

Addendum

While the Terms of Reference of this Review do not require comment about the subject matter of this addendum, – from a reading of all the material in both the Crown files and the 1993 WPD Review, it became apparent to me that at least a part of the reason for the initiation of this Review, was the extent and nature of the attention given the Driskell case by the media. It was this media coverage which motivated former Chief Constable J.B.D. Henry of the Winnipeg Police Department to order the 1993 WPD Review, and there are likewise numerous references in the following years in the Crown files about inquiries by the various media. Since the recent release of the 1993 WPD Review by Mr. Justice Oliphant, and the decision by Mr. Justice Scurfield to release Mr. Driskell on bail conditions on November 28th, 2003, many further radio, television and print media reports about these matters appeared.

In perusing the files and reports, it became quite apparent that at least some of these media reports annoyed or rankled various officials. While it is very understandable that an inaccurate, ill-informed or biased report (and I make no comment as to whether any media reports were so) will clearly be reason for annoyance and even anger, the importance of the freedoms contained in Sec. 2(b) of the Canadian Charter of Rights and Freedoms must not be overlooked: –

“Sec. 2 Everyone has the following fundamental freedoms:

(b) freedom of thought, belief and expression, including
freedom of the press and other media communications”.

This freedom, which existed in common law long before the Charter, is a basic Canadian value, and surely we would not want it to be otherwise.

This freedom does not preclude civil or criminal suits for libel, defamation of character or slander, where grounds for such suits exist, but does permit searching and probing inquiries by the media or other persons or agencies, especially in areas of such fundamental importance to society as a whole, as the administration of justice and the conduct of law enforcement agencies.