

Toronto Star investigation highlights police brutality, rigged disciplinary system

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Over the past two weeks the *Toronto Star* has run a series of investigative reports examining the sanctions—or lack thereof—applied against police officers in Ontario cited for shooting, beating and running over civilians during the course of their duties.

Drawing on two decades of case files from the province's Special Investigations Unit (SIU), the agency responsible for investigating such incidents, the newspaper's reporters found that "Ontario's criminal justice system heavily favours police and gives officers breaks at every turn—from the SIU, which hardly ever charges officers, to prosecutors, juries and judges. Where civilians causing similar damages are typically prosecuted, cops walk."

Whilst these findings will come as no revelation to whole swathes of the province's working population, the investigation has drawn the ire of the law enforcement establishment. During their inquiries reporters faced obstruction every step of the way from the SIU, police officers and courthouse officials. And last week, the Toronto Police Association produced a press release calling the investigative reports "junk journalism" and "a cop bashing vendetta."

The *Star* found that since its inception in 1990, the SIU "has conducted at least 3,400 investigations and laid criminal charges after only 95 of them ... only 16 officers have been convicted of a crime. Only three have seen the inside of a jail."

In the first ten years of the SIU's existence, "only 22 officers were charged for excessive force offences ... of those, two were found guilty. Civilians by contrast are convicted of the equivalent charge 50 percent of the time." Even when police officers were found guilty in court, the *Star* found that on at least ten occasions the judge spared the offender jail time.

Although the SIU is purportedly a civilian agency, 47 of its 54 investigators are former police officers.

The investigative reports highlight several of the more egregious cases where officers killed or severely injured members of the public, yet faced little if any penalty. These included the traffic death of an elderly woman struck by a speeding cruiser that was

not involved in any emergency response; the severe beating of a suspect in custody in an interrogation room without any cameras; the shooting death of a 59-year-old mentally-challenged man holding a small, souvenir pocket knife; the killing of a schizophrenic man who threw a lawn chair; the repeated kicking and punching in the head of a hand-cuffed psychiatric patient; and the brutal assault of a mild-mannered accountant at a traffic stop.

In incidents such as these, the SIU was found to drag its feet in pursuing complaints or conducted shoddy inquiries. Police routinely refused to give statements to SIU investigators, and submitted "incident notes" days after the events had occurred.

Those who have followed the brutal conduct of police officers across the country will not be surprised by the *Star's* findings. The general public was horrified by the video-taped police killing by taser of Robert Dziekanski at the Vancouver International airport in 2007 and the subsequent decision of the British Columbia Attorney-General's office not to press charges. The same outrage followed the killing of Ian Bush in northern British Columbia who, while in police custody, was shot in the back of the head by an RCMP constable who also faced no charges.

And the wholesale suppression of democratic rights by the police on the streets of Toronto—abetted and supported by all levels of government—at the G20 this past summer shocked broad layers of the population. Protestors were kicked, bludgeoned, tear gassed, trampled by police horses and shot at with rubber and plastic bullets. Even prior to the beginning of the demonstrations, homes were raided in the middle of the night, without warrants being shown, in a series of "preventative arrests." Journalists covering these unprecedented events were arrested and assaulted. Those apprehended were hauled into primitive detention cages, strip searched, and denied legal counsel.

The police brutality and biased SIU and judicial investigations outlined in the *Toronto Star* series are not isolated problems—a question of a few bad apples spoiling the bunch. Unprovoked arrests and searches, the murder of unarmed and innocent citizens, racial profiling and abuse, favoritism to the police in the courts: these have become standard features of life in cities across Canada.

And it has also become standard practice for the authorities to

cover-up for these practices when they are exposed. In 2008 the Ontario Ombudsman issued a 121-page report denouncing the SIU for “police bias.” Ombudsman Andre Marin called the SIU a “toothless tiger” whose staff are loyal to a “police culture,” and “treat police witnesses differently from civilians.” The response of Ontario’s Liberal government was to effectively bury Marin’s report.

Police impunity and social polarization

In response to the Toronto Police Association’s attack on their journalistic integrity, Kevin Donovan, the *Toronto Star*’s Investigative Editor, opined, “We are not trying to make the police look bad. We are trying to make the system that probes police conduct work better.” But Donovan’s response entirely misses the point.

Police brutality is part and parcel of the onslaught on the working class.

Welfare “reform,” the cuts in healthcare and education, joblessness and skyrocketing rents have all created miserable conditions for millions of people, and the authorities have embarked on aggressive policing to maintain order under these conditions of unprecedented social polarization.

The home city of the *Star* is characterized by intense social polarization. The city’s financial elite has gorged on speculation, financial manipulation, tax cuts, and the profits from industry consolidation and rationalization, while Toronto’s working class population has had to contend with mounting economic insecurity, low-wage jobs and poverty.

In the period between 1990 and 2006 Toronto’s Gini coefficient—a measure of inequality where a value of 0 expresses total equality and a value of 1 expresses maximum inequality—increased from 0.29 to 0.47. In the 1970s fully two-thirds of Toronto neighbourhoods were classified as middle income. By 2005, only 29 percent of city neighbourhoods could be so classified. Similarly, in the suburbs around Toronto—the so-called 905 belt—middle income neighbourhoods declined by 25 percent in the same period.

Since the 2008 global financial collapse, conditions have only worsened in Canada’s most populous city. In 2009, 33,000 people were homeless sometime over the course of the year. Even after federal government stimulation spending, the official jobless rate hovers near 10 percent. For those who do have jobs, the average hourly wage has been virtually flat for two years, coming in at \$22.86 per hour in one of the most expensive cities in the world. Rental rates are so high that a quarter of a million households spend at least 30 percent of their monthly income just to keep a roof over their heads.

As Canadian society has become increasingly polarized, police impunity has been actively encouraged by the ruling elite.

Right-wing politicians like former Ontario Premier Mike Harris and Toronto Mayor-elect Rob Ford have promoted the police as

bulwarks of freedom, owed special respect and deference by civilians, trumpeted police calls for increased budgets and powers, and otherwise courted political support from the police. Their law-and-order campaigns, including against the homeless and squeegee-kids, have been aimed at diverting social anger in reactionary channels and justifying increased state repression.

The federal Conservative government of Stephen Harper has been in the forefront of this. With its anti-crime and anti-terrorism agendas, the Conservatives have brought forward a raft of reactionary measures, building up the national-security apparatus and criminalizing dissent as was seen at the G20 summit, attacking refugees, and repudiating notions of rehabilitation standard for most of the twentieth century. The Harper government has embarked on a crash prison construction program—even as the crime rate continues to drop—to accommodate the large numbers of new inmates resulting from its new harsher sentencing laws. The influx of new prisoners has already created a prison climate that “is increasingly harsh, tense and stressed” and that is “undermining ... rehabilitation efforts,” reported the ombudsman for federal prisons last week.

But law-and-order rhetoric has not been the exclusive purview of the neo-conservative Harper and rightwing populists like mayor-elect Ford. All sections of the political establishment including the social-democrats of the NDP have contributed to the expansion of police budgets and powers. Canada’s Supreme Court has issued a series of judgments in recent years reversing or restricting limits on police powers that it had introduced during the first two decades of rulings under Canada’s Charter of Rights and Freedoms. These include giving prosecutors greater latitude in the use of evidence police obtained illegally and the gutting of the rights to silence and legal counsel.

All sections of the ruling elite are united in bolstering the repressive institutions of the Canadian state, because they increasingly sense their isolation from and, fear of, the population at large. They recognize that there is only a narrow base of popular support for the policies of slashing public services, squeezing wages, and cutting taxes for the rich that have swelled their incomes and wealth over the past quarter century.

The egregious police actions and the sympathetic response to them from the SIU and the judiciary spot-lighted by the *Toronto Star* are testimony to the ruling class’s reluctance to rein in those upon whom it is increasingly dependent to suppress a population that is being pushed to the edge by the crisis-ridden capitalist system.



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