

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
 C253 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 shirt 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
 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 shirt striped
 shirt underneath

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

- back pack
 - male I.D. verbally
 as [black]
 - 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 I.D.
 - 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
 - [black]
 had (comm) 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

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
[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 w/
[black] I asked him
about his riding lawn
mower - [black]
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 out under
 at [REDACTED] + asked
 him who's lawn
 tractor it was – he
 said a neighbor.
 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 +
 PC Jack 2 [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 with employee
 baking. OK to l
 eave lawn tractor
 in parking lot until
 we can locate
 an owner
 [REDACTED]

- 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 NO. 01-148209

0256 0 COWSAY
ONE MALE RIDING
A LAWNMOWER
W/B ON CASSBAY
ALONG THE SHORELINE
IDEN VIA WEALTH CAMS

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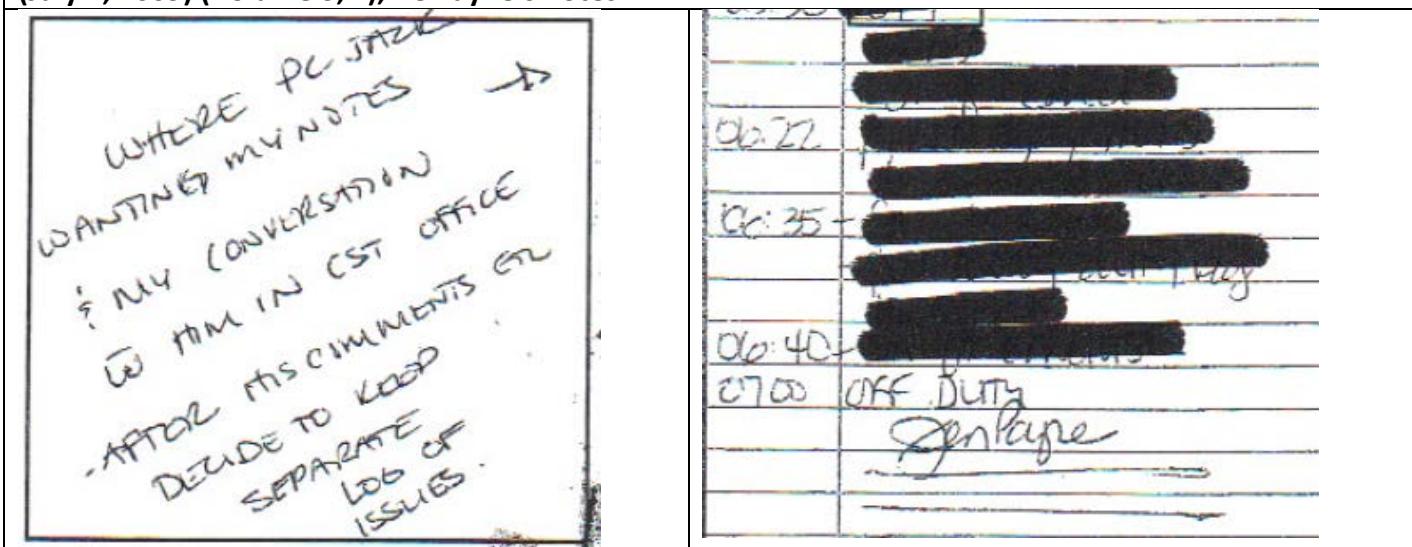
WED 01-JUL-09
 6 PMCK DR [REDACTED]
 URGENT, BORN PARK
 DRESSING IN NIGHT
 ADULT HOUSE COAT
 08 14/09 A CALL CAME ON ME
 AT 02:53 A MALE
 WAS ON OR IN THE
 HALL OR SUBWAY
 PLAZZA IN BIRBEC
 NORTH.
 MALE ADVISED ME
 CAME [REDACTED]
 [REDACTED] COMMERCIAL
 025 VENUE OF
 LAURE [REDACTED]
 [REDACTED]
 MALE ADVISED
 TO BE SENSIBLE
 LOST, EXHIBITS
 SIGNS OF MHA OR
 SDAT.
 P/C PAYNE &
 P/C RMS LOG
 QUESTIONS THE
 MORE AS TO
 WHERE HE WAS
 COMING FROM
 AND WHAT HE
 P/C PAYNE DETERMINED
 THAT MALE WAS
 IN POSSESSION OF
 STOLEN PROPERTY
 WHICH HE HAD
 HAD PUT THEM
 IN P/C PAYNE
 CARRIER
 1251500 P/C
 RMS LOG

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WED 01-JUL-09
 MOVE ME
 LAWYER FROM
 NEW YORK
 DR P/C PAYNE IS
 ON THE AIR
 HOME OR IN
 PLAZZA IN
 THE PLAZZA LOT
 FOLLOWED P/C
 PAYNE & P/C
 RMS LOG TO THE
 MALE'S HOME
 IN CKL AREA.
 WAS PRESENT
 DURING THE TIME
 OF THE INVESTIGATION
 DISCOVERED THAT
 MALE ON
 SICK.
 APPROXIMATELY, MALE
 WAS ANSDA, CKL
 OPP TO INVESTIGATE
 0520 LEFT THE SICK
 EDN 10-19
 P/C PAYNE &
 P/C RMS LOG STAYED
 AT'S TO CONTINUE
 INVESTIGATION.
 0600 10-19, 10-2
 CLEARED TWO
 CASES WITH P/C
 ADVISED DAY
 SHIFT SGT
 NATHAN OR P/C
 NIGHT OCCURRED
 0700 OFF DUTY
 P/C 120402Z

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):

<p>Daily Journal Number: <u>Re PC JACK</u></p> <p>Name: <u>PAYNE, J</u></p> <p>Rank: <u>9c</u></p> <p>Badge Number: <u>9931</u></p> <p>Location: _____</p> <p>First Entry (Date): <u>30 JUN 09</u></p> <p>Last Entry (Date): _____</p> <p>Serial Numbers</p> <p>Firearm: _____</p> <p>Handcuffs: _____</p> <p>ASP Baton: _____</p> <p>OC Spray: _____</p> <p>Taser: _____</p> <p>Radio: _____</p> <p>Other: _____</p>	<p>Daily Journal Number: Re PC Jack</p> <p>Name: Payne J.</p> <p>Rank: OIC (Officer in Charge)</p> <p>Badge Number: 9931</p> <p>Location:</p> <p>First Entry (Date): 30Jun09</p> <p>Last Entry (Date)</p>
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(July 1, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

0226 30 JUNE 2009 - 01 JULY 2009
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 investigating
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
0430 - 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
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 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 CKL 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 CKL

CKL 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 - 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 CKL officers who want to interview him [black]

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- 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 & 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</p> <p>+ made reference to housecoat wherein he used a different term for earlier in night.</p> <p>+ I advised Jack no That would give 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>	<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 & 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 no 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>0640 + PC Jack read first couple of my pages of notes then threw them back in my diary slot</p> <p>- 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</p> <p>- 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</p> <p>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> <p>- I advised him that PC Filman is a good & knowledgeable officer + I don't believe that Filman didn't coach him properly + that I didn't want to hear that excuse again</p> <p>- I said that I've been asked to help guide him & be his "go to" person (which he's known about in the past)</p> <p>- He's to come to me with help/questions</p> <p>- Further, that I would help him with his assignment list + prioritizing what needs to be done</p> <p>- I advised him I feel he's spending too much time on calls that aren't going anywhere than on the important ones</p> <p>- This is what I've seen in past month</p> <p>- We had this conversation in</p>	<p>want this to become a crutch for him</p> <p>- I advised him that PC Filman is a good & knowledgeable officer + I don't believe that Filman didn't coach him properly + that I didn't want to hear that excuse again</p> <p>- I said that I've been asked to help guide him & be his "go to" person (which he's known about in the past)</p> <p>- He's to come to me with help/questions</p> <p>- Further, that I would help him with his assignment list + prioritizing what needs to be done</p> <p>- I advised him I feel he's spending too much time on calls that aren't going anywhere than on the important ones</p> <p>- This is what I've seen in past month</p> <p>- We had this conversation in</p> <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><u>the constables were by the shredding bins,</u> <u>One officer present</u> <u>PC Jack upset</u> <u>with my confronting</u> <u>him - he had a</u> <u>look on his face</u> <u>that he was angry</u> <u>that I was calling</u> <u>him to task on</u> <u>his behaviour/actions</u> <u>- at one point I</u> <u>was speaking +</u> <u>he cut me off +</u> <u>I asked him not</u> <u>to cut me off +</u> <u>let me finish</u> <u>talking.</u></p>	<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: 'Do not interrupt me because I am senior to you.'</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 1st 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:
<p>03 July 2009 (FRI)</p> <p>18:00 ON DUTY</p> <p>[black]</p> <p>Zone partners</p> <p>Filman [black] & Jack [black]</p> <p>18:15 - shift briefing</p> <p>18:25 15 brief</p> <p>18:35 Complete</p> <p>- assist Cst Fairfiled with copies of DVD statement</p> <p>- spoke with Sgt. Flindall just before briefing</p> <p>- advised him I had a conversation with PC Jack reference a few things that transpired last shift</p> <p>- to discuss later after briefing</p> <p>- load cruiser</p> <p>[black]</p>	<p>03 July 2009 (FRI)</p> <p>18:00 ON DUTY</p> <p>[black]</p> <p>Zone partners</p> <p>Filman [black] & Jack [black]</p> <p>18:15 - shift briefing</p> <p>18:25 15 brief</p> <p>18:35 Complete</p> <p>- assist Cst Fairfiled with copies of DVD statement</p> <p>- spoke with Sgt. Flindall just before briefing</p> <p>- advised him I had a conversation with PC Jack reference a few things that transpired last shift</p> <p>- to discuss later after briefing</p> <p>- load cruiser</p> <p>[black]</p> <p>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.</p>

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
	FRI 03-JUL-09
1750	ON DUTY
1800	RFC NEIGHBORHOOD DISPUTE ONGOING PROBLEMS WITH NEIGHBOR
CM:	██████████ ██████████ move on NEIGHBORHOOD WENCHILD
PH:	██████████

18:05	ON DUTY WITH CT. 6 YRS OLD SON WENT TO PLAY ACROSS THE ROAD. ██████████ drove ACROSS THE ROAD TO THEIR NEIGHBORS LAWN TO KISS THEIR CAT AND ALMOST WAS OVER CAT'S CHICO. AT ANGLED ~15:30 HRS
	80
	FM 03-JUL-09 FILE ABOUT THE INCIDENT
	██████████
	85

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

FRI 03-JUL-09
[REDACTED]
1
[REDACTED]
NEIGHBOURS
[REDACTED]
WITNESS 5'-10'
DR CM'S SON
0 20-30 KM/H
18:15 SHIFT MEETINGS
- CANADA DAY
INITIATIVE
SOME STATE PROBLEMS
18:35 MC CITY AD 23
DOWN TO ONE LANE
EAST OR CITY AD 36
BUCKHORN
ROAD TRAILER
19:10 10-8

20:00 [REDACTED]
SPOKE WITH CM
[REDACTED]
00 CM ADVISED OF
THE OCCURRENCE AND
HEA CONCERN FOR
THE WELL-BEING OF
HEA SON AS HE
WAS FRIGHTENED
BY THE CAR PASSING
NEXT TO HIM.
01 CM PROVIDED A
WRITTEN STATEMENT
OF THE INCIDENT
AND ADVISED THAT
[REDACTED]
[REDACTED]
WITNESSED THE
WITNESS STATE
THAT HAPPENED

FRI 03-JUL-09
20:15 ATTENDED ON 61
LAKESHORE BLVD
AND SPOKE WITH
[REDACTED]
MOVING
THERE IS A LONG
HISTORY OF DISPUTES
BETWEEN [REDACTED]
[REDACTED] AND
VARIOUS NEIGHBOURS
INCLUDING HIMSELF.
HE ADVISED THAT
[REDACTED] ATTENDED
TO TALK TO HIM
TODAY AT APPROX
~16:30 AND HE
WAVED HIM OFF
[REDACTED]
DROVE AWAY PARKED
ON THE LAWN
POSSIBLY IN FRONT
10 FEET OR A
NEIGHBOUR'S CAR
THAT WAS STANDING
THEIR.
[REDACTED] PROVIDED
THE WRITTEN STATEMENT
OR WHAT THEY STATED
20:50 ATTENDED AND
SPOKE WITH
[REDACTED]
[REDACTED]
PARKED CAR OUTS
[REDACTED]
ADVISED
PC JACK THAT THE
DETAILS OF THE

FM 03-746-09
 COMPLAINANT ARE
 TOTALY WRONG
 [REDACTED] ADVISED
 P/C JACK THAT
 "IT IS AN LIFE"
 [REDACTED] IS VERY
 UPSET THAT
 [REDACTED] IS A
 PUBLIC SERVANT
 AND THAT IS FREQUENT
 AT HOME TOO EARLY
 AND THAT IT IS HIS
 MIST TO COMPLAIN
 [REDACTED] ADVISED
 P/C JACK THAT
 [REDACTED] GAVE HIS
 A PLAGUE AND
 THAT WAS THE REASON
 HE HAD THE INC TO
 TALK TO [REDACTED]
 [REDACTED] ADVISED
 THAT HE WAS UPSET AND
 AGITATED.
 YELLS: " [REDACTED]
 IS A LIAR"
 ADVISED P/C JACK
 HE KEEPS THEM OR
 HIS TIMES [REDACTED]
 GIVES THEM PLAGUE.
 ADVISED P/C JACK:
 "THEY ARE USING
 YOU (OPP) TO GET
 TO ME AND THEY
 ARE USING THEM
 KIDS TO BUST ME."
 "THE GUY [REDACTED]
 IS A SCAMMING
 MOTHER BASTARD"⁸³
 ADVISED

FM 03-746-09
 P/C JACK THAT HE
 IS VERY ANGRY
 THAT [REDACTED]
 CONDUCTED COSEN.
 WOULD BE HIS
 PROPERTY IN THAT
 OBSTRUCTION PROPER
 PROJECTS. SOON
 P/C JACK RECEIVED
 A WRITER SENT
 FROM [REDACTED]
 OR WHAT HAPPENED
 ADVISED TO STAY
 AWAY FROM
 [REDACTED]
 PROPERTY AND
 NOT TO PAY
 ATTENTION
 TO "PIGLETS".
 27:15 @ [REDACTED]
 RESIDENT
 FOLLOWED UP
 ON THE DISPUTE
 [REDACTED] ADVISED
 P/C JACK THAT
 [REDACTED] SWORE
 A PRIVATE INFORMATION
 WOULD TO CHARGE
 [REDACTED] IN
 THE PAST.
 27:45 [REDACTED]
 FOLLOWED UP ON
 THE INCIDENT
 ADVISED [REDACTED]
 THERE ARE NO
 GROUNDS FOR A
 CHARGE YET AND
 THAT THERE WOULD
 BE A REPORTING OF⁸⁴

(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 own 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 3rd & 4th 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.

SAT 04-JUL-09
 18:10 PRINT DANS, EMAILS
 17:50 VOICE MAIL
 SPOKE WITH [REDACTED]
 [REDACTED] ON PHONE
 242-0500
 [REDACTED] ADVISED OF
 THE COSTS INVOLVED
 TO REPAIR THE
 BROKEN WINDOW
 (£450) AND TO GET
 NEW CASH DRAWER
 (£300).
 PRACTIC ADVISED
 THAT [REDACTED]
 FIRED TWO OF HER
 EMPLOYEES ON
 THE MORNING
 FOLLOWING THE
 BAR BECAUSE THEY
 GAVE HER A SWOON
 CHARGE IN THE
 ATTITUDE AND EVEN
 REFUSED TO WORK
 OUT IN THE RAIN.
 THE NAMES ARE
 [REDACTED]
 18:05 SWIFT BREWING
 18:32 OVER
 [REDACTED]
 18:45 SPOKE WITH [REDACTED]
 [REDACTED] HE
 INQUIRED WHY
 THERE WERE NO
 CHARGES Laid
 AGAINST [REDACTED]

88

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 WITNESS
 THERE WERE 6-10
 FERT BETWEEN
 [REDACTED] CHILD AND
 [REDACTED] CAN
 WHICH HE DROVE
 PARTIALY ON THE
 LEAN
 [REDACTED] WAS
 ADVISED TO SEE
 JP IF HE WISHED TO
 LAY CHARGES
 19:10 SPOKE WITH
 [REDACTED]
 ON THE PHONE
 RE: NOT ATTENDING
 DETACHMENT
 FROM 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

89

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

<p>SAT 04-14-09 NOT GOING TO ATTEND PTRO OPO DETACHMENT. P/C JACK ADVISED [REDACTED] THAT THERE WOULD BE REPORTS ON FILE AND GIVING [REDACTED] CHARGE TO MIND AGAIN, [REDACTED] CAN CALL POLICE AND USE PROVIDED OCLOCOLIC # TO REMEMBER THE INCIDENT. 10:15 P/C REQUEST [REDACTED] 10:30 SPOKE ON THE PHONE WITH [REDACTED]</p>	<p>REMEMBERED HTA 149(1). ADVISED NO OFFENCE TOOK PLACE BY RIDE VICE ON THE LEFT SIDE OR THE CENTER. 2000 FOLLOWED UP ON ASSAULT FROM 14-09-09 NIGHT, OUT REPORTS ON RIDE SP 0414 6471 21:25 10-8, VEHICLE PATROL ENQUIRIES 21:55 P/C 911 ACTIVATION DAY PHONE [REDACTED] 22:30 [REDACTED] CAMPERS NEARBY 90</p>
--	--

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:

0145	[REDACTED]
0325	[REDACTED]
0359	Request to set up for breath test for PC Jack
0430	PC Jack Subject [REDACTED] says he wants lawyer [REDACTED] of Toronto
0435	For numbers in Lawyer book Please call message left on machine. PC Jack Lawyer For home phone number
0437	Place call to Duty Counsel
0446	PC Jack controls [REDACTED] accused not a criminal lawyer Doesn't know [REDACTED] privacy to SPEAK in his he gives names for 2 lawyers [REDACTED]
0452	[REDACTED] [REDACTED] SPEAK to male answering service

(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 the same expectations as every other probationary constable.

(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
01C SGT FLINDALL
10-13 +19°C, SUNNY
SOFT 11-302
HARD 1-229
MIC 34950/35077
EQUIP ASD, RAMAN, C8
17:55 RANAN TEST
DECAVIN GEM415
S/N GLS-23107
APM1 - PWD
18:02 R/C NEIGHBOUR DISPUTE
CM: [REDACTED]
[REDACTED]
CM: [REDACTED]
COMPLAINT: [REDACTED]
IS TAKING PICTURES
OF NEAR HOUSES AGAIN
18:40 CALLED [REDACTED]
ANOTHER NEIGHBOUR

THU 09-JUL-09
[REDACTED]
ADVISED [REDACTED]
[REDACTED] THAT
[REDACTED] WAS TAKING
PICTURES OF HOUSES
OR [REDACTED] NEIGHBOURS
[REDACTED]
ATTENDED [REDACTED]
RESIDENCE AND
[REDACTED] TOLD [REDACTED] THAT
[REDACTED] SHOULD WALK
[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 ROADSIDE
CM FEARS FOR [REDACTED]
SAFETY AND THE
SAFETY FOR [REDACTED]
CHILDREN.
[REDACTED]
18:50 ON 09-JUL-09.
ORS [REDACTED]
TAKING PICTURES
OF [REDACTED] AND
[REDACTED] HOUSES
~ 12:30.
[REDACTED] AND [REDACTED]
WERE TAKING
PICTURES, SMALL
DIGITAL CAMERA.
AAC AS SOON AS
THEY SAW MC,

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

THU 9 JUL 09
 1700 - [REDACTED] on duty.
 1820 - T.P.C. JACK req
 assist on [REDACTED]
 [REDACTED]
 occurrence.
 - will review
 all occurrences
 - 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 SIGHTED man
 TOWARDS PARK HOUSE
 RADWIN HOUSE
 [REDACTED]
 ON THE INCIDENT
 [REDACTED]
 18:55 CALLED
 [REDACTED]
 LEFT MSG.
 1900 CALLED
 [REDACTED]
 THANK YOU FOR
 CALLING, JUST
 WANT TO MAKE SURE
 EVERYTHING WAS OK.
 ~ 19:15 [REDACTED]
 [REDACTED] OVER
 TO MY HOUSE
 SCREAMING AT [REDACTED]
 WHY I WAS TAKING
 PICTURES OF MY HOUSE.
 I TOOK A PICTURE OF
 THE BACK DOOR IN
 SHED IN THEIR
 BACK YARD, BECAUSE
 I BELIEVE THAT THEY

HAVE NO PERMITS
 FOR THAT SIZE OR
 THAT BUILDING AND
 PRESENT IT TO THE
 TOWNSHIP.
 THEY ARE CONVI-
 CTING THE MUNICIPAL
 BY-LAW.
 [REDACTED] SICKNESS
 AT ME, I AM GOING
 TO MOVE YOUR DOG
 TAKEN AWAY!

0407 12-8
 04:35 12-19, 10-7
 COMPLETED CROWN
 BRIEF & SUBMITTED
 TO SGT. FLINDALL
 FOR REVIEW
 05:50 809148553
 06:15 DANS
 OFF DUTY
 PC 12690 MM

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

0300	MON 13-JUL-09	
OIC	ON DUTY	
	0300-0600 5921 PATRICKA	
	0600-1800 VCT PLNUAR	
10-13	+ 20°C, sunny, clear	
SOFT	11-801	
HARD	1-229	
MIC	36844/36934	
EQUIP	RADAR, ASD, C8(R-19)	
		20

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	Motor Vehicle Accident Report		SP09154944		Page 1 of 1
Report Type	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended <input type="checkbox"/> Failed To Remain	Accident Number	11-09-00602	Accident Date	090713 MON 03:30
Time Officer Arrived or Police Force Reported to:	04:10 HRS	Emergency Equipment in Attendance	Service Performed		Prod. Ident. No. (P.I.N.)
Name of Investigating Officer	JACK, Michael		Badge No.	12690	Div/Stat/Bkt
Name of Submitting Police Force	O.P.P.		MTO Use Only	Highway	Distance Unit
Location R1	Trafficway HIGHWAY 28 400m	Distance <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.	Check as applicable TO	Keypoint/Geocode 2628000.9	Offset Ramp No.
Location R2	Reference Point 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:

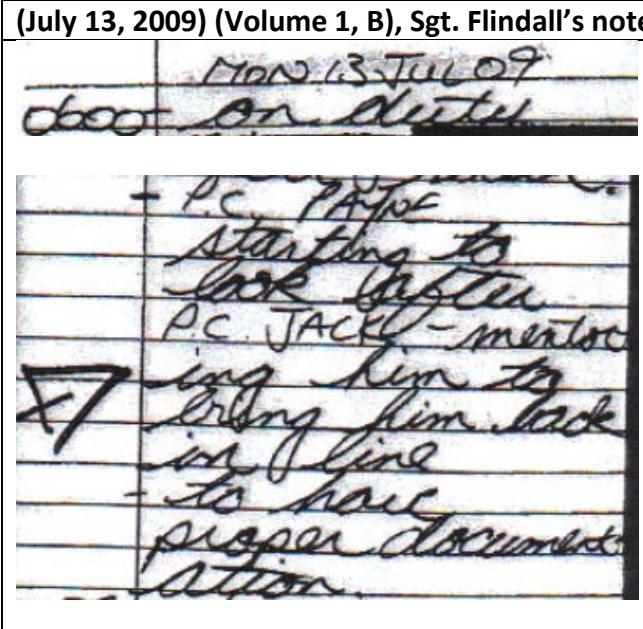
MON 13 - JUL - 09 [REDACTED]	2- [REDACTED] COPY OF THE REPORT HE NAME & SIGN. STANDAERT LOST HIS MIND
09:30 CHECKED EMAILS, CHECKED VOICE MAIL 1. [REDACTED] OLD MESSAGE, WANTS A COPY OF HIS STATEMENT ROAD ACCORDING TO GO', WANTS TO KNOW THE OUTCOME OF INVESTIGATION [REDACTED]	10:00 MAILED STATEMENT TO [REDACTED] AS PCP WRS REQUEST WITH THE PERMISSION OF SGT. FLINDALL WORKED ON REPORTS RE: NEIGHBOR DISPUTES OK [REDACTED]

Please note the Counsel's failure to blacken out the last name of Mr. Standaert on 4th line in the 2nd 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:

MON 13 - JUL - 09 [REDACTED]	
1500 FOLLOW UP ON PHONE SP 09087157 ASSISTED BY P/C PAYNE	

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

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

13 July 2009 (cont.)

- had originally planned to double up w/ 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 16th)
 - 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 26th - 60-90 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 – 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 (since June 16th) 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 26th – 60-90 days not up yet. Cannot return

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

<p>until end of July (?) Neighbor dispute [black] [black]</p>	
<p>- this assign/file needs attention immediately re calls on days off + S/Sgt Campbell involved</p>	<p>- this assign/file needs attention immediately re calls on days off + S/Sgt. Campbell involved</p>
<p>10:00 Sat down w/ PC Jack + go over assignment list + discuss - 1st pri priority is to do neighbor dispute</p>	<p>10:00 Sat down with PC Jack + go over assignment list + discuss - 1st pri priority is to do neighbor dispute</p>
<p>- said 1½ 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</p>	<p>- said 1 ½ 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</p>
<p>+ not be @ office</p>	
<p>- I told Jack my intentions are to double up with him - get his assignment list cleaned up + start "playing" w/ vehicle stops</p>	<p>- I told Jack my intentions are to double up with him get his assignment list cleaned up + start "playing" w/ vehicle stops</p>
<p>- At some point need to discuss following w/ Jack</p>	<p>- At some point need to discuss following with Jack</p>

(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 + PON's
- (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)
- (7) - Shopping for answers
- (8) - out of office more

Trud to women above issues + address past issues I've heard

17.

- 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

10

- (1) - time management skills
- (2) - making mountains out of mole hills
- re: calls for service
- (3) - more vehicle stops + PON's
- (4) - getting GOR on Niche more quickly
- (5) - Coming to me with questions + direction instead of Sgt. Flindall
- (6) - 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)
- (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
- 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):

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"
 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 ??
 had Jack come
 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"
 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 ??
 had Jack come
 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)</p> <p>- I told a few officers re: comment + Sgt. Flindall.</p> <p>- 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

224

PC JACK -

re status - office
complete neighbor
dispute working

on mischief case
from this morning
and TR

1320

14:55 - read [black]

PC JACK FRAUD

credit card -

[black]

from June

start 4th MCH -

crown brief folder

UCR's

etc.

- PC JACK not have
crown brief & other
details to complete
synopsis with him

left it @ disk

advised him to 30

work on GOR re

Jeff Rd Fraud

at ATM

because no report on

from June 16th

original call date

[black]

13 JULY 2009

12:24 [black] PC Jack -

re status - office
complete neighbor
dispute working
on mischief call
from this morning

and TR

[black]

[black]

13:20 [black]

[black]

14:55 - read [black] ???

PC Jack Fraud

credit card -

[black]

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 16th

original call date

[black]

(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 1 hour or so
 14:00 PC JACK @ ESO
 Bridgenorth
 - assist re: Fraud brief -
 re arrest warrant
 - didn't bring brief
 actual brief & folder 12

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 1 hour or so
 14:00 PC Jack @ ESO
 Bridgenorth
 - assist re: Fraud brief –
 re arrest warrant
 - didn't bring brief
 actual brief & folder

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

with him in PM
 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 13th 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 13th 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			
	Reporting Officer		Assisting Officer
Month	# 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	
03:05 MET WITH DEBRA FROM VICTIM SERVICES SHE HAD A CALL FROM [REDACTED] [REDACTED] 1.5 LONG ADVISED DEBRA OF MY INVOLVEMENT IN THE ONGOING DISPUTE	INCREASINGLY UNCOOPERATIVE WHEN SHE SPoke WITH HIS AT HIS RESIDENCE ON 31 PC JACK ADVISED
ADVISED TO SPEAK WITH SGT. FLINDALL A S/SGT CAMPBELL AS THEY GOT INVOLVED AS WELL.	
03:15	
04:15 CALLED TO ASK ABOUT THE INVESTIGATION WANTS TO FILE A COMPLAINT AGAINST	THE 14 JUL 09 [REDACTED] THAT SUPERVISOR GOT INVOLVED AND WAS REVIEWING THE CASE OF THE ONGOING NEIGHBOR DISPUTE AND [REDACTED] WILL BE CONTACTED IN THE NEAR FUTURE. [REDACTED]

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 17th 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 Ctry 23
 (Buckhorn Rd) while
 I was doing prisoner
 run to court w
 Sgt Flindall
 while I was ENR to
 assist ~~hwy~~ PC JACK
 I was dispatched to
 MVC - FTR - falling
 debris [black]
 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 S/B
 onto Hwy 28
 assumed PC JACK -
 but he had PI MVC

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 - 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
 disp but was in Keene
 - I ~~ad~~ 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 going 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 ~~ad~~ 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):

<p>thru Bridgenorth anyway.</p> <p>15:12 - Alarm - Mississauga DAM</p> <ul style="list-style-type: none"> - PI. JACK @ det - I was w of Flynn's so I attended - need to speak w Jack about why e det & not @ ESO - like directed <p>16:25 R/C PI MVC - PC Jack assist me</p>	<p>thru Bridgenorth anyway.</p> <p>15:12 - Alarm – Mississauga ???</p> <ul style="list-style-type: none"> - 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 <p>16:25 R/C PI MVC – PC Jack assist me</p> <p>----->-----</p>
--	---

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 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 advised¹⁵

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

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

when N do up brief
 + long form summons
 for D1
 - stated implied he
 didn't know how
 - explained do brief
 like did for impaired
 + submitted to court
 they would do up info
 + swear it & file
 summons for court
 said D1 may come
 thru town + pick up
 ID this Wed.
 - I said wait till Sunday
 to do brief then advise
 can serve Part I
 within 7 days
 - 2nd 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 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 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
 - 2nd 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):

<p><u>call when</u> 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 17</p>	<p>[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</p>
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(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 recent
 re: incident come
 to conclusion that
 PC Jack shouldn't
 be following up on
 other people's calls
 unless asked to

18

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
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 - I advised him he
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 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 recent
 re: incident come
 to conclusion that
 PC Jack shouldn't
 be following up on
 other people's calls
 unless asked to

<ul style="list-style-type: none"> - Many advise incident just requested patrols in area - Need to speak w/ Jack re <ul style="list-style-type: none"> (1) notify comms of current [redacted] + what doing <ul style="list-style-type: none"> - [redacted] 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 w/ 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 vch stops since I've been on road (6) need to speak with him about winking a me this morning. <ul style="list-style-type: none"> → PC JACK spent 19 	<ul style="list-style-type: none"> - Mary advise incident just requested patrols in area - Need to speak with Jack re <ul style="list-style-type: none"> (1) notify comms of current [redacted] + what doing <ul style="list-style-type: none"> -> [redacted] 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 winking a me this morning <ul style="list-style-type: none"> -> PC Jack spent
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(July 17, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

<p>day & B+E @ library waiting for SOCO - Back to detachment around 1500</p> <p>(7) stop com going to Sgt. Flindall f 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.</p>	<p>day & B+E @ library waiting for SOCO - Back to detachment around 1500</p> <p>(7) stop com going to Sgt. Flindall f 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.</p>
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17Jul09 - PC Payne

- On the 17th 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	Motor Vehicle Accident Report		SPO9154944	
	Report Type	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended <input type="checkbox"/> Failed To Remain	Accident Number	11-09-00602
Time Officer Arrived or Police Force Reported to: 06:10 HRS		Emergency Equipment in Attendance TWD RADARS CONTROL DEBRIS REMOVAL		Service Performed
Name of Investigating Officer JACK, Michael		Badge No. 12690		Prod. Ident. No. (P.I.N.) Dangerous Goods Involvement
Name of Submitting Police Force D.P.P.		MTO Use Only		Div./Sect./Det. 1100 Plat/Squad A 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 18th 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 17th 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, his zone partner nor anyone else on shift who 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 18th 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 17th 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:

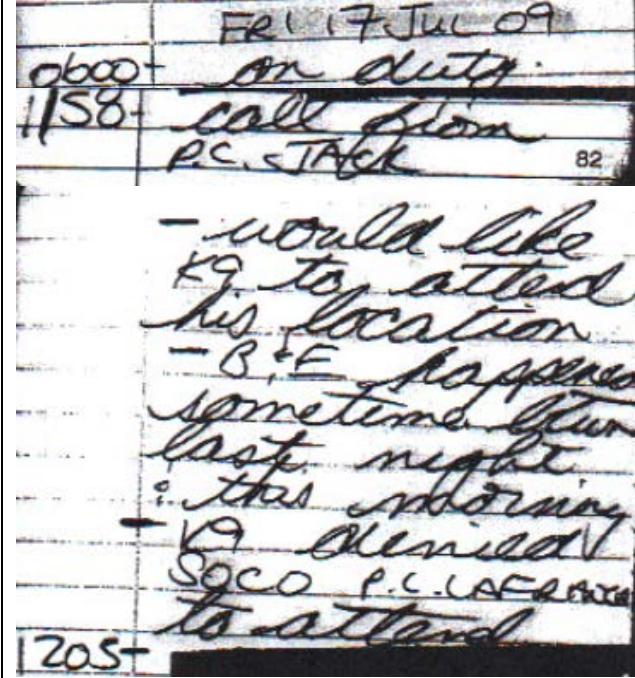
SP09152940 - Racial Graffiti on a vehicle at Camp MOSAVA (Jewish Camp). This call was reported on 11th July 2009, PC JACK's scheduled day off and was investigated by another member at the detachment. The investigating officer did not request for anyone to follow-up and simply requested patrols as time permits. On the 17th 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 manager 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), 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&E call in Zone 2, which is summed up in the <i>Self-Awareness</i> section in my rebuttal to my Month 6 & 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:

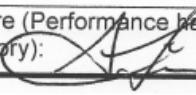
Constable Filman was not disinterested in the Applicant's training or development. On the contrary, it was the Applicant who was not open to constructive criticism or suggestions. At times when Constable Filman would

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):

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

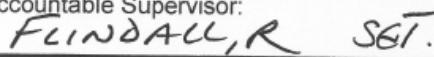
My Month 5 PER (Exhibit 21, page 8):

COMMENTS AND SIGNATURES		
Evaluation Meeting		
<input checked="" type="checkbox"/> I have met and discussed my performance with my coach officer or my accountable supervisor. <input checked="" type="checkbox"/> I have reviewed and discussed with my coach officer or my supervisor, my responsibilities under the policy on Safe Storage and Handling of Firearms. <input checked="" type="checkbox"/> I have reviewed and discussed with my coach officer, or my supervisor, my performance in relation to my responsibilities under the Professionalism, and Workplace Discrimination and Harassment Prevention policies.		
Employee's Comments:	EVALUATION IS 2 MONTHS BEHIND, WAS ADVISED THERE WILL BE NEGATIVE ASSESSMENTS/RATINGS IN THE EVALUATIONS THAT ARE STILL OUTSTANDING; CHANGING PLATEAUS 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	

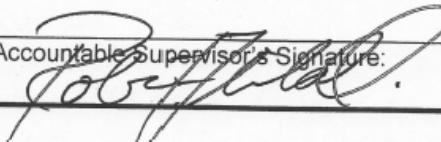
Accountable Supervisor's Comments (Mandatory):

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:

 R. SEI.

Accountable Supervisor's Signature:



Date: 16 Aug 09

Detachment Commander

Comments (Mandatory): *No issues with the members development have been raised. It appears from all accounts of his council & Sst he is progressing satisfactorily*

Detachment Commander:

Campbell M2

Detachment Commander's Signature:

*M2*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:
<p>SAT 18 Jul 09</p> <p>0600 - on duty serving</p> <p>[REDACTED]</p> <p>ongoing neighbor dispute</p> <p>1615 [REDACTED]</p> <p>1637 [REDACTED] returning</p> <p>[REDACTED]</p> <p>neighbor dispute paperwork 1743 spoke to P.C.</p> <p>JACK</p> <p>-adv him I want him to interview X all involved parties up a possible criminal harassment</p> <p>1800 off duty</p>	<p>The ongoing neighbor dispute that Sgt. Flindall mentions was Standaert vs. Anderson (Exhibit 47c, pages 60, 64 – 70).</p> <p>Sgt. Flindall ordered me to interview the involved parties to see if a possible criminal harassment case could be made.</p>

	SAT 18-JUL-09
	SUSPECT
	[REDACTED]
	A
	[REDACTED]
06:23	SHIFT BRIEFING
06:35	OVER
06:42	SPOUSE WITH P/C DATING PC HAD PROFESSIONAL DEVELOPMENT, NIC METHODS
07:00	[REDACTED]
	THREATENED BY A VALIANT OR PEOPLE
	[REDACTED]
07:10	DRIVEN CM, LEFT MISS
07:25	WORK ON FRAUD CROWN BMR SPO9087157 -ADDED CHARGES -ADDED CROWN BMR SYNOPSIS.
08:16	TRANSCRIBED WITNESS STATEMENT OR
09:30	FINISHED.
09:35	DRIVEN WITNESS STATE OR NICHE.
22:11:35	GLORIA CALLEN RE: MVC

	SAT 18-JUL-09
11:45	SPONSOR WITH PC DATING ON THE PHONE PROSPECTIVE MVC RESOLUTION/SETTLEMENT
12:00	PRISON TYPING WITNESS STATEMENT PHONE SPO9087157
	[REDACTED]
13:45	SEARCHED 47, PIONEER
13:46	10-19, 10-7 ADVISED BY SGT FELONIOUS TOW LOOK SERIOUSLY INTO [REDACTED] [REDACTED] NASH. DISPENSE AND SIGN INVITATION TO PAGE FOR GIVING TESTIMONY AS TIME ALLOWS
13:50	OPT RNTY PC 12640 2MA
	SUN 19-JUL-09
0545	ON DUTY
01C	???
10-13	+20°C, VARIABLE CLOUDINESS
SOFT	JI-301
HAND	TX52
MIL	108912 108997

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:

18 JULY 2009
0640 appr appr
speak w/ PC JA
re issues -
(1) current [REDACTED]
[REDACTED]
(2) other people's calls
(3) WINK issue
0653 (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 w/
brief.
0810 + [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
0845 - [REDACTED]
0930 [REDACTED]
10:15 [REDACTED]
10:20 [REDACTED]
1023 [REDACTED] 8i

18 JULY 2009

06:40 appr approximately
speak with PC Jack
re issues -
(1) current [black] ???
[black]
(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 [black]
07:21 assist PC Jack with
brief
08:10 [black]

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

<p>1700 [REDACTED]</p> <p>meet Sgt Flindall advise PC Jack has a neighbor dispute that he's working on that could be turning into criminal harassment PC needs to do formal statements from neighbors + complainants - get them in & do video statements - Sgt Flindall needs to talk to him about this notes + shift concl 1800 OFF DUTY JenPayne</p>	<p>[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</p>
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(July 18, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments:	
<p>unless asked</p> <p>- not because 'irritated' (his words) - motivated racially.</p> <p>can mess up investigation</p> <p>PC JACK said he heard people speaking Jewish @ Tim Hortons + heard from [black] Jewish camp in area</p> <p>was in area + patrolled</p> <p>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 so went out to talk with them.</p> <p>tried to say he</p> <p>PC JACK then said there wasn't much time to talk so he didn't get to tell me that other stuff</p> <p>- bottom line is he doesn't get involved in other investigations unless asked.</p> <p>told him that if he felt he could assist he should have approached investigation officer to see if enquire</p> <p>- Discussed "wink"</p>	<p>unless asked</p> <p>- not because 'irritated' (his words) – motivated racially.</p> <p>- can mess up investigation</p> <p>- PC Jack said he heard people speaking Jewish @ Tim Hortons</p> <p>+ heard from [black] Jewish camp in area</p> <p>- was in area + patrolled</p> <p>- 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</p> <p>so went out to talk with them</p> <p>- tried to say he</p> <p>PC Jack then said there wasn't much time to talk so he didn't get to tell me that other stuff</p> <p>- bottom line is he doesn't get involved in other investigations unless asked.</p> <p>- told him that if he felt he could assist he should have approached investigation officer</p> <p>- to see if enquire</p> <p>- Discussed "wink"</p>	<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 w 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 when he looked me up + down + made clicking sound w mouth + winked + 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> 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 when 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 am 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):

<p>time his eye will just close like that.</p> <p>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.</p>	<p>time his eye will just close like that.</p> <p>- 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</p> <p>- I advised him to let me know later when/if he wanted to talk about it.</p>
<p>0721 - assist Jack w/brief Fraud - to do sup for brief</p> <p>+ needs to stay @ det to get synopsis of video statement re victim/witness for brief.</p> <p>- should take 1 1/2 - 2 hrs to complete what he needs to do</p> <p>- Synopsis video statement new CR</p> <p>- photocopy notes</p> <p>- photocopy other documents</p> <p>- told him when done doing video statement go to ESO to complete the rest to be in zone</p> <p>1152 [black] from PC Jack said he got a call 23</p>	<p>07:21 - assist Jack with brief Fraud – to do sup for brief</p> <p>- needs to stay @ det to get synopsis of video statement re victim/witness for brief.</p> <p>- should take 1 1/2 - 2 hrs to complete what he needs to do</p> <p>- synopsis video statement</p> <p>- new CR (Crown Report)</p> <p>- photocopy notes</p> <p>- photocopy other documents</p> <p>- told him when done doing video statement go to ESO to complete the rest to be in zone</p> <p>11:52 [black] from PC Jack said he got a call</p>

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

from PC Jack -
 Said heard from
 mother of D1 from
 PI MVC who he
 wants to charge
 wanted to know what
 to say to her
 - I advised gave her
 doc's back - she's
 R/O of veh
 - tell her charges
 pending on her son's
 re careless driving
 do up brief + request
 summons
 10:41 am - PC Jack called
 me while @ ESO
 just finished
 transcribing statement
 - I don't believe it is
 a summary
 Said she's @ 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
 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 because
 he's been in office
 all day working on
 brief + I've been out
 in my zone doing

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

<p>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.</p>	<p>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</p>
<p>4hr 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.</p>	<p>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.</p>
<p>14:29 hr [REDACTED] Sgt. Flindall on Sat call o advice him PC JACK tried to get me to do call he was dispatched to - when he's been in office all</p>	<p>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</p>

(July 18, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments:
<p>day</p> <p>- discuss he has time management issues</p> <p>- it would be interesting when I see/check his notebook to find out what he's been doing for the last 9 hrs</p> <p>- when he only had 1½ approx. 2 hrs of work for brief</p> <p>- with 6 months under his belt he should be more proficient with time management + jumping up in at calls for service</p> <p>1549 [black] from PC Agolini re property from PI MVC [black]</p> <p>- has iPod [black]</p> <p>[black] has attended det to pick up iPod that got @ scene apparently gave to officer.</p> <p>- call PC Jack – advised that he forgot + had cell phone in his duty bag – forgot in side pouch of duty bag</p> <p>1700 approx PC Jack advise he can</p>	<p>day</p> <p>- discuss he has time management issues</p> <p>- it would be interesting when I see/check his notebook to find out what he's been doing for the last 9 hrs</p> <p>- when he only had 1½ approx. 2 hrs of work for brief</p> <p>- with 6 months under his belt he should be more proficient with time management + jumping up in at calls for service</p> <p>15:49 [black] from PC Agolini re property from PI MVC [black]</p> <p>- has iPod [black]</p> <p>[black] has attended det to pick up iPod that got @ scene apparently gave to officer.</p> <p>- call PC Jack – advised that he forgot + had cell phone in his duty bag – forgot in side pouch of duty bag</p> <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):

<p> 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 </p> <p>  </p>	<p> 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 -----> </p>
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(July 18, 2009) (Volume 3, BB) Point Form Chronology:

18Jul09 - PC Payne

- On the 18th 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 14th 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 5th bullet point entry is as follows:

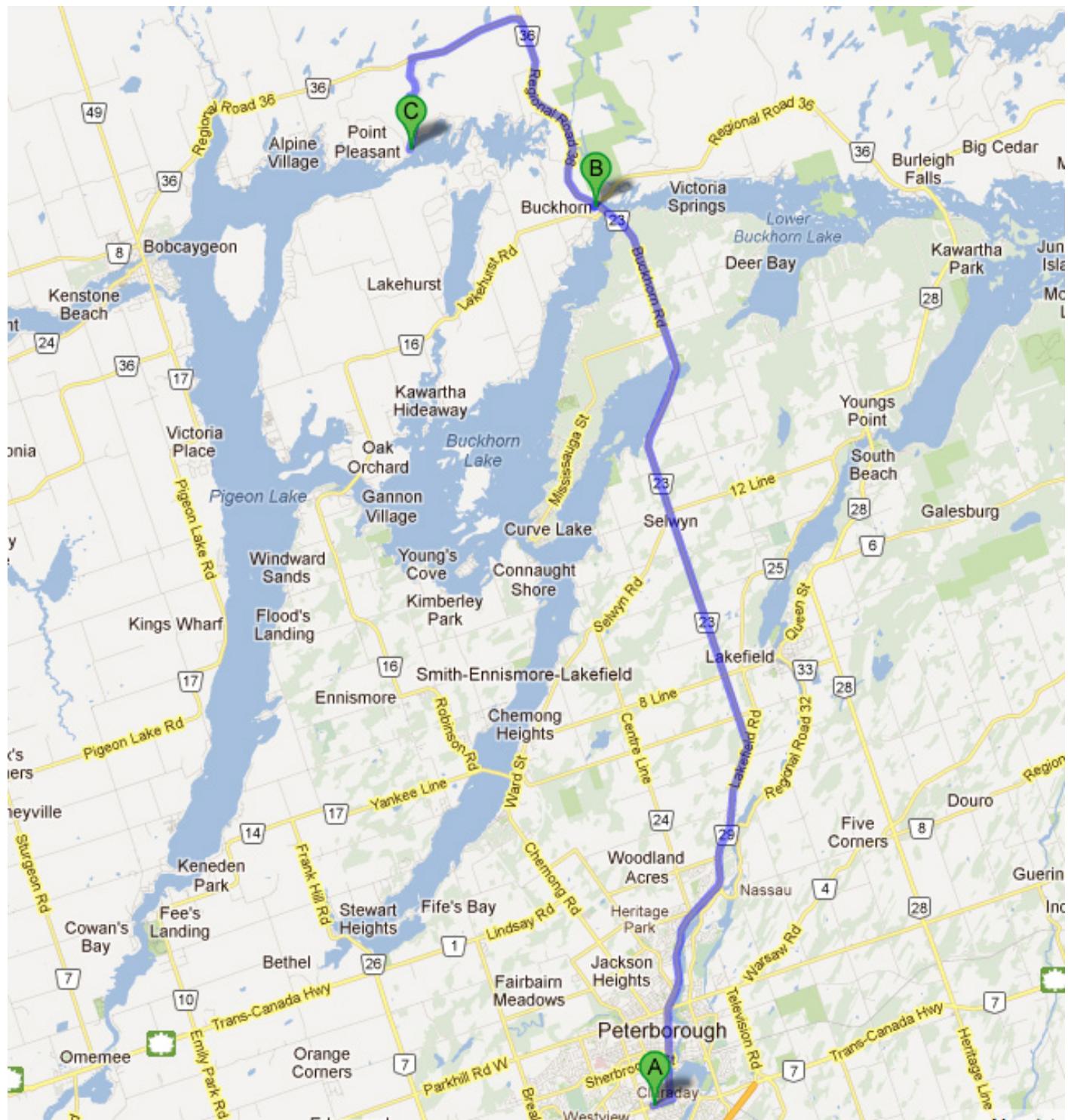
I contacted PC Payne and asked her if she could take the call because of the address of the Break & Enter call (Point C) was a relatively short distance north of Buckhorn (Exhibit 47, page 77) and PC Payne was already in Buckhorn (most likely in the Community Police Office) as shown in the following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

SP09159819	OPP	B-E bus/res/oth	2009/07/18	Complete - unsolved - 1408
			13:52	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 THOUGH
				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 - 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 calls for service</p>	<p>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 calls for service</p>

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):



 <p> A 453 Lansdowne Street, Peterborough, Ontario B Buckhorn, Ontario C 1408 Kennedy Dr, Galway-Cavendish and Harvey, ON </p> <p>Add Destination - Show options</p> <p>GET DIRECTIONS</p>	
<p>Driving directions to 1408 Kennedy Dr, Galway-Cavendish and Harvey, ON</p> <p> A 453 Lansdowne St W Peterborough, ON K9J 3V1 </p> <p>1. Head east on Lansdowne St W toward Park St S 650 m</p> <p>2. Turn left onto George St S 1.3 km</p> <p>3. Turn right onto Sherbrooke St 86 m</p> <p>4. Turn left onto Water St 7.4 km</p> <p>5. Continue onto Lakefield Rd/County Road 29 3.9 km</p> <p>6. Slight left onto Buckhorn Rd/County Road 23 Continue to follow County Road 23 19.6 km</p> <p>7. Turn left onto Lakehurst Rd/Regional Road 16 (signs for County Road 23 S) 120 m</p> <p>33.1 km – about 39 mins</p>	<p> B Buckhorn, ON </p> <p>8. Head northwest on Lakehurst Rd/Regional Road 16 toward County Road 36 120 m</p> <p>9. Take the 1st left onto County Road 36 11.2 km</p> <p>10. Turn left onto Kennedy Dr 98 m</p> <p>11. Turn right to stay on Kennedy Dr Destination will be on the right 3.4 km</p> <p>14.9 km – about 18 mins</p> <p> C 1408 Kennedy Dr Galway-Cavendish and Harvey, ON </p>

- 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: 1I21, 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: 1I03, 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: 1I03, 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: 1I21) 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: 1I05, 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 [black]

11:24 [black]

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

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
DPO 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

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

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

(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 6am to 2pm - said busy</p> <p>- said he reviewed GOR for this occurred + reviewed the DVD 3 times & got synopsis right advised Jack to contact complainant re 2 other calls</p> <p>PC & other calls [REDACTED]</p> <p>Aug 18 ESO to work out of [REDACTED] in Zone</p> <p>- I asked PC Crowder to advise me when PC Jack left office for ESO</p>	<p>- everyone else can manage these types of calls ??? and others</p> <p>- further I asked PC Jack what had he done all day in office from 6am to 2pm - said busy</p> <p>- said he re worked GOR for this occurrence + reviewed the DVD 3 times to get synopsis right</p> <p>- advised Jack to contact complainant re 2 other calls [REDACTED]</p> <p>+ get to ESO to work out of [REDACTED] 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 [REDACTED] to locate female cashier reference statement</p> <p>+ then went to ESO</p> <p>- while at [REDACTED]</p>	<p>11:21 - received text 11:21 am from Crowder that Jack on road now</p> <p>- PC Jack went to [REDACTED] to locate female cashier reference statement</p> <p>- then went to ESO</p> <p>- while at [REDACTED]</p>
<p>29</p>	

(July 19, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):	Comments:
<p>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</p> <p>+ 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 cashiers lived outside the Peterborough County.</p>

19Jul09 - PC Payne

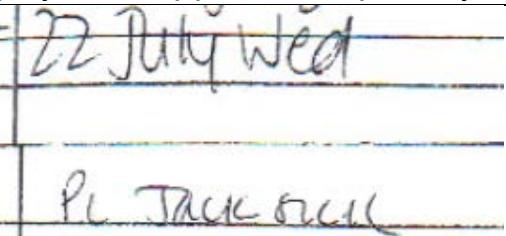
- 4 people working and had to call people in on OT. I was officer in charge for the weekend.
- At approx 10:00am I assisted PC Jack with his Fraud brief. I asked to check the synopsis of the statement of the witness he had done. I wanted to see what took him so long. I discovered that it was pretty much 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:

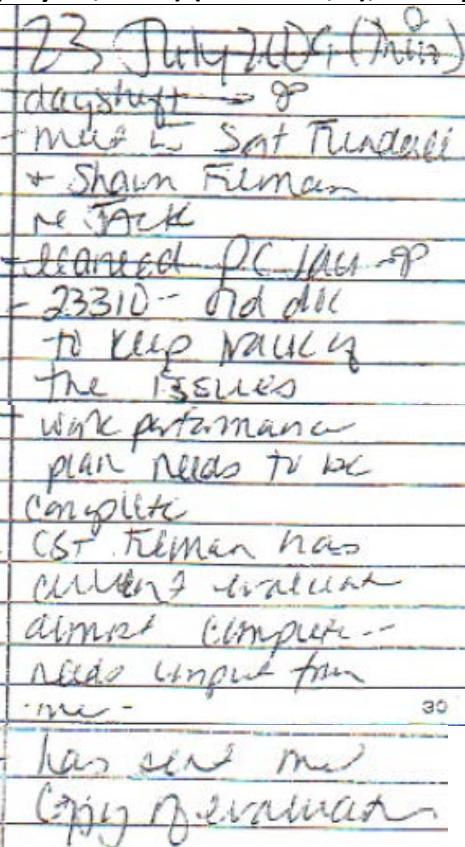
- The shortage of personnel is a managerial issue, but it indirectly affected me since I had to deal with calls where, though I might have wished to have some assistance I would have inevitably had to deal with calls entirely on my own.
- Again what would and should take an experienced officer the length 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

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

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

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

122 JULY 2009
12:29 [redacted] det
12:35 Speak w Sgt Flindall
+ Cst Filman re:
PC Jack
BOS

22 July 2009

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>ref his mt line before - give him to get on to be solar P.C. JACK'S PCS 066 is almost complete. - currently some issues with his performance PC Payne is assisting him - last SMT I spoke to him about what he's been working on the last 3 yrs - told he was transcribing a statement for a brief - asked him if it was the crown's request - ad m't</p>	<p>advis him he should only be doing a 90</p> <p>synopsis entree Crown 109 so can do it 109 to have 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 issue and he isn't doing what he's supposed to do uses his language as a barrier to do spe. concern about issues</p>	<p>speaking w/ S/Sgt. Al carrie about P.C. JACK. - adv to complete tracking form and work improvement plan - will speak to Payne and Filman.</p> <p>103 1235 - meeting w/ 92</p> <p>P.C. PAYNE PC FILMAN ref P.C. JACK'S PCS 066, gen info, forms & work improvement plan - both are going to put specific issues onto a tracking general info form gen to add documents to JACK'S PCS 066</p> <p>1236</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 how Jen Payne Assisting as mentor not able to multi task not able to take direction out at cpo's direction out at cpo's wait in buckhorn independent - 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>Advised document problems by coaches - 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.

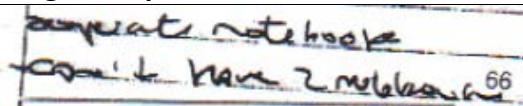
(July 22, 2009) (Volume 3, BB) Point Form Chronology:

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 contravention 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 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 requested 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 @ 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</p> <p>during briefings</p> <p>- noticed PC Jack</p>	<p>- 23 July 2009 (Thurs)</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</p> <p>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. 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:

<u>23 JULY 2009</u>	
18:05	meet w. Sgt Flindall discuss PC Jack - Harassment call assigned to this afternoon - discuss MVC's brief + 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

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	
11:20	R/C WALK IN ZONE 3, COMPLAIN MANAGEMENT	A PERIOD OF 22 MONTHS. THE CMS OWE [REDACTED]
11:22	INTERVIEW TWO PARTIES RE: COMPLA IN MANAGEMENT	A LARGE SUM OF MONEY, ~ OVER \$100, 000 AND JUST FILED FOR BANKRUPTCY (ON 20-346-04) THEY ARE FEARFUL FOR THEIR SAFETY, HOWEVER, DECLINE TO LAY CHARGES
CM1:	THU 23 - JUL - 09	AT THE MOMENT
DL#	[REDACTED]	THU 23 - JUL - 09
CM2:	[REDACTED]	AND DO NOT WANT ANY POLICE INVOL- VEMENT AT THE MOMENT. THEY WANT TO ATTEMPT
DL#	[REDACTED]	TO RESOLVE THE ISSUE WITHIN THE FAMILY FIRST, AND WISH [REDACTED] TO WAIT FOR A DAY.
SP09164458	@ 13:05 BOTH CM1 & CM2 WERE SHOWN BY COMMISSIONER OR OATH HARSH CHARACTER.	CMS WANT TO HAVE A REPORT ON FILE FOR NOW.
SP09164458	BOTH COMPLAINTS PROVIDED A VIDEO/AUDIO RECORDED STATEMENT	Q: AFTER READING THIS STATEMENT, DO YOU WISH TO ADD, MODIFY OR DELETE ANYTHING?
SP09164458	CM1'S BROTHER	A: NO
SP09164458	[REDACTED]	14:20 INTERVIEW CONCLUSION
SP09164458	[REDACTED]	[REDACTED]
SP09164458	HAS BEEN HARASSED 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:

THU 23-7-09
[REDACTED]

12:00 A

12:00 WOMEN OF [REDACTED]
CASE, ADDS CHARGES
13:00 ORIGINATOR WRITER
SIGNED STATEMENT
INVESTIGATION CASE
FROM [REDACTED]

18:30 SGT RUMMEL
SPEAKS WITH THE
FAMILY MEMBERS
NO COURSE OF
ACTION

59

THU 23-7-09

WAS CONCERNED
[REDACTED] MIND A
NUMBER OF THINGS
OVER THE COURSE
OF THE DAY WHILE
TRYING TO GET CHARGES
OR NOT.

SUSPECT NAMES

[REDACTED] OLD

12:40

1/2 DECIDED TO PROCEED
WITH THE CHARGE
OF CRIMINAL
MANAGEMENT
AGAINST [REDACTED]

STARTED PAVING
CROWN BMCR
TO L.G. JACK.
TRANSCRIBED VIDEO
STATEMENT,
PHOTOGRAPHED PHOTOS
WITH BLACKED OUT
PICTURES OF THE
VICTIM.

NO CHARGES
DUE GO TO OR MORE
REVISED SIGNATURE
OR THE NPC FOR
ARREST OR
WIGGINS ON

P/C BROOKLEY ASSISTED
WITH THE PREPARATION
OF WITNESSES +
PTA

60

FM 24-7-09
S/SGT CAMPBELL
APPROVED FOR
P/C JACK TO SO
HOME AND
COME BACK IN
AS AVAILABLE TO
CONTINUE WITH
THE CASE.
01:00 OFF DUTY
PL 12600 200

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

23-July 09
 1800 RFD night
 1800-0600
 HI-1318
 SI-11304
 Veh-Ok
 Equp-OK
 Roads- wet
 Weather-Rain, Thunder Humid
 1815 Info Sgt Flindall
 Advises PC JACK
 Working on criminal
 Harassment

 23-July 09
 1805 Info Sgt FLINDALL
 advises PC JACK
 action on Criminal
 Harassment

 To be arrested
 ie 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)

 To be arrested
 ie Criminal Harassment
 Conducted
 Interviews of
 victim, and witness
 Info FLINDALL
 -PC WAGER
 does not know if
 Conflict exists
 WAGER told him to
 come by street or
 road and to tell
 him 3 days
 -Sgt FLINDALL
 stated do not
 -not WAGER
 to

 1834 -Info JACK
 no charges and
 required only caution

23 July 2009
 1800hrs RFD Nights
 1800-0600
 HI-1318
 SI- 11304
 Veh-Ok
 Equp-OK
 Roads- wet
 Weather-Rain, Thunder Humid
 1815 Info Sgt Flindall
 Advises PC JACK
 Working on criminal
 Harassment

 To be arrested
 ie 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):

<p>To Beadell 1109-101 escort DAS. 0028 6:15 Call from PC JACK - saying he going to arrest male re Criminal Harassment - advised they had no charges - further, charged his mind unclear why. - now stat. has been working - case - advised male should have been arrested earlier 24 July 09 arrested earlier and told to call suspect at 1815 and had said not arrested till 1930 and FLINDALL - JACK states will come in now to work on case unclear why states you are OIC OIC</p>	<p>24 July 2009</p> <p>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</p>
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(July 23, 2009) Counsel's additional disclosure (March 13, 2012 and April 3, 2012),
 PC Hanna's notes (Original & Transcribed):

<p> <u>- advised again</u> <u>Arrest should have</u> <u>been started</u> <u>6 hrs ago.</u> <u>Told male to</u> <u>call male now</u> <u>and make arrangements</u> <u>to turn self in</u> <u>as no grounds</u> <u>for warrant.</u> <u>- states will call</u> <u>suspect.</u> <u>End call</u> </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>
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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:

<p>THU 23 JUL</p> <p>PTA + OIC undertaking & would leave in his diary slot - he asked about who would approve his OT if he came in tomorrow</p> <p>- spoke to S/Sgt. Campbell who was at detachment he approved Jack to come in for 9am to arrest suspect</p> <p>- drafted up PTA & OIC & placed in Jack's diary slot -</p> <p>[black]</p> <p>[black]</p>	<p>THU 23 JUL</p> <p>PTA + OIC Undertaking & would leave in his diary slot</p> <p>- he asked about who would approve his OT if he came in tomorrow</p> <p>- spoke to S/Sgt. Campbell who was at detachment he approved Jack to come in for 9am to arrest suspect</p> <p>- drafted up PTA & OIC & placed in Jack's diary slot</p> <p>[black]</p> <p>[black]</p>
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(July 23, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

<p>on air advising comms of current locations</p> <p>11:20 advised to [black] re Harassment call</p> <p>12:20 [black] PC Jack) interview victim / complainant + waited for them to make decision</p> <p>16:05 - he spoke with [black] @ [black] - 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.</p> <p>18:05 met w/ 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</p>	<p>on air advising comms of current locations</p> <p>11:20 Jack advised to [black] re Harassment call</p> <p>12:20 [black] PC Jack) interview victim / complainant - + waited for them to make decision</p> <p>16:05 - he spoke with [black] @ [black]</p> <p>- found out when girl cashiers were + asked Sgt. Flindall to come in on OT tomorrow (Fri) to interview them</p> <p>- still never got their details ie name, DOB, address, etc.</p> <p>18:05 - met with Sgt. Flindall discuss Harassment call PC Jack doing</p> <p>- 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</p>
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(July 23, 2009) (Volume 3, Z), PC Payne's notes (Re PC Jack):

<p>Statement - summarize do not transcribe the DVD.</p> <p>- 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</p> <p>- 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 hr + when he came back PC Brockley learned he had gone to [black]</p> <p>and bought earphones</p> <p>- I asked PC Brockley if he's asked for any assistance he advised he hadn't</p> <p>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</p> <p>+ I later learned from PC Brockley that 33</p>	<p>statement - summarize do not transcribe the DVD</p> <p>- 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</p> <p>- at approximately 2100 hrs – 2200 hrs I received (9:32 hrs on cell)</p> <p>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]</p> <p>and bought earphones</p> <p>- I asked PC Brockley if he's asked for any assistance he advised he hadn't</p> <p>- 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</p> <p>- I later learned from PC Brockley that</p>
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(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
 orders/instructions
 - male never arrested
 - PC Brockley +
 PC Jack spoke w/
 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 for 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 17th 23 July 09 on duty 1218- P.C. say to dev Q missing handle that approved. P.C. FLINDALL adv P.C. JACK has been called back for a criminal harassment 96</p> <p>1825- P.C. JACK says his complainant is refusing on charges P.C. JACK has 97</p> <p>taken the time to obtain statements she is unsure of whether she wants to have charges laid soaking in about her complaint - see now wishes to proceed w/ charges - definitely doesn't feel strongly for charges</p>	<p>bring laid out to going off duty while be back about what he needs to get done add priority - adv him to complete CR Synopsis (GOR later), show cause photography 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 photography his notes have already spoken w/ highlights O.K. P.C. HARRIS 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 etc for about packing up suspect while he completes the brief package - went over instructions 99</p>
		<p>23 July 09 - cont'd - type with him - advise he understand - he wrote what needed to be done on a ie JEWEL 91 he had to get his notes caught up asked if he had any questions - adv one 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 23rd 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 2nd 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 and 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:

2204 ~~Tuesday 23 Jul 09~~
0043 ~~Per [redacted]~~
0043 ~~authorized~~
OT. Mike
[redacted]
will come am
0100 OFF Duty

Thursday 23 July 09

22:04 [black]
00:43 – Authorized
OT. Mike
[black]
Will come am
01:00 OFF Duty

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

23 Jul 09

2204

Paged by Bruce Hanna- pone died returned to residence called cell phone Sgt.
2224 Advised of factory fire Buck ham Transport 13 3rd 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 3rd line from 28 hwy to scriven line evacuated initially & then wind shift so evacuated 4th 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 o [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 23rd 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 envelops 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.

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

PM 24 - JUL - 09

10:00 ON DUTY
OLC P/C POSTMA
10-13 +20°C, Thunder-showers
SOFT 17-097
MMO 1-202
██████████ MIL 62676/62743
10:25 SPOKE WITH ██████████
██████████
██████████ ADVISED P/C JACK
THAT THEIR FAMILY
HAD JUST RECEIVED
4 HOME REGISTRED
LETTERS FROM
██████████
WITH FAMILY PICTURES
IN WHICH ██████████ AND
██████████ FACES WERE
BLURRED OUT.
HEN ADVISED P/C JACK
THAT ██████████ IS
CURRENTLY EMPLOYED
BY ██████████ CO.
AND IS EXPECTED TO
BE AT HIS PLACE OF WORK @ 11:30

PM 24-766-09
OP [REDACTED] A
[REDACTED] 15
OPERATIONS A
[REDACTED]
WITH A YELLOW
SEANON LIGHT ON
THE ROOF.
LIGHT [REDACTED]
10:48 CONTINUED WORKING
10:48 ON THE CORNERS
RMCF.
1300 PREPARED PTAT
UNDERTAKING FOR
UNIDENTIFIED ON
1410 CO-8 ELA TO
ATTEND TO
LOCATOR
1420 LOCATED AN ENCLAVE
OF [REDACTED]
GROUP Q
EAST OF [REDACTED]
[REDACTED] ADVISED
ME JACK THAT
[REDACTED] WAS
LEFT FOR THE DAY
AND MUST HAVE
PHARACT GONE
HOME.
[REDACTED] 10M
PHONE # [REDACTED]
1430 GASSED UP. PCTAO
[REDACTED]
1433 10-19

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

	FM 24-746-09		FM 24-746-09
14:38	LOCATED [REDACTED] ON MARQUEE Wrote phone to [REDACTED]	16:32	[REDACTED] RECORDED VETER- BOROUGH COUNTY OPP DETACHMENT.
14:48	PHONED [REDACTED] [REDACTED] NO ANSWER @ PHONE	16:34	P/C ARRESTED [REDACTED] - FOR CRIMINAL HARASSMENT
14:50	PHONED [REDACTED] [REDACTED] NO ANSWER @ PHONE	16:34	RIGHT TO COUNSEL WAS READ.
15:08	SPoke with [REDACTED] [REDACTED] ADVISED THAT ON WEDNESDAY AFTERNOONS AT [REDACTED] PLACE, PH # APPROX ADDRESS [REDACTED]	16:36	W? YES LAWYER? NO ABOUT CAUTION READ
15:09	CALLED [REDACTED] SPoke with [REDACTED] [REDACTED] ASKED WIM TO COME TO PTBO DETACHMENT TO MEET WITH P/C JACK. ADVISED [REDACTED] IS COMING IN WINE AN HOUR.	16:40	W? YES [REDACTED] IS VERY PUNCTUAL AND COOPERATIVE P/C DUTIES EXPLAINED TO [REDACTED] THAT [REDACTED] IS GOING TO BE RELEASED ON PTA + DIC UNDER TAKING SO LONG AS [REDACTED] ASKES TO ABIDE BY THE RELEASE CONDITIONS
15:12	ADVISE [REDACTED] FAMILY OF THE DEVELOPMENT CONTINUOUS POLISHING ⁶³ GO	16:45	FORMALIZED [REDACTED] WITH TOTAL [REDACTED] ODDS OF RELEASE - PTA VS BEING HELD IN CUSTODY FOR A MUL MEETING.
		16:47	READ PTA AND UNDERTAKING - ALL SECTIONS,
		16:55	W? YES [REDACTED] SIGNED PTA AND DIC UNDERTAKING

	FRI 24-7-09 AND AGREED TO ABIDE BY ALL THE RELEASE CONDITIONS.	FRI 24-7-09 [REDACTED] PLACE OR MESSAGE [REDACTED] [REDACTED] M.I. [REDACTED] WAS TRANSPORTED BY ONE OR [REDACTED] PERSON MEMBERS IN NED [REDACTED] LIC # [REDACTED]
17:00	[REDACTED] SOMMELDERS [REDACTED] PAL TO PC JACK # [REDACTED] EXPIRY DATE: 17:03 ASKED [REDACTED] WHAT [REDACTED] MANY MOVIES TO [REDACTED] WITH PUBLIC FACES RECKED OUT. [REDACTED] ADVISED PC JACK THAT COURT MAY HAVE PROBABLY DOL IT AND SHOULD HAVE JUST KILLED THEM.	07:50 AT5, KILLED CKL OPP, REQUESTED ASSISTANCE WITH THE INVESTIGATION OR THE PROSECUTION 18:16 PC MURRAY AT5 RANGE. 10623 SEIZED 15 PISTOLS 14 INCHES EACH + 1 HAND GUN SEIZED FIREARMS REGISTRATION CERTIFICATES NO ISSUES IN THE PROCESS 18:35 10-8. EJA TO PTBO 10-14
	[REDACTED] RECOMMENDED TO PROVIDE ANY FURTHER STATEMENTS AND ADVISED PC JACK THAT [REDACTED] WILL NAME [REDACTED] LAWYER LOOK AT THE CHARGE LATER.	19:40 LAST ENTRY SEIZED TWO TACKLE BOXES FULL OF ASSORTED AMMUNITION 19:50 10-19, 10-7 19:20 CALLED [REDACTED] [REDACTED] 2 NO ANSWER @ THE PHONE
17:15	[REDACTED] IS POLITE AND HONEST STANDING OF THE MATTER 10-8 FOLLOWED	66 19:25 TAKED PTA + DIC UNDER.

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

19:30	PHL 24-746-09 TO CPIC	- BRIEF COMM AT 1800hrs [REDACTED] TRIALLED
20:00	ADDED ARREST REPORT ON MICHAEL	PC JACK FOR THE EFFORT.
21:03	LOGGED GUNS	CONTINUE LOGGING FIREARMS
	CALLED [REDACTED] ON THE PHONE SPOKE WITH [REDACTED]	ASSISTED BY PH READ
	[REDACTED] ADVISED [REDACTED] OF THE SITUATION	OFF DUTY PC 12640 [REDACTED]
	- ARREST OF [REDACTED] - RELEASE - RELEASE CONDITIONS - ANYTHING SECURITY	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)	24 Aug July 2009 (FRIDAY)
<p>I received a phone call from PC Laperle enquiring why PC Jack at work today</p> <p>I spoke w OIC Postma regarding PC Jack at work + progress + that he was just to come in + arrest + release male</p> <p>1815 - approx. spoke w PC Postma who called me to advise PC Jack still at office – just arrested male +</p>	<p>- I received a phone call from PC Laperle enquiring why PC Jack at work today</p> <p>- I spoke with OIC Postma regarding PC Jack at work + progress + that he was just to come in + arrest + release male</p> <p>18:15 - approx. spoke with PC Postma who called me to advise PC Jack still at office – just arrested male +</p>

(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 (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 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 24th 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 Omemee 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 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. Brockley did prepare the PTA and left two copies in my diary slot, I had to prepare it from scratch as the PTA that Cst. Brockley 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/L PAYNE
10-13	+24°C, CLOUDY, WINDY
SOFT	1J-302
HAND	1-157
MIC	111396 / 111501
EQUIN	MANA, ASD
1800	[REDACTED]
	ATTACHED P180
	DETACHMENT

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

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
arrived call in
[REDACTED] - call started
arrived 10 mins
to 6pm
18:15 - Shift prep
- briefing
VCARS + support link
18:18 PC Moran advise [REDACTED]
Coming in at [REDACTED]
10pm - PC Jack
was asked by PC 52

28 July 2009 (TUES)

18:00 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 assigned

call in

[REDACTED] call came

in and 10 min to

6pm

- shift prep

18:15 - briefing

VCARS + support link

18:18 PC Moran advise [REDACTED]

coming in at [REDACTED]

- PC Jack was asked by PC

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

<p>17. [redacted] Davidson to take details - refused said he doesn't start until 6pm</p> <p>18. + N Astryn with Comms to Jack</p> <p>18:25 PC Jack asked me if any calls outstanding - advised him he can do zone 3 call assigned to PC</p> <p>Davidson - found property</p> <p>18:44 [redacted]</p> <p>At will make a copy of DVD-video from that night</p> <p>19:12 - at [redacted] advised they provided DVD copies to Cst. Jim Evans - OPP today</p> <p>patrol Water St N/B to Trent -</p>	<p>Davidson to take details - refused said he didn't start until 6pm</p> <p>18: - to assign with comms to Jack</p> <p>18:25 PC Jack asked me if any calls outstanding - advised him he can do one 3 call assigned to PC</p> <p>Davidson - Found property</p> <p>18:44 [black]</p> <p>will make a copy of DVD-video from that night</p> <p>19:12 - at [black] advised they provided DVD copies to Cst. Jim Evans - OPP today</p> <p>- patrol Water St. N/B to Trent.</p>
--	---

(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 furthers 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); Svret, 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: [REDACTED]
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:

PAI 31-242-09 [REDACTED] SEAT EMAIL TO INSP JOHNSON, SGT. FLINDALL, PIC D'AMICO. RE: FOLLOW UP ON [REDACTED] CASE	PAI 31-242-09 [REDACTED] SEAT EMAIL TO INSP JOHNSON, SGT. FLINDALL, PIC D'AMICO. RE: FOLLOW UP ON [REDACTED] CASE
--	--

(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] or 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 provided 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:

PH1 31-04L-09	23:11 MISSING/END
21:50 10-8	23:32 MU STOP - SPEED
PC LAPERLE	1/S 102 KVR
YOGES DO NOT DO	PON 1714714A
2425	23:50 MU STOP - HEADLIGHT OUT
PICK UP THE CAR	DI-PO [REDACTED]
YOGES, DRIVING	ADVISED TO CONTACT X
PROBLEMS, MR. MOL,	ICAD 1547 78
DAMAGE	
1-1305 A 1-3306	
6-1-1-202 0700	

(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):

 Ontario	Motor Vehicle Accident Report			SP09136700	
Report Type	<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Amended	<input type="checkbox"/> Failed To Remain	Accident Number	11-09-00531
Time Officer Arrived or Police Force Reported to:	10:30 HRS	Emergency Equipment in Attendance	SEL FD	Page	1 of 1
Name of Investigating Officer	JACK, Michael			Service Performed	TRAFFIC CONTROL
Name of Submitting Police Force	O.P.P.			Prod. Ident. No. (P.I.N.)	
				Dangerous Goods Involvement	
				Div/Stat/Det	1100
				Plat/Squad	A
				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.