

Rebuttal to Probationary Constable Performance Evaluation Report (PCS-066P)**By: JACK, Michael (former OPP badge # 12690)****Report Month: 10****Evaluation period: 09 October 2009 to 09 November 2009****Attitude Towards Learning**

Rating: Does Not Meet Requirements

I want to offer my explanation for why "I was struggling with trying to put every situation into a mold or template that I can follow."

First, I was a rookie and many experienced police officers have said that it takes an average of 5 years on the job to become a full-fledged police officer.

Second, how could I have remained dynamic in dealing with individual situations if almost everything I had done was rated as "bad or wrong" by my coach officers and by my supervisors? Of course, not knowing any better, I was trying to pattern handling new calls after calls handled successfully without any reprimands.

Third, for the first 17 years of my life I lived in the former Soviet Union and for the next 10 years I lived in Israel. Those environments were so radically different from the cultural, socio-economic, linguistic, political, geographical, etc. perspectives than the Canadian one that virtually speaking, in Canadian terms, I was only 9 years old. Out of the 9 years in Canada (Ontario only), I spent 8 years in academia where I solved equations, designed rigid algorithms, implemented programs, and wrote papers. How could I not attempt to put situations I came across into a mold when, firstly, I was relatively new to the Canadian culture (and absolutely new to the field of policing) and secondly, for the major part of my life in Canada I dealt exactly with trying to put everything into a mold? I realize that by saying the above I am shooting myself in the foot as the natural question that follows would be, "Then what are you doing in policing?" Well, I believe that I was hired because I had some unique skills to offer, such as being a trilingual and having a Bachelor of Science and Master of Science degrees with A+ average. Unfortunately, in my former position of an Ontario Provincial Police Officer I used neither my linguistic nor my scientific skills. I worked in a predominantly mono-cultural environment that I was only a part of and as a result I was being constantly reprimanded for having poor street skills. I agree that my street skills necessitated further improvement and to remedy that I was putting a lot of effort into honing them. However, street skills cannot be learned from books and as such I just needed to spend more time on Canadian streets. Street skills can be developed. One just need more time. However, local folks, who have never known what it's like to live in a country one was not born and raised in and what difficulties immigration and adaptation to the new environment entail, did not seem to want to understand these perspectives. So much for valuing diversity!

Federal Statues

Rating: Does Not Meet Requirements

At no point in time did I approach the vehicle in the ditch. I stayed with the other officer (Cst. Daniel Clark) on the road to back him up when he was speaking with the 3 youths while Cst. Nie went into the ditch to examine the vehicle. I did not indicate that I had noticed the smell of the burnt marijuana because I never detected the odor of the burnt marihuana in the first place. First, I did not approach the vehicle and second I had a cold at the time and had a severe nasal congestion. I therefore could not have smelled the odor of the burnt marijuana from the distance. After a bag of marijuana and a weighing scale had been surrendered by one of the youth I complied with Cst. Nie's order to witness the destruction of the marijuana and the weighing

scale by that youth at the road side. No CDSA charges were laid. Furthermore, it is standard police practice when on the road that the first officer at the scene in such calls is normally the officer in charge. More so was the fact that by then I was constantly cognizant of my conduct so as to not interfere or even be perceived as interfering with another officer's call/investigation.

Police Vehicle Operations

Rating: Does Not Meet Requirements

The evidence in the matter was nothing more than tire marks on the pavement. It was long after the sunset and it therefore was very dark. By initially parking the cruiser on the so called "evidence" I did not destroy any of it. Note: the accident was property damage only.

By parking the cruiser partially in the live lane I was trying to implement the safety offset that I had been taught at the Ontario Police College. Again, it was only logical to agree with Cst. Nie rather than to argue as arguing with him did not have any merits.

Oral

Rating: Does Not Meet Requirements

On October 17, 2009, there were 3 officers at the scene speaking with the complainant in the threats call – Cst. Nie, Cst. Stimson and myself. I started questioning the complainant and elicited the majority of the pertinent information when Cst. Nie intervened and finished the interview. According to Cst. Nie "I did not take it the step further to assess the living arrangements at the house." Having perused Cst. Nie comments in my performance evaluation reports I have observed the following trend: Questioning the complainants with too many questions was bad! Questioning the complainants with only a few most pertinent questions was bad! This time I apparently questioned the complainant properly, but of course according to Cst. Nie I forgot to ask something again! What kind of interview would have met Cst. Nie's standards? What were Cst. Nie and Cst. Stimson there for? Were they just spectators attending the call to watch me do my job and look for something lacking? A prudent and impartial coach officer would have commended a probationer's performance in such a call and even commented that such interviews would get much better in time. Not so for me.

Radio Communications

Rating: Does Not Meet Requirements

I cannot recall what happened at a collision scene on October 27, 2009. I must have missed hearing a call on the radio while talking to an involved driver. So I missed hearing a radio call. Does not hearing a radio call constitute a failure? In a multitude of instances I used my own personal mobile phone to call shift officers on their personal mobile phones to advise them that they were being called on the radio when they were not responding after a couple of radio calls from the Communication Center. Why were not they responding to the radio calls? Perhaps because they were busy. That attests that I was not the only one not always hearing radio calls. From this section it would appear that out of numerous radio calls that I heard and responded to if I missed one or two that was sufficient for Cst. Nie to rate me negatively. It clearly shows that he was on a mission to undermine me and constantly sought opportunities to negatively rate my performance.

Decisive Insight

Rating: Does Not Meet Requirements

First, another officer (Cst. Jason Postma) was way ahead of us enroute to the call and Cst. Nie said that Cst. Postma is probably the best driver at the detachment and that "you will never catch up with Cst. Postma." Second, it would have taken approximately 30-40 minutes to get to the call (from the Peterborough Detachment to Apsley.) Third, my rationale for not speeding was that only extreme circumstances, such as "officer needs assistance", warranted driving with lights and sirens. Fourth, the call was reported after the domestic dispute had been over, the parties were separated and the involved male called the Communication Center to advise that he was waiting outside of the residential apartment building for police to arrive. Fifth, I did activate emergency lights after Cst. Nie appeared to be dissatisfied with my "slow" driving. Sixth, after we covered approximately half the distance, Cst. Postma radio called us advising that all was in order at the scene and there was no need to rush.

It is noteworthy to mention that I was responding as a backup officer to the call and well before arrival the first officer, who was handling the call, radioed in to advise that all was in order. Cst. Nie was deliberately seeking to rate me negatively in a call that I would have had no business interfering other than assisting like I did in the interview. The investigating officer, Cst. Postma, had already spoken to the male at the scene and made any needed assessments.

Analytical Thinking

Rating: Does Not Meet Requirements

The example referring to the intoxicated male on October 17, 2009, is true.

Resolution

Rating: Does Not Meet Requirements

First of all, it was my regular responsibility at the beginning of each shift to prepare a shift log-on sheet and email it to the Communication Center and to check, prepare, and load the cruiser. At the beginning of the shift I received a 10 minutes old traffic complaint call and the dispatcher at the Communication Center was waiting for me to send them then log-on sheet. In the midst of preparing the log-on sheet I was called into the boardroom for a shift briefing. The officers in there were joking around and talking about job unrelated matters. I felt it was a waste of our time. I had urgent work to do but I was forced to sit in there and listen to them shoot 'B'. That is why I was frustrated.

Cst. Postma did not tell me **three** times what to log people on as.

Then I received yet another traffic complaint call. When I finally completed the log-on sheet and sent it off there was only one entry partially incorrect, that of Cst. Postma (I only incorrectly entered his vehicle ID #). It was not all messed up as Cst. Nie commented! Note: the log-on sheet entries are dynamic in nature and therefore vary from shift to shift. They include officers' names that are on duty, their badges, times they start and finish the shift, their soft ID's and vehicle IDs, their specialty, such as Marine, Intox Tech, SOCO, etc. and a comments section. All this information needed to be taken into careful consideration when filling out the log-on sheets.

Shortly thereafter when I was driving around looking for the phantom cars that had been complained about my emotional state finally hit the bottom and I started crying. I do not know how much of it Cst. Nie noticed, but I pulled the car into a Coffee Time parking lot on Highway 7 to calm down. I then told Cst. Nie that I lived my life in fear, to which he just smiled and allowed me to calm down. What I saw in his smile was so real that it felt as if he was getting satisfaction out of it. Once I regained control we patrolled the area where the vehicles were reported and as per Cst. Nie's instructions cleared the calls as non-reportable to my badge with the clearing "Area patrolled. Vehicle not observed."

Personal Accountability

Rating: Does Not Meet Requirements

No matter what I did or how I did it, Cst. Nie almost always found a problem with me. Whenever I tried to justify my actions or explain my rationale for doing or not doing something or tell him where I learned what and who told me what he accused me of not taking personal responsibility. I hoped that he would understand my perspective, see that I am not an evil person, and realize that my judgment and my performance were severely undermined by the poisoned work environment and by his authoritarian and belittling attitude towards me. I hoped he would change his dictatorial and intolerant approach to "coaching" and ease up on me. Alas, my efforts were in vain. Reasoning with Cst. Nie did not work. He was as cold as a chunk of ice and constantly prided himself on being objective. It would appear that Cst. Nie's primary objective was to drill into my mind that I was a failure and I have to admit that he succeeded. It took me approximately 3 months after my resignation from the OPP to regain my confidence and belief in myself.

Flexibility

Rating: Does Not Meet Requirements

First of all, I was in a hurry and I even rushed Cst. Nie to get to the cruiser. The comment about me not being in a hurry to assist our coworkers is very wrong. Second, I was first to get in the cruiser and was trying to get directions when Cst. Nie joined me and rushed me to start driving. How could I drive to a call when I did not know where I was going? The call was in an unfamiliar to me zone (Zone 1). I needed to know where I was going first before driving out and it was not going to take me long to figure it out. I am confident that Cst. Nie, who was born and raised in Peterborough and was a police officer at the Peterborough Detachment for 6 years, knew where to go right away, but I did not. Cst. Nie first applied pressure on me and then of course negatively rated me in my evaluation. I believe that a stitch in time saves nine. When I was in the cruiser (ahead of Cst. Nie) looking at the map trying to figure where to drive and what route to take Cst. Nie rushed me to drive into an unfamiliar to me zone to assist in the situation which had already been under control by two other officers (Cst. Jeff Knier and Cst. Jason Folz). We accomplished nothing of value. However, this served as yet another opportunity for Cst. Nie to rate me negatively.

Respectful Relations

Rating: Does Not Meet Requirements

In the first occasion that Cst. Nie is referring to I was ordered by S/Sgt. Campbell to drive an unmarked cruiser to Lindsay for my remedial driving session. When I failed to inform my shift supervisor Sgt. Butorac of the order to take an unmarked cruiser and ensured to reserve the cruiser on my own (I was following S/Sgt. Campbell order to the letter and was confident I was supposed to do just that) I was accused of not sharing the information with Sgt. Butorac and Cst. Nie. Furthermore, why did not S/Sgt. Campbell make the appropriate notation in the Sergeant's journal under the required date that I required an unmarked cruiser? Their lack of communications resulted in a negative rating for me. I was being hung out to dry. I hindsight I look back and say, "What a carefully orchestrated scheme to malign and discredit me!" Having said that, do you understand why on the morning of September 9, 2009, while in the Constables office, I asked Cst. Nie for his permission to go to the washroom? Do you understand why I felt like I was a puppet on Cst. Nie's string?

I do not know what the second "information sharing" incident was.

It is noteworthy to mention the Motor Vehicle Collision I attended on my own on October 21, 2009, on the orders of Platoon "C" shift supervisor Sgt. Brad Rathbun, which I investigated and handled properly and in which I laid an appropriate HTA charge, is also mentioned in the *Provincial Statutes* section of this evaluation.

Self Confidence

Rating: Does Not Meet Requirements

The comment about me having limited confidence is true. After having explained all of the above should I really re-iterate why I had limited confidence by the mid of fall 2009?