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The Honourable Chris Bentley, Minister of the Attorney General
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Dear Minister

RE: Unlawful arrest and forceful confinement of myself by court security and police at the Toronto Court over my attempt to lawfully record my own court hearing

Earlier this year on February 26, 2010 I attended the College Park Courthouse at 444 College St. in Toronto to represent myself at my own court hearing. After being called up before the judge at the front of the court, I began to unobtrusively audio record my court hearing using a digital recorder which I held in open view in my hand in accordance to section 136(2)(b) of the Ontario Courts of Justice Act which reads:

Exceptions

136.(2) Nothing in subsection (1),

- (a) prohibits a person from unobtrusively making handwritten notes or sketches at a court hearing; or
- (b) prohibits a lawyer, a party acting in person or a journalist from unobtrusively making an audio recording at a court hearing, in the manner that has been approved by the judge, for the sole purpose of supplementing or replacing handwritten notes. R.S.O. 1990, c. C.43, s. 136 (2); 1996, c. 25, s. 1 (22).

In previous years, I had unpleasant experiences with the court system and felt that recording my own proceedings under the Courts of Justice Act would be helpful. One thing I noticed in the family courts was that lies were rampant. I had done research on the topic of audio recording in Ontario, including speaking to others who had lawfully used audio recording devices in the courtroom with the knowledge of the court. In addition to a copy of the Courts of Justice Act, I had with me at the court, a copy of the Practice Directive of the former Chief Justice of Ontario, W.G. Howland which stated:

”Subject to any order made by the presiding judge as to non-publication of court proceedings, and to the right of the presiding judge to give such directions from time to time as he or she may see fit as to the manner in which an audio recording may be made at a court hearing pursuant to s. 146 [now s. 136] of the Courts of Justice Act, the unobtrusive use of a recording device from the body of the courtroom by a solicitor, a party acting in person, or a journalist for the sole purpose of supplementing or replacing handwritten notes may be considered as being approved without an oral or written application to the presiding judge.” Chief Justice of Ontario W.G.C Howland

The main purpose of my court appearance was to discuss setting a date for trial. My appearance was very short. Being a bit apprehensive because of my past dealings with the court and representing myself before the court, I wanted to record my own court proceeding so as to make sure that I could review anything which might be said in my court, including what I said while it was still fresh in my mind when I got home. Having a recorder with me made me feel a more secure. I had learned from reading the Courts of Justice Act on the Ontario Government website that I did have the right to record my own court proceeding. I also had read about other people in Ontario who indicated that they had recorded their own court hearings in other Ontario

courts and that they had found the experience helpful. I represented myself as I could not afford to pay a lawyer and based on my previous unpleasant experience with family law lawyers, I felt that I could likely do a better job to defend myself than to have a lawyer.

Setting the next court date took only a brief minute and the judge started writing. Seeing as business seemed to be finished, I turned off my recording device while I waited for the judge to complete her paperwork. While I was waiting at the front of the courtroom, a security officer walked up behind me and interrupted the court in a manner which caught everyone's attention in the court. Obviously, the security officer had caught sight of my recording device in my hand when I turned it off. In a commanding voice before those in the court, the security officer stated to me that I was not allowed to record the proceedings and to hand my personal recording device over to him immediately. I refused to give him my personal property as I knew that I was allowed to use it in my court hearing under the Courts of Justice Act and I had lawfully used it. The security officer continued impose himself over me and repeated his order for me to hand over my audio recording device. I attempted to bring the unlawful conduct of the court security officer to the attention of the female judge but like a puppet, the judge just glanced up and repeated that I did not have the right to record my own court hearing and then looked away. The judge appeared to not care about the law, was not interested in at least discussing the issue in her court and clearly was not willing to support the rights of the citizens of Ontario as provided for under Section 136(2)(b) of the Courts of Justice Act.

As my matter before the court was compete, I attempted to leave the courtroom. As I walked toward the back of the courtroom, the security officer impeded my movement and again attempted to grab my personal recording device from me. The security officer followed me outside of the courtroom and into the hallway. Once out of sight of the judge and the public in the courtroom the officer obstructed me from proceeding any further and became even more aggressive in his attempt to force me to hand over my recording device. I told the officer to leave me alone and to let me pass and that the recorder was my property but the security officer would not stop blocking my way. A Toronto police officer who was standing just outside the courtroom saw the commotion being created by the security officer and joined in to support the security officer by grabbing my left shoulder. Firmly holding my shoulder, the Toronto police officer forcefully pulled me down the hallway with the court security officer on my other side. The Toronto police officer indicated to me that if I provided any resistance to being forcefully directing down the hallway, I would be arrested. I felt as if I had no other choice except to obey. As the police officer forced me down the hallway, he stated several times, "do you want to be arrested?" At that point I was fearful for my safety and felt that if I did not do as I was told that the officers would arrest me and fabricate some kind of false charges against me. Certainly police have been known to falsify evidence in order to arrest people.

I was forced against my will down the hallway past the elevators and then into another hallway which led to a private area just outside of the security office. Other officers joined in and at this time I was now surrounded and cornered by 6 officers. I was completely alone and isolated from any members of the public. I was very scared with 6 officers surrounding me clearly with the intent to bully and intimidate me. At this point I attempted to show the officers the Courts of Justice Act and the documentation I had and to explain that I had the right to record my hearing. One officer responded, "You don't have any rights. We are going to arrest you!" One officer came forward and physically took my recording device from my hand. The officer then took my recording device into the security office area. I was still cornered in the hallway by three remaining security officers and one Toronto police officer. Like thugs they had me trapped and cornered and out of sight of any witnesses. I believe that this portion of the hallway was likely out of sight of any cameras so that nothing the officers did to me would be caught on security video.

After being detained against my wishes for about 15 minutes in the hallway an officer came out and then told me to come into the security office. The 4 officers in the hallway followed me in. In the security office there were about 15 to 20 people working. A couple of the plainclothes officers came over and started making insulting, off the cuff remarks to me as if to make a joke of my detention and arrest. They acted in a rude and arrogant manner, clearly intending to provoke and intimidate. Up to that point I had been threatened about 10 times by the Toronto police officer who had forced me down the hallway. In my opinion these

security people at the court are nothing but thugs and bullies who get pleasure in abusing their power and authority in the secrecy of the courthouse.

At one point, one officer brought out a document and compared it with information I had. On the paper they gave me Section 136 (1) of the Courts of Justice Act was highlighted. They ignored Section 136(2)(b) which clearly indicated that I had the legal right to audio record my hearing. The officers chose only to read what they wanted to read and were not interested in listening to reason nor interested in respecting the rights granted to citizens under Section 136(2)(b) of the Act.

One officer brought my recording device over to me and then ordered me to erase the recorder in front of him. It was obvious that the officers had attempted to tamper with my recording device by erasing my hearing but were unable to figure out how to operate the device and needed me to operate the device. Surrounded by police and security officers I was forced to erase my hearing from my personal recording device.

At that point four security officers surrounded me and escorted me to the elevator. The show of force was intended to embarrass and humiliate me before members of the public in the hallway. At the elevator one of the officers literally pushed me into the elevator as a final show of force against me.

I have not complained about this incident until now because I knew I had to go back to the same courthouse again. I felt that if I made a complaint that the officers would get their revenge on me should I return to the courthouse. Based on my experienced, it would appear that the security officers and police in the courthouse feel that they can get away with breaking the law and abuse member of the public within the confines of the courthouse. After all, most members of the public would never suspect officers inside the court to be abusing their power and authority and breaking the law with such boldness. I no longer have faith in the administration of justice at this courthouse and now fear for my safety should I have to enter that courthouse. Members of the public should not feel afraid to enter a courthouse.

As troubling as this most recent incident is, this was not the first time I have been accosted and threatened by officers of the court. Back in 2005, I attended the family court at 311 Jarvis St. and in a similar manner as in February of this year I recorded my own court hearing using a tape recorder on the table in front of me. I appeared before a Justice Weagant. My tape recorder was in full view of the court. While I was not accosted in the court as I was in February of this year, shortly after I left the court I received a call from my lawyer advising me to return the tape to the court or else the court was going to have be charged for contempt of court. I was told that if I did not return the tape to the court that I would be fined \$500. Not knowing about my rights as much back then, I complied and returned the tape. Shortly after I returned the tape I was notified that a hearing had been conducted in my absence and that \$500 in "court costs" were awarded against me. I was on disability at the time and was using a legal aid lawyer and everyone knew that I could not pay for these "court costs". As far as I am concern, these alleged "court costs" were the mechanism by which the court system could punish me and yet make the penalty look legitimate.

I did some research on the Internet and found that I was not the only person having issues with Justice Weagant. I found video testimony in which it a citizen of Ontario alleged that transcripts from Justice Weagant's court were altered in the court at 311 Jarvis St. in Toronto. That person recommended that all parties record their court hearings.

As a citizen of Ontario all I can say is that I am utterly disgusted with the way in which I was treated by security staff and Toronto police at the courthouse during my last appearance on February 26, 2010. I was arrested, detained, physically assaulted, threatened, bullied and treated with utter disrespect by court security and police officers in the very place where Justice is supposed to be served. Even the judge turned her blind eye to what was going on when I kindly asked for her help in the court. Both of my experiences have caused me to believe that the courts are using bullying tactics to strike fear in the minds of the citizens of Ontario and by these actions of court officers are putting the administration of justice into disrepute.

To fix this problem of the Courts of Justice Act being violated and citizens rights being trampled upon, I would kindly ask that the Ministry take steps to stop the abuse of the citizens in the courts by officially

advising judges and court officials that section 136(2)(b) of the Courts of Justice Act is to be respected. The misleading signs in the courthouses which indicate that recording is not allowed should be removed and replaced with signs which properly inform the public of their rights.

I would strongly suggest that the Attorney General take steps to have all security officers in the courthouse be required to wear shoulder cams at all times to video record their activities in the courthouse during the day. Such a step will help to put an end to the violations of the law by these over-zealous court security officials who feel that they can get away with breaking the law and to intimidate and harass the citizens of Ontario with impunity.

The recent public protests in Toronto over the abuse of power by Toronto police clearly indicate that the public is losing confidence in the police and in the administration of Justice. I know that I am not alone when it comes to having my rights violated at the Courts. More and more stories concerning the abuse of children and families by our court system (most notably our family court system), are becoming known by the public. The problem of transcripts being altered by judges in our courts is no longer a secret. Justice Marvin Zuker was just one example of a judge altering transcripts that happened to make national news.

Reaffirming the right of parties before a court to audio record their own court proceeding as allowed under section 136(2)(b) of the Courts of Justice Act and removing those misleading signage at the courts would go a long way to restoring public confidence in the administration of justice at our courts. Even now, I feel that should I have to enter this same court building again, that court officials will target me and take revenge against me for writing this complaint letter to you. I believe that court officials at the College Park Court may go so far as to physically harm me and fabricate charges against me. Everyone knows this tactic has been used by police in the past. The citizens of Ontario should not have to feel afraid when entering the courts.

From what I have been reading over the Internet, the harassment of citizens by judges and court officials in regards to Ontario's Courts of Justice Act has been allowed to go on for years in Ontario in spite of this problem being brought to the attention of the Attorney General in the past. I have read about complaints which others have previously made to the Attorney General of Ontario and to other government bodies.

I appeal to you, Minister, to do what is right and just and to take immediate action to protect the rights and freedoms of the people of Ontario and to strengthen the administration of Justice in Ontario by ensuring that the rights of the citizens of Ontario to record their own court hearings is both recognized and protected.

I await your response.

Yours truly



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Premier Dalton McGuinty

Various members of the Provincial Legislature