



Office of the  
Police Complaint Commissioner

British Columbia, Canada

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

December 5, 2014  
OPCC File No. 2014-9436-03

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

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

AND TO: The Honourable Judge Wally Oppal (ret'd.) (Adjudicator)  
Retired Judge of the Supreme Court of British Columbia

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 misconduct:

**Allegation 1 - Neglect of Duty**

It is alleged that [REDACTED] committed the misconduct of Neglect of Duty as per section 77(3)(m)(ii) of the *Police Act* when he failed to stop a red light and caused a collision.

Sergeant [REDACTED] recommended that the allegation against [REDACTED] be unsubstantiated.

On [REDACTED] [REDACTED] issued his decision pursuant to section 112 in this matter. Specifically, [REDACTED] agreed with Sergeant [REDACTED] and unsubstantiated the allegation against [REDACTED].

On [REDACTED] [REDACTED] issued an addendum to his decision pursuant to section 112. In the addendum, [REDACTED] confirmed that that the Vancouver Police Department had decided that [REDACTED] would not be issued a violation ticket. This was contrary to previous statements from the Collision Review Board and from the investigator,

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Sergeant [REDACTED], who had indicated that it had been determined that [REDACTED] would be issued a violation ticket.

Pursuant to section 117(1) of the *Police Act*, having reviewed the allegation and the alleged conduct in its entirety, there is a reasonable basis to believe that the decision of the Discipline Authority is 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 Mr. Wally Oppal, retired Supreme Court Judge, as Adjudicator to review this matter and arrive at his own decision based on the evidence.

Pursuant to section 117(9), if the Adjudicator 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 an Adjudicator 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 adjudicator until they are prepared to receive the materials. I anticipate this will be within the next 10 business days.



Stan T. Lowe  
Police Complaint Commissioner

cc: [REDACTED], Registrar