

## Office of the Police Complaint Commissioner

British Columbia, Canada

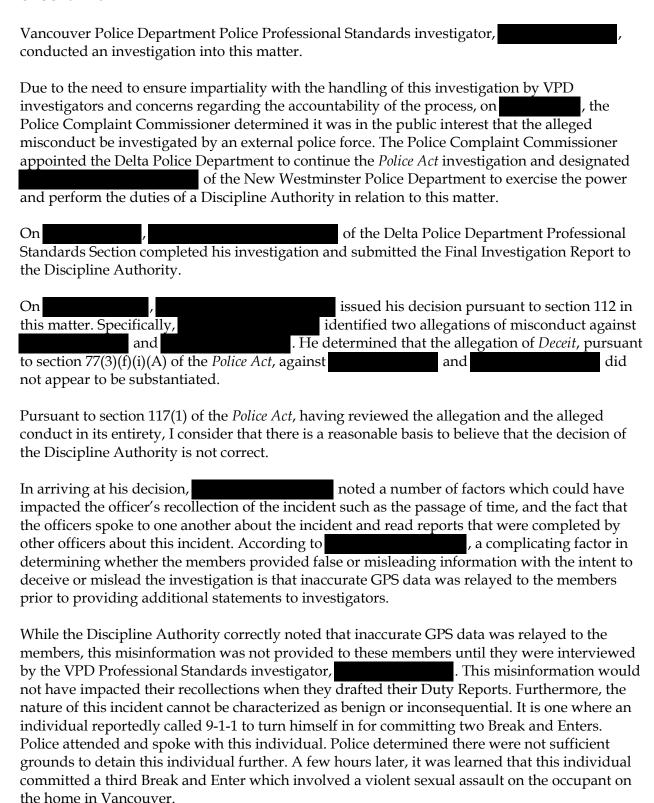
## NOTICE OF APPOINTMENT OF RETIRED JUDGE

Pursuant to section 117(4) of the Police Act

OPCC File 2017-13441 February 13, 2019

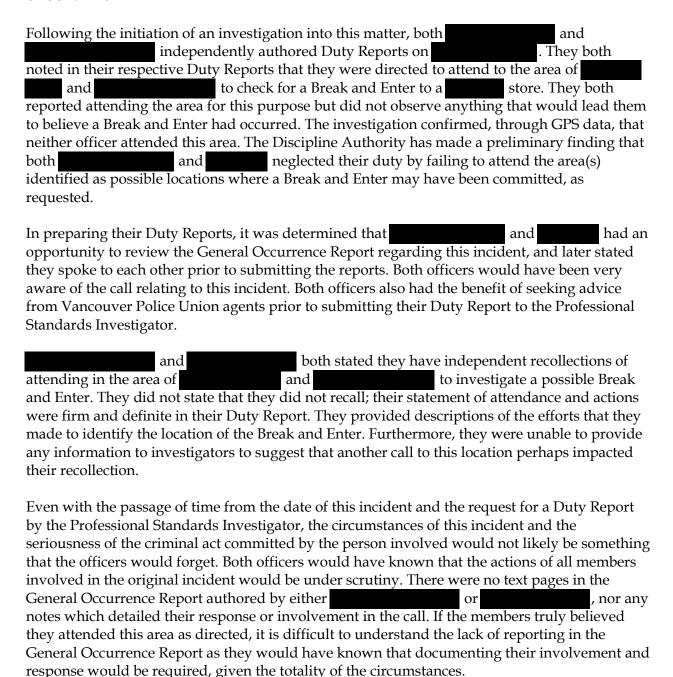
То:	(# ) c/o Vancouver Police Department Professional Standards Section	(Members)
And to:	c/o Delta Police Department Professional Standards Section	(External Investigative Agency)
And to:	c/o New Westminster Police Department Professional Standards Section	(External Discipline Authority)
And to:	Chief Constable Adam Palmer c/o Vancouver Police Department Professional Standards Section	
And to:	The Honourable Judge David Pendleton, (ret'd) Retired Judge of the Provincial Court of British Columbia Professional Standards Section	(Retired Judge)
On information		oner (OPCC) received stered complaint in relation to an couver Police Department (VPD).
On ordered a	, based on information provided by an investigation into the conduct of one member of the	

Clayton Pecknold Police Complaint Commissioner Fifth Floor, 947 Fort Street PO Box 9895 Stn Prov Govt Victoria, British Columbia V8W 9T8 Tel: (250) 356-7458 / Fax: (250) 356-6503 Page 2 February 13, 2019 OPCC 2017-13441



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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 the Honourable David Pendleton, retired Provincial Court Judge, to review this matter and arrive at his own decision based on the evidence.

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Pursuant to section 117(9), if the appointed retired judge considers that the conduct of the member appears to constitute misconduct, the retired judge assumes the powers and performs the duties of the discipline authority in respect of the matter and must convene a discipline proceeding, unless a prehearing conference is arranged. The allegations of misconduct set out in this notice reflect the allegations listed and/or described by the Discipline Authority in their decision pursuant to section 112 of the *Police Act*. It is the responsibility of the retired judge to list and/or describe each allegation of misconduct considered in their decision of the matter pursuant to section 117(8)(c) of the Act. As such, the retired judge is not constrained by the list and/or description of the allegation as articulated by the Discipline Authority.

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 determines that 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 a 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 within the next 20 business days.

Clayton Pecknold

Acting Police Complaint Commissioner

CC:

Office of the Police Complaint Commissioner