

ABOVE THE LAW

A SERIES PROBING POLICE CONDUCT IN ONTARIO

A [Star investigation](#) has 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.

SIU missed key questions after man shot five times

Published On Thu Nov 4 2010



OPP police cruisers are stationed outside the home of Doug Minty after he was shot dead by an OPP constable last June.

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OPP Constable Jeff Seguin shot Douglas Minty, an intellectually challenged 59-year-old, five times. Once in the right leg, once in the left shoulder and three times in the torso.

He pulled the trigger until Minty went down, his bottle-thick glasses crooked on his face and breaths quick and shallow, his mother running from the house, screaming, "You shot my son! You shot my son!"

Minutes before Seguin killed Minty, the constable had responded to a disturbance call at Minty's house in Elmvale, near Barrie. A door-to-door salesman claimed Minty took a swing at him. Shortly after the constable arrived, Minty moved toward him holding a small pocketknife given to him as a keepsake.

Was the knife blade extended, or folded into its metallic casing? Seguin and the two water-heater salesmen at the house said it was open.

It was found closed after the shooting.

The constable's story is that Minty, shot five times and near death, reached across his bullet-riddled body and closed the knife.

Seguin's decision to draw and fire his pistol on the night of June 22, 2009, was the subject of what the *Toronto Star* found to be a half-hearted, police-friendly SIU investigation that cleared the constable and provided few answers for the Minty family.

"All I knew at the time is my brother was getting ready to watch TV for the night, and 20 minutes later he was dead on the ground," said Doug's brother John Minty. "We'll probably never get those answers. I think the family is entitled."

Star

Though Seguin wore a bulletproof vest and carried a baton and pepper spray, he did not use either. In his patchy and sometimes contradictory statement, the constable told the SIU: "I thought (Minty) might kill me."

Seguin declined, through his lawyer, to speak to the *Star*. The lawyer, Andrew McKay, called the *Star's* ongoing series "inaccurate and inflammatory."

A former OPP colleague of Seguin's, retired constable Wayne Smith — who revealed to the *Star* he was involved in a fatal shooting in 1997 and was cleared — said this week that he recalls Seguin as a junior officer who "wants to be involved in serious occurrences." Smith said that on more than one occasion Seguin walked around the police station brandishing a C8 assault rifle because he wanted "to get comfortable with it."

Minty had the oxygen cut off to his brain during childbirth. He moved clumsily and had poor dexterity.

"Doug was truly just a really nice man. He worked his entire life on the farm with my father and myself," said his brother John. "He would help neighbours. He looked after my mom to

a great extent ... He was responsible for taking out the garbage, cleaning the driveway. He enjoyed the simple things. I never saw Doug angry.”

Minty's brother wonders if the salesman's two unsolicited visits made Doug feel threatened or defensive for his 82-year-old mother.

Seguin gave his only statement about the shooting in the company of an OPP lawyer to two SIU investigators. The interview took place not at SIU headquarters but at the OPP union office in Barrie.

The *Star* obtained a recording of the interview, as well as audio from SIU interviews of the two main eyewitnesses, both door-to-door salesmen: David Parker and Kunal Arora. The salesmen were interviewed hours after the shooting, when details were fresh in their minds. Seguin was interviewed more than two months later.

In SIU cases, such “subject officers” do not have to give statements to the SIU. Seguin did so voluntarily.

When the constable arrived in response to the salesman's 911 call and parked his cruiser on the street, Seguin saw Minty, a man he described as “elderly” and “short,” at the end of a long driveway, “patiently waiting” in the carport.

Seguin started toward Minty, he said, until he saw Minty extend the two-inch blade from the pocket-knife and move toward him. The tool, embossed with “Minty Carter Masonry,” was a gift from two of his brothers who own the company.

“Outside of it being a memento, it certainly wasn't designed to be of any practical use,” said John Minty. “My mom thinks that he actually used it to clean his toenails.”

Seguin unsnapped his holster and drew his Sig Sauer, with one bullet in the chamber and 12 more in the magazine.

Relying on the interview recordings, as well as SIU and OPP case reports, the *Star's* analysis has raised several key questions the SIU failed to conclusively answer:

Was Doug Minty running or walking or “darting” toward Seguin?

During the interview, Seguin alternately describes Minty as doing all three. Salesman Parker said Minty “looked like some kind of zombie,” that he “was walking fairly briskly” and that he “was just walking very purposefully with a knife.”

One eyewitness (he asked that he not be identified) told the *Star* that it appeared Minty's poor dexterity made it difficult for him to slow his walk on the downward-sloping driveway.

“He's walking towards me and he darts,” Seguin said of the moment before he decided to shoot.

What does “darting” mean?

The SIU did not ask Seguin to explain. The constable later said Minty was running before the shots were fired. The SIU does not ask him to clarify.

Was Minty moving the knife in a slashing motion?

Seguin said he was, “from left to right diagonally.” Neither salesman said they saw a slashing motion.

Seguin's OPP lawyer, McKay, said the SIU generally does not share information from witnesses with his clients or ask the officers to address such inconsistencies.

Does Seguin recall all important details of the incident?

No. He told the SIU that he has lost all memory of what he said or heard during the critical moments leading up to Minty's death.

SIU investigator Angela Mercer said in a comforting tone: “That's okay. Fair enough. ... Not a problem.”

The SIU told the *Star* that it has to be deferential to officers it questions because they can get up and walk out at any time.

In his statement to the SIU, Seguin said he caught his right heel as he walked backward and stutter-stepped, then dropped his police radio — before putting both hands on his gun.

Why did Seguin stop his retreat?

He cannot clearly explain. The constable said he had reached the front of his cruiser, where he told salesman Parker to wait after he finished talking to him. Seguin said he assumed Parker was still nearby and that he now had to hold his ground and protect not just himself but an unarmed civilian.

Later in the interview, when directly asked if Parker was near the cruiser, Seguin said: “No. If he ... if he is, I'm not seeing him because I am 100 per cent focused on the threat that's moving towards me.”

Parker ran from the cruiser when the confrontation began.

Seguin said he stood at the cruiser's front bumper and Minty was at the rear. From a car-length away he fired one round.

Why didn't Seguin use any of his other weapons?

The constable wore a bulletproof vest that night and carried a baton and pepper spray. When the SIU asked why Seguin did not use his baton, Seguin, incredulous, said: “Because he was using a lethal-force option on me and my (baton) is not a use-of-lethal-force option.”

Why no pepper spray? Seguin said using spray would have required him to get too close to the dangerous man. The spray is ineffective outside of eight feet, Seguin said.

Minty was allegedly still moving, grasping at his chest with one hand and holding the knife with the other, when Seguin fired a second shot, which struck the man in the left shoulder, blood from the bullet's impact spraying as Minty's body spun back.

Did Minty stop moving?

After the second shot, Minty “just stood there holding the knife in his hand,” according to the OPP internal investigation. But Seguin told the SIU Minty kept moving after the second shot.

Seguin squeezed off three more shots in quick succession, the “bullets flying into this guy's chest,” according to Parker. One of the five bullets hit Minty just below the sternum. Two of the bullets shredded his intestines.

How did Minty's knife end up closed after the shooting?

“Of course, my first thought is: ‘F—k.’ Because the knife's (closed),” Seguin said.

This is Seguin's version: That he stood over Minty, pistol pointed, issuing “slow, deliberate commands ... Drop the knife.” Minty, moments from death, stretched his injured left arm across his body and closed the small utility knife still clutched in his right hand, then opened his right hand, “almost like he's showing me.” Then went stiff.

John Minty, a high school teacher, said the story is “beyond belief.”

“I can't imagine being shot five times and having anything in my hand at the end of it. And then, before he died, his last thinking action would have been to close the knife with a left arm that had been shot in the shoulder by a gun?”

Neither salesman described seeing the constable lean over the dying man issuing slow, loud orders or Minty closing the blade. Salesman Arora said the knife dropped from Minty's hands as he fell to the ground. The janitor at a nearby school told the SIU that Seguin kicked an object out of Minty's hand, picked up the object, then knelt down beside Minty.

Something else that troubles the Mintys: That the OPP had too much influence over the salesmen in the hours leading up to their SIU statements. Seguin spoke to one of the salesmen after the shooting. Then, an OPP sergeant drove the two witnesses to an OPP detachment for their SIU interviews later that night. Salesman Arora told the SIU that while en route the OPP sergeant suggested Seguin used justifiable force on Minty. The OPP said the sergeant only listened to the men talk about the incident.

Tomorrow: *Elyas Bariali, who was holding a screwdriver when shot and killed by Durham Police.*

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