



# Canada Court Watch Report



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## Brampton Court officials threaten citizen with arrest for attempting to exercise his legal rights!

A Milton area father reported to Court Watch this past weekend that he was recently threatened and intimidated by police at the Brampton, Ontario courthouse for attempting to exercise his lawful rights as a Canadian citizen.

According to this father, on April 6, 2006, police officers at the Brampton court obstructed justice by threatening to arrest him if he attempted to bring his audio recording device into the court and to openly use it in his own court case as is permitted under law.

The use of personal audio recordings in court have been accepted for a number of years and have been acknowledged in many courts throughout Ontario, including trials.

Court Watch has attended courts in which parties were allowed to openly record their hearing using their own recording equipment.

According to the Law, specifically section 136 of the Ontario Courts of Justice Act, persons or their lawyers appearing before a court have the lawful right to record their own court hearing using their own recording device without having to argue this right.

In fact, the right of Ontario citizens to do their own recording in court was further reviewed and a directive approved by the Ontario Courts Advisory Council in 1989.

At that time, a practice direction was issued to the courts by Ontario's then Chief Justice, W.G.C. Howland, which stated the following:

**“the unobtrusive use of a recording device... may be considered as being approved without an oral or written application to the presiding judge”**

Instead of being allowed to peacefully and lawfully enter the court building, the father reported that he was met by a police officer at the security entrance to the court who after checking

his personal belongings told the father that it was illegal to bring his personal recording device into the court building and that recording was illegal.

Although the father attempted to explain to the officer about the rights of citizens under the Courts of Justice Act and to show him the Act, the officer refused to listen to the father or to consider what the law said.

It was clear that the officer was not familiar with the law and had no desire to better inform himself.

According to the father, the police officer then summoned a superior officer, a Sergeant Roberts, and in a derogatory manner, told Roberts that the father was being an “asshole”, in spite of the father's courteous and respectful conduct with the officer up until that time.

Roberts supported his subordinate's position and also said that the recording device would not be permitted into the court building.

It appeared that Sergeant Roberts knew no more than his junior officer about the law nor was he interested in knowing more.

Sergeant Roberts refused to make any inquiries to find out about the father's legal rights which as a public servant he should have at the very least had the willingness to do.

The father said that Sergeant Roberts explained that officers at the Brampton Court use the word “asshole” interchangeably with the word “uncooperative.”

Even though the father was being respectful of the officers, non confrontational and only attempting to exercise his legal rights as provided under the law, he was painted by officers as being uncooperative and labelled as an “asshole”.

The father indicated to Court Watch that it appeared that both officers did not know the law,

did not want to know the law and just seemed to be looking to create an incident so that they could arrest him and add some excitement to their day.

To further intimidate the father, when the police officer saw that the father was wearing a personal ID badge around his neck from his employer, that the officer reached over, grabbed the father's ID badge and pulled the father's head closer so that he could read the badge and then said in a sarcastic and unprofessional manner, "So you work for the Ministry of Education do you?"

The father was told that if he did not take his recording device back outside of the court that he would be arrested and detained.

It was a threat intended to get the father to forfeit his legal rights under law.

The Courts of Justice Act is clear on personal recording being allowed inside court and its interpretation clarified by the highest authority.

Clearly, Sergeant Roberts and his junior officer were obstructing justice by denying the father his lawful right to take his recording device into the court for his own court matter.

Telling the father that he would be arrested for having a recording device is clearly abuse of police power and reminiscent of tactics used in Communist Russia and Nazi Germany.

Clearly, the citizens of Ontario have the reasonable right under law to record their own court hearing and clearly officers of the court are supposed to obey the spirit and intent of law and ensure that the rights of citizens under the law are protected.

Court security officers at the Brampton court have stepped out of the bounds of the Law and by their actions are making a mockery out of the Administration of Justice.

Their actions are mocking our elected Members of Parliament who enacted these laws for the good of all the citizens of Ontario and for the protection of our democratic rights and freedoms.

It seems as is some officers at our courts need to be reminded as to their fundamental duty to serve the citizens of Ontario.

We have laws on the books to protect the citizens of Ontario which must be respected not

only in word but in spirit.

It is time for the Attorney General of Ontario, Michael Bryant, to quickly get on top of this situation and to take action to deal with these police officers at the courts who obviously lack training in the written law and the application of the law.

Other parents from other jurisdictions have reported being threatened by police at other courthouses in a similar manner as this father recently experienced in Brampton.

Citizens need to be protected from those over-zealous police officers who believe that they are above the law and can bully people without any consequences.

The use of shoulder mounted audio recorders by officers or "constable cams" as is now being employed in Britain would solve the problem very inexpensively and effectively.

We see disrespect for the law growing everyday with the use of violence and guns increasing, especially by young people who have lost all respect for the law and for authority.

Court Watch has had many children call into our help line and report they no longer trust police and CAS workers simply because those in authority are not being fair or upholding the law.

But how can we expect our young people and our immigrants to have respect for the law, when the very authorities responsible for upholding the law for the citizens of Canada fail to do so and by their own actions violate the law.

Every parent whose rights are violated by authorities is going to tell their family, neighbours and friends as well as their children.

Children will grow up remembering how their parent told them that justice in Canada's courts is nothing but a joke to be ignored with impunity by police officers and judges.

These are the kids who will grow up with no respect for the law, no respect for the authorities and very little, if any, respect for Canada.

Once respect for the police and the courts breaks down, then the breakdown of law and order will follow, just as we are now witnessing in France.