

Police oversight questioned at Sudbury hearing



By Jim Moodie, The Sudbury Star

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In the summer of 2015, Andrew Loku -- a black father of five, with mental health issues -- was shot dead by Toronto police for refusing to drop a hammer.

Eight months later, the Special Investigations Unit, one of three arm's-length bodies in the province that oversee police, cleared the officer involved of wrongdoing.

"The government recognizes there are some serious issues involving these three bodies," said Justice Michael Tulloch last week, during a hearing at Cambrian College for a provincial review of the oversight agencies. "There are public concerns."

While the Loku case isn't the only example of a controversial SIU ruling, the public outcry around it largely spurred the current review, said Tulloch, who was appointed in April to head up the inquiry.

"There was a perception by a segment of the community that there wasn't any transparency with respect to the investigation and the ultimate decision not to charge the officer involved," he said. "There was a huge series of protests from the black community."

A black man himself, and a judge with experience at both the criminal and civil levels, Tulloch said his role is as "a totally independent reviewer."

Along with a small team -- including a facilitator, lawyer and communications specialist -- the justice is now touring Ontario to gather input, with Thursday's stop in Sudbury being the fifth of 18 public meetings.

Turnout for the session was small, but the handful of community members on hand seemed happy to have the opportunity to share their concerns.

Pascal Joseph, a native of the Caribbean who has called Sudbury home for years now, said his experience with local police has been largely positive.

"I was involved in setting up the race relations committee in Sudbury and was lucky to have chiefs whose hearts were in the right place," he said. "I think in Sudbury we have had a situation where, from my point of view, there is not as much friction between the community and the police."

It hasn't been perfect, however, said Joseph. He pointed to a situation when three or four young men were treated suspiciously by police downtown simply because of the colour of their skin.

"They had a business in the city centre and had every right to work there," he said. "They came outside and got hassled by policemen. I think if you get hassled, you should get some kind of apology from police, and there should be someone involved in the system to provide an objective look."

Apart from the SIU -- which investigates cases involving police where someone is killed, seriously injured or alleges sexual assault -- there are also the Office of the Independent Police Review Director (OIPRD) and the Ontario Civilian Police Commission (OCPC) that provide watchdog functions.

Danielle Robitaille, counsel for the review, said one of the themes that has arisen so far through consultations is "how little the public knows about these other two oversight bodies."

OIPRD is very important, she noted, as it fields all public complaints regarding police conduct, while the OCPC referees between police and municipal councils on budget disputes, among other matters.

While it is unlikely that all three watchdog groups would be folded into one, Robitaille said seeking efficiencies "is at the heart of the mandate" of the review, "with specific attention to overlap within these agencies."

The other main thrust is to ensure that investigations are transparent and public trust is fostered in the outcomes, she said.

At present, officers involved in SIU probes are not identified unless they are charged, Robitaille noted, but that could change if the review determines it enhances transparency and accountability without trampling on human rights.

John Mese, one of the Sudburians who turned out for the public meeting, said he had a beef with a local police officer and filed a complaint with the OIPRD, but had it rejected as "frivolous."

Mese said he was pulled over on the highway and fined for going 110 km/hr, even though he had his cruise control locked in at 109 km/hr and had been following the patrol car to begin with.

It wasn't the fine that bothered him so much, he said, as that when he argued the details of the charge in court, the police officer was dishonest about the speed he had been travelling and a judge "was incompetent because he didn't catch the perjury."

Robitaille said "frivolous" is one of the categories that the OIPRD can select in reviewing -- and effectively rejecting -- a complaint.

"To them it's frivolous, but to me it's not," said Mese. "It took me a whole year to get this frivolous case to court, and the judge wasn't competent. Both the cop and the judge were lying, which really got my goat. Two people lying doesn't mean they're right."

Mese said he had "no faith in the system" as a result of his treatment by the authorities and his experience in appealing through the OIPRD.

For Newton Addo, a Sudburian who emigrated from Ghana in 1967, it isn't so much his own experience with police that spurred him to speak out, as the fears he has for his adult children now living in southern Ontario.

"I have four kids who wanted to stay in Sudbury, but they are in Toronto now," he said. "And with what's going on there, every time I hear about something happening in Toronto, I get frightened."

He said his son works for the Toronto Ombudsman, and police with little, or no, justification sometimes checks him and friends of colour. "The reasons they give for stopping them are flimsy," said the father.

Addo said he distrusts the SIU process. "I'm not at all happy with what they are doing," he said. "They don't open up to the public to give us all the information concerning what's happening. We don't know the name of the police, and so forth. The result, I would say, is always biased toward the police."

Apart from fielding input from the public, the review team is also meeting with stakeholder groups in each community it visits.

In Sudbury, that included a session with members of the indigenous community, which often feels unfairly targeted by police. The review is also holding private meetings with representatives of mental health organizations.

Robitaille said many of the tragic situations involving police and a victim, like the Loku shooting in Toronto, have both race and mental health as components.

"That's an intersection we've spotted," she said. "There's a tragic history where people killed by police tend to be racialized and suffer from mental health issues. So we talk to those groups, and (the victims') mothers."

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