

Police officers probed by SIU to face new curbs

June 24, 2011



Levi Schaeffer was killed June 24, 2009, by an OPP officer north of Thunder Bay. In September 2009, SIU Director Ian Scott cleared an OPP officer of wrongdoing in the shooting declaring there was no way to determine what happened, because the two officers involved had their notes approved by a lawyer before the SIU could read them.

JUSTICEFORLEVI.ORG

Robert Benzie Queen's Park Bureau Chief

The thin blue line is being thinned.

Police officers under investigation for shootings or serious injuries will be prohibited from communicating with one another or sharing a lawyer as of Aug. 1, says Attorney General Chris Bentley.

Bentley announced Thursday that the Liberal government would act upon recommendations tabled by former chief justice Patrick LeSage in April.

"It's important for everyone. We want strong police services and we want strong oversight," the attorney general said in an interview.

Expressing concern that relations between the province's Special Investigations Unit, which probes serious incidents involving officers, and various police forces were "not headed in the right direction," Bentley said it was necessary for Queen's Park to act.

[A Star investigative series last fall](#) revealed that officers across Ontario receive different treatment from civilians similarly accused of seriously injuring or killing a person.

In some cases, the SIU was not even able to properly investigate police, with officers being allowed to share lawyers and delay writing notes. The *Star* also exposed concerns officers collaborated on stories to stymie SIU probes.

SIU director Ian Scott has long criticized Ontario's police forces and officers' unions for essentially enabling collusion and concealment of incriminating evidence.

"There seemed to be lots of back and forth commentary in the news media and that's never an indication of a healthy working relationship," said Bentley.

Aside from banning "witness" officers from using the same lawyer as so-called "subject" officers, the new regulation requires an officer's notes be completed by the end of his or her shift— unless excused by the chief.

As well, the regulation will "explicitly provide that a police officer involved in an incident shall not communicate directly or indirectly with any other police officer involved in the same incident concerning their involvement in the incident until after the SIU has completed its interviews."

When LeSage's three-page report was released in April, Toronto Police Chief Bill Blair insisted all its recommendations were consistent with force policy.

"I don't see that any of it results in any significant change in the way we have been doing business," the chief said at the time.

In September 2009, the SIU was unable to conclude whether an OPP officer was guilty in the June 2009 shooting death of Levi Schaeffer, a 30-year-old schizophrenic man from Peterborough.

The officer and his partner were the only witnesses and they had their notes vetted by a police union lawyer before submitting them to the SIU.

While lawyer Julian Falconer, who represents Schaeffer's family, said Thursday "the unseemly exercise of lawyers acting for both a subject and witness officer is properly being outlawed," he expressed other concerns.

Falconer warned that there still remains the "gaping loophole" of police officers keeping two sets of notes— with the de facto blessing of their chief.

"That is exactly what the commissioner of the OPP did . . . in the Schaeffer case," he said.

