

01Nov09 - PC Nie

- PC Foster advised me that during the trip to pick up the prisoner with PC Jack that they each took a turn driving – he described PC Jack as “he is the worst driver that I have ever driven with”
- 0512hrs – dispatched to family dispute call where the caller has almost had their finger bitten off during an altercation – PC Jack described it as a high priority call when we were getting ready to go – he gets in cruiser and starts to look for location on map – County Road 2 – told him he knows where it is so we should be already driving as he has been on the road several times – PC Pitts also advised him to drive down Bensfort Road which he knows where that is as well – we proceed down the ramp onto the highway and he proceeds to drive approximately 75km/h – just prior to the first exit PC Pitts drives past us lights and sirens activated – PC Jack then proceeds to accelerate very quickly and appeared flustered as he tried to activate the equipment – we were travelling down the off ramp at approximately 120km/h as he was trying to catch up to PC Pitts and I cautioned him to dump speed as it was a 90 degree turn – the tires made a loud squealing sound as they tried to maintain traction and we slid into the oncoming lane (no traffic) – the entire way to the call he attempted to catch up to PC Pitts – several times saying “oh God, and oh my God” as he could see that he was falling behind or losing sight of PC Pitts – the entire way I cautioned him about driving within his own abilities and not playing catch up to another officer – asked him why he would drive under the speed limit if it was such a high priority call in his mind – he said that he wanted to let PC Pitts go past on purpose so he could follow him to the call – I told him that was not true as he would have explained that to PC Pitts when he was beside us at the office, or on the radio at the very least – told me he couldn’t think about it now as there was too much going on – as we approached the house you could see PC Pitts cruiser in the driveway and he drove right past the house and number – he would have completely missed it had I not yelled at him to stop – again appeared extremely flustered and overwhelmed

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

My response to the 1st bullet point entry is as follows:

On October 30, 2009, after we had transported the female prisoner PC Foster had me drive back to Peterborough from the jail. Most likely though PC Foster made a comment about me driving slowly and cautiously while PC Nie conveniently turned his comment into a very negative one about me.

My response to the 2nd bullet point entry is as follows:

Surprisingly enough, that detailed documentation was not reflected anywhere in my Month 10 PER anywhere. Again PC Nie was seeing my actions through what he would have done. He was so biased against me that he expected me to act in the way an experienced officer would. How could PC Nie state, '**told him he knows where it is**' and '**PC Pitts also advised him to drive down Bensfort Road which he knows where that is as well**' when I did not know. The call was in Zone 1 which I was totally unfamiliar with. PC Nie literally had no compassion whatsoever towards me. Please note an excerpt, '**he would have completely missed it had I not yelled at him to stop**'. The '**yelled at him**' is very much indicative of my work environment at the Peterborough County OPP Detachment.

(November 4, 2009) Counsel's additional disclosure (April 5, 2012):

From: Nie, Richard (JUS)
Sent: November-04-09 5:57 AM
To: Kohen, Colleen (JUS)
Subject: RE: Prob Jack

Hi Colleen - I will send it to you as soon as I get a chance - I think it is due next Monday- November 10 - thanks, Rich

(November 5, 2009) (Volume 1, I-1):

From: Flindall, Robert (JUS)
Sent: November 5, 2009 10:47 AM
To: Payne, Jennifer (JUS)
Subject: FW: Switching block training

Jen - We've moved PC JACK's block training to the week following. And I'll bet you that you thought I forgot...

Robert Flindall

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

	THU 05 NOV 09
11:52	<p>② LINDSAY CBL</p> <p>2nd SESSION OF</p> <p>RESIDENT DRIVING</p> <p>TRAINING WITH</p> <p>SGT KENT TAYLOR</p> <ul style="list-style-type: none"> - MULTITASKING - DYNAMIC SPACE MANAGEMENT - EYE LEADS
12:05	<p>OVER</p> <p>TO CALL SGT TAYLOR</p> <p>TO SCHEDULE NEXT</p> <p>APPOINTMENT</p>
14:40	<p>CALLED KENT TAYLOR</p> <p>RE: NEXT DRIVING 59</p> <p>SESSION</p>
	<p>THU 05 NOV 09</p> <p>SGT TAYLOR WOULD</p> <p>CALL ME ON MY</p> <p>MOBILE PHONE</p> <p>TO SCHEDULE THE NEXT</p> <p>DRIVING SESSION</p> <p>14:47</p> <p>SPoke WITH</p> <p>SGT RUTONAC</p> <p>RE: SPOTTING &</p> <p>REPORTING ME</p> <p>[REDACTED]</p> <p>TO COMM CBL</p> <p>SGT RUTONAC ADVISED</p> <p>THAT SPOTTING ME</p> <p>BE ANY QUESTIONS/</p> <p>INQUIRIES/COMMENTS</p> <p>DIRECT THEM TO</p> <p>SGT RUTONAC</p> <p>AND THAT I DID NOT</p> <p>DO ANYTHING WRONG.</p>

(November 5, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

1258 Det Admin
MS Mail
met with Peter
Butorac Re:
unmarked stopping
vehicle no gun
coming back from
D. Training felt
it was none issue
1500 A [redacted]

(November 5, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

05Nov 09

1258

10-7 Det Admin MS Mail met with Peter Butorac Re: Mike Jack stopping vehicle no gun coming back from D. Training felt it was none issue.

Though both S/Sgt. Campbell and Sgt. Butorac felt there was no issue with me to alert the police of a potential drunk driver and follow the car until uniformed officers arrived, PC Nie found it incumbent upon himself to carefully document it in an overly negative manner in the point form chronology.

(November 5, 2009) (Volume 2, M), PC Nie's notes:

1440 - asked to [redacted] re:
PC Jack vehicle stop
1540 Att. Det.
- spoke with Jack/Butorac
- advised him it was correct
decision but wrong time -
not without uniform
in cruiser

1440 - asked to [black] re
PC Jack vehicle stop
1540 Att. (Attend) Det. (Detachment)
- spoke with Jack/Butorac
- advised him correct
decision but wrong time -
not without uniform
in cruiser

05Nov09 - PC Nie

- PC Jack was coming back from driver training in Lindsay – in an unmarked cruiser in civilian clothes, no gun – he had asked Sgt. Butorac what vehicle to take and was told to use the unmarked – PC Jack failed to tell the Sergeant that he already had a conversation with me and the staff sergeant who told him to go in uniform in a marked cruiser if nothing else available – on the way back he did a rolling marker check on an expired plate – the dispatcher asked if he was stopping the vehicle and he said no that he was not in uniform – he then advised the vehicle was weaving and asked for another unit nearby – PLPS and PC Foster began making their way – he updated that the vehicle went into Sobey's parking lot, then looped around and came back out, then went to another parking lot – Foster and a city officer attended, PC Jack pointed out the car and then left – he did not tell them who the driver was – discussion was had between Jack and sergeant and coach – he set himself up to fail – shouldn't be calling in plates when in cruiser with no uniform – should have stopped car in lot if he thought it was a drunk – risk of doing so with no uniform – should have stayed to identify driver
- PC Jack staying late to work on case from earlier in week – was interviewing suspect – covered off two possible outcomes given the information he provided in the case – told him no matter what to not lay breach charge for keep the peace alone – get call at home from day shift that crown attorney freaked out over brief and gave it back to PC Paradis/D'amico – they laid 8 criminal charges – PC Jack was asked why he laid the one charge I told him not to as the court would freak out – said he didn't remember me telling him not to though he remembered everything else about my instructions that day – told him I was really upset and pissed off – explained how lack of information once again led to incorrect advice and a huge problem as a result
- Reviewed statements with him – questioned why he never explained to me that victim had her head bashed on floor 4-5 times, or that she saw the accused drink alcohol – explained that these basic points would have led to different advice being given
- Explained to him that he no longer will switch shifts to not work with me – I will have to hold his hand through each occurrence in order to ensure things are done as asked – said that I tried to give him some latitude as he has 10 months on but now I can't

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

My response to the 1st bullet point entry is as follows:

First of all, the unmarked cruiser was available and that is why I took it! All of my driving training sessions were conducted in an unmarked Provincial Police Academy vehicle and neither the driving instructor (Sgt. Kent Taylor) nor I were allowed to wear uniform as to not alert the other drivers on the road with our police identity. When I was on my way back approaching Peterborough I observed a vehicle with an expired plate that also weaved twice in the lane. That is why I reported and asked the dispatcher to dispatch uniform police officers to intercept it. Members of motoring public frequently call police on their cell phones when they spot unsafe driving by other members of the motoring public. That is how police frequently intercept drunk drivers. Since I was not in uniform I alerted the police of a potential drunk driver and followed the car until uniformed officers arrived, at which time I showed them the car and the shop where the driver, which turned out to be an elderly lady, went. PC Nie later told me that when he heard me on the radio he “almost blew a cap”. Sgt. Butorac told me that if any officers had a problem with it, direct them to speak with him. Moreover, Sgt. Butorac told me that had I stopped the car while not in uniform and without use of force equipment on me and the old lady had a machine gun it could have been a problem. I found the part with the old lady carrying around a machine gun somewhat amusing, but I did not voice it. Sgt. Butorac and PC Nie are all too familiar of the fact that many officers when off duty and in their personal vehicles or even off duty (returning from attendance somewhere) in an unmarked cruiser often call in suspicious vehicles or possible impaired drivers and even follow vehicles. However, PC Nie found it incumbent upon himself to reprimand me for it.

My response to the 2nd bullet point entry is as follows:

PC Nie went home leaving me to work on the case under the supervision of PC Jason Clarke from the night shift (Platoon ‘C’). PC Clarke and I interviewed the suspect and came to the conclusion that the only applicable charge at the time was Breach of Probation. I find this documentation interesting since PC Nie told me that he was going to accept the responsibility of the incident.

My response to the 3rd bullet point entry is as follows:

First, PC Nie attended the incident. Second, PC Nie was involved in the investigation same as I was so I am not sure why PC Nie did not review the victim statements as he should have done. However, it was very easy to blame me for not telling him about it. I clearly remember how he told me prior to leaving the detachment that the female victim could have attacked the male first and we could not charge the male suspect prior to interviewing him first.

Furthermore, prior to becoming a police officer I learned from a Trent University acquaintance of mine (Laura Jaramillo), who was a Canadian born female of Columbian heritage that sometime in the spring of 2008 she was arrested by Peterborough County OPP and charged with Assault on her common-law spouse. Laura told me that her common-law spouse assaulted her by grabbing her hands and while she tried to free herself she left a few scratch marks on his arms. She called the police for assistance and when the officers arrived on scene and “investigated” the matter they formed the grounds that she was a dominant

aggressor (based on the scratch marks on her common-law spouse's hands) and arrested and charged her instead. Subsequently, due to the conditions imposed on her in the PTA and OIC Undertaking she could not even return to her house and had to live with her mother for over a year. It sounded very wrong to me at the time. When I became a police officer I read the Crown Brief Synopsis involving her, which confirmed her story. Of interest was the fact that the investigating officers were PC Nie and PC Read (PC Nie was coaching PC Read at the time).

My response to the 4th bullet point entry is as follows:

PC Nie was eager to go home that night and he dared to justify it by saying *'I tried to give him some latitude'*. What a hypocrite!

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

Sometime in November 2009 Cst. Derek Robertson, Cst. Dannie Clark and myself were in the Community Policing office in Havelock. At one point Cst. Clark told me that I had a funny accent. He almost immediately said that he should not have said it, to which I replied that I was not going to hold it against him. To date I hold no grudge against him, but that was yet another indication of the atmosphere I worked in, one filled with narrow-mindedness and biased perceptions.

Sometime in November 2009 Cst. Nie and I discussed our experiences shooting handguns during the training. I told Cst. Nie that I was a good shot – the best in my class both at the Ontario Police College and at the Provincial Police Academy and that I even had won an award at the Academy in the final shooting competition. Note: I have been a member of the Peterborough Fish and Game Association (that has indoor and outdoor shooting ranges) since 2006. As police officers we were encouraged to practice shooting our firearms. The gun range is located in our then patrol zone (Zone 2). Following our conversation about our shooting experiences and in an attempt to somehow bond with Cst. Nie I decided to take him to the gun range. I had prepared targets at home in advance and carried extra ammunition in my bag waiting for a slow day. On one such slow day in late November 2009 when we were working a day shift and all previous calls had been taken care of I told Cst. Nie I had a surprise for him and then drove us to the gun range. When I drove the cruiser into the range's parking lot, Cst. Nie gave me his notorious Big Brother look and asked, "Why are we here?" Confused, I advised him that it was the surprise I had mentioned to him earlier and that we were there to practice using our firearms. Cst. Nie drilled me with his look again and said, "You know I do not like guns. Further, at this point in your training I cannot afford to waste an hour of your time on shooting guns". I felt very embarrassed and drove us out. It is noteworthy to mention that in November 2009 on two separate occasions Cst. Nie had me drive outside of our patrol zone (to Zone 3) to carpet stores to look for a suitable carpet for his church. It would appear that it was acceptable to Cst. Nie to use OPP's resources and my training time to look for a suitable carpet for his personal use while we were on duty while it was not acceptable to Cst. Nie for us to practice shooting our handguns while staying in our patrol zone. He then also called me at the detachment in a derogatory manner, "A self-proclaimed good shot".

(November 5, 2009) (Volume 2, N-33):

From: Taylor, Kent (JUS)
Sent: November 5, 2009 4:42 PM
To: Butorac, Peter (JUS)
Cc: Kohen, Colleen (JUS)
Subject: Michael Jack remedial driver training

Peter

I conducted further training with Michael Jack in Lindsay today. Report to follow.

I have booked another appointment with him for Thursday, November 19, 2009 at 13:00 hrs. Kawartha Lakes detachment.

If this is not good for your scheduling requirements please let me know and I can be flexible.

ent

Sgt. T.K. (Kent) Taylor
Provincial Police Academy

(November 5, 2009) (Volume 2, N-33):

From: Butorac, Peter (JUS)
Sent: November 5, 2009 5:45 PM
To: Taylor, Kent (JUS)
Subject: RE: Michael Jack remedial driver training

Hi Kent

Mike has court that day. Is 23/24 Nov possible?

Thanks

Pete

(November 6, 2009) (Volume 2, N-33):

From: Taylor, Kent (JUS)
Sent: November 6, 2009 8:36 AM
To: Butorac, Peter (JUS)
Subject: RE: Michael Jack remedial driver training

Peter

Tuesday the 24th of November at 13:00 hrs would work. Meet at Kawartha Lakes Det.

Please confirm and I'll write it in ink.

Kent

Sgt. T.K. (Kent) Taylor

(November 6, 2009) (Volume 1, I-1):

From: Payne, Jennifer (JUS)
Sent: November 6, 2009 11:43 AM
To: Flindall, Robert (JUS)
Subject: RE: Switching block training

Thank you :)

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.

(November 6, 2009) (Volume 1, A):

 <p>MARY D'AMICO Provincial Constable Peterborough County Detachment ONTARIO PROVINCIAL POLICE</p> <p>453 Lansdowne Street East Peterborough, Ontario K9J 6Z6</p> <p>Tel: (705) 742-0401 Fax: (705) 742-9247 maria.damico@ontario.ca</p> <p>OPP 24 Hour Police Service, ComCentre 1-888-310-1122</p> <p>1402 FBI Denver 09</p>	<p>1402 Spoke to Sgt. Lindall re: PC Jack. If gets let go, concerned for my safety & family. Has many firearms. Just feeling.</p> <p>69</p>
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Could this Tribunal just imagine how biased and fearful PC D'Amico was of me? Why of me? We had a number of officers at the Peterborough Detachment who were hunters and had numerous registered firearms. I truly marvel how the maliciously coined nick name "Crazy Ivan" and the term "Loose Canon" by PC Marc Gravelle poisoned my work environment to such an extent and ignited a flame of hatred and racism. Two possibilities come to mind for PC D'Amico's feeling:

- First, she was extremely biased against me and instead of regarding me as an educated, dedicated and student-oriented former University professor of Computer Science she viewed me as an unbalanced and dangerous individual.
- Second, my offenders were conscious of their actions and PC D'Amico feared that I could get violent with them in the spirit of my racially derogatory nickname "Crazy Ivan".

PC Gravelle and the rest of the Peterborough Detachment's reference of me with those derogatory nicknames that poisoned my work environment and in turn ignited a flame of hatred and racism towards me was exactly the behavior the Promise of the OPP and supportive policies were meant to address but obviously could not. How could it when supervisors in various ranks were actively engaged in looking for negative information regarding me, a member of a racially marginalized group. The correspondence between Peterborough Detachment supervisors and Command Staff in August – September, 2008 confirming that I was a Russian-Israeli that everyone was supposed to keep an eye on supports my assertion.

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

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

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

Support colleagues, especially those who may feel vulnerable or at a disadvantage because of their employment status, e.g. new recruits, volunteer, civilian, contract; or background, e.g. race, gender, ethnicity

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

Ontario Provincial Police Orders, Administration & Infrastructure, 6.10.3 Accountability (Volume 7, 2):

Employee

Professional Ethics

- maintaining their composure in a trying situation, and refraining from using profane, abusive or insulting language;
- refraining from discrimination and harassment, including an offensive remark or any other action, both in the workplace and during service delivery;
- refraining from illegal profiling;
- demonstrating courage in confronting others when behaviour, policies or practices are inconsistent with human rights laws and the OPP's espoused ethics, values and policies;

Ontario Provincial Police Orders, Administration & Infrastructure, 6.10.3 Accountability, (Volume 7, 2):

Manager/Supervisor

Positive Workplace:

- being a leader who creates and maintains a positive working environment free of discrimination and harassment and prevents unacceptable behaviour from occurring;
- ensuring each employee knows that discrimination and harassment are not tolerated;

- helping each employee recognize and speak out appropriately against inappropriate behaviour;
- proactively monitoring the workplace to identify and address any potential issue;
- acting quickly, appropriately and objectively to resolve conflict and stop unacceptable behaviour as soon as possible upon becoming aware of it, i.e. not waiting to receive a complaint, so unacceptable behaviour will not escalate or be perceived to be condoned;
- restoring or improving a positive workplace relationship when an allegation, policy violation and/or their investigation have disrupted these relationships;

Performance Management:

- treating people fairly, with dignity and respect, and ensuring all workplace practices allow each employee an equal opportunity to participate;
- clarifying expectations regarding performance and behaviour in the workplace and holding each employee accountable for both;
- developing the knowledge and skills of every employee;
- providing ongoing, honest and constructive performance feedback;
- recognizing noteworthy performance;

Conflict of Interest:

- taking the appropriate action on a real, perceived or potential conflict of interest as described in the Code of Conduct for the OPP;

(November 9, 2009) (Volume 6, 56):

Internal IA number: 2545009-0173 Received: Nov 09, 2009

Case number:

Officers involved:

Provincial Constable Michael JACK [12690/393080]

Officer current info:

Region: CENTRAL REGION
Detachment: 1I00 - PETERBOROUGH COUNTY
Platoon: PltD

Snapshot - officer information at time of incident:

Badge/ID no: 12690
Region: CENTRAL REGION
Detachment: 1I00 - PETERBOROUGH COUNTY
Platoon: PltD
McNeil: Yes
Rank/title: Provincial Constable
Age: Years of employment: 1 Years with unit:
In uniform: Unk Off duty: Unk Off duty employed: No

Allegations:

Miscellaneous - Association with Undesirables - - 64(6) Unsub Invest - Nov 25, 2009

Officer complainants:

Detective Inspector M.J. (Martin) GRAHAM [8160]

Officer current info:

Region: GENERAL HEADQUARTERS
Detachment: 7Y14 - ISB: CIS: CIB: Central Unit
Platoon: 7Y14CIBCentralUnit

Summary:

CR - (Unsubstantiated) It is alleged the Respondent Officer may be associating with known criminals. PSB: 23 Sept 09

Investigative tasks:

Due dt	Done dt	Type
Sep 23, 2009	Sep 24, 2009	Assignment to Sgt Major
		23 Sept 09 - Internal complaint for investigation. ac
		24Sep09 - Assigned to DS Thompson. MJG
Mar 10, 2009	Sep 24, 2009	Proof of Service
		23 Sept 09 - Notification letter prepared for CN signature. ac
		23 Sept 09 - Notification emailed to Insp Johnston for service. ac
		24 Sept 09 - Proof of Service recvd and linked to file. ac
Nov 12, 2009	Nov 24, 2009	3 Month Reminder to S/Maj
		Send Sgt Major a three month reminder. ac
Sep 24, 2009	Sep 24, 2009	Assignment to Investigator
		24Sep09: Assigned to DS Thompson. MJG
< N/A >	Nov 17, 2009	Investigation Chronology
		17NOV2009 - Final report submitted tym
Nov 20, 2009	Nov 24, 2009	To Manager - Class & Analysis
		20Nov09 - Investigative Report appended. Unsubstantiated. MJG
Nov 20, 2009	Nov 24, 2009	To Manager - Class & Analysis
		20Nov09 - Investigative Report appended. Unsubstantiated. MJG
Nov 25, 2009	Nov 25, 2009	Closed - Analyst
		24 Nov 2009 - please prepare memo for RO - Unsubstantiated Internal. CN
		25 Nov 2009 - Prepared memo for RO and closed file this date. gp
Mar 12, 2009	Mar 12, 2009	Decision Notification
		03 Dec 09 - Sent decision letter to respondent and cc'd via email. bp

Nov 25, 2009 Nov 25, 2009 Closed - Analyst

24 Nov 2009 - please prepare memo for RO - Unsubstantiated Internal. CN

25 Nov 2009 - Prepared memo for RO and closed file this date. gp

Mar 12, 2009 Mar 12, 2009 Decision Notification

03 Dec 09 - Sent decision letter to respondent and cc'd via email. bp

When/where:

Date/time occurred: Nov 09 2009

Linked Word documents:

Sep 23, 2009: Notification - Jack
Sep 24, 2009: Proof of Service - PC Jack.doc
Nov 20, 2009: Investigative Report
Nov 25, 2009: Decision Internal - Unsubstantiated

Linked files:

Complaint Intake Form.pdf
Notification - Jack.pdf
Signed Decision Letter

Status/assignment information:

Status: Completed

Opened: 09/23/2009 Assigned: Due: 03/10/2010 Completed:
11/25/2009

Disposition: Closed - Investigation

Unit assigned: CENTRAL REGION
Handled at field/unit level: No
Investigator assign: Detective Sergeant Tym Thompson
Supervisor assign: Sergeant Major Martin Graham
Source of information: SUPERVISION

Organizational component(s):

Region: CENTRAL REGION
Detachment: 1I00 - PETERBOROUGH COUNTY
Platoon: PltD
McNeil: Yes

Entered by: OAG 11 Anna Crawford on Sep 23, 2009 at 10:33

Please note the source of information: SUPERVISION. My supervisors, whose duty was to build me up, tore me apart instead and threw the remains of me into oblivion!

- PC Jack arrested male party for 253 while working with another officer
- Brought accused into cells though never advised me he was working on things – went to check on him and assisted with paperwork – told me he was going to release YO on PTA – asked when parent was coming and said they had left a message – reminded him of notice to parent and fact that he needed to release the kid to an adult – kid asked to lie down in cells, PC Jack asked my permission to do so – couldn't decide for himself – then let the accused go into cells with Jacket, belt and shoes on with laces – stopped the kid and then muttered something about searching him already and asked him if he put anything in his pockets since he was searched – I then pointed out he could not be in the cells with his Jacket, shoes, and belt – later confirmed that he had his notes complete, and all release documents were done – said he needed to stay as he told the mother he would be here when she arrived – told him there was no need for him to stay that dayshift could release – he then asked to stay for a learning experience and I told him no as he had done a release before – told him it was just an excuse to delay things so he could stay around – made him go to dayshift and ask for someone to release – as I was leaving he came to me and said we had missed a G2 charge – told him not to bother as the over 80 was good enough – he said PC McNab told him he had to lay it as well – said I wasn't telling him what to do but he could tell PC McNab thanks for the suggestion but all the paperwork was done – spoke with McNab the next night and he advised he only told Jack about the possible charge if he wanted it, not that he had to lay it

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

My response to the 1st bullet point entry is as follows:

For my Crown Brief Synopsis of the incident please refer to Exhibit 47c, pages 30 – 32.

I hope the Tribunal will take further note from the above entry of a mind boggling ratio in PC Nie's documentation of my performance:

	Positive:	Negative:
# of lines of documentation:	1	23

The fact that I arrested an impaired driver was documented in 1 line only, but the fact that according to PC Nie I messed something up again is documented in excruciating detail in 23 lines.

My response to the 2nd bullet point entry is as follows:

Rebuttal to PCS-066P (Month 11) (Exhibit 61):

Attitude Towards Learning

Rating: Does Not Meet Requirements

We were not going to lodge the accused (a 17 year old male youth). His mother had been phoned and was already en route to the detachment to pick him up. The youth crouched on the bench and asked me if he could lie down. I was simply compassionate to the boy. Since I was not leaving the cells, I allowed him to lie down on the bed in the Young Offenders cell without taking his clothes off as the door to the cell remained wide open and I was keeping an eye on him at all times. This was a compassionate assessment done by any officer and under the circumstances any other officer would have done the same thing that I did. However my actions were reflected upon negatively.

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

Sometime in early November 2009 I was working a night shift at the Peterborough Detachment. I was mentally, physiologically and psychologically exhausted from constantly living under stress (Exhibit 50). I approached Cst. Nie in the office where he was writing my Month 10 performance evaluation and asked him if he knew if I was going to be entitled for Employment Insurance benefits should I be dismissed from employment with the OPP. Cst. Nie said he did not know. I said, "Richard, do what you got to do. I am very tired of living a life like that". Cst. Nie, said, "Thank you. I appreciate it".

(November 10, 2009) (Volume 2, N-29):

From: Nie, Richard (JUS)
Sent: Tuesday, November 10, 2009 2:34 AM
To: Kohen, Colleen (JUS); Campbell, Ron (JUS)
Cc: Lee, Dave E. (JUS); Borton, Doug (JUS); Butorac, Peter (JUS); Flindall, Robert (JUS)
Subject: RE: Prob Jack

Colleen - I have attached the 10 month evaluation and work improvement plan. The only category that improved from last month was traffic enforcement which leaves us with 12 "does not meet requirements" categories. I will not be recommending him at this point and to be honest don't see anything changing here by the 12th month. We have flat-lined and I have already had 2 instances for month 11 which take us backwards.

At any rate, I am working nights for the next two weeks. Depending on when you want to have a conference call, I can probably start early some day or call in from home if that is possible. If you want it this afternoon (once I get up) then perhaps Ron or Rob could call me with the time, etc. The evaluation is due today so the sooner the better I guess.

Let me know

Rich



Recruit Prob
Eval(jack#10).doc... (Jack work i...



Please note the excerpt: **'and to be honest don't see anything changing here by the 12th month'**

Since I doubt that PC Nie had a crystal ball, then that excerpt can only mean that he was getting tired of my presence next to him and wanted to get rid of me as soon as possible. PC Nie had already documented enough over the two months to force terminate me and my presence was irritating him. I know it as I witnessed his irritation first hand. Moreover, he frequently complained that being seated in the passenger seat in the cruiser was irritating one of his leg's nerves and causing him pain and discomfort.

(November 10, 2009) (Volume 3, X), S/Sgt. Campbell's notes:	(November 10, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:
<p>TUE 10 Nov 09</p> <p>0715 On Duty</p> <p>0730 Review PC Jack's evaluation & WIP.</p>	<p>10 Nov 09</p> <p>0730</p> <p>Review Jack's evaluation and WIP.</p>

(November 10, 2009) (Volume 2, N-29):

From: Campbell, Ron (JUS)
Sent: November 10, 2009 7:57 AM
To: Kohen, Colleen (JUS); Nie, Richard (JUS)
Cc: Lee, Dave E. (JUS); Borton, Doug (JUS); Butorac, Peter (JUS); Flindall, Robert (JUS)
Subject: FW: Prob Jack

Rich: This was well done. I have appended my comments> I am available Thursday afternoon... or today provided we end by 3pm. Ron

S/Sgt. Campbell complements PC Nie for thoroughly documenting my "deficiencies".

(November 10, 2009) (Volume 2, N-30):

From: Kohen, Colleen (JUS)
sent: November 10, 2009 10:19 AM
To: Campbell, Ron (JUS); Nie, Richard (JUS)
Cc: Lee, Dave E. (JUS); Borton, Doug (JUS); Butorac, Peter (JUS); Flindall, Robert (JUS); Taylor, Kent (JUS)
Subject: RE: Prob Jack

Good Morning

Rich

Extremely well documented Performance review and WIP. Since you are on night shift here is my suggestions

If you can please ensure that you and Peter place in your comments on it and both advise that at this point you are not recommending him for permanent status.

Ron.

Can you please add that you are not recommending at this time in your comment section.

Kent:

Is there a copy of the driving assessment completed as of today and if so... this needs to be disclosed to Prob Jack with the PCS66P ?

I would give this PCS66P and WIP to Prob Jack and allow him to read it alone and give him time to reflect what has been written. Then have a meeting with him to go over the entire review. Once that has been completed if Prob Jack wants to write comments then allow him to have that time to do so.

I agree with a conference call but with the above suggestions, and discloser has been given to Prob Jack and my schedule this weeknext week is much better for me

Dave

With you being on a course for the month .. Can someone from Region assist with the arranging of the conference call and can someone from Region be part of this call ?

Colleen

C.S.Kohen
Staffing Officer
Career Development Bureau
905 681-2511 (office)
505 4030 (VNET)
905 973- 8877 (cell)

(November 10, 2009) (Volume 2, N-31):

From: Taylor, Kent (JUS)
sent: November 10, 2009 11:54 AM
To: Nie, Richard (JUS)
Cc: Campbell, Ron (JUS); Kohen, Colleen (JUS); Butorac, Peter (JUS); Vanlanduyt, Mark (JUS)
Subject: PC Jack - PCS066P - Police Vehicle Operation

Rich

Regarding PC Jack's upcoming PCS066P.

I have spent significant time with PC Jack in attempting to bring him to the standard of professional driving expected by the OPP. As you are aware, PC Jack was initially unsuccessful in his "Night Pursuit" evaluation at the Ontario Police College. After spending three one-on-one driving sessions with me he was successful at a re-evaluation and received his OPC diploma.

Subsequent to being posted to detachment, further concerns were identified regarding his driving. As a result, I initiated further remedial training with PC Jack. To date we have conducted two one-on-one driving instructional sessions and have a third session scheduled for 24Nov09.

These five one-on-one remedial driving sessions have resulted in significant improvement in PC Jack's driving skills. However, I believe that I still need to spend more time with him to develop his cognitive abilities which directly relate to multi-tasking. As you are aware, police driving places a great burden on officers to not only drive the vehicle, but do tasks such as monitor the radio, operate moving-mode radar and observe for violators.

Although PC Jack has made vast improvements in his driving, as of today, I do not feel that he meets requirements required in police vehicle operations.

Please let me know if you require any further information.

Kent

Sgt. T.K. (Kent) Taylor
Provincial Police Academy
Driver Training Coordinator

Office (705) 329-7510
Cellular (705) 345-0759

Interestingly, that the '***significant time with PC Jack in attempting to bring him to the standards of professional driving***' amounted to approximately 1.5 hours of driving instruction at the Provincial Police Academy in January 2008 and approximately 3 hours of driving instruction in the City of Lindsay in October and November of 2009. I am saying that as I had heard that there existed special driving courses for police officers that last for several weeks. A several weeks course could probably be categorized as a significant amount of time, but to make such a statement about approximately only 4.5 hours of driving instruction is nothing, but exaggeration. Furthermore, at the end of the second remedial driving session Sgt. Kent Taylor told me very straight forward that though he saw no issues with my driving he wanted to conduct one more remedial driving session to have sufficient paperwork on my file. He basically told me that he needed to have one more meeting with me in order to properly cover his ass.

(November 10, 2009) (Volume 1, I-15, I-16, I-17):

From: Campbell, Ron (JUS)
Sent: November 10, 2009 2:19 PM
To: Kohen, Colleen (JUS); Nie, Richard (JUS)
Cc: Lee, Dave E. (JUS); Borton, Doug (JUS); Butorac, Peter (JUS); Flindall, Robert (JUS); Taylor, Kent (JUS)
Subject: RE: Prob Jack

Colleen Nothing has been given to Cst Jack yet? Can we have this on Thursday??? say at 3PM it might work. I know next week would be better but if it can't occur this week can it still be disclosed to him and given to him tonight. I will add that I would not recommend him at this time.. Ron

(November 10, 2009) (Volume 1, I-15, I-16, I-17 and Volume 2, N-32):

From: Campbell, Ron (JUS)
Sent: November 10, 2009 2:25 PM
To: Nie, Richard (JUS); Butorac, Peter (JUS)
Subject: Updated comments. FW: Prob Jack

Attachments: Recruit Prob Eval(jack#10).doc; Recruit Prob Eval (Jack work improve #10).doc

Updated....

(November 10, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
To: Campbell, Ron (JUS); Nie, Richard (JUS)
Cc: Lee, Dave E. (JUS); Borton, Doug (JUS); Butorac, Peter (JUS); Flindall, Robert (JUS)
Sent: Tue Nov 10 14:37:23 2009
Subject: RE: Prob Jack

Ron

If we say 3 15 I can make it work. I will be on my cell

905 973 8877

Colleen

(November 10, 2009) Counsel's additional disclosure (April 5, 2012):

From: Lee, Dave E. (JUS)
Sent: November-10-09 3:02 PM
To: Kohen, Colleen (JUS); Campbell, Ron (JUS); Nie, Richard (JUS); Salter, Peter (JUS)
Cc: Borton, Doug (JUS); Butorac, Peter (JUS); Flindall, Robert (JUS)
Subject: Re: Prob Jack

Please include S/Sgt Peter Salter in this if possible.

Dave

Insp. D. Lee
Manager Staff Development and Training
OPP Central Region
705-329-7418

(November 10, 2009) (Volume 1, I-15, I-16, I-17):

From: Campbell, Ron (JUS)
Sent: November 10, 2009 5:07 PM
To: Borton, Doug (JUS); Stevenson, Hugh (JUS); Salter, Peter (JUS); Lee, Dave E. (JUS); Nie, Richard (JUS); Butorac, Peter (JUS); Flindall, Robert (JUS); Kohen, Colleen (JUS)
Subject: Fw: Prob Jack

Below is the teleconference number and code for Thursday 12 Nov 1515hrs
Ron

10Nov09 - PC Nie

- attended family dispute call – son on probation for domestic assault had gotten into fight with his grandpa, then came to the family residence and was arguing with father and brothers – PC Jack spoke with involved parties – he removed father from kitchen (like a suspect) and then spoke with him in living room – after he was done he sat for a minute and then asked the mans permission to speak with me – the man appeared very confused as to why he would ask this – at no point did he ask about the status of the grandpa and if he was injured – upon going outside to discuss he advised he was going to arrest the male for breach of probation for keep the peace – told him I couldn't understand how he just was reprimanded for doing this yesterday as a result of his charge last Friday – how could he be doing this again with the same charge – asked him if he didn't learn something – said he needed to think for a moment – told him it was obvious he was uncertain what to do with the occurrence – had to tell him his options – he had also told the father that they could have a no alcohol condition placed on their son – told him he needed to correct this because he was telling them the wrong things – he denied saying it that way but just prior to leaving the father asked how they could get the condition added that Jack had talked about – explained to him that information was incorrect and we apologized

My response to the above bullet point entry is as follows:

Rebuttal to PCS-066P (Month 11) (Exhibit 61):

Federal Statues

Rating: Does Not Meet Requirements

First, I did not remove the father from the kitchen like a suspect rather than a victim. I asked to speak with him in private in an adjacent room as there were 4 other family members present in the kitchen – the mother, two sons and a daughter-in-law – that were not directly involved in the physical altercation between the father and his son.

Second, shortly after speaking with the father I phoned the grandpa, who was at his girlfriend's place at the time, and spoke with him. The grandfather said he was alright and declined to lay charges against his grandson. Both the grandfather and the grandson lived in the grandfather's house.

Third, when I consulted with Cst. Nie as to what course of action to take, he immediately accused me of not knowing what to do.

Resolution

Rating: Does Not Meet Requirements

Like I have been saying all along no matter what I did or how I did it Cst. Nie always found problems with me. My lack of confidence and waiting to be told what to do by Cst. Nie stemmed directly from Cst. Nie's authoritarian, oppressive and belittling attitude. At the end, waiting to be told what to do seemed to be the only option to avoid being lectured, belittled and reprimanded for being decisive.

(November 11, 2009) (Volume 1, E) Sgt. Flindall's fax to D/Sgt. Thompson with enclosed Confidential Duty Report Re: Internal complaint #2545009-0173:

Date:	11 NOV 09
To/Destinataire:	TYM THOMPSON
Company/Organisation:	P.S.B.
Facsimile/Télécopieur:	(705) 329-6050
From/Expéditeur(trice)::	A/S/Sgt. R. FLINDALL
Number of pages (including cover)/ Nombre de pages (y compris celle-ci):	13
Subject/Sujet:	2545009 - 0173

- Request for duty report to Professional Standards Bureau (PSB) made on October 15, 2009, with clear instruction to be filed within 10 clear days.
- I was interviewed by D/Sgt. Thompson with regards to the matter on October 31, 2009.
- I presume that D/Sgt. Thompson wanted to obtain Sgt. Flindall's duty report before interviewing me.
- Sgt. Flindall was on the pre-approved vacation at the time of the request (Exhibit 66).
- Sgt. Flindall returned on duty on October 28, 2009 (Exhibit 66).
- Sgt. Flindall faxed his duty report to D/Sgt. Thompson only on November 11, 2009.
- There were 15 clear days between October 28, 2009, and November 11, 2009.

Message:

D/S THOMASON
PLEASE FIND ATTACHED
MY CONFIDENTIAL DUTY
REPORT CONCERNING THE
ABOVE FILE
REGARDS,

Bob

This facsimile may contain **PRIVILEGED** and **CONFIDENTIAL** information only for the use of the addressee(s) named above. Please be advised that if you are not the intended recipient of this facsimile or the employee or agent responsible for delivering it to the intended recipient, any copying and/or dissemination of this material is strictly prohibited. Thank you.

CONFIDENTIAL DUTY REPORT

Confidential Duty Report of : Sgt. Robert FLINDALL #9740

Date of Submission : 11 November 2009

This is the first page of a confidential duty report. Any additional pages are numbered consecutively and are attached hereto. I have initialed all pages and signed the last page.

This report is being made to my employer in the course of my employment at the request of Detective Sgt. Tym Thompson, of the Professional Standards Bureau. If applicable, it is also being submitted as a statement in an attempt to resolve informally a complaint made against me in accordance with the Police Services Act.

This report is submitted without prejudice and is a non-voluntary statement. I object to and claim privilege from the use of all, any part, or parts of the report in any proceedings whether criminal or civil and including disciplinary proceedings or in any investigation or inquiry.

Improper use of this report without my consent is forbidden and any requests that I waive such privilege or any notices that my claim to privilege will not be honored or recognized must be directed to:

Legal Services Branch
Ontario Provincial Police Association
119 Ferris Lane
Barrie, Ontario L4M 2Y1
Telephone: (705) 728-6161
(800) 461-4282
Fax : (705) 721-4867
Email : legal@oppa.on.ca

SUBJECT TO THE CONTENTS OF THE ABOVE, I SUBMIT AS FOLLOWS:

In early January 2009, a new recruit arrived at the Peterborough County OPP Detachment and was assigned to my Platoon. His name was PC Michael JACK # 12690. His assigned coach officer was PC Shaun Filman #11212.

Shortly after arriving at the Detachment, I can't recall the date, I was advised in passing by PC FILMAN that PC JACK worked out at a local gym and that some of the people he associated with at the gym were less than desirable. I was not advised why at that time.

On September 3rd, 2009, PC BROCKLEY, #10489 came forward to me and disclosed additional information concerning a photograph he had observed shortly after PC JACK had arrived at the Detachment. He could not provide a date of when the photograph was observed.

PC BROCKLEY advised me that PC JACK was posing in the photograph with 3 males that he recognized. The photograph was taken at the gym PC JACK worked out at –

Good Life Fitness on Chemong Rd in Peterborough. PC FILMAN was also present at this time and confirmed the information provided by PC BROCKLEY.

PC BROCKLEY advised me that in the photograph, he witnessed [REDACTED]

[REDACTED] PC BROCKLEY, who had been in the Drug Unit at the Detachment, advised that [REDACTED] [REDACTED] [REDACTED] were [REDACTED] and were part of an [REDACTED] crime group. They were heavily into the drug scene.

[REDACTED] was a local male that was known to officers at the Detachment. PC BROCKLEY advised that the group, including PC JACK, were in the photograph posing with their shirts off. [REDACTED] described PC JACK as being "ripped".

PC BROCKLEY also advised that the relationship between PC JACK and the group was such that when [REDACTED] was down in the United States, he brought a rifle scope back for him. This information was provided to PC FILMAN verbally by PC JACK.

At this time, PC BROCKLEY also advised that he was aware of [REDACTED]

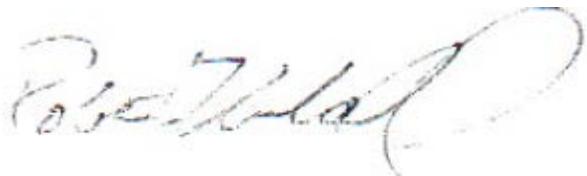
[REDACTED] * PC BROCKLEY advised that he did not come forward with the information about PC JACK's possible association with the [REDACTED] initially because he did not want to [REDACTED]

After receiving this information, I immediately spoke with S/Sgt. Ron CAMPBELL # 6385 and provided him with the little detail I knew. It was decided to speak with Insp. M. JOHNSTON #6138 about the matter and how we were deal with the information [REDACTED]

On the 11th of September 2009, when Insp. JOHNSTON returned to work, I provided him with the information I had received and provided him with the list of the suspects. I also provided Insp. JOHNSTON with an email, at his request, in regards to the information I had provided to him. That email was sent to him at 1641 hrs, 11Sep09.

On the 15th of September 2009, Insp. JOHNSTON contacted me at my residence on a rest day to request some clarifying information regarding this situation. I wrote a second email to Insp JOHNSTON and sent it to him at 1440 hrs on that date.

This concludes my involvement in this matter.



Robert FLINDALL
Sgt. #9740
Peterborough County OPP
(705) 742-0401

Aside from the excerpts below one can see how the nickname of "Crazy Ivan" (Crazy Russian) and "Loose Cannon" and the direction from S/Sgt. Campbell to Sgt. Flindall on September 23, 2008, that I was the one to keep an eye (Volume 1, I-41) on assisted in poisoning the minds of the people I worked with on duty. Just because I talked occasionally to some individuals between my sets of exercises at the gym six years earlier, PC Filman perceived me as associating with them. That view was so narrow minded and totally false.

Please consider the following excerpts:

On September 3rd, 2009, PC BROCKLEY, #10489 came forward to me and disclosed additional information concerning a photograph he had observed shortly after PC JACK had arrived at the Detachment. He could not provide a date of when the photograph was observed.

If PC Brockley did hear me run an undercover plate on July 31, 2009, which I know now for a fact that PC Payne did and not PC Brockley, then why did PC Brockley wait for over a month to report his concerns? The answer is simple. It was PC Payne who had her common-law spouse PC Brockley report it in her attempts to oppress and discredit me.

PC BROCKLEY advised me that PC JACK was posing in the photograph with 3 males that he recognized. The photograph was taken at the gym PC JACK worked out at – Good Life Fitness on Chemong Rd in Peterborough. PC FILMAN was also present at this time and confirmed the information provided by PC BROCKLEY.

That is incorrect! There were only two males that they could recognize.

PC BROCKLEY advised that the group, including PC JACK, were in the photograph posing with their shirts off. [REDACTED] described PC JACK as being "ripped".

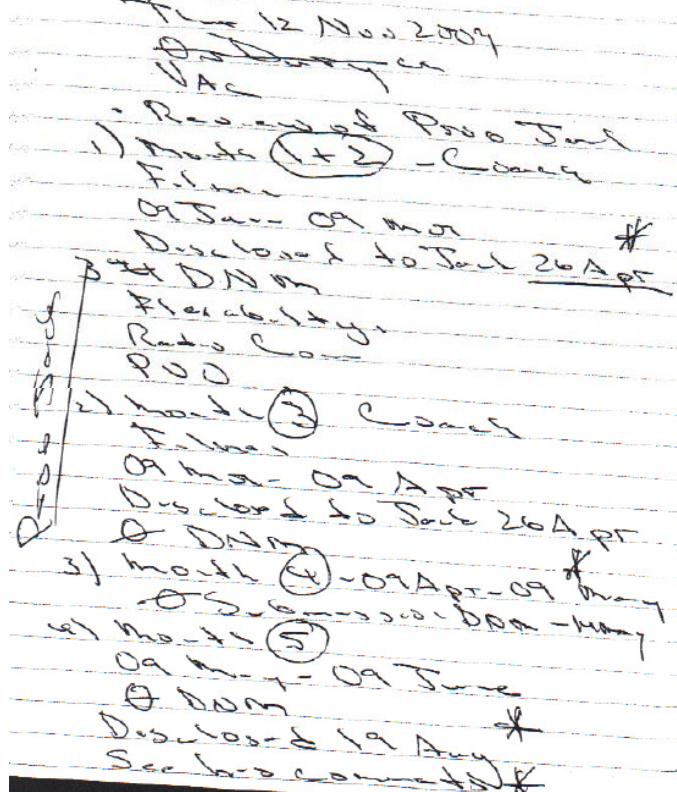
That is incorrect! Not a single person in the photograph had their shirt off (Exhibit 74, the top photograph).

At this time, PC BROCKLEY also advised that he was aware of [REDACTED] advised that he did not come forward with the information about PC JACK's possible association with the [REDACTED] initially because he did not want to [REDACTED]

Why did not PC Brockley come forward with the information initially? What was he waiting for?

On the 15th of September 2009, Insp. JOHNSTON contacted me at my residence on a rest day to request some clarifying information regarding this situation. I wrote a second email to Insp JOHNSTON and sent it to him at 1440 hrs on that date.

(November 12, 2009) (Volume 4, 24), S/Sgt. Kohen's notes, (Original & Transcribed):

	<p>Vac Review of Prob Jack 1) Month 1 & 2 – coach Filman 09Jan – 09 Mar * Disclosed to Jack 26Apr 3 DNM Flexibility Radio Com PVO 2) Month 3 Coach Filman 09 Mar – 09 Apr 0 DNM 3) Month 4 – 09 Apr 09 * May 0 submissions DNM – Many 4) Month 5 09 May – 09 June 0 DNM * Disclosed 19 Aug See his comments*</p>
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(November 12, 2009) (Volume 4, 24), S/Sgt. Kohen's notes (Original & Transcribed):

<p>Month 6 & 7 09 June - 09 Aug Disclosed to Prob Jack 20 Aug 10 DNM Prov Stat Fed Listening Radio Resolution FU Personal Account Planning & Org Respect Rel Self confidence Refuse to sign Then submitted</p>	<p>5) Month 6 & 7 09 June - 09 Aug Disclosed to Prob Jack 20 Aug 10 DNM Prov Stat Fed Listening Radio Resolution FU Personal Account Planning & Org Respect Rel Self confidence Refuse to sign Then submitted</p>
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According to S/Sgt. Kohen's notes my Month 5 PER was disclosed to me on August 19, 2009, with 0 'Does Not Meet Requirements' ratings and my Month 6 & 7 PER was disclosed to me on August 20, 2009, with 10 'Does Not Meet Requirements' ratings plus a refusal to sign the PER.

First, as I have already stated the refusal to sign my PER was fabricate as I had merely asked for more time to review it (as opposed to 20 minutes allotted by Sgt. Flindall at the end of the shift) and have an OPPA representative to review it as well before I signed it. The request was legitimate and fair and it was based on the advice of D/Cst. Karen German – the President of the 8th Branch of the OPPA. Second, how come S/Sgt. Kohen failed to address the timing and such a sudden and steep increase in the 'Does Not Meet Requirements' ratings?

- August 19, 2009 – Month 5 PER had 0 'Does Not Meet Requirements' (and was overdue by 2 months).
- August 20, 2009 – Month 6 & 7 PER had 10 'Does Not Meet Requirements'.

(November 12, 2009) (Volume 4, 24), S/Sgt. Kohen's notes (Original & Transcribed):

6 Month 8
 09 Aug - 09 Sept - Coach
 16 Does Not M Failure
 Attit
 P.v
 P.v
 Oral
 Written
 Listen
 Radio
 Analytic
 File
 Personal Acc
 Planning & Org
 Respectful
 Self Conf
 Team Work
 Self Aware,
 Deport
 Refused to sign
 Disclosed 11 Sept
 25 Sent in length Report

6) Month 8
 09Aug – 09Sept – Coach
 16 Does not M Failure
 Attit
 Prov
 P.V
 Oral
 Written
 Listen
 Radio
 Analytic
 File
 Personal Acc
 Planning & Org
 Respectful
 Self Conf
 Team Work
 Self Aware,
 Deport
 Refused to sign
 Disclosed 11Sept
 25 Sent in length Report

According to S/Sgt. Kohen's notes my Month 8 PER was disclosed to me on September 11, 2009, with 16 'Does Not Meet Requirements' ratings, which the Respondent alleged that I refused to sign.

First, some corrections are in order:

- Coach Failure is actually Coach Filman
- 16 Does not M is actually 17 'Does Not Meet Requirements' ratings
- Analytic is actually Analytical Thinking

Second, I never refused to sign my Month 8 PER as no evaluation meeting ever took place. Third, it was NOT disclosed to me on September 11, 2009, (which S/Sgt. Colleen Kohen perfectly knew about since she personally took part in its revisions), but rather on or about September 24, 2009, after it had been signed off by everybody and fraudulently printed "REFUSED" in place of my signature. Hence, there is no date next to the "REFUSED" to sign. I wonder about the meaning of number '25' on the last line in the notes. Maybe S/Sgt. Kohen wrote down the suspected disclosure date of my Month 8 PER? Or maybe it was the length of the report measured in the quantity of pages. S/Sgt. Kohen should know better I hope.

While in my statement (Schedule 'A') I stated that my Month 8 PER was disclosed to me on September 14, 2009, I seem to be mistaken. In the absence of my signature and in the absence of access to my officer's

journals I assumed it was disclosed to me shortly after I returned on duty (on September 11, 2009) from my time off. However, from the e-mail correspondence and from Sgt. Butorac's notes in the Respondent's disclosure it would appear that my Month 8 PER was disclosed to me on September 24, 2009.

(November 12, 2009) (Volume 4, 24), S/Sgt. Kohen's notes (Original & Transcribed):

	<p>Month 9 Coach Nie 09Sept - 09Oct Attit Fed PVO Traffic Oral Radio Desceive Insight Analytical Resolution Personal Acc Flexibility Respective Self Confidence Disclosed 13Oct</p>
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Either S/Sgt. Coleen Kohen had difficulty spelling English words correctly or whoever transcribed them did a poor job.

(November 12, 2009) (Volume 4, 24), S/Sgt. Kohen's notes (Original & Transcribed):

<p>7) Month 10 09 Oct - 09 Nov Coach Nei 12 DNM Attitude towards learning Fed PVO Oral Radio Deceive Analytical Resolution Personal Flex Respectful Self Con</p>	<p>7) Month 10 09Oct-09Nov Coach Nei 12 DNM Attitude towards learning Fed PVO Oral Radio Deceive Analytical Resolution Personal Flex Respectful Self Con</p>
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(November 12, 2009) (Volume 4, 24), S/Sgt. Kohen's notes (Original & Transcribed):

1st Call Conf
Coach, Ron Feldman
Prob Jack is on call
Do I need to resign
Richard advised him
not giving up but I
want to work
him

- Didn't have enough time with new coach
- No Race ever raise
- English is his 3rd language - but he showed Sgt that he got 96 in English
- Drop off Diploma\OPC on Sgt desk
- Changed Coach in July
- On Tues night Impaired 1 hour - nothing done 4 hours later advised he wanted to take it home then bring back
- Prob Jack, Rich, Ron also on call Hugh Stevenson
- Region supports to release
- If release - concerned with mental state base on beh - Heard concerns around off -
- No Race ever raise
- English is his 3rd language - but he showed Sgt that he got 96 in English
- Drop off Diploma\OPC on Sgt desk
- Changed Coach in July
- On Tues night Impaired 1 hour - nothing done 4 hours later advised he wanted to take it home then bring back
- Prob Jack, Rich, Ron also on call Hugh Stevenson
- Region supports to release
- If release - concerned with mental state base on beh - Heard concerns around off -

1515 Conf call
Coach, Ron Feldman Prob Jack if I resign do I met unemployment
Richard advised he is not giving up but if he wants to up to him

Please note that either S/Sgt. Coleen Kohen could not properly or she deliberately misspelled the names so as to cause confusion as to who the real players were. There was never a member named Ron Feldman at the Peterborough County OPP Detachment as the name purports. It was A/Sgt. Rob Flindall.

- Didn't have enough time with new coach
- No Race ever raise
- English is his 3rd language - but he showed Sgt that he got 96 in English
- Drop off Diploma\OPC on Sgt desk
- Changed Coach in July
- On Tues night Impaired 1 hour - nothing done 4 hours later advised he wanted to take it home then bring back
- Prob Jack, Rich, Ron also on call Hugh Stevenson
- Region supports to release
- If release - concerned with mental state base on beh - Heard concerns around off -

'No Race ever raise' – Well, how about racially derogatory nickname "Crazy Ivan"?

'Changed Coach in July' – I beg your pardon? It was in September and S/Sgt. Kohen knew it!

'If release – concerned with mental state base on beh – Heard concerns around off'

Though I wonder who brought to S/Sgt. Kohen's attention concerns with my mental state based on behaviour it is immaterial. What matters is that the statement attests that the Respondent totally ruined me by the end of my probationary, that is, discriminatory, harassing, bulling, humiliating, derogatory, oppressing and retaliating period.

THURSDAY 12 NOV 09

2745 [REDACTED] Cst

230 [REDACTED]

1240 Dick Wile - Nell
Dad with car up
Asks if Nell has
other coach train
Dick Asks him why
- heard rumors about
this - no coach
will be available

250 S/Sgt Flusell

107 [REDACTED]

1450 [REDACTED] for [REDACTED]

1450 Quarterly Paper
Sgt Flusell

1515 Teleconference with
Colleen Voth
Dick Wile, N/Sgt,
Flusell & myself
Discussion on possible
order to be fired
George

① not prepared
- too late no
- English w/ 3s
language
1540 H. Stevens - joined
conference summary
of matters
Cst John Purvis
dismissed

1546 Rob Flusell says
forwards Caren
that he has F.A. 2nd
concerned about
his rental state
Dick Wile - Cst
Jackie H. P. check
on my F.A. 1st term
president of your
club

H.S perspective
if more references
to F.A. & been
inappropriate
say at V.I.B.
(if not have to
wait Due Diligence
V.I.B. PSB investigation

(November 12, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

12 Nov 2009

1240

Rich Nie- Neall Read. Mike came up and asked if Neal had other coach than Rich. Asked him why- heard rumours more than one coach. Will advise him on Friday.

1515

Teleconference with Coleen Kohen, Rich Nie, A/S/Sgt Flindall & myself discussion of resign or be fired. Grieve (1) - not prop coach – too late now- English is 3rd language.

1540

H. Stevenson joined conference summary of matters Cst. Jack pursue dismissal

1546

Rob Flindall brings forward concern that he has f.arms concerned about his mental state. Rich Nie –Cst Jacks H.R. check on any F.A. interview president of gun club H.S. perspective if made reference to F.A. & being inappropriate e.g. Of violence. If not have to wait due diligence via PSB investigation.

It is evident that S/Sgt. Coleen Kohen, S/Sgt. Ron Campbell, A/S/Sgt. Robert Flindall and PC Richard Nie were holding a teleconference to decide upon my fate – resign or be fired!!! Those notes of S/Sgt. Campbell were made on November 12, 2009 – over a month before I was presented with the Proposed Release from Employment Notice. Obviously, the rest of the month after the date of these notes was merely a side show for the order to terminate me had already been given.

Unless, Sgt. Flindall's next-door neighbor PC Nie kept him well-informed how would Sgt. Flindall otherwise know about my mental state? Why would Sgt. Flindall be concerned about my mental state? He was concerned because with all the school shootings/massacres by disgruntled students and employment shootings by disgruntled employees he felt I would resort to something similar due to his guilty mind over how he had been treating me. It was this guilty mind that appeared to make him fearful of me. After all he had put me through he had the right to fear me. All I can say about Sgt. Flindall is that he is nothing but evil. When I decided to become a police officer I believed in making positive difference in other people's lives. I could not have possibly envisioned what was in store for me at the Peterborough County OPP Detachment.

Sgt. Flindall did not seem to care or do anything about PC Filman pulling a gun on an unarmed person on May 27, 2009:

RM09061734 OPP	Breach of probation	2009/05/27 12:21	Clr other: Beyond control of dept - 2435 LANSDOWNE ST W between ROTHESAY AVE W and MAPLE GROVE RD W, CAVAN-MONAGHAN TWP ON (Area: 1050, Duty locn: 1I06, ESZ: 81023) Arrest for Breach of Conditional Sentance Order /// See report for details
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Furthermore, Sgt. Flindall did not seem to care about PC Brockley beating a suspect with a baton:

Sometime in fall of 2009, the Special Investigations Unit was conducting an investigation into a severe physical assault of a citizen by an officer. Cst. Brokley had beaten an unarmed man with his baton and the Operations Manager S/Sgt. Ron Campbell had put out a detachment wide e-mail requesting all members offer their support to Cst. Brokley. I pondered at the time that though there may have been some justification to the beating of the individual to gain control, but to beat him to the point that he had to be hospitalized was something that seemed extreme.

Furthermore, no one seemed to care about the unlawful arrest and assault by police on August 2, 2009, (Exhibit 111).

Unless the Respondent is willing to fabricate a Use of Force report filled out and filed by me or a public complaint against me for excessive use of force, police violence or simply inappropriate behaviour, just like the Respondent fabricated a WELCOME JACK.doc letter (Volume 1, I-95) that was allegedly sent to me on January 28, 2011, then the allegations by the Respondent of me being a violent person are nothing, but prejudicial and malicious lies. It also speaks of their racism towards me.

- It is a fact that PC Filman drew his handgun on May 27, 2009, on an unarmed person who was running away from him.
- It is a fact the PC Brockley beat a suspect with a baton in the fall of 2009.
- It is a fact the PC Hanna assaulted an unarmed citizen on August 2, 2009.
- There is not a single fact of me assaulting anyone.

All it boiled down to were prejudicial, false and malicious allegations by a few local police officers in order to oppress, malign, and discredit an outsider, who was smarter and stronger than them and did believe in the Oath he gave to serve people of Ontario and to make difference in people's lives.

Furthermore, just a year prior to November 2009 I was physically, mentally and emotionally healthy. I was at my peak health. Aside from that I was highly educated, goal-oriented and a very driven person.

(December 2008) Counsel's additional disclosure (April 3, 2012), File 291, Ontario Police College diploma: Police Physical Training

All Basic Constable Training students are given the opportunity to test for and receive the Ontario Police Fitness Award. This candidate is to be commended for receiving a perfect score of 100% on this fitness test.

The Physical Training Department recognizes this student for demonstrating a high proficiency level in both the Ontario Police Fitness Award and the PREP test.

(January 2009) Counsel's additional disclosure (April 3, 2012), File 291, Recruit Leadership Assessment Tool OPP, Class # 411:

Additional Comments:

Strong will and excellent fitness level. Has problems working in teams and very driven and self motivated. Failed Night Pursuit PVO. Needs to be placed in primary roles in POST training as may have problems demonstrating discretion. Very direct with his approach to application of law. Communications with others is a problem.

Within a year at the Peterborough County OPP Detachment I was turned into a mentally sick slave. I was turned into such a person not by the unconscious acts of individuals or the stress that was associated with the job of a police officer, but by the deliberate acts of those who have been entrusted with the power to preserve life, treat people with respect and uphold the law.

(November 12, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
Sent: November-12-09 7:06 PM
To: Hannes, Renee (JUS); Thomas, Sandy (JUS)
Subject: Prob Jack

Good evening

I have just finished a conf call with Det members and Region re Prob Jack who has not been recommended for permanent status in his 10 month pcs66p

Renee .. I had sent Sandy and Margaret a message last month outline (giving them the heads up) that things were not improving for this member in month 9 Month 10 review was due yesterday and upon reviewing this member PCS66P he still has 12 Does not meet requirements(out of 28)

Region (Hugh Stevenson) position is to release I support this recommendation from my experience. (I have been working with Det members (coach, Sgt and det commander) since month 5 of this members Prob period.)

My normal course of action is

I will consult with legal

After that has been completed I work with Det/region to submit a BN via CDB and then upstairs for approval of both Prov Commander and Deputy Lewis.

Once that is done and approved. I work with region on the required letters that must be served and I also connect oppa to provide them the heads up

This all falls into place once we get approval from the Deputy Office

I will be consulting with Chris D

When I am back in the office

Next week

Colleen

(November 12, 2009) Counsel's additional disclosure (April 5, 2012):

From: Thomas, Sandy (JUS)
Sent: November-12-09 7:08 PM
To: Kohen, Colleen (JUS); Hannes, Renee (JUS)
Subject: Re: Prob Jack

thanks for the update

Support

Sandy Thomas -----

13Nov09 - PC Nie

- during traffic stop on Highway 28, PC Jack stood in front of suspect vehicle making notes – discussed again how this was unsafe and that although they were seniors we had discussed proper safety concerns before
- during one vehicle stop he wanted to give an Alcotest – placed male in rear of cruiser without checking pockets – when he was asked to turn on the interior light to see the male he started pushing all the emergency equipment and shut off the lights while on the side of the road – took three attempts for him to get the correct light as he was so flustered – did not notice he had turned off emergency lights
- another point during the night we had a vehicle approach us in our lane – we were in left turn lane and vehicle was in our lane – PC Jack appeared very nervous, he recognized the car was in our lane but just moved over and let it go by – it was like he knew he wanted to do something but couldn't decide what to do – I told him to turn around immediately and stop the vehicle – when he did I noticed the car turned into a driveway – I pointed this out to him and he made a turn directly towards the ditch, about 150ft short of the driveway – when our tires touched the gravel shoulder he swore and drove up the shoulder until the driveway – this was all on Highway 7 – told him I would drive for a bit until he regrouped and got himself back together
- while driving down Birchview Road (60km/h zone) he was travelling at 90km/h – I pointed this out and he said it was a straight, clear stretch so it was okay – discussed how he drives below the speed limit on patrol and to calls but this time was 30km/h over the limit
- told by PC Read that PC Jack had approached him and told him he had heard a rumour that he had more than one coach officer while I was coaching him – Read said he told him that I was his only coach the entire time
- I called PC Jack on his way home from work and asked him about who told him the rumours – said that he had "overheard this is one of his ears in passing in the constable room" – said he went to Read to confirm the rumours – told him I wanted to know who had said the rumour because I was going to deal with them too – he said he didn't feel comfortable telling me because he didn't want to get someone else in trouble – asked him what business of his he thought it was to ask Read this information – said he thought he was being honest by going to the source to confirm the rumours – he told me he would tell me in person on Friday who he had heard the rumour from

My responses to the above 6 bullet point entries are as follows:

My response to the 1st bullet point entry is as follows:

The documentation of the incident is true. I jotted something down in my notes in front of the stopped vehicle that was parked on the shoulder. However, and again, it was another minor, but major in the mind of PC Nie.

My response to the 2nd bullet point entry is as follows:

I do not remember that incident. But being that PC Nie was documenting all my mistakes it must have been true. My concern of being so closely monitored by my master made me extremely nervous to the point that I was unable even do something as simple as turn on the interior light of the cruiser without messing it up. The Tribunal can see this point that I make when compared to the comments of PC Stimson when I partnered up with him for a shift on November 16, 2009. PC Stimson told me that I was relaxed and noticed for the first time an exuberant attitude with an air of confidence.

Rebuttal to PCS-066P (Month 11) (Exhibit 61):

Listening Skills

Rating: Meets Requirements

On November 16, 2009 I had an opportunity to take a breather of psychological air. Cst. Nie had a day off and as a result I was doubled up with Cst. Stimson. Towards the end of the shift Cst. Stimson told me that I acted and sounded much better and happier than he had used seeing me and especially hearing my depressed voice on the police radio before. I explained to Cst. Stimson that the absence of the Big Brother next to me with his authoritarian, oppressive and belittling attitude made a world of difference for me and thus was positively reflected in my performance.

Little did PC Stimson know that what he saw in me was present only because of the absence of my master.

My response to the 3rd bullet point entry is as follows:

Rebuttal to PCS-066P (Month 11) (Exhibit 61):

Decisive Insight

Rating: Does Not Meet Requirements

The example referring to the vehicle traveling in my line of traffic on November 13, 2009 is true. Again I must stress that by then my decisive insight and analytical thinking capabilities had been so severely damaged by the treatment that I was being subjected to that I literally needed to be told what to do at every moment of my shift (so to speak).

My response to the 4th bullet point entry is as follows:

The documentation of the incident rings a bell, but I feel that PC Nie exaggerated my speed in documenting it.

My response to the 5th bullet point entry is as follows:

The documentation of the incident is correct and is true.

My response to the 6th bullet point entry is as follows:

The documentation of the incident is correct and is true. I hope the Tribunal will pick up on the manner of PC Nie's communication to me, especially, '**asked him what business of his he thought it was to ask Read this information**'. It is unfortunate, that the Tribunal is not privy to the PC Nie's tone of voice when he was communicating his frustration with me talking to PC Read. To date I remember PC Nie's angry, oppressing, derogatory, belittling tone of voice.

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

13Nov09 - PC Nie

- when walking into work met PC Duignan in parking lot – he told me that PC Jack had approached him and was all scared and upset that I had confronted him on who was spreading rumours and that he didn't know what to tell me – said he told PC Jack to tell me the truth – PC Duignan said that he felt sorry for PC Jack and was just trying to give him some helpful advice – said that he had asked PC Jack for a ride home one day and they talked in the car – said that he told PC Jack that he heard he was having some struggles and that he should talk to PC Read because he thought he had some difficulties as well – PC Duignan said he was only trying to help and he hoped I wasn't taken things any further – told him I appreciated him telling me what he did

My response to the above bullet point entry is as follows:

Please note the excerpt, '**PC Jack had approached him and was all scared and upset**'. Thanks to PC Nie's inculpatory statement the Tribunal can see how I was scared of PC Nie for asking another officer a simple question.

14Nov09 - PC Nie

- had discussion with PC Jack about why he approached PC Read asking questions about his probation period - wondered why he had not approached me about it the night before when he said he would – he began to say that he thought I already knew because PC Duignan had talked to me – he stopped what he was saying before he mentioned Duignan's name – I asked him if he wanted me to finish his sentence and I put Duignan's name in and he appeared very nervous – told him that I had spoke with Duignan who told me that they were in a car together and had a private one-on-one conversation about things – asked why he told me he had overheard things in the constables room in one of his ears instead of telling me the truth – said he knew that Duignan was in "lots of shit" and he didn't want to get him in trouble – asked him to explain why he would lie to his coach, the one person trying to save his job, and side with the

person who in his words was in shit – said that he was just trying to be honest by going to the source – he said that Duignan was the only person that provides him with emotional support and that's what he needs – told him I was sick and tired of playing games and could not stand it when I am being lied to – said that he thought he was being honest and was not trying to play games – told me I was making a mountain out of a molehill – said this was not the case when someone lies to me – he admitted he lied because I put him on the spot and didn't give him time to think of a response – then he said when he talked to Duignan that he suggested to tell me that he had just overheard things in passing and not to say where he had heard things from – asked him if I needed to give him notice next time I wanted to confront him with an issue and give him time to prepare an essay for me as a response - later he said "you say you are sick and tired of me – well I am sick and tired of being accused of playing mind games" – told him that was exactly what I was talking about – he was twisting my words to make me look bad – explained I never said I was sick and tired of him, just that I was sick and tired of the games and he agreed he knew what I meant – then he went on to say that people in their own countries are subconsciously biased towards people from other countries – said that we like to protect our own home and land from visitors – said when he first came to America that he hated Americans because they treated him poorly – said that as he stayed here longer he grew to like people but others did not like his accent and behaviours – said that we all are like that in our own countries – told him that I was upset that he could even suggest that about me and that if I ever heard that come up again I would lose my mind – said that I would not tolerate him accusing my of being biased towards him or his accent – said that he didn't mean me specifically just people in general – told him that I had been down this road before (briefly explained PC Chase) and said that neither I or my family needed this – gave him a brief account of the racism allegations that were suggested and how PC Chase told me that other officers were telling him to lie about me to save his job – PC Jack said he didn't mean to put me and my family in this position – told him again he was twisting my words – confirmed he understood that it was the other officers, not the recruit that had caused the problem – told him that I was the one trying to help save his job and it was very odd that he would lie to me – started to suggest that he had a sleeping disorder and that's why he talked to PC Read about his medical issues – told him again that PC Read's situation was none of his business and he should not have asked about it

My response to the above bullet point entry is as follows:

I hope the Tribunal can see that it was not a case of me twisting words, but rather a case of PC Nie venting his true biasness towards me. Furthermore, in at least one instance around the same time PC Nie called PC Kevin Duignan 'Gandalf' in my presence ('Gandalf' is a fictional character in the Lord of the Rings movie). Though PC Duignan did not seem to pay attention to PC Nie's way of addressing him I found such nickname calling of a senior Constable very derogatory, but did not voice it. I wonder if by calling Senior Constable Kevin Duignan 'Gandalf' PC Nie was trying to show him a sense of belonging.

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

With respect to the "cream puff" nickname, other officers at the Detachment joked with Constable Nie whenever he ate a donut in uniform. When the Applicant ordered the cream puffs, Constable Nie said to the Applicant that he was glad he had someone to support him. When he called him "cream puff" the Applicant laughed out loud. It should also be noted that whenever a rookie comes on to a platoon they end up with a nickname. It is part of the camaraderie and shows a sense of belonging. If the Applicant had not laughed or had indicated that the nickname bothered him, Constable Nie would not have used it again.

Furthermore, PC Nie was fretting about the fact the PC Trevor Pitts' photo was on the wall of honor in the Adam Scott High School in Peterborough while his was not. He seemed to be upset about it because both of them were graduates of Adam Scott High School and both of them were police officers. Of interest is another incident when PC Nie asked me sometime in the fall of 2009 about my future and inquired what I would do if I went back to live in Israel. He asked me something to the effect of: 'Will you be working in Israel as a police captain?' I must say that I found that question very odd at the time.

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

Sometime in October 2009 I learned from some officers at the Peterborough Detachment that Cst. Nie had coached Al Chase (full name: Harry Allen Chase) and that Al Chase had been dismissed from employment with the OPP (Exhibit 48). Al Chase was a visible minority (African-Canadian) with 21 years of service in the Canadian Armed Forces. I subsequently asked Cst. Nie about what happened to Al Chase. Cst. Nie advised me that Al Chase had a learning disability and that he (Cst. Nie) did not know how they did not catch it in the first place. Note: I am sure who "they" were that Cst. Nie referred to – Canadian Armed Forces, Applicant Testing Service, OPP recruitment bureau, Ontario Police College, or Provincial Police Academy. Cst. Nie further advised me that OPP had expended thousands of dollars on Al's tests and had him see psychologists before terminating his employment (Exhibit 62). Ironically I learned much later on in 2010 from Cst. Tapp who was on Sgt. Gerry Smith's shift along with Al Chase that Al was developing into a fine officer. The so called learning disability was his habit of getting the dispatcher to repeat herself that raised the inference that he had a problem with his hearing. Cst. Tapp had worked with Al on some calls on occasions that Al was alone and commented to Cst. Nie that Al was doing a fine job out there. To that Cst. Nie commented that Al must have a learning disability for he keeps getting the dispatcher to repeat herself. Cst. Tapp told him that Al did not have any learning disability and that he (Cst. Tapp) himself often got the dispatcher to repeat herself so then he (Cst. Tapp) must have a learning disability as well. Cst. Tapp also told me of another officer working at the time on Al Chase's shift, Cst. John Dawson who couldn't utter two sentences without stammering and is still employed with the OPP.

(November 15, 2009) (Volume 2, N-33):

From: Butorac, Peter (JUS)
Sent: November 15, 2009 1:13 AM
To: Nie, Richard (JUS)
Subject: FW: Michael Jack remedial driver training

Rich

Please confirm with Mike and let Kent know direct as I'll be away tomorrow

Thanks

Pete

(November 17, 2009) (Volume 2, N-34):

From: Kohen, Colleen (JUS)
Sent: Tuesday, November 17, 2009 7:21 PM
To: Campbell, Ron (JUS)
Subject: Prob Jack

Hi Ron

Sorry, I can't remember did the 10 month review get disclosed to Prob Jack and if so do we have any comments from him?

I am attempting to arrange my call to legal for thur or friday. Just waiting to hear back from her

Colleen

(November 18, 2009) Counsel's additional disclosure (April 5, 2012):

From: Campbell, Ron (JUS)
Sent: November-18-09 8:02 AM
To: Kohen, Colleen (JUS)
Subject: Re: Prob Jack

I have placed it in Sgt Butorac's tray. I am out of the office this morning and when I get back I will make some calls find out and send you an email update. Ron

(November 18, 2009) (Volume 2, N-34):

From: Campbell, Ron (JUS)
Sent: November 18, 2009 4:46 PM
To: Kohen, Colleen (JUS)
Cc: Postma, Jason (JUS); Butorac, Peter (JUS)
Subject: RE: Prob Jack

Colleen I have left Jason a message. I spoke to Rich Nie and he nor Peter were in on Sunday night. Jason was to serve this on Mike Jack... He will reply via email for this. I know of no comments.. Ron

(November 18, 2009) (Volume 2, N-34):

From: Postma, Jason (JUS)
Sent: November 18, 2009 6:52 PM
To: Campbell, Ron (JUS); Kohen, Colleen (JUS)
Cc: Butorac, Peter (JUS); Nie, Richard (JUS)
Subject: RE: Prob Jack

To all -

I served P/C Jack a copy of his evaluation in a sealed envelope Monday, November 16th, at 0540 hrs.

J. Postma.

(November 18, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Postma, Jason (JUS)
To: Campbell, Ron (JUS); Kohen, Colleen (JUS)
Cc: Butorac, Peter (JUS); Nie, Richard (JUS)
Sent: Wed Nov 18 18:51:51 2009
Subject: RE: Prob Jack

To all -

I served P/C Jack a copy of his evaluation in a sealed envelope Monday, November 16th, at 0540 hrs.

J. Postma.

(November 18, 2009) Counsel's additional disclosure (April 5, 2012):

From: Nie, Richard (JUS)
Sent: November-18-09 7:17 PM
To: Kohen, Colleen (JUS)
Subject: RE: Prob Jack

Colleen - we just went to have the meeting and PC Jack advised that although he received the evaluation on Sunday night he did not have time on his days off to read it at all. He will be given time alone here in the next few minutes to read through it alone in a private office as you suggested.

Updates to follow

Rich.

(November 18, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)
Sent: November 18, 2009 7:00 PM
To: Postma, Jason (JUS); Campbell, Ron (JUS)
Cc: Butorac, Peter (JUS); Nie, Richard (JUS)
Subject: Re: Prob Jack

Thanks Jason

Has anyone sat down with him to go over it ? And did he write any comments

Colleen

(November 18, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Nie, Richard (JUS)
To: Kohen, Colleen (JUS)
Sent: Wed Nov 18 19:04:10 2009
Subject: RE: Prob Jack

Hi Colleen - the Sgt. And I will be sitting down with him in the next few minutes and I will update you afterwards. We just finished shift briefing.

Rich.

(November 18, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)
Sent: November 18, 2009 7:05 PM
To: Nie, Richard (JUS)
Subject: Re: Prob Jack

You are so on top of things

Thanks

Colleen

(November 18, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Campbell, Ron (JUS)
Sent: November 18, 2009 7:06 PM
To: Postma, Jason (JUS); Kohen, Colleen (JUS)
Cc: Butorac, Peter (JUS); Nie, Richard (JUS)
Subject: Re: Prob Jack

Thanks any comments from Mike?

(November 18, 2009) Counsel's additional disclosure (April 5, 2012):

From: Postma, Jason (JUS)
Sent: November-18-09 7:14 PM
To: Campbell, Ron (JUS); Kohen, Colleen (JUS)
Cc: Butorac, Peter (JUS); Nie, Richard (JUS)
Subject: RE: Prob Jack

At the time of serving - no. I had told him it was for him to read by the next set of shifts. He was too busy finishing up at the end of shift to read it then and only said thanks.

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

WED 18 NOV 09 20:45 MEETING WITH PC NIE AND SGT BUTORAC TO DISCUSS MY PCS - 066P EVAL. MONTH 10.	WOMEN ON MY EVALUATION + RESPONSE TO IT SPOUSE W/IN SGT BUTORAC ABOUT MY RESPONSE TO THE EVALUATION PUT INITIAL REPORT ON FILE AS. RAC
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Anticipated evidence of Mr. Michael Jack (Schedule A):

On November 19, 2009, I received an email from the D/Sgt. Thompson advising me that the allegation of me associating with undesirables was not substantiated (Exhibit 39, page 3).



**Professional Standards Bureau
Investigation Report
2545009-0173**

Date of Incident: September 11, 2009

Date of Complaint: September 11, 2009

Investigation Type: Internal Complaint

File No. 2545009-0173

Complainant: Sergeant Major M. Graham
Professional Standards Bureau
Ontario Provincial Police

Respondent: Michael Jack
Provincial Constable #12690
Peterborough County Detachment
Ontario Provincial Police

Investigator: Tym Thompson
Detective Sergeant #7775
Professional Standards Bureau
Ontario Provincial Police

Finding: Association with Undesirables - Unsubstantiated

Summary of Complaint:

Provincial Constable Michael Jack showed members of the Peterborough County Detachment a photograph of himself and several other people. Three of the persons in the photograph are known to police as criminals. Jack queried an OPP surveillance vehicle licence plate which he could not provide an explanation for.

Code of Conduct Allegations:

Discreditable Conduct – Associate with Undesirables

Professional Standards Bureau
Investigation Report
2545009-0173

Summary of Witness Statements:

Complainant – Martin Graham:

He was the Sergeant Major that received information about Jack and the photograph.

Witness – Shaun Filman:

He was Jack's coach officer. He observed the photograph and asked Jack about it.

That is incorrect. I told PC Filman about the photograph and I brought it to the detachment voluntarily with the best of intentions to confirm we spoke about the same people.

Witness – Jamie Brockley

He was a drug investigator, now assigned to Peterborough County Detachment. He observed the photograph and recognized Edwardes-Evans, Karaj and Tzavaras. He knows these three persons to be undesirables.

PC Brockley was re-assigned from the Drug Unit to the Peterborough County OPP Detachment after his affair with PC Stephanie Mackaracher became publicly known. PC Brockley could have observed Edwardes-Evans because Edwardes-Evans was not in the photograph.

Witness – Rob Flindall

He was the Sergeant at Peterborough County Detachment, he gathered the information from Filman and Brockley and alerted his supervisors.

Sgt. Flindall in his relentless pursuit to drive me out gathered the information to further discredit me. The Tribunal has to admire Sgt. Flindall's insatiable appetite to have me for breakfast.

Undesirable Person – George Tzavaras

(Not spoken to in this investigation) He has a criminal record for violence and is believed to be involved in drug trafficking. He worked out at Good Life Fitness Centre in 2003.

If how the OPP treated me and how quick they were to rush to judgment in the allegation of me associating with "Undesirables" (based on a simple photograph that was six years old and that was introduced by me voluntarily with the best of intentions to fight crime) then one has to naturally wonder about the OPP's belief that George Tzavaras was involved in drugs. If I, a Russian-Israeli immigrant with no criminal record was treated like dirt how much better could one expect the OPP to treat another Russian or for that sake any immigrant with a criminal record?

Yet again, if someone with a criminal record is classified by the OPP as an "Undesirable" which is so humiliating and degrading and contrary to the Code, then the OPP also viewed me as an "Undesirable" because of all the negativity being documented along with a false allegation that I was associating with

people with criminal records. To use the poignant terminology of Sgt. Flindall that he believed I was involved with a criminal organization is akin to me also being referred to as an “Undesirable”.

Nowhere in the Police Services Act and its Regulations is anyone with a criminal record referred to as an “Undesirable”. Canada would never refer to its citizens as “Undesirables” regardless of whether or not they have criminal records. However, the OPP singles out and classifies such persons as “Undesirables” and is quick to deny any allegations that they have violated the provisions of the Ontario Human Rights Code. Consequently, Counsel for the Respondent wants this Tribunal to believe that I was not treated with racial contempt. Hogwash!!!

Undesirable Person – Elvis Agim Karaj

(Not spoken to in this investigation) He has a criminal record for violence and theft. He is believed to be involved in drug trafficking. He worked out at Good Life Fitness Centre in 2003.

Undesirable Person – David James Edwardes-Evans

(Not spoken to in this investigation) He has a criminal record for theft. He is believed to be involved in drug trafficking and drug importation. He worked out at Good Life Fitness Centre in 2003. He received a rifle scope in the USA and brought it to Canada for Jack.

Summary of Statement of Respondent Officer – Constable Michael Jack:

Jack posed in a photograph with Edwardes-Evans, Karaj and Tzavaras. Jack brought the photograph into the detachment and showed it around.

I do not get it. Since I brought the photograph to the interview by D/Dsgt. Thompson and let him photocopy it for his records (actually I told him he could have it, but he chose to only photocopy it and returned the original to me) how could D/Sgt. Thompson have stated that Edwardes-Evans was in the photograph when he was not there? While Tzavaras and that prick Karaj got into the picture, Edwardes-Evans was not even around at the time the photo was taken!

This deliberate manipulation of facts on the part of the OPP also questions their ability to do a proper investigation. PC Brockley lied in stating that all three were present in the photograph when only two were. The Tribunal has been provided with the copy of the photograph (Exhibit 74) and will have an opportunity to view the original photograph during the hearing. Hence, PC Brockley’s credibility is questionable as well as the credibility of D/Sgt. Thompson. He was shown the same photograph and I named everyone present. He knew Edwardes-Evans was not present yet prepares this report in the manner presented. There was no basis for any investigation to be conducted and the truth was evident. However the investigation that was conducted is another example of the shoddy investigations of the OPP – one that lacks integrity and professionalism as initially pointed out in Exhibit 96b.

Referenced Information:

Police Services Act Ont. Reg 23/198 "Code of Conduct" Sec 2 (1)(a)(xi)

Noteworthy is the fact that there is no PSA Ont. Reg. 23/198. The correct regulation is Ont. Reg. 298/10.

The regulation states the following:

PART VIII (OMITTED)

31. OMITTED (REVOKE OTHER REGULATIONS). O. Reg. 268/10, s. 31.
32. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 268/10, s. 32.

SCHEDULE CODE OF CONDUCT

2. (1) Any chief of police or other police officer commits misconduct if he or she engages in,
 - (a) DISCREDITABLE CONDUCT, in that he or she,
 - (xi) acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force of which the officer is a member;

My allegation obviously fell under the later part of sub-clause '(a) (xi)' which reads '... likely to bring discredit ...'. In light of the aforementioned I re-iterate what I mentioned earlier that nowhere does one see the mention of anyone with a criminal record to be an "Undesirable". Coming short of including that whole PSA and or the complete Ont. Reg. 298/10 there is no reference to anyone with a criminal record as being an "Undesirable". Being an "Undesirable" is an exclusive term used by the Ontario Provincial Police that is obviously condoned by the Ontario Public Service for anyone that has a criminal record as evidenced by D/Sgt. Thompson's classification of the three named individuals. Obviously, it must be in compliance with the Ontario Human Rights Code. Hogwash!

Investigation:

On August 25, 2008, Provincial Constable Michael Jack was hired by the Ontario Provincial Police. He was assigned to Peterborough County Detachment as his first posting. Peterborough has been his home for the last ten years. His coach officer was Provincial Constable Shaun Filman.

Please note that as of August 25, 2008, Peterborough had been my home for almost 8 years, not 10.

Shortly after Jack arrived at Peterborough Detachment in January 2009, he met Brockley. Brockley wrote in his duty report that Jack was interested in drugs as a line of police work and told him that he knew Edwardes-Evans, Karaj and Tzavaras from his time at the gym. Jack also said that he had a photograph of them. Jack told Brockley that Edwardes-Evans brought him back a rifle scope from the United States. The next day Jack produced a photograph of himself and Edwardes-Evans, Karaj and Tzavaras at Good Life Fitness Gym in Peterborough. PC Brockley and Filman viewed the photograph. Brockley observed 8-10 people in the photograph and recognized Edwardes-Evans, Karaj and Tzavaras, as well as Jack. Brockley advised Jack that Karaj and Tzavaras were involved in the drug trade. Jack told him that he didn't know what they did, but they always seemed to have a lot of money.

- I was interested in working in the drug unit as a line of police work because all my life I have been strongly opposed to drugs. As a matter of fact I have never tried any illegal drugs in my entire life.
- There were only 6 people in the photograph!
- How could PC Brockley and PC Filman recognize Edwardes-Evans in the photograph when he was not even present in it? This flaw in their cognitive abilities can be seen to have a serious impact on the credibility of any investigations they conduct.

Jack advised Filman that he was unaware until recently that Edwardes-Evans, Karaj and Tzavaras had a known and substantial criminal history. Jack told Filman that he knew them from the gym and it was not a close relationship. Filman wrote in his duty report that "Michael Jack indicated that he had known that David James Edwardes-Evans traveled to the United States on occasion and had gotten him to purchase and return a rifle scope to him. He further explained that due to the fact that the relationship was not a close one it had taken him some time for this to occur and in fact Edwardes-Evans had re-approached him months after the original request to say he could do it on an upcoming trip". Jack told Filman that these people do not know that he is an OPP officer and this may be of benefit in a possible undercover operation.

I was naïve in my belief that I could be an undercover officer to fight an organized crime. I could not have imagined that the Respondent was going to use it against me to malign, discredit, isolate, oppress and establish a *prima facie* case for my dismissal from employment with the OPP.

Filman wrote in his duty report that "Sometime later Michael Jack was assigned to attend court and fingerprint some persons in custody. One of the persons in custody turned out to be Edwardes-Evans. I was present when the fingerprinting took place and I did observe Edwardes-Evans see Michael Jack and have a perplexed look on his face and acknowledge to Michael Jack that he was now a police officer. Edwardes-Evans did not appear to have a close relationship with Michael Jack or have knowledge that he was a police officer".

At least PC Filman was truthful about his observations of Edwardes-Evans perplexed look when he saw me in uniform.

Brockley wrote in his duty report "I was not concerned nor did I see it necessary at the time to make a notation in my notebook on the photograph". Filman wrote in his duty report "It was my interpretation that Michael Jack had come to associate with these people based on a common interest in body building and a common place to participate in this activity".

Exactly!

On July 31st 2009, Jack queried a licence plate through the Smiths Falls Communication Centre. The plate was registered to ARI Financial which is a company used by the Ontario Provincial Police to disguise vehicles operated by the Ontario Provincial Police. Jack stated that he had no recollection of running the licence plate and made no notes regarding the plate.

That is correct.

Sgt Flindall was advised of the photograph and the licence plate query in relation to Jack. He advised his supervisors.

PC Payne advised Sgt. Flindall about the querying of the plate, had PC Filman and her common-law spouse PC Brockley advise Sgt. Flindall about the photograph. Sgt. Flindall in turn advised S/Sgt. Campbell, S/Sgt. Coleen Kohen and Insp. Johnston about both.

On September 22nd 2009, Professional Standards reviewed the logger tape for July 31st 2009. The tape revealed that Jack stopped a vehicle on the side of the road, he ran the proper marker. The Communications Centre mistakenly replaced Z with X in the marker and provided the ARI Financial details. It was Jack that identified the ARI Financial vehicle as being the wrong vehicle and asked for the plate to be checked a second time. The dispatcher acknowledged the mistake as hers and provided the proper details.

Still, they proceeded with the investigation.

On October 30th 2009, Detective Sergeant Thompson interviewed Jack in relation to his association with Edwardes-Evans, Karaj and Tzavaras. Jack advised that in 2003 he worked out at Good Life gym for a four month period. It was at this time that he met Edwardes-Evans, Karaj and Tzavaras. He only ever saw Karaj and Tzavaras at the gym and has not seen them since. He did not see Edwardes-Evans for a number of years after 2003.

That is only partially correct. I did see Karaj from a distance in the winter of 2007 in Good Life gym.

In July 2008, Jack began seeing Edwardes-Evans at Gold's gym. At the gym, he told a friend that he wanted to buy a rifle scope in the United States, but they would not ship to Canada. Edwardes-Evans overheard this conversation and offered that if Jack had it shipped to Edwardes-Evans brother's place in Arizona, he could bring it back for Jack. They exchanged phone numbers. Edwardes-Evans phoned Jack and said he was going to the States. Jack purchased the rifle scope and had it shipped to Edwardes-Evans brother's residence. Edwardes-Evans picked up the scope, brought it back to Canada and gave it to Jack in the Gold's Gym parking lot in July or August 2008.

That is correct.

Jack turned the photograph over to Professional Standards. The stamp on the back of the picture had an 03 which indicated the photo was developed in 2003. The photo was of several males at the gym posing for the photo. Jack pointed out Edwardes-Evans, Karaj and Tzavaras as well as a corrections officer in the picture.

That is only partially correct as Edwardes-Evans was not in the photograph.

Analysis

There is insufficient evidence to support the allegation that Michael Jack is associating with undesirables. The photograph was from 2003, five years before Jack ever became a member of the Ontario Provincial Police. Jack stated in his interview that he has not had any contact with them since becoming a police officer.

Please note the excerpt: '**Insufficient evidence**'. How could a six (not five) years old photograph disclosed voluntarily by a member with the best of intentions to be of use to the OPP, i.e. fight organized crime possibly through an undercover operation, be interpreted as an insufficient evidence to support the allegation that this member was associating with the very people he wanted to fight against?

The ARI Financial vehicle information was a mistake made by the dispatcher. On the logger tape she was heard saying "10-4, I had an X where the Z is, stand by". It was Jack that pointed out the error to her. Jack did not make any notes of the ARI Financial plate, because he never queried it.

That is correct!

Jack's relationship with Edwardes-Evans, Karaj and Tzavaras was related to the gym and is minimal at best. Since Jack became an Ontario Provincial Police officer he has not associated with Edwardes-Evans, Karaj or Tzavaras.

That is correct!

Conclusion:

The allegation is **unsubstantiated**.

Tym Thompson

Detective Sergeant #7775

Professional Standards Bureau

Ontario Provincial Police

Though I am thankful for the outcome of this false investigation I re-iterate my points mentioned above in D/Sgt. Thompson's referenced information section. Once again I also state that this is an example of the shoddy investigations of the Ontario Provincial Police that denotes a lack of integrity and professionalism.

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

From the Respondent's disclosure the real names of the three "Undesirables" in my statement are:

- Male X – Elvis Karaj
- Male Y – George Tzavaras
- Male Z – Dave Edwardes-Evans

The allegation:

In the summer of 2003, I was a member of the GoodLife fitness club located at 1625 Chemong Road in Peterborough (Exhibit 97). I normally worked out at the Trent University Athletics, Complex but in the summer of 2003 decided to change gyms for the summer time only. During that time I developed dozens of acquaintances – the so called gym buddies. At the club, we spotted each other, exchanged pleasantries and jokes and simply talked in between the exercises. I never socialized with any of the gym buddies outside of the club boundaries. There was one male person (Male X) whom I did not particularly like. I knew Male X by his first name only. Male X was apparently of Albanian origin. On two separate occasions I observed Male X cornering a woman and talking to her in an intimate manner. At the time I thought she was his girlfriend. Still, his behavior did not look appropriate to me. Male X was friends with Male Y, who was apparently of Greek origin. I knew Male Y only by his first name only. Male Y seemed like a nice person. There was also Male Z who seemed like a nice person. Male Z was of Canadian origin. I knew Male Z by his first name only. A year or two later, I heard a rumor that Male X had been banned from the GoodLife fitness club on the grounds of sexual harassment. When I heard it, I recalled the "cornering" incidents I had witnessed and it became apparent to me what went on when I saw Male X corner a woman in the club in the summer of 2003.

I have not spoken with Male X since the summer of 2003. I was back working out at the GoodLife fitness club in 2006/07 (Exhibit 97). One evening at approximately 8:30 pm I observed Male X come into the club as a guest accompanied by his buddy, who was a member of the club. The club operated till 9:00 pm. I walked into a different room without even making eye contact with Male X. Suspecting that Male X was still banned from the club I went upstairs to advise the front desk staff of the situation. I do not remember who I spoke to and what I said. It had been almost four years since the time of the incident and the banning of Male X from the club and the front desk staff changed. I think since the club was already closing for the day, nothing happened. I had not seen or heard of Male X since that day until I became a police officer.

I have not spoken with Male Y since the summer of 2003. I saw Male Y very briefly from a distance in November 2009, in a local coffee shop (which he or his wife apparently owns) when I was on duty accompanied by Cst. Nie. It was the first time since the summer of 2003 that I saw Male Y.

In the spring of 2008 I terminated my membership with the GoodLife fitness club because I signed up with the Gold's Gym fitness facility located at 1154 Chemong Road in Peterborough. As it turned out, Male Z also became a member of the Gold's Gym so I occasionally saw and spoke to him in the GYM only. In July 2008 Male Z told me he was going to the USA to visit his brother and since I could not get the scope mount I wanted in Canada (all the Canadian suppliers I was aware of were temporarily out of stock), I asked him if he could bring one for me from the USA. He said he could. I paid for the scope mount with my credit card and had it shipped to Male Z's brother address in Arizona, which he then brought to me. Male Z knew that I was teaching Computer Science at Trent University but he did not know that I was enroute to becoming a police officer.

Sometime in February 2009 Cst. Filman and I were travelling south bound on Chemong Road. Cst. Filman was operating the police vehicle while I was seated in the front passenger seat. I asked Cst. Filman which territorial division the GoodLife fitness club was situated in, the City of Peterborough or the Peterborough County. Cst. Filman told me that the GoodLife fitness club was located in the Peterborough County just outside the city limits. Note: In some parts, Chemong Road serves as a border between the City of Peterborough and the Peterborough County. I then asked Cst. Filman if he ever heard of Male X. Cst. Filman advised me that he knew of him and that he was a nasty person and that if I wanted to know more about him I should be speaking with D/Cst. Brokley from the Drug Unit. When I got home, excited and naïve, I searched in my photo albums and found a photograph (Exhibit 74, the top one) of me with Male X, Male Y and a three other gym buddies from my summer 2003 training at the GoodLife fitness club. Note: I brought a photo camera to one of my last work outs at the club to take a few photographs to commemorate my summer time at the club. In one of the photographs that were taken, both Male X and Male Y got in. These were people that I on occasion worked out with at the GoodLife fitness facility that I was a member of. I must stress that at no time did I consider any one of these people friends. I brought the photograph to the detachment and showed it to both Cst. Filman and D/Cst. Brokley to verify we were referring to the same people. D/Cst. Brokley advised me that both of these males were trafficking drugs and asked me if they knew I was a police officer. I advised D/Cst. Brokley that they should not have known as I had not been in contact with them since the summer of 2003. That was it.

Approximately a month later I saw and exchanged a few words with Male Z at the Peterborough Courts jail when he was fingerprinted by Cst. Rusaw. Apparently Male Z was kept in custody for a breach of recognizance in a domestic assault along with some other pending charges on him. He was surprised to see me in the police uniform. He first thought that I was volunteering for the OPP. Very little was said. Basically, he looked at me very arrogantly and I told him that I was a full-time police officer. That was the last time I had any contact with Male Z.

Later during the course of my duties I learned that Male X, Male Y, and Male Z were connected and were in the business of trafficking marijuana into the USA. It was a multi-jurisdictional case in which federal, provincial and various municipal police forces were involved. It was certainly out of my realm. Male X was free and his whereabouts was unknown. Male Y was free. Male Z was in custody. That was the end of the story.

On September 11, 2009, it was alleged that I associated with Male X, Male Y and Male Z (Exhibit 39, page 1). It appears that when I had become a police officer the very photograph that I showed to Cst. Filman and D/Cst. Brokley **was introduced 7 months later** in a scheme to malign, discredit and eventually establish a *prima facie* case for my dismissal from employment with the OPP. I must reiterate that at no time was I associating with any of the alleged undesirables. So in my case, a simple photograph did not cause them to ask me who those people were and/or what was my connection with them. Someone at the Peterborough Detachment waited for 7 months from the time I advised Cst. Filman and Cst. Brokley that I knew Male X, Male Y, and Male Z to launch a formal investigation by the Professional Standards Bureau of the OPP against me with the allegations of me associating with undesirables. My former colleagues who filed the complaint against me and who are local to the Peterborough area and as I observed had limited exposure to multiculturalism intentionally and maliciously associated me with the above persons two of whom were members of a group identified in the Ontario Human Rights Code. The ensuing PSB investigation was orchestrated timely – towards the end of my probation wherein I would have never been able to resurrect myself into good standing.

At the interview, among other questions, D/Sgt. Thompson asked me about the photograph I had with Male X and Male Y appearing in it. By that time I had figured out who the “Undesirables” I was alleged to associate with might have been and brought the photographs (Exhibit 74) to the interview. I presented the photographs to D/Sgt. Thompson and allowed him to photocopy one of them (Exhibit 74, the top one) for his records. I really had nothing to hide as there had never been any association whatsoever on my part with any of the undesirables. At the conclusion of the interview D/Sgt. Wolfe looked at me with compassion and said, “Things will work out for you. Do you have any vacation coming up? You look like you need a break”.

Recall: Cst. Payne and Cst. Filman are friends. Cst. Payne and Cst. Brokley are common law spouses. Cst. Payne and Sgt. Flindall are close friends. Sgt. Flindall and Cst. Nie are neighbors. I firmly believe they orchestrated filing the complaint against me to oppress and discredit me as a reprisal action for standing up for my rights. It is noteworthy to point out, that during the fall of 2009 Cst. Brokley never looked me in the eyes. Whenever we happened to be in proximity, he always averted his eyes. Why?

It is also worth making a note of the fact that Cst. Marc Gravelle and Cst. Ken Rusaw recognized me when I first met and spoke with them at the Peterborough Detachment. It turned out that both of them had been members of the GoodLife fitness club at 1625 Chemong Road in Peterborough and had seen me working out there. Have they ever been accused of associating with undesirables?

Note: D/Cst. German has promised to burn me a copy of the interview (Exhibit 26a, page 8). Despite reminding and asking D/Cst. German for a copy of the interview 4 times, as of the date of this statement, I still do not have it.

(November 19, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)
Sent: November 19, 2009 6:53 PM
To: Nie, Richard (JUS)
Cc: Campbell, Ron (JUS)
Subject:

Hi rich

Wondering if you can send me a copy of that report you mentioned on the conf call last week

I have a conf call with legal on monday and feel this will assist

Also if Prob Jack does provide any written comments please send to me as I feel the 10 month review will be in the mail by the time we have submit the BN

Tx

Colleen

(November 19, 2009) Counsel's additional disclosure (April 5, 2012):

From: Nie, Richard (JUS)
Sent: November-19-09 8:06 PM
To: Kohen, Colleen (JUS)
Subject: RE:
Attachments: coach09.doc

Hi Colleen - I have attached the report as you requested. Just in case you find it confusing, I have documented everything in this report - including comments made to me by him in relation to his PSB case in the event that I am a witness. It is not as formal a document as I prepared for PC Chase as I do not have all the information that took place prior to him coming to me in month nine. This will just be used as a guideline if that document is required again.

He did write a response to the evaluation but you will have to get that from Ron - I did not see it as it was attached after being handed directly to Sgt. Butorac.

Hope this helps,

Rich

Please note the excerpt, '*It is not as formal a document as I prepared for PC Chase...*'

19Nov09 - PC Nie

- Two hour meeting with Sgt. Butorac, myself, and PC Jack - PC Jack explained that he feels that when he is with me there is an axe above his head the entire time. He said it is a love-hate relationship - he loves my teaching but hates how intimidating it is to be in the car with me. He said that what I am seeing is not representative of how he would perform if he was alone. He said that he feels so much pressure to do things right with me that he screws up all the time. He then went on to explain the psychology of this and how when I point out the mistakes that he is making that everything is always negative. He said he does not have 100% trust in me for my motives - he said he feels that maybe I am documenting everything to cover my ass in case he is fired and there is a lawsuit that happens. He said that there were things written about him in the evaluation that were not true. When asked what motivation I had to lie he just nodded his head when I stated I had no reason to lie. He said that his biggest problem is me as I am watching over his every move - He was assured by both of us that we only had his interests at hand in attempting to help him pass. He confirmed he knew that but could not change how he felt. He was asked if he felt that if he was with someone else could he perform better. He advised that there was no point as a new person would have to learn all about him and it would be like starting over. He said if I was his coach from the start that he would not be in this position - he feels I expect too much from him and I said only what is expected from a recruit at their 11th month. He feels he would be at standard had I been coaching him from the start and that's why he is behind - The Sergeant explained to him that he has no choice but to work in this situation - that he is being watched by his coach. He acknowledged this but still felt he would be fine if by himself and not under pressure. It was re-iterated that stress and pressure were parts of the job and he needed to be able to perform under these situations as well. He commented how he forwards emails and work to his house so he can work on them without distraction, that there is always too much going on around him at the office and pressure to be out on the road. I told him this was exactly one of the points we were making - he has to be able to work effectively even with all the distractions

My response to the above bullet point entry is as follows:

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

On November 18, 2009, I was presented with my Month 10 performance evaluation (09 Oct 2009 – 09 Nov 2009) (Exhibit 37) by Sgt. Butorac. The evaluation was prepared by my coach officer Cst. Nie. There were 12 “Does Not Meet Requirements” ratings. The requirement for the recommendation to be made to change from probationary to permanent status is that the Probationary Constable has all 28 “Meets Requirements” ratings in the Month 10 performance evaluation. Needless to say, that was the end of my short career as an OPP officer. Cst. Nie mentioned something about extending my probationary period by two months and that he was not giving up on me. Cst. Nie further added that on his days off he was teleconferencing with “white shirts” in OPP Headquarters in Orillia about me. He never told me what they were discussing and I never asked.

On November 19, 2009, during the meeting with Sgt. Butorac and Cst. Nie, in a frank manner I voiced my concerns regarding my Month 10 performance evaluation. I was subsequently negatively rated for doing that in the *Respectful Relations* section in my Month 11 performance evaluation (Exhibit 44). It was further commented in my evaluation that only my interests were at hand in both my Sergeants’ and my coaches’ attempts to help me pass my probationary period. Let’s just get the facts straight: in a meeting with my supervisor and my coach officer I openly and frankly voiced my concerns. Next, I got negatively documented for doing that. Next, I was assured that only my interests were at hand. Pardon me, but this does not make any sense! Also, at the meeting Sgt. Butorac said that my traffic reports (Exhibit 47d) were the best at the detachment. He then immediately looked at Cst. Nie and said, “Sorry, Richard”. Cst. Nie did not respond. I was never commended on the record for having the best traffic reports at the Peterborough Detachment.

Rebuttal to PCS-066P (Month 11) (Exhibit 61):

Respectful Relations	Rating: Does Not Meet Requirements
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On November 19, 2009, during the meeting with Sgt. Butorac and Cst. Nie, in a frank manner I voiced my concerns regarding my Month 10 performance evaluation. I was subsequently negatively rated for doing that in the *Respectful Relations* section in my Month 11 performance evaluation. It was further commented in my evaluation that only my interests were at hand in both my Sergeants’ and my coaches’ attempts to help me pass my probationary period. Let’s just get the facts straight: in a meeting with my supervisor and my coach officer I openly and frankly voiced my concerns. Next, I got negatively documented for doing that. Next, I was assured that only my interests were at hand. Pardon me, but this does not make any sense!

If they had any degree of honesty and integrity they would have admitted that first, they did not like me because I was a minority that spoke with a thick accent, second, a minority that was more academically acclaimed that any one at that detachment, third a person (let alone a minority) that was not even born and raised in the Peterborough area, fourth, a minority that had the potential to achieve much more within the organization should he be allowed to pass his probation period.

(???, 2009) (Volume 2, M), PC Nie's notes:

2045 - meeting with Sgt.
Butorac + PC Jack
re: evaluation
2235 - clear

[black]

2045 – meeting with Sgt.
Butorac + PC Jack
re: evaluation
2235 – clear

(???, 2009) (Volume 2, M), PC Nie's notes:

0504 In Det
- talk with PC Jack -
says he has love/hate
relationship - loves teaching
hates intimidation - says
he doesn't trust my motives
0549 In Det

0504 Att. (Attend) Det (Detachment)
- talk with PC Jack
says he has love/hate
relationship – loves teaching
hates intimidation – says
he does not trust my motives
0549 In Det.

The above notation is true. I was so oppressed and enslaved at the time when I made that comment to PC Nie. Yet, retrospectively I commend myself for having the courage to tell PC Nie at the time that I did not trust his motives. I learned that Sgt. Flindall and PC Nie were next-door neighbors many months after my termination.

(November 19, 2009) Counsel's additional disclosure (April 5, 2012):

From: Nie, Richard (JUS)
Sent: November-19-09 6:02 AM
To: Kohen, Colleen (JUS)
Cc: Campbell, Ron (JUS); Butorac, Peter (JUS)

Hi Colleen - after a two hour meeting with Sgt. Butorac, myself, and PC Jack, here are the main points of the discussion. PC Jack explained that he feels that when he is with me there is an axe above his head the entire time. He said it is a love-hate relationship - he loves my teaching but hates how intimidating it is to be in the car with me. He said that what I am seeing is not representative of how he would perform if he was alone. He said that he feels so much pressure to do things right with me that he screws up all the time. He then went on to explain the psychology of this and how when I point out the mistakes that he is making that everything is always negative. He said he does not have 100% trust in me for my motives - he said he feels that maybe I am documenting everything to cover my ass in case he is fired and there is a lawsuit that happens. He said that there were things written about him in the evaluation that were not true. When asked what motivation I had to lie he just nodded his head when I stated I had no reason to lie. He said that his biggest problem is me as I am watching over his every move.

He was assured by both of us that we only had his interests at hand in attempting to help him pass. He confirmed he knew that but could not change how he felt. He was asked if he felt that if he was with someone else could he perform better. He advised that there was no point as a new person would have to learn all about him and it would be like starting over. He said if I was his coach from the start that he would not be in this position - he feels I expect too much from him and I said only what is expected from a recruit at their 11th month. He feels he would be at standard had I been coaching him from the start and that's why he is behind.

The Sergeant explained to him that he has no choice but to work in this situation - that he is being watched by his coach. He acknowledged this but still felt he would be fine if by himself and not under pressure. It was re-iterated that stress and pressure were parts of the job and he needed to be able to perform under these situations as well. He commented how he forwards emails and work to his house so he can work on them without distraction, that there is always too much going on around him at the office and pressure to be out on the road. I told him this was exactly one of the points we were making - he has to be able to work effectively even with all the distractions.

Hope this helps clarify some things for you - have to admit that I was quite stunned to hear him say at this stage of the game that his issues were my fault - or better put as a result of being in the car with me. At any rate, we'll keep plugging away,

Rich.

This e-mail provided by the Counsel for the Respondent shows the limited scope of view of my personal respondents in their assertion that stress and pressure were parts of the job and he needed to be able to perform under these situations as well. The stress that one should be able to cope with and work under is stress from an officer's interaction with the public during his/her calls for service and not stress from peers and management. This is exactly what the Ontario Public Service strives to eliminate in their many mandatory e-courses for all employees. This is exactly the stress that the Ontario Human Rights Commission attempts to eliminate from its Provincial and Public employers.

(November 20, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Campbell, Ron (JUS)
Sent: November 20, 2009 8:45 AM
To: Kohen, Colleen (JUS); Nie, Richard (JUS)
Subject: RE:

Colleen did Rich send this as I do not have it.. Ron

(November 20, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)
Sent: Friday, November 20, 2009 8:51 AM
To: Campbell, Ron (JUS); Nie, Richard (JUS)
Subject: RE:

Good Morning

Ron

Can you send me the last couple of pages of the PCS66P that have all the comments on it. I don't need the entire PCS66P as I have that.

My fax is 905 681 2893 or you can scan it to me.. If you have one

Colleen

(November 20, 2009) Counsel's additional disclosure (April 5, 2012):

From: Campbell, Ron (JUS)
Sent: November-20-09 9:45 AM
To: Kohen, Colleen (JUS); Nie, Richard (JUS)
Subject: RE:

I sent the whole thing...I see his rebuttal the last page only disputes one incident where he states he did not get out of the car and approach a vehicle only his coach did... Ron

(November 20, 2009) Counsel's additional disclosure (April 5, 2012):

From: Campbell, Ron (JUS)
Sent: November-20-09 9:03 AM
To: Kohen, Colleen (JUS)
Subject: FW: Updated comments. FW: Prob Jack

Hopefully this is what you need.... if not I will trundle down the hall and across the building and fax what is in the file... Ron

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

From: Campbell, Ron (JUS)
Sent: Tuesday, November 10, 2009 2:25 PM
To: Nie, Richard (JUS); Butorac, Peter (JUS)
Subject: Updated comments. FW: Prob Jack

Updated....

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

From: Campbell, Ron (JUS)
Sent: Tuesday, November 10, 2009 7:57 AM
To: Kohen, Colleen (JUS); Nie, Richard (JUS)
Cc: Lee, Dave E. (JUS); Borton, Doug (JUS); Butorac, Peter (JUS); Flindall, Robert (JUS)
Subject: FW: Prob Jack

Rich: This was well done. I have appended my comments> I am available Thursday afternoon... or today provided we end by 3pm. Ron

(November 20, 2009) (Volume 3, X), S/Sgt. Campbell's notes:	(November 20, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:
1030 Fax - Jack assault work in chambers	20 Nov 09 1030 Fax Jack evaluation work on chronology

(November 20, 2009) (Volume 1, I-14):

From: Gozzard-Gilbert, Shelley (JUS)
Sent: Friday, November 20, 2009 3:32 PM
To: Whitmell, Sheila (JUS)
Cc: Flindall, Robert (JUS); Campbell, Ron (JUS)
Subject: Michael JACK WIN#393080

Sheila

Can you please check into this for me :) Apparently Michael is not being recommended for permanent status. It is my understanding that they are still entitled to their pay increase after their one year of service? Please advise.

Thanks
Shelley

(November 20, 2009) (Volume 1, I-14):

From: Campbell, Ron (JUS)
sent: November 20, 2009 4:10 PM
To: Gozzard-Gilbert, Shelley (JUS); Whitmell, Sheila (JUS)
Cc: Flindall, Robert (JUS)
Subject: RE: Michael JACK WIN#393080

He still has 2 more months to be able to attempt to reach an acceptable level. Ron

S/Sgt. Campbell was completely “confused”!

- On November 12, 2009, he participated in a teleconference where it was evident that the order to terminate me was given by way of an ultimatum, **‘resign or be fired.’**
- Also, between November 20, 2009, and December 15, 2009 (my termination date) there were only 25 days.
- Yet in response to Shelly’s e-mail S/Sgt. Campbell “got confused” and stated that I **‘still had 2 more months to be able to attempt to reach an acceptable level’**. But that would not be called lying, would it? That would simply be called **‘actively hiding the truth with the sole purpose to deceive a person who ‘Heaven forbid!’ might leak this confidential information to me’**. Of interest is the fact that S/Sgt. Campbell stated in an e-mail to Insp. Johnston on August 21, 2009, (Volume 3, V-20) that I was not 100% truthful with my fellow officers when I was shopping for answers. Well, it is evident from this e-mail that S/Sgt. Campbell was 0% truthful with Shelly.

(November 23, 2009) (Volume 4, 24), S/Sgt. Kohen's notes, (Original & Transcribed):

0730 On Duty
 Errands to Duty
 Call Chris D Prob Jack 416-314-3512
 416 314 3512
 Overview of performance
 Charge of coach
 Advised I am not aware of any hearing disability or any H.R
 issues that
 Could be raised
 I indicated felt solid on perf issues
 Chris supports recommendation as per our process

0730 | On Duty

Call Chris D Prob Jack 416-314-3512

Overview of performance

Charge of coach

Advised I am not aware of any hearing disability or any H.R issues that

Could be raised

I indicated felt solid on perf issues

Chris supports recommendation as per our process

It would appear that S/Sgt. Kohen was truly unaware of my racially derogatory nickname "Crazy Ivan".

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

23Nov09 – PC Nie

- disabled M/V on County Road 2 – PC Jack stops to ask driver if she is okay and she states she has someone coming – he makes no inquiries about the vehicle and checks later in the day reveal it is now abandoned – could have prevented this if thought through
- stopped m/v on County Road 44 – elderly male seen without seatbelt – PC Jack misses seeing driver exit vehicle as he is distracted by turning on lights and finding his hat – coach officer points out that male is approaching cruiser – PC Jack discovers three offences – has trouble deciding which charge to lay and needs help making decision

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

My response to the 1st bullet point entry is as follows:

Rebuttal to PCS-066P (Month 11) (Exhibit 61):

Analytical Thinking

Rating: Does Not Meet Requirements

The example referring to the disabled motor vehicle on November 23, 2009 is true.

But PC Nie's interpretation of the vehicle is so wrong and one that is purely motivated by his desire to view everything I did with a negative mind. For all one knows the lady, having stated that she had someone coming left with that person and that person could have been her husband or relative. Furthermore, they could have decided that it best be left on the shoulder where it was so that their mechanic could come by later and take care of it.

My response to the 2nd bullet point entry is as follows:

Again PC Nie is motivated by his desire to see everything that I did with a negative mind. The fact that I have been rated in previous evaluations in the section of Provincial Statues with a positive rating has no bearing on his perception of me being able to decide which charge to lay. I must have been just rationalizing my observations to myself while deciding which the most appropriate charge was. The time that I spent doing that was perceived as having difficulty deciding which charge to lay. Apart from that, is there anything wrong with a rookie needing/receiving help from an experienced officer on the applicable charges. Not to mention that PC Nie worked for 3 years in a Highway Safety Division.

(November 24, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
To: Thomas, Sandy (JUS); Hannes, Renee (JUS); Stevenson, Hugh (JUS); Campbell, Ron (JUS)
Cc: Nie, Richard (JUS); Butorac, Peter (JUS); Lee, Dave E. (JUS)
Sent: Tue Nov 24 10:29:44 2009
Subject: Prob Jack

Good Morning

I had the opportunity yesterday to speak with Chris Donszelmann from Legal Branch yesterday. We have reviewed the provided performance reviews and work improvement plans that have been provided by Detachment on Prob Jack in Peterborough County.

Legal opinion is to proceed with your proposed direction of releasing Prob Jack as per our normal dismissal process.

I will be completing with the assistance of Detachment a BN which will be submitted via my Bureau (CDB) then it will go to Prov Commander Alleyne and Deputy Lewis. I will ensure that Region obtains a copy of this BN.

I require from Detachment the final copy of the chronological events to be included in this BN.

Once the BN has been given to the Provincial Commanders for review and approval, I will be in the mean time working with Detachment and Region to ensure that the letter is given to Prob Jack which will outline that we are proposing his release from employment and that he will have an opportunity to meet with C/Supt Armstrong and if he choose may have OPPA present at this meeting.

This letter will not be served until the approval has been received.

I will also be in contact with the OPPA to give them the heads up of this direction.

Ron

Can you please advise me when you think the chronological of events will be completed ?

Colleen

C.S.Kohen
Staffing Officer
Career Development Bureau
905 681-2511 (office)
505 4030 (VNET)
905 973- 8877 (cell)

(November 24, 2009) Counsel's additional disclosure (April 5, 2012):

From: Thomas, Sandy (JUS)
Sent: November-24-09 10:33 AM
To: Kohen, Colleen (JUS); Hannes, Renee (JUS)
Subject: Re: Prob Jack

Thanks for the update Colleen

Good work!!

Sandy
Sandy Thomas -----
Sent from my BlackBerry Wireless Handheld

(November 24, 2009) Counsel's additional disclosure (April 5, 2012):

From: Campbell, Ron (JUS)
Sent: November-24-09 10:33 AM
To: Kohen, Colleen (JUS)
Subject: RE: Prob Jack

Colleen I spent about 2 hrs adding dates and times to the chronology the other day only to go for lunch and not being able to find my saved copy... I have to head to Orillia today but hope to have it done tomorrow.. Sorry for the delay I have been out to meetings... Ron

(November 24, 2009) Counsel's additional disclosure (April 3, 2012), PC Jack's notes:

THE 24 NOV 09	
13:35	CLINOSAT CLK OPO DETACHMENT DRIVER TRAINING WITH SGT TAYLOR 3RD SESSION
13:45	RECDNT PTNT
14:00	PRACTICAL PTNT
14:25	BACK AT DETACH THEORETICAL PTNT

(November 24, 2009) Counsel's additional disclosure (April 5, 2012):

From: Nie, Richard (JUS)
To: Kohen, Colleen (JUS)
Cc: Campbell, Ron (JUS)
Sent: Tue Nov 24 17:17:37 2009
Subject: RE: Prob Jack

Hi Colleen - am I correct in assuming that you require the same type of chronology as was written for PC Chase, not just the point form version I forwarded to you already?

(November 24, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS) Colleen.Kohen@ontario.ca
Sent: November 24, 2009 5:39 PM
To: Nie, Richard (JUS)
Cc: Campbell, Ron (JUS)
Subject: Re: Prob Jack

Hi rich

Ron was going to add some points to yours on his meetings etc

If you have more to add then please do so .. Give to ron who will add his stuff then it comes to me

Colleen

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

24Nov09 – PC Nie

- mvc on Selwyn Road, tanker truck into ditch – coach asks PC Jack to go to south end of scene and block traffic so it can't come through the scene – he parks his cruiser beyond the intersection thereby allowing east and westbound traffic to turn in front of him and enter the scene – this was noticed by witnesses and tow truck drivers at scene along with coach – while at scene PC Jack advised he wanted to gather all the information and he had all the documents – told him to go sit in cruiser and complete forms as I would assist with removal of vehicle – I also had him call Sgt. Re ministry of environment – when I went to check on him after some time he said MOE had called but he told them to call back as he had no information and was busy with statements – confirmed with him that he already knew about spill as we had discussed this prior to him starting report – we then switched spots so he could be near the actual scene – he was very indecisive with what he needed to do and claimed he misunderstood instructions on where to park cruiser to block road – talked about why he wouldn't interrupt me to change positions as the MOE call was more important than a witness statement
- advised by tow driver [REDACTED] that PC Jack came to one of his scenes in the summer on Cty Rd. 507 – said he had placed brand new reflective cones along the shoulder to mark the scene as it was on a curve – as PC Jack approached the scene he proceeded to drive over each of the reflective cones destroying them
- advised by PC Pitts that PC Jack interrupted him while talking on phone saying that PCC was looking for him – this has been a regular issue from the shift that while on the phone with someone, PC Jack will wave at them or tap them on the shoulder to advise that PCC is calling them – it was explained to him that he needs to realize that he can tell PCC that the officer is on the phone instead of creating the interruption – again, decision-making

My responses to the above 3 bullet point entries are as follows:

My response to the 1st bullet point entry is as follows:

Rebuttal to PCS-066P (Month 11) (Exhibit 61):

Flexibility

Rating: Does Not Meet Requirements

That is true that stress and pressure are part of the policing job. But when you are also under the constant surveillance of the Big Brother who does not see eye-to-eye with you and who is perpetually unhappy with your performance that really messes things up in your mind. The stress resulting from handling calls for service and dealing with the public is beyond any comparison with the stress resulting from the oppressive and belittling attitude of the person who is in the position of the ultimate authority over you and is next to you for 12 hours straight at a time.

I believe that I handled the investigation of the collision on November 24, 2009 at the collision scene very well. The comment about me mishandling it does not surprise me however. I am not going to even justify my actions as I firmly believe that everything I did was right. Just because Cst. Nie would have potentially handles tasks in a different order did not mean that I was wrong in my actions. The only rational explanation to this negative rating of my performance that I can offer is Cst. Nie's perpetual unhappiness with my performance. Regardless of what I did, I could not have possibly pleased him. By way of an analogy: if I looked to the left and then to the right Cst. Nie would accuse me of not looking to the right first and vice versa.

My response to the 2nd bullet point entry is as follows:

What is that supposed to mean? I am in shock! A tow truck driver would not normally talk negatively about an officer to another officer even if the officer he had an experience with had damaged some of his property because all tow operators in Peterborough County belong to the towing association and like the business they get from the police and to talk negatively about an officer would only cause him to believe that his business could be hampered. However, if the other officer started discrediting and talking badly of the first officer then and only then the tow truck driver would feel comfortable about sharing his bit of information. I find it hard to imagine that a tow truck driver actually stated that I drove over all of his cones thereby damaging them. If I did so it would be an act of willfulness and one deserving of a criminal charge of mischief – damage to property. Even if I accidentally hit one of his cones I could plainly see the rest and would naturally be cautious of them. I genuinely believe that PC Nie is over exaggerating this incident.

My response to the 3rd bullet point entry is as follows:

This is so petty yet poignant. While PC Nie always documented me or noted somewhere that I missed a radio-call from the PCC even if I was busy at the time or on the telephone with someone else, when I alerted others of the same thing I got criticized.

(November 25, 2009) Counsel's additional disclosure (April 5, 2012):

From: Nie, Richard (JUS)
Sent: November-25-09 8:52 AM
To: Kohen, Colleen (JUS)
Cc: Campbell, Ron (JUS)
Subject: RE: Prob Jack
Attachments: chronology of Chase.doc

Hi Colleen, I only have a few more things to add, however I just meant whether you wanted it in the format that I had done for PC Chase. It is a much more formal document than the one I sent you for PC Jack. My plan was to use what I have as the basis to prepare the formal document. I have attached PC Chase's for a reminder of how detailed it was. If you don't need this, then I will leave it the way it is right now.

take care,

Rich.

(November 25, 2009) Counsel's additional disclosure (April 5, 2012):

From: Campbell, Ron (JUS)
To: Kohen, Colleen (JUS)
Cc: Nie, Richard (JUS)
Sent: Wed Nov 25 16:16:13 2009
Subject: Chronology with my Info

Colleen Please read over I have bolded my involvement with Cst. JACK. I still think both the earlier coach Shaun Filman and Sgt Flindall and Cst Payne need to add their information. I have not forwarded to them until I have your approval.

Ron

<<Jack Chronology.09.doc>>

(November 25, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
Sent: November 25, 2009 4:28 PM
To: Campbell, Ron (JUS)
Cc: Nie, Richard (JUS)
Subject: Re: Chronology with my Info

Ron

I agree but nee it back to me by Monday morning
I have to get BN submitted by tuesday when I am in ghq

Please at the begining indicated all names who have had input in the report

Does that work ?

(November 25, 2009) (Volume 6, 61):

Professional Standards Bureau
Bureau des normes professionnelles

777 Memorial Avenue 777, avenue Memorial
Orillia ON L3V 7V3 Orillia ON L3V 7V3

Tel: (705) 329-6051 Fax: (705) 329-6050

File reference: 2545009-0173

November 25, 2009

MEMORANDUM TO:

Provincial Constable Michael JACK #12690
1100 - PETERBOROUGH COUNTY

Re: Internal Complaint 2545009-0173

The investigation into this matter has been completed.

I have reviewed the report and agree with its findings that the complaint is unsubstantiated on the basis of insufficient evidence.

Therefore, on behalf of Commissioner Julian Fantino, it is my decision to take no further action in this matter and our file is closed.

Ken C. Smith
Chief Superintendent
Bureau Commander
Professional Standards Bureau

/gp

c: Detachment Commander, 1100 - PETERBOROUGH COUNTY
Sergeant Major, Professional Standards Bureau, CENTRAL REGION
Regional Commander, CENTRAL REGION

<p>(November 25, 2009) (Volume 3, X), S/Sgt. Campbell's notes:</p> <p>0800. <u>Nov 25 Nov 09</u> <u>On Duty, [REDACTED]</u></p> <p>1259 Sgt Stevenson Do Acting time wants other Sgts asked Do it as well as. Books didn't realize Sgt Flindall would be Consteem.</p> <p>310 Asu - True Chronology Sgt through notes book Finished going through</p>	<p>(November 25, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:</p> <p>25Nov 09 1310 Admin Jack Chronology sort through note book 1530 Finished going through notes</p>
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(November 25, 2009) (Volume 3, W-11):

From: Campbell, Ron (JUS)
To: Kohen, Colleen (JUS)
Cc: Nie, Richard (JUS)
Sent: Wed Nov 25 16:16:13 2009
Subject: Chronology with my Info

Colleen Please read over I have bolded my involvement with Cst. JACK. I still think both the earlier coach Shaun Filman and Sgt Flindall and Cst Payne need to add their information. I have not forwarded to them until I have your approval.

Ron

<<Jack Chronology.09.doc>>

(November 25, 2009) (Volume 3, W-11):

From: Kohen, Colleen (JUS)
Sent: November 25, 2009 4:28 PM
To: Campbell, Ron (JUS)
Cc: Nie, Richard (JUS)
Subject: Re: Chronology with my Info

Ron

I agree but nee it back to me by Monday morning
I have to get BN submitted by tuesday when I am in ghq

Please at the begining indicated all names who have had input in the report

Does that work ?

(November 26, 2009) Counsel's additional disclosure (April 5, 2012):

From: Campbell, Ron (JUS)
Sent: November-26-09 8:29 AM
To: Kohen, Colleen (JUS)
Subject: FW: Emailing: Jack Chronology.09.doc
Attachments: Jack Chronology.09.doc

More to come

(November 26, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Payne, Jennifer (JUS)
Sent: Thursday, November 26, 2009 12:37 AM
To: Filman, Shaun (JUS)
Cc: Flindall, Robert (JUS); Nie, Richard (JUS); Campbell, Ron (JUS)
Subject: Emailing: Jack Chronology.09.doc

Shaun,

I have added my information. If you could add yours and send it on to Flindall, he is expecting it after you so that he can add his information today.

Thanks
Jen

The message is ready to be sent with the following file or link attachments:

Jack Chronology.09.doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

(November 27, 2009) (Volume 3, X), S/Sgt. Campbell's notes:

Friday 27 Nov 09. 0800. On Duty, [REDACTED] 0830 Rich Nie Re Chronology needs it back by Sunday Flindall & Filman yet to complete needs a file but nothing	0840. Spoke to A/S/Sgt Flindall Arrived late he? Filman need to complete Rich has to update? Send in for S/Sgt Kohen. He advised he would complete today 0850 [REDACTED]
--	---

(November 27, 2009) S/Sgt. Campbell's transcribed notes pertaining to Constable Michael Jack:

27 Nov 09

0830

Rich Nie Re; Chronology needs it back by Sunday Filman & Flindall yet to complete needs a **UNKNOWN WHAT THIS STATES**.

0840

Spoke to A/S/Sgt Flindall advised both he and Filman need to complete Rich has to update & send in for S/Sgt Kohen. He advised he would complete today.

27Nov09 – PC Nie

- traffic stop on County Road 8 with back to traffic again – car was driving 55km/h in 80 zone for over 5 minutes, coach observed weaving as well – took all this time for PC Jack to then ask if he should stop the car – I told him that it would have been stopped 5 minutes ago if I was driving – indecisive
- observed PC Postma stopped with m/v doing field sobriety tests – PC Jack realized importance of checking if he was okay but then proceeded to drive right past – said he was just going to give the "thumbs up" gesture – had him stop and stay behind PC Postma for added protection as he was in lane of traffic for flat surface, and discussed potential for arrest and importance to stay instead of driving by – decision-making again
- when driving into Norwood near end of shift it was heavy traffic – at one point I looked up and noticed the car in front was stopped with brake lights on – we were still proceeded at 50km/h speed limit – I yelled for brakes and he slammed them on, causing us to lurch forward – he chuckled and said he saw the car was stopped that I didn't need to yell – I said "except for the fact we now have whiplash"

My responses to the above 3 bullet point entries are as follows:

My response to the 1st bullet point entry is as follows:

Rebuttal to PCS-066P (Month 11) (Exhibit 61):

Self Confidence

Rating: Does Not Meet Requirements

The comment about me having limited confidence is true. After having explained all of the above should I really re-iterate why I had limited confidence by end of fall 2009?

As far as the motor vehicle driving at 55 km/hr in an 80 km/hr zone is concerned then first, it was not driving at a speed of 55 km/hr but more like 60 - 65 km/hr. Second, it slightly weaved only a couple of times and as a result I was keeping an eye on it to establish tracking history. Third, when I stopped the vehicle there was absolutely nothing wrong with either the vehicle or the driver. All the documents were in order and the driver, who was from Peterborough, advised me that he was looking to buy property in the area and therefore was driving slowly and looking around. Fourth, I did not feel comfortable interrupting Cst. Nie in the middle of his speech. Fifth, when I asked Cst. Nie why he had negatively rated me for taking my time to establish a solid tracking history to justify a reason for a stop, he said that he had deliberately kept the conversation going to see if I would have interrupted him to stop the vehicle and not waited for 5 minutes. How is that not a setup on Cst. Nie's behalf? He has berated me in the past for interrupting him when he was speaking. So when I kept quite out of respect and fear I was rated negatively.

My response to the 2nd bullet point entry is as follows:

The documentation of the incident is true. Interestingly, reading this now makes me recall PC Stimson's comment to me during our only shift together on November 16, 2009, 'that I exuberated a level of comfort and confidence that he had not heard when I was with PC Nie'.

My response to the 3rd bullet point entry is as follows:

I would have still stopped in a safe enough distance, but the authoritative and loud voice of my master made me panic and slam my brakes.

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

28Nov09 – PC Nie

- while stopped on side of County Road 6, elderly male parks behind us and approaches PC Jack on drivers side – he says that he saw us pull out of Little Chipmunk Drive and that he has friends who are in Florida and he looks after their house – he wanted to make sure we weren't at their home for something that was wrong – PC Jack was trying to tell the male to move in front of the cruiser for his safety but the male did not understand and continued with his story – it was clear that everything was fine and the male started to walk back to his car when PC Jack told him to wait so he could talk to the man – I told him everything was fine and he said he didn't have all the details about what was going on – I told him just to let the man leave but he proceeded to exit the cruiser – he came back shortly and said that he just wanted to move the male between or in front of the cars because it was safer as he had been taught – I told him that was correct however because he was unable to explain what he wanted in the first place to the man, he already had given PC Jack all the details and he was just making the situation worse – in 20 seconds I explained to him everything that the man said but PC Jack heard none of it because he was so focussed on trying to have the man move – couldn't multitask

My response to the above bullet point entry is as follows:

Rebuttal to PCS-066P (Month 11) (Exhibit 61):

Oral

Rating: Does Not Meet Requirements

I was behind the wheel in the cruiser parked on the shoulder when the male approached us. Despite my request to stop talking and leave the traveled portion of the highway the male continued talking. For the next 30 seconds or so, I kept an observation of the highway both front and rear to make sure there were no motor vehicles endangering the male. The highway was totally empty in both directions. Because of my focus on the road I missed the details of what the male said and therefore stepped out of the cruiser to speak with him. Cst. Nie was seated in the front passenger seat and did not appear to be concerned that the male was standing on the road. Yet again I was documented negatively because Cst. Nie and I had different takes on the situation. Also, if such an insignificant occurrence in Cst. Nie's view was noteworthy, then should not it have been documented in the *Listening Skills* section instead of the *Oral* section, if at all? It would appear that Cst. Nie just wanted to document me negatively somewhere.

(November 29, 2009) (Volume 2, M), PC Nie's notes:

0620 - PC [REDACTED] says he is not mentally set to do job today - went to be sick only, - told him to tell Sgt. - suggested by Sgt. he book sick - I told	him it was okay to be mentally sick when not physically, - he said he had a premonition of evil - that something bad would happen if he stayed
--	--

(November 29, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

06:29 NOV 09 SICK & GROUNDED [REDACTED]	14 NOV 09 OUT OF SLEEP THROUGHOUT THE NIGHT 06:20 UPON ARRIVAL NICE ASST BUREAU SICK & GROUNDED ³⁷ [REDACTED]
0552 RADAR TEST [REDACTED] ADMI - PWD EMAILS FELT SICK/HOLIDAY NOT ABLE FEELING PHYSICALLY ALL MUSCLES MENTALLY UNPRESSED HAD BAD SLEEP, LAST NIGHT	06:40 OFF DUTY PC 126 90 2200 [REDACTED]

(November 29, 2009) Counsel's additional disclosure (January 27, 2012), Sgt. Butorac's notes:

<p><i>SUN 29 NOV 09</i></p> <p><i>On - 0600</i></p> <p><i>off - 1800</i></p> <p><i>[black]</i></p> <p><i>Rich and Jack came in with Nie to explain that he was not mentally prep to work today that he had a premonition something evil was going to happen to him. I advised to go home take a sick day. He did so.</i></p>	<p>SUN 29 NOV 09</p> <p>on - 0600</p> <p>off - 1800</p> <p>[black]</p> <p>Rich and Jack came in with Nie to explain that he was not mentally prep to work today that he had a premonition something evil was going to happen to him. I advised to go home take a sick day. He did so.</p>
--	--

(November 29, 2009) (Volume 3, BB) Point Form Chronology:

29Nov09 - PC Nie

- PC Jack appeared to be in bad mood at start of shift (0500hrs) and I asked him what was wrong – he advised he did not get much sleep
- at 0620hrs PC Jack tells me that something is wrong, he is mentally not right to work – says he did not sleep very much and was sitting on his stairs at 0400hrs drinking juice and wondering if he should come to work – said he felt guilty because he was not physically sick but he was making mistakes in his notes and felt that something bad was going to happen if he worked – he asked if he could be an observer today and if I can do all the calls - I told him that it was okay to call in sick if he was not mentally able to do the work, and that I did not want a partner that was unable to focus for whatever reason and that he should speak with the Sergeant - I offered to go with him and he said that was what he wanted – we spoke to Sgt. Butorac and PC Jack gave the same reasons as above and added that he felt he was having a premonition for evil, that something would go

wrong if he was to work in this condition – the sergeant advised if that if he was unable to work because he couldn't focus or wasn't mentally right that he should go home sick which he did

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

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

On November 29, 2009, I was scheduled to work a day shift in Peterborough Detachment. I did not sleep well the night before the shift and upon getting up felt mentally unfocused. I was not physically sick on that day. I simply could not concentrate. I still went to work and advised Cst. Nie of my condition. I asked Cst. Nie if he could drive the cruiser for the first half of the day until I regained my mental alertness. Cst. Nie said that at that point in time I should be the driver and that if I could not drive then I should take a sick day off. When I responded that I did not want to take a sick day off, Cst. Nie said, "It is not like we are taking a car off the road". The point here is that according to Cst. Nie I was not even needed at the detachment. We then advised Sgt. Butorac and I took a sick day off and went home.

(November 29, 2009) (Volume 3, W-11):

From: Nie, Richard (JUS)
Sent: November 29, 2009 5:32 PM
To: Kohen, Colleen (JUS); Flindall, Robert (JUS)
Cc: Butorac, Peter (JUS)
Attachments: Jack Chronology 09.doc

Rob - here is the completed (and properly formatted/edited) version of the chronology **pending your comments**. Please forward to Colleen once completed and can you CC the original back to me for my records as well. As you can see below, she needs it on by Monday morning.

Colleen - just to give you an update if you don't already have it: S/Sgt. Campbell has left our office for another detachment. A/Sgt. Flindall is taking his position and we will have a new Acting Inspector since our detachment commander left as well. Sgt. Butorac is the platoon sgt. for myself and PC Jack. Just so you're not confused about who is getting emailed. The final version will be the one that A/Sgt. Flindall sends you.

take care

Rich.

(November 29, 2009) Counsel's additional disclosure (April 5, 2012):

From: Nie, Richard (JUS)
Sent: November-29-09 5:32 PM
To: Kohen, Colleen (JUS); Flindall, Robert (JUS)
Cc: Butorac, Peter (JUS)
Attachments: Jack Chronology 09.doc

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Colleen - just to give you an update if you don't already have it: S/Sgt. Campbell has left our office for another detachment. A/Sgt. Flindall is taking his position and we will have a new Acting Inspector since our detachment commander left as well. Sgt. Butorac is the platoon sgt. for myself and PC Jack. Just so you're not confused about who is getting emailed. The final version will be the one that A/Sgt. Flindall sends you.

take care

Rich.

I hope the Tribunal will take note that PC Richard Nie was asking for his next-door neighbor, Acting Staff Sergeant Robert Flindall who was basically in charge of the Peterborough County OPP Detachment, for his comments. That is how Acting Superintendent Doug Borton “rescued” me from Sgt. Flindall’s targeting.

(November 30, 2009) (Volume 1, I-12):

From: Flindall, Robert (JUS)
Sent: November 30, 2009 2:46 PM
To: Kohen, Colleen (JUS)
Cc: Nie, Richard (JUS)
Subject: PC JACK Chronology

Hello Colleen,

Please find attached a copy of the chronology regarding PC JACK's probationary period completed by PC FILMAN, PC NIE, PC PAYNE, S/Sgt. R. CAMPBELL and myself.

<< File: PCJACK_Chronology.doc >>

Best regards,

Robert Flindall
A/Sgt. 9740
Peterborough County OPP
VNET 501-4615

I hope the Tribunal will take note from the above e-mail of the names of the officers who compiled the chronology.

I hope the Tribunal will take note of the names of the officers in an excerpt from the Sgt. Flindall's e-mail to Insp. Johnston on September 11, 2009, (Volume 1, G) who falsely alleged that I was associating with “Undesirables”.

I hope this provides clarification as to the timing of events. As they say, timing is everything. Further clarification should be obtained from PC BROCKLEY, PC FILMAN and PC PAYNE for further, finer details.

Respectfully,
Robert Flindall

Please note that Sgt. Flindall, PC Payne, PC Filman, and PC Nie were all born and raised in Peterborough. All four of them had good relationships that in all probability extended beyond the confinement of police work. Sgt. Flindall and PC Payne were very close friends (rumored to be more than just friends). Furthermore, Sgt. Flindall's father (Inspector Bill Flindall) used to be a Peterborough County OPP Detachment Commander and PC Filman's father (Constable Brad Filman) used to be a senior Constable at the Peterborough County OPP Detachment. In one word, local mafia, that could not have possibly tolerated that a highly-educated and highly-skilled Russian Jew was going to police their people on their territory!

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

Sometime in fall of 2009, the Special Investigations Unit was conducting an investigation into a severe physical assault of a citizen by an officer. Cst. Brokley had beaten an unarmed man with his baton and the Operations Manager S/Sgt. Ron Campbell had put out a detachment wide e-mail requesting all members offer their support to Cst. Brokley. I pondered at the time that though there may have been some justification to the beating of the individual to gain control, but to beat him to the point that he had to be hospitalized was something that seemed extreme.

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

Sgt. Robert Flindall (my first shift supervisor) was born and raised in Peterborough County. Sgt. Flindall has been an OPP officer for approximately 11.5 years. After becoming a police officer he was posted somewhere up north and transferred to Peterborough circa summer 2008 assuming the role of the Platoon 'A' shift supervisor in the rank of a Sergeant. Sgt. Flindall's father, Inspector Bill Flindall, was the Peterborough Detachment Commander between June 2002 and spring 2004. Sgt. Flindall is approximately 36 years old. Sgt. Flindall's wife, Cst. Tanya Flindall, is a Constable with the City of Kawartha Lakes Detachment. Cst. Flindall is a sister of the Sgt. Trevor Banbury. Thus, Sgt. Flindall and Sgt. Banbury are brothers-in-law.

Sgt. Trevor Banbury was raised in Peterborough County. Sgt. Banbury was originally with Peel Regional Police Service before joining the OPP. He has been an OPP officer for approximately 10 years. Sgt. Banbury was Platoon 'C' shift supervisor. Sgt. Banbury's father was a sergeant at the Peterborough Detachment. Sgt. Banbury is in his mid/late thirties.

Cst. Shaun Filman (my first coach officer) was born and raised in Peterborough. Cst. Filman has been an OPP officer for approximately 7 years. After becoming a police officer he was posted in the City of Kawartha Lakes Detachment for approximately a year and then transferred to the Peterborough Detachment. Cst. Filman is a son of a retired OPP officer Cst. Brad Filman of the Peterborough Detachment. Cst. Filman is approximately 29 years old.

Cst. Jennifer Payne (my supposed to be "go-to" mentoring officer) was born and raised in Peterborough County. Cst. Payne has been an OPP officer for approximately 11 years. After becoming a police officer she was posted in the City of Kawartha Lakes Detachment and then transferred to the Peterborough Detachment. Cst. Payne is approximately 37 years old.

Cst. Jamie Brokley was born and raised in Peterborough County. Cst. Brokley has been an OPP officer for approximately 9 years. After becoming a police officer, he was posted at another detachment before transferring to Peterborough County and becoming the common law spouse of Cst. Payne. Cst. Brokley is approximately 32 years old.

Cst. Payne and Cst. Brokley live together and they have two daughters together. Cst. Brokley worked as a Detective Constable (D/Cst) in the Peterborough Detachment Drug Unit. In April 2009 it became publicly known that between sometime in the fall 2008 and April 2009 Cst. Brokley was having an affair with Cst. Stephanie Mackaracher, who worked on the Platoon 'D' shift. Following the announcement of the affair, Cst. Payne, Cst. Brokley and Cst. Mackaracher booked approximately month and a half off work each to sort things out, after which Cst. Payne returned to work on the Platoon 'A' shift, Cst. Brokley was transferred from the Drug Unit to work as a uniform officer on the Platoon 'C' shift, and Cst. Mackaracher worked for a couple months on the Platoon 'D' shift until her transfer to the Barrie Detachment in July 2009.

Inspector (Ins.) Michael Johnston was raised in Peterborough County. He became the Staff Sergeant of Northumberland County OPP with a desire to return to Peterborough County. Cst. Lloyd Tapp is personally aware of this information since he worked with this Staff Sergeant while stationed at Northumberland between October 2001 and March of 2003. When he did get promoted to the rank of Inspector he received his much awaited transfer to the Peterborough Detachment and that was in mid 2007.

In October 2009, when Ins. Johnston left the Peterborough Detachment, S/Sgt. Ron Campbell assumed the role of the detachment commander while still maintaining his rank of Staff Sergeant. Sgt. Flindall was temporarily promoted to the rank of Acting Staff Sergeant (A/S/Sgt.) to assume the role of Operations Commander. Cst. Payne was temporarily promoted to the rank of Acting Sergeant (A/Sgt.) to assume the role of the Platoon 'A' shift supervisor.

Sgt. Flindall and Cst. Payne are good friends. At times, Sgt. Flindall and Cst. Payne would spend hours in the Sergeants' office talking behind closed doors. Sgt. Flindall once said that Cst. Payne was his number one officer. When Sgt. Flindall assumed the role of the Operations Manager, he made Cst. Payne Platoon 'A' shift supervisor despite the fact that there were two more senior officers on the Platoon 'A' shift at the time – Cst. Mary D'Amico and Cst. Robert Paradis. Note: Cst. D'Amico has been an OPP officer for over 17 years and had also been the Platoon 'A' shift Second-In-Command (2IC) under Sgt. Flindall. Cst. Paradis had been a police officer (first with Metro Toronto and then with the OPP) for over 23 years. Sgt. Flindall would call Staff Sergeant (S/Sgt.) Campbell "S/Sgt. Beaker" after the Muppet Beaker behind S/Sgt. Campbell's back.

Cst. Richard Nie (my second coach officer, the Big Brother) was born and raised in Peterborough. Cst. Nie has been an OPP officer for approximately 9 years. After becoming a police officer he worked in the Highway Safety Division at Downsview Detachment in Toronto for approximately 3 years and then transferred to the Peterborough Detachment. Cst. Nie is approximately 37 years old. Cst. Nie is friends with Cst. Payne. Cst. Nie and Sgt. Flindall are neighbors. They literally reside one house apart from each other.

Cst. Trevor Pitts was born and raised in Peterborough. Cst. Pitts has been an OPP officer for approximately 12 years. After becoming a police officer he worked in a northern detachment for approximately 4 years and then transferred to the Peterborough Detachment. Cst. Pitts is approximately 34 years old.

Cst. Melinda Moran is from Peterborough County and her boyfriend/fiancé is a Constable with the Peterborough Lakefield Police Service.

Cst. Mary D'Amico is originally from Peterborough County and is a resident of the county.

Cst. Jeff Knier and his wife, Cst. Amanda Knier, were raised in Peterborough County and are residents of the county.

Cst. Mike Davidson was raised in Peterborough County and is a resident of the county.

Cst. Dan Gay is a resident of Peterborough County.

Cst. Mike Gravelle and his brother Cst. Marc Gravelle were raised in Peterborough and are residents of the county.

Cst. Daniel Clark was born and raised in Peterborough County and is a resident of the county.

Cst. Paul MacNeil was born and raised in Peterborough County and is a resident of the county. His father is also a retired OPP officer of rank.

Cst. Curtis Little was raised in Peterborough County and is a resident of the county.

Cst. Ryan Unsworth is another Peterborough County local. He was a cadet at the Peterborough Detachment. He was hired by the Peterborough Lakefield Police Service and on the same day given an offer of employment with the OPP and promised Peterborough Detachment and so is now with the Peterborough County OPP.

Cst. Jeff Gilliam is resident of the City of Kawartha Lakes County. He transferred from Peterborough County to City of Kawartha Lakes County in July 2009.

There are probably more officers at the Peterborough Detachment who are originally from Peterborough County and residents of the county that I am not aware of.

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

I was not dismissed from employment with the OPP because of budget cuts or because there was a shortage of the positions. As a matter of fact, during my time at the Peterborough Detachment, the detachment was understaffed – we were short of 5 police officers! My dismissal from employment was orchestrated by a few officers from the Peterborough Detachment who were biased against me and targeted me with all they had. The majority of them were locals and Roman Catholics with a scope of view limited to their county only. They deliberately turned a blind eye to the potential I had and the benefits I could have brought to the OPP in the long run. What a shame! What a disservice to the very organization they are part of! Or maybe they targeted me because I was more educated than them. After all I was trilingual, had a Master of Science degree, was physically fitter and stronger than anyone of them and was more skilled in the usage of firearms than them. These factors might have caused them to regard me as a threat to their positions of authority. The later would certainly appear to be true for Cst. D'Amico would not have stated, "You should keep quiet when a senior officer speaks. You might come across as knowing too much and it is not good for your career. There was one officer here that was like that and he is not around any longer". The officer she referred to turned out to be Cst. Tapp.

(November 30, 2009) (Volume 1, I-12):

From: Kohen, Colleen (JUS)
Sent: November 30, 2009 3:30 PM
To: Flindall, Robert (JUS)
Cc: Nie, Richard (JUS)
Subject: RE: PC JACK Chronology

Hi Rob and Rich.

Thank you for all your efforts. I review tonight and add it to my BN

I will keep you posted. Can you advise who the new A/Inspector is going to be ?

Colleen

S/Sgt. Coleen Kohen complimented the two next-door neighbors for their united effort in building up a file to "legitimately" terminate my employment with the OPP.