

## Office of the Police Complaint Commissioner

British Columbia, Canada

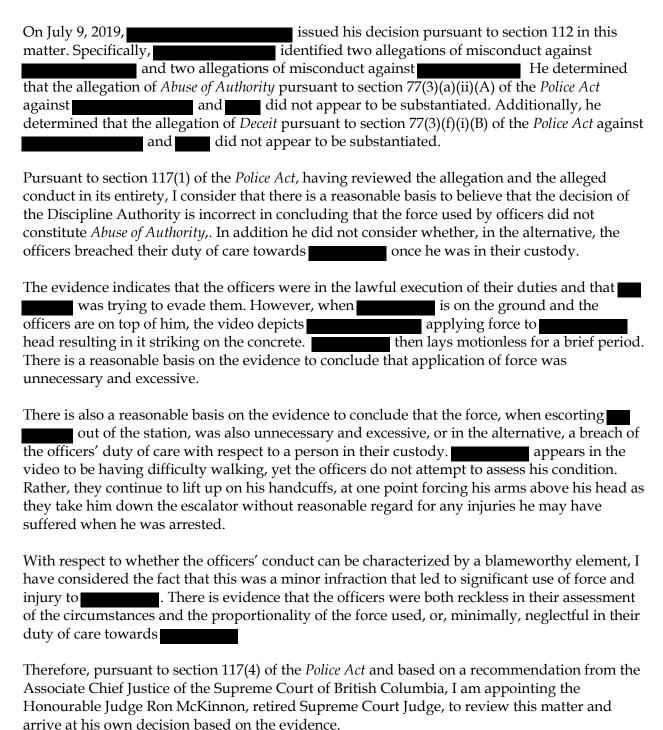
## NOTICE OF APPOINTMENT OF RETIRED JUDGE

Pursuant to section 117(4) of the *Police Act* 

OPCC File 2018-14701 August 2, 2019

То:		(Members)
And to:	c/o South Coast British Columbia Transportation A Professional Standards Section	uthority Police Service
And to:	Acting Deputy Commissioner Eric Stubbs c/o Royal Canadian Mounted Police Professional Standards Section	(External Investigative Agency)
And to:	c/o South Coast British Columbia Transportation A Professional Standards Section	(Discipline Authority) uthority Police Service
And to:	The Honourable Judge Ron McKinnon, (ret'd) Retired Judge of the Supreme Court of British Columbia	(Retired Judge)
And to:	Mr. Mark Reder Chair, c/o SCBCTAPS Police Board	
Transportarelation to Commission	ner Lowe ordered an investigation into the conduct of the conduct	to section 89 of the <i>Police Act</i> , in Police Complaint of and of the this matter.

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 August 2, 2019 OPCC 2018-14701



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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.

Clayton Pecknold

Police Complaint Commissioner

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