



MEMBER OF PARLIAMENT



PETER GOLDRING

Peter Goldring has long stood up for his rights and others under the Canadian Constitution across Canada. As a Member of Parliament he feels it is necessary to lead by example whenever his personal rights are being challenged.

**MY RIGHTS ARE YOUR RIGHTS TOO**  
**THEY ARE NOT MERE TECHNICALITIES**

In the early morning of December 4, 2011, while returning home from an official function, Peter Goldring was targeted by Edmonton Police and subsequently charged with failing to provide a breath sample. His “crime” was to ask the police officer for clarification as to the process and what was expected of him; for this he was arrested. In June 2013 Mr. Goldring was found not guilty of the charge due to the simple fact that he never did refuse.

Media and others commenting publicly on Peter Goldring’s court proceedings have not

always done so fairly and reasonably, which means a lot of misinformation as to exactly what occurred that night. The public, already inundated with wrong and exaggerated details, has not been fully informed as to the facts. Meanwhile an Edmonton Police Services officer suggested recently that the courts regularly set people free on mere technicalities, implying that police never make mistakes. They do. They are human.

In Mr. Goldring’s case, the judge, the Honourable L.G. Anderson, stated very clearly in his summation: “This case is not a trial about impaired driving. Mr. Goldring was not charged with impaired driving. No witness in this trial claimed to observe any symptoms of impairment. This trial is about a failure to comply promptly with police directions.”

Although police claimed Mr. Goldring was stopped as part of a roving check stop the facts say otherwise. The officer was “parked in the weeds”, lights out, engine off, waiting for Mr. Goldring to



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leave the venue. Then the vehicle lit up like a Christmas tree, the constable touched his siren, started his engine, and alarmingly pursued Mr. Goldring to the point that Mr. Goldring thought he was going to be rammed! During the trial, it was reported by a person of integrity that a call had been made from the hall mid-evening to report Mr. Goldring to police as a possible target.

This was not an isolated incident but possibly linked to an earlier occurrence. That previous afternoon Mr. Goldring was also targeted with thousands of harassment phone calls which became the subject of a separate police investigation - "robo-calling."

Also, as if one prosecutor wasn't enough, the Chief of Police hired his own lawyer to work with the Crown Attorney, effectively running "interference" for the police department to block defence attempts to obtain police location and communications information.

The fact is that Mr. Goldring never refused to provide a breath sample to the police officer. Mr. Goldring's reply when asked to take a test was that he was not comfortable being tested at that moment since he had just had a (one) drink, which the officer should have

known could have contributed to a false reading on the testing device. With that the constable placed him under arrest. The court agreed that Mr. Goldring should not have been required to provide a breath sample at that time and should not have been arrested for refusing to provide a sample because he did not in fact refuse.

After the initial request and arrest, the constable then asked Mr. Goldring to wait 15 minutes before testing and told him that he would have all his questions answered by a superior officer who was on his way to the site. Three minutes later the constable changed his mind in mid-questioning and arrested him once again, or, as the constable testified, for the first time.

The Court determined that the entire affair was most confusing. However, both officers testified in Court that Mr. Goldring had never refused to test.

Furthermore, Mr. Goldring was also arbitrarily held in custody without a clear purpose. The judge stated, "A delay that is not justified means the S254(2) has not been complied with which in turn undermines the validity of the demand. The failure to prove



The media has reported on trials of body-worn video cameras, with the focus being on worth to officers, value to officers, and mixed reaction from officers as opposed to what Mr. Goldring believes - value to the public.



compliance with 254(2) of the Criminal Code is therefore FATAL to the Crown's case." This also would have resulted in an acquittal for this additional reason and several more reasons. In addition, he stated, "Before leaving this issue, I will observe that an unjustified delay can also have Charter implications."

Mr. Goldring's Charter of Rights were infringed by the questionable policing action including the arbitrary detention of 2) above which served no evidentiary purpose. His rights under the Charter of Rights and Freedoms, specifically articles #7, #8, #9, #10 were breached. These are not mere technicalities - they are the rights of all Canadians. The police may not unilaterally and arbitrarily extinguish these rights through carelessness.

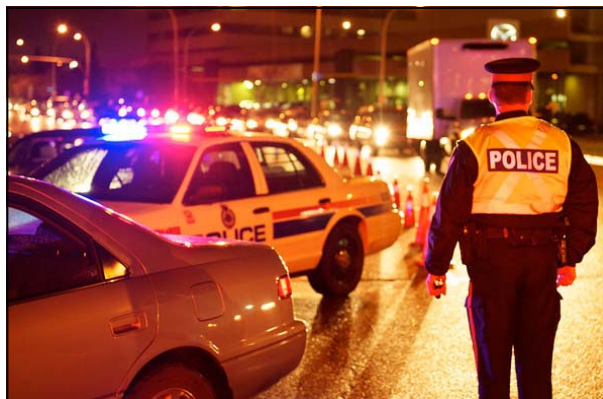
Court testimony included very confusing diametrically opposed statements by the two police officers who are supposed to train other officers supposedly in proper procedure! Adding to this confusion was the constable's court room testimony that the public itself is very confused as to what screening testing does and what their limits are as far as allowable consumption.

Mr. Goldring has long expressed his belief that the ever incremental encroachment on our Charter Rights and Freedoms is wrong. For Mr. Goldring to insist on proper police procedure and respect for Charter rights is in keeping with his work over the years supporting the Constitution and the Rights and Freedoms of all Canadians. Peter Goldring believes fully that standing up for what is right is everyone's responsibility; but even

more so, those that have the privilege of knowing better have the duty to act regardless of personal consequences.

The 18-month ordeal from arrest to vindication left Mr. Goldring with concerns about how the Edmonton Police Services operate, especially with regard to communications and handling evidence, concerns he has passed on to

the appropriate authorities. He has suggested there is a need for more electronic or digital recording, to an provide objective and dispassionate record of occurrences. He feels that misplaced priorities have led the EPS to purchase a full fleet of expensive battery powered Segways to take the drudgery of pedalling away from parks bicycle patrol police when the money could have been better spent on body-worn recording equipment to provide quality assur-



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ance for police evidence. It is much more difficult to alter such digital audio visual recordings than it is to change handwritten notes and verbal reflections.

The media has reported on trials of body-worn video cameras, with the focus being on worth to officers, value to officers, and mixed reaction from officers. Some officers do not like cameras and state that cameras are resource intensive (as if Segways are not?). What the EPS should be doing is to stop thinking only of the cameras' benefit to police

officers but start thinking benefit to the public's rights and freedoms that demand openness and transparency with recording devices, for, as the banks say – recording for quality assurance. If the banks can record banking machines and telephone calls for quality assurance, surely the police can too. It's time that the police, while they investigate new devices to help and assist themselves also prioritize new devices that aid and protect the public too for "quality assurance for all."

**Update:** Vancouver is following Victoria, Calgary, Toronto, Ottawa and Edmonton, in taking an interest in body-worn cameras; however only Calgary has committed to their ongoing use. EPS officers have been hesitatingly evaluating the technology since October 2012. Mr. Goldring asks why the hesitancy? Ottawa taxi cabs have cameras and recording devices.

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*This brochure series is intended to highlight special issues that Member of Parliament, Peter Goldring, has been involved in. If you wish to comment, please take a moment to fill out the survey below, write or call to the address above.*

**Your Opinion Matters...**

**Q1:** Do you agree that police body-worn or vehicle cameras for transparency reduce confrontations with the public, as people are mindful they are being recorded?

Yes       No

**Q2:** Do you believe that all police forces in Canada should be equipped with body-worn or vehicle video cameras to ensure quality assurance of interactions for both police and the public?

Yes       No

Name: \_\_\_\_\_  
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