

Ruling prohibits cops from 2 sets of notes

Police shootings of families of mentally ill persons killed by O.P.P. officers triggered case against dual

In a landmark judgment released today, the Court of Appeal for Ontario has determined once and for all that police officers are prohibited from having lawyers assist them in the preparation of their notes when a member of the public is fatally shot by the police.

The case culminates a two year legal battle being waged by two families whose mentally disabled family members were shot and killed by O.P.P. officers in two unrelated shootings. The issues before the Court attracted 10 different parties including the Ontario Association of Chiefs of Police who described the Application as “the most pressing issue facing today’s police leaders”. The Court 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, commented: “I am gratified by the Court’s decision this morning. All we ever wanted was an investigation into my son’s death that our family could trust and that the public could trust. While my family has been denied this, there is hope that other families who suffer the loss of a loved one at the hands of the police will never have to go through what we had to go through. This is a legacy worthy of my son’s memory.”

Evelyn Minty, the mother of Douglas Minty, reacted to the Court of Appeal’s decision: “We will never have confidence that we know all the facts that led to my son’s death. This is something that our family will struggle with for the rest of our lives. We are relieved that the Court has recognized how important it is for families and for the public to have confidence in the integrity of investigations of police shootings.”

Trial lawyer Julian Falconer, who acts for the two families, stated, “This judgment is a huge step forward in the battle against police manipulation of S.I.U. investigations. There can now be no doubt that the practices of police officers keeping two sets of notes and sharing the same lawyer undermine the administration of justice. The public owes a debt of gratitude to these families who have with great courage and tenacity insisted that the law be followed in the way police shootings are investigated.”