

**Annual Report  
1998**

**OFFICE OF THE COMMISSIONER  
LAW ENFORCEMENT REVIEW AGENCY**



**Minister of Justice**

**Attorney General**

Room 104  
Legislative Building  
Winnipeg, Manitoba, R3C 0V8  
CANADA

His Honour  
The Honourable Peter Liba  
Lieutenant-Governor of Manitoba

May It Please Your Honour:

It is my pleasure to present the 1998 Annual Report of the Law Enforcement Review Agency. This report details the Agency's accomplishments and activities for the twelve-month period from January 01, 1998 to December 31, 1998.

I trust this meets with your approval.

Sincerely yours,

V.E. Toews, Q.C.  
Minister of Justice  
Attorney General





The Honourable Vic E. Toews, Q.C.  
Minister of Justice  
Attorney General

Dear Minister:

I am pleased to submit my report for the period January 1, 1998 to December 31, 1998 in accordance with Section 45 of *The Law Enforcement Review Act*.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "G. Wright".

George V. Wright  
Commissioner

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## **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.

## **LERA'S ROLE**

LERA is an independent, non-police agency whose role is to accept and investigate public complaints alleging disciplinary defaults by municipal police officers arising out of or in the execution of their duties.

Investigations are conducted by trained investigators in an impartial, open and publicly accountable manner.

The Commissioner of LERA is appointed by the Lieutenant Governor in Council and has such powers and shall carry out such duties and functions as are conferred or imposed under *The Law Enforcement Review Act*. For purposes of conducting investigations, the Commissioner of LERA has all the powers of a Commissioner under Part V of The Manitoba Evidence Act.

The Commissioner has a responsibility to provide complainants with detailed and thorough explanations of all findings resulting from an investigation. The Commissioner must provide written reasons for decisions made in relation to specific complaints.

As a public-service agency, LERA actively supports and, whenever possible, engages in alternative dispute resolution processes aimed at restoring and promoting social harmony between the complainant and a respondent police officer.

## **How the LERA Process Functions**

LERA is an independent non-police agency established in 1985. It is mandated by *The Law Enforcement Review Act* (the "Act") to accept and investigate public complaints alleging disciplinary defaults by municipal police officers arising out of or in the execution of their duties.

LERA does not investigate criminal matters. Complaints involving allegations of criminal misconduct by municipal police officers are referred to the Crown Attorney's office for investigation.

LERA is staffed by a full-time Commissioner who is supported by a Registrar and two Investigators.

### **To whom does the Act apply?**

The Act applies to any peace officer employed as a member of a municipal police force, or any person otherwise empowered by regulation to act as a peace officer within a designated law enforcement body in Manitoba, except members of the RCMP.

If a person has a complaint against a member of the RCMP, he or she is directed to contact the RCMP Public Complaints Commission.

### **Who can make a complaint to LERA?**

Any person who feels aggrieved by the conduct or actions of an on-duty municipal peace officer in Manitoba may file a complaint under the Act.

Third-party complaints may be made on behalf of other persons. The Commissioner must, however, notify the affected person and obtain their consent before proceeding with an investigation into the complaint.

### **How is a complaint filed?**

A complaint must be in writing, and signed by the complainant. A complainant's statement should set out the date, time, location and other particulars of the incident being complained about. If a complainant needs help preparing a complaint or making a statement, LERA staff or members of the local police service may assist them.

Complaints can be submitted directly to the Commissioner at the LERA office, to a Chief of Police, or to any member of a municipal police department. Complaints filed with police agencies are forwarded to the LERA Commissioner for investigation.

### **Are there any time limits?**

The Act requires that complaints be submitted within 30 days of the incident. However, the Commissioner may extend the time to file if the complainant did not have a reasonable opportunity to file a complaint within the required time limit.

The Commissioner may also extend the 30-day filing limit in order to avoid conflict with court proceedings or ongoing criminal investigations, when criminal charges have been laid against the complainant in relation to the incident being complained about.

## **How is a complaint investigated?**

LERA investigators take statements, obtain and review official police, medical and other reports, interview witnesses and conduct all necessary inquiries and investigations.

Complainants are encouraged to contact the Commissioner's office during the course of the investigation to inquire about the status of their complaint. The Commissioner shares all relevant information with complainants and respondents, and is open to discuss any findings with them before making a final determination on their complaint.

## **Legal Representation**

Complainants and respondents do not require legal representation when dealing with LERA. However, parties to a complaint are entitled to be represented by legal or other counsel at any time during the process. If complainants or respondents choose to be represented, they must arrange for and provide those services themselves.

Respondent officers are generally represented by legal counsel, as provided under their employment services contracts. Complainants may apply for legal aid, and if declined the Commissioner may in exceptional circumstances apply directly to the Attorney General for the appointment of legal counsel.

## **Complaint Resolution**

After an investigation is completed, the Act provides several alternative means for resolving complaints.

### **(I) Informal Resolution**

Whenever possible, the Commissioner will attempt to resolve complaints through an informal mediated process. Both the complainant and the respondent officer(s) must agree to an informal resolution before it can take place. When a complaint is resolved in an informal manner, it is not subject to any further appeal or action, and no record of the incident appears on the officer's service record.



(ii) Admission of Disciplinary Default

When the respondent officer(s) admits having committed the alleged misconduct, the Commissioner reviews the officer's service record and consults with the Chief of Police before penalty is imposed for the disciplinary default.

(iii) Referral to a Provincial Judge for Hearing

When a complaint cannot be resolved through an informal process or by admission of disciplinary default by the respondent officer(s), and if the Commissioner does not decline to take further action, the Commissioner must refer the complaint to a provincial judge for disposition at a public hearing.

**Circumstances When Further Action Is Declined:**

The Commissioner shall decline to take further action on a complaint when satisfied that:

- (a) the subject matter of a complaint is frivolous or vexatious;
- (b) the actions or conduct complained about do not fall within the scope of the Act;
- (c) the complaint has been abandoned by the complainant; or
- (d) there is insufficient evidence supporting the complaint to justify referring it to a provincial judge for a public hearing.

When the Commissioner declines to take further action on a complaint, the complainant may request a review of the Commissioner's decision. This request for a review must be filed within 30 days after the notice of the Commissioner's decision has been sent. Reviews are arranged by LERA without cost to the complainant. A provincial judge conducting the review acts *persona designata* and not as a court when performing a duty or exercising a power under this Act. The decision of a provincial judge on a review is final.

## **Police Disciplinary Default**

A member commits a disciplinary default when he/she affects the complainant or any other person by means of any of the following acts or omissions arising out of or in the execution of his duties:

- Abuse of 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 pecuniary or personal advantage.
  - Without authorization, serving or executing documents in a civil process.
  - Discriminating on the basis of race, nationality, religion, colour, sex, marital status, physical or mental handicap, age, source of income, family status, political belief, or ethnic or national origin.
- 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.
- Being present and failing to assist any person in circumstances where there is a clear danger to the safety of that person or the security of that person's property.
- Violating the privacy of any person within the meaning of The Privacy Act.
- Contravening this Act or any other regulation under this Act, except where the Act or regulation provides a separate penalty for the contravention.
- Assisting any person in committing a disciplinary default, or counselling or procuring another person to commit a disciplinary default.

### **Penalties for Disciplinary Default:**

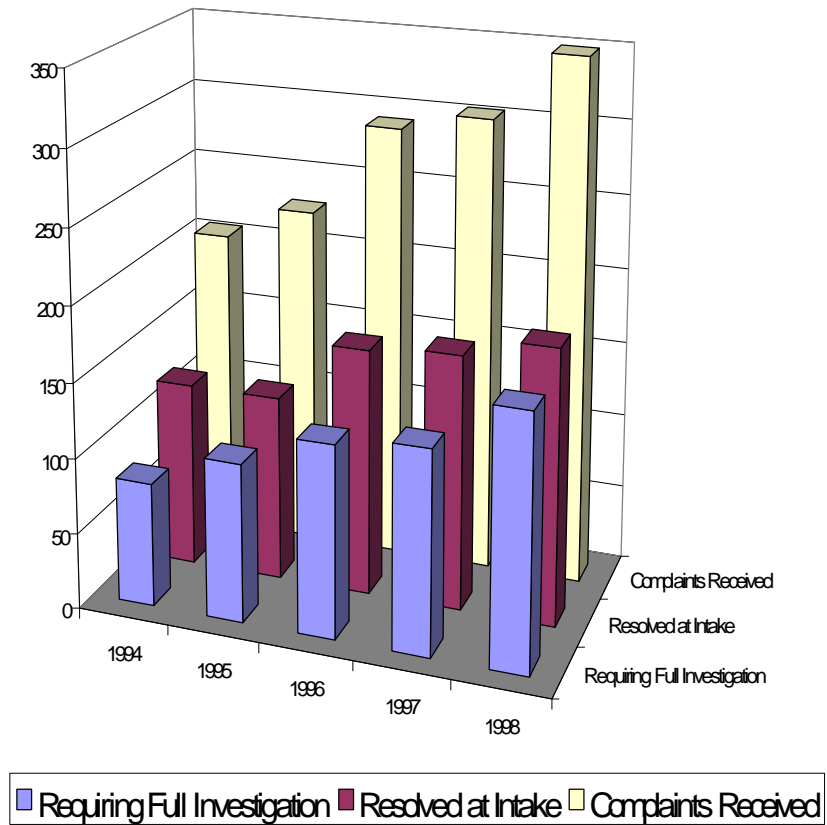
The penalty for an officer found guilty of any of the above disciplinary defaults are set out in the Act in diminishing order of seriousness, as follows:

- Dismissal
- Permission to resign and, in default of resignation within seven days, summary dismissal.
- Reduction in rank.
- Suspension without pay up to a maximum of 30 days.
- Forfeiture of pay up to a maximum of ten days pay.
- Forfeiture of leave or days off not to exceed 10 days.
- A written reprimand.
- A verbal reprimand.
- An admonition.

## 1998 STATISTICAL REPORT- DATA TABLES

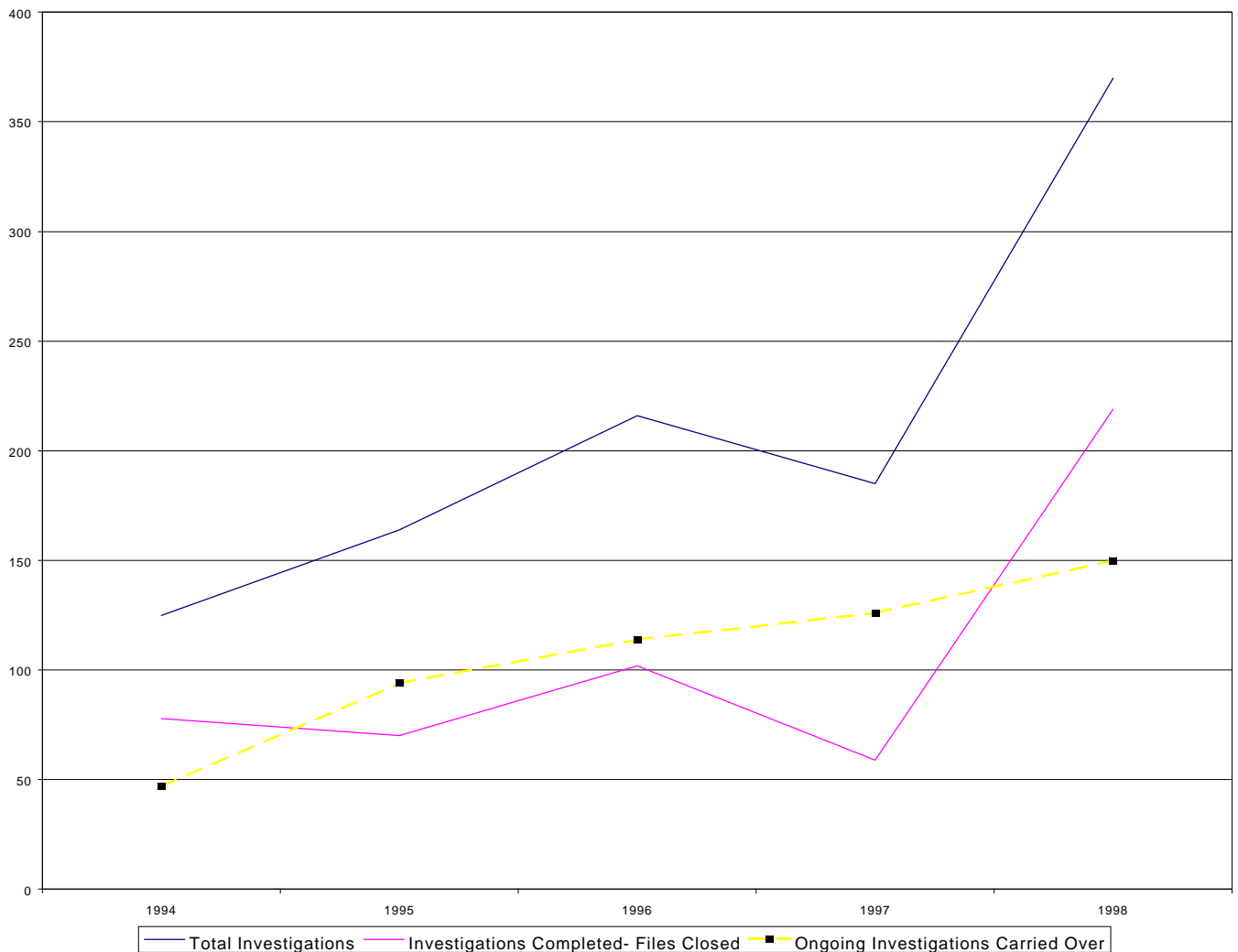
<b>Table 1- Public Complaints</b>	<b>1998</b>	<b>1997</b>	<b>1996</b>	<b>1995</b>	<b>1994</b>
Complaints Received	349	303	291	228	205
Resolved at Intake/After Preliminary Investigation	182 (52%)	169 (56%)	164 (56%)	123 (54%)	123 (60%)
Requiring Full Investigation	167 (48%)	134 (44%)	127 (44%)	105 (46%)	82 (40%)

### Increase in Complaints



<b>Table 2- Investigations Conducted</b>	<b>1998</b>	<b>1997</b>	<b>1996</b>	<b>1995</b>	<b>1994</b>
Total Investigations	370	185	217	164	125
Investigations Completed – Files Closed	220(59%)	59 (32%)	103 ( 48%)	70(43%)	78 (62%)
Ongoing Investigations Carried Over as of December 31, 1998	150(41%)	126(68%)	114 (52%)	94(57%)	47 (38%)

### Investigations Conducted



**Table 3 – Time Span of Ongoing Investigations  
Carried Over as of December 31, 1998**

<b>Year</b>	<b>1 - 3 Months</b>	<b>4 - 7 Months</b>	<b>8 - 12 Months</b>	<b>13 - 18 Months</b>	<b>19 - 23 Months</b>	<b>24 + Months</b>	<b>Total</b>
<b>1996</b>						<b>11</b>	<b>11</b>
<b>1997</b>			<b>4</b>	<b>5</b>	<b>7</b>		<b>16</b>
<b>1998</b>	<b>68</b>	<b>42</b>	<b>13</b>				<b>123</b>
<b>Total</b>	<b>68</b>	<b>42</b>	<b>17</b>	<b>5</b>	<b>7</b>	<b>11</b>	<b>150</b>

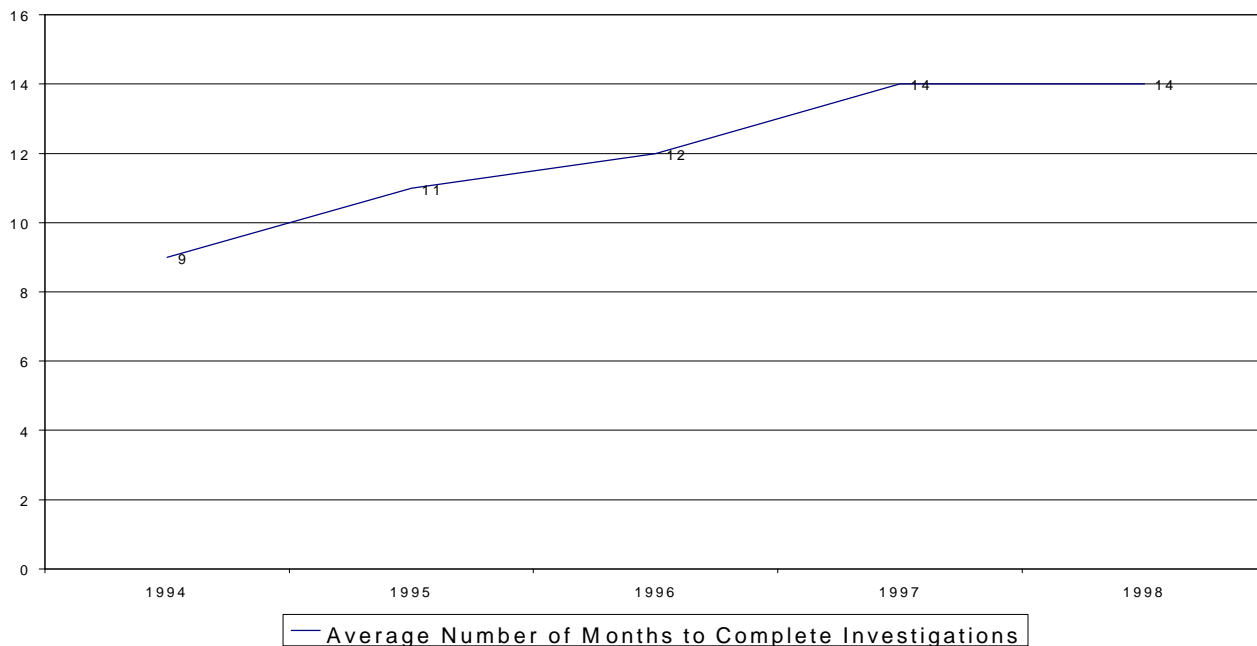
**Table 4 - Files Concluded in 1998 by Year of Origin**

<b>Year</b>	<b>Number of Files</b>	<b>Average Time to Close Investigation</b>
<b>1995</b>	<b>2</b>	<b>33 Months</b>
<b>1996</b>	<b>68</b>	<b>22 Months</b>
<b>1997</b>	<b>105</b>	<b>12 Months</b>
<b>1998</b>	<b>45</b>	<b>6 Months</b>
<b>Total</b>	<b>220</b>	<b>14 Months</b>

**Table 5- LENGTH OF TIME TO COMPLETE INVESTIGATIONS**

	<b>1998 (n=220)</b>	<b>1997 (n=59)</b>	<b>1996 (n=102)</b>	<b>1995 (n=70)</b>	<b>1994 (n=79)</b>
<b>1-3 Months</b>	9 (4%)	6 (10%)	5(5%)	3 (4%)	14 (18%)
<b>4-7 Months</b>	38 (17%)	4 (7%)	14 (14%)	17 (25%)	27 (35%)
<b>8-12 Months</b>	60 (27%)	14 (24%)	36 (35%)	26 (37%)	20 (26%)
<b>13-18 Months</b>	52 (24%)	26 (44%)	37 (36%)	18 (26%)	7 (9%)
<b>19-23 Months</b>	39 (18%)	6 (10%)	8 (8%)	5 (7%)	6 (7%)
<b>24+ Months</b>	22 (10%)	3 (5%)	2 (2%)	1 (1%)	4 (5%)
<b>Average</b>	14 Months	14 Months	12 Months	11 Months	9 Months

Average Number of Months to Complete Investigations



<b>TABLE 6 - COMPLAINANT DEMOGRAPHICS</b>	<b>1998 (n=167)</b>	<b>1997 (n=134)</b>	<b>1996 (n=127)</b>	<b>1995 (n=105)</b>	<b>1994 (n=82)</b>
<b>Sex</b>					
Male	109 (65%)	104 (78%)	99 (78%)	77 (73%)	53 (65%)
Female	58 (35%)	30 (22%)	28 (22%)	28 (27%)	29 (35%)
<b>Age</b>					
Over 50	19 (11%)	13 (10%)	11 (9%)	9 (9%)	8 (10%)
40 - 49	36 (22%)	21 (15%)	15 (12%)	13 (12%)	17 (21%)
30 - 39	44 (26%)	33 (25%)	35 (27%)	26 (25%)	17 (21%)
18 - 29	41 (25%)	35 (26%)	44 (35%)	32 (31%)	25 (30%)
Youths under 18	12 (7%)	13 (10%)	10 (8%)	11 (10%)	2 (2%)
Birth dates unknown	15 (9%)	19 (14%)	12 (9%)	14 (13%)	13 (16%)

<b>Table 7-Legal Involvement of Complainants</b>	<b>1998 (n=167)</b>	<b>1997 (n=134)</b>	<b>1996 (n=127)</b>	<b>1995 (n=105)</b>	<b>1994 (n=82)</b>
<b>No Charges</b>	66 (39%)	44 (33%)	46 (36%)	42 (40%)	35 (43%)
<b>Traffic Offences</b>	20 (12%)	16 (12%)	16 (13%)	13 (12%)	10 (12%)
<b>Property Offences</b>	4 (2%)	10 (7%)	12 (9%)	11 (10%)	10 (12%)
<b>Intoxicated Persons Detention</b>	8 (5%)	10 (7%)	13 (10%)	12 (11%)	2 (2%)
<b>Cause Disturbance</b>	5 (3%)	5 (4%)	4 (3%)	2 (2%)	2 (2%)
<b>Assault Police Officer/Resist Arrest</b>	8 (5%)	7 (5%)	5 (4%)	2 (2%)	0 (0%)
<b>Impaired Driving</b>	6 (4%)	9 (7%)	4 (3%)	5 (5%)	2 (2%)
<b>Offences Against Another Person</b>	12 (7%)	8 (6%)	10 (8%)	6 (6%)	4 (5%)
<b>Domestic Disputes</b>	6 (4%)	7 (5%)	7 (6%)	3 (3%)	6 (8%)
<b>Other</b>	32 (19%)	18 (14%)	10 (8%)	9 (9%)	11 (14%)



<b>Table 8- Complainant's Allegations</b>	<b>1998</b>	<b>1997</b>	<b>1996</b>	<b>1995</b>	<b>1994</b>
<b>Abuse of authority</b>	40	16	5	14	9
<b>Arrest without reasonable or probable grounds</b>	16	7	4	6	4
<b>Using unnecessary or excessive force</b>	80	63	70	45	37
<b>Using oppressive or abusive conduct or language</b>	53	52	94	51	38
<b>Being discourteous or uncivil</b>	45	34	45	35	30
<b>Seeking improper personal advantage</b>	0	0	4	0	1
<b>Serving civil documents without proper authorization</b>	2	0	0	0	0
<b>Discrimination (age, race, sex, all types)</b>	6	5	2	5	4
<b>Making false statement(s)</b>	1	1	3	4	3
<b>Improperly disclosing information</b>	2	4	0	2	3
<b>Failing to exercise care or restraint in use of firearm</b>	2	2	3	0	0
<b>Damaging property or failing to report damage</b>	3	2	4	3	4
<b>Failing to provide assistance to person(s) in danger</b>	2	2	8	8	6
<b>Violating persons privacy (under The Privacy Act)</b>	1	0	0	0	1
<b>Contravening <i>The Law Enforcement Review Act</i></b>	0	0	0	0	0

**Note: Complainants often allege more than one type of misconduct**

**Table 9 - Incidents Alleging Misuse of Pepper Spray**

<b>1998 (n=6)</b>	<b>1997 (n=5)</b>	<b>1996 (n=13)</b>	<b>1995 (n=13)</b>
4% of 167 Complaints Investigated  Winnipeg = 6	4% of 134 Complaints Investigated  Winnipeg = 4 Brandon = 1	10% of 126 Complaints Investigated  Winnipeg = 13	12% of 105 Complaints Investigated  Winnipeg = 12 Altona = 1

**Table 10 - Incidents Alleging Misuse of Handcuffs**

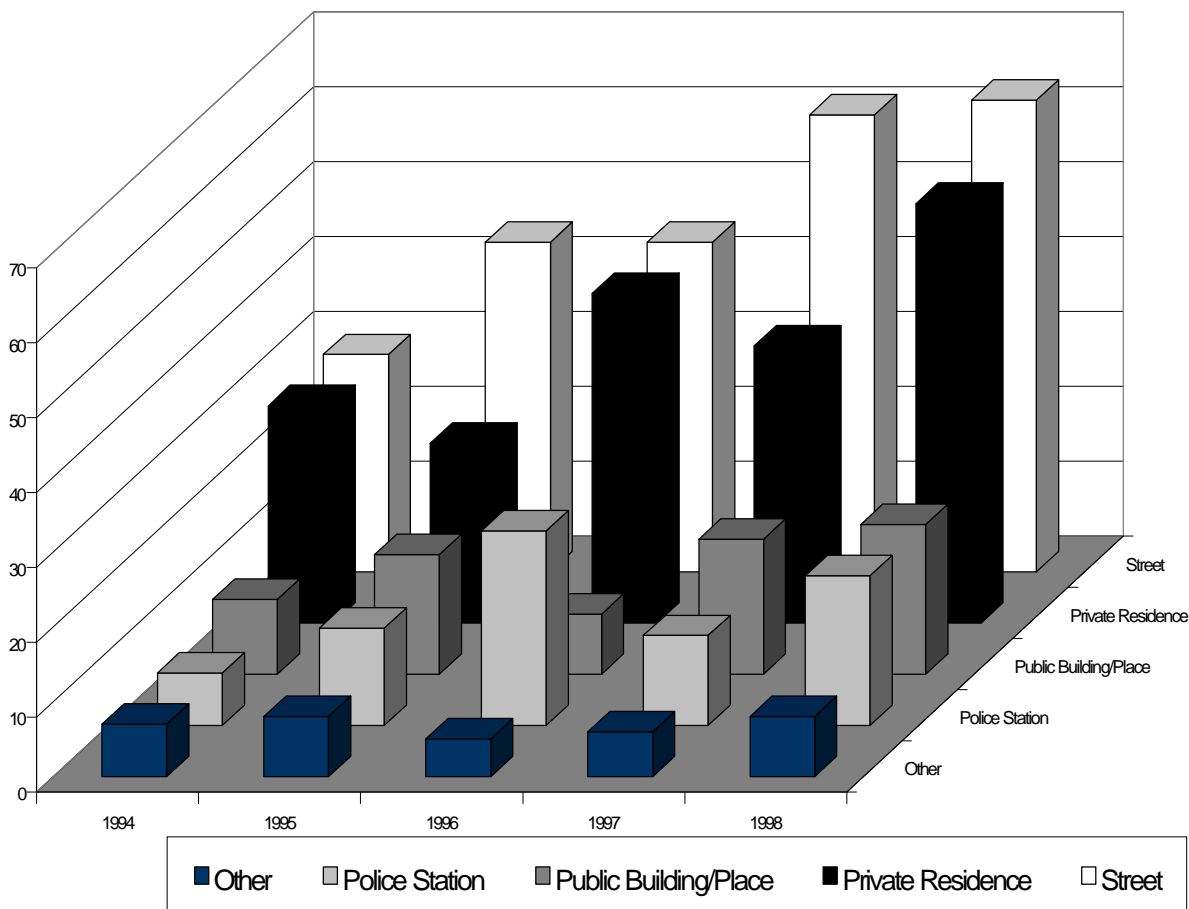
<b>1998 (n=12)</b>	<b>1997 (n=9)</b>	<b>1996 (n=12)</b>
7% of 167 Complaints Investigated  Winnipeg = 9 Brandon = 2 Altona = 1	7% of 134 Complaints Investigated  Winnipeg = 7 Brandon = 2	10% of 126 Complaints Investigated  Winnipeg = 10 Brandon = 2

**Table 11- Incidents Alleging Injuries from Use of Force**

<b>1998 (n=44)</b>	<b>1997 (n=40)</b>	<b>1996 (n=67)</b>	<b>1995 (n=44)</b>
26% of 167 Complaints Investigated  Winnipeg = 39 Brandon = 5	30% of 134 Complaints Investigated  Winnipeg = 36 Brandon = 4	53% of 126 Complaints Investigated  Winnipeg = 64 Brandon = 3	42% of 105 Complaints Investigated  Winnipeg = 38 Brandon = 5 Altona = 1

<b>Table 12 - Location of Incident</b>	<b>1998 (n=167)</b>	<b>1997 (n=134)</b>	<b>1996 (n=127)</b>	<b>1995 (n=105)</b>	<b>1994 (n=82)</b>
Street	63 (38%)	61 (46%)	44 (35%)	44 (42%)	29 (35%)
Private Residence	56 (34%)	37 (28%)	44 (35%)	24 (23%)	29 (35%)
Public Building/Place	20 (12%)	18 (13%)	8 (6%)	16 (15%)	10 (12%)
Police Station	20 (12%)	12 (9%)	26 (20%)	13 (12%)	7 (9%)
Other	8 (4%)	6 (4%)	5 (4%)	8 (8%)	7 (9%)

**Location of Incident**



<b>Table 13 - Complaints by Police Service</b>	<b>Police Officers **</b>	<b>Population ***</b>	<b>1998 (n=167)</b>	<b>1997 (n=134)</b>	<b>1996 (n=127)</b>	<b>1995 (n=105)</b>	<b>1994 (n=82)</b>
Altona	7	3,288	3 (2%)	0 (0%)	0 (0%)	2 (2%)	0 (0%)
Brandon	72	39,175	19(11%)	17 (13%)	14 (11%)	16 (15%)	14 (17%)
RM East St. Paul	9	6,437	0 (0%)	0 (0%)	2 (1.5%)	1 (1%)	0 (0%)
Morden	6	5,689	3 (2%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Rivers	3	1,117	0 (0%)	0 (0%)	1 (1%)	0 (0%)	1 (1%)
Ste. Anne	3	1,511	0 (0%)	0 (0%)	2 (1.5%)	0 (0%)	0 (0%)
Winkler	8	7,241	1 (1%)	0 (0%)	1 (1%)	0 (0%)	2 (2%)
Winnipeg	1193	618,477	141(84%)	117(87%)	107 (84%)	86 (82%)	64 (79%)
*RM Cornwallis	1	4,279	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
*RM St.Clements	2	8,516	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
*RM Victoria Beach	3	227	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
*RM of Whitehead	1	1,535	0 (0%)				
Other			0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)
<b>Total</b>	<b>1308</b>	<b>697,492</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

\*Supplementary Police Service - RCMP have Primary Responsibility

\*\*Source: Municipal Police Services

\*\*\*Source: Municipal Officials' 98, Manitoba Rural Development

<b>Table 14 – Disposition of Complaints</b>	<b>1998 (n=220)</b>	<b>1997 (n=59)</b>	<b>1996 (n=103)</b>	<b>1995 (n=70)</b>	<b>1994 (n=78)</b>
Dismissed by Commissioner as Outside Scope of Act	7 (3%)	1 (2%)	1 (1%)	2 (3%)	0 (0%)
Dismissed by Commissioner as Frivolous or Vexatious	61 (28%)	10 (16%)	15 (14%)	11 (17%)	11 (14%)
Dismissed by Commissioner as Not Supported by Sufficient Evidence to Justify a Hearing	72 (32%)	34 (57%)	46 (45%)	24 (34%)	30 (39%)
Abandoned or Withdrawn by Complainant	59 (27%)	8 (14%)	36 (35%)	24 (34%)	34 (43%)
Resolved Informally	15 (7%)	1 (2%)	4 (4%)	7 (10%)	3 (4%)
Public Hearing Before a Provincial Court Judge	6 (3%)	4 (7%)	1 (1%)	1 (1%)	0 (0%)
Admission of Guilt by Respondent Officer	0 (0%)	1 (2%)	0 (0%)	1 (1%)	0 (0%)

<b>Table 15- Reviews by Provincial Judge of Commissioner's Decision to Take no Further Action</b>	<b>1998</b>	<b>1997</b>	<b>1996</b>	<b>1995</b>	<b>1994</b>
	10	5	3	1	1

<b>Table 16- Referrals of Complaint to Crown for Criminal Investigation</b>	<b>1998</b>	<b>1997</b>	<b>1996</b>	<b>1995</b>	<b>1994</b>
	3	1	1	4	2

# Case Summaries

## ***Informal Resolution of Complaints***

The following is a summary of some of the complaints that were resolved informally in 1998:

- ◆ A lawyer and her client went to a police station to make a complaint against a police officer concerning an incident that had allegedly taken place. The client alleged that the police officer used unnecessary violence or excessive force, oppressive language or abusive conduct and failed to provide assistance when detaining her, pursuant to the Intoxicated Persons Detention Act. The client indicated that she wished to pursue criminal charges against the police officer, with regard to the use of excessive force. While attending at the police station to lodge the complaint against the police officer, the lawyer claimed that the senior officer who was responsible for taking their complaint was rude, discourteous and arrogant. The lawyer further alleged that the police officer tried to persuade her client not to lodge the complaint and that he threatened her client with legal action if she intended to proceed with the complaint.

*The complaint was eventually resolved informally with the lawyer requesting and receiving a written apology from the police officer. The police officer indicated that he was in possession of taped evidence from the police vehicle, which suggested that the allegations against the police officer were false. The complainant and her lawyer were informed of this at the police station. The police officer further indicated that his intent, when attempting to persuade the complainant not to make a formal complaint, was to prevent her from committing mischief by lodging what he considered to be a false statement. The complainant decided not to pursue criminal charges against the police officer, but did make a separate complaint to the Law Enforcement Review Agency concerning her allegation of excessive force. That investigation, substantiated by video and voice tape evidence, suggested that the police officer had not committed a disciplinary default and, the Commissioner concluded that the complaint was vexatious.*

- ◆ The complainant, a twenty-four year old male was among a group of people that had been ejected from and had gathered outside a bar during early morning hours. The complainant indicated that he had informed police officers that he was not intoxicated but that he had a walking disability. He alleged that the officers abused their authority, used unnecessary violence or excessive force and oppressive language while detaining him.

*The complaint was informally resolved during a meeting between the complainant, his father and the arresting officer. The complainant indicated that he was satisfied that he was able to present his case and make the officer aware of his frustration concerning his disability. It was observed that both the police officer and the complainant were seen to be in friendly conversation following the informal meeting.*

- ◆ The complainant maintained that two police officers attended his apartment in search of a relative. When the complainant was not able to provide the officers with the whereabouts of his relative, he alleged that one of the officers used oppressive or abusive conduct and language when he picked up a glass coffee container and smashed it against the wall.

*The complaint was informally resolved when police provided restitution for replacement of the coffee container.*

- ◆ The complainant indicated he was riding his bicycle down the wrong side of the street and was instructed by police officers to ride alongside vehicular traffic rather than against traffic. The complainant alleged that when he attempted to explain his actions to police, he was grabbed by the shirt. He alleged that the officers used oppressive or abusive conduct or language when they issued him with two traffic tickets, for driving against traffic and for failure to change his address within fifteen days of relocating to a new address. The complainant stated he wanted an apology from the officers involved.

*When the complainant and the police officers met informally to resolve this matter, the complainant began the meeting by immediately apologizing to the officers involved for the initial verbal profanity that he directed at them when the incident occurred. The officers acknowledged the apology. The officers also admitted that their reaction to the complainant's initial comments to them influenced their lack of professional attitude that resulted in a further decline in the situation. Both parties acknowledged and accepted responsibility for their actions and left the meeting with a positive resolve.*

- ◆ The female complainant was in the process of exiting a vehicle when a police officer approached her with his service revolver drawn and demanded she place her hands on the vehicle. The officer informed her she was driving a stolen vehicle and he then ordered her into the police vehicle. The complainant indicated that although the officer was in uniform and driving a marked police vehicle, she felt uncertain of his identity and was afraid of being locked inside the police car. The complainant stated that the officer's aggressive approach

confused her and that he continued to smoke a cigarette while pointing his firearm at her. She alleged that the officer used oppressive or abusive conduct or language. Investigation revealed that the complainant had previously made a report to Manitoba Public Insurance (MPI) concerning the attempted theft of her vehicle. Due to the damage to her vehicle, MPI had to tow it. When the complainant discovered her vehicle missing she contacted MPI to find out if it had been picked up for repairs. When MPI denied having towed the vehicle, the complainant reported it stolen to the police. Several days after reporting the vehicle stolen, MPI located it in their compound and contacted the owner, requesting that she notify the police that the vehicle was recovered. The complainant failed to notify police that her vehicle had been recovered and as a result it was still listed on their computer as stolen. Even though police were able to clarify the matter and the complainant was released, she alleged that the officer's conduct appeared unprofessional and caused her to be suspicious and fearful. The complainant objected to the officer's oppressive conduct and that he had made her feel like a criminal.

*The officer and complainant agreed to resolve this matter informally. During their meeting to discuss the matter, the officer conveyed to the complainant that his actions were dictated by police department policy and rules concerning officer safety and that criminals are not always distinguishable by their appearance alone. The complainant indicated that she accepted that explanation but still did not agree with his approach to her and that he should have been able to determine by her appearance that she was not a criminal. The LERA investigator also suggested to the officer that he should be aware of his professional appearance, with reference to the appropriateness of smoking in situations such as this incident.*



## LERA as an Agency

The Law Enforcement Review Agency is an agency of the Manitoba Department of Justice, Public Safety Branch. LERA's office and mailing address is located at 200-379 Broadway, Winnipeg, Manitoba, R3C 0T9.

Telephone: in Winnipeg (204) 945-8667  
Outside Winnipeg- call toll-free at 1-800-282-8069

Facsimile: (204) 948-2740

Mr. George V. Wright was appointed Commissioner in February 1998.

Mr. Wyman Sangster, Director of the Public Safety Branch provided administrative support.

Mr. Larry Yeske, Mr. Robert M. Tramley, Mr. Brian Savage, Mr. Robert Brakefield-Moore and Mr. Ron Forgeron provided investigative support at various times during the year.

Ms. Lorraine De Baets is Registrar and administrative assistant.

Mr. Denis G. Guenette, Crown Counsel, Civil Legal Services, Manitoba Department of Justice provides legal services to LERA.

## Data Analysis

The number of public complaints continues to increase.

The percentage of complaints resolved at intake or after preliminary investigation declined slightly, while the percentage requiring full investigation increased slightly.

A substantial number of open files dating back to 1995 required action. This resulted in an increase in the number of investigations concluded during the year.

The number of outstanding investigations carried forward continues to increase.

There was a substantial increase in the number of complaints resolved informally.

The average length of time to complete investigations on files closed in 1998 was 14 months. This can be attributed to a lack of staff in previous years, resulting in an accumulating backlog of files. Although the number of new complaints increased and additional cases had to be addressed during 1998, with staff, the average time to complete investigations remained constant.

## Acknowledgements

- Members of the public who have made their complaints and concerns known to LERA.
- Complainants and respondents who are able to resolve their differences by way of informal resolution.
- The continued support and cooperation of the many stakeholders involved in the LERA process.
- The Chiefs of Police of Manitoba's Municipal Police Services.
- The Police Associations and members of Manitoba's Municipal Police Services.
- Legal counsel for both complainants and respondents.
- Department officials who have contributed their expertise in making LERA a more effective and efficient agency.
- The staff of LERA, whose competence and commitment is vital to LERA's success as a Civilian Oversight agency.
- Ms. Sheila Biedler, Ms. Genevieve Michael and Mr. Eric Petz for compiling this report.

## Activities

During the year, the Commissioner met with several Municipal Police Chiefs and the Executive members of the Brandon and Winnipeg Police Associations and other stakeholders.

In July, the Commissioner and Mr. Yeske attended the Winnipeg Police Service Training Division and gave a presentation to recruit class #128 on *The Law Enforcement Review Act* and Civilian Oversight. The presentation was well received by the recruits and generated valuable discussion. Inspector R. Hall expressed appreciation on behalf of the Winnipeg Police Service to LERA for this endeavour.

In October, the Commissioner and LERA's legal counsel attended the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) conference in Vancouver, British Columbia. Immediately after the CACOLE conference, the International Association for Civilian Oversight of Law Enforcement (IACOLE) conference was attended in Seattle, Washington.

## Overview

In 1997, the Department of Justice retained the firm of KPMG to review LERA, with a focus on understanding what constitutes an acceptable and manageable workload, given the complexity of the matters the agency investigates.

In January 1998, the KPMG report was received. Recommendations included an increase in staff in order to decrease the time to complete investigations and resolve matters and to implement a computerized case management system and an improved statistical database.

These recommendations were accepted. A business plan was implemented and term employees hired, resulting in the number of open files being substantially reduced, and an enhanced service to LERA clients and stakeholders. A request for three additional person years has been forwarded to department officials for consideration and review during the estimate process for the next fiscal year. An improved case management system and improved database are being actively pursued.

The major focus of the year was to address the administrative and investigative aspects that required bringing a large number of outstanding files up to date. By the end of the year, the number of outstanding files was substantially reduced. This was achieved despite the fact that the number of complaints received continued to increase.

Much has been accomplished during the year, and with continued support from government, and all stakeholders, LERA will, in future years, achieve its mission of delivering a judicious, timely, impartial, client-oriented service to the public and to the police services and peace officers within its jurisdiction.