



Office of the
Police Complaint Commissioner

British Columbia, Canada

PH 2010-04

CANCELLATION OF PUBLIC HEARING

IN THE MATTER OF A PUBLIC HEARING ORDERED PURSUANT TO *SECTION 143(1) POLICE ACT, R.S.B.C. 1996, c. 267*

TO: Constable Josh Hooker
Constable Gerald Lau (Members)
New Westminster Police Service

AND TO: Inspector Mike Cumberworth (Designated Discipline Authority)
Vancouver Police Department

AND TO: Chief Constable David Jones (Discipline Authority)
New Westminster Police Service

WHEREAS:

- A. On November 29th, 2010, the Police Complaint Commissioner ("Commissioner") issued a Notice of Public Hearing, pursuant s. 143(1) of the *Police Act*.
 - B. On March 30th, 2011, Chief Constable David Jones of the New Westminster Police Service provided evidence to the Police Complaint Commissioner that was material to the case but was not made available to the Commissioner at the time he decided to call a public hearing. This information included material evidence which supports the Officers actions as reasonable and necessary in the circumstances. Furthermore, policy changes have been implemented by the Police Service to significantly reduce the likelihood of a similar occurrence. After considering all the relevant factors, the Commissioner is of the view that a public hearing is no longer required in the public interest. Therefore, the Commissioner has made the decision to cancel the public hearing pursuant to s.153 of the *Police Act*.
 - C. The Office of The Police Complaint Commissioner will confirm the decision of the external discipline authority in due course.
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Stan T. Lowe,
Police Complaint Commissioner

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Victoria, British Columbia, V8W 9T8
Tel: (250) 356-7458 / Fax: (250) 356-6503

THEREFORE I ORDER THAT:

1. The public hearing in this matter is hereby cancelled.

Dated at Victoria, British Columbia, this 31st day of March 2011.

A handwritten signature in black ink, appearing to read 'Stan T. Lowe', with a long horizontal flourish extending to the right.

Stan T. Lowe
Police Complaint Commissioner