

LERA
The Law
Enforcement
Review Agency



Questioning Police Conduct?
Where to Call. Who to See.

Manitoba
Justice



What is LERA?

The Law Enforcement Review Agency (LERA) is an independent, non-police agency established under The Law Enforcement Review Act in 1985 to investigate public complaints about police.

LERA deals only with complaints about municipal police performance arising out of the execution of duties. It does not investigate criminal matters. Criminal matters are referred to the Crown Attorney's office.

LERA is staffed by a Commissioner, a registrar and professional investigators.

To whom does the Act apply?

The Act applies to any peace officer employed by a municipal police department in Manitoba, including police chiefs. It does not apply to members of the RCMP.

Complaints about members of the RCMP should be directed to the Commission for Public Complaints Against the RCMP, at www.cpc-cpp.gc.ca or by calling toll-free 1-800-665-6878. Complaints about RCMP members received by LERA will be forwarded.

What does LERA investigate?

LERA investigates a citizen's allegation that a municipal police officer has committed any of the following disciplinary defaults:

- abuse of 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

- discriminating on the basis of race, nationality, religion, colour, sex, marital status, physical or mental handicap, age, source of income, family status, political belief, or ethnic or national origin
- 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 department
- failing to exercise discretion or restraint in the use and care of firearms
- damaging property or failing to report the damage
- failing to assist where there is a clear danger to the safety of a person or property
- violating the privacy of any person within the meaning of The Privacy Act
- contravening any part of The Law Enforcement Review Act that does not specify a penalty for the violation
- assisting, counselling or causing any person to commit a disciplinary default

Who may complain?

If you feel wronged by the conduct or actions of a municipal police officer in Manitoba, you may file a complaint.

You may also complain on behalf of another person. LERA must obtain consent from that person before acting on your complaint.

How is your complaint filed?

You must make your complaint in writing and sign it. Date, time, location and other details are important. LERA staff or members of the local police service will help you prepare a complaint if you ask.

Your written complaint may be submitted directly to LERA, a police chief or any member of a municipal police department. Police will forward your complaint to LERA.

Are there time limits?

The Act requires you to submit your complaint within 30 days of the incident. The Commissioner may extend that limit if you have valid reasons for being unable to submit your complaint on time.

The Commissioner may also extend the 30-day filing limit to avoid conflict with court proceedings or ongoing criminal investigations involving your complaint.

How is a complaint investigated?

LERA has professional investigators who interview witnesses, take statements and review reports such as official police records and medical reports. LERA investigators conduct all inquiries they feel are necessary to uncover relevant evidence.

You may contact LERA at any time to inquire about the status of your complaint. The Commissioner remains open to discussion with all parties before making a final determination.

Preliminary screening of complaint

After the investigation, the Commissioner will screen the complaint to determine whether there is a reason to take no further action on it. The Act requires the Commissioner to take no further action if any one of the following situations arise:

- the alleged conduct does not fall within the scope of any disciplinary default
- the complaint is frivolous or vexatious
- the complaint has been abandoned by the complainant
- there is not enough evidence to justify referring the complaint to a provincial judge for a public hearing

If the Commissioner decides to close the matter and take no further action, you will be notified in writing. You will then have 30 days from the date of the decision to ask the Commissioner to refer the matter to a provincial judge for review. Reviews are arranged by LERA at no cost to you.

Do you need a lawyer?

You do not require a lawyer when dealing with LERA, but both you and the police officer are entitled to legal representation during the process. You must arrange for such services yourself. If you apply for legal aid and are declined, you can, in exceptional circumstances, make a request for the Minister of Justice to appoint a lawyer to represent you at a hearing.

Respondent police officers are generally provided representation by a lawyer under their employment contracts.

How are complaints resolved?

The Act provides several ways to resolve complaints.

Informal Resolution:

The Commissioner must try to resolve the complaint through informal mediation. Both the complainant and the respondent officer must agree to this process before it can take place. If the complaint is resolved informally to the satisfaction of both the complainant and the respondent police officer, 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 Judge for Hearing:

If a complaint cannot be resolved informally and there is no admission of disciplinary default, the Commissioner must refer the complaint to a provincial judge for disposition at a public hearing.



Penalties set out in the Law Enforcement Review 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

For more information, please contact:

LERA Commissioner

**420 – 155 Carlton Street
Winnipeg, Manitoba
R3C 3H8**

Telephone: (204) 945-8667

**Outside Winnipeg, call toll free at:
1-800-282-8069**

Fax: (204) 948-1014

Email: lera@gov.mb.ca

Or visit our web site at:

www.gov.mb.ca/justice/lera