

## Duelling G20 probes may hinder each other

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**Robyn Doolittle** Urban Affairs Reporter

Public depositions in the Toronto police board's G20 review had barely began Thursday, when the proceedings were hijacked by news that a more powerful police oversight body would conduct its own investigation.

The newly-created Office of the Independent Police Review Director has launched a systemic review of police conduct during the G20 summit, including allegations of unlawful searches, arrests, improper detention and concerns relating to the temporary holding facility.

Unlike the Toronto board, the OIPRD has the legislative teeth to carry out a large-scale probe. It has the ability to summon sworn testimony and documents, as well as the powers of search and seizure.

By contrast, the Toronto board has none of these powers, nor does it have jurisdiction to interview police officers from other forces. And since many of the concerns surrounding the G20 involve the chain of command — exactly how much direction was the Toronto force getting from the RCMP and federally-led Integrated Security Unit — the board's investigative limitations have led many to doubt the effectiveness of a board review.

Now chair Alok Mukherjee is under pressure to drop his Independent Civilian Review.

"You need to steer clear of overlap of jurisdiction by simply backing off," lawyer Julian Falconer told the board. "Why would the taxpayer pay for another process to happen?"

It was a curious coincidence of timing, since OIPRD director Gerry McNeilly had not yet announced his intentions.

Citing his own experience leading a probe of violence in Toronto schools, which was released in January 2008, Falconer said the process would be hindered if two investigative bodies are asking the same people the same questions. He suggested police in Toronto may be less likely to cooperate with the OIPRD if its own civilian oversight board was conducting a similar review.

Not everyone agreed. Police accountability lawyer Peter Rosenthal was one of several who encouraged the board to proceed.

“You would be derelict in your duties if you don’t investigate this properly,” he said.

Afterward, board members voted unanimously to proceed with the review. Lawyer Doug Hunt, a former assistant deputy attorney general and head of the criminal law division, has been hired to evaluate the depositions and set the terms of reference.

Mukherjee recommended Hunt and McNeilly sit down together to ensure there is no overlap.

This is the OIPRD’s first large-scale probe and the first true test of its powers. The office was launched last October, four years after former Ontario chief justice Patrick Lesage declared the province’s system for reviewing public complaints against police was broken.

When reached by phone Thursday evening and asked whether he had concerns about a parallel Toronto probe, McNeilly hesitated, then said: “I need to ensure that there’s no overlap, that they’re not encroaching on my jurisdiction.”

As long as the Toronto review stayed away from police conduct, chain of command and policy there should be no issue, he said. But at least the latter two points will certainly be major components of Toronto’s probe.

Ontario Ombudsman Andre Marin has also launched a G20 probe, but one individual with knowledge of the office said Marin had quietly been asked to back off should McNeilly step in. He could not be reached for comment last night.

After the vote, Falconer said he was disappointed with the board’s decision.

“That the board would declare that they’re going to do the review anyway even before they have a scintilla of information as to the extent of the review of the independent director, simply adds fuel to the fire that this is more about damage control than anything else,” he said.

*With files from Jesse McLean*