

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

Annual Report 2021



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**ATTORNEY GENERAL
MINISTER OF JUSTICE**

Room 104
Legislative Building
Winnipeg, Manitoba R3C 0V8
CANADA

The Honourable Janice C. Filmon, 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 *2021 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, 2021.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kelvin Goertzen".

Honourable Kelvin Goertzen
Minister of Justice
Attorney General



Justice

Law Enforcement Review Agency (LERA)
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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 36th annual report for the period of January 1, 2021 to December 31, 2021.

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
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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 36^{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 2021.

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,

A handwritten signature in black ink, appearing to read 'Andrew Minor'.

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 30 days of the incident.

The timeline for the submission of a complaint can be extended up to six months after the date of the alleged disciplinary default where a person can show and the Commissioner is satisfied that there was no reasonable opportunity to submit the complaint.

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 be 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 scope of LERA. These types of complaints are concluded shortly after intake. Whereas most 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

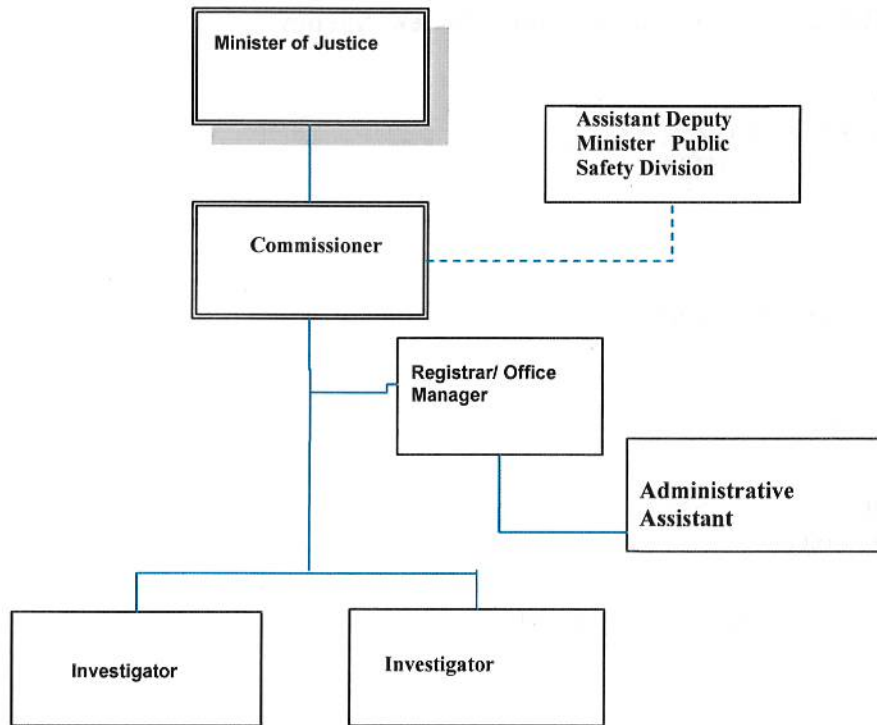
The commissioner is required to submit an annual report on the performance of his/her duties and functions to the minister and to each police board in the province that has established a police service.

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, 2020 and ending March 31, 2021 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



Case Summaries

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 officers' conduct was abusive. He claimed that officers pushed him to the ground and used their weapons to subdue him.

When interviewed by a LERA investigator, complainant admitted that he was not actually threatened with weapons. The complainant was also not consistent in his account of events. The information provided by a witness was vague and did not support the submission made by the complainant.

The account of the event provided by the officers 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 male who had been stopped by the police for not stopping at a stop sign.

The complainant was upset that the officer was not wearing a mask nor did he maintain social distancing when speaking to the complainant.

The complainant was advised that not wearing a mask was a quality of service issue (Police Service Policy) and not within the LERA's scope to investigate. 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 witnessed between two officers and member of the public. The encounter ended with no incident.

The officer had yelled at the complainant asking if he knew the person. There was a brief exchange between the complainant and the officer in which he complained that the officer was being discourteous.

Investigator explained LERA process. At the end of the conversation, complainant advised that he was officially withdrawing his complaint; as he no longer felt that an investigation was needed. Complainant said he would be happy with the officer being spoken to by his supervisor.

A third party complaint was filed by a CFS worker on behalf of the mother/legal guardian and her minor child. The minor had disclosed to the CFS worker that she had been mistreated by police officers.

The LERA Act requires the consent of the affected person in all but a few exceptions. Numerous attempts to contact (email, phone, registered mail) the mother/legal guardian and the minor were unsuccessful.

In view of all the efforts to contact the complainant, her CFS guardian and her mother, a lack of response to same, the file was closed as being abandoned.

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 woman had initiated a complaint to LERA saying that the police refused to investigate her complaint. LERA dismissed her complaint as the issue identified was not considered a disciplinary default under LERA's jurisdiction. She applied for a review of the commissioner's decision not to act on her complaint.

The judge hearing the review must consider the reasonableness of the LERA commissioner's decision not to cause an investigation after determining the allegation did not speak to a disciplinary default and not within the scope of the Act.

In reviewing all of the documents the judge upheld the commissioner's decision not to proceed and dismissed the complaint. In the decision, the judge agreed with the commissioner that "LERA does not investigate complaints made about the quality of the police service or investigations conducted by the police. He concluded that the complaint did not fall within the scope of Section 29 of the Act.

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.

Three reviews were dismissed due to non- attendance by the complainant.

Case Summaries

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 2021.

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."

There were no instances where the commissioner decided to take no further action on a complaint that was found to be 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.

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 2021.

* * * * *

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 85 files opened in 2021, down by six from 2020. The decrease in the number of complaints can be partially attributed to COVID and health order restrictions that reduced the number of public/police contacts.
- The number of formal complaints was 72.
- Thirteen (13) complaints were resolved at intake.
- In 2021, there were 111 total investigations.
- There were 85 files closed in 2021.
- There were no complaints alleging the misuse of pepper spray in 2021.
- There were eight (8) incidents alleging misuse of handcuffs in 2021.
- There were two (2) complaints of misuse of taser in 2021.
- Incidents alleging injuries from the use of force decreased in 2021. Allegations of injuries were made in 25% of complaints investigated in 2021.
- There were no informal resolution of complaints in 2021. 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 2021. 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 complainants' 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 2021 zero (0) criminal complaints were received.

- During a criminal investigation against an officer or a complainant, the LERA investigation is put on hold. 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 2021, 13 investigations were completed within 1-3 months. Five were completed 4-7 months; and one completed 8-12 months. (See Tables 15 and 16).

- 63% of the complainants were male; 24% female; 14% non binary; 29% of complainants were over 50 years of age; 22% 40-49; 22% 30-39.

2021 Statistical Report – Data Tables

Table 1: Complaints – Listed by Police Service**	Police Officers **	Population ***	2021 (n=72)	2020 (n=69)	2019 (n=87)	2018 (n=98)
Altona and Plum Coulee	8	5,116	0	0	0	0
Brandon	89	48,859	5 (7%)	13 (19%)	6 (7%)	8 (8%)
MB First Nations Police Service (MFNPS)	36	20,219	2 (3%)	0	2 (2.5%)	1 (1%)
Morden	16	8,668	0	0	0	0
Rivers	4	1,257	0	0	1 (1%)	0
Ste. Anne	5	2,114	0	0	0	0
Winkler	19	12,591	1 (1%)	0	1 (1%)	1 (1%)
Winnipeg****	1,468	705,244	64 (89%)	55 (80%)	73 (84%)	85 (87%)
RM of Cornwallis*	1	4,520	0	0	0	0
RM of Springfield*	4	15,342	0	0	1 (1%)	0
RM of Victoria Beach*	1	398	0	0	0	0
Other	0	0	0	1 (1%)	3 (3.5%)	3 (3%)
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	2021	2020	2019	2018
Files Opened	85	91	153	166
Resolved at Intake	13	22	66	68
Formal Complaints Received	72	69	87	98

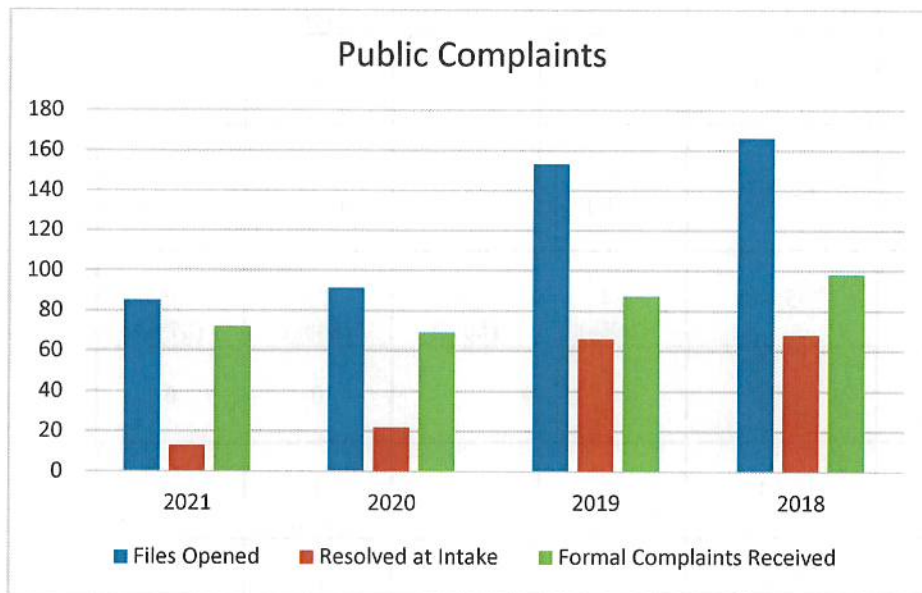


Table 3: Investigations Conducted	2021	2020	2019	2018
Total Investigations	111	145	166	187
Investigations Completed - Files Closed	85	106	88	102
Ongoing Investigations Carried Over as of December 31st of the Year Shown	26	39	77	85

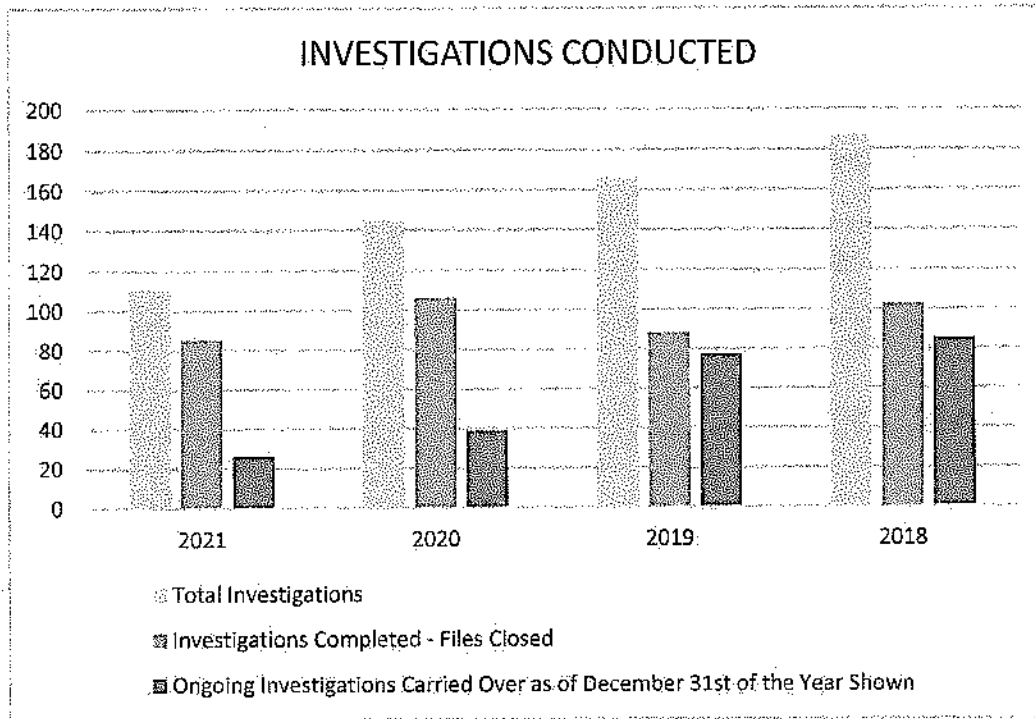


Table 4: Complainants' Allegations: Discipline Code Section 29 <i>The Law Enforcement Review Act</i>	2021	2020	2019	2018
Abuse of authority Subsection 29(a)	21	34	33	41
Arrest without reasonable or probable grounds Subsection 29(a)(i)	2	1	7	9
Using unnecessary or excessive force Subsection 29(a)(ii)	23	24	40	41
Using oppressive or abusive conduct or language Subsection 29(a)(iii)	14	9	14	17
Being discourteous or uncivil Subsection 29 (a)(iv)	39	18	21	32
Seeking improper personal advantage Subsection 29(a)(v)	0	0	0	0
Serving civil documents without proper authorization Subsection 29(a)(vi)	2	0	0	0
Differential treatment without cause Subsection 29(a)(vii) <i>The Human Rights Code</i> Subsection 9(2)	5	0	3	11
Making false statement(s) Subsection 29(b)	0	0	0	5
Improperly disclosing information Subsection 29(c)	1	1	0	2
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)	3	1	0	4
Failing to provide assistance to person(s) in danger Subsection 29(f)	0	0	0	3
Violating person's privacy (under <i>The Privacy Act</i>) Subsection 29(g))	0	0	0	1
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			
2021 (n=0)	2020 (n=0)	2019 (n=0)	2018 (n=0)
0% of 72 complaints investigated	0% of 69 complaints investigated	0% of 87 complaints investigated	0% of 98 complaints investigated

Table 6: Incidents Alleging Misuse of Handcuffs			
2021 (n=8)	2020 (n=7)	2019 (n=5)	2018 (n=3)
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	3% of 98 complaints investigated Winnipeg PS = 3

Table 7: Incidents Alleging Misuse of Taser			
2021 (n=2)	2020 (n=1)	2019 (n=3)	2018 (n=2)
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	2% of 98 complaints investigated Winnipeg PS = 2

Table 8: Incidents Alleging Injuries from Use of Force			
2021 (n=18)	2020 (n=22)	2019 (n=36)	2018 (n=38)
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	39% of 98 complaints investigated Winnipeg PS = 34 Brandon PS = 3 MB First Nations PS = 1

Table 9 Disposition of Complaints	2021 (n=85)	2020 (n=106)	2019 (n=88)	2018 (n=102)
Dismissed by commissioner as outside scope of act	16 (19%)	23 (22%)	23 (26%)	33 (32%)
Dismissed by commissioner as frivolous or vexatious	0	2 (2%)	0	0
Dismissed by commissioner as not supported by sufficient evidence to justify a hearing	44 (52%)	34 (32%)	25 (28%)	39 (38%)
Abandoned or withdrawn by complainant	25 (29%)	46 (43%)	38 (44%)	30 (30%)
Resolved informally	0	0	1 (1%)	0
Public hearing before a provincial court judge	0	0	1 (1%)	0
Admission of guilt by respondent officer	0	1 (1%)	0	0
Disposed via criminal Procedure	0	0	0	0

Table 10: Legal Involvement of Complainants	2021 (n=72)	2020 (n=69)	2019 (n=87)	2018 (n=98)
No charges	11 (15%)	34 (49%)	41 (48%)	43 (44%)
Traffic offences	3 (4%)	6 (9%)	11 (13%)	10 (10%)
Property offences	0	0	2 (2%)	4 (4%)
Intoxicated persons detention	1 (1%)	1 (1%)	1 (1%)	3 (3%)
Cause disturbance	0	0	0	0
Assault police officer/resist arrest	1 (1%)	3 (4%)	7 (8%)	6 (6%)
Impaired driving	1 (1%)	0	3 (3%)	1 (1%)
Offences against another person	0	0	1 (1%)	5 (5%)
Domestic disputes	0	3 (4%)	1 (1%)	2 (2%)
Drugs	0	1 (1%)	2 (2%)	0
<i>The Mental Health Act</i>	0	0	2 (2%)	4 (4%)
Breach of Peace	1 (1%)	0	0	0
Other	53 (74%)	21 (30%)	16 (19%)	20 (21%)

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, 2021**

YEAR	1-3 Months	4-7 Months	8-12 Months	13-18 Months	19-23 Months	24+ Months	Total
2018	0	0	1	10	6	0	17
2019	0	0	0	0	0	2	2
2020	0	0	0	2	1	0	3
2021	13	5	1	0	0	0	19
Total	13	5	2	12	7	2	41

Table 15: Files Concluded in 2021 by Year of Origin

Year	Number of Files	Average Time to Close Investigation
2017	2	43 months
2019	2	25 months
2020	28	9 months
2021	53	3 months
Total	85	7 months

Table 16: Length of Time to Complete Investigations	2021	2020	2019	2018
Average Number of Months	7	12	6	6

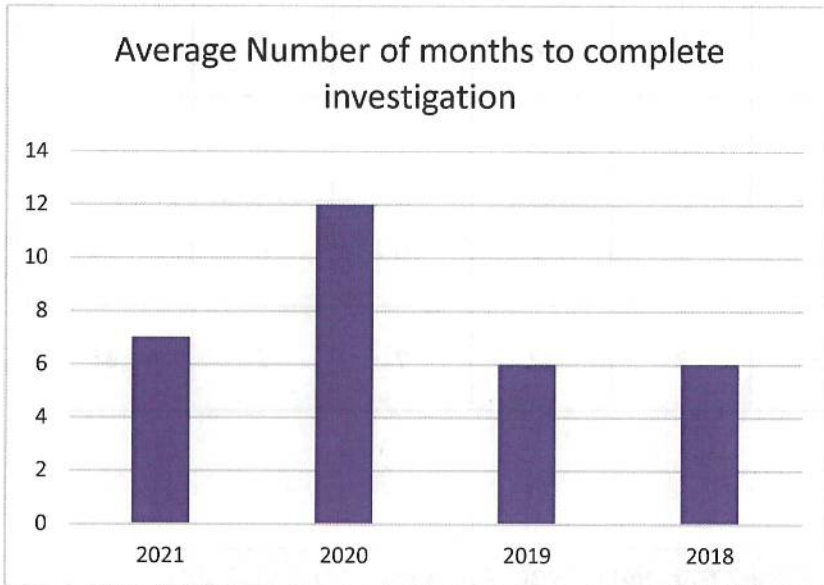


Table 17: Location of Incident	2021 (n=72)	2020 (n=69)	2019 (n=87)	2018 (n=98)
Street	19	1	30	25
Private residence	19	19	15	35
Public building/place	7	1	5	6
Police station	4	0	9	14
Other	21	48	28	18

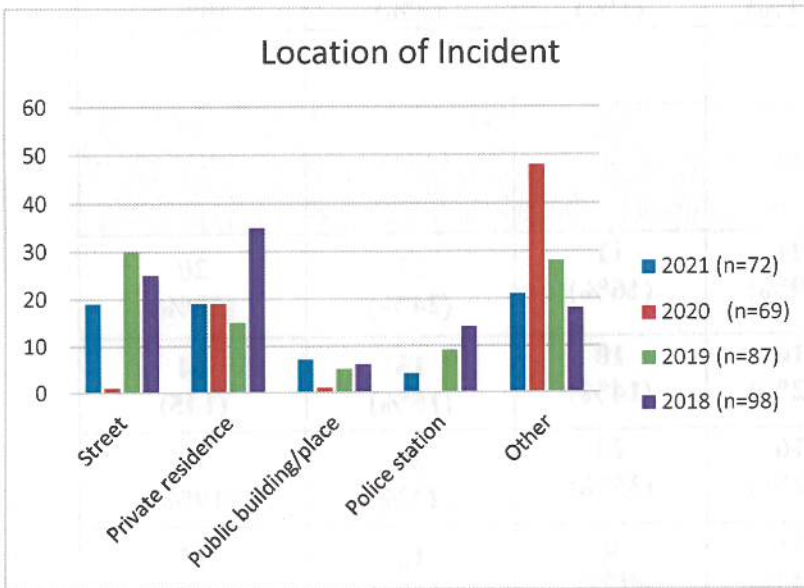


Table 18: Complaints Demographics

GENDER	2021 (n=72)	2020 (n=69)	2019 (n=87)	2018 (n=98)
Male	45 (63%)	42 (61%)	61 (70%)	62 (32%)
Female	17 (24%)	26 (38%)	20 (23%)	36(37%)
Non-binary	10 (14%)	1 (1%)	6 (7%)	0 (0%)
AGE				
Over 50	21 (29%)	11 (16%)	21 (24%)	20 (20%)
40 – 49	16 (22%)	10 (14%)	13 (15%)	14 (14%)
30 – 39	16 (22%)	24 (35%)	20 (23%)	19 (19%)
18- 29	11 (15%)	6 (9%)	12 (14%)	13 (13%)
Youth under 18	2 (3%)	3 (4%)	11 (13%)	13 (13%)
Birth dates Unknown	6 (8%)	15 (22%)	10 (11%)	19 (19%)