

# THE PETERBOROUGH EXAMINER

## OPP officer who shot Peterborough man to testify Wednesday as coroner's inquest into 2009 shooting continues

By **BRENDAN WEDLEY**/Examiner Staff Writer

March 1, 2011

OPP Const. Kris Wood, who shot Peterborough resident Levi Schaeffer in the Osnaburgh Lake area in northern Ontario in June 2009, is expected to testify at a coroner's inquest in Thunder Bay Wednesday, a lawyer who represents Mr. Schaeffer's family says.

Mr. Schaeffer died June 24, 2009 after he was shot in the chest during an altercation with OPP officers who were investigating a possible stolen boat.

Mr. Schaeffer was camping in the area that's near Pickle Lake, about 500 kilometres north of Thunder Bay. He was 30 when he died.

The province's Special Investigations Unit found that the two officers who were involved in the death of Mr. Schaeffer couldn't be criminally charged.

*"The family's expecting to get an answer as to how an investigation into a missing boat led to the loss of a son and a brother. The family's hoping this inquest will give them those answers and will ensure in the future those types of similar tragedies can be avoided."*

*Sunil Mathai*

The coroner's inquest may lead to recommendations from the jury on how to prevent similar deaths from occurring in the future.

Mr. Schaeffer's family won't publicly comment on the evidence that's presented or on the inquest until after the jury has provided its verdict, said Sunil Mathai, a lawyer with Falconer Charney LLP who is representing the family.

"The family's expecting to get an answer as to how an investigation into a missing boat led to the loss of a son and a brother," he said Tuesday. "The family's hoping this inquest will give them those answers and will ensure in the future those types of similar tragedies can be avoided."

The inquest began Monday. Mathai said he expects the inquest to finish sometime next week.

The inquest will examine both the circumstances of Mr. Schaeffer's death and the OPP's use-of-force policy, Crown attorney Dan Mitchell said during opening remarks Monday.

Mathai wouldn't comment on the evidence presented to date, but he said the jury and the coroner have heard from the officers who responded after the shooting and the doctor who did the autopsy.

The doctor confirmed Mr. Schaeffer died from two gunshot wounds, Mathai said.

"The evidence that's come out, there's been a lot," he said.

Wood, who shot Mr. Schaeffer, is expected to testify at the inquest Wednesday, Mathai said.

There are 11 witnesses scheduled to appear before the inquest, Mathai said.

"The family anticipates calling Ruth Schaeffer (Mr. Schaeffer's mother) as a witness," he said.

Mr. Schaeffer's mother will likely speak at the inquest on Friday or Monday, Mathai said.

The other parties to the inquest are the Ministry of Community Safety and Correctional Services and the Ontario Provincial Police Association.

Mathai explained that the purpose of the inquest is to answer the who, how, what and when of how someone died and to recommend ways to prevent similar deaths from occurring in the future.

"There's a preventative feature to them," he said. "It does not in any way involve findings of civil or criminal responsibility."

When the Special Investigation Unit investigated the incident, it noted that both officers who were involved consulted with an Ontario Provincial Police Association lawyer before preparing their notes two days after the shooting. It contends that the lawyer vetted those notes before they were handed to the Special Investigation Unit investigators.

The officers claimed Mr. Schaeffer approached them holding a knife and ignored their commands to drop the knife.

The family is fighting to have the province's courts examine policies surrounding police note taking. The family is appealing after a court dismissed the case.

— With files from Sarah Deeth and the Thunder Bay Chronicle-Journal