

Families appeal for SIU changes in Ontario court

Relatives of 2 mentally challenged men shot dead by OPP demand system overhaul

Sep 8, 2011



Evelyn Minty, mother of Douglas Minty, 59, a mentally challenged man shot dead by Ontario police, speaks outside court in Toronto in May 2010. (Colin Perkel/Canadian Press)

Two families of men shot to death by Ontario Provincial Police in separate incidents are back in the province's highest court to appeal for changes to how officers are investigated in fatal incidents.

The province's Special Investigations Unit (SIU) is a watchdog agency responsible for probing cases in which police are involved in a death or serious injury.

But the families of Douglas Minty and Levi Schaeffer, both of whom were killed days apart in 2009, are in the Ontario Court of Appeal to demand an overhaul to the way those investigations are handled.

"When are we going to say enough is enough?"—Lawyer Julian Falconer

Minty, 59, was intellectually challenged; Schaeffer, 30, suffered from psychological issues. Police said in both cases the men had been brandishing knives when they were shot.

Diane Pinder, Minty's sister, said her brother was shot five times outside her mother's home two years ago in June. Minty was agitated, she said, after a door-to-door salesman came to the house.

After her brother lay dead, Pinder said she was further troubled that OPP officers at the scene first reported the incident to their supervisors, and then to a lawyer.



Levi Schaeffer, 30, pictured with an unidentified friend, was camping near Osnaburgh Lake, Ont., in June 2009 when he got into an altercation with the OPP, which resulted in an officer shooting twice and killing him. CBC

"How can you believe what happens if it goes before a lawyer, and a lawyer reviews your notes?" she said. "It's ridiculous."

Lawyer Julian Falconer, who is representing Minty's and Schaeffer's families, said that the shooting scene in that case was "tainted" because it was not until an hour and a half later that the [SIU was notified](#).

Officers' notes vetted by lawyer

"There can't be two sets of rules — one for citizens and the other for police," Falconer said. "When are we going to say enough is enough?"

Two days after Minty's death, Schaeffer was shot dead at Pickle Lake in northern Ontario, as police investigated the theft of a boat. All five officers involved in the incident had their notes vetted and approved by the same union lawyer before the notes were handed over.



Douglas Minty, 59, who was mentally disabled, was shot five times by an OPP officer in Elmvale, Ont., on June 22, 2009. CBC

In May 2010, Ian Scott, the director of the SIU, together with the signed backing of the four provincial government lawyers, took the unprecedented step of siding with the grieving families of Minty and Schaeffer. The SIU accused OPP commissioner Julian Fantino and a number of his officers of breaking the law by failing to properly co-operate with probes into the shootings.

Crown lawyers told the court the province recently changed the law so officers involved in the same incident can no longer share the same lawyer, or talk to one another until they have been interviewed by the SIU.

The families, however, say those changes don't go far enough.

The appeal continues.