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Butorac, Peter (JUS)

From: Johnston, Mike P. (JUS)
Sent: September 18, 2009 8:25 AM
To: Nie, Richard (JUS)
Cc: Butorac, Peter (JUS); Postma, Jason (JUS); Chapman, Kathy (JUS)
Subject: P/C Jack

Rich

Sgt Flindall has given me Cst Jack's most recent PCS066 and the development plan. It is signed off by all including myself. Can you present to him, and get him to sign.
The other envelope is a copy for Cst Jack. Both envelopes are in your mail slot.

The signed original should go to Kathy Chapman, for submission to Region.

Thanks

Mike J.

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Butorac, Peter (JUS)

From: Johnston, Mike P. (JUS)
Sent: September 20, 2009 10:58 PM
To: Butorac, Peter (JUS); Nie, Richard (JUS); Campbell, Ron (JUS)
Cc: Chapman, Kathy (JUS); Flindall, Robert (JUS)
Subject: Re: P/C Jack **URGENT**

Rich

Thanks for advising.

Rob, can you review please prior to it being presented to Cst Jack.

Thanks

Mike

Sent from my BlackBerry Wireless Device

From: Butorac, Peter (JUS)
To: Johnston, Mike P. (JUS); Nie, Richard (JUS)
Cc: Chapman, Kathy (JUS)
Sent: Sun Sep 20 18:32:55 2009
Subject: RE: P/C Jack **URGENT**

Inspector

I spoke to Ron yesterday about the issues in this evaluation. He suggested I send back to you to give to Rob and Kolen. If she has already approved as such we will serve. I just wanted to ensure that everything was as it should be.

Rich did bring up good points.

Thanks

Pete

From P/C Nie's email...

Pete - I was just reviewing the 8mth evaluation (09AUG-09SEP) for PC Jack that was in my diary slot from the Inspector. I wanted to read it over prior to disclosing it as requested and I found the following.

There are 17 categories that show Does Not Meet Requirements, up from only 10 categories the month before. The problem is that when you look at the Work Improvement Plan, it only addresses 10 of the 17 issues, and it needs to address all 17. Also, Federal Statutes shows as Meets Requirements on the evaluation, which is a category change from the evaluation before. If this is the case, it needs to show up under the Results Achieved category on the Work Improvement Plan. It currently shows up as an item that still needs a Work Improvement Plan, which doesn't match with the evaluation.

I have no problem giving him the evaluation but I thought it would be better to have everything done properly given the circumstances. I will keep it until you let me know, Rich.

16/02/2011

From: Johnston, Mike P. (JUS)
Sent: September 18, 2009 8:25 AM
To: Nie, Richard (JUS)
Cc: Butorac, Peter (JUS); Postma, Jason (JUS); Chapman, Kathy (JUS)
Subject: P/C Jack

Rich

Sgt Flindall has given me Cst Jack's most recent PCS066 and the development plan. It is signed off by all including myself. Can you present to him, and get him to sign.

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The signed original should go to Kathy Chapman, for submission to Region.

Thanks

Mike J.

Butorac, Peter (JUS)

From: Campbell, Ron (JUS)
Sent: September 14, 2009 10:44 AM
To: Johnston, Mike P. (JUS)
Cc: Kohen, Colleen (JUS); Flindall, Robert (JUS); Nie, Richard (JUS); Postma, Jason (JUS); Butorac, Peter (JUS)
Subject: FW: JACK WIP masterc.doc

Attachments: JACK WIP masterc.doc



JACK WIP
 masterc.doc (76 KB)

like I will defer this to you for D/Commander Comments unless you prefer I add mine as Operations Manager.

Rich Jason and Peter: Please wait until we have heard from Colleen prior to disclosure.
 Tks Ron

-----Original Message-----
From: Flindall, Robert (JUS)
Sent: Sunday, September 13, 2009 5:36 PM
To: Campbell, Ron (JUS)
Cc: Kohen, Colleen (JUS); Filman, Shaun (JUS)
Subject: JACK WIP masterc.doc

Ron and Colleen,
 Please find a revised WIP for PC JACK. PC FILMAN has compiled the ten separate WIP's into one and I have tweaked them to their final draft.

Robert Flindall
 Sgt. 9740
 Peterborough County OPP
 VNET 501-4620

PROBATIONARY CONSTABLE WORK IMPROVEMENT PLAN

This plan is designed to assist the supervisor in addressing employee performance problems. The objective of this plan is to correct identified work performance deficiencies or behaviour problems in order to elicit an acceptable level of work performance and meet the requirements for Probationary Constable.

This plan will be initiated when the PCS 066P indicates:

- DOES NOT MEET REQUIREMENTS in any category, or
- NO BASIS FOR RATING for the same category for two consecutive months.

Note: Career Development Bureau shall be consulted regarding any evaluation for which a WORK IMPROVEMENT PLAN has been implemented.

Probationary Constable: Badge:	PC Michael JACK 12690	Accountable Supervisor: Badge:	R FLINDALL 9740
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DESCRIPTION OF DEFICIENCIES THAT REQUIRE IMPROVEMENT TO "MEET" WORK PERFORMANCE STANDARDS

1) Personal accountability - PC JACK has difficulty accepting responsibility for his actions where these actions have either been deemed inappropriate or deficient. One of the priorities of the 2008-2010 OPP Strategic Plan is effectiveness. A key strategy in achieving positive outcomes in this area is to hold ourselves accountable through ongoing evaluation in Performance Management. By showing an unwillingness to accept responsibility for his actions and blaming others, PC JACK has difficulty in learning from his mistakes in order to better prepare himself for the future.

2) Federal Statutes - PC JACK scored well in his OPC federal statutes component, however he has difficulty in putting book knowledge into practice while completing investigations. PC JACK has investigated many federal statute offences in his time at the Detachment but he has had difficulty in some procedures such as forgetting to read an accused their Rights to Counsel, speaking with another officer's accused without reading a supplementary caution or identifying key facts in issue in a case to substantiate the offence.

In regards to a Break and Enter PC JACK investigated, PC JACK disagreed with other senior officers and his Sergeant about the charges which were laid. Instead of speaking with his coach officer or Sergeant, PC JACK questioned officers on other shifts that were not present and voiced his disagreement with the charges laid. In this case, as well as answer shopping, it appears that PC JACK has let his opinion of the people involved sway his opinion of what charges should be laid rather than relying on what elements of an offence had been completed.

3) Resolution - PC JACK investigated a stand by to keep the peace during this period in which he attended alone. PC JACK did not realize that he was unable to resolve the matter. One of the involved parties in the matter realized this fact and called for a back up officer for PC JACK. Understanding ones strength and weaknesses is important in achieving a positive outcome during any call for service. This includes requesting assistance from fellow officers when dealing with difficult situations.

4) Follow-up - As indicated in previous evaluations, PC JACK had shown proper followup skills and kept a running list. An investigation came to light during this evaluation period, that PC JACK had been investigating over a period of several months. It was learned that PC JACK had not completed even the simplest of followup tasks, such as obtaining witness information and contact information, nor taken any statements to help substantiate the allegations.

5) Listening Skills - PC JACK has been identified as having poor listening skills. PC JACK had been told on a number of occasions that he was not to complete transcriptions of video statements. During a Criminal Harassment investigation, PC JACK was preparing court documents for the arrest of the suspect. PC JACK was given very specific instructions from his Sergeant on what to complete and what not to complete. It was confirmed with PC JACK that he understood. Instead of following the instructions given to him by his Sergeant, he completed the tasks that he felt should be done. As a result, he placed the lives of his victim and witnesses at unnecessary risk.

6) Planning and organization - PC JACK is a very organized person. He usually comes to work with a pre-written task list. However, it is viewed that PC JACK cannot multitask. He has difficulty prioritizing calls for service as well as what needs to be done on his list.

Part of the issue is that PC JACK will go too far in his investigations, completeing tasks that don't need to be done or over investigating. PC JACK has difficulty in identifying what is a non-reportable incident and investigating it as such. This can be seen in numerous instances such as typing a statement verbatim that didn't have to be completed or contacting and taking statements from witnesses that have no relevant information to provide.

7) Provincial Statutes - Although, for the most part, PC JACK has been able to identify the elements of most provincial statutes he was

PROBATIONARY CONSTABLE WORK IMPROVEMENT PLAN

not able to identify the elements associated with the Mental Health Act.

8) Self confidence - During this evaluation period, PC JACK has been involved in numerous situations which has required either disciplinary action or instruction on how to complete tasks properly. It has been found that PC JACK does not take criticism well and will avoid that person for a period of time.

9) Respectful relations - During this evaluation period, PC JACK was involved in a break and enter investigation which was assisted by fellow officers including his Sergeant. Facts in issue were substantiated in the matter however, PC JACK felt the charges should not be laid. Instead of speaking with his coach officer or Sergeant, PC JACK spoke with officers on another shift. Instead of providing the officers the full details of the case, he with-held information causing these officers to provide advice in a certain manner. It subsequently came to light to these officers that he had manipulated the information and themselves. This has caused a significant level of distrust in PC JACK by his fellow officers.

10) Radio Communications - PC JACK sounds confident in his radio use and is not an issue. PC JACK however does not follow proper radio protocol by notifying his dispatcher as to his daily activities and his whereabouts. He has also been found to often not answer his radio when the dispatcher is calling him. This was pointed out to him one day by a senior officer and was directed to call the dispatcher as they had been looking for him. This senior officer was met by an upset PC JACK who told the officer that he would call the dispatcher when he wanted to.

Coach Officer's Comments:

All of the deficiencies noted above have been properly documented in PC JACK's PCS066.

Coach Officer's
Signature:

Date:

Probationary Constable's Comments:

Probationary Constable's
Signature:

Date:

ACTIONS/STEPS TAKEN TO CORRECT PERFORMANCE DEFICIENCIES: (specify time frame to compete)

To be completed by Accountable Supervisor

1) Take responsibility for his own actions, learn from his mistakes and apply this to his future investigations so that these deficiencies don't happen again. Do not blame fellow officers for deficiencies identified in himself.

2) PC JACK has already been made aware of the importance of reading rights to counsel, caution and applicable demands and this was rectified the next time he investigated an impaired driver. This is to be monitored by his coach officer during subsequent arrests. PC JACK should also be able to articulate the importance of rights to counsel and the various cautions and identify when each would be used.

During each of PC JACK's criminal investigations, he should be expected to identify the facts in issue in each case, using a Criminal Code. All criminal code informations should be completed by himself and read by his coach officer to verify accuracy.

3) When a problem is taking too long to resolve or you are unsure of how to resolve a problem call another officer or better bring a second officer with you. PC JACK needs to identify this quickly during his investigations and not hesitate to seek out the assistance from fellow officers.

4) Identify who is a key witness to form grounds for an offence, obtain the appropriate names and contact information and obtain a

PROBATIONARY CONSTABLE WORK IMPROVEMENT PLAN

detailed statement of those persons account of what happened as soon as possible. PC JACK needs to be monitored to ensure this is completed at the time of the complaint so subsequent investigations don't build on top of each other for follow-up to be completed.

5) PC JACK is expected to follow all instructions given by his coach officer or his Sergeant without fault. Should PC JACK require clarification on an instruction he is to speak with his coach officer first, and if they are not available, their Sergeant. Should it be known that neither would be available during any given tour of duty, a senior member is to be identified for PC JACK to seek guidance from. It is also expected that PC JACK is to be proactive and seek out guidance in the first place, and not let a matter sit without clarification.

6) All officers working are at times required to stop what they are doing and take on a task which may be less or more important than the one they were actively working on. PC JACK needs to be able to take these tasks and work on them in an order that allows the most important to be completed and the less important to be put aside until time permits. Time management also has to be implemented to get these tasks done. PC JACK's coach officer needs to review reportable vs non-reportable calls for service and their hierarchy.

7) Review the Mental Health Act and identify to his coach officer what would be required to make an apprehension under the Mental Health Act. Other common Provincial Offence Act should also be reviewed to ensure an adequate working knowledge of each.

8) Take ownership for his mistakes, discipline or instruction and use these circumstances as learning opportunities to better yourself from them.

9) See number 5 above.

10) Always advise the communications center of locations of vehicles stops and when out of the vehicle. Keep an ear to the radio for his Soft ID and respond in a timely manner. Use proper radio procedure using the status buttons on the radio.

PC JACK is expected to resolve the 10 items listed above by his second evaluation with his new coach officer. This will ensure a proper amount of time to work with his coach officer in achieving these goals.

Comments mandatory at all levels

Accountable Supervisor's Comments:

It is expected that PC JACK, at month eight of his probationary period, will show the necessary knowledge, skills and abilities to properly rectify the deficiencies in his current PCS066. Each goal is more than achievable with his experience level and should be easily obtained with the guidance of his new coach officer.

Accountable Supervisor's
Signature:

Date:

Probationary Constable's
Signature:

Date:

Detachment Commander's Comments:

Detachment Commander's
Signature:

Date:

Regional Commander's (or designate) Comments:

Regional Commander's (or designate)

Date:

PROBATIONARY CONSTABLE WORK IMPROVEMENT PLAN

Signature:	
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RESULTS ACHIEVED <i>To be completed by Accountable Supervisor</i>

Standards "met" have been indicated in the **RESULTS ACHIEVED** area. Standards that have not been "met" will continue to be documented in the next month's improvement plan.

Probationary Constable's Signature:	Date:
Accountable Supervisor's Signature:	Date:
Detachment Commander's Comments (mandatory):	
Detachment Commander's Signature:	Date:
Regional Commander's (or designate) Comments:	
Regional Commander's (or designate) Signature:	Date:

From: Johnston, Mike P. (JUS)
Sent: Tuesday, September 15, 2009 3:26 PM
To: Campbell, Ron (JUS)
Subject: FW: Clarification re PC JACK

From: Blue Sky Gear [mailto:admin@blueskygear.com]
Sent: September 15, 2009 2:41 PM
To: Johnston, Mike P. (JUS)
Subject: Clarification re PC JACK

Inspector,

As per our discussion, here is some clarification information regarding PC JACK. I have spoken with PC BROCKLEY today, after our conversation, for more information and about the timing of this information.

PC BROCKLEY advises that 2-3 weeks after PC JACK arrived at the office, in Jan '09, PC JACK produced a photograph to PC BROCKLEY at the request of PC FILMAN, his coach officer. PC BROCKLEY at the time was working in the Drug Unit. When PC JACK produced the photograph, PC BROCKLEY recognized 3 of the people in the photograph, 2 of which were [REDACTED] and heavily into the drug scene. I believe PC BROCKLEY was also aware of a drug project that was running on the pair at that time by the [REDACTED] which was highly secretive. PC JACK also provided information that the other person in the photograph, [REDACTED] had brought him back a rifle scope when he was down in the US. Given the manner in which PC JACK was forthcoming with the information that he had worked out with these people in the past, and keeping the integrity of the [REDACTED] nothing was brought forward at the time.

PC BROCKLEY has advised that the 2 males play their cards close to their chest and either you know absolutely nothing about what they do, or you know everything. Again, the manner in which PC JACK provided the information, led PC BROCKLEY to believe he didn't know anything.

I was made aware in passing some time after that, that PC JACK had worked out with some undesirables in the past at the gym but was never told the above information concerning their [REDACTED] drug ties or the [REDACTED]

In July, I was away on holidays into August. During that time period, PC BROCKLEY worked on my shift due to personelle shortages on the 31st of July. During the evening hours, PC BROCKLEY was involved in an investigation and was dealing with a youth, when he overheard the registered owner information of a vehicle that PC JACK had run over the radio. He believed he heard the RO was [REDACTED] which he believes is [REDACTED]. He wasn't 100% certain as he only had half an ear to the radio. PC BROCKLEY has advised me today that PC JACK was spoken to by PC PAYNE and PC FILMAN about 2 hours after the plate had been run, and PC JACK advised he didn't recalling running the plate nor had anything in his notebook about it. PC BROCKLEY advised that this was odd, and thought back to the photograph that PC JACK produced back in January.

I was advised of PC JACK potentially running an [REDACTED] August after I had gotten back from holidays. Again, I don't have the exact date with me. I wasn't familiar with [REDACTED] being used by surveillance teams nor did I have the information above about the [REDACTED]. I believe it was PC PAYNE that told me about him running the plate. No one on the shift fully heard the plate he had run

or the RO information, but thought it was something similar [REDACTED] advised her I would look into the matter when I had a chance and would see about pulling the tape from the PCC.

In the beginning of Sept, the 3rd I believe, the licence plate matter was brought up again, which reminded me to make a request for the tapes. It was also at this time that PC BROCKLEY came forward about the details of the photograph in January. He provided me with the details of the RCMP project and the 2 males affiliation with [REDACTED] drug running. He advises that each matter alone, didn't cause him concern, but it was the pairing of the two that caused him to take notice. He advised that he was concerned about the integrity of the project and felt that had any information been discovered about PC JACK it would have been brought forward.

I in turn brought this information immediately forward to S/Sgt. CAMPBELL and we had discussions about where we were to go from this point. None of the information at the time had been sourced. I hadn't run any of the parties involved as I didn't want any SIP hits coming back. S/Sgt CAMPBELL advised he was going to notify Insp. JOHNSTON about the information and did so by email. I advised S/Sgt. CAMPBELL I would send an email to Insp. JOHNSTON, but didn't do so, because I had just literally received very basic information about the matter and needed to obtain more detailed information to provide a better picture. I provided Insp. JOHNSTON the above information when he was back in on days from being away on the 11th of Sept.

In all accounts, PC JACK's affiliation with the 2 males at the gym seemed innocuous enough to PC BROCKLEY given the manner in which the information was provided by PC JACK. It wasn't until the incident at the end of July when PC JACK ran a suspected [REDACTED] that PC BROCKLEY started piecing together a potential conflict. Had I the information about the [REDACTED] connection, I would have prioritized obtaining the PCC tapes to see if in fact it was an [REDACTED] plate that PC JACK had run. Once the totality of the information was learned, S/Sgt. CAMPBELL was immediately notified.

I hope this provides clarification as to the timing of events. As they say, timing is everything. Further clarification should be obtained from PC BROCKLEY, PC FILMAN and PC PAYNE for further, finer details.

Respectfully,
Robert Flindall
Sgt. 9740
Peterborough County OPP
VNET 501-4620

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From: Johnston, Mike P. (JUS)
Sent: Friday, September 11, 2009 8:31 PM
To: Flindall, Robert (JUS); Campbell, Ron (JUS)
Subject: Fw: PC Michael JACK

Importance: High

Rob - FYI

EXTREMELY CONFIDENTIAL

We are to stand down on any other action on this, as PSB will be the lead on any further action.

Mike

Sent from my BlackBerry Wireless Device

From: Graham, Martin (JUS)
To: Smith, Ken C. (JUS); Beesley, Paul (JUS); Powers, Paul (JUS); Armstrong, Mike (JUS); Stevenson, Hugh (JUS); Cox, Chuck (JUS); Johnston, Mike P. (JUS)
Sent: Fri Sep 11 18:38:11 2009
Subject: PC Michael JACK

Chief Smith et al

I have made some enquiries on this matter. The information from Sgt. Flindall at P'Boro Detachment has been examined. It does not require an urgent response at this time.

I can confirm that the names provided by Sgt. Flindall that were linked to PC Jack are currently part of an investigation that is being undertaken by the RCMP. I have spoken to D/Sgt K. Watson, OPP liaison and seconded to CFSEU. He advised he is unaware of any definitive link that has been made between our member and the targets of this or any investigation.

I suggest that a CPIC/MTO audit of PC Jack be completed. This request can not go in until Monday with Kati Curtis at CPIC operations. Intelligence section should be consulted to determine if any Level 3 CPIC hits on surveillance vehicles can be traced back to PC Jack. PC Jack should not be made aware these checks are being undertaken. I suggest this be completed by PSB investigators.

DS Watson has advised that he is willing to meet with PSB and discuss this matter if required. He will be reporting through his channels at the RCMP the enquiries that are being made but DS Watson assured me that these actions will not compromise any current investigation.

Submitted for consideration

Martin

Martin J. Graham
Sergeant Major # 8160
Professional Standards Bureau,
Central Region/GHQ
777 Memorial Avenue,
Orillia, ON.

L3V 7V3

Tel: 705-329-6059
Fax: 705-329-6050

To: Johnston, Mike P. (JUS)
Cc: Borton, Doug (JUS)
Subject: Moving of Cst. Mike JACK

Mike: I know Sgt Flindall was into see you last week and this week when I came back and wanted to move Cst. Jack from shift. Your response at that time was no as he had more or less been in charge of ensuring proper supervision occurred.

Since that decision was made and with the background of Cst. Jack's call to S/Sgt Kohen and Sgt Flindall's statements to Cst. Jack.

- a) his job was in jeopardy - for failing to follow direction given to him on cc investigation- he answer shopped and didn't do as instructed.
- b) he would be watching his every move and documenting it
- c) charge under the HTA for driving error on the 12th of Aug
- d) Apparent discussions Sgt Flindall has asked his entire shift to monitor Jack's actions and contact him for any issues (this is also spread to platoon B)

On the Sunday Jack called in sick and there is some talk by Platoon Sgt "B" Sgt Banbury because he called in sick he thinks he was deceitful and wants to investigate why he told a person at an incident on Saturday prior to calling in Sunday that he was not coming in and was sick. (I will look into this on Wednesday the first shift back)

It is my feeling that it is because he is feeling vulnerable as a new employee, with a language issue, and an immigrant to the country that he is feeling the stress of his supervisors comments no matter how well intentioned it is likely resulting in a poisoned work environment and or a possible H.R. complaint. I think the supervisor has lost the focus he is here to assist and correct Cst. Jack as well as discipline him for transgressions that are not learning issues. I have touched on this with Sgt Flindall and will do so again on Wednesday in private.

Mike both you and I discussed this and it appears this officer is being left on his own to fully investigate matters beyond his experience level. When Sgt Flindall came to me this was addressed as he knew it was an issue. Sgt Flindall insists he was given proper direction and fully understood the directions he just did not complete.

As per your request I followed up and updated the briefing note for A/Supt Borton and Insp. Lee, and sent a message directly to Kent Taylor asking him for a driving assessment of Jack.

I received a call back from A/Supt Borton today and he thinks some fresh eyes are needed to continue this member's evaluation and give a fresh perspective on his suitability with the OPP. I am moving him completely away from the A& B side to Platoon "D". I have discussed with Sgt. Rathbun and Sgt Smith and with the bodies coming back in Sept and the new transfer of Rowe from Haldimand in Oct each platoon will be left with 12 persons.

Platoon D gives him a new start and I am awaiting Rich Nie to awaken for shift tonight to advise him of the decision that he will be the new Coach officer for the remainder of Cst. Jack's probation. Rich is a very level headed person and by having him on the opposite side gives Jack a new start from the other side with the alignment of the A&B Sgt of not only being relatives but good friends will assist all in having an objective look at this employee.

The tentative date for the movement is the **30th of August 09**. Since his 7 month evaluation will be due on the 27 Aug 09 and outline the issues from his present coach and Sgt. Although this start prior to the end the current schedule which runs to 12 Sept 09. May violate the MOU or as it is now called the collective agreement that all rest days are set in stone until the new schedule is posted. It still complies with giving him at least 7 days notice of a shift change. The new schedule will not be posted until tomorrow at Noon. So I am sure all parties will agree to the move to give everyone a fresh start.

Ron

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OPP BRIEFING NOTE

ISSUE:

On 15 Aug 09 Cst. Jack (Probationary) pulled into through traffic almost causing a collision between civilian vehicles and the OPP cruiser.

BACKGROUND AND CURRENT STATUS:

PC Michael JACK is a new recruit at the Peterborough County Detachment, having completed OPC and the Academy in late 2008 and starting at Peterborough County Detachment on the 12th of January 2009. He is currently in his 8th month of probation.

In Cst. JACK'S assessment from the OPC he scored 95.0% in Police Vehicle Operations (Closed Book), which was above the class average of 86.8%. In addition he Failed the Police Vehicle Operations in the physical skill components/ applied scenario's. In the comments the following information was indicated.

" This candidate demonstrated acceptable proficiency in each of the driving skills components, but did experience significant difficulty when attempting to apply some of these skills in motor vehicle pursuit simulation. At a later date, this candidate was given an opportunity to repeat this exercise and again was unable to operate the vehicle in a reasonable safe and proficient manner. Therefore, this candidate has not successfully completed this area of training. Further instruction and evaluation will be made available upon your request."

At OPP recruit leadership assessment he was noted to have difficulty in PVO during difficult driving conditions. It notes under technically and tactically competent under Radar "Needs to practice driving skills & technical skills."

Under other comments it states "Communication with others is a problem."

In January 2009 Peter Shipley contacted the Detachment and the member's coach officer was made aware of this driving issue and requested to monitor his driving to report any issues.

On the 30th of January 2009, PC M. JACK was involved in a preventable motor vehicle collision with a force cruiser (SP09020239). As a result, PC M. JACK received a negative 233-10 on his file.

RECENT DEVELOPMENTS:

The following is a brief explanation of today's events, as documented in his negative 233-10 issued today:

On Saturday the 15th of August 2009, officers of the Peterborough County OPP Detachment attended a residence located on the 14th Line of Smith, Smith-Ennismore-Lakefield Twp in regards to a family dispute. After the call was cleared, Sgt. R. FLINDALL left the scene headed westbound on the 14th Line of Smith and was being followed by PC J. PAYNE and PC M. JACK in turn. The officers came to the intersection of Cty Rd 23 and the 14th Line of Smith and came to a stop. Both Sgt. R. FLINDALL and PC J. PAYNE turned southbound onto Cty Rd 23. Despite southbound traffic approaching the intersection, PC M. JACK also turned onto Cty Rd 23 with the intent to head southbound. As a result, southbound traffic had to brake hard to avoid colliding with PC M. JACK's cruiser and PC M. JACK had to take evasive manoeuvres by turning hard into the north bound lane. PC M. JACK continued southbound in the northbound lane and had to accelerate in order to get ahead of the traffic and pull back into the southbound lane. PC M. JACK's driving was dangerous to not only himself but to the motoring public as well.

On the 14th of August 2009, at 1255hrs, the day before, Sgt. R. FLINDALL had served PC M. JACK with the Commissioner's memo concerning cruiser collisions and officer driving safety.

INTENDED ACTION / ANTICIPATED RESULT:

Sgt R. FLINDALL has prepared a negative 233-10 for PC M. JACK in regards to police vehicle operations. He is also to be charged with S. 136(1)(A) HTA – Fail to yield to traffic on through highway.

RELATED ITEMS OF NOTE:

Cst MORAN approached Sgt. R. FLINDALL to advise him of PC M. JACK's driving while enroute to the call for service on the 14th Line of Smith. The call for service came in as a priority call and as such, officers were responding with their emergency lights and sirens activated. PC M. JACK was following PC M. MORAN enroute to the call and she found his driving to be aggressive behind her. She cited numerous instances where he was following her too close and passing other motorists too close to crest of hills. Turning onto Cty Rd 23 from Lakefield Rd, PC MORAN thought PC JACK was going to run into the back of her so she tapped her brakes and put on her turn signal to alert him to her upcoming turn.

Monthly Evaluations:

Month 2:

PVO: States "PC Jack has demonstrated that he can operate the police vehicle in a safe manner, although he has not yet been tested in pursuit driving. He did receive a negative 233-10 for a minor collision in which he drove a cruiser into the ditch.

Radio Communication: Did not meet requirements, as he was not clearing events properly on radio.

Flexibility: CST Jack was having difficulty doing more than one call at once and not prioritizing work.

Work Improvement Plan put in place:

Month 3:

PVO; Meets requirement" PC JACK has been patrolling on his own and had had no issues during this evaluation period. He has been able to arrive at his destinations in a timely fashion."

Radio Communication: Meets requirements " Now clearing calls in concise manner."

Flexibility: " Attending to more than one task at a time" Meets requirements.

Met issues addressed in Work Improvement plan.

Month 4:

No issues met requirements in all areas.

Month 5:

No issues met all requirements.

Month 6:

This evaluation is late as was month 5 and no information to report other than the issues reported by his supervisor.

Follow-up

On 17 August 2009 S/Sgt Campbell sent a email to Kent Taylor requesting an evaluation of Cst. JACK'S driving competency and skills.

Sgt FLINDALL and his coach have been requested to implement a Work Improvement Plan to address Cst. JACKS issues.

From: Postma, Jason (JUS)
Sent: Monday, August 24, 2009 5:08 AM
To: Campbell, Ron (JUS)
Subject: Probationary Constable Michael Jack Staff,

I believe in giving guys a second chance - and I mean that. Some concerns however.

Documentation: If Mike is not going to work out, do we have a structure of incidents laid out from Filman and Flindal so we are not starting fresh?

Supervision: I believe Pete will be back shortly on shift in September (unless there are developments I'm not aware of). Will Pete be ready for this task? If I'm to remain, who will be the next 2ic if Rich is coaching?

Coaching: Rich is a good officer, but he has been in this coaching roll way to long. He needs a few years of no recruits to get that front line grove back (my opinion). I don't want him to burn out if Mike requires extra documentation and process. He will do the job and will do it right, but I'm sensing the negative side of him of late.

Moral: D platoon is the laughing stock of this office because of these developments. People are not viewing this as second chance or re-focus, they look at this as "its not our problem anymore." Our shift is not happy, but will give Mike every chance to succeed. Its surprising how many people knew about this before I did, and before Rich made any comment on this.

Another note, from experience - problem officers or the rising stars define which coaches are successful in terminating probationarys or making positive recommendations. Everyone wants the good one, but very few are equipped to document and terminate employment if they don't meet the standards. We need to examine potential coaches more thoroughly in the future.

Just some thoughts Ron. Thanks for letting me "vent."
Jason.

From: Campbell, Ron (JUS)
Sent: August 20, 2009 9:29 AM
To: Jack, Michael (JUS); Flindall, Robert (JUS); Postma, Jason (JUS); Nie, Richard (JUS)
Cc: Johnston, Mike P. (JUS); Gozzard-Gilbert, Shelley (JUS)
Subject: Re; Michael Jack Platoon D

Mike: As you are currently scheduled to complete your last day 20 Aug 09 prior to commencing CTO according to the schedule. Your date for moving from Platoon A to Platoon D was set for August 30th 2009.

I have reviewed the schedule and posted it below. Please see Sgt Flindall today as depending what you want to do with 2 days will make a difference to the date you start on D.

Presently the Rosters are as follows.
Days Aug 24,25,25,27,28, 29, 30, 31, 01,02,03, 04,05,06,07, 08,09
Platoon A cto,cto r r cto,cto,cto r r cto cto r r r 6 cto r
Platoon D r r 18,18, r, r, r, 6 6 r, r, 6,6, 6, r, r, 6 In order for you to keep the same time frame off you would take cto now on 31Aug & 01 Sep,

If you want to keep the same amount of CTO days means you would either work Fri 4 & 5 Sep or take these as 2 additonal CTO or Vacation Days. Making your first date to start Wed 09 Sep 09. Ron So as mentioned above depending on what you want to do with the 4th or 5th is up to you. But we need to know so Shelley can key it into the roster. Ron

Rob: Shelley's roster does not reflect the CTO days you have already given to Cst. Jack. Ron



GENERAL INFORMATION FORM

Bureau / Region Central	
Date: 01 Sep 09	
Member FLINDFALL, Rob	Badge # 9740
Supervisor Campbell, Ron	Badge # 6385
CRITERIA	SUB CATEGORIES
Job Knowledge & Skills <input checked="" type="checkbox"/>	Attitude Towards Learning <input type="checkbox"/>
Problem Solving <input type="checkbox"/>	
Communication Skills <input type="checkbox"/>	Oral Communication
Leadership Skills <input checked="" type="checkbox"/>	Delegation/Supervision
Interpersonal Attributes <input type="checkbox"/>	Interpersonal Relations
Personal Impact <input type="checkbox"/>	Demeanour
Other <input type="checkbox"/>	Judgement
RATING	
Does Not Meet Requirements	

NARRATIVE (Incident # Optional)

Inc # SP09164458, SP09175128, RM09092516

Background:

As a result of many discussions, emails and directives shift supervisors were to monitor and screen Crown briefs of their members prior to them being submitted.

In July 2009 it was stressed again the importance of Shift supervisors reviewing the briefs and ensuring they contained the required information to warrant charges and provide proper disclosure as the Court Office would be reduced by one member. This would make it all the more important that shift supervisors review members work.

In August 2009 Cst. Mike Jack had been identified by his supervisors as having many issues including his job knowledge as related to federal statutes.

Again increasing the diligence required in the review of his work.

In this time frame Sgt Flindall had received an email from the Court Officer advising of short comings of a Crown brief submitted by the member. Not having reviewed the briefs I spoke to Sgt Flindall about this on the date the message was sent. Sgt Flindall advised he had reviewed the matters and it was simply a issue of the style or wording of the synopsis and he would look at it but the matter was a legitimate charge.



GENERAL INFORMATION FORM

It was not 15 minutes later Head Crown Attorney Brian Gilkinson contacted me to complain not only about the two briefs listed but a 3rd brief that has been the result of an ongoing complaint and neighbour dispute between two residents of Emerald Island and also a letter from the local MPP to the Solicitor General and our Professional Standards Bureau. Mr. Gilkinson was very clear that grounds did not exist for charges in any of these cases and the person who submitted them did not know the elements of the offences.

Sgt Flindall was to oversee the creation of an information brief concerning the possibility of the OPP laying charges of Criminal Harassment in this case.

In addition to this I from the direction of the Detachment Commander reviewed all incidents involving the two parties and reviewed each and every recorded RMS report on the OPP system but the City of Peterborough. In addition I met with one of the complainants and reviewed the case with him. During this review the complainant asked that the DVD statements given to the OPP be viewed by the OPP as they eluded to more evidence that the summary printed on RMS for the information brief. As a result of this request Sgt Flindall was requested to review these DVD's as well.

On the 31st of August 2009 Sgt Flindall advised he was too busy to review the DVD's while working the weekend.

Cst Jack is a probationary officer and by Sgt Flindall's own admission the briefs were lacking and ultimately he was the person responsible for review of the submissions prior to them being submitted.

Attached are Sgt Flindall's comments in relation to work completed by the member.

"I have reviewed all of the documentation and correspondence, including emails from Ron and Brian who have summed up the situation perfectly. I am in agreement that there is simply not enough information to proceed with a criminal harassment charge at this time. In review of PC JACK's statements, not only in this matter but a few other matters I am reviewing, he has done a poor job in attempting to elicit the basic required information that one would expect to garner from victim/witnesses. I can only chalk this up to inexperience."

Aggravating to me is that this duty entrusted to Sgt Flindall was not done but in addition to my own scheduled duties I have provided at least 12 hours of my time which should have been completed by him.

I was also able to review the briefs on 31 August 2009 and found that should they have been reviewed it was obvious the briefs lacked information, and corroboration.

The following information was provided by the Court Officers and Crown.

ROB - I have not dove in totally in this file, but see a couple issues that need addressing right away. PC JACK is the OIC.

SP09164458

1 - brief jacket says "no" record, yet inside the pkg there appears to be a record with a couple of convictions. It appears solid, but I did not see the cni page that would contain the acc fps to verify this is HIS record. Also, its in French. We might want to take the initiative to translate it in writing into English??

2 - we seized firearms under 117 and have filed a return to jp. I see no indication of a "WEAPONS PROHIBITION" application under 117. we have 30 days to file that application from the date of the seizure, or we have to give the guns back. Date of arrest is 24jul09.

HBBR



GENERAL INFORMATION FORM

Re: Constable Michael Jack

To: Staff Sergeant Campbell and Sergeant Flindall

Hello Ron and Robert,

May I respectfully suggest that Constable Jack needs some guidance?

I am seeing a bit of an ongoing pattern in his work that raises concerns.

Referring to the most recent file on an accused, [REDACTED]

First Appearance is August 27.

I got the Information sworn this morning. Following which, the file was returned by CAO staff to the OPP Court Office to be reviewed.

There are apparently five witnesses and one complainant.

o The statement of the complainant is not present in the file

o Notes: Copies of notebook notes with author unknown (however, probably Jennifer Payne. I will label as probably a simple oversight on her part)

Perhaps of more concern are deficiencies in the synopsis of the circumstances. I am wondering if it might be appropriate for Constable Jack to inform the reader who the players are? There are five witnesses indicated in the witness list and one complainant, none of which are identified in the synopsis.

The synopsis, as you will see, concludes with " Then [REDACTED] and friends went to the main office to see the resort manager who contacted the police."

This synopsis lacks the basic principles of the conclusion i.e. the arrest . Who, What, Where, When, How and Why.

Similarly, in the case of [REDACTED] the synopsis in this case contains a significant amount of irrelevant information. There is little provided on the allegation of Criminal Harassment. In fact, I got the Information sworn yesterday, however in review, I have a very uncomfortable feeling about it and will discuss it further with the CAO as the file has been forwarded. I have read this synopsis more carefully and I would go as far as to suggest the charge of Criminal Harassment should be withdrawn on August 27. I will let a CA review.

Sergeant Flindall, may I ask you to view the two occurrences and to consider my thoughts.

[REDACTED]

Thank you,

Bob

This is to acknowledge the brief you submitted for review by this office. You requested that it be considered in determining whether or not charges are justified. This brief does not constitute a Crown brief capable of doing so at this point. Consider the following:

1. the synopsis makes a series of statements of conclusion about what [REDACTED] s done in the past.
2. the video statement summaries of [REDACTED] and [REDACTED] are similar.
3. the witness statements provided by [REDACTED] either character references for him or are so vague in the incidents they describe that they can not be related to any specific allegation stated in the synopsis.

You need to define the complaint(s) of illegal behaviour and then investigate to see if you can obtain evidence that relates specifically to each of those complaints. This evidence needs to include more than just [REDACTED] They will be viewed by the court as adversaries of [REDACTED] and as such their evidence will be tempered, as will his, by the fact that they all have "axes to grind" in making the other side out to be the culprit.



GENERAL INFORMATION FORM

Therefore, in addition to defining the complaint(s), you need to analyse the assertions of the complainants and identify areas where you should be able to find other evidence to confirm or refute the complaint(s).

For instance, with regard to [REDACTED] statement:

1. narrow down the "one point" he saw [REDACTED] prowling by night. There must be police records that prove the date if there was a police warning given to [REDACTED] or to refute the allegation of [REDACTED] if it did not happen. Get a statement from the officer involved as to all that was said and whether or not there was evidence that justified the warning. Secure all evidence/statements that can verify the incident.
2. identify who at [REDACTED] place of employment received calls from [REDACTED] how many were made, when and what was said. Who from the PLCPS cautioned [REDACTED] and why? Get all possible evidence /statements/records to verify the incident(s). Remember it is the repeated nature of any type of harassing conduct that makes the case. You need evidence to establish that.
3. the children should have been able to see [REDACTED] taking pictures. While they are not truly independent, they are still witnesses. I need further information regarding the court appearance you refer to and those that were involved. Some times and dates would help. You can contact court services for a check of their records if [REDACTED] can't help.
4. The allegation of [REDACTED] delivering mail to [REDACTED] and then attempting to force his way into the house has no flesh to the bare bones statement. Was she the only witness? What was said by both parties? Do we know why [REDACTED] would have delivered mail to people he so obviously, on their evidence, wants to bother? Were any admissions made to others afterward that verify his visit there?
5. You need to take the same approach to each and every assertion of fact in the synopsis or in a statement made to you.

This will involve checks with the township personnel, neighbours, [REDACTED] employer, [REDACTED] other officers all with a view to corroborating any allegation that you feel constitutes an offence. This office will be more than happy to assist in prosecuting offences where a thorough investigation has been done and charges are deemed warranted, however, there is precious little in the material you have submitted that will discharge the Crown's burden of proof at a trial. We cannot afford to waste trial time on a tag team match between the [REDACTED] and the [REDACTED]. Too many allegations have flown back and forth, including the prior charging of [REDACTED] before there was clear and cogent evidence that he had committed a criminal offence. Any charge based on his complaint now will be viewed by the [REDACTED] and perhaps the court, as payback. There is a natural tendency to avoid these messy neighbour disputes in the hopes that things will calm down. That leads to a lack of thorough and corroborative police investigation and a response from the Crown that if there is no independent evidence distinguishing the good guys from the bad guys the case will go no where. Do not suggest to the [REDACTED] that the Crown will not prosecute their complaints. That is not the reality of the situation. This office will prosecute any complaint, including theirs, if the investigation can be viewed as thorough and corroborative of those complaints. Without that type of investigation judges will castigate the Crown for what it did not do to assist the court in coming to conclusions beyond a reasonable doubt.

Brian Gilkinson,
Crown Attorney

In my view Sgt Flindall does not demonstrate in these examples KSA of his position nor has he monitored the outcome of his delegation effectively.



GENERAL INFORMATION FORM

DISCLOSURE DATE:

01 Sep 09

DISCLOSED BY:

M.R.J. Campbell #6385 S/Sgt.

MEMBER'S SIGNATURE

CONFIDENTIAL DUTY REPORT

This is the first page of a confidential duty report. The next page is number two. Any additional pages are numbered consecutively and are attached here to. I have initialled all pages and signed the last page.

This report is being made to my employer in the course of my employment at the request of Detective Sergeant Tym Thompson. It is also being submitted as a statement in an attempt to resolve informally a complaint made against Constable Michael Jack in accordance with the Police Services Act.

This report is submitted without prejudice and is a non-voluntary statement. I object to and claim privilege from the use of all, any part, or parts of the report in any proceeding whether criminal or civil and including any disciplinary proceedings or in any investigation or inquiry.

Improper use of this report without my consent is forbidden and any requests that I waive such privilege or any notices that my claim to privilege will not be honoured or recognized must be directed to:

**LEGAL SERVICES BRANCH
ONTARIO PROVINCIAL
POLICE ASSOCIATION
119 FERRIS LANE
BARRIE, ONTARIO
L4M 2Y1**

**TELEPHONE: (705) 728-6161 OR
(800) 461-4282**

FAX: (705) 721-4867

EMAIL: legal@oppa.on.ca

During the week of January 26 2009, I was working my general duty as a Detective Constable with the Drug Enforcement Section. I had occasion to be introduced to a new Probationary Officer who just started working at the Detachment. His coach officer was Constable Shaun FILMAN, and the Probationary Officer was Constable Michael JACK. Upon meeting and greeting Constable JACK, he was interested in the line of work that I was in, being the Drug Enforcement Section. During our brief conversation, PC JACK stated that he was friends with a guy who just got busted for a larger drug bust. Constable JACK stated his name was [REDACTED]

I was familiar with [REDACTED] as he had just recently been involved in a drug incident at the US Border [REDACTED] crossing the border for [REDACTED] in his own pick up truck.

Constable JACK stated that he knew him and worked out at the gym with him and his friends all the time. I am not able to remember how it came up in the conversation, but at some point two associates of [REDACTED] names were brought up, that being [REDACTED] and [REDACTED]. Constable JACK stated he worked out at the gym with all those guys and that he didn't know they were into anything illegal.

Constable JACK further advised that he was aware that [REDACTED] could travel to the USA frequently and he recently had brought back Constable JACK a scope for one of JACK's guns from the USA.

Constable JACK stated that he actually had a photograph of himself with all the guys he worked out in the gym with.

The following day, I had attended the Detachment and Constable JACK was there and advised me that he brought in the photograph of himself with his work out partners. Upon viewing the photograph, there was approximately 8-10 people, including Constable JACK, [REDACTED] and [REDACTED]. I had advised Constable JACK that [REDACTED] and [REDACTED] were involved in the drug trade, and Constable JACK

had stated that the guys always seemed to have money and stuff but he didn't know where they worked. I don't remember who the other persons were in the photograph nor did I recognize them.

I did not make any notations in my notebook at the time and have no notations in regards to this incident. I was not concerned nor did I see it necessary at the time to make a notation in my notebook on the photograph.

Respectfully Submitted:

Jamie Brockley

Badge #10489

Submitted: October 24 2009 via Email

two witnesses

M

[REDACTED]

0105 - met with Sgt. Pantos
& PC Jock - Sgt. asked
him to let us know
what he needs help with

0120 clear

[REDACTED]

RICHARD NIE

Provincial Constable
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1855 - St. Aubrey & R. Jack
 - he organized what his
 struggles are

- ① Paperwork - learning
 police lines - what to
 write & how long it takes
- ② says his mind is
 structured as independent
 from last 8 yrs office
 environment - doesn't

see things as a team

- ③ foreign language
 - never worked in real
 world - always academic
- ④ can't use his previous
 computer skills - thinks he
 was hired for them but
 can't use them - thinks
 his skills are useless
- ⑤ indecisive when with
 senior officers
- ⑥ under pressure - alone in
 the country - stress from
 being closely watched -
 living alone - bills to pay
- ⑦ trouble seeing help people
 vs. charge people - grows
 up police were bad



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SAT 10/8/09

- trouble adjusting his mind set
- never feared at anything in his life - pressure
- common sense for others is not common for him
- self-confidence is low as he is afraid of losing his job

1915 - clear

[REDACTED]

[REDACTED]

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SUN 28/11/99

[REDACTED]

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please to name

[REDACTED]

WEDNESDAY

[REDACTED]

007. Risa to [REDACTED]
- male party calling to say he wants his brother removed from residence
- (Comp - [REDACTED])

008. brother is [REDACTED]
- say he is having trouble with him - he is outside with another male

009. ATs - [REDACTED]
- not outside by male
300 as [REDACTED]

- has spoke with PC Jack -
called him Michael & said he remembered him from the gym
- said he wants us to tell his brother [REDACTED] to leave but doesn't want him arrested
- said that PC Jack knew all of the history
- said he doesn't want to feel as what happened, just to give [REDACTED] a wake-up call
- he told PC Jack to know everything was being recorded - and he pointed towards his vest

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THU 24 SEP 09

- PC Jack just smiled & shook his head
- PC Jack attempted to get more info but was just told about who was in the house
- Z then explained the options to [redacted] - that we can't hear & hear around - he brought up recording again
- Z told him Z wasn't recording anything & ~~was~~ ^{was} why does he think PC Jack is
- he again said "From the gym" - PC Jack smiled & acted like he didn't

know what was going on
- [redacted] said he called police from [redacted] phone

- he went in to speak with his brother asked us to wait outside
- shortly after [redacted] came to door - drunk & belligerent - told us to fuck off & leave
- explained that his brother wanted him to stop causing problems
- kept telling us to leave
- then turned towards his brother aggressively yelling at him

51

RICHARD NIE

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7012484109

0103 - PC Jack arrested [redacted] to prevent breach of peace

- noticed he had small dried blood mark above right eye & small bump - [redacted] kept calling us on, asking us to fight

0110 - he was taken to cruiser, handcuffed & searched - front [redacted] advised he would pick up [redacted] in the morning

0115^{PM} - transported to DC

0125 A23- POC

- lodged in cells by PC Jack - [redacted] advised Sgt. [redacted]

re: prior cut to load - completed reports

[Large redacted block of text]

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TH42488P09

[REDACTED]

0210 - spoke with R. Tenth
re: voice recordings
- advised him re: call
at [REDACTED] house - asked
why male advised he
knew he was being
recorded

- denied any knowledge of
it - said maybe he
met him at gym last
doesn't remember

- admitted he had
recorder +
got with [REDACTED]
- told him if I ever found
out he was recording me
he could find another coach

022 - talk with Budorac about same year

[REDACTED]



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TUE 1300709

0050 met with Sgt. Buttrick
& Lt. Tack re: evaluation
& covered off WIP
- no additional suggestions

0202 - reports female
[REDACTED]

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18
[REDACTED]

1440 - advised to [redacted] re.

PC Jack vehicle stop

1540 A/C DOT

- spoke with Jack/Bateman
- advised him it was correct
decision but was to be
not without uniforms
in cruiser

[redacted]

[redacted]

[redacted]

RICHARD NIE

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[redacted]

2015 - meeting with Sgt.
Buttore + PC Jack
re: evaluation

2235 - clean

[REDACTED]

RICHARD NIE

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0504 [REDACTED] 007

- talk with PC Jack -
says he has love/hate
relationship - loves teaching
hates administration - says
he doesn't trust my motives

0549 [REDACTED] 007

[REDACTED]

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[REDACTED]

0620 - Re Laidi says he is not

mentally set to do job
today - want to be
paid only - told him to
tell Sgt. - suggested by
Sgt. he back sick - I told
him it was okay to be
"mentally" sick when not
physically - he said he had
a premonition of evil -
that something bad would
happen if he stayed

[REDACTED]

N

Nie, Richard (JUS)

From: Campbell, Ron (JUS)
Sent: August 18, 2009 3:18 PM
To: Nie, Richard (JUS)
Subject: FW: Moving of Cst. Mike JACK

-----Original Message-----

From: Campbell, Ron (JUS)
Sent: Tuesday, August 18, 2009 3:04 PM
To: Johnston, Mike P. (JUS)
Cc: Borton, Doug (JUS)
Subject: Moving of Cst. Mike JACK

Mike: I know Sgt Flindall was into see you last week and this week when I came back and wanted to move Cst. Jack from shift. Your response at that time was no as he had more or less been in charge of ensuring proper supervision occurred.

Since that decision was made and with the background of Cst. Jack's call to S/Sgt Kohen and Sgt Flindall's statements to Cst. Jack.

- a) his job was in jeopardy - for failing to follow direction given to him on cc investigation- he answer shopped and didn't do as instructed.
- b) he would be watching his every move and documenting it
- c) charge under the HTA for driving error on the 12th of Aug
- d) Apparent discussions Sgt Flindall has asked his entire shift to monitor Jack's actions and contact him for any issues (this is also spread to platoon B)

On the Sunday Jack called in sick and there is some talk by Platoon Sgt "B" Sgt Banbury because he called in sick he thinks he was deceitful and wants to investigate why he told a person at an incident on Saturday prior to calling in Sunday that he was not coming in and was sick. (I will look into this on Wednesday the first shift back)

It is my feeling that it is because he is feeling vulnerable as a new employee, with a language issue, and an immigrant to the country that he is feeling the stress of his supervisors comments no matter how well intentioned it is likely resulting in a poisoned work environment and or a possible H:R. complaint. I think the supervisor has lost the focus he is here to assist and correct Cst. Jack as well as discipline him for transgressions that are not learning issues. I have touched on this with Sgt Flindall and will do so again on Wednesday in private.

Mike both you and I discussed this and it appears this officer is being left on his own to fully investigate matters beyond his experience level. When Sgt Flindall came to me this was addressed as he knew it was an issue. Sgt Flindall insists he was given proper direction and fully understood the directions he just did not complete.

As per your request I followed up and updated the briefing note for A/Supt Borton and Insp. Lee, and sent a message directly to Kent Taylor asking him for a driving assessment of Jack.

I received a call back from A/Supt Borton today and he thinks some fresh eyes are needed to continue this member's evaluation and give a fresh perspective on his suitability with the OPP. I am moving him completely away from the A & B side to Platoon "D". I have discussed with Sgt. Rathbun and Sgt Smith and with the bodies coming back in Sept and the new transfer of Rowe from Haldimand in Oct each platoon will be left with 12 persons.

Platoon D gives him a new start and I am awaiting Rich Nie to awaken for shift tonight to advise him of the decision that he will be the new Coach officer for the remainder of Cst. Jack's probation. Rich is a very level headed person and by having him on the opposite side gives Jack a new start from the other side with the alignment of the A&B Sgt of not only being relatives but good friends will assist all in having an objective look at this employee.

The tentative date for the movement is the **30th of August 09**. Since his 7 month evaluation will be due on the 27 Aug 09 and outline the issues from his present coach and Sgt.

Although this start prior to the end the current schedule which runs to 12 Sept 09. May violate the MOU or as it is now called the collective agreement that all rest days are set in stone until the new schedule is posted. It still complies with giving him at least 7 days notice of a shift change. The new schedule will not be posted until tomorrow at Noon. So I am sure all parties will agree to the move to give everyone a fresh start.

Ron

2

Nie, Richard (JUS)

From: Campbell, Ron (JUS)
Sent: August 20, 2009 1:24 PM
To: Lafreniere, Bob (JUS); Flindall, Robert (JUS)
Cc: Nie, Richard (JUS); Postma, Jason (JUS)
Subject: RE: Constable Michael Jack

Rob I have read this email message. My thoughts are as follows: Being a Probationary Officer why did the coach not review and deem suitable or unsuitable. Since all briefs are screened who screened it and forwarded onto the court office. Since it is apparent there needs to be some guidance please review and either assign someone to assist or provide him with the direction. Hopefully this will keep this from being a re-occurring theme. I have also cc Rich Nie and Jason Postma as they will need to monitor this in the future with Cst. Jack.
Tks Ron

-----Original Message-----

From: Lafreniere, Bob (JUS)
Sent: Thursday, August 20, 2009 12:20 PM
To: Flindall, Robert (JUS)
Cc: Campbell, Ron (JUS)
Subject: Constable Michael Jack

Re: Constable Michael Jack

To: Staff Sergeant Campbell and Sergeant Flindall

Hello Ron and Robert,

May I respectfully suggest that Constable Jack needs some guidance?
I am seeing a bit of an ongoing pattern in his work that raises concerns.

Referring to the most recent file on an accused, [REDACTED]
First Appearance is August 27.

I got the Information sworn this morning. Following which, the file was returned by CAO staff to the OPP Court Office to be reviewed.

There are apparently five witnesses and one complainant.

- The statement of the complainant is not present in the file
- Notes: Copies of notebook notes with author unknown (however, probably Jennifer Payne. I will label as probably a simple oversight on her part)

Perhaps of more concern are deficiencies in the synopsis of the circumstances. I am wondering if it might be appropriate for Constable Jack to inform the reader who the players are? There are five witnesses indicated in the witness list and one complainant, none of which are identified in the synopsis.

The synopsis, as you will see, concludes with " Then Connery's family and friends went to the main office to see the resort manager who contacted the police."

This synopsis lacks the basic principles of the conclusion i.e. the arrest . Who, What, Where, When, How and Why.

Similarly, in the case of [REDACTED] the synopsis in this case contains a significant amount of irrelevant information. There is little provided on the allegation of Criminal Harassment. In fact, I got the Information sworn yesterday, however in review, I have a very uncomfortable feeling about it and will discuss it further with the CAO as the file has been forwarded. I have read this synopsis more carefully and I would go as far as to suggest the charge of Criminal Harassment should be withdrawn on August 27. I will let a CA review.

Sergeant Flindall, may I ask you to view the two occurrences and to consider my thoughts.

[REDACTED]

Thank you,

Bob

Nie, Richard (JUS)

From: Postma, Jason (JUS)
Sent: August 26, 2009 9:15 PM
To: Nie, Richard (JUS)
Subject: FW: Probationary Constable Michael Jack

Sensitivity: Confidential

Fyi...

From: Campbell, Ron (JUS)
Sent: August 24, 2009 9:24 AM
To: Postma, Jason (JUS)
Subject: RE: Probationary Constable Michael Jack

No problem, this is a problem of the original Sgt and coach not properly supervising. I don't look at Platoon D as a laughing stock what so ever. I think that 4 months will tell the tale with Mike Jack. I know Rich has experience with Colleen Cohen and she is still available for advice. As far as Peter coming back yes he will be back by Sept. you are familiar with this issue I think a good group effort and something you can use on a Resume is that you should continue to work with this with Peter and Rich.

I am addressing the short comings of Platoon A that Platoon D was required to clean up what they could not finish

-----Original Message-----

From: Postma, Jason (JUS)
Sent: Monday, August 24, 2009 5:08 AM
To: Campbell, Ron (JUS)
Subject: Probationary Constable Michael Jack

Staff,

I believe in giving guys a second chance - and I mean that. Some concerns however.

Documentation: If Mike is not going to work out, do we have a structure of incidents laid out from Filman and so we are not starting fresh?

Supervision: I believe Pete will be back shortly on shift in September (unless there are developments I'm not of). Will Pete be ready for this task? If I'm to remain, who will be the next 2ic if Rich is coaching?

Coaching: Rich is a good officer, but he has been in this coaching roll way to long. He needs a few years of recruits to get that front line grove back (my opinion). I don't want him to burn out if Mike requires extra documentation and process. He will do the job and will do it right, but I'm sensing the negative side of him of

Moral: D platoon is the laughing stock of this office because of these developments. People are not viewing this as a second chance or re-focus, they look at this as "its not our problem anymore." Our shift is not happy, but will give Mike every chance to succeed. Its surprising how many people knew about this before I did, and before Rich r any comment on this.

Another note, from experience - problem officers or the rising stars define which coaches are successful in terminating probationarys or making positive recommendations. Everyone wants the good one, but very few are equipped to document and terminate employment if they don't meet the standards. We need to examine poter coaches more thoroughly in the future.

Just some thoughts Ron. Thanks for letting me "vent."
Jason.

From: Campbell, Ron (JUS)
Sent: August 20, 2009 9:29 AM
To: Jack, Michael (JUS); Flindall, Robert (JUS); Postma, Jason (JUS); Nie, Richard (JUS)
Cc: Johnston, Mike P. (JUS); Gozzard-Gilbert, Shelley (JUS)
Subject: Re: Michael Jack Platoon D

Mike: As you are currently scheduled to complete your last day 20 Aug 09 prior to commencing CTO according to the schedule. Your date for moving from Platoon A to Platoon D was set for August 30th 2009.

I have reviewed the schedule and posted it below. Please see Sgt Flindall today as depending what you want to do with 2 days will make a difference to the date you start on D.

Presently the Rosters are as follows.

Days Aug 24,25,25,27,28, 29, 30, 31, 01,02,03, 04,05,06,07, 08,09

Platoon A cto,cto r r cto,cto,cto r r cto cto r r r 6 cto r

Platoon D r r 18,18, r, r, r, 6 6 r, r, 6, 6, 6, r, r, 6 In order for you to keep the same time frame off you would take cto now on 31Aug & 01 Sep,

If you want to keep the same amount of CTO days means you would either work Fri 4 & 5 Sep or take these as 2 additional CTO or Vacation Days. Making your first date to start Wed 09 Sep 09. Ron So as mentioned above depending on what you want to do with the 4th or 5th is up to you. But we need to know so Shelley can key it into the roster. Ron

Rob: Shelley's roster does not reflect the CTO days you have already given to Cst. Jack. Ron

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Nie, Richard (JUS)

From: Postma, Jason (JUS)
Sent: August 27, 2009 4:59 AM
To: Campbell, Ron (JUS)
Cc: Nie, Richard (JUS)
Subject: FW: PC Jack

Staff,

Could we set up a meeting to address Point #1 with Colleen on Monday or Tuesday? I know it may be difficult to get everyone together on this, and absent Colleen, it would be helpful to have atleast you and/or the Inspector present when we meet with Rob & Shawn. Rich and I will be working days then. Rob & Shawn are working nights this weekend and I understand they will attend any meeting on this issue for our dayshift. Hopefully we can have a game plan in place for P/C Jack's arrival.

Let me know. Thanks,
J.

From: Nie, Richard (JUS)
Sent: August 27, 2009 4:43 AM
To: Postma, Jason (JUS)
Subject: PC Jack

Jason - I was just thinking over a few things in regards to the transfer of PC Jack to our shift and have a few request/suggestions that I feel are needed to do this right.

1. Meeting between us, Sgt. Flindall, PC Filman, Inspector Johnston, Staff Campbell, and HR rep (Staff Kohen) to go over all documentation/evaluations done to date and what improvement plans are already in place. We need a starting point to go from so that PC Jack knows what our expectations are of what he already knows and what he needs to work on. I think it is best to have everyone mentioned present so that we all can see and hear what has been done so far - perhaps next Monday or Tuesday dayshift would be a good chance?
2. Once we have a starting point, then we, Insp, and both Staff Sgt.s sit down with PC Jack to discuss the plan with him and where he stands. Rumours that I have heard are that he has refused to sign some evaluations and has called the OPPA for advice. If this is true, then I want it documented with him and HR and our detachment command staff present so that we all are in agreement.
3. I assume that the 2% coach officer pay gets transferred to me starting Aug. 30 when he comes to shift?

I am not trying to be difficult here, just prudent. All of the rumours going around are that PC Jack calls the OPPA, human resources, or whoever else the minute he doesn't like what is happening. I want it made clear to him (which I will do) that I am not about to waste my time on someone that doesn't want to learn or accept constructive criticism. I want to give him a fair chance, but he needs to do the same for us.

Let me know,

Rich.

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Nie, Richard (JUS)

From: Campbell, Ron (JUS)
Sent: August 27, 2009 4:22 PM
To: Flindall, Robert (JUS); Filman, Shaun (JUS); Postma, Jason (JUS); Nie, Richard (JUS)
Cc: Kohen, Colleen (JUS); Johnston, Mike P. (JUS)
Subject: PCS066 for Mike Jack

Rob, Please read the below emails. S.Sgt Kohen requires electronic copies of Cst. Jack's evaluations emailed to her. We will have a phone meeting 2pm on Monday 31 Aug 09 I think we will call from the board room phone. Ron

You sure can.. 505 4030.

Are you sending the PCS66P via e mail as my office is in Burlington Det... I only go to GHQ once a week to pick up the originals

Colleen

From: Campbell, Ron (JUS)
Sent: August 27, 2009 4:07 PM
To: Kohen, Colleen (JUS)
Subject: RE: PC Jack

could we call you about 2pm on Monday??

-----Original Message-----

From: Kohen, Colleen (JUS)
Sent: Thursday, August 27, 2009 3:58 PM
To: Campbell, Ron (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: RE: PC Jack

Hi Ron

I am more than willing to assist. I have reviewed my file and can say that I have received month 1 and 2 (combined) and month 3 and 4 PCS66P

I was at GHQ yesterday and no other PCS66P for Prob Jack was there. He is currently in month 8 . I assume they have been submitted to Region ?

For the conf call would it be possible to get an e mail copy of month 6 and 7 .. For me to review.

I am good Monday or Tuesday next week and just let me know what time and where to call into .

Colleen

C.S.Kohen
Staffing Officer
Career Development Bureau
905 681-2511 (office)
505 4030 (VNET)
905 973- 8877 (cell)

Nie, Richard (JUS)

From: Campbell, Ron (JUS)
ent: August 28, 2009 3:52 PM
o: Postma, Jason (JUS)
Cc: Nie, Richard (JUS)
Subject: RE: PC Jack

Rich meeitng with telconference is set for Monday at 2pm .
Re read this and here are the answers to your remaining questions.

Yes he refused to sign his PCS066. Isent it in anyways. No one is required to send in 233-10. I dont see an issue with sitting down with him for his plan.

The 2% coach pay has been transfered to you. What will you do with all that cash...lol Ron

-----Original Message-----

From: Postma, Jason (JUS)
Sent: Thursday, August 27, 2009 4:59 AM
To: Campbell, Ron (JUS)
Cc: Nie, Richard (JUS)
Subject: FW: PC Jack

Staff,

Could we set up a meeting to address Point #1 with Colleen on Monday or Tuesday? I know it may be difficult to get everyone together on this, and absent Colleen, it would be helpful to have atleast you and/or the Inspector present when we meet with Rob & Shawn. Rich and I will be working days then. Rob & Shawn are working nights this weekend and I understand they will attend any meeting on this issue for our dayshift. Hopefully we can have a game plan in place for P/C Jack's arrival.

Let me know. Thanks,
J.

From: Nie, Richard (JUS)
Sent: August 27, 2009 4:43 AM
To: Postma, Jason (JUS)
Subject: PC Jack

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Let me know,

Rich.

Nie, Richard (JUS)

From: Campbell, Ron (JUS)
Sent: September 8, 2009 12:01 PM
To: McNeely, Dave (JUS)
Cc: Jack, Michael (JUS); Postma, Jason (JUS); Nie, Richard (JUS); Butorac, Peter (JUS); Lee, Dave E. (JUS); Kohen, Colleen (JUS)
Subject: RE: Driving Assessment.....Thursday 10 Sept 2009 - Kingston

Dave the 18th is fine. Mike you will need to start at 1000hrs this date so you can drive to Kingston for the assesment. The black plain car will be made available. Sgt McNeely will forward to you and your Acting Sgt Jason Postma the directions and confirmation of the 18 Sep 09. I beleive the driving assesment will begin at 1330hrs. Ron

Jason you will need to ammend the schedule. Ron

-----Original Message-----

From: McNeely, Dave (JUS)
Sent: Friday, September 04, 2009 3:46 PM
To: Campbell, Ron (JUS)
Subject: FW: Driving Assessment.....Thursday 10 Sept 2009 - Kingston
Importance: High

Ron - sorry about this - HSD tasked us (me) with a financial project for our units - it will take all of next week to complete. The next date you guys had was Friday 18th - let me know if that is still good.

Dave

From: Lungstrass, Chris (JUS)
Sent: September 4, 2009 1:20 PM
To: Campbell, Ron (JUS); McNeely, Dave (JUS); Postma, Jason (JUS); Nie, Richard (JUS)
Cc: Johnston, Mike P. (JUS); Lee, Dave E. (JUS)
Subject: RE: Driving Assessment.....Thursday 10 Sept 2009 - Kingston
Importance: High

Ron,

My apologies for having to do this, but we need to postpone this for a week or so please. Sgt McNeely wears many hats around here and we've had a bit of a crisis arise today that will require his full attention next week. We will gladly complete this, but the week of the 14th would be much better.

Chris Lungstrass
 Insp. 6110
 Manager, E.R. Traffic & Marine
 613-284-4500 (O)
 613-295-5401 (C)

From: Campbell, Ron (JUS)
Sent: September 2, 2009 4:35 PM
To: McNeely, Dave (JUS); Postma, Jason (JUS); Nie, Richard (JUS)
Cc: Lungstrass, Chris (JUS); Johnston, Mike P. (JUS); Lee, Dave E. (JUS)
Subject: RE: Driving Assessment.....Thursday 10 Sept 2009 - Kingston

Thanks Dave, I have cc the coach and A/Sgt so they can have him there. Ron

-----Original Message-----

From: McNeely, Dave (JUS)
Sent: Wednesday, September 02, 2009 3:58 PM
To: Campbell, Ron (JUS)
Cc: Lungstrass, Chris (JUS)
Subject: RE: Driving Assessment.....Thursday 10 Sept 2009 - Kingston

Ron

Looks like the 10th it is - my cell is 613-217-7294 - I like to meet at Tim Hortons - brand new one - 401 hwy to Hwy 15 off ramp - (East end of Kingston) turn right on Hwy 15 at lights (exit) ramp - left at the next set of lights on Hwy 15 - Tim's is visible from the road. I will meet your officer there - if he arrives earlier he can call my cell and I will meet him sooner. The assessment will be completed w/o sun glasses on. Plain clothes. Can you advise officers name, badge and DOB.

I will drive the route the day before to make sure there are no issues.

Any questions just call - 503-4561

Dave

From: Campbell, Ron (JUS)
Sent: August 28, 2009 1:55 PM
To: McNeely, Dave (JUS)
Cc: Kohen, Colleen (JUS); Johnston, Mike P. (JUS); Flindall, Robert (JUS); Postma, Jason (JUS); Lee, Dave E. (JUS)
Subject: Driving Test

Dave I only gave his first day back as I thought the sooner the better. Here are some more dates.

Mike is on days 10 Sep 09 as well and then on nights for two weeks. I propose that either on a day shift he be scheduled for 1:15 pm start time or the first night shift when he is on nights so he can work a modified shift. So weekdays it could be 14, 18, 23 Sept. Each is a first night shift or he works days 28, 29 Sept and days 2nd and 3rd and 7th of Oct. He has court on the 8th of Oct which would put this day out. Should you need dates further along let me know. Tks Ron.

Ron, I drove my route and with some minor changes I can complete an assessment. If you give me some more dates - I can check and see if the car we use is available and set up something that works for you guys. We use a malibu - unmarked - has extra brakes / gas on the passenger side. We try to avoid the busy times on the route (rush hours) - so morning drives done at about 9:15 / 9:30 (avoid lunch hour) or in the afternoon start about 1:15 / 1:30 (finish before 4:00 pm) Your officer would have to drive to Kingston - meet me at a local Tims - complete some paper work - leave his car in a parking lot (plain car best) - previously a coach officer drove the candidate down as all they had was marked unit. Must be in plain clothes - do not want police identifiers...affects other traffic / times when other traffic gets "ticked" off at the assessment drivers...challenging course route. The whole drive / assesment takes approximately 2 hours to complete once we start. Dave 503-4561

Nie, Richard (JUS)

From: Campbell, Ron (JUS)
Sent: September 9, 2009 11:06 AM
To: Flindall, Robert (JUS); Nie, Richard (JUS)
Cc: Johnston, Mike P. (JUS); Butorac, Peter (JUS); Postma, Jason (JUS)
Subject: FW: PCS66_JACK8.doc

Attachments: PCS66_JACK8.doc



PCS66_JACK8.doc
(129 KB)

Rob, Rich was in to see me and he will not disclose this until it is complete. He needs the Work improvement plans to start a basis of where Mike needs to improve. Please supply these for months 6/7 and this current month. Also Rich and I were taking and we recall from the last Prob Cst that the category remains what it was for the time before rather than no basis for rating. As such if he met a category in month 6/7 but this month you have no examples he still meets requirements or vice versa if he didn't meet requirements it remains does not meet.

-----Original Message-----

From: Johnston, Mike P. (JUS)
Sent: Wednesday, September 09, 2009 10:35 AM
To: Campbell, Ron (JUS)
Subject: FW: PCS66_JACK8.doc

-----Original Message-----

From: Campbell, Ron (JUS)
Sent: September 9, 2009 9:09 AM
To: Flindall, Robert (JUS)
Cc: Johnston, Mike P. (JUS); Lee, Dave E. (JUS); Kohen, Colleen (JUS)
Subject: FW: PCS66_JACK8.doc

Rob, Please review my comments in Red. I think you need to expand on some areas even though he only worked 6 shifts with your platoon and took vacation I think you can expand on some areas. Also when you account for his time on the 6 shifts if there is a reason he only wrote 4 tickets what was he doing with his time. If he was completing follow-up or had a number of calls for service this should be mentioned and given credit for it. Any proactive things he has done. Please review prior to disclosure. Tks Ron

-----Original Message-----

From: Flindall, Robert (JUS)
Sent: Tuesday, September 08, 2009 4:09 PM
To: Campbell, Ron (JUS)
Subject: PCS66_JACK8.doc

Ron,

Here's the digital copy of PC JACK's next evaluation. A signed copy by Filman and I, as well as PC JACK's copy is sitting on your desk.

Rob



PROBATIONARY CONSTABLE PERFORMANCE EVALUATION REPORT (PCS-066P)

Probationary Constable Category (select one):	<input checked="" type="checkbox"/> 4 th Class Constable, Probationary Status	Report Month: 7
	<input type="checkbox"/> Experienced Officer	Report Month: select month
	<input type="checkbox"/> Amalgamated Officer	Report Month: select month

Surname: JACK		Given Name: Micheal	
Badge: 12690		WIN: 393080	
Detachment / Section:	Peterborough County	Region/Bureau	Central East
Evaluator:	PC S. FILMAN	Badge:	11212
Evaluation Period: (DD/MM/YY) Start: 09 Aug 09 End: 09 Sep 09			

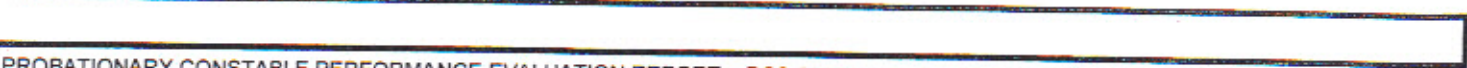
Probationary Period Start Date* (DD/MM/YY) 09 Jan 09

**4th Class Constables begin their probation period on the date of their graduation from the Provincial Police Academy

** Experienced Officers and Amalgamated Officers begin their probationary period on their start date with the OPP

Coach Officers and Accountable Supervisors have responsibilities associated with the day-to-day coaching, development and supervision of the Probationary Constable utilizing the Recruit Field Training Manual.

All completed PCS 066P documents are to be sent to the Career Development Bureau after Regional Command comments and signatures are obtained.



Ontario Public Service (OPS) policy requires every OPS employee to have an annual Performance Development Plan (PDP) and Learning and Development Plan. The Probationary Constable Evaluation form, in conjunction with the Constable position description constitutes the PDP for OPP Constables while on probation. This form specifies the criteria by which the performance of Probationary Constables is evaluated and establishes the basis for recommending (or not) a change from probationary to permanent status.

The Recruit Field Training Manual is the generic Performance Evaluation Plan for Probationary Constables. It is supplemented with an individualized Work Improvement Plan when necessary to help a Probationary Constable satisfactorily meet all expectations set out in this form. The Coach Officer and Supervisors roles are essential to the Probationary Constable's success in obtaining permanent status.

PERFORMANCE ASSESSMENT

The Performance Assessment Criteria have been developed to provide a standardized rating for levels of performance.

Probationary Constables must achieve "Meets Requirements" in all categories in order to be recommended for permanent status.

Meets Requirements	Performance consistently meets requirements.
Does Not Meet Requirements	Performance fails to meet requirements. (Mandatory that Work Improvement Plan be completed)
No Basis for Rating	Not demonstrated or observed. (Mandatory comment required)

JOB KNOWLEDGE & SKILLS	RATING
<p>ATTITUDE TOWARDS LEARNING</p> <p>Able to re-evaluate personal opinions, judgments and assumptions based on new information and experiences; able to learn from mistakes and accept disappointments as well as successes.</p> <p>Specific example: PC JACK has an obvious ability to learn but is not willing to take responsibility for mistakes or accept any disappointments. He has been found to avoid an officer that has given him negative feedback. He has also been argumentative with officers that have given him direction and states that discipline is "humiliating".</p>	<p>Does Not Meet Requirements</p>
<p>PROVINCIAL STATUTES</p> <p>Able to identify, articulate and process applicable elements in Provincial Statutes.</p> <p>Specific example: During this evaluation period, PC JACK has only worked 6 shifts due to his holiday schedule. He has laid only 4 provincial offence notices during this time period.</p>	<p>No Basis For Rating</p>
<p>FEDERAL STATUTES</p> <p>Able to identify, articulate and process applicable elements in Federal Statutes.</p> <p>Specific example: PC JACK completed an Impaired driver investigation SP09191712 during this evaluation period. PC JACK was able to identify the appropriate elements required to make an arrest for this offence. PC JACK also read</p>	<p>Meets Requirements</p>