

## Canadian Advocates for Charter Equality



When Freedom demands action

Dec.13, 2011

[www.CANACE.ca](http://www.CANACE.ca)

### **Court Orders Native Protester Bev Crawford charged with Assault**

#### **OPP stand by and witness Crawford assaulting non-Natives and refuse to lay any charges.**

Today in Cayuga court Justice MacDonald reviewed the evidence filed by Jeff Parkinson (one of the founders of CANACE) and ordered Bev Crawford to be charged with Assault from an event on March 27, 2011 where Crawford assaulted Parkinson. Crawford has been ordered to appear in court on Jan. 24, 2012 at 2 pm. ([Link to Parkinson's private prosecution application](#))

#### Background:

On Feb. 28, 2011 CANACE held a Truth and Reconciliation Rally in Caledonia as part of their on-going efforts to bring about lasting peace, mutual respect and the restoration of the Rule of Law. ([Link to press release](#))

During this rally CANACE repeatedly asked the OPP to separate the various groups involved to ensure public peace and order - the OPP refused. At one point Bev Crawford attacked Mark Vandermaas and OPP Officer Mark Hill was forced to bear hug Crawford to bring him under control. As in all other cases, the OPP immediately released Crawford and didn't issue any charges. Vandermaas filed a complaint directly with Inspector Periversoff, Haldimand County detachment commander, but no charges were ever issued even with video evidence of the assault.

A month later, on March 27, 2011, Crawford emboldened by the OPP's refusal to charge him again assaulted a member of CANACE - this time Jeff Parkinson. While there were dozens of officers within 20 feet of the incident not one was willing to step in and stop the assault. The same day Parkinson filed a complaint at the Cayuga OPP detachment and Officer D/Cst Barnes was assigned the case.

Officer Barnes was the officer who arrested Gary McHale on March 24, 2011 on a charge of assault when McHale ordered trespassers off private property. While the criminal code allows property owners to remove trespassers, this didn't stop Barnes from arresting McHale. Although the Crown dropped the charge soon after, Barnes did testify in court that he hadn't reviewed the criminal code regarding trespassers before charging McHale.

Not surprisingly D/Cst Barnes refused to charge Crawford after his investigation even though he stated that Crawford admitted to pushing Parkinson around.

As a result of this clear application of Race Based Policing by the OPP which allows Natives to openly assault non-Natives without fear of being charged, Parkinson was left with no option but to file a private charge against Crawford.

CANACE has worked hard to establish citizens' rights to lay criminal charges against individuals regardless of their position within society. CANACE members have been successful at laying charges against ex-Commissioner Julian Fantino, the current Commissioner Chris Lewis, several other OPP officers and key Native protesters who have repeatedly used criminal behaviour to force their will upon others.

During a private prosecution pre-enquete (hearing), the Crown is permitted to attend and raise any issues they feel the court needs to hear. Over the past five years the Crown has repeatedly done everything they could to ensure that OPP officers and Native protesters do not face charges. Some cases took years to go through the courts due to the Crown's tactics.

We are pleased that today, for the first time, the Crown didn't appear during the pre-enquete and allowed the proceedings to occur without inference by the Crown. CANACE is hopeful that this is the beginning where cases before the court will be heard and ruled on their merits and not on political inference by the Crown.

CANACE will continue to fight to bring an end to Race Based Policing by the OPP and McGuinty government. We will continue to fight to bring about a lasting peace and establish equality for all. While the OPP have repeatedly refused to arrest those who assault us, they did arrest the Caledonia 8 just last week for trespassing on a county road - apparently only certain races of people are permitted to use county roads. ([Link to press release](#))

As Martin Luther King jr. said, "We shall overcome, Lord before this victory is won more will have to be thrown in jail but we shall overcome. Don't worry about us that before the victory is won some of us will lose our jobs but we shall overcome. Before the victory is won some will be misunderstood and called bad names and dismissed as rabble rousers and agitators but we shall overcome. I'll tell you why because ours is a moral universe... no lie can live forever... that truth crushed down to earth will rise again... We shall overcome because the Bible is right that you shall reap what you sow... Deep in my heart I do believe we shall overcome..."

**Gary McHale, Executive Director**

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