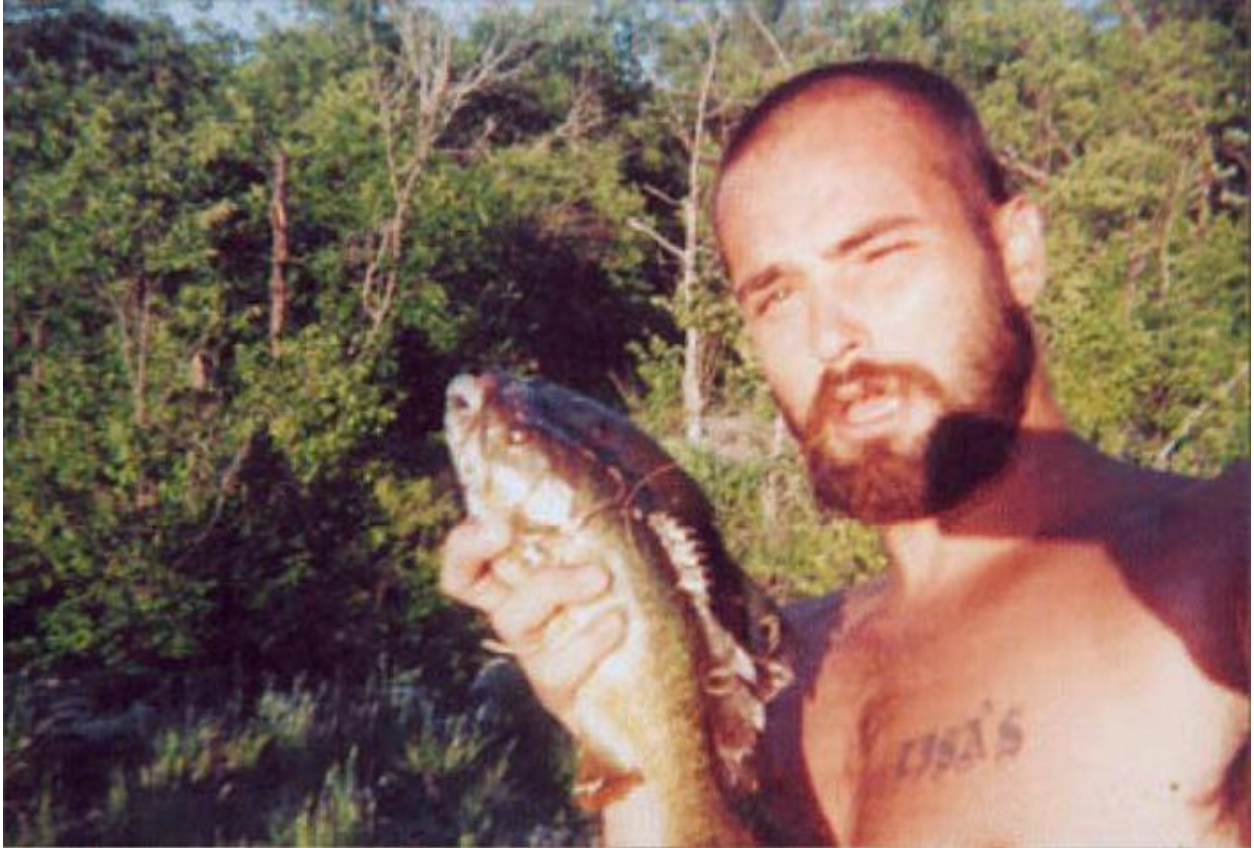


Families of shooting victims saved from hefty bill

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Levi Schaeffer was shot and killed by police in June 2009 after officers say he lashed out with a knife.

Michele Henry Staff Reporter

The families of two men killed by police will not have to pay \$92,000 in court costs to the law enforcement agencies involved in the fatal shootings.

Ontario court judge Wailan Low ruled Thursday that the families of Levi Schaeffer and Douglas Minty will not have to foot the legal bill after unsuccessfully taking police to court over procedural issues.

"I'm really relieved," Schaeffer's mother Ruth said. "I would have been absolutely devastated if we were penalized for asking questions about how our family members died."

Earlier this year the families asked a judge to decide whether three Ontario Provincial Police officers acted improperly by consulting with the same lawyer and delaying before writing

their official OPP notes in the aftermath of the shootings. Special Investigations Unit director Ian Scott had supported the family's action.

Justice Low dismissed the family's case, saying it was a matter for the legislature, not the courts. Her ruling this week settles the issue of court costs in favour of the families. The case is now before the Ontario Court of Appeal.

Minty and Schaeffer were killed in 2009 during separate confrontations with police two days apart. The police say the two men lashed out at officers with a knife.

"In my view this is not a case where costs should be awarded to the respondents (the police)," Low wrote in her brief ruling, which came less than three weeks after the costs hearing and two months ahead of the anticipated date.

Low said in her ruling that the officers "unmeritorious assertion of privilege" delayed the case and ran up the legal bill for the families and for SIU director Scott.

At the Nov. 10 cost hearing, lawyers for the families and Scott said they should not have to bear the financial burden of this litigation because they are "public interest litigants."

Low ruled it was unnecessary to determine whether they were in fact acting in the public interest when it came to deciding the costs.

Lawyers for former OPP Commissioner Julian Fantino and the Ontario Provincial Police Association, representing the officers, asked collectively for \$92,116.16.

OPPA lawyer Ian Roland declined to comment when reached by the *Star*.

Julian Falconer, acting on the families' behalf, said this ruling is a positive step toward greater police accountability.

"It's a very important recognition of the legitimacy of the issues they are pursuing," he said.