

Finishing me off:

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

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

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

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

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

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

Another note, from experience - problem officers or the rising stars define which coaches are successful in terminating probationarys or making positive recommendations. Everyone wants the good one, but very few are equipped to document and terminate employment if they don't meet the standards. We need to examine potential coaches more thoroughly in the future.

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

Please note the following excerpts:

- '***do we have a structure of incidents laid out from Filman and Flindall so we are not starting fresh?***'
- '***Rich is a good officer, but he has been in this coaching roll way too long. He needs a few years of no recruits to get that front line grove back (my opinion).***'
- '***I do not want him to burn out if Mike requires extra documentation and process'.***
- '***I am sensing the negative side of him of late'.***
- '***D platoon is the laughing stock of this office because of these developments.'***
- '***Our shift is not happy,....'***
- '***Another note, from experience – problem officers or the rising stars define which coaches are successful in terminating probationarys or making positive recommendations.***
Everyone wants the good one, but very few are equipped to document and terminate

employment if they don't meet the standards. We need to examine potential coaches more thoroughly in the future'.

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

- Sergeant Flindall and Constable Nie were next-door neighbors,
- Sergeant Flindall and Constable Nie were local to Peterborough,
- Sergeant Flindall and Constable Nie are both in the same age bracket,
- Sergeant Flindall and Constable Nie are most likely of the same creed,
- Sergeant Flindall aspired to be Peterborough OPP Operations' Manager and possibly Peterborough Detachment commander, like his father was,
- Sergeant Flindall was promoted to the rank of Acting Staff Sergeant in early fall of 2009,
- Constable Nie aspired to be a Sergeant in Peterborough County OPP Detachment,
- Constable Nie had a proven track record of being a coach officer the OPP could rely on to negatively document in detail to justify a termination of employment,
- Constable Nie had exercised this malign skill of his to justify the termination of minority probationer Mr. Harry Allen Chase,
- I was deliberately placed on Constable Nie's shift since Sergeant Flindall had '***lost the focus***' and they, being the next-door neighbors could easily confer together in order to get information from the opposite shift (while Platoon 'B' and Platoon 'C' worked days and nights, Platoon 'A' and Platoon 'D' were off) and in this way the OPP had coverage on all platoons (though this may sound far-fetched, consider my often repeated belief – a surreptitiously orchestrated plan was put in place to scrutinize my every move/action and document them in order to justify a forced termination),
- Constable Nie's biasness towards me,
- Constable Nie's lack of objectivity with me,
- Constable Nie's belittling treatment of me,
- Constable Nie's focus on the negative aspects of my performance – both real and fabricated,
- Constable Nie's meticulousness in documenting my real and fabricated shortcomings over the following three months until my forced resignation.

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

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

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

From: Nie, Richard (JUS)
Sent: August 27, 2009 4:43 AM
To: Postma, Jason (JUS)
Subject: PC Jack

Jason - I was just thinking over a few things in regards to the transfer of PC Jack to our shift and have a few request/suggestions that I feel are needed to do this right.

1. Meeting between us, Sgt. Flindall, PC Filman, Inspector Johnston, Staff Campbell, and HR rep (Staff Kohen) to go over all documentation/evaluations done to date and what improvement plans are already in place. We need a starting point to do from so that PC Jack knows what our expectations are of what he already knows and what he needs to work on. I think it is best to have everyone mentioned present so that we all can see and hear what has been done so far - perhaps next Monday or Tuesday dayshift would be a good chance?
2. Once we have a starting point, then we, Insp, and both Staff Sgt.s sit down with PC Jack to discuss the plan with him and where he stands. Rumours that I have heard are that he has refused to sign some evaluations and has called the OPPA for advice. If this is true, then I want it documented with him and HR and our detachment command staff present so that we all are in agreement.
3. I assume that the 2% coach officer pay gets transferred to me starting Aug. 30 when he comes to shift?

I am not trying to be difficult here, just prudent. All of the rumours going around are that PC Jack calls the OPPA, human resources, or whoever else the minute he doesn't like what is happening. I want it made clear to him (which I will do) that I am not about to waste my time on someone that doesn't want to learn or accept constructive criticism. I want to give him a fair chance, but he needs to do the same for us.

Let me know,

Rich.

Take note of the following excerpts:

- ***'Rumours that I have heard are that he has refused to sign some evaluations and has called the OPPA for advice'.***
- ***'All of the rumors going around are that PC Jack calls the OPPA, human resources, or whoever else the minute he does not like what is happening.'***
- ***'I want it made clear to him (which I will do) that I am not about to waste my time on someone that does not want to learn or accept constructive criticism.'***

Point Form Chronology:

31Aug09 - S/Sgt Campbell

- 1400hrs - Teleconference with Human Resources Inspector Lee, S/Sgt. Kohen, A/Sgt Postma, Sgt. Flindall, PC NIE, and S/Sgt. Campbell to review PC Jack's file and work on solution to correct issues.

(August 31, 2009) (Original & Transcribed) Staff Sergeant Coleen Kohen's notes:

<p>No - 31 - A - 2009 0715 On Duty Enroute to DND 0915 10-1</p> <p>do Conf call re Prob Jack re - Conf Call was Dave Lee Pro-Campbell, Cst Filman Sgt Fidley, Sgt Postma Cst Nieal Summary Month 1, 2, 3, 4, 5 no concerns Month 6 & 7 which are a combined PCS66P issues start to be raised. a combined personal issues start to be raised The same Prob who called me when Sgt told him he could be losing his job and also have a PSB investigation against him. Sgt Fidley seems to take lead on the perf issues and has a strong dislike for Prob Jack as he does not own up to his errors. SS also appears months 6 & 7 PCS66P has been given to him but not any WIP. PCS66P 6 & 7 given to</p>	<p>Mon 31 Aug 2009</p>	<p>0715</p>	<p>On Duty</p>
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Take note of the excerpts:

- **'The same Prob who called me when Sgt. told him he could be losing his job and also have a PSB investigation against him'**
- **'Sgt. Fidle seems to take lead on the perf issues and has a strong dislike for Prob Jack as he does not own up to his errors'**

I wonder if Staff Sergeant Coleen Kohen knew or at least cared to inquire as to who initiated the Professional Standards Bureau investigation against me and what it was about.

Take note of the names of the officers who were made aware of the Professional Standards Bureau investigation against me: Inspector Dave Lee, Staff Sergeant Coleen Kohen of the OPP's Human Resources, Staff Sergeant Ron Campbell, Sergeant Robert Flindall, Acting Sergeant Jason Postma, Constable Shaun Filman, and Constable Richard Nie. This action by Sergeant Flindall poisoned the minds of the participants. While one could say, 'So much for the confidentiality of an internal investigation', that would be a false assertion to make since the PSB investigation was fabricated with the sole purpose to terminate me. Hence, Sergeant Flindall deliberately brought the PSB investigation matter up during the conference call to alienate Regional Command Staff against me. It was Sergeant Flindall's disdain towards me and his neglect of duty with respect to looking after me. Hence, the only way he could walk on water was to have me terminated. No man, no problem.

Apart from being Sergeant Flindall's next-door neighbor (and shortly after the conference call even a subordinate of Sergeant Flindall) Constable Richard Nie was privy to Sergeant Flindall' strong dislike of me during the conference call. So much for the '**'fresh start with a clean slate'**'.

(August 31, 2009) Sergeant Flindall's notes:

1350	MON 31 AUG 09 DET for teleconference w/ S/Sgt LC. COMSA reg P.C. JACK insp LEE also on line present is P.C. FILMAN, P.C. NIE P.C. POSTMA	1400	S/Sgt. CAMPBELL call in suggestions call complete discussions over W.I.P.'s P.C. JACK being coached by P.C. NIE	P.C. JACK going to be afforded every opportunity to succeed rest is up to him. off duty No O.T. hours
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Take note of the following excerpts:

- **'PC Jack being coached by PC Nie'**
- **'PC Jack going to be afforded every opportunity to succeed'**
- **'rest is up to him'.**

Some facts for consideration:

- Sergeant Flindall never held mandatory regular performance evaluation meetings with me,
- Sergeant Flindall denied me developmental opportunities,
- Sergeant Flindall discriminated against me by disallowing me to work overtime and to cover for officers on other shifts while the other probationers were allowed to do so,
- Sergeant Flindall had a strong dislike of me,
- Sergeant Flindall condoned and possibly even encouraged Constable Payne's practice of keeping two notebooks in current use – a regular one and a special one (**Re PC Jack**),
- Sergeant Flindall falsely charged me under the Highway Traffic Act,
- Sergeant Flindall had members on three different shifts to report to him everything about my performance that could be construed and twisted into being negative,
- Sergeant Flindall fraudulently prepared my Month 6 & 7 and my Month 8 Performance Evaluation Reports,
- Sergeant Flindall fraudulently alleged that I refused to sign my Month 6 & 7 and Month 8 Performance Evaluation Reports,
- Sergeant Flindall promptly initiated an unsubstantiated, frivolous and false complaint to the Professional Standards Bureau that I was friends with criminals,
- Sergeant Flindall and Constable Richard Nie were next-door neighbors,
- Sergeant Flindall and Constable Nie were both local to Peterborough,
- Sergeant Flindall and Constable Nie are both in the same age bracket,
- Sergeant Flindall and Constable Nie are most likely of the same creed,
- Constable Nie aspired to be a Sergeant in Peterborough OPP Detachment,
- Sergeant Flindall aspired to be Peterborough OPP Operations' Manager and possibly Peterborough Detachment commander, like his father was,
- Sergeant Flindall was promoted to the rank of Acting Staff Sergeant in early fall of 2009,
- Constable Nie had a proven track record of being a coach officer the OPP could rely on to document in detail to justify a termination of employment. Constable Nie was the coach officer of an ex-OPP officer Mr. Harry Allen Chase, an Afro-Canadian with native heritage, who was terminated on the last day of his probationary period.

In light of those facts one should truly marvel about the “truthfulness” of Sergeant Flindall’s comments in his notes:

- ***'PC Jack going to be afforded every opportunity to succeed'***
- ***'rest is up to him'***

They were such convenient comments to actually disguise the truth. It was never up to me!

Excerpts from Constable Richard Nie's point form chronology of Constable Michael Jack's performance between September 9, 2009, and September 24, 2009:

09Sep09 - PC Nie

----- back and got all three - at 0542hrs still hadn't called comp. - tried to get me to leave call as not our zone

would not at first - he was unable to resolve to gather the information - I stepped in and tried to calm him down

10Sep09 - PC Nie

that one of his issues was answer shopping and I would not tolerate it - told him this was his warning and not to do it again, I will not accept lying and blaming other officers for mistakes - he apologized and said he would

the job I didn't believe him that he wouldn't know this, I said it was a day one teaching thing - explained in all the times that he had done

Advised PC Jack that he needs to be more aggressive/confident with his driving - he drives under the speed limit regularly, slows down and often taught - told him I didn't believe him because he would have been taught that on his first day - said that PC Filman never showed him

learned from PC Rusaw - again told him not to blame others, told him that I would look at how he does it and confirm it was okay, but I was not showing him my way so that he could later on use it against me - talked to him again about how he commits people to answers so that he can blame them if someone else tells him differently - told him I was not playing his games and he smiled and said he was sorry - it was clear to me that he knew what he was doing and that I had figured it out

Appeared very stressed today with deciding what tasks to do and when - explained the need to prioritize and not just sit around the office all day doing paperwork - need to have a balance

15Sep09 - PC Nie

the call but didn't think he needed to go - blamed it on past calls he saw on his shift where officers went alone to 011

now why it could be an issue – again tried to excuse his decision based on a previous call and what he had seen – we discussed him driving, again told him to stop blaming others for his mistakes – told him mistakes are understandable but to stop blaming everyone else

18Sep09 - PC Nie

arrangements for other officers to cover the original call we had, PC Jack had no idea what everyone else was doing because he wasn't listening to the calls – I explained that on officer was doing a ~~call~~ to take that call – I explained to him how if he was listening he would have known that there was no one else available – also that since we were at the sudden death, he was unable to gather basic information right at beginning from the park owner to ~~relay to the~~ ~~Sat who was~~ when attending hospital he was having difficulty deciding where to park in an empty lot – very nervous/indecisive, couldn't use common sense to park near emergency - said it was because he had never been there

hours and that he needs to be able to multitask – just because we're talking doesn't mean we can't stop to deal with an offence – confirmed that this now did not ~~mean to do~~

not what I had instructed him – said he was not able to get her off the phone and I told him that he is the officer and can dictate how the call goes – be more assertive

solely on his GPS unit to get him to calls – I force him to read the map but he still inputs the address and watches the screen

prior to writing sudden death report he said it won't be good because he is tired and exhausted – told him not to make excuses again because we have all been in the same situation and no one else says anything – especially new recruits

19Sep09 - PC Nie

were no longer required and he didn't listen and just took a full report – he spent 45 minutes on a call that could have been 5 minutes – time

going to but we were talking – told him that wasn't true as we were 15 minutes down the road – he said that PC Grounder was

sternly told him to stop playing games and to answer the question - When you stop someone for speeding -

his notes - he said he didn't want to lie to me and I told him once again he was trying to set things up to blame someone else and he nodded in

in the township or where to sign the ticket - I told him to stop playing games with me, that after 8 months on the job he knew the answers - told

two different ways - I told him that I knew he wanted me to tell him how he should do it just so he could blame someone else if it was different than what I taught - he chuckled at me when I said this - it was very clear that he knows the games he is playing and I assured him I would point this out every time it happens

20Sep09 - PC Nie

we discussed how it is completely inappropriate for him to set me up for a new answer to something he already knows and then blame another officer when it is different and he agreed - we discussed how there are

23Sep09 - PC Nie

or Caution - when I brought it up 3.5 hours later he attempted to blame me saying that he was going to but I rushed him saying we needed to get back to the office quickly before the male

explained that all he had to do was admit that he forgot but he kept trying to excuse it by blaming it on being rushed - I said if that was true he could have done it in the car on the way in or at any other time

everyone do - again told him to just admit he forgot as that was better than to blame me for it - he just nodded his head but appeared angry He left to purchase gas and came back with

24Sep09 - PC Nie

to go to washroom paramedic made symbol of a square and stated that "that guy can't think outside the box eh?" something he picked up on within a short time frame – also kept rolling his eyes at me listening to PC Jack attempt to clear a call with someone on the phone and get details

things in general and I said no, he was talking directly to you – again he denied knowing any history and had no explanation – told him if I ever found out he was recording me without my knowledge we were finished and he could find a new coach – told him the Sgt. was aware that I was talking to him about this – he became upset and said it was just another thing he was being threatened with – confirmed that I was not threatening him, just giving him facts as I saw them – he said he couldn't understand why I was asking things, told him I was just connecting the dots that were in front of me and I wanted an explanation

An examination of Constable Nie's entries in the point form chronology of my performance indicates that between September 9, 2009, and September 24, 2009, during our first 9 shifts together Constable Nie accused me of the following "sins":

	Wrongdoing	Blaming	Offering excuses	Lying	Playing mind games	Recording conversations
# of times	13	11	3	4	3	1

A total of 35 "sins" on my part during the first 9 shifts with Big Brother on the road!

It would appear that I just could not get anything done right. Furthermore, whenever I offered an explanation of my rationale for doing what I did, Constable Nie accused me of not accepting personal responsibility and blaming it on either other people or other factors, offering excuses, lying to him and playing mind games with him.

Whoever gets to read the point form chronology in its entirety can clearly see the pattern in Constable Nie's documentation of my "inadequate" performance and also understand why Constable Nie stopped his abundant usage of the word '**blame**' after September 24, 2009. It took two weeks for Constable Nie's sadistic "coaching" methods to oppress me to such a degree that I no longer offered my explanations for my rationale and accepted his psychological harassment and torturing of me quietly in a docile manner.

Rebuttal to my Month 9 Performance Evaluation Report:

Self-Confidence

Rating: Does Not Meet Requirements

I did not have much confidence left when I reported to Platoon 'D' shift. The rest of the confidence was quickly eroded by Cst. Nie's accusations of me lying to him, playing mind games with him, not doing anything properly, not accepting personal responsibility for my mistakes, etc. I was literally being made to feel like I was a puppet on Cst. Nie's string and hence the string of the Ontario Provincial Police and the Ontario Public Service.

For example, in the morning on September 9, 2009, while in the Constables' office, I asked Cst. Nie if I could go to the washroom. Cst. Nie looked at me and said, "Michael, do not ever ask me that question again." At that time, it felt normal and logical to me to ask for a permission to take a washroom break. Later I pondered why I asked such a childish question. The only rationale answer appears to be that I felt like a slave. My self-confidence was severely eroded and I feared to even go to the washroom without asking for permission first. I felt like I was a puppet. How does one adjust from being made to feel like a slave at the detachment to being an authority figure on the road?

I accept this rating wholeheartedly since it is a proof of how my level of self-confidence was completely eroded by those who were supposed to develop me.

Please consider the following paragraph from my Will-say:

It did not really matter what I did or how I did it. What mattered is it either did not meet his standards or his pattern of thinking was different than mine. He was always "right" like in the old adage that "might is right". It was therefore easier for me to admit "making a mistake", apologize, and move on rather risk making him angry by voicing my objections. My spirit, morale and enthusiasm were at a low point. I felt like a slave and became servile. I feared voicing my points of view or letting anyone know that I did not appreciate the way I was being treated as first, my self-esteem was eroded and second, I did not see any merits to doing that. I was brought down to my knees. It was very humiliating.

Rebuttal to my Month 10 Performance Evaluation Report:

Personal Accountability

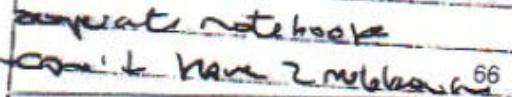
Rating: Does Not Meet Requirements

No matter what I did or how I did it, Cst. Nie almost always found a problem with me. Whenever I tried to justify my actions or explain my rationale for doing or not doing something or tell him where I learned what and who told me what he accused me of not taking personal responsibility. I hoped that he would understand my perspective, see that I am not an evil person, and realize that my judgment and my performance were severely undermined by the poisoned work environment and by his authoritarian and belittling attitude towards me. I hoped he would change his dictatorial and intolerant approach to "coaching" and ease up on me. Alas, my efforts were in vain. Reasoning with Cst. Nie did not work. He was as cold as a chunk of ice and constantly prided himself on being objective. It would appear that Cst. Nie's primary objective was to drill into my mind that I was a failure and I have to admit that he succeeded. It took me approximately 3 months after my resignation from the OPP to regain my confidence and belief in myself.

Considering the fact that Constable Nie disclosed (approximately) ONLY 10 pages of his hand written notes in reference to his interaction with me, let us examine the following:

Constable Payne's documentation of her interactions with me in the point form chronology closely matches the documentation of her interactions with me in her special separate book (Re PC Jack). The fact that Constable Payne fabricated some evidence and falsely and maliciously accused me of various sins and the fact that she kept a separate notebook in dire contravention of the Ontario Provincial Police Orders is not what matters here. What matters here is that the entries by Constable Payne in the point form chronology closely match those in her special notebook (Re PC Jack).

One has to complement Staff Sergeant Campbell for his thoroughness because his entries in the point form chronology nearly perfectly match those in his notes. One apparent exception is the omission in the point form chronology of the fact that he advised Sergeant Flindall on July 22, 2009, that Constable Payne could not have 2 notebooks. I doubt it was going to look good on him if he had included this tiny piece of evidence in the point form chronology since it could have been detrimental to the process of my termination. Hence, Staff Sergeant Campbell must have deliberately omitted it. Otherwise, how could one explain that everything else matches, yet this crucial piece of evidence which attests to Sergeant Flindall and Constable Payne contravening the Ontario Provincial Police Orders is missing?

(July 22, 2009) Staff Sergeant Campbell handwritten notes:	(July 22, 2009) Staff Sergeant Campbell's transcribed notes:
 A handwritten note in blue ink. The top line reads 'separate notebook'. Below it, a line starts with 'can't have 2 notebooks' and ends with a small superscript '66'.	separate notebook -can't have 2 notebooks

Constable Filman's documentation of his interactions with me in the point form chronology is poor, one-sided and consistently wrong with respect to the dates. But that is perfectly explainable as Constable Filman's entries in his notebook regarding his interactions with me are minimal, which is also perfectly understandable since Constable Filman treated me like a leper and he could not care less about me. Hence, Constable Filman fabricated numerous entries in the point form chronology retrospectively and did it very carelessly I must say.

Now here is that catch. Constable Nie's documentation in the point form chronology is as detailed as it gets. It is not easy for one to exceed Constable Nie's verbosity. However, Constable Nie's notebook entries with respect to his interaction with me are minimal. One has to wonder if Constable Nie also kept a separate notebook in contravention of the Ontario Provincial Police Orders to document his interactions with me in order to keep track of fabricated deficiencies in my performance, but was "smart" enough not to disclose it. One thing is certain, however, Constable Nie's disclosed notes fail to corroborate his meticulous documentation in the point form chronology. One must naturally wonder why.