

Supreme Court of Canada rules against police in Schaeffer case

Canada's top court upholds ruling that police officers under investigation cannot have lawyers vet or help with their notes before they're submitted to Special Investigations Unit.



Doug Minty was shot dead by police after approaching them holding a knife.

By: [Tim Alamenciak](#) News reporter, Published on Thu Dec 19 2013

After a four-year legal battle, Canada's top court has ruled that police officers under investigation are not able to have lawyers vet or help with their notes before they're submitted to the Special Investigations Unit.

The families of two men shot dead by Ontario Provincial Police officers argued before the Supreme Court that having a lawyer approve what ends up in the officers' notebooks is unacceptable. The court agreed.

"Permitting officers to consult with counsel before preparing their notes runs the risk that the focus of the notes will shift away from the officer's public duty toward his or her private interest in justifying what has taken place. This shift would not be in accord with the officer's duty," reads the ruling.

Supporters took to the Internet to celebrate the victory, posting a link to the decision with the text “WE WON!!!!” on the [Facebook page](#) for Levi Schaeffer, a 32-year-old man shot and killed by police.

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A [2010 Toronto Star investigation](#) into the shooting death of Schaeffer revealed that police notes were written two days after the incident and with consultation from the same lawyer.

Police argued they have the right to talk to a lawyer of their choosing before finalizing their notes.

In November 2011, [Ontario’s top court sided with the families](#) of Doug Minty, 59, and Schaeffer, two mentally ill men shot dead by police two days apart in June 2009.

“This is nothing less than a historical win for two families that have been battling for justice for years. What the Supreme Court of Canada has done is to actually protect confidence in policing,” said Julian Falconer, the attorney acting for the families.

“This, above all, is a proud legacy in respect of the deaths of both Levi Schaeffer and Doug Minty. What a wonderful day.”

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With files from the Canadian Press