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BARRISTERS AT LAW

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## PRESS ADVISORY

### Supreme Court of Canada Upholds Citizen' Right to Sue Police *Penner v. Niagara Regional Police*

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#### FOR IMMEDIATE RELEASE

Today, in a landmark judgment, the Supreme Court of Canada reversed the Ontario Court of Appeal and has held that decisions of police discipline adjudicators cannot tie the hands of judges in lawsuits against the police. The Appellant, Wayne Penner, represented by lawyers at Falconer Charney LLP, persuaded the Supreme Court that it would be fundamentally unfair to allow a police discipline process that is controlled by the Chief of Police to shield the Chief and his officers in a subsequent civil action.

The Appellant, Wayne Penner, reacted as follows: "I feel vindicated by the Supreme Court's decision. It was a very long and difficult road to the highest Court in the country, but it was worth it. I brought this case because I have always felt that police should be accountable for their actions, and that judges, not police adjudicators, have the responsibility to hold police accountable. The Supreme Court of Canada agreed with us - it is a good day for justice."

Julian Falconer responded to the decision: "The Supreme Court found that the use by police of the civilian complaints process against complainants was a "serious affront to basic principles of fairness." The police complaints system was intended to protect the public against police abuse. It was never intended to be used by the police to gain a tactical advantage in civil proceedings. The Supreme Court of Canada declared that loudly and clearly today. Importantly, this case also paves the way for the citizen's unfettered access to the complaints system. Members of the public can now feel free to pursue police complaints without any fear that the complaints result could be used against them in a civil suit."

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