

Families of people killed by police denied legal funding at inquests

Rules for help with legal representation leave relatives paying out of pocket, versus well-funded cops.

Ian Pryce was killed following a standoff with Toronto police in November 2013 near Sherbourne and Carlton Sts. (MARTA IWANEK /TORONTO STAR FILE PHOTO)

Heather Thompson struggled to find a lawyer who would represent her at the inquest probing the death of her son, Ian Pryce, because she did not qualify for funding under the government's current criteria. Her son was killed by police in November 2013. (MARTA IWANEK /TORONTO STAR) | [ORDER THIS PHOTO](#)



Ian Pryce was killed following a standoff with Toronto police in November 2013 near Sherbourne and Carlton Sts. (MARTA IWANEK /TORONTO STAR FILE PHOTO)



Heather Thompson struggled to find a lawyer who would represent her at the inquest probing the death of her son, Ian Pryce, because she did not qualify for funding under the government's current criteria. Her son was killed by police in November 2013. (MARTA IWANEK /TORONTO STAR) | ORDER THIS PHOTO

By **JACQUES GALLANT** Staff Reporter

Wed., July 20, 2016

As Heather Thompson looked around the room at the team of lawyers representing police at the recent coroner's inquest probing her son's death, variations of the same question kept coming to her mind.

"How is it reasonable to ask somebody who has already lost a human being to go into debt to come up with money to pay legal fees? That is downright unfair. I don't even think 'unfair' is the just word to use," she told the Star.

Like most relatives of people killed by police, Thompson doesn't meet government criteria for getting funding for legal representation at inquests. That funding normally goes only to parents or spouses of victims of crime, explains her lawyer, Peter Rosenthal.

Ontario's police watchdog, the Special Investigations Unit, declined to lay criminal charges in the Toronto police shooting death of Thompson's son, Ian Pryce.

Fortunately for Thompson, Rosenthal took on the three-week inquest pro bono, but he underscored the fact that's simply not a possibility in every case.

“In my view, there should also be a separate provision in the Coroners Act saying that the family should be entitled to coverage for legal expenses at any inquest into a death caused by police officers,” he said.

It's an idea gaining momentum, as at least three inquests probing police-involved deaths are set to take place in the GTA soon.

No criminal charges were laid in the deaths of Andrew Loku in Toronto or John Caleb Ross in Aurora. Toronto police Const. David Cavanagh was charged with second-degree murder in the death of Eric Osawe, but the charge was thrown out by a judge, who found there was no evidence the officer carelessly used his gun.

The Office of the Chief Coroner is also reviewing the decision not to hold an inquest in the 2015 police shooting death of 20-year-old Kitchener man Beau Baker.

Thompson's friend, former Metro Toronto councillor Bev Salmon, wrote to Premier Kathleen Wynne in the spring urging the government to change the legal funding rules.

She said she was told the matter had been referred to the Ministry of Community Safety and Correctional Services, which manages the fund, but hasn't received an update recently.

“It's a pressing issue because there are a lot of other inquests coming up,” she told the Star in an interview.

“It's just so wrong. No family of any ordinary means can afford three weeks of legal counsel, plus the preparation before and during the inquest. It's heavy lifting. It's really hard work, and so the whole emotional aspect is really draining and exhausting.”

A spokesman told the Star the ministry is always willing to work with families who want to apply to the fund and to hear feedback from the public.

The ministry's legal reimbursement criteria say the deceased is considered a victim of crime if “there are reasonable grounds to believe that the death was the direct result of conduct by another person that is prohibited under the Criminal Code of Canada.” It also says a conviction is not a prerequisite for funding.

The fund allows for a maximum reimbursement of \$45,000, but there is a possibility of getting more money if the inquest runs longer than 20 days or is held in a location that requires higher travel and accommodation expenses.

Legal representation for an inquest into a police-shooting death can easily cost in the tens of thousands of dollars, said lawyer Julian Falconer, who has represented, at inquests, many families of people killed by police.

“If you want to see changes in this area, you would have to change the legislation. The current criteria for qualifying is as good as a guarantee that families involved in police use-of-lethal-force inquests will not get access to those funds, except in the rarest of circumstances,” he said.

Falconer mentioned the death of 18-year-old Sammy Yatim on a Toronto streetcar in 2013 as a rare circumstance, because the officer responsible for his death, Const. James Forcillo, was convicted of attempted murder.

“Without that change in the law, this fund will never be accessible in any meaningful way to these families. It wasn’t designed to do that. The system doesn’t have the courage to give these families funding.”

Ian Pryce, who had been living with paranoid schizophrenia, was shot dead in 2013 during a standoff with Toronto police’s Emergency Task Force, after wielding what police later learned was a pellet gun.

His mother said she was “appalled” that she was expected to pay out of pocket for legal representation, saying the facts of the case should have come to her freely.

“I also lost wages in being there, although I was told, ‘You don’t have to be there.’ But then what’s the point of an inquest if the family members don’t have to be there?” she said.

“In my case, I was fortunate somebody stepped forward (to represent her). But what about all the other people? How do they manage?”