

IN THE MATTER OF:

Law Enforcement Review
Complaint No. 6402

BETWEEN:

M.G.,

Complainant,

- and -

CONSTABLE T.R.

CONSTABLE R.G.

CONSTABLE M.O.

CONSTABLE D.C.

CONSTABLE R.Y.

CONSTABLE W.N.

CONSTABLE A.P.

CONSTABLE D.Y.

CONSTABLE A.G.W.

Respondents.

EXCERPT FROM PROCEEDINGS, REASONS FOR DECISION
had and taken before The Honourable Judge Kopstein, held at
the Law Courts Building, 408 York Avenue, in the City of
Winnipeg, Province of Manitoba, on the 5th day of October,
2004.

APPEARANCES:

MS. M. G., in person

MR. S. BOYD, for the Commissioner

MR. P. MCKENNA, for the Respondents

EXCERPT FROM PROCEEDINGS OCTOBER 5, 2004

THE JUDGE: Ms. G. lodged a complaint under The Law Enforcement Review Act for what she has described as uncivil conduct on the part of police officers contrary to s.29(a)(4) of the Act. The Commissioner investigated the complaint and came to the conclusion that the substance of the complaint on its facts did not raise the issue of a possible disciplinary default under s.29 of the Act. He therefore declined to take further action as he is entitled to do under s.13(1)(a) of the Act. Ms. G. applied to this forum for a review of the Commissioner's decision insofar as it declined to take further action.

The facts upon the basis of which the complaint was made is that after initially stopping Ms. G. and her son, upon entering the Shaarey Zedek Synagogue, about a traffic infraction of which the officers had received information, they told Ms. G. and their son that they could proceed into the synagogue and they apologized for having stopped them in the first place, the description of her car not matching the description of the car suspected of committing the traffic infraction.

Ms. G. doesn't complain about that. What she does complain about is that after she left the synagogue near the end of the service, the officers followed her across the street to the lot where her car was parked and caused her some discomfort, caused her to feel humiliated or caused her to feel harassed by the fact that they were following her into the parking lot at night.

The question that this court must determine is whether the Commissioner erred in not considering that uncivil conduct which should have resulted in a full hearing of the matter.

Reviewing s.29, reviewing the facts of the case,

while I do understand that Ms. G. would feel uncomfortable, while I understand that she would perhaps feel insulted, as I being a law abiding citizen might feel insulted if the police didn't accept my word, I do not think that the complaint of uncivil conduct is something which the Commissioner should have proceeded to send for hearing and I therefore dismiss her application.

MR. MCKENNA: Your Honour, as is standard in these, we always ask for a ban on publication pursuant to s.13(4.1).

THE COURT: I order that ban.

That concludes all matters this morning.

(PROCEEDINGS CONCLUDED)

CERTIFICATE OF TRANSCRIPT

I hereby certify the foregoing pages of printed matter, numbered 1 to 2, are a true and accurate transcript of the proceedings recorded by an approved sound recording device, transcribed by me to the best of my skill and ability.

JACQUELYN DYSON
COURT TRANSCRIBER