

**OCCPS Complaint to  
Minister of Community Safety and Correctional Services  
The Honourable Monte Kwinter**

**Reason for Complaint**

1. Conspiracy to influence decisions & statements of my elected representatives
2. Attempt to interfere with Charter rights and duties of my elected representatives
3. Intimidation of my elected representatives

**Complainant**

Merlyn Kinrade

**Subject Officer**

Commissioner Julian Fantino, OPP

**Dated**

April 16, 2007

April 16, 2007

The Honourable Monte Kwinter  
Minister of Community Safety and Correctional Services  
25 Grosvenor St., 18th Floor  
Toronto, ON M7A 1Y6  
tel: 416.325.0408  
fax: 416.325.6067

Dear Minister Kwinter:

Please find enclosed my complaint regarding the actions of Ontario Police Commissioner Julian Fantino in attempting to influence and intimidate my elected representatives on the Haldimand County Council.

Please contact me should you have any questions.

Yours truly,

Merlyn Kinrade  
46 Kinross Street  
Caledonia, ON  
N3W 1J9  
905.765.5131

## **Complainant:**

Mr. Merlyn Kinrade  
46 Kinross Street  
Caledonia, Ontario N3W 1J9  
905.765.5131

## **Summary of Complaint**

I am complaining about the actions of the Commissioner of the Ontario Provincial Police who I believe has secretly conspired with Haldimand County Council to influence Council's decisions and/or public statements regarding the activities of private citizens who choose to legally and peacefully protest against the OPP's handling of the native occupation of the Douglas Creek Estates.

I am complaining about the actions of the Commissioner who I believe has attempted to intimidate my elected officials on Haldimand County Council – namely Councillor Craig Grice and Mayor Marie Trainer – for the purpose of influencing Council's decisions and/or public statements regarding the activities of private citizens who choose to legally and peacefully protest against the OPP's handling of the native occupation of the Douglas Creek Estates in Caledonia.

I am complaining that the Commissioner's actions are an affront to democracy and have caused me to lose confidence in the independence of my elected officials and in Haldimand Council as a whole.

## **Subject Officer**

Julian Fantino, Commissioner of the Ontario Provincial Police (OPP)

## Details of Complaint

I recently became aware of an email that was sent by Commissioner Fantino to Haldimand Council on April 7, 2007 in which he complains that Councillor Grice commended Gary McHale for his protests in Caledonia.

Carbon copies of this email were also sent to:

1. Katherine Ward (JUS)
2. Deborah Newman (JUS)
3. Tony Dean (CAB)
4. Peter Wilkinson (OPO)
5. Chris D. Lewis (JUS)
6. Bill Dennis (JUS)
7. John Cain (JUS)
8. D.G. McLean (JUS)
9. Angie Howe (JUS)
10. Chris Morley (OPO)
11. Paul Laing (JUS)

A copy of this email is attached. [1]

### **1. Conspiracy to influence decisions & statements of my elected representatives**

In his email the Commissioner refers to a secret agreement he claims to have entered into with Haldimand Council to control Council's decisions and statements regarding the activities of law-abiding citizens who have chosen to peacefully protest against the OPP's handling of the native occupation at the Douglas Creek Estates in Caledonia, an agreement that he believes was violated by Councillor Grice:

*"When I appeared before you several months back I came away believing that we had a mutual understand about the detrimental effect that McHale and his followers were having on Caledonia. I know that Councillor Grice has some personal issues that he finds particularly aggravating, however we never expected that he would fall prey to McHale's propaganda and it is now up to you as a Council to deal with the fall-out."*

### **2. Attempt to interfere with Charter rights and duties of my elected representatives**

In his email Commissioner Fantino criticizes Councillor Grice for his 'support' of Mr. McHale:

*"And now, apparently, we have Councillor Grice commending someone that he knows is a lightning rod for confrontation and potential violence. Just as troubling, Councillor Grice has now added another aggravating political dimension to his previous "anti-OPP" rhetoric."*

*"...comments such as those attributed to Councillor Grice are gravely detrimental to the morale and safety of my officers and much more."*

*"I know that Councillor Grice has some personal issues that he finds particularly aggravating, however we never expected that he would fall prey to McHale's propaganda and it is now up to you as a Council to deal with the fall-out."*

In addition to his heavy-handed threats against my elected officials Commissioner Fantino makes it clear that he has absolutely no regard for their Charter rights to speak out as they see fit in accordance with their duty to represent my interests as a citizen of Haldimand County:

*“I have no intentions of entering into a debate with Councillor Grice about Charter rights and freedoms of speech and the like...My primary concern is solely focused on preserving the peace in Caledonia and nothing more...”*

### **3. Intimidation of my elected representatives**

In his email Commissioner Fantino threatens Councillor Grice and Haldimand Council in an attempt to silence them:

*“...in the context of the latest comments attributed to Councillor Grice which have the real potential of further inflaming an already volatile situation for the police...I feel a sense of duty to advise you that going forward, in the event any of my officers are injured as a result of further forays into the community by McHale and his followers my position in response will be the following:*

- 1) I will publicly hold accountable Councillor Grice AND Haldimand County along with McHale;*
- 2) I will support any injured officer in the pursuit of civil redress;*
- 3) I will forward the ensuing related costs of policing to Haldimand County, and*
- 4) I will strongly recommend to my Minister that the OPP contract with Haldimand County NOT be renewed once the current contract expires.*

#### **Reaction to Mr. Fantino’s Comments by my elected officials**

In a television news report broadcast by CHTV on April 12/07 Haldimand Mayor Marie Trainer expressed her shock at the Commissioner’s email:

*“I kind of took it almost as a threat. I’m not sure why he has sent it.”*

A copy of this news report is included on the attached CD. [2]

In a television news broadcast by CHTV on April 12/07 Haldimand Ward 3 Councillor Craig Grice said the following:

*“I’m totally upset by it. It’s one more way that he’s trying to quiet Council, that he’s trying to quiet the residents of Caledonia, and I’m simply not going to let it happen.”*

A copy of this news report is included on the attached CD. [3]

In a CFRB 640 radio interview broadcast on April 13/07 Mayor Trainer explained why she took Commissioner Fantino's email as a threat:

*"I took it as a threat. 'If you don't do something about Councillor Grice, then maybe we're going to pull out.'"*

A copy of this interview is included on the attached CD. [4]

## Summary

It is clear from Commissioner Fantino's email that:

1. He believes that he had entered into a secret agreement with Haldimand Council to control their decisions and statements with respect to the protest activities of Gary McHale and his followers, and that he believed Councillor Grice breached that agreement.

It also appears that Council was coerced into this agreement by false allegations against Mr. McHale. To the best of my knowledge, not a single person - police officer or civilian - has been hurt during any of Mr. McHale's protests, contrary to the Commissioner's statements throughout his email that implicate this man as having a role in hurting OPP officers.

2. The Commissioner is using his influence to criticize Councillor Grice for exercising his Charter rights in the fulfillment of his duties to his constituents.

3. He intends to punish members of Haldimand Council and the citizens of Haldimand for Councillor Grice's breach of their 'understanding.'

4. He has absolutely no regard for the Charter of Rights and Freedoms, and his responsibility to protect those rights.

As a long time resident of Caledonia from 1946 to the present time, save five years served in the Royal Canadian Navy (1953-1958), I find it unsettling to think my democratic rights are under attack once again because of the OPP Commissioner's pressure on the elected Haldimand council. The seriousness of his letter to council demands that Commissioner Fantino's resignation be tendered immediately. The Commissioner has failed miserably in protecting my democratic rights as guaranteed under the Charter.

I didn't see the Commissioner's name on the ballot when I cast my vote so it isn't up to him to engage in backroom deals with elected people or to intimidate them in any way. Has he muzzled councilor Grice with his rhetoric? So long as Commissioner Fantino holds his present position how do I know if my Council is speaking for me and not as a result of fear of Mr. Fantino's threats to them and my fellow citizens. There now will always be a cloud of suspicion over Haldimand Council. Are they truly independent or are they secretly being controlled or influenced by an unelected police commissioner?

As a retired military person it sickens me to think I can't raise the Canadian flag for fear of offending someone, the very flag that flew with the UN flag I served under in foreign lands. The Commissioner has to realize he is free to speak his mind because he lives in a democracy that comes with a very high price, namely Canadian blood.

## Desired outcome

I ask that you do the following:

1. Immediately demand the resignation of Commissioner Fantino.
2. Issue a public apology to the citizens and elected officials of Haldimand County, and to the citizens of Ontario.
3. Conduct an investigation to determine whether other officers of the Ontario Provincial Police participated in, or had prior knowledge of, Mr. Fantino's secret agreement with Haldimand Council with respect to the activities of anti-OPP protesters, and/or any other attempts to influence elected officials.
4. Conduct an investigation to determine whether the eleven other people who received carbon copies of the Commissioner's email of April 07/07 participated in, or had prior knowledge of, Mr. Fantino's secret agreement with Haldimand Council and/or any other attempts to influence elected officials.
5. Conduct an investigation to determine whether any elected members of the Ontario government had any role in influencing Mr. Fantino's activities with respect to Mr. Fantino's secret agreement with Haldimand Council and/or his attempts to intimidate members of that Council.

## Witnesses - Additional Information

### Members of the Haldimand County Council

45 Munsee Street North  
P.O. Box 400  
Cayuga, Ontario N0A 1E0  
tel: 905.318.5932  
fax: 905.772.3542

Marie Trainer  
Mayor

Leroy Bartlett  
Councillor, Ward 1

Buck Sloat  
Councillor, Ward 2

Craig Grice,  
Councillor, Ward 3

Tony Dalimonte  
Councillor, Ward 4

Don Ricker  
Councillor, Ward 5

Lorne Boyko  
Councillor, Ward 6

### 11 Persons who received carbon copies of Commissioner Fantino's email

1. Katherine Ward (JUS)
2. Deborah Newman (JUS)
3. Tony Dean (CAB)
4. Peter Wilkinson (OPO)
5. Chris D. Lewis (JUS)
6. Bill Dennis (JUS)
7. John Cain (JUS)
8. D.G. McLean (JUS)
9. Angie Howe (JUS)
10. Chris Morley (OPO)
11. Paul Laing (JUS)

I do not have contact information for these people.

**Mr. Gary McHale, Editor**  
CaledoniaWakeUpCall  
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Richmond Hill, ON L4C 9M3  
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905.770.5435

Mr. McHale was repeatedly named in Commissioner Fantino's email as being the 'villain' in Caledonia for conducting legal, peaceful protests against the OPP. He can address the issue of the false nature of the allegations against him contained in the message.

## **List of Supporting Evidence**

1. [Fantino email to Haldimand Council & government, April 07/07](#)
2. [CHTV News report: Mayor Trainer re Fantino email, April 12/07](#)
3. [CHTV News report: Councillor Craig Grice re Fantino email, April 12/07](#)
4. [AM640 CFRB interview: Gary McHale & Mayor Trainer, April 13/07](#)

**Click on Above Links for documents**