

Book Reviews/Comptes rendus

MARGARET BEARE and TONITA MURRAY (Eds.), *Police and Government Relations: Who's Calling the Shots?* Toronto: University of Toronto Press, 2007, xiv, + 480 p., bibliography, index.

The 1995 shooting death of Dudley George at Ipperwash Provincial Park catapulted the issue of policing and politics into the public spotlight with considerable force. It also provoked yet another recapitulation of the fundamental grievances suffered by First Nations peoples in Ontario. The Ipperwash Inquiry was created to examine aspects of this event and arrive at findings and recommendations. The inquiry funded a symposium at Osgoode Hall Law School, York University, to consider the broad issues of police accountability. This collection of essays is the product of that symposium.

The six chapters making up this volume deal with aspects of the complex topic of police-government relations. Each chapter is organized around an academic paper on a specific facet of the subject, augmented with one or more commentaries. The core of each chapter is presented by someone widely regarded as an expert in his or her field. The commentators are competent critics, observers, or participants in the police-government continuum. Primarily these contributors and commentators are lawyers or legal scholars. On one level this is valuable. The interpenetration of police organizations and government agencies is complicated and signified through a coding system known as jurisprudence. However, this approach becomes a weakness in the overall enterprise. More on this point later as it is appropriate to begin by accentuating the positive.

The volume begins with a paper by Kent Roach, Prichard-Wilson Chair, Faculty of Law at the University of Toronto. Roach provides an excellent summary of the law relevant to police-government relations as well as a good sense of the historical context within which this body of law has arisen. He offers an outline of four models for understanding police-government relations. Roach's analysis is followed by a fascinating commentary provided by former RCMP Commissioner R.H. Simmonds, reflecting a practitioner's perspective. Roach provides the reader with a valuable sequence of highlights relevant to the question of police independence and how courts have responded to this matter. Much of the discussion turns on events and incidents that have involved the RCMP. However, Roach extrapolates to Canadian policing per se. He offers the caveat that distinctions raised by scholars and royal commissions may not hit the mark in the real world of politics. For example, it finally took the

probing eye of the late Mr. Justice Archie Campbell, during the Bernardo Inquiry, to surface the reality that police departments in Ontario were operating as though they were on different planets. As a result of this revelation, Ontario police services were compelled to abide by a regulation dealing with major case management that has improved police cooperation. Roach's typology for police-government relations ranges from full police independence to "governmental policing" which entails a higher degree of control. The full independence model is premised on considerable faith in the expertise and professionalism of police organizations. The governmental policing model places its faith in the peerless integrity of our politicians and their functionaries. Roach offers no final brief on which model is best suited to the realities of the Canadian scene.

The next chapter by Lorne Sossin, a professor at the University of Toronto's Faculty of Law, asserts a call for an apolitical and autonomous police service. Immediately this perspective falters. Common sense dictates that police organizations by their nature, evolution and etymology are fundamentally political entities. For Sossin, to be apolitical means to be removed from partisanship. To be autonomous means to enjoy a functional separation from government. Both of these ideals are posited as consistent with the highest standards of professionalism. This again leads to a difficulty. To remove the trace elements of partisanship from the real world of politics is like trying to obliterate the white or black stripes from a zebra and still have a zebra. Politics in its Hobbesian reality is shot through with parties, partnerships, pragmatism, and practicality. Policing cannot slip the halter of politics at the municipal, regional, provincial or federal levels. It is unreasonable to construct models that operate on so palpable a fiction. As to the question of autonomy (i.e., giving laws to oneself), it is dangerous to presume that Canadian police organizations are capable of this exalted quality. It is difficult to accept policing as a profession. If you go to the University of Toronto, you will find faculties of law, medicine, nursing, engineering, business, education, dentistry, and computer science. You will not find a faculty of police or policing. In fact, the closest thing you'll find is the Centre of Criminology, an institution not known for producing police officers or police executives. It is unreasonable to fantasize an apolitical and autonomous police service. It is possible to provide the "multiple and overlapping forms of executive oversight" (98) with clearer vision and greater coherence. The commentary by Alan Borovoy repeats a familiar refrain for the independent auditing of the police. Yet there is already in place a comprehensive system of audits and inspections carried out by police services advisors within the Ontario Ministry of Community Safety and Correctional Services. These "quality assurance audits" serve precisely the function that Borovoy requests and they have been the point of leverage for many changes in individual police services in Ontario. Wesley Pue's commentary hinges on the message that any scheme for regularizing or systematizing the relationship between politicians and police must be both accessible and understandable to the players.

Gordon Christie, Faculty of Law, UBC, prepared the third chapter which forms the heart of this publication dealing with the immediate context of

state-Aboriginal relations. When one considers the unique nature of Aboriginal issues within Canada, it is apparent that there is scope for special pleading. Along with the complication of land claims and treaty rights we are faced with layers of complexity well beyond the scope and understanding of ordinary police officers tasked with public order maintenance. When the essential legitimacy of the Canadian state is in question for Aboriginal peoples, it is hard to accept that police operational independence can have any meaningful content. The commentators on Christie's essay offer further observations about the incommensurable nature of government (including state police)-Aboriginal relations. Toni Williams, a professor at Osgoode Hall Law School; and Kim Murray, Aboriginal Legal Services of Toronto, are pessimistic about all engagements between the government and Aboriginal peoples, "given the political and empirical reality of systemic failure..."(175).

Philip Stenning, currently at the Research Institute for Law, Politics and Justice at Keele University, provides a thoroughly careful analysis of police independence and accountability. Stenning moves through the legal research that has issued from England and Wales, Australia and New Zealand. Noting the oft-repeated doctrine of Lord Denning in the Blackburn case, Stenning delves into the question of government control (i.e., a threat to police independence) and accountability. He makes the argument that functional police independence may exist within a framework of accountability. Stenning is comfortable with according police organizations relief from political intervention in their decision-making processes. However, any proscription is limited to a range of matters that mostly centre upon criminal investigations or law enforcement. He promotes a deeper understanding of the complicated interplay between police independence and political accountability. An excellent point is derived from the work of the Patten Inquiry on Policing in Northern Ireland which formulated a transition from "operational independence" to "operational responsibility" for the police. This is part of a growing recognition of the need to acknowledge that cooperation is more important to [post]modern policing than consent.

The late Dianne Martin, formerly a professor at Osgoode Hall Law School, prepared chapter four. Her focus is on police accountability mechanisms and principles in Canada. Martin begins with a reminder that the police are highly sophisticated when using law as a tool to put into effect their own operational and organizational ends. She also notes that the police are exceedingly adept at controlling information (or "facts") in their possession. She highlights the belief among police officers that they are over-regulated. In Ontario, the enactment of Bill 103 in May 2007 will see the establishment of an Independent Police Review Director and other changes to the public complaints process under the Police Services Act. Therefore, time will tell what impact this new approach will have in this jurisdiction. However, Martin provides the reader with troubling insights into the dysfunctional nature of relations between the police and civilian governing authorities through the lens of Toronto. It is dispiriting when one reviews the cases of Gordon Junger and Brian Whitehead as recounted by Martin. Here are two police officers who represent the epitome of un-

professional behaviour. Beyond the problems that Martin highlights with respect to police services boards and their efficacy, there remains a grey zone between the policy-making mandate of civilian governing authorities and the operational independence claimed by police executives. The commentator for this chapter, Susan Eng, was a high-profile chair of the Metropolitan Toronto Police Services Board during a tumultuous period in the corporate life of this department. She continues to have an interest in the reformatory role of police overseers and questions the power dynamics that persist in the police-government relationship.

Margaret Beare teaches sociology and law at York University. Her entry in this volume deals with the politics of policing. Beare begins with an assertion about the importance of an understanding of the workings of police organizations. She is concerned about issues relating to police professionalism and the demands made by police leaders on politicians to relieve them of accountability mechanisms. Beare makes important reference to the work of, among others, Robert Reiner. Reiner's important studies of policing in Great Britain are models of scholarship for the examination of these institutions. Certainly Reiner would support the argument that policing operates in a realm that is unremittingly and unrelentingly political. Reiner has also secured the kind of deep organizational understanding of British police through his research efforts. Beare traces some of the elements in the evolution of policing in Canada that warrant attention if one is to understand the larger political dimension. The commentary by Tonita Murray comes from the vantage point of a senior civilian manager within the RCMP. She makes the valid observation that police recruit training fails to pay enough attention to the relationship of police departments to government. Ironically, the Toronto Police Services Board attempted to interest the Ontario Police College in precisely this area recently and has seen their recommendation turned down. Apparently, the Ontario Basic Constable Training Program is "full" and cannot accommodate learning objectives that would speak to the essential principles of civilian oversight of policing in a democratic society.

This work concludes with a selection of transcripts from the public hearings held during the Inquiry. Here is where it is important to pick up the theme of the publication's inherent weakness. The editors, themselves, allow that these transcripts "...help to put police governance theories into perspective and suggest that sociological rather than a legal filter [sic] might be more helpful in finding resolution" (381). This observation is what the police call an "inculpatory" statement. Throughout this collection of essays it occurred several times to this reviewer that a more fundamental understanding of how police organizations actually operate at the functional level would be warranted. A clearer picture of how police executives interact with their respective civilian governing authorities in the day-to-day business of managing police departments would enlighten the jurisprudence sketched out in the various chapters. Again, with the exception of retired Commissioner Simmonds and retired RCMP civilian manager, Tonita Murray, all of our guides in this work are legal scholars relying upon the complexity and austerity of judicial decisions. What would have been a useful adjunct to this project is a form of analytical

ethnography of police-government relations drawn from actual experience within this dimension by a participant-observer well-versed in the dynamics of this organizational culture. The sociological perspective that might have been brought to bear on this issue would illuminate the legalistic one immeasurably.

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