

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

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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

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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