

Ministry of the
Attorney General

Legal Services Branch

Ministry of Community Safety and
Correctional Services

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Ministère du
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April 27, 2012

Mr. Lloyd Tapp
252 Angeline Street North
Lindsay ON K9V 4R1

Via Courier

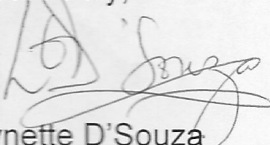
Dear Mr. Tapp;

**Re: Michael Jack v. HMQ
Tribunal File Number: 2010-07633-I**

Please find enclosed:

- a. a copy of an over-time chart for Mr. Jack during his probationary period;
- b. a further revised index for the Respondent's Documents to be Relied upon including the over-time chart; and
- c. a supplementary affidavit for the Respondent's Response to a Request for an Order delivered to you by letter dated April 20, 2012.

Yours truly,


Lynette D'Souza
Counsel

Encl.

cc. Human Rights Tribunal of Ontario

Amended as of 12:06 pm

Michael Jack

Amended April 26 2012
period Aug 2008 to Dec 2009

393080

530393230
start Aug 25 2008

run	payouts	hours
872 ending 05/17/2009	ot1 723.17	18.5 26.06 @ 18.5*1.5
	ots 684.08	26.5
874 ending 06/14/2009	ot1 254.09	6.5
876 ending 07/12/2009	ot1 429.99	11
	ots 195.45	7.5
878 ending 08/09/2009	ot1 566.81	14.5 26.06@14.5@1.5
880 ending 09/06/2009	ot1 117.27	3
	ots 156.36	6 26.06 @ 6=156.36
891 ending ending Feb 7 2010	ots payout 2501.76	93.5 96 189.5

overtime earned

hours
none

2008	hours
Feb-09	5.25
Mar-09	21
Apr-09	22.5
May-09	3.75
Jun-09	7.5
Aug-09	30
Sep-09	8.25
Oct-09	9.75
Nov-09	33.75 amended figure
Dec-09	14.25
	156

prepared by Jeff Potts

STATS
stats earned

30/11/2008

-24 taken

25/12/2008

-16 taken

no payout for stat in 2008

STATS

Michael Jack
allocated
jan 1 2009
april 10 2009
may 18 2009
june 13 2009
sept 1-6 2009
Oct 12 2009
dec 14 2009
total

96 hours
4 earned
6 earned
7 earned
12 earned
-48 taken
6 earned
-16 taken
67

891 paid

hol 67 @ 26.06=1746.02

HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

MICHAEL JACK

Applicant

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, AS REPRESENTED BY THE
MINISTER OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES AND
OPERATING AS THE ONTARIO PROVINCIAL POLICE

Respondent

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2. Sgt. Robert Flindall #9740 Notes
3. R. Flindall Notes, September 10, 2009
4. Cst. Richard Nie Notes, September 2009, Transcribed Notes
 - A. Occurrence Reports prepared by R. Nie
5. Detective Constable Shaun Filman Notes, March 2009 and June 2009
6. S/Sgt. Campbell Notes, August - November 2009
7. PC Payne Notes, June - August 2009
8. S/Sgt. Colleen Kohen Notebook Notes and Description of Responsibilities

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| 9. | Jamie Brockley Notes |
| 10. | Bruce Hanna Notes and Transcribed Notes of July 23, 2009 |
| 11. | Ron Campbell Transcribed Notes |
| 12. | P/C Jason Postma Notes |
| 13. | Sergeant Pete Butorac Notes |
| 14. | S/Sgt Colleen Kohen Transcribed Notes; Schedule of Evaluations – Appointment Date, 25 Aug 2008 |
| 15. | Chief Superintendent, Mike Armstrong Notes |
| 16. | Michael Jack Notebook with relevant entries |

DETACHMENT DOCUMENTS

VOLUME 2: CORRESPONDENCE

Sgt. Robert Flindall

- | | |
|-----|--|
| 17. | November 30, 2009 - email from C. Kohen to R. Flindall Re: PC Jack Chronology |
| 18. | November 24, 2009 - email from C. Kohen to R. Nie, Cc: R. Campbell, Re: Prob Jack |
| 19. | November 20, 2009 - email correspondence between R. Campbell and S. Gozzard-Gilbert, Re: Michael Jack WIN#393080 |
| 20. | November 11, 2009 - R. Flindall fax to T. Thompson with enclosed Confidential Duty Report |
| 21. | November 10, 2009 - email from R. Campbell to D. Borton, H. Stevenson, P. Salter, D. Lee, R. Nie, P. Butorac, R. Flindall, C. Kohen, Re: Prob Jack (with teleconference codes) |
| 22. | October 27, 2009 - email from R. Campbell to G. Smith and R. Flindall, Re: FW: Remedial driver training for PC Michael Jack |
| 23. | September 28, 2009 - email from R. Campbell to R. Flindall and M. Johnston, Re: |

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Additional Remarks by Cst Jack regarding his Evaluation

24. September 27, 2009 - email from R. Flindall to R. Nie, RE: PC Jack
25. September 25, 2009 - Cover Memo w/ M. Jack's evaluation response
26. September 23, 2009 - email from P. Butorac to M. Johnston, A. Crawford, Re: 254009-0173 Internal Complaint – PC Jack
27. September 23, 2009 - email correspondence from R. Flindall to M. Johnston, Re: P/C Jack **Urgent**
28. September 22, 2009 – email from J. Payne to F. Flindall, Re: Old occurrence involving PC Jack; General Occurrence Report SP05112642
29. September 22, 2009 – email from J. Payne to F. Flindall, Re: Read this occurrence tonite
30. September 14, 2009 - email from R. Campbell to C. Kohen and R. Flindall, Re: Jack WIP masterc.doc
31. September 13, 2009 - follow up email from R. Flindall to S. Filman, Re: Jack WIP masterc.doc
32. September 13, 2009 - email from R. Flindall to S. Filman, Re: Jack WIP
33. September 11, 2009 - email from R. Campbell to R. Flindall, Cc: J. Postma, R. Nie, P. Butorac, M. Johnston, Re: Jack
34. September 11, 2009 – reply email from R. Flindall to C. Kohen, Re: PCS66_Jack8
35. September 10, 2009 - email from R. Campbell to J. Payne, Re: Notes Tracking Cst Jack's duties on A Platoon
36. September 9, 2009 - email from R. Campbell to C. Kohen, R. Flindall, Cc: M. Johnston, D. Lee, R. Nie Re: PCS66_JACK8.doc
37. August 28, 2009 - email from R. Flindall to R. Campbell, Re: PCS066 for Mike Jack
38. August 27, 2009 - email from R. Campbell to R. Flindall, S. Filman, J. Postma and R. Nie, Re: PCS066 for Mike Jack
39. August 26, 2009 - email from R. Flindall to s. Filman, Re: Constable Michael Jack

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| 40. | August 26, 2009 - email from R. Flindall to R. Campbell and J. Conway |
| 41. | August 24, 2009 - email from R. Flindall to S. Filman, Re: Constable Michael Jack |
| 42. | August 24, 2009 - email from R. Campbell to R. Flindall |
| 43. | August 20, 2009 - email from R. Campbell to R. Flindall |
| 44. | August 20, 2009 - email from R. Flindall to B. Lafreniere Re: Constable Michael Jack |
| 45. | August 20, 2009 - email from R. Flindall to B. Lafreniere, R. Flindall, Cc: R. Nie, J. Postma, Re: Constable Michael Jack |
| 46. | August 20, 2009 - email from R. Campbell to M. Jack, R. Flindall, J. Postma, R. Nie, Re: Michael Jack Platoon D |
| 47. | August 20, 2009 - OPP General Information Form Re: Michael Jack, August 2-15, 2009 |
| 48. | August 19, 2009 - email from R. Campbell to J. Conway, M. Johnston, R. Flindall, S. Filman, Re: Possible charges |
| 49. | August 17, 2009 - email from R. Campbell to T. Banbury, M. Johnston, Re: PC Jack – deceit |
| 50. | August 15, 2009 - OPP General Information Form Re: Michael Jack, Date: August 15, 2009 |
| 51. | August 15, 2009 - email from R. Campbell to M. Johnston, R. Flindall, Re: HTA Charge against Mike Jack while operating force vehicle today |
| 52. | August 15, 2009 - email from R. Flindall to R. Campbell, Re: HTA Charge against Mike Jack while operating force vehicle today |
| 53. | August 15, 2009 - email from R. Flindall to B. Rathbun, J. Postma, T. Banbury, Re: PC Jack |
| 54. | August 15, 2009 - email from R. Flindall to S. Filman |
| 55. | August 14, 2009 - email from R. Flindall to M. Johnston, Re: PC Jack |
| 56. | August 11, 2001 - email from PC Wager to R. Flindall, Re: 8 Sat Aug 9 |

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| 57. | August 11, 2009 - email from R. Flindall to R. Campbell, Re: At Scenes Collision Investigation Course - PPA - October 19th through 23rd, 2009 |
| 58. | August 10, 2009 - email from R. Flindall to R. Campbell, Re: Provincial Communication Centre Notification |
| 59. | August 10, 2009 - email from M. Johnston to R. Campbell, R. Flindall, C. Laperle, M. Jack, M. Moran, S. Filman, Re: Provincial Communication Centre Notification |
| 60. | August 2, 2009 - email from R. Flindall to M. Johnston |
| 61. | July 31, 2009 - email from M. Jack to R. Flindall, Re: Overtime SP09164458 |
| 62. | July 31, 2009 - email from M. Jack to M. Johnston, Cc: R. Flindall, M. D'Amico |
| 63. | July 24, 2009 - email from M. Jack to OPP DL Peterborough County Detachment, Re: RPG for arrest |
| 64. | July 17, 2009 - email from R. Campbell to S. Filman, M. Jack, R. Flindall, Re: Overdue Month 5 27 Jun 09 |
| 65. | June 24, 2009 - email from R. Flindall to R. Campbell, Re: Driving Presentation Class List |
| 66. | June 7, 2009 - email from R. Flindall to M. Jack, Re: Occurrence addresses in Niche |
| 67. | May 14, 2009 - reply email from R. Flindall to R. Campbell, Re: Jack's next evaluation |
| 68. | May 11, 2009 - email from R. Campbell to R. Flindall, D. Lee, Re: Jack's next evaluation |
| 69. | May 11, 2009 - email from S. Filman to M. Jack and R. Flindall, Re: Jack 4 document |
| 70. | April 21, 2009 - email from S. Filman to R. Flindall, Re: Jack 1 document |
| 71. | March 23, 2009 - reply email from R. Flindall to S. Filman, Re: Jack evaluation |
| 72. | March 23, 2009 - email from R. Campbell to R. Flindall, Re: Jack Evaluation |
| 73. | March 19, 2009 - email from R. Flindall to R. Campbell, Re: Unit 01-152 |

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- 74. March 13, 2009 - email from S. Filman to R. Flindall, Re: Ken Rusaw reviews
- 75. February 10, 2009 - email from R. Flindall to S. Filman, Re: INC00000216708 Priority 4 – Minimal has been assigned to JUS MSG OPP RMS ADMIN
- 76. September 24, 2008 - email from R. Campbell to R. Flindall, Re: Shift Changes

Sergeant Pete Butorac

- 77. October 25, 2009 - email from R. Nie to R. Campbell, C. Kohen, P. Salter, P. Butorac, J. Postma and D. Lee, Re: Jack evaluation draft with attached Evaluation Report and Work Improvement Plans
- 78. September 25, 2009 - email from R. Nie to R. Flindall and P. Butorac, Re: Jack
- 79. September 20, 2009 - email from R. Nie to P. Butorac, Re: PC Jack's 8mth evaluation
- 80. September 18, 2009 - email from M. Johnston to R. Nie, Ccd P. Butorac, J. Postma, K. Chapman, Re: P/C Jack
- 81. September 14, 2009 - email from R. Campbell to M. Johnston, Cc C. Kohen, R. Flindall, R. Nie, J. Postma, P. Butorac, Re: Jack WIP (with attached Work Improvement Plan)
- 82. August 24, 2009 - email from J. Postma to R. Campbell, Re: Probationary Constable Michael Jack
- 83. Undated – Confidential Duty Report, Submitted by J. Brockley

Provincial Constable Richard Nie

- 84. December 14, 2009 email from C. Kohen to M. Reynolds, D. Lee, Cc: R. Nie, Re: PC Jack (with attached Release from Employment letter dated December 15, 2009)
- 85. December 1, 2009 email from K. Taylor to D. Beckett, R. Nie, C. Kohen, P. Butorac, M. Jack, Re: Probationary Constable Michael Jack – Remedial driver training completion
- 86. November 18, 2009 - email from J. Postma to R. Campbell, C. Kohen, Cc: P. Butorac, R. Nie, Re: Prob Jack
- 87. November 15, 2009 - email from P. Butorac to R. Nie, Re: Michael Jack remedial driver training

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| 88. | November 10, 2009 - email from R. Campbell to R. Nie, P. Butorac, Re: Updated comments. FW: Prob Jack |
| 89. | November 10, 2009 - email from K. Taylor to R. Nie, Cc: R. Campbell, C. Kohen, P. Butorac, M. Vanlanduyt, RE: PC Jack – PCS66P – Police Vehicle Operation |
| 90. | November 10, 2009 - email from C. Kohen to R. Campbell, R. Nie, Cc: D. Lee, D. Borton, P. Butorac, R. Flindall, K. Taylor, Re: Prob Jack |
| 91. | November 10, 2009 - email from R. Campbell to C. Kohen , R. Nie; Cc: D. Lee, D. Borton, P. Butorac, R. Flindall, Re: Prob Jack (with attached Performance Evaluation Report-Month 10 and Work Improvement Plan) |
| 92. | October 27, 2009 - email from K. Taylor to R. Nie, Cc: R. Campbell, P. Butorac, C. Kohen, M. Jack, Re: Remedial driver training for PC Michael Jack |
| 93. | October 14, 2009 - email from K. Taylor to M. Jack, Cc: P. Butorac, R. Nie, C. Kohen, Re: Driver Training |
| 94. | October 8, 2009 - email from R. Campbell to C. Kohen, P. Butorac, R. Nie, J. Postma, D. Lee, P. Salter, RE: PC Jack evaluation draft (with attached Performance Evaluation Report-Month 9 and Work Improvement Plan) |
| 95. | October 5, 2009 - email from D. Lee to C. Kohen, R. Campbell, R. Nie, P. Butorac, J. Postma, P. Salter, Re: Driving Memo – Michael Jack |
| 96. | October 5, 2009 - email from C. Kohen to R. Campbell, D. Lee, R. Nie, P. Butorac, J. Postma, Re: Driving Memo – Michael Jack |
| 97. | October 5, 2009 - email from R. Campbell to K. Taylor, C. Kohen, D. Lee, R. Nie, P. Butorac, J. Postma, Re: Driving Memo – Michael Jack (with attached Memo dated October 2, 2009 and Driver Competency Assessment) |
| 98. | October 5, 2009 - email from K. Taylor to C. Kohen, Cc: R. Campbell, D. McNeely, R. Nie, Re: PC Michael Jack – Driving Remediation |
| 99. | September 29, 2009 - email from R. Campbell to J. Postma, P. Butorac, R. Nie Re: FW: Driving assessment – Michael Jack – requires remedial driving |
| 100. | September 29, 2009 - email from R. Campbell to P. Butorac, R. Nie, J. Postma, Re: FW: Driving assessment – Michael Jack – requires remedial driving |
| 101. | September 24, 2009 - email from R. Flindall's personal email to R. Nie, Re: PC Jack |

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WIP

- 102. September 20, 2009- email from M. Johnston to P. Butorac, R. Nie, R. Campbell, Re: P/C Jack **URGENT**
- 103. September 18, 2009 - email from M. Johnston to R. Nie, Cc: P. Butorac, J. Postma, K. Chapman, Re: P/C Jack
- 104. September 16, 2009 - email from R. Campbell to D. McNeely, Cc: J. Postma, P. Butorac, R. Nie, M. Johnston, Re: Ron-can you advise if everything is a go for Friday Driving assessment with Michael
- 105. September 14, 2009 - email from R. Campbell to M. Johnston, Cc: C. Kohen, R. Flindall, R. Nie, J. Postma, P. Butorac, Re: Jack WIP masterc.doc
- 106. September 11, 2009 - email from R. Campbell to M. Johnston, C. Kohen, R. Flindall, R. Nie, J. Postma, P. Butorac, Re: PCS66_Jack8 (with attached Performance Evaluation Report-Report Month 7, Work Improvement Plan)
- 107. September 9, 2009 - email from R. Campbell to R. Flindall, R. Nie, Re: PCS66_Jack (with attached Performance Evaluation Report)
- 108. September 8, 2009 - email from R. Campbell to D. McNeely, Cc: M. Jack, J. Postma, R. Nie, P. Butorac, D. Lee, C. Kohen, Re: Driving Assessment, Thursday 10 Sept 2009 – Kingston
- 109. August 28, 2009 - email from R. Campbell to J. Postma, Cc: R. Nie; Re: PC Jack
- 110. August 27, 2009 - email from J. Postma to R. Campbell, Cc: R. Nie, Re: PC Jack
- 111. August 26, 2009 - email from J. Postma to R. Nie, Re: Probationary Constable Michael Jack
- 112. August 18, 2009 - email from R. Campbell to R. Nie, Re: Moving of Cst. Mike Jack

Staff Sergeant Michael Reynolds

- 113. December 9, 2009 - Memo to Cst. Jack, Re: Notice of Proposed Release from Employment
- 114. December 9, 2009 - email from M. Reynolds to C. Kohen, D. Lee, Cc: H. Stevenson, Re: Prob Jack Notice Release
- 115. August 25, 2008 - Memo to Michael Jack, Re: Performance and Conduct Requirements of a Recruit Constable

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Deputy Chief Firearms Officers, M.P. (Mike) Johnston

- 116. October 5, 2009 - email from R. Campbell to K. Taylor, C. Kohen, D. Lee, R. Nie, P. Butorac, J. Postma, Re: Driving Memo – Michael Jack (with attached D. McNeely M. Jack Driving Memo, dated October 2, 2009 and Driver Competency Assessment)
- 117. September 23, 2009 - email from H. Stevenson to M. Graham, Cc: K. Smith, M. Armstrong, M. Johnston, RE: Old occurrence involving PC Jack
- 118. September 11, 2009 email from R. Campbell to Vi Grimmett, Re: [REDACTED]
- 119. September 10, 2009 - email from C. Cox to R. Campbell, M. Johnston, Re: I have a question about one of our officers intercepting communications
- 120. September 9, 2009 - email from R. Campbell to R. Flindall, R. Nie, Re: PCS66_Jack8
- 121. August 27, 2009 - email from R. Campbell to C. Kohen, M. Johnston, Re: PC Jack
- 122. August 21, 2009 - email from R. Campbell to M. Johnston, Re: Michael Jack Platoon D
- 123. August 18, 2009 email from R. Campbell to K. Taylor, Re: HTA Charge against Mike Jack while operating force vehicle today
- 124. August 6, 2009 email from R. Flindall to M. Johnston Re: P/C Michael Jack

Ron Campbell

- 125. September 25, 2009 - email from R. Nie to R. Flindall, Cc: P. Butorac, Re: Jack
- 126. September 20, 2009 - email from M. Johnston to P. Butorac, R. Nie, R. Campbell, K. Chapman, R. Flindall, Re: P/C Jack **URGENT**
- 127. September 18, 2009 - email from M. Johnston to R. Nie, Cc: P. Butorac, J. Postma, K. Chapman, Re: P/C Jack
- 128. September 14, 2009 - email from M. Johnston to R. Campbell, R. Flindall, R. Nie, C. Kohen, J. Postma, P. Butorac, Re: Jack WIP masterdc (with attached Work Improvement Plant (Jack))
- 129. September 10, 2009 - email from R. Campbell to M. Johnston, Re: FW: Rob Flindall
- 130. August 2009 - OPP Briefing Note Re: PC Jack
- 131. August 18, 2009 - email from R. Campbell to M. Johnston, Re Moving of Cst. Mike Jack

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132. January 29, 2009 - email from H. Stevenson to M. Johnston, R. Campbell, Re: New Recruits – Special Attention to Prob Period – Jack and [REDACTED]

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- 133. December 15, 2009 - email from D. Lee to C. Kohen, Re: Termination
- 134. December 14, 2009 - email from S. Thomas to C. Kohen, Re: Prob Jack
- 135. December 14, 2009 - email from C. Kohen to M. Jack, Cc: K. German, OPPA, Re: Notice of Proposed Release from Employment for Michael Jack
- 136. December 14, 2009 - email from R. Nie to C. Kohen, M. Reynolds, Re: PC Jack
- 137. December 13, 2009 - email from M. Jack to C. Kohen, Cc: K. German, OPPA, Re: Notice of Proposed Release from Employment for Michael Jack
- 138. December 13, 2009 - email from C. Kohen to M. Reynolds, D. Lee, Cc: H. Stevenson, S. Thomas, Re: Prob Jack Notice of release
- 139. December 11, 2009 - email from M. Reynolds to C. Kohen, D. Lee, Re: Proposal to Release Prob Const
- 140. December 11, 2009 - email from C. Kohen to S. Thomas, Re: Proposal to Release Prob Const
- 141. December 11, 2009 - email from C. Kohen to M. Reynolds, D. Lee, Re: Proposal to Release Prob Const
- 142. December 11, 2009 - email from B. Van Dyk to C. Kohen, Cc: R. Hannes, S. Thomas, Re: Proposal to Release Prob Const
- 143. December 9, 2009 - email from C. Kohen to D. Lee, M. Reynolds, Re: Prob Jack Notice of release
- 144. December 4, 2009 - email from C. Bell to C. Kohen, Cc: M. Silverthorn, Re: Probationary Jack
- 145. December 1, 2009 - email from S. Thomas to C. Kohen, Re: Prob Jack
- 146. December 1, 2009 - email from A. Costello to C. Kohen, with attached Internal Briefing Report
- 147. December 1, 2009 - email from M. Reynolds to C. Kohen, Cc: R. Flindall, K. Taylor, P. Butorac, Re: Probationary Constable Michael Jack – Remedial driver training completion
- 148. December 1, 2009 - email from C. Kohen to D. Lee, Re: Prob Jack

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|------|---|
| 149. | November 29, 2009 - email from R. Nie to C. Kohen, R. Flindall, Cc: P. Butorac, Re: Jack Chronology, with attached Chronology |
| 150. | November 26, 2009 - email from R. Campbell to C. Kohen, Re: Emailing: Jack Chronology.09.doc, with attached Chronology |
| 151. | November 24, 2009 - email from C. Kohen to S. Thomas, R. Hannes, H. Stevenson, R. Campbell, Cc: R. Nie, P. Butorac, D. Lee, Re: Prob Jack |
| 152. | November 20, 2009 - email from R. Campbell to C. Kohen, R. Nie |
| 153. | November 20, 2009 - email from R. Campbell to C. Kohen, Re: Updated comments. FW: Prob Jack, with attached Performance Evaluation Report (Month 10) and WIP |
| 154. | November 19, 2009 - email from R. Nie to C. Kohen, with attachment `coach09.doc |
| 155. | November 19, 2009 - email from R. Nie to C. Kohen, Cc: R. Campbell, P. Butorac |
| 156. | November 18, 2009 - email from R. Nie to C. Kohen, Re: Prob Jack |
| 157. | November 18, 2009 - email from J. Postma to R. Campbell, C. Kohen, Cc: P. Butorac, R. Nie, Re: Prob Jack |
| 158. | November 12, 2009 - email from S. Thomas to C. Kohen, R. Hannes, Re: Prob Jack |
| 159. | November 12, 2009 - email from C. Kohen to R. Hannes, S. Thomas, Re: Prob Jack |
| 160. | November 10, 2009 - email from R. Campbell to C. Kohen, R. Nie, Cc: D. Lee, D. Borton, P. Butorac, R. Flindall, Re: Prob Jack, with attached Performance Evaluation Report (Month 10) and WIP |
| 161. | November 10, 2009 - email from R. Nie to C. Kohen, R. Campbell, Cc: D. Lee, D. Borton, P. Butorac, R. Flindall, Re: Prob Jack, with attached Performance Evaluation Report (Month 10) and WIP |
| 162. | November 5, 2009 - email from K. Taylor to P. Butorac, Cc: C. Kohen, Re: Michael Jack remedial driver training |
| 163. | October 16, 2009 - email from C. Kohen to M. Pomeroy, Re: Prob Jack |
| 164. | October 7, 2009 - email from R. Nie to R. Campbell, C. Kohen, P. Salter, P. Butorac, Cc: J. Postma, D. Lee, Re: PC Jack evaluation draft, with attached Performance Evaluation Report (Month 9) and WIP |
| 165. | October 7, 2009 - email from R. Campbell to C. Kohen, P. Butorac, R. Nie, P. Slater, RE: Driving Memo – Michael Jack |
| 166. | October 5, 2009 - email from R. Campbell to C. Kohen, R. Nie, P. Butorac, Re: Driving Memo – Michael Jack |

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|------|---|
| 167. | October 5, 2009 - email from R. Campbell to C. Kohen, Re: Driving Memo – Michael Jack |
| 168. | October 5, 2009 - email from R. Campbell to D. Lee, C. Kohen, R. Nie, P. Butorac, J. Postma, P. Salter, Cc: M. Johnston, Re: Driving Memo – Michael Jack |
| 169. | September 29, 2009 - email from K. Taylor to C. Kohen, R. Campbell, Cc: D. McNeely, Re: Driving Assessment – Michael Jack – requires remedial driving |
| 170. | September 24, 2009 - email from C. Kohen to M. Johnston, H. Stevenson, Re: Old occurrence involving PC Jack |
| 171. | September 23, 2009 - email from M. Johnston to R. Campbell, Cc: C. Kohen, Re: Old occurrence involving PC Jack |
| 172. | September 14, 2009 - email from C. Kohen to R. Flindall, R. Campbell, Cc: S. Filman, Re: Jack WIP masterc.doc |
| 173. | September 14, 2009 - email from R. Campbell to M. Johnston, Cc: C. Kohen, R. Flindall, R. Nie, J. Postma, P. Butorac, Re: Jack WIP masterc.doc, with attached WIP |
| 174. | September 13, 2009 - email from R. Flindall to R. Campbell, Cc: C. Kohen, S. Filman, Re: Jack WIP masterc.doc, with attached WIP |
| 175. | September 11, 2009 - email from R. Flindall to C. Kohen, Re: PCS66_JACK8.doc |
| 176. | September 9, 2009 - email from D. McNeely to R. Campbell, J. Postma, M. Jack, P. Butorac, D. Lee, C. Kohen, K. Taylor, Cc: C. Lungstrass, Re: Driving Assessment ... Friday 18 Sept 2009 - Kingston |
| 177. | September 9, 2009 - email form D. McNeely to R. Campbell, J. Postma, M. Jack, P. Butorac, D. Lee, C. Kohen, K. Taylor, Cc: C. Lungstrass, Re: Driving Assessment ... Friday 18 Sept 2009 - Kingston |
| 178. | September 9, 2009 email from R. Campbell to R. Flindall, Cc: M. Johnston, D. Lee, C. Kohen, Re: PCS66_JACK8.doc, with attached Performance Evaluation Report (Month 7) |
| 179. | September 8, 2009 email from R. Campbell to D. McNeely, Cc: M. Jack, J. Postma, R. Nie, P. Butorac, D. Lee, C. Kohen, Re: Driving Assessment... Thursday 10 Sept 2009 - Kingston |
| 180. | August 31, 2009 email from S. Filman to D. Lee, C. Kohen, Re: WIPS, with attachments |
| 181. | August 31, 2009 email from R. Flindall to C. Kohen, Cc: R. Campbell, Re: PCS066 for Mike Jack, with attached Performance Evaluation Report (Month 6) |
| 182. | August 27, 2009 email from R. Campbell to C. Kohen, Re: PC Jack |
| 183. | August 27, 2009 email from R. Campbell to C. Kohen, RE: PC Jack |

TAB	DOCUMENT
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Chronology Re: PC Michael Jack's performance

- 184. Chronology #1
- 185. Chronology #2

Additional Documents

- 186. OPP, Vehicle Damage Report
- 187. Criminal Harassment related documents
- 188. Analysis of case load and charge analysis report
- 189. Documents relating to a motor vehicle incident
- 190. A 233-10, General Information Form
- 191. August 5, 2008 – email from S. Thomas to G. Trivett, Cc: S. Haennel, Re: Upcoming recruit

VOLUME 4:**Ontario Provincial Police Academy (OPPA) Documents**

- 192. Basic Constable Training Program Student Evaluation, September 3 – November 27, 2008 (Diploma Awarded)
- 193. Basic Constable Training Program Student Evaluation, September 3 – November 27, 2008 (Diploma Not Awarded)
- 194. Recruit Leadership Assessment Tool

Career Development Bureau Documents

- 195. December 15, 2009 - M. Jack Memorandum to Chief Superintendent M. Armstrong, Re: Resignation from the Ontario Provincial Police
- 196. December 31, 2009 - Probationary Constable Work Improvement Plan, Re: M. Jack
- 197. December 9, 2009 - OPP, Career Development Bureau Memorandum to P/C Jack and Peterborough County Detachment, Re: Notice of Proposed Release from Employment
- 198. December 14, 2009 - Probationary Constable Performance Evaluation Report, Re: M. Jack – 11th month evaluation

TAB	DOCUMENT
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| 199. | December 14, 2009 - Probationary Constable Work Improvement Plan, Re: M. Jack |
| 200. | November 25, 2009 - Memorandum to PC Jack, Re: Internal Complaint 2545009-0173 |
| 201. | November 19, 2009 -. Jack Memo Re: Federal Statutes, Rating: Does Not Meet Requirements |
| 202. | November 18, 2009 - Probationary Constable Performance Evaluation Report, Re: M. Jack – 10th month evaluation |
| 203. | October 23, 2009 - Probationary Constable Performance Evaluation Report, Re: M. Jack – 9th month evaluation |
| 204. | October 8, 2009 - Probationary Constable Work Improvement Plan, Re: M. Jack |
| 205. | October 5, 2009 - Probationary Constable Performance Evaluation Report, Re: M. Jack – 8th month evaluation |
| 206. | October 5, 2009 - Probationary Constable Performance Work Improvement Plan, Re: P/C Jack |
| 207. | October 2, 2009 - Sgt. D. McNeely Memo to R. Campbell, Re: M. Jack Driver Competency Assessment (with attached Driver Competency Assessment) |
| 208. | September 26, 2009 – P. Butorac Memo Re: P/C Jack's response to his 6 months evaluation |
| 209. | September 23, 2009 - Memorandum to PC Jack, Re: Notice of Internal Complaint |
| 210. | September 11, 2009 – OPC Complaint Intake Form |
| 211. | September 2009 - Professional Standards Bureau Investigation Report 2545009-0173 |
| 212. | August 31, 2009 - Probationary Constable Performance Evaluation Report, Re: M. Jack – 7th month evaluation |
| 213. | August 31, 2009 - Probationary Constable Performance Evaluation Report, Re: M. Jack – 5th month evaluation |
| 214. | June 11, 2009 - Probationary Constable Performance Evaluation Report |
| 215. | May 26, 2009 - J. Fantino, OPP letter to C. Condon, University of Liverpool |
| 216. | May 11, 2009 - Probationary Constable Work Improvement Plans, Re: M. Jack (Radio Communications, Flexibility, Police Vehicle Operation) |
| 217. | May 11, 2009 - Probationary Constable Performance Evaluation Report – 2nd month, Re: M. Jack |
| 218. | April 27, 2009 - Probationary Constable Performance Evaluation Report – 3rd month, Re: M. Jack |

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| 219. | OPPA Recruit Leadership Assessment Tool, Re: M. Jack |
| 220. | OPC, Basic Constable Training Program, Student Evaluation, Re: M. Jack, September 3 to November 27, 2008 |
| 221. | August 25, 3008 - OPP, CDB Memo to Michael Jack, Re: Performance and Conduct Requirements of a Recruit Constable |
| 222. | August 5, 2008 – email correspondence between M. Johnston and B. Rathbun, R. Campbell, Cc: S. Thomas, Re: Upcoming recruit |
| 223. | OPP letter to M. Jack, dated July 18, 2008 (date stamped July 30, 2008) |
| 224. | OPP letter to M. Jack, dated July 18, 2008 |
| 225. | Jack, Ontario Constable Selection System, Consent and Release of Liability Form, dated March 30, 2008 |

Ontario Provincial Police Orders

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| 226. | Administration & Infrastructure: Human Resources – Probationary Constable, January-December 2009 |
| 227. | Administration & Infrastructure: Professionalism in the OPP, December 2009, January 2009 and January-December 2009 |
| 228. | Introduction to Police Orders: Commissioner’s Message – January-December 2009 |
| 229. | Administration & Infrastructure: OPP Vehicles – Conduct Committee, January 2009 |
| 230. | Introduction to Police Orders: The Promise of the OPP (Values and Ethics), January 2009 |
| 231. | Human Resources: Probationary Constable, dated January-December 2009 |
| 232. | Law Enforcement: Supervision-Members – Performance Management Program, January-December 2008 |
| 233. | Probationary Constable Evaluation Report Guidelines, November 2008 |
| 234. | Communications/Dispatch: Radio Transmission, December 2009 and December 2008 |
| 235. | Supervision – Member: Performance Management Program, January-December 2008 |

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236.	Administration & Infrastructure: OPP Vehicles – Use of OPP Vehicle, January 2009 and September 2008
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VOLUME 5:

237.	Corporate Administrative File
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238.	Corporate – Personnel File
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239.	Detachment – Personnel File
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240.	Provincial Offences Act Court Transcript, R. v. Jack, April 1, 2010 and May 27, 2010; Judgment, dated August 12, 2010
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241.	DAR Schedule
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242.	PSB interview with Mr. Jack
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243.	Jack – Amended Corporate Calculation of Overtime
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HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

MICHAEL JACK

Applicant

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, AS REPRESENTED BY THE
MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES AND
OPERATING AS THE ONTARIO PROVINCIAL POLICE**

Respondent

AFFIDAVIT OF SHAWN TRUAX, FORENSIC COORDINATOR

I, Shawn Truax, of the City of Toronto, in the Province of Ontario, of the Ministry of Government Services, **SOLEMNLY AFFIRM AND DECLARE AS FOLLOWS:**

1. That I am Forensic Coordinator for the Corporate Security Branch of the Ministry of Government Services and, as such, have knowledge of the matters herein deposed.

Overview

2. Mr. Michael Jack's email account was created in August 2008 and terminated in December 2009.

Previous Month-End Recovery Model

3. I previously provided information to Lori Janssen of the Ontario Provincial Police ("OPP") regarding the recovery of emails from Mr. Michael Jack's OPP account on the

basis of a month-end recovery model. Based on this model, the estimated cost and time of recovery from the relevant server was quoted as \$9500 and 37 days.

4. Based on the month-end recovery model, the emails that could be recovered include those emails that were saved by the user, Mr. Jack, from the start of the relevant time period (August 2008) to the end of each month during the relevant time period (December 31, 2009). What is recoverable will depend on what was saved by Mr. Jack.

Daily Recovery Model

5. An alternative to the month-end recovery model is the daily recovery model which would recover the user's emails more completely than the month-end recovery model.
6. Using the daily-recovery model, all of the tapes on the server (backed up by the OPP on a nightly basis) would have to be restored for the relevant time period.
7. Based on a daily-recovery model, the emails that could be recovered include those emails that were saved by the user, Mr. Jack, daily from the start of the relevant time period at the end of each day during the relevant time period. What is recoverable will depend on what was saved by Mr. Jack.

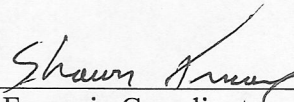
Daily Recovery Model Costs and Time

8. Since emails for Mr. Jack can only be recovered from approximately three years from the current date, using a start date of 30 April 2009 to 31 December 2009, 245 days of backup tapes would have to be restored.
9. This would take approximately 498 days at an estimated cost of \$245 000.

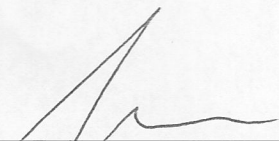
Issues Relating to Method of Daily Recovery Model

10. The daily recovery model would not be able to restore those emails that were sent or received, and then permanently deleted by a user on the very same day.
11. Further, if a backup tape is corrupted, any email sent or received, and then permanently deleted the next day, would not be recoverable.
12. This method would also create logistical problems and further costs in retrieving the relevant information. For example, an email that existed as of 30 April 2009 and was not deleted by 31 December 2009 could be retrieved as 245 copies.
13. I make this affidavit in response to the Application before this Tribunal, and for no other or improper purpose.

AFFIRMED BEFORE ME at the City)
of Toronto, in the Province of)
Ontario, this ..27. day of April, 2012)



Forensic Coordinator



A Commissioner, etc.

Michael Chi Sing Poon, a
Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires December 5, 2014.