

Police keeping identity secret of officer who killed woman's son

By [JACQUES GALLANT](#) Staff Reporter
Mon., July 4, 2016

KITCHENER—A number of individuals and agencies know who killed Jackie Baker's 20-year-old son, Beau.

But no one will tell her.

Beau Baker had been struggling with mental illness and addiction prior to his death.

What she does know for sure is that he was shot last year at his Kitchener apartment building by a Waterloo Regional Police officer.

In her search to find out more, she's been faced with roadblocks at every turn, which has only exacerbated her grief.

"How am I supposed to grieve and get past this without knowing who? I don't have a name or a face or anything," said Jackie, 53, sitting in her living room, surrounded by photos of her late son.

"Forgiveness, I don't know how that can come until I know who it is I'm forgiving. I kind of have to forgive eventually. I don't want to live with the bitterness."

Ontario's police watchdog, the Special Investigations Unit, declined to lay criminal charges against the unnamed officer last year, although the full report — like all SIU reports — is being kept secret.

Waterloo police's internal review of the incident — mandatory after an SIU investigation — is also secret. The force said it is refusing to name the officer.

"There were concerns about threats on the officer and therefore we have withheld the officer's name," said police spokesman Staff Sgt. Mike Haffner,

adding the officer remains on active duty. He said the threats were primarily on social media, but no charges have been laid.

Jackie has turned to the Office of the Independent Police Review Director, the agency that investigates complaints about police conduct, but said she has been told they will not release the officer's name due to an order from the head of the OIPRD.

Finally, she has learned that there will be no coroner's inquest into her son's death.

It's an unusual move, say critics, who point out that the vast majority of police shootings in Ontario lead to inquests and often serve as a family's only avenue to find out the name of the officer who killed their relative, as well as more information about the incident.

"An inquest ponders a whole series of questions the SIU doesn't," said lawyer and former SIU director Howard Morton, who supports making inquests mandatory for fatal police shootings.

"How did it happen? Could it have been avoided? The SIU only looks at whether the conduct constitutes a criminal offence."

Jackie's case is similar to [many other families in Ontario who have expressed difficulty](#) in getting to the bottom of what happened to their loved ones who died in interactions with police, [largely due to the level of secrecy](#) that continues to shroud SIU investigations.

Some have sued — including Jackie, whose case is ongoing — hoping answers will come out during a [lengthy court battle](#). Others have taken it upon themselves to carry out their own investigations, [often at great financial and personal expense](#).

As an independent review of [police oversight agencies in the province gets underway](#), Jackie shared Beau's story and her own struggle for the first time in an interview with the Star.

"We were very close," she said, at times holding back tears, describing the last time she saw her son alive, which was a day before the shooting in April 2015.

"I gave him a kiss and a hug, and told him I loved him, but I didn't know it was the last time I'd see him."

Jackie Baker, whose son Beau was killed by Waterloo police in 2015, pauses while speaking about the night her son was shot during an interview at her apartment in Kitchener, Ontario. (PETER POWER)

Beau had made a number of alarming statements to a 911 operator, saying he wanted to kill himself and hurt others, including police and paramedics, according to an SIU news release issued last October.

He was standing on a landing next to his apartment building's front entrance with a knife in his hand when the first officer, aware of Beau's 911 statements, arrived on scene, wrote SIU director Tony Loparco.

The officer told Beau on several occasions he was there to help, not to hurt him, and ordered him to drop the knife and get on the ground, according to Loparco.

"Mr. Baker failed to comply," Loparco wrote. "Mr. Baker threatened to stab the officer and moved toward the officer while brandishing the knife. The subject officer backed up a step or two before firing his weapon seven times. The fatal shot entered Mr. Baker's mid-abdomen and severed his aorta. Mr. Baker fell to his knees and then onto his back following the gunfire."

The officer and another who arrived on scene during the confrontation attempted CPR, according to the SIU.

Jackie recalled being told by one of her older sons that Beau had been shot, and was getting to the hospital as soon as she could, but it was too late.

"The coroner let me kiss him on the head," she said after a long pause.

Growing up, Beau had a "heart of gold," said his mother. He was attentive to others' needs.

"If you liked dandelions, he'd probably bring you a dandelion," she said. "He literally gave his last bits of money to homeless people so they could go to McDonald's to eat."

He started to have extreme anxiety around the age of 16, after his grandmother died, Jackie said. There were frequent trips to the hospital for mental health treatment, but never a clear diagnosis.

“It ranged from bipolar to suicidal ideation,” she said. He had also become dependent on alcohol.

“He’d been suicidal on other occasions, and police came and either talked him down or took him to the hospital,” she said. “He wasn’t a criminal. He wasn’t out stealing or fighting. He was just a very hurting young man, but he was also very loving and giving. He had an extremely bad night.”

Jackie Baker has the a tattoo of “Beau Lives” under her left wrist. (PETER POWER)

Thinking back on the SIU’s conclusions, Jackie said she believes something different happened that night, after having spoken with some of the eyewitnesses.

“So suicide by cop, but then I think (Beau) rethought that while he was standing on that step with the officer actually coming at him with a gun,” she said.

“I believe Beau was very vocal and said a lot of crazy things, but when it comes down to it, I think he chickened out.”

Jackie believes that Beau stood on the step for the entire length of the confrontation with his arms up in the air, a can of beer in one hand and the knife in the other, and did not advance further toward the officer.

“The facts still aren’t out there, so anything I’ve done so far is a desperate attempt to find out the facts, to have these two officers that were there that night speak in public, be accountable,” she said.

The officers would have had to testify at a coroner’s inquest had one been called.

But while some deaths in Ontario lead to mandatory inquests under the Coroners Act, a police shooting doesn’t automatically require such a probe, said a spokeswoman for the Office of the Chief Coroner.

Yet the same week that Jackie spoke to the Star, an inquest was called into the [York Regional Police shooting death of 21-year-old John Caleb Ross](#), who died in 2014 after brandishing a pellet gun at police in Aurora.

The news release announcing the inquest said the probe was “mandatory under the Coroners Act.”

That’s because an inquest is mandatory if the person is deemed to be “in the custody of police” at the time of the shooting, meaning a coroner decided that Ross was technically in police custody when he died, but another coroner decided Beau Baker was not.

Toronto lawyer Peter Rosenthal said not only is it unusual that an inquest was not called in Beau’s death, but he also believes it’s unlawful, arguing that as soon as an officer draws a firearm on an individual, that person should be considered to be in custody.

“In my view, if police shoot somebody, and he becomes incapacitated as a result of that shooting, they are detaining him. So if police shoot anyone and kill that person, there is a mandatory inquest in my reading of the Coroners Act,” said Rosenthal, who has represented a number of families of people killed by police.

A coroner’s spokeswoman said the Baker family is entitled to ask the office to reconsider the decision not to call a discretionary inquest, but Jackie said she already tried and was denied.

The OIPRD, which investigates police conduct, would not comment specifically on the Baker case.

Agency practice is to name the officers in the investigative report, a copy of which is sent to the complainant, said spokeswoman Rosemary Parker. But “in exceptional circumstances or in the public interest,” the director can order that the names not be included, she said.

For Jackie Baker, it has become a dizzying maze with no way out. She’s lost confidence in both the police and the civilian agencies that investigate them.

There’s no question Beau would still be struggling if he were alive today, his mother said, quickly wiping away a tear.

“But he would have had the chance to grow through it.”

Read more about:

[Special Investigations Unit](#)

Limited, One Yonge Street, 4th floor, Toronto, ON, M5E 1E6