

## Exhibit 9

### Volume 1 of Counsel's disclosure:

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

**From:** Johnston, Mike P. (JUS)  
**Sent:** Wednesday, July 29, 2009 8:48 AM  
**To:** Banbury, Trevor (JUS); Campbell, Ron (JUS); Conway, Jane (JUS); Flindall, Robert (JUS); Johnston, Mike P. (JUS); Postma, Jason (JUS); Rathbun, Brad (JUS); Smith, Gerry A. (JUS); Syvret, William (JUS)  
**Cc:** Shaw, Norm (JUS)  
**Subject:** FW: At Scenes Collision Investigation Course - PPA - October 19th through 23rd, 2009  
**Importance:** High  
**Sensitivity:** Confidential

Sergeants

Please provide candidate names for this course to Staff Sergeant Campbell by 21 Aug 09. Any member that is interested in going onto TTCI training will have priority.

Thanks

Mike

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

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

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

### Volume 1 of Counsel's disclosure:

**From:** Campbell, Ron (JUS)  
**Sent:** July 17, 2009 2:50 PM  
**To:** Filman, Shaun (JUS); Jack, Michael (JUS); Flindall, Robert (JUS)  
**Cc:** Johnston, Mike P. (JUS)  
**Subject:** oVERDUE MONTH 5 27 JUN 09

Shaun: We got notice from Region that this report month 5 is overdue. I just reviewed a couple of the other Probationary officers the other day. Yours is the only one left. Please submit tks Ron

**Volume 6 of Counsel's disclosure:**

**Overdue performance evaluation report for Month 5:**

<b>Surname:</b>	JACK	<b>Given Name:</b>	Michael
<b>Badge:</b>	12690	<b>WIN:</b>	393080
<b>Detachment/Section:</b>	Peterborough County	<b>Region/Bureau</b>	Central East
<b>Evaluator:</b>	FILMAN	<b>Badge:</b>	11212
<b>Evaluation Period:</b>	(DD/MM/YY) <b>Start:</b> 09 May 09	<b>End:</b>	09 Jun 09
<b>Probationary Period Start Date*</b>	(DD/MM/YY) 09 Jan 09		
**4 <sup>th</sup> Class Constables begin their probation period on the date of their graduation from the Provincial Police Academy			
** Experienced Officers and Amalgamated Officers begin their probationary period on their start date with the OPP			

COMMENTS AND SIGNATURES	
<b>Evaluation Meeting</b>	
<input checked="" type="checkbox"/> I have met and discussed my performance with my coach officer or my accountable supervisor. <input checked="" type="checkbox"/> I have reviewed and discussed with my coach officer or my supervisor, my responsibilities under the policy on Safe Storage and Handling of Firearms. <input checked="" type="checkbox"/> I have reviewed and discussed with my coach officer, or my supervisor, my performance in relation to my responsibilities under the Professionalism, and Workplace Discrimination and Harassment Prevention policies.	
Employee's Comments: <i>EVALUATION IS 2 MONTHS BEHIND; WAS ADVISED THERE WILL BE NEGATIVE ASSESSMENTS/RATINGS IN THE EVALUATIONS THAT ARE STILL OUTSTANDING; CHARGING PLATOONS AND COACH OFFICERS.</i>	
Employee's Signature: <i>[Signature]</i>	Date: 19-AUG-09
Coach Officer Comments:	
Coach Officer's Signature (Performance has been observed that supports the rating assigned for each category): <i>[Signature]</i>	Date: 16 AUG 09
Accountable Supervisor's Comments (Mandatory): PC JACK is encouraged to continue working with his peers and building his teamworking skills. He is progressing positively through this evaluation period.	
Accountable Supervisor: <i>FLINDALL, R SGT.</i>	Accountable Supervisor's Signature: <i>[Signature]</i> Date: 16 Aug 09

<b>Detachment Commander</b>	
Comments (Mandatory): <i>No issues with the members development have been raised. It appears from all accounts of his conduct &amp; Sgt he is progressing satisfactorily.</i>	
Detachment Commander: <i>Campbell MGT</i>	Detachment Commander's Signature: <i>[Signature]</i> Date: 17 AUG 09

## Volume 7 of Counsel's disclosure:

### 6.4.8: PROBATIONARY CONSTABLE

*Detachment Commander* A detachment commander is responsible for the overall development of each probationary constable and shall:

- ensure that the Form PCS066P—Probationary Constable Performance Evaluation is completed in accordance with the Probationary Constable Guidelines; and

#### Timeline for submitting evaluations

Evaluations shall be received by region no later than 15 working days after the end of the reporting period for the month (i.e. if evaluation end date is Jan 30, evaluation to region by Feb 18). It is imperative that evaluations be completed in a timely manner, as the organization is dependant on the information in the reports to either begin specific development or take remedial action or begin the process to release.

As with regular performance evaluations, there should be no surprises for the probationary constable on the monthly evaluation.

## Volume 1 of Counsel's disclosure:

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

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

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

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

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

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

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

28/01/2011

(Date the above two emails were printed out – January 28, 2011)

## Volume 1 of Counsel's disclosure:

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

Gentlemen,

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

Regards,

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



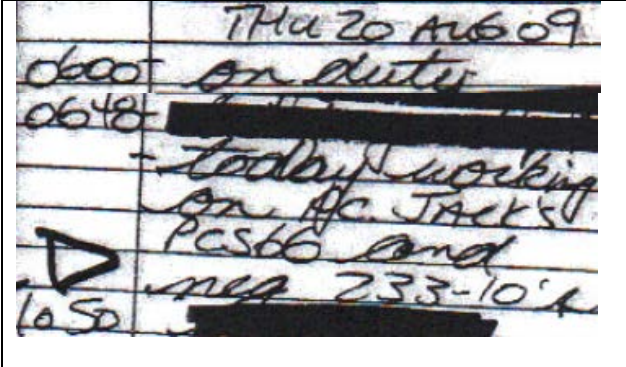
**Volume 3 of Counsel's disclosure:**

PC Jennifer Payne's officer notes:	Transcription:
<p>19 Aug 2009</p> <p>1230 Discuss PC Jack eval &amp; harassment call to Sgt Flindall</p> <p>1330 [REDACTED]</p> <p>1500 - WORK ON PC JACK EVALUATION - IMPACT FOR MY TIME WITH HIM</p> <p>1800 OFF DUTY John Payne</p> <p>2000 - 0000 - WORK ON EVALUATION @ HOME</p>	<p><b>1230 – Discuss PC Jack evaluation and Harassment call with Sgt. Flindall</b></p> <p><b>1500 – Work on PC Jack evaluation – input for my time with him</b></p> <p><b>1800 – Off duty</b></p> <p><b>2000 – 0000 – work on evaluation @ home</b></p>

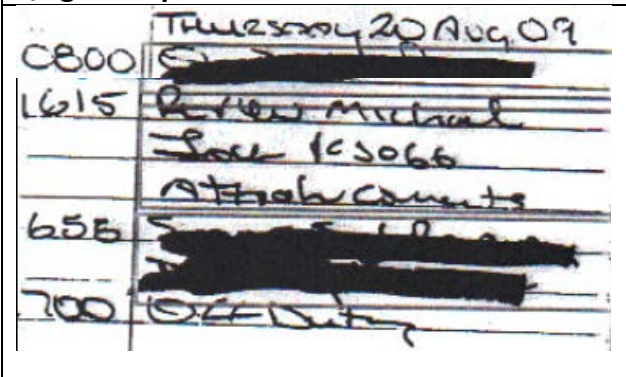
**Volume 3 of Counsel's disclosure:**

PC Jennifer Payne's officer notes:	Transcription:
<p>20 Aug 2009 (Thurs)</p> <p>0600 ON DUTY</p> <p>WORK ON PC JACK EVALUATION + SEND TO SGT FLINDALL FOR REVIEW + EDITING</p> <p>0830 [REDACTED]</p>	<p><b>0600 – On duty</b> <b>Work on PC Jack evaluation + send to Sgt. Flindall for review + edition</b></p>

**Volume 1 of Counsel's disclosure:**

Sgt. Robert Flindall's officer notes:	Transcription:
	<p><b>0600 – On duty</b></p> <p><b>0648 –</b></p> <p><b>- Today working on PC Jack's PCS66 and negative 233-10's</b></p> <p><b>1050 –</b></p>

**Volume 3 of Counsel's disclosure:**

S/Sgt. Campbell's officer notes:	Transcription:
	<p><b>1615 – Review Michael Jack PCS066</b></p> <p><b>Attach comments</b></p> <p><b>1700 – Off duty</b></p>

**Volume 6 of Counsel's disclosure (performance evaluation report for months 6 & 7):**

<b>Surname:</b> JACK	<b>Given Name:</b> Micheal
<b>Badge:</b> 12690	<b>WIN:</b> 393080
<b>Detachment/Section:</b> Peterborough County	<b>Region/Bureau:</b> Central
<b>Evaluator:</b> CST FILMAN	<b>Badge:</b> 11212
<b>Evaluation Period:</b> (DD/MM/YY) <b>Start:</b> 09 June 2009 <b>End:</b> 09 August 2009	
<b>Probationary Period Start Date*</b> (DD/MM/YY) 09 Jan 09	
**4 <sup>th</sup> Class Constables begin their probation period on the date of their graduation from the Provincial Police Academy	
** Experienced Officers and Amalgamated Officers begin their probationary period on their start date with the OPP	

**COMMENTS AND SIGNATURES**

**Evaluation Meeting**

- I have met and discussed my performance with my coach officer or my accountable supervisor.
- I have reviewed and discussed with my coach officer or my supervisor, my responsibilities under the policy on Safe Storage and Handling of Firearms.
- I have reviewed and discussed with my coach officer, or my supervisor, my performance in relation to my responsibilities under the Professionalism, and Workplace Discrimination and Harassment Prevention policies.

Employee's Comments:

Employee's Signature:

*REWARD*

Date:

*20 Aug 09*

Coach Officer Comments:

Coach Officer's Signature (Performance has been observed that supports the rating assigned for each category):

Date:

Accountable Supervisor's Comments (Mandatory):

PC JACK had been progressing positively during his early evaluations, but it is apparent from this current evaluation that he requires continued direct supervision. PC JACK has been spoken to about the deficiencies noted in this evaluation and a series of Work Improvement plans are being created to best assist PC JACK in successfully completing his probationary period.

Accountable Supervisor:

*R. FLINDALL*

Accountable Supervisor's Signature:

*[Signature]*

Date: 20 August 2009

**Detachment Commander**

Comments (Mandatory): *It is readily apparent from this evaluation Cst Jack has needed more supervision & direction than has been provided. In order to ensure he gets the tools & skills to progress he will be assigned to a new coach and go back to a one on one direct supervisor routine.*

Detachment Commander:

*Campbell M2J*

Detachment Commander's Signature:

*[Signature]* S1516315

Date:

*21 Aug 09*

**Instructions:**

At the conclusion of each evaluation period:

- Forward the completed and signed ORIGINAL document to Region/Bureau for signatures and tracking purposes.

**Volume 7 of Counsel's disclosure:**

**Disclosure of Evaluation**

The immediate supervisor shall meet with the probationary constable to review each evaluation prior to submission to the detachment commander. At the discretion of the supervisor, the coach officer shall also be present at the meeting.



## Volume 3 of Counsel's disclosure:

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

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

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

- a) his job was in jeopardy - for failing to follow direction given to him on cc investigation- he answer shopped and didn't do as instructed.
- b) he would be watching his every move and documenting it
- c) charge under the HTA for driving error on the 12th of Aug
- d) Apparent discussions Sgt Flindall has asked his entire shift to monitor Jack's actions and contact him for any issues ( this is also spread to platoon B)

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

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

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

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

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

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

The tentative date for the movement is the **30th of August 09**. Since his 7 month evaluation will be due on the 27 Aug 09 and outline the issues from his present coach and Sgt. Although this start prior to the end the current schedule which runs to 12 Sept 09. May violate the MOU or as it is now called the collective agreement that all rest days are set in stone until the new schedule is posted. It still complies with giving him at least 7 days notice of a shift change. The new schedule will not be posted until tomorrow at Noon. So I am sure all parties will agree to the move to give everyone a fresh start.

Ron

### Volume 3 of Counsel's disclosure:

**From:** Campbell, Ron (JUS)  
**Sent:** August 27, 2009 3:31 PM  
**To:** Kohen, Colleen (JUS)  
**Cc:** Johnston, Mike P. (JUS)  
**Subject:** FW: PC Jack  
S/Sgt Kohen

I have spoken to you in the past concerning [REDACTED] and would ask that I be able to approach you for assistance again concerning another recruit we have in Peterborough. His name is Michael Jack and I think you may be familiar with him.

Mike was having some difficulties and it was my opinion from review of his first 6 evaluations and information that came to light on the 7th was he was not receiving the help he needed and Mike needs some more one on one tutoring.

Added to this were his Supervisors comments at the beginning of the whole scenario that I think added to Mike's stress and were not warranted at the time. With these comments that "his job was in jeopardy" and that "he would be documenting everything he did" it appeared to me that the Supervisor was not being objective and Mike's work environment may be poisoned.

In addition when he needs a good look and some direction his present coach is going off on parental leave. Not wanting it to escalate and to give Mike a fresh look he has been switched from platoons and coach officers. His old platoon has been tasked to work on a work improvement plan and meet with this new coach and supervisor. As such I have a request to have the two shifts meet and discuss with you the plans that will be put in place. Since one shift is working days and the other nights if possible could we do this later in the afternoon say 2pm if you are available? Please let me know.

S/Sgt Ron Campbell

## Volume 3 of Counsel's disclosure:

**From:** Campbell, Ron (JUS)  
**Sent:** August 21, 2009 9:22 AM  
**To:** Johnston, Mike P. (JUS)  
**Subject:** RE: Re; Michael Jack Platoon D

In answer to your question why was he moved.

I had cc you and A/Supt Borton regarding the driving issue. I also added my thoughts on the NCO Flindall losing objectivity with him. He has his shift and Sgt Banbury's shift all watching this officer and reporting any screw ups. Couple this with statements from Sgt Flindall he admits making but not in the context that Cst Jack has reported.

1. his job is in jeopardy
2. he will be documenting his every move and he will be getting paper on issues that have been discussed. ( this was after not following his direction on Criminal Harassment charge)

Then he screws up with the cruiser witnessed by Flindall and Payne and is given a ticket under the HTA and a 233-10.

Sgt Banbury comes to me complaining Jack has feigned illness the next day. I investigated and thank goodness he wrote his medical issues in his daily journal Sat afternoon along with a witness who assisted him a CP office in Buckhorn the Sat afternoon. He reports this continued through the night. I really think it is stress related from the scrutiny he is under. ( Banbury wanted him charged with deceit...he should know all about that) In any event this is unfounded.

Finally his present coach Shawn Filman is going off on 4 months parental leave starting in Sept. So with all the issues in the email to yourself and Doug Borton Doug Borton advised he felt the **only thing to do was move him**. You will note I advised this was against an earlier decision you had made but with this further info I think we were heading to an issue as Mike is basically an immigrant of Jewish background. You and I discussed we felt he was being targeted. To his own demise he has alienated his shift by not being 100% truthful when shopping for answers..

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

Long and short Sgt Flindall was advised that supervision is an issue here. **That Cst. Jack needs one on one supervision to correct the problems. Work improvement plans need to be in place and direct supervision from a coach.** Both he and Mitch brought up that everything has been thrown at him at once without prior issues reported on his PCS 066. It is also apparent Cst. Jack is not following direction.

Cst Jack will be given an independent assessment by Rich Nie to avoid a possible HR complaint. Interestingly Cst. Jack brought up in the meeting he felt he had been left on his own to investigate matters in which he had no experience. He also brought up but refused to name officers on his shift for inappropriate remarks and berating him in front of the shift as well. In other words work place harassment and discrimination policy...I assume it is in relation to his ethnic origin. Anyway I stressed the importance of him coming forward and have also stressed this issue to his new coach. I stressed in Rob's presence the duty of management to stop it if it occurred.

Then yesterday I got a call from Brian Gilkinson about the utter poor quality of 3 Crown briefs handed in by Cst. Jack. He stated there is **no basis for a charge** in any of the cases as all it is or amounts to is a collection of one line statements by the alleged complainants with no basis or facts to prove the accused **actually did it nor do they** outline the elements of the offence. This would be for the [REDACTED] complaint, [REDACTED] complaint of Criminal Harassment, ( exactly what Sgt Flindall ) had given him a negative 233-10.

Interestingly enough Sgt Flindall had just got done complaining to me about Bob. L. from the court sending this very brief back saying there was no offence for the very same reasons that the Crown was now stating. So I brought this to his attention that again it was simply unsubstantiated rumours and investigation needed to be completed. The same goes for a brief on [REDACTED] So again I asked Rob where is the coach officer who should be guiding this and where is the vetting of the briefs by him!!!

Sgt Flindall has now taken on the responsibility of following up on both cases involving Cst. Jack's briefs and investigations as this is as much of a screw up by him.

Ron