

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

**Annual Report
2022**



This publication is available in alternate formats, upon request, by contacting:

Manitoba Justice
Corporate and Strategic Services
Room 1110-405 Broadway
Winnipeg, MB R3C 3L6
Phone: 204-945-4378
Fax: 204-945-6692

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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 *2022 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, 2022.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Kelvin Goertzen', written over a horizontal line.

Honourable Kelvin Goertzen
Minister of Justice
Attorney General



Justice

Law Enforcement Review Agency (LERA)
420 – 155 Carlton Street, Winnipeg Manitoba R3C 3H8
T 204 945-8667 F 204 948-1014
www.gov.mb.ca/justice/lera

The Honourable Kelvin Goertzen
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 37th annual report for the period of January 1, 2022 to December 31, 2022.

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



Justice

Organisme chargé des enquêtes sur l'application de la loi
155, rue Carlton, bureau 420, Winnipeg (Manitoba) R3C 3H8
Tél. : 204 945-8667 Téléc. : 204 948-1014
www.gov.mb.ca/justice/lera

Monsieur Kelvin Goertzen
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 37^{ème} 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 2022.

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 défenseurs;
- 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 30 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

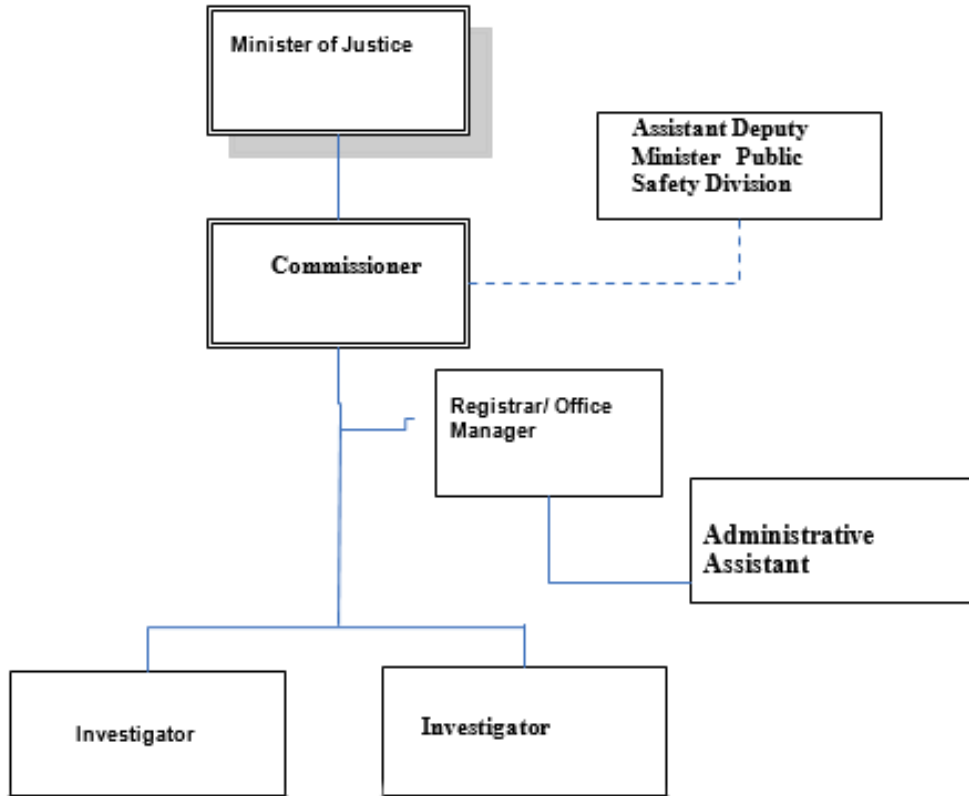
The commissioner is required to submit an annual report on the performance of his/her duties and functions to the minister and to each police board in the province that has established a police service.

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, 2021 and ending March 31, 2022 is:

Full Time Employees (filled positions)	5
Total Salaries (\$000`s).....	\$383
Total Operating Budget (\$000`s).....	<u>\$ 36</u>
TOTAL	\$419

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 man filed a complaint alleging that while interacting with him, the officer's conduct and language were abusive.

The LERA investigator, interviewed a witness who stated that the complainant was a frequent customer and prone to becoming irate for no reason and using profanity. The witness confirmed that the complainant started using profanity with the officer and did not hear the officer swear at all.

The account of the event provided by the officer was significantly different from the complainant's version of events.

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 is an example where the commissioner decided no further action was required as the complaint was outside the scope of the Act.

A complaint was submitted by a female who was issued a ticket for a traffic violation by an officer. She disagreed with the issuance of the ticket and was upset that the officer did not listen to her explanation when he issued the ticket, instead he walked away.

The complainant was of the opinion that she did not commit the traffic violation and that the officer was simply meeting a quota by issuing her a ticket.

The complaint was reviewed and found to fall outside the scope of Section 29 of the Law Enforcement Review Act (the Act). Therefore, pursuant to Section 13(1)(a) of the Act, the Commissioner declined to take further action on this matter.

The complainant was advised to challenge the violation ticket through the Provincial Court Office as per instructions contained within the ticket. The other matters addressed in her complaint were quality of service issues that are within the purview of the police service. The complainant was advised to contact the Police Service.

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 an officer. One month later, he contacted the LERA investigator and advised that he wished to withdraw his complaint.

A male had submitted a complaint to LERA about the treatment he had received from officers.

After several unsuccessful attempts by the LERA investigator to contact the complainant for further particulars, it was the decision of the Commissioner that the complainant had abandoned his complaint, and the file was closed.

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. The officers had attended an incident involving busy traffic and extraneous noise that hindered the police gathering information. The complainant, who was not directly involved in the incident, was told to stay back and return to his vehicle. The complainant continued walking towards the officers.

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.

* * * * *

One application for review was withdrawn.

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.

There were no referrals to a public hearing before a Provincial Court Judge in 2022.

* * * * *

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 woman filed a complaint claiming that the police were discourteous in their interaction with her. There were two young females crossing in front of her and she slammed on the brakes and slightly nudged one of the females. Both assured the woman that they were uninjured. The woman called 911 and police were dispatched. The complainant assumed the officers did not do a proper investigation because of the child's race.

The complainant did not know the race of the officers in the car as she only spoke on the phone to one of the officers. The officers, who were the same race as the child, spent 2.5 hours searching the area and conducting various checks in an attempt to locate the young female.

Following an extensive review of all the information available, including interviews with the complainant and with the officers, and police reports, it was the Commissioner's decision that the complainant's allegation was factually incorrect and her assumptions were based on her own personal beliefs and not supported by evidence. As such, the subject matter of the complaint was deemed frivolous and vexatious.

* * * * *

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 a police officer. His complaint was in relation to a traffic stop conducted by the officer wherein the

complainant alleged that the officer used oppressive or abusive conduct or language contrary to Section 29(a)(iii) of the Law Enforcement Review Act.

Both parties agreed to meet and per the agreement of both the complainant and subject officer, 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 of 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 2022.

* * * * *

Statistical Analysis

- LERA's jurisdiction extends to 11 police services that employ 1,651 police officers; serving population of 824,328.
- Winnipeg Police Service accounts for 89% of complaints made to LERA. Brandon Police Service accounts for 7% and other services account for the remainder.
- There were 92 files opened in 2022, an increase of seven over 2021. The increase in the number of complaints can be partially attributed due COVID public health orders being lifted increasing the number of public/police contacts.
- The number of formal complaints was 80.
- Twelve (12) complaints were resolved at intake.
- In 2022, there were 105 total investigations.
- There were 81 files closed in 2022.
- There were no complaints alleging the misuse of pepper spray in 2022.
- There were seven (7) incidents alleging misuse of handcuffs in 2022.
- There were no complaints of misuse of taser in 2022.
- Incidents alleging injuries from the use of force increased slightly in 2022. Allegations of injuries were made in 30% of complaints investigated in 2022.
- There was one informal resolution of a complaint in 2022. 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 decreased 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 12 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 2022 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 2022, 38 investigations were completed within 1-3 months; 34 investigations were completed within 4-7 months. The average number of months to close an investigation was four (4) months, a decrease of two (2) from 2021.

- 64% of the complainants were male; 30% female; 6% non binary; 21% of complainants were over 50 years of age; 30% 40-49 years of age; 20% 30-39 years of age; 15% 18-29 years of age; 5% were under the age of 18.

2022 Statistical Report – Data Tables

Table 1: Complaints – Listed by Police Service**	Police Officers **	Population ***	2022 (n=80)	2021 (n=72)	2020 (n=69)	2019 (n=87)
<i>Altona and Plum Coulee</i>	8	5,116	0	0	0	0
Brandon	89	48,859	12 (15%)	5 (7%)	13 (19%)	6 (7%)
MB First Nations Police Service (MFNPS)	36	20,219	2 (3%)	2 (3%)	0	2 (2.5%)
Morden	16	8,668	0	0	0	0
Rivers	4	1,257	0	0	0	1 (1%)
Ste. Anne	5	2,114	0	0	0	0
Winkler	19	12,591	0	1 (1%)	0	1 (1%)
Winnipeg****	1,468	705,244	62 (77%)	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	4 (5%)	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	2022	2021	2020	2019
Files Opened	92	85	91	153
Resolved at Intake	12	13	22	66
Formal Complaints Received	80	72	69	87

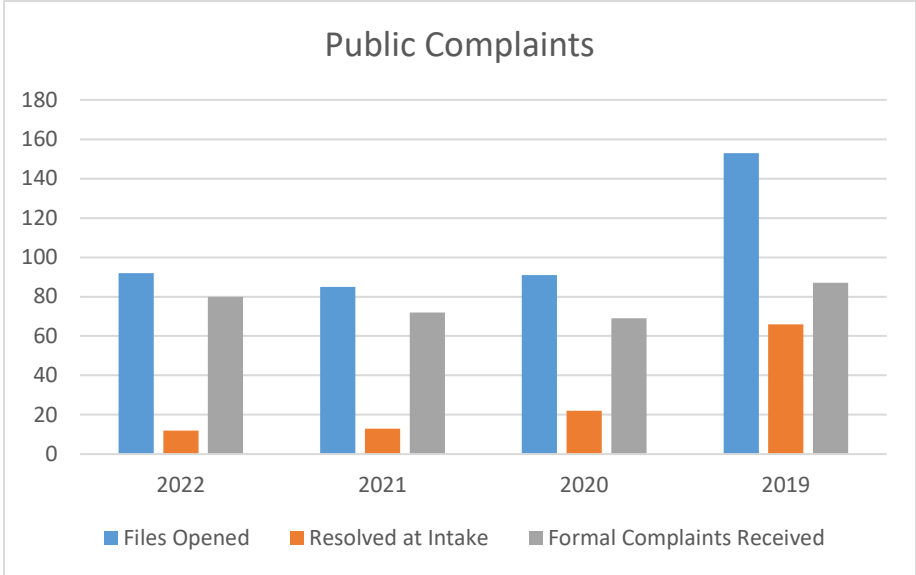


Table 3: Investigations Conducted	2022	2021	2020	2019
Total Investigations	105	111	145	166
Investigations Completed - Files Closed	81	85	106	88
Ongoing Investigations Carried Over as of December 31st of the Year Shown	24	26	39	77

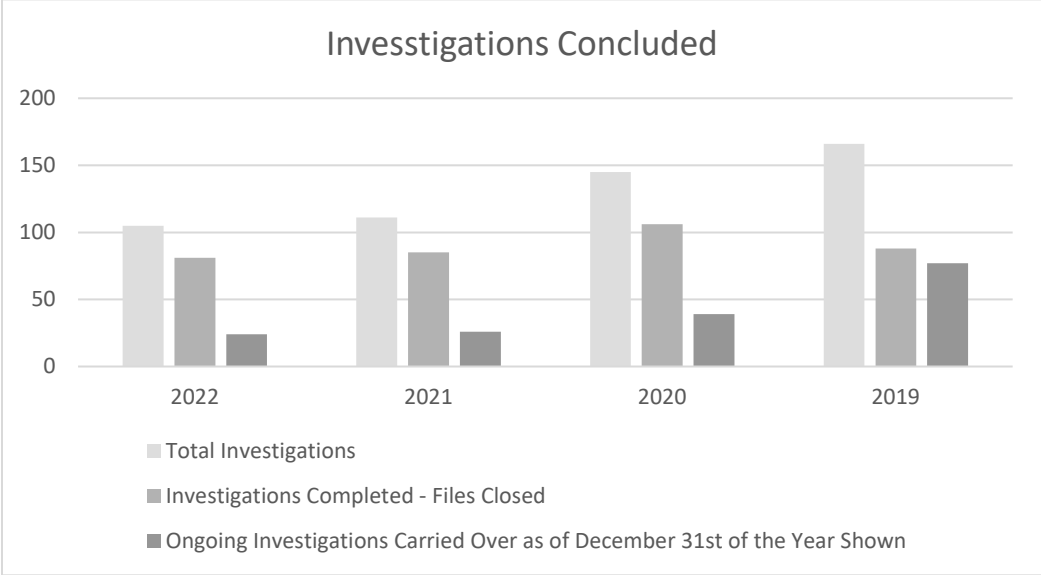


Table 4: Complainants' Allegations: Discipline Code Section 29 The Law Enforcement Review Act	2022	2021	2020	2019
Abuse of authority Subsection 29(a)	7	21	34	33
Arrest without reasonable or probable grounds Subsection 29(a)(i)	4	2	1	7
Using unnecessary or excessive force Subsection 29(a)(ii)	28	23	24	40
Using oppressive or abusive conduct or language Subsection 29(a)(iii)	23	14	9	14
Being discourteous or uncivil Subsection 29 (a)(iv)	30	39	18	21
Seeking improper personal advantage Subsection 29(a)(v)	0	0	0	0
Serving civil documents without proper authorization Subsection 29(a)(vi)	0	2	0	0
Differential treatment without cause Subsection 29(a)(vii) <i>The Human Rights Code</i> Subsection 9(2)	1	5	0	3
Making false statement(s) Subsection 29(b)	1	0	0	0
Improperly disclosing information Subsection 29(c)	0	1	1	0
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)	1	3	1	0
Failing to provide assistance to person(s) in danger Subsection 29(f)	0	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

2022 (n=0)	2021 (n=0)	2020 (n=0)	2019 (n=0)
0% of 80 complaints investigated	0% of 72 complaints investigated	0% of 69 complaints investigated	0% of 87 complaints investigated

Table 6: Incidents Alleging Misuse of Handcuffs

2022 (n=7)	2020 (n=8)	2020 (n=7)	2019 (n=5)
9% of 80 complaints investigated Winnipeg PS = 7	11% of 72 complaints Investigated Winnipeg PS = 8	10% of 69 complaints investigated Winnipeg PS = 7	6% of 87 complaints investigated Winnipeg PS = 4 Brandon PS = 1

Table 7: Incidents Alleging Misuse of Taser

2022 (n=0)	2021 (n=2)	2020 (n=1)	2019 (n=3)
0% of 80 complaints investigated	3% of 72 complaints investigated Winnipeg PS = 2	1% of 69 complaints investigated Winnipeg PS = 1	3% of 87 complaints investigated Winnipeg PS = 2 MB First Nations Police = 1

Table 8: Incidents Alleging Injuries from Use of Force

2022 (n=24)	2021 (n=18)	2020 (n=22)	2019 (n=36)
30% of 80 complaints investigated. Winnipeg PS = 22 Brandon PS = 2	25% of 72 Complaints investigated Winnipeg PS = 16 Brandon PS = 1 MB First Nations Police = 1	32% of 69 complaints investigated Winnipeg PS = 17 Brandon PS = 5	41% of 87 complaints investigated Winnipeg PS = 30 Brandon PS = 3 MB First Nations PS = 2 Other = 1

Table 9 Disposition of Complaints	2022 (n=80)	2021 (n=85)	2020 (n=106)	2019 (n=88)
Dismissed by commissioner as outside scope of act	20 (25%)	16 (19%)	23 (22%)	23 (26%)
Dismissed by commissioner as frivolous or vexatious	1 (1%)	0	2 (2%)	0
Dismissed by commissioner as not supported by sufficient evidence to justify a hearing	48 (60%)	44 (52%)	34 (32%)	25 (28%)
Abandoned or withdrawn by complainant	12 (15%)	25 (29%)	46 (43%)	38 (44%)
Resolved informally	0	0	0	1 (1%)
<i>Public hearing before a provincial court judge</i>	0	0	0	1 (1%)
Admission of guilt by respondent officer	0	0	1 (1%)	0
Disposed via criminal Procedure	0	0	0	0

Table 10: Legal Involvement of Complainants	2022 (n=80)	2021 (n=72)	2020 (n=69)	2019 (n=87)
No charges	0	11 (15%)	34 (49%)	41 (48%)
Traffic offences	0	3 (4%)	6 (9%)	11 (13%)
Property offences	0	0	0	2 (2%)
Intoxicated persons detention	0	1 (1%)	1 (1%)	1 (1%)
Cause disturbance	0	0	0	0
Assault police officer/resist arrest	0	1 (1%)	3 (4%)	7 (8%)
Impaired driving	0	1 (1%)	0	3 (3%)
Offences against another person	0	0	0	1 (1%)
Domestic disputes	0	0	3 (4%)	1 (1%)
Drugs	0	0	1 (1%)	2 (2%)
<i>The Mental Health Act</i>	0	0	0	2 (2%)
Breach of Peace	0	1 (1%)	0	0
Other	76 (95%)	53 (74%)	21 (30%)	16 (19%)

Table 11: Provincial Judges' Review of Commissioner's Decision to Take No Further Action	2021	2020	2019	2018
	12	4	1	14

Table 12: Referrals by Commissioner of Complaint for Criminal Investigation	2021	2020	2019	2018
	0	0	0	0

Table 13: Complainants Have Also Lodged a Criminal Complaint with Police	2021	2020	2019	2018
	0	1	4	15

Table 14: Time Span of Ongoing Investigations Carried Over as of December 31, 2022

YEAR	1-3 Months	4-7 Months	8-12 Months	13-18 Months	19-23 Months	24+ Months	Total
2019	0	0	0	0	0	2	2
2020	0	0	0	2	1	0	3
2021	13	5	1	0	0	0	19
2022	18	4	0	0	0	0	22
Total	31	9	1	2	1	2	46

Table 15: Files Concluded in 2022 by Year of Origin

Year	Number of Files	Average Time to Close Investigation
2016	1	72 months
2019	2	21 months
2020	3	5 months
2021	17	6 months
2022	58	4 months
Total	81	5 months

Table 16: Length of Time to Complete Investigations	2022	2021	2020	2019
Average Number of Months	5	7	12	6

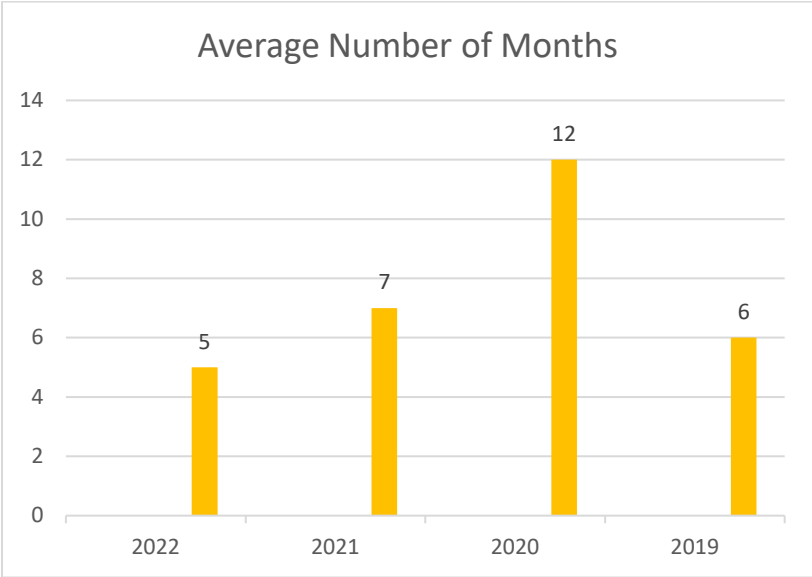


Table 17: Location of Incident	2022 (n=80)	2021 (n=72)	2020 (n=69)	2019 (n=87)
Street	18	19	1	30
Private residence	23	19	19	15
Public building/place	27	7	1	5
Police station	7	4	0	9
Other	1	21	48	28

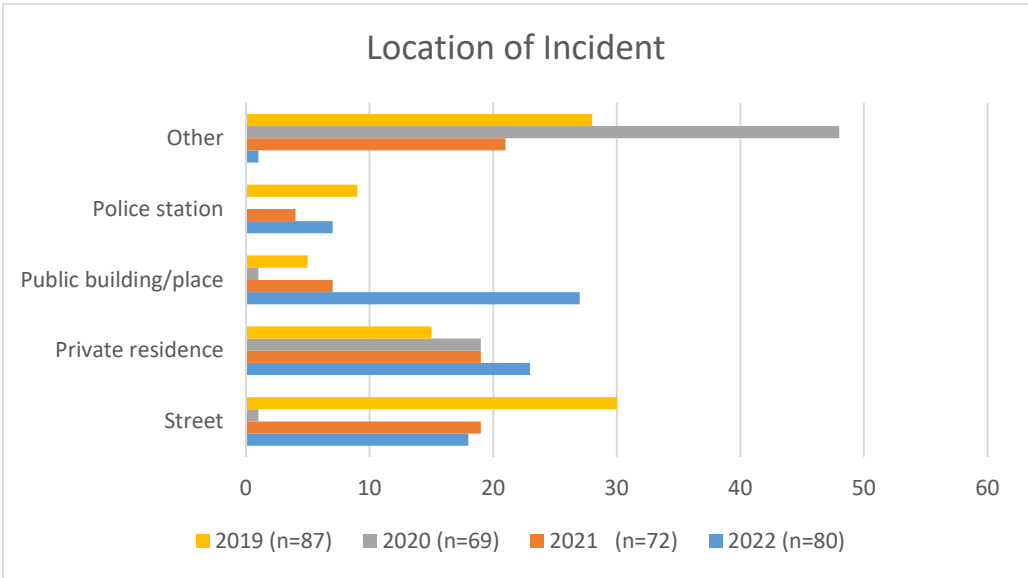


Table 18: Complaints Demographics

GENDER	2022 (n=80)	2021 (n=72)	2020 (n=69)	2019 (n=87)
Male	51 (64%)	45 (63%)	42 (61%)	61 (70%)
Female	24 (30%)	17 (24%)	26 (38%)	20 (23%)
Non-binary	5 (6%)	10 (14%)	1 (1%)	6 (7%)
AGE				
Over 50	17 (21%)	21 (29%)	11 (16%)	21 (24%)
40 – 49	24 (30%)	16 (22%)	10 (14%)	13 (15%)
30 – 39	16 (20%)	16 (22%)	24 (35%)	20 (23%)
18- 29	12 (15%)	11 (15%)	6 (9%)	12 (14%)
Youth under 18	4 (5%)	2 (3%)	3 (4%)	11 (13%)
Birth dates Unknown	7 (9%)	6 (8%)	15 (22%)	10 (11%)