

Margaret Beare and Tonita Murray, eds.

Police and Government Relations: Who's Calling the Shots?

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At a time where everywhere the rule of law appears to be either under fire or seized upon à-la-Dick Cheney as a cleverly modified weapon of mass destruction, a straightforward appraisal of the line between law (enforcers) and politic(al representative)s is most welcome. However, after reading *Police and Government Relations: Who's Calling the Shots?*, I came away with a deeper despair. As most if not all of the authors represented in this edited volume would agree, the landscape of accountability, police discretion, and the (false?) distinction between police operational autonomy and policy guidance is shadowed by a blinkered nostalgia for the power of legality and scorched by the boundary-blurring of “everything is political”.

This may seem too hard a point. But in reading this rather lengthy volume one has the distinct sense of moving between various *political* positions regarding the role and function of both police and other governmental representatives in a liberal constitutional democracy. Those positions already assume a good deal about the necessary relations. The value of checks and balances, for instance, is an almost elemental assumption. Redundancy is another: government should consist of redundant or overlapping decision-making entities. Transparency, of course, is a third: in an open society, police actions in particular, it is understood or assumed, should be comprehensively knowable by the polity. Yet, constructed as it is mostly as a dialogue between police practitioners, law professors, and those occupying the policy seat (for instance, Susan Eng as the former chair of the Toronto Police Services Board), one reads (with Wesley Pue) how hope for “the rule of law is [so] shot through with discretionary powers as to seemingly vanish into a rule of persons” (131).

Police and Government Relations consists largely of reports commissioned by Justice Sydney Linden of the Ipperwash Inquiry, an Ontario provincial commission that investigated the fatal shooting of aboriginal protester Dudley George by Ontario Provincial Police Tactical and Rescue Unit (TRU) officer Kenneth Deane during the occupation of Ipperwash Provincial Park by about two dozen Stoney Point natives in September 1995. The Ipperwash Inquiry's mandate included reporting on events surrounding the death of George and Commissioner Linden took the view that this included decision-making in and beyond the operations in the Park.

One key area of investigation was the day-to-day contacts between senior Harris government officials and the OPP incident commander John Carson, a relationship that taped recordings of communications from the police command centre made less difficult to ascertain. An important finding was that police have too few tools to handle such events *as* political incidents requiring, in one sense, partnerships and stakeholders in the development and implementation of a brokered solution. Police did not adequately consult First Nations spokespersons or representatives to negotiate a provisional peace. Indeed, it seems to this reviewer (and harkening back to the establishment of the Northwest Mounted Police), that as other agencies of government dodge the ball police will be confronted with having to field “politics by other means” more often. At Ipperwash, the first mistake police made was to give assurances to the Ministry of Natural Resources and then positively support their bid for an injunction to forcibly remove the natives from the Ipperwash Provincial Park. After having by this action cornered the political issue into a harder question of law enforcement, they found themselves untenably in a standoff with the authority of law itself.

One of the contributors to this volume, Kent Roach, notes that following the model of democratic policing, political interventions into police decision-making will need to be made more transparent. This is true. But it only underscores the bigger and more intractable problem of who should be made accountable for a series of chain-linked decisions that seem inexorable in hindsight and provisional and makeshift in real time (in this case quite transparent, due to the recordings). The officer who did the shooting received a million dollar payout from the OPP. The Linden inquiry cost about \$13 million. The OPP settled for \$100,000 to the George family. The officer who did the shooting received a million dollar payout from the OPP (as per the *Walrus*) before joining a private security firm and ultimately losing his own life in a car accident. If s/he who pays the piper calls the shots, the people of Ontario and the George family, while having paid dearly, may understand that in a liberal democracy there can be no one-to-one relationship between economy and justice.

All of this notwithstanding, this book is a valuable contribution to the scholarship of policing in Canada in general and to international scholarship on police autonomy, discretion and, of course, the more complex relation between the executive branch of government and police power. It offers a great deal of insight into what may be called best practices even if it leads one, as mentioned, to despair at the scope if not the possibility of the task. It is highly recommended.

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