



## Schaeffer shooting issues head to appeal

Sep 03, 2011

***Court to address the alleged long-standing OPP conduct of lawyer note vetting, delayed note writing and the joint retaining of the same counsel by both subject and witness officers involved in an incident that has fallen under the mandate of the SIU***

(PETERBOROUGH) What's being termed "an historic case in the public's struggle against widespread police impunity and towards accountability" will be heard next week in Toronto in an Ontario Court of Appeal.

On June 24, 2009, Levi Schaeffer of Peterborough was shot and killed by an OPP officer near Pickle Lake, Ontario. According to the group Justice For Levi, In the aftermath of his death, both the officer who shot Mr. Levi and the other officer on scene were instructed to delay writing their notes or handing them over to Ontario's Special Investigations Unit (SIU) until they had spoken to an Ontario Provincial Police Association lawyer.

The group goes on to claim that when SIU director Ian Scott publicly announced his findings in the case, he declared he couldn't determine what had happened because the evidence presented to him by the OPP had been made "deeply questionable" by the conduct of the provincial policing agency.

Starting this Wednesday (Sept. 7), court will address the alleged long-standing OPP conduct of lawyer note vetting, delayed note writing and the joint retaining of the same counsel by both subject and witness officers involved in an incident that has fallen under the mandate of the SIU. To this point, the OPP has argued it has every right to determine the policies that will inform their employees' work and that criticism of these policies are matters to be addressed in the legislature, not in a court of law.

Meanwhile the SIU has argued that it is constrained in its ability to fulfill its mandate because OPP policies result in action by officers that inhibit SIU investigators from accurately and reliably ascertaining what has occurred in an incident resulting in a police killing.

The Schaeffer family, and the family of police shooting victim Doug Minty, 59, of Elmvale, are asking the courts to make a legal declaration relating to the interpretation of various sections of the Police Services Act, Ontario Regulation 673/98 "Conduct and Duties of Police Officers Respecting Investigations by the S.I.U." and other related Rule. In particular, they are seeking to have a court of law legally determine if the contested conduct of officers involved in these two cases was authorized by statute or regulation or if the conduct of OPP officers in the cases of the deaths of Minty and Schaeffer was not legally authorized.