Friday, April 23rd, 2004. This complaint was subsequently characterized as a Public Trust complaint of Abuse of Authority, pursuant to the *Police Act* of British Columbia. Constable Greg Smith was identified as a respondent officer.

After an investigation into the incident, on December 7th, 2006 Deputy Chief Constable Bill Naughton, acting in his capacity as Discipline Authority for the Victoria Police Department, determined that the allegation of Abuse of Authority against Constable Smith was not substantiated and as such disciplinary or corrective measures were not applicable.

On December 28th, 2006 the Police Complaint Commissioner wrote the Discipline Authority requesting that further investigation be conducted into the complaint and that the original decision by the Victoria Police to not substantiate the complaint be reconsidered. In November 2007 Interim Chief Constable Naughton, having conducted the further investigation and having considered the Police Complaint Commissioner's views as to why he should reconsider the issue of non-substantiation, concluded that his original decision would remain.

Mr. Ryneveld, having reviewed the circumstances, the law, and the investigation into this matter, has determined that it is necessary in the public interest to arrange for a public hearing pursuant to Section 60(4) of the Police Act into the conduct of Constable Smith.

An Adjudicator to preside over the Public Hearing has been selected by Associate Chief Justice Dohm of the Supreme Court of British Columbia and Commission Counsel has been appointed by Mr. Ryneveld. Details may be found in the Notice of Public Hearing located at www.opcc.bc.ca.

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