

From: Gavin May <gmay@oppa.ca>

Date: Thu, 22 Mar 2012 09:59:44 -0400

To: rui1318@rogers.com<rui1318@rogers.com>; Rui.Pacheco@ontario.ca<Rui.Pacheco@ontario.ca>

Cc: Karl Walsh<karlwalsh@oppa.ca>

Subject: Phone Message

Rui,

I'm sorry I wasn't available when you called yesterday. I understand you are inquiring regarding an e-mail that I sent to some other members regarding your Human Rights Tribunal case. The text of the e-mail read as follows:

By now each of you has received, or you are about to receive, an e-mail from the OPP advising you that it has disclosed documentation that you provided to the employer regarding Sgt. Rui Pacheco so that it could defend itself at a Human Rights Tribunal hearing. In the e-mail, you have been told that the OPPA has been informed.

The OPPA wishes to clarify that we, like you, were notified after the fact and did not consent to the documentation being disclosed. Indeed, we are not even aware of the exact nature of the documentation but are surmising that it includes Duty Reports that you may have provided in relation to complaint investigations conducted by PSB. If that is the case, and if your Duty Reports included the standard OPPA Duty Report preamble, we are quite alarmed that your employer has ignored the confidential and privileged nature of the statements. At the very least, we take the position that the OPP should have sought your consent in advance, or obtained an order from the Tribunal requiring it to disclose the documentation, rather than unilaterally deciding to disclose. Rest assured that we will be addressing this issue with senior management. If you have any particular or personal concerns about your statements being disclosed to Sgt. Pacheco, please contact me as soon as possible.

I am sure that you are familiar with the preamble that we suggest that members place at the top of Duty Reports that are prepared for the OPP. That preamble clearly states that the document is considered privileged and confidential. As a result, the OPP should not be disclosing any such document in any type of case without the member's consent or an order from the Court or Tribunal. In your case, the OPP has ignored the preamble and unilaterally disclosed the documents. I have not seen any of the documents so I can only assume that the preamble is present. We have taken this issue up with PSB in order to protect the integrity of the preamble and to reaffirm with them that it is inappropriate to ignore claims of privilege and confidentiality. Our purpose was not to oppose or obstruct disclosure to you in your case, but to ensure that the OPP respected the claims of our members. In fact, our e-mail had no impact on disclosure to you as it was sent after the disclosure had already been made.

I trust this answers the questions that you had about my e-mail.

Gavin

From: LLOYD TAPP <dmclaugh@bell.net>

Date: Thu, 22 Mar 2012 14:56:44 +0000

To: <rui1318@rogers.com>

Subject: RE: Phone Message

Rui:

Being that this e-mail was sent to you personally as well as the OPP mail site and being that it is devoid of any non-disclosure and or confidentiality privileges I would like to use it at Michael Jack's hearing to show that the OPP are flagrant violators of one rights and confidentiality privileges.

Please let me know by e-mail and I will add it as an exhibit.

LT

Subject: Re: Permission to use a personal e-mail

To: dmclaugh@bell.net

From: rui1318@rogers.com

Date: Thu, 22 Mar 2012 15:14:31 +0000

I authorize use of below email for said purpose.

Rui Pacheco

Sent from my BlackBerry device on the Rogers Wireless Network