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Cop thought he was going to die

Kris Ketonen
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The provincial police officer who shot and killed a Peterborough, Ont., man near Pickle Lake two years ago believed he was “about to be killed” just before he pulled the trigger.

Const. Kris Wood fatally shot Levi Schaeffer, then 30, at a remote spot on the shores of Osnaburgh Lake on June 24, 2009.

As he testified in a coroner’s inquest into Schaeffer’s death on Thursday, Wood said Schaeffer, who was wielding a knife, charged at him as a confrontation between Wood, Schaeffer and OPP Const. Mike Pullbrook reached a climax.

Wood said he wasn’t carrying his duty belt — a choice allowed under OPP policy — so didn’t have access to non-lethal items such as a baton or pepper spray. However, he assured lawyers under questioning, none of those things would’ve been an option given the circumstances.

Earlier on June 24, Wood and Pullbrook — both then stationed at the Pickle Lake detachment — had taken Wood’s boat to search for another boat which had been reported stolen.

In addition, they had received reports of a man on Mishkeegogamang First Nation territory acting “strange.” He wasn’t a member of the First Nation, and there were vague concerns the man might be in possession of firearms, Wood testified.

The resident who reported the theft had seen the boat a few days prior and drawn the officers a map to the location. That map led them to Schaeffer’s campsite.

Wood and Pullbrook approached in Wood’s boat — the OPP boat was too large to navigate the shallow waters near the launches — in OPP uniforms, identified themselves as such and began to question Schaeffer.

Wood told the inquest he and Schaeffer were standing outside the entrance to the latter’s tent. When Schaeffer was asked to produce a fishing licence, he said he lost it. Wood asked Schaeffer if he possessed one — seeking some sort of identification and proof that he was permitted to catch fish, as that’s what he said he’d been eating — and Schaeffer attempted to enter the tent.

Wood said he hadn’t seen any evidence of a firearm, only a large hunting knife which Schaeffer had made no move toward. However, not knowing what was in the tent, he attempted to stop Schaeffer from entering, first verbally, then by grabbing him.

Pullbrook soon jumped in to help.

Schaeffer, described as a stocky and strong individual, wrestled free, reached into his pocket and, both officers said in their respective testimonies, produced a pocket knife with a four-inch blade.

Wood said Schaeffer attempted to slash his forearm, but did so with the dull side of the blade, so no skin was broken. With shouts of “knife,” Wood pushed Schaeffer back, and he and Pullbrook drew their firearms and backed off. Schaeffer, meanwhile, picked up a can of what Wood — a former guide at his parents’ hunting lodge — believed to be bear spray.

At first, Wood said, Schaeffer was focused on Pullbrook.

But then, Wood said, “he became 100-per-cent dialed in on me.”

Schaeffer said, according to Wood, “There’s going to be death, there’s going to be a killing,” before looking at the officer and saying “you’re (expletive deleted) dead.”

They were about eight feet apart when Schaeffer began to charge, Wood said.

“At that point, I believed I was going to be killed,” Wood testified.

He fired two shots from his service weapon, both of which struck Schaeffer.

“I was about to fire a third round,” Wood said. “He stopped moving.”

On Wednesday, Pullbrook said he had lost sight of Wood, but heard the shots and saw Schaeffer stagger and fall to one knee, testimony corroborated by Wood on Thursday.

Pullbrook used his leg to knock Schaeffer to the ground, where he was handcuffed. Wood went to the boat to try and summon help on the radio, but they were out of range. They didn’t bring satellite phones due to previous experience; the phones, both officers testified, rarely worked.

So Wood hopped in the boat, heading back to the launch. He was about 300 metres away when he was finally able to raise someone on the radio, and an ambulance and fellow officers were dispatched.

He took paramedics back to the scene of the shooting in the boat, and departed again soon after.

Thursday, some questions were raised about Wood’s duty belt and his decision not to carry it that day. Under OPP policy, which is under review at the inquest, officers don’t have to wear it, nor even bring it, when they’re making use of a boat.

The belt, fully loaded, is heavy, Wood said, weighing five to six kilograms, and the concern is they’ll weigh an officer down too much if he or she were to fall into the water.

In any case, Wood said, neither a baton nor pepper spray would’ve been an option.

When the altercation that led to the shooting began as Schaeffer tried to enter his tent, Wood and Pullbrook were too close for pepper spray; all three would’ve been affected. In addition, Wood would’ve had to remove one of his hands from Schaeffer to retrieve the spray from his belt.

The latter also applies to a baton, Wood testified.

Wood wasn't carrying a Taser. At the time, neither he nor Pullbrook were trained or permitted to do so. Wood carries one now as a member of the OPP's North West Region emergency response team.

That wouldn't have been an option either, in the circumstances.

"The only better option would have been a rifle or a shotgun," Wood said, adding that was due to the "stopping power" those firearms have.

Legal counsel for Schaeffer's family asked about the officers' use of force. Schaeffer, according to testimony, was being co-operative, answering questions — such as one requesting his name — even though both officers said he appeared irritated that they were there.

It is understood that Schaeffer had been diagnosed as a schizophrenic.

Wood said when Schaeffer stopped talking to him, turned away and tried to enter his tent, he crossed the line into actively resisting arrest, and the officers were right to try and restrain him.

There were no other witnesses to the shooting.

The stolen boat was located later across the lake.

Wood characterized the shooting as an "unfortunate incident."

What was most unfortunate, he added, was that he and Pullbrook "weren't making the decisions that day. Levi Schaeffer made all the decisions."

When the province's Special Investigations Unit probed the shooting, it cleared both officers of any wrongdoing, but stated their notes were unreliable as they were completed two days later, after both Wood and Pullbrook had consulted the same lawyer.

When Wood was questioned about his notes, he said he began writing them on June 24, the day of the shooting, but finished them June 26. The gap, he testified, came after an OPP supervisor told him to hold off on making his notes until he'd had a chance to consult with legal counsel.

Wood said he'd never been given a directive like that before; officers, he said, are trained to compile notes as soon as possible.

The inquest was to continue today at the Ontario government building on Red River Road, but proceedings have been postponed until next Thursday. Schaeffer's family members are to testify then.

Inquests are mandatory in Ontario when a person dies as a result of involvement with police, but are not criminal proceedings. The jury can make recommendations aimed at preventing similar deaths from occurring.