

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

(August 2, 2009) (Volume 1, I-8, I-76):

From: Flindall, Robert (JUS)  
Sent: August 2, 2009 7:15 PM  
To: Johnston, Mike P. (JUS)  
Subject: RE: [REDACTED]

Inspector,

I've just gotten back in from a weeks holidays and have been reviewing emails. I was aware of your email below as Jen Payne called me on holidays to discuss issues with PC Jack - I was almost to Chicago when she called. PC Jack's current employment with us is in serious jeopardy as a result of his actions and inactions. I need to speak with you about this asap to get some input and direction from you on this. I was planning on coming in on Tuesday to speak with you, as long as you are available?

Robert Flindall

It would appear that the above e-mail was a preemptive strike against me. Sgt. Flindall clearly neglected his duty when he left me to work alone on overtime on the Criminal Harassment case (Volume 2, L-13), the proper investigation of which required more time than I was allotted and was beyond my level of expertise. Hence, it was only prudent of him to quickly shift the blame on me, before it became apparent that he neglected his duty in the first place. Otherwise why would PC Payne call Sgt. Flindall during his vacation? What was the urgency? The matter had been handled without any incidents. I wondered for a long time if PC Payne deliberately tried to have her common-law spouse PC Brockley set me up with neglect of duty and insubordination. Why was she trying to nail me for just about anything?

Please not the excerpt: ***'PC Jack's current employment with us is in serious jeopardy as a result of his actions and inactions'***. Since my arrival at the Peterborough Detachment in January 2009 until August 2, 2009, I had not had a single performance evaluation meeting with my accountable supervisor Sgt. Flindall. Did Sgt. Flindall care to follow the Ontario Provincial Police Orders at all? So my employment was in serious jeopardy as a result of whose inactions?

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

- |                        |   |
|------------------------|---|
| Accountable Supervisor | <ul style="list-style-type: none"><li>○ Ensures timely submission of the PCS 066P.</li><li>○ Reviews and signs completed PCS 066P.</li><li>○ Forwards PCS 066P to detachment commander.</li><li>○ Conducts regular meetings with the recruit.</li></ul> |
|------------------------|---|

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

<b>Probationary Constable Performance Evaluation</b>	A coach officer shall complete all monthly performance reviews for a <u>probationary constable</u> assigned to them using information gathered during the evaluation month.
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**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.

(August 2, 2009) Counsel's additional disclosure (April 5, 2012), PC Jack's notes:

<p>SUN 02-AUG-09</p> <p>[REDACTED]</p> <p>P/L JACK ADVISED [REDACTED] THAT DUE TO THE HIGH WORK LOAD IT WILL TAKE A WHILE BEFORE HIS CASE WILL BE THOROUGHLY LOOKED INTO.</p>	<p>[REDACTED] ASKED P/L JACK TO KEEP HIM POSTED / INFORMED ABOUT THE PROGRESS OF THE INVESTIGATION</p> <p>19:15 INTERVIEW CONCLUDED RELEASED DVDS ADVISED SGT. FLINDALL OF THE INTERVIEW AND OF [REDACTED] REQUEST.</p>
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The blacked out name is 'STANDAERT'. 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).



SUN 02 AUG 09  
1700 - on duty  
1918 [REDACTED]

- P.C. JACK II  
- interviewing [REDACTED]  
- up neighbor  
dispute.  
- while away  
on holidays  
I was contacted  
by P.C. PAYNE  
in reference  
to the [REDACTED]  
ON criminal  
harassment  
- PAYNE wanted  
to know what  
direction I  
had given him  
in reference to  
prepping the  
crown brief;  
what to do  
about the  
accused.  
- adv her what  
direction I  
had given  
JACK.  
- PAYNE adv  
that he had  
not done  
anything I  
had directed  
him to do.  
- after I had  
left for the  
evening on  
23 JUL 09 he  
immediately  
started

transcribing his  
video statement  
- I had expressly  
told him not  
to - have  
already spoken  
by him in  
the past about  
transcribing  
videos where  
he had taken  
3 hrs to trans-  
cribe a page  
and a half  
- at that  
time PAYNE  
had told  
him not to  
but he did  
it anyway  
- finished the  
hand typed  
in the hand  
written state-  
ments when he  
was told not  
to  
- he left for  
an hour  
where he went  
to Staples and  
bought hard  
phones so he  
could hear  
the audio  
better.  
- never asked  
for help until  
approx. mid-  
night when  
he talked to  
P.C. BROCKLEY

BROCKLEY took  
up a P.T.A. w  
UNDERSTANDING  
for P.C. JACK  
even though  
JACK knew he  
was to be  
held for bail  
- P.C. JACK asked  
BROCKLEY to  
type up his  
crown brief  
synopsis because  
he was tired  
and wanted  
to go home  
- BROCKLEY  
refused to  
do so adv  
JACK he's the  
one who knows  
all the particulars  
N. Sgt Campbell  
was in on  
another  
matter  
JACK Brockley  
spoke to him  
- he auth  
overtime for  
the morning  
auth to start  
C. BROOKS  
- JACK was in  
@ 1000 hrs.  
- P.C. JACK was  
adv only  
in the morning  
that his suspect  
was working  
outside & in  
the const-  
ruction zone  
@ 11517



instead of attempting to locate a person, he remained in the office to work on his brief.

didn't go out until around 1400 hrs where he discovered

suspect has already gone home.

didn't arrest suspect until around 1630 hrs.

firearms were seized.

climbed at until 2300 hrs (13 hrs)

all told he claimed 30 hrs of O.I. on a matter he was directed to have

complete on 23 Jul 07 by way of a shift or down time for a warrant. I have spoken w/ P.C. FILMAN

we are going to be looking w/ P.C. JACK about the matter.

0030 DEI  
w/ P.C. JACK  
7 [redacted] to speak w/ myself.  
P.C. FILMAN @ DEI - waiting for P.C. JACK  
0312 speaking w/ P.C. JACK about the

matter. when asked why he didn't do as he was directed he didn't have an answer

indicated he was tired, wanted to go home spoke w/ him about the importance of complying with my orders as

those given by Filman spoke w/ him about the paperwork for the placed

the vic in but also himself as well as others.

asked what he thought the outcome would have

been if the suspect had seriously harmed or killed the vic. also advised him he could be charged w/ neglect of duty which would jeopardize his employment w/ the O.P.P.

went over everything I had directed him to do. he tried telling me he didn't know what to do and felt abandoned.

this even though on 23 Jul he indicated he understood and didn't have any questions.

not once did he take responsibility for his actions or inactions.

P.C. FILMAN also brought up an issue with P.C. JACK that he



(August 2, 2009) (Volume 1, B), Sgt. Flindall's notes:

is constantly shopping around for answers from officers until he finds an answer he likes.  
P.C. JACK advised to stop immediately.  
told Jack out direction from either P.C. EILMAN or myself.  
P.C. JACK told us

wanted him to be successful but he's on the wrong path to doing so.  
he asked if he was going to lose his job over the matter - he was advised no, but if he did it again, he was likely

could lose his job.  
P.C. JACK advised he will be receiving reg documentation on his file in the matter.  
0430 - finished w P.C. JACK.

For an in-depth story about the Criminal Harassment case (SP09164458), please refer to the *Listening Skills* section in my rebuttal to my Month 6 & 7 PER (Exhibit 57, pages 4 - 7).

#### Some key points of my side of the story:

'... at around 10:30 pm asked Cst. Brockley 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. Brockley 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. Brockley that this was not what Sgt. Flindall ordered me to do and showed him a piece of paper with Sgt. Flindall's instructions. Cst. Brockley 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.'

When I attempted to justify my actions and defend myself on August 3, 2009, Sgt. Flindall told me that his Sergeant order given to me superseded that of a Constable and that I disobeyed his order and he was considering charging me under the Police Services Act with neglect of duty and insubordination.

On July 24, 2009, at 00:30 am I was given permission by S/Sgt. Campbell to return to work at 10:00 am and not 9:00 am like Sgt. Flindall documented in his officer notes.

On July 24, 2009, I sought help from PC Kevin Duignan with preparing the PTA and OIC Undertaking since the ones that PC Brockley prepared were incorrect and were not even saved in the Niche RMS.

On July 24, 2009, I also sought help from A/Sgt. Jason Postma to explain to me how to do the arrest. While I do not remember the entire conversation we had, I clearly remember Sgt. Postma saying to me the



following, 'No one can force you to arrest a person and charge a person. You have to believe in it and you have to decide what to do'. When he was saying that, he was emphasizing it by pointing a finger at me to stress the importance of the word 'you'.

Retrospectively, I am so ashamed that I arrested and charged a person (Mr. John Derek Williamson) without due investigation simply because his brother-in-law (Mr. Kenneth Comtois) coerced his wife to use police to take her brother off their back for owing him large sums of money (Exhibit 47c, page 61). Had I only been given more time to properly investigate the matter, I would have never charged Mr. Williamson with anything. He should have either been simply spoken to or in the worst case scenario imposed a Peace Bond through courts. Again, I am ashamed.

As for shopping for answers, if my coach officer did not treat me like a leper from the very beginning I doubt there would be a need for me to "shop for answers".

Moreover, the value of the decisive insight is only achieved upon realizing the collective knowledge of the majority where after one is able to make a well-meaning and knowledgeable answer.

Last but not least, charging people without due investigation was a common practice amongst Peterborough County OPP officers (Exhibit 110). I, on the other hand, was very hesitant to charge people without getting my facts straight first.

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

**02Aug09 - Sgt. R. Flindall**

- Upon my return to work on the 2<sup>nd</sup> of August 2009 (away on holidays) I learned that PC Jack failed to complete the assigned tasks given to him on the 23<sup>rd</sup> of July 2009 in relation to the criminal harassment investigation.

After I had left for the day on the 23<sup>rd</sup> of July, PC Jack transcribed the complainants video statement and entered in a General Occurrence report that evening. This is the exact opposite to what I had advised him to do. The remaining items he was instructed to complete were not completed. PC Jack failed to seek assistance from a light duties officer, PC Brockley, who was present in the office until approx. midnight. At that time, PC Jack asked PC Brockley to read his victim statement and also requested PC Brockley to write his crown brief synopsis. PC Brockley declined advising it was PC Jack's responsibility to complete the same. As such, a crown brief was not completed that evening in order to request an arrest warrant the following day.



Late in the evening on the 23<sup>rd</sup> July, S/Sgt. R. Campbell had attended the Detachment on an unrelated matter and approved overtime the following day at the request of PC Jack.

PC Jack returned to work the following morning at 1000 hrs to continue his paperwork that should have been completed the evening previous. Shortly after beginning his overtime shift, PC Jack learned that his suspect was working with the construction company just outside the Peterborough County Detachment on Hwy 7. Instead of attempting to take the suspect into custody, PC Jack continued to work on his crown brief. Four hours later, PC Jack attempted to locate the suspect at his worksite, but learned he had gone off duty for the day. PC Jack was unable to locate the suspect until 1509 hrs, where he turned himself in at 1632 hrs. The suspect was subsequently arrested and firearms seized.

As a result of not following the instruction given to him by myself, PC Jack put the safety of his complainant into jeopardy. He also claimed a total of 30 hrs of overtime on this occurrence.

After learning this information, I met with PC Jack and PC Filman to discuss PC Jack failing to follow my orders. When speaking with me about this, he confirmed the instructions that I had given to him and the fact that he had understood them. When I asked him why he didn't complete the assignment as directed, he did not provide an explanation, other than to state that he was tired, felt abandoned and did not have any help. This was despite the fact that 2IC Hanna was aware of his assignment and that PC Brockley sat across from him for the better part of the evening.

Also spoke with PC Jack about "answer shopping". Complaints had been received from his peers, both on shift and from other shifts. He was advised to seek direction from his coach officer or Sergeant and that he is to follow these directions. See August 6<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup> and 15<sup>th</sup> for examples of PC Jack continuing to answer shop.



	<p>MON 03-11-09 CPL DRIVES [REDACTED] CPL WAS 4 CALLER [REDACTED]</p>	<p>MON 03-11-09 ASSIGNED TASKS AND THAT IT IS NOT ACCEPTABLE. P/C JACK ADVISED SGT FLINDALL THAT HE WAS BEEN CALL TO CALL TO CALL AND DID NOT GET ANY HELP FROM HIS COACH OFFICER WITH RESPECT TO HANDLING AN, BUT ONE CRIMINAL CASE EXCEPTION. NVS COMRADE P/C JACK ASKED SGT. FLINDALL IF P/C JACK'S EMPLOYMENT IS IN JEOPARDY, TO WHICH SGT. FLINDALL RESPONDED: "AT THIS POINT YES". P/C JACK ADVISED SGT FLINDALL THAT HE HAD BEEN WORKING LOTS OF OVERTIME NOT CLOSING AND STUDYING ON HIS OWN IN HIS FREE TIME HOW TO DO THE POLICE'S JOB. WITH RESPECT TO HANDLING THE CRIMINAL INVESTIGATIVE CASE. [REDACTED] P/C JACK ADVISED SGT FLINDALL THAT ON JUL 23RD 2009,</p>
0135	<p>BROCKHOLM CSO WORKED ON NVS WILLIAMSON &amp; NVS STEPHANSON CASES</p>	
0230	<p>10-8</p>	
0252	<p>10-19</p>	
0310	<p>CONVERSATION WITH SGT. FLINDALL &amp; P/C FLITMAN ABOUT M7 PERSONNEL WAS ADVISED ABOUT HIS UNSATISFACTORY PERFORMANCE WITH RESPECT TO THE HANDLING OF THE [REDACTED] CRIMINAL INVESTIGATIVE CASE, THAT IT TOOK TOO LONG TO COMPLETE. SGT FLINDALL ADVISED P/C JACK THAT IT TAKES TOO LONG FOR P/C JACK TO COMPLETE HIS</p>	



(August 3, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

MON 03-AUG-09  
 HE WORKED A 19  
 HOUR SHIFT AND  
 WHICH HE WAS  
 ASSIGNED THE  
 CASE AND INSTRUCTED  
 TO LAY THE CHARGE  
 @ 18:40 HRS. FIRST,  
 P/C JACK WAS 13  
 HOURS INTO THE  
 SHIFT, SECOND, HE  
 HAD NEVER HANDLED  
 CASES OF THIS NATURE  
 YET AND HAD NOT  
 BEEN TRAINED TO  
 HAVE<sup>TO</sup> HOW TO HANDLE  
 THIS CASE, THIRD, HE  
 DID NOT GET THE  
 DUE SUPPORT FROM  
 THE NIGHT SHIFTS

APART FROM P/C BRIDGEMAN  
 HELPING P/C JACK  
 WITH THE PREPARATION  
 OF PTAS AND THEN  
 THE PERMISSION OF  
 S/SGT CAMPBELL  
 TO GO HOME @ 01:00  
 HRS ON 24-JUL-09  
 AND COME BACK  
 @ 10:00 HRS 24-JUL-09  
 TO CONTINUE WORKING  
 ON THE CASE.  
 P/C JACK ADVISED  
 SGT. FLINCHAM THAT  
 HE IS GOING TO  
 BE ~~STAY~~<sup>BE</sup> CAUSING  
 OPPA AND SEEKING  
 ADVICE. SGT. FLINCHAM  
 ACKNOWLEDGED. 92

MON 03-AUG-09  
 0800 HRS, EMAILS  
 07:00 OFF DUTY  
 PC 12690 WAK



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

On August 3, 2009, at approximately 3:30 am, I had a meeting with Sgt. Flindall with an Ontario Provincial Police Association (OPPA) representative, Cst. Filman (Yes, my official coach officer!) sitting in on it. I must emphasize that it was only the second time since I reported to the Peterborough Detachment in January 2009 and started working on Sgt. Flindall's platoon that the three of us – Platoon Sergeant Robert Flindall, Coach Officer Constable Shaun Filman and Probationary Constable Michael Jack – actually met for the purpose of discussing my progress (the first meeting took place sometime in the winter of 2009.) Aside from this meeting being a conflict of interest by the dual roles my coach officer was playing it is extremely noteworthy since according to Cst. Lloyd Tapp, who has been a police officer for 23 years, this type of meeting is supposed to be a monthly occurrence. All three (Platoon Sergeant, Coach Officer and Probationary Constable) must be meeting during the monthly evaluation at the least. Cst. Tapp has witnessed this during his tenure with the Peterborough Detachment on 'A', 'B' and 'C' platoons. The absence of such a meeting raises questions of adequacy and quality of a Probationary Constable's development. Yet further, the timeliness this meeting in relation to the latter half of one's probation raises the inference that the Probationary Constable was successful up until a period immediately prior to this meeting. Furthermore, it is also suggestive that if problems existed prior, then why were such meetings not held in the first half of one's probationary period? Consequently the absence of such meetings supports the lack of adequacy and quality of coaching. Hence when reflected upon, at the end of a probationer's employment would it not support a perception of not being wanted, desired, liked, but actually hated? The numerous comments, innuendos in reference to my accent would indeed attest to this perception.

At the meeting Sgt. Flindall advised me that I mishandled the Criminal Harassment case and that he was pissed off that I did not comply with his orders with respect to handling the case. Sgt. Flindall advised me that Cst. Payne had called him during his vacation and advised him that I had failed to comply with his orders with respect to handling the case. Sgt. Flindall further advised me that he was pissed off when he got called as he absolutely hated being disturbed with work related issues while vacationing. Sgt. Flindall then advised me that he had never had such an incompetent recruit yet and that he was considering charging me with neglect of duty and insubordination under the Police Services Act because my mishandling of the case could have cost him his Sergeant's stripes. Note: Sgt. Flindall's attitude towards me and his words 'pissed off' completely and flagrantly violate police orders with respect to how a supervisor communicates and relates to a subordinate, not to mention a probationer (Exhibit 67). *Supervisors must at all times be cognizant of how they impact their subordinates and correction should always be geared towards the goal of building up a subordinate.* I attempted to defend myself by bringing up the very reasons I handled the case the way I did – being abandoned, following the directions of a senior officer (Cst. Brokley), being mentally and physically exhausted, obtaining S/Sgt. Campbell approval to go home (after 20 straight hours of work), and after all that, the case was completed without any incidents. However, Sgt. Flindall was relentless and my attempts to reason with him failed. Sgt. Flindall further stated that his Sergeant rank superseded that of Cst. Brokley and that I should have complied with the orders he gave me and not Cst. Brokley. At the end of the meeting, I asked Sgt. Flindall if my employment was in jeopardy, to which he replied, "At this point yes, and that is why we are having this conversation". I then advised Sgt. Flindall that I had been doing the best I could in the given set of circumstances and that since he threatened my employment I was going to contact the OPPA as per the advice I received during my training at the Provincial Police Academy.

If anything, this example attests to Sgt. Flindall's dire racially motivated disdain towards me. He even made it known to me in his comments "never have I had such an incompetent recruit ... and that I could have cost him his Sergeant stripes". Yet, later he threatened my future employment. His threats materialized shortly afterwards. In that one meeting on the 3<sup>rd</sup> of August he exemplified everything that the OPP's promise (Exhibit 87), OPP's professionalism (Exhibit 88), OPP's Workplace Discrimination and Harassment Prevention policy (Exhibit 89), Ontario Public Service Workplace Discrimination and Harassment Prevention policy (Exhibit 90e) and the Ontario Public Service's pledge on Valuing Diversity (Exhibit 90a) did not want.



With respect to the OPPA's presence during this meeting, my "representative" (coach officer) did nothing to impede the harassment and blatant discrimination I was being subjected to (threats of dismissal, humiliating and derogatory treatment) in plain view. Sgt. Flindall would certainly not be speaking to someone like Cst. Filman, Cst. Payne, or Cst. Nie in similar manner.

Note: My further investigation revealed that the allegations of Criminal Harassment by the complainants against the accused were not substantiated and that had I been given more time to investigate the matter there would not have been sufficient grounds to proceed with laying the Criminal Harassment charge under the Criminal Code of Canada. The complainants were well known to some experienced officers at the Peterborough and the City of Kawartha Lakes Detachments (including Cst. Filman). I believe that should there have been an experienced officer available to assist me with the investigation the case would have never made it to court. Regardless, the matter was eventually resolved in court by dropping the Criminal Harassment charge and proceeding by way of a Peace Bond. I am ashamed of laying the charge against the accused without due investigation. I am also accepting responsibility for being weak for not advising Sgt. Flindall before he left the detachment on July 23, 2009, at around 7:00 pm that I was mentally and physically exhausted and lacked the necessary experience to investigate the case properly on my own that night.

(August 3, 2009) (Volume 2, O), PC Filman's notes:

0234	with [redacted] Complete	no answer - speaking to PC Jack given advice of law to speed up the [redacted] advice for [redacted] management issues - want to [redacted] on [redacted] until
0330	speaking to Sgt. Flindall PC Jack ref performance to date.	he is told to [redacted] concise synopsis - synopsis of statements not transcription unless told to do so
0430	[redacted] [redacted] [redacted] [redacted] [redacted]	0500 [redacted]

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

02Aug09 - PC Filman

- I spoke with PC Jack and gave him advice on how to speed up the completion of crown briefs. The advice included a concise synopsis and completing a simple synopsis of statements of witnesses. I also reiterated that PC Jack should not complete a transcription of a statement unless completely necessary or told to do so.

The date is wrong again. PC Filman and I spoke on August 3, 2009, as is clearly evident from his notes.



**(August 3, 2009) (Volume 1, I-107):**

**From:** Jack, Michael (JUS)  
**Sent:** August 3, 2009 6:42 AM  
**To:** OPP DL Peterborough County Detachment (JUS)  
**Subject:** Found fishing boat on Stoke Lake at Young's point

[REDACTED] called to advise he located a 14" aluminum with motor (u/k what type) fishing boat on Stoney lake. Unknown who the owner is but he tied the boat to the nearest dock, somewhere near 1800's. [REDACTED] calls were made to the provided number and a message was left. FYI in case someone calls looking for their boat.

Michael

Auth Sgt. Flindall

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

Note: I was wrong with respect to the date I called S/Sgt. Coleen Kohen. It is evident from my notes and S/Sgt. Coleen Kohen's notes that I called her on August 4, 2009. Unlike my personal respondents when they compiled the point form chronology I did not have the benefit of access to my officer's notes when I compiled my statement.

On August 3, 2009, I called S/Sgt. Coleen Kohen on her mobile phone (905-973-8877) addressing my concerns and seeking advice. S/Sgt. Kohen was the Staffing Officer in the Human Resources in the OPP Headquarters in Orillia. In a presentation during the orientation week of August 25 – 29, 2008 in Orillia she advised our class (class 411) that her responsibility was to review and file Probationary Constable performance evaluation forms (PCS-066P) and should we encounter problems during our probationary period we are not to wait until the end but call them as they would be able to do something before it was too late. She further stated that when a Probationary Constable is dismissed from employment that Constable's personal file is very thick as they want to ensure that the Probationary Constable has been provided with every opportunity to succeed. When I spoke with S/Sgt. Kohen on the phone she advised me that she works with coach officers, not probationary officers, and advised me to contact the Ontario Provincial Police Association (OPPA) and speak with Jim Styles. This information contradicted her information during the orientation week and a feeling of hopelessness started to well up inside me. Yet, I followed her advice and called the Headquarters of the OPPA in Barrie (1-800-461-4282; 705-728-6161). Jim Styles was on vacation so I spoke with Marty MacMarow, who forwarded the handling of my case to the President of the 8<sup>th</sup> Branch of the OPPA D/Cst. Karen German from Northumberland Detachment of the OPP.

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

TUE 04 - AUG 09  
 OFF DUTY  
 CALLED S/SGT.  
 COLLEEN KORMEN  
 FROM BURLINGTON  
 DETACHMENT AND  
 ADVISED HER OF  
 P/C JACK'S SITUATION.  
 S/SGT KORMEN ADVISED  
 P/C JACK TO CALL  
 OPPA AND PROVIDED  
 NAMES OF PEOPLE  
 TO SPEAK WITH.  
 CALLED OPPA AND  
 SPOKE WITH  
 MATTY MACMORROW.  
 ADVISED HIM OF  
 THE SITUATION.  
 MACMORROW TOOK  
 A REPORT AND  
 CALLED OPPA.  
 8 BRANCH PRESIDENT  
 KAREN GERMAN  
 D/CST GERMAN CALLED  
 P/C JACK RE: SITUATION.  
 P/C JACK SPOKE  
 WITH D/CST GERMAN  
 AND ADVISED OF  
 THE SITUATION.  
 GERMAN TOOK THE  
 DETAILS AND ADVISED  
 P/C JACK TO MAKE  
 AN OPPA LOCAL  
 REP SET <sup>IN</sup> B MTD 93

TUE 04 - AUG 09  
 AND B.C. PROSCAT  
 AT THE MEETING  
 IN THE SITUATION  
 ESCALATES AND  
 REQUIRES INTERVENTION  
 OF THE DETACHMENT  
 COMMANDER.  
 PROVIDED P/C JACK  
 WITH 4 NAMES OF  
 LOCAL OPPA REPS.  
 - MALCOLM MACARTHUR  
 - SHAWN PILMAN  
 - KATHY CHAPMAN  
 - MITH ANDERSON  
 P/C JACK ADVISED  
 D/CST GERMAN THAT  
 DUE TO THE STRESS  
 INVOLVED HE WAS  
 NOT BEEN ABLE TO  
 SLEEP OR EAT  
 PROPERLY SINCE  
 MONDAY MORNING.  
 PC 12090 ~~2009~~



(August 4, 2009) (Volume 4, 24) (Original & Transcribed), S/Sgt. Kohen's notes:

Tues 04 Aug 2009  
 0000 On Duty  
 Enroute to GHQ  
 0000 Recd call from Prob Jack  
 Peterborough  
 He remembers my name from  
 the presentation I did  
 with post recruits on  
 Prob Jack  
 Prob Jack is month 8  
 was advised by his  
 Sgt last night that  
 he could be charged under  
 PSA for Conduct and  
 Insubordination  
 He advised he didn't know  
 who to speak with  
 I gave him Jim Stiles  
 OPPA name and said I  
 would follow up with  
 Region to find out what  
 situation is  
 Prob Jack called me back  
 as Jim is on a/l  
 so I gave him Debbie  
 McKenna name  
 Prob Jack called me back  
 again to advise me  
 he was unable to  
 speak with Debbie but  
 left a message for  
 Martin Bain  
 I called Dave Lee and  
 left message for him to  
 call me  
 1040 to GHQ  
 Briefed Sandra on  
 Prob Jack  
 Admin  
 Work on BN Haldimand  
 1020 10-21 Dave Lee who  
 had not got my phone  
 message advised re  
 Prob Jack and he said  
 he would get back to  
 me  
 Admin  
 1745 OFF Duty

Tues 04  
 Aug 2009 | 0730 | On Duty  
 Enroute to GHQ

Recd call from Prob Jack Peterborough. He remembers my name from the presentations I did with post recruits on Pef Mgt. Prob Jack in month 8 was advised by his Sgt last night that he could be charged under PSA for Conduct and Insubordination. He advised he didn't know who to speak with. I gave him Jim Stiles OPPA name and that I would follow up with Region to find out what

situation is. Prob Jack called me back as Jim is on a/l so I gave him Debbie McKenna name. Prob Jack called me back again to advise me he was unable to speak with Debbie but left a message for Martin Bain. I called Dave Lee and left message for him to call me.

10-7 GHQ.  
 Briefed Sandra on Prob Jack

Work on BN Haldimand

10-21 Dave Lee who had not got my phone message advised me Prob Jack and he said he would get back to me.  
 Admin

1745 | Off Duty

(August 4, 2009) (Volume 1, I-75):

**From:** Johnston, Mike P. (JUS)  
**Sent:** August 4, 2009 3:16 PM  
**To:** Flindall, Robert (JUS)  
**Cc:** Campbell, Ron (JUS)  
**Subject:** P/C Michael Jack

Rob

Received a call from Inspector Lee of CRHQ and advised that P/C Jack contacted a senior HR Staff Sergeant stating that he had been told by yourself that his job was in jeopardy due to his existing job performance issues.

Clearly he did not follow the chain of command and we will have to address this with him as well.

Mike

Interesting and alarming at the same time is the fact that Insp. Johnston ended his e-mail to Sgt. Flindall by stating that I did not follow the chain of command and that they would have to address this with me as well. Rather than focus on the threat made by Sgt. Flindall, I was to be reprimanded for not following the chain of command. What chain of command should have I followed if my accountable supervisor was targeting me?

I did not follow the chain of command for the following reasons:

- I had no clue at the time what the Ontario Provincial Police Association (OPPA) was good for.
- My coach officer, PC Shaun Filman never told me what the Association was good for, despite the fact that he was an OPPA representative.
- All I remembered was what S/Sgt. Coleen Kohen told our class during the orientation week at the Provincial Police Academy.
  - In a presentation during the orientation week of August 25 – 29, 2008 in Orillia she advised our class (class 411) that her responsibility was to review and file Probationary Constable PER (PCS-066P) and should we encounter problems during our probationary period we are not to wait until the end, but call them as they would be able to do something before it was too late.
  - She further stated that when a Probationary Constable is dismissed from employment that Constable's personal file is very thick as they want to ensure that the Probationary Constable has been provided with every opportunity to succeed.
- Hence, I followed her advice to the tee.
- When I spoke with S/Sgt. Kohen on the phone she advised me that she works with coach officers, not probationary officers, and advised me to contact the Ontario Provincial Police Association (OPPA) and speak with Jim Styles.
- I followed her advice again and called the Headquarters of the OPPA in Barrie.
- Jim Styles was on vacation so I spoke with Marty McNamara, who forwarded my concerns to the President of the 8<sup>th</sup> Branch of the OPPA D/Cst. Karen German from the Northumberland Detachment of the OPP.



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

On August 4, 2009, D/Cst. German called me on my cell phone and advised me she was going to look into my case. At last I felt that someone was going to consider my plight and offer hope or so I thought.

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

03:20	WED 05-08-09 ON DUTY	DOES NOT FEEL HE IS GETTING PROPER COACHING AS AT P/C FILMAN IS NOT TRYING TO ASSIST AND SMILE P/C JACK WHEN HE <sup>94</sup>
03:30	SPOKE WITH MICKY ANDERSON ABOUT P/C JACK'S CURRENT SITUATION. ADVISED P/C ANDERSON THAT P/C JACK	

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

	WED 05-08-09 IS NEEDED. P/C ANDERSON ADVISES P/C JACK TO POKER THE CHAIR OR COMING TO <del>THE</del> AND SPOKE WITH P/C FILMAN FIRST. IF THE ISSUE DOES NOT GET RESOLVED, P/C ANDERSON WILL ASSIST P/C JACK BY SITTING ON A MEETING WITH THE INSPECTOR MR. JOHNSON P/C JACK ADVISED P/C ANDERSON THAT HE IS GOING TO FOLLOW HIS ADVICE TO THE LETTER AND	KEEP HIS POSTED. 12:30 SPOKE WITH P/C FILMAN ADVISED <del>THE</del> P/C FILMAN THAT I NEED TO TALK TO HIM ABOUT MY TASKS AND ABOUT OUR COACHING. P/C FILMAN ADVISED P/C JACK THAT HE IS UNHAPPY TOO BUSY AND THAT HE WILL BE AVAILABLE LATER. 12:15 HAD A CONVERSATION WITH P/C FILMAN ABOUT ALL OF THE ABOVE. WAS INSTRUCTED TO COMPLETE MY TASK TO JUSTICE ROOM <sup>95</sup>
--	---	---

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

	<p>WED 05-MAR-09  CASE, THE <sup>7th</sup> SUBMIT  THE CASE BRIEF,  THE HEAR TO BIRCH  NORTH CSO AND  FOCUS ON [REDACTED]  [REDACTED] CASE.  WORK ON SYLOPSIS.</p>	<p>OIC P/C D'AMICO  SOFT 17-302  MIDN 1-136  MIL 147344/147382  20:10 10-8  20:30 BIRCH CSO  20:40 SPOKE WITH [REDACTED]  [REDACTED]  WANTS [REDACTED] PROPERTY  BIRCH:  - 4005 CAMEL PLATE  (LOS BONE)  - SAMPLE  - 4 CORAL PAGES  THE ITEMS HAVE NOT  BEEN RETURNED TO  [REDACTED] BY  [REDACTED] AND [REDACTED]  P/C ADVISED [REDACTED]</p>
19:00	CONVENS OVER.	
19:00	WORK ON RETURN TO JUSTICE FOR FILMANS SEIZURE.	
19:45	COMPLETED	
19:50	REVIEWED MSS LEFT OF- TIME RECORDER BY GATE [REDACTED]	
20:00	CALLED [REDACTED] LINE IS BUSY	

(August 5/6, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

	<p>WED 05-MAR-09  THAT HE WILL CONSULT  WITH A MORE  EXPERIENCED OFFICER  AND DECIDE HOW TO  PROCEED FROM THERE  AND KEEP HIM  INFORMED.</p>	<p>[REDACTED]  DISPUTE  R709092516</p>
		24:00
		<p>CALLED P/C FILMAN  AND ADVISED HIM  THAT FIRST VERSION  OR GROWN AMER</p>
21:50	WORK ON [REDACTED]	12:05
		<p>SYNOPSIS WAS COMPLETED  EMailed THE SYNOPSIS  TO P/C FILMAN  FOR REVIEW</p>

As is clearly evident from my notes I e-mailed the synopsis to PC Filman for review. However, this e-mail of mine is missing just like numerous other e-mails in the Respondent's disclosure.



(August 5/6, 2009) (Volume 2, O), PC Filman's notes:

1646 [redacted]  
[redacted] spent w  
Spent w PC JACK  
ASST w Report to  
[redacted], Review  
his Comm brief  
Have his expectations  
for tonight  
[redacted] Report to  
[redacted] Report for  
Student / Mission

Review band  
Complete aircraft brief  
Spent w the  
aircraft competitors  
and prepare reports  
which to do each  
statement, creating  
a synopsis of them  
Not to "answer ships"  
- Sgt L. [redacted] and [redacted]  
- Spent w [redacted]  
action given about  
[redacted] activities  
attending to those  
about weather and  
Concerning more  
about to not  
attempt to control

2045 [redacted]  
2125 [redacted] Buckle in for 1st run  
2215 [redacted]  
2300 [redacted]  
- Review PC Jack's  
Report for [redacted]

more suggestions  
and return command.  
0226 PC JACK values  
[redacted]  
for support  
Set up for test  
see record interview  
Report for more

Baker Custody  
Access our Backbrief  
0530 [redacted]

Thursday 06 AUG 09  
Peterborough County  
Weather Sunny Clear  
Temp approx 22°  
Road town and hwy  
Good and dry

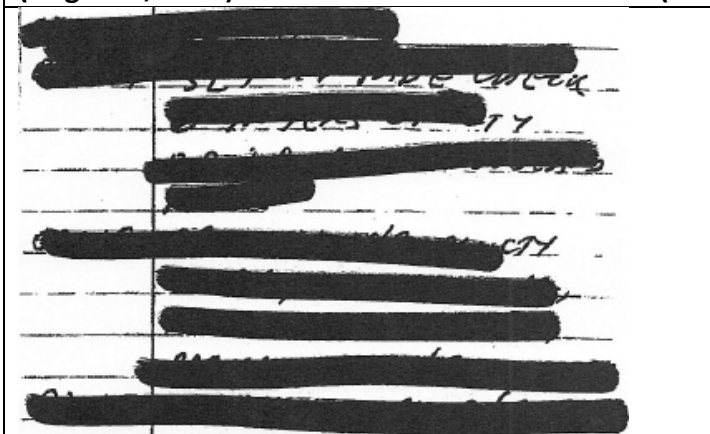
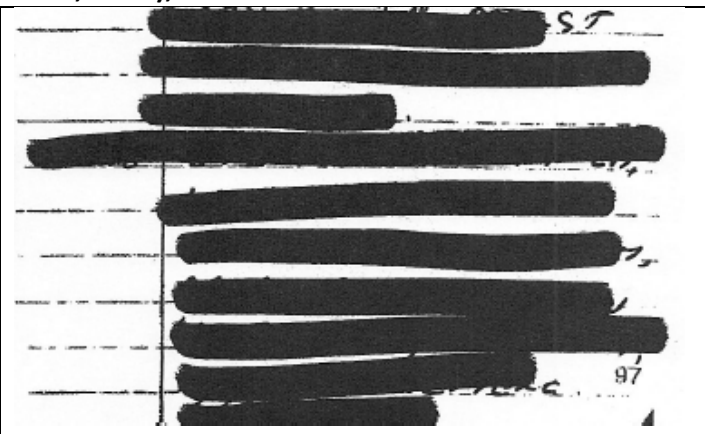
Constable Filman was not disinterested in the Applicant's training or development. On the contrary, it was the Applicant who was not open to constructive criticism or suggestions. At times when Constable Filman would point out something where improvement was needed, the Applicant would not speak to him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

05Aug09 - PC Filman

- PC Jack forwarded an incident to me for review in involving Jeff Standaert and Doug Anderson. I reviewed the report made some suggestions and returned it to him.

The documentation of the incident is correct and is true. Upon completion of the advice Crown Brief synopsis (Exhibit 47c, pages 65 – 67) as per Sgt. Flindall's order I forwarded it to PC Filman. When PC Filman returned it to me he said something to the effect that he was going to be very surprised if Crown Attorney proceeded with the prosecution. He re-iterated the 'I will be very surprised if...' part a few times. PC Filman turned out to be right as shown later on.

(August 6, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

	
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While the Respondent made a concerted effort to blacken out my notes, the Tribunal might find it useful to know that the blackened out entries were in reference to a RIDE check I performed during which I arrested an impaired driver (Exhibit 47c, pages 25 – 26).

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

173)	SP09178258	OPP	Impaired/over 80	2009/08/06 02:07	Cleared by charge - 29 COUNTY RD, SMITH- ENNISMORE-LAKEFIELD TWP, ON Canada (Area: 1054, Duty locn: 1105) Reportable / 12690 JACK / 16 VEHICLES CHECKED / 1 IMPAIRED AND DRIVE WHILE UNDER SUSPENSION / SEE REPORT / (---) / (PC JACK TO TAKE MALE TO DETACHMENT FOR TEST) / (PC MACARTHUR TO WAIT AT LOCATION WITH
------	------------	-----	---------------------	---------------------	--



(August 6, 2009) (Volume 4, 24), S/Sgt. Kohen's notes (Original & Transcribed):

Thurs 06 Aug 2009  
On Duty  
GHQ  
\*Omitted from Wed 05 Aug 09 was brief conversation with Dave Lee re Prob Jack. He advised he spoke to Det Commander Earl Johns will be calling me to provide update. Dave said he was not aware of any perf issues. I suggested that we do a conf call next week to  
He advised he spoke to  
Det Commander  
Earl Johns will be calling  
me to provide update  
Dave said he was not  
aware of any perf  
issues  
I suggested that we do  
a conf call next week to  
provide us an update and  
open communication.  
Add...

On Duty  
GHQ

\*Omitted from Wed 05 Aug 09 was brief conversation with Dave Lee re Prob Jack. He advised he spoke to Det Commander Earl Johns will be calling me to provide update. Dave said he was not aware of any perf issues. I suggested that we do a conf call next week to

**'He advised he spoke to Det Commander Earl Johns'**

How did S/Sgt. Kohen come up with the Earl Johns name? The Peterborough County OPP Detachment Commander was Insp. Michael Johnston. Not Earl Johns!

provide us an update and open communication.

(August 6, 2009) (Volume 1, I-75 and Volume 3, V-19):

From: Flindall, Robert (JUS)  
Sent: August 6, 2009 5:52 PM  
To: Johnston, Mike P. (JUS)  
Cc: Campbell, Ron (JUS)  
Subject: RE: P/C Michael Jack

Inspector,

Do you know who the S/Sgt was at HR? I would very much like to speak with them about what PC JACK told them. PC Jack went to Mitch Anderson to discuss his current situation and in turn, Mitch came to speak with Shaun. It immediately became apparent to both Mitch and Shaun that the info PC Jack told Mitch was false and misleading. This leads me to the concern over what PC Jack told this S/Sgt.

Shaun has also advised that PC JACK has advised him that he no longer wants Jen mentoring him and that she has done 3 inappropriate things to him since she began helping him out. In fact, Jen has had to speak with him about inappropriate behaviour from him to her in the past. I will be speaking with him about this tonight as well.

I've told my guys in the past that if they ever screw up, the best thing for them to do is to own up to it, say they've learned from it and that it will never happen again. It's quite clear that PC JACK hasn't done this and he's now making accusations about other officers to divert attention away from him. I've had extensive conversation with Shaun about Jack which we'll bring you up to speed with on Monday. I'll also be speaking with the platoon about PC JACK to ensure that any difficulties, however small are properly addressed and documented.

I'm not very happy with PC JACK right now and I'll make sure that there is sufficient documentation on file. I will also only be speaking with PC Jack with Shaun present to avoid any potential accusations about myself.

Regards,

Robert Flindall  
Sgt. 9740

Please note the following excerpts:

***'It immediately became apparent to both Mitch and Shaun that the info PC Jack told Mitch was false and misleading'.***

- What exactly was false and misleading in the information I shared with PC Mitch Anderson?
- Why was Sgt. Flindall being so vague?
- Could not have Sgt. Flindall been more specific about what he was accusing me of that time?

***'Shaun has also advised that PC JACK has advised him that he no longer wants Jen mentoring him and that she has done 3 inappropriate things to him since she began helping him out. In fact, Jen has had to speak with him about inappropriate behaviour from him to her in the past.'***



- What could I do when Sgt. Flindall's "number-one" officer fabricated false accusations about me winking at her? I sucked it in and kept it to myself.

***'I will also be speaking with the platoon about PC JACK to ensure that any difficulties however small are properly addressed and documented'.***

- How is that for not being under scrutiny? While the other probationary recruits enjoyed the privilege of not having the smallest of their difficulties properly addressed and documented I was given the differential treatment. Every probationary recruit is going to make mistakes and not measure up to the standards of an experienced officer. I on the other was expected to make no mistakes and also had to measure up to the standards of experienced officers. That just does not make any sense!

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

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 subjected to greater scrutiny than other probationary constables. The Applicant was struggling to perform the duties which were

**Counsels' Response to the Application (HRT0 2010-07633-I), paragraph 47:**

Paragraph 37 – Sergeant Flindall did not ask the officers in the Detachment to keep the Applicant under surveillance and report back to him. The coaching of a new recruit does not occur in isolation from other police officers. The Applicant was treated in the same manner as all other recruits.

**(August 6, 2009) (Volume 1, B), Sgt. Flindall's notes:**

<p>1700- <del>SO THU 06 AUG 09</del> on duty - 14</p>	<p>to locate suspect in the trailer park piled up to speak w P.C. JACK in the trailer park - as I did P.C. FLINDALL arrived. AIS</p>	<p>- he adv his youth in custody has provided culpatory statements - they are staying @ a trailer in the park 1800 off duty. 7, 8, 9 Aug 09</p>
<p>PC JACK adv one male has gone into the trailer park 2257- AIS young Point School - ENR to P.C. JACK's location to attempt 17</p>		

(August 6, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

Daily Journal Number: 7  
Name: JACK, MICHAEL  
Rank: P/C  
Badge Number: 12690  
Location: PTRB COUNTY OPP (ISW)  
First Entry (Date): 06-AUG-09  
Last Entry (Date): 15-SEP-09  
Serial Numbers  
Firearm: AD22098  
Handcuffs: 757889  
ASP Baton: 0213  
OC Spray: F3R149240  
Taser: \_\_\_\_\_  
Radio: SIN 14404657  
Other: \_\_\_\_\_

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

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

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



ONTARIO PROVINCIAL POLICE

1-888-310-1122



**MICHAEL JACK**  
Provincial Constable  
Peterborough County Detachment  
ONTARIO PROVINCIAL POLICE

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

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

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



THU 06 - AUG - 09  
22:00 SPDR ON PULVER  
WITH [REDACTED]  
GOT BOSTON / PRECISE  
DATES FOR ACTS  
OF VIOLENCE OF  
[REDACTED]  
CAR W/ COMPLER  
22:14 AL BAC IN PROGRESS  
[REDACTED]  
22:18 C/N TO ABOVE CALL,  
PUBLIC SCHOOL  
22:33 ATT LAPENCE,  
D'AMICO, MONA, +  
MACARTHUR  
LAPENCE, MACARTHUR,  
TAK AND BAX FROM  
MOVED TOWARDS  
SCHOOL,  
D'AMICO + MONA  
STAY @ CHAMBERS X  
YP ROAD, PERIMETER.  
LOUD NOISE FROM  
ROOF TOP, BANGING,  
SOUND OF BROKEN  
GLASS, SOUND OF  
BASKETBALL HITTING  
THE GROUND, VOICES  
FROM THE ROOF TOP  
MONITORED FOR  
APPROX 2 MINUTES  
[REDACTED] SPOTTED POLICE  
RAN AWAY, THROUGH  
THE BUSH & FIELD.  
PUNCHED, LOST  
SIGHT, FOLLOWED  
NOISE.  
D'AMICO + MONA + 4  
MACARTHUR GOT

SP9178964  
580916085

THU 06 - AUG - 09  
ONE [REDACTED] IN  
CUSTODY.  
ATTENDED ON FOOT  
RHS TAIL TRAILER  
BANK, SPOTTED  
ONE [REDACTED] NEAR  
OFFICES, RAN AWAY,  
PUNCHED, LOST  
SIGHT, LOST.  
23:00 FLINCHILL @ BANK  
FLINCHILL + [REDACTED]  
ARRESTED SECOND  
[REDACTED] NARR  
[REDACTED] IS  
SINGING AND VERY  
NBAVOLS.  
RAN TO SCHOOL  
GROUNDS  
LAPENCE + JACK  
OBSERVED ONE  
[REDACTED] ON THE MOOR  
TOLD TO COME DOWN  
COMPLIED  
23:20 ANNOUNCED NAME,  
MANICURED + SEANAN  
[REDACTED]  
PLACED IN NEAR  
OR CRUISER 1-136  
23:26 RTC? DYU? YES  
LAWYER? "I DO NOT  
HAVE ONE"  
DC? "WHAT IS IT?"  
FROG LAWYER? "NO"  
23:28 CAUTION TP, "YES"  
DYU? "YES"  
23:35 LAWYER? "NO", 5

(August 6/7, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

TUE 06-AUG-09  
23:38 WHO IS THE GUY THAT WAS WITH YOU THAT WAS LISP?  
"HE IS [REDACTED]"  
"NAME IS [REDACTED]"  
[REDACTED] IN CUSTODY, COME UNIT - SHERIFF AND LAPD LATER DISCOVERED SEARCHED THE SCHOOL.  
23:52 EIN TO 10-19  
24:12 10-19  
00:35 SCANNED / LOCATED LAWYER? NO, CALL I CAN TRY MOMMA"  
00:55 CALL [REDACTED]  
01:25 SPOKE WITH MOM.  
SATISFIED I WILL BE PICK HIM UP.  
IN INFO!  
1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
STARTED PAPERWORK INTERVIEWED REE [REDACTED], PL MONAHAN TRANSCRIBED PART 3, PL POLLOCK LAST. RELEASED ONE [REDACTED] ON PTAT OIL UNDER INTO THE CUSTODY

FRI 07-AUG-09  
OF THEIR PARENTS  
[REDACTED] FIRST,  
[REDACTED] SECOND,  
[REDACTED] THIRD,  
[REDACTED] FOURTH  
06:58 FAXED PTAT + OIC UNIDENT TO CPIC  
0700 DEF DUTY.  
PC 12640 VANDER  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

I suspect that the above masked out entries were made on August 8, 2009, when I worked on Platoon 'D' for A/Sgt. Jason Postma. The Tribunal should wonder why the Counsel for the Respondent carefully blacked out the evidence of that fact.



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

On August 6, 2009, I was working a night shift. At around 10:30 pm I was dispatched to a call of a break and enter in progress at an old public school in Young's Point (SP09178964) (Exhibit 34a). Other officers from Platoon 'A' shift attended the call as well. Four male suspects – three youths and one adult - were apprehended and arrested at scene. After the apprehension and the arrest of the four male suspects, Sgt. Flindall asked all the officers at the scene if anyone wanted to lead the investigation. No one volunteered. I had not handled criminal cases of this nature before, yet I said that I could do it if I got assistance with the handling of the case. Sgt. Flindall advised me that it would be a team effort in which everybody would take on a piece of work.

Upon arrival at the detachment I found out through the Niche RMS that the investigation was assigned to me. Everybody completed their initial respective paper work, such as prisoner release papers and notices to parent and left the case in my hands. At around 3:00 am Cst. Filman went back on the road leaving me behind while I continued interrogating the suspects and then releasing them on a PTA one at a time into the custody of their parents. Later Ins. Johnston put out a detachment wide e-mail requesting in which Cst. D'Amico was named as the investigating officer. Cst. D'Amico was further commended by Inst. Johnston for leading the investigation (that had been assigned to me!) (Exhibit 26c, pages 13, 14, 18, 20, 29, 30; Exhibit 34a, Exhibit 34b) and her name was passed up to the OPP Headquarters as the investigating officer. By then I had understood that I was being targeted and it was pointless to argue any lack of recognition for my involvement.

Due to the complexity of the case for my level of skills and experience I asked Cst. Paradis to assist me with adding charges properly on the Niche RMS because neither Cst. Filman nor Cst. Payne nor anyone else on the shift were there to assist me with the paper work (Exhibit 26c, page 2). Further to this, I asked Sgt. Flindall through email once and verbally 3 times for a copy of his officer notes from the occurrence (Exhibit 26c, page 20), as Sgt. Flindall arrested one male suspect at the scene and I needed his notes to complete the Crown Brief Synopsis. Sgt. Flindall acknowledged my requests, but never disclosed his officer notes to me. I therefore completed the Crown Brief Synopsis with the exception of the missing piece of information that was in Sgt. Flindall's notes and put the 4 Crown Briefs together prior to going on my time off on August 20, 2009. I advised Sgt. Flindall that I was willing to come to work during my time off to finalize the paper work (Exhibit 26c, pages 29, 30), to which he replied he wanted me to have rest before I switched platoons and that he would take care of the rest and ordered me to surrender to him the 4 Crown Briefs that I had put together, with which request I complied.

It is noteworthy to mention that Sgt. Flindall advised all Platoon 'A' shift officers who responded to the call that he was going to write positive documentation for each. I never received any positive documentation despite that my involvement was the most significant one as not only did I respond and actively took part in the apprehension and the arrest of the perpetrators (I personally arrested only one of them), but I also investigated the case and led it to completion (Exhibit 34a and Exhibit 34b). However, I was the only one to receive a negative documentation for doing my job (Exhibit 23b).

(August 6, 2009) (Volume 1, I-74):

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

**From:** Notification.Administrator@jus.gov.on.ca [mailto:Notification.Administrator@jus.gov.on.ca]

**Sent:** Thursday, August 06, 2009 11:24 PM

**To:** OPP DL CR Notifications

**Subject:** Provincial Communication Centre Notification

CENTRAL Region

**Incident #13202**

**Date/Time:** 06AUG09 2219

**Detachment:** Peterborough County

**Incident Type:** CANINE MANDATED INCIDENT

**Location:** 2725 Chalmers Ave, Youngs Point

**Synopsis:** Break and Enter in progress interrupted by officers following call from neighbour. 5 males flee scene, 4 apprehended after foot pursuits. K9 dispatched to scene and will clear school property.

**RMS#** SP09178964

**Investigating Officer:** Const. DAMICO

**Detachment NCO:** Sgt. FLINDALL

**Duty Officer Immed. Notified:** No

**Detachment Commander/Ops Manager Notified:** Yes -

**Crime Unit Notified:** No

**Other Special Unit Notified:** No

**Outside Agencies Notified:** No

**PCC Sgt. Author:** Chris Watkins

Please note the name of investigating officer: **Const. DAMICO**. I was assigned the investigation of the case (Exhibit 34a, Exhibit 34b and Exhibit 47, page 84):

175) SP09178964 OPP B-E bus/res/oth

2009/08/06  
22:19

Cleared by charge - [YP] 2725  
CHALMERS AVE, SMITH-  
ENNISMORE-LAKEFIELD  
TWP, ON Canada (YOUNG'S  
POINT JUNIOR PUBLIC  
SCHOOL) (Area: 1044, Duty  
locn: 1105, Beat: 30, ESZ:  
80722) Reportable / 12690  
JACK / FOUR MALE  
ARRESTED / SEE REPORT /



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

**06Aug09 – Sgt. R. Flindall**

- On the 6<sup>th</sup> of August 2009, PC JACK as well as other members of the Peterborough County OPP Detachment were called to a break and enter in progress at the abandoned Young's Point Public School. PC JACK was involved in the successful apprehension of 3 youths and 1 adult who had broken into the school and caused mischief.

PC JACK completed video statements with each accused and one of the accused parties provided a cautioned inculpatory statement, admitting they had broken into the school, broken some windows and toppled over the brick chimney.

PC JACK was provided with guidance by Sgt. R. FLINDALL as well as his peers in regards to the appropriate charges to lay - those being break, enter and mischief as well as a number of misc. other charges. Cont'd 08Aug09.

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

**08Aug09 – Sgt. R. Flindall**

- On the 8<sup>th</sup> of August 2009, PC JACK had occasion to work on another platoon for shift coverage. During his shift, PC JACK approached another officer asking him questions in regards to the break and enter (06Aug09). PC JACK explained to this officer that he did not feel that the charges of break and enter were warranted as they had only found the suspects on the school roof and did not have evidence that they had broken into the school. PC JACK felt that they should have only been charged with trespassing. Another officer who was present was familiar with the matter and it was upon his intervention that PC JACK admitted to the inculpatory statement, including the multiple hits to interior alarms in the school. The officers were upset that PC JACK provided misleading information to them and had them provide advice based on that information. They provided

PC JACK with a definition of break and enter and advised him to speak with Sgt. R. FLINDALL about any future concerns.

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

**08Aug09 - PC Nie**

- PC Jack worked a few overtime shifts on our platoon when I was OIC – told me when he came to work that he was tired because he found it hard to switch between days and nights – asked him if he was telling me he couldn't work – told him he may as well go home if he is physically ready – said he was fine – later in the day I found out that he had doubled up with PC Pitts without asking saying he was too tired to drive – he was spoken to by PC Pitts about this

The documentation of the incident is true. By that time I was already experiencing sleeping disorder due to what was being done to me. I was scheduled to work an overtime shift on Platoon 'D' due to the shift shortage (Exhibit 66) and despite not having sufficiently rested I still reported for duty because I did not want to let the shift down. I did bring it to the attention of PC Nie immediately upon reporting for duty. It was during the first half of the day that I finally put the bulk of the Fraud brief (SP09087157) together.

**(August 10, 2009) (Volume 3, BB) Point Form Chronology:**

**10Aug09 – Sgt R. Flindall**

- At shift briefing, PC JACK brought up his concern that he felt the appropriate charges were only trespassing in relation to the break and enter on 06Aug09. Sgt. R. FLINDALL again explained to him why the appropriate charges were laid. Cont'd 15Aug09.

While I do not remember doing that I will neither deny it nor furnish my side of the story since I have no independent recollection of the incident.

**(August 10, 2009) (Volume 1, I-106):**

**From:** Jack, Michael (JUS)  
**Sent:** August 10, 2009 7:21 AM  
**To:** Moran, Melynda (JUS); Laperle, Chad (JUS); Filman, Shaun (JUS); D'Amico, Maria (JUS); MacArthur, Malcolm (JUS); Shearer, Don (JUS); Flindall, Robert (JUS); Crichton, Heath (JUS)  
**Subject:** SP09178964 B&E 06-Aug-09

Could you please provide all notes in regards to the B&E occurrence at Young's Point Public School on August 6th 2009. These notes are for court disclosure.

Thank you in advance.

Michael Jack

The above e-mail attests that I requested notes from Sgt. Flindall in regards to the B&E occurrence. Sgt. Flindall never provided me with his notes in regards to this investigation.



(August 10, 2009) (Volume 1, I-73):

**From:** Campbell, Ron (JUS)  
**Sent:** August 10, 2009 9:27 AM  
**To:** Flindall, Robert (JUS); Banbury, Trevor (JUS)  
**Subject:** FW: At Scenes Collision Investigation Course - PPA - October 19th through 23rd, 2009  
**Importance:** High  
**Sensitivity:** Confidential

I have not heard from either of you. Please advise your selections. Ron

(August 10, 2009) (Volume 1, I-74):

**From:** Campbell, Ron (JUS)  
**Sent:** August 10, 2009 9:44 AM  
**To:** Flindall, Robert (JUS); Laperle, Chad (JUS); Jack, Michael (JUS); Moran, Melynda (JUS); Filman, Shaun (JUS)  
**Cc:** Johnston, Mike P. (JUS)  
**Subject:** FW: Provincial Communication Centre Notification

Good work by those involved. I could not find the court brief synopsis though. Ron

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

**From:** Notification.Administrator@jus.gov.on.ca [mailto:Notification.Administrator@jus.gov.on.ca]  
**Sent:** Thursday, August 06, 2009 11:24 PM  
**To:** OPP DL CR Notifications  
**Subject:** Provincial Communication Centre Notification

CENTRAL Region

**Incident #13202**

**Date/Time:** 06AUG09 2219

**Detachment:** Peterborough County

**Incident Type:** CANINE MANDATED INCIDENT

**Location:** 2725 Chalmers Ave, Youngs Point

**Synopsis:** Break and Enter in progress interrupted by officers following call from neighbour. 5 males flee scene, 4 apprehended after foot pursuits. K9 dispatched to scene and will clear school property.

**RMS#** SP09178964

**Investigating Officer:** Const. DAMICO

**Detachment NCO:** Sgt. FLINDALL

**Duty Officer Immed. Notified:** No

**Detachment Commander/Ops Manager Notified:** Yes -

**Crime Unit Notified:** No

(August 10, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

<p>110 Sgt Flindall Re: Mike Jack ask about OT leave. Advised. States meeting with Insp over serious issues Jenn Payne mentoring working on brief 3 weeks ago give him direction and tell needs for brief 5 to 6 hrs for synopsis of statement. C.H. case in @ end of shift - complainant wishy washy Sgt Flindall came in - gave direction on what he is to do left told him what he needs to do to get into custody need crown brief</p> <p>① Crown brief synopsis</p> <p>② Photocopy &amp; finish all</p> <p>③ " " Hand written statements submit originals</p> <p>④ 2 Vio's copy</p> <p>Quick synopsis</p> <p>Do not do a transcript</p> <p>Leave Vio's to end</p> <p>⑤ Night shift to review</p> <p>Very can't find brief</p> <p>Re: [unclear]</p>	<p>Spoke to [unclear]</p> <p>Assistance in [unclear]</p> <p>why [unclear] [unclear] [unclear]</p> <p>Direction - State Mike</p> <p>near Mike</p> <p>- [unclear] what [unclear]</p> <p>documented [unclear]</p> <p>① Verbally spoke to [unclear]</p> <p>now putting in paper</p> <p>John Payne is</p> <p>putting together with</p> <p>Chenoweth documents</p> <p>problems. Could not</p> <p>provide me with what</p> <p>has been done to</p> <p>correct State's lag</p> <p>pieces.</p> <p>Advised in Am bed</p> <p>guy @ 11:50 [unclear]</p> <p>Jack did not go.</p> <p>- I advised supervisor</p> <p>getting written</p> <p>Plan [unclear] [unclear]</p> <p>233-10 -</p> <p>so you think it is not</p> <p>unusually [unclear] but</p> <p>unusually [unclear]</p> <p>- Rob states absolutely</p> <p>the way I see it</p> <p>evaluation don't [unclear]</p> <p>now - got both &amp;</p> <p>don't [unclear]</p> <p>not doing [unclear]</p> <p>multitask</p>	<p>1134 [unclear]</p> <p>↳ excessive noise</p> <p>Mrs. [unclear] [unclear]</p> <p>all time - chipl</p> <p>into [unclear]</p> <p>Suspect</p> <p>1137 Mike Jack [unclear]</p> <p>called in given order</p> <p>a what to do, what</p> <p>not to do</p> <p>Advised [unclear]</p> <p>if he returns [unclear]</p> <p>Allow direct</p> <p>Shift does not trust</p> <p>in not [unclear]</p> <p>- wants to [unclear]</p> <p>longer working with</p> <p>himself</p> <p>156 [unclear]</p>
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(August 10, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

10 Aug 09

1116

Sgt Flindall Re: Mike Jack asked about OT issue advised. States meeting with Inspector over serious issues Jenn Payne mentoring working on brief 3 weeks ago give him direction and tell needs for brief 5 to 6 hrs for synopsis of statement. C.H. case in @ end of shift - complainant wishy washy Sgt. Flindall came in - gave direction on what he is to do left told him what he needs to do to get into custody need crown brief.

- (1) Crown brief synopsis
- (2) Photocopy and finish all
- (3) " " Hand written statements submit originals



(4) 2 videos copy quick synopsis do not do a transcript leave video to end  
(5) night shift to round up busy can't find brief for warrant spoke to Bruce Hanna assistance or have question why didn't Jamie she directions –states Mike never asked I asked what had been documented advised

(1) Verbally spoke to now putting in paper

(2) Jenn Payne is putting together a written chronology documenting problems.

Could not provide me with what has been done to correct states long process.

- advised in am bad guy @ 115 & Hwy 7 jack did not go.

-I advised supervisor – getting written pan today and negative 233-10 so you think it is not unable but unwilling – not listening Rob states absolutely the way I see it

Evaluations don't reflect that now got both and day and night wings not doing can't multi- task (SP09164458)

**1134**

Paul Laba – excessive noise has radio going all the time- chgd with mischief suspect Inc#? SP09180388 1179 Crowley line

**1137**

Mike jack advised called in given order on what to do and what not to do advised job in jeopardy if he continues to not follow direction shift dies not trust him not listening wants to have him no longer working with himself.

**(August 10, 2009) (Volume 3, BB) Point Form Chronology:**

**10Aug09 - S/Sgt Campbell**

- 1116hrs S/Sgt Campbell approached Sgt. Flindall regarding the large amount of overtime claimed by PC Jack on the 24<sup>th</sup> of JUL 09. Sgt. Flindall advised while S/Sgt Campbell was absent on vacation he met with Insp. Johnston over the serious issues with PC Payne mentoring PC Jack. Sgt. Flindall described issues with PC Jack understanding and following direction and understanding the offences. Sgt. Flindall was asked what had been documented to which he advised that he had been verbally spoken to, now he was placing him on paper. PC Payne is putting together a chronology. Sgt. Flindall could not provide any written documentation at this time. Sgt. Flindall suggested given difficulties of PC Jack that his day and night wings be suspended until he could multi-task and member supervised and assisted.

**(August 10, 2009) (Volume 1, I-74):**

**From:** Flindall, Robert (JUS)  
**Sent:** August 10, 2009 2:26 PM  
**To:** Campbell, Ron (JUS)  
**Subject:** RE: Provincial Communication Centre Notification

I'm doing up a positive 233-10 for the officers involved. Our new auxillary [REDACTED] did a smash up job locating one of the suspects in the water. Chad is going to do up a 233-10 for her good work on the call as well.

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

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

Upon arrival at the detachment I found out through the Niche RMS that the investigation was assigned to me. Everybody completed their initial respective paper work, such as prisoner release papers and notices to parent and left the case in my hands. At around 3:00 am Cst. Filman went back on the road leaving me behind while I continued interrogating the suspects and then releasing them on a PTA one at a time into the custody of their parents. Later Ins. Johnston put out a detachment wide e-mail requesting in which Cst. D'Amico was named as the investigating officer. Cst. D'Amico was further commended by Inst. Johnston for leading the investigation (that had been assigned to me!) (Exhibit 26c, pages 13, 14, 18, 20, 29, 30; Exhibit 34a, Exhibit 34b) and her name was passed up to the OPP Headquarters as the investigating officer. By then I had understood that I was being targeted and it was pointless to argue any lack of recognition for my involvement.

It is noteworthy to mention that Sgt. Flindall advised all Platoon 'A' shift officers who responded to the call that he was going to write positive documentation for each. I never received any positive documentation despite that my involvement was the most significant one as not only did I respond and actively took part in the apprehension and the arrest of the perpetrators (I personally arrested only one of them), but I also investigated the case and led it to completion (Exhibit 34a and Exhibit 34b). However, I was the only one to receive a negative documentation for doing my job (Exhibit 23b).

The 233-10s that were issued to the officers were for their involvement at the scene and curtailing an alleged Break and Enter in progress. It was not for their subsequent involvement in the processing of the youths. Hence, I rightfully should have been treated similarly and given a positive 233-10 for my involvement at the scene. **I only received a negative 233-10 (Exhibit 23b)!**

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 38:**

**Paragraph 21(3) – The Respondent denies that one officer was commended to the exclusion of the Applicant and the other involved officers. Eight officers attended at this particular incident including Sergeant Flindall. Sergeant Flindall commended the team for their work and the team included the Applicant. The Applicant did receive negative documentation in relation to a specific aspect of his involvement in this incident. The Applicant had been shopping for answers in relation to this incident.**



**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 50:**

accurately reflected the Applicant's performance. Contrary to the Applicant's assertion, both positive and negative performance was noted. Constable Nie did carefully document the Applicant's performance. That is what I

**(August 10, 2009) Counsel's additional disclosure (April 3, 2012):**

**From:** Johnston, Mike P. (JUS)  
**Sent:** August 10, 2009 9:13 PM  
**To:** Campbell, Ron (JUS); Flindall, Robert (JUS); Laperle, Chad (JUS); Jack, Michael (JUS); Moran, Melynda (JUS); Filman, Shaun (JUS)  
**Subject:** Re: Provincial Communication Centre Notification

Excellent work guys and girls.

Mike J.

-----  
Sent from my BlackBerry Wireless Device

**(August 11, 2009) (Volume 1, I-73):**

**From:** Flindall, Robert (JUS)  
**Sent:** August 11, 2009 5:08 PM  
**To:** Campbell, Ron (JUS)  
**Subject:** RE: At Scenes Collision Investigation Course - PPA - October 19th through 23rd, 2009

**Sensitivity:** Confidential

I've canvassed my shift and no one wishes to attend. I already have quite a few who have already attended. PC JACK asked to go, but I am not supporting this at this time.

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

Why was Sgt. Flindall not supporting that? Why was I being denied a mentoring opportunity? The course was scheduled to take place in October and it would have been beneficial to my policing career.

It is evident from Sgt. Flindall's e-mail to Insp. Johnston on August 2, 2009, (Volume 1, I-8, I-76) that Sgt. Flindall regarded me as an incompetent recruit:

Jack - I was almost to Chicago when she called. PC Jack's current employment with us is in serious jeopardy as a result of his actions and inactions. I need to speak with you

Hence, sending me to the course was counter-productive to Sgt. Flindall's objective to have me terminated.

Furthermore, please note Sgt. Flindall's statement, ***'I've canvassed my shift and no one wishes to attend.'*** Though I wished to attend the course and I was on Sgt. Flindall's shift, Sgt. Flindall obviously did not even regard me as an officer on his shift. This comment of his speaks volumes about the treatment I was

subjected to at the Peterborough County OPP Detachment, especially on Sgt. Flindall's shift – there was everybody, and there was JACK.

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 53:**

or association. The Applicant was afforded the same opportunity to develop skills and improve over the course of his probationary year as any other recruit. Unfortunately the Applicant was unable to apply his knowledge to --

In light of the revelation from the Respondent that my accountable supervisor, Sgt. Flindall, was not supporting a developmental opportunity for me attests to the fact that it would have been counter-productive to building a file to force the termination of my employment. Furthermore, along with the amount of disgust Sgt. Flindall had towards me and the lack of desire from my coach officer to coach me:

- Total absence of performance evaluation meetings contrary to Ontario Provincial Police Orders,
- Overdue of my PERs,
- Total absence of positive documentation (233-10) during my entire time at the Peterborough Detachment though circumstances and incidents existed that warranted a few (Exhibit 34a, Exhibit 35),
- Derogatory tone of voice he used when speaking to me and his manner of chastisement, *'I have never had such an incompetent recruit yet'* (Schedule 'A', page 19).

Attests that I was made out to be a misfit and incompetent recruit and to place something positive like an attendance of this training course in person's file would simply be a waste on an individual that was not going to be there much longer.

My mounting fear that my days with the OPP were numbered seemed to be accurate especially since it was a course that would have enhanced my knowledge in accident investigations. Considering the fact that I was never criticized about my accident investigations/reports (Exhibit 47d) it is reasonable to see that a supervisor ought to be sending his recruit to such a course.



(August 11, 2009) (Volume 1, I-6):

From: Wagar, Steven (JUS)  
Sent: August 11, 2009 5:13 PM  
To: Flindall, Robert (JUS)  
Subject: 8 Sat Aug 09

Sgt,

On Saturday August 8th 2009 in the morning I was sitting in the constables office transcribing a KGB interview from an unrelated occurrence. I was sitting across from PC Pitts who was also working on another unrelated occurrence. I observed PC Jack approach PC Pitts several times asking him questions about a brief he was working on. Jack stated that it was in regards to a break and enter at Youngs Point School. I over heard Jack attempt to explain the event as; upon officers arrival they found several persons on the roof of the school but no evidence that they had actually broken into the school. Jack stated that he was told to lay the charge by yourself Sgt Flindall and PC D'Amico and he did not feel comfortable laying the charge as he felt they were only trespassing. PC Pitts tried to explain using the information that PC Jack had provided of possible charges. At the end of the conversation PC Jack admitted that one of the suspects had stated he had gone into the school through an open doorway. PC Pitts and myself explained to PC Jack about the "threshold rule" in regards to breaking and entering. During the conversation it appeared to me that PC Jack was trying to sell his view of the event to PC Pitts, but PC Pitts continuously told PC Jack to speak with yourself and follow your direction as he was not at the event and could only give him advice based on what he was being told.

Provincial Constable  
Steven Wagar  
12255  
Peterborough County OPP

The story is true. I was hesitant to proceed with laying the Break & Enter criminal charges before I got all the facts in issue straight because of the following reasons:

- The tender age of the offenders.
- The youth entered the high school grounds, which had been abandoned for approximately 4 years by that time. It was unknown if there were responsible for all the damage the school board claimed to had been done (Exhibit 34b).
- They did not steal anything.
- None of them had any criminal records or any other police involvement.
- It was just a summer night adventure to them.
- What they did appeared to me to be nothing more than a prank.
- I had good impressions of the youths when I interviewed them as well as of their immediate relatives that attended the detachment to pick them up. They were from good families.
- I observed that charging people without due investigation was a common practice amongst Peterborough County OPP officers. I, on the other hand, was very hesitant to charge people without getting my facts straight first. I gave an oath to serve and protect people of Ontario, not to wreck people's lives.
- In light of the recent changes from the Young Offenders Act to the Youth Criminal Justice Act along with the implementation of the Alternate Measures Act it was mandatory on the police to justify charging youths with no criminal records for offences that were not the absolute jurisdiction of the Superior Court of Justice.
- Though authority existed for police to lay a charge to address public deterrence, nothing was stolen and aside from the questionable damage it made it all the more essential for alternate measures to

be initiated. However, all of this was new to me and I did not know how to handle the case in a lawful and an appropriate manner.

- Had my coach officer wanted he could have taken the time to sit with me and show me the procedure and the paperwork involved. But then again he neither cared nor wanted any involvement with me. I had to seek help from PC Robert Paradis to instruct me on how to combine the 4 offenders into one case in the Niche RMS (as it turned out, there was a specific process for combining multiple youth into one case that I was not familiar with and could not have possibly been familiar with at the time).

The fact that PC Wagar was on Sgt. Banbury's shift attests that I was under surveillance as per Sgt. Flindall and Sgt. Banbury orders.

**Counsel's Response to the Application (HRT0 2010-07633-I), paragraph 47:**

Paragraph 37 – Sergeant Flindall did not ask the officers in the Detachment to keep the Applicant under surveillance and report back to him. The coaching of a new recruit does not occur in isolation from other police officers. The Applicant was treated in the same manner as all other recruits.

**(August 12, 2009) (Volume 1, I-71):**

**From:** Hobbins, John (JUS)  
**Sent:** August 12, 2009 5:15 PM  
**To:** Banbury, Trevor (JUS)  
**Subject:** [REDACTED]

TREV - one of our court clerks, who is normally quite level headed was asking me today, quite disturbed actually, about the "russian or german" officer that was driving all over her lawn last night?? Further details, he was out there looking for [REDACTED] who just got bail on Mon for 253 cghs, and probably should not have. I can only assume PC JACK was checking up on him, but he had the wrong address and apparently made good use of her front lawn with the cruiser trying to turn it around??

I asked her if she was wanting to complain, and she paused and said no. I applaud the officer if he was actually doing a door knock to try and breach this guy, but his driving antics didn't sound to positive. Anyway, she does not want to formally complain, just passing this along because like I say, she was kinda taken back by it and normally is a pleasant understanding individual that gets along with almost everyone that I am aware of.

Just for year info, no complaint like I said though.

.obby

Why was she disturbed? I remember speaking with her. There were no issues. I was polite. She was polite. Perhaps she was disturbed because of my accent? Perhaps she was disturbed because I was trying to locate her neighbor whom I had arrested just a few days prior and as a result of which he spent two days in the Central East Correctional Centre in Lindsay. While I recall making a three-point turn in her driveway, one point of which resulted in the back tires driving over the front lawn by a small margin as there was simply not enough room to turn around in any other way, I certainly was not **'making good use of her front lawn'**. Hence, she could not have stated that I drove over her front lawn rather she must have stated that I backed onto her front lawn while turning around. PC John Hobbins then amplified it by stating that I was driving all over her lawn and made good use of her front lawn.



(August 14, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

14Aug 09

1100

Spoke to Rob Flindall re evaluation of Mike Jack will have it in today.

(August 14, 2009) (Volume 3, BB) Point Form Chronology:

14Aug09 - S/Sgt Campbell

- 1100hrs - S/Sgt Campbell spoke to Sgt. Flindall requested to see PC Jack's evaluation. Sgt. Flindall advised evaluation was not complete but would be completed that day.

Which evaluation was S/Sgt. Campbell referring to on August 14, 2009? My Month 5 PER (09 May 09 – 09 Jun 09) was completed on August 16, 2009, (Exhibit 21, page 8) and my Month 6 & 7 PER (09 Jun 09 – 09 Aug 09) was completed on August 20, 2009 (Exhibit 24, page 11).

(August 14, 2009) (Volume 1, I-72):

From: Flindall, Robert (JUS)  
Sent: August 14, 2009 12:16 PM  
To: Johnston, Mike P. (JUS)  
Subject: PC JACK

Insp,

Are you going to be at the Jamboree for the remainder of the day? If not, I would like to speak with you about PC JACK and get some guidance about 2 additional issues that have come up.

Thanks in advance,

Robert Flindall

I wonder what issues Sgt. Flindall and PC Payne fabricated about me this time?

(August 14, 2009) (Volume 1, I-71):

From: Banbury, Trevor (JUS)  
Sent: August 14, 2009 6:37 PM  
To: Hobbins, John (JUS)  
Cc: Flindall, Robert (JUS)  
Subject: [REDACTED]

John,

Jack is on Flindall's shift, I have CC'd him for his info

Sgt Trevor Banbury #10270

**(August 15, 2009) (Volume 1, I-71):**

Subject: Stephen Tait (Exhibit 47c, page 25 – 26)

**From:** Flindall, Robert (JUS)  
**Sent:** August 15, 2009 7:22 AM  
**To:** Filman, Shaun (JUS)  
**Subject:** [REDACTED]

Shaun,

This will need to be documented even though there is no formal complaint. Please speak with Mike about his driving and provide documentation.

Thanks,

**Robert Flindall**

I hope this Tribunal will note that Sgt. Flindall instructed PC Filman to document this incident, obviously negatively, without speaking with either the complainant or me. That is, the instruction to PC Filman to document me was based on double hearsay! One has to wonder why Sgt. Flindall did not want to question either the complainant or me.

Furthermore, is the Tribunal expected to believe that the other three recruits never did anything wrong or make any mistakes whereby each of them were given negative 233-10s? Obviously the answer is yes, they never did anything deserving of any negative 233-10s. Is it unreasonable to expect that any new recruit, during their probationary term is going to make several mistakes and to expect such a recruit to measure up to the standards of an experienced officer immediately is highly unreasonable?



(August 15, 2009) (Volume 1, B), Sgt. Flindall's notes:

SAT 15 AUG 09.  
 on duty  
 SAT 15 AUG 09.  
 on duty  
 0750 - speaking w  
 TREVR PITTS  
 who is in  
 on paid duty  
 - on the 11 AUG 09  
 P.C. WAGAR  
 came in to  
 speak w me  
 about P.C.  
 JACK  
 on 08 AUG 08,  
 P.C. JACK  
 was working  
 on PITTS shift  
 for shift  
 coverage as  
 was P.C. WAGAR  
 JACK was  
 asking PITTS  
 about his  
 Youngs Point  
 Ischbe B+E

P.C. JACK was  
 telling him  
 how he  
 didn't think  
 it was a  
 B+E but was  
 told to lay  
 the charges

provided  
 the details  
 of the call  
 but left out  
 the fact he  
 received an  
 inculpatory  
 statement  
 under duress  
 as well as  
 the alarm  
 calls

WAGAR was  
 upset as he  
 felt JACK was  
 being very  
 misleading  
 - only guessing

from WAGAR  
 caused JACK  
 to admit  
 this info  
 - PITTS was  
 upset w JACK  
 and told  
 him to never  
 ask him any-  
 thing again  
 - this info  
 was confirmed  
 by PITTS  
 - they had to  
 explain to him  
 what it  
 meant to  
 break the plan

about B+E  
 0910

The story is true. I was asking PC Pitts about the B&E case and I did neglect to mention in the beginning that I had obtained an inculpatory statement from one of the arrested youth. I did not omit that detail on purpose. Moreover, we did elicit it in the conversation. If anything, it is yet another example of me being under surveillance. PC Wagar worked on Sgt. Flindall's brother-in-law and good friend Sgt. Banbury shift (Exhibit 66) – the second shift that was ordered to keep me under surveillance and report all their observations to Sgt. Flindall.

#### Counsel's Response to the Application (HRT0 2010-07633-I), paragraph 47:

Paragraph 37 – Sergeant Flindall did not ask the officers in the Detachment to keep the Applicant under surveillance and report back to him. The coaching of a new recruit does not occur in isolation from other police officers. The Applicant was treated in the same manner as all other recruits.

(August 15, 2009) (Volume 1, I-70):

**From:** Flindall, Robert (JUS)  
**Sent:** August 15, 2009 8:39 AM  
**To:** Moran, Melynda (JUS)  
**Subject:**

Hey Legs, Do you want to switch up cruisers still? Let's go do it now.

**Robert Flindall**

Please note the manner in which Sgt. Flindall communicated with PC Moran, *'Hey Legs....'*.

**From:** Moran, Melynda (JUS)  
**Sent:** August 15, 2009 8:40 AM  
**To:** Flindall, Robert (JUS)  
**Subject:** RE:

io, thanks. Tomorrow though. I like to have something with Radar ... but I also have 9 reports to do today. I'm glad Jack is able to get a dual though ... that's great :(

What is emoticon ':(' supposed to mean?

**From:** Flindall, Robert (JUS)  
**Sent:** August 15, 2009 8:47 AM  
**To:** Moran, Melynda (JUS)  
**Subject:** RE:

It is. Because he needs to go out and write tickets... You still nice and comfortable up there? Go into the Intranet site, search form 7 and fill out what you can on the form. Print it out and leave for Shelley. You also need to generate an occurrence for your lost magazine. Unless you want to go out again and conduct another search for it...

**Robert Flindall**

Sgt. Flindall was very concerned about the number of charges his platoon registered. While at the time it did not make much sense to me, later on it became quite clear why. Sgt. Flindall was shooting for a higher management position and as such reporting the highest number of charges to the Upper Echelon was a way to get promoted. Serving the public and investigating complaints properly did not seem to have a high priority on Sgt. Flindall's list of objectives. Sgt. Flindall wanted his platoon to have the highest number of charges reported. In Sgt. Flindall's own words *'getting the stats'* was of paramount importance. That explains why PC Payne was concerned about my PON numbers being low. PC Payne told me that she would rather have me write tickets than investigate the complaints properly and accused me of poor time management skills. PC Payne noted it in her special separate notebook (**Re PC Jack**) on July 17, 2009. I recall PC Robert Therrien, who was a Senior Constable, making a comment to me after he had observed me retrieving messages from the phone answering service, *'Look who is really trying to serve the public'*. I guess he wanted to emphasize that what I was doing was not a norm. PC Therrien was always very good to me and nearly always smiled when he spoke with me.

I helped PC Therrien once to retrieve some digitized photos that had been erased from a deer camera. PC Therrien told me that all the images were erased, to which I explained to him that when a file is marked for a deletion, it does not always gets erased right away, but rather stays in memory until the Operating System reclaims that memory and recycles it. On my own time I was able to retrieve six images from the deer camera's memory stick and provided them to him. PC Therrien thanked me for doing that for him.



(August 15, 2009) (Volume 1, I-70):

**From:** Moran, Melynda (JUS)  
**Sent:** August 15, 2009 8:50 AM  
**To:** Flindall, Robert (JUS)  
**Subject:** RE:

I was told to go find "other things" to write when I was a rookie... especially because they're not even TRAINED on dual radar....

I am not comfortable. In fact, still grumpy. Since your last e-mail, I now have a theft of MV ... therefore 10 reports. OMG. Oh wait, now the mag thing ... I guess that's 11 reports. Again ... OMG.

Sooooo, I don't think I'll be able to leave the office yet again ... unless duty calls of course!!!

I'll fill the thing out.

M

**From:** Flindall, Robert (JUS)  
**Sent:** August 15, 2009 8:52 AM  
**To:** Moran, Melynda (JUS)  
**Subject:** RE:

You get oh so warm and fuzzy when you're grumpy.

**Robert Flindall**

Please note the manner in which Sgt. Flindall communicated with PC Moran, ***'You get so warm and fuzzy when you're grumpy'***. This manner of communication attests to them being two good friends. Not just a supervisor and a subordinate at an arms-distance.

It would appear that for PC Moran to have 11 reports on her task list was overwhelming. She was not documented for having too many unfinished reports on her task list like me. I am on the other hand was negatively evaluated for having 4 reports on my task list in my Month 6 & 7 and my Month 8 PERs (Exhibit 24 and Exhibit 27):

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.

For an explanation on the alleged follow-up that I was not asked to assist with please refer to the *Self-Awareness* section in my rebuttal to my Month 6 & 7 PER (Exhibit 57, pages 10 - 11).

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

Due to the complexity of the case for my level of skills and experience I asked Cst. Paradis to assist me with adding charges properly on the Niche RMS because neither Cst. Filman nor Cst. Payne nor anyone else on the shift were there to assist me with the paper work (Exhibit 26c, page 2). Further to this, I asked Sgt. Flindall through email once and verbally 3 times for a copy of his officer notes from the occurrence (Exhibit 26c, page 20), as Sgt. Flindall arrested one male suspect at the scene and I needed his notes to complete the Crown Brief Synopsis. Sgt. Flindall acknowledged my requests, but never disclosed his officer notes to me. I therefore completed the Crown Brief Synopsis with the exception of the missing piece of information that was in Sgt. Flindall's notes and put the 4 Crown Briefs together prior to going on my time off on August 20, 2009. I advised Sgt. Flindall that I was willing to come to work during my time off to finalize the paper work (Exhibit 26c, pages 29, 30), to which he replied he wanted me to have rest before I switched platoons and that he would take care of the rest and ordered me to surrender to him the 4 Crown Briefs that I had put together, with which request I complied.

### (August 15, 2009) (Volume 3, BB) Point Form Chronology:

#### 15Aug09 - S/Sgt Campbell

- On the 15th of August 2009, PC R. PARADIS was instructing PC JACK on how to properly complete information's using the Niche RMS system. PC R. PARADIS had just completed a secondment to the court office and was in the process of teaching fellow officers how to write information's. During this instruction, PC JACK and PC PARADIS were reviewing the break and enter information and crown brief synopsis. In his synopsis, PC JACK wrote that it was believed the suspects were in the school. PC PARADIS advised him that he should not write "believed they had been in the school" if he knows they were in the school. PC JACK advised PC PARADIS that he didn't know if they were in the school. PC PARADIS asked him why he was laying the charge to which PC JACK advised him that he was told to. Again, PC JACK provided less than truthful information to a senior officer by omitting the fact that he had a confession in place as well as other evidence.
- In both cases, on the 8<sup>th</sup> and 15th, the officers involved approached Sgt. R. FLINDALL and provided him with their concerns. Both officers indicated that they did not trust PC JACK to provide truthful information.

The documentation of the incident is only partially true. Since I obtained an inculpatory statement from only one of the four suspects I had no grounds to believe all of them had entered the school. Like I mentioned previously I was hesitant to charge them criminally because of the reasons I addressed in my response to an e-mail from PC Wagar to Sgt. Flindall on August 11, 2009 (Volume 1, I-6).



**(August 15, 2009) (Volume 1, I-69):**

**From:** Flindall, Robert (JUS)  
**Sent:** August 15, 2009 9:18 AM  
**To:** Rathbun, Brad (JUS); Postma, Jason (JUS); Rathbun, Brad (JUS); Banbury, Trevor (JUS)  
**Cc:** Johnston, Mike P. (JUS); Campbell, Ron (JUS)  
**Subject:** PC Jack

Gentlemen,

Just a heads up to let you know that PC JACK is no longer allowed to work overtime for your shift shortages. I'll make the necessary changes to our duty schedule to reflect this.

Regards,

**Robert Flindall**  
**Sgt. 9740**

**(August 15, 2009) (Volume 1, I-69):**

**From:** Flindall, Robert (JUS)  
**Sent:** August 15, 2009 9:20 AM  
**To:** Rathbun, Brad (JUS); Postma, Jason (JUS); Rathbun, Brad (JUS); Banbury, Trevor (JUS)  
**Cc:** Johnston, Mike P. (JUS); Campbell, Ron (JUS)  
**Subject:** RE: PC Jack

This also applies to him covering shifts for other officers as well.

**Robert Flindall**  
**Sgt. 9740**

I hope the Tribunal will take heed to the following timing of events:

- On August 14, 2009, at 12:16 pm Sgt. Flindall sent an e-mail to Insp. Johnston (Volume 1, I-72) regarding some issues with me.
- On August 15, 2009, at 7:22 am Sgt. Flindall sent an e-mail to PC Filman (Volume 1, I-71) instructing him to negatively document me without even speaking with either the complainant or me.
- On August 15, 2009, at approximately 9:18 am Sgt. Flindall disallowed me to work overtime and to cover for other officers (Volume 1, I-69).
- On August 15, 2009, at 12:13 pm Sgt. Flindall advised me he was charging me under the HTA, after having informed S/Sgt. Campbell and PC Filman about it.

In Sgt. Flindall's own words, ***'timing is everything'***.

I wonder on what grounds Sgt. Flindall disallowed me to work for others. All other probationary recruits were allowed to work overtime and to cover for shift shortages on other platoons, but I was not (Exhibit 66). The only applicable grounds would seem to be Sgt. Flindall's utter racial contempt towards me. Thus, by discriminating against me Sgt. Flindall further poisoned my already poisoned work environment and further isolated me from other members.

**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

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 47:**

keep the Applicant under surveillance and report back to him. The coaching of a new recruit does not occur in isolation from other police officers. The Applicant was treated in the same manner as all other recruits.

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 53:**

or association. The Applicant was afforded the same opportunity to develop skills and improve over the course of his probationary year as any other recruit. Unfortunately the Applicant was unable to apply his knowledge to --



SAT 15 AUG 09.  
0600 on duty  
1019- [redacted]  
walking by  
this bus stop  
they heard  
yelling  
"I'm going to  
kill you!"  
"Drop it you're  
not going to  
do it!"  
1040 A.T.S.  
- parties have  
been separated  
PC MORAN, D'AMICO,  
PAYNE & JACK  
are already  
A.T.S.  
- dispute between  
father and  
daughter  
- no allegations  
of child abuse  
- PC JACK has  
[redacted]  
1054 [redacted]  
1056- [redacted]  
[redacted]  
- after leaving  
[redacted]  
of Smith, I  
travelled was  
headed towards  
CITY RD 23.  
- was being  
followed by  
PC PAYNE & I  
PC JACK each  
in their own  
vehicles.  
- came to the  
intersection  
of 14TH LINE & CITY  
RD 23 where  
there is a  
stop sign.

CITY 230 is the  
three highway  
- I pulled out  
and proceeded  
S.B. on CITY RD  
23.  
- PC PAYNE also  
stopped.  
- stopped sign<sup>42</sup>  
and turned  
S.B. behind  
me.  
- I observed  
S.B. traffic  
on CITY RD  
23, approaching  
the intersection  
behind PC  
PAYNE.  
- there was  
insufficient  
time for PC  
JACK to pull  
out safely  
in front of  
this traffic.  
- PC JACK  
however,  
pulled out  
in front of  
the traffic.  
- as he did  
so, the S.B.  
vehicles had  
to brake  
hard but  
remained in  
their lane.  
- PC JACK had  
to turn hard  
into the S.B.  
lane to avoid  
a collision.  
- PC JACK then  
accelerated<sup>43</sup>

S.B. in the A.S.  
lane in order  
to get in  
front of this  
S.B. traffic.  
- I was immedi-  
ately calling  
on my cell  
phone by  
PC PAYNE who  
asked if I  
had just seen  
what PC JACK  
had done.  
- W. sunny,  
warm,  
R. clear, dry.  
[redacted]  
- 3.5 hrs south-  
bound  
observed what  
had transpired  
in my rear-  
view mirror  
as did PAYNE  
just yesterday.  
- PC JACK had  
been served  
the COR's memo  
re officer's  
drinking habits  
and collisions.  
1129- call to S/SGT.  
R. CAMPBELL  
- adv him of<sup>44</sup>  
PC JACK's incident  
- adv him I  
was going to  
be issuing  
him a ticket  
and 233-10  
1138 call to P.C.  
EILMAN  
- adv him as  
well.



(August 15, 2009) (Volume 1, B), Sgt. Flindall's notes:

1213- spoke to P.C. JACK about the near collision. he denied any wrong doing, said he thought he had enough time in front of the car. Adv him his actions were dangerous and unacceptable. I brought up the Commissioner's memo served just yesterday. spoke to him about how imperative it is for him

to drive safely. never took accountability for his actions. Adv him before the end of the day I would be serving him with P.D.N. and 233-10. doc.

1416 P.C. MORAN in speaking w 67

me about P.C. JACK'S driving ENR to car on 14th line of Smith. he was following her. he was driving so close behind.

her that she had to pay more attention to him than what was ahead of her. I spoke of Lakeland Rd.

CTY RD 23. he was so close she had to tap her brake and signal well in adv of her turn to get him to back off. she was not happy w his driving and felt fool sure he was going to hit her.

1450



**15Aug09 – Sgt. R. Flindall**

- On Saturday the 15<sup>th</sup> of August 2009, officers of the Peterborough County OPP Detachment attended a residence located on the 14<sup>th</sup> Line of Smith, Smith-Ennismore-Lakefield Twp in regards to a family dispute. After the call was cleared, Sgt. R. FLINDALL left the scene headed westbound on the 14<sup>th</sup> Line of Smith and was being followed by PC J. PAYNE and PC M. JACK in turn. The officers came to the intersection of Cty Rd 23 and the 14<sup>th</sup> Line of Smith and came to a stop. Both Sgt. R. FLINDALL and PC J. PAYNE turned southbound onto Cty Rd 23. Despite southbound traffic approaching the intersection, PC M. JACK also turned onto Cty Rd 23 with the intent to head southbound. As a result, southbound traffic had to brake hard to avoid colliding with PC M. Jack's cruiser and PC M. JACK had to take evasive maneuvers by turning hard into the north bound lane. PC M. JACK continued southbound in the northbound lane and had to accelerate in order to get ahead of the traffic and pull back into the southbound lane. PC M. Jack's driving was dangerous to not only himself but to the motoring public as well.
- On the 14<sup>th</sup> of August, 2009, at 1255hrs, the day before, Sgt. R. FLINDALL had served PC M. JACK with the Commissioner's memo concerning cruiser collisions and officer driving safety. As a result he has been charged under S. 136(1)(A) HTA - Fail to yield to through traffic on highway.
- Also on the 15<sup>th</sup> of August, 2009, Sgt. R. FLINDALL received an email from court officer John HOBBS dated the 12<sup>th</sup> of August, through Sgt. T. BANBURY. PC J. HOBBS outlines a conversation he had with an upset court clerk (unnamed at her request) who advised that PC JACK had attended her residence looking for a male party. The court clerk did not have issue with PC M. JACK attending the address, as he had the incorrect address, but had an issue with PC M. JACK using her front lawn to turn his cruiser around to leave the driveway. Although there was no permanent damage to her lawn, the cruiser left tire marks across her lawn.
- PC M. JACK has been spoken to about his driving behavior and it's potentially serious consequences should his driving behavior continue. His file has been appropriately documented and his police cruiser operations has been deemed to not meet requirements.

15 Aug 2009  
departure  
10:54 [redacted]  
[redacted]  
- Flindall, myself  
then Jack following  
- Stop @ sign  
- Flindall turn left  
- I stop + then turn  
left -  
- S/B traffic approaching  
10:50 - PC Jack pull up  
to sign + stop  
- looked in rearview  
mirror + saw  
Jack in N/B lane  
following S/B + was  
beside S/B traffic  
- traffic had to brake  
+ slow + then he  
pulled in front  
- failed to yield  
to traffic on through  
highway  
- approx 3 vehicles were  
S/B  
- no traffic N/B  
- rds dry, sunny,  
visibility good  
- PC Jack made  
left hand turn onto  
Cty Rd 23 (S/B) from  
Cty Rd 14.  
- had to drive short  
distance in N/B  
lane + wait for  
S/B traffic to

**15 Aug 2009**

Departure  
10:54 [black]  
[black]  
[black]  
- Flindall, myself  
then Jack following  
- stop @ sign  
- Flindall turn left  
- I stop + then turn  
left  
- S/B traffic approaching  
10:50 - PC Jack pull up  
to sign + stop  
- looked in rearview  
mirror + saw  
Jack in N/B lane  
facing S/B + was  
beside S/B traffic  
- traffic had to brake  
+ slow + then he  
pulled in front  
- failed to yield  
to traffic on through  
highway  
- approx 3 vehicle were  
S/B  
- no traffic N/B  
- rds dry, sunny,  
visibility good  
- PC Jack made  
left hand turn onto  
Cty Rd 23 (S/B) from  
Cty Rd 14  
- had to drive short  
distance in N/B  
lane + wait for  
S/B traffic to



(August 15, 2009) (Volume 3, Z), PC Payne's notes:

	slow so he could merge in.	slow so he could merge in.
10:57	Sgt Flindall asked him if he just saw what JACK did.	10:57 [black] Sgt. Flindall + asked him if he just saw what Jack did
	- he definitely cut in front + was dangerous + unsafe.	- he definitely cut in front + was dangerous + unsafe
11:18	[redacted]	11:18 [black]

(August 15, 2009) (Volume 3, BB) Point Form Chronology:

15Aug09 - PC Payne

- At approx 10:28hrs zone 3 units were dispatched to a report of a disturbance (possible domestic) at [redacted]. The complainant stated he heard "I'm gonna kill you and someone say "put that down". PC Jack initial dispatched officer; I advised I was attending as did PC Moran, PC D'Amico and Sgt. Flindall. While enroute waited to see if PC Jack would ask for a CFRO check or a Niche check. I asked for them after I figured I waited long enough for him to ask, as I wanted to know the information before I arrived on scene. When I arrived on scene PC D'Amico was on scene speaking with someone out front. She directed me to the side of the house where PC Moran was speaking with a male well known to police [redacted]. PC Jack was listening to their conversation while [redacted] son could have been pulled a side and spoken to. I tapped PC Jack on the shoulder and motioned for him move with me to speak with son. He must not have understood because he stayed listening to PC Moran talk while I spoke with [redacted] son.
- At approx 10:54hrs we all left the scene. PC D'Amico and PC Moran headed east on the 14<sup>th</sup> line Smith to stop a vehicle that had passed the DAVIS' house. Sgt. Flindall, myself and PC Jack proceeded west bound on the 14<sup>th</sup> line of Smith in that order. We approached the stop sign at County Rd 23. Sgt Flindall stopped and waited for traffic to pass then

proceeded south bound on Cty Rd 23. I pulled up to the stop sign and stopped and proceeded to make a left hand turn south bound onto Cty Rd 23. There was traffic south bound on Cty 23, but I was able to safely make my turn without interfering with the flow of traffic. I knew that PC Jack would not be able to make the turn safely by the time he pulled ahead the car length to the stop line, stopped, and looked for clearing, the traffic would have been too close. I watched PC Jack in my mirror and observed him stop at the stop sign. The next time I looked up in my rear view mirror PC Jack had pulled into the intersection and was travelling south bound in the north bound lane. The south -bound traffic had to slow which allowed him to merge his way into the south bound lane. I'm sure his driving actions were seen by the public as arrogant. I contacted Sgt. Flindall to see if he had observed what had happened and he advised me that he had.

(August 15, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

<p>130. Contacted by Rob Flindall Re: Mike Jack HTA offence pulled in front of vehicle forced to brake take evasive action. Jack drove s/b in n/b lane both officers witness to this as well other driving complaint.</p>	<p>130. [redacted]</p>
---	------------------------

(August 15, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

15Aug 09

1130

Contacted by Rob Flindall Re: Mike Jack HTA offence pulled in front of veh forced to brake take evasive action. Jack drove s/b in n/b lane both officers witness to this as well other driving complaint.

(August 15, 2009) (Volume 3, BB) Point Form Chronology:

**15Aug09 - S/Sgt Campbell**

- 1130hrs - S/Sgt Campbell contacted by Sgt. Flindall regarding PC Jack's driving action to a call and after the call. Sgt. Flindall would be issuing PC. Jack a traffic ticket for the violation he observed as PC Jack almost caused a serious collision. Requested a briefing note.



(August 15, 2009) (Volume 1, I-34, I-35):

**From:** Campbell, Ron (JUS)  
**To:** Johnston, Mike P. (JUS)  
**Cc:** Flindall, Robert (JUS)  
**Sent:** Sat Aug 15 12:12:01 2009  
**Subject:** HTA Charge against Mike Jack while operating force vehicle today

Mike, I don't know if you want a BN on this but Sgt Flindall called me at 1130hrs to advise of an HTA offence he and Cst Payne obs today which almost resulted in a MVC with a collision. Cst Jack pulled in front of S/B traffic on Hwy 28 after coming from a call. S/B traffic had to brake to avoid a collision and Cst Jack had to drive S/B in the N/B lane to accelerate to avoid collision.

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

Note an excerpt from S/Sgt. Campbell e-mail, '**... which almost resulted in a MVC with a collision**'. Since MVC stands for Motor Vehicle Collision, S/Sgt. Campbell basically wrote the following, '**... which almost resulted in a motor vehicle collision with a collision**'. I only mention this because I was scrutinized to the minute of details even in my communication.

(August 14/15, 2009) Counsel's additional disclosure (April 3, 2012), PC Jack's notes:

FRI 14 AUG-09		SAT 15-JUL-09	
[REDACTED]		0550	ON DUTY
17:00	FOLLOW UP ON	OIC	SST FLINDALL
[REDACTED]		[REDACTED]	
[REDACTED] - CASE,		[REDACTED]	
PAPER WORK		[REDACTED]	
17:15	SPOKE WITH PC	[REDACTED]	
KILMAN RE:		[REDACTED]	
BAC CASE AND		0600	FINALIZED [REDACTED] 36
[REDACTED] CASE		SAT 15-AUG-09	
[REDACTED]		BAICE AND SHATTUCK	
		TO SGT FLINDALL'S	
		THAT FOR MEDICAL	

(August 15, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

SAT 15-AUG-09  
 [REDACTED] ADVISED THAT  
 HE HAD ASSUMED  
 WITH HIS DASTEN  
 10:43 SST FLINDALL ATS  
 ALL APPEARS TO BE  
 IN ORDER, CONFIRMED  
 BY PC D'AMICO,  
 PC PAYNE, PC HANNA.  
 10:53 CO-8  
 11:20 10-19  
 11:35 FINGERPRINT  
 [REDACTED]  
 11:55 FINGERPRINTED  
 [REDACTED]  
 12:10 COMPLETED  
 12:12 SGT FLINDALL  
 ADVISED PIC JACK  
 THAT PC JACK IS  
 GETTING A TRAFFIC  
 TICKET FROM  
 SST FLINDALL  
 FOR FAIL TO YIELD  
 SIGNAL AT DAT.  
 EXPLAINED THAT HE  
 WITNESSED PC JACK  
 PULL FROM 14TH  
 LINE ON SOUTH ONTO  
 CTY RD 23 AND FAIL  
 TO YIELD TO THE  
 S/B TRAFFIC.  
 12:20 ASSIST SST FLINDALL  
 WITH PRISONER  
 RELEASE  
 13:05 N/C MISCHIEF [REDACTED]  
 [REDACTED]

38

(August 15, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:

SAT 15-AUG-09  
 DAVIS ADVISED THAT  
 HE HAD ASSUMED  
 WITH HIS DASTEN  
 10:43 SST FLINDALL ATS  
 ALL APPEARS TO BE  
 IN ORDER, CONFIRMED  
 BY PC D'AMICO,  
 PC PAYNE, PC HANNA.  
 10:53 CO-8  
 11:20 10-19  
 11:35 FINGERPRINT  
 LEWIS KENNETH  
 (1968/08/04)  
 11:55 FINGERPRINTED  
 HANNA JEREMY DAVID  
 (1980/02/19)  
 12:10 COMPLETED  
 12:12 SGT FLINDALL  
 ADVISED PIC JACK  
 THAT PC JACK IS  
 GETTING A TRAFFIC  
 TICKET FROM  
 SST FLINDALL  
 FOR FAIL TO YIELD  
 SIGNAL AT DAT.  
 EXPLAINED THAT HE  
 WITNESSED PC JACK  
 PULL FROM 14TH  
 LINE ON SOUTH ONTO  
 CTY RD 23 AND FAIL  
 TO YIELD TO THE  
 S/B TRAFFIC.  
 12:20 ASSIST SST FLINDALL  
 WITH PRISONER  
 RELEASE  
 13:05 N/C MISCHIEF (2004)  
 840 WEST KOSH  
 HANNA  
 JOHN LAWRENCE

38



SAT 15-AUG-09  
877-8286  
ONGOING PROBLEM  
WITH HIS NEIGHBORS  
MILES  
13:12 STAFF ON THE PHONE  
WITH CM,  
CM ADVISED HE  
WAS SMALL CHILDREN  
SIGNS ON HIS PROPERTY  
SIGNS 2' X 2',  
BOS "GLOW".  
2 SIGNS  
CM WAS 14  
GRAND CHILDREN  
CM BOUGHT THE  
SIGNS, AND HAD  
THE FRAMES.  
CM'S INFO:  
LAWRENCE, JOHN

(27-SEP-42)  
CM WOULD LIKE THE  
SUSPECTS TO  
BE SPOKEN WITH  
DOES NOT WISH  
TO LAY CHARGES  
SUSPECTS INFO:  
VBSYS, LAST NAME  
MILES  
CM'S ADDRESS  
123 ORCHARD PARK RD.  
LANDS-AY

705-324-7870  
CM WILL CALL BACK  
13:45 LAWRENCE CALLED  
BACK.  
SUSPECT INFO:  
SUZI MILES-HADEN  
NICHOLS MANNING

SAT 15-AUG-09  
917 WEST KOSUM RD.  
705-877-8446  
SUZIE MILES  
(DOB: 1960-02-15)  
CM ADVISED SUSPECT  
PUSHED THE SIGN  
AT LEAST 3 TIMES  
THIS WEEK.  
14:00 MC LIGON ON LICENSE  
VIOLATION @  
SANDY BEACH  
657-2719  
TWO HOURS  
APPEAR TO BE  
INTOXICATED  
CM: JOANNA DAVIS.  
14:10 10-8  
14:50 2 BUCKHORN CSO  
STOPPED THERE.

NOSC BLEEN  
BLEENING PROBABLY  
SPOKE WITH COMMUNITY  
VOLUNTEER:  
JOHANNA DAVIS  
657-1181 mes  
15:05 BLEENING STOPPED  
10-8  
15:15 ATS, BEANUS PACKED  
WITH PEOPLE,  
WALKED AND DOWN  
FOR SUSPECTS SOA  
15:29 10-8  
15:38 DENVER CROSSEX (V)  
(15-DEC-86) MILES  
2 GEAR BULLY  
(21-JUL-86)  
3 MIKE SMITH  
(11-OCT-86)

(August 15, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:

SAT 15 AUG 09  
TWO MALES 1ST 16:20  
AND NOTICABLY  
12 OXLEY, NO  
ALCOHOL PRESENT  
3RD NAME IS SOBER.  
ADVISED ALL ARE  
FROM SIX FOOT BAY  
TRAILER PARK  
DENNICA CROSEY  
ADDRESS:  
130 HUNTINGTON CR.  
EUREKA LIE 305  
DLH C7578 16488  
61215 (GL)  
COUNTIES  
CROSEY POW #  
1086243A  
LLA 31(4)

BULLEY POW #  
1086242A  
LLA 31(4)  
16:20 SUBJECTS RELEASED  
INTO THE CUSTODY  
OF RYAN SOBER  
FRIEND @ SIX  
FOOT BAY TRAILER  
PARK ON SIX  
FOOT BAY RD.  
16:22 10-8  
16:30 BUCHANAN LEO  
WASHINGTON BUREAU,  
MEMPHIS, MEMO  
IS SPLITTING APART  
TOOK 2 TYLODOL  
PILLS.  
CALLEY PCC, GOT  
DIRECTION TO 41  
WEST KOSU ROAD



(August 15, 2009) Counsel's additional disclosure  
(March 13, 2012), PC Jack's notes :

SAT 15 AUG 09

16:47 [REDACTED]

17:00 ATS  
[REDACTED]

ADVISED THEY WERE  
IN THE LAKE,  
DO NOT KNOW  
HOW THE CAR WAS  
HARBOR

17:19 10-8

17:32 HV STOP - U/S 119<sup>th</sup>  
C/S 122 KM/H  
POW# [REDACTED]  
ETA TO WEST WISSE  
ROAD NE. MISCHIEF  
CARE.

17:55 M/C SST FLINDALL  
REQUEST TO 10-19.  
ADVISED SST FLINDALL  
ABOUT MISCHIEF  
CARE & IN GOING  
TO, SST FLINDALL  
REQUESTED PC JACK  
10-19

18:32 10-19

19:36 SGT FLINDALL SERVED  
PC JACK WITH  
POW# [REDACTED]  
FAIL TO YIELD TO  
TRAFFIC ON THROUGH  
HIGHWAY.  
SGT FLINDALL  
SERVED PC JACK  
WITH FILE 233-10  
"DOES NOT MEET  
REQUIREMENTS FOR

(August 15, 2009) (Exhibit 26c), Officer notes of PC  
Michael Jack:

SAT 15 AUG 09

16:47 411 ACTIVATION  
3203 PM 50

17:00 ATS  
CONNIE SANC1  
(28-MAR-94)  
705-654-3312  
ATO, SANC1  
ADVISED THEY WERE  
IN THE LAKE,  
DO NOT KNOW  
HOW THE CAR WAS  
HARBOR

17:19 10-8

17:32 HV STOP - U/S 119<sup>th</sup>  
C/S 122 KM/H  
POW# 1714721A  
ETA TO WEST WISSE  
ROAD NE. MISCHIEF  
CARE.

17:55 M/C SST FLINDALL  
REQUEST TO 10-19.  
ADVISED SST FLINDALL  
ABOUT MISCHIEF  
CARE & IN GOING  
TO, SST FLINDALL  
REQUESTED PC JACK  
10-19

18:32 10-19

19:36 SGT FLINDALL SERVED  
PC JACK WITH  
POW# 2476854A  
FAIL TO YIELD TO  
TRAFFIC ON THROUGH  
HIGHWAY.  
SGT FLINDALL  
SERVED PC JACK  
WITH FILE 233-10  
"DOES NOT MEET  
REQUIREMENTS FOR

(August 15, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:	
	SAT 15-AUG-09
	POLICE CRUISER
	OPERATIONS
09:00	SUBMITTER POMS
	TO COURT BOX
19:05	OFF DUTY
	PL 12690 <i>new</i>

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

On August 15, 2009, I was working a day shift. At approximately 11:30 am Sgt. Flindall, Cst. Payne, Cst. D'Amico, Cst. Moran and I attended a family dispute call. We drove to the call with lights and sirens scaring the motoring public along the way. The call turned out to be nothing and was cleared as non-reportable to my badge. While en route from the call to detachment I was charged under the Highway Traffic Act (HTA) by Sgt. Flindall for "Fail to Yield to Traffic on Through Highway" – not for causing an accident, but for something that was perceived as an error by Cst. Payne and by Sgt. Flindall. Prior to serving me with the Provincial Offence Notice, Sgt. Flindall told me that he had first consulted with S/Sgt. Campbell and received his approval to charge me under the HTA. Subsequent to the charge, Sgt. Flindall thoroughly documented the incident and the charge in the Niche RMS (RM09096931) for the policing world to see that I was charged under the HTA, handed me an in-house personal documentation known as 233-10 (Exhibit 19) stipulating my "inadequate operation of police vehicle" and negatively rated me in two separate sections of my Month 8 performance evaluation – *Police Vehicle Operations* and *Personal Accountability* (Exhibit 27). In the *Personal Accountability* section Sgt. Flindall accused me of not taking any responsibility for my actions with respect to receiving the PON ticket for my "alleged" traffic infraction.

During this evaluation period, PC JACK was involved in a traffic related incident in which he was charged with failing to yield to traffic on a through highway. PC JACK's cruiser operations almost resulted in a motor vehicle collision that was witnessed by his Sergeant and a fellow officer on shift. Documentation is on file for this incident. RM09096931

PC JACK continues to struggle with personal accountability. PC JACK was issued a PON for a traffic infraction, for which he has not taken any responsibility for his actions. As well PC JACK has complained on a number of occasions that he felt abandoned or didn't have help with calls for service. In a number of instances in which he's complained, it was found that he had not let it be known that he required assistance and did not actively seek out assistance.



It appears that Sgt. Flindall believes he is the ultimate judicial authority and convicts me without being found guilty in a court of law first. However, all I did was to exercise my constitutional right under the Charter of Rights and Freedoms as a Canadian Citizen and pleaded not guilty to the false charge. Though the truth was plainly shown later on when the charge was dismissed through the courts (Exhibit 20b) the stigma associated with the charge remained amongst those I worked with. Furthermore, the HTA charge was so maliciously fabricated that Cst. Tapp who, having worked in the OPP's prestigious Highway Safety Division testified for defense that such a charge ought to have never been applied. During the trial this became very apparent and the charge was thrown out by the presiding Justice who had stern words to say about the two officers for prosecution (Cst. Payne and Sgt. Flindall) (Exhibit 20b). With respect to the personal accountability, nothing was ever mentioned about the dedication and commitment I had towards completing and reducing my task list since I was personally accountable for that. These two sections in my Month 8 performance evaluation that I refer to attest to the amount of animosity I experienced and was subjected to by my supervisors and peers at the Peterborough Detachment. The comments and signatures from Regional Command Staff supported the performance evaluation like all previous performance evaluations. Hence the performance evaluations also re-enforced the feeling of hopelessness and despair. All for being an outsider, a minority, a minority that supposedly 'came across as knowing too much', a minority who spoke with a thick accent, a minority who had a derogatory nick name "Crazy Ivan" and one that few wanted to associate with.

At approximately 12:15 pm after being advised by Sgt. Flindall that I was being charged under the HTA I was in shock. My nose started bleeding, a sure indication that my blood pressure shot through the roof. I felt that I was neither mentally nor physically fit to continue performing my police officer duties that day and therefore I wanted to take the rest of the day off. However, I was dispatched to two calls for service almost back-to-back and decided to stay at work. I responded to the first call (in Zone 2) by speaking with the complainant on the phone, gathering the relevant information, and advising him that I was going to make every effort to drive to his cottage to see him in person that day (the call was not urgent). I responded to the second call (in Zone 3) by driving to the beach on Sandy Lake to remove two intoxicated males (the call was urgent). En route to the second call I stopped at the Buckhorn Community Policing Office as my nose severely bled again (Exhibit 26c, page 5) and it was unsafe for me to continue driving in that condition. At the office there was a community policing female volunteer on duty who witnessed my condition and the bleeding. I took note of her contact info in my officer notebook (Johanna Denis, 705-657-1181) (Exhibit 26c, page 5). After I stopped the bleeding, I drove to the beach, apprehended the intoxicated males, removed them from the beach and transported them to a nearby trailer camp. I released them unconditionally into the custody of their sober friend after charging them (issuing 2 PONs) with being intoxicated in public (Exhibit 26c, pages 5-6). I was then dispatched to a 911 hang up call (in Zone 3), which I attended and cleared. After clearing the 911 call, which was towards the end of my shift, I was en route to the first call (in Zone 2) when I was radio called by the Communication Center and requested to return to the detachment on Sgt. Flindall's order (Exhibit 26c, page 7). I complied. At approximately 6:30 pm at the detachment Sgt. Flindall served me with the PON. Sgt. Flindall knew how to have an OPPA "representative" present when he wanted to chastise me for not following his orders regarding the Criminal Harassment case. Sgt. Flindall did not offer me the opportunity to have an OPPA representative present. Cst. Filman would have had to have been advised of this charge since he was still my coach officer at that time and he chose not to be present and therefore the OPPA once again failed to accommodate me at this stage. I could not sleep the following night. My nose bled again. I called in sick in the morning of August 16, 2009 (Exhibit 26c, page 8).

(August 15, 2009) (Volume 1, I-3):

From: Flindall, Robert (JUS)  
Sent: August 15, 2009 2:24 PM  
To: Campbell, Ron (JUS)  
Cc: Johnston, Mike P. (JUS)  
Subject: RE: HTA Charge against Mike Jack while operating force vehicle today

I've been made aware by PC MORAN that when she was on the coach course, a Sgt from the Police Vehicle Operations at Aylmer was there. He advised her that there were two issues with PC JACK while at the college - his driving and his apparent dislike of women. It's quite apparent that his driving has not improved since then.

This is just for your information should we need it later.

Robert Flindall

Where did my **'apparent dislike of women'** come from? The date of the e-mail is interesting since it was beyond the halfway mark of my probationary period. The comment **'this is just for your information should we need it later'** means that I was being targeted not only by my accountable supervisor, but by the upper management as well (Staff Sergeant and up). The maliciousness and vindictiveness of the OPP to malign me extended beyond the confines of the Peterborough County OPP Detachment. This e-mail is nothing but proof of me being the subject of pure vexatious comments and it casts weight towards showing how biased the OPP was against me. By the way, PC Payne's accusation of me winking at her certainly contradicts my alleged **'apparent dislike of women'**. One has to marvel at how inconsistent and contradictory the Respondent was in oppressing and maligning me.

**The Promise of the OPP (Exhibit 87, page 3):**

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

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

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 31:**

**Paragraph 19 – The Respondent denies that that Applicant was subjected to unwanted comments, jokes and harassment or that his workplace was poisoned.**



**(August 15, 2009) (Volume 1, I-66, 67, 68, 69):**

**From:** Flindall, Robert (JUS)  
**To:** Campbell, Ron (JUS)  
**Cc:** Johnston, Mike P. (JUS)  
**Sent:** Sat Aug 15 15:33:59 2009  
**Subject:** RE: HTA Charge against Mike Jack while operating force vehicle today

Further to below, I think it would be in our best interest to provide PC JACK with the tools and training to succeed at police vehicle operations. I would suggest we attempt to get him on the police vehicle operations course a number of our other members have had to take over the last little while.

**Robert Flindall**

I hope the Tribunal will take heed to the following:

- First, Sgt. Flindall disallowed me to work overtime and to cover for officers on other shifts thus further discriminating against me and further isolating me from detachment members,
- Second, Sgt. Flindall falsely charged me under the HTA as what would appear a reprisal act for me seeking help from the OPP Association,
- Third, Sgt. Flindall stated that it was in their best interest to provide me with the tools and training to succeed at police vehicle operations,
- Fourth, Sgt. Flindall withheld his officer notes on the B&E at Young's call (SP09178964), for which I asked him at least 3 times, thus not allowing me to complete the case,
- Fifth, he oversaw the preparation of Month 6 & 7 and Month 8 fraudulent PERs with numerous fabricated 'Does Not Meet Requirements' categories and falsified my refusal to sign them.
- Sixth, Sgt. Flindall initiated a frivolous and unsubstantiated complaint against me to the Professional Standards Bureau,
- Seventh, since I was no longer on either Sgt. Flindall's or his brother-in-law and good friend Sgt. Banbury's shift where their minions could keep me under surveillance, I was disallowed to work on my own. Further, I was assigned Sgt. Flindall's neighbor, PC Richard Nie, as a new "coach officer" to watch my every move and to document me negatively to the best of PC Nie's skills.

**(August 15, 2009) (Volume 1, I-66):**

**From:** Johnston, Mike P. (JUS)  
**Sent:** August 15, 2009 3:58 PM  
**To:** Flindall, Robert (JUS); Campbell, Ron (JUS); Borton, Doug (JUS); Stevenson, Hugh (JUS)  
**Subject:** Fw: HTA Charge against Mike Jack while operating force vehicle today

Rob

Supt. Stevenson would like Briefing Note on this please.

Forward to A/Supt Borton, Supt. Stevenson and Ron and I.

Thanks

Mike

(August 15, 2009) (Volume 1, I-4, I-66, I-67, I-68, I-69):

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

**Sent:** August 15, 2009 4:10 PM

**To:** Johnston, Mike P. (JUS)

**Subject:** RE: HTA Charge against Mike Jack while operating force vehicle today

Would a cut and paste of the neg 233-10 suffice as the briefing note?

Robert Flindall

(August 15, 2009) (Volume 1, I-4, I-66, I-67, I-68, I-69):

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

**Sent:** August 15, 2009 4:22 PM

**To:** Johnston, Mike P. (JUS)

**Subject:** RE: HTA Charge against Mike Jack while operating force vehicle today

Please disregard - I've found the template for a briefing note on the P drive. I'm completing same now and will forward it on once complete.

Robert Flindall





## GENERAL INFORMATION FORM

Bureau / Region Central

Date: 15 August 2009

Member	JACK, Michael	Badge #	12690
Supervisor	FLINDALL, Robert	Badge #	9740

### RATING

Does Not Meet Requirements

### NARRATIVE ( Incident # Optional )

RM09096931

On Saturday the 15<sup>th</sup> of August 2009, officers of the Peterborough County OPP Detachment attended a residence located on the 14<sup>th</sup> Line of Smith, Smith-Ennismore-Lakefield Twp in regards to a family dispute. After the call was cleared, Sgt. R. FLINDALL left the scene headed westbound on the 14<sup>th</sup> Line of Smith and was being followed by PC J. PAYNE and PC M. JACK in turn. The officers came to the intersection of Cty Rd 23 and the 14<sup>th</sup> Line of Smith and came to a stop. Both Sgt. R. FLINDALL and PC J. PAYNE turned southbound onto Cty Rd 23. Despite southbound traffic approaching the intersection, PC M. JACK also turned onto Cty Rd 23 with the intent to head southbound. As a result, southbound traffic had to brake hard to avoid colliding with PC M. JACK's cruiser and PC M. JACK had to take evasive maneuvers by turning hard into the northbound lane. PC M. JACK continued southbound in the northbound lane and had to accelerate in order to get ahead of the traffic and pull back into the southbound lane. PC M. JACK's driving was dangerous to not only himself but to the motoring public as well.

On the 14<sup>th</sup> of August, 2009, at 1255hrs, the day before, Sgt. R. FLINDALL had served PC M. JACK with the Commissioner's memo concerning cruiser collisions and officer driving safety. As a result he has been charged under S. 136(1)(A) HTA - Fail to yield to through traffic on highway.

Also on the 15<sup>th</sup> of August, 2009, Sgt. R. FLINDALL received an email from court officer John HOBBS dated the 12<sup>th</sup> of August, through Sgt. T. BANBURY. PC J. HOBBS outlines a conversation he had with an upset court clerk (unnamed at her request) who advised that PC JACK had attended her residence looking for a male party. The court clerk did not have issue with PC M. JACK attending the address, as he had the incorrect address, but had an issue with PC M. JACK using her front lawn to turn his cruiser around to leave the driveway. Although there was no permanent damage to her lawn, the cruiser left tire marks across her lawn.

PC M. JACK has been spoken to about his driving behaviour and it's potentially serious consequences should his driving behaviour continue. His file has been appropriately documented and his police cruiser operations has been deemed to not meet requirements.

DISCLOSURE DATE: August 15<sup>th</sup>, 2009

DISCLOSED BY: Sgt. R. FLINDALL #9740

MEMBER'S SIGNATURE



As the Tribunal can see I signed the negative 233-10 with respect to the alleged traffic infraction.

(August 15, 2009) (Volume 1, I-7):

### OPP BRIEFING NOTE

ISSUE: Dangerous police vehicle operation by PC Michael JACK (Probationary)

BACKGROUND AND CURRENT STATUS:

PC Michael JACK is a new recruit at the Peterborough County Detachment, having completed OPC and the Academy in late 2008 and starting at Peterborough County Detachment on the 12<sup>nd</sup> of January 2009. He is currently in his 8<sup>th</sup> month of probation.

On the 30<sup>th</sup> of January 2009, PC M. JACK was involved in a preventable motor vehicle collision with a force cruiser (SP09020239). As a result, PC M. JACK received a negative 233-10 on his file.



### RECENT DEVELOPMENTS:

The following is a brief explanation of today's events, as documented in his negative 233-10 issued today :

On Saturday the 15<sup>th</sup> of August 2009, officers of the Peterborough County OPP Detachment attended a residence located on the 14<sup>th</sup> Line of Smith, Smith-Ennismore-Lakefield Twp in regards to a family dispute. After the call was cleared, Sgt. R. FLINDALL left the scene headed westbound on the 14<sup>th</sup> Line of Smith and was being followed by PC J. PAYNE and PC M. JACK in turn. The officers came to the intersection of Cty Rd 23 and the 14<sup>th</sup> Line of Smith and came to a stop. Both Sgt. R. FLINDALL and PC J. PAYNE turned southbound onto Cty Rd 23. Despite southbound traffic approaching the intersection, PC M. JACK also turned onto Cty Rd 23 with the intent to head southbound. As a result, southbound traffic had to brake hard to avoid colliding with PC M. JACK's cruiser and PC M. JACK had to take evasive manoeuvres by turning hard into the north bound lane. PC M. JACK continued southbound in the northbound lane and had to accelerate in order to get ahead of the traffic and pull back into the southbound lane. PC M. JACK's driving was dangerous to not only himself but to the motoring public as well.

On the 14<sup>th</sup> of August, 2009, at 1255hrs, the day before, Sgt. R. FLINDALL had served PC M. JACK with the Commissioner's memo concerning cruiser collisions and officer driving safety.

### INTENDED ACTION / ANTICIPATED RESULT:

Sgt R. FLINDALL has prepared a negative 233-10 for PC M. JACK in regards to police vehicle operations. He is also to be charged with S. 136(1)(A) HTA – Fail to yield to traffic on through highway.

PC M. JACK should also be attending the OPP's driver assessment program to properly address his current driving habits.

### RELATED ITEMS OF NOTE:

Without any prompting or inquiry from Sgt. R. FLINDALL, PC M. MORAN approached Sgt. R. FLINDALL to advise him of PC M. JACK's driving while enroute to the call for service on the 14<sup>th</sup> Line of Smith. The call for service came in as a priority call and as such, officers were responding with their emergency lights and sirens activated. PC M. JACK was following PC M. MORAN enroute to the call and she found his driving to be aggressive behind her. She cited numerous instances where he was following her too close and passing other motorists too close to crest of hills. Turning onto Cty Rd 23 from Lakefield Rd, PC MORAN thought PC JACK was going to run into the back of her so she tapped her brakes and put on her turn signal to alert him to her upcoming turn.

PC MORAN also advised that during her coach officer training this year, she had been approached by a Sgt (cannot recall name) who was a Police Vehicle Operations instructor at OPC. This Sgt indicated to her that police vehicle operations had been identified in PC M. JACK as being an issue. Cannot confirm this information without seeing his file from OPC/Academy.

Sgt. R. FLINDALL has already spoken to PC M. JACK about his this occurrence and he has been advised he is being charged under the HTA and will be receiving negative documentation. His only response to the discussion was that he felt he had plenty of time to turn into traffic.

Please note the following e-mail correspondence between Sgt. Flindall and PC Moran earlier that day.

(August 15, 2009) (Volume 1, I-70):

**From:** Flindall, Robert (JUS)  
**Sent:** August 15, 2009 8:39 AM  
**To:** Moran, Melynda (JUS)  
**Subject:**

Hey Legs, Do you want to switch up cruisers still? Let's go do it now.

**Robert Flindall**

**From:** Flindall, Robert (JUS)  
**Sent:** August 15, 2009 8:52 AM  
**To:** Moran, Melynda (JUS)  
**Subject:** RE:

You get oh so warm and fuzzy when you're grumpy.

**Robert Flindall**

Please note the communication manner between Sgt. Flindall and PC Moran:

- ***'Hey Legs....'.***
- ***'You get so warm and fuzzy when you're grumpy'.***

This manner of communication attests to them being two good friends. Not just a supervisor and a subordinate at an arms-distance! Hence, Sgt. Flindall's comment, ***'Without any prompting or inquiry from Sgt. Flindall, PC Moran approached Sgt. R. Flindall to advise him of PC M. Jack's driving...'*** does not have much credibility to it. The only reason one would state those words (without any prompting or inquiry from Sgt. Flindall) is because of a guilty mind reminding the person that the manner in how the information was obtained was unethical.



(August 15, 2009) (Volume 1, I-34):

**From:** Johnston, Mike P. (JUS)  
**To:** Flindall, Robert (JUS); Campbell, Ron (JUS)  
**Sent:** Sat Aug 15 16:30:28 2009  
**Subject:** Re: HTA Charge against Mike Jack while operating force vehicle today

Ron

Can you make inquiries next week.

Thanks

Mike

-----  
Sent from my BlackBerry Wireless Device

(August 15, 2009) (Volume 1, I-4):

**From:** Campbell, Ron (JUS)  
**Sent:** August 15, 2009 5:06 PM  
**To:** Johnston, Mike P. (JUS); Flindall, Robert (JUS)  
**Subject:** Re: HTA Charge against Mike Jack while operating force vehicle today

Yes I was on the phone with Rob and suggested that as we don't want to put the organization at risk I will look after. Ron

(August 15, 2009) (Volume 1, I-9, I-114):

**From:** Payne, Jennifer (JUS)  
**Sent:** August 15, 2009 6:16 PM  
**To:** Flindall, Robert (JUS)  
**Subject:** Jack's last evaluation ---

This is just a reminder email for tomorrow to send me Jack's evaluation. Filman may have it labelled Jack 4.

Jen :)

It appears that Cst. Payne was eager to enter her say into my PER on the same day the charge under the HTA against me was fabricated by them. There is circumstantial evidence in the Proceedings at Trial (Exhibit 20a and Exhibit 20b) that suggests PC Payne had Sgt. Flindall charge me under the HTA. I hope the Tribunal will take note of PC Payne's manner of communication to Sgt. Flindall. PC Payne frequently appended a smiley/happy face emoticon after her name in her e-mail correspondence to Sgt. Flindall ONLY. It makes one wonder what sort of a relationship the two had.

(August 15, 2009) (Volume 1, B),  
Sgt. Flindall's notes:

1755- ~~main person~~ call to PC Jack  
up PC Jack's  
20  
F7- adv he's  
ENR to a  
mischief call  
he received  
earlier in  
the day  
- did not  
approve O.T.  
for this - ordered  
him back

(August 15, 2009) (Exhibit 26c),  
PC Jack's notes:

SAT 15 AUG 09  
16:47 411 ORIENTATION  
3203 PM 50  
17:32 HV STOP - U/S 119 AM  
C/S 122 KM/H  
POW# 1714 721A  
ETA TO WEST WIND  
NO AN ME MISCHIEF  
CALL.  
17:55 M/C SST FLINDALL  
REQUEST TO 10-19.  
ADVISED SST FLINDALL  
ABOUT MISCHIEF  
CALL & IN COMMS  
TO, SST FLINDALL  
REQUESTED PC Jack  
10-19

(August 16/17, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

SUN 16 - AUG - 09  
CALLED IN SICK,  
NOSE BLEED, HEAD-  
ACHE, INSOMNIA,  
SWEETING PROFUSELY,  
LACK OF APPETITE

MON 17 - AUG - 09  
DAY OFF

(August 16, 2009) (Volume 1, I-33):

From: Campbell, Ron (JUS)  
Sent: August 16, 2009 7:35 AM  
To: Flindall, Robert (JUS); Filman, Shaun (JUS)  
Cc: Johnston, Mike P. (JUS)  
Subject: Mike Jack Driving

Rob in the BN you mention concern about Cst Jack's driving from Orientation in Orillia. The actual concern was his ability at night time driving. We got an email when he first arrived outlying this as well as the shooting of the targets in the head both issues we're brought to Shaun's attention by myself to monitor. But the issue with driving was night time operation. Ron



**(August 16, 2009) (Volume 1, I-64):**

From: Campbell, Ron (JUS)  
Sent: August 16, 2009 7:34 AM  
To: Flindall, Robert (JUS); Smith, Gerry A. (JUS)  
Cc: Johnston, Mike P. (JUS)  
Subject: Ride Havelock Area

Rob

Since the Jamboree is concluding today I would like to see you dedicate some shift members to RIDE. The last thing we need is someone impaired causing an accident leaving the event. The paid duty officers leave at 1200 and Mitch is on til 1300 on logistics to ensure we have everything picked up. Ron

**(August 16, 2009) (Volume 1, I-64):**

From: Flindall, Robert (JUS)  
Sent: August 16, 2009 7:52 AM  
To: Campbell, Ron (JUS)  
Subject: RE: Ride Havelock Area

10-4. PC Jack called in sick today and Filman is off on V-days now, so we're running a little light. Laperle is out there now (he's itching for an impaired) I'll get Paradis and Rusaw out there shortly.

Robert Flindall

**(August 16, 2009) (Volume 1, I-60, 63):**

From: Flindall, Robert (JUS)  
Sent: August 16, 2009 7:57 AM  
To: Campbell, Ron (JUS)  
Subject: RE: Mike Jack Driving

Ok. I wasn't sure what the issue was and neither was Melynda. That's good to know.

Robert Flindall

**(August 16, 2009) (Volume 3, Z), PC Payne's notes:**

16 Aug 2009  
11:35 [redacted]  
- work on PC Jack  
evaluation stuff  
11:41 [redacted]  
11:54 [redacted]  
11:59 [redacted]  
- work on PC Jack  
evaluation  
12:11 [redacted]

**16 Aug 2009**

11:35 [black]  
- work on PC Jack  
evaluation stuff  
11:41 [black]  
11:54 [black]  
11:59 [black]  
- work on PC Jack  
evaluation  
12:11 [black]

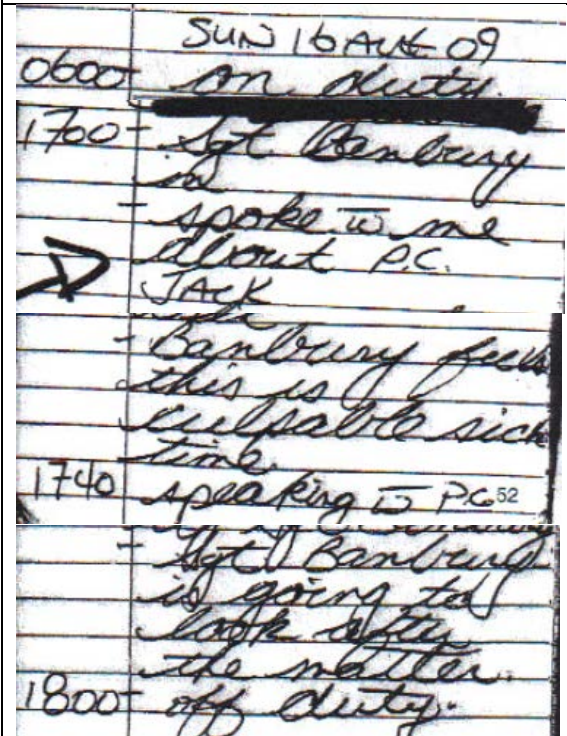
(August 16, 2009) (Volume 3, BB) Point Form Chronology:

16Aug09 - PC Payne

- Didn't work with PC Jack today as he called in sick after being charged under the HTA by Sgt. Flindall
- Since the 15<sup>th</sup> August 2009 I haven't done any calls with PC Jack or spoke with him really. He has not come to me for advice or direction.

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

- One has to complement PC Payne for her keen insight that there was a direct relation between falsely charging me under the HTA and me calling in sick the following day. PC Payne did a superb job in oppressing, maligning and destroying me!
- How could I come to PC Payne for any advice on August 16, 2009, when I was off duty? I wonder if PC Payne understood at all what she wrote.
- 

(August 16, 2009) (Volume 1, B), Sgt. Flindall's notes:	Comments:
	<p>After removing the two intoxicated males from the Sandy Lake Beach and attending a 911 hang-up call I was trying to get to the mischief call in zone 4 in respect of which I was later accused of deception.</p> <p>After I was charged under the HTA by Sgt. Flindall my nose bled a few times throughout the day and I could not sleep that night. That is why I called in sick on the morning of August 16, 2009.</p> <p>The brothers-in-law and good friends (Sgt. Flindall and Sgt. Banbury) were out there to get me this way or the other. And since I was not "one of them", they drove me out.</p>



(August 16, 2009) (Volume 3, BB) Point Form Chronology:

**16Aug09 - S/Sgt Campbell**

- 1940hrs Sgt. Banbury contacted Sgt Campbell at his residence to complain that he believed PC Jack was feigning illness. Sgt. Banbury wanted to initiate an internal complaint. Sgt. Banbury advised to collect statements so both sides of the situation could be examined as there were two sided to every story.

While I was on my sick day off, Sgt. Banbury accused me of being deceitful by feigning sickness and contacted S/Sgt. Campbell without even verifying that I was really sick. The authority for Police Orders is covered by the Police Services Act. Hence, a supervisor has the authority under the Police Services Act to check on a subordinate if the supervisor believes such a member is feigning sickness. I was convicted in the mind of Sgt. Banbury by this false assertion of his (I believe Sgt. Banbury was asked by his brother-in-law and good friend Sgt. Flindall to initiate an internal complaint). Sgt. Banbury had the authority to verify his belief, but he chose not to and in not doing so his communications served to further poison my work environment. Please consider a few facts:

- PC Payne maintained a separate special journal (**Re PC Jack**) in dire contravention of the Ontario Provincial Police Orders.
- PC Payne contacted Sgt. Flindall **during his vacation** (on July 25, 2009) to report on me.
- Sgt. Banbury contacted S/Sgt. Campbell who **was off duty at his residence** to report on me.

These guys were going out of their way to target me. What an insatiable appetite to eat me for breakfast.

(August 16, 2009) (Volume 1, I-32):

**From:** Banbury, Trevor (JUS)  
**Sent:** Sunday, August 16, 2009 10:11 PM  
**To:** Campbell, Ron (JUS); Johnston, Mike P. (JUS)  
**Cc:** Flindall, Robert (JUS)  
**Subject:** PC Jack - deceit

S/Sgt,

When we spoke tonight about PC Jack's sick time for Sunday's shift, you mentioned speaking with him on Wednesday. As I am the NCO he was deceitful to do you need me present when this discussion occurs, along with yourself and Sgt Flindall?

If so, I am unable to come in early on Wed (I am on nights), however I am available to come in early on Thursday if you would like to schedule a time.

A copy of my notes are in an envelope in the tray on your door.

Sgt Trevor Banbury #10270  
Peterborough County OPP  
"B" Platoon  
(705) 742-0401  
VNET 501-4620

**(August 17, 2009) (Volume 1, I-32):**

**From:** Campbell, Ron (JUS)  
**Sent:** August 17, 2009 9:04 AM  
**To:** Banbury, Trevor (JUS); Johnston, Mike P. (JUS)  
**Cc:** Flindall, Robert (JUS)  
**Subject:** RE: PC Jack - deceit

Trevor

No I think it is clear from our conversation. He called and told you he would not be in and was sick at home if anyone cared to check. Since that time you learned that he told a complainant of an incident he was working on he would not be back to work until Wednesday and this would mean he had already intended on missing his Sunday shift as it was Saturday afternoon. Other than that what else would it be that you would add to this? Please advise. Ron

After Sgt. Flindall advised me with a smile on his face that he was charging me under the HTA there was no doubt in my mind that I was being harshly and unlawfully targeted for standing up for my rights. I had a severe nose bleed and the stress associated with what had been done to me left me physically drained of strength so I could not function properly (Exhibit 26c, pages 5 - 6, Schedule 'A', page 22).

Let us suppose that I knew on Saturday afternoon that I would not be able to make it to work the following day because I was already sick. So, because I knew beforehand that I would not be in for work the next day I am feigning sickness? Incredible! The malicious narrow mindedness of management never ceased to amaze me. The amount of prejudice and hatred in those individuals towards me literally prevented them from thinking objectively. The overall and cumulative effects of the prejudice and hatred I was subjected to amounted to racial hatred.

**(August 17, 2009) (Volume 3, V-16, V-17):**

**From:** Campbell, Ron (JUS)  
**Sent:** August 17, 2009 12:06 PM  
**To:** Taylor, Kent (JUS)  
**Cc:** Johnston, Mike P. (JUS)  
**Subject:** FW: HTA Charge against Mike Jack while operating force vehicle today

Kent:

Can we get this officer in for a driving assessment??? I think he also had some night time driving issues at Orientation. Please advise. S/Sgt Ron Campbell

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



(August 17, 2009) (Volume 3, X),  
S/Sgt. Campbell's notes:

Monday 17 Aug 09  
15. On Duty [REDACTED]  
- lost night 1940hrs Sgt  
Bumbury contacted me  
regarding Sgt Jack calling  
in sick on Sunday @ 0700  
but Julie Agolini got  
a call earlier in day  
& referred him to Sgt  
Bumbury. Problem is Sgt  
Agolini was allowing  
neighbour dispute & Sat  
afternoon Sgt Jack told  
subject he would not be in  
work until Wed. So when  
he called he stated he was  
sick at his residence if  
anyone wanted to check  
Sgt Bumbury told Agolini  
to put in duty report he  
wanted to know what was  
going to do about it  
I advised on the surface  
it may look pretty  
dangery but we need  
to hear his side & also  
such time has not been  
an issue so we will  
take it one step at a  
time & speak to him  
Wednesday

(August 17, 2009) (Volume 3, X),  
S/Sgt. Campbell's notes:

Monday 17 Aug 09  
0815. On Duty, [REDACTED]  
later in day  
office admin Re: Sgt  
prep.  
- lost night 1940hrs Sgt  
Bumbury contacted me  
regarding Sgt Jack calling  
in sick on Sunday @ 0700  
but Julie Agolini got  
a call earlier in day  
& referred him to Sgt  
Bumbury. Problem is Sgt  
Agolini was allowing  
neighbour dispute & Sat  
afternoon Sgt Jack told  
subject he would not be in  
work until Wed. So when  
he called he stated he was  
sick at his residence if  
anyone wanted to check  
Sgt Bumbury told Agolini  
to put in duty report he  
wanted to know what was  
going to do about it  
I advised on the surface  
it may look pretty  
dangery but we need  
to hear his side & also  
such time has not been  
an issue so we will  
take it one step at a  
time & speak to him  
Wednesday

(August 17, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

1330	Rob Flindall Re Mike Jack issue of Gerry calling & he was @ home issue must be investigated	being objective also learning plan to correct re-doing B.N. to Inspector Borton. Review Jack file
335	Doug Borton Re B.N. For Gerald Oliver Mike Jack is @ home	530
400	Sgt Flindall discuss H.R. Complaint	

(August 17, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

17 Aug 09

0815

On Duty Peterborough County Rd Dry Ex hazy hot +22 c forecast +31c T/Storm later in day office admin Re; Shift prep

Last night 1940hrs Sgt Banbury contacted me regarding Cst. Jack calling in sick on Sunday @0500hrs but Julia Agolini got a call earlier in day and referred him to Sgt. Banbury Problem is Cst. Agolini was following up neighbour dispute & Saturday afternoon Cst. Jack told subject he would not be into work until Wed so when he called he stated he was sick at his residence if anyone wanted to check. Sgt Banbury told Agolini to put in duty report he wanted to know what we were going to do about it. I advised on the surface it may look pretty damaging but we need to hear his side & also sick time has not been an issue so we will take it one step at a time and speak to him Wednesday.

1330

Rob Flindall Re: Mike Jack issue of Gerry calling and he was @home issue must be investigated.

1335

Doug Borton re: B.N. Mike Jack and other issues.

1400

Sgt Flindall discuss HR. Complaint potential being objective also learning plan to correct re-doing BN. to Inspector Borton. Review Jack file.



**(August 17, 2009) (Volume 3, BB) Point Form Chronology:**

**17Aug09 - S/Sgt Campbell**

- 1330 S/Sgt Campbell spoke to Sgt. Flindall concerning allegation of sick time and importance of matter being investigated prior to coming to a conclusion.
- 1400 S/Sgt Campbell discusses with Sgt. Flindall the potential of a Human Rights complaint and the importance of being objective, also getting a learning plan to correct PC. Jack's issues. S/Sgt Campbell would be re-submitting the Briefing note for the driving incident at the request of Acting Supt. Borton.

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

- According to this entry, S/Sgt. Campbell was being objective. Sgt. Flindall was being reprimanded for not investigating something prior to coming to a conclusion.
- According to this entry, S/Sgt. Campbell warned Sgt. Flindall about losing objectivity with me. However, these issues that were addressed to Sgt. Flindall by S/Sgt. Campbell only served to further fuel the prejudice and racial hatred of me. As the Tribunal will later see Sgt. Flindall was being driven by so much hatred towards me that he failed to heed to Sgt. Campbell's warning.

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

On August 18, 2009, I reported to detachment on my day off to deal with the HTA charge and to follow up on my calls for service, as it had been my habit since I commenced at Peterborough Detachment of the OPP. I had a conversation with the OPPA representative Cst. Mitch Anderson in the parking lot of the detachment (Exhibit 26c, page 9). During this time, I advised him about the HTA charge and the concerns I had about my coaching, in particular how I felt that I was being backstabbed by my peers. I stressed that my performance evaluations were behind by a few months. Furthermore, I told him about my fear of Cst. Payne and her false accusations of me winking at her and lashing out on me in the Constables' office in the midst of my peers. Cst. Anderson was surprised to learn that Cst. Filman did not speak with me regarding the HTA charge as it was his coach officer duty to address it with me right away. Cst. Anderson advised me to call Cst. Filman and the Branch 8<sup>th</sup> OPPA President, D/Cst. Karen German. Though I felt it to be an extreme conflict of interest, I nonetheless contacted Cst. Filman, who in turn advised me he had been told about the HTA charge by Sgt. Flindall on the day it was laid (3 days prior). Upon hearing this I felt that he deliberately neglected to do something that I felt was his duty to do. I realized he had a total lack of interest in coaching me then and there. Though I was not aware of it at the time, upon reflection much later on I realized how true my first impressions of Cst. Filman's attitude towards were.

(August 18, 2009) Counsel's additional disclosure  
(March 13, 2012), PC Jack's notes:

TUE 18-AUG-09  
DAY OFF

0800 REPORTED FOR DUTY  
TO CATCH UP ON  
PAPER WORK

08:18 MET WITH MITCH  
ANDERSON OUTSIDE  
THE DETACHMENT  
IN THE PARKING LOT.  
ADVISED PC ANDERSON  
OF THE UTA CHANGE  
SGT FEINDALL LAIN  
AGAINST PC JACK.  
FURTHER DISCUSSED  
WITH ANDERSON  
PROBLEMS I AM  
HAVING AT THE  
DETACHMENT  
- PROBLEMS WITH  
PC PAYNE -  
INAPPROPRIATE + 43  
HUMILIATING CONVERSATION

(August 18, 2009) (Exhibit 26c),  
Officer notes of PC Michael Jack:

TUE 18-AUG-09  
DAY OFF

0800 REPORTED FOR DUTY  
TO CATCH UP ON  
PAPER WORK

08:18 MET WITH MITCH  
ANDERSON OUTSIDE  
THE DETACHMENT  
IN THE PARKING LOT.  
ADVISED PC ANDERSON  
OF THE UTA CHANGE  
SGT FEINDALL LAIN  
AGAINST PC JACK.  
FURTHER DISCUSSED  
WITH ANDERSON  
PROBLEMS I AM  
HAVING AT THE  
DETACHMENT  
- PROBLEMS WITH  
PC PAYNE -  
INAPPROPRIATE + 43  
HUMILIATING CONVERSATION



(August 18, 2009) Counsel's additional disclosure  
(March 13, 2012), PC Jack's notes:

TUE 12-AUG-09  
- ACCUSATIONS OF  
HE WINNING AT HER  
- BACK STABBING  
- PROBLEMS WITH  
COACHING: MY  
MONTHLY EVALUATIONS  
ARE BEHIND BY  
3 MONTHS: LAST ONE  
I GOT IS DATED  
09MAY 09.

ANDERSON ADVISED TO  
CALL FILMAN AND  
THEN CALL KARCH  
GERMANE AND  
ADVISE HER OF  
THE SITUATION.

09:40 CALLED PC FILMAN  
ADVISED MC TO GO  
TO OPPA SITE

ADVISED FILMAN OF  
THE NTA CHARGE  
LAD BY SST FILMAN.  
FILMAN ADVISED HE  
WAS TOLD BY FILMAN  
OF IT ON THE DAY IT  
WAS LAID.

FILMAN ADVISED TO  
CONTACT KARCH GERMANE  
FILMAN ADVISED THAT  
ONCE 233-10 HAS  
BEEN LAID, PSA  
CHARGES CANNOT  
BE PUNISHED.

233-10 IS INFORMAL  
DISCIPLINE; ONE  
CANNOT BE PUNISHED  
FOR THE SAME OFFENSE  
TWICE.

44

(August 18, 2009) (Exhibit 26c),  
Officer notes of PC Michael Jack:

TUE 12-AUG-09  
- ACCUSATIONS OF  
HE WINNING AT HER  
- BACK STABBING  
- PROBLEMS WITH  
COACHING: MY  
MONTHLY EVALUATIONS  
ARE BEHIND BY  
3 MONTHS: LAST ONE  
I GOT IS DATED  
09MAY 09.

ANDERSON ADVISED TO  
CALL FILMAN AND  
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09:40 CALLED PC FILMAN  
ADVISED MC TO GO  
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ADVISED FILMAN OF  
THE NTA CHARGE  
LAD BY SST FILMAN.  
FILMAN ADVISED HE  
WAS TOLD BY FILMAN  
OF IT ON THE DAY IT  
WAS LAID.

FILMAN ADVISED TO  
CONTACT KARCH GERMANE  
FILMAN ADVISED THAT  
ONCE 233-10 HAS  
BEEN LAID, PSA  
CHARGES CANNOT  
BE PUNISHED.

233-10 IS INFORMAL  
DISCIPLINE; ONE  
CANNOT BE PUNISHED  
FOR THE SAME OFFENSE  
TWICE.

44

(August 18, 2009) Counsel's additional disclosure  
(March 13, 2012), PC Jack's notes:

10:05 TUE 18 - AUG 09  
SPOKE WITH PC HANE  
GRAVELL RE: HIM  
BEING A WITNESS  
TO PC PATRIC VERBET  
DISCIPLINING ME IN  
FRONT OF THEM IN  
THE CONSTABLES'  
OFFICE ON 01/24/09  
GRAVELL ADVISED  
PC JACK RE: HIS  
MEMO'S THE INCIDENT  
AND CAN TESTIFY  
AS TO WHAT HE  
WITNESSED. PC  
GRAVELL'S RESPONSE  
ADVISED THAT PC  
DAN GAT FELT THE  
SAME AS WHEN HE  
WITNESSED THE  
INCIDENT.

11:05 CALLED AND SPOKE WITH  
KAREN GEMMAN,  
THOUGH SHE IS ON  
VACATION; SHE  
ADVISED  
ME TO SEE KATHY  
CHAPMAN AND HAVE  
HER DO THE PROPER  
PAPERWORK AND TO  
ADVISE HEAD OFFICE.

11:20 SPOKE WITH KATHY  
CHAPMAN. ADVISED  
HER OF THE MTA  
CHARGE. ADVISED HER  
THAT I WANT TO  
DISPUTE THE MTA  
TICKET BUT THAT  
I AM CONCERNED THAT<sup>45</sup>  
I MIGHT GET CHARGED.

(August 18, 2009) (Exhibit 26c),  
Officer notes of PC Michael Jack:

TUE 18 - AUG 09  
10:05 SPOKE WITH PC HANE  
GRAVELL RE: HIM  
BEING A WITNESS  
TO PC PATRIC VERBET  
DISCIPLINING ME IN  
FRONT OF THEM IN  
THE CONSTABLES'  
OFFICE ON 01/24/09  
GRAVELL ADVISED  
PC JACK RE: HIS  
MEMO'S THE INCIDENT  
AND CAN TESTIFY  
AS TO WHAT HE  
WITNESSED. PC  
GRAVELL'S RESPONSE  
ADVISED THAT PC  
DAN GAT FELT THE  
SAME AS WHEN HE  
WITNESSED THE  
INCIDENT.

11:05 CALLED AND SPOKE WITH  
KAREN GEMMAN,  
THOUGH SHE IS ON  
VACATION; SHE  
ADVISED  
ME TO SEE KATHY  
CHAPMAN AND HAVE  
HER DO THE PROPER  
PAPERWORK AND TO  
ADVISE HEAD OFFICE.

11:20 SPOKE WITH KATHY  
CHAPMAN. ADVISED  
HER OF THE MTA  
CHARGE. ADVISED HER  
THAT I WANT TO  
DISPUTE THE MTA  
TICKET BUT THAT  
I AM CONCERNED THAT<sup>45</sup>  
I MIGHT GET CHARGED.



(August 18, 2009) Counsel's additional disclosure  
(March 13, 2012), PC Jack's notes:

FILE 18-MUG-04  
UNDER THE POLICE  
SERVICES ACT  
KATHY CHARMAN  
ADVISED PC JACK  
THAT SHE WAS  
GOING TO CALL  
WARREN GERMAN  
AND FIND OUT AND  
THEN LET PC JACK  
KNOW

11:40 CHARMAN ADVISED  
PC JACK, AFTER SPEAKING  
WITH WARREN GERMAN,  
TO APPLY FOR LEGAL  
ASSISTANCE THROUGH  
OPPA.

12:15 SUBMITTED THE APPLICATION  
FOR LEGAL ASSISTANCE  
THROUGH OPBA TO  
KATHY CHARMAN  
TO FAX TO THE OPBA

12:55pm COMPLETED DADS FOR  
TWO PREVIOUS SUITS.

01:45 FINISHED 7 MCNEIL  
REPORTS FOR [REDACTED]

[REDACTED]

01:50pm CHECKED VOICE MAIL  
1 NEW MSG:

[REDACTED]

COUSIN CHARLES RV  
TRAILER OWNER

01:55pm SPOKE WITH  
[REDACTED]

RE: THEFT  
[REDACTED]

(August 18, 2009) (Exhibit 26c),  
Officer notes of PC Michael Jack:

FILE 18-MUG-04  
UNDER THE POLICE  
SERVICES ACT  
KATHY CHARMAN  
ADVISED PC JACK  
THAT SHE WAS  
GOING TO CALL  
WARREN GERMAN  
AND FIND OUT AND  
THEN LET PC JACK  
KNOW

11:40 CHARMAN ADVISED  
PC JACK, AFTER SPEAKING  
WITH WARREN GERMAN,  
TO APPLY FOR LEGAL  
ASSISTANCE THROUGH  
OPPA.

12:15 SUBMITTED THE APPLICATION  
FOR LEGAL ASSISTANCE  
THROUGH OPBA TO

KATHY CHARMAN  
TO FAX TO THE OPBA

12:55 COMPLETED DADS FOR  
TWO PREVIOUS SUITS.

01:45 FINISHED 7 MCNEIL  
REPORTS FOR RUS  
BARNETT, TAIT,  
STEPHENSON, MAY,  
WILLIAMSON, CORBIN,  
SCHLEETER.

01:50 CHECKED VOICE MAIL  
1 NEW MSG:

TREVOR SMITH  
705-927-3044

COUSIN CHARLES RV  
TRAILER OWNER

01:55 SPOKE WITH  
GAIL OLIVESTAD

RE: THEFT  
SP 09150521

(August 18, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:

TUE 18-AUG-09  
OLMSTEAD ADVISED  
PC JACK THAT  
CLAIRE MCSTER  
DID NOT RETURN  
THE 4 CORAL PARCELS  
AND DID NOT CALL  
OLMSTEAD TO ADVISE  
IF SHE WAS GOING  
TO DO SO.  
OLMSTEAD ADVISED  
PC JACK THAT  
SINCE HE HAD NO  
BILL OF SALE FOR  
THE CORAL PARCELS,  
AS HE PAID IN CASH  
AND BOUGHT THEM  
THROUGH CLAIRE  
MCSTER, HE DID NOT

WISH TO PURSUE THE  
MATTER ANY FURTHER  
AND WISHED THE  
MATTER TO BE  
CLOSED.  
OLMSTEAD ADVISED  
PC JACK THAT HE  
APPRECIATED EVERY-  
THING PC JACK DID  
AND THANKED POLICE  
FOR THE EFFORT.  
OLMSTEAD ADVISED  
IT IS A FAMILY  
DISPUTE OVER  
MONEY AND  
PROPERTY AND HE  
WAS GOING TO  
PURSUE THE  
MATTER CIVILLY,<sup>47</sup>  
AND DISPUTE IT



(August 18, 2009) Counsel's additional disclosure  
(March 13, 2012), PC Jack's notes:

THE 18- AUG-09  
IN A CIVIL COURT  
[REDACTED] REQUESTED  
HIS DATE RECONNA  
TO BE MAILED  
BACK TO [REDACTED], TO  
WHICH PC JACK  
ADVISED HE WAS  
GOING TO DO SO.  
15:00 COMPLETED REPORT  
ON NICHE FOR  
[REDACTED]  
15:10 DROPPED MAIL ENVELOP  
WITH [REDACTED]  
DATE RECONNA AT  
FRONT DESK FOR MAILING  
[REDACTED] TENDY  
ADVISED [REDACTED] WAS GOING  
TO MAIL IT BY REGISTERED  
MAIL.  
15:30 SPoke with S/SSGT  
CAMPBELL RE:  
- DRIVING ASSIGNMENT  
- TRAINING ISSUES  
IN WORK PLACE  
- VETTING PLAN  
CAMPBELL ADVISED  
P/L JACK THAT TENDY  
S/SSGT CAMPBELL,  
SGT FLINDALL,  
AND PC JACK WILL  
MEET ON WEDNESDAY  
MORNING TO DISCUSS  
WHAT IS GOING ON  
AND DECIDE ON THE  
COURSE OF ACTION.  
16:05 CALLED [REDACTED]  
[REDACTED] 48  
TO TALK TO

(August 18, 2009) (Exhibit 26c),  
Officer notes of PC Michael Jack:

THE 18- AUG-09  
IN A CIVIL COURT  
OLMSTEAD REQUESTED  
HIS DATE RECONNA  
TO BE MAILED  
BACK TO HIM, TO  
WHICH PC JACK  
ADVISED HE WAS  
GOING TO DO SO.  
15:00 COMPLETED REPORT  
ON NICHE FOR  
OLMSTEAD  
15:10 DROPPED MAIL ENVELOP  
WITH OLMSTEAD'S  
DATE RECONNA AT  
FRONT DESK FOR MAILING  
TO OLMSTEAD. TENDY  
ADVISED SHE WAS GOING  
TO MAIL IT BY REGISTERED  
MAIL.  
15:30 SPoke with S/SSGT  
CAMPBELL RE:  
- DRIVING ASSIGNMENT  
- TRAINING ISSUES  
IN WORK PLACE  
- VETTING PLAN  
CAMPBELL ADVISED  
P/L JACK THAT TENDY  
S/SSGT CAMPBELL,  
SGT FLINDALL,  
AND PC JACK WILL  
MEET ON WEDNESDAY  
MORNING TO DISCUSS  
WHAT IS GOING ON  
AND DECIDE ON THE  
COURSE OF ACTION.  
16:05 CALLED KAWARTHA  
PUEBLO DISTRICT  
SCHOOL BOARD, WANTS  
TO TALK TO

(August 18, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:	(August 18, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:
<p>TUE 18-AMG-09 [REDACTED] BOARD WAS CLOSED FOR THE NIGHT [REDACTED]</p> <p>16:30 SPOKE WITH MITCH ANDERSON RE: - OPPA REPRESENTATION - OPP WORK POLICIES AND ETHICS - MY WORK IMPROVE- MENT PLAN - IDENTIFYING &amp; CORRECTING ISSUES</p> <p>17:50 CONVERSATION OVER</p> <p>18:55 OFF DUTY FOR THE DAY OFF PL 12690 2mo</p>	<p>TUE 18-AMG-09 PETER VANESSEN BOARD WAS CLOSED FOR THE NIGHT PH# 742-9773</p> <p>16:30 SPOKE WITH MITCH ANDERSON RE: - OPPA REPRESENTATION - OPP WORK POLICIES AND ETHICS - MY WORK IMPROVE- MENT PLAN - IDENTIFYING &amp; CORRECTING ISSUES</p> <p>17:50 CONVERSATION OVER</p> <p>18:55 OFF DUTY FOR THE DAY OFF PL 12690 2mo</p>

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

Due to the nature of the charge I requested and promptly obtained OPPA approval (Exhibit 25) to cover the costs of the legal assistance to contest the allegation. The legal fees were approved by the Vice President of the 8<sup>th</sup> Branch of the OPPA Sgt. Paul Ziggel who is from the Northumberland Detachment. Note: When I met and spoke with Sgt. Ziggel at the OPPA Christmas party in early December 2009 I asked him why he had approved the legal fees to which he replied that after reviewing the synopsis he believed the matter could have been handled differently by Sgt. Flindall. Sgt. Ziggel told me that Sgt. Flindall could have spoken to me about my alleged traffic infraction and documented it in his notebook for further reference if ever needed instead of laying a formal charge. However, if one were trying to build a file to support the termination of a probationary recruit laying the charge would be the most appropriate avenue. From the disclosed officer notes (Exhibit 20a), it was evident that Cst. Payne orchestrated laying the charge. Furthermore, I can also see how Cst. Tapp felt when he was charged with Stunt Driving and Careless driving in April 2008 (Exhibit 96a). He maintained his innocence indicating that the investigation was shoddy and lacked a prima facie case to substantiate charges. Cst. Tapp was exonerated of the charge (Exhibit 96b). On August 12, 2010, I was exonerated of the charge by Justice of the Peace Carl Young of the Peterborough Court (Exhibit 20b). Note: The first hearing took place on April 1, 2010 continued on May 27 and concluded on August 12, 2010.



**(August 18, 2009) (Volume 3, V-17):**

**From:** Taylor, Kent (JUS)  
**Sent:** August 18, 2009 2:43 PM  
**To:** Campbell, Ron (JUS)  
**Cc:** Johnston, Mike P. (JUS); McNeely, Dave (JUS)  
**Subject:** RE: HTA Charge against Mike Jack while operating force vehicle today  
Ron

Arranging for an assessment is not a problem. Sgt Dave McNeely is qualified to do so and then provide remedial training as deemed necessary. A second option for consideration is sending him on the "Performance Driving Seminar" held three times a year at the OPC (Seminar is a week long). Assessment is good first step though.

Please have Jack's supervisor (Is that Robert Flindall?) book the appointment directly with Dave McNeely if this is the route you would like to go.

For your information, I did some snowy-road training with Michael when he was here at his post-OPC training. Didn't conducted a full assessment as we were just trying to get the recruits through the areas they had difficulty with while at OPC.

Please feel free to call me any time if you require more information.

Kent

Sgt. T.K. (Kent) Taylor

**(August 18, 2009) (Volume 2, N-1):**

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

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

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

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

**(August 18, 2009) (Volume 3, W-3):**

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

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

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

a) his job was in jeopardy - for failing to follow direction given to him on cc investigation- he answer shopped and didn't do as instructed.

b) he would be watching his every move and documenting it

c) charge under the HTA for driving error on the 12th of Aug

d) Apparent discussions Sgt Flindall has asked his entire shift to monitor Jack's actions and contact him for any issues ( this is also spread to platoon B)

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

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

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

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

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

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

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

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

the move to give everyone a fresh start.

Ron





intentioned? How could denying me developmental opportunities be viewed of being in my best interest? How could an order forbidding me to work overtime and to cover for officers on other shifts be considered as well intentioned? How could falsely charging me under the HTA be an act of kindness?

**Counsel's Response to the Application (HRT0 2010-07633-I), paragraph 31:**

**Paragraph 19 – The Respondent denies that that Applicant was subjected to unwanted comments, jokes and harassment or that his workplace was poisoned.**

The Respondent is absolutely right in the use of the word 'poisoned'. However, another appropriate word to describe my work environment is toxic!

I do disagree with S/Sgt. Campbell's thoughts that Sgt. Flindall lost the focus he was there to assist and correct me as he never focused on assisting and correcting me in the first place, i.e. total absence of performance evaluation meetings, total absence of positive documentations, denial of developmental opportunities, etc. Initially, he totally neglected me. Then after I had voiced my concerns he launched an annihilation campaign against me.

**Paragraph 5:**

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

Please note that S/Sgt. Campbell acknowledged that I was being subjected to unreasonable demands. However, nothing was done to rectify it and if the Respondent wishes to take the position that something was done by way of S/Sgt. Campbell issuing two or even three negative 233-10s to Sgt. Flindall, then I assert that the punishment obviously did not fit the crime for it continued.

**Paragraph 8:**

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

I wonder if Sgt. Flindall and Sgt. Banbury had not been relatives and close friends or even if they had been, but worked in different detachments what would have happened. It certainly would have made it a little more difficult for Sgt. Flindall to conduct his surveillance on me. Regardless of that my work environment had been poisoned after an e-mail exchange between S/Sgt. Campbell and Sgt. Flindall on September 23, 2008.



Paragraph 17 – The Respondent denies that the Applicant was switched from one platoon to another because it was discovered that he was being targeted by members of his shift. The Applicant was given an opportunity to have a

Paragraph 18 – The Respondent acknowledges that Constable Nie and Sergeant Flindall are neighbours but deny they are “close friends”. They work opposite schedules, rarely therefore see each other at work and do not socialize with each other outside of work.

[illegible]

Tuesday 18 Aug 09  
800 [redacted]  
35 Cst Jack Dwyer Borker  
Advise have him  
to fresh set of eyes  
switch platform to  
another coach.  
45 [redacted]  
0900 Spoke to Sgt Rothman  
& Sgt Smith  
consulted to  
coach RICH NIE  
1300 Spoke to Mike Jack  
Re Dr. i. C. H.  
states no supervision  
left by himself has to  
2222 hours as F is  
not concerned about  
Dr but no help.  
1310 [redacted]

1500. Spoke to Mike who  
Advised him of  
meeting tomorrow  
him Sgt. Corbett & the  
Advised of Dealing  
Assessment Request  
as has ticket concern  
@OPC. Showed he  
Did pass test  
wanted to know OPA  
Rep. present advised  
That is fine

**(August 18, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:**

**18Aug 09**

**0835**

Cst Jack, Doug Borton advise move him to fresh set of eyes switch platoons to another coach.

**0900** spoke to Sgt Rathbun & Sgt Smith consulted re: Coach Rich Nie

**1300**

Spoke to Mike Jack Re OT and CH states no supervision left by himself had to seize numerous FA not concerned about OT but no help.

**1500**

Spoke to Mike Jack advised him of meeting tomorrow him Sgt, coach and me. Advised of driving assessment request as had ticket concern at OPC showed he did pass test wanted to have OPPA rep present advised that is fine.

**1545**

Discuss with Gerry Smith meeting in am.

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

**18Aug09 - S/Sgt Campbell**

- 0835hrs - Acting Supt Borton advises to move PC Jack to have a fresh set of eyes, to switch platoons and coaches.
- 0900hrs - S/Sgt. Campbell contacts PC Nie to coach PC Jack. PC Nie agrees to complete coaching duties.
- 1300hrs - S/Sgt. Campbell speaks to denial of overtime to PC Jack. PC Jack advises that he had no supervision.
- 1500hrs - S/Sgt. Campbell advises PC Jack of meeting on 19<sup>th</sup> of Aug 09 with his Sgt. to discuss issues of driving and a request for an assessment of his driving skills.

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

- Ok.
- I still wonder who was responsible for selecting Sgt. Flindall's next-door neighbor PC Nie to finish me off.
- Though I was not paid for my afternoon work on July 24, 2009, (I basically worked an extra shift for free) I was not concerned about not getting paid for the OT. I was very concerned about how I had been assigned to deal with the case beyond my scope of expertise in the matter. That just felt so wrong!
- True.



(August 18, 2009) (Volume 3, V-16):

From: Campbell, Ron (JUS)

Sent: August 18, 2009 3:40 PM

To: Taylor, Kent (JUS)

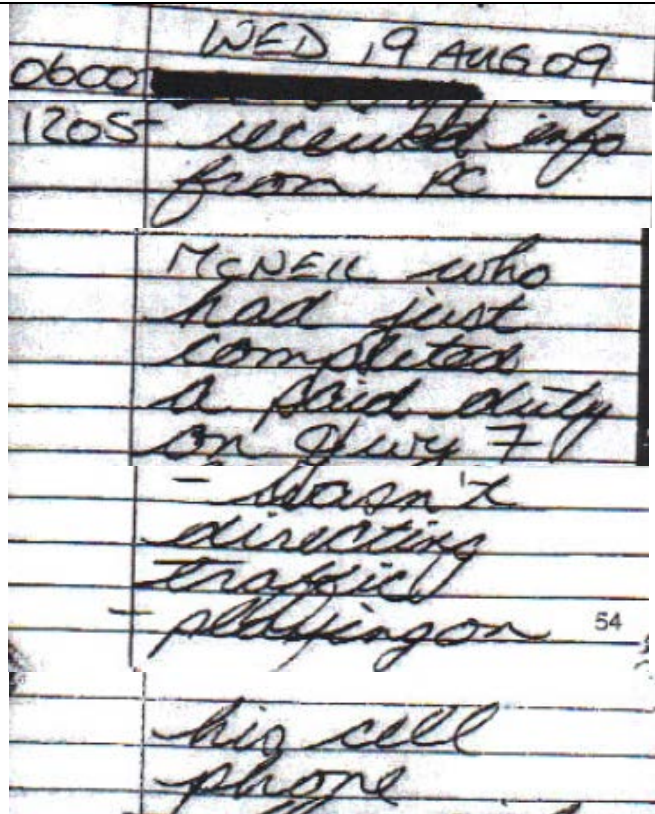
Cc: Johnston, Mike P. (JUS); McNeely, Dave (JUS)

Subject: RE: HTA Charge against Mike Jack while operating force vehicle today

Kent I just spoke to Cst. Jack and I know Dave. We will have a meeting tomorrow morning to discuss some dates.

Dave can you provide in advance some dates for an assessment?? Ron

(August 19, 2009) (Volume 1, B), Sgt. Flindall's notes:



WED 19 AUG 09  
0600 [REDACTED]  
1205 received info from R  
McNEIL who had just completed a paid duty on duty 7  
- wasn't directing traffic  
- playing on his cell phone

Comments:

It was simply impossible to play on my cell phone at the time. I hardly believe it was possible to play on anyone's cell phone outside at the time. The sun was so bright on that day that in order to see anything on the screen of my Blackberry I had to be in the shadow and there was no shadow around the intersection. The only thing I can think of that they might have observed is that I was trying to retrieve a text-message. How long would it take to retrieve a text message? Is there anything wrong with using the mobile phone while on-duty?

However, it is yet another example of me being under surveillance. PC MacNeil worked on Sgt. Flindall's brother-in-law Sgt. Banbury's shift (Exhibit 66) – the second shift that was ordered to keep me under surveillance and report all their observations to Sgt. Flindall.

I wonder about the truth of the story and I hope I could ask PC Paul MacNeil about it myself.

**(August 19, 2009) Counsel's additional disclosure (March 23, 2012):**

<b>Analysis of case load</b> Ontario Provincial Police Printed: August 19, 2009, 15:24 by #9740 FLINDALL, R. Summary for: Period from 2009/06/09 00:00 to 2009/08/09 00:00 <b>Officer: JACK, MICHAEL</b> <b>Employee No.: 12690</b>	<b>Analysis of case load</b> Ontario Provincial Police Printed: February 16, 2012, 23:32 by #9740 FLINDALL, R. Summary for: Period from 2009/06/09 00:00 to 2009/08/09 00:00 <b>Officer: FILMAN, SHAUN DAVID</b> <b>Employee No.: 11212</b>	<b>Analysis of case load</b> Ontario Provincial Police Printed: February 16, 2012, 23:30 by #9740 FLINDALL, R. Summary for: Period from 2009/06/09 00:00 to 2009/08/09 00:00 <b>Officer: PAYNE, Jennifer</b> <b>Employee No.: 9931</b>
<b>Summary for: Period from 2009/06/09 00:00 to 2009/08/09 00:00</b>		
<b>Printed: August 19, 2009,</b> <b>by Sgt. Flindall</b>	<b>Printed: February 16, 2012,</b> <b>by Sgt. Flindall</b>	<b>Printed: February 16, 2012,</b> <b>by Sgt. Flindall</b>
<b>Officer totals</b> Occurrences: 101 Dispatches: 94 Assignments: 103 Reports: 100 Non-Rpt Occ. With No Dispatch Detail: 0	<b>Officer totals</b> Occurrences: 98 Dispatches: 82 Assignments: 87 Reports: 50 Non-Rpt Occ. With No Dispatch Detail: 2	<b>Officer totals</b> Occurrences: 80 Dispatches: 72 Assignments: 74 Reports: 28 Non-Rpt Occ. With No Dispatch Detail: 1
ASSISTS. 2 REP-43 N.R-56 <hr/> 100	N.R - 54 ASSIST - 15 REP - 26 <hr/> 95	ASSIST. - 6 N.R. - 56 REPORT - 18 <hr/> 80

As is clearly evident from the Counsel's additional disclosure on March 23, 2012, Sgt. Flindall performed an analysis of case load of three persons, Mr. Michal Jack, PC Shaun Filman and PC Jennifer Payne:

The fact that Sgt. Flindall printed an analysis of case load for me on August 19, 2009, is obvious: Sgt. Flindall was preparing my Month 6 & 7 PER (Exhibit 24) and needed the data. However, I hope the Tribunal will wonder why a comparison was made between an analysis of case load for me, which was printed on August 19, 2009, with the analysis of PC Filman's and PC Payne's case load which were printed on February 16, 2012. Furthermore, in light of many missing calls for service from my list of workload (Exhibit 47) which was printed on February 6, 2010, it is evident that many of the calls I handled are missing there (Analysis of the Respondent's disclosure: 20 - Missing calls for service).

Hence, the case load analysis re-affirms my assertion that I was the one who had the least amount of time off the road on Platoon 'A' during the busiest period. Not only was I a front line rookie performing my Constable's duties at the detachment which was filled with racial prejudice and disdain towards me, but with an exception of two sick days, I was not given any time off the road. I booked two days off in either July or August, but then I was denied them due to the shift shortage. None of those facts seemed to be



taken into consideration when Sgt. Flindall and PC Payne fraudulently prepared my Month 6 & 7 PER, in which, among other things, I was accused and rated negatively for being unable to multitask and poor time management skills.

Furthermore, as is clearly evident from the Respondent's disclosure on January 16, 2012, (Volume 6, 20) I performed my own analysis of my case load in the summer 2009 when I was still an OPP Constable.

**(Volume 6, 20):**

I have been working on my own since April 2009. During the busy summer months, there have been a number of occasions when I worked alone in my zone throughout the entire day. Also, during my evaluation period (09 June 2009 to 09 August 2009) 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 (09 June 2009 to 09 August 2009) my zone partners, which were my coach officer, Cst. Filman, and my "go-to" person, Cst. Payne, had a total of 37 reportable calls for service together, 20 and 17, respectively; and 35 non-reportable, 10 and 25, respectively.

**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.

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

Analysis of Michael JACK's Caseload 2009

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

Totals 135 181 32

Total Occ's 348

(August 19, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

0800 19 Aug 09  
 Stake to Sgt Flinn II  
 E. Mike Jack  
 Jack coach after  
 going on not leave  
 for 4 months.  
 - Fresh start  
 - Drawing instructions  
 - Advice of being  
 given sheet for  
 requirements, receipt of  
 giving 42.100.

1145 Stake to Sgt Flinn II  
 & Sgt Smith for  
 names of move or  
 Cst Jack  
 1230  
 311 Sgt Flinn II issues  
 with traffic complaint  
 for Cst Hadden  
 2 P.D. Duty - same.  
 Advise no report  
 from Cst P.D. Duty  
 people Sgt Smith  
 or Cst Hadden.



Sgt Flindall issue with traffic complaint from Cst Hobbins and Paid duty area advised no report. From cst paid duty people Sgt Smith of Cst. Hobbins

0555	WED 14-AUG-09
01C	ON DUTY
10-13	Sgt FLINDALL
SOFT	+20-25°C, SUNNY
HARD	11-301
MIL	<del>11-1192</del>
EWING	110096/110132
06:10	REAR, ASD
06:20	ORGANIZED COMPUTER
0625	FILES + BACKED THEM UP
	EMAILS
	SILET BRIEFING
	- HAWLOCK TAMBORRE
	DEBRIEFING
	- PARADIS ON THE INSTALLATION OF GPS IN TORONTO PS
	- FLINDALL ON THE USE OF GPS IN POLICE
	CRUISE
	- DOING OUR OWN

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

WEN 19-AUG-09  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
07:25 = FLINDALL ASKED PARENTS  
TO ASSIST JACK WITH  
PROGRAMS PROHIBITION  
HEARING PAPERWORK  
FOR RUS WILLIAMSON  
CASE  
07:30 FLINDALL ORDERED  
PC JACK TO DO A PROMIS  
HEARING FOR  
[REDACTED]  
DO THE PARENTS WANT  
AWAY, GET PATT  
SIGN BY THE  
CLOCK, VANCE SARAH  
ASSIST ME WITH THE  
PROCESS, PATT GO  
SEC [REDACTED]  
AND SERVE IT ON  
WILL.  
2 SHEETS IN TOTAL  
ADVISE [REDACTED]  
WE MUST DO THAT,  
BUT THE DISPOSITION  
IS NOT UP TO US.  
07:35 OVER  
07:40 SST FLINDALL GAVE  
PC JACK HIS EVALUATION  
FOR MONTH MAY 04 5  
09 MAY 04 - 09 JUN 04  
DATED AND SIGNED  
AUGUST, 16, 2009.  
07:50 CLOSED ON PC  
ANDerson COMPUTER  
FILED OUT THE 50  
PROMIS HEARING FOR

(August 19, 2009) (Exhibit 26c),  
Officer notes of PC Michael Jack:

WEN 19-AUG-09  
INFORMATION  
- INFORMATION  
WORKING AND WANT  
TO GET THEM.  
07:25 = FLINDALL ASKED PARENTS  
TO ASSIST JACK WITH  
PROGRAMS PROHIBITION  
HEARING PAPERWORK  
FOR RUS WILLIAMSON  
CASE  
07:30 FLINDALL ORDERED  
PC JACK TO DO A PROMIS  
HEARING FOR  
RUS WILLIAMSON  
DO THE PARENTS WANT  
AWAY, GET PATT  
SIGN BY THE  
CLOCK, VANCE SARAH  
ASSIST ME WITH THE  
PROCESS, PATT GO  
SEC WILLIAMSON  
AND SERVE IT ON  
WILL.  
2 SHEETS IN TOTAL  
ADVISE WILLIAMSON  
WE MUST DO THAT,  
BUT THE DISPOSITION  
IS NOT UP TO US  
07:35 OVER  
07:40 SST FLINDALL GAVE  
PC JACK HIS EVALUATION  
FOR MONTH MAY 04 5  
09 MAY 04 - 09 JUN 04  
DATED AND SIGNED  
AUGUST, 16, 2009.  
07:50 CLOSED ON PC  
ANDerson COMPUTER  
FILED OUT THE 50  
PROMIS HEARING FOR



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

[illegible]

**(August 19, 2009) (Exhibit 26c),  
Officer notes of PC Michael Jack:**

WED 14-MAY-09  
SECTION 112.05  
OR CRIMINAL CODE  
JOHN WILLIAMSON  
PHONE #5!  
705-799-7092  
~~613-334-2395 M.O.~~  
94 KENNEDON DR.  
08:30 M/C MARIASINE  
81 CRYSTAL HEIGHTS  
08:35 MARIASINE CANCELLED  
08:55 DIRECTED BY SGT.  
FLINDALL TO GO  
TO COURT AND TAKE  
CARE OF THE APPLICATION  
FOR PROBATION PROHIBIT.  
MARIASINE FOR JOHN  
DEREK WILLIAMSON  
09:08 10-8  
09:17 @ PTBO COURT  
SPOKE WITH LAFRANCIE  
RE: MRS ANDERSON CASE  
ADVISED THAT PL JACK  
WAS TOLD BY SGT  
FLINDALL TO PREPARE  
AND SUBMITT "ADVISE  
BRIEF" AND THAT IS  
EXACTLY WHAT I DID.  
LAFRANCIE APPEARED  
TO BE DISSATISFIED,  
YET PUT THE BAKER  
INTO CROWN TRAY.  
09:30 MET WITH THE  
JP MARIASINE  
JP SIGN ON THE  
APPLICATION AND  
MADE A COPY  
09:40 CALLED WILLIAMSON  
705-743-5780 51  
CHARLIE MARIASINE

(August 19, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:

WED 19- AUG-09  
 CALLED GARY GREGORY  
 875-0561  
 760-2819 JOHN'S  
 WILLIAMSON CEN  
 CURRENTLY ON SITE  
 09:50 E/N TO KEEPER TO  
 SERVE WILLIAMSON  
 WITH THE COPY OF  
 APPLICATION  
 10:00 SERVED JOHN DENCK  
 WILLIAMSON WITH  
 THE TRUE APPLICATION  
 FOR APPROX. PARKING  
 @ PARKING LOT ON  
 KEEPER STREET.  
 10:10 M/C PERSONAL PARKING  
 FROM PARK PLACE  
 TO COURT  
 10:24 @ 219 PARK ST NORTH  
 PARK PLACE

ARION EMERSON  
 TOBE-BRYANT  
 (11-04-92)  
 10:41 @ COURT, DROPPED  
 PERSONAL OFFR  
 10:50 CALLED PTBO OPP  
 DETACHMENT,  
 ADVISED SGT FLINARD  
 ABOUT THE SERVICE OF  
 THE APPLICATION ON  
 WILLIAMSON; NO  
 ANSW @ DOOR @ OPP  
 COURT ROOM  
 SGT FLINARD TOLD  
 TO GO BACK TO PARKING  
 AND SUBMIT THE  
 APPLICATION FROM  
 THERE.  
 11:05 10-8 FROM COURT



11:20 WED 19-APR-04  
11:22 10-19

[illegible]

53

120 WED 19-APR-24  
11:32 10-19

11:40 ADVISED BY FLINDALL  
TO WORK ON RAC

12:05 CALLED PINE MARE  
DISTRICT SCHOOL ROOM  
LEFT MESSAGE FOR  
PETER VAKESSEN  
TO CALL BACK

12:25 VOICEMAIL  
TREVON SMITH  
COUSIN OF CM. CHERMAN  
105-927-3044 RV  
SP09155028  
DANON SMITH

LEFT MSS.  
12:30 WORKED ON CROWN  
BRICK STAIRS FOR  
B & C YOUNG'S POINT  
13:05 SENT EMAIL TO JEFF  
HALL RE: REMAINS  
PROHIBITION HEARINGS  
FOR WILLIAMSON

12:15 MEETING WITH  
S/SGT CAMPBELL,  
SGT KUMRAH,  
CST ANDERSON AS  
AN OPPA REPRESENT.  
A FEW ISSUES WERE  
IDENTIFIED

53

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

WED 14-AUG-09  
WITH AT THE COMB  
LOVEL  
- 3 EVALUATIONS  
BEHOLD.  
- 100% SHOT AT  
SUSPECTING  
- NO SHOPPING FOR  
ANSWERS  
- MOVING TO PLATOON  
"D" WITH A NEW  
COACH: MCH LIE  
- NOT A PUNISHMENT  
- FELT LIKE PC JACK  
WAS BEING SLAPPED  
WITH AN-AT-ONCE  
- WILL FINISH 4 MONTHS  
WITH MCH LIE  
- FOLLOWING DIRECTIONS  
AND CHAIR OR COMMAND

- COACH OFFICIAL  
SHOULD BE AVAILABLE  
TO ASSIST  
232-10 X2 +  
POW FOR TRAFFIC  
INFRACTION

15:00 OUCH

LUNCH BREAK  
WITH MITCH ANDERSON

16:00 REVIEWED & SIGNED  
MY PROBATIONARY  
CONSTABLE PERFORMANCE  
EVALUATION REPORT  
FOR MONTH #5  
09MAY09 - 09JUN09

16:25 CHECKED VOICEMAIL

NO NEW MSGS

16:30 CALLED

54

(August 19, 2009) (Exhibit 26c),  
Officer notes of PC Michael Jack:

WED 14-AUG-09  
WITH AT THE COMB  
LOVEL  
- 3 EVALUATIONS  
BEHOLD.  
- 100% SHOT AT  
SUSPECTING  
- NO SHOPPING FOR  
ANSWERS  
- MOVING TO PLATOON  
"D" WITH A NEW  
COACH: MCH LIE  
- NOT A PUNISHMENT  
- FELT LIKE PC JACK  
WAS BEING SLAPPED  
WITH AN-AT-ONCE  
- WILL FINISH 4 MONTHS  
WITH MCH LIE  
- FOLLOWING DIRECTIONS  
AND CHAIR OR COMMAND

- COACH OFFICIAL  
SHOULD BE AVAILABLE  
TO ASSIST  
232-10 X2 +  
POW FOR TRAFFIC  
INFRACTION

15:00 OUCH

LUNCH BREAK  
WITH MITCH ANDERSON

16:00 REVIEWED & SIGNED  
MY PROBATIONARY  
CONSTABLE PERFORMANCE  
EVALUATION REPORT  
FOR MONTH #5  
09MAY09 - 09JUN09

16:25 CHECKED VOICEMAIL

NO NEW MSGS

16:30 CALLED PETER

JAMESSEN O  
PINE RIDGE DISTRICT

54

(August 19, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:

WED 19-AUG-09  
SCHOOL BOARD  
742-9773  
NO ANSW @ PHONE  
17:00 SPOKE WITH FLINDALL  
RE: RIE CASE @  
YOUNG'S POINT SCHOOL  
SUBMITTED CROWN  
BRIEF SYNOPSIS TO  
FLINDALL FOR REVIEW  
ASKED FOR HIS NOTES  
ON THE EV CHAIR  
OR THE RAC @  
THE YOUNG'S POINT  
SCHOOL AND FOR  
THE TIMES OR APPROX  
OF BRADON GIBBINS  
ASKED FOR THE THIRD  
TIME, AT LEAST.  
SHOWED TO FLINDALL  
EMAIL FROM CROWN  
ATTORNEY BRIAN  
GILKINSON RE:  
R VS ANDERSON  
ADVISE BRIEF  
FLINDALL PHOTOCOPIED  
THE PRINTED EMAIL  
AND ADVISED PC JACK  
HE IS GOING TO  
REVIEW IT AND  
DISCUSS THE IT WITH  
PC JACK TOMORROW.  
17:15 UNLOAN CHAIR  
17:30 ASKED PC PARADIS  
FOR ASSISTANCE  
WITH THE RAC INFORM.  
ON LICOR.  
PC PARADIS ASSISTED  
WITH DOING THE  
INFORMATION


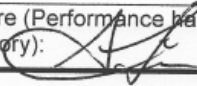
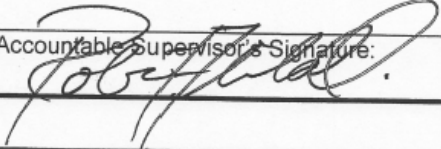
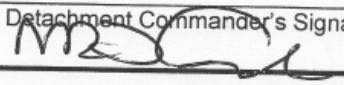
55

WED 19-AUG-09  
18:30 COMPLETED PRINTING  
THE INFORMATION  
FOLLOW UPS FOR  
TOMORROW:  
RAC CASE  
- ADVISE PARADIS THAT  
NIDIC DATABASE WAS  
NOT UPDATED WITH  
THE INFORMATION IN RE  
- GET FILMAR'S  
NOTE'S RE: PHONE  
BT NIGHT INTERV  
- GET SST FLINDALL'S  
NOTES  
- CALL KAWARTHA  
PINCMASS SCHOOL  
AGAIN  
R VS ANDERSON  
- FOLLOW UP WITH  
FLINDALL ON THE  
RESPONSE FROM  
CROWN ATTORNEY  
18:40 OFF DUTY  
PC 12690 MAM



<p>(August 19, 2009) (Exhibit 26c, page 15), Officer notes of PC Michael Jack:</p>	<p>Comments:</p>
<p>WED 19-AUG-09</p> <p>07:40 SGT FLINDALL GAVE PC JACK HIS EVALUATION FOR MONTH MAY 09 5 09 MAY 09 → 09 JUL 09 DATED AND SIGNED AUGUST 16, 2009</p>	<p>My Month 5 PER was disclosed to me on August 19, 2009, at 7:40 am after it had been signed off by PC Filman, Sgt. Flindal and S/Sgt. Campbell.</p> <p><b>No evaluation meeting ever took place!</b></p>

My Month 5 PER, Exhibit 21, page 11:

COMMENTS AND SIGNATURES		
<b>Evaluation Meeting</b>		
<input checked="" type="checkbox"/> I have met and discussed my performance with my coach officer or my accountable supervisor. <input checked="" type="checkbox"/> I have reviewed and discussed with my coach officer or my supervisor, my responsibilities under the policy on Safe Storage and Handling of Firearms. <input checked="" type="checkbox"/> I have reviewed and discussed with my coach officer, or my supervisor, my performance in relation to my responsibilities under the Professionalism, and Workplace Discrimination and Harassment Prevention policies.		
<p>Employee's Comments: EVALUATION IS 2 MONTHS BEHIND; WAS ADVISED THERE WIL BE NEGATIVE ASSESSMENTS/RATINGS IN THE EVALUATIONS THAT ARE STILL OUTSTANDING; CHANGING PLATOONS AND COACH OFFICERS</p>		
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
<p>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.</p>		
Accountable Supervisor: FLINDALL, R SGT.	Accountable Supervisor's Signature: 	Date: 16 Aug 09
<b>Detachment Commander</b>		
<p>Comments (Mandatory): NO issues with the member's development have been raised. It appears from all accounts of his coach &amp; Sgt he is progressing satisfactorily</p>		
Detachment Commander: Campbell M7	Detachment Commander's Signature: 	Date: 17 AUG 09

Please note that in addition to not wasting his time on me it would appear that PC Filman was neither wasting his words on me as he did not even bother to add any comments in the Coach Officer Comments section.

Of particular interest are comments made by myself, Sgt. Flindall's and S/Sgt. Campbell. They rightfully deserve special attention.

By August 17, 2009 I had been:

- Falsely accused of mishandling the Criminal Harassment case (SP09164458) by Sgt. Flindall with S/Sgt. Campbell's full knowledge of it,
- Falsely charged under the HTA by Sgt. Flindall with S/Sgt. Campbell's full knowledge of it,
- Falsely accused of deception (sick day on August 16, 2009) by Sgt. Banbury and Sgt. Flindall with S/Sgt. Campbell's full knowledge of it,
- Falsely accused of numerous other deficiencies and "sins" which were meticulously documented in my Month 6 & 7 PER.

Moreover, the decision to move me to a shadow platoon had already been made because D/Cst. German and S/Sgt. Campbell determined I was targeted by members of at least two shifts – Sgt. Flindall's and Sgt. Banbury's. In light of those facts, how could Sgt. Flindall and S/Sgt. Campbell state on August 17, 2009, the following:

- Sgt. Flindall's comment: ***'He is progressing positively through this evaluation period.'***
- S/Sgt. Campbell's comment: ***"No issues with the members development have been raised. It appears from all accounts of his coach & Sgt he is progressing satisfactorily"***

PC Jack's comment: ***'Evaluation is 2 months behind; was advised there will be negative assessment/ratings in the evaluations that are still outstanding; changing platoons and coach officers'***

(August 19, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

<p>2. Met with Cst. Jack Cst Anderson OPPA rep and Sgt Flindall and myself discussed various issues of Cst. Jack's driving not following directions issues on his shift issues with shopping for answers and apparent problems with theoretical knowledge to practical application. E.g. of MHA issue with Cst. Crowder Criminal Harassment issue B &amp; E YP school not full frank disclosure in checking with officer's chain of command. Sgt Flindall went over various incidents and discusses being addressed in timely fashion issue of Cst. Filman not completing PCS066 in time</p>	<p>Cst. Jack meeting shift 30 Aug 09 Also follow up of learning plans issues of returning tickets St. John's, Antler Anderson concern issues now, filed up to him prior once as driving advised situation on his shift is becoming knowledge &amp; calculations Cst. Jack 2 concerns 1st C.H. not given proper direction or supervision regarding with situation discussion of death with Sgt Flindall - important since he knows Cst. Jack needs more direction from be more on - change of shift begin for objective work - also coach is going on time leave</p>	<p>- needs to be riding along with Constable along right guard to have his camera. did issue is inappropriate behavior from other persons on shift Comments: be careful in front of whole shift - not please - no OPPA. would not disclose notes. encouraged to come forward as work in progress - everyone have sign working environment time for discussion &amp; discussion with do anything with the camera from so - another reason for shortly to go and Run the camera. - he has no other issues understood. Also he needs to communicate need for assistance ask some push if not clearly understood - Run the camera Adm - normal</p>
--	---	--

(August 19, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

1320

Met with Cst. Jack Cst Anderson OPPA rep and Sgt Flindall and myself discussed various issue of Cst Jack's driving not following directions issues on his shift issue with shopping for answers and apparent problems with theoretical knowledge to practical application given e.g. Of MHA issue with Cst. Crowder Criminal harassment issue B & E YP school not full frank disclosure in checking with officer's chain of command. Sgt Flindall went over various incidents and discusses being addressed in timely fashion issue of Cst. Filman not completing PCS066 in time.



Cst. Jack moving shifts 30 Aug 09 also follow up of learning plans issues of reducing tickets.

Cst. Jack and Mitch Anderson concerned issues being piled up and from past such as driving advised situation on his shift is burning bridges and cumulative

Cst. Jack 2 concerns 1<sup>st</sup> CH not given proper direction or supervision no exp. With situation discussion of direction with Sgt. Flindall important since he knows Cst. Jack needs more direction person be hands on. Change of shift give for objective look also coach is going on mat leave. Needs to be riding along with coach day and night goal to have him exceed.

92) 2<sup>nd</sup> issue is inappropriate behaviour from other persons on shift. Comments and berated in front of whole shift. Not professional WDHP would not disclose the names encouraged to come forward as WDHP is important every have a safe working environment free from discrimination and harassment can't do anything w.o. his coming forward another reason fresh start may be good Rich Nie coach he has no other issues understood he needs to communicate need for assistance ask same person if not clearly understands.

**19Aug09 - S/Sgt Campbell**

- 1145hrs – Sgt. Flindall and Admin Sgt. SMITH advised PC Jack would be moved from his shift and the issues surrounding the move.
- 1311hrs – Sgt. Flindall reports to S/Sgt. Campbell other issues of driving problems with PC Jack via PC Hobbins and PC Jack at a paid duty. Sgt. Flindall advised neither PC Hobbins or Sgt. SMITH had come forward and from past experience both would do so if there was an issue.
- 1320hrs - PC Jack association rep PC Mitch Anderson, Sgt. Flindall and S/Sgt. Campbell met to discuss the following issues: PC Jack's driving, not following direction; issues on his shift with answer shopping, and problems of transferring theory to practical application. Sgt. Flindall provided incidents and examples and informed PC Jack he would be issuing him two 233-10's in the does not meet category. PC Jack provided response to the issues. PC Jack concerned he was not given proper direction or supervision in situations he was not familiar.
- PC Jack advised he would be moving shifts 30 Aug 09 and follow-up to his learning plans. Move of shifts would give him objective evaluation and fresh start. Present coach was going on parental leave and need for closer supervision and direction to correct issues.
- PC Jack brought forward issue of WDHP and unprofessional conduct by members of his present shift. S/Sgt. Campbell requested information on the incidents and persons advising that there was a zero tolerance for such incidents. PC Jack refused to disclose any details. PC Jack was happy with move from shift and action taken.
- PC Jack provides reasonable explanation for sick time usage. Sgt. Flindall and Banbury advised legitimate use of sick time no further action.
- Also during this meeting, PC JACK was spoken to by S/Sgt. R. CAMPBELL and Sgt. R. FLINDALL about continuing to shop for answers, specifically when he was given direction by his Sergeant. PC JACK was accompanied by the Detachment OPPA rep PC M. ANDERSON. PC JACK was also spoken to about how he willfully omitted information while attempting to elicit advice from his fellow officers. In both cases, he was advised to stop immediately and to seek advice or further guidance in relation to matters from his coach officer or Sergeant.

**My responses to the above 7 bullet point entries are as follows:**


- Ok.
- Apparently S/Sgt. Campbell talked to those officers on August 19, 2009, or had a meeting with them. Now PC Hobbins would be monitoring me whenever I was at court. Furthermore, Sgt. Smith would also be monitoring and reporting back anything negative about me. According to S/Sgt. Campbell, PC Hobbins and Sgt. Smith would report any issues regarding me. So far anything that was perceived to have been negative was being reported and so it is not hard to imagine that the reporting of any issues meant anything negative about me.
- I was surely NOT advised that I was going to get 10 '*Does Not Meet Requirements*' ratings in my Month 6 & 7 PER the following day.
- PC Shaun Filman did not go on parental leave, but transferred to the Crime Unit (Exhibit 66). To understand what the "objective evaluation" and "fresh start" hypocrisy was about please read on.
- How could I possibly disclose details of any of the harassment and discrimination I was being subjected to when one of the persons responsible (Sgt. Flindall) was in the room with us? My work environment was already extremely toxic. Furthermore, in light of the pending change of platoons I genuinely believed that things were going to change and so why try to address those issues. Alas, I soon found out that I was doomed for destruction for it turned out that Sgt. Flindall and PC Nie were next-door neighbors and that PC Nie was an experienced hangman, having terminated ex-OPP probationary recruit Harry Allen Chase (another minority).
- Ok.
- Their comments although correct were also one-sided. They failed to see that as a probationary recruit that was being harassed and discriminated and viewed as a leper would naturally shun asking advice out of fear of being either backstabbed or made fun of. When such person goes to the extremes of leaving the Constables' office and the presence of their peers to go to an empty office to make a telephone call to the communication center out of embarrassment of their accent how could have I been expected to approach those peers for advice.

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

On August 19, 2009, I had a meeting with S/Sgt. Ron Campbell and Sgt. Flindall with an OPPA alternative representative, Cst. Mitch Anderson sitting in on it.

First, at the meeting I was informed that I was being re-assigned to Platoon 'D' shift with another coach officer (Cst. Richard Nie) and that I would report back for duty on September 9, 2009, after my days off that commenced on August 20, 2009, at 6:00 pm. (Note: Between August 20, 2009, and September 9, 2009, there were only 9 scheduled shifts. During those 9 shifts I had to use up my accumulated hours in my cumulative time off bank and statutory holidays bank). S/Sgt. Campbell re-assured me a few times that it was not a punishment (Exhibit 26c, page 19) and Sgt. Flindall advised me that it was his decision to transfer me from Platoon 'A' to Platoon 'D' because I had alienated the majority of the officers on his shift. Sgt. Flindall did not know that I had already been advised by D/Cst. German that Northumberland Detachment commander Acting Superintendent Doug Borton was responsible for my shift change, and not him (Exhibit 26a, page 3):



Re: Michael Jack  
From:  Karen German (br8.president@oppassociation.org)  
Sent: August 27, 2009 4:45:53 PM  
To: Michael Jack (mjack\_31@hotmail.com)  
Michael:

I left a voice message for you to call me, but you can disregard and I will explain everything here.

I spoke with Acting Superintendant Doug Borton today. He is my detachment commander and we have a good working relationship and is approachable on these types of issues.

I have discussed your issues with him at length. He advised me that he is responsible for your shift change and that it is in your best interest to look at this as a clean slate and start fresh with your new platoon and coach officer. He advised that you can dispute the last PCS066 (MAY) and put your disputes in writing and it will be attached to that document for reference.

I wondered who was being truthful with me at the time and to this date I still wonder.

Response to the Application (HRT0 2010-07633-I) Paragraph 48:

**48. Paragraph 38 – The Applicant had an opportunity at this meeting to raise any concerns he might have and he said nothing. The decision to move the Applicant to a different platoon and a different coach officer was made in response to the negative performance issues which had been identified and to attempt to give him a fresh start with a different coach to see if different personalities might result in improved performance.**

I wondered who was being truthful to me for a long time. It was not until I received the Respondent's disclosure that I ascertained that it was Sgt. Flindall who lied to me. Sgt. Flindall lied to me in the face and in the presence of S/Sgt. Campbell, who knew it was not Sgt. Flindall's decision to move me, but that of Acting Superintendent Doug Borton's! S/Sgt. Campbell's failure to address this blatant lie makes him party to the lies and deceit towards me.

Second, at the meeting Sgt. Flindall accused me of deceiving him. In his words, **"I do not tolerate deceit"**. Sgt. Flindall alleged that I had planned to take a sick day off work on August 16, 2009, in advance. Apparently, when I was on the phone with the complainant (Zone 2 call on August 15, 2009), right after I had been told I was being charged under the HTA, I advised the complainant that I might be off duty the following day. That was conveyed to me at the meeting by Sgt. Flindall. I have no clear recollection of making such a statement because immediately following the notice of a charge my judgment was clouded. However, I will not deny saying that as I did want to take the rest of the shift off on August 15, 2009, but changed my mind upon being dispatched to remove intoxicated males from the Sandy Lake beach.

Third, at the meeting Sgt. Flindall advised me that it had been discovered that I was issuing speeding tickets mainly at 15 km/hr over the speed the limit. Sgt. Flindall further stated that at the Provincial Police Academy we were specifically instructed not to reduce charges and personally ordered me not to reduce speeding tickets from that day on.

Note: I was reducing tickets to 15 km/hr only when the locked speed on my radar of the speeding vehicle did not exceed 30 km/hr over the speed limit. Second, at the Academy different instructors expressed different points of view with respect to issuing and reducing speeding tickets, which only makes sense since an officer has the authority to exercise his/her own discretion when issuing a PON to an offender. For example, in the morning of August 26, 2008, at the recruitment session held at the OPP Headquarters in Orillia, manager of the recruitment section Inspector Sandy Thomas told our class of 110 recruits, while speaking from the podium, that reducing speeding tickets makes the public feel good towards the police. In her words, "So you reduce the ticket and that makes the person feel better". Third, Cst. Filman did not care this way or the other whether I was reducing the speeding tickets or not. All of a sudden after 8 month on the job it became a problem and I was spoken to about it by Sgt. Flindall. Further to this, Sgt. Flindall stated that "at the Provincial Police Academy we had been specifically instructed not to reduce tickets" as if he had been in my class from start to finish.

The point being stressed is first, I was complying by my training under the authority of the Provincial Police Academy. Second, I was in total compliance with Inspector Sandy Thomas's message which centered on fostering a positive rapport with the public and the police. Third, my own coach officer had no issues with it. Fourth, I was in compliance with the related authority of the Highway Traffic Act. In fact I was being honest and true to the public because during the operation of the OPP's approved radar (Genesis system) erroneous readings could be obtained and there is a danger that should an officer arbitrarily activate the lock mechanism without being objective, a member of the public could be erroneously charged. I would have rather issued due process based on that which I was certain of and in my evidence (which was written on the rear of the ticket) would make a notation of the fact that my first observations were of a higher reading. In light of aforementioned, one can see that Sgt. Flindall was clearly demonstrating differential treatment towards me and not to his other platoon members for if he were then other officers would not have been reducing their tickets and Cst. Filman would have certainly instructed me not to reduce them as well. In any case, from that day on I complied with Sgt. Flindall's order and issued speeding tickets to the motoring public at the speed I locked them on my radar.

(August 19, 2009) (Volume 1, B),  
Sgt. Flindall's notes:

1318 meeting w  
S/SGT. R. CAMPBELL  
ref P.C. JACK's  
performance  
issues  
- also present  
P.C. FILMAN  
P.C. ANDERSON (OPPA)  
P.C. JACK  
- deficiency  
in his perform-  
ance addressed

(August 19, 2009) (Exhibit 26c) ,  
Officer notes of PC Michael Jack:

13:15 MEETING WITH  
S/SGT CAMPBELL,  
SGT KUNDAU,  
CST ANDERSON AS  
AN OPPA REPRESENT.  
A FEW ISSUES WERE  
IDENTIFIED  
THE ISSUES SHOULD  
HAVE BEEN DEALT 53

PC Filman was not present during the meeting. At this stage in my probationary period, with everything I was experiencing I would have certainly documented his presence during this meeting. That is why there is no evidence in my officer's notes that PC Filman was present. Also, S/Sgt. Campbell neither documented PC Filman's presence in his notes nor mentioned him in his e-mail to Insp. Johnston (Volume 3, V-20):



On Wednesday Mike Jack, Rob Flindall, his OPPA alternate rep. Mitch Anderson and myself sat down and all the issues surrounding Mike were discussed in his presence with OPPA rep.

nor mentioned his presence in the following document:

**(August 19, 2009) Counsel's additional disclosure (April 3, 2012), Detachment file:**

END 1450 hrs

Ron

Rob F  
Ron C  
Mike J  
Mitch LA - as per

For Cst Jack's development

Hence, it is beyond a shadow of a doubt by the evidence of my officer's notes, S/Sgt. Campbell's notes and his e-mail that PC Filman was not present at the meeting. Furthermore, I can indicate the exact seat positions S/Sgt. Campbell, Sgt. Flindall, Cst. Anderson, and I had in S/Sgt. Campbell's office. PC Filman was NOT present during the meeting. If anything, that attests to the lack of credibility of Sgt. Flindall's notes.

This example of Sgt. Flindall falsifying his notes along with the previous example (when he received a phone call from PC Payne on July 25, 2009, during his vacation informing him that I had disobeyed his orders regarding the Criminal Harassment investigation:

- 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.

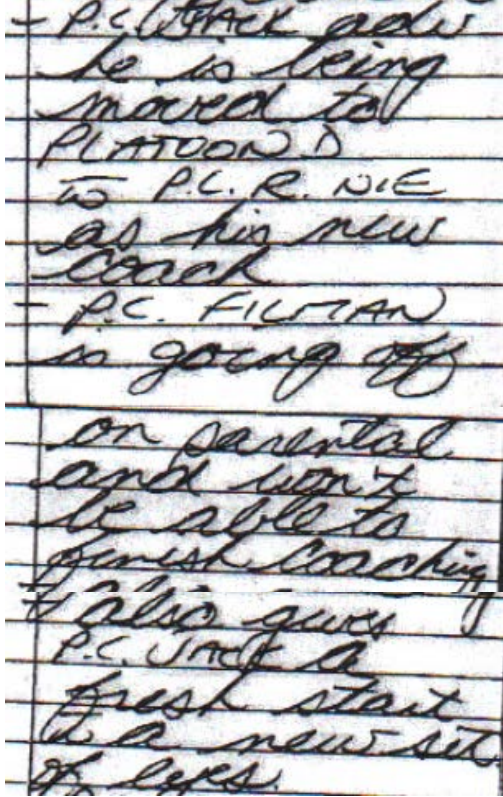
also makes one wonder how much exaggeration and lies are contained in them. Now, if Sgt. Flindall could lie to S/Sgt. Campbell, PC Anderson and me about it being his decision to move me to another platoon:

off bank and statutory holidays bank). S/Sgt. Campbell re-assured me a few times that it was not a punishment (Exhibit 26c, page 19) and Sgt. Flindall advised me that it was his decision to transfer me from Platoon 'A' to Platoon 'D' because I had alienated the majority of the officers on his shift. Sgt. Flindall did not know that I had already been advised by D/Cst. German that Northumberland Detachment commander Acting Superintendent Doug Borton was responsible for my shift change, and not him (Exhibit 26a, page 3):

and also lie in his notes, how much credibility could one place on his ability to supervise me and his ability to uphold the law? **Sgt. Flindall's strong desire to distort the truth with respect to me would manifest in all aspects of his interactions with me whether they were e-mails to others, preparing my documentations, preparing my evaluations and raising allegations about me.** As it was later found out in the Court of Law (Exhibits 20) the HTA charge was indeed false, frivolous and made in bad faith.



Furthermore, as it was later found by the Professional Standards Bureau that the allegation of me associating with “Undesirables” was false, frivolous and made in bad faith. Yet, the Counsel for the Respondent is expecting to rely on Sgt. Flindall’s notes to defend the Respondent. Incredible!

(August 19, 2009) (Volume 1, B), Sgt. Flindall’s notes:	Some facts to consider:
	<p>One has to admire this one: <b><i>‘a fresh start with a new set of eyes’</i></b>.</p> <ul style="list-style-type: none"> <li>• Sgt. Flindall never held mandatory regular performance evaluation meetings with me,</li> <li>• Sgt. Flindall denied me developmental opportunities,</li> <li>• Sgt. Flindall discriminated against me by disallowing me to work overtime and to cover for officers on other shifts while the other probationers were allowed to do so,</li> <li>• Sgt. Flindall falsely charged me under the HTA,</li> <li>• Sgt. Flindall had members on three different shifts report to him everything about my performance that could be construed and twisted into being negative,</li> <li>• Sgt. Flindall fraudulently prepared my Month 6 &amp; 7 (Exhibit 24) and my Month 8 (Exhibit 27) PERs,</li> <li>• Sgt. Flindall promptly initiated an unsubstantiated, frivolous and false complaint to the Professional Standards Bureau that I was friends with criminals,</li> <li>• Sgt. Flindall and PC Richard Nie were neighbors,</li> <li>• Sgt. Flindall and PC Nie were both born and raised in Peterborough,</li> <li>• Sgt. Flindall and PC Nie are both in the same age bracket,</li> <li>• Sgt. Flindall and PC Nie are most likely of the same creeds – Roman Catholics,</li> <li>• PC Nie aspired to be a Sergeant in Peterborough OPP Detachment,</li> <li>• Sgt. Flindall aspired to be Peterborough OPP Operations’ Manager and possibly Peterborough Detachment commander, like his father was,</li> <li>• Sgt. Flindall was promoted to the rank of Acting Staff Sergeant in early fall of 2009,</li> <li>• PC Nie had a proven track record of being a coach officer the OPP could rely on to document in detail to justify a termination of employment. PC Nie was the coach officer of an ex-OPP officer Mr. Harry Allen Chase, an Afro-Canadian with native heritage, who was terminated on the last day of his probationary period (Exhibit 48 and Exhibit 62).</li> </ul>

In light of those circumstances, one has to truly marvel about the “truthfulness” of Sgt. Flindall’s statement, ***‘a fresh start with a new set of eyes’***. ***‘A new set of eyes’*** which in essence meant constant surveillance and

continuation of the targeting by Sgt. Flindall's next-door neighbor and subordinate PC Richard Nie who had experience in terminating a minority probationary officer. Also, PC Filman did not go off on parental leave at the time. He transferred to the Peterborough County OPP Crime Unit to work in plain clothes. PC Filman went off on parental leave on December 15, 2009 (Exhibit 66).

**(August 19, 2009) (Volume 1, I-31):**

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

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

**From:** Gilkinson, Brian W (JUS)  
**Sent:** Wednesday, August 19, 2009 3:59 PM  
**To:** Jack, Michael (JUS)  
**Cc:** Campbell, Ron (JUS)  
**Subject:** Possible charges against [REDACTED]  
**Importance:** High

Hello PC Jack:

This is to acknowledge the brief you submitted for review by this office. You requested that it be considered in determining whether or not charges are justified. This brief does not constitute a Crown brief capable of doing so at this point. Consider the following:

1. the synopsis makes a series of statements of conclusion about what [REDACTED] has done in the past.
2. the video statement summaries of [REDACTED] and [REDACTED] are similar.
3. the witness statements provided by [REDACTED] are either character references for him or are so vague in the incidents they describe that they can not be related to any specific allegation stated in the synopsis.

You need to define the complaint(s) of illegal behaviour and then investigate to see if you can obtain evidence that relates specifically to each of those complaints. This evidence needs to include more than just Mr. [REDACTED] or [REDACTED]. They will be viewed by the court as adversaries of [REDACTED] and as such their evidence will be tempered, as will his, by the fact that they all have "axes to grind" in making the other side out to be the culprit.

Therefore, in addition to defining the complaint(s), you need to analyse the assertions of the complainants and identify areas where you should be able to find other evidence to confirm or refute the complaint(s). For instance, with regard to [REDACTED] statement:

1. narrow down the "one point" he saw [REDACTED] bowling by night. There must be police records that prove the date if there was a police warning given to [REDACTED] to refute the allegation of [REDACTED] it did not happen. Get a statement from the officer involved as to all that was said and whether or not there was evidence that justified the warning. Secure all evidence/statements that can verify the incident.
2. identify who at [REDACTED] place of employment received calls from [REDACTED] how many were made, when and what was said. Who from the PLCPS cautioned [REDACTED] and why? Get all possible evidence /statements/records to verify the incident(s). Remember it is the repeated nature of any type of harassing conduct that makes the case. You need evidence to establish that.
3. the children should have been able to see [REDACTED] taking pictures. While they are not truly independent, they are still witnesses. I need further information regarding the court appearance you refer to and those that were involved. Some times and dates would help. You can contact court services for a check of their records if [REDACTED] can't help.
4. The allegation of [REDACTED] delivering mail to [REDACTED] and then attempting to force his way into the house has no flesh to the bare bones statement. Was she the only witness? What was said by both parties? Do we know why Anderson would have delivered mail to people he so obviously, on their



- evidence, wants to bother? Were any admissions made to others afterward that verify his visit there?
5. You need to take the same approach to each and every assertion of fact in the synopsis or in a statement made to you.

This will involve checks with the township personnel, neighbours, [redacted] employer [redacted] other officers all with a view to corroborating any allegation that you feel constitutes an offence. This office will be more than happy to assist in prosecuting offences where a thorough investigation has been done and charges are deemed warranted, however, there is precious little in the material you have submitted that will discharge the Crown's burden of proof at a trial. We cannot afford to waste trial time on a tag team match between the [redacted] and the [redacted] and [redacted]. Too many allegations have flown back and forth, including the prior charging of [redacted] before there was clear and cogent evidence that he had committed a criminal offence. Any charge based on his complaint now will be viewed by the [redacted] and perhaps the court, as payback. There is a natural tendency to avoid these messy neighbour disputes in the hopes that things will calm down. That leads to a lack of thorough and corroborative police investigation and a response from the Crown that if there is no independent evidence distinguishing the good guys from the bad guys the case will go nowhere. Do not suggest to [redacted] that the Crown will not prosecute their complaints. That is not the reality of the situation. This office will prosecute any complaint, including theirs, if the investigation can be viewed as thorough and corroborative of those complaints. Without that type of investigation judges will castigate the Crown for what it did not do to assist the court in coming to conclusions beyond a reasonable doubt.

Brian Wilkinson,  
Crown Attorney

**(August 19, 2009) (Volume 1, I-31 and Volume 3, W-1):**

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

**From:** Campbell, Ron (JUS)

**Sent:** August 19, 2009 4:42 PM

**To:** Conway, Jane (JUS); Johnston, Mike P. (JUS); Flindall, Robert (JUS); Filman, Shaun (JUS)

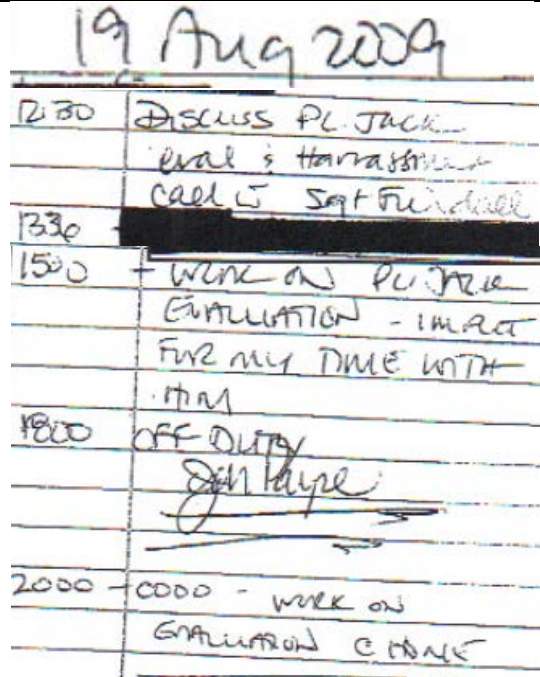
**Subject:** FW: Possible charges against [redacted]

**Importance:** High

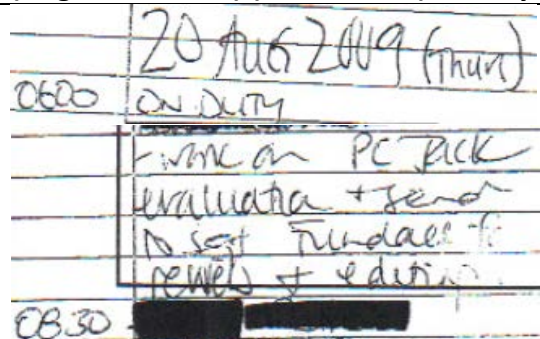
This articulates the exact statement I have made about this whole mess. It is all rumour and acquisitions without proof. I have read the Peterborough City Police incident and there is absolutely no evidence by the City Police to suggest it was [redacted] who delivered the package. No interview of staff etc. The officer did not have the grounds to even caution [redacted] for Criminal Harassment which he did and told [redacted] this.... As I said and will say again until each point is documented and in a lot of cases corroborated by an independent witness it is nothing but a he said she said situation. Ron



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

 <p>19 Aug 2009</p> <p>1230 Discuss PC Jack eval &amp; Harassment call w Sgt Flindall</p> <p>1330 [redacted]</p> <p>1500 + work on PC Jack evaluation - input for my time with him</p> <p>1800 OFF DUTY Jen Payne</p> <p>2000 - 0000 - work on evaluation @ home</p>	<p><b>19 Aug 2009</b></p> <p>12:30 Discuss PC Jack evaluation &amp; Harassment call with Sgt. Flindall</p> <p>13:30 [black]</p> <p>15:00 work on PC Jack evaluation – input for my time with him</p> <p>1800 – OFF DUTY JenPayne -----&gt;</p> <p>2000 – 0000 – work on evaluation @ home -----&gt;</p>
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(August 20, 2009) (Volume 3, Z), PC Payne's notes:

 <p>20 Aug 2009 (Thurs)</p> <p>0600 ON DUTY</p> <p>work on PC Jack evaluation + send to Sgt Flindall for review + edition</p> <p>0830 [redacted]</p>	<p><b>19 Aug 2009</b></p> <p>0600 – ON DUTY - work on PC Jack evaluation + send to Sgt. Flindall for review + edition</p> <p>08:30 [black]</p>
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**(August 20, 2009) (Volume 1, I-30):**

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

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

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

Presently the Rosters are as follows.

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

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

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

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

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

**(August 20, 2009) (Volume 1, I-28):**

**From:** Flindall, Robert (JUS)  
**Sent:** Thursday, August 20, 2009 12:02 PM  
**To:** Campbell, Ron (JUS)  
**Subject:**

A question for you when you're not busy - What has been the view of region in regards to PC Jack? Are they all with anything we've done/not done - aka are we in any shit? Or are they satisfied with everthing that's hap

Robert Flindall  
Sgt. 9740

**(August 20, 2009) (Volume 1, I-28):**

**From:** Campbell, Ron (JUS)  
**Sent:** August 20, 2009 1:36 PM  
**To:** Flindall, Robert (JUS)  
**Subject:** RE:

I have no idea. No one has mentioned anything to me. Ron

The question from Sgt. Flindall to S/Sgt. Campbell is an enlightening revelation. To someone reading that e-mail only, Sgt. Flindall's concern about being castigated is so poignant. However, it is also a confirmation of guilt regarding my overall treatment and the substance of my application before the Human Rights Tribunal of Ontario. It attests that my offenders were conscious of their actions and the fact that the upper echelon of the OPP in General Headquarters in Orillia did nothing to stem this racial discrimination that I was being subjected to makes them party to the allegations in my application. To re-iterate some points:

- I was never liked before I even commenced working at the Peterborough County OPP Detachment,

- In an e-mail from Sgt. Flindall to S/Sgt. Campbell I was singled out and it was clear that I was to be kept under surveillance (Volume 1, I-41):

From: Flindall, Robert (JUS)  
 To: Campbell, Ron (JUS)  
 Sent: Tue Sep 23 18:12:08 2008  
 Subject: RE: Shift Changes

Staff,  
 I see I am now taking one of the male recruits, Michael Jack. Can you advise if he's the recruit that we needed to keep an eye on, ref his love of guns etc. ?  
 I'm just looking for a heads up.

Thanks!  
 Rob

- I was perceived to be a crazy Russian by the racially derogatory nick name of "Crazy Ivan",
- I was singled out and harshly targeted by members.

In reviewing all of the disclosure from the Respondent it is amazing how much time was spent documenting in careful detail all my actions to justify my forced termination. It would have been easier for the Respondent to just approach me and state:

***'We think you are a crazy Russian who the OPP made a mistake in offering employment. We cannot stand the sight of you because you do not fit in. Furthermore, you stand out like a sore thumb with that thick Russian accent of yours and because you cannot speak like a normal Canadian we would like you to sign this letter of resignation.'***



(August 20, 2009) (Volume 1, I-62):

(Re: R. vs. Stephenson, Exhibit 47c, pages 63 – 64) and (Re: R vs. Williamson, Exhibit 47c, pages 61 – 62)

From: Laffreniere, Bob (JUS)  
Sent: August 20, 2009 12:20 PM  
To: Flindall, Robert (JUS)  
Cc: Campbell, Ron (JUS)  
Subject: Constable Michael Jack

Re: Constable Michael Jack

To: Staff Sergeant Campbell and Sergeant Flindall

Hello Ron and Robert,

May I respectfully suggest that Constable Jack needs some guidance?  
I am seeing a bit of an ongoing pattern in his work that raises concerns.

Referring to the most recent file on an accused, [REDACTED]  
First Appearance is August 27.

I got the Information sworn this morning. Following which, the file was returned by CAO staff to the OPP Court Office to be reviewed.

There are apparently five witnesses and one complainant.

- The statement of the complainant is not present in the file
- Notes: Copies of notebook notes with author unknown ( however, probably Jennifer Payne. I will label as probably a simple oversight on her part)

Perhaps of more concern are deficiencies in the synopsis of the circumstances. I am wondering if it might be appropriate for Constable Jack to inform the reader who the players are? There are five witnesses indicated in the witness list and one complainant, none of which are identified in the synopsis.

The synopsis, as you will see, concludes with " Then [REDACTED] family and friends went to the main office to see the resort manager who contacted the police."

This synopsis lacks the basic principles of the conclusion i.e. the arrest . Who, What, Where, When, How and Why.

Similarly, in the case of [REDACTED] the synopsis in this case contains a significant amount of irrelevant information. There is little provided on the allegation of Criminal Harassment. In fact, I got the Information sworn yesterday, however in review, I have a very uncomfortable feeling about it and will discuss it further with the CAO as the file has been forwarded. I have read this synopsis more carefully and I would go as far as to suggest the charge of Criminal Harassment should be withdrawn on August 27. I will let a CA review.

Sergeant Flindall, may I ask you to view the two occurrences and to consider my thoughts.

[REDACTED]  
Thank you,

Bob

With respect to the Criminal Harassment charge, please refer to:

- Exhibit 47c, pages 61 – 62
- Schedule 'A', pages 17 – 19

There were insufficient grounds to lay the Criminal Harassment charge against Mr. Williamson. Charging him without due investigation was very wrong! I am ashamed of it.

With respect to the Assault charge, please refer to:

- Exhibit 47c, pages 63 - 64

When I spoke with Sgt. Flindall about PC Bob Lafreniere complaints re: Assault Crown Brief, Sgt. Flindall advised me that PC Lafreniere was a problem and that he, Sgt. Flindall, was going to take care of it.

Note: PC. Lafreniere was frequently ridiculed by Peterborough detachment officers, including Sgt. Flindall, as being not too smart a person. In one instance PC Melynda Moran stated that PC Lafreniere could only do one thing at a time so when he combs his hair with his hand he cannot think and one has to wait until he finished combing so he can think and respond. That statement of hers influenced my opinion of him since it was coming from a senior officer and being that I was made to be very conscious of even the very smallest of my actions, that when I first met PC Lafreniere I was already opinionated about him.

#### **The Promise of the OPP (Exhibit 87, page 3):**

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

Also, I wonder if PC Payne negatively documented anywhere for the '*simple oversight*' on her part?

Notes: Copies of notebook notes with author unknown ( however, probably Jennifer Payne. I will label as probably a simple oversight on her part)

#### **(August 20, 2009) (Volume 1, I-62 and Volume 1, I-11):**

(Re: R vs. Williamson, Exhibit 47c, pages 61 – 62)

**From:** Flindall, Robert (JUS)  
**Sent:** August 20, 2009 12:51 PM  
**To:** Lafreniere, Bob (JUS)  
**Cc:** Campbell, Ron (JUS)  
**Subject:** RE: Constable Michael Jack

Both of those are on my lengthy to-do list today.

I will get back to you. As far as [REDACTED] - in my discussions with PC JACK about this matter, there should be sufficient information for the Criminal Harassment, however it obviously needs to be articulated better. I will go back over each synopsis and advise.

**Robert Flindall**

**(August 20, 2009) (Volume 1, I-29, Volume 2, N-2 and Volume 3, V-15):**

**From:** Campbell, Ron (JUS)  
**Sent:** August 20, 2009 1:24 PM  
**To:** Lafreniere, Bob (JUS); Flindall, Robert (JUS)  
**Cc:** Nie, Richard (JUS); Postma, Jason (JUS)  
**Subject:** RE: Constable Michael Jack

Rob I have read this email message. My thoughts are as follows: Being a Probationary Officer why did the coach not review and deem suitable or unsuitable. Since all briefs are screened who screened it and forwarded onto the court office. Since it is apparent there needs to be some guidance please review and either assign someone to assist or provide him with the direction. Hopefully this will keep this from being a re-occurring theme.  
I have also cc Rich Nie and Jason Postma as they will need to monitor this in the future with Cst. Jack.  
Tks Ron

S/Sgt. Campbell's comments could seem comforting, however, he was also attempting to address problems with crown briefs identified by the court officer and the Crown Attorney and hence he was following up on a duty that was his. The truth is that I did not enjoy the privilege and duty of coach officer to sit beside me while I prepared the briefs. Though Sgt. Flindall and PC Filman were quick to document me negatively and quick to report on anything negative I did, however minor it was, they lacked the desire to screen my briefs and simply signed off on them. They literally left me to my own demise.

**(August 20, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:**

**20 Aug 09**

**1433**

Brian Gilkinson email copy to Jack

Douglas, Williamson and allegation don't relate to a specific count not swearing info for Stephenson place one lines as synopsis what offence and what elements of offence not sworn until something can be updated improve with info to prove charge.

Relay into to Sgt Flindall process with probationary officer coach then Sgt 3 cases

Anderson Stephens & William carbon copies of one line statements with no evidence of them being true. Sgt Flindall will review and re-submit as it stands Stephenson info will not be sworn.

**1615**

Review Michael Jack pcs066 attached comments.



**(August 20, 2009) (Volume 1, I-60):**

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

**From:** Lafreniere, Bob (JUS)  
**Sent:** August 20, 2009 2:54 PM  
**To:** Flindall, Robert (JUS)  
**Subject:** Thank you

Sergeant Flindall,

Thank you for your attention.

Another case has been brought to my attention, that being [REDACTED]

This is a file sent to the Crown's office for a review by a C.A.  
I believe Staff Sergeant Campbell is privy to remarks made by Brian Gilkinson.

No charges laid yet in this ongoing saga involving [REDACTED] and [REDACTED]

You may wish to review all the circumstances of the case.

Bob

**(August 20, 2009) (Volume 1, I-60, 61):**

(Re: Standaert vs. Anderson, Exhibit 47c, pages 60, 64 - 70) and (Re: R vs. Williamson, Exhibit 47c, pages 61 - 62)

**From:** Flindall, Robert (JUS)  
**Sent:** August 20, 2009 2:58 PM  
**To:** Lafreniere, Bob (JUS)  
**Subject:** RE: Thank you

This one is a long, drawn out, proverbial pain in the ass. I will review, but I think the consensus on this one is that there are insufficient grounds to lay any charges. To cover our ass, it's been put before the CA to review.

I'm personally going to review the [REDACTED] and [REDACTED] Crown brief synopsis's and have them written in a logical manner, providing all of the facts in issue for both. PC JACK is on holidays for the next 2 weeks.

Can you please provide the First Appearance court dates for both? I need to know what my timeline is to get this completed (besides asap of course) :)

Thanks in advance!

**Robert Flindall**

\*\*\*\*\*  
 ↓↓↓

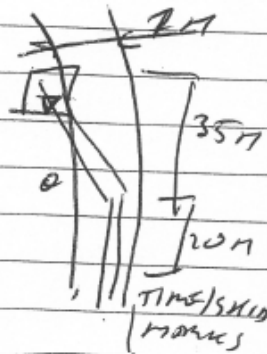
The following notes of mine for the entire shift on August 20, 2009, are included in their entirety to show the Tribunal that at while I was performing my essential Constable's duties there was so much collusion going on around behind my back, i.e. all the e-mails being exchanged, fabrication of my Month 6 & 7 PER, preparation of 2 negative 233-10 documentations, etc.

**(August 20, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:**

0545<sup>45</sup> @ THU 20-AUG-09  
 0545 ON DUTY  
 OIC SGT FLINDALL  
 10-13 20°+26°C, CLOUDY, SHOWERS,  
 THUNDER STORM SHOWERS  
 SOFT LI-301  
 HAND 1-192  
 MIL 110132 / 110309  
 EQUIP RADAR, ASD,  
 0550 DARS ~~FE~~ <sup>MT</sup>  
 0612 UPDATED NICOLE REPORTS  
 FROM RVS ANDERSON  
 R1104092516 58  
 THU 20-AUG-09  
 DISCUSS WITH  
 SGT FLINDALL  
 - DARS FOR MURDER  
 AND REPORT ON  
 DARS @ MORTIMER  
 - OLIVIA TERRY'S CASE  
 SPO9150521  
 - COMPLETION ORBAR  
 0630 LOANED CRUISER  
 0635 NEED TO ADVISE SGT  
 FLINDALL THAT I  
 AM STILL WAITING  
 FROM PC MORAN TO  
 TRANSCRIBE ACCUSED  
 STATEMENTS AND PUT  
 NARRATIVE ARREST  
 REPORT ON NICOLE  
 - SULLIVAN CASE

0650 R/C MUC PD  
 CAN VS. DEER  
 @ CTT RD 504 AND  
 MCCOY ROAD  
 CAN VS. DEER  
 DRIVEN:  
 RYAN LYE  
 (30-MAR-83)  
 705-313-1867  
 ADVISED DOES NOT  
 REQUIRE AMBULANCE,  
 WITH CARE TO GO...  
 0701 E/R TO MUC 10-8  
 0805 AT5  
 DI LYE, RYAN WILLIAM C  
 (1983-03-30)  
 DL# L9638-68298-30330  
 KELE 705-313-1867  
 VI GMC TRUCK SIENNA  
 2002 RED 57  
 4831HC

NO THU 20-AUG-09  
TROTTER 900629  
54 TROTTER RD, APBLEY  
PO BOX 99 HOLIAO  
INS THE CO-OPERATIONS  
M502 505216809  
SP09191569  
NORTH TARRANTIA  
FINE ATS,  
TRAFFIC CONTROL



09:00 10-8  
09:42 10-8  
10:30 10-8  
COMPLETED TR  
SPONS WITH  
PETER VARESSON  
742-9773 X2144  
STILL ITEMIZING  
COSTS OR REPAIR  
WILL CALL BACK WHEN  
MFC HAS GOTTEN INFO  
10:55 M/C TRAFFIC CONTROL  
INFO TOYOTA PICKUP  
XXY DTW  
SELWYN ROAD  
POSSIBLE 253  
WAS OBSERVED S/B,  
THEN 2 LCB0 BMOGRODAN  
11:25 MV STOP - SUSPECT IN  
CTY RD 23 JUST  
NORTH OF SELWYN  
ROAD, IN THE PARKING  
LOT OF ESSO GAS STATION

THU 20-AUG-09  
PRIOR TO MV STOP,  
PC JACK WAS S/B  
ON SELWYN RD,  
WHERE APPROX 1KM  
SOUTH-WEST OF  
CTY RD 23.  
PRIOR TO PULLING THE  
MV OVER, OBSERVED  
MIS SPEEDING, HOWEVER,  
NO RADAR READINGS  
WERE OBTAINED.  
DRIVER FAILED TO  
STOP RIGHT AWAY  
WHEN EMERG LIGHTS  
WERE ACTIVATED.  
PC JACK HAD NO  
USE CRUISE CONTROL  
ON AND OFF 3 TIMES  
TO ATTRACT ATTENTION  
OF THE DRIVER.  
DRIVER CONTINUED  
FROM SELWYN RD  
ONTO N/B CTY RD 23  
AND FINALLY PULLED  
OVER BY THE ESSO  
GAS STATION @  
2091 CTY RD 23  
AT THIS TIME, THERE  
WAS AN ISHMANBER  
POLICE SERVICE MOTOR  
VEHICLE PULLING  
OUT FROM THE ESSO  
GAS STATION PARKING  
LOT; SGT KIM  
COPPAWAY  
AFTER COMING TO A  
COMPLETE STOP ON  
THE SHOULDER OF

SP09191712



THU 10-AUG-09  
CTY RD 23, THE MV  
PULLED OUT AND  
PULLED IN INTO THE  
PARKING LOT OF  
THE ESSO GAS  
STATION.  
PC JACK AND  
SGT COPPAWAY  
APPROACHED THE  
DRIVER SIDE OF  
THE MV.  
MV INFO:  
TOYOTA TUNDRA  
RED 2004  
PIC UP TRUCK  
LIC# 1970TW  
VIN: 5TBKT421948443479  
AT FIRST SIGHT, DRIVER  
APPEARED TO BE  
CONFUSED  
PC JACK REQUESTED  
THE DRIVER (DI) TO  
TURN THE ENGINE  
OFF. DI FAILED TO  
COMPLY AND CONTINUED  
STRAWS AT THE  
OFFICERS WITH A  
PUZZLED AND CONFUSED  
LOOK ON HIS FACE.  
PC JACK DETECTED  
THOANS ODOR OR  
ALCOHOLIC BEVERAGE  
ON DI'S BREATH.  
SGT COPPAWAY  
REACHED INTO THE  
TRUCK (MV) AND  
TURNED THE KEY  
KEY OFF, THIS  
CAUTION: BE

THU 10-AUG-09  
ENGINE DOWN.  
PC JACK ASKED  
DI TO STEP OUT  
OF THE VEHICLE  
THE DRIVER (DI)  
SLOWLY COMPLIED,  
DI WAS UNSTEADY  
ON HIS FEET, POOR  
BALANCE, GLASSY  
EYES.  
PC JACK ASKED  
IF DI HAD CONSUMED  
ANY ALCOHOLIC  
BEVERAGES IN THE  
PAST 8 HOURS.  
DI DID NOT RESPOND.  
THE QUESTION HAD  
TO BE REPEATED 3  
TIMES BEFORE DI  
RESPONDED BY  
SAYING "NO".  
AT THIS POINT,  
PC JACK OBSERVED  
AN OPEN BOTTLE  
OF LIQUOR IN  
THE FRONT  
PASSENGER SEAT,  
750ML WILD TURKEY  
WHISKY.  
DI IS VERY SLOW  
IN HIS RESPONSES.  
SGT COPPAWAY ASKED  
DI IF HE IS ON  
ANY MEDICATION.  
DI IS HESITANT,  
MUMBLED SOMETHING  
OUT, LIKE STRESS.  
FORMER GROUND 61  
RED IMPAIRED

TUE 20-AUG-09  
11:29 ARRESTED DI FOR  
IMPAIRED OPERATION  
OF MV; EXPLAINED  
TO DI THE OFFENCE  
AND THE CHARGE.  
SEARCHED DI AND  
LOADED IN REAR OF  
CRUISER  
SGT COPPWAY  
ASSISTED WITH  
GETTING THE  
DOCUMENTS FROM  
THE VEHICLE (MV)  
11:30 MTC U? NO  
MTC U! YES  
11:32 CHANTEN CAUTION U?  
NO RESPONSE  
11:32 CHANTEN CAUTION U!  
"YES"  
"ANYTHING TO SAY?"  
"NO"  
11:33 BSD - B/IT.  
ACCOMPANY? YES.  
SGT COPPWAY  
ASSISTED WITH THE  
REMOVAL OF THE  
VI. VI SECURED @  
BELL'S TOWN HQ @  
THEIR COMPOUND  
11:40 10-8 E/N TO 10-14  
1 10-14 OK BOARD  
ADVISED PCC.  
DI ETHERINGTON IAN  
(1955-08-13)  
3305 BERNIC RD  
LAKESIDE AL ON  
VOL 2 NO  
DL# E8240-35365-508132

TUE 20-AUG-09  
LATE ENTRY: @  
@ 11:31 PC JACK  
ASKED DI IF HE  
WISHED TO SPEAK  
WITH A LAWYER.  
DI RESPONSE: "POSSIBLY".  
11:45 WHILE BEING TRANSPORTED  
TO DETACH-  
MENT, DI KEPT  
SAYING "I AM SORRY".  
12:00 10-14, 10-7  
LAWYER? "PROBABLY"  
NAME? DI:  
"JUST GIVE ME  
A SECOND"  
DI IS STILL CONFUSED  
DI WANTS TO SPEAK  
WITH HIS FAMILY  
LAWYER:  
MICHAEL DWYER  
12:05 PC JACK CALLED  
DWYER; WAS  
ADVISED DWYER DOES  
NOT DO CRIMINAL  
WKS IS CURRENTLY  
AT LUNCH; WILL BE  
BACK @ 14:00 HRS.  
12:07 PC JACK ASKED DI  
IF HE WISHED TO  
SPEAK WITH A  
DUTY COUNSEL,  
DI: "YES"  
12:08 CALLED DC, LEFT  
MESSAGE  
12:12 PROVIDED GROUPS  
FOR ARREST FOR  
IMPAIRED TO  
BREATH TECH  
PC BRISCOE

TUE 20-AUG-09  
DI KEPT APOLOGIZING:  
"I AM A PRETTY GOOD  
COTER. IT IS A STUPID  
THING TO DO!"  
12:35 DC CALLED BACK.  
SUSAN PONTEOUS  
12:37 DI ON THE PHONE  
WITH DC IN PRIVATE  
12:41 PHONE CONCLUDED  
PC JACK ASKED DI  
"ARE YOU SATISFIED?"  
DI: "YES, I WAS TOLD  
NOT TO SAY ANYTHING"  
12:42 CUSTODY OF DI TURNED  
TO PC BISCOE,  
BREATH TECH,  
12:45 INITIATED PAPER WORK  
PROCESS  
13:10 CUSTODY OF DI TURNED  
BACK TO PC JACK  
13:15 DI IS WORKING IN COURT  
UNTIL SOBENS UP  
13:20 CONTINUED WITH  
PAPER WORK  
- ADDED CHARGES  
- PREPARED A ONLY TWO  
TWO PILES OF PAPERS:  
COUNT AND ACCUSED  
14:30 SGT FLINDALL ADVISED  
PC JACK HE WAS  
GOING TO LOOK  
AFTER THE MIST OF  
THE BREATH ALCOHOL  
CASE AND SEE IT  
THROUGH TO COMPLETION  
PC JACK ADVISED  
SGT FLINDALL THAT  
PC JACK COULD COME  
TO WORK NEXT

TUE 20-AUG-09  
WEEK AND FINISH  
IT. SGT FLINDALL  
ADVISED PC JACK  
THAT THERE WAS  
NO NEED AND THAT  
HE WANTED PC JACK  
TO HAVE REST  
BEFORE HE STARTS  
PLATOONS AND  
THAT HE WOULD  
TAKE CARE OF  
THE REST  
OUTSTANDING THINGS  
IN THE 4 RIFLES.  
- SGT FLINDALL'S  
NOTEBOOK ETHICS  
PERTAINING TO THE  
EVENT AND ARREST  
OF BRANDON GIBELUS  
- CPIC ~~FOR~~ FOR THE  
ACCUSED  
- DAMAGE COST  
ESTIMATE FROM  
VIRMANIA RING DISTRICT  
SCHOOL BOARD; A JACK  
NEVER HEARD BACK FROM  
PETER VANESSA RE:  
COST ESTIMATE  
ALL 4 CROWN KNIFE  
PACKAGES WERE  
SUBMITTED TO  
SGT FLINDALL AS  
PER HIS ORDER  
SGT FLINDALL ADVISED  
HE WAS GOING TO  
LOOK AFTER ALL MY  
CASES, WHICH INCLUDES  
RVS ANDERSON ADVISE  
BRIEF.



THU 20-AUG-09  
THE EVENING BEFORE  
SGT FLINDALL  
PHOTOCOPIED THE ENCL  
LETTER PC JACK  
RECEIVED FROM  
CROWN ATTORNEY  
BRIAN GILKINSON  
AND ADVISED PC JACK  
THAT PC JACK DID  
NOT NEED TO REPLY  
TO IT AS HE WAS  
GOING TO LOOK  
AFTER IT AS WELL.  
SGT FLINDALL  
ADVISED PC JACK  
THAT HE IS FINISHING  
HIS PERFORMANCE  
EVALUATION REPORTS  
AND WILL HAVE  
PC JACK REVIEW AND  
SIGN THEM LATER  
TODAY.  
14:40 CONTINUED DOWNTOWN  
ON IMPAIRED CASE  
PC JACK GOT ASSISTANCE  
FROM PC BRISCOE  
WITH ADLS FORM  
AND PART III SUMMONS  
15:00 LOANED SEVEN LIQUOR  
WILD TURKEY WHISKEY  
PREPARED PTAS  
AND OTHER RELATED  
RELEASE DOCUMENTS  
16:00 CAUGHT UP ON  
NOTE BOOK ENTRIES  
17:40 SGT FLINDALL ASKED  
PC JACK TO CEASE  
HIS WORK AND TO  
SEE HIM IN THE SET

THU 20-AUG-09  
OFFICE.  
SGT FLINDALL  
DELIVERED TO PC JACK  
PROBATIONARY CONSIDERABLE  
PERFORMANCE EVALUATION  
REPORT (PCS-066P)  
FOR MONTH 6  
AND 2 233-PO  
FORMS TO SIGN  
AND ADVISED PC JACK  
TO FIND A QUITE  
SPOT TO READ THEM,  
SIGN THEM AND  
RETURN TO HIM  
UNDEVELOPED BEFORE  
18:00 HRS TODAY.  
UPON REVIEWING  
THE PCS-066P  
PC JACK FOUND  
THAT HE DID NOT  
MEET REQUIREMENTS  
IN 10 CRITERIA,  
ALL OF WHICH SEEM  
TO HAVE BEEN THOROUGHLY  
DOCUMENTED BY  
SGT FLINDALL  
PC JACK DID NOT  
KNOW HOW TO <sup>MAN</sup>AGE  
RESPOND TO THE REQUEST  
OR SGT FLINDALL TO  
SIGN THE PCS-066P  
BEFORE 18:00 HRS SO  
PC JACK CONTACTED  
KAREN GEMMAN  
BRANCH 3 OPPA PRE-  
SIDENT AND ON  
HER PERSONAL PHONE  
AND ADVISED HER 67  
OF THE SITUATION

THU 20-AUG-09  
AND SOUGHT ADVISE  
PC JACK ADVISED  
KARMA GENTMAN  
THAT HE HAD  
BEEN RE-ASSIGNED  
TO A DIFFERENT  
PLATOON WITH A  
NEW COACH OFFICER.  
AND THAT HE WAS  
GOING ON VACATION  
AND WAS SUPPOSED  
TO START ON SEP 09,  
2009 ON PLATOON D.  
PC JACK ADVISED  
GENTMAN THAT HE  
FELT HE WAS  
COMPELLED TO SIGN  
THE PCS-06GP AND  
DID NOT FEEL THAT  
IT TRUTHFULLY  
REFLECTED HIS  
PERFORMANCE.  
FURTHER, PC JACK  
ADVISED GENTMAN  
THAT PCS-06GP  
FOR MONTH MAY  
04MAY09 - 04JUN09  
WAS GIVEN TO HIM  
FOR REVIEW AND  
SIGNING ON AUGUST  
19, 2009, ~~AND~~ TO  
WHICH GENTMAN  
RESPONDED THAT WAS  
NOT RIGHT AS IT  
SHOULD BE PROGRESSIVE  
DISCIPLINE.  
GENTMAN ADVISED  
PC JACK THAT BUREAU

THU 20-AUG-09  
DID NOT HAVE THE  
~~ALL THE~~ THE  
INFORMATION TO  
COME UP WITH THE  
SOLUTION TO THE  
PROBLEM, BUT  
THAT IF PC JACK  
DID NOT FEEL  
COMFORTABLE TO  
SIGN THE FORMS  
THEN HE DID NOT  
HAVE TO.  
PC JACK KEY  
CONCERNS:  
- PCS-06GP FOR  
MONTHS 6 WRITTEN  
BY SGT FLINDALL,  
YET EVALUATION'S  
NAME IS CST  
FILMAN AND FILMAN  
IS CURRENTLY AWAY  
ON VACATION  
- THERE ARE NO  
WORK IMPROVEMENT  
PLANS ATTACHED  
TO IT AND SINCE  
THERE SHOULD BE  
10 OR MORE, THE  
PERFORMANCE  
ASSESSMENT IS NOT  
DONE WITH ACCURACY  
ACCORDING TO THE  
SPECIFICATIONS  
- PC JACK WAS GIVEN  
VERY LIMITED TIME  
AND UNDER PRESSURE  
TO REVIEW AND  
SIGN THE FORM  
WITH NO TIME TO

THU 20-AUG-09  
THINK AND ~~WANT~~<sup>WANT</sup>  
PROPERLY RESPOND  
TO THE PERFORMANCE  
ACCESS, NOT NEGATIVE  
ALLEGATIONS  
WANDA GEMMAN  
ADVISED PC JACK  
TO SEND HER AN  
EMAIL OUTLINING  
HIS CONCERNS OVER  
THE WEEKEND AND  
THAT SHE WAS GOING  
TO MEET AND  
SPEAK WITH S/SGT  
LAMPBORN ON  
MONDAY AUGUST 24  
2009 ABOUT WHAT  
IS GOING ON.  
PC JACK ADVISED  
GEMMAN THAT  
THOUGH HE HAD  
MEETING WITH  
SGT PLINDALL &  
S/SGT LAMPBORN  
YESTERDAY AND  
THINGS WERE LOOKING  
GOOD, HE DID NOT  
EXPECT TO BE  
SLAMMED WITH  
SO MUCH NEGATIVE  
STUFF ALL AT ONCE  
AND 15 MINUTES  
BEFORE HE ~~WAS~~  
WAS SUPPOSED TO  
GO OFF DUTY AND  
ON HIS VACATION.  
PC JACK ADVISED  
GEMMAN THAT

70

THU 20-AUG-09  
HE WAS GOING  
TO WHITE WALK  
~~WALK~~<sup>WALK</sup> THE CIRCLE  
OVER THE WEEKEND.  
18:05 SGT PLINDALL  
WALKED IN AND  
WHILE PC JACK  
WAS ON THE PHONE  
WITH GEMMAN PUT  
HIS SIGNATURE ON  
THE PCS-066P  
FORM, THEN WALKED  
AWAY.  
19:10 MET WITH SGT  
PLINDALL IN THE  
SGT'S OFFICE  
AND ADVISED HIM  
THAT PC JACK DID  
NOT FEEL COMFORTA-  
BLE WITH THE  
EVALUATIONS AND  
THE 233-10 FORMS  
AND AFTER SPEAKING  
WITH DPPA REP  
WAS NOT GOING TO  
SIGN THE PCS-066P  
AS HE NEEDED MORE  
TIME TO RESPOND TO  
IT WITH APPROPRIATE  
FEEDBACK.  
SGT PLINDALL GOT  
SEEMINGLY UPSET  
AND STATED THAT  
THE PCS-066P REFLECTED  
WHAT THEY DISCUSSED  
THE DAY BEFORE,  
AND ASKED PC JACK  
TO SIGN THE 2<sup>71</sup>  
233-10 FORMS



(August 20, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:

THU 20-AUG-09  
PC JACK ADVISED  
SGT FLINDALL  
THAT HE WAS  
NOT COMFORTABLE  
AT THE MOMENT  
TO SIGN ANYTHING  
BUT WOULD SIGN  
THE 233-10 FORMS  
IF SGT FLINDALL  
ORDERED HIM TO  
DO SO.  
FURTHER PC JACK  
ADVISED SGT FLINDALL  
THAT HE WANTED  
AN OPPA REP TO  
LOOK AT THEM  
FIRST AND NEEDED  
ADVICE.  
PC JACK: "DO I HAVE  
TO SIGN THE 233-10?"  
SGT FLINDALL: "NOPE"  
SGT FLINDALL WOULD  
"REFUSED TO SIGN" ON  
EACH FORM, SAID  
PC JACK UN-SIGNED  
PCS-066P, WISHED  
HIM TO HAVE A  
GOOD VACATION  
AND PC JACK WALKED  
AWAY.  
PC JACK STAYED AT  
THE DETACHMENT  
TO DOCUMENT THE  
INCIDENT IN HIS  
NOTE BOOK.  
20:00 RELEASED  
ETHEMINGTON, IAN  
ON A PTA INTO THE CUSTODY

THU 20-AUG-09  
OF HIS CHILDREN  
BRAD A WEST  
ETHEMINGTON,  
IAN ETHEMINGTON  
WAS SERVED WITH  
A PTA A COPY OF  
THE PTA, 3 PART III  
SUMMONS, CERTIFICATE  
OF A QUALIFIED  
TECHNICIAN, 90 DAY  
ADLS FORM, AND  
COPIES OF THE  
INTOXYLIC TEST  
RESULTS.  
IAN ETHEMINGTON  
ADVISED PC JACK  
THAT IT WAS THE  
STUPIDEST THING  
HE HAD EVER DONE  
AND THAT HE WAS  
CONCERNED ABOUT  
NOT BEING ABLE  
TO ATTEND HIS  
AA MEETINGS  
IN PETERBOROUGH.  
ETHEMINGTON'S HANDS  
WERE SHAKING AND  
HE APPEARED TO BE  
TREMBLING.  
20:15 HAD A SNACK AS HAD  
NOT EATEN ALL DAY  
20:30 STARTED PICKING UP  
MY NOTES.  
21:00 FINISHED  
PAKED PTA TO  
CPIC, ADDED  
ETHEMINGTON AS  
CHARGED.

(August 20, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:

THU 20-APR-09  
 22:04 CALLED MITCH  
 ANDERSON AND  
 LEFT A MSG RE:  
 WHAT HAPPENED  
 22:10 OFF DUTY  
 PC 12690 MON  
 THU 20-APR-09  
 22:15 FOUND BY THE  
 PHOTO COPYER THAT THE  
 THE INTOXILYZER  
 TEST RESULTS  
 THAT WERE SUPPOSED  
 TO BE DISCLOSED  
 AND SERVED ON  
 ETHEMINGTON.  
 THAT MUST HAVE  
 FLEW FROM THE  
 REST OF THE

PACKAGE WERE  
BEING PHOTOCOPIED  
AND WERE LEFT  
BEHIND.  
SPOKE WITH SGT  
BONBURNY AND  
ASKED FOR ADVICE  
HOW TO FIX THE PROBLEM.  
SGT BONBURNY  
ADVISED NOT TO  
WORRY AND PUT  
A NOTE ON THEM;  
"NOT RECLOSED TO  
THE ACCUSED" I WERE  
PUTTING IN THE  
CROWN BRIEF.  
PACKAGE.  
22:25 OFF DUTY  
PL 12640 mm 74

\*\*\*\*\*

\*\*\*\*\*  
↓↓

**Analysis of the negative 233-10 re: R vs. Williamson (Exhibit 47c, pages 61 – 62):**

(August 20, 2009) (Volume 1, I-62):

**From:** Lafreniere, Bob (JUS)  
**Sent:** August 20, 2009 12:20 PM  
**To:** Flindall, Robert (JUS)  
**Cc:** Campbell, Ron (JUS)  
**Subject:** Constable Michael Jack

been forwarded. I have read this synopsis more carefully and I would go as far as to suggest the charge of Criminal Harassment should be withdrawn on August 27. I will let a CA review.

(August 20, 2009) (Volume 1, I-60, 61):

**From:** Lafreniere, Bob (JUS)  
**Sent:** August 20, 2009 3:22 PM  
**To:** Flindall, Robert (JUS)  
**Subject:** RE: Thank you

Both F.A. August 27

The [REDACTED] Criminal Harassment charge ) has been vetted and disclosure prepared for the F.A. on August 27.  
Cynthia Sonley is the CA staff member who has taken care of the CAO duties.

(August 20, 2009) (Volume 1, I-60, 61):

**From:** Flindall, Robert (JUS)  
**Sent:** August 20, 2009 3:32 PM  
**To:** Lafreniere, Bob (JUS)  
**Subject:** RE: Thank you

Excellent - thanks for the heads up Bob. I'm looking at the clock and likely will not have it completed today. I'm back in on nights 24Aug09 - will complete then and have prepped for the 25th. Not the best but it's the best that I can do at this stage.

Robert Flindall

(August 20, 2009) File 233-10 (SP09164458), Exhibit 23a:

SP09164458

On the 23<sup>rd</sup> of July 2009, PC M. 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 M. JACK took the appropriate video taped and hand written

DISCLOSURE DATE:	20 August 2009
DISCLOSED BY:	Sgt. R. FLINDALL



PC M. JACK is currently sitting in his 8<sup>th</sup> month of his probationary period and it is expected that at this stage of his development, he should know how to properly prepare a crown brief and how to ask for help when he feels he needs it. It is very clear that this is not the case.

(August 20, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:

17:40 SGT FLINDALL ASKED  
PC JACK TO CEASE  
HIS WORK AND TO  
SEE HIM IN THE SET  
TUN 20-AUG-09  
OFFICE.  
SGT FLINDALL  
DELIVERED TO PC JACK  
PROBATIONARY CONSIDERABLE  
PERFORMANCE EVALUATION  
REPORT (PCS-066P)  
FOR MONTH 8  
AND 2 233-10  
FORMS TO SIGN  
AND ADVISED PC JACK  
TO FIND A QUITE  
SPOT TO READ THEM,  
SIGN THEM AND  
RETURN TO HIM  
UNDERHILL BEFORE  
18:00 HRS TODAY.

UPON REVIEWING  
THE PCS-066P  
PC JACK FOUND  
THAT HE DID NOT  
MEET REQUIREMENTS  
IN 10 CRITERIA,  
ALL OF WHICH SEEM  
TO HAVE BEEN THOROUGHLY  
DOCUMENTED BY  
SGT FLINDALL  
PC JACK DID NOT  
KNOW HOW TO ~~READ~~<sup>MAN</sup>  
RESPOND TO THE REQUEST  
OR SGT FLINDALL TO  
SIGN THE PCS-066P  
BEFORE 18:00 HRS SO  
PC JACK CONTACTED  
KAREN GERMAN  
BRANCH 8 OPPA PRE-  
SIDENT ~~AND~~ ON  
HER PERSONAL PHONE  
AND ADVISED HER <sup>67</sup>  
OF THE SITUATION

(August 20, 2009) (Volume 1, B), Sgt. Flindall's notes:

17:36 PCS 066 &  
233-10's served  
on P.C. JACK  
-adv. him to  
read them over  
-adv him no  
surprises and  
that if we  
were speaking  
about the

18:18 P.C. JACK  
refused to  
sign any  
documents  
- says he  
disagrees w  
everything in  
them and  
wants the OPPA  
to review.  
- off duty

## Analysis:

In response to what is just above one can see from Sgt. Flindall's notes that he served me with my PCS 066 and 233-10s and then went on to say that **'advised him to read them over'**. What he failed to mention in his notes was that he told me **'to read them, sign them and return to him hopefully before 18:00 hrs today'**. His notes are deliberately misleading for to document what was actually said would be to afford evidence of Discreditable Conduct. No officer (let alone a probationary officer) could be expected to read over and take time to understand a PCS 066 in just 20 minutes (or 24 minutes as Sgt. Flindall's notes indicate). He knew the evaluation would be devastating to me and yet he had the cold and callous heart to give it to me and ask me to return it signed to him in under 20 minutes. The amount of information packed in those nine pages would take one a considerable amount of time to familiarize themselves with it and considering my job was at stake on those evaluations it was only reasonable to expect that I not be rushed.

### Ontario Provincial Police Orders, 6.4: Human Resources, (Exhibit 99b, page 9):

- 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 to the regional commander each month.

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

The probationary constable, coach officer, supervisor, and detachment commander shall sign the document and ensure that the probationary constable has been given the opportunity to provide comment/comments.

Once again Sgt. Flindall was in dire contravention of the Ontario Provincial Police Orders! Furthermore, what Sgt. Flindall did in issuing me the negative 233-10 shows his complete lack of knowledge and/or respect for the authority of the Criminal Code with respect to continuing the detention of an individual under arrest. The Criminal Code clearly states that a person under arrest by a peace officer, unless arrested for an offence that is the absolute Jurisdiction of a Superior Court Judge has to be released and it goes on to mention the forms of release by way of an Officer in Charge. Authority is also given to a peace officer to continue the detention of an individual under arrest in such circumstances (other than those that are the absolute Jurisdiction of a Superior Court Judge) if the officer has grounds to believe one of the mandatory requirement for release are not met. This is also commonly known in the Administration of Justice by the acronym of P.R.I.C.E. This Criminal Harassment incident was investigated to the best of my abilities in a very limited timeframe and I released the individual by the authority given to me by the Criminal Code of Canada. The offender had no Criminal Record and was willing to attend court as directed. How could I justify the continued detention of such an individual by keeping him in custody and sending him to court to be released by a Justice or Judge when I had the authority to impose the same conditions at the detachment to ensure victim safety? Though I did not know this at the time of the investigation, I later



realized that the order that Sgt. Flindall gave me (to do up a show cause) was simply unlawful and to have done so would have brought the Administration of Justice into disrepute. Now, in hindsight I appreciate the advice PC Brockley gave me.

The Respondent on the other hand would like to have this Tribunal believe that I was found to be lacking in knowledge of the Federal and Provincial Statutes.

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 19:**

19. In a number of his PERs the Applicant was found to have a lack of knowledge in relation to the federal and provincial statutes a police officer is responsible for enforcing. Proper enforcement of the law is a key duty of a police officer and knowledge of the relevant statutes is essential.

On the contrary, Sgt. Flindall's detailed documentation in this 233-10 goes to actually show his lack of knowledge in these areas especially with respect to every police officer's basic powers of arrest and release. It also goes to show his utter contempt towards me. This belief is corroborated by S/Sgt. Campbell acknowledgement that Sgt. Flindall has lost the focus with respect to me, that my work environment was poisoned (Volume 3, W-3) and that the investigation of the Criminal Harassment case, for which Sgt. Flindall gave me a negative 233-10, was as much of a screw up by him (Volume 3, V-20) and for which he was served with a negative 233-10 by S/Sgt. Campbell on September 1, 2009 (Volume 2, L-13).

Finally his present coach Shawn Filman is going off on 4 months parental leave starting in Sept. So with all the issues in the email to yourself and Doug Borton Doug Borton advised he felt the only thing to do was move him. You will note I advised this was against an earlier decision you had made but with this further info I think we were heading to an issue as Mike is basically an immigrant of Jewish background. You and I discussed we felt he was being targeted. To his own demise he has alienated his shift by not being 100% truthful when shopping for answers..

Long and short Sgt Flindall was advised that supervision is an issue here. That Cst. Jack needs one on one supervision to correct the problems. Work improvement plans need to be in place and direct supervision from a coach. Both he and Mitch brought up that everything has been thrown at him at once without prior issues reported on his PCS 066. It is also apparent Cst. Jack is not following direction.

possible H.R. complaint. I think the supervisor has lost the focus he is here to assist and correct Cst. Jack as well as discipline him for transgressions that are not learning issues. I have touched on this with Sgt Flindall and will do so again on Wednesday in private.

Mike both you and I discussed this and it appears this officer is being left on his own to fully investigate matters beyond his experience level. When Sgt Flindall came to me this was





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↓↓

Proof that Sgt. Flindall and PC Payne prepared my Month 6 & 7 PER (Exhibit 24) and not PC Filman as the Evaluator's name suggests:

(August 20, 2009) PCS-066P (Month 6 & 7) (Exhibit 24, page 1), which was disclosed to me by Sgt. Flindall:

Surname: JACK		Given Name: Micheal	
Badge: 12690		WIN: 393080	
Detachment/ Section:	Peterborough County	Region/Bureau	Central
Evaluator:	CST FILMAN	Badge:	11212
Evaluation Period: (DD/MM/YY) Start: 09 June 2009		End: 09 August 2009	
Probationary Period Start Date* (DD/MM/YY) 09 Jan 09			

\*\* 4th

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

WED 22 JUL 09 0600 - on duty 1014 - call to P.C. FILMAN up his MC blue box adv him to get on d he adv P.C. JACK'S PCS 066 is almost complete. currently long issues with his performance P.C. PAYNE is assisting him	1030 - speaking to Sgt. Al Carra about P.C. JACK. adv to complete tracking form and work improvement plan will speak to PAYNE and FILMAN. 1235 - meeting w 92	P.C. PAYNE P.C. FILMAN adv P.C. JACKS PCS 066 gen info forms Outlook improvement plan both are going to put recent issues onto a tracking general info form gen to add comments to JACKS PCS 066 756
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(August 15, 2009) (Volume 1, I-9):

From: Payne, Jennifer (JUS)  
Sent: August 15, 2009 6:16 PM  
To: Flindall, Robert (JUS)  
Subject: Jack's last evaluation ---

This is just a reminder email for tomorrow to send me Jack's evaluation. Filman may have it labelled Jack 4.

Jen :)



(August 16, 2009) (Volume 3, Z), PC Payne's notes:

16 Aug 2009

11:35 [redacted]  
- work on PC Jack  
evaluation stuff

11:41 [redacted]

11:54 [redacted]

11:59 [redacted]  
- work on PC Jack  
evaluation

12:11 [redacted]

16 Aug 2009

11:35 [black]  
- work on PC Jack  
evaluation stuff

11:41 [black]

11:54 [black]

11:59 [black]  
- work on PC Jack  
Evaluation

12:11 [black]

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

19 Aug 2009

1230 Discuss PC Jack  
eval & harassment  
call w Sgt Flindall

1330 [redacted]

1500 - work on PC Jack  
evaluation - input  
for my time with  
him

1800 OFF DUTY  
Jen Payne

2000 - 0000 - work on  
evaluation @ home

19 Aug 2009

1230 - Discuss PC Jack  
evaluation and Harassment  
call with Sgt. Flindall

13:30 [black]

1500 - work on PC Jack  
evaluation - input  
for my time with  
him.

1800 - Off duty  
Jen Payne

2000 - 0000 - work on  
evaluation @ home



(August 20, 2009) (Volume 3, Z), PC Payne's notes:

20 Aug 2009 (Thur)  
0600 on duty  
- work on PC Jack  
evaluation + send  
to Sgt. Flindall for  
review + edition  
0830 [redacted]

**20 AUG 2009 (Thur)**

06:00 – On duty  
- work on PC Jack  
evaluation + send  
to Sgt. Flindall for  
review + edition  
08:30 [black]

(August 20, 2009) (Volume 1, B), Sgt. Flindall's notes:

THU 20 AUG 09  
0600 on duty  
0648 [redacted]  
- today working  
on PC JACK'S  
PCS66 and  
neg 233-10's  
1050 [redacted]

**THU 20 AUG 09**

06:00 – On duty  
06:48 [black]  
- today working  
on PC Jack's  
PCS66 and  
negative 233-10's  
10:50 [black]

(August 20, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

Thursday 20 Aug 09  
0800 [redacted]  
1615 Review Michael  
Jack PCS066  
Attach comments  
656 [redacted]  
700 Off Duty

**Thursday 20 Aug 09**

08:00 [black]  
16:15 Review Michael  
Jack PCS066  
Attach comments  
16:56 [black]  
17:00 Off duty

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

**20Aug09 - S/Sgt Campbell**

- 1615hrs - S/Sgt. Campbell reviews PC Jack PCS066 and returns to Sgt Flindall for service.

(August 20, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:

THU 20 - AUG - 09  
PC JACK KEY  
CONCERNS:  
- PCS-066P FOR  
MONTHS 6 WRITTEN  
BY SGT FLINDALL,  
YET EVALUATOR'S  
NAME IS CST  
FILMAN AND FILMAN  
IS CURRENTLY AWAY  
ON VACATION

Thu 20-Aug-09

PC Jack key  
concerns:  
- PCS-066P for  
months 6 written  
by Sgt. Flindall,  
yet evaluator's  
name is Cst  
Filman and Filman  
is currently away  
on vacation.

Neither Sgt. Flindall nor PC Payne was my official assigned coach officer! They had no right under the authority of Ontario Provincial Police Orders to enter their comments into my PERs. It was the job of my officially assigned coach officer, PC Shaun Filman to gather the information and to write my PERs. What they all did contravened Ontario Provincial Police Orders (Volume 7, Exhibit 99a and Exhibit 99b):

**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, 6.4: Human Resources, (Exhibit 99b, page 9):**

**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

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

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 subjected to greater scrutiny than other probationary constables. The Applicant was struggling to perform the duties which were

**\*\*\*\*\***





On August 20, 2009, at 6:00 pm I called D/Cst. German on her personal phone to seek advice (Exhibit 26c, page 32). D/Cst. German advised me that I did not have to sign anything at the time and that PCS-066P should be progressive discipline (Exhibit 26c, page 33) and that if I did not feel comfortable signing the forms I did not have to. She further advised me that she was going to look into my case again. I did not sign any of the forms Sgt. Flindall gave me. I told him that I needed more time to review my Month 6 & 7 performance evaluation (Exhibit 24) and that I wanted an OPPA representative to have a look at it as well. I also told him that I would sign the two 233-10 forms (Exhibit 23a and Exhibit 23b) if he ordered me to do so, to which he replied, "Nope" and immediately wrote "Refused" in the Employee's Signature section at the bottom portion of the forms (Exhibit 26c, pages 31-37). That was the end of our meeting that concluded at approximately 6:10 pm. This notation by Sgt. Flindall on the 233-10 forms was very unprofessional of him for at no time did I ever indicate that I refused to sign them other than mention that I wanted to review them with an OPPA representative, which was my right. Signing for such documents is optional. That option is an inherent right of the recipient. Merely declining to sign does not constitute a "refusal". A more appropriate notation would have been "declined". Not so for me.

(August 20, 2009) (Volume 1, B),  
Sgt. Flindall's notes:

1818 - told him no  
surprises and  
that if we  
were talking  
spoke to him  
about the  
day previous  
PC JACK  
refused to  
sign any  
documents  
- said he  
disagrees w/  
everything in  
them and  
wants the OPPA  
to review.  
- off duty

(August 20, 2009) (Exhibit 26c),  
Officer notes of PC Michael Jack:

19:10 MET WITH SGT  
FLINDALL IN THE  
SGT'S OFFICE  
AND ADVISED HIM  
THAT PC JACK DID  
NOT FEEL COMFORTA-  
BLE WITH THE  
EVALUATIONS AND  
THE 233-10 FORMS  
AND AFTER SPEAKING  
WITH OPPA REP  
WAS NOT GOING TO  
SIGN THE PCS-066P  
AS HE NEEDED MORE  
TIME TO RESPOND TO  
IT WITH APPROPRIATE  
FEEDBACK.  
SGT FLINDALL GOT  
SEEMINGLY UPSET  
AND STATED THAT  
THE PCS-066P REFLECTED  
WHAT THEY DISCUSSED  
THE DAY BEFORE,  
AND ASKED PC JACK  
TO SIGN THE 2  
233-10 FORMS

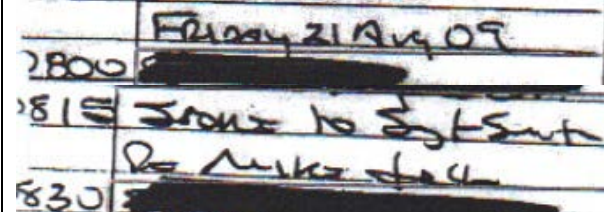
TWO 20-ANC TO  
PC JACK ADVISED.  
SGT FLINDALL  
THAT HE WAS  
NOT COMFORTABLE  
AT THE MOMENT  
TO SIGN ANYTHING  
BUT WOULD SIGN  
THE 233-10 FORMS  
IF SGT FLINDALL  
ORDERED HIM TO  
DO SO.  
FURTHER PC JACK  
ADVISED SGT FLINDALL  
THAT HE WANTED  
AN OPPA REP TO  
LOOK AT THEM THEN  
FIRST AND NEEDED  
ADVICE.  
PC JACK: "DO I HAVE  
TO SIGN THE 233-10?"  
SGT FLINDALL: "NOPE"  
SGT FLINDALL WROTE  
"REFUSED TO SIGN" ON  
EACH FORM, SAID  
PC JACK UNSIGNED  
PCS-066P, WISHED  
HIM TO HAVE A  
GOOD VACATION  
AND PC JACK WALKED  
AWAY.



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

**20Aug09 – Sgt. R. Flindall**

- Service of PCS 066 on PC Jack as well as two 233-10 documents. PC Jack allowed opportunity to review. PC Jack made aware of all matters on PCS 66 and 233-10 documents the day previous. PC Jack refuses to sign any document.

(August 21, 2009) (Volume 1, X), S/Sgt. Campbell's notes:	(August 21, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:
	21 Aug 09 0815 Spoke to Sgt Smith Re: Mike Jack

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

On August 21, 2009, at approximately 10:00 am I spoke with an OPPA alternative representative Cst. Anderson on the phone. Cst. Anderson advised me that it was only fair for me to have some time to go over my performance evaluation and that I did not have to sign either 233-10 or PCS-066P documents on such a short notice. I advised him that I had spoken with D/Cst. German and asked him to advise S/Sgt. Campbell of the situation, to which he replied he would.

As a result of the investigation conducted by D/Cst. German it was recognized that I had been targeted by some of my platoon members and by Sgt. Flindall. I was advised that Sgt. Flindall had several of my colleague police officers keep me under surveillance and reporting to him about my performance. D/Cst. German advised me that I was being re-assigned from Platoon 'A' shift to Platoon 'D' shift and that I should be looking at it as a clean slate and a fresh start. I was further advised that Northumberland Detachment commander Acting Superintendent Doug Borton was responsible for my shift change. I was also advised that I could not dispute my Month 6 & 7 performance evaluation (appears to be a common advice given by association representatives according to similar comments made to Cst. Tapp) but I could put in writing my comments in writing and submit them along with the evaluation for reference, which I did (Exhibit 26a, page3).



I spoke with Acting Superintendant Doug Borton today. He is my detachment commander and we have a good working relationship and is approachable on these types of issues.

I have discussed your issues with him at length. He advised me that he is responsible for your shift change and that it is in your best interest to look at this as a clean slate and start fresh with your new platoon and coach officer. He advised that you can dispute the last PCS066 (MAY) and put your disputes in writing and it will be attached to that document for reference.

We cannot make it go away, however, you can also make reference to anything positive that you feel you have done during that evaluation period. He also advised that there is one outstanding PCS 066 that needs to be completed and it will be completed by your current Sgt and Coach. I'm assuming that this is Flindall and Fliman and that is beyond his control because that needs to be completed as you are switching shifts. The next 4 will be completed by your new coach and supervisor. If you do what you are told and show your new platoon that you are capable of doing the job, then things should go smoothly. Don't give your new platoon REASON TO FIND FAULT WITH YOUR PERFORMANCE!!.

If you need anything else, don't hesitate to ask. You have 4 people at your detachment that can act on your behalf in relation to Association matters, Shaun Filman, Mitch Anderson, Malcolm MacArthur and Kathy Chapman. Please seek any of them out if you require further.

I hope this helps and good luck with your new shift mates.

Following my shift reassignment in the early fall of 2009 Sgt. Flindall assumed the role of the Operations Manager as an Acting Staff Sergeant, Cst. Payne assumed the role of the Platoon 'A' shift supervisor in the rank of Acting Sergeant, Cst. Filman transferred to work in plain cloth in the Peterborough Detachment Crime Unit. (Note: Shortly after my transfer to Platoon 'D' I presented Cst. Filman with a bottle of Russian vodka as a token of my appreciation for coaching me. He said to me: "You will be fine. If you ever have any questions feel free to ask me for help". During the following three-and-a-half months Cst. Shaun Filman and I ran into each other at the detachment a few times. He would always pass by me like I did not exist.

**(August 28, 2009) (Volume 2, N-6):**

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

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

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

Note the excerpt: ***'Yes he refused to sign his PCS066. Isent it in anyways'.***

S/Sgt. Campbell was of the firm opinion that I had refused to sign my PCS066. I had merely requested time to review it carefully and respond accordingly. My request was construed as a refusal.

On September 9, 2009, on my first day back on duty after my time off since August 20, 2009, I was ready to sign my Month 6 & 7 PER (Exhibit 24) now that I had perused it and prepared a rebuttal to it (Volume 1, I-116):

Mon

[illegible]



(August 21, 2009) (Volume 3, V-20):

From: Campbell, Ron (JUS)

Sent: August 21, 2009 9:22 AM

To: Johnston, Mike P. (JUS)

Subject: RE: Re; Michael Jack Platoon D

In answer to your question why was he moved.

I had cc you and A/Supt Borton regarding the driving issue. I also added my thoughts on the NCO Flindall losing objectivity with him. He has his shift and Sgt Banbury's shift all watching this officer and reporting any screw ups. Couple this with statements from Sgt Flindall he admits making but not in the context that Cst Jack has reported.

1. his job is in jeopardy

2. he will be documenting his every move and he will be getting paper on issues that have been discussed. ( this was after not following his direction on Criminal Harassment charge)

Then he screws up with the cruiser witnessed by Flindall and Payne and is given a ticket under the HTA and a 233-10.

Sgt Banbury comes to me complaining Jack has feigned illness the next day. I investigated and thank goodness he wrote his medical issues in his daily journal Sat afternoon along with a witness who assisted him a CP office in Buckhorn the Sat afternoon. He reports this continued through the night. I really think it is stress related from the scrutiny he is under. ( Banbury wanted him charged with deceit...he should know all about that) In any event this is unfounded.

Finally his present coach Shawn Filman is going off on 4 months parental leave starting in Sept.

So with all the issues in the email to yourself and Doug Borton Doug Borton advised he felt the only thing to do was move him. You will note I advised this was against an earlier decision you had made but with this further info I think we were heading to an issue as Mike is basically an immigrant of Jewish background. You and I discussed we felt he was being targeted. To his own demise he has alienated his shift by not being 100% truthful when shopping for answers..

On Wednesday Mike Jack, Rob Flindall, his OPPA alternate rep. Mitch Anderson and myself sat down and all the issues surrounding Mike were discussed in his presence with OPPA rep.

Long and short Sgt Flindall was advised that supervision is an issue here. That Cst. Jack needs one on one supervision to correct the problems. Work improvement plans need to be in place and direct supervision from a coach. Both he and Mitch brought up that everything has been thrown at him at once without prior issues reported on his PCS 066. It is also apparent Cst. Jack is not following direction.

Cst Jack will be given an independent assessment by Rich Nie to avoid a possible HR complaint. Interestingly Cst. Jack brought up in the meeting he felt he had been left on his own to investigate matters in which he had no experience. He also brought up but refused to name officers on his shift for inappropriate remarks and berating him in front of the shift as well. In other words work place harassment and discrimination policy...I assume it is in relation to his ethnic origin. Anyway I stressed the importance of him coming forward and have also stressed this issue to his new coach. I stressed in Rob's presence the duty of management to stop it if it occurred.

Then yesterday I got a call from Brian Gilkinson about the utter poor quality of 3 Crown briefs handed in by Cst. Jack. He stated there is no basis for a charge in any of the cases as all it is or amounts to is a collection of one line statements by the alleged complainants with no basis or facts to prove the accused actually did it nor do they outline the elements of the offence. This would be for the [REDACTED] complaint, [REDACTED] complaint of Criminal Harassment.( exactly what Sgt Flindall ) had given him a negative 233-10.

Interestingly enough Sgt Flindall had just got done complaining to me about Bob. L. from the court sending this very brief back saying there was no offence for the very same reasons that the Crown was now stating. So I brought this to his attention that again it was simply unsubstantiated rumours and investigation needed to be completed. The same goes for a brief on [REDACTED] So again I asked Rob where is the coach officer who should be guiding this and where is the vetting of the briefs by him!!!

Sgt Flindall has now taken on the responsibility of following up on both cases involving Cst. Jack's briefs and investigations as this is as much of a screw up by him.



Please note the following excerpts:

- ***'I also added my thoughts on the NCO Flindall losing objectivity with him. He (Sgt. Flindall) has his shift and Sgt. Banbury's shift all watching this officer and reporting any screw ups'***
- ***'Couple this with statements from Sgt. Flindall he admits making but not in the context that Cst. Jack has reported'***
  - ***his job is in jeopardy***
  - ***he will be documenting his every move and he will be getting paper on issues that have been discussed***
- ***'I think it is stress related from the scrutiny he (me) is under'***
- ***'You and I discussed we felt he (me) was being targeted'***
- ***'Long and short Sgt. Flindall was advised that supervision is an issue here'***
- ***'Both he (me) and Mitch brought up that everything has been thrown at him (me) at once without prior issues reported on his PCS 066'***
- ***'Cst. Jack will be given an independent assessment by Rich Nie to avoid a possible HR complaint'***
- ***'Interestingly Cst. Jack brought up in the meeting he felt he had been left on his own to investigate matters in which he had no experience'***
- ***'He (me) also brought up but refused to name officers on his shift for inappropriate remarks and berating him in front of the shift as well'***
- ***'In other words work place harassment and discrimination policy...I assume it is in relation to his ethnic group'***
- ***'So I asked Rob (Sgt. Flindall) where is the coach officer who should be guiding this and where is the vetting of the briefs by him!!!'***

This e-mail contained in the Respondent's disclosure to the Applicant, as per the January 16<sup>th</sup>, 2012 deadline was actually in the possession of Counsel for the Respondent prior to responding to the application. Of consequential importance is:

- Counsel had specifically requested for an extension of the statutory 30 days provided for a response.
- Counsel requested this extension so as to have enough time to review the volumes of material given to by the OPP.
- Counsel had to review the volumes of material provided by the OPP in order to provide the response to the Application.
- Yet Counsel for the Respondent deliberately manipulated the truth by responding with a series of denials to the allegations contained in the Application so as to lead the Tribunal in believing the Application was questionable.

The following excerpts from the Counsel's response illustrate this final point:

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

1. As will be discussed in more detail below, the Respondent denies that it discriminated against, or harassed, the Applicant during his employment with the Ontario Provincial Police (OPP) on the basis of race, ancestry, place of origin, citizenship, ethnic origin or association. The Respondent's decision not to extend an offer of permanent employment to the Applicant was solely based on performance issues which were unrelated to a protected ground under the *Human Rights Code*.
29. Paragraph 17 – The Respondent denies that the Applicant was switched from one platoon to another because it was discovered that he was being targeted by members of his shift. The Applicant was given an opportunity to have a fresh start with a new coach officer who was part of a different platoon in an attempt to give him an opportunity to improve his performance under the guidance of a coach officer who may have had a different style than the original coach officer.
31. Paragraph 19 – The Respondent denies that that Applicant was subjected to unwanted comments, jokes and harassment or that his workplace was poisoned.
32. Paragraph 19(1) – As previously noted the Respondent denies that the Applicant was called "Crazy Ivan".
47. Paragraph 37 – Sergeant Flindall did not ask the officers in the Detachment to keep the Applicant under surveillance and report back to him. The coaching of a new recruit does not occur in isolation from other police officers. The Applicant was treated in the same manner as all other recruits.
55. Broadly speaking, the Respondent denies:
  - the Applicant's claims that he was subjected to discrimination and harassment;
  - the Applicant was subjected to differential and derogatory treatment based on a protected ground;
  - it failed to take appropriate action to address any inappropriate conduct on the part of its employees in relation to the Applicant;
  - it reprised against the Applicant through negative PERs;
  - the laying of a charge against the Applicant under the *Highway Traffic Act* was discriminatory or harassing;
  - the initiation of a complaint under the *Police Services Act* was discrimination or harassment; and
  - there has been any systemic discrimination as set out in paragraphs 58-60 of Schedule A to the Application.

To add further insult to this Judicial Process Counsel for the Respondent violated her very oath she made to the Law Society of Upper Canada, an oath to be truthful while maintaining impartiality in her

representations so as not to bring the administration of the Society into disrepute. Counsel for the Respondent very conscientiously declared in section 21 of her response that she was telling the truth:

## 21. Declaration and Signature

**Instructions:** Do not sign your Response until you are sure that you understand what you are declaring here.

**Declaration:**

To the best of my knowledge, the information in my Response is complete and accurate.

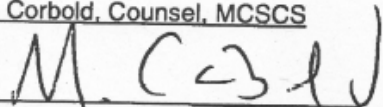
I understand that information about my Response can become public at a hearing, in a written decision, or in other ways determined by Tribunal policies.

I understand that the Tribunal must provide a copy of my Response to the Ontario Human Rights Commission on request.

I understand that the Tribunal may be required to release information requested under the Freedom of Information and Protection of Privacy Act (FIPPA).

Marnie Corbold, Counsel, MCSCS

Name



Respondent's Signature

03/05/2011

Date (dd/mm/yyyy)

Counsel for the Respondent then signed this section and in doing so placed her credibility at stake.

The Tribunal should clearly see how the Ontario Provincial Police violated my fundamental rights as a Canadian Citizen, one deserving the protection under the Ontario Human Rights Code and had the audacity to deny doing so in the formal response to my application before this Tribunal.



[illegible]



**(August 24, 2009) (Volume 2, N-3):**

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

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

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

S/Sgt. Ron Campbell was absolutely right in stating that PC Nie had experience with S/Sgt. Colleen Kohen for he must have gained that experience in successfully documenting enough to justify the termination of employment of Mr. Harry Allen Chase (Exhibit 48). S/Sgt. Campbell even had the gall to bribe Jason Postma by stating that it was going to look good on his Resume to show how he was able to supervise the coaching of an officer that was believed to be a problem. The Respondent wants this Tribunal to believe I was a problem which is why they have gone to extremes to justify their beliefs in disclosing seven volumes of information (a good portion of which is repetitive). Hence, Platoon 'D' indeed managed to clean up the shortcomings of Platoon 'A' by succeeding in building up a file to justify my termination.

**(August 24, 2009) (Volume 1, I-59):**

**From:** Flindall, Robert (JUS)  
**Sent:** August 24, 2009 10:09 PM  
**To:** Filman, Shaun (JUS)  
**Subject:** FW: Constable Michael Jack

**Robert Flindall**  
**Sgt. 9740**

**(August 24, 2009) (Volume 1, I-27):**

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

**From:** Campbell, Ron (JUS)  
**Sent:** August 24, 2009 1:57 PM  
**To:** Flindall, Robert (JUS)  
**Cc:** Conway, Jane (JUS); Johnston, Mike P. (JUS)  
**Subject:** [REDACTED]

Rob & Jane:

Rob I take it the brief Crown Attorney Brian Wilkinson contacted me on and the email stating there was absolutely no grounds for a charge in this matter of criminal harassment was the information brief that Shawn Filman and Mike Jack were putting together for review by the Crown? Is this correct? Or was this RM09092516 and Shaun is still working on the submission? Please advise.

Secondly Jane in your review of the information on the [REDACTED] and [REDACTED] case did you see this brief prior to getting sent in and with your review of the file do you see any chance of charges or assignments that need completed?

Please advise Ron



**(August 25, 2009) (Volume 1, I-58):**

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

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

**From:** Johnston, Mike P. (JUS)  
**Sent:** Tuesday, August 25, 2009 12:16 PM  
**To:** Campbell, Ron (JUS)  
**Cc:** Conway, Jane (JUS)  
**Subject:** [REDACTED]

Ron

Can you call [REDACTED] and see if he can attend Friday morning at Detachment to meet with Jane, you, and myself. This should give Jane the time she needs to review the incidents and give her thoughts on the possibility of a Criminal harassment charge being initiated.

Thanks

Mike

**(August 25, 2009) (Volume 1, I-58):**

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

**From:** Campbell, Ron (JUS)  
**Sent:** August 25, 2009 2:00 PM  
**To:** Johnston, Mike P. (JUS)  
**Cc:** Conway, Jane (JUS); Flindall, Robert (JUS)  
**Subject:** RE: [REDACTED]

Should this be done when we have not heard from Sgt Flindall??

**(August 26, 2009) (Volume 1, I-26 and Volume 1, I-58):**

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

**From:** Flindall, Robert (JUS)  
**Sent:** August 26, 2009 4:04 AM  
**To:** Campbell, Ron (JUS); Conway, Jane (JUS)  
**Cc:** Johnston, Mike P. (JUS)  
**Subject:** [REDACTED]

I have reviewed all of the documentation and correspondence, including emails from Ron and Brian who have summed up the situation perfectly. I am in agreement that there is simply not enough information to proceed with a criminal harassment charge at this time. In review of PC JACK's statements, not only in this matter but a few other matters I am reviewing, he has done a poor job in attempting to elicit the basic required information that one would expect to garner from victim/witnesses. I can only chalk this up to inexperience. That being said, even with additional, clarifying information from [REDACTED] don't think the CAO will take up the case, nor the Judge convict on the continuous he said / she said saga. I think a more prudent course of action for [REDACTED] is for both to enter into a Peace Bond which would provide us with some more teeth should either party start to "act up" again in the future.

I know this won't likely be to the satisfaction of [REDACTED] but we can certainly assure him that we've taken a look at his complaint, including the CAO and come up with a more prudent course of action vs the criminal charges.

I'll leave this in your hands in regards to the meeting with [REDACTED] on Friday.

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

With respect to the Criminal Harassment charge against Mr. Williamson, please refer to Exhibit 47c, pages 61 - 62 and to Schedule 'A', pages 17 - 19. As I stated earlier, there were insufficient grounds to lay the Criminal Harassment charge. Charging Mr. Williamson was wrong. I am ashamed of it.

With respect to the Assault charge against Mr. Stephenson, please refer to Exhibit 47c, pages 63 – 64.

**(August 26, 2009) (Volume 1, I-57):**

**From:** Filman, Shaun (JUS)  
**Sent:** August 26, 2009 3:50 AM  
**To:** Flindall, Robert (JUS)  
**Subject:** RE: Constable Michael Jack

Rob,

Do you want to send an e-mail to court to let them know that this is coming down?

Shaun

**(August 26, 2009) (Volume 1, I-26):**

**From:** Flindall, Robert (JUS)  
**Sent:** August 26, 2009 4:06 AM  
**To:** Filman, Shaun (JUS)  
**Subject:** RE: Constable Michael Jack

Will do.

**Robert Flindall**  
**Sgt. 9740**

**(August 26, 2009) (Volume 2, N-3):**

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

**Sensitivity:** Confidential

Fyi...

(August 27, 2009) (Volume 2, N-4):

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

Jason - I was just thinking over a few things in regards to the transfer of PC Jack to our shift and have a few request/suggestions that I feel are needed to do this right.

1. Meeting between us, Sgt. Flindall, PC Filman, Inspector Johnston, Staff Campbell, and HR rep (Staff Kohen) to go over all documentation/evaluations done to date and what improvement plans are already in place. We need a starting point to go from so that PC Jack knows what our expectations are of what he already knows and what he needs to work on. I think it is best to have everyone mentioned present so that we all can see and hear what has been done so far - perhaps next Monday or Tuesday dayshift would be a good chance?

2. Once we have a starting point, then we, Insp. and both Staff Sgt.s sit down with PC Jack to discuss the plan with him and where he stands. Rumours that I have heard are that he has refused to sign some evaluations and has called the OPPA for advice. If this is true, then I want it documented with him and HR and our detachment command staff present so that we all are in agreement.

3. I assume that the 2% coach officer pay gets transferred to me starting Aug. 30 when he comes to shift?

I am not trying to be difficult here, just prudent. All of the rumours going around are that PC Jack calls the OPPA, human resources, or whoever else the minute he doesn't like what is happening. I want it made clear to him (which I will do) that I am not about to waste my time on someone that doesn't want to learn or accept constructive criticism. I want to give him a fair chance, but he needs to do the same for us.

Let me know,

Rich.

Please note the following excerpts:

- *'Rumours that I have heard are that he has refused to sign some evaluations and has called the OPPA for advice'.*
- *'All of the rumors going around are that PC Jack calls the OPPA, human resources, or whoever else the minute he does not like what is happening.'*
- *'I want it made clear to him (which I will do) that I am not about to waste my time on someone that does not want to learn or accept constructive criticism.'*

Though it would be nice to know exactly who was spreading those rumors (I bet it was PC Nie's next-door neighbor Sgt. Flindal), the fact that they were there offers further evidence that my work environment was poisoned. So much for the *'clean slate and starting off fresh with a new set of eyes'.*

**The Promise of the OPP (Exhibit 87, page 3):**

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

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



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

The following e-mail is a prime example for the Tribunal to see what the promise of the OPP means to them (Volume 1, I-41):

From: Flindall, Robert (JUS)  
To: Campbell, Ron (JUS)  
Sent: Tue Sep 23 18:12:08 2008  
Subject: RE: Shift Changes

Staff,  
I see I am now taking one of the male recruits, Michael Jack. Can you advise if he's the recruit that we needed to keep an eye on, ref his love of guns etc. ?  
I'm just looking for a heads up.

Thanks!  
Rob

I am amazed at the abuse of the term '**constructive criticism**' that they used to mask the real practice of the malignant oppression of human rights of an individual.

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

**36. Paragraph 21(1) – The Respondent denies that the Applicant was treated differently than other recruits because of his race, ancestry, place of origin, citizenship, ethnic origin or association. At the time Constable Filman**

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

**(August 27, 2009) (Volume 2, N-4):**

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

Staff,

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

Let me know. Thanks,  
J.

**(August 27, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Campbell, Ron (JUS)  
**Sent:** August 27, 2009 3:31 PM  
**To:** Kohen, Colleen (JUS)  
**Cc:** Johnston, Mike P. (JUS)  
**Subject:** FW: PC Jack

S/Sgt Kohen

I have spoken to you in the past concerning Neal Read and would ask that I be able to approach you for assistance again concerning another recruit we have in Peterborough. His name is Michael Jack and I think you may be familiar with him.

Mike was having some difficulties and it was my opinion from review of his first 6 evaluations and information that came to light on the 7th was he was not receiving the help he needed and Mike needs some more one on one tutoring.

Added to this were his Supervisors comments at the beginning of the whole scenario that I think added to Mike's stress and were not warranted at the time. With these comments that "his job was in jeopardy" and that "he would be documenting everything he did" it appeared to me that the Supervisor was not being objective and Mike's work environment may be poisoned.

In addition when he needs a good look and some direction his present coach is going off on parental leave. Not wanting it to escalate and to give Mike a fresh look he has been switched from platoons and coach officers. His old platoon has been tasked to work on a work improvement plan and meet with this new coach and supervisor. As such I have a request to have the two shifts meet and discuss with you the plans that will be put in place. Since one shift is working days and the other nights if possible could we do this later in the afternoon say 2pm if you are available? Please let me know.

S/Sgt Ron Campbell

I appreciate this additional disclosure with the name of PC Neal Read clearly visible as opposed to the blackened out e-mail in the Counsel's disclosure on January 16, 2012 (Volume 3, V-8). PC Neal Read was coached by PC Richard Nie and it appears that he too was having difficulties during his probationary period. That must have been what PC Paul MacNeil was referring to when he told me on November 26, 2010, that, ***'every officer who had been coached by Cst. Nie had either been dismissed from employment or transferred to another coach officer'***.

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

On November 26, 2010, I accidentally run into yet another Peterborough OPP Cst. Paul MacNeil in a Trent University athletics complex weight lifting room. In a conversation that followed he told me that what happened to me was a "raw deal" and that I should do something about it. He further disclosed to me that there had been another OPP officer who had been coached by Cst. Nie a few years ago, Harry Allen Chase, who was a great guy that had also been let go. He said that every officer who had been coached by Cst. Nie had either been dismissed from employment or transferred to another coach officer. He said that he was sorry about what happened to me because I was just unlucky to get into the wrong hands. When I told him that I had gotten to know Harry Allen Chase and that I had learned his story after my dismissal from employment and that I was pursuing legal action against OPP he said he would be glad to be a witness in my case. Among other things he also mentioned that Sgt. Flindall and Cst. Payne were too close and were favoring each other.

Furthermore, that must have been what A/Sgt. Jason Postma referred to in his e-mail to S/Sgt. Campbell on August 24, 2009, (Volume 2, L-12):



- *'Rich is a good officer, but he has been in this coaching roll way too long. He needs a few years of no recruits to get that front line grove back (my opinion).'*
- *'I do not want him to burn out if Mike requires extra documentation and process'.*
- *'I am sensing the negative side of him of late'.*
- *'D platoon is the laughing stock of this office because of these developments.'*
- *'Our shift is not happy,...'*
- *'Another note, from experience – problem officers or the rising stars define which coaches are successful in terminating probationarys or making positive recommendations. Everyone wants the good one, but very few are equipped to document and terminate employment if they don't meet the standards. We need to examine potential coaches more thoroughly in the future'.*

Hence, that is why Sgt. Flindall's next-door neighbor PC Richard Nie was hand-picked to finish me off.

(August 27, 2009) (Volume 3, V-8):

From: Campbell, Ron (JUS)  
 Sent: August 27, 2009 3:31 PM  
 To: Kohen, Colleen (JUS)  
 Cc: Johnston, Mike P. (JUS)  
 Subject: FW: PC Jack  
 S/Sgt Kohen

I have spoken to you in the past concerning [REDACTED] and would ask that I be able to approach you for assistance again concerning another recruit we have in Peterborough. His name is Michael Jack and I think you may be familiar with him.

Mike was having some difficulties and it was my opinion from review of his first 6 evaluations and information that came to light on the 7th was he was not receiving the help he needed and Mike needs some more one on one tutoring.

Added to this were his Supervisors comments at the beginning of the whole scenario that I think added to Mike's stress and were not warranted at the time. With these comments that "his job was in jeopardy" and that "he would be documenting everything he did" it appeared to me that the Supervisor was not being objective and Mike's work environment may be poisoned.

In addition when he needs a good look and some direction his present coach is going off on parental leave. Not wanting it to escalate and to give Mike a fresh look he has been switched from platoons and coach officers. His old platoon has been tasked to work on a work improvement plan and meet with this new coach and supervisor. As such I have a request to have the two shifts meet and discuss with you the plans that will be put in place. Since one shift is working days and the other nights if possible could we do this later in the afternoon say 2pm if you are available? Please let me know.

S/Sgt Ron Campbell

Please note the following excerpts:

- *'it was my opinion...he (me) was not receiving help he needed'*
- *'his Supervisors comments were not warranted at the time'*



- *'it appeared to me that the Supervisor was not being objective and Mike's environment may be poisoned'*

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

36. Paragraph 21(1) – The Respondent denies that the Applicant was treated differently than other recruits because of his race, ancestry, place of origin, citizenship, ethnic origin or association. At the time Constable Filman

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

31. Paragraph 19 – The Respondent denies that that Applicant was subjected to unwanted comments, jokes and harassment or that his workplace was poisoned.

29. Paragraph 17 – The Respondent denies that the Applicant was switched from one platoon to another because it was discovered that he was being targeted by members of his shift. The Applicant was given an opportunity to have a fresh start with a new coach officer who was part of a different platoon in an attempt to give him an opportunity to improve his performance under the guidance of a coach officer who may have had a different style than the original coach officer.

30. Paragraph 18 – The Respondent acknowledges that Constable Nie and Sergeant Flindall are neighbours but deny they are "close friends". They work opposite schedules, rarely therefore see each other at work and do not socialize with each other outside of work.

(August 27, 2009) (Volume 2, N-5):

**From:** Kohen, Colleen (JUS)  
**Sent:** Thursday, August 27, 2009 3:58 PM  
**To:** Campbell, Ron (JUS)  
**Cc:** Johnston, Mike P. (JUS)  
**Subject:** RE: PC Jack

Hi Ron

I am more than willing to assist. I have reviewed my file and can say that I have received month 1 and 2 ( combined ) and month 3 and 4 PCS66P

I was at GHQ yesterday and no other PCS66P for Prob Jack was there. He is currently in month 8 . I assume they have been submitted to Region ?

For the conf call would it be possible to get an e mail copy of month 6 and 7 .. For me to review.

I am good Monday or Tuesday next week and just let me know what time and where to call into .

Colleen

C.S.Kohen  
Staffing Officer  
Career Development Bureau  
905 681-2511 (office)  
505 4030 ( VNET)  
905 973- 8877 (cell)

Since S/Sgt. Coleen Kohen was perfectly aware at the time that my PERs were so behind the schedule, I wonder what actions she took to hold those responsible for neglecting their duty?

Counsel's additional disclosure (March 13, 2012), S/Sgt. Kohen's schedule of evaluations:

Appointment Date 25 Aug 2008 Class 411		
25 Aug 2008	09 Jan 2009	OPC & Academy Training
Graduation: 09 January 2009		
09 Jan	09 Feb	Month 1
09 Feb	09 Mar	Month 2 Submit PCS66P (combine Month 1 & 2)
09 Mar	09 Apr	Month 3 Submit PCS66P
09 Apr	09 May	Month 4 Submit PCS66P
09 May	09 Jun	Month 5 Submit PCS66P
09 Jun	09 Jul	Month 6
09 Jul	09 Aug	Month 7 Submit PCS66P (combine Month 6 & 7)
09 Aug	09 Sep	Month 8
09 Sep	09 Oct	Month 9
09 Oct	09 Nov	Month 10 Submit PCS66P (combine Months 8, 9 & 10)
09 Nov	09 Dec	Month 11
09 Dec	09 Jan	Month 12

**\*\*\* During any month of the Probationary Constable probation period if they receive a DOES NOT MEET REQUIREMENTS, a Work Improvement Plan shall be initiated and PCS66P shall be completed monthly until the deficiencies has been met. (Meets Requirements)**



The following statement referenced previously also serves to show that I was literally being left on my own because my coach officer did not have any interest in coaching me, (August 18, 2009) (Volume 3, W-3):

Mike both you and I discussed this and it appears this officer is being left on his own to fully investigate matters beyond his experience level. When Sgt Flindall came to me this was

**Counsel's Response to the Application (HRT0 2010-07633-I), paragraph 44:**

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

PC Filman did not have any interest in coaching me and coaching me properly because his mind was poisoned prior to my arrival at the Peterborough County OPP Detachment that I was supposedly a crazy Russian who had killed a lot of people back in my time with the Israel Defense Forces. This poisoned environment served to racially marginalize me from the whole detachment, (August 18, 2009) (Volume 3, W-3):

d) Apparent discussions Sgt Flindall has asked his entire shift to monitor Jack's actions and contact him for any issues ( this is also spread to platoon B)

**Sgt. Postma re-iterates this position in his statement (Exhibit 70):**

Mr. Jack had a nickname of Crazy Ivan. He was called this by members. I came to understand the nickname was associated to Mr. Jack because of his large gun collection.

**In light of the aforementioned, the Promise of the OPP (Exhibit 87, page 3) comes to mind once again:**

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

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

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

**(August 27, 2009) (Volume 2, N-5):**

**From:** Campbell, Ron (JUS)  
**Sent:** August 27, 2009 4:07 PM  
**To:** Kohen, Colleen (JUS)  
**Subject:** RE: PC Jack

could we call you about 2pm on Monday??

**(August 27, 2009) Counsel's additional disclosure (April 5, 2012):**

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

**From:** Kohen, Colleen (JUS)  
**Sent:** Thursday, August 27, 2009 4:08 PM  
**To:** Campbell, Ron (JUS)  
**Subject:** RE: PC Jack

You sure can.. 505 4030.

Are you sending the PCS66P via e mail as my office is in Burlington Det... I only go to GHQ once a week to pick up the originals

Colleen

**(August 27, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Campbell, Ron (JUS)  
**Sent:** August-27-09 4:19 PM  
**To:** Kohen, Colleen (JUS)  
**Subject:** RE: PC Jack

I can ask the current Sgt to send them as when I got them they were in paper form. Ron

**(August 27, 2009) (Volume 1, I-26 and Volume 2, N-5):**

**From:** Campbell, Ron (JUS)  
**Sent:** August 27, 2009 4:22 PM  
**To:** Flindall, Robert (JUS); Filman, Shaun (JUS); Postma, Jason (JUS); Nie, Richard (JUS)  
**Cc:** Kohen, Colleen (JUS); Johnston, Mike P. (JUS)  
**Subject:** PCS066 for Mike Jack

Rob, Please read the below emails. S.Sgt Kohen requires electronic copies of Cst. Jack's evaluations emailed to her. We will have a phone meeting 2pm on Monday 31 Aug 09 I think we will call from the board room phone. Ron

You sure can.. 505 4030.

Are you sending the PCS66P via e mail as my office is in Burlington Det... I only go to GHQ once a week to pick up the originals

Colleen

**(August 28, 2009) Counsel's additional disclosure (April 5, 2012):**

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

**From:** Kohen, Colleen (JUS)  
**Sent:** Friday, August 28, 2009 11:40 AM  
**To:** Campbell, Ron (JUS)  
**Subject:** RE: PC Jack

Ron

I was just thinking... yes even on Friday.. Did you want to extend the invitation to Dave Lee ?

Colleen

**(August 28, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Campbell, Ron (JUS)  
**Sent:** Friday, August 28, 2009 1:13:42 PM  
**To:** Kohen, Colleen (JUS); Lee, Dave E. (JUS)  
**Subject:** RE: PC Jack  
**Auto forwarded by a Rule**

Inspector Lee: I am not sure if this creates a logistics problem with phones but would you like to be part of the telephone meeting concerning Mike Jack? Ron

**(August 28, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Tuominen, Darryl (JUS)  
**Sent:** August-28-09 1:18 PM  
**To:** Campbell, Ron (JUS); Kohen, Colleen (JUS)  
**Cc:** Lee, Dave E. (JUS)  
**Subject:** RE: PC Jack

Ron,

Insp Lee will not be back until this coming Monday and I'm about to attend another meeting at 1330 for him. Can this wait until Insp Lee is back next week?

Darryl

**(August 28, 2009) Counsel's additional disclosure (April 5, 2012):**

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

**From:** Kohen, Colleen (JUS)  
**Sent:** Friday, August 28, 2009 1:31 PM  
**To:** Tuominen, Darryl (JUS); Campbell, Ron (JUS)  
**Cc:** Lee, Dave E. (JUS)  
**Subject:** RE: PC Jack

Darryl

If you speak with one of the ladies in Central Region.. Region will have a conf number that can be used and we all dial into particular number ... I would give everyone HR number... but it will be in use.

We need to move forward on Monday at 1400 hours to address the performance of this Prob as both shifts will be available at that time

Let us know how you make out re the number

Colleen

**(August 28, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Campbell, Ron (JUS)  
**Sent:** August-28-09 1:41 PM  
**To:** Kohen, Colleen (JUS); Tuominen, Darryl (JUS)  
**Cc:** Lee, Dave E. (JUS)  
**Subject:** RE: PC Jack

Darryl Since this will take place next week and the 4 people from each shift will be available I would like to move ahead so we have the WIP in place upon Cst Jack's return on the 9th of Sept.. If he is not available we could brief him on what was completed. Ron



**(August 28, 2009) (Volume 2, N-7):**

**From:** Campbell, Ron (JUS)  
**Sent:** August 28, 2009 1:55 PM  
**To:** McNeely, Dave (JUS)  
**Cc:** Kohen, Colleen (JUS); Johnston, Mike P. (JUS); Flindall, Robert (JUS); Postma, Jason (JUS); Lee, Dave E. (JUS)  
**Subject:** Driving Test

Dave I only gave his first day back as I thought the sooner the better. Here are some more dates.

Mike is on days 10 Sep 09 as well and then on nights for two weeks. I propose that either on a day shift he be scheduled for 1:15 pm start time or the first night shift when he is on nights so he can work a modified shift. So weekdays it could be 14, 18, 23 Sept. Each is a first night shift or he works days 28, 29 Sept and days 2nd and 3rd and 7th of Oct. He has court on the 8th of Oct which would put this day out. Should you need dates further along let me know. Tks Ron,

Ron, I drove my route and with some minor changes I can complete an assessment. If you give me some more dates - I can check and see if the car we use is available and set up something that works for you guys. We use a malibu - unmarked - has extra brakes / gas on the passenger side. We try to avoid the busy times on the route (rush hours) - so morning drives done at about 9:15 / 9:30 ( avoid lunch hour ) or in the afternoon start about 1:15 / 1:30 (finish before 4:00 pm) Your officer would have to drive to Kingston - meet me at a local Tims - complete some paper work - leave his car in a parking lot ( plain car best) - previously a coach officer drove the candidate down as all they had was marked unit. Must be in plain clothes - do not want police identifiers...affects other traffic / times when other traffic gets "ticked" off at the assessment drivers....challenging course route. The whole drive / assesment takes approximately 2 hours to complete once we start. Dave 503-4561

**(August 28, 2009) Counsel's additional disclosure (April 5, 2012):**

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

**From:** McNeely, Dave (JUS)  
**Sent:** Friday, August 28, 2009 2:19 PM  
**To:** Campbell, Ron (JUS)  
**Subject:** RE: Driving Test

Ron,

I can work with the following dates - I work Mon - Fridays - Monday is busy day at Region / like to check route day before to make sure it is entact.

-10 Sept 09 - Wednesday  
-18 Sept 09 - Friday  
-02 Oct 09 - Friday  
-07 Oct 09 - Wednesday

Dave

**(August 28, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Campbell, Ron (JUS)  
**Sent:** August-28-09 3:02 PM  
**To:** McNeely, Dave (JUS)  
**Cc:** Kohen, Colleen (JUS); Lee, Dave E. (JUS); Postma, Jason (JUS); Johnston, Mike P. (JUS)  
**Subject:** RE: Driving Test

Dave: Lets get it done on the 10th of Sept so it is completed and we have an assesment sooner than later, Mike will be assigned a plain car to attend a location provided by you. Since he is working day shift he can do the 115pm time frame it gives him time on either end of shift. I think it is 2 hrs from Peterborough to Kingston is it not? Tks Ron

**(August 28, 2009) (Volume 2, N-6):**

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

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

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

Note the excerpt: **'Yes he refused to sign his PCS066. Isent it in anyways'**

It would appear that S/Sgt. Campbell was of the firm opinion that I had refused to sign my Month 6 & 7 PER (PCS066) (Exhibit 24) despite the truth that I had merely requested time to review it carefully and respond accordingly. My request was maliciously construed as a refusal.

**(August 28, 2009) (Volume 1, I-56):**

**From:** Flindall, Robert (JUS)  
**ient:** August 28, 2009 6:43 PM  
**To:** Campbell, Ron (JUS)  
**Subject:** RE: PCS066 for Mike Jack

OK, sounds good. Last set of shifts I assigned PC FILMAN to complete the Work Improvement Plans this weekend for his Does Not Meet Requirements sections of the PCS066. At shift start I asked him to complete same tonight. I will send his last PCS066 as well as the proposed WIP's to yourself and S/Sgt. KOHEN tonight. That will give both of you the chance to read them prior to our meeting on Monday.

**Robert Flindall**  
**Sgt. 9740**

**(August 31, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Flindall, Robert (JUS)  
**Sent:** August-31-09 7:40 AM  
**To:** Kohen, Colleen (JUS)  
**Cc:** Campbell, Ron (JUS)  
**Subject:** RE: PCS066 for Mike Jack

Good morning S/Sgt. Kohen,

Please find attached a copy of PC JACK's last PCS66 which has identified all of his current issues. PC FILMAN completed all of the associated WIP's for this evaluation period and emailed them to me last night, however I can't seem to find his email. I'm not sure if he did a recall on the email and he's now gone home. We will both be in for the teleconference call this afternoon at 1400hrs and I will have him provide them at that time.



Doc01K - Flindall.docx  
Doc01K - Campbell.docx

Best regards,

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

**(August 31, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Filman, Shaun (JUS)  
**Sent:** August-31-09 2:07 PM  
**To:** Lee, Dave E. (JUS); Kohen, Colleen (JUS)  
**Subject:** FW: WIPS

**From:** Filman, Shaun (JUS)  
**Sent:** August 31, 2009 3:24 AM  
**To:** Flindall, Robert (JUS)  
**Subject:** WIPS

SEE I DID IT!



Doc01K - WIP.docx  
Doc01K - WIP.docx  
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## The 'every opportunity' hypocrisy:

(August 31, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

<p>1400 Called teleconference 1-866-355-2663 Code # 7435 Colleen Kohen Dave Lee Jason Postma Shaun Filman Rich Nie Rob Flindall myself Issue via Cst Filman Re: Free legal advice &amp; Free of charge</p>	<p>1515 For ticket Conference ends - Discuss 1 coach Shift told Good life Fitness Story - In uniform Also Zone 3</p>
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(August 31, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

31Aug 09

1400

Called teleconference 1-866-355-2663 Code # 7435 Colleen Kohen Dave Lee Jason Postma Shaun Filman Rich Nie, Rob't Flindall and myself. Issue via Cst Filman Re; free legal advise & free of charge for ticket.

1515

Conference Ends discuss 1 coach

Good life Fitness Story in uniform Also Zone 3

(August 31, 2009) (Volume 3, BB) Point Form Chronology:

**31Aug09 - S/Sgt Campbell**

- 1400hrs - Teleconference with Human Resources Inspector Lee, S/Sgt. Kohen, A/Sgt Postma, Sgt. Flindall, PC NIE, and S/Sgt. Campbell to review PC Jack's file and work on solution to correct issues.

I hope that the Tribunal will take note that both the Tribunal and the Applicant were deprived of the notes of Insp. Dave Lee, PC Shaun Filman and PC Richard Nie for that day.

(August 31, 2009) Counsel's additional disclosure (March 23, 2012), A/Sgt. Postma's notes:

28-30 Aug 09 R days		that the new shift he made with who his coach is if not Rich, who has assigned coach is
31 Aug 09		
1400 Tele conference to MSP's office with S/Sgt Cohen		- desert 1
- present was		- lying 2
S/Sgt Sgt Plindal		- accountability 3
PC Filman PC Nie		- doing
- PR PC Jack		- Work improvement
S/Sgt Cohen asked 39		days

(August 31, 2009) (Volume 4, 24), S/Sgt. Kohen's notes (Original & Transcribed):

<p>Mon - 31 Aug 2009</p> <p>0715 On Duty</p> <p>2009 to 2009</p> <p>Conf call re Prob Jack on conf call was Dave Lee, Ron Campbell, Cst Filman, Sgt Fidley, Sgt Postman, Cst Nieal</p> <p>Summary</p> <p>Month 1, 2, 3, 4, 5</p> <p>no concerns</p> <p>Month 6 &amp; 7 which are a combined PCS66P issues start to be raised.</p> <p>The same Prob who called me when Sgt told him he could be losing his job and also have a PSB investigation against him.</p> <p>Sgt Fidle seems to take lead on the perf issues and has a strong dislike for Prob Jack as he does not own up to his errors.</p> <p>SS also appears months 6 &amp; 7 PCS66P has been given to him but not any WIP.</p> <p>PCS66P 6 &amp; 7 given to</p>	<p>Mon 31 Aug 2009</p> <p>0715</p> <p>On Duty</p>
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Please note the excerpts:

- ***'The same Prob who called me when Sgt. told him he could be losing his job and also have a PSB investigation against him'***
  - First, I wonder what S/Sgt. Kohen meant in the second part of the sentence. It could either be that I had a PSB investigation against me or that Sgt. Flindall had a PSB investigation against me. I think it is the latter since how could have S/Sgt. Kohen known about the PSB investigation otherwise?
  - Second, is the following question: How could S/Sgt. Kohen know about the PSB investigation on the date of the conference call (August 31, 2009) when according to S/Sgt. Campbell's entry in the point form chronology the PSB matter was brought up to his attention by Sgt. Flindall on September 3, 2009 and it is evident from an e-mail sent by Insp. Johnston to S/Sgt. Campbell and Sgt. Flindall on September 11, 2009, (Volume 2, L-9) that they were to stand down and that the PSB was going to investigate the allegations. Hence, how could they know on August 31, 2009, that PSB was going to investigate the matter?
  - Third, I wonder if Sgt. Kohen knew or at least cared to inquire as to who initiated the PSB investigation and what it was about.
  - Fourth, please note the names of the officers who were made aware of the PSB investigation against me: Insp. Dave Lee, S/Sgt. Kohen of the OPP's Human Resources, S/Sgt. Ron Campbell, Sgt. Robert Flindall, Sgt. Jason Postma, PC Shaun Filman, and PC Richard Nie. This action by S/Sgt. Flindall poisoned the minds of the participants. While one could say, 'So much for the confidentiality of an internal investigation', that would be a false assertion to make since the PSB investigation was fabricated with the sole purpose to terminate me. Hence, Sgt. Flindall deliberately brought the PSB investigation matter up during the conference call to alienate Regional Command Staff against me. It was Sgt. Flindall's racial disdain towards me and his neglect of duty with respect to looking after me. Hence, the only way he could walk on water was to have me terminated. No Michael Jack, no problem.
- ***'Sgt. Fidle seems to take lead on the perf issues and has a strong dislike for Prob Jack as he does not own up to his errors'***

Apart from being Sgt. Flindall's next-door neighbor (and shortly after the conference call even a subordinate of Sgt. Flindall) PC Richard Nie was privy to Sgt. Flindall's strong dislike of me during the conference call. So much for the ***'fresh start with a clean slate'***.



(August 31, 2009) (Volume 1, B), Sgt. Flindall's notes:

<p>1350 MON 31 AUG 09</p> <p>DEF for teleconference w/ S/SGT. C. COMSA</p> <p>1st P.C. JACK</p> <p>1st P.C. JACK also on line</p> <p>present is P.C. FILMAN, P.C. NIE P.C. POSITIA 94</p>	<p>1400 S/SGT. CAMPBELL call in progress</p> <p>call complete</p> <p>discussion over W.T.P.</p> <p>P.C. JACK being coached by P.C. NIE</p>	<p>- P.C. JACK going to be afforded every opportunity to succeed</p> <p>- rest is up to him</p> <p>- off duty</p> <p>- No O.T. JAMES</p>
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Please note the excerpts:

- 'PC Jack being coached by PC Nie'
- 'PC Jack going to be afforded every opportunity to succeed'
- 'rest is up to him'.

Some facts for consideration:

- Sgt. Flindall never held mandatory regular performance evaluation meetings with me,
- Sgt. Flindall denied me developmental opportunities,
- Sgt. Flindall discriminated against me by disallowing me to work overtime and to cover for officers on other shifts while the other probationers were allowed to do so,
- Sgt. Flindall had a strong dislike of me,
- Sgt. Flindall condoned and possibly even encouraged PC Payne's practice of keeping two notebooks in current use – a regular one and a special one (Re PC Jack),
- Sgt. Flindall falsely charged me under the HTA,
- Sgt. Flindall had members on three different shifts to report to him everything about my performance that could be construed and twisted into being negative,
- Sgt. Flindall fraudulently prepared my Month 6 & 7 (Exhibit 24) and my Month 8 (Exhibit 27) PERs,
- Sgt. Flindall falsified my refusal to sign the fraudulent Month 6 & 7 and Month 8 PERs,
- Sgt. Flindall promptly initiated an unsubstantiated, frivolous and false complaint to the Professional Standards Bureau that I was friends with criminals,
- Sgt. Flindall and PC Richard Nie were next-door neighbors,
- Sgt. Flindall and PC Nie were both born and raised in Peterborough,
- Sgt. Flindall and PC Nie are both in the same age bracket,
- Sgt. Flindall and PC Nie are most likely of the same creeds – Roman Catholics,
- PC Nie aspired to be a Sergeant in Peterborough OPP Detachment,
- Sgt. Flindall aspired to be Peterborough OPP Operations' Manager and possibly Peterborough Detachment commander, like his father was,
- Sgt. Flindall was promoted to the rank of Acting Staff Sergeant in early fall of 2009,

- PC Nie had a proven track record of being a coach officer the OPP could rely on to document in detail to justify a termination of employment. PC Nie was the coach officer of an ex-OPP officer Mr. Harry Allen Chase, an Afro-Canadian with native heritage, who was terminated on the last day of his probationary period (Exhibit 48 and Exhibit 62).

I hope that in light of those facts the Tribunal will marvel about the “truthfulness” of Sgt. Flindall’s statement:

- ***‘PC Jack going to be afforded every opportunity to succeed’***
- ***‘rest is up to him’***

They were such convenient comments to actually disguise the truth. It was never up to me.

Some of the current definitions of the word **mafia** are:

- Any tightly knit group of trusted associates.
- A closed group of people in a particular field, having a controlling influence.
- Any small powerful or influential group in an organization or field; clique.

An actual **mafia**, so to speak, was in control and was surreptitiously orchestrating a plan to terminate me. They had already:

- Branded me as a psychopathic or crazy Russian prior to commencing my employment at the Peterborough County OPP Detachment,
- Had an OPP’s psychiatrist do an examination of me based on their superstitious and extremely prejudiced beliefs (because I was Russian, from the middle east and served in the Israel Defense Forces and supposedly killed many people – though I have never even aimed my service firearm at anyone),
- Humiliated me with a derogatory nick name “Crazy Ivan” about my heritage,
- Humiliated me by being referred to as an incompetent recruit,
- Poisoned my work environment,
- Deprived me of regular performance evaluation meetings in direct contravention of the Ontario Provincial Police Orders,
- Deprived me of developmental opportunities,
- Turned many members against me,
- Managed to have many members keep an eye on me and report back to one person (Sgt. Flindall),
- Engaged in, encouraged and condoned numerous contraventions of Ontario Provincial Police Orders,
- Deliberately omitted to document me positively when incidents warranted positive documentation,
- Falsely charged me under the Highway Traffic Act,
- Fabricated two fraudulent PERs,
- Falsified my refusal to sign them,

- Falsely accused me of being involved with criminals (the OPP's use of the term '*Undesirable*' is in itself extremely derogatory because no human being is undesirable for it goes against the dignity of an individual to be referred to as such and it also contravenes the Human Rights Code not to mention the Canadian Charter of Rights and Freedoms that talks about valuing the dignity of all Canadians),
- Criticized my accent (PC Moran's question to me, '*Can you speak with a Canadian accent?*' and PC Filman's comment in my Month 4 PER (Exhibit 18), '*PC Jack is aware that he has a thick accent*':  
 Specific example:  
 PC JACK is now patrolling on his own. His communication skills are improving greatly. PC JACK is aware that he has a thick accent and makes an effort to speak clearly and consisely.
- Accused me of not asking enough questions and when I did ask accused me of answer shopping.

**Once again the Promise of the OPP stands out in stark contrast to the aforementioned:**

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

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

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

**On the contrary I, an educated individual (a University Professor), was brought down to my knees and executed by the local mafia.**

**The Ontario Public Service should be proud of the OPP for being its effigy in demonstrating the OPS' values and respect for the dignity of a Canadian citizen – one seeking employment in a supposedly respectable profession where he could maximize his skills in serving people of Ontario.**



**(August 31, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Grimmnett, Vi (JUS)  
**To:** Lee, Dave E. (JUS)  
**Sent:** Mon Aug 31 16:03:28 2009  
**Subject:** Peterboro

No internal for issue of PON. Keep me posted on the other issue.

*V.M. (Vi) Grimmnett  
Acting Sergeant Major #6150  
Investigations Section  
Professional Standards Bureau  
Ontario Provincial Police  
705/329-6066  
705/330-6630 (cell)  
705/329-6050 (fax)*

**(August 31, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Lee, Dave E. (JUS)  
**Sent:** August-31-09 5:28 PM  
**To:** Kohen, Colleen (JUS)  
**Subject:** Fw: Cst Jack

Colleen:

PSB advises that the issuance of a PON will not result in an internal investigation.

Dave

Insp. D. Lee  
Manager Staff Development and Training  
OPP Central Region  
705-329-7418