



Office of the  
Police Complaint Commissioner

British Columbia, Canada

**Notice of Appointment of  
Retired Judge**  
(Pursuant to s.117(4) of the *Police Act*)

August 15, 2014  
OPCC File No. 2013-9281  
DA File No. [REDACTED]

TO: [REDACTED]  
c/o Vancouver Police Department PSS (Member)

AND TO: Chief Constable Jim Chu  
c/o Vancouver Police Department PSS (Chief Constable)

AND TO: Mr. Alan E. Filmer, Q.C.  
Retired Judge of the Supreme Court of British Columbia (Retired Judge)

On [REDACTED] Sergeant [REDACTED] of the Vancouver Police Department Professional Standards Section submitted his Final Investigative Report to [REDACTED] the Discipline Authority in this matter. Sergeant [REDACTED] identified the following counts of misconduct:

Allegation 1 – Discreditable Conduct

It is alleged that [REDACTED] committed the misconduct of Discreditable Conduct as per section 77(3)(h) of the *Police Act* by urinating on the floor inside the River Rock Casino high roller lounge.

Allegation 2 – Discreditable Conduct

It is alleged that [REDACTED] committed the misconduct of Discreditable Conduct as per section 77(3)(h) of the *Police Act* by identifying himself as a police officer with the VPD and flashing his badge when approached by security staff.

Allegation 3 – Discreditable Conduct

It is alleged that [REDACTED] committed the misconduct of Discreditable Conduct as per section 77(3)(h) of the *Police Act* by inappropriately touching two women inside the casino.

Stan T. Lowe  
Police Complaint Commissioner

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Sergeant [REDACTED] recommended that allegations 1 and 3 against [REDACTED] be unsubstantiated, whereas he recommended that allegation 2 be substantiated.

On July 22, 2014, [REDACTED] issued his decision pursuant to section 112 in this matter. [REDACTED] agreed with Sergeant [REDACTED], unsubstantiating allegations 1 and 3 against [REDACTED] while substantiating Allegation 2.

Pursuant to section 117(1) of the *Police Act*, having reviewed the allegations individually, and the alleged conduct in its entirety, there is a reasonable basis to believe that the decisions of the Discipline Authority with respect to allegation 1 and allegation 3 are incorrect.

Therefore, pursuant to section 117(4) of the *Police Act* and based on a recommendation from the Associate Chief Justice of the Supreme Court of British Columbia, I am appointing Alan E. Filmer, Q.C., retired BC Provincial Court Judge, to review this matter and arrive at his own decision based on the evidence.

Pursuant to section 117(9), if the retired judge determines that the conduct in question appears to constitute misconduct, they assume the powers and perform the duties of Discipline Authority with respect to those allegations that they substantiate.

The Office of the Police Complaint Commissioner will provide any existing service records of discipline to the Discipline Authority to assist him or her in proposing an appropriate range of disciplinary or corrective measures should a pre-hearing conference be offered or a disciplinary proceeding convened. If the retired judge as adjudicator determines the conduct in question does not constitute misconduct, they must provide reasons and the decision is final and conclusive.

Finally, the *Police Act* requires that the retired judge arrive at a decision **within 10 business days after receipt of the materials** for review from our office. This is a relatively short timeline, so our office will not forward any materials to the retired judge until they are prepared to receive the materials. I anticipate this will be on September 15, 2014.



Stan T. Lowe  
Police Complaint Commissioner

cc: [REDACTED], VPD PSS  
[REDACTED] OPCC Analyst  
[REDACTED] Registrar