

# Charges against officer tossed

## Website criticized police chief

KERRY WILLIAMSON  
CALGARY HERALD

A police constable who openly criticized Chief Jack Beaton could soon be back patrolling the streets after an adjudicator ruled the police service erred in laying disciplinary charges against him.

Const. Taufiq Shah is expected to apply for reinstatement following Tuesday's surprise ruling and hopes to be back in blue as soon as possible, more than two years after he was suspended for his role in a controversial anti-Beaton website.

"All along he has told me he loved what he was doing and that he's got a lot of respect for the job," said Michael Bates, Shah's lawyer, following Tuesday's hearing.

"He wants to get back to doing it. He wants to get back doing the work he was doing. He enjoyed the fulfilment he got as a police officer.

"It's the end of a long road."

Edmonton police superintendent Mark Logar threw out five disciplinary charges against Shah, deeming the Calgary Police Service failed to follow the Police Act in laying the charges earlier this year. Shah reacted to the decision by hugging his wife, Rhonda, and thanking his lawyer.

Shah played a role in a website that described Beaton as "a bad apple" and his management team as "tyrannical." It went on to list instances of alleged misconduct by unnamed officers that went uninvestigated or unpunished.

Beaton settled a lawsuit against two people — Jann Fahey and her husband, Rene Fisher — over their participation in the website.

However, the police service pursued disciplinary charges against Shah, and on Jan. 16 he



Taufiq Shah

was cited for using profane, abusive or insulting language to a member of the police service; bringing discredit to the service's reputation; talking to the media without authorization; signing or circulating a statement regarding a matter concerning the service; and insubordination.

The alleged misconducts took place between October 2004 and May 31, 2005.

Bates argued the police service failed to follow due process by seeking and gaining three time extensions before disciplinary charges were laid.

David Steele, lawyer for the police service, said the police commission was right in granting the time extensions, and that Logar had no jurisdiction to find the commission erred.

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Logar, however, deemed the first time extension was granted improperly, and therefore he could not continue hearing the five charges against Shah. He said he did not have jurisdiction to hear the five charges.

"I have an obligation to make certain that the disciplinary process follows the path as laid out by the Police Act and the Police Service Regulation," said Logar in his ruling. "That path has been lost quite some time ago."

Insp. Ken Marchant, head of the CPS professional standards division, said the police service would review Logar's decision before deciding whether to appeal. Marchant plans to meet with Beaton to discuss the case.

"At this point, I haven't had the chance to review, so I am going to go through it and we will be making a decision on our next step," said Marchant, who added Shah will remain suspended with pay.

The CPS could ask for a judicial review of the ruling. Marchant said that if the service decides against appealing, Shah's return to the beat would not happen overnight.

"If Const. Shah was to come back to work and if it goes that way, we are still looking at a couple of months with him getting caught up on his law and all the changes that have gone on since he's been off," he said.

Logar's ruling could be the end of a saga that began in 2004, when Shah filed a formal complaint alleging he was the target of racist taunts, intimidation and harassment that caused him to take medical leave and ultimately forced him off the job. Shah is Pakistani by origin and is a practising Muslim.

Shah then laid a second complaint aimed directly at Beaton, claiming the chief ignored his original complaint, and that he was guilty of neglect of duty and discreditable conduct under Alberta's police regulations. That complaint was dismissed by the police commission in August 2004.

Earlier this year, Beaton was criticized for using his powers as police chief to have Shah's disciplinary hearing held behind closed doors.

The Calgary Herald and the Canadian Broadcasting Corp. fought the chief's directive and succeeded in having it overturned in May. Court of Queen's Bench Justice Sheilah Martin ruled the hearing should be open to the public, and that Beaton "should not be making future decisions in the public and private nature of this hearing."

The police service also fought to have television cameras banned from the hearing room — that was also overruled on Tuesday, with Logar opting to allow cameras, a decision that was rendered moot when the charges were thrown out.

## Chief's web critic to get his job back

A Calgary constable suspended for operating a website that criticized police Chief Jack Beaton is set to get his job back. An adjudicator ruled on Tuesday that Taufiq Shah's two-year suspension was unjustified because the police service failed to follow the Police Act in laying charges against him.

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