

THE LAW ENFORCEMENT REVIEW BOARD HEARING

FILE # 1645

BETWEEN:

I G

Complainant,

- and -

B. K.

and T. S.

Respondent Officers.

BOARD MEMBERS

C. Meighen, Chairperson
M. Shamray
T. Elwick

DECISION - WEDNESDAY, FEBRUARY 5, 1992.

APPEARANCES:

Mr. W. Armstrong appeared on behalf of the Complainant.

Mr. P. McKenna appeared on behalf of Respondent Officers.

ROSE GINGELL GILL REPORTING
215 - 153 Lombard Avenue
Winnipeg, Manitoba
R3B 0T4
(204) 943-0196

WEDNESDAY, FEBRUARY 5, 1992.

DECISION DELIVERED 5:07 P.M.

CHAIRPERSON: We have been able to come to a decision.

We are unable to conclude, beyond a reasonable doubt, that the disciplinary defaults complained of were committed. Quite frankly, we had difficulty in reaching this conclusion, and had the onus of proof been less stringent, we might well have come to a different conclusion.

The inconsistencies in the evidence, however, leave us in a position where we would have to make inferences, which we are just not prepared to make. We feel that the situation could have been better handled by all parties if communication had been better, not only when the peace officers arrived on the part of I. G. , but we feel there could have been better communication by the peace officers. Constable S. indicates that he's not a social worker, but in fact peace officers are communicating all the time in this day and age, and we know that it's a very important part of the function.

So we are not prepared to go any further than that, unless either party, under the Act, makes a motion

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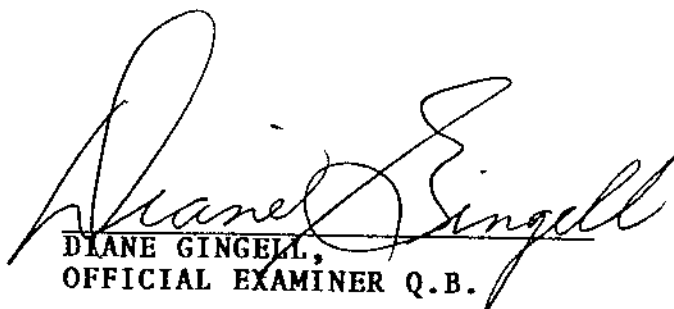
for written reasons; and we are in a position where we are going to dismiss the complaint.

Thank you, counsel.

(HEARING ADJOURNED 5: 10 P.M.)

OFFICIAL EXAMINER'S CERTIFICATE

I, DIANE GINGELL, A DULY APPOINTED OFFICIAL EXAMINER in and for the Province of Manitoba, do hereby CERTIFY the foregoing pages of typewritten matter, numbered 1 and 2, were taken by me at the time and place hereinbefore stated on the Stenomask.


DIANE GINGELL,
OFFICIAL EXAMINER Q.B.