DAVID M. SANDERS MA LLB

September 19, 2007

Executive Policy Committee
The City of Winnipeg

His Worship Mayor Katz
Deputy Mayor Leipsic
Councillor Clement
Councillor O'Shaughnessy
Councillor Steeves
Councillor Swandel
Councillor Wyatt

West Committee Room
510 Main Street
Winnipeg, MB

9:00 a.m., Wednesday, September 19, 2007

Your Worship, Members of Committee:

Re: Police Advisory Board (File GF-2)

The proposed Terms of Reference for a "Police Advisory Board" fails to address the fact that **the Winnipeg Police Service is presently accountable to no one.**

Attached is my previous submission to EPC dated June 21, 2006.

Further to that letter, I am also enclosing copies of the following:

(a) Letter dated July 24, 2007 from the Commissioner of the Law Enforcement Review Agency (LERA), advising that he has placed all of the files referred to "in abeyance pending completion of the court proceedings."

After a full year of "investigation," LERA has done nothing, and will do nothing, until after the criminal charges leveled by the police against some of the cyclists are considered by the courts.

(b) Letter dated January 5, 2007, from the Winnipeg Police Professional Standards Unit, declining to proceed with charges against members with respect to the alleged use of excessive force and assault against a working news photographer.

The PSU has refused to refer the matter to the court system.

(c) Letter dated January 8, 2007, from the Winnipeg Claims Department declining to pay the photographers claim for damage and loss of personal property, apparently relying upon the PSU decision.

To be blunt, what this all means is that by laying criminal charges against a person, the Winnipeg Police officers make themselves effectively immune to investigation by LERA, and completely unaccountable for their actions, to the courts, to the City Council, to anyone.

The proposed Police Advisory Board is to be specifically excluded from addressing this situation.

I ask that EPC reject the current proposal, and start working with the Inner City Safety Coalition to develop an effective means of ensuring citizen oversight and proper accountability of our police force.

Thank you.

Yours truly,

David M. Sanders

DAVID M. SANDERS MA LLB

June 21, 2006

Executive Policy Committee
The City of Winnipeg

His Worship Mayor Katz
Deputy Mayor Pagtakhan
Councillor Clement
Councillor De Smedt
Councillor Magnifico
Councillor O'Shaughnessy
Councillor Steeves

West Committee Room
510 Main Street
Winnipeg, MB

9:00 a.m., Wednesday, June 21, 2006

Your Worship, Members of Committee:

Report #3 – Proposal for the Re-Establishment of Winnipeg Police Commission

As you know, I have been assisting Critical Mass cyclists and others in filing formal complaints with the Law Enforcement Review Agency (LERA), regarding the behaviour of certain members of the Winnipeg Police Service on May 3, 26, and 28/29, 2006.

As a very concerned citizen, I am appearing before EPC this morning to support the re-establishment of a Winnipeg Police Commission, to provide civilian oversight of law enforcement in our city.

At the moment, it appears to me that, by and large, **the members of the Winnipeg Police Service are accountable to no one.**

The Law Enforcement Review Act provides for the investigation of alleged "disciplinary defaults" by the independent provincially-appointed LERA Commissioner and staff, and for the imposition of a variety of possible penalties by a provincial judge. LERA does not investigate allegations of criminal behaviour by police officers.

While we certainly hope the investigations of the current complaints by LERA will be thorough and completed without delay, the end results achieved in the past do not inspire much confidence now.

I am attaching copies of tables from LERA annual reports showing the disposition of complaints from 1992 to 2004. There have been more than 200 complaints filed each year since 2001, with an average of 90% involving members of the Winnipeg Police Service.

The files completed in 2004 took an average of 13 months each.

Penalties are applied only when ordered by a provincial court judge, or when there is an admission of guilt by the respondent officer. There have been very few such proceedings, and from a review of decisions rendered from 2000 to date, so far I can find only the following penalties applied:

June 2, 2006	1 verbal reprimand for a police officer who had admitted a disciplinary default, based on a 2004 complaint.
June 13, 2005	2 verbal reprimands for two police officers found to have abused their authority in May, 2000 (five years earlier).
March 8, 2005	1 written reprimand for a now retired police officer, based on a complaint filed March 4, 1999 (six years earlier).

That's it.

If a citizen believes a police officer has committed a criminal offence, such as assault or the use of excessive force, the information is to be presented to the Professional Standards Unit of the Winnipeg Police Service, which will refer the matter to the Crown Attorney to determine if charges should be laid. If an officer is charged with an offence under the *Criminal Code of Canada*, the LERA investigation is stopped pending the outcome.

If a complaint alleges a disciplinary default not covered by LERA, the *Winnipeg Police Service Regulation By-Law No. 7610/2000* provides for the internal investigation of public complaints of "service defaults," by the Professional Standards Unit, and for the imposition of penalties by the internal Winnipeg Police "Discipline Board."

Sections 166 and 167 of the new *City of Winnipeg Charter* do enable City Council to pass new by-laws regarding the government of the police service, as well as the appointment of a committee to investigate the conduct of members of the police service.
So far, Council has not seen fit to exercise these powers.

Instead, on June 12 we witnessed the spectacle of the responsible Standing Committee on Protection and Community Services refusing to see or hear any public presentations on the alleged brutal repression of political dissent on several occasions last month, by certain members of the Winnipeg Police Service.

For this morning's meeting, EPC has also refused to hear about such matters.

The impotence of the Standing Committee was underlined on June 12 by the continuing failure of the Administration of the City to comply with the May 19, 2004 motion of City Council and the May 8, 2006 motion of the Standing Committee, both directing the Administration to provide a discussion paper on governance and external oversight of police services, and to engage in discussions about governance with the Province of Manitoba. The failure of the Administration to respond, without any apparent excuse, looks to me like insubordination and contempt of Council and the Standing Committee.

Just the comprehensive information available on the website of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) would have been sufficient to facilitate the desired discussion.

So if the LERA process does not inspire public confidence, and City Council considers itself powerless in these matters, may we assume that the members of the Winnipeg Police Service are at least accountable to the Chief of Police and his executive?

Apparently not.

The Chief and senior officers have now had plenty of time to consider and investigate much of the evidence supporting the very serious allegations which have been made with respect to the events of May 3, 26 and 28/29.

Nevertheless, both Chief Ewatski and Inspector Campbell have continued to deny, for example, that the Winnipeg Police Service would have undercover police officers attack the cyclists and try to instigate "altercations" with the police, despite the very clear and public evidence available. Both have continued to deny that the objective of the members and supervising officers involved was to repress political dissent, despite the evidence of the behaviour of the members, and the admissions of the supervising officers themselves.

What we are seeing and hearing appears to be the effect of **The Blue Wall**, or the **Code of Silence** as described by Inspector Robert Hall of the Winnipeg Police Service in the speech he presented to CACOLE in 2002 (attached at the end of this package). Loyalty to each other before integrity.

Either the Chief and his executive know what happened last month, but will not admit it, or they don't know what happened. Neither alternative is acceptable.

Inspector Hall concluded his speech as follows:

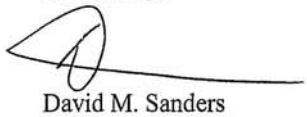
> "The vast majority of people in policing are good people. They need the confidence to persevere knowing that their organization's executive and management strongly support the professional way in which they choose to do business and that those who choose to conduct business as vigilantes will be dealt with appropriately."

Given the complexities, difficulties, and stresses of police work today, I submit that the Winnipeg Police Service definitely needs civilian oversight and policy guidance now, to communicate and uphold current community values and priorities, and to support the Service in fulfilling its mission: "to provide a continuously improving police service to the citizens of Winnipeg through ongoing community commitment."

I submit that the City should re-establish a Winnipeg Police Commission as soon as possible, and well before December 31, 2006.

Thank you.

Yours truly,



David M. Sanders

Manitoba
Justice
Law Enforcement Review Agency (LERA)
420 – 155 Carlton Street, Winnipeg Manitoba R3C 3H8
T 204 945-8667 F 204 948-1014
www.gov.mb.ca/justice/lera

July 24, 2007

Mr. David M. Sanders
708-7 Evergreen Place
Winnipeg, Manitoba
R3L 2T3

Dear Mr. Sanders:

Re: Critical Mass Bicycle Demonstration May 26, 2006.

In June 2006 you assisted Critical Mass participants in registering complaints of abuse against officers of the Winnipeg Police Service (WPS) resulting from an incident on May 26, 2006.

This correspondence is to provide you and the complainants with an update on the LERA investigation.

As you are aware, a number of complainants were charged under the Highway Traffic Act (HTA) and others for criminal offences under the Criminal Code of Canada (CC). All charges under the HTA are set for trial on August 13, 2007 and the CC trials set for February 19, 2008. The judge(s), particularly in the criminal trial(s), may hear evidence pertaining to the confrontation between the officers and Critical Mass participants.

Although not all participants were charged, the complaints against the officers are interconnected and as such I am placing each file in abeyance pending completion of the court proceedings.

If you have any questions or concerns please contact Mr. Max Churley at

Yours truly,

G.V. Wright
Commissioner

/mec

January 5, 2007

Mr. Jon Schledewitz

Dear Mr. Schledewitz,

Please be advised that the Professional Standards Unit has reviewed your complaint of being assaulted by members of the Winnipeg Police Service on May 3rd 2006.

The information you provided and the noted video clips have been examined. It does not appear that excessive force was used, nor an assault committed during the described and viewed incident.

The Professional Standards Unit will therefore be investigating no further.

All attempts to notify you by telephone at the number provided have met with negative results. We are notifying you by registered mail as a result.

This file is now closed.

Sincerely,

D. Heintz
Acting Staff Sergeant
Professional Standards Unit

Winnipeg

CORPORATE FINANCE DEPARTMENT • SERVICE DES FINANCES GÉNÉRALES

RISK MANAGEMENT DIVISION •DIVISION DE LA GESTION DES RISQUES

8 January 2007 **WITHOUT PREJUDICE**

Jon Schledewitz

Dear Sir:

Re: Claim No.:

We have completed our investigation of the actions of the Winnipeg Police Service officers during your arrest on 3 May 2006.

We have concluded that the officers involved in the arrest were carrying out their duties in a responsible manner and have not found any evidence of wrong doing by those officers.

Under the circumstances, therefore, you will appreciate that we would not be justified in accepting any responsibility for this claim.

Yours truly,

Douglas Hamilton, BSc, CIP, CRM
Claims Adjuster

DH/ks

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