

FROM BROOKS &amp; MARSHALL

(TUE) 9 3 2002 12:36/ST. 12:36 (NO. 500000000) P



POLICE COMPLAINT  
 COMMISSIONER  
 British Columbia  
 Canada

SEP 03 2002

August 28, 2002

Adrian F. Brooks  
 Brooks & Marshall  
 Barristers & Solicitors  
 1519 Amelia Street  
 Victoria, BC V8W 2K1

Dear Mr. Brooks:

**Re: File: OPCC 0681**  
**Request for Public Hearing Re: Death of Anthony Dawson**

This letter is in response to your request, on behalf of Mrs. Nancy Dawson, for reconsideration of the decision of Mr. Don Morrison, former Police Complaint Commissioner, not to call a public hearing into the circumstances surrounding the death of Anthony Dawson insofar as they involved a member or members of the Victoria Police Department.

In considering your request, I have the benefit of a legal opinion on the issue as to whether I have jurisdiction to reconsider decisions of the former Commissioner made pursuant to section 60(5) of the *Police Act*.

I take the position that I can reconsider a decision to refuse to order a public hearing if the facts and circumstances relating to that decision can be said to give rise to a compelling need to reopen the decision on grounds recognized by the law.

I do not consider your perceived flaws or perceived lack of public confidence in the decision-making process of the former Commissioner to fall within the category of "grounds recognized by the law."

I will not, therefore, reconsider the decision of Mr. Don Morrison to deny your request for a public hearing.

Having said that, and because I believe that Mrs. Dawson deserves every possible consideration, I have reviewed the file at this office and the file at the Chief Coroner's office

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In reviewing the files, I concentrated on two information sources i.e., the Investigation Report by the Victoria Major Crime Unit of the R.C.M.P. and the transcripts of proceedings before the Regional Coroner.

In the transcripts, I focused on the testimony of witnesses who observed events involving members of the Victoria Police Department and Anthony Dawson which occurred on August 11, 1999.

I also read, of course, the testimony of members of the Victoria Police Department.

In reaching my conclusions in this matter, I posed, for myself, four questions:

1. Is there any information or evidence to suggest that a member or members of the Victoria Police Department exhibited, or were motivated by, racist attitudes towards Anthony Dawson?
2. Is there any information or evidence to suggest that the Victoria Police Department or the investigators who prepared the Investigation Report by the Victoria Major Crimes Section, through their investigations into this matter, attempted to cover-up events in order to avoid placing blame on members of the Victoria Police Department?
3. Did the Coroner's Inquest provide a reasonable and unrestricted opportunity for the Regional Coroner, the Coroner's Jury, Counsel for the Regional Coroner and interested parties (through Counsel) to adduce and test evidence particularly as it related to events involving members of the Victoria Police Department and Anthony Dawson?
4. If the Coroner's Inquest did provide that opportunity, did the evidence as to the conduct of members of the Victoria Police Department, taken as a whole, indicate misconduct to justify ordering a public hearing?

I have concluded as follows:

1. Racism was not a factor.
2. There was no attempt at a cover-up.
3. The Coroner's Inquest allowed for public exposure of the circumstances preceding Anthony's death and an unrestricted opportunity for interested parties to elicit any evidence of misconduct on the part of members of the Victoria Police Department.

4. Considered as a whole, the evidence of witnesses as to their observations of events involving members of the Victoria Police Department and Anthony Dawson does not reveal misconduct on the part of the members of the Victoria Police Department that would justify ordering a public hearing.

Sincerely,



H. Benjamin Casson Q.C. (AB)  
Acting Police Complaint Commissioner

HBC:yp