

**ONTARIO
SUPERIOR COURT OF JUSTICE**

(Court seal)
BETWEEN

MICHAEL JACK

Plaintiff

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
AS REPRESENTED BY THE MINISTRY OF COMMUNITY SAFETY
AND CORRECTIONAL SERVICES OPERATING AS THE ONTARIO PROVINCIAL
POLICE AND ITS EMPLOYEES MARC GRAVELLE, JOHN POLLOCK, SHAUN FILMAN,
JENNIFER PAYNE, JAMIE BROCKLEY, MELYNDA MORAN, MARY D'AMICO, RICHARD
NIE, BRAD RATHBUN, ROBERT FLINDALL, PETER BUTORAC, RONALD CAMPBELL,
COLLEEN KOHEN, HUGH STEVENSON, AND MIKE ARMSTRONG
AND ITS RETIREES MIKE JOHNSTAN AND CHRIS NEWTON**

**ONTARIO PROVINCIAL POLICE ASSOCIATION AND
ITS REPRESENTATIVES SHAUN FILMAN, KAREN GERMAN,
JIM STYLES AND MARTY MCNAMARA**

Defendants

AFFIDAVIT OF HARRY ALLEN CHASE

My background

1. My name is Harry Allen Chase. I am an African Canadian with Native American heritage. I was born and raised in Windsor Ontario Canada and I am the second youngest of seven children.
2. On January 13, 1982, at the age of 17, I joined the Canadian Forces as an Artilleryman. I subsequently underwent a ten week basic training at the Canadian Forces Base Cornwallis in Nova Scotia, from which I graduated in April of 1982.
3. I then successfully completed a thirteen week Basic Artilleryman training at the Canadian Forces Base Shilo in Manitoba. During my entire training I experienced no difficulties meeting the training standards.
4. In July of 1982 I was posted to the 1st Royal Canadian Horse Artillery Regiment in Lahr Germany as a Private. While there I received several courses including Basic Artillery Communication, which allowed me to work in the Battery command post as a Communication Technician.
5. In July of 1985 I was posted to the Canadian Forces Base Shilo with the 3rd Royal Canadian Horse Artillery Regiment.
6. In 1986 I received my Combat Leadership Course, from which I graduated in the top third of my class. Shortly after completing the course I was promoted to Master Corporal, which is classified as a Junior Supervisor Rank.
7. After being placed as a second in command of a gun detachment of six personnel under a senior Master Corporal for a short duration I was given my own gun detachment.

8. In 1989 I transferred from the Army to the Air Force as an Airframe Technician. I attended the Canadian Forces School of Aerospace Technology and Engineering at Canadian Forces Base Borden for five months.
9. I completed the course with a 90 percent average, after which I was posted to Canadian Forces Base in Trenton as a Corporal. I had to give up my Master Corporal Rank because one cannot maintain a supervisory rank when one transfers to a different element or trade.
10. In 2001, while stationed at Canadian Force Base Cold Lake Alberta, I was promoted to the Rank of Master Corporal again, but this time I would occasionally be in charge of up to twenty plus personnel and responsible for the Squadrons serviceable or unserviceable aircrafts.
11. Throughout my Air force career I received several courses which I most always completed in the low 90 percent range with a few in the higher 90 percent range.
12. In 2003 I retired from the Service after serving for over twenty one years with honour.
13. Throughout my military career I encountered minimal bigotry and racism towards myself, but I was able to get by most times.
14. There was never an occasion where I was questioned or chastised about my ability to communicate. On the contrary, the fact that I was placed in the rank of a Junior Supervisor, given the charge of six personnel and later given the charge of twenty plus personnel, not to mention being in charge of the Squadrons fleet attests to my technical, communicational and articulacy skills.

15. After leaving the service I was employed by Spar Aerospace (2003 to 2006) as an Aviation Technician where I was well accepted by all.
16. In August of 2006 I was hired by the Ontario Provincial Police (OPP) after having passed all the applicant stages.
17. It is noteworthy to mention that these stages include interviews with the recruiting supervisor and the OPP's psychologist. Again there was no mention of a communicational difficulty or learning disability.
18. On August 28, 2006 I attended the OPP Academy to start my recruit training as an Ontario Provincial Police Officer. While there I was selected to be the class Drill Leader.
19. After the first two weeks at the OPP Academy I attended the Ontario Police College (OPC) in Aylmer Ontario for my twelve week Basic Constable training.
20. While at the OPC I was elected to assist with teaching my class with drill and marching them to and from classes. I successfully completed the Basic Constable Training Program at the OPC with a 90 percent average.
21. On the completion of my training at the OPC I once again attended the OPP Academy for further training.
22. Once back at the OPP Academy, I was voted by my class to remain as their drill leader and to be the parade commander on the graduation parade.
23. **Throughout my entire training there was never any concern or mentioning of me having a learning disability or difficulty with communication.**

My experience at the Peterborough Detachment of the OPP:

24. On January 7, 2006 I was assigned to the Peterborough County Detachment under the supervision of Sergeant (Sgt.) Gerry Smith. Constable (Cst.) Richard Nie was assigned to be my coach officer.
25. Between January and July of 2006, I was given monthly assessments consisting of 27 factors. In order to be recommended for a full time employment with the OPP, I had to meet the standards in all 27 factors.
26. From the first assessment I met the standards in 25 of the 27 factors. The only two factors I did not meet standards in were under the heading of *Communication Skills*, specifically *Written* and *Listening Skills*.
27. Under the *Written* factor, Cst. Nie identified that I had difficulty with spelling, grammar and typing. Ironically this so called difficulty exists with many in senior management.
28. Cst. Lloyd Tapp, who has filed five complaints with the Ontario Human Rights Commission (OHRC) can attest to this observation.
29. Under the *Listening Skills* factor, Cst. Nie identified that I had trouble hearing messages and relaying them to others when the message came over the radio or phone. Ironically, the OPP's communications operator, during one stormy (Hurricane force winds and rain) shift commended me in my abilities to take charge, assess the situation and co-ordinate efforts of assistance for that incident.
30. Once these two factors were identified to me, I immediately began working on those

shortcomings. I attended a local library for advice and enrolled into an adult learning centre in my residential area.

31. Also, on my days off, I regularly attended an OPP detachment in my residential area to work on my work related reports, as well as sought assistance from other officers there.
32. No matter what I did or how hard I tried, Cst. Nie kept on informing me that I was not meeting the standards.
33. On two of my reports I asked for help from Cst. Lloyd Tapp, who wrote the reports for me from start to finish while I sat and watched.
34. One report was on a domestic dispute (SP06146942). After reading the reports written by Cst. Tapp, Cst. Nie informed me that the reports did not meet the standards even though he had no knowledge that they were written by a senior officer with superb articulation and written communication skills.
35. Throughout my probationary period on several occasions Cst. Nie treated me like a little child even though I was in my early forties (at least 7 years older than him).
36. On several other occasions while on patrol with Cst. Nie, he would have the patrol vehicle radio turned on so he could listen to his brother, who is a Radio Sports Broadcaster out of Toronto.
37. Cst. Nie made me feel that if I asked him to turn the radio off or at least to lower the volume (so I could effectively monitor the OPP radio communications) it would cause him to look down on me (Cst. Nie would respond to me in a derogatory manner when I tried to turn the radio down).

38. In other instances when we were returning to the detachment towards the end of the shift Cst. Nie would turn the radar off thus disallowing me to run moving radar as I drove and effectively affecting any developmental opportunities for me with respect to radar operations, which I might say is a key component to the OPP's promise of providing effective public safety and service.
39. During one night shift at the Peterborough Detachment, while at the detachment (around the corner and out of sight) I overheard Cst. Nie tell other officers that I was the whitest black man that he had ever met.
40. On yet another night Cst. Nie asked me directly if I could speak Jamaican language like the blacks in Toronto do. Though I knew these comments were contrary to the Ontario Public Services' efforts on creating an environment free from any racially charged perceptions and though I felt that these comments were derogatory and extremely insulting, I deliberately bit my tongue so to speak and pretended to not be offended.
41. This is another prime example of the Ontario Provincial Police Service's ability to comply with aforementioned efforts of the Ontario Public Service.
42. Further to this, throughout my probationary period Cst. Nie made several statements that I felt were inappropriate, **like telling me that it was because of my brain that I did not meet the standards** and that he felt that I was not suited to be a police officer and that I should have seen if I could get my old job back.
43. Being a visible minority and constantly being subjected to comments like I have mentioned earlier, no one can possibly imagine the stress one goes through. One starts

to become acutely aware of their every action and comments to the point where one is constantly measuring how they are perceived.

44. I became very self-conscious and my self-confidence was eroded. I was literally being made to feel like I was a puppet on Cst. Nie's string and hence the string of the Ontario Provincial Police and the Ontario Public Service.
45. Yet, shocked as I was to the brazen and bare faced racism, I never voiced my objection to Cst. Nie's inappropriate comments because I was concerned that if I did it would negatively affect my evaluations.
46. Once, however, I realized that Cst. Nie was not going to help me meet the standards, I asked for a new coach officer, but my request was rejected by Sgt. Smith.
47. The discriminatory and differential treatment that I endured during my probationary period at the Peterborough Detachment surpassed everything that I had experienced in my lifetime.
48. In August 2007 my employment with the OPP was terminated for my failure to meet the requirements of the position as a Probationary Constable based on my unsatisfactory work performance.
49. It was later determined that I was dismissed from employment because the OPP felt that I had a learning disability, which miraculously had never been discovered or noted during my past accomplishments.
50. After my dismissal from employment with the OPP, I filed a grievance with the Ontario Provincial Police Association (OPPA) for wrongful dismissal and a complaint with the

Human Rights Commission of Ontario (OHRC) for dismissal based upon the alleged disability.

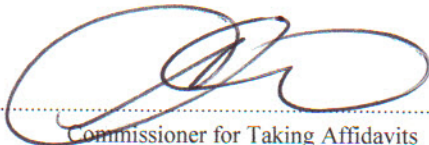
51. The OHRC forwarded my complaint to the OPP and since I had filed a grievance with the OPPA, the OPPA stepped in.
52. The OHRC subsequently received a correspondence from the OPP that the OPPA was looking into this. Hence, the OHRC corresponded with me that they would no longer be handling my matter since it appeared that the OPPA was looking into it.
53. Approximately a year after the OHRC removed themselves from the matter, thus effectively curtailing my option of re-filing a complaint with the ORHC, the OPPA communicated with me that there were no further grounds to go any further with my matter and that the OPP would be reimbursing me for my tuition fees to the Ontario Police College.
54. An acknowledging decision from the OHRC with respect to my wrongful dismissal complaint would have been what I felt, the first step in addressing **my concerns of the discrimination and differential treatment that I was subjected to at the Peterborough Detachment** of the Ontario Provincial Police.
55. I really thought that the OPPA would address my grievance. In a way one could say that they did because they reimbursed my tuition. But in doing so they upheld the decision of the OPP – that I was not a suitable candidate for employment.
56. I am mindful of Cst. Lloyd Tapp's periodic comments that the OPPA and the OPP work hand in hand. The resulting decision of the OPPA deflated any hopes that my concerns of

discrimination and differential treatment would ever be recognized and acknowledged.

- 57. The guidelines for the involvement of the OHRC stipulate that if one is from an organization that has a union or association one has to first file grievance with that respective union/association or show just cause why the OHRC should take charge.
- 58. My **concerns of discrimination and differential treatment** that I was subjected to at the Peterborough Detachment and the OPP Headquarters in Orillia were left **suspended in the air**.
- 59. I felt that there was no process for vindication for the victim – the OPPA truly works hand in hand with the OPP.
- 60. It was not until I received correspondence from Michael Jack and then Cst. Lloyd Tapp that I felt that my **suspended concerns** might finally be addressed and I will be in a position to assist another ex-OPP officer who, just like me, had been subjected to racial discrimination at the Peterborough Detachment of the OPP.

Sworn (or Affirmed) before me at the City of TRENTON on,

14 day, 02, 2014.



Commissioner for Taking Affidavits
(or as may be)

Mark Cireca
PO2259
(647) 960-8946
Commissioner BY OFFICE



(Signature of deponent)