

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

Annual Report 2023



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début du document.



**ATTORNEY GENERAL
MINISTER OF JUSTICE**

Room 104
Legislative Building
Winnipeg, Manitoba R3C 0V8
CANADA

The Honourable Anita R. Neville, P.C., 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 *2023 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, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Matt Wiebe".

Honourable Matt Wiebe
Minister of Justice
Attorney General

The Honourable Matt Wiebe
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 38th annual report for the period of January 1, 2023 to December 31, 2023

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,

Andrew Minor
Commissioner

Monsieur Matt Wiebe
Ministre de la Justice
Procureure générale

Monsieur le Ministre,

Conformément à l'article 45 de la Loi sur les enquêtes relatives à l'application de la loi, j'ai le plaisir de vous présenter le 38ème rapport annuel de l'Organisme chargé des enquêtes sur l'application de la loi, correspondant à la période allant du 1^{er} janvier au 31 décembre 2023.

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

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

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

Je vous prie d'agréer, Monsieur le Ministre, mes salutations distinguées.

Le commissaire,

Andrew Minor

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INTRODUCTION

The Law Enforcement Review Act requires the commissioner to submit an annual report on the performance of duties and functions to the minister and each police board 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. LERA operates under the authority of The Law Enforcement Review Act (the Act).

LERA performs a screening function for the hearing process to ensure that only substantive and supportable matters of police misconduct proceed further through the administrative law adjudication process.

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 Royal Canadian Mounted Police (RCMP).

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

A Manitoba police officer who has been appointed as a police officer or peace officer in another province or territory is subject to investigation and discipline in Manitoba under the Act with respect to his or her conduct in the other jurisdiction, as if the conduct took place in Manitoba, even if an investigation, hearing or inquest has been held in the other jurisdiction.

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

What does LERA investigate?

LERA accepts complaints from any person who feels aggrieved by a disciplinary default involving any on duty action of a member of a municipal police service in Manitoba. A disciplinary default is any one of the following actions as outlined in Section 29(a) of the Act:

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

LERA does not investigate criminal matters.

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. A complaint may be filed by the person directly affected by the officer's conduct. Third party complaints can also be accepted provided that the affected person consents to any ensuing complaint investigation. The affected person must provide consent within 14 days of the complaint being received from the complainant. Consent of the affected person is not required where the affected person is an infant or not competent to give consent..

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. Complaints must be submitted to the LERA office not later than 180 days after the date of alleged disciplinary default.

Signed, written complaints can be mailed, faxed or emailed to LERA.

Are there time limits?

The Act requires a written, signed complaint to be made within 180 days of the incident as at March 1, 2023.

Section 6(6) of the Act was repealed with the 180 day complaint submission timeline. No extension of the timeline for the submission of a complaint will be granted.

Section 6(7) still stands where the complainant faces a criminal charge the Commissioner can extend the time frame for reporting/filing to a date not later than one year after the date of the alleged disciplinary default or 30 days after the final disposition of the criminal charge, whichever date is sooner.

Complaints not meeting the submission timeline (or allowable by exception) stipulated within the Act cannot be investigated and are dismissed as “being out of time”. This decision by the Commissioner is not reviewable under the Act.

How is a complaint investigated?

If a complaint is received within the stipulated timeframe and found to be within the scope of Section 29, an investigation is commenced. The police chief and respondent officers are also notified of the complaint. The police service, subject to a request from LERA, must turn over all files and file materials, except where legal privilege may exist.

A complainant may contact LERA at any time to inquire about the status of their complaint.

Once a LERA investigation is completed the commissioner determines if there is sufficient evidence to justify forwarding the matter for hearing before a provincial court judge or if there is insufficient evidence to justify a 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 court judge for review. Reviews are arranged by LERA and the Provincial Court at no cost to the complainant.

A large number of complaints submitted to LERA are found to be quality of service issues and out of the scope of LERA. These types of complaints are concluded shortly after intake, whereas many of the complaint investigations that proceed are either abandoned by the complainant during the course of the investigation process or result in an investigation finding of insufficient evidence.

Does a complainant need a lawyer?

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

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

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

How is a complaint resolved?

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

Informal Resolution:

The commissioner must try to resolve the complaint through informal mediation. Both the complainant and the respondent police officer must agree to this process before it can take place. If the complaint is resolved informally and 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 disciplinary default. The commissioner then reviews the officer's service record and consults with the police chief before imposing a penalty.

Referral to Provincial Court 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 court judge for a public hearing.

Penalties that may be imposed by the provincial court judge on the respondent under the 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

How to Reach the Law Enforcement Review Agency

By Mail:

420-155 Carlton Street
Winnipeg MB R3C 3H8

By Phone:

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

By Fax:

204-948-1014

By Email:

lera@gov.mb.ca

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

The make-up of LERA

LERA consists of the commissioner, two investigators; registrar/office manager and administrative assistant.

Organizational Structure

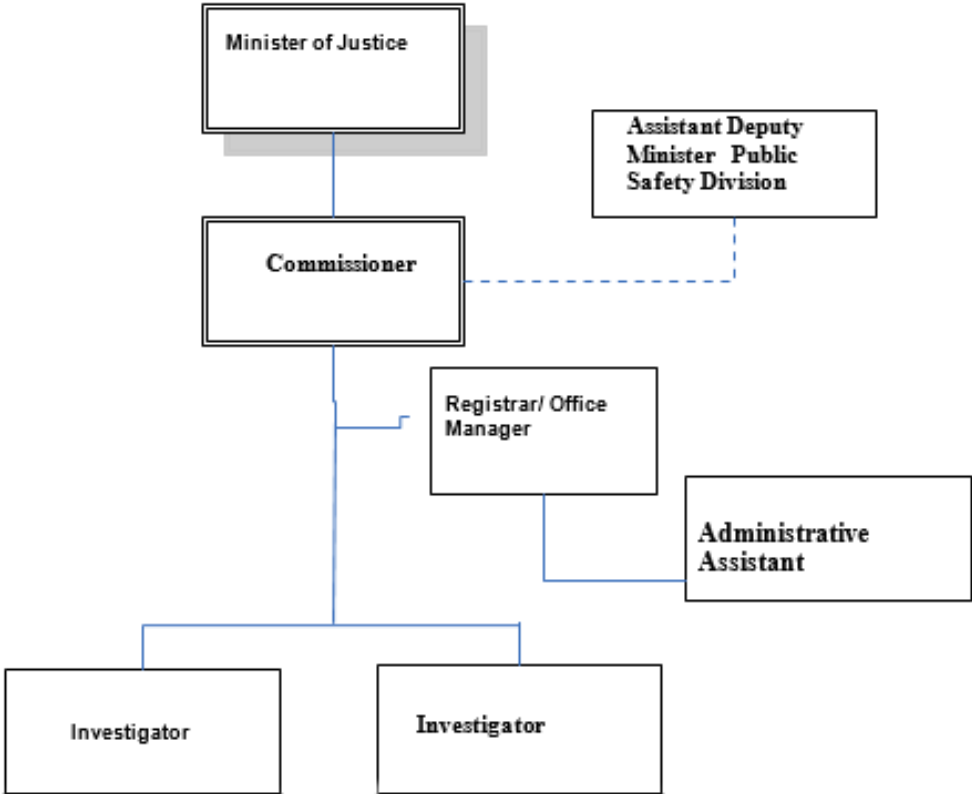
The commissioner is required to submit an annual report on the performance of his/her duties and functions to the minister and to each police board in the province that has established a police service.

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

LERA's budget for the financial year beginning April 1, 2023 and ending March 31, 2024 is:

Full Time Employees (filled positions)	5
Total Salaries (\$000`s).....	\$442
Total Operating Budget (\$000`s).....	<u>\$ 36</u>
TOTAL	\$478

Law Enforcement Review Agency



Commissioner's Decision to Take No Further Action

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

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

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

Insufficient Evidence

A woman filed a complaint alleging that during her arrest, the officers' conduct and language were abusive.

The officers were dispatched to a location where the complainant and another individual were attempting to commit robbery and assault with a weapon. Both were arrested and observed to be intoxicated and belligerent. During the arrest the complainant had been combative with the officers, threatening to kill the officers and spitting on the officers.

The complainant's claim that during her arrest she did not physically resist was inconsistent with the officers' reports of the interaction. .

The Commissioner reviewed the original complaint; police reports; officer and witness interviews. The Commissioner provided a decision and determined that the issues complained of did not rise to the level where a referral to a public hearing was justified. He determined that there was insufficient evidence to establish that there had been abusive conduct or an abuse of authority.

Out of Scope

LERA is mandated under The Law Enforcement Review Act (the Act) to investigate public complaints of disciplinary defaults by police officers as defined in Section 29. LERA does not investigate criminal or service issues.

The following are examples where the Commissioner decided no further action was required as the complaint was outside the scope of the Act.

A complaint was submitted to LERA, however, the complaint did not speak to any interaction with municipal police officers, but was a complaint against Animal Protection Officers.

The complainant was informed that LERA does not have the legislated mandate to investigate complaints made against Animal Protection Officers. Therefore, pursuant to Section 13(1)(a) of the Act, the Commissioner declined to take further action on this matter

A complaint had been received at LERA and after reviewing the complaint, there was no clear or discernible allegation relative to the conduct of a municipal police officer as outlined in Section 29 of the Act. Therefore, pursuant to Section 13(1)(a) of the Act, the Commissioner declined to take further action on this matter.

Abandoned or Withdrawn

The investigation of a complaint made under The Law Enforcement Review Act (the Act) is complainant driven. That is to say that the complainant may, at any time in the process, withdraw the complaint and the matter will be closed. Complainants are able to seek resolutions of their complaints from police chiefs. Where a chief accepts a complaint for internal investigation, a complainant may choose an alternative avenue of resolution and the commissioner shall close the complaint.

A male had submitted a complaint to LERA regarding an interaction he had with police officers. A letter was sent to the complainant requesting his attendance at LERA in order to provide more detail than what was provided in his complaint. A timeline to respond was provided. The complainant chose not to respond to the request and file was closed as abandoned.

A male had submitted a complaint to LERA about the treatment he had received from officers alleging unlawful detention and arrest.

After speaking with the LERA investigator the complainant no longer wished to pursue his complaint with LERA. The file was closed pursuant to Section 13(1)(b) of the Act.

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

When the commissioner declines to take further action on a complaint, the complainant may apply to the commissioner to have the decision reviewed by a Provincial Court Judge. Section 13(2) of the 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 Justice 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.

Under Section 13(4) of the Act, the burden of proof is on the complainant to show that the commissioner erred in declining to take further action on the complaint.

The following is an example of when the commissioner decided to take no further action and application was made for a review by a Provincial Court Judge.

A male had initiated a complaint to LERA saying that the police used abusive or oppressive conduct or language; and differential treatment as set out in subsection 9(2) of the Human Rights Code. The complainant had approached officers for throwing garbage in a bin that the complainant referred to as "illegal dumping". The complainant approached the officers in the dark, wearing a pulled up hoodie, holding a cell phone recording the interaction, making his intentions unclear and questioning the officer regarding him placing garbage in a garbage bin. The officer did admit to making a comment that did not meet the standard of courtesy, however, there was no evidence to support the allegation of differential treatment based on socioeconomic status.

The judge hearing the review must consider the reasonableness of the LERA commissioner's decision not to refer the complaint to a hearing on the merits due to insufficiency evidence.

In reviewing all of the documents the judge upheld the commissioner's decision not to proceed to a hearing based on insufficient evidence.

DECISION: The Provincial Court Judge in a written decision determined the decision of the Commissioner in the context of the material before him, was reasonable. No further action should take place and the application was dismissed.

* * * * *

Public Hearings before a Provincial Court Judge

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

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

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

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

The complainant is photo journalist with a local newspaper. In December 2017, the complainant arrived at a scene downtown where an incident had occurred. Shortly thereafter, police and paramedics arrived on the scene that was quickly becoming active and chaotic. The complainant was taking photos of the affected person lying on the floor inside the building.

Despite numerous requests made to the complainant to step back, the complainant continued to take photographs with his telescopic lens. The officer did not know that the complainant was a member of the media as the complainant’s identification was not visible. The complainant refused to identify himself as a member of the media and continued to take photos of the affected person. The officer seized the complainant’s camera.

The complainant alleged that the respondent officer:

1. abused his authority contrary to subsection 29(a) of the Act by conducting an unreasonable seizure of the complainant’s camera, without a warrant, contrary to section 8 of the Canadian Charter of Rights and Freedoms;
2. abused his authority by using oppressive or abusive conduct or language, contrary to subsection 29(a)(iii) of the Act; and
3. abused his authority by being discourteous or uncivil, contrary to subsection 29(a)(iv) of the Act.

Decision of the Hearing

The judge dismissed all three alleged disciplinary defaults against the Respondent.

The judge also stated that police policies that refer to legislation or common law principles should be reviewed and updated regularly to account for significant and fundamental changes in the law (statutory or common law) that have an impact on the duties and responsibilities of police officers. Police officers are on the front lines of law enforcement and should be made aware of changes in the law and corresponding changes to the limits of their powers and authority.

There were no referrals to a public hearing before a Provincial Court Judge in 2023.

* * * * *

Case Summaries

Frivolous or Vexatious

Clause 13(1)(a) of The Law Enforcement Review Act (the Act) provides that the commissioner must decline to take further action on a complaint if satisfied that the subject matter of a complaint is, among other things, “frivolous or vexatious”.

Frequently, the terms “frivolous” and “vexatious” are used interchangeably, or both terms are used in tandem. However, the syntax of the phrase does not necessarily require that the subject matter of a complaint be both frivolous and vexatious at the same time. Rather, if the meaning of either one or the other of the two terms is met, the commissioner must decline from taking action on the complaint.

The definition of vexatious used in a human rights proceeding **Potocnik v. Thunder Bay (City) (No. 5)** (1997), 29 C.H.R.R. D/512 (Ont. Bd. Inquiry). The board held, in part, that:

“A vexatious complaint is one that aims to harass, annoy, or drain the resources of the person complained against. A complaint made in bad faith is one pursued for improper reasons – a vexatious complaint is an example of one made in bad faith.”

The following is an example where the commissioner decided no further action was required as the complaint was frivolous and vexatious.

A man had filed several complaints during a five day period. His complaints dealt with interactions he had with security guards at various locations in Winnipeg.

LERA does not have the mandate to investigate complaints relative to the operation of security guards in Manitoba. Furthermore, the content of his complaint submissions presented as being frivolous and vexatious, and as per Section 13(1)(a) of the Act, the commissioner declined to take further action.

* * * * *

Case Summaries

Informal Resolution

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.

A man had submitted a complaint to LERA in relation to an interaction he had with police officers. The complainant was stopped by police while riding his bicycle on the sidewalk. After being arrested and detained, his bicycle was left unattended on the sidewalk. The complainant's bicycle that had been left unattended was stolen and not recovered.

In his complaint the affected person wrote that the police committed a disciplinary default of abuse of authority to wit, 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 contrary to Section 29(f) of the Law Enforcement Review Act.

Both parties agreed to meet and per the agreement of both the complainant and subject officers, the matter was disposed of via an informal resolution.

Admission of Disciplinary Default

Under Section 26 of The Law Enforcement Review Act, at the commencement or during the course of a hearing, the respondent may admit having committed a disciplinary default; and if the respondent admits the default, the provisions of section 28 apply.

* * * * *

Case Summaries

Criminal Charges

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

Disclosure of possible criminal offence

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

Effect of criminal charge

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

There were no files referred for criminal charges in 2023.

* * * * *

Statistical Analysis

- LERA's jurisdiction extends to 11 police services that employ 1,569 police officers; serving population of 824,328.
- Winnipeg Police Service accounts for 78% of complaints made to LERA. Brandon Police Service accounts for 7% and other services account for the remainder.
- There were 82 files opened in 2023, a slight decrease from 2022. The complaints received were more complex, alleging multiple disciplinary defaults
- The number of formal complaints was 75.
- Seven (7) complaints were resolved at intake.
- In 2023, there were 98 total investigations.
- There were 74 files closed in 2023.
- There were no complaints alleging the misuse of pepper spray in 2023.
- There were no complaints alleging misuse of handcuffs in 2023.
- There was one (1) complaint alleging misuse of taser in 2023.
- Incidents alleging injuries from the use of force saw a slight increase in 2023. Allegations of injuries were made in 33% of complaints investigated in 2023.
- There was one informal resolution of a complaint in 2023. LERA continues to actively support and, whenever possible, engage in alternative dispute resolution. This method of resolution remains a priority, and complainants and respondents are encouraged to use it.
- The percentage of complaints abandoned or withdrawn by complainants increased in 2023 - 29% - compared to 15% in 2022. When a LERA investigator is unable to locate the complainant, a letter is sent to the complainant's last known address asking the complainant to contact the investigator. If contact is not made within 30 days, the complaint is considered abandoned and a registered letter is forwarded to the complainant confirming closing of the file.

- There were 8 requests for judicial to review of the commissioner's decisions.
- LERA does not conduct criminal investigations. When a case shows evidence that a criminal offence may have been committed by an officer, the commissioner or Provincial Court Judge must report it to the Attorney-General for a criminal investigation.

If there is an indication of a crime, LERA investigators will tell the complainant that a criminal complaint may also be made to the police force where the incident occurred. In 2023 zero (0) criminal complaints were received.

- During a criminal investigation against an officer or a complainant, the LERA investigation is held in abeyance. 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 timeframe is always of concern and is a continuing objective. In 2023, 74 investigations were concluded. The average time to close an investigation was 4 months.

- 44% of the complainants were male; 24% female; 32% gender not disclosed; 21% of complainants were over 50 years of age; 29% 40-49 years of age; 24% 30-39 years of age; 9% 18-29 years of age; 5% were under the age of 18.

2023 Statistical Report – Data Tables

Table 1: Complaints – Listed by Police Service**	Police Officers **	Population ***	2023 (n=75)	2022 (n=80)	2021 (n=72)	2020 (n=69)
Altona and Plum Coulee	8	5,116	0	0	0	0
Brandon	92	48,859	5 (7%)	12 (15%)	5 (7%)	13 (19%)
MB First Nations Police Service (MFNPS)	36	20,219		2 (3%)	2 (3%)	0
Morden	16	8,668	1 (2%)	0	0	0
Rivers	4	1,257	0	0	0	1 (1%)
Ste. Anne	5	2,114	3 (4%)	0	0	0
Winkler	19	12,591	0	1 (1%)	0	1 (1%)
Winnipeg****	1,383	705,244	59 (78%)	64 (89%)	55 (80%)	73 (84%)
RM of Cornwallis*	1	4,520	0	0	0	0
RM of Springfield*	4	15,342	0	0	0	1 (1%)
RM of Victoria Beach*	1	398	0	0	0	0
Other	0	0	7 (9%)	0	1 (1%)	3 (3.5%)
Total	1,651	824,328	100%	100%	100%	100%

* Supplementary police service – RCMP have primary responsibility

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

*** Source: Statistics Canada Census 2016 and Manitoba First Nations Police Service

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

Table 2 Public Complaints	2023	2022	2021	2020
Files Opened	82	92	85	91
Resolved at Intake	7	12	13	22
Formal Complaints Received	75	80	72	69

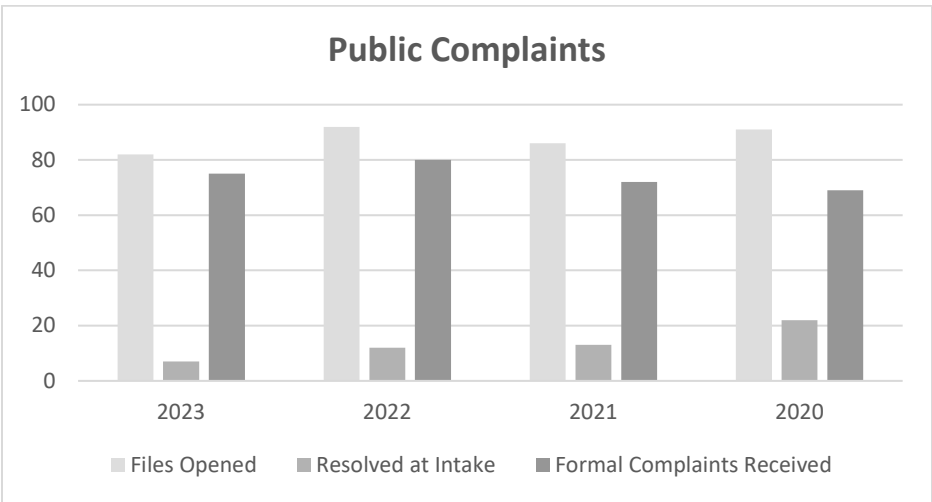


Table 3: Investigations Conducted	2023	2022	2021	2020
Total Investigations	98	105	111	145
Investigations Completed - Files Closed	74	81	85	106
Ongoing Investigations Carried Over as of December 31st of the Year Shown	24	24	26	39

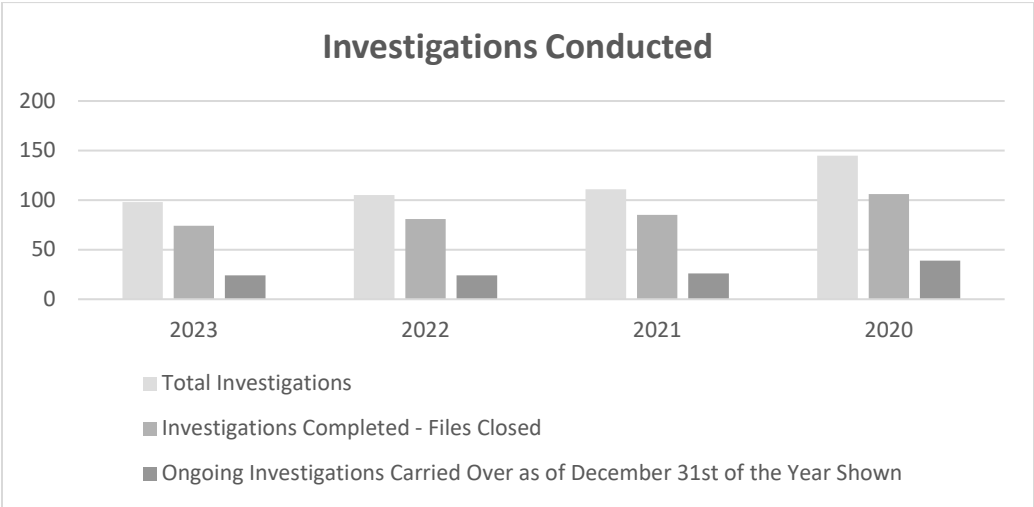


Table 4: Complainants' Allegations: Discipline Code Section 29 The Law Enforcement Review Act	2023	2022	2021	2020
Abuse of authority Subsection 29(a)	4	7	21	34
Arrest without reasonable or probable grounds Subsection 29(a)(i)	6	4	2	1
Using unnecessary or excessive force Subsection 29(a)(ii)	28	28	23	24
Using oppressive or abusive conduct or language Subsection 29(a)(iii)	14	23	14	9
Being discourteous or uncivil Subsection 29 (a)(iv)	29	30	39	18
Seeking improper personal advantage Subsection 29(a)(v)	0	0	0	0
Serving civil documents without proper authorization Subsection 29(a)(vi)	0	0	2	0
Differential treatment without cause Subsection 29(a)(vii) <i>The Human Rights Code</i> Subsection 9(2)	11	1	5	0
Making false statement(s) Subsection 29(b)	6	1	0	0
Improperly disclosing information Subsection 29(c)	0	0	1	1
Failing to exercise care or restraint in use of firearm Subsection 29(d)	0	0	0	0
Damaging property or failing to report damage Subsection 29(e)	2	1	3	1
Failing to provide assistance to person(s) in danger Subsection 29(f)	5	0	0	0
Violating person's privacy (under <i>The Privacy Act</i>) Subsection 29(g)	0	0	0	0
Contravening <i>The Law Enforcement Review Act</i> Subsection 29(h)	0	0	0	0
Assisting any person committing a disciplinary default Subsection 29(i)	0	0	0	0

Table 5: Incidents Alleging Misuse of Pepper Spray

2023 (n=0)	2022 (n=0)	2021 (n=0)	2020 (n=0)
0% of 75 complaints investigated	0% of 80 complaints investigated	0% of 72 complaints investigated	0% of 69 complaints investigated

Table 6: Incidents Alleging Misuse of Handcuffs

2023 (n=7)	2022 (n=7)	2021 (n=7)	2020 (n=7)
0% of 75 complaints investigated	9% of 80 complaints Investigated Winnipeg PS = 7	11% of 72 complaints investigated Winnipeg PS = 8	10% of 69 complaints investigated Winnipeg PS = 7

Table 7: Incidents Alleging Misuse of Taser

2023 (n=1)	2022 (n=0)	2021 (n=2)	2020 (n=1)
1% of 75 complaints investigated	0% of 80 complaints investigated	3% of 72 complaints investigated Winnipeg PS = 2	1% of 69 complaints investigated Winnipeg PS = 1

Table 8: Incidents Alleging Injuries from Use of Force

2023 (n=25)	2022 (n=18)	2021 (n=18)	2020 (n=22)
33% of 75 complaints investigated. Winnipeg PS = 22 Brandon PS = 2 Other = 1	30% of 80 Complaints investigated Winnipeg PS = 22 Brandon PS = 2	25% of 72 complaints investigated Winnipeg PS = 16 Brandon PS = 1 MFNPS = 1	32% of 69 complaints investigated Winnipeg PS = 17 Brandon PS = 5

Table 9 Disposition of Complaints	2023 (n=82)	2022 (n=92)	2021 (n=85)	2020 (n=106)
Dismissed by commissioner as outside scope of act	13 (16%)	20 (25%)	16 (19%)	23 (22%)
Dismissed by commissioner as frivolous or vexatious	3 (4%)	1 (1%)	0	2 (2%)
Dismissed by commissioner as not supported by sufficient evidence to justify a hearing	31 (38%)	48 (60%)	44 (52%)	34 (32%)
Abandoned or withdrawn by complainant	24 (29%)	12 (15%)	25 (29%)	46 (43%)
Resolved informally	2 (2%)	0	0	0
<i>Public hearing before a provincial court judge</i>	1 (1%)	0	0	0
Admission of guilt by respondent officer	0	0	0	1 (1%)
Disposed via criminal Procedure	0	0	0	0

Table 10: Legal Involvement of Complainants	2023 (n=75)	2022 (n=80)	2021 (n=72)	2020 (n=69)
No charges	22 (29%)	0	11 (15%)	34 (49%)
Traffic offences	11 (15%)	0	3 (4%)	6 (9%)
Property offences	2 (3%)	0	0	0
Intoxicated persons detention	7 (9%)	0	1 (1%)	1 (1%)
Cause disturbance	1 (1%)	0	0	0
Assault police officer/resist arrest	3 (4%)	0	1 (1%)	3 (4%)
Impaired driving	2 (3%)	0	1 (1%)	0
Offences against another person	4 (5%)	0	0	0
Domestic disputes	5 (7%)	0	0	3 (4%)
Drugs	1 (1%)	0	0	1 (1%)
<i>The Mental Health Act</i>	6 (8%)	0	0	0
Breach of Peace	3 (4%)	0	1 (1%)	0
Other	1 (1%)	76 (95%)	53 (74%)	21 (30%)

Table 11: Provincial Judges' Review of Commissioner's Decision to Take No Further Action	2023	2022	2021	2020
	8	12	12	4

Table 12: Referrals by Commissioner of Complaint for Criminal Investigation	2023	2022	2021	2020
	0	0	0	0

Table 13: Complainants Have Also Lodged a Criminal Complaint with Police	2023	2022	2021	2020
	0	3	0	1

Table 14: Time Span of Ongoing Investigations Carried Over as of December 31, 2023

YEAR	1-3 Months	4-7 Months	8-12 Months	13-18 Months	19-23 Months	24+ Months	Total
2020	0	0	0	2	1	0	3
2021	13	5	1	0	0	0	19
2022	18	4	0	0	0	0	22
2023	14	4	1	0	0	0	19
Total	45	13	2	2	1	0	63

Table 15: Files Concluded in 2023 by Year of Origin

Year	Number of Files	Average Time to Close Investigation
2017	1	72 months
2021	1	3 months
2022	19	5 months
2023	53	3 months
Total	74	4 months

Table 16: Length of Time to Complete Investigations	2023	2022	2021	2020
Average Number of Months	4	5	7	12

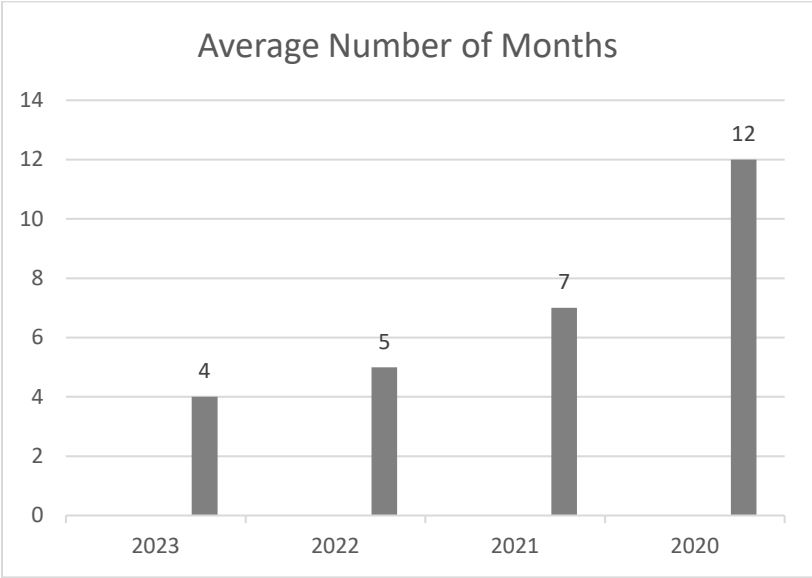


Table 17: Location of Incident	2023	2022	2021	2020
Street	16	18	19	30
Private residence	19	23	19	15
Public building/place	26	27	7	5
Police station	6	7	4	9
Other	0	1	21	28

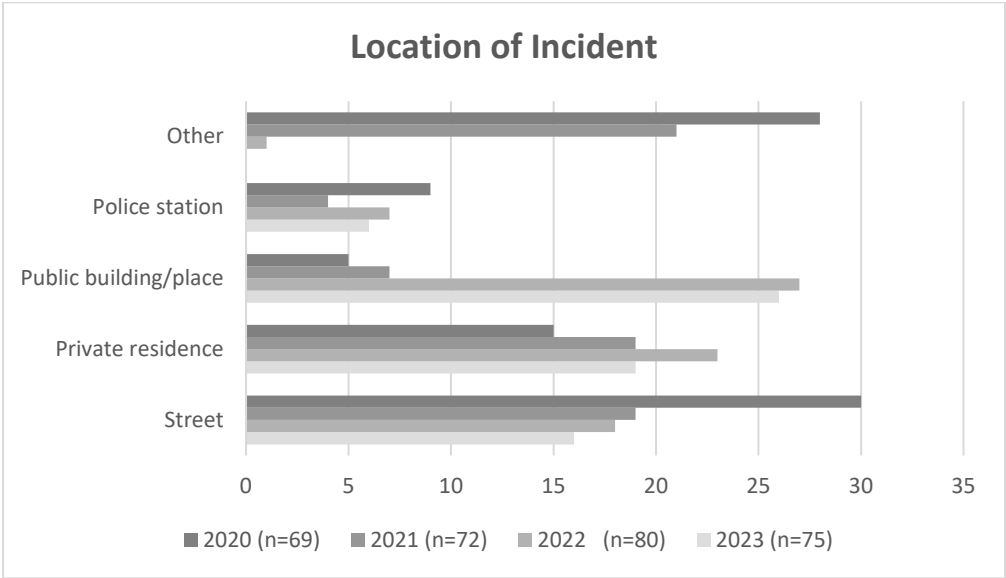


Table 18: Complaints Demographics

GENDER	2023 (n=75)	2022 (n=80)	2021 (n=72)	2020 (n=69)
Male	33 (44%)	51 (64%)	45 (63%)	42 (61%)
Female	18 (24%)	24 (30%)	17 (24%)	26 (38%)
Non-binary	24 (32%)	5 (6%)	10 (14%)	1 (1%)
AGE				
Over 50	16 (21%)	17 (21%)	21 (29%)	11 (16%)
40 – 49	22 (29%)	24 (30%)	16 (22%)	10 (14%)
30 – 39	18 (24%)	16 (20%)	16 (22%)	24 (35%)
18- 29	7 (9%)	12 (15%)	11 (15%)	6 (9%)
Youth under 18	4 (5%)	4 (5%)	2 (3%)	3 (4%)
Birth dates Unknown	8 (11%)	7 (9%)	6 (8%)	15 (22%)