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

Annual Report  
2010







**ATTORNEY GENERAL  
MINISTER OF JUSTICE**

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

The Honourable Philip S. Lee, 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 *2010 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, 2010.

Respectfully submitted,

Honourable Andrew Swan



**Justice**

Law Enforcement Review Agency (LERA)  
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The Honourable Andrew Swan  
Minister of Justice  
Attorney General

Dear Minister:

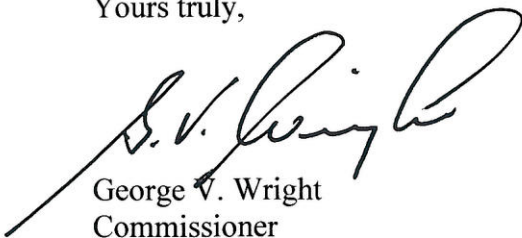
Pursuant to Section 45 of *The Law Enforcement Review Act*, I am pleased to present the Law Enforcement Review Agency's 26<sup>th</sup> annual report for the period of January 1, 2010, to December 31, 2010.

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,

  
George V. Wright  
Commissioner



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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 Commission for Public Complaints (CPC) against the RCMP, at [www.cpc-cpp.gc.ca](http://www.cpc-cpp.gc.ca) or by calling 1-800-665-6878 (toll free). LERA will forward these complaints to the CPC.

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 municipal or local police officers have committed any of the following actions:

- 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 monetary or personal advantage
  - serving or executing documents in a civil process without authorization
  - 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 a person 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. You may ask LERA staff or members of the local police service to help you prepare a 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 a lawyer who is provided under their employment contract or collective agreement.

### **How is a complaint resolved?**

The act provides several ways to resolve a complaint. 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 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 E-mail:**

[lera@gov.mb.ca](mailto:lera@gov.mb.ca)

**Visit Our Website**

[www.gov.mb.ca/justice/lera](http://www.gov.mb.ca/justice/lera)

### Website Overview – 2010

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 Regulations
- Public Hearings and Reviews
- News Releases
- Annual Reports
- Links
- Site Map
- Disclaimer and Copyright

### 2010 Web Trends Report:

Visitors.....31,580  
Pages viewed .....47,835  
Average pages viewed per day.....131

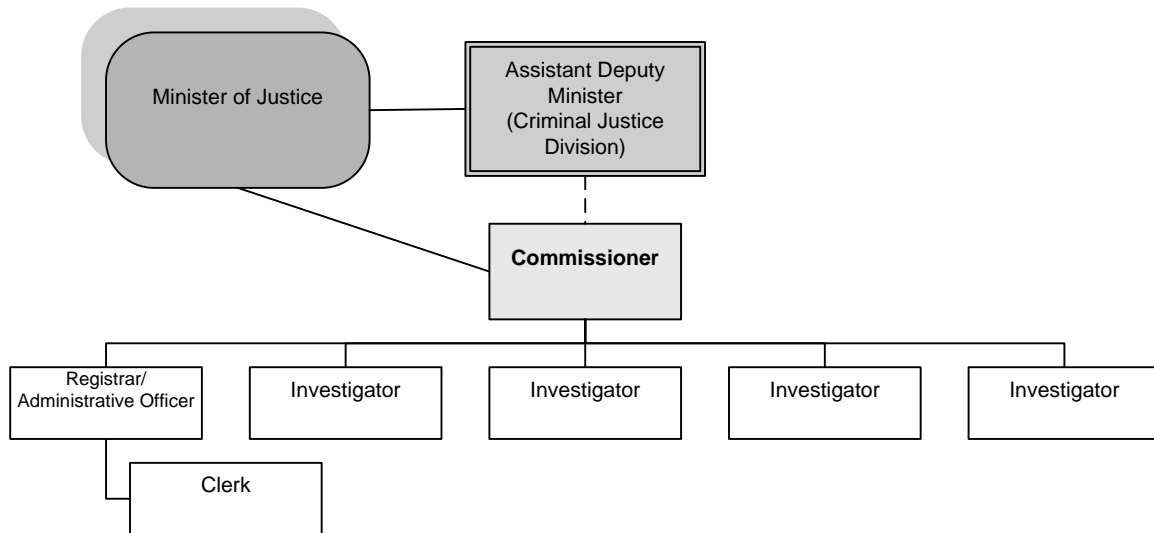
## Organizational Structure

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 Criminal Justice Division's assistant deputy minister.

LERA's budget for the financial year beginning April 1, 2010 and ending March 31, 2011 is:

Full Time Employees	7
	\$(000's)
Total Salaries	\$505
Total Operating Budget	<u>\$109</u>
<b>TOTAL</b>	<b>\$614</b>



## Activities

During the year, the commissioner and/or staff:

- participated in meetings with the minister of justice and deputy minister of justice
- participated in meetings with the assistant deputy minister of justice, Criminal Justice 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 designata*
- met with chief and associate chief judges of the Provincial Court
- received deputy chief of the Winnipeg Police Service
- met with chief administrative officer and chief of police of Morden
- participated in Manitoba Bar Association Law Day open house at Manitoba Law Courts Complex
- attended Truth and Reconciliation Commission of Canada - *It's About Respect*, a national event at the Forks.
- made a presentation to Brandon Police Service members on *The Law Enforcement Review Act*
- attended graduation ceremonies for Winnipeg Police Service recruit classes
- received Manitoba Metis Federation's Minister of Justice, Julyda Lagimodiere, and staff from the Metis Justice Institute
- visited Winnipeg Police Service Division 11 and 13 Stations
- attended Manitoba Organization and Staff Development training courses
- participated in various media interviews
- presented to students taking Policing in Canada at the University of Winnipeg
- presented to students taking Introduction to Criminal Justice at the University of Winnipeg
- presented to students at the Northwest Law Enforcement Academy
- presented to students taking Police Studies at Assiniboine Community College
- met with Manitoba Ombudsman staff
- attended 5<sup>th</sup> Annual Manitoba Council of Administrative Tribunals Conference (MCAT)
- attended 8<sup>th</sup> Annual Crown Defence Conference in Winnipeg
- attended 6<sup>th</sup> annual lecture by Supreme Court Justice Marshall Rothstein at University of Winnipeg
- attended National Aboriginal Day at the Indian and Métis Friendship Centre
- presented to Winnipeg Police Service recruit and cadet classes on *The Law Enforcement Review Act*
- LERA commissioner, as president of Canadian Association for Civilian Oversight of Law Enforcement (CACOLE), chaired the association's annual conference in Fredericton, NB. Duties included:
  - made welcoming and introductory opening remarks to delegates
  - chaired the association's annual general meeting and election of officers
  - introduced keynote speaker Art Vertlieb, Q.C., commission counsel for the Braidwood Enquiry into the Robert Dziekanski tragedy
  - introduced Frank L. Graves, president, EKOS (a respected name in Canadian public opinion research) who gave a presentation *How Do Members of the Public View Civilian Oversight of Law Enforcement in Canada*

- chaired a panel on *Issues in Criminal Investigations in an Oversight Role* with panellists Jim Coupland (senior director of Investigations for the Police Ombudsman of Northern Ireland, Cliff Purvis (director of Alberta Serious Incident Response Team) and Ian Scott (director of Ontario's Special Investigations Unit)
- made conference closing remarks
- attended a meeting with other provincial civilian oversight agencies hosted by the Commission for Public Complaints Against the RCMP in Ottawa
- attended a conference planning meeting for the Canadian Association of Civilian Oversight of Law Enforcement in Ottawa
- met with the chief of the Winnipeg Police Service and the inspector of their Professional Standards Unit
- presented to members of the Winnipeg Police Service's Professional Standards Unit
- attended and presented at Winnipeg Police Services Aboriginal Advisory Committee meeting
- emailed provincial court decisions about LERA matters to all Manitoba police agencies



## **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 as a civilian oversight of law enforcement agency
- the province's Information Systems Branch for maintenance of LERA's computerized data system
- the many other stakeholders involved in the LERA process

## Case Summaries

---

### Commissioner's Decision to Take No Further Action

*When LERA receives a complaint, the commissioner assigns a staff investigator to investigate the complaint. 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 chance 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.*

Following are samples of cases in 2010 in which the commissioner decided no further action was required:

- Police were in a physical confrontation with a man outside of a local restaurant. A woman pulled up in front of the restaurant, blocked traffic, and yelled at officers. She felt they were using excessive force on the man. The woman was asked by the police and paramedics several times to leave the scene but refused. The woman and the officers argued and the man got more upset. The police approached the woman's vehicle and warned her she'd be arrested for obstruction if she did not leave. The woman continued to shout obscenities and then left in her vehicle. The police chased on foot and caught up to her at a red light. During another verbal confrontation the police tried to arrest the woman. She left, driving through a red light. The police went to her residence to arrest her. During her arrest and while being read her rights, she continued with obscene and negative comments. The woman said she was treated with excessive force, was not advised of her rights, and was arrested without reasonable or probable grounds. The paramedics who were at the initial scene, confirmed that the woman was interfering with the arrest of the man outside of the restaurant.

The commissioner said that the complaint was filed for an improper purpose and was therefore vexatious.

\* \* \* \* \*

- During a bicycle demonstration, participants gathered for an unofficial ride through downtown. Police officers were called to an intersection where a large number of cyclists were riding across three lanes of traffic preventing motorists from passing. The officers tried to clear the roadway to allow motorists to pass and the cyclists locked arms and refused to move. As police tried to arrest one of the cyclists, another cyclist grabbed hold of another member of the group to try to avoid being arrested and handcuffed. The police officer used force to separate the two cyclists and placed the cyclist in a police vehicle. The cyclist said that he was not read his rights although he was asked if he wanted to call a lawyer. The cyclist also made a third-party complaint on behalf of another cyclist who he said had excessive force used against him.

The commissioner said that there was insufficient evidence for a hearing and declined to take any further action on the file.

\* \* \* \* \*

- A man said that police broke down his door, entered without knocking and had drawn their guns. The man had two guests over. The man announced his location in his suite and lay on the floor. He told the police that there were two other people in the suite. The police handcuffed the man as well as the other people in the suite. The police asked the man where he kept his marijuana. The man answered and the police located a large amount of marijuana and cash that were thought to be proceeds of crime. The man said that the police did not have authority to enter his suite in the manner they did. However the police were acting on a search warrant signed by a magistrate and said that they did announce their presence before they entered the suite.

The commissioner said that there was insufficient evidence for a hearing and declined to take any further action on the file.

\* \* \* \* \*

- A young intoxicated woman was in a fight at a coffee shop. The police were called and arrived as the woman was leaving and they stopped her. The police had to use force in order to get control of the woman. After a struggle the police got her to the ground and put handcuffs on her. The police also had to use force to get the woman into the police car. The woman bit one of the officer's fingers during this struggle. The woman admitted that she resisted the arrest. When they arrived at the police station the woman said that she was hit in the nose and on her body and was kicked.

The commissioner said that there was insufficient evidence for a hearing and declined to take any further action on the file.

\* \* \* \* \*

- An intoxicated man was causing a disturbance at a residence. He had a make-shift weapon and someone called the police. Before the police arrived the man wounded himself in the chest with a knife and left the area. The police used a canine unit to try to find him and found the man in a field. When the police found him, it appeared that he had been hiding by laying flat on the ground in standing water. The police had been told that the man had a weapon. To ensure everyone's safety, the dog was used to help with the arrest and it grabbed the man by the arm. The man said that the use of the dog and the injuries he received from the dog were unnecessary and excessive.

The commissioner said that there was insufficient evidence for a hearing and declined to take any further action on the file.

## Case Summaries

---

### Provincial 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 judge. Section 13(2) of 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.*

Following are samples of these applications.

- Police went to a woman's home looking for her nephew who was the suspect in some robberies. The police arrested the nephew on the front lawn and put him in the police car. When the woman told the officers to take it easy on her nephew they grabbed her and spun her around in a rough manner. The officers then went back to the residence and asked the woman's husband if they could enter to look for another suspect in the robbery. The husband gave them permission to enter and search for the other suspect. The woman said the officers used too much force when dealing with her and entered her home illegally. The woman's description of the officers and of events varied each time she described them. Witnesses also had different versions of the events.

The commissioner declined to take further action because there was insufficient evidence to justify a public hearing. The woman asked to have a provincial judge review the commissioner's decision.

*DECISION: The judge held that the commissioner had not made an error by not taking further action on this complaint.*

\* \* \* \* \*

- A man and woman were parked and drinking coffee in the car. A police car, who had a report of a possible impaired driver in the area, pulled up to the parked car and shone a light into the vehicle. The police asked the man and woman what they were doing. The couple said they were not doing anything wrong and the police told them they were on private property. When the police asked the man his name, the man gave him a false name. One of the police officers got out of his vehicle and approached the car. The man started recording the conversation on his phone. The officers and the man got into an argument and the man said he did not like being harassed. The other officer got involved in the argument and the man said that the officers were being disrespectful to the woman in the car with him.

The commissioner declined to take further action because there was insufficient evidence to justify a public hearing. The man asked to have a provincial judge review the commissioner's decision.

*DECISION: The judge held that the commissioner had not made an error by not taking further action on this complaint.*

\* \* \* \* \*

- A woman was causing a disturbance outside of a house and a police car drove by and saw the disturbance. The officers stopped and approached the woman who was with some friends. The police could smell liquor on the woman and saw that she was unsteady on her feet. One of the people she was with offered to walk her home. The police felt that none of the people there were in any condition to help the woman get home. For the woman's safety, the officers took her to the drunk tank. The woman felt that they did not have the authority to take her to the drunk tank because someone offered to help her home.

The commissioner declined to take further action because there was insufficient evidence to justify a public hearing. The woman asked to have a provincial judge review the commissioner's decision.

*DECISION: The provincial judge ordered that the complaint be returned to LERA to conduct a further investigation.*

\* \* \* \* \*

- A young man was arrested in the parking lot of a business. He was taken to a police station in a police car. The man's vehicle was left in the parking lot. While at the police station, the man asked the police about the security of his car. He was told the officers would deal with it. The young man's parents picked up the car the next day from the parking lot and found the sunroof open and the doors unlocked. Some items and money had been taken from the open vehicle overnight. The young man felt that the police did not properly secure his car and were responsible for the stolen property.

The commissioner declined to take further action because he felt that this incident was outside the scope of *The Law Enforcement Review Act*. The young man asked to have a provincial judge review the commissioner's decision.

*DECISION: The provincial judge ordered that the complaint be returned to LERA to conduct a further investigation.*

\* \* \* \* \*

- The police went to a man's home because they were told that the man had made a threat to kill his brother. They also knew that the man making threats suffered from a mental illness and had not been taking his medication. The man had a history of violence towards the police. When the police arrived, the man would not let them inside. The police forced their way inside and arrested the man and took him to the hospital for assessment. The man said that the police damaged property and injured him during the arrest. The man was also not allowed to call his lawyer.

The commissioner declined to take further action because there was insufficient evidence to justify a public hearing. The man asked to have a provincial judge review the commissioner's decision.

*DECISION: The provincial judge held that the commissioner had not erred in declining to take further action on this complaint.*

\* \* \* \* \*

## Case Summaries

---

### Informal Resolution of Complaints

*Under Section 15 of the act, the commissioner provides the complainant and respondent with an opportunity to informally resolve the complaint. The process is often, but not always, successful. To be successful, the process must satisfy each of the parties involved. There is no single model for informal resolutions. They can range from a simple explanation of a police officer's action or a discussion to clear up a misunderstanding, to an apology or reimbursement for damages caused in the incident.*

Following are examples of complaints resolved informally in 2010

- A youth took his younger siblings to a store. The youth and one of the siblings went into the store leaving two other siblings in the car. When the youth returned to the car, a plainclothes officer, believing that the vehicle was stolen, removed him from the vehicle with his gun drawn, using loud profanity. During this incident the three younger siblings were watching from inside the vehicle and were terrified.

This complaint was referred to a hearing and the judge referred the matter back to LERA to conduct an informal resolution.

*The complaint was resolved informally between the officers and the youth.*

\* \* \* \* \*

- A local business owner had a client who filed a criminal complaint with the police that had nothing to do with him. While at the police station the name of the man came up in general conversation. The officer told the client that the man was involved in an unrelated serious police matter. The officers also told the client that the man was lying about a past situation he was involved with. The man said that these officers released confidential information. The release of this information caused rumours which have negatively impacted the man's business.

The commissioner referred this complaint to a hearing and the judge referred the matter back to LERA to conduct an informal resolution.

*The complaint was not resolved and was referred back to a hearing.*

\* \* \* \* \*

## Case Summaries

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### Public Hearings Before a Provincial Judge

*Public hearings under the act are held before provincial 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 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 judges have held that the “clear and convincing evidence” standard falls between the civil and criminal standards of proof.*

*Following are the results of public hearings on the merits of complaints heard in 2010*

- A youth took his younger siblings to a store. The youth and one of the siblings went into the store leaving two other siblings in the car. When the youth returned to the car, a plainclothes officer, believing that the vehicle was stolen, removed him from the vehicle with his gun drawn using loud profanity. During this incident the three younger siblings were watching from inside the vehicle and were terrified.

Officer Misconduct: two police officers

Allegations: Abuse of authority by using oppressive or abusive conduct or language

Officer Misconduct: one police officer

Allegations: Abuse of authority by unnecessary violence or excessive force

*Disposition: At a pre-hearing appearance, the judge referred the matter back to LERA to hold an informal resolution.*

\* \* \* \* \*

- A man went to a police station and reported his teenage son missing. After telling the police his son's name he was told his son had been arrested and was in custody. The man asked if he could call a lawyer for his son. The man said the officer threatened to arrest him if he called a lawyer. The officer said that he told the man that his son had signed a youth waiver form and did not want to call a lawyer or his parents. The man also said that the officer made a derogatory comment about police having to spend so much time dealing with people in a certain area of the city.

Officer Misconduct: one police officer

Allegations: Abuse of authority by using by using oppressive or abusive conduct or language and by using differential treatment as set out in *The Human Rights Code*

*Disposition: The complainant did not attend court at the scheduled time and the judge dismissed the complaint.*

\* \* \* \* \*

- A man was videotaping a conversation between another man and the police about excavation work that was being done by public employees. The man had the permission from the other man who was talking to police, to film the conversation and the excavation. The police asked the man to stop filming because they said the man who was filming was interfering with the police and the public employees. The man asked why they wanted him to stop. When he did not receive an answer, he continued to film. The officer physically directed the man away from the conversation and threatened to put him in handcuffs. The police said he could film the man but not the police or the work that was taking place. The man continued to interview and film the other man. When the man walked further down the street to film a wide shot, the police approached and took his camera and forced him into the police car. They released the man and returned his camera but they ejected and kept the film.

Officer Misconduct: one police officer

Allegations: Abuse of authority by detaining the complaint without lawful authority, failing to inform the complainant of his right to counsel, unlawful seizure of the complainant's property, arrest without reasonable or probable grounds, and by using oppressive or abusive conduct or language

*Disposition: Complainant withdrew his complaint before the hearing.*

\* \* \* \* \*

- The police arrested several people during the World Naked Bike Ride. They were charged with being naked in public and were later released. A few days later the man contacted police to ask about property he said was missing after the arrest. He wrote about the incident on his blog. A few days after that, the police contacted the man's boss and pointed out where they thought the man had breached the employer's code of conduct.

Officer Misconduct: one police officer

Allegations: Violate the privacy of any person

*Disposition: Complainant withdrew his complaint before the hearing.*

\* \* \* \* \*

- A man was a witness to the arrest of another man. He yelled at the officers and called them names. The officers approached the man and grabbed him out of a crowd of people. As he was being handcuffed, he fell backwards. He also said he was punched by an officer during the arrest. The man said he was punched and kicked after being thrown to the floor of a jail cell. The officers reported that the man was intoxicated and uncooperative during the arrest. The officers said that the man threatened to kill them. This statement was proven to be false during the investigation.



Officer Misconduct: two police officers

Allegations: Abuse of authority by using unnecessary violence or excessive force, and by making a false statement or destroying, concealing or altering any official document or record.

*Disposition: The complainant failed to appear before the judge on two occasions and the judge dismissed the complaint.*

\* \* \* \* \*

- A police officer went to a home to speak to a young girl who had been accused of making threats against another girl. The girl denied making the threats and said she did not even know the girl who made the complaint. The officer swore at the young girl and threatened to arrest her if he had to come back and talk to her again. The mother of the young girl made a complaint that the officer used abusive language toward her daughter. The father of the daughter filed another complaint shortly after the first complaint, because the officer involved in the first incident went to their home to question them about the complaint they had made about him. The man felt that it was inappropriate for him to question them about a complaint they had made against him.

Officer Misconduct: one police officer

Allegations: Abuse of authority by using oppressive or abusive conduct or language, by being discourteous or uncivil, and by contravening *The Law Enforcement Review Act*.

*Disposition: Complainants withdrew their complaints before the hearing.*

\* \* \* \* \*

- A man was voluntarily turning himself into the police on an outstanding warrant. As a result, he was taken to a police station downtown for fingerprinting and booking and was told he was going to be taken to jail. While in police custody, riding in an elevator at the police station he got into a verbal fight with other officers about the gang-style t-shirt he was wearing. The fight turned physical and the man said the officers began punching him.

Once out of the elevator the man was taken into a room and he said the police continued to beat him up while he was handcuffed. To get the police to stop beating him, the man said he could tell them where they could find some weapons and gave them a location. The police officers told him they would release him if he told the officer in charge that he was okay. He did that and then they drove him to a drug house at his request and let him go.

Officer Misconduct: three police officers

Allegations: Abuse their authority by using unnecessary violence or excessive force.

*Disposition: The respondent officers brought a preliminary motion to have the complaint dismissed on the basis that the commissioner failed to comply with the requirement to give a copy of the complaint to the respondent officers "as soon as it is practicable" as required by section 7(2) of the act. The judge agreed and the matter was dismissed.*

\* \* \* \* \*

- A man was pulled over in a parking lot for a traffic violation. The man said he was having a bad day and jumped out of the vehicle before putting it in park. He then swore at the officers. The man explained why the traffic violation had occurred but the officer did not believe his explanation. The man and the police argued. When the officer was explaining the tickets the man grabbed the tickets, swore and left quickly. The man drove a short distance in the parking lot to put air in his tires and the officers followed to talk to him about his attitude. Another argument took place. One of the officers noticed a security pass on the dash of the man's vehicle and asked the man if he worked for a certain agency that requires security clearance. He asked the man how would he like it if he called his employer and told him about the man's attitude. The man reported the incident to his supervisor and the officer also made contact with the employer. There was no punishment for the man at his workplace.

Officer Misconduct: two police officers

Allegations: Abuse their authority by using oppressive or abusive conduct or language.

*Disposition: The judge ruled that the actions of the police officers did not constitute a disciplinary default and the matter was dismissed.*

\* \* \* \* \*

- The police went to the house of a woman during an investigation into her missing son. Her son was a ward of a government agency and in the care of another family. The police had information that the child had been missing before and had been located at his mother's home. The woman refused to let the police into her home to look for the child. The police asked questions about the child and the woman refused to answer. The police felt that they had to enter the home without permission to search for the boy. The police and the woman got into an argument and traded insults back and forth.

Officer Misconduct: one police officer

Allegations: Abuse their authority by using oppressive or abusive conduct or language and differential treatment without reasonable cause.

*Disposition: The judge ruled that the officer's actions did not constitute a disciplinary default and the matter was dismissed.*

\* \* \* \* \*

- A man had called 911 as well as the non-emergency line several times asking if police were coming to pick up some documents he was providing to another police agency. The police came to the man's home and tried to enter. The man refused to allow the police inside. The police wanted to enter to see if the man needed medical attention. After arguing back and forth, one of the officers got into the apartment through a window. The officer decided that the man should be taken for a mental health assessment. The man went willingly to the hospital. After the investigation the commissioner found that there was insufficient evidence to refer the matter to a hearing. The complainant asked for a judicial review and the judge referred the matter to a hearing.

Officer Misconduct: two police officers

Allegations: Abuse their authority by entering without lawful authority and detaining the complaint without lawful authority.

*Disposition: Complainant did not attend the hearing and the judge dismissed the complaint.*

## Contributing Causes

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Section 22 of *The Law Enforcement Review Act* states:

*“When the commissioner identifies organizational or administrative practices of a police department which may have caused or contributed to an alleged disciplinary default, the commissioner may recommend appropriate changes to the chief of police and to the municipal authority which governs the police department.”*

### **Incidents that resulted in recommended changes:**

A woman was involved in a domestic dispute with her husband at home. During this dispute a picture was broken and the glass shattered on the floor. The husband was preventing his wife from leaving the house so she picked up a piece of glass and cut her wrist. The husband called the police. The woman panicked and left in her vehicle. When the woman returned home the police were there. The police were concerned that she was going to hurt herself again and wanted to take her to the hospital. While waiting at the hospital the woman asked to make a phone call to check on her children and the officer refused. The woman also felt the officers were disrespectful towards her. The woman was also not informed of her rights.

The commissioner said the woman should have been informed of her right to counsel when she was being held. The commissioner wrote to the chief of the police agency to remind him about the Supreme Court of Canada’s recent clarification: when a detention occurs, a police officer has the duty to inform a person of the reason for the detention and the right to legal counsel.

The police agency wrote back to the commissioner and said that the information had been forwarded to the training unit to ensure that new recruits and current members are aware of their responsibilities in this type of circumstance.

\* \* \* \* \*

A woman was having a dispute with her neighbour about being noisy. The neighbour called his friend who is a police officer and asked the police officer to come over as a witness to the noise. That police officer made notes of the visit and provided them to an on-duty officer who was sent to the site, officially. The woman felt that the off-duty police officer acted inappropriately by becoming involved in a friend’s dispute with a neighbour.

The commissioner felt that a breach of police service regulations may have occurred due to an officer acting on behalf of his friend. The commissioner wrote to the chief of police bringing this potential breach of regulations to his attention.

The police agency wrote back to the commissioner and said that the officer in question would be spoken to about his actions.

\* \* \* \* \*

A man was videotaping a conversation between another man and the police about excavation work that was being done by public employees. The man had the permission from the man who was talking to police, to film the conversation and the excavation. The police asked the man to

stop filming because they said the man who was filming was interfering with the police and the public employees. The man asked why they wanted him to stop. When he did not receive an answer, he continued to film. The officer physically directed the man away from the conversation and threatened to put him in handcuffs. The police said he could film the man but not the police or the work that was taking place. The man continued to interview and film the other man. When the man walked further down the street to film a wide shot, the police approached and took his camera and forced him into the police car. They released the man and returned his camera but they ejected and kept the film.

The commissioner received letters from several citizens' groups expressing concerns about the adequacy of police policy about the seizure of still and video cameras.

This case (above) as well as the letter from the citizens group prompted the commissioner to write to the chief of police requesting they review their policy on search and seizure of recording equipment.

The police agency wrote back advising of steps taken to outline and clarify the guidelines to be followed by its members and the freedom of the public to videotape. These steps included an article in a police agency publication as well as a directive, both of which were distributed to all police members.

\* \* \* \* \*

## **Legal Developments**

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### Jurisdictional Challenge

The respondent officers brought a preliminary motion to have a complaint dismissed on the basis that the commissioner failed to comply with the requirement to give a copy of the complaint to the respondent officers “as soon as it is practicable” as required by section 7(2) of the act. The respondent officers were under a criminal investigation regarding the same incident. LERA chose to wait for the criminal investigation to be completed before proceeding and put the investigation on hold. As a result a copy of the complaint was not immediately provided to the respondent officers. Considerable time passed before LERA was advised that the criminal investigation was finished. Consequently, the officers were not provided with a copy of the complaint until over two years after it was filed.

The presiding judge ruled that this delay constituted a failure to comply with the act’s requirement to provide a copy of the complaint as soon as was practicable. The judge ruled that this resulted in a loss of jurisdiction and dismissed the complaint.

LERA has since amended its policies and practices to ensure that this does not occur in the future.

## Statistical Analysis

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- LERA's jurisdiction extends to 12 police services with 1,521 police officers. Total population served is 727,783.
- Winnipeg Police Service accounts for 83 per cent of complaints made to LERA. Brandon Police Service accounts for 14 per cent and other forces account for the remainder.
- There were 266 files opened in 2010, a decrease of 31 complaints in 2009. The 5 year average is 298.
- The number of formal complaints filed (140) is down from 169 formal complaints in 2009. This figure remains higher than the number of files for which formal complaints were never received or files that were closed after preliminary investigation (126).
- In 2009, there were 321 total investigations. In 2010, there were 274 investigations, down 47. There was a decrease in the number of investigations completed in 2010. The number was down by 18 to 171 files in 2010.
- There has been a drop in the number of allegations of disciplinary defaults in three of the main categories: abuse of authority, using oppressive or abusive conduct or language, using unnecessary or excessive force.
- There was one complaint alleging the misuse of pepper spray in 2010. However, there were five complaints of misuse of the taser.
- There were 13 incidents alleging misuse of handcuffs in 2010, down 1 from 2009.
- Incidents alleging injuries from the use of force dropped to 66 and were made in 47 per cent of complaints investigated.
- There was one informal resolution of complaint in 2010 down from two in 2009. 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 dropped from 2009. LERA investigators contact complainants after the investigation is completed but before a final letter is written. In many cases, when complainants see 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 sent to that effect. (See Table 9)
- Complainants' requests for judges to review the commissioner's decisions was down by 8 to 13 in 2010. The 5-year average is 15. (See Table 11)
- LERA does not do 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 and a criminal investigation is done. There were fewer criminal investigations requested by complainants in 2010 than in 2009.

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 2010, 11 criminal

complaints were made after a LERA complaint was also filed, down 3 from 2009. (See Tables 12 and 13)

- During a criminal investigation against an officer or a complainant, the LERA investigation is put on hold. These 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. A **decrease** from nine months in 2009 to eight months in 2010 was achieved. (See Tables 15 and 16)

- The average age of a complainant is 36. The oldest complainant was 64 and the youngest was 14. (See Table 18)

## Résumé en français

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- La compétence de l'Organisme chargé des enquêtes sur l'application de la loi (OCEAL) s'étend à 12 services de police, ce qui représente 1 521 policiers. Au total, l'organisme sert 727 783 personnes.
- Un total de 83 % des plaintes déposées auprès de l'OCEAL concernent le Service de police de Winnipeg. Vient ensuite le Service de police de Brandon, avec 14 %, les autres forces se partageant le reste.
- En 2010, 266 dossiers ont été ouverts, soit 31 plaintes de moins qu'en 2009, et la moyenne sur cinq ans est de 298.
- Un total de 140 plaintes officielles ont été déposées, comparativement à 169 en 2009. Ce chiffre reste plus élevé que le nombre de dossiers pour lesquels des plaintes officielles n'ont jamais été reçues ou qui ont été classées après une enquête préliminaire (126 plaintes).
- En 2009, il y en a eu 321 enquêtes au total. En 2010, 274 enquêtes ont été menées, soit 47 de moins que l'année précédente. Il y a eu une baisse du nombre d'enquêtes terminées en 2010, c'est-à-dire une baisse de 18 enquêtes pour un total de 171 enquêtes terminées.
- Il y a eu une diminution du nombre d'allégations de fautes disciplinaires enregistrées dans trois des grandes catégories : abus de pouvoir, comportement ou propos oppressifs ou excessifs, usage de violence gratuite ou de force excessive.
- Il y a eu une plainte mettant en cause l'usage abusif de gaz poivré en 2010. Toutefois, il y a eu cinq plaintes portant sur l'utilisation abusive du Taser.
- Il y a eu 13 incidents relatifs à une utilisation abusive des menottes en 2010, soit un de moins qu'en 2009.
- Le nombre d'allégations de blessures liées au recours à la force est tombé à 66, soit 47 % du nombre de plaintes pour lesquelles il y a eu enquête.
- Il y a eu une résolution sans formalités en 2010, comparativement à deux en 2009. L'OCEAL continue de soutenir activement le règlement extrajudiciaire des différends qui vise à rétablir l'harmonie sociale entre les parties concernées et il y participe dans la mesure du possible. Cette méthode de règlement reste prioritaire, et plaignants et défendeurs sont encouragés à participer à ce processus.
- Le pourcentage de plaintes abandonnées par les plaignants a diminué par rapport à 2009. Les enquêteurs de l'OCEAL communiquent avec les plaignants une fois l'enquête terminée, mais avant qu'une lettre finale ne soit rédigée. Dans bien des cas, lorsque les plaignants voient les résultats de l'enquête, ils abandonnent la plainte. Dans d'autres cas, quand un enquêteur de l'OCEAL 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 à cet effet. (Voir le tableau 9)
- Un total de 13 plaignants ont demandé la révision par des juges de la décision du commissaire en 2010, soit huit de moins que l'année précédente. La moyenne sur cinq ans est de 15. (Voir le tableau 11)



- L'OCEAL n'effectue aucune enquête criminelle. Lorsqu'une affaire révèle qu'un acte criminel a peut-être été commis, le commissaire ou le juge de la Cour provinciale doivent le signaler au procureur général, et une enquête criminelle est entreprise. Il y a eu moins d'enquêtes criminelles demandées par les plaignants en 2010 qu'en 2009.

S'il y a indication d'acte criminel, les enquêteurs de l'OCEAL signalent au plaignant qu'une plainte au criminel pourrait également déposée auprès de la force de police concernée. En 2010, 11 plaintes déposées auprès de l'OCEAL ont été suivies d'une plainte déposée au criminel, soit trois de moins qu'en 2009. (Voir les tableaux 12 et 13)

- Pendant qu'une enquête criminelle est menée contre un policier ou un plaignant, l'enquête de l'OCEAL est suspendue. Ces enquêtes criminelles et les comparutions devant les tribunaux qui y sont liées prennent souvent des mois, voire des années, pour être traitées par le système judiciaire. Ce temps d'interruption est indépendant de la volonté de l'OCEAL mais il influence grandement le temps qu'il faut pour terminer les enquêtes.

Le traitement complet des enquêtes dans un délai raisonnable continue d'être un souci majeur. Ce délai est passé de neuf mois en 2009 à huit mois en 2010. Nous espérons que cette tendance se maintiendra. (Voir les tableaux 15 et 16)

- L'âge moyen des plaignants était de 36 ans. Le plus âgé avait 64 ans et le plus jeune 14 ans. (Voir le tableau 18)

## 2010 Statistical Report – Data Tables

<b>Table 1: Complaints – Listed by Police Service</b>	<b>Police Officers **</b>	<b>Population ***</b>	<b>2010 (140)</b>	<b>2009 (n=169)</b>	<b>2008 (n=155)</b>	<b>2007 (n=188)</b>	<b>2006 (n=244)</b>
Altona	7	3,709	0	0	0	0	0
Brandon	82	41,511	20 (14%)	6 (3.5%)	9 (6%)	13 (7%)	23 (9%)
Dakota Ojibway (DOPS)	29	11,870	1 (0.7%)	6 (3.5%)	4 (2.6%)	3 (1.6%)	4 (1.6%)
Morden	13	6,571	2 (1.4%)	1 (0.6%)	0	2 (1%)	0
Rivers	3	1,193	0	0	0	0	1 (0.4%)
Ste. Anne	5	1,534	0	0	2 (1.3%)	2 (1%)	0
Winkler	16	9,106	0	1 (0.6%)	1 (0.6%)	3 (1.6%)	0
Winnipeg****	1361	633,451	116 (83%)	155 (92%)	138 (89%)	161 (86%)	207 (85%)
RM of Cornwallis*	1	4,058	0	0	1 (0.6%)	0	0
RM of Springfield*	2	12,990	1 (0.7%)	0	0	0	0
RM of Victoria Beach*	1	388	0	0	0	1 (0.5%)	1 (0.4%)
RM of Whitehead*	1	1,402	0	0	0	1 (0.5%)	0
Other	0	0	0	0	0	0	1 (0.4%)
<b>Total</b>	<b>1521</b>	<b>727,783</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

\* Supplementary police service – RCMP have primary responsibility

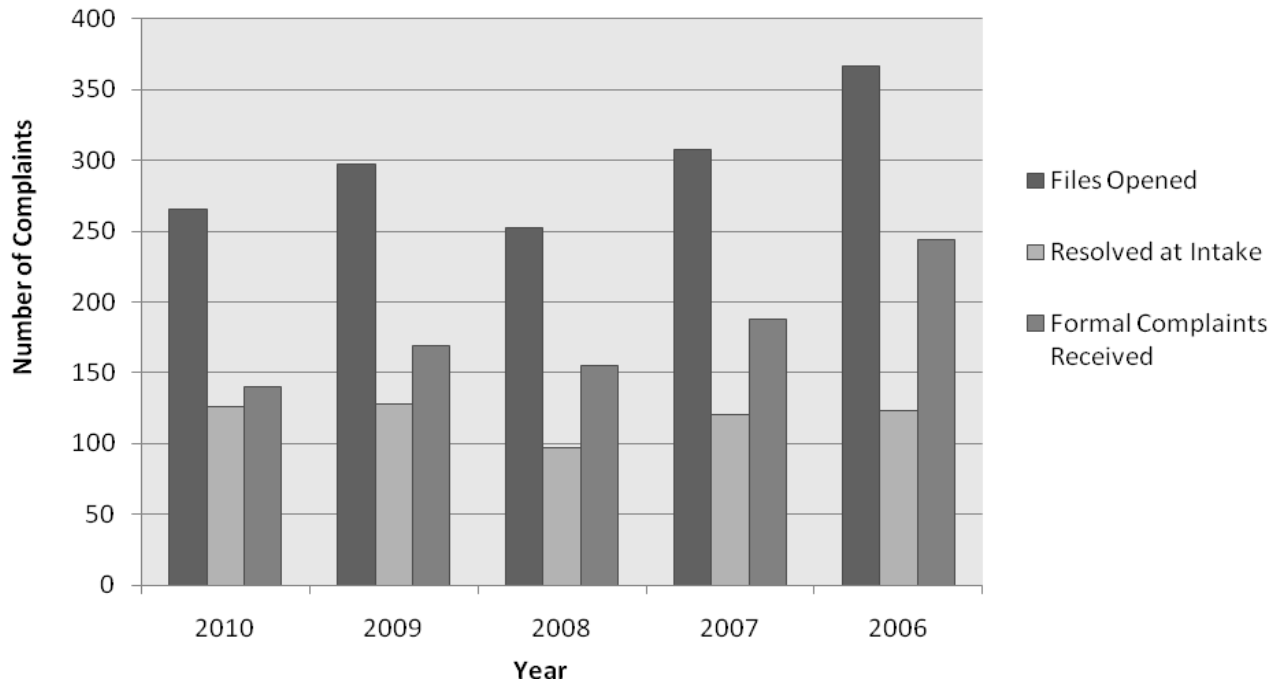
\*\* Source: director, Aboriginal and Community Law Enforcement, Manitoba Justice

\*\*\* Source: Statistics Canada and Dakota Ojibway Police Commission

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

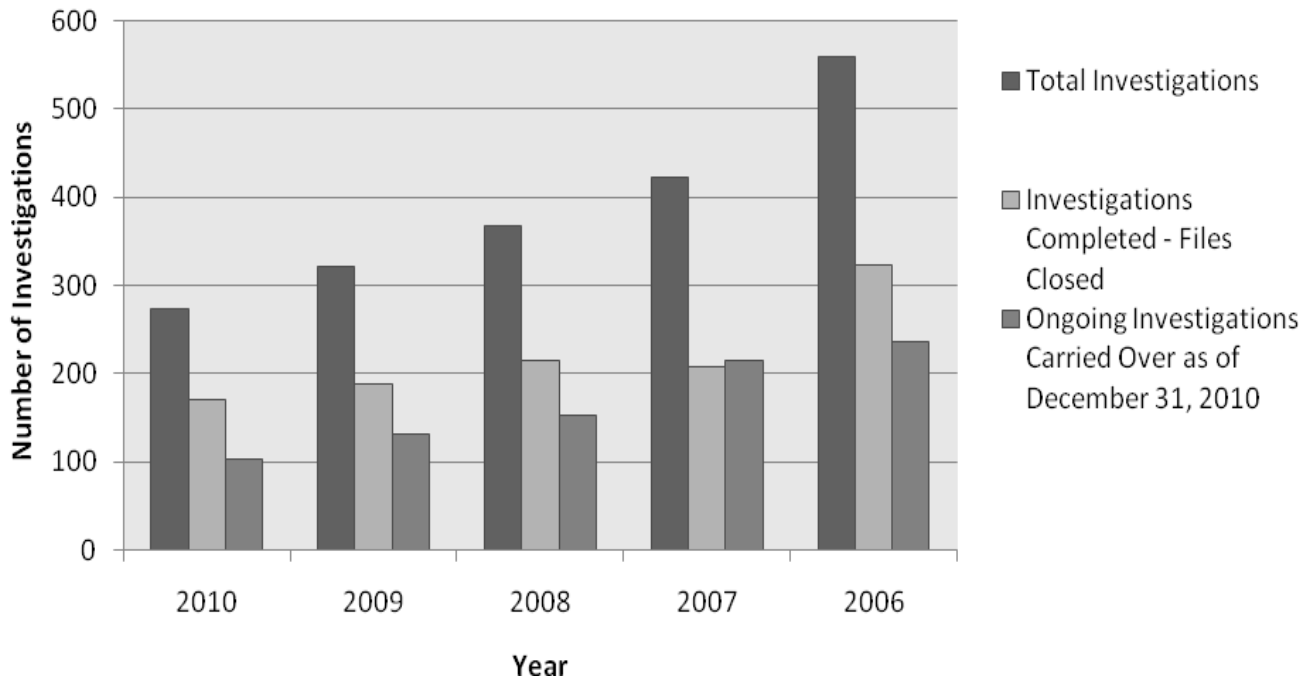
<b>Table 2: Public Complaints</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
<b>Files opened</b>	266	297	252	308	367
<b>Resolved at intake</b>	126	128	97	120	123
<b>Formal complaint received</b>	140	169	155	188	244

## Public Complaints



<b>Table 3: Investigations Conducted</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
<b>Total investigations</b>	274	321	367	422	560
<b>Investigations completed - files closed</b>	171	189	214	208	324
<b>Ongoing investigations carried over as of December 31, 2010</b>	103	132	153	214	236

## Investigations Conducted



<b>Table 4: Complainants' Allegations: Discipline Code Section 29 <i>The Law Enforcement Review Act</i></b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
Abuse of authority Subsection 29(a)	23	40	49	67	112
Arrest without reasonable or probable grounds Subsection 29(a)(i)	24	20	17	25	64
Using unnecessary or excessive force Subsection 29(a)(ii)	75	83	88	106	157
Using oppressive or abusive conduct or language Subsection 29(a)(iii)	48	66	79	88	123
Being discourteous or uncivil Subsection 29 (a)(iv)	41	34	35	56	86
Seeking improper personal advantage Subsection 29(a)(v)	0	0	0	0	1
Serving civil documents without proper authorization Subsection 29(a)(vi)	0	0	0	2	1
Differential treatment without cause Subsection 29(a)(vii) <i>The Human Rights Code</i> Subsection 9(2)	7	11	14	14	32
Making false statement(s) Subsection 29(b)	6	1	2	5	15
Improperly disclosing information Subsection 29(c)	6	9	6	4	2
Failing to exercise care or restraint in use of firearm Subsection 29(d)	0	1	3	0	3
Damaging property or failing to report damage Subsection 29(e)	9	6	9	7	4
Failing to provide assistance to person(s) in danger Subsection 29(f)	1	3	2	2	13
Violating person's privacy (under <i>The Privacy Act</i> ) Subsection 29(g)	3	0	0	1	2
Contravening <i>The Law Enforcement Review Act</i> Subsection 29(h)	1	0	0	1	1
Assisting any person committing a disciplinary default Subsection 29(i)	1	0	1	3	0

<b>Table 5: Incidents Alleging Misuse of Pepper Spray</b>			
<b>2010 (n=1)</b>	<b>2009 (n=0)</b>	<b>2008 (n=1)</b>	<b>2007 (n=1)</b>
1% of 140 complaints investigated Winnipeg PS = 1	0 of 169 complaints investigated	1% of 155 complaints investigated Brandon PS = 1	1% of 188 complaints investigated Dakota Ojibway PS = 1

<b>Table 6: Incidents Alleging Misuse of Handcuffs</b>			
<b>2010 (n=13)</b>	<b>2009 (n=14)</b>	<b>2008 (n=17)</b>	<b>2007 (n=26)</b>
9% of 140 complaints investigated  Winnipeg PS = 12 Brandon PS = 1	8% of 169 complaints investigated  Winnipeg PS = 10 Brandon PS = 1 Dakota Ojibway PS = 3	11% of 155 complaints investigated  Winnipeg PS = 17	14% of 188 complaints investigated  Winnipeg PS = 26

<b>Table 7: Incidents Alleging Misuse of Taser</b>			
<b>2010 (n=5)</b>	<b>2009 (n=4)</b>	<b>2008 (n=8)</b>	<b>2007 (n=11)</b>
4% of 140 complaints investigated  Winnipeg PS = 5	2% of 169 complaints investigated  Winnipeg PS = 4	5% of 155 complaints investigated  Winnipeg PS = 6 Dakota Ojibway PS = 1 Brandon PS = 1	6% of 188 complaints investigated  Winnipeg PS = 9 Winkler PS = 1 Victoria Beach PS = 1

<b>Table 8: Incidents Alleging Injuries from Use of Force</b>			
<b>2010 (n=66)</b>	<b>2009 (n=71)</b>	<b>2008 (n=79)</b>	<b>2007 (n=93)</b>
47% of 140 complaints investigated  Winnipeg PS = 59 Brandon PS = 6 Dakota Ojibway PS = 1	42% of 169 complaints investigated  Winnipeg PS = 66 Brandon PS = 1 Dakota Ojibway PS = 4	51% of 155 complaints investigated  Winnipeg PS = 76 Brandon PS = 2 Dakota Ojibway PS = 1	49% of 188 complaints investigated  Winnipeg PS = 86 Dakota Ojibway PS = 3 Brandon PS = 1 Winkler PS = 1 Victoria Beach PS = 1 Ste. Anne PD = 1

<b>Table 9: Disposition of Complaints</b>	<b>2010 (n=171)</b>	<b>2009 (n=189)</b>	<b>2008 (n=216)</b>	<b>2007 (n=208)</b>	<b>2006 (n=217)</b>
<b>Dismissed by commissioner as outside scope of act</b>	7 (4%)	12 (6%)	6 (3%)	12 (6%)	41 (13%)
<b>Dismissed by commissioner as frivolous or vexatious</b>	1 (0.5%)	4 (2%)	5 (2%)	2 (1%)	6 (2%)
<b>Dismissed by commissioner as not supported by sufficient evidence to justify a hearing</b>	97 (57%)	81 (43%)	92 (43%)	90 (43%)	92 (28%)
<b>Abandoned or withdrawn by complainant</b>	54 (32%)	83 (44%)	104 (49%)	91 (44%)	163 (50%)
<b>Resolved informally</b>	1* (0.5%)	2 (1%)	4 (1%)	8 (4%)	5 (2%)
<b>Public hearing before a provincial court judge</b>	11 (6%)	6 (3%)	5 (2%)	6 (3%)	16 (5%)
<b>Admission of guilt by respondent officer</b>	0	0	0	0	1 (0.3%)
<b>Disposed via criminal procedure</b>	0	1 (0.5%)	0	0	N/A

\* Although only one file was disposed of through informal resolution, there are two files discussed in the narrative section. The other file was not disposed of through informal resolution but was referred back to a hearing.

<b>Table 10: Legal Involvement of Complainants</b>	<b>2010 (n=140)</b>	<b>2009 (n=169)</b>	<b>2008 (n=155)</b>	<b>2007 (n=188)</b>	<b>2006 (n=244)</b>
<b>No charges</b>	46 (33%)	58 (34%)	53 (34%)	76 (40%)	101 (41%)
<b>Traffic offences</b>	13 (9%)	19 (11%)	12 (8%)	13 (7%)	28 (11%)
<b>Property offences</b>	6 (4%)	6 (4%)	10 (6%)	12 (6%)	17 (7%)
<b>Intoxicated persons detention</b>	6 (4%)	12 (7%)	9 (6%)	11 (6%)	8 (3%)
<b>Cause disturbance</b>	0	1 (0.6%)	1 (0.6%)	3 (2%)	3 (1%)
<b>Assault police officer/resist arrest</b>	22 (16%)	25 (15%)	23 (15%)	25 (13%)	30 (12%)
<b>Impaired driving</b>	1 (0.7%)	1 (0.6%)	3 (2%)	4 (2%)	3 (1%)
<b>Offences against another person</b>	10 (7%)	10 (6%)	23 (15%)	17 (9%)	27 (11%)
<b>Domestic disputes</b>	3 (2%)	4 (2%)	1 (0.6%)	2 (1%)	1 (0.4%)
<b>Drugs</b>	3 (2%)	27 (16%)	5 (3%)	N/A	N/A
<b><i>The Mental Health Act</i></b>	9 (7%)	3 (2%)	N/A	N/A	N/A
<b>Other</b>	21 (15%)	3 (2%)	15 (10%)	25 (13%)	26 (11%)



<b>Table 11: Provincial Judges' Review of Commissioner's Decision to Take No Further Action</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
	13	21	21	16	5

<b>Table 12: Referrals by Commissioner of Complaint for Criminal Investigation</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
	1	1	0	0	0

<b>Table 13: Complainants Have Also Lodged a Criminal Complaint with Police</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
	11	14	9	20	21

**Table 14: Time Span of Ongoing Investigations Carried Over  
as of December 31, 2010**

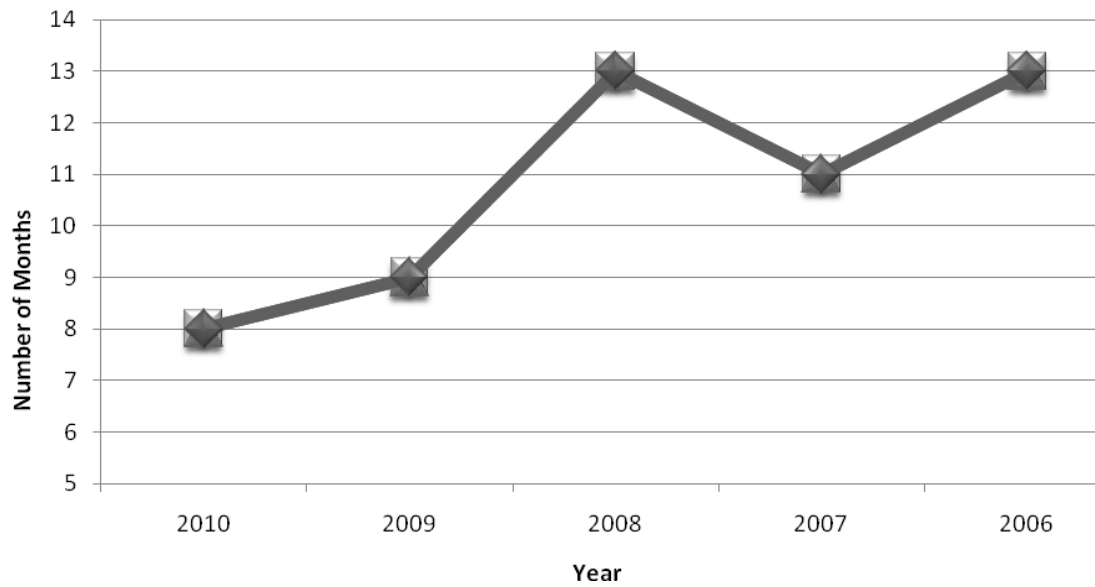
<b>YEAR</b>	<b>1-3 Months</b>	<b>4-7 Months</b>	<b>8-12 Months</b>	<b>13-18 Months</b>	<b>19-23 Months</b>	<b>24+ Months</b>	<b>Total</b>
<b>2007</b>	0	0	0	0	0	4	<b>4</b>
<b>2008</b>	0	0	0	0	0	3	<b>3</b>
<b>2009</b>	0	0	0	8	4	0	<b>12</b>
<b>2010</b>	38	34	12	0	0	0	<b>84</b>
<b>Total</b>	<b>38</b>	<b>34</b>	<b>12</b>	<b>8</b>	<b>4</b>	<b>7</b>	<b>103</b>

**Table 15: Files Concluded in 2010 by Year of Origin**

<b>Year</b>	<b>Number of Files</b>	<b>Average Time to Close Investigation</b>
<b>2006</b>	19	15 months
<b>2007</b>	5	28 months
<b>2008</b>	13	15 months
<b>2009</b>	78	8 months
<b>2010</b>	56	4 months
<b>Total</b>	<b>171</b>	<b>8 months</b>

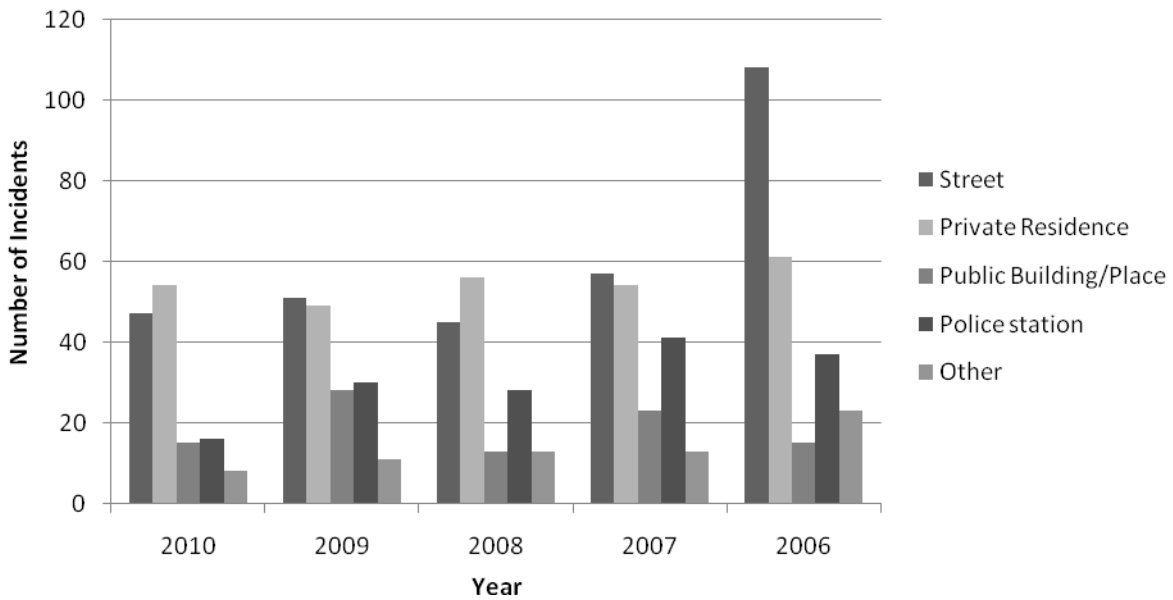
<b>Table 16: Length of Time to Complete Investigations</b>	<b>2010 (n=171)</b>	<b>2009 (n=189)</b>	<b>2008 (n=214)</b>	<b>2007 (n=208)</b>	<b>2006 (n=324)</b>
<b>1-3 Months</b>	45	49	43	54	74
<b>4-7 Months</b>	54	65	67	49	42
<b>8-12 Months</b>	35	36	39	51	75
<b>13-18 Months</b>	30	23	15	22	57
<b>19-23 Months</b>	2	5	11	10	23
<b>24+ Months</b>	5	11	39	22	53
<b>Average</b>	<b>8 months</b>	<b>9 months</b>	<b>13 months</b>	<b>11 Months</b>	<b>13 Months</b>

**Average Number of Months to Complete Investigation**



<b>Table 17: Location of Incident</b>	<b>2010 (n=140)</b>	<b>2009 (n=169)</b>	<b>2008 (n=155)</b>	<b>2007 (n=188)</b>	<b>2006 (n=244)</b>
<b>Street</b>	47	51	45	57	108
<b>Private residence</b>	54	49	56	54	61
<b>Public building/place</b>	15	28	13	23	15
<b>Police station</b>	16	30	28	41	37
<b>Other</b>	8	11	13	13	23

### Location of Incident



<b>Table 18: Complainant Demographics</b>	<b>2010 (n=140)</b>	<b>2009 (n=169)</b>	<b>2008 (n=155)</b>	<b>2007 (n=188)</b>	<b>2006 (n=244)</b>
<b>Gender</b>					
<b>Male</b>	84 (60%)	122 (72%)	111 (72%)	140 (74%)	164 (67%)
<b>Female</b>	56 (40%)	47 (28%)	44 (28%)	48 (26%)	80 (33%)
<b>Age</b>					
<b>Over 50</b>	25 (18%)	13 (8%)	21 (14%)	35 (19%)	25 (10%)
<b>40 - 49</b>	30 (21%)	29 (17%)	26 (17%)	32 (17%)	40 16%
<b>30 - 39</b>	33 (24%)	39 (23%)	38 (25%)	36 (19%)	40 (16%)
<b>18 – 29</b>	32 (23%)	58 (34%)	47 (30%)	34 (18%)	73 (30%)
<b>Under 18</b>	12 (9%)	21 (12%)	16 (10%)	22 (12%)	32 (13%)
<b>Birth date unknown</b>	8 (6%)	9 (5%)	7 (4%)	29 (15%)	34 (14%)
<b>Average Age</b>	36	32	N/A	N/A	N/A
<b>Oldest Complainant</b>	64	72	N/A	N/A	N/A
<b>Youngest Complainant</b>	14	12	N/A	N/A	N/A