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Shooting justified, says officer

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A provincial police officer involved in the fatal 2009 shooting of a Peterborough, Ont., man believes the level of force used was appropriate, he told a coroner's inquest Wednesday.

Const. Mike Pullbrook said his partner Const. Kris Wood was justified when he shot and killed a knife-wielding Levi Schaeffer on the shore of Osnaburgh Lake in June 2009.

Wood had left his duty belt — which holds non-lethal alternatives like pepper spray and a collapsible baton — on shore when the two officers set out in Wood's bass boat. He carried only his firearm in a plainclothes holster.

The decision to leave the duty belt behind was in line with OPP policy, the inquest heard. The belts weigh 12 to 14 pounds, Wood said, and officers are allowed to leave them behind when setting out on a boat. The fear is that if they were to fall into the water, the belt would weigh them down and make it difficult to swim.

That policy is one that this week's inquest aims to scrutinize, in addition to the circumstances leading to Schaeffer's death.

A coroner's inquest is mandatory in Ontario when a person dies as a result of involvement with police.

In Schaeffer's case, he and the two officers crossed paths June 24, 2009, a few days after Pickle Lake OPP received a report of a stolen boat.

At the inquest Wednesday — being held at the Thunder Bay government building on Red River Road — it was revealed that Wood was on holidays when the call came in on June 22. The report was accompanied by statements about a man who wasn't a member of Osnaburgh First Nation being in the area. He was reportedly acting "strange," and there was concern he may have been armed with a gun.

Pullbrook, then acting sergeant at the detachment, attempted to search for the boat on June 23, but water levels in the lake were too low for the OPP boat.

When Wood returned from vacation, he offered his bass boat, which doesn't require much water depth. He and Pullbrook set out on a clear, warm and windy June 24.

The resident who reported their boat stolen said he'd seen it a few days prior, and had drawn a map which the officers used to get to the spot.

They came across Schaeffer, age 30 and a diagnosed schizophrenic, who was camping at the site.

Wood and Pullbrook approached in the unmarked boat, but wearing OPP uniforms, and identified themselves verbally as police.

Both officers said Schaeffer wasn't happy to see them. They recalled that he said he was an Ontario resident, so was allowed to camp on Crown land and they couldn't do anything about it.

According to their accounts, delivered separately Wednesday, they asked him for a name, which was provided. When they asked Schaeffer how he got there, he said he walked.

"It's impossible to walk there," Wood said, adding there are no trails or roads, as far as he knows, and the area is swampy.

"He had what I would describe as a fight-or-flight demeanour," Wood said of Schaeffer. "It appeared to me he was sizing us up to either take off or fight."

There was also concern about the reports of a gun, even though no evidence of that had been seen. The officers did see a hunting knife in a bowl of rice.

Wood also noticed fish remains scattered around the site and asked Schaeffer to produce a fishing licence. Schaeffer began to walk toward his tent, and Wood told him to stop.

Wednesday's session was called off before Wood could describe what happened during the actual shooting.

Earlier, Pullbrook testified that he had broken off from Wood and Schaeffer to see if he could spot the stolen boat. He couldn't. The boat was found later by OPP on the opposite side of the lake.

Pullbrook said he returned and saw that Wood had grabbed hold of Schaeffer. Pullbrook said he grabbed Schaeffer's other arm.

He said they had difficulty restraining Schaeffer, who got free and pulled a knife with a four-inch blade from his pocket. He also picked up a white canister, which Pullbrook said seemed to be a spray.

The officers moved to distance themselves from Schaeffer, Pullbrook said. He said he lost sight of Wood, but Schaeffer slowly advanced toward Wood's location, canister and knife in hand.

Pullbrook said he heard two shots, and saw Schaeffer stagger and fell to one knee.

He said he rushed over and used his leg to push Schaeffer down onto his stomach. He said he handcuffed Schaeffer and turned him onto his back.

He determined that Schaeffer had no vital signs, but began CPR while Wood returned to the boat to go to call for help. Communications in the remote area had proven problematic in the past, Pullbrook said, so they didn't bring have equipment with them. Wood returned about an hour later.

Pullbrook, who was wearing his duty belt at the time of the shooting, said Wood was justified in his use of force. He said pepper spray is used to create distance between an officer and a suspect, and he would "never use a baton against a knife."

Schaeffer needed to be detained and controlled, Pullbrook said.

There were no other witnesses.

An SIU probe of the shooting cleared both officers of any wrongdoing, but it noted their notes were unreliable as were compiled two days later and after the pair had consulted with the same lawyer.

When asked about the notes on Wednesday, Pullbrook said he was told by a superior officer to not mention anything about the incident. He said he took that to mean that he shouldn't write anything down, either.

Wood is to continue his testimony at 9 a.m. today.

Statements from OPP policy experts, as well as officers qualified to talk about communications and use-of-force training, are to come today as well.

Schaeffer's mother is to testify on Friday.

Inquests are not criminal proceedings. The jury can make recommendations aimed at preventing similar deaths from occurring.