

**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 18

Held at :

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

Tuesday, April 18, 2006

Tenue à:

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

Mardi, le 18 avril 2006

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
M ^e Simon Ruel	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. John E. Callaghan Mr. Mark Crane	Cornwall Police Service Board
Ms. Suzanne Costom Ms. Gina Saccoccio Brannan, Q.C.	Ontario Provincial Police
Mr. Joe Neuberger Mr. Mike Lawless	Ontario Ministry of Community 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
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Dallas Lee Ms. Lauren Schellenberger	Victims Group
M ^e André Ducasse	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Giuseppe Cipriano	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. Jose Harrah-Suarez	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. John E. Callaghan	Mr. Danny Aikman

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1 --- Upon commencing at 1:08 p.m. /

2 L'audience débute à 13h08

3 **THE REGISTRAR:** Order. All rise.

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

7 Please be seated. Veuillez vous asseoir.

8 **THE COMMISSIONER:** Thank you. Good
9 afternoon all.

10 Mr. Engelmann?

11 **MR. ENGELMANN:** Good afternoon, Mr.
12 Commissioner.

13 I just wanted to deal with a couple of
14 housekeeping matters before my colleague, Mr. Simon Ruel,
15 leads the evidence from Deputy Chief Aikman.

16 **THE COMMISSIONER:** Yes.

17 **MR. ENGELMANN:** So just for the record,
18 we'll have this week the policy evidence from the City of
19 Cornwall Police Service and we have the Deputy Chief Danny
20 Aikman who will be here today and tomorrow. And then he'll
21 be followed by Chief Dan Parkinson. So those are our
22 witnesses for this week.

23 For next week, we propose starting Monday
24 the 24th at 2:00 in the afternoon with the second motion
25 that's been brought by Mr. Cipriano dealing with redacting

1 or removing certain aspects of affidavits that are on our
2 website and that are in evidence. So that would be on
3 Monday.

4 So those parties who are not participating
5 in that motion may choose not to arrive here until Tuesday.
6 And on Tuesday, the 25th, we have the evidence of Robert
7 Fulton. He is a social worker. He's a demographer. He's
8 done community profiling and he will be giving us some
9 evidence of a contextual basis on April the 25th.

10 We then have Detective Wendy Leaver from the
11 Metro Toronto Police Force. Detective Leaver is in a court
12 matter on Monday and Tuesday and will only be able to
13 arrive probably early the morning of the 26th. So what we
14 would propose doing is starting here evidence the afternoon
15 of the 26th at two o'clock and we anticipate that evidence
16 will carry through the 27th as well.

17 **THE COMMISSIONER:** All right. Thank you.

18 **MR. ENGELMANN:** So that's sort of the plan
19 of action over the next two weeks.

20 **THE COMMISSIONER:** All right. I see that we
21 have some new faces here. Perhaps we could canvass the
22 list of usual suspects?

23 **MR. ENGELMANN:** Yes. I believe we have a
24 new representative for Mr. Leduc.

25 **MR. HANNAH-SUAREZ:** Yes. My last name is

1 Harrah-Suarez, H-A-R-R-A-H - S-U-A-R-E-Z, initial J. I'm
2 here on behalf of Mr. Leduc.

3 **MR. ENGELMANN:** And which firm are you with,
4 sir?

5 **MR. RUEL:** Henein and Associates.

6 **MR. ENGELMANN:** Thank you.

7 **MS. SACCOCCIO BRANNAN:** And Mr.
8 Commissioner, for the Ontario Provincial Police, our
9 colleague Suzanne Costom, C-O-S-T-O-M, from the law firm
10 Shadley Battista in Montreal.

11 **THE COMMISSIONER:** Good afternoon.

12 **MR. ENGELMANN:** I think everybody else
13 should be familiar; Me Ducasse from Borden Lander Borden
14 Ladner Gervais.

15 **THE COMMISSIONER:** Yes, yes.

16 **MR. ENGELMANN:** This is the Diocese. And I
17 think you've met Ms. Im for the Attorney General.

18 **THE COMMISSIONER:** Right, yes.

19 **MR. ENGELMANN:** And of course Mr. Wardle and
20 I think the rest of the faces should be familiar.

21 **THE COMMISSIONER:** Except for the gentleman
22 here. I don't know if I ---

23 **MR. CRANE:** My name is Mark Crane, Mr.
24 Commissioner, and I'm here on behalf of the Cornwall Police
25 Service.

1 **THE COMMISSIONER:** Thank you. All right.

2 **MR. ENGELMANN:** We've invited people to join
3 us at the front bench before and I'm happy to say that Mr.
4 Callaghan and Mr. Crane are here with the Cornwall Police
5 policy evidence. We expect that others will join us in the
6 front when it's their turn for policy evidence.

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

8 **MR. ENGELMANN:** So I believe that's the
9 introductory remarks I had. I'll turn it over to Mr. Ruel.

10 **THE COMMISSIONER:** Thank you.

11 Bonjour, Me Ruel.

12 **MR. RUEL:** Bonjour, monsieur le commissaire.
13 Good afternoon, Mr. Aikman.

14 So today we have the policy presentation of
15 the Cornwall Police Service.

16 **THE COMMISSIONER:** Has he been sworn in,
17 Madam Clerk?

18 **MR. RUEL:** So Madam Clerk, if the witness
19 could be sworn?

20 **DANNY J. AIKMAN, Sworn/Assermenté:**

21 **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

22 **RUEL:**

23 **MR. RUEL:** So Mr. Commissioner, we want to
24 remind you that this is a policy presentation. So we won't
25 be discussing the specific facts as they may relate to the

1 Cornwall Police Service; so policy, legislation and how
2 this organization is set up.

3 So we have five volumes of documents. Mr.
4 Aikman, Deputy Aikman, you have them?

5 **MR. AIKMAN:** Yes, I do.

6 **MR. RUEL:** Yes. The two first volumes are
7 Book of Documents comprising legislation and regulation.
8 So I would ask you to turn up the index of the first
9 binder.

10 So we have the police -- you've read the
11 index?

12 **MR. AIKMAN:** Yes, I have.

13 **MR. RUEL:** So we have in these two binders
14 the various amendments that were made through time to the
15 *Police Act* and the *Police Services Act* and the current
16 Regulations which are in the second binder.

17 So do you have any objection or does your
18 counsel have any objection that we enter those documents,
19 two binders, as part of your evidence?

20 **MR. CALLAGHAN:** The documents in fairness
21 were prepared by the OPP and ---

22 **THE COMMISSIONER:** All right. So what are
23 we talking about here; Volumes I through to ---

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **THE COMMISSIONER:** Okay. Exhibit 29, Volume

1 I and II.

2 --- EXHIBIT NO./PIÈCE No. P-29:

3 BOOK OF DOCUMENTS

4 Policing and Victims' Legislation

5 Volume I - Tabs 1 to 5

6 --- EXHIBIT NO./PIÈCE No. P-29:

7 BOOK OF DOCUMENTS

8 Policing and Victims' Legislation

9 Volume II - Tabs 6 to 14

10 MR. RUEL: They're called "Policing and
11 Victims' Legislation", Volume I and II.

12 THE COMMISSIONER: Yes, okay. Okay. I've
13 got it.

14 MR. RUEL: So Madam Clerk, I understand that
15 these will be marked as Exhibit 29, Volume I and Volume II.
16 Correct?

17 The three other binders -- and I would ask
18 you to go to the index again. So at Tab 8, we have a
19 corporate presentation. So I understand that this document
20 has been prepared by your services and your counsel.
21 That's correct?

22 MR. AIKMAN: That is correct.

23 MR. RUEL: So you adopt this as your
24 evidence?

25 MR. AIKMAN: Yes.

1 **MR. RUEL:** And the following tabs, you have
2 various documents that were either collected by your
3 service for the presentation of this evidence and some
4 police orders and some legislation, and we have those
5 documents in appendices in the two -- or in fact in these
6 three binders. So you adopt those as your evidence?

7 **MR. AIKMAN:** I do.

8 **MR. RUEL:** So Madam Clerk, if we could mark
9 this exhibit? I understand it's going to be 30.

10 **THE COMMISSIONER:** Thirty (30), yes.

11 **MR. RUEL:** Volume I, II and III.

12 **--- EXHIBIT NO./PIÈCE No. P-30:**

13 BOOK OF DOCUMENTS - Danny Aikman
14 Cornwall Community Police Services
15 Volume I - Tabs 1 to 22

16 **--- EXHIBIT NO./PIÈCE No. P-30:**

17 BOOK OF DOCUMENTS - Danny Aikman
18 Cornwall Community Police Services
19 Volume II - Tabs 23 to 36

20 **--- EXHIBIT NO./PIÈCE No. P-30:**

21 BOOK OF DOCUMENTS - Danny Aikman
22 Cornwall Community Police Services
23 Volume III - Tabs 37 to 52

24 **MR. RUEL:** I just have a question on the
25 corporate presentation, a general question. Have you

1 spoken to previous chiefs of police or deputy chief to
2 prepare this document?

3 **MR. AIKMAN:** In the preparation of this
4 document, no; on other related materials, yes.

5 **MR. RUEL:** Okay. So I would ask you to turn
6 up Tab 1 of Exhibit 30 which is your bio.

7 **MR. AIKMAN:** Yes.

8 **MR. RUEL:** And I would ask you to go -- give
9 us or give the Commission the highlights of your
10 professional career with the Cornwall Police Service.

11 **MR. AIKMAN:** Sure. I was appointed as a
12 police officer with the Cornwall -- then the Cornwall
13 Police Force on January 1st, 1981 and I have remained with
14 the Cornwall Community Police Service for the entirety of
15 my career. I was appointed as the Deputy Chief of Police
16 first in an acting capacity on November 27th -- or excuse
17 me, January 1st, 2003 and confirmed in the rank of Deputy
18 Chief of Police on November 27th, 2003.

19 Over the course of my policing career, I've
20 had the opportunity to work in a variety of assignments,
21 including uniform patrol, criminal investigations. I've
22 been a patrol team supervisor. As well, during the period
23 of 1993 to 2001, I was appointed as the officer in charge
24 of training for the Cornwall Community Policy Service. And
25 for the years 2001 through to 2002, I was the officer in

1 charge of Criminal Intelligence and the Drug Unit for the
2 Cornwall Police Service.

3 In 1989, I had an opportunity to be seconded
4 to the Ontario Police College where I was an instructor
5 mostly in the area of recruit training and my course of
6 subjects in that period of time included instructing
7 recruits in criminal offences, powers of arrest, general
8 police procedures; community policing issues.

9 Throughout my career, I've had the
10 opportunity and good fortune to seek and attend
11 professional development opportunities. In 1988, I was
12 awarded a Certificate of General Police Studies by the
13 Ontario Police College and the University of Western
14 Ontario in recognition of continuing those studies. I've
15 also attended leadership training through the Hanson
16 College at the Dalhousie University.

17 In 2004 I had the good fortune to attend the
18 University of Toronto, the Joseph L. Rotman School of
19 Business on the Police Leadership Program which is an MBA-
20 style program for police executives.

21 **MR. RUEL:** You're member of a number of
22 organizations as I understand.

23 **MR. AIKMAN:** I am.

24 **MR. RUEL:** So can you just discuss those as
25 well?

1 **MR. AIKMAN:** I am a member of the Canadian
2 Association of Chiefs of Police, as well as the Ontario
3 Association of Chiefs of Police. With the Ontario
4 Association of Chiefs of Police, I also serve on a sub-
5 committee known as the OACP Community Policing sub-
6 committee which deals with community policing for the
7 Province of Ontario.

8 Also, in the City of Cornwall, I serve on a
9 variety of community organizations and boards of directors
10 such as the Heart of the City, Team Cornwall. I also sit
11 on advisory committees at the St. Lawrence College,
12 Cornwall campus, as well as been a past board member of
13 Maison Baldwin House, a woman shelter in the city of
14 Cornwall, and the Cornwall and area Big Brothers and Big
15 Sisters Association.

16 **MR. RUEL:** Thank you. I had just a point of
17 clarification. I understand you work within the Criminal
18 Investigation Bureau within the Cornwall Police Service?

19 **MR. AIKMAN:** That's right, in 1984 through
20 '85.

21 **MR. RUEL:** Have you ever been head of that
22 division?

23 **MR. AIKMAN:** No, I have not.

24 **MR. RUEL:** Or unit?

25 **MR. AIKMAN:** No.

1 **MR. RUEL:** And you obtained a medal as far
2 as I can see from your bio, "Police Exemplary Service
3 Medal". So that was given by the Governor General for 20
4 years of service I understand, right?

5 **MR. AIKMAN:** Correct.

6 **MR. RUEL:** In the course of your career,
7 have you ever been involved in the investigation of sex
8 offences?

9 **MR. AIKMAN:** I have.

10 **MR. RUEL:** In what capacity?

11 **MR. AIKMAN:** Both in the uniform capacity as
12 an initial responding officer to a complaint of sexual
13 assault, I've been involved in those investigations, as
14 well as a criminal investigator undertaking carriage of
15 investigations of sexual assaults.

16 **MR. RUEL:** Okay. What about training?
17 You've been involved or you've been the officer in charge
18 of training and you've been involved in providing or
19 coordinating training with respect to sexual offences.

20 **MR. AIKMAN:** One of my roles as the training
21 officer for the service would have been coordinating
22 officers attending required training at the Ontario Police
23 College and the Canadian Police College. Some of those
24 courses would have entailed sexual assault training. Also,
25 one of my functions as the training officer was as the

1 domestic violence trainer for the service and I undertook
2 providing in-service training on domestic violence as well.

3 MR. RUEL: Would you be involved in training
4 yourself?

5 MR. AIKMAN: There were certain programs
6 that I was involved with. Early in my time in the training
7 branch, there was emphasis on use of force training and
8 pistol transition and later, domestic violence was one of
9 the in-service subjects that I taught.

10 MR. RUEL: Thank you. So now I would ask
11 you to turn up Tab A of Exhibit 30, which is your corporate
12 presentation, and page 1.

13 I would ask you to give us an overview of
14 what the Cornwall Police Service is and what it does.

15 MR. AIKMAN: I'm sorry. Which tab is that,
16 Mr. Ruel?

17 MR. RUEL: It's your corporate presentation.
18 So it's Tab A.

19 MR. AIKMAN: Letter "A"?

20 MR. RUEL: Letter "A".

21 MR. AIKMAN: I have numerics. I'm sorry.

22 MR. RUEL: Oh, it's page 1 of your corporate
23 presentation.

24 MR. AIKMAN: Okay.

25 THE COMMISSIONER: It's in Exhibit ---

1 MR. RUEL: Exhibit 30, Volume I.

2 MR. AIKMAN: My apologies. I'm looking at
3 the wrong book here.

4 THE COMMISSIONER: Exhibit 30?

5 MR. RUEL: Right.

6 THE COMMISSIONER: Volume I.

7 MR. AIKMAN: I have it.

8 MR. RUEL: Page 1.

9 MR. AIKMAN: Page 1, yes.

10 The Cornwall Community Police Service is the
11 municipal force of jurisdiction in the city of Cornwall in
12 policing. We currently have a compliment of 84 sworn
13 police officers and 45 civilian members. We are governed
14 under a mission, vision and value statement whereby we
15 envision a future state of a safer Cornwall. Our stated
16 mission is in partnership with our community. We are
17 committed to making Cornwall a safer place to live, work
18 and visit and we have a statement of values as well which
19 expand upon the principles by which we carry out our
20 business.

21 MR. RUEL: Okay. And these -- I guess the
22 vision, mission and values they come from your business
23 plan, the latest business plan for the Cornwall Police
24 Service.

25 MR. AIKMAN: That's right. The latest

1 iteration was developed during the fall of 2004 and covers
2 the period of 2005 through 2007.

3 MR. RUEL: Thank you. I would ask you to go
4 to page 6 of your presentation.

5 (SHORT PAUSE/COURTE PAUSE)

6 MR. RUEL: Everybody has it?

7 I would ask you to go and provide some
8 background on the history of the Cornwall Police Service.

9 MR. AIKMAN: The Cornwall Police Force began
10 in 1789, according to historical documentation which we
11 have. At that time, two constables were appointed as the
12 two constables for the Town of Cornwall.

13 MR. RUEL: So that makes, I suppose, one of
14 the oldest forces, police forces in the country, right?

15 MR. AIKMAN: Yes.

16 Over the period of time it's been led by a
17 variety of chiefs of police and from the period of
18 basically World War II onwards, we have listed those
19 chiefs. Nineteen forty-three (1943) to 1953, Chief Frank
20 Hunter was the chief of police for the Cornwall Police
21 Force which in 1945 included 17 police officers.

22 From 1953 to 1974, Chief Allan Clarke was
23 the chief of police and it's interesting to note during
24 this period of time in 1957, the City of Cornwall expanded
25 its municipal boundaries to take in a part of the Township

1 of Cornwall and at that point amalgamated with the then
2 existing Township of Cornwall Police, which brought the
3 total complement of police officers in 1957 up to 51. This
4 would have also been around the time of the seaway
5 construction in the city of Cornwall and you would have had
6 a municipal population in excess of 50,000 people living in
7 the city.

8 **MR. RUEL:** Okay.

9 **MR. AIKMAN:** In 1974, Earl Landry was
10 appointed as the chief of police and continued in that
11 position through 1984. In fact, Chief Landry was in office
12 when I joined the police service. He was succeeded by
13 Claude Shaver who served as the chief of police from 1984
14 to 1993. We had an acting chief of police, Carl Johnston,
15 in the period of 1994 and '95, and in August of 1995 Chief
16 Anthony Repa joined the Cornwall Police Service, serving as
17 the chief of police until 2003, at which point our current
18 chief Daniel C. Parkinson was appointed as the chief of
19 police on January 1st, 2004.

20 **MR. RUEL:** Thank you. Now, I would ask you
21 to go to page 10 of your presentation.

22 I'm sorry, Mr. Commissioner, I'm hopping --
23 I'll be hopping around the presentation.

24 **THE COMMISSIONER:** That's fine.

25 **MR. RUEL:** I'm following the order that was

1 provided to us but that's -- I'm going to make sure that
2 everybody can follow.

3 So page 10. you mention the jurisdiction or
4 the expansion of the jurisdiction. So page 10, everybody
5 should have a coloured map and this is the current
6 jurisdiction of the Cornwall Police Service, correct?

7 **MR. AIKMAN:** Yes.

8 **MR. RUEL:** And it's also -- this is also the
9 map of the City of Cornwall? These are the boundaries of
10 the City of Cornwall?

11 **MR. AIKMAN:** That's correct.

12 **MR. RUEL:** But can you just go through --
13 just explain to us what exactly is your jurisdiction?

14 **MR. AIKMAN:** Right. When I made my comment
15 earlier about the amalgamation of the Cornwall Police and
16 the Township of Cornwall Police, the former jurisdiction
17 from the City of Cornwall was one square mile which was
18 basically comprised of from the waterfront to Ninth Street,
19 and on the east it was bounded by Marlborough Street, and
20 to the west on Cumberland Street which comprised one square
21 mile.

22 As you can see, in 1957 the boundaries
23 expanded significantly where we still have -- the St.
24 Lawrence River is still our southern boundary for our
25 jurisdiction but we go to the east to Boundary Road. We

1 are bounded on the north by Cornwall Centre Road and South
2 Greenwich Road which after Pitt Street it changes names.
3 And to the west we go out to a little road known as
4 Richmond Street. You can see by the diagram that the
5 municipal boundaries follow the power lines that extend out
6 in that vicinity but it's mostly a rural area on our
7 western boundary.

8 **MR. RUEL:** Okay. And the St. Lawrence River
9 is the south boundary?

10 **MR. AIKMAN:** It continues to be the southern
11 boundary.

12 **MR. RUEL:** So I understand that the Cornwall
13 Police Service has exclusive police jurisdiction within
14 those boundaries. Correct?

15 **MR. AIKMAN:** That is correct.

16 **MR. RUEL:** I understand that under the
17 *Police Services Act*, a police force in Ontario may call
18 another police force to investigate certain crimes within
19 its boundaries. So for example, I guess you could call the
20 Kingston police or the Toronto police to investigate a
21 particular crime in the jurisdiction of Cornwall, right?

22 **MR. AIKMAN:** We could. If ---

23 **MR. RUEL:** In what circumstances would that
24 happen?

25 **MR. AIKMAN:** Well, just going back to the

1 earlier comment about it being exclusive jurisdiction, I
2 don't know if that's an accurate descriptor in terms of the
3 exclusivity because we do have located in the City of
4 Cornwall an RCMP detachment who conduct police activity in
5 the City of Cornwall.

6 We are frequently working in partnership
7 with the Ontario Provincial Police as well. Police
8 officers in the Province of Ontario are sworn in for the
9 entire province, so therefore have jurisdiction for the
10 entire province.

11 But in answer to your question, if we had a
12 situation where another police agency would come in, if we
13 had an investigation where we deemed it a conflict of
14 interest for our service to participate in that particular
15 investigation, we would ask an outside agency to come in
16 and investigate.

17 There are circumstances in which criminal
18 activities occur in other municipalities but their
19 investigation leads them into the City of Cornwall and the
20 other police services will conduct the scope of that
21 investigation in the City of Cornwall.

22 **MR. RUEL:** Just before you move on, you
23 mentioned conflict of interest. What is "conflict of
24 interest"? In what circumstances would that happen?

25 **MR. AIKMAN:** If -- well, I guess there's a

1 couple of circumstances. If we -- if one of our officers
2 was suspected of being involved in the matter, it would be
3 a conflict for us to -- it may be perceived as a conflict
4 for us to investigate the matter. If we have already
5 conducted an investigation and there is a perception that
6 the investigation needed further follow up or review, then
7 the chief of police has the prerogative to call another
8 police force in to have a second look at an investigation.

9 **MR. RUEL:** Okay. I guess, also, that you
10 could call another police force if you don't have the
11 resources or if you need specialized resources to
12 investigate a complicated crime, right? You could call
13 another police force to assist?

14 **MR. AIKMAN:** That's right.

15 **MR. RUEL:** So outside your jurisdiction but
16 within the United Counties of Stormont, Dundas and
17 Glengarry, the OPP would have jurisdiction. Correct?

18 **MR. AIKMAN:** That's correct.

19 **MR. RUEL:** The OPP is the Ontario Provincial
20 Police?

21 **MR. AIKMAN:** Right.

22 **MR. RUEL:** In what circumstances would the -
23 - well, first of all, I suppose that the Cornwall Police
24 and the Ontario Provincial Police would sometimes interact
25 in the conduct of the investigations, right?

1 **MR. AIKMAN:** Yes.

2 **MR. RUEL:** And in what circumstances would
3 that happen?

4 **MR. AIKMAN:** We've had circumstances where
5 we have conducted joint forces operations which would be a
6 formalized investigation into a situation where there is an
7 indication that both jurisdictions may have an interest in
8 a particular criminal activity. For example, the double
9 homicide which occurred in the City of Cornwall in July of
10 2005 was conducted -- the investigation into that
11 circumstance was conducted as a joint forces operation with
12 the Ontario Provincial Police.

13 **MR. RUEL:** So and what -- I guess -- are
14 these situations where the crimes are concurrently
15 committed in two jurisdictions or if there are witnesses in
16 the two jurisdictions? In what circumstances would there
17 be a joint investigation?

18 **MR. AIKMAN:** Typically, you'd have a
19 commonality of the suspects or the type of crime that is
20 occurring. Similar crimes occurring in one jurisdiction
21 and in a neighbouring jurisdiction, you may not have
22 identified the suspects but there may be an indication that
23 they may be related.

24 **MR. RUEL:** I won't go through it. Mr.
25 Engelmann, I understand, will -- well, in fact lead part of

1 your evidence, but you have at Tab 37 of your book of
2 documents the -- it's Exhibit 30, Volume 3. You have a
3 police order which is called the "Joint Forces Operations".
4 Correct?

5 **MR. AIKMAN:** That's correct.

6 **MR. RUEL:** So that provides for the
7 possibility of having joint investigations with other
8 police forces?

9 **MR. AIKMAN:** Right. This particular order
10 governs more formal circumstances where the organizations
11 have agreed to conduct the joint forces operation at an
12 executive level. It requires a written project plan and
13 authorization from -- in our circumstance the chief of
14 police; in the other services, a circumstance might be the
15 local OPP detachment commander or it might be the regional
16 commander.

17 **MR. RUEL:** You also had a Framework
18 Agreement with the OPP. Is that correct?

19 **MR. AIKMAN:** Yes.

20 **MR. RUEL:** So that's Tab 49. And again, I
21 won't go through it in detail but this was signed -- it's
22 Tab 49 of Volume 3 of Exhibit 30.

23 Do you know when this was signed? I don't
24 see any date on the document.

25 **MR. AIKMAN:** Well, this copy that I have

1 isn't dated but I know that the Cornwall Police Service's
2 Board just recently within the last couple of months
3 renewed this agreement. So we would have a signed copy of
4 that at our headquarters if it was required.

5 **MR. RUEL:** So it had been in existence for
6 some time before?

7 **MR. AIKMAN:** It has existed basically since
8 the establishment of the Adequacy Standards in the year
9 2000.

10 **MR. RUEL:** And this Framework Agreement
11 provides for the possibility for the OPP to give us some
12 very specialized services. Correct?

13 **MR. AIKMAN:** That's right. When the
14 Adequacy Standard was made a regulation under the *Police*
15 *Services Act* under the OPP's provincial mandate, they had
16 to offer services to municipal forces that otherwise,
17 because of the costs involved or the resources involved,
18 would not be able to provide certain resources. For
19 example, it makes reference to a polygraph officer. We
20 don't have a polygraph officer in our service.

21 **MR. RUEL:** Okay.

22 **MR. AIKMAN:** So the OPP would provide one
23 under this agreement.

24 **MR. RUEL:** Is there any other circumstances
25 where you would interact with other police forces and the

1 OPP in particular?

2 MR. AIKMAN: The two that we've talked about
3 so far have been in a formal setting.

4 MR. RUEL: Yes.

5 MR. AIKMAN: But there are ongoing
6 investigations and the last formal setting where one of my
7 officers may communicate directly with a frontline officer
8 or a detective with the OPP or the Ottawa Police Service
9 and share information on an informal basis; thus, you know,
10 facilitating that sharing of information and the joint
11 conducting of an investigation.

12 MR. RUEL: Thank you.

13 I would ask you now to turn up Tab 3 of
14 Exhibit 30, Volume 1.

15 (SHORT PAUSE/COURTE PAUSE)

16 MR. RUEL: And at Tab 3, we have a couple of
17 graphs and then we have some statistics, right?

18 MR. AIKMAN: Right.

19 MR. RUEL: And before we discuss that, I
20 would like you to describe to the Commission what type of -
21 - how can I put it -- criminal challenges you've been
22 facing, that the Cornwall Police Service has been facing
23 through the years. So what type of criminality have you
24 been working on, if I may say, historically, generally?

25 MR. AIKMAN: In general, I think Cornwall

1 has the same types and occurrences of crime that other
2 communities have but we have some rather unique challenges
3 that we face as a community. Our geographic location is
4 such that, along the 401 corridor, being close proximity to
5 Montreal and Ottawa, as well as the border to the United
6 States and the Akwesasne territory, we do have organized
7 crime activity within our community, which obviously has a
8 derivative impact in terms of police resources.

9 Obviously the RCMP maintains a rather large
10 detachment here, to deal specifically with border-related
11 issues. We feel the impact of those policing activities as
12 well.

13 **MR. RUEL:** You work with the RCMP on those
14 issues?

15 **MR. AIKMAN:** That's right. We have one
16 member assigned to the Integrated Border Enforcement Team,
17 known as IBET. The IBET works with the Cornwall Police,
18 the RCMP, the OPP, the Canadian Border Agency and their
19 American equivalents on the other side of the border to
20 conduct investigations into smuggling and cross-border
21 issues, counter terrorism activity as well, national
22 security issues. We also have deployed a member to the --
23 this is another police acronym, which I will say out-loud -
24 - the Combined Forces Special Enforcement Unit, is an RCMP-
25 led initiative, which conducts organized crime

1 investigations in the Cornwall area.

2 Our community has, because of its socio-
3 economic situation and challenges, we obviously have
4 criminal activity that flows from that as well.

5 **MR. RUEL:** In what sense?

6 **MR. AIKMAN:** We have noted street-level drug
7 trafficking activity. So we have to devote resources to
8 try and bring that situation under control. We do lay a
9 significant number of domestic violence-related offences.
10 So those raise challenges for a service of our size.

11 **MR. RUEL:** So back to Tab 3. I will ask you
12 to go to page -- they're not numbered, but it's page 4 of
13 the Stat, and you've provided us with some crime statistics
14 from 1980 to 2004. So I understand that the source of
15 those statistics is Statistics Canada and, in particular,
16 the Canadian Centre for Justice Statistics?

17 **MR. AIKMAN:** That's correct.

18 **MR. RUEL:** Right. Which is a sub-unit of
19 Statistics Canada.

20 **MR. AIKMAN:** Right.

21 **MR. RUEL:** And the way this is organized is
22 -- this is for Cornwall, right?

23 **MR. AIKMAN:** That's correct.

24 **MR. RUEL:** So that's the City of Cornwall?

25 **MR. AIKMAN:** The City of Cornwall.

1 MR. RUEL: And you would have -- when I say,
2 "you" during your presentation, it's not you personally,
3 but your service.

4 MR. AIKMAN: Our service.

5 MR. RUEL: It may be easier to refer to
6 "you". You have provided those data to ---

7 MR. AIKMAN: --- Statistics Canada, on an
8 annual basis.

9 MR. RUEL: Okay.

10 I would ask you to go to 1985, for example,
11 just to understand how this is organized. So you have
12 total incidents, total crimes of violence, total sexual
13 offences and total sexual assaults, sexual offences pre-
14 1983 and sexual assault 1983 to present.

15 First of all, the term "incident"; what does
16 incident mean?

17 MR. AIKMAN: The term "incident" for Stats
18 Canada purpose refers to; a crime is committed and reported
19 to the police.

20 MR. RUEL: So it's reported?

21 MR. AIKMAN: Yes.

22 MR. RUEL: Instances of criminal activity
23 doesn't show -- those statistics doesn't show the rate of
24 conviction.

25 MR. AIKMAN: No, it doesn't.

1 Stats Canada has changed its reporting rules
2 over time and in 2000, they went from a victim-based
3 reporting structure to an incident-based reporting
4 structure. And the example I would use for that is if we
5 had an incident where you have a parking lot and 10 motor
6 vehicles are damaged; prior to 2000, we would have referred
7 to that as 10 incidents. Post-2000, we capture that as a
8 single incident.

9 **MR. RUEL:** I see. Okay.

10 With respect to sexual assault and I would
11 ask you to go to the last page of this tab. There is a
12 definition here of what is a sexual assault. So sexual
13 assault does not include -- well, includes -- possibilities
14 of sexual assault under the Criminal Code but does not
15 include other sexual offences such as sexual interference
16 or invitation to sexual touching. Right?

17 **MR. AIKMAN:** That's correct.

18 **MR. RUEL:** So it's only sexual assaults that
19 are captured in these statistics?

20 So if we go to 1985 for example, so
21 vertically it's organized as I said, horizontally you have
22 the incidence of criminal activity or criminal reporting --
23 reporting of criminal activity in Cornwall. You have, in
24 the second column, the rate per hundred thousand
25 population. The third column is the Canada rate and the

1 fourth is the Ontario rate. So if we go to 1985, and I'll
2 focus on sexual assault -- I guess we're not dealing with
3 other types of crimes -- sexual assault, the rate in 1985,
4 93 per 100,000 population. So you would agree that this is
5 a small number of -- or actually, just before we go there,
6 the actual incidence, 43 and the total incidence, 3,382.
7 So it's a small -- sexual assault reporting incidence is a
8 small percentage of the overall reporting of crimes in
9 Cornwall. Right?

10 **MR. AIKMAN:** Yes.

11 **MR. RUEL:** And the rate per 100,000 in '85,
12 is 93 and the Canada rate is 70.61. The Ontario rate is
13 74.36. Eighty-six ('86), you've got for the same crime,
14 sexual assault, 99 and 78.66, 75.99 for Ontario. And this
15 goes on until 2004, and I would ask you to go to the first
16 page of this tab, which is the graph that sets out the
17 numbers that we are discussing and you see that from '83
18 through to 2004, you've got three lines. It may not be
19 very obvious on the graph, but the first line, the top line
20 is the "Cornwall rate, reporting". The second one is the
21 "Canada rate", and the third one is the "Ontario rate".
22 Right?

23 **MR. AIKMAN:** The line that shows the
24 greatest variation is the Cornwall line.

25 **MR. RUEL:** Yes.

1 MR. AIKMAN: I would agree to that.

2 MR. RUEL: Okay.

3 Just to clarify one point; 1997, there seems
4 to be a sharp drop in the reporting. I understand that
5 this is an anomaly.

6 MR. AIKMAN: It is.

7 MR. RUEL: In what sense?

8 MR. AIKMAN: We believe that there was an
9 error made in the statistical gathering process in 1997.

10 MR. RUEL: Which means?

11 MR. AIKMAN: The person who was responsible
12 for that particular activity may have made an error in
13 regards to capturing and reporting to Stats Canada, that
14 information.

15 MR. RUEL: So there would be under-reporting
16 for that year. Is that correct?

17 MR. AIKMAN: Well, there would have been an
18 error made in regards to the number of incidents in
19 Cornwall in 1997.

20 MR. RUEL: So does it mean that the rate
21 should have been higher or lower?

22 MR. AIKMAN: I can't answer that. I don't
23 know.

24 MR. RUEL: Okay.

25 So overall, you would agree with me that the

1 rate, the Ontario rate of reporting is higher than it is
2 for -- of sexual assault, is higher than it is for Canada,
3 in Ontario?

4 **MR. AIKMAN:** I would agree with you that
5 that's what that picture illustrates. Yes.

6 **MR. RUEL:** Okay.

7 You're not a specialist of social sciences
8 or criminology, but is there any explanation that you could
9 provide for this higher rate -- we're talking about
10 reporting, so higher rate of reporting?

11 **MR. AIKMAN:** I think the term "reporting" is
12 the key in this particular circumstance because obviously
13 we can't generate a statistic if a member of the public
14 doesn't contact the police and advise us of an incident,
15 whether it be the vehicle being damaged or a sexual
16 assault. So therefore you rely on the public to report
17 incidents to you, and I would like to think that a high
18 level of reporting would indicate a high level of
19 confidence in the police service to conduct investigations
20 into those matters. And I think, although I'm not a social
21 worker, I do have some knowledge in regards to past studies
22 that have been conducted in urban areas in regards to why
23 people report criminal activity to the police, and I've
24 heard previous studies where, in larger communities, where
25 there was not a significant police presence, the number of

1 crimes reported was quite low. And when those larger
2 police services undertook the activity to implement
3 community policing initiatives, whether it be storefront
4 policing or having more frequent patrols in an area, the
5 number of reports to police increased.

6 MR. RUEL: Is it also possible that the rate
7 would be higher simply because there would be more
8 prevalence of that type of crimes in this area?

9 MR. AIKMAN: That's a possibility. That is
10 one consideration. I don't know that Cornwall has a higher
11 prevalence, per se than another community down --
12 Brockville or Belleville for example.

13 MR. RUEL: Without getting into the facts,
14 there's been significant publicity around ---

15 MR. AIKMAN: Yes.

16 MR. RUEL: --- the issue of investigations
17 of sexual assault in this community, so could that be a
18 factor, as well?

19 MR. AIKMAN: Sure. That's -- obviously we
20 did have significant media attention paid to the
21 circumstances, which led to the calling of this inquiry,
22 and I would also comment that Cornwall as a community has
23 put forth a tremendous effort in regards to educating the
24 public in regards to what constitutes sexual assault. We
25 have a lot of agencies, social assistance agencies within

1 our community; the Partner Abuse Sexual Assault Care Team
2 operating out of the General Hospital site; we have the
3 sexual assault support services for women of SD&G and
4 Akwesasne; we have Maison Baldwin House, women's shelter
5 and there are other women's shelters in the vicinity, the
6 geographic area. And all of these various community
7 partners have put a lot of time and effort into educating
8 the public in regards to sexual related offences. Any time
9 you have increased education, I would suggest you are also
10 going to have an increase in the number of reports to
11 police.

12 **MR. RUEL:** Has the Cornwall Police service
13 provided education as well?

14 **MR. AIKMAN:** That's right. Our members
15 assist those various agencies that I just talked about, in
16 regards to educating the public. We also have a media
17 person as well as our community partnerships unit, crime
18 prevention units. They both devote a lot of time and
19 activity in regards to conducting public education
20 campaigns.

21 **MR. RUEL:** So this educational duties of
22 your service, since when has the service been involved in
23 educating the public in those areas?

24 **MR. AIKMAN:** I think public education has
25 always been a component of policing. I come back to when I

1 was a young child in Cornwall and the Cornwall Police, on
2 an annual basis held bicycle rodeos, which was a form of
3 public education in regards to bicycle safety for young
4 people. Those programs have become more formalized and far
5 more extensive than they would have been during the '60s
6 and '70s.

7 We've had a community service branch,
8 certainly since well before I started on the Police Service
9 in 1981. And that would have been their role.

10 **MR. RUEL:** Is it fair to say that this
11 higher incidence of reporting of sexual assault would have
12 had an impact on the resources of your service?

13 **MR. AIKMAN:** Yes. Over the course of time,
14 we have increased the number of police officers dedicated
15 to the investigation of sexual assault and child abuse
16 incidents.

17 **MR. RUEL:** Okay.

18 Now I would ask you to go back to your
19 corporate presentation. So this is still in the same book
20 at page 12.

21 So what I want to discuss now and you've got here
22 at page 12 to 14. In fact, pages 12 to 15, you and your
23 counsel have reproduced various sections of the current
24 *Police Services Act*; correct?

25 **MR. AIKMAN:** That is correct.

1 **MR. RUEL:** And what I want to discuss with
2 you now is the organization of your service. I want to
3 know what is a police board and general principles of
4 policing that would be set out in the various provisions
5 here.

6 So the first section, which is at page 12,
7 it's Section 1 of the *Police Services Act*.

8 **MR. AIKMAN:** Right.

9 **MR. RUEL:** This section has been adopted in
10 1990, and it provides -- so those are, as the provision
11 states:

12 "The police services shall be provided
13 throughout Ontario in accordance with
14 the following principles:..."

15 And there is a number of principles.

16 My first question is did the Cornwall Police
17 Service view those principles as binding to it?

18 **MR. AIKMAN:** As they are stated in the
19 *Police Services Act*, which governs policing in the Province
20 of Ontario, yes, we have viewed them as binding.

21 **MR. RUEL:** Okay. I would bring you to 1(3),
22 which speaks about the need for corporation between
23 providers of police services and the communities they
24 serve. So would it be fair to say that this is a
25 codification of the principle which is called the community

1 policing?

2 **MR. AIKMAN:** I think it came into being in
3 1990, and the 1990 version of the *Police Act*, I think it
4 would be an early descriptor of what community policing has
5 evolved into.

6 **MR. RUEL:** This will be discussed ---

7 **MR. AIKMAN:** Chief Parkinson?

8 **MR. RUEL:** Yes, Chief Parkinson. But
9 generally, can you explain to the Commission what is
10 community policing?

11 **MR. AIKMAN:** Community policing; it's known
12 by many definitions, but the definition that we abide by is
13 it's a police service delivery model whereby the police
14 work in partnership with the communities that they serve to
15 identify the priorities and objectives for that particular
16 police service, and then operationalizing those objectives
17 into actual policing activities, which would satisfy those
18 community needs.

19 **MR. RUEL:** Would it be fair to say that that
20 section as well would call for the establishment of inter-
21 agency protocols within your jurisdiction?

22 **MR. AIKMAN:** Although the section doesn't
23 specifically say that, certainly that would be our
24 interpretation of it.

25 **MR. RUEL:** Section 1(4) speaks to the

1 importance of respect for victims of crime and
2 understanding their needs. So this section, as I said, and
3 you can take it for granted because we've verified that,
4 has been adopted in 1990, but would it be fair to say that
5 this principle of assistance and respect of victims has
6 been a general principle of policing for a very long time?

7 **MR. AIKMAN:** Yes, I would agree with that
8 statement that the needs of a victim has always been
9 probably the number one priority for any police officer who
10 is undertaking the oath of office to be a police officer.

11 **MR. RUEL:** Mr. Engelmann will discuss that
12 with you tomorrow, but I guess that this principle was put
13 into effect by the adoption of a number of orders and
14 policies by the Cornwall Police Service.

15 **MR. AIKMAN:** That's right.

16 **MR. RUEL:** So at the bottom of the page, you
17 have a provision, which is 4(2), which you have reproduced
18 here and this section or sub-section was adopted in 1997,
19 and it provides that:

20 "Adequate and effective police services
21 must include, at the minimum, the
22 following police services: crime
23 prevention, law enforcement, assistance
24 to victims, public order, maintenance
25 and emergency response."

1 So again, assistance to victims of crime.

2 So this has been implemented through various ---

3 **MR. AIKMAN:** Activities and programs and
4 partnerships with community resources.

5 **MR. RUEL:** Thank you.

6 The following page is the Police Services
7 Board. So Deputy Aikman, could you explain to the
8 Commission what is a police board and what is a police
9 service. Those are two legally distinct entities, right?

10 **MR. AIKMAN:** Yes. The Board is a governance
11 authority, which oversees the activities in a philosophical
12 way of a police service, and the Board is responsible for
13 setting the objectives and priorities of that police
14 service, and those objectives and priorities are then, the
15 phrase I use is "operationalized by the chief of police
16 through the general orders".

17 **MR. RUEL:** You have at subsection 27(1),
18 it's the Appointment Provision. So the Board is comprised
19 of five members, two of which -- or three of which are
20 appointed by the municipality and the two other members by
21 the province. That's correct?

22 **MR. AIKMAN:** That's right.

23 **MR. RUEL:** And this provision has not always
24 been the same?

25 **MR. AIKMAN:** That's right. This provision

1 has changed over the course of time. When I was appointed
2 in 1981, there were only three members of the Board; there
3 would have two provincial appointees and one municipal
4 appointee at that time who was the mayor. That's evolved
5 in later iterations of the Act. A community of our
6 population is required to have a five-member board. In its
7 most recent version, three of those members are from the
8 municipality and two are appointed by the Lieutenant
9 General -- the Lieutenant Governor by the Province of
10 Ontario.

11 **MR. RUEL:** But at some point, it was the
12 reverse. Three were appointed by ---

13 **MR. AIKMAN:** By the province.

14 **MR. RUEL:** By the province.

15 **MR. AIKMAN:** And I think as part of
16 provincial downloading, municipalities were expressing
17 concerns about the budgetary impact of providing police
18 services and wanted more say in the implementation of
19 budget issues and therefore the numbers changed in favour
20 of the municipality.

21 **MR. RUEL:** Would you know when that change
22 was made?

23 **MR. AIKMAN:** I would be guessing, but I
24 think it's the '97 version.

25 **MR. RUEL:** Okay.

1 The following provision is the
2 responsibilities of the Board. So the Board is responsible
3 for that Section 30, subsection 31(1):

4 "The Board appoints the members of the
5 Force."

6 So all police officers are appointed by the
7 Board formally?

8 **MR. AIKMAN:** That's correct.

9 **MR. RUEL:** Right.

10 "...determines..."

11 as you said,

12 "...the objectives, priorities with
13 respect to the provision of police
14 services."

15 And 3 is:

16 "...establish policies for defective
17 management of the police force."

18 So just to get some clarification on this;
19 the "objectives and priorities" would that also involve the
20 objectives with respect to how the police force deals with
21 a specific criminal activity?

22 **MR. AIKMAN:** No, the Board does not get
23 involved in operational policing activities. The example I
24 would use would be through the most recent business
25 planning process, which I've referred to earlier, in the

1 fall of 2004, we conducted environmental scans of our
2 community through use of telephone surveys, town hall
3 meetings as well as internal surveys to look at our own
4 workloads and from that information, we derived -- or the
5 Board directed the Chief to derive objectives for the
6 service. So the Board adopts certain objectives for the
7 service during the course of the business plan and then the
8 chief of police is directed to take those objectives and
9 priorities and adopt policing strategies to address those
10 community needs.

11 **MR. RUEL:** But let's say there was -- I
12 mean, the survey may reveal, but other sources may reveal
13 the hypothetically a very high prevalence of a specific
14 type of criminal activity. So that would be well known and
15 then you could establish that through surveys or otherwise,
16 but this is something that the Board would look at and
17 eventually establish policing priorities; right?

18 **MR. AIKMAN:** Yes. In using my earlier
19 example, the number one priority that came out of this most
20 recent version of the business plan was to address youth
21 crime issues in our community and that was based on our own
22 statistical information that in a two-year period we had
23 seen a over 200 per cent increase in crime attributed to
24 the youth of our community. It also took into account
25 accounts from members of our community who were complaining

1 about various problems associated to young people in our
2 community. So we saw that as our number one priority under
3 the business plan to develop strategies to address.

4 **MR. RUEL:** Have the investigation of sexual
5 offences ever been part of the priority set by the Board,
6 to your knowledge?

7 **MR. AIKMAN:** To my knowledge, no. There
8 have been -- the Board, I think, in the past has attempted
9 communication strategies to address issues which brought
10 about the inquiry here.

11 **MR. RUEL:** Then at 31(5), 31(1)(5) or (4)
12 actually,

13 "The Board recruits the chief and the
14 deputy chief".

15 So you were appointed yourself by the Board,
16 if I understand this provision correctly.

17 "The Board directs..."

18 at sub (5)

19 "...the chief of police."

20 And then you have at the following page 14,

21 "The Board may give orders and
22 direction to the chief but not to other
23 members of the police force."

24 And then 31(3),

25 "The Board shall not direct the chief

1 of police with respect to the
2 operational decisions or with respect
3 to the day-to-day operation of the
4 police force."

5 So that is what you were referring to?

6 **MR. AIKMAN:** It's a clear delineation in
7 regards to the role of the Board versus the role of the
8 chief of police.

9 **MR. RUEL:** So again if there was a serious
10 criminality problem, the Board may say, "Well, we want the
11 police to address this", but the chief would be responsible
12 to implement that and decide what means would be used to
13 fight such type of crime, right?

14 **MR. AIKMAN:** Right. He would have the final
15 say in regards to what strategies we would implement.

16 **MR. RUEL:** Last point is, is it accurate to
17 say that the Board approves the budget of the police force?

18 **MR. AIKMAN:** Yes.

19 **MR. RUEL:** And the budget of the police
20 force is entirely driven or paid out of municipal taxes;
21 right?

22 **MR. AIKMAN:** That's correct.

23 **MR. RUEL:** Your force doesn't receive any
24 funding from the province or from ---

25 **MR. AIKMAN:** We do receive a variety of

1 grants; for example a RIDE, Reduce Impaired Driving
2 Everywhere grant we receive on an annual basis, but it
3 certainly doesn't make up a very large significant portion
4 of our funding.

5 **MR. RUEL:** But the base funding is provided
6 by the municipality?

7 **MR. AIKMAN:** Correct.

8 **MR. RUEL:** The following provisions, it's
9 the duties of the chief of police. It's 41(1). So this
10 one was adopted in 1990, and there are two -- these were
11 reproduced, I guess, by your counsel:

12 "The chief in the case of the municipal
13 force is responsible to administer the
14 police force and overseeing its
15 operation in accordance with the
16 objectives, priorities and policies
17 established by the Board."

18 So we just discussed that. And,

19 "The chief of police must ensure that
20 members of the police force carry out
21 duties in accordance with the Act and
22 the regulation and in the manner that
23 reflects the needs of the community and
24 that discipline is maintained in the
25 police force."

1 So is it fair to say that this provision or
2 those provisions would be the basis for or the legal basis,
3 if I may say, for the chief of police to adopt what we call
4 police orders or police directives -- and we will discuss
5 that later -- but the nomenclature has changed through the
6 times, but let's say police orders, right?

7 **MR. AIKMAN:** That's correct. This is the
8 authority to do so.

9 **MR. RUEL:** And police orders are binding on
10 the police force? I mean, the officers within the
11 Cornwall Police Service have to obey the orders that are
12 adopted by the chief of police?

13 **MR. AIKMAN:** Yes.

14 **MR. RUEL:** I note also that:

15 "The chief of police administers the
16 complaint system in accordance with
17 Part 5 of the Act."

18 So that's the discipline process
19 essentially?

20 **MR. AIKMAN:** Yes. It's the complaint
21 system. It's the system whereby either a member of the
22 public can make a complaint about the conduct of a police
23 officer or the policies of the service, and it also
24 contains the provisions whereby internal investigations can
25 be conducted, which we refer to as chief's complaints.

1 MR. RUEL: Okay.

2 Next section: it's the duties of a police
3 officer. So that provision as well -- it's 42(1) -- was
4 adopted in 1990. So those are the basic duties of any
5 police officer in Ontario, including municipal police
6 officers, right?

7 MR. AIKMAN: That's correct.

8 MR. RUEL: So they have to preserve the
9 peace, prevent crimes, assist victims, apprehend the
10 criminals and lay charges and participate in prosecutions.

11 Seven: Performing lawful duties assigned by
12 the Chief of Police and complete the prescribed training,
13 right?

14 MR. AIKMAN: Right.

15 MR. RUEL: So those are all duties that the
16 officers must follow?

17 MR. AIKMAN: Right.

18 MR. RUEL: And we'll see that later but they
19 could be subject -- police officers could be subject to
20 discipline if you know ---

21 MR. AIKMAN: If they disobey an order ---

22 MR. RUEL: Don't follow ---

23 MR. AIKMAN: --- or fail to carry out a
24 duty.

25 MR. RUEL: Yes.

1 **MR. AIKMAN:** Yes.

2 **MR. RUEL:** The next subject that I wish to
3 discuss is the specific organization of the Cornwall Police
4 Service, and this is at page 2 of your presentation. It's
5 "Cornwall Community Service Organizational Description
6 2006" and if we want to make proper reference, or I fail to
7 understand this properly, I guess we have to go to as well
8 to Tab 2 of the same book, which are the org charts of the
9 Cornwall Police Service through various times, right?

10 **MR. AIKMAN:** Yes.

11 **MR. RUEL:** Before we do that, I think it
12 would be helpful for the Commission to understand, what is
13 the rank structure within the Cornwall Police Service? So
14 if you can start from the lower ranks up to the top and
15 include yourself, we're going to discuss your position as
16 well.

17 **MR. AIKMAN:** Okay. When a police officer is
18 appointed to a police service, they are brought on as a
19 recruit, which is a fourth-class constable position. After
20 attending their prescribed training after a year they are
21 eligible for promotion to a third-class constable, and
22 subsequent to that, on an annual basis to second-class and
23 then ultimately first-class constable.

24 Within our ---

25 **MR. RUEL:** Just before you -- so that's --

1 is there automatic promotion after a year you become -- you
2 go from fourth-class to third-class and then ---

3 **MR. AIKMAN:** Subject to satisfactory work
4 performance reviews. There is no examination at the
5 constable level that they have to take for promotion.

6 **MR. RUEL:** Okay.

7 **MR. AIKMAN:** Once they become a first-class
8 constable there are provisions within our working agreement
9 for a rank known as senior constable which is after 12
10 years of service.

11 **MR. RUEL:** Okay.

12 **MR. AIKMAN:** Above that if they are
13 successful in the promotional process, which does involve
14 an examination and an interview and other facets of a
15 promotional process, they could be promoted to the rank of
16 sergeant. Again, through the same process, they could be
17 promoted to the rank of staff sergeant.

18 **MR. RUEL:** Just before you move to the staff
19 sergeant, what does a sergeant do within your service?

20 **MR. AIKMAN:** Actually, constables are the
21 frontline policing officers. The frontline officers are
22 constables for the most part.

23 **MR. RUEL:** So the people see on the streets
24 of Cornwall are constables?

25 **MR. AIKMAN:** For the most part, yes.

1 MR. RUEL: For the most part.

2 And then the sergeants, where ---

3 MR. AIKMAN: Frontline supervisors who
4 supervise constables. So they are the first-line
5 supervisor.

6 MR. RUEL: Okay.

7 MR. AIKMAN: We then have the rank of staff
8 sergeant, which is more of an administrative role who would
9 be in charge of a bureau or a unit within the organization.

10 MR. RUEL: For example? Do you have an
11 example of such a bureau or unit?

12 MR. AIKMAN: The Criminal Investigations
13 Bureau is headed by a staff sergeant.

14 MR. RUEL: Okay.

15 MR. AIKMAN: Above the staff sergeant rank
16 we have the rank of inspector. We have two inspectors in
17 our organization. One oversees the Field Operations
18 Division, which is the combination of community patrol and
19 CIB. And we also have an inspector in charge of Quality
20 Assurance who's responsible for the auditing function, the
21 internal auditing and general policies functions within our
22 service.

23 MR. RUEL: M'hm.

24 MR. AIKMAN: Above the rank of inspector you
25 have my position as the Deputy Chief of Police.

1 **MR. RUEL:** Yes, and what are you responsible
2 -- what is the deputy chief responsible for within your
3 organization currently?

4 **MR. AIKMAN:** As the Deputy Chief of Police I
5 am responsible for all of the operational aspects of the
6 Cornwall Community Police Service, as well as the
7 administrative functions of our service.

8 **MR. RUEL:** Professional Standards, does that
9 report to you?

10 **MR. AIKMAN:** Yes.

11 **MR. RUEL:** What is Professional Standards?

12 **MR. AIKMAN:** Professional Standards conduct
13 internal investigations or public complaints from a member
14 of the public. It's what -- if you're watching -- sorry --
15 -

16 **MR. RUEL:** I am told that we are currently
17 discussing the current structure so that would be the first
18 -- yes, the 2005 would be the one ---

19 **MR. AIKMAN:** That's discussed right now.

20 **MR. RUEL:** Yes. Thank you. I don't see the
21 screen so I ---

22 **MR. AIKMAN:** Sorry.

23 Okay. So back to Professional Standards,
24 they conduct -- a good analogy would be Internal Affairs
25 would be synonymous to Professional Standards. We don't

1 use that term in our organization, "Internal Affairs".

2 MR. RUEL: Okay.

3 And then you have the chief of police,
4 obviously, and you report to the chief of police.

5 MR. AIKMAN: That's correct.

6 MR. RUEL: And there's some other units that
7 report directly to the chief, right?

8 MR. AIKMAN: The Executive Services Division
9 of our organization, which entails the quality assurance
10 function; our financial services area, human resources and
11 our communications and public affairs office report to the
12 chief of police.

13 MR. RUEL: Just one point. We're going to
14 discuss the investigative branch of your service, but there
15 are a number of officers that deal with or are specifically
16 assigned to investigations. They are called detectives,
17 right?

18 MR. AIKMAN: Yes. It's an informal title.
19 It's not recognized in the Collective Agreement or in the
20 *Police Act* in regards to rank.

21 MR. RUEL: So within the Investigation
22 Bureau, which is the exact title of this unit, what rank
23 would the inspectors have currently?

24 MR. AIKMAN: The inspectors, you mean the
25 investigators?

1 MR. RUEL: Yes. I'm sorry.

2 MR. AIKMAN: Detective constable is the
3 phrase that we use to describe officers working in criminal
4 investigations.

5 MR. RUEL: But formally, would they be at
6 the sergeant level?

7 MR. AIKMAN: In previous iterations of the
8 *Police Act* the term detective equated to sergeant. It was
9 eliminated some time in the 1980's and we adopted the
10 phrase detective constable to recognize that they still did
11 what we traditionally think of as detective work.

12 MR. RUEL: Okay.

13 Moving to the Investigative Branch is that a
14 promotion from being a frontline constable?

15 MR. AIKMAN: No, it's not.

16 MR. RUEL: In what sense?

17 MR. AIKMAN: They don't get paid anymore.

18 MR. RUEL: Okay.

19 (LAUGHTER/RIRES)

20 MR. AIKMAN: It's a highly sought after
21 position that obviously is ---

22 THE COMMISSIONER: So money isn't everything
23 some times.

24 MR. AIKMAN: It's a sought after position
25 within the organization but it does not entail a promotion

1 to become a detective constable.

2 MR. RUEL: Okay. But you have to have
3 special training?

4 MR. AIKMAN: You do.

5 MR. RUEL: I understand that -- if I may use
6 that term -- a police organization has a paramilitary
7 structure, if I may say. You would agree with that?

8 MR. AIKMAN: Yes.

9 MR. RUEL: So there is a chain of command?

10 MR. AIKMAN: Yes.

11 MR. RUEL: And I guess you're not like
12 lawyers who have a lot of flexibility, I guess, in the way
13 they manage their business. But I mean, you have -- police
14 officers have to follow the line. I mean, you have to
15 respect the authority of the person that's above you,
16 right?

17 MR. AIKMAN: They are not independent
18 business people.

19 MR. RUEL: Subject to discipline?

20 MR. AIKMAN: Yes.

21 MR. RUEL: So back to page 2, I will ask you
22 to go through the current structure of the Cornwall Police
23 Service. If you feel that it would be easier for you to
24 refer to the org chart then please indicate so. If not, we
25 will use the description at page 2.

1 **MR. AIKMAN:** Right. And we're going
2 backwards from the end of the tab under Tab 2. The last
3 page of Tab 2 is the reflection of our org chart as it
4 currently sits.

5 **MR. RUEL:** Yes, 2005.

6 **MR. AIKMAN:** Okay, 2005 version.

7 **MR. RUEL:** It's the current one, yes.

8 **MR. AIKMAN:** Yes.

9 So we are divided into three divisions with
10 the Cornwall Police Service. This particular deployment
11 structure resulted from the business plan, as I referenced
12 earlier, in 2004. With that business plan we developed
13 what we refer to as a strategic staffing initiative to
14 better meet the priorities of the organization and we
15 devised this particular deployment to better reflect the
16 activities that the members actually do. And I've already
17 described the Executive Services Division who report to the
18 chief of police.

19 In the Support Services Division we have
20 those activities which support operational policing but are
21 not what we would traditionally view as policing. For
22 example, the Court Bureau is a support function. The
23 Records Bureau is a support function. Our information
24 technology people are a support function as well as our
25 property exhibits and our quarter-master all support police

1 operations, but they don't actually do police work as we
2 traditionally think of it as.

3 The Field Operations Division is where the
4 actual police activities take place.

5 **MR. RUEL:** Would it be fair to say that this
6 -- the bulk of the staffing would be within that division?

7 **MR. AIKMAN:** That's right. We currently we
8 have 45 uniform members working out of the Community Patrol
9 Division.

10 **MR. RUEL:** So what is the Community Patrol
11 Division?

12 **MR. AIKMAN:** That is the public face of the
13 Cornwall Police Service, the uniform officers who patrol
14 the city 24 hours, seven days a week, and our frontline
15 responders to calls for service from our community.

16 **MR. RUEL:** There is -- this Division is
17 subdivided in a number of units or teams; is that correct?

18 **MR. AIKMAN:** That's correct. Each of the
19 teams, we refer to them by a letter of the alphabet which
20 spelled out the word pride at one point and then we still
21 refer to them as P-R-I and D team. In other versions of
22 the org chart "E" team was CIB so the word pride was
23 spelled out.

24 We also have the Traffic Unit and our Canine
25 Unit fall within the Community Patrol Division.

1 MR. RUEL: What is the Canine Unit?

2 MR. AIKMAN: Our dog officer.

3 MR. RUEL: Okay.

4 And then you have, the following one is
5 Crime Convention and Community Partnership Unit.

6 MR. AIKMAN: Right. This particular unit
7 was developed from the business planning activities that we
8 did whereby the community identified that we needed to work
9 on developing more partnerships with the community and
10 providing more in the way of crime prevention activity.

11 We expanded a one-person unit into a three-
12 person unit under the direction of a sergeant. We also --
13 in that particular unit we also have since taken on a
14 civilian victims assistant coordinator who works within
15 that unit. And also the Youth Services Unit, which is
16 described as a separate entity, falls under the direction
17 of the sergeant in charge of crime prevention and community
18 partnerships.

19 MR. RUEL: Okay.

20 MR. AIKMAN: The Youth Services Unit was
21 also a newly formed strategy. As I had mentioned earlier,
22 we identified issues in regards to criminal activity from
23 the youth of our community and we assigned two officers to
24 investigate particularly those crimes, as well as working
25 in partnerships with schools and key service providers to

1 identify youth at risk and ensure that they had the
2 appropriate psycho-educational referrals with an emphasis
3 on social development as a crime prevention tool.

4 **MR. RUEL:** The next unit, it's called the
5 Criminal Investigation Bureau, commonly referred as CIB --
6 so before we do that let's pretend we're all -- we're not
7 experts in policing and many people in this room, I guess,
8 are not -- in the typical police service or in all police
9 service you would have simplistically front line officers
10 and then you would have investigators, right?

11 **MR. AIKMAN:** Yes.

12 **MR. RUEL:** And both wouldn't do the same
13 thing?

14 **MR. AIKMAN:** No. The frontline officers
15 typically take initial complaints, and depending on the
16 complexity of that complaint, if it is something that is
17 going to be rather time consuming or require some form of
18 specialization to follow up, it would be assigned to the
19 Criminal Investigations Bureau to a detective.

20 **MR. RUEL:** So very simple crime. If someone
21 steals my wallet on the street this is probably something
22 that would be taken care of by a front line officer, right?

23 **MR. AIKMAN:** Yes.

24 **MR. RUEL:** But if it's a complex
25 investigation involving an international threat,

1 trafficking drugs, that would likely be dealt with by
2 investigators.

3 MR. AIKMAN: Right.

4 MR. RUEL: Because of the complexity?

5 MR. AIKMAN: Right.

6 MR. RUEL: So could you describe what --
7 there is various sub-units within the Criminal
8 Investigation Bureau and I would ask you to describe them
9 now.

10 MR. AIKMAN: Well, the first one that's
11 noted on your chart is "Major Crime" and it typically is
12 responsible for investigating the most significant levels
13 of criminal activity in our jurisdiction. For example,
14 homicide investigations would be worked out of the Major
15 Crime Unit which is a sergeant and a constable. They would
16 also investigate other significant events which occur in
17 the City of Cornwall.

18 We then have the general investigators who,
19 as I've described, would handle the more complex
20 investigations that front line officers wouldn't have the
21 time to do such as investigating break and enters or
22 following up significant assaults that had occurred in the
23 city. We have one officer in the General Investigative
24 Unit who is assigned almost exclusively to fraud-related
25 criminal activity. We also have one who is assigned as the

1 Domestic Violence Coordinator who is responsible for
2 following up and reviewing all incidents of domestic
3 violence which occur in the City of Cornwall.

4 **MR. RUEL:** Thank you. Then we have "Sexual
5 Assault and Child Abuse Unit" referred to as SACA. So what
6 does that unit do?

7 **MR. AIKMAN:** The Sexual Assault and Child
8 Abuse Unit does, as it's title would suggest, it
9 investigates all allegations of sexual assault in the City
10 of Cornwall, as well as child abuse.

11 **MR. RUEL:** When you say sexual assault, does
12 it include also any type of sexual offences, not only
13 technically sexual assaults?

14 **MR. AIKMAN:** That's a better description of
15 sex offences as opposed to sexual assault.

16 **MR. RUEL:** And currently, are all the sexual
17 assaults or sexual offences investigated by the Sexual
18 Assault and Child Abuse Unit?

19 **MR. AIKMAN:** There may be a circumstance
20 where a front line officer in a less complex matter would
21 investigate a sexual assault. For example, if we had a
22 boyfriend/girlfriend situation where you have a knowing
23 victim with a knowing suspect and there's no real
24 complexity to the investigation, the front line officer who
25 has the knowledge, skills and abilities to conduct that

1 investigation can still carry on with that investigation,
2 but our orders would require at some point a member of SACA
3 review that investigation to ensure that the appropriate
4 steps were taken.

5 **MR. RUEL:** And some cases would -- I mean,
6 of sexual offences would be automatically referred to SACA
7 for investigation, right?

8 **MR. AIKMAN:** Yes.

9 **MR. RUEL:** And what type of case would that
10 be?

11 **MR. AIKMAN:** Well, typically, if you had a
12 sexual assault involving -- well, obviously, any child
13 abuse is automatically referred directly to SACA and if you
14 had a sexual assault which, whether it's a sexual assault
15 causing bodily harm or an aggravated sexual assault or some
16 form of an offence where the victim had to receive some
17 medical attention, those would automatically be forwarded
18 to SACA.

19 **MR. RUEL:** You mention that -- I understand
20 from your evidence that all instances of sexual assault
21 would now be reviewed systematically by SACA, not
22 necessarily investigated but reviewed, right?

23 **MR. AIKMAN:** Yes.

24 **MR. RUEL:** But this has not always been the
25 case. There has been a recent change to make sure that

1 this would happen.

2 **MR. AIKMAN:** Well, it's been codified in our
3 policies as a result of an audit which I'm sure Chief
4 Parkinson is going to testify about. Recently, the
5 practice within our organization has been that all sex
6 offences were reviewed on a daily basis by the officer in
7 charge of the Criminal Investigations Branch and, when
8 appropriate, would have been assigned to SACA for follow
9 up.

10 **MR. RUEL:** Okay.

11 **MR. AIKMAN:** So what you're referring to
12 though was a requirement to change the general order, a
13 housekeeping issue on a general order which was pointed out
14 during the audit.

15 **MR. RUEL:** The audit -- the chief is going
16 to refer to it. That's an audit made by the Ministry ---

17 **MR. AIKMAN:** Police Services Division, yes.

18 **MR. RUEL:** And that's at 2005 audit?

19 **MR. AIKMAN:** Correct.

20 **MR. RUEL:** Okay. Then, you have the street
21 -- we are out of SACA and we're back into Criminal
22 Investigation Bureau and the Street Crime Unit. So what is
23 that one doing?

24 **MR. AIKMAN:** The Street Crime Unit
25 essentially would have formerly been known as the drug

1 unit. So they focus their activities on street level drug
2 trafficking activities in the City of Cornwall, as well as
3 the intelligence officer who works out of the Street Crime
4 Unit. And the intelligence officer would be responsible
5 for assisting and conducting organized crime investigations
6 and liaising closely with policing partners in regards to
7 those activities.

8 **MR. RUEL:** You mention investigating. They
9 do investigations or they only collect information? I'm
10 talking about the intelligence officers.

11 **MR. AIKMAN:** I guess it would depend on your
12 definition of conducting an investigation. That
13 disseminating of information fits within my definition of
14 investigating.

15 **MR. RUEL:** But would they investigate
16 specific incidents of criminal activity?

17 **MR. AIKMAN:** They could, yes.

18 **MR. RUEL:** They could?

19 **MR. AIKMAN:** Yes.

20 **MR. RUEL:** Is the Criminal Investigation
21 Division involved in the -- in reviewing or assessing
22 instances of sexual offences or sexual crimes?

23 **MR. AIKMAN:** The Intelligence Unit?

24 **MR. RUEL:** The Intelligence Unit.

25 **MR. AIKMAN:** They could be called upon to

1 assist in that regard but it's not traditionally part of
2 their function.

3 **MR. RUEL:** So that's a question, I guess, of
4 priority established by the chief, whether or not the
5 Intelligence Unit would be focusing on such or such type of
6 criminal activity?

7 **MR. AIKMAN:** It would be a case-by-case
8 scenario. If a member of the SACA unit requested
9 assistance from the intelligence officer in regards to
10 conducting surveillance or video surveillance, then that
11 activity would be conducted by the Intelligence Unit.

12 **MR. RUEL:** So they're not ---

13 **MR. AIKMAN:** It's not a routine activity.

14 **MR. RUEL:** So they're not specifically
15 mandated to review, if I may say, organized crime; it could
16 be something else?

17 **MR. AIKMAN:** Yes, but most of their
18 activities involves organized crime.

19 **MR. RUEL:** Okay.

20 Mr. Commissioner, I'm wondering if this
21 would be a good time for a break. It's up to you.

22 **THE COMMISSIONER:** Okay.

23 **MR. RUEL:** Now, I want to move to the other
24 org charts, 93 and the previous ones.

25 **THE COMMISSIONER:** Sure. Why don't we take

1 a break to quarter to 3:00?

2 **THE REGISTRAR:** Order; all rise. Veuillez
3 vous lever. The hearing will reconvene at 2:45.

4 --- Upon recessing at 2:31 p.m./

5 L'audience est suspendue à 14h31

6 --- Upon resuming at 2:49 p.m.

7 L'audience est reprise à 14h49

8 **THE REGISTRAR:** Order; all rise. Veuillez
9 vous lever.

10 This hearing of the Cornwall Public Inquiry
11 is now in session.

12 Please be seated. Veuillez vous asseoir.

13 **THE COMMISSIONER:** This would be a good time
14 for air conditioning, don't you think? I think we pay good
15 rent.

16 (SHORT PAUSE/COURTE PAUSE)

17 **THE COMMISSIONER:** Okay.

18 **DANNY J. AIKMAN, Resumed/Sous le même serment:**

19 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
20 **RUEL (continued/suite):**

21 **MR. RUEL:** So we have just finished the 2005
22 structure. Just the last question before we move to the
23 previous one.

24 To work -- and as general background because
25 I know that you're going to discuss this later in your

1 presentation, but to work within the Criminal Investigation
2 Bureau currently, do detectives working within that bureau
3 need to have special training?

4 **MR. AIKMAN:** Right. Our Criminal Management
5 Plan calls for our criminal investigators to be designated
6 as criminal investigators and that would entail attending
7 the General Investigative Techniques course which would
8 qualify them as a criminal investigator.

9 **MR. RUEL:** What about the Major Case
10 Management course?

11 **MR. AIKMAN:** Major Case Management would be
12 a supplement to the GIT course and that would come into
13 play if you are going to be the primary investigator in
14 something that's defined as a major case under the Major
15 Case Manual.

16 **MR. RUEL:** And to work within the Sexual
17 Assault and Child Abuse Unit, you need to have a special
18 type of training?

19 **MR. AIKMAN:** You need to be designated as a
20 criminal investigator. So the General Investigative
21 Techniques course, and in regards to the investigation of
22 child abuse, there are particular courses that you would
23 require as well to conduct those investigations.

24 **MR. RUEL:** Okay. Now, to the -- if you can
25 go to the 1993 structure?

1 **THE COMMISSIONER:** It's not on the screen.

2 **MR. RUEL:** It's not on the screen.

3 **THE COMMISSIONER:** We're drawing a blank.

4 **MR. RUEL:** Thank you.

5 Well, could you describe the changes that
6 were made between 1993 and 2005?

7 **MR. AIKMAN:** I think this version of the
8 organizational chart has a somewhat less complex
9 illustration of the organization, maybe a simpler time and
10 place. But you'll see that under the chief of police we
11 still have a deputy chief of police. We have
12 Administrative and Special Services which in effect would
13 be what we now refer to as Executive Services as well as
14 the Support Services areas and we have a Field Operations
15 Division which still comprise the four uniform patrol teams
16 and what was then known as "E" team which was CIB.

17 **MR. SIMON:** CIB is the Criminal
18 Investigation Bureau?

19 **MR. AIKMAN:** Correct.

20 **MR. RUEL:** And under the "E" team, you have
21 two units, Youth and Identification, right?

22 **MR. AIKMAN:** That's correct.

23 **MR. RUEL:** And if you compare to the current
24 structure, there is no unit called "Sexual Assault and
25 Child Abuse", right?

1 **MR. AIKMAN:** That's correct.

2 **MR. RUEL:** So who then would be in charge of
3 investigating sexual offences in 1993?

4 **MR. AIKMAN:** In the organizational chart or
5 the deployment in 1993, investigations of sexual assault
6 would fall within the bailiwick of CIB or "E" team.
7 Investigations into child abuse would have, at that time,
8 fallen under the Youth Bureau's responsibility.

9 **MR. RUEL:** Okay. What about general or
10 sexual offences involving -- where an adult is the
11 complainant, who would investigate that?

12 **MR. AIKMAN:** That would have been the
13 detectives in "E" team.

14 **MR. RUEL:** The Youth Unit wouldn't have any
15 role in that in 1993?

16 **MR. AIKMAN:** In '93, you're into a period of
17 time in our evolution that sexual assaults would have
18 started becoming within the directions of the Youth Bureau.
19 It evolved over several years into SACA.

20 **MR. RUEL:** Okay.

21 **MR. AIKMAN:** So the Youth Bureau when it was
22 first created was actually called the Juvenile Branch back
23 in the late fifties and its mandate in the fifties was the
24 investigation of juvenile crime. When the *Young Offenders*
25 Act came in, in 1984, I believe it was, the title "Juvenile

1 Branch" became "Youth Bureau".

2 The officers that were assigned to the Youth
3 Bureau during that period of time would have still had the
4 mandate of investigating crimes involving young persons
5 under the *Young Offenders Act* and at some point in that
6 progression they would have also been investigating
7 offences involving children such as child abuse.

8 **MR. RUEL:** Okay.

9 **MR. AIKMAN:** And then the added
10 responsibility of sexual assault came later in around the
11 mid-1990s when more training and specialization in sexual
12 assault investigations became more prevalent in policing.

13 **MR. RUEL:** So it became the *de facto*
14 responsibility of the Youth Bureau, the investigation of
15 all sexual offences?

16 **MR. AIKMAN:** Right, right. In 1993, the
17 officers who were assigned to the Youth Bureau would have
18 also -- or actually, it would have been a little earlier
19 than this -- would have also acted as the youth court
20 officers. So they would have had some preparatory work to
21 facilitate what was happening in youth court. Those duties
22 evolved into the court bureau.

23 **MR. RUEL:** And is it correct to say that the
24 SACA unit or Sexual Assault and Child Abuse appeared on
25 staffing charts -- formerly appeared on staffing charts

1 from 2000 and on?

2 MR. AIKMAN: Correct.

3 MR. RUEL: So staffing charts are not the
4 same thing as an organization chart; it's a chart where you
5 have a list of the -- I guess the individuals working in
6 the various areas within the service. Right?

7 MR. AIKMAN: Right.

8 MR. RUEL: So the previous iteration of that
9 structure is the 1984-85 one and then under the Criminal
10 Investigation Bureau you have again the Youth Bureau. So
11 it's a simple structure but the basic elements are still
12 there, right?

13 MR. AIKMAN: Yes.

14 MR. RUEL: Field operation on one side and
15 investigation on the other side.

16 The other one we have is November, 1970 and
17 then you would have a branch called the Uniform Bureau,
18 which was, I guess the branch dealing where the officers
19 working on the field would be, correct?

20 MR. AIKMAN: Yes.

21 MR. RUEL: And then you have the criminal
22 investigation bureau, but no sub-unit at that time?

23 MR. AIKMAN: That's right. The juvenile
24 branch is not subdivided from the CIB, although it was a
25 function within CIB.

1 **MR. RUEL:** So at that time, I would assume
2 that all the investigators were -- I mean there was no
3 specialty. Everybody would be investigating all types of
4 crimes at that time?

5 **MR. AIKMAN:** At that time and during that
6 point in history, the term detective was synonymous with
7 Sergeant, so they would have all been at the rank of
8 Sergeant, but they were investigating, investigating all
9 types of crime.

10 **MR. RUEL:** That was my question.

11 **MR. AIKMAN:** Okay.

12 **MR. RUEL:** Page 7 now of your presentation.
13 This is the historical authorized staffing levels of the
14 Cornwall Police Service. So briefly on that point, the
15 staffing levels are approved, I would say or would assume,
16 by the board?

17 **MR. AIKMAN:** That's correct.

18 **MR. RUEL:** And then we see from '70 to 2005,
19 an increase but not a sharp increase in the number of
20 officers, right?

21 **MR. AIKMAN:** Right.

22 **MR. RUEL:** Sixty-three ('63) to '84, but
23 there's been a significant increase in the number of
24 civilians. So could you explain why -- the reason why for
25 the increase of civilian members of your force?

1 **MR. AIKMAN:** Right. There's been a lot of
2 changes within policing within the last 25 or 30 years, not
3 the least of which is technology and when our electronic
4 version of records management came into existence in 1989.
5 For example, we had to engage the services of data entry
6 clerks. So that resulted in an increase to our civilian
7 staff.

8 We also -- the *Police Act* changed in 1990 to
9 require municipalities to provide security in court and
10 that resulted in our establishment of a more formal court
11 bureau where we engaged eight special constables to act as
12 the security function for our court bureau.

13 There was also a movement in policing to
14 take police officers from administrative duties such as the
15 dispatch function, and put them back on the street where
16 they could do frontline policing.

17 **MR. RUEL:** M'hm.

18 **MR. AIKMAN:** So in order to backfill for
19 those police officers who were removed from administrative
20 duties, we hired more civilians to resource our radio room
21 and provide the dispatch function.

22 So that was a real evolution from 1990
23 onwards. We really see significant increases in regards to
24 the number of staff. Our most recent increases in civilian
25 staff would be attributable to the hiring of a victim's

1 assistance coordinator as well as a crime analyst.

2 MR. RUEL: Thank you.

3 Next page are the historical staffing levels
4 of the Criminal Investigation Bureau. So the previous page
5 is the authorized staffing levels for the organization as a
6 whole and I would -- is that correct to say that these are
7 the actual levels proved by the chief at various times for
8 the various units and sub-units within the service, right?

9 MR. AIKMAN: That's correct. This
10 information is derived from staffing charts which we have
11 on hand historically.

12 MR. RUEL: Okay. So that would be, if I
13 take, for example, actual CIB May 1990? So that's a
14 picture of the staffing levels of CIB for 1990. So I mean
15 there could be a change in June or July but this is the one
16 for May 1990, right?

17 MR. AIKMAN: At that point in time in 1990.

18 MR. RUEL: In 1990 we see with the CIB that
19 there was 10 officers working as general investigators and
20 two in the Youth Bureau. In 1993, so three years -- less
21 than three years later, you have general investigators, six
22 officers; in the Youth Bureau two officers. So there has
23 been between 1990 and 1993 there seem to have been a
24 reduction of personnel within the CIB and in particular in
25 the General Investigation Unit, right?

1 **MR. AIKMAN:** That's correct.

2 **MR. RUEL:** Is there any explanation for
3 that?

4 **MR. AIKMAN:** At that point in our history we
5 were experiencing significant pressures in terms of long-
6 term disability and illnesses. Those pressures required us
7 to redeploy resources to the front line. When I was
8 referring earlier to uniform patrol we have minimum
9 staffing levels in uniform patrol to ensure that we're able
10 to respond to the community needs on a 24-hour basis.

11 Given that there were budgetary restraints
12 in place in that time in our history, we would not have
13 been able to engage more police officers so support units
14 would have had to provide personnel into the frontline
15 policing operations which would result in the CIB losing
16 strength in terms of its numbers.

17 **MR. RUEL:** But let's say hypothetically that
18 there was a major criminal act of whatever nature committed
19 in the area of and during the period of 1990 and then you
20 needed a number of investigators to work on that case. So
21 you're short staffed so what would you do? Could you draw
22 resources from other units?

23 **MR. AIKMAN:** Well, in 1993 -- we can now. I
24 can speak about what we can do now and I would assume that
25 the chief -- Shaver at the time -- would have been able to

1 also redeploy resources in whichever way he felt they were
2 required.

3 **MR. RUEL:** So he could have moved resources
4 within CIB to assist investigations of whatever criminal
5 act? That would have been one option?

6 **MR. AIKMAN:** That would have been an option.

7 **MR. RUEL:** Another option -- would another
8 option involve the moving of officers from the street
9 patrol to the Investigative Branch; would that be possible?

10 **MR. AIKMAN:** That would be possible but you
11 would be facing budgetary restraints in regards to
12 overtime. So if you're going to pull from frontline
13 policing you need to have those officers come from
14 somewhere and you would have to pay overtime costs to
15 backfill.

16 **MR. RUEL:** Okay. What about bringing down
17 the managers to work in the Investigative Branch? Is that
18 a possibility as well?

19 **MR. AIKMAN:** It is a possibility.

20 **MR. RUEL:** So in 1995 the numbers -- January
21 '95 the number of officers acting as general investigators
22 went up, right; two officers, right? And then in 2000 you
23 have seven general investigators and five officers working
24 in the Sexual Assault and Child Abuse Unit. So can you
25 explain the reason why what I would call or what I would

1 say is a significantly large number of officers are now
2 assigned to this unit?

3 **MR. AIKMAN:** Staffing levels are all based
4 on priorities and at any given moment in time those
5 priorities can change and this particular staffing chart
6 refers to November of 2000. So Chief Repa would have,
7 based upon the strategies which he was trying to implement
8 at the time, would have required resources to be deployed
9 in this fashion. So given the extra attention that was
10 being paid to the ongoing Project Truth matters at the
11 time; given the increased number of complaints that we
12 would have been receiving, he would have deployed five
13 officers to SACA in this particular timeframe.

14 **MR. RUEL:** So previously we have the list
15 within CIB, the Youth Bureau. It doesn't appear in 2000 so
16 it was within another division, right, or is it included?

17 **MR. AIKMAN:** No, the Youth Bureau ceased to
18 exist and it became named the Sexual Assault and Child
19 Abuse Unit.

20 **MR. RUEL:** What about youth crimes? Who
21 would deal with that?

22 **MR. AIKMAN:** Youth crimes is now part of the
23 general investigator's ---

24 **MR. RUEL:** Okay.

25 **MR. AIKMAN:** --- investigator's function in

1 that timeframe. That's in the year 2000.

2 **MR. RUEL:** Now, I would ask you to go to
3 page 16 of your presentation. This is just an introduction
4 for issues that you will discuss tomorrow, but just to give
5 us a bit of background on what the terms mean. So we will
6 be discussing or you will be discussing various orders,
7 directives and policies. So can you explain the difference
8 between those terms?

9 **MR. AIKMAN:** Well, they're all synonymous,
10 basically, but depending on who the chief of police was in
11 any given period of time, whatever their preference in
12 regards to nomenclature would have been at that time is
13 what our -- what we think of as policing orders would have
14 been titled. Chief Landry called them policies and
15 procedures. Chief Shaver called them directives. Chief
16 Repa and subsequently Chief Parkinson have called them
17 general orders but they all essentially mean the same
18 thing.

19 **MR. RUEL:** So these are all the documents
20 that would flow from the authority of the chief to adopt
21 measures or, I guess, policies for the management, for the
22 proper management of the force, right?

23 **MR. AIKMAN:** That's correct.

24 **MR. RUEL:** And all of these would have or
25 would be binding on all police officers and civilians, for

1 that matter, within the service?

2 **MR. AIKMAN:** Yes.

3 **MR. RUEL:** So now I would ask you to go to -
4 - this is the following page -- if you could discuss the
5 various management systems that have been in place or
6 records management systems that have been in place within
7 your service through time? So we have here pre-1989. So I
8 guess we are talking about a person coming to your service
9 and making a complaint. So I guess the record -- at all
10 times a record would be created, correct?

11 **MR. AIKMAN:** That's correct.

12 **MR. RUEL:** But it's been organized in
13 different ways through times?

14 **MR. AIKMAN:** Yes.

15 **MR. RUEL:** And eventually it became
16 computerized so the data was entered in computers and
17 databases, right?

18 **MR. AIKMAN:** Right.

19 **MR. RUEL:** So pre-1989 what was the system
20 in place at that time?

21 **MR. AIKMAN:** Before 1989, obviously a much
22 simpler time before technology came in, we had what we
23 referred to as "hard copy written reports". When a
24 complainant would come to the station or telephone the
25 station and make a complaint the officer would --

1 obviously, the dispatcher, the call in-taker -- the call
2 taker would use an old punch clock system to establish a
3 number. So an occurrence number would be established.
4 That number would be given to the responding officer; the
5 information that he obtained from the victim or the witness
6 would be included on what was referred to as an "occurrence
7 report". Any subsequent investigations to that occurrence
8 would be documented on what were referred to as
9 supplementary reports, still using the same number as
10 reference.

11 **MR. RUEL:** Okay.

12 **MR. AIKMAN:** So eventually all those reports
13 would come together and be stored in a hard copy fashion in
14 our records bureau.

15 **MR. RUEL:** Okay. Then in 1989 came the
16 OMPPAC system. So what is the -- it's called Ontario
17 Municipal and Provincial Police Automation Cooperatives.
18 So what is OMPPAC exactly?

19 **MR. AIKMAN:** As technology evolved and
20 police saw the value in using computers to track the large
21 volume of data that we have, there was a cooperative form
22 in the province of Ontario aimed at providing a cost-
23 effective means by which municipal police forces and the
24 OPP could have automated the data entry systems. So the
25 first version of that was known as OMMPAC. It was a DOS-

1 based platform which was -- although better than hard copy
2 it was not very user friendly in terms of its applications.
3 It was -- it changed the way we recorded information. It
4 provided a computer-aided dispatch component as well as a
5 records management system within one system.

6 MR. RUEL: What is a dispatch component?

7 MR. AIKMAN: Computer-aided dispatch would
8 be when you are in a radio room and all of the information
9 that you have taken as a call taker would be entered onto
10 the computer.

11 MR. RUEL: So am I right to understand that
12 under -- when service used OMPPAC all of the reports and
13 incident reports and supplementary reports would be
14 captured into OMPPAC?

15 MR. AIKMAN: Yes.

16 MR. RUEL: And those data -- or I mean,
17 those records would be made available to all the members of
18 the cooperative, right? So they could potentially be made
19 available to the OPP for consultation?

20 MR. RUEL: Yes.

21 MR. AIKMAN: But you needed a special -- I
22 mean, you couldn't do a broad search? I guess, you needed
23 a special -- you needed to know exactly which case you
24 wanted to look at to be able to locate it through OMPPAC?

25 MR. AIKMAN: You needed the number as well

1 of the policing organization. Each member of the
2 cooperative was assigned a number, and in order to query
3 another member's database you had to go into their
4 database.

5 **MR. RUEL:** Okay. So it was not a search
6 tool or a ---

7 **MR. AIKMAN:** No.

8 **MR. RUEL:** --- a tool to make links between
9 investigations?

10 **MR. AIKMAN:** Right. We had individual
11 databases assigned to our number.

12 **MR. RUEL:** So OPTIC is the following system
13 since 2002. Briefly, what were the changes made as
14 compared to OMMIPAC?

15 **MR. AIKMAN:** Well, it's a Window's based
16 platform and it's been described as being much more user
17 friendly than its predecessor. But probably the biggest
18 change is instead of being provided by one supplier we now
19 have two suppliers, one who provides the CAD, or computer
20 aided dispatch component which is known as Intergraph, and
21 the other supplier known as Niche provides the records
22 management component of OPTIC.

23 **MR. RUEL:** Okay. It's a more efficient
24 system now, more powerful?

25 **MR. AIKMAN:** It has more flexibility.

1 **MR. RUEL:** Page 19, you list here from page
2 19 through 20 a number of other records or information
3 management systems. So the first one at page 19 is the
4 Canadian Police Information Centre casually called as CPIC.
5 So what is CPIC?

6 **MR. AIKMAN:** Well, CPIC is, to my knowledge,
7 the longest known police technology database. It is
8 administered by the RCMP. It's a database which is
9 utilized for the entering of information, and subsequent to
10 that, any police agency who is authorized to access CPIC
11 can query that particular information.

12 So if you had a -- for example, if you were
13 stopped for a driving violation your name would be run
14 through CPIC, and if another police agency had some
15 information -- I won't use you as an example, I'll use
16 somebody else as an example -- but if there was a warrant
17 existing for that individual CPIC would inform that officer
18 who had stopped you of that information.

19 **MR. RUEL:** So this is -- this system is run
20 by the RCMP?

21 **MR. AIKMAN:** That's correct.

22 **MR. RUEL:** But it's being made available to
23 all police services in Canada, right?

24 **MR. AIKMAN:** Yes.

25 **MR. RUEL:** And is it mandatory for your

1 police service to have access or to enter data into CPIC?

2 MR. AIKMAN: I don't know if it's mandatory
3 or not.

4 MR. RUEL: Okay. But you have various --
5 and you list in paragraph 3, you have various orders or
6 police orders that deal with the data entry and
7 dissemination of information or CPIC information, right?

8 MR. AIKMAN: Paragraph -- yes.

9 MR. RUEL: So these are -- ADM is an
10 administrative order?

11 MR. AIKMAN: Right.

12 MR. RUEL: Okay.

13 MR. AIKMAN: I can't think of a police
14 service that would not have CPIC.

15 MR. RUEL: So then we have at the first
16 bullet the records that would be entered into and available
17 on CPIC. So charged person, prohibition, person entered
18 onto the Ontario Sex Offender Registry, a person onto
19 special interest police category. What is that person onto
20 special interest category?

21 MR. AIKMAN: That's a fairly recent addition
22 to CPIC whereby if a person is deemed to be dangerous, he's
23 expressed a desire to harm a police officer but there's
24 nothing else in regards to that individual, that
25 information could be captured in special interests to

1 police as a warning. It also is used to identify people
2 who have been involved in domestic violence occurrences.
3 Those are the general uses for it.

4 **MR. RUEL:** Would people involved in sexual
5 offences be captured as persons to special interests -- as
6 a person of special interest?

7 **MR. AIKMAN:** I would have to check. If
8 they're already listed in the Ontario Sex Offender Registry
9 so that information would come back on a query.

10 **MR. RUEL:** Okay.

11 So if you want to do a search on CPIC is it
12 accurate to say that you need the specific information? So
13 you need to have either a name, a plate number or any
14 specific information ---

15 **MR. AIKMAN:** Yes.

16 **MR. RUEL:** --- to be able to search the
17 database, right?

18 **MR. AIKMAN:** If it's a piece of property it
19 has to be identifiable by a serial number. For example, if
20 we're entering a stolen bicycle you can't just enter CCM
21 green, you have to have the serial number in order to make
22 the entry and then obviously you can query that number.

23 **MR. RUEL:** So if a person makes a complaint
24 -- comes to the police service and makes a complaint of
25 whatever nature and names a person as a suspect, would

1 systematically would the officer in charge of the
2 investigation query the CPIC database to find information
3 that would be available concerning that potential suspect?

4 **MR. AIKMAN:** That's a general investigative
5 step, yes.

6 **MR. RUEL:** So in all cases -- would it be
7 fair to say that in all cases that's what would be done or
8 it's ---

9 **MR. AIKMAN:** I can't ---

10 **MR. RUEL:** --- not necessary?

11 **MR. AIKMAN:** Well, I can't think of a
12 circumstance in which it wouldn't be done. It's a pretty
13 routine investigative step for a police officer to query
14 the databank.

15 **MR. RUEL:** Okay.

16 The next system is called the Violent Crime
17 Linkage Analysis System or to use another acronym, ViCLAS.
18 This is a national database administered by the RCMP. So
19 could you describe to the Commission what the ViCLAS system
20 is?

21 **MR. AIKMAN:** Right. ViCLAS is a booklet
22 which our officers complete involving any unsolved or
23 solved homicides, sexual assaults or attempts, missing
24 persons where foul play is suspected, or unidentified human
25 remains are located and non-parental abductions. We are

1 required to complete a ViCLAS report. That information --
2 the report is then submitted to the Ontario Provincial
3 Police Behavioural Sciences Unit and it's entered into the
4 national databank under their governance.

5 What ViCLAS does is it looks at behaviours.
6 It looks at possible linkages by *modus operandi*, by suspect
7 description, by victimology, and tries to identify linkages
8 between criminal occurrences in different jurisdictions.

9 **MR. RUEL:** So the -- as I understand it the
10 system -- you don't query the system, you provide
11 information and then there is a computer analysis of the
12 data provided on ---

13 **MR. AIKMAN:** That's right.

14 **MR. RUEL:** --- collected at crime scenes or
15 concerning crime patterns, and then the system basically
16 makes links and provides reports, right?

17 **MR. AIKMAN:** Right. As soon as we submit
18 the report we get a response back indicating whether or not
19 there are identified linkages to other investigations.

20 **MR. RUEL:** Okay. This system is governed by
21 provincial regulation. This regulation appears at Tab 11
22 of your Book of Documents. And paragraph 2 says:

23 "Every police officer who is in
24 charge of an investigation shall,
25 within 30 days of the start of the

1 investigation, complete and submit
2 one or more ViCLAS crime analysis
3 report."

4 And then section 3, and you have the
5 provisions in your document, these reports must be filed
6 for specific crimes. So homicide, sexual assault, missing
7 persons, or crimes or situations ---

8 **MR. AIKMAN:** Right.

9 **MR. RUEL:** --- missing person,
10 unidentifiable body.

11 So when those circumstances arise a ViCLAS
12 report must be submitted, right?

13 **MR. AIKMAN:** Yes.

14 **MR. RUEL:** And is it accurate to say that
15 this system has been in operation since 1993?

16 **MR. AIKMAN:** I believe that's true.

17 **MR. RUEL:** And since when has the Cornwall
18 Police Service started to use the ViCLAS system?

19 **MR. AIKMAN:** I believe we started
20 implementing reports in 1996.

21 **MR. RUEL:** Is there any reason why it wasn't
22 used back to 1993?

23 **MR. AIKMAN:** I'm not aware of any.

24 **MR. RUEL:** I gather that the ViCLAS or
25 violent crime linkage analysis system report was used or

1 became mandatory in 1997. So from that date or from that
2 year on all police services in Ontario had to provide
3 ViCLAS report; is that correct?

4 **MR. AIKMAN:** That's correct.

5 **MR. RUEL:** Is the provision of reports to --
6 or the entry of reports in the ViCLAS system, does that
7 create a challenge for your police force?

8 **MR. AIKMAN:** It has in the past created a
9 challenge. The requirement -- the regulation says it must
10 be submitted within 30 days. There have been instances in
11 the past in which the submission was not done as
12 efficiently as one might have hoped and that time period
13 might have exceeded 30 days if an officer went on some form
14 of an extended illness or a vacation prior to submitting
15 the report and returned to duty beyond the 30-day time
16 limit. The report would be submitted but maybe not quite
17 as efficiently as the regulation requires.

18 **MR. RUEL:** Has that situation been ---

19 **MR. AIKMAN:** That situation has been ---

20 **MR. RUEL:** --- corrected?

21 **MR. AIKMAN:** --- addressed and the general
22 order governing ViCLAS has been amended to ensure that the
23 report is submitted.

24 **MR. RUEL:** Okay.

25 The next system is the Ontario Sex Offender

1 Registry. So can you give us a few explanations on this
2 one?

3 **MR. AIKMAN:** The Ontario Sex Offender
4 Registry was created in the year 2000. It was commonly
5 referred to as "Christopher's Law" and had to do with
6 circumstances involving a known sex offender who kidnapped
7 and killed a young boy by the name of Christopher --
8 Stevenson I think was his last name -- but the legislation
9 is named in his name.

10 It's another databank in which sex
11 offenders' information is compiled and reported. It's a
12 system by which we can track whether sex offenders are
13 residing in our jurisdiction and any change of address or
14 if they move in and out of jurisdictions, that movement can
15 be tracked.

16 **MR. RUEL:** And you mention here at the
17 bottom of page 20 currently the Cornwall Community Police
18 Service has 85 individuals whose names are being maintained
19 with the Ontario Sex Offender Registry; is that correct?

20 **MR. AIKMAN:** That's correct.

21 **MR. RUEL:** And then there is the federal
22 registry.

23 **MR. AIKMAN:** The National Sex Registry came
24 into effect in the year 2004 and it's a system similar to
25 the Ontario version but it has a little bit more

1 information. For example, on the Ontario Sex Offender
2 Registry the victims' age is not a necessary component,
3 whereas on the national databank it is.

4 **MR. RUEL:** Okay.

5 **MR. AIKMAN:** As I understand it, the
6 National Sex Offender Registry uploads information from the
7 Provincial Sex Registry on a daily basis.

8 **MR. RUEL:** Okay.

9 Page 22, and briefly, again, this section
10 deals with document retention and destruction. So there's
11 been through times a number of bylaws and directives
12 applicable to this issue. So I would appreciate if you
13 could go through the various instruments that have been in
14 place with respect to retention and destruction of
15 documents, and I'm talking specifically about investigative
16 files.

17 **MR. AIKMAN:** Okay. The first version of the
18 retention bylaw came into effect in 1986 and it provided
19 that all original hardcopy occurrences relating to higher
20 level sexual assaults had to be retained for 20 years and -
21 --

22 **MR. RUEL:** Sorry.

23 **MR. AIKMAN:** --- less serious sexual
24 assaults, if I can use that term reluctantly, were retained
25 for five years under that retention bylaw.

1 **MR. RUEL:** So the next one deals with
2 destruction. So after the mandated period, I guess the
3 document could be -- documents could be or the records
4 could be destroyed, right?

5 **MR. AIKMAN:** Yes.

6 **MR. RUEL:** So then you have the OMPPAC Bylaw
7 dated 1990. So this one provides that the data or the
8 reports entered into OMPPAC must be retained for -- for
9 occurrences of sexual assault and aggravated assault must
10 be retained for seven years, right?

11 **MR. AIKMAN:** Yes.

12 **MR. RUEL:** And then we have bylaw number 60
13 which basically, I understand, replaced or repealed bylaw
14 52, correct?

15 **MR. AIKMAN:** In 1998, yes.

16 **MR. RUEL:** In 1998, and it now provides that
17 all records relating to an incident reported and classified
18 as sexual assault must be retained for 25 years, right?

19 **MR. AIKMAN:** That's correct.

20 **MR. RUEL:** Is there any reason for the
21 change in the period so from five to twenty-five?

22 **MR. AIKMAN:** My educated guess would be that
23 there is more recognition in regards to historical events
24 and if you were destroying a record after only five years
25 and a victim comes to you 15 years later, you may not have

1 those reports available.

2 MR. RUEL: Okay. So that's basically the
3 reason.

4 The next chapter -- Mr. Commissioner, just a
5 second.

6 (SHORT PAUSE/COURTE PAUSE)

7 THE COMMISSIONER: So ladies and gentlemen,
8 while there is a break in the action, I just want to let
9 you know that when your cell phones are on, it's like in
10 the hospital. It takes away from the monitors here and I
11 know these aren't heart monitors or anything like that. So
12 if you could just turn them off and even if you're on
13 vibrate, we can see it through the monitors when your
14 phones are vibrating. So if you can just turn them off and
15 need I remind everybody that that's the general rule in
16 courts I suppose and we should be able to monitor and obey
17 that one as well.

18 MR. RUEL: I just want to bring you back --
19 Mr. Engelmann pointed out an issue -- to page 17, and it's
20 the records management system pre 1989. And second -- or
21 the first bullet but second sub-bullet, so you mention --
22 there is a mention here about the contact cards and
23 information that would be captured on the contact cards.
24 So that would be when a person makes a complaint,
25 information was written I guess on a card, so the name of

1 the complainant, the witnesses, suspects, the person
2 charged, right?

3 MR. AIKMAN: Yes.

4 MR. RUEL: So after 1989, with the coming
5 into force of the OMPPAC system, would that information be
6 entered into OMPPAC, like the one that was created before?

7 MR. AIKMAN: Right. Post '89, there was no
8 need for contact cards any further. That information was
9 filed electronically within OMPPAC.

10 MR. RUEL: Okay. But for the documents or
11 the contact cards created before 1989, would they be
12 transferred or would the information be transferred into
13 OMPPAC?

14 MR. AIKMAN: No, it was not.

15 MR. RUEL: So page 23 is the complaints
16 process.

17 (SHORT PAUSE/COURTE PAUSE)

18 MR. RUEL: Just a clarification, Mr.
19 Commissioner. We talked about the bylaw number 60 at page
20 22 and it's written here bylaw 60 was passed in June 1998
21 and counsel for the Cornwall Police Service points out to
22 me that this bylaw was in fact adopted in 1994 as it
23 appears from Tab 19. So it's a typo essentially.

24 So the 25 years retention provision was
25 adopted on 1994, correct?

1 **MR. AIKMAN:** Yes, I see that.

2 **MR. RUEL:** Okay. So I wish to bring you now
3 to the complaints process against the members of the
4 Cornwall Police Service. So we're going to discuss this
5 issue in two different chapters. The first one would be
6 the current and existing process and then we'll go back in
7 time to 1997 where -- or prior to 1997 where another system
8 was in place.

9 So I understand from evidence earlier that
10 there could be two types of complaints, complaints about
11 conduct, right?

12 **MR. AIKMAN:** Yes.

13 **MR. RUEL:** And complaints about ---

14 **MR. AIKMAN:** Policies and procedures.

15 **MR. RUEL:** --- policies and procedures.

16 So complaints about conduct that's what I
17 want to cover with you. So essentially, if there's a
18 complaint about conduct it has to be founded on the notion
19 of misconduct, right? The discipline process -- I mean a
20 complaint concerning conduct would lead eventually to a
21 discipline process, right?

22 **MR. AIKMAN:** Right. I guess what you're
23 asking is if a complaint is received, is someone alleging
24 misconduct on the part of a police officer?

25 **MR. RUEL:** Yes.

1 **MR. AIKMAN:** Yes. Typically, yes.

2 **MR. RUEL:** Or there could be other types of
3 complaints about conduct other than misconduct?

4 **MR. AIKMAN:** No, I was referring more to the
5 policies and procedures aspect.

6 **MR. RUEL:** Okay, but leaving the policies
7 aside.

8 **MR. AIKMAN:** Yes. If a member of the public
9 is complaining about the actions of a police officer, it's
10 misconduct that is being alleged.

11 **MR. RUEL:** Okay.

12 So now I would ask you to turn up Tab 4 of
13 your Book of Documents and this is the current *Police*
14 *Services Act* and I would ask you to go to section 74.

15 **THE COMMISSIONER:** What page?

16 **MR. RUEL:** It's page 79. And I'm going to
17 ask you a few questions, Deputy Aikman, but with the
18 obvious understanding that you're not a lawyer and we're
19 not asking you to provide any legal opinions, just to ask
20 you to go over these presentations and see how they've been
21 implemented within your service.

22 So 74 is the provision that deals with
23 misconduct. So 74(1)(a):

24 "A police officer is guilty of
25 misconduct if he or she commits and

1 offence described in the prescribed
2 Code of Conduct."

3 **MR. AIKMAN:** Yes.

4 **MR. RUEL:** So a Code of Conduct is ---

5 **MR. AIKMAN:** Is a regulation to the *Police*
6 *Services Act*.

7 **MR. RUEL:** Okay. And we also -- I mean
8 there's various types of conduct that could be considered
9 as misconduct apart from a violation of the Code of
10 Conduct. There is (e), for example, contravenes to section
11 75 which is withholding services. So 75(2) at the next
12 page,

13 "No member of a police service shall
14 withhold his or her services."

15 So that's another ground for misconduct, right?

16 **MR. AIKMAN:** Yes.

17 **MR. RUEL:** So I want now to bring you to the
18 Code of Conduct and it can be found in Exhibit 29 which is
19 the Book of Legislation and Regulations. So Volume 2 and
20 it's Tab 8.

21 **MR. AIKMAN:** Volume 2, Tab 8.

22 **MR. RUEL:** Yes, of Exhibit 29.

23 **THE COMMISSIONER:** Volume 2?

24 **MR. RUEL:** Yes.

25 **THE COMMISSIONER:** Yes.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. RUEL: Does everybody have it? Yes.
3 And it's at page 3. So this is the current Regulation
4 123/98. That's the general regulation under the *Police*
5 *Services Act*. Part 5 at page 3, section 14, deals with the
6 Code of Conduct. So it sates:

7 "Any conduct described in the Code of
8 Conduct set out in the schedule
9 constitutes misconduct for the purpose
10 of section 74."

11 -- which we have just reviewed.

12 And then the schedule at the next page, you
13 have the Code of Conduct itself. So it's my understanding
14 that this Code of Conduct has been in existence for a
15 number of years. Is that correct?

16 MR. AIKMAN: Yes, and has been amended over
17 that time.

18 MR. RUEL: Okay. So the current code
19 provides -- page 4, section 2. So these are the various
20 heads of misconduct under the Code of Conduct. So (a)
21 discreditable conduct, so that's one. And there is at page
22 5, so it's 2(1)(b) insubordination, and (ii) without lawful
23 excuse disobeys, omits or neglects to carry out any lawful
24 order. So any lawful order could be an order adopted by
25 the chief of police.

1 **MR. AIKMAN:** It could be a written order or
2 it could be a verbal order.

3 **MR. RUEL:** Just before we continue with this
4 presentation, you're familiar with those issues as you --
5 the issues of discipline, right?

6 **MR. AIKMAN:** Yes.

7 **MR. RUEL:** Because the standards branch,
8 Professional Standards Branch is reporting to you?

9 **MR. AIKMAN:** That's correct.

10 **MR. RUEL:** Okay. (c) neglect of duty; so
11 without lawful excuse, neglects, an officer neglecting or
12 omitting promptly and diligently to perform any duty as a
13 member of a police force. So that's another possible head
14 of misconduct.

15 (v) fails to report a matter that is his or
16 her duty to report; so that's another possibility. And I'm
17 just reading some of them as examples.

18 Page 6, breach of confidence, divulge any
19 matter which it is his or her duty to keep secret; so
20 that's another possibility, right?

21 **MR. AIKMAN:** Yes.

22 **MR. RUEL:** So now, I would ask you to go to
23 Tab 20 of Exhibit 30, which is your Book of Documents, and
24 we have here an order, a police order which is called
25 "Chief's Complaint: Public complaints about the police and

1 policy or service complaints".

2 MR. AIKMAN: Yes.

3 MR. RUEL: Dated February 18th, 2005. So
4 this is the policy that gives effect to the discipline
5 process and the complaint -- rephrase -- this is the policy
6 that implements the complaints process as set out by the
7 *Police Services Act*.

8 MR. AIKMAN: That's correct.

9 MR. RUEL: With the new service.

10 MR. AIKMAN: Yes.

11 MR. RUEL: And I would ask you to go to the
12 last page of that document and the number of this order is
13 FOB068. So at the last page, there's a flow chart and
14 generally, I would ask you to go through the process if a
15 complaint is received by -- or is made by a member of the
16 public against a police officer and the person comes to the
17 Cornwall Police Service and makes the complaint. So what
18 is the process that is being followed under the current
19 statutory provision and under this order?

20 MR. AIKMAN: M'hm. It's actually, I
21 believe, the question is in reference to the paging. The
22 head of this one, where it's Appendix A of that Order.

23 MR. RUEL: Yes, yes. Appendix A, yes, I'm
24 sorry.

25 MR. AIKMAN: When a complaint is received

1 from a member of the public, there is an intake process
2 whereby we have a form that is completed, although the
3 complaint does not necessarily have to be in that form. It
4 can simply be a letter or in writing in some fashion. If
5 it's a less serious complaint, and I would use an example
6 of maybe use of profanity in an inappropriate circumstance
7 by an officer, that officer's frontline supervisor has the
8 authority to investigate that complaint and resolve it if
9 the party that made the complaint consents to that. So
10 there can be an informal resolution at that point. If it,
11 ---

12 **MR. RUEL:** Just before you go on, you
13 mentioned to a "non-serious", so there is a distinction in
14 the process between serious and non-serious allegations of
15 misconduct. So if I go to Section 70(1) of that Order at
16 the same tab, we have here what the definition of what is
17 serious misconduct.

18 "Serious misconduct may include
19 allegation of domestic violence, sexual
20 harassment, breach of C.P.I.C. or
21 OMPPAC policy."

22 So these are instances of serious
23 misconduct; right?

24 **MR. AIKMAN:** Yes. In these instances, if a
25 person is complaining that an officer has done this level

1 of misconduct, it cannot be resolved at the frontline
2 supervisor's level.

3 **MR. RUEL:** Okay. And other types of
4 misconduct could be, I mean, it could be misconduct, but
5 it's not qualified as serious, so it would go through the
6 internal or informal resolution process.

7 **MR. AIKMAN:** Informal resolution, yes.

8 **MR. RUEL:** If the complaint is serious in
9 nature, what happens?

10 **MR. AIKMAN:** Those matters are referred to
11 the Professional Standards Bureau for investigation. The
12 Sergeant in Professional Standards would conduct an
13 investigation into the matter similar to -- the analogy I
14 would use is a criminal investigation. At the conclusion
15 of that investigation, he or she would draw a conclusion in
16 regards to whether the allegation was founded or not and
17 make his or her report back to the Chief of Police or his
18 designate, which in the case of our service is myself.

19 **MR. RUEL:** I understand that complaints that
20 would not be serious in nature may also end up at the
21 Professional Standards office as well. Right?

22 **MR. AIKMAN:** They could potentially.

23 **MR. RUEL:** If there's no resolution.

24 **MR. AIKMAN:** If there is no resolution, if
25 the officer in question has demonstrated the same behaviour

1 in the past and the matter was informally resolved, the
2 frontline supervisor may make the decision to refer that
3 matter to Professional Standards.

4 **MR. RUEL:** So then the report is tabled on
5 the desk of the Chief, and then what happens? Well, in
6 fact, you said that well, you've been through that.

7 **MR. AIKMAN:** Well, there is a process, yes.

8 **MR. RUEL:** Yes. What happens then?

9 **MR. AIKMAN:** Depending on the findings, the
10 Chief can determine that the complaint was unfounded or
11 unsubstantiated in which point the complainant would be
12 advised of that and the complainant would be advised of
13 their options in that circumstance, which would include
14 referring the matter to OCCOP, the Ontario Civilian
15 Commission On Policing for review. If that happens, then
16 they would review our investigation and make their own
17 determination as to whether or not the matter was
18 substantiated.

19 **MR. RUEL:** Okay.

20 **MR. AIKMAN:** If in the initial circumstance,
21 the Professional Standards Officer had found that the
22 matter was substantiated and the Chief or myself concurred
23 with that conclusion, then we could call for a hearing into
24 the matter; a police act charge laid and a hearing heard or
25 referred to a Board of Inquiry.

1 **MR. RUEL:** So there are two streams again.
2 If the matter is serious, it goes to hearing and if it's
3 not serious, there is again an attempt to settle it through
4 informal resolution. Right?

5 **MR. AIKMAN:** Yes.

6 **MR. RUEL:** And then at the end of the
7 process, if the matter is resolved or if there is a hearing
8 and the penalty is recommended, the Chief makes the
9 determination as to the penalty that could be imposed.
10 Right?

11 **MR. AIKMAN:** Yes.

12 **MR. RUEL:** And the penalties are provided at
13 Section 68 of the *Act*, and it is Tab 4, page 70. So the
14 police -- sorry, no, it's at Tab 4 of the Exhibit 30, page
15 70, Section 68.

16 "The chief of police may,..." "(a)
17 dismiss the police officer..." and "(b)
18 direct that the police officer be
19 dismissed in seven days..."

20 So there is a number of -- demotion is
21 another option; so these are penalties that would be
22 imposed by the chief. Right?

23 **MR. AIKMAN:** Yes.

24 **MR. RUEL:** In your organization currently,
25 would that be the chief or is that being delegated to you?

1 **MR. AIKMAN:** Well, it's been delegated to
2 me, but I certainly would consult with the chief before I
3 dismissed someone from the service.

4 **MR. RUEL:** This discipline process is recent
5 and in 1997 or prior to 1997, the process provided for in
6 the *Police Services Act* was different; right?

7 **MR. AIKMAN:** Yes.

8 **MR. RUEL:** And I would ask you to turn up
9 Tab 21 of your Book of Documents and just before we go
10 there, Madame Clerk you can go to F-21, but under the
11 current process, there's complaints by the public but
12 there's also a process under which the chief may make a
13 complaint against a police officer.

14 **MR. AIKMAN:** That's correct.

15 **MR. RUEL:** If the chief or the deputy chief,
16 if you've got the allegations or if there is a matter that
17 in the view of the chief or the deputy chief that should be
18 subject to -- if there's an allegation of misconduct, the
19 chief can initiate a complaints process internally.

20 **MR. AIKMAN:** That's right.

21 **MR. RUEL:** And the process would be
22 essentially -- the same steps essentially would be followed
23 as you have described?

24 **MR. AIKMAN:** Yes.

25 **MR. RUEL:** So Tab 21 is the Directive that

1 dealt with the system in place prior to 1997. Right?

2 **MR. AIKMAN:** Correct.

3 **MR. RUEL:** And then at Tab 22, there is a
4 flowchart of the system as it was in place then. And
5 before we go through that, Deputy Chief Aikman, could you
6 explain to the Commission the key differences between the
7 systems in place; the current system and the previous one.

8 **MR. AIKMAN:** The system that was in place
9 before 1997 is quite similar to the one that is in place
10 now with one major exception and that is that before 1997,
11 and I believe it was from about 1990 to 1997 that this was
12 in effect, an independent body known as the Police
13 Complaints Commission was automatically notified at the
14 intake step of any complaint against a police officer
15 whereas now its replacement known as the Ontario Civilian
16 Commission on Police Services is only notified in the case
17 of an appeal.

18 **MR. RUEL:** Okay.

19 **MR. AIKMAN:** So there is a difference there
20 so that if a member of the public came into the station in
21 1996 and made a complaint about a police officer, a copy of
22 that form would automatically be forwarded to the PCC.

23 **MR. RUEL:** And we will go through the
24 flowchart, but is it fair to say that the Police Complaints
25 Commissioner could intervene at various stages of the

1 process and take over the investigation of a complaint?

2 MR. AIKMAN: Yes.

3 MR. RUEL: Now I would ask you to go through
4 the flowchart and the same question would be if a complaint
5 is received, a public complaint, then what happens? What
6 was the process then?

7 MR. AIKMAN: Very similar process, but there
8 were more formalized timelines as a result of the
9 legislation that was in effect at this time. I believe it
10 was on a thirty-day basis. The victim or the complainant
11 -- not the victim -- the complainant and the Police
12 Complaints Commission had to be updated as to the status of
13 the investigation on a continuous basis, but the results
14 were very, very similar to what occurs today in terms of
15 the chief determining whether or not a complaint is
16 substantiated or not.

17 MR. RUEL: But we see here in the flowchart,
18 "Bureau submits monthly report". So after the Bureau that
19 must be the internal ---

20 MR. AIKMAN: What we know as Professional
21 Standards.

22 MR. RUEL: Sorry. I don't think we have the
23 -- no, it's the following page. So that was the process we
24 are discussing. Right?

25 MR. AIKMAN: Yes, I was following it in my

1 book.

2 MR. RUEL: Okay. And I'm back to the
3 Bureau. What is the Bureau again?

4 MR. AIKMAN: Professional Standards Bureau.

5 MR. RUEL: Professional Standards. So the
6 Bureau submits a monthly report following an investigation.
7 So it goes to the Police Complaints Commission, so it means
8 that the Police Complaints Commission could step in at that
9 stage and investigate the matter if it felt it needed to do
10 it; right?

11 MR. AIKMAN: I believe they could, yes.

12 MR. RUEL: Okay. Then the Professional
13 Standards Bureau would submit eventually a final report to
14 the chief, and the chief had various options. So can you
15 go through these options?

16 MR. AIKMAN: If the chief found that the
17 complaint was unsubstantiated as a result of the
18 investigation, he could take no further action, which would
19 result in notifications going to the complainant as well as
20 the Police Complaints Commission. He could order the
21 officer to be admonished, which is a verbal reprimand or a
22 written reprimand. He could lay an affirmation under the
23 *Police Services Act* and have a hearing, charge the officer.

24 MR. RUEL: A hearing is -- there are two
25 streams here. There is a hearing under Section, it seems

1 to be Section 60, and a hearing of Board of Inquiry under
2 Section 92. So there are two different levels of hearings
3 here.

4 **MR. AIKMAN:** Yes. I think the hearing that
5 a police chief would refer to would be engaging the
6 services of a hearings officer to have a hearing within the
7 setting of its service; whereas a hearing of a Board of
8 Inquiry would be probably from the Police Complaints
9 Commission.

10 **MR. RUEL:** It's a provincial body.

11 **MR. AIKMAN:** Yes.

12 **MR. RUEL:** Okay. And if you go to -- there
13 is the no further action, admonish, so the chief may make a
14 determination that no further action is needed or admonish
15 a police officer. Then, if the complainant was not
16 satisfied, it could bring the matter to the attention of
17 the Police Complaint Commission; right?

18 **MR. AIKMAN:** Yes.

19 **MR. RUEL:** And the Police Complaint
20 Commission could review the matter, investigate and then
21 refer the case to a Board of Inquiry if needed.

22 **MR. AIKMAN:** Right.

23 **MR. RUEL:** So in reviewing the legislation,
24 I note that not only the Police Complaints Commission could
25 do it at the request of a complainant but could do it also

1 on its own motion. So following determination of no
2 further action or admonishment, the Police Complaints
3 Commission would be advised and if it was not satisfied
4 with the result, it could take over the file inquirer and
5 request that the matter be referred to a provincial board
6 of inquiry. Is that correct?

7 **MR. AIKMAN:** That's correct.

8 The same thing for an internal hearing. So
9 if the Chief of Police ordered a hearing under section,
10 again it seems to be Section 60 and the officer was not
11 satisfied, then it could go to a board of inquiry, but the
12 Police Complaint Commission could also review the results
13 of the hearing, investigate and refer the matter to the
14 Board of Inquiry. That's correct?

15 **MR. AIKMAN:** Yes.

16 **MR. RUEL:** Okay.

17 Mr. Commissioner, that's the end of my
18 questioning for today. Mr. Engelmann would follow, I
19 understand, tomorrow if that was possible.

20 **THE COMMISSIONER:** That's with the
21 continuation of the Examination in-Chief, I take it?

22 **MR. ENGELMANN:** Yes, Mr. Commissioner, we
23 would start with Volume 2 in the morning, if that was
24 possible.

25 **THE COMMISSIONER:** All right.

1 Why don't we call it quits for the day?

2 It's a little warm in here.

3 Madam Clerk, could you please advise someone
4 to cool down the building for tomorrow morning?

5 And so ends another day. We will see you
6 tomorrow morning at 10 o'clock.

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

9 The hearing is now adjourned.

10 --- Upon adjourning at 3:58 p.m./

11 L'audience est ajournée à 15h58

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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.



Sean Prouse, CVR-CM