

IN THE MATTER OF:

The Law Enforcement Review Act
Complaint #2006/333

AND IN THE MATTER OF:

An Application pursuant to s.13(2) of
The Law Enforcement Review Act
R.S.M. 1987, c.L75

B E T W E E N:

K. P.
Complainant

) Self-represented

)

)

)

- and -

)

)

)

Cst. R.R.
Cst. D. S.
Respondents

) Paul McKenna

) Counsel for the Respondents and

) the Winnipeg Police Association

) Sean Boyd

) Counsel for L.E.R.A.

)

) Hearing date: June 23, 2008

) Decision date: June 23, 2008

*Note: These reasons are subject to a ban on
publication of the Respondents' names
pursuant to s. 13(4.1).*

T. J. LISMER, P.J.

DECISION ON REVIEW

[1] The complainant applied pursuant to s.13(2) of *The Law Enforcement Review Act*, C.C.S.M. c.L75 to have a Provincial Judge review the Commissioner's decision to decline in accordance with s.13(1) from taking further action on a complaint.

NOTE: For the purposes of distribution, personal information has been removed by the Commissioner.

[2] The Commissioner has declined to take further action on the complaint on the ground under s.13(1)(b) he was satisfied that the complaint has been abandoned.

[3] The Review came up for hearing on Monday, June 23, 2008 at 2:00 p.m. in Court Room 408 at 408 York Avenue, Winnipeg, after due notice to the complainant.

[4] Paul McKenna, counsel for the respondents and Sean D. Boyd, counsel for LERA attended but the complainant nor anyone on his behalf did not attend.

[5] At 2:50 p.m. on the same date Paul McKenna moved for a dismissal of the application on the ground that whereas under s. 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 complainant did not attend and did not otherwise satisfy this burden of proof.

[6] The application is dismissed and the ban on publication of the respondents' names continues under s. 13(4.1) of the *Act*.

SIGNED at Winnipeg, Manitoba, this 9th day of July, 2008.

Judge Theodore J. Lismer