

URGENT Appeal for Arrest - Criminal Code of Canada, s.122 - Breach of Trust by Public Officer

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April 25, 2021

We are writing, *with great respect*, to all of the Ontario Police Associations and Ontario Provincial Police, on behalf of our non-profit federally registered organization, Stand Up Canada. Our mandate is to educate Canadians to know their rights and how to defend those rights and civil liberties using the law.

URGENT: Plea to Arrest Doug Ford RE: Breach of Trust by Public Officer

This is an urgent appeal to Police to arrest Doug Ford for Breach of Trust by Public Officer, under [section 122 of the Criminal Code of Canada](#).

As a Police officer, you swore an Oath and Declaration of Principles. As concerned citizens and civil rights leaders, we are asking you to uphold that Oath and Declaration by arresting Doug Ford for his breaches and to not enforce the Ontario provincial regulations as listed below.

ENHANCED AUTHORITY

The “enhanced authority” granted to Police under [O. Reg. 294/21: ENFORCEMENT OF COVID-19 MEASURES](#) - made: April 16, 2021 (10:40 p.m.) and [O. Reg. 298/21: ENFORCEMENT OF COVID-19 MEASURES](#) - made: April 17, 2021 (5:40 p.m.) by the Premier of Ontario, Doug Ford, instructs all Police officers to violate their sworn Oath to uphold the Constitution of Canada, and their Declaration of Principles under their [Police Services Act](#), to uphold and safeguard the fundamental rights guaranteed by the [Canadian Charter of Rights and Freedoms](#). If section 2 of the O. Reg. 298/21 is enforced, Police will be violating sections 7, 9, 11(d) and 13 of the *Charter*. Many Police officers have stated they will not enforce this legislation. However, the simple fact that the legislation now exists to grant Police enhanced authority to breach their Oath, is the point of this urgent appeal. These new provincial legislations, while they may be legal, are in fact unlawful. Elected Officials cannot make laws which instruct Police to break their Oath to protect citizens. This is unconscionable and breaks all bonds of trust between the citizens of Ontario and Doug Ford, who is essentially pitting Police against citizens. **These Regulations are creating a Police State in Ontario.** Doug Ford’s actions deviate from any standard expected of an elected Public Officer, which is to foster and keep public trust. These actions are unlawful and warrant his immediate arrest for Breach of Trust by Public Officer.

Even the [Emergencies Act](#) states that special temporary measures, would be subject to the [Canadian Charter of Rights and Freedoms](#) and the [Canadian Bill of Rights](#) and must have regard to the [International Covenant on Civil and Political Rights](#), particularly with respect to those fundamental rights that are not to be limited or abridged even in a national emergency.

BREACH OF TRUST BY PUBLIC OFFICER

In connection with the duties of his office as the elected Premier of Ontario, with his authority to amend legislation in Ontario under the *Reopening Ontario Act*, Doug Ford committed four counts of Breach of Trust by Public Officer. This is a criminal offence under [section 122 of the Criminal Code of Canada](#).

First Two Counts - On Behalf of Ontario Citizens: One count per unlawful Regulation created by Doug Ford under his authority; the two Regulations noted above apply. The new Regulations now make interactions between the citizens and Police highly dangerous and further erode the already fragile relationship of trust between citizens and Police. Any hostile interaction that Police have with citizens will create complaints against the Police by citizens who will be able to substantiate their allegations of abuse of authority by Police, if Police enforce section 2 of the O. Reg 298/21. In turn this will lead to costly legal fees for citizens and the Police legal defence fund (citizens vs Police).

Last Two Counts - On Behalf of Police in Ontario: One count per unlawful Regulation created by Doug Ford under his authority; the two Regulations noted above apply. The new Regulations authorize Police to violate their sworn Oath to uphold the Constitution of Canada and to violate their Principles under their *Police Services Act*, to uphold and safeguard the fundamental rights guaranteed by the [Canadian Charter of Rights and Freedoms](#), by giving them “enhanced powers” under these Regulations to do so. *Police are supposed to be members of the community and the very fabric of our society* which earns trust and respect from citizens and thus, are true peacekeepers. The new Regulations seek to erode any possible trust left between Police and the citizens they have sworn to protect. If citizens do not trust Police to keep them safe, deliberate anarchy will erupt in Ontario with dire consequences for all.

SOCIETAL DISTRESS AND CONFUSION

For over 13 months, citizens have been in a constant state of fear, confusion, exhaustion and stress. These emotions have been further compounded by the continual and exorbitant changes that were made to

the *Reopening Ontario Act* (the *Act*). This *Act* was revised and republished two times since it came into force in July 2020. The *Act* contains 37 Regulations, of which there have been over 290+ versions, and in the current version of the *Act*, three Regulations (O. Reg. 8/21, 294/21 and 298/21) - *two are noted above*, are missing. Citizens are continually non-compliant with the Regulations because they cannot keep up with them and cannot find them. **290+ versions of Regulations, within less than a year, are not reasonable. Not listing the last three major amendments under the Act, is not reasonable.** How can Police justify ticketing citizens for non-compliance under the *Reopening Ontario Act*, when the current version of the *Act* is missing three regulations that citizens are being ticketed for? What has been created is an unfair, dishonest and non-transparent way of keeping the public reasonably informed of their rights. These actions demonstrate dishonesty to entrap citizens. The unfairness of these Regulations are notable signs of a corrupt government, a government that can no longer be allowed to govern in a free and democratic society.

The Reopening Ontario Act, has created a culture of snitches turning on each other to report allegations of wrongdoing under the *Act*. Citizens are being pitted against one another, condoned and encouraged by public officials. This is unspeakable. This *Act* is creating division amongst our friends and neighbours, and in our communities. And the collateral damage of closure to all “non-essential businesses” in Ontario, under the *Act*, is something our economy will never recover from. Does the fall-out of enforcing the regulations under the *Act*, instill faith and trust? The measures meant to keep us safe, are causing far more harm than good.

Police are not only peacekeepers, but citizens as well. Police and citizens share the same civil liberties, making uniforms irrelevant. Police are not above the law, nor are elected public officials. Police are sons and daughters, have spouses/partners, children, parents and grandparents who are also in need of the same protection from unjust laws. Our children go to school with yours. We worship together. We come together to celebrate life and death. *Together, as a community, we are stronger.*

This request is made given the above-mentioned concerns and facts. Please take into consideration the impact of not fulfilling this appeal as it would lead to the further eroding of our free and democratic society. Those doing harm must be held accountable for their actions.

We are anxious to receive your reply regarding our **urgent plea**.

Respectfully,

Paula Tucci and Shirley Guertin

Executive Directors
Stand Up Canada
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