

LERA BOARD HEARING

NO. 53

BETWEEN:

S.W.D

Complainant,

- and -

CST. K.L. and CST. W.A.

Respondents.

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DECISION OF THE BOARD, had and taken before the Presiding Officer, Marth Chuchman, and Board members, held at the Woodsworth Building, 405 Broadway Avenue, in the City of Winnipeg, Province of Manitoba, on the 10th day of April, 1992.

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APPEARANCES:

Mr. P. McKenna appeared on behalf of the Complainant.  
Ms. J. LeMere appeared on behalf of the Respondents.

Barbara Boyko  
Official Court Reporter  
Computer-aided transcription

1 FRIDAY, APRIL 10, 1992

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(HEARING RECONVENED AT 4:20 P.M.)

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THE BOARD: From the length of time that the board was gone, in fact, longer than the 20 minutes that we had initially anticipated, you can certainly gather that the deliberations were of some length, and I can also indicate to you that they were not reached in unanimity, at least at the start. In any event, the board can indicate that they consider the disciplinary defaults, being the abuse of authority in entering and searching, to be serious.

In the case of Constable L. , in the circumstances, viewing the seriousness of the disciplinary default and his past experience on the force, the board has decided that the appropriate penalty is the forfeiture of pay for three days. The board has considered Constable L. 's service record as related to us by Sergeant W. and therefore has not recommended the more serious penalty recommended by the commissioner in conjunction with the Chief of Police which was suspension without pay for five days.

With respect to Constable A. , again based on Constable A. 's service record, the fact he was a

Note: For the purposes of distribution, personal information has been removed by the Commissioner.

1 junior officer, relatively inexperienced, and also the  
2 fact that you did not partake in the search, the board  
3 feels that a verbal reprimand is appropriate. Are  
4 there any questions from counsel?

5 MS. LEMERE: No.

6 MR. MCKENNA: No.

7 MS. LEMERE: No questions.

8 THE BOARD: In that case, there are no  
9 questions, then we adjourn the hearing. Thank you to  
10 counsel.

11 MS. LEMERE: My client would also like  
12 to thank the board for their careful and intelligent  
13 consideration of the matter.


14 THE BOARD: We're adjourned.

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16 (HEARING ADJOURNED.)  
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REPORTER'S CERTIFICATE

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I, BARBARA A. BOYKO, being a duly sworn Court Reporter in and for the Province of Manitoba, do hereby swear that the foregoing pages of printed matter, numbered 1 and 2, are a true and accurate transcript of the proceedings at the time and place set out herein as taken by me in stenotype and produced under my direction by means of computer-aided transcription.

  
BARBARA A. BOYKO  
Official Court Reporter