



City of Vancouver
Police Department

JIM CHU
Chief Constable

OFFICE OF THE CHIEF CONSTABLE

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August 21, 2014

Office of the Police Complaints Commissioner
501-947 Fort Street
Victoria, BC, V8W 9T8

Attention: Adjudicator Alan Filmer

Dear Mr. Filmer:

**Re: Public Hearing into the complaint against Constable Jason Howell and Constable John Gibbons of the Vancouver Police Department
Submissions of Chief Constable Jim Chu regarding corrective or disciplinary measures for Constable John Gibbons**

Constable Gibbons has served 10 years with the Vancouver Police Department and has a well-documented history of achievements. He has an excellent work ethic that is demonstrated by the number of his arrests, investigations, tickets written and other metrics we regularly examine. In these measures, a recent analysis demonstrated that he far exceeds his peers. His performance, coupled with his positive attitude and strong interpersonal skills, make him very well-received by community members, supervisors, his peers, and senior management.

Further, Constable Gibbons is developing into an excellent leader. He is frequently called upon to perform as an Acting Sergeant and has performed very well in this role. He has demonstrated sound decision making that comes from having a strong working knowledge of the law, our policies and procedures, and contemporary police practices. As a leader on his patrol team, Constable Gibbons supports the VPD's operational and organizational goals through his initiation, supervision, and participation in many patrol based projects and initiatives helping to reduce crime and improve the safety and quality of life in our neighbourhoods.

Constable Gibbons is a mentor to his peers and has demonstrated the ability to coach his colleagues and support his supervisors. He has been a field trainer for new recruits, has assisted Sergeants who returned to patrol duties after lengthy absences (not always an easy task), and is a

police officer who the Inspector and Staff Sergeants in his patrol district rely upon to assist other police officers in their development.

In 2010, Constable Gibbons had an allegation of *Abuse of Authority* substantiated for an unlawful search. This flowed from a self-initiated stop of a suspected drug dealer and a subsequent strip-search that was not conducted in private. For that misconduct he received additional training and a written reprimand, which still forms part of his Service Record of Discipline.

I would like the adjudicator to note that both the 2010 and current incidents of police act misconduct arose from proactive self-initiated police work. Some police officers are known for handling only assigned calls and are not known as "diggers". Constable Gibbons sets an example for others with his desire to not only take his share of assigned calls, but to work hard in his non-assigned time to help keep his patrol area safe. In the 2010 incident, he was proactively searching for illicit drug activity. In this latest incident, he was proactively scanning vehicle licence plates to search for prohibited drivers and/or stolen cars.

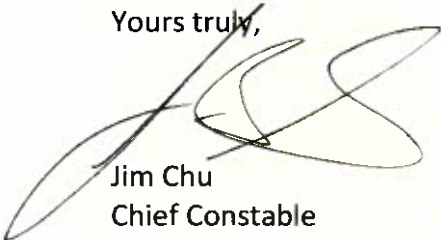
The *Police Act* emphasizes education and correction over punitive measures. I believe that approach is entirely appropriate in this case because I do not believe that Constable Gibbons used force in a gratuitous or malicious manner, notwithstanding that I accept the findings of the Adjudicator that the force used by Constable Gibbons was excessive.

I also believe that Constable Gibbons is an officer who has the ability and attitude necessary to learn from his mistakes while continuing to make positive contributions to the community and the VPD. These incidents of misconduct arose from a desire to keep the community safe and are examples of self-initiated police work. I believe he will benefit from remedial training that will channel his enthusiasm into the right directions, and I worry that a more punitive penalty will dampen his high level of self-motivation.

Based on all of these factors, my recommendation for corrective and disciplinary measures is:

1. That Constable Gibbons receive additional training from use-of-force experts in the VPD Force Options Training Unit on the law regarding use of force; appropriate situation assessment and de-escalation techniques; and best practices when use of force is required.
2. That Constable Gibbons receive a written reprimand.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jim Chu', is written over the typed name and title.

Jim Chu
Chief Constable