

Police chief faulted over hearing

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CALGARY HERALD

Calgary police Chief Jack Beaton did not have a valid reason to order a disciplinary hearing for a constable accused of criticizing him online to be conducted behind closed doors, a judge ruled Friday.

Court of Queen's Bench Justice Sheilah Martin said the hearing for Const. Taufiq Shah, to resume May 29, should therefore be open to the public.

"Chief Beaton's initial decision was to have a public hearing in Const. Shah's disciplinary action," Martin said in her decision.

"Chief Beaton should not be making future decisions in the public and private nature of this hearing."

Martin said the requisite level of balancing between protection of police investigative tactics and public interest did not occur

when Beaton reversed his decision.

She said there was a reasonable apprehension of bias, going to the validity of any decision made in such a hearing.

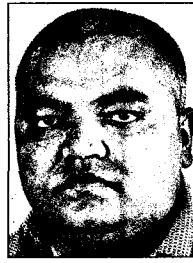
The Calgary Herald and CBC had challenged Beaton's decision to close the hearings to "preserve investigative techniques" and the privacy of individuals.

"This is a significant win," said Herald lawyer Scott Watson. "The public's interest in assuming accountability of the Calgary Police Service and how they police themselves has been recognized and rectified by this court."

City police lawyer David Steele said he was not authorized



Chief Jack Beaton



Const. Taufiq Shah

to make any statement regarding the ruling.

Shah's lawyer, Michael Bates, said he was happy with the decision, although it's still possible

someone else could determine some parts of the hearing should be held in-camera.

"It's always been Const. Shah's desire that this matter be open, so the public gets to see the validity of the process," said Bates.

Shah, who has admitted he authored a website in 2004 that was highly critical of Beaton, faces five internal charges, including discreditable conduct and insubordination. He has been suspended with pay since February 2006.

The website, which was quickly shut down, called Beaton a "bad apple" and described the chief's management team as "tyrannical."

It went on to list cases of alleged misconduct by unnamed officers that went uninvestigated or unpunished, and came at a time when the chief and the department were under fire following a 43 per cent increase in complaints against city police.

Shah, a Muslim of Pakistani origin, claimed he had been the target of racist taunts, intimidation and harassment.

The Calgary Police Commission dismissed Shah's complaint and ruled Beaton had not breached policing regulations. The chief subsequently launched a civil suit against a number of defendants involved in the website.

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