

IN THE MATTER OF: *The Law Enforcement Review Act*
Complaint #5554

AND IN THE MATTER OF: An Application pursuant to s. 13 of *The Law Enforcement Review Act* R.S.M. 1987, c.L75

BETWEEN:

N. P.,)	In person, unrepresented by
Complainant)	Counsel
)	
- and -)	
)	
CONSTABLE B. G., and)	Josh Weinstein, Counsel for the
CONSTABLE A. K.)	Respondents and the Winnipeg
Respondents)	Police Association
)	
)	
<i>Note: These Reasons are subject to a ban on</i>)	
<i>publication of the Respondents' names</i>)	December 21, 2004
<i>pursuant to s. 25(b) of <u>The Law Enforcement</u></i>)	
<i><u>Review Act.</u></i>)	

PRESTON, P.J.

INTRODUCTION

[1] The complainant, N. P., made a complaint to the Law Enforcement Review Agency alleging that the two respondent officers had, on or about January 19th, 2002, committed certain disciplinary defaults affecting a third party. On August 7th, 2003, the Law Enforcement Review Commissioner referred the matter to a provincial judge for a hearing to determine the merits of the complaint.

[2] Two pre-hearing conferences took place, the first on December 16th, 2003 and the second on March 23rd, 2004. The complainant, N. P., was present at both pre-hearing conferences. During the March, 2004 pre-hearing conference, trial

dates were confirmed, as was the availability of the complainant for dates of the hearing which were set for December 15th, 16th, 17th and 20th of 2004.

[3] On March 24th, 2004, a letter was sent to the complainant from the Court Office again confirming the court dates. On the first date of the hearing, on December 15th, 2004, all parties were present, with the exception of the complainant. The respondents were both present. The complainant was paged on numerous occasions. Counsel for the Winnipeg Police Association confirmed that he had couriered a letter to Ms P. on December 10th, 2004 with respect to a scheduling matter which again alerted the complainant to the commencement of the hearing on December 15th, 2004.

[4] The onus of proof remains on the complainant. The complainant was not present. Therefore, I dismissed this complaint.

[5] Pursuant to section 25(b) of *The Law Enforcement Review Act*, I order a ban on publication of the names of the respondents.

Dated at Winnipeg, Manitoba, this 21st day of December, 2004.

Timothy J. Preston, P.J.