

In the matter of the Public Hearing into the Complaint against Constable #2742  
Brian Hobbs of the Vancouver Police Department

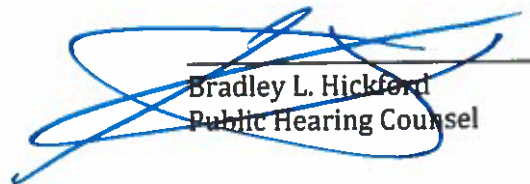
**Supplemental Submissions of Public Hearing Counsel, Bradley Hickford**  
**Re: Disciplinary or Corrective Measures**

1. I make these submissions to address the issue of Constable Hobbs' service record of discipline which was very recently provided to the parties by the Vancouver Police Department.
2. As Public Hearing counsel I take the position that this is a significant factor to consider pursuant to s. 126(2)(b) and s. 126(3). In my submission the service record for discipline underscores and highlights the concerns that I expressed in my initial submissions of June 13, 2018.
3. I note that in Mr. Woodall's submissions he was critical of Public Hearing Counsel for not addressing s. 126 of the *Police Act*. Mr. Woodall's submission did not address the fact that Constable Hobbs was not only found to commit the allegations of misconduct but also to not have accepted responsibility for them and to have given testimony that was less than truthful in defence of his actions. This alone distinguishes that the precedent cases that Mr. Woodall has provided and asked you to rely on. As the Adjudicator you did not conclude that Constable Hobbs' actions could be explained by mistake of law or understanding of police authority or lack of training. Section 126(3) specifically addresses this notion as follows, "an approach that seeks to correct and educate the member concerned takes precedence, unless it is unworkable or would bring the administration of police discipline into dispute."
4. Constable Hobbs' service record as recently disclosed clearly goes to that very issue. I also note that none of the precedent cases provided by Mr. Woodall dealt with the fact that misconduct was not only proven on the balance of probabilities but additionally there was a denial of responsibility by the member and then testimony in defence of their actions which was determined to have been given in an untruthful manner.

5. In addition, many of the precedent cases are prior to the amending of the *Police Act* in 2010. Prior to those amendments being made, the maximum punishment was a five day suspension. After the "Wood Report" the legislation clearly addressed their collective minds to that issue and amended the maximum suspension to 30 days. The fact of the service record of discipline for Constable Hobbs is also relevant in considering Mr. Woodall's reliance on the [REDACTED] decision of March 2018. Clearly that case is to be distinguished from the matter that is now being argued.
  
6. The member in that decision was found to have a momentary lapse of judgment and to have made a mistake of fact and, for a brief moment, acted instinctively. The conduct of the member was not egregious enough to merit any more stringent sanctions than the requirement for retraining. Clearly, Constable Hobbs is not in that same position both from perspective of his service record of discipline and in his denial of responsibility and the providing of testimony that was deemed not to be reliable or credible in defence of his actions.

All of which is respectfully submitted.

Dated this 19<sup>th</sup> day of July, 2018.

  
Bradley L. Hickford  
Public Hearing Counsel