

Police seek cash from families of dead men

OPP wants court costs covered after lawsuit over fatal shootings

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The Ontario Provincial Police Association and former OPP commissioner Julian Furtins are seeking \$92,000 in court costs from the families of two men police shot and killed.

Levi Schaeffer and Douglas Minty, one with psychiatric issues, the other with intellectual challenges, were shot dead in 2009. In both cases police say the men came at them with a knife.

The 83-year-old mother of one man, Evelyn Minty, said she would be severely impacted by having to pay a portion of the police's costs of defending the action.

"It's an exorbitant sum," she said outside the courtroom. "But I want justice for my son. I really do."

The case resumes Dec. 9.

The dispute relates to a legal action launched by the two families after the shooting. In their original court action the families alleged officers involved in the shootings were "expressly authorized and instructed to delay completion of their notes."

These are sent to the province's Special Investigations Unit and form part of the official investigation record. The families also took issue with a union lawyer acting for both the officer who fired the shot and witness officers.

Officers in both cases were cleared after the shooting.

The families had sought a court ruling stating police must write notes the day of a wounding or shooting of a civilian and that they not be allowed to share counsel. Justice Wallan Low dismissed the case saying it was a matter for the Legislature, not the courts.

He's now hearing arguments on legal costs.

Police move to go after costs the 'ultimate insult'

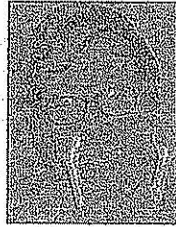
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"This is not an attempt by the officers to get a punitive order or obstruct access to justice," police union lawyer Ian Roland said.

"We're not the bullies . . . we were brought in and we shouldn't be part of this," Roland said.

Roland and a lawyer for former OPP chief Fantino are seeking a payback of the fees, with money to come from the families. Roland said that what the two families had tried to do in court had no legal basis and because of that police should not have to pay the legal bill.

The police union, on behalf of the three officers involved in the shootings, is asking for \$74,616.16 in court costs and Fantino's lawyer is asking for about \$17,500. The total bill tal-



Doug Minty, left, and Levi Schaeffer were shot and killed by police officers in 2009.

lies to \$92,116.16.

Julian Falconer, lawyer for the families, is calling the move "police intimidation."

"The optics of this are brutal," Falconer told the court. "Because the families have asked for police accountability, they will now be punished."

The case is on its way to the Court of Appeal for Ontario.

Roland also said that SIU director Ian Scott should be on the hook for some of the bill because it was his press release about the note-taking issues that started the cascade of legal action. "At the very least he supplied the ingredients for the cost stew which the applicants now find themselves in."

In a news release about the Schaeffer case, Scott said the note-taking practices prevented the SIU from doing a full and fair investigation and determining what happened. The families do not seek costs from Scott, Falconer said, noting that the families drew comfort from Scott's efforts in bringing the notes issues to light.

Scott's lawyer, Marlys Edwards,

defended her client's questioning of the officers' actions.

Levi Schaeffer, diagnosed with schizophrenia, was shot through the heart after two OPP officers in search of a missing boat glided ashore onto his private camp on a remote peninsula eight hours outside Thunder Bay.

Douglas Minty was shot and killed by police outside his mother's home in Elmvale, near Barrie. Police alleged that both men lashed out at the officers with knives.

Schaeffer and Minty were killed two days apart.

Schaeffer's mother, Ruth, listened carefully to the court proceedings. She said outside the court that she already faces a personal legal bill of \$30,000, which she cannot pay.

"The spectre of a \$92,000 bill

ABOVE THE LAW

A *Star* investigation published recently found lack of results and little accountability from the \$7 million a year Special Investigations Unit that probes police accused of injuring or killing civilians.

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