

Index

ABOUHASSAN v. VAN BUSKIRK. *See* REFORM OF OVERSIGHT THROUGH LITIGATION

ACCOUNTABILITY FOR USE OF FORCE, *see also* G20 SUMMIT IN TORONTO

criminal law —

defence of person, 143-145

ambit of self-defence – Reilly, Pétel, Baxter, 145-147

propensity for violence – Scopelliti, 147

immunity of law enforcement from criminal liability, 147-149

Criminal Code amendment in response to Shirose, 148-149

investigation and laying of charges, 149-150

post-Criminal Law Amendment Act, 2001, 149-150

pre-Criminal Law Amendment Act, 2001, 149

protection under s. 25 of Criminal Code – acting within scope of authority —

“fleeing felon” rule, 142-143

lethal force, 141-142, 143

powers of arrest, 140-141

statutory provisions creating liability – Part VIII of the Criminal Code, 138

common law overlay, 138-140

duties of police officers, 139-140

oath of police officers, 139

staying of charges, 150-151

generally, 137, 161

overlap of criminal process and provincial mechanisms, 159-161

provincial mechanisms of accountability —

civil actions —

Charter, 153-154

declaratory relief, 154

intentional tort lawsuits, 151-153

inquests, 155-157

public inquiries, 157-159

**ACCOUNTABILITY FRAMEWORK, CANADIAN FORCES
PROVOST MARSHALL, 63-67, 75**

ADAMS REPORT (Ont.), 99, 101, 275-276, 283, 285

ADAMS REVIEW REPORT (Ont.), 106, 230, 276, 283, 285

ALBERTA SERIOUS INCIDENT RESPONSE TEAM (“ASIRT”)
generally, 20-21, 163-164
vision statement, 167

**ARAR, MAHER, COMMISSION OF INQUIRY INTO THE ACTIONS
OF CANADIAN OFFICIALS IN RELATION TO (O’CONNOR)
(Fed.), 46-47, 49, 72, 310, 311, 316, 318**

BILL C-7, NATIONAL DEFENCE ACT, 65-66

BILL C-15, NATIONAL DEFENCE ACT, 67-68, 80

BILL C-25, NATIONAL DEFENCE ACT, 64, 66, 68

BILL C-41, NATIONAL DEFENCE ACT, 67

BILL C-45, NATIONAL DEFENCE ACT, 67

BRAIDWOOD REPORT (B.C.), 15, 17-18, 165, 176, 313, 315, 316, 330

BROWN REPORT (Fed.), 47-48, 303

BUREAU DES ENQUÊTES INDÉPENDANTES DU QUÉBEC (“BEI”)
Bill 12 (Marois government) —
 proposed reform, 85-87
 regulatory proposals, 87-88
Bill 46 (Charest government) —
 ombudsperson’s criticism, 85
 proposed reform, 84-85
criminal investigations of police following death or serious injury, 83-84
Ombudsperson’s Report, 82-83
Villanueva affair, 32, 81-82

CANADIAN CHARTER OF RIGHTS AND FREEDOMS
accountability, and, 153-154
“fleeing felon” rule and violation of Charter rights, 142-143

CANADIAN CHARTER OF RIGHTS AND FREEDOMS — *continued*

generally, 51, 61, 119, 132, 137, 231

stay of proceedings, 150

CIVILIAN-LED INVESTIGATIONS, INDEPENDENCE OF

generally, 163-164

goals of civilian oversight, 167

independence, 165

public confidence, 165-166

study of best structure of oversight agencies to ensure independence —

conclusion of study, 181-184

methodology of study, 167-168

results of study —

adequacy of budget, 172-173

authority to determine which incidents will be investigated, 178-179

head of agency should be employed for non-renewable fixed term, 169-170

head of agency should not be police officer, 169

head of agency should report with operational independence, 170-172

independence should be supported by strong legislation, 180-181

no police officer resources to be used, 173-176

public to be able to report incidents directly to oversight agency, 177

self-initiated investigations, 178

transparency required, 179-180

transparency, 166-167

CIVILIAN REVIEW AND COMPLAINTS COMMISSION, 49-51**CODE OF ETHICS (Que.)**, 265-268**COLE-GITTENS REPORT (Ont.)**, 99-100, 101**COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP**
("RCMP-CPC"), 129-130, 133**COSTS OF POLICING**, 302**CRIMINAL CODE**

amendment in response to Shirose, 148-149

defence of person under s. 34, 143-145

protection under s. 25 – acting within scope of authority, 140-143, 331

statutory provisions creating liability – Part VIII of the Criminal Code, 138

“DEMOCRATIC POLICING”, 301

DICKSON REPORTS, SPECIAL ADVISORY GROUP (Fed.), 62-64

DISCLOSURE OBLIGATIONS WHERE SIU LAYS CRIMINAL CHARGES. *See* SPECIAL INVESTIGATIONS UNIT (“SIU”) (Ont.), IMPACT OF McNEIL

FIVE-METRE RULE, 115

G20 SUMMIT IN TORONTO

accountability issues —

- difficulty of integrating different police services, 132
- disclosure of information by different jurisdictions, 133
- policies, which police service’s should be followed, 133
- prior events requiring substantial policing, 132
- reform, 134

constitutional rights, violations of, 116, 119

generally, 111-113, 134-135

investigations and reports on police response during Summit —

Commission for Public Complaints Against the RCMP (“RCMP-CPC”), 129-130, 133

McMurtry Report, 121, 123-124

Morden Report, 113, 119, 122, 131, 133, 134, 302-303

Office of the Independent Police Review Director (“OIPRD”), 105, 119, 128-129, 133, *see also* REGULATION OF POLICE, OBJECTIVES AND MECHANISMS OF

Ombudsman Report, 121, 123-124

Special Investigations Unit (“SIU”), 125-128

“kettling”, 117, 118, 123, 133, 134

Long-Range Acoustical Devices (“LRADs”), 113-114

health risks, 113

lack of regulation on use, 113

mass detentions, 116-117, 118

Public Works Protection Act, 114-115, 121, 123-125, 134, 135

“five-metre rule”, 115

“Interdiction Zone”, 114, 115

Ombudsman Report, 121

“public work”, G20 Summit designated as, 114

Standing Committee on Public Safety and National Security, hearings and report, 122-123

vandalism, inability to deal with, 115

HILL v. HAMILTON-WENTWORTH (REGIONAL MUNICIPALITY) POLICE SERVICES BOARD. *See* REFORM OF OVERSIGHT THROUGH LITIGATION

INDEPENDENT INVESTIGATIONS OFFICE (“IIO”) (B.C.), 17-18, 163

INDEPENDENT INVESTIGATIVE AGENCY (Que.), 32

INDEPENDENT POLICE REVIEW ACT, 2007 (Ont.), 89

INTERPROVINCIAL POLICING ACT, 2009 (Ont.), 13

IPPERWASH INQUIRY (Ont.), 106-107, 158-159, 303-304, 310-312, 323-324

ISSUE ESTOPPEL, APPLICATION TO POLICE DISCIPLINE HEARINGS. *See* REFORM OF OVERSIGHT THROUGH LITIGATION

“KETTLING”, 117, 118, 123, 133, 134

LAMER REPORT (Fed.), 64-65, 66, 75

LAW ENFORCEMENT REVIEW AGENCY (“LERA”) (Man.), 24-25

LITIGATION AS METHOD OF OVERSIGHT REFORM. *See* REFORM OF OVERSIGHT THROUGH LITIGATION

LONG-RANGE ACOUSTICAL DEVICES (“LRADs”), 113-114, 154

MARIN REPORT (Fed.), 42, 52

McLEOD REPORT (Ont.), 98-101

McMURTRY REPORT (G20 SUMMIT), 123-124

MILITARY POLICE COMPLAINTS COMMISSION (“MPCC”)

agency or adversary of government, 76-79

generally, 59-60, 80

legislated interference, 75-76

origins and evolution —

Bill C-7, 65-66

Bill C-15, 67-68

Dickson Reports, 62-64

MILITARY POLICE COMPLAINTS COMMISSION (“MPCC”) —
continued

origins and evolution — *continued*

first five year review, response to, 65

generally, 60-61, 68

Lamer Report, 64-65

second five year review, 66-67

Somalia Commission, 61-62

oversight process —

conduct complaints, 70-72

generally, 69-70

interference complaints, 72-73, 75

interim to final reports, 73-75

MISCONDUCT, OFF-DUTY. *See* QUEBEC POLICE OFFICERS, OFF-DUTY MISCONDUCT

MORDEN REPORT (G20 SUMMIT), 113, 119, 122, 131, 133, 134, 302-303

NATIONAL DEFENCE ACT

amendments to, 59, 68

Bill C-7, 65-66

Bill C-15, 68, 80

Bill C-25 – independent review recommendation, 64, 66, 68

Bill C-60, 66

interference complaints, 75-76

military police, 60

military police complaints oversight process, 69-75

NORTHERN IRELAND, POLICE OMBUDSMAN

oversight systems, results of, 313

report on independence, 165, 315

vision statement, 167

NOTES OF POLICE OFFICERS. *See* POLICE OFFICERS’ NOTES IN SIU INCIDENTS, INDEPENDENCE OF

O’CONNOR PROCEDURE. *See* SPECIAL INVESTIGATIONS UNIT (“SIU”) (Ont.), IMPACT OF McNEIL

ODHAVJI ESTATE v. WOODHOUSE. *See* REFORM OF OVERSIGHT THROUGH LITIGATION

**OFFICE OF THE INDEPENDENT POLICE REVIEW DIRECTOR
("OIPRD") (Ont.)**

creation of, 103-104
generally, 27-28, 128-129
powers of Director, 105
report on G20 Summit, 119

**OFFICE OF THE POLICE COMPLAINT COMMISSIONER ("OPCC")
(B.C.), 14, 15-17**

**OFFICE OF THE POLICE COMPLAINTS COMMISSIONER ("OPCC")
(N.S.), 34-35**

**ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES
("OCCOPS"), 98-99, 239, *see also* ONTARIO CIVILIAN POLICE
COMMISSION**

ONTARIO, CIVILIAN OVERSIGHT IN

Independent Police Review Act, 2007, 89, 103

Office of the Independent Police Review Director ("OIPRD") —

cases related to, 104-105

established, 103, 109

G20 protests, review of, 105

powers of Director, 105

review process under, 104

Police Services Act, Part V repealed and replaced, 27, 103-104

Report on the Police Complaints System in Ontario (LeSage – 2005), 103,
242

oversight, beginnings of —

Citizen Complaints Bureau, Metropolitan Toronto, 90

immigration patterns, change in, 91-92

improper interrogation tactics, allegations of, 92

lack of oversight generally, 90

US civil rights movement, effect of, 91

oversight, disappearance of under Harris government, 98, 102-103

Police Act, public complaints, lack of statutory mechanism for, 89, 90

Public Complaints Commissioner, abolition of —

McLeod Report (1996), 98-101

Ontario Civilian Commission on Police Services ("OCCOPS"), 98-99

Police Services Amendment Act, 1997, 98-99

powers of Commissioner, 109

reasons for abolition, 102-103

ONTARIO, CIVILIAN OVERSIGHT IN — *continued*

- Special Investigations Unit (“SIU”) —
 - Adams Review Report (2003), 106
 - beginnings of, 94-95
 - budget increased —
 - effect of, 106
 - generally, 101, 102, 109-110
 - duty of officers to cooperate with, 96, 100-101, 106, 230
 - establishment of, 96
 - Ipperwash Inquiry, 106-107
 - Ombudsman André Marin’s reports, “Oversight Unseen”, “Oversight Undermined”, 107-109, 285
 - overrepresentation of visible minorities in police force situations, 107
 - review of mandate in 1990s, 99-103
 - Adams Report (1998), 99, 101
 - Clare Lewis Task Force Report (first – 1989), 95-97
 - Clare Lewis Task Force Report (second – 1992), 99-101
 - Cole-Gittens Report (1995), 99-101
 - McLeod Report (1996), 98-101
 - Stephen Lewis Report (1992), 99, 101
 - “serious injuries” —
 - definition of, 96-97
 - LeSage 3-page report on, 107
- Toronto Public Complaints Project, 1981, 93-94, 109

ONTARIO CIVILIAN POLICE COMMISSION, 28, 105, 109, 226, 321, 328, 329, *see also* **ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES (“OCCOPS”)**

OVERSIGHT REFORM. *See* **REFORM OF OVERSIGHT THROUGH LITIGATION**

PENNER v. NIAGARA REGIONAL POLICE SERVICES BOARD. *See* **REFORM OF OVERSIGHT THROUGH LITIGATION**

POLICE ACT (Alta.), 18

POLICE ACT (B.C.), 14

POLICE ACT (N.S.), 34

POLICE ACT (Que.), 256, 268-272

POLICE (INDEPENDENT INVESTIGATIONS OFFICE) AMENDMENT ACT, 2011 (B.C.), 18

POLICE (MISCONDUCT, COMPLAINTS, INVESTIGATIONS, DISCIPLINE AND PROCEEDINGS) AMENDMENT ACT, 2009 (B.C.), 15

POLICE OFFICERS' NOTES IN SIU INCIDENTS, INDEPENDENCE OF

generally, 273-274

importance of independence —

British Psychological Society study, Guidelines on Memory and the Law, 281

European Court of Human Rights, opinion of in instances of police brutality, 280-281

opinion in *R. v. Barrett*, 279

Report on the Taman Inquiry (Salhany), 279

stressed in basic training at Ontario Police College, 279

practice of conferring with police association lawyers before writing up notes, 273, 274-276

Schaeffer v. Wood —

declaratory relief —

appeal from dismissal, attempts to quash, 288, 290

appeal ruling, 290-292

appeal to SCC, 292-295

application dismissed, 287-288

application filed, 284-286

notice of appeal, 288

Report Regarding SIU Issues (LeSage) not dealing with issue of notes, 289

SCC decision prohibiting officers in SIU investigations from consulting lawyer before writing notes, 295-299

investigation, 277-278

press release from SIU Director about independence of notes, negative reaction to, 281-284

result of decision, 273

shooting death, 276

POLICE SERVICES ACT (Man.), 24

POLICE SERVICES ACT (Ont.)

accountability under, 139-140

Code of Conduct, 159

POLICE SERVICES ACT (Ont.) — *continued*

common law powers of police officers under s. 42(3), 147

Declaration of Principles, 226

generally, 26, 89, 95, 98, 101

Ombudsman prohibited from making inquiries about public complaints, 108

Part V —

purpose of, 243

repeal and replacement of, 27, 103-104

Part VI, public complaints, 95, 96

Part VII, establishment of SIU, 29, 96, 195

POLICING IN THE PROVINCES GENERALLY, *see also* REGULATION OF POLICE, OBJECTIVES AND MECHANISMS OF

Alberta —

Alberta Serious Incident Response Team (“ASIRT”), 20-21

Law Enforcement Review Board, 19-20

Police Act, 18

British Columbia —

Braidwood Report, 15

Independent Investigations Office (“IIO”), 17-18

Police (Independent Investigations Office) Amendment Act, 2011, 18

Office of the Police Complaint Commissioner (“OPCC”), 14, 15-17

Police (Misconduct, Complaints, Investigations, Discipline and Proceedings) Amendment Act, 2009, 15

Police Act, 14

cross-border policing —

Interprovincial Policing Act, 2009 (Ont.), 13

Uniform Law Conference of Canada model, 13

generally, 11-13

Manitoba —

Independent Investigations Unit, 25-26

Law Enforcement Review Agency (“LERA”), 24-25

Police Services Act, 24

New Brunswick —

independent investigative agency, lack of, 34

New Brunswick Police Commission, 33

Newfoundland and Labrador —

independent investigative agency, lack of, 37

Newfoundland Constabulary Public Complaints Commission, 37

Royal Newfoundland Constabulary Act, 1992, 36

POLICING IN THE PROVINCES GENERALLY — *continued*

Nova Scotia —

Office of the Police Complaints Commissioner (“OPCC”), 34-35

Police Act, 34

Serious Incident Response Team (“SiRT”), 35

Ontario —

Office of the Independent Police Review Director (“OIPRD”), 27-28

Police Services Act, 26

Special Investigations Unit (“SIU”), 29

Prince Edward Island —

independent investigative agency, lack of, 36

Office of the Police Commissioner, 36

Prince Edward Island Police Act, 36

Quebec —

Independent Investigative Agency, 32

Police Act, 30

Police Ethics Commissioner, 30-31

Police Ethics Committee, 31

RCMP, 13-14

Commission for Public Complaints, 15, 42-45

contracts with provinces, 12-13, 14

Saskatchewan —

independent investigative agency, lack of, 23-24

Public Complaints Commission, 21-23

**PROTECTION OF PERSONS ACTING UNDER AUTHORITY - s. 25
OF CRIMINAL CODE. *See* ACCOUNTABILITY FOR USE OF
FORCE; REGULATION OF POLICE, OBJECTIVES AND ME-
CHANISMS OF****PUBLIC COMPLAINTS COMMISSION (Sask.), 21-23****PUBLIC WORKS PROTECTION ACT (Ont.), 114-115, 121, 123-124****QUEBEC POLICE OFFICERS, OFF-DUTY MISCONDUCT**

Code of Ethics, 265-268

disciplinary system, 256-265

off-duty officer, conduct of, 257-261

alcohol, drinking immoderately, 258

conduct constituting criminal offence, 259-260

fraternizing with persons with criminal reputation, 258-259

image of police organization, affecting, 260-261

wearing uniform during union demonstration, 257

QUEBEC POLICE OFFICERS, OFF-DUTY MISCONDUCT — *continued*

generally, 255-256, 272

Police Act, enforcement of new provisions, 268-272

dismissal of officer found guilty of criminal offence, 268-271

duty to inform, 271-272

procedural guarantees of cited police officer, 261-265

contesting police organization's disciplinary measure, 264-265

right to be informed of complaint, 262-263

right to full and complete defence and communication of evidence, 264

right to remain silent, 263

REFORM OF OVERSIGHT THROUGH LITIGATION

Abouhassan v. Van Buskirk, 237-238

effects of police misconduct, 250-253

Hill v. Hamilton-Wentworth (Regional Municipality) Police Services Board, 231-233, 236

negligent investigation, tort of, 231-232

role of private law remedies, 232

issue estoppel in police discipline hearings, 238-244

misfeasance in public office, generally, 229

Odhavji Estate v. Woodhouse, 227-231, 244

Adams Review Report, 230

appeal —

misfeasance as power vs. duty, 228

negligent supervision, 229

new SIU regulations enacted as result of case, 230

officers' refusal to cooperate with SIU, 227, 229

Supreme Court of Canada —

tort of misfeasance, elements of, 229

trial —

misfeasance in public office requiring malice, 228

negligent supervision, 228

Penner v. Niagara Regional Police Services Board, 238-244

higher standard of clear and convincing evidence in discipline hearing, 241

plaintiff commenced complaint under PSA and civil action, 238

Report on the Police Complaints System in Ontario (LeSage – 2005), 242-243

SCC finding that issue estoppel unfair in circumstances, 239-240

Schaeffer v. Wood, 244-250, 253, 307, *see also* POLICE OFFICERS' NOTES IN SIU INCIDENTS, INDEPENDENCE OF

delay in making notes, 244

REFORM OF OVERSIGHT THROUGH LITIGATION — *continued***Schaeffer v. Wood — *continued***

Law Society of Upper Canada, “Information for Lawyers – Acting for Police Officer in Ontario Special Investigations Unit (SIU) Investigations”, 247

notes made with lawyer’s assistance, 245, 248-249

Report Regarding SIU Issues (LeSage – 2011), 246

SCC ruling, 247-248

SIU regulations governing conduct and duties of police officers amended, 246

victims’ rights, generally, 225-226

Wellington v. Ontario, 233-236

duty of care owed by SIU to victim’s family, 234-235

REGULATION OF POLICE, OBJECTIVES AND MECHANISMS OF

Brown commission recommendation for creation of police commission for RCMP, 303

costs of policing, 302

“democratic policing”, 301

efficacy review, 306

generally, 301-307, 338-340

Ipperwash Inquiry rejection of police services board for OPP, 303

legal control of policing, 304-305

mechanisms of civil oversight, 322-338

civil lawsuits, 334-336

Charter damages, 334-335, 336

intentional abuse of public office, 334, 335

negligent investigation, 335, 336

criminal investigations and Special Investigations model, 330-334

Alberta – Serious Incident Response Team, 330

British Columbia – Independent Investigations Office, 330

Manitoba – Independent Investigations Unit, 330

Nova Scotia – Serious Incident Response Team, 330

Ontario – Special Investigations Unit, 333

Quebec – Bureau des Enquêtes Indépendantes du Québec, 330

RCMP – Commission for Public Complaints, 333-334

special defences in s. 25 of Criminal Code, 331

indirect review of police conduct through criminal cases, 336-337

Ministerial responsibility, 323-324

police commissions or services boards, 322-323

police complaints bodies, 324-328

British Columbia – Police Complaint Commission, 326, 328

Civilian Review and Complaints Commission for the RCMP, 326

REGULATION OF POLICE, OBJECTIVES AND MECHANISMS OF
— *continued*

mechanisms of civil oversight — *continued*

police complaints bodies — *continued*

effect of RCMP contract policing, 324-326

Ontario – Office of the Independent Police Review Director
("OIPRD"), 328

Saskatchewan – Public Complaints Commission, 326-327

public inquiries and other reviews, 337-338

regulatory offences —

disciplinary process, and, 329-330

generally, 329-330

Morden Report —

democratic failure in policing at G20 Summit, 302-303

objectives of civilian oversight, 307-322

democratic oversight vs. legal oversight, 309-311

discipline – paramilitary or professional, 320

independent review and self-regulation, 312-316

Braidwood inquiry into death of Robert Dziekanski, 313-314, 315,
316, 330

Ontario Ombudsman, report on SIU, 314-315

mediation vs. adjudication of complaints, 319-320

police independence, limited scope of, 311-312

propriety vs. efficacy, 308-309

public confidence, 316-317

resolution of complaints vs. systemic reviews or audits, 318-319

sanctions or rewards, 320-321

review, fail-safe or focused, 321-322

police commissions and Ministerial responsibility, lack of emphasis on
control by, 303

propriety review, 306

SIU in Ontario, criticism and activities of, 305

**REPORT OF THE COMMISSION OF INQUIRY RELATING TO
PUBLIC COMPLAINTS, INTERNAL DISCIPLINE AND GRIE-
VANCE PROCEDURES WITHIN THE ROYAL CANADIAN
MOUNTED POLICE (MARIN) (Fed.). See MARIN REPORT (Fed.);
ROYAL CANADIAN MOUNTED POLICE**

**REPORT ON THE POLICE COMPLAINTS SYSTEM IN ONTARIO
(LESAGE) (Ont.), 103, 242**

REPORT ON THE TAMAN INQUIRY (SALHANY) (Man.), 25-26, 38, 279, 330

REPORT REGARDING SIU ISSUES (LESAGE) (Ont.), 246, 289

ROYAL CANADIAN MOUNTED POLICE

Civilian Review and Complaints Commission, 49-51

Commission for Public Complaints, 15, 42-45, *see also* REGULATION OF POLICE, OBJECTIVES AND MECHANISMS OF

complaints system —

access to information, 45-46

complaint initiated by Commission, 44

final report, 44-45

generally, 43-44

hearings, 44

review of disposition, 43

conduct of RCMP, other means of examination of —

criminal process, 51-52

disciplinary process, 52

contracts with provinces, 12-13, 14

generally, 13-14

legislative framework, changes to, 45-48

Brown Report, 47-48

Police Investigating Police Final Public Report, 49

policy review report by Justice O'Connor following inquiry into actions relating to Maher Arar, 46-47

Marin Report, 42, 52

public complaints system, efficacy of —

ability to address systemic issues, 55-56

accessible evidentiary threshold, 54-55

generally, 56-57

participatory public right, 53-54

Royal Canadian Mounted Police Act —

amendments, 49-51

generally, 42-44

ROYAL CANADIAN MOUNTED POLICE ACT

amendments to, 49-51, 55

Commission for Public Complaints Against the RCMP, 42-44, 45

cooperation with ASIRT, 20

disciplinary process under Part IV, 52, 159

generally, 12

R. v. BAXTER. *See* ACCOUNTABILITY FOR USE OF FORCE

R. v. McNEIL. *See* SPECIAL INVESTIGATIONS UNIT (“SIU”) (Ont.),
IMPACT OF McNEIL

R. v. O’CONNOR. *See* SPECIAL INVESTIGATIONS UNIT (“SIU”) (Ont.),
IMPACT OF McNEIL

R. v. PÉTEL. *See* ACCOUNTABILITY FOR USE OF FORCE

R. v. REILLY. *See* ACCOUNTABILITY FOR USE OF FORCE

R. v. SCOPELLITI. *See* ACCOUNTABILITY FOR USE OF FORCE

R. v. SHIROSE. *See* ACCOUNTABILITY FOR USE OF FORCE

R. v. STINCHCOMBE. *See* SPECIAL INVESTIGATIONS UNIT (“SIU”) (Ont.),
IMPACT OF McNEIL

SCHAEFFER v. WOOD. *See* REFORM OF OVERSIGHT THROUGH
LITIGATION

SERIOUS INCIDENT RESPONSE TEAM (“SiRT”) (N.S.), 35

SOMALIA COMMISSION, 4, 60, 61-62, 63, 64, 66, 68

SPECIAL INVESTIGATIONS UNIT (“SIU”) (Ont.), *see also* ONTARIO,
CIVILIAN OVERSIGHT IN
generally, 29, 125-128, 166, 195
mission statement, 167

**SPECIAL INVESTIGATIONS UNIT (“SIU”) (Ont.), IMPACT OF
McNEIL**

confidentiality —

importance of, 195-196

undermining of, 222

creation and activities of, 304-305

disclosure requirements —

Crown not indivisible entity, 187-188

duty to disclose, scope of, 193-194, 213-219

first party disclosure, 188, 192, 193-194, 198, 199, 213-219

production of third party records, 188-192

Stinchcombe, changes to, 192-194

SPECIAL INVESTIGATIONS UNIT (“SIU”) (Ont.), IMPACT OF**McNEIL — *continued***

duty to inquire, Crown counsel’s, 192-193, 220

generally, 185-186, 221-223

“likely relevant”, SIU records, 189, 199-206

McNeil case summary, 186-187

O’Connor procedure —

 application to non-privileged records, 208

 generally, 186-187, 188

 first stage, 200

 second stage, 190, 199, 207

 two-part test, 188

privacy and criminal investigation files, 187

public interest privilege, 208-213

SIU as “third party”, 197-199

**STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL
SECURITY, 122-123**

TAMAN INQUIRY (SALHANY) (Man.), 25-26, 38, 279, 330

TASK FORCE REPORT, CLARE LEWIS (first report) (Ont.), 95-97

**TASK FORCE REPORT, CLARE LEWIS (second report) (Ont.), 99, 100,
101**

TORONTO PUBLIC COMPLAINTS PROJECT, 1981, 93-94

**USE OF FORCE. *See* ACCOUNTABILITY FOR USE OF FORCE;
G20 SUMMIT IN TORONTO**

VILLANUEVA AFFAIR, 32, 81-82

**WELLINGTON v. ONTARIO. *See* REFORM OF OVERSIGHT
THROUGH LITIGATION**