

Schedule "A"

Background

1. I am a member of a racialized minority group being that I am a Russian-Jewish individual and speak English with a heavy Russian accent.
2. I immigrated to Canada in September of 2000 and have lived in Peterborough since September 30, 2000.

Training and Recruitment to the Ontario Provincial Police

3. In August 2007, after several discussions with the Chief of York Regional Police, I decided to pursue a career in policing.
4. In March of 2008 I obtained my O.A.C.P. certificate as part of the mandatory set of requirements for my application with the Ontario Police Services.
5. On or about April 4, 2008, I applied to the York Regional Police and the Ontario Provincial Police (hereinafter the "OPP").
6. I was interviewed by the OPP on or about May 29, 2008 and following the interview my application was expedited for hiring purposes.
7. I signed an offer of employment on or about July 25, 2008 with the OPP at which time I was informed that I would be posted at the Peterborough Detachment of the OPP.
8. It is noteworthy that on July 27, 2008, I was invited for an interview by the York Regional Police which I turned down in view of having accepted the position with the OPP.
9. I attended the Ontario Police College (hereinafter the "OPC") in Aylmer from September 1, 2008, until November 27, 2008, and graduated with a 91.6 percent cumulative average.
10. From November 30, 2008, until January 9, 2009, I trained at the Ontario Provincial Police Academy (hereinafter the "OPPA").
11. I was recognized by both the OPC and the OPPA as being among the top recruits of my cohort group. These recognitions were communicated in the form of various awards.

Placement with the Peterborough Detachment

12. I was stationed at the Peterborough Detachment of the OPP (hereinafter the "Detachment") as a probationary constable beginning January 12, 2009.

13. Once placed at the Detachment of the OPP, it became readily apparent that outsiders were not welcome. I was immediately subjected to numerous acts of harassment and discrimination due to my status as a foreign borne individual and further due to my educational background and heavy Russian accent.
14. I later learned that prior to even arriving at the Detachment, some of the officers had already assigned me the nickname of "Crazy Ivan" as they had learned in advance of my arrival that I was from Russia.
15. It was upon this backdrop that throughout the duration of my employment with the Detachment, as described herein, I was subjected to differential treatment, contrived negative performance reviews, overt discrimination and harassment, artificial and unsubstantiated complaints against me, unsubstantiated charges under the *Highway Traffic Act* filed by a supervising officer, reprisals for asserting my rights or voicing any objection whatsoever to the unequal treatment I received.
16. Between January 12, 2009, and August 20, 2009, I was assigned to the Platoon A shift. My shift supervisor during this time was Sergeant (hereinafter "Sgt.") Robert Flindall and my coach officer was Constable (hereinafter "Cst.") Shaun Filman.
17. I was transferred to the Platoon D shift on or about August 21, 2009, due to the fact that upon investigating my complaints, it was found that I had been specifically targeted by members of my shift. As a result of my transfer to the Platoon D shift, my new shift supervisor was Sgt. Peter Butorac and my new coach officer was Cst. Richard Nie.
18. Unfortunately, the transfer did little to alleviate the treatment to which I was subjected at the Peterborough Detachment of the OPP, particularly given that Cst. Nie and Sgt. Flindall are neighbors and, as was the case among many of the officers of the Detachment, close friends. My work environment was poisoned regardless of which shift I was transferred to.

Overt Discrimination and Harassment

19. During my probationary period I was subjected to unwanted comments, jokes and harassment that in turn poisoned my workplace environment.
 - (1) Before even meeting my colleagues at the Detachment I had been nicknamed "Crazy Ivan" due to my Russian heritage.
 - (2) Over the first few months of my work at the Peterborough Detachment on multiple occasions I was reminded that I had a thick accent and that some officers had difficulty understanding me on the radio.
 - (3) In yet another incident sometime during the spring of 2009, I was confronted by Cst. Melinda Moran who asked me if I could speak with a Canadian accent.

- (4) I have been advised that on numerous occasions officers would ridicule my “funny” accent in my absence. As a cumulative effect of comments such as these, I became very self-conscious of my accent. I reduced my radio communications to a bare minimum and in a multitude of instances resorted to using my personal cell phone instead of the radio for the fear of being reminded of my accent again. I also became very self-conscious of my conversations to the point that I felt embarrassed when I talked to my peers.
- (5) The poisoned work environment also spread to the civilian employees with whom I had little contact. Few of these employees would have had any exposure to me in my daily activities, yet I was progressively treated with increased disdain by some of the civilian employees. The rumours that circulated among them included statements that “I could not be trusted”, “I was not altogether there” and that “I had problems.”

Differential Treatment and Derogatory Treatment

20. During my twelve month probationary period I was also subjected to differential treatment by my supervisor(s) and colleagues.

21. The following are but a few examples of the differential treatment that I received while at the Detachment:

- (1) I observed that other rookies, who were not minorities and did not speak with an accent, were welcomed and supported by their respective coach officers within the Detachment. Whereas, from the very beginning my coach officer Cst. Filman was completely disinterested in my training and development as an officer.

For example, when we were on the road, most of the time he would be operating the cruiser while I was sitting in the front passenger seat observing him constantly either text messaging or talking on his mobile phone. I truly felt like a burden to him.

Despite the fact that the role of a coach officer is to ensure that the new recruits under their supervision are properly prepared to handle the situations with which they are presented, I was almost wholly left to my own devices to figure out how to conduct interviews, arrests, complete reports, etc.

Cst. Filman exhibited a consistent unwillingness to train me or to share his knowledge with me, which was his duty. His persistent refusal to properly train me made me feel that I was not welcome.

- (2) I was the only one reprimanded in incidents involving other officers.

An example of this involved an incident that took place on January 30, 2009, only a few weeks after being placed at the Detachment. While working a day shift and accompanied by Cst. Jeff Gilliam, in an attempt to

stop a speeding motorist I misread the U-turn and put the nose of the cruiser in the ditch with no resulting damage to the cruiser.

A passing motorist stopped to render assistance by offering to pull the cruiser out of the ditch. The motorist used his own personal rope to tie to the rear axle of the cruiser which was still up on the shoulder of the road. Cst. Gilliam and myself got back into the cruiser before the motorist began pulling the cruiser out. In the process of removing the cruiser from the ditch, the cruiser struck a metal cautionary road sign and sustained damage.

Sgt. Flindall attended at the scene of the accident. Due to the failure to follow OPP policy to call a tow truck in a circumstance such as this, Sgt. Flindall issued what is known as a 233-10 (a negative internal report) against me. The document rebuked me for "inadequate operation of a police vehicle". As a result, I was also negatively rated in the Police Vehicle Operations section of my Month 2 performance evaluation.

Despite the fact that I was accompanied by a more senior officer (2 years experience) who was familiar with the OPP policy, I was the only one to be reprimanded and negatively documented for the incident.

Furthermore, my coach officer Cst. Filman never discussed the accident with me apart from uttering something to the effect that it was not his coaching in the presence of other officers, thereby subtly poisoning my work environment.

- (3) There were also occasions where I handled investigations but my work and any commendations therefore were credited to other officers as though I had no involvement in the investigation.

An example of this was the investigation I conducted with respect to a break and enter on August 6, 2009. Constable D'Amico was commended for the work that was assigned to and completed by me. Further, despite my integral involvement and the fact that I led the investigation (while not being credited for my work), I was the only officer to receive a negative review while all of the other officers involved received positive commendations from Sgt. Flindall.

- (4) I was scorned by senior officers for offering my assistance. Once during a morning briefing in the spring of 2009, I offered my assistance in developing a digitized system to prepare Crown Briefs. Having a solid background in the Computer Science field I saw an opportunity to put my skills to use and be recognized as a team player.

However, not only were my efforts not appreciated, following the shift briefing I was told by Cst. Mary D'Amico who was second in command at the time in a vexatious manner and in the presence of other Platoon 'A' officers, "You should keep quiet when a senior officer speaks. You might come across as knowing too much and it is not good for your career." Cst.

D'Amico further told me that there had been another officer who "knew too much" and that he no longer worked at the Peterborough Detachment.

I viewed Cst. D'Amico's comments as a threat, especially given her seniority and level of influence in the Detachment. As a result of her comments, I feared expressing my opinion or offering my assistance.

- (5) I was singled out for my accent. I was the only one in the Detachment who suffered ridicule for merely speaking.
- (6) I was also singled out by Sgt. Flindall as allegedly being incapable of handling even the simplest of calls.

For example, on December 8, 2009, while working a night shift I was dispatched to a motor vehicle collision in which a truck had struck a deer. I had attended and dealt with a dozen of those on my own before. However, when I asked Cst. Postma, the officer in charge of the shift, what his orders were with respect to handling the call, he advised me that he had spoken with Acting Staff Sgt. Robert Flindall and that I was not allowed to attend the accident on my own.

Cst. Postma further added that he knew I could handle a simple motor vehicle collision "car vs. deer" by myself and that it was embarrassing for me to be accompanied by another officer for such a simple call, but that he had to comply with Acting Staff Sgt. Flindall's orders.

- (7) Throughout my tenure at the Detachment, I worked more shifts and took less vacation time than any other officer in the Detachment. Further, as a result of this fact, despite being a new recruit, I was often left on my own in violation of the training protocols advocated by the Ontario Provincial Police Association.
- (8) During the first 8 months of my probationary period I only received two progress meetings despite that these meetings were supposed to take place on a monthly basis.
- (9) Fellow officers would often publicly reprimand me and belittle me.

As an example of this derogatory treatment, on July 1, 2009, I was yelled at by Cst. Payne for a completely illegitimate reason in the presence of other officers. As part of her rampage, Cst. Payne made a point of stating that Cst. Filman tried really hard to coach me and that despite this fact "I sucked". When I attempted to defend myself, she immediately cut me off and yelled "do not interrupt me because I am senior to you."

- (10) Finally, on a few occasions I was ordered by Cst. Filman to lay charges that were not properly substantiated by the evidence at the time the charges were laid. I was left to then suffer the humiliation and shame of having laid

unsubstantiated charges once the matters were thrown out of court. These incidents were also counted against me as a probationary officer.

Unsubstantiated Charges under the *Highway Traffic Act*

22. I was charged by my sergeant (Robert Flindall) under the *Highway Traffic Act* for "Failing to Yield to Traffic on Through Highway". The conduct complained of would have been more efficiently and appropriately dealt with by way of a conversation with my supervisor. As I was later advised, the charge was harsh and uncalled for.

23. The specifics of the incident are as follows:

On August 15, 2009, I was working a day shift. At approximately 11:30 am Sgt. Flindall, Cst. Payne, Cst. D'Amico, Cst. Moran and I attended a family dispute call. We drove to the call with lights and sirens on. The call turned out to be nothing and was cleared as non-reportable to my badge.

While enroute from the call to Detachment I was charged by Sgt. Flindall under the *Highway Traffic Act* for "Fail to Yield to Traffic on Through Highway". Sgt. Flindall also issued a 233-10 which accused me of "inadequate operation of police vehicle".

Due to the nature of the charge I requested and promptly obtained OPPA approval to cover the costs of the legal assistance to contest the allegation. The legal fees were approved by the Vice President of the 8th Branch of the OPPA Sgt. Paul Zeggil, from the Northumberland Detachment.

Upon discussing the incident with Sgt. Ziggel, he indicated that his reason for approving my request for coverage of my legal fees was that after reviewing the synopsis he believed the matter could have been handled differently by Sgt. Flindall.

As a result of the compulsory disclosure obligations I later learned that it was Cst. Payne who orchestrated the laying of the charge.

I was exonerated of the Charge by Justice of the Peace Carl Young on August 12, 2010. Nevertheless, the effect of the charge on my career was evidenced in Month 8 performance evaluation, wherein Sgt. Flindall negatively rated me in two separate sections, namely, the Police Vehicle Operations and Personal Accountability sections.

In the Personal Accountability section Sgt. Flindall accused me of not taking any responsibility for my actions with respect to receiving the Provincial Offences Notice. This accusation was based on the fact that I refused to simply plead guilty to the charge and instead sought to clear my name through the justice system as I was entitled to do.

It is my opinion that these kinds of negative reviews in my performance evaluations demonstrate the amount of animosity that I experienced and was subjected to by my supervisor(s) and peers at the Peterborough Detachment.

Performance evaluations such as these re-enforced my feelings of hopelessness and despair as a result of my status as a foreigner and a minority who spoke with a thick accent and one that few officers wanted to be associated with. Further, I am of the belief that this charge was specifically orchestrated for the purpose of poisoning my workplace environment and building up a file to justify the termination of my employment.

Failure to Address the Conduct at Issue

24. I was having a tough time adjusting to the unwelcome and unsupportive environment created by some officers on my shift. Several of the key officers at the Peterborough Detachment, primarily on the Platoon 'A' shift made my life very stressful. I was constantly made to feel as though I was not welcome at the Detachment.
25. I attempted to address my concerns with senior and supervising officers on numerous occasions, but unfortunately the discriminatory conduct itself was never addressed by the management of the OPP. The following are some instances wherein I sought the assistance of those in positions of authority:
26. I had advised Cst. Filman of my concerns with respect to the derogatory remarks that were being made by other officers on numerous occasions. However, Cst. Filman did nothing to intervene or put an end to the conduct.
27. In early May 2009, I advised Sgt. Flindall I did not feel I was getting the proper coaching and I had no one to seek help from. I also advised Sgt. Flindall of the derogatory comments being made by Cst. D'Amico. Despite acknowledging my concerns, Sgt. Flindall did nothing to rectify the discriminatory conduct on the part of my peers.
28. On another occasion sometime in June of 2009 in an attempt to seek an understanding and assistance from Cst. Payne who had been assigned as my mentoring officer I divulged to her that I felt I was a nuisance to Cst. Filman and that I was not receiving the proper guidance and training as required. Cst. Payne promised to assist but never did.
29. On August 3, 2009, I called Staff Sgt. Coleen Kohen addressing my concerns and seeking advice. S/Sgt. Kohen was the Staffing Officer in the Human Resources in the OPP Headquarters in Orillia. Despite having been instructed at the OPC to contact her if, as probationary constables, we were experiencing problems, I was advised by Cst. Kohen that she works with coach officers, not probationary officers. Instead, I was advised to contact the OPPA.

