

THE BARRIE EXAMINER

'Very suspicious'

Brother of Elmvale man shot dead by OPP says he now fears the police

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J.T. McVeigh Photo -- Barrie, Ontario -- November 11, 2010 John Minty doesn't believe the whole truth was exposed in the shooting death of his brother Doug by an OPP officer in Elmvale in 2009

SPRINGWATER TWP. -- An Elmvale-area man says he now lives in fear of police more than a year after an officer gunned down his mentally challenged brother.

"My blood pressure rises anytime I see a police car now," said John Minty, a high school teacher in Elmvale. "It's not from anger, it's from fear.

"I'd certainly been a supporter of everything the police do until about a year and a half ago," he added. "Now I look at them completely different, very suspicious."

Doug Minty, 59, died from multiple gunshot wounds after being shot outside his mother's Elmvale home June 22, 2009, by Huronia West OPP Const. Graham Seguin.

The Special Investigations Unit (SIU) cleared Seguin because it said Minty was holding a knife as he approached the officer.

"Doug didn't go anywhere fast -- he had a completely different speed than you or I," said John Minty, who described the knife as a multi-tool with a two-inch blade.

The Mintys teamed up with the family of Levi Schaeffer, a 30-year-old schizophrenic man who was killed two days after Minty. Schaeffer was shot June 24, 2009, by a provincial police officer in a remote location north of Thunder Bay.

The families launched legal action, claiming officers in both cases were too slow in completing their notes detailing what happened. They say officers should be compelled to write their notes before the end of their shift.

There are also concerns that the provincial police union's lawyer represented both the officers who fired the fatal shots and witness officers, something the families say should be strictly prohibited.

However, a judge dismissed the case, saying it was a matter for the legislature, not the courts.

John Minty says he wants the rules changed so more families don't have to endure what his has been going through.

"We certainly disagree that it's a legislative matter," he said, "otherwise, it keeps getting passed along and nobody addresses it and nothing ever changes.

Lawyer Julian Falconer, who is representing the families, has filed a 13-point appeal claiming the judge erred on several points.

Falconer says the judge failed to see that lawyers and police officers colluded by creating two sets of notes, one for the solicitor and a second "approved" set that appears in their notebooks.

Falconer said the way police deal with SIU investigations has become common practice and has never been challenged in court.

"(It) is clearly a broken system," Falconer said, adding the vetting of notes and the sharing of lawyers "is simply not acceptable."

With the case being dismissed, the Barrie-based Ontario Provincial Police Association (OPPA) and former OPP commissioner Julian Fantino are seeking \$92,000 in court costs from the families.

"Past experience would suggest that they try to spend the families into submission," John Minty said. "We don't have an unlimited pocket of money to draw this out."

Pushing for legal costs has only salted the wound for the Minty family. John Minty points out that they aren't suing the OPP on a wrongful death claim; they just want police to follow the rules.

Phone and e-mail messages to OPPA president Karl Walsh were not returned.

In his ruling in the Schaeffer case, SIU director Ian Scott raised concerns that officers involved in the fatal shootings were having their notes "approved" by an OPPA lawyer before being turned over to the SIU. Information contained in the notes was unreliable, Scott said.

The SIU also said neither officer involved in the Schaeffer case provided the investigators with their first set of notes.

In a statement issued after Scott's ruling, Walsh said the association was "appalled" by the director's comments and his attempt to cast doubt on the officers involved in the Schaeffer case and the union's lawyer.

In June 2009, police were called to the Elmvale home after Doug Minty got into a physical altercation with a door-to-door water heater salesman who came to his mother's Lawson Avenue home.

John Minty says his older brother was settling in to watch television that evening.

"Ten minutes later, he's lying dead in the street," he said. "He wasn't a violent man."

Some of the things Doug Minty allegedly said to the salesman "are completely out of character for Doug," John Minty said. "If the account is true, what happened to completely change Doug on that day? We just can't believe it."

John Minty says one account has his brother reaching over and closing the knife as he lay near death with five bullets in his body.

"Would you believe it? Theoretically, I guess it's possible," he said. "That's not something I would do right before I died."

John Minty said he just wants the truth.

Some of the lingering questions for John Minty include why his brother's behaviour suddenly changed that June evening, how police interacted with his older brother, and whether anything can be learned from the incident.

"We'll never have that discussion," he said. "It boggles my mind that it could go out of control so quickly. The officer went from 'Hi, how are you?' to deadly force."

John Minty said he doesn't want another family to go through what his has.

"Any time you have a brother or a son shot by the police, it impacts us," he said. "It impacted the community and it certainly impacted the way we look at the police."

When Clive Minty, the family patriarch, died about 10 years ago, Evelyn Minty and her oldest son moved into Elmvale.

"It was supposed to be a retirement for him," John Minty said, adding his brother helped out on the family farm for many years.

Evelyn Minty still hasn't come to grips with her son's death.

"She's holding up as well as one would expect," John Minty said, "but you can hear it in her voice. Now she's alone in the house."

He described his brother as "a constant.

"Everyone else would leave, but Doug was always there on the farm," he said. "He was like a rock, always around. No matter how everyone else changed, he was always there. He was a calming influence on the family."

John Minty also misses his brief chats with his brother when he'd arrive at Elmvale District High School for work, just across the street from Evelyn Minty's home where she has lived for almost a decade.

Both Clive and Doug Minty are buried in the family plot at the Presbyterian cemetery outside Elmvale.