

Analysis of the Respondent's Disclosure (December 2009)

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

In early December 2009 I received a formal memorandum (dated November 25, 2009) (Exhibit 39, page 4) from the Professional Standards Bureau Commander Chief Superintendent Ken C. Smith that the complaint of me associating with undesirables was unsubstantiated on the basis of insufficient evidence and that the file was closed.

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
Sent: December-01-09 9:01 AM
To: Lee, Dave E. (JUS)
Subject: FW: Prob Jack

Morning Dave

Here is a message that will give you an update on Prob Jack

I will be submitting the BN tomorrow when I am at GHQ. The BN will go via my Command then to Prov Commander then to Deputy Lewis for approval of release.

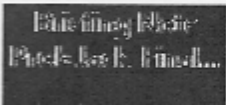
I will ensure that Region gets copy of BN as that will be used for reading material for C/Supt Armstrong meeting with prob Jack that I will set up with a letter.

Can you advise who the A/Inspector is in Detachment now ?

Colleen

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
Sent: December 1, 2009 1:56 PM
To: Costello, Audrey (JUS)
Subject:



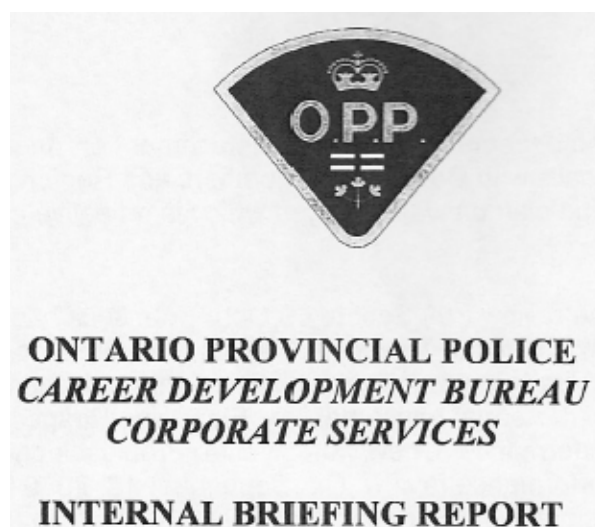
C. S. Kohen
Staffing Officer
Career Development Bureau
905 681-2511 (office)
505 4030 (VNET)
905 973- 8877 (cell)

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):

From: Costello, Audrey (JUS)
Sent: December-01-09 1:59 PM
To: Kohen, Colleen (JUS)
Subject: FW:

Audrey Costello
Staffing Advisor
Staffing & Workforce Planning Unit
Career Development Bureau
Ph: 613-284-4577
Vnet: 503-4577
Cell: 613-285-7016
Fax: 613-284-4597

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):



ISSUE: Release from employment: Probationary Constable Michael Jack

BACKGROUND:

- Probationary Jack started with the OPP on August 25, 2009 and upon graduation started his probation period on January 09, 2009.
- Prob. Jack is posted to Peterborough County, Central Region.
- Month 1 and 2 (09 Jan to 09 Mar) which is a combined performance review. Prob. Jack had 3 sub categories where he did not meet requirements: Police Vehicle Operation, Radio Communication and Flexibility. The work improvement plan was not given to him until April 15, 2009 which was one month after the fact.
- Month 3 (09 Mar to 09 Apr) performance review, Prob. Jack was meeting the requirements on his performance review.
- Month 4 (09 Apr to 09 May) performance review, Prob. Jack was meeting requirements on his performance review.
- Month 5 (09 May to 09 Jun) performance review, Prob. Jack was meeting requirements but his performance review was given to him on August 16, 2009 which was two months after the fact.
- Month 6 and 7 which is a combined performance review (09 Jun to 09 Aug) Prob. Jack had 10 sub categories where he was not meeting the requirements: Provincial Statutes, Federal Statutes, Listening Skills, Radio Communication, Resolution, Follow up, Personal Accountability, Planning and Organizing, Respectful Relations and Self Confidence. This performance review was given to him on the August 20, 2009 and he refused to sign it.

I did not refuse to sign my Month 6 & 7 PER. I merely asked for more time to review it (as opposed to 15 minutes allotted by Sgt. Flindall at the end of the shift and in the middle of me dealing with a prisoner) and to provide comments to it. Since I was off over the next 18 days, the Respondent falsified my refusal to sign it and S/Sgt. Campbell forwarded it to the Region before I returned on duty.

- Month 8 performance review (09 Aug to 09 Sept) Prob. Jack had 17 sub categories where he was not meeting the requirements: Attitude Towards Learning, Provincial Statutes , Police Vehicle Operations, Oral and Written Communication, Listening Skills, Radio Communication, Analytical Thinking, Resolution, Follow Up, Personal Accountability, Planning and Organizing, Respectful Relations, Self Confidence ,Team Work, Self Awareness and Deportment. This performance review was given to Prob. Jack on September 11, 2009. He refused to sign the performance review but later on the September 25, 2009 provided comments.(Attached)

- First, I did not refuse to sign my Month 8 PER. On or about September 24, 2009, I was served with my Month 8 PER with the falsified 'REFUSED' in place of my signature! No evaluation meeting ever took place.
- Second, on September 25, 2009, I provided my rebuttal (Volume 1, I-116) to my Month 6 & 7 PER, not my Month 8 PER! I had it ready by September 9, 2009, but had to wait until my new accountable supervisor Sgt. Butorac was ready to accept it.
- Third, I do not remember providing a rebuttal to my Month 8 PER because by that time I had learned that providing rebuttals made my situation only worse!

- Staff Sergeant Kohen became involved with Detachment on August 27, 2009 since that time several conference calls with Detachment members and Region have occurred. As a result Prob. Jack coach officer and platoon was changed which is reflective in his 9 month performance review.

- Month 9 performance review (09 Sept to 09 Oct) Prob. Jack had 13 sub categories where he did not meet requirements: Attitude Towards Learning, Fed Statutes, Police Vehicle Operations, Traffic Enforcement, Oral Communication, Radio Communication, Decisive Insight, Analytical Thinking, Resolution, Personal Accountability, Flexibility, Respectful Relations and Self Confidence. This performance review was given to Prob Jack on the October 13, 2009. Prob. Jack did sign this performance review. On September 18, 2009 Prob. Jack completed a " Driver Competency Assessment with Sergeant McNeely, East Region (Report attached)

- Month 10 performance review (09 Oct to 09 Nov) Prob. Jack had 12 sub categories where he did not meet requirements: Attitude Towards Learning, Fed Status, Police Vehicle Operations, Oral Communication, Radio Communication, Decisive Insight, Analytical Thinking, Resolution, Personal Accountability, Flexibility, Respectful Relations and Self Confidence. This performance review was given to Prob Jack on the November 14, 2009 and Prob. Jack did sign this performance review and only provided comments on a disagreed with the sub category of Federal Statutes. This member was not recommended for permanent status and advised to keep working on the areas with his coach officer in conjunction with the Work Improvement Plan that had been created. During this review period Prob. Jack attended two additional driving assessments with Sergeant Kent Taylor from the Academy.

- On November 12, 2009, a conference call was held with Staff Sergeant Kohen, coach officer Constable Rich Nie, Detachment Sergeant Peter Butorac, Detachment Commander Ron Campbell and Central Region Command Staff Superintendent Hugh Stevenson. Central Region is supporting the release from employment of Prob. Jack.

- On November 23, 2009 Staff Sergeant Kohen consulted with Legal Branch Ms. Chris Donszelmann and provided her an overview of Prob Jack's performance of the last 10 months. Legal Branch supports the recommendation of releasing Prob. Jack from employment as a result of failure to meet the requirements of his position based on unsatisfactory work performance.

- On the 30 November, 2009, Detachment members have submitted to Staff Sergeant Kohen a chronology overview of the last 10 months of Prob Jack at Peterborough Detachment. (Attached)

PROPOSED DIRECTION:

- Release Probationary Jack from employment as a result of failure to meet the requirements of his position based on unsatisfactory work performance.
- Probationary Jack signed the *Performance and conduct requirements of a probationary constable letter which outlines the expectations of each member during his/her probation period(Attached)*

Prepared By: Staff Sergeant C.S. Kohen

CONSULTATION RECORD:

Superintendent Hugh Stevenson, Director of Support Services, Central Region
 Inspector Dave Lee, Staff Development & Training, Central Region
 Staff Sergeant Ron Campbell, A/Inspector Detachment Commander, Central Region
 A/Superintendent Sandy Thomas, A/Director of Human Resources, Career Development Bureau
 Ms. Chris Donszelmann, Legal Service Branch

<input type="checkbox"/>	Recommendation Approved
<input type="checkbox"/>	Recommendation Approved/Amended
<input type="checkbox"/>	Recommendation Denied
<hr/>	
Commissioner/Provincial Commander	Date

Prepared By: Staff Sergeant C.S. Kohen

(December 1, 2009) (Volume 2, N-35):

From: Taylor, Kent (JUS)
Sent: December 1, 2009 2:52 PM
To: Beckett, Dom (JUS)
Cc: Nie, Richard (JUS); Kohen, Colleen (JUS); Butorac, Peter (JUS); Jack, Michael (JUS)
Subject: Probationary Constable Michael Jack - Remedial driver training completion

Inspector Beckett

On Tuesday 24Nov2009 I completed the course of remedial driver training that I had been requested to initiate with Probationary Constable Michael Jack. The training that I conducted with him was very extensive and included information on dealing with the cognitive components of driving (i.e. attention, distractions, multi-tasking, fatigue, etc) as well as the traditional skill areas most commonly associated with driver training.

As your records will indicate, I also conducted three one-on-one driving sessions with him subsequent to his OPC recruit training as he was not successful in their final driving evaluation. He returned to the OPC after our three sessions and passed their driving evaluation.

In total, I have had six one-on-one driving sessions with him subsequent to OPC.

I am now satisfied that Michael is capable of driving OPP vehicles in a safe and professional manner. He is also well aware that being a safe driver is a choice that each of us must make. I believe that it would also benefit him to attend the OPP "Performance Driving Seminar" at the OPC track in the future if you are able to schedule him in.

Thank you and please contact me at any time if you require further information.

Kent

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

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

Like I have asserted in my response to an e-mail from Sgt. Kent Taylor to PC Nie, S/Sgt. Campbell, S/Sgt. Kohen, Sgt. Butorac, and Mark Vandanduyt on November 10, 2009, (Volume 2, N-31) the third remedial driving session was nothing but a CYA as the decision to terminate me was made during the teleconference on November 12, 2009, and the rest of the month after the date was merely a side show.

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):

From: Taylor, Kent (JUS)
Sent: December 1, 2009 2:52 PM
To: Beckett, Dom (JUS)
Cc: Nie, Richard (JUS); Kohen, Colleen (JUS); Butorac, Peter (JUS); Jack, Michael (JUS)
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Provincial Police Academy
Driver Training Coordinator

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Cellular (705) 345-0759

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
Sent: December 1, 2009 2:58 PM
To: Beckett, Dom (JUS)
Subject: RE: Probationary Constable Michael Jack - Remedial driver training completion

Hi Dom

I will touch base with you re this Prob Cst and catch you up to speed

Colleen

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):

From: Beckett, Dom (JUS)
Sent: December 1, 2009 3:03 PM
To: Kohen, Colleen (JUS); Reynolds, Michael (JUS)
Subject: RE: Probationary Constable Michael Jack - Remedial driver training completion

Colleen,

I'm acting in Kawartha Lakes right now. Michael Reynolds is the acting Inspector in Peterborough for the next three months. I believe this officer is from Peterborough. I'm forwarding your message to Mike.

Dom

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):

From: Reynolds, Michael (JUS)
Sent: December-01-09 4:00 PM
To: Kohen, Colleen (JUS)
Cc: Flindall, Robert (JUS); Taylor, Kent (JUS); Butorac, Peter (JUS)
Subject: FW: Probationary Constable Michael Jack - Remedial driver training completion
Colleen

You can reach me at 501-4610.

- Kent, thanks for your hard work with our recruit.
- Rob/Pete, please arrange for Cst. Jack to participate in a future OPP "Performance Driving Seminar at OPC if and when a position becomes available. Please ensure that Sgt. Taylor's assessment is added to the officer's 291 file and next evaluation.

Mike

A/Inspector Mike Reynolds
A/Detachment Commander
Peterborough County Detachment
Bus: 705-742-0401
Cell: 705-928-6774

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)
To: Thomas, Sandy (JUS)
Sent: Tue Dec 01 19:20:01 2009
Subject: Prob Jack

Hi Forgot to mention

I am submitted a huge BN re Prob Jack for approval to release from employment tomorrow to Renee via you then our command and then deputy Lewis

I briefly spoke to Jim S today on this matter but will do my full notifications to OPPA re this on Thursday

Will keep you in the loop and yes he was aware of some concerns that have been raised

I also will be dropping a copy of this to central region as they will need to review before the member meets with C/Supt Armstrong.. Hugh S is fully aware of what is going on

Colleen

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):

----- Original Message -----
From: Thomas, Sandy (JUS)
To: Kohen, Colleen (JUS)
Sent: Tue Dec 01 19:30:23 2009
Subject: Re: Prob Jack

What are the main issues with him?

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

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):

----- Original Message -----
From: Kohen, Colleen (JUS)
To: Thomas, Sandy (JUS)
Sent: Tue Dec 01 19:34:07 2009
Subject: Re: Prob Jack

On the last 3 pcs66p anywhere from 17 to 13 to 12 does not meet requirements Coach is one of the best ones I have worked with Main issues such as deceive insight, fed stats, driving, communications, analytical thinking ... I could go on

(December 1, 2009) Counsel's additional disclosure (April 5, 2012):

From: Thomas, Sandy (JUS)
Sent: December-01-09 7:36 PM
To: Kohen, Colleen (JUS)
Subject: Re: Prob Jack

Great - thanks

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

(December 2, 2009) Counsel's additional disclosure (April 3, 2012):

Reynolds, Michael (JUS)

PC JACK

From: Hammond, Nancy (MGS)
Sent: December 2, 2009 11:19 AM
To: Reynolds, Michael (JUS)
Subject: Termination of an Employee information
Follow Up Flag: Follow up
Flag Status: Red

Hi Michael:

As per our discussion employee being terminated has less then 2 years of service.

Payroll Station #3 will need a WEAR form and will send employee a

Termination of Membership Notice for Ontario Pension Board.

Employee will complete this form and return it to OPB.

As he has less than 2 years of service his pension is not "vested" or "locked in". He will be refunded his contributions only.

Effective July 1, 2009 benefits and life insurance policies for OPPA members are administered by Target, phone # 1-888-660-6055.

Dental coverage terminates the last date of employment.

Supplementary Health & Hospital Coverage with vision care will terminate the last day of the month that the employee is terminated.

He is not entitled to severance pay but any vacation, cto that he is entitled to and hasn't used will be paid out.

Nancy Hammond
Benefits Assistant
777 Memorial Avenue
Orillia, ON L3V 7V3
Phone: (705) 329-6704
Fax: (705) 329-6698

If you are inquiring about benefits issues such as: medical or dental coverage, drug cards, life insurance, beneficiary changes, LTIP, Retirement pension issues, please contact the Ontario Shared Services Contact Centre at 1-866-979-9300 or by email at askoss@ontario.ca. Thank you.

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

On December 2, 2009, I was working a day shift at Peterborough Detachment. At approximately 6:00 am Cst. Nie and I attended a serious motor vehicle collision on Highway 7 just west of Norwood in which a half-ton truck collided head-on with a school bus that had 30-40 high-school students and 3 high-school teachers on board. No one from the bus sustained any serious physical injuries. The driver of the half-ton truck sustained serious physical injuries and was air-lifted to the hospital in Toronto. During the search of the truck, a small

quantity of marijuana was discovered. Basically it was a couple of nylon baggies with some remnants of marijuana. Cst. Nie considered the quantity to be insignificant and told me to dispose of it, which I did not comply with and kept. His comments to me to dispose of the marijuana were total aberration of police orders. It was discreditable conduct and neglect of duty under the Police Services Act especially in the light of a serious collision. At the detachment I weighed and lodged the marijuana as evidence. It weighed approximately 1.5 grams. Later, during the course of the investigation a blood warrant was sought and obtained and it was discovered that the driver had marijuana in his blood on the morning of the accident. Was I commended for preserving the evidence? No, I was not! For doing so would have defeated the carefully collaborated scheme to discredit me and build a file to justify the termination of my employment.

RADIO COMMUNICATIONS

Uses appropriate and respectful language when utilizing the communications system, communicates effectively, uses 10 codes.

Specific example:

PC Jack has no trouble using the proper codes and pays close attention to how he speaks on the radio. His troubles begin when he is under pressure. He forgets at times to update the dispatcher with what he is doing and where he is going. He still has trouble with listening to the radio when he is distracted by a conversation or task.

On 24NOV09 and 02DEC09 while at busy collision scenes, at times PC Jack missed responding to calls from his dispatcher while in the process of completing other tasks.

Does Not Meet Requirements

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

Radio Communications

Rating: Does Not Meet Requirements

At busy collision scenes (with my winter jacket on that covered the radio) I apparently paid more attention to the safety of the people and the tasks at hand than the radio. Did I miss responding to the radio calls from the dispatcher altogether or just to the first or second call like it happens to many officers? Did I eventually respond? Am I a robot? Does missing a radio call constitute a failure? In a multitude of instances I used my own personal mobile phone to call shift officers on their personal mobile phones to advise them that they were being called on the radio when they were not responding after a couple of radio calls from the Communication Center. Why were not they responding to the radio calls? Perhaps because they were busy. That attests that I was not the only one not always hearing radio calls. From this section it would appear again that out of numerous radio calls that I heard and responded to if I missed one or two that was sufficient for Cst. Nie to rate me negatively.

On December 2, 2009, Cst. Nie and I attended a serious motor vehicle collision on Highway 7 just west of Norwood in which a half-ton truck collided head-on with a school bus that had 30-40 high-school students and 3 high-school teachers on board. No one from the bus sustained any serious physical injuries. The driver of the half-ton truck sustained serious physical injuries and was air-lifted to the hospital in Toronto. During the search of the truck, a small quantity of marijuana was discovered. Basically it was a couple of nylon baggies with some remnants of marijuana. Cst. Nie considered the quantity to be insignificant and told me to dispose of it, which I did not comply with and kept. His comments to me to dispose of the marijuana were total aberration of police orders. It was discreditable conduct and neglect of duty under the Police Services Act especially in the light of a serious collision. At the detachment I weighed and lodged the marijuana as evidence. It weighed approximately 1.5 grams. Later, during the course of the investigation a blood warrant was sought and obtained and it was discovered that the driver had marijuana in his blood on the morning of the accident. Was I commended for preserving the evidence? No, I was not! For doing so would defeat the carefully collaborated scheme to discredit me and build a file to justify the termination of my employment.

(December 2, 2009) Counsel's additional disclosure (March 13, 2012):

Property -- Occurrence: SP09278848 / OPP / Motor vehicle collision / 2009/12/02 06:32

Type	Class	Desc.	Serial State #	Location Tag #	Notes
1) Cannabis (marihuana)	Evidence; Found; Seized		Disposed		
2) Other article: Drug accessory	Evidence; [BONG] Seized		Disposed		(4 pieces of glass and 2 bowls from bong.)

While it is clear from the above Niche RMS property report that some Cannabis was seized and lodged, the Tribunal was deprived of the name and badge number of the officer who seized and lodged it. Had the Respondent furnished the name and the badge number of the officer who seized and lodged the property then in addition to the entries in my officer's notes the Tribunal would have had proof that it was PC Michael Jack, badge number 12690.

(December 2, 2009) Counsel's additional disclosure (March 13, 2012):

General Occurrence Report

Ontario Provincial Police

Printed: 2012/03/13 10:08 by 371074

Occurrence: SP09278848 Motor vehicle collision @2009/12/02 06:32

Author: #10517 NIE, R.

Report time: 2009/12/02 06:28

Entered by: #10517 NIE, R.

Entered time: 2009/12/02 16:39

Remarks:

BENCHMARK: No

COMPLAINT: PC Neamtz while enroute to a paid duty eastbound on Highway 7 came across a collision that had just occurred and contacted PCC requesting assistance.

INCIDENT LOCATION: Highway 7 west of the 8th Line of Asphodel, Asphodel-Norwood Township

HISTORY: N/A

INVESTIGATION: At approximately 0630hrs PC Neamtz was enroute to a paid duty in Havelock when she came upon a collision scene in which the entire highway was blocked. A 1999, red Dodge Dakota pickup bearing Ontario licence #851 7XR was positioned eastbound in the westbound lane. The damage consisted of the front end being smashed inwards completely with parts of the engine, etc. all over the ground. Oil and other fluids could be seen leaking from under the vehicle. The drive shaft and spare tire had also been torn from the vehicle and were spread across the road. The driver of this vehicle [REDACTED] was trapped in the vehicle and was being removed by fire and paramedic personnel.

The second vehicle involved, a 2010 yellow school bus with Ontario licence #BN5 315, owned by Ellwood Hamilton Bus Lines, was positioned facing southbound in the ditch on the south side of the road. The bus had 42 students and 2 teachers along with the driver, [REDACTED]. The damage to the bus consisted of the front end being smashed to the extent that the front bumper and shroud of the bus had been torn off. The fuel line had been punctured while entering the ditch causing approximately 70 gallons of diesel fuel to spill into the ditch. The Ministry of Environment was contacted as a result.

At 0650hrs PC Nie and PC Jack arrived at scene to assist. Sgt. Butorac was notified and attended as well. Arrangements were made to had traffic rerouted around the collision scene by using the 7th and 8th Lines of Asphodel.

The driver of the pickup truck was transported by EMS #4508 to Highway 7 and County Road 38 where he was airlifted to Sunnybrook Hospital in Toronto with life-threatening injuries. Paramedics at the scene advised that his leg had been severely crushed as a result of the impact.

Three students, [REDACTED] and [REDACTED] were transported to Campbellford Hospital by EMS #4513 with minor injuries. Three more students, [REDACTED] and [REDACTED] were transported to Peterborough Regional Health Centre by EMS #4500 with minor injuries. The bus driver, school teacher [REDACTED] and one other student attended hospital with minor injuries as well.

Information received from several witnesses at the scene indicated that the driver of the pickup truck, for an unknown reason, crossed the centre line onto the eastbound shoulder and then

swerved back into his lane. Upon observing this maneuver, the bus driver swerved to avoid a collision and both vehicles collided almost in the centre of the roadway.

PC Downs and PC Blackman attended to complete a reconstruction of the collision. During inspection of the vehicles, some items were discovered inside the pickup truck. Two small Ziploc bags of what appeared to be marijuana residue were located in the glove box area in front of the passenger seat. In the rear of the pickup truck behind the passenger seat, a set of coveralls and a winter jacket were located. Upon checking the pockets PC Blackman located a small Ziploc bag containing what appeared to be marijuana bud. This was seized by PC Jack and upon returning to detachment was found to be approximately 2.3 grams in weight.

At 0947hrs Keith Jamieson attended from the Ministry of Environment to view the scene. He liaised with the bus company owner, [REDACTED] and discussed how the area would be cleaned after the bus was removed.

At 0955hrs Jason Brydges from the MTO attended and completed a mechanical inspection of the school bus. He reviewed the log book and after checking the bus found no visible defects other than the damage from the collision.

At 1107hrs Neil Wilcox from Environmental Solutions attended the scene at the request of the insurance company for the bus company. Frank Crowley, of Berlett and Leonard Insurance Adjusters attended the scene as well on behalf of the bus company. A second company, Detox Environmental, attended with Wilcox to assist with the cleanup. Drain Bros. was then sub-contracted to bring equipment to remove the contaminated soil and replace it with clean top soil.

At 1353hrs the pickup truck was towed to Fitzsimmons garage at the request of PC Downs and followed by Sgt. Butorac. At 1422hrs seal #2G04101 was placed on the garage door pending a mechanical inspection.

At 1358hrs Wayne's towing removed the school bus and towed it back to Ellwood Hamilton Bus Lines yard.

At 1523hrs the offices left the scene and the road was completely re-opened.

A check with Sunnybrook hospital at 1630hrs revealed that [REDACTED] had just finished surgery and was in critical but stable condition.

Investigation continuing and further witness statements to be taken.

WITNESS STATEMENTS: several

SUSPECT(S)/SUSPECT VEHICLE: [REDACTED]

PROPERTY: 2.3 grams marijuana seized

SUPPORT UNITS: Reconstruction traffic unit

CPIC: N/A

NOTIFICATION: Sgt. Butorac, Sgt. Smith, Duty officer

DISTRIBUTION: N/A

Printed by: 371074

Date: 2012/03/13 10:08

Page 2

(December 2, 2009) Counsel's additional disclosure (March 13, 2012):

Supplementary Occurrence Report

Ontario Provincial Police

Printed: 2012/03/13 10:05 by 371074

Occurrence: **SP09278848 Motor vehicle collision @2009/12/02 06:32**

Author:	#10517 NIE, R.	Report time:	2010/03/19 00:00
Entered by:	#10517 NIE, R.	Entered time:	2010/04/21 10:39
Remarks:	CFS results received and reviewed with crown		

On 15MAR10 PC Nie received the final results from CFS in relation to the case. An initial report was completed that was dated 23FEB10 and signed by Forensic Toxicologist Jean-Paul Palmentier - CFS File No. 09-10793 JPP. This initial reported confirmed that 2ng/ml of Tetrahydrocannabinol (THC) was found in the blood sample. There was no alcohol located in the blood sample.

An amended report was completed on 11MAR10 and forwarded to PC Nie. It stated that the initial report had been sent out with analytical findings missing from the original. The amended report would now reflect this change. The amended report include a second item found in the red blood cells. The sedative Bromazepam was located - it is a prescription medication that is used to treat anxiety. The report stated that further analysis could not be completed as there was insufficient sample to do this. Therefore, no exact amount could be determined. As a result, only a general opinion about the effects of this drug could be given and not a concrete answer for this specific driver and collision.

The toxicologist confirmed with PC Nie that the amount of THC detected was consistent with [REDACTED] having smoked a joint of marijuana the night before the collision as he had explained in his statement. The toxicologist also advised that it would not be an amount significant enough to cause impairment.

On 16MAR10 PC Nie met with Crown Shonagh Pickens. As a result of the information received from CFS it was agreed that no criminal charge would be laid as it could not be proven beyond a reasonable doubt in relation to any impairment by drug.

On 19MAR10 PC Nie met with Provincial Crown Andrew Fordham. The case was reviewed and once the Reconstruction report was completed a decision on an appropriate HTA charge would be made.

Printed by: 371074

Date: 2012/03/13 10:05

Page 1

(December 2, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

<p>WED 02 NOV 09</p> <p>NBS BUS</p> <p>DRIVER OR</p> <p>CEU:</p> <p>DIESEL SPILL MORE ATTENDING:</p> <p>WITNESS WHO FOLLOWED THE RED TRUCK:</p>	<p>WOMEN FOR DRAIN BROTHERS</p> <p>WAS ARRIVING IN DUMP TRUCK BEHIND THE RED TRUCK</p> <p>DL4</p> <p>NBS</p> <p>BUS</p> <p>CEU</p> <p>RED TRUCK INVOLVED IN OUR COLLISION DODGE 4x4</p> <p>40</p>
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(December 2, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

<p>WED 02 NOV 09</p> <p>DRIVER OR RED TRUCK TRANSPORTED TO ST. MICHAEL'S HOSPITAL IN TORONTO BY HELICOPTER</p> <p>DRIVER WAS EXTRACTED BY FIREMEN FROM THE RED TRUCK WHEN PC NENEATE WAS THE FIRST OFFICER ATS, ARRIVING AT APPROX 06:30 AM MILE E/W TO VAUGHAN FOR A PAID DUTY.</p> <p>CPL WORKERS (3) ASSISTED / PUT OUT FIRE UNDER RED TRUCK</p>	
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WED 02 NOV 09
 RED TRUCK DRIVER
 [REDACTED]
 MRS. MOTHER'S
 PHONE #
 [REDACTED]
 07:40 INTERVIEWED
 [REDACTED]
 FOLLOWER OF
 THE RED TRUCK
 08:12 INTERVIEWED
 [REDACTED]
 THE SCHOOL BUS
 DRIVER
 08:50 SPOKE WITH
 [REDACTED]
 NORWOOD MUNICIPAL BUS
 LINES OWNER
 09:47 MOC ON SCENE
 09:55 MTO ON SCENE
 10:00 [REDACTED]
 ATTS TO ASSESS
 THE TOWING NEEDS
 OF THE SCHOOL BUS
 10:18 PUT W [REDACTED] POS
 [REDACTED]
 IN CONTACT WITH
 MOC MOP
 KBT [REDACTED]
 MB: DIESEL PULL
 LLETA UP AND
 BUS PULL UP TO
 TOWING
 10:20 SPOKE WITH
 CHUCK SHANK
 SUPERINTENDENT
 WATER HASLER 42
 MB: SCENE CLEAR UP

WED 02 NOV 09
 WORD BLOCKAGE?
 SUMMARY OF THE
 STATEMENTS
 STATE BY [REDACTED]
 - FOLLOWED THE RED
 TRUCK @ A DISTANCE
 IN W/B DIRECTION
 - DR5 IT SWUNG TO
 THE LEFT, HIT E/B
 SHOULDER, THEN
 SWUNG BACK TO THE
 RIGHT AND COLLIDED
 HEAD ON WITH
 SCHOOL BUS
 THAT WAS E/B
 ON HWY 7.
 STATE BY [REDACTED]
 - E/B ON HWY 7
 APPROACHING
 NORWOOD BETWEEN
 ASPHODEL 7TH & 8TH
 LINES WHEN DR5
 LIGHTS OF AN MV
 COMING [REDACTED] WAY
 IN E/B LANE
 - SWUNG TO W/B
 LANE IN AN ATTEMPT
 TO AVOID COLLISION.
 - HEADLIGHT
 SWUNG BACK
 INTO W/B LANE
 - COLLIDED HEAD ON
 WITH THE HEADLIGHTS
 - WENT DOWN
 THE E/B DITCH
 - HAD ~ 40 KIDS
 ON BOARD + 3
 SCHOOL TEACHERS 43

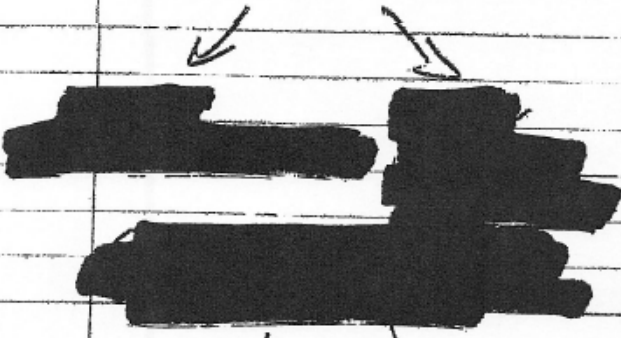
SPOA 278848

WED 02 NOV 09
 SUSPENDED MINOR PLS
 11:07 [REDACTED]
 [REDACTED]
 Hired by INS
 COMPANY OF
 [REDACTED]
 US 45 VLABJ
 WILL OUCHER
 THE NEPHILATION
 DRAG PUMP & SPILL
 INSURANCE ADJUSTER
 [REDACTED]
 - INVESTIGATES THE
 ACCIDENT
 - LOOK AFTER THE
 SPILL OF FUEL
 CONT: [REDACTED]
 11:15 RETRIEVED OWNERSHIP
 + INSURANCE DOES
 FROM RED DODGE
 TRUCK WITH THE
 HELP OF FINEBERG
 1999 DODGE DAKOTA
 VIN [REDACTED]
 RED [REDACTED]
 PO [REDACTED]
 INS [REDACTED]
 11:48 WINDOW - 48 NOV 09
 ATTS TO PUMP 44
 THE REMAINING

WED 02 NOV 09
 DISIEL FUEL FROM THE
 SCHOOL BUS
 [REDACTED]
 INS: GUARDADO COMPANY
 OF NORTH AMERICA
 POC # [REDACTED]
 12:25 [REDACTED]
 [REDACTED] ATTS
 TO REMOVE DISIEL SPILL
 12:30 WAS NOTIFIED THAT
 ~ 30 GALLONS OF
 DISIEL WAS RECOVERED
 ~ 70 GALLONS
 SPILLED INTO THE
 GROUND
 12:40 LATE EARLY MORN:
 @ 11:15 OBS LAYTON
 BROS + BROUEN^{MA}
 WITH SOME RESIDUAL
 OF MARIJUANA
 + A BROUEN BONG
 IN THE RED DAKOTA
 TRUCK.
 THE MARIJUANA
 BAGS WERE LOCATED
 IN THE GLOVE
 COMPARTMENT BOX
 BY PC ME
 ALSO LOCATED WERE
 3 ROUNDS:
 - 2 .22 ROUNDS
 - 1 .556 X? ROUND
 12:52 LOCATED & SEIZED
 A BRASSY WITH
 MARIJUANA IN
 THE POCKET OF A
 COAT IN THE BACK^{AS}
 SECT OF THE TRUCK

12:45 WED 02 NOV 09
LOCATED BY
PC BLACKMAN
FROM [REDACTED]

- WILL OVERSEE
THE REMOVAL OF
THE CONTAMINATED
SOIL
ENVIRONMENTAL
SOLUTIONS



[REDACTED] (RED DUST)

SCHOOL BUS VIN
VIN [REDACTED]

ELLWOOD HAMILTON
BUS LINES
SCHOOL BUSES -
CHILDREN SERVICES
BOX 191 LAMFIELD
ONT APT BUSINESS
705-652-6090
705-652-7261

13:50 WED 02 NOV 09
RED DAKOTA TRUCK
TOWED AWAY FROM
SCENE BY
[REDACTED]

COMPOUND + ESCORTED
ACCOMPANIED BY
SGT. BUDNAC
13:57 SCHOOL BUS TOWED
AWAY FROM SCENE
BY [REDACTED]

14:00 [REDACTED]
MTR LTD ARE
SUBSIDYING THE
ROAD CLEAN
+
[REDACTED] BACKHOB DIGGING

UP THE CONTAMI-
NATED SOIL

14:25 SPOKE WITH
[REDACTED] FROM
[REDACTED] WAS
ADVISED THAT
IT WOULD TAKE
THAT UNTIL
TOMORROW NIGHT
TO GET NEARLY
THE DIRT & SPILL.
- TODAY TIL 16:30
- TOMORROW FROM 09:00

14:28 SUGGERER IS AT
TO SWEEP THE
ROAD CLEAN

15:00 EXCAVATION OF THE
SOIL CONTINUES 47

(December 2, 2009) Counsel's additional disclosure (March 13, 2012), PC Jack's notes:

<p>WED 02 DEC 09 AS PROBEL-NONWOOD FIRE DEPARTMENT [REDACTED] (FIRE HALL) CHIEF'S INFO: TRACK PATTERSON CAPTAIN: [REDACTED]</p>	<p>15:25 10-19 15:46 98560 40 @ ACTHO CANADA \$24.69 15:51 10-7, DETAINMENT H265 W/STATED SETED 7335 DRUGS - 2.3 GMS 17:00 LOGGED SETED DRUGS (MARIJUANA) INTO DRUGS VISUAL 17:00 LINKED INVOLVED PARTIES ON MISC 18:10 OFF DUTY PC 12690 2/2009</p>
<p>15:15 OPENED W/IS LANE DR HWY 7 FOR THROUGH TRAFFIC</p>	
<p>15:25 OPENED W/IS LANE OR HWY 7 FOR TRAFFIC</p>	

(December 2, 2009) (Volume 4, 24), S/Sgt. Kohen's notes (Original & Transcribed):

<p>Wed 02 Dec 2009 0215 On Duty Enroute to GHQ 0930 10-7 Admin 1000 Meeting with Dave Lee and Mike Reynolds, re Prob Jack I gave them copy of Package and made a couple of corrections to BN I will send them a copy once formatted Went over process of releasing a Prob Advise once BN leaves, CDB I will advise them.</p>	<p>0715 On Duty Enroute to GHQ 0930 10-7 Admin</p> <p>Meeting with Dave Lee and Mike Reynold, re Prob Jack Gave them copy of package and made a couple of corrections to BN</p> <p>Will send them a copy Once formatted Went over process of releasing a Prob Advise once BN leaves, CDB I will advise them</p>
--	---

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Wednesday December 2nd, 2009
CV05

10:20 [redacted] Central Region H.Q.
meeting with Colleen Kohen
re: recruit PC Michael Jack

10:30 Briefed by S/Sgt. Kohen + Insp Lee
C/Region Staff Development + Training
its been determined based on performance
issues and other areas that do not meet

109

acceptable standards of the position of Constable
that PC Jack be Asked to resign or be
terminated Briefing Note to follow chain of
Command for approval
anticipated termination letter to be ready
for service week of December 14th.

11:00 end of meeting
attend benefit section for further information
on benefits @ termination
consult with HR advisor Julie Stephenson
on other HR issues at Peterborough Det.
arrange Conference call week of Dec 16th.

Transcription:

10:20 Central Region H.Q.

meeting with Colleen Kohen re: recruit PC Michael Jack

10:30 Briefed by S/Sgt. Kohen + Ins. Lee

C/Region Staff Development Training

its been determined based on performance issues and other areas that do not meet acceptable standards of the position of Constable that PC Jack be Asked to resign or be terminated

Briefing Note to follow chain of Command for approval

anticipated termination letter to be ready for service week of December 14th

11:00 end of meeting

Attend Benefit section for further information on benefits @ termination

Consult with Human Resources (H/R) advisor Julie Stephenson on other Human Rights (HR) issues at Peterborough Det.

arrange Conference call week of December 16th.

A/Insp. Reynolds was apparently familiar with my Human Rights violations at the Peterborough County OPP Detachment and felt it was important to document his meeting with Human Resources advisor Julie Stephenson. Hence, the Tribunal should note that the OPP as a whole was familiar with my and other Human Rights violations at the Peterborough County OPP Detachment and chose to do nothing about it.

(December 3, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)
Sent: December 3, 2009 4:32 PM
To: Bell, Cathy (JUS)
Subject: Bn Prob Jack

I could not get a hold of Brenda
Did it arrive ?

Colleen

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

From: Bell, Cathy (JUS)
Sent: December-04-09 8:48 AM
To: Kohen, Colleen (JUS)
Subject: RE: Bn Prob Jack

Briefing note has arrived here. I will ensure she sees today.
cb

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

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

From: Kohen, Colleen (JUS)
Sent: December 4, 2009 8:52 AM
To: Lee, Dave E. (JUS)
Subject: Prob Jack

Dave

I can't find mike on my bb address book

When you flip back can you cc him and I will add him(sorry mike)

BN has been approved by CDB and is now in Prov Commander office then will go to Deputy Lewis

I need some dates that Prob Jack can come see C/Supt armstrong

Let's look dec 11 , 14 or 15. Does that work and if so .. Give me a time keeping in mind he has to travel down

Colleen

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

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

From: Lee, Dave E. (JUS)
To: Kohen, Colleen (JUS)
Cc: Reynolds, Michael (JUS)
Sent: Fri Dec 04 08:59:10 2009
Subject: Re: Prob Jack

Colleen:

Can you send me the briefing note and I'll give the Chief the package.

Dave

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

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

From: Kohen, Colleen (JUS)
To: Lee, Dave E. (JUS)
Cc: Reynolds, Michael (JUS)
Sent: Fri Dec 04 08:59:57 2009
Subject: Re: Prob Jack

I will on monday as I am off today

Colleen

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

From: Lee, Dave E. (JUS)
Sent: December-04-09 9:05 AM
To: Kohen, Colleen (JUS)
Subject: Re: Prob Jack

Great.

FYI, I've asked the Chief for his availability on those dates.

Dave

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

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

From: Lee, Dave E. (JUS)
Sent: December-04-09 1:52 PM
To: Kohen, Colleen (JUS)
Subject: RE: Prob Jack

Colleen:

C/Supt Armstrong is available to speak with Prob. Cst. Jack on 15Dec09 at 1330 hrs.

Please advise if this is agreeable.

Dave
D. E. (Dave) Lee
Inspector
Career Development
OPP Central Region
705-329-7418

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

From: Bell, Cathy (JUS)
Sent: December-04-09 3:07 PM
To: Kohen, Colleen (JUS)
Cc: Silverthorn, Mary (JUS)
Subject: Probationary Jack

Hello Colleen,

As per your inquiry yesterday, this has been signed by Commander and forwarded to Deputy Lewis. He is not in today.

Thanks,
Cathy

(December 7, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)
Sent: December 7, 2009 6:37 PM
To: Thomas, Sandy (JUS)
Subject: Prob Jack

Hi Sandy

Jim Stiles has been briefed re Prob Jack As per process, I advised him that when I get notified BN has been approved and when we serve Prob Jack his letter re his meeting with Regional Commander I will notify him

He is aware we are looking at 15 Dec for this meeting which will be a Central Region HQ

Fyi

Colleen

(December 7, 2009) Counsel's additional disclosure (April 5, 2012):

From: Thomas, Sandy (JUS)
Sent: December-07-09 6:40 PM
To: Kohen, Colleen (JUS)
Subject: RE: Prob Jack

10-4

(December 8, 2009) (Volume 3, T):

From: Van Dyk, Brenda (JUS)
Sent: December 8, 2009 3:16 PM
To: Kohen, Colleen (JUS)
Subject: Prob Jack Notice of release
Importance: High

Hi Colleen,

Here is the attachments you originally forwarded and the scanned memo signed by Mary. Will hold original and copies until further direction from yourself.

Colleen

<< File: scan0002.bmp >> << File: scan0001.bmp >> << File: Notice of Proposed Release from Employment.pdf >>

(December 9, 2009) (Volume 3, T):

From: Kohen, Colleen (JUS)
Sent: December 9, 2009 2:14 PM
To: Lee, Dave E. (JUS); Reynolds, Michael (JUS)
Subject: FW: Prob Jack Notice of release
Importance: High

Mike

I am still waiting to hear back from my BN from Deputy Lewis so please hold on to these until then

These are to be served on Michael meaning the proposed release letter and the perf and conduct letter he signed back in Aug. I hope to hear tomorrow

Dave

Please share these with C/Supt Armstrong... I will also be sending you another letter which is a termination letter just in case he does not resign. This needs to be placed on Central region letter head.

Stay tuned gentleman

Colleen

Please note the excerpt: ***'I will also be sending you another letter which is a termination letter just in case he does not resign.'***

(December 9, 2009) Counsel's additional disclosure (April 5, 2012):

From: Reynolds, Michael (JUS)
Sent: December-09-09 3:15 PM
To: Kohen, Colleen (JUS); Lee, Dave E. (JUS)
Subject: Re: Prob Jack Notice of release

Thanks Colleen,

Mike

Sent from my Blackberry Wireless Device

It is interesting to know that OPP Commissioner Chris Lewis approved my termination. I wonder what he would have done had he known the circumstances.

Response to the Application (HRTO 2010-07633-I), paragraph 17:

The Applicant was advised of the Respondent's decision not to offer him a permanent position and the Applicant tendered his resignation on December 15, 2009.

I was advised of the Respondent's decision on Sunday, December 13, 2009, shortly after commencing my evening shift at the Peterborough Detachment. I was driven to the City of Kawartha Lakes Detachment in Lindsay by Sgt. Butorac where A/Insp. Reynolds made me aware of the OPP's intention to terminate my

employment. However, one can clearly see that the final decision to terminate me was made on December 9, 2009, and the subsequent communications addressed the preparations of the termination documents.

(December 09, 2009) (Volume 3, R) (Exhibit 41) Notice of Proposed Release from Employment:

December 09, 2009

MEMORANDUM TO:

PROBATIONARY CONSTABLE JACK
PETERBOROUGH COUNTY, DETACHMENT

Re: Notice of Proposed Release from Employment

This memorandum will serve as notice to you that a recommendation has been made that you be released from employment from the Ontario Provincial Police. You will be released from employment pursuant to subsection 37 (2) of the Public Service of Ontario Act.

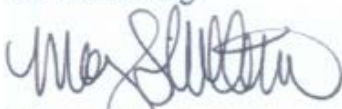
The recommendation for your release from employment is based on your failure to meet the requirements of the position as a Probationary Constable based on unsatisfactory work performance. On August 25, 2008, you acknowledged and signed the attached form, Performance and Conduct Requirements of a Probationary Constable.

You have the opportunity to prepare a written submission or to meet with Chief Superintendent Armstrong at Central Headquarters at 1330 hours on December 15, 2009, before a decision is made. To assist Chief Superintendent Armstrong in his decision relating to your employment status, I will provide him with a copy of this memorandum and attached documentation.

If the recommendation is accepted, you will be released from employment pursuant to subsection 37(2) of the *Public Service of Ontario Act*.

Please advise Staff Sergeant Colleen Kohen in writing, by 0900hours on December 14, 2009, as to which option, if any, you wish to exercise. If you choose not to make a submission, the final decision will be based on the information in this memorandum and the attached documentation.

You have the right to have a representative of the Ontario Provincial Police Association present at the meeting.



Mary Silverthorn
A/Bureau Commander

c: OPPA
C/Supt. Mike Armstrong, Regional Commander - Central Region

What was that circus about me having the opportunity to prepare a written submission or to meet with Chief Superintendent Armstrong before a decision was allegedly made to terminate me, if a termination letter had already been prepared on December 9, 2009, aside from this Notice of Proposed Release from Employment? What was the point of even addressing my concerns to Chief Superintendent Armstrong if he

had already been presented with the OPP's decision to terminate my employment according to S/Sgt. Kohen's e-mail dated December 9, 2009?

However, it was the OPP's intention to present me with a False Sense of Hope that depending on my written submission the decision to terminate my employment could be averted. Hypocrites!

Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 17:

The Applicant was advised of the Respondent's decision not to offer him a permanent position and the Applicant tendered his resignation on December 15, 2009.

(December 9/10, 2009) Counsel's additional disclosure (April 3, 2012), PC Jack's notes:

THU 10 DEC 09 PM 11 DEC 09 DAYS OFF	PM 11 DEC 09 SAT 12 DEC 09 SICK DAYS SUSPECTED FLU
---	---

(December 11, 2009) Counsel's additional disclosure (April 5, 2012):

From: Van Dyk, Brenda (JUS)
To: Kohen, Colleen (JUS)
Cc: Hannes, Renee (JUS); Thomas, Sandy (JUS)
Sent: Fri Dec 11 16:24:40 2009
Subject: Proposal to Release Prob Const

Hi Colleen,

Proposal to Release Prob Const Jack BN received approved and forwarded to Renee Hannes.

Thx

Brenda Van Dyk
Administrative Assistant
Office of the Bureau Commander
Career Development Bureau
Ontario Provincial Police
(705) 329-6179
(705) 329-6188 (fax)

(December 11, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
To: Reynolds, Michael (JUS); Lee, Dave E. (JUS)
Sent: Fri Dec 11 17:21:39 2009
Subject: Fw: Proposal to Release Prob Const

Mike
We need to get the letter served asap

Any chance on the weekend ?

(December 11, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
Sent: December 11, 2009 5:27 PM
To: Thomas, Sandy (JUS)
Subject: Fw: Proposal to Release Prob Const

Sandy

Hopefully we can get him served this weekend as his meeting is tuesday with C/Supt Armstrong

Will advise .. Oppa is aware(jim Stiles)

(December 11, 2009) Counsel's additional disclosure (April 5, 2012):

From: Thomas, Sandy (JUS)
Sent: December-11-09 5:28 PM
To: Kohen, Colleen (JUS)
Subject: RE: Proposal to Release Prob Const

10-4

(December 11, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
Sent: December-11-09 5:35 PM
To: 'jstiles@oppa.ca'
Subject: Fw: Proposal to Release Prob Const

Jim

We are attempting to get the letter served on Prob Jack this weekend

Once served I will advise you
As his meeting is on the 15 which is tuesday

Colleen

(December 11, 2009) Counsel's additional disclosure (April 5, 2012):

On 2009-12-11, at 5:35 PM, "Kohen, Colleen (JUS)" <Colleen.Kohen@ontario.ca> wrote:

Jim

We are attempting to get the letter served on Prob Jack this weekend

Once served I will advise you
As his meeting is on the 15 which is tuesday

Colleen

(December 11, 2009) Counsel's additional disclosure (April 5, 2012):

From: Reynolds, Michael (JUS)
To: Kohen, Colleen (JUS); Lee, Dave E. (JUS)
Sent: Fri Dec 11 19:30:37 2009
Subject: Re: Proposal to Release Prob Const

Hello Colleen

The officer was suppose to work this weekend on nights.

Sgt. Butorac advises that PC Jacks called in sick tonight.

We will attempt service on Sunday night.

The documents provided to me earlier this week...is this what I serve the officer?

Mike

A/Inspector Mike Reynolds
A/Detachment Commander
Peterborough County Detachment
Bus: 705-742-0401
Cell: 705-928-6774

Sent from my Blackberry Wireless Device

(December 11, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
To: Reynolds, Michael (JUS); Lee, Dave E. (JUS)
Sent: Fri Dec 11 19:35:49 2009
Subject: Re: Proposal to Release Prob Const

Hi Mike

Thanks for getting back to me

Yes. Serve him the letter that Mary Silverthone signed about the proposed Notice of release and the Perf and conduct letter that he signed knowing his expectations.

Can you please advise me when he is served. I have contacted OPPA that we have the green light to release but I also have to advise them that it has been served

I check my bb all the time .. Any questions let me know

Colleen

(December 11, 2009) Counsel's additional disclosure (April 5, 2012):

From: Reynolds, Michael (JUS)
Sent: December-11-09 7:38 PM
To: Kohen, Colleen (JUS)
Subject: Re: Proposal to Release Prob Const

No problem...will advise

Mike

Sent from my BlackBerry Wireless Device

(December 11, 2009) Counsel's additional disclosure (April 5, 2012):

From: Thomas, Sandy (JUS)
Sent: December-11-09 7:42 PM
To: Kohen, Colleen (JUS)
Subject: Re: Proposal to Release Prob Const

Great job Colleen
Thank you for keeping me in the loop

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

(December 11, 2009) (Volume 3, Q), A/Insp. Reynolds' notes:

Friday December 11th, 2009
0700
1735 Receive email from S/Sgt. Coleen Kohen re: PC Michael Jacks
Proposal to Release Probationary Constable
Received approval to serve PC Jacks with letter signed by Mary Silverstone "Proposed Notice of Release & Perf and Conduct letter signed by PC Jacks, knowing his expectations
Contact Sgt. Butorac, PC Jacks Platoon Sergeant officer called in sick.
S/Sgt. Kohen advised by email - proposed service date is Sunday December 13th @ 1700hrs. ←
Saturday December 12th, 2009
Received call from Sgt. Butorac, advised PC Jacks called in sick again.
Arrange for Sunday night. ←

Transcription:

Friday, December 11th, 2009

1735 Receive email from S/Sgt. Coleen Kohen re: PC Michael Jacks

Proposal to Release Probationary Constable

Received approval to serve PC Jacks with letter signed by Mary Silverstone "Proposed Notice of release & Perf and Conduct letter signed by PC Jacks, knowing his expectations

Contact Sgt. Butorac, PC Jacks Platoon Sergeant officer called in sick

S/Sgt. Kohen advised by email – proposed service date is Sunday December 13th @ 1700hrs.

Saturday December 12th, 2009

Received call from Sgt. Butorac, advised PC Jacks called in sick again

Arrange for Sunday night

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

From: Jim Stiles <JStiles@oppa.ca>
Sent: December-12-09 11:12 AM
To: Kohen, Colleen (JUS)
Subject: Re: Proposal to Release Prob Const

Thanks Colleen. Talk to you next week.

Jim

Sent from my iPhone

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

On the evening of December 13, 2009, I was served with a Notice of Proposed Release from Employment (the Notice) (Exhibit 41) along with a copy of the Performance and Conduct Requirements of a Recruit Constable (Exhibit 42) by Acting Detachment Commander S/Sgt. Mike Reynolds. The recommendation that I be released from the employment with the OPP was made based on my failure to meet the requirements of the position of a Probationary Constable based on my unsatisfactory work performance.

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

	SUN 13 DEC 09
SOFT	1E-204
HARD	1-254
MIL	/
EQUIP	
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
1900	MET WITH ACTING DETACHMENT COMMANDER MIKE S/SGT MIKE ANASTASIOU REYNOLDS GOT SERVED A

	NOTICE OF PROPOSED RELEASE FROM EMPLOYMENT
20:00	10-7 DETACHMENT GENERAL ADMIN
22:00	SENT EMAIL TO KIMBERLY GUNN & COLLEEN KOHEN RE: RECD NOTICE OF PROPOSED RELEASE FROM EMPLOYMENT
22:30	GENERAL ADMIN
02:00	REVIEWED MY EARNINGS
03:00	MEETING WITH SST BUTCHER & PLMIL RE. MY PCS-06 CP MONTH 11
03:45	OVER

(December 13, 2009) Counsel's additional disclosure (January 27, 2012), Sgt. Butorac's notes:

SUN 13 DEC 09
on - 1630
off - 0500

[redacted]

1300 10-8 w Jack to meet
A/Insp. Reynolds @
CKL det. To get
served notice to
see Chief Supt @
GHQ on Tue.

1910 - 10-8 from det back
to PEO.
Jack opted to
remain @ det
to do his rebuttal
letter.

[redacted]

SUN 13 DEC 09

on - 1630
off - 0500

[black]

1800 10-8 with Jack to meet
A/Insp. Reynolds @
CKL detachment to get
served notice to
see Chief Superintendent @
GHQ on Tuesday.

1910 -10-8 from detachment
to Peterborough

Jack opted to
remain @ detachment
to do his rebuttal
letter

[black]

Sunday December 13th 2009

1700 advised by Sgt. Bullock that Sgt. Tucks was in for work tonight advised to bring to the detachment for review of

Notice of Proposed Release from Employment

1900 Held meeting with Sgt. Tucks + Sgt. Bullock

Serve notice of proposed release from Employment and Performance and Conduct requirements of a recruit Constable

Dated and signed on August 25, 2008 explain memo from A/Bureau Commander Mary Silverstein

prepare written submission or meet with Chief Superintendent Armstrong @ Central Region H.Q on December 15th, 2009 before decision is made.

Advised to advise S/Sgt. Kohen in writing by 0900hrs on December 14, 2009 as to option to exercise.

Sgt. Tuck understood letter + option advised of EPP

advised if he did not wish to continue working tonight he could go home - deduction of hours understood

No questions

told to ensure he contacts A/Sgt. Calburn Kohen before going off duty

No further

Sgt. Bullock to transport back to STBO Detachment

1909	end of meeting
2000	[redacted]

Transcription:

advised by Sgt. Butorac that Cst. Jacks was in for work tonight.
advised to bring to CKL detachment for service of Notice of Proposed Release from Employment.
1900: Hold meeting with Cst. Jacks and Sgt. Butorac.
Serve notice of proposed Release from Employment and Performance and Conduct requirements of a recruit constable
dated and signed on August 25, 2008
explain memo from A/Bureau Commander Mary Silverthorne.
prepare written submission or meet with Chief Superintendent Armstrong @ Central Region H.Q (headquarters) on December 15th, 2009 before decision is made.
Advised to advise S/Sgt. Kohen in writing by 0900 hrs on December 14, 2009 as to option to exercise.
Cst. Jack understood letters & option advised of EAP
advised that if he did not wish to continue working tonight he could go home – deduction of hours understood
No questions
told to ensure he contacts S/Sgt. Colleen Kohen before he going off duty
No further
Sgt. Butorac to transport back to PTBO Detachment
1909: end of meeting
2000: [black]

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

The Notice:

You have the opportunity to prepare a written submission or to meet with Chief Superintendent Armstrong at Central Headquarters at 1330 hours on December 15, 2009, before a decision is made. To assist Chief Superintendent Armstrong in his decision relating to your employment status, I will provide him with a copy of this memorandum and attached documentation.

Though the Notice implied that I could have met with Chief Superintendent Armstrong at 1330 hours on December, 15, 2009, to make some submissions before the actual decision to terminate my employment was made it did not appear to be the case.

The Notice itself (Exhibit 41) was dated December 9, 2009, which was a Wednesday. It was my scheduled day off. My next scheduled set of shifts was nights and were Friday the 11th to Sunday the 13th. When I reported for work on Sunday the 13th, I had no idea what was about to befall me. Shortly after I started my shift and was working on some occurrences in the Constables' office, Sgt. Butorac approached me and said, "Let's go for a drive." I was scared all at once. I did not know what to expect. Thoughts of what I was going to be slammed with again were going through my mind. The drive to Lindsay seemed forever and though I cannot recall exactly what we talked about I am sure he must have told me something to the effect that we had to go see the Detachment Commander in Lindsay. When we got there he showed me into S/Sgt. Mike Reynolds' office. There was no one else in the office. I recall S/Sgt. Reynolds saying something to the effect that he never had to do this before while at the same time handing me a sheet of paper advising me that it was a Notice of Proposed Release from Employment (Exhibit 41). He also handed me a copy of the Performance and Conduct Requirements of a Recruit Constable (Exhibit 42). I took those two documents and glanced over them while my mind was still focused on his words, '*proposed release from employment.*'

After being returned to the Peterborough Detachment I called D/Cst. Karen German and sent out some e-mails to the Ontario Provincial Police Association and to S/Sgt. Colleen Kohen (Exhibit 26a, page 5). I do not think I completed my full shift that night, but went home early. I will never forget how Cst. Nie was looking at me upon returning back to the detachment after I had been served the Notice. He was sitting in front of the computer in the Constables' office finalizing my Month 11 performance evaluation. He was smiling and looked satisfied.

In reflection later on, one of the final pieces of the puzzle in the OPP's plan to terminate my employment became clear. Having been prepared on December 9, 2009, it appears the OPP deliberately left it to the last day of my night shift to have me served. I base this supposition on the following:

- Staff Sergeant Mike Reynolds is the operations manager of City of Kawartha Lakes OPP.
- As an Operations Manager or Unit Commander of the City of Kawartha Lakes detachment one's shifts are days Monday to Friday.
- I would hasten to say that S/Sgt. Mike Reynolds worked days on Friday the 11th. Though I cannot confirm this, the corporate respondent would surely be able to do so.
- According to Cst. Tapp, who works there, S/Sgt. Reynolds usually leaves around 4 or 5 pm daily.
- The OPP is very careful about overtime expenditures and hence managers are always critical about approving overtime. If an officer were called back to work or had to attend work as a result of a supervisor's order after a scheduled shift or while on a regular scheduled day off then that officer is entitled to claim six hours of pay at the regular hourly rate. The same is true for Staff Sergeants since they are also members of the association and hence part of the Uniform Collective Agreement with the OPP.
- S/Sgt. Reynolds could have stayed behind a couple of hours on Friday the 11th to take care of serving me with the Notice, whereby I would have had sufficient time to prepare a written submission regarding the Notice. S/Sgt. Reynolds was fully aware of my shift schedule so why not have Sgt. Butorac bring me to him as soon as I started work on Friday rather than on Sunday?
- Then again, if one were going to come in on Sunday to serve this Notice on me why not come in on Saturday evening?

- Is it inconceivable to imagine that if an employer truly wanted to show that it wanted an employee to have enough time to make a written submission or even prepare for a submission, that is to be heard on the 15th before the decision to terminate is made, to ensure that the employee is not served at the last available opportunity?

Yet further, is it inconceivable to imagine that if an employer truly wanted to show that it wanted an employee to have enough time to make a written submission or even prepare for a submission, that is to be heard on the 15th before the decision to terminate is made, to ensure that the service of such a Notice was not done on the last night of night shift whereby, the employee would be reporting off duty on the morning of the 14th and would only have one day, a day that would be ravaged by sleep-deprivation, to do so?

Hence that piece of puzzle certainly made it clear that the decision to terminate my employment had already been made and to give me the least amount of time to respond in a submission would be most favorable to the OPP achieving their goal of terminating my employment via a forced resignation.

Please advise Staff Sergeant Colleen Kohen in writing, by 0900hours on December 14, 2009, as to which option, if any, you wish to exercise. If you choose not to make a submission, the final decision will be based on the information in this memorandum and the attached documentation.

Due to the fact that I only had 14 hours between the times I was served with the Notice to the deadline by which I had to advise S/Sgt. Colleen Kohen in writing (Exhibit 41), I requested an extension to the notification (Exhibit 26b, page 5), but was not granted it. Once again it is clear that the decision to terminate me had already been made.

(December 13, 2009) (Volume 3, T):

To: Kohen, Colleen (JUS); Lee, Dave E. (JUS)
Cc: Stevenson, Hugh (JUS)
Subject: RE: Prob Jack Notice of release

Hello Colleen,

On Sunday December 13th @ 19:00hrs, Constable Michael Jack was served Memorandum " Notice of Proposed Release from Employment from A/ Bureau Commander Mary Silverthorn and "Performance and Conduct Requirements of a Recruit Constable dated August 25, 2008".

This meeting was held with Sergeant Peter Butorac at the City of Kawartha Lakes Detachment. Constable Jack was offered EAP and the option to go home if he did not wish to continue on duty but with deduction of hours. Constable Jack was made aware that you wanted notification by tomorrow morning @ 09:00hrs in regards to which option he wanted to exercise.

Please note that Constable Jack was off sick both Friday and Saturday night and this was the first opportunity to serve him. The officer is on scheduled rest days on December 14th and 15th.

Regards,

A/Inspector Mike Reynolds
A/Detachment Commander
Peterborough County Detachment
Bus: 705-742-0401
Fax: 705-742-9247
Cell: 705-928-6774
E-mail michael.reynolds@ontario.ca

(December 13, 2009) Counsel's additional disclosure (April 5, 2012):

From: Reynolds, Michael (JUS)
To: Kohen, Colleen (JUS); Lee, Dave E. (JUS)
Cc: Stevenson, Hugh (JUS)
Sent: Sun Dec 13 19:25:59 2009
Subject: RE: Prob Jack Notice of release

Hello Colleen,

On Sunday December 13th @ 19:00hrs, Constable Michael Jack was served Memorandum " Notice of Proposed Release from Employment from A/ Bureau Commander Mary Silverthorn and "Performance and Conduct Requirements of a Recruit Constable dated August 25, 2008".

This meeting was held with Sergeant Peter Butorac at the City of Kawartha Lakes Detachment. Constable Jack was offered EAP and the option to go home if he did not wish to continue on duty but with deduction of hours. Constable Jack was made aware that you wanted notification by tomorrow morning @ 09:00hrs in regards to which option he wanted to exercise.

Please note that Constable Jack was off sick both Friday and Saturday night and this was the first opportunity to serve him. The officer is on scheduled rest days on December 14th and 15th.

Regards,

A/Inspector Mike Reynolds
A/Detachment Commander
Peterborough County Detachment
Bus: 705-742-0401
Fax: 705-742-9247
Cell: 705-928-6774
E-mail michael.reynolds@ontario.ca

(December 13, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
Sent: December-13-09 7:47 PM
To: 'jstiles@oppa.ca'
Subject: Re: Proposal to Release Prob Const

Hi Jim

Wanted to advise you Prob Jack called in sick friday and sat night and has just been served his notice or release letter.

I will connect with you tomorrow on the phone but felt it was impeotant you were aware he was served

Colleen

It is clear based on the above e-mails and my notes kindly disclosed by the Counsel for the Respondent on April 3, 2012, that I was mistaken when I prepared my statement and stated that I was working on December 11 and 12 (Friday and Saturday), 2009. I did not have the benefit of viewing my notebook while preparing my statement and the Peterborough OPP Duty Schedule 2009 (Exhibit 66) was last updated on November 10, 2009. Hence, it does not reflect my sick days off on November 29, 2009, December 11, 2009, and December 12, 2009. Otherwise, I would have noticed my mistake and corrected it.

However, since the Respondent was compelling me to attend General Headquarters in Orillia on my scheduled day off (December 15, 2009) for the purpose of being served my termination of employment letter then I was an employee up until I was served such a letter. Being that the case I was not given the standard six hour call back pay which is in accordance with the Memorandum of Understanding with the Association. The Respondent could have easily waited another day for on December 16, 2009, I was scheduled to work days and my Sergeant could have driven me up to Orillia.

Furthermore, if they were compelling me to attend GHQ on my scheduled day off then they could have called me in and give me the two notices on either December 9, 2009, or December 10, 2009, which were my days off. In doing so I would have had time to prepare a written submission for December 15, 2009.

In light of what I have mentioned it is plainly clear that the only reason I was not allowed the extension and made to go on December 15, 2009, was because the decision to terminate my employment had already been made and the termination letter was already prepared and dated December 15th, 2009, and waiting to be served on me by Chief Superintendent Armstrong. Hence, whereas the Notice of Proposed Release from Employment states **'If you chose not to make a submission, the final decision will be based on the information in this memorandum and the attached documentation'** it was obviously a complete lie!

Please advise Staff Sergeant Colleen Kohen in writing, by 0900hours on December 14, 2009, as to which option, if any, you wish to exercise. If you choose not to make a submission, the final decision will be based on the information in this memorandum and the attached documentation.

Everything about my brief tenure with the OPP at the Peterborough Detachment was so discriminatory. My work environment had been poisoned before I even got there. I had been nick named and referred to as a crazy man ("Crazy Ivan") before they even knew me. There was a total aberration of policies (be it the Ontario Provincial Police Orders or Human Rights Code or the Ontario Public Service) when it came to dealing with me.

(December 13, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
To: Reynolds, Michael (JUS); Lee, Dave E. (JUS)
Cc: Stevenson, Hugh (JUS); Thomas, Sandy (JUS)
Sent: Sun Dec 13 19:45:35 2009
Subject: Re: Prob Jack Notice of release

Good evening Mike

Thanks for the up date and notifications

I will connect with you tomorrow if I can be of any additional assistance.

I contacted oppa on friday and will notify them now he has been served

Colleen

(December 13, 2009) Counsel's additional disclosure (April 5, 2012):

From: Reynolds, Michael (JUS)
Sent: December-13-09 8:06 PM
To: Kohen, Colleen (JUS)
Subject: Re: Prob Jack Notice of release

Thanks

Mike

Sent from my Blackberry Wireless Device

(December 13, 2009) Counsel's additional disclosure (April 5, 2012):

From: Jack, Michael (JUS)
Sent: December-13-09 10:05 PM
To: Kohen, Colleen (JUS)
Cc: German, Karen (JUS); br8.president@oppassociation.org; mjack_31@hotmail.com
Subject: Re: Notice of Proposed Release from Employment for Michael Jack

Hello S/Sgt. Kohen,

On Sunday, December 13, 2009 at 19:00 hours I got served a memorandum re: Notice of Proposed Release from Employment in which I was advised of the opportunity to either prepare a written submission or to meet with Chief Superintendent Armstrong at Central Headquarters at 1330 hours on December 15, 2009, before a decision is made.

In the notice I am requested to advise you in writing by 09:00 hours on December 14, 2009, as to which option, if any, I wish to exercise.

At approximately 20:45 hours I spoke with the President of the 8th Branch of Ontario Provincial Police Association, D/Cst. Karen German, on the phone and advised her of the Notice and the deadline for making the choice as to which option I wish to exercise.

D/Cst. German advised me she would be consulting with the OPPA first thing on Monday morning and get back to me.

Due to the fact that I was served the Notice on the weekend and requested to advise you on a very short notice (14 hours) as to which option I wish to exercise, as per D/Cst. German instruction, I am requesting an extension to the notification.

While I personally would prefer to meet with Chief Superintendent Armstrong at Central Headquarters and have a representative of the OPPA present at the meeting, my final choice will be made after I have been advised by D/Cst. German sometime on December 14th, 2009. I will be in touch with you as soon as I hear from D/Cst. German. Could you please advise me of the fastest way I can reach you?

I will not have access to my justice email account on Monday, December 14, 2009. However, I can be reached at my personal email account mjack_31@hotmail.com or on my cell 705-740-5765.

Thank you

Michael Jack

(December 14, 2009) (Volume 3, Q), A/Insp. Reynolds' notes:

Monday December 14th, 2009 - Duty Office: [redacted]

(726) receive email re: PC Jack has confirmed attending meeting c/Supt
Call @ home has contacted A/S/Sgt Smith
advised wearing civilian attire
advise S/Sgt. Kohen ←

1800 ROD

Transcription:

Monday December 14th, 2009 – Duty Office : [black]
(726) receive email re: PC Jack has confirmed attending meeting Chief Superintendent
Call @ home has contacted A/S/Sgt. Smith.
advised wearing civilian attire
advise S/Sgt. Kohen
1800: ROD

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

On December 14, 2009, I was presented with my Month 11 performance evaluation (09 Nov 2009 – 09 Dec 2009) (Exhibit 44) by Sgt. Butorac. The evaluation was prepared by Cst. Nie. There were 11 "Does Not Meet Requirements" ratings.

(December 14, 2009) (Volume 2, N-36):

From: Nie, Richard (JUS)
Sent: December 14, 2009 5:26 AM
To: Kohen, Colleen (JUS); Reynolds, Michael (JUS)
Subject: PC Jack

Colleen

I have completed PC Jack's 11mth evaluation and it has been signed off by PC Jack, myself, and Sgt. Butorac. I'm sorry I didn't have a chance to send it to you first this time but given he received his termination letter last night I felt it was okay to get it done anyways.

Let me know if you need anything else from me

Thanks again

Rich.

A/Insp Reynolds - the original is sitting on your desk and I marked where your signatures are required.

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
Sent: December-14-09 8:51 AM
To: Jack, Michael (JUS)
Cc: German, Karen (JUS); 'br8.president@oppassociation.org'; 'mjack_31@hotmail.com'
Subject: RE: Re: Notice of Proposed Release from Employment for Michael Jack

Good Morning

I can be reached at the Justice e mail address. colleen.kohen@ontario.ca or can be reached on my cell 905 973 8877. If I don't answer the cell, please leave a messages as I have several meetings today.

Please be advised that I have been in contact with Jim Stiles of the OPPA if that assist you.

Colleen

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

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

From: German, Karen (JUS)
Sent: December-14-09 10:09 AM
To: Kohen, Colleen (JUS); Jack, Michael (JUS)
Cc: 'br8.president@oppassociation.org'; 'mjack_31@hotmail.com'; jstiles@oppa.ca
Subject: RE: Re: Notice of Proposed Release from Employment for Michael Jack

S/Sgt KOHEN:

I will be speaking with Jim STILES today sometime after 12:00 as he is also in meetings this am.

I will make contact with you once I have spoken with him.

Thanks for your reply.

Karen

Detective Constable Karen GERMAN

Northumberland OPP Crime Unit

Brighton Site

1-613-475-1313 (office)

1-905-375-7690 (cell)

501-5642 (VNET)

karen.german@ontario.ca

(December 14, 2009) (Volume 2, N-36):

From: Kohen, Colleen (JUS)
Sent: December 14, 2009 10:20 AM
To: Reynolds, Michael (JUS); Lee, Dave E. (JUS)
Cc: Nie, Richard (JUS)
Subject: RE: PC Jack

Attachments: Release from Employment Jack 2009 .doc

Good Morning

Mike

Could you please get a copy of this last PCS66P to Dave so C/Supt Armstrong has all the documentation.

Dave

Here is the letter in C/Supt Armstrong will use if termination is required. This letter requires Central Region letter head placed on it.

OPPA is aware of notice being served on Prob Jack. I am just waiting for them to call me back this morning as Jim is in a meeting.

Colleen



Release from
Employment Jack 2..

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

From: Reynolds, Michael (JUS)
Sent: December 14, 2009 11:46 AM
To: Kohen, Colleen (JUS); Lee, Dave E. (JUS)
Subject: RE: PC Jack

Hello Colleen.

Evaluation sent by fax to Dave.

Question: did Jack advise what his wishes are for tomorrow?

Mike

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

From: Kohen, Colleen (JUS)
Sent: December-14-09 12:09 PM
To: Reynolds, Michael (JUS); Lee, Dave E. (JUS)
Subject: RE: PC Jack

Hi

I have received a message from him and he is working with Branch 8 and they advised me that they are consulting with OPPA in Barrie.

There was an indication that he does want to meet with C/Supt Armstrong. But he wants to wait to hear back from Branch 8 and Barrie before he hits the send button

Lets connect via 10 -21 today .. Maybe this afternoon

Colleen

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

From: Reynolds, Michael (JUS)
Sent: December-14-09 2:39 PM
To: Kohen, Colleen (JUS); Lee, Dave E. (JUS)
Subject: RE: PC Jack

Hi guys,

Back from my PSB meeting...I am at 501-4610.

Mike

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

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

> From: "Kohen, Colleen (JUS)" <Colleen.Kohen@ontario.ca>
> Date: Mon, 14 Dec 2009 16:25:24 -0500
> To: Jim Stiles <jstiles@oppa.ca>
> Subject: Prob Jack
>
> Hi Jim
>
>
> Any update re meeting tomorrow ?
> I have not heard anything
>
> Colleen

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Jim Stiles <jstiles@oppa.ca>

To: Kohen, Colleen (JUS)

Sent: Mon Dec 14 17:00:30 2009

Subject: Re: Prob Jack

Hi Colleen - nothing new from my end. Looks like 8 Branch President Karen German and Exec Officer Marty McNamara will be going up to Orillia for the meeting.

Jim

--

Jim Stiles

Executive Officer

OPP Association

Email - JStiles@oppa.ca

Toll Free 1-800-461-4282

Phone 1-705-738-6161

Fax 1-705-721-4867

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)

To: 'jstiles@oppa.ca' <jstiles@oppa.ca>

Sent: Mon Dec 14 17:03:41 2009

Subject: Re: Prob Jack

Great thanks

I will use this as the confirmation

Colleen

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

----- Original Message -----
From: Kohen, Colleen (JUS)
To: Reynolds, Michael (JUS); Lee, Dave E. (JUS)
Sent: Mon Dec 14 17:26:47 2009
Subject: Fw: Prob Jack

Fyi

Mike

If you can confirm with Prob Jack the following

Does he need a ride
To attend meeting in civ attire

Dave

Can you please have someone confirm the out come of this meeting and ensure that either I get copy of his termination letter or if he resigns letter.

Thanks

Colleen

It would appear from the above e-mail the S/Sgt. Kohen was of the firm opinion that I was going to refuse to accept/sign the resignation.

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

From: Reynolds, Michael (JUS)
Sent: December-14-09 6:10 PM
To: Kohen, Colleen (JUS); Lee, Dave E. (JUS)
Subject: Re: Prob Jack

Hello Colleen,

PC Jack was contacted and arrangements have been made for A/S/Sgt. Gerry Smith to take him. PC Jack has been advised re: dress (business attire).

Mike

A/Inspector Mike Reynolds
A/Detachment Commander
Peterborough County Detachment
Bus: 705-742-0401
Cell: 705-928-6774

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

From: Lee, Dave E. (JUS)
Sent: December-14-09 6:35 PM
To: Kohen, Colleen (JUS)
Subject: Re: Prob Jack

Colleen:

I will ensure you are notified.

Dave

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)
To: Thomas, Sandy (JUS)
Sent: Mon Dec 14 19:20:13 2009
Subject: Fw: Prob Jack

Hi Sandy

We are all set for the meeting tomorrow with Prob Jack and C/Supt Armstrong

Colleen

(December 14, 2009) Counsel's additional disclosure (April 5, 2012):

From: Thomas, Sandy (JUS)
Sent: December-14-09 7:24 PM
To: Kohen, Colleen (JUS)
Subject: Re: Prob Jack

Excellent

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

December 15, 2009

MEMORANDUM TO:

Probationary Constable Michael Jack
Peterborough County Detachment
Central Region

RE: **RELEASE FROM EMPLOYMENT**

Further to our meeting today, I have reviewed the circumstances regarding your continued employment with the Ontario Provincial Police. My review has included your submission on the matter.

After careful consideration, I must inform you that effective December 15, 2009 you shall be released from our employ as a probationary constable. I trust that you understand that such decisions are not taken lightly. I also wish to acknowledge that this decision will obviously come as a great disappointment to you.

I wish you every success in your future career endeavours.

Chief Superintendent M. Armstrong
Regional Commander

cc S/Sgt C.S. Kohen Career Development Bureau

If this was the letter Chief Superintendent Armstrong was to rely on if he decided to go ahead with the termination of my employment then what was the point of my written submission? This letter was carefully drafted up with the involvement of other members of rank and file. Yet it is dated December 15, 2009, and clearly states that Chief Superintendent Armstrong's review has included my submission on the matter. If his review of the circumstances regarding my continued employment with the OPP meant that he had reviewed all of my PERs (which is why S/Sgt. Colleen Kohen wanted my Month 11 PER also present on C/Sup. Armstrong's desk) and also reviewed my written submission then he obviously was meant to read my written submission as soon as I presented it to him and immediately make a decision. I did not make any submission on the matter yet the letter states that I did. To add further insult to injury the OPP tries to show empathy in stating they trust that I understand that such decisions are not taken lightly. What a blatant lie and what a load of hogwash!

1430 Met with P/C Michael Jack of Peterborough, OPPA Rep's Marty McNamara and Branch #8 President Karen German. I explained that I have gone over his performance reviews.

The purpose of probation is for us to determine if we will offer employment for the next 30 years. I told Mike that he has not met requirements and his option is to resign or be dismissed.

Michael indicated he was going to resign. It will be immediate.

Question about his benefits. OPPA will get him that info. He asked what info will be released if he applies to another police force. I spoke with Inspector Dave Lee who contacted HR. He will be asked to sign a waiver by any other police force. HR will tell them he did not complete probation, or meet our standard and he resigned.

Michael signed letter of resignation and I took his badge and warrant card.

administration
1520 administration

Transcription:

14:30 Met with P/C Michael Jack of Peterborough, OPPA Rep's Marty McNamara and Branch #8 President Karen German. I explained that I have gone over his performance reports. The purpose of probation is for us to determine if we will offer employment for the next 30 years. I told Mike that he has not met requirements and his option is to resign or be dismissed. Michael indicated he was going

to resign. It will be immediate. Questions about his benefits. OPPA will get him that info. He asked what info will be released if he applies with another police force. I spoke with Inspector Dave Lee who contacted HR. He will be asked to sign a waiver by any police force. HR will tell them he did not complete probation, or meet our standard and he resigned. Michael signed letter of resignation and I took his badge and warrant card.
1520 administration

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

The termination:

On December 15, 2009, I was driven by Sgt. Trevor Banbury to Orillia Headquarters. I was under the genuine belief that I was going to have a discussion with Chief Superintendent Armstrong regarding the Notice of Proposed Release from Employment that I was served with. I also had a dentist appointment that day so when I met the Chief Superintendent I asked him if this meeting could be postponed the following day. He told me that it couldn't and asked me for my phone number. He wrote it down on a sheet of paper and advised me that he had read my performance evaluation reports and the Notice of Proposed Release from Employment and had already made a decision to release me from my employment. As much as I thought that this day was coming in light of what all has been happening in the last few months I never prepared myself for the impact of those words. I felt weak, dizzy and it seemed that my whole chest was caving inward with every exhale of my breath. He told me that I either sign the resignation while pushing the document that he wrote my phone number on towards me or be fired the following day as he placed his hand on another document that was on his desk. I was sitting directly in front of his desk with the Ontario Provincial Police Association Directors Marty MacMarrow and Karen German to my left. I took the document he slid towards me, looked at it and saw that it was a pre-printed letter of resignation on which he had just written my phone number besides the wording, "If you require further information, I can be contacted at" (Exhibit 46):

If you require further information, I can be contacted at (705) 740-5765.

Hence the decision to terminate my employment had already been made prior to me even getting there. None of the Ontario Provincial Police Association members offered any comments or even interceded for me as to how wrong and manipulative this whole process was. I truly felt like I was such an undesirable that the OPP could not wait long enough to just get rid of me. I signed the form after which I surrendered my police identity. I did not freely and voluntarily choose to resign. I was deliberately coerced into signing the resignation. I was basically fired in a callous manipulative way.

Everything about my brief tenure with the OPP at the Peterborough Detachment was so discriminatory. My work environment had been poisoned before I even got there. I had been nick named and referred to as a **crazy man** ("Crazy Ivan") before they even knew me (Exhibit 69 and Exhibit 70).

The Performance and Conduct Requirements of a Recruit Constable as noted below (Exhibit 42),

Your performance and conduct will be assessed and documented by a Coach Officer. Performance evaluations will assess your development and performance as a recruit constable. All of these evaluations will be shared with you and any performance rating in the "Does not meet" category will be brought to your attention. You will be given every opportunity to improve any identified performance deficiencies.

states that all of my evaluations were to be shared with me and any performance ratings in the "Does not meet" category was to be brought to my attention and that I would be given every opportunity to improve any identified performance deficiencies. While the other probationary officers regularly had their respective coach officer's support so that they could have every opportunity to improve themselves, I did not experience the same treatment. I was never given the opportunity to develop as an officer due to the lack of care and literal disgust my supervisors and coach officers had for me. I was also perceived to be a **crazy Russian** ("Crazy Ivan") prior to starting at the Peterborough Detachment in January, 2009 and this perception permeated the whole detachment contrary to the promise of the OPP (Exhibit 87, page 3):

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

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

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

Furthermore, I was not from the area in so much that I was an outsider, an outsider who was a minority and a minority that spoke with a thick accent that drew attention and embarrassment.

(December 15, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Lee, Dave E. (JUS)
Sent: December 15, 2009 2:54 PM
To: Kohen, Colleen (JUS)
Subject: Termination

Can I call you? The Chief is speaking with P/Cst Jack now - a question has come up Insp. D. Lee
Manager Staff Development and Training OPP Central Region
705-329-7418

(December 15, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)
Sent: December 15, 2009 2:54 PM
To: Lee, Dave E. (JUS)
Subject: RE: Termination

Yes.. 505 4030

(December 15, 2009) Counsel's additional disclosure (April 5, 2012):

From: Lee, Dave E. (JUS)
Sent: December-15-09 4:04 PM
To: Kohen, Colleen (JUS)
Subject: RE: Termination

Colleen:

Be advised that Prob Cst. Mike Jack tendered his signed resignation today.

I have his badge and warrant card in my possession.

Mike Jack is being escorted back to Peterborough where his use of force and uniform items will be retrieved from his residence and office locker.

What else needs to be done in relation to this resignation?

Dave

D. E. (Dave) Lee
Inspector
Career Development
OPP Central Region
705-329-7418

(December 15, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)
To: Lee, Dave E. (JUS)
Sent: Tue Dec 15 16:08:49 2009
Subject: Re: Termination

Dave

Can I get a copy of resignation letter faxed/scanned to me

Mike is aware he needs to do WEAR, asset form and summary of credits which gets processed in usual way

I have left the office so if its fax tomorrow am would be great

Thanks

Colleen

(December 15, 2009) Counsel's additional disclosure (April 5, 2012):

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

From: Kohen, Colleen (JUS)
Sent: December 15, 2009 4:10 PM
To: Thomas, Sandy (JUS)
Subject: Fw: Termination

(December 15, 2009) Counsel's additional disclosure (April 5, 2012):

From: Thomas, Sandy (JUS)
Sent: December-15-09 5:09 PM
To: Kohen, Colleen (JUS)
Subject: RE: Termination

This is good news

(December 15, 2009) Counsel's additional disclosure (April 5, 2012):

From: Thomas, Sandy (JUS)
Sent: December-15-09 5:12 PM
To: Kohen, Colleen (JUS); Hannes, Renee (JUS)
Subject: RE: Termination

Colleen

Great work on this Prob Cst File. The advice and work you did with Det/Region on this file, no doubt lead to the resignation of this officer.

Sandy

(December 15, 2009) (Volume 1, I-2):

From: Payne, Jennifer (JUS)
Sent: December 15, 2009 10:44 PM
To: Smith, Gerry A. (JUS); Reynolds, Michael (JUS); Flindall, Robert (JUS)
Cc: Banbury, Trevor (JUS); Folz, Jason (JUS)
Subject: Mike JACK's issued equipment

FYI,

SGT BANBURY has locked Mike JACK's gear in the closet in the SGT's office. There are 2 garbage bags and two boxes of items.

Sent at request of SGT BANBURY

Jen

PC Payne must have been very happy as she was smirking from the corner of the Sergeants' office while my force equipment was being collected into the black garbage bags.

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

Shortly after my dismissal, while still at the OPP HQ in Orillia, D/Cst. German told me that I had started at a very bad detachment. While the other 3 recruits that got on with me (Cst. Dan Gay, Cst. Michael Davidson, Cst. Amanda Knier - all local to the Peterborough area) completed their probationary periods successfully and secured permanency with the OPP, I was the only one who was fired. Figuratively speaking, I was brought down onto my knees and then executed. Why? I just wanted to go to work, do my job, help people, and feel fulfilled. My job was not just a paycheck, but an essential component of my sense of identity, self-worth and emotional well-being.

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.

All my officer notebooks along with the rest of the OPP service issued equipment were seized by Sgt. Banbury on the day of my dismissal. I will never forget the way some officers were looking at me on the evening when I was brought to the Peterborough detachment from the OPP HQ to surrender my equipment. A/Sgt. Payne was looking at me from the corner of the Sergeants' office and smirking. Cst. Thompson and Cst. Piette were looking at me in the Constables' office with sympathy. No one approached me to talk.

(December 16, 2009) (Volume 2, N-37):

From: Campbell, Ron (JUS)
ent: December 16, 2009 7:38 AM
To: Nie, Richard (JUS)
Subject: Re Chronology

Rich I was hopeful I could have a copy of the final chronology for Mike Jack. We may be starting on a similar one in Parry Sound tks and Merry Christmas. Ron

What was the point of requesting a copy of my final chronology? Was it the intention of S/Sgt. Campbell to copy paste excerpts from my final chronology into that of the other recruit? It is hard to believe since every one's progress is unique. Was it the format of my final point form chronology that S/Sgt. Campbell wanted to adopt to target that other officer? Of what benefit could my final chronology be to S/Sgt. Campbell? Or was S/Sgt. Campbell not being truthful and he needed my final chronology for a different reason? In any case, it is sad to read those words and I can only imagine what that officer must have gone through. I would hasten to say he was also targeted like me and found himself alone in the poisoned work environment of that detachment. That is why S/Sgt. Campbell wanted the TERMINATOR's final chronology.

(December 16, 2009) Counsel's additional disclosure (April 3, 2012):

From: Kohen, Colleen (JUS)
Sent: December 16, 2009 8:44 AM
To: Henshall, Tina (JUS)
Subject: Prob resignation



scan0001.bmp (937
KB)

Good Morning

Colleen

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

(December 16, 2009) Counsel's additional disclosure (April 3, 2012):

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

From: Kohen, Colleen (JUS)
Sent: Wednesday, December 16, 2009 9:15 AM
To: Reynolds, Mike (JUS)
Subject: FW: Prob resignation

Good Morning

Don't know if you have a copy of this letter.. But just in case you don't. I have process this to have his pay stopped with HR and Corpay. I understand from Dave that after is meeting with C/Supt Armstrong that they collected his badge and warrant card.

Detachment is now responsible for WEAR form, recovery of asset form, summary of credits and now you can add this letter to the package and process it the normal way via Region then it will go to Central Region Staffing Officer.

Can you also please ensure that prob Jack 11 month PCS66P is also processed the usual way as this should be included in his file

Thanks for all your assistance with this Probationary Mike.

Colleen

(December 16, 2009) Counsel's additional disclosure (April 3, 2012):

From: Reynolds, Mike (JUS)
Sent: December 16, 2009 10:19 AM
To: Reynolds, Michael (JUS)
Subject: FW: Prob resignation

Attachments: scan0001.bmp

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

In December 2009, I went on two ride-alongs in #4 District of the York Regional Police (Administrative Assistant Monica J. Meech (#5338) of #4 District arranged the ride-alongs).

1. On 2-Dec-09, a day shift ride-along with A/Sgt. Timothy A. Grenier (#515)
2. On 19-Dec-09, a night shift ride-along with A/Sgt. Fred DeWinne (#1278)

It is noteworthy to mention that York Region has a very culturally diverse nature and York Regional Police is committed to ensuring that its police officers are reflective of the communities in which they serve. That being said, first of all, I enjoyed the uplifting welcome I had received from the YRP officers at the #4 District station. Secondly, I was fascinated by the technology and the streamlining of the digitized paperwork process that is utilized by the YRP. Thirdly, during the first ride-along, I vitally applied my linguistic skills in two separate instances.

In the first instance, we attended an industrial accident scene in which the only witness to the accident spoke Russian and Hebrew languages only. Since no YRP Russian/Hebrew speaking officer was readily available to attend the scene at the time, I interviewed the witness informally and established the facts in issue. I relayed the information to the investigating officers at the scene and since a foul play was not suspected, the investigation was expedited until a Russian-speaking officer was available to attend the scene to take a formal witness statement.

In the second instance, I was called upon to assist with a walk-in complaint. An 83 year-old Russian-speaking senior citizen attended the station to report a lost citizenship card. In an attempt to explain what he needed, he produced a small hand written paper note (written by his wife), but it did not work. Being present at the station and having knowledge of Russian language, I was called to the front desk to assist. With my help, the matter was promptly resolved. The gentleman thanked police for the heartwarming reception and assistance and departed extremely satisfied.

The first day with YRP was by far the most satisfying day in my short policing career as I felt needed and valued for my skills. It deserves pointing out that in the 11 months of service with the OPP I had no opportunities to apply my linguistic skills.

(December 23, 2009) Counsel's additional disclosure (April 3, 2012):

December 23, 2009

Human Resources Services
Management Information Unit
Attn: File Room
Ontario Provincial Police
Central Region
777 Memorial Ave.
Orillia, Ontario
L3V 7V3

RE: Resignation for Probation Constable # 12690
JACK, Michael
WIN # 393080
Peterborough County Detachment
Effective: Dec 15, 2009

Please find enclosed Michael's 291 file. His final credit balances, as of 15th December, 2009 is as follows:

Vacation Balance:	18.25
Stat Bank:	67.00(16hrs deducted for Christmas Stat's)
CTO Bank:	96.00
Floater Bank:	27.50
Shift Premium:	40.00

If you have any further questions please call.


Sgt. R. FLINDALL # 9740
Operation Manager

As is clearly evident from the above document I was not given any vacation during my time at the Peterborough County OPP Detachment. Furthermore, I had accumulated many hours that I could have used to take some time off duty, but due to the tenderness of my service, chronic shift shortage during the busy summer time and later on "problems" with my performance I was not allowed to use my accumulated hours from my Statutory Holidays bank, Cumulative Time Off bank, Floater bank and Vacation bank, all of which were paid out to me instead of my Employment Insurance benefits in January/February 2010.