



## Nie, Richard (JUS)

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

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

Yes he refused to sign his PCS066. I sent it in anyways. No one is required to send in 233-10. I dont see an issue with sitting down with him for his plan.  
The 2% coach pay has been transfered to you. What will you do with all that cash...lol Ron

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

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

Staff,

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

Let me know. Thanks,  
J.

---

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

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,

110

## Nie, Richard (JUS)

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

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J.

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**Sent:** August 27, 2009 4:43 AM  
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Let me know,

Rich.

111

## Nie, Richard (JUS)

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

**Sensitivity:** Confidential

Fyi...

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

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

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

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

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

Staff,

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

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

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

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

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

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

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

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

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

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

Presently the Rosters are as follows.

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

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

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

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

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

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## Nie, Richard (JUS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ron

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Police

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provinciale  
de l'Ontario



Career Development Bureau  
Bureau de l'avancement professionnel

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Orillia ON L3V 7V3

777. av. Memorial  
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Tél: (705) 329-6725  
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Reference No/N° de dossier: 291

December 09, 2009

**MEMORANDUM TO:**

PROBATIONARY CONSTABLE JACK  
PETERBOROUGH COUNTY, DETACHMENT

**Re: Notice of Proposed Release from Employment**

This memorandum will serve as notice to you that a recommendation has been made that you be released from employment from the Ontario Provincial Police. You will be released from employment pursuant to subsection 37 (2) of the Public Service of Ontario Act.

The recommendation for your release from employment is based on your failure to meet the requirements of the position as a Probationary Constable based on unsatisfactory work performance. On August 25, 2008, you acknowledged and signed the attached form, Performance and Conduct Requirements of a Probationary Constable.

You have the opportunity to prepare a written submission or to meet with Chief Superintendent Armstrong at Central Headquarters at 1330 hours on December 15, 2009, before a decision is made. To assist Chief Superintendent Armstrong in his decision relating to your employment status, I will provide him with a copy of this memorandum and attached documentation.

If the recommendation is accepted, you will be released from employment pursuant to subsection 37(2) of the Public Service of Ontario Act.

Please advise Staff Sergeant Colleen Kohen in writing, by 0900 hours on December 14, 2009, as to which option, if any, you wish to exercise. If you choose not to make a submission, the final decision will be based on the information in this memorandum and the attached documentation.

You have the right to have a representative of the Ontario Provincial Police Association present at the meeting.

A handwritten signature in black ink, appearing to read "Mary Silverthorn".

Mary Silverthorn  
A/Bureau Commander

c: OPPA

C/Supt. Mike Armstrong, Regional Commander - Central Region

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## Reynolds, Michael (JUS)

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**To:** Kohen, Colleen (JUS); Lee, Dave E. (JUS)  
**Cc:** Stevenson, Hugh (JUS)  
**Subject:** RE: Prob Jack Notice of release

Hello Colleen,

On Sunday December 13th @ 19:00hrs, Constable Michael Jack was served Memorandum " Notice of Proposed Release from Employment from A/ Bureau Commander Mary Silverthorn and "Performance and Conduct Requirements of a Recruit Constable dated August 25, 2008".

This meeting was held with Sergeant Peter Butorac at the City of Kawartha Lakes Detachment. Constable Jack was offered EAP and the option to go home if he did not wish to continue on duty but with deduction of hours. Constable Jack was made aware that you wanted notification by tomorrow morning @ 09:00hrs in regards to which option he wanted to exercise.

Please note that Constable Jack was off sick both Friday and Saturday night and this was the first opportunity to serve him. The officer is on scheduled rest days on December 14th and 15th.

Regards,

A/Inspector Mike Reynolds  
A/Detachment Commander  
Peterborough County Detachment  
Bus: 705-742-0401  
Fax: 705-742-9247  
Cell: 705-928-6774  
E-mail michael.reynolds@ontario.ca

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**From:** Kohen, Colleen (JUS)  
**Sent:** December 9, 2009 2:14 PM  
**To:** Lee, Dave E. (JUS); Reynolds, Michael (JUS)  
**Subject:** FW: Prob Jack Notice of release  
**Importance:** High

Mike

I am still waiting to hear back from my BN from Deputy Lewis so please hold on to these until then

These are to be served on Michael meaning the proposed release letter and the perf and conduct letter he signed back in Aug. I hope to hear tomorrow

Dave

Please share these with C/Supt Armstrong... I will also be sending you another letter which is a termination letter just in case he does not resign. This needs to be placed on Central region letter head.

Stay tuned gentleman

Colleen

**From:** Van Dyk, Brenda (JUS)  
**Sent:** December 8, 2009 3:16 PM  
**To:** Kohen, Colleen (JUS)  
**Subject:** Prob Jack Notice of release  
**Importance:** High

Hi Colleen,

Here is the attachments you originally forwarded and the scanned memo signed by Mary. Will hold original and copies until further direction from yourself.

Colleen

<< File: scan0002.bmp >> << File: scan0001.bmp >> << File: Notice of Proposed Release from Employment.pdf >>



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Reference No/N° de dossier:

August 25, 2008

**MEMORANDUM TO:**

Michael Jack  
Badge #12690

Re: **PERFORMANCE AND CONDUCT REQUIREMENTS  
OF A RECRUIT CONSTABLE**

On behalf of Commissioner Julian Fantino, I welcome you to the Ontario Provincial Police (OPP) as one of our newest Policing Services Constables. It is the intent of the OPP to give our new employees every opportunity to succeed and we feel that clearly stated expectations of performance and conduct are fundamental ingredients in this process.

This memorandum describes the OPP's performance and conduct requirements for all recruit constables. Performance and conduct matters include academic performance, performance in an operational setting, and conduct both on and off duty. A position description for Policing Services Constable is attached for your reference.

As described in your Offer of Employment, you will hold the rank of 5th Class Recruit Constable until you successfully complete the training requirements of the Ontario Police College (OPC) and the Provincial Police Academy (PPA).

Successful completion of all components of the Basic Constable Training Program at the Ontario Police College is a mandatory requirement for every recruit constable. It is important to note that the OPP will be seeking your release from employment should any of the following circumstances arise:

- If you do not achieve a passing grade (75% or higher) in three or more examinations, a recommendation will be made to the Commander, Career Development Bureau, that you be released from employment.
- If you do not achieve a passing grade (75% or higher) in one or two examinations, you will be allowed one opportunity to re-write those examinations to obtain a passing grade of 75% or higher. If you do not achieve a passing grade (75% or higher) on these examination re-writes, a recommendation will be made to the Commander, Career Development Bureau, that you be released from employment.



- If you do not achieve the required standard in Police Vehicle Operations (PVO), you will be allowed one additional testing opportunity to achieve this standard. If you do not achieve the required standard in PVO during the re-test, a recommendation will be made to the Commander, Career Development Bureau, that you be released from employment.
- If you do not achieve the required standard in Firearms, Defensive Tactics, or the Physical Readiness Evaluation for Police (PREP) test, you will be allowed one additional testing opportunity to achieve this standard. If you do not achieve the required standard during this re-test, a recommendation will be made to the Commander, Career Development Bureau, that you be released from employment.

When you successfully complete all of the requirements of both OPC and PPA training, you will proceed to your assigned detachment. Your one-year probation period will commence and you will be promoted to a 4th Class Recruit Constable status with a corresponding wage increase (unless otherwise affected by a pre-existing OPS contract).

Your performance and conduct will be assessed and documented by a Coach Officer. Performance evaluations will assess your development and performance as a recruit constable. All of these evaluations will be shared with you and any performance rating in the "Does not meet" category will be brought to your attention. You will be given every opportunity to improve any identified performance deficiencies.

In order for your employment with the OPP to be confirmed beyond the probationary period, the evaluation of your work performance and conduct must demonstrate that you meet the requirements of this position. A recommendation to confirm your appointment as a Provincial Constable will be made after the tenth (10) month of your probationary period.

Pursuant to the Public Service of Ontario Act, a recommendation that you be released from employment for failure to meet the requirements of your position, based on unsatisfactory work performance or inappropriate conduct, may be made at any time during your training and probation period.

I extend my very best wishes for a successful and fulfilling career.

*Nora M. Skelding*

Nora M. Skelding  
Chief Superintendent  
Bureau Commander

#### ACKNOWLEDGEMENT

I, MICHAEL JACK have read, understand and accept the contents of this memorandum "PERFORMANCE AND CONDUCT REQUIREMENTS OF A RECRUIT CONSTABLE", Rev: Aug 2008.

Michael Jack  
Employee

25/08/08  
Date

Wm St. Arden  
Witness

25/08/08  
Date



**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  
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 2<sup>nd</sup>, 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 2<sup>nd</sup> 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.



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

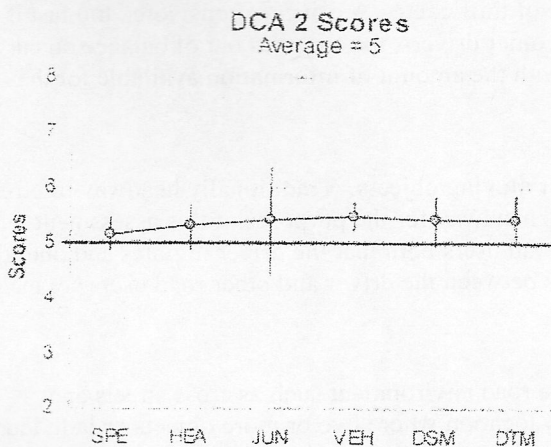
fax 613-839-0318

ON25894  
18/09/2009

Michael  
Jack

16052-54407-21216  
DCA: 2G Auto

City: Kingston  
Route: Kngs01



## Driving Characteristics

Score	Average	Variance
SPD	5.17	0.33
HEA	5.33	0.42
JUN	5.42	0.98
VEH	5.50	0.27
DSM	5.42	0.45
DTM	5.42	0.45
G Mean	5.38	0.46

## 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 discreet 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 distractors. 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:** 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

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**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

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**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**



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: Grimmett, 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 Grimmett  
Detective Sergeant  
OPP Professional  
Standards Bureau



**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



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



**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] and 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:** 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 loosing 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

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**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,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



**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

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**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

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

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**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.

Added to this he got an email from Hobbins concerning another driving issue while Cst Jack was looking for subject drove across ladies lawn after he was at residence. No damage but she was upset and wanted him spoken to. So Sgt Flindall is doing this as well. Ron



**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





**Butorac, Peter (JUS)**

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**From:** Nie, Richard (JUS)  
**Sent:** September 25, 2009 1:39 AM  
**To:** Flindall, Robert (JUS)  
**Cc:** Butorac, Peter (JUS)  
**Subject:** Jack

Rob - I proof read everything and only found one thing (you probably don't have the electronic version of the actual evaluation anyways so Filman will have to fix this). The evaluation by the rating and the comments shows Federal Statutes as Meets Requirements. The WIP shows it as a deficiency with a plan (which by the way I totally agree with). So, what that means is this:

1. the category for Federal Statutes needs to be changed on the actual evaluation to Does Not Meet so it matches with the WIP ( I was going to delete it off the WIP so it matched but on some examples you say "see #2 and #7 so I couldn't do that). Filman will also need to amend his comments as well to support the Does Not Meet - he can probably copy what you wrote in the WIP
2. The category for Department was rated Does Not Meet but it was not on the WIP. I decided to just go ahead and write it in myself on the WIP (this is where the leaf tickets come in) so we could give it all to Jack tonight.

The originals are in your tray for signing by everyone. I would expect that Jack will refuse to sign again until he drafts his response.

Hope it all makes sense,

Rich.



**Butorac, Peter (JUS)**

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**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

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Sent from my BlackBerry Wireless Device

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

Inspector

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

Rich did bring up good points.

Thanks

Pete

-----  
From P/C Nie's email...

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

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

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

---

**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.



**Butorac, Peter (JUS)**

---

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

Rich

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

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

Thanks

Mike J.



**Butorac, Peter (JUS)**

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**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 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 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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<b>RESULTS ACHIEVED</b> <i>To be completed by Accountable Supervisor</i>

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

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



**From:** 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



## 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 12<sup>th</sup> of January 2009. He is currently in his 8<sup>th</sup> 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 30<sup>th</sup> 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 15<sup>th</sup> of August 2009, officers of the Peterborough County OPP Detachment attended a residence located on the 14<sup>th</sup> 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 14<sup>th</sup> 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 14<sup>th</sup> 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 14<sup>th</sup> 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 14<sup>th</sup> 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.

131

**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

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