

NOTICE OF PUBLIC HEARING
Pursuant to section 138(1) *Police Act*, R.S.B.C. 1996, c. 267

In the matter of the Public Hearing into the complaint against
Constable Mark Lobel and Constable Viet Hoang
of the Vancouver Police Department

SUBMISSIONS OF COUNSEL FOR THE VANCOUVER POLICE DEPARTMENT

1. The Vancouver Police Department ("VPD") adopts the submissions of the Public Hearing Counsel filed on January 11, 2019 with respect to the training offered by the VPD to Csts. Lobel and Hoang in relation to arrest and detention with the following additional comments or clarifications.
2. In paragraph 43 of his submissions, Mr. Hickford referred to the increment examinations that VPD members must write to advance ultimately to a 1st Class Constable. Both Csts. Lobel and Hoang confirmed that they had written the exam to advance to a 1st Class Constable from a 2nd Class Constable. Sample examinations were introduced into evidence (Exhibit 2, Tabs 19 and 20).
3. Although no record is kept of the specific questions asked of Csts. Lobel or Hoang on the increment exam each wrote, the exam questions from which their respective exams were set were taken from the complete list of questions in the exams introduced into evidence. These exams included very detailed questions touching on the powers of search, arrest and detention (see questions 69, 77 and 81 of Exhibit 2 Tab 19 for example). To be prepared fully for the exam, candidates would be expected to understand in detail the limits of their powers in relation to an arrest, investigative detention or street check.

4. Both Cst. Lobel and Cst. Hoang denied ever seeing the Arrest, Release and Continued Detention Legal Guide (the "Legal Guide") found at Exhibit 2, Tab 4. However, the training bulletin sent to VPD members on April 4, 2013 attached the Legal Guide and confirmed that it was also linked to the "Training Website's increment exam study package" (see Exhibit 2, Tab 18). Sgt. Burnham further confirmed that this document was available to Csts. Lobel and Hoang when they attended the Cycle 4 Training he taught in 2013. (see Exhibit 2, Tab 1, pages 5 and 6).
5. In response to paragraphs 47 – 49 of Mr. Hickford's submissions, we add that the Cycle 4 training described by Sgt. Burnham was not intended to introduce the topics of arrest and detention but to act as a "refresher" of information that had already been taught to VPD members as part of their training both at the Justice Institute and at the VPD.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated this 18th day of January, 2019.



Marcia McNeil
Vancouver Police Department Counsel