



## Book Reviews / Compte rendu

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### Kent Roach

*Canadian Policing: Why and How It Must Change*. Toronto: Delve Books, 2022. 267 pp.

The literature on policing in Canada is well developed, but under-populated by law scholars. Kent Roach, our most accomplished scholar of criminal law and public policy, has intervened in current debates about policing by offering something unique—a work that surveys four decades of inquiries and commissions, special investigations, case law, and legislation to render an extensive overview of Canadian policing that seeks to shed equal light on legal, political, and social facets of the subject. He concludes that policing here “needs to become less violent and discriminatory, better governed, and more effective” (p. 1). He offers overwhelming evidence for a decades-long prevalence of the over-policing of Indigenous, Black, and other minorities in Canada and a grossly disproportionate amount of police violence—often shocking in nature—against minorities in recent decades, with no sign of abating. His most pointed criticism targets the failure of civilian boards and councils to effectively govern and oversee police conduct due to an erroneous belief that only police can decide “operational matters.” Many illusions about policing here being better than in the United States—or not as bad—are dispelled. Not much hope for change is offered.

Roach makes his case for the “vicious circle of overpolicing and underprotection” (p. 25) by canvassing a lengthy history of inquiries and investigations into police violence, most involving racialized victims, women, and, more recently, Muslim Canadians—with countless recommendations ignored and forgotten, only to be reprised in later commissions. Another chapter looks at failures to impose accountability on police or to effectively reduce violent and abusive conduct. In one of the more striking passages in the book, Roach traces the impact of the Supreme Court’s 2001 decision in *Golden*, a case in which the Court refused to impose a warrant requirement for strip searches, instead setting out a series of guidelines. Three years later, Toronto police were “strip searching 37.4% of the more than 61,000 people they arrested” (p. 57). By 2015, this had increased to 40% of all arrests, a disproportionate number of whom were Black, Brown, or Indigenous. Deadly shootings by police have continued to increase in the past two decades, rising sharply in 2021—also involving a disproportionate number of racialized deceased.

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Parliament has been reluctant to regulate police conduct by codifying rules around stop and search, arrest, detention, and interrogation. Most of the new policing powers in the *Criminal Code* in the last two decades, Roach observes, have been limited to rules about when police must obtain a warrant to search. A wider range of police conduct ought to be codified in statute law, along with a more limited definition of police accountability—one drawing on the Supreme Court’s narrow definition in *Campbell*,<sup>1</sup> prohibiting interference only with individual investigations. Yet even this may not be enough to address the various issues of concern. Police boards are often filled by political appointments sensitive to pro-police positions, and both board and council members face the challenge of a limited understanding of policing and community safety strategies, even if they were further empowered.

A chapter on the costs of policing takes issue with the high average salary of police officers, questions the cost–benefit ratio of the status quo, and casts doubt on the sustainability of current budgets. Only a fraction of police calls involve crime. “It is far from clear,” Roach suggests, “that as we struggle with pandemic related deficits, Canadians will be able to afford to pay armed generalists making on average \$118,000 a year to respond to traffic or wellness calls” (p. 100). Forces should involve more social workers, paramedics, nurses and other unarmed support personnel, as part of a broader “de-tasking” of police.

Roach decries the “chronic underfunding” of Indigenous police services in Canada and the decline in the number of self-administered Indigenous police since the 1990s. Surveying their effectiveness across Canada in places they have been supported, he argues that “they hold promise both as a means to reduce well documented over policing, and under protection, and [...] allow policing to be integrated into broader approaches to community safety, and well-being” (p. 142).

A final chapter asks, “what is to be done with the RCMP?” The force is bloated, inefficient, and outdated, with a fraught history of sexual harassment and discrimination. Roach advocates dismantling its paramilitary structure and closing its boot-camp training depot in Regina, and building instead a “national policing college,” one “co-located within universities and colleges throughout Canada” (p. 168) that would foster a sense of professionalism, require higher credentials, and conduct research as well as teaching. Echoing commissions of years past, he suspects that, for structural reasons, change is unlikely to come from within the RCMP. But law reform can and should be made—adding use-of-force policies, narrower definitions of police independence, and more effective civilian oversight.

*Canadian Policing* is a balanced, well-informed, well-considered critique of contemporary policing, invaluable to both law and society scholars and to general readers.

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<sup>1</sup> *R v Campbell*, [1999] 1 SCR 565.