

Rebuttal to Probationary Constable Performance Evaluation Report (PCS-066P)**By: JACK, Michael (former OPP badge # 12690)****Report Month: 11****Evaluation period: 09 October 2009 to 09 November 2009****Attitude Towards Learning**

Rating: Does Not Meet Requirements

We were not going to lodge the accused (a 17 year old male youth). His mother had been phoned and was already en route to the detachment to pick him up. The youth crouched on the bench and asked me if he could lie down. I was simply compassionate to the boy. Since I was not leaving the cells, I allowed him to lie down on the bed in the Young Offenders cell without taking his clothes off as the door to the cell remained wide open and I was keeping an eye on him at all times. This was a compassionate assessment done by any officer and under the circumstances any other officer would have done the same thing that I did. However my actions were reflected upon negatively.

Federal Statues

Rating: Does Not Meet Requirements

First, I did not remove the father from the kitchen like a suspect rather than a victim. I asked to speak with him in private in an adjacent room as there were 4 other family members present in the kitchen – the mother, two sons and a daughter-in-law – that were not directly involved in the physical altercation between the father and his son.

Second, shortly after speaking with the father I phoned the grandpa, who was at his girlfriend's place at the time, and spoke with him. The grandfather said he was alright and declined to lay charges against his grandson. Both the grandfather and the grandson lived in the grandfather's house.

Third, when I consulted with Cst. Nie as to what course of action to take, he immediately accused me of not knowing what to do.

Oral

Rating: Does Not Meet Requirements

I was behind the wheel in the cruiser parked on the shoulder when the male approached us. Despite my request to stop talking and leave the traveled portion of the highway the male continued talking. For the next 30 seconds or so, I kept an observation of the highway both front and rear to make sure there were no motor vehicles endangering the male. The highway was totally empty in both directions. Because of my focus on the road I missed the details of what the male said and therefore stepped out of the cruiser to speak with him. Cst. Nie was seated in the front passenger seat and did not appear to be concerned that the male was standing on the road. Yet again I was documented negatively because Cst. Nie and I had different takes on the situation. Also, if such an insignificant occurrence in Cst. Nie's view was noteworthy, then should not it have been documented in the *Listening Skills* section instead of the *Oral* section, if at all? It would appear that Cst. Nie just wanted to document me negatively somewhere.

Listening Skills

Rating: Meets Requirements

On November 16, 2009 I had an opportunity to take a breather of psychological air. Cst. Nie had a day off and as a result I was doubled up with Cst. Stimson. Towards the end of the shift Cst. Stimson told me that I acted and sounded much better and happier than he had used seeing me and especially hearing my depressed voice on the police radio before. I explained to Cst. Stimson that the absence of the Big Brother next to me with his authoritarian, oppressive and belittling attitude made a world of difference for me and thus was positively reflected in my performance.

Would have I taken a detailed statement and looked after the victim appropriately if Cst. Nie had supervised my work that night? I honestly do not think so. I believe I would have gotten oppressed by Cst. Nie as I always had and Cst. Nie would have found something wrong with my work again.

Radio Communications

Rating: Does Not Meet Requirements

At busy collision scenes (with my winter jacket on that covered the radio) I apparently paid more attention to the safety of the people and the tasks at hand than the radio. Did I miss responding to the radio calls from the dispatcher altogether or just to the first or second call like it happens to many officers? Did I eventually respond? Am I a robot? Does missing 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 again 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.

On December 2, 2009, Cst. Nie and I attended a serious motor vehicle collision on Highway 7 just west of Norwood in which a half-ton truck collided head-on with a school bus that had 30-40 high-school students and 3 high-school teachers on board. No one from the bus sustained any serious physical injuries. The driver of the half-ton truck sustained serious physical injuries and was air-lifted to the hospital in Toronto. During the search of the truck, a small quantity of marijuana was discovered. Basically it was a couple of nylon baggies with some remnants of marijuana. Cst. Nie considered the quantity to be insignificant and told me to dispose of it, which I did not comply with and kept. His comments to me to dispose of the marijuana were total aberration of police orders. It was discreditable conduct and neglect of duty under the Police Services Act especially in the light of a serious collision. At the detachment I weighed and lodged the marijuana as evidence. It weighted approximately 1.5 grams. Later, during the course of the investigation a blood warrant was sought and obtained and it was discovered that the driver had marijuana in his blood on the morning of the accident. Was I commended for preserving the evidence? No, I was not! For doing so would defeat the carefully collaborated scheme to discredit me and build a file to justify the termination of my employment.

Decisive Insight

Rating: Does Not Meet Requirements

The example referring to the vehicle traveling in my line of traffic on November 13, 2009 is true. Again I must stress that by then my decisive insight and analytical thinking capabilities had been so severely damaged by the treatment that I was being subjected to that I literally needed to be told what to do at every moment of my shift (so to speak).

Analytical Thinking

Rating: Does Not Meet Requirements

The example referring to the disabled motor vehicle on November 23, 2009 is true.

Resolution

Rating: Does Not Meet Requirements

Like I have been saying all along no matter what I did or how I did it Cst. Nie always found problems with me. My lack of confidence and waiting to be told what to do by Cst. Nie stemmed directly from Cst. Nie's authoritarian, oppressive and belittling attitude. At the end, waiting to be told what to do seemed to be the only option to avoid being lectured, belittled and reprimanded for being decisive.

Personal Accountability

Rating: Does Not Meet Requirements

For my rebuttal, please refer to the *Personal Accountability* section in my Month 10 performance evaluation.

Flexibility

Rating: Does Not Meet Requirements

That is true that stress and pressure are part of the policing job. But when you are also under the constant surveillance of the Big Brother who does not see eye-to-eye with you and who is perpetually unhappy with your performance that really messes things up in your mind. The stress resulting from handling calls for service and dealing with the public is beyond any comparison with the stress resulting from the oppressive and belittling attitude of the person who is in the position of the ultimate authority over you and is next to you for 12 hours straight at a time.

I believe that I handled the investigation of the collision on November 24, 2009 at the collision scene very well. The comment about me mishandling it does not surprise me however. I am not going to even justify my actions as I firmly believe that everything I did was right. Just because Cst. Nie would have potentially handles tasks in a different order did not mean that I was wrong in my actions. The only rational explanation to this negative rating of my performance that I can offer is Cst. Nie's perpetual unhappiness with my performance. Regardless of what I did, I could not have possibly pleased him. By way of an analogy: if I looked to the left and then to the right Cst. Nie would accuse me of not looking to the right first and vice versa.

Respectful Relations

Rating: Does Not Meet Requirements

On November 19, 2009, during the meeting with Sgt. Butorac and Cst. Nie, in a frank manner I voiced my concerns regarding my Month 10 performance evaluation. I was subsequently negatively rated for doing that in the *Respectful Relations* section in my Month 11 performance evaluation. It was further commented in my evaluation that only my interests were at hand in both my Sergeants' and my coaches' attempts to help me pass my probationary period. Let's just get the facts straight: in a meeting with my supervisor and my coach officer I openly and frankly voiced my concerns. Next, I got negatively documented for doing that. Next, I was assured that only my interests were at hand. Pardon me, but this does not make any sense!

If they had any degree of honesty and integrity they would have admitted that first, they did not like me because I was a minority that spoke with a thick accent, second, a minority that was more academically acclaimed than any one at that detachment, third a person (let alone a minority) that was not even born and raised in the Peterborough area, fourth, a minority that had the potential to achieve much more within the organization should he be allowed to pass his probation period.

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 end of fall 2009?

As far as the motor vehicle driving at 55 km/hr in an 80 km/hr zone is concerned then first, it was not driving at a speed of 55 km/hr but more like 60 - 65 km/hr. Second, it slightly weaved only a couple of times and as a result I was keeping an eye on it to establish tracking history. Third, when I stopped the vehicle there was absolutely nothing wrong with either the vehicle or the driver. All the documents were in order and the driver, who was from Peterborough, advised me that he was looking to buy property in the area and therefore was driving slowly and looking around. Fourth, I did not feel comfortable interrupting Cst. Nie in the middle of his speech. Fifth, when I asked Cst. Nie why he had negatively rated me for taking my time to establish a solid tracking history to justify a reason for a stop, he said that he had deliberately kept the conversation going to see if I would have interrupted him to stop the vehicle and not waited for 5 minutes. How is that not a setup on Cst. Nie's behalf? He has berated me in the past for interrupting him when he was speaking. So when I kept quiet out of respect and fear I was rated negatively.