

**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 32**

**Held at :**

Hearings Room  
709 Cotton Mill Street  
Cornwall, Ontario  
K6H 7K7

Tuesday, May 23, 2006

**Tenue à:**

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

Mardi, le 23 mai 2006

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Raija Pulkkinen	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Actg.Det.Supt.Colleen McQuade	
Ms. Suzanne Costom	
Ms. Diane Lahaie	
Ms. G. Saccoccio Brannan,Q.C.	
M <sup>e</sup> Claude Rouleau	Ontario Ministry of Community
Mr. Mike Lawless	and Correctional Services and
	Adult Community Corrections
Ms. Judie Im	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of
	the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Giuseppe Cipriano	The Estate of Ken Seguin and
	Scott Seguin and Father Charles
	MacDonald
Mr. Jose Hannah-Suarez	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police
	Association
Ms. Suzanne Costom	Detective Staff Sgt. Paul Yelle
Ms. Diane Lahaie	

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1 --- Upon commencing at 2:04 p.m./

2 L'audience débute à 14h04

3 **THE REGISTRAR:** Order. All rise. À  
4 l'ordre. Veuillez vous lever.

5 This hearing of the Cornwall Public Inquiry  
6 is now in session. The Honourable Mr. Justice Normand  
7 Glaude presiding.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good afternoon, all.

10 **MR. ENGELMANN:** Good afternoon, Mr.  
11 Commissioner. Just a couple of housekeeping matters. I  
12 wanted to introduce a couple of counsel, if I may.

13 **THE COMMISSIONER:** Thank you.

14 **MR. ENGELMANN:** This afternoon, for the  
15 Citizens for Community Renewal, we have Helen Daley. She  
16 is here with us.

17 Helen Daley.

18 **THE COMMISSIONER:** Thank you.

19 **MS. DALEY:** Thank you, Mr. Commissioner.

20 **MR. ENGELMANN:** Peter's Wardle's partner;  
21 Wardle and Daley.

22 **THE COMMISSIONER:** All right.

23 **MR. ENGELMANN:** I said Daley and Wardle  
24 first, but it's Wardle and Daley.

25 Me. Rouleau is here again, Ministry of

1 Community and Peter Manderville is here for the Cornwall  
2 Police Service. Judy Im, AG, I think she's been here many  
3 times, so I think everybody else is ---

4 **THE COMMISSIONER:** No, I think ---

5 **MR. ENGELMANN:** --- very familiar to you.

6 **THE COMMISSIONER:** Yes.

7 **MR. ENGELMANN:** Just a couple of  
8 housekeeping matters, if I may, and I'll start with my  
9 colleague. Me. Ruel, for those who are following, is a  
10 father of a baby boy, Edouard, born Monday, very early in  
11 the morning, I think at 3:45, so he is not here with us  
12 today and won't be with us for awhile.

13 **THE COMMISSIONER:** So a new addition to our  
14 legal team.

15 **MR. ENGELMANN:** Yes, a bright young face.

16 Just by way of housekeeping, we have Staff  
17 Sergeant Paul Yelle, who will be testifying this afternoon  
18 in just a moment.

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

20 **MR. ENGELMANN:** Then we have Staff Sergeant  
21 Heather Kewley, who will be with us tomorrow.

22 Then we have a motion, Mr. Manderville's  
23 motion, for Thursday morning.

24 **THE COMMISSIONER:** Yes.

25 **MR. ENGELMANN:** So that's what the week

1 looks like.

2 If Staff Sergeant Yelle could then be sworn?

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

4 **THE REGISTRAR:** Could you place your right  
5 hand on the Bible. Your name, please?

6 **DET/STAFF SGT. YELLE:** Paul Yelle.

7 **THE REGISTRAR:** Can you spell your last  
8 name?

9 **DET/STAFF SGT. YELLE:** Y-E-L-L-E.

10 **PAUL YELLE, Sworn/Assermenté:**

11 **THE COMMISSIONER:** You may sit down, sir.

12 **DET/STAFF SGT. YELLE:** Thank you,  
13 Commissioner.

14 **MR. ENGELMANN:** Just before I start; good  
15 afternoon, Staff Sergeant Yelle.

16 **DET/STAFF SGT. YELLE:** Good afternoon.

17 **--- EXAMINATION IN-CHIEF BY INTERROGATOIRE EN-CHEF PAR MR.**  
18 **ENGELMANN:**

19 **MR. ENGELMANN:** We'll be looking at Volume  
20 1, and that is the volume that has the witnesses CVs and  
21 bios. So Mr. Commissioner, there are three volumes that  
22 you should have handy; Volume 1, briefly at the beginning.  
23 We also have Volume 6, "Investigative Techniques and  
24 Standards" and Volume 10, "Court Case Management". So  
25 those are the three volumes that we'll be going through

1 with Staff Sergeant Yelle.

2 All right. Staff Sergeant Yelle, if you  
3 could -- do you have a copy of Volume 1, which is the  
4 witnesses volume? It should be a thin volume. And I'd  
5 just ask if you could turn to Tab 7 and you could just tell  
6 us what we see there at Tab 7?

7 **DET/STAFF SGT. YELLE:** That's my ---

8 **MR. ENGELMANN:** That's your biography?

9 **DET/STAFF SGT. YELLE:** That's my biography.

10 Yes.

11 **MR. ENGELMANN:** And it is up to date and  
12 accurate to the best of your knowledge?

13 **DET/STAFF SGT. YELLE:** It is.

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

15 And can you just take a look at Tab 8 and  
16 tell us what we see there?

17 **DET/STAFF SGT. YELLE:** Tab 8 is my  
18 curriculum vitae.

19 **MR. ENGELMANN:** And again, would it be up to  
20 date and accurate, sir?

21 **DET/STAFF SGT. YELLE:** It is.

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

23 So if you could just keep Tab 8 open for a  
24 moment.

25 I understand, sir, that you joined the

1 Ontario Provincial Police in 1989?

2 DET/STAFF SGT. YELLE: That's correct.

3 MR. ENGELMANN: And that your first  
4 assignment was at a detachment in Sturgeon Falls?

5 DET/STAFF SGT. YELLE: Correct.

6 MR. ENGELMANN: Can you tell us  
7 approximately how long you were there?

8 DET/STAFF SGT. YELLE: Approximately two  
9 years.

10 MR. ENGELMANN: All right.

11 Sir, my understanding is you were a  
12 uniformed officer performing general duties at that time?

13 DET/STAFF SGT. YELLE: That's correct.

14 MR. ENGELMANN: Can you just give us some  
15 sense as to what those duties would have entailed?

16 DET/STAFF SGT. YELLE: At that detachment,  
17 there was no crime unit, so no specialists or detective  
18 constables. So we were responsible for any investigations  
19 that came in.

20 MR. ENGELMANN: So you would have done  
21 criminal investigations as well as patrol duties?

22 DET/STAFF SGT. YELLE: That is correct.  
23 There is patrol duties on Highway 17 and we policed a  
24 number of small towns and villages in the area.

25 MR. ENGELMANN: Were there also some First

1 Nations?

2 DET/STAFF SGT. YELLE: There were two First  
3 Nations territories in our area, correct.

4 MR. ENGELMANN: This is a bilingual area, so  
5 you were providing services in French and English?

6 DET/STAFF SGT. YELLE: It's very bilingual.  
7 Yes.

8 MR. ENGELMANN: Okay. And then I  
9 understand, in 1991, you were transferred to the Engelhart  
10 detachment?

11 DET/STAFF SGT. YELLE: Yes. I was  
12 transferred to Engelhart, which is situated about an hour  
13 and a half north of North Bay ---

14 MR. ENGELMANN: Okay.

15 DET/STAFF SGT. YELLE: --- on Highway 11.

16 MR. ENGELMANN: Can you tell us, generally,  
17 what your duties were there?

18 DET/STAFF SGT. YELLE: Same as in Sturgeon  
19 Falls; general uniform duties.

20 MR. ENGELMANN: I understand you were there  
21 for about a year and a half.

22 DET/STAFF SGT. YELLE: About a year and a  
23 half. Correct.

24 MR. ENGELMANN: Again, was there a crime  
25 unit there?

1                   DET/STAFF SGT. YELLE: No crime unit. No.

2                   MR. ENGELMANN: So patrol duties, crime  
3 duties, et cetera?

4                   DET/STAFF SGT. YELLE: Correct.

5                   MR. ENGELMANN: All right.

6                   After that, you were transferred to the  
7 Kingston Township?

8                   DET/STAFF SGT. YELLE: Correct. Kingston  
9 Township at the time was one of our municipal detachments,  
10 one of our few municipal detachments that we had in the  
11 province.

12                  MR. ENGELMANN: When you say municipal  
13 detachment, what do you mean by that, sir?

14                  DET/STAFF SGT. YELLE: We were under  
15 municipal contract with the municipality at the time. In  
16 the amalgamation of the municipalities, I believe in '97,  
17 the City of Kingston amalgamated with Kingston Township and  
18 that area is now being policed by Kingston City Police.

19                  MR. ENGELMANN: Okay, but when you were  
20 there, you were servicing essentially suburbs of Kingston.  
21 Would that be fair?

22                  DET/STAFF SGT. YELLE: Correct.

23                  MR. ENGELMANN: Primarily in urban ---

24                  DET/STAFF SGT. YELLE: It was primarily  
25 urban. We had a -- I believe at the time it was about

1 40,000 population.

2 MR. ENGELMANN: Can you give us a sense as  
3 to your duties there?

4 DET/STAFF SGT. YELLE: Again, general  
5 uniform duties. There was a crime unit at that location,  
6 so those more serious investigations were undertaken by the  
7 crime unit.

8 MR. ENGELMANN: All right.  
9 Did you have occasion, sir, to be involved  
10 in some criminal investigations?

11 DET/STAFF SGT. YELLE: Some, but the more  
12 serious investigations did go to the crime unit members.

13 MR. ENGELMANN: All right.  
14 I understand you were there for  
15 approximately two years.

16 DET/STAFF SGT. YELLE: Approximately.  
17 That's correct.

18 MR. ENGELMANN: Then you transferred to the  
19 penitentiary squad.

20 DET/STAFF SGT. YELLE: Correct.

21 MR. ENGELMANN: Can you tell us what the  
22 penitentiary squad is?

23 DET/STAFF SGT. YELLE: The penitentiary  
24 squad is a specialized unit in the Kingston area that  
25 investigates criminal allegations or criminal complaints

1 within the federal penitentiaries in the Kingston area. At  
2 the time there were nine federal penitentiaries. The  
3 Prison for Women is now closed. It closed while I was  
4 there.

5 So essentially, that unit strictly  
6 investigates major cases within the penitentiaries; drug  
7 cases, homicide investigations, sexual assaults and that  
8 nature.

9 **MR. ENGELMANN:** I note from your CV, sir,  
10 that you had the title of "detective constable" at that  
11 stage.

12 **DET/STAFF SGT. YELLE:** That is correct.

13 **MR. ENGELMANN:** How does that come to be?

14 **DET/STAFF SGT. YELLE:** For that position I  
15 had to compete, so it's an interview process. Once you --  
16 if you're successful, detective constable is simply a  
17 designation to recognize that you are in a specialist.

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

19 So you're still at the same pay as a  
20 constable?

21 **DET/STAFF SGT. YELLE:** Correct.

22 **MR. ENGELMANN:** But you're part of a crime  
23 unit, so to speak?

24 **DET/STAFF SGT. YELLE:** A part of a  
25 specialized unit and recognized as such by title, I guess.

1                   MR. ENGELMANN: All right.

2                   You talk about crime units -- you talked  
3                   about a crime unit at the Kingston Township Detachment.  
4                   Were all of you working on the penitentiary squad, in  
5                   effect a crime unit?

6                   DET/STAFF SGT. YELLE: The crime unit at  
7                   Kingston detachment was a separate unit from the  
8                   penitentiary squad.

9                   MR. ENGELMANN: Yes.

10                  DET/STAFF SGT. YELLE: But the officers in  
11                  the crime unit would have the same rank or same designation  
12                  as we would in the penitentiary squad.

13                  MR. ENGELMANN: Okay. All right.

14                  And I understand that you were a member of  
15                  that penitentiary squad for approximately two years.

16                  DET/STAFF SGT. YELLE: That is correct.

17                  MR. ENGELMANN: You said you would have  
18                  investigated a number of major cases including offences  
19                  against a person, whether they be homicides or sexual  
20                  assaults.

21                  DET/STAFF SGT. YELLE: Correct.

22                  MR. ENGELMANN: Now, in 1996, sir, you  
23                  transferred to the Leeds County Detachment?

24                  DET/STAFF SGT. YELLE: That is correct.

25                  MR. ENGELMANN: That's in the Brockville

1 area?

2 DET/STAFF SGT. YELLE: Correct. Leeds  
3 County is -- Brockville City has its own police service ---

4 MR. ENGELMANN: All right.

5 DET/STAFF SGT. YELLE: --- this is the  
6 surrounding area.

7 MR. ENGELMANN: All right. Were you working  
8 as part of a crime unit there or as a patrol officer?

9 DET/STAFF SGT. YELLE: As a patrol officer;  
10 again, assigned to general duties; the traffic there as  
11 well, with the 401 going through that detachment area and  
12 we also policed a number of small villages in the area.

13 MR. ENGELMANN: Now, there was a crime unit  
14 at the Leeds County Detachment?

15 DET/STAFF SGT. YELLE: There was.

16 MR. ENGELMANN: As I understand it from your  
17 CV, you did investigate some cases that perhaps otherwise  
18 would have been investigated by the crime unit because of  
19 your experience.

20 DET/STAFF SGT. YELLE: That's correct.  
21 Because of my experience in the pen squad -- in the  
22 penitentiary squad, I was asked to follow up on some more  
23 serious cases that generally somebody in uniform wouldn't  
24 have.

25 MR. ENGELMANN: All right.

1                   So just so we're clear on the distinction  
2                   between a crime unit and sort of general duties, and I  
3                   understand this may vary by region, but crime unit are  
4                   plainclothes; they're not in uniform?

5                   **DET/STAFF SGT. YELLE:** That's correct. And  
6                   you're correct; it does vary depending on the detachment.  
7                   Some detachments have less detectives, depending on the  
8                   complement at that detachment. Some northern detachments  
9                   would not have any detective constables in their  
10                  detachments because of the size of the office.

11                  **MR. ENGELMANN:** So there the uniform  
12                  officers do everything?

13                  **DET/STAFF SGT. YELLE:** They would do  
14                  everything and if there's a major case that requires  
15                  special attention, then some officers may be brought in  
16                  from other detachments to assist.

17                  **MR. ENGELMANN:** All right.

18                  So you were in Leeds County for, again, a  
19                  couple of years and then, as I understand it, in 1998, you  
20                  were assigned as the area crime supervisor, in that  
21                  detachment?

22                  **DET/STAFF SGT. YELLE:** I was assigned as  
23                  acting area crime supervisor which means that the person  
24                  that would have been the area crime sergeant for that crime  
25                  unit was away and I filled in that position while that

1 person was away.

2 MR. ENGELMANN: All right.

3 In that position you would have actually  
4 been supervising the detective constables in the crime  
5 unit?

6 DET/STAFF SGT. YELLE: Correct. That unit  
7 in particular had, I believe, ten detective constables and  
8 my responsibility was to supervise them and supervise any  
9 of the investigations that they were involved in.

10 MR. ENGELMANN: Okay. My understanding,  
11 sir, and I'm looking at the second page of your CV, in the  
12 first full paragraph, that many of these cases that you  
13 would have investigated would have involved sexual assault.

14 DET/STAFF SGT. YELLE: Correct.

15 MR. ENGELMANN: And you say would now be  
16 considered to be either threshold or non-threshold. Those  
17 are terms we will look at later, from the Major Case  
18 Manual?

19 DET/STAFF SGT. YELLE: Correct.

20 MR. ENGELMANN: You say that some of these  
21 complaints involved children and some were historical in  
22 nature?

23 DET/STAFF SGT. YELLE: Correct.

24 MR. ENGELMANN: Okay.

25 Now, as I understand it, sir, in or about

1           2000, you were promoted to the rank of sergeant and  
2           transferred to the Ottawa Communications Centre?

3                   **DET/STAFF SGT. YELLE:** That is correct.

4                   **MR. ENGELMANN:** You had some duties there  
5           including the supervision of radio operators ---

6                   **DET/STAFF SGT. YELLE:** Yes.

7                   **MR. ENGELMANN:** --- and those individuals  
8           managing calls?

9                   **DET/STAFF SGT. YELLE:** Yes, the Comm Centre  
10          is, if you were to call the police for assistance, 9-1-1  
11          for instance or dial a 1-800 number for the OPP, we would  
12          respond to that call, from that location. There is a  
13          number of dispatchers and radio operators in the Comm  
14          Centre and my duties were to supervise.

15                  **MR. ENGELMANN:** And Comm Centre is OPP  
16          jargon for Communications Centre. Is that fair?

17                  **DET/STAFF SGT. YELLE:** Correct. Yes.

18                  **MR. ENGELMANN:** Then I understand, after  
19          approximately a year, you were transferred to the Eastern  
20          Region as area crime supervisor assigned to Russell County?

21                  **DET/STAFF SGT. YELLE:** Correct. We'll go  
22          into the structure later, but the area crime supervisor,  
23          area crime sergeant position is a regional position, but  
24          it's actually deployed to a specific area, and I was  
25          deployed to Russell County which is the area north of

1 Cornwall.

2 **MR. ENGELMANN:** That would just be north of  
3 the 417, north of Cornwall?

4 **DET/STAFF SGT. YELLE:** Yes, it's Embrun,  
5 Casselman, Rockland area.

6 **MR. ENGELMANN:** Okay.

7 All right. And then in 2003 you became the  
8 Acting Regional Crime Supervisor for Eastern Ontario --  
9 sorry, for the Eastern Region?

10 **DET/STAFF SGT. YELLE:** That's a detective  
11 staff sergeant position.

12 **MR. ENGELMANN:** All right.

13 **DET/STAFF SGT. YELLE:** And again, I was  
14 replacing an officer in that position that was seconded to  
15 another location and so I filled in, in the absence of that  
16 person.

17 **MR. ENGELMANN:** All right.

18 Well, we're going into some of the duties of  
19 a regional crime supervisor shortly, but I understand you  
20 were promoted to that rank, then, in 2005?

21 **DET/STAFF SGT. YELLE:** Correct.

22 **MR. ENGELMANN:** And that you are the  
23 Regional Crime Supervisor responsible for the East Zone of  
24 the East Region?

25 **DET/STAFF SGT. YELLE:** I am now, yes.

1                   **MR. ENGELMANN:** Yes.

2                   Okay. And sir, in your CV you have set out  
3 a number of courses you have taken throughout your 16 years  
4 -- 17 years with the OPP?

5                   **DET/STAFF SGT. YELLE:** Yes.

6                   **MR. ENGELMANN:** And some of those courses,  
7 as I understand it, include a course in 1999 at the top of  
8 -- it's the fourth page in -- known as "General  
9 Investigative Techniques", Ontario Police College?

10                  **DET/STAFF SGT. YELLE:** Yes.

11                  **MR. ENGELMANN:** And I think we've heard  
12 about that course before. Can you briefly tell us what  
13 that is?

14                  **DET/STAFF SGT. YELLE:** That's a course based  
15 for detective constables or any other investigative  
16 personnel to focus in on criminal investigations.

17                  **MR. ENGELMANN:** Okay. And sir, as well, in  
18 1999 you took a course on "Major Case Management" also with  
19 the Ontario Police College?

20                  **DET/STAFF SGT. YELLE:** Correct. That was a  
21 deployed course in the East Region but, yes, it was an  
22 Ontario Police College course.

23                  **MR. ENGELMANN:** And this was at or about the  
24 time of the Adequacy Regulations when these issues were at  
25 the forefront?

1                   DET/STAFF SGT. YELLE: Yes.

2                   MR. ENGELMANN: Okay. And then in 2001 --  
3 I'm just looking at your CV again -- you have a course on  
4 "Sexual Assault Investigation", the OPP Academy; that's the  
5 internal school of the OPP?

6                   DET/STAFF SGT. YELLE: Correct, in Orillia.

7                   MR. ENGELMANN: All right.

8                   And then in 2005 you have a course on "Major  
9 Case Management for Managers" at the Canadian Police  
10 College in Ottawa?

11                   DET/STAFF SGT. YELLE: Yes.

12                   MR. ENGELMANN: So let's then turn, and if  
13 people could pull out Volume 6, which is the Book of  
14 Documents entitled "Investigative Techniques and  
15 Standards".

16                   Sir, what we'll be doing is from time to  
17 time looking at an outline of evidence. This has been  
18 prepared, as I understand it, by counsel for the OPP but  
19 you have had some involvement and you have had some  
20 involvement in what the content of this document at Tab 1?

21                   DET/STAFF SGT. YELLE: Yes.

22                   MR. ENGELMANN: All right.

23                   And if we could take a look, starting at  
24 page 12 of that outline? From time to time I'll just refer  
25 to it as an outline of evidence just for ease of reference.

1                   DET/STAFF SGT. YELLE: Okay.

2                   MR. ENGELMANN: And there are a number of  
3 tabs that are attached after that. But at Tab 12 -- sorry,  
4 at page 12 -- I apologize -- of the outline we have a  
5 description of police orders in practice in the East  
6 Region.

7                   DET/STAFF SGT. YELLE: Yes.

8                   MR. ENGELMANN: And I just want to start  
9 with some of the investigation structure of the OPP in the  
10 Eastern Region. So if you could turn to Tab 15 of Volume  
11 6?

12                   And for the record, I'm always referring to  
13 Exhibit 36.

14                   THE COMMISSIONER: Yes.

15                   MR. ENGELMANN: Now, Staff Sergeant Yelle,  
16 you're on the left side of the page?

17                   DET/STAFF SGT. YELLE: Correct.

18                   MR. ENGELMANN: Showing as "Detective Staff  
19 Sergeant responsible for the East Zone"?

20                   DET/STAFF SGT. YELLE: Yes.

21                   MR. ENGELMANN: All right.

22                   And can you just take us through this chart  
23 briefly? I'm particularly interested in the other boxes  
24 that are equivalent to yours and then how they work their  
25 way down.

1                   **DET/STAFF SGT. YELLE:** Okay. The East  
2                   Region is -- they separate it into three zones for criminal  
3                   investigation purposes. Each zone has a detective staff  
4                   sergeant assigned to that zone. So if you look for the  
5                   zone that's under my name ---

6                   **MR. ENGELMANN:** Yes.

7                   **DET/STAFF SGT. YELLE:** --- I have Detective  
8                   Staff -- or sorry -- Detective Sergeant Graham who is an  
9                   area crime sergeant in Stormont-Dundas-Glengarry Crime  
10                  Unit.

11                  **MR. ENGELMANN:** All right.

12                  So if we want to look at that page together  
13                  with the second page -- I realize this is difficult on the  
14                  screen -- your position responsible for the East Zone, is  
15                  that the position of Regional Crime Supervisor?

16                  **DET/STAFF SGT. YELLE:** That's correct.

17                  **MR. ENGELMANN:** All right.

18                  And you say that you have some detective  
19                  sergeants reporting to you?

20                  **DET/STAFF SGT. YELLE:** Yes, I do.

21                  **MR. ENGELMANN:** So when we look at those  
22                  boxes underneath you, we don't have D/Sgt. St. Clair  
23                  reporting to D/Sgt. Graham?

24                  **DET/STAFF SGT. YELLE:** No, that's correct.

25                  The --

1                   MR. ENGELMANN: They all report to you?

2                   DET/STAFF SGT. YELLE: Yes, that's correct.

3                   The link simply means that the positions under my position

4                   ---

5                   MR. ENGELMANN: Right.

6                   DET/STAFF SGT. YELLE: --- if I can refer to

7                   that -- report to me. They don't report to each other.

8                   MR. ENGELMANN: Right. So the detective  
9                   sergeants in the East Zone that are listed there, where do  
10                  they fit them on that next chart on the next page?

11                  DET/STAFF SGT. YELLE: I'm not sure I  
12                  understand the question.

13                  MR. ENGELMANN: If you just flip the page to  
14                  the second page?

15                  DET/STAFF SGT. YELLE: Yes.

16                  MR. ENGELMANN: And where do those detective  
17                  sergeants like Graham, Kippen, St. Clair, where do they fit  
18                  when we look at the detachment and regional reporting  
19                  relationships for criminal investigations?

20                  DET/STAFF SGT. YELLE: The area crime  
21                  sergeants, detective sergeants, report to me or to the  
22                  detective -- or the regional crime supervisor. They are,  
23                  as I've mentioned before, they are strategically located in  
24                  specific areas throughout the region so they don't  
25                  physically report to the Eastern Region office but they are

1 regional personnel.

2 MR. ENGELMANN: All right.

3 So if we looked at D/Sgt. G. Graham on the  
4 first page he's the area crime sergeant for Stormont-  
5 Dundas-Glengarry?

6 DET/STAFF SGT. YELLE: That's correct.

7 MR. ENGELMANN: And that would be the  
8 detachment which is headquartered at Long Sault?

9 DET/STAFF SGT. YELLE: Correct.

10 MR. ENGELMANN: And the same would be true  
11 of, say, Detective Sergeant St. Clair except he would be  
12 located with the Russell Detachment?

13 DET/STAFF SGT. YELLE: That's right.

14 MR. ENGELMANN: Okay. You, on the other  
15 hand, would be in Smiths Falls?

16 DET/STAFF SGT. YELLE: My position is also a  
17 regional position.

18 MR. ENGELMANN: Yes.

19 DET/STAFF SGT. YELLE: And my office is also  
20 in Smiths Falls. So all three detective staff sergeants  
21 have an office in Smiths Falls.

22 MR. ENGELMANN: But the area crime sergeants  
23 that report to you are all at detachments throughout the  
24 east region?

25 DET/STAFF SGT. YELLE: That's correct, and I

1 should indicate that they're not specifically assigned to a  
2 detachment. They could be assigned to a number of  
3 detachments.

4 **MR. ENGELMANN:** Okay.

5 **DET/STAFF SGT. YELLE:** Depending on the  
6 area. As an example, if you look under the Central Zone.

7 **MR. ENGELMANN:** Yes.

8 **DET/STAFF SGT. YELLE:** At "D/Sgt. Roy", the  
9 first one, she is in charge of Leeds and Grenville which  
10 are two different detachments but there's only one area  
11 crime sergeant responsible for two detachments.

12 So it depends on the geographics of the area  
13 and the number of officers in every area.

14 **MR. ENGELMANN:** Can you tell us what R/S  
15 detachments mean just underneath her name there?

16 **DET/STAFF SGT. YELLE:** Right size  
17 detachment.

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

19 And sergeant -- Detective Sergeant B.  
20 Schutt?

21 **DET/STAFF SGT. YELLE:** Yes.

22 **MR. ENGELMANN:** Wouldn't he or she also be  
23 responsible for more than one detachment?

24 **DET/STAFF SGT. YELLE:** He is responsible for  
25 Arnprior as well. So that's why -- aside from Lanark. So

1           that's why there is two right size detachments. Right size  
2           detachments means that -- Long Sault is a right size  
3           detachment. It's one office that looks after a bigger  
4           geographical area.

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

6                       So either a detachment or perhaps two  
7           detachments together have an area crime supervisor  
8           responsible for the detective constables in a crime unit?

9                       **DET/STAFF SGT. YELLE:** Correct.

10                      **MR. ENGELMANN:** And those individuals who  
11           are detective sergeants report to the regional crime  
12           supervisor for that zone?

13                      **DET/STAFF SGT. YELLE:** Correct.

14                      **MR. ENGELMANN:** Now, on your second page you  
15           show that line reporting from the crime unit members who  
16           are the detective constables to their detective sergeant  
17           who has the title "Area Crime Sergeant" up to you as the  
18           regional crime supervisor. We have an arrow going off to  
19           the right. Why is that? We also have a different colour  
20           on the screen.

21                      **DET/STAFF SGT. YELLE:** Yes, I'll just  
22           discuss the colour. The red in colour means that it's a  
23           detachment -- it's detachment personnel. So the crime unit  
24           members detective constables are actually detachment  
25           personnel.

1                   Just so not to confuse things, if we can  
2                   leave the detachment commander position out for now and  
3                   I'll just explain to you, for investigative purposes ---

4                   **MR. ENGELMANN:** Yes.

5                   **DET/STAFF SGT. YELLE:** --- the reporting  
6                   structure is that a detective constable will report to the  
7                   detective sergeant. The detective sergeant reports to the  
8                   detective staff sergeant and the detective staff sergeant  
9                   reports to the detective inspector. The detachment  
10                  commander is kept apprised of every investigation in his or  
11                  hers detachment area so that they can report back to their  
12                  police services boards or police service advisory  
13                  committees.

14                  So the detective constables don't report  
15                  directly to the detachment commander for investigative  
16                  purposes. Their administration would be done through  
17                  detachment.

18                  **MR. ENGELMANN:** Okay.

19                  So if we turn back to the first page of the  
20                  tab, I note the caption is "Eastern Region Criminal  
21                  Operations". So we wouldn't see detachment commanders on  
22                  this org chart?

23                  **DET/STAFF SGT. YELLE:** Correct.

24                  **MR. ENGELMANN:** And just to describe what  
25                  you just have done hierarchically on the other page, we

1 start with detective constables that are mentioned in the  
2 boxes; for example, under D/Sgt. G. Graham we have 10  
3 detective constables.

4 **DET/STAFF SGT. YELLE:** That's correct.

5 **MR. ENGELMANN:** On criminal investigations  
6 they report to him?

7 **DET/STAFF SGT. YELLE:** They report to him  
8 and 10 detective constables from the Stormont-Dundas-  
9 Glengarry Detachment.

10 **MR. ENGELMANN:** And then, again, for  
11 criminal investigation purposes, he then reports to you?

12 **DET/STAFF SGT. YELLE:** Correct.

13 **MR. ENGELMANN:** And then who do you report  
14 to?

15 **DET/STAFF SGT. YELLE:** I report to the  
16 criminal operations manager who is the detective inspector  
17 Carson Pardy for our region.

18 **MR. ENGELMANN:** And then he or she would  
19 then respond to Superintendent Sweeney?

20 **DET/STAFF SGT. YELLE:** That's correct.

21 **MR. ENGELMANN:** And that detective inspector  
22 rank that the criminal operations manager is at, that's a  
23 commissioned officer rank?

24 **DET/STAFF SGT. YELLE:** Correct. All ---

25 **MR. ENGELMANN:** Sorry.

1                   **DET/STAFF SGT. YELLE:** All the other  
2 positions below, including mine, are non-commissioned.

3                   **MR. ENGELMANN:** Okay. And that detective  
4 inspector rank is the rank of many or all of the CIB  
5 inspectors?

6                   **DET/STAFF SGT. YELLE:** Correct.

7                   **MR. ENGELMANN:** Now, we've seen, at least  
8 from a presentation done by the Cornwall Police Service  
9 that they had a specialized unit or a specific unit dealing  
10 with sexual assault and child abuse, at least from some  
11 time in the late nineties, I believe, if memory serves me  
12 correctly. Is there such a unit in the Eastern Region or  
13 the Eastern Zone of the OPP?

14                   **DET/STAFF SGT. YELLE:** We don't have a  
15 specific sexual assault unit although we do have a number  
16 of officers assigned or that would be assigned to sexual  
17 assault investigations.

18                   **MR. ENGELMANN:** Okay.

19                   **DET/STAFF SGT. YELLE:** The approach that we  
20 have taken is that all of our officers in crime units have  
21 been trained in sexual assault investigations. If an  
22 officer that's in a crime unit now hasn't been trained it's  
23 simply because that officer hasn't had the chance to attend  
24 the training.

25                   We also have two officers assigned to the

1 abuse coordination for the region. Both those officers are  
2 responsible to review all domestic violence incidents,  
3 sexual assaults, child abuse cases.

4 **MR. ENGELMANN:** All right. So for example,  
5 Staff Sergeant Heather Kewley would be the Regional Abuse  
6 Issues Coordinator. You just mentioned two ---

7 **D/SGT. YELLE:** That's correct.

8 **MR. ENGELMANN:** And there's also a Regional  
9 Abuse Issues Investigator?

10 **DET/STAFF SGT. YELLE:** That's correct.

11 **THE CHAIRPERSON:** Isobel McVey?

12 **DET/STAFF SGT. YELLE:** Isobel Fitzpatrick.

13 **MR. ENGELMANN:** Oops, some of the names have  
14 changed here.

15 **DET/STAFF SGT. YELLE:** That's okay, yes.

16 **MR. ENGELMANN:** Yes, okay, so you don't have  
17 a specialized crime unit. You do this through your crime  
18 units, and you have some resources. You've mentioned the  
19 Regional Abuse Issues Coordinator.

20 **DET/STAFF SGT. YELLE:** Correct.

21 **MR. ENGELMANN:** Regional Abuse Issues  
22 Investigator?

23 **DET/STAFF SGT. YELLE:** Yes.

24 **MR. ENGELMANN:** And what else would you have  
25 by way of resources when you are investigating crimes of

1 sexual abuse or sexual assault?

2 DET/STAFF SGT. YELLE: If we can refer to  
3 the diagram, the one that's up on the screen now.

4 MR. ENGELMANN: Yes.

5 DET/STAFF SGT. YELLE: I'll just go to the  
6 extreme right.

7 MR. ENGELMANN: These are the blue boxes?

8 DET/STAFF SGT. YELLE: The blue boxes;  
9 correct.

10 MR. ENGELMANN: Okay.

11 DET/STAFF SGT. YELLE: These officers, the  
12 first box at the top "Ident Staff Sergeant". This is our  
13 identification unit for the region. We have an Ident Staff  
14 Sergeant and there are three Ident Sergeants below him and  
15 they are strategically located in every investigative zone;  
16 the three zones that we discussed.

17 MR. ENGELMANN: And how might they be  
18 involved in the investigation of, say, sexual assault or  
19 child sexual abuse?

20 DET/STAFF SGT. YELLE: Well, certainly, if  
21 there's an investigation that has evidence to be collected  
22 -- physical evidence to be collected, these officers  
23 specialize in the collection of evidence and would  
24 certainly be the experts in forensics, collecting DNA,  
25 photographing, those types of services and have a good

1 relation or good rapport with our Center of Forensic  
2 Sciences. They certainly are called upon frequently in  
3 cases of sexual assault when there is evidence to evaluate  
4 or seen.

5 **MR. ENGELMANN:** Now you've talked about  
6 three at the Sergeant level with 14 Ident Constables. Are  
7 they split up in these zones that you've talked to us  
8 about?

9 **DET/STAFF SGT. YELLE:** Yes. There's one in  
10 every zone. There's actually one Ident Unit, if I can use  
11 that police jargon again, there's one Ident Unit in Long  
12 Sault; there's one Ident Unit in Perth; and there's an  
13 Ident Unit in Belleville. And so they cover every zone.

14 **MR. ENGELMANN:** All right. So the one in  
15 Long Sault would be the east zone, for example.

16 **DET/STAFF SGT. YELLE:** It's in the east zone  
17 and I believe there are five constables there and a  
18 Sergeant.

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

20 **DET/STAFF SGT. YELLE:** And if we keep, in  
21 these blue boxes, if we keep following downward their  
22 Emergency Response Team, Sergeant A. Badour and under that  
23 position there are 48 ERT members. Those 48 ERT members  
24 are members that are at detachment, they're Detachment  
25 Constables that are actually trained in emergency response

1 techniques and certainly we use them frequently for  
2 evidence searches such as grid searches in an open field,  
3 say, or to search for a lost child, that type of service.  
4 They're also used for containment of suspects and those  
5 types of -- for sexual assault investigations, we would use  
6 them, say, if there was a rape somewhere in a wooded area  
7 to search for evidence and then, of course, underneath  
8 those positions there's four canine units also  
9 strategically located in the three zones. They could be  
10 utilized for searching for suspects or for evidence and  
11 certainly they've been used to track down evidence in  
12 different outdoor scenes.

13 And we will move to the left, under the west  
14 zone ---

15 **MR. ENGELMANN:** Yes.

16 **DET/STAFF SGT. YELLE:** Detective Sergeant  
17 Kewley, which I should mention, she's since been promoted  
18 to Staff Sergeant now; she is or was the Abuse Issues  
19 Coordinator for the east region. And we've already spoken  
20 of her position and had Isobel Fitzpatrick as a constable  
21 that reported to her and certainly they would be very  
22 important positions when it comes to sexual assault  
23 investigations and child abuse. I can tell you on a  
24 personal note that I've referred many cases to them or  
25 sought their advice on several cases.

1 Underneath that position, D/Sgt. Chris  
2 Nicholas of the Community Response Team ---

3 **MR. ENGELMANN:** Let me just stop you for a  
4 second.

5 **DET/STAFF SGT. YELLE:** Yes.

6 **MR. ENGELMANN:** With respect to the Abuse  
7 Issues Coordinator, I note it's located under the west zone  
8 in the diagram. Is that position for the west zone or is  
9 it for the whole region?

10 **DET/STAFF SGT. YELLE:** No, that's a good  
11 point. All the positions, even the Ident positions or the  
12 ERT, canine, can be utilized across the region. The reason  
13 that they're under a specific zone is simply for reporting  
14 structure and for their yearly evaluation or administrative  
15 aspect. But certainly the Abuse Issues Coordinator review  
16 incidents and assists with investigations throughout the  
17 region and actually outside the region at times to assist  
18 other police services.

19 **MR. ENGELMANN:** All right. Were there any  
20 other regional operations you wanted to refer to? I  
21 understand there is also some provincial assistance for  
22 these cases?

23 **DET/STAFF SGT. YELLE:** I will just discuss  
24 this a little further with D/Sgt. Nicholas.

25 **MR. ENGELMANN:** Yes.

1                   **DET/STAFF SGT. YELLE:** The Community  
2                   Response Team is a team that we have in the region.  
3                   They're all regional positions. There's nine detective  
4                   constables in that unit. They are all detective constables  
5                   that have substantial amount of training that we use for  
6                   major cases or the more serious cases, if you will, across  
7                   the region. They have and are presently working on some --  
8                   a number of major cases, homicides but also sexual assault  
9                   investigations. So that's a resource that we have there as  
10                  well.

11                  The Intelligence Coordinator, if you go down  
12                  a little farther, for D/Cst. Tom Stanford;

13                  **MR. ENGELMANN:** Yes.

14                  **DET/STAFF SGT. YELLE:** We have a Regional  
15                  Intelligence Coordinator in every zone, so in one of the  
16                  three zones, and they are responsible for intelligence  
17                  gathering. So they could certainly be used in a sexual  
18                  assault investigation when we have -- when it's an unknown  
19                  offender for those types of services.

20                  **MR. ENGELMANN:** All right, so we've been  
21                  talking about the investigation of child sexual abuse or  
22                  sexual assault and who does it, whether that's amid people  
23                  in crime units, and you've talked about some of the support  
24                  from other units that's available in the region.

25                  Can you give us a timeline on this? For

1 example, what you have been talking about, would those have  
2 been in place at the time of the reorganization, so after  
3 about 1996 and onwards? Or are some of these coming  
4 subsequent to that?

5 **DET/STAFF SGT. YELLE:** The Identification  
6 Service has been available for as long as I can remember.  
7 I am not sure when they came into play, but I ---

8 **MR. ENGELMANN:** So those would have been  
9 available here in the districts prior to the region being  
10 set up?

11 **DET/STAFF SGT. YELLE:** Correct; there has  
12 always been an Ident Unit for years that I can recall.

13 **MR. ENGELMANN:** We know that or we will  
14 learn I think, that the Abuse Issues Coordinator who will  
15 testify tomorrow, that position started in or about 1994.

16 **DET/STAFF SGT. YELLE:** Correct.

17 **MR. ENGELMANN:** What about some of these  
18 other services you're talking about?

19 **DET/STAFF SGT. YELLE:** The Emergency  
20 Response Team, I believe, would have been in place in the  
21 early '90s. The Community Response Team, I believe, came  
22 into play in 2000 -- '99, 2000, in that timeframe. The  
23 Regional Intelligence Coordinators were in place when we  
24 were in districts. So they were in place well before  
25 regional -- the regionalization.

1                   **MR. ENGELMANN:** All right. I understand as  
2 well that from time to time OPP officers here in the region  
3 will rely on some services from the headquarters or from  
4 province in Orillia.

5                   **DET/STAFF SGT. YELLE:** Correct.

6                   **MR. ENGELMANN:** Can you perhaps take us  
7 through some of that? And if you want to take a look at  
8 Tab 23, that might be helpful. Can you just tell us  
9 whether or not any of these services are used by the OPP in  
10 the investigation of sexual assault or child sexual abuse?

11                   **DET/STAFF SGT. YELLE:** Certainly what you  
12 are referring to is the Behavioural Sciences Section, and  
13 we use the services of this area, of this section, on a  
14 regular basis. Would you like me to go through every?

15                   **MR. ENGELMANN:** Just very briefly if you  
16 could. I note there are several parts to Tab 23?

17                   **DET/STAFF SGT. YELLE:** Yes.

18                   **MR. ENGELMANN:** Can you just tell us for  
19 example what "Criminal Profiling" is and whether or not a  
20 service like that might be used in the investigation of  
21 sexual assault and child sexual abuse.

22                   **DET/STAFF SGT. YELLE:** Certainly. The  
23 Criminal Profiling Unit is a unit that can be called upon,  
24 say, for a sexual assault investigation if we have a serial  
25 predator. And what they'll do is an officer will come and

1 review our investigative file once the investigation is  
2 started. And that officer will, from his training or his  
3 or her training and experience, give you an indication of  
4 what type of person that we should be focusing on; what  
5 type of criminal would be involved.

6 MR. ENGELMANN: All right.

7 DET/STAFF SGT. YELLE: Certainly, we use  
8 them on ---

9 MR. ENGELMANN: So they could be used in a  
10 sexual assault investigation or child sexual abuse  
11 investigation?

12 DET/STAFF SGT. YELLE: Oh they could and  
13 they have been.

14 MR. ENGELMANN: Yes.

15 DET/STAFF SGT. YELLE: Yes.

16 MR. ENGELMANN: Okay. And just before you  
17 go further on the Behavioural Sciences Section, do you have  
18 a sense, sir, as to when this section started? When it  
19 became available to OPP members in the province as a  
20 resource?

21 DET/STAFF SGT. YELLE: I believe the early  
22 '90s or mid-'90s would be in that area of the time when  
23 they ---

24 MR. ENGELMANN: Okay.

25 DET/STAFF SGT. YELLE: --- There were

1 different sections that were on their own until the  
2 Behavioural Sciences Section was formed, but now they're  
3 all under one umbrella.

4 **MR. ENGELMANN:** So they would have been in  
5 place perhaps shortly before this reorganization that we've  
6 heard about, took place?

7 **DET/STAFF SGT. YELLE:** Yes.

8 **MR. ENGELMANN:** All right. And are there  
9 any others, sir, that would be relevant with respect to the  
10 investigation of sexual assault or child sexual abuse?

11 **DET/STAFF SGT. YELLE:** The next one on Tab  
12 B, the Forensic Psychiatric Unit.

13 **MR. ENGELMANN:** Yes.

14 **DET/STAFF SGT. YELLE:** Psychiatry Unit --  
15 Dr. Peter Collins is the Forensic Psychiatrist in that unit  
16 and certainly very renowned and used by a number of police  
17 services across the country and that unit would be called  
18 upon for advice on dealing again with sexual deviant if we  
19 are referring to sexual assault cases or those types of  
20 services just to give us advice or an opinion as to what we  
21 are dealing with.

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

23 **DET/STAFF SGT. YELLE:** The next one on Tab C  
24 of 23, the Geographic Profile Unit. That unit -- what the  
25 officer would do from that unit would look at a number of

1 crime scenes, for instance, I can recall a recent case of  
2 an arsonist that we used them where they will give you --  
3 no pun intended -- they'll give you a hot zone. So they'll  
4 say that the suspect in those arsons probably resides in a  
5 specific area from the location of the various fires. And  
6 certainly I haven't had to use them in a sexual assault  
7 case, but certainly if there was a serial predator in an  
8 area, depending on the scene, they could be utilized for  
9 that purpose.

10 **MR. ENGELMANN:** So if there was someone who  
11 was suspected of committing a number of sexual assaults,  
12 geographic profiling could be used?

13 **DET/STAFF SGT. YELLE:** Correct.

14 **MR. ENGELMANN:** In that type of  
15 investigation.

16 **DET/STAFF SGT. YELLE:** Correct. It would be  
17 more for an unknown suspect.

18 **MR. ENGELMANN:** Okay.

19 **DET/STAFF SGT. YELLE:** Yes, where you are  
20 looking to find where the suspect might reside or ---

21 **MR. ENGELMANN:** All right. Then D is a  
22 Polygraph Unit?

23 **DET/STAFF SGT. YELLE:** A Polygraph Unit,  
24 yes. Certainly, the polygraph unit is called upon  
25 frequently for interviews not only to do polygraph

1 examinations but also to conduct interviews because they  
2 are specialists in that field. So certainly that -- we've  
3 used them on a number of homicides to interview suspects.

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

5 Presumably they could get involved in all  
6 forms of serious criminal investigations?

7 **DET/STAFF SGT. YELLE:** Certainly. They  
8 could be used in a sexual assault investigation;  
9 definitely.

10 **MR. ENGELMANN:** What about your Research  
11 Unit at E?

12 **DET/STAFF SGT. YELLE:** The Research Unit,  
13 I've never dealt with our Research Unit personally. My  
14 understanding is that they would research historic cases  
15 perhaps, and what I mean by historic is if you're looking  
16 for a specific statistic, for example, they could be called  
17 upon for that purpose.

18 **MR. ENGELMANN:** Okay. And lastly, you have  
19 something known as threat assessment?

20 **DET/STAFF SGT. YELLE:** Yes, the Threat  
21 Assessment Unit, certainly that unit's expanded. They're  
22 frequently called upon to give an opinion on a specific  
23 case or a suspect; to give an opinion as to the type of  
24 person you're dealing with or how dangerous the person  
25 might be; if we should treat the person a different way for

1           whatever reason.

2                           **MR. ENGELMANN:** And are there other branches  
3 assigned from Behavioural Sciences Section at the Orillia  
4 headquarters that you might call upon to assist in a sexual  
5 assault or child abuse -- child sexual abuse investigation?

6                           **DET/STAFF SGT. YELLE:** Well, there is  
7 certainly the library which was already referred to.  
8 Certainly we can refer to the library for research  
9 material.

10                          **MR. ENGELMANN:** Would any of these  
11 investigations, from time to time, go to the Criminal  
12 Investigations Branch at your headquarters?

13                          **DET/STAFF SGT. YELLE:** Yes, that's certainly  
14 another resource that we have and we will call the Criminal  
15 Investigations Branch for a variety of cases, including  
16 sexual assaults.

17                          **MR. ENGELMANN:** I think we're going to get  
18 into some examples of that later ---

19                          **DET/STAFF SGT. YELLE:** We will.

20                          **MR. ENGELMANN:** --- where they might get  
21 involved?

22                          **DET/STAFF SGT. YELLE:** Yes.

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

24                          So let's just go back to Tab 15 for a  
25 minute, perhaps the second page. This is all after your

1 reorganization, the structure we're seeing here, and I'm  
2 just wondering, this happens in or about '95 and then gets  
3 -- late '95, gets implemented in late '96, as I understand  
4 it, in the east region. What about before then, what's  
5 your -- some sense as to the structure for criminal  
6 investigation when there were districts?

7 **DET/STAFF SGT. YELLE:** Again, I wasn't in a  
8 supervisory role at that time, but my recollection, I would  
9 have been in the west, in the Kingston area at the time.

10 **MR. ENGELMANN:** Yes.

11 **DET/STAFF SGT. YELLE:** My recollection is  
12 it's similar to this where there were detective constables  
13 in detachments and detective sergeants assigned to specific  
14 areas, and a detective staff sergeant in the district.

15 **MR. ENGELMANN:** So it would have been a  
16 similar reporting relationship?

17 **DET/STAFF SGT. YELLE:** A similar reporting  
18 structure. I don't recall that there was ever a detective  
19 inspector specifically assigned to criminal investigations  
20 for the district.

21 **MR. ENGELMANN:** But you would have had  
22 detective constables? You would have had detective  
23 sergeants above them in the detachments?

24 **DET/STAFF SGT. YELLE:** Yes.

25 **MR. ENGELMANN:** And then you would have had

1 the detective staff sergeant in the district?

2 DET/STAFF SGT. YELLE: In the district.

3 MR. ENGELMANN: Is that fair?

4 DET/STAFF SGT. YELLE: Yes.

5 MR. ENGELMANN: Okay.

6 DET/STAFF SGT. YELLE: And then above that  
7 position would have been the superintendent or there could  
8 have been an inspector, but it wouldn't have been a  
9 detective inspector.

10 MR. ENGELMANN: Now, if we could then go to  
11 Tab 11. Again, I'm in Volume 6. Let's look at Police  
12 Order 2.7, and this is the Police Order, as I understand  
13 it, dealing with criminal investigations. Is that correct?

14 DET/STAFF SGT. YELLE: That's correct.

15 MR. ENGELMANN: And a previous witness has  
16 gone through this order in some detail, I think, from a  
17 policy perspective.

18 DET/STAFF SGT. YELLE: Yes.

19 MR. ENGELMANN: I simply want to go at it  
20 again perhaps from a more applied sense from your evidence,  
21 if we can.

22 DET/STAFF SGT. YELLE: Okay.

23 MR. ENGELMANN: So in it, there's a  
24 reference to benchmark occurrences, right on that first  
25 page.

1                   DET/STAFF SGT. YELLE: Yes.

2                   MR. ENGELMANN: Can you give us a sense as  
3 to what a benchmark occurrence is?

4                   DET/STAFF SGT. YELLE: Well, a benchmark  
5 occurrence would be a more serious case and under the  
6 benchmark policy these types of cases are at minimum the  
7 cases that will be reported through a benchmark  
8 notification system.

9                   MR. ENGELMANN: All right.

10                  So all of the offences or occurrences that  
11 are set out on that first page and onto the top of the  
12 second page, those are all types of occurrences or crimes  
13 that are considered benchmark occurrences; is that correct?

14                  DET/STAFF SGT. YELLE: That's correct.

15                  MR. ENGELMANN: And all of those, as a  
16 minimum, you would require some notification?

17                  DET/STAFF SGT. YELLE: There's a benchmark  
18 notification that would have to be followed ---

19                  MR. ENGELMANN: All right.

20                  DET/STAFF SGT. YELLE: --- for all the  
21 incidents or cases involving these incidents.

22                  MR. ENGELMANN: All right.

23                  So I want to talk to you a little bit about  
24 how that notification process works, but before we do, can  
25 you tell us how these come in and how that might affect

1 your notification process?

2 DET/STAFF SGT. YELLE: I believe Chief Ryder  
3 went into some detail as to how different complaints come  
4 in, but if ---

5 MR. ENGELMANN: Yes, he did, in some detail  
6 about 12 or 15 different ways a complaint can come in.

7 DET/STAFF SGT. YELLE: Right. So  
8 considering that if these complaints come in and are taken  
9 by a uniformed officer ---

10 MR. ENGELMANN: Yes.

11 DET/STAFF SGT. YELLE: --- the uniformed  
12 officer -- all of our officers are familiar with this list.  
13 Certainly it's something that we deal with on a daily  
14 basis. So when an officer deals with one of these cases,  
15 that officer has a responsibility to notify his or her  
16 supervisor of the case.

17 MR. ENGELMANN: All right.

18 So let me just stop you for a second.  
19 Whether you're dealing with an officer in a crime unit or a  
20 patrol officer, they're all very familiar with this police  
21 order?

22 DET/STAFF SGT. YELLE: Yes, this is --  
23 actually this list is most of the time posted somewhere in  
24 the detachment. It's very familiar to the officers.  
25 Certainly the recruits are made aware of this list when

1           they come on the job and so there is a -- yes, it's a  
2           familiar list to our officers ---

3                       **MR. ENGELMANN:** So let's talk about the  
4           notification process then, if it's first a uniformed  
5           officer and then, secondly, if it's a detective constable  
6           in a crime unit that's responding at the first instance.

7                       **DET/STAFF SGT. YELLE:** Okay. If it's a  
8           uniformed officer, then that officer has a responsibility  
9           to notify his or her supervisor that they're dealing with  
10          one of these cases, and their supervisor would be a  
11          uniformed sergeant. The uniformed sergeant reviews the  
12          information -- and I should back up that a patrol officer  
13          would gather all the information and certainly start --  
14          there would be a report started and so on.

15                      But the notification would be made to the  
16          uniformed sergeant; the uniformed sergeant then has the  
17          obligation to notify the area crime sergeant, the detective  
18          sergeant for that area. From there, the area crime  
19          sergeant decides who will conduct that specific  
20          investigation. So the area crime sergeant reviews the  
21          information and decides whether the case will be assigned  
22          to a specialist like a detective constable, or if the case  
23          will continue with a uniformed officer.

24                      **MR. ENGELMANN:** So what you're really  
25          elaborating on now for us, sir, is the second page of that

1 police order, that first full paragraph, "Upon  
2 determination of a major crime"?

3 DET/STAFF SGT. YELLE: Correct.

4 MR. ENGELMANN: All right.

5 So what happens then if it first comes into  
6 a detective constable?

7 DET/STAFF SGT. YELLE: Most cases come  
8 through a uniformed officer.

9 MR. ENGELMANN: Okay.

10 DET/STAFF SGT. YELLE: Simply because if it  
11 comes through the Com Centre, or Communications Centre,  
12 it's assigned to a uniformed officer.

13 There are times, although limited, that it  
14 will come directly to a detective constable, and maybe I'll  
15 use a fraud, for example, a bank, the investigator knows  
16 the detective sergeant on a professional basis, so they'll  
17 call directly to have an investigation commence. So that  
18 could happen. But certainly, there's always a benchmark  
19 notification that applies if it's one of the cases listed  
20 here.

21 So what happens is that the officer that  
22 takes the information completes a benchmark notification.  
23 And I'm not sure if you wanted me to go to our --

24 MR. ENGELMANN: Well, let's go right to the  
25 notification then. Presumably -- you talked about the

1 uniformed officer requirement to notify his supervisor;  
2 supervisor then notifies uniform sergeant; uniform sergeant  
3 then notifies area crime sergeant?

4 **DET/STAFF SGT. YELLE:** Correct. And I  
5 should state that depending on the severity or the  
6 seriousness of the case, sometimes the notification will  
7 take place immediately. We have an area crime sergeant on  
8 call 24 hours a day seven days a week. So the area crime  
9 sergeant may be called during the night. We don't have an  
10 area crime sergeant working shift work. These officers  
11 work Monday to Friday.

12 **MR. ENGELMANN:** And those area crime  
13 sergeants, those are those detective sergeants heading up  
14 the crime units who report directly to you?

15 **DET/STAFF SGT. YELLE:** Correct.

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

17 **DET/STAFF SGT. YELLE:** So it's common for an  
18 area crime sergeant to get a call in the middle of the  
19 night to advise him of one of these incidents if it  
20 requires immediate attention. If it's a case that can  
21 wait, sometimes they'll wait for the morning to notify the  
22 officer.

23 **MR. ENGELMANN:** So when we're looking at  
24 that paragraph on that second page of 2.7, "appropriate  
25 criminal investigation supervisory personnel", it's an area

1 crime sergeant?

2 DET/STAFF SGT. YELLE: Yes.

3 MR. ENGELMANN: All right.

4 And I think you were about to tell us who  
5 gets notified, when and why, and if you want to take us  
6 through Tab 16 if that's helpful. My understanding is  
7 that's the benchmark notification form that's presently  
8 being used?

9 DET/STAFF SGT. YELLE: That's correct. This  
10 form is an electronic form, and the officer that --  
11 normally the officer that takes the initial complaint will  
12 complete this form and send the notification to the  
13 appropriate personnel. So that would be the area crime  
14 sergeant, the regional crime supervisor, would be the  
15 detective staff sergeant, the detective inspector and the  
16 superintendent in the region.

17 The reason for this benchmark notification  
18 is just as a quality assurance notification, so that we're  
19 all made aware of any incidents within the region that are  
20 benchmarked.

21 MR. ENGELMANN: So if we have a crime that's  
22 an allegation of sexual assault or child sexual abuse, it's  
23 a benchmark occurrence?

24 DET/STAFF SGT. YELLE: Yes.

25 MR. ENGELMANN: And if we look back at Tab

1 15, the first ORG Chart, the area crime sergeant, or  
2 supervisor is, if it was here in this area, Detective  
3 Sergeant Graham?

4 DET/STAFF SGT. YELLE: Yes.

5 MR. ENGELMANN: He would get notified?

6 DET/STAFF SGT. YELLE: Yes.

7 MR. ENGELMANN: You would get notified ---

8 DET/STAFF SGT. YELLE: Yes.

9 MR. ENGELMANN: --- as the Regional Crime  
10 Supervisor?

11 DET/STAFF SGT. YELLE: Yes.

12 MR. ENGELMANN: Your boss, the Criminal  
13 Operations Manager, would get notified?

14 DET/STAFF SGT. YELLE: Yes.

15 MR. ENGELMANN: And Superintendent Sweeney  
16 would get notified?

17 DET/STAFF SGT. YELLE: Correct.

18 There's also ---

19 MR. ENGELMANN: Right?

20 DET/STAFF SGT. YELLE: Yes.

21 MR. ENGELMANN: Who else?

22 DET/STAFF SGT. YELLE: There's also a  
23 notification -- well, the benchmark notification would be  
24 sent to the abuse coordinators as well in the region.

25 MR. ENGELMANN: So if we're dealing with a

1 case of sexual assault or child sexual abuse, the regional  
2 abuse coordinator would also get notified?

3 DET/STAFF SGT. YELLE: Correct.

4 MR. ENGELMANN: So five individuals?

5 DET/STAFF SGT. YELLE: Yes.

6 MR. ENGELMANN: All right.

7 DET/STAFF SGT. YELLE: I think it's  
8 important also to indicate, the abuse coordinators also get  
9 notified through our records management system, through  
10 NICHE RMS, and that's the system we use -- I'm not sure if  
11 somebody testified to that, but that's the system we use  
12 for our reporting to enter our police reports.

13 MR. ENGELMANN: That's a system you've used  
14 for approximately five years?

15 DET/STAFF SGT. YELLE: Correct.

16 MR. ENGELMANN: Okay.

17 DET/STAFF SGT. YELLE: That system allows  
18 for notification to specific officers by way of tasks. So  
19 you can send a task to a supervisor to advise them of a  
20 benchmark occurrence and the abuse coordinators in this  
21 region are notified by way of tasks for specific offences.

22 MR. ENGELMANN: So is this a form -- if  
23 we're looking at Tab 16 -- is that a form off that NICHE  
24 RMS system?

25 DET/STAFF SGT. YELLE: No, this is just an

1 electronic form that we have in our database that the  
2 officers use.

3 MR. ENGELMANN: How long has that electronic  
4 form been used for benchmark notification?

5 DET/STAFF SGT. YELLE: Probably since the  
6 late nineties and prior to that we had a similar form that  
7 was faxed in.

8 MR. ENGELMANN: All right.

9 DET/STAFF SGT. YELLE: And ---

10 MR. ENGELMANN: Was it faxed to the same  
11 people?

12 DET/STAFF SGT. YELLE: It would have been  
13 faxed to Regional Headquarters or to District Headquarters  
14 at the time, if we go back farther. So there would have  
15 been a notification. I actually remember making  
16 notifications to District Headquarters since '89 when I got  
17 on the ---

18 MR. ENGELMANN: Were they called -- sorry --  
19 since you started?

20 DET/STAFF SGT. YELLE: That's right.

21 MR. ENGELMANN: Were they called "benchmark  
22 occurrences"?

23 DET/STAFF SGT. YELLE: I'm not sure if they  
24 were called benchmark occurrences in the late eighties, but  
25 I recall them being called benchmark occurrences in the

1 early nineties.

2 MR. ENGELMANN: All right.

3 So before the organization?

4 DET/STAFF SGT. YELLE: Before the  
5 organization, yes.

6 MR. ENGELMANN: Was the process the same  
7 whether they were called benchmark occurrences or not for  
8 major crimes on notification?

9 DET/STAFF SGT. YELLE: I believe so. Again,  
10 I wasn't in a supervisory capacity at the time so I would  
11 have notified my supervisor, but I believe that it was the  
12 same type of process.

13 MR. ENGELMANN: All right.

14 So what is the area crime sergeant to do  
15 when they get the notification of the benchmark occurrence?  
16 You have indicated there the appropriate supervisory  
17 personnel. That's set out in 2.7. What are they to do?

18 DET/STAFF SGT. YELLE: They review the  
19 information and decide who is going to be assigned to the  
20 case or what resources will be assigned to the case.  
21 Naturally, every case is different in magnitude and in  
22 resources that may be required. If a case requires more  
23 resources, for instance, the area crime sergeant will  
24 notify the detective staff sergeant.

25 MR. ENGELMANN: The person in your position,

1 effectively?

2 **DET/STAFF SGT. YELLE:** Correct, that there  
3 is a need for more resources or a need to notify if there  
4 is an incident where they would like CIB notified. I don't  
5 believe we touched on the CIB notification yet.

6 **MR. ENGELMANN:** No.

7 **DET/STAFF SGT. YELLE:** So I'll leave that.

8 But certainly, they review the incident and  
9 they also have to approve -- if a crime unit detective  
10 constable is assigned to a case then they supervise that  
11 investigation. The area crime sergeant has to approve the  
12 reports that the detective constable will add to RMS, to  
13 our records management system, and make sure that all the  
14 proper notifications have been made to Children's Aid, for  
15 instance, or to the pornography section if that's what  
16 we're dealing with or any other unit that requires  
17 notification.

18 **MR. ENGELMANN:** Would it be his or her  
19 responsibility to ensure that the regional issues  
20 coordinator is notified?

21 **DET/STAFF SGT. YELLE:** Yes, that's one of  
22 their responsibilities.

23 **MR. ENGELMANN:** Now, the benchmark  
24 occurrences that we see in 2.7, is that an exhaustive list?

25 **DET/STAFF SGT. YELLE:** Not at all. We

1 actually get notified on a number of cases that aren't  
2 listed here.

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

4 So that's at minimum?

5 **DET/STAFF SGT. YELLE:** That's at minimum and  
6 we -- we think that -- we get notified on a lot of other  
7 cases because of the expertise required now on specific  
8 cases; for example, search warrants.

9 **MR. ENGELMANN:** But in any event, sexual  
10 assaults; child sexual abuse, clearly notification required  
11 under the policy under their authority?

12 **DET/STAFF SGT. YELLE:** Yes, that's correct.

13 **MR. ENGELMANN:** Now, can you help us out?  
14 We've talked about the role of the area crime sergeant, and  
15 those are the individuals reporting to you. What about  
16 your role as the regional crime supervisor and, under  
17 Chapter 2.7, what are your responsibilities? I think you  
18 have indicated that if the area crime sergeant thinks there  
19 is a need for more resources that is an indication when you  
20 might get involved?

21 **DET/STAFF SGT. YELLE:** Correct. When I get  
22 a benchmark notification -- I should indicate that if it's  
23 a case that is serious, that needs immediate attention, the  
24 area crime sergeant will contact me directly and then I'll  
25 also contact the detective inspector directly if it's

1 something that happens overnight, if it's something that  
2 needs attention right away.

3 When I get a benchmark notification that I'm  
4 not aware of, something by email, I review the case; for  
5 example, sexual assault, I'll review the case and just to  
6 make sure that the proper notifications have been made.  
7 And some of these notifications are fairly lengthy. I'll  
8 normally check to see if there is charges that have been  
9 laid or an arrest made and if not then I'll read farther to  
10 see why that's been; if there has not been any charges or  
11 arrest made.

12 But the responsibility for the benchmark  
13 notification is certainly more the responsibility -- it's  
14 the responsibility of the area crime sergeant.

15 **MR. ENGELMANN:** Yes. For example, if we are  
16 looking at 2.7 on that second page, the reference to the  
17 criminal investigation supervisory personnel and some of  
18 the factors, et cetera and that they remain responsible,  
19 we're talking about that area of crime sergeant?

20 **DET/STAFF SGT. YELLE:** Yes.

21 **MR. ENGELMANN:** So your role as the regional  
22 crime supervisor, are there specific things you might be  
23 looking for ---

24 **DET/STAFF SGT. YELLE:** Yes.

25 **MR. ENGELMANN:** --- when you're looking at

1 what the area crime sergeant is doing?

2 **DET/STAFF SGT. YELLE:** Yes, the -- I should  
3 clarify that. The area crime sergeant will manage the case  
4 and certainly notify us if they need more resources. I  
5 also look when a case comes in to see if there are any  
6 issues that might create media attention, for instance,  
7 that our commissioner should be -- or our chief and our  
8 commissioner should be made aware of, or our issues  
9 coordinator for the province. I also look to see if there  
10 is any political figures involved in any way or any  
11 figureheads from any specific organization, just as a  
12 notification to our command personnel of what we're dealing  
13 with so that they're not caught by surprise.

14 **MR. ENGELMANN:** If there are, you have some  
15 kind of briefing responsibilities to people higher up than  
16 you in the organization?

17 **DET/STAFF SGT. YELLE:** Yes. Normally, I'll  
18 make the regional command staff aware and I'll assist with  
19 the preparation of an issue note which will normally go up  
20 to General Headquarters Command Staff.

21 **MR. ENGELMANN:** So as well, in Chapter 2.7  
22 of the Police Orders, if we look at the bottom of the  
23 second page there is a process for CIB notification. And I  
24 think Staff Sergeant Kelly might have gone through this a  
25 little bit, but can you give us a sense here again how this

1 happens?

2 DET/STAFF SGT. YELLE: Well, when -- so this  
3 is a second list?

4 MR. ENGELMANN: Yes.

5 DET/STAFF SGT. YELLE: Okay. If there is an  
6 investigation that comes in involving one of these cases,  
7 we will notify our Criminal Investigations Branch.

8 MR. ENGELMANN: Now, I'll refer to one of  
9 these cases. You are referring to the types of cases that  
10 are listed at the bottom of page 2 and onto the top of page  
11 3?

12 DET/STAFF SGT. YELLE: Correct. No, that  
13 notification is normally made by telephone by the criminal  
14 operations manager in our region or myself, depending on  
15 the circumstances. Usually, the area crime sergeant will  
16 call well ahead of a benchmark notification to let us know  
17 that they require or that they would like to have CIB  
18 notified. I should indicate this is simply notification  
19 and certainly not every one of these cases has a CIB  
20 instructor assigned. It's simply a notification process.

21 MR. ENGELMANN: All right.

22 So whose discretion is that, sir, as to  
23 whether -- there is a list of cases where the CIB have to  
24 be notified, correct?

25 DET/STAFF SGT. YELLE: Yes.

1                   **MR. ENGELMANN:** Who decides whether or not  
2 they actually take the case?

3                   **DET/STAFF SGT. YELLE:** The Director of CIB,  
4 Criminal Investigations Branch, decides whether a CIB  
5 inspector will be assigned. And certainly, again, this  
6 list is a minimum because we do call CIB on specific cases  
7 where, in my experience, we know that it requires their  
8 involvement.

9                   **MR. ENGELMANN:** Can you think of some  
10 examples, sir, of cases that go beyond this minimum  
11 notification list where you or your peers may have used  
12 discretion to notify CIB?

13                   **DET/STAFF SGT. YELLE:** No, we've --  
14 certainly, some cases that come to mind is we had problems  
15 with cargoes being stolen from the 411; a substantial  
16 amount of money involved -- cargo meaning transport  
17 trailers. And so we contacted CIB and they assigned a CIB  
18 inspector to that.

19                   And for sexual assault investigations we  
20 have had projects like Project Cabbage Patch which was a  
21 sexual assault project in the Hawkesbury-Rockland area.

22                   **MR. ENGELMANN:** Sir, was that a case  
23 involving sexual assault and/or child sexual abuse?

24                   **DET/STAFF SGT. YELLE:** I wasn't involved in  
25 that case, but I believe it was children involved and it

1 was a familial case.

2 **MR. ENGELMANN:** So that was the example  
3 where there would have been notification and was there a  
4 CIB response?

5 **DET/STAFF SGT. YELLE:** There was a CIB case  
6 manager on that case, yes, an inspector assigned.

7 Also, Project Jericho, I believe, which was  
8 in the early nineties in the Prescott area, that case was  
9 managed by a CIB inspector.

10 **MR. ENGELMANN:** Okay. So that was another  
11 case where there would have been notification and also a  
12 response?

13 **DET/STAFF SGT. YELLE:** Correct. That was --  
14 again, I wasn't involved in these investigations but,  
15 certainly, they had a CIB inspector managing these cases.

16 **MR. ENGELMANN:** And sir, to your knowledge  
17 were some of those cases multiple victim/multiple offender-  
18 type cases?

19 **DET/STAFF SGT. YELLE:** Yes.

20 **MR. ENGELMANN:** That might be a reason for  
21 notification to the CIB?

22 **DET/STAFF SGT. YELLE:** Yes.

23 **MR. ENGELMANN:** What if it -- I think you  
24 referred to the transport cases where there would be  
25 several jurisdictions?

1                   **DET/STAFF SGT. YELLE:** The transport cases  
2 took us into the province of Quebec and, certainly, outside  
3 our region in western Ontario. So having a single CIB case  
4 manager is certainly beneficial in that we have one expert,  
5 if you will, that's assigned to case manage that  
6 investigation.

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

8                   So if an occurrence is multi-jurisdictional  
9 is that an issue when you're deciding whether to notify  
10 CIB?

11                   **DET/STAFF SGT. YELLE:** It can be. Certainly  
12 -- I know we're going to touch on major case management.

13                   **MR. ENGELMANN:** Yes.

14                   **DET/STAFF SGT. YELLE:** Certainly, with major  
15 case management we have some obligations when it's multi-  
16 jurisdictional but prior to major case management I'm aware  
17 that if it was multi-jurisdictional or involved other  
18 police services that we would certainly contact CIB if we  
19 felt that it would be beneficial.

20                   **MR. ENGELMANN:** So let's assume that you  
21 notified the CIB and let's assume they've decided that they  
22 want to take it on. You've given us a couple of examples  
23 and I'm sure you can give us many ---

24                   **DET/STAFF SGT. YELLE:** Yes.

25                   **MR. ENGELMANN:** --- where CIB have done

1 investigations here in Eastern Ontario?

2 DET/STAFF SGT. YELLE: Yes.

3 MR. ENGELMANN: How's it done? Who runs it  
4 and which resources are used, if there is a norm?

5 DET/STAFF SGT. YELLE: Correct. When CIB is  
6 assigned on the normal cases, if I can use that term, that  
7 one CIB inspector will be assigned and the resources that  
8 that officer uses -- will utilize to work on the case are  
9 regional resources. So there will be normally -- excuse me  
10 -- there will be detective constables from detachments that  
11 will be assigned to work with that CIB inspector.

12 MR. ENGELMANN: M'hm. And to your  
13 knowledge, has that been the policy and/or practice for  
14 some time?

15 DET/STAFF SGT. YELLE: Yes.

16 MR. ENGELMANN: That CIB comes into regions  
17 to investigate, that they call upon regional resources to  
18 assist?

19 DET/STAFF SGT. YELLE: Yes, that's always  
20 been the case that I'm aware of.

21 MR. ENGELMANN: Okay.

22 And what if any support does someone in a  
23 position like yours or the area crime sergeant, what  
24 support, if any, do they give to a detective inspector from  
25 the CIB in some of these cases?

1                   **DET/STAFF SGT. YELLE:** Once CIB comes in,  
2                   CIB then manages or take responsibility and manages the  
3                   case. So we provide the resources and, certainly in my  
4                   position, I hope, keep abreast of the investigation so that  
5                   my supervisors are aware of the ongoing investigation, any  
6                   issues that might arise. But the case manager, the CIB  
7                   inspector, controls the investigation, controls the  
8                   direction to do that investigation.

9                   **MR. ENGELMANN:** All right. Thank you.  
10                   Is this an appropriate time for a break,  
11                   sir?

12                   **THE COMMISSIONER:** Okay.  
13                   Let's take 15 minutes. Thank you.

14                   **THE REGISTRAR:** Order. All rise. Veuillez  
15                   vous lever. The hearing will resume at 3:35.

16                   --- Upon recessing at 3:19 p.m./

17                   L'audience est suspendue à 15h19

18                   --- Upon resuming at 3:40 p.m.

19                   L'audience est reprise à 15h40

20                   **THE REGISTRAR:** Order. All rise. Veuillez  
21                   vous lever.

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

25                   **PAUL YELLE, Resumed/Sous le meme serment:**

1 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
2 ENGELMANN (continued/suite):

3 MR. ENGELMANN: Staff Sergeant Yelle, if we  
4 could now look at Tab 18 of Volume 6, Exhibit 36, and  
5 that's Chapter 2.1.6 from OPP Police Orders.

6 DET/STAFF SGT. YELLE: Yes.

7 MR. ENGELMANN: This is a "Child Abuse and  
8 Neglect Policy".

9 DET/STAFF SGT. YELLE: Correct.

10 MR. ENGELMANN: And Staff Sergeant Kelly has  
11 given some evidence on this already.

12 DET/STAFF SGT. YELLE: Yes.

13 MR. ENGELMANN: With respect to the policy,  
14 when it was implemented, also talked to us about certain  
15 aspects of it existed in another form?

16 DET/STAFF SGT. YELLE: Yes.

17 MR. ENGELMANN: I just want to ask you a  
18 little bit about the notification and investigation that's  
19 set out in the policy.

20 So if you could turn to the bottom of page  
21 4?

22 DET/STAFF SGT. YELLE: Yes.

23 MR. ENGELMANN: And you've been involved in  
24 some cases involving child sexual abuse in the past?

25 DET/STAFF SGT. YELLE: Yes, I have.

1                   MR. ENGELMANN: All right.

2                   And there is a reference here that  
3                   "investigations shall be conducted in accordance with any  
4                   established local child abuse protocols"?

5                   DET/STAFF SGT. YELLE: Yes.

6                   MR. ENGELMANN: And then it says "Police  
7                   Orders or criminal management" et cetera, et cetera?

8                   DET/STAFF SGT. YELLE: Yes.

9                   MR. ENGELMANN: All right.

10                  This is a policy from 2005?

11                  DET/STAFF SGT. YELLE: Correct.

12                  MR. ENGELMANN: Do you know, sir, from your  
13                  own experience either as a regional crime supervisor or  
14                  your own personal experience investigating whether or not  
15                  you and/or officers reporting to you have been  
16                  investigating in accordance with local police -- sorry --  
17                  local child abuse protocols.

18                  DET/STAFF SGT. YELLE: Yes.

19                  MR. ENGELMANN: And to your knowledge, were  
20                  local child abuse protocols in existence at least here in  
21                  the Eastern Region prior to 2005?

22                  DET/STAFF SGT. YELLE: Yes, they were. I'm  
23                  not aware of how long they've been in existence in the SDG  
24                  area.

25                  MR. ENGELMANN: Yes.

1                   **DET/STAFF SGT. YELLE:** I recall we used to  
2                   have policies with, or protocols with, Children's Aid in  
3                   '89 when I was in Sturgeon Falls.

4                   **MR. ENGELMANN:** Yes.

5                   **DET/STAFF SGT. YELLE:** So certainly, they've  
6                   been in existence for some time.

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

8                   And it depends on what region of the  
9                   province one's in as to when those things came into  
10                  existence?

11                  **DET/STAFF SGT. YELLE:** Perhaps. I'm not  
12                  sure.

13                  **MR. ENGELMANN:** In fact, we have one here in  
14                  Stormont-Dundas-Glengarry from 1992.

15                  **DET/STAFF SGT. YELLE:** Right.

16                  **MR. ENGELMANN:** That we're going to talk  
17                  with the next witness about.

18                  **DET/STAFF SGT. YELLE:** Correct.

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

20                  So you've been involved in these  
21                  investigations jointly with the CAS in the past?

22                  **DET/STAFF SGT. YELLE:** Yes, I have.

23                  **MR. ENGELMANN:** All right

24                  So let's talk a little bit about the  
25                  notification that's set out on page 5. And is that a

1 notification process that you're familiar with, sir? I'm  
2 looking at the bold notification just below the halfway  
3 mark on the page.

4 **DET/STAFF SGT. YELLE:** For the Child  
5 Pornography Unit?

6 **MR. ENGELMANN:** Yes.

7 **DET/STAFF SGT. YELLE:** Yes. Certainly, we -  
8 - it's been our practice and, certainly, our policy before  
9 this policy was put into effect to notify the Child  
10 Pornography Unit for any child porn incident investigation.

11 **MR. ENGELMANN:** All right.

12 What about -- so that's the first bullet,  
13 dealing with the Child Pornography Unit.

14 **DET/STAFF SGT. YELLE:** Yes.

15 **MR. ENGELMANN:** The other bullets talk  
16 about; for example the third bullet:

17 "Report the occurrence by number of  
18 electronic notification of all  
19 incidents of actual and suspected child  
20 abuse and neglect..."

21 **DET/STAFF SGT. YELLE:** Correct, and that's -  
22 --

23 **MR. ENGELMANN:** "...to the regional abuse  
24 issues coordinator."

25 **DET/STAFF SGT. YELLE:** Yes. And as I

1 indicated, that's done through RMS now through a tasking  
2 system.

3 MR. ENGELMANN: All right.

4 DET/STAFF SGT. YELLE: Yes.

5 MR. ENGELMANN: So is this something that  
6 started in 2005 or is this something that was done before  
7 then to your knowledge?

8 DET/STAFF SGT. YELLE: That would have been  
9 done before then. I'm just not sure how -- how long ago.

10 MR. ENGELMANN: Okay. The regional abuse  
11 issues coordinator might have some knowledge of that?

12 DET/STAFF SGT. YELLE: Yes.

13 MR. ENGELMANN: All right.

14 And these cases, cases of child sexual abuse  
15 in any event would be benchmark occurrences?

16 DET/STAFF SGT. YELLE: Not all child abuse -  
17 --

18 MR. ENGELMANN: Right.

19 DET/STAFF SGT. YELLE: --- investigations  
20 are benchmark occurrences.

21 MR. ENGELMANN: Okay. Let's go to the next  
22 page, then, just on that point, page 6 of 10?

23 DET/STAFF SGT. YELLE: Yes.

24 MR. ENGELMANN: It says under "Niche  
25 Reporting":

1 "For the reporting on Niche Records  
2 Management System, RMS, all child abuse  
3 and neglect occurrences shall..."

4 And there is a number of bullets but the  
5 ---

6 **DET/STAFF SGT. YELLE:** Yes.

7 **MR. ENGELMANN:** --- sixth one down, I think  
8 it is:

9 "...be classified as a major crime  
10 benchmark occurrence where  
11 appropriate."

12 So what's meant by that? Where is it  
13 appropriate?

14 **DET/STAFF SGT. YELLE:** My understanding is  
15 if that investigation involves an allegation of sexual  
16 abuse or any of the cases where a benchmark notification  
17 would have to be completed involving a child, then that's  
18 when the benchmark notification would apply.

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

20 So let's reverse that. When would it not  
21 apply as a minimum?

22 **DET/STAFF SGT. YELLE:** For a common assault  
23 complaint.

24 **MR. ENGELMANN:** Okay.

25 **DET/STAFF SGT. YELLE:** And certainly, that

1 is something that we deal with frequently. The  
2 notification was that we made to CAS.

3 **MR. ENGELMANN:** Yes.

4 **DET/STAFF SGT. YELLE:** But not necessarily  
5 to the area crime supervisor because, certainly, an officer  
6 in uniform would certainly have the knowledge, skills and  
7 abilities to investigate a common assault complaint  
8 involving a child. I should add to that that if for some  
9 reason the child requires -- or the officer requires some  
10 assistance with the interview of that child, we do have  
11 officers trained in child interviewing. So an officer  
12 could be brought in to assist that way.

13 **MR. ENGELMANN:** Right. What if it's a case  
14 of suspected or -- suspected child neglect? Would that be  
15 a benchmark notification?

16 **DET/STAFF SGT. YELLE:** Again, not  
17 necessarily. We might get a notification simply depending  
18 on the severity of the complaint and oftentimes if we're  
19 not sure what we're dealing with we'll assign a detective  
20 to follow through.

21 **MR. ENGELMANN:** Now, under "Investigation  
22 Review" at the bottom of the page, bottom of page 6, it  
23 says:

24 "The investigating member supervisor  
25 shall review all child abuse and

1 neglect occurrences where there is a  
2 concern for victim's safety, repetition  
3 of the incident or any history of  
4 violence."

5 Who are we referring to when we are talking  
6 about the investigating member's supervisor?

7 **DET/STAFF SGT. YELLE:** We're referring to --  
8 if it's a uniformed officer then it would be a uniformed  
9 sergeant that supervises that officer. And certainly,  
10 that's done through -- every report that an officer adds to  
11 RMS has to be approved by the supervisor. So it's not a  
12 matter necessarily of the officer notifying the supervisor  
13 of every aspect of the investigation. It would be the  
14 supervisor approving the reports for that officer.

15 **MR. ENGELMANN:** And there is a reference,  
16 again on page 7, now to the responsibility of the area  
17 crime sergeant in cases of this nature?

18 **DET/STAFF SGT. YELLE:** Correct. As I  
19 mentioned before, if it's a benchmark occurrence and it  
20 involves child abuse and neglect involving one of the --  
21 like a sexual allegation, for instance, certainly the area  
22 crime sergeant would make sure that the officer  
23 investigating has the knowledge, skills and abilities to  
24 follow through with that investigation.

25 **MR. ENGELMANN:** Now, in investigations of

1           this nature prior to 2005 we have heard there were some  
2           reporting requirements in a previous version of this policy  
3           with respect to the duty to report and certain other  
4           obligations under the *Child and Family Services Act*?

5                       **DET/STAFF SGT. YELLE:** Certainly, under the  
6           *Child and Family Services Act* and under the *Police Services*  
7           *Act* we notify the Children's Aid Society based on those  
8           requirements.

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

10                      And the investigation policy order that  
11           would be generally applied would be 2.7?

12                      **DET/STAFF SGT. YELLE:** That's correct. It  
13           would be 2.7 and any other policy that would apply. I  
14           can't think offhand of what would be, but any other policy  
15           that would have applied.

16                      **MR. ENGELMANN:** Like the duty to report?

17                      **DET/STAFF SGT. YELLE:** Like the duty to  
18           report, correct.

19                      **MR. ENGELMANN:** Okay.

20                      And again, there would have been involvement  
21           of the regional abuse issues coordinator in all cases of  
22           child sexual abuse, in any event, before this policy?

23                      **DET/STAFF SGT. YELLE:** Oh, yes, definitely.  
24           Yes.

25                      And again, that's common knowledge, when

1           there is a -- amongst the officers, is when there is a  
2           child abuse investigation that the regional abuse  
3           coordinator must be notified and on serious cases of child  
4           abuse that as a supervisor that I've been involved in, it's  
5           not uncommon to ask the abuse issues coordinator to assist  
6           the investigating officer or, in some cases, actually have  
7           the abuse coordinator take on an investigation although  
8           that's not done as frequently.

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

10                           And you have indicated as well that some of  
11           the local protocols that set out how cases were to be  
12           investigated would have been in existence depending on what  
13           region we were in Ontario at least many years prior to  
14           2005?

15                           **DET/STAFF SGT. YELLE:** Yes.

16                           **MR. ENGELMANN:** And when you were using a  
17           local protocol what if any joint investigation would have  
18           been conducted with the Children's Aid Society? Would  
19           there have been a joint investigation with CAS if you had a  
20           local protocol?

21                           **DET/STAFF SGT. YELLE:** Oh, yes. They would  
22           all be joint from my -- any investigation that I've been  
23           involved with or that I have supervised if there is a child  
24           involved, CAS is involved.

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

1                   Now, this is a consolidated, if I can call  
2                   it that, Police Order dealing with child abuse and neglect  
3                   and I understand from Staff Sergeant Kelly's evidence that  
4                   there isn't currently one dealing with -- a consolidated  
5                   order dealing with the investigation of sexual assault,  
6                   although apparently one is in the works. He told us that -  
7                   --

8                   **DET/STAFF SGT. YELLE:** Yes.

9                   **MR. ENGELMANN:** --- one was about to be  
10                  promulgated.

11                  How does this affect how these cases are  
12                  investigated, cases of sexual assaults here in the Eastern  
13                  Region, the fact that there is not a consolidated policy on  
14                  the investigation of sexual assault?

15                  **DET/STAFF SGT. YELLE:** Certainly, in my  
16                  opinion, the fact that there is not a specific sexual  
17                  assault policy is not something that is a detriment to the  
18                  investigations. As I indicated to you earlier, the  
19                  benchmark policy, child abuse policies that we have, it is  
20                  common knowledge amongst the officers and certainly sexual  
21                  assault investigations, especially amongst detectives, are  
22                  common and the officers are familiar with investigating  
23                  sexual assault.

24                  So it's not something that Police Orders,  
25                  although it is a good reference guide for seasoned

1 investigators, it's not something that we refer to on a  
2 regular basis. We refer to other resources that we have  
3 such as the experience of other officers. We have some  
4 sexual assault investigators that have been doing this for  
5 years in the region and, certainly, we call upon those  
6 officers if required.

7 **MR. ENGELMANN:** Let me just stop you there  
8 for a second.

9 You spoke to us earlier about not having the  
10 SACA unit, if I can use that term.

11 **DET/STAFF SGT. YELLE:** Yes.

12 **MR. ENGELMANN:** Like the Cornwall Police and  
13 some of the resources that were available from a human  
14 resource perspective to investigators at least here in the  
15 Eastern Region -- just buzzing a bit -- when they're  
16 investigating crimes of sexual assault.

17 What about, you've talked to us -- so  
18 there's no -- you're using presumably the criminal  
19 investigation's Police Order 2.7; correct?

20 **DET/STAFF SGT. YELLE:** Yes.

21 **MR. ENGELMANN:** And are there other orders  
22 or checklists or things of that nature that might be of  
23 assistance when we're dealing with issues of sexual  
24 assault?

25 **DET/STAFF SGT. YELLE:** Certainly the

1 checklist at the, I believe, S/Sgt. Kelly referred to in  
2 front of the field guide ---

3 MR. ENGELMANN: Yes.

4 DET/STAFF SGT. YELLE: --- that the officers  
5 have.

6 MR. ENGELMANN: All right.

7 So this is a guide or a booklet that  
8 officers have?

9 DET/STAFF SGT. YELLE: Yes.

10 MR. ENGELMANN: All right.

11 And do we see some of those checklists at  
12 Tab 20 of this particular volume?

13 DET/STAFF SGT. YELLE: Yes. There is a few  
14 checklists here but the first one, the Child Abuse  
15 Checklist.

16 MR. ENGELMANN: All right.

17 DET/STAFF SGT. YELLE: The Child Abuse  
18 Interview Checklist. Excuse me.

19 MR. ENGELMANN: All right.

20 And I understand -- and I think this was in  
21 his evidence, but it's also on the document -- that this  
22 has been in existence since approximately the summer of  
23 1977?

24 DET/STAFF SGT. YELLE: I believe that's what  
25 he referred to, yes.

1                   **MR. ENGELMANN:** Okay. So officers have  
2 these checklists, each officer would have a field guide?

3                   **DET/STAFF SGT. YELLE:** Every officer has a  
4 field guide. Correct.

5                   **MR. ENGELMANN:** All right.  
6 And we have an Abused Child Interview  
7 Checklist?

8                   **DET/STAFF SGT. YELLE:** Yes.

9                   **MR. ENGELMANN:** At Tab 20A.

10                  **DET/STAFF SGT. YELLE:** Twenty A (20A).  
11 Correct.

12                  **MR. ENGELMANN:** What else do we have that  
13 might be of assistance if we're trying to investigate a  
14 sexual assault or child sexual abuse?

15                  **DET/STAFF SGT. YELLE:** There's also another  
16 checklist done, 20B, that S/Sgt. Kelly referred to for  
17 sexual assaults. I'm not -- there's other checklists  
18 involved as well for suspect interviewing, witness and  
19 victim interviewing. So there's those other checklists.

20                  Certainly, like I've mentioned before, the  
21 regional abuse coordinator is contacted by investigators  
22 frequently to get advice. There's an OPP Library -- Video  
23 Library, excuse me, at every detachment.

24                  **MR. ENGELMANN:** Yes.

25                  **DET/STAFF SGT. YELLE:** And I've personally

1 checked the library and SD&G and there are child  
2 interviewing videos there for officers to refer to if  
3 required.

4 **MR. ENGELMANN:** You've referred to the  
5 regional abuse issues coordinator as a resource person.

6 **DET/STAFF SGT. YELLE:** Yes.

7 **MR. ENGELMANN:** And there are, as I  
8 understand it, in some regions, regional abuse issues  
9 investigators as well?

10 **DET/STAFF SGT. YELLE:** There's the one  
11 detective sergeant in the abuse coordinator ---

12 **MR. ENGELMANN:** Okay.

13 **DET/STAFF SGT. YELLE:** --- abuse issues  
14 coordinator and then there's a detective constable in that  
15 same department, if you will.

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

17 Do you know if detachments also have  
18 resource persons that are -- that specialize in cases of  
19 sexual assault or abuse?

20 **DET/STAFF SGT. YELLE:** Yes, certainly. As I  
21 mentioned before, we have a number of officers across the  
22 region that we know are very skilled at sexual assault  
23 investigations and we'll call upon those officers if we're  
24 dealing with a complicated case or a more serious case.

25 We have never really called these officers

1 as being part of a specific unit, but certainly they're  
2 known to be professionals, if I can put it that way, or  
3 expert in that field. And they are officers that are  
4 assigned to detachments and normally in the crime unit  
5 detachments. We do have some officers in uniform that are  
6 very proficient with interviewing children and have been on  
7 courses, received training with child interviewing and ---

8 **MR. ENGELMANN:** So ---

9 **DET/STAFF SGT. YELLE:** --- and certainly  
10 those officers are called upon frequently to assist with  
11 investigations.

12 **MR. ENGELMANN:** Are they well known?

13 **DET/STAFF SGT. YELLE:** They're well known.

14 **MR. ENGELMANN:** They're known to you as the  
15 Regional Crime Supervisor?

16 **DET/STAFF SGT. YELLE:** Yes, they're well  
17 known, I guess, just by the nature of our profession. We  
18 get to know who these officers are across the region. We  
19 don't have a list to call upon. I just know who they are.  
20 My counterparts know who they are. The area crime  
21 sergeants know who they are. The abuse issues coordinators  
22 know who these people are -- who these officers are. So  
23 certainly it's well known, although they're not classified,  
24 I guess, as regional sex assault investigators.

25 **MR. ENGELMANN:** So you have some officers

1 that are known as having a special interest or a special  
2 expertise in investigating either sexual assault or child  
3 sexual abuse?

4 **DET/STAFF SGT. YELLE:** Correct. And as I  
5 indicated, all of our officers in crime units have the  
6 sexual assault training aside from a few that might be new  
7 in these different units. But we do, aside from that, we  
8 do have specific officers that have gone on child  
9 abuse/sexual abuse courses, child interviewing courses,  
10 participated in seminars with the Children's Aid. So these  
11 officers -- most of these officers are female officers, and  
12 they, I guess, they've come to be professionals in that  
13 field or to be experts in that field, and certainly we call  
14 upon these officers frequently to assist us or to be  
15 assigned as the investigator, as the primary investigator  
16 for specific cases.

17 **MR. ENGELMANN:** Sir, I want to ask you a few  
18 questions about major case management. At Tab 1 in your  
19 outline of evidence, the first few pages deal with major  
20 case management. Correct?

21 And I believe -- is that a fair comment?

22 **DET/STAFF SGT. YELLE:** Yes.

23 **MR. ENGELMANN:** And I believe we've heard  
24 some of the impetus for major case management and that's  
25 set out on the first page. There's a reference to a major

1 case management manual at the bottom of that page.

2 Correct?

3 DET/STAFF SGT. YELLE: Yes.

4 MR. ENGELMANN: Just at the bottom of the  
5 first page.

6 DET/STAFF SGT. YELLE: Yes.

7 MR. ENGELMANN: Does it set out some of the  
8 purposes of the manual in your outline?

9 DET/STAFF SGT. YELLE: I'm sorry, I'm just

10 ---

11 MR. ENGELMANN: Just the bottom of the first  
12 page and on to the top of the second page.

13 DET/STAFF SGT. YELLE: Yes.

14 MR. ENGELMANN: All right.

15 So let's just take a quick look at it. It's  
16 at Tab 2, correct?

17 DET/STAFF SGT. YELLE: Yes.

18 MR. ENGELMANN: Now this has a date of  
19 October 1st 2004?

20 DET/STAFF SGT. YELLE: Correct.

21 MR. ENGELMANN: But as I understand it, the  
22 OPP was involved in major case management well before then?

23 DET/STAFF SGT. YELLE: In the late '90s, I  
24 took the major case management course in 1999 at regional  
25 level. It was an Ontario Police College course, but it was

1 offered at regional level, and we tried to get as many  
2 officers in a supervisory capacity trained at that time. I  
3 believe there were two classes, two full classes that went  
4 through that year and certainly years after that, we had  
5 more officers trained. I recall the officers that attended  
6 the training were area crime sergeants, detective staff  
7 sergeants, ident supervisors, CIB detective inspectors. So  
8 we had a number of supervisors involved in the training in  
9 1999.

10 **MR. ENGELMANN:** Just on that; bottom of page  
11 5 of your outline, you say, it was initially "done on a  
12 voluntary basis, now mandatory".

13 And then at the top of page 6, you talk  
14 about when training starts, the "Manual was added to Police  
15 Orders in June of 2002".

16 **DET/STAFF SGT. YELLE:** Yes, after the  
17 training, the practice was that if you -- if we had the  
18 training, that we would apply the training for major cases.  
19 And I can certainly, from my experience, any major case  
20 that came in after I had the training, we used this model  
21 for filing and for managing our cases.

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

23 So let's just go to the tab and there's a  
24 description of "Major Cases"; is there not? At pages 7 and  
25 8?

1                   DET/STAFF SGT. YELLE: Of the Manual?

2                   MR. ENGELMANN: Yes, of the Manual.

3                   DET/STAFF SGT. YELLE: Yes.

4                   MR. ENGELMANN: And there's a reference to  
5 "threshold and non-threshold offences". Let me just start  
6 with -- and S/Sgt Kelly went through this in some detail,  
7 so I just want to cover it very briefly.

8                   Are both "threshold" and "non-threshold"  
9 cases major cases?

10                  DET/STAFF SGT. YELLE: Yes. Every -- I will  
11 just refer to sexual assault.

12                  MR. ENGELMANN: Sure.

13                  DET/STAFF SGT. YELLE: Every sexual assault  
14 is a major case, but it's broken down into "threshold" and  
15 "non-threshold" after that in the legislation.

16                  MR. ENGELMANN: All right.

17                  And the legislation is then copied into this  
18 manual?

19                  DET/STAFF SGT. YELLE: Correct.

20                  MR. ENGELMANN: And so when we talk about  
21 "threshold" and "non-threshold", that's not the same as  
22 your benchmark?

23                  DET/STAFF SGT. YELLE: It's a major case  
24 management -- the list in major case management is  
25 completely different from our benchmark. Benchmark is an

1 internal ---

2 MR. ENGELMANN: Right. Because you've told  
3 us that, for example, all cases of sexual assault and/or  
4 child sexual abuse would require benchmark notification.

5 DET/STAFF SGT. YELLE: Yes.

6 MR. ENGELMANN: Within the OPP?

7 DET/STAFF SGT. YELLE: Yes.

8 MR. ENGELMANN: For those types of  
9 occurrences here we have some cases of sexual assault being  
10 threshold cases and others being non-threshold cases.

11 DET/STAFF SGT. YELLE: Yes. The non-  
12 threshold, I guess it's easier to explain what is a "non-  
13 threshold" ---

14 MR. ENGELMANN: Yes.

15 DET/STAFF SGT. YELLE: --- than to go  
16 through what a "threshold" is as far as sexual assaults go.

17 So just if we go to page 8. So these are  
18 occurrences that are deemed to be -- or not to be, sorry,  
19 not deemed to be threshold occurrences. So:

20 "The victim and suspect are in a  
21 familial relationship including common-  
22 law; the victim and suspect have a  
23 previous relationship. The case  
24 involves historical sexual offences  
25 (e.g., an offence reported more than a

1                   year after having been committed); any  
2                   sexual assault where a suspect has been  
3                   identified and arrested within 14 days;  
4                   and..."

5                   Then it goes on to which are "not predatory  
6                   or serial in nature".

7                   I mean we can refer to these other sections,  
8                   but that's basically what it says.

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

10                   Sometimes, though, cases may become  
11                   threshold if they're -- and I'm just looking at page 7 --  
12                   we may have a case of a historical sexual offence or  
13                   someone who -- the victim and suspect had a previous  
14                   relationship; if there's a position of trust and the victim  
15                   was 14 or under at the time or, I guess, under 14 at the  
16                   time of the alleged offence, then that might take us back  
17                   over to the threshold list?

18                   **DET/STAFF SGT. YELLE:** Yes. And vice versa,  
19                   one could be investigated as a threshold offence and then  
20                   become non-threshold. So, yes, they can change.

21                   **MR. ENGELMANN:** And I note that other  
22                   examples where a sexual assault may be a threshold would  
23                   include multiple sexual acts?

24                   **DET/STAFF SGT. YELLE:** Multiple sexual acts,  
25                   yes.

1 MR. ENGELMANN: Or multiple victims?

2 DET/STAFF SGT. YELLE: Multiple victims,  
3 correct.

4 MR. ENGELMANN: All right.

5 Now, when it's talking about, at 4 and 5,  
6 I'm looking at page 8 of the Manual. It says,

7 "The investigation of an occurrence  
8 listed in section 3..."

9 And section 3 being the non-threshold.

10 "...shall be assigned to an officer with  
11 the knowledge, skills, and abilities to  
12 conduct the investigation."

13 et cetera.

14 DET/STAFF SGT. YELLE: Correct.

15 MR. ENGELMANN: Who's making those decisions  
16 for the OPP?

17 DET/STAFF SGT. YELLE: The area crime  
18 sergeant normally will make that decision.

19 MR. ENGELMANN: All right.

20 And that's in accordance with your criminal  
21 investigation management plan?

22 DET/STAFF SGT. YELLE: Correct.

23 MR. ENGELMANN: And again looking at  
24 paragraph 5, it says:

25 "Upon completion of the investigation

1 of an occurrence in section 3, a Major  
2 Case Manager shall approve the results  
3 of the investigation or reassign..."

4 Who is that person in your context?

5 **DET/STAFF SGT. YELLE:** That would be the  
6 area crime sergeant normally.

7 **MR. ENGELMANN:** Right.

8 **DET/STAFF SGT. YELLE:** I mean, if it's a CIB  
9 case the major case manager could be the CIB inspector.

10 And I guess the difference between -- I  
11 don't know if you want me to go into the difference between  
12 how we treat threshold and non-threshold, but a threshold  
13 sexual assault case must have an officer assigned to it  
14 that's had the major case management.

15 **MR. ENGELMANN:** M'hm.

16 **DET/STAFF SGT. YELLE:** A non-threshold case  
17 requires somebody that has the knowledge skills and  
18 abilities, and not necessarily the Major Case Management  
19 course.

20 **MR. ENGELMANN:** And sir, at page 14 through  
21 page 17 there is a description of the "command triangle";  
22 is that correct?

23 **DET/STAFF SGT. YELLE:** Yes.

24 **MR. ENGELMANN:** And how threshold cases are  
25 to be investigated?

1                   DET/STAFF SGT. YELLE: Correct.

2                   MR. ENGELMANN: Can you just elaborate on  
3 that briefly for us?

4                   DET/STAFF SGT. YELLE: The command triangle,  
5 as you've seen at the front of this document. Maybe it's a  
6 little ---

7                   MR. ENGELMANN: Right at the front of the  
8 tab?

9                   DET/STAFF SGT. YELLE: At the front of the  
10 tab. Maybe I can explain the triangle a little bit simpler  
11 that way.

12                   If you look at the diagram, the Major Case  
13 Manager would be the area at the top where it indicates  
14 "Major Case Management". So that would -- on a major case,  
15 a normal major case, if you will -- that would be the CIB  
16 detective inspector.

17                   The primary investigation area on the left  
18 would be the primary investigator who reports directly to  
19 the Major Case Manager.

20                   The file coordination area on the right  
21 would be assigned to the File Coordinator who also reports  
22 directly to the Major Case Manager.

23                   Any other positions involved in an  
24 investigation would be below this triangle.

25                   MR. ENGELMANN: So the staff -- the primary

1 investigator and file coordinator, are they regional  
2 resources or would they be CIB resources if it's a CIB led  
3 major case manager?

4 **DET/STAFF SGT. YELLE:** The primary and the  
5 file coordinator?

6 **MR. ENGELMANN:** Yes.

7 **DET/STAFF SGT. YELLE:** Would be -- normally  
8 would be regional personnel or detachment personnel, but  
9 certainly somebody from region.

10 **MR. ENGELMANN:** Is there anything else about  
11 ---

12 **DET/STAFF SGT. YELLE:** I should indicate  
13 that ---

14 **MR. ENGELMANN:** --- the triangle?

15 **DET/STAFF SGT. YELLE:** I should indicate  
16 that all three of those positions ---

17 **MR. ENGELMANN:** Yes.

18 **DET/STAFF SGT. YELLE:** --- may be performed  
19 by one individual if the case is not an extensive case.  
20 For instance, if it's a sexual assault that would be a  
21 threshold sexual assault but single victim -- as an  
22 example, a single victim, a single suspect, and the person  
23 has the ability to investigate -- the officer has the  
24 ability to follow through the investigation, that officer  
25 could perform ---

1                   **MR. ENGELMANN:** All three functions?

2                   **DET/STAFF SGT. YELLE:** --- the duties of all  
3 three functions.

4                   And the other thing I would like to add is  
5 that all the other persons involved in this investigation  
6 would report either to the primary investigator or the file  
7 coordinator, with the exception of the media relations  
8 officer or the victim liaison officer. The victim liaison  
9 officer reports directly to the major case manager, and the  
10 media relations officer reports also directly to the major  
11 case manager. But also those positions could be another  
12 person in the investigative team that has that  
13 responsibility, depending on the magnitude or the size of  
14 the investigation.

15                   **MR. ENGELMANN:** Okay. So for the  
16 responsibilities of the Major Case Manager, they're set out  
17 on page 15; is that correct?

18                   **DET/STAFF SGT. YELLE:** Correct.

19                   **MR. ENGELMANN:** And the primary  
20 investigator, you said that could be a different person or  
21 the same person, those responsibilities are set out on page  
22 16?

23                   **DET/STAFF SGT. YELLE:** Correct.

24                   **MR. ENGELMANN:** And the responsibilities of  
25 the file coordinator, page 17?

1                   DET/STAFF SGT. YELLE: Yes.

2                   MR. ENGELMANN: And then you mentioned media  
3 liaison and that someone would be responsible for that?

4                   DET/STAFF SGT. YELLE: Yes. In our region  
5 the media liaison on major cases that require a specific  
6 person assigned is usually our media relations officer at  
7 regional headquarters, which is a sergeant's position, and  
8 that officer deals directly with media outlets or ---

9                   MR. ENGELMANN: All right.

10                   And the duties of that position on the Major  
11 Case Management file would be set out on page 18?

12                   DET/STAFF SGT. YELLE: Yes.

13                   MR. ENGELMANN: And likewise, you mentioned  
14 a victim liaison person. That's presumably another  
15 individual ---

16                   DET/STAFF SGT. YELLE: Yes.

17                   MR. ENGELMANN: --- reporting to the major  
18 case manager?

19                   DET/STAFF SGT. YELLE: Correct.

20                   MR. ENGELMANN: And the duties of the victim  
21 liaison officer are set out on page 19?

22                   DET/STAFF SGT. YELLE: Yes.

23                   MR. ENGELMANN: Anything about those duties  
24 that you wanted to highlight?

25                   DET/STAFF SGT. YELLE: On the cases that

1 I've been involved with, the victim liaison is certainly an  
2 important aspect to the investigation, especially involving  
3 children or something involving children or anything that's  
4 specific to the victim. Certainly it's a very important  
5 aspect to the investigation and it's treated as such.

6 **MR. ENGELMANN:** All right.

7 And sir, I note as well, there are many  
8 things set out in the Manual. There is also a reference to  
9 canvassing and a canvas coordinator ---

10 **DET/STAFF SGT. YELLE:** Yes.

11 **MR. ENGELMANN:** --- on pages 22 and 23. Can  
12 you tell us a little bit about what that is?

13 **DET/STAFF SGT. YELLE:** Well, the canvass  
14 coordinator position is certainly -- I'll just use the  
15 example of a homicide case where we need a specific area  
16 canvassed, whether it might be several residences or  
17 whatever the case may be. The duties of that person is to  
18 make sure that areas are cordoned off or assigned to  
19 canvassers to make sure that all the canvas has been done  
20 in specific areas.

21 But certainly that position is -- can be  
22 delegated to another member of the investigative team, and  
23 that's certainly not to say that it's a position that we  
24 would canvas, like in a historical case for instance. It's  
25 mostly used in fresh cases, if I may refer to use the term,

1           where we need to canvas the area and see if we have any  
2           potential witnesses in the area. I guess when at times  
3           when we do a press release we will indicate it. Usually a  
4           closing line will be "If you have any other information,  
5           please contact" the name of the investigator or a specific  
6           person or a specific officer.

7                       **MR. ENGELMANN:** Is that a type of canvassing  
8           then?

9                       **DET/STAFF SGT. YELLE:** Certainly that would  
10          -- yes, I guess that would be a type of canvassing.

11                      **MR. ENGELMANN:** All right.

12                      What about in cases where they're multi-  
13          jurisdictional, you have a major case that's multi-  
14          jurisdictional. At pages 24 and 25, you have a multi-  
15          jurisdictional Major Case Manager. Just very briefly, how  
16          is that different than a Major Case Manager?

17                      **DET/STAFF SGT. YELLE:** Well, the difference  
18          with this legislation is that if one would become aware --  
19          and if I could just have ---

20                      **MR. ENGELMANN:** Oh, absolutely.

21                      **DET/STAFF SGT. YELLE:** --- a second.

22                      **MR. ENGELMANN:** Yes.

23                      **DET/STAFF SGT. YELLE:** I just want to refer  
24          to the right section.

25                      There's an area in the Major Case Management

1 Manual that requires a Major Case Manager to  
2 notify the serial predator -- I'm trying to refer  
3 to the right terminology -- but we have to notify  
4 the Serial Predator Unit for the province within  
5 seven days of being aware that it's a serial  
6 crime or multi-jurisdictional.

7 MR. ENGELMANN: Would that be at 1F, sir, on  
8 page 24?

9 DET/STAFF SGT. YELLE: Yes, correct. "The  
10 serial predator crime investigations coordinator shall be  
11 notified within seven days."

12 MR. ENGELMANN: All right.

13 DET/STAFF SGT. YELLE: Thank you.

14 MR. ENGELMANN: And there's some other  
15 responsibilities in dealing with that coordinator as well?

16 DET/STAFF SGT. YELLE: Correct. It's quite  
17 detailed.

18 MR. ENGELMANN: All right.

19 DET/STAFF SGT. YELLE: Yes.

20 MR. ENGELMANN: So there's some additional  
21 duties when we have multi-jurisdictional cases?

22 DET/STAFF SGT. YELLE: Well, there's  
23 additional duties in that the case can be managed as two  
24 separate triangles are brought in as one, and I've only  
25 been involved in one of those cases and it's quite intense,

1 I guess.

2 **MR. ENGELMANN:** All right.

3 And then as well, sir, in the Manual we have  
4 some policies and procedures set out, for example, at pages  
5 28 and 29 when there's reference to the victim liaison  
6 officer and some of that person's responsibilities?

7 **DET/STAFF SGT. YELLE:** Yes.

8 **MR. ENGELMANN:** And also some  
9 responsibilities of media liaison officers and other  
10 officials that have titles under this Manual?

11 **DET/STAFF SGT. YELLE:** Yes, correct.

12 **MR. ENGELMANN:** All right.

13 Now, you told us that the OPP had a number  
14 of members trained on Major Case Management as early as  
15 1998 and then into 1999. Once you were trained, I think  
16 you told us you started to use it?

17 **DET/STAFF SGT. YELLE:** On any new cases that  
18 we had the practice was that we used the Major Case  
19 Management model.

20 **MR. ENGELMANN:** What did you do if you had a  
21 case that was ongoing and let's say started in 1997 or  
22 something and then carried on until 2000, how would you  
23 apply Major Case Management to a case like that or would  
24 you?

25 **DET/STAFF SGT. YELLE:** I don't recall being

1 involved in one that this would have applied to. But  
2 certainly the Major Case Management filing system would be  
3 very difficult to apply to an ongoing major case simply  
4 because -- and I don't want to get into this in too much  
5 detail -- but assignments on a major case, using the Major  
6 Case Management filing system, are all referenced. So if  
7 somebody wants to find out why we interviewed someone, we  
8 would be able to reference it to something.

9 So in order to apply the Major Case  
10 Management filing system halfway through an investigation,  
11 it would almost require the investigation to stop and  
12 reference every assignment interview that's been completed  
13 in that investigation. It would be a lot of work.

14 Now, the Major Case Management model or  
15 principles could certainly be applied, but I know that  
16 there were -- CIB detective inspectors did have some  
17 training in major case management prior to the Major Case  
18 Management training that we have now, and they had a -- I  
19 recall that we had a variety of registers for filing and so  
20 on.

21 So my opinion is that if there was an  
22 ongoing major case at the time, that the Major Case  
23 Management would not have applied. Certainly, like I said,  
24 the principles, the triangle, could have been applied.

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

1                   But the filing system itself, given the  
2 changes, that's a non-starter?

3                   **DET/STAFF SGT. YELLE:** It could be done, but  
4 it would be a tremendous amount of work.

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

6                   So how did the OPP manage major cases prior  
7 to Major Case Management? So before, say, 1999?

8                   **DET/STAFF SGT. YELLE:** My experience was  
9 that we had -- we developed a filing system according to  
10 what we were dealing with. And that's something to point  
11 out; is that every case is different and we can't always  
12 apply, even nowadays, can't always apply the practices in  
13 this Manual for various reasons, but certainly if somebody  
14 doesn't follow a policy in this Manual, we would have to  
15 provide a reason for why we weren't following the Manual.

16                   But we -- to answer your question, yes, we  
17 did have a filing system where we would file, for example,  
18 interviews in alphabetical order if we had witnesses names  
19 in alphabetical order. If we have a number of interviews  
20 completed, we would have a section for instance, forensic  
21 science reports. So there would be a filing system and  
22 there would always be a case manager and a lead  
23 investigator.

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

25                   And you would have had notification

1 processes as set out in Police Order 2.7?

2 **DET/STAFF SGT. YELLE:** Yes. Correct.

3 **MR. ENGELMANN:** Let's -- I was going to turn  
4 to a new section and I don't think I am going to be able to  
5 finish it today. I can start it if you'd like, sir.

6 **THE COMMISSIONER:** No, we can finish it  
7 tomorrow. That's fine.

8 **MR. ENGELMANN:** Because I was going to then,  
9 take the witness to Volume 10.

10 **THE COMMISSIONER:** No, you say it would be  
11 more than five or ten minutes?

12 **MR. ENGELMANN:** Yes.

13 **THE COMMISSIONER:** No, let's quit for the  
14 day and we'll come back tomorrow at 10:00, sir.

15 **DET/STAFF SGT. YELLE:** Thank you.

16 **THE REGISTRAR:** Order; all rise. À l'ordre;  
17 veuillez vous lever. The hearing is now adjourned.  
18 L'audience est ajournée.

19 --- Upon adjourning at 4:25 p.m./

20 L'audience est ajournée à 4h25

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C E R T I F I C A T I O N

I, Sean Prouse 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, Sean Prouse, 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.



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Sean Prouse, CVR-CM