

**HUMAN RIGHTS TRIBUNAL OF ONTARIO**

**BETWEEN**

**MICHAEL JACK**

**-AND-**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY**

**THE MINISTRY OF COMMUNITY SEFETY AND CORRECTIONAL SERVICES**

**AND OPERATING AS THE ONTARIO PROVINCIAL POLICE**

**RESPONSE TO REQUEST FOR ORDERS**

**SCHEDULE A**

**Applicant's Response to Counsel's Request for an Order Striking out the Claim of Discrimination on the Basis of Association:**

The Counsel for the Respondent is bent on trying this application prior to the commencement of the actual hearing. Being that the case the Applicant provides the following prima facie case to substantiate the claim of discrimination based on association:

Proof of perceived association and information to establish a prima facie case is evident from the following excerpts of an e-mail provided by the Respondent acknowledging the allegation of me associating with an Albanian organized crime group (please refer to Appendix A for full reference to the e-mail):

**Counsel's disclosure dated January 12, 2012 (Volume 1, F):**

Shortly after coming to the Detachment, our probationary constable PC Michael JACK #12690 was in on shift and had brought a picture with him. The picture was of himself, along with a number of other individuals. The picture had been taken at a gym. It has subsequently been learned the gym was the Good Life Fitness on Chemong Rd in Peterborough. The people in the picture were clearly posing with shirts off, and PC JACK was apparently "ripped". PC Jamie BROCKLEY and PC Shaun FILMAN (his coach) were both in the office at the time and observed the photograph. Both have articulated that PC JACK must have been on steroids as he appeared to be twice the size that he is now. Both PC BROCKLEY and PC FILMAN recognized 3 of the males in the photograph as [REDACTED] and [REDACTED] (spelling may be off). It has come to my attention that [REDACTED] are both [REDACTED] and are part of an organized crime group that deals mostly in drugs. I've been advised that this is an extremely violent crime group. [REDACTED] a local character and he is known to us. The relationship with PC JACK is such that [REDACTED] in the US and brought a rifle scope back for PC JACK. Where this gets sticky is the fact that [REDACTED] I'm afraid of burning any relationships that we have in regards to this. Our concerns regarding PC JACK's involvement with this group has been brought to the attention of D/Sgt. Scott MAHONEY who was to look into this association with PC JACK and the Albanians. I currently do not have a time frame for when the photograph was taken, but regardless, the association was there in the past and the concerns are, what are the associations presently?

First, please note the excerpts:

- ***'The people in the picture were clearly posing with shirts off, and PC JACK was apparently "ripped".'***
- ***'Both have articulated that PC JACK must have been on steroids as he appeared to be twice the size that he is now.'***

The top photograph in Exhibit 74 for the hearing speaks for itself. I do not know where Sgt. Flindall got his information from, but it certainly was not from the photograph for the photograph showed everyone to be clothed. I suggest that the photograph was viewed through the eyes of prejudice. PC Brockley and PC Filman saw the parts of my body that were exposed apart from the clothed parts of my body and naturally assumed that the muscle definition was derived from the use of steroids. Months later when communicating an alleged association with an extremely violent Albanian organized crime group their recollection of that photograph was that of being unclothed because they were so focused on the muscle definition that they imagined the rest of my body to be the same and hence only pictured me and the rest with shirts off.

Second, please note the excerpts:

- ***'... are both Albanians and are part of an organized Albanian crime group that deals mostly in drugs.'***
- ***'Our concerns regarding PC JACK's involvement with this group has been brought to the attention of D/Sgt. Scott MAHONEY who was to look into association with PC JACK and the Albanians.'***
- ***'I currently do not have a time frame for when the photograph was taken, but regardless, the association was there in the past and the concerns are, what are the associations presently?'***

Yet in another e-mail and a duty report provided by the Respondent this association was believed to be real (please refer to Appendix A for full reference to the e-mail):

**Counsel's disclosure dated January 12, 2012 (Volume 1, G):**

In all accounts, PC JACK's affiliation with the 2 males at the gym seemed innocuous enough to PC BROCKLEY given the manner in which the information was provided by PC JACK. It wasn't until the incident at the end of July when PC JACK ran a suspected [REDACTED] that PC BROCKLEY started piecing together a potential conflict. Had I the information about the Albanian connection, I would have prioritized obtaining the PCC tapes to see if in fact it was an [REDACTED] that PC JACK had run. Once the totality of the information was learned, S/Sgt. CAMPBELL was immediately notified.

Furthermore, the possible association is mentioned in PC Brockley's duty report provided to the Professional Standards Bureau of the Ontario Provincial Police (please refer to Appendix A for full reference to PC Brockley's duty report):

**Counsel's disclosure dated January 12, 2012 (Volume 1, E):**

At this time, PC BROCKLEY also advised that he was aware of [REDACTED] advised that he did not come forward with the information about PC JACK's possible association with the Albanians initially because he did not want to [REDACTED]

Though the Respondent did mask out parts of this communication that they did not want either the Applicant and his Representative or the Tribunal to see certain facts, someone else on behalf of the Respondent felt it was important to also mask out the word 'Albanians'. However, as one can clearly see a rather old or faded marker was used for the word 'Albanians' is visible through the ink of the marker throughout the documents.

The truth is that the Respondent is fully aware that there is more than ample evidence to support the Claim of Discrimination on the Basis of Association, but to have it struck out of the application would be extremely beneficial to the Respondent.

As is evident from the Respondent's own disclosure the allegation of me associating with "Undesirables" (Exhibit 39) was found to be unsubstantiated (Volume 6, 60). (Please refer to Appendix A for full reference to the Ontario Provincial Police Professional Standards Bureau Investigation Report (2545009-0173).

For a Human Rights case dealing with a false and extremely damaging accusation of a perceived association (which is nearly identical to my application) please refer to the Yousufi v. Toronto Police Services Board, 2009 HRTO 351 (CanLII) (Exhibit: OHRT - YOUSOUFI vs TPS (2009)):

[1] The complainant self-identifies as a non-white person of Afghan descent. He alleges that he was subject to a poisoned work environment as a result of his ethnic origin, place of origin and perceived creed (Muslim) and that the Toronto Police Services Board ("TPS") failed to take appropriate action to prevent this employment discrimination, contrary to sections 5(1) and (2) of the Human Rights Code ("Code"). The respondents deny the existence of a poisoned work environment and assert that they took all appropriate steps to address the complainant's allegations in a timely and appropriate way.

[3] The complainant is a civilian employee of the TPS employed in the Planning Division of the Forensic Identification Section ("FIS"). On September 12, 2001, the day after the destruction of the World Trade Centre buildings in New York City, Keith Bradshaw, a Detective in the Homicide Division, left a message on the answering machine of Al Morrison, a Detective Constable in FIS, to the effect that he had information that the complainant was involved in the events of September 11, 2001.



[4] The Unit Commander of FIS, Staff Inspector Ed Stewart, referred the message to Internal Affairs (now Professional Standards), the division of the TPS responsible for investigating, among other things, internal police conduct. During the course of the investigation, the message was played for the complainant, who was shocked and upset by the message.

[5] The Ontario Human Rights Commission (the "Commission") and the complainant assert that the TPS, upon hearing the message, believed that the complainant was potentially a suspect in the events of 9/11 because of his Afghani origins. Proceeding on that racially biased assumption, they proceeded to interrogate the complainant. Eventually, the TPS discovered that the message had been left by Detective Bradshaw, allegedly as a "joke" on Morrison. The TPS docked Bradshaw 16 hours of sick pay, a form of discipline the complainant and the Commission allege was woefully inadequate to address the seriousness of the offence.

[7] The Commission and the complainant assert that the complainant's co-workers in FIS and elsewhere in the TPS learned about the telephone message and believed he was a suspect in the events of September 11, 2001. The ensuing rumours and comments to and about the complainant further poisoned his work environment. The Commission and the complainant assert that the respondents failed to take adequate steps to quell the poisoned work environment arising from the rumours and innuendo flowing from the telephone message left by Bradshaw.

[8] The respondents deny that the complainant's work environment was poisoned by suspicions of TPS members that the complainant was a suspected terrorist and assert that the complainant's perceptions were misguided. This forms a second aspect of the complaint.

[90] I find that the Keith Bradshaw infringed the complainant's rights under the *Code* in leaving the telephone message on September 12, 2001.

[91] I find that the TPS breached the complainant's right to be free from a poisoned work environment after September 12, 2001 by failing to take adequate steps to quell the speculation arising from Keith Bradshaw's telephone message.

[92] I find that the TPS breached the complainant's right to be free from a poisoned work environment by failing to undertake an investigation into the allegations of discrimination first raised by the complainant on November 1, 2001.

[93] I find that the TPS breached the complainant's right to be free from a poisoned work environment by failing to undertake an investigation into the allegations of discrimination raised by the complainant in his human rights complaint filed May 2002.

**Applicant's Response to Counsel's retrospective revision of index (of arguably relevant documents and documents to be relied upon) and the amendment of Appendix A (for Counsel's Response to the Application on May 4, 2011):**

**On April 20, 2012, Counsel prepared the following documents:**

April 20, 2012

Mr. Lloyd Tapp  
252 Angeline Street North  
Lindsay ON K9V 4R1

**Via Courier**

Dear Mr. Tapp;

**Re: Michael Jack v. HMQ  
Tribunal File Number: 2010-07633-I**

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Please find enclosed the following documents delivered to you with respect to the above-noted matter:

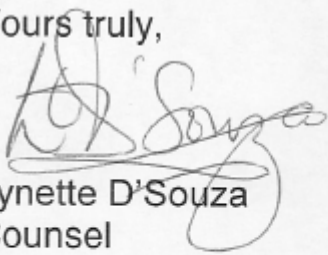
1. Request for an Order During Proceedings;
2. Response to a Request for an Order and;
3. Respondent's Casebook.

Also find enclosed a copy of a revised index for:

- a. Documents that are arguably relevant and,
- b. Documents to be relied upon

These indexes have been revised to remove all third party information. Please return all copies of our previous indexes to our attention as soon as possible so that they can be destroyed. The PSB investigation with Mr. Jack has now also been included on the index for documents to be relied upon.

Yours truly,

  
Lynette D'Souza  
Counsel

Encl.

cc. Human Rights Tribunal of Ontario

Among which there was an **AMENDED APPENDIX A**:

Jack v. HMQ – HRTO File No. 2010-07633-I

**AMENDED APPENDIX A**

~~28. Paragraph 14 – The Respondent is not aware of any officers calling the Applicant “Crazy Ivan” and denies that allegation. The Corporate Respondent acknowledges that the term ‘Crazy Ivan’ was used in the detachment, but as indicated by the Applicant in his application and will say, the Applicant appears only to have learned post-employment of the use of this term. The Corporate Respondent is of the view that the use of this term did not amount discrimination, create a poisoned work environment, or harassment. The use of this term was not a factor in Mr. Jack’s performance management nor a factor in the OPP’s decision to release Mr. Jack from employment.~~

~~28.~~

29. Paragraph 17 – The Respondent denies that the Applicant was switched from one platoon to another because it was discovered that he was being targeted by members of his shift on the basis of any Code prohibited grounds. The Applicant was given an opportunity to have a fresh start with a new coach officer who was part of a different platoon in an attempt to give him an opportunity to improve his performance under the guidance of a coach officer who may have had a different style than the original coach officer.

~~32. Paragraph 19(1) – As previously noted the Respondent denies that the Applicant was called “Crazy Ivan”.~~

Not only the AMENDED APPENDIX A is not even mentioned in the index of the enclosed documents, but Counsel is attempting to retrospectively change Respondent's initial denial:

(May 4, 2011) Counsel's Response to the Application (HRT0 2010-07633-I):

28. Paragraph 14 – The Respondent is not aware of any officers calling the Applicant "Crazy Ivan" and denies that allegation.

29. Paragraph 17 – The Respondent denies that the Applicant was switched from one platoon to another because it was discovered that he was being targeted by members of his shift. The Applicant was given an opportunity to have a fresh start with a new coach officer who was part of a different platoon in an attempt to give him an opportunity to improve his performance under the guidance of a coach officer who may have had a different style than the original coach officer.

32. Paragraph 19(1) – As previously noted the Respondent denies that the Applicant was called "Crazy Ivan".

Only after two officers came forward and provided statements that the nickname "Crazy Ivan" was used by Peterborough County OPP members to refer to the Applicant (Exhibit 69 and Exhibit 70), the Respondent had no choice, but to acknowledge the fact.

WICK NAME -  
"CRAZY IVAN"

- Mr. Jack had a nickname of Crazy Ivan.



**(April 5, 2012) Respondent's Additional Disclosure:**

**Re: Michael Jack v. HMQ**  
**Tribunal File Number: 2010-07633-I**

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Please find enclosed the Respondent's Documents to be Relied Upon, Witness List and Witness Summaries delivered to you with respect to the above-noted file pursuant to the *Tribunal's Rules*.

Please note that the corporate Respondent, the Ontario Provincial Police, acknowledges that the term "Crazy Ivan" was used in the OPP Peterborough Detachment. The additional information relating to the use of this term was only provided after the filing of the Response (Form 2). At the time of the filing of the Response (Form 2), the Respondent's position accurately reflected the information available to it. Based on the Applicant's Application and will-say it appears that the Applicant only learned of the term "Crazy Ivan" after his resignation from the OPP.

**(May 4, 2011) (HRTO 2010-07633-I) – Respondent's Response to the Application:**

**28. Paragraph 14 – The Respondent is not aware of any officers calling the Applicant "Crazy Ivan" and denies that allegation.**

**(April 20, 2012) (HRTO 2010-07633-I) – Amendment to Respondent's Response to the Application:**

28. Paragraph 14 – The Respondent is not aware of any officers calling the Applicant "Crazy Ivan" and denies that allegation. The Corporate Respondent acknowledges that the term "Crazy Ivan" was used in the detachment, but as indicated by the Applicant in his application and willsay, the Applicant appears only to have learned post-employment of the use of this term. The Corporate Respondent is of the view that the use of this term did not amount discrimination, create a poisoned work environment, or harassment. The use of this term was not a factor in Mr. Jack's performance management nor a factor in the OPP's decision to release Mr. Jack from employment.

28.

**(May 4, 2011) (HRT0 2010-07633-I) – Respondent’s Response to the Application:**

29. Paragraph 17 – The Respondent denies that the Applicant was switched from one platoon to another because it was discovered that he was being targeted by members of his shift. The Applicant was given an opportunity to have a fresh start with a new coach officer who was part of a different platoon in an attempt to give him an opportunity to improve his performance under the guidance of a coach officer who may have had a different style than the original coach officer.

**(April 20, 2012) (HRT0 2010-07633-I) – Amendment to Respondent’s Response to the Application:**

29. Paragraph 17 – The Respondent denies that the Applicant was switched from one platoon to another because it was discovered that he was being targeted by members of his shift on the basis of any Code prohibited grounds. The Applicant was given an opportunity to have a fresh start with a new coach officer who was part of a different platoon in an attempt to give him an opportunity to improve his performance under the guidance of a coach officer who may have had a different style than the original coach officer.

**(May 4, 2011) (HRT0 2010-07633-I) – Respondent’s Response to the Application:**

32. Paragraph 19(1) – As previously noted the Respondent denies that the Applicant was called “Crazy Ivan”.

**(April 20, 2012) (HRT0 2010-07633-I) – Amendment to Respondent’s Response to the Application:**

~~32. Paragraph 19(1) – As previously noted the Respondent denies that the Applicant was called “Crazy Ivan”.~~

**Legal arguments in response to Counsel's retrospective revision of index (of arguably relevant documents and documents to be relied upon) and the amendment of Appendix A (for Counsel's Response to the Application on May 4, 2011):**

**Waiver**

- an intentional relinquishment of some right, interest, or the like.
- an express or written statement of such relinquishment.

**Estoppel**

- a doctrine of law that stops one from later denying facts which that person once acknowledged were true and others accepted on good faith.
- a rule of evidence whereby a person is barred from denying the truth of a fact that has already been settled.
- a bar or impediment preventing a party from asserting a fact or claim inconsistent with a position that party previously took, either by conduct or words, especially where representation has been relied or acted upon by others.
- in its broadest sense is a legal term referring to a series of legal and equitable doctrines that preclude "a person from denying or asserting anything to the contrary of that which has, in contemplation of law, been established as the truth, either by the acts of judicial or legislative officers, or by his own deed, acts, or representations, either express or implied."

Based on the aforementioned definition of Estoppel, the Applicant's position is that there is a bar preventing the Respondent from asserting such an claim inconsistent with a position that it originally took by words, especially since the Applicant has acted upon that original response. The Applicant has no intention to abandon any opposition to a request for an order to strike out, amend, change, modify, update, etc. the Respondent's original response to the Application. In support of this intention the following case is referred to:

In ***Saskatchewan River Bungalows Ltd. v. Maritime Life Assurance Co.***, [1994] 2 S.C.R. 490 at 499-500, 115 D.L.R. (4th) 478, Major J. made the following comments in regard to the common law principles of waiver and estoppel. These comments are equally applicable to this case:

Recent cases have indicated that waiver and promissory estoppel are closely related: see e.g. *W. J. Alan & Co. v. El Nasr Export and Import Co.*, [1972] 2 Q.B. 189 (C.A.), and *Re Tudale Explorations Ltd. v. Bruce* (1978), 88 D.L.R. (3d) 584 (Ont. Div. Ct.) at p. 587. The noted author Waddams suggests that **the principle underlying both doctrines is that a party should not be allowed to go back on a choice when it would be unfair to the other party** to do so: S.M. Waddams, *The Law of Contracts*, (3rd ed. 1993), at para. 606. It is not necessary for the purpose of this appeal to determine how or whether promissory estoppel and waiver should be distinguished.

**Waiver will be found only where the evidence demonstrates that the party waiving had (1) a full knowledge of rights; and (2) an unequivocal and conscious intention to abandon them.**

Please refer to BCSC - NANCY SULZ vs RCMP (January 2006) for full reference of The Supreme Court of British Columbia decision on the case.

To have such an amendment of the Respondent's original response with respect to the existence, usage and the effects of usage of the term "Crazy Ivan" would be unfair to the Applicant because the Respondent is estopped in law from making such amendments.

Additionally, the amendment of paragraph 29 contradicts Respondent's own disclosure dated January 12, 2012 (Volume 3, W-3 and Volume 3, V-20). (Please refer to Appendix A for full reference to the e-mails):

Finally his present coach Shawn Filman is going off on 4 months parental leave starting in Sept. So with all the issues in the email to yourself and Doug Borton Doug Borton advised he felt the only thing to do was move him. You will note I advised this was against an earlier decision you had made but with this further info I think we were heading to an issue as Mike is basically an immigrant of Jewish background. You and I discussed we felt he was being targeted. To his own demise he has alienated his shift by not being 100% truthful when shopping for answers..

Cst Jack will be given an independent assessment by Rich Nie to avoid a possible HR complaint. Interestingly Cst. Jack brought up in the meeting he felt he had been left on his own to investigate matters in which he had no experience. He also brought up but refused to name officers on his shift for inappropriate remarks and berating him in front of the shift as well. In other words work place harassment and discrimination policy...I assume it is in relation to his ethnic origin. Anyway I stressed the importance of him coming forward and have also stressed this issue to his new coach. I stressed in Rob's presence the duty of management to stop it if it occurred.

It is also noteworthy to point out that in amending its original response in paragraph 28 the Respondent removed 17 words and substituted them with the inclusion of 91 words. This inclusion of additional 74 words in just one paragraph is another violation of the fundamentals in Law with respect to Waiver and Estoppel.

In the amended paragraph 28, Counsel states that ***'The Corporate Respondent is of the view that the use of the term "Crazy Ivan" did not amount discrimination, create a poisoned work environment, or harassment. The use of this term was not a factor in Mr. Jack's performance management, nor a factor in the OPP's decision to release Mr. Jack from employment.'***

The Corporate Respondent's position brings to mind the *Yousufi v. Toronto Police Services Board*, 2009 HRTO 351 (CanLII) case:

[8] The respondents deny that the complainant's work environment was poisoned by suspicions of TPS members that the complainant was a suspected terrorist and assert that the complainant's perceptions were misguided. This forms a second aspect of the complaint.

In light of the Corporate Respondent's view that the term did not amount to discrimination, creation of poisoned work environment, or harassment, the Applicant therefore, provides some background on the history of the nickname and shows how such a racially derogatory nickname was directly linked to the Applicant's discrimination, harassment and creation of a disruptive and poisoned work environment that ultimately ushered in Applicant's release from employment with the OPP.

## History of Crazy Ivan

The term and/or nickname Crazy Ivan has roots in Russian history dating back several hundred years. Historically the original name of Ivan the Terrible evolved to a current slang term for a Russian individual who is believed to be unstable and dangerous. Consider the following article:

DECEMBER 2ND, 2011

**Ivan the Terrible** (Ivan IV, 1530-84) **is infamous for his brutal murders of thousands of his people** during the second half of his reign. The most notorious of these killings were carried out publicly in grotesque ways, such as impaling or dousing the victim alternately with freezing and boiling water. Historians have debated whether Ivan was insane during the period of what he named the **oprichnina** (1565-72), or was carrying out a strategy to eliminate encumbrances to his autocratic rule.

Was Ivan the Terrible crazy, or was he carrying out a rationally crafted policy?

I'd like to suggest a third possibility: that whether or not Ivan the Terrible was (at least at times) off his rocker, his murderous actions compelled a leap forward in the same direction as Muscovite rulers before and after him.

After all, even an unbalanced monarch grows up in a particular culture, with particular powerful people and groups around him, absorbing whatever history his mentors teach him about his country and government. Maybe even a mentally unstable ruler's perceptions and extreme actions are so flavoured by the world in which he lives that they move forward its trends even without his planning it.

<http://annebobroffhajal.com/2011/12/russian-history-big-questions-study-guide-ivan-the-terrible-madman-or-crazy-like-a-fox-transformer-or-failure/>

The Respondent would like this Tribunal to believe that there is nothing derogatory or discriminatory about having a nickname of "Crazy Ivan" because many police officers are given nicknames. If there was nothing wrong about this nickname why was everyone so secretive about it? Why was it being used behind my back? Why did the Respondent deny my allegation at first?

The fact, as Counsel so concisely stated, that I only became aware of the existence of such a nickname long after my termination from employment raises a strong inference that it was insulting and derogatory to say it in my hearing and presence. Would a recruit that is of German heritage and one who spoke English with a



thick accent find it humiliating and insulting to be referred to as “Fritz” or “Heinie” or worst yet be addressed as “Hi Hitler”?

[http://en.wikipedia.org/wiki/List\\_of\\_terms\\_used\\_for\\_Germans#Fritz .28offensive.29](http://en.wikipedia.org/wiki/List_of_terms_used_for_Germans#Fritz_.28offensive.29)

Absolutely, such a recruit would find it humiliating, insulting and extremely derogatory. Such terms and/or nicknames are full of racial prejudice for it is a direct association to that recruit’s heritage.

To the average person the nickname of “Crazy Ivan” means nothing. However, I am Russian and Ivan is also slang for Russian.

[http://en.wikipedia.org/wiki/Ivan\\_\(name\)#Slang](http://en.wikipedia.org/wiki/Ivan_(name)#Slang)

Furthermore, knowing the actual history of Ivan the Terrible it was extremely humiliating and insulting to know that before I even started my employment at the Peterborough County OPP Detachment I was classified with such racial prejudice only because I was Russian, had a collection of registered vintage firearms and spoke English with a thick accent.

#### **Examples of Racial Discrimination:**

- People can experience racial discrimination in a variety of different ways. In its most overt form, racial discrimination can occur as a result of stereotyping, prejudice and bias.
- Racial discrimination may occur because of overt prejudice, hostility or negative feelings held by someone about a racialized person or group.
- In addition, people may experience racial discrimination because of stereotyping. Stereotyping typically involves attributing the same characteristics to all members of a group, regardless of individual differences. It is often based on misconceptions, incomplete information and/or false generalizations. In most cases, stereotypes assume negative characteristics about a group.
- Racial profiling is a form of stereotyping that has particular implications for racialized persons. The Commission has defined racial profiling as any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment. Race only needs to be a factor in the conduct alleged to constitute profiling.

<http://www.ohrc.on.ca/en/resources/factsheets/examples>

I was given that derogatory nickname after just two ride-along introductory shifts some 5 months before commencing my duties at the Peterborough County OPP Detachment. That name was created by one of two officers that I rode along with. While I firmly believe that it was PC Marc Gravelle who coined the term, it is ultimately immaterial who gave me that nickname. PC Marc Gravelle even made up incredible stories of me being involved in combat and killing (shooting) people and poisoned the minds of Commanding Staff in OPP Headquarters in Orillia up to the point that I was examined by an OPP psychologist/psychiatrist Dr. Lapalme on the first day of my training at the Provincial Police Academy on August 25, 2008. Meanwhile I was totally taken by surprise and bewildered not to mention shocked upon finding through Dr. Lapalme

what PC Marc Gravelle said about me. Though I was attached to the Israeli Army for three years I never experienced any form of physical combat.

**(August 5, 2008) (Volume 6, 38):**

-----Original Message-----

From: Rathbun, Brad (JUS)  
Sent: Tuesday, August 05, 2008 12:01 AM  
To: Campbell, Ron (JUS)  
Cc: Johnston, Mike P. (JUS)  
Subject: Upcoming recruit

S/Sgt Campbell: On one of our recent shifts I met a gentleman who is apparently coming to our detachment from the next recruitment class. He did a ride-along with our shift and I would like to talk to you about some concerns that have been raised.

Apparently he is a Russian male who has also spent time in the Israeli Army, with the name of Michael JACK (DOB: 16 Dec 1972)

In my short encounter he made a comment about how he likes guns.

He commented about guns continuously during his ride-along. He apparently has 32 registered guns. His obsession with guns was quite disturbing. He also mentioned the persons he killed (shot) during his time in the Army. The officer he rode with will make notes with all concerns, should this be required.

A concern by the officer was what the result would be in making command staff aware of an officer's "instincts" that were a bit "hair raising".

As I was being told, I felt that these points should at least be looked into or brought to the attention of our recruiting department.

I understand this recruit may be riding with PC Pollock today (05 Aug 2008).


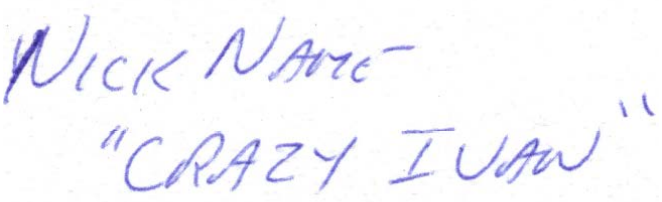
Sgt Rathbun

The claim of discrimination based on prohibited grounds and association started right around the date of this email (August 5, 2008). PC Marc Gravelle who was the first officer I went on a ride-along with reported back to his sergeant, Sgt. Rathbun. PC Marc Gravelle obviously had some prejudice towards me and his over imaginative mind mixed with this prejudice along with all his lies were relayed to his sergeant. His sergeant then ran with it (so to speak) and added his own speculations and conclusions to the point of making it "hair raising".

I firmly believe that it was after those first two ride alongs that the coinage and usage of the term "Crazy Russian" was used. I firmly believe that I was racially referred to behind my back as a "Crazy Russian" until someone came up with the nickname of "Crazy Ivan". The association of the term "Crazy Russian" and or "Crazy Ivan" was directly proportionate to the Respondent's disdain and dislike of me based on my heritage, thick Russian accent and mouthful of lies by PC Marc Gravelle regarding my love for guns and the people I killed (shot) during my time in the Army. Furthermore, Hollywood has done a splendid job in glamorizing the evilness of Russians and their association between many Russians and organized crime.

Before OPP

At the OPP

Trent University Computing & Information Systems' pamphlet (Exhibit 07d, page 1):	Exhibit 69 and Exhibit 70:
 <p><b>Michael Jack</b> <b>Computing &amp; Information Systems</b> <b>Professor</b></p>	 <p>Mr. Jack had a nickname of Crazy Ivan. He was called this by members.</p>

Trent University Computing & Information Systems' pamphlet (Exhibit 07d, page 3):	Schedule 'A', page 56:
<p>"Trent University was more than a solid formal education; it was an experience. The faculty and staff of Computing &amp; Information Systems provided unfailing support and encouragement throughout my undergraduate and graduate studies ... and I enjoyed every moment. For an international student like me, it really was a dream come true."</p> <p>Michael Jack, B.Sc. (Honours), M.Sc.</p>	<p>The discriminatory and the differential treatment that I endured during my probationary period at the Peterborough Detachment surpassed everything negative that I had experienced in my lifetime. I was discriminated against, harassed, bullied, humiliated, belittled, subjected to unreasonable demands and unsubstantiated criticism, oppressed and retaliated against for standing up for my rights or otherwise mistreated at work. All of the above negatively affected my mental and physical health, feelings and self-respect and further resulted in the loss of dignity. I experienced anxiety, loss of concentration, stress, sleeping disorders and muscle pain in a variety of areas all of which were provoked by the poisoned work environment. The amount of stress I experienced also brought on chronic fatigue syndrome towards the end of my employment with the OPP. It took me over a month after the resignation to merely regain my physical health.</p>



Human Right Tribunal of Ontario's own rules dictate the following (Exhibit 90b and Exhibit 90c):

<p><b>ONTARIO'S HUMAN RIGHTS CODE</b></p> <p>The Ontario <i>Human Rights Code</i> (the "Code") provides for equal rights and opportunities, and freedom from discrimination. The Code recognizes the dignity and worth of every person in Ontario. It applies to the areas of employment, housing, facilities and services, contracts, and membership in unions, trade or professional associations.</p> <p>Under the Code, every person has the right to be free from racial discrimination and harassment. You should not be treated differently because of your race or other related grounds, such as your ancestry, ethnicity, religion or place of origin, in areas covered by the Code such as while you are at work, at school, trying to rent an apartment, or eating a meal in a restaurant.</p>	<p><b>RACISM AND RACIAL DISCRIMINATION</b></p> <p>Canada, its provinces and territories have strong human rights laws and systems in place to address discrimination. At the same time, we also have a legacy of racism – particularly towards Aboriginal persons, but to other groups as well including African, Chinese, Japanese, South Asian, Jewish and Muslim Canadians – a legacy that profoundly permeates our systems and structures to this day, affecting the lives of not only racialized persons, but also all people in Canada.</p> <p>The Ontario Human Rights Commission describes communities facing racism as "racialized." This is because society artificially constructs the idea of "race" based on geographic, historical, political, economic, social and cultural factors, as well as physical traits, that have no justification for notions of racial superiority or racial prejudice.</p>
<p>Racism is a broader experience and practice than racial discrimination. It is an ideology that either directly or indirectly asserts that one group is inherently superior to others. Racism can be openly displayed in racial jokes and slurs or hate crimes, but can also be more deeply rooted in attitudes, values and stereotypical beliefs. In some cases, these are unconsciously held and have evolved over time, becoming embedded in systems and institutions, and also associated with the dominant group's power and privilege.</p> <p>Racial discrimination is a legally prohibited expression of racism. It is any action based on a person's race, intentional or not, that imposes burdens on a person or group and not on others, or that withholds or limits access to benefits available to other members of society in areas covered by the Code. Race only needs to be one factor in a situation for racial discrimination to have occurred.</p>	<p>Racial harassment is a form of discrimination. It includes comments, jokes, name-calling, display of pictures or behaviour that insults you, offends you or puts you down because of your race and other related grounds.</p> <p>Racial discrimination can often be very subtle, such as being assigned to less desirable jobs, or being denied mentoring and development opportunities. It might also mean being subjected to different management standards than other workers, being denied an apartment because you appear to have Aboriginal ancestry, or facing unfair scrutiny by police while driving or by security staff at a shopping mall.</p>

## WHAT DOES “RACIAL HARASSMENT” MEAN?

“Racial harassment” means that someone is bothering you, threatening you or treating you unfairly because of your:

- race
- colour
- ancestry

Racial harassment may also be connected to where you were born, where you lived before moving to Ontario, your religious belief, your ethnic background, citizenship, or even your language.

It is against the law for anyone to harass you, insult you, or treat you unfairly for any of these reasons.

The Ontario *Human Rights Code* (the “Code”) protects you from racial harassment or discrimination. Your rights are protected where you work, live, or get a service. These services include places such as apartments, restaurants, hotels, hospitals and schools. The *Code* also protects you from discrimination when you sign a contract or join a union, trade or vocational association.

## WHEN IS IT HARASSMENT?

Racial harassment can happen when someone:

- makes racial slurs or jokes
- ridicules or insults you because of your racial identity
- puts up cartoons or pictures that degrade persons of a particular racial group
- calls you names because of your race, colour, citizenship, place of origin, ancestry, ethnic background or creed

These kinds of behaviour are wrong even when they are not directed towards you, because they hurt people and make them feel uncomfortable. They can make living and working together very difficult.

Racial harassment can have a bad effect on, or “poison”, the places where you live, work or receive services. Even if the harassment is not directed at you, it can still poison the environment for you and others.

How do you know if the environment is poisoned? One way is to look at the effect of negative comments or actions. For instance, if certain racial slurs or actions make you or others feel uncomfortable in the workplace or fearful of returning to work, this could indicate that the work environment is poisoned.



Moreover, Counsel wants all copies of their previous indexes to be returned to their attention:

These indexes have been revised to remove all third party information. Please return all copies of our previous indexes to our attention as soon as possible so that they can be destroyed. The PSB investigation with Mr. Jack has now also been included on the index for documents to be relied upon.

It is noteworthy to mention that Counsel objected to sensitive issues with respect to privacy in the Applicant's disclosure. Yet in the index of Counsel's own disclosure on January 12, 2012, Counsel disclosed first and last names of numerous members of the public, including young persons. For example:

43. October 6, 2009 - email from R. Flindall to P. Butorac Re: R. v. Vollick  
sp09178964

While the names were blackened out in the e-mails, the index in the disclosure revealed all the names thus totally defeating the purpose of blackening out the names in the context of the e-mails. After the Applicant pointed it out to Counsel in his response to Counsel's Form 10 (dated March 20, 2012), that is, in Schedule 'E' of Form 11 (dated April 4, 2012):

The Counsel is objecting to sensitive issues with respect to privacy. Yet in the index of the Counsel's own disclosure on January 16, 2012, the Counsel disclosed first and last names of numerous persons. While the names were blackened out in the e-mails, the index on the disclosure reveals all the names thus totally defeating the purpose of blackening out the names in the context of the e-mails.

Counsel revised the indices and requested all copies of their previous indices to be returned to their attention so they could be destroyed. Such revisions and the request are also estopped in law.

## **Request for an Order Excluding Applicant's Documents**

### **Exhibit 104 - Dental records and receipts (January and February 2009)**

**Contents:** Exhibit 104 is a copy of my dental records and receipts for my dental treatments in January/February 2009 as a result of the root canal inflammation towards the end of training at the Provincial Police Academy in January 2009.

**Purpose:** Contrary to Counsel's view of the irrelevance of the document, there is a nexus between my dental records and my allegations of discrimination. It would appear that Counsel is unaware of the contents of its own disclosure because:

#### **First:**

My dental records corroborate my dental issue story which is brought up in the Respondent's disclosure a number of times:

**(January 12, 2009) (Volume 3, X), S/Sgt. Campbell's transcribed notes:**

**Monday 12 Jan 09**

**0600hrs**

On Duty Ptbo County Rd's Wet Wx Overcast -9c forecast flurries developing, Office admin re: shift prep pack force veh 01-393 accompanied by Cst. Payne & Cst Jacks

**0601**

Met with Cst Jacks advised of dental issue may need to leave block training.

**0630**

10-8 Cst. Payne drives

**(January 16, 2009) (Volume 1, I-102):**

**From:** Gozzard-Gilbert, Shelley (JUS)  
**Sent:** January 16, 2009 2:12 PM  
**To:** Flindall, Robert (JUS)  
**Cc:** Jack, Michael (JUS); Campbell, Ron (JUS)  
**Subject:** Attendance for block training date RE:emergency dental appointment

Rob

Michael came in today to straighten out his DAR's. He had to leave the academy on Tuesday Jan 20th, left at 9:30 and returned at 17:00, for an emergency root canal. Michael has decided to take the time owing out of his floater bank. He could use sick time but he thought it would look better to use something else. I have adjusted his floater sheet. I have completed his DAR's for block training and the Stat for 01 Jan 09.

Shelley

#### **Second:**

PC Filman made the following entry in the point form chronology of my performance at the Peterborough County OPP Detachment. It is just one of numerous negative entries about my alleged incompetence and my bad character that some Peterborough County OPP officers fabricated and fed to the OPP Regional Command Staff in Orillia, who in turn used that information to terminate my employment with the OPP.

(January 22, 2009) (Volume 3, BB) Point Form Chronology:

**22Jan09 - PC Filman**

- PC Jack had indicated to me that he would stop at a possible witness to a Break and Enters residence on his way home since it was on his route. I advised him that this was a bad idea as it would be criticized in court and puts him in a bad situation safety wise as he would have no radio and no use of force options if required.

There are a number of issues with this entry and I will attempt to address them one at a time and explain the nexus between my dental records and my allegations of targeting and discrimination.

First, I learned about the incident from the final point form chronology document (Volume 3, BB) in the Respondent's disclosure, which I had an opportunity to read for the first time in January 2012, which is approximately 27 months after it had been written.

Second, if the incident warranted documentation, then how come PC Filman failed to document it in his officer's notes and/or in my performance evaluation report, but found it incumbent upon himself to document it surreptitiously some 9 months later in a document (Volume 3, BB) which I was not privy to viewing?

Third, the date is wrong. We were dispatched and attended the Break and Enter call in the morning of January 26, 2009. **Counsel's additional disclosure (April 3, 2012):**



2686 Lakefield Rd., R.R.#4  
PETERBOROUGH, ON K9J 6X5  
TEL: 705-742-9258 FAX: 705-740-0495  
*Home of: New Life Christian Academy*

January 28, 2009


Ontario Provincial Police  
453 Lansdowne St. E.,  
Box 477, Peterborough, ON  
K9J 6Z6

Dear Officer In Charge, Michael Johnston,

We would like to thank you for your service to us during the break-in that occurred during the night of January 25<sup>th</sup>, 2009. Your Officers Filman and Jack were very professional and great to deal with and Officer Filman has watched over us at other times.

We would also like to express our disappointment in the amount of details that were released to the media i.e. Peterborough This Week and CHEX News, especially the information on the 2009 Nissan Maxima. We felt this information informed the thieves that they have the key to our 2009 Nissan, encouraging them to return to get a car (we have since rekeyed the car). It is our understanding that the City Police do not give specific details regarding what was stolen, while still alerting the public that there was a break-in, please reconsider your liberality with details in the future.

Sincerely,



Pastor Brian Mahood

cc: Shaun Filman  
Media Officer Mcewan

Of interest is the fact that PC Filman made that entry in the point form chronology sometime in November 2009 when he was holding a rank of Detective Constable. If 9 months after the fact a Detective Constable brings an event up while being off by 4 days in the timing of the event, what would you think of his skills to do a job of a detective? PC Filman did not even bother to check the date of the event either in his notes or in the Niche RMS!

Fourth, the documentation is only partially correct. PC Filman deliberately manipulated the truth by omitting to mention that the ONLY reason I asked him if I could stop at a possible witness to the Break and Enter residence was because I had lived in the possible witness' residence for the first 9 months of my life in Peterborough from October 2000 until end of June 2001 and knew the family. The residence is located right across the Selwyn Outreach Centre that had been broken into. I advised PC Filman that since I had lived there I could go speak with my former landlord to inquire if their family had heard anything about the incident. I was just too eager to assist.

Addresses:

- Selwyn Outreach Centre (Church) – 2686 Lakefield Rd, Peterborough, ON.
- Residence of the possible witness to the Break & Enter – 2699 Lakefield Rd, Peterborough, ON.

PC Filman knew that I had lived in that residence perfectly well because when in the morning of January 26, 2009, we attended the Selwyn Outreach Centre (Church) to take the initial report of the Break and Enter I pointed to the house across the road and told PC Filman that I used to live there when I came to Peterborough and that I knew some people in the area. PC Filman acknowledged.

(April 2, 2008) (Volume 6, 41):

**Police Constable Selection  
Confidential Candidate Personal History Form**

List your address (es) for past ten years, giving present address first.					
City and Province (Give country if other than Canada)	Address	From		To	
		Month	Year	Month	Year
PETERBOROUGH, ON	1049 PRIMROSE LANE, R4M9K9T6X5	07	2001	PRESENT	
PETERBOROUGH, ON	2699 LAKEFIELD ROAD, K9T6X5	10	2000	06	2001
ASHDOD, ISRAEL	53/3 K.K.L., 77471	10	1998	09	2000
HILLSBORO, OR, USA	269-20 TANDEM WAY, NE, 97124	01	1998	09	1998
ALBUQUERQUE, NM, USA	328-9270 EAGLE RANCH RD, 87114	10	1997	12	1997

The fact that PC Filman recalled the incident and manipulated the truth some 9 months after the fact (when compiling the point form chronology in November 2009) attests to the Respondent's strong goal to fabricate false deficiencies in my performance in order to discredit and terminate me. It was so careless on PC Filman's part to enter it in the point form chronology because:

- I only asked PC Filman if I could attend the possible witness's residence because of the aforementioned reason. I did not attend.
- On January 27, 2009, (the following day after I had asked) at approximately 17:30 hrs. PC Filman attended the Pioneer gas station # 204, which is located at 336 Lansdowne St. E. in Peterborough to inquire about a video surveillance recording of the suspect in the Break and Enter incident. When PC Filman attended the gas station he was off duty, with no use of force equipment present on him whatsoever, and while his pregnant wife was waiting for him in their private car at the gas station. I witnessed him doing it first-hand when I stopped at the Pioneer gas station to fuel up the cruiser upon returning from the Block Training. I had to attend the second day of a 4 day Block Training because I missed it exactly two weeks prior on January 13, 2009, due to the dental emergency (Exhibit 104, page 5 – 8). It would have been nice to have my officer's notes for that day that would prove that I was gassing up at the Pioneer gas station at approximately 17:30 hrs. Alas, the Responded decided to withhold them.

Fifth, I witnessed PC Filman's attending the Pioneer gas station # 204 on January 27, 2009, to inquire about a video surveillance recording of the suspect in the Break and Enter incident when he was off duty, with no use of force equipment present on him whatsoever, and while his pregnant wife was waiting for him in their private car at the gas station, when I returned to Peterborough from the Block Training day, which I missed due to my emergency dental surgery on January 13, 2009, and at around 5:30 pm stopped at the Pioneer gas station # 204 to gas up the cruiser.



### **My rationale for including the dental records and receipts is as follows:**

During the hearing Counsel might argue something to the effect that how was it possible for me to observe PC Filman off-duty at a gas station on January 27, 2009, at around 5:30 pm when at the time I was not allowed to work on my own yet?

My answer:

- PC Filman worked from 5:00 am to 5:00 pm. I worked from 6:00 am to 6:00 pm.
- On January 13, 2009, I missed one day in the 4 day Block Training because of the emergent dental treatment (Exhibit 104).
- On January 27, 2009, (exactly two weeks later) I had to drive to Gravenhurst to complete the missed training day.
- When I returned to Peterborough and stopped to gas up the cruiser, I witnessed PC Filman inquiring about a video surveillance recording of the suspect in the Break and Enter incident when he was off duty, with no use of force equipment present on him whatsoever, and while his pregnant wife was waiting for him in their private car at the gas station.
- When I read the entry in the point form chronology in January 2012 I simply could not believe how PC Filman manipulated the truth to present me in bad light while being guilty himself of doing exactly what he accused me of.
- While PC Filman noted my inquiry to attend the possible witness' residence in the point form chronology with a negative connotation to it, he failed to follow the proper procedure himself. While it might be interpreted as "Do as I say, do not do as I do" kind of thing, it is nonetheless a clear indication of fabricating (even retrospectively) and piling up as much negative stuff on me as possible.

As one can see from the Tribunal's website <http://www.ohrc.on.ca/en/resources/factsheets/examples>

### **Some considerations that help determine whether racial profiling occurred include:**

- Statements that indicate stereotyping or prejudice such as racial comments;
- A non-existent, contradictory or changing explanation for why someone was targeted;
- The situation unfolded differently than if the person had been White; or
- Deviations from normal practices or an unprofessional manner.

**Relevance:** Contrary to PC Filman, who made numerous entries in the point form chronology of my performance off the top of his head, when I assert that certain events took place I mean it and when I have facts to support my assertions I use them. Hence, I disclosed my dental records and receipts (Exhibit 104) that provide dates to corroborate Respondent's own disclosure and ultimately to corroborate my allegations of targeting and discrimination.

### **Exhibit 111 - Retired firefighter sues OPP (March 10, 2012)**

**Contents:** Exhibit 111 is a newspaper article in the Peterborough Examiner with allegations of violence by the Ontario Provincial Police at the Peterborough County OPP Detachment against a citizen.

**Purpose:** Among many other things, I was maliciously and falsely perceived to be violent and dangerous person, yet there is not a single piece of evidence that would support those perceptions of me. All it boiled down to was the prejudice of the Peterborough County OPP officers against me.

The article, on the other hand, very clearly describes violence by the Peterborough County OPP officers around the same time when I was posted there and specifically by an OPP officer who is also a Respondent's witness in my case.

**Relevance:** I have stated numerous times throughout my statement that I was made to feel like I was a leper. The lack of respect for another person's (my) self-worth and dignity was prevalent through that detachment. Is it any wonder why such an allegation as in Exhibit 111 would surface? On the contrary, when one does not practice what they preach, incidents like this as articulated in this exhibit are bound to rise up at some point in time.

### **Exhibit 113 - Cheaper by the Dozen 2 (July 2005)**

**Contents:** Exhibit 113 is an IMDB summary of the movie 'Cheaper by The Dozen 2', its filming locations, and a collection of photographs that attest to my presence during the time the movie was filmed in Burleigh Falls, Ontario.

**Purpose:** This exhibit serves the purpose to show that not only the investigation of an incident in Burleigh Island Lodge on July 4, 2005, was shoddy; but that it was used by some of the Peterborough County OPP officers to further poison the minds of the OPP Regional Command Staff in Orillia against me (Volume 3, V-7). Just like in the case of numerous other entries in the point form chronology I learned about it for the first time in January 2012.

**(September 22, 2009) (Volume 1, I-115 and Volume 3, Y-2):**

**From:** Payne, Jennifer (JUS)  
**Sent:** September 22, 2009 6:51 PM  
**To:** Flindall, Robert (JUS)  
**Subject:** Read this occurrence tonite

**Importance:** High

SP05112642

And yes it is who you're thinking it is.....he worked there. But he was never linked to the occurrence. So when doing his background this would have never come up or been found!

Jen:)

PC Payne was on a "fishing trip" to dig as much potentially discreditable material on me as possible. Furthermore, PC Payne frequently appended a smiley/happy face emoticon after her name in her e-mail correspondence to Sgt. Flindall ONLY. The Tribunal may wonder what sort of a relationship the two had. Of importance is the fact that this e-mail was sent on the day they found out that the allegation of me running an undercover police vehicle plate was unsubstantiated. This new occurrence falsely implied that I trivialized a theft call at Burleigh Island Lodge while I was employed as a security guard and its revelation prejudiced the mind of Superintendent Hugh Stevenson to the point of him making a negative comment about my character.

## Occurrence summary

Ontario Provincial Police

Printed: 2011/01/28 14:07 by 9931

Occurrence: **SP05112642 Police information @2005/07/04 08:11**

Date/Time: between.... 2005/07/04 03:35 and 2005/07/04 04:45

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Clearance status: Complete - unsolved

Involved person(s): 1) [Complainant] [REDACTED]

2) [Suspect] [REDACTED]

Involved address(es): 1) [Dispatch address] 4791 28 HWY, NORTH KAWARTHA TWP, ON Canada (BURLEIGH ISLAND LODGE) (Area: 3120, Duty locn: 1121, Beat: 20, ESZ: 15038)

Involved vehicle(s):

Involved officer(s): 1) [REDACTED] GLADU, N. (CAD operator)  
2) #10532 MCDERMOTT, M. (Dispatched officer; Reporting officer)

Flag(s):

Summary: Reportable MCDERMOTT - NO EVIDENCE FOR CHARGE BUT REPORT TO BE ADDED :CCE (3 MALES 1 FEMALE STOLE BOTTLES OF ALCOHOL FROM THE BAR AREA LAST NIGHT ) (CLR'S NIGHT MANAGER SAW THESE PPL DO THIS ) (THEY ARE STILL IN ROOM 201 ) (AND ARE NOT ANSWERING THE DOOR ) (\*\*\*) [REDACTED] (THEY ARE TO CHECK OUT THIS AM SHORTLY ) (REPORT )

Remarks:

Printed by: 9931

Date: 2011/01/28 14:07

## General Occurrence Report

Ontario Provincial Police

Printed: 2011/01/28 14:07 by 9931

Occurrence: **SP05112642 Police information @2005/07/04 08:11**

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Author: #10532 MCDERMOTT, M.

Report time:

Entered by:

Entered time:

Remarks:

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**BENCHMARK:** No

**COMPLAINT:** Security guard Michael Jack heard noise in the bar area, when he went to investigate he observed a male party run from the bar area with bottles of alcohol in his possession. The guard could not identify the male party and did nothing about it. The guard filed a nightly report making a joke of the situation and when the day manager came in she contacted police.

**INCIDENT LOCATION:** Burleigh Island Lodge 4791 Highway 28, North Kawartha

**HISTORY:** A group of young people rented room 201 in the Burleigh Island Lodge without identification or a credit card to guarantee the room. The room was the source of considerable noise throughout the night, and was a complete mess at the end of the evening. When the group checked out, the manager took cash payment for the room and information from one male party who denied the theft. That male party was identified to the manager as [REDACTED] by way of photo driver's licence.

**INVESTIGATION:** P/C McDermott attended the location and spoke to the manager and read the night security guard report. It is obvious that the night guard did not take the theft seriously as the heading to that part of his report began as follows: **And now THE BIG and EXTREMELY EXCITING night adventure. Hold your breath ladies and gentlemen, it is not about the ghost....It is about the thieves!** P/C McDermott attended the room that the youths had been occupying and there was no sign of the liquor bottles that had been stolen. The stolen bottles were as follows:

1 750ml bottle of Wild Turkey

1 750ml bottle of Disaronno Amaretto

1 750ml bottle of Phillips Butter Ripple

The only descriptor that the security guard observed of the male who took the liquor was that he was short wearing shorts, a dark grey or green t-shirt and a cap. Had he contacted police at the time, then possibly police could have used the information to identify the party, but he chose not to.

Printed by: 9931

Date: 2011/01/28 14:07



Although all information points to the young people from room 201 committing the crime, the night security guard could not even identify the party as entering the room.

The manager was told that had her security guard acted promptly and properly, then by all means this situation could have been solved, however due to his inaction, there was no reasonable prospect of conviction of the one male party who happened to hand over his identification when requested in the morning.

**WITNESS STATEMENTS:** Nil

**SUSPECT(S) / SUSPECT VEHICLE:** Nil

**PROPERTY:** Nil

**SUPPORT UNITS:** Nil

**C.P.I.C.:** Nil

**NOTIFICATION:**

**DISTRIBUTION:** Nil

Printed by: 9931

Date: 2011/01/28 14:07

Page 2

I hope the Tribunal will take note of the date of printing of this report. Coincidentally, it is the same date the Respondent alleged that a Welcome letter was sent to me on December 24, 2008, as an attachment named WELCOME JACK.doc:

28/01/2011

Interesting, isn't it?

(September 22, 2009) (Volume 1, I-46):

**From:** Flindall, Robert (JUS)  
**Sent:** September 22, 2009 9:18 PM  
**To:** Johnston, Mike P. (JUS)  
**Subject:** Old occurrence involving PC JACK

Inspector,

I'm not sure that this has any bearing on PC JACK's current situation, but please read this occurrence dated from 2005 - SP05112642 . Shaun was looking up a suspect who happened to be involved in this occurrence. Michael Jack was also involved, but was never linked to the occurrence as an involved person. As a result, I'm sure this never made it into his background investigation. It certainly seems to be congruent with the issues we are currently facing with him now.

Regards,

**Robert Flindall**

## General Occurrence Report

Ontario Provincial Police

Printed: 2011/02/03 12:40 by 9740

Occurrence: **SP05112642 Police information @2005/07/04 08:11**

Author: #10532 MCDERMOTT, M.

Report time:

Entered by:

Entered time:

Remarks:

Printed by: 9740

Date: 2011/02/03 12:40

All these e-mails and this occurrence serve to show the OPP's insatiable appetite for any and all information about me to justify the forced termination of my employment. Please note that the report was first printed by PC Payne (her badge number is 9931) on January 28, 2011, and then by Sgt. Flindall (his badge number is 9740) on February 03, 2011.

### Anyway, here is the story:

In the summer of 2005 I held a part time job of a bouncer and a night security guard at the Burleigh Island Loge in Burleigh Falls, Ontario. I only worked for two nights a week at the most.

The lodge was rumored to be haunted and many staff members believed in the presence of the ghost in the building. I personally never believed in ghosts, but some staff members were so fearful of it that on a few occasions they asked me to escort them to the basement of the building to keep them safe from the ghost. In short, some staff members believed in the ghost while others did not and those who did not frequently joked about it.

Also, in the summer of 2005 there was a Hollywood movie being filmed in Burleigh Falls – Cheaper by the Dozen 2 (Exhibit 113). The filming of the movie in Burleigh Falls took place over a period of six weeks and then the filming continued in a movie studio in Toronto for another 6 – 8 weeks. As the result of the filming the lodge was filled with actors, their personal assistants and body guards, costume and makeup artists and various movie crew personnel. We had Piper Perabo, Carmen Electra, Tom Welling, Jaime King and other celebrities staying in the hotel.

Note: Steve Martin, Eugene Levy, Bonnie Hunt and Hilary Duff were staying in privately reserved cottages in the Stony Lake area. One evening Bonnie Hunt came in to the front desk to check e-mails on my computer. As we spoke I was surprised to learn that as reserved and old fashioned as she was in her movie roles that I knew, that evening she was an easygoing and quite humorous person.

And we had children actors along with their parents and even their friends staying and visiting at the hotel. During those six weeks there was an atmosphere of comedy and frequent parties that were held in the evenings on hotel premises.

During one of those nights when I heard a strange noise coming from the bar area and promptly went to investigate it I observed a male party run from the bar area towards the kitchen with what appeared to be bottle in his hand. I shouted, “Stop!” and pursued him. When he ran through the kitchen doors he dropped a bottle on the floor and when I reached the kitchen doors I slipped on the floor and fell. By the time I got up and got to the kitchen he had already gone upstairs through the back door and by the time I ran upstairs he had already entered one of the rooms. I searched the hotel floors for any clues as to where he might have gone with negative results.

At that time I pondered what to do. On one hand I had a perpetrator who stole some alcohol from the bar. On the hand I had Hollywood actors and personnel who had been known to party a lot. I weighted the pros and cons of calling the police right away and decided to wait till the morning to let the hotel manager decide what to do.

I recovered one of the bottles (by the way the bottles that were reported stolen were not full bottles), wiped the floor clean in the bar area, secured the doors and wrote that funny report about the occurrence in the spirit of good humor and information that only hotel staff were privy to, i.e. the ghost.

I was later commended by the hotel owner for having the decisive insight not to call the police in the middle of the night due to the abundance of Hollywood guests in the hotel. The last thing they wanted was police involvement which could have jeopardized hotel business for something minor like that incident. I do not know if the day time manager was commended or reprimanded for calling the police.

PC McDermott’s failure to add my report to the Niche RMS as a witness statement coupled with his neglect to speak with me directly about the incident attests to his neglect in the investigation of the incident. Had PC McDermott spoken with me (the only witness to the incident), as opposed to just taking a header from my report and plugging it into his, he would have been privy to the background story, my rationale for doing what I did, and the hotel owner’s position with respect to the incident. But he chose not to!

I do know that PC Shaun Filman worked a few paid duties on site at the time. In light of that fact, please consider the following:

First, when PC Filman came across the report, instead of asking me about it, he maliciously forwarded it to PC Payne so she could use it against me. One has to admire their information sharing. Second, when PC Payne learned about the report, she forwarded it to Sgt. Flindall as an urgent e-mail with the subject line **'Read this occurrence tonight'**. Furthermore, when Sgt. Flindall learned about the report he could have investigated the matter by himself, but that would have defeated the purpose of his mission to terminate me. In short, all they had to do was to ask me about it. None of them chose to simply approach me and ask me about it, because the mafia had an objective of paramount importance to get rid of me. So they maliciously forwarded it to the Detachment Commander Insp. Johnston who in turn forwarded it to S/Sgt. Coleen Kohen and to Superintendent Hugh Stevenson, who in turn lacked any decisive insight whatsoever and added his unsubstantiated comment about my character. Their actions clearly attest to the amount of animosity and hatred they had towards me and a total lack of any decisive insight on their part whatsoever. Again, their insatiable appetite for any information that could have been viewed as cause for concern was paramount and in turn further fed their prejudices towards me.

- PC Payne's comment: ***'And yes it is who you're thinking it is....'***
- Sgt. Flindall's comment: ***'congruent with the issues we are currently facing with him now'***
- Superintendent Hugh Stevenson's comment: ***'This information speaks to the character of this member'***

Superintendent Hugh Stevenson's comment speaks volumes of the tendency of the Upper Echelon of the OPP to just rubber stamp everything that comes up without asking questions. Superintendent Stevenson ought to have asked or directed Insp. Johnston to question me about it, but he chose not to!

**(September 23, 2009) (Volume 3, V-7):**

**From:** Johnston, Mike P. (JUS)  
**To:** Campbell, Ron (JUS)  
**Cc:** Kohen, Colleen (JUS)  
**Sent:** Wed Sep 23 08:37:23 2009  
**Subject:** FW: Old occurrence involving PC JACK

Ron/ Colleen - Confidential

FYI

Mike

---

**From:** Flindall, Robert (JUS)  
**Sent:** September 22, 2009 9:18 PM  
**To:** Johnston, Mike P. (JUS)  
**Subject:** Old occurrence involving PC JACK

Inspector,

I'm not sure that this has any bearing on PC JACK's current situation, but please read this occurrence dated from 2005 - SP05112642 . Shaun was looking up a suspect who happened to be involved in this occurrence. Michael Jack was also involved, but was never linked to the occurrence as an involved person. As a result, I'm sure this never made it into his background investigation. It certainly seems to be congruent with the issues we are currently facing with him now.

Regards,

Robert Flindall  
Sgt. 9740

The above e-mail is just another piece of evidence of Sgt. Flindall's targeting of me.

**Counsel's Response to the Application (HRT0 2010-07633-I), paragraph 45:**

It is the Respondent's position that the Applicant's coach officers and other officers within the Detachment tried to assist the Applicant but the Applicant failed to heed their advice and guidance. The Applicant was resistant to receiving feedback or constructive criticism and would respond with the silent treatment.

**(September 23, 2009) (Volume 3, V-7):**

**From:** Kohen, Colleen (JUS)  
**Sent:** September 23, 2009 8:39 AM  
**To:** Johnston, Mike P. (JUS); Campbell, Ron (JUS); Lee, Dave E. (JUS)  
**Subject:** Re: Old occurrence involving PC JACK

I will do some inquiring in h r

I would like to know how the sgt found this info ?

Colleen

**(September 23, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Johnston, Mike P. (JUS)  
**Sent:** September-23-09 8:52 AM  
**To:** Kohen, Colleen (JUS); Campbell, Ron (JUS); Lee, Dave E. (JUS)  
**Subject:** RE: Old occurrence involving PC JACK

He references one of his platoon members querying a bad guy, and this incident came up. I am assuming the involved member brought it to his attention. Do you want me to look into further???



**(September 23, 2009) (Volume 3, V-7):**

**From:** Johnston, Mike P. (JUS)  
**Sent:** September 23, 2009 8:54 AM  
**To:** Stevenson, Hugh (JUS)  
**Subject:** FW: Old occurrence involving PC JACK

Hugh

Forwarded so you are aware of another issue with Probationary Jack. Please read the NICHE report indicated below. This is a "dated" incident.

Mike

**(September 23, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Johnston, Mike P. (JUS)  
**Sent:** September 23, 2009 8:55 AM  
**To:** Kohen, Colleen (JUS)  
**Subject:** RE: Old occurrence involving PC JACK

Colleen

I have updated Supt Stevenson on this recent information on P/C Jack.

Mike

**(September 23, 2009) (Volume 3, V-7):**

**From:** Stevenson, Hugh (JUS)  
**Sent:** September 23, 2009 12:21 PM  
**To:** Graham, Martin (JUS)  
**Cc:** Smith, Ken C. (JUS); Armstrong, Mike (JUS); Johnston, Mike P. (JUS)  
**Subject:** FW: Old occurrence involving PC JACK  
Martin:

As per the message below - I have reviewed the NICHE occurrence that involved PC Jack as a civilian security Guard - prior to PC Jack's employment with the OPP and I would ask that this information be considered. This information speaks to the character of this member - prior to his OPP involvement and missed in his OPP background check.

I will forward a hard copy of the niche occurrence to you today.

Regards

Supt Hugh Stevenson Ed.D.  
Operations Manager  
Central Region  
Office (705) 329-7403  
Cell (705) 238-9833

The words of *'this speaks to the character of this member'* are evidence of the person in charge of Central Region of Ontario in the OPP's Orillia Headquarters, Superintendent Hugh Stevenson's conclusion that I was

a person of bad character. This is a vexatious comment and a conclusion. His mind was now poisoned towards me and believed I was an “Undesirable” that slipped in through a crack in the OPP’s applicant screening process. He believed it worthy of mentioning to the Chief Superintendent Mike Armstrong and the Detective Sergeant Major of the Professional Standards Bureau Martin Graham who oversaw the investigation involving the fabricate internal complaint against me.

Let us consider the following:

- In July 2005 I worked a part time job as a night attendant at a Burleigh Island Lodge resort.
- On July 4, 2005, an incident took place during which some alcohol was stolen from the bar.
- The abundant presence of Hollywood personnel on site (Exhibit 113) warranted caution and not rushing to judgment with respect to calling police for something minor like theft of a bit of alcohol.
- I wrote a report in the spirit of good humor and information that only the resort staff was privy to.
- The hotel day time manager decided to call the police to investigate the incident after I had already gone home.
- The investigating officer (PC McDermott) neglected his duty to question the only witness to the event (that is me) and instead just plugged the header from my report into his statement while also failing/neglecting to add me as a witness in the Niche RMS.
- So the header of the report made its way into a police report without my knowledge of it.
- Over 4 years later my former coach officer (PC Filman) came across the report.
- PC Filman informed (most likely immediately) my former “go-to” person PC Payne about it.
- PC Payne immediately informed my former accountable shift supervisor Sgt. Flindall about it (September 22, 2009) (Volume 1, I-115 and Volume 3, Y-2). PC Payne’s comment:
  - ***‘And yes it is who you’re thinking it is....’***
- Sgt. Flindall immediately informed Detachment Commander Insp. Mike Johnston about it (September 22, 2009) (Volume 1, I-46). Sgt. Flindall’s comment:
  - ***‘congruent with the issues we are currently facing with him now’***
- Insp. Mike Johnston immediately informed S/Sgt. Campbell and S/Sgt. Coleen Kohen about it (September 23, 2009) (Volume 3, V-7) and Superintendent Hugh Stevenson about it (September 23, 2009) (Volume 3, V-7).
- S/Sgt. Kohen immediately informed Insp. Dave Lee about it (September 23, 2009) (Volume 3, V-7).

- Superintendent Hugh Stevenson immediately informed Chief Superintendent Mike Armstrong about it (September 23, 2009) (Volume 3, V-7) and very straightforward asked him to consider the information that spoke (negatively) about my character. Superintendent Hugh Stevenson's comments:
  - *'I would ask that this information be considered.'*
  - *'This information speaks to the character of this member'*

Levels of indirection:	Date	Occurrence
↓	July 4, 2005.	Theft of alcohol
↓	July 4, 2005	My report Re: Theft of alcohol
↓	July 2005	PC McDermott's incompetent investigation Re: Theft of alcohol
↓	September 2009	PC Filman's finding of the report Re: PC McDermott's incompetent investigation Re: Theft of alcohol 4 years later
↓	September 22, 2009	PC Payne's excitement over it and immediate usage of it
↓	September 22, 2009	Sgt. Flindall's immediate usage of it
↓	September 23, 2009	Insp. Johnston immediate usage of it
↓	September 23, 2009	S/Sgt. Coleen Kohen's immediate usage of it
↓	September 23, 2009	Superintendent Stevenson's immediate usage of it
	September 23, 2009	Chief Superintendent Armstrong's consideration of it in his decision to terminate m.

By the time the report made it to Chief Superintendent Armstrong it was an **indirection of the ninth degree** and it was used along with other lies about me to terminate me.

Could the Tribunal just imagine the Respondent's insatiable appetite for any information that could have been viewed and twisted into being negative about me?

Furthermore, I wonder what Counsel would have to say about the degree of hearsay of Superintendent Hugh Stevenson's comment:

- *'This information speaks to the character of this member'*

**(September 24, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Kohen, Colleen (JUS)  
**Sent:** September-24-09 9:10 AM  
**To:** Johnston, Mike P. (JUS); Stevenson, Hugh (JUS)  
**Subject:** RE: Old occurrence involving PC JACK

Good Morning

I don't know if you have an opportunity to read the occurrence report . Is this something Region wants me to explore ? This was 4 years ago and we don't even know if the security company that employed Prob Jack did any documentation and if so ... how would this assist us in his new role ? . He was acting in his previous employment and is not an accused .. in saying that, I agree he did not make the right choice back then but should that influence us now in his new role ?

Unless I am missing something ... Let me know

Colleen

**(September 24, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Johnston, Mike P. (JUS)  
**Sent:** September-24-09 9:40 AM  
**To:** Kohen, Colleen (JUS); Stevenson, Hugh (JUS)  
**Cc:** Campbell, Ron (JUS)  
**Subject:** RE: Old occurrence involving PC JACK

Colleen

The information was forwarded to Region for their knowledge. I was clear that information was "dated". My position was that with the present issues we are experiencing presently with this officer, this information should be passed on.

I agree with your assessment below.

Mike

**Relevance:** Its relevance is to corroborate what I have asserted in my statement that I took a certain course of action in my handling of the incident as a security guard for the sole reason of protecting the interests of management of Burleigh Island Lodge with respect to the filming of the Hollywood movie on site. This course of action that I took was supported by the hotel owner after the police involvement of the incident. Had the police had interviewed me (which ought to have been done since I was the only witness to the incident) during their investigation of the incident instead of just assuming that I was negligent, then the ensuing general occurrence report from the investigating officer would not have created such a negative bias towards me from those reading the report 4 years later. However, it was the incompetence of the investigating officer that did cast this negative bias towards me. It was this negative bias that caused Superintendent Hugh Stevenson to judge me prematurely (*it certainly speaks about his character*). Hence, I am strongly opposed to its removal.



## Exhibit 120 - Proof of OPP violating officer's rights to confidentiality

**Contents:** Exhibit 120 is an e-mail which speaks about Ontario Provincial Police violating officer's rights to confidentiality. The OPP officer in this email is Sgt. Rui Pacheco and his permission to use his email message is at the bottom of this exhibit.

**Purpose:** Counsel for the Respondent accused me of violating confidentiality of youth and adult members of the public, yet all I did was to disclose information that is to be part of the judicial proceedings to substantiate my allegations. Unlike the OPP disclosing Sgt. Pacheco's information without his consent and in violation of the confidentiality provisions of the preamble drafted by lawyers of the OPP Association I disclosed information that would be restricted to this judicial process. Furthermore, Counsel disclosed personal information in the index of its January 12, 2012, disclosure and after that fact being pointed out to her, promptly blackened them out and requested the index to be returned to her.

Furthermore, there is an abundance of evidence that my rights to confidentiality were violated numerous times by the Peterborough County OPP officers. For example, on August 31, 2009, S/Sgt. Kohen noted the following about the teleconference call:

### **(August 31, 2009) (Volume 4, 24), S/Sgt. Kohen's notes (Original & Transcribed):**

Mon - 31 Aug 2009  
0715 On Duty  
Toronto at 0700  
0715 to 1  
Conf call re Prob Jack on conf call was Dave Lee, Ron Campbell, Cst Filman, Sgt Fidley, Sgt Postman, Cst Nieal  
1400 | Conf call re Prob Jack on conf call was Dave Lee, Ron Campbell, Cst Filman, Sgt Fidley, Sgt Postman, Cst Nieal  
Summary  
Month 1, 2, 3, 4, 5  
no concerns  
Month 6 & 7 which are a combined PCS66P issues start to be raised.  
The same Prob who called me when Sgt told him he could be losing his job and also have a PSB investigation against him.  
Sgt Fidley seems to take lead on the perf issues and has a strong dislike for Prob Jack as he does not own up to his errors.  
SS also appears months 6 & 7 PCS66P has been given to him but not any WIP.  
PCS66P 6 & 7 given to

Mon 31  
Aug 2009

0715

On Duty

1400 | Conf call re Prob Jack on conf call was Dave Lee, Ron Campbell, Cst Filman, Sgt Fidley, Sgt Postman, Cst Nieal

Correction of the misspelled officers' names: S/Sgt. Ron Campbell, Cst. Filman, Sgt. Flindall, Sgt. Postma, Cst. Nie.

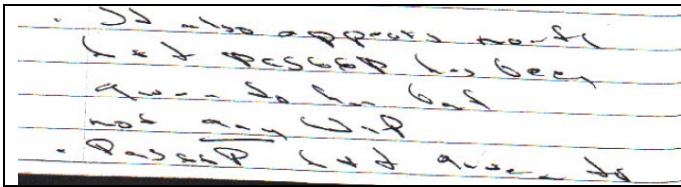
#### **Summary**

Month 1, 2, 3, 4, 5 no concerns.

Month 6 & 7 which are a combined PCS66P issues start to be raised.

The same Prob who called me when Sgt told him he could be losing his job and also have a PSB investigation against him. Sgt Fidley seems to take lead on the perf issues and has a strong dislike for Prob Jack as he does not own up to his errors. SS also appears months 6 & 7 PCS66P has been given to him but not any WIP.

PCS66P 6 & 7 given to



Please note the excerpts:

- ***'The same Prob who called me when Sgt. told him he could be losing his job and also have a PSB investigation against him'***

Please note the names of the officers who were made aware of the PSB investigation against me: Insp. Dave Lee, S/Sgt. Kohen of the OPP's Human Resources, S/Sgt. Ron Campbell, Sgt. Robert Flindall, Sgt. Jason Postma, PC Shaun Filman, and PC Richard Nie. This action by Sgt. Flindall poisoned the minds of the participants. While one could say, 'So much for the confidentiality of an internal investigation', that would be a false assertion to make since the PSB investigation was fabricated with the sole purpose of terminating me. Hence, Sgt. Flindall deliberately brought the PSB investigation matter up during the conference call to alienate Regional Command Staff against me.

- ***'Sgt. Fidle seems to take lead on the perf issues and has a strong dislike for Prob Jack as he does not own up to his errors'***

Apart from being Sgt. Flindall's next-door neighbor (and shortly after the conference call even a subordinate of Sgt. Flindall) PC Richard Nie was privy to Sgt. Flindall's strong dislike of me during the conference call. So much so for the, ***'fresh start with a clean slate'***.

**Relevance:** Contrary to Counsel's view of the irrelevance of the document, this document is relevant. The main relevance of this exhibit is to show how the Respondent is very much a bully organization and feels that they can do what they please. In breaching the confidentiality of Sgt. Pacheco the Respondent clearly shows that they have no respect for any such preambles and any policy under the memorandum of understanding between the OPP Association and themselves. It is this little bit of proof of a bully organization that is seen more clearly in the dissemination of information about my PSB investigation to others who had no business knowing about it.

## **Exhibit 121 - Threatening e-mail by Sgt. Dennis**

**Contents:** An email from a sergeant at Peterborough County OPP Detachment indicating his disgust and desire to exhibit his disgust by way of extreme violence over an officer defecating in a urinal rather than the toilet.

**Purpose:** Exhibit 121 is an e-mail that is included to:

First, to show what D/Cst. Karen German meant by telling me on December 15, 2009, that I had started at a very bad detachment. Apparently, it was very bad because moral was very low and officers would do anything to show their utter disgust towards management. The fact that an officer defecated in a urinal that is only five feet or so away from a toilet speaks volumes of an officer's respect for the environment he worked in.

Second, and as can be seen in the appended e-mail below the Respondent has indicated that my obsession with guns was quite disturbing and that I allegedly killed (shot) people during my time in the Army.

**(August 5, 2008) (Volume 6, 38):**

-----Original Message-----  
From: Rathbun, Brad (JUS)  
Sent: Tuesday, August 05, 2008 12:01 AM  
To: Campbell, Ron (JUS)  
Cc: Johnston, Mike P. (JUS)  
Subject: Upcoming recruit

S/Sgt Campbell: On one of our recent shifts I met a gentleman who is apparently coming to our detachment from the next recruitment class. He did a ride-along with our shift and I would like to talk to you about some concerns that have been raised.

Apparently he is a Russian male who has also spent time in the Israeli Army, with the name of Michael JACK (DOB: 16 Dec 1972)

In my short encounter he made a comment about how he likes guns.

He commented about guns continuously during his ride-along. He apparently has 32 registered guns. His obsession with guns was quite disturbing. He also mentioned the persons he killed (shot) during his time in the Army. The officer he rode with will make notes with all concerns, should this be required.

A concern by the officer was what the result would be in making command staff aware of an officer's "instincts" that were a bit "hair raising".

As I was being told, I felt that these points should at least be looked into or brought to the attention of our recruiting department.


I understand this recruit may be riding with PC Pollock today (05 Aug 2008).

Sgt Rathbun

Though it was entirely false, it nonetheless had a compounding effect in racially marginalizing me from the rest of the Detachment to the point of officers feeling threatened about their safety when I was terminated.



(November 6, 2009) (Volume 1, A):

 <p><b>MARY D'AMICO</b> Provincial Constable Peterborough County Detachment ONTARIO PROVINCIAL POLICE</p> <p>453 Lansdowne Street East Peterborough, Ontario K9J 6Z6</p> <p>Tel: (705) 742-0401 Fax: (705) 742-9247 maria.damico@ontario.ca</p> <p>OPP 24 Hour Police Service, ComCentre 1-888-310-1122</p> <p>I have known -</p> <p>PC D'Amico</p>	<p>1402 Spoke to A/Sgt Flindall re: PC Jack. If gets let go, concerned for my safety &amp; family. Has many firearms. Just feeling.</p> <p>69</p>
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Could one just imagine how biased and fearful PC Mary D'Amico was of me? Why of me? We had a number of officers at the Peterborough County OPP Detachment who were hunters and had numerous registered firearms. I truly marvel how the maliciously coined nickname "Crazy Ivan" and the term "Loose Canon" by PC Marc Gravelle poisoned my work environment to such an extent and ignited a flame of hatred and racism. Two possibilities come to mind for PC D'Amico's feeling:

- First, she was extremely biased against me and instead of regarding me as an educated, dedicated and student-oriented former University professor of Computer Science she viewed me as an unbalanced and dangerous individual.
- Second, my offenders were conscious of their actions and PC D'Amico feared that I could get violent with them in the spirit of my racially derogatory nickname "Crazy Ivan".

(November 12, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

1546

Rob Flindall brings forward concern that he has f.arms concerned about his mental state. Rich Nie -Cst Jacks H.R. check on any F.A. interview president of gun club H.S. perspective if made reference to F.A. & being inappropriate e.g. Of violence. If not have to wait due diligence via PSB investigation.

PC Gravelle and the rest of the Peterborough Detachment's reference of me with those derogatory nicknames that poisoned my work environment and in turn ignited a flame of hatred and racism towards me was exactly the behavior the Promise of the OPP and supportive policies were meant to address but obviously could not. How could it when supervisors in various ranks were actively engaged in looking for negative information regarding me, a member of a racially marginalized group. The correspondence between Peterborough Detachment supervisors and Command Staff in August – September, 2008 confirming that I was a Russian-Israeli that everyone was supposed to keep an eye on supports my assertion (please refer to Appendix B for full reference to the chain of e-mails).

**Relevance:** Hence, the use of this exhibit shows in very stark contrast that though I was perceived by others to be a violent person and falsely alleged to be involved in organized crime by virtue of my (non-existent)



association with undesirable Albanians the Respondent on the other hand had a sergeant working at the same detachment who was very clearly (and on the record) advertising the strong desire to have a physical confrontation with any officer responsible and even providing a location for such an event. This sergeant was clearly speaking on behalf of the OPP for he says, '*I will very physically remind you what it is to be an OPP officer ....*'.

#### **Exhibit 122 - Copies of inculpatory statements by the respondents with excerpts of denials from Counsel's response to the Application**

**Contents:** Exhibit 122 contains copies of inculpatory statements in numerous e-mails between many of the personal respondents as well as their officer notes.

**Purpose:** To provide any reader a quick and substantive perspective of my allegations and assertions in my statement with respect to the Respondent's denials while information contrary to those denials were contained in the Respondent's disclosure all along. The inculpatory statements evidence assertions that I make in my statement. Those inculpatory statements do stand the test of credibility and reliability since they are communications between the personal respondents. Counsel for the Respondent was fully aware of those inculpatory statements in studying the seven volumes of information yet, deliberately manipulated the truth in preparing a response filled with denials of the allegations in the application.

To establish a prima facie case with respect to all of my allegations in my application. Counsel deliberately put forth a position of innocence in submitting a response to my application contrary to those inculpatory statements contained in the numerous e-mails. Mindful of this fact I have compiled such an exhibit where I have used the Respondent's own disclosure to establish a prima facie case.

The Tribunal's case law establishes the approach to dismiss an application on the basis of a failure to disclose a *prima facie* case of discrimination.

**Relevance:** The Respondent, in their Form 10 request is basically requesting removal of many exhibits and or documents that are in essence damaging to their position. However, it is the Respondent's own disclosure that is providing this damaging information. This exhibit actually corroborates and provides (substantiates) a prima facie basis for the allegations I have made out in my application.

## **Exhibit 123 - REFUSED**

**Contents:** Exhibit 123 includes a comparison of the handwriting of the word 'REFUSED' across three documents. Namely, two negative 233-10s issued and served on me by Sgt. Flindall on August 20, 2009, which Sgt. Flindall signed in my presence and my Month 8 performance evaluation report, which Sgt. Flindall signed in my absence on September 11, 2009.

**Purpose:** To substantiate the assertions in my statement that Sgt. Flindall fabricated my Month 8 performance evaluation report, lied about holding an evaluation meeting with me, falsified my refusal to sign the report, and most likely lied to the OPP Regional Command Staff in Orillia about me.

The Respondent's position in trying to defend my application is that I failed to meet the standards of passing all my Performance Evaluation Reports. Ironically this position is what the Respondent planned all along. Proof of this being true is seen in the following e-mail:

**(August 11, 2008) (Volume 6, 37):**

**From:** Lapalme, Denis (JUS)  
**Sent:** August 11, 2008 2:30 PM  
**To:** Traviss, Denise (JUS)  
**Subject:** RE: Candidate Michael JACK

Hello

I think I should work with the Academy on this one along with recruitment. The position should be as such: We have offered the candidate employment conditional on his passing academy and OPC and probationary time. We still can discuss with the Academy concerns, decide what to look at, identify different hypothesis that can explain this behavior (such as maybe he thought this would impress the officer), and then strategize on a meeting between psychologist and candidate. So I need to know when he is at the academy?

Denis

I had obviously passed Ontario Police College. I have already pointed out that there were those who believed I was a crazy Russian and one that the OPP failed to properly screen through their background investigation based on the e-mail from Superintendent Stevenson in reference to his view of a report regarding the 2005 incident at Burleigh Island Lodge that allegedly spoke about my character and that it was also something that was missed in my background investigation check (Volume 3, V-7). I had already passed the Provincial Police Academy in Orillia and the only thing left for me to pass was my probationary time. Obviously, the Provincial Police Academy's concern (Respondent's concerns) were discussed sometime after the date of that August 11, 2008, e-mail from OPP psychologist/psychiatrist Dr. Dennis Lapalme and the Respondent decided that I was the one to be kept an eye on as evidenced in the following e-mail and response from management dated September 23, 2008 (please refer to Appendix B for full reference to the chain of e-mails):

**(September 23, 2008) (Volume 1, I-41):**

From: Flindall, Robert (JUS)  
To: Campbell, Ron (JUS)  
Sent: Tue Sep 23 18:12:08 2008  
Subject: RE: Shift Changes

Staff,

I see I am now taking one of the male recruits, Michael Jack. Can you advise if he's the recruit that we needed to keep an eye on, ref his love of guns etc. ?  
I'm just looking for a heads up.

Thanks!  
Rob

**(September 23, 2008) (Volume 1, I-41):**

From: Campbell, Ron (JUS)  
Sent: September 23, 2008 7:44 PM  
To: Flindall, Robert (JUS)  
Subject: Re: Shift Changes

You got it he is the one. Problem was we didn't know Amanda was married to Jeff Knier thus needing to move her. Ron

**Relevance:** Hence, in clearly showing that my Performance Evaluations Reports were fraught with fraudulence the Respondent's position in defending my application is grievously jeopardized.