

Manitoba
Office of the Commissioner
Law Enforcement Review Agency (LERA)

Annual Report 2015



Law Enforcement Review Agency
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ATTORNEY GENERAL
MINISTER OF JUSTICE

Room 104
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The Honourable Janice C. Filmon, C.M., O.M.
Lieutenant-Governor of Manitoba
Room 235 Legislative Building
Winnipeg MB R3C 0V8

MAY IT PLEASE YOUR HONOUR:

It is my pleasure to present the *2015 Annual Report of the Law Enforcement Review Agency*.

This report details the agency's accomplishments and activities for the 12-month period ending December 31, 2015.

Respectfully submitted,

"original signed by"

Honourable Heather Stefanson



Justice

Law Enforcement Review Agency (LERA)
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The Honourable Heather Stefanson
Minister of Justice
Attorney General

Dear Minister:

Pursuant to Section 45 of *The Law Enforcement Review Act*, I am pleased to present the Law Enforcement Review Agency's 30th annual report for the period of January 1, 2015, to December 31, 2015.

This report provides statistics on the number and nature of complaints received by the Law Enforcement Review Agency as well as a description of the complaint process and the mandate of the agency. For additional information I have included a summary of a variety of cases to demonstrate the process in actual scenarios.

The Law Enforcement Review Act strives to:

- promote a high standard of professional conduct among police officers in Manitoba
- guarantee each citizen in Manitoba the opportunity for an independent investigation and review of their complaints against on duty municipal police officers
- provide a mechanism for the resolution of complaints in a manner that is fair both to the complainants and the respondent police officers
- ensure that the conduct of police officers is consistent with the rule of law and the ideals of a democratic and open society

Yours truly,

"Original signed by"

M.E. (Max) Churley
Commissioner



Justice
Organisme chargé des enquêtes sur l'application de la loi
155, rue Carlton, bureau 420, Winnipeg (Manitoba) R3C 3H8
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Madame Heather Stefanson
Ministre de la Justice
et procureure générale

Madame la Ministre,

Conformément à l'article 45 de la *Loi sur les enquêtes relatives à l'application de la loi*, j'ai le plaisir de vous présenter le 30^e rapport annuel de l'Organisme chargé des enquêtes sur l'application de la loi, correspondant à la période allant du 1^{er} janvier au 31 décembre 2015.

Ce rapport fournit des statistiques sur le nombre et la nature des plaintes reçues par l'Organisme chargé des enquêtes sur l'application de la loi et décrit le processus de dépôt des plaintes ainsi que le mandat de l'organisme. À titre de renseignement complémentaire, j'ai joint un résumé de diverses causes afin d'illustrer le processus grâce à des scénarios réels.

La *Loi sur les enquêtes relatives à l'application de la loi* vise à :

- favoriser une éthique professionnelle de haute qualité parmi les agents de police au Manitoba;
- garantir à tous les résidents du Manitoba que leurs plaintes éventuelles contre des agents de police municipale en fonction feront l'objet d'une enquête et d'un examen indépendants;
- fournir un mécanisme de règlement des plaintes équitable aussi bien pour les plaignants que pour les agents de police défendeurs;
- faire en sorte que le comportement des agents de police respecte la primauté du droit et les principes d'une société ouverte et démocratique.

Je vous prie d'agréer, Madame la Ministre, l'expression de ma haute considération.

Le commissaire,

Original signed by

M. E. (Max) Churley

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INTRODUCTION

The Law Enforcement Review Act requires the commissioner to submit an annual report on the performance of his duties and functions to the minister and each municipality in the province that has an established police service. The minister must table the report in the Legislature.

LERA'S Mission Statement

The mission of the Law Enforcement Review Agency (LERA) is to deliver a judicious, timely, impartial, client-oriented service to the public and to the police services and police officers within its jurisdiction.

About LERA

What is LERA?

LERA is an independent, non-police agency, established in 1985, under *The Law Enforcement Review Act*, to investigate public complaints about police.

LERA deals only with complaints about municipal or local police incidents arising out of the performance of police duties. It does not investigate criminal matters.

To whom does the act apply?

The act applies to any peace officer employed by a Manitoba municipal or local police service, including police chiefs. It does not apply to members of the RCMP.

Complaints about members of the RCMP should be directed to the Civilian Review and Complaints Commission for the RCMP (CRCC) at www.crcc-ccetp.gc.ca or by calling 1-800-665-6878 (toll free). LERA will forward these complaints to the CRCC.

With the introduction of *The Cross Border Policing Act*, *The Law Enforcement Review Act* now applies to the conduct of police officers from other provinces or territories who have been appointed as police officers in Manitoba. Complaints involving police officers from outside of Manitoba's jurisdiction can result in recommendations by a judge, but no penalty can be imposed. The act also applies to the conduct of Manitoba police officers appointed as police officers in other provinces.

What does LERA investigate?

LERA investigates allegations from the public that on duty municipal or local police officers have committed any of the following actions as outlined in Section 29(a) of the *Act*:

- abusing authority, including:
 - making an arrest without reasonable or probable grounds
 - using unnecessary violence or excessive force
 - using oppressive or abusive conduct or language
 - being discourteous or uncivil
 - seeking improper monetary or personal advantage
 - serving or executing documents in a civil process without authorization
 - providing differential treatment without reasonable cause on the basis of any characteristic set out in subsection 9(2) of *The Human Rights Code*
- making a false statement or destroying, concealing or altering any official document or record
- improperly disclosing any information acquired as a member of the police department
- failing to exercise discretion or restraint in the use and care of firearms
- damaging property or failing to report the damage
- failing to help where there is a clear danger to the safety of people or property
- violating the privacy of any person under *The Privacy Act*
- breaching any part of *The Law Enforcement Review Act* that does not already specify a penalty for the violation
- helping, counselling or causing any police officer to commit officer misconduct

Who are complainants and respondents?

A **complainant** is any person who feels wronged by the conduct or actions of a municipal police officer in Manitoba and files a complaint. Complainants may file on their own behalf or on behalf of another person. LERA must have written consent from that person before acting on the complaint.

A **respondent** is any police officer against whom a complaint has been filed by the public.

How is a complaint filed?

A complaint must be made in writing and signed by the complainant. Date, time, location and other details of the incident are important and must be included. A complainant may ask LERA staff or members of the local police service to help prepare their complaint.

Written complaints may be sent directly to LERA, or given to a police chief or any member of a municipal or local police service. Police will forward the complaints to LERA.

Are there time limits?

The act requires a written complaint to be made within 30 days of the incident. The commissioner may extend that limit if there are valid reasons for being unable to make the complaint on time.

The commissioner may also extend the 30-day filing limit to avoid conflict with court proceedings or an ongoing criminal investigation involving a complainant.

How is a complaint investigated?

LERA has professional investigators who interview witnesses, take statements and review reports such as official police records and medical reports. LERA investigators make all the inquiries they believe are necessary to uncover relevant evidence.

LERA may be contacted at any time to inquire about the status of a complaint. The commissioner remains open to discussion with all parties before making a final decision.

How is a complaint screened?

After an investigation, the commissioner will screen the complaint to decide if any further action should be taken. The act states the commissioner must do this. The commissioner will take no further action if any one of the following situations arises:

- the alleged conduct does not fall within the scope of misconduct covered by the act
- the complaint is frivolous or vexatious
- the complaint has been abandoned by the complainant
- there is not enough evidence to justify referring the complaint to a provincial judge for a public hearing

If the commissioner decides to close the complaint file and take no further action, the complainant will be notified in writing. The complainant will then have 30 days from the date of the decision to ask the commissioner to refer the matter to a provincial judge for review. Reviews are arranged by LERA and the Provincial Court at no cost to the complainant.

Does a complainant need a lawyer?

Complainants do not require a lawyer when dealing with LERA. Complainants and the police are both entitled to legal representation during the process if they choose. However, they must arrange for such services themselves.

If complainants apply for legal aid and do not qualify, they may, in exceptional circumstances, make a request to the minister of justice to appoint a lawyer to represent them at a hearing. Counsel may be appointed by the minister, only where the applicant cannot afford to retain legal counsel.

Police officers are generally represented by legal counsel provided under their employment contract or collective agreement.

How is a complaint resolved?

When the commissioner decides that there is sufficient evidence to justify referring the complaint to a provincial judge for a public hearing, *The Law Enforcement Review Act* provides several ways to resolve that complaint.

Informal Resolution:

The commissioner must try to resolve the complaint through informal mediation. Both the complainant and the respondent police officer must agree to this process before it can take place. If the complaint is resolved informally, to the satisfaction of both complainant and respondent, no further action is taken and no record of the incident is made on the officer's service record.

Admission of Disciplinary Default:

A respondent police officer can admit to the alleged officer misconduct. The commissioner then reviews the officer's service record and consults with the police chief before imposing a penalty.

Referral to Judge for Hearing:

If a complaint cannot be resolved informally, and there is no admission of misconduct by the police officer, the commissioner must refer the complaint to a provincial judge for a public hearing.

Penalties that may be imposed by the provincial judge on the respondent under *The Law Enforcement Review Act* are:

- dismissal
- permission to resign, or summary dismissal if the resignation is not received within seven days
- reduction in rank
- suspension without pay for up to 30 days
- loss of pay for up to 10 days
- loss of leave or days off for up to 10 days
- a written reprimand
- a verbal reprimand
- an admonition

LERA as an Agency

The Law Enforcement Review Agency (LERA) is an independent agency of Manitoba Justice, Criminal Justice Division, under *The Law Enforcement Review Act*.

The Lieutenant-Governor in Council charges the minister of justice, as a member of the executive council, with the administration of *The Law Enforcement Review Act*.

The Law Enforcement Review Act authorizes the Lieutenant-Governor in Council to appoint a commissioner.

The commissioner carries out investigations in compliance with *The Law Enforcement Review Act* and has powers of a commissioner under Part V of *The Manitoba Evidence Act*.

LERA is staffed by a commissioner, an administrative officer/registrar, four investigators and a clerk.

How to Reach the Law Enforcement Review Agency

By Mail:

420-155 Carlton Street
Winnipeg MB R3C 3H8

By Phone:

204-945-8667
1-800-282-8069 (toll free)

By Fax:

204-948-1014

By Email:

lera@gov.mb.ca

Website: www.gov.mb.ca/justice/lera

Website Overview – 2015

LERA's website went online in September 2000. This site contains the following information:

- How to Make a Complaint
- History
- Contact Us
- *The Law Enforcement Review Act* and Regulation
- Public Hearings and Reviews
- News Releases
- Annual Reports
- Links
- Site Map
- Disclaimer and Copyright

2015 Web Trends Report:

Visitors.....	23,498
Pages viewed	17,808
Average pages viewed per day.....	48

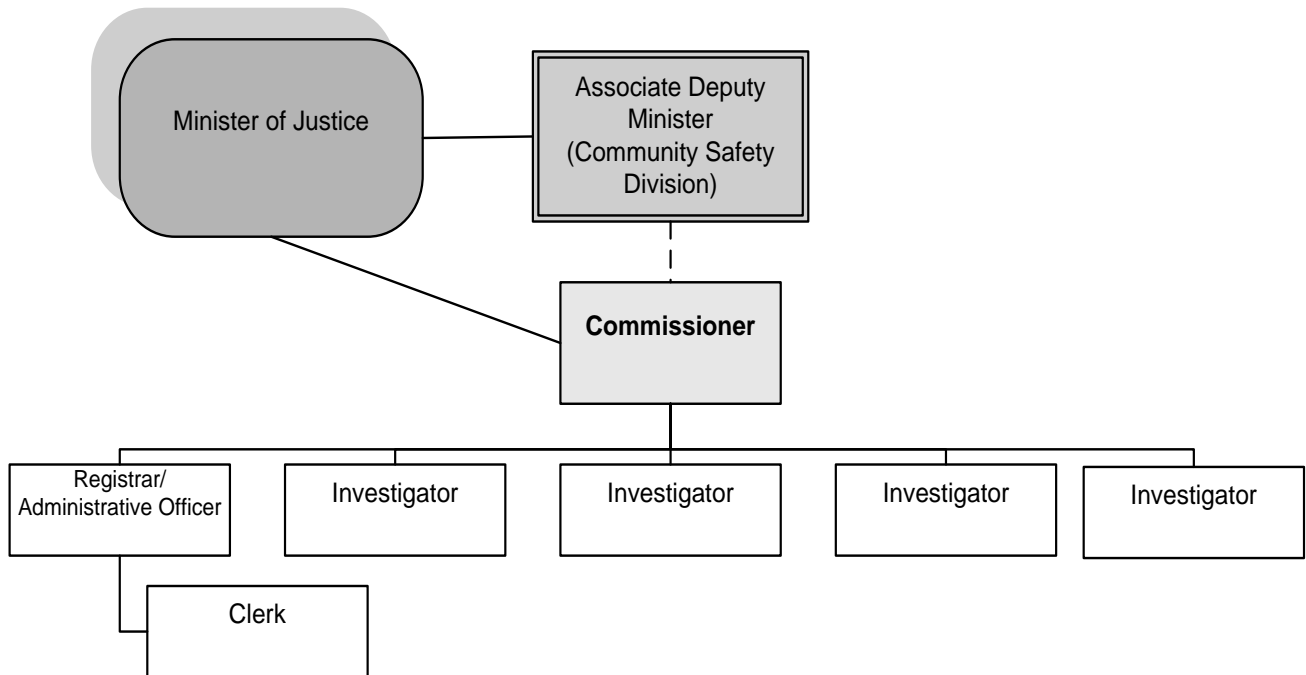
Organizational Structure

The commissioner is required to submit an annual report on the performance of his duties and functions to the minister and to each municipality in the province that has established a police service.

From an administrative perspective, the commissioner reports directly to the Associate Deputy Minister of the Community Safety Division.

LERA’s budget for the financial year beginning April 1, 2015 and ending March 31, 2016 is:

Full Time Employees	5
Total Salaries (\$000`s)	\$317
Total Operating Budget (\$000`s)	\$ 61
TOTAL	\$378



Activities

During the year, the commissioner and/or staff:

- participated in meetings with the Executive Director of Policing Services and Public Safety, Community Safety Division
- participated in meetings and discussions with police executives, police associations, members of police services and municipal officials
- attended reviews of the commissioner's decisions and public hearings presided over by a provincial judge acting *persona designate*
- participated in Manitoba Bar Association Law Day open house at Manitoba Law Courts Complex
- attended graduation ceremonies for Winnipeg Police Service recruit classes
- attended Manitoba Organization and Staff Development training courses
- met with Communications staff assigned to Justice
- attended 10th Annual Manitoba Council of Administrative Tribunals Conference (MCAT)
- attended 13th Annual Crown Defence Conference
- presented to Winnipeg Police Service recruit and cadet classes on *The Law Enforcement Review Act*
- Participated as a member of the CACOLE Board of Directors in several board meetings and planning meetings via teleconferencing
- Participated via teleconferencing at a meeting hosted by the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police (RCMP)
- met with the inspector of the Professional Standards Unit, Winnipeg Police Service
- emailed provincial court decisions about LERA matters to all Manitoba police agencies
- met with the executive director of the Manitoba Police Commission
- met with Legal Services Branch
- presentation to Brandon Police Board
- met with Chief and Inspector, Brandon Police Service
- met with Director, Independent Investigation Unit
- attended Mel Myers Labour Conference
- met with Executive Director and Program Manager of Main Street Project
- presented to the Brandon Police Service students
- presentation at Assiniboine Community College, Brandon
- attended Diversity and Culture – Working with Differences workshop

Acknowledgements

- members of the public who make their complaints and concerns known to LERA
- complainants and respondents who are able to resolve their differences by informal resolution
- chiefs of police of Manitoba's municipal police services
- police associations and members of Manitoba's municipal police services
- legal counsel and advocates helping complainants and respondents
- Manitoba Justice officials for their help and expertise
- LERA's staff, whose competence and commitment are vital to LERA's success
- the province's Information Systems Branch for maintenance of LERA's computerized data system
- the many other stakeholders involved in the LERA process

Activités

Au cours de l'année, le commissaire ou le personnel :

- ont participé à des réunions avec le directeur général du maintien de l'ordre et de la sécurité publique de la Division de la sécurité communautaire;
- ont participé à des réunions et à des discussions avec des cadres de la police, des associations de policiers, des membres de services de police et des fonctionnaires municipaux;
- ont assisté à la révision de décisions du commissaire et à des audiences publiques présidées par un juge de la Cour provinciale siégeant en qualité de *personne désignée*;
- ont participé à la journée portes ouvertes de l'Association du Barreau du Manitoba, au palais de justice du Manitoba;
- ont assisté à la cérémonie de remise des diplômes des classes de recrues du Service de police de Winnipeg;
- ont participé à des formations de l'Organisme de perfectionnement et de formation du gouvernement du Manitoba;
- ont rencontré des employés du service des communications affectés au ministère de la Justice;
- ont assisté à la 10^e conférence annuelle du Manitoba Council of Administrative Tribunals (MCAT);
- ont participé à la 13^e édition annuelle de la Crown Defence Conference;
- ont présenté des exposés sur la *Loi sur les enquêtes relatives à l'application de la loi* devant des classes de recrues et de cadets du Service de police de Winnipeg;
- ont participé, en qualité de membres du conseil d'administration de l'Association canadienne de surveillance civile du maintien de l'ordre (ACSCMO), à plusieurs réunions du conseil et réunions de planification, cela par téléconférence;
- ont participé, par téléconférence, à une réunion tenue par la Commission civile d'examen et de traitement des plaintes relatives à la Gendarmerie royale du Canada (GRC);
- ont rencontré l'inspecteur de l'unité des normes professionnelles du Service de police de Winnipeg;
- ont envoyé par courriel à tous les services de police du Manitoba les décisions de la Cour provinciale portant sur les causes visées par l'Organisme chargé des enquêtes sur l'application de la loi;
- ont rencontré le directeur général de la Commission de police du Manitoba;
- ont rencontré des représentants de la Direction des services juridiques;
- ont présenté un exposé devant le conseil de police de Brandon;
- ont rencontré des représentants (chef et inspecteur) du Service de police de Brandon;
- ont rencontré le directeur de l'Unité d'enquête indépendante;
- ont assisté à la « Mel Myers Labour Conference »;
- ont rencontré des représentants (directrice générale et gestionnaire de projet) du Main Street Project;
- ont présenté un exposé devant les étudiants du Service de police de Brandon;
- ont présenté un exposé au Collège communautaire Assiniboine de Brandon;
- ont participé à l'atelier « Diversity and Culture – Working with Differences ».

Remerciements

- aux membres du public qui font part de leurs plaintes et de leurs préoccupations à l'Organisme chargé des enquêtes sur l'application de la loi;
- aux plaignants et aux défendeurs qui parviennent à régler leurs différends à l'amiable;
- aux chefs des services de police municipaux du Manitoba;
- aux associations de policiers et aux membres des services de police municipaux du Manitoba;
- aux avocats qui aident les plaignants et les défendeurs;
- aux fonctionnaires de Justice Manitoba pour leur aide et leur expertise;
- au personnel de l'Organisme chargé des enquêtes sur l'application de la loi dont la compétence et l'engagement sont essentiels à la réussite de l'organisme;
- à la Direction des systèmes d'information du gouvernement du Manitoba pour avoir assuré la maintenance du système de traitement des données informatiques de l'Organisme;
- aux nombreux autres intervenants qui participent au processus de l'Organisme.

Commissioner's Decision to Take No Further Action

When LERA receives a complaint, the commissioner assigns a staff investigator to investigate. When the investigation is completed, the commissioner reviews the results and decides to take no further action in cases where:

- *the complaint is frivolous or vexatious*
- *the complaint is outside the scope of the disciplinary defaults listed in section 29 of The Law Enforcement Review Act (the Act)*
- *there is insufficient evidence to justify referring the matter to a public hearing*
- *the complaint has been abandoned*

The commissioner performs an important gate-keeping function that ensures complaints that have no prospect of success do not go to a public hearing. This function ensures that the LERA process runs more smoothly and efficiently and preserves the legitimacy of the LERA process with the public.

Provincial Court Judges' Reviews of Commissioner's Decision to Take No Further Action

When the commissioner declines to take further action on a complaint, the complainant may apply to the commissioner to have the decision reviewed by a Provincial Court Judge. Section 13(2) of The Law Enforcement Review Act (the Act) says the commissioner must receive this application within 30 days after the date the decision was sent to the complainant.

Once the commissioner receives an application for a review, he sends it to the Chief Judge of the Provincial Court who assigns a judge to hold a review hearing. At the hearing, the judge must decide whether the commissioner made an error in refusing to take further action on the complaint.

The following is a sample of an investigation where: 1) the commissioner decided to take no further action as there was insufficient evidence to justify referring the matter to a public hearing; and 2) upon the request of the complainant was referred for a Provincial Court Judge's review.

- An adult male, hereafter referred to as the complainant, was physically removed from a residence by police following a complaint by the homeowner. The homeowner reported that the complainant refused to move out, despite all attempts to make him pay his overdue rent. Having conferred with a lawyer, she (the homeowner) arranged to have his things removed from the house and garage while he was out of town on a holiday. The homeowner was scared of him as he had threatened her.

The complainant departed as planned and the homeowner left the house to run errands. Upon returning a short time later, the complainant's motor home was back and he was inside the house sleeping on a couch. Having been previously threatened by him, she became frightened and went to the police station. Officers returned with her to the residence to assist. On

direction from the officers, she stood near the couch, called the complainant's name and told him he had to leave.

The complainant, in his statement of complaint to LERA, claimed that he was in fact the homeowner's common law partner and not just a renter. His version of events was that he was suddenly awakened by yelling to find himself surrounded by five police officers. He did not understand what was said so he asked them to repeat. An officer, in a loud voice, told him to get up and give him (the officer) his garage and house keys and leave immediately or be arrested.

A discussion followed whereby the complainant advised that he would leave but would not relinquish his keys until after he spoke with his lawyer. The officer again loudly demanded the keys but the complainant again refused. The officer, according to the complainant was blocking the door and he could not leave. One officer began swearing, even though, at no time did he (the complainant) swear at the officers. He says that the "Officer in Charge" said "that's it, take him down." Assuming that he was to be arrested he put his hands behind his back expecting to be handcuffed, however, the complainant said he was slammed to the floor with an officer putting a knee on his spine and a second officer placing his right wrist in a "chicken wing."

As the struggle continued, someone pulled his glasses off and stepped on his head. His arm was twisted awkwardly and his watch strap was broken as he told the officers he was in discomfort and moaned in pain. After removing his key ring from his pocket, the officers applied handcuffs as he lay on his stomach, but because of the pain in one shoulder he turned onto the other side to reduce the pressure. In response, an officer stepped on his knee and told him to remain on his stomach. He told the officer that his shoulder hurt and his knee had no cartilage, to which the officer said, "Too bad" and again loudly ordered him to stay on his stomach. He stayed in this position until after his common law was given the keys she wanted off his ring.

He was pulled to his feet, pushed out the door and taken to the police car where he was advised that he was under arrest for Breach of the Peace. He was still in pain, so he asked to see a doctor and was told there would be one available when he arrived at the jail.

LERA conducted an investigation which included the review of medical and police reports and interviews with the police officers involved and other witnesses.

The homeowner's version of events was that when she returned with the police and the complainant was awakened, police asked him to stand up to which he responded, "Can't we do this in the morning." The police told him that this was not his home, that he had been asked to leave and he would have to do so.

The complainant eventually stood up but when asked for the keys he protested, looked around and said, "Six of you eh? You travel in packs now?" The officers continued to request the keys, but he refused to produce them. He took a step forward and was taken down by the officers. He was handcuffed as he lay on the floor on his stomach and kept saying "gentlemen, gentlemen, gentlemen".

He was moving his legs around as he was on the floor and the officers directed him to be still. He said the keys were in his pocket. He was told that he was been arrested for a Breach of the

Peace and they took him from her home. However the next day he accessed her house again and she discovered the keys he turned over the day before were not her keys. She said that the police officers at all times acted professionally. Anything asked of the complainant and directions given to him were clear and concise.

A medical report was obtained from the hospital indicating that the complainant presented himself alleging that he had been involved in an incident with police leaving him with a severe headache and dizziness, and an injured left shoulder/upper arm. He was examined, prescribed medication and released.

The police officers, in their documentation of the incident and when interviewed by the LERA investigator, said that the information they received prior to attending the residence was that the complainant may be a police hater and was known to be violent. Two officers initially attended with others arriving shortly afterward. They said that the homeowner first asked the complainant to leave and they followed with same request; he just stared at them. He was given at least fifteen to twenty opportunities to leave on his own but when told that the only other option was to leave with them, he became tense and agitated.

The complainant stood up from the couch a couple of times and sat down again. Eventually, the decision was made to arrest him leading to his being taken to the floor by two officers. Once down, the complainant resisted so an officer placed a knee on his head; the best the officer could do under the circumstances. The other officers assisted and he was handcuffed and walked to the police car. The officers said that he was a fairly big guy and was difficult to handle. To their recollection, the complainant did not ask to go to the hospital, nor did he mention being injured. Interviews with eight staff members at the local correctional institution where the complainant was lodged indicated that he was cordial with staff upon arrival. One guard recalled him mentioning a sore shoulder but it was determined that he was alright and he didn't required immediate medical treatment.

The complainant alleged that the police officers abused their authority by: being discourteous or uncivil; and using unnecessary violence and excessive force contrary to *The Law Enforcement Review Act*.

On completion of the investigation, the commissioner found there was insufficient evidence to justify referral to a public hearing and declined to take further action.

DECISION: The complainant asked to have a Provincial Court Judge review the commissioner's decision. The Provincial Court Judge, hearing the review, found that the commissioner had not erred by taking no further action.

* * * * *

Public Hearings before a Provincial Court Judge

Public hearings under The Law Enforcement Review Act (the Act) are held before Provincial Court Judges. The judges do not sit in their usual capacity as members of the Provincial Court. A public hearing is only held after a matter has been referred by the commissioner under Section 17 of the Act.

Where a public hearing has been referred by the commissioner, Section 27(2) of the Act states:

“The Provincial Court Judge hearing the matter shall dismiss a complaint in respect of an alleged disciplinary default unless he or she is satisfied on clear and convincing evidence that the respondent has committed the disciplinary default.”

The “clear and convincing evidence” standard was added to the Act in 1992. It is not worded the same as the more traditional standards that are used in other contexts. In criminal cases, the standard is “beyond a reasonable doubt,” which was used in the Act until 1992. In civil cases, the standard is “balance of probabilities.” Provincial Court Judges have held that the “clear and convincing evidence” standard falls between the civil and criminal standards of proof.

The following is a sample case where the commissioner decided to refer the matter to a public hearing before a provincial court judge.

- An out of province, elderly couple, hereinafter referred to as he/she or they, reported an incident alleging misconduct by a police officer, hereinafter referred to as the officer, while in Manitoba for medical care. They were pulled over and they asked why they had been stopped, to which the officer stated, “I can pull you over for whatever reason, anytime, for whatever”. The complainants again asked several times why they had been pulled over and finally an officer told them that it was because the tint on their windows was too dark.

He felt that the officer was unprofessional and confrontational; basically being “an ass”, so he kept asking to speak with a supervisor or watch commander. The officer responded that he (officer) didn’t have one, refusing to contact or provide a supervisor’s name. The officer told the complainants, they had two choices, to drive to a location where they had the necessary equipment to test the level of window tint, or be issued with a ticket. Because she had just completed a medical procedure and needed to go to the hotel to rest, they opted to take the ticket. According to the complainant, the officer’s response when she told him she needed to go rest was, “so?”

He and the officer exchanged words with the officer returning to his car and making a telephone call. She walked to the police car and knocked on the window with her cane, at which time the officer realized she was a person with a disability. She asked for the ticket so that they could go to the hotel, but the officer told her to go back to the car and he would deal with her after he was off the phone. She repeated that she just had a medical procedure and the officer rolled up his window and ignored her. She knocked on his window again asking for the supervisor, thinking

it may be the supervisor on the phone speaking with the officer. The officer said the supervisor was not in, so she asked again, for him to call the supervisor and the officer said “no.” The officer wanted them to follow him to the location where the window tint test could be completed, or be issued with a ticket. A conviction for the ticket would result in the loss of eight merit points. He, upon hearing the choices from the officer, called the officer a “prick” and said he just wanted the ticket so that he could leave.

He changed his mind and decided to go with the officer, telling his spouse to get in the car and they would have the windows tested. They drove forty minutes to the test site. They felt that the officer deliberately took his time testing the windows just to aggravate them. The officer issued them with a ticket and provided his badge number but not his name.

He spoke to the supervisor while at the test site, who told him to report his concerns to LERA. They were given a ticket in the amount of \$175.00.

There was no police file created for this occurrence as with the issuance of most Provincial Offence Notices (PON). The only documentation prepared by the officer involved is the notations on the ticket itself, recorded as follows:

Ontario license (plate number) eastbound (street) with excessive tint on driver and passenger's front door windows. Suspect stopped in the parking lot of the Hotel at (streets) . Driver stepped out of the vehicle requesting reason for the stop. Advised of tint, as well that could be checked re driver's license, registration, impaired but tint was reason. Driver identified by photo driver's license one and the same. (Name). All checks were okay. Writer went to advise information regarding tint and driver requested to know the tint value. Writer estimated 20%. Driver demanded tint meter check. Writer contacted vehicle inspection unit (officer's name), advised he was off on an inspection but to escort the suspect vehicle to (street address). Writer requested driver to follow unit but driver refused. Cautioned regarding HTA 76 as driver failed to obey peace officer's instructions. Driver followed to location. Writer tested tint with tint meter. Both front windows 14% and regulations require 50%. PON issued. Driver was argumentative during initial portion and requested information for LERA and supervisor's phone numbers provided.

The officer was interviewed and he said he was in the area conducting seatbelt and cell phone use enforcement. He observed the tint of the vehicle's windows appeared very dark, beyond the prescribed limits of the *Manitoba Highway Traffic Act*. He did not see an offence for seatbelt or cell phone use. His intention was to warn the driver about the tint of the windows.

The officer was asked why they were pulled over and he replied that his windows appeared to be too dark. The officer said he explained he could stop him for a sobriety check, or a drivers licence and registration check. Up to this time, there appeared to be no problem with the traffic stop. The officer denied that he said, “I could pull you over for whatever reason, anytime, anywhere.”

The officer said he went on to explain that the window tint had to be no more than 15% to 20%. Allegedly, that is when he said to the officer, “prove it.”

The officer called a second officer to bring a tint meter to the scene, however he was tied up and could not attend. The officer decided to direct the complainants to a specific address where an inspection of the tint could be performed. The officer when interviewed said that the complainant (he) told him he did not want to drive to the address and that the officer should just give him a ticket

for the tinted windows. The officer was not prepared to do that, as he was now of the view that he was going to charge the complainants for the offence if the readings were not within the legislated range.

The officer informed the complainant (he) that he had to follow his direction to go to the specified address, because if he did not he would charge him with failing to follow the direction of an officer under the *Manitoba Highway Traffic Act*.

The officer said that he told the complainant (he) that a finding of guilty for this offence, failing to follow the direction of an officer, carried with it the loss of eight merit points on his driver's licence. The complainants agreed to follow him to the address.

The officer said that the complainants asked to speak to his "commander." He said he replied that he does not have a "commander" and that if he had been asked for a phone number for a supervisor he would have provided it, they did not ask so he did not provide one.

The officer advised that upon arrival at the destination address, approximately 8 kms., 20 minutes later, they were met by a second officer, who was senior to the officer writing the ticket, so they were told they could talk to him.

As they spoke with the second officer, the first officer calibrated the tint meter, performed the test and wrote the offence notice. He estimated that took him about 10 to 15 minutes. The officer said that he believes that he wrote the phone number for LERA on his business card and handed it to one of the two complainants.

The officer said that he changed his mind on issuing a ticket versus a warning when the complainant (he) demanded the windows be tested, so he tested them and once he had the evidence of the offence, he issued the offence notice.

The officer, when asked by the LERA investigator, said he does not remember saying "so" when the complainant (she) told him they were going to a hotel to rest after the medical treatment. The officer explained that he told the complainant (she) could go to the hotel while the complainant (he) took the car for the test but she refused the offer and accompanied them for the test. The officer also could not recall rolling his window up while she spoke to him.

The officer said that the complainant (he) is a large man who stood close to him (the officer) in a deliberate attempt to intimidate him. The officer said that the complainant (he) was verbally belligerent and argumentative. He went on to say that the complainant (she) asked the complainant (he) to "drop it" wanting him to stop arguing with the officer.

The officer said that the complainants didn't explain the nature of the medical condition, simply that the complainant (she), was returning from the hospital after medical treatment and was heading to their hotel to lie down.

The Crown Attorney reviewing the matter prior to court entered a stay of proceedings for the offence notice issued by the officer.

The commissioner found that there was sufficient evidence to justify referring the matter to a hearing before a provincial court judge on the two defaults, as follows:

- Abuse his authority by using oppressive or abusive conduct or language, contrary to subsection 29(a)(iii) of *The Law Enforcement Review Act*.
- Abuse his authority by being discourteous or uncivil, contrary to subsection 29(a)(iv) of *The Law Enforcement Review Act*.

DECISION: The matter was referred to the Chief Judge for a hearing however, prior to the hearing, the complainants advised that they couldn't travel back to Winnipeg due to health problems and requested to withdraw the complaint. Having made the request to withdraw, the complainants didn't appear for the scheduled date and the Provincial Court Judge dismissed the matter.

* * * * *

Out of Scope

LERA is mandated under the Act to investigate public complaints of disciplinary defaults by police officers as defined in Section 29, the discipline code. LERA does not investigate criminal or service issues. From time to time complaints are received about police action that is not subject to investigation by the agency.

The following is a sample where the commissioner decided no further action was required as the matter was outside the scope of *the Act* and at the request of the complainant the decision was reviewed by a provincial court judge.

- An adult male, hereafter referred to as the complainant, called the police to file a complaint against his neighbour as the neighbour's son was throwing snowballs at the complainant's window. He told the officer that there was an ongoing dispute between him and his neighbour but now it has escalated to an attempt to cause damage.

He said that the officer refused to listen, stating that he (the complainant) lodged a number of complaints and that he would not act on this one. The officer, according to the complainant stated that the person involved was a minor and that they do not act on complaints against minors. The complainant told the officer that it should be brought to someone's attention that the parents are using their children to harass him and that the situation should be addressed.

The complainant said that the officer "blew up" at him and told him he is a whiner, and should stop complaining. The officer told him that he could look up his name and find at least 500 "bullshit" complaints and closed the conversation by saying he would do nothing further on this matter.

The complainant expressed his belief that police attitudes need to change as they had refused to act on a number of complaints, some involving threats of bodily harm. He referred to Section 29 of *The Law Enforcement Review Act*, specifically sub section, 29(f), a police officer "being present and failing to assist any person where there is a clear danger to the safety of that person or the security of that person's property."

The LERA investigation included a review of the police report and a statement was obtained from the officer involved.

The police report stated that a complaint was received that three (3) children (neighbours), ages five and eight, had thrown snowballs at his surveillance camera. He discovered this when he viewed the captured video. He named the parents of the children and suggested that they should be charged with mischief.

The officer, when interviewed, said he informed the complainant that the matter was minor in nature and reminded him of the tender ages of the children and that under *The Criminal Code of Canada*, a person under twelve (12) years of age cannot be charged with a criminal offence. He told the complainant that there was no damage and again stated no charges would be laid. He

denied that he swore at the complainant but admitted that he told him he was a chronic complainer who had filed 312 complaints since 2001 and in his opinion that qualifies him as a chronic complainer. However, the officer did say when interviewed, that the existence of previous complaints had nothing to do with how he addressed this particular issue.

Following the investigation the Commissioner reviewed all the information available. Firstly, he informed the complainant that in respect to his complaints that the police failed to take action on criminal matters is a service issue and falls under the jurisdiction of the Chief of Police to respond to. In short, LERA has no authority to investigate and respond to such matters.

In Canada, a child (person under the age of 12) cannot be held criminally responsible for his or her actions. It's only upon reaching 12 years of age, when a youth can be criminally prosecuted, however, under *The Youth Criminal Justice Act* (YCJA) not only encourages but requires a police officer to consider the sufficiency of taking non judicial measures including not taking any further action. Recommendations for action, if necessary, include warnings, cautions and referrals.

However, the allegations made by the complainant that the officer refused to listen and “blew up” at him do fall under the Act, but the Commissioner was satisfied that the evidence supporting the complaint was insufficient to justify taking the matter to a public hearing and declined to take further action. He also reminded the complainant that while life is sometimes frustrating, it is unreasonable to expect that criminal charges would be pursued against children of this age, particularly for throwing snowballs.

The complainant asked to have a provincial judge review the commissioner's decision.

DECISION: The judge, hearing the review, found that the commissioner had not erred by taking no further action on his complaint.

* * * * *

Abandoned or Withdrawn

- An adult female, hereinafter referred to as the complainant, reported that police attended her residence and arrested her son. While the officers applied handcuffs, she alleges that one of them pushed her causing her to fall resulting in bruising to her left forearm and a bump on the back of her head.

Investigation revealed that the incident occurred after the adult son called home from a local bar and the father answered the phone. The son asked to speak with his mother, but was advised that she was intoxicated and sleeping on the couch. The son told his dad to pick him up at the bar and the father did so and on route back to the residence they had a verbal dispute. When they were almost home, the son told his father to go into the back lane and they would “settle this”.

Once stopped, the son got out of the vehicle and began grabbing and pulling the dad out of the car. The father made it to the back door of the house and told his daughter to call the police. The mother by this time was awake and told the son to settle down, but he began breaking chairs and throwing things around the house. The son, according to the dad, was intoxicated appearing to be on some sort of drug.

The police arrived and the father escorted them into the house through the back door and upon entry, a struggle immediately ensued when the son charged at them and the police responded. The mother jumped on a police officer and was pushed to the floor. The father wanted the son charged with mischief for damaging the property.

In addition to the charges against the son, the mother was charged with two counts of assaulting a peace officer and one count of Obstruction/Resisting Arrest. She was convicted of the Obstruction/Resisting Peace Officer and sentenced to a period of unsupervised probation and required to write a letter of apology to the officer involved.

The complainant advised that she no longer wished to pursue the matter and the commissioner closed the file as abandoned.

* * * * *

Criminal Charges

Some complaints of misconduct by an officer(s) may fall under Section 29 of The Law Enforcement Review Act (the Act) and also be criminal in nature. A complainant may file complaints resulting from the same incident, with both LERA and the police service of jurisdiction. In such instances the criminal process always takes precedence over the LERA investigation. Additionally, under Section 35(1) of the Act, the commissioner or a Provincial Court Judge must report a matter to the Attorney-General for the possible laying of charges when there is evidence disclosed that a police officer may have committed a criminal offence.

Disclosure of possible criminal offence

35(1) *Where a matter before the commissioner or a Provincial Court Judge discloses evidence that a member or an extra-provincial police officer may have committed a criminal offence, the commissioner or the Provincial Court Judge shall report the possible criminal offence to the Attorney-General and shall forward all relevant material, except privileged material, to the Attorney-General for the possible laying of charges. If an officer(s) is charged criminally and the charge(s) is disposed on its merits in criminal court, LERA loses jurisdiction to take further action under the Law Enforcement Review Act (the Act).*

Effect of criminal charge

34 *Where a member or an extra-provincial police officer has been charged with a criminal offence, there shall be no investigation, review, hearing or disciplinary action under this Act in respect of the conduct which constitutes the alleged criminal offence unless a stay of proceedings is entered on the charge or the charge is otherwise not disposed of on its merits.*

The following is a sample case where the commissioner was unable to take further action following the disposition of a criminal charge(s).

- A female, enrolled at a law enforcement academy in Manitoba went on patrol with a police officer on a ride-along program provided by the town police service. She later registered a complaint with LERA about the actions of the officer which resulted in her being physically injured.

Upon arrival at the police station, she met with the officer prior to accompanying him on his regular patrol. She alleged that there was an unsecured Conducted Energy Device (CED), better known as a Taser, on a table in a common room inside the station. At some point the officer picked up the CED, commented that it wasn't "live" and from a distance of three to four feet pointed the CED at the female. The CED fired thereby discharging its probes, striking the female in the left thigh and groin area. She was very much shaken but she managed to remove the probes, bandaged the puncture wounds and continued with the ride-along. After about thirty minutes she felt ill, the wounds were hurting and she had difficulty remaining in a seated position. She returned to the station and while driving home, experienced tightness in her chest,

difficulty breathing and ever increasing pain around the wounds. She attended the hospital received treatment and returned home.

Upon receiving the complaint, it was referred to the Executive Director of Policing and Public Safety who referred it for investigation to an outside agency, specifically the Alberta Serious Incident Response Team (ASIRT). Upon completion of the investigation the officer was charged and convicted of assault. The officer resigned from the police service prior to the disposition of the charges.

Under section 34 of the Act, an investigation cannot be conducted in circumstances where an officer is charged with an offence and the charge is disposed of on its merits. Therefore, the commissioner, no longer having jurisdiction over the complaint, closed the file and no further action was taken.

* * * * *

Statistical Analysis

- LERA's jurisdiction extends to 12 police services with 1,663 police officers. Total population served is 771,008.
- Winnipeg Police Service accounts for 92 per cent of complaints made to LERA. Brandon Police Service accounts for three (3) per cent and other services account for the remainder.
- There were 211 files opened in 2015, down by 26 complaints from 2014. The four year average is 226 new files per year.
- The number of formal complaints filed is 139, up one from 138 formal complaints in 2014.
- Seventy-two (72) complaints were resolved at intake or after preliminary enquiries, down from 99 in 2014.
- In 2015, there were 234 total investigations. There were 225 investigations in 2014.
- There were 92 investigations completed in 2014, down 40 from 132 in 2014.
- There were no complaints alleging the misuse of pepper spray in 2015.
- There were no complaints of misuse of the Taser in 2015.
- There were ten (10) incidents alleging misuse of handcuffs in 2015, up six (6) from 2014.
- Incidents alleging injuries from the use of force decreased to 61 from 66 in 2014. Allegations of injuries were made in 44 per cent of complaints investigated.
- There was one (1) informal resolutions of complaints in 2015, down three (3) from 2014. LERA continues to actively support and, whenever possible, engage in alternative dispute resolution to restore social harmony between the parties. This method of resolution remains a priority and complainants and respondents are encouraged to use it.
- The percentage of complaints abandoned by complainants decreased from 2014. LERA investigators contact complainants after the investigation is completed but before a final decision letter is written. In many cases, when complainants learn the results of the investigation, they drop the complaint. In other cases, when a LERA investigator is unable to locate the complainant, a letter is sent to the complainant's last known address asking the complainant to contact the investigator. If contact is not made within 30 days, the complaint is considered abandoned and a registered letter is forwarded to the complainant confirming closing of the file. (See Table 9)
- Complainants' requests for judges to review the commissioner's decisions were down by three (3) requests to six (6) in 2015. The four (4) year average is 8. (See Table 11)

- LERA does not conduct criminal investigations. When a case shows evidence that a criminal offence may have been committed, the commissioner or provincial judge must report it to the Attorney General for a criminal investigation.

If there is an indication of a crime, LERA investigators will tell the complainant that a criminal complaint may also be made to the police force where the incident occurred. In 2015, six (6) criminal complaints were made after a LERA complaint was also filed. This was down seven (7) from 2014. (See Tables 12 and 13)

- During a criminal investigation against an officer or a complainant, the LERA investigation is put on hold. Criminal investigations and related court appearances often take months or even years to get through the judicial system. This is beyond the control of LERA, but it adds greatly to the length of time needed to complete investigations.

The completion of investigations within a reasonable time line is always of concern and is a continuing objective. There was an increase from six (6) months in 2014, to seven (7) months in 2015. (See Tables 15 and 16)

- The average age of all complainants was 36. The oldest complainant was 82 and the youngest was 14. (See Table 18)

Analyse statistique

- La compétence de l'Organisme chargé des enquêtes sur l'application de la loi s'étend à 12 services de police, ce qui représente 1 663 agents de police. Au total, l'Organisme sert 771 008 personnes.
- Un total de 92 % des plaintes déposées auprès de l'Organisme concernent le Service de police de Winnipeg, 3 % concernent le Service de police de Brandon et les autres services se partagent le reste.
- En 2015, l'Organisme a ouvert 211 dossiers, soit 26 de moins qu'en 2014. La moyenne annuelle des quatre dernières années s'élève à 226 nouveaux dossiers par année.
- Le nombre de plaintes officielles déposées a été de 139, soit une de plus qu'en 2014 (138).
- L'Organisme a pu régler 72 plaintes dès leur réception ou après une enquête préliminaire, comparativement à 99 en 2014.
- En 2015, il y a eu 234 enquêtes. Il y en a eu 225 en 2014.
- En 2015, 92 enquêtes ont été achevées, soit 40 de moins qu'en 2014 (132).
- En 2015, aucune plainte n'a été déposée concernant l'utilisation abusive de vaporisateur de poivre.
- Il n'y a pas eu de plaintes portant sur l'utilisation abusive du Taser en 2015.
- Il y a eu dix incidents relatifs à l'utilisation abusive de menottes en 2015, soit six de plus qu'en 2014.
- Les allégations de blessures liées au recours à la force ont baissé, passant de 66 en 2014 à 61. Les allégations de blessures ont représenté 44 % des plaintes ayant fait l'objet d'une enquête.
- Il y a eu un règlement de plainte sans formalités en 2015, soit trois de moins qu'en 2014. L'Organisme continue de soutenir activement le règlement extrajudiciaire des différends qui vise à rétablir l'harmonie sociale entre les parties, et il y participe dans la mesure du possible. Cette méthode de résolution demeure une priorité et les plaignants et les défendeurs sont encouragés à l'utiliser.
- Le pourcentage de plaintes abandonnées par les plaignants a diminué par rapport à 2014. Les enquêteurs de l'Organisme communiquent avec les plaignants une fois l'enquête terminée, mais avant qu'une lettre de décision finale soit rédigée. Dans bien des cas, les plaignants abandonnent leur plainte après avoir appris les résultats de l'enquête. Dans d'autres cas, quand un enquêteur de l'Organisme n'a pas pu trouver le plaignant, une lettre est envoyée à sa dernière adresse connue pour lui demander de communiquer avec l'enquêteur. Si aucun contact n'est pris dans un délai de 30 jours, la plainte est considérée

comme étant abandonnée, et une lettre recommandée est envoyée au plaignant pour lui indiquer que le dossier a été clos. (Voir tableau 9)

- En 2015, six plaignants ont demandé la révision par un juge de la décision du commissaire, soit trois de moins que l'année précédente. La moyenne sur quatre ans est de 8. (Voir tableau 11)
- L'Organisme n'effectue aucune enquête criminelle. Lorsque, dans le cadre d'une affaire, des éléments de preuve laissent croire qu'une infraction criminelle a peut-être été commise, le commissaire ou le juge de la Cour provinciale doit le signaler au procureur général afin qu'une enquête criminelle soit entreprise.

Le cas échéant, les enquêteurs de l'Organisme signalent au plaignant qu'il peut aussi déposer une plainte en vertu du Code criminel auprès du service de police concerné. En 2015, six plaintes déposées auprès de l'Organisme ont été suivies d'une plainte au criminel, soit sept de moins qu'en 2014. (Voir les tableaux 12 et 13)

- Pendant qu'une enquête criminelle est menée contre un policier ou un plaignant, l'enquête de l'Organisme est suspendue. Le système judiciaire peut prendre des mois, voire des années, à traiter les enquêtes criminelles et les comparutions devant les tribunaux qui y sont liées. Bien qu'indépendantes de la volonté de l'Organisme, ces interruptions allongent nettement le temps requis pour achever les enquêtes.

L'Organisme s'efforce toujours de terminer les enquêtes dans un délai raisonnable, cela étant un de ses objectifs permanents. Ce délai est passé de six mois en 2014 à sept mois en 2015. (Voir les tableaux 15 et 16)

- L'âge moyen des plaignants était de 36 ans. Le plaignant le plus âgé avait 82 ans et le plus jeune avait 14 ans. (Voir tableau 18)

2015 Statistical Report – Data Tables

Table 1: Complaints – Listed by Police Service**	Police Officers **	Population ***	2015 (n=139)	2014 (n=138)	2013 (n=117)	2012 (n=148)	2011 (n=169)
Altona	8	4,088	1 (0.7%)	0	1 (1%)	0	1 (0.6%)
Brandon	87	46,061	4 (3%)	11 (8%)	14 (12%)	6 (4.1%)	12 (7%)
Dakota Ojibway (DOPS)	29	15,908	0	0	2 (2%)	0	1 (0.6%)
Morden	15	7,812	1 (0.7%)	1 (1%)	0	2 (1.4%)	0
Rivers	3	1,189	0	0	0	0	0
Ste. Anne	5	1,626	0	0	0	0	2 (1%)
Winkler	18	10,670	2 (1.4%)	2 (1.5%)	1 (1%)	2 (1.4%)	2 (1%)
Winnipeg****	1,493	663,617	128 (92%)	121 (87%)	94 (80%)	134 (90%)	148 (88%)
RM of Cornwallis*	1	4,378	0	0	0	0	0
RM of Springfield*	2	14,069	0	0	0	1 (1%)	1 (0.6%)
RM of Victoria Beach*	1	374	0	1 (1%)	0	0	1 (0.6%)
RM of Whitehead*	1	1,533	0	0	1 (1%)	0	1 (0.6%)
Other	0	0	3 (2.2%)	2 (1.5%)	4 (3%)	3 (2.1%)	0
Total	1,663	771,008	100%	100%	100%	100%	100%

* Supplementary police service – RCMP have primary responsibility

** Source: Executive Director, Policing Services and Public Safety - Manitoba Justice, and WPS

*** Source: Statistics Canada Census 2011 and Dakota Ojibway Police Service

**** LERA's jurisdiction includes members of the Winnipeg Police Service Cadet

Table 2: Public Complaints	2015	2014	2013	2012
Files Opened	211	237	216	242
Resolved at Intake	72	99	99	94
Formal Complaints Received	139	138	117	148

Public Complaints

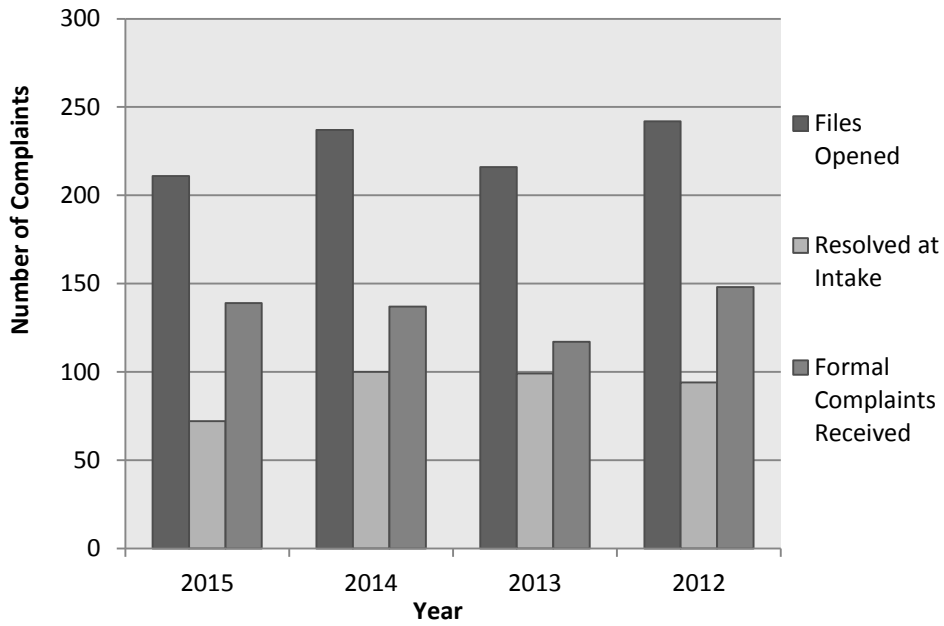


Table 3: Investigations Conducted	2015	2014	2013	2012
Total Investigations	234	225	216	260
Investigations Completed - Files Closed	92	132	128	162
Ongoing Investigations Carried Over as of December 31 st of the year shown	142	93	88	98

Investigations Conducted

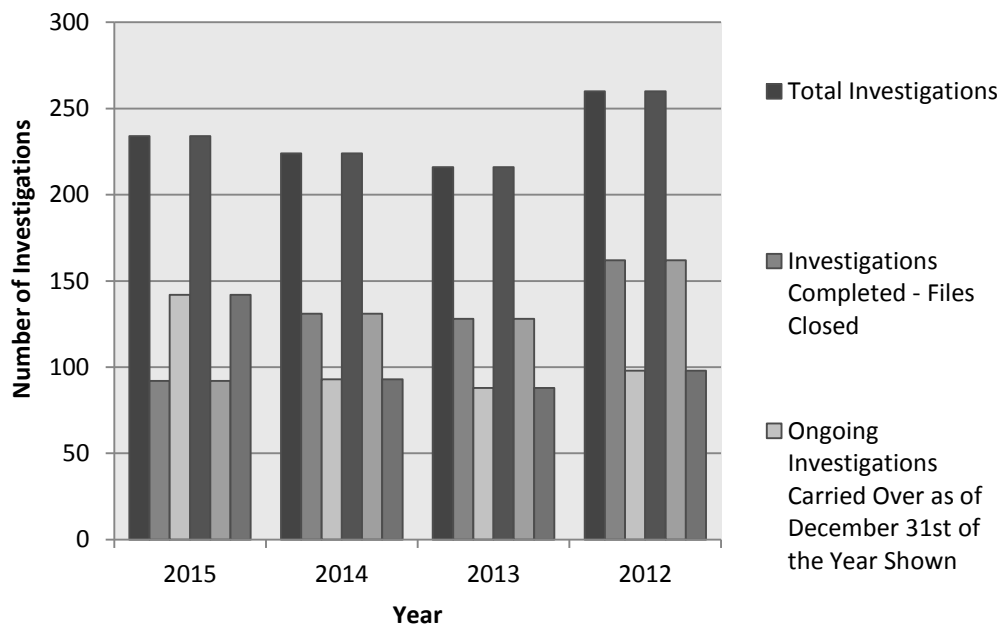


Table 4: Complainants' Allegations: Discipline Code Section 29 <i>The Law Enforcement Review Act</i>	2015	2014	2013	2012
Abuse of authority Subsection 29(a)	39	34	35	25
Arrest without reasonable or probable grounds Subsection 29(a)(i)	17	19	9	20
Using unnecessary or excessive force Subsection 29(a)(ii)	64	70	49	81
Using oppressive or abusive conduct or language Subsection 29(a)(iii)	47	40	28	33
Being discourteous or uncivil Subsection 29 (a)(iv)	52	49	42	47
Seeking improper personal advantage Subsection 29(a)(v)	1	2	0	0
Serving civil documents without proper authorization Subsection 29(a)(vi)	0	3	0	0
Differential treatment without cause Subsection 29(a)(vii) <i>The Human Rights Code</i> Subsection 9(2)	8	10	15	8
Making false statement(s) Subsection 29(b)	3	8	7	3
Improperly disclosing information Subsection 29(c)	2	1	3	2
Failing to exercise care or restraint in use of firearm Subsection 29(d)	0	1	0	2
Damaging property or failing to report damage Subsection 29(e)	4	4	6	2
Failing to provide assistance to person(s) in danger Subsection 29(f)	0	8	9	4
Violating person's privacy (under <i>The Privacy Act</i>) Subsection 29(g))	4	3	1	6
Contravening <i>The Law Enforcement Review Act</i> Subsection 29(h)	0	0	0	0
Assisting any person committing a disciplinary default Subsection 29(i)	0	0	0	1

Table 5: Incidents Alleging Misuse of Pepper Spray

2015 (n=0)	2014 (n=0)	2013 (n= 0)	2012 (n=0)
0% of 139 complaints investigated	0% of 138 complaints investigated	0% of 117 complaints investigated	0% of 148 complaints investigated

Table 6: Incidents Alleging Misuse of Handcuffs

2015 (n=10)	2014 (n=4)	2013 (n=3)	2012 (n=6)
7% of 139 complaints investigated Winnipeg PS = 10	3% of 138 complaints investigated Winnipeg PS = 3 Brandon PS = 1	3% of 117 complaints investigated Winnipeg PS = 3	4% of 148 complaints investigated Winnipeg PS = 5 Brandon PS = 1

Table 7: Incidents Alleging Misuse of Taser

2015 (n=0)	2014 (n=1)	2013 (n=3)	2012 (n=4)
0% of 139 complaints investigated	1% of 138 complaints investigated Winnipeg PS =1	3% of 117 complaints investigated Winnipeg PS = 3	3% of 148 complaints investigated Winnipeg PS = 4

Table 8: Incidents Alleging Injuries from Use of Force

2015 (n=61)	2014 (n=66)	2013 (n= 44)	2012 (n=77)
44% of 139 complaints investigated Winnipeg PS = 60 Morden PS = 1	48% of 138 complaints investigated Winnipeg PS = 57 Brandon PS = 7 Winkler PS = 2	38% of 117 complaints investigated Brandon PS = 6 Winnipeg PS = 38	52% of 148 complaints investigated Winnipeg PS = 70 Brandon PS = 5 Winkler PS = 1 Morden PS = 1

Table 9: Disposition of Complaints	2015 (n= 92)	2014 (n=132)	2013 (n=128)	2012 (n=162)
Dismissed by commissioner as outside scope of act	17 (18%)	17 (13%)	21 (16%)	13 (8%)
Dismissed by commissioner as frivolous or vexatious	0	1 (1%)	0	1 (0.5%)
Dismissed by commissioner as not supported by sufficient evidence to justify a hearing	20 (22%)	48 (36%)	60 (47%)	64 (40%)
Abandoned or withdrawn by complainant	52 (57%)	60 (46%)	43 (34%)	80 (49%)
Resolved informally	1 (1%)	4 (2%)	2 (1.5%)	3 (2%)
Public hearing before a provincial court judge	1 (1%)	1 (1%)	2 (1.5%)	1 (0.5%)
Admission of guilt by respondent officer	0	0	0	0
Disposed via criminal Procedure	1 (1%)	1 (1%)	0	0

Table 10: Legal Involvement of Complainants	2015 (n=139)	2014 (n=137)	2013 (n=117)	2012 (n=148)
No charges	59 (42%)	63 (45%)	49 (42%)	50 (34%)
Traffic offences	23 (17%)	16 (12%)	15 (13%)	14 (9%)
Property offences	0	3 (2%)	3 (2.5%)	12 (8%)
Intoxicated persons detention	4 (3%)	8 (6%)	3 (2.5%)	13 (9%)
Cause disturbance	1 (1%)	1 (1%)	0	0
Assault police officer/resist arrest	17 (12%)	20 (14%)	15 (13%)	30 (20%)
Impaired driving	3 (2%)	1 (1%)	2 (2%)	2 (1%)
Offences against another person	7 (5%)	5 (4%)	6 (5%)	7 (5%)
Domestic disputes	1 (1%)	3 (2%)	1 (1%)	0
Drugs	5 (4%)	0	4 (3%)	7 (5%)
<i>The Mental Health Act</i>	3 (2%)	4 (3%)	6 (5%)	3 (2%)
Other	16 (11%)	14 (10%)	13 (11%)	10 (7%)

Table 11: Provincial Judges' Review of Commissioner's Decision to Take No Further Action	2015	2014	2013	2012
	6	9	6	12

Table 12: Referrals by Commissioner of Complaint for Criminal Investigation	2015	2014	2013	2012
	1	0	0	0

Table 13: Complainants Have Also Lodged a Criminal Complaint with Police	2015	2014	2013	2012
	6	13	5	9

**Table 14: Time Span of Ongoing Investigations Carried Over
as of December 31, 2015**

YEAR	1-3 Months	4-7 Months	8-12 Months	13-18 Months	19-23 Months	24+ Months	Total
2011	0	0	0	0	0	1	1
2012	0	0	0	0	0	3	3
2013	0	0	0	0	0	4	4
2014	0	0	3	24	12	3	42
2015	47	22	23	0	0	0	92
Total	47	22	26	24	12	11	142

Table 15: Files Concluded in 2015 by Year of Origin

Year	Number of Files	Average Time to Close Investigation
2011	2	26 months
2012	2	19 months
2013	5	16 months
2014	36	9 months
2015	47	4 months
Total	92	7 months

Table 16: Length of Time to Complete Investigations	2015	2014	2013	2012	2011
Average Number of Months	7	6	8	7	6

Average Number of Months to Complete Investigation

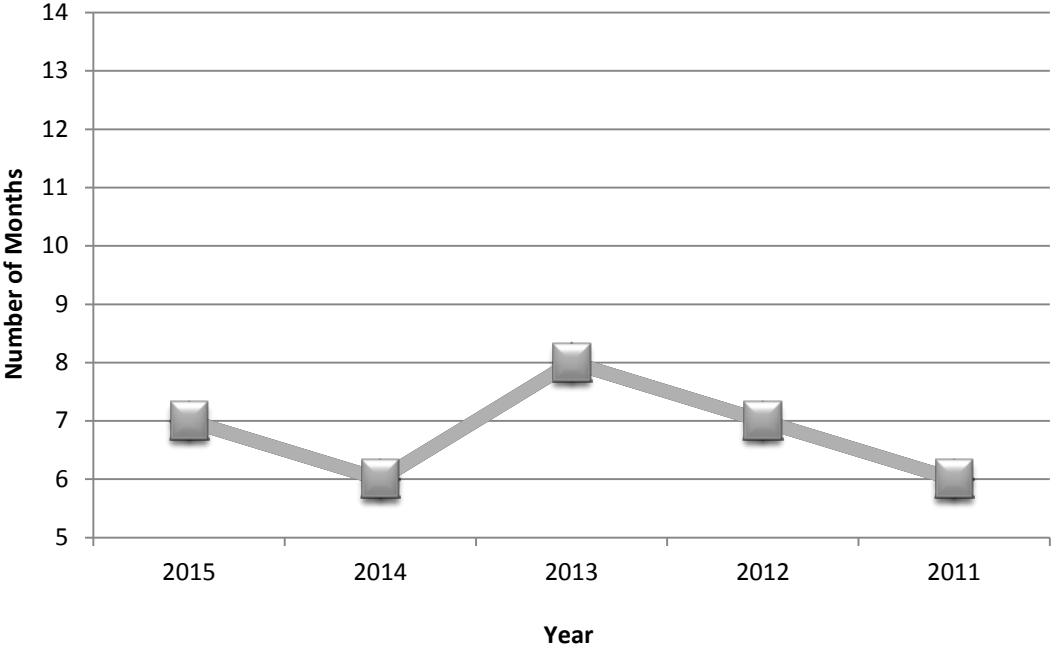


Table 17: Location of Incident	2015 (n=139)	2014 (n=138)	2013 (n=117)	2012 (n=148)	2011 (n=169)
Street	49	48	38	53	63
Private residence	50	44	29	50	60
Public building/place	11	16	9	18	27
Police station	8	19	14	15	13
Other	21	11	27	12	6

Location of Incident

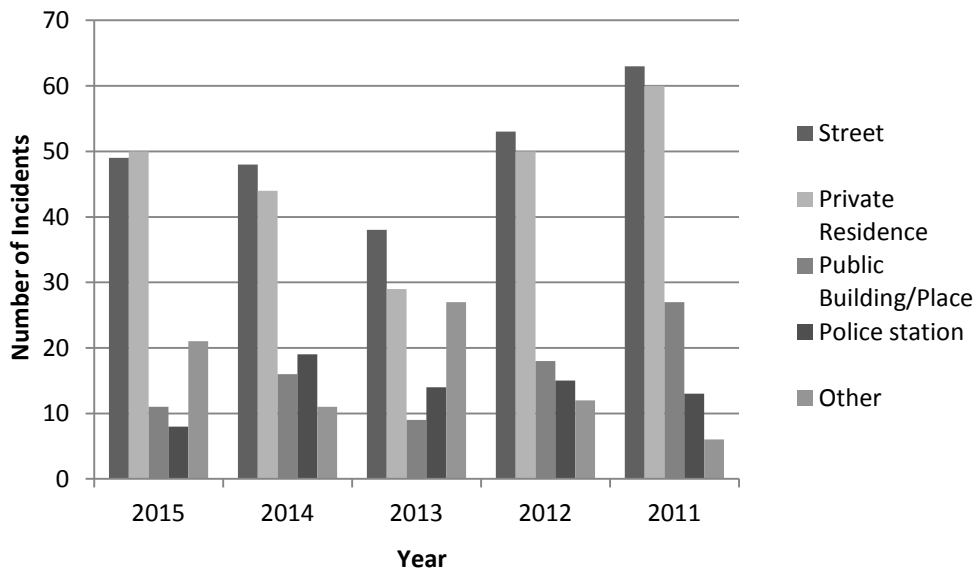


Table 18: Complainant Demographics

Table 18: Complainant Demographics					
SEX	2015 (n=139)	2014 (n=138)	2013 (n=117)	2012 (n= 148)	2011 (n= 169)
Male	86 (62%)	94 (68%)	79 (67%)	93 (63%)	114 (67%)
Female	53 (38%)	44 (32%)	36 (31%)	55 (37%)	55 (33%)
Sex Unknown	0	0	2 (2%)	0	0
AGE	2015 (n=139)	2014 (n=137)	2013 (n=117)	2012 (n= 148)	2011 (n= 169)
Over 50	32 (23%)	27 (20%)	22 (19%)	31 (21%)	23 (14%)
40 - 49	22 (16%)	32 (23%)	21 (18%)	22 (15%)	41 (24%)
30 - 39	32 (23%)	30 (22%)	24 (20.5%)	36 (24%)	34 (20%)
18 – 29	27 (19%)	28 (20%)	23 (19.5%)	22 (15%)	42 (25%)
Under 18	18 (13%)	11 (8%)	6 (5%)	21 (14%)	19 (11%)
Birth Date Unknown	8 (6%)	10 (7%)	21 (18%)	16 (11%)	10 (6%)
Average Age	36	38	40	49	23
Oldest Complainant	82	82	74	72	69
Youngest Complainant	14	14	15	13	12