

**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 19

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709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

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

Mercredi, le 19 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 10:05 a.m. /

2 L'audience débute à 10h05

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

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

8 Please be seated.

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

11 Mr. Engelmann.

12 **DANNY J. AIKMAN, Resumed/Sous le meme serment:**

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

14 **ENGELMANN (cont'd/suite):**

15 **MR. ENGELMANN:** Good morning, Mr.
16 Commissioner.

17 Good morning, Deputy Aikman.

18 **MR. AIKMAN:** Good morning.

19 **MR. ENGELMANN:** Mr. Commissioner, you will
20 note from the evidence led by my colleague yesterday that
21 we essentially finished dealing with the tabs in Volume I
22 of Exhibit 30.

23 **THE COMMISSIONER:** Yes.

24 **MR. ENGELMANN:** But it would be helpful if
25 you had Volume I open at the "Outline of Evidence" which

1 should be Tab A in the paper copy.

2 **THE COMMISSIONER:** Yes.

3 **MR. ENGELMANN:** And I know, Deputy Aikman,
4 you have a copy of the outline in front of you?

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

6 **MR. ENGELMANN:** You should also just have
7 that open at page 24 and you should have Volume II of
8 Exhibit 30 handy as we'll be running through some of the
9 protocols, directives and orders that are set out therein.
10 From time to time we may go into Volume III, but it's just
11 handy if you have Volume I open at page 24 and Volume II.

12 You have both of those documents, Deputy?

13 **MR. AIKMAN:** I do.

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

15 And just before we get going with the
16 remainder of your evidence, Deputy Aikman, and I know we're
17 going to be reviewing some protocols, orders, directives
18 and I understand from your evidence yesterday that
19 sometimes those words have been used interchangeably?

20 **MR. AIKMAN:** Yes, the words "directive"
21 "order" and "policies" are synonymous.

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

23 So I may just use the term "order". I note
24 some of them have the initials "FOB".

25 **MR. AIKMAN:** Field Operations Bureau, yes.

1 MR. ENGELMANN: And that's the same thing as
2 well?

3 MR. AIKMAN: Yes.

4 MR. ENGELMANN: Is that correct?

5 MR. AIKMAN: Yes.

6 THE COMMISSIONER: All right. So just say
7 that again now; what words are interchangeable?

8 MR. AIKMAN: Directive, order and policy.

9 THE COMMISSIONER: Okay. So yesterday you
10 spoke that they had the same full force and effect?

11 MR. AIKMAN: Yes.

12 THE COMMISSIONER: All right.

13 So if someone receives a directive, an order
14 or a policy that is compulsory, they have to follow those
15 matters?

16 MR. AIKMAN: That's correct.

17 THE COMMISSIONER: There is no discretion in
18 that?

19 MR. AIKMAN: That's right.

20 THE COMMISSIONER: All right. Thank you.

21 MR. ENGELMANN: And how might that be
22 distinguished from a protocol? Would it be fair to say
23 protocol might involve other agencies?

24 MR. AIKMAN: Yes, protocol typically is
25 between two agencies or more, setting out the boundaries of

1 the services that they will provide under the agreement
2 between the parties.

3 MR. ENGELMANN: Okay. Now, I understand
4 that -- just to follow up on what the Commissioner has just
5 asked -- that some of your orders are a direct result of
6 regulations.

7 MR. AIKMAN: Yes.

8 MR. ENGELMANN: Is that fair?

9 MR. AIKMAN: Yes.

10 MR. ENGELMANN: And in fact, that in or
11 about January of 1999 there were some Adequacy Standards
12 that were promulgated regulations under the *Police Services*
13 *Act*?

14 MR. AIKMAN: That's correct.

15 MR. ENGELMANN: And I also understand that
16 there was a transition or phase-in period for many of those
17 requirements?

18 MR. AIKMAN: Police Services were given
19 until 2001 to become fully compliant with the Adequacy
20 Standard and Regulation.

21 MR. ENGELMANN: Okay. And that would have
22 been in January 2001, sir?

23 MR. AIKMAN: Yes.

24 MR. ENGELMANN: All right.

25 I also understand that before then that we

1 had something known as -- well, just on the Adequacy
2 Standards, the Adequacy Standards -- and I think we have a
3 copy of them, of the regulation dealing with that. Would
4 that be at Tab 30 of Volume II, sir?

5 **MR. AIKMAN:** That is Ontario Regulation 3
6 for '99, the adequacy and effectiveness of police services.

7 **MR. ENGELMANN:** Yes, and that's what we have
8 just been referring to?

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

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

11 And I understand that these standards set
12 out various requirements for police services and police
13 chiefs?

14 **MR. AIKMAN:** Yes.

15 **MR. ENGELMANN:** For example, one of those
16 requirements may be that a chief of police shall develop
17 and maintain procedures on and processes for undertaking
18 and ongoing general criminal investigations into, among
19 other things, physical and sexual abuse of children.

20 **MR. AIKMAN:** Yes, that's correct.

21 **MR. ENGELMANN:** Okay. And there would be a
22 number of other requirements that are set out in the
23 various sections; is that fair?

24 **MR. AIKMAN:** Yes.

25 **MR. ENGELMANN:** I think the one I just read

1 to you is set out in Section 12, for example. It's on page
2 6 of 6?

3 MR. AIKMAN: Yes.

4 MR. ENGELMANN: Okay. And there are also a
5 number of other criminal acts that are set out where
6 standards have to be maintained?

7 MR. AIKMAN: Yes.

8 MR. ENGELMANN: Now, prior to these
9 regulations it's my understanding that there were some
10 guidelines that were published?

11 MR. AIKMAN: Yes.

12 MR. ENGELMANN: And they were also known as
13 best practices. Is that a fair comment?

14 MR. AIKMAN: They were also known under
15 term, yes.

16 MR. ENGELMANN: Yes. And I understand that
17 those started in approximately 1992?

18 MR. AIKMAN: As I understand it, yes.

19 MR. ENGELMANN: And they set out, again,
20 some guidelines for what police forces or services should
21 do and what chiefs of police should do in certain
22 circumstances?

23 MR. AIKMAN: Yes.

24 MR. ENGELMANN: Okay. And my understanding
25 is that these were guidelines and, therefore, they were not

1 mandatory.

2 MR. AIKMAN: Correct.

3 MR. ENGELMANN: So they were not required by
4 any form of regulation?

5 MR. AIKMAN: Right.

6 THE COMMISSIONER: Can I stop you there? We
7 have on the -- we're talking about protocol to orders and
8 directives relating to sexual abuse and child sexual abuse?
9 Is that what you're referring to?

10 MR. ENGELMANN: Sir, I wasn't there yet.

11 THE COMMISSIONER: Oh, okay. All right.

12 MR. ENGELMANN: No.

13 THE COMMISSIONER: I'm sorry.

14 MR. ENGELMANN: What I'm trying to do is get
15 some background information out there because there are a
16 number of protocols, orders and directives that I think
17 flow from some of the best practices and the standards that
18 were -- that's what we are going to be going through just
19 in a few minutes.

20 THE COMMISSIONER: Right. I just want to
21 underline one thing before I forget it. It's just under
22 that document that we have up on the screen right now ---

23 MR. ENGELMANN: Yes.

24 THE COMMISSIONER: --- it says "Protocols,
25 orders and directives relating to sexual abuse and child

1 sexual abuse". At the beginning you said directives,
2 orders and policies were one thing; protocols are another.
3 So I see protocols there, orders and directives. So
4 hopefully we'll be able to go through that and see which
5 ones are protocols and which ones are not?

6 **MR. ENGELMANN:** Yes. I'm going to try and
7 do that.

8 **THE COMMISSIONER:** Okay. I'm sorry.

9 **MR. ENGELMANN:** No, no, and this is going to
10 be a little confusing because there are other different
11 terms. Some of them have the same meaning, some are a
12 little different; some are promulgated, I think -- and
13 Deputy Aikman, help me here -- to comply with best
14 practices, whereas some are promulgated in response to an
15 actual directive or standard?

16 **MR. AIKMAN:** Yes, right.

17 **MR. ENGELMANN:** And we'll talk about that as
18 we go through these.

19 **MR. AIKMAN:** Right.

20 **MR. ENGELMANN:** And we can determine that to
21 some extent chronologically because prior to the 1999
22 regulations we're really dealing with best practices.

23 **MR. AIKMAN:** Yes.

24 **MR. ENGELMANN:** Is that fair?

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

1 **MR. ENGELMANN:** Okay. So we were just
2 talking about best practices. Who issued them?

3 **MR. AIKMAN:** Typically, a best practice
4 would be sourced from an entity such as the Ontario Police
5 College who would put together a best practice in an area
6 of an investigation or from the Ministry of the Solicitor
7 General, as it was known at that time, and the Policing
8 Services Division would publish best practices. They have
9 an audit section which would conduct audits in regards to
10 police services and they would make recommendations based
11 upon their findings in regards to best practices that
12 they've found with other police services around the
13 province.

14 **MR. ENGELMANN:** And I understand that these
15 were then issued to all of the police services in the
16 Province of Ontario?

17 **MR. AIKMAN:** Well, with the exception of
18 what I was referring to by the Audit Team. That would be
19 an individualized case-by-case scenario.

20 **MR. ENGELMANN:** Right.

21 **MR. AIKMAN:** If they found that a service
22 was lacking in a particular area, they would point you to a
23 best practices as published by another entity. But
24 typically, most of the direction came from the Ministry of
25 the Solicitor General.

1 **MR. ENGELMANN:** Okay. And I understand that
2 during the course of the '90s you got more and more of
3 these best practices; there was more direction?

4 **MR. AIKMAN:** Yes. I would describe the
5 1990s, the decade of the 1990s as an era of evolution in
6 regards to best practices and standards and policies in
7 policing.

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

9 And did the Cornwall Police Service and the
10 Cornwall chiefs of police attempt to respond to these best
11 practices?

12 **MR. AIKMAN:** Yes, they did.

13 **MR. ENGELMANN:** As did other municipal
14 forces in the Province?

15 **MR. AIKMAN:** Yes.

16 **MR. ENGELMANN:** Now, to your knowledge, were
17 there any sanctions or penalties imposed on police forces
18 or chiefs if these best practices were not met?

19 **MR. AIKMAN:** I don't believe they were.

20 **MR. ENGELMANN:** And what about the
21 requirements under the Adequacy Regulations? If they're
22 not -- if they were not or are not met, are there some
23 consequences, to your knowledge?

24 **MR. AIKMAN:** Yes, there are.

25 **MR. ENGELMANN:** And what would those be?

1 **MR. AIKMAN:** I guess in the most extreme
2 circumstance the Chief of Police could be removed from his
3 office.

4 **MR. ENGELMANN:** Now, Deputy Aikman, I
5 understand in addition to the standards that we've looked
6 at, the Adequacy and Effectiveness of Police Services
7 Standard that's promulgated as a regulation under the
8 *Police Services Act*, there are also some regulations
9 dealing with something called Major Case Management?

10 **MR. AIKMAN:** Yes.

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

12 And if we could just take a quick look at
13 Tab 35 and 36 of Volume II? Perhaps just start at 36.

14 Can you tell us what we find there, sir?

15 **MR. AIKMAN:** At Tab 36 we have Ontario
16 Regulation 354 for '04 which is entitled the "Major Case
17 Management Regulation".

18 **MR. ENGELMANN:** And what do we then see at
19 Tab 35?

20 **MR. AIKMAN:** Tab 35 is the manual that is
21 published by the Ministry of Community Safety and
22 Correctional Services which details Major Case Management
23 in some specificity.

24 **MR. ENGELMANN:** Okay. And I understand, if
25 you turn to the background on page 5 of that tab, there is

1 a reference to the Bernardo case.

2 MR. AIKMAN: Yes.

3 MR. ENGELMANN: Was that a culminating
4 incident that led to this Major Case Management, to your
5 knowledge?

6 MR. AIKMAN: Yes, it was. The Campbell
7 Commission, as part of its findings, recommended the
8 implementation of a system whereby police services would
9 better handle major cases.

10 MR. ENGELMANN: And, Deputy Aikman, I
11 understand that this Major Case Management Manual and the
12 regulations that go with it are like the regulations
13 dealing with the Adequacy Standards that police chiefs and
14 police services boards have to meet. Is that fair?

15 MR. AIKMAN: That's fair.

16 MR. ENGELMANN: All right.

17 I also understand that prior to the
18 implementation of those Adequacy Standards and, in fact,
19 during the transition or phase-in period there were further
20 best practices that were developed and that we had a Best
21 Practices Manual. You're familiar with that?

22 MR. AIKMAN: I think you're referring to the
23 earlier iterations of what was referred to as a Policing
24 Standards Manual?

25 MR. ENGELMANN: Yes.

1 **MR. AIKMAN:** Which wasn't governed by a
2 regulation?

3 **MR. ENGELMANN:** Right. It was a guideline.

4 **MR. AIKMAN:** It was a guideline, yes.

5 **MR. ENGELMANN:** Yes, okay. So those were in
6 existence right through -- I don't know if they are still
7 in existence today. Were they superseded ---

8 **MR. AIKMAN:** They have all been superseded
9 by the Adequacy Regulation.

10 **MR. ENGELMANN:** Fair enough. Okay.

11 So that's just some background. Let's then
12 go to your Outline of Evidence, sir, at page 24.

13 **MR. AIKMAN:** M'hm.

14 **MR. ENGELMANN:** And as I understand it, what
15 is referred to there is the "Child Sexual Abuse Protocol
16 1992". So you might want to as well have Volume II, Tab 23
17 open.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **MR. ENGELMANN:** Mr. Commissioner, I believe
20 that Mr. Carriere may have given some evidence on this
21 document in his evidence, so I just plan to touch upon it
22 briefly as it relates to the Cornwall Police Service.

23 **THE COMMISSIONER:** Yes.

24 **MR. ENGELMANN:** As I understand it, Deputy
25 Aikman, you had no direct involvement in the negotiation

1 and preparation of this protocol?

2 MR. AIKMAN: That's correct.

3 MR. ENGELMANN: It was, in fact, though,
4 signed by the then Chief of Police, Claude Shaver?

5 MR. AIKMAN: Yes.

6 MR. ENGELMANN: And we see that on the
7 second page?

8 MR. AIKMAN: Yes, the signatory page is
9 dated the 30th of June, 1992.

10 MR. ENGELMANN: And it's my understanding
11 from Mr. Carriere's evidence that sometime in the late '80s
12 or perhaps early '90s work started on this protocol and it
13 was signed off in June of '92?

14 MR. AIKMAN: As I understand it, that's
15 correct.

16 MR. ENGELMANN: All right.

17 And I understand that there was a Cornwall
18 police officer assigned to work on this taskforce or on
19 this team to develop this protocol?

20 MR. AIKMAN: Yes, there was, Sergeant Robert
21 Trottier.

22 MR. ENGELMANN: And if we look at the
23 acknowledgements page which is just two more in, we see his
24 name?

25 MR. AIKMAN: Yes.

1 **MR. ENGELMANN:** And he would be the
2 representative from the Cornwall Police Service?

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

4 **MR. ENGELMANN:** The other names there are
5 from other agencies?

6 **MR. AIKMAN:** I recognize some of the other
7 names as being from other agencies, yes.

8 **MR. ENGELMANN:** Okay. But he is in fact the
9 representative from the Cornwall Police Service?

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

11 **MR. ENGELMANN:** Now, sir, on the preceding
12 page where we have the signatories, there's a declaration
13 of commitment and you've set that out in your Outline of
14 Evidence.

15 **MR. AIKMAN:** Yes.

16 **MR. ENGELMANN:** And it talks about four
17 basic principles or points; correct?

18 **MR. AIKMAN:** Yes.

19 **MR. ENGELMANN:** If you could just review
20 those with us for a minute and let us know if it's your
21 view that these are still ongoing concerns and commitments
22 of the Cornwall Police Service?

23 **MR. AIKMAN:** I would agree with that
24 statement and, yes, the declaration of commitment reads
25 that:

1 "Sexual abuse of children is a problem
2 of ongoing social concern."

3 Which I would agree that is still a valid statement.

4 "Whereas we agree that the children
5 have a right to be protected, not
6 abused, and that offenders must be held
7 accountable for their actions."

8 I would definitely agree with that statement.

9 "Whereas an effective and humane
10 response requires a shared philosophy
11 and coordinated strategy among those
12 systems mandated to act on behalf of
13 the community."

14 I believe in that statement as well.

15 "We have participated in the
16 development of the Child Sexual Abuse
17 Protocol and hereby declare out
18 commitment to its implementation across
19 the united counties of Stormont, Dundas
20 and Glengarry effective immediately."

21 This protocol and its later versions would
22 still be the guiding principles by which we, the Cornwall
23 Community Police Service, conduct child abuse
24 investigations.

25 **MR. ENGELMANN:** And I understand that there

1 has been a subsequent -- in fact, a couple of subsequent
2 protocols in 2001 and then in 2004. We'll come to them in
3 a couple of minutes.

4 But that declaration is, in your view, still
5 a valid, ongoing concern, those four principles?

6 **MR. AIKMAN:** Yes.

7 **MR. ENGELMANN:** And I note, sir, at the
8 bottom of page 24 of your outline, you refer to one of the
9 statements of principles in the protocol. Is that an
10 ongoing statement of principles as far as you're concerned
11 as well?

12 **MR. AIKMAN:** Right. It's referencing the
13 joint investigations between police and the Children's Aid
14 Society and we still utilize those joint investigations.

15 **MR. ENGELMANN:** Sir, I'd like to take you
16 then to page 25 of your outline. I just want to ask you a
17 couple of questions from the material that's set out there.

18 You excerpted a part of the child sexual
19 abuse protocol dealing with criminal proceedings or, sorry,
20 procedure section?

21 **MR. AIKMAN:** M'hm.

22 **MR. ENGELMANN:** And I'm interested in the
23 second paragraph which reads:

24 "The final decision as to whether a
25 charge is laid rests with the police

1 and the final decision as to whether
2 that charge will be prosecuted rests
3 with the Crown Attorney."

4 Is that still your understanding of the
5 criminal proceedings procedure section?

6 **MR. AIKMAN:** Yes.

7 **MR. ENGELMANN:** And is that still something
8 that is adhered to?

9 **MR. AIKMAN:** Yes, I believe so.

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

11 Now, is this procedure specific to crimes
12 involving child sexual abuse or is that really a general
13 criminal procedure?

14 **MR. AIKMAN:** Well, the protocol is entitled
15 "Child Sexual Abuse".

16 **MR. ENGELMANN:** Well, I'm just referring to
17 this procedure that's set out:

18 "The final decision as to whether a
19 charge is laid rests with the
20 police..."

21 **MR. AIKMAN:** That would be -- I get where
22 you're going now. That would be applicable in any criminal
23 prosecution.

24 **MR. ENGELMANN:** Okay.

25 **MR. AIKMAN:** That statement would be valid.

1 **MR. ENGELMANN:** And the final decision as to
2 whether that charge would be prosecuted rests with the
3 Crown Attorney?

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

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

6 So that's a typical criminal procedure?

7 **MR. AIKMAN:** Yes.

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

9 Now, you also say in your outline that this
10 particular protocol does not include any specific protocol
11 for historical sexual abuse or historical sexual assaults.
12 Is that correct?

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

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

15 And is that something that is later dealt
16 with?

17 **MR. AIKMAN:** Yes, it is, in later versions
18 of protocols.

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

20 So this particular protocol dealt with what
21 I will call current child sexual abuse?

22 **MR. AIKMAN:** Well, if we use the commonly
23 accepted definition of historic sexual abuse, it's an event
24 which occurred more than one year ago.

25 **MR. ENGELMANN:** Right.

1 MR. AIKMAN: So yes.

2 MR. ENGELMANN: So when you use the term
3 "historic child sexual abuse" you mean child sexual abuse
4 that is over one year old?

5 MR. AIKMAN: That's right.

6 MR. ENGELMANN: Okay. I just want to make
7 sure we understand what your service means by "historic".
8 That's helpful.

9 MR. AIKMAN: Right.

10 MR. ENGELMANN: Now, as I understand it,
11 this protocol is then superceded by another protocol in the
12 year 2001?

13 MR. AIKMAN: That's correct.

14 MR. ENGELMANN: Okay. So we have this
15 protocol through the nineties ('90s) and then at Tab 38 --
16 we'll need Volume III for this, Mr. Commissioner.

17 THE COMMISSIONER: Hold on a second then.
18 Volume III of Exhibit 30?

19 MR. ENGELMANN: Yes.

20 THE COMMISSIONER: All right.

21 MR. ENGELMANN: I'm going to be referring to
22 Exhibit 30, just for the record, unless I say otherwise.

23 THE COMMISSIONER: Right.

24 MR. ENGELMANN: So this would be Volume III

25 ---

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

2 **MR. ENGELMANN:** --- Tab 38.

3 **THE COMMISSIONER:** Okay.

4 **MR. ENGELMANN:** Now, I note, Deputy Aikman,
5 that this protocol seems to be a little broader in scope
6 than the previous one.

7 **MR. AIKMAN:** There are more partners at the
8 table in this protocol, correct.

9 **MR. ENGELMANN:** Can you explain to us why
10 that is?

11 **MR. AIKMAN:** Well, I think one of the basic
12 reasons would be -- you'll notice that the school boards
13 are involved in its development and somewhere just prior to
14 the date of it being effective in 2001, the old SD&G School
15 Board expanded its territory to become the Upper Canada
16 District School Board which takes in an area ranging from -
17 - I believe it's from the Quebec border to Brockville and
18 then north a significant way as well, as opposed to the old
19 Board which only had the three united counties. So there's
20 far more school involvement here or a broader reaching out
21 into a broader geographic territory. So it also would
22 include the Children's Aid Societies of those particular
23 locales; for example, in Leeds Grenville.

24 **MR. ENGELMANN:** So if we wanted to get some
25 sense as to that broader scope, if we wanted to look at

1 page 4 perhaps -- yes, we're there -- page 4 of Tab 38?

2 MR. AIKMAN: Yes.

3 THE COMMISSIONER: M'hm.

4 MR. ENGELMANN: That gives us some
5 indication now of the signatories?

6 MR. AIKMAN: That's right.

7 And you'll also note that it includes
8 several more police forces because of the expanded
9 geographic territory as well.

10 MR. ENGELMANN: Now, this protocol has again
11 a Statement of Principles set out at page 6. And it is my
12 understanding that this protocol now also deals with
13 historic child sexual abuse. Is that correct?

14 MR. AIKMAN: That's correct.

15 MR. ENGELMANN: And do you recall where the
16 reference is to that, sir, in the protocol?

17 MR. AIKMAN: On page 7 in the Definition of
18 Terms.

19 MR. ENGELMANN: All right.

20 Deputy Aikman, I note that it doesn't appear
21 -- oh no, they are. Sorry. I was just wondering about
22 Children's Aid Societies and they're all listed.

23 MR. AIKMAN: Yes.

24 MR. ENGELMANN: Now, this protocol then is
25 amended once again in 2004; is that correct, and that's

1 what we see at Tab 39?

2 MR. AIKMAN: Yes.

3 MR. ENGELMANN: And again, if we want to get
4 some sense as to the signatories or the players, we see
5 them -- we see their logos listed on the front page at Tab
6 39?

7 MR. AIKMAN: Right.

8 MR. ENGELMANN: And committee members set
9 out on the following page?

10 MR. AIKMAN: Yes. I guess I would just like
11 to back up a moment here.

12 MR. ENGELMANN: No, I've made a mistake. I
13 apologize. This is the School Board Protocol, is it not?

14 MR. AIKMAN: That's ---

15 MR. ENGELMANN: Yes.

16 MR. AIKMAN: Exactly. It didn't supercede
17 the one that we were referring to earlier.

18 MR. ENGELMANN: Right. Okay.

19 So this is the multi-agency protocol on
20 child sexual abuse?

21 MR. AIKMAN: The one at Tab ---

22 MR. ENGELMANN: At Tab 38?

23 MR. AIKMAN: At 38, yes.

24 MR. ENGELMANN: Yes. Okay.

25 Now, just a couple of questions, and I think

1 these are common to the protocols. But just to give you an
2 example and maybe to give us an example of some of the
3 joint investigative work and some of the work that is
4 talked about, I'm looking at -- it's Volume II, Tab 23.

5 Just by way of example, Deputy Aikman,
6 there's a procedure set out for interviewing children. Is
7 that fair?

8 **MR. AIKMAN:** Yes.

9 **MR. ENGELMANN:** For example, it says:

10 "Wherever possible, the interview shall
11 be conducted jointly with either the
12 police officer or the Children's Aid
13 Society worker designated as primary
14 interviewer depending on the rapport
15 with the child."

16 And then it also says:

17 "A detailed interview of the child
18 shall be conducted by the team in a
19 neutral setting."

20 And they talk about videotaping, using
21 language that's appropriate to the child's age, et cetera.

22 **MR. AIKMAN:** Yes.

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

24 And I'm looking at the new protocol, Tab 38,
25 page 24. Do we see under "Joint Interview of Children"

1 similar circumstances set out?

2 MR. AIKMAN: Yes.

3 MR. ENGELMANN: Okay. And to your
4 knowledge, is this something that the Police Service
5 strives to do ---

6 MR. AIKMAN: Yes.

7 MR. ENGELMANN: --- when it interviews
8 allegations of child sexual abuse?

9 MR. AIKMAN: Yes.

10 MR. ENGELMANN: And in the main, Deputy
11 Aikman, many of the procedures that were set out in the
12 original protocol have been repeated in the subsequent
13 protocol?

14 MR. AIKMAN: That's right.

15 MR. ENGELMANN: I'll just be a moment.

16 (SHORT PAUSE/COURTE PAUSE)

17 MR. ENGELMANN: Can you tell us, Deputy
18 Aikman, how police officers on the service would come to
19 know about a protocol such as this? And I'm thinking of
20 the 1992 protocol, for example.

21 MR. AIKMAN: In that timeframe a protocol
22 such as this one would have been distributed at roll call,
23 which is the commencement of a tour of duty. So upon
24 approval by the Chief of Police, this document would have
25 been distributed to the patrol teams and to the various

1 units within the organization with direction to ensure that
2 members read and understood the protocol.

3 MR. ENGELMANN: So at that time, thinking
4 back to 1992, this is something that they would have been
5 handed a paper copy of?

6 MR. AIKMAN: Yes.

7 MR. ENGELMANN: And what about the 2001
8 protocol?

9 MR. AIKMAN: The same would have applied in
10 2001 as well.

11 MR. ENGELMANN: I understand more recently
12 you've gone electronic with respect to protocols and
13 documents of this nature?

14 MR. AIKMAN: Well, we've gone electronic in
15 regards to general orders.

16 MR. ENGELMANN: Right. And what is the
17 procedure then? How do you disseminate that information to
18 members of the Force?

19 MR. AIKMAN: We have an Intranet which
20 includes a broadcast component in it. So if there's a new
21 documentation, members would be directed to the appropriate
22 location on the Internet to read it and acknowledge reading
23 the document.

24 MR. ENGELMANN: And how long has that been
25 in existence?

1 **MR. AIKMAN:** It is fairly new. February of
2 this year, it was up and running.

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

4 And do you recall, sir, with respect to this
5 particular protocol, if there was any particular training
6 that was given above and beyond just the dissemination
7 during roll call?

8 **MR. AIKMAN:** Other than what the supervisor
9 -- the shift supervisor would have provided in regards to
10 reviewing the document with his or her officers, no, there
11 was no specific in-service course.

12 **MR. ENGELMANN:** Okay. If we could just go
13 back briefly to the newer protocol then, Deputy Aikman, at
14 Volume III, Tab 38?

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

16 **MR. ENGELMANN:** Page 7, you pointed out to
17 us the new reference to historic abuse.

18 Can you just describe for us the protocol
19 now for dealing with the historic abuse and how that's
20 actually implemented?

21 **MR. AIKMAN:** Our general order which deals
22 with sexual abuse investigations indicates that historical
23 sexual abuse will be treated with the same importance as a
24 current sexual abuse matter.

25 **MR. ENGELMANN:** Right. And we'll come to

1 those documents that indicate that.

2 Is there sort of a process that is
3 summarized here?

4 **MR. AIKMAN:** You'll have to help me, if
5 you've got a reference.

6 **MR. ENGELMANN:** Okay. Well, I'm just noting
7 -- I'm just looking at the paragraph, sir. It says:

8 "When allegations are made about a
9 child under the age of 16 of past
10 (historical) abuse..."

11 It appears it's a joint response. Is that
12 fair? I'm on page 7 of Tab 38.

13 **MR. AIKMAN:** Yes.

14 **MR. ENGELMANN:** And it says:

15 "In allegations of past physical harm
16 which suggest a current risk that other
17 children may be harmed due to the
18 alleged offender still being 'in charge
19 of the child', [then] the CAS will be
20 involved..."

21 **MR. AIKMAN:** Yes.

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

23 So that's if the alleged offender is still a
24 caregiver under the ---

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

1 **MR. ENGELMANN:** --- *Child and Family*
2 *Services Act?*

3 **MR. AIKMAN:** Yes.

4 **MR. ENGELMANN:** Okay. But where there are
5 no other children at risk, do you involve the CAS or is
6 that something you do on your own, or is there a -- how
7 does that work?

8 **MR. AIKMAN:** We would routinely advise the
9 CAS and they may just take note of that information, but we
10 would not necessarily conduct a joint investigation at that
11 point.

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

13 So in those cases it would be discretionary
14 as to whether or not there was a joint investigation?

15 **MR. AIKMAN:** Yes.

16 **MR. ENGELMANN:** Okay. Fair enough.

17 Now, Deputy Aikman, if we could then turn to
18 page 26 of your outline and you reference something called
19 a Sexual Assault Response Team.

20 **MR. AIKMAN:** Yes.

21 **MR. ENGELMANN:** And it's also known by the
22 acronym SART.

23 Can you tell us what that is?

24 **MR. AIKMAN:** The Sexual Assault Response
25 Team was a creation at the Cornwall General Hospital, as it

1 was known at the time, where there was an advisory
2 committee of various social service agencies and police
3 services who came together to develop a team of specially
4 trained nurses who would provide initial medical care and
5 support to the victims of sexual assault.

6 **MR. ENGELMANN:** Okay. And did the Cornwall
7 Police Service assign a member to that?

8 **MR. AIKMAN:** Yes, we did.

9 **MR. ENGELMANN:** And you've described --
10 that's Constable Heidi Sebalj?

11 **MR. AIKMAN:** Yes.

12 **MR. ENGELMANN:** Can you tell us what the
13 impetus was for the development of SART? Is there
14 something that led to that at the time?

15 **MR. AIKMAN:** I'm not certain what would have
16 created it. I believe there would have been a direction
17 from the Ministry of Health to the local hospital community
18 to initiate that activity.

19 **MR. ENGELMANN:** But you weren't directly
20 involved in this at the time?

21 **MR. AIKMAN:** No.

22 **MR. ENGELMANN:** Its purpose appears to be
23 set out at the following page of your outline.

24 **MR. AIKMAN:** M'hm.

25 **MR. ENGELMANN:** Is there something you wish

1 to add on that, sir?

2 MR. AIKMAN: I think it's a depiction of a
3 community effort to address a recognized need in the
4 community at the time.

5 MR. ENGELMANN: Okay. Now, if we turn to
6 Tab 24 of Volume II of your books, we have a diagram ---

7 MR. AIKMAN: Yes.

8 MR. ENGELMANN: --- that sets out some of
9 the players. Perhaps you could just elaborate upon that.

10 MR. AIKMAN: Well, the pictorial diagram
11 here, basically it's depicting what the advisory committee
12 played a role in regards to, I would take it, developing
13 policies for the Sexual Assault Response Team itself and it
14 was contained within the Cornwall General Hospital, but it
15 also had elements from the Hotel Dieu Hospital involved and
16 a local women's shelter known as Maison Baldwin House had
17 an active role in its development.

18 There was a SART coordinator appointed who
19 was, at the time, Sarah Kaplan who is still in that
20 capacity only she has a different title now.

21 MR. ENGELMANN: So she's still at the
22 hospital?

23 MR. AIKMAN: Yes.

24 MR. ENGELMANN: And is still involved in
25 doing sexual assault work?

1 **MR. AIKMAN:** Yes.

2 **MR. ENGELMANN:** Okay.

3 And, sir, I note Children's Aid doesn't
4 appear to be involved in this protocol. Is there a reason
5 for that, to your knowledge?

6 **MR. AIKMAN:** I'm not aware of a reason.

7 **MR. ENGELMANN:** Do you know if the protocol
8 was intended for adult victims of sexual assault or for
9 children, or for both, or can you help us there?

10 **MR. AIKMAN:** I'm not certain as to whether
11 it was aimed specifically at adults or children but I
12 believe that if a child victim of sexual assault or someone
13 in their early teens presented themselves at the General
14 Hospital for treatment, the SART nurses would have been the
15 appropriate responding nurses.

16 **MR. ENGELMANN:** Okay. Do you know if there
17 was a gender issue as well? Baldwin House is a shelter, a
18 women's shelter.

19 **MR. AIKMAN:** That's correct. And I believe
20 that this program in its initial implementation was aimed
21 at female victims of sexual assault.

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

23 Now, the next protocol that you referenced
24 is one with Baldwin House or Maison Baldwin.

25 **MR. AIKMAN:** Yes.

1 **MR. ENGELMANN:** Is that correct? And that's
2 set out at page 28 of your outline.

3 **MR. AIKMAN:** M'hm.

4 **MR. ENGELMANN:** And if we want to take a
5 look at that particular protocol, that's found at Tab 25 of
6 Volume II.

7 **MR. AIKMAN:** Yes.

8 **MR. ENGELMANN:** And again on the signature
9 page we have a number of agencies involved?

10 **MR. AIKMAN:** Yes, we do, and if we're
11 referring to Tab 25 you'll notice that there is an earlier
12 version and a later version.

13 **MR. ENGELMANN:** Okay.

14 **MR. AIKMAN:** So if we ---

15 **MR. ENGELMANN:** And just so I'm clear, the
16 earlier version is always at the back of the tab, right?

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

18 **MR. ENGELMANN:** Okay. So let's start with
19 that. And it should have the title page "Police/Shelter
20 Protocol Dealing with Women Abuse in the United Counties of
21 Stormont, Dundas and Glengarry"?

22 **MR. AIKMAN:** Yes.

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

24 So this clearly was a protocol dealing with
25 the women's shelter to deal with female victims of sexual

1 abuse or sexual assault?

2 MR. AIKMAN: That's right.

3 MR. ENGELMANN: All right.

4 Do you recall, sir, what the impetus was for
5 this protocol?

6 MR. AIKMAN: Yes, I do. During the early
7 part of the 1990s there was an increased emphasis in our
8 community and policing in general in regards to domestic
9 violence issues and this protocol was developed to better
10 establish the lines of communication between the shelter
11 workers and the police officers and the Crown attorney in
12 regards to dealing with matters of domestic violence.

13 MR. ENGELMANN: Were there some particular
14 issues of concern involving the relationship between police
15 and women's shelters? Maybe that's not just related to
16 Cornwall, maybe in general, but do you recall, sir?

17 MR. AIKMAN: I think there was some ongoing
18 conflict in regards to the role of each service provider
19 and the Protocol Committee was developed to address those
20 concerns.

21 MR. ENGELMANN: And some of those concerns
22 might have involved confidentiality issues or issues of
23 that nature?

24 MR. AIKMAN: Yes.

25 MR. ENGELMANN: And, sir, did you have any

1 direct involvement in this or in its redevelopment, if I
2 can use the term?

3 MR. AIKMAN: I was on the original committee
4 that designed this particular protocol.

5 MR. ENGELMANN: Okay.

6 Now, as I understand it, sir, in the
7 protocol, female victims of sexual assault were given an
8 option as to whether or not to involve the police?

9 MR. AIKMAN: That's right.

10 MR. ENGELMANN: All right.

11 But once the police was involved then they
12 were an active participant in this protocol?

13 MR. AIKMAN: That's correct.

14 MR. ENGELMANN: All right.

15 And I also understand that as part of that
16 there were some issues -- and maybe we'll come to this a
17 bit later -- but some issues involving assistance to these
18 female victims of sexual assault?

19 MR. AIKMAN: And referrals to other
20 agencies.

21 MR. ENGELMANN: Yes.

22 MR. AIKMAN: Yes.

23 MR. ENGELMANN: All right.

24 So for example, at page 7 of the protocol --

25 -

1 THE REGISTRAR: The old one or the new one?

2 MR. ENGELMANN: I'm sorry; of the old one.

3 THE COMMISSIONER: Would it be page 7?

4 MR. AIKMAN: Page 7.

5 THE COMMISSIONER: "Response to Woman Abuse
6 Incident?"

7 MR. ENGELMANN: Yes.

8 MR. AIKMAN: Yes.

9 MR. ENGELMANN: Some of what you have just
10 indicated by way of referral and follow up by the police,
11 if the police were involved, ---

12 MR. AIKMAN: Yes.

13 MR. ENGELMANN: --- are set out.

14 MR. AIKMAN: That's right.

15 MR. ENGELMANN: All right.

16 And we may come back to this a bit later,
17 but these might be examples of some assistance to victims -
18 --

19 MR. AIKMAN: Yes.

20 MR. ENGELMANN: --- that we see here and I'm
21 looking particularly at paragraphs L through N.

22 MR. AIKMAN: And I could also point you to
23 paragraph F, bullet number 3 where there's reference to
24 referrals to community services.

25 MR. ENGELMANN: Okay. And you were involved

1 in the preparation and/or drafting of this original
2 protocol?

3 MR. AIKMAN: Yes, I was.

4 MR. ENGELMANN: And at that time, and I
5 recall from your testimony yesterday, you were in charge of
6 training for the Cornwall Police Service?

7 MR. AIKMAN: That's correct.

8 MR. ENGELMANN: All right.

9 And just to remind us, that was from 1993 --
10 -

11 MR. AIKMAN: Ninety-three ('93) through '96
12 in a full-time capacity and '96 to 2001 in a part-time
13 capacity.

14 MR. ENGELMANN: All right.

15 And so would part of that function have been
16 the development of protocols, issues like that, if you're
17 dealing with training?

18 MR. AIKMAN: I wore many hats during that
19 period of time, yes.

20 MR. ENGELMANN: All right.

21 Were they all the same colour?

22 (LAUGHTER/RIRES)

23 MR. AIKMAN: No.

24 MR. ENGELMANN: All right.

25 And you have a mission statement for that

1 protocol set out on page 28 of your outline?

2 MR. AIKMAN: Yes.

3 MR. ENGELMANN: And you say, as far as the
4 police response, that it sets out essentially what the
5 police involvement should be in cases of this nature?

6 MR. AIKMAN: Yes.

7 MR. ENGELMANN: And I note even when the
8 police officer may attend at the shelter?

9 MR. AIKMAN: That's correct.

10 MR. ENGELMANN: So there's some sensitivity
11 to that as well?

12 MR. AIKMAN: That's right.

13 MR. ENGELMANN: Anything else you want to
14 tell us about that protocol, sir?

15 MR. AIKMAN: It's another good example of
16 community cooperation, looking at a local focussed issue in
17 regards to, in this particular case, domestic violence, but
18 it involved a broad range of parties who participated in
19 its development.

20 MR. ENGELMANN: And I understand it was
21 signed off at the time by Chief Repa?

22 MR. AIKMAN: That's correct.

23 MR. ENGELMANN: And that the more recent
24 version of this protocol was signed off in April of 2004 by
25 the new Chief?

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

2 **MR. ENGELMANN:** Dan Parkinson.

3 **MR. AIKMAN:** Yes.

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

5 And any significant changes in the protocol,
6 sir, that you're aware of?

7 **MR. AIKMAN:** No, I think it's mostly
8 nomenclature, nothing in regards to policies or changes in
9 that regard, sir.

10 **MR. ENGELMANN:** But the Cornwall Police
11 Service then still has this ongoing protocol with the local
12 women's shelter, Baldwin House?

13 **MR. AIKMAN:** Yes, yes.

14 **MR. ENGELMANN:** Now, Deputy Aikman, if we
15 could then turn to page 29 of your outline.

16 Now, this is the first time we have
17 something else, something other than a protocol. We have a
18 directive. And I know you're using the term directive,
19 order, policy interchangeably. This particular directive
20 that's signed by Chief Repa -- and this is in February of
21 1998 -- this deals with a sexual abuse or sexual assault
22 protocol and this is an internal protocol, if I can call it
23 that?

24 **MR. AIKMAN:** It is. It's an unfortunate
25 choice of word.

1 MR. ENGELMANN: All right.

2 MR. AIKMAN: The term protocol, as the
3 Commissioner pointed out, can be kind of confusing here. I
4 think this particular directive, if it was entitled "Sexual
5 Assault Investigations," would have been more appropriate.

6 MR. ENGELMANN: All right.

7 Now, on the second page of Tab 26, you have
8 the purpose set out.

9 MR. AIKMAN: Yes.

10 THE COMMISSIONER: Just so I've got this
11 straight, though, what is the force of this document? Is
12 it one that is binding?

13 MR. AIKMAN: Yes.

14 THE COMMISSIONER: It's binding on?

15 MR. AIKMAN: It is a directive.

16 THE COMMISSIONER: Right. Okay.

17 MR. ENGELMANN: Yes, let me just follow up
18 on that because we don't have the adequacy standards yet.

19 MR. AIKMAN: Right.

20 MR. ENGELMANN: Correct? We have a best
21 practices guideline on dealing with sexual assault.

22 MR. AIKMAN: Right.

23 MR. ENGELMANN: I understand it comes out in
24 either '95 or '96?

25 MR. AIKMAN: This particular document came

1 out in '98.

2 MR. ENGELMANN: I know, but the best
3 practice is dealing with ---

4 MR. AIKMAN: --- '96.

5 MR. ENGELMANN: Okay. So this is in
6 response to that; is that fair?

7 MR. AIKMAN: Yes. I believe it's part of
8 the development of it.

9 MR. ENGELMANN: All right. And this is
10 something that was initiated by then Chief Repa?

11 MR. AIKMAN: Yes.

12 MR. ENGELMANN: Or perhaps, you in your role
13 with many hats?

14 MR. AIKMAN: I didn't have any part of this
15 particular one. No.

16 MR. ENGELMANN: Okay.

17 This type of -- decisions of this nature
18 come from the chief?

19 MR. AIKMAN: Yes, they do.

20 MR. ENGELMANN: It's the chief's
21 responsibility to show that leadership, to pass a directive
22 or an order?

23 MR. AIKMAN: Right.

24 MR. ENGELMANN: If I could say; the buck
25 stops there. That's his or her decision.

1 **MR. AIKMAN:** And under the *Police Act* the
2 chief is mandated to create directives, policies, orders
3 which have the order of an order. They have the sense of
4 an order, so that members are compelled to comply with
5 directives.

6 **MR. ENGELMANN:** So is this first time then,
7 that we have an order or a directive dealing with the
8 investigation of sexual assault?

9 **MR. AIKMAN:** Yes, it is.

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

11 So before then, you might have had the
12 practice, but this is the first time we have an order that
13 says that an individual police officer shall follow this --
14 I want to use the term protocol but -- this directive?

15 **MR. AIKMAN:** Yes.

16 **MR. ENGELMANN:** So this is very much
17 directed at the members of your force?

18 **MR. AIKMAN:** Yes.

19 **MR. ENGELMANN:** Okay.

20 And as it's listed there, the purpose was to
21 assist the police to better service and address the needs
22 of victims/survivors of sexual assault.

23 **MR. AIKMAN:** Yes.

24 **MR. ENGELMANN:** Now, would that have
25 included then, not just current sexual assault or current

1 sexual abuse but also historical, to your knowledge?

2 MR. AIKMAN: I believe it did.

3 MR. ENGELMANN: Just some help -- take a
4 look at the definition section on the first page.

5 MR. AIKMAN: M'hm.

6 I don't see the word "historic reference"
7 there.

8 MR. ENGELMANN: Okay. But it does say,
9 "... addresses the Cornwall Police
10 Service response to adult
11 victims/survivors of sexual assault and
12 adult victim/survivors of childhood
13 sexual abuse."

14 MR. AIKMAN: Yes.

15 MR. ENGELMANN: So it would suggest that it
16 would deal with ---

17 MR. AIKMAN: --- historic sexual abuse.

18 MR. ENGELMANN: Is that fair?

19 MR. AIKMAN: That's fair.

20 MR. ENGELMANN: Okay.

21 Now, and you have the comment -- and I know
22 it's difficult in some of these cases, but the comment
23 there:

24 "We recognize that each service
25 provider has their own definition of

1 when adulthood begins which often
2 depends on the legislation they are
3 covered by."

4 **MR. AIKMAN:** Yes.

5 **MR. ENGELMANN:** Okay.

6 So there's a procedure that is set out -- a
7 fairly detailed procedure ---

8 **MR. AIKMAN:** Yes, it is.

9 **MR. ENGELMANN:** I don't know if you agree
10 with that, but ---

11 **MR. AIKMAN:** No, it is.

12 **MR. ENGELMANN:** Okay. And, sir, you set out
13 the procedures in bullet points on page 29 of your outline.
14 I'm just wondering if you can take us to them in the
15 appendix, in the Tab 26 and I think they start at page 3.

16 **MR. AIKMAN:** Yes, starting at page 3, it
17 talks about the role of individual members of the service.

18 **MR. ENGELMANN:** Okay. Can you just -- can
19 you put this into layperson's language for us and tell us
20 who these people are -- not their names but ---

21 **MR. AIKMAN:** No.

22 **MR. ENGELMANN:** --- you know, what their
23 functions are, and take us through this briefly?

24 **MR. AIKMAN:** Right. The term,
25 "Communications Bureau/Complaint Taker" refers to personnel

1 who are working in the radio room and would typically
2 receive a phone call from someone wishing to make a
3 complaint. Those complaints could also be made at the
4 front desk of the station, but they would still be dealing
5 with personnel from the radio room at the time.

6 The initial response of a police officer
7 would typically be the uniform patrol officer who was
8 dispatched to attend the scene of the complaint and a
9 sexual assault investigator ---

10 **MR. ENGELMANN:** This is 1998, now?

11 **MR. AIKMAN:** We're in 1998 now, although it
12 doesn't show up on an org chart, but by this time in our
13 evolution, we now have Sexual Assault/Child Abuse
14 investigators. So the term "sexual assault investigator"
15 is someone working in that particular area.

16 A forensic investigator, I guess if we're
17 looking at American television, people probably recognize
18 CSI as an analogy to a forensic investigator.

19 And the officer in charge of the
20 investigation would be the investigating officer who was
21 reporting to the officer in charge of the Criminal
22 Investigations Bureau at the time.

23 **MR. ENGELMANN:** Okay.

24 So let's just go back into this in a little
25 bit of detail if we can, looking at the procedures for that

1 first person in the radio room.

2 MR. AIKMAN: Yes.

3 MR. ENGELMANN: What are we dealing with in
4 paragraph 6, on page 4 of 10? You've set this out in your
5 outline as well, sir, as being of some significance.

6 MR. AIKMAN: Right. So here we're talking -
7 - although it doesn't use the word "historic", we are
8 referring to historic complaints here, whereby if a victim
9 or another party was contacting the call-taker and
10 indicated that it wasn't a current event, the call-taker
11 would then transfer that complaint to the detective bureau
12 or the Criminal Investigations Bureau staff sergeant, who
13 would assess the situation and determine as to whether or
14 not a sexual assault investigator would respond immediately
15 or another criminal investigator or a uniform member.

16 MR. ENGELMANN: So how is that different, at
17 that time, than the practice for the current allegation?

18 MR. AIKMAN: If it's a current -- if there's
19 a crime scene in particular, you would dispatch a uniform
20 officer to that crime scene, to take control of the scene
21 and to attend to the basic necessities of the victim, to
22 take the initial complaint and then that information --
23 that initial investigating officer would contact his or her
24 supervisor, who would then contact the Criminal
25 Investigations Bureau, again relaying the information as to

1 whether or not a SACA investigator would be dispatched
2 immediately to that location.

3 **MR. ENGELMANN:** So we don't have that
4 intervening step where it goes off to someone to make an
5 assessment, in essence?

6 **MR. AIKMAN:** Not right at the outset. No.

7 **MR. ENGELMANN:** Right. Okay.

8 You've got some fairly detailed procedure on
9 the initial response?

10 **MR. AIKMAN:** Yes.

11 **MR. ENGELMANN:** By the police officer?

12 **MR. AIKMAN:** Yes, we do.

13 **MR. ENGELMANN:** Okay. And that runs for
14 actually several pages and includes reference to if the
15 victim is under the age of 16 and referral to CAS, et
16 cetera?

17 **MR. AIKMAN:** Yes.

18 **MR. ENGELMANN:** Okay.

19 Now, sir, in this particular order or
20 directive, there's a reference under the responsibilities
21 of the officer in charge of investigative services ---

22 **MR. AIKMAN:** M'hm.

23 **MR. ENGELMANN:** And that's a typo is it, in
24 the outline, at point five? That should say the officer in
25 charge of investigative services?

1 **MR. AIKMAN:** That's correct. Yes. Page 10
2 of 10, Section 6 reads the "Officer In Charge of
3 Investigative Services", which is the officer in charge of
4 our Criminal Investigations Bureau.

5 **THE COMMISSIONER:** It should read what?

6 **MR. AIKMAN:** "Officer In Charge of Criminal
7 Investigations Bureau".

8 **THE COMMISSIONER:** Right.

9 **MR. ENGELMANN:** And sir, under the
10 responsibilities of that officer, the fourth point says,
11 "Ensure that all members involved in
12 the investigation of sexual assaults
13 meet the core competencies as outlined
14 in Ontario Policing Standard 0223.00
15 Sexual Assaults."

16 **MR. AIKMAN:** Yes.

17 **MR. ENGELMANN:** Now, can you tell us what
18 that standard was, at that time? This is 1998, so what's
19 being referred to here?

20 **MR. AIKMAN:** This standard refers
21 specifically to the core competencies that were being
22 identified in that particular policing standard, which
23 would have meant that the officer undertaking the
24 investigation or continuing the investigation would have to
25 have attended the General Investigative Techniques course

1 and I believe if it involved a child there would have been
2 additional courses that would have been required.

3 **MR. ENGELMANN:** Okay. Are those actual
4 formal standards or is this just a best practice?

5 **MR. AIKMAN:** This is the immediate
6 predecessor of the standards which came into effect.

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

8 So this would have been from best practices
9 that were developed in or about '96 dealing with ---

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

11 **MR. ENGELMANN:** --- the identification of
12 sexual assault?

13 **MR. AIKMAN:** Correct.

14 **MR. ENGELMANN:** Okay.

15 When you say, "all members involved in the
16 investigation", how was that interpreted by the Cornwall
17 Police Service at that time? Are we talking about simply
18 officers that are in your Sexual Assault/Child Abuse
19 section or are we talking about any officer that might be
20 involved in the investigation? Or are you able to tell us?

21 **MR. AIKMAN:** I'm not sure I can answer that.

22 **MR. ENGELMANN:** Okay.

23 As I understand it, at that time, though,
24 and I don't know if this is still the case, your officers
25 that were assigned to your Sexual Assault/Child Abuse

1 section -- it may have been called by a different name
2 then.

3 MR. AIKMAN: Yes.

4 MR. ENGELMANN: In 1998.

5 MR. AIKMAN: It might have still been the
6 Youth Bureau.

7 MR. ENGELMANN: Yes. They worked a day
8 shift? Is that correct?

9 MR. AIKMAN: Typically. Yes.

10 MR. ENGELMANN: So if you had a report of a
11 sexual assault, whether that's an adult or a child sexual
12 assault and it occurred after those hours ---

13 MR. AIKMAN: M'hm.

14 MR. ENGELMANN: --- you would be sending an
15 officer from your Investigation Bureau out or a frontline
16 officer?

17 MR. AIKMAN: A frontline officer. Uniform
18 response would go and make the initial contact with the
19 complainant to determine the extent of the complaint.
20 Depending on the complexity of that matter, he or she would
21 contact their supervisor and seek further guidance as to
22 whether or not they were going to continue on with the
23 investigation or they would be relieved by a member of the
24 sexual assault unit.

25 MR. ENGELMANN: Okay.

1 **MR. AIKMAN:** SACA.

2 **MR. ENGELMANN:** You were responsible for
3 training at or about this time. Did members in the Sexual
4 Assault/Child Abuse and/or Youth Bureau have to have a
5 higher level of training than other officers?

6 **MR. AIKMAN:** Yes.

7 **MR. ENGELMANN:** Or a different level of
8 training with respect to child abuse and sexual abuse?

9 **MR. AIKMAN:** Yes. Standard procedure would
10 be that a member of SACA would have their General
11 Investigative Techniques course at the Ontario Police
12 College as well as the Sexual Assault Investigation course
13 that's also offered by the Ontario Police College and
14 typically they would also have enhanced child abuse
15 training, also offered by the Ontario Police College.

16 **MR. ENGELMANN:** Do you know, sir, at that
17 time whether there were also separate courses dealing with
18 the interviewing of children, or would that have been
19 incorporated in one of the ones you just mentioned?

20 **MR. AIKMAN:** Well, that would have been a
21 specific course but it would have been under that list of
22 enhanced training in child abuse.

23 **MR. ENGELMANN:** Anything else on that
24 directive? You make the comment at the end that it's
25 superseded by a couple of orders that we'll come up to

1 later. And those are orders, I understand, that are issued
2 after the Adequacy Standards.

3 **MR. AIKMAN:** Yes, that's correct.

4 I guess the only other thing I'd like to
5 point out in that particular order is when you -- it's not
6 a numbered page, but Appendix A lists an extensive list of
7 services that are available in the community, that officers
8 would have had the access of referring victims to;
9 including the Sexual Assault Support Services for Women,
10 Baldwin House, Single Point Access, which is a one phone
11 number opportunity for treatment, the Children's Treatment
12 Centre and a variety of others.

13 **MR. ENGELMANN:** I know Mr. Bennett isn't
14 here, so I think I have to ask this question. Do you know
15 if any of those particular agencies were geared towards
16 male victims of sexual assault or child sexual assault?

17 **MR. AIKMAN:** This is 1998, so I don't think
18 -- I'm not certain of this but The Men's Project wasn't in
19 Cornwall at the time. If it wasn't -- if it was then it
20 would have Single Point Access would have had that linkage
21 to that particular group.

22 **MR. ENGELMANN:** That would have been a group
23 that would have been available to both genders?

24 **MR. AIKMAN:** Yes.

25 **MR. ENGELMANN:** Victims of both genders?

1 MR. AIKMAN: Yes.

2 MR. ENGELMANN: Okay.

3 MR. AIKMAN: I think point number 6 talks
4 about a Victims Support Line. That's a provincially-run
5 victims referral service and they would have had
6 information as to whether or not services are available to
7 each gender.

8 MR. ENGELMANN: Now, Deputy Aikman, I
9 understand that this -- we then at page 30 of your outline
10 have a standing order dealing with the investigation of
11 sexual assault.

12 MR. AIKMAN: That's correct.

13 MR. ENGELMANN: And that standing order is a
14 one-page document that we find at Tab 27 of Volume 2.
15 Correct?

16 MR. AIKMAN: Yes.

17 MR. ENGELMANN: So how does this change in
18 any way what we have just looked at, the Directive 114?

19 MR. AIKMAN: As I was saying, there was no
20 specific reference to determine historical in 114 in that
21 context. This particular standing order makes reference
22 to:

23 "Historical sexual assaults will be
24 given the same considerations as those
25 incidents which have recently

1 the time.

2 **MR. ENGELMANN:** Now, as I understand it this
3 -- and what's the difference between a standing order, sir,
4 and a general order?

5 **MR. AIKMAN:** Standing orders are issued on a
6 temporary, as need be basis. They are typically superseded
7 and absorbed into a general order when they are no longer
8 required or at the next revision time for a general order.

9 **MR. ENGELMANN:** I'm jumping ahead to page 45
10 of your outline and there's a reference to an Order 96.

11 **MR. AIKMAN:** Yes.

12 **MR. ENGELMANN:** That is signed by Chief
13 Parkinson and that's in Appendix 41, so we are going to be
14 in Volume 3.

15 (SHORT PAUSE/COURTE PAUSE)

16 **MR. ENGELMANN:** That looks very similar, or
17 perhaps it's identical to the Standing Order 00399.

18 **MR. AIKMAN:** Yes.

19 **MR. ENGELMANN:** Can you help us out there?

20 **MR. AIKMAN:** I think the best explanation
21 for that would be that in our haste to revise our general
22 orders this is an example of a temporary standing order
23 which probably inappropriately was not absorbed into a
24 general order and was assigned its own title and its own
25 number.

1 **MR. ENGELMANN:** So you might have had a
2 standing, a temporary -- like a standing order for several
3 years?

4 **MR. AIKMAN:** Yes. And I think, having had
5 this pointed out to me fairly recently, this order will be
6 absorbed into, as we are going to discuss later -- FOB037
7 is where it should more appropriately be located. The
8 essence of it is fine. It just -- it doesn't require its
9 own order.

10 **MR. ENGELMANN:** All right. Because you
11 believe it's now subsumed in Order 37?

12 **MR. AIKMAN:** Yes.

13 **MR. ENGELMANN:** But in any event, Chief
14 Parkinson has reiterated an order that was made by Chief
15 Repa?

16 **MR. AIKMAN:** Chief Repa, right.

17 **MR. ENGELMANN:** And again, he's saying
18 historical sexual assaults will be given the same
19 consideration as those incidents which have just recently
20 occurred?

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

22 **MR. ENGELMANN:** And he's also reiterating
23 that these types of investigations shall be given the
24 highest priority?

25 **MR. AIKMAN:** Yes.

1 **MR. ENGELMANN:** Okay.

2 Now, Deputy Aikman, we are now going to get
3 into what I will call the orders that relate to the
4 Adequacy Standards. Is that fair, these are all now orders
5 that come into effect in or around year 2001 or later?

6 **MR. AIKMAN:** Yes, yes.

7 **MR. ENGELMANN:** And perhaps just before we
8 go -- we can jump ahead a few pages in your outline again
9 to page 37. We touched upon this in some preliminary
10 questions I had for you. This is the reference to the
11 Major Case Management Manual.

12 **MR. AIKMAN:** Yes.

13 **MR. ENGELMANN:** And you've set out for us a
14 summary of its background.

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

16 **MR. ENGELMANN:** And also the purpose?

17 **MR. AIKMAN:** Yes.

18 **MR. ENGELMANN:** And that's set out in your
19 fifth bullet, is it not?

20 **MR. AIKMAN:** Yes, the purpose of the Major
21 Case Management system was to provide a standard case
22 management system for all police services in Ontario.

23 **MR. ENGELMANN:** And then as well we talk
24 about -- in the next page of your outline at page 38 you
25 talk about the application of this Major Case Management

1 Manual to cases of sexual abuse and historic sexual abuse.

2 Correct?

3 MR. AIKMAN: Yes, yes.

4 MR. ENGELMANN: And the reference you make
5 there, that's lifted right out of the Major Case Management
6 Manual?

7 MR. AIKMAN: It is.

8 MR. ENGELMANN: So if we want to look at Tab
9 35 for a minute.

10 MR. AIKMAN: Right.

11 MR. ENGELMANN: Which is in Volume 3 --
12 sorry, Volume 2. I apologize.

13 MR. AIKMAN: Page 7.

14 MR. ENGELMANN: We have the definitions of
15 major cases set out in Sections 1 through 3, correct?

16 MR. AIKMAN: That's correct.

17 MR. ENGELMANN: And what you've set out in
18 your outline, sir, is what we see at 2(b), involving sexual
19 assaults and attempts. Correct?

20 MR. AIKMAN: That's right.

21 MR. ENGELMANN: And what's the purpose of
22 setting this out and then how is this set out by the
23 Cornwall Police Service by way of an order?

24 MR. AIKMAN: Well, there are so many terms
25 used in the Major Case Management orders and our orders.

1 They can be somewhat confusing. So it's an attempt to
2 illustrate the impact of the regulation onto our own
3 orders.

4 **MR. ENGELMANN:** Okay. And in fact, this
5 particular definition that we find in 2(b) ---

6 **MR. AIKMAN:** Yes.

7 **MR. ENGELMANN:** --- it finds its way back,
8 in effect, into one of your orders, does it not?

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

10 **MR. ENGELMANN:** And if we look -- I
11 apologize for jumping around a bit, sir, but if we look at
12 page 34 of your outline, Deputy Aikman, I believe what
13 you've done here is you've summarized some of the points
14 that are in your Order 43.

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

16 **MR. ENGELMANN:** And was that Order 43 -- was
17 that passed by the Chief to incorporate these standards
18 from the Major Case Management Manual?

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

20 **MR. ENGELMANN:** Okay. Maybe we can just go
21 then to Appendix 33, for a minute -- or Tab 33.

22 **THE COMMISSIONER:** And then we can finish
23 off this section and we'll take the morning break?

24 **MR. ENGELMANN:** Yes.

25 **THE COMMISSIONER:** Thank you.

1 **MR. ENGELMANN:** So again, at Tab 33 we have
2 two versions of the order.

3 **MR. AIKMAN:** Right.

4 **MR. ENGELMANN:** The first version is at the
5 back of the tab?

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

7 **MR. ENGELMANN:** And I believe what we have
8 on the screen now is the front. So that would be the most
9 recent ---

10 **MR. AIKMAN:** That is the most recent one.
11 The older one is dated August 9th, 2002.

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

13 And Deputy Aikman, as I understand it, in
14 trying to incorporate the necessary Adequacy Standards we
15 have the general provisions dealing with general criminal
16 investigations and that's what this order really applies
17 to.

18 **MR. AIKMAN:** Yes.

19 **MR. ENGELMANN:** And then we have more
20 specific investigations that we have orders for and those
21 are 36 and 37 that deal with other aspects of the Accuracy
22 Standards dealing with the investigation of, for example,
23 sexual assault.

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

25 **MR. ENGELMANN:** Okay. So let's just deal

1 with this one and we'll take our break.

2 This one that we're dealing with then, Order
3 33, at Tab 33 of Volume 2, is this, when we look at the
4 policy -- sorry, the order at -- and I'm looking at the
5 bottom of page 1.

6 MR. AIKMAN: Yes, in the older version.

7 MR. ENGELMANN: A little further. Yes,
8 right at the bottom.

9 So we've got this distinction between all
10 police officers and trained criminal investigators.

11 MR. AIKMAN: Yes.

12 MR. ENGELMANN: So let's talk about that
13 distinction first. What's the distinction?

14 MR. AIKMAN: Well, all police officers are
15 trained to a certain level in terms of their knowledge,
16 skills and abilities.

17 MR. ENGELMANN: All right.

18 MR. AIKMAN: That's typically fulfilled by
19 their ---

20 MR. ENGELMANN: Training.

21 MR. AIKMAN: Recruit training at the Ontario
22 Police College as well as the experience that they garner
23 throughout the course of their career.

24 In order to be a trained criminal
25 investigator, one has to attend the General Investigative

1 Techniques course at the Ontario Police College and, again,
2 demonstrate knowledge, skills and abilities in regards to
3 conducting criminal investigations.

4 MR. ENGELMANN: So that is training that an
5 officer would receive once having commenced work ---

6 MR. AIKMAN: Yes.

7 MR. ENGELMANN: --- as opposed to the
8 recruit training?

9 MR. AIKMAN: That's correct.

10 MR. ENGELMANN: Okay. And then set out
11 under what the trained criminal investigator may
12 investigate we have a number of examples under sexual
13 assault. Again, this coincides with the Major Case
14 Management Manual, does it not?

15 MR. AIKMAN: That's correct.

16 MR. ENGELMANN: And that definition we saw
17 in Section 2(b)?

18 MR. AIKMAN: Yes.

19 MR. ENGELMANN: So for example, if we have a
20 situation where -- and I'm looking at the last bullet in
21 the second paragraph which actually now continues onto the
22 next page at the top, the victim is under the age of 14 and
23 the offender is a person in a position of trust or
24 authority. Do you see that?

25 MR. AIKMAN: Yes.

1 **MR. ENGELMANN:** Or a person with whom the
2 victim is in a relationship of dependency.

3 **MR. AIKMAN:** Yes.

4 **MR. ENGELMANN:** So for example, if we have
5 child sexual abuse and the alleged perpetrator is a person
6 in trust or authority or perhaps a parent or someone
7 standing in the place of a parent, then that's something
8 that the trained criminal investigator shall investigate?

9 **MR. AIKMAN:** Yes.

10 **MR. ENGELMANN:** That's not something that
11 just any police officer with just the basic training can
12 investigate?

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

14 **MR. ENGELMANN:** All right. And your -- by
15 putting this in an order you're complying with the Adequacy
16 Standards that you have to comply with?

17 **MR. AIKMAN:** Yes.

18 **MR. ENGELMANN:** Okay. Perhaps we could stop
19 there and take a break, sir?

20 **THE COMMISSIONER:** All right. We'll come
21 back in 15.

22 **THE REGISTRAR:** Order; all rise. À l'ordre;
23 veuillez vous lever. The hearing will reconvene at 11:35.

24 --- Upon recessing at 11:19 a.m./

25 L'audience est suspendue à 11h19

1 --- Upon resuming at 11:41 a.m.

2 L'audience est reprise à 11h41

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

5 This hearing of the Cornwall Public Inquiry
6 is now in session. Please be seated. Veuillez vous
7 asseoir.

8 **MR. ENGELMANN:** Mr. Commissioner, just
9 before the break I had taken Mr. Aikman through Order 43.

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

11 **MR. ENGELMANN:** And also the Major
12 Management Case Manual, the definition of Major Case.

13 **THE COMMISSIONER:** The screen isn't on,
14 Madam Clerk. There we go.

15 **MR. ENGELMANN:** So perhaps we could just go
16 to page 34 of his outline, Volume 1.

17 **DANNY AIKMAN, Resumed:**

18 --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**
19 **ENGELMANN (CONT'D/SUITE):**

20 **MR. ENGELMANN:** Deputy Aikman, I understand
21 we talked about the distinction between all police officers
22 and you talked about the training they would have.

23 **MR. AIKMAN:** Yes.

24 **MR. ENGELMANN:** And we talked about trained
25 criminal investigators and the training that they should

1 have.

2 **MR. AIKMAN:** Yes.

3 **MR. ENGELMANN:** Are there exceptions to that
4 rule with respect to the trained criminal investigators?

5 **MR. AIKMAN:** There are provisions contained
6 in the standards which allow a chief of police to designate
7 officers as a trained criminal investigator based upon his
8 or her years of experience and knowledge, skills and
9 abilities. For example, it's essentially a grandfathering
10 clause where you have a veteran person working in the
11 Criminal Investigations Bureau who may not have had the
12 opportunity to attend all the training but has been
13 fulfilling the function for many years.

14 The chief had that right to designate that
15 individual or those individuals as trained criminal
16 investigators.

17 **MR. ENGELMANN:** So newer members of the
18 Force, though, would come on subsequent to the standard
19 required the courses?

20 **MR. AIKMAN:** Well, I think the provision
21 still stands, but its practical application for our service
22 is such that we ensure that they get the training as soon
23 as possible.

24 **MR. ENGELMANN:** Right. You used the term
25 grandfathering, so I just assumed that after a certain

1 date, new hires would require ---

2 MR. AIKMAN: No, I don't think the
3 grandfather clause ever left the regulation.

4 MR. ENGELMANN: So that power is still
5 there?

6 THE COMMISSIONER: Well, then it's not a
7 grandfather clause.

8 MR. ENGELMANN: No.

9 THE COMMISSIONER: It's discretion in the
10 police chief or whoever is making the decision, if you get
11 a brand spanking new police officer and the chief or
12 whoever decides that person doesn't need any training and
13 can go right into this field of work can do so.

14 MR. AIKMAN: Yes.

15 THE COMMISSIONER: And does that have to be
16 done in writing?

17 MR. AIKMAN: Yes.

18 MR. ENGELMANN: All right, then. What I
19 would like to do is turn you to two other orders that
20 address the adequacy standards or compliance with the
21 adequacy standards, as I understand it.

22 Perhaps you could turn to -- it's pages 32
23 and 33 of your outline. Sir, as I understand it, this is
24 an attempt to address and comply with the section of the
25 adequacy standards regulations that I had read out earlier

1 about managing investigations into sexual assaults?

2 MR. AIKMAN: Yes, that's correct.

3 MR. ENGELMANN: Again, we find this at Tab
4 31 of Volume 2. And again, as in the past cases, the
5 earlier version is at the back of the tab. Is that
6 correct?

7 MR. AIKMAN: That's correct.

8 MR. ENGELMANN: Now, again, we seem to -- as
9 in the general investigative Order 43, we have procedures
10 set out and requirements of all of the people who may be
11 involved in the investigation?

12 MR. AIKMAN: Yes.

13 MR. ENGELMANN: From the complaint taker
14 right on down?

15 MR. AIKMAN: That's correct.

16 MR. ENGELMANN: And you've got that set out
17 in your procedure starting on page 4?

18 MR. AIKMAN: Of the newer version?

19 MR. ENGELMANN: Of the older version.

20 MR. AIKMAN: Yes.

21 MR. ENGELMANN: So we have the Communication
22 Centre, complaint taker ---

23 MR. AIKMAN: Yes.

24 MR. ENGELMANN: I suppose that's the same
25 individual or individuals?

1 MR. AIKMAN: That were referred to in the
2 earlier Directive 114.

3 MR. ENGELMANN: Right.

4 MR. AIKMAN: Yes.

5 MR. ENGELMANN: And we have a third party
6 reporting here as well, sir?

7 MR. AIKMAN: Yes.

8 MR. ENGELMANN: It's different.

9 MR. AIKMAN: It is different.

10 MR. ENGELMANN: Do you know why that is?

11 MR. AIKMAN: I think it was in place to
12 spell out procedures to be used when a third party was
13 reporting the offence.

14 MR. ENGELMANN: Okay. And then we have
15 again police officer initial response, the role of the
16 supervisor, et cetera.

17 MR. AIKMAN: Yes.

18 MR. ENGELMANN: Now, sir, in the original
19 version -- I'm not sure if it's in the original version,
20 but certainly in the reiteration of this particular order -
21 - so let's look at the newer one for a minute at the
22 beginning of the tab. There is a provision dealing with
23 historic abuse, and that's at 309(g). Is that correct?

24 MR. AIKMAN: Yes, page 4 of 10, 309(g).

25 MR. ENGELMANN: And can you just elaborate

1 for us a little bit on that, and in doing so, we still have
2 that -- we have that standing order that becomes a general
3 order that you've talked about already ---

4 MR. AIKMAN: Yes.

5 MR. ENGELMANN: --- that talked about the
6 importance of giving the historical assault allegations the
7 same priority as current ones.

8 MR. AIKMAN: Yes.

9 MR. ENGELMANN: So can you just elaborate on
10 that for us and tell us how these worked together?

11 MR. AIKMAN: Well, this 309(g) is a
12 reiteration of what was in the previous Directive 114 in
13 regards to the process to be used when the complaint is of
14 an occurrence from the past.

15 MR. ENGELMANN: Right.

16 MR. AIKMAN: So again, it would be required
17 to be screened by the officer in charge of the Criminal
18 Investigations Bureau to determine what the appropriate
19 level of response in terms of the investigation would be,
20 and when referencing the FOB 0-96, which is the extension
21 of that temporary standing order ---

22 MR. ENGELMANN: Yes.

23 MR. AIKMAN: --- it is in concert with this
24 particular clause.

25 MR. ENGELMANN: All right.

1 So the reference to the fact -- and this is
2 in Order 96 -- that historical sexual assaults will be
3 given the same considerations as those incidents which have
4 recently occurred, that's still there?

5 **MR. AIKMAN:** That is still there, yes.

6 **MR. ENGELMANN:** Right. And that's not found
7 in FOB 37 that you've just taken us to?

8 **MR. AIKMAN:** No, it's not.

9 **MR. ENGELMANN:** So you have to read them
10 together?

11 **MR. AIKMAN:** Yes.

12 **MR. ENGELMANN:** Okay. Now, as well, Deputy
13 Aikman, in your outline at page 31 you talk about a general
14 order. That's General Order 36 dealing specifically with
15 child abuse and neglect.

16 So just help us out here for a minute.
17 Thirty-seven (37) deals with sexual assault.

18 **MR. AIKMAN:** Correct.

19 **MR. ENGELMANN:** And it can also deal with
20 that subset of sexual assault that involves childhood
21 sexual abuse?

22 **MR. AIKMAN:** It could.

23 **MR. ENGELMANN:** Okay. But its primary focus
24 is adult victims of sexual assault?

25 **MR. AIKMAN:** Yes.

1 **MR. ENGELMANN:** Whereas child sexual assault
2 typically would be found under this provision, 36?

3 **MR. AIKMAN:** Thirty-six (36); correct.

4 **MR. ENGELMANN:** Okay. So we have Order 36
5 and it is set out, as I said, on page 31 of your outline.
6 The order itself, is that what we see at Tab 28?

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

8 **MR. ENGELMANN:** And again, the earlier
9 version is at the back of the tab?

10 **MR. AIKMAN:** Right.

11 **MR. ENGELMANN:** And it's signed off by then
12 Chief Repa?

13 **MR. AIKMAN:** Correct.

14 **MR. ENGELMANN:** And in it, for example,
15 under the policy section, there's a reference to the need
16 to develop and maintain working protocols with certain
17 agencies?

18 **MR. AIKMAN:** Yes.

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

20 And is that consistent with your child
21 sexual abuse protocol?

22 **MR. AIKMAN:** Yes, it is.

23 **MR. ENGELMANN:** And I note you have
24 reference to schools, school boards and public health
25 facilities?

1 **MR. AIKMAN:** Right.

2 **MR. ENGELMANN:** And why is that there? What
3 are you trying to ensure?

4 **MR. AIKMAN:** That would illustrate the key
5 community components which may be involved in the
6 investigation of a child abuse matter.

7 **MR. ENGELMANN:** And you've set out in your
8 outline at page 31 the fact that the order provides for the
9 following as they relate to child abuse and neglect.
10 You've got policy, definitions, responsibilities,
11 investigation management and training.

12 **MR. AIKMAN:** Yes.

13 **MR. ENGELMANN:** So on the policy we've
14 referenced the fact that developing protocols. I note
15 there's also a policy in developing a working protocol with
16 the Crown Attorney's Office and the Children's Aid Society?

17 **MR. AIKMAN:** Yes.

18 **MR. ENGELMANN:** And that we've seen?

19 **MR. AIKMAN:** Yes.

20 **MR. ENGELMANN:** Anything else under policy
21 that you'd like to elaborate upon?

22 **MR. AIKMAN:** It's a statement of our
23 philosophy in regards to how child abuse investigations are
24 going to be conducted. So there is emphasis placed on
25 community-based cooperation as well.

1 **MR. ENGELMANN:** And then just looking at a
2 couple of the other captions that you set out under
3 responsibilities, you have a reference to responsibilities
4 involving the Children's Aid Society, correct?

5 **MR. AIKMAN:** Yes.

6 **MR. ENGELMANN:** And why is that important in
7 cases of this nature?

8 **MR. AIKMAN:** It's our duty to report to the
9 Children's Aid Society a child in need of protection as
10 specified in the order.

11 **MR. ENGELMANN:** Anything else from Order 36
12 that you wish to highlight? I note that it's recently been
13 amended ---

14 **MR. AIKMAN:** Yes.

15 **MR. ENGELMANN:** --- just last year by then
16 Chief Parkinson.

17 **MR. AIKMAN:** The only other thing that I
18 would point out would be at page 4 of 4 under ---

19 **MR. ENGELMANN:** In the new ---

20 **MR. AIKMAN:** --- Chapter 5 in the new one.

21 **MR. ENGELMANN:** Yes.

22 **MR. AIKMAN:** It specifies the training
23 required for an officer who conducts investigations into
24 child abuse matters.

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

1 And those are all found under paragraph 5?

2 **MR. AIKMAN:** Yes.

3 **THE COMMISSIONER:** And how does he go about
4 doing that?

5 **MR. AIKMAN:** Obtaining that training?

6 **THE COMMISSIONER:** No.

7 "The chief of police shall ensure that
8 all police officers involved in child
9 abuse and neglect investigations have
10 the necessary knowledge, skills..."

11 And there's six points there.

12 **MR. AIKMAN:** The officer in charge of the
13 Criminal Investigations Bureau is responsible for ensuring
14 all of the people who work under his or her direction have
15 the necessary training to conduct these investigations.

16 So there would be a process whereby he or
17 she would report through my office to the Chief of Police
18 that everyone working in the Bureau has the necessary
19 training.

20 **THE COMMISSIONER:** Right. But how would you
21 do that? I mean, somebody comes into the chief's office
22 and says, "Well, so and so is going to be involved in this
23 kind of investigation," is there like a standard where they
24 check off knowledge of current legislation and case law?
25 Is there a test?

1 **MR. AIKMAN:** There would have been. When
2 the Adequacy Standards came into effect, we had to have --
3 there was a self-assessment tool that was provided with
4 that legislation and we conducted an analysis of our
5 particular organization at that time.

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

7 **MR. AIKMAN:** And it's reviewed on an ongoing
8 basis to ensure that we are complying with it.

9 **MR. ENGELMANN:** I'll just be a moment.

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **MR. ENGELMANN:** If I could go back for a
12 minute in your outline, sir, page 29? We've referred to
13 this a couple of times. This is your first directive or
14 Directive Number 114 dealing with the investigation of
15 sexual assault ---

16 **MR. AIKMAN:** Yes.

17 **MR. ENGELMANN:** --- internally.

18 At the bottom of the page, reference to
19 historical sexual abuse, it says:

20 "If the complaint is that sexual
21 assault had occurred in the past, the
22 Communication Centre shall refer and/or
23 transfer the complaint to the Criminal
24 Investigation Bureau Detective
25 Sergeant."

1 And then later, paragraph 33, when we're dealing with -- I
2 think it's FOB 37 just at the bottom of that page, 309(g),
3 and it's a section that we referred to:

4 "If the complaint is a sexual assault
5 that occurred in the past or of a
6 historical sexual assault, the
7 Communication Centre shall refer and/or
8 transfer the complaint to the OIC of
9 the uniform patrol."

10 There's a difference there. Is that just a
11 renaming of titles or is there some significance to that
12 change?

13 **MR. AIKMAN:** The phrase "OIC. of the Uniform
14 Patrol" refers to the supervisory position overseeing
15 patrol constables. So the change is that that would be the
16 first screening of the complaint after the call taker. So
17 a sergeant who was on duty typically at the front desk or
18 in the station duty office, the call would be transferred
19 to that individual. Then that person would assess the
20 situation because he or she would have the knowledge of
21 whether or not the officers operating under his direction
22 have the knowledge, skills and abilities to undertake any
23 sort of follow up in regards to that particular
24 investigation.

25 If in his or her determination they do not,

1 then that call would be then further screened by the
2 officer in charge of the Criminal Investigations Bureau.

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

4 So we're talking about a report to a
5 different person?

6 **MR. AIKMAN:** Yes.

7 **MR. ENGELMANN:** Yes.

8 **MR. AIKMAN:** Yes, it is a different person.

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

10 Okay. Then to wrap up on this whole
11 section, if we can, sir, at page 43 of your outline you
12 refer to the School Board Protocol that was originally
13 signed in February of 2002 and then again in 2004. And
14 that is what we see at Appendix 34. I tried to take you
15 there earlier by mistake.

16 Do you have that?

17 **MR. AIKMAN:** Appendix 39?

18 **MR. ENGELMANN:** Thirty-nine (39), which is
19 found -- sorry; Appendix 39 which is found in Volume III.

20 **MR. AIKMAN:** Yes.

21 **MR. ENGELMANN:** Do you recall what the
22 impetus was for this particular protocol in 2002?

23 **MR. AIKMAN:** I believe the impetus of this
24 particular one generated from the Ministry of Education and
25 the Ministry of the Solicitor General issuing directives to

1 school boards and policing to develop protocols to ensure
2 consistency in a way that individual police services were
3 investigating incidents which occurred in schools.

4 **MR. ENGELMANN:** Okay. So I'm just
5 wondering. Many of these signatories are parties to the
6 child sexual abuse protocol that you have with the local
7 CAS ---

8 **MR. AIKMAN:** Yes.

9 **MR. ENGELMANN:** --- and school boards and I
10 was just wondering why the need for a separate school board
11 protocol, or why it was thought there was a need?

12 **MR. AIKMAN:** I think it's -- my opinion
13 would be because the school is an institution within the
14 community that has its own rules of governance and the
15 school boards have their own policies and procedures about
16 things which occur in schools.

17 **MR. ENGELMANN:** Okay.

18 **MR. AIKMAN:** And so there had to be some
19 clarity in the communication process in the investigation
20 of events which occurred in the school so that there would
21 be no misunderstanding in regards to roles within the
22 framework of the school.

23 **MR. ENGELMANN:** Would principals and/or
24 teachers of various school boards in the region be third-
25 party reporters on occasion of child abuse or child sexual

1 abuse ---

2 MR. AIKMAN: Yes.

3 MR. ENGELMANN: --- to the police?

4 MR. AIKMAN: Yes.

5 MR. ENGELMANN: Okay. I note on page 6 of
6 that protocol, you've got a "Statement of Principles" and
7 then as well, three purposes are set out in bullet form
8 near the bottom of the page.

9 Do you see that?

10 MR. AIKMAN: Yes.

11 MR. ENGELMANN: Okay. And as I understand
12 it, the Cornwall Police Service has been an active
13 participant in the preparation and negotiation of this
14 protocol and the subsequent protocol?

15 MR. AIKMAN: Yes, we were.

16 MR. ENGELMANN: In fact, sir, at the bottom
17 of the penultimate paragraph on page 43 of your outline,
18 under "Development" you do have a reference to the protocol
19 being developed after a policy direction.

20 MR. AIKMAN: Yes.

21 MR. ENGELMANN: Now, there's also a
22 reference to the issue of community policing and in the
23 "Statement of Principles" it says:

24 "This protocol supports and reflects
25 the principles of community policing

1 and ensures a consistent approach to
2 the way police and schools respond to
3 school-related incidents of violence
4 and/or criminal behaviour."

5 And I note Chief Parkinson is going to talk
6 about community policing from the Cornwall Police Service
7 perspective. I just wondered if you wanted to elaborate
8 upon that.

9 **MR. AIKMAN:** This is another example of
10 initiatives that we've undertaken to ensure that we are
11 working with school boards and the local schools and
12 principals to provide a positive interaction between the
13 police and their school environments. So this particular
14 protocol removes any misunderstanding that there might be
15 in regards to what the police officer's role might be in
16 the school when called there.

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

18 Let's turn now to the section of your
19 outline that is entitled "Victims Assistance". And just
20 before we start, you've now been a police officer for
21 approximately 25 years?

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

23 **MR. ENGELMANN:** And both in a training
24 capacity and now as Deputy Chief, you must have some views
25 on victims assistance and what you see as the key to victim

1 assistance, from your perspective?

2 **MR. AIKMAN:** Yes.

3 **MR. ENGELMANN:** Can you just elaborate on
4 that for us?

5 **MR. AIKMAN:** Well, victims assistance, when
6 we look at the 1990 version of the *Police Services Act* and
7 the Declaration of Principles, it's the first time we saw
8 the term "assistance to victims" noted and it really
9 provided policing, in a philosophical sense, a direction to
10 take in regards to providing referrals and support to
11 victims in need. And we, in the Cornwall Community Police
12 Service, have responded to that Declaration of Principles
13 over the course of time and have continued to demonstrate
14 that in a variety of ways through protocols, through the
15 development of referral systems for our officers as well.

16 **MR. ENGELMANN:** When we talk about keys to
17 it, what in your mind is really significant about victims
18 assistance? What do you need to do as police officers?

19 **MR. AIKMAN:** We need to see to the primary
20 needs of the individual, depending on what the particular
21 circumstance is. If it's a shoplifting event, the needs
22 are probably not very significant. If it's a purse
23 snatching of an elderly lady on the street, the officer
24 responding to that particular matter has to be sensitive to
25 her health, to her transportation needs and is obligated to

1 see to it that she is provided for in that regard.

2 MR. ENGELMANN: So it's going to vary
3 depending on the crime and what the victim has experienced?

4 MR. AIKMAN: That's right.

5 MR. ENGELMANN: Now, you mentioned that
6 victims assistance is referenced in the 1990 *Police*
7 *Services Act*.

8 MR. AIKMAN: Yes.

9 MR. ENGELMANN: And it was referenced as a
10 guiding principle at that time.

11 MR. AIKMAN: That's right.

12 MR. ENGELMANN: And in your Outline of
13 Evidence you talk about some of the references to victims
14 assistance in various protocols that we've looked at.

15 MR. AIKMAN: Yes.

16 MR. ENGELMANN: I think we looked at one in
17 particular and that was the Baldwin House protocol at
18 Appendix 25.

19 MR. AIKMAN: Right.

20 MR. ENGELMANN: That's the one that set out
21 a number of steps and it also set out some referral
22 agencies.

23 MR. AIKMAN: That's correct.

24 MR. ENGELMANN: Now, the first overall
25 policy on victims assistance, I understand it is one that

1 you were personally involved in, sir?

2 MR. AIKMAN: Yes.

3 MR. ENGELMANN: Okay. And that's referenced
4 at the middle of page 47 of your outline?

5 MR. AIKMAN: That's correct.

6 MR. ENGELMANN: Okay. And that was an
7 initiative that was undertaken by then Acting Chief
8 Johnston?

9 MR. AIKMAN: That's correct.

10 MR. ENGELMANN: Do you know why there wasn't
11 a policy like this between 1990 and '95?

12 MR. AIKMAN: I don't know a specific reason
13 other than my earlier comment in regards to the evolution
14 of policing and the development of policies to support the
15 *Police Services Act*. It's simply a fact that it took until
16 1995 for us to implement a policy.

17 MR. ENGELMANN: It would be a decision of a
18 chief at the time presumably or ---

19 MR. AIKMAN: Depending on his competing
20 priorities ---

21 MR. ENGELMANN: Yes.

22 MR. AIKMAN: --- over the course of time,
23 yes.

24 MR. ENGELMANN: But clearly the Acting Chief
25 in '95 saw this as a priority ---

1 MR. AIKMAN: Yes.

2 MR. ENGELMANN: --- and tasked you to do it?

3 MR. AIKMAN: That's correct.

4 MR. ENGELMANN: All right.

5 And so you had personal involvement in the
6 preparation of this particular directive?

7 MR. AIKMAN: I did.

8 MR. ENGELMANN: Okay. So let's take a look
9 at it. It's at Tab 42 of Volume 3. And if you could very
10 briefly outline for us some of the purposes of the Victims
11 Assistance Program that was set up as a directive to police
12 officers here in Cornwall?

13 MR. AIKMAN: Well, in a general sense the
14 policy states the purpose is to provide initial support to
15 victims in order to lessen the trauma of being victimized.
16 It further states that officers are to refer victims to
17 appropriate community support services or agencies.
18 They're also responsible for keeping victims informed of
19 the process of their particular case during the course of
20 the investigation and through the court process. And they
21 are also, in a general way, responsible for liaising with
22 those community support agencies to monitor the effects of
23 the program.

24 Now, in this particular policy it also,
25 although it's not included in the materials -- there was --

1 at that time I developed a laminated card, which each
2 officer was issued, which had the appropriate telephone
3 numbers and contact persons for the referral agencies. So
4 the officers were all issued that referral card which, over
5 the course of time, it became rather difficult to keep it
6 current with phone numbers changing as it went by. So it's
7 gone by the wayside over the course of time.

8 **MR. ENGELMANN:** I note in this particular
9 policy there's actually a reference to victims of two types
10 of crimes, one being the domestic violence type of crime
11 and the other being break and enter.

12 **MR. AIKMAN:** Yes.

13 **MR. ENGELMANN:** Were those of particular
14 concern at that time or is there some other reason why
15 they're mentioned or targeted?

16 **MR. AIKMAN:** Again, the evolution of our
17 service during this period of time, domestic violence was a
18 topic of significance at that timeframe and it was deemed
19 required to make sure that victims of domestic violence
20 were paid particular attention to.

21 And we were experiencing at that time
22 significant property-related crimes and we were trying to
23 ensure that victims of break and enters in particular were
24 provided crime prevention materials and support for their
25 particular circumstance.

1 The thinking at that time was that a victim
2 of a break and enter, particularly a residence, was
3 significantly traumatized by the event. So this was an
4 attempt to assist in that regard.

5 **MR. ENGELMANN:** Now, if we turn over to the
6 next page of your outline, sir, you have a general order
7 for victims assistance and it appears again this is an
8 order that is promulgated to comply with the Adequacy
9 Standards?

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

11 **MR. ENGELMANN:** And you've set out, in fact,
12 in the middle of the page some of the requirements. And
13 you refer -- let's take a look at that order just very
14 briefly, if we can.

15 That's at Tab 43 of Volume III?

16 **MR. AIKMAN:** Yes, it is.

17 **MR. ENGELMANN:** And again, as with others,
18 we have the original in the back of the tab?

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

20 **MR. ENGELMANN:** And if we're looking at
21 that, for example, we have a definition of a victim of
22 crime at 2.02?

23 **MR. AIKMAN:** Yes, we do.

24 **MR. ENGELMANN:** And then we have a number of
25 provisions in article 3 or paragraph 3 dealing with the

1 requirements for members of the Cornwall Police?

2 MR. AIKMAN: That's correct.

3 MR. ENGELMANN: And these are requirements
4 that they have to learn or become familiar with in dealing
5 with victims of crime?

6 MR. AIKMAN: That's right.

7 MR. ENGELMANN: Now, there's a reference in
8 the Order, at the fifth page, to two acronyms which you
9 also happen to set out on page 48 of your outline and they
10 are VWAP and/or VCARS and it talks about the fact that the
11 officer is to contact victim services, provide information
12 to the victim on available community services and make
13 referrals to VWAP and/or VCARS.

14 Can you explain what those are, sir, and
15 whether those are local agencies or whether that's
16 something that's provincial in scope?

17 MR. AIKMAN: Both fall under the mandate of
18 the Ministry of the Attorney General. The acronym VWAP,
19 Victim/Witness Assistance Program is overseen by the Crown
20 Attorney's Office locally. It came into existence in
21 Cornwall in 2001 and they are mandated to assist crime
22 victims through the legal process, through courts, to
23 assist in their preparation as a witness and to see to
24 their needs. So we refer victims to VWAP.

25 VCARS is a program which -- in the

1 regulation where it refers to these particular programs
2 there's an additional sentence there which says, "where
3 available". VWAP and VCARS where available. And in the
4 case of VCARS, again it's under the auspices of the
5 Ministry of the Attorney General. It began provincially as
6 a pilot project in the early 1990s. There were three of
7 them established, one in Brantford, one in Sault Ste. Marie
8 and I'm not sure where the third one was established --
9 Kingston was the third one.

10 When I was -- as I was referring to earlier,
11 one of the many hats that I wore during this particular
12 time on our service, I was the Victims Assistance
13 Coordinator at this period of time and I was also a member
14 of the Board of Directors for Maison Baldwin House.

15 **MR. ENGELMANN:** Yes.

16 **MR. AIKMAN:** Myself and the then director,
17 Patricia Vibert undertook to try to obtain a VCARS program
18 here in Cornwall. The acronym, by the way, stands for
19 Victim Crisis and Referral Service.

20 **MR. ENGELMANN:** Were you successful at that
21 time, sir?

22 **MR. AIKMAN:** The funding for the program
23 ceased to exist and so our application was denied. The
24 funding was re-implemented recently and over the course of
25 the last couple of years, a local advisory committee has

1 been formed and were successful in obtaining funding for
2 the establishment of a VCARS program in Cornwall and area.
3 They have just undertaken the hiring of their executive
4 director, so they are up and running and then recruiting --
5 actively recruiting volunteers to assist in that regard.
6 It's a volunteer-based organization.

7 **MR. ENGELMANN:** Okay.

8 Sir, if we could then turn to page 49 of
9 your outline, and your caption reads:

10 "Service Agreement Between the" ...
11 [Cornwall Police Service], "OPP and the
12 Partners Abuse Sexual Assault Care Team
13 ("PASACT")".

14 This is a fairly recent agreement, as I
15 understand it?

16 **MR. AIKMAN:** Yes, it is.

17 **MR. ENGELMANN:** It's found at Tab 47 of
18 Volume III and Deputy Aikman, is this a -- you talk about
19 the fact that this agreement was developed as an evolution
20 from the Sexual Abuse Response Team.

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

22 **MR. ENGELMANN:** Can you explain that for us?

23 **MR. AIKMAN:** The initial mandate of the
24 Sexual Assault Response Team was to deal specifically with
25 victims of sexual assault. That mandate has been expanded

1 to take into consideration partner abuse or domestic
2 violence situations. So the training that the nurses in
3 particular who work in that area has been expanded to also
4 include partner abuse. So this protocol and their new
5 acronym -- and we have plenty of acronyms around --
6 reflects that; so the partner abuse aspect as well as
7 Sexual Assault Care Team.

8 **MR. ENGELMANN:** It also says that Chief
9 Parkinson wanted this agreement to be consolidated to
10 include both the Cornwall Police Service and the OPP. Was
11 the original SART program simply with the Cornwall Police
12 Service?

13 **MR. AIKMAN:** I believe it was, yes.

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

15 I'd then like to turn to the next section of
16 your outline, if I may, and that's entitled, "City of
17 Cornwall Police Service - Collaboration with the OPP". And
18 I believe my colleague took you to a couple of appendices
19 here about some of the interaction and some of the
20 agreements that are put in place for the provision of
21 police services between your two agencies?

22 **MR. AIKMAN:** Yes.

23 **MR. ENGELMANN:** If memory serves me, you
24 looked at Tab 37 and Tab 49 and those are both found in
25 Volume III, but before we go there -- I apologize -- why

1 don't we look at an earlier version of that, or an earlier
2 version of an attempt at collaboration. You referred to
3 that as a "Protocol of Agreement Between OPP Number 11
4 District and the CCPS".

5 **MR. AIKMAN:** Yes.

6 **MR. ENGELMANN:** Okay. Now, let's just start
7 with OPP Number 11 District, and you don't have to be exact
8 on this, but your understanding of what municipalities
9 would be ---

10 **MR. AIKMAN:** As we currently know the
11 Stormont, Dundas and Glengarry Detachment, I believe was
12 the Number 11 District according to their deployment.

13 **MR. ENGELMANN:** All right.

14 And we then have at Tab 48 a copy of that
15 protocol of agreement?

16 **MR. AIKMAN:** Yes.

17 **MR. ENGELMANN:** What was its major purpose,
18 if you can tell us? This was a protocol that came into
19 being in or about the summer of 1994.

20 **MR. AIKMAN:** Right. I guess it's the first
21 step towards a more formal provision of joint services.
22 The first statement is that it's a "flexible, non-
23 contractual agreement" between our service and the local
24 district of the OPP. So it's not a contractual obligation
25 to provide services but it's an understanding and a

1 recognition between the OPP and ourselves that there may be
2 things that we can work on mutually that would be more
3 economical or more efficient in terms of conducting
4 investigations, or training was an example of that,
5 escorting of prisoners was another example of that.

6 **MR. ENGELMANN:** Now, this is an informal or
7 flexible non-contractual agreement. The later documents
8 that Mr. Ruel referred you to, would they be more formal in
9 nature?

10 **MR. AIKMAN:** They are.

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

12 This mentions a number of services and/or
13 resources and I'm assuming that if one is available in one
14 of the agencies but perhaps not in the other, they're made
15 available or they're shared?

16 **MR. AIKMAN:** Yes.

17 **MR. ENGELMANN:** Was there a cost issue there
18 at all, Deputy Aikman?

19 **MR. AIKMAN:** In this timeframe, no, but
20 under the newer framework agreements there is cost-recovery
21 for some services.

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

23 Now, this doesn't appear to set out any kind
24 of a joint investigation protocol or anything like that.
25 Was that something that -- was anything formal for it at

1 that time?

2 MR. AIKMAN: No, there wasn't.

3 MR. ENGELMANN: Okay. To your knowledge was
4 there an informal process?

5 MR. AIKMAN: Yes. And there still is.

6 MR. ENGELMANN: And what would that process
7 be?

8 MR. AIKMAN: If you have a member of our
9 service conducting an investigation which has obvious links
10 to other investigations ongoing with the local OPP
11 detachment, it would not be out of character or out of
12 place for our member to call that OPP officer, exchange
13 information, perhaps discuss some strategies in regards to
14 furthering those particular investigations and coming to
15 some successful conclusion of that particular matter. But
16 that's -- typically those are not serious matters that
17 we're discussing here.

18 MR. ENGELMANN: Okay. If they're more
19 serious in nature, is ---

20 MR. AIKMAN: Then I think we would rely upon
21 our Joint Forces Operation Policy which would require the
22 development of a project plan and an agreement in regards
23 to who is doing what and who is paying for what.

24 MR. ENGELMANN: So in a case like that,
25 would there be a designated officer in either agency that

1 would have to communicate with one another as opposed to
2 someone just picking up the phone and calling?

3 MR. AIKMAN: Yes. Yes.

4 MR. ENGELMANN: Okay. Then just at the next
5 tab we have what's called the "Framework Agreement".
6 Now, is this something that is set up as a result of the
7 Adequacy Standards?

8 MR. AIKMAN: It is.

9 MR. ENGELMANN: So this is a requirement --
10 -

11 MR. AIKMAN: Yes.

12 MR. ENGELMANN: --- that the province places
13 on ---

14 MR. AIKMAN: --- ourselves.

15 MR. ENGELMANN: --- police forces?

16 MR. AIKMAN: Yes.

17 MR. ENGELMANN: Okay. And can you just give
18 us a general overview of this more formal framework
19 agreement and its purposes?

20 MR. AIKMAN: It's divided into different
21 sections whereby there's a provision for mutual aid, for
22 example, breathalyser technicians. If a breathalyser
23 technician is not available in Cornwall, we can utilise the
24 services of an OPP member to do that and vice versa.

25 MR. ENGELMANN: Okay.

1 **MR. AIKMAN:** It also spells out some more
2 specific areas in regards to the deployment of a tactical
3 team, or the use of a dive team. The OPP will provide
4 those things.

5 **MR. ENGELMANN:** I note that, at least at
6 page 52 of your outline, you set out some of the provincial
7 services that are set out in a schedule to that framework
8 agreement.

9 **MR. AIKMAN:** Yes.

10 **MR. ENGELMANN:** It suggests at least that
11 these types of services shall be provided at no cost?

12 **MR. AIKMAN:** Yes.

13 **MR. ENGELMANN:** Okay. And are these
14 services that are then being provided by the OPP to
15 municipal forces?

16 **MR. AIKMAN:** Yes, they are.

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

18 So this wouldn't just be the City of
19 Cornwall Police Force. These would be requirements that
20 the OPP would provide to other forces as well?

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

22 **MR. ENGELMANN:** But there would be different
23 framework agreements depending on who the municipal force
24 was?

25 **MR. AIKMAN:** I believe they require a

1 framework agreement with each municipal force.

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

3 Anything else on the framework agreement,
4 sir, that you wish to comment on?

5 So let's turn to quality assurance then,
6 which is at page 54 of your outline and there are two areas
7 I'd like to touch upon here.

8 You have a position, do you not, of Quality
9 Assurance Inspector?

10 **MR. AIKMAN:** Yes, we do.

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

12 And I think you set out something about that
13 -- or Quality Assurance Officer on page 55 of your outline.
14 Is that correct?

15 **MR. AIKMAN:** Yes.

16 **MR. ENGELMANN:** And would you just give us a
17 general idea of what that individual would do for the City
18 of Cornwall Police Service?

19 **MR. AIKMAN:** The Quality Assurance Inspector
20 is responsible for developing policies, as well as
21 conducting internal audits on specific identified areas and
22 reporting his findings to the Chief of Police.

23 **MR. ENGELMANN:** I'm just looking at Tab 2 of
24 Volume I, the org chart for 2005, and I think again, Mr.
25 Ruel took you there. I'm assuming there should be a line

1 between Quality Assurance Inspector and Chief of Police. I
2 think there's just a line missing there. But is that --
3 the Quality Assurance Inspector ---

4 **MR. AIKMAN:** Yes, that's a typo.

5 **MR. ENGELMANN:** Okay.

6 **THE COMMISSIONER:** Where is that now?

7 **MR. ENGELMANN:** Just on the left, sir. We
8 have a number of people reporting to the Chief of Police.

9 **THE COMMISSIONER:** Right. I see what you're
10 saying.

11 **MR. ENGELMANN:** So the Quality Assurance
12 Inspector should be -- doesn't report to you?

13 **MR. AIKMAN:** It should be part of that
14 branch.

15 **MR. ENGELMANN:** Okay. And how does that
16 position differ from the issue of quality control or
17 quality assurance generally, Deputy Aikman?

18 **MR. AIKMAN:** Well, in terms of quality
19 control we have a number of mechanisms in place to ensure
20 that our officers are carrying out their duties and
21 conducting their investigations appropriately and that is
22 more of a quality control function than a quality assurance
23 function, within our jargon.

24 **MR. ENGELMANN:** Maybe we could just go
25 through an example or two of what might be considered

1 quality control or quality assurance?

2 MR. AIKMAN: Right.

3 MR. ENGELMANN: Because you refer, for
4 example, to -- under 24, FOB 43 ---

5 MR. AIKMAN: Yes.

6 MR. ENGELMANN: Appendix 33.

7 Perhaps we could go there and you choose
8 whether you want to deal with your newer order or your
9 older one and we have the right one up on the screen, and
10 if you could just give us an example of an aspect of
11 quality assurance in these investigations or, better yet,
12 quality control?

13 MR. AIKMAN: If we go to -- I prefer the
14 newer one, since I'm more responsible for that particular
15 order.

16 MR. ENGELMANN: All right.

17 So we're at the beginning of Tab 33.

18 MR. AIKMAN: Right. Tab 33, Section 4.01
19 talks about case management -- Section 4 talks about case
20 management and ---

21 MR. ENGELMANN: You're on page 6?

22 MR. AIKMAN: Six (6) of 8, yes.

23 MR. ENGELMANN: Yes.

24 MR. AIKMAN: Case management refers
25 specifically to the process by which once a complaint is

1 received from the Cornwall Police Service, how is it going
2 to be handled from that point onward, in terms of reporting
3 and approval of reports and the laying of charges, et
4 cetera.

5 So 4.01 spells out that supervisors are
6 responsible for reviewing investigations and ensuring that
7 a qualified member, as defined in Section A, conduct the
8 appropriate investigation.

9 We were talking earlier about cases of
10 sexual -- historic sexual abuse.

11 **MR. ENGELMANN:** Yes. And I think the
12 Commissioner asked you how someone could verify that a
13 person had the right background or training.

14 **MR. AIKMAN:** It's documented within our -
15 --

16 **MR. ENGELMANN:** Yes.

17 **MR. AIKMAN:** --- training records.

18 **MR. ENGELMANN:** Yes. So this is an example
19 where the supervisor is responsible ---

20 **MR. AIKMAN:** Right.

21 **MR. ENGELMANN:** --- for ensuring that a
22 qualified member ---

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

24 **MR. ENGELMANN:** Yes.

25 **THE COMMISSIONER:** What's Project "P" under

1 Provincial Services?

2 MR. AIKMAN: That's the investigation of
3 pornography.

4 THE COMMISSIONER: Okay.

5 MR. ENGELMANN: So what other quality
6 controls or assurances then you've built into this
7 particular order?

8 MR. AIKMAN: For example, if we go to ---

9 MR. ENGELMANN: You gave us something from
10 4.01.

11 MR. AIKMAN: Yes. So the supervisor
12 determines whether or not an officer has the knowledge,
13 skills and abilities to conduct an investigation. That
14 officer would submit reports in regards to that
15 investigation and there's a requirement for those reports
16 to be submitted in a timely fashion and supplementary
17 reports to be updated in a timely fashion. I'm not sure
18 which section it is that talks about that in here.

19 MR. ENGELMANN: But you've got 4.02 that
20 puts a number of requirements on supervisors in reviewing
21 reports?

22 MR. AIKMAN: Yes.

23 MR. ENGELMANN: You have 4.03 that again
24 says if it's deemed appropriate, they are to refer it to a
25 qualified member to follow up?

1 MR. AIKMAN: Yes.

2 MR. ENGELMANN: So perhaps the second
3 opinion essentially on an investigation?

4 MR. AIKMAN: Yes.

5 MR. ENGELMANN: And there's some other
6 requirements with respect to follow-up reports, 4.04.
7 These are part of your orders?

8 MR. AIKMAN: Yes.

9 MR. ENGELMANN: Did something like this
10 exist pre the Adequacy Standards by way of order or
11 directive, this quality assurance or quality control ---

12 MR. AIKMAN: No.

13 MR. ENGELMANN: --- or is this something
14 that's really come in with the Adequacy Standards?

15 MR. AIKMAN: It has been formalized in the
16 Adequacy Standards. There were previous orders that
17 referred to the submitting of reports, for example.

18 MR. ENGELMANN: Okay.

19 MR. AIKMAN: That would have been covered by
20 a directive.

21 MR. ENGELMANN: Like the Directive 114 that
22 we looked at ---

23 MR. AIKMAN: Yes.

24 MR. ENGELMANN: --- in '98?

25 MR. AIKMAN: I believe there was a specific

1 directive on submitting reports. So it gave some
2 guidelines in regards to the types of reports that had to
3 be submitted and the timeframes in which they had to be
4 submitted.

5 **MR. ENGELMANN:** But here we have some very
6 clear direction coming from the Standards to police forces
7 on quality assurance or quality control?

8 **MR. AIKMAN:** Yes.

9 **MR. ENGELMANN:** Now, as I understand it, you
10 also have -- I'm just trying to find the tab number. I
11 think it's 51. It's the reference at page 56 of your
12 outline, sir. You talk about Appendix "A". There's a
13 General Audit schedule that should be followed. Am I in
14 the right tab?

15 **THE COMMISSIONER:** No, it's not 51.

16 **MR. AIKMAN:** No, 51 deals with skills,
17 development and learning.

18 **MR. ENGELMANN:** Oh no, go to the back.

19 **MR. AIKMAN:** The Audit Schedule?

20 **MR. ENGELMANN:** Yes. No, sorry, that's not
21 it.

22 **MR. AIKMAN:** Tab 5-0?

23 **THE COMMISSIONER:** Sorry?

24 **MR. AIKMAN:** Tab 50, the older version, page
25 9 of 11.

1 MR. ENGELMANN: It's going to look better on
2 the newer version.

3 MR. AIKMAN: The newer version?

4 MR. ENGELMANN: Yes. That's page 7 of 10,
5 Tab 50.

6 MR. AIKMAN: Yes.

7 MR. ENGELMANN: And you reference this in
8 your quality assurance. Why is this a quality assurance
9 issue?

10 MR. AIKMAN: Why is it -- I'm not sure I
11 understand your question.

12 MR. ENGELMANN: Okay. Well, you talk about
13 quality control ---

14 MR. AIKMAN: Yes.

15 MR. ENGELMANN: --- and ways to ensure the
16 quality of the work that's being done by individual
17 officers.

18 MR. AIKMAN: Yes.

19 MR. ENGELMANN: You've got an Audit Schedule
20 or a checklist here.

21 MR. AIKMAN: Yes.

22 MR. ENGELMANN: So what -- how does this
23 assist with quality control or quality assurance?

24 MR. AIKMAN: Well, it spells out particular
25 tasks and functions which must be audited on a timely

1 basis. For example, in case management, which I was
2 referring to earlier, there's a requirement that it be
3 audited daily by the officer in charge of the Criminal
4 Investigations Bureau.

5 **MR. ENGELMANN:** So what does that mean with
6 respect to an individual case?

7 **MR. AIKMAN:** That the officer in charge of
8 the Criminal Investigations Bureau has to at least, if not
9 look at the reports, speak to the investigating officer
10 about the ongoing investigations.

11 **MR. ENGELMANN:** And what would the
12 requirement be under the Sexual Offender Registry that you
13 have there? When it says "monthly", what does that mean?
14 What has to happen?

15 **MR. AIKMAN:** There is a requirement that
16 there be some form of checks made in regards to whether our
17 records are up to date and whether or not the offenders who
18 are registered are complying with the requirements of their
19 release.

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

21 Mr. Commissioner, I have one more area to
22 cover. It's 12:30. Would you like me to carry on or ---

23 **THE COMMISSIONER:** Well, how much time do
24 you think you need?

25 **MR. ENGELMANN:** Ten (10) or 15 minutes.

1 **THE COMMISSIONER:** No, I've got a meeting to
2 do. So why don't we finish off after lunch and you can
3 canvass to what extent there will be cross-examination and
4 re-examination, and then we can alert the next witness as
5 to when we will be able to do that.

6 **MR. ENGELMANN:** Okay.

7 **THE COMMISSIONER:** How's that?

8 **MR. ENGELMANN:** Thank you.

9 **THE COMMISSIONER:** Thank you.

10 **THE REGISTRAR:** Order; all rise. À l'ordre;
11 veuillez vous lever. The hearing will reconvene at 2:00
12 p.m.

13 --- Upon recessing at 12:33 p.m./

14 L'audience est suspendue à 12h33

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

16 L'audience est reprise à 14h05

17 **THE REGISTRAR:** This hearing of the Cornwall
18 Public Inquiry is now in session. Please be seated.
19 Veuillez vous asseoir.

20 **THE COMMISSIONER:** You know, every time I
21 come back I see more paper. This is great.

22 And to whom do I owe this ---

23 **MR. ENGELMANN:** I'm happy to say it's not
24 me.

25 **THE COMMISSIONER:** It's not you?

1 **MR. ENGELMANN:** My colleague will speak to
2 that. He has -- and I think he has advised Deputy Aikman
3 that he has just a couple of questions as well that he
4 wanted to put, and I think as a result of a discussion we
5 had, we have this one piece of paper that will be added, I
6 think, to Volume I, but I will leave that to my colleague
7 to speak to.

8 **THE COMMISSIONER:** All right.

9 Let me just say in the meantime that for
10 this afternoon, we will be closing down at the very latest
11 at 4:30. One of the reasons being is that Madam Clerk is
12 celebrating a birthday today and we certainly would not
13 want to get in the way of any of those celebrations.

14 **MR. NEUBERGER:** It's my birthday tomorrow
15 too.

16 **(LAUGHTER/RIRES)**

17 **THE COMMISSIONER:** We're sitting until 6:00
18 for you tomorrow.

19 All right.

20 **MR. ENGELMANN:** Well, Mr. Manson is not here
21 to give gold stars.

22 **THE COMMISSIONER:** Right. Well, I was
23 hoping for birthday cake. All right.

24 **MR. ENGELMANN:** Now that Madam Clerk is
25 sufficiently embarrassed, we'll move on.

1 I did want to mention, Mr. Commissioner, and
2 to the parties that Chief Parkinson is here and we are
3 ready to go with his evidence when we're finished with
4 Deputy Aikman. All right.

5 **DANNY AIKMAN, Resumed:**

6 --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**
7 **ENGELMANN (CONT'D/SUITE):**

8 **MR. ENGELMANN:** So we're in the last -- just
9 in the home stretch of your Outline of Evidence.

10 **MR. AIKMAN:** Yes.

11 **MR. ENGELMANN:** Deputy Aikman, we were on
12 page 57 of -- it's Tab A of Volume I.

13 **MR. AIKMAN:** Yes.

14 **MR. ENGELMANN:** And I wanted to ask you a
15 few questions about training. You've set out in your
16 outline some references to the *Police Services Act*.

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

18 **MR. ENGELMANN:** And these are references to
19 training requirements?

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

21 **MR. ENGELMANN:** And you also have a specific
22 reference to a training requirement entitled "Courses of
23 Training for Members of Police Forces". And that's a
24 regulation to the Act.

25 **MR. AIKMAN:** Yes.

1 MR. ENGELMANN: Is that correct?

2 MR. AIKMAN: Yes.

3 MR. ENGELMANN: All right.

4 And that refers to the Basic Constable
5 Training Program? That's a program that's offered at the
6 Ontario Police College?

7 MR. AIKMAN: It is, yes.

8 MR. ENGELMANN: Okay. And that's a program
9 that all of your recruits would take?

10 MR. AIKMAN: Yes.

11 MR. ENGELMANN: So let's just try and put
12 this in a time perspective, if we may. You've given us two
13 timeframes in your outline, one 1990 and one 2005.

14 I just want to try and trace some of the
15 training and, as a result of that, we may see how some
16 things evolve over time.

17 I certainly would keep in mind the fact that
18 you were responsible for training for the Cornwall Police
19 Service ---

20 MR. AIKMAN: Yes.

21 MR. ENGELMANN: --- for approximately eight
22 years?

23 MR. AIKMAN: Yes.

24 MR. ENGELMANN: And I understand as well
25 that you also did some work as an instructor ---

1 MR. AIKMAN: That's correct.

2 MR. ENGELMANN: --- at the Ontario Police
3 College?

4 MR. AIKMAN: Yes.

5 MR. ENGELMANN: And that was in?

6 MR. AIKMAN: From 1989 to 1991.

7 MR. ENGELMANN: Okay. And I also understand
8 that -- well, maybe we could start -- I understand there
9 are various training that police officers can get. We've
10 talked about the basic or recruit training.

11 MR. AIKMAN: Yes.

12 MR. ENGELMANN: And that is training that
13 the officer gets before actually starting work as a police
14 officer?

15 MR. AIKMAN: Generally, yes.

16 MR. ENGELMANN: Or at about the time?

17 MR. AIKMAN: Certainly as a police officer,
18 but they may be employed by the police service for a short
19 time before they attend their training.

20 MR. ENGELMANN: Okay. And that training has
21 been there even before 1990?

22 MR. AIKMAN: That's correct.

23 MR. ENGELMANN: Right.

24 So that has remained a constant requirement.
25 Perhaps the timeframe has changed and the courses have

1 changed, but there is still recruit training?

2 MR. AIKMAN: Yes.

3 MR. ENGELMANN: Okay. Now, other forms of
4 training can include in-service training?

5 MR. AIKMAN: There is in-service training
6 provided by individual services, yes.

7 MR. ENGELMANN: And when you say individual
8 services, services within the Cornwall Police Service?

9 MR. AIKMAN: Police services, I'm referring
10 to individual police services ---

11 MR. ENGELMANN: Okay.

12 MR. AIKMAN: --- have their own form of in-
13 service training.

14 THE COMMISSIONER: I guess then the question
15 is does Cornwall have ---

16 MR. AIKMAN: Yes, we do, in certain
17 circumstances, yes.

18 MR. ENGELMANN: Now, is there a -- okay. It
19 begs another question.

20 We know that between 1993 and 2001 you would
21 certainly have been very aware of in-service training?

22 MR. AIKMAN: I would have been providing
23 that in-service training for the most part.

24 MR. ENGELMANN: Okay. Well, that was going
25 to be my next question.

1 MR. AIKMAN: Yes.

2 MR. ENGELMANN: When you went to the Ontario
3 Police College, I understand that you were specifically
4 trained to be a trainer; in other words, to provide in-
5 service training?

6 MR. AIKMAN: That's correct.

7 MR. ENGELMANN: And can you tell us in what
8 areas that was?

9 MR. AIKMAN: Well, in the recruit
10 instruction areas, I focused on criminal offences, powers
11 of arrest and those areas that dealt mostly with criminal
12 law. Later in my tenure as the training officer, I
13 returned back to the Ontario Police College and became
14 qualified to provide use of force instruction, as well as
15 pistol transition instruction. That was a time in policing
16 when standards were starting to be introduced and some of
17 the earlier standards revolved around the use of force by
18 members of Police Services.

19 Also, coincidentally around that timeframe
20 there was a major transition in policing from revolvers to
21 semiautomatic pistols which required a significant amount
22 of training time to achieve within our service.

23 Later, in terms of being qualified as an
24 instructor, I attended a course in Ottawa provided by the
25 Ottawa Police under the auspices of the Ontario Police

1 College dealing specifically with train the trainer in
2 domestic violence investigations.

3 **MR. ENGELMANN:** And do you have colleagues
4 who are also trained to be in-service training providers?

5 **MR. AIKMAN:** Yes.

6 **MR. ENGELMANN:** Okay. And when I say
7 colleagues, other members -- currently members of the
8 Cornwall Police Service?

9 **MR. AIKMAN:** Our training officer has
10 similar qualifications.

11 **MR. ENGELMANN:** Okay. And this is someone
12 who has been involved in that position after you left in
13 2001?

14 **MR. AIKMAN:** Yes.

15 **MR. ENGELMANN:** Okay. Now, then other forms
16 of training, we've talked about the recruit training.
17 We've talked about in-service training. There is training
18 that the Ontario Police College provides to regular
19 strength officers.

20 **MR. AIKMAN:** Right.

21 **MR. ENGELMANN:** If I could use that term.
22 And this is training that can be requested through a local
23 police force?

24 **MR. AIKMAN:** Yes.

25 **MR. ENGELMANN:** And that training, and

1 you've talked about it here -- just before I get into it,
2 are there other forms of training as well that might be
3 available?

4 **MR. AIKMAN:** There's always the opportunity
5 for individual members to continue on with their own
6 professional development, whether through universities or
7 community colleges, in regards to -- in my own particular
8 case, a lot of it was focused on management and those sort
9 of perspectives. So those are recognized courses.

10 It's not necessarily part of their
11 development as a professional police officer.

12 **MR. ENGELMANN:** Okay. Might there also be
13 training available at either seminars or conferences that
14 would be available?

15 **MR. AIKMAN:** Yes.

16 **MR. ENGELMANN:** And that is something that
17 the Cornwall Police Service like other police services
18 might allow members to take advantage of?

19 **MR. AIKMAN:** Yes. We've participated in the
20 past in joint training ventures with organizations such as
21 the CAS, such as Maison Baldwin House.

22 **MR. ENGELMANN:** Okay. And you have a budget
23 allotted for training on an annual basis?

24 **MR. AIKMAN:** Yes, we do.

25 **MR. ENGELMANN:** And that would include all

1 forms of training?

2 MR. AIKMAN: Yes.

3 MR. ENGELMANN: Okay. Whether that's
4 external or internal, at the Ontario Police College or
5 elsewhere?

6 MR. AIKMAN: Yes.

7 MR. ENGELMANN: And when members take
8 training there is some acknowledgement that they have had
9 that training?

10 MR. AIKMAN: Yes, there is.

11 MR. ENGELMANN: For example, there would be
12 a notation on a personnel file or there may be other
13 records kept of that nature?

14 MR. AIKMAN: Yes.

15 MR. ENGELMANN: And is that at all important
16 with respect to promotion and/or pay or could it be?

17 MR. AIKMAN: It may be important regarding
18 promotion. As part of the promotional process those
19 training records would be reviewed and evaluated in terms
20 of how they might apply to that aspiring sergeant or staff
21 sergeant's position that's posted.

22 MR. ENGELMANN: Okay. Now, in your Outline
23 of Evidence you talk about training that's available to the
24 City of Cornwall Police Service at the OPC?

25 MR. AIKMAN: Yes.

1 **MR. ENGELMANN:** And in the first page of the
2 outline on page 57 you talk about the fact that the
3 training in 1990 was exclusively at Aylmer, Ontario; is
4 that correct?

5 **MR. AIKMAN:** Well, we're leaving out -- I
6 guess, by making that statement we'd be leaving out the
7 Canadian Police College in Ottawa.

8 **MR. ENGELMANN:** Okay.

9 **MR. AIKMAN:** There were training courses
10 available at the Canadian Police College as well.

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

12 **MR. AIKMAN:** But in terms of recruit
13 training exclusively at the Ontario Police College in
14 Aylmer.

15 **MR. ENGELMANN:** All right.

16 No, I was thinking of all forms of training.
17 So there was also training available to your officers at
18 the Canadian Police College in Ottawa?

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

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

21 Now, would officers from the Cornwall Police
22 Service routinely or regularly attend training at the
23 Canadian Police College?

24 **MR. AIKMAN:** Yes.

25 **MR. ENGELMANN:** Okay. And was that

1 something that was available at no cost or was that a cost
2 recovery training or subsidized training?

3 MR. AIKMAN: That's always been a cost
4 recovery training at the Canadian Police College.

5 MR. ENGELMANN: And sir, was any of that
6 training in the investigation of child abuse or child
7 sexual abuse?

8 MR. AIKMAN: At the Canadian Police College?

9 MR. ENGELMANN: Yes.

10 MR. AIKMAN: No. Well, they have a course
11 entitled the Major Crime Investigation course.

12 MR. ENGELMANN: Yes.

13 MR. AIKMAN: So there may have been elements
14 on that particular course that dealt with sex offences.

15 MR. ENGELMANN: All right.

16 So that was a course that was available to
17 members of the Cornwall Police Service?

18 MR. AIKMAN: Yes.

19 MR. ENGELMANN: And from time to time
20 perhaps when you were responsible for training you would
21 see that officers availed themselves of that training?

22 MR. AIKMAN: That's correct.

23 MR. ENGELMANN: Okay. Now, you say as of
24 1990 that the use of satellite locations did not exist.
25 You're referring to the Ontario Police College there; is

1 that correct?

2 MR. AIKMAN: That's right.

3 MR. ENGELMANN: And as I understand it,
4 that's in Aylmer, Ontario which is a fair bit further away
5 than Ottawa, the Canadian Police College?

6 MR. AIKMAN: Yes, it is south of London,
7 Ontario.

8 MR. ENGELMANN: Okay. And I understand,
9 sir, that during the 1990s that that would have changed and
10 that satellite training or satellite locations of the
11 Ontario Police College were used.

12 MR. AIKMAN: Right. I think because of
13 capacity concerns at the Ontario Police College and the
14 demands of the policing community to provide more
15 specialized training the college began to explore avenues
16 whereby they would provide courses of training at satellite
17 facilities. The one I referenced at the Ottawa Police is
18 located at Algonquin College. The Police Foundations
19 Program is a regular satellite location for OPC courses. A
20 lot of other larger, municipal services such as
21 Metropolitan Toronto Police Service conduct their own
22 training at C.O. Bick so they would have satellite courses
23 available there. C.O. Bick is the name of Metro's police
24 training centre.

25 MR. ENGELMANN: Okay. I was going to ask.

1 You say on the following page of your
2 outline that satellite training typically requires 24
3 officers.

4 **MR. AIKMAN:** Our experience has been when we
5 try to provide a satellite course here we've been
6 instructed by the Ontario Police College that they will not
7 come to provide that training unless we can guarantee them
8 24 students on the course in order to ensure cost
9 effectiveness of running the program.

10 **MR. ENGELMANN:** And I understand you have
11 done that on occasion?

12 **MR. AIKMAN:** We have hosted a general
13 Investigation Techniques course here as well as a Major
14 Case Management course here.

15 **MR. ENGELMANN:** And when you've done that
16 have you attempted to do that in conjunction with the
17 District 11 of the OPP?

18 **MR. AIKMAN:** Yes.

19 **MR. ENGELMANN:** And/or other forces?

20 **MR. AIKMAN:** Yes.

21 **MR. ENGELMANN:** And have members of the
22 Cornwall Police Service attended satellite training in
23 Ottawa or Kingston or other locations other than Aylmer?

24 **MR. AIKMAN:** Yes, they have.

25 **MR. ENGELMANN:** Now, you mention -- and

1 again, I'm on page 57 -- that you could -- I assume this is
2 on an annual basis -- request training from the OPC?

3 MR. AIKMAN: We send the Ontario Police
4 College our course requests.

5 MR. ENGELMANN: Yes.

6 MR. AIKMAN: To satisfy our needs in terms
7 of development of our members.

8 MR. ENGELMANN: So you would indicate to
9 them the types of courses you would like your members to
10 take and the number of members that you would like to be
11 offered the opportunity?

12 MR. AIKMAN: Yes, yes.

13 MR. ENGELMANN: And has that generally been
14 successful when you have attempted to do that?

15 MR. AIKMAN: For the most part, yes.

16 MR. ENGELMANN: And have you had members
17 trained at the OPC on a regular basis?

18 MR. AIKMAN: Yes.

19 MR. ENGELMANN: Since you were involved in
20 training in 1993?

21 MR. AIKMAN: Yes.

22 MR. ENGELMANN: I'll just be a moment.

23 Now, with respect to the costs of the
24 training, my understanding is that it says in the first
25 paragraph the costs associated with attending OPC courses

1 were assumed by each individual municipal police service.
2 I understand at least from 1990 until about 1997 or
3 thereabouts that there was no fee charged by the OPC.

4 MR. AIKMAN: That's correct. I think that's
5 ---

6 MR. ENGELMANN: Okay.

7 MR. AIKMAN: That's not stated
8 appropriately. The costs for us to send someone to OPC
9 would be in salary dollars ---

10 MR. ENGELMANN: Right, and your ---

11 MR. AIKMAN: --- travel expenses -- exactly.

12 MR. ENGELMANN: Okay. But in or about '97
13 there started to be a subsidized fee structure.

14 MR. AIKMAN: Yes.

15 MR. ENGELMANN: And then that's gone up over
16 time?

17 MR. AIKMAN: Yes, it has.

18 MR. ENGELMANN: All right.

19 And that's not just for the City of
20 Cornwall; that's for all police forces that wish their
21 members to take courses there?

22 MR. AIKMAN: Yes.

23 MR. ENGELMANN: And are you familiar at all
24 with the demand survey where you can ask for courses that a
25 force may be interested in and indicate how many members

1 might wish to take it?

2 **MR. AIKMAN:** I think you're referring to,
3 from time to time, the Ontario Police College will canvass
4 police services to express interest in courses. I'm
5 familiar with that process, yes.

6 **MR. ENGELMANN:** Okay. I mean, I actually
7 think it's something that comes out on an annual basis that
8 I understand is a demand survey and it may be something
9 that's recent, sir?

10 **MR. AIKMAN:** Well, yes, as I was discussing
11 with you earlier, during my tenure as a training officer
12 that's not the way it happened but if that's the way it's
13 happening now, that's fine.

14 **MR. ENGELMANN:** So that wasn't in existence
15 between '93 and 2001 when you were regularly involved?

16 **MR. AIKMAN:** That's my recollection.

17 **MR. ENGELMANN:** Okay.

18 Now, one of the things that you didn't
19 mention but it has been referenced here by some of our
20 experts in the contextual hearing was the Institute for the
21 Prevention of Child Abuse, or IPCA. We had evidence that
22 they offered training to professionals involved in dealing
23 with child abuse.

24 **MR. AIKMAN:** Yes.

25 **MR. ENGELMANN:** Between about 1985 and

1 sometime in 1995 when they were no longer funded.

2 **MR. AIKMAN:** M'hm.

3 **MR. ENGELMANN:** Are you familiar with IPCA?

4 **MR. AIKMAN:** Yes, I am.

5 **MR. ENGELMANN:** Okay. And do you know if
6 you and/or other members of the Cornwall Police Service
7 would have had IPCA training? And this typically is, as I
8 said, joint training with CAS and/or crown attorneys.

9 **MR. AIKMAN:** Right. I don't know that our
10 training records indicate that IPCA was the provider of the
11 in-service training or of the satellite training or of the
12 Ontario Police College training, but I believe that members
13 who would have attended the Ontario Police College for
14 joint training with members of CAS, that training would
15 have been provided by IPCA and the Ontario Police College.

16 **MR. ENGELMANN:** There was -- my
17 understanding is there was a training program that the
18 Ontario Police College did together with IPCA?

19 **MR. AIKMAN:** Yes.

20 **MR. ENGELMANN:** And then there were
21 additional training -- there was additional training
22 provided by IPCA and that was referenced by, I think,
23 Professor Bala.

24 **MR. AIKMAN:** Right.

25 **MR. ENGELMANN:** Some of the updates on

1 changes to the law, the Criminal Code, et cetera.

2 So you think some of your members may have
3 done the joint training at the Ontario Police College?

4 **MR. AIKMAN:** Yes.

5 **MR. ENGELMANN:** Okay. What about sessions
6 on new developments in the law and things like that that
7 Professor Bala would have spoken about? Do you have any
8 recollection if you would have availed yourselves of that?

9 **MR. AIKMAN:** We probably would have. I
10 don't want to speculate but it's not indicated in our
11 training records.

12 **MR. ENGELMANN:** Okay.

13 Now, on the following page of your outline,
14 sir, you make a reference to a general order and I think
15 that order is at -- if I'm not mistaken -- Tab 51?

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

17 **MR. ENGELMANN:** And this would be an order
18 that was passed subsequent to the Adequacy Standards being
19 enacted?

20 **MR. AIKMAN:** Yes.

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

22 And so we now have an active -- or we have a
23 mandatory requirement for training and training plans?

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

25 **MR. ENGELMANN:** And this order addresses

1 that issue?

2 MR. AIKMAN: Yes.

3 MR. ENGELMANN: Okay. And as well, as I
4 understand it, as part of that there's a requirement to
5 have an actual plan for training?

6 MR. AIKMAN: Yes.

7 MR. ENGELMANN: And is that set out here as
8 well, sir?

9 MR. AIKMAN: The order itself would
10 constitute that plan, as well as the appendix at the back,
11 Appendix A on page 7 of 7 which refers to career
12 development opportunities. At least part of the emphasis
13 of this particular order is on succession planning.

14 MR. ENGELMANN: Okay. The reason I ask is I
15 understand it that section 33 of the Adequacy Regulations -
16 - and I think they're at Tab 30 of Volume 2 -- yes, it says
17 at Section 33, Tab 30:

18 "Every police force must have a skills
19 development and learning plan that
20 addresses..."

21 MR. AIKMAN: Yes.

22 MR. ENGELMANN: And it sets out a number of
23 things.

24 MR. AIKMAN: Yes.

25 MR. ENGELMANN: So just so that I'm clear,

1 then, the plan is the order; is that it?

2 MR. AIKMAN: That's correct.

3 MR. ENGELMANN: Essentially?

4 MR. AIKMAN: Yes.

5 MR. ENGELMANN: Okay.

6 And in it -- and I'm just looking at the
7 first iteration which, again, is always at the back of the
8 tab. On the second page there is a reference to members of
9 your force being encouraged to continue their education.

10 MR. AIKMAN: Yes.

11 MR. ENGELMANN: Okay. And that is something
12 that is required of your members -- or they are encouraged
13 in any event?

14 MR. AIKMAN: They are encouraged and we
15 subsidize them for that kind of thing.

16 MR. ENGELMANN: Okay.

17 You see, what I'm seeing in the order is --
18 and I'm looking at page 5 -- it says under caption 7:

19 "As part of the business planning
20 process, every three years the
21 Executive Bureau shall prepare a skill
22 development and learning plan that
23 outlines..."

24 MR. AIKMAN: Yes.

25 MR. ENGELMANN: And it has (a) (b) (c) et

1 cetera?

2 MR. AIKMAN: M'hm.

3 MR. ENGELMANN: My earlier question was I
4 assume that was a separate document?

5 MR. AIKMAN: No, in our interpretation of
6 that section, the order itself is that.

7 MR. ENGELMANN: Okay, all right.

8 MR. AIKMAN: There would also be reference
9 to it in the Business Plan.

10 MR. ENGELMANN: Okay, the Business Plan of
11 the Cornwall Police Service?

12 MR. AIKMAN: Yes, you would have in our
13 documents the 2005-2007 version.

14 MR. ENGELMANN: Yes, I think we'll be going
15 there with the Chief.

16 MR. AIKMAN: There you go.

17 MR. ENGELMANN: Okay. Fair enough.
18 I'll just be a moment.

19 (SHORT PAUSE/COURTE PAUSE)

20 MR. ENGELMANN: Yes, just on that -- on your
21 admin Order 22 --...

22 Yes, Appendix A. Perhaps of the first one
23 which is the last page in the tab.

24 MR. AIKMAN: Yes.

25 MR. ENGELMANN: It has SACA. That's the

1 Sexual Assault Child Abuse ---

2 MR. AIKMAN: That's correct.

3 MR. ENGELMANN: --- Unit?

4 MR. AIKMAN: Yes.

5 MR. ENGELMANN: And you've talked to us
6 about they're the individuals who would typically
7 investigate allegations of child sexual abuse?

8 MR. AIKMAN: That's correct.

9 MR. ENGELMANN: And it says "Associated
10 training prerequisite" and I believe it says "GIT".

11 MR. AIKMAN: That refers to the General
12 Investigative Techniques course.

13 MR. ENGELMANN: Okay. And then it says
14 "Previous..." -- is it CIB or CID?

15 MR. AIKMAN: Interchangeable.

16 MR. ENGELMANN: Okay.

17 MR. AIKMAN: Depending on which version of
18 the order you are looking at. CIB and CID are synonymous.

19 MR. ENGELMANN: And that's your Criminal
20 Investigations Division or Bureau?

21 MR. AIKMAN: Yes.

22 MR. ENGELMANN: Okay. And that's just an
23 experience requirement, right?

24 MR. AIKMAN: That's right.

25 MR. ENGELMANN: Okay. And as part of the

1 GIT, what is required; what kind of courses?

2 MR. AIKMAN: It's a course offered by the
3 Ontario Police College and it involves enhanced learning in
4 regards to how to conduct criminal investigations and would
5 expose the officers to more extensive investigative
6 techniques that they otherwise would not have had;
7 statement taking.

8 MR. ENGELMANN: Okay. All right. There are
9 also, though, courses dealing specifically with -- dealing
10 with child abuse and sexual assault ---

11 MR. AIKMAN: Yes, there is.

12 MR. ENGELMANN: --- at the Ontario Police
13 College?

14 MR. AIKMAN: Yes.

15 MR. ENGELMANN: Those are not requirements
16 under this plan?

17 MR. AIKMAN: They are not specifically
18 mentioned in this schedule.

19 MR. ENGELMANN: Okay. So they're not a
20 requirement but they would be recommended or ---

21 MR. AIKMAN: Yes.

22 MR. ENGELMANN: Is that fair?

23 MR. AIKMAN: Well, yes. In our service we
24 ensure that members who are working on sexual assault and
25 child abuse attend the sexual assault investigation course

1 as well. And also that the list of courses for the child
2 abuse investigation ---

3 MR. ENGELMANN: Yes.

4 MR. AIKMAN: We ensure that they attend
5 those courses.

6 MR. ENGELMANN: Okay. So it's not a
7 requirement but it's something that you recommend or that
8 you actually do?

9 MR. AIKMAN: Yes.

10 MR. ENGELMANN: Is that correct?

11 MR. AIKMAN: Yes.

12 MR. ENGELMANN: Those are all the questions
13 I have for Deputy Aikman.

14 Sir, I believe my colleague has just a
15 couple more questions for you and there's an extra tab as
16 well.

17 MR. AIKMAN: All right.

18 MR. ENGELMANN: Okay. Thank you.

19 THE COMMISSIONER: Of this document here?

20 MR. ENGELMANN: Yes.

21 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
22 RUEL (CONT'D/SUITE):

23 MR. RUEL: Good afternoon.

24 MR. AIKMAN: Good afternoon.

25 MR. RUEL: I would ask you to go to page 22

1 of your presentation, please, which is Exhibit 30. And I
2 just want to clarify a few points on the retention bylaws.
3 So we talked yesterday about Bylaw No. 52 which was adopted
4 in 1986 and provided a five-year retention period for
5 records relating to sexual assault investigations. Is that
6 correct?

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

8 **MR. RUEL:** And then you have Bylaw No. 60 at
9 the bottom of the page and this bylaw, there was some
10 uncertainty as to when it was adopted and this is the new
11 document that you have provided today. So Bylaw 60 would
12 be, Madam Clerk, included as part of Exhibit 30, Volume 1,
13 Tab 19 and would be marked as 19A.

14 **THE COMMISSIONER:** Sure.

15 **MR. RUEL:** That's fine.

16 And I understand that this Bylaw No. 60
17 replaced the previous one which is 52. That's correct?

18 **MR. AIKMAN:** As I understand it, yes.

19 **MR. RUEL:** Okay. Has there been a change in
20 the retention period for the files of sexual -- files
21 dealing with investigations of sexual assault in Bylaw 60?
22 Well, first of all, Bylaw 60 was adopted on -- and you have
23 that at page 5 -- on February 7th, 1995. That's correct?

24 **MR. AIKMAN:** Yes.

25 **MR. RUEL:** Okay. So has there been a change

1 in the retention period?

2 MR. AIKMAN: On this document as opposed to
3 the earlier version?

4 MR. RUEL: Yes.

5 MR. AIKMAN: Yes, there is.

6 MR. RUEL: Okay. So what was the change?

7 MR. AIKMAN: If we -- it deals with OMPPAC.

8 MR. RUEL: Yes.

9 MR. AIKMAN: Occurrences.

10 MR. RUEL: In the Records Retention

11 Schedule?

12 MR. AIKMAN: It's in the Retention Schedule.

13 MR. RUEL: And under "Occurrence?"

14 MR. AIKMAN: Under the heading "Occurrence,"
15 yes.

16 MR. RUEL: And then it refers to -- we don't
17 have it on the screen, right, because it's the new
18 document.

19 THE COMMISSIONER: M'hm.

20 MR. RUEL: In "Occurrence" there's no
21 specific mention about sexual assault cases but it says:

22 "Original with all related
23 correspondence and CPIC printouts name
24 index cards."

25 So that's for all occurrences would be --

1 need to be kept for the delay provided in the OMPPAC
2 retention bylaw which was seven years.

3 MR. AIKMAN: Correct.

4 MR. RUEL: Right? So this bylaw was amended
5 on June 4, 1998. Is that correct? And this is at Tab 19.
6 Tab 19, you have the ---

7 MR. AIKMAN: June 4th, 1998?

8 MR. RUEL: Yes.

9 MR. AIKMAN: Yes.

10 MR. RUEL: And at page 6 of the schedule,
11 under "Occurrence," you have:

12 "Hard copy of all records relating to
13 an incident reported and classified as
14 Sexual Assault (all categories)"

15 So it's written the retention period is 2A
16 and 23D. So does that mean 25 years?

17 MR. AIKMAN: Two (2) years active, 23 years
18 dormant.

19 MR. RUEL: Okay. So there's been a change
20 in the retention period through time. So if you combine
21 all of those regulations, how far back would there be a
22 requirement under those bylaws to keep the investigative
23 files of sexual assault? Would that be ---

24 MR. AIKMAN: Applying the mathematical
25 formula?

1 MR. RUEL: Yes.

2 MR. AIKMAN: Nineteen-ninety-one (1991).

3 MR. RUEL: Nineteen-ninety-one (1991).

4 So prior to 1991 there would be currently no
5 requirement to ---

6 MR. AIKMAN: Right.

7 MR. RUEL: --- to keep those files?

8 MR. AIKMAN: Right, right.

9 MR. RUEL: Can I ask you, prior to 1991,
10 have those files been destroyed?

11 MR. AIKMAN: Those that were not designated
12 as being required to be retained for historical purposes
13 would have been destroyed.

14 MR. RUEL: Okay.

15 MR. AIKMAN: Those that were designated for
16 historical purposes are retained.

17 MR. RUEL: What's the difference? What's a
18 file designated for historical purposes?

19 MR. AIKMAN: Historical purposes is defined
20 on page 3 of the new document that you provided or that
21 we've provided.

22 MR. RUEL: Page 3 of -- well, for the
23 benefit of everyone, can we -- we have a definition at Tab
24 19 in the current ByLaw No. 60. Historical records, page
25 3. There is a definition there.

1 **MR. AIKMAN:** Right. So typically it has
2 both an administrative definition as well as an
3 operational. Sub (f) refers to major criminal cases which
4 may be of interest in the future but it's not any further
5 defined than that.

6 **MR. RUEL:** Okay. So typically what kind of
7 case would that be?

8 **MR. AIKMAN:** Well, that would include things
9 like unsolved homicides, sexual assaults.

10 **MR. RUEL:** The next clarification point, I
11 think I would ask you to turn up Tab 22 of Exhibit 30. We
12 talked about the discipline process yesterday. I just want
13 to clarify some dates. So the current system was adopted,
14 I mentioned yesterday, in 1997, right?

15 **MR. AIKMAN:** Correct.

16 **MR. RUEL:** And the previous system which we
17 discussed in the flowchart was in place or has been in
18 place from 1990 to 1997.

19 **MR. AIKMAN:** Yes.

20 **MR. RUEL:** Prior to 1990, it was another
21 system?

22 **MR. AIKMAN:** Yes.

23 **MR. RUEL:** Okay. For the current system,
24 yesterday I asked you if there was a possibility for the
25 Chief to lay a complaint of misconduct and you mentioned

1 that it was possible.

2 MR. AIKMAN: Yes.

3 MR. RUEL: Under the previous system which
4 was in place from 1990 to 1997, was there a process whereby
5 the Chief could lay a misconduct complaint as well?

6 MR. AIKMAN: Yes, there was.

7 MR. RUEL: And the flowchart for this
8 process is provided at the last -- or the second page of
9 Tab 22, right?

10 MR. AIKMAN: You're talking about the
11 internal complaint or ---

12 MR. RUEL: Internal complaint process, yes.

13 MR. AIKMAN: It's actually the first page.

14 MR. RUEL: Oh.

15 MR. AIKMAN: The first page.

16 MR. RUEL: Okay. I have the ---

17 MR. AIKMAN: The smaller flowchart.

18 MR. RUEL: Okay. Yesterday we talked about
19 the Police Complaint Commissioner who could intervene at
20 various stages of the discipline process.

21 MR. AIKMAN: Yes.

22 MR. RUEL: Under the internal process in
23 place then, was there a role for the Police Complaint
24 Commissioner to intervene or the process was only internal?

25 MR. AIKMAN: No. It could be referred to

1 the Public Complaints Commissioner as well.

2 MR. RUEL: At what stage?

3 MR. AIKMAN: I believe it's at any point in
4 the investigation.

5 MR. RUEL: Okay. Who could refer the case;
6 could it be the Chief?

7 MR. AIKMAN: Yes, the Chief definitely
8 could.

9 MR. RUEL: Okay. And you have the three --
10 we discussed the three actions that the Chief could take.
11 So no further action, informal discipline and laying a
12 charge or an information for -- under the *Police Act*. So
13 it's essentially the same process or the same options that
14 the Chief has under the public complaints process, right?

15 MR. AIKMAN: That's correct, yes.

16 MR. RUEL: And the Chief could refer matters
17 to the Board for hearing before the Board of Inquiry?

18 MR. AIKMAN: Yes.

19 MR. RUEL: And if the matter was referred
20 before the Board of Inquiry, then the Police Complaint
21 Commissioner could intervene at that stage?

22 MR. AIKMAN: Yes, I believe so.

23 MR. RUEL: Okay. Thank you.

24 I have no further questions.

25 THE COMMISSIONER: Thank you.

1 That's everything. So can we go through the
2 cross-examination?

3 Mr. Wardle.

4 **MR. WARDLE:** Good afternoon.

5 **THE COMMISSIONER:** Good afternoon.

6 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

7 **WARDLE:**

8 **MR. WARDLE:** Good afternoon, Deputy Chief.

9 **MR. AIKMAN:** Good afternoon, sir.

10 **MR. WARDLE:** I'm Peter Wardle. I act for
11 Citizens for Community Renewal. I'm sure you don't need
12 introductions to the rest of us. You've been around the
13 hearing a little while, I think.

14 **MR. AIKMAN:** I think so.

15 **MR. WARDLE:** I'm going to ask you to turn to
16 Appendix 3 or Tab 3. I'm already starting off on a good
17 foot. I'm looking for the organizational chart.

18 **MR. AIKMAN:** Tab 2.

19 **MR. WARDLE:** Tab 2.

20 I'm saving my questions about the Marine
21 Unit for later.

22 **MR. AIKMAN:** It's a beautiful day.

23 **MR. WARDLE:** It is a beautiful day. I was
24 thinking about that.

25 **MR. AIKMAN:** It would be a good duty right

1 now.

2 MR. WARDLE: I was out there looking for the
3 Marine Unit at lunchtime.

4 Can we look at the organizational chart? I
5 think it's at the second or third page for 1993, the third
6 page in.

7 MR. AIKMAN: Yes.

8 MR. WARDLE: Now, do I understand it right
9 that you came back from your leave of absence at the
10 Ontario Police College in '91?

11 MR. AIKMAN: December 1991.

12 MR. WARDLE: All right.

13 And where did you go from there?

14 MR. AIKMAN: Community -- well, it was then
15 known as Uniform Patrol.

16 MR. WARDLE: And then at some stage you were
17 in Criminal Investigations?

18 MR. AIKMAN: That was in 1983-'84 -- '84-
19 '85, excuse me.

20 MR. WARDLE: So you didn't return to that
21 area after?

22 MR. AIKMAN: No, I did not.

23 MR. WARDLE: Well, in the period that we're
24 looking at here -- and this chart is as of 1993, I think.
25 This is the chart as of 1993 and there are, what we would

1 call CIB, is E Unit. Is that correct?

2 MR. AIKMAN: That's correct.

3 MR. WARDLE: All right.

4 And how many detectives were there in that
5 unit at around that time?

6 MR. AIKMAN: If I could refer to the
7 appendix which deals with our staffing levels at the time,
8 which is ---

9 MR. WARDLE: I think it's in your outline
10 actually.

11 MR. AIKMAN: Okay.

12 MR. WARDLE: And the numbers I had were that
13 there were 10 in 1990 and the number went down to 6 in 1993
14 and then went back up to eight in 1995.

15 MR. AIKMAN: Page 8.

16 MR. WARDLE: That's right.

17 MR. AIKMAN: Yes.

18 MR. WARDLE: So just going back to the chart

19 ---

20 MR. AIKMAN: Yes.

21 MR. WARDLE: So units P, R, I and D are what
22 we would now call "Uniform". Is that right?

23 MR. AIKMAN: We would now call them
24 community patrol teams.

25 MR. WARDLE: But in those days they were

1 called uniform teams?

2 MR. AIKMAN: Uniform teams.

3 MR. WARDLE: Okay.

4 And in that time period, E was CIB?

5 MR. AIKMAN: That's correct.

6 MR. WARDLE: All right.

7 And it would be headed by a staff sergeant?

8 MR. AIKMAN: Yes.

9 MR. WARDLE: And then everyone else in that
10 unit would be a detective -- I'm not going to use the word
11 detective -- a constable?

12 MR. AIKMAN: Would be a constable. There
13 may have been a sergeant assigned there. I'm not certain.
14 We don't have the names listed here.

15 MR. WARDLE: All right.

16 And I think you indicated in your evidence
17 yesterday that that unit was -- there were some staffing
18 changes which you explained which led to that unit being
19 depleted for a period of time around 1993; correct?

20 MR. AIKMAN: That's correct.

21 MR. WARDLE: All right.

22 And I've got it right that there was no SACA
23 Unit at this point in time, S-A-C-A?

24 MR. AIKMAN: Yes.

25 MR. WARDLE: So that sexual assault

1 investigations were done by people in Unit E in the box
2 that is headed "Youth"?

3 **MR. AIKMAN:** I'm sorry. I didn't catch the
4 last part.

5 **MR. WARDLE:** Sorry. Sexual assault
6 investigations were done -- were investigated by CIB
7 officers and it would be officers who were assigned to
8 youth; is that correct?

9 **MR. AIKMAN:** Generally, sexual assault
10 investigations would have been done in this timeframe in
11 Youth Bureau. There may have been some that were done in
12 CIB.

13 **MR. WARDLE:** Okay.

14 **MR. AIKMAN:** But generally, Youth Bureau
15 would have, at this point in our development, undertaken
16 child abuse and sexual assault investigations.

17 **MR. WARDLE:** All right.

18 So what I was trying to get a handle on was,
19 first of all, how many people work in, for example, youth?
20 In this time period between 1990 and, let's say, 1995, are
21 we talking about one or two individuals?

22 **MR. AIKMAN:** Two (2).

23 **MR. WARDLE:** Two (2) individuals throughout
24 that whole time period?

25 **MR. AIKMAN:** Yes.

1 **MR. WARDLE:** Okay. And in terms of training
2 for those individuals, what would those individuals have
3 had in terms of training at that point in time, aside from
4 the basic mandatory training that you've discussed?

5 **MR. AIKMAN:** Without knowing the names that
6 we're referring to here, my recollection would be that all
7 of the officers assigned to E Team and the Youth Bureau
8 would have undergone what was then known as the Criminal
9 Investigations course, CI training.

10 **MR. WARDLE:** Right.

11 **MR. AIKMAN:** Which would be the equivalent
12 of the GI, as it's known now. The officers assigned to the
13 Youth Bureau would have undertaken some form of child abuse
14 training and around this time, and I guess it depends on
15 when we're talking about in 1993 -- this refers to January
16 of '93 -- the officers would have undergone sexual assault
17 training as well later in 1993.

18 **MR. WARDLE:** Okay. So when we talk about
19 some form of child abuse training, would this be a course
20 offered through the OPC?

21 **MR. AIKMAN:** Typically, yes.

22 **MR. WARDLE:** And similarly with sexual
23 assault training?

24 **MR. AIKMAN:** Yes.

25 **MR. WARDLE:** And to know exactly who had the

1 training and when they had the training, I take it you
2 can't give us that information today, obviously? That's
3 some time ago, right?

4 MR. AIKMAN: That's right.

5 MR. WARDLE: What records would we look at
6 to determine? Do you have training records that deal with
7 those kinds of things?

8 MR. AIKMAN: Yes, we do.

9 MR. WARDLE: All right.

10 So we could go back and look at those
11 records and that would tell us for that time period who had
12 the training?

13 MR. AIKMAN: Yes.

14 MR. WARDLE: Okay. And let me ask you
15 generally, how many people a year in the 1990s did you send
16 to courses with the OPC? Can you ballpark that for us at
17 all? Is it one to two a year? Is it 10 people a year?

18 MR. AIKMAN: You're referring to senior
19 courses above the recruit level?

20 MR. WARDLE: Yes.

21 MR. AIKMAN: It would probably be in the
22 range of 10 annually.

23 MR. WARDLE: All right.

24 And how many people do you think you were
25 sending down a year to take courses in either sexual

1 assault or child abuse, roughly?

2 MR. AIKMAN: Roughly? One or two.

3 MR. WARDLE: Now, maybe there's a simple
4 answer to this question, but I didn't hear my friend ask
5 it.

6 Do I take it from what hasn't been said that
7 at that point in time there was no course at OPC or
8 anywhere else for police officers that would deal with
9 historic child abuse allegations and investigation?

10 MR. AIKMAN: I don't recall hearing of one.

11 MR. WARDLE: Is there one now in the
12 province?

13 MR. AIKMAN: I'm not aware of one, but there
14 may be.

15 MR. WARDLE: All right.

16 Is that something that is covered in one of
17 the other courses that you've mentioned in your testimony?

18 MR. AIKMAN: It may be subject material on a
19 course like the Child Abuse Investigator's course. It may
20 be subject material on the Sexual Assault Investigator's
21 course, but without the benefit of those training
22 syllabuses in front of me, I'm not really certain.

23 MR. WARDLE: Thank you.

24 Now, if we could turn up Appendix 33 for a
25 moment or Tab 33.

1 **THE REGISTRAR:** The old one or the new one?

2 **MR. WARDLE:** I don't think it matters,
3 actually. We can start with the old one, actually, at the
4 back of the tab.

5 Now, I have this in my notes as being
6 effective as of some point in 2001, sir. Does that seem
7 right to you?

8 **MR. AIKMAN:** On the order as it's provided
9 here, the effective date of this order, January 9th, 2001
10 and amended August the 9th, 2002.

11 **MR. WARDLE:** And as I understand it, one of
12 the things this document does is it says that -- it tells
13 you who can investigate certain types of offences; correct?

14 **MR. AIKMAN:** Yes.

15 **MR. WARDLE:** And as the Commissioner asked
16 you about yesterday, this is effectively an order which
17 means that it's something that all police officers in the
18 Cornwall Police have to follow; correct?

19 **MR. AIKMAN:** Yes.

20 **MR. WARDLE:** All right.

21 Now, am I right that there is no predecessor
22 to this document prior to 2001?

23 **MR. AIKMAN:** You are correct, I believe.

24 **MR. WARDLE:** So in the 1990s, who got to
25 investigate certain types of offences was not something

1 that was the subject of any Cornwall Police directive or
2 policy; correct?

3 MR. AIKMAN: I believe you're correct, yes.

4 MR. WARDLE: All right.

5 Which means ---

6 MR. AIKMAN: Well, you said the 1990s. I
7 think Directive 114 comes into effect in 1998. So we might
8 want to refer to that one.

9 MR. WARDLE: All right. And I'm going to
10 come to 114 in a minute, but let me make it a little easier
11 for you. Prior to 114 -- and 114, I think we know came
12 into effect in February 1998; correct?

13 MR. AIKMAN: Yes.

14 MR. WARDLE: Prior to 114 there wasn't any
15 written policy in place which dealt with which officers got
16 to investigate which types of offences; is that correct?

17 MR. AIKMAN: Yes.

18 MR. WARDLE: Which means, I take it, that
19 for criminal investigation, it would be at the discretion
20 of the officer in charge. Is that correct?

21 MR. AIKMAN: Of which division?

22 MR. WARDLE: Of CIB?

23 MR. AIKMAN: All criminal offences are
24 typically reviewed by the officer in charge of criminal
25 investigations, so yes.

1 **MR. WARDLE:** Okay. And so if in the 1990s -
2 - and I'm going to just talk about the period between 1990
3 and 1998, up until Directive 114 -- if an allegation came
4 into the Cornwall Police, a complaint was received about an
5 allegation of a historical sexual abuse of the nature that
6 this Commission is looking at, who would make the decision
7 as to who would investigate that complaint?

8 **MR. AIKMAN:** Typically the officer in charge
9 of the Criminal Investigations Bureau.

10 **MR. WARDLE:** And on what basis? And I'm
11 speaking very generally, but on what basis would that
12 person make that determination?

13 **MR. AIKMAN:** The officer in charge of that
14 bureau would assess what the complaint is all about, the
15 complexity of the matter. He would assess what resources
16 he had at his avail at that particular time in regards to
17 their particular skill sets. For example, he may choose
18 not to assign a case to a relatively new detective because
19 they would not have had enough experience to handle a
20 particular case or there may be someone assigned to
21 criminal investigations who has a particular aptitude
22 towards certain investigations. So there's a lot of
23 elements that would go into that decision making process in
24 regards to who would undertake to follow up that
25 investigation.

1 **MR. WARDLE:** And I suppose as well there
2 would be some practical considerations; who is on duty; who
3 is off on sick leave; who's on holidays, those kinds of
4 things?

5 **MR. AIKMAN:** Who has court. There's all
6 sorts of ---

7 **MR. WARDLE:** Absolutely.

8 **MR. AIKMAN:** Yes.

9 **MR. WARDLE:** Okay. Now, let me turn
10 quickly, if I can, to Appendix or Tab 23. Now, I think Mr.
11 Engelmann covered this with you, but this deals with
12 allegations made by children; correct?

13 **MR. AIKMAN:** Made by children or about
14 children.

15 **MR. WARDLE:** Made by children or about
16 children.

17 **MR. AIKMAN:** Yes.

18 **MR. WARDLE:** In other words, it doesn't deal
19 with historical allegations by an adult of abuse suffered
20 while they were a child; correct?

21 **MR. AIKMAN:** Yes.

22 **MR. WARDLE:** Okay. And similarly, the 1993
23 -- if we go to Appendix 24, Sexual Assault Response Team
24 and the Community Advisory Committee, again, this does not
25 deal with allegations made by adults about abuse while they

1 were children; correct?

2 MR. AIKMAN: Correct.

3 MR. WARDLE: All right.

4 And am I right that the first document that
5 deals with the subject at all is Directive 114 which is in
6 February 1998, and that's Appendix 26? If we can turn that
7 up?

8 Prior to that time, is there any document --
9 any official policy of the Cornwall Police that you're
10 aware of that deals with historical allegations of the kind
11 I've been discussing?

12 MR. AIKMAN: Not that I'm aware of.

13 MR. WARDLE: Okay. If we can just go past
14 the -- sorry, this is one of the documents I think there's
15 only one version of this.

16 Mr. Engelmann took you through the
17 definitions and particularly the first paragraph.

18 MR. AIKMAN: M'hm.

19 MR. WARDLE: Which makes it clear that this
20 deals with not only adult victim survivors of sexual
21 assault, but also adult victim survivors of childhood
22 sexual abuse, and it's the latter topic I've really been
23 addressing in the last few minutes.

24 But am I right that when we look through the
25 details of this directive, that it really is focused

1 primarily on the first category and not the second?

2 And the reason I ask that is if you turn
3 past the definitions ---

4 MR. AIKMAN: M'hm.

5 MR. WARDLE: --- so, for example, if we look
6 at "Procedures" under 2 ---

7 MR. AIKMAN: Yes.

8 MR. WARDLE: --- many of the items that are
9 dealt with here are really dealing with an adult who is
10 reporting a sexual assault that's taken place, you know,
11 within a very short period of time of the report; correct?

12 MR. AIKMAN: Yes.

13 MR. WARDLE: And some and most of the things
14 here that are outlined in this list really wouldn't apply
15 to a situation where someone is coming forward as an adult
16 describing allegations of abuse that took place when they
17 were a child. Is that not correct?

18 MR. AIKMAN: Until you get to point number
19 6.

20 MR. WARDLE: Right.

21 MR. AIKMAN: And number 2, yes.

22 MR. WARDLE: That's right.

23 MR. AIKMAN: So the first five points, I
24 would agree with your comment.

25 MR. WARDLE: Yes.

1 And just putting point number 6 aside, and
2 we'll come back to that, if you go through the rest of the
3 document, because I have, it's the same, isn't it? It
4 really deals with the first category, not the second?

5 **MR. AIKMAN:** But the second category is
6 referenced in the document.

7 **MR. WARDLE:** In point number 6 only. Would
8 you agree with that? And I think at the very end of the
9 document?

10 **MR. AIKMAN:** In paragraph 6 where they're
11 talking about the officer in charge of investigative
12 services, yes.

13 **MR. WARDLE:** Okay. So my point is, this is
14 a very helpful document, but much of it is directed to the
15 first category, not the category that this Commission is
16 primarily concerned with. Is that not correct?

17 **MR. AIKMAN:** Yes.

18 **MR. WARDLE:** And point number 6 under
19 Heading 2, I just want to make sure I understand it.

20 "If the complaint is a sexual assault
21 that occurred in the past, the
22 Communication Centre..."

23 And this is what you referred to as the Radio Room?

24 **MR. AIKMAN:** Yes.

25 **MR. WARDLE:** "...shall refer and transfer

1 the complaint to the CIB detective
2 sergeant and that person then makes an
3 assessment and determines who the
4 appropriate person is to do the initial
5 response."

6 Correct?

7 **MR. AIKMAN:** Yes.

8 **MR. WARDLE:** And is there any guidance
9 beyond that given, in this document, to how to investigate
10 these particular types of allegations?

11 **MR. AIKMAN:** No.

12 **MR. WARDLE:** And is there anything you've
13 seen later in time that is specifically focused to these
14 types of investigations as opposed to more general
15 categories?

16 **MR. AIKMAN:** As in how to instructions?

17 **MR. WARDLE:** Yes.

18 **MR. AIKMAN:** No.

19 **MR. WARDLE:** Just a couple of other
20 questions, without trying to make Commissioner Glaude's
21 life complicated because I had a piece of paper but I'm
22 mindful of the directives of the Commissioner with respect
23 to pieces of paper that appear at the last moment. But
24 based on my discussions with your counsel off the record, I
25 understand that the Cornwall Police has a media and news

1 release policy; is that correct?

2 MR. AIKMAN: That is correct.

3 MR. WARDLE: And you've had a policy in
4 place for some time?

5 MR. AIKMAN: Yes.

6 MR. WARDLE: And would that go back through
7 the period of the 1990s?

8 MR. AIKMAN: I haven't had the opportunity
9 to review that particular policy but I believe it did, yes.

10 MR. WARDLE: All right.

11 And I take it if that's something that my
12 client and I want to review you'd be prepared to make a
13 copy of the original policy available to me?

14 MR. AIKMAN: Yes.

15 MR. WARDLE: Thank you.

16 How long do you keep personnel records,
17 typically?

18 MR. AIKMAN: They are governed by the
19 retention bylaws.

20 MR. WARDLE: Can you tell me off the top of
21 your head how long you keep them?

22 MR. AIKMAN: Off the top of my head I cannot
23 tell you that. I do know that we typically keep personnel
24 records indefinitely because I've seen a filing cabinet
25 downstairs with a lot of dead -- former police officers in

1 it.

2 **MR. WARDLE:** Fair enough. So if we were
3 interested, for example, here in this process in looking at
4 personnel records for officers who worked in the CIB in the
5 1990s, I take it that those records may be available?

6 **MR. AIKMAN:** Yes.

7 **MR. WARDLE:** Thank you.

8 And one last question. You gave some
9 evidence yesterday and a little bit a few minutes ago,
10 about the police complaints process. How does the public
11 know about the complaints process?

12 **MR. AIKMAN:** There's public pamphlets
13 available typically at the front desk of the station or if
14 they were to call the police station that information is
15 available as well as on our website. The information is
16 available as to the process in regards to making a
17 complaint about a police officer.

18 **MR. WARDLE:** Thank you very much.

19 **THE COMMISSIONER:** Thank you.

20 Mr. Lee.

21 **MR. LEE:** Yes, okay.

22 **MR. AIKMAN:** Hi.

23 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

24 **MR. LEE:** My name is Dallas Lee. I'm
25 counsel for the Victims Group.

1 Can we pull up Exhibit 30, page 10, the
2 Outline of Evidence, whatever that is, Tab 00, page 10.

3 This is the page with the map of the
4 jurisdiction of the police service on it.

5 **MR. AIKMAN:** Yes, okay.

6 **MR. LEE:** Yesterday, fairly early in your
7 evidence you were discussing with Mr. Ruel the jurisdiction
8 and he specifically asked you about calling in another
9 police force to investigate and he went on to ask you for
10 examples of when that might happen.

11 **MR. AIKMAN:** M'hm.

12 **MR. LEE:** One of the answers you gave in
13 giving an example was that -- and I'll quote you what you
14 said, "If one of our officers was suspected of being
15 involved in the matter it would be a conflict for us to..."
16 and you paused and you said, "Well, it might be perceived
17 as a conflict for us to investigate the matter."

18 Is there ever a time when it would not be a
19 conflict for you to investigate your own officers?

20 **MR. AIKMAN:** I think I was talking about in
21 regards to maybe criminal activity. If you're talking
22 about a conduct complaint we would not necessarily call
23 another police service in to investigate that.

24 **MR. LEE:** So just to be clear, there's a
25 difference between somebody in the community, for example,

1 saying "I didn't think I was treated very well by the
2 officer who came to my home"?

3 MR. AIKMAN: Right.

4 MR. LEE: As opposed to a criminal complaint
5 made against a police officer?

6 MR. AIKMAN: Yes.

7 MR. LEE: In the case of a criminal
8 complaint made against a police officer would your force
9 ever investigate that?

10 MR. AIKMAN: No.

11 MR. LEE: That would always be outsourced to
12 somebody else because of the conflict?

13 MR. AIKMAN: Yes.

14 MR. LEE: Turning to page 11, and there's
15 not much on page 11, you refer to Appendix 3, Tab 3 of your
16 materials. If we can pull that up, that was the chart that
17 you looked at yesterday where, as you recall, it was a
18 little difficult to read but the three lines and, in
19 particular, 1997 was pointed to. It's on the screen here.
20 I'm not going to ask you for statistical analysis or
21 anything.

22 MR. AIKMAN: Okay.

23 MR. LEE: You mention 1997. As you can see,
24 there's a fairly significant drop and you mention that -- I
25 think the word you used was it was an anomaly, that your

1 best guess was probably that the statistics were captured
2 improperly or that somebody on your end made a mistake when
3 they reported it and more likely those weren't a true
4 reflection of the stats for that year.

5 Do you know if anybody has gone back and
6 redone the analysis from that year?

7 **MR. AIKMAN:** No, we have not.

8 **MR. LEE:** Would it be possible to go back
9 and redo that?

10 **MR. AIKMAN:** I'm not sure.

11 **MR. LEE:** But as far as you know, it hasn't
12 been done?

13 **MR. AIKMAN:** No.

14 **MR. LEE:** And the other thing I wanted to
15 bring to your attention is there was a discussion -- if we
16 can scroll down a little bit into where the charts are -- a
17 couple of pages in, I believe; a little further. If we can
18 go down another page, please? There we go.

19 This deals with incidents and yesterday you
20 mentioned that incidents are defined as when a crime is
21 committed and reported.

22 **MR. AIKMAN:** Correct.

23 **MR. LEE:** And you mentioned the fact that
24 obviously inherent in that process the police force is
25 dependent on the public calling in and doing the reporting.

1 What I'm wondering is if, for example, if a
2 member of the public made a report that in the context of
3 this case he was being sexually abused by somebody.

4 **MR. AIKMAN:** Yes.

5 **MR. LEE:** And an officer investigated and
6 determined during the course of that investigation that not
7 only was the original complainant being abused but four
8 other boys or men or whoever maybe were being abused, are
9 those incidents for the purposes of these statistics?

10 **MR. AIKMAN:** In what year, sir?

11 **MR. LEE:** Let's go with 1990.

12 **MR. AIKMAN:** 1990 ---

13 **MR. LEE:** Explain to me -- I guess the
14 better question is why do you ask that question? What's --
15 -

16 **MR. AIKMAN:** Because as I referenced
17 yesterday, Statistics Canada changed the method by which
18 they gather statistics going from a victim-based process to
19 an incident-based process. So prior to 2000, every victim
20 was indicated as a statistic. Post 2000 an incident is
21 indicated as a statistic. So the example I used yesterday
22 was a parking lot where 10 vehicles, 10 motor vehicles were
23 damaged. We capture that as one incident now, whereas
24 prior to the year 2000 we would have reported 10 incidents.

25 **MR. LEE:** I guess my question is, for

1 something to fit into the definition of incident does it
2 require a report? In the example I gave you, for example,
3 there was a report relating to one victim. The other three
4 or four victims did not report technically. Are they still
5 classified as incidents?

6 **MR. AIKMAN:** Are they -- how are we aware of
7 the information if they didn't report it?

8 **MR. LEE:** Somebody reported it and
9 throughout the investigation you became aware of further
10 criminal activity that wasn't.

11 **MR. AIKMAN:** And prior to the year 2000 that
12 would be reflected as an incident.

13 **MR. LEE:** Okay. Good enough.

14 Now, I think this question was answered more
15 or less when Mr. Ruel got back up today. You mentioned
16 that there were -- yesterday, you mentioned that there were
17 contact cards that were filled out prior to -- I believe it
18 was 1989 or was it 1986?

19 **MR. AIKMAN:** Eighty-nine ('89).

20 **MR. LEE:** Prior to 1989 there were contact
21 cards filled out with complainants, with witnesses, with
22 suspects and with persons charged?

23 **MR. AIKMAN:** Yes.

24 **MR. LEE:** Now, were those contact cards --
25 and then my understanding is that those were filed in the

1 Records Bureau, those contact cards?

2 MR. AIKMAN: Yes.

3 MR. LEE: When we looked a little while ago
4 at Tab 19 and to refer to the definition of historical
5 records ---

6 MR. AIKMAN: M'hm.

7 MR. LEE: Pull up Tab 19, Part 5, historical
8 records here.

9 MR. AIKMAN: Yes.

10 MR. LEE: So in here you have -- under
11 historical records you have the various kind of definitions
12 of what a historical record may be. (d), for example, is
13 documents that may be presumed to have a general or
14 continuing interest. So I take it what this does is if an
15 officer or somebody within the Force is of the opinion that
16 even though the time for retention of this document is
17 passed, I think we'd better hold onto it.

18 MR. AIKMAN: Yes.

19 MR. LEE: There's some kind of process that
20 that person can go through to have that marked as a
21 historical record.

22 MR. AIKMAN: Yes.

23 MR. LEE: And it continues on.

24 Now, under the schedule to that it refers to
25 the OMPAC retention bylaw and I believe it was seven years

1 that those contact cards presumably would be kept.

2 If you'd like to turn to the schedule at the
3 back under "Occurrence"?

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. LEE: So this is the document that was
6 handed out today.

7 THE COMMISSIONER: M'hm.

8 Do you have it, sir? It's bylaw number 60,
9 Tab 19(a).

10 MR. LEE: Yes. The pages aren't numbered
11 but in the back of the Records Retention Schedule we have
12 "Occurrence"?

13 MR. AIKMAN: Yes.

14 MR. LEE: And the first description there is
15 "Original with all related correspondence and CPIC
16 printouts name index cards"?

17 MR. AIKMAN: Yes.

18 MR. LEE: Does name index cards here refer
19 to the same name cards that I have been talking about,
20 contact cards?

21 MR. AIKMAN: Yes, it is. Yes.

22 MR. LEE: And it says: "See OMPPAC
23 retention bylaw" and Mr. Ruel brought you to that or
24 discussed that and you agreed it was seven years from that
25 point?

1 **MR. AIKMAN:** Yes.

2 **MR. LEE:** So presumably, if sometime around
3 that seven year mark somebody decided that there was some
4 value in that contact card it could be marked as an
5 historical document and it would be kept beyond that time.

6 **MR. AIKMAN:** Yes.

7 **MR. LEE:** Is that correct?

8 So for example, would it perhaps be marked a
9 historical document or a historical record if, for example,
10 six years after the card was originally filed somebody's
11 name came up again in relation to a crime or in relation to
12 a similar crime?

13 **MR. AIKMAN:** The card could be referenced.

14 **MR. LEE:** The card could then be referenced?

15 **MR. AIKMAN:** Yes.

16 **MR. LEE:** Okay. But action that seven years
17 was -- the retention schedule after that they were
18 destroyed?

19 **MR. AIKMAN:** That's what the retention
20 schedule is. It's my understanding that the contact cards
21 in fact have not been destroyed so they remain in place.

22 **MR. LEE:** They have not been destroyed at
23 all?

24 **MR. AIKMAN:** No.

25 **MR. LEE:** So is your understanding that you

1 would have -- going how far back would you have ---

2 **MR. AIKMAN:** I'd have to check with our
3 records manager but she has indicated to me that she kept
4 them as a historical document.

5 **MR. LEE:** As a general all ---

6 **MR. AIKMAN:** Yes. All of them.

7 **MR. LEE:** And so those are still available?

8 **MR. AIKMAN:** Yes.

9 **MR. LEE:** And finally, the last area of
10 questioning, at page 22 of your outline, this deals again
11 with document retention, and under the bullets there --
12 you'll see that it reads "All original hard copy occurrence
13 records relating to aggravated sexual assault" and
14 similarly in the next bullet "relating to sexual assault"
15 and if we go down further to Bylaw 5-90 it again is
16 "relating to" -- I am wondering what "relating to" means.
17 For example, if a complaint is made -- if somebody makes a
18 complaint of aggravated sexual assault and charges are
19 laid, for example, clearly, I assume that the document
20 would be retained in that sense. What would happen, for
21 example, in the situation where a complaint was made and 36
22 hours later it was withdrawn and it was determined to be
23 completely fabricated; does that still relate to aggravated
24 sexual assault?

25 **MR. AIKMAN:** Yes, it does.

1 **MR. LEE:** And so that would be retained for
2 the 20 years or is that your understanding of it?

3 **MR. AIKMAN:** Well, the heading of that
4 particular incident if it was found to be unfounded may
5 change. It has to do with the classification of records.
6 So if this event is found to be completely unfounded it may
7 become, as opposed to being classified as an aggravated
8 sexual assault it may have been classified as something
9 like police information or if it was a public mischief
10 where the complainant was ultimately charged with
11 misrepresenting what happened, it could have been
12 classified as a public mischief. So that would have an
13 impact on how long it would have been retained for.

14 **MR. LEE:** So public mischief, I take it, is
15 on the extreme end where there's some -- presumably there
16 is some malice?

17 **MR. AIKMAN:** Yes, some criminal intent
18 behind misleading a police officer.

19 **MR. LEE:** And then you have the
20 substantiated complaints where charges are likely filed?

21 **MR. AIKMAN:** Yes.

22 **MR. LEE:** And then you have something in the
23 middle?

24 **MR. AIKMAN:** Yes.

25 **MR. LEE:** Is it possible that something in

1 the middle would be classified as something other than
2 aggravated sexual assault?

3 **MR. AIKMAN:** I don't believe so, but I can
4 verify with my records manager to find out.

5 **MR. LEE:** Is it your understanding that
6 where a complaint was made of aggravated sexual assault or
7 sexual assault or whatever it was and there was an
8 investigation and there was no evidence found or there was
9 insufficient bevidence to lay a charge or whatever the case
10 may be, that those records would be classified as a sexual
11 assault and retained for the 20 years?

12 **MR. AIKMAN:** I'm sorry. Say that again,
13 please.

14 **MR. DALLAS:** If a complaint was made of
15 aggravated sexual assault based solely on what you're told
16 on the phone it falls under the category of aggravated
17 sexual assault?

18 **MR. AIKMAN:** Yes.

19 **MR. DALLAS:** Presumably the original
20 hardcopy occurrence record is filled out at that point. Is
21 that correct?

22 **MR. AIKMAN:** Yes.

23 **MR. DALLAS:** An investigation then ensues.

24 **MR. AIKMAN:** What year are you talking about
25 here, sir?

1 **MR. DALLAS:** Let's talk about 1986, after
2 By-Law no. 52 is passed.

3 **MR. AIKMAN:** Then there would have been a
4 complaint card filled out.

5 **MR. DALLAS:** Right.

6 **MR. AIKMAN:** The officer would have been
7 assigned and from that point on, the investigating officer
8 would be responsible for submitting an occurrence report.
9 And if it was re-assigned to another officer for follow up
10 in the Criminal Investigations Bureau, they would submit
11 supplementary reports all referencing that original number.

12 **MR. DALLAS:** Okay. So you have the -- the
13 hardcopy occurrence eventually is filled out and an
14 investigation pursues ---

15 **MR. AIKMAN:** Yes.

16 **MR. DALLAS:** --- proceeds after that. And
17 if during that investigation it is determined that there is
18 insufficient evidence to lay a charge, would that hardcopy
19 occurrence continue to be classified as an aggravated
20 sexual assault for the purposes of By-Law 52?

21 **MR. AIKMAN:** Yes.

22 **MR. DALLAS:** And therefore it would be
23 retained for the 20 years?

24 **MR. AIKMAN:** Yes.

25 **MR. DALLAS:** Thank you. Those are my

1 questions.

2 **THE COMMISSIONER:** All right. It's 3:15.

3 Let's take the afternoon break.

4 We'll come back in 15.

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

7 The hearing will reconvene at 3:30.

8 --- Upon recessing at 3:15 p.m./

9 L'audience est suspendue à 15h15

10 --- Upon resuming at 3:35 p.m./

11 L'audience est reprise à 15h35

12 **THE REGISTRAR:** This hearing of the Cornwall
13 Public Inquiry is now in session. Please be seated.

14 Veuillez vous asseoir.

15 **DANNY AIKMAN, Resumed/Sous le même serment:**

16 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

17 **CIPRIANO:**

18 **MR. CIPRIANO:** I have a few questions. Most
19 of them have been covered by Mr. Wardle.

20 If I could turn to I believe it's Tab 2 of
21 the documents which is the organizational charts and I
22 wanted to specifically refer to the 1993 chart.

23 What I wanted to ask you is, looking at this
24 time period in that chart as provided, if a complaint of
25 historical sexual abuse came into the Cornwall Police at

1 that time with that chart, I think you said it would have
2 gone or it would have been classified to go to the E
3 section.

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

5 **MR. CIPRIANO:** That's the CIB section.

6 **MR. AIKMAN:** Yes.

7 **MR. CIPRIANO:** Okay. And this consisted of
8 officers that would have had special training above those
9 of officers in the other sections?

10 **MR. AIKMAN:** Yes.

11 **MR. CIPRIANO:** Okay. Once the complaint is
12 received, I take it one of the specially trained officers
13 would have been sent to commence the investigation?

14 **MR. AIKMAN:** Well, there may have been an
15 intake report. A uniform constable may have been
16 dispatched to take the essential elements of the
17 investigation to get it commenced.

18 **MR. CIPRIANO:** Would this -- sorry.

19 **MR. AIKMAN:** No, sometimes the word
20 investigation is a little bit -- it requires a little bit
21 more clarification. Typically an investigation requires
22 follow up as opposed to the initial investigation.

23 **MR. CIPRIANO:** Okay. When you say a uniform
24 officer would have been sent to take an intake report,
25 would that be sending an officer to take a statement from a

1 complainant?

2 MR. AIKMAN: Not typically.

3 MR. CIPRIANO: Okay. What would an intake
4 report be generally?

5 MR. AIKMAN: Name, date of occurrence,
6 suspect information, depending on who the uniform officer
7 that was attending. For example, I would give you the
8 example that if someone recently was transferred from the
9 Criminal Investigations Bureau back into a uniform
10 position, that person may actually be able to take a
11 statement. They may have the training ---

12 MR. CIPRIANO: Okay.

13 MR. AIKMAN: --- necessary to do that.

14 MR. CIPRIANO: Would it be fair then that
15 the person taking the statement of what is alleged to have
16 happened would be someone with the special training in that
17 section?

18 MR. AIKMAN: You're talking about 1993
19 versus today?

20 MR. CIPRIANO: Yes.

21 MR. AIKMAN: I'm not sure.

22 MR. CIPRIANO: Would you be able to know how
23 many officers would have attended in taking the statement?

24 MR. AIKMAN: Typically -- well, typically a
25 witness statement is one officer.

1 **MR. CIPRIANO:** Okay.

2 **MR. AIKMAN:** It's a one on one scenario.

3 **MR. CIPRIANO:** Given the nature of the
4 allegation -- I'm talking about historical sexual abuse --
5 would something different be done in terms of the
6 statement-taking process or would it still be one officer?

7 **MR. AIKMAN:** It would still be one officer
8 typically.

9 **MR. CIPRIANO:** And apart from the special
10 training of some of the officers in the E Section, I take
11 it there's always general investigative techniques that are
12 employed with respect to crimes generally?

13 **MR. AIKMAN:** Yes.

14 **MR. CIPRIANO:** And some of those would be,
15 obviously, identifying the time, date, place where the
16 allegation could have occurred.

17 **MR. AIKMAN:** Yes.

18 **MR. CIPRIANO:** Identifying whether -- the
19 identification of the accused person and whether it could
20 have been that person at the time of the offence.

21 **MR. AIKMAN:** Yes.

22 **MR. CIPRIANO:** And I take it then that a
23 file, a confidential police brief would be created?

24 **MR. AIKMAN:** If charges are going to be
25 laid, a brief would be created.

1 **MR. CIPRIANO:** Okay. That brief is -- I
2 assume it would have been an officer in charge of that
3 brief.

4 **MR. AIKMAN:** The investigating officer
5 prepares the brief.

6 **MR. CIPRIANO:** Okay. And that would have
7 been one of the specially trained officers?

8 **MR. AIKMAN:** Are we talking about a
9 historical sexual abuse ---

10 **MR. CIPRIANO:** Yes.

11 **MR. AIKMAN:** --- in 1993?

12 **MR. CIPRIANO:** Yes.

13 **MR. AIKMAN:** It would have been a member of
14 the Criminal Investigations Bureau.

15 **MR. CIPRIANO:** Okay.

16 **MR. AIKMAN:** Yes, they would have prepared
17 the brief.

18 **MR. CIPRIANO:** Okay. And that brief is a
19 confidential brief, I take it?

20 **MR. AIKMAN:** Confidential in the context of
21 its disclosure to the Crown Attorney.

22 **MR. CIPRIANO:** Yes, but I figure it wouldn't
23 be -- I mean it wouldn't just be lying around at the police
24 station. It would be kept somewhere and not accessible to
25 just any other police officer from any other unit?

1 **MR. AIKMAN:** Well, it depends on where the
2 brief is situated at any point in time. If it's sitting on
3 someone's desk and someone else is walking through that
4 office, then it could be visible to someone else.

5 **MR. CIPRIANO:** No, but apart from being
6 visible, I'm saying the material and the reports generated,
7 the statements, they're part of the brief; they're not to
8 be disseminated by other officers who have nothing to do
9 with that brief.

10 **MR. AIKMAN:** Well, it's not unusual for
11 officers to read other officers' briefs. That happens all
12 the time.

13 **MR. CIPRIANO:** Okay, even if they have
14 nothing to do with the investigation?

15 **MR. AIKMAN:** Yes.

16 **MR. CIPRIANO:** Thank you, sir.

17 **THE COMMISSIONER:** Mr. Chisholm, do you have
18 any questions?

19 **MR. CHISHOLM:** I do, Mr. Commissioner.

20 Good afternoon.

21 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

22 **CHISHOLM:**

23 **MR. CHISHOLM:** Good afternoon, Deputy Chief
24 Aikman.

25 I take it I don't need to introduce myself

1 to you.

2 MR. AIKMAN: I don't believe you do.

3 MR. CHISHOLM: You and I go back a few
4 years. Would that be fair to say?

5 MR. AIKMAN: Yes, we do.

6 MR. CHISHOLM: If I could take you back to
7 Tab 23 of Exhibit 30 which would be the child sexual abuse
8 protocol. If I understood your evidence this morning
9 correctly you indicated that although that document was
10 signed in 1992, that work had started back in the late
11 1980s. Is that right?

12 MR. AIKMAN: That's my understanding, yes.

13 MR. CHISHOLM: And if I could take you to
14 page 14 of the hardcopy, which is page 20 of the electronic
15 version, and that's the process dealing with the interview
16 of a child.

17 Can you tell us how long the process or the
18 practice has been in place at the Cornwall Community Police
19 Service with respect to conducting joint interviews whereby
20 a police officer and a CAS child protection worker would
21 partake in the interview?

22 MR. AIKMAN: I wouldn't be able to provide
23 you an exact date, but it certainly predates the existence
24 of this protocol.

25 MR. CHISHOLM: And in terms of your -- you

1 have personal knowledge of that in terms of your career as
2 a police officer. Is that right?

3 MR. AIKMAN: Yes, yes.

4 MR. CHISHOLM: In terms of the early part of
5 your career, I believe you told us you first became an
6 officer in the early 1980s. Is that right?

7 MR. AIKMAN: That's correct; 1981.

8 MR. CHISHOLM: Nineteen-eighty-one (1981),
9 January 1st. Is that the date?

10 MR. AIKMAN: I remember it well, yes.

11 MR. CHISHOLM: Do you recall at that time
12 what the practice was when investigating allegations of
13 child sexual abuse in terms of the joint investigation
14 practice?

15 MR. AIKMAN: We would have conducted joint
16 investigations with CAS at that time.

17 MR. CHISHOLM: At least as far back as then?

18 MR. AIKMAN: Yes.

19 MR. CHISHOLM: You, not being a police
20 officer prior to that point, can't give me any firsthand
21 knowledge of what the practice was before then. Is that
22 fair to say?

23 MR. AIKMAN: That's correct.

24 MR. CHISHOLM: If I could take you to your
25 outline, page 26 of the hardcopy and page 33 of the

1 electronic version.

2 MR. AIKMAN: Bear with me a second, please.

3 MR. CHISHOLM: You make reference at the top
4 of page 26 to the Sexual Assault Response Team, SART.

5 MR. AIKMAN: Yes.

6 MR. CHISHOLM: If I understand correctly,
7 that was formed, according to your outline, in 1993. Is
8 that right?

9 MR. AIKMAN: Yes.

10 MR. CHISHOLM: I take it, in terms of
11 timing, the protocol, the child sexual abuse protocol would
12 have been in place by then. Is that fair to say?

13 MR. AIKMAN: Yes.

14 MR. CHISHOLM: And would you agree with me
15 that SART as opposed to dealing with child sexual abuse
16 deals with cases of sexual assault. Is that fair to say?

17 MR. AIKMAN: I believe that's what it was
18 intended to deal with, yes.

19 MR. CHISHOLM: If I could take you to Tab 24
20 of your material, this is the Sexual Assault Response Team
21 Program Model.

22 MR. AIKMAN: Yes.

23 MR. CHISHOLM: Would it be fair to say, upon
24 my review of that, would it be fair to say that one
25 component of the SART Program would be to ensure that the -

1 - ensure that physical evidence is retained and gathered;
2 physical evidence in relation to sexual assaults?

3 MR. AIKMAN: Yes.

4 MR. CHISHOLM: And that's why we see the
5 interaction with the hospital staff, the registered nurses.
6 Is that fair to say?

7 MR. AIKMAN: The nursing staff is trained in
8 the collection of evidence relating to the sexual assault
9 kit.

10 MR. CHISHOLM: If I could take you back to
11 your outline to page 28 of the hardcopy, 35 of the
12 electronic version, we touch upon the police shelter
13 protocols dealing with abuse -- spousal abuse. Is that
14 fair to say?

15 MR. AIKMAN: Domestic violence, yes.

16 MR. CHISHOLM: And this protocol came into
17 effect in 1996. Is that right?

18 MR. AIKMAN: Nineteen-ninety-five (1995).

19 MR. CHISHOLM: I'm looking at the first
20 line.

21 MR. AIKMAN: No, in 1995, although it says
22 in it -- here, it's signed in '96 but my recollection is
23 1995.

24 MR. CHISHOLM: With respect to all of the
25 protocols, Deputy Chief, that we've looked at and that

1 you've looked at in preparing for your evidence today ---

2 **MR. AIKMAN:** Yes.

3 **MR. CHISHOLM:** --- do you recall what the
4 earliest protocol that the Cornwall Community Police
5 Service would have entered into with any other community
6 agency?

7 **THE COMMISSIONER:** Say that again.

8 **MR. CHISHOLM:** I'm interested, Mr.
9 Commissioner, in determining the first instance of the
10 Cornwall Community Police Service entering into a protocol
11 with another community agency.

12 **MR. AIKMAN:** To my knowledge, the Child
13 Protection Protocol dated 1992 is the first one.

14 **MR. CHISHOLM:** And that's the one that one
15 of the signing parties was the Children's Aid Society. Is
16 that right?

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

18 **MR. CHISHOLM:** You're not aware of any
19 earlier protocol. Is that right?

20 **MR. AIKMAN:** I am not.

21 **MR. CHISHOLM:** You mentioned in your
22 evidence today the qualifications to be a SACA investigator
23 and I believe in your evidence this morning you mentioned
24 that there were three different requirements. If I
25 understand them correctly, one would be the General

1 Investigation Course that all police officers would take.
2 Is that fair?

3 MR. AIKMAN: No.

4 MR. CHISHOLM: No.

5 MR. AIKMAN: Criminal investigators would
6 take the General Investigative Techniques Course.

7 MR. CHISHOLM: Okay. So this is over and
8 above -- the three courses you were speaking of would be
9 over and above the three courses -- over and above the one
10 course that all police officers could take?

11 MR. AIKMAN: Yes, recruit training, basic
12 constable training.

13 MR. CHISHOLM: And you mentioned also the
14 Sexual Assault Investigation Course and also a Child Abuse
15 Training Course; is that right?

16 MR. AIKMAN: Yes, that's correct.

17 MR. CHISHOLM: And in your evidence this
18 afternoon, you made reference to that training being
19 conducted at the Ontario Police College. Is that right?

20 MR. AIKMAN: Yes.

21 MR. CHISHOLM: And part of that training
22 relating to investigating child sexual abuse, would that
23 have been joint training with members of the Children's Aid
24 Society?

25 MR. AIKMAN: At the Ontario Police College?

1 **MR. CHISHOLM:** Yes.

2 **MR. AIKMAN:** It's my understanding that they
3 ran joint training programs there for police officers and
4 CAS workers.

5 **MR. CHISHOLM:** And today, can you tell us
6 what the state of affairs would be at the Ontario Police
7 College with respect to that type of training? Maybe you
8 can't.

9 **MR. AIKMAN:** I'm not certain as to whether
10 or not it's still in that same model, but I'm confident
11 that they would rely upon subject area experts who may be
12 CAS workers.

13 **MR. CHISHOLM:** And in terms of your
14 experience -- maybe let me take you to Tab 51 of your
15 documents, and that would be page 7 of 16 of the electronic
16 version, Madam Clerk, and it would be page 7 of 7 of the
17 hard copy. You've looked at this, this afternoon, Deputy
18 Chief ---

19 **MR. AIKMAN:** Yes.

20 **MR. CHISHOLM:** --- with respect to the
21 career development opportunities under the SACA assignment,
22 the second category under the assignment list.

23 Do I understand the associated training
24 would be -- these are all prerequisites -- to get to be
25 considered to be a member of SACA you would require the

1 GIT, previous CID and three years experience as a police
2 officer?

3 MR. AIKMAN: No, three years experience in
4 the Criminal Investigations Division -- Bureau.

5 MR. CHISHOLM: Okay.

6 And then once you get those prerequisites,
7 it's your evidence that SACA members get the additional
8 training that you spoke of earlier today. Is that right?

9 MR. AIKMAN: That's correct.

10 MR. CHISHOLM: Okay. And finally, in terms
11 of your views on the joint investigations between the
12 police and the CAS, do you see that in relation to child
13 sexual abuse cases? Do you see any benefits to that?

14 MR. AIKMAN: Well, CAS workers typically
15 have higher levels of expertise in regards to the
16 interviewing of a child victim. So we rely upon their
17 expertise in that regard. Police officers, by nature of
18 the course of their duties, would have more expertise in
19 the interviewing of suspects. So there's a natural
20 correlation between the two activities.

21 MR. CHISHOLM: But in terms of both a police
22 officer and a child protection worker being present when a
23 child is interviewed, I take it you see that as a good
24 thing?

25 MR. AIKMAN: Yes.

1 **MR. CHISHOLM:** And with respect to joint
2 training whereby the police officer and the child
3 protection worker attend the same training programs at the
4 same time, what are your thoughts with respect to that?

5 **MR. AIKMAN:** I believe that would be
6 beneficial as well because for the same reasons that in the
7 area of domestic violence, joint training with police
8 officers and shelter workers opens avenues of
9 communications and demystifies each service's role in the
10 community and it also -- when you develop a social
11 knowledge of individuals who you're working with, you can
12 gain more professional understanding of what their role is
13 and hopefully provide a better service to the community.

14 **MR. CHISHOLM:** Thank you, Deputy Chief.
15 Those are my questions.

16 **THE COMMISSIONER:** Thank you.
17 For probation, is it Mr. Lawless today?
18 Come forward. Did you want to wait until tomorrow to do
19 the cross-examination?

20 **MR. NEUBERGER:** No, I'll be celebrating
21 tomorrow and Mr. Rouleau will actually be here. So I'm
22 glad I could get it in today. But thank you for asking,
23 Mr. Commissioner.

24 **--- CROSS-EXAMINATION/CONTRE-INTERROGATOIRE PAR MR.**
25 **NEUBERGER:**

1 **MR. NEUBERGER:** I just want to ask you about
2 something. I might need my friend's assistance. There's a
3 document I think the Chief will be dealing with tomorrow,
4 the Service Improvement Plan of the Cornwall Community
5 Police Service, and I'm not sure if it's in the materials
6 which are handy, but I just, out of completeness, want to
7 address that with you for a moment. It's a document which
8 I received about -- and just for your identification, I act
9 for the Ministry of Community Safety and Correctional
10 Services, which is Probation Services.

11 I think it's at Tab -- it's not in evidence
12 yet, but I just want to deal with it for a moment because
13 you were talking about with Mr. Engelmann for a period of
14 time quality assurance.

15 **MR. AIKMAN:** Yes.

16 **MR. NEUBERGER:** And the Ministry of
17 Community Safety and Correctional Services has a division,
18 the Police Services Division. Are you familiar with that?

19 **MR. AIKMAN:** I am.

20 **MR. NEUBERGER:** Okay. And they're engaged
21 in adequacy and effectiveness of police services
22 regulation, inspection. Is that correct?

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

24 **MR. NEUBERGER:** All right.

25 And recently there was an audit done by that

1 division and essentially it's to assist in improvement of
2 policing throughout the province, and they deal with that
3 with many police departments, including your own. Is that
4 correct?

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

6 **MR. NEUBERGER:** All right.

7 And I think we'll hear tomorrow more in
8 detail about it, but the idea behind that is to assist with
9 quality assurance in reviewing policies and procedures
10 which are in place in police forces and examining them,
11 meeting with and interviewing members of that police force
12 with a view to enhancing their operations. Is that fair?

13 **MR. AIKMAN:** Yes.

14 **MR. NEUBERGER:** Okay. Now, we've heard much
15 in your evidence about very important attachments and
16 relationships, if I can put it that way, with other
17 resources in the community to assist with victims who, if I
18 can say, are particularly vulnerable like child victims and
19 female victims; correct?

20 **MR. AIKMAN:** Yes.

21 **MR. NEUBERGER:** And the additional resources
22 and education are extremely important, but they do not in
23 any way, as I see it, interfere with the function of the
24 police force to impartially investigate crime; is that
25 correct?

1 **MR. AIKMAN:** Interfere with? No, I don't
2 see them interfering with our ability to investigate crime.

3 **MR. NEUBERGER:** Because what I've seen much
4 of the presentation on is with respect to the connections
5 with various resources in the community and how to enhance
6 dealing with these types of victims, which is very
7 important, but one of the primary and overriding functions
8 of a police force is to investigate crime and do it on an
9 impartial basis to determine if an offence had been
10 committed.

11 Is that correct?

12 **MR. AIKMAN:** Yes.

13 **MR. NEUBERGER:** All right.

14 And these referrals are adjunctive services
15 which are important to make the experience easier for a
16 victim, but it does not in any way interfere with the job
17 that the police have to do, which is investigate?

18 **MR. AIKMAN:** Correct.

19 **MR. NEUBERGER:** Okay. And in fact, in a lot
20 of respects much of the education and knowledge gives
21 officers a comprehensive understanding of the sensitivities
22 of particular offences like sexual related offences which
23 enhances their investigative techniques. Is that correct?

24 **MR. AIKMAN:** Yes.

25 **MR. NEUBERGER:** And what you've touched base

1 on to some extent is techniques in questioning, the advent
2 of videotaping, and now on DVD, interviews. These
3 techniques have evolved over time to take into
4 consideration the sensitivities and uniqueness of these
5 types of victims. Is that fair?

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

7 **MR. NEUBERGER:** All right.

8 And in addition, through time now as well,
9 police services such as your own have developed the use of
10 collateral sources of information like third-party records,
11 if necessary. Is that correct?

12 **MR. AIKMAN:** Yes.

13 **MR. NEUBERGER:** And there is an enhanced
14 protocol that if third-party records need to be referred
15 to, there's consultation with the Crown Attorney's Office
16 to determine relevancy and the procedure in that regard.
17 Is that fair?

18 **MR. AIKMAN:** Yes.

19 **MR. NEUBERGER:** All right.

20 And other sources I didn't hear about but,
21 for example, technology science plays a role such as DNA?

22 **MR. AIKMAN:** Yes.

23 **MR. NEUBERGER:** All right.

24 And if DNA samples are obtained, do they go
25 to the OPP or does it go to Centre for Forensic Science in

1 Toronto? Where does your work go to?

2 MR. AIKMAN: My understanding of that
3 process is it goes to the Centre of Forensic Sciences, who
4 then forward it to the RCMP for analysis.

5 MR. NEUBERGER: Okay. And then you would
6 get the results back and use that in your investigation?

7 MR. AIKMAN: Yes.

8 MR. NEUBERGER: And you similarly, once you
9 get profiles, would have access to the DNA databank that
10 exists?

11 MR. AIKMAN: Correct.

12 MR. NEUBERGER: Okay. And that is another
13 type of evolution of technology which helps you in
14 policing?

15 MR. AIKMAN: Yes.

16 MR. NEUBERGER: All right.

17 Now, just as an aside in this area of my
18 questioning of you, there is much now, as we see in 2006,
19 that policing, to a large extent, has a large amount of
20 policy and directives and procedure which sets out an
21 assistance to investigation, but there is a lot to be said
22 for investigation that comes from what I call informed
23 intuition and experienced with investigative techniques.
24 Is that fair?

25 In other words, policing is policing and you

1 can script things a lot, but a lot comes from an officer's
2 experience and informed intuition on how to investigate an
3 offence?

4 **MR. AIKMAN:** That makes up part of the
5 knowledge, skills and abilities.

6 **MR. NEUBERGER:** All right.

7 Now, if I can just move briefly to a
8 different area for a moment? I just wanted to ask about
9 the Cornwall Police Service and how it intersects with
10 other criminal justice agencies post-conviction.

11 I assume there is an ongoing contact with
12 other agencies; for example, Probation and Parole?

13 **MR. AIKMAN:** Yes, there is.

14 **MR. NEUBERGER:** All right.

15 And I may miss some of this, so feel free to
16 jump in and help me but, basically, if a person pleads
17 guilty or is convicted and there is a report prepared,
18 which we term a pre-sentence report ---

19 **MR. AIKMAN:** Yes.

20 **MR. NEUBERGER:** --- that is a report
21 prepared by a probation officer which goes through a
22 historical review of the offender's life and the
23 particulars of an offence. Is that correct?

24 **MR. AIKMAN:** Yes.

25 **MR. NEUBERGER:** And commonly, the police

1 officer who is investigating the case would be consulted by
2 Probation with a view to putting in their opinion or
3 perspective in that report. Is that fair?

4 **MR. AIKMAN:** I believe that's typical.

5 **MR. NEUBERGER:** All right.

6 And the Cornwall Police Service, like any
7 other police service, would be involved with, for example,
8 high-risk offenders?

9 **MR. AIKMAN:** Yes.

10 **MR. NEUBERGER:** And what I mean by that is
11 if somebody is particularly dangerous, the police may be
12 involved in their first interview with Probation and their
13 integration into the community. Is that correct?

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

15 **MR. NEUBERGER:** And certainly if we have a
16 situation where a high-risk offender in a particular
17 community is released, let's say they are out of jail and
18 they are coming back to the Cornwall area, your police
19 force would be involved in that?

20 **MR. AIKMAN:** Yes.

21 **MR. NEUBERGER:** And can you just describe to
22 us briefly what role you may play, for example, if somebody
23 is on the Register with respect to being a sex offender;
24 they are released; they are coming into the community. The
25 police force has discretion as to disclosing their

1 whereabouts and who they are. There's a very important
2 role that the police provides in that type of obligation to
3 the community. Can you just describe that for a moment?

4 **MR. AIKMAN:** In regards to -- there's an
5 interaction between -- in our particular service, our
6 sexual assault and child abuse members would coordinate
7 that activity with the Probation Services personnel and
8 agree upon an action plan in regards to how that process is
9 going to occur. I don't know the specifics of the
10 interviewing process or the interaction where -- I believe
11 it typically occurs at the probation office, but the high-
12 risk offender is interviewed and details are obtained in
13 regards to what his intent is in regards to residing in the
14 community.

15 **MR. NEUBERGER:** Right.

16 **MR. AIKMAN:** And reports are taken in that
17 regard.

18 There have been instances in which high-risk
19 offenders have been obligated to enter into peace bonds
20 under section 810. I'm not sure what the appropriate title
21 of that document is anymore. It's changed.

22 **MR. NEUBERGER:** There's still a section 810
23 peace bond.

24 **MR. AIKMAN:** Yes.

25 **MR. NEUBERGER:** There's names for it, but

1 that's absolutely correct.

2 **MR. AIKMAN:** Right.

3 **MR. NEUBERGER:** And so the police force is
4 involved in the ongoing monitoring in cooperation with
5 other criminal justice services to keep tabs on these high-
6 risk offenders?

7 **MR. AIKMAN:** Right. We have a door-knock
8 program that is routine.

9 **MR. NEUBERGER:** Right.

10 And by that you mean checking on the
11 offender at their place of residence?

12 **MR. AIKMAN:** Yes.

13 **MR. NEUBERGER:** All right.

14 And similarly, what we can speak about in
15 general terms are conditional sentences; when a person has
16 been sentenced to jail but they are serving it in the
17 community, the police can be involved in monitoring if that
18 conditional sentence is being obeyed according to its
19 terms?

20 **MR. AIKMAN:** Yes, again, as part of a door-
21 knock program.

22 **MR. NEUBERGER:** Okay. Thank you.

23 If I could just have your indulgence for a
24 moment, Mr. Commissioner?

25 Those are all my questions. Thank you very

1 much, Deputy Chief.

2 MR. AIKMAN: Thank you.

3 THE COMMISSIONER: Thank you.

4 Who is here? Ms. Im?

5 MS. IM: Yes, no questions.

6 THE COMMISSIONER: No questions. Thank you.

7 Anyone here for Monsieur Leduc?

8 MR. HARRAH-SUAREZ: Yes.

9 THE COMMISSIONER: I'm sorry. And you are
10 mister?

11 MR. HARRAH-SUAREZ: Mr. Harrah-Suarez.

12 THE COMMISSIONER: There you go. Good
13 morning.

14 MR. HARRAH-SUAREZ: For Mr. Leduc. Good
15 afternoon.

16 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

17 HARRAH-SUAREZ:

18 MR. HARRAH-SUAREZ: Just a few questions.

19 Yesterday you were asked to comment on the guiding
20 principles in the *Police Services Act* and you testified
21 that being sensitive to the needs of victims is the number
22 one priority for any officer. Is that correct?

23 MR. AIKMAN: That's my opinion, yes.

24 MR. HARRAH-SUAREZ: My question is, were
25 there any policies in place in 1993 to ensure that this

1 sensitivity to the needs of the victim did not interfere
2 with maintaining an objective perspective in the
3 investigation that's under way -- or in any investigation,
4 sorry?

5 MR. AIKMAN: In regards to maintaining an
6 objective perspective?

7 MR. HARRAH-SUAREZ: Meaning a separation
8 between the victim service function and the investigative
9 function?

10 MR. AIKMAN: No.

11 MR. HARRAH-SUAREZ: Are there any policies
12 in place currently for that purpose?

13 MR. AIKMAN: No.

14 MR. HARRAH-SUAREZ: Okay. Just in another
15 related vein now, in the recent inquiry such as the Morin
16 Inquiry, the Commission found that tunnel vision during the
17 police investigation was a contributing factor to some
18 miscarriages of justice.

19 I was just wondering, are there any policies
20 in place now to address the potential for tunnel vision,
21 especially during emotional sexual offence investigations?

22 MR. AIKMAN: I don't believe there are any
23 policies. Those issues may be addressed in investigative
24 techniques that officers use.

25 MR. HARRAH-SUAREZ: Are there any examples

1 that you could provide?

2 MR. AIKMAN: No.

3 MR. HARRAH-SUAREZ: Okay. Fair enough. One
4 example that I would have is do you have any, for instance,
5 policies requiring periodic review of the evidence by an
6 officer who was not involved or is not currently involved
7 with the investigation?

8 MR. AIKMAN: Every incident has an ongoing
9 review process whereby supervisors are assigned to read and
10 approve reports. That would include general occurrence
11 reports, supplementary reports, arrest reports. They also
12 have to approve the Crown brief that accompanies the charge
13 to the Crown Attorney. So there is that scrutiny from
14 someone who is not directly involved in the investigation.

15 MR. HARRAH-SUAREZ: Now, is the supervisor
16 directing the investigation in any way?

17 MR. AIKMAN: They will be consulted and they
18 way offer advice to the investigating officer.

19 MR. HARRAH-SUAREZ: And is there any review
20 by any officer that is not in any way involved; just
21 external eyes that look onto the report periodically?

22 MR. AIKMAN: No.

23 MR. HARRAH-SUAREZ: Okay.

24 MR. AIKMAN: Well, yes, there are instances.
25 When our professional standards officer conducts a routine

1 audit of, for example, the Sex Offender Registry, he would
2 be reading reports that he would have no direct involvement
3 in.

4 **MR. HARRAH-SUAREZ:** Now, would this be
5 during the course of an investigation or would that be
6 subsequent, a couple of years down the line or ---

7 **MR. AIKMAN:** It's typically down the line.

8 **MR. HARRAH-SUAREZ:** Okay. Now, have there
9 been any changes in policy at the Cornwall Police Service
10 arising out of the recommendations of the previously
11 mentioned inquiries into wrongful convictions that you can
12 think of?

13 **MR. AIKMAN:** No, I'm not aware of any.

14 **MR. HARRAH-SUAREZ:** I just have a couple
15 more questions.

16 Is there recognition in the Sexual Assault
17 and Child Abuse Unit of the devastating stigma that can
18 attach to a suspect when he or she is just charged with a
19 sexual offence? Is there any sort of policy to lessen or
20 address that?

21 **MR. AIKMAN:** No.

22 **MR. HARRAH-SUAREZ:** Are there any policies
23 in place that dictate any sort of additional police due
24 diligence before a charge is laid in sexual offences as
25 opposed to other ordinary offences?

1 MR. AIKMAN: No.

2 MR. HARRAH-SUAREZ: Okay. Those are my
3 questions.

4 Thank you very much for your time.

5 THE COMMISSIONER: Thank you.

6 Mr. Ducasse, do you have any questions?

7 MR. DUCASSE: No questions, Mr.
8 Commissioner.

9 THE COMMISSIONER: Thank you.

10 From the OPP, is there anyone asking
11 questions? Yes. Come forward, please.

12 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.
13 COSTOM:

14 MS. COSTOM: Good afternoon, Deputy. I'm
15 Suzanne Costom. I'm with the OPP team. I wanted to talk
16 to you about the interaction between the police and the
17 Crown prosecutors in the investigation stage. You referred
18 to that briefly this morning.

19 As a general rule, can you delineate for us
20 again, and you mentioned it this morning, the role of the
21 police and then the role of the Crown when we're talking
22 about taking a case from the investigation through to the
23 decision to prosecute a case?

24 MR. AIKMAN: Yes. That was in reference to
25 the child abuse protocol?

1 **MS. COSTOM:** Which we'll get to, but I just
2 want to set the general framework for a second.

3 **MR. AIKMAN:** Okay.

4 **MS. COSTOM:** So the role of the police is
5 what at that stage and the role of the Crown is what at
6 that stage?

7 **MR. AIKMAN:** The role of a police officer is
8 to investigate an event, determine whether or not a
9 criminal offence occurred and if they form reasonable
10 grounds that that event occurred and it's appropriate to
11 lay a charge, they will proceed with a charge.

12 Once the information is laid, it's now
13 within the parameters of the Crown Attorney to direct
14 whether or not that charge is actually going to proceed
15 through court.

16 **MS. COSTOM:** Okay. As a general rule, in
17 that phase where a police officer is determining whether or
18 not he or she has reasonable and probable grounds to lay a
19 charge, is there consultation with the Crown Attorney?

20 **MR. AIKMAN:** There may be.

21 **MS. COSTOM:** Okay. In what circumstances?

22 **MR. AIKMAN:** In situations where the
23 investigating officer is not certain of his or her
24 reasonable grounds in regards to whether the evidence
25 constitutes reasonable grounds, whether the evidence is

1 sufficient enough to proceed with a criminal charge. They
2 may seek direction from a Crown Attorney in that regard.

3 **MS. COSTOM:** And that would be in every
4 case, of course, not just in cases of sexual assault or of
5 sexual abuse?

6 **MR. AIKMAN:** Not every case.

7 **MS. COSTOM:** I'm sorry. In any case where
8 the police officer felt the need for direction ---

9 **MR. AIKMAN:** Yes.

10 **MS. COSTOM:** --- they would consult, as you
11 just explained.

12 **MR. AIKMAN:** Yes.

13 **MS. COSTOM:** And the nature of the offence
14 would not necessarily be determinative of that decision to
15 consult.

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

17 **MS. COSTOM:** Nor would the identity of the
18 offender?

19 **MR. AIKMAN:** I don't believe the identity
20 would have any bearing on that consultation.

21 **MS. COSTOM:** I guess what I'm getting at is
22 if the offender or the alleged offender is someone who is
23 particularly well known in the community, would there be
24 any standard direction to police officers that consultation
25 would be more called for with Crown attorneys in that case?

1 **MR. AIKMAN:** No, I don't believe so.

2 **MS. COSTOM:** Okay. So if we turn now to the
3 protocol that you referred to this morning, Tab 23, at page
4 36, so that's the child sexual abuse protocol ---

5 **MR. AIKMAN:** En anglais ou français?

6 **MS. COSTOM:** In English.

7 **THE COMMISSIONER:** What page?

8 **MS. COSTOM:** Page 36 of the hardcopy of Tab
9 23.

10 **THE COMMISSIONER:** Okay.

11 **MS. COSTOM:** Do you not have that?

12 **MR. AIKMAN:** Well, I'll rely on the screen
13 here.

14 **MS. COSTOM:** Okay. So there's a passage
15 that you cited actually also in your Outline of Evidence
16 which was point 2:

17 "Whenever there is a question as to the
18 appropriateness of the charges in a
19 specific instance, consultation shall
20 take place..."

21 **MR. AIKMAN:** Yes.

22 **MS. COSTOM:** That directive or that
23 guideline which is found in this particular protocol
24 dealing with child sexual abuse is in fact no different
25 than what would be the case in any type of investigation,

1 based on what you've just said.

2 MR. AIKMAN: In many types of investigations
3 but not all.

4 MS. COSTOM: What I'm trying to say is that
5 it's not because it's child sexual abuse that when it's
6 appropriate you will consult.

7 MR. AIKMAN: Okay. If I could use an
8 analogy that I would've used during the period of time that
9 I was instructing at the Police College, one of the courses
10 that I taught was called Introduction to Law and one of
11 those essential principles that police officers have to
12 learn about is what constitutes a criminal offence.

13 And the way that we would instruct that to
14 police officers is basically we would draw three lines on
15 the chalkboard, one above each other, and what we would
16 point to is -- the bottom line is the police officers'
17 understanding of criminal law and the public's expectation
18 of what that might be. The middle line we would refer to
19 as the Crown Attorneys' understanding of criminal law --
20 and lawyers. The top we would refer to as the judge's
21 understanding of criminal law.

22 So the analogy we were trying to impress
23 upon recruit officers was there's an expectation that you
24 will have a certain understanding of what constitutes a
25 criminal offence. If there's any doubt in that regard --

1 and certainly back in those days when I was a young officer
2 and through the early part of the '90s it was not unusual
3 for officers to frequently contact the Crown Attorney to
4 get their opinion in regards to what they had before them,
5 whether or not it constituted a criminal offence and
6 whether a charge should proceed.

7 So it was based on that foundation that -- I
8 think that's a basic principle in policing is that many of
9 us are not lawyers and I realize there are some lawyers in
10 policing, but a 13-week program at the Ontario Police
11 College is not the equivalent of a three-year LLB.

12 **MS. COSTOM:** So again, then this principle
13 that we see in this protocol would apply in all cases where
14 a police officer felt the need or felt it appropriate to
15 investigate a Crown -- to consult a Crown and not only in
16 child sexual abuse cases? There's nothing magic about
17 child sexual abuse.

18 **MR. AIKMAN:** It happens to be in this
19 protocol but that was a general activity.

20 **MS. COSTOM:** Thank you.

21 **THE COMMISSIONER:** Thank you.

22 Let's see. Is there anyone from the OPPA?
23 Mr. Carroll?

24 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
25 **CARROLL:**

1 **MR. CARROLL:** My name is Bill Carroll. I'm
2 here with the OPPA.

3 There's just one area that I want to ask you
4 to clarify and that is that when you were being questioned
5 earlier about conflict of interest and you spoke of -- and
6 you were asked about criminal investigations amongst your
7 own officers on the service, you initially, I think, said
8 that you would always outsource the investigation.

9 Would you elaborate on that answer?

10 **MR. AIKMAN:** I think I spoke in haste when I
11 made that response and obviously our goal is to be as
12 transparent as possible. So when circumstances dictate, if
13 there was an allegation of corruption, something along
14 those lines, we would, as you referred to, outsource that
15 to another police agency. If there was a matter involving
16 public safety, for example, if one of our members were
17 alleged to have assaulted his or her spouse, we would
18 respond to that complaint immediately and conduct the
19 investigation, and we may proceed with the charges as well.

20 **MR. CARROLL:** So I guess the accurate answer
21 then would be it would depend on the individual
22 circumstances?

23 **MR. AIKMAN:** Case by case scenario, yes.

24 **MR. CARROLL:** All right. Thank you very
25 much.

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

2 **MR. CALLAGHAN:** Good morning, Mr.
3 Commissioner -- or afternoon.

4 **THE COMMISSIONER:** Can I just get some sense
5 of what kind of timeframe you are looking at today?

6 **MR. CALLAGHAN:** It all depends how agreeable
7 the witness is.

8 **(LAUGHTER/RIRES)**

9 **MR. CALLAGHAN:** I would say 10 to 15 minutes
10 ---

11 **THE COMMISSIONER:** All right.

12 **MR. CALLAGHAN:** --- Mr. Commissioner.

13 **THE COMMISSIONER:** Thank you.

14 **MR. AIKMAN:** Who signs the cheques?

15 **THE COMMISSIONER:** Well, we're not going to
16 talk about conflicts here now.

17 **MR. CALLAGHAN:** No, no, no, that's another
18 hearing.

19 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
20 **CALLAGHAN:**

21 **MR. CALLAGHAN:** I just want to quickly
22 review a few issues that have been covered a little bit but
23 just to put them in context. For example, CIB officers,
24 how does one become a CIB officer?

25 **MR. AIKMAN:** We have that internal process

1 whereby a position, when it becomes vacant, the position is
2 posted and those members who have an interest in working in
3 the Criminal Investigations Bureau are allowed to express
4 their interest in that position. Once their applications
5 essentially are submitted, we would review those
6 applications. An interview would be conducted and
7 ultimately they would be selected to work in that area.

8 **MR. CALLAGHAN:** You earlier referred to the
9 GI course and I take it prior to that there was the
10 Criminal Investigation course?

11 **MR. AIKMAN:** Yes.

12 **MR. CALLAGHAN:** All right.

13 And I take it that CIB members, from your
14 testimony, have those -- take those courses?

15 **MR. AIKMAN:** Yes.

16 **MR. CALLAGHAN:** And when customarily would
17 they take those courses relative to the selection process
18 you've just referred to?

19 **MR. AIKMAN:** Ordinarily it would be after
20 they've been assigned to the Criminal Investigation Unit.

21 **MR. CALLAGHAN:** And those courses, I take it
22 from your testimony, are offered by the Ontario Police
23 College?

24 **MR. AIKMAN:** Yes.

25 **MR. CALLAGHAN:** And you referred to a

1 question by Mr. Engelmann that you would get the courses, I
2 think it was, for the most part.

3 Can you explain in just a little bit more
4 detail the process by which your members get allocated
5 courses at the Ontario Police College?

6 **MR. AIKMAN:** The Ontario Police College
7 publishes a course calendar which indicates the number of
8 particular courses they are going to run in any calendar
9 year. If we use the number 24 as the typical number of
10 students on a course, that would mean each course has 24
11 positions available on it. Using whatever formula the
12 Ontario Police College has, they will divvy up those
13 courses depending upon the course requests by the
14 individual police services.

15 So if there is a high demand for a
16 particular course and there is a low offering of the course
17 -- say it's only being offered once a year -- then it's not
18 unusual or would not be unusual that that course request
19 would not be able to be satisfied in that calendar year and
20 the request would be extended into the next year.

21 **MR. CALLAGHAN:** During the period when you
22 were at the Ontario Police College and while you were doing
23 training, how did the relative size of police forces affect
24 ability to get seats at the Ontario Police College for
25 training?

1 **MR. AIKMAN:** I believe it's on a per capita
2 basis, so larger police services would have a higher
3 demand; therefore would be allocated more positions on each
4 individual course.

5 **MR. CALLAGHAN:** And currently you went
6 through the assignment process for SACA. Is it the same
7 process regarding posting?

8 **MR. AIKMAN:** Yes, it is.

9 **MR. CALLAGHAN:** Am I correct that -- just to
10 clarify the evidence, that the person applying ought to
11 have the GI Course?

12 **MR. AIKMAN:** Yes.

13 **MR. CALLAGHAN:** And under the various
14 iterations of, say, major case management, for example, are
15 GI investigators able to conduct sexual assault
16 investigations?

17 **MR. AIKMAN:** Yes, they are.

18 **MR. CALLAGHAN:** What about the timing of the
19 course as relative to the acceptance into SACA that you
20 spoke about? Is that the same with CIB?

21 **MR. AIKMAN:** Typically, they would not get
22 their sexual assault investigation training until they had
23 been assigned to the unit.

24 **MR. CALLAGHAN:** And is that, as far as
25 you're aware, customary with most police forces in Ontario?

1 **MR. AIKMAN:** It's my understanding.

2 **MR. CALLAGHAN:** Now, Mr. Engelmann referred
3 to IPCA, for example, but I want to clarify. There is new
4 legislation that is introduced. Is there any type of
5 training offered by the Cornwall Police Services?

6 **MR. AIKMAN:** Yes.

7 **MR. CALLAGHAN:** And what kind of training is
8 that?

9 **MR. AIKMAN:** We always have ongoing
10 legislative updates as part of our Intranet broadcasts. We
11 also have, during our annual use of force training there
12 would be -- significant legislative updates would be
13 included in that training syllabus. And if there was a
14 significant piece of new legislation such as the YOA or the
15 *Youth Criminal Justice Act*, we may organize a specific in-
16 service session on that one particular topic as a need-be
17 basis.

18 **MR. CALLAGHAN:** And did you do that while
19 you were the trainer?

20 **MR. AIKMAN:** Yes.

21 **MR. CALLAGHAN:** And just so I'm clear, did
22 you coordinate training with other agencies?

23 **MR. AIKMAN:** Yes.

24 **MR. CALLAGHAN:** Such as?

25 **MR. AIKMAN:** Baldwin House, CAS.

1 **MR. CALLAGHAN:** Okay. And when you were at
2 the Ontario Police College in the early '90s, was there a
3 sexual assault course, to your knowledge?

4 **MR. AIKMAN:** When I was teaching at the
5 Ontario Police College?

6 **MR. CALLAGHAN:** Right.

7 **MR. AIKMAN:** I believe it was developed
8 during that period of time.

9 **MR. CALLAGHAN:** So that would be -- what
10 period of time are we talking about?

11 **MR. AIKMAN:** December '89 through December
12 '91.

13 **MR. CALLAGHAN:** And did you take that
14 course?

15 **MR. AIKMAN:** Yes, I did.

16 **MR. CALLAGHAN:** And prior to that though,
17 was there any course, just to be clear, as far as you're
18 aware?

19 **MR. AIKMAN:** Not to my understanding.
20 Sexual assault investigation was a component of the
21 Criminal Investigations Course.

22 **MR. CALLAGHAN:** All right.

23 And when you were at OPC in that period of
24 time, were you exposed to police officers from other police
25 forces?

1 **MR. AIKMAN:** Yes.

2 **MR. CALLAGHAN:** And were you able to form an
3 opinion as to how well the Cornwall Police Services
4 officers were trained compared to those other officers?

5 **MR. AIKMAN:** Which officers are we talking
6 about?

7 **MR. ENGELMANN:** I think -- I don't think the
8 question should be posed.

9 **MR. CALLAGHAN:** Well, I think ---

10 **MR. WARDLE:** I must say I have the same
11 concern.

12 **MR. CALLAGHAN:** Well, I didn't think much of
13 this was contentious, but I will move on.

14 **THE COMMISSIONER:** Yes, let's ---

15 **MR. CALLAGHAN:** But I do think it's
16 appropriate for him to be able to articulate, having had
17 the exposure in a period of time which is at issue in this
18 case as to whether or not, given the questions that have
19 been asked, whether he believes that the members of the
20 Cornwall Police were adequately trained.

21 **MR. ENGELMANN:** I think he can comment on
22 whether he personally feels members of the Cornwall Police
23 were trained. I'm not sure why you're doing this regarding
24 policy issues.

25 Certainly, Mr. Callaghan can ask questions

1 of the OPC, who will be here, if their course instructors
2 have adequate training.

3 **MR. CALLAGHAN:** Well, I'm afraid this person
4 was there at the time and was exposed to it, Mr.
5 Commissioner.

6 **THE COMMISSIONER:** Right. Well, for what
7 it's worth, it's only his personal opinion.

8 **MR. CALLAGHAN:** I agree.

9 **THE COMMISSIONER:** Okay. Do you think your
10 force was adequately trained?

11 **MR. AIKMAN:** Yes, sir, I do.

12 **THE COMMISSIONER:** Why does that not
13 surprise me?

14 **(LAUGHTER/RIRES)**

15 **MR. CALLAGHAN:** Got to get it on the record,
16 that's all.

17 It is a fair question and one of the
18 questions ongoing today about training, that this officer
19 was there. The Deputy was there at the time. He was
20 exposed to it.

21 Anyway, I'll move on.

22 **THE COMMISSIONER:** Yes. Stick to the
23 policies and those procedures. There will be time later on
24 during this inquiry where I guess we're going to get to how
25 we feel about how the training was and that kind of thing.

1 **MR. CALLAGHAN:** I understand, but as I said
2 throughout, I hope we have a comparison.

3 **MR. WARDLE:** If I may just make one
4 interjection?

5 **THE COMMISSIONER:** Well, if you want to you
6 have to come to the microphone.

7 **MR. WARDLE:** I'm happy to come to the
8 microphone, but that means Mr. Callaghan will have to sit
9 down.

10 **THE COMMISSIONER:** Well, you can hold hands.

11 **MR. WARDLE:** I'm going to be one second.

12 I only want to make this point now, and that
13 is that -- and I think my friend also has it -- that Mr.
14 Callaghan shouldn't be leading this witness. It doesn't
15 matter for what we're doing today, but it will matter as we
16 go forward in this inquiry.

17 **THE COMMISSIONER:** Well, okay. And maybe I
18 should say this, that on the understanding that we were
19 dealing with policy and procedures and not dealing with
20 value judgments or anything dealing with a fact-finding
21 mission, and I think we all agreed, including Mr.
22 Callaghan, that we were going to let people lead a little
23 bit and get through and now we're getting to the point
24 where soon we will be going into another transition where
25 we will be observing the rules a little closer.

1 So, Mr. Callaghan, having said all of that,
2 and we're at 4:18, you can continue.

3 **MR. CALLAGHAN:** Thank you.

4 Mr. Engelmann referred you to Directive 114
5 which can be found at Tab 26 and he referred you to
6 Policing Standard 223.00, Sexual Assaults.

7 **MR. AIKMAN:** Protocol, yes.

8 **THE REGISTRAR:** What page, sir?

9 **MR. CALLAGHAN:** Sorry, it's page ---

10 **MR. AIKMAN:** Page 10.

11 **MR. CALLAGHAN:** Page 10, but I can't tell
12 you the electronic ---

13 **MR. AIKMAN:** Page 10 of 10.

14 **THE COMMISSIONER:** The last page.

15 **MR. AIKMAN:** Yes.

16 **THE COMMISSIONER:** Of the Appendix or the --
17 -

18 **MR. CALLAGHAN:** No, it's just below the
19 signing line. It's what Mr. Engelmann referred to.

20 **MR. AIKMAN:** Right there.

21 **MR. CALLAGHAN:** Are you familiar with that
22 policing standard?

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

24 **MR. CALLAGHAN:** And just to get the
25 nomenclature straight, if I might on this point, that the

1 policing standard is what you referred to as the guideline
2 or best practices published by the Solicitor General?

3 **MR. AIKMAN:** Prior to the establishment of
4 the Adequacy Standard?

5 **MR. CALLAGHAN:** Right.

6 **MR. AIKMAN:** Correct.

7 **MR. CALLAGHAN:** Are you aware and can you
8 tell me what Policing Standard 223 deals with?

9 **MR. AIKMAN:** The investigation of sexual
10 assaults.

11 **MR. CALLAGHAN:** And are you aware of any
12 other best practice or guideline prior to this policing
13 standard 223?

14 **MR. AIKMAN:** I am not.

15 **MR. CALLAGHAN:** All right.

16 And to your knowledge, did this policing
17 standard deal with either historic sexual assaults or child
18 sexual assaults?

19 **MR. AIKMAN:** It does not.

20 **MR. CALLAGHAN:** And Mr. Wardle took you to
21 Directive 114 and referred to commenting about the historic
22 sexual assault and child sexual assault. Was there any
23 best practice or guideline in the province that you're
24 aware of regarding those two items?

25 **MR. AIKMAN:** Not to my knowledge.

1 **MR. CALLAGHAN:** The OPP just spoke a moment
2 ago about getting advice from a Crown Attorney. In your
3 opinion, what weight would you expect a police officer to
4 give that advice?

5 **MR. AIKMAN:** Significant weight.

6 **MR. CALLAGHAN:** I know the Chief is going to
7 deal with community policing, but he has only been here for
8 a short while, and there was reference earlier to the 1990
9 legislation that referred to community policing.

10 Are you aware of whether the Cornwall Police
11 conducted a form of community policing prior to 1990?

12 **MR. AIKMAN:** Prior to 1990?

13 **MR. CALLAGHAN:** Yes.

14 **MR. AIKMAN:** Yes.

15 **THE COMMISSIONER:** Are you aware? Yes, you
16 did?

17 **MR. AIKMAN:** Yes. We did, yes. Sorry.

18 **MR. CALLAGHAN:** And I just want to highlight
19 just because we're going to hear about what's current more
20 tomorrow. And if I can take you, say, for example, to
21 Chief Repa who was a former chief of police here in
22 Cornwall, what type of community policing was involved at
23 that stage?

24 **MR. AIKMAN:** In 1995, Chief Repa formed a
25 community consultation committee or community advisory

1 committee which was empanelled to provide him feedback from
2 the community in regards to the community needs, similar to
3 the process that we recently undertook in regards to our
4 business plan. That committee submitted a report to Chief
5 Repa and it contained a series of recommendations in
6 regards to the establishment of storefront policing
7 operations, bicycle patrol, foot patrol, those sorts of
8 initiatives. It also recommended the subdividing of the
9 city into smaller policing zones, which many of those
10 recommendations were actually implemented.

11 **MR. CALLAGHAN:** And those smaller zones,
12 what impact did they have?

13 **MR. AIKMAN:** Prior to that date, prior to
14 1995, the City of Cornwall was, in essence, divided into
15 two very large patrol zones. We further subdivided the
16 community into six smaller zones which allowed officers to
17 have more intimate knowledge of the community in which they
18 were working and patrolling.

19 I was assigned as the officer in charge of
20 one of those community zones. So I was responsible for
21 maintaining a community consultation committee which would
22 have had input in regards to problems which were specific
23 to that area in the city.

24 **MR. CALLAGHAN:** And how did you ascertain
25 what the problems are in an area?

1 **MR. AIKMAN:** Through consulting with the
2 community.

3 **MR. CALLAGHAN:** And how did the Cornwall
4 Community Policing Program compare with what was going on
5 in the province at that time in the mid-'90s?

6 **MR. AIKMAN:** I believe it was a reflection
7 of what other trends were going on in the Province of
8 Ontario at the time.

9 **MR. CALLAGHAN:** And just to be clear, in
10 terms of foot patrol, storefront policing, and the other
11 items you referred to, how does that apply to the current
12 philosophy of community policing in Ontario?

13 **MR. AIKMAN:** It's still valid. Those
14 strategies are still valid in regards to community
15 policing. In our particular experience, though, some of
16 them have been tried and set aside and other strategies
17 implemented such as the storefront operations. When you
18 have a community the size of Cornwall and a storefront
19 policing operation that is located a block and a half away
20 from our main headquarters, it's not very practical.

21 **MR. CALLAGHAN:** Right. Thank you.
22 Those are my questions.

23 **MR. AIKMAN:** Thank you.

24 **THE COMMISSIONER:** Mr. Engelmann.

25 **MR. ENGELMANN:** I have a couple of

1 questions. I'm just a little concerned and I just want to
2 make a comment.

3 I don't know if anybody wants to cross-
4 examine on the community policing portion. That isn't an
5 area that I covered.

6 I just think we have to be careful. I am
7 going to be covering that with the Chief. I'm just
8 concerned that when counsel do re-examine after an
9 examination, that they stick to re-examination, because if
10 they don't, we may get into this awkward situation where
11 all other counsel wish to cross-examine because we're
12 covering a new area.

13 So it's just a caution.

14 **THE COMMISSIONER:** Point well taken.

15 **MR. CALLAGHAN:** If I could just say
16 something ---

17 **THE COMMISSIONER:** No, no.

18 **MR. CALLAGHAN:** As a matter of practice, I
19 advised my friend that I would examine on that specific
20 issue because ---

21 **THE COMMISSIONER:** Because why?

22 **MR. CALLAGHAN:** Because Mr. Aikman was
23 there. They asked for community policing. He was here at
24 the time. I asked -- I advised -- sorry, I thought maybe
25 you were asking me to go out the door.

1 No, but I think -- I'm happy to talk to my
2 friend about the ground rules because I think it is
3 important, but in my experience in public inquiries, it is
4 a little unusual, since I did not call the evidence -- if
5 they choose not to call evidence I suggest they might
6 choose or I tell them they would, then the re-examination,
7 I would have thought, would entitle us to raise issues.

8 **MR. ENGELMANN:** We had a misunderstanding,
9 obviously.

10 **THE COMMISSIONER:** Well, we're going to
11 continue this tomorrow.

12 **MR. ENGELMANN:** Well, I have ---

13 **THE COMMISSIONER:** Tomorrow.

14 **MR. ENGELMANN:** Okay.

15 **THE COMMISSIONER:** Tomorrow.

16 You will be here tomorrow, won't you, sir?

17 **MR. AIKMAN:** I will.

18 **THE COMMISSIONER:** There you go.

19 So we can reflect and ponder about all the
20 community policing on a fresh day tomorrow morning. Thank
21 you.

22 **THE REGISTRAR:** Order; all rise. À l'ordre;
23 veuillez vous lever. This hearing of the Cornwall Public
24 Inquiry is now adjourned.

25 --- Upon adjourning at 4:33 p.m./

1 L'audience est ajournée à 16h33

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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