

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

**The Honourable Justice /
L'honorable juge
G. Normand Glaude**

Commissaire

VOLUME 44

Held at :

Hearings Room
709 Cotton Mill Street
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K6H 7K7

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Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Mercredi, le 26 juillet 2006

Appearances/Comparutions

Mr. Peter Engelmann M ^e Simon Ruel Ms. Christine Morris	Lead Commission Counsel
Mr. Pierre R. Dumais	Commission Counsel
Ms. Louise Mongeon	Registrar
Ms. Reena Lalji	Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie Ms. Gina Saccoccio Brannan, Q.C. Dect. Staff Sgt. Colin Groskopf	Ontario Provincial Police
M ^e Claude Rouleau Mr. Mike Lawless	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Judie Im Ms. Leslie McIntosh	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Dallas Lee Ms. Lauren Schellenberger	Victims Group
Mr. David Bennett	The Men's Project
Mr. Jose Hannah-Suarez	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Peter Engelmann	Ms. Sonia A. Faryna
Mr. Ken MacLennan	Mr. Ken MacLennan

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1 --- Upon commencing at 10:01 a.m./

2 L'audience débute à 10h01

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session.

5 Please be seated. Veuillez vous asseoir.

6 **THE COMMISSIONER:** Thank you. Good morning,
7 all.

8 **MR. ENGELMANN:** Good morning, Mr.
9 Commissioner.

10 Just before we call the next witness, the
11 second witness for the Ministry of the Attorney General, I
12 just wanted to give counsel and the public a brief idea of
13 what we're doing today. As I said, we'll be starting with
14 the second witness from the Attorney General. Then there
15 will be a break for the Advisory Panel, and counsel were
16 advised of that some time ago, as have been the public, at
17 or about the noon hour, as I understand it, or just before.
18 And then if we have not finished with the witness, Ms.
19 Faryna, we will carry on this afternoon.

20 As well this afternoon, we have an
21 application for standing and funding ---

22 **THE COMMISSIONER:** Yes.

23 **MR. ENGELMANN:** --- by Mr. Ken MacLennan.

24 We also have some disclosure issues to deal
25 with and a request by Commission counsel to have the

1 undertakings that we've asked for to be signed, to be
2 embodied in an order.

3 **THE COMMISSIONER:** M'hm.

4 **MR. ENGELMANN:** And I also wanted to give
5 the Commissioner and parties an update on the *Youth*
6 *Criminal Justice Act* and applications that have been made
7 before the Youth Court and further matters on disclosure.

8 So that's on the agenda for today.

9 **THE COMMISSIONER:** Terrific. Thank you.

10 **MR. ENGELMANN:** All right.

11 The next witness -- I just want to check to
12 make sure she's in the room. We'll just be a moment.

13 **THE COMMISSIONER:** All right.

14 **MR. ENGELMANN:** I'm just looking around the
15 room, seeing if there was a counsel that would be
16 appropriate to call up.

17 The next witness is Sonia Faryna.

18 **THE COMMISSIONER:** Thank you.

19 **MR. ENGELMANN:** If the witness could be
20 sworn, please?

21 **SONIA A. FARYNA, SWORN/ASSERMENTÉE:**

22 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
23 **ENGELMANN:**

24 **MR. ENGELMANN:** Good morning, Ms. Faryna.

25 **MS. FARYNA:** Good morning.

1 **THE COMMISSIONER:** Good morning.

2 **MR. ENGELMANN:** Mr. Commissioner, Ms. Faryna
3 is here from the Ministry of the Attorney General. She's
4 addressing the topic of victim services in the Province of
5 Ontario as the Director of the Ontario Victim Services
6 Secretariat, and you'll also have some information provided
7 as to how these services have evolved in the province over
8 time.

9 Just before we go into the outline, Ms.
10 Faryna, you have a book of documents in front of you?

11 **MS. FARYNA:** Yes, I do.

12 **MR. ENGELMANN:** And at Tab 1 I understand we
13 have an Outline of Evidence?

14 **MS. FARYNA:** Yes.

15 **MR. ENGELMANN:** And this was an outline
16 prepared by counsel and you've had an opportunity to review
17 it and confirm its accuracy?

18 **MS. FARYNA:** Yes, I have.

19 **MR. ENGELMANN:** All right.

20 I understand that at Tab 2 of the book we
21 have a biography?

22 **MS. FARYNA:** M'hm.

23 **MR. ENGELMANN:** And can you tell us if that
24 is a biography for yourself and whether it's complete and
25 accurate?

1 MS. FARYNA: Yes, it is.

2 MR. ENGELMANN: And lastly, at Tab 3 there's
3 a résumé of Sonia A. Faryna. To your knowledge, is it
4 complete, accurate and up to date?

5 MS. FARYNA: That is complete, accurate and
6 up to date, yes.

7 MR. ENGELMANN: All right.

8 As well, in this book at Tab 4 we have a
9 timeline of developments in Victim Services.

10 MS. FARYNA: M'hm.

11 MR. ENGELMANN: And that was prepared by
12 yourself in consultation with Attorney General counsel?

13 MS. FARYNA: Yes, it was.

14 MR. ENGELMANN: And then we have a number of
15 documents at the remaining tabs that are referenced in your
16 outline and/or the timeline?

17 MS. FARYNA: Yes.

18 MR. ENGELMANN: Okay. Mr. Commissioner, if
19 that could be our next exhibit? I think we're at 49.

20 THE COMMISSIONER: Yes, we are. Exhibit 49.
21 Thank you.

22 --- EXHIBIT NO./PIÈCE NO. 49:

23 BOOK OF DOCUMENTS - Ministry of
24 Attorney General - Sonia Faryna -
25 Volume 1, Tabs 1 to 15.

1 **MR. ENGELMANN:** Ms. Faryna, I would like to,
2 just before we get into your outline and into some of the
3 services that are provided, talk a little bit about your
4 background. Perhaps what we could do is we could turn to
5 Tab 3?

6 Madam Clerk, I'm looking at the second page
7 of Tab 3 under the caption "Career Synopsis".

8 It's my understanding that you've been
9 working for the Government of Ontario since approximately
10 1979?

11 **MS. FARYNA:** That's correct.

12 **MR. ENGELMANN:** And can you tell us
13 generally what you were doing for the first eight or nine
14 years while you were a provincial employee?

15 **MS. FARYNA:** I started with government as a
16 summer student in university, working in the Human
17 Resources Branch of the Ministry of Education and upon
18 graduation they offered me a trainee position in Human
19 Resources. I then spent the first seven years, I think, of
20 my full-time career with the Ontario Public Service in the
21 human resources field.

22 The last position I held in the human
23 resources field was with the Ministry of the Attorney
24 General as a Manager of Personnel Services with
25 responsibility for the Courts Administration Division

1 province-wide. So we had a team of five or six personnel
2 officers and I worked to deliver the day-to-day support to
3 court managers across the province and I worked closely
4 with the Assistant Deputy Attorney General and Executive
5 Director then who were responsible for courts on a number
6 of sensitive issues, strategic initiatives.

7 **MR. ENGELMANN:** So you started with the
8 Ministry of the Attorney General in the mid-eighties?

9 **MS. FARYNA:** In '83.

10 **MR. ENGELMANN:** In '83?

11 **MS. FARYNA:** Yes.

12 **MR. ENGELMANN:** And you've been with them
13 ever since?

14 **MS. FARYNA:** And I've been with the Attorney
15 General ever since, yes.

16 **MR. ENGELMANN:** All right.

17 **MS. FARYNA:** So in '87, Justice Thomas Zuber
18 was working on a report about the court system of Ontario.
19 In preparation for responding to the recommendations from
20 that report and implementing certain pieces of it, I was
21 asked to join the Court Services Division by the Senior
22 Executive to help them with some of the planning of that
23 strategic change initiative.

24 My particular involvement was around
25 planning the implementation of a regional management

1 structure, an integrated regional management structure for
2 Court Services Division. So I spent about a year and a
3 half at an analyst level, providing staff support to the
4 executive group. We got the approval for the -- the
5 Central Agency approval that's needed for the
6 restructuring. That included setting up a Head Office
7 Support Branch that could issue policies and procedures to
8 staff across the province, and I took a position -- I, at
9 that point, moved into a position in that Head Office
10 Support Branch at a managerial level. So that would have
11 been '89.

12 Also in '89, we implemented the regional
13 management structure for courts across the province, Crown
14 attorneys' system, courts administration. We hired
15 regional directors as the first phase of that and I spent
16 about a year and a half working on the second phase of our
17 regionalization, which was bringing an integrated
18 management position to the local level called a court
19 services manager.

20 **MR. ENGELMANN:** All right.

21 So from '87 to 1990, you were outside of
22 human resources?

23 **MS. FARYNA:** Outside of human resources.

24 **MR. ENGELMANN:** You're doing planning,
25 strategic planning?

1 **MS. FARYNA:** Planning, strategic planning in
2 courts around various ways of improving coordination and
3 integrating the management, improving coordination of court
4 services across the province.

5 **MR. ENGELMANN:** Then in 1990 there's another
6 shift; correct?

7 **MS. FARYNA:** Yes.

8 **MR. ENGELMANN:** Can you tell us about that?

9 **MS. FARYNA:** In 1990 I wanted to get out of
10 Head Office and a little closer to the front lines of
11 public service delivery, so I took a position as the first
12 Court Services Manager for the Regional Municipality of
13 Durham. So in that capacity I was responsible for all the
14 levels of trial courts that operated in Durham from
15 provincial offences, small claims through the Superior
16 Court, Ontario Courts, Criminal, Family, Civil, all the
17 areas of law.

18 **MR. ENGELMANN:** So you were managing and
19 coordinating all of the staff that supported those courts?

20 **MS. FARYNA:** Managing and coordinating all
21 of the courts' administration staff that supported the
22 courts, so the managerial responsibilities, responsibility
23 for facilities. We had a lot of facilities issues in
24 Durham Region and still do, working with judiciary, members
25 of the Bar, local community groups on various system change

1 initiatives in Durham Region at the time. We had a lot of
2 -- it was really through that experience in courts that I
3 got my introduction to victims' issues and victim services.

4 **MR. ENGELMANN:** Okay. Well, you did that
5 position from '90 to '95 and then again from '97 to 2002.

6 What I wanted to ask you is in that role as
7 the Manager of Court Services for Durham, what exposure you
8 would have had to victim services and/or victims of crime?

9 **MS. FARYNA:** My exposure came primarily
10 through a number of the local committees that I
11 participated in with the Bar and judiciary and various
12 community agencies.

13 The latter half of the '90s -- well, back up
14 a little. I think early in the '90s we had a prosecution
15 going on in Durham Region in the matter of the Christian
16 brothers, St. John's Training School in Uxbridge, and I was
17 introduced to a victim witness assistance coordinator who
18 was hired to provide support to the victims in that
19 prosecution. So I got to know her, got to understand,
20 learn a little bit about what the Victim Witness Assistance
21 Program was. I watched as that turned from a special
22 project into a permanent piece of our court landscape in
23 Durham Region. The permanent Victim Witness Assistance
24 Program office in Durham was then set up in the mid-'90s.

25 With my responsibility for facilities, we

1 had requests to provide private victim witness waiting
2 areas in our various criminal court facilities. So I had
3 involvement in that, liaising with victim witness
4 coordinator interest groups and the judiciary, the Crown
5 attorney as to how we would respond to those requests.

6 Then in the latter part of the '90s, after I
7 returned from the Head Office secondment, head office
8 project, we began in earnest with the planning for
9 implementation of a Unified Family Court in Durham Region.

10 **MR. ENGELMANN:** Okay.

11 **MS. FARYNA:** And there were a number of
12 systems and processes we had to put in place with the
13 Unified Family Court. One of the key concerns -- those
14 things included a Family Law Information Centre, a place
15 where unrepresented litigants could get additional
16 information that would help them navigate through the court
17 process. We had to set up a mediation service, and in the
18 context of family mediation, there's always concerns about
19 certain dynamics around domestic violence.

20 **MR. ENGELMANN:** I was going to ask you if
21 you had had some involvement in domestic violence
22 initiatives?

23 **MS. FARYNA:** With all of that development
24 and planning around family case management and our Ontario
25 Court Family and then the Unified Family Court, I did a lot

1 of work, got known to members of the Bar, community
2 agencies. We had a Family Court Clinic, Children's Aid
3 Society, the potential mediation service providers, and I
4 was invited to attend a number of community forums on the
5 domestic violence issue in particular, and that's where I
6 had the opportunity to, through those forums, meet with
7 victims of domestic violence, work with them, learn about
8 some of those dynamics, and through the time, began working
9 more closely with our Victim Witness Assistance Program in
10 responding to some of those needs, to the extent that we
11 could within courts.

12 **MR. ENGELMANN:** Okay.

13 **MS. FARYNA:** And it's primarily through the
14 provision of information and provision of space in the
15 Family Law Information Centre.

16 So that was where my interest -- I also
17 remember there were other things through the '90s around
18 victim services. I sat on a Ministry Accommodations
19 Committee, one of six regional representatives. So I
20 recall as the Victim Witness Assistance Program was growing
21 and we were being asked as a ministry to identify space for
22 Victim Witness offices within court facilities and planning
23 around that, introduction of domestic violence courts.

24 So there were a number of issues of that
25 sort.

1 **MR. ENGELMANN:** So you're involved in the
2 implementation, coordination, networking.

3 During the '90s, do you still do some
4 planning work? I understand there were a couple sort of in
5 the mid-'90s where you do some special project planning
6 work as well?

7 **MS. FARYNA:** In the mid-'90s I was asked to
8 come downtown and work for about a year and a half on the
9 development of a business plan for the Court Services
10 Division. That was -- we just had a new government then.
11 The Harris government had come in and it was looking for
12 some very deep spending cuts in the government. So I was
13 pulled in to help do some of the brainstorming and planning
14 around that.

15 **MR. ENGELMANN:** Okay.

16 **MS. FARYNA:** Very little related to the
17 victims work there.

18 **MR. ENGELMANN:** Okay. And then you went
19 back out to Durham?

20 **MS. FARYNA:** And then I went back out to
21 Durham for the next five years or so.

22 **MR. ENGELMANN:** All right.

23 I think you've given us a good sense as to
24 what might have sparked your interest in victim services as
25 the manager in Durham.

1 How do you find yourself in that role then
2 in 2002?

3 **MS. FARYNA:** In 2002 I saw an ad appear. I
4 had heard that the Ministry was creating this integrated
5 Victim Services Division. I saw an ad for the Director of
6 Operations for the Division and I just jumped at the
7 opportunity. The victims' issues that I had been exposed
8 to over the 12 years I had been in courts and also sort of
9 a bit of a desire to get closer to public service, if I
10 could, really peaked my interest in this particular
11 position.

12 In courts, as the Court Services Manager,
13 it's important to always have that impartiality and to not
14 take sides. So there's a wall. There's a line. We can
15 help with provision of procedural instruction and
16 information and that is it.

17 So the opportunity to have a more -- take a
18 little bit more of an advocacy role, to the extent you can
19 within the civil service and to help shape some programs
20 that directly benefit a very needy portion of the public,
21 really intrigued me. It also blended nicely with my
22 background in terms of organizational design because it was
23 a new division implementing a new regional management
24 structure. And I just had oodles of experience in that.

25 **MR. ENGELMANN:** Okay. And you've been

1 involved in the division and then obviously the secretariat
2 ever since?

3 **MS. FARYNA:** M'hm. I've been with it ever
4 since, since July 2002.

5 **MR. ENGELMANN:** I understand that some of
6 your current responsibilities are set out in your bio at
7 Tab 2.

8 **MS. FARYNA:** M'hm. Yes.

9 **MR. ENGELMANN:** Just turn there for a
10 minute.

11 **MS. FARYNA:** Basically, I'm responsible for
12 the delivery of victim services across the province.
13 Victim Services today are a mix of directly delivered
14 staff-based programs through the Victim Witness Assistance
15 Program, which is based in the courts and a number of
16 community-based services; services delivered by not-for-
17 profit community agencies that we fund through transfer
18 payment.

19 So my role in that delivery structure -- we
20 have six regions. We created six regions. We have six
21 regional managers who are responsible for the direct
22 management supervision of the VWAP program and responsible
23 for the administration of our contracts with community
24 agencies.

25 My role in corporate is the overall

1 direction. We have a small unit at corporate that sets the
2 provincial policies and procedures, like our VWAP manual,
3 as an example, sets the form of contracts, et cetera. I
4 provide the overall direction, leadership, resource
5 management and based on review and monitoring of what's
6 happening out there, input to various program planning and
7 refinement activities at the corporate level.

8 **MR. ENGELMANN:** All right.

9 So just to start then with the outline, if I
10 may, at Tab 1, I just wanted to get a sense from you what
11 are Victim Services generally and in your role as the
12 Director of Programming, can you comment on whether this is
13 a priority for the Attorney General?

14 **MS. FARYNA:** I would say definitely a
15 priority for the Attorney General. Victim Services are
16 reflected as both an Attorney General and, I think, a
17 government priority and government references to having
18 safe communities. I can't remember the exact wording but
19 one of the top four or five government-wide priorities is
20 ensuring that we have safe and secure communities and
21 victims are, of course, key in any planning and program and
22 policy development that occur on that front.

23 For our ministry, the importance of Victim
24 Services is, I think, reflected in the fact that we have,
25 over the last five years, created this separate division.

1 Many other jurisdictions do not have a separate division
2 for victim services. They will have a branch. The fact
3 that we have a division led by an Assistant Deputy Attorney
4 General, my boss, who is of equal standing with the ADM of
5 criminal law or court services, I think, again reflects and
6 attaches some importance that our ministry and government
7 places to the field of Victim Services.

8 **MR. ENGELMANN:** I note in your overview, and
9 I'm just looking at the first page of the outline, if I
10 can, there's a comment about the vision of the OVSS, the
11 Ontario Victim Services Secretariat, and you would adopt
12 that, I assume?

13 **MS. FARYNA:** Yes. That vision was set a
14 little bit before my arrival through a consultative process
15 with the staff who were in place at the time across the
16 province.

17 A key element of that is the reference to a
18 network of coordinated victim-centred support services and
19 coordination in particular.

20 Victim Services -- you were asking a moment
21 ago about -- describe briefly Victim Services and I had
22 said earlier that Victim Services in Ontario are a mix of
23 different services that had sprung up over time on a bit of
24 a patchwork basis. I know we're going to be getting into
25 the history and the evolution, but basically we've reached

1 a point where we have a number of separate services out
2 there and we want to do whatever we can to coordinate,
3 bring them together and make the shifts between different
4 agencies, different services, as smooth and seamless as
5 possible for the victim.

6 **MR. ENGELMANN:** It appears, just from
7 earlier testimony at the Inquiry that we have services for
8 victims being provided through the Attorney General, as I
9 understand it, earlier from the Solicitor General. We have
10 some not-for-profit organizations providing services.

11 **MS. FARYNA:** Yes.

12 **MR. ENGELMANN:** We have heard from some of
13 the police forces and some of the services they provide.

14 So it would be helpful just to get from you
15 in some tense, how these services interrelate; in
16 particular, the ones from your secretariat.

17 Maybe we could start then with your timeline
18 ---

19 **MS. FARYNA:** M'hm.

20 **MR. ENGELMANN:** --- and how some of these
21 services roll out and perhaps some idea from you as to how
22 recent this might be in the context of our criminal justice
23 system.

24 So maybe we could turn to Tab 4.

25 **MS. FARYNA:** M'hm. Okay.

1 **MR. ENGELMANN:** You've captioned this,
2 "Timeline of Significant Developments in the Evolution of
3 Victim Services in Ontario". I note it starts in the
4 1960s. Is the assumption then, that really there were no
5 services for victims prior to that?

6 **MS. FARYNA:** I think prior to the sixties,
7 very little, probably very little attention paid in
8 particular, to victims' concerns or rights or interests in
9 the process. I know you've heard earlier testimony about
10 the role of the Crown attorney and the Crown attorneys --
11 the Crown attorney is not there to represent the victims
12 but there to consider broader public interests.

13 So the victim is a party who is very
14 directly affected by crime and yet has no standing in the
15 process -- no legal standing in the process.

16 So I think after centuries of evolution of
17 the criminal justice system and the rights of the accused,
18 we began to see a growing sense of concern on victims'
19 issues. And it's not just Ontario, I think worldwide if
20 you look at -- you see the same type of evolution in other
21 jurisdictions internationally as well; in the States,
22 across Europe, western Europe, Australia. That it was
23 somewhere in the sixties that internationally, in
24 democratic societies people began to turn their attention
25 to the interests of the victim.

1 The earliest -- I think there were two
2 things happening; there were the Women's Rights Movement --
3 I think it's important for two things. It's referenced in
4 this timeline specifically around sexual assault and
5 domestic violence issues. But as well, I think the notion
6 that vulnerable, less powerful members of society have
7 certain rights and interests and are deserving of some
8 attention and equality. There's some kind of relationship
9 that can come there.

10 So in the sixties, you have the Women's
11 Rights Movement calling attention to those things and you
12 have various parts of the world beginning to talk about
13 compensation for victims of crime.

14 **MR. ENGELMANN:** When you talk about the
15 Women's Rights Movement and some of the early attention,
16 that was with respect to certain types of crime, at least
17 to start. Is that correct?

18 **MS. FARYNA:** Yes. Correct. Primarily
19 sexual assault and domestic violence.

20 **MR. ENGELMANN:** All right.

21 But today we have victim services presumably
22 for all victims ---

23 **MS. FARYNA:** Much broader.

24 **MR. ENGELMANN:** --- of crime.

25 **MS. FARYNA:** Yes. It's grown beyond that,

1 yes.

2 **MR. ENGELMANN:** Is that the case in '71,
3 when we see on your timeline, "Criminal Injuries
4 Compensation Board"? Was that to provide compensation for
5 all victims?

6 **MS. FARYNA:** That was to provide
7 compensation. Yes, there were a couple of other
8 jurisdictions -- I can't remember which -- in Canada and
9 across the States that started off responding to victims'
10 needs through compensation programs.

11 So Criminal Injuries Compensation Boards
12 were established in a number of jurisdictions across the
13 continent and the world during the late sixties, early
14 seventies. Ontario was one of the earlier ones. I can't
15 remember exactly where we relate to other Canadian
16 provinces.

17 For basically the seventies and through --
18 for all of the seventies; '71 was really the beginning of
19 victims' services in the province in the form of the
20 compensation programs.

21 **MR. ENGELMANN:** And that compensation board
22 that was set up then, is that still running?

23 **MS. FARYNA:** It's still in existence today,
24 yes. Still in existence today.

25 **MR. ENGELMANN:** That is something that's

1 accessible to victims of crime?

2 **MS. FARYNA:** Yes. Yes.

3 **MR. ENGELMANN:** So what happens after that
4 that's of significance with respect to the evolution of
5 victim services?

6 **MS. FARYNA:** I think the next significant
7 thing in Ontario was when the province began to fund sexual
8 assault and rape crisis centres. Sexual assault centres
9 sprang up during the sixties and early seventies as very
10 grass roots organizations. Oftentimes, a group of women in
11 a community would band together and just try to organize
12 out of somebody's basement or somebody's home to offer
13 services.

14 Those organizations grew more and more
15 sophisticated over the course of the sixties and seventies
16 through private fundraising efforts. By the 1980s, the
17 government took the decision to begin funding sexual
18 assault services as part of its violence against women
19 strategies. It was really part of a broader government
20 focus and policy focus on the rights of women and women's
21 equality.

22 **MR. ENGELMANN:** And have those services been
23 maintained since that time?

24 **MS. FARYNA:** And those services have been
25 maintained and enhanced to some degree since they were

1 originally funded by government in the 1980s. We've added
2 a number of sexual assault centres.

3 **MR. ENGELMANN:** All right.

4 And the funding for them, is that government
5 only or is that mixed funding?

6 **MS. FARYNA:** The majority of the funding for
7 the sexual assault centres comes from the government's
8 consolidated revenue funds. Each centre will do some of
9 its own community fundraising as well in order to
10 supplement the revenues and we have, I think, two centres
11 in the province that operate out of what are also shelters.
12 Domestic violence shelters are funded by a different
13 ministry, by Community and Social Services. And I believe
14 there are two in the province that also offer a sexual
15 assault program.

16 **MR. ENGELMANN:** Okay.

17 Next on your timeline, you refer to a couple
18 of reports ---

19 **MS. FARYNA:** M'hm.

20 **MR. ENGELMANN:** --- the Federal/Provincial
21 Task Force on Justice for Victims of Crime in '83 and the
22 release of the Badgley Report in '84. We've heard some
23 evidence about the Badgley Report.

24 Can you tell us about the other one, the
25 Federal/Provincial Task Force on Justice for Victims of

1 Crime, just briefly?

2 **MS. FARYNA:** That task force, that was
3 pulled together -- there exists within our Canadian
4 government groups called federal/provincial/territorial
5 meetings. So we hear in the news about
6 federal/provincial/territorial minister's meetings which
7 are preceded by FPT deputy's meetings which are preceded by
8 staff working group meetings. So the FPT working group on
9 justice in the '80s wanted to turn its attention to
10 victims' issues and they struck a subcommittee to explore
11 and examine victims' issues and needs. They did various
12 research and consultation with victims, with Crown
13 attorneys, with judiciary, with people within the justice
14 system and released a report that was just intended to
15 advise government or inform government of what the
16 interests of victims would be.

17 It primarily focussed on the justice system
18 and the criminal process. It sets some of the basic tenets
19 that we now find reflected more recently in victims' rights
20 legislation. It basically said that victims' key
21 information within the criminal justice process -- or key
22 interest in the criminal justice process is to be kept
23 informed.

24 **MR. ENGELMANN:** All right.

25 **MS. FARYNA:** Is to be kept informed, be

1 consulted, know what's going on and not be forgotten about.

2 **MR. ENGELMANN:** So people working in this
3 area were getting input from others doing similar work
4 throughout the country?

5 **MS. FARYNA:** Yes. Yes.

6 **MR. ENGELMANN:** What's the connection then
7 between the task force report, the Badgley Report and then
8 the announcement by the Ontario Attorney General of the
9 Victims Witness Assistance Program, if any, in '86?

10 **MS. FARYNA:** I think those two initiatives
11 between the FPT working group releasing the report saying
12 victims need to have some type of voice or at least be kept
13 informed through the whole criminal justice process, the
14 Badgley Report coming out and speaking about the prevalence
15 of child sexual abuse and the need for some government
16 response and support to children, to those victims, I think
17 the two together resulted in the Attorney General of
18 Ontario deciding to implement the Victim Witness Assistance
19 Program.

20 The Victim Witness Assistance Program was
21 originally established as a branch of our Crown attorney's
22 system of our Criminal Law Division. It was very much
23 attached to local Crown attorneys' offices and originally
24 set up to, in a sense, aid the Crown attorney in ensuring
25 that victims' rights as outlined in that FPT 1983 report

1 were met, that victims -- helping the Crown attorney in
2 ensuring victims understood what was happening in the case;
3 what stage it was at, you know, what are the different
4 types of hearings in a criminal court process. What's
5 happening today? Do you need to be there or not, et
6 cetera.

7 **MR. ENGELMANN:** So it's assistance to
8 victims of crime during the course of the court process?

9 **MS. FARYNA:** Yes. Victim Witness is, as I
10 say, very much attached to Crown attorney's office. Our
11 services kick in, the Victims Witness Program services kick
12 in after charges have been laid and continue just through
13 the duration of the court process.

14 **MR. ENGELMANN:** Well, we'll certainly be
15 coming back to that program but just for interest, I
16 understand that at Tab 9, you set out where Victim Witness
17 Assistance Program offices are.

18 **MS. FARYNA:** Today.

19 **MR. ENGELMANN:** Today, in the province of
20 Ontario.

21 **MS. FARYNA:** Yes, Victim Witness back in
22 '86, the Attorney General of the day announced 12 -- that
23 he would be opening 12 Victim Witness Assistance Program
24 sites in eight court jurisdictions; the first 10 of those
25 opened in April of '87. We are just approaching our 20th

1 anniversary.

2 **MR. ENGELMANN:** Okay. I note that's on your
3 timeline in '87.

4 **MS. FARYNA:** Yes.

5 **MR. ENGELMANN:** And there's also a reference
6 to V-C-A-R-S and -- "VCARS"?

7 **MS. FARYNA:** VCARS.

8 **MR. ENGELMANN:** And it talks about the
9 Ministry of the Solicitor General piloted three VCARS
10 programs then. Can you tell us a little bit about that?
11 We will be coming back to it but what was that about?

12 **MS. FARYNA:** The acronym stands for Victims
13 Crisis Assistance and Referral Services.

14 The three pilot VCARS programs, I think,
15 were modeled after similar programs in Alberta and B.C.
16 where you had community-based organizations who would
17 attract and train volunteers to go out and provide 7/24 on-
18 scene response and support to victims of crime and tragic
19 circumstance, really working very closely with the police.
20 When police are called to the scene of a crime, they are
21 naturally going to be concerned about the investigatory
22 issues, the evidentiary issues, et cetera. Their training
23 is in other areas. The victim is going to be in shock, in
24 trauma. It was recognized that some additional support for
25 the victim at that moment would be useful so the VCARS

1 programs were established to test a model of providing some
2 additional victim-focused support and assisting the police
3 in that respect. So that program was started in '87.

4 **MR. ENGELMANN:** So a key distinction there
5 is the crisis aspect, the VCARS?

6 **MS. FARYNA:** The crisis; the short-term 7/24
7 in and out, yes.

8 **MR. ENGELMANN:** All right.

9 Now, then just looking at your timeline, you
10 refer to the fact that there was 10 Victim Witness
11 Assistance Program offices set up?

12 **MS. FARYNA:** Are set up, yes. They ---

13 **MR. ENGELMANN:** And that's again in 1987?

14 **MS. FARYNA:** They opened in 1987, yes.

15 **MR. ENGELMANN:** And these were in certain
16 areas of the province.

17 **MS. FARYNA:** The decision was made to open
18 in probably the highest volume centres of the province.
19 Whenever we are looking at establishing new services in
20 government, we have a tendency to go where there is the
21 greatest demand; so your highest population centres,
22 highest caseload centres. As well, we are concerned about
23 ensuring that services are available across the province in
24 a number of places across the province. So I think our
25 first ten offices were in a couple of the Toronto courts,

1 Ottawa, Hamilton, Windsor, Sudbury. We wanted to put
2 something in Northwest Ontario. My understanding is there
3 was no room in the Thunder Bay Courthouse, which is the
4 standard place one would think in Northwest Ontario, but we
5 opened up an office in Kenora.

6 So those were the sort of -- government had
7 the funding for 12 staff to provide victim-witness
8 assistance.

9 **MR. ENGELMANN:** So sometimes it was
10 population-based but other times there were considerations
11 about ---

12 **MS. FARYNA:** Started with population and
13 geography. A good -- you didn't want services just in
14 Toronto or GTA.

15 **MR. ENGELMANN:** Yes.

16 **MS. FARYNA:** You wanted to try to spread it
17 out across the province. We always want to do that. In
18 addition, I think the third criterion for victim witness
19 assistance has always been facilities, is there space
20 available.

21 **MR. ENGELMANN:** Now you talk then about
22 1988, child witness pilot projects in Toronto and London
23 federally funded. What was the significance of this and
24 what was the impetus for it?

25 **MS. FARYNA:** These were, I think, following

1 the Badgley Report in 1984, a couple of communities really
2 turned their attention to the development of specialized
3 supports for child victim witnesses. So you have the local
4 Crown attorneys, and children services and police working
5 together to try to develop something new. So we had two
6 initiatives start in Toronto, the Toronto Child Abuse
7 Centre, and in London, it was then called the Family Court
8 Clinic.

9 MR. ENGELMANN: Yes, we've heard about that
10 from a couple of witnesses.

11 MS. FARYNA: And you've heard from Dr.
12 Jaffe, I'm sure.

13 MR. ENGELMANN: Yes.

14 MS. FARYNA: Yes. So those two projects
15 started up federally funded as federal projects for three
16 years to test the development, to develop and test a model
17 of child victim witness support and service.

18 At the end of the three years -- they formed
19 very close working relationships with the Crowns and the
20 police, everybody in the justice system. The value of the
21 programs was proven. At the end of three years, federal
22 funding was running out, so the provincial Attorney General
23 took the decision to maintain and continue the funding of
24 those two programs on a permanent basis.

25 MR. ENGELMANN: And are they continuing

1 today?

2 **MS. FARYNA:** And we have continued to fund
3 these programs to today, yes.

4 **MR. ENGELMANN:** All right.

5 Then we have a bit of a jump in our
6 timeline. I mean, you jump ahead to 1994, and you talk
7 about the introduction of child friendly courts. Can you
8 tell us how this came about? Perhaps, again, the impetus
9 for child friendly courts.

10 **MS. FARYNA:** Child friendly courts was
11 continuing as part of the increased attention on children's
12 needs, children sexual assault issues we had had in the
13 early '90s; we had some of those first historical sexual
14 abuse cases. The whole issues around child abuse had been,
15 you know, the spotlight having been put on them by the
16 Badgley Report. It was decided that -- and there were some
17 changes in case law and I don't have the exact legal
18 history with me, I can't remember it off the top of my
19 head, but there were ---

20 **MR. ENGELMANN:** We've heard as well about
21 some legislative changes that took place.

22 **MS. FARYNA:** There were legislative changes
23 that occurred during the late '80s, early '90s around --
24 late '80s, in particular, around children's ability to
25 testify; their competence to testify; the impact of

1 testimony on a child; the difficulty of giving a true and
2 accurate account of what really happened when a child is
3 facing -- when any victim is facing their abuser, but I
4 think particularly in the case of a child and the authority
5 relationship, it's difficult.

6 So the notion that if you could somehow
7 shield the child from the gaze, the direct view of the
8 abuser, of the accused in the case, came to light in
9 Ontario. It started the screens, just screens and physical
10 partitions between children and we still use that in a lot
11 of courts today. But child-friendly courts are a reference
12 to a suite of facilities or specialized facilities within
13 courthouses where the child is actually out of the
14 courtroom and in a more friendly environment.

15 So it refers to a suite of rooms where you
16 have a video link, CCTV link between a remote room and the
17 courtroom, so the judge and counsel can see the child, and
18 the child can see the judge but the abuser obstructed. So
19 we began ---

20 **MR. ENGELMANN:** Were you involved in some of
21 this as the Manager in Durum?

22 **MS. FARYNA:** Peripherally. I was involved
23 through that Ministry Accommodations Committee, as the
24 concept was introduced. We were -- we had hoped, we
25 continue to hope that we can roll child-friendly court

1 suites out across the province. So through the
2 Accommodations Committee we are trying to identify where do
3 we have space. You need to identify a few extra rooms in
4 courthouses and run wiring and with historic courthouses
5 and overcrowding in many facilities we just don't have them
6 everywhere.

7 **MR. ENGELMANN:** All right.

8 Then in 1995, you reference the Ontario
9 Victims' Bill of Rights, and it's announced. Was this a
10 significant event in the area of victim services?

11 **MS. FARYNA:** It was probably the most
12 significant event in Ontario because, you see, after '95,
13 growth and development of a number of victim services in
14 direct response to the Victims' Bill of Rights.

15 There are a few pieces of federal activity
16 that I hadn't included in this timeline that probably
17 prompted the development of Ontario's Victims' Bill of
18 Rights.

19 The federal government in '89 introduced a
20 victim fine surcharge through amendment, through Bill C-89,
21 and made an amendment to the Criminal Code to provide
22 victims the opportunity to provide input to sentencing.
23 And it was just acknowledging that victims could or may
24 provide input to sentencing.

25 In 1995, the government of the day created

1 the Victims' Bill of Rights. I believe we have a copy of
2 it in here.

3 **MR. ENGELMANN:** Is that what we see at Tab
4 5, Ms. Faryna?

5 **MS. FARYNA:** Tab 5, yes.

6 **MR. ENGELMANN:** And you describe the
7 Victims' Bill of Rights in some detail in your outline, do
8 you not?

9 **MS. FARYNA:** M'hm.

10 **MR. ENGELMANN:** And I'm just looking -- for
11 example, starting at the bottom of the first page, you say
12 it was proclaimed as law then -- it was announced in '95,
13 proclaimed as law June 11, '96.

14 **MS. FARYNA:** Yes.

15 **MR. ENGELMANN:** It says:

16 "The Act supports and recognizes the
17 needs and rights of victims of crime in
18 both the criminal and civil justice
19 systems".

20 And you set out three important components
21 of what it does. Is that fair?

22 **MS. FARYNA:** Yes. So at the top of page 2,
23 setting a set of principles and legislation, confirming
24 what had been suggested in that 1984 FPT Report about the
25 rights or entitlements of victims, interests of victims

1 through the criminal justice process. A provision is in
2 that Act that makes it easier for victims of crime to sue
3 their assailants in civil actions. And enshrining the
4 Victims' Justice Fund; creating a legislative basis for the
5 Victims' Justice Fund so that monies collected through
6 victim fine surcharges can be credited and directed
7 specifically towards services for victims and not lost in
8 -- remitted to and lost in general government revenues.

9 **MR. ENGELMANN:** So let me just ask you then,
10 you refer in the outline to the Victims' Justice Fund. On
11 the timeline, at Tab 4, you refer to a Provincial Victim
12 Fine Surcharge Fund.

13 What is the connection between those two?

14 **MS. FARYNA:** I believe the Victim Fine
15 Surcharge Fund was just the original name. The province of
16 Ontario introduced victim fine surcharges on our provincial
17 offences in it would have been in '95-96. So the fine
18 surcharges were to be remitted directly to this Victim Fine
19 Surcharge, I believe, through a later minor amendment to
20 the Victims' Bill of Rights we renamed the Victim Fine
21 Surcharge Fund to Victims' Justice Fund.

22 **MR. ENGELMANN:** Okay.

23 And in your Outline at page 2, at Tab 1, you
24 have a couple of paragraphs there talking about how this
25 money is collected and then how it flows out to various

1 victim services. Is that fair?

2 **MS. FARYNA:** Yes.

3 **MR. ENGELMANN:** And it's a significant
4 amount of money.

5 **MS. FARYNA:** It's a significant amount of
6 money. We have at Tab 6, we have some examples of spending
7 against that fund for the last three full fiscal years.

8 **MR. ENGELMANN:** All right.

9 Well, we'll come there a bit later. Thank
10 you.

11 **MS. FARYNA:** Okay.

12 **MR. ENGELMANN:** And then at the bottom of
13 the second page of your outline, you have a number of
14 principles that are set out in the Bill of Rights for
15 victims.

16 **MS. FARYNA:** Yes. And I would say that
17 these principles are really important because these are the
18 legislative foundation, if you will, to a number of the
19 services that we have concentrated on developing over the
20 last 10 years since the Victims' Bill of Rights was
21 proclaimed.

22 **MR. ENGELMANN:** Just having a brief look at
23 them, I'm assuming that some of those principles were in
24 practice prior to the Victims' Bill of Rights. Some though
25 may be new with respect to what can be provided. Can you

1 give us a sense as to what may have already been done and
2 what may have been new?

3 MS. FARYNA: Okay. If we put -- number 1 is
4 a general statement of principle I think you'll find in
5 many areas of law.

6 The Item No. 2, "Access to Information
7 Concerning Services and Remedies Available", really that
8 had certainly been in existence through our Victim Witness
9 Assistance Program. It had been one of the key things
10 flagged in the 1983 FPT Report on interests for victims of
11 crime so folks have been paying attention to that, as well
12 as No. 3, the "Access to Information about the Progress of
13 Both Investigations and Prosecutions and Sentencing".
14 Again, a number of our programs that we run today address
15 those two points.

16 Number 4 is really an item for police
17 services.

18 Number 5, again I remember from my days in
19 court. I can remember in the mid-'90s having to undertake
20 special initiatives to clean out our exhibit rooms in the
21 basement of courthouses to find and return and implement
22 systems to make sure that exhibits were returned to
23 victims.

24 Number 6 is -- again, relates to another
25 program that we fund, but I can speak a little bit about

1 it, if folks are interested.

2 Again, number 7 is another function provided
3 through our Victim Witness Assistance Program.

4 **MR. ENGELMANN:** All right.

5 And then as I understand it, you've told us
6 this -- that that really kick starts a lot more services
7 for victims, and we see a lot more at the bottom part of
8 the page at Tab 4.

9 **MS. FARYNA:** Exactly.

10 **MR. ENGELMANN:** All right.

11 So let's just go there quickly if we can,
12 1996, what's rolling out then by way of victim services in
13 the province?

14 **MS. FARYNA:** The victim support line was
15 launched in 1996 by -- at the time it was housed with the
16 Ministry of the Solicitor General. The victim support line
17 really addresses item number 2 on page 2, the access to
18 information concerning services and remedies available.
19 Victim support line is a toll free number that victims may
20 call to receive -- there are several components to the
21 line. The line will put them in touch with pre-recorded
22 messages about how the criminal justice system operates, or
23 they can press an option and be connected with an
24 information counselor, information referral counselor who
25 will talk to the victim about what type of services support

1 they're looking for and then connect them with appropriate
2 community agencies.

3 Just as an aside, those information referral
4 counselors, we actually have a contract for those folks
5 with the Two On One Group. You may be familiar with the
6 Two On One Group Community Information Networks and
7 Services. So we contract with that provincial organization
8 too.

9 **MR. ENGELMANN:** All right.

10 And if people want further information about
11 the victim support line, you've set that out at the fourth
12 page of your Outline at Tab 1. Correct?

13 **MS. FARYNA:** Yes.

14 **MR. ENGELMANN:** And that is something that
15 is funded through the Victim's Justice Fund?

16 **MS. FARYNA:** That's funded through the
17 Victim's Justice Fund 100 per cent, yes.

18 **MR. ENGELMANN:** Then you've got domestic
19 violence courts being piloted at Old City Hall and North
20 York courts. I'm assuming that's in Toronto?

21 **MS. FARYNA:** That's in Toronto. There were
22 two pilot projects. Toronto, with its volume, was able to
23 develop new processes around domestic violence, increase
24 training for Crowns, increase training for police,
25 specialized investigative techniques, specialized court

1 processes, and we're able in Toronto, with its volumes, to
2 dedicate courtrooms. So that was -- those pilot projects
3 began in Old City Hall and North York.

4 I had mentioned earlier that in 1989, the
5 Federal Government had amended the Criminal Code to just
6 very generally state that victims may provide input to
7 sentence or victims input to sentencing may be considered
8 by the court. In 1996, there was a Criminal Code Amendment
9 that made it mandatory, not permissive for the court to
10 consider victim impact statements, but the court must
11 consider any victim impact statement that is filed.

12 **MR. ENGELMANN:** So these weren't new. They
13 just became mandatory.

14 **MS. FARYNA:** They weren't new. It became
15 mandatory for the court to consider it.

16 **MR. ENGELMANN:** All right.

17 Then you talk about *O'Connor*, which is a
18 case from the Supreme Court of Canada and third party
19 records applications.

20 **MS. FARYNA:** *O'Connor* dealt with a sexual
21 assault case where a request was -- the defence was
22 requesting access to the complainant's confidential
23 records, psychiatric and counseling records in particular.
24 So this was raised as a significant victim's issue, in that
25 the counseling, as a result of the offence, how does that

1 go to the victim's state of mind in the testimony and what
2 access within the context of privacy legislation should
3 defence have to counseling records of a victim.

4 So that set out, in response to the *O'Connor*
5 decision, it set out certain processes for access to the
6 records of third parties of counselors or other social
7 service providers.

8 **MR. ENGELMANN:** And I understand there's
9 more of a description of some of those third party
10 applications in the Victim Witness Assistance Program
11 Policy and Procedures Manual ---

12 **MS. FARYNA:** Yes.

13 **MR. ENGELMANN:** --- which is at Tab 10 of
14 your Book of Documents?

15 **MS. FARYNA:** Yes, there is.

16 **MR. ENGELMANN:** Okay. You've also got the
17 reference to the Ontario Victim's Bill of Rights being
18 proclaimed.

19 **MS. FARYNA:** M'hm.

20 **MR. ENGELMANN:** And we have that.

21 So then in 1997, there's a reference to
22 French language and four bilingual SACs established.
23 What's meant by an SAC?

24 **MS. FARYNA:** An SAC is a Sexual Assault
25 Centre.

1 **MR. ENGELMANN:** So we're getting service for

2 ---

3 **MS. FARYNA:** For francophone women in
4 accordance with the *French Language Services Act*.

5 **MR. ENGELMANN:** And you've got a reference
6 to Bill C-46 and third party records applications. Is that
7 a continuation of what we saw about *O'Connor*?

8 **MS. FARYNA:** A continuation of *O'Connor*,
9 yes.

10 **MR. ENGELMANN:** And then there's also a
11 reference to a decision of the Supreme Court of Canada and
12 issues about admissibility of evidence.

13 **MS. FARYNA:** Yes.

14 **MR. ENGELMANN:** And this follows up on our
15 child friendly courts and things of that nature?

16 **MS. FARYNA:** Yes.

17 **MR. ENGELMANN:** Then in 1998, again there
18 are references to amendments to the Criminal Code, which
19 were significant.

20 **MS. FARYNA:** Court decision followed by
21 amendment to the Code, yes.

22 **MR. ENGELMANN:** Okay. Then you've got a
23 reference to the Office for Victims of Crime being
24 established. Can you tell us what that is, whether that
25 still exists and why that's significant?

1 **MS. FARYNA:** The Office of Victims of Crime
2 was developed by the Attorney General of the day. The
3 Attorney General wanted to get a better handle and -- have
4 a study, if you will, on victim services within the
5 province and hear directly from victims or victims'
6 representatives about the shape of victim services. So he
7 appointed -- created the Office for Victims of Crime.
8 There were appointments by Order in Council to that Office
9 for Victims of Crime. And he asked them to provide him
10 with a report with their recommendations to conduct public
11 consultations and to provide him with a report on their
12 recommendations for how victim services could be enhanced
13 across the province.

14 The OBC, the original chair of the OBC was
15 herself a victim, Sharon Rosenfelt, whose son had been
16 killed by Clifford Olsen. The vice-chair was a gentleman
17 by the name of Scott Newark who had worked as a Crown
18 prosecutor in Alberta and had come to know the Rosenfelts
19 and also done a lot of work with policing services and the
20 Canadian Association of Chiefs of Police. So the two of
21 them staffed up their office. Also Jim Stevenson, the
22 father of Chris Stevenson in whose memory the -- anyhow,
23 those are some of the members of the original OBC. They
24 launch province-wide consultations. They delivered a
25 report to the government in 2000 called "The Voice for

1 Victims".

2 MR. ENGELMANN: Okay. We'll go there in
3 just a minute if we can.

4 MS. FARYNA: Okay.

5 MR. ENGELMANN: You have a bit of a
6 description of the OBC at your Outline at Tab 1, pages 10
7 and 11. Correct?

8 MS. FARYNA: Yes ---

9 MR. ENGELMANN: And they ---

10 MS. FARYNA: --- which would reflect its
11 role today.

12 MR. ENGELMANN: Right. And it's an active
13 service today?

14 MS. FARYNA: It's an active service that
15 still exists today, yes.

16 MR. ENGELMANN: And their role with respect
17 to the AG and government with respect to victims?

18 MS. FARYNA: They're an advisory.

19 MR. ENGELMANN: How would you describe that?

20 MS. FARYNA: They're in an advisory capacity
21 to the Attorney General. The members of the OBC are all
22 Order in Council appointments, term appointments, selected
23 by the Attorney General. And there were changes made to
24 the Victims Bill of Rights in 2000 or 2001 that confirmed
25 the office of victims -- the Office for Victims of Crime is

1 a permanent advisory agency or advisory body to the
2 Attorney General.

3 **MR. ENGELMANN:** Now, you also reference
4 under 1998 a couple of things, the May Iles Inquest, and
5 we've heard something about that and how tragedies often
6 lead to inquiries or inquests.

7 **MS. FARYNA:** Yes.

8 **MR. ENGELMANN:** And you've also referenced
9 support link pilots. Can you tell us what that's about?
10 It's housed in Barrie and Ottawa.

11 **MS. FARYNA:** A support link is a program
12 that provides for safety planning for victims who are at
13 high risk of stalking by the offender or accused. So it's
14 targeted at victims of domestic violence and sexual
15 assault. It's a program where we provide detailed
16 intensive safety planning to those victims, as well as a
17 cell phone. It's a partnership with Rogers AT&T to provide
18 them a cell phone pre-programmed to 911, so if they do find
19 themselves in danger or being followed, they can quickly
20 get emergency services and help.

21 **MR. ENGELMANN:** It's a one button push?

22 **MS. FARYNA:** It's a one button push.

23 **MR. ENGELMANN:** Okay. Then in 1999, you
24 talk about the report of the Joint Committee on Domestic
25 Violence ---

1 **MS. FARYNA:** Yes.

2 **MR. ENGELMANN:** --- and the development of
3 the Partner Assault Response Programs. Are those
4 connected?

5 **MS. FARYNA:** Those are very directly
6 connected. Partner Assault Response Programs are now a key
7 feature of our domestic violence court processes across the
8 province. Those are the educational counseling programs
9 that the accused may be referred to, the accused being the
10 offender.

11 **MR. ENGELMANN:** Yes.

12 **MS. FARYNA:** May be referred to -- they have
13 to -- for educational counseling on how to consider the
14 sources of their anger, their violence, how to curb that,
15 how to control that.

16 **MR. ENGELMANN:** And you have a reference,
17 again, to further amendments to the Criminal Code with
18 respect to the use of victim impact statements.

19 **MS. FARYNA:** Yes, again, further amendments
20 in 1999, an expanded definition of victim, making it
21 mandatory for the court to inquire. If the victim has had
22 a chance to prepare a victim impact statement and ---

23 **MR. ENGELMANN:** And the ability to read the
24 ---

25 **MS. FARYNA:** And the ability to read it in

1 court, not just file the piece of paper but to allow the
2 victim time to read it in court if the victim so wishes.

3 **MR. ENGELMANN:** You also have a reference to
4 the Men's Project. They're a party here.

5 **MS. FARYNA:** M'hm.

6 **MR. ENGELMANN:** Can you tell us why this is
7 significant and how this comes about?

8 **MS. FARYNA:** In 1999 -- '98-'99 as I -- '98-
9 '99 was when the charges were laid as a result of the
10 Project Truth investigation. Solicitor General -- the
11 Ministry of Solicitor General at the time identified the
12 need and response to those charges. I don't know exactly
13 who would have launched it at the time, but it was
14 established to provide support to the victims in Cornwall
15 in this matter; both those who had come forward and were
16 prepared to testify as part of the investigations and as
17 part of the proceedings, as well as to other members of the
18 community who may have been victims but didn't come
19 forward, for whatever reason, as part of that process. So
20 Solicitor General began to fund the Men's Project as a
21 counseling service and support service for the victims in
22 1999 and for the duration of the investigations and court
23 process.

24 **MR. ENGELMANN:** We'll come back to the Men's
25 Project because I know there is further information on.

1 Mr. Commissioner, I understand you wanted to
2 take a brief break around 11:00. Would this be an
3 appropriate time?

4 **THE COMMISSIONER:** I'm wondering if we might
5 continue a little further, maybe till about 11:20.

6 **MR. ENGELMANN:** Perfect.

7 **THE COMMISSIONER:** And then we'll take a
8 very short break and then come back. How's that? Okay.
9 Thank you.

10 **MR. ENGELMANN:** So then just carrying on
11 with the timeline, Ms. Faryna, let's go to the next page of
12 Tab 4. We have the Ontario Victims of Crime -- the Office
13 for Victims of Crime coming out with a report "A Voice for
14 Victims". I have the pamphlet or summary form here. As I
15 understand it's a much larger report.

16 **MS. FARYNA:** It's a much larger report.

17 **MR. ENGELMANN:** Are you able to give us just
18 in summary fashion some of the recommendations that they
19 came forward with?

20 **MS. FARYNA:** The report had a total of over
21 70 recommendations, but there were a couple of key themes
22 coming out of that report.

23 **MR. ENGELMANN:** All right.

24 **MS. FARYNA:** The first is that the report
25 did identify that there were a lot of gaps in the delivery

1 of victim services across the province. There were
2 geographic gaps. There were whole counties and
3 jurisdictions that had no victim services. There were gaps
4 in terms of the types of services available. For example,
5 the report identified specifically identified men's sexual
6 assault services and the fact that there was very little in
7 the way of services for men, although there was this well-
8 established system of support for women victims of sexual
9 assault. So that was one group of things. Talking about
10 the need to enhance and expand victim services province-
11 wide.

12 A second theme was around the coordination
13 and that notion I was speaking of a little earlier, making
14 as smooth a transition as possible for victims from one
15 service to another. The report offered a couple of options
16 to government. The members of the OBC would have preferred
17 to see a consolidated victim support service housed within
18 police services. They recognize that there may be some
19 concerns with that so the alternative they offered was if
20 you can't develop a consolidated victim service then at
21 least house -- at least put in measures that can help
22 coordinate and streamline and integrate the services that
23 are out there.

24 The report also suggested that in terms of
25 structuring province-wide victim services there be some

1 sort of a regional management structure set up. They
2 recommended that that regional management structure be part
3 of the Office for Victims of Crime. And the report did
4 acknowledge the value of sexual assault centers for women.
5 They mentioned that. And certainly recommended that they
6 continue and, as I said, pointed out the absence of
7 anything comparable for men. And the report did make some
8 comments about expressing concerns about judicial and Crown
9 attorneys' accountability to victims or for Victim
10 Services.

11 **MR. ENGELMANN:** Okay. Did it also at all
12 talk about the theme of delay in criminal proceedings, to
13 your knowledge?

14 **MS. FARYNA:** I can't remember off the top of
15 my head. Oh yes, yes, definitely.

16 **MR. ENGELMANN:** And some of the impact that
17 can have ---

18 **MS. FARYNA:** The impacts of delays and how
19 that can impact victims.

20 **MR. ENGELMANN:** Okay. So then there's
21 themes, there's issues, there's problems identified in the
22 report?

23 **MS. FARYNA:** M'hm.

24 **MR. ENGELMANN:** And there are a number of
25 recommendations made?

1 MS. FARYNA: Yes.

2 MR. ENGELMANN: Some of which get acted
3 upon?

4 MS. FARYNA: Some of which get acted upon.
5 The government responded fairly quickly. By fall 2000, the
6 government's response to that report was the Victims'
7 Justice Action Plan.

8 MR. ENGELMANN: And that you have set out on
9 your timeline again?

10 MS. FARYNA: Yes. It was announced in 2000
11 and implementation of the Victims' Justice Plan began in
12 2001. The plan basically -- it addressed a number of the
13 recommendations, although not all that had been made by
14 OPC. In particular, it addressed the notion of improved
15 coordination or consolidation of victim services through
16 the creation of an integrated Victim Services Division. So
17 we took those services that had been housed at the Ministry
18 of the Solicitor General, the VCARS programs and sexual
19 assault centres, the Victims Support Line, and we took
20 those services of the Victim Witness Assistance Program
21 which had been housed at the Attorney General, put them
22 together in one division headed by an Assistant Deputy.

23 So that was the beginning of our attempts to
24 improve the coordination and integration on a systemic,
25 province-wide scale.

1 We also addressed the gaps. The government
2 also chose to address the gaps that existed in geographic
3 service delivery. So it was through the Victims' Justice
4 Action Plan that approval was finally -- the commitment was
5 finally made to expand the Victim Witness Assistance
6 Program across the province and, as well, to bring some
7 form of victims crisis assistance and response to all
8 jurisdictions across the province. So commitments were
9 made to bring VCARS programs to an additional 41 or 47
10 communities across the province. I can't remember the
11 exact number.

12 So any part of the province that didn't have
13 an existing VCARS program or some type of a police-based
14 crisis response unit would get a VCARS program.

15 **MR. ENGELMANN:** So we have a report coming
16 out in June. We have the government acting with the
17 Victims' Justice Action Plan in the fall.

18 **MS. FARYNA:** In the fall.

19 **MR. ENGELMANN:** And we have a description,
20 in addition to what you've just given us, of some of the
21 outlines of that plan at Tab 1, top of page 3 of your
22 outline; is that fair?

23 **MS. FARYNA:** Yes.

24 **MR. ENGELMANN:** Now, as well then, in 2001,
25 you talk about the Victim Services Division created through

1 the merger of MSG Victim Services Unit and MAG, a victim
2 witness assistance program.

3 So what's being -- provided before the
4 creation of that, what was being provided by the Solicitor
5 General? What was being provided from the Attorney General
6 just in general terms?

7 **MS. FARYNA:** The Solicitor General's Victim
8 Services Unit was responsible for that Victim Support Line.

9 **MR. ENGELMANN:** Yes.

10 **MS. FARYNA:** The VCARS program, some crisis
11 assistance and response services that were in place at that
12 time. I believe there were 21 at that time and they had
13 begun to develop the Partner Assault Response Programs due
14 to the link with Probation Services and Sentencing, so
15 PARS, VCARS and Victim Support Line and Sexual Assault
16 Centres. They were also responsible for funding Sexual
17 Assault Centres.

18 **MR. ENGELMANN:** All right.

19 And when this merger happens, do they then
20 fall within one ministry?

21 **MS. FARYNA:** Within one ministry, being the
22 Ministry of the Attorney General.

23 **MR. ENGELMANN:** And have they been there
24 ever since?

25 **MS. FARYNA:** And they have been there ever

1 since, since 2001. The official transfer happened in
2 August 2001.

3 **MR. ENGELMANN:** All right.

4 And I think you've told us as well then, and
5 I'm looking at the second item under 2001, province-wide
6 expansion, core victims justice services, and you've got
7 VCARS and VWAP mentioned. In fact, one of those services
8 comes to Cornwall shortly thereafter.

9 **MS. FARYNA:** Yes. Victim Witness Assistance
10 Program started in Cornwall in October 2001.

11 **MR. ENGELMANN:** As I understand it, the
12 VCARS system came in sometime ---

13 **MS. FARYNA:** It was a little later. It was
14 September -- I think it was just last fall, November --
15 October or November 2005, we began to flow funding to a
16 community group for VCARS services.

17 **MR. ENGELMANN:** And those two major programs
18 are now in existence in most jurisdictions in the province?

19 **MS. FARYNA:** VWAP, it will be in every
20 jurisdiction by September when we open our Parry Sound
21 office. We finally found some space for it. And VCARS
22 will be in every jurisdiction, either VCARS or police-based
23 service. We don't have VCARS in every single judicial
24 district of the province.

25 **MR. ENGELMANN:** Now, you've also got a

1 reference in 2002 to another inquest, Hadley, as I
2 understand it, a domestic violence homicide ---

3 **MS. FARYNA:** Domestic violence related as
4 well, yes.

5 **MR. ENGELMANN:** And you also have reference
6 to bail pilot projects.

7 Can you just briefly tell us what those are?

8 **MS. FARYNA:** The bail pilot projects are
9 focused on domestic violence. It's an attempt to improve
10 the victim's safety by bringing the victim into the process
11 much earlier than our normal domestic violence court
12 processes can do. Specifically, we reach out to the victim
13 within 24 hours of the assault at the accused' first bail
14 hearing. We reach out to the victim with dedicated Victim
15 Witness staff and police and try to get her connected with
16 the right supports and services and ensure that both the
17 police and the Crown have the right information in terms of
18 any conditions of release that may be sought.

19 **MR. ENGELMANN:** And those bail pilot
20 projects, are they still going?

21 **MS. FARYNA:** They are still going. We
22 started in three -- and I think you'll see in 2005 we
23 started in three places this pilot project. There was a
24 detailed review and monitoring done, an evaluation
25 conducted that found them to be highly successful. So the

1 government has expanded to an additional six sites just
2 last year.

3 **MR. ENGELMANN:** All right.

4 And in 2004 you've referenced a couple of
5 items, one being the Domestic Violence Action Plan. It was
6 developed and announced.

7 **MS. FARYNA:** M'hm.

8 **MR. ENGELMANN:** And another being the
9 renaming of the Victim Services Division to the Ontario
10 Victim Services Secretariat.

11 **MS. FARYNA:** Yes.

12 **MR. ENGELMANN:** What significance, if any,
13 is that to become a secretariat from a division?

14 **MS. FARYNA:** When you look at secretariats
15 at least within the provincial government, secretariats
16 tend to have responsibilities beyond a particular sector.
17 A division tends to operate within the sector. We fall
18 within the justice sector, so we work closely with Crowns,
19 police, Corrections, but in addition in Victim Services, we
20 have a lot of linkages across government to other sectors
21 as well, particularly the Social Services sector,
22 Citizenship, Ontario Women's Directorate, Education sector,
23 Healthcare sector with sexual assault treatment centres and
24 counseling services.

25 So the work we do in support of victims

1 branches out across all of those sectors and it just
2 reflects -- sort of positions us to have a broader role
3 with respect to our linkages across government and in all
4 sectors of government.

5 **MR. ENGELMANN:** I think you told us earlier
6 you have six regional offices?

7 **MS. FARYNA:** M'hm.

8 **MR. ENGELMANN:** And they're set out at Tab 7
9 of your Book of Documents; is that correct?

10 **MS. FARYNA:** They're set out in Tab 7, yes.

11 **MR. ENGELMANN:** So, for example, we would be
12 in the East Region here and that office is in Ottawa?

13 **MS. FARYNA:** That office is in Ottawa, yes.

14 **MR. ENGELMANN:** And the North Region office
15 would be up in Sudbury?

16 **MS. FARYNA:** Located in Sudbury. Both the
17 East and North Region also have some satellite offices. In
18 the North Region we have additional offices -- we have two
19 staff located in each of Kenora and Thunder Bay and in the
20 East Region we have two staff located in Kingston.

21 **MR. ENGELMANN:** Okay.

22 **MS. FARYNA:** So again, those regional
23 offices, I think I said earlier, are responsible for the
24 direct management and supervision of the regional manager
25 and some support staff, direct supervision management and

1 administrative support to the Victim Witness Assistance
2 Program and the balance of the staff in the Regional Office
3 administer our contracts with community based agencies who
4 provide other victim service programs.

5 **MR. ENGELMANN:** All right.

6 In 2005 on your timeline, the first two
7 items, you're talking about this expansion throughout the
8 province, the VCARS program we talked about and some of
9 that expansion actually here in the Cornwall area.

10 **MS. FARYNA:** Yes.

11 **MR. ENGELMANN:** And as I understand that in
12 Northern Ontario as well, and the PARS program being
13 expanded, Partnership Abuse ---

14 **MS. FARYNA:** Completed, yes. We now have
15 PARS programs in every court jurisdiction of the province.

16 **MR. ENGELMANN:** And you talk about more
17 funding or enhanced funding for sexual assault centres,
18 including new francophone centres?

19 **MS. FARYNA:** Yes. Early in 2005, sexual
20 assault centres were given the first increase after a cut.
21 So we reinstated a cut they suffered in 1995, plus
22 increased their funding and set aside money to open
23 additional French language centres.

24 **MR. ENGELMANN:** All right.

25 And I think you certainly referred to the

1 fact that in 2006, now that your funding for the Victims
2 Witness Assistance Program now completed as far as the
3 expansion, including Parry Sound, and there's a reference
4 to funding of a Child Victim Witness Program.

5 This would be in addition to the ones in
6 London and in Toronto?

7 **MS. FARYNA:** Yes.

8 **MR. ENGELMANN:** All right.

9 So let's -- what you've described for us now
10 through the timeline is quite a patchwork of different
11 programs dealing with services for victims in the province.
12 The summary, if I can call it, as to what the secretariat
13 does, is that what we see -- and I'm looking at Tab 1, page
14 3 of your outline ---

15 **MS. FARYNA:** M'hm.

16 **MR. ENGELMANN:** --- under "Programs and
17 Services-Related Agencies".

18 **MS. FARYNA:** That talks about what we are
19 today.

20 **MR. ENGELMANN:** Right.

21 **MS. FARYNA:** And then the following pages
22 give slightly more detailed descriptions of each of those
23 programs that we administer today.

24 **MR. ENGELMANN:** All right.

25 And you list 10 programs or 11 programs

1 underneath that.

2 **MS. FARYNA:** M'hm.

3 **MR. ENGELMANN:** And of those particular
4 programs, which would you view as the most significant, if
5 I could use the term?

6 **MS. FARYNA:** I would say the most
7 significant are the Victim Support Line, the VCARS program,
8 the Victim Witness Assistance Program. I think for the
9 purposes of this inquiry, certainly the Men's Project and,
10 as well, the Community Grants Program.

11 **MR. ENGELMANN:** Okay. Well, let's follow up
12 a little bit with VCARS perhaps. That's found -- a more
13 lengthy description is found at page 5 of Tab 1. Is that
14 correct?

15 **MS. FARYNA:** Yes.

16 **MR. ENGELMANN:** And I think you've told us
17 this before, but you're dealing with crisis issues, short-
18 term issues?

19 **MS. FARYNA:** Yes. VCARS deal with the
20 immediate aftermath of a crime. So the program is one that
21 links two police services, and on referral by police or
22 other emergency service, VCARS programs will also extend
23 their services not just to victims of crime but victims of
24 other types of disasters or tragedies as well, sometimes
25 just because you can't immediately tell, is it a crime or a

1 tragedy. But in either event, regardless, the trauma
2 response, the crisis response is the same.

3 **MR. ENGELMANN:** You've told us and you
4 repeat here that it's been around since approximately 1987.

5 **MS. FARYNA:** Since 1987.

6 **MR. ENGELMANN:** At least in some
7 jurisdictions.

8 **MS. FARYNA:** Yes. So the first three
9 programs in '87. In '91, the Solicitor General defined it
10 as a court program, which means they would have confirmed
11 those three pilot programs as permanent, plus they began to
12 fund a fourth program in Toronto.

13 It's interesting to see that there was that
14 expansion following the proclamation of the Victims' Bill
15 of Rights in '95 -- well, '96. We see that the Solicitor
16 General chose to expand the VCARS program to another 21
17 places across the province or to a total of 21 areas of the
18 province, and then following the report from the OVC, the
19 expansion between 2001-2005.

20 **MR. ENGELMANN:** All right.

21 Now, these programs are funded through this
22 Victims' Justice Fund ---

23 **MS. FARYNA:** Yes, entirely.

24 **MR. ENGELMANN:** --- which is a surcharge
25 when individuals have to pay fines?

1 MS. FARYNA: Yes.

2 MR. ENGELMANN: The program is staffed by
3 employees and/or volunteers?

4 MS. FARYNA: The program is run by
5 community-based agencies. In the case of VCARS programs,
6 we chose to go out and develop agencies within communities
7 to drum up interest and support. Our staff or Solicitor
8 General, at the time, staff would go out and talk to the
9 Crown and talk to the police, talk to other community
10 agencies that dealt with victims like shelters or
11 hospitals, et cetera, get interest in getting a victim
12 crisis assistance referral service program set up.

13 The way it runs, we provide a limited amount
14 of funding. It's somewhere between \$140,000 to \$160,000 a
15 year to each program, and that basically pays for usually
16 two full-time staff, an Executive Director who handles a
17 lot of the promotion, additional fundraising, accounting
18 and a volunteer coordinator.

19 The services that are delivered on-scene are
20 typically delivered by volunteers. So the staff of the
21 program are in a continual mode of recruiting volunteers,
22 training volunteers, assessing when the volunteers are
23 ready to go out on their own and scheduling and
24 coordinating the volunteers.

25 MR. ENGELMANN: The actual interaction

1 between the staff and victims of crime is, I think you've
2 told us, for a very short period of time, right after the -
3 --

4 **MS. FARYNA:** It's for a short period of
5 time. The program is initially designed or mandated to go
6 to the scene of the crime. So police would arrive at the
7 scene of the crime, see a highly traumatized victim who
8 could need some help. Police should be asking the victim
9 if they'd like to speak to somebody from Victim Services
10 and if they have somebody from Victim Services attend at
11 the scene, you need to get the victim's consent before
12 somebody attends at the scene or attends at your home.
13 With consent, they'll dispatch a volunteer to the home, to
14 the scene of the crime, and spend some time with the victim
15 providing basic trauma response, trauma support, emotional
16 support and beginning to get the victim connected with
17 appropriate community services or support groups that would
18 help under the circumstance.

19 Most VCARS programs don't limit their
20 contact with the victim to that few hours after the crime.
21 It's just matter of good practice to do some follow-up once
22 you've established that contact with the victim, do some
23 follow-up a few days to a week later, just to see how
24 they're doing and to ---

25 **MR. ENGELMANN:** And to make sure they got

1 that referral.

2 **MS. FARYNA:** --- make sure they got in touch
3 or can we help you in any way get in touch? But it's very
4 short-term. It's immediate aftermath.

5 **MR. ENGELMANN:** And a victim of crime
6 becomes aware of this how?

7 **MS. FARYNA:** It should be through the
8 police. Police should be providing information. All VCARS
9 programs regularly attend meetings of police. There is
10 training at the police college. Most VCARS programs will
11 have senior ranking officers from the local police force or
12 services sitting on the VCARS boards or they try to. They
13 prefer to.

14 So they should be hearing about it through
15 the police. Again, as community-based agencies, we don't
16 dictate everything they do but I know that many VCARS
17 programs will also set up booths in malls, at fairs or
18 participate in community justice weeks, posters, that kind
19 of thing.

20 **MR. ENGELMANN:** So they do some self-
21 promotion?

22 **MS. FARYNA:** Yes.

23 **MR. ENGELMANN:** Yes.

24 Now, just to get a sense as to the amount of
25 funding for VCARS, if we looked at Tab 6 ---

1 **MS. FARYNA:** M'hm.

2 **MR. ENGELMANN:** --- it's the first item on
3 the first page. We get some annual budget numbers there.

4 **MS. FARYNA:** Yes. So right now VCARS are
5 around -- 6.1 million was the actual spending last year,
6 but it's around 6.1 - 6.2 million is the total allocation
7 plus a major chunk of the Northern Strategy could be said
8 to be towards victims' programs. I don't have the --
9 around 1 million of that Northern Strategy money, of that
10 1.48 million Northern Strategy is for those alternative
11 victim services programs. We only call them alternative
12 programs because they're not -- every alternative northern
13 victims' program includes a VCARS component ---

14 **MR. ENGELMANN:** All right.

15 **MS. FARYNA:** --- but each of them also may
16 include some other victim services within that same agency.

17 **MR. ENGELMANN:** So we're in fact seeing more
18 spent than the 6 million on VCARS?

19 **MS. FARYNA:** A little bit more, probably
20 around seven.

21 **MR. ENGELMANN:** And that's of a total -- if
22 we look at the last page of the Tab -- of about 41 million
23 that's flowing out of this fund?

24 **MS. FARYNA:** Yes.

25 **MR. ENGELMANN:** All right.

1 Okay. I wanted just to turn then to the
2 Victims Witness Assistance Program, but we're now at 11:20.

3 **THE COMMISSIONER:** All right. Well, why
4 don't we take a short break now. We'll ask you to come
5 back at 2:00 ---

6 **MS. FARYNA:** At 2:00? Okay.

7 **THE COMMISSIONER:** --- because what I want
8 to do is deal with the introduction of the panel, the
9 advisory panel after the break, and we'll have lunch and
10 then we can come back.

11 **MS. FARYNA:** Okay.

12 **THE COMMISSIONER:** All right. Thank you
13 very much.

14 **MR. ENGELMANN:** Thank you.

15 **THE REGISTRAR:** Order; all rise. À l'ordre;
16 veuillez vous lever. The hearing will resume at 11:40.
17 --- Upon recessing at 11:20 a.m./

18 L'audience est suspendue à 11h20

19 --- Upon resuming at 11:43 p.m./

20 L'audience est reprise à 11h43

21 **THE REGISTRAR:** Order; all rise. À l'ordre;
22 veuillez vous lever.

23 This hearing of the Cornwall Public Inquiry
24 is now in session. Please be seated. Veuillez vous
25 asseoir.

1 **THE COMMISSIONER:** Thank you.

2 Yes. Thank you very much.

3 I thought that given some of the people had
4 pizza here last night, for lunch I thought we'd upstage
5 them this afternoon.

6 In any event, I want to address a few
7 comments. I think this afternoon or this morning is an
8 important milestone in the life of the Cornwall Public
9 Inquiry, and that is that we are today introducing the
10 Cornwall Public Inquiry Advisory Panel.

11 The advisory panel, as you well know, is
12 essential to our Phase 2 work. As counsel will know and
13 those who have been checking from time to time on our
14 website, we've been conducting a consultation process both
15 on the terms of reference for the advisory panel and on its
16 membership.

17 When I started this consultation, we all had
18 a vision of a panel of between six to eight exceptional
19 individuals who could provide both a breadth and depth of
20 professional and personal experience to our work in Phase 2
21 of the Inquiry. I am happy to say that that vision has
22 been realized.

23 In our Phase 2 mandate, our focus is on
24 healing and reconciliation. We seek to contribute to an
25 environment that is conducive to healing, which can help

1 those individuals and institutions who want to move
2 forward, to do so.

3 Cornwall is a unique community with
4 considerable potential and vigor. We hope to assist in
5 creating opportunities for Cornwall and for those who live
6 here. In terms of opportunities already created, I would
7 note that our counseling program, at the end of June, had
8 77 individuals approved for counseling. The majority live
9 here in Cornwall.

10 I can tell you that our goals for Phase 2
11 are ambitious. This is why I was so pleased at the
12 exceptional caliber of the individuals who have committed
13 to being advisory panel members.

14 When I first met with most of the
15 candidates, I was struck by how they are all persons of
16 wisdom, integrity and relevant experience. But as well,
17 and more importantly, they all share an interest in healing
18 and in thoughtful, thorough and inclusive advice.

19 I feel very fortunate to have the advice of
20 such men and women all of whom have busy lives but are
21 taking time to work with us on our important Phase 2
22 mandate.

23 Before I introduce our panel members and
24 tell you about them, I want to address our process for
25 identifying panel members and finalizing the terms of

1 reference.

2 Ce processus a été, comme c'est le cas,
3 comme c'est le cas dans toute l'enquête en général, ouvert
4 et transparent. Nous avons demandé aux parties de nous
5 faire part de leurs commentaires sur notre mandat et des
6 suggestions sur le choix des membres de comité. Nous
7 l'avons annoncé sur le site web et avons aussi sollicité
8 les commentaires et suggestions du public.

9 J'ai le plaisir de vous annoncer que nous
10 avons reçu de nombreuses suggestions constructives du
11 public et des parties. Nous avons étudié ces suggestions
12 et nous nous sommes renseignés sur l'intérêt et la
13 disponibilité d'un grand nombre de personnes
14 exceptionnelles.

15 Nous avons reçu que deux commentaires sur
16 notre mandat qui demandaient une clarification du mandat de
17 la Phase 2 du comité consultatif. Cette clarification a
18 été faite lorsque nous avons finalisé notre mandat.

19 In short, the process of consultation has
20 been helpful to me as a Commissioner and I believe has
21 given real opportunity to influence our choices. Indeed,
22 every panel member was identified from recommendations made
23 to us by various interested individuals and groups.

24 A process of genuine consultation is an
25 approach that will continue in our Phase 2 work.

1 I want to thank counsel, parties and members
2 of the public, including our internet public, for
3 participating in our consultation.

4 Now I would like to indicate that our Terms
5 of Reference are finalized and distributed to counsel.
6 They will be posted to our website very shortly.

7 Next, I turn to the real purpose of my
8 comments today and that is for the introduction of the
9 Advisory Panel.

10 Une chose vous frappera lorsque je vous
11 parlerai de chaque membre du comité; c'est qu'ils sont tous
12 très qualifiés, mais aucun d'entre eux n'est avocat ou
13 avocate. Vous savez que j'admire et respecte les avocats,
14 y compris les avocats qui se présentent ici devant moi dans
15 le cadre de l'enquête.

16 Toutefois, la Phase 2 n'est en aucun cas
17 litigieuse. Cela ne veut pas dire que les avocats ne
18 devraient pas participer aux activités de la Phase 2; bien
19 au contraire. Je veux simplement dire qu'une panoplie
20 différente d'attitudes est nécessaire, des aptitudes que je
21 sais que les avocats possèdent déjà.

22 Nous avons la chance aujourd'hui d'avoir
23 parmi nous quatre membres du comité consultatif. Les
24 autres membres sont avec nous en esprit et certains nous
25 regardent par diffusion sur le web et je m'adresserai aussi

1 à eux.

2 Je commencerai par ceux qui se trouvent ici
3 parmi nous.

4 I will first tell you about each individual
5 and then ask them to rise to be recognized.

6 I would like to start with introducing to
7 you Mr. Michael Church of Freerton, Ontario. Mike is an
8 active volunteer on behalf of men who have suffered sexual
9 abuse. He has provided peer support as a trained mentor
10 and has spoken to meetings of police forces, hospital
11 staff, schools and service clubs. He has been a keynote
12 speaker or workshop participant at Ontario conferences of
13 male survivors and has advocated for change on behalf of
14 those who have experienced childhood or adolescent sexual
15 abuse.

16 Mike retired in December of 2005, after over
17 40 years of progressively responsible working experience
18 and is proud to indicate that he has recently celebrated
19 his 39th wedding anniversary. I don't know if we should
20 congratulate him or Mrs.

21 Mike, can you just stand up so people will
22 know who you are? Oh, there you go, over there.

23 Thank you, Mike, for taking on this
24 important responsibility.

25 Next is Ms. Janet Handy of Toronto. Jan is

1 the Executive Director of The Gatehouse child abuse
2 investigation and support staff which we have heard
3 mentioned on numerous occasions during the last few days.
4 It is a unique response centre for people whose lives have
5 been directly impacted by child abuse. The Gatehouse
6 provides services for the investigation, trauma, survival
7 and recovery of childhood sexual abuse. Jan works with
8 both child welfare and police representatives and has
9 extensive training experience, including with the Anglican
10 Church, CAS and early childhood educators.

11 Jan has her Bachelor of Fine Arts from
12 Wilfrid Laurier, her Master of Divinity from Trinity
13 College, University of Toronto and her Masters of Education
14 from OISE.

15 Jan is also the founder of the Family Action
16 Network, a group that formed a housing corporation for
17 those in need of housing due to special needs or family
18 violence.

19 Jan, thank you for your willingness to bring
20 your valuable experience to Phase 2 of the Cornwall Public
21 Inquiry.

22 And there is Jan. Thank you.

23 Next, I would like to introduce you to Mr.
24 Benjamin Hoffman of Eganville, Ontario. Ben is a
25 specialist in consensus building, negotiation and peace

1 building. From 2000 to 2003, he was the Director of the
2 Conflict Resolution Program at the Carter Centre, acting as
3 President Carter's representative to mediate peace
4 agreements.

5 Ben has his B.A. and M.A. from Wilfrid
6 Laurier University, an M.A. in International Relations from
7 Tufts and a Ph.D. in Architecture from York University.

8 Ben has worked in healing and restorative
9 justice issues for over the last 20 years. From 1976 to
10 '81, he was the Deputy Regional Director of Operations at
11 the Ontario Ministry of Correction Services in Northern
12 Ontario.

13 Ben is currently active in violence
14 prevention and reconciliation in Guinea-Bissau.

15 Ben, could you stand up, please. Thank you
16 very much again for working with us on this important
17 function.

18 Our fourth panel member needs no
19 introduction to the Cornwall community, but it is my great
20 pleasure to tell you of her membership on the advisory
21 panel; Ms. Gail Gustin Kaneb of Cornwall. Gail is a
22 successful businesswoman and active community leader and
23 philanthropist. She is also a certified shadow work coach
24 and a chance catalyst, helping people in companies reach
25 their full potential.

1 As President of Breakthrough Strategies,
2 Gail shares leadership communication in conflict management
3 strategies used in her own business as well as in her
4 family life as a spouse and parent of three.

5 Gail and her husband, Tom, were co-chairs of
6 the "Our Hospital, Our Future" fundraising campaign, which
7 exceeded the \$12 million goal set for the Cornwall
8 Hospital. As a result of her work in 2005, Gail and Tom
9 received honorary diplomas from St. Lawrence College.

10 Gail, could you stand please?

11 Gail, thank you for your commitment to our
12 healing and work here on Phase 2 of our mandate. Thank
13 you.

14 Now I turn my attention to three panel
15 members here in spirit and some by webcast.

16 Dr. Peter Jaffe of London, Ontario was
17 recommended as a panel member by many people. He is a
18 very, very busy person but was quick to say "yes" because
19 of his long commitment to the issues we are addressing here
20 today.

21 Peter is a Professor and Academic Director
22 of the Centre for Research on Violence Against Women and
23 Children at the University of Western Ontario. As a
24 Clinical Psychologist, he has extensive experience working
25 with child sexual abuse victims and a substantial research

1 and teaching background.

2 Peter received his Undergraduate Degree from
3 McGill University and his Ph.D. in Clinical Psychology from
4 the University of Western Ontario. Peter has co-authored
5 numerous books and articles, acted as a consultant for
6 Justice Robins and the Law Reform Commission of Canada.

7 Peter has also served his community on the
8 Thames Valley District School Board as both a Trustee and
9 Chair.

10 Peter, thank you for continuing to assist us
11 here at the Cornwall Public Inquiry.

12 Next, there is Father John Allan Loftus. He
13 joins this panel from Boston in the United States. J.A.,
14 as he is known to his friends, is a Psychologist and Jesuit
15 Priest, the Director of the Jesuit Urban Center in Boston
16 and an Adjunct Professor of Psychology and the Psychology
17 of Religion at Boston College.

18 J.A. received his A.B. and M.A. from Fordham
19 University, his Masters of Divinity from Woodstock College
20 in New York and completed his Ph.D. in Psychology at Boston
21 University.

22 He is the former President of Regis College,
23 University of Toronto. From 1986 to 1994, J.A. was the
24 Executive and Clinical Director of Southdown, the Catholic
25 Church's psychiatric treatment facility for Clergy and

1 religious located in Aurora.

2 From 1990 to 1992, J.A. was a consultant to
3 the Canadian Conference of Catholic Bishops in relation to
4 the report on the ad hoc Committee of Child Sexual Abuse,
5 From Pain to Hope.

6 J.A. is a dual Canadian and American
7 citizen.

8 So J.A., thank you again for committing to
9 our work here in Cornwall.

10 Finally, I want to present to you Mr. Philip
11 Murray of Ottawa. Phil was Commissioner of the RCMP
12 between 1994 and 2000, retiring in September of 2000. He
13 holds a Bachelor of Business Administration and certificate
14 in personnel administration from the University of Regina.
15 He is a graduate of the Canadian Police College Advanced
16 Police Studies Program and a graduate of the United States
17 FBI National Executive Institute.

18 Phil served with the RCMP for 38 years,
19 progressing from a uniformed police officer to its most
20 senior position. Phil has been serving as a member of the
21 Research Advisory Committee for the Ipperwash Public
22 Inquiry. He also serves as a member of the Board of The
23 Ottawa Hospital and an Honorary Patron of the RCMP Heritage
24 Centre.

25 Phil, we are fortunate to have your

1 experience and personal attributes to support our work
2 together.

3 Having introduced our Advisory Panel, I will
4 shortly end our webcast by asking everyone, counsel,
5 members of the public here today, and our staff to join me
6 in a small reception to meet panel members more informally.

7 I understand that there will also be a brief
8 photo opportunity for the media.

9 I can say that I look forward to continuing
10 our Phase 2 work with the advice of this exceptional group
11 of men and women and, just as important, I look forward to
12 the participation of the Cornwall community in the work of
13 creating a healing environment.

14 So before ending off, I invite counsel; do
15 you have any other comments you would like to give before
16 we adjourn for lunch?

17 That being unanimous, then we shall break
18 and I invite you to partake of our food and to meet the
19 panel members.

20 Thank you.

21 **THE REGISTRAR:** Order; all rise. À l'ordre;
22 veuillez vous lever.

23 The hearing will reconvene at 2:00 p.m.

24 --- Upon recessing at 11:59 a.m./

25 L'audience est suspendue à 11h59

1 --- Upon resuming at 2:05 p.m./

2 L'audience est reprise à 14h05

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session. Please be seated;
5 veuillez vous asseoir.

6 **THE COMMISSIONER:** Thank you. Good
7 afternoon, all.

8 **MR. ENGELMANN:** Good afternoon, Mr.
9 Commissioner.

10 Good afternoon, Ms. Faryna.

11 **MS. FARYNA:** Good afternoon.

12 **MR. ENGELMANN:** Mr. Commissioner, we were
13 just dealing with the Victim Witness Assistance Program.
14 So I am going to turn back there.

15 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
16 **ENGELMANN(cont'd/suite):**

17 **MR. ENGELMANN:** Ms. Faryna, you will see the
18 write-up on the Victim Witness Assistance Program starting
19 in your Outline at page 7.

20 You've told us a little bit about it. The
21 mandate and scope of the Victim Witness Assistance Program
22 is more fully described in the manual, is it not?

23 **MS. FARYNA:** Yes. It's really there ---

24 **MR. ENGELMANN:** Perhaps we could go there
25 then. That's at Tab 10; correct?

1 **MS. FARYNA:** Tab 10, the Table of Contents,
2 in particular, Section 2, Program Overview.

3 **MR. ENGELMANN:** Okay. Madam Clerk, the
4 pages aren't numbered in the tab, but it's about seven or
5 eight pages in. The caption should read "Program Overview
6 2.2 Mandate and Scope".

7 **MS. FARYNA:** Yes.

8 So the mandate of the program is outlined
9 there. You don't ---

10 **MR. ENGELMANN:** We are just going to catch
11 up on the screen.

12 **MS. FARYNA:** Okay. Sorry.

13 **MR. ENGELMANN:** We're almost there. There
14 we go.

15 **MS. FARYNA:** Yes. Okay. So it's to provide
16 the information, assistance and support to victims
17 throughout the criminal court process in order to improve
18 their understanding of, and participation in, that process
19 again as outlined in both the Victim's Bill of Rights and
20 that sort of originating in 1983 FPT report.

21 We've listed the goals there and we've tried
22 to put some boundaries around the nature of the services
23 that we do provide within that court process, so more
24 specifically providing information on cases before the
25 courts to the victims to keep them up to date. And that

1 will include the next point, familiarizing victims with the
2 criminal court process and the various support services. I
3 think particularly the criminal court process, there are a
4 lot of different appearance types and numerous appearances
5 and events, and it's not what "Joe Q. Public" sees on TV at
6 trial. It's not just bail and trial. There's everything
7 that happens in between. So being able to explain to the
8 victim what's happening during those early appearances and
9 remand court and pleas and disclosures and why there are
10 some delays, you know, what's the difference between a pre-
11 trial and a preliminary hearing and a trial; all those
12 kinds of things. So helping victims understand that.

13 Other support services, so what support
14 services we can provide to participate effectively in that
15 process. Community coordination of services for victims of
16 crime. In terms of community coordination and the support
17 services referenced above, it's again identifying services
18 available in the community that can help the victim in
19 their healing, in getting over the trauma of the crime,
20 which occurred to them. There are other points in the
21 manual where we clarify that we do not in the Victim
22 Witness Assistance Program provide any type of therapeutic
23 or counseling service. That's better done outside the
24 system for a whole host of reasons, but we do want to know
25 where the services are to help the victims heal.

1 And really, in terms of administration of
2 justice, help them bring forward the best possible
3 testimony that they can.

4 So our Victim Witness Assistance Program
5 managers and some of our local staff will participate a lot
6 in various community coordinating committees that deal with
7 various -- with victims in general or that deal with
8 specific groups of victims or types of victims.

9 **MR. ENGELMANN:** So for example, if there is
10 a shelter?

11 **MS. FARYNA:** If there is a shelter, our VWAP
12 managers will participate in any domestic violence
13 community coordinating committees, domestic violence court,
14 advisory committees.

15 **MR. ENGELMANN:** There would be some liaison?

16 **MS. FARYNA:** There would be liaison, yes.

17 **MR. ENGELMANN:** For example, here in
18 Cornwall that could be with a group like the Men's Project?

19 **MS. FARYNA:** Correct, yes. They would make
20 sure that they were linked to whatever the hospital sexual
21 assault treatment center, the sexual assault center that we
22 fund, the PARS programs, as part of the domestic violence
23 process. They would make sure that they knew what
24 counseling services were available in the community,
25 whether they're publicly funded or privately funded and how

1 to access them within their community or if not in their
2 community, as often occurs in small centers, what's around
3 in neighboring communities.

4 **MR. ENGELMANN:** So you've talked about sort
5 of four main categories. Who provides that assistance?
6 Who actually does that? Would it be the same individual
7 who would be giving advice in all of those areas? I want
8 to talk about your staff.

9 **MS. FARYNA:** Yes. Okay. The way our
10 offices are structured is we have -- we will soon have 57
11 sites across the province. We have 38 managers for those
12 57 sites, so some of our managers may be responsible for a
13 couple of sites, a couple of sites or court jurisdictions.

14 The primary service provider is a Victim
15 Witness Services worker. When the program -- just for some
16 confusion -- because people have heard different terms over
17 the years. When the program was first set up, the position
18 was called -- there was just a single person called a
19 Victim Witness Assistance Coordinator. So it was very much
20 a focus of coordinating the flow of information between
21 Crown attorney and the victim or police, Crown and victim.

22 **MR. ENGELMANN:** So that was back in the
23 '80s.

24 **MS. FARYNA:** That was back in the '80s.

25 **MR. ENGELMANN:** We had the 10 sites.

1 **MS. FARYNA:** Yes, in the '80s and early
2 '90s. It was called the Victim Witness Assistance
3 Coordinator. And then as the program began to grow,
4 particularly in some of the major metropolitan centres, we
5 added assistant coordinators. So a lot of people will
6 remember that term "assistant coordinator". Then we began
7 to add some admin support staff in most of our offices.

8 In the mid '90s, we -- again, with continued
9 growth and the expansion of the program in the mid-'90s, we
10 re-titled the coordinator to a manager; so reflecting the
11 staff's supervisory responsibility and just more recently,
12 just in the last few years, we've changed the assistant
13 coordinator. We're trying to get away from that notion
14 that it's assistant, and the assistant coordinator has
15 become a services worker because our assistant coordinators
16 -- our services workers are the primary services providers.
17 So managers will -- the cases that get referred to the
18 office, that get identified by the office, will get
19 typically screened by the manager. The manager will have a
20 process in place to assign those cases out to staff and
21 each staff will carry a certain caseload, which usually
22 includes a mix of various victims.

23 **MR. ENGELMANN:** Given all of the services
24 that are provided by the VWAP staff in some of your busier
25 courthouses, how does that work? They do have multiple

1 people on staff?

2 **MS. FARYNA:** Multiple people on staff. Our
3 largest Victim Witness Program office is in Brampton,
4 probably the highest volume single criminal court
5 jurisdiction in the province, and we have, I believe, it's
6 six or six and a half -- six and a part-time -- are
7 services workers, plus the manager in Brampton, plus some
8 administrative support staff, so a total of ten staff.
9 That's our largest office.

10 We have a number of smaller offices in -- we
11 have a number of sites in the province that only have one
12 person with some part-time administrative support coming in
13 a day or two a week. A lot of smaller rural centers; the
14 office here in Cornwall has three staff: a manager, a
15 services worker and an admin staff.

16 **MR. ENGELMANN:** And we know that that has
17 been in existence here in Cornwall since approximately
18 2001?

19 **MS. FARYNA:** Yes.

20 **MR. ENGELMANN:** So does the VWAP service or
21 is the VWAP service provided for all victims of crime and
22 all witnesses of crime? Because you are talking about
23 victims and witnesses.

24 **MS. FARYNA:** No, it's only provided --
25 theoretically, we would love to be able to serve all

1 victims of crime, but unfortunately given our resource
2 limitations, I've got a total across the province of 220
3 people, including managers and administrative support. So
4 it is impossible for us to be able to serve every victim of
5 crime. So we've had to prioritize our service delivery on
6 those victims whom we consider most vulnerable.

7 **MR. ENGELMANN:** Do you have a description of
8 that? I am looking at Tab 10, at the next site, 2.3.

9 **MS. FARYNA:** If you go 2.3, "Priorities for
10 Service". Let me explain that a little more.

11 **MR. ENGELMANN:** Yes, if you could.

12 **MS. FARYNA:** Okay. So under "Priorities of
13 Service" we talk about two things, the priority client
14 groups, and they are listed there, the most vulnerable
15 victims of crimes of violence will be offered service on a
16 priority basis. So we identify that those include victims
17 of child abuse, sexual assault male/female/child.

18 **MR. ENGELMANN:** We're dealing with those
19 issues here and I'm curious if there's any distinction made
20 between victims of historical abuse or current abuse or
21 whether they would both be prioritized?

22 **MS. FARYNA:** We will -- any form of sexual
23 abuse or assault we will consider a priority client. We
24 wouldn't draw a distinction between historical or current.

25 **MR. ENGELMANN:** Okay.

1 **MS. FARYNA:** And I believe we have a chapter
2 later in the manual that speaks specifically to cases of
3 historical abuse as well because there is some additional
4 considerations.

5 **MR. ENGELMANN:** And you talk about the core
6 services that must be offered.

7 **MS. FARYNA:** That must be offered to those
8 priority clients. So early contact; as soon as we learn of
9 the victim, as soon as we're given victim contact
10 information an early contact, keeping in touch with the
11 victim, providing the information about their case,
12 emotional support, crisis intervention comes in often
13 following a court appearance, particularly following
14 testimony if they've had to relive the event. There will
15 be moments of crisis if they're unhappy with the outcome of
16 the process, if there's an acquittal or they're not happy
17 about sentence -- there can be concern there so our staff
18 needs skills and crisis intervention -- the whole referral
19 process to community agencies, information coordination and
20 all of the court preparation.

21 **MR. ENGELMANN:** All right.

22 So you did mention just a couple of minutes
23 ago a reference to historical sexual abuse cases. I
24 understand at section 5 of the manual -- I'm still in Tab
25 10, and it's 5(2), and this is about 80 per cent of the way

1 through. There's actually a caption talking about victims
2 of historical abuse under the "Services to Special Client
3 Populations".

4 **MS. FARYNA:** It's at 5(2).

5 **MR. ENGELMANN:** The very next one.

6 **MS. FARYNA:** Yes. It'll be in the next one.

7 **MR. ENGELMANN:** Just one or two more pages.

8 One more.

9 **MS. FARYNA:** Keep going. You're almost
10 there.

11 **MR. ENGELMANN:** There we go.

12 **MS. FARYNA:** That's it.

13 **MR. ENGELMANN:** So there's actually a
14 reference in the procedures manual for your VWAP staff for
15 dealing with victims of historical abuse.

16 **MS. FARYNA:** I draw the distinction -- just
17 highlighting some of the differences that will occur,
18 particularly in terms of court preparation and degree of
19 trauma, re-traumatization, that are important to consider
20 when preparing one for testimony.

21 **MR. ENGELMANN:** Now, this particular version
22 of the manual has a date spring 2006.

23 **MS. FARYNA:** Yes.

24 **MR. ENGELMANN:** Is this something that is
25 updated or did it first come out in the spring of 2006?

1 **MS. FARYNA:** This is the third revision to
2 the manual. I think the introduction talks about the
3 earlier versions. I believe the first version of the
4 manual was published in the late '90s. There was an update
5 in 2000. And then we have been working on another major
6 update since last fall. So this was just published and
7 posted in electronic format on our divisional Intranet site
8 just this spring.

9 **MR. ENGELMANN:** Okay.

10 **MS. FARYNA:** So this section on victims of
11 historical abuse was at least in the 2000 version. I'm not
12 familiar with the '97 version.

13 **MR. ENGELMANN:** Okay.

14 **MS. FARYNA:** If it's in there or not.

15 **MR. ENGELMANN:** So this manual, this would
16 be something that all staff of the VWAP program would have?

17 **MS. FARYNA:** Yes.

18 **MR. ENGELMANN:** And what kind of training
19 would they receive, and is there something in the manual
20 that assists us with that?

21 **MS. FARYNA:** All staff -- the training that
22 our staff receives is all provided by the managers on site
23 and usually on a buddy system, mentoring basis with other
24 colleagues, in their office or if they're in a single
25 person site they'll usually spend a little bit of time in a

1 neighbouring office to get oriented and observe.

2 At Tab -- I think at the very end of section
3 10 ---

4 **MR. ENGELMANN:** About 10 pages, I think, at
5 the back or six pages.

6 **MS. FARYNA:** Yes, right at the very back of
7 the hardcopies there's some charts.

8 **MR. ENGELMANN:** Yes, here we are.

9 **MS. FARYNA:** That's it.

10 This is a little template that we've
11 borrowed from one office; I believe our office in London.
12 That's a checklist for managers and how to do staff
13 orientation. So it starts off -- the first page or two is
14 a lot of general stuff that would apply in any office.
15 When you get to at the bottom it says page ---

16 **MR. ENGELMANN:** Item 8?

17 **MS. FARYNA:** Item 8 starts with specifics
18 about the program. So this is worded for the London office
19 which is responsible for a couple of small rural -- but
20 again in any office. It goes through the history and the
21 mandate, what areas we serve out of our particular office,
22 what's the broader organizational structure they're in.

23 Then getting into Item 10, ensuring that the
24 staff are familiar with, understand well the criminal
25 justice system and terminology, criminal court process.

1 The whole Section 11 on client services.
2 It's quite extensive. It sort of flows through our manual.
3 And this is -- every manager is supposed to use this
4 checklist or something like it with every new staff member
5 and have some record somewhere that every staff member has
6 been not just told "Here read the manual" but actually had
7 somebody sit down -- pointed to the manual and had somebody
8 sit down with them and walked them through, and "Okay. Have
9 you read Section 5 today and any questions?"

10 **MR. ENGELMANN:** Okay. So in the actual
11 training -- and we've heard some concern expressed earlier
12 about the possibility of contamination of evidence from
13 victims or alleged victims of crimes, in particular crimes
14 of child sexual abuse or sexual assault. I'm wondering if
15 persons providing services to victims of crime through your
16 program, if there's any training or any direction there
17 with respect to discussing evidence and concerns about
18 possible contamination.

19 **MS. FARYNA:** It is peppered throughout the
20 manual in a number of places. We did start off -- I think,
21 especially because the program started off as a branch of
22 the Crown Attorney system and as part of the Attorney
23 General's Ministry and remains part of the Attorney
24 General's Ministry and reporting to the same Attorney
25 General and deputy, we are very mindful of our role with

1 respect to the correct administration of justice and not
2 tainting evidence.

3 So we've made it a policy of the program not
4 to discuss evidence with clients; to inform our clients at
5 the very first contact -- well, redefining that into first
6 conversation with them, that we can't be discussing
7 evidence; that we're there for the emotional support. It's
8 how you're feeling, not what you experienced at the time.
9 Make sure you're connected and keeping informed as to
10 what's happening. Make sure they understand the process.
11 So we have cautions in numerous places ---

12 **MR. ENGELMANN:** As part of ---

13 **MS. FARYNA:** --- throughout the manual.

14 **MR. ENGELMANN:** --- that process do you talk
15 to them about the fact that if information is conveyed to
16 them that ---

17 **MS. FARYNA:** What they do?

18 **MR. ENGELMANN:** To your workers that they
19 then have to pass that ---

20 **MS. FARYNA:** Yes.

21 **MR. ENGELMANN:** --- information onto the
22 Crown who then may wish -- may have to disclose it to the
23 defence, et cetera?

24 **MS. FARYNA:** Yes. There's one of two
25 routes. It depends on how far the conversation goes, if a

1 victim starts off saying something else happened that I
2 need to tell you about that's going to be a hand up in a --
3 well, if you haven't already have you told the police about
4 it? We usually first speak to the police. If she hasn't
5 told the police about something then it really should be
6 going to the police, given that the police have the
7 responsibility within the system for investigation and the
8 gathering of evidence. Depending on the stage the case is
9 at, if it's the eve of trial, the day before trial, you
10 might not have time to get it to police. It would go to
11 the Crown. If the victim went a little farther and let
12 something blurt out and our service worker heard it and
13 didn't have the chance to stop and redirect them to the
14 police our staff do have an obligation, and again, there's
15 a whole section in the manual that deals with it.

16 **MR. ENGELMANN:** Well, let me take you to
17 that if we can, because you talked about it. There were a
18 few references. Let's just go to one of them. At Section
19 3 "Legal Considerations".

20 **MS. FARYNA:** Yes.

21 **MR. ENGELMANN:** And I'm looking at 3.2.

22 **MS. FARYNA:** M'hm.

23 **MR. ENGELMANN:** "Providing Case Related
24 Information to the Crown".

25 **MS. FARYNA:** We start off -- yes ---

1 **MR. ENGELMANN:** Just back -- yes. So you
2 start under "Procedure":

3 "Program staff must convey to the Crown
4 any information that comes to their
5 attention that may affect the
6 administration of justice."

7 Correct?

8 **MS. FARYNA:** Yes.

9 **MR. ENGELMANN:** And again, you have a
10 reference to that near the bottom of the page.

11 **MS. FARYNA:** M'hm.

12 **MR. ENGELMANN:** And I just draw your
13 attention in particular to the indented paragraphs at the
14 bottom. You want to just expand upon that a little.

15 **MS. FARYNA:** So program staff make clients
16 aware at the outset that we may have to provide information
17 to the Crown attorney, which again, in turn may be
18 disclosed to the defence.

19 We do talk about FIPA and *Freedom of*
20 *Information and Protection of Privacy Act*, the fact that
21 information affecting their safety is likely not
22 disclosable, but again, that's something that the Crown
23 Attorney will help with. But basically our obligation as
24 program staff is to -- if we hear anything that we haven't
25 seen in the Crown brief, anything that is new, we have to

1 share that to the Crown and let the Crown make the decision
2 as to whether or not it is something that needs to be
3 disclosed.

4 **MR. ENGELMANN:** Okay. Just ---

5 **MS. FARYNA:** And that's outlined in there.

6 **MR. ENGELMANN:** Yes.

7 **MS. FARYNA:** And we also -- I think another
8 thing that's important, the way we constructed this, is
9 this is Section 3.2, Section 3.1 was about client
10 confidentiality, and the header at Section 3.1 again, right
11 and purpose says that you can't read this section in
12 isolation of 3.2, but it also speaks to our concern about
13 the victims. We do need to have -- we want to encourage
14 some relationship, a degree of trust between ourselves and
15 the victim.

16 So the victim is free to share their
17 feelings about the process with us so that we can advocate
18 for them if they're feeling they need testimonial supports,
19 if they have concerns they want to bring forward to the
20 Crown, but we need to draw a line at the evidence piece.

21 **MR. ENGELMANN:** Right.

22 **MS. FARYNA:** So we start off with the
23 confidentiality, and the first discussion is always around
24 we can retain confidentiality around these kinds of things
25 but if you get into what happened in that event, if you get

1 into the history, this is what's going to happen.

2 MR. ENGELMANN: I note as well as client
3 confidentiality and the issue that we've dealt with
4 providing case related information to the Crown, there are
5 a number of other legal considerations that are dealt with
6 in Section 3, one of them being child protection and the
7 duty to report.

8 MS. FARYNA: Yes.

9 MR. ENGELMANN: So are your staffers then
10 trained on the child ---

11 MS. FARYNA: *Child and Family Services Act.*
12 There's a section dealing with that, the obligation to
13 report to the CAS.

14 MR. ENGELMANN: And that's 3.3?

15 MS. FARYNA: Yes.

16 MR. ENGELMANN: Okay. So they're trained on
17 the duty to report ---

18 MS. FARYNA: Yes.

19 MR. ENGELMANN: --- if they suspect child
20 abuse?

21 MS. FARYNA: If they suspect child abuse or
22 heard anything.

23 MR. ENGELMANN: All right.

24 And there are a number of other legal
25 considerations that they would have training for and ---

1 **MS. FARYNA:** *O'Connor* applications, *Khan*
2 applications, recanting witnesses, which often occurs in
3 the case of domestic violence, occasionally sexual assault,
4 less frequently in sexual assault cases. *O'Connor*
5 applications where the applications for third party records
6 our staff will often direct the victims to legal aid
7 services or certificates if private information is being
8 sought.

9 **MR. ENGELMANN:** So just going back to your
10 outline then for a moment at Tab 1, page 7. In your first
11 paragraph you talk about when this program starts and how
12 it's expanding. You also talk about the fact that in --
13 just at the bottom in the first paragraph. That a protocol
14 was issued in January of 1996, the purpose of which was to
15 establish additional guidelines to facilitate the
16 development and implementation of a Victim Witness
17 Assistance Program specifically designed to provide
18 services to victims and witnesses in multi-victim/multi-
19 perpetrator cases.

20 **MS. FARYNA:** M'hm.

21 **MR. ENGELMANN:** And there's a protocol that
22 we see at Tab 8; is that correct?

23 **MS. FARYNA:** Yes.

24 **MR. ENGELMANN:** And do you know off hand --
25 it's got a date of January '96. Do you know if there was a

1 previous version of this and when that might have been?

2 **MS. FARYNA:** There may have been an earlier
3 version from around '93 or '94. I can't remember if that's
4 in the introduction. This arose -- there are
5 acknowledgements in the introduction which would sort of be
6 like page 3 ---

7 **MR. ENGELMANN:** But the third page in?

8 **MS. FARYNA:** The third page in.

9 **MR. ENGELMANN:** Okay. Just a little
10 further.

11 **MS. FARYNA:** Further down. Numbers 4, 5,
12 and 6, Cosette Chafe, Penny Contreras and Janet Lee were
13 each assigned to work on multi-victim/multi-perpetrator
14 prosecutions on a special project basis. Cosette worked on
15 the Alfred -- Christian Brothers Alfred prosecutions; Penny
16 Contreras on the Saint John's prosecutions coming out of
17 the school in Uxbridge, and Janet Lee on Project Jericho.

18 So the three of those ladies, I can't
19 remember which of those was first, but I know that the
20 three of them got together and certainly compared notes
21 with each other on how you go about setting up this type of
22 service.

23 One of the considerations, particularly in
24 both Project Jericho and in Whitby -- well, and in Alfred
25 as well, the communities didn't have Victim Witness

1 Assistance Program services in place. So when a request --
2 at the time of all three, Victim Witness Assistance Program
3 was part of the criminal law division, very closely
4 attached; much more closely attached to Crown attorneys.
5 And as those prosecutions commenced, a request was made to
6 set up the special Victim Witness Assistance Program.

7 So this manual was written to be a guide
8 should this be required again in future. Certainly in '93
9 - '96; during that period of time we didn't have victim
10 witness across the province. The government hadn't taken
11 the decision to do that yet, so this was written up as a
12 bit of a guide to folks on how to set up, if ---

13 **MR. ENGELMANN:** So even though there wasn't
14 a VWAP program in Prescott for example, during Project
15 Jericho, someone would have asked for it and a coordinator
16 would have been assigned under this protocol.

17 **MS. FARYNA:** Yes.

18 **MR. ENGELMANN:** Likewise with the two
19 training schools?

20 **MS. FARYNA:** Correct.

21 **MR. ENGELMANN:** So similarly, if someone had
22 asked for that here in Cornwall prior to 2001 when there
23 was a VWAP program, something like the program under this
24 protocol could have been set up?

25 **MS. FARYNA:** Could have been set up.

1 There's a number of considerations in setting up a program,
2 but the potential is there.

3 **MR. ENGELMANN:** All right. And the
4 principles with respect to a proposed protocol are set out
5 on the following page. Correct?

6 **MS. FARYNA:** M'hm. Yes.

7 **MR. ENGELMANN:** Where they talk about some
8 of the issues or concerns that may arise.

9 **MS. FARYNA:** Yes.

10 **MR. ENGELMANN:** And we could find those all
11 in the bold print?

12 **MS. FARYNA:** Yes; "increased risk of
13 evidence being contaminated", passage of time, people
14 getting to know each other; it goes through those things.
15 Some of those things are highlighted as well in the ---

16 **MR. ENGELMANN:** --- in the manual.

17 **MS. FARYNA:** --- part of the manual and
18 repeated here in the appendix.

19 **MR. ENGELMANN:** Yes. Okay.

20 **MS. FARYNA:** "Clinical Issues". Some
21 guidelines for staff in dealing with historical abuse ---

22 **MR. ENGELMANN:** So for example, under
23 "Clinical Issues", we see various bullets and comments such
24 as -- I'm looking at the second one:

25 "Individuals respond to abusive

1 situations in different ways."

2 **MS. FARYNA:** M'hm.

3 **MR. ENGELMANN:**

4 "Victims of child abuse may suppress
5 their feelings out of a sense of guilt
6 or fear."

7 Protocols of this type, you mention three
8 examples where they were used; those were all situations
9 were they not, where we had multiple-victim/multiple-
10 perpetrator child sexual abuse?

11 **MS. FARYNA:** Yes.

12 **MR. ENGELMANN:** Okay.

13 But presumably a protocol could be developed
14 for other types of crimes involving multiple-
15 victim/multiple ---

16 **MS. FARYNA:** Yes. And we refer to it in a
17 few other, you know with caveats around what the specific
18 clinical issues are. For example, we most recently had set
19 up a special victim witness assistance service in the --
20 prosecutions going on with respect to the -- flowing from
21 the Blood Inquiry. So the manager that we've assigned to
22 provide services to the victims from across the country
23 there, multi-victims; there's five or six accused. She
24 referred to this, just for some tips and guidance on how to
25 set up things they need to think about.

1 **MR. ENGELMANN:** And even though you have
2 these programs now set up around the province, or just
3 about around the province, except for Parry Sound later
4 this year, the protocol is still in use because it can
5 assist even where there is the program, where they might
6 want some special focus on multiple-victim/multiple-
7 perpetrator; is that correct?

8 **MS. FARYNA:** Yes.

9 **MR. ENGELMANN:** Okay.

10 Are you aware whether there was a VWAP
11 program set up in Cornwall during the late '90s prior to
12 2001?

13 **MS. FARYNA:** The earliest that Victim
14 Witness began to get involved, as I understand, in the
15 Cornwall situation was after the preliminary hearings. At
16 around the time the matters were set for trial and the
17 results of the preliminary hearings were learned, Victim
18 Witness Assistance began to be provided from our office in
19 Ottawa on a part-time basis. We asked the manager of the
20 Ottawa office to see what help could be provided to think
21 about the possible set-up of an office. There were no
22 resources available at the time, as I understand it, in
23 that fiscal year, to set up an office.

24 So we asked her to do a bit of double duty
25 and make some outreach. I'm told that we were aware of the

1 service that the OPP had set up and that the OPP had been
2 liaising with the victims extensively in terms of keeping
3 the victims who had testified and come forward, in terms of
4 keeping them up to date on the progress. So the manager in
5 Ottawa did start to set up a service and try to reach out
6 to the victims who were brought to her attention by the
7 OPP.

8 I think it was the following fiscal year,
9 May or June, they hired a full-time staff person to set up
10 service for while the trial proceedings occurred. And I
11 think, she left ---

12 **MR. ENGELMANN:** Is that in 2001?

13 **MS. FARYNA:** --- after about a year.

14 That would have been in 2000, I think. It
15 was in 2000 that we began the outreach and the staff person
16 came in around summer 2000, sometime.

17 **MR. ENGELMANN:** All right. Now, you've
18 talked to us about a number of other programs and I just
19 want to cover them very briefly. I think you've dealt with
20 them. You talked about the Victim Support Line.

21 **MS. FARYNA:** M'hm.

22 **MR. ENGELMANN:** And just in the outline,
23 that's at page 4. We talked about various components of
24 that and they're set out just in the description there;
25 The Victim Notification System, the Information and

1 Referral service and the automated pre-recorded
2 information. Correct?

3 **MS. FARYNA:** Correct.

4 **MR. ENGELMANN:** The Victim Liaison Unit is
5 described thereafter. As I understand it, this is a unit
6 where if people have concerns or complaints, this is an
7 area they might address those concerns?

8 **MS. FARYNA:** M'hm.

9 **MR. ENGELMANN:** With respect to the services
10 that are available.

11 **MS. FARYNA:** Correct.

12 Just for clarity, there's a reference there
13 to the Office for Victims of Crime. When the OVC, as we
14 call it, was first established back in 1998, they did have
15 a few staff on. They were reaching out to victims across
16 the province as part of their consultation process and they
17 did hire a few staff from our Victim Witness Assistance
18 Program actually, to take calls from victims, to give
19 victims a 1-800 number that they could call.

20 After their report, after the Victims'
21 Justice Action Plan and the government took the decision to
22 formalize victim services in a separate operating division
23 of the government and shift the OVC to strictly an advisory
24 agency, it was part of that transition to full advisory
25 agency and get out of direct service provision, if you

1 will, that we shifted that inquiry line to our secretariat,
2 to a staff person in our head office.

3 **MR. ENGELMANN:** Now you've talked a lot
4 about the programs that are set out. I'm not going to go
5 back there. They're set out from the Support Link right
6 through Sexual Assault Centres, Domestic Violence Court,
7 Partner Assault Response Program and the Child Witness
8 Program.

9 I want to just touch though briefly on the
10 Men's Project. Because you told us that this project was
11 set up as a direct result of issues and incidents here in
12 the Cornwall area.

13 **MS. FARYNA:** M'hm. Yes.

14 **MR. ENGELMANN:** Can you just tell us when
15 that was and how it came to be, from your knowledge?

16 **MS. FARYNA:** Okay. From what I have heard,
17 I know that we began to fund the project in September,
18 1999. It's my understanding that the Men's Project had
19 existed as a service in Ottawa previously to that. I don't
20 know how long.

21 One of our staff, in the Kingston office who
22 dealt with the Sexual Assault Centre, one of our Victim
23 Services staff who handled our contracts with the Sexual
24 Assault Centre at that time attended various community
25 meetings with the Sexual Assault Centre and the Sexual

1 Assault Centre was certainly mentioning to him that there
2 were -- in view of the Project Truth investigations, a lot
3 people coming forward to the Sexual Assault Centre, which
4 is very feminist in its approach -- primarily aimed at
5 serving women and that there was a real growing demand for
6 services.

7 They were sending some folks up to -- I
8 don't know if it was, Rick Goodwin came to Cornwall to
9 deliver a presentation or he was doing something in Ottawa
10 but I know that our staff person went to a forum or a
11 seminar that the Men's Project from Ottawa was putting on
12 and he was quite impressed by what he saw and thought,
13 "Jeez with everything happening in Cornwall around Project
14 Truth, this is exactly what we could use".

15 **MR. ENGELMANN:** Okay.

16 **MS. FARYNA:** So he made the representations
17 to corporate office and it took some time, as it inevitably
18 does, but the Victim Services Unit was able to start
19 extending funding so that some supports would be available.

20 **MR. ENGELMANN:** Was this the first time that
21 the province had funded a centre or program ---

22 **MS. FARYNA:** --- for men's ---

23 **MR. ENGELMANN:** --- exclusively for male
24 victims of sexual assault?

25 **MS. FARYNA:** To my knowledge, yes.

1 **MR. ENGELMANN:** All right. And has that
2 funding been renewed?

3 **MS. FARYNA:** We've renewed it. We initially
4 set it up for a three-year basis. So it was linked to the
5 Project Truth investigations and with the expectation that
6 there would be court proceedings after that and at a three-
7 year process. We have maintained the services well beyond
8 that three-year time frame.

9 **MR. ENGELMANN:** Three years would have been
10 up in 2002?

11 **MS. FARYNA:** Three years would have been up
12 in 2002-2003. We certainly -- shortly after we began
13 funding it, we received the OVC report. We certainly
14 understand the growing attention being placed on issues of
15 men's sexual assault and particularly childhood sexual
16 assault and the need for men's services. So we've been
17 reluctant to stop funding the project and certainly once
18 the Attorney General began -- the Attorney General gave us
19 a heads up that he was contemplating an inquiry to look
20 into the events here.

21 We took a decision within the secretariat
22 that we would continue to maintain the project because if
23 an inquiry was going to start and we in fact, did make the
24 commitment to the Men's Project that we would keep the
25 services in place, at least for the duration of the

1 inquiry.

2 **MR. ENGELMANN:** Okay and if we want to get a
3 sense as to the service summary of the Men's Project,
4 that's set out at Tab 11, is it?

5 **MS. FARYNA:** Yes.

6 **MR. ENGELMANN:** Of your Book of Documents.
7 Is this a report they prepare for you or is
8 this a report that the Ministry prepares about them? Or do
9 you know?

10 **MS. FARYNA:** This is a report that our staff
11 would have prepared by drawing from reports submitted by
12 the Men's Project. So there are some statistics in here.

13 **MR. ENGELMANN:** So we've got service
14 summaries from the '99-2000 ---

15 **MS. FARYNA:** For year to year.

16 **MR. ENGELMANN:** --- fiscal year right up to
17 2005-2006?

18 **MS. FARYNA:** Correct.

19 **MR. ENGELMANN:** And it talks about where the
20 services are provided, how much funding they receive and
21 who the clients are that they serve ---

22 **MS. FARYNA:** Correct.

23 **MR. ENGELMANN:** --- and the types of
24 services. Okay.

25 Then as well, I understand that the Men's

1 Project and other projects that are funded by your
2 secretariat may as well receive additional funds?

3 **MS. FARYNA:** There's additional funds. In
4 addition to the ongoing programs that we fund, I wanted to
5 reference ---

6 **MR. ENGELMANN:** Is that at Tab 6?

7 **MS. FARYNA:** --- number 11. Number 11 in my
8 summary at part 1 on page 10. We talk about our community
9 grants programs.

10 **MR. ENGELMANN:** Yes.

11 **MS. FARYNA:** They are specifically funded
12 for the purpose of one-time projects aimed at improving a
13 community's capacity, one-time initiatives or pilot
14 projects to develop and test new forms of service delivery
15 or serve new groups of victims.

16 We have run three of those grant programs in
17 the four years that I've been with the secretariat. The
18 fourth program was just announced recently. And we have,
19 through those time-limited projects funded a number of
20 projects across the province -- about seven or eight
21 projects across the province that deal with services for
22 male victims of sexual assault and child sexual assault.

23 Those grant projects -- a list of all the
24 projects we funded are at Tabs 12, 13 and 14.

25 **MR. ENGELMANN:** The ones specific, I think

1 to the Men's Project, we could find at Tab 12.

2 MS. FARYNA: I can't remember. What year
3 was it?

4 MR. ENGELMANN: And I'm looking at the ---

5 MS. FARYNA: East Region.

6 MR. ENGELMANN: --- sixth page in
7 approximately.

8 MS. FARYNA: Yes. East Region. Men's
9 Project received 49,200. There it is.

10 MR. ENGELMANN: Right up on the screen?

11 MS. FARYNA: Yes.

12 MR. ENGELMANN: Okay.

13 MS. FARYNA: So it's right there.

14 MR. ENGELMANN: So that would be an example
15 of a grant that was provided to a service for male victims
16 of sexual assault?

17 MS. FARYNA: Yes. Yes, there are a couple
18 of other interesting ones. A couple of pages earlier,
19 Central West Region.

20 MR. ENGELMANN: Okay.

21 MS. FARYNA: You'll see Canadian Mental
22 Health Association, Waterloo Regional Branch.

23 MR. ENGELMANN: Yes.

24 MS. FARYNA: Developed some money to set up
25 a 1-800 number and provide some basic services.

1 If you go to Tab 13, on page 1, under
2 Toronto, you'll see the Native Men's Residence. It doesn't
3 say in the brief description but I know it was the Native
4 Men's Residence. It was focussed on male -- victimization
5 of men.

6 Alpha House is specifically targeted at male
7 sexual abuse survivors.

8 **MR. ENGELMANN:** I see. Yes. In the middle
9 of the page.

10 **MS. FARYNA:** So there's a number if you scan
11 through, there's also the most recently completed round for
12 -- these were just short-term projects of six to eight
13 month's duration.

14 The 05-06 recipients at Tab 14, about the
15 fifth bullet point, M'Wikwedong Native Cultural Resource
16 Centre received 55,000. I went out and had the opportunity
17 to speak with the folks running that project, the board
18 running that project. It's an interesting one that
19 combines conventional, clinical treatment models with
20 aboriginal healing concepts to deal with Aboriginal and
21 other members of the community in that area. That's in
22 Owen Sound -- Grey Bruce area.

23 **MR. ENGELMANN:** All right.

24 And then as I understand it, the program
25 monies for a group like the Men's Project, would they come

1 from the Victims' Justice Fund?

2 **MS. FARYNA:** They come from the Victims'
3 Justice Fund.

4 **MR. ENGELMANN:** So if we could turn to Tab 6
5 then? We've looked at the first page. We've seen monies
6 that are set aside for VCARS, for example, and at the
7 bottom of the page we have the VWAP program that you talked
8 to us about?

9 **MS. FARYNA:** Yes.

10 **MR. ENGELMANN:** As I understand it, the
11 Men's Project would be funded -- and it's on the third page
12 right at the top under the Special Victims Projects.

13 **MS. FARYNA:** Special Victims Projects.

14 **MR. ENGELMANN:** Is that correct?

15 **MS. FARYNA:** Yes. Special Victims Projects
16 is an allocation we have for pilot testing for longer term
17 initiatives than would normally be funded under our project
18 grant programs. So, for example, the Men's Project is
19 funded out of Special Victims Projects. The funding for
20 the Kitchener-Waterloo Centre, it's not showing in '05-'06,
21 but we're starting this fiscal year funding the Kitchener-
22 Waterloo Child Abuse Child Centre out of that funding line.
23 So we've been funding the Men's Project out of there.

24 **MR. ENGELMANN:** I want to turn just to a
25 couple of other matters before just wrapping up then, Ms.

1 Faryna. I think there's a booklet that's been provided to
2 counsel and it's entitled, "What's my Job in Court" and I
3 know there is an English version and a French version. I
4 think this is found as a tab from Ms. Nethery's Book of
5 Documents?

6 **MS. FARYNA:** Yes.

7 **THE COMMISSIONER:** Yes, it is.

8 **MR. ENGELMANN:** I'm sorry?

9 **THE COMMISSIONER:** Yes, it is.

10 **MR. ENGELMANN:** I apologize; I don't know
11 the tab number.

12 **THE COMMISSIONER:** Number 73.

13 **MR. ENGELMANN:** Tab 73 of Exhibit 47. I'm
14 sorry? Exhibit 46. I just want to make sure the record is
15 clear.

16 Can you just tell us what this is and who
17 it's directed to and who prepares it?

18 **MS. FARYNA:** This was developed back in the
19 late '80s, early '90s, I believe, by a couple of folks with
20 the Victim Witness Assistance Program at that time.
21 They're acknowledged on the back cover. Susan Lee was the
22 original founding director of the program. Chris McGoey
23 was probably the first counsel. She's a prosecutor from
24 Criminal Law Division who was working with Victim Witness
25 Program for a couple of years and Joan Hurley. So they had

1 identified -- I mean, I think in the wake of Badgley and a
2 number of prosecutions that were underway, a need for some
3 specialized court preparation support for child victims and
4 witnesses.

5 **MR. ENGELMANN:** I note as well -- and there
6 are a couple of names that are familiar to us here with the
7 inquiry -- Shelley Hallet, Assistant Crown Attorney is
8 acknowledged.

9 **MS. FARYNA:** Yes.

10 **MR. ENGELMANN:** She's an Assistant Crown
11 Attorney here in the Province of Ontario?

12 **MS. FARYNA:** Yes.

13 **MR. ENGELMANN:** And Wendy Harvey, a Crown
14 counsel with British Columbia.

15 **MS. FARYNA:** From B.C.

16 **MR. ENGELMANN:** Okay. So there was input
17 from a number of individuals?

18 **MS. FARYNA:** A number of individuals, yes.

19 **MR. ENGELMANN:** And the purpose?

20 **MS. FARYNA:** The purpose of this is to help
21 -- initially aimed at children, obviously aimed at children
22 to help the child get comfortable with court and
23 comfortable with testimony, to make the court a less
24 fearsome place ---

25 **MR. ENGELMANN:** Yes.

1 **MS. FARYNA:** --- and a more familiar place.
2 So it is written at -- it's a combination. A lot of the
3 writing is probably written at more of a 10 to 12-year old
4 level, but it has the mixture with cutouts and colouring so
5 younger children can see some things out of the book and
6 begin to get introduced to the concepts of the court
7 process. So it's a tool that is used by our staff across
8 the province. We're regularly shipping large quantities of
9 these out across the province to our offices, and pretty
10 much every child victim that they deal with, they will pull
11 this book out and walk the child through portions of it at
12 their pace to help them get prepared for testimony in court
13 for a child witness.

14 There are times I have heard of some
15 managers that might introduce it to other folks as well
16 just as a -- we know you're not going to do the colouring,
17 et cetera, but there's some nice reference material that
18 people can take a look at and take away.

19 **MR. ENGELMANN:** This is something that was
20 prepared in '89-'90 but it's still in use today?

21 **MS. FARYNA:** It is still in use today and,
22 in fact, it's being replicated in a number of
23 jurisdictions. We've shared it across Canada. I've had
24 inquiries from Australia and Japan where folks have seen
25 this and wanted to borrow it or adapt it for their

1 jurisdiction and perhaps change some of the titles a little
2 bit, and we're happy to share it with any other government
3 organization or non-profit organization for that purpose.

4 **THE COMMISSIONER:** Mr. Engelmann is still
5 working on the cutouts.

6 **MS. FARYNA:** Pardon?

7 **THE COMMISSIONER:** Mr. Engelmann is still
8 working on the cutouts.

9 **MR. ENGELMANN:** You got me there and I'm
10 going to be doing that with my two boys in the very near
11 future.

12 Ms. Faryna, I wanted to then just ask you a
13 couple of quick questions, and this is just dealing with
14 the evolution of some of these services and when they kick
15 in.

16 Victim of crime today, let's we have an
17 individual coming to the police with an allegation. Let's
18 say it's historical child sexual abuse. Which of these
19 programs kicks in first and how does this work on the
20 timeline from the time of reporting? What might be
21 available? And let's assume this is a traumatic experience
22 and a person needs some assistance. I mean, it is a
23 traumatic experience. Let's assume there's a bit of a
24 crisis when the individual comes forward to report. What
25 comes from the secretariat to assist?

1 **MS. FARYNA:** The person may either go to the
2 police, and we would hope that the police would refer him
3 to the local VCARS program, or other community services and
4 agencies that the officer is aware of. Individual officers
5 may not be aware of all the services available in the
6 community, particularly in areas such as this. So at least
7 if they can get them to VCARS, VCARS has that knowledge.
8 Or if they don't go to the police, they may go online and
9 punch in victims and get to our website and find out
10 there's a Victim Support Line. They may have seen some
11 literature posted by the Victims Support Line, but one way
12 or the other, they'll get -- a VCARS can go out and spend
13 some time with the person when they're in crisis or in a
14 moment of crisis. VCARS operate on referrals from police,
15 but they will respond if victims call them directly as
16 well.

17 **MR. ENGELMANN:** All right. So that ---

18 **MS. FARYNA:** And then ---

19 **MR. ENGELMANN:** That gets them to a certain
20 stage.

21 **MS. FARYNA:** That gets them to a certain
22 stage. VCARS will basically try to get them connected with
23 other resources in the community, whether support groups,
24 private counseling services, if there are any group
25 activities that they are aware of, if there's anything in

1 neighbouring jurisdictions, they'll try to connect the
2 person with appropriate support services in their
3 community.

4 **MR. ENGELMANN:** Now, what happens then if a
5 charge is then laid by the police?

6 **MS. FARYNA:** VCARS again will encourage --
7 if there's a crime, VCARS would always be encouraging as
8 well people to go to the police.

9 Police are responsible during the course of
10 the investigation for keeping the victim informed or
11 apprised as to the progress of the investigation and the
12 laying of charges. Once charges are laid, the matter
13 should, if it's one of our priority cases that we
14 identified early on, the matter should be referred to the
15 Victim Witness Assistance Program. Each Victim Witness
16 Assistance Program office has a different way of getting
17 that information, whether they're getting it -- and it
18 depends very much on sort of physical location and
19 relationships within the community. If the VWAP office is
20 in the courthouse and the Police Court Bureau and court
21 Crown briefs are kept right next to the VWAP office,
22 they'll often be able to go direct into the court bureau.
23 Sometimes it's through the Crown Attorney's Office;
24 sometimes it's direct through the police.

25 **MR. ENGELMANN:** M'hm. So someone from that

1 program ---

2 **MS. FARYNA:** But he would get referred -- it
3 would get referred. Somehow or other, our staff would
4 learn of this sexual assault case through whatever referral
5 process or protocol they have in place in their community,
6 and then we would commence what's outlined in our program
7 manual in terms of outreach. We would try to reach out to
8 the victim, to the victim witnesses and begin our program
9 services from there.

10 **MR. ENGELMANN:** Now, as I understand it, the
11 Victim Witness Assistance Program would then follow that
12 individual through the court process until disposition?

13 **MS. FARYNA:** Until disposition.

14 **MR. ENGELMANN:** What happens after that?
15 What happens if there's either a guilty plea or a finding
16 of guilt and we've got sentencing issues or, alternatively,
17 if there's a finding of not guilty?

18 **MS. FARYNA:** Either way, if there are
19 sentencing issues, our staff will make sure, will ensure
20 that the victim has been reminded of his or her right to
21 file a victim impact statement and we can provide copies of
22 the forms if they either don't have it or haven't lost it,
23 haven't done it to date, and we'll try to provide
24 instruction to them as to what's appropriate, what types of
25 things should and should not be covered in the form.

1 We are always there to do the debrief upon
2 final disposition after sentencing, regardless of the
3 outcome of the case, explaining the sentence, explaining --
4 if there's a custodial sentence, explaining to them the
5 victim notification systems that exist. So in the case of
6 a custodial sentence, we want to make sure that they're
7 aware of the notification system that exists that we
8 administer through our Victim Support Line, that we'll keep
9 them informed of any early release, any change in status of
10 the offender. If there's a parole hearing coming up,
11 they'll be notified of it. We administer that system for
12 provincially incarcerated offenders and the federal
13 government administers a similar system for offenders who
14 are sentenced to federal systems. So we'll make sure they
15 know about the relevant one, depending on sentence.

16 If there's an order with probation with
17 various terms and conditions of probation, we'll ensure
18 that the victim understands what those terms are. We'll
19 discuss any safety planning needs that they may need to
20 revise in cases.

21 In the case of an acquittal there can be
22 crises to deal with, emotional crisis response to deal with
23 on the part of the victim and again encourage them to seek
24 help or new help, to help them with the trauma from there.

25 **MR. ENGELMANN:** So there would be referrals

1 to community service or healthcare providers?

2 MS. FARYNA: Yes.

3 MR. ENGELMANN: What about 10 years ago,
4 '95-'96, what, if any, of these programs would have been
5 available, or would that really depend on where we were in
6 the province?

7 MS. FARYNA: It would have depended on where
8 you were in the province. In '95 there was no victim
9 notification system. I'm working backwards. There was no
10 victim notification system. There was no Victim Support
11 Line. If you were in one of the 10 or 12 first Victim
12 Witness Assistance Program sites, there at least had been a
13 Victim Witness Assistance Program manager in place in the
14 community for some 10 to 12 years who would have been
15 reaching out to various support services in the community
16 and trying to build something so that by the time the
17 matter got to court, the victim could get connected.

18 I think putting VCARS programs in place
19 allows us to get that assistance to victims earlier. It
20 can take some time for matters to get to court and to get
21 to the Victim Witness Assistance Program, so having VCARS
22 programs in place a little sooner, ensuring that -- as
23 well, many police services have victim services units
24 within them with an obligation to go out and make sure the
25 victims can be connected within their community.

1 **MR. ENGELMANN:** So back in the mid-'90s in
2 the Cornwall area, for example, if we don't have VCARS, we
3 don't have VWAP and we don't have a protocol set up ---

4 **MS. FARYNA:** No.

5 **MR. ENGELMANN:** --- and if we don't have the
6 victim notification service, who, if anyone, in the
7 criminal justice system is providing any kind of assistance
8 to victims or alleged victims?

9 **MS. FARYNA:** In the mid-'90s it was the
10 police.

11 **MR. ENGELMANN:** Okay.

12 **MS. FARYNA:** It was the police.

13 **MR. ENGELMANN:** There was nothing through
14 the Ministry or through the Secretariat?

15 **MS. FARYNA:** Nothing through the Ministry.
16 There was a -- I briefly referenced a sexual assault
17 centre, but again, in Cornwall it's a very feminist
18 organization. If somebody called a sexual assault centre -
19 - if a male victim called a sexual assault centre it was
20 very hit and miss across the province. A few of them will
21 extend services to male victims on a one-on-one basis for a
22 brief period of time, but they were funded out of the
23 Women's Movement and originally by the Ontario Women's
24 Directorate. So they still tend, for the most part, to be
25 focused on women's issues.

1 **MR. ENGELMANN:** If we take it back 10 years
2 earlier, again, you would have some sexual assaults
3 centres. You might have something at the local hospital --
4 -

5 **MS. FARYNA:** Yes, the treatment centres.

6 **MR. ENGELMANN:** --- things of those
7 services?

8 **MS. FARYNA:** Yes.

9 **MR. ENGELMANN:** But again, it would be up to
10 the police ---

11 **MS. FARYNA:** It would be up to ---

12 **MR. ENGELMANN:** --- to refer people out or -
13 --

14 **MS. FARYNA:** --- the police to refer people,
15 yes. Or if they end up there if they're injured and they
16 go to the hospital, if there's a sexual assault hopefully
17 through the hospital they would have been referred to the
18 hospital-based treatment centre, if there was one. I mean,
19 Cornwall has -- I don't know how long Cornwall has had one,
20 I'm assuming that Cornwall has a hospital treatment centre.

21 **MR. ENGELMANN:** Yes, we've heard about that.
22 Those are the questions I had for you. I
23 very much appreciate your coming to give your evidence.

24 **MS. FARYNA:** Thank you.

25 **MR. ENGELMANN:** There are some counsel that

1 will have a few questions for you.

2 I would just ask when counsel ask questions,
3 if they could identify who they are acting for as they are
4 called forward.

5 **THE COMMISSIONER:** Thank you.

6 Mr. Wardle.

7 **MR. WARDLE:** Ms. Faryna, I'm Peter Wardle.
8 I act for Citizens for Community Renewal. Just on behalf
9 of my client, I wanted to thank you for your assistance
10 today, which has been very helpful.

11 I don't have any questions for you.

12 **MS. FARYNA:** Thank you.

13 **THE COMMISSIONER:** Thank you.

14 Mr. Lee.

15 **MR. LEE:** I have no questions either.

16 **THE COMMISSIONER:** Thank you.

17 Mr. Bennett.

18 **--- CROSS EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

19 **BENNETT:**

20 **MR. BENNETT:** Good afternoon. My name is
21 David Bennett on behalf of the Men's Project.

22 First of all, Mr. Commissioner, I'd like to
23 direct some comments to you and, on behalf of the Men's
24 Project, congratulate the Commission on the Advisory
25 Committee. We're very pleased and think it's -- when we

1 look at the quality of people that have been appointed
2 we're very looking forward to Part 2 and the input of your
3 Advisory Committee.

4 **THE COMMISSIONER:** Thank you very much.

5 **MR. BENNETT:** Ms. Faryna, I'd like to also
6 start by saying that it's clear that a commitment of your
7 agency to Victim Services but as I've been listening this
8 morning, I'm sure you know what I'm going to talk to you
9 about; it's there seems to have been a real gender gap, an
10 incredible gender gap, and that's really what I want to
11 talk with you about this afternoon.

12 It fell into place as you were talking
13 because you talked about this coming out of the women's
14 movement. It was interesting, on the timeline, the first
15 item was the women's movement started. And would it almost
16 be fair to say that men are back where women were in the
17 early 70's?

18 **MS. FARYNA:** It's one view. I certainly
19 don't recall a lot of media attention on issues of male
20 sexual abuse in the 60's and 70's the way I recall -- I
21 personally don't recall that.

22 **MR. BENNETT:** And one of the things that
23 we've heard through this inquiry, through some of the
24 experts, is that more and more men are starting to come
25 forward about being survivors of sexual abuse. Would that

1 be a fair statement?

2 **MS. FARYNA:** Yes.

3 **MR. BENNETT:** And we've heard also that the
4 Cornwall situation is not totally an isolated incident. As
5 you've testified, I think I've heard you refer to St.
6 Joseph's. There was Alfred; London.

7 **MS. FARYNA:** London, we've forgotten about.

8 **MR. BENNETT:** Some even refer to Uxbridge.

9 **MS. FARYNA:** St. John's.

10 **MR. BENNETT:** You didn't refer to it, though
11 we've heard about Maple Leaf Gardens.

12 **MS. FARYNA:** I didn't refer to Maple Leaf
13 Gardens, no.

14 **MR. BENNETT:** That there was multi-victim,
15 multi-offender. One -- there's been a reference by other
16 witnesses -- is Upper Canada College.

17 **MS. FARYNA:** M'hm.

18 **MR. BENNETT:** And Kingston; an incident with
19 a church and some choir boys.

20 **MS. FARYNA:** M'hm.

21 **MR. BENNETT:** So though it may not be
22 totally out there, this is not the first time this is
23 coming forward.

24 **MS. FARYNA:** Yes.

25 **MR. BENNETT:** And I noticed on Tab 1 of the

1 first page ---

2 **MS. FARYNA:** M'hm.

3 **MR. BENNETT:** -- and the second paragraph.

4 It says:

5 "The vision of OBSS is to ensure
6 that victims of crimes are treated
7 with dignity and respect and can
8 access a network of coordinated
9 victim-centered support services."

10 And I'd like to ask you Mr. Engelmann's
11 question that he asked you at the end about what happened
12 when a victim comes forward today, because your answer was
13 very telling to me. I'd like to change the question to,
14 what if a male victim came forward today?

15 Let's not take Cornwall because we have
16 Men's Project and let's not take Ottawa. Let's go to
17 Toronto.

18 **MS. FARYNA:** If a male victim came forward
19 today, we would hope that the police would refer them to
20 whatever counseling services might exist in Toronto. There
21 are lots of counseling services. The VCARS Program that we
22 have in Toronto is a start that could put a person in
23 touch. There are family service associations that offer
24 various sessions. There is no dedicated men's sexual
25 assault service that I'm aware of in Toronto as an example.

1 It would tend to rely on private counseling services and
2 perhaps some of the family service associations that exist
3 within the city.

4 **MR. BENNETT:** And if a woman were to come
5 forward today, would it be easier for her to access
6 services?

7 **MS. FARYNA:** We would know exactly where to
8 send her, yes.

9 **MR. BENNETT:** And she would have the Sexual
10 Assault Centre.

11 **MS. FARYNA:** She's got the Sexual Assault
12 Centre.

13 **MR. BENNETT:** And what's interesting also in
14 one of your answers to Mr. Engelmann; he had indicated
15 well, someone might come forward and they might end up with
16 VCARS or they might do a search on victims and they might
17 end up on your Website. And I have an exhibit I'd like to
18 introduce which would be Exhibit 50, which is, I believe,
19 your current Website.

20 --- **EXHIBIT NO./PIÈCE NO P-50:**

21 Copy of Ms. Faryna's current Website
22 dated July 24, 2006.

23 **MS. FARYNA:** Yes, I had it here a moment
24 ago. Okay.

25 **MR. BENNETT:** And I'd like to take you to

1 the second page.

2 MS. FARYNA: M'hm.

3 MR. BENNETT: And my understanding if we
4 were to go to this, this would be the same -- mine
5 indicates, that I provide, was the 24th of July, but I
6 presume it would be the same today.

7 Oh, I'm sorry, I didn't realize you didn't
8 have one.

9 MS. FARYNA: Just the date.

10 THE COMMISSIONER: It's on the screen.

11 MS. FARYNA: Yes.

12 MR. BENNETT: And I'm looking there at the
13 different services that are available and I'm trying to
14 figure out which ones might be able to help men.

15 MS. FARYNA: You'd look at this and there
16 would be the Victim Support Line or the Victim Crisis
17 Assistance and Referral Services.

18 MR. BENNETT: Okay, so let's say someone
19 calls up the Victim Support Line or the Victim Crisis on
20 very important - and, again, I'm not trying to diminish the
21 effectiveness, because these have been very important
22 initiatives in this province. But someone calls them up,
23 where are they going to refer them? If it's a woman, I
24 presume they'll say "Here's your local sexual assault
25 centre". Would that be probably where they'd get referred?

1 **MS. FARYNA:** It will depend on the sexual
2 assault centre. As I said there are a few sexual assault
3 centres in the province that will extend some service to
4 male victims, but not many.

5 **MR. BENNETT:** Sorry, I should rephrase that.
6 If a woman were to call up, would they be -- probably they
7 would be referred to a sexual assault centre?

8 **MS. FARYNA:** Sexual assault centre, police
9 or the hospital centre, one of the three; the options would
10 be provided. In the case of a man the Victim Support Line
11 organization, the information and referral counselors on
12 the Victim Support Line have very extensive lists of
13 community resources that are available both private and
14 public. So counseling services, they will flag -- they
15 should be flagging if the local sexual assault centre will
16 offer service to men. So that is some link.

17 They're familiar with some of the 1-800
18 numbers; there's -- we fund as part of the Men's
19 Project, a 1-800 number, which works for Eastern
20 Ontario. Admittedly, that's not the whole
21 province and that's not going to help Toronto or
22 Owen Sound.

23 **MR. BENNETT:** And I believe that's not a 24-
24 hour service?

25 **MS. FARYNA:** That is not a 24-hour service.

1 **MR. BENNETT:** Just looking at your material
2 that you've provided for us, in terms of -- just let's look
3 at the Sexual Assault Centres, that would be on page 6 of
4 Tab 1, heading number 5; and one of the things that they
5 provide is 24-hour crisis lines.

6 **MS. FARYNA:** Multiple crisis lines, yes.

7 **MR. BENNETT:** That they're funded for?

8 **MS. FARYNA:** They're staffed by volunteers.
9 They provide a 7/24 local crisis line, but I don't think
10 that we have a Sexual Assault Centre in the province that
11 has paid staff running the line; it's typically volunteers.
12 They rely heavily on volunteers for some of those supports.

13 **MR. BENNETT:** However, their volunteer
14 coordinators would be paid positions with ---

15 **MS. FARYNA:** Yes, they'll have a couple of
16 paid staff.

17 **MR. BENNETT:** --- who would be coordinating
18 that.

19 **MS. FARYNA:** Yes.

20 **MR. BENNETT:** And that would be ideal to
21 have 24-hour services. I presume the reason why we have it
22 is because it's a good idea.

23 And similarly I notice that there is also
24 the 24-hour Assaulted Women's Help Line, on page 11 of that
25 tab. Again, you don't have to -- but, again, that provides

1 24-hour services to women?

2 **MS. FARYNA:** Yes.

3 **MR. BENNETT:** And there's not an equivalent
4 for men?

5 **MS. FARYNA:** Correct.

6 **MR. BENNETT:** And some of the other aspects
7 that the Women's Sexual Assault Centres get funded for --
8 they receive something called Operational Funding. Does
9 that mean that they sort of are more permanent? This is on
10 page 6. I notice at the beginning, the first line under --
11 :

12 "The Ministry of the Attorney General
13 provides operational funding to support
14 sexual assault."

15 Does that imply it's more than a temporary funding?

16 **MS. FARYNA:** Yes. They are funded on a --
17 we have an ongoing commitment to fund Sexual Assault
18 Centres.

19 **MR. BENNETT:** And that would be different
20 than, for example, funding arrangement with the Men's
21 Project.

22 **MS. FARYNA:** Correct. The Men's Project we
23 have signaled that it's up for review. There's no
24 commitment to ongoing funding of the Men's Project; that's
25 correct.

1 **MR. BENNETT:** And I understand there's no
2 commitment to any men's specialized service anywhere in the
3 province?

4 **MS. FARYNA:** Not at the present time; we are
5 looking at it. I think the interest that we've
6 demonstrated through our community grants programs by
7 funding a number of different pilot initiatives. I know
8 that the Attorney General is very concerned about the issue
9 and that is part of the reason, I understand, behind the
10 Inquiry, and we are awaiting the outcome and
11 recommendations of the Inquiry, I think, before making any
12 decisions about ongoing -- what should ongoing services for
13 male victims of sexual assault and historical abuse look
14 like.

15 **MR. BENNETT:** So by that, do I understand
16 that if the Inquiry were to make a recommendation that
17 projects like the Men's Project should be rolled out across
18 the province, that's something that you're looking for,
19 that type of direction?

20 **MS. FARYNA:** We'll be interested in hearing
21 the recommendations of the Inquiry as to what types of
22 services might be useful in that respect; yes.

23 I wouldn't say we're looking for that
24 direction, but we want more information. We know
25 that a number of experts are being interviewed

1 here. We are looking at some of the outcomes and
2 results from some of those grant projects that I
3 highlighted, and we'll be looking at options and
4 considerations and considering the
5 recommendations.

6 **MR. BENNETT:** And what are the barriers
7 right now to providing services for men?

8 **MS. FARYNA:** The absence of service; the
9 lack of a consistent service model across the province.

10 **MR. BENNETT:** And what would be the barrier
11 to providing funding for these types of services?

12 **MS. FARYNA:** Availability of funding. There
13 are pressures for funding any government service, any
14 public service. It's always difficult to find sufficient
15 funding to meet all of the demands out there, so before we
16 begin to fund anything new on a permanent basis with the
17 funding that is available, we want to make sure we're
18 funding the right thing; the best way; the right mix of
19 services that's going to reach the most people.

20 What is the best service model we can
21 afford? How much money do we have available and what's the
22 best service model we can afford for those dollars? I
23 think any of the programs that we fund, if you were to
24 speak to VCARS organizations, if you were to speak to Women
25 Sexual Assault Centres, if you were to speak to my V/WAP

1 program managers, everybody could explain where they are
2 feeling pressures and unable to do the best service
3 possible, but as in all parts of the public service, we do
4 the best we can with what we've got.

5 I think before we moved to -- I think the
6 government would want to be very sure that it is doing the
7 right thing, the best possible combination with the
8 resources that are available before extending Men's Sexual
9 Assault Services province-wide; what's the best way to do
10 it.

11 **MR. BENNETT:** I understand that you may be
12 looking at the best way to do it, but I've also been
13 intrigued by some of these figures we've seen today. And
14 I'd just like to take you to Tab 6, at the very last page
15 on page 6; the very last number, I see there's - I'll round
16 it off to \$41 million being spent in the province right
17 now?

18 **MS. FARYNA:** M'hm.

19 **MR. BENNETT:** And the Men's Project, from my
20 understanding, and again looking at what you provided at
21 Tab 11, receives about \$285,000; \$200,000 plus additional
22 \$85,000 for the Cornwall Project because of the Inquiry.

23 **MS. FARYNA:** Yes.

24 **MR. BENNETT:** And you mentioned some other
25 grants and when you total them, I don't even believe they

1 would come up to \$1 million.

2 **MS. FARYNA:** Okay, I haven't done that
3 totaling; so I'll take your word for that.

4 **MR. BENNETT:** I haven't totaled them either,
5 but you mentioned a few this morning, and they weren't huge
6 amounts of money we were talking about ---

7 **MS. FARYNA:** No.

8 **MR. BENNETT:** --- on the grant page. So it
9 appears that men are receiving maybe a very minor
10 percentage of the budget of your organization.

11 **MS. FARYNA:** For Men's Sexual Assault
12 Services in relation to Women's Sexual Assault Services, it
13 would appear that way, yes. I can tell you that there is
14 additional spending happening that isn't referenced
15 directly in these charts as well.

16 As we speak, in Northern Ontario, we're
17 funding a project with NAN, Nishnawbe-Aski Nation. It's
18 not a multi-perpetrator incident, but it is a multi-victim
19 prosecution that is going on against a former Anglican
20 priest pilot who used to fly around. And we're funding the
21 First Nation responsible for the vast portions of Northern
22 Ontario to develop and provide various services as well in
23 that area. So those numbers would be added.

24 I hear what you're saying that it appears
25 that there is little ongoing funding. There is no ongoing

1 funding dedicated to men, male victims of sexual assault on
2 an ongoing basis. That isn't in there now. But I think
3 there have been increasing amounts flowing on a temporary
4 basis in recent years and it's certainly on our Attorney
5 General's agenda to look at and address and on the
6 government agenda to look at and consider.

7 **MR. BENNETT:** And it's certainly on our
8 agenda to try to get this Commission to put it higher on
9 your agenda.

10 **MS. FARYNA:** Of course.

11 **MR. BENNETT:** But it's not totally new
12 because this morning you referred to the 2000 Voice for
13 Victims, which identified that there were these gaps. So
14 it's clearly something that people are aware of but to date
15 there's not been a lot of action.

16 I would like to briefly take you through the
17 -- you've made reference to the Men's Project, and there's
18 Tab 11 on the very last page, which talks about the
19 services.

20 **MS. FARYNA:** Yes.

21 **MR. BENNETT:** And I'm not sure whether you
22 -- it wasn't clear to me whether you would have prepared
23 this or someone else did this.

24 **MS. FARYNA:** One of my staff has ---

25 **MR. BENNETT:** So I'm not sure if you could

1 answer but I am going to put some propositions. Some of
2 these things that are indicated there are not necessarily
3 from the funding from the Ministry of the Attorney General.
4 These may be all services that they provide. So I will ask
5 you if you are aware that, for example, the community group
6 public agency and government services workshops and public
7 presentation; does that funding come from the Trillium
8 Foundation? Would you be aware of that?

9 **MS. FARYNA:** I've heard that; okay, yes.

10 **MR. BENNETT:** And so it doesn't come ---

11 **MS. FARYNA:** It's the direct services that
12 we fund the account; so the individual and group sessions,
13 the partner support workshops; in Cornwall, the two days
14 per week and one day of telephone intake crisis. It's the
15 direct services to victims that we are funding through our
16 funding.

17 **MR. BENNETT:** But some of those services are
18 not necessarily, though they are being provided, they're
19 doing through outside, other sources of income?

20 **MS. FARYNA:** Yes, I acknowledge that, yes.

21 **MR. BENNETT:** Yes. And the final last
22 question I have, you have indicated that the funding for
23 the Men's Project is -- there was an exact -- I'll go to
24 your -- how it's quoted in here, just so I don't misquote
25 you. And that's on page 9, and at the very last paragraph:

1 "MAG continues to fund the Men's
2 Project through the VJF on a time-
3 limited basis to ensure that services
4 remain available for the duration of
5 the Cornwall Inquiry ..."

6 So I understand from that that it may not
7 exist at the end of this Inquiry.

8 **MS. FARYNA:** I think we will want time to
9 receive and consider the Commissioner's recommendations
10 before doing anything in a hurry to change the situation.

11 **MR. BENNETT:** So it could end up that there
12 may be no dedicated services for men in the province?

13 **MS. FARYNA:** I would hope not, but we don't
14 know. We don't know. I can't say at this stage.

15 **MR. BENNETT:** Okay. Thank you very much.

16 **THE COMMISSIONER:** Thank you. Mr. Bennett
17 was kind, I suppose at the beginning when he used Toronto
18 as an example. How about a community, and I don't know if
19 communities around here are the size of Cornwall, but I
20 think of North Bay, for example. Would it be fair to say
21 that it would be less in North Bay than in Toronto?

22 **MS. FARYNA:** There would be a lot less, if
23 anything. Again, our Victim Witness Assistance Program
24 manager, the VCARS folks up there would certainly do their
25 research and find what they could in terms of literature,

1 in terms of support. Right now sometimes the best way is
2 to get the matter before the courts, which a lot of victims
3 don't want to pursue. But, you know, it's true. Other
4 than private counselling services or employee assistance
5 programs through work, if people have that as a work
6 benefit.

7 **THE COMMISSIONER:** Right. Okay, thank you.
8 Mr. Chisholm.

9 **MR. CHISHOLM:** No questions, Mr.
10 Commissioner.

11 **THE COMMISSIONER:** Thank you. Mr. Lawless
12 or Rouleau?

13 **MR. ROULEAU:** I have no questions.

14 **THE COMMISSIONER:** Thank you. Mr. Hannah-
15 Suarez.

16 **MR. HANNAH-SUAREZ:** No questions, thank you.

17 **THE COMMISSIONER:** Thank you. Miss Lalji?

18 **MS. LALJI:** That's right.

19 **THE COMMISSIONER:** Great.

20 **MS. LALJI:** I just have a couple of
21 questions.

22 **THE COMMISSIONER:** Sure, sure.

23 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

24 **LALJI:**

25 **MS. LALJI:** Good afternoon, Ms. Faryna. My

1 name is Reena Lalji and I am counsel for the Cornwall
2 Police.

3 MS. FARYNA: Okay.

4 MS. LALJI: I just have a couple of
5 questions for you.

6 MS. FARYNA: M'hm.

7 MS. LALJI: The first one deals with the
8 VCARS Program, and I just wanted to ask you if you were
9 aware that the Cornwall Police had previously applied for
10 the VCARS program and did not receive it. Are you aware of
11 that?

12 MS. FARYNA: When?

13 MS. LALJI: I don't have the exact date but
14 according to Deputy Chief Danny Aikman's testimony earlier
15 this year, he had testified that the Cornwall Police had
16 applied for it. It would have been before 2005, and they
17 did not receive it.

18 MS. FARYNA: Okay. I find the wording
19 interesting. We typically don't extend funding to police
20 services for VCARS Program. Our VCARS Program is defined
21 as something delivered through a community-based agency,
22 using volunteers. We want those programs, those agencies
23 to be developed with police participation because police
24 are going to be the primary source of referrals. I do know
25 that in Cornwall an application had been submitted by

1 members of the community, by a community group, and that
2 community group did include representatives from the police
3 force. The application had been submitted probably in
4 2003, it was a year or two before the final announcement
5 was made that funding would flow. I'm aware of that. That
6 there was a delay in the final approval of funding flow,
7 but not an application from the police per se.

8 **MS. LALJI:** You may be correct. It does say
9 in Deputy Chief Aikman's testimony that he did work on that
10 application with a woman named Patricia Vilbert, so it may
11 have been done with the community group.

12 **MS. FARYNA:** It might have been, yes.

13 **MS. LALJI:** But according to him, he had
14 said that it was either denied and it may have been because
15 of funding flow reasons. Would that be accurate?

16 **MS. FARYNA:** I think it was just delays in
17 approval process within government.

18 **MS. LALJI:** Okay.

19 **MS. FARYNA:** Delays in approval and
20 announcement process within the government. It wasn't
21 denied. We just didn't flow the funding as quickly as
22 would have been hoped.

23 **MS. LALJI:** Okay. And as you've already
24 testified, Cornwall did ultimately get funding for VCARS --

25 -

1 MS. FARYNA: Yes.

2 MS. LALJI: --- in September of 2005.

3 MS. FARYNA: Yes.

4 MS. LALJI: And that would be after the
5 Inquiry was established in April 2005.

6 MS. FARYNA: Yes.

7 MS. LALJI: The second area I wanted to
8 touch upon is the sexual assault centres that you spoke
9 about and that you had mentioned that there are some
10 francophone centres in Ontario.

11 MS. FARYNA: M'hm.

12 MS. LALJI: I noticed in your Outline that
13 Cornwall does have a centre, but it doesn't have a
14 francophone centre even though it has a large francophone
15 population.

16 MS. FARYNA: M'hm.

17 MS. LALJI: Is there a particular reason
18 that it is -- that Cornwall does not have a francophone
19 centre?

20 MS. FARYNA: The Cornwall Centre from the
21 day it commenced operation had always provided services in
22 both languages, had always been staffed with bilingual
23 staff and had always provided services in both official
24 languages. The centres in other parts of the province that
25 were referenced, I think my timeline talks about '96-'97,

1 we established some additional French language services.
2 Between '92 and '95, some studies were undertaken;
3 consultations were taken in communities that were
4 designated under the *French Language Services Act* and which
5 had sexual assault centres, and we wanted to check and see
6 if that sexual assault centre was able to provide services
7 in the French language, and if not what alternate
8 arrangements could be made for that community; what made
9 the most sense for that community. So there were a total
10 of eight centres that we looked at. Not every designated
11 district had a sexual assault centre, but the eight that
12 did, we looked at and those that were providing bilingual
13 services, fine, continue providing bilingual services; and
14 Cornwall was in that boat. Those that were not providing
15 bilingual services received funding to set up separate --
16 either depending on the community's choice, and it often
17 depended on the population of the community, the proportion
18 of the community -- either to set up a separate independent
19 French language centre or to provide additional funding to
20 the existing Anglophone centre to hire French speaking
21 staff.

22 **MS. LALJI:** Great. Thank you very much.
23 Those are all my questions.

24 **THE COMMISSIONER:** Thank you.

25 Mr. Kozloff, are you? No questions. All

1 right.

2 Mr. Wallace.

3 **MR. WALLACE:** I have no questions.

4 **THE COMMISSIONER:** Thank you. And Upper
5 Canada School Board is not here, I don't think. So that
6 would be back to Ms. McIntosh.

7 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

8 **McINTOSH:**

9 **MS. McINTOSH:** Ms. Faryna, you mentioned
10 that in the OVC Report, Voice for Victims, there was an
11 observation about the accountability of Crowns in respect
12 of victims' matters, and I wondered if that was a
13 recommendation that had been addressed subsequent to that
14 report.

15 **MS. FARYNA:** The way we both Crowns and I'll
16 go beyond and speak about judiciary, there are systems in
17 place to deal with accountability of Crowns through their
18 management structure in the Ministry, as there are places
19 with respect to the judiciary through various judicial
20 review processes or case appeal processes.

21 So I think the Ministry hasn't been rushing
22 to adopt the recommendations made by the OVC, that the OVC
23 takes some sort of an ombudsman role in reviewing either
24 the conduct of the Crowns or judiciary. We don't see that
25 as our role. There are management processes and structures

1 or slightly different processes and structures in place
2 with respect to the judiciary.

3 **MS. McINTOSH:** So you don't have any role
4 with respect to judiciary, I take it.

5 **MS. FARYNA:** No.

6 **MS. McINTOSH:** Do you have a training
7 function with respect to Crowns?

8 **MS. FARYNA:** Yes, we do.

9 **MS. McINTOSH:** And you have been doing that
10 since 2000?

11 **MS. FARYNA:** I have been involved in that,
12 in the oversight of that since 2002. The OVS has -- does
13 a couple of training activities for Crowns. We have the
14 annual spring conference that is usually timed to occur
15 around International Women's Day where we review training
16 on domestic violence and sexual assault issues. And that
17 conference is organized and delivered by counsel in my
18 office, who typically comes from the Criminal Law Division.
19 We also counsel in my office, sits as a member -- I can't
20 recall if Ms. Nethery spoke about this or not -- but the
21 Criminal Law Division does have a training committee for
22 Crown attorneys. Counsel from my office, the VWAP counsel
23 has always sat as a member of that Criminal Law Division
24 Training Committee, both from when VWAP was within criminal
25 law and that continues to this day and, in fact, they are

1 reaching out to me. I have a vacancy in that position
2 right now. I'm just hiring and they're anxiously, the
3 Criminal Law Division Committee is anxiously looking for
4 someone from my office to be able to join the training
5 committee. We are doing training on aboriginal issues in
6 partnership with them and we regularly deliver training in
7 domestic violence issues and we participate in anything
8 when there's a victim's interest ---

9 **MS. McINTOSH:** Thank you.

10 I know you said that your outline and the
11 documents were peppered with references to the principle of
12 no discussion of evidence, but I wanted just to draw your
13 attention to two just to make sure they're in the record if
14 I may.

15 **MS. FARYNA:** M'hm

16 **MS. McINTOSH:** In Tab 10, the Policy and
17 Procedures Manual, in the General Operating Policies, which
18 is section 2.5, on the second page, number 10.

19 **MS. FARYNA:** Yes.

20 **MS. McINTOSH:** That's one of the General
21 Operating Policies, I take it.

22 **MS. FARYNA:** General Policies, right
23 upfront, yes.

24 **MS. McINTOSH:** That program staff do not
25 discuss evidence with clients.

1 And then in the training document at the end
2 of the tab, the third last page from the end of the tab,
3 under point 11, "Client Services" ---

4 **MS. FARYNA:** M'hm

5 **MS. McINTOSH:** I just wanted to point out
6 "No discussion of evidence"; does this refer to the
7 training in that policy?

8 **MS. FARYNA:** Exactly. Exactly.

9 **MS. McINTOSH:** Thank you.

10 **MS. FARYNA:** You will also see it in the
11 multi-victim protocol that we spoke about which I think is
12 at Tab 5, there's references there as well "No discussions
13 of evidence"; not Tab 5.

14 **MS. McINTOSH:** Okay. Mr. Engelmann asked
15 you about whether something could have been set up in
16 Cornwall in respect of -- under that multi-victim protocol,
17 and I wondered how that would work with the Men's Project
18 already in existence. Was there a role for that kind of
19 thing to be set up if there was the Men's Project already?

20 **MS. FARYNA:** When we are setting up any
21 special prosecution, we tend to look at what services are
22 in place or already exist. We have set up staff for what I
23 would call two special prosecutions. It's not necessarily
24 multi-offender/multi-perpetrator, but two special
25 prosecutions in the four years that I've been with the

1 program. And both of those were in cases where there
2 wasn't anything else in the community to serve that
3 particular need.

4 One example was the prosecutions that
5 followed with the Walkerton water scandal. We set up a
6 special office where our Walkerton VWAP office wasn't quite
7 in place yet. And I made reference to the Blood
8 prosecution that falls without our mandate but the sheer
9 number of people impacted and the interest nation-wide we
10 chose to set up something separate.

11 You always have a look at what else is
12 available, what else is being provided. In the case of the
13 Blood prosecutions we didn't get involved until quite late
14 and that was because there was actually a bit of a staffing
15 change occurring within the RCMP, as I understand, and it
16 was an RCMP group that had been providing support. And
17 part of the reason we got involved was because they were
18 anxious to move on after a number of years with it.

19 **MS. McINTOSH:** So in the Cornwall situation
20 the existence of the Men's Project would have been a
21 consideration?

22 **MS. FARYNA:** It was a consideration. There
23 was service being provided through the Men's Project and we
24 understood through the OPP as well. So it was less
25 compelling a pressure than some of the other situations we

1 have dealt with.

2 **MS. McINTOSH:** Now, Mr. Bennett when he was
3 asking you about the barriers to the provision of services
4 for men, you mentioned the lack of a consistent service
5 model, and I wondered whether you can tell us why there is
6 a lack of a consistent service model in the provision of
7 men's services?

8 **MS. FARYNA:** We're looking at various --
9 there's different ways you develop and design programs and
10 policies in government. I mean, typically we start with
11 pilots. The Men's Project started as a pilot. That was
12 the first men's sexual assault service that we funded. We
13 understand the services provided by the Men's Project.
14 There had been an evaluation conducted of the Men's Project
15 with very favourable recommendations around the need to
16 extend and promote those kinds of services across the
17 province, but ---

18 **MS. McINTOSH:** Are there ---

19 **MS. FARYNA:** --- the cost considerations
20 come into it.

21 **MS. McINTOSH:** Are there other models out --

22 -

23 **MS. FARYNA:** There are differences ---

24 **MS. McINTOSH:** Sorry to interrupt you.

25 **MS. FARYNA:** There are differences. The

1 mens's services provided through the Men's Project differ,
2 for example, from the range of services offered through
3 female sexual assault centres, the reliance on professional
4 clinical approaches versus peer support and use of
5 volunteers. There are differences, and there is a long
6 debate about what is the best mix of services, and we need
7 to consider those and explore those a little further.
8 We're encouraged by, as I say, a couple of the grant
9 projects that we funded. We'll be looking at the results
10 from those and seeing what good ideas and good practices
11 come from those.

12 **MS. McINTOSH:** Is there a lot of experience
13 in other jurisdictions with men's services that you can
14 look to?

15 **MS. FARYNA:** Not that I'm aware of. I think
16 we probably have more going on in that front in Ontario
17 than I've heard of from any of my FPT colleagues.

18 **MS. McINTOSH:** Okay.

19 Now, Mr. Bennett was asking you about -- Mr.
20 Bennett was comparing sort of the percentage of services
21 for men versus women in the overall funding, and I wondered
22 whether -- I mean, I wondered whether -- what the incidence
23 level was of domestic violence and sexual assault crimes,
24 women versus men?

25 **MS. FARYNA:** Well, just based on reporting,

1 I know that we deal with every sexual assault case that
2 gets identified and all sexual assaults represent 10 per
3 cent or less of our case loads in the Victim Witness
4 Assistance Program. Domestic violence cases represent
5 about two thirds of our total case load. And the
6 overwhelming majority of those, not all but the
7 overwhelming majority of the victims are the female
8 partner. Probably 90 per cent or more would be the female
9 partner. Sexual assaults, similarly the vast majority are
10 women. Child sexual assault and abuse cases we deal with.
11 The proportions are not as overwhelmingly female to male,
12 which is interesting to note.

13 It's also interesting to note that we're
14 seeing a decline in our adult female sexual assault case
15 loads within the Victim Witness Assistance Program. We're
16 seeing fewer and fewer women reporting or wanting to go to
17 the police and go through the court process.

18 **MS. McINTOSH:** And I just wanted to ask you
19 to identify those male programs at Tabs 12, 13 and 14, and
20 very quickly just so that -- because some of them aren't
21 obviously directed to males and I just wanted to get your
22 input.

23 So at Tab 12 on the second page under
24 "Central West" the Canadian Mental Health Association
25 Program.

1 MS. FARYNA: Waterloo. Yes.

2 MS. McINTOSH: Is that correct?

3 MS. FARYNA: That's correct. That's one.

4 MS. McINTOSH: And then on the next page at
5 the bottom of the page under "Toronto Region".

6 MS. FARYNA: There's a reference here to
7 Gatehouse creating an adult support network for adult
8 survivors of childhood abuse. I don't know if that's
9 limited to sexual abuse. I would assume that it extends to
10 both male and female survivors.

11 MS. McINTOSH: But when you say you assume -
12 --

13 MS. FARYNA: I'm not specific -- I'm not
14 sure about that one. That one I parenthetically I'd have
15 to inquire more into the specific project.

16 MS. McINTOSH: Okay. And then two pages on
17 under "East Region".

18 MS. FARYNA: The Men's Project.

19 MS. McINTOSH: All right.

20 And then at Tab 13 is tiny print for which
21 I'll get out my glasses. I understand under "Toronto" the
22 Native Mens Residence is one of the pilot projects for men;
23 is that correct?

24 MS. FARYNA: Yes.

25 MS. McINTOSH: And right under that Alpha

1 House.

2 MS. FARYNA: Alpha House. And then two
3 below "East Region" there we have a sexual assault centre
4 for Quinte and District. So there's a sexual assault
5 centre that was willing to get involved in some service
6 provision.

7 MS. McINTOSH: And then at Tab 14 -- yes, on
8 the first page.

9 MS. FARYNA: Five, the fifth bullet?

10 MS. McINTOSH: The fifth bullet, yes.

11 MS. FARYNA: M'Wikwedong.

12 MS. McINTOSH: And then on page 8 of the
13 same tab, can you just tell us which ones on this page are
14 the resources for that?

15 MS. FARYNA: I've noted for myself the very
16 bottom of the page in the north region, North Bay and
17 District Association for Community Living to produce manual
18 and facilitate a series of support groups for men and women
19 who -- with developmental disabilities who are victims of
20 sexual assault.

21 On the next page ---

22 MS. McINTOSH: Oh, sorry, we've got -- I
23 think you've got a slightly different version.

24 MS. FARYNA: Sorry.

25 MS. McINTOSH: All of ours is on page 8,

1 Madam Clerk.

2 **MS. FARYNA:** So at the bottom of page 7,
3 North Bay and District Association.

4 Then go down to page 8.

5 **MS. McINTOSH:** Oh, sorry, maybe I've got the
6 different version ---

7 **MS. FARYNA:** The second bullet. Thunder Bay
8 Sexual Assault Sexual Abuse Crisis and Counseling Centre
9 began to offer a workshop for male survivors.

10 Right below that the Cochrane Ininew
11 Friendship Centre.

12 And three below, Chibougamau First Nation.

13 **MS. McINTOSH:** Okay. And those are pilot
14 projects at the moment?

15 **MS. FARYNA:** And those are pilot projects.

16 **MS. McINTOSH:** Thank you.

17 Those are my questions.

18 **THE COMMISSIONER:** Okay. Well, having heard
19 from Ms. McIntosh about maybe explaining that there's \$40
20 million out there and a lot are going for women because the
21 numbers may be greater, I guess it brings back in the days
22 of my youth when we were setting up women shelters and they
23 were saying there was no abuse going on against women.

24 Wouldn't it be fair to say that if you build
25 it they will come?

1 **MS. FARYNA:** Unfortunately with victim
2 services, yes.

3 **THE COMMISSIONER:** And so to say that the
4 numbers -- we should play the numbers and give more money
5 to those numbers, that would not be quite a fair comment?

6 **MS. FARYNA:** There's a number of things
7 you're going to consider before you allocate resources.
8 Resources are not always allocated in direct proportion to
9 the numbers.

10 **THE COMMISSIONER:** Exactly. And the other
11 comment I missed. You made a comment that you're seeing
12 less women, adult woman reporting or coming forward for
13 allegations of sexual abuse?

14 **MS. FARYNA:** M'hm.

15 **THE COMMISSIONER:** And did I hear you say
16 "Well, it might be because of the court system". Did you
17 say that?

18 **MS. FARYNA:** There are a number of the
19 sexual assault centres we're hearing are encouraging women
20 to focus on their healing and not relive the experience by
21 going through the court system, which is an unfortunate
22 thing, especially if the fellow is still out there.

23 **THE COMMISSIONER:** I was hoping the numbers
24 were going down because the incidents of sexual assaults
25 were decreasing and that women had assumed their proper

1 right and role in society of not tolerating that kind of
2 stuff.

3 **MS. FARYNA:** We would hope. The good news
4 is our sexual assault centres case loads seem to be fairly
5 steady and not rapidly increasing. So I think with
6 increases in population we can hope that that's the reason
7 why.

8 **THE COMMISSIONER:** Terrific.

9 Any questions arising out of that, Mr.
10 Engelmann?

11 **MR. ENGELMANN:** No, sir.

12 And that is the corporate policy evidence
13 from the Ministry of the Attorney General.

14 **THE COMMISSIONER:** Thank you very much for
15 coming.

16 **MR. ENGELMANN:** Thank you.

17 **THE COMMISSIONER:** I think we'll take a
18 break now.

19 And Mr. McLennan -- where is Mr. MacLennan?

20 **MR. ENGELMANN:** Mr. MacLennan is here.

21 **THE COMMISSIONER:** All right.

22 **MR. ENGELMANN:** And we have a few other
23 matters as well but very brief matters, but I told Mr.
24 MacLennan he would be up next.

25 **THE COMMISSIONER:** Thank you very much.

1 All right. Let's take our 15 minute break.
2 We'll come back in due course.

3 **THE REGISTRAR:** Order. All rise. À
4 l'ordre; veuillez vous lever.

5 The hearing will resume at 3:50.

6 --- Upon recessing at 3:40 p.m./

7 L'audience est suspendue à 15h40

8 --- Upon resuming at 3:59 p.m./

9 L'audience est reprise à 15h59

10 **THE REGISTRAR:** This hearing of the Cornwall
11 Public Inquiry is now in session. Please be seated.

12 Veuillez vous asseoir.

13 **MR. ENGELMANN:** Mr. Commissioner, the next
14 matter is an application for special standing and funding
15 brought by Ken MacLennan.

16 **THE COMMISSIONER:** M'hm.

17 **MR. ENGELMANN:** And Mr. MacLennan has filed
18 materials with the Commission. They have been put in
19 booklet form, and I would ask that they be marked as the
20 next Exhibit.

21 **THE COMMISSIONER:** Yes, that would be
22 Exhibit No. 50 I believe.

23 **THE REGISTRAR:** Fifty-one (51).

24 **THE COMMISSIONER:** Fifty-one (51). Thank
25 you.

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--- EXHIBIT NO./PIÈCE NO. P-51:

Materials from Ken MacLennan

MR. ENGELMANN: Mr. MacLennan has also provided me and counsel with a copy of an oral statement and he may wish that the oral statement be added to Exhibit 51. I'm going to let him speak to that.

THE COMMISSIONER: All right.

MR. ENGELMANN: As I understand it, if it is added his oral submissions to you may be briefer, but I've given him that choice. So without further adieu I'll call Mr. MacLennan to come forward if he could to speak.

THE COMMISSIONER: Good afternoon, sir.

SUBMISSION BY/REPRÉSENTATION PAR MR. MacLENNAN:

MR. MacLENNAN: Thank you, Your Honour.

I spoke to Peter Engelmann just a moment ago. I am prepared to waive my oral statement. I have a printed copy which I -- I think you have a copy.

THE COMMISSIONER: I have it, yes.

MR. MacLENNAN: Which I can provide to the different parties. And I'd just like to make a few comments in the interest of time.

Actually my appearance today basically is academic. I think that my comment regarding the current test and the possibility of devising an appropriate

1 measuring stick for any test has provincial implications
2 beyond this inquiry and that's one of the main reasons.
3 But I believe under the current test, and without being
4 overly critical of you, I believe ---

5 **THE COMMISSIONER:** It's okay. A lot of
6 people are.

7 **MR. MacLENNAN:** --- it did require reasons.
8 So I think in effect the fact that you did not provide
9 reasons you agree with me that the test requires reasons
10 but your reasons would be meaningless and maybe arbitrary
11 and so therefore you did not provide reasons.

12 Now, I'm not putting words in your mouth.

13 **THE COMMISSIONER:** No, and please don't.

14 **MR. MacLENNAN:** But the only thing that
15 maybe I had concern about is that Mr. Sherriff-Scott's
16 argument used a Walkerton example, water example, and also
17 used Roman Catholic Canon law, and I was so much shocked
18 about that, particularly your comments, because in effect
19 you said it's not conventional knowledge but the facts.

20 **THE COMMISSIONER:** M'hm.

21 **MR. MacLENNAN:** And I think there could be
22 an inference there and again, I'm making an assumption that
23 maybe Ontario is operating under religious law, and I guess
24 people can read that into it.

25 So one of my recommendations, I thought

1 maybe you might find it useful just to clarify your comment
2 in that regard.

3 And the second one of our recommendations
4 was that everyone will sort of misread or misinterpret or
5 distort or misrepresent my presentation so I would
6 appreciate it if it could be notated on your website --
7 it'll likely not solve anything, because some people will
8 say, you know, those Catholics will say I'm anti-Catholic
9 and Catholics will say that they're afraid of the Bishop or
10 whatever, if you follow me there. I think my presentation
11 -- I think that's basically it, your Honour. I think I've
12 covered the major points.

13 **THE COMMISSIONER:** Okay.

14 **MR. MacLENNAN:** If you can accept my three
15 recommendations, at least you can think about it, then I
16 withdraw my request for standing and funding.

17 **THE COMMISSIONER:** All right.

18 So one of your concerns is that I have
19 applied Canon law? One of your concerns, I take it is that
20 I would have applied Canon law in making my decision as to
21 whether or not to fund the Church -- the Diocese? Is that
22 right?

23 **MR. MacLENNAN:** You cannot make your
24 decision?

25 **THE COMMISSIONER:** No. One of the concerns

1 you raised ---

2 **MR. MacLENNAN:** Yes.

3 **THE COMMISSIONER:** --- was that I might have
4 applied Canon law?

5 **MR. MacLENNAN:** Oh, yes. Yes. Yes.

6 **THE COMMISSIONER:** Okay.

7 **MR. MacLENNAN:** Yes. I was concerned about
8 that because I think there could be an inference because of
9 your comments ---

10 **THE COMMISSIONER:** M'hm.

11 **MR. MacLENNAN:** --- at the hearing of non-
12 conventional and especially when you did not give reasons
13 for your recommendation. I think fundamentally, if a
14 person makes a recommendation, fundamentally, they should
15 provide the evidence on which they base their
16 recommendation or reasons.

17 **THE COMMISSIONER:** Okay.

18 **MR. MacLENNAN:** So that was my concern.

19 **THE COMMISSIONER:** Right.

20 **MR. MacLENNAN:** And when I looked at the
21 current test, I just found that it's impossible because you
22 need -- based on the wording of the current test, you
23 almost need some measuring device to determine who was
24 eligible, who was not eligible. I think that's an
25 impossibility.

1 And that's why I am suggesting that -- get
2 rid of the means test, fund everyone. You know, the public
3 has imposed the Inquiry upon the -- I think the only thing
4 is that you need to determine those who have substantial
5 and direct interests. Once you've made that determination,
6 I would say provide funding to everyone, again, subject to
7 your discretion and subject to appeal.

8 I don't know whether I'm making sense, but -
9 --

10 **THE COMMISSIONER:** I get it. I've read your
11 material and I can understand -- I understand what you're
12 saying.

13 **MR. MacLENNAN:** Yes. Thank you.

14 **THE COMMISSIONER:** So you have to understand
15 that, as a judge, I'm not permitted to comment or explain -
16 --

17 **MR. MacLENNAN:** Yes.

18 **THE COMMISSIONER:** --- the reasons for my
19 doing or whatever.

20 **MR. MacLENNAN:** Yes.

21 **THE COMMISSIONER:** But I will make an
22 exception if it will reassure you today and tell you that I
23 have not applied Canon law.

24 **MR. MacLENNAN:** Yes, I'm sure you haven't
25 either.

1 **THE COMMISSIONER:** All right. So I just
2 wanted to reassure you on that.

3 **MR. MacLENNAN:** Yes.

4 **THE COMMISSIONER:** On the rest, I'm going to
5 reserve, and I will render my decision with respect to your
6 application the week of August 8th. So I don't know exactly
7 which date, but I'll have Me Dumais or Mr. Engelmann either
8 email -- communicate with you one way or the other to
9 advise you and give you an opportunity to re-attend.

10 **MR. MacLENNAN:** I would appreciate that.

11 **THE COMMISSIONER:** All right?

12 **MR. MacLENNAN:** Thank you very much.

13 **THE COMMISSIONER:** Thank you very much.

14 Now, are there any other counsel that wish
15 to make any comments with respect to this application for
16 standing?

17 **MR. ENGELMANN:** Yes. I'm reminded by a
18 couple of my peers here that Mr. MacLennan has also said
19 that he would consider withdrawing his application if his
20 three recommendations were addressed. As I understand what
21 you've done, sir, is you're reserving your decision.
22 Things will come out the week of August 8th, one way or the
23 other.

24 **THE COMMISSIONER:** One way or the other.
25 All right?

1 **MR. ENGELMANN:** I do want to ask though;
2 counsel were served and I just want to ask if any counsel
3 for any of the parties have any submissions to make with
4 respect to Mr. MacLennan's submissions?

5 **THE COMMISSIONER:** Right. So I'm not going
6 to go through the tour of everyone. We're all here.
7 Everyone is staying seated, so I take that as silence is
8 golden.

9 All right. Thank you, Mr. MacLennan. We'll
10 be in touch.

11 **MR. ENGELMANN:** Sir, then if we could just
12 add Mr. MacLennan's oral statement ---

13 **THE COMMISSIONER:** Yes.

14 **MR. ENGELMANN:** --- as an extra tab in
15 Exhibit 51, at his request.

16 **THE COMMISSIONER:** So ordered.

17 Thank you.

18 **MR. ENGELMANN:** Sir, I have two other brief
19 matters to deal with, and I know that there is a train at a
20 certain hour and some counsel may have to leave.

21 The first thing I want to deal with is the
22 Undertaking of counsel and the Undertaking of clients who -
23 - the need to know issue. I'll just be a second.

24 Mr. Commissioner, as you know, earlier in
25 July, one of my colleagues, Me Ruel wrote to counsel for

1 all parties advising them that the Commission would be
2 disclosing documents to counsel contingent on signed
3 Undertakings from counsels and all members of their firms
4 who might be viewing documents we're disclosing. And as
5 well, that -- the letter also referred to Undertakings to
6 be signed by clients who, on a need-to-know basis, might be
7 reviewing the documents. The documents are not to be
8 copied in any way. It would just be if a client or clients
9 from the party wished to review the documents and, as said,
10 on a need-to-know basis.

11 We attached Undertakings for counsel to sign
12 and also a sample Undertaking for parties to sign and at
13 this point, with only a couple of exceptions, those
14 Undertakings have all come back to us signed, and we've
15 told counsel that we were not going to be releasing the
16 documents, which are currently planned to be released this
17 Friday morning ---

18 **THE COMMISSIONER:** M'hm.

19 **MR. ENGELMANN:** --- to them, unless we had
20 signed Undertakings.

21 **THE COMMISSIONER:** Yes.

22 **MR. ENGELMANN:** In the letter, we also
23 talked about some of the sanctions that could be imposed if
24 there were breaches of the Undertaking. And Mr. Ruel
25 referenced the fact that we would be asking you to take the

1 terms of those Undertakings and embody them into an Order
2 from the Commission, just so that people know the
3 seriousness of the Undertakings and also with respect to
4 the potential of sanctions and/or contempt proceedings
5 pursuant to section 8 of the *Public Inquiries Act*, should
6 there be breaches of the Undertakings.

7 **THE COMMISSIONER:** M'hm.

8 **MR. ENGELMANN:** We wrote to counsel. No one
9 to date has expressed any concern about making these
10 Undertakings an actual Order. In fact, some counsel have
11 spoken to us informally and suggested that that was a
12 positive or a good step. So in the circumstances, the
13 parties have had approximately three weeks to consider
14 their positions, I would ask you to issue an Order along
15 the lines of the following:

16 That no counsel for parties withstanding
17 and/or their staff acting under the direction of such
18 counsel in relation to Commission proceedings will be
19 entitled to obtain documentary disclosure from the
20 Commission unless and until they sign a written Undertaking
21 in the form provided by Commission counsel to them.

22 Second point: Counsel would only be allowed
23 to show Commission documents to their clients on a need-to-
24 know basis and upon the condition that such clients sign
25 the written Undertaking provided by Commission counsel for

1 the parties.

2 Thirdly: That any breach of the terms of
3 the Undertakings signed by counsel, staff or parties may be
4 sanctioned by the Commissioner and such sanction could
5 include loss or limitation of standing, status and/or
6 funding and the initiation of contempt proceedings under
7 section 8 of the *Public Inquiries Act*.

8 What I am suggesting is an Order with those
9 three points attaching sample copies of the Undertaking for
10 counsel and the Undertaking for parties.

11 Those are my very brief submissions on this
12 point, and I'm not sure if any of the counsel present wish
13 to address this issue.

14 **THE COMMISSIONER:** All right.

15 Anyone want to address this issue?

16 Again, a resounding silence.

17 For those who are not here, did you indicate
18 in the correspondence that you would be at some time
19 addressing this matter in the hearings?

20 **MR. ENGELMANN:** Yes. In fact, the letter of
21 July 5th that went out to all counsel said just that. We
22 had hoped to address it earlier this week, sir, and it said
23 the 24th of July ---

24 **THE COMMISSIONER:** Right.

25 **MR. ENGELMANN:** --- but given what's

1 happened this week, it's being addressed today.

2 **THE COMMISSIONER:** All right.

3 So I think that in the circumstances, that's
4 reasonable. So there will be an Order to go as you've
5 indicated and, subject of course to me reviewing it one
6 last time before I sign it, it will be done.

7 **MR. ENGELMANN:** Thank you.

8 **THE COMMISSIONER:** Thank you.

9 **MR. ENGELMANN:** And lastly, sir, I wanted to
10 report on something that we've been working on,
11 collaboratively with the Ministry of the Attorney General.

12 **THE COMMISSIONER:** M'hm.

13 **MR. ENGELMANN:** That is that yesterday
14 counsel for the Ministry of the Attorney General attended
15 the Youth Justice Court of Ontario and an Order was issued
16 by the Honourable Justice Morin of that court, allowing
17 that counsel to the parties and the parties withstanding
18 for Part 1 of the Cornwall Public Inquiry be permitted to
19 have access to Youth Criminal Justice Records and other
20 documents containing information identifying persons as
21 young persons dealt with under the *Youth Criminal Justice*
22 *Act* or predecessor legislation held by the Commission,
23 subject to Undertakings not to make public the records,
24 documents or information. And the Justice was aware of the
25 Undertakings that were proposed here.

1 As the parties are aware, it's the
2 Commission's hope that this will greatly facilitate the
3 process of inquiry disclosure.

4 I personally want to thank Leslie McIntosh,
5 counsel for the Attorney General for Ontario for her work
6 in this regard, and that of her staff, and my colleague,
7 Christine Morris, for attending to this matter quickly and
8 having this Order obtained. We believe that collaborative
9 efforts are key to achieving the goals that this Inquiry
10 wishes to achieve and we look forward to continuing to work
11 with all parties in this type of approach.

12 I do have a copy of the Order. My friend,
13 Ms. McIntosh has a copy of the Order. So if any counsel
14 wish to have copies, in fact, I'll probably just send it
15 out in a letter to all counsel.

16 **THE COMMISSIONER:** All right. Good.

17 So any other matters to be dealt with today?

18 **MR. ENGELMANN:** The only other matter, sir,
19 is the actual disclosure itself and it is presently set for
20 11:00 a.m. this Friday. Ms. McArthur, from our office will
21 be present when the actual external hard drives are handed
22 out. She will be able to provide some instruction to
23 counsel or their representatives who attend. If there are
24 counsel who are following on the web site who are unable to
25 be there, we're trying to set up another time ---

1 **THE COMMISSIONER:** Right.

2 **MR. ENGELMANN:** --- when she can meet with a
3 number of them. Given time constraints, individual
4 training or counselling is difficult, so we'd like people
5 to try and combine those efforts and see Ms. McArthur as
6 part of a group.

7 Those are the current plans.

8 **THE COMMISSIONER:** All right.

9 We resume Tuesday ---

10 **MR. ENGELMANN:** We resume on Tuesday, August
11 the 8th, with three witnesses from the Upper Canada District
12 School Board.

13 **THE COMMISSIONER:** M'hm.

14 **MR. ENGELMANN:** They will give their
15 evidence. My anticipation is the 8th and 9th of August.

16 **THE COMMISSIONER:** Right.

17 **MR. ENGELMANN:** Then we have the evidence
18 from the Diocese and that will be Bishop Paul André
19 Durocher, who will give his evidence starting sometime on
20 the 10th of August and if need be, will roll into the 11th.
21 I have every certainty that we will not need the week of
22 August 14th.

23 **THE COMMISSIONER:** Right.

24 **MR. ENGELMANN:** We had kept that aside just
25 in case, but I'm happy to say to counsel here, that that

1 appears it will not be necessary. And we'll be sitting
2 just those three to four days the week of August 8th.

3 **THE COMMISSIONER:** Okay. And August 8th is
4 the Tuesday following the long week end.

5 **MR. ENGELMANN:** That is correct.

6 **THE COMMISSIONER:** So there is some issue as
7 to what time we should start. Do we start bright and early
8 at 9:00 in the morning or do we come at 2:00?

9 **MR. ENGELMANN:** I don't know if there's a
10 consensus in the room, sir. I'm in your hands.

11 **THE COMMISSIONER:** Will there be anyone who
12 will suggest 2:00? Or do I have to impose that once again?

13 (LAUGHTER/RIRES)

14 **MR. ENGELMANN:** From the laughter, it
15 appears that ---

16 **THE COMMISSIONER:** That's from the local
17 people that were laughing.

18 (LAUGHTER/RIRES)

19 **THE COMMISSIONER:** Any preference? Would it
20 unduly chagrin everybody if we started at 2:00 on Tuesday?

21 So ordered.

22 Working with consensus is what you wanted?
23 Isn't that correct?

24 **MR. ENGELMANN:** There you go.

25 **THE COMMISSIONER:** Thank you. Have a good

1 week end.

2 **MR. ENGELMANN:** Thank you.

3 **THE REGISTRAR:** Order; all rise. À l'ordre;
4 veuillez vous lever.

5 The hearing is now adjourned. L'audience
6 est ajournée.

7 --- Upon adjourning at 4:16 p.m./

8 L'audience est ajournée à 16h16

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CVR-CM