

PRESS ADVISORY

S.I.U. POLICE NOTES CASE

SCHAEFFER AND MINTY FAMILIES VINDICATED BY JUDGMENT OF THE SUPREME COURT OF CANADA ISSUED TODAY

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In a landmark judgment released today, the Supreme Court of Canada ruled that police officers are prohibited from having lawyers assist them in the preparation of their investigative notes when a member of the public is fatally shot by the police. Notably, the Supreme Court of Canada went further than the Ontario Court of Appeal's November 2011 ruling and held that police officers are not entitled to seek even basic legal advice prior to completing their notes. The case culminates a four-year legal battle waged by two families whose mentally ill family members were shot and killed by O.P.P. officers in two unrelated incidents. The Court unequivocally rejected police arguments that would have upheld police practices of maintaining two sets of notes when members of the public are shot by police.

Ruth Schaeffer, the mother of Levi Schaeffer, reacted to the decision of the Supreme Court of Canada: **“The Court’s decision this morning is a legacy worthy of my son’s memory. For that, we are gratified by the decision of the Supreme Court of Canada. Our family has been denied a fair investigation into my son’s death but there is now hope that other families who suffer a similar tragedy will not have to go through what we had to go through.”**

Evelyn Minty, the mother of Douglas Minty, commented: **“For the rest of our lives, our family will struggle with the idea that the facts that led to my son’s death are uncertain. But we are thankful that today, the Court recognized that this is a struggle that other families should not have to endure.”**

Trial lawyer Julian Falconer, who acts for the two families, stated, **“This judgment brings finality to our clients’ four-year legal battle against police manipulation of S.I.U. investigations into police shootings. There is now no doubt that the practices of police officers communicating with lawyers prior to filing their investigative notes undermines the public’s trust in law enforcement. The public is indebted to these families who have courageously insisted that accountability and transparency find their way to the heart of S.I.U. investigations.”**

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