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Police board inquiry lacks power for full G20 review: former members



Anti-G20-summit protesters clash with police in downtown Toronto on 25, 2010. Kevin Van Paassen/The Globe and Mail

Board ‘should say its work will be inadequate or incomplete without other civilian [oversight] bodies coming forward,’ says Susan Eng

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Describing the Toronto Police Service Board’s planned civilian review of the G-20 summit as potentially “well meaning but misplaced,” former chair Susan Eng warns the exercise could become “muddled” unless its terms of reference focus tightly on the Integrated Security Unit’s command structure and the specific extent of Chief Bill Blair’s authority during the weekend protests.

“The panel should paint the bigger picture for us,” says Ms. Eng, adding that the board “should say its work will be inadequate or incomplete without other civilian [oversight] bodies coming forward.”

The board – which announced the review last week – has yet to reveal the panel’s terms of reference, a key document that will serve as the road map for the inquiry. Not content to wait for official action, a local G20 group, the Toronto Community Mobilization Network, Tuesday launched its own grassroots probe.

Many observers, including other former TPSB members, are skeptical about how far the panel will be able to go in its pursuit of answers from law enforcement agencies and government bodies that don’t come under the police board’s jurisdiction. The police board has no power to compel testimony.

“I don’t know what it’s going to be other than a very high level commentary,” says Toronto lawyer Jane Pepino, who served from 1982 to 1989.

“It’s strange to do an inquiry where it’s impossible to get all the facts,” adds Stan Mukach, an adjunct professor of law at the University of Toronto who served on the board in the 1980s. “How can you have an accurate story?”

As Ms. Eng points out, the most appropriate entity to perform this review is the civilian body that actually created and presided over the Integrated Security Unit, which managed all policing operations from a command centre in Barrie.

But city councillor Brian Ashton, who was a member in the early 1990s, feels the panel’s terms of reference should include a “360 degree” review that seeks answers about the role of every institutional participant, including federal and provincial law enforcement agencies, the city, the mayor’s office and even the TPSB.

If the panel can’t corroborate testimony because other orders of government won’t participate, that lack of co-operation should become part of the eventual report, he adds. “What they can do is require the Chief to outline his reflections and observations on what role the other services played and the power he had.”

By way of precedent, Mr. Ashton cites the so-called Junger/Whitehead inquiry, which the board conducted in 1990-1992 in response to concerns that then chief William McCormack had misused his authority to investigate misconduct allegations against two police officers. During that investigation, Mr. Ashton recalls, the board compelled the chief to explain his actions during a day-long session. “We were quite pointed, to the point where the chief was annoyed and upset.”

Given council’s strong support for Chief Blair, that kind of confrontation seems unlikely, and it remains unclear what role he can or will play in the review.

Another concern is the issue of artificially raising expectations, especially among protesters and other Torontonians who were upset about the mass arrests, observes Maureen Prinsloo, who chaired the board from 1995 to 1998. Her advice: “Don’t fool anyone about what they can do and what this hearing is going to be about....The board has to be clear about what its jurisdiction is.”

But that may be easier said than done.

Under the Police Services Act, the TPSB’s authority over the force does not extend into the nitty-gritty of how daily police operations are conducted.