



Office of the  
Police Complaint Commissioner

---

British Columbia, Canada

Notice of Appointment of  
Retired Judge

(Pursuant to s.117(4) of the *Police Act*)

Date: July 17, 2013  
OPCC File No. 2012-7741  
DA File No. [REDACTED]

TO: [REDACTED]  
Vancouver Police Department (Member)

AND TO: Chief Constable Jim Chu,  
Vancouver Police Department (Chief Constable)

AND TO: Retired Supreme Court Judge Marion Allan (Retired Judge)

---

On June 13, 2013, Sergeant [REDACTED] of the Vancouver Police Department Professional Standards Section submitted his Final Investigation Report to [REDACTED], the Discipline Authority in this matter. Sergeant [REDACTED] identified the following counts of misconduct:

Count 1 – Discreditable Conduct

It is alleged that [REDACTED] committed the misconduct of Discreditable Conduct as per s. 77(3)(h) of the *Police Act* by operating his personal vehicle while under the influence of alcohol and receiving an Immediate Roadside Prohibition when he registered a “warn” after blowing into an Alcohol Screening Device.

## Count 2 – Discreditable Conduct

It is alleged that ██████████ committed the misconduct of Discreditable Conduct as per s. 77(3)(h) of the *Police Act* by identifying himself as a police officer and asking for lesser enforcement, specifically a s.215 *Motor Vehicle Act* suspension, as opposed to an Immediate Roadside Prohibition.

Sergeant ██████████ recommended that Count #1 of the Discreditable Conduct allegations against ██████████ be substantiated and that Count #2 of the Discreditable Conduct allegations be unsubstantiated.

On June 19, 2013, ██████████ issued his decision pursuant to s. 112 in this matter. Specifically, ██████████ substantiated the allegations against ██████████ ██████████ in Count #1 while he unsubstantiated the allegations against ██████████ in Count #2.

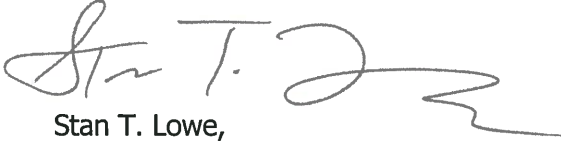
Pursuant to s. 117(1) of the *Police Act*, having reviewed the allegations individually, and the alleged conduct in its entirety, there is a reasonable basis to believe that the decision of the Discipline Authority with respect to Count #2 is incorrect.

Therefore, pursuant to s. 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 Retired Supreme Court Judge Marion Allan as the Retired Judge to review this matter and arrive at her own decision based on the evidence.

Pursuant to s. 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 any allegations that they substantiate. In addition, if a service record of discipline exists the Office of the Police Complaint Commissioner will provide that record to the new Discipline Authority to assist them 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 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 their decision **within 10 business days after receipt of the materials** for review from our office. This is a relatively short time line 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 within the next 10 business days.

Yours truly,

A handwritten signature in black ink, appearing to read "Stan T. Lowe", with a long, sweeping flourish extending to the right.

Stan T. Lowe,  
Police Complaint Commissioner

cc: [REDACTED] Registrar  
cc: [REDACTED] OPCC analyst  
cc: Sergeant [REDACTED], PSS Investigator