

[NewsCanada](#) **Waterloo police officer who shot Beau Baker wants identity kept secret at coroner's inquest**

By [JACQUES GALLANT](#) Legal Affairs Reporter
Thu., June 21, 2018

The [police officer who fatally shot Beau Baker](#) in Kitchener in 2015 is taking the extraordinary step of asking a court to shield his identity when he testifies at the coroner's inquest into Baker's death.

The unnamed Waterloo Regional Police officer says he is concerned for his safety and is asking not only for permission to use a pseudonym during the inquest — and for witnesses to be instructed to also use that pseudonym when discussing the officer — but also a declaration that he can testify either remotely or behind a screen visible only to the coroner and inquest jury.

Beau Baker was brandishing a knife and moving toward a police officer when the officer shot him dead, according to the the Special Investigations Unit. (FACEBOOK)

The application comes as a shock to Baker's mother, Jackie, who for years has been trying to learn the identity of the officer as part of her healing process.

It's also unusual, as coroner's inquests are typically a family's only avenue in learning the identity of the officer who fatally shot their loved one. That's because the vast majority of officers involved in fatal police shootings in Ontario are cleared of criminal wrongdoing by the police watchdog, the Special Investigations Unit (SIU), which only identifies officers who are charged.

Read more:

[Was Beau Baker 'detained'? Inquest decision may hang on that point](#)

[Police keeping identity secret of officer who killed Beau Baker, 20](#)

Only one witness at a coroner's inquest has ever had their identity shielded by the court, and that person was under the age of 18, according to Ontario's office of the chief coroner.

“We don't want anything bad to come of him, we just want to be able to hear from the man who killed my son,” Jackie Baker told the Star this week. “I would like to fully heal, and I'm trying to work on that now. It's important to know who killed him, that he's not a ghost, that he exists, and I'd like to know who he is.”

Lawyers who have acted at inquests for families of people killed by police said it is crucial for the identity of the officer to be made public for the sake of accountability.

“Having acted for many families, the trauma they suffer from having a family member killed and the need for a public airing of this traumatic event frankly trumps the concerns of the professional witness. And that's what he is, a professional witness,” said lawyer Julian Falconer. “His profession provides him the power to take a life and our system creates a process of accountability when one takes a life.”

Lawyer Roy Wellington, whose 15-year-old nephew Duane Christian was killed by Toronto police, echoed Jackie Baker's feelings.

“As a person with experience in this area, I can't stress enough: having an opportunity to face the person who took your loved one, to look him in the eye, to ask, through counsel, “Why did you make that choice?” and to see the response, is of immeasurable importance to the healing process. An inquest is the only practical venue for that to take place.”

The officer who shot Baker is concerned for his safety and that of his young family, according to an application filed in Superior Court in Kitchener. (While the gender is not revealed in the application, the publicly-available SIU report makes clear the officer is male.)

“The applicant was made aware there are credible reasons to believe the applicant’s personal safety could be jeopardized in the event the applicant’s identity was revealed to the public,” according to an affidavit from a legal assistant for lawyer Lucas O’Hara, who is representing the officer.

“The applicant was made aware of the fact that certain Facebook social media ‘posts’ have suggested violence, or even death, should be the form of retribution against police and specifically against the officer who shot Mr. Baker.

“The applicant is unable to simply ignore these threats to the applicant’s personal safety and must take these threats at face value, believing that a certain segment of the applicant’s community wishes to cause the applicant harm for the applicant’s involvement in the death of Mr. Baker.”

O’Hara did not return the Star’s request for comment.

No criminal charges have ever been laid regarding threats against the officer. He did not want to pursue charges because a criminal court case would reveal his identity, according to the affidavit.

“The applicant truly wishes this process were as simple as providing the applicant’s identity to assist a grieving mother and wishes the applicant did not have to bring this application,” says the affidavit.

No date has been set for the coroner’s inquest, which was first announced in 2016. A coroner had at first decided not to hold an inquest into Baker’s death, finding he had technically not been “in custody” when he was shot, which would have meant an inquest was mandatory under the law.

But following a Toronto Star story on that decision, the chief coroner decided to review the case and [ultimately ordered an inquest](#).

“I would say that it's a very close call,” said lawyer and former SIU director Howard Morton on the officer’s request to remain anonymous.

“Because on the one hand you don’t want to see the officer or his or her family harmed or harassed, but there is a far greater risk that if the public view the inquest as not being transparent, because certain things are being kept from them, then rightly or wrongly that could affect the public’s perception of the inquest process itself as being some sort of secret thing where all the evidence isn’t being brought out.

“And I think that’s the greater risk, even though I do see a risk for the officer and his family.”

Beau Baker, 20, had been suicidal and become dependent on alcohol in the last years of his life.

The night of his death, he 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 the SIU. 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.

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 SIU director Tony Loparco’s report, which cleared the officer of any criminal wrongdoing.

“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.”

Waterloo Regional Police supports the officer’s application and will be asking the court to be added to the court proceeding, said spokesman Insp. Mike Haffner. (The police services board, the police force’s civilian oversight body, was served with the application, but not the police service itself.)

“The service has, based on numerous online and social media threats directed towards the officer, as a result of the death of Beau Baker, determined that the threats were real. In addition, the publication of the member’s name would potentially put the member and their family in danger and/or targets of retaliatory attacks,” Haffner told the Star in an email.

“We do understand the wishes of the family and are very sympathetic; however, the publication of the officer’s name is not necessary to enable the inquest to do its job. Information surrounding the circumstances of Mr. Baker’s death and the ability for the coroner’s jury to make any recommendations can be accomplished without the name of the officer being made known.”