



Special Investigations Unit Comments on Ontario Court of Appeal Decision in Schaeffer, Minty & Pinder v. Wood et al.

Case Number: SIU Misc

Mississauga (15 November, 2011) --- Today, the Ontario Court of Appeal released its decision in *Schaeffer, Minty & Pinder v. Wood et al.* The appeal was launched by two families whose sons were fatally shot by OPP officers in separate incidents. The families were requesting a statutory declaration that police officers involved in SIU incidents are not entitled to obtain legal assistance in the preparation of their notes regarding the incident under investigation. The SIU was separately represented at the appeal. The Court decided that police officers involved in an SIU investigation do not enjoy the right to have a lawyer vet their notes or to assist them in the preparation of their notes. They do, however, have the right to obtain legal advice as to the nature of their rights and duties with respect to SIU investigations, provided that obtaining such advice does not impede the completion of their notes before the end of their tour of duty.

SIU Director Ian Scott commented, "We're heartened by the decision of the Ontario Court of Appeal in which it acknowledges the importance of independent and contemporaneous notes written by police officers. It will facilitate the SIU's ability to conduct thorough investigations when the police are involved in circumstances of serious injuries and death as well as sexual assault allegations."

The SIU is an arm's length agency that investigates reports involving police where there has been death, serious injury or allegations of sexual assault. Under the Police Services Act, the Director of the SIU must

- *consider whether an officer has committed a criminal offence in connection with the incident under investigation*
- *depending on the evidence, lay a criminal charge against the officer if appropriate or close the file without any charges being laid*
- *report the results of any investigations to the Attorney General.*

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