

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

March 31, 2010

Mark Phillips
Winnipeg Copwatch
2F-91 Albert St.
Winnipeg MB R3B 1G5

Cindy Murdoch
Executive Director
Manitoba Association of Rights and Liberties
507-294 Portage Avenue
Winnipeg MB R3C 0B9

Dear Cindy Murdoch and Mark Phillips:

I am writing to acknowledge your jointly signed letter dated March 4, 2010 received at this office on March 5, 2010.

In your letter you advise that you are writing on behalf of your respective organizations to initiate a complaint under Section 26(4) of the *Provincial Police Act* (PPA) concerning the lack of adequate policy to guide Winnipeg Police Service (WPS) officers on the issue of the seizure of still and video cameras. In addition you are asking that the Law Enforcement Review Agency (LERA) investigate and monitor this complaint to the fullest extent of its statutory authority.

You have also provided information pertaining to individual(s) who have had their cameras seized and images searched. I am familiar with several of the cases you have documented. Some remain under investigation, others are before the courts.

You advise that correspondence received from the Winnipeg Police Service (WPS) Coordinator for the *Freedom of Information and Protection of Privacy Act* (FIPPA) states that there are no specific policies relating to citizens or media taking pictures or filming in public places, or for confiscation of cameras and pictures. Also I have noted your quotation from the WPS Procedures Manual titled "At the Scene" – 4th point as it pertains to media personnel and your efforts to obtain clarification from the Chief of Police in regards to this matter.

Please be informed that as the Commissioner of LERA I do not have jurisdiction to initiate or monitor an investigation under Section 26(4) of the PPA. The appropriate authority in this regard is:

Director
Aboriginal & Community Law Enforcement
1430-405 Broadway
Winnipeg MB R3C 3L6
1-204-945-2217

LERA is a non police agency mandated by *The Law Enforcement Review Act (The Act)* to investigate on duty conduct complaints against municipal police officers. Complaints must be in writing, signed and allege a disciplinary default as defined in Section 29 of *The Act*. Service issues are not within the scope of LERA's jurisdiction and investigations in this regard are the responsibility of the Chief of Police.

As you have noted in your correspondence Section 22 of *The Act* address's matters that relate to **Contributing Causes** and reads as follows:

When the Commissioner identifies any organizational or administrative practices of a police department which may have caused or contributed to an alleged disciplinary default, the Commissioner may recommend appropriate changes to the Chief of Police and to the municipal authority which governs the department.

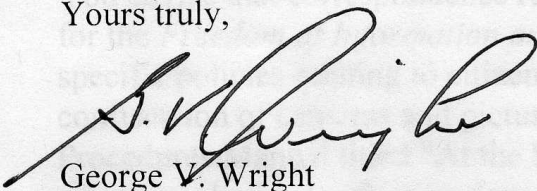
In summary two issues have been identified that may have caused or contributed to an alleged disciplinary default. They are:

- (1) The detention of citizens using recording devices.
- (2) Seizure of cameras and cell telephone recording devices.

Pursuant to Section 22 of *The Act*, I am writing to Keith McCaskill, Chief of the WPS and Glen Laubenstein, Chief Administrative Officer (CAO) City of Winnipeg recommending that appropriate changes be implemented to ensure that police officers are aware of their legal authorities relative to these two issues.

Thank you for taking the time to write and for bringing this matter to my attention.

Yours truly,



George V. Wright
Commissioner

/jr