

## MEDIA ADVISORY

On Thursday, December 19<sup>th</sup>, 2013, the Supreme Court of Canada will release a decision in the matter between Police Constable Kris Wood, et al. V. Ruth Schaeffer, et al. The decision will be the final word in a legal battle that began for two Ontario families in September 2009- just months after each of their loved ones had been killed by the Ontario Provincial Police. In mid November, 2011, the Schaeffer and Minty families received a unanimous decision in their favor from Ontario's highest court. Unsatisfied with this court's decision- police brought the matter and these families before the Supreme Court of Canada on April 19<sup>th</sup>, 2013.

The Schaeffer and Minty families will meet with their lawyer, Julian Falconer, on Thursday afternoon to read, review and digest the decision- as well as to prepare to give widespread media comment on Friday.

Case Summary prepared by the Office of the Registrar of the Supreme Court of Canada:

In June 2009, the Special Investigations Unit was called upon to investigate the conduct of police officers involved in two separate incidents which involved the death of civilians at the hands of police. In both cases, the subject officer and the witness officers were instructed not to make notes until they had spoken to counsel, and the subject and witness officers were allowed to complete their notes after the end of the shift. In November 2009, the families of the deceased civilians asked the court to interpret the regulatory regime with respect to the rights and duties of police officers involved in SIU investigations. The application was dismissed for lack of standing, mootness and injusticiability. The Court of Appeal found that the application judge had erred on all three grounds. It allowed the appeal from the order striking the application and declared that the regulatory regime does not permit (i) police officers involved in an SIU investigation to have a lawyer vet their notes or to assist them in the preparation of their notes; or (ii) supervising officers, as a matter of course, to authorize subject and witness officers to refrain from preparing their notes to permit consultation with counsel regardless of the expiry of the officer's shift; but do permit (iii) police officers to obtain legal advice as to the nature of their rights and duties with respect to SIU investigations, provided obtaining that advice does not delay the completion of their notes before the end of their tour of duty.

<http://www.scc-csc.gc.ca/case-dossier/info/sum-som-eng.aspx?cas=34621>

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or by phone (705) 957-6288 (this is only valid till the Dec 22<sup>nd</sup>)