

Statement by Mr. Chad Wells regarding the harassment of protestors by police at the Bracebridge, Ontario courthouse on November 10th, 2011

On Thursday November 10th 2011 at about 10:50 am, I arrived at the Bracebridge Courthouse to attend a rally in front of the courthouse in support of government oversight of Children's Aid Society (CAS) and to bring to the public's attention some of the harm being caused to children and families as a result on the incompetent decisions of Justice Tom Wood who is a prominent judge at the Bracebridge, Ontario court. About 18 participants attended at the peak of the protest, some of whom having been adversely affected as a result of the CAS and Justice Wood. As part of our efforts to ensure an accurate recording of the protest we set up video cameras and signs across the street from the courthouse (west side of the street). Several of the participants also carried cameras.

A few minutes after we arrived and set up our video cameras and signs, at approximately 10:57 am, I observed Carolyn Wentworth (Supervisor of Court Operations) come out of the south doors of the courthouse and stand on the street to observe the protestors on the other side of the street.



Photo 1

Protestors standing on the sidewalk opposite the Bracebridge, Ontario Courthouse. Chad Wells is seen in the center of the photo. The person taking photos from the street is a reporter from the local newspaper.

After seeing Ms. Wentworth outside of the courthouse on the other side of the street, I called her to come over to where I was standing with the protestors so that I could speak with her. She came over to speak with me. In light of my previous false arrest in front of the same courthouse by OPP officer Conway, I wanted Ms. Wentworth to see exactly what I was carrying with me so that there would be no misunderstanding and no further false arrests. I was carrying a black folder with me and showed Ms Wentworth everything that I had in the folder. I showed Ms. Wentworth the following:

- 1) A copy of the Canadian Charter of Rights and Freedoms which I had obtained from the Canadian government.
- 2) Two (2) separate petition forms to the Ontario Legislature. One was regarding oversight of CAS by the Ombudsman of Ontario and the second was regarding that CAS workers be required to be registered with the Ontario College of Social Workers as the law requires them do so under the Social Work and Social Work Act (1998).

- 3) An investigative report on my unlawful arrest by OPP officer Conway on May 12th 2011 at the Bracebridge, Ontario courthouse which was published by the Family Justice Review Committee.
- 4) Six (6) pages of notes that I was intending to refer to during the protest.

Ms. Wentworth looked over all of the items that I had in my possession and indicated to me that what I had in my possession was OK for me to have. I did give Ms. Wentworth blank copies of the 2 petitions I had on me at the time for her records. Ms. Wentworth thanked me and then returned to the courthouse.



Photo 2

Shown to the far right side of this photo is Mr. Chad Wells speaking to courthouse supervisor Ms. Carolyn Wentworth. Mr. Wells has his binder open and can be seen showing Ms. Wentworth the documents he had with him outside of the courthouse

During my short interaction with Ms. Carolyn Wentworth she told me at least twice to stay on the side of the street opposite the courthouse that we were already set up on. Ms. Wentworth stated that if any of the protestors crossed the street and came over to the public sidewalk that was immediately in front of the courthouse that those protestors would be arrested. The side of the street Ms. Wentworth was referring to was closer to the courthouse but still public property, so I'm not sure why she indicated we would have been arrested if we went over there. Ms. Wentworth clearly made implied threats that those participating in the protest would be arrested if they walked on to the public sidewalk nearest the courthouse.



Photo 3

Protestors standing on the sidewalk opposite the Bracebridge, Ontario Courthouse. Video cameras were used to accurately record events and to provide protection from unlawful arrest by police as was the case on May 12, 2011

A few minutes after I finished speaking with Ms. Wentworth, at approx. 11:10 am five (5) uniformed and armed OPP police officers came out of the courthouse. Initially, three of the

officers crossed the street to where the protestors were peacefully assembled (Photo 3). Two officers, including Officer Ted Conway remained across the street (Photo 5). The OPP officers attempted to intimidate the protestors by telling them that they could not shout loud or use the bullhorns as part of the peaceful protest.

The appearance of so many armed police officers for such a small crowd of protestors was clearly intended to confront and intimidate the protestors. One or two officers could have done the job of reminding protestors of the rules just as easily. One of the police officers even taunted one of the protestors by remarking why he had to “hide” behind his sunglasses. The remark was clearly unwarranted and clearly said in a manner designed to provoke a confrontation between police and the peaceful protestors. The same officer also told us that what we were doing was “against the law”. At one point when I was speaking to the three officers, Officer Conway came across the street to listen in to what was going on (Photo 6).



Photo 4
Two of the five OPP officers who confronted peaceful protestors on the public sidewalk across from the Bracebridge, Ontario courthouse.



Photo 5
OPP supervising officer Brenda Bell stands in front of the protestors. Two police officers are across the street and two other police officers are to the left of this photo but not shown. Officer Ted Conway is across the street in this photo.



Photo 6
OPP officers approach Mr. Wells and issued veiled threats by telling the group that what the protestors were doing was “against the law”. Officer Conway is the officer standing on the road in the background with no police cap on. Officer Conway has moved from across the street (photo 5) and was listening in on what was being said by Mr. Chad Wells.

At approximately 11:17am I approached Officer Brenda Bell who is the OPP liaison officer within the Bracebridge, Ontario courthouse. I indicated to her that I had already spoke with Ms. Carlyon Wentworth and asked her if she knew who I was. Officer Brenda Bell indicated that she knew me. At this time I showed Officer Bell all the items that I had in my possession at the protest and told her I did not want any confusion because I had already been falsely arrested the last time I was at the courthouse. Officer Bell indicated to me that I was allowed to be there as long as I was not distributing fliers. I indicated to officer Bell that I was not handing out any fliers and I did not at the last rally as well and that was why I wanted her to see exactly the items I had on my possession at the time. After I showed Officer Bell all my items I had in my possession and I told her again that I just wanted her to know that I do not have any fliers on me. She indicated to me yes, and she knows. She then left.

Shortly afterwards an OPP officer by the name of James Reading approached me and spoke to me off to the side of the parking lot. He gave me one of his business cards. While Officer Reading acted in a polite manner while speaking with me, he did convey a message to the protestors from Mr. Justice Wood who was inside the courthouse and said that Justice Wood had given his “approval” for the protest outside.



Photo 7
OPP Officer James Reading speaking to Mr. Chad Wells in the parking lot. Officer Reading says that Justice Wood gave his approval for the protest outside of the courthouse.

Officer Reading stated that as long as the protest was peaceful that the police would respect our rights to protest. I did not understand what Justice Wood’s approval had anything had to do with the protest as the right to protest is guaranteed under the Canadian Charter of Rights and Freedoms and did not require any approval of any judge.

It seemed quite apparent that the OPP officers were in communication with Justice Wood and somehow were under the impression that Justice Wood had some kind of authority over peaceful protestors on the street. Officer Reading and the other officers returned to the other side of the street and basically left the peaceful protestors to continue on.

At approximately 12:00 pm I was approached by Neil Etienne, a local newspaper reporter who asked to interview me about the protest. I accompanied Mr. Etienne a short distance into the parking lot across from the courthouse. Two investigators from Canada Court Watch, Mr. Vernon Beck and Mr. Attila Vinczer were both present at this time as they were speaking to the newspaper reporter as well. Mr. Etienne had heard that I had been previously arrested on May 12th 2011 by Officer Ted Conway for allegedly distributing flyers about the children's aid society outside of the courthouse and wanted more information about the previous false arrest.

At the very same time, Mr. Etienne was interviewing me about the protest and my previous arrest, a father who had been victimized by Muskoka CAS and Judge Wood came over and asked to speak to me. I handed the 37 page document titled, "**Report on the arrest and detention of Mr. Chad Wells on May 12, 2011 at the Bracebridge, Ontario Court of Justice**" and told Mr. Etienne that he could look the document over while I spoke to the other father over by his car.

I had not walked away for more than a minute when I looked over to see Officer Conway standing in front of the newspaper reporter as well and Mr. Beck and Mr. Vinczer. I immediately went back to where Officer Conway was standing with the three reporters. I noticed that Officer Conway now had the document which I had given to Mr. Etienne in his hand. I told Officer Conway that the document he had taken was not a flier. As if to make fun of a serious matter, Officer Conway responded by laughing and telling me that I had better hope that it was not a flyer. Officer Conway continued to laugh at me and said that he was "watching" me. In my mind his statement about watching me was an implied threat against me personally.

I then asked Officer Conway if he had a copy of the document he had just taken from Mr. Etienne as this had been previously filed with the Office of the Independent Police Review Director. Officer Conway indicated that he had not seen the document. I then told Officer Conway that I could provide him with a copy of the document if he would like a copy.

OPP Officer Conway stated in a very intimidating manner that I should be careful about handing out any information around the courthouse. Officer Conway told me that I knew how "the game" is played as if to infer that this entire situation of handing out flyers and arresting citizens for peaceful protest was some sort of game.

I reiterated to Officer Conway that my document which he had somehow taken from the newspaper reporter was not a flier and told him that I had just passed it to Mr. Etienne to read to answer the questions he had about my arrest. Officer Conway stated that the report was still "information" from myself as if to infer that allowing the newspaper reporter to look at the report in the parking lot was somehow a violation to the court order which prohibited me from handing out information flyers to the public within 100 meters of the courthouse.

I asked Officer Conway if I was going to be arrested and he indicated that I was not but that this incident would be brought up at a review of this matter in the very near future. It

was very clear to me that Officer Conway was taking matters personally and was grasping at anything he could to somehow get me into trouble with the law. I told Officer Conway to give me my document back. I hoped that Officer Conway would do the right thing and give me back my property but unfortunately he did not. At that point and in front of three witnesses, Officer Conway told me he was “seizing” my document. He then took the document which he had “seized” and went back inside the courthouse with my document. Clearly, Officer Conway was in a confrontational state of mind. I got the strong feeling that Officer Conway was trying to provoke a reaction by taking my document by force which he had absolutely no right to do.

Summary

Overall, at the end of the day, I was left with the distinct impression that the five (5) OPP officers who had come outside of the courthouse to confront protestors, came outside not with the intent of keeping the peace and building respect between police and the public, but came outside with the purpose to misinform, to intimidate and to confront the peaceful protestors in an attempt to get the protestors to yield their Charter rights and to keep them distance from the courthouse.

Warning the protestors that they would be arrested if they crossed the street and stood on the other public sidewalk was an abuse of power and authority and a implied threat against law abiding Canadian citizens who were only trying to improve on the justice system. The entire issue could have be just as easily handled by Ms. Wentworth coming out and giving the protestors a list in writing outlining the rules which the authorities expect protestors to abide by outside of the courthouse if they are not to be bothered by police. Five armed officers coming outside of the courthouse to confront and threaten protestors was unwarranted and a waste of taxpayer’s dollars. This unnecessary show of force by police only fuels disrespect for authorities.

I was especially singled out and harassed by OPP Officer Ted Conway who unlawfully seized my personal document even after I had gone to the extra effort to show the documents I was carrying with me to the courthouse supervisor, Carolyn Wentworth (Photo 2) and to Officer Brenda Bell at the beginning of the day. Officer Ted Conway was the same officer who wrongfully arrested and handcuffed me on May 12, 2011, claiming that I was unlawfully handing out flyers to inform the public about the Children’s Aid Society then as well. I believe that OPP officer Ted Conway has taken this matter personally and has violated his professional obligations as a police officer. He should be reined in and reminded of his duty under the Police Services Act to protect the public.

In light of Officer Conway’s previous false arrest of myself and my subsequent complaint about him which was currently ongoing, Officer Conway should have kept his distance from me and simply let the other officers deal with matters. Instead, Officer Conway chose to leave the courthouse, cross the street, approach me without just cause and to interfere in my private matters and private communication with journalists in the public parking lot across the street from the courthouse. In light of the investigation by the OIPRD into the conduct of Officer Conway, I believe that Officer Conway wanted to find out what I was talking about to reporters in case it was about himself.

I also verily believe that Justice Wood had something to do with the police harassment as Officer James Reading specifically made mention that Justice Wood had given his “approval” for the protest. Members of the judiciary and the police are separate branches

of government and are supposed to be working completely independently of each other, not consulting or providing advice to each other behind the scenes over the activities of peaceful protesters who are on public property. The police are supposed to know their jobs and to know the law. They should not be asking Justice Wood for directions or approval on anything concerning activities outside on in the public realm.

The use of public spaces, including those outside of our courthouses, are supposed to be administered in accordance to the laws of Canada and within the framework of the Canadian Charter of Rights and Freedoms, not in accordance to the personal whims of any police officer or under the personal approval of any judge, including Justice Wood of the Bracebridge, Ontario courthouse.



Chad Wells

November 15, 2011

Date