

Analysis of the Respondent's Disclosure (April 2009)

(April 21, 2009) (Volume 1, I-98):

From: Filman, Shaun (JUS)
Sent: April 21, 2009 4:27 PM
To: Flindall, Robert (JUS)
Subject: FW: Jack 1.doc

Attachments: Jack 1.doc



Jack 1.doc (189 KB)

I sent this to JACK already, I heard he has already marked it.

Anticipated evidence of Mr. Michael Jack (Schedule A):

From mid April 2009, I was patrolling on my own. I found that job, although stressful at times, was manageable and even exciting for me. I was eager to learn and invested considerable amount of my personal time to learn the job, both at home and at the detachment. However, I was having a tough time adjusting to the unwelcome and unsupportive environment created by some officers on my shift. There were a few very nice and polite uniform officers and civilian staff who welcomed and assisted me whenever I asked for help. However, a few officers at the detachment, primarily on the Platoon 'A' shift made my life very stressful. I constantly felt that I was not welcome at the Peterborough Detachment. It was just a feeling that I did not fit in. Oh well, I thought to myself: first I was a rookie and many experienced police officers have said that it takes an average of 5 years on the job to become a full-fledged police officer; second I had spent the past 8 years of my life in academia – a very different culture from that of the policing environment; third, I came from two totally different cultural backgrounds – Russian and Israeli. To top it off I aspired to be a police officer in a world to which I was not native in the first place. So I rationalized my treatment and sucked it up. However, I observed that other rookies, who were not minorities and did not speak with an accent, were treated differently than I, as if they were welcome and supported at the Peterborough Detachment more than I was. In short, at times I just felt like I was a leper.

For example, Cst. Filman never asked me if I was ready or comfortable to start working on my own. One day in mid-April I found out that I was going to patrol alone from the white board in the Constables' office. I was assigned the oldest cruiser in the Peterborough Detachment, even though there were better cruisers available that day, and that was how I knew that my day shift umbilical cord was severed. It is noteworthy that just a week earlier Cst. Scott Thompson asked me if I was ready to start patrolling on my own. I was grateful to Cst. Thompson for showing interest in me since my coach officer did not. As a matter of fact, Cst. Filman and I barely talked. I tried to be friendly with him as I needed him, but as I mentioned earlier, his mind appeared to be everywhere else but in coaching me. After about a month of working on my own, I approached Cst. Filman in the Constables' office at the Peterborough Detachment and asked him if he wanted to talk about what I had been up to. Cst. Filman looked at me and said, "No, I can get it from the Niche". I was puzzled. "Don't you want/need to know what your rookie has to add to what has been reported on the Niche?" I thought to myself but did not voice it. (Note: The Niche RMS is a computerized database used by the OPP to manage and document all calls for service along with all the relevant information). After that day, having realized that the flow of information between Cst. Filman and me would be limited primarily to what has been reported on the Niche RMS, I started putting extra effort into documenting my investigations on the Niche RMS as detailed as possible.

Yet another example that demonstrated Cst. Filman's lack of true interest in my performance was the fraudulent credit card transaction call (SP09087157) I was dispatched to on April 29, 2009 (Exhibit 40). In the *Analytical Thinking* section in my Month 4 performance evaluation (Exhibit 18) Cst. Filman wrote that I had completed a detailed investigation and had since turned the investigation over to the regional intelligence officer. The problem with that statement was that first of all, Cst. Filman never asked me how the investigation was going, let alone assisting me with it. Second, as it turned out, the regional intelligence officer was not the investigating officer, which I was unaware of until late June 2009 when Sgt. Flindall told me that I was the investigating officer. Third, it was a complicated multi-jurisdictional investigation which required detective skills, which I, being a front line rookie, did not have and could not have had at the time. I subsequently invested many hours of my personal time both at home and at work researching, educating myself, investigating the case and eventually led it to completion (I did not complete it during my Month 4 performance evaluation period as Cst. Filman wrote). I was, however, reprimanded by Sgt. Flindall and by Cst. Filman on August 3, 2009, for taking too long to complete the investigation. The tenderness in my service at the time of this investigation and the lack of any direction and guidance from my coach officer and especially considering the fact that it was a multi-jurisdictional investigation which in itself falls under the mandate of the Crime Unit attests to the alienation that I was already feeling and experiencing.

In my Month 4 PER (09 Apr 09 – 09 May 09) in the Analytical Thinking section PC Filman noted the following with the 'Meets Requirements' rating:

PC JACK attended to a fraud complaint involving a fraudulent credit card. SP09087157. PC JACK completed a detailed investigation including a photo line up. This investigation will likely result in several charges over multiple jurisdictions. PC JACK has since turned the investigation over to the regional intelligence officer.

Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 36:

Constable Filman was not disinterested in the Applicant's training or development. On the contrary, it was the Applicant who was not open to constructive criticism or suggestions. At times when Constable Filman would point out something where improvement was needed, the Applicant would not speak to him for hours, even when they were traveling in the same car.

Anticipated evidence of Mr. Michael Jack (Schedule A):

Sometime in late April, 2009 during a morning shift briefing a court officer, Cst. Paradis was advocating the switch from the paper Crown Brief preparation and submission process to digital. Cst. Paradis expressed his frustration with the inefficiencies involved in the preparation of the paper Crown Briefs that were being utilized at the Peterborough Detachment. Having a solid background in the Computer Science field I saw an opportunity to put my skills to use and thereby feel that I was contributing something unique. I also saw an opportunity to try to be a team player and hence I volunteered to offer my computer expertise in the matter. After the shift briefing I was told by Platoon 'A' 2IC (second-in-command) Cst. Mary D'Amico in a vexatious manner and in the presence of other Platoon 'A' officers, "You should keep quiet when a senior officer speaks. You might come across as knowing too much and it is not good for your career". Cst. D'Amico further told me that there had been another officer who "knew too much" and that he no longer worked at the Peterborough Detachment. Her comments, which were vexatious and tantamount to explicit harassment, threw me into a state of agitated confusion and humiliation. Further to this, it instilled an inferiority feeling in me and made me self-conscious of expressing my opinion and being proactive from that day on. Unless I was explicitly asked something, I never opened my mouth at shift briefings for the fear of displeasing some of my colleague officers and ruining my rapport with them.

Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 39:

39. Paragraph 21 (4) – Constable Maria D'Amico does not recall ever making such a comment to the Applicant. She does recall speaking to the Applicant about his education and advising him that she had a Bachelor of Mathematics degree. She advised him that during his probationary period he should not make other officers feel that he is more educated than them and that after some time, when the other officers felt comfortable with his abilities as a police officer, he could start offering up ideas about programs that might assist with things like Crown briefs. The comment was made as peer advice to help him integrate as a part of the shift. Constable D'Amico had provided similar advice to another recruit in the past. There was nothing threatening about her advice. Her advice was meant to assist the Applicant.

The Tribunal should consider PC D'Amico's explanation in comparison to what I assert she told me. No one can control how another person feels. The fact is, when a recruit is highly educated and highly skilled one cannot help that which is ordinarily displayed in their language, reasoning and cognitive abilities. Such a person's level of perspicacity is naturally apparent without any conscientious effort at displaying it. What actually wrong is experienced officers having the superiority complex that displays itself in opinions like PC D'Amico expressed. This superiority complex stems from one jealousy that a recruit is more highly educated than themselves. Furthermore, one would expect the officers to have a level of understanding to match their years of service in so much that they should understand that a recruit with more education than themselves is not just trying to impress them but is actually trying to be a team player by offering to contribute something unique. PC D'Amico is also stating indirectly that officers felt uncomfortable around me because I was more educated than them. She is also stating rather directly that I should not display my level of education until I am accepted or as she puts it ***'during his probationary period he should not make other officers feel that he is more educated than them and that after some time, when the other officers felt comfortable with his abilities as a police officer, he could start offering up ideas'***. Well the fact is, that

the others officers whom she was referring to, should actually realize that it would take many months to a rookie to get to a level of comfort with their abilities as a police officer so that other officers could be comfortable as well.

I only offered a suggestion with respect to the electronic preparation of Crown briefs and rather than view it as a rookie's level of keen insight to a problem common with many experienced officers, I was told as Cst. D'Amico put it that **'during his probationary period he should not make other officers feel that he is more educated than them'**. Even if the Tribunal does not want to believe my version of what Cst. D'Amico told me, **'You should keep quite when a senior officer speaks. You might come across as knowing too much and it is not good for you career'** and that there had been another officer who "knew too much" and that he no longer worked at the Peterborough Detachment, what she was stating (which was in response to my suggestion of what should be done regarding Crown briefs) was a cautionary rebuke to stifle any future decisive input from me. Interestingly, my suggestion made her feel insecure to the point of making such a remark. Also, on or around the same date she spoke to PC Ken Rusaw (PC Filman's rookie who was 4 months senior to me) in my presence in the Constables' office like he was her beloved child. She addressed him with a very positive attitude and in a "loving" so to speak tone of voice. Shortly thereafter she spoke to me as if I was an incompetent servant who deserved contempt.

In light of what I have mentioned, how could Counsel suggest to this Tribunal that PC D'Amico's comment was that of peer advice to help me integrate and also meant to assist me? It is abundantly clear that it does not assist one who is a rookie, but actually if her comment were to be put in practice that rookie would be viewed as an officer who lacked self-confidence and assertiveness to be part of discussions.

In my Month 1 & 2 PER (09 Jan 09 – 09 Mar 09) and in my Month 3 PER (09 Mar 09 – 09 Apr 09) in the *Team Work* section PC Filman noted the following:

PC JACK has always asked other officers who are working on calls for service, well into overtime, what assistance he can provide and often stays with them not leaving until the last of his shift is gone home

In my Month 4 PER (09 Apr 09 – 09 May 09) in the *Team Work* section PC Filman noted the following:

PC JACK has been initiating RIDE checks and participating in group activities. PC JACK is always willing to help fellow officers who are involved in complicated investigations.

It is evident that I tried the best I could to be a team player. However, given the racially charged environment I was in and remarks such as:

- PC D'Amico's comment to me: **'You should keep quite when a senior officer speaks'**
- PC Moran's question to me, **'Can you speak with a Canadian accent?'**
- PC Filman's story of his father's advice not to say anything during the first year on the job:

Yet another example was when I was working a night shift sometime in late April 2009. Cst. Filman and I were en route to a family dispute call. As Cst. Filman was driving he told me that before he became a police officer his father, Cst. Brad Filman who had served at the Peterborough Detachment for many years, had told him not to say anything during his first year on the job. He further added that he followed his father's advice to the letter and remained quiet throughout his first year on the job. The message was clear: I should not be speaking unless spoken to.

- PC Filman's comment in the *Radio Communications* section in my Month 4 PER (Exhibit 18), '**PC Jack is aware that he has a thick accent**':

Specific example:

PC JACK is now patrolling on his own. His communication skills are improving greatly. PC JACK is aware that he has a thick accent and makes an effort to speak clearly and consisely.

My self-confidence, assertiveness and initiative were stifled as was subsequently noted by PC Filman in the *Team Work* section in my Month 5 PER (09 May 09 – 09 Jun 09) (Exhibit 21):

PC JACK is a relatively quiet and reserved officer. He is encourage to build his teamworking skills with his peers.

I suggest that PC D'Amico's explanation with respect to my allegation of what she said is a futile attempt on her part to provide a response somewhat close to what she actually stated in order to lead one to believe that I am mistaken. It is so futile that she basically conveys the same meaning (except without the threat) that I was to not open my mouth during discussions as a rookie. I suggest that what I clearly and vividly remember of what she told me is the actual truth for as a rookie it would be impossible for one to come up with those words and include information concerning another officer that used to be there, which in itself would be information of exclusive knowledge of the person speaking.

Anticipated evidence of Mr. Michael Jack (Schedule A):

Over the first few months of my work at Peterborough Detachment on multiple occasions I was reminded that I had a thick accent and that some officers had difficulty understanding me on the radio initially (until they got used to it). I was not offended by those comments as I do have a strong accent. Instead, I made a conscious effort to speak slowly on the radio, PCS-066P (Month 4) (Exhibit 18):

JACK is aware that he has a thick accent and makes an effort to speak clearly and consisely.

In yet another incident sometime during the spring of 2009, I was confronted by Cst. Melinda Moran who asked me if I could speak with a Canadian accent. I told her I could not. While I was not offended by her question it made me feel uneasy. It was also very disturbing for me to hear that I had a "funny" accent in behind-my-back conversations.

Yet another example was when I was working a night shift sometime in late April 2009. Cst. Filman and I were en route to a family dispute call. As Cst. Filman was driving he told me that before he became a police officer his father, Cst. Brad Filman who had served at the Peterborough Detachment for many years, had told him not to say anything during his first year on the job. He further added that he followed his father's advice to the letter and remained quiet throughout his first year on the job. The message was clear: I should not be speaking unless spoken to.

As a cumulative effect of those comments, despite not being consciously offended by them, I became very self-conscious of my accent. I reduced my radio communications to a bare minimum and in a multitude of instances resorted to using my personal cell phone instead of the radio for the fear of being reminded of my accent again. I also became very self-conscious of my conversations to the point that I felt embarrassed when I talked to my peers. If similar (vexatious) comments were not made to any other officer, can I be mistaken or faulted for having the perception that I, a visible minority, have been singled out by some officers at the Peterborough Detachment?

Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 36:

Constable Filman was not disinterested in the Applicant's training or development. On the contrary, it was the Applicant who was not open to constructive criticism or suggestions. At times when Constable Filman would point out something where improvement was needed, the Applicant would not speak to him for hours, even when they were traveling in the same car.

(February 19, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

Daily Journal Number: 4

Name: JACK, MICHAEL

Rank: PC

Badge Number: 12690

Location: PTRB COUNTY

First Entry (Date): 13-APR-09

Last Entry (Date): 06-JUN-09

Serial Numbers

Firearm: AD 22098

Handcuffs: 757889

ASP Baton: 0213

OC Spray: F3B 149240

Taser: _____

Radio: 14404657

Other: _____

*The following material is intended to assist members. Material may become dated between annual printings. Direct any suggestions for revisions to a member of Records/Graphics Section, Infrastructure Support Bureau.
(Last Revised March 2007)*

"As a police officer, you tend to take a negative view of society because you're always dealing with society's problems."

Ignorance of the law by a person who commits an offence is not an excuse for committing that offence (S. 19, CC)



ONTARIO PROVINCIAL POLICE

1-888-310-1122

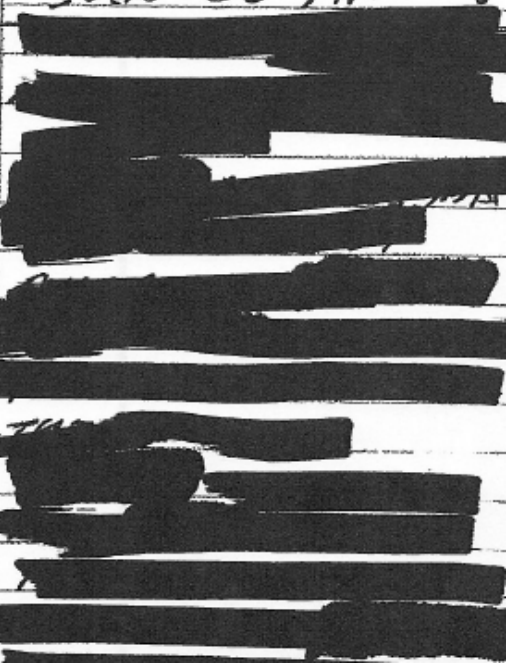


MICHAEL JACK
Provincial Constable
Peterborough County Detachment
ONTARIO PROVINCIAL POLICE

453 Lansdowne St. E.
Peterborough, Ontario
K9J 6Z6

Tel: (705) 742-0401
Fax: (705) 742-9247

OPP 24 Hour Police Service, ComCentre 1-888-310-1122

(April 26, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:	Calls for service (reportable and non-reportable), Exhibit 47:	
<div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); margin-right: 10px;">SP09085209</div> <div> <p>SUN 26-APR-09</p>  </div> </div>	74) SP09085209 OPP Property related 2009/04/26 14:55 Unfounded - 286 LINDSAY RD, SMITH-ENNISMORE-LAKEFIELD TWP, ON Canada (Area: 1044, Duty locn: 1105, Beat: 30, ESZ: 80968) Reportable / JACK - ATTENDED AND SPOKE TO COMP - TOOK / STATEMENT - INVESTIGATION TO BE DONE / (OCCURED IN LAST WEEK) / (VACANT HOME FOR SALE) / (ITEMS STOLEN FROM HOME) / (SUSPECT LESLIE PEACE APPROX 22 YRS/AGE) / (BELEIVED TO HAVE HAD ACCESS TO A KEY) / (STOLE BOX OF DISHES) / (BEDDING) / (PERSONAL PICTURES AND FAMILY	PHOTOS) / (OPP TRU UNIFORM BLACK WITH BOOTS VEST HELMET JACKET PANTS BELT) / (PILOTS UNIFORM AS WELL) / (***) / (CLR SAYS THE UNIFORMS WERE IN POSETION OF HER ESTRANGED HUSBAND) / (WHO IS CURRENTLY INCARCERATED) / (HE WAS NEVER A MEMBER OF THE OPP AND IT IS UNKNOWN TO HER) / (HOW HE GOT THE UNIFORMS IN HIS POSSETION) / (BUT STATED THAT PETERBOROUGH OPP WERE AWARE SHE HAD ONE) / (U/K IF THERE WAS ANY BADGE OR NAME MARKING ON THE UNIFORM)

(April, 2009) (Volume 3, BB) Point Form Chronology:
April 2009 - PC Filman

- PC Jack told me that he had given his personal phone numbers to victims, complainants or witnesses in cases. I told him that this could create a huge liability issue and he should not do this in the future. He told me that he had spoken at great length with [REDACTED] a complainant in a theft that was domestic related and one where she had also been called in as a suspect in the same theft. PC Jack told me that he knew her from a gym he worked out at. PC Jack told me that they had spoken for hours about the issue. I again cautioned him and told him that this could become a huge liability.

Though PC Filman failed to document the exact date of the incident, the occurrence he is referring to was assigned to me on April 26, 2009. However, from PC Filman's postdated account of the incident it would appear that I was giving my mobile number to everybody. Was I really that careless or was PC Filman exaggerating? With respect to speaking at great length with a complainant in a theft it was reflected in my Month 4 PER:

In my Month 4 PER (09 Apr 09 – 09 May 09) in the Community Focus section PC Filman noted the following with the 'Meets Requirements' rating:

PC JACK is always sure that he satisfies complainants requests and conducts a detailed investigation. In one instance a defense lawyer reported that his client who was in custody had items stolen from his residence by his former spouse. PC JACK conducted a very detailed investigation, much on his own time and found that there in fact was no offence and that the accused former spouse had every right to the property SP09085209

In my Month 4 PER (09 Apr 09 – 09 May 09) in the Decisive Insight section PC Filman noted the following with the 'Meets Requirements' rating:

PC JACK conducted a very detailed investigation into a reported theft of property by an estranged spouse in a domestic situation. Much of this was done on his own time. PC JACK found that there in fact, was no offence and that the accused former spouse had every right to the property SP09085209

The accused former spouse's name was Dave Edwardes-Evans and he turned out to be one of the three "Undesirables" whom I was (6 months) later falsely, maliciously, yet very conveniently alleged to associate with by my personal respondents and investigated by the Professional Standards Bureau under an allegation of 'Associating with Undesirables' (Exhibit 39).

The catch here is an obvious contradiction between PC Filman's entries in my Month 4 PER and his entry in the poing form chronology. Like I have asserted already, at the time the chronology was compiled PC Filman recalled everything about me that could be twisted into being even remotely negative. That is why his entries in the point form chronology contradict his earlier comments in my PERs.

(April 26, 2009) Counsel's additional disclosure
(March 13, 2012), PC Jack's notes:

SUN 26-APR-09
18:50 CONVERSATION WITH
SGT FLINDALL
19:20 SIGNED EVALUATION
PAPERS
[REDACTED]
[REDACTED]
[REDACTED]
26
27-APR-09 - DAY OFF

Anticipated evidence of Mr. Michael Jack (Schedule A):

On April 26, 2009, I was presented with my Month 1 & 2 performance evaluation (form PCS-066P) (09 Jan 2009 – 09 Mar 2009) (Exhibit 15) by Sgt. Flindall. The evaluation was prepared by Cst. Filman. There were 3 "Does Not Meet Requirements" ratings out of 28 evaluation criteria ratings and 3 work improvement plans (Exhibit 16). **The evaluation was overdue by a month and a half.** Sgt. Flindall advised me that it was his fault and reassured me that it was not going to happen again.

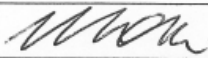
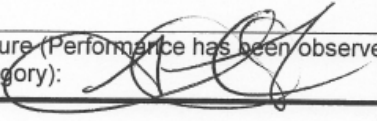
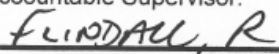
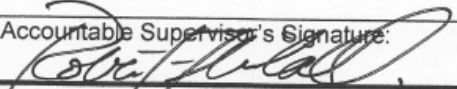
On April 26, 2009, I was presented with my Month 3 performance evaluation (09 Mar 2009 – 09 Apr 2009) (Exhibit 17) by Sgt. Flindall together with the Month 1 & 2 evaluation. The evaluation was prepared by Cst. Filman. There were no "Does Not Meet Requirements" ratings.

While the Counsel for the Respondent can argue that the notation in my notebook on April 26, 2009, at 18:50 hrs refers to my performance evaluation meeting, it was not a performance evaluation meeting at all. My Month 1 & 2 and my Month 3 PERs were served on me after they had been signed off by PC Filman and Sgt. Flindall without ever going over the PERs with me. I was handed them over to be signed and returned back to Sgt. Flindall immediately as they were behind the schedule.

PCS-066P (Month 1 & 2) (Exhibit 15):

COMMENTS AND SIGNATURES		
Evaluation Meeting		
<input checked="" type="checkbox"/> I have met and discussed my performance with my coach officer or my accountable supervisor. <input checked="" type="checkbox"/> I have reviewed and discussed with my coach officer or my supervisor, my responsibilities under the policy on Safe Storage and Handling of Firearms. <input checked="" type="checkbox"/> I have reviewed and discussed with my coach officer, or my supervisor, my performance in relation to my responsibilities under the Professionalism, and Workplace Discrimination and Harassment Prevention policies.		
Employee's Comments: <i>I ONLY DISAGREE ON THE FLEXIBILITY ASPECT OF MY EVALUATION. SHOULD HAD I BEEN INFORMED TO BE PROACTIVE AT ANSWERING THE PHONES FIRST, I WOULD HAVE KNOWN BETTER AND WOULD HAVE DONE SO.</i>		
Employee's Signature: <i>[Signature]</i>	Date: <i>26-APR-09</i>	
Coach Officer Comments: A few issues need to be worked on i.e. flexibility and P.V.O. but ultimately PC JACK is progressing positively.		
Coach Officer's Signature (Performance has been observed that supports the rating assigned for each category): <i>[Signature]</i>	Date: 18 Mar 09	
Accountable Supervisor's Comments (Mandatory): PC JACK is progressing positively through his first months at the office. His Coach Officer has identified some deficiencies, which in my opinion, will be easily overcome in the following months. Keep up the good work.		
Accountable Supervisor: <i>FLINDALL, R</i>	Accountable Supervisor's Signature: <i>[Signature]</i>	Date: 15 Apr 09

PCS-066P (Month 3) (Exhibit 17):

COMMENTS AND SIGNATURES		
Evaluation Meeting		
<input checked="" type="checkbox"/> I have met and discussed my performance with my coach officer or my accountable supervisor. <input checked="" type="checkbox"/> I have reviewed and discussed with my coach officer or my supervisor, my responsibilities under the policy on Safe Storage and Handling of Firearms. <input checked="" type="checkbox"/> I have reviewed and discussed with my coach officer, or my supervisor, my performance in relation to my responsibilities under the Professionalism, and Workplace Discrimination and Harassment Prevention policies.		
Employee's Comments:		
Employee's Signature: 	Date: 26-APR-09	
Coach Officer Comments: PC JACK has made positive progress this evaluation period and most of the issues brought forth in the previous evaluation have been addressed. I would like for PC JACK to remain flexible in his ability to take on calls as the busy summer months are approaching and we all will be expected to take on more work. As well I would like to see PC JACKS proactive stats increase with more provincial offences notices issued in the next evaluation period, as the seatbelt campaign occurs in this time frame a number of seatbelt violations should be expected.		
Coach Officer's Signature (Performance has been observed that supports the rating assigned for each category): 	Date: 15 Apr 09	
Accountable Supervisor's Comments (Mandatory): I concur with the above evaluation. PC JACK is progressing well. He is encouraged to increase and maintain his proactive enforcement levels.		
Accountable Supervisor: 	Accountable Supervisor's Signature: 	Date: 26Apr09

(April 29, 2009) Counsel's additional disclosure (April 5, 2012), PC Jack's notes:

<p>WED 29-APR-09</p> <p>12:12 @ 1699 CHEMONG RD. HOME HARDWARE CM: [REDACTED]</p>	<p>SP09087157</p> <p>1 CALLED [REDACTED] [REDACTED] SPOKE WITH GILLAM OBTAINED DETAILS OF THE OFFENCES GILLAM WILL WRITE STATEMENTS AND CALL WHEN THEY ARE READY OBTAINED COPIES OF DOCUMENTS FOR ENE DAWSON</p>
---	--

First, whoever blackened out my notes must have thought that I was referring to PC Gilliam on the 3rd line in the 2nd column. However, I was referring to Bill Gillam, who was the manager of the Hardware store on Chemong Street and the complainant in the matter.

Second, the fraud call (SP09087157) is missing from the list of my calls for service that was printed on February 6, 2010 (Exhibit 47, page 33).

In the entire month of April 2009 in the Respondent's disclosure there is no evidence of Sgt. Flindall holding a performance evaluation meeting with me because it never took place. Also, from the Respondent's disclosure of PC Filman's notes in reference to his interaction with me it is evident that during the entire 7 months of "coaching" me approximately 15 pages (ONLY) of his notes were in relation to his interactions with me. Did the Respondent care to follow the Ontario Provincial Police Orders at all?

Ontario Provincial Police Orders, Probationary Constable Evaluation Report Guidelines (Volume 7, 5):

Accountable Supervisor

- Ensures timely submission of the PCS 066P.
- Reviews and signs completed PCS 066P.
- Forwards PCS 066P to detachment commander.
- Conducts regular meetings with the recruit.

Ontario Provincial Police Orders, Law Enforcement, 2.51.1: Supervision – Member (Volume 7, 1):

Probationary Constable Performance Evaluation

A coach officer shall complete all monthly performance reviews for a probationary constable assigned to them using information gathered during the evaluation month.

Ontario Provincial Police Orders, Law Enforcement, 2.51.1: Supervision – Member (Volume 7, 1):

Disclosure of Evaluation

The immediate supervisor shall meet with the probationary constable to review each evaluation prior to submission to the detachment commander. At the discretion of the supervisor, the coach officer shall also be present at the meeting.

Ontario Provincial Police Orders, Administration & Infrastructure, 6.4: Human Resources (Volume 7, 2):

Responsibilities

Supervisor

An immediate supervisor shall:

- be responsible for the supervision of the Recruit Field Training Program and monitoring the coach officer and probationary constable as they progress through the Recruit Field Training Manual;
- ensure that a probationary constable is offered every opportunity to participate actively with their coach officer in all phases of detachment work;

Detachment Commander

A detachment commander is responsible for the overall development of each probationary constable and shall:

- select a coach officer utilizing the coach officer competency model;
- ensure that the Form PCS066P—Probationary Constable Performance Evaluation is completed in accordance with the Probationary Constable Guidelines; and

Coach Officer

Selection A regional/detachment commander shall, when recommending a member to perform the role of coach officer, consider whether that member:

- demonstrates the desire/willingness/ability to accept the responsibilities of a coach officer as listed in the Recruit Field Training Program and meets the required level for a coach officer in the competency model;
- possesses the desire/ability to transmit their knowledge to others;
- has an awareness of detachment objectives;
- understands OPP policy and relevant statute law;
- has a good reputation with other detachment members and within the community; and
- displays loyalty to the OPP and superior officers.

Responsibility The coach officer shall be responsible for:

- developing a plan of training suited to the probationary constable's needs, and detachment priorities, in accordance with the Recruit Field Training Program;
- completing a monthly Performance Evaluation Report on Form PCS066P—Probationary Constable Performance Evaluation for submission to the probationary constable's immediate supervisor and detachment commander at the end of each month; and
- ensuring the probationary constable is familiar with the OPP Mission Statement contained in Police Orders.

Orientation to Provincial Communication Centre Once a probationary constable is posted to a detachment, the detachment commander and coach officer shall ensure that the probationary constable attends an orientation day at their respective Provincial Communication Centre (PCC). This will enable the probationary constable to gain first-hand experience in understanding the operations of the PCC and enhance their awareness of the complexity of the operator role and responsibilities.