

Kevin Woodall

From: clivem <clivem@dccnet.com>
Sent: September-14-14 10:29 PM
To: Kevin Woodall
Subject: Re: John Gibbons

Hello Kevin,

Update:

I read the Adjudicators Report. I then spoke with Cst. Gibbons for about 20 minutes. He described the incident to me and provided me with some facts of the case, as well as his perceptions at the time. He painted the picture very well for me and I was able to visualize it as best I could be without any other information sources (G.O. Reports/Complainant Statements/Witness Statements/Audio Ecomm/Evidence Reports/Medical) etc.

We then discussed the incident as it related to response options that could have been utilized. I offered several suggestions such as (identify/follow-up, box/pin, breach window/re-assess) as well as the risks of entering a vehicle which has the potential to drive off with him inside or half inside the car. He realized and understood the risks. The baton is also a weapon that could (if the grip is lost) end up in the possession of the subject/driver who would then have the potential to use it against the officer. The VPD issues window punch key fobs, that are a safer alternative for members to access or egress through auto glass. He stated that they did not have one that afternoon/evening.

Cst. Gibbons also understood that he could have taken the Judges recommendations to "wait for a moment" and better recognize the subjects behaviour/body language hence allowing for a pause/reassess time frame and possible de-escalation. He described how he felt that given all the information at the time, he made the decision to punch to cause a distraction which ultimately allowed him the time to turn the vehicle off.

I also explained the risks of punching to the head, in that it is an extremely hard surface and generally a stronger structure/surface than the small bones of the hand. He ultimately was injured and off the road for several weeks. Although punches (strikes and stuns) are recognized as legitimate force options responses and can be used against active resistance behaviour (National Use of Force Framework 2000), they often appear egregious and can be seen to be excessive.

Cst. Gibbons was respectful, courteous and professional during the conversation and I believe he fully understood the Adjudicators Findings as well as the flavour of our discussion and my suggestions.

Please contact me if there are any further requirements,

Best Regards,

Clive

On 2014-09-10, at 3:45 PM, Kevin Woodall wrote:

Clive, here is the report of the Adjudicator.

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M. Kevin Woodall,

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<2014-08-13 Decision on substantiaton.pdf>