

## Appendix B

### Analysis of the Respondent's Disclosure (August 2008)

(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

#### Analysis:

- ***'In my short encounter he made a comment about how he likes guns.'***
- ***'He commented about guns continuously during his ride-along.'***
  - While I do not remember exactly what I discussed regarding guns, as a collector of vintage firearms I would have probably commented on the history, makes, models, calibers, etc. of various vintage firearms as I had a basic manual of military small arms (Small Arms of the Word, The Basic Manual of Military Small Arms, by W.H.B Smith and Joseph E. Smith, Seventh Edition, 1962, 723 pages long) that I used to read frequently at the time. It would appear that being knowledgeable in the history of small military firearms was a qualification for being classified by the Peterborough County OPP Detachment's members as being a "gun-happy" person. Meanwhile, one of the recruits in our class at the Provincial Police Academy talked about his vast collection of firearms which was much larger than my collection (he had 52 registered firearms) and yet he was not viewed as a concern or had to undergo another psychological assessment with a civilian psychologist/psychiatrist as I later

on had to. Yet he was not viewed by others to be concerning. But then again he was born and raised in Canada.

- I am on the other hand of Russian ethnicity and also an immigrant from the Middle East and had served time in the Israeli Navy, not the Army. PC Gravelle, who was the officer I rode with before PC Pollock, deliberately lied to his sergeant, Sgt. Rathbun, and greatly embellished his recollection of our conversations. My 3 years of service in the Israeli Navy consisted of providing technical support within the confines of Israel without any exposure to actual war. Aside from firing my firearm during routine military firearms training I never had to use it in any actual defensive or offensive operation. I was demobilized with honor upon the completion of my mandatory three year term service. Yet one can see that how easy it was for one by fabricating a story (of me seeing action and killing people) and exaggerating the actual number of firearms I had and then refer to me as a crazy Russian (“Crazy Ivan”) to convince their supervisor very easily that the information was true and hence the supervisor sent out that e-mail to show that Command Staff should be equally concerned. After all, I was from the Middle East and the Middle East is always in the news as being at war. I am a Russian Jew and Israel is full of Jews so I must be a trigger happy or gun happy Russian (Ivan) Jew.
- To demonstrate how racially charged and prejudicial such types of views as illustrated in this e-mail can be, consider the reality, if possible of the following: A 36 year old demobilized Canadian Army soldier who, having served three years of combat duty in the Afghanistan crisis and having just been hired by the OPP goes for a ride along with a police officer. That officer later has a conversation with his Sergeant and tells him he had a Crazy Canadian as a ride-along who never stopped talking about his guns and the many people he had killed in war. He’s like a “loose cannon”. He is “gun happy” because he has so many guns. He has 32 registered guns (which is such an identifiable lie for all one had to do is a Canadian Firearms Registry Online (CFRO) check and confirm the lie). The sergeant in turn believes the account to be true and suggests in an e-mail that the concerns about this Canadian War Veteran should be brought to the attention of the recruiting department. This Canadian War Veteran later learns that the majority of the individuals he worked with referred to him as a Crazy Canadian and felt he was a “Loose Cannon” and poisoned his work environment. The Staff Sergeant comments to the Inspector in an e-mail that the Sergeant has had everyone monitoring him and reporting back to him. **If one were to believe that this would have been the treatment given to a Canadian by birth there would be something wrong with their belief for they would be severely chastised for discrediting and defaming a Canadian War Veteran.**
- ***‘He apparently has 32 registered guns.’***
  - Sgt. Rathbun did not even bother to do a CFRO check of my registered firearms! Had he done the CFRO check he would have seen that I had 22 registered firearms and NOT 32, the majority of which were vintage firearms for some of which one could not even get ammunition in Canada.
- ***‘His obsession with guns was quite disturbing.’***

- How could Sgt. Rathbun come to that conclusion when he only had a *‘short encounter’* with me’?
- The answer is simple. It was PC Marc Gravelle who lied to him and poisoned his mind against me. Sgt. Rathbun in turn lacked the professional fortitude to even do a CFRO check of me let alone simply asking me personally about where I gained that knowledge from and what my real military experience was.
- ***‘He also mentioned the persons he killed (shot) during his time in the Army’.***
  - I simply lack the appropriate words to describe how false and incompetent this statement is!!! If anything, this statement also implies that I knew details of the persons I allegedly killed. What a malignant lie!
- ***‘officer’s “instincts” that were a bit “hair raising”’.***
  - PC Marc Gravelle’s lies about me painted a picture that Command Staff ought to have been concerned about.
  - Again consider the point I illustrated previously. I doubt very much that a Canadian War Veteran would have been considered to have instincts that were “hair-raising” in a negative sense. I would hasten to say that such an individual would have been admired and welcomed at the detachment.

Furthermore, in light of this information it is noteworthy to mention how the former Chief of York Regional Police Armand La Barge and I started out our first conversation. One day in August 2007 I was working out at the Trent University’s weight lifting room. I had picked up a magazine about firearms in the local gun club I was a member of (Peterborough Fish and Game Association) (Exhibit 68), earlier that day and was browsing through it in between the exercises. At one point the Chief saw the magazine and commented to me that he had just returned from Alberta where they fired all sorts of firearms including Rocket Propelled Grenades. When I asked him what it was about, he responded that he was a police officer and attended that training/demonstration in the course of his police officer duties. I then told him that I had served in the Israel Defense Forces and he promptly told me that he had been in Israel for approximately a month on an Anti-Terrorist training course sometime in the past. I then asked him what rank he was holding to which he replied he was Chief. I asked what that meant and he said that meant he was on the top. At the time, my knowledge about policing was limited to basic general facts, such as police officers wear a uniform and drive police vehicles with lights and sirens. Hence, I asked him how many personnel he was in charge of and he said something about 1,400 uniform and 600 civilian members. At that point I realized that it must have been a large police force and he was an important person. I further inquired about the force and he told me about York Regional Police, where it was located and explained to me how Ontario was divided into regions and municipalities, each with its respective police service. That is how our brief acquaintance started (that continued over a few workouts until the end of August 2007) during which we conversed a lot and he inspired me to pursue a career in policing.

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

In August 2007 I met the Chief of York Regional Police, Armand La Barge, in the Trent University's weight lifting room. At the time, I was teaching Computer Science courses on a contract basis and was looking for a permanent job where I could maximize my skills and cash in upon the knowledge and skills acquired over the 35 years of my life. At the time, the Chief was completing his Master's degree in the Native and Canadian studies at Trent University. During a few workouts together we talked a fair amount and among other things discussed our traveling and academic experiences, books we read in common, spirituality, religion, physical fitness and firearms. In one of the conversations towards the end of August the Chief said that I had some great qualifications. He further suggested that modern police services were looking for people with multilingual and computer skills and that I was a good candidate for becoming a police officer. I did not know much about policing at the time but the Chief presented himself to me as an erudite and wise man and literally inspired me and gave me the encouragement to re-evaluate the direction of my life. I decided then and there that I would pursue a career in policing (Exhibit 11b).

I find it ironic that I was inspired to pursue a career in policing in Canada by an experienced and knowledgeable police officer that was big on multiculturalism and who started a conversation with me about guns and saw potential in me (Exhibit 11b) and how my life was ruined by narrow-minded police officers steeped in racism who perceived me crazy because of my proficiency in firearms.

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

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-----Original Message-----
From: Johnston, Mike P. (JUS)
Sent: Tuesday, August 05, 2008 10:57 AM
To: Rathbun, Brad (JUS); Campbell, Ron (JUS)
Cc: Thomas, Sandy (JUS)
Subject: RE: Upcoming recruit
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Sandy

Please see Sgt Rathburn's concerns about this future recruit coming to Peterborough Detachment.

Mike

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

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-----Original Message-----
From: Johnston, Mike P. (JUS)
To: Johnston, Mike P. (JUS); Rathbun, Brad (JUS); Campbell, Ron (JUS)
CC: Thomas, Sandy (JUS); Haennel, Steve (JUS)
Sent: Tue Aug 05 10:58:54 2008
Subject: RE: Upcoming recruit
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Steve

Forwarded to you as per Sandy's out of office message

It would be nice to know the contents of the above e-mail. The tribunal should note that the Applicant has been denied this bit of disclosure that could contain further evidence of a rush to pre-mature judgment on the part of Command Staff.

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

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

From: Thomas, Sandy (JUS)  
Sent: August 5, 2008 11:01 AM  
To: Johnston, Mike P. (JUS); Rathbun, Brad (JUS); Campbell, Ron (JUS)  
Cc: Haennel, Steve (JUS)  
Subject: Re: Upcoming recruit

Mike

I will have Steve look into this for you - thanks for bring this to our attention.

Sandy

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Sent from my BlackBerry Wireless Handheld

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

From: Rathbun, Brad (JUS)  
To: Thomas, Sandy (JUS); Johnston, Mike P. (JUS); Campbell, Ron (JUS)  
CC: Haennel, Steve (JUS)  
Sent: Tue Aug 05 18:12:05 2008  
Subject: RE: Upcoming recruit

I just spoke with PC Pollock, who did have JACK ride with him yesterday. As with the first officer, JACK made it a point to take Pollock into his residence and show him his collection of firearms. PC POLLOCK is standing beside me, echoing the concerns as to why this recruit made it such a point to show off these firearms.

JACK is looking for more ride-alongs, and the officers he's been out with feel it would be appropriate if a supervisor or current Coach Officer were to go out with him and see if the behavior remains consistent, and see if other independent officers have similar concerns.

Sgt Rathbun.

**(August 5, 2008) (Volume 6, 40):**

From: Thomas, Sandy (JUS)  
Sent: August 5, 2008 7:43 PM  
To: Trivett, Glenn (JUS)  
Cc: Haennel, Steve (JUS)  
Subject: Fw: Upcoming recruit

Fyi

This is new recruit for Aug - Steve looked his file all is clean - good employment record etc

We are going to have Denis look at his file and perhaps talk to him. Can you discuss anything further you want done with Steve.

I have asked Det to keep us apprised of anything further - suggested supervisor tak him out.

Sandy



(August 6, 2008) (Volume 6, 39):

From: Thomas, Sandy (JUS)  
Sent: August 6, 2008 8:28 AM  
To: Haennel, Steve (JUS)  
Cc: McCollum, Angie (JUS)

Steve

Just thinking about this recruit who is going on ride alongs/showing firearm collection etc.

Without seeing the file etc. Do you think he may be a little overly keen - going on ride alongs - trying to impress the officers (showing gun collection) to fit in wanting to be accepted. With cultural differences perhaps going to this extreme to fit in ??? Anything in the file to suggest this?

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Sent from my BlackBerry Wireless Handheld

I applaud Insp. Sandy Thomas for having the professional fortitude to suggest that I might have only wanted to fit in and be accepted. Because inviting officers into my house and showing them my registered firearms and how safely and securely I was storing them was my way of wanting to fit in and be accepted. I trusted the police officers. I could not have imagined that they were going to use the innocent act of mine of inviting them in, showing them where I lived, and showing them my registered firearms (and which is most important how securely and properly I stored them) against me.

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

From: Haennel, Steve (JUS)  
Sent: August 6, 2008 10:01 AM  
To: Traviss, Denise (JUS)  
Subject: Candidate Michael JACK

Hi Denise,

As per our discussion, this person is from Israel. There, he did mandatory Military time. He was educated at Trent University.

During a recent ride along, he mentioned his interest in guns to the extent he showed the officer his gun collection and discussed violent encounters while in the military.

He has been offered employment and start in the Aug intake.

Please note the excerpt: ***'discussed violent encounters while in the military'***. I never discussed any violent encounters during my military service for doing so would have been a blatant lie as I have never had any violent encounters during my entire military service in the Israeli Navy Defense Forces. I served in the Israeli Navy and my involvement with the military was limited to providing technical support to fast moving boats of special marine forces. I was in charge of maintained naval electrical systems. Though I was issued for the duration of my military service a personal service firearm (M-16 automatic rifle), which I carried with me wherever I went just as countless other Israeli soldiers have been doing, I never used it in combat (Exhibit 101).

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

Present or Previous Employer Israeli Navy	
Telephone Number ( ) unknown	Date of Employment From: 1993/05 To: 1996/04
Complete Mailing Address (include Postal Code) unknown	
Supervisor's Name and Title unknown	Position Title Marine Electrician
Brief Description of Duties Provided front-line technical support to special marine forces.	
Reason for Leaving end of mandatory military service	

I am shocked and appalled at the blatant lies of PC Marc Gravelle. Furthermore, in our recruit class (411) at the Provincial Police Academy we had a number of demobilized Canadian Armed Forces soldiers. At least one of them served in the Afghanistan and not only saw combat, but also sustained injuries in combat. Was he examined by a psychologist/psychiatrist in reference to his violent encounters during his military service? Was he considered to be a "gun-happy" person? I do not believe any of those war/combat veterans were treated the way I was (re-interviews of personal references followed up by a special interview by an OPP psychologist/psychiatrist) because they were not minorities whereas I was a minority and not only Russian by ethnicity, but also a Jewish immigrant from Israel. Hence, the scrutiny I was under could only be attributed to my racial, ethnic, place of origin and Israeli citizenship background!

06 Aug 08

**JACK, Michael 080558**

Sgt. Joanne Whitney contacted the following in regards to concerns of JACK, Michael in relation to his gun collection.

I spoke with two of his references, a Professor Brian PATRICK who is the head of the Computer Program at Trent University. He advises that he has been to Michael's residence and seen the guns. They are all collector's weapons that he has carefully collected and he is very proud of his collection. This is the reason that he shows them off. In no way does he feel that he is "gun happy". He sets his eyes on a specific gun to add to his collection only and many are vintage WWII guns. They are all registered and stored properly.

I also spoke with Andre MELANEY who is Michael's landlord. He advises that he has seen the guns and has been with him when he attended the local gun club which he belongs to and actually shot many of these guns. They are all stored in a special safe and he is not concerned in any way with Michael having these in his household. He is very proud of the collection and doesn't just show them to anyone. He would not describe him as "gun happy" just a proud collector.

Michael Jack also contacted me as he had heard that we were contacting some of his references. I advised him that this was an issue that was not fully pursued during his background investigation. He advised that he had attended the detachment to meet the people he was going to be working with and had gone on ride-alongs with two officers. The two officers were Cst. John Pollock and Cst. Mark Gravelle who were both invited to his residence to see this collection. He advised that he does follow the rules in regards to firearms.

A CPIC check was conducted in regards to CFRO and found that he has 22 firearms registered to him at this time.

See attached CPIC info

J. Whitney  
Sgt #736



(August 8, 2008) (Volume 6, 33):

**From:** Whitney, Joanne (JUS)  
**Sent:** August 8, 2008 4:38 PM  
**To:** Rathbun, Brad (JUS)  
**Cc:** Haennel, Steve (JUS)  
**Subject:** JACK, Michael

Hi Brad,

Just to update you on further inquiries that have been made in regards to this candidate.

I spoke with two of his references, a Professor Brian Patrick who is the head of the Computer Program at Trent University. He advises that he has been to Michael's residence and seen the guns. They are all collectors weapons that he has carefully collected and he is very proud of his collection. This is the reason that he shows them off. In no way does he feel that he is "gun happy". He sets his eyes on a specific gun to add to his collection only and many are vintage WWII guns. They are all registered and stored properly.

I also spoke with Andre Melaney who is Michael's landlord. He advises that he has seen the guns and has been with him when he attended the local gun club which he belongs to and actually shot many of these guns. They are all stored in a special safe and he is not concerned in any way with Michael having these in his household. He is very proud of the collection and doesn't just show them to anyone. He would not describe him as "gun happy" just a proud collector.

Michael also contacted me as he had heard that we were contacting some of his references. I advised him that this was an issue that was not fully pursued during his background investigation. He advised that he had attended the detachment to meet the people he was going to be working with and had gone on ride alongs with two officers. The two officers were Cst. John Pollock and Cst. Mark Gravelle were both invited to his residence to see this collection. He advised that he does follow the rules in regards to firearms.

A CPIC check was conducted in regards to CFRO and found that he has 22 firearms registered to him at this time.

Thanks for taking the time to send us your concerns on this individual. If you have any further questions regarding this or any other concerns of this candidate, please let either Steve or I know.

Take care,

Joanne

*Joanne Whitney Sgt. #7368  
Career Development Bureau  
Uniform Recruitment Orillia*

 Tel. (705) 329-6723

 Fax. (705) 329-6619

 Email: Joanne.Whitney@ontario.ca

Please note that Sgt. Whitney failed to mention that the President of the Peterborough Fish and Game Association, Ken Prentice, (Exhibit 68) also had been contacted in reference to the allegation that I was a "gun-happy" person. Mr. Prentice conveyed this information to me sometime in the spring of 2009. He told me that he had been asked whether he had observed anything inappropriate about me with respect to handling firearms and following gun-safety procedures. He told me that he had observed nothing wrong with me and that was what he told the OPP.

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

I believe that my first coach officer Cst. Filman was not doing his job with respect to coaching me properly from the very beginning. Knowing that my first posting was going to be Peterborough Detachment I attended there in late July 2008 (shortly after accepting the offer of employment) to introduce myself. It was there that I met Cst. Marc Gravelle at the front counter who offered to take me on ride-along patrol. I subsequently went on two ride-alongs, during which for the first time in my life I was exposed to police work. The first ride-along was with Cst. Marc Gravelle and the second one was with Cst. John Pollock. It is noteworthy to mention that at the end of each ride along the officers dropped me at my home, which was incidentally located in their respective patrol zone (Zone 3). I invited both officers inside for a few minutes to offer them some refreshments and to simply show them where I lived. Incredibly, a few days later my reference contacts started receiving phone calls from Orillia and being questioned whether I was a "gun-happy" person. Once I learned that, I phoned Orillia and asked them what was going on. I was told it was a follow up on my background investigation and it had no relation to officers visiting my home. They lied to me.

At the time that my references were being contacted with regards to me being "gun-happy" I was clueless as to why it was happening. That was the reason I called the OPP General Headquarters in Orillia to inquire. It did not make sense to me because not only I specifically mentioned in my job application to the OPP that I had extensive weapons training, that I was a member in the local gun club, that I had attained Gold Level in handgun target practice, but I also told my interviewers (Sgt. Haennel and Sgt. Whitney) all about it on May 29, 2008.

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

#### IV. List any qualifications you have which you believe are relevant to this position

Very self-disciplined.  
Goal setter and high achiever.  
Trilingual--English, Russian, Hebrew.  
Graduated from university with A+ cumulative average.  
Have lived in four countries and visited 19 others.  
Work out at least four times per week and jog twice weekly.  
Extensive weapons training.  
Possess both non-restricted and restricted firearms acquisition and possession licenses.  
Attained "gold level" in the local gun club in handgun target practice.  
Adaptable to any location and set of circumstances.

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

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**From:** Traviss, Denise (JUS)  
**Sent:** Monday, August 11, 2008 2:16 PM  
**To:** Lapalme, Denis (JUS)  
**Subject:** FW: Candidate Michael JACK

Hi there

Steve Haennel sent me this email last week. What do you want to do about this person, do you want to do an interview?

Denise

(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

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

**From:** Traviss, Denise (JUS)  
**Sent:** August 11, 2008 2:31 PM  
**To:** Lapalme, Denis (JUS)  
**Cc:** Haennel, Steve (JUS)  
**Subject:** RE: Candidate Michael JACK

Okay, I am copying Steve on this email so that he can find that out.

STEVE, could you please find this out and let me know.

Denise

(August 13, 2008) (Volume 6, 37):

**From:** Haennel, Steve (JUS)  
**Sent:** August 13, 2008 4:01 PM  
**To:** Traviss, Denise (JUS); Lapalme, Denis (JUS)  
**Subject:** RE: Candidate Michael JACK

A handwritten signature in blue ink that reads "JACK". The letters are stylized and connected, with a long horizontal stroke above the "J" and "A".

Hi Dr. Laplame:

The candidate will be at the Academy for the PRE week on 25-29 Aug and the POST program the entire month of December 2008.

Steve



**(August 15, 2008) (Volume 6, 34):**

**From:** Haennel, Steve (JUS)  
**Sent:** August 15, 2008 3:40 PM  
**To:** Rathbun, Brad (JUS)  
**Subject:** Mike JACK

Hi Brad,

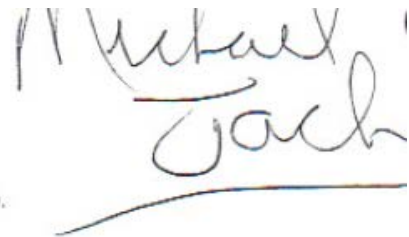
I met with Dr. Lapame today. He will be interviewing JACK during his PRE week at the Academy. If there is anymore information, please let me know.

Tx  
Steve

S.E. (Steve) Haennel  
Sergeant #7336  
Ontario Provincial Police  
Career Development Bureau  
Uniform Recruitment  
777 Memorial Ave.  
Orillia, Ontario, L3V 7V3  
steve.haennel@ontario.ca  
Work: 705-329-6721  
Fax: 705-329-6619

**(August 19, 2008) (Volume 6, 32):**

**From:** Rathbun, Brad (JUS)  
**Sent:** August 19, 2008 5:58 AM  
**To:** Haennel, Steve (JUS)  
**Subject:** RE: Mike JACK

A handwritten signature in blue ink that reads "Michael Jack". The signature is written in a cursive style with a horizontal line underneath the name.

Thanks for the update Steve. I haven't heard anything else but will forward if I do.  
Keep me informed.

- Brad

On August 25, 2008, at the Ontario Provincial Police Headquarters in Orillia during one of the orientation sessions we were asked to introduce ourselves one at a time. There were approximately 107 recruits (class 411) at the time in the auditorium. The orientation session was conducted by Sgt. Tozser. When my turn came I stood up and briefly introduced myself to the class. Immediately, Sgt. Tozser addressed the audience in a clear and loud voice, **'Did anyone get that?'** She then addressed me personally, **'You have a very thick accent. You have to speak very slowly.'** The whole class witnessed that. I never received such comments during my entire tenure at Trent University. I remember that I was very embarrassed and perspired at the time. I hope the Tribunal can see how derogatory and humiliating that comment was to make one perspire in an air conditioned classroom. Retrospectively, I can see how that one comment in front of the whole class negatively affected my leadership scores at the Provincial Police Academy.



## Analysis of the Respondent's Disclosure (September 2008)

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

- During the first day of the first week of the orientation training at the Ontario Provincial Police Academy in Orillia I was pulled out in the middle of the physical fitness test by Mr. Shipley, the Provincial Police Academy Chief Instructor, and taken to a one-on-one examination with an OPP's civilian psychologist/psychiatrist, whose name I do not remember.
- In that half-an-hour conversation, the psychologist disclosed to me that one of the officers whom I showed inside of my house reported me to their supervising sergeant as a gun happy person because I showed them my registered firearms. The sergeant in turn reported the incident to the Operations Manager S/Sgt. Ron Campbell, who in turn reported it to the Detachment Commander, Ins. Mike Johnston, who in turn reported it to the OPP Headquarters.
- The psychologist further told me that he believed I was a bit of an intellectual and that the chain of emails that ensued was a tempest in a tea pot. He advised me to always keep in mind that when I talk to people that I do not talk to one person but to many people that stand behind them. He told me he saw no issues with me and sent me off to continue my training with his blessings.

### (September 4, 2008) (Volume 6, 35):

**From:** Haennel, Steve (JUS)  
**Sent:** September 4, 2008 3:54 PM  
**To:** Rathbun, Brad (JUS)  
**Subject:** Michael Jack

Hi Brad,  
Fyi, Dr. Lapalme say JACK during his pre week at the OPP Academy. He indicates that he does not have any concerns at this time.  
Have any others concerns come up from your side?

Steve

S.E. (Steve) Haennel  
Sergeant #7336  
Ontario Provincial Police  
Career Development Bureau  
Uniform Recruitment  
777 Memorial Ave.  
Orillia, Ontario, L3V 7V3  
steve.haennel@ontario.ca  
Work: 705-329-6721  
Fax: 705-329-6619

It is really amazing the amount of time spent determining whether or not I was a risk to people. More than three weeks since the first e-mail from Sgt. Rathbun to S/Sgt. Campbell and Insp. Johnston. I wonder if my Canadian war veteran example that I used earlier would have enjoyed the same privilege of three weeks of scrutiny after the offer employment had been made and accepted.



ONTARIO

PROVINCIAL POLICE

*CORPORATE SERVICES*  
*CONFIDENTIAL*  
INTERNAL BRIEFING REPORT

**ISSUE:**

It came to the attention of Career Development Bureau – Recruitment Section, that members from Peterborough Detachment had concerns about Michael JACK, a candidate in our recruitment process.

**BACKGROUND:**

JACK was interviewed for Constable on 29 May 08 by Sgt's Haennel and Whitney. He was recommended for background investigation. They noted JACK appeared very proud of his accomplishments and somewhat rigid. They felt his high level of intelligence could be mistaken as being socially awkward.

On or about 05 Aug 08, Insp. Thomas was notified by a member of Peterborough Detachment, they had concerns about JACK because he had gone to the detachment prior to his start date and during a ride along, appeared overly enthusiastic about his gun collection to the extent he took several members to his home and showed them the collection.

A complete background and psyc evaluation had already been completed in the course of the recruitment process with no concerns raised.

Another investigation was subsequently initiated.

**Summary of Follow up Investigation:**

Sgt. Whitney spoke with two of his references, a Professor Brian Patrick who is the head of the Computer Program at Trent University. He advises that he has been to JACK's residence and seen the guns. They are all collectors' weapons that he has carefully collected and he is very proud of his collection. This is the reason that he shows them off. In no way does he feel that he is "gun happy". He sets his eyes on a specific gun to add to his collection only and many are vintage WWII guns. They are all registered and stored properly.



Sgt. Whitney spoke with Andre Melaney who is JACK's landlord. He advises that he has seen the guns and has been with him when he attended the local gun club which he belongs to and actually shot many of these guns. He also advises they are all stored in a special safe and he is not concerned in any way with JACK having these in his household.

Melaney feels JACK is very proud of the collection and doesn't just show them to anyone. He would not describe him as "gun happy" just a proud collector.

JACK also contacted Sgt. Whitney as he had heard that we were contacting some of his references. He was advised that this was an issue that was not fully pursued during his background investigation. He advised that he had attended the detachment to meet the people he was going to be working with and had gone on ride alongs with two officers. The two officers were Cst. John Pollock and Cst. Mark Gravelle who were both invited to his residence to see this collection. He advised that he does follow the rules in regards to firearms.

CPIC checks were conducted and all firearms are registered and clear.

#### **ACTIONS:**

- 05Aug08- Insp. Thomas aware of concern. Discussed with Sgt. Haennel and reviewed file. No concerns in file.
- 05 Aug08- Sgt. Whitney began a follow up investigation.
- 05Aug08- Sgt. Haennel notified Denise Travis of the situation seeking Input of Dr. Lapalme.
- 06 Aug08- Insp. Thomas made aware that JACK went on another ride along and demonstrated the same behavior.
- 06Aug08- Sgt. Whitney completed follow up investigation. See the above mentioned summary.
- 11Aug08- Dr. Lapalme aware of situation.
- 15Aug08- Sgt. Haennel discussed situation with Dr. Lapalme who agreed to interview JACK during PRE Recruit week in Orillia. (25-29Aug08)  
Sgt. Haennel notified Sgt. Rathbun of Peterborough Detachment of same.

- 25Aug08- Dr. Lapalme interviews JACK during the PRE Recruit course and has no concerns.
- 04Se08- Sgt. Haennel notifies Sgt. Rathbun about the outcome of the interview.  
No other known concerns at this time.

## CONCLUSION:

Upon further investigation and the interview by Dr. Lapalme, no evidence of a concern could be found.

Sgt's Haennel and Whitney noted the following about JACK;

- Socialized outside of Canada
- Raised in a culture of pride
- Performed mandatory Military time in his country of origin
- Very driven and motivated
- Very high level of intelligence
- Some evidence of awkwardness relating to Canadian social cues

Based on these observations, it is the opinion of Haennel and Whitney that JACK is experiencing some awkwardness as he begins to socialize himself into the police culture.

**Please note that it were members from Peterborough Detachment that had concerns about me.**

Please note the excerpts:

- ***'They felt his high level of intelligence could be mistaken as being socially awkward.'***
- ***'Insp. Thomas was notified by a member of Peterborough Detachment, they had concerns about JACK...'***
  - ***That is where my demise with the OPP started. This was prior to me even becoming a police officer – at the Peterborough County OPP Detachment!***
- ***'A complete background and psych. evaluation had already been completed in the course of the recruitment process with no concerns raised.'***
  - Despite the successful completion of the background investigation and psychological evaluation with no concerns raised, but thanks to PC Marc Gravelle's prejudiced opinion of me that had been conveyed to Sgt. Rathbun along with a mouthful of lies I was subjected to another psychological assessment.
- ***'Another investigation was subsequently initiated.'***
- ***'Upon further investigation and the interview by Dr. Lapalme, no evidence of a concern could be found.'***
  - No evidence of a concern could be found since there should not have been any concern in the first place.



- ***‘Some evidence of awkwardness relating to Canadian social cues’***

- This comment is so filled with biasness that it specifically implies that there are Canadian social cues that I was having difficulty adjusting to. When I took the Oath to become a Canadian citizen on November 10, 2004 (Exhibit 102) I did not pledge to adopt Canadian social cues. I pledged to value diversity. As a Canadian citizen, maintaining ethnic individuality is a fundamental right that is protected by the Charter. By August 2008 I had lived in Canada for 8 years and had been a Canadian citizen for almost 4 years.
- Rather, this comment from Sgt. Haennel should have alerted the OPP about the lack of understanding of cultural diversity by the officers at the Peterborough County OPP Detachment.
- This comment also goes to show the lack of knowledge and understanding by the officers at the Peterborough County OPP Detachment of how persons of various ethnicities will not have the same social cues or share the same social cues of the majority and neither should such a person be expected to have/share the same social cues of the majority.
- This comment further serves to show how racially biased individuals with such a belief actually expect a minority to put his/her cultural traits aside so as to assimilate with the majority.
- This comment also shows the lack of respect of the minority’s ethnic traits by the officers at the Peterborough County OPP Detachment and Command Staff of the OPP that used all of this perceived negativity to terminate my employment.
- Finally, this comment speaks about awkwardness of the officers at the Peterborough County OPP Detachment in understanding and respecting the social cues of a minority.

**Excerpts from Introduction to Psychology University text book:**

‘In Canada cultural diversity is norm everywhere. Communications across cultures is difficult, sometimes, because behaviors that are acceptable and encouraged in one country or one culture may be offensive and intolerable to people from another. Dramatic differences in language, customs, dress, climate, and lifestyle may lead to unintended slights. Indeed, ignorance of these differences has long been cited as the biggest cause of misunderstandings between people from different cultures.’

‘Being socially skilled is being able to get along well with peers and others. The more socially skilled you are, the more advanced you are in their understanding of how other people think – an important aspect of cognitive development.’

‘Critical thinking is thinking that avoids blindly accepting conclusions or arguments, and instead closely examines all assumptions, carefully evaluates existing evidence, and cautiously assesses all conclusions.’

**Excerpt from The 7 Habits of Highly Effective People book by Stephen R. Covey:**

‘The more we can see people in terms of their unseen potential, the more we can use our imagination rather than our memory with them.’

**In light of these e-mails and especially the following one:**

**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

It is clear that Dr. Lapalme's comment that the candidate was offered employment conditional on passing the Ontario Police College, the Provincial Police Academy and the probationary time was used by certain racially motivated and prejudiced officers within the OPP to target me during my probationary period with a goal of terminating my employment. The first two options (passing the OPC and the PPA) were going to be difficult to justify the termination of my employment. However, the probationary time was still to come and that would serve as the means by which they could get rid of me due to the concerns of so many that were steeped in racial prejudice not to mention racial hatred.

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

In mid-December 2008, while at the Ontario Provincial Police Academy (in Orillia), I received an email from S/Sgt. Campbell that my coach officer was going to be Cst. Filman. I emailed Cst. Filman twice, but he never responded to me. Though I felt a little left out and uncomfortable I did not realize the gravity of what was to come. Later on when I was shared information from Cst. Kevin Duignan in October 2010 that the nick name of "Crazy Ivan" was given to me prior to me commencing duty at the Peterborough Detachment (Exhibit 69) I realized why I had been left out. Furthermore, according to Constable Tapp I later learned that ever since he started at the Peterborough Detachment he had always seen or heard of officers leaving the detachment to meet their recruits. While he was Second-in-Command (during 2004) on 'A' platoon, his shift supervisor, Sgt. Butorac advised the platoon officers, during a shift meeting that a coach officer had to attend the graduation ceremony in Orillia to welcome the new recruit. Sgt. Butorac indicated that this was mandatory as per Non-Commissioned Officers (NCO) directives. In reflection and much later on I realized that it was after those two "ride-along" patrols that I was nick named "**Crazy Ivan**". I reasoned this based on the following:

- After each of these two "ride-along" patrols the officers dropped me off at my residence since it was in their patrol zone. In both instances I invited both officers inside my residence for refreshments.
- In both instances the officers were privy to my gun collection and how securely and properly they were stored. (Note: By that time, I had been a member of the Peterborough Fish and Game Association for 2 years) (Exhibit 68).
- Both officers were privy to my thick Russian accent and knowledge that I was from Russia and Israel since my background was a common topic of discussion during our time together on the road during each of the two "ride-along" patrols.

- During the first day of the first week of the orientation training at the Ontario Provincial Police Academy in Orillia I was pulled out in the middle of the physical fitness test by Mr. Shipley, the Provincial Police Academy Chief Instructor, and taken to a one-on-one examination with an OPP's civilian psychologist/psychiatrist, whose name I do not remember.
- In that half-an-hour conversation, the psychologist disclosed to me that one of the officers whom I showed inside of my house reported me to their supervising sergeant as a gun happy person because I showed them my registered firearms. The sergeant in turn reported the incident to the Operations Manager S/Sgt. Ron Campbell, who in turn reported it to the Detachment Commander, Ins. Mike Johnston, who in turn reported it to the OPP Headquarters.
- The psychologist further told me that he believed I was a bit of an intellectual and that the chain of emails that ensued was a tempest in a tea pot. He advised me to always keep in mind that when I talk to people that I do not talk to one person but to many people that stand behind them. He told me he saw no issues with me and sent me off to continue my training with his blessings.
- The conversation with Cst. Kevin Duignan in the Tim Hortons coffee shop on October 19, 2010 (Exhibit 69).
- Anticipated evidence of Sgt. Jason Postma (Exhibit 70).
- Anticipated evidence of Mark Greco (Exhibit 71a).

I later confronted both officers separately about the incident and both said they did not report me to anyone. While I believe that Cst. John Pollock told me the truth, I firmly believe that Cst. Marc Gravelle lied to me in the face. I believe it was him who intentionally and maliciously reported me as a gun-happy person after I had shown him inside of my house and how safely and securely I stored my registered firearms. However, in the scope of the final picture (so to speak) it is immaterial who did that. What is material were the negative connotations attached to one possessing a large gun collection. The OPP were fully aware of my background with the Israeli Navy, my membership in the local gun club (Exhibit 68) and my qualifications in firearms. Hence, it would appear that it was the association of a Russian (me) and my large gun collection that labeled me as a Crazy Russian (Ivan) that in turn ignited a flame – a flame of racial hatred and contempt towards me. The Sergeant's lack of professional fortitude and objectivity caused this flame to spread all the way to upper the upper management of the OPP that ultimately led to my demise.

**(September 12, 2008) (Volume 1, I-41):**

From: Campbell, Ron (JUS)  
Sent: September 12, 2008 1:07 PM  
To: Flindall, Robert (JUS); Banbury, Trevor (JUS); Rathbun, Brad (JUS); Butorac, Peter (JUS); Smith, Gerry A. (JUS); Johnston, Mike P. (JUS)  
Cc: Illes, Mike (JUS); White, Greg (JUS); Conway, Jane (JUS); Chapman, Kathy (JUS)  
Subject: Shift Changes

**Detachment Supervisors:**

We are attempting to balance out the shifts as we have another influx of new recruits and we also need to have SOCO's and Intoxilyzer members on each shift. We also need to balance out experienced members.

I attempted to contact Ivars cell phone but was unable to make contact.

I have advised S/Sgt Mike Illes that Derek Robertson needs to be our number 1 Priority to be trained in SOCO rather than move a second body. So having said that here is what I see the shifts as.

Review it and pending feedback we will go from there.

Note we still need to ID a DARE member as Scott Thompson has backed out.

Kathy I will look at Vacation to see if this changes anything. Ron

<< File: PLATOON MEMBERS-SEP 08.xls >>

**(September 15, 2008) (Volume 1, I-41):**

From: Rathbun, Brad (JUS)  
Sent: Monday, September 15, 2008 1:34 PM  
To: Campbell, Ron (JUS)  
Subject: FW: Shift Changes

I don't see Jason CLARKE on my shift (or anywhere). I'm not losing him am I?  
I would also like to talk about PC GRAVELLE as a coach officer.

- Brad

**(September 22, 2008) (Volume 1, I-41):**

From: Campbell, Ron (JUS)  
Sent: September 22, 2008 3:50 PM  
To: Rathbun, Brad (JUS); Butorac, Peter (JUS); Smith, Gerry A. (JUS); Flindall, Robert (JUS); Banbury, Trevor (JUS); Johnston, Mike P. (JUS)  
Subject: FW: Shift Changes

Brad, I have added Clarke on your platoon I simply missed him when I added. I have switched Knier and Jacks as Probationary on shift. Any feedback!! Ron

**(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

Please note the excerpt: ***'You got it he is the one'***.

Before the date of the above e-mail, Sgt. Rathbun and the Command Staff at the Peterborough County OPP Detachment had been shared the disposition of the mini-investigation conducted by Sgt. Haennel and Sgt. Whitney. I was cleared of any concerns by the OPP's psychologist, Dr. Lapalme. However, a plan to target me with constant surveillance seems to have gotten approval at the Peterborough County OPP Detachment. This approval seems to have been supported by Headquarters Command Staff. In light of this revealing e-mail how could the Respondent take the position and deny that I was subjected to more scrutiny than other probationary constables and thereby deny that I was targeted?

Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 46:

have sought revisions before the documents were finalized. The Applicant was subject to the same expectations as every other probationary constable. The Applicant was not subjected to greater scrutiny than other probationary constables. The Applicant was struggling to perform the duties which were

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

From: Flindall, Robert (JUS)  
Sent: Tuesday, September 23, 2008 8:20 PM  
To: Campbell, Ron (JUS)  
Subject: RE: Shift Changes

That's no problem at all - as long as I know who my players are, especially this one. I may pop into the academy and speak with them about Jack while I'm over here.

Please note the excerpt: ***'especially this one'***. One can see here how Sgt. Flindall appeared to be enthusiastic about having the approval of the S/Sgt. Campbell to keep me under surveillance. I was referenced as ***'he is the one'*** and ***'especially this one'*** and he was actually so motivated that he was going to make it a point to get as much information on me as possible by canvassing staff at Regional Headquarters.

Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 46:

have sought revisions before the documents were finalized. The Applicant was subject to the same expectations as every other probationary constable. The Applicant was not subjected to greater scrutiny than other probationary constables. The Applicant was struggling to perform the duties which were

Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 47:

Paragraph 37 – Sergeant Flindall did not ask the officers in the Detachment to keep the Applicant under surveillance and report back to him. The coaching of a new recruit does not occur in isolation from other police officers. The Applicant was treated in the same manner as all other recruits.

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

From: Campbell, Ron (JUS)  
Sent: September 24, 2008 12:35 PM  
To: Flindall, Robert (JUS)  
Subject: RE: Shift Changes

ok

Contrary to what the Respondent wants the Tribunal to believe the truth is plain and hard to hide. I was targeted prior to even commencing my first day as a police officer at the Peterborough County OPP Detachment. This directive/order that appears to have originated from Command Staff singled me out and coupled with the derogatory nick names of "Crazy Ivan" (crazy Russian) and "Loose Cannon" formed the foundation of the racial hatred and prejudice that poisoned the work environment I was to commence my duties at.

Of interest is the fact that Sgt. Flindall did not hold performance evaluation meetings with me at all! He either must have been disgusted with my presence on his platoon and wanted to have as fewer interactions with me as possible or was deliberately setting me up for failure. In any case, he was neglecting his duty in dire contravention of the Ontario Provincial Police Orders (Volume 7; Exhibit 99a and Exhibit 99b).

In the span of a little less than two and a half hours (September 23, 18:12 hours to September 23, 20:20 hours) a plan was set in place for me to be monitored and targeted. Sgt. Flindall was willing to direct this plan as long as he knew who his players were, ***'especially this one'*** (me). This plan had its roots in the e-mail from Sgt. Rathbun to the detachment Command Staff on August 5, 2008, and Sgt. Flindall was going to embrace it whole-heartedly by going the extra few yards and travelling to the Provincial Police Academy in Orillia to speak with the Academy Staff about me. The Tribunal should see how this plan of which I have constantly referred to materialized and culminated on December 15, 2009.

**(September 23, 2008) (Volume 1, I-104):**

**From:** Campbell, Ron (JUS)  
**Sent:** September 23, 2008 1:02 PM  
**To:** Gozzard-Gilbert, Shelley (JUS)  
**Cc:** Johnston, Mike P. (JUS)  
**Subject:** RE: New recruits

Shelley:

Michael Jack will be on Platoon A with Jen Payne as the coach.  
Amanda Knier will be on Platoon D with John Pollock as coach  
Mike Davidson will be on Platoon B with Kieran Highland as coach  
Daniel Gay will be on Platoon C with Marc Gravelle as coach.

Ron

I always knew that PC Filman was never interested in coaching me and that he made me feel like a burden to him. This e-mail clearly shows that PC Filman was a last minute substitute for PC Payne. If only the Respondent had disclosed all my e-mail correspondence from my Justice E-mail account then the Tribunal would have had a proof that I corresponded with PC Jennifer Payne in the fall of 2008 while I was at the Ontario Police College and with PC Shaun Filman in December of 2008 while I was at the Provincial Police Academy. It is noteworthy to mention that PC Filman never responded to the two e-mails I sent him from PPA.

**(September 24, 2008) (Volume 1, I-104):**

**From:** Gozzard-Gilbert, Shelley (JUS)  
**Sent:** September 24, 2008 1:46 PM  
**To:** Flindall, Robert (JUS); Campbell, Ron (JUS); Johnston, Mike P. (JUS); Smith, Gerry A. (JUS); Butorac, Peter (JUS); Rathbun, Brad (JUS); Banbury, Trevor (JUS); Conway, Jane (JUS)  
**Cc:** Hobbins, John (JUS); Schroter, Sarah (JUS); Lafreniere, Bob (JUS); McEwan, Iain (JUS); Kerr, Dan (JUS)  
**Subject:** RE: New recruits

I have just been told that the graduation date for these new rookies is Jan 2/09. So with that being said these officers will report for duty the following week.  
Shelley