

From: Johnston, Mike P. (JUS)
Sent: September 23, 2009 8:35 AM
To: Stevenson, Hugh (JUS)
Subject: FW: Com Centre

Hugh

We have followed up the issue with P/C Jack surrounding the possible querying of an under cover vehicle. It appears that the Dispatcher ran the wrong plate, which came back to [REDACTED] (a vehicle that is used in under cover investigations).

I still feel uneasy about the whole thing however.

Mike

From: Flindall, Robert (JUS)
Sent: September 22, 2009 6:02 PM
To: Johnston, Mike P. (JUS)
Subject: RE: Com Centre

That is correct. PC JACK provided a plate to run and the dispatcher hit the wrong letter when she was entering it. The officers did hear [REDACTED] but it was the wrong plate the dispatcher entered.

Robert Flindall
Sgt. 9740
Peterborough County OPP
VNET 508-4120
Tel : (705) 742-0401
Fax : (705) 742-9247

From: Johnston, Mike P. (JUS)
Sent: September 22, 2009 11:51 AM
To: Flindall, Robert (JUS)
Subject: RE: Com Centre

Rob

So I am clear then it appears P/C Jack did not run the plate associated to [REDACTED]

Mike

From: Flindall, Robert (JUS)
Sent: September 22, 2009 3:52 AM
To: Thompson, Tym (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: RE: Com Centre

I have received the Smith Falls PCC Tape for the evening in question. Sgt. POWERS in Smith Falls prepped the tape and even located the vehicle stop in question.

On the tape, PC JACK runs [REDACTED] which the dispatcher runs and returns the RO of the vehicle to be [REDACTED]. This is what the other officers heard over the radio. PC JACK asks for clarification and provides the licence plate again. The dispatcher then discovers that she had input an incorrect plate of [REDACTED] which comes back to [REDACTED]. The plate PC JACK ran came back to a private individual.

At the end of the day, the officers were correct in hearing [REDACTED] attached to a vehicle, it was just the wrong vehicle that the dispatcher had run through MTO.

Regards,

Robert Flindall
Sgt. 9740
Peterborough County OPP
VNET 508-4120
Tel : (705) 742-0401
Fax : (705) 742-9247

From: Thompson, Tym (JUS)
Sent: September 17, 2009 6:17 PM
To: Flindall, Robert (JUS)
Subject: RE: Com Centre

Thank you very much, I will probably need a will say from you at some point, but don't worry about it until I ask.

Tym

From: Flindall, Robert (JUS)
Sent: September 17, 2009 6:09 PM
To: Thompson, Tym (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: RE: Com Centre

Hello Tym,

Smith Falls PCC was in contact with me today via email indicating they were hoping to get the logger tape completed today. I'm heading into 2 weeks of nights so I've requested they forward the DVD to Inspector Johnston. I've included the Inspector in this email so he has your contact information on where to send the logger tape to.

Anything else I can do to assist, please don't hesitate to ask!

Best regards,

Robert Flindall
Sgt. 9740
Peterborough County OPP
VNET 508-4120
Tel : (705) 742-0401
Fax : (705) 742-9247

From: Thompson, Tym (JUS)
Sent: September 17, 2009 6:01 PM
To: Flindall, Robert (JUS)
Subject: Com Centre

Sgt. Findall,

I have been assigned to follow up on P/C Jack. I understand you requested the logger tapes

concerning the [REDACTED] ate. Have you received the recording yet? I would like a copy, but didn't want to put in a second request for the same thing.

Tym

Tym Thompson

Detective Sergeant
Professional Standards Bureau
Ontario Provincial Police
desk-(705) 329-6473
cell-(705) 238-7107
fax-(705) 329-6050
vnet-518-6473

From: Campbell, Ron (JUS)
Sent: September 29, 2009 2:49 PM
To: Johnston, Mike P. (JUS); Lee, Dave E. (JUS)
Subject: FW: Driving assessment - Michael Jack - requires remedial driving.
 Mike aside from my conversation with Dave McNeely and Mike not taking responsibility for his driving shortcomings he definitely told me he was salvagable. There must be other issues I have not been privy too. I understand from Jason Postma and Peter B. that he has shown improvement in other areas... Ron

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

From: Taylor, Kent (JUS)
Sent: Tuesday, September 29, 2009 2:39 PM
To: Kohen, Colleen (JUS); Campbell, Ron (JUS)
Cc: McNeely, Dave (JUS)
Subject: RE: Driving assessment - Michael Jack - requires remedial driving.

S/Sgt's Kohen and Campbell

I just hung up from a fairly lengthy phone call with Dave McNeely regarding PC Jack. I believe that it will require a considerable investment in time to get him up to speed in regard to his driving. I am acquainted with PC Jack from his recruit training and other performance issues at detachment. To be honest, I am somewhat puzzled in this case. I am wondering if there are issues that may have been identified in his psychological assessment that may shed some light on his driving behaviour also? Is this information possibly available to me?

If, pending further discussion with both of you, we decide to invest the time in his driving, I will likely take the file over from Sgt McNeely.

Colleen, would you please give me a call at your convenience. I will then call Staff Campbell to discuss the matter further.

Kent

Sgt. T.K. (Kent) Taylor
 Provincial Police Academy
 Driver Training Coordinator

Office (705) 329-7510
 Cellular (705) 345-0759

From: Kohen, Colleen (JUS)
Sent: September 29, 2009 2:20 PM
To: Taylor, Kent (JUS); Campbell, Ron (JUS)
Subject: FW: Driving assessment - Michael Jack - requires remedial driving.
Importance: High

Kent

This will need to be expedited as he is in month 9

Can you please advise

Colleen

From: Campbell, Ron (JUS)
Sent: September 29, 2009 12:57 PM

To: Butorac, Peter (JUS); Nie, Richard (JUS); Postma, Jason (JUS)
Cc: Johnston, Mike P. (JUS); Lee, Dave E. (JUS); Kohen, Colleen (JUS)
Subject: FW: Driving assessment - Michael Jack - requires remedial driving.
Importance: High

We will need to make Mike available for this.

In my conversation with Dave McNeely he feels he is correctable... and he nor the public are in danger. Ron

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

From: McNeely, Dave (JUS)
Sent: Tuesday, September 29, 2009 11:21 AM
To: Campbell, Ron (JUS)
Cc: Taylor, Kent (JUS); Lungstrass, Chris (JUS)
Subject: Driving assessment - Michael Jack - requires remedial driving.
Importance: High

Hello Ron / Kent

I completed the assessment for Michael and received feedback from the company that assesses the results.

I recommend remedial driving for Michael.

I will do up a more formal report by Friday of this week. We should also debrief the driving assessment once you get the written report.

I am not sure how Kent wants to do the remedial it may involve some time.

Thanks

Dave

5

From: Campbell, Ron (JUS)
Sent: October 5, 2009 2:11 PM
To: Taylor, Kent (JUS); Kohen, Colleen (JUS); Lee, Dave E. (JUS); Nie, Richard (JUS); Butorac, Peter (JUS); Postma, Jason (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: FW: DRIVING MEMO - Michael Jack

Attachments: D. McNeely M. Jack Driving Memo.pdf

I have placed a copy of this in Mike Jack's file. Last week when Kent called Rich Nie went over some other info concerning Mike Jack's progress. He advises Mike Jack is still not being accountable for his own actions. He is concerned about his progress in other areas. As an example Rich advised of scene security detail at a fire. Mike told him he had never done this before. So Rich explained what his responsibilities would be. Mike then asked him where the plate log was? Rich questioned him and he told him that he understood he should copy down plates of vehicles passing the scene. Rich advised that this was for eg. vehicles that may drive by a few times or be suspicious not the next door neighbour leaving their house. Mike produced an instruction sheet he had previously been given that covered this. Rich finds he is constantly being told by Mike. " I have never done this before" when he has or he has the instructions and if a small point is missed he questions this or states I was not trained properly. Anyway his next anniversary date is coming up and I have advised Rich he should have a conference call with Colleen prior to disclosing his next evaluation.

As has been said earlier Mike is very book smart it appears the common sense factor or the transfer of book to practical is not taking place very well. Ron

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

From: McNeely, Dave (JUS)
Sent: Monday, October 05, 2009 10:50 AM
To: Campbell, Ron (JUS); Taylor, Kent (JUS)
Cc: Lungstrass, Chris (JUS)
Subject: FW: DRIVING MEMO - Michael Jack

Staff Sgt Ron Campbell / Sgt Kent Taylor

Here is the report on Probationary CST Michael Jack. As discussed Sgt Kent Taylor will do some remedial driving with Cst Jack. If you require any additional information please give me a call.

Dave
 503-4561
 613-284-4561



D. McNeely M. Jack
 Driving Mem...

**Eastern Region Headquarters
Quartier Général de la Région Est**

3312 County Rd. 43 East 3312 ch. de comté 43 est
P.O. Box 2020 c.p. 2020
Smiths Falls ON K7A 5K8 Smiths Falls ON K7A 5K8

Tel: (613) 284-4500 Fax: (613) 284-4597
Vnet: 503-4500 Fax Vnet: 503-4597

File Reference: 291-00

October 2nd, 2009

**MEMORANDUM TO: Detachment Commander Ron Campbell
Staff Sergeant
Peterborough County Detachment
Central Region**

**RE: Probationary Constable: Michael Jack
Detachment Peterborough County
ERHQ File# 291**

On Friday 18 September 2009 I conducted a "Driver Competency Assessment" on Probationary Constable Michael Jack.

This assessment took place in the City of Kingston using an unmarked Chevrolet Malibu. A specially designed route was utilized to conduct the driver assessment and each driver navigates a broad range of situations to assess their driving abilities. These sessions take approximately 1.5 hours to complete. During this time, the driver is also exposed to internal / external "distracters" while their driving continues to be assessed.

During this assessment CST Jack was required to drive a complex route that varies in 3 distinct respects.

- Driving while receiving directions from myself
- Driving while following a navigation sheet - and while doing this pointing out various house (building) numbers
- Driving while counting backwards by 3's.

Under these conditions I found some concerns with respect to Constable Jack's driving and have contacted Sgt Kent Taylor of the Provincial Academy to provide some remedial driving opportunities.

I am including a copy of the "Driver Competency Assessment". When Transport Canada initially developed the standards used in these assessments they tested numerous people to determine what the "average" driver is. A baseline (5) (average) was established through the scientific analysis of the data. Most professional drivers measure over (6). The goal of the OPP driving program is to have all of our drivers score 6 and above (i.e. above average.) Anything under 6 indicates areas where there is room for improvement. Although the report indicates that Michael is an above average driver - this is not the level that we are looking for with respect to our officers.

As such there are areas that have been identified in the assessment where improvement can take place. I will say that I found CST Jack to be cooperative but felt that he truly was under a fair amount of stress. There were a few situations that presented themselves during the assessment that involved other drivers breaking the law (for example a 2nd car running a 4 way stop - we had the right of way and started to turn / and another older woman running a red etc). Cst Jack took appropriate measures to prevent collisions in both cases, but wanted me to know "emphatically" that the problems were caused by the other drivers. I discussed how the unexpected has to be expected when driving in the city and you really can not predict the actions of others.

- Speed - slowing down assists in building in safety margins but at times a consistent speed is also required when "way finding" or self navigation. If a situation presents itself that requires some thought or reaction, the best course of action is to move your vehicle to a safe location and then determine what the best course of action is.
- Headway - maintain proper distances between vehicles - builds in escape routes - this includes the vehicles in front of you - but also includes vehicles following you - more attention to the actions of vehicles following your vehicle can increase safety margins.
- Junctions - interaction between the driver and the road system - range in this area indicates room for more consistent performance.
- Dynamic Space Management - increasing "space-cushion" between all vehicles around you.
- Driving with distractions - as indicated by the Driver Competency Report, Probationary CST Jack should focus on his driving - especially when faced with competing demands for his attention. (Internal or external distractions).

It is interesting to note that when CST Jack was operating the vehicle, while counting backwards and faced with very busy and complex intersections he chose to focus "on the driving" and dropped counting until he had successfully navigated the situation - often communicating clearly with other drivers to accomplish what he needed to do. This is exactly what we want our people to do when faced with competing demands. By elevating driving and making it a priority our officers will be able to avoid problems while behind the wheel.

The Ontario Provincial Police Officer must be an above average driver and it is hoped we will set the standard for professional vehicle operation. Elevating "driving" to a higher priority will increase CST Jack's overall driving performance, allow him to increase his safety margins, and assist him in becoming a better driver. Some overall work with Sgt Kent Taylor will give him the

tools he needs to make better decisions, faster when dealing with situations that present themselves while operating a police vehicle.

I have included a definition sheet of the variables contained in the assessment report to assist in understanding the computer generated sheet.

Should you require any additional information or assistance please contact me.

Thank you.

A handwritten signature in cursive script that reads "Dave McNeely".

Sgt Dave McNeely
Eastern Region Headquarters
613-284-4561
503-4561

Driver Competency Assessment [©]

phone 613-839-3003

A division of Driver Competency Assessment Protocols
2808 Donald B Munro Drive, Kinburn, Ontario, Canada, K0A 2H0

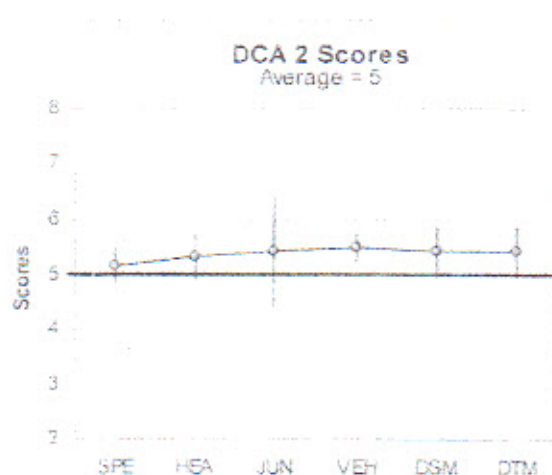
fax 613-839-0318

GN25894
18/09/2009

Michael
Jack

J0052-54407-21216
DCA: 2G Auto

City: Kingston
Route: Kings01



Driving Characteristics

Score	Average	Variance
SPD	5.17	0.33
HEA	5.33	0.42
JUN	5.42	0.99
VEH	5.50	0.27
DSM	5.42	0.45
DTM	5.42	0.45
G Mean	5.38	0.48

Task Loading Conditions

Driving	Average	Variance
Normal	5.69	0.28
Ext Dist	4.71	0.22
Int Dist	5.75	0.20

Segments

Complexity	Average	Difference
High	5.28	-0.19
Low	5.47	

Driving Characteristics:

All drivers are scored on 4 discrete variables: speed, headway, junctions, vehicle control, and two composite ones: dynamic time management and dynamic space management. Overall Mr. Jack's driving was in the upper end of the average range. Drivers can use either space or time to control their environment. Mr. Jack uses time and space equally effectively (DSM - dynamic space management and DTM - dynamic time management). Both time and space were in the upper end of the average range. Mr. Jack was in the upper end of the average range on both junctions (JUN - junctions; understanding and use of the road system) and headway (HEA - headway; interaction with other road users). Mr. Jack was in the average range on speed (SPD - appropriateness of speed choices for road and traffic conditions). On vehicle (VEH - vehicle handling skills) Mr. Jack scored above average. With the exception of the high degree of variability found in junctions this driver was relatively consistent within individual measures as well as between all measures taken.

Task Loading Conditions:

During the drive Mr. Jack was scored while driving normally, while following a set of written navigational instructions and pointing out a predetermined set of addresses and while counting backwards by threes. Mr. Jack showed significant difference between driving normally and driving while way finding (multitasking), suggesting this driver needs to develop better strategies to deal with competing demands and should exercise caution if operating a motor vehicle while trying to complete a secondary task. Mr. Jack showed no difference between driving normally and driving while counting backwards (internal distraction) suggesting that Mr. Jack has developed good control over his allocation of attentional resources.

Segments:

While each segment was approximately three minutes long, some segments were more complex than others based on a predetermined set of criteria. Mr. Jack showed no differences between driving in complex and simple environments suggesting that he can handle both complex and simple driving situations equally.

Recommendations:

Mr. Jack is an average driver who could easily raise his overall driving performance. This driver should undergo some remediation to raise his overall safety margins as found in the driver competency assessment across all areas of driving and when driving with external distracters. This driver should be re-evaluated upon completion of remediation.

SPEED - SPD

Definition: Speed is the appropriateness of speed choice given the circumstances and conditions at the time. Drivers taking into account traction, traffic and visual conditions score higher as do those that are independent of the speed of the vehicle ahead. Higher scores are obtained by drivers choosing a speed so that their vehicle is strategically positioned to maximize the space safety margin as well as the time safety margin. A score of less than 5 would signify that the driver was traveling at a less appropriate speed (than the average driver) which could have been either too slow or too fast for conditions regardless of the posted speed limit. A driver is considered too slow if they force other drivers to pass them when the other drivers are not going inappropriately fast; or loose gaps because of not accelerating quickly enough to get into the line of traffic, etc. A driver is considered too fast if the traction conditions do not warrant the speed, they are pushing other drivers, the car goes out of balance on curves and corners, or the vision is not sufficient to make decisions with the amount of information available for the individual's level of attention dedicated to the task.

HEADWAY - HEA

Definition: The distance a vehicle has between itself and other moving objects. Traditionally headway referred to the space that a vehicle had in the direct forward field whereas headway for the purposes of this assessment refers to the relationships between the driver's vehicle and all other road users both that the driver initiates and ones that are initiated by other road users. Specifically the relationships between the driver and other road users are included in this measure.

JUNCTIONS - JUN

Definition: Intersections and all conflict points that exist in the road environment such as cross streets and driveways, etc. Conflict points for our purposes consist of any location where two or more objects or individuals traverse each other such as pedestrian crossovers and train crossings as well as roadway intersections. The interaction between the driver and the road system, their understanding of the rules of the road and the traffic control devices that delineate responsibility, and their ability to maximize safety margins through the speed and the placement of their vehicle are considered in this measure as is their vigilance in appropriate glance behaviour.

VEHICLE HANDLING - VEH

Definition: Traditionally this variable has been called vehicle sympathy; the degree to which a driver is "in sync" with the vehicle. Vehicle balance on corners, independence of functioning skills and smoothness of handling the vehicle in terms of interacting with the controls are considered in this measure. Smoothness of operation is an essential component of this measure in conjunction with control of the vehicle under varying conditions and speeds.

DYNAMIC SPACE MANAGEMENT - DSM

Definition: This variable is most closely aligned with 'space-cushion' or 'safety envelope' in the literature. The degree to which a driver (a) is aware of their surroundings, (b) understands the implications of the time-space relationship and (c) optimizes space to the best of their ability for themselves and other road users. Drivers who score higher on this measure use space well as a method of optimizing their safety margins. Creating space for both their own safety and the safety of others is critical, particularly for smaller vehicle visibility. A driver's ability to maintain an optimum space independent of other road users is considered important as well as the ability to separate out hazards and deal with each as an isolated event. In these cases higher scores will be in line with the driver's ability to choose the less risky option in a complex environment and/or situation. This is a composite measure comprised of speed, headway, and junctions as well as the sophistication to use space to maximize all of these.

DYNAMIC TIME MANAGEMENT - DTM

Definition: In the literature this variable is most closely aligned to 'eye-lead-time' or 'situation awareness'. The degree to which a driver (a) is aware of their surroundings, (b) understands the implications of the time-space relationship and (c) optimizes time to the best of their ability. Drivers who score higher on this measure use time as a method of increasing their margins by having more time to make decisions and more time to view the environment. Drivers who see and respond to situations developing ahead of the vehicle receive higher scores while those who are continually being trapped by a lack of time will be scored lower on this variable. This is a composite measure comprised of speed, headway, junctions and traffic control devices. Inherent in time management is the notion of judging motion and velocity and the ability to time maneuvers to coincide in space.

From: Cox, Chuck (JUS)
Sent: September 10, 2009 5:01 PM
To: Campbell, Ron (JUS); Johnston, Mike P. (JUS)
Subject: FW: I have a question about one of our officers intercepting communications

Gentlemen,

Here is the response I received from Phil Whitton of TSS. I also spoke to PSB briefly about this and they have dealt with this situation before. My advice is to call PSB and ask them for some direction on this before you proceed further.

Thank you,

C.E.J. (Chuck) Cox
Inspector
Ontario Provincial Police
Central Region
Manager of Crime Prevention and Investigations
(705) 329-7408 Office
(705) 725-3719 Cell

From: Whitton, Phil (JUS)
Sent: September 10, 2009 3:03 PM
To: Cox, Chuck (JUS)
Subject: RE: I have a question about one of our officers intercepting communications

In Summary

S184(1) C.C. tells us that it is an offence to willfully intercept a private communication, however there are saving provisions:

The external circumstance of the offence S184(1) C.C combine an *interception, a private communication and a prohibited device*. In the scenario you gave me the issue really amounts to a **"Private Communication"**. **The criminal Code tells us that what must be intercepted is a private communication.**

Anyone who knows they are speaking to a Police Officer, must also realize that in essence it is not a **"Private Communication"** which is the basis for all the criminal code sections dealing with judicial authorizations etc. Society at large realize that the officer will make notes etc as part of his duties, if he tapes the conversation then that could be argued as the best evidence rule, however R Vs Duarte tells us that the interception of private communications by an instrumentality of the state, with the consent of one of the participants, but without prior judicial authorization, violated S8 of the charter. In other words if the officer intends to use those recordings in criminal proceedings, he is going to be severely challenged.

You need to find out the intent of the officer for making those recordings. Video recording is a whole new ball game with increased charter protection.

Hope that helps

From: Cox, Chuck (JUS)
Sent: September 10, 2009 1:51 PM

To: Whitton, Phil (JUS)
Subject: I have a question about one of our officers intercepting communications

Phil,

I have a question about one of our officers possibly recording his contacts with the public while working. Could you please give me a call on my cell 725-3719.

Thank you,

C.E.J. (Chuck) Cox
Inspector
Ontario Provincial Police
Central Region
Manager of Crime Prevention and Investigations
(705) 329-7408 Office
(705) 725-3719 Cell

From: Stevenson, Hugh (JUS)
Sent: September 23, 2009 12:21 PM
To: Graham, Martin (JUS)
Cc: Smith, Ken C. (JUS); Armstrong, Mike (JUS); Johnston, Mike P. (JUS)
Subject: FW: Old occurrence involving PC JACK
Martin:

As per the message below - I have reviewed the NICHE occurrence that involved PC Jack as a civilian security Guard - prior to PC Jack's employment with the OPP and I would ask that this information be considered. This information speaks to the character of this member - prior to his OPP involvement and missed in his OPP background check.

I will forward a hard copy of hte niche occurrence to you today.

Regards

Supt Hugh Stevenson Ed.D.
Operations Manager
Central Region
Office (705) 329-7403
Cell (705) 238-9833

From: Johnston, Mike P. (JUS)
Sent: September 23, 2009 8:54 AM
To: Stevenson, Hugh (JUS)
Subject: FW: Old occurrence involving PC JACK

Hugh

Forwarded so you are aware of another issue with Probationaey Jack. Please read the NICHE report indicated below. This is a "dated" incident.

Mike

From: Kohen, Colleen (JUS)
Sent: September 23, 2009 8:39 AM
To: Johnston, Mike P. (JUS); Campbell, Ron (JUS); Lee, Dave E. (JUS)
Subject: Re: Old occurrence involving PC JACK

I will do some inquiring in h r

I would like to know how the sgt found this info ?

Colleen

From: Johnston, Mike P. (JUS)
To: Campbell, Ron (JUS)
Cc: Kohen, Colleen (JUS)
Sent: Wed Sep 23 08:37:23 2009
Subject: FW: Old occurrence involving PC JACK

Ron/ Colleen - Confidential

FYI

Mike

From: Flindall, Robert (JUS)
Sent: September 22, 2009 9:18 PM
To: Johnston, Mike P. (JUS)
Subject: Old occurrence involving PC JACK

Inspector,

I'm not sure that this has any bearing on PC JACK's current situation, but please read this occurrence dated from 2005 - SP05112642 . Shaun was looking up a suspect who happened to be involved in this occurrence. Michael Jack was also involved, but was never linked to the occurrence as an involved person. As a result, I'm sure this never made it into his background investigation. It certainly seems to be congruent with the issues we are currently facing with him now.

Regards,

Robert Flindall
Sgt. 9740
Peterborough County OPP
VNET 508-4120
Tel : (705) 742-0401
Fax : (705) 742-9247

From: Campbell, Ron (JUS)
Sent: August 27, 2009 3:31 PM
To: Kohen, Colleen (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: FW: PC Jack
S/Sgt Kohen

I have spoken to you in the past concerning [REDACTED] I would ask that I be able to approach you for assistance again concerning another recruit we have in Peterborough. His name is Michael Jack and I think you may be familiar with him.

Mike was having some difficulties and it was my opinion from review of his first 6 evaluations and information that came to light on the 7th was he was not receiving the help he needed and Mike needs some more one on one tutoring.

Added to this were his Supervisors comments at the beginning of the whole scenario that I think added to Mike's stress and were not warranted at the time. With these comments that "his job was in jeopardy" and that "he would be documenting everything he did" it appeared to me that the Supervisor was not being objective and Mike's work environment may be poisoned.

In addition when he needs a good look and some direction his present coach is going off on parental leave. Not wanting it to escalate and to give Mike a fresh look he has been switched from platoons and coach officers. His old platoon has been tasked to work on a work improvement plan and meet with this new coach and supervisor. As such I have a request to have the two shifts meet and discuss with you the plans that will be put in place. Since one shift is working days and the other nights if possible could we do this later in the afternoon say 2pm if you are available? Please let me know.

S/Sgt Ron Campbell

-----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

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.

From: Johnston, Mike P. (JUS)
Sent: September 11, 2009 4:53 PM
To: Stevenson, Hugh (JUS)
Subject: FW: PC Michael JACK
Hugh

As I discussed earliest with you, I wanted to source some of this information, but I have not been able to speak with D/Sgt Scott Mahoney. We have to be careful about inquiries about the three named subjects below as they are apparently being surveilled by th [REDACTED]

I will forward you additional info once I speak with Scott.

Mike

From: Flindall, Robert (JUS)
Sent: September 11, 2009 4:41 PM
To: Johnston, Mike P. (JUS)
Subject: PC Michael JACK

Inspector,

As your request, here is the information that I provided to you today, however I must reiterate that nothing has been sourced on this :

Shortly after coming to the Detachment, our probationary constable PC Michael JACK #12690 was in on shift and had brought a picture with him. The picture was of himself, along with a number of other individuals. The picture had been taken at a gym. It has subsequently been learned the gym was the Good Life Fitness on Chemong Rd in Peterborough. The people in the picture were clearly posing with shirts off, and PC JACK was apparently "ripped". PC Jamie BROCKLEY and PC Shaun FILMAN (his coach) were both in the office at the time and observed the photograph. Both have articulated that PC JACK must have been on steroids as he appeared to be twice the size that he is now. Both PC BROCKLEY and PC FILMAN recognized 3 of the males in the photograph as [REDACTED] (spelling may be off). It has come to my attention that [REDACTED] are both [REDACTED] and are part of an organized [REDACTED] crime group that deals mostly in drugs. I've been advised that this is an extremely violent crime group. [REDACTED] is a local character and he is known to us. The relationship with PC JACK is such that [REDACTED] was in the US and brought a rifle scope back for PC JACK. Where this gets sticky is the fact that the RCMP currently have a project running on [REDACTED] as well as other members of this group and this project is very sensitive. The fact that we are aware of it will not sit well at all with the RCMP and I'm afraid of burning any relationships that we have in regards to this. Our concerns regarding PC JACK's involvement with this group has been brought to the attention of D/Sgt. Scott MAHONEY who was to look into this association with PC JACK and the [REDACTED]. I currently do not have a time frame for when the photograph was taken, but regardless, the association was there in the past and the concerns are, what are the associations presently?

Also, on the 31st of July 2009, PC BROCKLEY had occasion to work on my shift while I was away on holidays. During his tour of duty, BROCKLEY overheard PC JACK running a licence plate that he believes comes back [REDACTED] registered to [REDACTED] which is used by our organization on surveillance vehicles. PC BROCKLEY is fairly certain what he had heard on the radio, but only having half an ear to it, he can't be 100% certain. PC BROCKLEY also missed the licence plate that was run but tweaked to the registered owner. I have ordered a copy of the PCC tapes for this time period and have been advised I will have same by the end of the weekend. PC JACK was questioned about running this vehicle by either BROCKLEY or FILMAN, however he has no notes in his notebook and does not recall running the marker. Again, until such time that we can review the PCC tapes, this information is unsubstantiated and may merely

be circumstantial.

Given the nature of PC JACK's prior associations and possibly running our gaff plates, I feel it is imperative that we review the PCC tape for the 31st of July, make a CPIC dump of all the people and motor vehicles he has run and provide as much documentation to the [REDACTED] so that they can go back through their records to see if we have a hit on PC JACK. PC JACK's current cell phone # is (705)740-5765. This is the number he has listed with us so I'm unaware if he has a home phone number. [REDACTED] have not been run on CPIC yet as I didn't want to have a SIP hit going to the [REDACTED] until we had our ducks in a row with this.

Regards,

Robert Flindall
Sgt. 9740
Peterborough County OPP
VNET 508-4120
Tel : (705) 742-0401
Fax : (705) 742-9247

FW PCS66_JACK8.doc.txt

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

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

11

From: Graham, Martin (JUS)
Sent: September 11, 2009 6:38 PM
To: Smith, Ken C. (JUS); Beesley, Paul (JUS); Powers, Paul (JUS); Armstrong, Mike (JUS); Stevenson, Hugh (JUS); Cox, Chuck (JUS); Johnston, Mike P. (JUS)
Subject: PC Michael JACK

Importance: High
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 [REDACTED]. 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 [REDACTED] 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

From: Flindall, Robert (JUS)
Sent: September 22, 2009 3:52 AM
To: Thompson, Tym (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: RE: Com Centre

I have received the Smith Falls PCC Tape for the evening in question. Sgt. POWERS in Smith Falls prepped the tape and even located the vehicle stop in question.

On the tape, PC JACK runs [REDACTED] which the dispatcher runs and returns the RO of the vehicle to be [REDACTED]. This is what the other officers heard over the radio. PC JACK asks for clarification and provides the licence plate again. The dispatcher then discovers that she had input an incorrect plate of [REDACTED], which comes back to [REDACTED]. The plate PC JACK ran came back to a private individual.

At the end of the day, the officers were correct in hearing [REDACTED] attached to a vehicle, it was just the wrong vehicle that the dispatcher had run through MTO.

Regards,

Robert Flindall
 Sgt. 9740
 Peterborough County OPP
 VNET 508-4120
 Tel : (705) 742-0401
 Fax : (705) 742-9247

From: Thompson, Tym (JUS)
Sent: September 17, 2009 6:17 PM
To: Flindall, Robert (JUS)
Subject: RE: Com Centre

Thank you very much, I will probably need a will say from you at some point, but don't worry about it until I ask.

Tym

From: Flindall, Robert (JUS)
Sent: September 17, 2009 6:09 PM
To: Thompson, Tym (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: RE: Com Centre

Hello Tym,

Smith Falls PCC was in contact with me today via email indicating they were hoping to get the logger tape completed today. I'm heading into 2 weeks of nights so I've requested they forward the DVD to Inspector Johnston. I've included the Inspector in this email so he has your contact information on where to send the logger tape to.

Anything else I can do to assist, please don't hesitate to ask!

Best regards,

Robert Flindall
 Sgt. 9740
 Peterborough County OPP

VNET 508-4120
Tel : (705) 742-0401
Fax : (705) 742-9247

From: Thompson, Tym (JUS)
Sent: September 17, 2009 6:01 PM
To: Flindall, Robert (JUS)
Subject: Com Centre

Sgt. Findall,

I have been assigned to follow up on P/C Jack. I understand you requested the logger tapes concerning the [REDACTED] have you received the recording yet? I would like a copy, but didn't want to put in a second request for the same thing.

Tym

Tym Thompson

Detective Sergeant
Professional Standards Bureau
Ontario Provincial Police
desk-(705) 329-6473
cell-(705) 238-7107
fax-(705) 329-6050
vnet-518-6473

From: Flindall, Robert (JUS)
Sent: September 17, 2009 6:09 PM
To: Thompson, Tym (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: RE: Com Centre

Hello Tym,

Smith Falls PCC was in contact with me today via email indicating they were hoping to get the logger tape completed today. I'm heading into 2 weeks of nights so I've requested they forward the DVD to Inspector Johnston. I've included the Inspector in this email so he has your contact information on where to send the logger tape to.

Anything else I can do to assist, please don't hesitate to ask!

Best regards,

Robert Flindall
Sgt. 9740
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Tel : (705) 742-0401
Fax : (705) 742-9247

From: Thompson, Tym (JUS)
Sent: September 17, 2009 6:01 PM
To: Flindall, Robert (JUS)
Subject: Com Centre

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I have been assigned to follow up on P/C Jack. I understand you requested the logger tapes concerning the [REDACTED]. Have you received the recording yet? I would like a copy, but didn't want to put in a second request for the same thing.

Tym

Tym Thompson
Detective Sergeant
Professional Standards Bureau
Ontario Provincial Police
desk-(705) 329-6473
cell-(705) 238-7107
fax-(705) 329-6050
vnet-518-6473

From: Cox, Chuck (JUS)
Sent: September 10, 2009 2:02 PM
To: Campbell, Ron (JUS); Johnston, Mike P. (JUS)
Subject: RE: Confidential Inquiry

Mike and Ron,

I have a call into [REDACTED] of TSS just to get some confirmation on the law in this area. I would suggest that we don't go down the road of conducting an investigation at this time as this could be something that has to get sent up to PSB. I will call you as soon as I hear back from Phil and then you can proceed accordingly from there.

Thank you,

C.E.J. (Chuck) Cox
Inspector
Ontario Provincial Police
Central Region
Manager of Crime Prevention and Investigations
(705) 329-7408 Office
(705) 725-3719 Cell

From: Campbell, Ron (JUS)
Sent: September 10, 2009 1:28 PM
To: Cox, Chuck (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: Confidential Inquiry

Sir,

I am looking for some input here which will I believe will not be as dated as my recollection. It has come to my attention today that we have an officer at Detachment who has purchased one of the audio/video recording pens and has used it around the office to video one of the female officers. (For What purpose I do not know) It is also stated by the other officer that this member uses the pen to record information on calls the officer attends to make his notes.

The provisions of the CCC would allow a private citizen to audio tape persons as long as they are a party to the conversation. As for Police we generally need an authorization under Part VI and Section 184.4 spells out conditions.

I can see all sorts of disclosure issues for this officer on calls he has been on and if he has been recording conversations with persons he has charged and not been disclosing this information to the courts in the form of briefs...

Anyway I would like your opinion on this as I will be having the member in to discuss this issue and advise him he is to stop this practice immediately. I am also going to inquire why he is A/V a female officer at the Detachment.

Ron

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 [REDACTED] 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]
[REDACTED]

Thank you,

Bob

From: Campbell, Ron (JUS)
Sent: August 18, 2009 3:40 PM
To: Taylor, Kent (JUS)
Cc: Johnston, Mike P. (JUS); McNeely, Dave (JUS)
Subject: RE: HTA Charge against Mike Jack while operating force vehicle today
Kent I just spoke to Cst. Jack and I know Dave. We will have a meeting tomorrow morning to discuss some dates.

Dave can you provide in advance some dates for an assessment?? Ron

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

From: Taylor, Kent (JUS)
Sent: Tuesday, August 18, 2009 2:43 PM
To: Campbell, Ron (JUS)
Cc: Johnston, Mike P. (JUS); McNeely, Dave (JUS)
Subject: RE: HTA Charge against Mike Jack while operating force vehicle today

Ron

Arranging for an assessment is not a problem. Sgt Dave McNeely is qualified to do so and then provide remedial training as deemed necessary. A second option for consideration is sending him on the "Performance Driving Seminar" held three times a year at the OPC (Seminar is a week long). Assessment is good first step though.

Please have Jack's supervisor (Is that Robert Flindall?) book the appointment directly with Dave McNeely if this is the route you would like to go.

For your information, I did some snowy-road training with Michael when he was here at his post-OPC training. Didn't conducted a full assessment as we were just trying to get the recruits through the areas they had difficulty with while at OPC.

Please feel free to call me any time if you require more information.

Kent

Sgt. T.K. (Kent) Taylor
Provincial Police Academy
Driver Training Coordinator

Office (705) 329-7510
Cellular (705) 345-0759

From: Campbell, Ron (JUS)
Sent: August 17, 2009 12:06 PM
To: Taylor, Kent (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: FW: HTA Charge against Mike Jack while operating force vehicle today

Kent:

Can we get this officer in for a driving assessment??? I think he also had some night time driving issues at Orientation. Please advise. S/Sgt Ron Campbell

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

From: Johnston, Mike P. (JUS)
Sent: Saturday, August 15, 2009 4:30 PM
To: Flindall, Robert (JUS); Campbell, Ron (JUS)
Subject: Re: HTA Charge against Mike Jack while operating force vehicle today

Ron

Can you make inquiries next week.

Thanks

Mike

Sent from my BlackBerry Wireless Device

From: Flindall, Robert (JUS)
To: Campbell, Ron (JUS)
Cc: Johnston, Mike P. (JUS)
Sent: Sat Aug 15 15:33:59 2009
Subject: RE: HTA Charge against Mike Jack while operating force vehicle today

Further to below, I think it would be in our best interest to provide PC JACK with the tools and training to succeed at police vehicle operations. I would suggest we attempt to get him on the police vehicle operations course a number of our other members have had to take over the last little while.

Robert Flindall
Sgt. 9740
Peterborough County OPP
VNET 508-4120
Tel : (705) 742-0401
Fax : (705) 742-9247

From: Flindall, Robert (JUS)
Sent: August 15, 2009 2:24 PM
To: Campbell, Ron (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: RE: HTA Charge against Mike Jack while operating force vehicle today

I've been made aware by PC MORAN that when she was on the coach course, a Sgt from the Police Vehicle Operations at Aylmer was there. He advised her that there were two issues with PC JACK while at the college - his driving and his apparent dislike of women. It's quite apparent that his driving has not improved since then.

This is just for your information should we need it later.

Robert Flindall
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Tel : (705) 742-0401
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Cc: Johnston, Mike P. (JUS); McNeely, Dave (JUS)
Subject: RE: HTA Charge against Mike Jack while operating force vehicle today
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Kent

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This is just for your information should we need it later.

Robert Flindall
Sgt. 9740
Peterborough County OPP
VNET 508-4120
Tel : (705) 742-0401
Fax : (705) 742-9247

From: Campbell, Ron (JUS)
Sent: August 15, 2009 12:12 PM
To: Johnston, Mike P. (JUS)
Cc: Flindall, Robert (JUS)
Subject: HTA Charge against Mike Jack while operating force vehicle today

Mike, I don't know if you want a BN on this but Sgt Flindall called me at 1130hrs to advise of an HTA offence he and Cst Payne obs today which almost resulted in a MVC with a collision. Cst Jack pulled in front of S/B traffic on Hwy 28 after coming from a call. S/B traffic had to brake to avoid a collision and Cst Jack had to drive S/B in the N/B lane to accelerate to avoid collision.

RE Mussington.txt

From: Campbell, Ron (JUS)
Sent: September 11, 2009 11:01 AM
To: Grimmett, Vi (JUS)
Cc: Johnston, Mike P. (JUS)
Subject: RE: Mussington

Only after we talk about this.. Anyway we need to talk here is the answer to your query...

Dan Gay works Days 14 15 18 next week 0500 to 1700 and next week after that 23, 24 Sep same time.
Mike Jack works nights 14, 15 6pm to 6am and next week after that nights 23, 24. He is working the 18th of sep but he is travelling to Kingston for his driving assessment.

The issue below involves Mike Jack. He has had difficulties on his shift and in some documentation by one of the officers mentoring him I read yesterday that he is video/audio taping persons including a female on his shift. I don't know why he did this as the officer does not say and is in today and I have asked her to come and speak with me. She is not the female that was video audio taped on his pen but she is the one who has come forward. I see all sorts of disclosure issues with the a/v of the public while he is working and I am wondering although it doesn't leave me with a warm fuzzy if I knew every time I spoke to a fellow worker he was taping me...but as long as he is a party to the conversation other than me not liking it is he violating any code of conduct??? Ron

Gentlemen,

Here is the response I received from Phil Whitton of TSS. I also spoke to PSB briefly about this and they have dealt with this situation before. My advice is to call PSB and ask them for some direction on this before you proceed further.

Thank you,

C.E.J. (Chuck) Cox
Inspector
Ontario Provincial Police
Central Region
Manager of Crime Prevention and Investigations
(705) 329-7408 Office
(705) 725-3719 Cell

From: Whitton, Phil (JUS)
Sent: September 10, 2009 3:03 PM
To: Cox, Chuck (JUS)
Subject: RE: I have a question about one of our officers intercepting communications

In Summary

S184(1) C.C. tells us that it is an offence to wilfully intercept a private communication, however there are saving provisions:
The external circumstance of the offence s184(1) C.C combine an interception, a private communication and a prohibited device. In the scenario you gave me the issue really amounts to a "Private Communication". The criminal Code tells us that what must be intercepted is a private communication.

Anyone who knows they are speaking to a Police Officer, must also realize that in essence it is not a "Private Communication" which is the basis for all the criminal code sections dealing with judicial authorizations etc. Society at large realize

RE Mussington.txt

that the officer will make notes etc as part of his duties, if he tapes the conversation then that could be argued as the best evidence rule, however R Vs Duarte tells us that the interception of private communications by an instrumentality of the state, with the consent of one of the participants, but without prior judicial authorization, violated s8 of the charter. In other words if the officer intends to use those recordings in criminal proceedings, he is going to be severely challenged.

You need to find out the intent of the officer for making those recordings. Video recording is a whole new ball game with increased charter protection.

Hope that helps

From: Cox, Chuck (JUS)
Sent: September 10, 2009 1:51 PM
To: whitton, Phil (JUS)
Subject: I have a question about one of our officers intercepting communications

Phil,

I have a question about one of our officers possibly recording his contacts with the public while working. Could you please give me a call on my cell 725-3719.

Thank you,

C.E.J. (Chuck) Cox
Inspector
Ontario Provincial Police
Central Region
Manager of Crime Prevention and Investigations
(705) 329-7408 Office
(705) 725-3719 cell

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

From: Grimmert, Vi (JUS)
Sent: Friday, September 11, 2009 10:36 AM
To: Campbell, Ron (JUS)
Subject: Mussington

Can you tell me when Dan Gay and Michael Jack are working next week so I can set up an interview with them.

Thanks

Vi Grimmert
Detective Sergeant
OPP Professional
Standards Bureau

From: Flindall, Robert (JUS)
Sent: August 6, 2009 5:52 PM
To: Johnston, Mike P. (JUS)
Cc: Campbell, Ron (JUS)
Subject: RE: P/C Michael Jack

Inspector,

Do you know who the S/Sgt was at HR? I would very much like to speak with them about what PC JACK told them. PC Jack went to Mitch Anderson to discuss his current situation and in turn, Mitch came to speak with Shaun. It immediately became apparent to both Mitch and Shaun that the info PC Jack told Mitch was false and misleading. This leads me to the concern over what PC Jack told this S/Sgt.

Shaun has also advised that PC JACK has advised him that he no longer wants Jen mentoring him and that she has done 3 inappropriate things to him since she began helping him out. In fact, Jen has had to speak with him about inappropriate behaviour from him to her in the past. I will be speaking with him about this tonight as well.

I've told my guys in the past that if they ever screw up, the best thing for them to do is to own up to it, say they've learned from it and that it will never happen again. It's quite clear that PC JACK hasn't done this and he's now making accusations about other officers to divert attention away from him. I've had extensive conversation with Shaun about Jack which we'll bring you up to speed with on Monday. I'll also be speaking with the platoon about PC JACK to ensure that any difficulties, however small are properly addressed and documented.

I'm not very happy with PC JACK right now and I'll make sure that there is sufficient documentation on file. I will also only be speaking with PC Jack with Shaun present to avoid any potential accusations about myself.

Regards,

Robert Flindall
Sgt. 9740
Peterborough County OPP
VNET 508-4120
Tel : (705) 742-0401
Fax : (705) 742-9247

From: Johnston, Mike P. (JUS)
Sent: August 4, 2009 3:16 PM
To: Flindall, Robert (JUS)
Cc: Campbell, Ron (JUS)
Subject: P/C Michael Jack

Rob

Received a call from Inspector Lee of CRHQ and advised that P/C Jack contacted a senior HR Staff Sergeant stating that he had been told by yourself that his job was in jeopardy due to his existing job performance issues.

Clearly he did not follow the chain of command and we will have to address this with him as well.

Mike

20

From: Campbell, Ron (JUS)
Sent: August 21, 2009 9:22 AM
To: Johnston, Mike P. (JUS)
Subject: RE: Re; Michael Jack Platoon D

In answer to your question why was he moved.

I had cc you and A/Supt Borton regarding the driving issue. I also added my thoughts on the NCO Flindall losing objectivity with him. He has his shift and Sgt Banbury's shift all watching this officer and reporting any screw ups. Couple this with statements from Sgt Flindall he admits making but not in the context that Cst Jack has reported.

1. his job is in jeopardy
2. he will be documenting his every move and he will be getting paper on issues that have been discussed. (this was after not following his direction on Criminal Harassment charge)

Then he screws up with the cruiser witnessed by Flindall and Payne and is given a ticket under the HTA and a 233-10.

Sgt Banbury comes to me complaining Jack has feigned illness the next day. I investigated and thank goodness he wrote his medical issues in his daily journal Sat afternoon along with a witness who assisted him a CP office in Buckhorn the Sat afternoon. He reports this continued through the night. I really think it is stress related from the scrutiny he is under. (Banbury wanted him charged with deceit...he should know all about that) In any event this is unfounded.

Finally his present coach Shawn Filman is going off on 4 months parental leave starting in Sept. So with all the issues in the email to yourself and Doug Borton Doug Borton advised he felt the only thing to do was move him. You will note I advised this was against an earlier decision you had made but with this further info I think we were heading to an issue as Mike is basically an immigrant of Jewish background. You and I discussed we felt he was being targeted. To his own demise he has alienated his shift by not being 100% truthful when shopping for answers..

On Wednesday Mike Jack, Rob Flindall, his OPPA alternate rep. Mitch Anderson and myself sat down and all the issues surrounding Mike were discussed in his presence with OPPA rep.

Long and short Sgt Flindall was advised that supervision is an issue here. That Cst. Jack needs **one on one supervision to correct the problems. Work Improvement plans need to be** in place and direct supervision from a coach. Both he and Mitch brought up that everything has been thrown at him at once without prior issues reported on his PCS 066. It is also apparent Cst. Jack is not following direction.

Cst Jack will be given an independent assessment by Rich Nie to avoid a possible HR complaint. Interestingly Cst. Jack brought up in the meeting he felt he had been left on his own to investigate matters in which he had no experience. He also brought up but refused to name officers on his shift for inappropriate remarks and berating him in front of the shift as well. In other words work place harassment and discrimination policy...I assume it is in relation to his ethnic origin. Anyway I stressed the importance of him coming forward and have also stressed this issue to his new coach. I stressed in Rob's presence the duty of management to stop it if it occurred.

Then yesterday I got a call from Brian Gilkinson about the utter poor quality of 3 Crown briefs handed in by Cst. Jack. He stated there is no basis for a charge in any of the cases as all it is or amounts to is a collection of one line statements by the alleged complainants with no basis or facts to prove the accused actually did it nor do they outline the elements of the offence. This would be for the [REDACTED] complaint, [REDACTED] complaint of Criminal Harassment.(exactly what Sgt Flindall) had given him a negative 233-10.

Interestingly enough Sgt Flindall had just got done complaining to me about Bob. L. from the court sending this very brief back saying there was no offence for the very same reasons that the Crown was now stating. So I brought this to his attention that again it was simply unsubstantiated rumours and investigation needed to be completed. The same goes for a brief on [REDACTED] So again I asked Rob where is the coach officer who should be guiding this and where is the vetting of the briefs by him!!!

Sgt Flindall has now taken on the responsibility of following up on both cases involving Cst. Jack's briefs and investigations as this is as much of a screw up by him.

Ron

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

From: Johnston, Mike P. (JUS)
Sent: Thursday, August 20, 2009 10:48 PM
To: Campbell, Ron (JUS)
Subject: Re: Re; Michael Jack Platoon D

Ron

Why is he being moved???

Mike

Sent from my BlackBerry Wireless Device

From: Campbell, Ron (JUS)
To: Jack, Michael (JUS); Flindall, Robert (JUS); Postma, Jason (JUS); Nie, Richard (JUS)
Cc: Johnston, Mike P. (JUS); Gozzard-Gilbert, Shelley (JUS)
Sent: Thu Aug 20 09:28:54 2009
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 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

W

RON CAMPBELL

From: Campbell, Ron (JUS)
Sent: August 19, 2009 4:42 PM
To: Conway, Jane (JUS); Johnston, Mike P. (JUS); Flindall, Robert (JUS); Filman, Shaun (JUS)
Subject: FW: Possible charges against [REDACTED]

Importance: High

This articulates the exact statement I have made about this whole mess. It is all rumour and acquisitions without proof. I have read the Peterborough City Police incident and there is absolutely no evidence by the City Police to suggest it was [REDACTED] who delivered the package. No interview of staff etc. The officer did not have the grounds to even caution [REDACTED] for Criminal Harassment which he did and told [REDACTED] this.... As I said and will say again until each point is documented and in a lot of cases corroborated by an independent witness it is nothing but a he said she said situation. Ron

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

From: Gilkinson, Brian W (JUS)
Sent: Wednesday, August 19, 2009 3:59 PM
To: Jack, Michael (JUS)
Cc: Campbell, Ron (JUS)
Subject: Possible charges against [REDACTED]
Importance: High

Hello PC Jack:

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] has done in the past.
2. the video statement summaries of [REDACTED] and [REDACTED] are similar.
3. the witness statements provided by [REDACTED] are 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] of [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.

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]

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 nowhere.

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

From: Campbell, Ron (JUS)
Sent: September 10, 2009 2:29 PM
To: Johnston, Mike P. (JUS)
Subject: FW: Rob Flindall
Mike this was the original message I sent you about it.

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

From: Campbell, Ron (JUS)
Sent: Thursday, September 03, 2009 5:40 PM
To: Johnston, Mike P. (JUS)
Subject: Rob Flindall

Served Rob your 233-10 and discussed the brief issues. I advised him he would be getting one and I would draft up 233-10 for this as there are aggravating factors. He was not happy about this.

We then discussed his comments to Mike Jack and we have left that as a discussion and it has been covered off.

We also discussed the domestics he advises he is aware of all and will review the matter I brought to his attention and will get them done tonight.

He then proceeded to tell me info that he thinks Mike Jack was hanging out with organized crime at the Gym he went to as Jamie Brockely recognized people who are his friends that he knows from Drug unit dealings.

I told him to put it in a email and attempt to confirm some of these statements. To send it to you and he may need to do a briefing note on after you review. He did not have the full names and was going to spell it out in an email tonight. Ron

From: Campbell, Ron (JUS)
Sent: 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

From: Stevenson, Hugh (JUS)
Sent: January 29, 2009 10:26 AM
To: Johnston, Mike P. (JUS); Campbell, Ron (JUS)
Cc: Lee, Dave E. (JUS)
Subject: New Recruits - Special Attention to Prob Period - [REDACTED]
Mike and Ron:

Chief Armstrong and I were perusing the recruit leadership assessment tool provided by the ppa and thought we should give you a heads up on two recruits coming to your detachment.

1. [REDACTED] scores under 3
2. Michael Jack - all scores under 3

I would encourage closer evaluation of the challenges identified in this tool over the probationary period.

Regards

hs

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 an 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.

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 12890	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

To be completed by Accountable Supervisor

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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:

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 Koleen. 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.

26/01/2011

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.

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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Thanks

Mike J.

10

Butorac, Peter (JUS)

From: Johnston, Mike P. (JUS)
Sent: September 14, 2009 11:07 AM
To: Campbell, Ron (JUS); Flindall, Robert (JUS); Nie, Richard (JUS); Kohen, Colleen (JUS); Postma, Jason (JUS); Butorac, Peter (JUS)
Subject: FW: JACK WIP masterc.doc
Attachments: JACK WIP masterc.doc



JACK WIP
masterc.doc (77 KB)

All

Detachment Commander's comments added.

Mike

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

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

Mike 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 complete)

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 proper 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:

Constable Jack is experiencing difficulty in a number of operational areas. Close supervision of this officer is recommended at this time to ensure the identified Work Improvement Plan is followed and the areas of concern rectified.

Detachment Commander's
Signature:

Date:

Regional Commander's (or designate) Comments:

PROBATIONARY CONSTABLE WORK IMPROVEMENT PLAN

Regional Commander's (or designate) Signature:	Date:
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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:

**Butorac, Peter (JUS)**

From: Nie, Richard (JUS)
Sent: November 29, 2009 5:32 PM
To: Kohen, Colleen (JUS); Flindall, Robert (JUS)
Cc: Butorac, Peter (JUS)
Attachments: Jack Chronology 09.doc

Rob - here is the completed (and properly formatted/edited) version of the chronology **pending your comments**. Please forward to Colleen once completed and can you CC the original back to me for my records as well. As you can see below, she needs it on by Monday morning.

Colleen - just to give you an update if you don't already have it: S/Sgt. Campbell has left our office for another detachment. A/S/Sgt. Flindall is taking his position and we will have a new Acting Inspector since our detachment commander left as well. Sgt. Butorac is the platoon sgt. for myself and PC Jack. Just so you're not confused about who is getting emailed. The final version will be the one that A/S/Sgt. Flindall sends you.

take care

Rich.

From: Kohen, Colleen (JUS)
Sent: November 25, 2009 4:28 PM
To: Campbell, Ron (JUS)
Cc: Nie, Richard (JUS)
Subject: Re: Chronology with my Info

Ron

I agree but need it back to me by Monday morning
I have to get BN submitted by Tuesday when I am in ghq

Please at the beginning indicated all names who have had input in the report

Does that work ?

From: Campbell, Ron (JUS)
To: Kohen, Colleen (JUS)
Cc: Nie, Richard (JUS)
Sent: Wed Nov 25 16:16:13 2009
Subject: Chronology with my Info

Colleen Please read over I have bolded my involvement with Cst. JACK. I still think both the earlier coach Shaun Filman and Sgt Flindall and Cst Payne need to add their information. I have not forwarded to them until I have your approval.

Ron

<<Jack Chronology.09.doc>>

26/01/2011

