

Michael Jack v. Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services and operating as the Ontario Provincial Police.

Tribunal File Number: 2010-07633-I

Anticipated evidence of witnesses

ANTICIPATED EVIDENCE OF: DR. BRIAN GLEN PATRICK (Exhibit 10a, Exhibit 10b)

- Is a professor at Trent University
- Has known Michael since spring of 2001 on three levels: as an undergraduate, as a graduate teaching assistant and finally as a teaching colleague
- Michael was a student of his
- Michael earned a prestigious postgraduate scholarship from the Natural Sciences and Engineering Research Council of Canada
- Was responsible for overseeing the selection of part-time lecturers and selected Michael among other candidates
- Michael has taught Computer Science and Information Technology courses at Trent University
- The feedback from students was positive
- With Michael's drive, natural leadership abilities and excellent communication skills his Software Engineering project met its deadlines, satisfied its requirements and was the most well-rounded and well-prepared final-year project since Dr. Patrick's arrival at Trent University in 2001
- Michael is by far the hardest working student I have had the opportunity to watch firsthand
- Michael views obstacles as opportunities to improve himself
- Everything Michael sets out to do is tackled to the best of his abilities
- Michael's written and oral writing abilities in English are superb and indeed, exceed most native speakers of the language

ANTICIPATED EVIDENCE OF: DR. RICHARD THOMAS HURLEY (Exhibit 10a, Exhibit 10b)

- Is an professor at Trent University
- Has known Michael since fall of 2001 on three levels: as an undergraduate, as a graduate teaching assistant and finally as a teaching colleague
- Michael was a student of his
- Was responsible for overseeing the selection of part-time lecturers and selected Michael among other high-achieving students
- Michael had a thirst for knowledge
- Michael has taught a few Trent University's first-year software engineering courses, a second-year course in digital logic and a second-year course in computer architecture
- The feedback from students was positive
- Michael went above and beyond the course requirements and produced work that far exceeded expectations

ANTICIPATED EVIDENCE OF: BRIAN FREDERICK HIRCOCK (Exhibit 10a, Exhibit 10b)

- Is a lecturer at Trent University
- Michael was a student of his
- Has known Michael since fall of 2001 on three levels: as an undergraduate, as a graduate teaching assistant and finally as a teaching colleague
- Michael ranked in the top 3 students out of the hundreds that I taught
- Michael has excellent time management and organizational skills
- Michael can deal with people in a fair and ethical manner

ANTICIPATED EVIDENCE OF: SOFIE ANDREOU (Exhibit 10a, Exhibit 10b)

- Is a part-time lecturer at Trent University
- Michael was a student of her
- Has known Michael since fall of 2002 at Trent University
- Michael assisted me in developing my curriculum for the class and demonstrated outstanding leadership and pride in his work
- Michael's work ethics is unparalleled and his dedication, pride and loyalty are unwavering
- The quality of his assignments are yet to be matched

ANTICIPATED EVIDENCE OF: WILLIAM HUNTER (Exhibit 10a)

- Is a retired professor of Economics at Trent University
- Originally from Toronto but has lived in Peterborough since 1966
- Will attest that Peterborough area is predominantly Roman Catholic and that Peterborough has been notoriously known for not readily accepting minorities
- Met Michael in the Trent University's gym
- Followed Michael's academic career with interest
- Will attest to Michael having an inquiring mind and his reading in a number of fields
- Will attest that Michael is highly disciplined and highly focused
- Will attest that Michael has worked diligently at improving his English and his written skills surpass most native-speaking students
- Will attest that Michael was fastidious with his hobby of guns

ANTICIPATED EVIDENCE OF: ANDRE WILLIAM MELANEY (Exhibit 10a)

- Has known Michael since June 2001
- Michael rented the basement of his house between 2001 and 2006
- Michael renovated and rented the second part of his house between 2006 and 2010
- Michael is extremely clean, organized, diligent and has a positive attitude towards everyone he meets
- Michael is dedicated to anything he sets out to do
- Michael has been like a son to him

ANTICIPATED EVIDENCE OF: ARMAND LA BARGE (Exhibit 11b)

- Has retired from a career in policing having reached the rank of Police Chief in York Region
- York Region is a community with a large Russian and Jewish population aside from other ethnic communities
- Was completing his Master's degree at Trent University in August of 2008
- Met Mr. Michael Jack in Trent University's gym during this time
- Had conversations with Michael regarding his experiences and goals
- Was aware of his fluency in three languages, his military background as well as his academic and personal skills
- Felt he would be a valuable asset to any modern police service where his trilingual and academic skills would certainly be of use to the community and the police service
- Inspired him to consider a career in policing
- Advised Michael that as part of their community policing initiatives officers that have English as a foreign language and require more knowledge in the English language are placed through English courses to assist them and further develop their linguistic skills

ANTICIPATED EVIDENCE OF: TIMOTHY A. GRENIER (Badge # 515)

- Sergeant with the York Regional Police service
- York Region is ethnically diverse with a large Russian and Jewish population
- Met Mr. Michael Jack on December 2, 2009, as a day shift ride-along
- Was grateful for Michael's trilingual skills which became crucial for a successful and timely investigation of an industrial accident

ANTICIPATED EVIDENCE OF: MICHAEL AZARIYEV (Badge # 1915)

- Constable with the York Regional Police service
- Met Michael Jack at the Ontario Police College in 2008
- Is aware that Michael was awarded an Ontario Police Fitness Award at the OPC
- Is a Ukrainian by birth
- English is his third language
- During his probationary period was assisted by York Regional Police service to improve his English language skills
- Constantly utilizes his multilingual skills in the regular course of his police officer duties

ANTICIPATED EVIDENCE OF: JASON POSTMA (Badge # 7876) (Exhibit 70)

- Has been a police officer for more than 20 years
- Sergeant with the Peterborough OPP Detachment
- Was posted at the Peterborough County OPP Detachment on Sgt. Butorac's shift in 2009
- Was aware of when Michael Jack first arrived on Sgt. Flindall's shift
- Was aware that Michael's first coach officer was Cst. Filman
- Witnessed Michael working during his time off at the end of his shifts and on his days off and have complemented him on his dedication and commitment to his duty
- Has personal knowledge of Michael being referred to by detachment members by the nick name of "Crazy Ivan" (Exhibit 70)
- Warned S/Sgt. Campbell via e-mail about PC Richard Nie being skilled at terminating probationary constables and their shift not being happy with Michael's transfer to it
- Participated in teleconferences regarding Michael's performance and his transfer to their shift
- Did a number of calls with Michael
- Was working as Michael's shift supervisor in December 2009 when Michael received a call for a car vs. deer MVC
- Knew that Michael was capable of handling the call
- Was prevented from sending him out to the call by himself due to the orders from A/S/Sgt. Flindall
- Is conversant with the Ontario Provincial Police Orders and various policies in the OPP, OPS and Workplace Harassment and Discrimination

ANTICIPATED EVIDENCE OF: KEVIN DUIGNAN (Badge # 7939)

- Senior Constable with the OPP at the Peterborough County OPP Detachment
- Was working days Monday to Friday at the detachment during the year of 2009 in a light duties capacity
- Was aware of the 4 new recruits starting in January 2009 at the detachment
- Has personal knowledge of Michael being referred to by detachment members by the nick name of “Crazy Ivan”
- Is aware of the lack of appropriate coach officer training Michael was given on platoon A
- Had an occasion to meet Michael on October 19, 2010, at the Tim Horton’s in Peterborough
- Wrote the nick name of “Crazy Ivan” on a paper napkin from the coffee shop advising Michael that before he even started at the detachment he had this nick-name (Exhibit 69)

ANTICIPATED EVIDENCE OF: SHAWN MACDONALD (Badge # 12277)

- Constable with the Peterborough County OPP Detachment since 2009
- Served with York Regional Police Service for 8 years before lateral transfer to the OPP
- Met and spoke with Michael while he was on probation
- Realized Michael was of a wide cultural background
- Sent an e-mail to York Regional recruiting officer Gary Crawford # 419 on October 16, 2009, regarding Michael’s interest in applying with YRP (Exhibit 79)

ANTICIPATED EVIDENCE OF: DAN GAY (Badge # 12658)

- Constable with the Peterborough County OPP Detachment since 2008
- Joined the OPP at the same time Michael did
- Was posted at the Peterborough Detachment on Platoon C
- On July 1, 2009, witnessed Cst. Payne lashing out on Michael in the Constables’ office at the Detachment
- Was never subjected to the overall type of treatment that Michael was

ANTICIPATED EVIDENCE OF: MITCH ANDERSON (Badge # 6770)

- Constable with the OPP for more than 25 years
- Stationed at the Peterborough County OPP Detachment
- Knew Michael since 2004 when Michael worked as a security guard at Burleigh Island Lodge
- Charged Michael under the HTA on January 8, 2005, for an Unsafe Left Turn which resulted in a minor Motor Vehicle Collision. Michael was at fault, called the police and paid the ticket on the same day
- Was stationed at the Peterborough Detachment when Michael Jack commenced his employment at the Peterborough Detachment
- In 2009 was an OPPA alternative representative
- Is aware that it is a contravention to the OPP's policy to have a probationer's evaluations overdue
- Had a couple of conversations with Michael in the parking lot of the detachment during which Michael disclosed some of his concerns
- Was present with Michael Jack during an Evaluation Meeting on August 19, 2009, along with S/Sgt. Campbell and Sgt. Flindall

ANTICIPATED EVIDENCE OF: PAUL MACNEIL (Badge # 9462)

- Constable with the OPP for more than 15 years
- Was born and raised in Peterborough
- Was working at Peterborough County OPP Detachment in 2009 while Michael Jack was there
- Attended Trent University gym periodically in 2010
- Had an occasion to meet Michael on November 26, 2010, in the Trent University's weight lifting room
- Has a discussion with Michael on that day and advised Michael that he received a raw deal and encouraged Michael to do something about it
- Advised Michael that there had been another officer named Harry Allen Chase who had been coached by Cst. Nie and had also been let go
- Advised Michael that every officer that had been coached by Cst. Nie had either been dismissed or transferred to another coach officer
- Advised Michael that Sgt. Flindall and Cst. Payne were too close and were favouring each other

ANTICIPATED EVIDENCE OF: RUI PACHEKO (Badge # 9490) (Exhibit 71)

- Has been a Police officer for more than 25 years
- Has been a Sergeant with the OPP for more than 11 years
- Is currently a Sergeant with Brant County OPP
- Is currently have an application before the HRTO (File 2011-08488-I)
- Is conversant with the Ontario Provincial Police Orders and various policies in the OPP, OPS and Workplace Harassment and Discrimination
- Can provide information to the Tribunal as to the OPP's Police Orders and policies
- Can provide information to the Tribunal with respect to racial discrimination especially of a Russian Jewish probationary being nick named "Crazy Ivan"
- Can provide information about performance evaluations and is able to critique Michael Jack's Probationary Constable performance evaluations
- Can provide information about when a positive 233-10 should be served to an officer

ANTICIPATED EVIDENCE OF: HARRY ALLEN CHASE (Exhibit 48)

- Is an African Canadian with Native American heritage
- Joined the Canadian Forces at the age of 17
- Completed a 13 week Basic Artilleryman training program
- Never experienced any difficulties meeting the training standards
- In 1986 graduated in the top third of my class in the Combat Leadership Course
- Transferred to the Air Force in 1989 becoming as Airframe Technician and later promoted to the rank of Master Corporal
- Placed in charge of twenty plus personnel and responsible for the Squadrons air fleet
- Retired with honour after having served a little over twenty years
- Worked as an Aerospace Technician for four years after retiring and then joined the OPP
- Singled out to have leadership attributes while at the Ontario Police College and the Provincial Police Academy
- Never had any reference made towards any learning disability and or difficulty with communication until attending Peterborough OPP Detachment and being assigned coach officer Cst. Richard Nie
- Was subjected to racial discrimination at the Peterborough OPP Detachment
- Cst. Nie referred to him as the "whitest black man he had ever seen"
- No matter how hard he tried he could never please Cst. Nie
- Cst. Nie criticized his writing skills in three areas: spelling, grammar and typing
- Many times Cst. Nie would remind him that it was because of his brain that he did not meet the standards
- Cst. Tapp shared the experiences he was going through and that he had filed applications with the OHRC
- Knew Cst. Tapp possessed very good articulation and writing skills
- Cst. Tapp wrote one of his reports on the computer he was logged onto (SP06146942)(Exhibit 63)
- That report was also taken apart by Cst. Nie who was never made aware of the actual author
- Terminated from employment by the OPP in August of 2006 for not meeting the requirements

- The discrimination and differential treatment that he endured during his probation period at the Peterborough County OPP Detachment surpassed everything that he had experienced in his lifetime
- Upon termination filed a grievance with the OPP via the OPPA and also with the OHRC
- OPP corresponded with the OHRC that the OPPA was handling the matter as well and in light of that the OHRC advised him that they were no longer handling the matter
- A year after the OHRC commission removed themselves from the matter the OPPA advised him that there were no further grounds to go any further with his matter and that the OPP would be reimbursing his OPC tuition fees
- An acknowledging decision from the OHRC with respect to his wrongful dismissal would have been most appropriate
- Could not get a job with any other police service
- Was depressed for a year until finally found a new job
- Upon meeting Cst. Tapp much later on in 2010 he found out that the OPPA and the OPP work hand in hand

ANTICIPATED EVIDENCE OF: STEVE RYAN (Exhibit 49)

- A resident of Peterborough County
- Called police on September 23, 2009, regarding a landlord and tenant issue
- Cst. Michael Jack was one of the two attending officers
- Michael had an ear plug and so he naturally assumed he was recording everything based on all the Hollywood movies of secret servicemen wearing ear sets
- Advised Michael that he knew he was recording everything
- When Michael's colleague (Cst. Nie) realized that he knew Michael he clutched his hands to his head, looked up into the dark sky and uttered, "You know this guy" to Michael
- Saw Cst. Nie's face become disdainful, wincing, and grimacing as he tried to intercept his nonverbal and verbal remark
- The next time he saw Michael was on March 23, 2010, at Nu Bodies gym where Michael questioned him why he made such a remark about recording conversations
- Advised Michael of his natural assumption

ANTICIPATED EVIDENCE OF: JOHANNA DENIS

- A resident of Peterborough county
- Also a community police volunteer at the Buckhorn office
- On the afternoon of August 15, 2009, she was at the community police office when Cst. Michael Jack came into the office
- Noticed that his nose was bleeding severely and that he was holding it
- He stayed in the office until the bleeding stopped and then went to a call

ANTICIPATED EVIDENCE OF: KAREN GERMAN (Exhibit 26a)

- Detective Constable with the OPP
- Was branch 8 president of the OPP association in 2009
- Was contacted by Michael in August 2009 regarding the discrimination he was experiencing at the Peterborough OPP Detachment and advised him that she was going to look into it
- Did an investigation and met with Acting Superintendent Doug Borton at Northumberland County OPP Cobourg detachment regarding Michael's problems
- Confided with Michael that he was being targeted and that Sgt. Flindall had several of Michael's colleagues keep him under surveillance
- Was present during Michael's interview by the Professional Standards Bureau detectives
- Was present during Michael's termination from employment

ANTICIPATED EVIDENCE OF: MARK GRECO

- Is a licenced paralegal in Peterborough
- Knew Michael since 2003 from being mutual members in the Good Life gym
- Was retained by Michael when he was charged under the HTA by Sgt. Flindall
- Had a colleague of his represent Michael in court (Exhibit 20b)
- Witnessed first had Peterborough OPP officer(s) speaking badly about Michael at the Gold GYM in Peterborough in the fall of 2009 (Exhibit 71)
- Acted as notary of the public for Michael's application to the HRTO

ANTICIPATED EVIDENCE OF: DR. DEREK DOTZKO (Exhibit 50)

- Doctor of Chiropractic care
- Michael was a patient of his between December 2001 and January 2010
- Knew Michael to be in top physical condition
- Saw Michael 4 times in 2008
- Saw Michael 31 times in 2009
- 23 of those visits were between September 22, 2009, and December 30, 2009,
- Discovered that the stress Michael was experiencing was affecting his regular health routine
- It was clear to Dr. Dotzko that towards the end of the year 2009, Michael's level of health had significantly decreased. Michael was affected to the point that he was not able to continue with his regular health lifestyle

ANTICIPATED EVIDENCE OF: DR. VANITA LOKANATHAN (Exhibit 51)

- Doctor of medicine at the Peterborough Clinic
- Saw Michael 4 times in 2009 and 9 times in 2010
- Saw that he was a healthy active individual in April of 2009
- Saw him in May of 2010 when Michael was applying for a position of a nuclear security officer and was advised by Michael that he was forced to resign from the OPP
- Was advised by Michael that he alleged discrimination and termination based on ethnicity
- Saw a progressively and worsening health stage in 2010
- Visited by Michael in June 2010 for sleep disruption, constantly thinking about events leading to dismissal, stress over lack of work , still planning on filing a discrimination lawsuit
- In the August 2010 visit Michael was found to have Mood Sequelae from loss of job as a police officer
- Advised Michael that he had Post-Traumatic Stress Disorder
- Was told b
- Was advised by Michael that he was leaving for Israel very shortly for a while to escape this misery and to try to recover from Post-Traumatic Stress Disorder without medication.