

Analysis of the Respondent's Disclosure (June 2009)

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

Cst. Payne returned to the Platoon 'A' shift in early June 2009. By that time, we had entered the busy summer season and due to the fact that senior officers (including both of my zone partners Cst. Filman and Cst. Payne) had booked vacation and parental leave a year in advance I found myself being left out while dealing with increased work load.

(June 1, 2009) (Volume 1, I-80):

From: Flindall, Robert (JUS)
Sent: June 1, 2009 3:19 PM
To: Jack, Michael (JUS)
Subject: DAR's - Paid Duty

Mike,

You need to enter your paid duty on the 30th of May into DAR before we can print off and submit.

Rob

(June 2, 2009) (Volume 3, BB) Point Form Chronology:

02Jun09 - PC Payne

- On the 2nd June 2009 I returned to uniform duties. That morning while in the Constable's office at the computer, PC Jack approached me and stated "you look good in your uniform". Again I was caught off guard and didn't know how to take the comment. I stated to PC Jack that he had seen me before in uniform back last January at block training. In my opinion the comment was inappropriate as "how I look in my uniform" shouldn't be addressed.
- I had advised a few people on shift about the comments and actions PC Jack has made, including Sgt. Flindall. I stated and decided if he made any more comments I would speak to him about it at the time.

I did say to PC Payne that she looked good in uniform. I wanted to compliment PC Payne with something upon her return to uniform duties on Platoon 'A'. I did not see anything wrong with saying to her she looked good in uniform. On the contrary, in light of her recent relationship problems and the end of her secondment to the Crime Unit, I wanted to make her feel comfortable being back on duty in uniform. PC Payne's flirtatious view of my comment was wrong and her comment as to the inappropriateness of my comment was tempered with a misguided view. She was going through enough stress having to deal with her common-law spouse (PC Brockley) six-month affair with another female constable in the detachment and hence might have interpreted my compliment as a personal advance on her gender.

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

In the early part of June 2009, upon returning to the Platoon "A" shift, Cst. Payne made a very explicit and loud comment in the Constables' office that she was going to rip Cst. Mackaracher's head off. (Recall: Cst. Payne's common-law spouse, Cst. Brokley, had an affair with Cst. Mackaracher for approximately half a year). Cst. Payne further asked Cst. D'Amico to give Cst. Mackaracher a nasty look that Cst. D'Amico was so good at, to which Cst. D'Amico replied she certainly would. Then they talked about setting Cst. Mackaracher up with something. I paid little attention to those conversations as they appalled me. From what I know, Cst. Payne subsequently had a very aggressive face-to-face one-sided conversation with Cst. Mackaracher, but that is all I know.

Please note the excerpt from PC Payne's entry in point form chronology on June 2, 2009:

'I had advised a few people on the shift about the comments and actions PC Jack has made, including Sgt. Flindall'.

Please note the excerpt from PC Payne's entry in her notes (**Re PC Jack**) on July 13, 2009:

'I told a few officers re: comment + Sgt. Flindall.'

There is a discrepancy in time by six weeks in PC Payne's account of the timing of making this comment! Though I acknowledge making the comment as I stated earlier, it was done on purely a complimentary basis without any ulterior motive or desire for her affection. If her view of my comment could be misguided and if her notes are shown to be lacking credibility with respect to the timing of when the comment was made, then the Tribunal should wonder about the credibility of PC Payne's notes. Furthermore, the Tribunal could see that the overall content of her notes are a compilation of negativity viewed from a negative point.

| (July 13, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack): | | Comments: |
|--|--|---|
| | 13 JULY 2009 (MON) - I told a few officers re: comment + Sgt. Flindall. - it was discussed if he said anything further I would call him on it – approach Jack + advise inappropriate and to stop. | I wonder about the following: <ul style="list-style-type: none">• Who those officers on the shift were.• What exactly PC Payne advised them.• In what manner PC Payne advised them.• To what degree PC Payne further poisoned my work environment with her false accusations of me.• What those officers thought of PC Payne's accusations of me in light of the fact that PC Payne's common-law spouse PC Brokley just had a lengthy affair with PC Mackaracher. |

The Promise of the OPP (Exhibit 87, page 4):

Support colleagues, especially those who may feel vulnerable or at a disadvantage because of their employment status, e.g. new recruits,

Be thoughtful about both what I say and "how" I communicate, i.e. sensitive to inadvertent or subtle messages, terms or labels; avoid potentially hurtful rumours and gossip; maintain confidentiality

(June 5, 2009) (Volume 3, BB) Point Form Chronology:

05Jun09 - PC Payne

- Since the 5th June 2009, I haven't worked very closely with PC Jack as a result of being dispatched and responsible for my own calls for service. I have notice that PC Jack prefers to sit in the office and appears to be over-investigating minor calls for service as opposed to focusing on the major calls for service. He does not stop a lot of vehicles while out on patrol and most times I am not aware of where he is or what he is doing.

PC Payne was supposed to be my mentoring "go-to" officer and not my coach officer which meant that I was supposed to go to her for assistance when I required. She readily admitted to not working very closely with me due to her own calls for service, yet she wanted to know where I was and what I was doing at all times. While it may sound far-fetched that piece of information gives reasons to believe that PC Payne was instructed by Sgt. Flindall to monitor and to document my every move just like PC Nie (Sgt. Flindall's next-door neighbor) later was.

While the date of the entry is June 5, 2009, the entry commences with the sentence, '*Since the 5th June 2009, ...*'. I wonder until what date from June 5, 2009, PC Payne made her observations in reference to the above entry. How could PC Payne notice that I was over-investigating minor calls for service if she did not work very closely with me? Her comments were nothing but presumptions. Furthermore, one does not run every plate and driver that they stop and speak to. That is common sense.

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

On another occasion sometime in June of 2009 in an attempt to seek an understanding through a confidential conversation face-to-face with Cst. Payne, I divulged to her that I felt I was a nuisance to Cst. Filman and that I had been investing a lot of my personal time to learn the job to compensate for the lack of assistance from Cst. Filman. I further added that I needed help with some investigations and some aspects of the paper work. She said we would double up sometime, but we never did due to the constant shift shortage. At one point she even called me on my cell phone and left a message advising me that she was going on vacation after which we were going to double up. When she returned to work I reminded her of that, but she responded that we could not double up because of the shift shortage again.

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

Cst. Payne returned to the Platoon 'A' shift in early June 2009. By that time, we had entered the busy summer season and due to the fact that senior officers (including both of my zone partners Cst. Filman and Cst. Payne) had booked vacation and parental leave a year in advance I found myself being left out while dealing with increased work load.

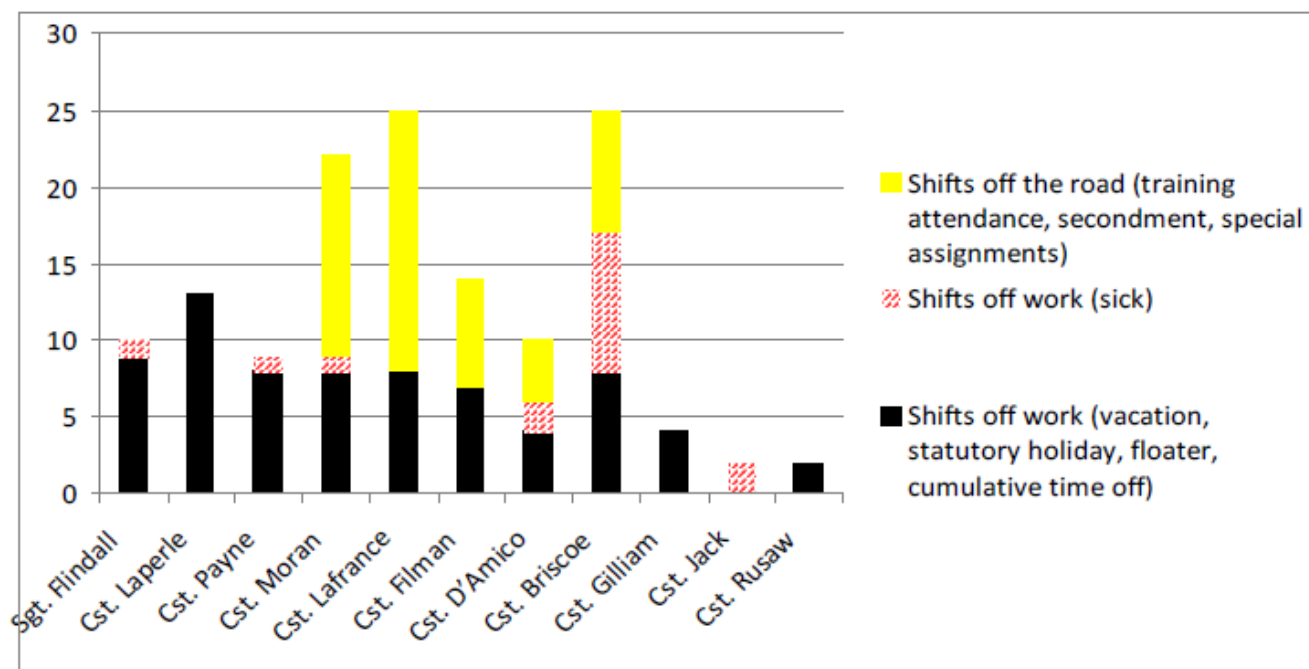
At the time there were 13 officers on the Platoon 'A' shift – Sgt. Robert Flindall, Cst. Jennifer Payne, Cst. Mary D'Amico, Cst. Chad Laperle, Cst. Shaun Filman, Cst. Melynda Moran, Cst. Mark Lafrance, Cst. Yves Piette, Cst. Cory Briscoe, Cst. Scott Thompson, Cst. Jeff Gilliam, Cst. Ken Rusaw, Cst. Michael Jack (Exhibit 66).

Of those Cst. Piette and Cst. Thompson were on parental leave throughout the entire summer. In mid-June Cst. Filman worked undercover a modified shift and therefore was off the road for two weeks. In mid-July Cst. Briscoe injured his ankle and as a result was off the road from July 13 until September 16. Cst. Lafrance was seconded to another detachment from July 20 until October 25. Cst. Gilliam transferred to the City of Kawartha Lakes Detachment at the end of July. Cst. Robert Paradis, who had been seconded to work as a court officer, returned to Platoon 'A' shift on August 10 (Exhibit 66).

In addition to the above, between June 1 and August 20 (my last day on the Platoon 'A' shift) of which the platoon was scheduled to work 40.5 shifts, Sgt. Flindall booked 10 shifts off work, Cst. Laperle booked 13 shifts off work, Cst. Payne booked 9 shifts off work, Cst. Moran booked 9 shifts off work, Cst. Lafrance booked 8 shifts off work, Cst. Filman booked 7 shifts off work, Cst. D'Amico booked 6 shifts off work, Cst. Briscoe booked 17 shifts off work, Cst. Gilliam booked 4 shifts off work, Cst. Rusaw booked 2 shifts off work, Cst. Jack booked 2 shifts off work. Cst. Moran attended training for a total of 13 shifts. Cst. D'Amico attended training for a total of 4 shifts (Exhibit 66).

| Officer | Shifts off work (vacation, statutory holiday, floater, cumulative time off) | Shifts off work (sick) | Shifts off the road (training attendance, secondment, special assignments) |
|---------------|---|---------------------------|--|
| Sgt. Flindall | 9 | 1 | |
| Cst. Laperle | 13 | | |
| Cst. Payne | 8 | 1 | |
| Cst. Moran | 8 | 1 | 13 |
| Cst. Lafrance | 8 | | 17 |
| Cst. Filman | 7 | | 7 |
| Cst. D'Amico | 4 | 2 | 4 |
| Cst. Briscoe | 8 | 9 | 8 |
| Cst. Gilliam | 4 | | |
| Cst. Rusaw | 2 | | |
| Cst. Jack | | 2 | |

The above table numerically presents the number of shifts booked off work and off the road by the Platoon 'A' shift officers between June 1, 2009, and August 20, 2009 (my last day on the Platoon 'A' shift).. This literally translates to 40.5 scheduled shifts during this time period. The data were collected from the Peterborough County OPP Duty Schedule 2009 (Exhibit 66).



The above column chart graphically depicts the number of shifts booked off work and off the road by the Platoon 'A' shift officers between June 1, 2009, and August 20, 2009 (my last day on the Platoon 'A' shift) – a total of 40.5 shifts. The data were collected from the Peterborough County OPP Duty Schedule 2009 (Exhibit 66).

As a result, during the busy summer months, not only were there a number of days when I worked alone in my zone (Zone 3) throughout the entire shift but I was also dispatched to calls in other zones on a nearly regular basis. Note: Zone 3 is the largest geographically and in population size zone in Peterborough County.

I was very busy performing my Constable duties both on and off duty. Whenever I asked for support, I was advised that due to the shift shortage, which was constant at the time, and the increased workload there was no help available. Everybody who worked was very busy. As a matter of fact, there was not even enough time to ask for help. To cope with the increased work load that fell onto my shoulders, I got into a habit of reporting to the detachment prior to the beginning of my shifts and leaving late. I was also coming to the detachment on my days off to catch up on paper work and to learn how to handle certain calls and situations by soliciting help from officers from other shifts. I also took work home, something I was verbally reprimanded for by some senior officers, but I really had little choice in the matter. Instead of the support, however, I got reprisals from my supervisor Sgt. Flindall and other senior officers on my shift, primarily from Cst. Payne and from Cst. Filman, that I was not performing certain tasks properly or fast enough. The reprisals were very thoroughly documented in my Month 6 & 7 (Exhibit 24) and Month 8 (Exhibit 27) performance evaluations. I was at that time 6-8 months on the job dealing with the increased workload without any time off. They (Sgt. Flindall, Cst. Payne and Cst. Filman with an average of 10 years each on the job) were taking vacations during the busiest time of the year (Exhibit 66). They were born and raised in the Peterborough area making them more accustomed to dealing with local customs, whereas I came from two different cultural backgrounds, which were radically different than the local area. In an attempt to seek their empathy and understanding I openly confided my concerns to them. They used this innocent and genuine act of good faith of mine and disclosed it to others so much so that the negative relations between my peers and I escalated. That was detestable behaviour on their part.

(June 7, 2009) (Volume 1, I-79):

From: Flindall, Robert (JUS)
Sent: June 7, 2009 4:25 AM
To: Jack, Michael (JUS)
Subject: Occurrence addresses in Niche

Mike,

When completing an occurrence in RMS, you always need to indicate an occurrence address. This is missing in your Niche occurrences.

Robert Flindall
Sgt. 9740
Peterborough County OPP

(June 13, 2009) (Volume 3, BB) Point Form Chronology:

13Jun09 - PC Nie

- at marine safety day – observed PC Jack in uniform talking with female member of police committee – he then approached me for a piece of paper as he was either given her his number or getting her phone number – I teased him about not being able to find a girl the traditional way off duty that he needed to abuse the power of his uniform to obtain a phone number and he just laughed at me

I met that girl at the Community Police Office in Bridgenorth a few weeks earlier. She had been a volunteer at the Peterborough County OPP for approximately 4 years. The piece of paper PC Nie was referring to was her home address she gave me to pick her up for a ride-along. She aspired to become a police officer. Shortly thereafter we started dating and dated until early September of 2009. She was privy to the harassment and targeting I experienced at the Peterborough County OPP Detachment in July/August of 2009 and observed the devastating effects of them on me. We parted as friends in early September of 2009. I have not seen her ever since. I was in love with her. Our short time together was a bright chapter in my personal life.

(June, 2009) (Volume 3, BB) Point Form Chronology:

June 2009 - PC Filman

- I was working on a project revolving around thefts from vehicles. One victim told me that PC Jack had been there to investigate and showed me on a piece of paper where she had written down his name and personal cell phone number.

There was a sudden and steep increase in thefts at nighttime from the parked unlocked motor vehicles in my patrol area (Zone 3) during the early summer of 2009. I took a few reports from the victims of theft and added supplementary reports to the Niche RMS. I must have given some of the victims my cellular phone number to contact me directly should they have noticed anything else stolen so I could add the missing property to the Niche RMS promptly. What I did was also a common practice amongst many officers who

genuinely cared in making a difference in a person's life by sometimes providing a victim with their personal cell number. This allowed the victim to feel a sense of security knowing that they could reach their investigating officer at any time.

(June 16, 2009) Counsel's additional disclosure (April 5, 2012), PC Jack's notes:

TUE 16-JUN-09
[REDACTED]
[REDACTED]
12:01 M/C B & E ATTEM
THE FACT
P/C PATRIC ADVISED
TO CONTINUE WORKING
ON MY CASES,
LET PCC KNOW TO
CONTACT GILLIAN.
WAS CLOSER TO THE
INCIDENT LOCATION.
[REDACTED]

(June 20, 2009) (Volume 2, O), PC Filman's notes:

- CONTINUED FROM 46
20 JUN 09
Peterborough County
Weather Clear/Showers
TEMP APPROX 18°
Ran trail and Hwy
Bore and Aug
[REDACTED]
[REDACTED]
[REDACTED]
WAS OFS RINGTAIL TRAILER
PARK in PC JACIE
Pondies went to
remove trailer and
Dealt with [REDACTED]
Says Company association
Says he can

Keeps trailer until
disputed money are
paid. He says
I should talk to
his lawyer, after
several times
questioning him I
learn he hasn't
even spoken to
a lawyer
ADVICE will have
to seek civil
remedy re JACIE
Process proper mailing
address for previous
Lennont

1520 [REDACTED]

(June 20, 2009) Counsel's additional disclosure (April 5, 2012), PC Filman's notes:

| | |
|--|--|
| <p>- CONTINUED FROM 46 20 JUN 09 Peterborough County Weather Clear/Showers Temp APPROX 18° Road Twp and Hwy Dne and Hwy START 0500 FINISH 1730</p> | <p>TOTAL 12.5 Veh 1-258 1415 O/S RINGTAR TRAILER Park in PC Jovic Parkes want to remove trailer and Deck owner "FRANK" Says Computer association Says he can</p> |
|--|--|

(June 20, 2009) Counsel's additional disclosure (April 5, 2012), PC Filman's notes:

| | |
|---|---|
| <p>Keep trailer until disputed monies are paid. He says I should talk to his lawyer, after several times questioning him I learn he hasn't even spoken to a lawyer ADVISE WILL HAVE TO SEEK CIVIL Remedy PC Jovic Proctor proper making address for previous tenant 1520 R/C SUTTON PERRY 454 FLY # 327</p> | <p>Pigeon Lake trailer park 1557 O/S PC STOKES ALARM O/S DRC GIBBONS, Clarence Elgin 5 CONCORD PL TORONTO ON 30 MAR 27 ON ENTRY make laying on couch DIRECTLY ACROSS FROM MAIN ENTRANCE LAYING ON BACK WITH HEAD ON PILLOW ON ARM, FEET STRETCHED OUT TO OTHER ARM CROSSED DRESSED USUALLY BURNING OVER HIM</p> |
|---|---|

Please note that the blackened out name of the trailer park owner is Frank. The only reason I can think of why PC Filman enclosed it in the double quotation marks is because Frank was an Asian guy. Hence, the name Frank was most likely an English version of his name. Just like an English version of my name is Michael, the properly spelled Russian version of my name in Latin letters is Mikhail. While I have never met Frank in person (I only spoke with him over the phone), I believe he was wrongfully charged by the Peterborough County OPP with a criminal offense Assault with a Weapon. The so called weapon was his tractor with which he allegedly assaulted the daughter of the trailer/deck owner when they came to

remove the trailer/deck from the trailer park without paying the money they owed to the owners/managers (Frank and his wife) of the trailer park.

(June 20, 2009) (Volume 3, BB) Point Form Chronology:

20Jun09 - PC Filman

- PC Jack attended to a Stand by keep the peace on his own without even notifying other officers that he would be doing so. After being at the call for almost an hour one of the parties involved contacted the communications centre and requested another officer attend because in their words they were getting nowhere. I attended and resolved the situation. PC Jack was reminded that a stand-by keep the peace was a two man call.

I am surprised to hear that I did not notify other officers. My zone partners (PC Payne and PC Filman) were very good at hearing over the radio when I was dispatched to calls for service. It is very strange they did not hear me being dispatched to that call. I have no recollection that I either did or did not notify other officers explicitly. However, I do remember that PC Filman was in another zone (either Zone 1 or Zone 2) and that PC Payne was at the detachment when she ought to have been on the road.

In my Month 5 PER (09 May 09 – 09 Jun 09) in the Resolution section PC Filman noted the following with the 'Meets Requirements' rating:

RESOLUTION

Selects the most effective problem-solving strategy and (when appropriate) implements this strategy involving the community.

Specific example:

PC JACK attended to a stand by keep the peace during this evaluation. Part of the problem in this incident was that PC JACK did not request a second officer. While on scene at the incident one of the parties involved contacted PCC and requested another officer attend as things were not progressing. A second officer attended and the matter was resolved. PC JACK explained that he was unaware of the acts that legislated over trailer parks and that was the main problem. PC JACK was given advice should this happen in the future.

Meets Requirements

Once again PC Filman was off by almost two weeks with respect to the date of the incident. What a Detective! Moreover, it was one of those calls that I was trying to 'make a difference'. I was trying to assist the parties to resolve their conflict. The owners of the trailer park were Asians and I believe they had been mistreated by the Peterborough County OPP prior to me attending the call. I have more to say about the background of the incident should there be a need.

The Tribunal should take note of my accountable supervisor Sgt. Flindall's insatiable appetite to discredit me as much as possible because the same incident was used in my subsequent evaluations with the 'Does Not Meet Requirements' rating.

In my Month 6 & 7 PER (09 Jun 09 – 09 Aug 09) in the Resolution section Sgt. Flindall / PC Payne noted the following with the 'Does Not Meet Requirements' rating:

RESOLUTION

Selects the most effective problem-solving strategy and (when appropriate) implements this strategy involving the community.

Does Not Meet Requirements

Specific example:

SP09133110 - PC JACK attended at a stand-by and keep the peace. PC JACK has attended at these types of calls in the past. This is a 2 person call and part of issues stemming from this call are due to the fact he did not request a second unit to attend to assist. While on scene at the incident, one of the parties involved contacted the PCC and requested another officer attend as things were not progressing. Once second officer attended and the matter was quickly resolved. PC JACK explained that he was unaware of the act that legislated over trailer parks and that was the main problem. PC JACK was given advice should this happen again in the future.

In my Month 8 PER (09 Aug 09 – 09 Sep 09) in the Resolution section Sgt. Flindall / PC Payne noted the following with the 'Does Not Meet Requirements' rating:

RESOLUTION

Selects the most effective problem-solving strategy and (when appropriate) implements this strategy involving the community.

Does Not Meet Requirements

Specific example:

During this evaluation period, PC JACK has only worked 6 shifts due to his holiday schedule. Because of this the previous evaluation example has been carried over to this evaluation:

SP09133110 - PC JACK attended at a stand-by and keep the peace. PC JACK has attended at these types of calls in the past. This is a 2 person call and part of issues stemming from this call are due to the fact he did not request a second unit to attend to assist. While on scene at the incident, one of the parties involved contacted the PCC and requested another officer attend as things were not progressing. Once second officer attended and the matter was quickly resolved. PC JACK explained that he was unaware of the act that legislated over trailer parks and that was the main problem. PC JACK was given advice should this happen again in the future..

In my Month 8 PER (09 Aug 09 – 09 Sep 09) in the Analytical section Sgt. Flindall / PC Payne noted the following with the 'Does Not Meet Requirements' rating:

ANALYTICAL THINKING

Demonstrates logical cause and effect thinking; systematically identifies basic patterns or connections between situations, persons or events; identifies key elements in complex situations.

Does Not Meet Requirements

Specific example:

During this evaluation period, PC JACK has only worked 6 shifts due to his holiday schedule. Because of this, the previous evaluation example has been carried over to this evaluation :

SP09133110 - PC JACK attended at a stand-by and keep the peace. PC JACK has attended at these types of calls in the past. This is a 2 person call and part of issues stemming from this call are due to the fact he did not request a second unit to attend to assist. While on scene at the incident, one of the parties involved contacted the PCC and requested another officer attend as things were not progressing. Once second officer attended and the matter was quickly resolved. PC JACK explained that he was unaware of the act that legislated over trailer parks and that was the main problem. PC JACK was given advice should this happen again in the future.

(June 24, 2009) (Volume 1, I-38):

From: Chapman, Kathy (JUS)
Sent: June 24, 2009 11:14 AM
To: Flindall, Robert (JUS)
Subject: er1303845 - Michael Jack

I have not seen this come through on IFIS yet. Perhaps you can check with Mike - he can check his IFIS to see the status of this ER #.

The other IFIS claim ER1344738 was paid.

Kathy Chapman,
Admin. Assistant-Peterborough County O.P.P.
E-Mail: Kathy.Chapman@Ontario.ca
Phone: 705-742-0401 Ext. 4603 Vnet 501-4603
Fax: 705-742-9247

(June 24, 2009) (Volume 1, I-78):

From: Flindall, Robert (JUS)
Sent: June 24, 2009 11:26 AM
To: Campbell, Ron (JUS)
Subject: RE: Driving Presentation Class List

All three of my members are confirmed -

GILLIAM / JACK 0900 hrs
RUSAW 1300 hrs

Robert Flindall
Sgt. 9740

(June 24, 2009) (Volume 1, I-38):

From: Flindall, Robert (JUS)
Sent: Wednesday, June 24, 2009 11:31 AM
To: Campbell, Ron (JUS)
Subject: FW: er1303845 - Michael Jack

I was going through my IFIS today and noticed that PC JACK has an IFIS claim in to you for approval. Kathy advises below that he hasn't been paid yet. Can you have a look to see if it is sitting in your IFIS for approval?

Thanks!

Robert Flindall

(June 24, 2009) (Volume 1, I-38):

From: Campbell, Ron (JUS)
Sent: June 24, 2009 12:26 PM
To: Flindall, Robert (JUS)
Subject: RE: er1303845 - Michael Jack

I had none the other day....I will look. Ron

(June 25, 2009) Counsel's additional disclosure (April 5, 2012), PC Jack's notes:

FM 25-JUL-09
19:10 2 MINMOUNT
- EMAIL TO FLINDALL
RE: FRANK, NO TIME
TO WORK ON IT

- First, both the Tribunal and I have been deprived of this e-mail by the Respondent along with numerous other e-mails I sent from my Justice E-mail account.
- Second, it attests that I notified Sgt. Flindall that I had no time to work on the investigation of the multijurisdictional credit card fraud case due to the high workload at the time.

(June 30, 2009) (Volume 3, Z), PC Payne's notes:

NE 2009
PC PAYNE
NOTEBOOK
ENTRIES
10:30 [redacted]
Spoke to PC Jack
re task list +
occurrences from
yesterday
- PC Lafrance advise
that 2 more calls
coming in re
mischief - vehicle
thefts up TV Rd
- need report + statement

NE 2009

PC PAYNE
NOTEBOOK
ENTRIES

10:30 [black]
- spoke with PC Jack
re task list +
occurrences from
yesterday
- PC Lafrance advise
that 2 male call
coming in re
mischief - vehicle
thefts up TV Rd
- need report + statement

(June 30, 2009) Counsel's additional disclosure (April 5, 2012), PC Jack's notes:

| | | | |
|-------|--|--|---|
| 17:50 | THE 30 JUN -04 ON DUTY | | SGT. FLINDALL ADVISED PIC JACK TO TRY FINISH CROWN PRICE AND PUT ASSIGNMENT WITH WHAT IN THE SYSTEM PIC PAYNE IS GOING TO ASSIST. |
| 18:45 | OVER SPOKE WITH SGT. FLINDALL RE: MASTERCARD FRAUD ADVISED DO NOT HAVE TIME TO WORK ON THE CASE. | | |

As is evident from the above notes, I further advised Sgt. Flindall that I had no time to work on the investigation of the multijurisdictional credit card fraud case due to the high workload at the time.

(June 30, 2009) (Volume 3, Z), PC Payne's notes:

| | |
|-------------------------|----------------------------|
| 30 JUNE 2009 | 30 JUNE 2009 |
| 22:18 - Speak C PC Jack | [black] |
| re assignment list | [black] |
| 22:30 [black] | 22:18 - speak with PC Jack |
| 23:45 [black] | re assignment list |
| | 22:30 [black] |
| | [black] |

In the entire month of June 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

- o Ensures timely submission of the PCS 066P.
- o Reviews and signs completed PCS 066P.
- o Forwards PCS 066P to detachment commander.
- o 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.