

## Analysis of the Respondent's Disclosure (July 2009)

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

On June 31, 2009, I worked a night shift. Cst. Payne, Cst. Briscoe and I attended and assisted in the investigation of a suspected arson in the City of Kawartha Lakes OPP territorial division (occurrence numbers SP09143413 and SP09143389). Upon returning to the Peterborough Detachment at around 6:00 am we were required to fax our officer notes to the City of Kawartha Lakes OPP Crime Unit. I asked Cst. Payne if she could give me a copy of her notes as I wanted to learn from them. I explained to her that since I took part in the investigation of the incident and basically saw what she saw I wanted to see how she documented the investigation to learn from it. This was a reasonable request especially one coming from a probationary rookie. She responded by saying that I had to do my own notes. I was rattled and explained again that I was not going to copy her notes: I just wanted to learn from them since it was a perfect opportunity for me to see how an investigation of an incident I witnessed and took part in was documented by my mentoring officer. I was further rattled by the fact that I was left out while the two of them sat in one cruiser doing their notes. If two experienced officers could share the benefits of their independent recollections to prepare their notes, why was I being ostracized for wanting to view her notes? Is it inconceivable to imagine an experienced officer writing up his/her notes and then presenting them to a probationary officer stressing that he/she view the notes for the sole purpose of examining the manner in which the author's observations have been documented?

Note: As later pointed out by Cst. Tapp, the mistake of an inexperienced (in years of service) coach officer is to let a probationary officer be isolated or left alone to make up their notes in an investigation, especially an investigation involving other officers. Though one gets some training at the Ontario Police College in note taking it is always crucial that probationary officers literally be given their coach officers' notebook and explained: look it over as to how one's observations are documented; note the absence of notations of other officers' views and other officers' comments since that would be hearsay evidence; note in particular what you saw in comparison to what they noted and then write down exactly what you recollect for in doing so one can see the independent recollection of another officers' view in a similar incident.

At approximately 6:30 am Cst. Payne handed me a copy of her notes in a somewhat ungraceful manner. I thanked her, but I felt that there was something very wrong in the way she gave them to me. I briefly reviewed them (5 minutes tops) and returned them to her. What followed was a storm out of the blue. All of a sudden Cst. Payne lashed out on me right in the Constables' office in the presence of two officers from the Platoon 'C' shift, Cst. Dan Gay and Cst. Marc Gravelle (Exhibit 26c, page 10). She started by saying, "So why don't you want my notes, Mike?" When I replied that I had reviewed them and no longer needed them, she raised her voice and started reprimanding me for things I cannot recall as I was in shock. She said something along the lines that Cst. Filman tried really hard to coach me and that basically I sucked. She went on and on and when I attempted to defend myself and answer to her accusations in a rational manner she raised her voice even further by saying, "Do not interrupt me because I am senior to you". By the time the storm subsided I felt I was one-inch high. So much for The Promise of the OPP (Exhibit 87, page 3):

Treat all others with equality, as I would want my loved ones and myself to be treated; victims and accused (their families and communities), colleagues and staff, regardless of gender, race, ethnicity, ability, age, etc.; enable others to maintain their dignity even in the face of adversity

Support colleagues, especially those who may feel vulnerable or at a disadvantage because of their employment status, e.g. new recruits, volunteer, civilian, contract; or background, e.g. race, gender, ethnicity  
Exercise humility and self-control/discipline

Maintain an open mind, try to be impartial and non-judgmental; be aware of and manage my personal biases or attitudes, e.g. stereotypes

not to mention an officer's code of conduct towards another officer especially a probationary one (Exhibit 88, page 3):

treating people fairly, with dignity and respect, and ensuring all workplace practices allow each employee an equal opportunity to participate;

developing the knowledge and skills of every employee;

providing ongoing, honest and constructive performance feedback;

After the reprisal was over and Cst. Payne walked away, Cst. Marc Gravelle called me and reprimanded me for allowing her to talk to me in such a vexatious manner in front of other officers, saying that it was not his business but because he had witnessed the incident, it became his business. Cst. Dan Gay did not say a word. He was sitting motionless in front of a computer and acting as though he was not there (Exhibit 26c, page 10). I also thought to myself, "Wow, she was supposed to be my coach officer."

Note: I wondered for a while what might have triggered Cst. Payne lashing out on me so unexpectedly. A few days later I seemed to have figured it out. At the time, I was dating a girl whom I met at the Ennismore Community Policing Office. At approximately 1:00 am on the day of the incident (July 1, 2009) I received a text message from my girlfriend on my cell phone while I was in the Constables' office. Cst. Payne asked me who I received the text message from, to which I replied that it was from my girlfriend. Cst. Payne seemed surprised that I had a girlfriend and questioned me who she was and where I had met her. I frankly answered her questions and Cst. Payne asked no more. A few days later, my girlfriend said that she had known Cst. Payne and even had a ride along with her in the past. My girlfriend further added that Cst. Payne treated her like a nuisance and was not nice to her. My girlfriend was a good person and I had not heard her saying negative things about other people to that day so when she said that Cst. Payne was not nice to her that made me suspect that there was more to the story than mere work relations and my alleged incompetence as a rookie.



(July 1, 2009) (Volume 3, Z), PC Payne's notes:

30 JUNE / 01 JULY 2009  
02:53 R/C - BRIDGENORTH  
male in housecoat  
on lawn tractor @  
subway plaza  
parking lot  
- ENR from Young St  
02:56 ATS - locate male  
on lawn tractor -  
w/b north shoulder  
of causeway  
- head right in front  
of tractor  
- no other traffic  
on causeway at time  
- male - blond - young  
- blue house coat  
- white ~~strip~~ striped  
shirt underneath

30 JUNE / 01 JULY 2009

02:53 R/C - Bridgenorth  
male in housecoat  
on lawn tractor @  
subway plaza  
parking lot  
- ENR from Young PT.  
02:56 ATS - locate male  
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w/b north shoulder  
of causeway  
- head right in front  
of tractor  
- no other traffic  
on causeway at time  
- male - blond - young  
- blue house coat  
- white ~~ship~~ striped  
shirt underneath

(July 1, 2009) (Volume 3, Z), PC Payne's notes:

- back pack  
- male I.D. verbally  
as [redacted]  
- said ENR home  
from Bridgenorth -  
home near Fowlers  
Corners  
- lives w/ foster dad  
- had him step off  
tractor - said not  
drinking - had  
six pack of Labatt  
Blue DeAlcoholized  
beer - opened  
case - no bottles opened  
- said it was his  
dad's lawn tractor  
- asked for ID  
- said it was in

- back pack  
- male I.D. verbally  
as [black]  
- said ENR home  
from Bridgenorth -  
home near Fowlers  
Corners  
- lives with foster dad  
- had him step off  
tractor - said not  
drinking - had  
six pack of Labatt  
Blue DeAlcoholized  
beer - opened  
case - no bottles opened  
- said it was his  
dad's lawn tractor  
- asked for ID  
- said it was in

(July 1, 2009) (Volume 3, Z), PC Payne's notes:

his bag  
 - locate wallet in  
 nap sack  
 - also in back pack  
 is green, large  
 1 1/2 fold fire crackers  
 - white fan  
 - knife + pkg  
 - change  
 - mac's milk bag  
 with pornographic  
 magazine + CD  
 - no DL  
 - locate Health  
 Card in brown  
 wallet  
 - [redacted]  
 - had comms do  
 CPIC + Niche int  
 check  
 - [redacted]  
 - 4 calls with him  
 re assaults  
 - victim sexual  
 - last occurrence  
 2004  
 - Lawn tractor -  
 Mastercraft - 16hp  
 42" riding lawn  
 mower -  
 green/grey  
 - PC Briscoe gave

his bag  
 - locate wallet in  
 nap sack  
 - also in back pack  
 is green large  
 1 1/2 fold fire crackers  
 - white fan  
 - knife + pkg  
 - change  
 - mac's milk bag  
 with pornographic  
 magazine + CD  
 - no DL  
 - locate Health  
 Card in brown  
 wallet  
 [black]  
 - had comms do  
 CPIC + Niche int  
 check  
 [black]  
 - 4 calls with him  
 re assaults  
 - victim sexual assault  
 - last occurrence  
 2004  
 Lawn tractor -  
 Mastercraft - 16  
 HP 42" riding lawn  
 mower -  
 green/grey  
 PC Briscoe gave



(July 1, 2009) (Volume 3, Z), PC Payne's notes:

me father's (foster)  
phone # + address  
[redacted]  
[redacted]  
03:05 [redacted]  
[redacted]  
[redacted]  
- foster parent 56 yrs  
for Chris  
- thought he was at  
home in bed  
- shocked to hear he  
was in Bridgenorth  
- last night Chris  
stating he was moving  
out packed things  
this morning - had  
stuff in living room  
-> Goldcross - independent  
agency for CAS -  
involved  
-> [redacted]  
[redacted]  
[redacted]  
[redacted]  
03:10 arrest [redacted] for  
possession of stolen  
property re. lawn  
tractor  
- while on phone w/  
[redacted] I asked him  
about his riding lawn  
mower - [redacted]  
said he had a red one  
- didn't know who  
would have a

me father's (foster)  
phone # + address  
[black]  
[black]  
03:05 [black]  
[black]  
- foster parents 56 yrs  
for Chris  
- thought he was at  
home in bed  
- shocked to hear he  
was in Bridgenorth  
-> last night Chris  
stating he was making  
out packed things  
this morning - had  
Stuff in living room  
-> Goldcross - independent  
agency for CAS  
involved  
-> [black]  
[black]  
[black]  
03:10 arrest [black] for  
possession of stolen  
property re lawn  
tractor  
-> while on phone with  
[black] I asked him  
about his riding lawn  
mower - [black]  
said he had a red one  
- didn't know who  
would have a

(July 1, 2009) (Volume 3, Z), PC Payne's notes:

[redacted]  
- I yelled and under  
at [redacted] + asked  
him who's lawn  
tractor it was - he  
said a neighbors.  
I asked him if the  
neighbor knew he  
had the tractor +  
he said no  
- that's when I stepped  
out of cruiser +  
arrested him  
- PC Jack handcuffed  
+ search - place  
in rear of my  
cruiser  
- explained arrest  
for possession of  
stolen tractor

03:20 meet PC BRISCOE +  
JACK at [redacted]  
restaurant. 15

[black]  
- I yelled out under  
at [black] + asked  
him who's lawn  
tractor it was - he  
said a neighbors.  
I asked him if the  
neighbor knew he h  
ad the tractor +  
he said no  
- that is when I stepped  
out of cruiser +  
arrested him  
- PC Jack handcuffed  
+ search - place  
in rear of my  
cruiser  
- explained arrest  
for possession of  
stolen tractor

[black]  
03:20 meet PC Briscoe +  
PC Jack 2 [black]  
restaurant

(July 1, 2009) (Volume 3, Z), PC Payne's notes:

- spoke to employee -  
baking. OK to l  
eave lawn tractor  
in parking lot until  
we can locate  
an owner

- spoke with employee  
baking. OK to l  
eave lawn tractor  
in parking lot until  
we can locate  
an owner  
[black]



(July 1, 2009) Counsel's additional disclosure (April 5, 2012), PC Jack's notes:

FILE WEN @ - 142-09

0256 O CAUSEWAY

ONE MALE RIDING

A LAWN MOWER

W/B ON CAUSEWAY

ALONG THE SHOULDER

IDEN VIA HEALPT CAM

WED 01-JUL-09  
G PACK OF ~~COCAINE~~  
LIGHT, BAKY PACK  
DRESSED IN ~~BLUE~~  
~~WATERHOUSE COAT~~  
A CALL CAME IN  
AT 02:53 A MALE  
WAS OAS ON UNCL  
FLOOR 2 SUBWAY  
PLAZA IN BMTOWN  
MONTN.  
MALE ADVISED HE  
CAME ~~FROM~~  
~~WAS ADDRESS OF~~  
~~LAURE~~  
MALE APPROACH  
TO 200 SOMERSON  
LOST, EXHIBITS  
SIGNS OF MHA OR  
SDAT  
P/C PAYNE &  
P/C RMSLOB  
QUESTIONED THE  
MALE AS TO  
WHERE HE WAS  
COMING FROM  
AND WHAT FOR.  
P/C PAYNE DETERM  
THAT MALE WAS  
IN POSSESSION OF  
STOLEN PROPERTY  
HABITUAL FUGITIVE  
AND PUT HIM  
IN P/C PAYNE  
CUSTODY  
RESISTED P/C  
RMSLOB

WED 01-JUL-09  
MOVE THE  
EVIDENCE FROM  
THE CONDO  
AS A PACK IS  
ON THE WEST  
SIDE OF THE  
CONDO IN  
THE PARKING LOT  
FOLLOWED P/C  
PAYNE & P/C  
RMSLOB TO THE  
MALE'S HOME  
IN CKL AREA.  
WAS PRESENT  
DURING THE TIME  
OF THE INVESTIGATION  
OBSERVED FROM  
THROUGH THE  
SCREEN

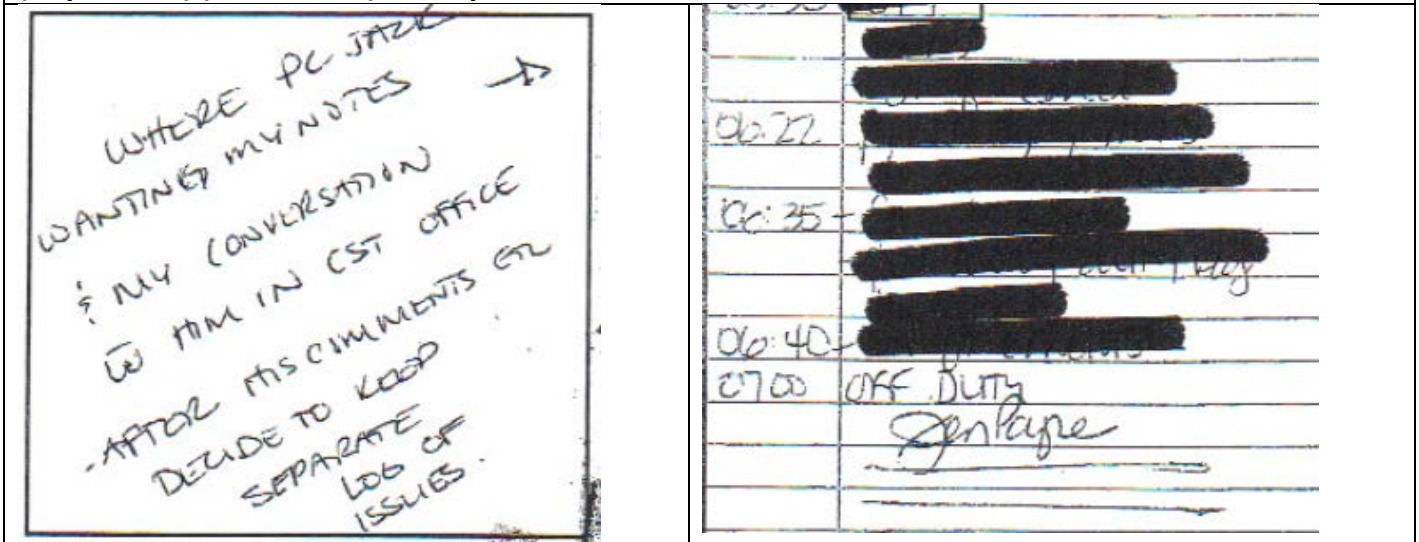
APPROXIMATELY, MALE  
WAS ANSOA, CKL  
OPP TO INVESTIGATE  
0520 LEFT THE SCENE  
FON 10-19  
P/C PAYNE &  
P/C RMSLOB STAY  
ATS TO CONTINUE  
INVESTIGATION.

0600 10-19, 10-2  
CLEARLY TWO  
CALLS WERE PCC  
ADVISED DRY  
SLEPT SGT  
NATHAN OR THE  
NIGHT OCCURRED  
0720 OFF DUTY  
P/C 12040



I appreciate Counsel's disclosure of my notes for June 30 / July 1, 2009. From my notes it is evident that I did not document anything about PC Payne's inappropriate behaviour towards me in the morning of July 1, 2009, in the Constables' office. I knew she was going through rough times and I observed her to be emotionally unstable so I sucked her berating of me in front of others in and kept it to myself. As will be shown later I also refused to disclose her name at the meeting with S/Sgt. Campbell on August 19, 2009. I firmly believed that doing so was highly unethical. Neither PC Payne documented anything about our conversation in the Constables' officer in her regular notebook. However, PC Payne went out of her way to surreptitiously start a separate notebook to document her interactions with me in careful detail (including the berating of me). Not only it was unethical on her part, but it was also in dire contravention of the Ontario Provincial Police Orders.

**(July 1, 2009) (Volume 3, Z), PC Payne's notes:**



It is against the Ontario Provincial Police Orders and the Police Services Act to keep more than one daily journal at a time. I clearly remember from the Ontario Police College that such practice was strictly prohibited. However, PC Payne maintained a separate journal consisting of her observations made regarding me. When it came to dealing with me PC Payne independently decided to keep a separate journal to fabricate false allegations and to document her observations and interactions with me in dire contravention of the Ontario Provincial Police Orders. The Tribunal should wonder if the other three rookie recruits that started around the same time I did were privileged in being monitored and documented in such details as I was. **Alarming is the fact that S/Sgt. Campbell and Sgt. Flindall were aware of this and condoned PC Payne's practice. There was a total aberration of policies (be it the Ontario Provincial Police Orders or Human Rights Code or the Ontario Public Service) (Exhibit 87, Exhibit 88, Exhibit 89, Exhibit 90a, Exhibit 90b, Exhibit 90c, Exhibit 90d, Exhibit 90e, Exhibit 116, Exhibit 117, Exhibit 118, Exhibit 119) when it came to dealing with me.**

**Ontario Provincial Police Orders 2.50 Member Note Taking (Exhibit 117):**

## **2.50.3: DAILY JOURNAL**

**Content** Except as otherwise provided in this policy, a uniform member shall maintain a Form Cat 1-22—Daily Journal in accordance with procedures taught to police officers attending the Provincial Police Academy (PPA) and Ontario Police College (OPC). Before putting Form Cat 1-22—Daily Journal into use, a uniform member shall:

**Review** A supervisor shall review a uniform member's Form Cat 1-22—Daily Journal on a regular basis to ensure it is complete, accurate and in compliance with OPP policy.

**Complete Chronology** A uniform member shall account for each calendar day in Form Cat 1-22—Daily Journal, and consecutive days off may be shown as one entry, e.g. 03 & 04 JAN 2005—weekly rest days.

**Current Use** Except as otherwise provided in this policy, only one Form Cat 1-22—Daily Journal shall be in current use.

(July 1, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

Daily Journal Number: Re PC JACK  
Name: PAYNE J  
Rank: 9C  
Badge Number: 9931  
Location: \_\_\_\_\_  
First Entry (Date): 30 JUN 09  
Last Entry (Date): \_\_\_\_\_  
Serial Numbers  
Firearm: \_\_\_\_\_  
Handcuffs: \_\_\_\_\_  
ASP Baton: \_\_\_\_\_  
OC Spray: \_\_\_\_\_  
Taser: \_\_\_\_\_  
Radio: \_\_\_\_\_  
Other: \_\_\_\_\_

Daily Journal Number: Re PC Jack  
Name: Payne J.  
Rank: OIC (Officer in Charge)  
Badge Number: 9931  
Location:  
First Entry (Date): 30Jun09  
Last Entry (Date)



30 JUNE 2009 - 01 JULY 2009  
02:26 - ASSISTED PC JACK w  
MISCHIEF COMPLAINT  
suspect [redacted]  
damaging mailboxes  
ENR (doubled up w  
PC BRISCOE)  
- unable to locate veh  
+ another call had  
come in re barking  
dog on Young St  
Ennismore  
- While at this call  
call came in reference  
male in housecoat  
in lawn tractor in  
Bridgenorth  
- Jack assisted w this  
call  
- went back to  
Lawrence St with  
[redacted] CKL Kawartha Lakes  
Arson  
- PC Jack assist +  
follow around  
- trying to do notes @  
various times @  
Lawrence St  
- PC Jack requires  
some of my times +  
names  
- provided to him -  
dash pad - few times  
- said he'd do it later  
04:30 - when BRISCOE + I  
attended at [redacted]  
residence to discuss

**30 JUNE 2009 – 01 JULY 2009**

02:20 - Assisted PC Jack with  
mischief complaint  
suspect [black]  
damaging mailboxes  
ENR (doubled up with  
PC Briscoe)  
- Unable to locate vehicle  
+ another call had  
come in re barking  
dog on Young St  
Ennismore  
- While at this call  
call came in reference  
male in housecoat  
in lawn tractor in  
Bridgenorth  
- Jack assisted with this  
call  
- went back to  
Lawrence St. with  
[black] City of Kawartha Lakes (CKL) investigating  
arson.  
- PC Jack assist +  
follow around  
- trying to do notes on  
various @ various times @  
Lawrence St.  
- PC Jack requires  
some of my times +  
names  
- provided to him –  
dash pad – few times  
- said he'd do it later  
04:30 - when Briscoe + I  
attended at [black]  
residence to discuss

(July 1, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

charges re Theft –  
possession of lawn  
tractor they advised  
no

- Came back to car/cruiser  
a PC Jack in front  
seat of cruiser  
speaking with my  
[redacted]

- When he came out of  
cruiser I asked him  
if he supplementary  
cautioned [redacted]  
he said he didn't  
he was talking him  
off the record  
about the fan in  
his backpack  
- I advised him 2

charges re Theft –  
possession of lawn tractor  
they advised used  
no

- came back to car/cruiser  
- PC Jack in front  
seat of cruiser  
speaking with my  
[black]

- when he came out of  
cruiser I asked him  
if he supplementary cautioned  
[black]

he said he didn't  
he was talking him  
off the record  
about the fan in  
his backpack  
- I advised him



(July 1, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

he ~~and~~ shouldn't  
speak to someone  
else's prisoner +  
should have supplementary  
cautioned him before  
talking to him in  
the car  
- may ruin investigation  
for CLK officers who  
want to interview  
him [redacted]  
- said OK - he didn't  
know  
- PC Jack provided  
dash pad re notes  
again - declined  
- would do later  
- at detach where I  
was completing my  
notes to fax to CLK  
CLK det PC Jack  
asked for my notebook  
I advised him my  
notes weren't done yet  
- I expressed that he  
should be making  
his own notes + I  
could provide him  
with some names  
+ times for reference  
- he said my notes  
are mine and his  
are his notes about  
what he remembers  
+ I didn't want him  
to write his notes  
from my book - 3

he ~~and~~ shouldn't  
speak with someone  
else's prisoner +  
should have supplementary  
cautioned him before  
talking to him in  
the car  
- may ruin investigation  
for CLK officers who  
want to interview  
him [black]  
- said OK - he didn't  
know  
- PC Jack provided  
dash pad re notes  
again - declined  
- would do later  
- at detachment where I  
was completing my  
notes to fax to CLK  
CLK detachment PC Jack  
asked for my notebook  
I advised him my  
notes weren't done yet  
- I expressed that he  
should be making  
his own notes + I  
could provide him  
with some names  
+ times for reference  
- because that my notes  
are mine and his  
are his notes about  
what he remembers  
- I didn't want him  
to write his notes  
from my book

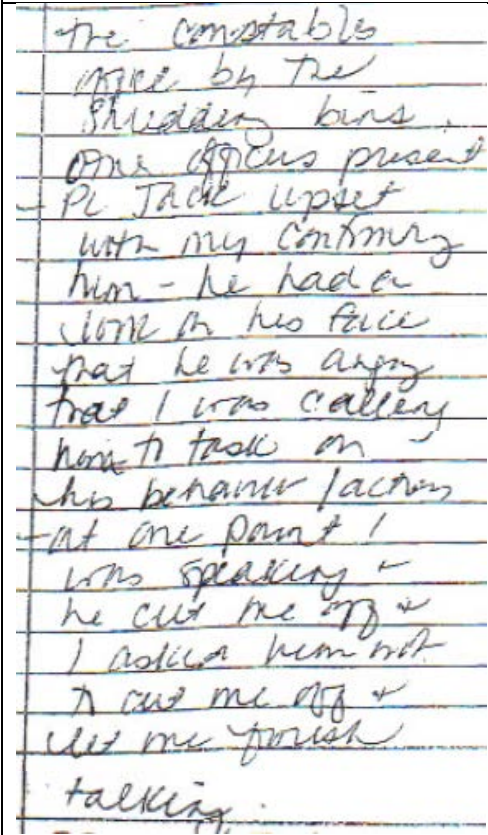
(July 1, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments:
<p>- he got angry + 'smart' and said he can just take my notebook from my diary slot at any time and read it.</p> <p>- I asked him why he wanted my notes &amp; he stated to study them b/c he wants to see how someone else does them - he's finding it difficult w/ culture - language barrier - made reference to housecoat which he used a different term for earlier in night.</p> <p>- I advised Jack <del>to</del> That I would give him a copy of my notes after I completed + faxed them.</p> <p>- I copied notes + provided Jack w/ a copy.</p> <p>- at this point he still hasn't completed his own notes for the evening or last call.</p> <p>- I advised him he needed to complete + fax copy to CKL.</p>	<p>I did not get angry. I was confused as to why she did not want to share her knowledge with me. When I said I could take her notebook from her diary slot at any time I emphasized that I did not want to take it without her explicit permission.</p> <p>- he got angry + 'smart' and said he can just take my notebook from my diary slot at any time and read it</p> <p>- I asked him why he wanted my notes &amp; he stated to study them because he wants to see how someone else does them - he's finding it difficult with culture - language barrier</p> <p>- made reference to housecoat wherein he used a different term for earlier in night</p> <p>- I advised Jack <del>to</del> That I would him a copy of my notes after I completed + faxed them</p> <p>- I copied notes + provided Jack with a copy.</p> <p>- at this point he still hasn't completed his own notes for the evening or last call</p> <p>- I advised him he needed to complete + fax copy to CKL</p>



(July 1, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments:
<p>06:40 - PC Jack read first couple of my pages of notes then threw them back in my diary slot - I asked him why he put them back if he wanted them so badly - he said he was tired + couldn't concentrate to read them - I was confused he had made a such a big deal about getting my notes + now he didn't want them + gave them back -</p> <p>- he said he's finding it difficult to do this job with the language barrier + accent</p> <p>- he said he feels he hasn't been coached properly</p> <p>- I advised him that I was there to assist him now that I was afraid because he's been using the "language barrier" as a "crutch", for to that I've heard for the past month I told him I didn't</p>	<p>I never 'threw' them back! PC Payne is so inconsistent in her notes. PC Payne used 3 different terms – threw, put, gave – to describe the same action.</p> <p>Seeing that PC Payne was upset while handing me over a copy of her notes and having reviewed them briefly I returned them to her.</p>



(July 1, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments:
<p>want this to become a crutch for him</p> <ul style="list-style-type: none"> <li>- I advised him that PC Filman is a good &amp; knowledgeable officer &amp; I don't believe that Filman didn't coach him properly &amp; that I didn't want to hear that excuse again</li> <li>- I said that I've been asked to help <del>guide</del> guide him &amp; be his "go to" person (which he's known about in the past)</li> <li>- He's to come to me with help/questions</li> <li>- Further, that I would help him with his assignment list &amp; prioritizing what needs to be done</li> <li>- I advised him I feel he's spending too much time on calls that aren't going anywhere than on the important ones</li> <li>- This is what I've seen in past month</li> <li>- We had this conversation in</li> </ul>	<p>want this to become a crutch for him</p> <ul style="list-style-type: none"> <li>- I advised him that PC Filman is a good &amp; knowledgeable officer + I don't believe that Filman didn't coach him properly + that I didn't want to hear that excuse again</li> <li>- I said that I've been asked to help <del>guide</del> guide him &amp; be his "go to" person (which he's known about in the past)</li> <li>- He's to come to me with help/questions</li> <li>- Further, that I would help him with his assignment list + prioritizing what needs to be done</li> <li>- I advised him I feel he's spending too much time on calls that aren't going anywhere than on the important ones</li> <li>- This is what I've seen in past month</li> <li>- We had this conversation in</li> </ul> <p>In other words, 'Jack, you have been lying!'</p>

(July 1, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments:
 <p>the Constables office by the shredding bins, other officers present - PC Jack upset with my confronting him - he had a look on his face that he was angry that I was calling him to task on his behaviour/actions - at one point I was speaking + he cut me off + I asked him not to cut me off + let me finish talking.</p>	<p>The other officers were PC Marc Gravelle and PC Dan Gay.</p> <p>That is when PC Payne said: <b><i>'Do not interrupt me because I am senior to you.'</i></b></p>

I must emphasize the usage of the phrase **'confronting him'**. At the time in order to succeed I needed help, patience, encouragement and guidance. I needed my colleagues support. The last thing I needed was confrontation and accusations, which I got plentiful. The definition of the word **'confront'** that PC Payne frequently used with regards to our rare interactions are as follows:

- Meet (someone) face to face with hostile or argumentative intent;
- Oppose, as in hostility or a competition;
- Face up to and deal with (a problem or difficult situation);
- Compel (someone) to face or consider something, esp. by way of accusation;
- Present itself to (someone) so that dealing with it cannot be avoided;
- Deal with (something unpleasant) head on;
- Appear or be placed in front of (someone) so as to unsettle or threaten;



**30Jun09 - 01Jul09 - PC Payne**

- On the morning of the 1<sup>st</sup> July 2009, I double up with PC Briscoe to assist PC Jack in Ennismore who was looking for a vehicle and occupants that were doing mischief to mailboxes. While in Ennismore we were dispatched to a report of a suspicious male who was in a housecoat driving a riding lawn tractor in Bridgenorth. The three of us located this male on the causeway and subsequent investigation led us to arrest the male for possession of stolen property. We transported the male back to his residence north of Fowler's Corners in City of Kawartha Lakes jurisdiction. When we arrived we discovered that CKL OPP were investigating an arson at a residence which was situated across the road from where the lawn tractor was stolen. This was also down the road from the residence of our 10-92. Our person in custody now became the primary suspect for this arson. We assisted CKL and caught up on notes at the scene. PC Jack required some of my notes for times and names which I provided my dash pad with times and names which I was working off to make my notes.
- At approx 04:30hrs I asked PC Jack to watch the accused who was sitting my vehicle, while we went to speak with the owners of the lawn tractor. When I returned from the vehicle I observed PC Jack sitting in the driver's seat having a conversation with the male in custody. When PC Jack exited the cruiser I asked him if he had supplementary cautioned the male before he spoke with him. PC Jack advised he hadn't and that he was talking to him "off the record" about the fan in his backpack. I advised him that he shouldn't speak with someone else's prisoner and that he should have given a supplementary caution. Further I advised him that his conversation may ruin/interfere with subsequent investigation as he was going to be interviewed the City of Kawartha Lakes Crime Unit.
- PC Briscoe and I continued to do notes and I again provided my dash pad notes to PC Jack who declined.



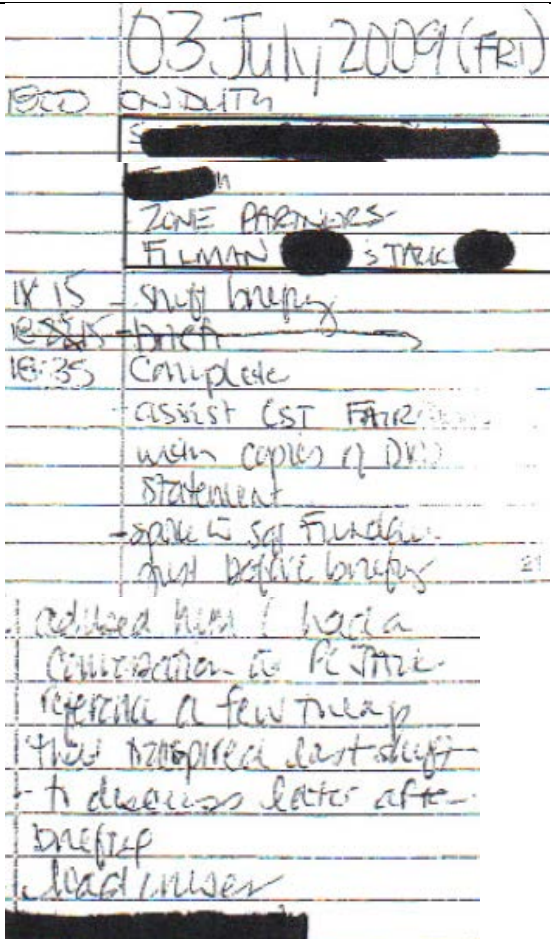
- While back at detachment completing our notes to be faxed to CKL detachment PC Jack asked to see my notes. I advised him my notes were not done yet. I expressed that he should be making his own notes and I could provide him with names and times. I advised him that my notes were my notes about what I remember and what I did. I advised him I didn't want him to write his notes from my notebook. PC Jack got angry and snapped back. He stated he could just take my notebook from my diary slot at any time and read it. I asked PC Jack why he wanted my notebook and he stated to study them because he wanted to see how someone else does them. He stated he is finding it difficult with the culture and language barrier. He made reference to the word housecoat which he would have used a different term. I advised him that it is ok to write the different term in his notebook because that is how he recalls and remembers it by. I advised PC Jack that I would give him a copy of my notes after I completed and faxed them. I noticed during this time that PC Jack still was not working on his notes and hadn't completed them for this call and I believed he was waiting for mine so he could make his.
- I provided a copy of my notes to PC Jack advised him he needed to complete his and send them off to CKL by fax.
- At approx 6:40am PC Jack read the first couple of pages of my notes then threw them back in my diary slot. I confronted him about this in the constable's area. I was upset because he had made such a big deal about getting my notes and then he didn't want them anymore. I asked him why he put them back if he had wanted them so badly to use and study from. He stated he was tired and couldn't concentrate to read them. PC Jack stated he was finding it difficult to do this job with his language barrier and accent. He stated he feels he hasn't been coached properly. I advised him that I was there for assistance. I also advised him that I was afraid he was using the "language barrier" as a crutch because I heard this from him many times in the past month. I told him that I didn't want this excuse to become a crutch for him. I advised him that PC Filman is a good and knowledgeable officer and I don't believe that he hasn't coached him properly. I felt comfortable stating this to him because I had read a couple of his reports, they were clear and concise, and he is clearly capable of articulating what happened during the occurrence into his report.

- I further advised PC Jack that I will help him with his assignment list and prioritize what needed to be done. I told him I felt he was spending too much time on calls that weren't going anywhere then on the important ones that required investigative follow-up.
- This conversation took place in the constable's office at the shredding bins. There were other officers present in the room.
- I could tell that PC Jack was upset with me confronting him about the notes. At one point when I was speaking he tried to cut me off and I asked him to let me finish.

**My responses to the above 9 bullet point entries are as follows:**

- True.
- True.
- Possibly true.
- Partially true. I was upset, but I was not angry. I am not sure what PC Payne meant by me snapping back. However, the Tribunal could see that the overall content of PC Payne notes are a compilation of negativity viewed from a negative point. For example: A simple request from a rookie recruit to view her notes regarding a serious investigation in order to see how she documented her observations were viewed by her as a lack of competence to do my own notes and a desire to copy her notes. She failed to see that, as a rookie recruit it is beneficial to observe how various officers document their observations in their notebooks in order to create your own personal style.
- True.
- That is so wrong. I never threw the notes back in the diary slot. That is so wrong! I either put them into the PC Payne's diary slot or gave it back to her. I do not remember exactly how I returned them to her (I either handed them over to her or put them in her diary slot) but it was not done in a violent manner. Where did she come with these examples from? Accusing me of winking at her. Then accusing me of snapping back at her. Then accusing me of throwing her notes in her diary slot. When I read all these accusations, I feel like I am an ungrateful, disrespectful and a violent harasser. I was the one who needed to be looked after. I was the one who was seeking help from them. They were the ones who had power over me! Not the other way around! How could an officer in a position of authority over another accuse their subordinate whose livelihood was on the line of those misdeeds? That just does not make any sense!
- True.
- True.
- True.



(July 3, 2009) (Volume 3, Z), PC Payne's notes:		Comments:
	<b>03 July 2009 (FRI)</b>  18:00 ON DUTY [black] Zone partners Filman [black] & Jack [black] 18:15 - shift briefing <del>18:25-15 - brief</del> 18:35 Complete - assist Cst Fairfiled with copies of DVD statement - spoke to Sgt Flindall just before briefing advised him I had a conversation to PC Jack reference a few things that transpired last shift - to discuss later after briefing - load cruiser [black]	PC Payne's view of a few things were steeped in prejudice towards me and any comments she made to Sgt. Flindall only served to alienate me further and leave me feeling more of a leper.

**Calls for service (reportable and non-reportable) (Exhibit 47):**

147) SP09146028	OPP	Neighbour dispute [8547]	2009/07/03 16:52
Complete - solved (non-criminal) - 60 LAKESHORE BLVD, SMITH-ENNISMORE-LAKEFIELD TWP, ON Canada (Area: 1044, Duty locn: 1105) Reportable / 12690 JACK / ONGOING NEIGHBOUR DISPUTE. ALL INVOLVED PARTIES SPOKEN / TO. SEE REPORT / (** PC JACK TO TAKE DETAILS) /		(ONGOING PROBLEM WITH NEIGHBOUR DOUG ANDERSON 70'S) / (TODAY HE DROVE ON ANOTHER NEIGHBOUR'S FRONT LAWN) / (HEADING TOWARDS CM'S CHILD) / (CM STATES POLICE GOT INVOLVED A COUPLE OF TIMES) / (BUT NOTHING HAS CHANGED)	

I made the following notes in reference to the ongoing neighbor dispute between Mr. Jeff Standaert (and other neighbors) and Mr. Doug Anderson (Exhibit 47c, pages 60, 64 – 70).



(July 3, 2009) Counsel's additional disclosure (April 5, 2012), PC Jack's notes:

THUR 02-JUL-09  
FAT DAY OFF

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FRI 03-JUL-09  
1750 ON DUTY  
[REDACTED]

1800 R/C NEIGHBORHOOD DISPUTE  
ONGOING PROBLEMS  
WITH NEIGHBORHOOD  
[REDACTED]

CM: [REDACTED]  
[REDACTED] MOVE ON  
HIGH LAWN TO HANDS  
WITH CHILD

PH: [REDACTED]

18:05 ON PHONE WITH CM  
5 YRS OLD SON  
WENT TO PLAY  
ACROSS THE LAWN.  
[REDACTED] MOVE  
ACROSS THE LAWN  
TO THEIR NEIGHBORS  
LAWN TO KISS THEM  
OFF AND AUTOST  
MIL OUCH CM'S  
CHILD. AT APPROX  
~ 18:30 HRS

FM 03-JUL-09  
FILE ABOUT PRE  
INCIDENT  
[REDACTED]

85

FM 03-JUL-09  
[REDACTED]  
[REDACTED]  
NEIGHBOR'S  
[REDACTED]  
WITHIN 5'-10'  
OR CM'S SOL  
@ 20-30 KMH  
1815 SHIFT BRIEFING  
- CANADA DAY  
INITIATIVE  
SOME STAFF PROBLEM  
1835 M/C CTY AD 23  
DOWN TO ONE LANE  
EAST OF CTY N436  
BUCKHORN  
ROAD MAINTENANCE  
1910 10-8  
2000 [REDACTED]  
SPOKE WITH CM1  
[REDACTED]  
CM ADVISED OF  
THE OCCURRENCE AND  
WEN CONCERN FOR  
THE WELL-BEING OF  
WEN SOL AS HE  
WAS FRIGHTENED  
BY THE CAR PASSING  
NEXT TO HIM.  
CM PROVIDED A  
WRITTEN STATEMENT  
OF THE INCIDENT  
AND ADVISED THAT  
[REDACTED]  
[REDACTED]  
WITNESSED THE  
WHOLE THING 81  
THAT HAPPENED

FRI 03-JUL-09  
2015 ATTENDED 61  
LAKESHORE BLVD  
AND SPOKE WITH  
[REDACTED]  
[REDACTED] ADVISOR  
THERE IS A LONG  
HISTORY OF DISPUTES  
BETWEEN [REDACTED]  
AND  
VARIOUS NEIGHBORS  
INCLUDING HIMSELF.  
HE ADVISED THAT  
[REDACTED] ATTENDED  
TO TALK TO HIM  
TODAY AT APPROX  
~16:30 AND HE  
WAIVED HIM OFF  
[REDACTED] WHEN  
DROVE AWAY PARTLY  
ON THE LAWN  
PASSING WITHIN  
10 FEET OF A  
NEIGHBOR'S CHILD  
THAT WAS STANDING  
THERE.  
[REDACTED] PROVIDED  
DE WRITTEN STATEMENT  
OF WHAT TRANSPASSED  
20:50 ATTENDED AND  
SPOKE WITH  
[REDACTED]  
[REDACTED] PARKED CAR AT  
[REDACTED] ADVISED  
P/C JACK THAT THE  
DETAILS OF THE 82

FM 03-JUL-09  
COMPLAINT ARE  
TOTALLY WRONG  
[REDACTED] ADVISED  
P/C JACK THAT  
"IT IS ALL LIES"  
[REDACTED] IS VERY  
UPSET THAT [REDACTED]  
[REDACTED] IS A  
PUBLIC SERVANT  
AND THAT IS FREQUENT  
AT HOME TOO EARLY  
AND THAT IT IS HIS  
RIGHT TO COMPARE  
[REDACTED] ADVISED  
P/C JACK THAT  
[REDACTED] GAVE HIM  
A PINGER AND  
THAT WAS THE REASON  
FOR HIM TRYING TO  
TALK TO [REDACTED]  
[REDACTED] APPEARED  
VERY UPSET AND  
AGITATED.  
VELLS: " [REDACTED]  
IS A LIAR"  
ADVISED P/C JACK  
HE KEEPS TALKING OR  
THE TIMES [REDACTED]  
GIVES HIM PINGERS.  
ADVISED P/C JACK:  
"THEY ARE USING  
YOU (OPP) TO GET  
TO ME AND THEY  
ARE USING THEIR  
KIDS TO BAIT ME."  
"THE GUY [REDACTED]  
IS A SCAMMING  
NOTICE BASTARD" 83  
[REDACTED] ADVISED

FM 03-JUL-09  
P/C JACK THAT HE  
IS VERY ANGRY  
THAT [REDACTED]  
CONDUCTED CONSTRUCTION  
WORK ON HIS  
PROPERTY WITHOUT  
OBTAINING PROPER  
PERMITS. FOR  
P/C JACK DATED  
A WRITTEN STATEMENT  
FROM [REDACTED]  
ON WHAT HAPPENED  
ADVISED TO STAY  
AWAY FROM  
[REDACTED]  
PROPERTY AND  
NOT TO PAY  
ATTENTION  
TO "PINGERS".

27:15 @ [REDACTED]  
RESIDENCE  
FOLLOWED UP  
ON THE DISPUTE  
[REDACTED] ADVISED  
P/C JACK THAT  
[REDACTED] SWORE  
A PRIVATE INFORMATION  
WARRANT TO CHANGE  
[REDACTED] IN  
THE PAST.

27:45 [REDACTED]  
FOLLOWED UP ON  
THE INCIDENT  
ADVISED [REDACTED]  
THERE ARE NO  
GROUNDHOGS FOR A  
CHANGE YET AND  
THAT THERE WILL 84  
BE A REPORT ON



(July 3-4, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):		Comments
<p>- 03 + 04 July 2009</p> <p>- PC Jack did not speak to me much during these 2 shifts nor did he make a point of contacting me for any assistance or guidance</p> <p>- I am to assist PC Jack with an arrest warrant brief</p> <p>- Busy cleaning up my assignment list + DARS before vacation</p>	<p>- 03 + 04 July 2009</p> <p>- PC Jack did not speak to me much during these 2 shifts nor did he make a point of contacting me for any assistance or guidance</p> <p>- I am to assist PC Jack with an arrest warrant brief</p> <p>- Busy cleaning up own assignment list + DARS before vacation</p>	<p>Judging by the Counsel's response to the application, the humiliating berating in front of other officers is called giving direction and constructive criticism that I was not willing to accept and failed to heed to. In reality the so called "constructive criticism" was nothing less than harassment mixed with false and vexations accusations and berating in front of others.</p>

(July 3 & 4, 2009) (Volume 3, BB) Point Form Chronology:

### 03 & 04 Jul 09 - PC Payne

- I noticed that during the shifts of 3<sup>rd</sup> & 4<sup>th</sup> July, PC Jack did not speak to me much, nor did he make a point of contacting me for any guidance or assistance. He basically ignored me, and I believe he was mad because I confronted him.

(July 4, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

SAT 04-JUL-09  
 1810 PRINT DMS, EMAILS  
 VOICE MAIL  
 1750 SPOKE WITH [REDACTED]  
 [REDACTED] ON PHONE  
 292-0500  
 [REDACTED] ADVISED OF  
 THE COSTS INVOLVED  
 TO REPAIR THE  
 BROKEN WINDOW  
 (\$150) AND TO GET  
 NEW CASH DRAWER  
 (\$300). [REDACTED]  
 FURTHER ADVISED  
 THAT [REDACTED]  
 FIRED TWO OF HER  
 EMPLOYEES ON  
 THE MORNINGS  
 FOLLOWING THAT  
 BAC BECAUSE THEY  
 GOTTA HAD A SHARPEN  
 CHANGE IN THE  
 ATTITUDE AND EVEN  
 REFUSED TO WORK  
 OUT IN THE RAIN.  
 THE NAMES ARE  
 [REDACTED]  
 18:05 SHIFT BRIEFING  
 18:32 OVER  
 [REDACTED]  
 1845 SPOKE WITH [REDACTED]  
 [REDACTED] HE  
 INQUIRED WHY  
 THERE WERE NO  
 CHARGES LAD  
 AGAINST [REDACTED]

SAT 04-JUL-09  
 [REDACTED]  
 P/C JACK ADVISED  
 [REDACTED] THAT  
 THERE WERE NO  
 APPLICABLE CHARGES  
 KNOWN TO P/C JACK  
 FOR DRIVING ON THE  
 LEFT SIDE OF THE  
 ROAD FOR A SHORT  
 DISTANCE. ALSO  
 ACCORDING TO WITNESSES  
 THERE WERE 6-10  
 FEET BETWEEN  
 [REDACTED] CURB AND  
 [REDACTED] CAR  
 WHEN HE DROVE  
 PARTIALLY ON THE  
 CURB  
 [REDACTED] WAS  
 ADVISED TO SEE  
 IF HE WISHED TO  
 LAY CHARGES [REDACTED]  
 19:10 SPOKE WITH  
 [REDACTED]  
 [REDACTED] OF THE PHONE  
 [REDACTED]  
 RE: NOT ATTENDING  
 DETACHMENT  
 FOR A SWORN KGB  
 STATEMENT AS AGREED  
 LAST NIGHT.  
 [REDACTED] ADVISED  
 P/C JACK THAT  
 [REDACTED] DID NOT GO  
 TO HOSPITAL LAST  
 NIGHT AND THAT  
 [REDACTED] DID NOT  
 WISH TO LAY  
 CHARGES AND WAS

(July 4, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

<p>SAT 04-JUL-09 NOT GOING TO ATTEND PTRO OPD DETACHMENT. P/C JACK ADVISED [REDACTED] THAT THERE WILL BE REPORTS ON FILE AND SHOULD [REDACTED] CHARGE WHEN MIND ASKED, [REDACTED] CAN CALL POLICE AND USE PROVIDED CHECKED &amp; TO REFERENCE THE INCIDENT. 19:15 P/C REQUEST [REDACTED] [REDACTED] 19:30 SPOKE OF THE DRIVING WITH [REDACTED]</p>	<p>REFERENCE HTA 149 (1). ADVISED NO OFFENSE TOOK PLACE BY DRIVING ON THE LEFT SIDE OR THE CENTRE. 2000 FOLLOWED UP ON ASSAULT FROM LAPD MENT, OUT REPORT ON HIGH SP0914 6471 21:25 10-8, VEHICLE PATROL ENROUTE 21:55 P/C 911 ACTIVATION DAY PHONE [REDACTED] 22:30 [REDACTED] CAMPERS NEARBY 90</p>
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In my Month 8 PER (09 Jun 09 – 09 Aug 09) in the Attitude Towards Learning section Sgt. Flindall / PC Payne noted the following with the 'Does Not Meet Requirements' rating:

Specific example:

PC JACK has an obvious ability to learn but is not willing to take responsibility for mistakes or accept any disappointments. He has been found to avoid an officer that has given him negative feedback. He has also been argumentative with officers that have given him direction and states that discipline is "humiliating".

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

Specific example:

In relation to fellow officers, it has been noted that when PC JACK has an unfavorable conversation with a fellow officer, receives discipline or criticism, PC JACK will no longer talk to that officer. In some circumstances, this non-communication has last for some time.

While I do not remember why I did not speak with PC Payne much (maybe because I was busy with calls for service and did not require her "help") one thing I am certain of – I was very scared of her.



**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 23:**

Deficiencies with attitude toward learning was another problem area which was noted in some of the Applicant's PERs. For example, it was noted that the Applicant had an obvious ability to learn but was not willing to take responsibility for mistakes or accept any disappointments. There were examples where he would avoid an officer who had given him negative feedback or be argumentative with officers who had given him direction.

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 27:**

Officers commenting on incomplete information. The Applicant also refused to accept responsibility for his errors and would try to deflect the blame on others. He was also very reluctant to accept advice or guidance for other officers and would be argumentative or give his colleagues the silent treatment in response.

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 45:**

It is the Respondent's position that the Applicant's coach officers and other officers within the Detachment tried to assist the Applicant but the Applicant failed to heed their advice and guidance. The Applicant was resistant to receiving feedback or constructive criticism and would respond with the silent treatment.

**(July 6, 2009) (Volume 1, I-101):**

**From:** Gozzard-Gilbert, Shelley (JUS)  
**Sent:** July 6, 2009 1:44 PM  
**To:** Pollock, John (JUS); Jack, Michael (JUS)  
**Cc:** Syvret, William (JUS); Postma, Jason (JUS); Flindall, Robert (JUS)  
**Subject:** Michael JACK working for John POLLOCK

On the 9th August.

I have put a task on my Outlook to remind me to check for DAR from John and then I will transfer hours to Michael's bank.

I am on vacation then but when I come back I will have the message to check.

Thanks guys for doing up the paperwork.

Shelley

The above e-mail is an example of me trying to be a team player. Had only the Respondent disclosed all my e-mails using my former Justice account the Tribunal would have had proof of my correspondence with PC Pollock.

(July 6, 2009) (Volume 2, O), PC Filman's notes:

0155	[REDACTED]	0437	Place call to Duty Counsel
0325	[REDACTED]	0446	PC Jack confirms [REDACTED] at house admits not a criminal lawyer Doesn't know [REDACTED] [REDACTED] privacy to speak in her he gives names for 2 lawyers
0359	Request to get up for breath test for PC Jack		[REDACTED]
0430	PC Jack [REDACTED] subject [REDACTED] says he wants lawyer [REDACTED] of Toronto	0	[REDACTED]
0435	Find Number in Lawyer book Place call message left in message. PC Jack looking for home phone number	0452	[REDACTED] speak a female "advising services"

(July 6, 2009) (Volume 3, BB) Point Form Chronology:

06Jul09 - PC Filman

- PC Jack made an arrest for impaired driving; I was the breath tech on his return to detachment. When he arrived with the male under arrest I asked the accused if he wanted to call a lawyer, he said I don't know - no one has asked me yet. I confirmed with PC Jack that he had not read rights or caution to the male up to this point. It was done at that time and the accused spoke with a lawyer.

For my account of the occurrence please refer to Exhibit 47c, pages 18 – 24. While PC Filman is correct in saying that I did forget to read the accused Rights to Counsel at the scene he failed to mention that as soon as I was made aware of the error I acknowledged the mistake and immediately corrected the issue. The Tribunal should take heed of the discrepancies in PC Filman's entries across 4 different entries:

- PC Filman's notes (July 6, 2009) where the incident is not even mentioned.
  - PC Filman did not see any merits to document something minor like that as the accused was not going to have an opportunity to call a lawyer until he was brought to the detachment, at which time he was read his Rights to Counsel and provided with the opportunity to call a lawyer.
- Month 5 PER (09 May 09 – 09 June 09) where the incident is mentioned from a positive perspective.

- PC Filman documented the incident in my PER (though a wrong PER) as something minor that was corrected on the spot at the time it took place.
- Month 6 & 7 PER (09 June 09 – 09 Aug 09) where the incident is mentioned from a negative perspective.
  - Sgt. Flindall and PC Payne found it incumbent upon themselves to turn the incident from positive to negative in my subsequent fabricated PERs.
- Point form chronology (July 6, 2009) where the incident is mentioned from a negative perspective.
  - When PC Filman prepared the point form chronology sometime in November 2009 he went along with the rest of the pack to document the incident negatively.

**In my Month 5 PER (09 May 09 – 09 June 09) in the Federal Statutes section PC Filman noted the following:**

FEDERAL STATUTES	
Able to identify, articulate and process applicable elements in Federal Statutes.	Meets Requirements
Specific example: As the result of a traffic complaint about a possible impaired driver, PC JACK stopped a vehicle and was able to properly facilitate demands and made an appropriate arrest for over 80. PC JACK did error in the time he read the accused's Rights to Counsel but was made aware of the error and acknowledged the mistake. SP09148553	

How could have PC Filman documented me positively in my Month 5 PER (09 May 09 – 09 June 09) for the incident that took place on July 6, 2009? What a Detective!

**In my Month 6 & 7 PER (09 June 09 – 09 Aug 09) in the Federal Statutes section Sgt. Flindall / PC Payne noted the following:**

FEDERAL STATUTES	
Able to identify, articulate and process applicable elements in Federal Statutes.	Does Not Meet Requirements
Specific example: SP09148553 - As the result of a traffic complaint about a possible impaired driver PC JACK located and stopped the vehicle. He appropriately issued a roadside demand and when the subject failed the roadside he arrested the driver and issued the Demand for the intoxilyzer. PC JACK however, did not issue the rights to counsel and caution to the accused until he was back at the detachment after I questioned him about this time. PC JACK acknowledged the mistake and immediately corrected the issue.	

How could have PC Filman documented me negatively for the same incident that he had documented me positively in the previous month? After all the Evaluator's name was CST FILMAN (Exhibit 24). The answer is very simple, however. My Month 6 & 7 PER was written by Sgt. Flindall and PC Payne. As far as PC Filman's lack of accuracy then when a coach officer is consistently inconsistent in his documentation of the events and is consistently off with respect to the accuracy and timing of the events, occasionally by more than a month, that could hardly be construed as an oversight on his part. It is a neglect of duty!



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

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

46. Paragraphs 31 to 36 – All of the PERs attributed to Constable Filman were written by him. All the PERs were reviewed by Sergeant Flindall who may have sought revisions before the documents were finalized. The Applicant was subject to the same expectations as every other probationary constable. The Applicant was not subject to

(July 7, 2009) (Volume 1, I-37):

(Re: Standaert vs. Anderson, Exhibit 47c, pages 60, 64 - 70)

From: Campbell, Ron (JUS)  
Sent: July 7, 2009 10:59 AM  
To: Jack, Michael (JUS); Gravelle, Marc (JUS)  
Cc: Flindall, Robert (JUS); Rathbun, Brad (JUS)  
Subject: [REDACTED] and [REDACTED]

Guys I am sending you this message as I was tagged teamed by both of these persons today almost immediately when I hung up the phone the other was on the line. They are complaining about each other as normal. Anyway here is the supplementary on Mike's report.

Mike call [REDACTED]

Marc call [REDACTED]

#### Supplementary

On the 7th of July 2009 [REDACTED] contacted myself to complain about the status of the investigation and about [REDACTED] and his history with him.

As a result of the information he provided I located this incident and advised [REDACTED] it appeared to still be under investigation by Cst. Jack. Cst. Jack returned to duty on the 8th of July 2009 at 6PM and he would be left a message to call him.

Mr. [REDACTED] started to review all the problems with [REDACTED] and also stated he was called by a Cst. Freisen of the Peterborough City Police as Standaert was complaining he sent him material to his work at the MNR. [REDACTED] also claimed that [REDACTED] told him that he had called [REDACTED] 22 times at the MNR. I advised him I had no idea what [REDACTED] had told him and he should take the matter up with the City Police. [REDACTED] advised he was also told this by Cst. Jack and he wanted to know what was in the City Police report as well as the OPP reports.

[REDACTED] was advised to call the City Police to review their report. As far as I could determine there were 9 entries with his name and DOB 6 times he was the complainant and 3 times he was the subject of the complaint.

[REDACTED] inquired about obtaining the information via the FOI and he was given the phone number and address for his use.

While making my notes [REDACTED] called to complain about [REDACTED] stating that he was having him charged with criminal harassment by the City Police and he was reporting this to me as the incident on Friday 3rd of July was related. He also claimed that Cst. Freisen was attempting to contact a Cst. Gravelle who had not returned his calls.

[REDACTED] was also returning my call to confirm his prints from an earlier incident had been destroyed as his lawyer had not gotten a letter from the OPP. [REDACTED] was advised his prints and photos were destroyed on the 3rd of March 2009 at 1100hrs at the OPP and his lawyer [REDACTED] was sent correspondence on this date. [REDACTED] was advised a follow up or copy of the letter could be sent to him directly. [REDACTED] requested it be sent to his home address.

Please note that Cst. Marc Gravelle never called back Cst. Freisen in reference to the chronic neighbor dispute between Mr. Doug Anderson and Mr. Jeff Standaert. However, around the same time of the year Cst. Marc Gravelle laughed at S/Sgt. Campbell (behind his back of cause) for attempting to do PR. I remember that because I was unfamiliar with the term PR and specifically asked Cst. Marc Gravelle what he meant by that, to which he told me that PR meant Public Relations. That is how I learned the term PR.

**(July 8, 2009) (Volume 3, BB) Point Form Chronology:**

**08Jul09 - PC Filman**

- I stayed after shift on my own time and assisted PC Jack with the completion of his Impaired Operation brief. When this report was completed by PC Jack I re-wrote it and provided him with a copy of both versions. He read both and told me that he agreed with mine and would use it as a template in the future. On the 9th of July we reviewed both and discussed pros and cons.

With respect to discussing the pros and cons of PC Filman's version of the Crown Brief Synopsis versus mine PC Filman is correct. With respect to agreeing with PC Filman's version and that I was going to adopt his as a template for my future reports PC Filman is correct.

(July 9, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

THU 09-JUL-09  
 OIC SGT FLINDALL  
 10-13 +19°C, SUNNY  
 SOFT 11-302  
 HARD 1-229  
 MIL 34950/35077  
 EQUIP ASD, RAPAN, C8  
 17:55 RAPAN TEST  
 DECATON GENEIS  
 S/N GLS-23107  
 APMI - PWD  
 18:00 R/C NEIGHBOUR DISPUTE  
 CM: [REDACTED]  
 [REDACTED]  
 CM: [REDACTED]  
 [REDACTED]  
 COMPLAINT:  
 [REDACTED]  
 IS TAKING PICTURES  
 OF THEIR HOUSES AGAIN  
 18:40 CALLED [REDACTED]  
 ANOTHER NEIGHBOUR

THU 9-JUL-09  
 [REDACTED]  
 ADVISED [REDACTED]  
 [REDACTED] THAT  
 [REDACTED] WAS TAKING  
 PICTURES OF HOUSES  
 OF [REDACTED] NEIGHBOURS  
 [REDACTED]  
 ATTENDED [REDACTED]  
 RESIDENCE AND  
 [REDACTED] TOLD [REDACTED] THAT  
 [REDACTED] SHOULD WORK  
 [REDACTED] KIDS BY THE  
 ROAD ACROSS THE  
 STREET, YELLED  
 AT [REDACTED] AND TOLD  
 [REDACTED] TO GET OFF  
 THE PROPERTY.  
 [REDACTED] ADMITTED  
 TO TAKING PICTURES  
 FROM THE TOWNSHIP  
 CM FEARS FOR [REDACTED]  
 SAFETY AND THE  
 SAFETY FOR [REDACTED]  
 CHILDREN.

18:50 ON 09-JUL-09.  
 OBS [REDACTED]  
 TAKING PICTURES  
 OF [REDACTED] AND  
 [REDACTED] HOUSES  
 ~ 12:30.  
 [REDACTED] AND [REDACTED]  
 [REDACTED] WERE TAKING  
 PICTURES, SMALL  
 DIGITAL CAMERA.  
 AAC AS SOON AS  
 THEY SAW ME,



(July 9, 2009) (Volume 1, B), Sgt. Flindall's notes:

THU 9 JUL 09  
 1700 - on duty.  
 1820 - P.C. JACK req  
 assist on  
 [REDACTED]  
 [REDACTED]  
 occurrence.  
 - will review  
 all occurrence  
 - many neighbor  
 disputes

Comments:

The masked out occurrence is in reference to the chronic neighbor dispute between Mr. Jeff Standaert and Mr. Doug Anderson (Exhibit 47c, pages 60, 64 - 70).

Of interest is the fact that according to these notes I was requested to assist with the ongoing neighbor disputes. However, later on I was requested by Sgt. Flindall to investigate the case (RM09092516) and provide an advice Crown Brief Synopsis (Exhibit 47c, pages 65 - 68).

(July 9, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

THU 9-JUL-09  
 THAT STARTED WALKING  
 TOWARDS RUTHA HOUSE  
 RUTHA ADVISED  
 [REDACTED]  
 OF THE INCIDENT  
 [REDACTED]  
 18:55 CALLED [REDACTED]  
 [REDACTED]  
 1900 LEFT MSG.  
 CALLED [REDACTED]  
 [REDACTED]  
 THANK YOU FOR  
 CALLING, JUST  
 WANTED TO MAKE SURE  
 EVERYTHING WAS OK.  
 ~ 17:15 [REDACTED]  
 [REDACTED] CALL  
 OVER TO MY HOUSE  
 SCREAMING AT [REDACTED]  
 WHY I WAS TAKING  
 PICTURES OF MY HOUSE.  
 I TOOK A PICTURE OF  
 THE BACK HOUSE IN  
 SHED IN MY  
 BACK YARD, BECAUSE  
 I BELIEVE THAT THAT

HAVE NO PERMITS  
 FOR THAT 1126 OR  
 THE BUILDING AND  
 PRESENT IT TO THE  
 TOWNSHIP.  
 THAT ARE CONTRA-  
 VENING THE MUNICIPAL  
 BY-LAW.  
 [REDACTED] SCREAMING  
 AT ME, "I AM GOING  
 TO HAVE YOUR ASS  
 TAKEN AWAY!"


04:07 12-8  
 04:35 10-19, 10-7  
 COMPLETED CROWN  
 BMCE & SUBMITTED  
 TO SGT FLINDALL  
 FOR REVIEW/LOG  
 SP09148553  
 05:50 DASH  
 06:15 OFF DUTY  
 PC 12690 2PM

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

MON 13-JUL-09	
0300 ON DUTY	
OIC 0300-0600 <sup>Sgt</sup> RATHBUN	
0600-1800 ST PLINDALL	
10-13 +20°C, SUNNY, CLEAR	
SOFT 11-801	
WARD 1-229	
MIL 36844/36934	
EQUIP RADAR, ASD, C8(R-19)	

On July 13, 2009, I came to the detachment early in the morning to work on my reports on my own time. Half of Sgt. Rathbun's shift were off that night (to be precise 5 officers were on and 5 were off) (Exhibit 66). At approximately 3:00 am Sgt. Rathbun advised me of shift shortage and asked me if I could drive immediately to Zone 3 to patrol the area. Sgt. Rathbun advised me the OPP was looking for a suspect and they had received information from some telecommunication company that the suspect placed a call from his cellular phone from that area. The exact whereabouts of the suspect were unknown and due to the shift shortage Sgt. Rathbun asked me if I could patrol the area on Over Time, which he would approve for me. I agreed and headed out to my zone. Shortly thereafter a call of an MVC (SP09154944) came in that took place just on the border of Zone 3 and Zone 4. I was the only officer at the time in the area so I was dispatched to that call.

Traffic reports re Motor Vehicle Collisions (Exhibit 47d, page 10):

 Ontario		<b>Motor Vehicle Accident Report</b>		SP09154944	
Report Type <input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended <input type="checkbox"/> Failed To Remain		Accident Number 11-09-00602		Page 1 of 1	
Time Officer Arrived or Police Force Reported to: 04:10 HRS		Emergency Equipment in Attendance TWD ROADS CONTRA		Service Performed DEBRIS REMOVAL	
Name of Investigating Officer JACK, Michael L		Badge No. 12690		Div. 1100	
Name of Submitting Police Force O.P.P.		MTO Use Only		Highway Distance Unit Dir.	
Location R1 HIGHWAY 28 400m		Distance Check as applicable <input type="checkbox"/> M. <input type="checkbox"/> Km. <input type="checkbox"/> N. <input type="checkbox"/> S. <input checked="" type="checkbox"/> E. <input type="checkbox"/> W.		Keypoint/Geocode 2628000.9	
R2 COON LAKE ROAD		Municipality NORTH KAWARTHA TWP.		County, District, Reg. Municipality PETERBOROUGH	

Interestingly enough, this call that I cleared to my badge as non-reportable is mysteriously missing from my list of calls for service (Exhibit 47). I wonder why.

(July 13, 2009) Counsel's additional disclosure (April 5, 2012), PC Jack's notes:

	MOL 13-JUL-09 [REDACTED] [REDACTED]	2- [REDACTED] COPY OF THE REPORT WAS MADE & SIGNED. STANDAERT LOST HIS MIND
09:30	CHECKED EMAILS, CHECKED VOICE MAIL 1. [REDACTED], OLD MESSAGE, WANTS A COPY OF HIS STATEMENT ROAD ALLOWANCE 66, WANTS TO KNOW THE OUTCOME OF INVESTIGATION [REDACTED]	10:00 MAILED STMT TO [REDACTED] AS PER HIS REQUEST WITH THE PERMISSION OF SGT. FLINDALL WORKED ON REPORTS RE: LEIGHBOON DISPUTES ON [REDACTED]

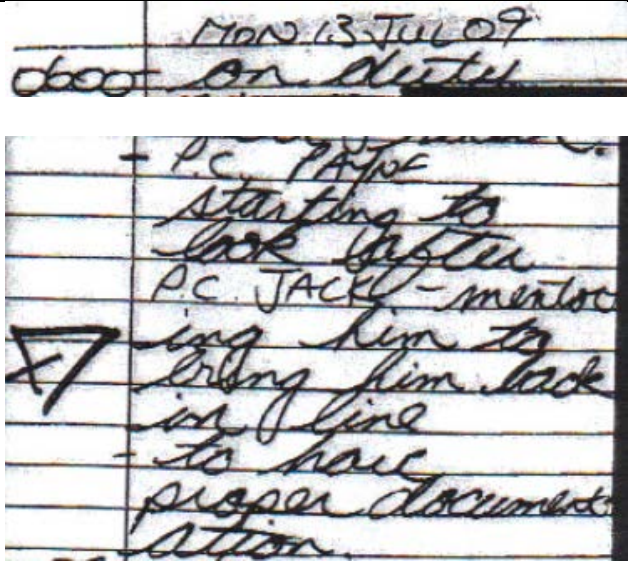
Please note the Counsel's failure to blacken out the last name of Mr. Standaert on 4<sup>th</sup> line in the 2<sup>nd</sup> column 'STANDAERT LOST HIS MIND'. That was in reference to a statement Mr. Anderson furnished the Peterborough County OPP with respect to the ongoing neighbor dispute between himself and Mr. Standaert. It certainly defeats the purpose of blackening out all other instances of Mr. Standaert's name in my notes.

Though I would like and pass it off as a minor error on the part of the Respondent I have to contend with the fact that the Respondent scrutinized me in minute detail which is evident in the meticulous chronological documentation of me by many members. Many of my so called shortcomings or mistakes were minor and required a simple verbal address and guidance. However, that was not the case. Hence, I feel it incumbent that I too point out this minor error to stress the point of the natural conclusion one would have (that it is just a minor error that I am making a big deal over).

(July 13, 2009) Counsel's additional disclosure (April 5, 2012), PC Jack's notes:

	MOL 13-JUL-09 [REDACTED] [REDACTED]	
1500	FOLLOW UP ON FINANCIAL SP09087157 ASSISTED BY P/L PAYNE	



(July 13, 2009) (Volume 1, B), Sgt. Flindall's notes:	Comments:
	<p><b>'PC Payne starting to look after PC Jack – mentoring him to bring him back in line'</b></p> <p>Let us analyze the above excerpt:</p> <ul style="list-style-type: none"> <li>• July 1, 2009 - PC Payne berates me in the Constables' office in front of other officers.</li> <li>• July 13, 2009 - Sgt. Flindall makes the above entry in his notes.</li> <li>• July 18, 2009 - PC Payne accuses me of inappropriate conduct towards her.</li> <li>• End of July 2009, PC Payne calls Sgt. Flindall during his vacation to report what she viewed was my "mishandling" the Criminal Harassment case.</li> </ul>

(July 13, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

13 July 2009 (Mon)

- had originally planned to double up with PC Jack b/c my assignment list is clear (relatively)

09:30 - review PC Jack

assignment list

(1) Found bicycle -

can be disposed of -

returned to finder

90 days are up

(Crowley Line)

(2) Fraud - Chemong Rd

- need brief

arrest warrant

(3) Fraud - Jeff Rd -

ATM - \$20

withdrawn?

- Niche report not

on yet (since June 16<sup>th</sup>)

- no persons added

- Fui? where is this

occurrence going

(4) Theft - property -

[black]

resolved as civil

matter - advised

him to send/complete

report/task

(5) needs to append

a couple of people

(5) another found

bicycle from April

26<sup>th</sup> - 90 days

not up yet

Cannot return

13 JULY 2009 (MON)

- had originally planned to double up with PC Jack because my assignment list is clear

(relatively)

09:30 - review PC Jack

assignment list

(1) Found bicycle -

can be disposed of -

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(Crowley Line)

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- arrest warrant

(3) Fraud - Jeff Rd -

ATM - \$20

withdrawn?

- Niche report not

on (since June 16<sup>th</sup>)

- no persons added

- Fui? where is this

occurrence going

(4) Theft - property -

[black]

resolved as court

matter - advised

him to send/complete

report/task

(5) - needs to append

a couple of people

(5) another found

bicycle from April

26<sup>th</sup> - 90 days

not up yet.

Cannot return

until end of  
July  
(?) Neighbor dispute  
[black]  
[black]

- this assign/file  
needs attention  
immediately  
re calls on days  
off + S/Sgt Campbell  
involved

10:00 Sat down w PC  
Jack + go over  
assignment list  
+ discuss

- 1<sup>st</sup> ~~pr~~ priority is  
to do neighbor  
dispute

+ said 1 1/2 hrs to  
complete + check  
back in on him

- At briefing P+Sgt  
Flindall advised  
he's told Jack he's  
wanting him to do  
reports in Buckhorn  
+ not be @ office

- I told Jack my  
intentions are to  
double up with him  
get his assignment  
list cleaned up  
+ start "playing" w  
Veh stops

- At some point  
need to discuss  
following w Jack:

until end of  
July  
(?) Neighbor dispute  
[black]  
[black]  
- this assign/file  
needs attention  
immediately  
re calls on days  
off + S/Sgt. Campbell  
involved  
10:00 Sat down with PC  
Jack + go over  
assignment list  
+ discuss  
- 1<sup>st</sup> ~~pr~~ priority is  
to do neighbor  
dispute  
- said 1 1/2 hrs to  
complete + check  
back in on him  
-> At briefing P+Sgt.  
Flindall advised  
he's told Jack he's  
wanting him to do  
reports in Buckhorn  
+ not be @ office  
- I told Jack my  
intentions are to  
double up with him  
get his assignment  
list cleaned up  
+ start "playing" w  
vehicle stops  
- At some point  
need to discuss  
following with Jack



(July 13, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

- (1) - time management skills
  - (2) - making mountains out of mole hills
  - \* re: calls for service
  - (3) - more vehicle stops + PONS
  - (4) - getting GOR on Niche more quickly
  - (5) - coming to me with questions + direction instead of Sgt Flindall
  - (6) - quit quit talking with people so much + get work done
  - (ie - goes thru details of case w a number of people but doesn't get anything accomplished it seems)
  - (7) - Shopping for answers
  - (8) - out of office more
- 
- need to work on above issues + address
  - past issues I've heard of
  - took picture/recorded PC Moran with camera pen
  - address issue has been addressed + resolved
  - won't listen to PC Filman when given direction
  - upset about evaluation
  - brought in marks

- (1) - time management skills
- (2) - making mountains out of mole hills
- re: calls for service
- (3) - more vehicle stops + PONS
- (4) - getting GOR on Niche more quickly
- (5) - Coming to me with questions + direction instead of Sgt. Flindall
- (6) - ~~quit~~ quit talking with people so much + get work done
- (ie - goes thru details of case with a number of people but doesn't get anything accomplished it seems)
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- (8) - out of office more

- 
- need to work on above issues + address
  - past issues I've heard of
  - took picture/recorded PC Moran with camera pen
  - advised issue has been addressed + resolved
  - won't listen to PC Filman when given direction
  - upset about evaluation
  - + brought in marks

(July 13, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

John Scott  
- possible driving  
issues  
- possible problems  
with women -  
which brings me  
to an incident in  
May between us  
- he found out I  
was coming back to  
road in June +  
was going to "mentor"  
him  
- he was excited -  
he we discussed  
a Fraud he was  
working on - which  
he later went +  
discussed with  
another officer after  
I gave him advice  
(JP Cantin) - then  
at end of our  
conversation in lunchroom  
he looked me up +  
down + winked at  
me + made the  
clicking noise with  
his mouth.  
I was caught off guard  
but didn't say  
anything + walked  
away  
- On my first day  
in uniform the  
train Jack came  
up to me while

from school  
- possible driving  
issues  
- possible problems  
with women -  
which brings us  
to an incident in  
May between us  
- he found out I  
was coming back to  
road in June +  
was going to "mentor"  
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he later went +  
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another officer after  
I gave him advice  
(JP Cantin) - then  
at end of our  
conversation in lunchroom  
he looked me up +  
down + winked at  
me + made the  
clicking noise with  
his mouth  
I was caught off guard  
but didn't say  
anything + walked  
away  
- On my first day  
in uniform ??  
had Jack came  
up to me while

(July 13, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments:
<p>I was @ computer  said I looked good  in uniform - I  advised him that  he'd seen me in  uniform before  it was nothing new  (in January)  - 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.</p>	<p>I was @ computer  said I looked good  in uniform. I  advised him  that he'd seen me in  uniform before  it was nothing new  (in January)  - 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</p> <p>PC Payne's perception of my  comment was so wrong that it  literally served to further poison  my work environment whereby it  further increased everyone's  desire to watch me more closely.</p>



(July 13, 2009) (Volume 3, Z), PC Payne's notes:

13 JULY 2009  
1224 [redacted] PI JACK -  
re status - office  
complete neighbor  
dispute - working  
on mischief call  
from this morning  
and TR  
[redacted]  
[redacted]  
1320 [redacted]  
[redacted]  
1455 - read [redacted] re  
PC JACK FRAUD  
credit card -  
[redacted]  
from June  
- start Niche -  
crown brief folder  
UCR's  
etc.  
- PC JACK not have  
crown brief & other  
details to complete  
synopsis with him  
- left it @ detachment  
- advised him to  
work on GOR re  
Jeff Rd Fraud  
at ATM  
because no report on  
from June 16<sup>th</sup>  
original call date  
[redacted]

13 JULY 2009

12:24 [redacted] PC Jack -  
re status - office  
complete neighbor  
dispute working  
on mischief call  
from this morning  
and TR  
[redacted]  
[redacted]  
13:20 [redacted]  
[redacted]  
14:55 - read [redacted] ???  
PC Jack Fraud  
credit card -  
[redacted]  
from June  
- start Niche -  
crown brief folder  
UCR's,  
etc.  
- PC Jack not have  
Crown brief & other  
details to complete  
synopsis with him  
- left it @ detachment  
- advised him to  
work on GOR re  
Jeff Rd Fraud  
at ATM  
because no report on  
from June 16<sup>th</sup>  
original call date  
[redacted]

(July 13, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

12:24 - 1021 PC Jack  
 finished neighbor  
 dispute  
 - working on TR - has  
 to redo (from this  
 morning)  
 - advised him to stay  
 in + get GOR reports  
 done for occurrences  
 + never couple up  
 so we can play  
 - I advised him I'll  
 check in in 1 hr or so  
 14:00 PC Jack @ ESO  
 Bridgenorth  
 - assist re: Fraud brief -  
 re arrest warrant  
 - didn't bring  
 actual brief + folder 12

12:24 - 1021 PC Jack  
 finished neighbor  
 dispute  
 - working on TR - has  
 to redo (from this  
 morning)  
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 Bridgenorth  
 - assist re: Fraud brief -  
 re arrest warrant  
 - didn't bring  
 actual brief & folder

(July 13, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

with him in other  
 details to complete  
 brief - so I was only  
 able to help him in  
 limited capacity  
 14 July 2009 (Tues)  
 - asked Jack why  
 not have brief with  
 him - told him  
 he should have it with  
 him if he req's my  
 help

with him with other  
 details to complete  
 brief so I was only  
 able to help him in  
 limited capacity  
 ----->  
 14 July 2009 (Tues)  
 - asked Jack why  
 not have brief with  
 him & told him  
 he should have it with  
 him if he req's my  
 help  
 ----->



**13Jul09 - PC Payne**

- On the 13<sup>th</sup> July 2009, I returned from vacation. I had originally planned to double up with PC Jack as my assignment list was clear. I wanted to evaluate him and help him get caught up. I reviewed PC Jack's Niche task list and sat down with PC Jack to discuss and prioritized a 'to do' list. At briefing I heard Sgt Flindall advise PC Jack that he wanted him working from the CSO in Buckhorn instead of the detachment. I made a list of the things I need to discuss with PC Jack at some point:
  1. Time management skills
  2. Making mountains out of molehills re- calls for service
  3. More vehicle stops- PON's
  4. Getting GOR on Niche more quickly
  5. Coming to me with questions instead of Sgt Flindall (who advised Jack was still coming to him with questions that could be handled by someone else)
  6. Shopping for answers – he discusses a case with so many people, and gets different advice and doesn't actually accomplish anything it seems ie. Fraud – where he came to me for advice in May and I found out he had also approached DC Cantin for advice and also his coach PC Filman was aware of the investigation.
  7. Needs to be out of detachment more and in his zone.
- In the past I have heard of the following issues with PC Jack:
  1. That he took video/pictures of PC Moran on a pen equipped with a camera that he wore on him while working. He also would use this pen at calls for service to record things.
  2. I was advised by PC Filman that PC Jack doesn't take direction well, and when PC Filman would speak with PC Jack about something he did wrong then PC Jack wouldn't speak with PC Filman.
  3. He's upset about previous negative evaluations and brought in his marks to show how smart/intelligent he is.
  4. That there are possible driving issues with PC Jack
  5. There are possible problems with women
- On the 13<sup>th</sup> July 2009 I met up with PC Jack at the Bridgenorth ESO to work on a Fraud brief which he indicated he was ready to put an arrest warrant out for the suspect. He didn't have the brief and other documents with him so I was only able to assist him in a limited capacity. I confronted him on why he didn't have the stuff with him if he knew we were going to be working on it today.



Based on the list of the identified deficiencies compiled by PC Payne after knowing me only tangentially for approximately a month, one has to “complement” her on the “strength and accuracy” of her decisive insight with respect to me. In light of my “shortcomings” identified by PC Payne I hope that the Tribunal will wonder how I managed to learn two foreign languages, earn two science degrees (with distinction I must say) entirely on my own in a foreign country in a foreign language, earn the respect and recognition of my Canadian professors and University colleagues, become a police officer in a country that I was not native to, earn a fitness award at the Ontario Police College and a “Top Dog” award in handgun practice at the Provincial Police Academy.

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

Between June 09 and August 09 (my Month 6 & 7 performance evaluation period) I had a total of 40 reportable calls for service as a reporting officer and 10 non-reportable. In addition I had 5 calls for service in which I took part either as an assisting officer, an arresting officer, or a fingerprinting officer. During the same time period my zone partners (Cst. Filman and Cst. Payne) had a total of 37 reportable calls for service together, 20 and 17, respectively, and 35 non-reportable, 10 and 25, respectively. It is a fact that I took, handled and completed more reportable calls during the two months period than both my coach officer and my “go-to” mentoring officer combined. Note: Reportable calls include investigations (which can be lengthy), interviewing of the involved parties, detailed documentation, and follow-ups. The cumulative effect of all this sometimes result in laying charges and or additional charges which in turn entails more paper work.

In addition to the above workload, I also performed other numerous police officer duties such as cruiser checks, vehicle patrol, foot patrol, subpoena delivery and service, prisoner transport, prisoner fingerprinting, prisoner meal delivery, court attendance, community policing meeting participation, training session attendance, phone answering and assisting other officers with their respective tasks.

#### **Counsel’s additional disclosure (April 3, 2012), Analysis of Michael Jack’s case load:**

**Analysis of Michael JACK's Caseload 2009**

Month	Reporting Officer		Assisting Officer
	# of Reportable	# of Non-reportable	Assists
January	2	2	2
February	7	4	2
March	7	14	5
April	14	21	1
May	23	16	2
June	26	24	2
July	18	26	3
August	6	33	1
September	8	9	4
October	12	17	3
November	11	14	6
December	1	1	1

Totals 135 181 32

Total Occ's 348

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

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.

(July 14, 2009) Counsel's additional disclosure (April 5, 2012), PC Jack's notes:

THE 14 JUL 09	[REDACTED]
03:05	<p>MET WITH DEBRA FROM VICTIM SERVICES SHE HAD A CALL FROM [REDACTED] 1.5 LONG ADVISED DEBRA OF MY INVOLVEMENT IN THE ONGOING DISPUTE</p> <p>ADVISED TO SPEAK WITH SGT. FLINDALL &amp; S/SGT CAMPBELL AS THEY GOT INVOLVED AS WELL.</p>
03:15	[REDACTED]
04:15	<p>[REDACTED]</p> <p>CALLED TO ASK ABOUT THE INVESTIGATION WANTS TO FILE A COMPLAINT AGAINST [REDACTED]</p>
	<p>[REDACTED]</p> <p>THREATENING HIS LIFE WHEN S/SGT SPoke WITH HIS AT HIS RESIDENCE ON [REDACTED]</p> <p>D/C JACK ADVISED [REDACTED]</p>
	<p>THE 14-JUL-09</p> <p>[REDACTED] THAT SUPERVISORS GOT INVOLVED AND CURRENTLY REVIEWING THE CASE OF THE ONGOING NEIGHBOUR DISPUTE AND [REDACTED] WILL BE CONTACTED IN THE NEAR FUTURE.</p> <p>[REDACTED]</p>

The above notes were made in reference to the investigation of the ongoing neighbor dispute between Mr. Jeff Standaert and Mr. Doug Anderson (RM09092516) (Exhibit 47c, pages 60, 64 - 70) for which I was chastised by Sgt. Flindall and PC Payne and for which, in addition to other occurrences, Sgt. Flindall was served with a negative 233-10 by S/Sgt. Campbell (Volume 2, L-13).

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

On the 17<sup>th</sup> July 2009 PC JACK was following up on an investigation that he wasn't asked to assist with, while he had his own investigations that required follow-up. PC JACK's notebook for this date refers to his follow-up relating to SP09152940. His task list at the time had a 2 frauds, a theft call, and a neighbour dispute that S/SGT CAMPBELL was requesting he follow-up on.



(July 14, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

14 JULY 2009 (TUES)  
- PC JACK disp to  
PI MVC Cty 23  
(Buckhorn Rd) while  
I was doing prisoner  
run to court w  
Sgt Fundaer  
- while I was ENR to  
assist ~~PC Jack~~ PC Jack  
I was dispatched to  
MVC - FTR - falling  
debris [redacted]  
- approx 10:08 am I was  
sitting on Hwy 28 just  
N of Young's Pt Rd  
+ was told I could  
disregard MVC - wrong  
location - just before  
cruiser turned off  
Y.P Rd right side  
onto Hwy 28  
- assumed PC Jack -  
But he had PI MVC 19

### 14 JULY 2009 (TUES)

- PC Jack dispatched to  
Personal Injury Motor Vehicle Collision Cty. Rd. 23  
(Buckhorn Rd.) while  
I was doing prisoner  
run to court with  
Sgt. Flindall  
- while I was ENR to  
assist ~~I was~~ PC Jack  
I was dispatched to  
MVC - FTR - falling  
debris [black]  
- approximately 10:08 am I was  
sitting on Hwy 28 just  
North of Young's Point Road  
+ was told I could  
disregard MVC wrong  
location - just before  
cruiser turned off  
Young's Point Road right South Bound  
onto Hwy 28  
- assumed PC Jack  
but he had PI MVC

(July 14, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

was invest +  
later b/w 10:30-11pm  
PC Jack advise still  
ATS invest MVC PI  
- no other units up  
this way  
- u/k why he came  
to my location @  
that time if he  
had PI MVC - is  
why not ENR to PRHC  
coming to Hwy 28 is  
out of way  
- while I was at B+E  
@ [redacted] in  
Woodview call in  
Bridgenorth re  
car vs Pedestrian  
possible domestic  
- red car hit male  
who had gotten out  
of car + took off  
- I was [redacted] - PC  
Jack had finished  
PI MVC  
+ PC Gilliam stated  
he was avail for  
disp but was in Keene  
- I called PC Jack  
+ advised him to  
attend - he said he  
didn't hear call details  
I advised him of  
same + said he  
needs to attend ENR  
to Ptbo. Regional Health Center + take care  
of call b/c guy

14

was invest +  
later b/w 10:30 - 11 pm  
PC Jack advise still  
ATS invest MVC PI  
- no other units up  
this way  
- u/k why he came  
to my location @  
that time if he  
had PI MVC &  
why not ENR to PRHC  
coming to Hwy 28 is  
out of way  
- while I was at B+E  
@ [black] in  
Woodview call in  
Bridgenorth re  
car vs. Pedestrian  
possible domestic  
- red car hit male  
who had gotten out  
of car + took off  
- I was [black] - PC  
Jack had finished  
PI MVC +  
PC Gilliam stated  
he was avail for  
dispatch but was in Keene  
- I called PC Jack  
+ advised him to  
attend - he said he  
didn't hear call details  
I advised him of  
same + said he  
needs to attend ENR  
to Ptbo. Regional Health Center + take care  
of call because going

(July 14, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

thru Bridgenorth  
anyway.  
15:12 - Alarm - Mississauga  
Dum  
- PL Jack @ det  
- I was w of Flynn's  
so I attended  
- need to speak w  
Jack about why @  
det & not @ ESO  
like directed.  
16:25 R/C PI MVC -  
PC Jack assist me

thru Bridgenorth  
anyway.  
15:12 - Alarm - Mississauga  
???  
- PC Jack @ detachment  
- I was west of Flynn's Corners  
so I attended  
- need to speak with  
Jack about why @ detachment  
& not @ ESO  
like directed  
16:25 R/C PI MVC -  
PC Jack assist me  
----->-----

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

On July 15, 2009, Cst. D'Amico was hosting a yearly horse-shoe party at her property. Active and retired police officers from the Peterborough Detachment were invited. When I asked Cst. D'Amico for her address a couple of days prior to the event, instead of just telling me the address she told me to look it up in the address book. My girlfriend and I subsequently attended the party as I believed it was impolite not to go, but Cst. D'Amico's attitude in her response to my question again re-assured me that I was not welcome at the Peterborough Detachment. Cst. Payne was at the party as well.



(July 17, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

17 July 2009  
06:05 - approx.  
PC Jack said good-morning & winked at me  
- need to pull him aside  
- speak w him about this issue.  
- NOT acceptable.  
- I'm superior officer  
- not professional  
-> PC Jack advised me needs direction re PI MVC where he wants to charge male driver + has all D1 items (DL ownership ins)  
- D1 left scene when tow arrived + PC Jack unable to get ID + ticket to him.  
- I had already advised 15

17 JULY 2009

06:05 - approx.

PC Jack said good-morning & winked at me

- need to pull him aside  
- speak with him about this issue

- not acceptable  
- I'm superior officer  
- not professional

-> PC Jack advised me needs direction re: PI MVC where he wants to charge male driver + has all D1 items (DL ownership ins)

D1 left scene when tow arrived + PC

Jack unable to get ID + ticket to him

- I had already advised

him to do up brief  
+ long form summons  
for D1  
- stated / implied he  
didn't know how  
- explained do brief  
like did for impaired  
+ submit to court +  
they would do up info  
+ swear to it to get  
summons for court  
- said D1 may come  
thru town + pick up  
ID this Wed. (Wednesday)  
- I said wait till Sunday  
to do brief then advise  
can serve Part I  
within 7 days  
+ 2<sup>nd</sup> thing w he needs  
help 5 Fraud brief  
I've been promising to  
assist him with.  
I advised him I had  
a few things to clean  
up then I would  
meet him + assist  
- after I left office I  
went to do FU re  
theft MV from [black]  
[black]  
when call came in  
from [black] re B+E  
at library  
- PC Gilliam advise  
[black] can't - crim trial  
- common knowledge that  
[black] assist with 18

him to do up a brief  
+ long form summons  
for D1  
- stated/implied he  
didn't know how  
- explained do brief  
like did for impaired  
+ submit to court  
+ they would do up info  
+ swear to it to get  
summons for court  
- said D1 may come  
thru town + pick up  
ID this Wend. (Wednesday)  
- I said wait till Sunday  
to do brief then advise  
can serve Part I  
within 7 days  
- 2<sup>nd</sup> thing is he needs  
help with Fraud brief  
I've been promising to  
assist him with.  
I advised him I had  
a few things to clean  
up then I would  
meet him + assist  
- after I left office I  
went to do FU (follow up) re  
theft MV from [black]  
[black]  
when call came in  
from [black] re: B+E  
at library  
- PC Gilliam advise  
[black] can't - criminal trial  
- common knowledge that  
[black] assist with

(July 17, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

[redacted] calls when  
busy  
- wait for PC Jack to  
pipe up on air to  
take call -  
- neg.  
- I ~~asked~~ took details  
then PC Jack called  
me said he was  
going to take a  
→ Disregard above  
~~call~~ correction  
- call came in re  
MVC [redacted]  
meet people in [redacted]  
+ Gilliam advise  
[redacted] PC Jack not  
respond -  
I took details -  
he calls me on [redacted]  
said he was responding  
to comms @ same time  
+ got bonked.  
- said he could take  
details. I advised  
him I could + would  
take call  
- While I'm ENR to  
do follow up re  
theft of MV [redacted]  
[redacted] another  
call comes in for  
[redacted] - PC Jack  
no response so I  
took details -  
~~initial~~ initial  
- speak with PC Jack on 17

[black] calls when  
busy  
- wait for PC Jack to  
pipe up on air to  
take call  
- neg  
- I ~~asked~~ took details  
then PC Jack called  
me said he was  
going to take a  
-> disregard above  
~~call~~ correction  
- call came in re  
MVC [black]  
meet people in [black]  
+ Gilliam advise  
[black] PC Jack not  
respond  
I took details -  
he calls me on [black]  
said he was responding  
to comms @ same time  
+ got bonked.  
- said he could take  
details. I advised  
him I could + would  
take call.  
- While I'm ENR to  
do follow up re:  
theft of MV [black]  
[black] another  
call comes in  
for [black] - PC Jack  
no response so I took details -  
~~initial~~ initial  
- speak with PC Jack on



(July 17, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

phone - stated  
he was doing follow up  
+ didn't hear call  
- I asked what for  
+ he said @ youth  
camp b/c of mischief  
+ spray painting this  
week + b/c he  
is Jewish his angry  
+ upset + wants to  
assist.  
- I asked him if this  
was a call he was  
dispatched to initially  
+ he said no it  
was while we were off  
he read it + discovered  
racially motivated +  
it affected him so  
he thought he would  
follow up with invest  
- I advised him he  
needs to tell comm  
centre when he gets  
out of car anywhere  
so that we know  
where he is. He  
advised he will  
do this from now on  
- after discussion from  
PC D'Amico re: incident  
re: incident come  
to conclusion that  
PC Jack shouldn't  
be following up on  
other people's calls  
unless asked to

phone - stated  
he was doing follow up  
+ didn't hear call  
- I asked what for  
+ he said @ youth  
camp because of mischief  
+ spray painting this  
week + because he  
is Jewish he's angry  
+ upset + wants to  
assist.  
- I asked him if this  
was a call he was  
dispatched to initially  
+ he said no it  
was while we were off  
he read it + discovered  
racially motivated +  
it affected him so  
he thought he would  
follow up with invest  
- I advised him he  
needs to tell comm  
center when he gets  
out of car anywhere  
so that we know  
where he is. He  
advised he will  
do this from now on.  
- after discussion from  
PC D'Amico re: incident  
re: incident come  
to conclusion that  
PC Jack shouldn't  
be following up on  
other people's calls  
unless asked to

- Mary advise incident just requested patrols in area

- Need to speak to Jack re

(1) notify comms of current [redacted] + what doing

- [redacted] save

-> lets partners know where is & what doing

(2) not to get involved in other occurrences

unless dispatched to 2nd call or request for follow up

- PC Jack has time management issues

+ This is prime example why

(3) shouldn't have gone to call + started

talking to people esp b/c of racial motivation

(4) should be writing tickets & stopping mv as recruit.

(5) his #'s are low

+ should have higher ticket #'s.

few veh stops since I've been on road

(6) need to speak with him about making a meet this morning.

-> PC Jack spent

- Mary advise incident just requested patrols in area

- Need to speak with Jack re

(1) notify comms of current [black] + what doing

-> [black] issue

-> lets partners know where is & what doing

(2) not to get involved in other occurrences

unless dispatched to 2nd call or request for follow up

- PC Jack has time management issues

- This is prime example why

(3) shouldn't have gone to call + started

talking with people especially b/c of racial motivation

(4) should be writing tickets & stopping mv as recruit.

(5) his #'s are low

+ should have higher ticket #'s

few vehicle stops since I've been on road

(6) need to speak with him about making

a me this morning

-> PC Jack spent

interfer  
to direct  
b/c not sure  
what to do  
invest as

emotional  
involved

(July 17, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

day & B+E @ library  
waiting for SOCO  
- Back to dett around  
1500  
#1 stop ~~com~~ going to  
Sgt Flindall & with  
advice + direction  
instead needs to  
come to me first  
- if I'm not available  
go to another senior  
member if they're  
not available go  
to Sgt -  
Sgt Flindall has  
enough stuff to keep  
him busy + PC Jack  
is supposed to go  
to his coach for  
advice + direction  
- I've filled in to  
assist PC Filman.  
with coaching +  
mentoring PC Jack.

day & B+E @ library  
waiting for SOCO  
- Back to detachment around  
1500  
(7) stop ~~com~~ going to  
Sgt. Flindall & with  
advice + direction  
instead needs to  
come to me first  
- if I'm not available  
go to another senior  
member if they're  
not available go  
to Sgt -  
Sgt. Flindall has  
enough staff to keep  
him busy + PC Jack  
is supposed to go  
to his coach for  
advice + direction  
- I've filled in to  
assist PC Filman  
with coaching +  
mentoring PC Jack.



## 17Jul09 - PC Payne

- On the 17<sup>th</sup> July 2009 at approx 06:05hrs, PC Jack was sitting in the constable's office at a computer. I went to get a battery for my radio. PC Jack said good morning and winked at me.
- PC Jack stated he needed assistance with a PI MVC. He advised he wants to charge a male driver re an accident and has all the drivers items (DL, ownership, insurance) because the driver left the scene when the tow truck arrived and he was unable to serve him before he left. I had already advised him previously to do up a long form summons and a brief for driver. He stated he didn't know how. I explained that he did up a brief just like he did for his recent impaired and submit it to the court and they would do up a summons. Then his story changed, and PC Jack now was stating that the driver may come down this weekend to pick up his ID, and said he could give him ticket. I said if he doesn't show then do up the brief for the long form summons if he wants to charge him.
- At this time I also spoke with him about the Fraud brief and told him I had some follow-up to do first then I would help him with it.
- While I was conducting follow-up a call for service came in. According to comm centre PC Jack was available. I waited to see if PC Jack going to respond to call. He didn't respond on the air. I took the details then spoke with PC Jack who stated he didn't hear the call and that he was doing follow-up. I asked which call he was following up on and he advised he was at a youth camp because of a mischief that week and spray painted that was done. He stated because he was Jewish he was angry/upset and wanted to assist. I asked PC Jack if this was his initial call for service and he advised it wasn't, he read about it (occurrences on Niche), it happened while we were off, he discovered that it was racially motivated and it affected him. I advised him that he needs to tell the comm centre whenever he gets out of the car so that we know where he is. He stated he will do this from now on. I advised him to take care of the call for service. I planned to discuss the matter further with him.


### My responses to the above 4 bullet point entries are as follows:

- It should be apparent to any objective reader that by that time any prudent person in my position should have been fearful of looking in PC Payne's direction. And I was! I was literally scared of her. How can a person in their right mind wink at their superior in the given circumstances? Was PC Payne really seeing me winking at her? I was dating a local girl at the time and I was very happy with her. Why would I want to wink at PC Payne? Oh, I am sorry. I forgot. "Crazy Ivan" did not care about the 8 years of his life and all the financial resources that he invested into studying very hard (in



Canada) to become somebody. "Crazy Ivan" also totally disregarded his most cherished goal to sponsor his immediate family to Canada and further totally neglected the fact that PC Payne had serious relationship issues at the time. So "Crazy Ivan" was just walking around and winking at his superior officer as other things did not matter to him at all!

- It was not a Personal Injury Motor Vehicle Collision. At least here I can use solid facts to prove that PC Payne was wrong. It was just a Property Damage Motor Vehicle Collision (Exhibit 47d, page 10):

 Ontario		<b>Motor Vehicle Accident Report</b>		SP09154944	
Report Type: <input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended <input type="checkbox"/> Failed To Remain		Accident Number: 1I-09-00602		Page 1 of 1	
Time Officer Arrived or Police Force Reported to: 04:10 HRS		Emergency Equipment in Attendance: TWD ROADS CONTRA		Service Performed: DEBRIS REMOVAL	
Name of Investigating Officer: JACK, Michael		Badge No.: 12690		Div./Station: 1100	
Name of Submitting Police Force: O.P.P.		MTU Use Only		Highway Distance Unit Dir.	

Please note PC Payne's wording: **'Then his story changed, and PC Jack now was stating...'** The usage of words and the manner of the comment suggests alienation and contempt. Had PC Payne been less hostile towards me she could have written something like, 'Having contacted the driver PC Jack advised me....' or 'In light of the new information received PC Jack told me....' But PC Payne chose to say, **'Then his story changed...'** That is how police officers document non-cooperative, hostile witnesses to a crime, not a fellow officer they have good working relationship with.

- Possibly true.
- I explained in depth the incident in my rebuttal to my Month 6 & 7 PER in the *Self-Awareness* section (Exhibit 57).

(July 18, 2009) (Volume 3, BB) Point Form Chronology:

### 18Jul09 - PC Payne

- On the 18<sup>th</sup> July 2009 at approx 06:40hrs, I spoke with PC Jack in the boardroom about a few issues I wanted to address with him. I advised him about telling comm centre where he is at all times and the importance of this if he ever hit 10-78. That no one knew where he was that morning and he never told anyone. Further, that this also lets dispatch and zone partners know where you are at and what you are doing. I spoke with PC Jack about following up on other people's calls when he wasn't asked to. PC Jack corrected me when I said he was angry about call and he corrected me and said he was "irritated". I advised him that if he felt he could assist in the call he should have approached the investigating officer to see if it was required. What is important to note is that PC Jack had enough things on his assignment list to do rather than following up on a call that did not require assistance/follow-up. I told PC Jack that he could interfere with an investigation and provide conflicting advice which could create problems.

In my Month 6 & 7 PER (09 Jun 09 – 09 Aug 09) and in my Month 8 PER (09 Aug 09 – 09 Sep 09) in the Radio Communications section Sgt. Flindall / PC Payne noted the following with the 'Does Not Meet Requirements' rating:

SP09152940 --SP09158516 - On the 17<sup>th</sup> July 2009 PC JACK attended at a camp to follow-up on a call that occurred during his rest days and had already been investigated by another officer. PC JACK did not notify the PC or his zone partner nor anyone else on shift while he was. It was only when he was dispatched to another call for service (SP09158516) that he advised he was busy conducting follow-up. It was discovered this wasn't even one of his investigations and PC JACK was advised to attend at the outstanding call for service. On the 18<sup>th</sup> July 2009 PC JACK was spoken to about the importance of notifying the PCC of his 10-20 when he gets out of his vehicle especially for 10-78 reasons.

In my Month 6 & 7 PER (09 Jun 09 – 09 Aug 09) and in my Month 8 PER (09 Aug 09 – 09 Sep 09) in the Planning & Organizing section Sgt. Flindall / PC Payne noted the following with the 'Does Not Meet Requirements' rating:

On the 17<sup>th</sup> July 2009 PC JACK was following up on an investigation that he wasn't asked to assist with, while he had his own investigations that required follow-up. PC JACK's notebook for this date refers to his follow-up relating to SP09152940. His task list at the time had a 2 frauds, a theft call, and a neighbour dispute that S/SGT CAMPBELL was requesting he follow-up on.

In my Month 6 & 7 PER (09 Jun 09 – 09 Aug 09) in the Self-Awareness section Sgt. Flindall / PC Payne noted the following with the 'Meets Requirements' rating:

SP09152940 - Racial Graffiti on a vehicle at Camp MOSHAVA (Jewish Camp). This call was reported on 11<sup>th</sup> July 2009, PC JACK's scheduled day off and was investigated by another member at the detachment. The investigating officer did not request for anyone to follow-up and simply requested patrols as time permits. On the 17<sup>th</sup> July 2009 PC JACK attended at Camp MOSAVA after reading about the occurrence. He informed PC PAYNE that he was "irritated" about the call because of his background and thought he would go up and offer his assistance. PC PAYNE commended PC JACK on taking initiative, however he was advised by PC PAYNE that in the future he should speak with the investigating officer before he steps in on a call that has already been dealt with. This is because issues could arise if PC JACK gave contradictory advice to the complainant/victim. Further, it was suggested that because he was "irritated" and it obviously personally affected him, he should have stayed away from the call. He should have asked first if he could be of any assistance if he had any expertise to offer. PC PAYNE informed PC JACK that depending on what happened he could put the investigation in jeopardy.

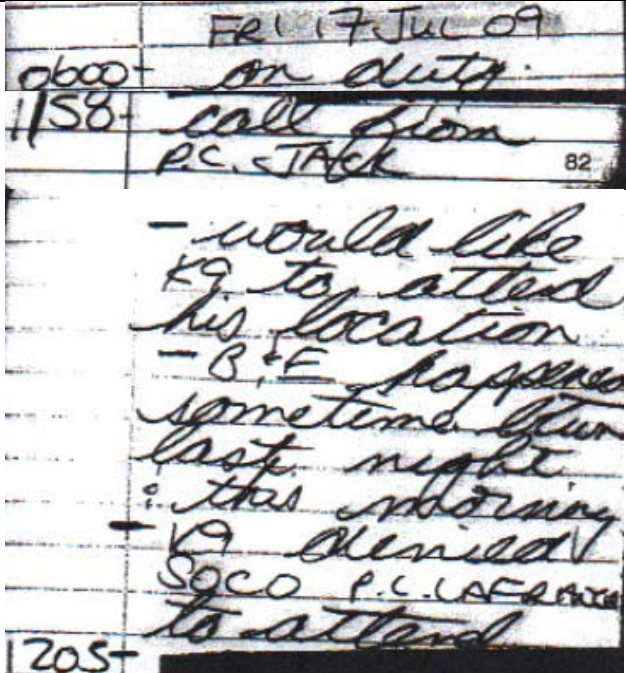


**Rebuttal to PCS-066P (Month 6 & 7) (Exhibit 57):**

SP09152940 – SP09158516: On July 11, 2009, there was an email sent to the Peterborough Detachment personnel by Cst. Dan Gay about racial graffiti on a vehicle at Camp MOSHAVA (which is a Jewish camp), in which patrols in the area were requested. I took note of the incident the same way I had taken note of many other occurrences and security alerts that occurred in Peterborough County and especially in my patrol zone (Zone 3). On the morning of July 17, 2009, I was on general patrol in my zone, when I noticed I was in the vicinity of the camp. I recalled the request for extra patrols and decided to conduct one to see where the camp was located and to familiarize myself with the area. Upon my arrival at the camp's main gate, I was greeted by the camp security guard who said, "You are already here." I asked what he meant by that to which he explained that a teenaged female at the camp had fainted of what appeared dehydration and EMS was called to attend. He further advised me that he was not sure if the police had been called. A few short minutes thereafter Peterborough EMS and local fire arrived on scene. I personally knew the paramedics and the firemen as we had worked together in a number of motor vehicle accidents. I decided to stay until they cleared the scene in case police assistance was required. The teenaged female was brought out in a camp van, examined by paramedics and transported to the hospital for further examination. I then spoke with the camp manager and I advised her that I of the reason I remained on scene and that I had a Jewish background. I further asked if I could get some water and she escorted me into the dining room. We had a short conversation (5-10 min), in which she advised me of the thefts they had had from cabins and the racial graffiti. I advised her that I was aware of the racial graffiti occurrence and that was the reason how I learned about their location and was conducting the requested extra patrols. Our conversation was interrupted by me receiving a call and being dispatched to a Break & Enter (B&E) call in another zone (Zone 2). I left the camp manger my business card, apologized for leaving in the middle of the conversation, and left. I drove to the B&E call on the other side of the Peterborough County. There were no other officers readily available at the time so I had to cover Zone 2 calls as well. I was tied up dealing with the B&E for the rest of my shift.

Two points are noteworthy to mention:

- First, if I was doing the alleged follow-up then I would have put at least a supplementary report on the Niche RMS to account for my time and work done. However, there was nothing on the Niche since I was not following up on the investigation and there was nothing to report about.
- Second, around the same time of the year I similarly conducted the requested extra patrol in my patrol Zone 3 in reference to a series of mischiefs in the Wayside Academy ([www.waysideacademy.com](http://www.waysideacademy.com)), which is a Catholic school located at 575 Centre Line in Peterborough (intersection of Woodland Drive and Centre Line) when I happened to be in the vicinity of it. I also spoke with the director of the school about the mischief problem. However, I was not reprimanded for doing it.

(July 17, 2009) (Volume 1, B), Sgt. Flindall's notes:	Comments:
	<p>On July 17, 2009, I was dispatched to a B&amp;E call in Zone 2, which is summed up in the <i>Self-Awareness</i> section in my rebuttal to my Month 6 &amp; 7 PER (Exhibit 57).</p>

(July 17, 2009) (Volume 1, I-36):

**From:** Campbell, Ron (JUS)  
**Sent:** July 17, 2009 2:50 PM  
**To:** Filman, Shaun (JUS); Jack, Michael (JUS); Flindall, Robert (JUS)  
**Cc:** Johnston, Mike P. (JUS)  
**Subject:** oVERDUE MONTH 5 27 JUN 09

Shaun: We got notice from Region that this report month 5 is overdue. I just reviewed a couple of the other Probationary officers the other day. Yours is the only one left. Please submit tks Ron

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

Evaluations shall be received by region no later than 15 working days after the end of the reporting period for the month (i.e. if evaluation end date is Jan 30, evaluation to region by Feb 18). It is imperative that evaluations be completed in a timely manner, as the organization is dependant on the information in the reports to either begin specific development or take remedial action or begin the process to release.

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

#### **Coach Officer**

- 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;
- understands OPP policy and relevant statute law;

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



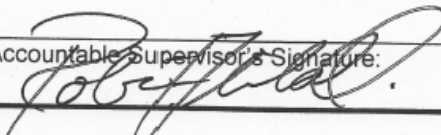
Constable Filman was not disinterested in the Applicant's training or development. On the contrary, it was the Applicant who was not open to constructive criticism or suggestions. At times when Constable Filman would

On the contrary Cst. Filman was very disinterested in training me and this disinterest was very apparent throughout my probationary period. Furthermore, in light of the above e-mail the Tribunal can see that despite the fact that my Month 5 PER was due in June 2009 and the despite the fact that S/Sgt. Campbell reminded PC Filman on July 17, 2009, to submit it, it was not submitted until after August 19, 2009! How is that for not being disinterested in the Applicant's training?


**My Month 5 PER (Exhibit 21, page 1):**

<b>Surname:</b>	JACK	<b>Given Name:</b>	Michael
<b>Badge:</b>	12690	<b>WIN:</b>	393080
<b>Detachment/ Section:</b>	Peterborough County	<b>Region/Bureau</b>	Central East
<b>Evaluator:</b>	FILMAN	<b>Badge:</b>	11212
<b>Evaluation Period:</b>	(DD/MM/YY) Start: 09 May 09	<b>End:</b>	09 Jun 09
<b>Probationary Period Start Date*</b>	(DD/MM/YY) 09 Jan 09		

**My Month 5 PER (Exhibit 21, page 8):**

COMMENTS AND SIGNATURES	
<b>Evaluation Meeting</b>	
<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: EVALUATION IS 2 MONTHS BEHIND; WAS ADVISED THERE WILL BE NEGATIVE ASSESSMENTS/RATINGS IN THE EVALUATIONS THAT ARE STILL OUTSTANDING; CHANGING PLATOONS AND COACH OFFICERS	
Employee's Signature: 	Date: 19-AUG-09
Coach Officer Comments:	
Coach Officer's Signature (Performance has been observed that supports the rating assigned for each category): 	Date: 16 AUG 09
Accountable Supervisor's Comments (Mandatory): PC JACK is encouraged to continue working with his peers and building his teamworking skills. He is progressing positively through this evaluation period.	
Accountable Supervisor: FLINDALL, R SGT.	Accountable Supervisor's Signature:  Date: 16 Aug 09



Detachment Commander		
Comments (Mandatory): No issues with the member's development have been raised. It appears from all accounts of his conduct, Sgt he is progressing satisfactorily.		
Detachment Commander: Campbell M27	Detachment Commander's Signature: 	Date: 17 Aug 09

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

**Coach Officer**

- Develops a plan of training.
- Completes all evaluations in a timely manner following the submission schedule.
- Forwards completed PCS 066P to supervisor for review and signature.
- Provides ongoing feedback to the probationary constable.

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

**Coach Officer**

- Develops a plan of training.
- Completes all evaluations in a timely manner following the submission schedule.
- Forwards completed PCS 066P to supervisor for review and signature.
- Provides ongoing feedback to the probationary constable.

**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, Administration & Infrastructure, 6.4: Human Resources (Volume 7, 2):**

## **6.4: HUMAN RESOURCES**

### **6.4.8: PROBATIONARY CONSTABLE**

**Responsibility** The coach officer shall be responsible for:

- 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

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

- ensure that the Form PCS066P—Probationary Constable Performance Evaluation is completed in accordance with the Probationary Constable Guidelines; and
- review, comment and forward Form PCS066P—Probationary Constable Performance Evaluation to the regional commander each month.

(July 18, 2009) (Volume 1, B), Sgt. Flindall's notes:

Comments:

SAT 18 JUL 09  
 0600- on duty  
 reviewing  
 [REDACTED]  
 ongoing  
 neighbor  
 dispute  
 1615- [REDACTED]  
 1637- reviewing  
 [REDACTED]  
 neighbor dispute  
 paperwork  
 1743- spoke to P.C.  
 JACK  
 -adv him I  
 want him  
 to interview  
 all involved  
 parties w/  
 a possible  
 criminal  
 harassment  
 1800 off duty

The ongoing neighbor dispute that Sgt. Flindall mentions was Standaert vs. Anderson (Exhibit 47c, pages 60, 64 – 70).

Sgt. Flindall ordered me to interview the involved parties to see if a possible criminal harassment case could be made.

SAT 18-JUL-09  
SUSPECT  
[REDACTED]  
[REDACTED]  
[REDACTED]  
06:23 SHIFT BRIEFING  
06:35 OVEN  
06:42 SPOKE WITH  
P/C DATING  
P/C AT PROFESSIONAL  
DEVELOPMENT  
07:00 N/C THREATS  
[REDACTED]  
THREATEN BY A  
VALLEY OR PEOPLE  
[REDACTED]  
[REDACTED]  
07:20 PHONED CM, LEFT MSG  
[REDACTED]  
07:25 WORK ON FRANK  
CROWN BAKER  
SPO9027157  
-ADDED CHARGES  
-ADDED CROWN BAKER  
SYNOPSIS.  
08:16 TRANSCRIBED WITNESS  
STATEMENT OF  
[REDACTED]  
09:30 FINISHED  
09:35 ADDED WITNESS STATE  
ON NICHE.  
11:35 GLORIA CALLED  
RE: MVC  
[REDACTED]

41

SAT 18-JUL-09  
11:45 SPOKE WITH P/C DATING  
ON THE PHONE  
ABOUT THE MVC  
RESOLUTION/CHARGES  
12:00 FINISHED TYPING  
WITNESS STATEMENT  
FRANK SPO9027157  
[REDACTED]  
[REDACTED]  
17:45 GASSED UP, RIDGEON  
17:46 10-19, 10-7  
ADVISED BY SGT  
KIMBLE TO  
LOOK INTO  
INTO [REDACTED]  
[REDACTED] NEWS  
DISPATCH AND START  
INVESTIGATING  
FOR GIVING STATE  
AS TIME ALLOWED  
1810 OFF DUTY  
DC 12040 2000

SUN 19-JUL-09  
0545 ON DUTY  
01C ? ? ?  
10-13 +20°C, VARIABLE CLOUDINESS  
SOFT 11-301  
HAND 1152 46  
MIL 108412/108497



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

On July 18, 2009, at approximately 6:45 am Cst. Payne called me into the board room and in a face-to-face conversation accused me of winking at her and in one instance, back in the spring of 2009 when she was still seconded to the Crime Unit, looking at her inappropriately, stating that she had been put off by the way I looked at her. She stated that it was unprofessional of me and she wanted it to stop. I was astounded, speechless and frightened as I had done nothing of the kind. Her accusations were vexatious and tantamount to explicit harassment. It literally scared me to the point that from that moment on I was afraid to look at or speak with Cst. Payne fearing what else she might accuse me of. Because I was a minority and a Probationary Constable that absolutely must please everybody to make it through the probationary period and was not expected to raise any objection to the harassment and discriminatory actions I sucked this one up as well. I could not sleep that day. So much for receiving help from my "go-to" mentoring officer!

### **Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 45:**

When Constable Payne raised these two previous incidents with the Applicant on July 18, 2009 he denied the first one and admitted to the second. The Applicant reiterated that the winking of his eye happens all the time. Constable Payne said either way it was inappropriate and unprofessional and should not continue. Constable Payne asked the Applicant if he wanted to say anything and he thought for a minute and said yes but he did not want to talk about it right now. The Applicant never came back to Constable Payne to talk about it and never came to her again for any advice, direction or assistance.

How could have the Counsel for the Respondent stated that after July 18, 2009, I never came back to PC Payne for any advice, direction or assistance when (as clearly shown in PC Payne's notes and despite my fear of PC Payne) I did?

**(July 18, 2009) (Volume 3, Z), PC Payne's notes:**

[illegible]

**18 JULY 2009**

06:40 app approximately  
speak with PC Jack  
re issues –  
(1) current [redacted] ???  
[redacted]  
(2) other people's calls  
(3) Wink issue  
06:53 (boardroom)  
discussion complete  
- ask Jack if anything to  
say/discuss – said he  
does but not right now  
07:00 [redacted]  
07:21 assist PC Jack with  
brief  
08:10 [redacted]

(July 18, 2009) (Volume 3, Z), PC Payne's notes:

1700 [redacted]  
[redacted]  
meet Sgt Flindall  
advise PC Jack has  
a neighbor dispute  
that he's working on  
that could be turning  
into crim harassment  
- Jack needs to do  
formal statements  
from neighbors +  
complainants - get  
them in & do video  
statements  
- Sgt Flindall will be  
talking to him about  
this  
notes  
- shift concl  
1800 off duty  
[signature]

[black]  
[black]  
17:00 [black]  
meet Sgt. Flindall  
advise PC Jack has  
a neighbor dispute  
that he's working on  
that could be turning  
into criminal harassment  
- Jack needs to do  
formal statements  
from neighbors +  
complainants – get  
them in & do video  
statements  
- Sgt. Flindall will be  
talking to him about  
this  
- notes  
- shift conclusion  
18:00 OFF DUTY  
JenPayne  
-----



(July 18, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):		Comments:
<p>unless asked</p> <ul style="list-style-type: none"> <li>- not because 'irritated' (his words) - motivated racially.</li> <li>- can mess up investigation</li> <li>- PC Jack said he heard people speaking Jewish @ Tim Hortons + heard from [redacted] Jewish camp in area</li> <li>- was in area + patrolled</li> <li>- I said that yesterday that's not what he told me - he said he followed up on incident he saw from Days off about graffiti + was irritated by it</li> <li>- so went out to talk with them</li> <li>- tried to say he PC Jack then said there wasn't much time to talk so he didn't get to tell me that other stuff</li> <li>- bottom line is he doesn't get involved in other investigations unless asked -</li> <li>- told him that if he felt he could assist he should have approached invest officer to see if enquire</li> <li>- Discussed "wink"</li> </ul>	<p>unless asked</p> <ul style="list-style-type: none"> <li>- not because 'irritated' (his words) – motivated racially.</li> <li>- can mess up investigation</li> <li>- PC Jack said he heard people speaking Jewish @ Tim Hortons + heard from [black] Jewish camp in area</li> <li>- was in area + patrolled</li> <li>- I said that yesterday that's not what he told me – he said he followed up on incident he saw from Days off about graffiti + was irritated by it</li> <li>- so went out to talk with them</li> <li>- tried to say he PC Jack then said there wasn't much time to talk so he didn't get to tell me that other stuff</li> <li>- bottom line is he doesn't get involved in other investigations unless asked.</li> <li>- told him that if he felt he could assist he should have approached investigation officer to see if enquire</li> <li>- Discussed "wink"</li> </ul>	<p>I could not have possibly said that I heard people speaking Jewish simply because there is no such language in the world as a Jewish language. The two languages that Jewish people speak are Hebrew and Yiddish. Hence, PC Payne's comment attests to not only her having limited scope of knowledge, but also her failure to document my words verbatim. More so her assumption that I said I heard people speaking Jewish was coming from a recollection that I said something to the effect that there was a Jewish camp in the area and that I overheard some teenagers speaking Hebrew inside the Tim Hortons in Bridgenorth so they must be Jewish. Now when she was preparing her notes she would not recall that I said I had heard people speaking Hebrew. It was not a common term in her narrow-minded vocabulary. Hence, her narrow-minded vocabulary compensated for her lack of intellect and substituted it with the word Jewish. When questioned she will be indignant and assert that that is what I stated. Only when advised that there is no such language as a Jewish language in the world will she acquiesce that I must have said Hebrew. However, prior to being corrected if she were talking to other officers she will be stating that I told her they spoke Jewish. The point is that it was this narrow-minded vocabulary and narrow mindedness of police officers local to Peterborough coupled with their inherit racism towards me that was critically detrimental to me.</p>

(July 18, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments:
<p> yesterday morning with Jack at computer console - said good morning + winked @ me  - said no - denied it - said he had a eye that does that  - I said there were other things too brought up time in lunchroom where he looked me up + down + made clicking sound with mouth + winked.  - I said inappropriate - He asked if I thought he was hitting on me I said didn't know + said bottom line inappropriate - unprofessional  I'm his senior officer I also brought up time that he told me I looked nice in my uniform - PC Jack said yeah I remember that it was a compliment "I will admit to that but not the other stuff"  - blamed wink on eye - says it happens all the </p>	<p> When PC Payne accused me of winking at her and looking at her inappropriately I was astounded, speechless and frightened as I had done nothing of the kind. I immediately recalled PC Payne loudly commenting in the Constables' office in early June how she was going to rip PC Mackaracher's head off for sleeping with PC Payne's common-law spouse PC Brockley. PC Payne's vexatious accusations scared me to such a degree that from that day on I was afraid to look at or speak with PC Payne. </p> <p> That was the only rational explanation to PC Payne's false accusation that I could have thought of at the time as my left eye would tend to wink uncontrollably in high stress situations. </p>



(July 18, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

time his eye will  
just close like  
that.

- I asked PC Jack  
if he had anything  
he wanted to discuss  
he said yes after  
thinking for a bit  
but said he would  
not want to talk  
about it right now
- I advised him to  
let me know later  
when/if he wanted  
to talk about it.

07:21 - assist Jack w brief  
Fraud - to do sup  
for brief

- needs to stay @ det  
to get synopsis of  
video statement re  
victim/witness  
for brief.

- should take 1 1/2 - 2 hrs  
to complete what  
he needs to do

- Synopsis video statement
- new CR
- photocopy notes
- photocopy other documents
- told him when done  
doing video statement  
go to ESO to complete  
the rest to be in  
zone.

11:52 [redacted] from PC Jack  
Said he got a call 23

time his eye will  
just close like  
that.

- I asked PC Jack  
if he had anything  
he wanted to discuss  
he said yes after  
thinking for a bit  
but said he would  
not want to talk  
about it right now
- I advised him to  
let me know later  
when/if he wanted  
to talk about it.

07:21 - assist Jack with brief  
Fraud - to do sup  
for brief

- needs to stay @ det  
to get synopsis of  
video statement re  
victim/witness  
for brief.
- should take 1 1/2 - 2 hrs  
to complete what  
he needs to do
- synopsis video statement
- new CR (Crown Report)
- photocopy notes
- photocopy other documents
- told him when done  
doing video statement  
go to ESO to complete  
the rest to be in  
zone

11:52 [black] from PC Jack  
said he got a call



(July 18, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

from PC Jack -  
said heard from  
mother of Dr from  
PI MVC who he  
wants to charge  
- wanted to know what  
to say to her  
- I advise give her  
doc's back - she's  
R/O of veh  
- tell her charges  
pending on her son  
re careless driving  
- do up brief + request  
2 summons  
10:41 - am - PC Jack called  
me while @ ESO  
just finished

transcribing statement  
- I don't believe it is  
a summary  
- said still @ office  
doing brief

14:15 [redacted] from PC Jack  
on my cell - I was  
in Buckhorn - advised  
he just got dispatched  
to a B+E - happened  
last night - [redacted]  
- thought I would do  
it b/c I was closer  
- I never offered to  
do it for him b/c  
he's been in office  
all day working on  
brief + I've been out  
in my zone doing

from PC Jack -  
said heard from  
mother of D1 from  
PI MVC who he  
wanted to charge  
- wanted to know what  
to say to her  
- I advise give her  
doc's back - she's  
R/O of veh  
- tell her charges  
pending with her son  
re careless driving  
- do up brief + request  
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10:41 - am - PC Jack  
called me while @ ESO  
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- I don't believe it is a  
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- said still @ office  
doing brief  
14:15 [redacted] from PC Jack  
on my cell - I was  
in Buckhorn - advised  
he just got dispatched  
to a B+E - happened  
last night - [redacted]  
- thought I would do  
it b/c I was closer  
- I never offered to  
do it for him because  
he's been in office  
all day working on  
brief + I've been out  
in my zone doing

Calls for service.  
- I asked him what he's been doing + he said he's been busy with calls  
- The only call he got dispatched to was at 6:15 this morning. Throat call in Ojibway + he left message for comp who hasn't gotten back to him.  
- ~~said~~ I don't know what he's been doing since 7:30 when I left him.

with 2 hrs of work on brief (approx) and told him to get out to his zone to complete.  
The other call he has on list is from yesterday - neighbor dispute - complainant lives Toronto area hasn't been able to get in touch w him left messages.  
14:29 hr [redacted] Sgt Flindall on Sat will advise him PC Jack tried to get me to do call he was dispatched to - when he's been in office all

calls for service.  
- I asked him what he's been doing + he said he's been busy with calls  
- the only call he got dispatched to was at 6:15 this morning. The cab call in Ojibway + he left message for comp who hasn't gotten back to him  
- ~~said~~ I don't know what he's been doing since 7:30 when I left him with 2 hrs of work on brief (approximately) and told him to get out to his zone to complete  
- the other call he has on list is from yesterday - neighbor dispute - complainant lives Toronto area hasn't been able to get in with him left messages.  
14:29 hr [black] Sgt. Flindall on Sat I'll advise him PC Jack tried to get me to do call he was dispatched to - when he's been in office all



(July 18, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments:
<p>day</p> <ul style="list-style-type: none"> <li>- discuss he has time management issues</li> <li>- it would be interesting when I see / check his notebook to find out what he's been doing for the last 9 hrs.</li> <li>- when he only had 1 1/2 approx. 2 hrs of work for brief.</li> <li>- with 6 months under his belt he should be more proficient with time management +</li> </ul> <p>jumping up in at calls for service</p> <p>1549 - [redacted] from PC Agolini re property from PI MVC - [redacted]</p> <ul style="list-style-type: none"> <li>- has iPod [redacted]</li> <li>- [redacted] has attended det to pick up iPod that got @ scene apparently gave to officer.</li> <li>- call PC Jack - advised that he forgot - had cell phone in his duty bag - forgot in side pouch of duty bag</li> </ul> <p>1700 - approx PC Jack advise he can</p> <p style="text-align: right;">26</p>	<p>day</p> <ul style="list-style-type: none"> <li>- discuss he has time management issues</li> <li>- it would be interesting when I see/check his notebook to find out what he's been doing for the last 9 hours</li> <li>- when he only had 1 1/2 approx. 2 hrs of work for brief</li> <li>- with 6 months under his belt he should be more proficient with time management +</li> </ul> <p>jumping up in at calls for service</p> <p>15:49 [redacted] from PC Agolini re property from PI MVC [redacted]</p> <ul style="list-style-type: none"> <li>- has iPod [redacted]</li> <li>[redacted] has attended det to pick up iPod that got @ scene apparently gave to officer.</li> <li>- call PC Jack - advised that he forgot + had cell phone in his duty bag - forgot in side pouch of duty bag</li> </ul> <p>17:00 - approx PC Jack advise he can</p> <p>Another example of the insatiable desire to scrutinize me any way possible and to also compare my explanations of anything said with what I documented in the hope of catching a contradiction or a lie.</p>



(July 18, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

start taking calls  
+ assist on air -  
- advised comms  
night shift will  
take calls.  
- PC Jack will  
incur ~~of~~ overtime  
- Sgt Flindall concur  
he will not take  
calls  
JenP

start taking calls  
+ assist on air -  
- advised comms  
night shift will  
take calls.  
- PC Jack will  
incur ~~of~~ overtime  
- Sgt. Flindall concur  
he will not take  
calls  
JenP

----->

(July 18, 2009) (Volume 3, BB) Point Form Chronology:

18Jul09 - PC Payne

- On the 18<sup>th</sup> July 2009 at approx 06:40hrs, I spoke with PC Jack in the boardroom about a few issues I wanted to address with him. I advised him about telling comm centre where he is at all times and the importance of this if he ever hit 10-78. That no one knew where he was that morning and he never told anyone. Further, that this also lets dispatch and zone partners know where you are at and what you are doing. I spoke with PC Jack about following up on other people's calls when he wasn't asked to. PC Jack corrected me when I said he was angry about call and he corrected me and said he was "irritated". I advised him that if he felt he could assist in the call he should have approached the investigating officer to see if it was required. What is important to note is that PC Jack had enough things on his assignment list to do rather than following up on a call that did not require assistance/follow-up. I told PC Jack that he could interfere with an investigation and provide conflicting advice which could create problems.



- I further discussed the 'wink' that happened the previous morning. I hesitated about it talking about it to him, but I didn't want further things to happen. PC Jack denied the wink happened the previous day he said that "his eye does that" I advised him that the only reason I brought it up was because of other things that happened in the past and explained the two previous incidents to him. (looking me up and down and winking and clicking; and telling me I looked good in my uniform). PC Jack stated he didn't do the first thing in lunchroom and admitted that he did say that I looked good in my uniform. He stated "I will admit that but not the other stuff". He said the winking of his eye happens all the time. PC Jack asked me if I thought he was hitting on me. I stated I didn't know, but either way it was inappropriate and unprofessional. I asked PC Jack if he wanted to discuss anything and he thought for a minute and said "yes, but he would not want to talk about it right now". I advised him to let me know later if/when he wanted to talk.
- At approx 07:21, I then assisted PC Jack with his Fraud brief. I advised him he needed to do a synopsis of his witness statement onto Niche, he need a new CR check on accused, photocopy notes, photocopy other documents and told him when he was done doing a synopsis of the video statement to complete the rest at the CSO. I figured this should take him approx 1.5-2hrs to complete all.
- I received a call from PC Jack at 10:41am who advised he has just finished transcribing statement. I didn't believe he had just done a summary for the brief. He advised he was still at the office doing the brief. I was busy in the zone doing calls for service while he was working on the list of items I told him to complete.
- At approx 14:15hrs he contacted me via telephone as he was just dispatched to a B&E, he said he was busy with other calls. I didn't know what he was busy working on, he had a threats call first thing in the morning which he was still waiting for a phone call back from the complainant and I had only left him with approx 2hrs of work, and he was supposed to be in his zone by now.
- At approx 14:29hrs I spoke with Sgt. Flindall about PC Jack trying to get me to do one of his calls he was dispatched to, when has been in the office all day. We discussed time management issues that PC Jack has.
- At approx 15:49hrs I received a phone call from PC Agolini who advised a [REDACTED] was at detachment to pick up an IPOD that was recovered and the witness told him she gave it to an officer (from MVC 14<sup>th</sup> July 09). I spoke with PC Jack who advised he had forgotten that he had it in his duty bag
- At 17:00hrs I noticed on the air that PC Jack started to now pitch in and assist with calls for service. It appeared as though this is because he will incur overtime for these calls. Sgt. Flindall advised night shift will take the calls.

**My responses to the above 8 bullet point entries are as follows:**

1. True.
2. True – that was when I was shocked.
3. With respect to the handling of the Fraud investigation (SP09087157), please refer to the *Follow-Up Orientation* section in my Month 6 & 7 PER (Exhibit 57).
4. What PC Payne did not want the reader to understand is that she was using an estimation of time that it would have probably taken her (an experience officer local to the area) to complete the work. She clearly did not want the reader to see that it would have taken a rookie longer. She also did not want the reader to see that it would have taken a rookie with cultural and language barriers even longer. Furthermore, she did not want the reader to realize that when one is at the detachment working on something that needs to be done within a given time frame, that time frame is always stretched much longer because they have to answer the phone that can at times take one off into another brief investigation to deal with the caller. Furthermore, one is constantly being called to the front desk to assist with a walk-in when front desk secretarial staff knows an officer is in the Constables' office. Now when a rookie has to do deal with these interruptions to his task it should be expected that it would take such a rookie officer much longer than an experienced officer to deal with the interruptions.
5. See below as the explanation is fairly lengthy.
6. Sure. That is not surprising. I was accused of poor time management for having the decisive insight to save at least two hours (back and forth) of driving time to Peterborough County OPP. Was not it supposed to be a team effort?
7. True.
8. All I did was to advise the Communication Center that I cleared off the Break & Enter call. That was immediately "interpreted" and documented with negative connotation by PC Payne as me trying to work Over Time.



**Response to the 5<sup>th</sup> bullet point entry is as follows:**

I contacted PC Payne and asked her if she could take the call because of the address of the Break & Enter call (Point C) was a relatively short distance north of Buckhorn (Exhibit 47, page 77) and PC Payne was already in Buckhorn (most likely in the Community Police Office) as shown in the following excerpts:

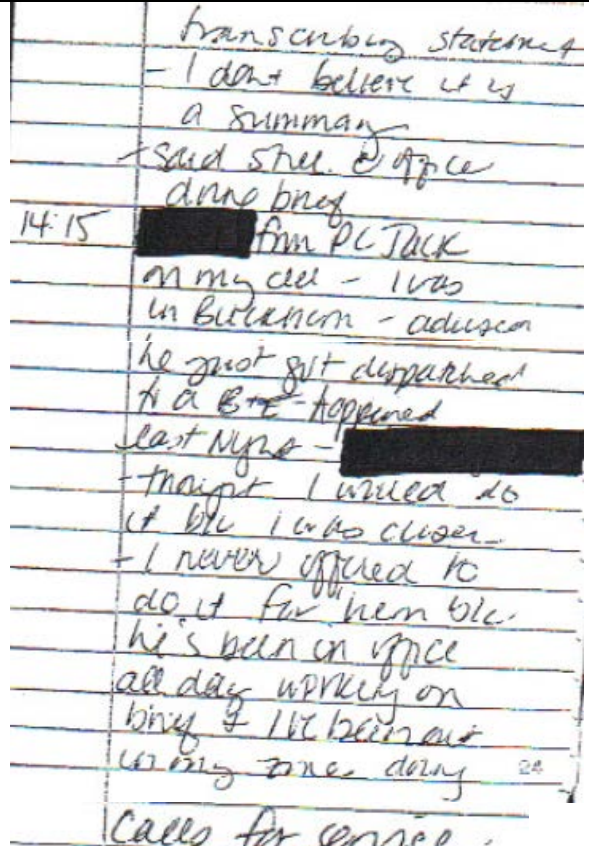
SP09159819 OPP B-E bus/res/oth

2009/07/18  
13:52

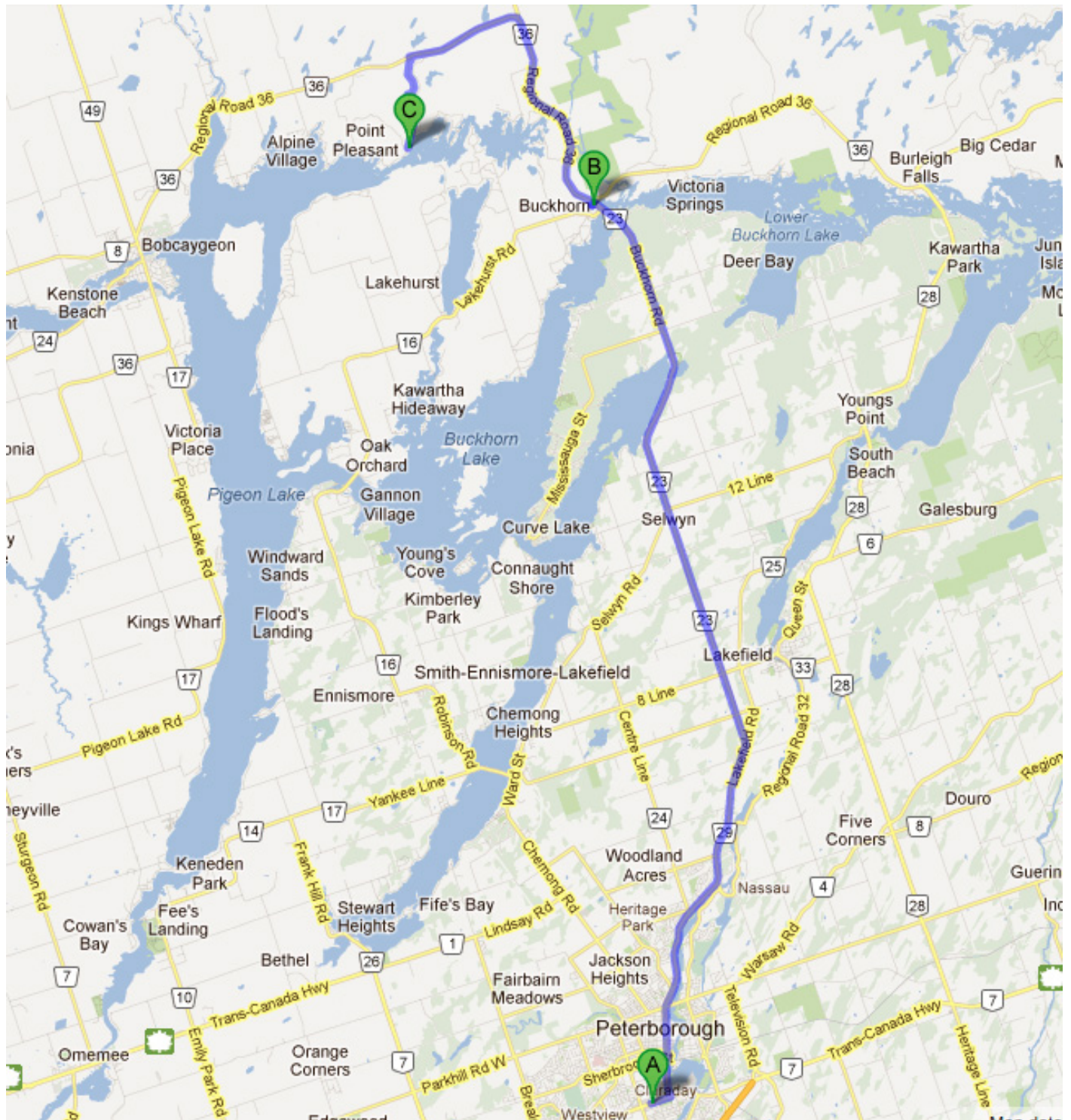
Complete - unsolved - 1408  
KENNEDY DR, GALWAY-  
CAVENDISH-HARVEY  
TWP, ON Canada (Area: 1045,  
Duty locn: 1103) Reportable /  
JACK - B&E TO HOUSE,  
SOMETIME BETWEEN  
1800-2400 LAST / NIGHT,  
ENTRY GAINED THROUGH  
BROKEN WINDOW,  
NOTHING / APPEARS TO  
BE STOLEN, SEE REPORT /

At the time the call came in PC Payne was in Buckhorn (Point B) – approximately 18 minutes of driving to the Break & Enter address (Point C):

**(July 18, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):**

	<p>transcribing statement</p> <ul style="list-style-type: none"><li>- I don't believe it is a summary</li><li>- said still @ office doing brief</li></ul> <p>14:15 [redacted] from PC Jack on my cell – I was in Buckhorn – advised he just got dispatched to a B+E - happened last night – [redacted]</p> <ul style="list-style-type: none"><li>- thought I would do it b/c I was closer</li><li>- I never offered to do it for him because he's been in office all day working on brief + I've been out in my zone doing calls for service</li></ul>
--	--

At the time the call came in I was at the detachment (Point A) – approximately 39 minutes of driving to Buckhorn (Point B) and approximately an hour of driving to the Break & Enter address (Point C):





<div style="text-align: right;">×</div> <div style="display: flex; justify-content: space-around; margin-bottom: 10px;"> <span></span> <span></span> <span></span> <span></span> </div> <div style="margin-bottom: 5px;"> <span style="background-color: #c8e6c9; border: 1px solid #81c784; border-radius: 15px; padding: 2px 5px; display: inline-block; text-align: center;">A</span> 453 Lansdowne Street, Peterborough, Ontario ×     </div> <div style="margin-bottom: 5px;"> <span style="background-color: #c8e6c9; border: 1px solid #81c784; border-radius: 15px; padding: 2px 5px; display: inline-block; text-align: center;">B</span> Buckhorn, Ontario ×     </div> <div style="margin-bottom: 5px;"> <span style="background-color: #c8e6c9; border: 1px solid #81c784; border-radius: 15px; padding: 2px 5px; display: inline-block; text-align: center;">C</span> 1408 Kennedy Dr, Galway-Cavendish and Harvey, ON ×     </div> <div style="margin-bottom: 10px;"> <a href="#" style="color: #00796b; text-decoration: none; font-size: 0.9em;">Add Destination - Show options</a> </div> <div style="text-align: center;"> <div style="background-color: #00796b; color: white; padding: 5px 15px; border-radius: 5px; display: inline-block;">GET DIRECTIONS</div> </div>	
<p><b>Driving directions to 1408 Kennedy Dr, Galway-Cavendish and Harvey, ON</b></p> <div style="margin-top: 10px;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>453 Lansdowne St W</b>        Peterborough, ON K9J 3V1     </div> <ol style="list-style-type: none"> <li style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>1. Head east on Lansdowne St W toward Park St S</b> </div> <div style="flex: 0.2; text-align: right; font-size: 0.9em;">650 m</div> </div> </li> <li style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>2. Turn left onto George St S</b> </div> <div style="flex: 0.2; text-align: right; font-size: 0.9em;">1.3 km</div> </div> </li> <li style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>3. Turn right onto Sherbrooke St</b> </div> <div style="flex: 0.2; text-align: right; font-size: 0.9em;">86 m</div> </div> </li> <li style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>4. Turn left onto Water St</b> </div> <div style="flex: 0.2; text-align: right; font-size: 0.9em;">7.4 km</div> </div> </li> <li style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <b>5. Continue onto Lakefield Rd/County Road 29</b> </div> <div style="flex: 0.2; text-align: right; font-size: 0.9em;">3.9 km</div> </div> </li> <li style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>6. Slight left onto Buckhorn Rd/County Road 23</b>            Continue to follow County Road 23         </div> <div style="flex: 0.2; text-align: right; font-size: 0.9em;">19.6 km</div> </div> </li> <li style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>7. Turn left onto Lakehurst Rd/Regional Road 16 (signs for County Road 23 S)</b> </div> <div style="flex: 0.2; text-align: right; font-size: 0.9em;">120 m</div> </div> </li> </ol> <div style="text-align: right; font-size: 0.9em; margin-top: 5px;"> <b>33.1 km – about 39 mins</b> </div>	<div style="margin-top: 10px;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>Buckhorn, ON</b> </div> <ol style="list-style-type: none"> <li style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <b>8. Head northwest on Lakehurst Rd/Regional Road 16 toward County Road 36</b> </div> <div style="flex: 0.2; text-align: right; font-size: 0.9em;">120 m</div> </div> </li> <li style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>9. Take the 1st left onto County Road 36</b> </div> <div style="flex: 0.2; text-align: right; font-size: 0.9em;">11.2 km</div> </div> </li> <li style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>10. Turn left onto Kennedy Dr</b> </div> <div style="flex: 0.2; text-align: right; font-size: 0.9em;">98 m</div> </div> </li> <li style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="flex: 1;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>11. Turn right to stay on Kennedy Dr</b>            Destination will be on the right         </div> <div style="flex: 0.2; text-align: right; font-size: 0.9em;">3.4 km</div> </div> </li> </ol> <div style="text-align: right; font-size: 0.9em; margin-top: 5px;"> <b>14.9 km – about 18 mins</b> </div> <div style="margin-top: 10px;"> <span style="color: #00796b; font-size: 1.2em; margin-right: 5px;"></span> <b>1408 Kennedy Dr</b>        Galway-Cavendish and Harvey, ON     </div>

- First, in a number of instances I took calls for service that were dispatched to other officers because I was closer than them to call locations, which I believed was a proper and rational thing to do,
- Second, I have heard on the radio other officers do the same (again it was proper attitude),
- Third, PC Payne instructed me to do just that with respect to an after the fact Break & Enter call on June 16, 2009, at 12:01. PC Payne told me to continue working on my cases, let PCC know to contact PC Gilliam because PC Gilliam was closer geographically to the incident location.
- It was therefore only rational to have an officer, not to mention that PC Payne was my zone partner, who was considerably closer and not handling any urgent calls for service at the moment (Exhibit 109) to take that call. PC Payne's officers journal pages 82, 83, 84, 85, 86 were not provided in the disclosure so I do not know what she was doing at the time the call came in, but from Exhibit 109 (see excerpts below) it is clear that on July 18, 2009, PC Payne had only 3 non-reportable calls for service one of which (SP09159622) she even turned down due to what would appear a fake reason.



- Hence, it was only prudent to ask PC Payne to take the B&E call. Not only did she decline, but she also went out of her way to document it in her special notebook (**Re PC Jack**) in a manner that would convey the impression that I was fluffing off a call on her while she was very busy. What a lie!

65)	SP09158773	OPP	Alarm	2009/07/17 14:53	Complete - solved (non-criminal) - 125 JULIAN LAKE RD, NORTH KAWARTHA TWP, ON Canada (Area: 3120, Duty locn: 1121, Beat: 40, ESZ: 80584) Non-reportable / PAYNE - ATS, ALL SECURE, REAL ESTATED
66)	SP09159525	OPP	Traffic control	2009/07/18 07:55	Complete - solved (non-criminal) - 0 36 CTY RD between BUCKHORN TL and FIRE ROUTE 24, GALWAY-CAVENDISH-HARVEY TWP ON (Area: 1045, Duty locn: 1103, Beat: 30a, ESZ: 80433) Non-reportable / PAYNE - ASSISTED WITH TRAFFIC CONTROL, NO INCIDENT / (NO_REPRT) /
67)	SP09159622	OPP	Police information	2009/07/18 10:30	Complete - solved (non-criminal) - 507 CTY RD and BEAVER LAKE RD, GALWAY-CAVENDISH&HARVEY ON (Area: 1045, Duty locn: 1103, Beat: 30, ESZ: 80332) Non-reportable / PAYNE - UNABLE TO ATTEND DUE TO CALLS FOR SERVICE / (NO_REPRT) /
68)	SP09159740	OPP	911 call/911 hang-up [8892]	2009/07/18 12:28	Complete - solved (non-criminal) - 2249 NORTHEY'S BAY RD, NORTH KAWARTHA TWP, ON Canada (Area: 3120, Duty locn: 1121) Non-reportable / EMPLOYEE USING FAX MACHINE DIALED WRONG NUMBER / GOT 911 NO EMERGENCY / (NO_REPRT) / (CPB
69)	SP09160755	OPP	Marine	2009/07/19 10:53	Complete - solved (non-criminal) - 920 SKYLINE # 8, SMITH-ENNISMORE-LAKEFIELD TOWNSHIP, ON Canada (Area: 1044, Duty locn: 1105, Beat: 30b, ESZ: 80835) Non-reportable / PAYNE-SPOKE WITH COMPLAINTANT-BOAT

(July 19, 2009) (Volume 3, Z), PC Payne's notes:

19 July 2009 (Sun)  
 10:00 - help Jack with Fraud brief - 89  
 - Needs statement from female cashier for brief b/c she rang thru customer  
 10:20 - [redacted]  
 11:24 [redacted]  
 advised PC Jack now [redacted] from [redacted] (1 hr after I advised him to leave + go to zone)  
 [redacted]

19 July 2009 (SUN)

10:00 - help Jack with Fraud brief  
 - Needs statement from female cashier for brief because she rang thru customer

10:20 [black]  
 11:24 [black]  
 advised PC Jack now [black] from ??? (1 hour after I advised him to leave + go to zone)  
 [black]

(July 19, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

19 July 2009 (Sun)  
 10:00 - assist PC Jack re Fraud brief - brief Dtds Det - CONST area  
 - asked me to check out ~~sy~~ statement of witness  
 - discover again that it is verbatim instead of synopsis  
 - asked him why verbatim + not synopsis  
 - he advised he must have misunderstood me  
 - it took him 3 hrs to transcribe statement  
 - I advised him it was a waste of time b/c 27

19 July 2009 (Sun)

[black]  
 [black]  
 10:50 - assist PC Jack re Fraud ~~brief~~ brief  
 Ptbo Detachment - Constables' area  
 - asked me to check out ~~sy~~ statement of witness  
 - discover again that it is verbatim instead of synopsis  
 - asked him why verbatim + not synopsis  
 + he advised he must have misunderstood me  
 - it took him 3 hours to transcribe statement  
 I advised him it was a waste of time because

not required unless  
Crown requested  
- asked me what  
notes (his) he needs  
I advised anything  
pertaining to the  
case  
- after reviewing witness  
statements discovered  
he hadn't taken  
DVD or written  
statements from  
anyone before photo-  
line-up  
- no statement yet  
from girl @ cash  
who rang thru  
accused. I advised  
him to attend [redacted]  
[redacted] today to  
get her details +  
attempt to get statement  
from her about  
the event -  
- advised him to  
re write statement  
- he said said this  
should be a crime  
unit call - said  
he needs more time  
to work on it  
- I advised him its  
not a crime unit call  
but he can do  
follow up when not  
responding to other  
calls. 28

not required unless  
Crown requested  
- asked me what  
notes (his) he needs  
I advised anything  
pertaining to the  
case  
- after reviewing witness  
statements discovered  
he hadn't taken  
DVD or written  
statements from  
anyone before photo-  
line-up  
- no statement yet  
from girl @ cash  
who rang thru  
accused. I advised  
him to attend [black]  
[black] today to  
get her details +  
attempt to get statement  
from her about  
the event  
- advised him to  
re write statement  
- he said said this  
should be a crime  
unit call - said  
he needs more time  
to work on it  
- I advised him its  
not a crime unit call  
- and he can do  
follow up when not  
responding to other  
calls.



(July 19, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments
<p>- everyone else can manage these types of calls without and others</p> <p>- further I asked PC Jack what had he done all day - in office from 6 am to 2pm - said busy</p> <p>- said he reworked GOR for this occurrence + reviewed the DVD 3 times to get synopsis right</p> <p>- advised Jack to contact complainant re 2 other calls [black]</p> <p>- get to ESO to work out of 2 that in Zone</p> <p>- I asked PC Crowder to advise me when PC Jack left office for ESO</p> <p>11:21 + received text 11:21 am from Crowder that Jack on road now</p> <p>- PC Jack went to [black] to locate female cashier reference statement</p> <p>- then went to ESO</p> <p>- while at [black]</p> <p>29</p>	<p>Though everyone else could manage these types of calls (which is false by default as PC Payne could not have possibly known how "everyone else" would have managed those types of calls) I could not and it was also very apparent to S/Sgt. Campbell that I was literally being left on my own to handle calls and investigations that were beyond my level of expertise and knowledge. He mentioned this very point in his e-mails to Inspector Johnston on August 18, 2009 (Volume 3, W-3) and August 21, 2009 (Volume 3, V-20).</p>

(July 19, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):		Comments:
<p>[redacted] PC  Jack never got  cashiers' basic  details like -  name, address  ph#.</p> <p>- PC Jack attended  ESO + worked  from there</p> <p>- did 911 call  + traffic complaint  in afternoon</p> <p>- PC Jack never  called me on this date  to update me  about anything</p>	<p>[black] PC  Jack never got  cashiers basic  details like  name, address,  ph#.</p> <p>- PC Jack attended  ESO + worked  from there</p> <p>- did 911 call  + traffic complaint  in afternoon</p> <p>- PC Jack never  called me on this date  to update me  about anything</p>	<p>How could have I gotten the  cashiers' basic details if they were  not present at their work? And even  if I had gotten their basic details  how would that have helped? I still  had to interview them personally,  at which time I took all their  personal details for the purpose of  the investigation. Moreover, at  least one of the cahiers lived  outside the Peterborough County.</p>



**19Jul09 - PC Payne**

- 4 people working and had to call people in on OT. I was officer in charge for the weekend.
- At approx 10:00am I assisted PC Jack with his Fraud brief. I asked to check the synopsis of the statement of the witness he had done. I wanted to see what took him so long. I discovered that it was pretty much verbatim. I asked him why he did it verbatim when I told him it just needed to be a synopsis. He stated he must have misunderstood. It took him 3 hrs to transcribe the statement. I advised him that we don't transcribe statements video statements unless requested by the crown. PC Jack asked me what notes he needed to copy for the brief. I figured he should know this by now and stated anything that pertains to the case. After reviewing the witness statement I discovered that PC Jack hadn't taken any written or DVD statements from any witnesses prior to the photo line-up. He hadn't obtained a statement yet from the girl who was working the cash register and had rang the accused through at the till. I advised him this was required for the brief and to attend the business and obtain her statement. He didn't even have her name or contact details. PC Jack stated that this should be a crime unit call because he needs more time to work on it and cannot follow-up when responding to other calls. I advised PC Jack that everyone else can manage these types of calls and others at the same time. I asked PC Jack what he had done yesterday while he was in the office from 6am-2pm working on this brief. He said he worked on the GOR and reviewed the DVD 3 times to get the synopsis right.
- I directed PC Jack to contact 2 complainants regarding to calls for service and then get to the CSO and be in his zone. I was informed that he didn't get out on the road or leave the office until around 11:21am. I heard PC Jack attending the Home Hardware regarding the Fraud follow-up. I learned that while at the Home Hardware PC Jack never even got the cashiers basic details like, name address and phone #.
- PC Jack never contacted me on this date for any advice, direction or assistance.

**My responses to the above 4 bullet point entries are as follows:**

- The shortage of personnel is a managerial issue, but it indirectly affected me since I had to deal with calls where, though I might have wished to have some assistance I would have inevitably had to deal with calls entirely on my own.
- Again what would and should take an experienced officer the length of time of the respective interview takes a rookie recruit much longer. However, the Tribunal should note that as a rookie this length of time would naturally improve over time. The desire to not make any mistakes for fear of incurring the wrath of those over me was what drove me to transcribe the interview.



- Again mistakes like this should be expected as normal from a rookie. In my case they were seen as neglectful acts. I was literally expected to be a fully experienced officer from the start of my probationary period. This is clearly evident by the meticulous documentation of all my mistakes, where real or fabricated, most of which are common to rookies.
- While I might have wished to contact PC Payne I was certainly afraid to do so out of fear of being accused again for something that never occurred.

(July 22, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

22 July Wed  
PC Jack sick

22 July Wed

PC Jack sick

(July 22, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

23 July 2009 (Thur)  
dayshift jp  
- met with Sgt Flindall  
+ Shaun Filman  
re Jack  
- learned PC Jack jp  
- 23310 - old doc  
to keep tracking  
the issues  
- work performance  
plan needs to be  
complete  
- Cst. Filman has  
current evaluation  
almost complete -  
needs input from  
me - 30  
- has sent me  
copy of evaluation

23 July 2009 (Thur)

dayshift jp

- meet with Sgt. Flindall

+ Shaun Filman

re Jack

- learned PC Jack jp

- 233-10 - old doc

to keep tracking

the issues

- work performance

plan need to be

complete

- Cst. Filman has

current evaluation

almost complete -

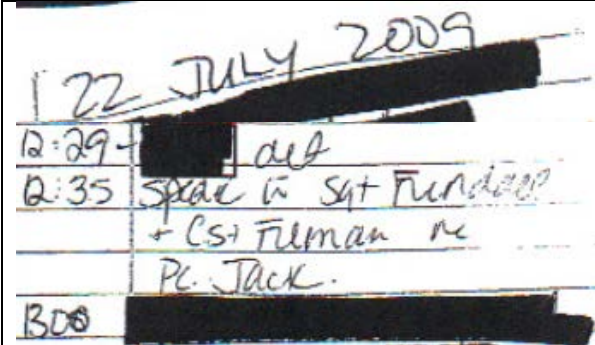
needs input from

me

- has sent me

copy of evaluation

(July 22, 2009) (Volume 3, Z), PC Payne's notes:

	<b>22 July 2009</b>  12:29 [black] det 12:35 - Speak w Sgt. Flindall + Cst. Filman re: PC Jack 13:00 [black]
--	--

(July 22, 2009) (Volume 3, BB) Point Form Chronology:

**22Jul09 - PC Payne**

- PC Jack was sick
- I met with PC Filman and Sgt. Flindall regarding PC Jack. We discussed an old 233-10 document to keep track of his issues and that a work performance plan needs to be completed.



(July 22, 2009) (Volume 1, B), Sgt. Flindall's notes:

<p>WED 22 JUL 09 0600 on duty 1014 call to P.C. FILMAN 89</p> <p>up his mt blue box - Adv him to get on it - he Adv P.C. JACK'S PCS 066 is almost complete. - currently some issues with his performance - P.C. PAYNE is assisting him - last SAT I spoke w him about what he's been working on the last 3 yrs - Adv he was transcribing a statement for a brief - asked him if it was the crown's request - Adv no</p>	<p>- Adv him he should only be doing a 90 synopsis unless crown says if so [redacted] - can do it - spoke w PAYNE later - she was quite upset - she told him this morning to only do a quick synopsis - she showed me his transcription - it was only a page and a half - has multi- tasking issues and he isn't doing what he's directed - uses his language as a barrier - to Adv S/SGT. CARPENTER about issues 1030 - [redacted]</p>	<p>- speaking w S/SGT. CARPENTER about P.C. JACK. - Adv to complete tracking form and work improvement plan - will speak w PAYNE and FILMAN. 103 - [redacted] 1235 - meeting w 92 P.C. PAYNE P.C. FILMAN Adv P.C. JACKS PCS 066, gen info forms - Quick improvement plan - both are going to put recent issues onto a tracking general info form - gen to add comments to JACK'S PCS 066 1236 - [redacted]</p>
---	---	--

Please note the excerpts from Sgt. Flindall's notes:

**'PC Jack's PCS 066 is almost complete'** – Which PER was it written in reference to? My Month 5 or my Month 6 & 7 PER?

**'currently some issues with his performance'** – How did PC Filman know that if we did not work together anymore. Because PC Payne was advising PC Filman!

**'PC Payne is assisting him'** – That means she was picking on me, fabricating deficiencies in my performance and falsely accusing me of winking at her.

**'spoke with Payne later – she was quite upset'** – that phrase speaks volumes about PC Payne emotional instability and biasedness towards me. Why would she get upset at me for doing my job thoroughly? Had I not transcribed the video statement verbatim, no one would have known that there were two other key



witnesses to the crime and that their statements constituted a crucial part in the investigation (Exhibit 47c, pages 3 – 4 and Exhibit 57, page 8).

***‘adv he was transcribing a statement for a brief’*** – Two-and-a-half months passed between the interview of Customer Service Representative Jack Stamplecoski (Exhibit 47c, pages 3 – 4) in reference to the credit card fraud (SP09087157), in which I was a witness and NOT the interviewer, and the date I transcribed the video recorded statement. The transcription was necessary to gather all the pertinent information and get all the facts in issue straight for the synopsis. Moreover, I uncovered a very important detail during the transcription. For an in-depth explanation please refer to the *Follow-Up Orientation* section in my Month 6 & 7 PER (Exhibit 57).

***‘uses his language as a barrier’*** – English language was my third language when I started studying it in depth at the age of 23. It subsequently became my second language, replacing Hebrew.

- How many languages does PC Payne speak?
- How many languages does PC Filman speak?
- How many languages does Sgt. Flindall speak?
- How many languages does S/Sgt. Campbell speak?
- S/Sgt. Campbell’s, Sgt. Flindall’s, PC Filman’s and PC Payne’s mother tongue is English.
- Sgt. Flindall, PC Filman and PC Payne are native to Peterborough.
- Sgt. Flindall and PC Payne were police officers for more than 10 years and PC Filman was a police officer for more than 6 years.

All of them had superior advantage over me with respect to just about anything: language, work experience, knowledge of statutes, knowledge of OPP policies and procedures, detachment policies and politics, familiarity with the local culture and the area, security of employment, etc.

Then instead of having some understanding of my situation and my perspective, sharing their knowledge and experience with me to build me up, they chose to neglect me at first and then to pick on me, get upset with me, falsely accuse me of numerous deficiencies and to harshly target me.

Had they been unbiased towards me then perhaps they would have had more understanding that due to the tenderness in years of service and my foreign background it was only natural for me to take longer to accomplish certain tasks. In light of the above, I can only attribute their attitude towards me as racial hatred and disdain. This is especially true since none of the other probationary recruits were experiencing the same treatment.

***‘Jen to add comments to Jack’s PCS 066’*** – PC Payne was not my coach officer! She had no right to enter her comments into my PER. It was the job of my official coach officer PC Filman to gather the information and to write my PERs. What they did contravened Ontario Provincial Police Orders (Volume 7, 2 and Volume 7, 5):

**Responsibility** The coach officer shall be responsible for:

- 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

Coach Officer

- Develops a plan of training.
- Completes all evaluations in a timely manner following the submission schedule.

(July 22, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

<p>1035 Rob Flindall          Discuss FOCA          Private Roads          Cst Jack issue          with him Jen Payne          assisting as mentor          not able to multi task          not able to take          direction - out at cpo's          wait in buckhorn          working on fraud          multiple jurisdictional - video          interview of witness          quick synopsis point          form not transcribe          3 hrs later up in zone          notebook for times          separate notebook          can't have 2 notebooks</p>	<p>Advise Document          Problems - by coach          - work improvement          plan - track all          issues - on his PCS066          this is why they need          to be up to date          Synopsis needs to          be brief - was 1.5 pages          for 3 hrs.          Social issues with          shift advised up to          him to look after Re:          poison work environment          to ensure people are          professional.</p>
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(July 22, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

22 Jul 09

1035

Rob Flindall discuss FOCA private roads Cst Jack issue with him Jen Payne assisting as mentor not able to multi task not able to take direction out at cpo's wait in buckhorn working on fraud multiple jurisdictional – video interview of witness quick synopsis point form not transcribe 3 hrs later up in zone notebook for times separate notebook -can't have 2 notebooks

Advised document problems by coach – work improvement plan track all issues on his pcs066 this is why they need to be up to date Synopsis needs to be brief was 1.5 pages for 3 hours social issues with shift advised up to him to look after Re: poison work environment to ensure people are professional.

While the problems should have been documented by my coach officer PC Filman, the main problem was that PC Filman could not care less about me. Hence, there were problems.

Please take special note of S/Sgt. Campbell's comments:

- *'can't have 2 notebooks'*
- *'social issues with shift'*
- *'poison work environment'*

It is against the Ontario Provincial Police Orders and the Police Services Act to keep more than one daily journal at a time. I clearly remember from the Ontario Police College that such practice was strictly prohibited. However, PC Payne maintained a separate journal consisting of her observations made regarding me. When it came to dealing with me PC Payne independently decided to keep a separate journal to fabricate false allegations and to document her observations and interactions with me in dire contravention of the Ontario Provincial Police Orders. The Tribunal should wonder if the other three rookie recruits that started at the Peterborough County OPP Detachment at the same time I did were privileged in being monitored and documented in such details as I was. **Alarming is the fact that S/Sgt. Campbell and Sgt. Flindall were aware of this and condoned PC Payne's practice as she continued keeping two notebooks in her current use. There was a total aberration of policies (be it the Ontario Provincial Police Orders or Human Rights Code or the Ontario Public Service) (Exhibit 87, Exhibit 88, Exhibit 89, Exhibit 90a, Exhibit 90b, Exhibit 90c, Exhibit 90d, Exhibit 90e, Exhibit 116, Exhibit 117, Exhibit 118, Exhibit 119) when it came to dealing with me.**

Ontario Provincial Police Orders 2.50 Member Note Taking (Exhibit 117):

### 2.50.3: DAILY JOURNAL

- Content** Except as otherwise provided in this policy, a uniform member shall maintain a Form Cat 1-22—Daily Journal in accordance with procedures taught to police officers attending the Provincial Police Academy (PPA) and Ontario Police College (OPC). Before putting Form Cat 1-22—Daily Journal into use, a uniform member shall:
- Review** A supervisor shall review a uniform member's Form Cat 1-22—Daily Journal on a regular basis to ensure it is complete, accurate and in compliance with OPP policy.
- Complete Chronology** A uniform member shall account for each calendar day in Form Cat 1-22—Daily Journal, and consecutive days off may be shown as one entry, e.g. 03 & 04 JAN 2005—weekly rest days.
- Current Use** Except as otherwise provided in this policy, only one Form Cat 1-22—Daily Journal shall be in current use.

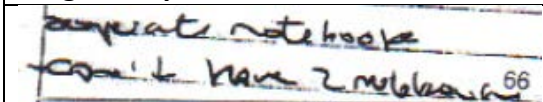


**22JUL09 - S/Sgt Campbell**

- 1035hrs Sgt. Flindall advises he has issue between PC Jennifer Payne and PC Jack. PC Payne is assisting in the mentoring of PC Jack. PC Jack is not able to multi-task or follow direction. Advised of issues with fraud and video transcription vs. summary. PC Jack also has an issue of making his own notes. I advised Sgt. Flindall to have the officer document problems and start work improvement plan. Track all issues on PCS066 this is why they need to be up-to-date. Sgt. Flindall also advised of social issues on shift and advised it was up to him to ensure that the work place did not become a poisoned work environment to ensure persons acted professional.

I did not speak to anyone about the issues between PC Payne and myself to that date. The documentation of the issues is so one-sided! What Sgt. Flindall stated in lines 7 – 9, ***'Sgt. Flindall advised of social issues on shift and advised it was up to him to ensure that the work place did not become a poisoned work environment to ensure persons acted professional'*** was that Sgt. Flindall's shift was uncomfortable with me and that there was dissention stirring and that was why S/Sgt. Campbell advised Sgt. Flindall (omission of the word ***'I'*** after the ***'and'*** and before ***'advised'*** in line 8) that it was up to Sgt. Flindall to ensure my work environment did not become poisoned. However, it was too late for that as S/Sgt. Campbell later indicated in his e-mails to Insp. Johnston on August 18, 2009, and August 21, 2009, (Volume 3, W-3 and V-20, respectively). I was literally a leper on Sgt. Flindall's shift.

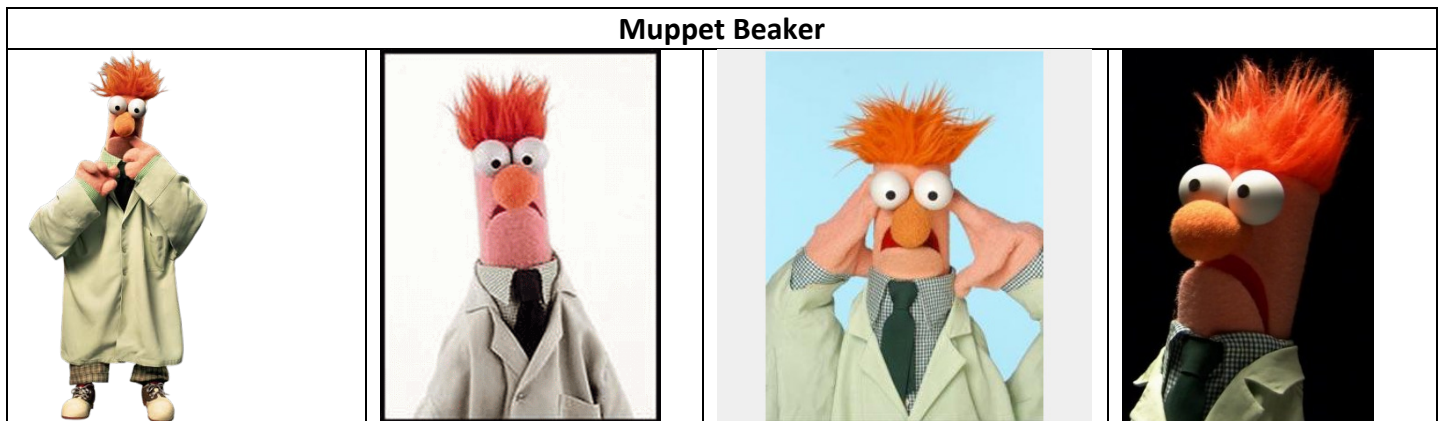
Please take special note that while S/Sgt. Campbell advised Sgt. Flindall very clearly that an officer could not have two separate notebooks (as is clearly evident from his notes, but for some reason is absent in the point form chronology) PC Payne still continued to maintain a separate notebook (**Re PC Jack**).

(July 22, 2009) (Volume 3, X), S/Sgt. Campbell's handwritten notes:	(July 22, 2009) S/Sgt. Campbell's transcribed notes (March 13, 2012):
	separate notebook -can't have 2 notebooks

While it would appear that S/Sgt. Campbell deliberately omitted to mention this crucial piece of evidence in the point form chronology, Sgt. Flindall deliberately allowed, and I would hasten to say encouraged, his "number-one" officer PC Payne to keep a special separate notebook (**Re PC Jack**). This was done in contravention of S/Sgt. Campbell's direction and in dire contavention of the Ontario Provincial Police Orders. The former is not surprising since Sgt. Flindall called S/Sgt. Campbell "S/Sgt. Beaker" after the Muppet Beaker behind S/Sgt. Campbell's back and PC Filman even used to show around a clip on [www.youtube.com](http://www.youtube.com) of Muppet Beaker running around with smoke coming out from his ears while pointing out that it was our Staff Sergeant.

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

officer (first with Metro Toronto and then with the OPP) for over 23 years. Sgt. Flindall would call Staff Sergeant (S/Sgt.) Campbell "S/Sgt. Beaker" after the Muppet Beaker behind S/Sgt. Campbell's back.



(July 22, 2009) (Volume 1, I-77):

**From:** Schroter, Sarah (JUS)  
**Sent:** July 22, 2009 1:03 PM  
**To:** Flindall, Robert (JUS)  
**Subject:** Can you look into something for me?

I have just finished prepping a brief for David Allan CORBIN SP09148553 (OIC: JACK). I have typed the CC info and POA info but I have not received the original PTA from JACK. Problem is that he released him on a PTA for the Criminal stuff but no process was given for POA. Therefore I need to have the original PTA to keep jurisdiction and so that the info can be confirmed. Otherwise if he does not show up on First Appearance the JP cannot ask for a warrant if the info has not been confirmed. Can you see if JACK knows where this document is? The first appearance is 30JUL09 and the info needs to get sworn asap.

Thanks for your help.

*Sarah Schroter*

Peterborough County OPP  
Court Office  
453 Lansdowne Street East  
Peterborough ON K9J 6Z6  
ph: 705-742-0401  
fx: 705-742-9247

(July 22, 2009) (Volume 1, I-77):

**From:** Flindall, Robert (JUS)  
**Sent:** July 22, 2009 3:15 PM  
**To:** Schroter, Sarah (JUS)  
**Subject:** RE: Can you look into something for me?

Just got out of the NCO meeting - JACK called in sick today. When he gets in tomorrow (fingers crossed) I will inquire and let you know asap!

**Robert Flindall**  
**Sgt. 9740**  
**Peterborough County OPP**



(July 23, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments:
<p>23 July 2009/Thurs</p> <p>learned from Sgt Flindall that PC Jack requesting to come in on OT to interview girls cashier re Fraud.</p> <p>never did get their name, DOB address</p> <p>PC Jack thought b/c they were working on his rest days he could come in + interview them at that time - request denied - he can interview them when he's working</p> <p>PC Jack appears bored @ briefings - sit back from everyone else</p> <p>scowl on face</p> <p>does not get involved + doesn't comment</p> <p>huffs + puffs like we're wasting his time - I have noticed this on numerous occasions during briefings</p> <p>noticed PC Jack</p>	<p><b>- 23 July 2009 (Thurs)</b></p> <p>- learned from Sgt. Flindall that PC Jack requesting to come in on Over Time to interview girls cashier re Fraud.</p> <p>- never did get their name, DOB, address</p> <p>- PC Jack thought because they were working on his rest days he could come in + interview them @ that time - request denied - he can interview them when he's working</p> <p>- PC Jack appears bored @ briefings - sit back from everyone else</p> <p>- scowl on face</p> <p>- does not get involved + doesn't comment</p> <p>- huffs + puffs like we're wasting his time - I have noticed this in numerous occasions during briefings</p> <p>- noticed PC Jack</p> <p>While everyone on the platoon was relaxed and enjoying the camaraderie of a shift briefing I was deep in thought. Anyone that is deep in thought can have a fixed gaze at nothing in particular or even a light crease between their eyebrows. They might even have their lips pursed. Someone else looking at this individual might think that the person is upset. The fact is many of these briefings was a waste of time since they most consisted of none police related discussions. By the time PC Payne was making these observations of me I was already so steeped in concern of prejudice I was experiencing from everyone that my mind was barely present during these briefings. I might have huffed and puffed because I did not feel well (was still sick from previous day) and also because I could not wait to get out and start doing my job. Furthermore, how could anyone feel comfortable in a closed setting like a shift briefing when you were made to feel like a leper in a much larger setting? I felt that many ridiculed me and made fun of me and hence I just could not wait to get out of that room whenever we were all together.</p> <p>I actually thank PC Payne for her observations that show how the racial discrimination that I was being subjected to was affecting me.</p>

The reason I asked Sgt. Flindall if I could interview the cashiers on my day off was because during July 2009 I was so overworked that I virtually had no time to do it during my time on duty when the cashiers were working – either our working times were out of sync or I was busy with calls for service. When I asked Sgt. Flindall if I could attend the business location to interview the cashiers I specifically stated that I was not going to claim Over Time, but wanted to do so voluntarily. Sgt. Flindall denied my request.



(July 23, 2009) (Volume 3, Z), PC Payne's notes:

23 JULY 2009

18:05 meet w. Sgt Flindall  
discuss PC Jack  
Harassment call  
assigned to this afternoon  
- discuss MVC's briefing +  
OT to complete  
basic TR into while  
on rest days

18:31 - send fax to [redacted]  
at Mastercard  
Security to get details  
re [redacted]  
+ locations of credit  
card usage for  
follow up exam

18:39 Get TR #'s for 5  
TR's

### 23 July 2009

18:05 meet with Sgt. Flindall  
discuss PC Jack  
Harassment call  
assigned to this afternoon  
- discuss MVC's briefing +  
OT to complete  
basic TR into while  
on rest days

18:31 - send fax to [black]  
at Mastercard  
security to get details  
re [black]  
+ locations of credit  
card usage for  
follow up exam

18:39 Get TR #'s for 5  
TRS's

(July 23, 2009) Counsel's additional disclosure (April 5, 2012), PC Jack's notes:	
THU 23-JUL-09	A PERIOD OF 22 MONTHS. THE CMS OWES [REDACTED] A LARGE SUM OF MONEY, ~ OVER \$100,000 AND JUST FILED FOR BANKRUPTCY (ON 20-JUL-09). THEY ARE FEARFUL FOR THEIR SAFETY, HOWEVER, DECLINE TO LAY CHARGES AT THE MOMENT.
11:20 N/C WALK IN ROOM 3, COMPLAINT MANHASTMENT	THU 23-JUL-09 AND DO NOT WANT ANY POLICE INVOLVEMENT AT THE MOMENT. THEY WANT TO ATTEMPT TO RESOLVE THE ISSUE WITHIN THE FAMILY FIRST, AND WISHED <sup>N.I.</sup> TO WAIT FOR A DAY. CMS WANT TO MAKE A REPORT ON FILE FOR NOW.
12:22 INTERVIEW TWO PARTIES RE: COMPLAINT OR MANHASTMENT	Q: AFTER HEADING THIS STATEMENT, DO YOU WISH TO ADD, MODIFY OR DELETE ANYTHING?
CM1: [REDACTED]	A: NO
[REDACTED]	14:20 INTERVIEW CONCLUDED
[REDACTED]	
DL# [REDACTED]	
CM2: [REDACTED]	
[REDACTED]	
DL# [REDACTED]	
SPO916458 @ 13:05 BOTH CM1 & CM2 WERE SHOWN BY COMMISSIONER OR OATH MARY CHARITAN. BOTH COMPLAINTANTS PROVIDED A VIDEO/AUDIO RECORDED STATEMENT CM1'S BROTHER [REDACTED] [REDACTED] [REDACTED] HAS BEEN HARASSING THEM AND THEIR CHILDREN OVER	

I made these notes in reference to the Criminal Harassment investigation (R vs. Williamson, SP09164458) for which I was severely chastised by Sgt. Flindall and PC Payne in my Month 6 & 7 PER and for which Sgt. Flindall served me with a negative 233-10 (Exhibit 23a) and for which, in addition to other occurrences, Sgt. Flindall was served with a negative 233-10 by S/Sgt. Campbell (Volume 2, L-13).

**(July 23, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:**

11:00	WORKED ON [REDACTED] CASE, ADDING CHARGES.
13:00	ORDERED WRITTEN SIGNED STATEMENTS RE: INVESTIGATION CASE FROM [REDACTED]
18:30	SGT. FURRALL SPEAKS WITH THE FAMILY MEMBERS RE: COURSE OF ACTION.

THU 23-34609  
WAS CHARGED  
[REDACTED] MIND A  
NUMBER OF TIMES  
OVER THE COURSE  
OF THE DAY WHILE  
TRYING TO PAY CHARGES  
OR NOT.  
SUSPECT NIKOL  
[REDACTED]  
[REDACTED] OLD  
[REDACTED]

60-28147  
JUL 23 09  
DECIDED TO PROCEED  
WITH THE CHARGE  
OF CRIMINAL  
MANAGEMENT  
AGAINST [REDACTED]  
[REDACTED]  
[REDACTED]  
STARTED PUTTING  
CROWN BRICE  
TOGETHER.  
TRANSCRIBED VIDEO  
STATEMENTS,  
PHOTOGRAPHED PHOTOS  
WITH BLACKMAILED OUT  
PAGES OF THE  
VICTIM.  
ADDED CHARGES  
DUI G.O.M. ON HIGH  
ADVISED NIGHT SHIFT  
OF THE NPS FOR  
ANALYSIS OF  
WILLIAMSON  
P/C BROCKLEY ASSISTED  
WITH THE PREPARATION  
OF IDENTIFICATION +  
PTA 60  
FM 24-JUL-09  
C/SGT CAMPBELL  
APPROVED FOR  
P/C JONES TO GO  
WOM & H&J  
COME BACK IN  
BY WHOLELY TO  
CONTINUE WITH  
THE CASE.  
0100 OFF DUTY  
PL 1200D 24



(July 23, 2009) Counsel's additional disclosure (March 13, 2012 and April 3, 2012),  
PC Hanna's notes (Original & Transcribed):

Transcript 23-July 09  
1900 RFD. Night  
1900-0600  
HT-1318  
SI-11304  
Veh-OK  
Equip OK  
Roads- wet  
Weather- Rain, Thunder Humid

23-July 09  
1805 Info Sgt FLINDALL  
advised PC JACK  
working on Criminal  
Harassment  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
to be arrested  
in Criminal Harassment  
- Info conducted  
interviews of  
victim and witnesses  
Info FLINDALL  
- PC WAGER  
describes victim's  
complaint (Feb 5)  
WAGER filed the  
charge by statute  
victim unable to leave  
home 3 days  
- Info FLINDALL  
system to call  
- Info WAGER system  
to  
1834- Info JACK  
no charges, not  
required only caution

23 July 2009  
1800hrs RFD Nights  
1800-0600  
HI-1318  
SI- 11304  
Veh-Ok  
Equip-OK  
Roads- wet  
Weather-Rain, Thunder Humid  
1815 Info Sgt Flindall  
Advises PC JACK  
Working on criminal  
Harassment  
[REDACTED]  
[REDACTED]  
[REDACTED]  
To be arrested  
in Criminal Harassment  
Has conducted  
Interviews of  
Victim and witnesses  
(At this point Info Flindall received regarding other investigation being conducted  
by other officer PC WAGER)

1834- Info Jack  
No charges, not  
Required only caution

(July 23, 2009) Counsel's additional disclosure (March 13, 2012 and April 3, 2012),  
PC Hanna's notes (Original & Transcribed):

0031 To Bancroft  
hospital  
escort DAS.  
0028 6:05 Call from  
PC JACK  
saying to  
go to arrest  
male re Criminal  
Harassment  
-Advised they were up  
no charges  
-States, stayed  
his mind unclear  
why.  
-now split.  
has been working  
-case  
Advised male  
should have been

24 July 09

Reported earlier  
local police to  
call suspect at  
1815 and had  
said not arresting  
at 1830 with  
FLINDALL  
-JACK states  
with case in name  
to work on case  
-unclear why  
states you are  
OIC

24 July 2009

00:28 E/R call from  
PC Jack

Inquiring if  
Going to arrest  
Male re Criminal  
Harassment

-Advised they were no charges

-States changed

His mind, unclear

Why

-now states

Has been working

On case

-Advised male

Should have been

Arrested earlier

Had told to

Call suspect at

18:15 and had

Said not arresting

-at 1830 with

Flindall

-Jack states

will come in morning

to work on case

-unclear why

States you are

OIC

(July 23, 2009) Counsel's additional disclosure (March 13, 2012 and April 3, 2012),  
PC Hanna's notes (Original & Transcribed):

<p>-Advised again Arrest should have been started 6 hrs ago.</p> <p>-Told needs to call male now and make arrangements to turn self in as no grounds for warrant.</p> <p>-states will call suspect.</p> <p>-end call</p>	<p>-Advised again Arrest should have been started 6 hrs ago -told needs to Call male now And make arrangements To turn self in As no grounds For warrant -states will call Suspect -End call</p>
--	--

The Tribunal might find an article in the Peterborough Examiner (Exhibit 111) pertinent to the case.



**(July 23, 2009) Counsel's additional disclosure (March 2, 2012), PC Brockley's notes:**

TNU 73 SW  
[REDACTED]  
[REDACTED] 10-16-68  
[REDACTED]  
[REDACTED] (Hanson) By  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] yes  
[REDACTED]  
[REDACTED]

0000 - asst. J/C Jack is  
sent brief on airm  
pension case -  
Jack requested assistance  
with brief & asked  
me to read over  
changes from victim  
read statement over  
Jack then asked for me  
to do his

synopsis for him  
 - advised I wouldn't  
 and due to nature  
 of case & that a  
 PIA OIC (Lynchings)  
 would make do w/  
 conditions of non-  
 association, to remain  
 firm to the officers  
 - advised him to send  
 get email for PIA  
 for suspect, subject  
 home to see if he  
 can arrest suspect  
 - to update victim in  
 morning regarding of  
 situation  
 - that I would have

89

THU 23 Jul

[black]

[black]

[black]

[black]

[black]

[black]

[black]

00:00 – assist P/C Jack with  
bail brief on Crim.

harass. case

Jack requested assistance

with brief + asked

me to read over

statement ???

```
statement:::
read statement over
```

Jack then asked for me

Jack then asked for the  
to do his

to do his

synopsis for him

- advised I wouldn't

and due to nature

of case & that a

## PTA OIC Undertaking

would make do with

conditions of non-

association. to surrender

firearms to the officer

- advised him to send

advised him to send  
out email for BRG

for suspect contact

For suspect, contact  
 Name to specify

Hanna to see if he

can arrest suspect

- to update victim in

morning regardless of

(July 23, 2009) Counsel's additional disclosure (March 2, 2012), PC Brockley's notes:

THU 23 JUL  
PTA + OIC Undertaking  
& would leave in his  
diary slot  
- he asked about who  
would approve his  
OT if he came in  
tomorrow  
- spoke to S/Sgt Campbell  
who was at detachment  
he approved Jack to  
come in for 9am to  
arrest suspect  
- drafted up PTA & OIC  
& placed in Jack's  
diary slot  
- [redacted]  
[redacted]  
[redacted]

THU 23 JUL

PTA + OIC Undertaking  
& would leave in his  
diary slot  
- he asked about who  
would approve his  
OT if he came in  
tomorrow  
- spoke to S/Sgt. Campbell  
who was at detachment  
he approved Jack to  
come in for 9am to  
arrest suspect  
- drafted up PTA & OIC  
& placed in Jack's  
diary slot  
[black]  
[black]

(July 23, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

on air advising  
comms of current  
locations  
11:20 Jack advised to  
[redacted] re Harassment call  
12:20 [redacted] PC Jack)  
interview victim /  
complainant  
- + waited for them  
to make decision  
16:05 - he spoke with [redacted]  
@ [redacted]  
- found out when  
girl cashiers  
were + asked  
Sgt Flindall to  
come in on OT  
tomorrow (Fri) to  
interview them  
- still never got their  
details ie name  
DOB, address etc  
18:05 - met with Sgt Flindall  
discuss Harassment  
call PC Jack doing  
- while I was sitting  
in Cst's office doing  
my work I overheard  
Sgt Flindall advise PC  
Jack to complete  
Crown brief tonite -  
ie synopsis, show  
cause, photocopy  
written statements  
+ add to brief -  
do not enter them  
on Niche - victim 32

on air advising  
comms of current  
locations  
11:20 Jack advised to  
[redacted] re Harassment call  
12:20 [redacted] PC Jack)  
interview victim /  
complainant  
- + waited for them  
to make decision  
16:05 - he spoke with [redacted]  
@ [redacted]  
- found out when  
girl cashiers  
were + asked  
Sgt. Flindall to  
come in on  
OT tomorrow (Fri) to  
interview them  
- still never got their  
details ie name,  
DOB, address, etc.  
18:05 - met with Sgt. Flindall  
discuss Harassment  
call PC Jack doing  
- while I was sitting  
in Cst's office doing  
my work I overheard S  
gt. Flindall advise PC  
Jack to complete  
Crown brief tonite -  
i.e. synopsis, show  
cause, photocopy  
written statements  
+ add to brief -  
do not enter them  
on Niche - victim



(July 23, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

statement - summarize  
do not transcribe  
the DVD.  
- get night shift to  
assist if not then  
- I asked PC Brockley  
to who was in the  
office to check on  
PC Jack when I  
went off duty  
- at approx 2100 hrs -  
2200 hrs I received  
- (9:32 hrs on cell)  
I was advise by  
PC Brockley that  
he had left detachment  
to get food gone  
approx 1 hour + when  
he came back PC  
Brockley learned  
he had gone to  
[redacted]  
and bought earphones  
- I asked PC Brockley  
if he's asked for  
any assistance  
he advised he  
hadn't  
- at approx 1045 pm  
I received text from  
PC Brockley that  
PC Jack typing work  
on word document  
so unable to  
see progress on Niche  
- I later learned  
from PC Brockley that 33

statement - summarize  
do not transcribe  
the DVD  
- get night shift to  
assist + if not then  
- I asked PC Brockley  
to who was in the  
office to check on  
PC Jack when I  
went off duty  
- at approximately 2100 hrs -  
2200 hrs I received  
- (9:32 hrs on cell)  
I was advise by  
PC Brockley that  
he had left detachment  
to get food gone  
approximately 1 hour + when  
he came back PC  
Brockley learned  
he had gone to  
[black]  
and bought earphones  
- I asked PC Brockley  
if he's asked for  
any assistance  
he advised he  
hadn't  
- at approximately 1045 pm  
I received text from  
PC Brockley that  
PC Jack typing work  
on word document  
so unable to  
see progress on Niche  
- I later learned  
from PC Brockley that

(July 23, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

PC Jack asked  
PC Brockley to finish  
his brief for him  
b/c he was tired  
& needed to go  
home  
- further he never  
completed the brief  
+ submitted as  
per Sgt. Flindall's  
orders/instructions  
- male never arrested  
- PC Brockley +  
PC Jack spoke with  
Sgt. Campbell  
who was in +  
got Jack approved  
to come in in  
morning to arrest +  
release male  
for Harassment  
- I was advised  
PC Jack was told  
to come in @ 8am  
then changed to 9am.  
- PC Jack to arrest  
+ release male +  
brief can be done  
on shift -  
- PC Brockley advised  
he did the PTA  
OIC for PC Jack  
for the next day

PC Jack asked  
PC Brockley to finish  
his brief from him  
because he was tired  
+ needed to go  
home  
- further he never  
completed the brief  
+ submitted as  
per Sgt. Flindall  
orders/instructions  
- male never arrested  
- PC Brockley +  
PC Jack spoke with  
S/Sgt. Campbell  
who was in +  
got Jack approved  
to come in in  
morning to arrest +  
release male  
for Harassment  
- I was advised  
PC Jack was told  
to come in @ 8am  
then changed to 9am  
- PC Jack to arrest  
+ release male +  
brief can be done  
on shift.  
- PC Brockley advised  
he did the PTA  
OIC for PC Jack  
for the next day  
----->



(July 23, 2009) (Volume 1, B), Sgt. Flindall's notes:

<p>0600 THU 23 JUL 09          1218- ACC. rep          to dev a          missing Paddle          (not)          - approved.          - P.C. ELLMAN          adv P.C. JACK          has been          called back          for a          criminal          harassment 96</p> <p>1825- P.C. JACK said          his complaint          is wrapping          on charges          - P.C. JACK has 97</p> <p>taken the          time to drain          statements          she is unsure          if whether she          wants to have          charges laid          soaking in          about her          complaint          - she now          wishes to          proceed w          charges          - family suspect          feel strongly          for charges</p>	<p>being laid          put to going          off duty so he          as JACK (about          what he          needs to get          done and          priority          - adv him to          complete          C.S. synopsis          (GOR later)          show cause          photograph and          written state-          ments (don't          type in), adv          him not 98</p> <p>to transcribe          video state-          ments - adv          him to leave          synopsis till          end if time          photograph          his notes          have already          spoken 4          highlights          o.k. P.C. ELLMAN          - adv P.C. JACK          we either          need suspect          in custody          tonight or          at least</p>	<p>have the          crown brief          together so          an A.Warrant          can be          sought tom-         orrow          - adv him to          seek assist.          from night          the 1st about          picking up          suspect while          he completes          the brief          package          went over          instructions 99</p> <p>23 July 09          - CORP. D -          type with          him          - adv he          understand          he wrote what          needed to be          done on a          (i.e. JELP) as          he had to          get his          notes caught          up          asked if he          had any          questions - adv          me no.</p>
--	--	--

Note the quality of the notes – they are very thorough and detailed. Note the following excerpts:

- '(GOR later)'
- '(don't type in)'
- 'adv him not to transcribe video statements' (Note the emphasis of the word 'not' by underlining it)
- 'adv him to leave synopsis till end if time'
- 'have the crown brief together so an A.Warrant can be sought tomorrow'

Unless Sgt. Flindall had a crystal ball, then on July 23, 2009, at approximately 18:25 Sgt. Flindall could not have possibly known what I was going to do that evening, e.g. transcribe the video statement, type in the General Occurrence Report (GOR), etc. As a matter of fact, on July 23, 2009, at approximately 18:25 Sgt. Flindall was eager to leave the detachment to go on vacation as he was already late. I do clearly remember him leaving the detachment promptly after our conversation re: Criminal Harassment case. I have no



recollection of him staying at the detachment to do up his notes. Had Sgt Flindall stayed at the detachment I would have been aware of it.

The truth of the matter is that Sgt. Flindall wrote his officer's notes after he had returned from vacation at which time he had already been contacted by PC Payne on his cellular phone, who reported to him in excruciating detail what I did (thanks to PC Payne's common-law spouse PC Brockley for conveying his surveillance observations of me) and that I did not follow his directions.

### **25Jul09 - PC Payne**

- I spoke with Sgt. Flindall while on vacation and updated him about the issue with this investigation and PC Jack's inability to follow direction given to him by his supervisor.

Sgt. Flindall made his detailed notes upon returning to duty from vacation and he prepared them covering all the points brought to his attention by PC Payne. They were done neatly and legibly so that anyone could easily read them and concur with my failure to follow orders from a supervisor. That is why at that time he emphasized the word 'not' by underlining it so as to serve the purpose of justifying a negative 233-10. How can anyone attach any credibility to Sgt. Flindall's notes? Moreover, how can anyone attach any credibility to anyone's notes regarding me when there was this insatiable appetite to see everything that I did in a negative perspective?

For an in-depth explanation of the incident, please refer to the *Listening Skills* section in my rebuttal to my Month 6 & 7 PER (Exhibit 57).

### **(July 23, 2009) (Volume 3, BB) Point Form Chronology:**

#### **23Jul09 – Sgt. R. Flindall**

- On the 23<sup>rd</sup> of July 2009, PC Jack investigated a Criminal Harassment complaint in which allegations were substantiated that a brother had been criminally harassing his sister as a result of an ongoing civil related issue. PC Jack took the appropriate video taped and hand written statements from the victim as well as a number of witnesses. The statement phase of the investigation took PC Jack to the end of his scheduled work day and overtime was approved for him. Prior to going off duty myself for the day, I gave PC Jack direction as to what was expected to be accomplished prior to PC Jack going off duty for the day. PC Jack was advised that 2IC PC Hanna was made aware that PC Jack was remaining in the office to complete the paperwork and that if possible, night shift would make attempts to bring the suspect into custody. The suspect was to be held for a bail hearing. PC Jack was advised that if the suspect were to remain at large for any reason, his crown brief would at least be complete that evening, left for the court staff and an arrest warrant be sought the following day.



I instructed PC Jack to complete a standard show cause crown brief by completing the following : Crown brief synopsis, show cause hearing report, photocopy his notes, photocopy hand written statements and copy the video statements. PC Jack was advised to not complete a transcription of the video statements and not to type in the hand written statements. He was advised to leave completing a brief synopsis of the video statements until the end, should he have time to complete.

I had spoken with PC Jack approximately one week earlier directing him to the fact that officers do not complete transcriptions of video statements unless requested by the crown attorney. At that time, PC Jack had spent 3 hours on a page and a half transcription.

I advised PC Jack that should he have any questions or difficulties to ask PC Hanna or any other night shift officer for assistance. I reiterated to PC Jack my expectations on what needed to be completed in relation to the completion of the brief for either a bail hearing or to obtain an arrest warrant. PC Jack wrote the directions down and indicated that he understood when asked. See August 2<sup>nd</sup> 2009 entry for outcome of this investigation.

(July 23, 2009) (Volume 3, BB) Point Form Chronology:

**23Jul09 - PC Payne**

- I learned from Sgt. Flindall that PC Jack had requested to come in on overtime to interview the females regarding his fraud. He never did get their names, DOB or contact info. I learned that because PC Jack thought they were working on his rest days he could come in an interview them. He didn't think to get their details and contact them at home and interview them or make arrangements for when he was scheduled next.
- PC Jack was assigned a harassment call. At approx 12:20hrs he was asked to return to the office by Sgt. Flindall. At approx 18:05hrs I was sitting in the constable's office. I overheard a conversation between Sgt. Flindall and PC Jack in which Sgt. Flindall provided instructions to PC Jack about the criminal harassment case which needed to be completed before he went home. Sgt. Flindall directed PC Jack to see if night shift could locate and arrest suspect and that he was to have the brief done, so if suspect wasn't arrested he could submit the brief for an arrest warrant. Specifically, Sgt. Flindall told PC Jack to complete the crown brief synopsis, the show cause, photocopy the written statements to add to the brief and do not type them into the brief it can be done by steno's later, summarize the victim DVD statement – do not transcribe it.

- At approx 21:32hrs while I was at home I learned from PC Brockley who was working in the office that night on light duties that PC Jack has not asked him for assistance and that he left the office for approx 1 hour. I learned that PC Jack had gone to Staples business depot where he purchased headphones to listen to the DVD statement which he took a couple of hours earlier to transcribe it. This equipment is available in the office. Further, I would think that one should be able to summarize a statement they had taken a few hours earlier without having to listen to it again.
- I later learned from PC Brockley that PC Jack asked him to finish the brief for him because he was too tired and needed to go home.
- I learned that PC Brockley assisted PC Jack with a PTA/OIC and arrangements were made for PC Jack to come into work for a couple of hours the next day to arrest and release the accused.

**My responses to the above 5 bullet point entries are as follows:**

- The reason I asked Sgt. Flindall if I could interview the cashiers on my day off was because during July 2009 I was so overworked that I virtually had no time to do it during my time on duty when the cashiers were working – either our working times were out of sync or I was busy with calls for service. When I asked Sgt. Flindall if I could attend the business location to interview the cashiers I specifically stated that I was not going to claim Over Time, but wanted to do so voluntarily. When Sgt. Flindall denied my request I complied.
- Addressed above and beyond.
- I wonder if PC Payne and PC Brockley had not been common-law spouses and worked in different detachments what would have happened. One is for sure would be certain: PC Payne would not have been able to be updated regularly about my activities.
- Same as above.
- Same as above.

The Tribunal should note this overt scrutiny (as so perfectly documented by PC Payne) and how it was in dire contradiction to what was stated in the Counsel's response to the Application. In the response the Counsel's position is one that the Respondent did not subject me to an inordinate amount of scrutiny that was different from the rest of the probationary recruits and that I was not placed under surveillance.

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 46:**

The Applicant was not subjected to greater scrutiny than other probationary constables. The Applicant was struggling to perform the duties which were



(July 23/24, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

<p>2204 Thursday 23 Jul 09  0043 Authorized  OT. Mike  Will come in  0100 OFF Duty</p>	<p><b>Thursday 23 July 09</b>  22:04 [black]  00:43 – Authorized  OT. Mike  [black]  Will come in  01:00 OFF Duty</p>
--	---

(July 23/24, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

**23 Jul 09**

**2204**

Paged by Bruce Hanna- phone died returned to residence called cell phone Sgt.

**2224** Advised of factory fire Buck ham Transport 13 3<sup>rd</sup> line OSM set up evacuation site at Millbrook arena for residence near by heave thick toxic smoke he is currently has 2 calls C.L. Stranded boater assisted call possible impaired driver of Mississauga St yelling @ people he has driven all around and can't locate making his way down to fire. Bruce advised Battery fire didn't know how many evacuated.

**2235**

Called PCC spoke to Sgt Gagnon Insp Ed Medved on call 705-645-0877

**2238** call back after leaving message Bruce Hanna 25 Households approx 100 people while sending back email advised by Bruce Hanna & PCC residence allowed to return fire out not suspicious. Updated D.O.

**2320**

Advised by Insp Medved Supt Stevenson wants a briefing note 10-8 to det.

**2339**

10-7 Steve Wagar advised of RMS Inc # sp09161144 Greg Stokker Dan Quigley neighbour road dispute ongoing for 2 years. Joint driveway no grounds for charges before stalker claimed dangerous driving against Quigley when he tried to block him in by standing behind car. Now has erected a barricade he was advised not to do so called and advised him that he will be charged with mischief- Stalker is gone off side @ Wagar fears he will lodge complaint.

**2345**

Obtained Ashley Mather's # 772-3203 spoke to her got details fire chief Ted Bryant stated not suspicious small chemical waste unknown but contained to 2 storage containers inside of building no dollar loss or structure damage residence 3<sup>rd</sup> line from 28 hwy to scriven line evacuated initially & then wind shift so evacuated 4<sup>th</sup> line between 28 and Hutchinson place is a transfer station of chemical waste from household mixture of all sorts of stuff. Can't say exact product MOE present no injuries everyone has returned no danger.

**0043**

Authorized OT Mike SP09164458 will come in am

0100

Off duty

(July 24, 2009) (Volume 1, I-111):

From: Jack, Michael (JUS)  
Sent: July 24, 2009 12:15 AM  
To: OPP DL Peterborough County Detachment (JUS)  
Subject: RPG for arrest of [REDACTED]

SP09164458

RPG exist 23 JUL 09

[REDACTED]  
Criminal Harassment – threatening conduct. Sec. 264(2)(d) CC

Current address:

[REDACTED]  
If arrested please hold and advise P/C Jack right away (740-5765)

Thanks,

P/C Jack  
12690

Auth Sgt. Flindall

(July 24, 2009) (Volume 3, BB) Point Form Chronology:

**24Jul09 - S/Sgt Campbell**

- On the evening of the 23<sup>rd</sup> of July 09 S/Sgt Campbell attended the Detachment on another matter around 2300hrs. PC. Jack was at the Detachment working on a brief. He was receiving instruction from PC. Brockley when I arrived. At approx. 0043hrs PC Jack who appeared very tired requested permission to return to work the next day to complete the brief. He explained it was almost complete and in his present state he could do no more. S/Sgt. Campbell granted the OT thinking it would be a short time the next day.



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

On July 23, 2009, at 6:40 pm I was ordered by Sgt. Flindall to stay at the detachment to work on overtime to complete the Criminal Harassment case (SP09164458) on which I was assigned to work on earlier that day. First and foremost I was sick the day before and booked a sick day off work. On July 23, 2009, I was still unwell but felt strong enough to report for duty. I had hoped for a light shift. Second, I was 13 hours into my day shift when I was ordered to stay at the detachment to continue working on overtime. Third, I had not handled criminal cases of this nature before and therefore lacked the necessary skills and experience to handle the investigation on my own in such a short time frame. Sgt. Flindall gave me a brief set of instructions on a small piece of paper to follow and advised me that the night shift were going to assist me. Sgt. Flindall further advised me that the night shift supervisor (2IC) Cst. Bruce Hanna had been advised to track the accused down and arrest him. Sgt. Flindall was anxious to leave the detachment as he was leaving for a vacation and was already late. Despite being exhausted, not having eaten all day and not having the necessary experience to complete the required paper work in a given time frame I did not dispute Sgt. Flindall's order and stayed at work.

At around 7:00 pm, upon leaving the detachment, Cst. Payne mentioned that Cst. Brokley (her common-law spouse) was in the office and that I could apparently seek assistance from him if needed. Cst. Brokley had undergone a vasectomy and was assigned to light duties. I took an energy pill to keep myself awake, got a meal from Wendy's and bought a set of headphones from Staples. Note: I purchased the headphones so I could use an office computer to analyze the complainants' video recorded statement I took that afternoon more effectively. I analyzed the video statement and put the general occurrence report as it helped me to determine the facts-in-issue and put them in writing. I then photocopied my notes and the evidence (mail envelopes and numerous photos) provided by the complainants and at around 10:30 pm asked Cst. Brokley to assist me with writing the Crown Brief Synopsis as I was mentally and physically exhausted and could no longer comprehend what I was doing. Cst. Brokley advised me he could not do that as Crown Brief Synopsis must be written by the investigating officer and instead offered me his assistance with the preparation of the Promise To Appear (PTA) document. I advised Cst. Brokley that this was not what Sgt. Flindall ordered me to do and showed him a piece of paper with Sgt. Flindall's instructions. Cst. Brokley in turn advised me that since the accused did not have a criminal record, he could be arrested and released on a PTA and re-iterated that he was going to prepare the PTA for me. At around 11:00 pm I called 2IC Cst. Hanna on the sergeant's mobile phone to inquire if the accused had been tracked down and arrested. Cst. Hanna advised me that the last message he got was not to arrest the accused and that he did not dispatch any officers from the night shift to arrest the accused. I advised him that this was not what Sgt. Flindall advised me and that I expected the night shift to help me. Cst. Hanna in turn advised me that this was "bullshit" and that the accused should have been contacted over the phone and requested to attend the detachment earlier in the evening to turn himself in. Cst. Hanna further advised me that he was on a call en route to Bancroft (two hours of drive north of Peterborough Detachment) and could not be of any assistance to me at the time. In light of this information, Cst. Brokley advised me to send an email to the Peterborough Detachment personnel in reference to the occurrence, that should the accused be arrested overnight that he (Cst. Brokley) was going to complete the PTA and leave two copies in my diary slot. I sent an email out as advised and at around midnight obtained S/Sgt. Campbell's permission, who happened to be working late at the detachment on an unrelated matter at the time, to go home and return to work the following morning (Friday, July 24, 2009) to work on overtime to complete the case. When S/Sgt. Campbell looked at me he told me, "Go home Mike, you are spinning wheels now". I left the detachment at around 1:00 am and came back to work in the morning at around 10:00 am.

Note: First, I believe that at the time I lacked the necessary skills to investigate and properly handle a Criminal Harassment case on my own. Second, I was abandoned by the night shift. Third, I was mentally and physically exhausted (I was also sick the day before and despite not being fully recovered reported on duty on July 23, 2009). Fourth, I followed the directions of a senior officer (Cst. Brokley) with respect to handling the case. Fifth, I was approved by S/Sgt. Campbell to go home (after 20 straight hours of work) and therefore I was reassured I was doing the right thing.



The accused was not arrested overnight. I reported to the detachment at 10:00 am and with a fresh mind I promptly finalized the Crown Brief Synopsis. Though Cst. Brokley did prepare the PTA and left two copies in my diary slot, I had to prepare it from scratch as the PTA that Cst. Brokley prepared was erroneous and was not even saved in the Niche RMS. At around noon, I learned from the complainant's husband that the accused was employed as a land surveyor and was supposed to be at work at a road construction site in the vicinity of the Peterborough Detachment that day. I sought advice from the day shift supervisor (2IC) Cst. Jason Postma how to handle the arrest (I only had one arrest, for Over 80, on my own prior to that day) and then attempted to locate the accused. At the construction site I located a co-worker of the accused and learned from him that the accused had left for the day. I was subsequently able to get hold of the accused on the phone at his father's place in the City of Kawartha Lakes County and requested him to attend the detachment. At the detachment I arrested the accused on the charge of Criminal Harassment and released him on a PTA. At around 6:30 pm I attended the accused's residence along with an officer from the City of Kawartha Lakes Detachment, as the accused's residence is located in the City of Kawartha Lakes OPP territorial division, and in the accused's presence seized his 15 registered firearms under Sec. 117.04 CC. I was then assisted by an officer from the night shift (Cst. Neal Read) with the lodging of the 15 seized firearms and concluded my overtime day shift at 11:00 pm.

PM 24-JUL-09  
10:00 ON DUTY  
OLC P/C POSTMA  
10-13 +20°C, THUNDER-SHOWERS  
SOFT 17-097  
HAND 1-202  
MIL 62676/62743  
10:25 SPOKE WITH  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] ADVISED P/C JACK  
THAT THEIR FAMILY  
HAD JUST RECEIVED  
4 MORE REGISTERED  
LETTERS FROM  
[REDACTED]  
WITH FAMILY REUNION  
IN WHICH [REDACTED] AND  
[REDACTED] FACES WERE  
BLANDED OUT.  
WEN ADVISED P/C JACK  
THAT [REDACTED] IS  
CURRENTLY EMPLOYED  
BY [REDACTED] &  
AND IS EXPECTED TO  
BE AT HIS PLACE<sup>6</sup>  
OF WORK @ INTERSC

PM 24-JUL-09  
OF [REDACTED] A  
[REDACTED] IS  
OPERATING A [REDACTED]  
[REDACTED]  
WITH A YELLOW  
REAR LIGHT ON  
THE ROOF.  
LIC# [REDACTED]  
10:48 CONTINUED WORKING  
10:48 ON THE CROWN  
RMCT.  
1300 PREPARED PTAT  
UNDERTAKES FOR  
WILLIAMSON  
1410 CD-8 E/R TO  
ATTEND P  
LOUNT  
1420 LOCATED AN EMPLOYEE  
OF [REDACTED]  
GROUP @  
EAST OF [REDACTED]  
[REDACTED]  
[REDACTED] ADVISED  
P/C JACK THAT  
[REDACTED] WAS  
LEFT FOR THE DAY  
AND MUST HAVE  
PROBABLY GONE  
HOME.  
[REDACTED] WORK  
PHONE # [REDACTED]  
[REDACTED]  
1430 GRESSED UP, P/C MO  
[REDACTED]  
1433 10-19

FM 24-JUL-09  
14:38 LOCATED [REDACTED]  
[REDACTED] ON MARQUIST  
[REDACTED]  
[REDACTED] PHONE #  
[REDACTED]  
14:48 PHONED [REDACTED]  
[REDACTED]  
NO ANSWER @ PHONE  
14:50 PHONED [REDACTED]  
[REDACTED]  
NO ANSWER @ PHONE  
15:08 SPOKE WITH [REDACTED]  
[REDACTED]  
[REDACTED] ADVISED THAT  
[REDACTED] ON [REDACTED]  
SPENDS FRIDAY  
AFTERNOONS AT  
[REDACTED]  
PLACE. PH #  
[REDACTED]  
APPROX ADDRESS  
[REDACTED]  
15:09 CALLED [REDACTED]  
SPOKE WITH [REDACTED]  
[REDACTED] ASKED  
HIM TO COME TO  
PTBO DETACHMENT  
TO MEET WITH P/C  
JACK. [REDACTED]  
ADVISED [REDACTED] IS  
GOING IN WALK  
AN HOUR.  
15:12 ADVISE [REDACTED]  
FAMILY OF THE  
DEVELOPMENT  
CONTRICED POLYUM 63  
GON

FM 24-JUL-09  
16:32 [REDACTED]  
[REDACTED] DETACHED PETER-  
BOROUGH COUNTY  
OPP DETACHMENT.  
16:34 P/C ARRESTED  
[REDACTED] FOR  
CRIMINAL MATTERS  
16:34 MIGHT TO COUNSEL  
WAS READ.  
M? YES  
LAWYER? NO  
16:36 ABOUT CAUTION  
READ  
M? YES  
16:40 [REDACTED] IS VERY  
POLITE AND  
COOPERATIVE  
P/C JACK EXPLAINED  
TO [REDACTED] THAT  
[REDACTED] IS GOING TO  
BE RELEASED ON  
PTA + OIC UNDER-  
TAKING SO LONG  
AS [REDACTED] AGREES TO  
ABIDE BY THE  
RELEASE CONDITIONS  
16:45 FRANKLIN 20 [REDACTED]  
WITH THE [REDACTED] ORDERS  
OF RELEASE - PTA VS  
BEING USED IN CUSTODY  
FOR A REAL HEARING.  
16:47 READ PTA AND  
UNDERSTANDING - ALL  
SECTIONS,  
M? YES  
16:55 [REDACTED] SIGNED  
PTA AND OIC 64  
UNDERSTANDING



PM 24-JUL-09  
AND ASKED TO  
ABIDE BY ALL  
THE RELEASE  
CONDITIONS.  
17:00 [REDACTED]  
[REDACTED] SUMMONED  
[REDACTED] PAL TO  
PIC JACK  
# [REDACTED]  
EXPIRY DATE: [REDACTED]  
17:03 ASKED [REDACTED]  
WHY [REDACTED] HAD LED  
FAMILY MEMBER,  
TO [REDACTED] WITH  
THEIR FACES  
REMOVED OUT.  
[REDACTED] ADVISED  
PIC JACK THAT [REDACTED]  
[REDACTED] NOT HAVE  
PROBABLY DONE IT,  
AND SHOULD HAVE  
JUST KILLED  
THEM.  
[REDACTED] REFUSED  
TO PROVIDE ANY  
FURTHER STATEMENTS  
AND ADVISED PIC  
JACK THAT [REDACTED]  
WILL HAVE [REDACTED]  
LAWYER LOOK  
AT THE CHARGE  
LATER.  
[REDACTED] IS  
POLITE AND UNDER-  
STANDING OF  
THE MATTER.  
17:15 10-8  
FOLLOWED [REDACTED] TO

65

PM 24-JUL-09  
[REDACTED] PLACE OF  
RESIDENCE @  
[REDACTED] M.S.  
[REDACTED] WAS  
TRANSPORTED BY  
ONE OF [REDACTED] FAMILY  
MEMBERS IN  
RED [REDACTED]  
LIC # [REDACTED]  
07:50 ATTS, ADVISED  
CKL OPP,  
REQUESTED ASSISTANCE  
WITH THE WITHHEVAL  
OF THE FIREARMS  
18:16 PIC MURPHY ATTS  
RADIO. 10623  
SEIZED 15 FIREARMS  
14 [REDACTED] LONG GUNS +  
1 HAND GUN,  
SEIZED FIREARMS  
REGISTRATION  
CERTIFICATES  
NO ISSUES IN  
THE PROCESS  
18:35 10-8, EJA TO  
PTBO 10-14  
19:40 LATE ENTRY  
SEIZED TWO  
TACLE BOXES  
FULL OF ASSORTED  
AMMUNITION  
19:10 10-14, 10-7  
19:20 CALLED [REDACTED]  
[REDACTED] @  
[REDACTED]  
NO ANSWER  
@ THE PHONE  
19:25 FAXED PTA + DIC UNDER,

66

(July 24, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

	FRI 24-JUL-09 TO CPIC		- FIRST COURT APPEARANCE THANKED
19:30	ADDED ARREST REPORT ON NICHIE		P/C JACK FOR THE EFFORT.
20:00	LOGGED GUYS	21:08	CONTINUE LOGGING
21:03	CALLED [REDACTED] ON THE PHONE SPOKE WITH [REDACTED] ADVISED [REDACTED] OF THE SITUATION - ARREST OF [REDACTED] - RELEASE - RELEASE CONDITIONS - ARRESTS SEIZURE		FINE ARREST ASSISTED BY P/C READ 23:00 OPT PLATT PC 12640 [REDACTED] 25-JUL-09 → 26-JUL-09 DAYS OFF

(July 24, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

24 Aug July 2009 (FRIDAY) I received a phone call from PC Laperle enquiring why PC JACK at work today I spoke to OIC Postma regarding PC JACK at work & progress & that he was just to come in & arrest & release male	24 Aug July 2009 (FRIDAY) - I received a phone call from PC Laperle enquiring why PC Jack at work today - I spoke with OIC Postma regarding PC Jack at work + progress + that he was just to come in + arrest + release male 18:15 - approx. spoke with PC Postma who called me to advise PC Jack still at office - just arrested male +
---	---

(July 24, 2009) (Volume 3, BB) Point Form Chronology:

**24Jul09 - PC Payne**

- I was off duty. I contacted OIC PC Postma to enquire on the progress of PC Jack and the criminal harassment case and indicated that he was supposed to come in and arrest the male and release him.
- At approx 18:15hrs I spoke with PC Postma again who advised me that PC Jack was still at the office and had just arrested the male and still had to deal with the firearms issue.
- I couldn't figure out what had taken so long if he had been in the office since the morning, why was he just arresting the male now.

**My response to the above 3 bullet point entries is as follows:**

As explained in the excerpt from my statement I was exhausted (and still sick from previous day). That coupled with the lack of experience to deal with this investigation and lack of assistance made what would have taken an experienced officer a relative short amount of time took me much longer. PC Payne did not want to realize that it would naturally take a probationary officer much longer to do something that an experienced officer would do rather quickly. She was off duty and presumably home. Yet she found it incumbent upon herself to keep observations on me. In fact it bothered her so much that she was literally pondering why I had taken so long.

Once again this is another example of the contradiction to Counsel's position that I was not subjected to an overly excessive amount of scrutiny than the rest of the probationary officers at the detachment.

**Counsel's Response to the Application (HRT0 2010-07633-I), paragraph 46:**

The Applicant was not subjected to greater scrutiny than other probationary constables. The Applicant was struggling to perform the duties which were

(July 25, 2009) (Volume 3, BB) Point Form Chronology:

**25Jul09 - PC Payne**

- Scheduled rest day. I attended the office to review PC Jack's notes regarding the Criminal Harassment call. Sgt. Flindall was out of country on vacation and PC Filman had been on holidays.



- After reviewing PC Jack's notes I discovered that on 24<sup>th</sup> July 2009 PC Jack went on duty at 10:00am. At approximately 10:25hrs he learned from the victims family that the suspect was working construction on Hwy 7 and just east of the detachment. PC Jack should have made arrangements to attend there and arrest the male which is what he was given the approval to do. Instead, PC Jack continued to work on the brief (which isn't required when you are just arresting and releasing on PTA/OIC. He can work on brief on next shift). It wasn't until 14:20hrs that PC Jack went to look for the suspect and discovered he had been there earlier but had left for the day. Now PC Jack had to look for him. He located him in Omeme and had him attend the office. PC Jack then had to return to the accused's house and seize the firearms. They left the office at approx 17:15hrs. 15 Firearms seized. At 8pm he started lodging the guns into the vault and didn't go off duty until 23:00hrs. He spent an additional 13hrs on call that probably could have been handled in about 6 or 7 if he had of arrested male when he first came into detachment. In my view he was not efficient, and throughout this whole call he did not follow any direction that was provided to him first by Sgt. and second by a senior officer.
- I spoke with Sgt. Flindall while on vacation and updated him about the issue with this investigation and PC Jack's inability to follow direction given to him by his supervisor.
- I had plans to meet with PC Jack to discuss his deficiencies regarding his investigation and brief for this Harassment call. I discussed this with his coach PC Filman who advised that I should let Sgt. Flindall address the issue because he was the one to issue the orders.

**My responses to the above 4 bullet point entries are as follows:**

- I find it hard to believe that PC Payne went to such an extreme as to attend the detachment on her scheduled day off to review my notes. It is amazing how many examples of the scrutiny I was under were in the Respondent's disclosure yet Counsel asserted in the response to my application that I was not subjected to an overly excessive amount of scrutiny than the rest of the probationary officers at the detachment.
- The overall desire to document me negatively appears to be paramount whereas common sense would dictate once again that a probationary officer is going to make several mistakes and blunders simply due to lack of experience and the need to speak to such an officer with a positive attitude of addressing the deficiencies while building the officer up should be the priority. In reflection on this revelation and in absence of evidence to the contrary I see the following stemming from the **prejudices** of my superiors towards me:
  - The tenderness of my service thus far (at the time of my criticism) was never taken into consideration,

- The fact that I was left to handle complex investigations beyond my scope of knowledge and expertise was never taken into consideration,
- Common sense would dictate that what should take an experienced officer a few hours of work would take an inexperienced officer several hours of work,
  - PC Payne had been a police officer for approximately 10 years and was native to Peterborough area, while I only had 6 months on, was a probationary with no experience dealing with such cases at all and was not native to Peterborough area.
- If they only focused on building me up they would not have wasted enormous amounts of their time finding faults with me and negatively documenting me. Alas, they were driven by racial hatred towards me and people who are driven by hatred act irrationally.
- What was the urgency? PC Payne even went to the extreme of speaking to Sgt. Flindall and updating him while he was on his vacation – simply incredible!
- Fair enough

As far as the overtime was concerned then I was criticized and documented for accumulating 30 hours of overtime in a Criminal Harassment investigation whereas S/Sgt. Campbell accumulated 12 hours of his time simply addressing an e-mail from the Chief Crown Attorney Brian Gilkinson in August 2009.

- First, I incurred 20 hours of overtime, but since 1 hour of overtime equals 1.5 of regular time, they conveniently used larger figure to make it look damaging. If they had of said that S/Sgt. Campbell used 18 hours of overtime then it would have been fair.
- Second, I had to drive to the accused's residence, which was located in the City of Kawartha Lakes (outside of the Peterborough County), seize, process and then lodge his 17 registered firearms and ammunition. That was a very time consuming process.
- Third, my overtime on Friday afternoon, July 24, 2009, was not approved by S/Sgt. Campbell so I basically worked an extra shift for free.

Niche RMS Report list, Counsel's additional disclosure (March 2, 2012):

**Reports -- Occurrence: T090665364 Init rpt Open - SP09164458 Harassment @2009/07/23 12:53**

Type	Author	Time	Status	Notes
1) CPIC Maintenance		2009/07/24 20:31	Add; ACCD	[REDACTED] J.; Occ# SP09164458
2) Arrest report	#12690 JACK, M.	2009/07/24 16:34	Open	Reasonable grounds; [REDACTED] Occ# SP09164458; Event time: 2009/07/24 16:34
3) ADULT - Promise to Appear Undertaking [2008/12]	#12690 JACK, M.	2009/07/24 13:51	Open	[REDACTED] J.; Occ# SP09164458; Court: PETERBOROUGH COURT 2009/08/27 09:00
4) General report	#12690 JACK, M.	2009/07/23 19:03	Open	Occ# SP09164458
5) Witness statement/will say	#12690 JACK, M.	2009/07/23 18:00	Open	[REDACTED]; Occ# SP09164458; Event time: 2009/07/23 18:00
6) Witness statement/will say	#12690 JACK, M.	2009/07/23 18:00	Open	[REDACTED]; Occ# SP09164458; Event time: 2009/07/23 18:00
7) Witness statement/will say	#12690 JACK, M.	2009/07/23 18:00	Open	[REDACTED]; Occ# SP09164458; Event time: 2009/07/23 18:00
8) Witness statement/will say	#12690 JACK, M.	2009/07/23 13:05	Open	[REDACTED]; Occ# SP09164458; Event time: 2009/07/23 13:05

Printed by: 9931

Date: 2009/07/25  
15:01 Computer: JUS00SPC879220

Page 1 of 1

I appreciate this additional disclosure provided by the Counsel for the Respondent on March 2, 2012, which as the date and badge number clearly indicate was printed by PC Payne on July 25, 2009. This additional disclosure proves my assertions and I hope the Tribunal will take note of the following:

PC Brockley asserted in his notes the following: ***'that I would draft PTA + OIC Undertaking & would leave in his diary slot'***

I asserted in my statement the following:

The accused was not arrested overnight. I reported to the detachment at 10:00 am and with a fresh mind I promptly finalized the Crown Brief Synopsis. Though Cst. Brokley did prepare the PTA and left two copies in my diary slot, I had to prepare it from scratch as the PTA that Cst. Brokley prepared was erroneous and was not even saved in the Niche RMS. At around noon, I learned from the complainant's husband that the

Since PC Brockley's name is nowhere to be found in the above Niche RMS print out re: Criminal Harassment (SP09164458) one can easily see that PC Brockley did not save the PTA + OIC Undertaking in the Niche RMS



system and that I was right in my statement. On July 24, 2009, I sought assistance from PC Kevin Duignan who taught me how to do the PTA + OIC Undertaking. The preparation of the documents took time since the digital copy of the OIC Undertaking did not render itself easily to the lengthy conditions I had to impose on the accused, specifically the following lines:

I undertake to (insert any conditions that are directed): / fonctionnaire responsable) (insérer toutes les conditions qui sont fixées):

**remain at least 100 meters away from Nancy Comtois, Kenneth Comtois, Laura Comtois, Gregory Comtois, Amy Comtois, Kelly Parsons and remain away from Canadian Tire at 1050 Chemong Rd, Peterborough**

(c) abstain from communicating directly or indirectly with **Nancy Comtois and Kenneth Comtois and their immediate family members**  
à m'abstenir de communiquer directement ou indirectement avec (name of victim, witness or other person / nom de la victime, du témoin ou autre personne)  
or from going to **567 Lindsay Rd, Smith-Ennismore-Lakefield Twp or 2011 Moncrief Rd, Peterborough**

and we had to think and tinker around with the wording before it was finalized (Exhibit 110).

Furthermore, in light of this additional evidence I am suspicious that, being an experienced officer PC Brockley not only failed to save the PTA + OIC Undertaking in the Niche RMS, but also messed the documents up, the whole thing was nothing, but a set up. Sgt. Flindall and PC Payne consciously set me up with this case and later enjoyed the fruits of their malignant and unlawful plan to oppress and discredit me. To further substantiate this speculation of mine please consider the fact that PC Brockley is an experienced officer with many arrests and many well prepared Crown Briefs yet he does such a shoddy job for me.

(July 27, 2009) (Volume 3, BB) Point Form Chronology:

### 27Jul09 - PC Payne

- I was the OIC for the shift. I didn't really have any dealings with PC Jack as I was busy with my own calls and arrest and he never came to me for advice that I recall.

(July 27, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

	MON 27-JUL-09
1755	ON DUTY
OIC	P/C PAYNE
10-13	+24°C, CLOUDY, WIND
SOFT	17-302
HARD	1-152
MIL	111 396 / 111 501
EQUIN	MADA, ASD
1800	[REDACTED]
	ATTENDED P180 67
	DETACHMENT

28 July 2009 (Tues)  
1800 ON DUTY  
[redacted] - Filman  
[redacted] - PC Jack  
Partner - Aux  
Cst. Phil Wilson  
two calls for reports  
[redacted] - Filman  
Assault on child  
[redacted] Jack  
[redacted] Davidson  
amped call in  
[redacted] call came  
in and 10 min  
to 6pm  
- shift prep  
18:15 - briefing  
VCARS + support link  
18:18 PC Moran advise call  
coming in at 10 mins  
to 6pm - PC Jack  
was asked by PC 52

## 28 July 2009 (TUES)

18:00 ON DUTY

[black] – Filman

[black] – PC Jack

- partner - Aux

Cst. Phil Wilson

- two calls for reports

[black] – Filman

Assault on child

[black] Jack

[black] Davidson assigned  
call in

[black] call came

in and 10 min to  
6pm

- shift prep

18:15 - briefing

VCARS + support link

18:18 PC Moran advise call

coming in at 10 mins to 6pm

– PC Jack was asked by PC

(July 28, 2009) (Volume 3, Z), PC Payne's notes:

Davidson to take details - refused said he doesn't start until 6pm	Davidson to take details - refused said he didn't start until 6pm
18: - N Astyn with comms to Jack	18: - to assign with comms to Jack
18:25 PC Jack asked me if any calls outstanding - advised him he can do zone 3 call assigned to PC Davidson - found property	18:25 PC Jack asked me if any calls outstanding - advised him he can do one 3 call assigned to PC Davidson - Found property
18:44 [redacted] will make a copy of DVD-video from that night	18:44 [black] will make a copy of DVD-video from that night
19:12 - at [redacted] advised they provided DVD copies to Cst. JIM EVANS - OPP today patrol Water St N/B to Trent -	19:12 - at [black] advised they provided DVD copies to Cst. Jim Evans - OPP today - patrol Water St. N/B to Trent.

(July 28, 2009) (Volume 3, BB) Point Form Chronology:

28Jul09 - PC Payne

- PC Filman, PC Jack and myself in same zone. I had auxiliary doubled up with me.
- I was acting as OIC for the shift. I learned from PC Moran and PC Davidson that a call for service had come in at approx 17:50hrs for Zone 3. PC Davidson informed PC Jack who was in the Constables area. PC Jack refused to take the call stating he doesn't start until 6pm. Shortly, thereafter PC Jack approached me and asked me if there were any calls outstanding. I advised him to do the zone 3 property related call that was assigned to the zone 2 officer.



**My responses to the above 2 bullet point entries are as follows:**

I hope the Tribunal will see how this entry in the point form chronology further attests that I was subjected to a greater amount of scrutiny than others. While I do not remember the nature of the call that I allegedly refused to take, it would only be rational not to take a non-emergent call if you are not on duty yet. Just because I used to come to the detachment earlier to work on previous calls and to study does not mean I was ready for duty at 17:50 hrs. Also, since it was a property related call, what was the urgency? Moreover, I took a number of calls for service prior to the commencement of my duty, however, that was never reflected anywhere except for in my officer's notes, which are in the possession of the Respondent.

**In all of my PERs by PC Filman in the Appearance section he noted the following:**

Specific example:

PC JACK is always early for his scheduled shift. PC JACK continues to attend work with his uniform neat and clean and properly maintained.

**(July 29, 2009) (Volume 1, I-110):**

**From:** Jack, Michael (JUS)

**Sent:** July 29, 2009 6:12 AM

**To:** [REDACTED]

**Cc:** Flindall, Robert (JUS)

**Subject:** Statement from [REDACTED]

Hi Jeff,

It is Cst. Jack from Peterborough County O.P.P. I hope you remember. I wonder if you had a chance to get a statement from [REDACTED] regarding the unauthorized usage of his MasterCard credit card. I have completed my investigation and ready to submit my Crown Brief [REDACTED] statement is the last crucial piece of information that I am still awaiting for. Could you please let me know in either case?

Thank you

Michael

I sent the above email to D/Cst. Jeff Smith of Kingston City police in reference to the credit card fraud investigation (SP09087157) (Exhibit 47c, pages 1 – 9).

**(July 29, 2009) (Volume 1, I-73):**

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

**From:** Johnston, Mike P. (JUS)  
**Sent:** Wednesday, July 29, 2009 8:48 AM  
**To:** Banbury, Trevor (JUS); Campbell, Ron (JUS); Conway, Jane (JUS); Flindall, Robert (JUS); Johnston, Mike P. (JUS); Postma, Jason (JUS); Rathbun, Brad (JUS); Smith, Gerry A. (JUS); Syvret, William (JUS)  
**Cc:** Shaw, Norm (JUS)  
**Subject:** FW: At Scenes Collision Investigation Course - PPA - October 19th through 23rd, 2009  
**Importance:** High  
**Sensitivity:** Confidential

Sergeants

Please provide candidate names for this course to Staff Sergeant Campbell by 21 Aug 09. Any member that is interested in going onto TTCI training will have priority.

Thanks

Mike

**(July 31, 2009) (Volume 1, I-8 and Volume 1, I-109):**

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

**From:** Johnston, Mike P. (JUS)  
**Sent:** July 31, 2009 6:07 PM  
**To:** Jack, Michael (JUS); D'Amico, Maria (JUS); Flindall, Robert (JUS)  
**Subject:** [REDACTED]

Mike

I had a 45 minute telephone call from this gentleman complaining that you have not contacted his neighbor regarding a driving incident.

As you are aware [REDACTED] is in a chronic neighbor dispute with his neighbor - Mr. Anderson. The neighbor that has to be contacted is not [REDACTED]

Please contact the complainant in this investigation and follow-up.

Please advise your actions to myself and Mary D'Amico and Sgt Flindall.

Thanks

Mike Johnston  
Inspector

-----  
Sent from my BlackBerry Wireless Device

**(July 31, 2009) (Volume 1, I-96):**

**From:** D'Amico, Maria (JUS)  
**Sent:** July 31, 2009 6:30 PM  
**To:** Johnston, Mike P. (JUS)  
**Cc:** Flindall, Robert (JUS)  
**Subject:** RE: [REDACTED]

Mike

Just want to know if this is something that Jack needs to get done this weekend. Can you let me know when you get a chance...

Tx  
Mary

(July 31, 2009) Counsel's additional disclosure (April 3, 2012 and April 5, 2012), PC Jack's notes:

<p>FBI 31-JUL-09</p> <p>SENT EMAIL TO INSP JOHNSTON, SGT. FLINDALL, PIC D'AMICO. RE: FOLLOW UP ON [REDACTED] CASE</p>	<p>FBI 31-JUL-09</p> <p>SENT EMAIL TO INSP JOHNSTON, SGT. FLINDALL, PIC D'AMICO. RE: FOLLOW UP ON [REDACTED] CASE</p>
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(July 31, 2009) (Volume 1, I-109):

(Standaert vs. Anderson, Exhibit 47c, pages 60, 64 – 70)

From: Jack, Michael (JUS)  
Sent: July 31, 2009 8:58 PM  
To: Johnston, Mike P. (JUS)  
Cc: Flindall, Robert (JUS); D'Amico, Maria (JUS)  
Subject: RE: [REDACTED]

Hello Inspector Johnston,

I contacted [REDACTED] and [REDACTED] neighbour. [REDACTED] the same night the complaint against [REDACTED] was filed by [REDACTED] - on July 3rd, 2009. The investigation was completed on July 13th 2009 and all the involved parties were advised of the resolution. I advised [REDACTED] and [REDACTED] that I did not have any applicable charges to lay against [REDACTED] for what he reportedly did. Please see SP09146028. [REDACTED] were seemingly upset that no charges were laid against [REDACTED] and it appeared that both [REDACTED]s and Woodhouses wanted to have [REDACTED] charged with something, no matter what.

I spoke with [REDACTED] and [REDACTED] on the phone on July 31st 2009 at approximately 20:00 hrs and 20:20 hrs, respectively and asked them if they would be willing to attend Peterborough County O.P.P. detachment to provide cautioned video/audio recorded statement about all aspects of [REDACTED] conduct towards them. Both parties wished to provide statements.

[REDACTED] will be attending Peterborough County O.P.P. detachment on Saturday, August 1st, 2009 at 18:00 hrs for providing a statement.

[REDACTED] will be attending Peterborough County O.P.P. detachment on Sunday, August 2nd, 2009 at 18:00 hrs for providing a statement.

Thank you

Michael

Of interest are the following points:

- Mr. Jeff Standaert and Mr. Doug Anderson were in a chronic neighbor dispute for 7 years (Exhibit 47c, pages 65 – 67 and Volume 1, B, July 18, 2009).
- Numerous officers from Peterborough County OPP Detachment as well as from the Peterborough Lakefield Community Police were involved in attending to their complaints against each other, including PC Filman, PC Yves Piette, PC Marc Gravelle and PC Dan Gay.



- In July 2009 I heard that Insp. Johnston was going to assign D/Cst. Heather Mcleish to look into the matter to try to put an end to it, but I do not think she was assigned to the case.
- In August 2009 I heard PC Marc Gravelle saying that Mr. Standaert contacted Peterborough MP Dean Del Mastro for assistance with the resolution of his chronic neighbor dispute.
- In mid-August Mr. Anderson attended Peterborough OPP Detachment where S/Sgt. Ron Campbell had a lengthy conversation with him (other officers must have been present during the conversation too). I witnessed S/Sgt. Campbell make an utterance something to the effect that he hoped Mr. Anderson would die in Florida (Mr. Anderson lived in Florida over the winter) and never make it back to Peterborough alive and the problem would naturally go away.
- In mid-August a detachment wide e-mail from Insp. Johnston ordered the officers to make every single interaction with either Mr. Anderson or any complainants in their ongoing dispute reportable.
- Per direct order from Sgt. Flindall (Exhibit 26c, page 16 and Volume 1, B, July 18, 2009) I prepared and submitted an advice Crown Brief Synopsis to Crown Attorney Brian Gilkinson (Exhibit 47c, page 65 – 67). I prepared it mostly at home.
- At the time I was very surprised that the resolution of the dispute was delegated to me. Being an overworked front line rookie I honestly did not know how to put an end to a 7 year long ongoing dispute between the two local parties. Please refer to Crown Attorney Brian Gilkinson's response to me regarding measures that should have been taken in regards to the matter (Exhibit 47c, page 67 – 68).
- Mr. Anderson was criminally charged at the end of August 2009 and further criminally charged at the end of September 2009 by Peterborough County OPP (Exhibit 47c, pages 68 – 70).

**(July 31, 2009) (Volume 1, I-108):**

(R vs. Williamson, SP09164458)

**From:** Jack, Michael (JUS)  
**Sent:** July 31, 2009 9:35 PM  
**To:** Flindall, Robert (JUS)  
**Cc:** Campbell, Ron (JUS)  
**Subject:** Overtime [REDACTED]



Hi Sgt. Flindall,

I worked 7 hours OT on Thursday, July 23rd and 13 hours OT on Friday, July 24th as per S/Sgt. Campbell order on R. vs [REDACTED]

Michael

The above e-mail proves that that I incurred 20 hours of overtime, but since 1 hour of overtime equals 1.5 of regular time, they conveniently used the larger figure (30 hours) to make it look damaging.

(July 31, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

<p>  <b>FWI 31-04L-09</b>  <b>21:50 10-8</b>  <b>ALC MISCHIEF</b>  <b>ROGUES POINT RD</b>  <b>2725</b>  <b>PICK UP TRUCK</b>  <b>YOUNG, DRIVER</b>  <b>PROVED, TRUCK OIL,</b>  <b>DRYAGE</b>  <b>1-2305 A 1-2306</b>  <b>6 LIT-202 ATEN</b> </p>	<p> <b>23:22 MISSENGER</b>  <b>23:37 MV STOP - SPEED</b>  <b>LIS 102 KPH</b>  <b>PON 17147 14A</b>  <b>23:50 MV STOP - HEADLIGHTS OUT</b>  <b>01-20</b>   <b>ADVISED TO CHANGE X</b>  <b>HEADLIGHT</b> 78         </p>
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(July or August, 2009) (Volume 3, BB) Point Form Chronology:

### July or August 2009 - PC Filman

- PC Jack called me and asked advice on an applicable charge for an accident. As I was speaking with him I also received a call from PC Laperle. I told PC Laperle that I was on line with Jack. PC Laperle asked what for. I told PC Laperle that he wanted to know the applicable charge for an accident he was at. PC Laperle told me that he had just gotten off the line with Jack for the same thing.

The documentation of the incident is only partially true as I called PC Laperle (who used to be in the Highway Safety Division unit) because PC Filman was not responding to my calls. Shortly after I had gotten off the phone with PC Laperle, PC Filman called me back. PC Filman's estimate of the date of the incident is totally wrong again. The incident took place on June 24, 2009, (Exhibit 47d, page 9):

 <b>Ontario</b>		<b>Motor Vehicle Accident Report</b>		<b>SP09136700</b>	
Report Type <input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended <input type="checkbox"/> Failed To Remain		Accident Number <b>1I-09-00531</b>		Page <b>1</b> of <b>1</b>	
Time Officer Arrived or Police Force Reported to: <b>10:30 HRS</b>		Emergency Equipment in Attendance <b>SEL FD</b>		Accident Date <b>09/06/24 WED</b> Time <b>09:40</b>	
Name of Investigating Officer <b>JACK, Michael</b>		Service Performed <b>TRAFFIC CONTROL</b>		Prod. Ident. No. (P.I.N.) <b>1100</b>	
Name of Submitting Police Force <b>O.P.P.</b>		Badge No. <b>12690</b>		Plst/Squad <b>A</b>	
		MTO Use Only		Highway Distance Unit Dir.	

In the entire month of July 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.