

Appendix A

(December 14, 2010) (HRT0 2010-07633-I) - Application to the Human Rights Tribunal of Ontario Area of Discrimination Employment (Form 1-A):

Question About Employment Harassment or Discrimination on the Basis of Association

Complete this section only if you believe that you were discriminated against because the Respondent(s) associated you with a person who is a member of a group identified in the Code.

A38 Please explain why you believe you were discriminated against on the basis of association.

A contrived complaint was registered against me by my colleagues at the Peterborough Detachment of the OPP. As more particularly described in Schedule "A", the complaint alleged that I was associating with 'undesirables'. It is noteworthy that 2 out of 3 alleged undesirables were members of an ethnic minority group.

(April 20, 2012) (HRT0 2010-07633-I) – Request for an Order During Proceedings:

Request for an Order Striking out the Claim of Discrimination on the Basis of Association

Association Identified by Applicant in Form 1

1. The Applicant has indicated in Form 1 section 5 (Grounds Claimed) that the Applicant believes that the ground of "Association with a Person Identified by a Ground Listed Above" applies to his Application.

Application fails to Disclose a Prima Facie Case of Discrimination on the basis of Association

2. The Applicant has failed to disclose any facts, particulars or allegations that would support a finding that the Respondent has violated the *Code* on the basis of association.
3. 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.
7. In this case, the Applicant has not established a *prima facie* case of discrimination on the basis of association. The Applicant has not made any allegations nor provided any facts nor particulars of discrimination on the basis of association. Applying the test as set out in the case law, the Applicant's allegations as contained in the Application, even if accepted to be true, are not sufficient to establish that the Respondent violated the *Code* on the basis of association.

Counsel's disclosure dated January 12, 2012 (Volume 3, W-3):

From: Campbell, Ron (JUS)
Sent: August 18, 2009 3:04 PM
To: Johnston, Mike P. (JUS)
Cc: Borton, Doug (JUS)
Subject: Moving of Cst. Mike JACK

Mike: I know Sgt Flindall was into see you last week and this week when I came back and wanted to move Cst. Jack from shift. Your response at that time was no as he had more or less been in charge of ensuring proper supervision occurred.

Since that decision was made and with the background of Cst. Jack's call to S/Sgt Kohen and Sgt Flindall's statements to Cst. Jack.

- a) his job was in jeopardy - for failing to follow direction given to him on cc investigation- he answer shopped and didn't do as instructed.
- b) he would be watching his every move and documenting it
- c) charge under the HTA for driving error on the 12th of Aug
- d) Apparent discussions Sgt Flindall has asked his entire shift to monitor Jack's actions and contact him for any issues (this is also spread to platoon B)

On the Sunday Jack called in sick and there is some talk by Platoon Sgt "B" Sgt Banbury because he called in sick he thinks he was deceitful and wants to investigate why he told a person at an incident on Saturday prior to calling in Sunday that he was not coming in and was sick. (I will look into this on Wednesday the first shift back)

It is my feeling that it is because he is feeling vulnerable as a new employee, with a language issue, and an immigrant to the country that he is feeling the stress of his supervisors comments no matter how well intentioned it is likely resulting in a poisoned work environment and or a possible H.R. complaint. I think the supervisor has lost the focus he is here to assist and correct Cst. Jack as well as discipline him for transgressions that are not learning issues. I have touched on this with Sgt Flindall and will do so again on Wednesday in private.

Mike both you and I discussed this and it appears this officer is being left on his own to fully investigate matters beyond his experience level. When Sgt Flindall came to me this was addressed as he knew it was an issue. Sgt Flindall insists he was given proper direction and fully understood the directions he just did not complete.

As per your request I followed up and updated the briefing note for A/Supt Borton and Insp. Lee, and sent a message directly to Kent Taylor asking him for a driving assessment of Jack.

I received a call back from A/Supt Borton today and he thinks some fresh eyes are needed to continue this member's evaluation and give a fresh perspective on his suitability with the OPP. I am moving him completely away from the A& B side to Platoon "D". I have discussed with Sgt. Rathbun and Sgt Smith and with the bodies coming back in Sept and the new transfer of Rowe from Haldimand in Oct each platoon will be left with 12 persons.

Platoon D gives him a new start and I am awaiting Rich Nie to awaken for shift tonight to advise him of the decision that he will be the new Coach officer for the remainder of Cst. Jack's probation. Rich is a very level headed person and by having him on the opposite side gives Jack a new start from the other side with the alignment of the A&B Sgt of not only being relatives but good friends will assist all in having an objective look at this employee.

The tentative date for the movement is the **30th of August 09**. Since his 7 month evaluation will be due on the 27 Aug 09 and outline the issues from his present coach and Sgt. Although this start prior to the end the current schedule which runs to 12 Sept 09. May violate the MOU or as it is now called the collective agreement that all rest days are set in stone until the new schedule is posted. It still complies with giving him at least 7 days notice of a shift change. The new schedule will not be posted until tomorrow at Noon. So I am sure all parties will agree to the move to give everyone a fresh start.

Ron

Counsel's disclosure dated January 12, 2012 (Volume 3, V-20):

From: Campbell, Ron (JUS)
Sent: August 21, 2009 9:22 AM
To: Johnston, Mike P. (JUS)
Subject: RE: Re; Michael Jack Platoon D

In answer to your question why was he moved.

I had cc you and A/Supt Borton regarding the driving issue. I also added my thoughts on the NCO Flindall losing objectivity with him. He has his shift and Sgt Banbury's shift all watching this officer and reporting any screw ups. Couple this with statements from Sgt Flindall he admits making but not in the context that Cst Jack has reported.

1. his job is in jeopardy

2. he will be documenting his every move and he will be getting paper on issues that have been discussed. (this was after not following his direction on Criminal Harassment charge)

Then he screws up with the cruiser witnessed by Flindall and Payne and is given a ticket under the HTA and a 233-10.

Sgt Banbury comes to me complaining Jack has feigned illness the next day. I investigated and thank goodness he wrote his medical issues in his daily journal Sat afternoon along with a witness who assisted him a CP office in Buckhorn the Sat afternoon. He reports this continued through the night. I really think it is stress related from the scrutiny he is under. (Banbury wanted him charged with deceit...he should know all about that) In any event this is unfounded.

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..

On Wednesday Mike Jack, Rob Flindall, his OPPA alternate rep. Mitch Anderson and myself sat down and all the issues surrounding Mike were discussed in his presence with OPPA rep.

Long and short Sgt Flindall was advised that supervision is an issue here. That Cst. Jack needs **one on one** supervision to correct the problems. **Work Improvement plans need to be** in place and direct supervision from a coach. Both he and Mitch brought up that everything has been thrown at him at once without prior issues reported on his PCS 066. It is also apparent Cst. Jack is not following direction.

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.

Then yesterday I got a call from Brian Gilkinson about the utter poor quality of 3 Crown briefs handed in by Cst. Jack. He stated there is no basis for a charge in any of the cases as all it is or amounts to is a collection of one line statements by the alleged complainants with no basis or facts to prove the accused actually did it nor do they outline the elements of the offence. This would be for the [REDACTED] complaint, [REDACTED] complaint of Criminal Harassment,(exactly what Sgt Flindall) had given him a negative 233-10. Interestingly enough Sgt Flindall had just got done complaining to me about Bob. L. from the court sending this very brief back saying there was no offence for the very same reasons that the Crown was now stating. So I brought this to his attention that again it was simply unsubstantiated rumours and investigation needed to be completed. The same goes for a brief on [REDACTED] So again I asked Rob where is the coach officer who should be guiding this and where is the vetting of the briefs by him!!! Sgt Flindall has now taken on the responsibility of following up on both cases involving Cst. Jack's briefs and investigations as this is as much of a screw up by him!!!

Ron

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

Flindall, Robert (JUS)

From: Flindall, Robert (JUS)
Sent: September 11, 2009 4:41 PM
To: Johnston, Mike P. (JUS)
Subject: PC Michael JACK

Inspector,

As your request, here is the information that I provided to you today, however I must reiterate that nothing has been sourced on this :

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 [REDACTED] crime group that deals mostly in drugs. I've been advised that this is an extremely violent crime group. [REDACTED] is 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]

[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 [REDACTED]. 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?

Also, on the 31st of July 2009, PC BROCKLEY had occasion to work on my shift while I was away on holidays. During his tour of duty, BROCKLEY overheard PC JACK running a licence plate that he believes comes back to [REDACTED] which is used by our organization [REDACTED]. PC BROCKLEY is fairly certain what he had heard on the radio, but only having half an ear to it, he can't be 100% certain. PC BROCKLEY also missed the licence plate that was run but tweaked to the registered owner. I have ordered a copy of the PCC tapes for this time period and have been advised I will have same by the end of the weekend. PC JACK was questioned about running this vehicle by either BROCKLEY or FILMAN, however he has no notes in his notebook and does not recall running the marker. Again, until such time that we can review the PCC tapes, this information is unsubstantiated and may merely be circumstantial.

Given the nature of PC JACK's prior associations and possibly running our gaff plates, I feel it is imperative that we review the PCC tape for the 31st of July, make a CPIC dump of all the people and motor vehicles he has run and provide as much documentation to the RCMP so that they can go back through their records to see if we have a hit on PC JACK. PC JACK's current cell phone # is (705)740-5765. This is the number he has listed with us so I'm unaware if he has a home phone number. [REDACTED] have not been run on CPIC yet as I didn't want to have a [REDACTED] until we had our ducks in a row with this.

Regards,

Robert Flindall
Sgt. 9740
Peterborough County OPP
VNET 508-4120
Tel : (705) 742-0401
Fax : (705) 742-9247

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

----- Forwarded Message -----

From: "Blue Sky Gear" <admin@blueskygear.com>
To: mike.p.johnston@ontario.ca
Sent: 15/09/2009 2:40:49 PM
Subject: Clarification re PC JACK

Inspector,

As per our discussion, here is some clarification information regarding PC JACK. I have spoken with PC BROCKLEY today, after our conversation, for more information and about the timing of this information.

PC BROCKLEY advises that 2-3 weeks after PC JACK arrived at the office, in Jan '09, PC JACK produced a photograph to PC BROCKLEY at the request of PC FILMAN, his coach officer. PC BROCKLEY at the time was working in the Drug Unit. When PC JACK produced the photograph, PC BROCKLEY recognized 3 of the people in the photograph, 2 of which were [REDACTED] and heavily into the drug scene. [REDACTED]

[REDACTED] PC JACK also provided information that the other person in the photograph, [REDACTED] had brought him back a rifle scope when he was down in the US. Given the manner in which PC JACK was forthcoming with the information that he had worked out with these people in the past, and keeping the integrity of [REDACTED]

PC BROCKLEY has advised that the 2 males play their cards close to their chest and either you know absolutely nothing about what they do, or you know everything. Again, the manner in which PC JACK provided the information, led PC BROCKLEY to believe he didn't know anything.

I was made aware in passing some time after that, that PC JACK had worked out with some undesirables in the past at the gym but was never told the above information concerning their Albanian drug ties or the RCMP project.

In July, I was away on holidays into August. During that time period, PC BROCKLEY worked on my shift due to personelle shortages on the 31st of July. During the evening hours, PC BROCKLEY was involved in an investigation and was dealing with a youth, when he overheard the registered owner [REDACTED] which he believes [REDACTED] He wasn't 100% certain as he only had half an ear to the radio. PC BROCKLEY has advised me today that PC JACK was spoken to by PC PAYNE and PC FILMAN about 2 hours after the plate had been run, and PC JACK advised he didn't recalling running the plate nor had anything in his notebook about it. PC BROCKLEY advised that this was odd, and thought back to the photograph that PC JACK produced back in January.

I was advised of PC JACK potentially running an [REDACTED] August after I had gotten back from holidays. Again, I don't have the exact date with me. I wasn't familiar with [REDACTED] nor did I have the information above about the [REDACTED] I believe it was PC PAYNE that told me about him running the plate. No one on the shift fully heard the plate he had run or the RO information, but thought it was something similar [REDACTED] I advised her I would look into the matter when I had a chance and would see about pulling the tape from the PCC.

In the beginning of Sept, the 3rd I believe, the licence plate matter was brought up again, which reminded me to make a request for the tapes. It was also at this time that PC BROCKLEY came forward about the details of the photograph in January. He provided me with the [REDACTED] and the 2 males affiliation with [REDACTED] drug running. He advises that each matter alone, didn't cause him concern, but it was the pairing of the two that caused him to take notice. He advised that he was concerned about the integrity of the project and felt that had any information been discovered about PC JACK it would have been brought forward.

I in turn brought this information immediately forward to S/Sgt. CAMPBELL and we had discussions about where we were to go from this point. None of the information at the time had been sourced. I hadn't run any of the parties involved as I didn't want [REDACTED] S/Sgt CAMPBELL advised he was going to notify Insp. JOHNSTON about the information and did so by email. I advised S/Sgt. CAMPBELL I would send an email to Insp. JOHNSTON, but didn't do so, because I had just literally received very basic information about the matter and needed to obtain more detailed information to provide a better picture. I provided Insp. JOHNSTON the above information when he was back in on days from being away on the 11th of Sept.

In all accounts, PC JACK's affiliation with the 2 males at the gym seemed innoquous 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 totallity of the information was learned, S/Sgt. CAMPBELL was immediately notified.

I hope this provides clarification as to the timing of events. As they say, timing is everything. Further clarification should be obtained from PC BROCKLEY, PC FILMAN and PC PAYNE for further, finer details.

Respectfully,
Robert Flindall
Sgt. 9740
Peterborough County OPP
VNET 501-4620

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

CONFIDENTIAL DUTY REPORT

Confidential Duty Report of : Sgt. Robert FLINDALL #9740

Date of Submission : 11 November 2009

This is the first page of a confidential duty report. Any additional pages are numbered consecutively and are attached hereto. I have initialed all pages and signed the last page.

This report is being made to my employer in the course of my employment at the request of Detective Sgt. Tym Thompson, of the Professional Standards Bureau. If applicable, it is also being submitted as a statement in an attempt to resolve informally a complaint made against me in accordance with the Police Services Act.

This report is submitted without prejudice and is a non-voluntary statement. I object to and claim privilege from the use of all, any part, or parts of the report in any proceedings whether criminal or civil and including disciplinary proceedings or in any investigation or inquiry.

Improper use of this report without my consent is forbidden and any requests that I waive such privilege or any notices that my claim to privilege will not be honored or recognized must be directed to:

Legal Services Branch
Ontario Provincial Police Association
119 Ferris Lane
Barrie, Ontario L4M 2Y1
Telephone: (705) 728-6161
(800) 461-4282
Fax : (705) 721-4867
Email : legal@oppa.on.ca

SUBJECT TO THE CONTENTS OF THE ABOVE, I SUBMIT AS FOLLOWS:

In early January 2009, a new recruit arrived at the Peterborough County OPP Detachment and was assigned to my Platoon. His name was PC Michael JACK # 12690. His assigned coach officer was PC Shaun Filman #11212.

Shortly after arriving at the Detachment, I can't recall the date, I was advised in passing by PC FILMAN that PC JACK worked out at a local gym and that some of the people he associated with at the gym were less than desirable. I was not advised why at that time.

On September 3rd, 2009, PC BROCKLEY, #10489 came forward to me and disclosed additional information concerning a photograph he had observed shortly after PC JACK had arrived at the Detachment. He could not provide a date of when the photograph was observed.

On September 3rd, 2009, PC BROCKLEY, #10489 came forward to me and disclosed additional information concerning a photograph he had observed shortly after PC JACK had arrived at the Detachment. He could not provide a date of when the photograph was observed.

PC BROCKLEY advised me that PC JACK was posing in the photograph with 3 males that he recognized. The photograph was taken at the gym PC JACK worked out at –

Good Life Fitness on Chemong Rd in Peterborough. PC FILMAN was also present at this time and confirmed the information provided by PC BROCKLEY.

PC BROCKLEY advised me that in the photograph, he witnessed [REDACTED] PC BROCKLEY, who had been in the Drug Unit at the Detachment, advised that [REDACTED] were part of an [REDACTED] crime group. They were heavily into the drug scene. [REDACTED] was a local male that was known to officers at the Detachment.

PC BROCKLEY advised that the group, including PC JACK, were in the photograph posing with their shirts off. [REDACTED] described PC JACK as being "ripped".

PC BROCKLEY also advised that the relationship between PC JACK and the group was such that when [REDACTED] was down in the United States, he brought a rifle scope back for him. This information was provided to PC FILMAN verbally by PC JACK.

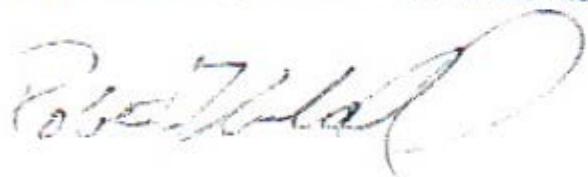
At this time, PC BROCKLEY also advised that he was aware of [REDACTED] PC BROCKLEY advised that he did not come forward with the information about PC JACK's possible association with the [REDACTED] initially because he did not want to [REDACTED]

After receiving this information, I immediately spoke with S/Sgt. Ron CAMPBELL # 6385 and provided him with the little detail I knew. It was decided to speak with Insp. M. JOHNSTON #6138 about the matter and how we were deal with the information [REDACTED]

On the 11th of September 2009, when Insp. JOHNSTON returned to work, I provided him with the information I had received and provided him with the list of the suspects. I also provided Insp. JOHNSTON with an email, at his request, in regards to the information I had provided to him. That email was sent to him at 1641 hrs, 11Sep09.

On the 15th of September 2009, Insp. JOHNSTON contacted me at my residence on a rest day to request some clarifying information regarding this situation. I wrote a second email to Insp JOHNSTON and sent it to him at 1440 hrs on that date.

This concludes my involvement in this matter.

A handwritten signature in black ink, appearing to read "Robert Flindall".

Robert FLINDALL
Sgt. #9740
Peterborough County OPP
(705) 742-0401

(November 19, 2009) (Volume 6, 60):



**Professional Standards Bureau
Investigation Report
2545009-0173**

Date of Incident: September 11, 2009

Date of Complaint: September 11, 2009

Investigation Type: Internal Complaint

File No. 2545009-0173

Complainant: Sergeant Major M. Graham
Professional Standards Bureau
Ontario Provincial Police

Respondent: Michael Jack
Provincial Constable #12690
Peterborough County Detachment
Ontario Provincial Police

Investigator: Tym Thompson
Detective Sergeant #7775
Professional Standards Bureau
Ontario Provincial Police

Finding: Association with Undesirables - Unsubstantiated

Summary of Complaint:

Provincial Constable Michael Jack showed members of the Peterborough County Detachment a photograph of himself and several other people. Three of the persons in the photograph are known to police as criminals. Jack queried an OPP surveillance vehicle licence plate which he could not provide an explanation for.

Code of Conduct Allegations:

Discreditable Conduct – Associate with Undesirables

Professional Standards Bureau
Investigation Report
2545009-0173

Summary of Witness Statements:

Complainant – Martin Graham:

He was the Sergeant Major that received information about Jack and the photograph.

Witness – Shaun Filman:

He was Jack's coach officer. He observed the photograph and asked Jack about it.

Witness – Jamie Brockley

He was a drug investigator, now assigned to Peterborough County Detachment. He observed the photograph and recognized Edwardes-Evans, Karaj and Tzavaras. He knows these three persons to be undesirables.

Witness – Rob Flindall

He was the Sergeant at Peterborough County Detachment, he gathered the information from Filman and Brockley and alerted his supervisors.

Undesirable Person – George Tzavaras

(Not spoken to in this investigation) He has a criminal record for violence and is believed to be involved in drug trafficking. He worked out at Good Life Fitness Centre in 2003.

Undesirable Person – Elvis Agim Karaj

(Not spoken to in this investigation) He has a criminal record for violence and theft. He is believed to be involved in drug trafficking. He worked out at Good Life Fitness Centre in 2003.

Undesirable Person – David James Edwardes-Evans

(Not spoken to in this investigation) He has a criminal record for theft. He is believed to be involved in drug trafficking and drug importation. He worked out at Good Life Fitness Centre in 2003. He received a rifle scope in the USA and brought it to Canada for Jack.

Summary of Statement of Respondent Officer – Constable Michael Jack:

Jack posed in a photograph with Edwardes-Evans, Karaj and Tzavaras. Jack brought the photograph into the detachment and showed it around.

Referenced Information:

Police Services Act Ont. Reg 23/198 "Code of Conduct" Sec 2 (1)(a)(xi)

Investigation:

On August 25, 2008, Provincial Constable Michael Jack was hired by the Ontario Provincial Police. He was assigned to Peterborough County Detachment as his first posting. Peterborough has been his home for the last ten years. His coach officer was Provincial Constable Shaun Filman.

Shortly after Jack arrived at Peterborough Detachment in January 2009, he met Brockley. Brockley wrote in his duty report that Jack was interested in drugs as a line of police work and told him that he knew Edwardes-Evans, Karaj and Tzavaras from his time at the gym. Jack also said that he had a photograph of them. Jack told Brockley that Edwardes-Evans brought him back a rifle scope from the United States. The next day Jack produced a photograph of himself and Edwardes-Evans, Karaj and Tzavaras at Good Life Fitness Gym in Peterborough. PC Brockley and Filman viewed the photograph. Brockley observed 8-10 people in the photograph and recognized Edwardes-Evans, Karaj and Tzavaras, as well as Jack. Brockley advised Jack that Karaj and Tzavaras were involved in the drug trade. Jack told him that he didn't know what they did, but they always seemed to have a lot of money.

Jack advised Filman that he was unaware until recently that Edwardes-Evans, Karaj and Tzavaras had a known and substantial criminal history. Jack told Filman that he knew them from the gym and it was not a close relationship. Filman wrote in his duty report that "Michael Jack indicated that he had known that David James Edwardes-Evans traveled to the United States on occasion and had gotten him to purchase and return a rifle scope to him. He further explained that due to the fact that the relationship was not a close one it had taken him some time for this to occur and in fact Edwardes-Evans had re-approached him months after the original request to say he could do it on an upcoming trip". Jack told Filman that these people do not know that he is an OPP officer and this may be of benefit in a possible undercover operation.

Filman wrote in his duty report that "Sometime later Michael Jack was assigned to attend court and fingerprint some persons in custody. One of the persons in custody turned out to be Edwardes-Evans. I was present when the fingerprinting took place and I did observe Edwardes-Evans see Michael Jack and have a perplexed look on his face and acknowledge to Michael Jack that he was now a police officer. Edwardes-Evans did not appear to have a close relationship with Michael Jack or have knowledge that he was a police officer".

Brockley wrote in his duty report "I was not concerned nor did I see it necessary at the time to make a notation in my notebook on the photograph". Filman wrote in his duty report "It was my interpretation that Michael Jack had come to associate with these people based on a common interest in body building and a common place to participate in this activity".

On July 31st 2009, Jack queried a licence plate through the Smiths Falls Communication Centre. The plate was registered to ARI Financial which is a company used by the Ontario Provincial Police to disguise vehicles operated by the Ontario Provincial Police. Jack stated that he had no recollection of running the licence plate and made no notes regarding the plate.

Sgt Flindall was advised of the photograph and the licence plate query in relation to Jack. He advised his supervisors.

On September 22nd 2009, Professional Standards reviewed the logger tape for July 31st 2009. The tape revealed that Jack stopped a vehicle on the side of the road, he ran the proper marker. The Communications Centre mistakenly replaced Z with X in the marker and provided the ARI Financial details. It was Jack that identified the ARI Financial vehicle as being the wrong vehicle and asked for the plate to be checked a second time. The dispatcher acknowledged the mistake as hers and provided the proper details.

On October 30th 2009, Detective Sergeant Thompson interviewed Jack in relation to his association with Edwardes-Evans, Karaj and Tzavaras. Jack advised that in 2003 he worked out at Good Life gym for a four month period. It was at this time that he met Edwardes-Evans, Karaj and Tzavaras. He only ever saw Karaj and Tzavaras at the gym and has not seen them since. He did not see Edwardes-Evans for a number of years after 2003.

In July 2008, Jack began seeing Edwardes-Evans at Gold's gym. At the gym, he told a friend that he wanted to buy a rifle scope in the United States, but they would not ship to Canada. Edwardes-Evans overheard this conversation and offered that if Jack had it shipped to Edwardes-Evans brother's place in Arizona, he could bring it back for Jack. They exchanged phone numbers. Edwardes-Evans phoned Jack and said he was going to the States. Jack purchased the rifle scope and had it shipped to Edwardes-Evans brother's residence. Edwardes-Evans picked up the scope, brought it back to Canada and gave it to Jack in the Gold's Gym parking lot in July or August 2008.

Jack turned the photograph over to Professional Standards. The stamp on the back of the picture had an 03 which indicated the photo was developed in 2003. The photo was of several males at the gym posing for the photo. Jack pointed out Edwardes-Evans, Karaj and Tzavaras as well as a corrections officer in the picture.

Analysis

There is insufficient evidence to support the allegation that Michael Jack is associating with undesirables. The photograph was from 2003, five years before Jack ever became a member of the Ontario Provincial Police. Jack stated in his interview that he has not had any contact with them since becoming a police officer.

The ARI Financial vehicle information was a mistake made by the dispatcher. On the logger tape she was heard saying "10-4, I had an X where the Z is, stand by". It was Jack that pointed out the error to her. Jack did not make any notes of the ARI Financial plate, because he never queried it.

Jack's relationship with Edwardes-Evans, Karaj and Tzavaras was related to the gym and is minimal at best. Since Jack became an Ontario Provincial Police officer he has not associated with Edwardes-Evans, Karaj or Tzavaras.

Conclusion:

The allegation is **unsubstantiated**.

Tym Thompson
Detective Sergeant #7775
Professional Standards Bureau
Ontario Provincial Police

(November 19, 2009) (Volume 6, 60) (With Applicant's comments):



**Professional Standards Bureau
Investigation Report
2545009-0173**

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Investigator: Tym Thompson
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Finding: Association with Undesirables - Unsubstantiated

Summary of Complaint:

Provincial Constable Michael Jack showed members of the Peterborough County Detachment a photograph of himself and several other people. Three of the persons in the photograph are known to police as criminals. Jack queried an OPP surveillance vehicle licence plate which he could not provide an explanation for.

Code of Conduct Allegations:

Discreditable Conduct – Associate with Undesirables

Professional Standards Bureau
Investigation Report
2545009-0173

Summary of Witness Statements:

Complainant – Martin Graham:

He was the Sergeant Major that received information about Jack and the photograph.

Witness – Shaun Filman:

He was Jack's coach officer. He observed the photograph and asked Jack about it.

That is incorrect. I told PC Filman about the photograph and I brought it to the detachment voluntarily with the best of intentions to confirm we spoke about the same people.

Witness – Jamie Brockley

He was a drug investigator, now assigned to Peterborough County Detachment. He observed the photograph and recognized Edwardes-Evans, Karaj and Tzavaras. He knows these three persons to be undesirables.

PC Brockley was re-assigned from the Drug Unit to the Peterborough County OPP Detachment after his affair with PC Stephanie Mackaracher became publicly known. PC Brockley could have observed Edwardes-Evans because Edwardes-Evans was not in the photograph.

Witness – Rob Flindall

He was the Sergeant at Peterborough County Detachment, he gathered the information from Filman and Brockley and alerted his supervisors.

Sgt. Flindall in his relentless pursuit to drive me out gathered the information to further discredit me. The Tribunal has to admire Sgt. Flindall's insatiable appetite to have me for breakfast.

Undesirable Person – George Tzavaras

(Not spoken to in this investigation) He has a criminal record for violence and is believed to be involved in drug trafficking. He worked out at Good Life Fitness Centre in 2003.

If how the OPP treated me and how quick they were to rush to judgment in the allegation of me associating with "Undesirables" (based on a simple photograph that was six years old and that was introduced by me voluntarily with the best of intentions to fight crime) then one has to naturally wonder about the OPP's belief that George Tzavaras was involved in drugs. If I, a Russian-Israeli immigrant with no criminal record was treated like dirt how much better could one expect the OPP to treat another Russian or for that sake any immigrant with a criminal record?

Yet again, if someone with a criminal record is classified by the OPP as an "Undesirable" which is so humiliating and degrading and contrary to the Code, then the OPP also viewed me as an "Undesirable"

because of all the negativity being documented along with a false allegation that I was associating with people with criminal records. To use the poignant terminology of Sgt. Flindall that he believed I was involved with a criminal organization is akin to me also being referred to as an “Undesirable”.

Nowhere in the Police Services Act and its Regulations is anyone with a criminal record referred to as an “Undesirable”. Canada would never refer to its citizens as “Undesirables” regardless of whether or not they have criminal records. However, the OPP singles out and classifies such persons as “Undesirables” and is quick to deny any allegations that they have violated the provisions of the Ontario Human Rights Code. Consequently, Counsel for the Respondent wants this Tribunal to believe that I was not treated with racial contempt. Hogwash!!!

Undesirable Person – Elvis Agim Karaj

(Not spoken to in this investigation) He has a criminal record for violence and theft. He is believed to be involved in drug trafficking. He worked out at Good Life Fitness Centre in 2003.

Undesirable Person – David James Edwardes-Evans

(Not spoken to in this investigation) He has a criminal record for theft. He is believed to be involved in drug trafficking and drug importation. He worked out at Good Life Fitness Centre in 2003. He received a rifle scope in the USA and brought it to Canada for Jack.

Summary of Statement of Respondent Officer – Constable Michael Jack:

Jack posed in a photograph with Edwardes-Evans, Karaj and Tzavaras. Jack brought the photograph into the detachment and showed it around.

I do not get it. Since I brought the photograph to the interview by D/Dsgt. Thompson and let him photocopy it for his records (actually I told him he could have it, but he chose to only photocopy it and returned the original to me) how could D/Sgt. Thompson have stated that Edwardes-Evans was in the photograph when he was not there? While Tzavaras and that prick Karaj got into the picture, Edwardes-Evans was not even around at the time the photo was taken!

This deliberate manipulation of facts on the part of the OPP also questions their ability to do a proper investigation. PC Brockley lied in stating that all three were present in the photograph when only two were. The Tribunal has been provided with the copy of the photograph (Exhibit 74) and will have an opportunity to view the original photograph during the hearing. Hence, PC Brockley’s credibility is questionable as well as the credibility of D/Sgt. Thompson. He was shown the same photograph and I named everyone present. He knew Edwardes-Evans was not present yet prepares this report in the manner presented. There was no basis for any investigation to be conducted and the truth was evident. However the investigation that was conducted is another example of the shoddy investigations of the OPP – one that lacks integrity and professionalism as initially pointed out in Exhibit 96b.

Referenced Information:

Police Services Act Ont. Reg 23/198 "Code of Conduct" Sec 2 (1)(a)(xi)

Noteworthy is the fact that there is no PSA Ont. Reg. 23/198. The correct regulation is Ont. Reg. 298/10.

The regulation states the following:

PART VIII (OMITTED)

- 31. OMITTED (REVOKE OTHER REGULATIONS). O. Reg. 268/10, s. 31.
- 32. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 268/10, s. 32.

SCHEDULE CODE OF CONDUCT

- 2. (1) Any chief of police or other police officer commits misconduct if he or she engages in,
 - (a) DISCREDITABLE CONDUCT, in that he or she,
 - (xi) acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force of which the officer is a member;

My allegation obviously fell under the later part of sub-clause '(a) (xi)' which reads '... likely to bring discredit ...'. In light of the aforementioned I re-iterate what I mentioned earlier that nowhere does one see the mention of anyone with a criminal record to be an "Undesirable". Coming short of including that whole PSA and or the complete Ont. Reg. 298/10 there is no reference to anyone with a criminal record as being an "Undesirable". Being an "Undesirable" is an exclusive term used by the Ontario Provincial Police that is obviously condoned by the Ontario Public Service for anyone that has a criminal record as evidenced by D/Sgt. Thompson's classification of the three named individuals. Obviously, it must be in compliance with the Ontario Human Rights Code. Hogwash!

Investigation:

On August 25, 2008, Provincial Constable Michael Jack was hired by the Ontario Provincial Police. He was assigned to Peterborough County Detachment as his first posting. Peterborough has been his home for the last ten years. His coach officer was Provincial Constable Shaun Filman.

Please note that as of August 25, 2008, Peterborough had been my home for almost 8 years, not 10.

Shortly after Jack arrived at Peterborough Detachment in January 2009, he met Brockley. Brockley wrote in his duty report that Jack was interested in drugs as a line of police work and told him that he knew Edwardes-Evans, Karaj and Tzavaras from his time at the gym. Jack also said that he had a photograph of them. Jack told Brockley that Edwardes-Evans brought him back a rifle scope from the United States. The next day Jack produced a photograph of himself and Edwardes-Evans, Karaj and Tzavaras at Good Life Fitness Gym in Peterborough. PC Brockley and Filman viewed the photograph. Brockley observed 8-10 people in the photograph and recognized Edwardes-Evans, Karaj and Tzavaras, as well as Jack. Brockley advised Jack that Karaj and Tzavaras were involved in the drug trade. Jack told him that he didn't know what they did, but they always seemed to have a lot of money.

- I was interested in working in the drug unit as a line of police work because all my life I have been strongly opposed to drugs. As a matter of fact I have never tried any illegal drugs in my entire life.
- There were only 6 people in the photograph!
- How could PC Brockley and PC Filman recognize Edwardes-Evans in the photograph when he was not even present in it? This flaw in their cognitive abilities can be seen to have a serious impact on the credibility of any investigations they conduct.

Jack advised Filman that he was unaware until recently that Edwardes-Evans, Karaj and Tzavaras had a known and substantial criminal history. Jack told Filman that he knew them from the gym and it was not a close relationship. Filman wrote in his duty report that "Michael Jack indicated that he had known that David James Edwardes-Evans traveled to the United States on occasion and had gotten him to purchase and return a rifle scope to him. He further explained that due to the fact that the relationship was not a close one it had taken him some time for this to occur and in fact Edwardes-Evans had re-approached him months after the original request to say he could do it on an upcoming trip". Jack told Filman that these people do not know that he is an OPP officer and this may be of benefit in a possible undercover operation.

I was naïve in my belief that I could be an undercover officer to fight an organized crime. I could not have imagined that the Respondent was going to use it against me to malign, discredit, isolate, oppress and establish a *prima facie* case for my dismissal from employment with the OPP.

Filman wrote in his duty report that "Sometime later Michael Jack was assigned to attend court and fingerprint some persons in custody. One of the persons in custody turned out to be Edwardes-Evans. I was present when the fingerprinting took place and I did observe Edwardes-Evans see Michael Jack and have a perplexed look on his face and acknowledge to Michael Jack that he was now a police officer. Edwardes-Evans did not appear to have a close relationship with Michael Jack or have knowledge that he was a police officer".

At least PC Filman was truthful about his observations of Edwardes-Evans perplexed look when he saw me in uniform.

Brockley wrote in his duty report "I was not concerned nor did I see it necessary at the time to make a notation in my notebook on the photograph". Filman wrote in his duty report "It was my interpretation that Michael Jack had come to associate with these people based on a common interest in body building and a common place to participate in this activity".

Exactly!

On July 31st 2009, Jack queried a licence plate through the Smiths Falls Communication Centre. The plate was registered to ARI Financial which is a company used by the Ontario Provincial Police to disguise vehicles operated by the Ontario Provincial Police. Jack stated that he had no recollection of running the licence plate and made no notes regarding the plate.

That is correct.

Sgt Flindall was advised of the photograph and the licence plate query in relation to Jack. He advised his supervisors.

PC Payne advised Sgt. Flindall about the querying of the plate, had PC Filman and her common-law spouse PC Brockley advise Sgt. Flindall about the photograph. Sgt. Flindall in turn advised S/Sgt. Campbell, S/Sgt. Coleen Kohen and Insp. Johnston about both.

On September 22nd 2009, Professional Standards reviewed the logger tape for July 31st 2009. The tape revealed that Jack stopped a vehicle on the side of the road, he ran the proper marker. The Communications Centre mistakenly replaced Z with X in the marker and provided the ARI Financial details. It was Jack that identified the ARI Financial vehicle as being the wrong vehicle and asked for the plate to be checked a second time. The dispatcher acknowledged the mistake as hers and provided the proper details.

Still, they proceeded with the investigation.

On October 30th 2009, Detective Sergeant Thompson interviewed Jack in relation to his association with Edwardes-Evans, Karaj and Tzavaras. Jack advised that in 2003 he worked out at Good Life gym for a four month period. It was at this time that he met Edwardes-Evans, Karaj and Tzavaras. He only ever saw Karaj and Tzavaras at the gym and has not seen them since. He did not see Edwardes-Evans for a number of years after 2003.

That is only partially correct. I did see Karaj from a distance in the winter of 2007 in Good Life gym.

In July 2008, Jack began seeing Edwardes-Evans at Gold's gym. At the gym, he told a friend that he wanted to buy a rifle scope in the United States, but they would not ship to Canada. Edwardes-Evans overheard this conversation and offered that if Jack had it shipped to Edwardes-Evans brother's place in Arizona, he could bring it back for Jack. They exchanged phone numbers. Edwardes-Evans phoned Jack and said he was going to the States. Jack purchased the rifle scope and had it shipped to Edwardes-Evans brother's residence. Edwardes-Evans picked up the scope, brought it back to Canada and gave it to Jack in the Gold's Gym parking lot in July or August 2008.

That is correct.

Jack turned the photograph over to Professional Standards. The stamp on the back of the picture had an 03 which indicated the photo was developed in 2003. The photo was of several males at the gym posing for the photo. Jack pointed out Edwardes-Evans, Karaj and Tzavaras as well as a corrections officer in the picture.

That is only partially correct as Edwardes-Evans was not in the photograph.

Analysis

There is insufficient evidence to support the allegation that Michael Jack is associating with undesirables. The photograph was from 2003, five years before Jack ever became a member of the Ontario Provincial Police. Jack stated in his interview that he has not had any contact with them since becoming a police officer.

Please note the excerpt: '**Insufficient evidence**'. How could a six (not five) years old photograph disclosed voluntarily by a member with the best of intentions to be of use to the OPP, i.e. fight organized crime possibly through an undercover operation, be interpreted as an insufficient evidence to support the allegation that this member was associating with the very people he wanted to fight against?

The ARI Financial vehicle information was a mistake made by the dispatcher. On the logger tape she was heard saying "10-4, I had an X where the Z is, stand by". It was Jack that pointed out the error to her. Jack did not make any notes of the ARI Financial plate, because he never queried it.

That is correct!

Jack's relationship with Edwardes-Evans, Karaj and Tzavaras was related to the gym and is minimal at best. Since Jack became an Ontario Provincial Police officer he has not associated with Edwardes-Evans, Karaj or Tzavaras.

That is correct!

Conclusion:

The allegation is **unsubstantiated**.

Tym Thompson

Detective Sergeant #7775

Professional Standards Bureau

Ontario Provincial Police

Though I am thankful for the outcome of this false investigation I re-iterate my points mentioned above in D/Sgt. Thompson's referenced information section. Once again I also state that this is an example of the shoddy investigations of the Ontario Provincial Police that denotes a lack of integrity and professionalism.

Anticipated evidence of Mr. Michael Jack (Schedule A):

From the Respondent's disclosure the real names of the three "Undesirables" in my statement are:

- Male X – Elvis Karaj
- Male Y – George Tzavaras
- Male Z – Dave Edwardes-Evans

The allegation:

In the summer of 2003, I was a member of the GoodLife fitness club located at 1625 Chemong Road in Peterborough (Exhibit 97). I normally worked out at the Trent University Athletics, Complex but in the summer of 2003 decided to change gyms for the summer time only. During that time I developed dozens of acquaintances – the so called gym buddies. At the club, we spotted each other, exchanged pleasantries and jokes and simply talked in between the exercises. I never socialized with any of the gym buddies outside of the club boundaries. There was one male person (Male X) whom I did not particularly like. I knew Male X by his first name only. Male X was apparently of Albanian origin. On two separate occasions I observed Male X cornering a woman and talking to her in an intimate manner. At the time I thought she was his girlfriend. Still, his behavior did not look appropriate to me. Male X was friends with Male Y, who was apparently of Greek origin. I knew Male Y only by his first name only. Male Y seemed like a nice person. There was also Male Z who seemed like a nice person. Male Z was of Canadian origin. I knew Male Z by his first name only. A year or two later, I heard a rumor that Male X had been banned from the GoodLife fitness club on the grounds of sexual harassment. When I heard it, I recalled the "cornering" incidents I had witnessed and it became apparent to me what went on when I saw Male X corner a woman in the club in the summer of 2003.

I have not spoken with Male X since the summer of 2003. I was back working out at the GoodLife fitness club in 2006/07 (Exhibit 97). One evening at approximately 8:30 pm I observed Male X come into the club as a guest accompanied by his buddy, who was a member of the club. The club operated till 9:00 pm. I walked into a different room without even making eye contact with Male X. Suspecting that Male X was still banned from the club I went upstairs to advise the front desk staff of the situation. I do not remember who I spoke to and what I said. It had been almost four years since the time of the incident and the banning of Male X from the club and the front desk staff changed. I think since the club was already closing for the day, nothing happened. I had not seen or heard of Male X since that day until I became a police officer.

I have not spoken with Male Y since the summer of 2003. I saw Male Y very briefly from a distance in November 2009, in a local coffee shop (which he or his wife apparently owns) when I was on duty accompanied by Cst. Nie. It was the first time since the summer of 2003 that I saw Male Y.

In the spring of 2008 I terminated my membership with the GoodLife fitness club because I signed up with the Gold's Gym fitness facility located at 1154 Chemong Road in Peterborough. As it turned out, Male Z also became a member of the Gold's Gym so I occasionally saw and spoke to him in the GYM only. In July 2008 Male Z told me he was going to the USA to visit his brother and since I could not get the scope mount I wanted in Canada (all the Canadian suppliers I was aware of were temporarily out of stock), I asked him if he could bring one for me from the USA. He said he could. I paid for the scope mount with my credit card and had it shipped to Male Z's brother address in Arizona, which he then brought to me. Male Z knew that I was teaching Computer Science at Trent University but he did not know that I was enroute to becoming a police officer.

Sometime in February 2009 Cst. Filman and I were travelling south bound on Chemong Road. Cst. Filman was operating the police vehicle while I was seated in the front passenger seat. I asked Cst. Filman which territorial division the GoodLife fitness club was situated in, the City of Peterborough or the Peterborough County. Cst. Filman told me that the GoodLife fitness club was located in the Peterborough County just outside the city limits. Note: In some parts, Chemong Road serves as a border between the City of Peterborough and the Peterborough County. I then asked Cst. Filman if he ever heard of Male X. Cst. Filman advised me that he knew of him and that he was a nasty person and that if I wanted to know more about him I should be speaking with D/Cst. Brokley from the Drug Unit. When I got home, excited and naïve, I searched in my photo albums and found a photograph (Exhibit 74, the top one) of me with Male X, Male Y and a three other gym buddies from my summer 2003 training at the GoodLife fitness club. Note: I brought a photo camera to one of my last work outs at the club to take a few photographs to commemorate my summer time at the club. In one of the photographs that were taken, both Male X and Male Y got in. These were people that I on occasion worked out with at the GoodLife fitness facility that I was a member of. I must stress that at no time did I consider any one of these people friends. I brought the photograph to the detachment and showed it to both Cst. Filman and D/Cst. Brokley to verify we were referring to the same people. D/Cst. Brokley advised me that both of these males were trafficking drugs and asked me if they knew I was a police officer. I advised D/Cst. Brokley that they should not have known as I had not been in contact with them since the summer of 2003. That was it.

Approximately a month later I saw and exchanged a few words with Male Z at the Peterborough Courts jail when he was fingerprinted by Cst. Rusaw. Apparently Male Z was kept in custody for a breach of recognizance in a domestic assault along with some other pending charges on him. He was surprised to see me in the police uniform. He first thought that I was volunteering for the OPP. Very little was said. Basically, he looked at me very arrogantly and I told him that I was a full-time police officer. That was the last time I had any contact with Male Z.

Later during the course of my duties I learned that Male X, Male Y, and Male Z were connected and were in the business of trafficking marijuana into the USA. It was a multi-jurisdictional case in which federal, provincial and various municipal police forces were involved. It was certainly out of my realm. Male X was free and his whereabouts was unknown. Male Y was free. Male Z was in custody. That was the end of the story.

On September 11, 2009, it was alleged that I associated with Male X, Male Y and Male Z (Exhibit 39, page 1). It appears that when I had become a police officer the very photograph that I showed to Cst. Filman and D/Cst. Brokley **was introduced 7 months later** in a scheme to maligne, discredit and eventually establish a *prima facie* case for my dismissal from employment with the OPP. I must reiterate that at no time was I associating with any of the alleged undesirables. So in my case, a simple photograph did not cause them to ask me who those people were and/or what was my connection with them. Someone at the Peterborough Detachment waited for 7 months from the time I advised Cst. Filman and Cst. Brokley that I knew Male X, Male Y, and Male Z to launch a formal investigation by the Professional Standards Bureau of the OPP against me with the allegations of me associating with undesirables. My former colleagues who filed the complaint against me and who are local to the Peterborough area and as I observed had limited exposure to multiculturalism intentionally and maliciously associated me with the above persons two of whom were members of a group identified in the Ontario Human Rights Code. The ensuing PSB investigation was orchestrated timely – towards the end of my probation wherein I would have never been able to resurrect myself into good standing.

At the interview, among other questions, D/Sgt. Thompson asked me about the photograph I had with Male X and Male Y appearing in it. By that time I had figured out who the “Undesirables” I was alleged to associate with might have been and brought the photographs (Exhibit 74) to the interview. I presented the photographs to D/Sgt. Thompson and allowed him to photocopy one of them (Exhibit 74, the top one) for his records. I really had nothing to hide as there had never been any association whatsoever on my part with any of the undesirables. At the conclusion of the interview D/Sgt. Wolfe looked at me with compassion and said, “Things will work out for you. Do you have any vacation coming up? You look like you need a break”.

Recall: Cst. Payne and Cst. Filman are friends. Cst. Payne and Cst. Brokley are common law spouses. Cst. Payne and Sgt. Flindall are close friends. Sgt. Flindall and Cst. Nie are neighbors. I firmly believe they orchestrated filing the complaint against me to oppress and discredit me as a reprisal action for standing up for my rights. It is noteworthy to point out, that during the fall of 2009 Cst. Brokley never looked me in the eyes. Whenever we happened to be in proximity, he always averted his eyes. Why?

It is also worth making a note of the fact that Cst. Marc Gravelle and Cst. Ken Rusaw recognized me when I first met and spoke with them at the Peterborough Detachment. It turned out that both of them had been members of the GoodLife fitness club at 1625 Chemong Road in Peterborough and had seen me working out there. Have they ever been accused of associating with undesirables?

Note: D/Cst. German has promised to burn me a copy of the interview (Exhibit 26a, page 8). Despite reminding and asking D/Cst. German for a copy of the interview 4 times, as of the date of this statement, I still do not have it.