

## 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 note 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>
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**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:

SUN 02-AUG-09	ASWCD
<b>PC JACK ADVISED</b> THAT DUE TO THE HIGH WORK LOAD IT WILL TAKE A WHILE BEFORE HIS CASE WILL BE THOROUGHLY LOOKED INTO.	P/C JACK TO KEEPS HIM INFORMED ABOUT THE PROGRESS OR THE INVESTIGATION. INTERVIEW CONCLUDED PRACTICE DVDS ADVISED SGT-FLINDALL OR THE INTERVIEW AND OR [REDACTED] REQUEST.
19:15	

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  
Foot on duty  
1918 [REDACTED]

J.P.C. JACK T  
interviewing  
[REDACTED]  
ref neighbor  
dispute.

while away  
on holiday  
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  
preparing the  
crowd brief;  
what to do  
about the  
accused.

advise him what  
direction I  
had given  
JACK.

PAYNE says  
that he had  
not done 5

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 spoke  
to him in  
the past about  
transcribing

video 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 anyways  
tried to  
have typed  
in the hand  
written state-  
ments when he  
was told not  
to 6

- he left for  
an hour  
where he went  
to Staples and  
bought hand  
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.M. w  
UNDERTAKING  
for P.C. JACK  
Even though  
JACK knew he  
was to be  
held for trial

P.C. JACK asked  
BROCKLEY to  
Type up his  
brown brief  
synopsis because  
he was tired  
and wanted  
to go home  
BROCKLEY  
refused to  
do it adv  
JACK he's the  
one who knows  
all the partici-  
pant Campbell  
was in on  
another  
matter

JACK: Brockley  
Slope is 5pm  
- he with  
overtime for  
the morning  
out to start  
C 0900H  
- JACK was in  
C 1000 hrs  
- P.C. JACK was  
out only  
in the morning  
that his suspe-  
sus working  
outward &  
in the const-  
uction zone  
C 11517

instead of attempting to locate & apprehend 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 & claimed at until 2300 hrs (3 hrs)

all told he claimed 30 hrs of O.I. on a matter he was directed to have complete on 23 July 07 by way of addit or down time for a vacation I have spoken to P.C. FILMAN we are going to be speaking w/ P.C. JACK about the matter.

0030 DET  
RE [REDACTED] to speak w/ P.C. JACK  
RE [REDACTED] myself to speak w/ P.C. JACK  
DET - waiting for P.C. JACK  
0327 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 up to to go home spoke w/ him about the importance of complying with my orders & those given by FILMAN spoke w/ him about the jitters not for he placed the rice 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 victim  
also advised him he could be charged in respect of duty which would jeopardize his employment w/ the O.P.P.  
went over everything I had brought him to do he tried telling me he didn't know what to do and felt abandoned. 11  
- this even though on 23rd he indicated he understood and didn't have any questions  
not once did he take responsibility for his actions  
- P.C. FILMAN also brought up an issue with P.C. JACK that he

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

<p>is constantly shopping around for answer from officers until the finds an answer he likes P.C. JACK order to stop imm- ediately told [redacted] out direction from [redacted] P.C. FLINDALL or myself P.C. JACK told me</p> <p>12</p>	<p>want him to be successful but his on the wrong path to doing so he asked if he was going to lose this job over the [redacted] matter - he was give no, but if he did if again, he very likely</p>	<p>could lose his job. P.C. JACK order he will be receiving neg documentation on his file for the [redacted] matter 0130 [redacted] finished w/ P.C. JACK</p>
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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.

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

MON 03 - AUG 09  
CPD DRIVES  
[REDACTED]  
CPL HAS 4 CIVILIAN

0135 BROKE DOWN CSO  
WOMEN OR  
RVS WILLIAMSON &  
RVS STEPHENSON  
CARS CS

0230 10-8

0252 10-19

0310 CONVERSATION WITH  
SGT. PLINDALL &  
P/C PLIMAN  
ABOUT M/T PERFORMANCE  
WAS ADVISED ABOUT  
M/T UNSATISFACTORIES  
PERFORMING CS WITH  
RESPECT TO PAGE  
MANUALS OR PMS  
[REDACTED]

COMMUNICATED UNMASS-25  
CASE, THAT IT TOOK  
TOOK LONG TO COMPLETE  
SGT. PLINDALL ADVISED  
P/C JACK THAT IT  
TAKES TOO LONG  
FOR P/C JACK TO  
COMPLETE HIS

90

MON 03 - AUG 09  
ASSIGNED ISSUES  
AND THAT IT IS NOT  
ACCEPTABLE.

P/C JACK ADVISED  
SGT. PLINDALL THAT  
HE HAS BEEN  
TRYING TO CALL TO  
CALL PMS DID NOT  
GET ANY HELP  
FROM HIS COACH  
OFFICER WITH  
RESPECT TO  
WORKING M/T, BUT  
ONE CRIMINAL CASE  
EXCEPTION: RVS COMBINE  
P/C JACK ASKED  
SGT. PLINDALL IF  
P/C JACK'S EMPLOYMENT  
IS IN JEOPARDY,

TO WHICH SGT. PLINDALL  
RESPONDED: "AT THIS  
POINT YES".

P/C JACK ADVISED  
SGT. PLINDALL THAT  
HE WAS DOING  
WORKING LOTS OF  
OVERTIME NOT CLEANING  
AND STUDYING ON  
HIS OWN IN HIS  
FREE TIME HOW TO  
DO THE POLICIES FOR  
WITH RESPECT TO  
HANDLING THE  
CRIMINAL UNMASS-25  
CASE.

P/C JACK ADVISED  
SGT. PLINDALL THAT  
ON JULY 23RD 2009

<p>MON 03-AUG-09    VC WORKED AT 19    10TH SHIFT AND    WHICH VC WAS    ASSIGNED THE    CASE AND DUTIES    TO DAY. THE VICTIM    01840 WAS FIRST,    A/C JACK WAS 13    HOURS INTO THE    SHIFT, SECOND, VC    HAD NEVER HANDLED    CASES OF THIS NATURE    YET AND HAD NOT    BEEN TRAINED TO    KNOW HOW TO HANDLE    THIS CASE, THING, VC    DID NOT GET THE    DUE SUPPORT FROM    THE 1100 SHIFT.</p>	<p>APART FROM P/C BRENDA    HELPING P/C JACK    WITH THE PROGRAMS    OR PTAS AND TELL    THE PERMISSION OF    S/SET CAMPBELL    TO GO HOME @ 01:00    VICT 01840 24-JUL-09    AND COME BACK    01000 WAS 24-JUL-09    TO CONTINUE WORKING    ON THE CASE    P/C JACK ADVISED    SGT. PRIMROSE THAT    VC IS GOING TO    BE SET ON CALLING    DPPA AND SEEING    ADVICE. SGT. ELWOOD    ACKNOWLEDGED. 92</p>
<p>0800 DMS, EMAILS    07:00 OFF DUTY    -- PC 11690 Mon</p>	<p>MON 03-AUG-09.    DMS, EMAILS    OFF DUTY    PC 11690 Mon</p>

## **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:**

<p>0234 null [REDACTED]</p> <p>0234 Complete [REDACTED]</p> <p>0334 [REDACTED] in Sgt. Filman PC Jack info performance to date.</p> <p>0430 [REDACTED] assent more money from several trees</p>	<p>my answer Sgt. Filman is at Stock give advice of law to speed up the a brief advice for law management issues want it along on this about what he is tell to do concise synopsis synopsis of statement not transcription unless told to do so</p>
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**(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:

<p>TUE 04 - AUG - 09 OPP DUTY COLLED S/SST. COLLEN KOMEN FROM AUNLINGTON DEPARTMENT AND ADVISED HER OF P/C JACK'S SITUATION S/SST KOMEN ADVISED P/C JACK TO CALL OPPA AND PROVIDED NAMES OF PEOPLE TO SPEAK WITH. CALLED OPPA AND SPoke WITH MATTIE MACMILLAN ADVISED HIM OF THE SITUATION. MACMILLAN TOOK A REPORT AND CALLED OPPA 8 RMANA PRESIDENT KAREN GERMAN P/C ST GERMAN CALLED P/C JACK RE: IMMAD. P/C JACK REPOKE WITH P/C ST GERMAN AND ADVISED OF THE SITUATION. GERMAN TOOK THE DETAILS AND ADVISED P/C JACK TO HAVE AN OPPA LOCATE MEP SIT DMTG 93</p>	<p>TUE 04 - AUG - 09 AND BC. PRESENT AT THE MEETING. IN THE SITUATION ESCALATES AND REQUIRES INTERVENTION OF THE DEPARTMENT COMMANDER. PROVIDED P/C JACK WITH 4 NAMES OF LOCAL OPPA MEMS. - RALPH MACMILLAN - SUZIE PELLET - KATHY CHAPMAN - MICK ANDERSON P/C JACK ADVISED P/C ST GERMAN THAT DNC TO THE STRESS INVOLVED HE WAS NOT BEEN ABLE TO SLEEP OR EAT. PROPERLY SINCE MONDAY MORNING. PC 12000 2000</p>
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(August 4, 2009) (Volume 4, 24) (Original & Transcribed), S/Sgt. Kohen's notes:

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  
 Prob Jack is worth.  
 was advised by his  
 Sgt last night that  
 he could be charged under  
 PSA for Conduct and  
 Insubordination  
 Q. 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 her to  
 call me  
 1040 10-7 GHQ  
 Briefed Sandra on  
 Prob Jack  
 Admin  
 Work on BN Haldimand  
 1050 10-21 Dave Lee who  
 had not got my phone  
 message advised me  
 Prob Jack said he said  
 he would get back to  
 me  
 Admin  
 1145 OFF Duty

Tues 04	0730	On Duty
Aug 2009		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:

WCH 05-040-09	DOES NOT FEEL HE IS GETTING PROPER COACHING AS IT P/C PILMAR IS NOT TRYING TO ASSIST AND ENFORCING P/C JACK WHICH HE 94
03:20 ON DUTY	
03:30 SPOKE WITH MICHAELE ANDERSON ABOUT P/C JACK'S CURRENT SITUATION.	
ADVISED P/C ANDERSON NOT P/C JACK	

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

WCH 05-040-09 IS NEEDED P/C ANDERSON ADVISED P/C JACK TO FOLLOW THE CHARGE OR COMMANDS <del>AND</del> AND SPEAK WITH P/C PILMAR FIRST. IF THE ISSUE DOES NOT GET RESOLVED, P/C ANDERSON WILL ASSIST P/C JACK BY SITTING ON A MEETING WITH THE INSPECTOR K. 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 PILMAR ADVISED <del>P/C</del> P/C PILMAR THAT I NEED TO TALK TO HIM ABOUT MY TASKS AND ABOUT OUR COACHING. P/C PILMAR ADVISED P/C JACK THAT HE IS UNAVAILABLE TOO BUSY AND THAT HE WILL BE AVAILABLE LATER. 12:15 HAD A CONVERSATION WITH P/C PILMAR ABOUT THE OR THE ABOVE. WAS REQUESTED TO COMPLETE MEETING TO JUSTICE ROM [REDACTED] 95
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(August 5, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

	WEN 05-MAR-09 CASE, <del>THE</del> SUBJECT THE CROWN BRIEF, THE RE. VENON TO BIMBO MONTA 650 720 FOCUS ON [REDACTED] [REDACTED] CASE. WORK ON SYNOPSIS.
19:00	CONVERS. OVER.
19:00	WORK ON RETURN TO JUSTICE FOR FILMOMS STUDIO.
19:45	COMPLETED
19:50	REVIEWED MSS LEFT ON TAPE RECORDER BY GATE
20:00	CALLED [REDACTED] LINE IS BUSY

21:00	P/C BIMBO
SORT	17-302
11:00	1-136
MIL	147344/147382
20:10	10-8
20:30	BIMBO 650
20:40	SPoke with [REDACTED]
	WAITS [REDACTED] PROPERTY
	BIG CUE
	- GOOSENECK PLATE
	(DOG BONE)
	- SAMPLE
	- 4 CORAL PLATES
	THE ITEMS HAVE NOT
	BEEN REMOVED TO
	[REDACTED] 10. T. B.Y
	AND
	P/C ADVISED

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

	WEN 05-MAR-09 THAT HE WOULD CONSULT WITH A FIRM EXPERIENCED OFFICE AND DECIDE HOW TO PROCEED FURTHER. AND RECD MSG 14:00-14:10 21:50 WORK ON
24:00	[REDACTED]

	DISTRICT P709092516
24:00	CALLED P/C PELMA AND ADVISED HE HAD FIRST VERSION OF GROWTH AMERICA
12:05	SYNOPSIS WAS COMPLETED CALLED THE SYNOPSIS TO P/C PELMA FOR REVIEW

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:

<p>1640</p> <p>Shift prep Spent w/ PC Stack [REDACTED] w/ Report to [REDACTED], lessons in Crown brief Leave for inspection for shift</p> <p>Report to [REDACTED] Report for Standard [REDACTED]</p> <p>Review briefs Cayhul assault brief Spent w/ [REDACTED] about competing and papers report what I do not statements, making a copy of them Not to "answer" them - shift [REDACTED] about Spent w/ [REDACTED] about case about [REDACTED] [REDACTED] attempt to have about [REDACTED] and Concerning [REDACTED] about it not at [REDACTED] careful 90</p>	<p>about [REDACTED] - welcome and each other</p> <p>2045 [REDACTED] 2120 [REDACTED] [REDACTED] [REDACTED] 2215 [REDACTED] 2300 [REDACTED]</p> <p>- Review PC Stack's Report to [REDACTED]</p> <p>more suggestions one [REDACTED] e-mail 0226 PC Stack [REDACTED]</p> <p>[REDACTED] for [REDACTED] set up for test see record interview Report for more</p> <p>Review [REDACTED] Report on [REDACTED]</p> <p>0530 [REDACTED]</p> <p>Thursday 06 Aug 09 Peterborough County Weather Sunny Clear Temp approx 22° Road [REDACTED] and [REDACTED] [REDACTED] and [REDACTED]</p>
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That's all there is to PC Filman's notes in reference to his interaction with me. It would appear from the Respondent's disclosure that during the entire 7 months of "coaching" me approximately 18 pages (ONLY) of his notes were in relation to his interactions with me.

Counsels' Response to the Application (HRT 2010-07633-I), paragraph 36:

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

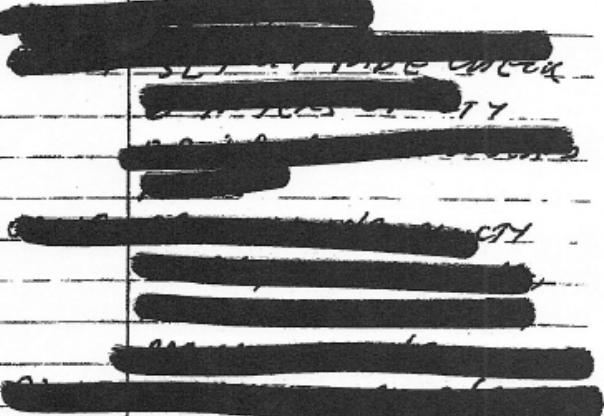
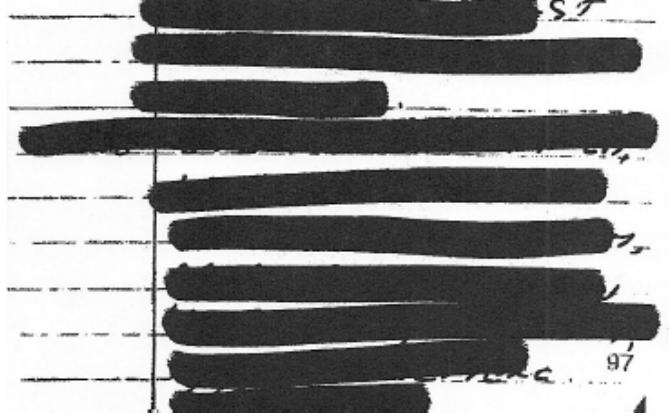
**(August 5, 2009) (Volume 3, BB) Point Form Chronology:**

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

Thur 06 Aug 2009  
 0230 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  
 provide us an update and  
 open communication  
 AD

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 (HRTO 2010-07633-I), paragraph 46:

~~There were no significant differences 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~~

Counsel's Response to the Application (HRTO 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>so - Thu 06 AUG 09 1700 - on duty - 14</p> <p>+ P.C. JACK, gdw one male has gone into the trailer park 2259 - AT young Point School - ENR to P.C. JACK's location to attempt 17</p>	<p>to locate suspect in the trailer park spotted up to speak w P.C. JACK in the trailer park - as I did P.C. FURMAN arrived. AT</p>	<p>- he advised his youth in custody has provided culpable statements - they are staying @ a trailer in the park so to duty. 7,8,9 Aug 09</p>
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(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: PETERBOROUGH COUNTY OPP (1100)

First Entry (Date): 06-AUG-09

Last Entry (Date): 15-SEP-09

Serial Numbers

Firearm: AD22098

Handcuffs: 752889

ASP Baton: 0213

OC Spray: F3R 199240

Taser: \_\_\_\_\_

Radio: SN 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-AMG-09

22:00 SPOKE ON PHONE  
WITH [REDACTED]  
GOT BOSTON / PRECISE  
DATES FOR ACTS  
OF VANDALISM OF  
[REDACTED]  
CASE INCOMPLETE

22:14 AL BACK IN PROSEY  
[REDACTED]

22:18 C/L TO ABOVE CALL,  
PUBLIC SCHOOL

22:33 ACTS VANDALIC,  
D'AMICO, MONGAT,  
MACARTHUR  
LAPELLE, MONGAT,  
TAKED OUT AND THEN  
MOVED TOWARDS  
SCHOOL.  
D'AMICO + MONGAT  
STAYED OUTSIDE AT  
YR ROAD, PERIODEN.  
5 LOUD NOISE FROM  
ROOF TOP, RAPING,  
SOUND OF BROKEN  
GLASS, SOUND OF  
MALL TRAM HITTING  
THE GROUND, VOICE  
FROM THE ROOF TOP

09/09/09 MONITORING BORN  
ATMOS 2 MINUTES  
[REDACTED] SPOTTED POLICE  
RUN AWAY, THREW  
THE BUS IN A FIELD.  
RUNAWAY, LOST  
SIGHT, FOLLOWED  
NOISE.  
D'AMICO + MONGAT + 4  
MACARTHUR GOT

THU 06-AMG-09

ONE [REDACTED] IN  
CUSTODY.  
ATTENDED ON FOOT  
BINS TAIL TRAILER  
BANK, SPOTTED  
ONE [REDACTED] IN NEAR  
OFFICES, WERE RUN  
AWAY, PURSUED,  
LOST SIGHT, LOST.

23:00 PLACED ON PARK  
PROWESS + MACARTHUR  
ARRESTED SECOND  
[REDACTED] NAME  
[REDACTED] IS  
SCHOOL AND V BAY  
NOVOLUS.  
BAND TO SCHOOL  
GROUNDS  
LAPELLE + JACK  
OBSERVED ONE  
[REDACTED] ON THE ROAD  
TOLD TO COME PARK  
COMPLICED

23:20 MONGAT MARCH,  
MACARTHUR + SEAHAM  
[REDACTED]  
[REDACTED] PLACED IN NEAR  
OF CRIMSON 1-136

23:26 RTC? DYL? YES  
LAWYER? "I DO NOT  
HAVE ONE"  
DC? "WHAT IS IT?"  
FREE LAWYER? "NO"

23:28 CAUTION YP, "YES"  
DYL? "YES"  
LAWYER? "NO" 5

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

23.38 TUES 06-08-09  
WHO IS THE BOY THAT  
WAS WITH YOU THAT  
HAS LISP?  
"HE IS [REDACTED]  
[REDACTED] NAME IS [REDACTED]  
[REDACTED] IS CUSTODY  
COMING UNIT - SINGER  
AND LAPD AND MACAW  
SEARCHED THE SCHOOL.  
23:57 E/1 TO 10-19  
24:12 10-19  
00:25 SCARFACE / LODGE  
LAWYER? "NO, Cuz  
I CAN DO IT MYSELF"  
00:55 CAME [REDACTED]  
[REDACTED]  
01:25 SPOKE WITH MOM.  
SATISFIED, IS COMING  
TO PICK HIM UP.  
1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
STARTED PAPER WORK  
INTERVIEWED MEL  
[REDACTED], PC MONROE  
TRANSCRIBED PM 55  
3, AL POLLOCK LAST.  
RELEASED ONE [REDACTED]  
ON DT AT 01 UNDER  
INTO THE CUSTODY

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	Cleared by charge - [YP] 2725
			22:19	CHALMERS AVE, SMITH-ENNISMORE-LAKEFIELD
				TWP, ON Canada (YOUNG'S
				POINT JUNIOR PUBLIC
				SCHOOL) (Area: 1044, Duty
				locn: 1I05, 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:** SP0917896 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 S+ Flinsch (Re: Mike Jack 9/26 about OR issues Adulso, S+ Page meeting with large over senior issues don Page's behavior - working on brief Blawkes says she has direct - left needs for brief standards in sympos or state - C.R. concerned w/ Shift - complete working working S+ Flinsch case in - case direct? or what he is to do 233-10 - left told him what he needs to do to get in the case they need case being</p> <ul style="list-style-type: none"> <li>① Clean brief sympos</li> <li>② Note brief &amp; back back to him w/ the state's short original</li> <li>③ 2 Vicks's copy quite say yes do not do a transcript leave Vicks to end</li> <li>④ Right shift to send me my copy it find very for transcript</li> </ul>	<p>Speaker to Assistance on transcription why you + [redacted] She direction - state rule never Hitler - Issues what makes documented 7/11/02 ① Work Kelly speaks to now putting in paper after Page is putting together with Christensen documentation problems. Could not provide me with what has been done to correct state by process.</p> <p>② Advisor in April brief guy e 115 &amp; Vicks? Joe does not go.</p> <p>- 100% as supervisor getting written plan back &amp; right 233-10 -</p> <p>so you think it is not necessarily terrible but unwilling to listen - Bob states absolutely the way I see it</p> <p>evaluators don't fight now - get both to close &amp; nothing not doing don't multiblock</p>	<p>1134 [redacted] - excessive noise Mrs. Parker says all the chips not in [redacted] suspect</p> <p>1137 Mike Jack's action called in given order or what he does, what not to do</p> <p>Answers [redacted] in particular if he continues to not follow direction Shift does not trust him not listening - wants to make him longer working with himself</p> <p>1156 [redacted]</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 [REDACTED]**

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.

(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 an 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 (HRTO 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 your 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:

<p>SAT 15 AUG 09 6001 on duty SAT 15 AUG 09: 6001 on duty 0750 speaking w/ TREVOR PITTS who is in P on paid duty on the "AUG 09" P.C. WAGAR came in to speak to me about P.C. JACK on 08 AUG 08, P.C. JACK was working on PITTS shift for shift coverage or was PC was JACK was asking PITTS about his Youngs Point iscribe B:E</p>	<p>- P.C. JACK was telling him he had to didn't think it was a big but was told to lay the charges <sup>66</sup> provided the details of the case but left out the fact he received an inculpatory statement under duress as well as the alarm calls</p>	<p>- WAGAR was upset as he felt JACK was being very misled as only yesterday from WAGAR informed 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<sup>66</sup> about B:E 0910 [REDACTED]</p>
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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 (HRTO 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 get 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

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

SAT 15 AUG 09.  
docs on 1040  
1019- [REDACTED]

walking by  
this see before  
they heard  
yelling  
I'm going to  
fill you in  
"Dad it you  
not going to  
do that?"  
1040 AM.

spoke back  
You separate  
AC 1040 0900  
PAYNE & JACK  
are already  
AM  
dispute b/w  
father and [REDACTED]

daughter  
- no indication  
of children  
or accidents  
- PC JACK has  
[REDACTED]

1054 [REDACTED]

1056 [REDACTED]

- after leaving  
of Smith I  
travelled w/s  
headed towards  
CITY RS 23  
was being  
followed by  
PC PAYNE &  
PC JACK each

in their own  
crashes.  
came to the  
intersection  
of 14TH line & CITY  
RS 23 where  
there is a  
stop sign

CITY RS 23 is the  
thru. highway  
I pulled off  
and proceeded  
S.B. on CITY RS  
23

PC PAYNE also  
stopped at  
stop sign<sup>42</sup>

and turned  
S.B. behind  
me  
I observed  
S.B. traffic  
on CITY  
23 approaching  
the intersection  
behind PC  
PAYNE

- there was  
insufficient  
time for PC  
JACK to pull  
out safely  
in front of  
S.B. traffic  
- PC JACK

however  
pulled out  
in front of  
the traffic  
as he said  
so the S.B.  
vehicle had  
to stop  
had to  
stop in  
their lane

PC JACK had  
to turn back  
into the N.S.  
lane to avoid  
a collision  
- PC JACK then  
accelerated<sup>43</sup>

S.B. in the N.S.  
lane in order  
to get in  
front of this  
S.B. traffic.

I immediately  
ately called  
on my cell  
phone by

PC PAYNE who  
asked if I  
had just seen  
what PC JACK  
had done  
at sunny,  
warm  
& clear day

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

3 who south-  
bound  
observed what  
had transpired  
in my rear-  
view mirror  
as did PAYNE  
just yesterday  
PC JACK had  
been served  
the COI's memo  
ref officer  
driving habits  
and collision

1129 call to SGT.  
R. CAMPBELL  
- saw him &

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  
driving, but  
he thought  
he had  
enough time  
in front of  
the cars  
adv. him his  
actions were  
dangerous  
and unac-  
ceptable.  
Brought up  
the Commission  
lis memo  
served just  
yesterday.  
spoke to him  
about how  
imperative  
it is for him

to drive  
safely  
Never took  
accidents  
for his action  
gave her  
time to  
stop of the  
gray or white  
by slowing  
him in a  
P.D. and  
233-10 doc.

1416 P.C. Moran in  
speaking in <sup>47</sup>  
me about P.C.  
Jack's driving  
ENR to road  
on 14th line of  
Highway.  
He was  
following her  
driving so  
close behind.

on that she  
had to say  
more attention  
to him than  
what was  
planned of her  
Court of  
Suffield Rd.

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

1450 [REDACTED]

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 HOBBINS dated the 12<sup>th</sup> of August, through Sgt. T. BANBURY. PC J. HOBBINS 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.

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

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  
 10:57 - 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 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  
 10:57 - 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.
1057	Sgt Flindall asked him if he just saw what JACK did. - he definitely cut in front + was dangerous + unsafe.	10:57 [black] Sgt. Flindall + asked him if he just saw what Jack did - he definitely cut in front + was dangerous + unsafe
11:18		11:18 [black] 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:

130. <del>15 Aug 09</del>	<del>breaks take evasive action, is in n/b lane</del>
Flindall Re: Mike Jack HTA offence pulled in front of veh forced to	<del>drive s/b in n/b lane both officers witness to this as well other driving complaint</del>
met Flindall at	
HTA office	
met Flindall at	
wet weather	
30	

(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	
17:00	follow up on [REDACTED]
	[REDACTED] - ORE,
17:15	RANCH WORK
	SPOKED WITH PC
	FLINDALL RE:
	BAC CASE AND
	[REDACTED] CASE
[REDACTED]	
SAT 15-JUL-09	
0550	ON DUTY
OIC	SGT FLINDALL
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
0600	FINALIZED [REDACTED] 36
	SAT 15-AUG-09
	RAICE AND SUBMITTED
	TO SGT FLINDALL'S
	TRAY FOR REVIEW

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

SGT 15-AUG-09  
 [REDACTED] ADVISED THAT  
 HE HAD AN ENCOUNTER  
 WITH HIS OWN SIDE  
 10:43 SST FLIEDORF ATS  
 ALL APPEARS TO BE  
 IN ORDER, CONFIRMED  
 BY PC OMARICO,  
 PC PAYNE, PC HORN.  
 10:53 CO - 8  
 11:20 10-19  
 11:35 FIREARM PLAT  
 [REDACTED]  
 11:55 FINGERPRINTED  
 [REDACTED]  
 12:10 COMPLETED  
 12:12 SGT FLIEDORF  
 ADVISED P/C JACK  
 THAT PC JACK IS  
 GETTING A TRAFFIC  
 TICKET FROM  
 SST FLIEDORF  
 POL FAIL TO YIELD  
 EXPLANED THAT DAY.  
 EXPLAINED THAT HE  
 WITNESSED PC JACK  
 PULL FROM 14TH  
 LINE OR SOUTH OREGO  
 CITY NO 23 AND FAIL  
 TO YIELD TO THE  
 S/B TRAFFIC.  
 12:20 ASSIST SGT FLIEDORF  
 WITH PRISONER  
 RELEASE  
 13:05 n/l MISCHIEF  
 [REDACTED]

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

SGT 15-AUG-09  
 DAVIS ADVISED THAT  
 HE HAD AN ENCOUNTER  
 WITH HIS OWN SIDE  
 10:43 SST FLIEDORF ATS  
 ALL APPEARS TO BE  
 IN ORDER, CONFIRMED  
 BY PC OMARICO,  
 PC PAYNE, PC HORN.  
 10:53 CO - 8  
 11:20 10-19  
 11:35 FIREARM PLAT  
 LEWIS KENNETH  
 (1968/08/04)  
 11:55 FINGERPRINTED  
 WATKINS JENNY DAVID  
 (1980/02/19)  
 12:10 COMPLETED  
 12:12 SGT FLIEDORF  
 ADVISED P/C JACK  
 THAT PC JACK IS  
 GETTING A TRAFFIC  
 TICKET FROM  
 SST FLIEDORF  
 POL FAIL TO YIELD  
 EXPLANED THAT DAY.  
 EXPLAINED THAT HE  
 WITNESSED PC JACK  
 PULL FROM 14TH  
 LINE OR SOUTH OREGO  
 CITY NO 23 AND FAIL  
 TO YIELD TO THE  
 S/B TRAFFIC.  
 12:20 ASSIST SGT FLIEDORF  
 WITH PRISONER  
 RELEASE  
 13:05 n/l MISCHIEF (ZONE 4)  
 840 WEST KOSH  
 room  
 JOHN LAWRENCE

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

SAT 15-AUG-09  
877-8286  
OR GOING PROWL  
WITH HIS NEIGHBOR  
MILES  
13:12 SAW ONE OR TWO SIGNS  
WITH CM.  
CM ADVISED HE  
HAS SMALL CHILDREN  
SIGNS ON HIS PROPERTY  
SIGNS 2' X 2',  
BOS "BLOW".  
2 SIGNS  
CM HAS 14  
GRAND CHILDREN  
CM BOUGHT THEM  
SIGNS, AND MADE  
THE PRACTICES.  
CM'S INFO:  
LAWRENCE, JOHN  
(27-SEP-42)  
CM WANTS THE  
SUSPECTS TO  
BE SPOTTED WITH  
DOGS AND USE  
TO LAY CHARGES  
SUSPECT'S INFO:  
V35 VAS, LAST KNOWN  
MILES  
CM'S ADDRESS  
123 ORCHARD PARK RD  
LANDS END  
705-324-7870  
13:45 CM WILL CALL BACK  
LAWRENCE WHEN  
BACK.  
SUSPECT INFO.  
S421 MILES-HARRIS  
NICHOLS MANNING

SAT 15-AUG-09  
917 WEST KOCHE RD.  
705-877-8446  
SUSIE MILES  
(DOB: 1960-02-15)  
CM ADVISED SUSPECT  
PUSHER AND SIGN  
AT LEAST 3 TIMES  
THIS WEEK.  
14:00 MC LIVED ON ULLAGE  
VIOLATION 0  
SANDY BEAN  
657-2717  
TWO MILES  
APPEAR TO BE  
INTOXICATED  
UT: TO AREA DRUGS.  
14:10 CD-8  
14:50 8 BUCKNELL (50)  
STOPPED CARS.  
NOSE BLEED.  
BLEEDING PROBABLY  
SPONTANEOUS  
VOLUNTEER:  
JOANNA BEAN  
657-1181 RES  
15:05 BLEEDING STOPPED  
10-8  
15:15 ATS, BEAN WAS PACKED  
WITH PEOPLE,  
WALKED AND DANCED  
FOR SUSPECTS SOA  
15:29 CD-8  
15:38 1 DEPARTMENT CROSSEY (V)  
(15-DEC-86) <sup>unica</sup>  
2 GENE BULLY  
(21-JUL-86)  
3 MIKE SMITH  
(11-OCT-86) 40

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

SAT 15 AUG 09  
 TWO MALES 151 & 200  
 ARE NOTICABLY  
 INTOXICATED, NO  
 ALCOHOL PRESENT  
 3RD MAN IS SOBER.  
 ADVISED HE WALKED  
 FROM SIX FOOT RAY  
 TRAILER PARK  
 DENNICA CROSSLEY  
 ADDRESS:  
 130 HUNTINGTON DR.  
 EUREKA LIE 305  
 DLH C7528 16488  
 61215 (GL)  
 COUNTICE  
 CROSSLEY PON #  
 1086243A  
 LLA 31(4)

BUCCEY PON #  
 1086242A  
 LLA 31(4)  
 16:20 SUBJECTS RELEASED  
 INTO THE CARE OF  
 OF DENNICA SOBER  
 FRIEND @ SIX  
 FOOT BAY TRAILER  
 PARK OR SIX  
 FOOT BAY NO.  
 16:22 10-3  
 16:30 BUCCEY (50  
 WASHAWN REAM,  
 HEADACHE, MENT  
 IS SPLITTING AHEAD  
 TOOK 2 Tylenol  
 PMS.  
 CALLER PCC, GOT  
 DIRECTOR TO 41  
 WEST ROSE ROAD

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

CAT 15045 09  
16:47 [REDACTED]  
17:00 ATS [REDACTED]  
ADVISEN THEY WERE  
IN THE LAKE,  
DO NOT KNOW  
HOW THE CAR WAS  
WATER  
17:19 10-8  
17:32 HV STOP - U/K 119  
c/s 122 km/hm  
DON# [REDACTED]  
FAIL TO YIELD TO  
TRAFFIC ON THROUGH  
HIGHWAY.  
SST FELONIES  
STEVEN PC JACK  
WITH FILE 237-10  
"DOES NOT MEET" 42  
REQUIREMENTS FOR

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

CAT 15045 09  
16:47 911 ARTUATOR  
3203 Km 50  
17:00 ATS  
COUNC SANCI  
(28-MAR-04)  
705-654-3312  
ATO, S201  
ADVISEN THEY WERE  
IN THE LAKE,  
DO NOT KNOW  
HOW THE CAR WAS  
WATER  
17:19 10-8  
17:32 HV STOP - U/K 119  
c/s 122 km/hm  
DON# 1714721A  
FAIL TO YIELD TO  
TRAFFIC ON THROUGH  
HIGHWAY.  
SST FELONIES  
STEVEN PC JACK  
WITH FILE 237-10  
"DOES NOT MEET" 42  
REQUIREMENTS FOR

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

	SAT 15-0805-09 POLICE CHASE OPERATIONS	
09:00	SABRETTON PON 5	
10:05	TO COURT BOX OFF DUTY PL 12690 MUN	

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 reinforced 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 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 HOBBINS dated the 12<sup>th</sup> of August, through Sgt. T. BANBURY. PC J. HOBBINS 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:	(August 15, 2009) (Exhibit 26c), PC Jack's notes:
<p>1755+ <del>away from</del> call to P.C.C. by P.C. JACK'S 200</p> <p><del>7</del> advised he's ENR to a mischief and he received earlier in the day - did not oppose O.T. but they ordered then back</p>	<p>SAT 15 AUG 09</p> <p>16:47 411 ARRIVAL 3203 PA 50</p> <p>17:32 HV STOP - 4/8 119 m C/S 122 KM/H DON# 1714 721A C/H TO WEST 1000 NO IN MC. MISCHIEF CALL.</p> <p>17:55 N/C SGT FLINDALL RECV CST TO 10-19. ADVISED SGT FLINDALL ABOUT MISCHIEF C/H &amp; IN COMING TO, SGT FLINDALL RECEIVED PC JACK 10-19</p>

(August 16/17, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:	
<p>SUN 16 - AUG - 09 CAUCUS IN SICK, NOSE BLEED, HEAD- ACHE, INSOMNIA, SWEATING PROFUSIVELY, LACK OF APPETITE</p>	<p>MON 17 - AUG - 09 DAY OFF</p>

(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:**

<u>16 Aug 2009</u>	
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>SUN 16 AUG 09</p> <p>0600 on duty</p> <p>1700 Sgt Banbury</p> <p>spoke to me</p> <p>about PC</p> <p>JACK</p> <p>Banbury feels</p> <p>this is a</p> <p>unpalatable sick</p> <p>time</p> <p>1740 speaking to PC<sup>52</sup></p> <p>Sgt. Banbury</p> <p>is going to</p> <p>look after</p> <p>the matter</p> <p>1800 off duty</p>	<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:

15. Monday 17 Aug 09  
On Duty, [REDACTED]

- Last night 1940hrs Sgt. Bumbury contacted me regarding Cst Jack Cullen in sick on Sunday @ 0000 but Julie Agonie got a call earlier today & referred him to Sgt. Bumbury. Problem is Cst Cugonie was following my neighbour despite a Sat afternoon Cst Jack told subject he would not be able to work until Wed so when he called he stated he was sick at his residence if anyone wanted to check Sgt Bumbury told Agonie to put in duty report he wanted to know what we are going to do about it I advised on the surface it may look pretty dangerous 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:

0815. On Duty, [REDACTED]  
Later in day  
Office admin Re: duty prep.

- Last night 1940hrs Sgt. Bumbury contacted me regarding Cst Jack Cullen in sick on Sunday @ 0000 but Julie Agonie got a call earlier today & referred him to Sgt. Bumbury. Problem is Cst Cugonie was following my neighbour despite a Sat afternoon Cst Jack told subject he would not be able to work until Wed so when he called he stated he was sick at his residence if anyone wanted to check Sgt Bumbury told Agonie to put in duty report he wanted to know what we are going to do about it I advised on the surface it may look pretty dangerous 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:

1332	Rob Fl - on 11 R 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 General Discus mike Jack is @ home issue	
400	Repose on street Sgt Flindall issue H.R. complaint from	

(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 her 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.

**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
0818	MEET WITH MITCH ANDERSON OUTSIDE THE DETACHMENT IN THE PARKING LOT. ADVISED PC ANDERSON OF THE UTA CHANGE SGT FEINDALL LOST AGAINST PC JACK FURTHER DISCUSSION WITH ANDERSON PROBLEMS PAYING MOVING AT THE DETACHMENT - PROBLEMS WITH PC PAYNE - WARRANTLESS + UNWARRANTED CONVICTIONS

(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
0818	MEET WITH MITCH ANDERSON OUTSIDE THE DETACHMENT IN THE PARKING LOT. ADVISED PC ANDERSON OF THE UTA CHANGE SGT FEINDALL LOST AGAINST PC JACK FURTHER DISCUSSION WITH ANDERSON PROBLEMS PAYING MOVING AT THE DETACHMENT - PROBLEMS WITH PC PAYNE - WARRANTLESS + UNWARRANTED CONVICTIONS

43

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

TUE 18-AUG-09  
- ACCUSATIONS OF  
HE WINNING AT HER  
- BACK STABBING  
- PROBLEMS WITH  
CONCERNING: MT  
MOMMY ENTHUSIASMS  
ARE BEING BT  
3 MONTHS: LAST ONE  
I GOT IS DATED  
09MAY 09.  
ANDERSON ADVISED TO  
CALL PELMAN AND  
TNA CALL KAREN  
GERMAN AND  
ADVISE HER OF  
THE SITUATION.  
09:40 CANON DC FICMAN  
ADVISED MC TO GO  
TO OPPA SITE  
ADVISE PELMAN OF  
THE NTA CHARGE  
LIAID BT SST PELMAN.  
FICMAN ADVISED HE  
WAS TOLD BY PELMAN  
OF IT ON THE DAY IT  
WAS LAID.  
FICMAN ADVISED TO  
CONTACT KAREN GERMAN  
FICMAN ADVISED THAT  
ONCE 233-10 HAS  
BEEN LAID, PSA  
CHARGES CANNOT  
BE PURSUED.  
233-10 IS INFORMATION  
DISCIPLINE; ONE  
CAN NOT BE PUNISHED  
FOR THE SAME OFFENCE  
TWICE.

44

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

TUE 18-AUG-09  
- ACCUSATIONS OF  
HE WINNING AT HER  
- BACK STABBING  
- PROBLEMS WITH  
CONCERNING: MT  
MOMMY ENTHUSIASMS  
ARE BEING BT  
3 MONTHS: LAST ONE  
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ADVISE HER OF  
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THE NTA CHARGE  
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WAS TOLD BY PELMAN  
OF IT ON THE DAY IT  
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ONCE 233-10 HAS  
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CHARGES CANNOT  
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DISCIPLINE; ONE  
CAN NOT BE PUNISHED  
FOR THE SAME OFFENCE  
TWICE.

44

(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:

	TUE 18-AUG-09		TUE 18-AUG-09
10:05	<p>10:05 SPOKE WITH PC HANE GRANVILLE RE: VIM BEING A WITNESS TO PC PAYNE VERBAL DISCIPLINING MC IN FRONT OF THEM IN THE COASTALCS' OFFICE OR DISKED GRANVILLE ADVISED PC JACK MC MAYBE HADEN'S THE INCIDENT AND CAL TESTIFY AS TO WHAT MC WITNESSED. PC GRANVILLE FURTHER  ADVISED THAT PC DAN GAT FELT THE SAME AT WHICH MC WITNESSED THE INCIDENT.</p>		<p>10:05 SPOKE WITH PC HANE GRANVILLE RE: VIM BEING A WITNESS TO PC PAYNE VERBAL DISCIPLINING MC IN FRONT OF THEM IN THE COASTALCS' OFFICE OR DISKED GRANVILLE ADVISED PC JACK MC MAYBE HADEN'S THE INCIDENT AND CAL TESTIFY AS TO WHAT MC WITNESSED. PC GRANVILLE FURTHER  ADVISED THAT PC DAN GAT FELT THE SAME AT WHICH MC WITNESSED THE INCIDENT.</p>
11:05	<p>11:05 CAME IN &amp; SPOKE WITH KAREN GENTAN, THOUGHT SHE IS ON VACATION; SHE AT GENTAN ADVISED ME TO SEE KATHY CHAPMAN AND HOW HOW DO THE PROPER PAPER WORK AND TO ADVISE HEAD OFFICE.</p>		<p>11:05 CAME IN &amp; SPOKE WITH KAREN GENTAN, THOUGHT SHE IS ON VACATION; SHE AT GENTAN ADVISED ME TO SEE KATHY CHAPMAN AND HOW HOW DO THE PROPER PAPER WORK AND TO ADVISE HEAD OFFICE.</p>
11:20	<p>11:20 SPOKE WITH KATHY CHAPMAN. ADVISED ME ON THE HTA CHARGE. ADVISED HER THAT I WANT TO DISPUTE THE HTA TICKET BUT THAT I AM CONCERNED THAT I MIGHT GET CHARGED.</p>		<p>11:20 SPOKE WITH KATHY CHAPMAN. ADVISED ME ON THE HTA CHARGE. ADVISED HER THAT I WANT TO DISPUTE THE HTA TICKET BUT THAT I AM CONCERNED THAT I MIGHT GET CHARGED.</p>

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

11:40 18-AUG-09  
UNDER THE POLICE  
SERVICES ACT  
KATHY GUARDIAN  
ADVISED PC JACK  
THAT SHE WAS  
GOING TO CALL  
WALTER GERMAN  
AND FIND OUT AND  
THEY LET PC JACK  
KNOW  
11:40 GUARDIAN ADVISED  
PC JACK, AFTER SPEAKING  
WITH WALTER GERMAN,  
TO APPLY FOR LEGAL  
ASSISTANCE THROUGH  
OPPA.  
12:15 SUBMITTED THE APPLICATION  
FOR LEGAL ASSISTANCE  
THROUGH DPPA TO  
KATHY GUARDIAN  
TO FAX TO THE OPPA  
12:55PM COMPLETED DADS FOR  
TWO PREVIOUS SIGHTS.  
01:45 FINISHED 7 MCNEIL  
REPORTS FOR [REDACTED]  
[REDACTED]  
01:50pm CHECKED VOICE MAIL  
1 NEW MSG:  
[REDACTED]  
COUSIN CHERYL RV  
TRAILER OWNER  
01:55pm SPOKE WITH  
[REDACTED]  
RE: THEFT  
46

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

11:40 18-AUG-09  
UNDER THE POLICE  
SERVICES ACT  
KATHY GUARDIAN  
ADVISED PC JACK  
THAT SHE WAS  
GOING TO CALL  
WALTER GERMAN  
AND FIND OUT AND  
THEY LET PC JACK  
KNOW  
11:40 GUARDIAN ADVISED  
PC JACK, AFTER SPEAKING  
WITH WALTER GERMAN,  
TO APPLY FOR LEGAL  
ASSISTANCE THROUGH  
OPPA.  
12:15 SUBMITTED THE APPLICATION  
FOR LEGAL ASSISTANCE  
THROUGH DPPA TO  
KATHY GUARDIAN  
TO FAX TO THE OPPA  
12:55 COMPLETED DADS FOR  
TWO PREVIOUS SIGHTS.  
01:45 FINISHED 7 MCNEIL  
REPORTS FOR RUS  
BARNETT, TAIT  
STEPHENSON, MAY  
WILLIAMS, CORBIN,  
SCULLY TEE.  
01:50 CHECKED VOICE MAIL  
1 NEW MSG:  
TREVOR SHIM  
705-227-3044  
COUSIN CHERYL RV  
TRAILER OWNER  
01:55 SPOKE WITH  
GALC OLSTEAD  
RE: THEFT  
46  
SPOOKS 150521

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

TUE 18-AMS-09

OLMSTEAD ADVISED  
PC JACK THAT  
CLAUDE NESTER  
DID NOT REPLY  
THAT HE COULD PAY  
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 CONCRETE PALLETS,  
AS HE PAID IN CASH  
AND BOUGHT THEM  
THROUGH CLAUDE  
NESTER, HE DID NOT

WISH TO PURSUE THE  
MATTER AT THIS POINT  
AND WISHED THE  
MATTER TO BE  
CLOSED.  
OLMSTEAD ADVISED  
PC JACK THAT HE  
APPRECIATED EVERY-  
THING PC JACK DID  
AND THANKED POLICE  
FOR THEIR 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:

7 TUE 18-AUG-09  
IN A CIVIL COURT -  
RECORDED  
HIS TRADE RECORDS  
TO BE MAILED  
BACK TO [REDACTED], TO  
WHICH PC JACK  
ADVISED HE WAS  
GOING TO DO SO.  
CONDUCTED REPORT  
ON NICHE POW  
[REDACTED]  
15:00 DROPPED MAIL ENVELOPE  
WITH [REDACTED]  
TIME RECORDED AT  
FRONT DESK POLICEWORKS  
[REDACTED] TEXAS  
ADVISED [REDACTED] WAS SOLES  
TO MAIL IT BY REGISTRED  
MAIL.  
15:30 SPoke with S/Sgt  
CAMPBELL RE:  
- DRIVING ASSESSMENT  
- TRAINING ISSUES  
IN WORK PLACE  
- LEARNING PLAN  
CAMPBELL ADVISED  
P/L JACK THAT THEY  
S/Sgt CAMPBELL,  
Sgt FUNDAR,  
AND PC JACK WOULD  
MEET ON WEDNESDAY  
MONDAY TO DISCUSS  
WHAT IS GOING ON  
AND DECIDE ON THE  
COURSE OF ACTION.  
16:05 CALLED KAWANTHA  
PUNICOLIC DISTRICT  
SCHOOL BOARD, NUMBER 48  
TO TALK TO

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

7 TUE 18-AUG-09  
IN A CIVIL COURT  
OLMSTEAD REQUESTED  
HIS TRADE RECORDS  
TO BE MAILED  
BACK TO HIM, TO  
WHICH PC JACK  
ADVISED HE WAS  
GOING TO DO SO.  
15:00 CONDUCTED REPORT  
ON NICHE POW  
OLMSTEAD  
15:10 DROPPED MAIL ENVELOPE  
WITH OLMSTEAD  
TIME RECORDED AT  
FRONT DESK POLICEWORKS  
TO OLMSTEAD, TEXAS  
ADVISED SHE WAS SOLES  
TO MAIL IT BY REGISTRED  
MAIL.  
15:30 SPoke with S/Sgt  
CAMPBELL RE:  
- DRIVING ASSESSMENT  
- TRAINING ISSUES  
IN WORK PLACE  
- LEARNING PLAN  
CAMPBELL ADVISED  
P/L JACK THAT THEY  
S/Sgt CAMPBELL,  
Sgt FUNDAR,  
AND PC JACK WOULD  
MEET ON WEDNESDAY  
MONDAY TO DISCUSS  
WHAT IS GOING ON  
AND DECIDE ON THE  
COURSE OF ACTION.  
16:05 CALLED KAWANTHA  
PUNICOLIC DISTRICT  
SCHOOL BOARD, NUMBER 48  
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><u>THE 18-AUG-09</u></p> <p>[REDACTED]</p> <p>BOARD WAS CLOSED FOR THE 2008/2009</p> <p>[REDACTED]</p> <p>16:30 SPOOKY WIMMUTH ANDERSON RE: - OPPA MEMBERSHIP - OPP WORK POLICIES AND ETHICS - MY WORK IMPROVEMENT PLAN - IDENTIFYING &amp; CONNECTING ISSUES</p> <p>17:50 CONVERSATION OVER</p> <p>18:55 OFF DUTY FOR THE DAY OFF PL 12690 2009</p>	<p><u>THE 18-AUG-09</u></p> <p>PETER VANESSEN</p> <p>BOARD WAS CLOSED FOR THE 2008/2009</p> <p>PL 742-9773</p> <p>16:30 SPOOKY WIMMUTH ANDERSON RE: - OPPA MEMBERSHIP - OPP WORK POLICIES AND ETHICS - MY WORK IMPROVEMENT PLAN - IDENTIFYING &amp; CONNECTING ISSUES</p> <p>17:50 CONVERSATION OVER</p> <p>18:55 OFF DUTY FOR THE DAY OFF PL 12690 2009</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 conduct 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

Please consider the paragraphs from the above e-mail and Counsels' response to the Application:

## Paragraph 2:

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)

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

## **Counsel's Response to the Application (HRTA 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 (HRTA 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.

## **Counsel's Response to the Application (HRTA 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 --

#### Paragraph 4:

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.

How could a comment that my employment was in jeopardy be interpreted as well intentioned? How could a comment that he (Sgt. Flindall) was pissed off with me be viewed as well intentioned? How could a comment that he (Sgt. Flindall) had never had such an incompetent recruit (me) be regarded as well

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 (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.**

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.

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

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

So I was moved from being under the intermittent surveillance by Sgt. Flindall and Sgt. Banbury (relatives and good friends) to being under the constant surveillance by Sgt. Flindall's neighbor, PC Nie. That was "helpful"!

\*\*\*\*\*  
\*\*\*\*\*

(August 18, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

800 [REDACTED] Tuesday 18 Aug 09  
25 Cst Jack Dally Bldn  
Advises move him  
to fresh set of eyes  
Switch platoons to  
another cycle  
49 [REDACTED]  
0900 Spoke to Sgt Rothman  
& Sgt Smith  
Consulted Po  
Const. RICL Nie.  
1300 Spoke to Mike York  
Po OT & C.H.  
States no supervision  
by T by himself has to  
zero. Whereas F is  
not concerned about  
OT but no help.  
1310 [REDACTED]

1500 Spoke to Mike York  
Advises him of  
Meeting tomorrow  
him Sgt Rothman & Po  
Advises of Driving  
Assessment Request  
as has ticket concern  
COPC. Stated he  
DPO pass test  
wanted to have OPPA  
DPO present during  
That is fine  
1515 [REDACTED]

**(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

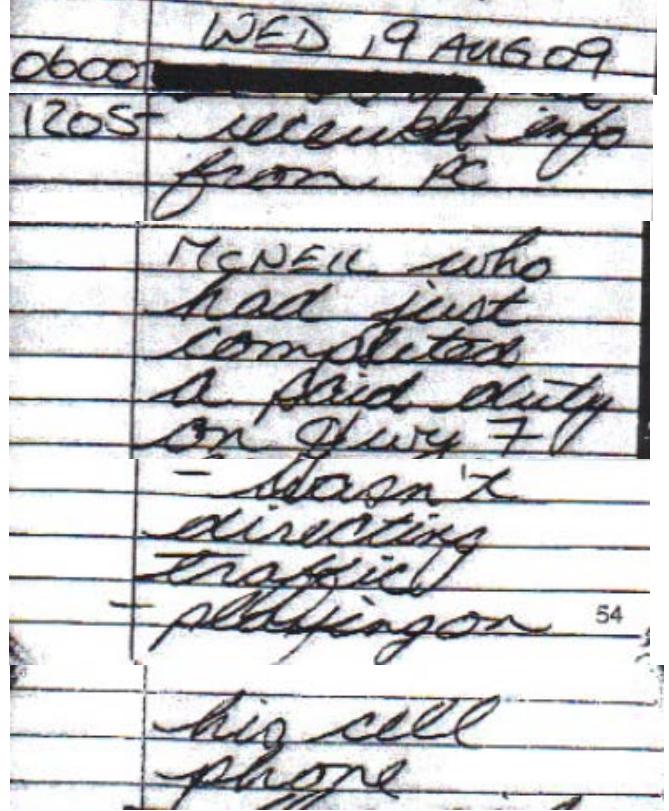
To: Taylor, Kent (JUS)

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:	Comments:
 <p>WED 19 AUG 09</p> <p>0600</p> <p>1205 received info from PC</p> <p>PC MacNeil who had just completed a paid duty on July 7</p> <p>- wasn't directing traffic</p> <p>- still using his cell phone</p>	<p>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?</p> <p>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.</p> <p>I wonder about the truth of the story and I hope I could ask PC Paul MacNeil about it myself.</p>

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

Analysis of case load	Analysis of case load	Analysis of case load
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	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	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: JACK, MICHAEL</b> <b>Employee No.: 12690</b>	<b>Officer: FILMAN, SHAUN DAVID</b> <b>Employee No.: 11212</b>	<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, by Sgt. Flindall</b>	<b>Printed: February 16, 2012, by Sgt. Flindall</b>	<b>Printed: February 16, 2012, by Sgt. Flindall</b>
<i>Officer totals</i> Occurrences: 101 Dispatches: 94 Assignments: 103 Reports: 100 Non-Rpt Occ. With No Dispatch Detail: 0	<i>Officer totals</i> Occurrences: 98 Dispatches: 82 Assignments: 87 Reports: 50 Non-Rpt Occ. With No Dispatch Detail: 2	<i>Officer totals</i> Occurrences: 80 Dispatches: 72 Assignments: 74 Reports: 28 Non-Rpt Occ. With No Dispatch Detail: 1
<i>ASSISTS. 2</i> <i>REP-43</i> <i>N.R-56</i> <hr/> <i>10 0</i>	<i>N.R - 57</i> <i>ASSIST - 15</i> <i>REP - 26</i> <hr/> <i>95</i>	<i>ASSIST - 2</i> <i>N.R. - 56</i> <i>REPORT - 18</i> <hr/> <i>80</i>

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.

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

	Reporting Officer		Assisting Officer
Month	# of Reportable	# of Non-reportable	Assists
January	2	2	2
February	7	4	2
March	7	14	5
April	14	21	1
May	23	16	2
June	26	24	2
July	18	26	3
August	6	33	1
September	8	9	4
October	12	17	3
November	11	14	6
December	1	1	1
 Totals	135	181	32
 Total Occ's	348		

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

<p>1200 19 Aug 09</p> <p>0800 [REDACTED]</p> <p>Stole to Sgt. Flinn 11</p> <p>E. Michael Jack</p> <p>- Work coach officer</p> <p>- Young &amp; new to the</p> <p>- 4 months.</p> <p>- Fresh start</p> <p>- Dealing w/ instructions</p> <p>- Advice to be given</p> <p>Silver sheet for</p> <p>Requirements, secret of</p> <p>Meeting 42:10pm</p> <p>00 [REDACTED]</p>	<p>1145 [REDACTED]</p> <p>Stole to Sgt. Flinn 11</p> <p>&amp; Sgt. Smith for</p> <p>Values or more or</p> <p>Catalytic</p> <p>1230 [REDACTED]</p> <p>1311 Sgt. Flinn issues</p> <p>untrue complaint</p> <p>from Capt. Webster</p> <p>2 P.M. Duty - 9:00A.</p> <p>Answers no report</p> <p>Can Capt. P.M. Duty</p> <p>People Sgt. Smith</p> <p>OC Capt. Webster.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

19 Aug 09

0800

Spoke to Sgt Flindall Re; Mike Jack. Jack's coach officer going on Mat leave for 4 months fresh start driving instruction advised of being given sheet for requirements deceit of giving  $\frac{1}{2}$  info.

1145

Spoke to Sgt Flindall and Sgt Smith re issue of move of Cst. Jack

1311

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

(August 19, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:		(August 19, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:
<p>WED 19-AUG-09</p> <p>0555 ON DUTY</p> <p>01C SGT FLINDALL</p> <p>10-13 +20-25°C, SUNNY</p> <p>SOFT 11-301</p> <p>HARD 11-1142</p> <p>MIL 110096/110132</p> <p>EQUIP REBAND, ASD</p> <p>06:10 ORGANIZED COMPUTER FILES + BACKUP BACK UP</p> <p>49</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>WED 19-AUG-09</p> <p>0555 ON DUTY</p> <p>01C SGT FLINDALL</p> <p>10-13 +20-25°C, SUNNY</p> <p>SOFT 11-301</p> <p>HARD 11-1142</p> <p>MIL 110096/110132</p> <p>EQUIP REBAND, ASD</p> <p>06:10 ORGANIZED COMPUTER FILES + BACKUP BACK UP</p> <p>06:20 EMAILS</p> <p>06:25 SHIFT BRINGING - MAVERICK TAMBORGE DEBRIEFING - PARAPIS ON THE INSTALLATION OF GPS IN TORONTO PS - FLINDALL ON THE USE OF GPS IN POLICE CRIMSONS - DOING OUR OWN</p>	

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

WED 19-AUG-09  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 07:25 = FLINDALL ASKED PROSEC  
 TO ASSIST JACK WITH  
 FINGERPRINTS PROSECUTION  
 MEETING PAPERWORK  
 FOR RUS WILLIAMSON  
 CASE  
 07:30 FLINDALL ORDERED  
 PC JACK TO DO A PROMISE  
 MEETING FOR  
 [REDACTED]  
 DO NOT FORGET MEET  
 AWAY, GET THEM  
 SIGN BY PC  
 CLOCK, VAC SPAN  
 ASSIST MC WITH THE  
 PROCESS, THEN GO  
 SEE [REDACTED]  
 AND SERVE IT ON  
 MM.  
 2 SUCCESS IN TOTAL  
 ADVISE [REDACTED]  
 WE MUST DO THAT  
 BUT OUR DISADVOCATE  
 IS NOT UP TO US.  
 07:35 OVER  
 07:40 TST FLINDALL GAVE  
 PC JACK HIS EVALUATION  
 FOR MONTH MAY 04 5  
 09MAY04 → 09JUN04  
 DATED AND SIGNED  
 AUGUST, 16, 2009.  
 07:50 LOGGED ON PC  
 AND LOGGED COMPUTER  
 FILLED OUT THE 50  
 PROBES MEETING FOR

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

WED 19-AUG-09  
 INFORMATIONS  
 - INFORMATIONS  
 WORKING AND WHERE  
 TO GET THEM.  
 07:25 = FLINDALL ASKED PROSEC  
 TO ASSIST JACK WITH  
 FINGERPRINTS PROSECUTION  
 MEETING PAPERWORK  
 FOR RUS WILLIAMSON  
 CASE  
 07:30 FLINDALL ORDERED  
 PC JACK TO DO A PROMISE  
 MEETING FOR  
 RUS WILLIAMSON  
 DO NOT FORGET MEET  
 AWAY, GET THEM  
 SIGN BY PC  
 CLOCK, VAC SPAN  
 ASSIST MC WITH THE  
 PROCESS, THEN GO  
 SEE WILLIAMSON  
 AND SERVE IT ON  
 MM.  
 2 SUCCESS IN TOTAL  
 ADVISE WILLIAMSON  
 WE MUST DO THAT  
 BUT OUR DISADVOCATE  
 IS NOT UP TO US  
 07:35 OVER  
 07:40 TST FLINDALL GAVE  
 PC JACK HIS EVALUATION  
 FOR MONTH MAY 04 5  
 09MAY04 → 09JUN04  
 DATED AND SIGNED  
 AUGUST, 16, 2009.  
 07:50 LOGGED ON PC  
 AND LOGGED COMPUTER  
 FILLED OUT THE 50  
 PROBES MEETING FOR

(August 19, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:	(August 19, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:
WED 19-08-09 SECTION 117.05 OR CRIMINAL CODE [REDACTED]	WED 19-08-09 SECTION 117.05 OR CRIMINAL CODE JOHN WILLIAMS JR PHONE # 51 705-799-7092 613-334-2395 M.S. 99 VENEDON DR.
08:30 A/C MEANS RESOURCES [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	08:30 A/C MEANS RESOURCES 81 CRYSTAL NIGHTS 08:35 ALARM CANCELLED 08:55 DIRECTED RT SGT. FLINDALL TO GO TO COURT AND TAKE CARE OF THE APPLICATION FOR PAROLE PROBATION. WILLIAMS FOR JOHN DENEK WILLIAMS
09:08 10-8 09:17 @ PTBO COURT SPOKE WITH LAPORTE RE: [REDACTED] CASE ADVISED THAT PC JACK WAS TOLD RT SGT FLINDALL TO PREPARE AND SUBMIT "ADVICE BRIEF" AND THAT IS EXACTLY WHAT I DID. LAPORTE APPEARED TO BE DISSATISFIED, YET PUT THE BRIEF INTO CROWN MAY. [REDACTED] [REDACTED] [REDACTED] [REDACTED]	09:08 10-8 09:17 @ PTBO COURT SPOKE WITH LAPORTE RE: RUS ANDERSON CASE ADVISED THAT PC JACK WAS TOLD RT SGT FLINDALL TO PREPARE AND SUBMIT "ADVICE BRIEF" AND THAT IS EXACTLY WHAT I DID. LAPORTE APPEARED TO BE DISSATISFIED, YET PUT THE BRIEF INTO CROWN MAY. 09:30 MET WITH MR JP MARIASINE JP SIGNED THE APPLICATION AND MADE A COPY 09:40 CALLED WILLIAMS 705-743-5780 51 CHARLIE MURRAY

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

	WED 19- AUG-09		ALISON ERICKSON
	CALLED GREGORY GREGORY		TOBE-BRYANT
	875-0561		(11-04-94)
	760-2819 JOHN'S		
	WILLIAMSON DEN		
	CARRELLY ON SITE		
09:50	EN TO KEEPS LA TO		
	SERVE WILLIAMSON		
	WITH THE COPY OF		
	APPLICATION		
10:00	SERVED JOHN DENEN		
	WILLIAMSON WITH		
	THE TRUE APPLICATION		
	FOR A PROMO RELEASE		
	@ PARKING LOT ON		
	KEEKS STREET.		
10:10	M/C PRISONER MANSION		
	FROM PARK PLACE		
	TO COURT		
10:21	@ 219 PARK ST NORTH		
	PARK PLACE		
			52
		10-8 FROM COURT	



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

WED 14-AUG-09  
WITH AT THE COMM  
LAWYER  
- 3 EVALUATIONS  
BEMKO.  
- 100% SHOT AT  
SUCCESSIONS  
- NO SHOTTING ON  
ANSWERS  
- MOVING TO PLATOON  
"D" WITH A NEW  
COACH: MCNAUL  
- NOT A PUNISHER  
- PERT LIKE PC JACK  
WAS BEING SLAPPED  
WITH AN-AT-ONE  
- WITH PUSHP BROOMS  
WITH MCNAUL  
- FOLLOWING DIRECTIONS  
AND CHAOS OR COMMANDS  
  
- COACH OFFICER  
SECOND TO RESUME  
TO ASSIST  
232-10 X2 +  
POW FOR MAKING  
INFRACTION  
  
15:00 OVER  
LUNCH BREAK  
WITH MITCH ANDERSON  
16:00 REVIEWED & SIGNED  
MY PROBATIONARY  
CONSTABLE PERFORMANCE  
EVALUATION REPORT  
FOR MONTH #5  
09MAY09 - 09JUN09  
16:25 CHECKED VOICE MAIL  
NO NEW MSGS  
16:30 CARRIED  
[REDACTED]

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

WED 14-AUG-09  
WITH AT THE COMM  
LAWYER  
- 3 EVALUATIONS  
BEMKO.  
- 100% SHOT AT  
SUCCESSIONS  
- NO SHOTTING ON  
ANSWERS  
- MOVING TO PLATOON  
"D" WITH A NEW  
COACH: MCNAUL  
- NOT A PUNISHER  
- PERT LIKE PC JACK  
WAS BEING SLAPPED  
WITH AN-AT-ONE  
- WITH PUSHP BROOMS  
WITH MCNAUL  
- FOLLOWING DIRECTIONS  
AND CHAOS OR COMMANDS  
  
- COACH OFFICER  
SECOND TO RESUME  
TO ASSIST  
232-10 X2 +  
POW FOR MAKING  
INFRACTION  
  
15:00 OVER  
LUNCH BREAK  
WITH MITCH ANDERSON  
16:00 REVIEWED & SIGNED  
MY PROBATIONARY  
CONSTABLE PERFORMANCE  
EVALUATION REPORT  
FOR MONTH #5  
09MAY09 - 09JUN09  
16:25 CHECKED VOICE MAIL  
NO NEW MSGS  
16:30 CARRIED  
PETER  
VANESSA Q  
PINE RIDGE DISTRICT 54

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

	WED 19-AUG-09		WED 19-AUG-09
	SCHOOL BOARD		COMPLETED PRACTICE
	742-9773		THE INFORMATION
	NO ANSWER PHONE		FOLLOW UPS FOR
17:00	SPoke WITH FRIENDS		TO MORROW:
	RE: RACE CASE @		BT & CASE
	YOUNG'S POINT SCHOOL		- ADVISE PARADIS THAT
	SUBMITTED CROWN		NICKE DATABASE WAS
	BOOKER SYNOPSIS TO		NOT UPDATED WITH
	FRIENDS FOR REVIEW		THE INFORMATION
	ASKED FOR HIS NOTES		- GET PARADIS'S
	ON THE ENCLERCE		NOTE'S PC; PHONE
	OR THE RACE @		BT NIGHT NOTES
	THE YOUNG'S POINT		- GET SST FRIENDS
	SCHOOL AND FOR		NOTES
	THE TIMES OF ANYONE		- CALL KAMALA
	OR BOOKER GENERUS		PINCHbeck SCHOOL
	ASKED FOR THE TWO		AGAIN
	TIME, AT LEAST.		PL VS ANDERSON
	SHOWED TO FRIENDS		- FOLLOW UP WITH
	EMAIL FROM CROWN		FRIENDS ON THE
	ATTORNEY BRIAN		RESPONSE FROM
	GILKINSON RE:		CROWN ATTORNEY
	PL VS ANDERSON		
	ADVISE BT & CROWN		
	FRIENDS PHOTOCOPIED		
	THE PRINTED ENCLERCE		
	AND ADVISED PC JACK		
	BT IS GOING TO		
	REVIEW IT AND		
	DISCUSS IT WITH		
	PC JACK TOMORROW.		
17:15	UNLOAN CARRIER		
17:30	ASKED PC PARADIS		
	FOR ASSISTANCE		
	WITH THE RACE INFO.		
	OR NICKE.		
	PC PARADIS ASSISTED		
	WITH DOING THE	55	
	INFORMATION		

(August 19, 2009) (Exhibit 26c, page 15), Officer notes of PC Michael Jack:	Comments:
<p>WED 19-AUG-09</p> <p>07:40 SGT FILMAN GAVE PC JACK HIS EVALUATION FOR MONTH MAY 09 09MAY09 -&gt; 09JUN09 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>No evaluation meeting ever took place!</p>

**My Month 5 PER, Exhibit 21, page 11:**

COMMENTS AND SIGNATURES		
<p><b>Evaluation Meeting</b></p> <p><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> <p>Employee's Comments: <i>EVALUATION IS 2 MONTHS BEHIND. WAS ADVISED THERE WILL BE NEGATIVE ASSESSMENTS/RATINGS IN THE EVALUATIONS THAT ARE STILL OUTSTANDING; CHANGING PLATOONS AND COACH OFFICERS</i></p> <p>Employee's Signature: <i>MJ</i> Date: <i>19-AUG-09</i></p> <p>Coach Officer Comments:</p> <p>Coach Officer's Signature (Performance has been observed that supports the rating assigned for each category): <i>MJ</i> Date: <i>16AUG 09</i></p> <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> <p>Accountable Supervisor: <i>Flindall, R SGT.</i> Accountable Supervisor's Signature: <i>Bob Flindall</i> Date: 16 Aug 09</p> <p><b>Detachment Commander</b></p> <p>Comments (Mandatory): <i>No issues with the members development have been raised. It appears from all accounts of his coach &amp; Sgt he is progressing satisfactorily</i></p> <p>Detachment Commander: <i>Campbell M2S</i> Detachment Commander's Signature: <i>M2S</i> Date: <i>17AUG09</i></p>		

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>Met with Cst. Jack, Cst. Anderson OPPA Rep &amp; Sgt. Flindall and myself discussed various issues 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 &amp; E YP school not full frank disclosure in time</p> <p>In check with officers - chain of command</p> <p>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.</p> <p>Also follow up of learning, plans issues of returning tickets</p> <p>Sgt. Flindall, another Anderson officer leaves him, piled up on him</p> <p>Point out to Cst. Jack that his shift is becoming less days &amp; cumulative</p> <p>Cst. Jack 2 concerns</p> <p>1st C.H. not given proper direction or supervision required.</p> <p>2nd situation</p> <p>Discussion of check with Sgt. Flindall</p> <p>Important since he knows Cst. Jack needs more direction from him to know on.</p> <p>Change of shift for objective less</p> <p>Also coach is going on more leave</p>	<p>Needs to be fully along with coach also &amp; right goal to have him leave.</p> <p>Each issue is important behavior from other officers on shift</p> <p>Concerns: whether in full or whole shift - not possible to DMP. would not disclose names.</p> <p>Encouraged to come forward as work is important - everyone has a job working environment like the communication &amp; involvement const.</p> <p>No anything else, the same process another request</p> <p>Should not be good from the Cst.</p> <p>He is a master</p> <p>Issues understood.</p> <p>Also he needs to communicate need for assistance ask some push it not clearly understand from the Cst.</p> <p>Adams - USMAD</p>
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(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 issues 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@opassociation.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 Superintendent 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 (HRTO 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:	(August 19, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:
<p>1318 meeting w S/Sgt. B. CAMPBELL ref P.C. JACK'S performance issues A also present P.C. FILMAN P.C. ANDERSON (53) P.C. JACK - deficiency in his perform and address</p>	<p>13:15 MEETING WITH S/SGT CAMPBELL, Sgt FLINDALL, CST ANDERSON AS AN OPPA REPRESENT. A FEW ISSUES WERE IDENTIFIED THE ISSUES SHOULD HAVE BEEN DEALT 53</p>

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:**

*Enu 1450 wa*

Ron

Rob F

Ron C

Mike J

Mitch A - missed POF

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>- P.C. Flindall advised he is being moved to Platoon 3 to P.C. R. Nie as his new coach</p> <p>- P.C. Flindall is going off on parental and won't be able to finish coaching. Also guys P.C. Nie is a fresh start as a new set of eyes.</p>	<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]. 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 be 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]. 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 no where. 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 Gillkinson,  
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:

19 Aug 2009

12:30	Discuss PC Jack eval & Harassment call w/ Sgt. Flindall
13:30	
15:00	work on PC Jack Evaluation - input for my time with him
18:00	OFF DUTY Jen Payne
20:00	0000 - work on Evaluation critique

**19 Aug 2009**

12:30 Discuss PC Jack  
evaluation & Harassment  
call with Sgt. Flindall  
13:30 [black]  
15:00 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)

06:00	ON DUTY
	work on PC Jack Evaluation + send to Sgt. Flindall for review + edition
08:30	

**19 Aug 2009**

0600 – ON DUTY  
- work on PC Jack  
evaluation + send  
to Sgt. Flindall for  
review + edition  
08:30 [black]

**(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, 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 happenin

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:** Lafreniere, 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	0 THU 20-AUG-02	0545	0545	0545	0545
0545	ON DUTY				
OIC	SGT FLINDALE				
10-13	20°+20°C, CLOUDY, SNOWING, THUNDERSTORMS, SNOW				
SOFT	LI-301				
NAME	1-192				
MIC	110132 / 110309				
EQUIP	RADAR, ASD,				
0550	DARS <del>ME</del> M.J.				
0617	UPDATED MICHAEL MORAN'S FOR RVS ANDERSON R1104092516 56				
	THU 20-AUG-02				
	DISCUSS WITH SGT FLINDALE				
	- DMR'S FOR MICHAEL AND REPORT ON DMR'S & MURKIN				
	- OLA'S TEAM OF CASE SP09150521				
	- COMPLETION OF BAC				
0630	COMPLETED CRIMSON				
0635	NEED TO ADVISE SGT FLINDALE THAT I AM STILL WAITING FOR PC MORAN TO TRANSMIT THE ACCUSED STATEMENTS AND PUT NAME ON MICHAEL MORAN'S REPORT ON MICHAEL - SELECTOR CASE				

THU 20-AUG-09  
 NO TROTTER GEORGE G  
 59 TROTTER RD, AMBURY  
 PO BOX 99 KOLIAO  
 INS THE CO-OPERATORS  
 11502 50521 6804  
 SP 09191569  
 NORTH VANCOUVER  
 FINE ATS,  
 TRAFFIC VORDON

~~2M~~  
~~1M~~ 35M  
~~0~~ 20M  
 TIME/SHD  
 MILES

09:00 10-8 <sup>RECOY 14</sup>  
 09:42 RECOMMEND ESSO  
 10:30 COMPLETED TR  
 SPONG WITH  
 PETER VASSOSCH  
 742-4773 X2144  
 STILL ITINERARY  
 COSTS OR REPOA  
 WILL CALL BACK WHEN  
 10:46 R/C HAS GOTTA WFO  
 10:55 R/C TRAFFIC VORDON  
 1400 TOYOTA prius  
 XXX DTW  
 SAWYER ROAD  
 POSSIBLY 253  
 WAS OBSERVED S/R,  
 THEN @ LCBO BMO BANCOR  
 11:25 MV STOP - SUSPECT IN  
 CTY RD 23 JUST  
 NORTH OR SAWYER  
 ROAD, IN THE DOWNTON <sup>58</sup>  
 COT OR ESSO GAS STATION.

THU 20-AUG-09  
 PRIOR TO MV STOP,  
 PC JACK WAS S/R  
 ON SAWYER RD,  
 WHICH APPROX 1KM  
 SOUTH-WEST OF  
 CTY RD 23.  
 PRIOR TO PULLING OVER  
 MV OVER, OBSERVED  
 HIS SPEEDING, HOWEVER,  
 NO PASSENGER MEANING  
 WERE OBSERVED.  
 DRIVER FAILED TO  
 STOP RIGHT AWAY  
 WHEN EMERG LIGHTS  
 WERE ACTIVATED.  
 PC JACK MADE TO  
 USE CLOSER SINCE  
 ON AND OFF 3 TIMES  
 TO ATTRACT ATTENTION  
 OF THE DRIVER.  
 DRIVER CONTINUED  
 FROM SAWYER 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 UNMARKED  
 POLICE SERVICE MOTOR  
 VEHICLE PULLING  
 OUT FROM THE ESSO  
 GAS STATION PARKING  
 LOT; SGT KIM  
 COPPWAY  
 AFTER COMING TO A  
 COMPLETE STOP ON <sup>59</sup>  
 THE SIDELOAN OF

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

<p>THU 20-AUG-09 CTY RD 23, JHR MV PULLED OUT AND PULLED IN INTO THE PARKING LOT OF THE ESSO GAS STATION. PC JACK AND SGT COPPWAY APPROACHED THE DRIVER SIDE OF THE MV.</p>	<p>THU 20-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.</p>
<p>MV MV INFO: TOYOTA TUNDRA RED 2004 PICK UP TRUCK LIC# 1970TW VIN: 5TBUT42194S443479 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 STANDING AT THE OFFICERS WITH A MURKED AND CONFUSED LOOK ON HIS FACE. PC JACK DETECTED THREE OPEN OR ALCOHOLIC BEVERAGES ON DI'S BREATH. SGT COPPWAY REACHED INTO THE TRUCK (MV) AND TUNCHED THE KNOB VERY OFT, THIS SOUNDS THE BELL</p>	<p>DI DID NOT RESPOND TO THE QUESTION UNTIL TO BE REPEATED 3 TIMES. DI THEN RESPONDED BY SAYING "NO". AT THIS POINT, PC JACK OBSERVED AN OPEN BOTTLE OF LIQUOR IN THE FRONT PASSENGER SEAT, 750ML WILD TURKEY WHISKEY. DI IS VERY SLOW IN HIS RESPONSES. THURS SGT COPPWAY ASKED DI IF HE IS ON ANY MEDICATION. DI IS HESITANT, MUMBLED SOMETHING OUT, LIKE STRESS. 11:29 FORMED GROUNDS FOR IMPAIRED</p>

11:29	THU 20-AUG-09 ARRESTED DI FOR IMPAIRED OPERATION OF MV; EXPLAINED TO DI THE OFFENCE AND THE CHARGE. SEARCHED DI AND LODGED IN CAR OF CHIEF SGT COPPWAY ASSISTED WITH GETTING THE DOCUMENTS FROM THE VEHICLE (MV)	THU 20-AUG-09 LATE EARTH: 8 @ 11:31 PC JACK ASKED DI IF HE WISHED TO SPEAK WITH A LAWYER. DI RESPONSE: "POSSIBLY" 11:45 WHILE BEING TRANSPORTED TO DETENTION COURT, DI LEFT SAYING "I AM SORRY". 12:00 10-19, 10-7 LAWYER? "PROBABLY" WHAT P. DI: "JUST GIVE ME A SECOND" DI IS STILL COMPOSED DI WANTS TO SPEAK WITH HIS FAMILY LAWYER: MICHAEL DRYER
11:30	RTC UI: NO	
11:32	CHIEF CAUTION UI? NO RESPONSE	
11:32	CHIEF CAUTION UI! "YES"	
11:33	ANYTHING TO SAY? "NO" BSD - B/IT. ACCOMPANY? YES, SGT COPPWAY ASSISTED WITH THE REMoval OF THE VI. VISIBLES & BELT TOWING & THEIR COMPAGNIES	
11:40	10-8 E/L TO 10-19 1 10-19 OR BOARD ADVISED PCC.	12:05 PC JACK CALLED DRYER; WAS ADVISED DRYER DOES NOT DO CRIMINAL BUT IS CURRENTLY AT COURT; WILL BE BACK @ 14:00 hrs.
DI	ETHERINGTON IAN (1955-08-13) 3305 BENNETT RD LANCERFIELD #1 ON VOL 2 NO DL# E8240-35365-508132	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 GROUNDS FOR ARREST FOR IMPAIRED TO BREATH TEST PC BRISCOE

<p>12:35 DC CAME BACK. SUSAN PORTER'S 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 SOLO NOT TO SAY ANYTHING" 12:42 CUSTODY OF DI TURNED TO PC BEMIS COLE, BREADTH TECH, 12:45 INITIATED PAPER WORK PROCESS 13:10 CUSTODY OF DI TURNED BACK TO PC JACK 13:15 DI IS LONGER IN CON UNTIL SOBERS UP 13:20 CONTINUED WITH PAPER WORK - ADDITIONAL CLOTHES - PREPARATION TO OVERCOME TWO PILES OF PAPERS; COUNT AND ACCUSED 14:30 SGT FLINDALL ADVISED PC JACK HE WAS GOING TO LOOK AFTER THE REST OF THEIR BREADTH CASE AND SEE IT THROUGH TO COMPLETION PC JACK ADVISED SGT FLINDALL THAT PC JACK COULD COME TO WORK NEXT</p>	<p>12:35 DC CAME BACK. SUSAN PORTER'S 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 SOLO NOT TO SAY ANYTHING" 12:42 CUSTODY OF DI TURNED TO PC BEMIS COLE, BREADTH TECH, 12:45 INITIATED PAPER WORK PROCESS 13:10 CUSTODY OF DI TURNED BACK TO PC JACK 13:15 DI IS LONGER IN CON UNTIL SOBERS UP 13:20 CONTINUED WITH PAPER WORK - ADDITIONAL CLOTHES - PREPARATION TO OVERCOME TWO PILES OF PAPERS; COUNT AND ACCUSED 14:30 SGT FLINDALL ADVISED PC JACK HE WAS GOING TO LOOK AFTER THE REST OF THEIR BREADTH CASE AND SEE IT THROUGH TO COMPLETION PC JACK ADVISED SGT FLINDALL THAT PC JACK COULD COME TO WORK NEXT</p>
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(August 20, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:

	<p>14:00 20-AUG-09 THE EVENING BEFORE SGT FLINDALE PHOTOCOPIED THE EMAIL LETTER PC JACK RECEIVED FROM CROWN ATTORNEY BRIAN GILKISON 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 FLINDALE ADVISED PC JACK THAT HE IS FINISHING HIS PERFORMANCE EVALUATION REPORTS AND WILL HAVE PC JACK REVIEW AND SIGN THEM LATER TODAY.</p>
<p>14:40 20-AUG-09 CONTINUATION ON IMPAIRED CASE PC JACK GOT ASSISTANCE FROM PC BRISCOE WITH ADLS FORM AND PART III SUMMERS</p>	<p>14:40 20-AUG-09 OFFICE. SGT FLINDALE DELIVERED TO PC JACK PROBATIONARY CONSIDERABLE PERFORMANCE EVALUATION REPORT (PCS-066P) FOR MONTHS 6 AND 7 2009-10 FORMS TO SIGN AND ADVISED PC JACK TO READ &amp; QUOTE SOT TO READ THEM SIGN THEM AND RETURN TO HIM IMPERVIOUS 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 FLINDALE PC JACK DID NOT KNOW HOW TO <sup>IN</sup> RESPOND TO THE REQUEST OR SGT FLINDALE TO SIGN THE PCS-066P BETWEEN 18:00 HRS SO PC JACK CONTACTED KAREN GEMMELL BRIAN GILKISON AND ADVISED HE WILL PERSONAL PRACTICE AND ADVISED HE WILL SEE HIM IN THE SET</p>
<p>15:00 20-AUG-09 LONGED SERIALIZED WLD TRUCK UNISKEY PREPARED PTAS AND OTHER RELATED RELEASE DOCUMENTS</p>	<p>15:00 20-AUG-09 15:00 20-AUG-09 PC JACK CONTACTED KAREN GEMMELL BRIAN GILKISON AND ADVISED HE WILL PERSONAL PRACTICE AND ADVISED HE WILL SEE HIM IN THE SET</p>
<p>16:00 20-AUG-09 CAUGHT UP ON NOTE BOOK (CATHER) 17:00 20-AUG-09 SGT FLINDALE ADVISED PC JACK TO CLEAR HIS WORK AND TO SEE HIM IN THE SET</p>	<p>16:00 20-AUG-09 17:00 20-AUG-09 SGT FLINDALE ADVISED PC JACK TO CLEAR HIS WORK AND TO SEE HIM IN THE SET</p>

<p>THU 20-AUG-09</p> <p>AND SONGUIT ADVISED</p> <p>PC JACK ADVISED</p> <p>GERMAN THAT HE HAD BEEN REASSIGNED</p> <p>TO A DIFFERENT PLATOON WITH A NEW COACH OFFICER.</p> <p>AND THAT HE WAS GOING ON VACATION</p> <p>AND WAS SUPPOSED TO START ON SEP 09</p> <p>2009 ON PLATOON D.</p> <p>PC JACK ADVISED</p> <p>GERMAN THAT HE FELT HE WAS</p> <p>COMPELLED TO SIGN</p> <p>THE PCS-OGGP AND</p> <p>DID NOT FEEL THAT</p> <p>IT TRULY FAIRLY</p> <p>REFLECTED HIS</p> <p>PERFORMANCE.</p> <p>ADDITIONALLY, PC JACK ADVISED GERMAN</p> <p>THAT PCS-OGGP</p> <p>FOR MONTH MAY</p> <p>04 MAY 09 - 04 JUN 09</p> <p>WAS GIVEN TO HIM</p> <p>FOR REVIEW AND</p> <p>SIGNING ON AUGUST</p> <p>19, 2009, <sup>7/7</sup> TO</p> <p>WHICH GERMAN</p> <p>RESPONDED THAT HE</p> <p>NOT MEANT AS IT</p> <p>SHOULD BE PROGRESSIVE</p> <p>DISCIPLINE.</p> <p>GERMAN ADVISED</p> <p>PC JACK THAT DUE TO</p>	<p>THU 20-AUG-09</p> <p>DID NOT HAVE <sup>any</sup> THE</p> <p>TIME TO</p> <p>COME UP WITH THE</p> <p>SOLUTION TO THE</p> <p>PROBLEM, BUT</p> <p>THAT IF PC JACK</p> <p>DID NOT FEEL</p> <p>COMFORTABLE TO</p> <p>SIGN THE FORMS</p> <p>THEN HE DID NOT</p> <p>HAVE TO.</p> <p>PC JACK KEY</p> <p>CONCERN'S:</p> <ul style="list-style-type: none"> <li>- PCS-OGGP FOR</li> <li>MONTHS 6 UNTIL</li> <li>BY SGT FILMALL,</li> <li>YET EVALUATION'S</li> <li>NAME IS CST</li> <li>FILMAN AND FILMAN</li> <li>IS CURRENTLY AWAY</li> <li>ON VACATION</li> <li>- THERE ARE NO</li> <li>WORK IMPROVEMENT</li> <li>PLANS ATTACHED</li> <li>TO IT AND SINCE</li> <li>THEM SHOULD BE</li> <li>10 OR MORE, THE</li> <li>PERFORMANCE</li> <li>ASSESSMENT IS NOT</li> <li>DOING WITH ACCURACY</li> <li>ACCORDING TO THE</li> <li>SPECIFICATIONS</li> <li>- PC JACK WAS GIVEN</li> <li>VERY LIMITED TIME</li> <li>AND UNDER PRESSURE</li> <li>TO REVIEW AND</li> <li>SIGN THE FORM <sup>69</sup></li> <li>WITH NO TIME TO</li> </ul>
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<p>THU 20-AUG-09      THINK AND <del>NOT</del> PROPERLY RESPOND TO THE PERFORMANCE ASSESSED AS NEGATIVE ALLEGATIONS      HANNA GROGAN ADVISED PC JACK TO SEND HER AN EMAIL OUTLINING HIS CONCERN OVER THE INCIDENT AND THAT SHE WAS GOING TO MEET AND SPEAK WITH S/Sgt CAMPBELL ON MONDAY AUGUST 24 2009 ABOUT WHAT IS GOING ON.      PC JACK ADVISED      CAMPBELL THAT THOUGH HE HAD MEETING WITH SGT PRUDHOM AND S/Sgt CAMPBELL 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 <del>WAS</del> WAS SUPPOSED TO GO OFF DUTY AND ON HIS VACATION.      PC JACK ADVISED CAMPBELL THAT</p>	<p>THU 20-AUG-09      HE WAS GOING TO WRITE LETTER <del>TO</del> THE CHIEF OVER THE WEEKEND.      18:05 SGT PRUDHOM      WALKED IN AND WHILE PC JACK WAS ON THE PHONE WITH A CHIEF HIS VICE SIGNATURE ON THE PCS-0660 FORM, THAT WALKED AWAY.      18:10 19:10 MET WITH SGT PRUDHOM IN THE SGT'S OFFICE AND ADVISED HIM THAT PC JACK DID NOT FEEL COMFORTABLE WITH THE EVALUATIONS AND THE 233-10 FORMS AND AFTER SPEAKING WITH OPPA REP WAS NOT GOING TO SIGN THE PCS-0660 AS HE NEEDED MORE TIME TO RESPOND TO IT WITH MORE PRACTICE FEEDBACK.      SGT PRUDHOM GOT SEEMINGLY UPSET AND STATED THAT THE PCS-0660 REFLECTED WHAT THEY DISCUSSED THE DAY BEFORE, AND ASKED PC JACK TO SIGN THE 2 71 233-10 FORMS</p>
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(August 20, 2009) (Exhibit 26c), Officer notes of PC Michael Jack:

AM 20-AUG-09  
 PC JACK ADVISED  
 SGT FLINDALL  
 THAT HE WAS  
 NOT COMFORTABLE  
 AT THE POINT  
 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  
 "REFUSE TO SIGN 'ON  
 EACH FORM', SAW  
 PC JACK UNABLE  
 PCS-066A, WISHED  
 HIM TO HAVE A  
 GOOD VACATION  
 AND PC JACK WANTED  
 AWAY.  
 PC JACK STAYED AT  
 THE DETACHMENT  
 TO DOCUMENT THE  
 INCIDENT IN HIS  
 NOTEBOOK.  
 20:00 RELEASED  
 ETMENINGSON, 1000<sup>72</sup>  
 ON A PTA 100  
 THE CUSTODY

AM 20-AUG-09  
 DR HIS CONCERN  
 BRIAN A WEST  
 ETMENINGSON.  
 IAN ETMENINGSON  
 WAS SERVED WITH  
 APTA<sup>73</sup> A COPY OF  
 THE PTA, 3 PART III  
 FORMS, CONCERN  
 OR A QUALIFIED  
 TECHNICIAN, 90 DAY  
 ADDS FORM, AND  
 COPIES OF THE  
 INTOXICANT TEST  
 RESULTS.  
 IAN ETMENINGSON  
 ADVISED PC JACK  
 THAT IT WAS THE  
 STUPIDIEST THING  
 HE HAD EVER DONE  
 AND THAT HE WAS  
 CONCERNED ABOUT  
 NOT BEING ABLE  
 TO ATTEND HIS  
 AA MEETINGS  
 IN PTA BOROUGH  
 ETMENINGSON HAD  
 BEEN SICK AND  
 HE APPEARED TO BE  
 TREMBLING.  
 20:15 HAD A SNACK AS DID  
 NOT EAT ALL DAY  
 20:30 STARTED PILING UP  
 MY NOTES.  
 21:00 FINISHED  
 PAGED PTA TO  
 CPIC, ADDED  
 ETMENINGSON AS  
 CHARGED.

73

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

	TUE 20-NOV-09	PACKAGE WHICH BENS PHOTOCOPIED AND WENT LEFT BEHIND.
22:04	CALLED MITCH BANCROFT AND LEFT A MSG RE: WHAT HAPPENED	SPOKO WITH SGT BONBURY AND ASKED FOR ADVICE HOW TO FIX THE MORROW.
22:10	OFF DUTY PC 12690 now	SGT BONBURY ADVISED ADVISER NOT TO WORRY AND PUT A NOTE ON MARY; "NOT TO BE CLOSERED TO THE ACCUSED" UNA PUTTING IN THE CROWN BRIEF.
22:15	FOUND BY DOG PHOTO COPIER MACHINE THE INTOXICATED TEST RESULTS THAT WERE SUPPOSED TO BE DISCLOSED AND SEARCHED OR ETHENINGATOR. DOCT MUST HAVE FELL FROM THE BED AT 5:15	PACKAGE. 22:25 OFF DUTY PC 12690 now 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. B. 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:

<p>17:40 SGT FLINDALL ADVISED PC JACK TO CEASE HIS WORK AND TO SEE HIM IN THE SGT OFFICE.</p> <p>MY 20-AUG-09 OFFICE.</p> <p>SGT FLINDALL DELIVERED TO PC JACK PROBATIONARY CONSIDERABLE PERSONNEL PERFORMANCE EVALUATION REPORT (PCS-066P) FOR MONTH 6 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 IMPERFECTLY BEFORE 18:00 WAS TODAY.</p>	<p>UPON REVIEWING THE PCS-066P PC JACK FOUND THAT HE DID NOT MEET REQUIREMENTS IN 10 CRITERIA, AN OF WHICH SEVEN TO HAVE BEEN THOROUGHLY DOCUMENTED BY SGT FLINDALL PC JACK DID NOT KNOW HOW TO PROPERLY RESPOND TO THE REPORT OR SGT FLINDALL TO SIGN THE PCS-066P BEFORE 18:00 WAS SO PC JACK CONTACTED KAREN GEMMA BRAVEN &amp; OPPA RE- SIDENT ALSO ON HIS PERSONAL PHONE AND ADVISED HER 67 OF THE SITUATION</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

(August 20, 2009) (Volume 1, B), Sgt. Flindall's notes:

<p>1736 PCS 066P 233-10's review on P.C. JACK -Adv. limits and them over -Adv him no surprises and that it was everything we spoke with him about the</p>	<p>18:08 P.C. JACK refused to sign any documents -Adv he disagrees w/ everything in that and wants the OPPA to review - off duty</p>
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## 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 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

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 Cst Flindall had

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 ██████████ 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.

**(Volume 2, L-13):**

Date: 01 Sep 09

Member	FLINDFALL, Rob	Badge # 9740
Supervisor	Campbell, Ron	Badge # 6385

Job Knowledge & Skills

Leadership Skills

**RATING**  
Does Not Meet Requirements

Inc # SP09164458, SP09175128, RM09092516

Sgt. Flindall's notebook entries as appended above also reflect this lack of focus. He chose to place some select words in his notes, '**advised him no surprises, everything that we discussed**'. These select words could give the Tribunal a false impression that I was completely aware of all the contents and so it should rightfully have been of no surprise to me upon receiving the evaluation and the 233-10s. Hence, I should have been expected to just sign and give them back to him by 18:00 hours. Well, I did have the fortitude to contact the OPPA and speak to D/Cst. Karen German who advised me that it should have been a progressive discipline and that it was only fair for me to have more time to review the evaluation and have an OPPA representative to review it as well before I signed it. Furthermore, D/Cst. German's investigation was instrumental in having me moved to another platoon. However, the platoon I was moved to presented me with another coach officer who continued the racial discrimination of me, a coach officer who was the next-door neighbor and subordinate of Sgt. Flindall.

A decorative horizontal bar consisting of a repeating pattern of black arrows pointing right and black asterisks, set against a red background.

**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:

<b>Surname:</b>	JACK	<b>Given Name:</b>	Micheal
<b>Badge:</b>	12690	<b>WIN:</b>	393080
<b>Detachment/ Section:</b>	Peterborough County	<b>Region/Bureau</b>	Central
<b>Evaluator:</b>	CST FILMAN	<b>Badge:</b>	11212
<b>Evaluation Period:</b>	(DD/MM/YY)	<b>Start:</b>	09 June 2009
		<b>End:</b>	09 August 2009

Probationary Period Start Date\* (DD/MM/YY) 09 Jan 09

## \*\*4th Class Certificate

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— 10 —

(July 22, 2009) (Volume 1, B), Sgt. Flindall's notes:	
<p>WED 22 JUL 09</p> <p>0600 - on duty</p> <p>1014 - call to P.C. ELCROW 86 ref his mt blue log - give him to get on - be adw P.C. JACK's Ps 066 is almost complete. - currently long issues with his performance P.C. PAPE is assisting him</p>	<p>1030 - speaking w/ SSGT. AL CARLSON about P.C. JACK. - adw to complete tracking form and work improvement plan - will speak to Pape and Elcrow.</p>
	<p>1235 - Meeting w/ 92</p>
	<p>P.C. PAPE P.C. FLINDALL ref P.C. JACKS P.C. 066, gen info, forms, future improvement plan - both are going to put Wright issues onto a tracking general info form - gen to add comments to JACK's PS 066</p>

**(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 - work on PC JACK evaluation stuff

11:41

11:54

11:59 - work on PC JACK evaluation

12:11

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

12:30 - Discuss PC JACK evaluation & harassment call with Sgt. Flindall

13:30 - [black]

15:00 - work on PC JACK evaluation - input for my time with him

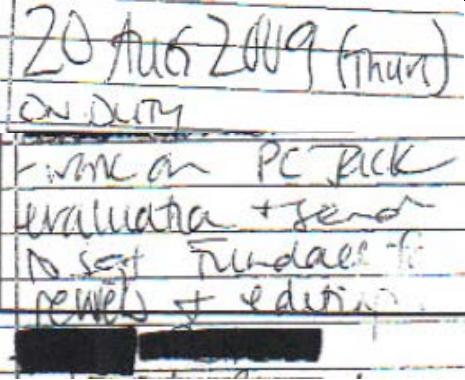
18:00 OFF DUTY  
Jen Payne

20:00 - 00:00 - work on evaluation @ home

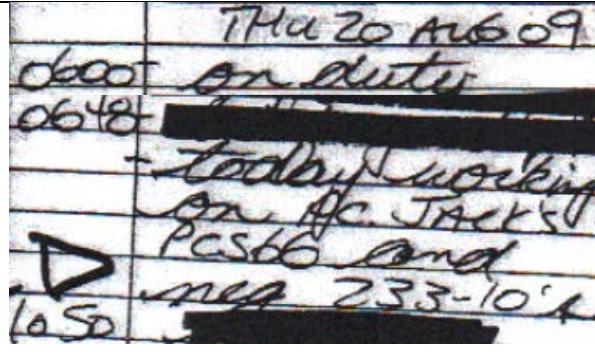
19 Aug 2009

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

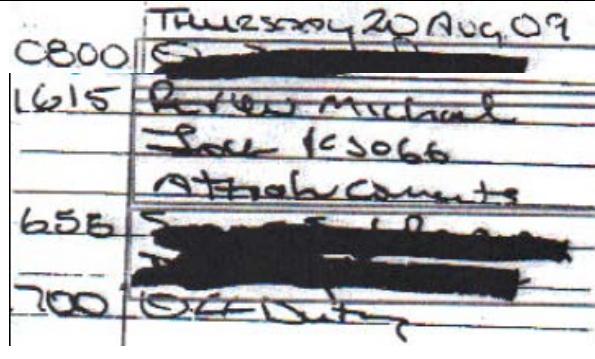
(August 20, 2009) (Volume 3, Z), PC Payne's notes:

	<p><b>20 AUG 2009 (Thur)</b></p> <p>06:00 – On duty - work on PC Jack evaluation + send to Sgt. Flindall for review + edition 08:30 [black]</p>
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(August 20, 2009) (Volume 1, B), Sgt. Flindall's notes:

	<p><b>THU 20 AUG 09</b></p> <p>06:00 – On duty 06:48 [black] - today working on PC Jack's PCS66 and negative 233-10's 10:50 [black]</p>
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(August 20, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

	<p><b>Thursday 20 Aug 09</b></p> <p>08:00 [black] 16:15 Review Michael Jack PCS066 16:56 Attach comments 17:00 Off duty</p>
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(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:

<p>THU 20-AUG-09      PC JACK KEY      CONCERN'S:      - PCS-066P FOR      PROGRAMS &amp; WRITTEN      BY SGT FLINDALL,      yet EVALUATOR'S      NAME IS CST      FILMAN AND PAYNE      IS CURRENTLY AWAY      ON VACATION</p>	<p><b>Thu 20-Aug-09</b>      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.</p>
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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, Exhibit99a 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



## **Proof that the Respondent fabricated “my refusal” to sign my Month 6 & 7 PER:**

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

On the afternoon of August 20, 2009, I was working at the Peterborough Detachment on a number of calls, one of which was an arrest I had made earlier that day for an impaired operation of a motor vehicle (Exhibit 22). At 5:40 pm I was presented with my Month 6 & 7 performance evaluation (09 June 2009 – 09 August 2009) (Exhibit 24) by Sgt. Flindall. There were 10 “Does Not Meet Requirements” ratings. The evaluator’s name on the PCS-066P form was Cst. Filman (who was on vacation at the time) (Exhibit 66) yet the evaluation was prepared by Sgt. Flindall personally and all the negative comments were thoroughly documented by Sgt. Flindall. The majority of the comments in the evaluation in addition to being false, frivolous, vexatious and made in bad faith, dealt with the information which I had divulged in confidence with other colleagues. I was the only police officer at the Peterborough Detachment at that time being subjected to this type of treatment and unusual and extraordinary demands for my level of police experience by my supervisor(s). Sgt. Flindall also handed me two in-house personal documentations known as 233-10 (Exhibit 23a and Exhibit 23b) stipulating my “inadequate conduct”. It was at that time that I realized that I was being reprimed for standing up for my rights. I realized that I had been under the constant surveillance by several of my colleague police officers since I had contacted the OPPA and sought help.

Once again what happened to Sgt. Flindall’s assurance that the tardiness of my evaluations would not re-occur? Once more, how can I have had the opportunity to view my 10 alleged deficiencies in my Month 6 performance evaluation and attempt to improve myself so that my Month 7 performance evaluation might have reflected the improvement? Once again I was literally deprived of the opportunity to develop myself through this crucial probationary period. A pattern seemed to be materializing – a pattern in which a plan to terminate my employment was orchestrated and being carried out. I was never called into meetings at the end of these months to discuss my progress – meetings that should have taken place in the first place; my evaluations were tardy; I was not being given the opportunity to develop and work the stipulated deficiencies; incidents that would generate positive 233-10s were being deliberately overlooked; a false allegation to generate an investigation by the Professional Standards Bureau and a frivolous charge under the Highway Traffic Act (the latter two becoming apparent in the next two-and-a-half months). Once again, how can one place any credibility to the performance evaluations and negative 233-10s?

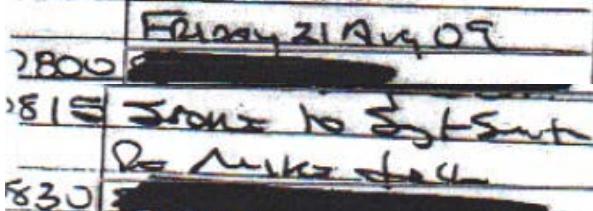
Note: The 233-10 documentations are disciplinary in nature. According to the Ontario Provincial Police and Directives, a 233-10 is an informal disciplinary decision that is used by a supervisor to help prepare a member’s yearly Performance Evaluation Reports. Furthermore, due to the fact that it stays in a member’s file for a period of two years if no further disciplinary documentations (233-10) are incurred, means it could stay longer if prior to the expiration of two years the member gets another one.

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 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:
	<b>21 Aug 09</b> <b>0815</b> 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 Superintendent 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 Filman 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)  
**sent:** 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 transferred 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):

Date: 09-SEP-09      Signature:



(September 25, 2009) (Volume 1, I-116):

S/Sgt Campbell

25 Sep 09

Attached is P/C Jack's response to his 6 month evaluation. He is willing to sign it but when I checked the file it has already moved ahead.

This could just be sent on or added to his current one or merged into his current one.

I'll leave with you

Thanks

Pete



Alas, I was deprived of that opportunity as S/Sgt. Campbell had already forwarded it to Orillia with the word '**Refused**' in the place of my signature giving everyone in General Headquarters, that would have been privy to my PERs, the genuine belief that I had reviewed it, but refused to sign it.

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 13:**

13. The Applicant received copies of all of his PERs during his probationary period. Work Improvement Plans were also developed in relation to the Applicant. The Applicant refused to sign several of his later PERs when they started to contain negative comments.

\*\*\*\*\*  
\*\*\*\*\*

(August 20, 2009) (Volume 3, V-20):

**From:** Johnston, Mike P. (JUS)  
**Sent:** Thursday, August 20, 2009 10:48 PM  
**To:** Campbell, Ron (JUS)  
**Subject:** Re: Re; Michael Jack Platoon D

Ron

Why is he being moved???

Mike

**(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.

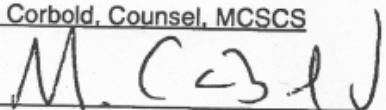
I understand that information about my Response can become public at a hearing, in a written decision, or in other ways determined by Tribunal policies.

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.

## A “clean slate” and a “fresh start with a new set of eyes” hypocrisy:

**(August 24, 2009) (Volume 2, L-12):**

**From:** Postma, Jason (JUS)  
**Sent:** Monday, August 24, 2009 5:08 AM  
**To:** Campbell, Ron (JUS)  
**Subject:** Probationary Constable Michael Jack  
Staff.

I believe in giving guys a second chance - and I mean that. Some concerns however,

**Documentation:** If Mike is not going to work out, do we have a structure of incidents laid out from Filman and Flindal so we are not starting fresh?

**Supervision:** I believe Pete will be back shortly on shift in September (unless there are developments I'm not aware of). Will Pete be ready for this task? If I'm to remain, who will be the next 2ic if Rich is coaching?

**Coaching:** Rich is a good officer, but he has been in this coaching roll way to long. He needs a few years of no recruits to get that front line grove back (my opinion). I don't want him to burn out if Mike requires extra documentation and process. He will do the job and will do it right, but I'm sensing the negative side of him of late.

**Moral:** D platoon is the laughing stock of this office because of these developments. People are not viewing this as second chance or re-focus, they look at this as "its not our problem anymore." Our shift is not happy, but will give Mike every chance to succeed. Its surprising how many people knew about this before I did, and before Rich made any comment on this.

Another note, from experience - problem officers or the rising stars define which coaches are successful in terminating probationaries 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.

Just some thoughts Ron. Thanks for letting me "vent."  
-Jason

Please note the following excerpts:

- *'do we have a structure of incidents laid out from Filman and Flindall so we are not starting fresh?'*
- *'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'.*

In light of the above information, it is clear that PC Richard Nie was handpicked to finish me off. This assertion is based on the following:

- PC Nie had a proven track record of being a coach officer the OPP could rely on to negatively document in detail to justify a termination of employment,
- PC Nie had exercised this malign skill of his to justify the termination of minority probationer Mr. Harry Allen Chase (Exhibit 48 and Exhibit 63),
- I was deliberately placed on PC Nie's shift since Sgt. Flindall had 'lost the focus' and they, being the next-door neighbors could easily confer together in order to get information from the opposite shift (while Platoon 'B' and Platoon 'C' worked days and nights, Platoon 'A' and Platoon 'D' were off) and in this way the OPP had coverage on all platoons (though this may sound far-fetched, consider my often repeated belief – a surreptitiously orchestrated plan was put in place to scrutinize my every move/action and document them in order to justify a forced termination),
- PC Nie's biasness towards me,
- PC Nie's lack of objectivity with me,
- PC Nie's belittling treatment of me,
- PC Nie's focus on the negative aspects of my performance – both real and fabricated,
- PC Nie's meticulousness in documenting my real and fabricated shortcomings over the following three months until my forced resignation.

Aside from what I have mentioned I was being placed in the midst of a platoon that felt they were the laughing stock of the detachment because of me ('**these developments**' refer explicitly to me) and they had the hypocrisy to say that I was getting a clean and fresh start in the midst of this already poisoned work environment.

**Moral:** D platoon is the laughing stock of this office because of these developments. People are not viewing this as second chance or re-focus, they look at this as "its not our problem anymore." Our shift is not happy, but will give Mike every chance to succeed. Its surprising how many people knew about this before I did, and before Rich made any comment on this.

How could one say that I would be given every chance to succeed if at the same time they were stating that everyone that I was going to be working with was not happy with me? In the opinionated environment of a policing profession I was already viewed as an “Undesirable”. According to Sgt. Postma his platoon (that I was soon to be working on) was the laughing stock because of me. There is simply no excuse for the prejudice directed at me.

**(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 short comings 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 Cohen 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 Gilkinson 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] I 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 ██████████ 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 then 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 <b>Submit PCS66P (combine Month 1 &amp; 2)</b>
09 Mar	09 Apr	Month 3 <b>Submit PCS66P</b>
09 Apr	09 May	Month 4 <b>Submit PCS66P</b>
09 May	09 Jun	Month 5 <b>Submit PCS66P</b>
09 Jun	09 Jul	Month 6
09 Jul	09 Aug	Month 7 <b>Submit PCS66P (combine Month 6 &amp; 7)</b>
09 Aug	09 Sep	Month 8
09 Sep	09 Oct	Month 9
09 Oct	09 Nov	Month 10 <b>Submit PCS66P (combine Months 8, 9&amp; 10)</b>
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 (HRTO 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:** Cohen, 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 / assessment 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 intact.

-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 assessment 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)  
**sent:** 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'**

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)  
**sent:** 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.



## Methodology

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 | DID | IT!



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如表 3 所示，模型 1 和模型 2 的  $R^2$  值分别为 0.755 和 0.762，表明模型拟合效果较好。



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#### 圖文說明

## The 'every opportunity' hypocrisy:

(August 31, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

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; <del>Free legal advice</del> & <del>Free or charge</del>	For ticket ✓ Conference ends - Discuss 1 coach Shyft to 14 Good life Fitness Story - In uniform Also Zone 3
------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------

(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:

<p>28. 30 Au 509 R days 31 Au 509</p> <p>1400 Tele conference 1MSP's office with S/Sgt. Kohen - present with S/Sgt. Sgt. Flindall Cst. Filman, Sgt. Postman - Mr. PC Jack - S/Sgt. Cohn asked 30</p>	<p>that the new shift be made with who is his coach is + if not Rich who his assigned coach is - decent 1 - lying 2 - accountability 3 - driving - Work improvement</p>
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(August 31, 2009) (Volume 4, 24), S/Sgt. Kohen's notes (Original & Transcribed):

<p>Mo - Ju - Au - 2009 0715 On Duty Encountered SS 7049 0715 10-1 10 Cst. Call re Prob. Jack &amp; Cst. Call was Dave Lee Ron Campbell, Cst. Filman Sgt. Fidley, Sgt. Postman Cst. Nieal Summary Month 1, 2, 3, 4, 5 no concerns Month 6 &amp; 7 what are a combined PCS66P issues start to be raised The same Prob who called &amp; me said, Sgt. told him he could be losing his job and also have a PSB investigation against him Sgt. Fidley seems to date back to the PCS66P issues and has a strong dis- like for Prob. Jack as he does not own up to his errors SS also appears months 6 &amp; 7 PCS66P has been given to him but not any WIP. PCS66P 6 &amp; 7 given to</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Mon 31 0715 On Duty  
Aug 2009

1400 | Conf call re Prob Jack on conf call was Dave Lee, Ron Campbell, Cst. Filman, Sgt. Flindall, Sgt. Postman, Cst. Nieal

Correction of the misspelled officers' names: S/Sgt. Ron Campbell, Cst. Filman, Sgt. Flindall, Sgt. Postma, Cst. Nie.

Summary

Month 1, 2, 3, 4, 5 no concerns.

Month 6 & 7 which are a combined PCS66P issues start to be raised.

The same Prob who called me when Sgt told him he could be losing his job and also have a PSB investigation against him. Sgt Fidley 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.

SS also appears months 6 & 7 PCS66P has been given to him but not any WIP.

PCS66P 6 & 7 given to

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:

MON 31 AUG 09 1350- DEF for teleconference w/ S/Sgt I.C. COMA ref P.C. JACK - NSP LFF also D on line present is P.C. FURMAN, P.C. NIE P.C. POSITTA	1400 S/Sgt. CAMPBELL call in progress call complex discussion over W.I.P.'s - P.C. JACK being coached by P.C. NIE	P.C. JACK going to be afforded every opportunity to succeed - rest is up to him. - off duty 2 No O.T. time
94		

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 I 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 dire 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 concisely.
- 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:** Grimmett, 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) Grimmett  
Acting Sergeant Major #6150  
Investigations Section  
Professional Standards Bureau  
Ontario Provincial Police  
705/329-6066  
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**(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