

To Sergeant Sanford,

On March 9th 2022 I entered A&W that evening to purchase a meal for a homeless person. When asked if I had a mask, I politely said I do not wear a mask because I finished cancer surgery, eight chemotherapy treatments plus I have three blood clots on my lungs, therefore I don't wear a mask because I can't afford to compromise my immune system.

The girl understood then said **"order at the cash register with the Plexiglass"**, which I did successfully. The gentleman who later identified himself as a manager stood by the front counter while we ordered then left to go into the back room. While waiting for my order two girls and the manager pounced from the back room door swinging open as if someone pushed them through the door with a mask on her finger demanding very loudly with aggression that we have to place a mask on our face if we expect to get our order. I explained to her our order was already in and that we are waiting for it.

She replied by saying **"you will not get your order unless you wear a mask"**. I then suggested that we can sit down until our order is ready, which again she refused. At this time the manager who went into the back room became aggressively involved demanding I wear a mask who later identified himself as the manager, who has since been fired. I later found out from the manager of the store that he was not the manager.

I politely asked him how long that he was in the country and if he was familiar with the Canadian Bill Of Rights, which he replied, **"I don't care about your CBR"**. I tried to explain/educate him **"that the CBR were made for he and I to protect us against a tyrannical government and if he plans on living in Canada he should be familiar himself with it"**. By now the three I mentioned were getting even more upset that we were not wearing a mask. The gentleman that I was conversing with began angry saying **"I'm in this country only because you people don't want to work"**. With that I asked for my refund which he refused saying **"he was calling the cops"**. Bewildered at that as he ran for the phone, I asked for my refund several times which he refused.

Mike Macdonald then became very upset but suggested he wear a mask until the food arrived and that I can sit down which they on no uncertain terms blatantly refused. Then I suggested to give us our order which I could see was completed and we will take it outside, which again the refused. This visibly upset Mike to where he began shouting back at the three who were visibly out of control in my opinion. I tried to calm things amongst everyone but it escalated where the employee's involved were not responding to my request to calm or for my refund. When I told the manager **"if the police are really coming I will have you charged with theft"** where he immediately returned my money.

As I was leaving towards the door two constables were entering the A&W where I approached him as I was walking out. He asked me what was going on which I replied, **"I came in to order food which they took my order then refused to serve us because we wouldn't wear a mask, then they refused to give my money back"**. At this point I did not know why he was called to the store. He asked me to talk outside which I obliged. He asked me again what transpired which I repeated once again. Standing outside he asked me for ID, which I asked **"did I commit a crime?"**, where he responded and continued to ask me for ID, again I continued to ask if I committed a crime. As I was explaining to the constable if I didn't commit a crime I shouldn't have to show you my ID just when Mr. Graham came across the parking lot approached us not knowing what transpired in the store or the situation, immediately without saying a word became aggressive towards me grabbing my arm and began pushing me towards the wall stating **"stop resisting stop resisting"**, which I responded **"I'm not resisting I want to know why you are grabbing me"** which he replied **"obstruction, I'm charging you with obstruction"**. I assumed from that it was because I did not give up my ID. I was never told anything to the contrary through this whole ordeal. I wasn't concerned at all when the RCMP arrived knowing I did nothing to break any laws.

At this time given the actions of constable Graham I wish to lay a complaint against constable Chris Graham during this incident at A&W in Lower Sackville on the evening of March 9th, 2022 for actions unbecoming, **improper Attitude, Improper Use of Force, Irregularity in Procedure, Neglect of Duty, Oppressive Conduct, Improper Arrest, Improper Persons / Vehicles Search**, where he approached me while I was having a conversation with another constable and without cause or explanation or not speaking to anybody involved attacked me trying to force me against the wall of the A&W for the purpose of handcuffing me without any explanation of his actions all because I refused to show my ID to the other constable, which I stated again to him "I didn't commit any crime therefore I am not obligated to give you my ID. They detained me and Mike Macdonald unlawfully.

The other constable requested my ID which I responded, "***I did not commit a crime why do you want my ID***". Constable Graham showed zero tolerance refusing to engage in any conversation, violating the Health Authority Enforcement Guidelines, "See below". It appeared to me by his actions he came there on a mission not knowing the circumstance with a high level of assumptions. To clarify, apparently the person who made the call (the person who ID himself as manager) who is no longer employed at A&W exaggerated and lied of what really happened that night.

While pushing me aggressively towards the car I told him that he didn't have to handcuff me or push me that I would walk with him to the car. I observed that he was out of breath and excited to a degree where I commented that "***you must calm down and relax, that you're out of breath and your blood pressure is over the top***". While sitting in the car he read me my rights. At this point I still didn't know why I was arrested assuming that it was still in connection of not releasing my ID.

Through this entire event and not at anytime did any of the three constable's share with me why they were there or why I was arrested? It was a scene from the Twilight Zone where I was bewildered on how I could have been handcuffed and treated as if I were a criminal not knowing why I was treated this way by only asking for my money back after being refused service.

While sitting waiting for him to do his paperwork, handcuffed like a criminal he said he was going to ban me from the store for six months. I asked him what about the obstruction, which he replied I'm not charging you with that. When exiting constables Graham's car I was handed a piece of paper and told that it was a ban from A&W for six months. I later discovered a few days later that there was also a ticket inside that paper with a fine at \$2822.00 which I was not aware and which Constable Graham neglected to provide me with any information surrounding the fine or why it was handed to me.

There have been several violations committed here by the employees at A&W under the Human rights act Part 1 sec. 5 1a and on the Canadian Bill of Rights sec. 1a, 1d and under the Canadian Federation of Businesses in Canada.

Constable Graham is in violation of my rights under the Canadian Bill of Rights Part 1 1a, 1b. And under the Enforcement Guidelines of the health act of NS by not having a conversation or investigating what really transpired in that establishment. At no time did Constable Graham go into the A&W to speak to anyone. This event was one sided where Constable Graham made too many assumptions and did not follow the law or his protocol during an investigation.

I want to proceed with the complaint to prevent Constable Graham from ever acting on assumptions, that upon entering an incident, that he will investigate before acting on assumptions causing a situation to escalate to an unnecessary degree and to act according to the law set aside by the Canadian Bill Of Rights and guidelines set forth.

I also want the fine **“for not wearing a mask”** that constable served me without notice or discussion and which I was not made aware of rescinded, given that from the beginning of entering A&W they accepted and served me while not wearing a mask providing service by which a registered was available for customers not wearing a mask separated with Plexiglass.

Enforcement

Police are authorized to enforce orders under the Health Protection Act. Multiple fines can be given each day if an individual, business or organization fails to comply. **If someone isn't following public health measures, talk to them first – they may need help.** If you have concerns about safety in a workplace, contact the Department of Labour, Skills and Immigration (Safety Branch) at [1-800-952-2687](tel:1-800-952-2687) or laesafetybranch@novascotia.ca.

Exemptions:

Each by-law/health order contains exemptions for individuals who are unable to wear a face covering for medical or age reasons, as well other reasonable accommodations. Retailers are not required to ask for a doctor's note or proof of exemption. See individual by-laws in your region for specifics.

With all the laws and health guidelines in place to protect our rights including the Canadian Bill Of Rights and the Charter, where and when did the RCMP begin to fall off the rails ignoring our rights under these laws and constitutional rights.

The facts presented in this testimony are taken from my notes described within 24 hours after the *incident*.

*In good Faith
Chief Gregory Burke
Atlantic Metis Nation*