

**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 23**

**Held at :**

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

Thursday, April 27, 2006

**Tenue à:**

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

Jeudi, le 27 avril 2006

**Appearances/Comparutions**

Mr. Pierre R. Dumais	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. Peter Manderville Ms. Reena Lalji	Cornwall Police Service Board
Mr. Neil Kozloff Acting Supt. Colleen McQuade Ms. G. Saccoccio Brannan, Q.C.	Ontario Provincial Police
Mr. Joe Neuberger Mr. Mike Lawless	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee Ms. Lauren Schellenberger	Victims Group
Mr. David Bennett	The Men's Project
M <sup>e</sup> André Ducasse	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Jose Hannah-Suarez	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police Association
Me Pierre R. Dumais	Detective Wendy Leaver

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1 --- Upon commencing at 10:08 a.m./

2 L'audience débute à 10h08

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. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning, all.  
10 Monsieur Dumais.

11 **MR. DUMAIS:** Good morning, Mr. Commissioner.  
12 I'd like to call up our next witness,  
13 Detective Wendy Leaver.

14 **THE COMMISSIONER:** Thank you.

15 **WENDY LEAVER, Sworn/Assermentée:**

16 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
17 DUMAIS:

18 **MR. DUMAIS:** Good morning, Detective. You  
19 should have a book of documents to your right, and before  
20 we proceed, I just would like you to have a look at it and  
21 identify the different tabs.

22 The first tab is an index with a table of  
23 contents of all the documents you will be referring to  
24 today.

25 **MS. LEAVER:** Yes.

1                   **MR. DUMAIS:** And Tab 1 is a resume. Is that  
2 a resume that you provided to the Commission and is that a  
3 current resume?

4                   **MS. LEAVER:** Yes, it is.

5                   **MR. DUMAIS:** And at Tab 2 there is a  
6 biography and is that a current biography as well?

7                   **MS. LEAVER:** Yes, it is.

8                   **MR. DUMAIS:** And at Tab 3 is a document  
9 entitled "Outline of Evidence", and is this a summary of  
10 the evidence you will provide to the Commission today?

11                   **MS. LEAVER:** Yes, it is.

12                   **MR. DUMAIS:** All right. And I'll ask you to  
13 identify one last document as well. It's the one located  
14 at Tab 4 of the Book of Documents which is entitled  
15 "Committee on Sexual Offences Against Children and Youths"  
16 and which is dated December 1<sup>st</sup>, 1981.

17                   Can you identify that document for us,  
18 please?

19                   **MS. LEAVER:** Yes. It was a letter from  
20 Robin Badgley. He chaired the federal government study on  
21 sex offences against children, outlining the work that I  
22 did and was doing with the committee at that time.

23                   **MR. DUMAIS:** All right. Then if I can turn  
24 your attention to Tab 1, Detective Leaver.

25                   I apologize. Perhaps the witness should be

1 sworn in. Has she been sworn in? All right.

2 **THE COMMISSIONER:** All right. So that's it.  
3 So we should file the Book of Documents as Exhibit 33.

4 **--- EXHIBIT NO./PIÈCE NO P-33:**

5 BOOK OF DOCUMENTS - Detective Wendy  
6 Leaver

7 **MR. DUMAIS:** Thank you, Commissioner.

8 Detective Leaver, I understand that you've  
9 been employed by the Toronto Police Services since 1975.

10 **MS. LEAVER:** Yes, I have.

11 **MR. DUMAIS:** And prior to being employed by  
12 them, I understand that you completed some schooling and  
13 that's at Tab 1, page 1 of your resume. Is that correct?

14 **MS. LEAVER:** Yes.

15 **MR. DUMAIS:** And perhaps you can give us an  
16 idea of what you did before becoming a police officer.

17 **MS. LEAVER:** Before I was a police officer,  
18 I was at Marianopolis College where I obtained a Bachelor  
19 of Arts Degree. I also attended in 1975 Ryerson  
20 Polytechnical Institute where I received a Certificate in  
21 Social Work and I then joined the Toronto Police Service.

22 **MR. DUMAIS:** All right. And your resume  
23 indicates at 1974 that you obtained a BSW.

24 **MS. LEAVER:** Yes.

25 **MR. DUMAIS:** It should rather be a BA. Is

1 that correct?

2 **MS. LEAVER:** Yes, it does.

3 **MR. DUMAIS:** Simply a typo.

4 Now, if we can look at your professional  
5 employment and if we can start firstly when you were first  
6 employed by the Toronto Police Service back in 1975, if you  
7 can indicate to us you were employed in what capacity and  
8 what you were doing at that time.

9 **MS. LEAVER:** I was a uniformed officer in 55  
10 Division at east end of the City of Toronto and I basically  
11 worked in general uniform patrol, basically answering radio  
12 calls as a uniformed officer.

13 **MR. DUMAIS:** And then in 1977, you were  
14 transferred to the Youth Bureau?

15 **MS. LEAVER:** Yes, I was, 51 Division and I  
16 worked with a senior investigator in youth crimes in that  
17 area.

18 **MR. DUMAIS:** And what's the difference  
19 between being a general patrol officer and being assigned  
20 to the Youth Bureau?

21 **MS. LEAVER:** General patrol officer is  
22 working in a car on the streets answering general calls of  
23 all types. An investigator in the Youth Bureau is an  
24 investigator dealing with crimes involving youth.

25 **MR. DUMAIS:** All right. And I note from

1 your resume that it indicates you were investigating crimes  
2 involving children ---

3 MS. LEAVER: Yes.

4 MR. DUMAIS: --- that were less than 16  
5 years old.

6 MS. LEAVER: Yes.

7 MR. DUMAIS: Is the age the age of the  
8 victims or the age of the perpetrators?

9 MS. LEAVER: The age of the victims and the  
10 perpetrators.

11 MR. DUMAIS: All right. So any victims ---

12 MS. LEAVER: Both.

13 MR. DUMAIS: --- and any perpetrators less  
14 than 16 would be handled by the Youth Bureau division?

15 MS. LEAVER: Yes, if the incident happened  
16 within 51 Division, yes.

17 MR. DUMAIS: All right. Now, between 1979  
18 and 1981, you were involved again with the Toronto Police  
19 Services in Planning and Research Unit. Can you explain to  
20 us what that is?

21 MS. LEAVER: It's a unit that is manned by  
22 officers basically who work on policies and procedures for  
23 the police service. It may be as a result of changes  
24 within our policies and procedures, new initiatives that  
25 develop. It's a wide variety of work that is done but it's

1 centered around the policies and procedures.

2 MR. DUMAIS: All right. And does that unit  
3 deal with training as well?

4 MS. LEAVER: No, it doesn't. It's mostly  
5 administrative writing and routine orders, policies and  
6 procedures.

7 MR. DUMAIS: Now, from 1981 to 1985, my  
8 understanding is that you were seconded to the federal  
9 government. Perhaps you can explain to us what that is and  
10 what you did during those years.

11 MS. LEAVER: The Robin Badgley Study was a  
12 study on sex offences against children and the mandate was  
13 to examine the number of sex offences involving children  
14 across this country and basically examining the adequacies  
15 of the laws.

16 During the time that I was seconded, my main  
17 responsibility was for the development and the  
18 implementation of a child prostitution study across Canada.  
19 I developed the protocol and implemented the protocol and  
20 hired the people to do the research across Canada. At that  
21 time, we worked under the leadership of Dr. Badgley and  
22 carried out an extensive review of young prostitutes. We  
23 were dealing with basically prostitutes under the age of  
24 16.

25 MR. DUMAIS: All right. And I'm now

1 referring to Tab 4 which is the letter of Professor Badgley  
2 to Chief Jack Ackroyd, page 2 of that letter, and he  
3 indicates that in describing the general duties you were to  
4 perform in his request to have the secondment extended ---

5 **MS. LEAVER:** Right.

6 **MR. DUMAIS:** --- that you were to obtain  
7 information regarding sexual offences, that you were to  
8 obtain information regarding juvenile prostitution, that  
9 you were to identify special documentation cases of incest  
10 and pedophilia.

11 **MS. LEAVER:** Yes.

12 **MR. DUMAIS:** You were to identify police  
13 force strategies in dealing with these issues and you were  
14 to deal with problems or to set out the problems involved  
15 in interagency cooperation and enforcement.

16 **MS. LEAVER:** Yes.

17 **MR. DUMAIS:** And did you actually perform  
18 these duties after the secondment was extended?

19 **MS. LEAVER:** As a result of the secondment  
20 being extended, I did do site visits to approximately 20  
21 police forces across Canada. The majority of my work was  
22 in setting up the protocols for the child prostitution  
23 study, also for researching the -- setting up the protocols  
24 so that we could gather information from the occurrences  
25 involving sex offences against children from across Canada.

1 I was involved somewhat in some of the  
2 interviews of child prostitution in the Toronto area but  
3 the majority of my work was in setting up the protocols  
4 involved in hiring the people and gathering the  
5 information.

6 MR. DUMAIS: All right. And in the course  
7 of those duties, did you travel to those police forces?

8 MS. LEAVER: Yes, I did.

9 MR. DUMAIS: All right. And out of those 20  
10 police forces, were approximately 12 of them located in the  
11 Province of Ontario?

12 MS. LEAVER: Yes.

13 MR. DUMAIS: All right. And who were you  
14 meeting with when you were going to these local police  
15 forces?

16 MS. LEAVER: We were meeting with senior  
17 officers, if the chief was available, the deputy chief or  
18 the superintendent, but we were meeting with senior  
19 officers and also the officer involved working on the  
20 street with young people, especially the prostitutes.

21 MR. DUMAIS: All right. And were you  
22 involved at all, once the data was collected, in attending  
23 the weekly meeting with Professor Badgley and analyzing the  
24 data and making some of the recommendations?

25 MS. LEAVER: Yes. Most of our involvement,

1 we did have weekly meetings. We assisted in the analysis  
2 mostly in relation to the input from our field experience.

3 **MR. DUMAIS:** Now, from -- and you completed  
4 that sometime in 1985 and then from 1985 to 1986, my  
5 understanding is you joined the joint forces with the OPP  
6 on the Pornography Unit.

7 **MS. LEAVER:** Yes, I did.

8 **MR. DUMAIS:** Perhaps you can explain to us  
9 what that was.

10 **MS. LEAVER:** Yes. It's a joint forces  
11 project run by the OPP that partnered with the Toronto  
12 Police Service and we investigated complaints involving  
13 child and adult pornography across Ontario. We worked in  
14 partnership with an OPP officer and a Toronto officer and  
15 we worked out of the OPP detachment.

16 **MR. DUMAIS:** Okay. And were you working on  
17 a specific case or were you ---

18 **MS. LEAVER:** No, general cases and general  
19 complaints that came in in that area.

20 **MR. DUMAIS:** All right. And were you  
21 seconded to them or were you simply a representative of the  
22 Toronto Police Services?

23 **MS. LEAVER:** I was seconded to them.

24 **MR. DUMAIS:** Now, in 1986, you returned to  
25 the Toronto Police Services as a sergeant. Is that

1 correct?

2 **MS. LEAVER:** I did.

3 **MR. DUMAIS:** All right. And what did you do  
4 there for the next five years?

5 **MS. LEAVER:** I was a uniform sergeant  
6 working out of the west end of the city in 14 Division,  
7 basically involved in the supervision of uniformed officers  
8 that were on my platoon.

9 **MR. DUMAIS:** All right. You were not  
10 specifically dealing with sexual assault investigations?

11 **MS. LEAVER:** No, just general patrol,  
12 general calls, but mostly supervision of the officers  
13 working on the street.

14 **MR. DUMAIS:** Although I do take it that from  
15 time to time you would come across sexual assault  
16 investigations?

17 **MS. LEAVER:** Absolutely. Uniform sergeants  
18 would have to attend the calls initially before the  
19 investigators would arrive.

20 **MR. DUMAIS:** All right. And in 1991, you  
21 were transferred and became a sexual assault investigator  
22 with the Sex Crimes Unit. Perhaps you can describe to us  
23 what that unit is and how you came to be transferred to  
24 that unit.

25 **MS. LEAVER:** Sex Crimes Unit, which was

1 called the Sexual Assault Squad at that time, was initiated  
2 as a result of the Paul Bernardo case and thanks probably  
3 to the input from women's groups and concerns across  
4 Toronto that there was no specialized unit dealing with the  
5 crime of sexual assault. The unit was formed again as a  
6 result of the Paul Bernardo case and it was -- officers  
7 that were assigned there, we dealt directly with sexual  
8 offences against adults by unknown offenders. So if a  
9 victim, male or female, was sexually assaulted by someone  
10 they did not know or it was a serial offender, our unit  
11 would take over the case from the division.

12 **MR. DUMAIS:** All right. And did you receive  
13 any type of specialized training before you were affected  
14 to that unit?

15 **MS. LEAVER:** Initially, training --  
16 specialized training began with the Toronto Police probably  
17 in about early '90s and we did have a specialized training  
18 course out of C.O. Bick. Several of us also attended  
19 Quantico, the FBI Academy, in relation to dealing with Roy  
20 Hazelwood who had developed the unit in the FBI in relation  
21 to profiling of sex offenders and they were able to share  
22 their information with us and the research they have done  
23 in relation to serial offenders and that is one of the main  
24 investigative cases that our team would be looking at would  
25 be the serial offenders.

1                   **MR. DUMAIS:** All right. Now, shortly or a  
2 short period of time after being affected to that unit, you  
3 became a sexual assault coordinator and that was in 2004.  
4 Is that correct?

5                   **MR. DUMAIS:** Yes.

6                   **MR. DUMAIS:** And how do your duties differ  
7 from being a sexual assault investigator?

8                   **MS. LEAVER:** Well, as a result of a study  
9 that was done on our unit by the City of Toronto and also  
10 as a result of the Jane Doe inquiry, the service developed  
11 a sexual assault coordinator basically to liaison with the  
12 community. So what my job involved is developing contacts  
13 with the agencies that also deal with sexual assault  
14 victims to establish a rapport, to establish a relationship  
15 so that we could work together and also making our service  
16 more readily available to the community,

17                   And I think it involved in the first year or  
18 so dealing with about 100 agencies in the city and to make  
19 them aware of what service we provided, to be more  
20 transparent and to be more available to the community and  
21 especially to those agencies who were also dealing with  
22 victims of sexual assault. Because what we would find is a  
23 lot of the agencies had no idea of the services that we  
24 provided, that if the police were called, their first  
25 contact was a uniformed officer and sometimes that went

1 well, sometimes it did not.

2 So we basically did an outreach program,  
3 brought them onboard, attempted to establish committees to  
4 let them know exactly what we were doing and how we were  
5 doing it and also to assess what their needs were and what  
6 problems that they saw that the service was doing that we  
7 should address. It was more openness and more transparency  
8 that was needed in the community.

9 **MR. DUMAIS:** Right. Now, Detective, does  
10 that mean that you are no longer involved in any type of  
11 investigations with the Sex Crimes Unit?

12 **MS. LEAVER:** No, it doesn't. As a result of  
13 being in that position and possibly because of the lack of  
14 manpower and resources that we do have in our service, in  
15 the past five to six years, I've been involved in  
16 approximately five historical sexual assaults, three of  
17 them involving institutions.

18 They come to our unit because of the  
19 expertise that we can provide in that area. Also we're  
20 finding with historical sexual assaults, because of the  
21 enormity of such an investigation, it's very difficult for  
22 divisions to undertake those types of investigations. They  
23 don't have the manpower. They don't have the resources.  
24 And sometimes they don't have the expertise.

25 **MR. DUMAIS:** Right.

1                   **MS. LEAVER:** So they end up on my desk.

2                   **MR. DUMAIS:** Perhaps you can give us an idea  
3 of the number of investigations that you have supervised or  
4 been involved with regarding historical sexual assaults  
5 over the last 15 years or so, ever since you've been  
6 affected to that unit?

7                   **MS. LEAVER:** Probably approximately about  
8 30. The majority have involved institution from maybe  
9 small schools to churches. Some have been individuals that  
10 weren't connected with any type of institution.

11                   **MR. DUMAIS:** All right.

12                   Now, you've indicated that most of these  
13 cases end up on your desk. Does that mean that you're the  
14 go-to person for Toronto Police Service or for that unit to  
15 have care to these investigations?

16                   **MS. LEAVER:** Yes. Because of my experience  
17 and also depending on how heavy the workload may be on our  
18 end, we may assist the division. It's very difficult to  
19 second any type of assistance nowadays, with the drain on  
20 the manpower and the resources. So when we do get these  
21 historical sexual assaults, it's very important that  
22 there's some experience behind, so that the investigation  
23 is done properly.

24                   **MR. DUMAIS:** All right.

25                   Now, if we can then just -- and I'm looking

1 at page 3 of your resume, if you can give us an indication  
2 of how you've been involved in different educational  
3 activities, sharing with your experience, your involvement  
4 with the training, starting with the first bullet; so  
5 between 1985 and 1985, your involvement with the University  
6 of Toronto.

7 **MS. LEAVER:** Because my involvement with Dr.  
8 Robin Badgley who was connected to the University of  
9 Toronto and my involvement in working with street workers,  
10 I was asked by him and another woman, Catherine Clarkson,  
11 who worked for the Department of Social Sciences, if I  
12 would develop some type of presentation for first-year  
13 medical students at the faculty of medicine in dealing with  
14 pedophiles and also dealing with sex workers on the street.

15 So we developed a course in profiling  
16 pedophiles to give them an idea of who they were, how they  
17 operated and also did presentation on sex workers. But  
18 what we were also able to do, is do some street work,  
19 because at that time how active -- which it still is in  
20 Toronto with the street workers working on the streets --  
21 we would take medical students out with us. Myself and my  
22 partner who I worked with at that time, knew a lot of the  
23 sex workers on the street. So we would introduce them to  
24 the medical students and they had an opportunity to ask  
25 them questions. It was quite, I think, beneficial to them.

1                   I can recall about five years later meeting  
2                   a medical student who came up to me and said to me, "You  
3                   know what? I'm doing part-time work in a street health  
4                   organization thanks to you and your presentation." So it's  
5                   a bit of a reality for that group.

6                   **MR. DUMAIS:** All right.

7                   And you were involved in giving that  
8                   presentation or giving that lecture between '85 and '89?

9                   **MS. LEAVER:** Yes, I was.

10                  **MR. DUMAIS:** All right.

11                  And then my understanding is that you were  
12                  involved as well in assisting in the development of the  
13                  sexual assault and child abuse training course at C.O.  
14                  Bick.

15                  **MS. LEAVER:** Yes.

16                  **MR. DUMAIS:** What has been your involvement  
17                  in setting up that course and have you followed up with  
18                  that in giving that course lately?

19                  **MS. LEAVER:** It was initially in setting up,  
20                  just getting together with the group of us that were  
21                  assigned and especially being from the Sex Crimes Unit, to  
22                  decide what courses would be necessary to qualify our  
23                  officers to work with victims of sexual assault. Victim  
24                  management was a major concern as was victim interviewing.

25                  My contribution was that, from that date on

1           until now, I still lecture on victim interviewing, victim  
2           management, false allegations. Up until two years ago, I  
3           was doing the pedophile investigation presentation, but we  
4           now have a Sexual Exploitation Unit in part of the Sex  
5           Crimes Unit that investigates internet crime connected to  
6           pedophiles. So that unit has taken over the pedophile  
7           lecture.

8                           **MR. DUMAIS:** All right.

9                           Now, I understand that in January of 1985,  
10           you had the occasion to attend a national conference in Sao  
11           Paulo, Brazil.

12                          **MS. LEAVER:** Yes, I did.

13                          **MR. DUMAIS:** Can you explain to us what was  
14           your involvement with that conference?

15                          **MS. LEAVER:** Sao Paulo, Brazil is a sister  
16           city to Toronto and I was asked by the Department of Health  
17           to attend with them. I presented basically an information  
18           paper and a PowerPoint presentation on how we, in Canada,  
19           investigate sexual assault and domestic violence.

20                          **MR. DUMAIS:** As well, in December of 1998,  
21           you attended an international seminar in Equador. What was  
22           your involvement in that country?

23                          **MS. LEAVER:** That was also -- it was an  
24           international seminar with 17 countries present and it was  
25           on women, human rights and police and judicial systems.

1 Again, I presented lectures on sexual assault  
2 investigations, domestic violence and how we basically  
3 carry out these investigations in Canada.

4 **MR. DUMAIS:** All right.

5 The summary indicates that you were a  
6 representative of the Canadian government. How did you  
7 come about being asked to attend at that conference?

8 **MS. LEAVER:** These things are strange. One  
9 day you're told.

10 I believe my name was referred through  
11 Women's College Hospital Sexual Assault Care Centre, who  
12 has close connection with the World Health Organization and  
13 I believe they were looking for a police officer who could  
14 speak to those issues and I believe my name went through  
15 through Women's College Hospital.

16 **MR. DUMAIS:** All right.

17 Now, from 1998 to 2004, you were involved in  
18 developing a course for the Royal Canadian Mounted Police.  
19 My understanding is that you prepared that course through a  
20 private contract and not through your employment at Toronto  
21 Police Services.

22 **MS. LEAVER:** That's right. I did.

23 **MR. DUMAIS:** All right. Can you explain to  
24 us what you did and whether or not you were involved in  
25 delivering that course afterwards?

1                   **MS. LEAVER:** I was approached by a member of  
2 the RCMP from the community service area, I believe. I  
3 think it was 1997. And the RCMP were looking for a sexual  
4 assault investigators course. As a result of that, we  
5 developed a course along with Gerry Creasy who is a child  
6 psychologist, Sharon Hart who works for the Toronto Child  
7 Abuse Centre and Scott Hutchison who is a Crown attorney in  
8 the City of Toronto, and we delivered a two week course.

9                   The first week was dealing with adult sexual  
10 assault. That covered legal issues, victim interviewing,  
11 victim management, false allegation and pedophile  
12 investigation. The second week was a week devoted to  
13 dealing with child sexual abuse issues and it was run by  
14 Gerry Creasy and Sharon Hart. It involved interviewing  
15 children, under seven, over seven and teenagers.

16                   Also we had a practical component to it, in  
17 that Sharon Hart from the Child Abuse Centre would go with  
18 the RCMP officer who was attached to the local school,  
19 wherever we were teaching, and we would have access to  
20 children, five to six years of age that would be brought  
21 in. And the practical part of that was having the  
22 officers, after the child viewed a cartoon, interview the  
23 child on this issue. It brought a practical point to how  
24 to interview children, what children view and how they  
25 relate it back.

1                   **MR. DUMAIS:** All right.

2                   Were you involved in the delivery of that  
3                   course as well?

4                   **MS. LEAVER:** Yes, I was.

5                   **MR. DUMAIS:** All right. So does that mean  
6                   that you travelled to different communities across Canada  
7                   to deliver that course?

8                   **MS. LEAVER:** Yes, we did. Yes, we travelled  
9                   to every province, I believe except Saskatchewan and New  
10                  Brunswick. We were in Nunavut, Northwest Territories also.

11                  **MR. DUMAIS:** All right. Is it fair to say  
12                  that you're delivering that course to small communities as  
13                  well?

14                  **MS. LEAVER:** Very small communities in the  
15                  majority of places, small detachments with the RCMP.

16                  **MR. DUMAIS:** All right.

17                  Now, and finally, you were involved in  
18                  developing a course for the Canadian Forces as well. Can  
19                  you explain to us what that was?

20                  **MS. LEAVER:** Yes, we were. Yes. That  
21                  course, same course, however it was delivered in Ottawa.

22                  **MR. DUMAIS:** All right. Is that course  
23                  still being delivered by yourself or ---

24                  **MS. LEAVER:** No, it isn't.

25                  **MR. DUMAIS:** All right. So you simply set

1 up a course and ---

2 **MS. LEAVER:** Yes, and delivered it for  
3 approximately, I believe, two to three years. Yes.

4 **MR. DUMAIS:** Fine.

5 Now, between December 2000 and November  
6 2005, my understanding is that you have travelled to London  
7 as well.

8 **MS. LEAVER:** Yes.

9 **MR. DUMAIS:** I believe that's as a result of  
10 your involvement with the Mennonites in the City of  
11 Toronto.

12 **MS. LEAVER:** Yes.

13 **MR. DUMAIS:** Perhaps you can explain to us  
14 what you did over there and what's been your involvement  
15 with that conference?

16 **MS. LEAVER:** Since 1995, I do volunteer work  
17 with the Mennonite Central Committee Circle of Supports.  
18 It is a project started in Ontario that supports high risk  
19 sex offenders and pedophiles coming out of the system.  
20 Basically, it assists them to their reintegration into the  
21 community. Because of the problems, because of the media  
22 coverage and the problems that these individuals have,  
23 their rate of possibility of basically re-offending is very  
24 high when there is no support when they come out of the  
25 system.

1           As a result of the work that has been done  
2           in Ontario, London, England has developed also a Circle of  
3           Support to deal with their pedophiles and high risk  
4           offenders coming out of the system. In December 2000,  
5           November 2005 and in May of this year and those past years,  
6           I have gone over to basically speak about the experiences I  
7           have had as a police officer investigating sexual assault,  
8           but also as a volunteer supporting sex offenders as part of  
9           Circle of Support, when they come out of the system.

10           **MR. DUMAIS:** And those training sessions,  
11           detective, have been given to police, probation, parole and  
12           penitentiary personnel in London?

13           **MS. LEAVER:** Yes. It's basically the people  
14           that the -- in England, it's run by the Quakers, supported  
15           by the Home Office financially and it's very important that  
16           police are onboard and work in partnerships with the  
17           communities that do support the offenders that come out of  
18           the system.

19           **MR. DUMAIS:** Detective, between 2001 and  
20           2003, you were a guest speaker at the University of Toronto  
21           delivering lectures on forensic science topics involving  
22           your work.

23           **MS. LEAVER:** Yes, just interest to the  
24           students in relation to how we handle our cases, the  
25           importance of DNA and forensic evidence.

1                   **MR. DUMAIS:** In March of 2005, you did  
2 travel to Jordan and you did deliver a two-week sexual  
3 assault training course to their police force?

4                   **MS. LEAVER:** I did.

5                   **MR. DUMAIS:** Perhaps you can just explain to  
6 us what that experience ---

7                   **MS. LEAVER:** I tell you, I swam in the Dead  
8 Sea. That's what I remember.

9                   As a result of the work done by the Circle  
10 of Support, Corrections Canada had invited several  
11 countries for a conference in Canada and that and other  
12 topics. As a result, representatives from Amman, Jordan  
13 and from Egypt, from the military and the police, were  
14 stationed in Toronto.

15                   I was approached and asked -- since  
16 especially in Amman, Jordan, they were beginning to build a  
17 sexual assault unit with their officers and they were also  
18 looking into the forensic end. So I was asked if for five  
19 days I could take them around to see judges, prosecutors,  
20 police involved in sexual assault and domestic violence  
21 situations, and also introduce them to our people and how  
22 we do the job, which I did.

23                   As a result of that, I had an invitation to  
24 return to Jordan to do presentations on victim management,  
25 dealing with children in sexual assault investigations,

1 profiling of offenders and false allegations, which I  
2 readily accepted.

3 **MR. DUMAIS:** My understanding is that in  
4 addition, you've been a regular lecturer for the Canadian  
5 Police College, the Ontario Police College, and the Law  
6 Society of Upper Canada as well as many other organizations  
7 ---

8 **MS. LEAVER:** Yes, I have.

9 **MR. DUMAIS:** --- that are listed in the last  
10 page of your resume.

11 On that note, Commissioner, and subject to  
12 the questions that my friends my have, I wish to qualify  
13 Detective Wendy Leaver as an expert in the investigation,  
14 and training of sexual offences and historical sexual  
15 offences.

16 **THE COMMISSIONER:** All right.

17 Any questions from any of the parties? No.  
18 So ordered then. Thank you.

19 **MR. DUMAIS:** Thank you, Commissioner.

20 Perhaps, Detective, then, if I can turn your  
21 attention to Tab 3 of your Book of Documents, which is your  
22 outline and if we can start back in time, Detective, and  
23 give us an idea of what it was like to be a new recruit, a  
24 new police officer investigating sexual offences in the  
25 late '70s and early '80s, starting with what awareness that

1 the police force had at that time of those types of crimes.

2 **MS. LEAVER:** I think during that time there  
3 was very little awareness and very little was known. I  
4 believe that cases that could be prosecuted, that fit  
5 within the law at that time before Bill C-15, were  
6 prosecuted. However, as an officer on the street or even  
7 working in the Youth Bureau, very few cases were reported.  
8 I can recall that if it was reported -- the one I can  
9 recall because there was a pregnancy involved. If a case  
10 was reported, it was usually turned over to the Children's  
11 Aid. And what I can recall officers doing would be  
12 assisting the Children's Aid Society in visiting the home,  
13 apprehending the child, speaking to the parents, but very  
14 little reporting of these cases.

15 **MR. DUMAIS:** And is it fair to say as well  
16 that when there was reporting and when the reporting was  
17 done by a child, there was a tendency to disbelieve the  
18 information that the child was providing?

19 **MS. LEAVER:** Yes. I would think that there  
20 was very little weight at that time given to the evidence  
21 of children, especially in sexual assault cases. And there  
22 was almost a hesitation to convict on the -- you know, on  
23 basically the evidence of a child alone. And people  
24 believed it didn't happen. People just believed it did not  
25 happen, nor did we have the law to back us up.

1                   **MR. DUMAIS:** Now, Detective, if you can give  
2                   us an idea now as to what training was available during  
3                   those days. Would you recall, as being a new recruit, the  
4                   training that you completed regarding the investigation of  
5                   these specific offences?

6                   **MS. LEAVER:** There was very little training.  
7                   In fact, there was no specialized training. The Youth  
8                   Bureau would receive limited training but basically it was  
9                   on the offences itself, what made up the offences and you  
10                  may be taking a look at the *Child Welfare Act*, but there  
11                  was no specialized training, no skill training in any of  
12                  the areas of interviewing, victim management, how to  
13                  investigate sexual assault. You were strictly dealing with  
14                  the laws, what made up the laws, what we needed to prove.

15                  **MR. DUMAIS:** All right. And is that what  
16                  you mean, Detective, when you indicate that the training  
17                  that you received were facts in issue and "ingredients for  
18                  the offences and..." ---

19                  **MS. LEAVER:** Absolutely.

20                  **MR. DUMAIS:** --- "...information on the *Child*  
21                  *Welfare Act*"?

22                  **MS. LEAVER:** Yes.

23                  **MR. DUMAIS:** Is it fair to say then that you  
24                  were receiving training on what were the requirements of  
25                  the law and the specific elements of the offence ---

1 MS. LEAVER: Yes.

2 MR. DUMAIS: --- but not necessarily  
3 training in the specific investigation?

4 MS. LEAVER: No. It's the same type of  
5 training you'd receive for how to -- basically how to  
6 investigate a break and enter.

7 MR. DUMAIS: All right.

8 And when you were affected to the Youth  
9 Bureau officers -- the Youth Bureau office, sorry, is it  
10 fair to say as well that you received limited training in  
11 this area at the C.O. Bick College as well?

12 MS. LEAVER: Yes, there was no specialized  
13 training available.

14 MR. DUMAIS: So you mentioned in your  
15 outline that there was no specific training on  
16 interviewing, historical allegations, first -- the  
17 importance of first interviews, ---

18 MS. LEAVER: Right.

19 MR. DUMAIS: --- how to verify or disprove  
20 allegations and when to bring in experts.

21 MS. LEAVER: Yes.

22 MR. DUMAIS: Nothing that you recall  
23 specific training?

24 MS. LEAVER: No.

25 MR. DUMAIS: All right.

1                   Then if we can look at the area of  
2                   investigations as a result of a lack of awareness and a  
3                   lack of training, how did that affect the investigations  
4                   and how you and your unit were successful in conducting  
5                   those investigations.

6                   **MS. LEAVER:** I think during the '70s and  
7                   '80s, we did not have the laws to back us up in dealing  
8                   with children and what I can recall seeing in the courts is  
9                   the defence would hold seminars in how to investigate and  
10                  how to question sexual assault victims, literally tear them  
11                  apart.

12                  There was also a problem during the '70s and  
13                  the '80s and even possibly going into the '90s where we had  
14                  some recognizable phenomena such as the false memory  
15                  syndrome. And what I can recall is Alan Gold, who is a  
16                  very good defence counsel, almost single-handedly convinced  
17                  a lot of people, judges, Crowns, police that basically  
18                  children made something up. We didn't have anything on the  
19                  other side, any compensating features to back the children  
20                  up at that time.

21                  And one case I can recall having a young  
22                  child in court and I believe he was possibly seven or eight  
23                  -- I'm not too sure -- at that time and I wasn't the  
24                  officer in charge. I remember my partner was, but I can  
25                  remember sitting in court and the child coming in and the

1 court officer saying to the little boy, "Come on up here,  
2 son" and the next thing I knew is the little boy was hiding  
3 under the desk because he was terrified of the court  
4 situation. And I can remember the impatience of the judge  
5 who stood up and left the bench and said, "Call me when we  
6 can do this properly."

7 So at that time I don't believe children had  
8 a chance in the court system at all.

9 **MR. DUMAIS:** All right. And as a result of  
10 those difficulties, is it fair to say that there was a  
11 tendency on the part of police officers to resolve these  
12 cases without charging?

13 **MS. LEAVER:** Absolutely, if there was a  
14 possibility especially to find that maybe a father would  
15 make amends, you know, "Uncle Joe is crazy, don't worry  
16 about it. We won't see him again. Everything is going to  
17 be all right." And there was also the belief that children  
18 were resilient, that we couldn't see any physical injury  
19 and no problem. Children will bounce back. And I think of  
20 the pedophile investigations that I've done where I now  
21 have men in their thirties and forties that are alcoholics  
22 and drug abusers as a result of what happened to them then,  
23 and children are not resilient without help or support.

24 **MR. DUMAIS:** Detective, were you able to  
25 witness circumstances where, as a result of those

1 difficulties with the make up of the laws or the way that  
2 the court were treating these cases, where police officers  
3 were not even bothering in doing a proper investigation?

4 **MS. LEAVER:** I think police do the  
5 investigation, the best investigation they can. Do you get  
6 discouraged? Yes. If we take a look at the *Askov* decision  
7 in, I believe, the late '80s, early '90s when all of a  
8 sudden all the work you put into cases, serious cases,  
9 sexual assaults against women, domestic assaults, sexual  
10 assaults of children are -- boom, are gone. It can be very  
11 discouraging, absolutely.

12 **MR. DUMAIS:** So it was affecting the way  
13 police officers were conducting these investigations then?

14 **MS. LEAVER:** Yes. We didn't have the  
15 support of the courts and we could put in all the  
16 occurrences and all the information, but it was going  
17 nowhere.

18 **MR. DUMAIS:** Now, if we can look, then, at  
19 the late '70s, early '80s and the prosecutions of this case  
20 and some of the problems you were encountering and you --  
21 the first bullet that you indicate is that the prosecuted  
22 cases had to fit the restrictions imposed by the law. And  
23 if I can refer you to ---

24 **THE COMMISSIONER:** Can I just stop for a  
25 minute because there's a sentence -- you said you didn't

1 have the support of the courts. What do you mean by that?

2 **MS. LEAVER:** Support of the courts in  
3 relation to the law, Your Honour; the fact of the  
4 evidentiary requirements for children, of their age, that  
5 we needed corroboration. So there is no way to get the  
6 cases before the courts.

7 **THE COMMISSIONER:** Okay. So you didn't have  
8 the support of the courts.

9 **MS. LEAVER:** Yes.

10 **THE COMMISSIONER:** I suppose I'm a little  
11 touchy about that.

12 **MS. LEAVER:** No, sir, not the courts.

13 **THE COMMISSIONER:** The law?

14 **MS. LEAVER:** The law.

15 **THE COMMISSIONER:** The law.

16 **MS. LEAVER:** I'm sorry. The law, sir, yes.

17 **MR. DUMAIS:** And perhaps as an example, and  
18 I'm referring to Tab 5 and page 24, which is a summary of  
19 the Badgley Report that you earlier referred to, and if we  
20 look at page 24 of that report, recommendation 14, it was  
21 one of the recommendations that was made by Professor  
22 Badgley that the one-year limitation period in which to  
23 prosecute certain sexual offences be deleted from the Code.

24 **MS. LEAVER:** Absolutely.

25 **MR. DUMAIS:** All right.

1 MS. LEAVER: Yes.

2 MR. DUMAIS: So it that one of the examples  
3 when you're saying that it was difficult to prosecute these  
4 cases?

5 MS. LEAVER: It was difficult because we  
6 needed corroboration. We needed someone who could  
7 corroborate the child's story. Most of the sexual offences  
8 took place between the child and the offender. There was  
9 no one to corroborate except the offender. The fact that  
10 there was an absolute prohibition for children under 10 to  
11 testify. What we also saw too with the laws at that time,  
12 there was a gender bias. Many of the offences were only  
13 applicable to female victims with male offenders and the  
14 reality is that there were many young boys out there who  
15 were sexually abused and they weren't protected by the law.

16 Also, the law itself covered just a limited  
17 range of sexual activities, and many offences only covered  
18 vaginal intercourse. So we had invitation to touching, we  
19 had masturbation that were not covered. So we could not  
20 lay any offences.

21 Another one was the previous chaste  
22 character, the fact that a girl who had previous consensual  
23 sexual experience would be torn apart by the defence  
24 because she was not considered credible. Again, we should  
25 mention the time restrictions. It had to be reported and

1           it has to be prosecuted within a year. Well, as we know  
2           through research, that a year -- it takes a lot longer than  
3           a year for victims to come forward.

4                   **MR. DUMAIS:** And does the fact that these  
5           victims were not coming forward in a relatively short  
6           period of time affect your ability to gather the evidence  
7           as well?

8                   **MS. LEAVER:** It does and it still does  
9           because there is no tangible evidence. We're left  
10          basically with the statement of the victim and when we were  
11          talking before 1988, that was almost an impossibility.

12                   **MR. DUMAIS:** All right.

13                   **MS. LEAVER:** To proceed with.

14                   **MR. DUMAIS:** And what was your experience  
15          with the level of training that the prosecutors had at that  
16          time, and by "then" I mean the late '70s and early '80s  
17          when you were first starting out?

18                   **MS. LEAVER:** You know, I can't speak to it.  
19          I can speak to my own personal experience but, again, the  
20          prosecutors were -- basically followed the law. What I see  
21          at fault is at fault with a lot of us is the lack of  
22          training in interviewing children, especially young  
23          children, and I think everybody was frustrated with the  
24          inability to carry these cases forward.

25                   **MR. DUMAIS:** And then if these cases were

1 not -- if some of these cases were not being investigated  
2 and were not being prosecuted, what were the alternatives?  
3 How were you at that time dealing with some of these cases?

4 **MS. LEAVER:** You would put in the general  
5 occurrence. That information, especially with children,  
6 would be turned over to the Children's Aid Society.

7 **MR. DUMAIS:** I mean, why is that? Why were  
8 they, these cases, being turned over? Is it just a general  
9 practice?

10 **MS. LEAVER:** It is a practice with --  
11 between the Toronto Police and the Children's Aid. It is a  
12 joint investigation.

13 **MR. DUMAIS:** But, I mean, back then in the  
14 late '70s and early '80s, were they simply being turned  
15 over to them because there was no ---

16 **MS. LEAVER:** There was nothing that we could  
17 do.

18 **MR. DUMAIS:** No other alternatives?

19 **MS. LEAVER:** No other alternatives.

20 **MR. DUMAIS:** All right.

21 Now, my understanding is that a protocol had  
22 been set up early on between the Children's Aid Society and  
23 the Toronto Police Services, or Metro Toronto back then.

24 **MS. LEAVER:** Yes.

25 **MR. DUMAIS:** And I'm referring to Tab 8 of

1 your Book of Documents.

2 MS. LEAVER: Yes.

3 MR. DUMAIS: And the document I'm looking at  
4 which is dated November 21<sup>st</sup>, 1983 where the Chief of Metro  
5 Toronto Police signed that protocol as well as different  
6 executive directors of different Children's Aid Societies  
7 located in Toronto.

8 MS. LEAVER: Yes.

9 MR. DUMAIS: It appears to have involved the  
10 Metropolitan Chairman's Special Committee on Child Abuse.

11 MS. LEAVER: Yes.

12 MR. DUMAIS: Is that committee still in  
13 existence in Toronto today?

14 MS. LEAVER: Yes. It is now the Toronto  
15 Child Abuse Committee.

16 MR. DUMAIS: And that protocol had been put  
17 in place prior to the publication of the Badgley report.  
18 Is that correct?

19 MS. LEAVER: Yes, absolutely.

20 MR. DUMAIS: Now, I am just turning your  
21 attention to the third page of that report, and there's no  
22 numbers, but the top of the page reads "Foreward"; first  
23 title is "Background"; the second one is the legal response  
24 and I'll just read the second sentence from that first  
25 paragraph,

1 "Both the child welfare and criminal  
2 justice systems are involved through  
3 the child welfare agencies and the  
4 Police. Yet, traditionally, these  
5 systems have operated in relative  
6 isolation, with frequently conflicting  
7 philosophy and practice, which has  
8 often inadvertently left child victims  
9 "in limbo", sometimes at serious risk".

10 And the second paragraph,

11 "...Special Committee that successful  
12 response to child sexual abuse requires  
13 collaborative action on the part of all  
14 professionals..."

15 Is it fair to say that before that protocol  
16 was put in place or was adopted that it appears  
17 that although child sexual abuse cases were  
18 referred to Children's Aid Societies that there  
19 does not appear to have been any collaboration  
20 between the two or any type of relationship  
21 outside of the referral?

22 **MS. LEAVER:** Yes, as what I'm aware of, that  
23 would be fair to say.

24 **MR. DUMAIS:** And even then in 1983, it  
25 appears that people were starting to notice or realize that

1           there required a collaborative action on the part of all  
2           professionals and by that, I mean professionals of the  
3           Toronto Police Services and the Children's Aid Societies.

4                   **MS. LEAVER:** Yes.

5                   **MR. DUMAIS:** I am now referring to page 4 of  
6           that protocol, which sets up different principles that were  
7           set out in adopting that protocol, and I'm looking at the  
8           title of mid-page, No. 1, and I'll read from the Protocol,

9                           "Children reporting sexual abuse should  
10                           be presumed to be telling the truth and  
11                           bear no responsibility for their  
12                           involvement, regardless of time or  
13                           circumstances."

14                           Does that principle put in evidence the fact  
15           that children were being disbelieved at that time?

16                   **MS. LEAVER:** The community approach, yes.  
17           There was no backing in the law, in their ability to give  
18           evidence, and there was still -- the tides were starting to  
19           change; however, during that time, yes, children were still  
20           disbelieved.

21                   **MR. DUMAIS:** And then Detective, if I can  
22           take you back to your outline, top of the page on page 3,  
23           first bullet,

24                           "The Children's Aid Societies were  
25                           first to become aware of the problem of

1 child sexual abuse."

2 Do you believe that that was principally  
3 because a lot of these cases were simply being transferred  
4 to them?

5 **MS. LEAVER:** Absolutely.

6 **MR. DUMAIS:** And your next bullet indicates  
7 that Children's Aid Societies dealt mainly with family  
8 abuse and were not necessarily trained to deal with  
9 institutional abuse. Can you ---

10 **MS. LEAVER:** I don't think anybody was  
11 trained to deal with institutional abuse and you're  
12 absolutely right, Children's Aid was not.

13 **MR. DUMAIS:** All right. And you did mention  
14 that earlier that essentially your involvement other than  
15 referring the cases to the Children's Aid Societies had  
16 been in providing security for them when they attended ---

17 **MS. LEAVER:** Absolutely, yes, for safety  
18 issues for apprehension.

19 **MR. DUMAIS:** All right.

20 Finally, your last bullet, you make  
21 reference to the relationship with Toronto Police Services  
22 and certain community sectors and you give as an example  
23 schools. Can you explain to us the difficulties you were  
24 having in dealing with those types of investigations?

25 **MS. LEAVER:** Yes, until there was a protocol

1 established with the schools is it depended on the  
2 individual officers who may show up in uniform unannounced  
3 to speak with the child, to arrest a possible offender with  
4 the school not having any prior knowledge. It was just a  
5 matter of working out a communication system as to how it  
6 was to be done, et cetera.

7 **MR. DUMAIS:** What were some of the problems  
8 you were facing in dealing with trying to investigate some  
9 of these offences within the institutions?

10 **MS. LEAVER:** What we found with institutions  
11 in the early, we would have very limited access to records,  
12 to information, they tended to close around the offender.  
13 It was very difficult for the children involved because if  
14 that person was in some type of power authority, the  
15 parents, I found, tended to take the side of the teacher or  
16 the person who had power and authority over that child.  
17 Everybody was running scared, everybody tended to close  
18 ranks and just a lot of times cut off our investigations.

19 **MR. DUMAIS:** Were you able to observe the  
20 fact that some of these alleged perpetrators as well were  
21 being transferred out to ---

22 **MS. LEAVER:** Absolutely, I've had offenders  
23 in institutions who were transferred out of the country,  
24 out of the province, before I had access to them.

25 **MR. DUMAIS:** In the mid-'80s and early

1 1990s, there is increased understanding and some systemic  
2 changes that started to come about, and most of these  
3 changes followed the Badgley Report that came out in 1984.  
4 Is that fair?

5 **MS. LEAVER:** Absolutely, yes.

6 **MR. DUMAIS:** And I'm not going to ask you to  
7 go through the different recommendations of the Badgley  
8 Report. It has been previously presented to the  
9 Commission, but is it fair to say that the Badgley Report  
10 essentially resulted in significant recommendations and  
11 amendments to both the *Canada Evidence Act*, and the  
12 *Criminal Code*?

13 **MS. LEAVER:** Yes, it did.

14 **MR. DUMAIS:** And following the Badgley  
15 Report, Bill C-15 was adopted sometime in 1987.

16 **MS. LEAVER:** Yes.

17 **MR. DUMAIS:** And that addressed some of the  
18 problems or difficulties we were having in prosecuting  
19 these cases ---

20 **MS. LEAVER:** Yes.

21 **MR. DUMAIS:** --- and addressed some of the  
22 problems we were having as well in investigating some of  
23 these cases. So did you see during those years a change at  
24 the Toronto Police Services with respect to the  
25 investigation of these offences?

1                   **MS. LEAVER:** Yes, we did. We saw more  
2 charges laid. We saw more charges before the courts. The  
3 court system began to change in dealing with children's  
4 evidence. We saw the introduction of children being able  
5 to give evidence via videotape; support personnel in court;  
6 in some cases, children could give evidence outside the  
7 courtroom, in another area. The fact that they were  
8 listened to and they were believed that they could give  
9 their evidence without corroboration, also as a result of  
10 that, we saw an increased training in relation to the  
11 professionals, police and protective workers that were  
12 working with the children in bringing these cases forward.

13                   **MR. DUMAIS:** When these changes came about  
14 and by that I mean legislative changes, were the police  
15 officers being trained with respect to those changes?

16                   **MS. LEAVER:** Yes, they were.

17                   **MR. DUMAIS:** As well, as a result of those  
18 changes to the law and you've alluded to that, there were  
19 some changes that came about with respect to training.  
20 What do you recall of the training that the Institute for  
21 the Prevention of Child Abuse was giving at that time or  
22 otherwise referred to as IPCA.

23                   **MS. LEAVER:** I was not involved in that  
24 training. I was aware of it and they had started initially  
25 basically an interdisciplinary training for police officers

1 involving social workers and Children's Aid workers. So it  
2 was probably the first time that this type of training was  
3 introduced where all the parties involved were being  
4 trained together.

5 **MR. DUMAIS:** And as a result of these  
6 reports coming out and these legislative changes, as a  
7 result of other reports or recommendations made  
8 specifically to Toronto Police Services, the Sex Crimes  
9 Unit was set up in 1991.

10 **MS. LEAVER:** Yes.

11 **MR. DUMAIS:** But my understanding is they  
12 started setting up the unit in 1989. Is that correct?

13 **MS. LEAVER:** Yes, but we were still working  
14 on the Bernardo case, so the official set up came about in  
15 '91.

16 **MR. DUMAIS:** Then if I can refer you to Tab  
17 7 of your Book of Documents, and if you can identify that  
18 document for us please, Detective.

19 **MS. LEAVER:** Tab 7 is the website from the  
20 Sex Crimes Unit, both documents in that section are.

21 **MR. DUMAIS:** Right. So I'm just going to  
22 ask you some of these questions on the unit itself.

23 **MS. LEAVER:** Yes.

24 **MR. DUMAIS:** And you can perhaps point out  
25 how it has changed, if it has changed, since the website

1 was set up.

2 MR. DUMAIS: The Sex Crimes Unit comprises  
3 24 officers. Is that still the case?

4 MS. LEAVER: It's still the case within the  
5 sex crimes investigation, but we also have the Sexual  
6 Exploitation Unit that has about 20 officers that are  
7 connected to it. We have a Behavioural Assessment Unit,  
8 and we have a Cold Case Squad. So the 24 officers that  
9 they speak about here are just doing the sex crimes  
10 investigations itself.

11 MR. DUMAIS: The website indicates that  
12 these officers are trained and qualified as specialists in  
13 this field.

14 MS. LEAVER: Yes.

15 MR. DUMAIS: What type of training do these  
16 officers have to complete before being affected to this  
17 unit?

18 MS. LEAVER: To take the major case  
19 management and they also have to have the sexual assault  
20 and child abuse course.

21 MR. DUMAIS: The earlier SACA course that  
22 you were involved in setting up?

23 MS. LEAVER: Yes.

24 MR. DUMAIS: And it indicates as well that  
25 the unit is governed by "TPS Procedures 05-05".

1                   **MS. LEAVER:** That's correct.

2                   **MR. DUMAIS:** Can you explain to us what that

3                   ---

4                   **MS. LEAVER:** That is just the procedure that  
5 outlines how an officer must conduct a sexual assault  
6 investigation; what must be done; who has to be contacted;  
7 who has to be called; how the victim must be dealt with;  
8 where the evidence must go; how we must deal with the  
9 hospital. So it's complete procedure on how we do a sexual  
10 assault investigation. It's guidelines that we are  
11 accountable for in doing the investigation.

12                   **MR. DUMAIS:** My understanding is that you've  
13 imposed those guidelines in your Book of Documents.

14                   **MS. LEAVER:** Yes.

15                   **MR. DUMAIS:** And we will look at them a  
16 little later on in your presentation. Is that correct?

17                   **MS. LEAVER:** Yes.

18                   **MR. DUMAIS:** All right. Third paragraph  
19 from the last second sentence reads:

20                                   "The Squad also often acts as a liaison  
21 for sexual assault investigations from  
22 other Services and Agencies by locating  
23 suspects and interviewing victims and  
24 witnesses are requested."

25                   What is meant by that? Is that your

1 involvement?

2 **MS. LEAVER:** Yes, very often, we'll get  
3 calls from other police services across Canada who may have  
4 had victims come forward in relation to historical sexual  
5 assaults that occurred in the Toronto area. Now the  
6 offender may be in Toronto, the victim now may live in  
7 another province, so what we'll be called upon to do is  
8 interview the victim, provide a videotape statement, which  
9 would save the victim -- if it happened out west, then they  
10 live in Toronto, we would do it here, send the video out  
11 west. If it happened here and they lived out west, we may  
12 deal with the offender. It's just making the road easier  
13 for the victim.

14 They may be looking for a suspect in our  
15 area, they have a complainant that came forward in  
16 Vancouver who was sexually assaulted by someone in Toronto.  
17 We may assist in looking for the offender.

18 **MR. DUMAIS:** Then I'm looking at the third  
19 page in that tab, and I'm looking at the second paragraph  
20 and it makes reference to the "annual Sexual Assault  
21 Investigators' Seminar". Can you explain to us what that  
22 is and how the Sex Crimes Unit is involved in that?

23 **MS. LEAVER:** Thirteen (13) years ago, we  
24 started a Sexual Assault Seminar because as we looked  
25 across Canada, we realized that a lot of the services were

1 becoming involved in specializing in that area, but there  
2 was no training, central training involved.

3 We started our first conference in the  
4 Police Headquarters auditorium and have been going on now  
5 for 13 years. Each year, we bring in speakers from across  
6 Canada, from across the United States. We'll have a topic  
7 that happens to be a major topic in the area for the year.  
8 We usually have about between three and four hundred people  
9 that attend, officers, social workers, people in the area,  
10 victim advocate people from across Canada and the United  
11 States, and it runs for five days.

12 **MR. DUMAIS:** The web page at the last page  
13 of the tab refers to the new Behavioural Assessment section  
14 of the Sex Crimes Unit. Perhaps you could explain to us  
15 what that is.

16 **MS. LEAVER:** Behavioural Assessment was set  
17 up approximately, I believe, about four years ago and as it  
18 states, its underlying goal is "crime prevention, to  
19 prevent future victims by applying inventive strategies to  
20 existing criminal investigations".

21 The centre may be called upon from hostels,  
22 women's groups, agencies, private individuals, women who  
23 feel they're being stalked. They can come in for an  
24 assessment as to what's happening, take a look at the  
25 situation, maybe given advice as to how to handle it or

1 possibly this person should be arrested. They may be  
2 called upon by officers in the field who are dealing with  
3 sex offences by individuals and asked for an assessment of  
4 this individual. Do they think he is going to increase his  
5 activity? What are the problems? They also are called  
6 upon to give expert evidence in court, in sentencing  
7 matters in relation to sex offenders.

8 **MR. DUMAIS:** My understanding is, as well,  
9 you have a sexual offence unsolved case.

10 **MS. LEAVER:** We do.

11 **MR. DUMAIS:** Can you explain to me how that  
12 works out and how they follow up on these unsolved cases?

13 **MS. LEAVER:** Well, we have a cold case squad  
14 and basically due to the recent advances in DNA technology,  
15 the officers involved in that case review all old cases.  
16 They work very closely with the forensic sciences. So  
17 they'd be resubmitting DNA samples or any forensic samples  
18 they have from the cases and hoping to match them or  
19 compare them to the DNA databank. And we've been highly  
20 successful in that area. If they should get a match, the  
21 Cold Case Squad itself will then bring in the victims and  
22 restart the process.

23 **MR. DUMAIS:** All right.

24 Now, your next bullet deals with the Sexual  
25 Assault and Child Abuse course which you were involved in

1 developing in 1991.

2 **MS. LEAVER:** Yes.

3 **MR. DUMAIS:** If I can -- perhaps you can  
4 just indicate what the content of that course is or what  
5 different units of training you're addressing during that  
6 course.

7 **MS. LEAVER:** It is a two-week course and it  
8 is -- the second week involves police officers, Youth  
9 Bureau officers, investigators and Children's Aid workers.  
10 The first week involves just the police officers taking the  
11 course. And the first week they're usually dealing just  
12 with adult sexual assault. So it would cover everything  
13 from lectures from the hospitals that have the sexual  
14 assault care centres, victim management, victim  
15 interviewing, false allegations, ViCLAS, offender  
16 profiling. The second week covers the child abuse section  
17 and the Children's Aid is involved in providing that course  
18 and also having their members attend. Again, as I  
19 mentioned previously in the courses we did for the RCMP, it  
20 does involve a practical component, where children are  
21 brought in and interviewed. So it involves lectures in  
22 relation to child abuse investigation, development of  
23 children, language, cognitive development and is centered  
24 around children during the second week.

25 **MR. DUMAIS:** All right.

1                   Perhaps you can give us an idea of your  
2 involvement in the different lectures that you present  
3 during the training course and I'm referring to Tab 9 and  
4 my understanding is essentially pages 2 to 5 in that Tab is  
5 essentially the course that you developed and that you have  
6 delivered ---

7                   **MS. LEAVER:** Yes.

8                   **MR. DUMAIS:** --- to RCMP and the national  
9 arms forces, but you essentially cover the same topics.  
10 Perhaps you can just give us an idea of what's being  
11 covered by yourself during the training sessions.

12                   **MS. LEAVER:** Victim sensitivity, victim  
13 management covers a day. Basically we cover sexual  
14 assault. We cover post traumatic stress disorder. A lot  
15 of emphasis is put on interviewing victims, how to  
16 interview. In that part of the course, we cover everything  
17 from how you set up the interview room, where you interview  
18 them, how to contact them, the questions to ask, how the  
19 questions are asked. It's very important that the  
20 interview be done in a way that the victim does most of the  
21 talking, not the interviewer.

22                   It's mostly sensitivity issues in dealing  
23 with the victim, in victim management. We'll cover points  
24 after we go through the interview as to how you contact the  
25 victim afterwards; little things like when I call a victim,

1 I let the victim know that, "Can I call you? Where can I  
2 call you? Can I leave a message? If I do, all I will  
3 leave is 'Wendy Leaver called. Can you give me a call  
4 back?' so that I'm not leaving an identifying mark that I'm  
5 a police officer."

6 I think what's very important for us is  
7 letting our officers know how important it is that this  
8 victim, for the first time in their life, is disclosing to  
9 you, whether you're a male or a female officer, one of the  
10 worst situations that has ever happened to them. And there  
11 is a little scenario I use that may be quite shocking to  
12 some, but I find that hits home. Because if I am an  
13 investigator and I do sexual assaults day in and day out  
14 and I'm interviewing people continually, I have to be very  
15 careful that I don't become desensitized to the issue. So  
16 if I have a victim, female victim or a male victim sitting  
17 in front of me, I have to realize that this is the first  
18 time in their life they have probably disclosed what has  
19 happened to them, whether it happened 20 years ago or  
20 whether it happened yesterday. So as I have that person  
21 sit down to speak to me, I may consider myself a very  
22 experienced investigator but I am asking this person to  
23 explain in detail and as much detail as possible because I  
24 have to fill in a ViCLAS report with every bit of  
25 information. So it's very important I get all the

1 information. The worst possible thing that has happened to  
2 them; I have to know what was said and what was done.

3 The example that I can give you and -- am I  
4 allowed to swear here, sir? -- one victim that I had where  
5 she said to me, "I can't tell you what he said. I can't  
6 get the words out." She was anally assaulted by this  
7 individual and basically what he has said is, "Roll over,  
8 bitch. I want to fuck you up the ass." Those are words  
9 that some officers find hard to deal with. I know I do.  
10 I'm asking a 16-year-old victim, who has never used the  
11 word, "f", "fuck", to tell me that. Why? I need that for  
12 the ViCLAS because as I found out later, when we matched  
13 him to other cases, that was the term that he used. If I  
14 was not able to get that term out of my victim, I would  
15 have lost a very important piece of evidence.

16 To train officers in interviewing is a  
17 skill. I believe you have to want to be there. You cannot  
18 be embarrassed. One of the worst cases that I had was  
19 approximately six years ago where my victim was picked up.  
20 Not only was she sexually assaulted in a field in Guelph,  
21 Ontario, the offender pushed her on the ground and  
22 defecated in her mouth, made her swallow and urinated on  
23 her. Now you have a victim sitting in front of you and as  
24 experienced as I was, as she started to tell me that, I  
25 couldn't respond. It was the first time in my life, and as

1       you may know, I'm not a relatively quiet person. How do  
2       you get that through to investigators? How do you get that  
3       through, of what may come? It is very difficult.

4               A scenario I do use which people laugh at  
5       but it gets it home is I'll call one of the officers up.  
6       By the time I lecture they may have been together about two  
7       or three days in this class. They may know each other,  
8       they may not. And I'll say to the officer, "Okay, sit  
9       right here. I want you to use your mind as a videotape and  
10      I want you to think back." And so they're sitting there,  
11      facing the audience. Then I'll say, "I want you to tell  
12      the class in as much detail as possible, the last time you  
13      masturbated." Unless I have some smart aleck who comes  
14      back quickly, what usually happens is everybody goes quiet.  
15      The men in the audience are saying, "Thank God, she got him  
16      up there and not me."

17              I'll stop it very quickly but what I've  
18      said, that's exactly what happens every time you get a  
19      victim that you're about to interview. Because what I've  
20      done is, I've passed that space that you and I have between  
21      us. I'll say, "You know, I don't know this officer. I  
22      walked into this class a half hour ago. How dare I ask him  
23      that question?" That's what we as investigators do every  
24      time we sit a victim down. My victims are strangers. They  
25      walk in off the street. I don't know them. Just because

1 I'm an experienced investigator, I have to stop. I've got  
2 to step back and I've got to be sensitive. I hold the  
3 power. This person is sitting in front of a police officer  
4 and you can never forget that. You hold the power.

5 I'll say to the officers, "Make sure, before  
6 you begin the interview, do they want a drink of water? Do  
7 they have to go to the bathroom?" Okay. "Are they  
8 comfortable?" They're not going to ask you. You're in  
9 control. It is one of the most -- how can I say --  
10 important training parts that we do and you have to be  
11 suited for the job and you have to want to do it because  
12 you can make it or break it. Because when the defence gets  
13 a hold of that interview and you haven't done it properly,  
14 it's your victim who's going to get torn apart on the  
15 stand, not you.

16 **MR. DUMAIS:** All right.

17 You've described in detail the interviewing  
18 of adults and have you also been delivering lectures and  
19 training on children interviewing and how does that differ  
20 than with an adult?

21 **MS. LEAVER:** I haven't -- I have been  
22 involved in them. I haven't delivered training. You're  
23 going to hear my personal opinion in interviewing children.

24 I find that it is such a specialized skill,  
25 that very few officers are prepared to do it. If each

1 officer had an opportunity to do a hundred interviews with  
2 children under seven, children over seven, depending on  
3 their cognitive language, cognitive development, but when  
4 you consider what the training is -- I'll say across the  
5 country, across the province -- you know, I might be able  
6 to be corrected on that -- from what I see is if we spend  
7 two days, three days training officers to interview  
8 children, maybe a day on child development, that's not  
9 enough. It's absolutely not enough.

10 The people that should be interviewing  
11 children should be, in my opinion, trained, accredited,  
12 possibly child psychologists who have expertise in child  
13 development, to do the interviewing, to learn to do it  
14 right. The courses that Toronto offers, the courses that I  
15 was involved with with the RCMP were good. But my concerns  
16 are if we offer a two-day course to officers in  
17 interviewing children, you know, the fact that the child  
18 sitting in front of you is fidgeting, is -- every question  
19 you answer, "I don't know. I don't know." They're not  
20 lying. They're not making things up. They're frustrated.  
21 They may not understand what you're speaking about, nor do  
22 you understand where they are coming from, their  
23 development.

24 I believe that we should have experts. We  
25 should have experts in forensic interviewing of children

1 and possibly child psychologists should be doing that.

2 We get one chance to interview and if we  
3 blow that interview, we blow it for the child. I just  
4 don't believe that our police services, any services across  
5 this country, can expect to take police officers off the  
6 street, drop them into a course for a couple of weeks and  
7 have them out there as experts. It's not fair to the  
8 officers. They do the best they can. But I do believe we  
9 should be going the way of child advocacy courts and  
10 centres that we see in the States that have been going  
11 since the '80s.

12 **MR. DUMAIS:** All right.

13 Perhaps, Commissioner, it's an appropriate  
14 case to take the -- appropriate time to take a morning  
15 break.

16 **THE COMMISSIONER:** Yes. Let's take the  
17 morning break. We'll come back in 15 minutes.

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

20 --- Upon recessing at 11:21 a.m./

21 L'audience est suspendue à 11h21

22 --- Upon resuming at 11:37 p.m./

23 L'audience est reprise à 11h37

24 **THE REGISTRAR:** This hearing of the Cornwall  
25 Public Inquiry is now in session. Please be seated.

1           Veillez vous asseoir.

2           **WENDY LEAVER, Resumed/Sous le même serment:**

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

4           **DUMAIS (CONT'D/SUITE):**

5                       **MR. DUMAIS:** Now, Detective, we had left off  
6           on you going through the Interviewing Young Children  
7           course. Can you then just briefly touch on the next course  
8           that you were involved with which was the False Allegations  
9           course?

10                      **MS. LEAVER:** Since the beginning of the Sex  
11           Crimes Unit, what we discovered because of our mandate with  
12           unknown offenders, we saw an increasing amount of false  
13           allegations.

14                      In the past, women's groups and different  
15           organizations had accused the police of not believing  
16           victims and basically not doing a thorough investigation  
17           and just writing the cases off as false. We worked with  
18           the FBI on the research that they did in relation to false  
19           allegations and out of our unit, we run -- because we only  
20           deal with unknown offenders, between 30 and 40 per cent  
21           false allegations.

22                      **THE COMMISSIONER:** I'm sorry. Could you say  
23           that again?

24                      **MS. LEAVER:** I said 30 and 40 per cent false  
25           allegations.

1 THE COMMISSIONER: M'hm.

2 MS. LEAVER: But, Your Honour, unknown  
3 offenders.

4 THE COMMISSIONER: M'hm.

5 MS. LEAVER: These are not men or women  
6 coming forward and saying, "So and so and so and so did  
7 it." They have no idea who did it.

8 As a result of the research we did working  
9 with FBI, we developed a course and a follow-through on all  
10 the cases that come through and what our training does is  
11 explain to officers that that gut feeling that you have  
12 that that victim is not telling the truth is not enough.

13 There must be a thorough investigation. You  
14 must back it up with evidence and the bottom line is very  
15 seldom do we lay a charge of public mischief because in  
16 most of the cases when it's an unknown offender, there is  
17 usually a reason why the person has lied. The majority of  
18 cases we find are women. However, men do lie too.  
19 However, the majority we see are women because most of the  
20 women are victims.

21 So in training the officers to deal with  
22 false allegations, to investigate it thoroughly, how to  
23 approach the victim so that the victim will tell us the  
24 truth, that helps us close the case so we're not sitting  
25 with another open case and the bottom line is to get some

1 assistance for that person. They may not be a victim of  
2 the assault that they alleged happened but they may be a  
3 victim of a domestic violence, childhood abuse or something  
4 else that's happened in their life.

5 With the increase in the number of false  
6 allegation, it may not be the increase, just that we're  
7 better educated to pick them up and investigate them, but  
8 it was very important to have that as part of our training.

9 **MR. DUMAIS:** Is it fair to say that the  
10 principal message we're sending out to the officers -- that  
11 you're sending out to the officers is whether or not you  
12 believe the victim, do the thorough investigation?

13 **MS. LEAVER:** Absolutely. Every  
14 investigation must be thoroughly done whether you believe  
15 it or not because a gut feeling is only going to end you up  
16 probably with a civil suit.

17 **MR. DUMAIS:** Now, another course you were  
18 involved with developing and delivering was the pedophile  
19 investigation.

20 **MS. LEAVER:** Yes.

21 **MR. DUMAIS:** Can you give us an explanation  
22 what that course consists of?

23 **MS. LEAVER:** I think initially what we found  
24 with the officers, especially in the division, who were  
25 involved in sexual assault investigations with young

1 people, especially historical, they had no idea of the  
2 profile of a pedophile, of how a pedophile operates. If an  
3 individual comes forward and may relate to you an  
4 historical sexual assault two years ago, 10 years ago, and  
5 all of sudden as the investigation widens, you realize  
6 there's others involved and you have a pedophile possibly,  
7 with no knowledge of what you may be dealing with and no  
8 knowledge of a profile and how a pedophile operates, you  
9 may stop the investigation at one and two where there may  
10 be 20, 30, 40, 50 more out there.

11 It is a specialized investigation. It does  
12 demand resources and commitment and a long investigation.  
13 So it was very important for us to give the officers the  
14 skills to recognize that this is probably a pedophile  
15 you're dealing with and it's not just a one-on-one.

16 **MR. DUMAIS:** All right. And can you give us  
17 an idea, Detective, when you started delivering these  
18 courses to C.O. Bick? Was that since 1991 or are these  
19 more recent developments?

20 **MS. LEAVER:** Sorry?

21 **MR. DUMAIS:** Did you just start delivering  
22 these ---

23 **MR. DUMAIS:** No, no. I have been delivering  
24 off and on since the start of the courses.

25 **MR. DUMAIS:** All right. Now, if I take you

1 back to your outline and I'm at page 4, about mid-page, you  
2 indicated that the SACA course was not sufficient to train  
3 properly -- give the proper training and the necessary  
4 skills. You also thought that there should be a  
5 requirement or that they train with an experienced officer  
6 afterwards.

7 Can you explain to us what you meant by  
8 that?

9 **MS. LEAVER:** Nowadays, with the number of  
10 new officers and probably within the past five or six years  
11 because of the number of retirements that are happening  
12 across the country in police services, we have an  
13 inordinate amount of very young officers. So though the  
14 average time that an officer should have on the job may be  
15 10 years to get into a specialized area, I now am teaching  
16 officers three to five years that are now taking the  
17 specialized courses.

18 So it's very important that if we're looking  
19 at a young person with maybe a university degree, limited  
20 life experience as such, maybe three or four years on the  
21 service, and all of a sudden they're going to be  
22 investigating sexual assaults, interviewing children, very  
23 important for follow-through. My concern has always been  
24 that I very seldom see any of the officers whose statements  
25 are reviewed, their videotape statements that they take.

1 Like once you take the course, you're out there and you're  
2 done.

3 I realize as every other police service we  
4 lack in resources as such and we're a very busy service.  
5 Very seldom have I ever seen a Crown attorney who may have  
6 questioned an officer or given him or her some suggestions  
7 on how the video interview was done. So they should be  
8 with an experienced officer. However, with lack of  
9 resources, manpower, retirements, amount of work that has  
10 to be done, sometimes that's not possible.

11 **MR. DUMAIS:** All right. So essentially what  
12 you're saying is you feel it's important to have feedback  
13 on these skills that you've learned during these training  
14 sessions?

15 **MS. LEAVER:** Absolutely, because that one  
16 statement that you take from a child or a victim, once it's  
17 into the court system, once that child is on the stand,  
18 when they break it, they break the whole case.

19 **MR. DUMAIS:** Now, you also indicated that  
20 towards the ends of the '80s, there was an improved  
21 cooperation with different agencies and one of the comments  
22 that you were making was that there was a need to view  
23 these relationships to perhaps -- scratch that. What you  
24 were indicating is that it was one thing to have protocols  
25 but you felt that it was better to nurture relationships.

1                   **MS. LEAVER:** Absolutely.

2                   **MR. DUMAIS:** What did you mean by that?

3                   **MS. LEAVER:** Protocols based in stone, it's  
4 something we must do. We're forced to cooperate. However,  
5 I found developing personal relationships with agencies,  
6 personal relationships between workers, once I establish a  
7 relationship on a face-to-face meeting with someone, we  
8 both establish that we're both working for the same end for  
9 the victim. Much easier to get access to information, much  
10 easier to pick up that phone and get the help that I need  
11 almost immediately.

12                   I do believe there is an increased need for  
13 that. Again, sometimes time restraints, sometimes caseload  
14 doesn't allow that but I think as agencies, if we all have  
15 the same mandate in helping the victim, I think these  
16 improved relationships are an absolute necessity.

17                   **MR. DUMAIS:** And you had previously  
18 mentioned that you had -- in delivering courses to the  
19 medical students that you were taking them out on the  
20 streets and that was the idea with that to ---

21                   **MS. LEAVER:** Absolutely.

22                   **MR. DUMAIS:** --- to improve relationships  
23 between ---

24                   **MS. LEAVER:** Yes.

25                   **MR. DUMAIS:** All right. Now, if I can take

1           you to the next point which is the mid-'90s to the present  
2           and the changes that were occurring within your police  
3           force and the first bullet at page 5 indicates, "Large  
4           forces had special units to deal with these types of  
5           cases". And that's where you mention that the Sex Crimes  
6           Unit was created and started to expand and gain expertise.

7                           And then at the second bullet, you mention  
8           the behavioural assessment section which I believe you ---

9                           **MS. LEAVER:** Yes.

10                          **MR. DUMAIS:** --- discussed earlier on and  
11           then you speak to the mandate of the Sex Crimes Unit. How  
12           has that evolved over time?

13                          **MS. LEAVER:** Initially, it covered very  
14           generally unknown offenders and as time went on -- and I  
15           think it's covered best in the website section, excuse me,  
16           the second half.

17                          **MR. DUMAIS:** Tab 7?

18                          **MS. LEAVER:** Yes, Tab 7. No, excuse me,  
19           it's procedure 05-05, the second one. Sorry.

20                          **MR. DUMAIS:** That would be Tab 14?

21                          **MS. LEAVER:** Yes. For the 2002 for the  
22           procedure 05-05 on page 3 of 10, as you can see, we take a  
23           look at the mandate at the top of the page. We included  
24           several more offences, serial, any case involving multiple  
25           victims, any case involving multiple sexual acts, use of

1 restraints. This would also include known offenders, any  
2 case where the offender records the offence, where the  
3 offender removes or keeps any personal item.

4 This basically is taken from a lot of the  
5 profiling that was done by the FBI, the profiles of  
6 different type of offenders and their actions.

7 Where the sexual assault is linked to  
8 another sexual assault within the same or any other  
9 jurisdiction, any criminal offence by an unknown offender,  
10 that would cover a woman walking down the street possibly  
11 at night who may be jumped on by an unknown male and maybe  
12 that person is -- another person comes on the scene. So  
13 the offender leaves. We would probably get involved in  
14 that because there would be the idea that we may have a  
15 serial offender. However, he was interrupted before any  
16 type of sexual act could take place. So our unit would be  
17 notified of that offence though there was not a sexual  
18 offence that took place at the time.

19 And then when the commission of a sexual  
20 assault, the administration of a noxious substance, of  
21 drug, is used to incapacitate the victim, so the divisions  
22 must notify our unit when any of these issues occur within  
23 the offence and it has increased our mandate.

24 **MR. DUMAIS:** All right. And in comparison  
25 if we look at the 05-05 -- and perhaps before I ask you the

1 next question, perhaps if you could just identify what  
2 those documents are, the ones found at Tabs 13, 14 and 15,  
3 the ROs?

4 **MS. LEAVER:** These are our procedures, our  
5 policies and procedures that are to be followed through the  
6 investigation of sexual assault and child sexual assault.

7 **MR. DUMAIS:** All right. So then at Tab 13,  
8 page 1, you had provided us the RO for sexual assault  
9 criminal investigations.

10 **MS. LEAVER:** Yes.

11 **MR. DUMAIS:** And that one is dated 1993.

12 **MS. LEAVER:** Yes.

13 **MR. DUMAIS:** In comparison to the one you've  
14 just discussed which is dated 2002, and if we look at what  
15 the mandate was at that time, the unit was being contacted  
16 solely when we are dealing with aggravated sexual assault,  
17 sexual assaults involving bodily harm, weapons and threats  
18 to a third person or where the offender was known to the  
19 victim prior to the assault and the suspect has a criminal  
20 history suggesting repetitive behaviour. So it was  
21 expanded in 2002 to include the other factors of the  
22 offence or details of the offence.

23 Now, you also indicated that in the early  
24 '90s that additional training was being provided not only  
25 to police officers but to other professionals of different

1 agencies. What has been the C.O. Bick's involvement in  
2 that?

3 **MS. LEAVER:** C.O. Bick's course is mainly  
4 for Toronto Police Officers and for Children's Aid. It's a  
5 joint course. However, when asked by other services and if  
6 space is available, it will be provided but it's not open  
7 because spaces are usually limited. The majority of the  
8 course is for Children's Aid and Toronto Police, but other  
9 services have offered and attended the course.

10 **MR. DUMAIS:** All right. So if then I'm a  
11 nurse and during the course of my duties I administer the  
12 sexual assault kit and I'm interested in training, I would  
13 contact Toronto Police Services and see whether or not I  
14 could attend?

15 **MS. LEAVER:** Well, if you're a nurse with a  
16 sexual assault care centre, they provide their training and  
17 we provide training for them. Nurses involved in the  
18 sexual assault care centre have their own training across  
19 Ontario provided by the hospital. Women's College Hospital  
20 has an administrator that does the training.

21 **MR. DUMAIS:** All right. So then you meant  
22 if I was a police officer from another police service ---

23 **MS. LEAVER:** Yes.

24 **MR. DUMAIS:** --- and I want to attend your  
25 course.

1                   **MS. LEAVER:** Yes, if you're a service. I  
2 believe there is a fee involved and if there was space  
3 available.

4                   **MR. DUMAIS:** All right. Now, in December  
5 1995, the Solicitor General and Minister of Correctional  
6 Services commissioned your report on the Paul Bernardo  
7 investigation which was conducted by Justice Archie  
8 Campbell and you have enclosed at Tab 10 a summary of the  
9 report. And essentially, you've set out different  
10 recommendations that affected the Toronto Police Services  
11 and if I can take your attention to Tab 10, page 7. The  
12 pages are not marked. So it's the seventh page from the  
13 beginning of that tab and the title at the top of the page  
14 is "Chapter 2: The Metropolitan Toronto Police  
15 Investigation."

16                   These are comments that were made or  
17 findings that were made by Justice Campbell essentially  
18 indicating that -- recognizing the excellent investigative  
19 work that had been performed by police officers during that  
20 investigation. But notwithstanding that, he was indicating  
21 that there was a lack -- there were systematic failures  
22 which contributed to some of the failures in the  
23 investigation, and that there was a requirement -- two of  
24 the principal recommendations that he had for the Toronto  
25 Police Service was that there be major case management

1 implemented as well, that an automated crime linkage system  
2 be implemented as well which is today called ViCLAS. Is  
3 that correct?

4 **MS. LEAVER:** Yes.

5 **MR. DUMAIS:** Now, how has the  
6 recommendations of Justice Campbell's report affected --  
7 and I'm back at page 5 of your outline -- how has that  
8 affected either training or investigations in your unit?  
9 How has those recommendations brought about changes?

10 **MS. LEAVER:** I think part of the change was  
11 the increase of the staff and some of the major change was  
12 probably the development of the major case management  
13 system which is basically -- it's standardized across the  
14 province and it's been implementing practices and  
15 procedures adjunct to the software for managing and  
16 recording cases in relation to certain threshold offences.

17 So the bottom line is that sexual assaults,  
18 homicides, stalking basically are implemented into a  
19 system, all information, and all services across the  
20 province would have access to the information through the  
21 major cases managers. It's sharing of information, sharing  
22 of cases.

23 And if we were to look at the Bernardo case,  
24 if that major case management had been in place at that  
25 time, Bernardo might have been picked up, recognized and

1 brought to the forefront a lot sooner.

2 **MR. DUMAIS:** All right. Have some of the  
3 recommendations made by Justice Campbell as well changed  
4 the relationship between what the police -- the  
5 relationship between police investigator and the victim?

6 **MS. LEAVER:** I thought we had good  
7 relationships. The interviews that were done were fair and  
8 I believe our victim training is a lot stronger in that  
9 area. As a sexual assault coordinator, part of my job for  
10 the service is to make sure that that is carried forth,  
11 that not only relationships with the victim is solid but  
12 also with the agencies that deal with them.

13 I also act as sort of the go-between  
14 complaint bureau for the service so that hospitals or  
15 agencies that deal with victims who have complaints will  
16 call me about an officer, about an investigation.  
17 Sometimes it's communication. You know, sometimes it may  
18 be education. Sometimes it may be discipline is needed.

19 We will receive calls from the hospitals to  
20 say "You know, there was a problem here". We do address  
21 them. We address them immediately. So I believe that yes,  
22 the service has improved.

23 **MR. DUMAIS:** What about continued contact  
24 with the victims after the charges were laid?

25 **MS. LEAVER:** That is very important. Years

1 -- I can remember years ago working in the divisions or  
2 working with victims and the victim would wake up in the  
3 morning and see the picture of the serial offender and go  
4 "Oh my god, I think that's the person who assaulted me"  
5 because possibly at that time the police service, the  
6 investigator, it was more important to let the press know  
7 than it was to let the victim know.

8 A victim is a part of the puzzle. The  
9 victim is a partner in the investigation. Without him or  
10 her, we have nothing. Knowledge is power and power gives  
11 the victim control and makes them a much, much better  
12 witness on the stand. In part of our training, victim  
13 contact is very important. We advise our officers and  
14 train them.

15 When the victim's offender is arrested, you  
16 are the first to know. When they go to court for a bail  
17 hearing, you will be the first to know. What conditions  
18 are placed on them if they are released, you will be the  
19 first to know. We must keep them informed of the whole  
20 process. It's part of the healing process for them.

21 Officers tend to get overwhelmed with cases.  
22 It is all right for me to speak from the Sex Crimes Unit  
23 when our unit does absolutely nothing else but sexual  
24 assault investigations. There are units across this  
25 country where their officers are doing sexual assault

1 investigations as well as a variety of other, you know,  
2 cases. But I find it is extremely important to keep that  
3 victim onboard. He or she is a partner in the  
4 investigation. There may be a 20-second phone call and  
5 leave a message and that's all they need. They need to  
6 know they're a part of it. They need to know what is  
7 happening.

8 **MR. DUMAIS:** What about, detective, the  
9 availability of victim support services? Were there any  
10 changes brought about in the '90s as far as you know?

11 **MS. LEAVER:** Yes, I would say probably  
12 before the '90s in Toronto and slowly across Ontario. The  
13 Victim/Witness Program is now 20 years old in that social  
14 workers are stationed in each court that deal with the  
15 victims. To me, they are just invaluable. Invaluable.

16 I just completed a historical sexual assault  
17 case with 11 victims and if it was not for the  
18 victim/witness people who take away that absolute necessity  
19 of keeping the victims informed as to what's happening in  
20 court, when they are to appear and answer their questions -  
21 - it's just an invaluable resource for us and I believe as  
22 an investigator we cannot do without them.

23 **MR. DUMAIS:** All right.

24 Can you just comment on the central support,  
25 the organizational structure between different police

1 forces? The ViCLAS system, was is that and ---

2 **MS. LEAVER:** Sorry; ViCLAS?

3 **MR. DUMAIS:** Yes.

4 **MS. LEAVER:** ViCLAS is Violent Crime Linkage  
5 Analysis System and the vein of most sexual assault  
6 officers who have to fill in hundreds of questions.

7 The bottom line is it is a booklet that  
8 allows us to fill in every bit of information on the crime;  
9 date, time, information on victim, information on  
10 offender/offenders, what was said, what was done, every  
11 piece of information. Headquarters for us is the OPP in  
12 Orillia. All books, we have to do them within 30 days and  
13 what basically it does -- I had an offender one time who  
14 wore a red hat and the victim was able to tell me it was a  
15 red velvet hat with a seagull on it. I ended up matching  
16 that hat to another offence in western Ontario just through  
17 that information.

18 If I hadn't gotten that information from the  
19 victim at that time-- so basically it is a booklet that  
20 contains every piece of information on the offence that's  
21 fed into a computer and all the information is analysed to  
22 match possibly other occurrences, other offences that may  
23 match what I put in across Canada.

24 **MR. DUMAIS:** All right. And that provides  
25 linkage between different police services throughout

1 Canada?

2 **MS. LEAVER:** Absolutely. If OPP matches,  
3 then they will put the two officers who are in charge of  
4 the cases, get them together.

5 **MR. DUMAIS:** All right. And I understand  
6 that in the late '90s there was a directive that was  
7 adopted by Toronto Police Services requiring various staff  
8 levels within the police service to be given specific  
9 duties in these investigations. Is that correct?

10 **MS. LEAVER:** Sorry? I ---

11 **MR. DUMAIS:** There was a directive that was  
12 issued by Toronto Police Services ---

13 **MS. LEAVER:** Right.

14 **MR. DUMAIS:** --- giving specific duties and  
15 responsibilities for officers at different levels in the  
16 sexual assault investigations?

17 **MS. LEAVER:** Yes.

18 **MR. DUMAIS:** And that's reflected in the --  
19 you call them standing orders?

20 **MS. LEAVER:** Yes.

21 **MR. DUMAIS:** That's reflected in the  
22 standing orders for both sexual assault investigations and  
23 child sexual assault investigations?

24 **MS. LEAVER:** Yes, it is.

25 **MR. DUMAIS:** Now, I understand that in the

1 late '90s, in 1999, Toronto Police Services completed their  
2 review of the investigation of sexual assaults and that was  
3 precipitated by the Jane Doe investigation.

4 **MS. LEAVER:** Yes.

5 **MR. DUMAIS:** Perhaps you can talk to us  
6 about that and how that audit was brought about.

7 **MS. LEAVER:** Yes. Jane Doe was a female who  
8 was part of an investigation that took place in the '80s in  
9 Toronto, the "balcony rapist". After the assault and after  
10 the offender was arrested, Jane Doe brought a civil suit  
11 against the Toronto Police successfully because of lack of  
12 notification. The assault -- basically that she was not  
13 notified that the offender was in the area and she was  
14 successful with public notification in her suit.

15 **MR. DUMAIS:** All right. And I understand  
16 that following that case, there was an audit that was  
17 conducted by Toronto Audit Services.

18 **MS. LEAVER:** Yes.

19 **MR. DUMAIS:** And the audit looked at a lot  
20 more than ---

21 **MS. LEAVER:** Yes.

22 **MR. DUMAIS:** --- notification of offenders  
23 and looked at all aspects of the investigation?

24 **MS. LEAVER:** Yes. It did an audit on every  
25 -- did an audit on our unit and all sexual assault units in

1 each division in the city.

2 MR. DUMAIS: All right.

3 And this audit or the report that followed  
4 the audit is found at Tab 11 of your Book of Documents and  
5 I'd just like to take a few minutes and go through some of  
6 the recommendations that were made by the auditor. And I'm  
7 starting at page 4, so numeral -- page 4 at the bottom of  
8 the page, which has "Recommendations" at the top as the  
9 title.

10 So essentially, detective, the first four  
11 recommendations dealt with putting in place a process for  
12 the review and implementation of the recommendations.  
13 Correct?

14 MS. LEAVER: Yes.

15 MR. DUMAIS: And as a matter of fact,  
16 following the publication of this report, there was a  
17 follow up to these recommendations ---

18 MS. LEAVER: Yes.

19 MR. DUMAIS: --- and that was published in  
20 2004. Is that correct?

21 MS. LEAVER: Yes, it was.

22 MR. DUMAIS: And if we're looking at  
23 recommendation 5, page 5 of the report, and it's indicated  
24 that the review of the -- the Chief of Police was to:

25 "...undertake a review of the mandate

1 of the Sexual Assault Squad".

2 And further states that:

3 "...to include those cases where the  
4 offender is known and where penetration  
5 has taken place or has been attempted."

6 And you've mentioned the mandate and the  
7 expansion of your mandate or the Sex Crimes Unit mandate.  
8 And was that brought about by some of these recommendations  
9 or this recommendation?

10 **MS. LEAVER:** Well, this recommendation  
11 speaks to dealing with known offenders.

12 **MR. DUMAIS:** All right.

13 **MS. LEAVER:** And as of yet that is not -- we  
14 still do not deal totally with all known offenders because  
15 we don't have the manpower or the resources. We did  
16 increase the mandate in relation to the risk but not for --  
17 we do not deal with all known offenders and date situations  
18 or known relationships.

19 **MR. DUMAIS:** Which perhaps explains then the  
20 next recommendation where there should be additional  
21 staffing ---

22 **MS. LEAVER:** Yes.

23 **MR. DUMAIS:** --- to the Sexual Assault  
24 Squad. Is that -- and was there an increase from 1999 to -  
25 --

1                   **MS. LEAVER:** Yes, there was an increase.  
2                   However, the increase would not have been sufficient to  
3                   cover the number of cases that would have been involved  
4                   with penetration and known offender.

5                   **MR. DUMAIS:** All right. Now, I'm looking at  
6                   recommendation 10, page 6 and the auditor makes reference  
7                   to the website being expanded. Are you aware of whether or  
8                   not this was done?

9                   **MS. LEAVER:** Yes, it was and it is ongoing.

10                  **MR. DUMAIS:** Recommendation 11 speaks to the  
11                  establishment of a hotline and do you know if that ---

12                  **MS. LEAVER:** Yes. That was within my unit  
13                  and a sexual assault -- not a hotline as such due to the  
14                  costs that it would have incurred but we have established a  
15                  bad date line which is probably adjunct to a hotline. The  
16                  problem we have with a hotline is the cost would have been  
17                  exorbitant, but we have established a bad date line and we  
18                  initially started the bad date line dealing with the  
19                  agencies that deal with the sex workers because the number  
20                  of sexual assault that occur on sex workers we never hear  
21                  about. So we are hoping to establish another way that we  
22                  could get this information in. On April 15th last year, we  
23                  started the date line.

24                  **MR. DUMAIS:** Recommendation 12 and 13 deals  
25                  with the compliance of policies and procedures and

1 recommendation 12 deals specifically with first response  
2 officers. How important is that in a sexual assault  
3 investigation?

4 **MS. LEAVER:** We did training with the  
5 uniformed officers probably on their last couple of days in  
6 training when -- brand new officers before they hit the  
7 street.

8 The first officer who has contact with a  
9 victim is one of the most important. They may make or  
10 break the case as far as my involvement with the victim or  
11 whether the victim is willing to come forward. It is very  
12 important especially that the first officer is not trained  
13 to do a full interview. They are there to assist the  
14 victim, provide safety, possibly get them to the hospital  
15 and get the initial information. If the offender has just  
16 left the premises, a brief description so that we can get  
17 it out to the road, but the very basic information.

18 In the past, when we haven't done proper  
19 training, we've had uniformed officers sitting the victims  
20 down in the hospital, taking full statements and getting  
21 them to sign the memo book. No one should be interviewing  
22 a victim unless they've been trained, but the first  
23 officer's job is very important in sensitivity, the  
24 empathy, the safety issue, letting the victim know they're  
25 safe and just being with them. The training is very

1 important.

2 **MR. DUMAIS:** The determination of whether or  
3 not the allegation is founded or unfounded ---

4 **MS. LEAVER:** It's not their job.

5 **MR. DUMAIS:** All right.

6 **MS. LEAVER:** Not their job.

7 **MR. DUMAIS:** And that's reflected in  
8 recommendation 18 of the report.

9 **MS. LEAVER:** Yes.

10 **MR. DUMAIS:** Recommendation 22 speaks of the  
11 requirement or the recommendation that there be continuity  
12 of police officers assigned to sexual assault cases. Is  
13 that an important recommendation?

14 **MS. LEAVER:** It is important. It is not  
15 always possible due to the, again, the young service we  
16 have, officers moving on, officers retiring, officers being  
17 promoted, the only thing that we hope to do is that when an  
18 officer does move on, and they are in the midst of cases or  
19 the cases are still going through the court because they're  
20 still being investigated, that they can introduce the  
21 victim to the officer that is taking over that case. This  
22 is the ideal, but it's very difficult to do sometimes.

23 **MR. DUMAIS:** For example, if some of these  
24 cases dealt with historical sexual assault ---

25 **MS. LEAVER:** Yes.

1                   **MR. DUMAIS:** --- and you were not the  
2                   investigator who had done the initial interview, that case  
3                   may still be referred to you?

4                   **MS. LEAVER:** Absolutely, yes.

5                   **MR. DUMAIS:** Recommendation 31 speaks of  
6                   contents of the Sexual Assault and Child Abuse course and  
7                   how it should be amended and emphasis given on practical  
8                   day-to-day experiences.

9                   **MS. LEAVER:** Yes.

10                  **MR. DUMAIS:** And you've spoken about the ---

11                  **MS. LEAVER:** Yes.

12                  **MR. DUMAIS:** --- your involvement in that  
13                  and do you believe that that's now being done as well?

14                  **MS. LEAVER:** It is. There is community  
15                  input and it is ongoing. It is ongoing as things change,  
16                  it is.

17                  **MR. DUMAIS:** Recommendation 36 speaks of the  
18                  training courses and conferences attended by members of the  
19                  Sexual Assault Squad be conducted and that be updated on a  
20                  regular basis.

21                  **MS. LEAVER:** Yes.

22                  **MR. DUMAIS:** As far as you know, is that  
23                  being done?

24                  **MS. LEAVER:** Yes, it is.

25                  **MR. DUMAIS:** Recommendation 41 deals with

1 appointment of trainers for C.O. Bick and how the process  
2 should be formalized and as far as you know, is that being  
3 done as well?

4 **MS. LEAVER:** I can't speak to that as such,  
5 but I believe it is, but I cannot speak to that. I am not  
6 aware of that process.

7 **MR. DUMAIS:** Recommendation 52 speaks of  
8 educating police officers as to the roles and  
9 responsibilities of the sexual assault care centres.  
10 Perhaps you can explain to us what those care centres are  
11 and whether or not they're in existence?

12 **MS. LEAVER:** In Toronto, we have three  
13 sexual assault care centres and there are care centres in  
14 hospitals across Ontario. When a victim of sexual assault  
15 is taken to a hospital, instead of going through the  
16 emergency of that hospital, unless there is a physical  
17 injury, they will immediately be taken to an area that is  
18 designated for the sexual assault care centre where nurses  
19 and doctors are trained to deal with victims of sexual  
20 assault.

21 It's very important with the uniformed  
22 officers that will accompany these victims, that they're  
23 aware of what the centres are, they're aware of what their  
24 responsibilities are in those centres, and there is  
25 training done by the officers.

1                   The training is also given at the SACA  
2                   course. We do have representatives from those hospitals,  
3                   from the care centres that do come in to speak in relation  
4                   to rape trauma syndrome and victims and what happens at the  
5                   hospitals.

6                   **MR. DUMAIS:** Following the audit, the next  
7                   significant recommendations or report that may have  
8                   affected investigations in this area was the Follow-Up  
9                   Report, and that's the 2004 Auditor General's Follow-Up  
10                  Report, which is at Tab 12 of your Book of Documents.

11                  Recommendations 1 and 2 deal again with the  
12                  staffing complement and enhancing your Internet web page --  
13                  -

14                  **MS. LEAVER:** Yes.

15                  **MR. DUMAIS:** --- I believe you've indicated  
16                  previously that that's an ongoing process?

17                  **MS. LEAVER:** Yes it is; yes.

18                  **MR. DUMAIS:** And Recommendation 3 speaks to  
19                  re-issuing the Criminal Investigation Procedure directing  
20                  that a) firstly, that no interviews be done by first-  
21                  response officers.

22                  **MS. LEAVER:** Yes.

23                  **MR. DUMAIS:** --- and that there be no  
24                  interviews done save and except for those officers with  
25                  specific training.

1                   **MS. LEAVER:** Yes, that was, I believe --  
2 through the research that was done by the city at that  
3 time, is that there were some situations located that  
4 according to the victims this wasn't done. So, yes, this  
5 is a directive again and training has basically been re-  
6 emphasized in this area.

7                   **MR. DUMAIS:** Recommendation 6 speaks of the  
8 implementation of a, I guess, check-and-balance system to  
9 find out whether or not police officers were complying or  
10 not with the procedures set up. Do you know if that's been  
11 done now and what is that review process, if so?

12                   **MS. LEAVER:** I would presume it has. I  
13 think it refers to the field more than it does to our unit.  
14 Again, that was the result of the check and the survey that  
15 was done by the Audit Committee, and I believe that all  
16 these recommendations have been implemented and are  
17 ongoing.

18                   **MR. DUMAIS:** Recommendation 8 deals with all  
19 sexual occurrences being reported promptly ---

20                   **MS. LEAVER:** Yes.

21                   **MR. DUMAIS:** --- or forwarded to the Sex  
22 Crimes Unit for review. Is that something that the Sex  
23 Crimes Unit now does?

24                   **MS. LEAVER:** Yes.

25                   **MR. DUMAIS:** It reviews all occurrences?

1                   **MS. LEAVER:** We have an analyst in our  
2 office who is dedicated to that, so that the Sex Crimes  
3 Unit is totally aware of all sexual assaults that are  
4 happening in the city not just those by unknown offenders.  
5 They are reviewed by a senior officer also if the analyst  
6 is concerned that possibly -- what we will see, we will see  
7 all of a sudden an occurrence that involves an unknown  
8 offender that our unit wasn't advised of. So the  
9 supervisor of that division would be called immediately in  
10 the morning after the analyst picked it up and passed it on  
11 to the supervisor and question as why we did not receive  
12 that information. That is done daily.

13                   **MR. DUMAIS:** Now, I am looking at  
14 Recommendation 13, which is at page 5, and it's a  
15 recommendation that consideration be given to amending the  
16 mandate of the Sex Crimes Unit to include "a general  
17 consultative and oversight role relating to the training of  
18 sexual assault investigators".

19                   Is that something that's reflected in your  
20 training presently?

21                   **MS. LEAVER:** Yes, and there are other  
22 officers from our unit that do lecture. So we are involved  
23 in delivering the training and the consultative event.

24                   **MR. DUMAIS:** Finally, the next  
25 recommendation is the recommendation 19 and it speaks to

1 ViCLAS. You've indicated earlier that these reports have  
2 to be filed within 30 days, but actually a Toronto Police  
3 Service policy or recommendation is that be done within 21?

4 **MS. LEAVER:** They start harassing you at 21  
5 days. Yes, we have a ViCLAS coordinator assigned and, if  
6 you do not submit that ViCLAS, you can end up being  
7 charged, and he will harass you at 21 days.

8 **MR. DUMAIS:** Now, as a result of these  
9 recommendations and audits, is it fair to say that that has  
10 impacted on the procedures that were adopted by the Toronto  
11 Police Service with respect to criminal investigations  
12 regarding sexual assault and children sexual assault?

13 **MS. LEAVER:** Yes, it has.

14 **MR. DUMAIS:** You've alluded to the -- and  
15 I'm looking at Tab 13, which is the Order that was adopted  
16 back in 1993, simply to give us a historical overview of  
17 how that has changed over time, and perhaps you can just --  
18 you've pointed out already how the mandate of the Sex  
19 Crimes Unit has been expanded, and that's one of the  
20 differences between the Order of 1993 and the one of 2002,  
21 what other principal differences are there between the two  
22 procedures?

23 **MS. LEAVER:** I think that basically  
24 involving more emphasis on dealing with the victims, more  
25 responsibility to other officers attending at the scene,

1 the first officer on the scene, the sergeant to make sure  
2 that there is a supervisor officer available for all sexual  
3 assaults. If it is -- the division that it happens is, if  
4 it's an unknown offender, we would still want the  
5 divisional investigator to attend the scene also to verify  
6 that the case does belong to the Sex Crimes Unit. More  
7 information on hospital and the kits. More information on  
8 the Forensic Identification Services, so to give the  
9 officers guidelines to what they have to do, who they have  
10 to call because it's very important for the first officer  
11 on the scene that may be a lot of his responsibilities  
12 initially until we arrive on the scene.

13 And the most important part was basically  
14 the increase in the mandate. They also outlined the victim  
15 interview to let the officers know how important the impact  
16 of the victim or the complainant having to repeat the story  
17 so many times. So letting them know that we have to  
18 minimize that impact and that's why the only person that  
19 will get the full story of the assault will be the  
20 investigator. That any other information, especially for  
21 the uniformed officer or the investigator from the division  
22 will just be on the initial facts, on possibly the  
23 description, what happened, personal information that has  
24 to go into the General Occurrence Report that the uniformed  
25 officer will fill out and that the detailed interview will

1 be done strictly by the Sex Crimes Unit or the officer from  
2 the division.

3 **MR. DUMAIS:** Perhaps we can look at the  
4 different definitions, and you can help us understand how a  
5 sexual assault investigation is begun and go through the  
6 processes, and the duties and obligations of the different  
7 actors.

8 I am looking at page 2 of Tab 14, starting  
9 with the definition. What is a Divisional Investigator and  
10 how is that different from a Sexual Assault Investigator?

11 **MS. LEAVER:** Again, the Divisional  
12 Investigator is an officer that is assigned to a division  
13 to the Investigative Office.

14 However, he or she may not have taken the  
15 sexual assault course. So they wouldn't be assigned as a  
16 sexual assault investigator, but they are a divisional  
17 investigator. So they would be doing -- investigating  
18 other offences.

19 **MR. DUMAIS:** All right. So the only  
20 difference in designation is that the sexual assault  
21 investigator does have the course?

22 **MS. LEAVER:** Yes. And there would be sexual  
23 assault investigators in each division.

24 **MR. DUMAIS:** All right. So it's the number  
25 of police officers that have received the proper training

1 and are designated as such?

2 **MS. LEAVER:** Yes.

3 **MR. DUMAIS:** All right.

4 Whereas someone assigned to the Sex Crimes  
5 Unit is defined as a sex crimes investigator, is that  
6 correct?

7 **MS. LEAVER:** Just words, sexual assault --  
8 we were the Sexual Assault Unit. They changed our name to  
9 the Sex Crimes Unit. So I think sexual assault  
10 investigator would involve us as well as the officer at the  
11 division who has taken the course and is trained.

12 The difference is, he will investigate  
13 sexual assaults that involve a known offender, known to the  
14 victim. Our unit will investigate unknown, where the  
15 victim may know the offender, just no established  
16 relationship, or a complete stranger.

17 **MR. DUMAIS:** I see. I understand.

18 Now, I'm looking at page 3 of that Tab 14  
19 about mid-page. And it's indicated right underneath the  
20 bold section,

21 "Furthermore the Unit Commander of the  
22 SCU..."

23 -- which I take is the Sex Crimes Unit --

24 "...may, at his or her discretion, take  
25 charge of any sexual assault

1 investigation."

2 MS. LEAVER: Absolutely.

3 MR. DUMAIS: So when would that occur?

4 MS. LEAVER: We may do it in historical  
5 sexual assaults. We may get information in that the  
6 division is handling the case. Our unit commander may  
7 decide that the expertise that's needed should be within  
8 our division.

9 There may be a case where, when the  
10 occurrence is read, we believe that possibly this may be  
11 the start of a serial offender, by the actions that  
12 possibly a women was in bed, woke up to find someone  
13 standing over her with a knife. She screamed and he left.  
14 That occurrence may not go in as a sexual assault.  
15 However, it would be picked up by our analyst.

16 So our unit commander may see that as a  
17 possible risk assessment that we may -- that may be the  
18 first of a serial offender, that he was about to sexually  
19 assault the individual.

20 So he has the right to take over -- he or  
21 she has the right to take over any of the cases. Sometimes  
22 the divisions will call us because they don't have the  
23 manpower or they're concerned or the expertise to handle.

24 Our officers in our unit may just monitor or  
25 assist, rather than take over. So we do have options.

1                   **MR. DUMAIS:** All right.

2           Now, right underneath this comment, it's indicated that,  
3                               "A sexual assault investigator shall be  
4                               assigned as the lead investigator in  
5                               all sexual assault cases..."

6           And it provides some exceptions. And the first one is,  
7                               "...where the victim/complainant is  
8                               under sixteen (16) years of age, a  
9                               child sexual abuse investigator shall  
10                              conduct the investigation..."

11                   **MS. LEAVER:** Yes.

12                   **MR. DUMAIS:** "...in compliance with  
13 Procedure 05-06".

14                   **MS. LEAVER:** Absolutely.

15                   **MR. DUMAIS:** So there's a different  
16 procedure that's in place when you're dealing with  
17 children. Correct?

18                   **MS. LEAVER:** Yes, it is.

19                   **MR. DUMAIS:** All right. And what's the  
20 difference then between a sexual abuse investigator and a  
21 child sexual abuse investigator?

22                   **MS. LEAVER:** A child sexual abuse  
23 investigator would be assigned to the division.

24                   **MR. DUMAIS:** All right.

25                   **MS. LEAVER:** Possibly Youth Bureau, possibly

1 an investigator usually with the Youth Bureau. That's the  
2 difference. And they're dealing with children where our  
3 unit would deal with historical sexual assaults of adults  
4 that were children. But we do not deal with children in  
5 our unit.

6 **MR. DUMAIS:** All right. That particular  
7 investigator would have received the same training, though?

8 **MS. LEAVER:** Yes, they would have.

9 **MR. DUMAIS:** Then your procedure further  
10 indicates that any case dealing with or being above the  
11 threshold for a major case should be assigned to an  
12 investigator with major case management training. Correct?

13 **MS. LEAVER:** Absolutely. Yes.

14 **MR. DUMAIS:** And does the training or the  
15 attendance at the training for the sexual abuse and child  
16 abuse course require you to complete the major case  
17 management training before attending?

18 **MS. LEAVER:** Yes.

19 **MR. DUMAIS:** All right. So it's fair to say  
20 then that all sexual investigators have major case  
21 management training?

22 **MS. LEAVER:** Yes. Or will have.

23 **MR. DUMAIS:** Just briefly, detective, if you  
24 can turn your attention to page 4 of that order dealing  
25 with the responsibilities of the different levels of police

1 officers and just briefly go through what's the difference  
2 between the duties of a police officer, a supervisory  
3 officer, a divisional investigator?

4 MS. LEAVER: I'm sorry, that's Tab?

5 MR. DUMAIS: Tab 14.

6 MS. LEAVER: On page 4?

7 MR. DUMAIS: Correct. Mid-page, a police  
8 officer, what the responsibilities are when he arrives on  
9 the scene.

10 MS. LEAVER: I'm sorry. I've got -- is this  
11 05-05, Sexual Assault, 1 of 5?

12 MR. DUMAIS: Correct. Page 4.

13 MS. LEAVER: That refers to the uniformed  
14 officer who would have received the call. Upon arrival at  
15 the scene, they have to notify the operator basically to  
16 verify the situation,

17 "...interview the victim briefly and  
18 ascertain the basic details of the  
19 assault, the description of the suspect  
20 and other relevant information. The  
21 interviewing officer shall ensure  
22 suitable privacy and conduct the  
23 interview in a tactful and sensitive  
24 manner."

25 We do train the officers that possibly find

1           this very difficult depending on the state that the victim  
2           is in when the officer arrives. It may be very difficult  
3           to get this information, but privacy is very important  
4           because confidentiality is extremely important for victims.

5                       Also advising them the necessity for  
6           forensic examination, that if the victim, before they leave  
7           to go to the hospital, should need to void that the officer  
8           should suggest that in using tissue for that area, that  
9           might provide us with some evidence and that's difficult  
10          sometimes for officers to discuss that issue, but it's very  
11          important that they do know.

12                      They advise the officer that he or she will  
13          be able to bathe and change clothing as soon as possible.  
14          The officer has to know -- ask the victim, "Have you  
15          changed your clothes since you've called us", because the  
16          clothing itself may contain evidence we're looking for.

17                      We will arrange for a change of clothing for  
18          the victim, but that's usually done at the hospital.

19                      **MR. DUMAIS:** Is it fair to say, detective,  
20          that -- if I can attempt to summarize -- are the duties of  
21          the first officer on the scene to, one, attend the scene to  
22          obtain a bit of details of ---

23                      **MS. LEAVER:** Take a statement.

24                      **MR. DUMAIS:** --- the allegation without  
25          obtaining a formal statement, and then essentially

1 preserving the scene and the address? Is that correct?

2 **MS. LEAVER:** Yes. And one of the officers  
3 will accompany the victim to the hospital and have another  
4 officer arrange to maintain the scene.

5 **MR. DUMAIS:** So as well, they do provide  
6 support to the victim?

7 **MS. LEAVER:** Yes, absolutely.

8 **MR. DUMAIS:** And their duties essentially  
9 reflect the different recommendations that we've gone  
10 through with the different audits?

11 **MS. LEAVER:** Yes, they do.

12 **MR. DUMAIS:** And then the responsibility of  
13 the first officer is to contact someone, a divisional  
14 sexual assault investigator, and their job is to assign a  
15 sexual assault investigator ---

16 **MS. LEAVER:** Yes.

17 **MR. DUMAIS:** --- to the investigation?

18 **MS. LEAVER:** They'll notify a uniformed  
19 sergeant who will also attend the scene, basically to make  
20 sure that all the procedures have been followed. A  
21 divisional investigator will be notified and if the Sex  
22 Crimes Unit investigator is needed, then we will be  
23 notified.

24 **MR. DUMAIS:** All right.

25 Now, Commissioner, I am about to look at the

1 next tab and that's dealing with the child sexual abuse  
2 more specifically. It's a new area. I don't know if you  
3 want to break.

4 **THE COMMISSIONER:** How long do you -- I'm  
5 just looking at organizing the rest of the day, Me Dumais.  
6 Any idea how long you're going to be with this witness and  
7 if you can, enlist your confrères to see if they -- how  
8 long they plan to be?

9 **MR. DUMAIS:** I think I'll definitely be done  
10 before the afternoon break, Commissioner.

11 **THE COMMISSIONER:** All right.

12 So if you can canvass the others to find out  
13 how long they'll be, then we'll have an idea of timing.  
14 All right. Thank you.

15 **MR. DUMAIS:** Thank you, Commissioner.

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

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

19 --- Upon recessing at 12:34 p.m./

20 L'audience est suspendue à 12h34

21 --- Upon resuming at 2:08 p.m./

22 L'audience est reprise à 14h08

23 **THE REGISTRAR:** À l'ordre; veuillez vous  
24 lever.

25 This hearing of the Cornwall Public Inquiry

1 is now in session. Please be seated. Veuillez vous  
2 asseoir.

3 **THE COMMISSIONER:** Thank you. Good  
4 afternoon. So did they feed you?

5 **MS. LEAVER:** They did, sir.

6 **THE COMMISSIONER:** Okay.

7 **MS. LEAVER:** Thank you.

8 **THE COMMISSIONER:** Terrific.

9 **WENDY LEAVER, Resumed/Sous le même serment:**

10 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**  
11 **DUMAIS (cont'd/suite):**

12 **MR. DUMAIS:** Detective, if I can put you  
13 back in context, we had just finished off this morning by  
14 looking at the criminal investigations procedure for sexual  
15 assault and I want us to move to the child sexual abuse  
16 procedure; so RO 05-06, which can be found at Tab 15 of  
17 your Book of Documents.

18 So essentially, you had indicated this  
19 morning that any offences involving a child who is 16 years  
20 of age or less -- or under the age of 16, sorry, was  
21 referred to a child sexual abuse investigator.

22 **MS. LEAVER:** Yes, it would be handled by the  
23 Youth Bureau of the division where it occurred by a sexual  
24 assault investigator who is trained but works in the Youth  
25 Bureau.

1                   **MR. DUMAIS:** So the procedure refers to a  
2 "designated child sexual abuse investigator". So does that  
3 simply mean a police officer with sexual abuse investigator  
4 training affected to the Youth Bureau?

5                   **MS. LEAVER:** Yes.

6                   **MR. DUMAIS:** All right.

7                   And the next definition that we find on the  
8 first page of the procedure is a "designated Children's Aid  
9 Society worker". Can you explain to us what that is or who  
10 they are?

11                   **MS. LEAVER:** A Children's Aid worker, again,  
12 is a trained specialist that works for Children's Aid and I  
13 believe would have had training in that area. When there  
14 is a possibility there's been a violation of the *Criminal*  
15 *Code*, both agencies would work together.

16                   **MR. DUMAIS:** All right. So the procedure or  
17 the investigative procedure is very similar to a certain  
18 extent but one of the first things that appears to happen  
19 is that there's a team that's assembled ---

20                   **MS. LEAVER:** Yes.

21                   **MR. DUMAIS:** --- or there's someone from the  
22 Children's Aid Society that's contacted. Do you know how  
23 that works and can you explain?

24                   **MS. LEAVER:** Usually the police will -- if  
25 they received the call first, they'll contact Children's

1 Aid or vice versa.

2 MR. DUMAIS: All right. And do you know how  
3 the team is assembled? Is there a coordinator that's in  
4 charge? How is it determined who is contacted from the  
5 Children's Aid Society?

6 MS. LEAVER: Well, there would be an on-call  
7 team, as there would be for the police service. So if a  
8 call had come into a division, then the investigator who  
9 received it, he would call through to whatever Children's  
10 Aid would have the mandate, on behalf of Children's Aid, et  
11 cetera; Children's Aid, aboriginal, Jewish Children's Aid.  
12 They would contact the on-call person at that time.

13 MR. DUMAIS: All right.

14 Now the procedure refers to the child sexual  
15 abuse protocol and the one they refer to on page 1 is the  
16 March 1995 one.

17 MS. LEAVER: Yes.

18 MR. DUMAIS: And is that a more recent  
19 version of the protocol we looked at this morning?

20 MS. LEAVER: Yes, I believe it is.

21 MR. DUMAIS: All right. And is that  
22 protocol presently under review?

23 MS. LEAVER: Yes. It is.

24 MR. DUMAIS: And it's expected that in May  
25 2006, a new protocol will be released. Is that correct?

1                   **MS. LEAVER:** I believe there are some  
2 changes coming within the protocol.

3                   **MR. DUMAIS:** Do you know what those changes  
4 are? Are you privy to ---

5                   **MS. LEAVER:** I'm aware that one of the  
6 changes is that children will not be interviewed at police  
7 stations. I believe that's one of them. I'm not aware of  
8 the others.

9                   **MR. DUMAIS:** All right. Now, the procedure  
10 also makes reference to investigations on school premises  
11 and you touched on that a bit this morning, how it used to  
12 be.

13                   **MS. LEAVER:** Yes.

14                   **MR. DUMAIS:** Can you just go through that  
15 and explain to us what the difference is nowadays?

16                   **MS. LEAVER:** Basically, we now have it  
17 outlined so there's a better understanding between the  
18 schools and police services, more of public relations as  
19 such, so that each side knows what is going to happen. And  
20 if it's disclosed at school and reported immediately by  
21 school personnel, there's a certain protocol to follow.

22                   I think what happened previously is there  
23 was no guideline set up for rules on either side as to what  
24 would happen if it was disclosed at school? What would  
25 happen if the offender was at school? Would the police

1           come in in uniform? Would they come in in plain clothes?

2                           And this policy and procedure outlines  
3 exactly what the investigations on the school premises  
4 should be and basically it's going to be determined by the  
5 team at the time in the best interest of the child, the  
6 emergency of the situations. It may be absolutely  
7 necessary to go into the situation and remove the child but  
8 it is basically decided by the team but it is outlined in  
9 this section as to what has to be done.

10                   **MR. DUMAIS:** All right. And at what point  
11 in time or in what circumstances would the Sex Crimes Unit  
12 become involved in an investigation involving children?

13                   **MS. LEAVER:** Unknown offender, serial  
14 offender. That would be probably the main occasions; if  
15 the child was assaulted by a stranger, if the situation  
16 ended up being serial offenders when we began to receive  
17 occurrences of more than one assault and the descriptions  
18 match the individual. It's quite possible our unit -- the  
19 Sexual Exploitation Unit does all investigations in  
20 relation to the Internet. So we're definitely dealing with  
21 children in those situations.

22                           Quite possible in pedophile situations if  
23 the division itself was not able to possibly have the  
24 expertise to handle the case, then our unit may end up  
25 taking it over.

1                   **MR. DUMAIS:** I think you mentioned as well  
2 this morning if it was a case dealing with historical child  
3 sexual abuse ---

4                   **MS. LEAVER:** Yes. A lot of the pedophile  
5 cases with historical sexual assault, we would but those  
6 individuals would now be adults but we would be dealing  
7 with them.

8                   **MR. DUMAIS:** All right.

9                   Now, the procedure sets out as well -- and  
10 I'm looking at page 4 of the procedure item line. It  
11 indicates:

12                                   "...after interviewing the alleged  
13 offender, shall disclose the results of  
14 the interview to the CS worker as soon  
15 as possible, inform the CS worker  
16 whether criminal charges have been laid  
17 and caution the CS worker not to  
18 release the information to any other  
19 person."

20                   Are you aware whether or not the interview  
21 is being conducted by the police officer and then the  
22 social worker is advised or is it a combination of both of  
23 their efforts?

24                   **MS. LEAVER:** I believe depending on the  
25 situations that sometimes there are joint interviews and at

1 other times there are single interviews either by CAS or  
2 police. It would depend on the circumstances of the  
3 situation and the abuse.

4 **MR. DUMAIS:** All right.

5 Now, you've just mentioned that the Sex  
6 Crimes Unit deals with investigations of historical sexual  
7 abuse cases and you've indicated this morning that you've  
8 dealt with a number of these cases. I believe you  
9 mentioned five or six in the last few years.

10 **MS. LEAVER:** Yes.

11 **MR. DUMAIS:** Can you just perhaps take us  
12 through one of these investigations and describe to us how  
13 you went about the difficulties you encountered and perhaps  
14 make recommendations as how we can do it better?

15 **MS. LEAVER:** I just completed a case last  
16 week in the court. Approximately two and a half years ago,  
17 I received a call from a father who was in tears and was  
18 seeking information, which is the way we get a lot of  
19 historical sexual assault inquiries, as to what would  
20 happen if his son came forward that he was abused by a  
21 teacher at a private school 20 years ago.

22 At that point, we take the opportunity to  
23 explain there is no statute of limitations, what the  
24 process would be. He'd have to come in to be interviewed,  
25 et cetera.

1                   A few days later, I did receive a call from  
2                   his son who was then 32 years of age, who was also a  
3                   principal of a school in northern Ontario, and had made a  
4                   decision after 25 years that he wanted to come forward.  
5                   His concern why he wanted to come forward was that he felt  
6                   that there were several other victims out there and that he  
7                   wanted something done.

8                   His fear was that if he came forward and the  
9                   parents in the school of the children in the school that he  
10                  was head of found out that he was abused as a young man,  
11                  that they would think that he was abusing their children.

12                  So when you're listening to that on the  
13                  phone, you are thinking "My god, it's not an irrational  
14                  fear. It's a real fear for this man."

15                  He came into the office two days later and  
16                  gave us a videotaped statement in tears, angry, and after  
17                  it was over, we explained what we were going to do and the  
18                  situation was similar in all the cases. The offender  
19                  worked in a private school, in two private schools for  
20                  several years. He had a cottage in northern Ontario and he  
21                  would pick certain boys to go up every weekend as he was  
22                  building a cabin and he put it forth to the parents of the  
23                  young boys as outdoor education.

24                  He would go up north. The boys liked to go  
25                  up there because they knew that they could drink if we went

1 to so-and-so's cottage. His first trip up there he was  
2 about 11, 12, I think 13. So the word amongst the boys in  
3 the school, "If we go to so-and-so's cottage, we can  
4 drink". Except once all the building was done and the work  
5 on the cottage was done and the alcohol came out, because  
6 these young men were just boys, the majority of them would  
7 pass out and wake up in the middle of the night to being  
8 sexually abused.

9 Each victim I spoke to told me the same  
10 thing, "I thought I was the only one. I told no one. I  
11 thought I was the only one."

12 When the first victim came forward, we asked  
13 him if he could supply us with some names of some of the  
14 other boys that were up there to start our investigation.  
15 As a result of his interview, we did arrest the offender  
16 and started our investigation.

17 The problem with historical sexual assaults,  
18 especially if you realize you have a pedophile, is getting  
19 other victims to come forward. We're talking 20, 25 years  
20 later. People have moved on with their life. Probably one  
21 of the most difficult situations that I've been involved in  
22 is making that phone call or knocking on the door asking  
23 for help, asking if they've been involved, seeing the  
24 absolute fear and panic on their face. I don't believe  
25 that's the best way to do it.

1                   We were very fortunate in this case. We had  
2                   the names of several of the boys that were up there. So my  
3                   initial investigation, the school was very cooperative and  
4                   I'm fortunate it happened two and a half years ago because  
5                   this school stated that they wanted to be very transparent  
6                   and they would assist us in any way they could. I asked if  
7                   they could check the list that I had given them of 11 boys  
8                   that I had received from the victim, if they had any  
9                   address or contact, and we would try that way first, which  
10                  we did.

11                  Out of the 11, two returned our calls and  
12                  basically said, "We want nothing to do with you. We want  
13                  to get on with our lives." We did not leave "police  
14                  service" or "detective"; we just left a name and a phone  
15                  number.

16                  We asked the school if they would send out a  
17                  letter to their alumni and explaining the situation, within  
18                  the legal means, that the offender had been arrested and  
19                  this was the allegation, and if there were any others at  
20                  the cottage, who attended at the cottage during these  
21                  years, that I would be interested in speaking with them and  
22                  they left my cell phone number.

23                  As a result of that letter itself, which I  
24                  believe was the best way to contact victims -- instead of  
25                  the phone call or the knock on the door or trying to leave

1 a message, a letter arrives. The potential victims get an  
2 opportunity to open up, to read it and make a decision.

3 We had 10 other victims come forward as a  
4 result of that letter and I received, I think,  
5 approximately 15 other calls with first names that spoke to  
6 me or anonymous calls that explained that they just could  
7 not come forward. I can recall one call of a man calling  
8 me from a taxi and saying to me, "I'm on my way home. I've  
9 read this letter several times. I want to tell you it  
10 happened to me, but I can't come forward. I cannot come  
11 forward."

12 Of the victims that did come forward after  
13 the first victim, each victim said to me, "Please thank the  
14 first victim for coming forward. I would never have had  
15 the courage to come forward without that first victim."

16 We did a press release but what was most  
17 effective for us was the letter. I found that making phone  
18 calls, leaving messages -- the last thing I would do is  
19 show up at a potential victim's door as a police officer.  
20 I, myself, find that so frightening and so overwhelming  
21 that the victims must be presented with the choices but in  
22 a much gentler manner, especially if the case has happened  
23 20 to 25 years in the past.

24 We went through videotaped statements with  
25 all the victims. We ended up with 11. In three cases, I

1 had parents that have come forward to speak with me because  
2 a couple of the parents had been very involved with the  
3 teacher and he had stayed over at their place on different  
4 occasions and on one occasion when they were away, an  
5 assault had taken place on their son at that time.

6 I'm talking to parents in an interview room  
7 20 years later and they were in tears. They feel totally  
8 responsible. They go on to explain to me that now they  
9 understand the abuse has caused drug problems in their son,  
10 that their son is an alcoholic, why their marriage -- their  
11 son's marriage or relationships have completely fallen  
12 apart.

13 So not only do I have one victim, I now have  
14 those connected with him and parents to me were the most  
15 devastated because there was nothing I could do or say to  
16 say, "It's not your fault. It's the fault of the  
17 offender."

18 The process itself through the court,  
19 through the preliminary process, was painful. The court  
20 system, we're fortunate to have the Victim/Witness people.  
21 However, when, on my own because due to lack of resources  
22 that we have in our service, you're attempting to deal with  
23 11 victims, you're attempting to deal with the preliminary,  
24 we have scheduling, dealing with the Crown, dealing with  
25 the defence, trying to schedule things with the victims is

1 almost a nightmare, telling them, "Yeah, you're going to be  
2 here tomorrow morning at 10:00", calling them at nine  
3 o'clock that night to say, "Listen, I'm really sorry".

4 The preliminary completely disrupted their  
5 lives, and all the majority of them wanted to do was have  
6 their opportunity to get up on the stand and say, "You  
7 didn't get away with it. This is what happened to me."

8 We had one gentleman who moved to England  
9 and we had attempted to get a videotape statement in but we  
10 weren't able to do that. Through this whole process, I  
11 would hear from the victims, each of the victims almost  
12 every night. When you're dealing with this type of case  
13 with I would say more than two victims, I don't believe too  
14 many police services have the resources to deal with  
15 pedophile investigations.

16 I'm not too sure I supplied the best  
17 services to the victims. Very fortunate that the  
18 Victim/Witness Program, god bless them, supplied two  
19 people. So they took over the scheduling and calling the  
20 victims for me as I dealt with all the preliminary matters  
21 and the Crown.

22 At the end of the day, a week, two weeks  
23 into the trial, a guilty plea was negotiated. However, the  
24 guilty plea was on four and we dropped the remaining. We  
25 had to call each victim, myself and the Crown, to speak to

1           them and to explain to them that those that we weren't able  
2           to go forward with was not because their case was not  
3           serious and their charge was not -- we explained the  
4           process that had taken almost two and a half years to come  
5           to a preliminary, that a trial would probably take another  
6           year and that we may be facing a constitutional challenge  
7           at that time and possibly lose it on a technicality.

8                         **THE COMMISSIONER:** On a technicality?

9                         **MS. LEAVER:** A technicality could have been,  
10           Your Honour, on other evidentiary issues, not necessarily  
11           the constitutional challenge. It was not a technicality.

12                        **THE COMMISSIONER:** No, that's not.

13                        **MS. LEAVER:** No, but there was others.

14                        It's very difficult to explain to victims,  
15           especially you as the investigator who was there from the  
16           very beginning. When I had those victims for the first  
17           time pouring out the story to me and they having belief in  
18           the system, in the police system -- and I will always say  
19           to my victims, "I'll do the best I can but I can't promise  
20           you a conviction."

21                        I think we did the best we could in this  
22           situation. There was a guilty plea that saved the majority  
23           of victims from going through the trial process and the  
24           cross-examination. And remember, they were abused as  
25           children but they're giving evidence as adults. So the

1 cross-examination itself -- it was a very competent lawyer,  
2 a very thorough lawyer and the cross-examination would have  
3 been very thorough.

4 Several of the victims were in therapy and  
5 had been in therapy for a long time. We knew that their  
6 records probably would have been requested for. Therefore,  
7 they would have been questioned on those records. So at  
8 the end of the day, it is one of the most difficult  
9 investigations. It is -- the impact on the victims is  
10 tremendous. I have not had an opportunity to speak to them  
11 since the plea came in on Tuesday. I'll probably do that  
12 on Monday.

13 I find with police services is we need more  
14 resources to handle these cases. For some reason the  
15 thought process may be "You know what? It happened 20, 25  
16 years ago." Yet, when you are doing the interviews with  
17 these people they are going through the same feelings, the  
18 same anger, the same tears and the same pain as if it was  
19 happening today. And if you're the investigator, you're  
20 the only one they believe can help them.

21 I believe police services in general need  
22 more training in this area. You know, we can talk until  
23 we're blue in the face about resources. We all know what  
24 all police services are going through as far as lack of  
25 resources, but more understanding of the victims. The

1 services available to victims, especially male victims, at  
2 the end of the day are almost nil unless you have the  
3 finances to support private care.

4 It's a learning process. If you ask me if I  
5 felt satisfied, at the end of the day, I feel that we did  
6 the best that we could. I believe the Crown and the  
7 defence did the best that they could but I'm not too sure  
8 the system was fair to the victims.

9 **MR. DUMAIS:** All right. So Detective, I  
10 take it from what you're saying is that despite the  
11 improvements and the training there's still -- we have got  
12 quite a further ways to go and ---

13 **MS. LEAVER:** Yes.

14 **MR. DUMAIS:** I mean ---

15 **MS. LEAVER:** I believe our officers try to  
16 do the best they can with the training they have but  
17 there's -- when we're dealing with victims from 20, 30  
18 years ago, it's the emotional impact, the scarring on their  
19 lives, the other collateral victims, parents, families,  
20 sisters, brothers that we come in contact with. It's  
21 almost an impossible task to deal with it.

22 **MR. DUMAIS:** All right.

23 Now, you've indicated, and I'm looking at  
24 the last items of your outline which deal with "Moving  
25 Forward" and the second bullet in that section indicates:

1 "Challenges continue to exist in  
2 respect of investigating new cases  
3 involving allegations against persons  
4 in positions of trust or authority."

5 So does that still remain today? Does that  
6 cause difficulties in investigations?

7 **MS. LEAVER:** It's not as difficulties  
8 because, you know, sort of in the past 10 years, I found a  
9 lot of the organizations are much more transparent and  
10 cooperative.

11 **MR. DUMAIS:** And that's as a result of the  
12 training and the awareness that ---

13 **MS. LEAVER:** I think it's the result ---

14 **MR. DUMAIS:** --- is still prevalent?

15 **MS. LEAVER:** --- of inquiries. I think it's  
16 a result of media. I think it's in -- you know, when we  
17 look at places like Mount Cashel in St. John's. I think  
18 it's a variety of issues. But, also, yes, in probably  
19 improved training on our part.

20 **MR. DUMAIS:** All right. And on training,  
21 your next bullet deals with joint training initiatives and  
22 what's your view on cross-agency relationship and joint  
23 training?

24 **MS. LEAVER:** I've always taken a look to the  
25 States where they have child advocacy courts -- excuse me,

1 centres in dealing with child abuse, and I believe there's  
2 approximately 500 across the States that began in the early  
3 '80s. And what they have is designated Assistant District  
4 Attorneys. They have trained prosecutors. They have  
5 designated police investigators. And the child who is  
6 abused is taken to one centre in the community that is  
7 designed to basically meet the needs of the community  
8 there. The investigation, the interview, the forensic  
9 examination and the therapy basically is done jointly with  
10 protective agencies, with the police and with the  
11 prosecutors.

12 The impact on the child and the trauma is  
13 lower because they're in a safe place. They are only  
14 interviewed once, but they're interviewed by a trained  
15 forensic interviewer who has knowledge of the cognitive  
16 language development of a child. So it saves on the impact  
17 of the child, it allows for more successful prosecutions  
18 and we dedicate people solely to that. So we don't have  
19 officers or protective workers, you know, involved in a  
20 variety of other things. They're solely focused on dealing  
21 with abused children, and anyone who has the opportunity  
22 through a year to interview a hundred young children who  
23 have been sexually abused becomes very, very efficient at  
24 it and very good at it.

25 **MR. DUMAIS:** And you've mentioned as well

1 the need for increased training with respect to the changes  
2 that were brought to either the Code or the *Evidence Act*  
3 and you've given as an example the use of screens.

4 MS. LEAVER: Yes.

5 MR. DUMAIS: What did you mean by that?

6 MS. LEAVER: Well, as a result of Bill C-15,  
7 in Toronto we have a designated child abuse court which is  
8 J Court and it is a wonderful court. We do have designated  
9 prosecutors that are assigned to those cases and only those  
10 cases and what is beneficial about that is if we have a  
11 child abuse court in Old City Hall and J Court, the Crown  
12 Attorney that's assigned from the first interview with that  
13 child in the preliminary will follow that through to the  
14 end. If I have to have a child in another court, the Crown  
15 Attorney I get initially for the preliminary a year and a  
16 half later may not be the same Crown Attorney that will  
17 take the case to trial. So I'm starting all over with the  
18 child to re-introduce him to the Crown Attorney.

19 Also in this court, we see the use of the  
20 screen automatically. We see the use of possibly  
21 interviewing the child away from the court in the judge's  
22 chamber. We also see the use of support people for the  
23 child automatically. These people are very -- they have a  
24 tremendous amount of case law that they're aware of and  
25 they work only in J Court with child abuse cases and they

1 maintain the case from the beginning to the end. However,  
2 that is just one court in Toronto.

3 If you should end up in another court it's  
4 the luck of the draw on the experience of the Crown  
5 Attorney and a lot of times we see that judges are not  
6 using the screen or the videotape or the support person.

7 I just think there's more training that's  
8 needed in that area.

9 **MR. DUMAIS:** And is this -- J Court, is this  
10 a pilot project, is it -- has it been in place for a long  
11 period of time?

12 **MS. LEAVER:** It's been in place, I think,  
13 for possibly seven years. It was a pilot project  
14 initially, but it's permanent now.

15 **MR. DUMAIS:** And are you aware of any  
16 particular training that the people involved in that court  
17 receive or is it just the ---

18 **MS. LEAVER:** I'm not aware of the training  
19 that the Crown Attorneys, the Assistant Crown Attorneys  
20 receive. I believe they must receive some because they are  
21 well versed in what they do and they are amazing with the  
22 children and it's a very successful court. It's a child-  
23 friendly court. There is a separate entrance that comes  
24 into that court. There is a room on the side where there's  
25 different toys for different ages. So the children come in

1 from that area right up to the stand.

2 MR. DUMAIS: Now, you've mentioned earlier  
3 the Child Advocacy Centre ---

4 MS. LEAVER: Yes.

5 MR. DUMAIS: --- and you mentioned as well  
6 that they're presently in the process of renegotiating the  
7 protocol between Toronto Police Services and the different  
8 Children's Aid Societies.

9 Anything else you wish to indicate on the  
10 use of a ---

11 MS. LEAVER: I don't think they're  
12 renegotiating the protocol. I think that there is always  
13 an ongoing discussion with how to make that protocol better  
14 ---

15 MR. DUMAIS: They're redrafting it?

16 MS. LEAVER: --- for the protection of  
17 children. Absolutely, yes.

18 No, I think if there's anything that I would  
19 push for it would be for advocacy child centres in this  
20 country.

21 MR. DUMAIS: And my understanding is that  
22 these advocacy centres provide counselling as well. Is  
23 that correct?

24 MS. LEAVER: They do. What would happen is  
25 I have spent two years through preliminaries and trials

1 with young children and, you know, I started when they were  
2 five and I'm finishing when they're seven. And then when  
3 the case is over, they're gone. You know, do we take it  
4 for granted the impact has ended then? What these centres  
5 do is they do do the follow up with the family. They do do  
6 the follow up in counselling. So I think that's very  
7 important because at the end of the day when the case is  
8 finished for me, that's it, but what happens with that  
9 child?

10 **MR. DUMAIS:** All right. And how is it that  
11 these cases are referred to the centre?

12 **MS. LEAVER:** It's automatic.

13 **MR. DUMAIS:** All right. So ---

14 **MS. LEAVER:** Yes, in the community where it  
15 occurs.

16 **MR. DUMAIS:** All right. And that's broken  
17 down into a specific jurisdiction?

18 **MS. LEAVER:** Absolutely, it is, and the  
19 centre may be located in a hospital. In some of the  
20 readings, there was one located in a woman's hostel. It  
21 fits the needs of the community.

22 **MR. DUMAIS:** Now, you've mentioned, and  
23 that's the final bullet in your outline, the Circle of  
24 Support program of the Mennonite Central Committee. You've  
25 mentioned that earlier ---

1                   **MS. LEAVER:** Yes.

2                   **MR. DUMAIS:** --- this morning. Your  
3 involvement in that. I there anything else you wish to say  
4 on that subject?

5                   **MS. LEAVER:** The only -- I've been involved  
6 with the Circle of Support now for nine years. I've been  
7 involved in several circles with approximately nine core  
8 members. And as a police officer working in this area,  
9 quite often some of the offenders that we end up arresting  
10 have been in and out of jail. They are re-offending.

11                   What I find is there was a research project  
12 done by Dr. Robin Wilson that took a look in -- and I  
13 believe it was in 2002 -- in relation to the Circle of  
14 Support program and took a look at 30 high-risk sex  
15 offenders that came out of the system into the Circle of  
16 Support and 30 that didn't. And the recidivism rate for  
17 those that came out with support was much, much lower than  
18 those who had no support.

19                   And in my career, with all Probation and  
20 Parole -- I've got nothing against Probation and Parole,  
21 but all the programs or government projects out there that  
22 supposedly support offenders -- supporting a pedophile or a  
23 sex offender is not a type of volunteer work that you get  
24 patted on the back for. In fact, my family thinks I'm  
25 absolutely nuts. But to me, with all the members that we

1 have supported, they have not re-offended. There have been  
2 no more victims.

3 So if there's programs such as this that  
4 guarantee that these individuals will not -- guarantee, 99  
5 per cent -- that these offenders will not harm any more  
6 victims, it works. And it works through community  
7 involvement forming a circle of support helping this person  
8 re-integrate into society.

9 Where we hear "He should be killed, head  
10 should be cut off, we should send him to an island", there  
11 is no island we can send them to, and we don't have the  
12 death penalty. They are coming out into our community.  
13 They are our fathers, brothers, uncles, whatever and unless  
14 we do something to re-integrate them safely, then there  
15 will be more victims. And it is a program that works and  
16 that's why I've been a volunteer for nine years.

17 **MR. DUMAIS:** All right, Detective. These  
18 are my questions.

19 Thank you.

20 **MS. LEAVER:** Thank you.

21 **THE COMMISSIONER:** All right.

22 Mr. Manson, do you have any questions?

23 **MR. MANSON:** Yes, I do.

24 **THE COMMISSIONER:** Okay.

25 **MR. MANSON:** Thank you, Commissioner.

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
2 MANSON:

3 MR. MANSON: Before I start, is Detective  
4 your proper rank?

5 MS. LEAVER: Yes, it is.

6 MR. MANSON: Detective Leaver, my name is  
7 Allan Manson. I'm the counsel for the Citizens for  
8 Community Renewal.

9 MS. LEAVER: Yes.

10 MR. MANSON: And I have a few questions to  
11 ask you. I want to ask you some questions about training.

12 MS. LEAVER: Yes.

13 MR. MANSON: I'm a little concerned that we  
14 can be so enthusiastic about progress that's been made that  
15 we may ignore some gaps.

16 When Deputy Chief Aikman from the Cornwall  
17 Police Services gave evidence ---

18 MS. LEAVER: Yes.

19 MR. MANSON: --- my co-counsel asked him  
20 about training with respect to investigating historic sex  
21 abuse.

22 MS. LEAVER: Yes.

23 MR. MANSON: And I'm paraphrasing the  
24 questions and answers, but they appear in the transcript of  
25 April 19th at page 144, Mr. Commissioner, if anyone is

1 concerned. But my recollection is that he said, first  
2 speaking of the early '90s, he couldn't recall any courses  
3 available for police officers in Ontario ---

4 **MS. LEAVER:** Right.

5 **MR. MANSON:** --- that dealt with  
6 investigating historical sexual abuse.

7 **MS. LEAVER:** Yes.

8 **MR. MANSON:** And then when he brought it up  
9 to the present, again he couldn't recall any specific  
10 courses, but he ended by saying perhaps there are some  
11 basic or general courses that speak to the subject.

12 Can you fill that in? Are there any courses  
13 that speak to the subject?

14 **MS. LEAVER:** Well, he was correct. In the  
15 early '90s, there was very little training, I think,  
16 probably '91, '92, and I can only speak to our SACA course.  
17 However, the training in relation to historical sexual  
18 assaults was limited. It is something we learned by trial  
19 and error as the '90s went on and we ended up with more  
20 cases.

21 We did do training in relation to profiling  
22 of pedophiles. That was part of the training, but I'm not  
23 aware of any courses that outlined or directed specifically  
24 towards investigating historical sexual assaults. It would  
25 have been all in basically how you do a regular sexual

1 assault investigation. So he may have been correct in that  
2 area.

3 I'm still not aware of any specific courses  
4 that are geared directly towards historical sexual assaults  
5 because the training would be, well, this is how you do a  
6 sexual assault, except now instead of one victim, all of a  
7 sudden we have 50 or 60.

8 **MR. MANSON:** Well that will get me to my  
9 next question then.

10 **MS. LEAVER:** Okay.

11 **MR. MANSON:** Let's talk about investigating  
12 historical sexual assaults.

13 **MS. LEAVER:** Yes.

14 **MR. MANSON:** And I want to move outside of  
15 Toronto for a minute because, of course, it's the biggest  
16 city, and it has the most resources ---

17 **MS. LEAVER:** That's right.

18 **MR. MANSON:** --- notwithstanding the  
19 resource problems.

20 So I want to put a hypothetical example to  
21 you. Mr. Commissioner, I want to show you this isn't based  
22 on any real case. I have made up the facts because I think  
23 it's illustrative and I apologize if it conveys any  
24 stereotyping. That's not intentional. But let's imagine a  
25 small town in Ontario.

1                   **MS. LEAVER:** Yes.

2                   **MR. MANSON:** We'll call it "Smalltown,  
3 Ontario", and it's a town of about 40 to 50 thousand  
4 people. It has a municipal police force of about 50  
5 officers.

6                   **MS. LEAVER:** Okay.

7                   **MR. MANSON:** And let's imagine a particular  
8 day when all of a sudden the officer in charge meets two  
9 men who come in. They're independent, they don't know each  
10 other, but they each come in and they want to make a  
11 complaint, and he has two detectives on duty at that time.  
12 So he sends complainant "X" to one detective and he sends  
13 complainant "Y" to the other detective.

14                   So let's imagine the first detective is  
15 meeting complainant "X" and he hears a story and the story  
16 is basically this. The complainant is 30 years old, is a  
17 bit dishevelled, would fit into the category of known to  
18 the police and he tells Detective One that 15 years  
19 earlier, he was abused by an older man. He hasn't had any  
20 contact with him for many years and he gives an account of  
21 repeated abuse and is prepared to provide all the details,  
22 and subsequently a videotape statement is given with all  
23 the details.

24                   The man is identified and named and the  
25 complainant tells Detective One that he's about 60 years

1 old now and he lives in a semi-destitute state on a farm  
2 outside of town, lives by himself, but the farm is still  
3 within the jurisdiction of this Police Force.

4 In the details of the account, there's some  
5 relevant features. There's a description of a period of  
6 seduction or courting. I think you use the word  
7 "courting". It sometimes pops up in the literature as  
8 "seduction". On two occasions, there were other men  
9 involved, but they're not named. The alleged abuser had a  
10 collection of pornography, including child pornography.  
11 The alleged abuser had a computer, which "X" would often  
12 play -- used to play computer games and occasionally the  
13 man would show him pornography on the computer.

14 **MS. LEAVER:** M'hm.

15 **MR. MANSON:** So after taking the videotape  
16 statement and having it verified and confirmed by "X", what  
17 do you think Detective One should do? Can you describe the  
18 investigative process from there?

19 **MS. LEAVER:** From the information that you  
20 gave me, an investigation -- if you believed on reasonable  
21 and probable grounds the information you received, there's  
22 a variety of routes. You could check the information  
23 further. You may want to do a little more investigation.  
24 You do have grounds, if you believe the victim, to arrest.  
25 A small town, what does the officer know about the victim?

1                   I could give you the perfect scenario, but  
2                   it's very difficult. There's a variety of avenues that one  
3                   could go. In a perfect situation with that information,  
4                   reasonable probable grounds, an arrest could be made, but  
5                   the officer -- he may investigate a little further. Does  
6                   he have further information? Does he know something else  
7                   about the victim? Is he going to do further investigation  
8                   because this is a very serious charge? The fact that other  
9                   people are mentioned. Might it be worthwhile to do further  
10                  investigation without arresting to find out who those other  
11                  two are?

12                  I wish I could give you a perfect answer,  
13                  sir, but I think in this field there are probably a variety  
14                  of ways that one could go.

15                  **MR. MANSON:** Well, let's forget about  
16                  perfect answer for a minute ---

17                  **MS. LEAVER:** Okay.

18                  **MR. MANSON:** --- and let's just start with  
19                  what's the first thing the detective should do. You said,  
20                  "If he believed the victim". Are you suggesting if the  
21                  officer did not believe the victim, he should close the  
22                  file?

23                  **MS. LEAVER:** No, I'm not suggesting he  
24                  should close the file. I'm just saying that's part of an  
25                  investigator's -- "gut feeling" is not a word I like to use

1 but we do have it. But also you have to consider what the  
2 impact would be. What is the impact on the victim if I  
3 immediately go out and arrest? I've got to find out what  
4 that is. He mentions a couple of other men. If I arrest  
5 the individual he's speaking about, do I lose the other two  
6 men? What is this?

7 I think initially, I'd be doing a little  
8 more investigation in that area.

9 MR. MANSON: But could you explain that to  
10 me, what you would do?

11 MS. LEAVER: Well ---

12 MR. MANSON: Well, let's just slow down for  
13 a second.

14 MS. LEAVER: Okay.

15 MR. MANSON: You said it's not a question of  
16 do you believe or not believe.

17 MS. LEAVER: Yeah.

18 MR. MANSON: That the matter must be  
19 pursued. You would agree with that?

20 MS. LEAVER: Absolutely, yes, when the  
21 matter comes in ---

22 MR. MANSON: It's there. It's documented.  
23 It's videotaped.

24 MS. LEAVER: Yes, absolutely.

25 MR. MANSON: So it must be pursued?

1                   **MS. LEAVER:** It must be pursued.

2                   Absolutely.

3                   **MR. MANSON:** So what are the possibles for  
4                   the first step you'd take?

5                   **MS. LEAVER:** The possibles for the first  
6                   step are arresting the individual, letting the victim know  
7                   that we are not going to arrest -- do I know who this  
8                   person is? Is he still living at this address? I don't  
9                   know that.

10                  **MR. MANSON:** Let's assume that he is. That  
11                  he's still there and ---

12                  **MS. LEAVER:** Okay. Maybe I will go -- you  
13                  know, would I go speak to him? It's so hard to say. Who  
14                  am I dealing with? He said there were two other men there.  
15                  Is there a computer? Will I need a search warrant?

16                  **MR. MANSON:** Well, he's told you there's a  
17                  computer. Will you get a search warrant?

18                  **MS. LEAVER:** I may, but I can tell you a  
19                  variety of things that would be done, sir, but, boy, unless  
20                  I'm right in there at the time, it's difficult. I've sort  
21                  of explained what could be done.

22                  **MR. MANSON:** Well, let's put you right in  
23                  there because in my little example you're Detective No. 2.

24                  **MS. LEAVER:** Right. Okay, I'm Detective No.  
25                  2.

1                   **MR. MANSON:** So you can now tell us exactly  
2 what you would do.

3                   **MS. LEAVER:** Okay. I'm sorry. I'm no  
4 longer Detective No. 1?

5                   **MR. MANSON:** No, no, you never were  
6 Detective No. 1.

7                   **MS. LEAVER:** Oh, okay.

8                   **MR. MANSON:** In the other room, it is  
9 Detective Leaver.

10                  **MS. LEAVER:** Oh, okay. Okay.

11                  **MR. MANSON:** You've been seconded from  
12 Toronto and you now work in Smalltown.

13                  **MS. LEAVER:** Okay.

14                  **MR. MANSON:** And your complainant tells you  
15 the identical story.

16                  **MS. LEAVER:** Yes.

17                  **MR. MANSON:** But the alleged abuser is a 60-  
18 year-old local businessman who's on the town council. Does  
19 that affect how you proceed?

20                  **MS. LEAVER:** Well, sir, it may not in  
21 Toronto, but it may in a smaller community and to be honest  
22 with you -- and that's -- I'm not in this. It's sort of  
23 from what I've seen, what I've read in different cases. In  
24 any of these cases, the impact in smaller communities will  
25 be tremendous. The impact in certain areas of Toronto when

1 we make arrests will be tremendous. So would it stop me if  
2 I had the reasonable probable grounds? No, but I would  
3 probably do some investigation beforehand.

4 MR. MANSON: Well wait. Now, by "reasonable  
5 and probable grounds" ---

6 MS. LEAVER: Yes.

7 MR. MANSON: Unless you are prepared right  
8 now to disbelieve the complainant, you've got to proceed;  
9 you agree with that?

10 MS. LEAVER: I will proceed.

11 MR. MANSON: And you agree that it's wrong  
12 to just immediately disbelieve the complainant.

13 MS. LEAVER: I'd have to be speaking to the  
14 complainant, sir, I don't know on what ground. I would say  
15 ---

16 MR. MANSON: Other than gut feeling.

17 MS. LEAVER: If you're talking I now have  
18 two similar stories ---

19 MR. MANSON: No, no you've got the  
20 independent person, yes.

21 MS. LEAVER: I've got the independent one  
22 and I have no reason to disbelieve him? You know, it's a  
23 tough call when you're asking me to do the playacting, sir.

24 MR. MANSON: Yes.

25 MS. LEAVER: Because when we're talking

1 about that type of situation, when I realize what the  
2 impact is going to be, the worst possible situation I could  
3 get myself into is laying a sexual assault charge on  
4 someone when it wasn't valid. You can never take that  
5 away. I would probably do a little more investigation to  
6 find out who this person is; where they live; possibly get  
7 some more backup. No, if I didn't believe him, yes, I'd  
8 have to proceed. Absolutely.

9 MR. MANSON: I think the point is you've  
10 agreed that it's a very hard situation for ---

11 MS. LEAVER: Yes, it is.

12 MR. MANSON: --- even someone like you, a  
13 very experienced investigator.

14 MS. LEAVER: Yes, yes.

15 MR. MANSON: And it must be especially hard  
16 for a less experienced investigator, particularly when  
17 there don't seem to be any training courses dealing with  
18 investigating historic abuse. It must be tough.

19 MS. LEAVER: Well, I would presume it must  
20 be tough, but if the scenario you're giving me that there  
21 is no training course and ---

22 MR. MANSON: Oh, no, that, no ---

23 MS. LEAVER: Oh, okay.

24 MR. MANSON: That wasn't my scenario.

25 MS. LEAVER: Oh, okay.

1                   **MR. MANSON:** I thought that was your  
2 evidence that there doesn't appear to be any specific  
3 training courses for historical ---

4                   **MS. LEAVER:** The training courses, sir, for  
5 investigating sexual assault is investigating sexual  
6 assault. When I speak about it's a very difficult case  
7 with pedophiles, it's because of the numbers, because of  
8 the emotional impact, and it is a difficult case.

9                   **THE COMMISSIONER:** You mean the numbers?

10                  **MS. LEAVER:** The numbers -- when we're  
11 investigating, Your Honour, one on one or, you know, two  
12 victims and one offender, but all of a sudden you're faced  
13 with one person and possibly 20, 30 victims. And each  
14 victim you interview, three, four or more come forward.

15                   Now, when we have multiple offenders, it is  
16 very difficult. Again, when you're in a small community, I  
17 can absolutely say that must be very difficult because of  
18 the repercussions, because of the impact.

19                   I work in a larger city. It doesn't have as  
20 much impact on me. The majority of the cases that I do,  
21 you know, the victims -- I don't know the offenders, I  
22 don't know the victims, but I'm sure in smaller police  
23 services, it's very difficult, sir.

24                  **MR. MANSON:** I guess I'm just puzzled that  
25 there isn't a protocol that talks about, for example, when

1 do you go interview the alleged abuser?

2 **MS. LEAVER:** The protocol basically is  
3 investigating sexual assaults is investigating sexual  
4 assaults. It doesn't really matter whether it's a  
5 pedophile or not. It is up to the investigator who makes  
6 that call.

7 **MR. MANSON:** I haven't said anything about  
8 pedophiles.

9 **MS. LEAVER:** No.

10 **MR. MANSON:** I've talked about a complaint  
11 about ---

12 **MS. LEAVER:** No, but that appears from the  
13 scenario you're giving me.

14 **MR. MANSON:** It may be.

15 **MS. LEAVER:** What I'm picking up is that it  
16 may be.

17 **MR. MANSON:** May be.

18 **MS. LEAVER:** But it is up to the  
19 investigators. In some cases, yes, I've arrested  
20 immediately. In other cases, I've done a little more  
21 investigation to make sure this is the right person, that  
22 I'm not too sure about the facts. Remember, I have a power  
23 to lay a charge and take away someone's freedom and I think  
24 that the investigators have got to make that decision. If  
25 they believe, they have all the grounds in the world, sir.

1                   **MR. MANSON:** Well, let's go to Tab 9 for a  
2 second. I think that's the right tab.

3                   **THE COMMISSIONER:** We're into the medical  
4 issues?

5                   **MR. MANSON:** It should be -- no, "Courses".

6                   **MS. LEAVER:** Courses?

7                   **THE COMMISSIONER:** Yes, that's ---

8                   **MS. LEAVER:** M'hm, that's it.

9                   **MR. MANSON:** I was looking for the fourth  
10 section dealing with false allegations ---

11                   **MS. LEAVER:** Yes.

12                   **MR. MANSON:** --- which popped up tangentially  
13 in your comments a minute ago when you said, "does he  
14 believe the complainant".

15                   **MS. LEAVER:** Yes.

16                   **MR. MANSON:** If you could just scroll down a  
17 little bit to the "Teaching Points".

18                   **MS. LEAVER:** Yes.

19                   **MR. MANSON:** "Definition of False  
20 Allegation". I would have thought that's relatively  
21 simple. It's true or it's not true. That's the  
22 definition.

23                   **MS. LEAVER:** After a thorough investigation.

24                   **MR. MANSON:** After a thorough investigation?

25                   **MS. LEAVER:** Yes.

1                   **MR. MANSON:** Well, but in the example I just  
2 gave you it took us a while to get to the point that you  
3 have to pursue it. Now, you're telling me there has to be  
4 a thorough investigation.

5                   **MS. LEAVER:** I'm not saying, sir, -- I was  
6 taking the difference between immediately arresting.  
7 That's what -- I am saying that there are cases that I  
8 would not immediately arrest. I may do some more  
9 investigation. I'm not -- I would never, ever -- if I  
10 disbelieved someone, I would never, ever, unless a thorough  
11 investigation was done.

12                   **MR. MANSON:** But that was my question ---

13                   **MS. LEAVER:** Yes.

14                   **MR. MANSON:** --- to explain what a thorough  
15 investigation would be. You've got the videotaped  
16 statement.

17                   **MS. LEAVER:** Yes.

18                   **MR. MANSON:** The complainant leaves. You're  
19 sitting there going, "Humph".

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

21                   **MR. MANSON:** So how do you start a thorough  
22 investigation?

23                   **MS. LEAVER:** You may end up doing checks on  
24 the offender. You may -- from further information your  
25 receive from the victim, you can -- if you know who the

1 offender is -- may go out and arrest the offender. There's  
2 a variety of routes you can take, but you must do once the  
3 information comes in, once the victim has given a  
4 statement, I agree. There should be a thorough  
5 investigation.

6 **MR. MANSON:** But we don't see anywhere in  
7 the material any kind of protocol or description for a  
8 historical sexual abuse complaint, how it should be  
9 investigated.

10 **MS. LEAVER:** No, sir, we don't. I presume  
11 because it comes under the general sexual assault  
12 investigations.

13 **MR. MANSON:** Let's just change gears for a  
14 minute. I want to ask you a question about police culture.  
15 I'm certainly not familiar with this but we've had other  
16 witnesses talking about the duties to report under the  
17 *Child and Family Services Act*. You're familiar with these?

18 **MS. LEAVER:** Yes, I am.

19 **MR. MANSON:** And section 72 starts out with  
20 the general description of the duty that various  
21 professionals have to report to the local Children's Aid  
22 Society.

23 **MS. LEAVER:** Yes.

24 **MR. MANSON:** And further down in subsection  
25 (5) when it describes the set of professionals, it includes

1 peace officers.

2 MS. LEAVER: Yes.

3 MR. MANSON: Tell me, when a police officer  
4 is faced with this statutory duty, what governs; the duty  
5 or a direction from a superior officer?

6 MS. LEAVER: I would presume the same that  
7 governs we have no choice but to report. Do you mean if we  
8 don't do it, sir?

9 MR. MANSON: No. I'm hypothesizing a  
10 situation where the duty exists, the police officer knows  
11 the duty exists, ---

12 MS. LEAVER: Right.

13 MR. MANSON: --- but a superior officer  
14 tells the junior officer, "Don't report it".

15 MS. LEAVER: I'm not aware of that.

16 MR. MANSON: But you'd agree with me that  
17 the statutory duty ought to govern the day?

18 MS. LEAVER: Yes, I would agree with you.

19 MR. MANSON: I just have a few  
20 clarifications, if I can just go through some of these tabs  
21 I have.

22 I believe when you first were being  
23 qualified, you talked about your experience with some  
24 historical sexual assault investigations and the role of  
25 the Sexual Crime Unit, and I just want to confirm that you

1       said that they often involve institutions and they often  
2       involve -- they're often enormous and this is the  
3       quotation, "They're difficult for divisions because of the  
4       lack of...". You're talking about a division in  
5       Metropolitan Toronto.

6                   **MS. LEAVER:** Yes. The divisions, you may  
7       have one or two -- depending on the size of the division --  
8       one or two detectives that are also sexual assault  
9       investigators within the division and because of their  
10      workload with every other offence that comes in, it's very  
11      difficult sometimes for them to take on that investigation.

12                   **MR. MANSON:** So even for -- and a division,  
13      how many officers would you have in a regular usual  
14      division? Can you give us some rough examples?

15                   **MS. LEAVER:** Some may have 100. Some may  
16      have 200, sir. It depends on the size of the division.  
17      We're a service of 7,000 officers.

18                   **MR. MANSON:** Thank you.

19                   Another question that occurred to me -- oh,  
20      if we can just look at the Metro Chairman's Special  
21      Committee on Child Abuse, the protocol that was dated  
22      November 21<sup>st</sup>, 1983.

23                   **MS. LEAVER:** Yes.

24                   **MR. MANSON:** I want to just refer you to  
25      principles 4 and 5.

1                   **THE COMMISSIONER:** What tab are we on?

2                   **MR. MANSON:** We've got the right document.

3                   I don't know the tab, Mr. Commissioner.

4                   **THE COMMISSIONER:** Okay, that's fine.

5                   **MR. MANSON:** It's principles 4 and 5 if you  
6                   could ---

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

8                   **MR. MANSON:** Principle 4:

9                                 "Effective response requires the full  
10                                cooperation and coordination of all  
11                                systems. Specialisation of core  
12                                personnel is necessary to promote  
13                                sensitivity, consistency and  
14                                collaboration."

15                   That's principle 4 and principle 5:

16                                "Following disclosure of sexual abuse,  
17                                the child victim ..."

18                   -- no, that's not -- is this 5? Can you scroll down a  
19                   little more, please?

20                                The last,

21                                "The police, child welfare and legal  
22                                authorities must continue to work  
23                                together to ensure that sexually abused  
24                                children are not being victimized."

25                   And then above -- oh, microphone. It's my eyes, not the

1 microphones, Mr. Commissioner. I couldn't -- I'll move it.  
2 That will be easier.

3 The point I want to make by referring to  
4 these is it seems that in 1983, Metropolitan Toronto was  
5 aware that there were potential problems presented by the  
6 investigation of sexual abuse cases, that they required  
7 training and that they required integration.

8 **MS. LEAVER:** They may have been aware. I  
9 can't tell you they were, but obviously when we take a look  
10 at this protocol, yes, they were.

11 **MR. MANSON:** And this is the time that  
12 Badgley -- the Badgley work is being done, around the same  
13 time?

14 **MS. LEAVER:** It's being done right now, yes,  
15 '81 to '85, sir.

16 **MR. MANSON:** So by the late 1980s, wouldn't  
17 you agree that most police agencies in Ontario ought to  
18 have had their antenna up?

19 **MS. LEAVER:** We were going through the  
20 Bernardo also and then the Badgley.

21 **MR. MANSON:** Badgley comes first.

22 **MS. LEAVER:** Badgley comes first and then  
23 Bernardo.

24 **MR. MANSON:** So Bernardo, that starts around  
25 1988 roughly, your investigation?

1 MS. LEAVER: Yes.

2 MR. MANSON: Yes.

3 MS. LEAVER: So I think more, sir, I'd say  
4 as far -- I see from Toronto, it's more towards the  
5 beginning of the '90s where the education started, more  
6 information came out. I would go early '90s rather than  
7 '80s, sir.

8 MR. MANSON: If I can ask you one or two  
9 more questions, you've talked about your specific  
10 experience dealing with historical sexual abuse involving  
11 institutions and you mentioned schools. Have you had  
12 involvement with any other institutions?

13 MS. LEAVER: Yes, the Catholic Church.

14 MR. MANSON: In which part of the province?

15 MS. LEAVER: In Ontario.

16 MR. MANSON: Which part of Ontario?

17 MS. LEAVER: Toronto.

18 MR. MANSON: If I can just have your  
19 indulgence, Mr. Commissioner, to just ---

20 You gave some data about false allegations.

21 MS. LEAVER: Yes.

22 MR. MANSON: And I'm not sure I wrote it  
23 down right.

24 MS. LEAVER: Yes.

25 MR. MANSON: You said 30 to 40 per cent of

1 false allegations ---

2 MS. LEAVER: Yes, out of our unit, but I  
3 must clarify ---

4 MR. MANSON: I didn't get the whole  
5 sentence. I'm just asking you to go back and repeat that.

6 MS. LEAVER: Our unit deals only with  
7 victims of unknown offenders. So what we find and which is  
8 backed off -- backed up by FBI data also that -- we receive  
9 their information from across the States -- is that we do  
10 deal with about 30 to 40 per cent of false allegations.  
11 The majority are women who come forward and complain that  
12 they have been assaulted when that is false, but they are  
13 not pointing someone out. It's an unknown offender.

14 If you were to take a look at false  
15 allegations in relation to sexual assaults with known  
16 offenders, that would be very minor.

17 MR. MANSON: Very minor, that's ---

18 MS. LEAVER: That's the difference, yes.

19 MR. MANSON: So anytime someone says, "This  
20 is what "X" did to me", the number of false allegations ---

21 MS. LEAVER: Are minor in comparison, yes.

22 MR. MANSON: In the 1999 General Audit  
23 Review, you mention the part, recommendation 18. This is  
24 Tab -- if you could scroll down -- Tab 11, recommendation  
25 18 where it makes it quite clear, and you said that it's

1 not the job of the initial investigating officer to make  
2 determinations that a complaint is unfounded.

3 **MS. LEAVER:** That's right.

4 **MR. MANSON:** Whose job is it?

5 **MS. LEAVER:** The investigator after the  
6 trained sexual assault investigator after an investigation.  
7 There may be evidence initially at the beginning where it  
8 may be so obvious and so overwhelming that this is a false  
9 allegation, but our concern is that the first uniformed  
10 officer making that call is not proper.

11 **MR. MANSON:** But I don't notice anywhere in  
12 that protocol any discussion of the criteria or factors to  
13 be employed in making that decision. Is it just up to the  
14 judgement of the investigator?

15 **MS. LEAVER:** It's up to the judgement of the  
16 investigator after a thorough investigation. Obviously, if  
17 you are a trained investigator, and we do spend most of our  
18 time interviewing, you may get those gut feelings. You may  
19 get those concerns. However, we don't make those decisions  
20 based on those initial concerns, and it's just a good solid  
21 investigation and following through on all the information  
22 to come up with, you know, the result that this -- you  
23 never want to call false allegation on a victim and then  
24 find out later that it was a bad call.

25 **MR. MANSON:** Well, let's talk about bad

1 calls. In the Auditor General's follow-up in 2004, you  
2 pointed out recommendation 7 that said,

3 "...all occurrence reports are to be  
4 reviewed."

5 **MS. LEAVER:** Yes.

6 **MR. MANSON:** Is the purpose of that review  
7 to see -- to get another opinion on whether there's been a  
8 bad call?

9 **MS. LEAVER:** No. The purpose basically is  
10 that a general view so that the Sex Crimes Unit through our  
11 analyst has a good understanding of what's happening in the  
12 city. Now, there may be occurrences that he picks up and  
13 says, "You know what? There's not enough follow-through  
14 done on this one." And if we should pick up one that does  
15 state very boldly, "I don't believe", we would have a  
16 problem with that and immediately contact the division and  
17 the officer. But that's not the main reason, sir. It's  
18 just to give the Sex Crimes Unit an understanding of what's  
19 happening in the divisions and what's happening in the city  
20 the night before so that we have a good understanding of  
21 sex crimes in Toronto.

22 **MR. MANSON:** Thank you, Detective Leaver.  
23 Those are my questions, Mr. Commissioner.

24 **THE COMMISSIONER:** Thank you.

25 Mr. Lee?

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

2 MR. LEE: Good afternoon, Detective Leaver.

3 MS. LEAVER: Good afternoon.

4 MR. LEE: My name is Dallas Lee. I'm  
5 counsel for the Victims Group.

6 MS. LEAVER: Yes.

7 MR. LEE: Now, I'll try not to go back over  
8 what Mr. Manson has just brought you through, but I too had  
9 some questions about investigations and when investigations  
10 need to be conducted and when they don't.

11 In your outline at page 1, you begin your  
12 discussion with the late '70s to early '80s and that kind  
13 of era.

14 MS. LEAVER: M'hm.

15 MR. LEE: And your very first point there  
16 was that there was very little awareness, if any, of child  
17 sexual abuse. And you go on to say that where there was  
18 awareness, the focus was on abuse by family members and  
19 strangers.

20 Can I assume there that you intend to draw a  
21 distinction between family members and strangers and what  
22 we have been told here in other evidence is acquaintance  
23 child sexual abuse?

24 MS. LEAVER: Could be, yes, rather than just  
25 people not known to the family. It may be, you know, a

1 neighbour down the street maybe not well-known. Very  
2 seldom did we see the complete stranger in relation to the  
3 abuse.

4 MR. LEE: Right. So just to be clear, in  
5 your second bullet when you say "abuse by family members  
6 and strangers", you're putting -- the family members, I  
7 assume, you mean the father ---

8 MS. LEAVER: That's right. That's right.

9 MR. LEE: Not the distant cousin ---

10 MS. LEAVER: No, exactly.

11 MR. LEE: And then "strangers" is the ---

12 MS. LEAVER: Yes, it may be the man down the  
13 street or someone they don't know but ---

14 MR. LEE: Or as it's been described here,  
15 the man hiding in the bushes.

16 MS. LEAVER: Yes, that's right.

17 MR. LEE: And so not necessarily the  
18 teacher.

19 MS. LEAVER: No.

20 MR. LEE: So that's the other category, is  
21 that correct?

22 MS. LEAVER: That's right.

23 MR. LEE: Now, on page 2 of your outline of  
24 evidence at the top, the category is "Investigations" ---

25 MS. LEAVER: Yes.

1                   **MR. LEE:** --- and am I correct that the  
2                   investigation still, in this section of the outline, still  
3                   falls into that era of the late '70s and early '80s that  
4                   you're discussing here?

5                   **MS. LEAVER:** Yes, I am.

6                   **MR. LEE:** During your evidence in-chief  
7                   earlier this morning, you said that -- I believe the quote  
8                   was "police do the best investigation they can" when you  
9                   were discussing this area. And you went on to say that it  
10                  was often very discouraging because the efforts weren't  
11                  supported by the laws at the time.

12                  **MS. LEAVER:** Yes.

13                  **MR. LEE:** So it sounds to me like the  
14                  investigations of that era -- and would you agree that the  
15                  investigations were still proceeding?

16                  **MS. LEAVER:** You would investigate a sexual  
17                  assault with a child of very young age. The information  
18                  would go in. The occurrence would go in. It would be  
19                  passed on to Children's Aid, but we knew it wasn't going  
20                  anywhere.

21                  **MR. LEE:** So essentially the frustrations  
22                  were the fact that even at the outset when you began  
23                  investigating, ---

24                  **MS. LEAVER:** Yes, that's right.

25                  **MR. LEE:** --- the laws at that time and the

1 support system in place were just ---

2 **MS. LEAVER:** No, no support, no. We knew  
3 the child wouldn't make it through the court system through  
4 the evidentiary requirements.

5 **MR. LEE:** So essentially, as you're doing  
6 the investigation, you know it's all for nothing but you've  
7 got to do it anyway.

8 **MS. LEAVER:** Absolutely, but hoping that the  
9 Children's Aid would be able to pick up on the protective  
10 end.

11 **MR. LEE:** Now, you mentioned a moment ago  
12 that the -- it was a term you used, the "Occurrence  
13 Report".

14 **MS. LEAVER:** Yes.

15 **MR. LEE:** Or a copy of the Occurrence  
16 Report.

17 **MS. LEAVER:** Yes.

18 **MR. LEE:** Can you just give me a little -- I  
19 don't need you to go in great details, just a little bit of  
20 detail of exactly what would be involved at the early  
21 stages of the investigation in terms of paperwork and if  
22 there's a computer system involved, what you do to document  
23 this in some way?

24 **MS. LEAVER:** The uniformed officer would  
25 receive the first call usually and attend at the residence

1 and on the occurrence report would go down to personal  
2 information, time, date, name, address, phone number,  
3 personal information, and just a general outline of what  
4 the complaint was. And then, you know, where the uniformed  
5 officer referred or what was the follow-up and that's the  
6 occurrence report that goes into the system.

7 **MR. LEE:** Given the problems that you've  
8 described in terms of the laws not being there to support  
9 you, ---

10 **MS. LEAVER:** Yes.

11 **MR. LEE:** --- in fact, that the officer  
12 would know pretty much at the outset that this wasn't going  
13 to go anywhere, as you said, what was the general attitude  
14 of investigators during that era?

15 **MS. LEAVER:** We relied on Children's Aid  
16 Society. Remember, there were not that many child abuse  
17 cases that came forward, never mind children, adults in  
18 relation to reporting, but you hope for the protection of  
19 the child that the Children's Aid -- but we did have a duty  
20 to take the information and do the best we could.

21 I don't think that it was defeatist attitude  
22 or "I'm not going to do anything" attitude, because any  
23 time any officer hears, you know, a description of any type  
24 of sexual assault for a child, at least we had the  
25 opportunity to put it on paper and refer them to Children's

1 Aid. It was frustrating but I do not believe that any  
2 officer would ignore doing the paperwork or ignore doing  
3 what they had to do.

4 **MR. LEE:** That being said, the second bullet  
5 on page 2 under "Investigations" read:

6 "It was not uncommon for officers to  
7 rely on 'gut feelings' without  
8 completing a proper investigation."

9 So the qualifying word there obviously is  
10 "proper". Can you explain what you mean by that?

11 **MS. LEAVER:** I think without completing a  
12 proper investigation, I think gut feeling -- if they were  
13 interviewing, what would happen sometimes in several cases  
14 that I can recall being in the Youth Bureau, that you'd be  
15 working, you know, and the Children's Aid would say, "Well,  
16 it was settled, the -- you know, the father is not going to  
17 do it anymore. He's going to move out, et cetera" and that  
18 would sort of end it for us. "The child has no major  
19 trauma, okay? There's no bruises. They're resilient.  
20 They'll get over it and guess what? You know, the father  
21 is going to move out."

22 To me, that wasn't a proper investigation  
23 but we were limited in what we could do and it was the best  
24 you could do because we knew we couldn't -- the charges  
25 were not going to be laid. You knew the father was still

1 the offender, but what could we do?

2 MR. LEE: Now, the next heading on page 2 is  
3 "Prosecutions".

4 MS. LEAVER: Yes.

5 MR. LEE: So there's obviously a distinction  
6 drawn between investigations and prosecutions?

7 MS. LEAVER: Yes.

8 MR. LEE: What is the police officer's role  
9 in terms of investigations and prosecutions? Does the  
10 police officer play a role in prosecutions?

11 MS. LEAVER: My job is to prepare the case  
12 to bring all the evidence before the court. The assistant  
13 Crown attorney brings the case before the court. I'm  
14 responsible for the investigation and gathering of the  
15 evidence dealing with the victims. That's it.

16 MR. LEE: So your job obviously is to take  
17 the complaint initially?

18 MS. LEAVER: Yes.

19 MR. LEE: To document the complaint?

20 MS. LEAVER: Yes. We take the complaint, we  
21 do the investigation, we gather the evidence, we prepare  
22 the videotapes, we prepare the case for court, and the  
23 assistant attorney general -- assistant Crown attorney puts  
24 it before the court.

25 MR. LEE: So you essentially say "Here is

1 everything I know, do ---

2 **MS. LEAVER:** "That's all I can do"? Yes.

3 **MR. LEE:** Now, earlier on you said that  
4 every allegation requires a full investigation. You would  
5 agree with that today certainly. Is that correct?

6 **MS. LEAVER:** I agree. I mean there are  
7 going to be some allegations that from the very beginning  
8 you're going to say, "I think I've got a problem here" or  
9 there may be some evidence that comes with it, some of the  
10 other statements and you realize, you know, that this is  
11 not going anywhere. There is investigation. It's  
12 absolutely necessary, whether it's false or -- you know,  
13 the majority of our investigations are valid. But yes, an  
14 investigation must be done. You never want to make a  
15 mistake.

16 **MR. LEE:** Do you think that would have been  
17 your opinion if I had asked you that question in 1983?

18 **MS. LEAVER:** Would that have been my opinion  
19 that every case should be investigated?

20 **MR. LEE:** Every allegation requires an  
21 investigation?

22 **MS. LEAVER:** I would hope so. I hope I  
23 haven't changed that much, sir. I may not have been able  
24 to get it through the court system but I would hope that I  
25 would have done as much as I could to put it on paper and

1 keep it in the system.

2 MR. LEE: That, I take it, would have been  
3 your opinion in the early '90s then, as well?

4 MS. LEAVER: Yes, sir. Yes.

5 MR. LEE: Now, just turning very briefly to  
6 a few of the questions that Mr. Manson asked you a moment  
7 ago during his cross-examination, he brought up very  
8 briefly the matter of how an accused -- I suppose how an  
9 investigation in a small town might differ from an  
10 investigation in a larger town. And he specifically  
11 brought up the matter where the accused may be known to the  
12 community.

13 MS. LEAVER: Yes.

14 MR. LEE: I think he said somebody sitting  
15 on City Council. And you conceded that that may well make  
16 a little bit of a difference. There's going to be -- it's  
17 going to be -- you're going to treat that differently when  
18 you may well know the accused, when the accused has a  
19 certain public standing. If you disagree, by all means --  
20 maybe I'm paraphrasing there.

21 THE COMMISSIONER: Mr. Lee?

22 MR. LEE: Yes.

23 THE COMMISSIONER: You're giving a lot of  
24 information there all at once.

25 MR. LEE: I'll rephrase it.

1                   **THE COMMISSIONER:** Go ahead.

2                   **MR. LEE:** Would you agree that when an  
3 investigation takes place in a small town -- I'm sorry, not  
4 an investigation -- when an allegation is made in a small  
5 town against an accused who is a known person in the  
6 community -- I'll use that phrase ---

7                   **THE COMMISSIONER:** A prominent person.

8                   **MR. LEE:** --- a prominent person in the  
9 community, that it may make a difference in the  
10 investigation?

11                   **MS. LEAVER:** I'm a Montreal and Toronto  
12 girl, sir.

13                                   **(LAUGHTER/RIRES)**

14                   **MS. LEAVER:** However, from my experience, I  
15 would say that it may make a difference. We have the  
16 community. We have people that know each other. I guess  
17 what would impact? It may. I'll give you that; it may.  
18 Should it? I don't know. The dynamics may be different,  
19 sir, than in a town where everybody is a stranger to each  
20 other. It shouldn't but yes, it may.

21                   **MR. LEE:** You might at least be a little bit  
22 more careful with how you proceed. Would you agree with  
23 that?

24                   **MS. LEAVER:** You may be. You may be more  
25 careful, yes. If you are aware, sir, of the impact that

1 the arrest may cause, especially if the information isn't  
2 valid, yes, you may because you are so close to the  
3 situation. You are well aware what the impact would be.  
4 So you may be. I'm not saying that you're going to ignore  
5 it but yes, you may be.

6 **MR. LEE:** But regardless of that, there  
7 should be an investigation. You would agree with that?

8 **MS. LEAVER:** Absolutely.

9 **MR. LEE:** Now, we got in -- I'm not going to  
10 retread over "gut feeling", as you call it, or believing  
11 the complainant ---

12 **MS. LEAVER:** That's right.

13 **MR. LEE:** --- or not believing the  
14 complainant. But what I would like to ask you is, when an  
15 officer in general does the initial -- takes the initial  
16 complaint and, as you said, most likely he's going to have  
17 a gut feeling one way or the other, if it's true or not  
18 true, would you agree that if your gut feeling is that you  
19 believe the complainant, you have a duty to investigate and  
20 to seek out evidence and to try to in some way substantiate  
21 the complaint?

22 **MS. LEAVER:** If I'm presented with a case  
23 and whether I have a gut feeling or not, I do have a duty  
24 to investigate. I would hope that if I had a gut feeling  
25 that there's a problem with this case, it wouldn't take my

1 investigation in a different direction. Unless there was  
2 something at the very beginning that would tell me there's  
3 a major problem here, I believe the investigation should be  
4 as thorough.

5 However, you know, it depends what's  
6 upfront. If there's something so obvious upfront, I may  
7 investigate that to make sure I'm not going in the wrong  
8 direction. But sir, even with a gut feeling, and I've had  
9 gut feelings, but I'm going to hold them back until I do a  
10 thorough investigation and that investigation will say  
11 you're right or you're wrong.

12 **MR. LEE:** So is it fair to say that you need  
13 to figure out if you're right or you're wrong regardless of  
14 what that original gut feeling is?

15 **MS. LEAVER:** Yes.

16 **MR. LEE:** So if you believe the person, you  
17 want to proceed, as you should, in order -- because that's  
18 your job as a police officer and you want to provide the  
19 evidence, lay charges and go ahead and if you don't believe  
20 it, you want to have the evidence to support the fact that  
21 you don't believe it. Is that fair?

22 **MS. LEAVER:** I just don't want to mislead  
23 the inquiry. I don't think I take a look at victims and  
24 say "Yes, I believe you and I don't believe you through gut  
25 feeling." When a victim presents himself to me, I take the

1 statement. I do what I have to do.

2 If there's something so obvious, someone  
3 comes forward and says "You know what? This isn't true" or  
4 "It didn't happen that way", I think basically the victim  
5 will be believed until proven different, unless there's  
6 something upfront that says to me "this is wrong".

7 A gut feeling may come from my experience  
8 but I'm still going to do a thorough investigation. But  
9 I'm not going off thinking "Okay, I want to prove this is  
10 wrong" or "I want to prove this is right." I'm just doing  
11 the investigation.

12 **MR. LEE:** Fair enough.

13 Could we turn to Tab 4 of your materials,  
14 briefly? Tab 4 is the letter from Robin Badgley. I think  
15 I've heard him being referred as Dr. Badgley and Professor  
16 Badgley.

17 **MS. LEAVER:** Yes, it's both.

18 **MR. LEE:** Okay.

19 **MS. LEAVER:** He's at the University of  
20 Toronto or was.

21 **MR. LEE:** This is a letter written on  
22 December 1<sup>st</sup>, 1981. On the second page of that letter  
23 Professor Badgley writes:

24 "During the next several months  
25 Constable Leaver's work will include

1 the following:"

2 And the first was site visits to the 20  
3 police forces as you discussed earlier.

4 And then in the second point, he says:

5 "On each visit Constable Leaver will be  
6 obtaining information on:"

7 And the third point is:

8 "identifying for special documentation  
9 cases of incest and pedophilia."

10 I'm curious about the distinction being  
11 drawn at that time between incest and pedophilia. Can you  
12 comment on what that distinction would have been?

13 **MS. LEAVER:** Incest was family, involvement  
14 with blood relatives as such, and pedophilia basically was  
15 defined as someone not related within the family and having  
16 relationships with -- and I think at that time we took a  
17 look at young boys. So it wasn't a family-associated  
18 situation.

19 **MR. LEE:** Okay. I'm also curious about --  
20 at this time keeping in mind this is 1981 and you're making  
21 these visits to these 20 police forces. Presumably at some  
22 point you had to write a letter or you had to make a  
23 telephone call and introduce yourself and explain what was  
24 happening and explain that you were working on child abuse  
25 and that there was -- a commission had been conveyed in the

1 paper and there was research. What was the general  
2 reaction when you told these police forces what you were  
3 looking into?

4 **MS. LEAVER:** I didn't do the introduction.  
5 The letters and the phone calls were done by the staff.  
6 Most people, when we arrived on the scene, were very  
7 receptive. The majority of visits I made were with Dr.  
8 Badgley. Most people opened their files and that's what we  
9 were looking for so that they would open their occurrences  
10 to the researchers that were going in. Very receptive,  
11 very open. It was a federal government study and, you  
12 know, I can't recall anybody refusing to speak with us or  
13 meet with us.

14 **MR. LEE:** Were people generally surprised  
15 that you were working in this area, that you were devoting  
16 this much time to child abuse?

17 **MS. LEAVER:** No. I think that because the  
18 majority of police and community in general didn't realize  
19 the extent of the problem, so they're -- you know, even  
20 though the occurrences were going on. So I don't think  
21 there was a lot of surprise that I can recall. It's so  
22 many years ago, sir, I can't ---

23 **MR. LEE:** I think that was really the point  
24 of my question.

25 **MS. LEAVER:** Yes, yes.

1                   **MR. LEE:** Given what you've described in  
2 terms of the knowledge at the time and the fact that it  
3 wasn't thought of it as a big problem ---

4                   **MS. LEAVER:** No.

5                   **MR. LEE:** --- I was curious what the  
6 reaction was when a team of people showed up to deal  
7 specifically with child abuse and whether they were  
8 surprised that it's not ---

9                   **MS. LEAVER:** Well, we were just asking for  
10 access to the records. So it was sort of like a paper  
11 trail also. So we wanted access to their occurrences.

12                   **MR. LEE:** If I can now take you to Tab 8.  
13 This is the Child Sexual Abuse Protocol.

14                   **THE COMMISSIONER:** Will you be much longer,  
15 Mr. Lee? It's just that it's the break time so I don't  
16 know ---

17                   **MR. LEE:** Yes, I would think a maximum of 10  
18 minutes.

19                   **THE COMMISSIONER:** All right.

20                   **MR. LEE:** So Mr. Manson has brought you to  
21 this briefly ---

22                   **MS. LEAVER:** Yes.

23                   **MR. LEE:** --- and this was the protocol  
24 dated the 21<sup>st</sup> day of November 1983?

25                   **MS. LEAVER:** Yes.

1                   **MR. LEE:** So I'd like to look at the first  
2 page in the "Declaration of Commitment" and the first three  
3 points in particular. It first reads:

4                   "WHEREAS the sexual..."

5 This is on the first page. Yes, there.

6                   "WHEREAS the sexual abuse of children  
7 is a problem of increasing social  
8 concern, and

9                   WHEREAS we agree that children have a  
10 right to be protected, not abused, and  
11 that offenders must be held accountable  
12 for their actions, and

13                   WHEREAS an effective and humane  
14 response requires a shared philosophy  
15 and co-ordinated strategy among those  
16 systems mandated to act on behalf of  
17 the community,"

18                   So we have three separate points there, the  
19 first one being that sexual abuse is a problem. It's an  
20 increasing social concern; the second one being not only  
21 the children have a right to be protected, but that  
22 offenders also have to be held accountable; and the third  
23 is that a coordinated strategy is required across the  
24 community.

25                   **MS. LEAVER:** Yes.

1                   **MR. LEE:** Would you agree with all those  
2 principles today as well?

3                   **MS. LEAVER:** Yes, I would.

4                   **MR. LEE:** If we can turn three pages in to  
5 the page with "Forward" as the title. So the first  
6 paragraph reads that:

7                                   "The Metropolitan Chairman's Special  
8                                   Committee on Child Abuse was  
9                                   established in October 1981 with a  
10                                  mandate to develop improved methods of  
11                                  co-ordination and delivery of services  
12                                  to abused children and their families.  
13                                  The specific problem with child sexual  
14                                  abuse was identified as a focus for  
15                                  action."

16                   So obviously there was some kind of  
17 identification that child sexual abuse was a problem, that  
18 work needed to be done and that there needed to be some  
19 attention paid to it.

20                   **MS. LEAVER:** Yes.

21                   **MR. LEE:** Is that correct; and that brought  
22 about the protocol as it is?

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

24                   **MR. LEE:** And again, the last paragraph on  
25 that page again emphasizes the fact that community

1 collaboration is required. Specifically it says that a:  
2 "...successful response to child sexual  
3 abuse requires collaborative action on  
4 the part of all professionals involved,  
5 based upon a common approach to the  
6 problem."

7 **MS. LEAVER:** Yes.

8 **MR. LEE:** And you would agree with that?  
9 That's a guiding principle today as well?

10 **MS. LEAVER:** Yes, it is.

11 **MR. LEE:** If we can turn the page over under  
12 "The Scope of the Protocol", there is a bulleted list that  
13 is prefaced by saying:

14 "Accordingly, the protocol rests upon  
15 the following assumptions:"

16 So the first assumption again is the  
17 coordinated approach we've discussed. The second protocol  
18 -- bullet, rather, is:

19 "that the courts can be an effective  
20 vehicle for protection and affirmation  
21 of the child, deterrence of offenders,  
22 and leverage for appropriate  
23 treatment;"

24 So can you explain what that might mean  
25 there in terms of "affirmation of the child"?

1                   **MS. LEAVER:** Basically what happened as a  
2 result of the Badgley Report; believing the child,  
3 accepting the child's evidence.

4                   **MR. LEE:** Accepting the child's evidence in  
5 terms of ---

6                   **MS. LEAVER:** Believing them as telling the  
7 truth; the offence having happened.

8                   **MR. LEE:** And I take it that's important as  
9 part of the process for the child?

10                   **MS. LEAVER:** Absolutely.

11                   **MR. LEE:** And as well, we have "deterrence  
12 of offenders". I take it that must mean through  
13 prosecution, through ---

14                   **MS. LEAVER:** Yes.

15                   **MR. LEE:** As you said earlier today, some  
16 kind of making it known to the offender that you know  
17 what's happened and it's not going to be tolerated.

18                   **MS. LEAVER:** That's right.

19                   **MR. LEE:** Is that correct?

20                   **MS. LEAVER:** Well, getting him before the  
21 court system is a good start.

22                   **MR. LEE:** Yes. Absolutely.

23                   Then the last two bullets deal with, again,  
24 specialized personnel and training ---

25                   **MS. LEAVER:** Right.

1                   MR. LEE: --- and counselling and treatment  
2 programs.

3                   MS. LEAVER: M'hm.

4                   MR. LEE: And would you agree that all of  
5 those are still key principles as well?

6                   MS. LEAVER: Absolutely.

7                   MR. LEE: Very briefly, if we could turn to  
8 Roman numeral iii. I think it's a couple pages in -- the  
9 next page, I'm sorry. Down at the bottom, there's "A  
10 Statement of Principles" that is set out. And the first  
11 paragraph reads:

12                                 "The sexual abuse of children is a  
13 phenomenon which has only recently  
14 gained some measure of public and  
15 professional attention. With this  
16 attention have come both an increase in  
17 the number of reported cases and a  
18 recognition of the inadequacies of  
19 traditional methods of response."

20                   So the document then goes out and sets out a  
21 few of those principles.

22                   MS. LEAVER: Yes.

23                   MR. LEE: Mr. Manson brought you to a  
24 couple. So the first one is that:

25                                 "Children reporting sexual abuse should

1                   be presumed to be telling the truth and  
2                   bear no responsibility for their  
3                   involvement, regardless of time or  
4                   circumstances."

5                   **MS. LEAVER:** Yes.

6                   **MR. LEE:** You've discussed that a little bit  
7                   today.

8                   **MS. LEAVER:** Yes.

9                   **MR. LEE:** At the top of the next page, in  
10                  the first paragraph, the last sentence of that paragraph  
11                  reads:

12                   "Experience clearly demonstrates that  
13                   children do not lie about sexual abuse.  
14                   In fact, false denials of sexual abuse  
15                   are infinitely more common than false  
16                   reports."

17                  And we've heard that ---

18                  **MS. LEAVER:** Yes.

19                  **MR. LEE:** --- from other witnesses and you  
20                  discussed that briefly with Mr. Manson.

21                  **MS. LEAVER:** Yes.

22                  **MR. LEE:** I take it here we're dealing with  
23                  -- these are not strangers, these are as you defined it,  
24                  the 30 to 40 per cent ---

25                  **MS. LEAVER:** Yes.

1                   MR. LEE: --- in your department where  
2                   you're dealing with ---

3                   MS. LEAVER: Okay, but I'm not talking about  
4                   children in my department.

5                   MR. LEE: Right.

6                   MS. LEAVER: I'm talking about adults, not  
7                   children.

8                   MR. LEE: Absolutely.

9                   MS. LEAVER: That's the difference.

10                  MR. LEE: Yes. Thank you.

11                  MS. LEAVER: And unknown offenders.

12                  MR. LEE: Yes.

13                  MS. LEAVER: I don't want to mislead anyone.

14                  MR. LEE: No. No, I think it's clear now.  
15                  Further down on the page, under point number  
16                  2, which is:

17                                "The use of a child by an adult for  
18                                sexual purposes is an abusive and  
19                                criminal act which should be  
20                                investigated and prosecuted as such."

21                  The second paragraph reads:

22                                "The closer the relationship between  
23                                the child and the adult, the greater  
24                                the potential damage is to the child.  
25                                It appears that, ultimately, it is the

1 abuse of trust and authority, more than  
2 the nature of the sexual contact, which  
3 causes the most trauma to the child as  
4 she matures."

5 And we have also -- we've heard that ---

6 **MS. LEAVER:** Yes.

7 **MR. LEE:** --- connection. You would agree  
8 with that as well?

9 **MS. LEAVER:** Yes, I would.

10 **MR. LEE:** And the last paragraph on that  
11 page reads:

12 "Criminal prosecution conveys a clear  
13 message to the offender that his  
14 behaviour is both legally and morally  
15 unacceptable; that he, alone, is  
16 responsible for the abuse and its  
17 consequences; and, that the community  
18 is prepared to mobilize its resources  
19 to protect children. Finally, it also  
20 has the benefit of empowering the child  
21 victim who sees that she is believed  
22 and can come to understand that the  
23 disruption in her family is not her  
24 fault but a result of the abuse which  
25 was inflicted upon her."

1                   Would you agree with that, as well?

2                   **MS. LEAVER:** I do.

3                   **MR. LEE:** The last point I want to bring you  
4 to in this document is on the final page of text of the  
5 document. I think it's the second last page of the  
6 document, under the title:

7                   "Early detection and prevention provide  
8 the ultimate key to ending the  
9 destructive consequences of child  
10 sexual abuse."

11                  The second paragraph reads:

12                  "The effects of child sexual abuse can  
13 reach far into the future. Those  
14 children who are believed and supported  
15 have the best chance of growing up  
16 whole and healthy. Others must engage  
17 in a life-long struggle against  
18 repeated victimization. Some,  
19 tragically, carry the lessons learned  
20 in childhood to their own children by  
21 becoming abusive parents themselves."

22                  You touched on that briefly earlier.

23                  **MS. LEAVER:** Yes, I've seen that in my  
24 historical sexual assault cases. I agree with that.

25                  **MR. LEE:** When was the Badgley Report

1 released?

2 **MS. LEAVER:** Worked on it 1981 to 1985 and I  
3 think it came out in '86 and Bill C-15 I believe was 1988-  
4 '89.

5 **MR. LEE:** So it was a few years after this  
6 protocol was ---

7 **MS. LEAVER:** Yes. Yes, it was a few years  
8 after this protocol.

9 **MR. LEE:** The protocol was in 1983.

10 **MS. LEAVER:** Yes.

11 **MR. LEE:** Looking back at this protocol now  
12 and considering that it's in 1983, are you surprised at all  
13 by some of the insight that we've just gone through in this  
14 protocol?

15 **MS. LEAVER:** No. I believe the insight was  
16 there. We just did not have the court system or the laws  
17 to back it up, which led to a lot of the opinion that the  
18 community had, that children did not tell the truth,  
19 children should not be believed unless they were  
20 corroborated. I'm not surprised at the insight.

21 **MR. LEE:** So you would agree that there  
22 appears to have at least been a basic understanding of some  
23 of the very important principles that are still applicable  
24 today?

25 **MS. LEAVER:** Yes. This organization also,

1 through the City of Toronto, at this time was carrying on  
2 plays in schools geared towards senior kindergarten to  
3 grade six on good touching and bad touching. So they would  
4 have had a lot of insight and disclosures during that time.  
5 That was probably fed into this report. They are now the  
6 Toronto Child Abuse Committee.

7 **MR. LEE:** And yet despite all of the -- as I  
8 said, the principles set out in here and the fact they're  
9 still applicable today, in practice, there were some real  
10 problems with the law not supporting what you were able to  
11 do.

12 **MS. LEAVER:** Yes.

13 **MR. LEE:** Finally, and I'll be very brief,  
14 Mr. Commissioner, if we can turn ---

15 **THE COMMISSIONER:** I think you're going to  
16 give new definition to 10 minutes, but that's okay.

17 **MR. LEE:** Twelve (12) minutes. Very brief  
18 this time.

19 **THE COMMISSIONER:** I've never seen a lawyer  
20 finish before his allotted time.

21 **(LAUGHTER/RIRES)**

22 **MR. LEE:** Mr. Manson has done well so far at  
23 the inquiry.

24 Tab 7 is the website excerpts from the Sex  
25 Crimes Unit.

1                   **MS. LEAVER:** Yes.

2                   **MR. LEE:** If we can turn to the last page of  
3 that tab, the second paragraph. The first sentence reads:

4                                "We also realize that sex offenders,  
5                                generally, if not captured will  
6                                continue to offend. These attacks can  
7                                cover a span of many years over many  
8                                jurisdictions."

9                   Do you agree with that statement?

10                  **MS. LEAVER:** I do.

11                  **MR. LEE:** That's been your experience?

12                  **MS. LEAVER:** Yes.

13                  **MR. LEE:** And finally, the first sentence of  
14 -- or the first few sentences of the last paragraph of that  
15 page:

16                                "Unsolved sexual assault investigations  
17                                are never closed. The victims need  
18                                closure. The offender must be stopped  
19                                and held accountable, and the community  
20                                must be protected from further abuse."

21                  Would you agree with that, as well?

22                  **MS. LEAVER:** I do, yes, very much so.

23                  **MR. LEE:** Would you agree that those  
24 principles would have likely been as applicable in 1983 as  
25 they are today?

1                   **MS. LEAVER:** Absolutely.

2                   **MR. LEE:** Thank you. Those are my  
3 questions.

4                   **THE COMMISSIONER:** Thank you. Let's take  
5 the break. Fifteen (15) minutes please.

6                   **THE REGISTRAR:** Order; all rise. À l'ordre;  
7 veuillez vous lever. The hearing will reconvene at 3:50.

8 --- Upon recessing at 3:35 p.m./

9                   L'audience est suspendue à 15h35

10 --- Upon resuming at 3:56 p.m./

11                   L'audience est reprise à 15h56

12                   **THE REGISTRAR:** This hearing of the Cornwall  
13 Public Inquiry is now in session. Please be seated.

14 Veuillez vous asseoir.

15 **WENDY LEAVER, Resumed/Sous le même serment:**

16                   **THE COMMISSIONER:** Mr. Bennett. How are you  
17 today?

18                   **MR. BENNETT:** Very well. Thank you, sir.

19                   **THE COMMISSIONER:** Good. So you're standing  
20 there. I take it it's your turn?

21                   **MR. BENNETT:** I hope so.

22                   **THE COMMISSIONER:** All right.

23 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

24 **BENNETT:**

25                   **MR. BENNETT:** Detective Leaver, my name is

1 David Bennett. I'm with the Men's Project, which is an  
2 organization that assists survivors of sexual abuse and  
3 there's a couple of things I'd like to ask you about, that  
4 you talked about in your testimony today.

5 One is you talked about this Child Advocacy  
6 Centre and I found that very intriguing and I'm wondering  
7 if you have any comments of whether it might be applicable  
8 for survivors of historic sexual abuse; if something  
9 similar might be useful?

10 **MS. LEAVER:** Something similar, maybe. What  
11 the Child Advocacy Centre across the States is set up to  
12 deal with cases -- ongoing cases of child abuse, those that  
13 are recently reported. But such a centre may be -- the  
14 cases you're talking about are historical or men of all  
15 type of sexual abuse, sir?

16 **MR. BENNETT:** Yes, sort of the ones we're  
17 seeing that are coming forward like what we're talking  
18 about here ---

19 **MS. LEAVER:** Right.

20 **MR. BENNETT:** --- or Maple Leaf Gardens or  
21 where there's sort of a very sort of different nature than  
22 the individual sexual assault type case.

23 **MS. LEAVER:** These organizations, the Child  
24 Advocacy Centre through the National Children's Alliance  
25 and they do have a website and I'm not too sure to be

1 honest with you, but I could give you my card and check,  
2 you know, within the coming week to see if there is  
3 anything that would, you know, be related to that as far as  
4 counselling.

5 **MR. BENNETT:** Okay. Thank you.

6 The other two points I'd like to cover with  
7 you is, you talked about Victim/Witness and how that was  
8 invaluable.

9 **MS. LEAVER:** Yes.

10 **MR. BENNETT:** And I think everybody here  
11 knows the next question that's coming for you is do you  
12 think it would be useful for this Commission to have  
13 something like this?

14 **THE COMMISSIONER:** It's coming, Mr. Bennett.  
15 It doesn't matter what she says, we're going to have one.

16 **MR. BENNETT:** Great. I'm glad to hear that.

17 And that moves me on to my last area to  
18 discuss with you. Now, you clearly have a lot of  
19 experience working with different groups and are involved  
20 with referrals and you talked about there being not a lot  
21 of services. I think you said for men, the services are  
22 nil.

23 **MS. LEAVER:** Very limited for men, yes, in  
24 the City of Toronto where I live.

25 **MR. BENNETT:** And what about other places in

1 the province? Are you familiar with ---

2 **MS. LEAVER:** I'm not familiar with other  
3 provinces -- excuse me, and other places in the province  
4 but my experience in dealing with men, young men, older  
5 men, children is different. There are services available.  
6 We get those in older teens or above. There's a very, very  
7 limited amount of services and naturally there are more  
8 women, young girls, et cetera, sexually assaulted. But we  
9 find in the outreach program we do with the community in  
10 relation to dealing with men, one of the concerns is, is  
11 there's so little services for counselling unless the  
12 private ones. But as far as services that are not going to  
13 cost the victims anything, they're very limited.

14 And we found that in Toronto, several years  
15 ago, with the Maple Leaf Gardens case, when a number of  
16 victims came forward and the investigators -- that was  
17 their major concern, is that there was nowhere to refer  
18 these victims to for counselling.

19 **MR. BENNETT:** And if a woman came forward,  
20 would there be some services for women? Are there more  
21 services for women?

22 **MS. LEAVER:** As there should be, yes, there  
23 are; many, many services that are available. I find that  
24 no matter how much outreach our unit does in the community,  
25 we have very few reports with adult males in relation to

1 sexual assaults. My personal feeling over the years is  
2 that males are afraid to come forward. It is -- if you've  
3 been sexually assaulted, it's almost an act of being a  
4 coward to come forward and admit this happened to you  
5 because it shouldn't have happened. You should have  
6 fought. You should have been able to handle it.

7 So we see very, very few reports, yet we do  
8 have an outreach program that we deal with, 519 Church  
9 Street Community Centre that deals with the LGB community  
10 in Toronto and they have a wonderful counselling centre.  
11 But that's the only one that I'm aware of that services the  
12 needs of the males in our city.

13 **MR. BENNETT:** I take it by LGB, you're  
14 referring to Lesbian, Gay and Bisexual?

15 **MS. LEAVER:** I am, yes.

16 **MR. BENNETT:** So in terms for heterosexual  
17 males, there's not a lot and certainly not in Toronto?

18 **MS. LEAVER:** Same thing, sir. Yes.

19 **MR. BENNETT:** Okay. Thank you very much.

20 **MS. LEAVER:** You're welcome.

21 **THE COMMISSIONER:** Thank you.

22 So no one here. All right. Mr. Chisholm,  
23 for the Children's Aid Society.

24 **MR. CHISHOLM:** Good afternoon, Mr.  
25 Commissioner.

1 THE COMMISSIONER: Good afternoon.

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
3 CHISHOLM:

4 MR. CHISHOLM: Detective Leaver, my name is  
5 Peter Chisholm. I am counsel for the local Children's Aid  
6 Society.

7 If I could take you back to your protocol  
8 that you spoke of -- not your protocol but the one from  
9 November of 1983 ---

10 MS. LEAVER: Yes.

11 MR. CHISHOLM: --- and that was involving --  
12 -

13 MS. LEAVER: Special commission, yes.

14 MR. CHISHOLM: Right. And that was the  
15 Toronto Police Service and the CAS.

16 MS. LEAVER: Absolutely. Yes.

17 MR. CHISHOLM: The Toronto CAS?

18 MS. LEAVER: Yes.

19 MR. CHISHOLM: Is that the first protocol  
20 that you're aware of anywhere in Canada, with respect to --  
21 -

22 MS. LEAVER: That's the first protocol I'm  
23 aware of in Toronto. I'm not too sure, sir, if it's  
24 anywhere in Canada, but that's the first protocol that I'm  
25 aware of.

1                   **MR. CHISHOLM:** Do you have any knowledge of  
2 any protocols existing anywhere in Canada prior to November  
3 of 1983?

4                   **MS. LEAVER:** No, I do not, sir.

5                   **MR. CHISHOLM:** With respect to the time  
6 prior to that protocol being signed, you indicated that  
7 apart from the referral from the police to the Children's  
8 Aid Society, there was no collaboration. Is that -- do I  
9 understand your evidence correctly?

10                   **MS. LEAVER:** Well, there was no written  
11 protocol collaboration I'm aware of. You know, from what I  
12 can recall in working, there was some type of relationship  
13 because we did refer the cases on. But no, there was no  
14 working collaboration that I was aware of, sir.

15                   **MR. CHISHOLM:** Did I see in your written  
16 material, and I can't put my finger on it, but did I see in  
17 your written material that you are of the view that it's  
18 more important to have a good working relationship as  
19 opposed to the protocol on paper?

20                   **MS. LEAVER:** We need the protocol on paper.

21                   **MR. CHISHOLM:** Right.

22                   **MS. LEAVER:** But that's not enough. We need  
23 that relationship. That face to face relationship, that  
24 knowledge of joint training to me would be the most  
25 important.

1                   **MR. CHISHOLM:** Now, in your evidence, you've  
2 spoken of the joint training but you go a little further  
3 than that. Not only do you involve the police and the  
4 child protection workers from the Children's Aid Society,  
5 but you also, I take it from what I've read of your  
6 material, you would take it to be important to have the  
7 prosecution involved. Do I understand your evidence  
8 correctly?

9                   **MS. LEAVER:** Sir, if I was in charge of the  
10 world, I'd have the Crown attorney's and the judges  
11 involved in the training. All of us.

12                   **MR. CHISHOLM:** So you see a spot at the  
13 table for joint training that would involve not only the  
14 Police and the Children's Aid Society but also the Crown  
15 Attorney's office?

16                   **MS. LEAVER:** Absolutely. Anyone who is  
17 bringing that child to court and anyone who is going to be  
18 questioning that child, yes, absolutely. We all have to  
19 work together and we have to be on the same page.

20                   **MR. CHISHOLM:** You spoke today of the C.O.  
21 Bick College?

22                   **MS. LEAVER:** Yes.

23                   **MR. CHISHOLM:** And is that a college set up  
24 by the Toronto Police Service?

25                   **MS. LEAVER:** Yes, it is. It's our training

1 college.

2 MR. CHISHOLM: Okay. So not only do you use  
3 that college but you also use the Ontario ---

4 MS. LEAVER: Police College.

5 MR. CHISHOLM: Provincial College, right?

6 MS. LEAVER: Yes.

7 MR. CHISHOLM: You told us of a two-week  
8 course that was set up. The first time it was operative  
9 was in 1991?

10 MS. LEAVER: Yes, in the early 1990s.

11 MR. CHISHOLM: Was that operated once a  
12 year, every year since 1991?

13 MS. LEAVER: No, sir, it depends on the  
14 scheduling; how many officers that are going through.  
15 Right now, I believe the course is offered about every  
16 three months.

17 MR. CHISHOLM: Okay.

18 MS. LEAVER: It depends on how many officers  
19 have to be trained and the availability.

20 MR. CHISHOLM: And would I be correct that  
21 every time that course is offered there's always a  
22 component for child protection workers?

23 MS. LEAVER: Yes, there is.

24 MR. CHISHOLM: And you told us in your  
25 evidence this afternoon that if spots allow, you will

1 sometimes permit members of other police services to  
2 attend?

3 **MS. LEAVER:** Yes.

4 **MR. CHISHOLM:** Does the same hold true with  
5 respect to Children's Aid Societies apart from the ones  
6 that service the Toronto area?

7 **MS. LEAVER:** I'm not too sure if I can  
8 answer that, but I would think if there was other spots  
9 available for social workers, sir, and other police  
10 services -- I'm sure if another Children's Aid worker had  
11 requested, since they're already part of developing that  
12 course because they do do some of the training on that  
13 second week, sir, that I'm sure they could be included if  
14 there was space.

15 **MR. CHISHOLM:** You told us this afternoon  
16 that sometimes there are joint investigations between the  
17 police and the Societies, but depending on the situation  
18 either the police would conduct an interview of a child by  
19 themselves or I suppose a Child Protection Worker.

20 **MS. LEAVER:** Yes.

21 **MR. CHISHOLM:** Can you tell us which  
22 situations would impact in the decision to go it alone with  
23 respect to the investigation?

24 **MS. LEAVER:** I would think if there was a  
25 criminal element involved and the possibility of an

1 offence, they would do it jointly, sir.

2 MR. CHISHOLM: Yes.

3 MS. LEAVER: I am not too sure to be honest  
4 with you how the decision is made, ---

5 MR. CHISHOLM: That's fair.

6 MS. LEAVER: --- alone, but I do know that  
7 they must partner if there's a possible criminal element  
8 involved.

9 MR. CHISHOLM: That's the ideal in your  
10 view?

11 MS. LEAVER: Absolutely, yes.

12 MR. CHISHOLM: Given your evidence today,  
13 you indicated something to the effect that no police  
14 officer can become an expert interviewer of a victim of  
15 child sexual abuse after taking a two-day course. Am I  
16 stating your evidence fairly?

17 MS. LEAVER: Yes, what -- they do have a  
18 week of training, but there is a two-day that involves  
19 child development and language and cognitive skills and  
20 also interviewing and a practical exercise. And I'm saying  
21 that is not enough when we consider what is necessary to do  
22 forensic interviewing. Police do the best they can with  
23 what they have, but I do not believe that's the ideal  
24 situation.

25 MR. CHISHOLM: That's when you said, "The

1 ideal situation would involve child psychologist"?

2 **MS. LEAVER:** Yes. Child psychologist who is  
3 trained in probably forensic interviewing of children  
4 possibly coupled with a police officer or -- no, or maybe  
5 not a police officer. Maybe the interview should -- in the  
6 States, some cases I've seen that the forensic interviewer  
7 will do the interview without the officer or the protective  
8 worker there. It depends, but I just think it's such a  
9 specialized area. You have children under seven that are  
10 different than children over seven. And then you have  
11 older children, say 12 and up. Very, very -- the skills  
12 that you must have to correctly interpret what the child  
13 means, the reactions of the child, how to phrase the  
14 questions.

15 I believe it's a specialized skill. I do  
16 not believe you can learn it in a week or two days.

17 **MR. CHISHOLM:** And that ties in, I take it,  
18 to your observation of what exists in the United States  
19 with respect to the Child Advocacy Centres?

20 **MS. LEAVER:** Absolutely, yes.

21 **MR. CHISHOLM:** And did I hear your evidence  
22 correctly that there are some 500 such centres in the  
23 United States?

24 **MS. LEAVER:** Yes. Across the States, yes.

25 **MR. CHISHOLM:** With respect to your

1 knowledge of Canada, are there any such centres in Canada  
2 that you're aware of?

3 **MS. LEAVER:** I believe that Edmonton Police  
4 have set up or are in the midst of setting up, and I  
5 believe it's called "Project Zebra". I don't have any more  
6 information on it at this time, but if you are interested,  
7 I have a place to call because I just found out about it  
8 yesterday. So I can pass on that information to you.

9 **MR. CHISHOLM:** Thank you.

10 **MS. LEAVER:** That is the only place I know  
11 in Canada, I think that's started a child advocacy centre.

12 **MR. CHISHOLM:** And the Child Advocacy Centre  
13 as it exists in the States ---

14 **MS. LEAVER:** Yes.

15 **MR. CHISHOLM:** --- do they all have a child  
16 psychologist on staff that you referred to as being the  
17 ideal?

18 **MS. LEAVER:** The ones -- yes. From the  
19 information that I have, yes, they do. There are  
20 specialists that do the interviewing, and it is a child  
21 psychologist.

22 **MR. CHISHOLM:** So although it's an ideal,  
23 it's something that has been achieved at least to some  
24 degree in the United States?

25 **MS. LEAVER:** Yes.

1                   **MR. CHISHOLM:** And lastly, you were -- and I  
2 believe this is during a cross-examination this afternoon  
3 -- you were speaking of the situation where, it may have  
4 been in the early 1980s, where the police would simply  
5 refer the matter to the Children's Aid Society.

6                   **MS. LEAVER:** Yes.

7                   **MR. CHISHOLM:** You would hear after the fact  
8 that the file had been closed, and the father had been sent  
9 out of the home. Do you recall that evidence?

10                  **MS. LEAVER:** Yes. There's different cases  
11 and different scenarios. We could not go with the case any  
12 further due to the law. We would pass it over to  
13 Children's Aid for the protection issue, and I believe they  
14 would do the best that they could.

15                  **MR. CHISHOLM:** If I understand your  
16 evidence, in that situation, you're of the view that the  
17 police could not have done any better job in the situation  
18 you described being achieved by the Children's Aid Society.

19                  **MS. LEAVER:** No, and I think we were  
20 fortunate to have the Children's Aid Society at that time.

21                  **MR. CHISHOLM:** Thank you, those are my  
22 questions.

23                  **MS. LEAVER:** You're welcome.

24                  **THE COMMISSIONER:** Thank you.

25                               Mr. Neuberger?

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

2 NEUBERGER:

3 MR. NEUBERGER: Good afternoon, Mr.  
4 Commissioner.

5 THE COMMISSIONER: Yes.

6 MR. NEUBERGER: Pleasure to see you,  
7 Detective Leaver.

8 MS. LEAVER: You too, sir.

9 MR. NEUBERGER: I'm here on behalf of the  
10 Ministry of Community, Safety and Correctional Services,  
11 and I just have three small areas to ask you some questions  
12 about.

13 One, just in relation to the criminal  
14 justice system and leading into what you've discussed about  
15 sort of the specialization of professionals. When we look  
16 at it from an access to justice perspective.

17 MS. LEAVER: Yes.

18 MR. NEUBERGER: For both the perspective of  
19 a complainant victim and an accused individual, it is a  
20 difficult task to reconcile the needs and sensitivities of  
21 a victim with a system which, to a large extent, must  
22 remain as an objective process. Would you agree with that?

23 MS. LEAVER: Absolutely. I would agree.

24 MR. NEUBERGER: All right. And what I think  
25 has been a tremendous benefit from the specialization of

1 professionals engaged in the investigation and prosecution  
2 of child abuse cases has also assisted not only with  
3 enhancing prosecutions in increasing success rates ---

4 **MS. LEAVER:** M'hm.

5 **MR. NEUBERGER:** --- but also protects  
6 against allegations going forward, which are unfounded; in  
7 other words, protecting against maybe convictions which  
8 would not be accurate in the circumstances. Would you  
9 agree with that?

10 **MS. LEAVER:** You're talking about  
11 professional interviewing and experienced personnel? Yes.

12 **MR. NEUBERGER:** And also the use of  
13 specialized Crown attorneys who can then with their  
14 training step back and have a very good assessment of  
15 reasonable prospect of conviction. Would you agree with  
16 that?

17 **MS. LEAVER:** Yes. Absolutely.

18 **MR. NEUBERGER:** All right. Because they are  
19 uniquely situated along with the specialized officers in  
20 analyzing these types of cases.

21 **MS. LEAVER:** And there would be, you know,  
22 discussion about the cases in this integrated system. I  
23 agree, yes.

24 **MR. NEUBERGER:** So that is a benefit not  
25 only to those who are victims ---

1                   **MS. LEAVER:** Yes.

2                   **MR. NEUBERGER:** --- but it's a benefit to  
3 those who may be accused individuals. Because you have  
4 correctly and very importantly indicated that the power to  
5 arrest an individual is an incredibly compelling and  
6 difficult power in the sense of once it's used, it  
7 stigmatizes an individual.

8                   **MS. LEAVER:** Yes, it must be fairly applied  
9 and as a police officer, we must never forget that.

10                  **MR. NEUBERGER:** And when it goes through  
11 this type of process, there are many layers and many  
12 filters, which are involved in assessing these types of  
13 cases.

14                  **MS. LEAVER:** Yes.

15                  **MR. NEUBERGER:** And just to touch on  
16 briefly, when you are asked some questions about what is a  
17 thorough investigation? I just want to touch on that for a  
18 second, just given our experience.

19                         Each type of case may dictate different  
20 facets of an investigation and there is no one catch-all  
21 guide to an investigation. Would you agree with that?

22                  **MS. LEAVER:** I agree.

23                  **MR. NEUBERGER:** And we must be careful about  
24 not scripting too precisely what a thorough investigation  
25 is. Would you agree with that?

1                   **MS. LEAVER:** Absolutely.

2                   **MR. NEUBERGER:** And what you have spoken  
3 about, about a feeling or gut reaction to a large extent  
4 comes from experience where an officer will have, as I've  
5 used before, an informed intuition about where this  
6 investigation is going and what is being said.

7                   **MS. LEAVER:** Yes, absolutely.

8                   **MR. NEUBERGER:** Is that fair?

9                   **MS. LEAVER:** Yes.

10                  **MR. NEUBERGER:** All right. And so although  
11 some protocol may be of some assistance with respect to a  
12 guide of what needs to be looked at in a historical abuse  
13 case, it's not a replacement for experience and training in  
14 police investigation.

15                  **MS. LEAVER:** No, absolutely. It's adjunct  
16 to the officer.

17                  **MR. NEUBERGER:** All right. Well, that's  
18 very helpful.

19                  **MS. LEAVER:** Lastly, I just wanted to look  
20 at what you've noted as services or things which are in  
21 place after conviction for an individual who is an offender  
22 now, and I commend you on your involvement in volunteering  
23 with respect to sex offenders. There are services, which  
24 are available through Probation Services.

25                  **MS. LEAVER:** Yes.

1                   **MR. NEUBERGER:** And for example, in Toronto  
2 there's attachment to the Sex Offender Relapse Prevention  
3 Program at the Centre for Addiction and Mental Health. Are  
4 you aware of that?

5                   **MS. LEAVER:** Yes, I am.

6                   **MR. NEUBERGER:** And programs like that  
7 through Probation Services can be accessed for individuals  
8 going to group therapy program ---

9                   **MS. LEAVER:** Yes.

10                  **MR. NEUBERGER:** --- or individual therapy to  
11 assist them in overcoming relapse and identifying issues.  
12 Is that fair?

13                  **MS. LEAVER:** That's fair, but the problem  
14 with those, sir, is what comes before that, which is  
15 missing. And absolutely, those programs are excellent.  
16 It's when the offender is out of the system, there's no  
17 place to live, the community is hounding him out, those  
18 programs don't work. Those programs are excellent, but we  
19 just have to get that step before.

20                  **MR. NEUBERGER:** There are some gaps missing,  
21 which is what you're saying.

22                  **MS. LEAVER:** Absolutely, yes.

23                  **MR. NEUBERGER:** So not only are these  
24 programs helpful, but there needs to be more to assist to  
25 integrate these individuals back into the community because

1 that overall enhances safety.

2 MS. LEAVER: M'hm.

3 MR. NEUBERGER: All right. And similarly  
4 when we're talking about other regions -- I don't know if  
5 you're familiar with the Royal Ottawa Hospital, ---

6 MS. LEAVER: Yes.

7 MR. NEUBERGER: --- but they also have  
8 programs with respect to sexual offenders as well.

9 MS. LEAVER: Yes, I do, I'm aware of it.

10 MR. NEUBERGER: All right. So what we need  
11 is a more holistic approach to the integration of these  
12 offenders in your opinion?

13 MS. LEAVER: M'hm, m'hm.

14 MR. NEUBERGER: All right. Well, thank you  
15 very much, Detective, I appreciate your answers.

16 MS. LEAVER: Okay.

17 MR. NEUBERGER: Thank you, Mr. Commissioner.

18 THE COMMISSIONER: M'hm. Mr. Scharbach?

19 MR. SCHARBACH: No questions, sir.

20 THE COMMISSIONER: Thank you.

21 THE COMMISSIONER: Mr. Hannah-Suarez?

22 MR. HANNAH-SUAREZ: I have just a few.

23 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
24 HANNAH-SUAREZ:

25 THE COMMISSIONER: Good afternoon, sir.

1                   **MR. HANNAH-SUAREZ:** Good afternoon. I'm here  
2 on behalf of Mr. LeDuc.

3                   **MS. LEAVER:** Yes.

4                   **MR. HANNAH-SUAREZ:** Now, we've gone over  
5 this a couple of times already this afternoon, but in 1991,  
6 the C.O. Bick started offering the Sexual Abuse and Child  
7 Abuse course. Is that correct?

8                   **MS. LEAVER:** Yes.

9                   **MR. HANNAH-SUAREZ:** Now, I remember in the  
10 morning, you just briefly mentioned that one of the  
11 components of that course was some training on false  
12 allegations. Did I hear that correctly?

13                   **MS. LEAVER:** Yes, you did.

14                   **MR. HANNAH-SUAREZ:** And so was that  
15 component of the course available since its inception in  
16 1991?

17                   **MS. LEAVER:** I believe probably not. It was  
18 part of the course. I don't believe the research that we  
19 did, false allegations, probably came in to about the  
20 middle of the '90s.

21                   **MR. HANNAH-SUAREZ:** Middle of the '90s,  
22 okay.

23                   **MS. LEAVER:** Yes.

24                   **MR. HANNAH-SUAREZ:** And so when it was  
25 introduced into the SACA is the way it's called ---

1 MS. LEAVER: Criteria, yes.

2 MR. HANNAH-SUAREZ: So when that was  
3 introduced in the mid-'90s ---

4 MS. LEAVER: Yes.

5 MR. HANNAH-SUAREZ: --- how much time of the  
6 course was dedicated to that?

7 MS. LEAVER: False allegations?

8 MR. HANNAH-SUAREZ: Yes.

9 MS. LEAVER: We -- about an hour and a half.

10 MR. HANNAH-SUAREZ: Okay. Out of? How long  
11 is the entire course?

12 MS. LEAVER: The entire course runs for two  
13 weeks, ten days, and you've got about an hour and a half,  
14 two hours for false allegations.

15 MR. HANNAH-SUAREZ: Okay. Now during that  
16 hour and a half to two hours, did they cover any precise  
17 investigative techniques on how to uncover false  
18 allegations of sexual assault?

19 MS. LEAVER: The information that we provide  
20 is basically how to unsolve it is a good thorough  
21 investigation to begin with to see if the evidence or the  
22 information that you receive from the victim, if you  
23 believe it's a false allegation can be corroborated, but we  
24 find a lot of the methods is in the interview itself and  
25 dealing with the victim and the investigation.

1                   So we do the investigation as we would do  
2 any investigation. However, as the investigation unfolds,  
3 certain things may fit in, may not fit in. You may realize  
4 that the story is not what it seems to be. There are  
5 skills in doing the interview itself ---

6                   **MR. HANNAH-SUAREZ:** Can you comment on some  
7 of the skills that would come into play?

8                   **MS. LEAVER:** Well, I think in doing an  
9 interview, we train officers to allow the victim to tell  
10 the story. In interviewing victims of sexual assault, it  
11 is not a question-answer process. The best method that we  
12 train is you explain to the victim beforehand exactly how  
13 you are going to do your interview, and I'll explain to the  
14 victim that I am going to ask you one general question, "I  
15 understand, on June the 5th, you got off the bus, you're  
16 walking down the street, and a man approached you from  
17 behind. Can you take me from there and tell me what  
18 happened?"

19                   Then we'll let the victim tell the story.

20                   So we find that the majority of false  
21 allegations that we receive, they're not planned or thought  
22 out. It's usually at the spur of the moment. I can go  
23 through a whole series, but I don't think we have the time,  
24 but usually in the statement itself it doesn't fit. And in  
25 going through the statement, we will usually corroborate

1           what the victim tells us and see if we can follow that  
2           through as such.

3                       So the statement is a very important part,  
4           not only for a valid sexual assault allegation but also for  
5           a false allegation.

6                       **MR. HANNAH-SUAREZ:** So again, keeping it in  
7           the realm of the false allegations, now you say  
8           corroboration. So that would entail then -- say the victim  
9           or the complainant, I guess in these cases, indicate person  
10          "X" was present, I guess that would entail talking to  
11          person "X" and seeing whether that person was in fact ---

12                      **MS. LEAVER:** Well, of course. Everything  
13          the victim has told us we would follow up as part of an  
14          investigation, yes.

15                      **MR. HANNAH-SUAREZ:** Of course. And the  
16          second, say there are internal inconsistencies in their  
17          stories, is that something one points out during the  
18          initial ---

19                      **MS. LEAVER:** Sorry, internal?

20                      **MR. HANNAH-SUAREZ:** Internal  
21          inconsistencies.

22                      **MS. LEAVER:** No. Inconsistencies may come  
23          up as a result of the trauma of the assault. You know,  
24          it's difficult to say what the impact has, but there may be  
25          some inconsistencies. That may not mean that the victim

1           isn't telling the truth. There may be just some trauma.

2                       In fact, at the end of an interview, I will  
3           always say to the victim, "You know, you may go home or on  
4           your way home or get up the next morning, go 'Oh, my god, I  
5           forgot to tell her this or I told her this and I shouldn't  
6           have'." I'll say, "You know, that may be just the result  
7           of what you're going through. Give me a call and let me  
8           know."

9                       So we're not looking for everything bang on.

10                      **MR. HANNAH-SUAREZ:** Okay. What if it's  
11           something rather broad? Now, I know for instance in some  
12           of the -- I believe there was a case in Saskatchewan where  
13           some of the children were alleging -- and sorry to be  
14           graphic -- that their penises had been cut off. Now,  
15           obviously they hadn't.

16                      **MS. LEAVER:** Yes.

17                      **MR. HANNAH-SUAREZ:** Would something like  
18           that bring an investigation to ---

19                      **MS. LEAVER:** Well, you know, you probably  
20           have to speak to an expert in forensic dealing with  
21           children. If that was an adult, I may have a problem, but  
22           I really couldn't speak to that in relation to children,  
23           but I'm sure that would be, you know, may bring, but it  
24           doesn't necessarily mean they're lying.

25                      **MR. HANNAH-SUAREZ:** Okay. Now, also, you

1 indicated that in the mid-'90s, C.O. Bick College started  
2 developing and offering a course specifically on the false  
3 allegations, and I believe that's the one that is at Tab 9,  
4 page 4 of the materials.

5 Now, the SACA course in that hour and a half  
6 and the component on false allegations, now that's  
7 required, correct? That's mandatory for ---

8 **MS. LEAVER:** It's part of the course that I  
9 teach, yes.

10 **MR. HANNAH-SUAREZ:** And this is for all  
11 people that are ---

12 **MS. LEAVER:** Yes, everybody going through  
13 the course, yes.

14 **MR. HANNAH-SUAREZ:** Meaning so but the  
15 question I had, anybody who is involved in sexual assault  
16 investigations with the Toronto Police Service has to take  
17 the SACA course, correct?

18 **MS. LEAVER:** They have to take this full  
19 course, yes.

20 **MR. HANNAH-SUAREZ:** And so that would ---

21 **MS. LEAVER:** Yes.

22 **MR. HANNAH-SUAREZ:** Now, how about this  
23 half-day course on false allegations, is that a requirement  
24 as well?

25 **MS. LEAVER:** That's part of the course.

1                   **MR. HANNAH-SUAREZ:** Oh, it's part of the  
2                   course.

3                   **MS. LEAVER:** Part of SACA, yes.

4                   **MR. HANNAH-SUAREZ:** Okay. So many of my  
5                   questions were about that course specifically; so I guess  
6                   that has been answered.

7                   Moving on I guess to a certain degree to the  
8                   course outline, I see that one of the components -- I  
9                   believe it's at the top -- is "to raise awareness of the  
10                  existence of false reports of sexual assault". That's  
11                  correct?

12                  **MS. LEAVER:** Yes.

13                  **MR. HANNAH-SUAREZ:** I see that near the top  
14                  as well is one of the components is "to develop effective  
15                  means to eliminate false reports" and here's the important  
16                  bit, "before arrests are made". Is that correct?

17                  **MS. LEAVER:** Yes, absolutely.

18                  **MR. HANNAH-SUAREZ:** Now, can you comment on  
19                  the importance of that principle?

20                  **MS. LEAVER:** In interviewing the victim, I  
21                  mean sometimes the signs are there and sometimes they  
22                  aren't. Remember, the majority of false allegations that  
23                  we deal with are unknown offenders. So there are no  
24                  offenders. So there is nobody at that point to be arrested  
25                  because they don't know who they are. They'll give us a

1 description when we ask for a description, but there is no  
2 one.

3 It's very important obviously and it's not -  
4 - probably -- can you give me an example of what you're  
5 speaking about before arresting?

6 **MR. HANNAH-SUAREZ:** Just I guess  
7 specifically ---

8 **MS. LEAVER:** Yes.

9 **MR. HANNAH-SUAREZ:** Obviously the stigma  
10 that attaches to an accused personally.

11 **MS. LEAVER:** Yes.

12 **MR. HANNAH-SUAREZ:** Obviously it's not true.  
13 Now, I guess in these circumstances, before an arrest is  
14 made, I would assume that you -- there wouldn't be an  
15 arrest if the complainant doesn't actually name a victim or  
16 ---

17 **MS. LEAVER:** No.

18 **MR. HANNAH-SUAREZ:** I'm sorry, an assaulter.

19 **MS. LEAVER:** No, absolutely.

20 **MR. HANNAH-SUAREZ:** So it would be for -- is  
21 it because of that concern of the stigma that there is this  
22 principle at the top that it should be eliminated before  
23 the arrest is made?

24 **MS. LEAVER:** This is sort of a general --  
25 because it's a course that we're teaching, we're also

1 teaching to people who deal with known offenders.  
2 Remember, our unit only deals with unknown, but it's --  
3 doing the investigation you may not -- until you've  
4 completed the investigation in some cases, you may not know  
5 it is false. Okay.

6 A person may be arrested becomes sometimes  
7 you're not going to get the information immediately. The  
8 interview is very important but after the interview, you  
9 still may have the reasonable probable grounds to arrest  
10 the offender and you may make that decision. You may not  
11 learn until later on and that is a very difficult  
12 situation.

13 **MR. HANNAH-SUAREZ:** Now, in what  
14 circumstances would you arrest the suspect before hearing  
15 their side of the story? Are there any circumstances where  
16 that would occur?

17 **MS. LEAVER:** Plenty of them because when I  
18 approach them and let them know they're about to be  
19 arrested, they're not going to tell me their side of the  
20 story. I've had cases where they had told me their side of  
21 the story, where they have not spoken to a lawyer but we've  
22 offered them a lawyer, and I have not arrested them.  
23 However, it's difficult if I have reasonable probable  
24 grounds and I call you up and advise you and you will say  
25 nothing to me.

1                   **MR. HANNAH-SUAREZ:** So I guess more  
2 accurately I should say are there circumstances when you  
3 arrest people without giving them the opportunity to give  
4 their side of the story?

5                   **MS. LEAVER:** No. I have had situations in  
6 sexual assault cases where I have called the individual in  
7 to speak with him and he has come in. And as I have sat  
8 down and listened to his story, I've made the decision that  
9 no, the offence did not happen.

10                   **MR. HANNAH-SUAREZ:** Okay. So I guess  
11 specifically what I'm trying to get to is, do you ever  
12 arrest people without even giving them that opportunity?  
13 Is it a standard thing to "Okay, here's your opportunity to  
14 give your side of the story"?

15                   **MS. LEAVER:** All the time, but in our  
16 system, sir, very seldom are you going to speak. You will  
17 have contacted a lawyer when I read you your rights and  
18 your lawyer will tell you not to say anything.

19                   **MR. HANNAH-SUAREZ:** Now, and this is -- we  
20 might not go into this side now. Page 5 of your outline --  
21 of the outline of your evidence, you indicate that in mid-  
22 1990s, there began to be a "better understanding of the  
23 investigative work necessary to determine the validity of  
24 allegations.

25                   Is there anything additional that we haven't

1 touched upon already that relates to that?

2 MS. LEAVER: I'm sorry, sir, in ---

3 MR. HANNAH-SUAREZ: I think it's at page 5.

4 MS. LEAVER: Five, okay.

5 (SHORT PAUSE/COURTE PAUSE)

6 MS. LEAVER: I'm sorry, sir, at page 5?

7 MR. HANNAH-SUAREZ: I thought it was at page  
8 5.

9 MS. LEAVER: "Better understanding of  
10 investigative work necessary to determine the validity of  
11 allegations."

12 MR. HANNAH-SUAREZ: Yes. Now, is there  
13 anything -- is that relating to the false allegations that  
14 we talked about before?

15 MS. LEAVER: Yes, very much so. I think  
16 it's more awareness and as more awareness comes, the more  
17 cases you do, the more experienced you are.

18 MR. HANNAH-SUAREZ: Okay. So we've already  
19 touched upon that. I just want to go to one last area.  
20 And so if we can turn to the Child sexual Abuse Protocol  
21 that's at Tab 8 and we should be at Roman numeral IV. So I  
22 think that's page 6 of the electronic version.

23 I just wanted to talk a little bit about the  
24 statement of principles, specifically principle number 1  
25 being, and if I'm not mistaken, it reads as follows:

1 "Children reporting sexual abuse should  
2 be presumed to be telling the truth."

3 And it goes on, but that's the first principle.

4 **MS. LEAVER:** Yes.

5 **MR. HANNAH-SUAREZ:** Now, is this still an  
6 operating principle in the 1995 protocol?

7 **MS. LEAVER:** Yes, I believe it is.

8 **MR. HANNAH-SUAREZ:** Now, you also testified  
9 and this is -- I thought it was a direct quote but if it's  
10 wrong, feel free to correct me, "that a victim will be  
11 believed until proven differently". Is that correct?

12 **MS. LEAVER:** Yes.

13 **MR. HANNAH-SUAREZ:** Now, do you think that  
14 this principle is at all at odds with the police duty to  
15 conduct investigations from an objective perspective?

16 **MS. LEAVER:** No, not in dealing with victims  
17 of sexual assault. No, I don't believe it is.

18 **MR. HANNAH-SUAREZ:** Now, does this principle  
19 come with a corresponding implication that the accused will  
20 be disbelieved until, again, proven differently?

21 **MS. LEAVER:** No, sir. I feel I have as much  
22 responsibility to the accused as I do to the victim.  
23 However, the majority of times the accused will not speak  
24 to me.

25 **MR. HANNAH-SUAREZ:** Yes, I would understand.

1 Now, is this principle again at all at odds with the  
2 objectives that are taught during the false allegations  
3 course that you teach, specifically the first principle  
4 being awareness that false allegations do occur?

5 **MS. LEAVER:** No, I do not think it is.

6 **MR. HANNAH-SUAREZ:** Okay.

7 **MS. LEAVER:** "After a thorough  
8 investigation" is one of the principles to false allegation  
9 lecture.

10 **MR. HANNAH-SUAREZ:** Now, this principle was  
11 presumably adopted and I think validly so to counter the  
12 problematic assumption in the early '70s and '80s that  
13 children were not telling the truth when they made these  
14 allegations. Is that correct?

15 **MS. LEAVER:** Yes, it was.

16 **MR. HANNAH-SUAREZ:** Now, isn't the opposite  
17 presumption equally problematic to the rights of the  
18 accused person if we start from the assumption that they  
19 are telling the truth?

20 **MS. LEAVER:** Well, what do you suggest, sir,  
21 that we -- where do we put children?

22 **MR. HANNAH-SUAREZ:** In essence, it's an  
23 issue of there's a pendulum that swings, right, and on one  
24 end we have -- well, let's assume that the children are  
25 always lying and on the other one ---

1                   **THE COMMISSIONER:** Are always what?

2                   **MR. HANNAH-SUAREZ:** Are always lying and  
3 that's what was operating presumably in the '70s and '80s.  
4 At the other side of it we have "Well, let's assume they're  
5 telling the truth". I guess a middle ground would be ---

6                   **MS. LEAVER:** Yes. I would think that,  
7 again, with experienced investigators, the investigation  
8 itself should tell the tale and I would rather start off  
9 with the belief that victims, children and adult victims  
10 are telling the truth and go from there. I very seldom  
11 have an opportunity to hear the side of the story from the  
12 offender, but I do believe I have a responsibility to the  
13 offender to do a thorough investigation and I'm hoping with  
14 experienced personnel that I hope there's not going to be  
15 many false accusations and the offender, you know, falsely  
16 accused an ending up in the court system, sir. But I still  
17 believe strongly in the mandate they will be believed.

18                   **MR. HANNAH-SUAREZ:** And from the starting  
19 point then.

20                   **MS. LEAVER:** From the starting point, sir,  
21 and with experienced investigators, with the number of  
22 interviews we do and the cases we've had, that formed  
23 intuition may -- you know, may come to the foreground and,  
24 you know, I think it's the experience of the officers and  
25 it's the experience of the personnel you have doing the

1 cases.

2 **MR. HANNAH-SUAREZ:** Thank you. Those are my  
3 questions.

4 **MS. LEAVER:** You're welcome.

5 **THE COMMISSIONER:** Thank you.

6 Mr. Ducasse?

7 **MR. DUCASSE:** I have no questions, Mr.  
8 Commissioner.

9 **THE COMMISSIONER:** Thank you.

10 Mr. Manderville?

11 **MR. MANDERVILLE:** Thank you, Mr.  
12 Commissioner.

13 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
14 MANDERVILLE:

15 **MR. MANDERVILLE:** Good afternoon, Mr.  
16 Commissioner.

17 **THE COMMISSIONER:** Yes, sir.

18 **MR. MANDERVILLE:** Good afternoon, Detective  
19 Leaver. My name is Peter Manderville. I'm counsel for the  
20 Cornwall Police Service.

21 I have a few discreet points I want to touch  
22 on with you. First, at Tab 15 of your materials is the  
23 information concerning criminal investigations of child  
24 sexual abuse and there are some defined terms there  
25 including "designated child sexual abuse investigator".

1                   **MS. LEAVER:** Yes.

2                   **MR. MANDERVILLE:** In a historical sexual  
3 abuse case where you have an adult reporting abuse, which  
4 happened to him or her many years previously when he or she  
5 was a child, who does the sort of a thorough formal  
6 interview and subsequent investigation? Would it be a  
7 designated child sexual abuse investigator or a sex crimes  
8 investigator?

9                   **MS. LEAVER:** If it went to a division, sir,  
10 and they were able to handle it, it would be a designated  
11 child sexual abuse investigator. If it came to our unit,  
12 it would be, again, a trained sexual assault investigator.

13                   **MR. MANDERVILLE:** So if I understand you  
14 correctly, within Toronto, there are designated child  
15 sexual abuse investigators within the divisions?

16                   **MS. LEAVER:** Absolutely, in the Youth Bureau  
17 and also sexual assault, trained sexual assault  
18 investigators in the divisions.

19                   **MR. MANDERVILLE:** And would there be any  
20 particular protocol for dealing with sexual abuse cases per  
21 se? By that, I mean would it automatically go to the Sex  
22 Crimes Unit at a certain point or could it stay within the  
23 confines of a division?

24                   **MS. LEAVER:** For historical sexual assault?

25                   **MR. MANDERVILLE:** Yes.

1                   **MS. LEAVER:** If the offender was known, it  
2 could stay at the division.

3                   **MR. MANDERVILLE:** So it turns on whether or  
4 not the perpetrator, the alleged perpetrator was known or  
5 unknown to the victim?

6                   **MS. LEAVER:** No, sir. It's because of the -  
7 - sometimes the lack of resources of the division, the size  
8 of the case. We may end up with it depending if the  
9 division doesn't have the personnel. Our staff inspector  
10 has the mandate to take over any cases or assist in any  
11 cases, but if the perpetrator is known, it would probably  
12 initially go to the division where the offence occurred.

13                   Now, we have taken cases -- the last case I  
14 had, the assaults occurred in northern Ontario at a cottage  
15 but because the offender lived close to the Toronto area  
16 and most of the victims lived in the Toronto area, it came  
17 to us.

18                   **MR. MANDERVILLE:** The Sex Crimes Unit?

19                   **MS. LEAVER:** Yes, the Sex Crimes Unit, but  
20 if it occurred within the division, historical pedophile  
21 cases have gone to the divisions if the offences occurred  
22 within that division.

23                   **MR. MANDERVILLE:** And continuing to deal  
24 with historical sexual abuse situations, the Child Sexual  
25 Abuse Protocol or information if you will requires that it

1 be a team investigation involving a CAS worker as well.

2 MS. LEAVER: Yes.

3 MR. MANDERVILLE: Would that be the case for  
4 historical sexual abuse cases where you have an adult  
5 reporting things that he alleges happened to him many years  
6 previously?

7 MS. LEAVER: No, sir.

8 MR. MANDERVILLE: And I take it then that  
9 because this person reporting is now an adult you would not  
10 necessarily feel you had a child in need of protection  
11 situation?

12 MS. LEAVER: No, sir.

13 MR. MANDERVILLE: And there would not be, in  
14 your view, a corresponding duty to report?

15 MS. LEAVER: No.

16 MR. MANDERVILLE: Sorry. And I should go  
17 on; unless the perpetrator was known to be at large in the  
18 community?

19 MS. LEAVER: Absolutely. Absolutely. If he  
20 was still in the school system or -- yes.

21 THE COMMISSIONER: Well, not just in the  
22 school system.

23 MS. LEAVER: Within. Well, yes, if he was  
24 still in the area, et cetera, we would. That would be our  
25 first -- investigating him, where he is, is he around

1 children, is he still employed in a position that has  
2 access to children? That would be part of our immediate  
3 investigation once the information came forward.

4 **MR. MANDERVILLE:** Quite right.

5 Now, dealing with the C.O. Bick College, to  
6 your knowledge, I take it Toronto is the only municipal  
7 force that has its own training college in Ontario?

8 **MS. LEAVER:** I'm not -- I believe we are. I  
9 may be wrong. If you would like me to check for you, sir,  
10 but I believe we are.

11 **MR. MANDERVILLE:** I'll frame it this way.  
12 You're not aware of any other municipal forces with their  
13 own training college?

14 **MS. LEAVER:** No, I'm not, sir.

15 **MR. MANDERVILLE:** And I take it the only  
16 other training college you're aware of dealing with  
17 municipal forces in Ontario is the OPC in Aylmer?

18 **MS. LEAVER:** Yes.

19 **MR. MANDERVILLE:** And I believe you told Mr.  
20 Chisholm that the C.O. Bick College runs a SACA course  
21 every three months or so?

22 **MS. LEAVER:** That is on average, yes.

23 **MR. MANDERVILLE:** And they last 10 days to  
24 two weeks?

25 **MS. LEAVER:** Yes.

1                   **MR. MANDERVILLE:** What portion of the SACA  
2 training course offered at C.O. Bick would be of the child  
3 abuse component?

4                   **MS. LEAVER:** There is a week, sir. That is  
5 a joint course between Children's Aid and the Toronto  
6 Police. One week is dedicated to child abuse.

7                   **MR. MANDERVILLE:** Are you aware of how  
8 frequently the OPC offers a SACA course?

9                   **MS. LEAVER:** No, I'm not, sir.

10                   **MR. MANDERVILLE:** Or the components of that  
11 course?

12                   **MS. LEAVER:** No, I'm not aware of how often  
13 they do.

14                   **MR. MANDERVILLE:** And I take it -- well,  
15 you've taught on many occasions at the C.O. Bick. You've  
16 never taught at the OPC?

17                   **MS. LEAVER:** I have.

18                   **MR. MANDERVILLE:** When was that?

19                   **MS. LEAVER:** Possibly '95-'96.

20                   **MR. MANDERVILLE:** And was that a SACA  
21 course?

22                   **MS. LEAVER:** I taught on the -- yes, on the  
23 sexual assault course.

24                   **MR. MANDERVILLE:** Now, you also spoke both  
25 in your evidence in-chief and briefly with Mr. Chisholm

1 about the notion that C.O. Bick programs may occasionally  
2 have openings offered to other municipal forces?

3 MS. LEAVER: Yes.

4 MR. MANDERVILLE: How does the C.O. Bick  
5 College publicize these potential openings?

6 MS. LEAVER: They don't. Usually, sir, what  
7 it is, is a service may call and ask and if there is an  
8 opening they will allow but it's not publicized as such.  
9 It's not something, I believe, on a regular basis but  
10 services have called and said "Could you accommodate a  
11 couple of our officers?"

12 MR. MANDERVILLE: So to the best of your  
13 knowledge it's ad hoc?

14 MS. LEAVER: That's right.

15 MR. MANDERVILLE: And maybe even random?

16 MS. LEAVER: Yes.

17 MR. MANDERVILLE: And lastly, Detective  
18 Leaver, you spoke of how historical sexual assault cases  
19 are rather more complicated than recent ones.

20 MS. LEAVER: Yes.

21 MR. MANDERVILLE: And you spoke of they are  
22 complicated by potentially the numbers of victims involved.

23 MS. LEAVER: Yes.

24 MR. MANDERVILLE: And you gave a couple more  
25 examples and you didn't mention a few that I'm going to

1 suggest to you and you can agree with me or not. I take it  
2 investigation of historical sexual assault complaints are  
3 complicated by the lack of physical or forensic evidence of  
4 the assault?

5 **MS. LEAVER:** Yes. We're basically left  
6 with, the majority of the time, the statement of the victim  
7 unless we have some other corroborating evidence of people  
8 he has spoken to, but you're right; no forensic evidence.

9 **MR. MANDERVILLE:** And you're dealing with  
10 historical situations so you have fading memories as a  
11 problem?

12 **MS. LEAVER:** Yes.

13 **MR. MANDERVILLE:** You spoke of the  
14 unwillingness of witnesses to come forward ---

15 **MS. LEAVER:** Yes, absolutely.

16 **MR. MANDERVILLE:** --- in many instances?

17 **MS. LEAVER:** Yes.

18 **MR. MANDERVILLE:** Witnesses who may be dead.  
19 They may have relocated.

20 **MS. LEAVER:** Yes.

21 **MR. MANDERVILLE:** The site of the assault,  
22 the building, school or church, whatever, may not exist  
23 anymore?

24 **MS. LEAVER:** Absolutely.

25 **MR. MANDERVILLE:** And similarly I take it

1           that -- so far we're just talking about the investigation  
2           of these historical sexual assaults. I take it the  
3           prosecution of these types of assaults is dogged by the  
4           same sorts of issues?

5                       **MS. LEAVER:** Yes, but we still have the  
6           victim.

7                       **MR. MANDERVILLE:** And the prosecution can  
8           also prove problematic for the additional reason that the  
9           victim's medical history is often in issue?

10                      **MS. LEAVER:** Absolutely.

11                      **MR. MANDERVILLE:** And the assault he or she  
12           has experienced may well have contributed significantly to  
13           his or her subsequent medical history?

14                      **MS. LEAVER:** Yes and their records may  
15           become subject to the court in cross-examination with the  
16           O'Connor application and I see that happening quite often  
17           in historical sexual assaults.

18                      **MR. MANDERVILLE:** Thank you very much,  
19           Detective Leaver.

20                      **MS. LEAVER:** You're welcome.

21                      **THE COMMISSIONER:** Thank you.

22                      Mr. Kozloff -- okay. Ms. Brannan?

23                      **MS. SACCOCCIO BRANNAN:** I'm not settling in  
24           for the night.

25                      **THE COMMISSIONER:** I don't know if I like

1 the looks of that.

2 (LAUGHTER/RIRE)

3 THE COMMISSIONER: And if you are settling  
4 in you might find yourself alone.

5 MS. SACCOCCIO BRANNAN: Oh, I think I could  
6 handle that.

7 THE COMMISSIONER: All right.

8 MS. SACCOCCIO BRANNAN: Just give me two  
9 seconds, Mr. Commissioner.

10 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

11 SACCOCCIO BRANNAN:

12 MS. SACCOCCIO BRANNAN: Detective Leaver,  
13 it's a pleasure to have this opportunity to not cross-  
14 examine you but ---

15 MS. LEAVER: Yes, it's a pleasure to see you  
16 in a different role.

17 (LAUGHTER/RIRES)

18 MS. SACCOCCIO BRANNAN: --- but to explore  
19 the problems that we're confronted with in this inquiry and  
20 see how we can resolve them. I represent the Ontario  
21 Provincial Police and I'm wondering if I could ask if -- at  
22 some point I'm going to refer to some of the legislation.  
23 I'm wondering if you have Exhibit 29 in front of you.

24 MS. LEAVER: I think I do.

25 MS. SACCOCCIO BRANNAN: Mr. Commissioner,

1 I'm trying something new, no handwritten notes. I'm doing  
2 what the young lawyers do, try and use this computer.

3 I want to ---

4 **THE COMMISSIONER:** Is that what they've been  
5 doing? Excuse me. Is that what they've been doing?

6 **MS. SACCOCCIO BRANNAN:** Well, apparently.

7 **THE COMMISSIONER:** I thought they had maybe  
8 just the questions taped on there.

9 **MS. SACCOCCIO BRANNAN:** No, I think they're  
10 actually using these computers. I'm doing my best here.

11 **THE COMMISSIONER:** All right.

12 **MS. SACCOCCIO BRANNAN:** I really want to  
13 focus on historical child sexual abuse and I would like to  
14 deal with it in a way, and maybe this is a cliché, but the  
15 anatomy of the investigation of a historical sexual abuse  
16 case. And I'd like to take you through parts of it and I  
17 am prepared to be corrected as a civil litigator -- I'm not  
18 a criminal litigator -- if I make errors.

19 First, what I want to start with, Detective  
20 Leaver, is in your evidence you said that you had been  
21 involved in approximately 30 cases of historic sexual  
22 assault. Is that fair?

23 **MS. LEAVER:** Yes.

24 **MS. SACCOCCIO BRANNAN:** And over what period  
25 of time are we talking?

1                   **MS. LEAVER:** Probably during the last 15  
2                   years.

3                   **MS. SACCOCCIO BRANNAN:** Fifteen (15) years.  
4                   So that's back to 1990 or thereabouts?

5                   **MS. LEAVER:** Yes.

6                   **MS. SACCOCCIO BRANNAN:** And in those cases  
7                   have you dealt with cases involving multiple victims and  
8                   one offender?

9                   **MS. LEAVER:** The majority of my cases have  
10                  been multiple victims and one offender.

11                  **MS. SACCOCCIO BRANNAN:** And have you had the  
12                  occasion to deal with cases where there are multiple  
13                  victims and multiple offenders?

14                  **MS. LEAVER:** Yes, I have.

15                  **MS. SACCOCCIO BRANNAN:** In those cases have  
16                  you -- multiple victims/multiple offenders and multiple  
17                  victims and one offender -- dealt with them in the  
18                  institutional milieu?

19                  **MS. LEAVER:** In the institutional milieu  
20                  I've dealt with single offender and multiple victims.

21                  **MS. SACCOCCIO BRANNAN:** And the multiple  
22                  victims/multiple offender cases, what type of milieu would  
23                  you have been dealing with?

24                  **MS. LEAVER:** I had two cases where I had  
25                  three or four -- excuse me, four individuals who travelled

1 out of this country to the Philippines and as a result of  
2 letters that went back and forth we ended up giving  
3 evidence of what was going on there and what was going on  
4 here. So they were basically trading children here as well  
5 as there.

6 **MS. SACCOCCIO BRANNAN:** So what I would like  
7 to do is to take the period 1990 to 2000-2004 and with  
8 respect to historical child sexual abuse and training,  
9 would it be a fair statement that there was no training  
10 program, no training protocol to assist police officers in  
11 the how-to or the anatomy of the investigation of a  
12 historical child sexual abuse case involving multiple  
13 victims/multiple offenders, multiple victims/one offender?

14 **MS. LEAVER:** I wasn't aware of any specific  
15 training program in relation to that, no.

16 **MS. SACCOCCIO BRANNAN:** And then from 2000-  
17 2002 to today's date, do we have any specific training for  
18 police officers with respect to historical child sexual  
19 abuse and, once again, always I'm going to be dealing with  
20 this, multiple victims/one offender, multiple  
21 victims/multiple offenders?

22 **MS. LEAVER:** We have more information in  
23 relation to -- and I'm going to use the term "pedophile"  
24 because of our Sexual Exploitation Unit; the profile, how  
25 they operate, how they court children. But as far as the

1 historical, there is no specific training. There is  
2 training on investigation of pedophile cases, but no ---

3 MS. SACCOCCIO BRANNAN: Not for historical?

4 MS. LEAVER: Not historical.

5 MS. SACCOCCIO BRANNAN: So it's fair to say  
6 that in today's day a police officer would better  
7 understand the profile of a pedophile?

8 MS. LEAVER: Absolutely. In dealing with  
9 the victims we would probably have more information and  
10 education to realize that the offender that they're dealing  
11 with is probably an offender that has multiple victims.

12 MS. SACCOCCIO BRANNAN: All right.

13 Now, in cases of historical child sexual  
14 abuse the complainants are generally adult victims?

15 MS. LEAVER: Yes.

16 MS. SACCOCCIO BRANNAN: Or adult  
17 complainants?

18 MS. LEAVER: Yes.

19 MS. SACCOCCIO BRANNAN: And would it be fair  
20 to say that in the cases you've dealt with, the majority of  
21 them involved male complainants?

22 MS. LEAVER: Yes.

23 MS. SACCOCCIO BRANNAN: When a male  
24 complainant comes forward 10, 15, 20 years after the  
25 incident, what are the difficult -- was is the difficult

1 task that you have as an investigator? The man walks in or  
2 calls, as you have said in the past, and says that "I was  
3 sexually abused as a child by my teacher."

4 MS. LEAVER: Right.

5 MS. SACCOCCIO BRANNAN: And you have them  
6 come in. What are you faced with? What are the  
7 difficulties you face with this individual in ultimately  
8 putting this individual forward as a witness against the  
9 offender?

10 MS. LEAVER: You're faced with an unknown  
11 entity. I don't know what stage this individual is at. It  
12 takes us a little while to find out exactly has he told  
13 anyone and I'm the first one that he's speaking to? Has he  
14 come forward as a result of therapy, that they see this as  
15 a need for closure? I have people who come forward to say  
16 "My wife just had a baby. I never want this to happen to  
17 the baby. I've decided to come forward. My life is  
18 falling apart. I want the person in jail." To sit down  
19 and speak to the victim, to try to explain the process but  
20 what is more frustrating for me is I have no idea what the  
21 impact is on this individual. I've had individuals who  
22 will break down and cry as soon as I turn the video on. I  
23 have some that are very angry. I have others that are very  
24 calm, have made a decision that, yes, this is what they  
25 want to do.

1                   We have to make very sure that there's  
2                   support in place. If it's a family member or someone close  
3                   to the family I have to let them know that "You realize you  
4                   coming forward may just tear this whole family apart?"  
5                   Support is very, very important. I'm dealing the majority  
6                   of times with an unknown entity because the minute they  
7                   walk through that door to give me that statement is  
8                   probably one of the most courageous steps that they've  
9                   taken.

10                   **MS. SACCOCCIO BRANNAN:** And if that  
11                   individual comes forward and makes the statement that the  
12                   offender is an individual who is in or was in an  
13                   institution, do the -- are the light bulbs supposed to  
14                   immediately go on for police officers back in the 1990s;  
15                   oh, there may be more complainant victims?

16                   **MS. LEAVER:** Possibly not in the early '90s.  
17                   Now they should especially after hearing this statement and  
18                   assessing the situation where the assault occurred, if it  
19                   wasn't in an institution, in a school, et cetera. Yes, the  
20                   light bulb should go on.

21                   **MS. SACCOCCIO BRANNAN:** Today?

22                   **MS. LEAVER:** Yes.

23                   **MS. SACCOCCIO BRANNAN:** And the reason for  
24                   that is because of the media attention on things like Mount  
25                   Cashel.

1                   **MS. LEAVER:** Yes, absolutely.

2                   **THE REGISTRAR:** Maple Leaf Gardens, UCC and  
3 the like?

4                   **MS. LEAVER:** You know, and the publications,  
5 the information that's out there. The TV programs, the  
6 documentaries, the televisions shows, Special Victims Unit.

7                   **MS. SACCOCCIO BRANNAN:** So even police  
8 officers are being educated along with the rest of the  
9 public ---

10                   **MS. LEAVER:** Absolutely, yes.

11                   **MS. SACCOCCIO BRANNAN:** --- through those  
12 types of process, ---

13                   **MS. LEAVER:** Yes.

14                   **MS. SACCOCCIO BRANNAN:** --- while they may  
15 not be educated in the specific training through their own  
16 occupations?

17                   **MS. LEAVER:** Yes.

18                   **MS. SACCOCCIO BRANNAN:** Now, and again I'm a  
19 civil litigator, but I understand section 11(b) and I  
20 understand stay ---

21                   **MS. LEAVER:** Yes.

22                   **MS. SACCOCCIO BRANNAN:** --- and I understand  
23 as cop and the length of time it takes. So as a police  
24 officer -- and you've got this complainant in front of you  
25 and maybe the light bulb has gone on, and you think,

1 "There's got to be other victims".

2 MS. LEAVER: Right.

3 MS. SACCOCCIO BRANNAN: Does the light bulb  
4 also go on that we've got to start thinking about the  
5 section 11(b) and we better not go down and start arresting  
6 that person right away, because we're going to have to take  
7 a long time to carry out this investigation there being  
8 multiple victims.

9 MS. LEAVER: M'hm.

10 MS. SACCOCCIO BRANNAN: Potentially.

11 MS. LEAVER: It depends on the situation.

12 It depends on the victim I'm dealing with, where the  
13 offender is. Is there an absolute necessity? Is he still  
14 within the system? Is he still working? Does he still  
15 have access to children?

16 Section 11(b) may be in the back of my mind  
17 but it's not my main priority.

18 MS. SACCOCCIO BRANNAN: And that's my point.

19 MS. LEAVER: Yes, it's not my main priority.

20 MS. SACCOCCIO BRANNAN: My point is -- it's  
21 not your main priority?

22 MS. LEAVER: No, no.

23 MS. SACCOCCIO BRANNAN: Your main priority  
24 is to carry out the investigation.

25 MS. LEAVER: That's right.

1                   **MS. SACCOCCIO BRANNAN:** And if at some point  
2 during that investigation it's time to arrest, you arrest?

3                   **MS. LEAVER:** Absolutely.

4                   **MS. SACCOCCIO BRANNAN:** So the problem then  
5 becomes that once you've arrested, and you've got your  
6 victims that you've spoken to maybe one or two, ---

7                   **MS. LEAVER:** Yes.

8                   **MS. SACCOCCIO BRANNAN:** --- more start to  
9 come out.

10                  **MS. LEAVER:** Yes.

11                  **MS. SACCOCCIO BRANNAN:** Because as a result  
12 of the publicity ---

13                  **MS. LEAVER:** The initial disclosure, the  
14 publicity, yes.

15                  **MS. SACCOCCIO BRANNAN:** What types of  
16 difficulties does that cause you as a police officer?

17                  **MS. LEAVER:** The difficulty it tends to  
18 cause is that you're getting these calls at all times of  
19 days and nights because these victims -- through the last  
20 case I had -- received the letter from the school. Some  
21 may see a picture in the paper or a little, you know,  
22 blurb, and it's almost an emotional automatic reaction with  
23 "I've got to call now", and they'll call and "I want to  
24 speak to you. I want to speak to you immediately." And  
25 you know you may have one opportunity to speak to the

1 victim and it's got to be now.

2 Sometimes, it's resources that's needed,  
3 that all of a sudden you've had two victims and now, after  
4 the publication or notification, you have 20 and you don't  
5 have the manpower to do the interviewing.

6 It can be a problem and each victim all of a  
7 sudden has made that decision after 20 or 25 years to come  
8 forward and they've made the decision to come forward to  
9 you. And if I can't provide that service immediately, I'd  
10 probably close the door forever to that victim. So it can  
11 be a problem if you don't have the manpower or the  
12 resources. You try to do the best you can with what you  
13 have.

14 **MS. SACCOCCIO BRANNAN:** And while you have  
15 the accused under arrest, you now have more victims coming  
16 forward.

17 **MS. LEAVER:** Yes.

18 **MS. SACCOCCIO BRANNAN:** Who's putting  
19 together all those briefs, all that information?

20 **MS. LEAVER:** I am.

21 **MS. SACCOCCIO BRANNAN:** All that disclosure?

22 **MS. LEAVER:** I am.

23 **MS. SACCOCCIO BRANNAN:** And when you have a  
24 case of multiple victims and possibly multiple offenders,  
25 where do you go for you extra resources?

1                   **MS. LEAVER:** Well, we would go to our staff  
2                   inspector and possibly in some of my cases, I've been able  
3                   to get six-month officers come in for training and assist.  
4                   I mean if the case gets to a point where it is that large,  
5                   the service will definitely have to come onboard to assist.

6                   **MS. SACCOCCIO BRANNAN:** And is there any  
7                   formula for the number of officers that you need depending  
8                   on the number of complainants you have or the number of  
9                   offenders?

10   Is there a formula?

11                   **MS. LEAVER:** No, no, there's not a formula.  
12                   I would go through our case management. The services would  
13                   be available if it was absolutely necessary because we do  
14                   not want to lose the victims.

15                   **MS. SACCOCCIO BRANNAN:** But that case  
16                   management only came in, in and around when? Let me just  
17                   check my notes. It's the case management process you're  
18                   talking about.

19                   **MS. LEAVER:** Yes. It was mandated at the  
20                   beginning of the year.

21                   **MS. SACCOCCIO BRANNAN:** I've got that the  
22                   regulation was passed in 2004 but mandated at the beginning  
23                   of 2005.

24                   **MS. LEAVER:** That's right.

25                   **MS. SACCOCCIO BRANNAN:** So that's okay for

1 now, but I'm talking about prior to 2005. You didn't have  
2 major case management?

3 **MS. LEAVER:** No, and I think the Toronto  
4 Maple Leafs was a good example. Fifty two (52) division  
5 was totally overwhelmed.

6 **MS. SACCOCCIO BRANNAN:** The case took over  
7 the whole division?

8 **MS. LEAVER:** It took over the whole  
9 division. They had everybody answering phones, taking down  
10 messages, et cetera.

11 **MS. SACCOCCIO BRANNAN:** And 52 Division, as  
12 I understand it, just so that we understand, it's the area  
13 that you're in.

14 **MS. LEAVER:** Yes.

15 **MS. SACCOCCIO BRANNAN:** And probably one of  
16 the highest crime areas in the city of Toronto, right?

17 **MS. LEAVER:** Absolutely, right now, yes.

18 **MS. SACCOCCIO BRANNAN:** So they're taking  
19 away from that because they're dealing with this monster  
20 case?

21 **MS. LEAVER:** Yes, absolutely. It's a case  
22 you can't predict. You have no idea how many victims are  
23 going to come forward once that information goes out. You  
24 know, to look for any type of management, it's almost  
25 impossible.

1                   **MS. SACCOCCIO BRANNAN:** You used the words  
2 "almost impossible". In other words ---

3                   **MS. LEAVER:** Yes, it's that way sometimes.  
4                   It's using the resources you have, and our  
5 service would do their best to supply us if the resources  
6 were needed, but it's not unlimited.

7                   **MS. SACCOCCIO BRANNAN:** So I'm thinking of  
8 the Maple Leaf Gardens case and now you have a whole number  
9 of officers involved and a number of victims, and the rest  
10 of the time to investigate is exponentially growing with  
11 the number of victims.

12                   **MS. LEAVER:** Yes.

13                   **MS. SACCOCCIO BRANNAN:** Are you thinking of  
14 Askov at that point. I mean is the case of Askov jumping  
15 into their head?

16                   **MS. LEAVER:** No. I think you're just  
17 thinking of the victim and the case and the investigation  
18 and doing the best you can. It's not a matter of rushing  
19 it or making it shorter. It's the investigation.

20                   **MS. SACCOCCIO BRANNAN:** You do the best job  
21 that you can.

22                   **MS. LEAVER:** Absolutely, yes.

23                   **MS. SACCOCCIO BRANNAN:** With the resources  
24 that you have.

25                   **MS. LEAVER:** Right.

1                   **MS. SACCOCCIO BRANNAN:** And with the case  
2 that you have whatever form it happens to take.

3                   **MS. LEAVER:** M'hm.

4                   **THE COMMISSIONER:** Excuse me, if you're  
5 going to continue with *Askov* ---

6                   **MS. SACCOCCIO BRANNAN:** No, I'm moving off  
7 *Askov* now, why?

8                   **THE COMMISSIONER:** Oh, okay.

9                   **MS. SACCOCCIO BRANNAN:** You don't -- you  
10 want me to stay away from there?

11                   **THE COMMISSIONER:** No, no. I think there's  
12 a -- *Askov* is a complicated principle.

13                   **MS. SACCOCCIO BRANNAN:** I know that, Your  
14 Honour, and ---

15                   **THE COMMISSIONER:** Well, when the time  
16 starts running is an issue.

17                   **MS. SACCOCCIO BRANNAN:** Fine.

18                   **THE COMMISSIONER:** And I don't know if it's  
19 fair to put it to police officers that way.

20                   **MS. SACCOCCIO BRANNAN:** No. But my point is  
21 in putting it to Detective Leaver, the answer that she gave  
22 is one that I expected. It's not what runs their  
23 investigation.

24                   **THE COMMISSIONER:** No.

25                   **MS. SACCOCCIO BRANNAN:** What runs their

1 investigation is their investigation. I think that was the  
2 point that I was trying to make that the investigation by a  
3 police officer is not run by section 11(b).

4 **THE COMMISSIONER:** Thankfully not.

5 **MS. SACCOCCIO BRANNAN:** Thankfully not.

6 With respect to the offender, there were a  
7 number of my colleagues who asked you questions with  
8 respect -- and I think it was Mr. Manson who started the  
9 ball rolling on this and then a few others addressed it.  
10 You have two complainants who have identified different  
11 types of offenders. One who is the well-known  
12 businessperson or businessman in the community and the  
13 other type where the individual is not so well-known and  
14 may even themselves have some sort of a criminal record.

15 And while I listened to your answer, I guess  
16 I wanted to hear a bit more about do you treat those  
17 investigations in any way any differently in a case of  
18 historical sexual child abuse?

19 **MS. LEAVER:** If I have two different  
20 victims?

21 **MS. SACCOCCIO BRANNAN:** Two different ---

22 **MS. LEAVER:** --- victims coming in.

23 **MS. SACCOCCIO BRANNAN:** No, two different  
24 offenders. You've got the businessman in the community and  
25 you have a complainant coming in and giving you the name of

1 an offender and that individual happens to be somebody that  
2 is known to the police.

3 MS. LEAVER: Wouldn't be treated any  
4 differently, no.

5 MS. SACCOCCIO BRANNAN: So you wouldn't  
6 hesitate to arrest the businessman or wait any longer or  
7 carry out any different kind of an investigation?

8 MS. LEAVER: No.

9 MS. SACCOCCIO BRANNAN: It would be the  
10 same?

11 MS. LEAVER: No. Yes.

12 MS. SACCOCCIO BRANNAN: One thing I'd like  
13 to touch on is the effect on the investigator in carrying  
14 out the investigations of historical child sexual abuse,  
15 and it may very well also apply to child abuse cases and  
16 sexual assault case.

17 MS. LEAVER: M'hm.

18 MS. SACCOCCIO BRANNAN: But I'd like to  
19 focus on historical child abuse and the effect on those  
20 investigators. And I need to understand the -- I need to  
21 understand what -- are there breaking points for these  
22 individuals? Is there burnout that these individuals  
23 suffer? I mean is everybody as strong as Detective Leaver  
24 is what I need to know?

25 MS. LEAVER: Detective Leaver is a runner

1 and a quilter, so -- yes, I have seen burnouts within our  
2 unit, but I think that an individual -- you know, I think  
3 there are officers that are stronger. I mean, a lot of the  
4 officers in our unit are picked to be in there because of  
5 their investigative skills and also because they want to do  
6 this type of work.

7 But then again, are there officers involved  
8 in this job that have been sexually abused as children and  
9 all of a sudden a case hits? Is an officer at home having  
10 some problems? I know that I have taken a look at some of  
11 the young men I've interviewed and thinking of my son and  
12 the possibility of him going through this.

13 I think we're fortunate in the unit that I  
14 work in. We do have a lot of support. There's a lot of  
15 people that, you know, we can bounce a case off of and, for  
16 me, it's the satisfaction in allowing those victims to come  
17 forward and to tell their story and to say to them, "Yes,  
18 we believe you and we're going to do something about it".

19 I think what happens is when officers work  
20 too long, too many hours, spend too much time in the  
21 investigation and that overtakes their own personal life,  
22 to me that's a problem and I think that's a problem that  
23 supervisors in the unit should take a good look at.

24 **MS. SACCOCCIO BRANNAN:** Are there any  
25 services within any police force that you're aware of to

1 assist officers with the psychological difficulties they  
2 may encounter in dealing with these cases?

3 **MS. LEAVER:** Yes, we do have access to  
4 counselling services within the Toronto Police. Yes, we  
5 do.

6 **MS. SACCOCCIO BRANNAN:** You don't know if  
7 that's the case for every police force throughout the  
8 province?

9 **MS. LEAVER:** No, I don't.

10 **MS. SACCOCCIO BRANNAN:** I'd like to move on  
11 to your relationship with the Crown attorney in these  
12 historical sexual child abuse cases. When do you start  
13 working with the Crown or does it depend?

14 **MS. LEAVER:** In Toronto, sometimes we're  
15 fortunate and we'll hear a month, two months before.  
16 Sometimes we're not so fortunate and we may hear a couple  
17 of weeks before. It depends on the workload that the Crown  
18 is involved; it depends when the case is assigned. I  
19 myself am usually pretty aggressive and active in calling  
20 down to the local Crown attorney's office and saying, "You  
21 know, when is my case going to be solved because I want to  
22 get the interviews going". It's difficult. It depends on  
23 the caseload, it depends what court you're at. So it's not  
24 perfect. Some are better than others.

25 **MS. SACCOCCIO BRANNAN:** In listening to your

1 answer to that question, I'm assuming then at this point  
2 you made the decision that you would make the arrest and  
3 you would go ahead and there's no Crown attorney involved  
4 providing opinions with respect to whether or not there is  
5 a possibility of conviction?

6 **MS. LEAVER:** That's true.

7 **MS. SACCOCCIO BRANNAN:** Are there cases of  
8 historical child sexual abuse that you've done since 1990  
9 where you have consulted a Crown?

10 **MS. LEAVER:** Yes, there has been.

11 **MS. SACCOCCIO BRANNAN:** And when you consult  
12 the Crown, what are you asking of that Crown?

13 **MS. LEAVER:** I would just ask the Crown, we  
14 would do a synopsis of the evidence. After every  
15 videotape, we do a synopsis and sit down with the Crown,  
16 ask him if he would review the evidence I have and his  
17 opinion on what are the chances in this case.

18 **MS. SACCOCCIO BRANNAN:** And if the opinion  
19 is, "Detective Lever, you're not going to get a  
20 conviction", what do you do then?

21 **MS. LEAVER:** Well, I would usually go along  
22 with the Crown, unless I ---

23 **MS. SACCOCCIO BRANNAN:** Are there times when  
24 you haven't?

25 **MS. LEAVER:** Well, no, because I think that

1 the Crown I'm going to pick to speak to is a Crown that is  
2 experienced and that I value their opinion. So that's what  
3 I would do because of the experience I have on the service.

4 MS. SACCOCCIO BRANNAN: So you would not  
5 make the arrest?

6 MS. LEAVER: If I believed ---

7 MS. SACCOCCIO BRANNAN: Or if you've made  
8 the arrest, you would withdraw the charges at that point,  
9 but you would not make the arrest?

10 MS. LEAVER: Well, I -- basically, if I had  
11 made the arrest, I've made my decision ---

12 MS. SACCOCCIO BRANNAN: All right.

13 MS. LEAVER: --- with the experience that I  
14 have.

15 MS. SACCOCCIO BRANNAN: And you'll move  
16 forward.

17 MS. LEAVER: I'll move forward with it, yes.

18 MS. SACCOCCIO BRANNAN: But if you're a  
19 little concerned, you'll go to the Crown ---

20 MS. LEAVER: Yes, and I would let my victim  
21 know. I would say to the victim, and which I have done not  
22 just in historical sexual assault cases but other cases,  
23 "You know, I'm a bit concerned about this. I think we have  
24 a case, but, you know, I am going to speak to a Crown" and  
25 the victim understands fully what I'm doing, yes.

1                   **MS. SACCOCCIO BRANNAN:** In historical sexual  
2 child abuse cases what problems confront you with respect  
3 to -- I think we've talked about the gathering of the  
4 evidence, so let me move on from there.

5                   The Victim/Witness Assistance Program, is  
6 that program -- the word I want to use is equal throughout  
7 the province, but does every single community in this  
8 province have the same access to the Victim/Witness  
9 Assistance Program that you have in Toronto?

10                  **MS. LEAVER:** I believe they are centered in  
11 courts throughout Ontario, yes.

12                  **MS. SACCOCCIO BRANNAN:** And when did that  
13 program ---

14                  **MS. LEAVER:** They celebrated their 20<sup>th</sup>  
15 anniversary this year.

16                  **MS. SACCOCCIO BRANNAN:** So that makes it  
17 1985?

18                  **MS. LEAVER:** Yes, '85 or -- yes.

19                  **MS. SACCOCCIO BRANNAN:** And how  
20 sophisticated was that program in 1990 -- in the 10 years,  
21 1990 through to 2000, how sophisticated was it?

22                  **MS. LEAVER:** I doubt it was as sophisticated  
23 as it is today. You know, I can't recall back then  
24 utilizing the program, to be honest with you.

25                  **MS. SACCOCCIO BRANNAN:** Because it was new.

1                   **MS. LEAVER:** It was new, yes, and I'm not  
2 too sure how many courts they were in at that time. Now,  
3 it's a very sophisticated program.

4                   **MS. SACCOCCIO BRANNAN:** And is the  
5 Victim/Witness Assistance Program, are those individuals  
6 who are your support and are they involved right from the  
7 beginning?

8                   **MS. LEAVER:** They are involved from when the  
9 victims enter the court system. So we will pass on the  
10 information. You know, when they're coming up for the  
11 preliminary, they will call the victims to see if the  
12 victims want to come in to do a tour of the court, et  
13 cetera. When we get into the trial system, they'll assist  
14 us with the victims with, if need be, calling the victims  
15 up, letting them know, you know, this is when you're to  
16 appear, answering their questions, sort of relieving us of  
17 that administrative -- they'll also assist the victim with  
18 the victim impact statements.

19                   **MS. SACCOCCIO BRANNAN:** Now, recognizing  
20 just your recent evidence that it wasn't as sophisticated  
21 through 1990 to 2000 and more sophisticated now, in a case  
22 of multiple victims, can these Victim Assistance Witness  
23 Programs (sic), can they handle these multiple victim  
24 cases, in your opinion? And I mean I know you can only  
25 speak for the program in Toronto. I understand that.

1                   **MS. LEAVER:** Yes, for the program in  
2 Toronto, for the last one I had where we ended up with nine  
3 victims, I had two Victim/Witness people assigned which was  
4 quite a heavy load for their unit for -- and I was at  
5 College Park right downtown. I would think they would  
6 attempt to do the best they can. Whether they could or  
7 not, it would be a lot of work.

8                   **MS. SACCOCCIO BRANNAN:** So while these  
9 programs are there and maybe they've become sophisticated,  
10 when a historical case comes in where there's multiple  
11 victims there's an overload on the program?

12                   **MS. LEAVER:** Yes, there is, yes.

13                   **MS. SACCOCCIO BRANNAN:** And that overload on  
14 the program doesn't necessarily mean that somewhere the  
15 money is going to just fall from the sky for extra  
16 resources?

17                   **MS. LEAVER:** Absolutely not.

18                   **MS. SACCOCCIO BRANNAN:** Do you think we need  
19 protocols for the investigation of historical child sexual  
20 abuse cases? I know that's a provocative question, but do  
21 you think we need a protocol? Do you think there's a  
22 protocol that can be developed to cover these types of  
23 cases?

24                   **MS. LEAVER:** You know I'm not too sure I  
25 could answer that right now. We seem to be going the way

1 of protocols in all areas. When you talk about historical  
2 sexual assaults, who do you suggest we get a protocol with?

3 **THE COMMISSIONER:** Well, protocol. I think  
4 best ---

5 **MS. SACCOCCIO BRANNAN:** I'm talking about --  
6 -

7 **MS. LEAVER:** Best practices?

8 **MS. SACCOCCIO BRANNAN:** --- best practices.

9 **MS. LEAVER:** Yes.

10 **THE COMMISSIONER:** Things that you should  
11 remember if you fall ---

12 **MS. LEAVER:** Yes.

13 **THE COMMISSIONER:** --- on a sexual ---

14 **MS. SACCOCCIO BRANNAN:** Right; historical  
15 case.

16 **MS. LEAVER:** You know, I would think that  
17 more training for the officers ---

18 **MS. SACCOCCIO BRANNAN:** Do you think maybe  
19 instead of a protocol what we're looking for are like best  
20 practices, like the Commissioner has talked about,  
21 guidelines?

22 **MS. LEAVER:** Guidelines, access to services  
23 for the victims, because I found what was very difficult is  
24 that when that victim walks in off the street for the first  
25 time, he probably needs some support through some type of

1 counselling or therapy ---

2 **MS. SACCOCCIO BRANNAN:** And while we have  
3 plenty out there for young women because ---

4 **MS. LEAVER:** We don't have it for men, no.  
5 And possibly there should be a centre that would be  
6 dedicated to assisting, and the best practices could be  
7 expertise in the areas that do the investigation, because I  
8 know when I get calls from the divisions who say to me,  
9 "You know what? I've got this guy who came in and guess  
10 what? He was sexually assaulted by so and so, the teacher.  
11 What do you think?" "I think you probably have 30 other  
12 victims." "Oh my god, what am I going to do?"

13 **MS. SACCOCCIO BRANNAN:** To do.

14 **MS. LEAVER:** So then you spend hours on the  
15 phone assisting him. I think expertise is absolutely  
16 necessary and officers are aware; it's just that we have to  
17 provide that expertise.

18 **MS. SACCOCCIO BRANNAN:** More aware today?

19 **MS. LEAVER:** Very much so. Very much so.

20 **MS. SACCOCCIO BRANNAN:** In 1990-1995 when  
21 you get that call, your response that there's probably 30  
22 more victims may not have been your response then?

23 **MS. LEAVER:** It might have been from what I  
24 read at that time but for a lot of officers, no, it may not  
25 have been. But there should be an expert. We have experts

1 in sexual exploitation for the Internet.

2 MS. SACCOCCIO BRANNAN: Yes.

3 MS. LEAVER: We have experts in relation to  
4 child sexual abuse but pedophilia, which is such a  
5 destructive crime to so many people -- and plus we don't  
6 have the services for male victims. So we should and that  
7 is not a difficult task to ---

8 MS. SACCOCCIO BRANNAN: It should be ---

9 MS. LEAVER: Yes, to develop that expertise  
10 and it would save so much money and time and heartache in  
11 the future.

12 MS. SACCOCCIO BRANNAN: And heartache and  
13 grief.

14 MS. LEAVER: Yes.

15 MS. SACCOCCIO BRANNAN: The reason why I  
16 asked for Exhibit 29 to be brought up to you is because  
17 that exhibit is an exhibit that was put together that has  
18 all sorts of legislation starting with the *Police Services*  
19 *Act* and its many amendments since 1946, but that's not what  
20 I want to look at. I wanted you to look at -- it starts at  
21 Tab 10 through to Tab 13, but I may not necessarily deal  
22 with all of them. I just want to -- and there should be an  
23 index at the front of that, Detective Leaver.

24 MS. LEAVER: Okay.

25 MS. SACCOCCIO BRANNAN: And if you look at

1 the index, I just want to be certain you're familiar with  
2 these. I don't want to be unfair. I expect you are very  
3 familiar with them.

4 **THE COMMISSIONER:** There are two volumes.

5 **MS. LEAVER:** Yes. Is this the -- are you at  
6 the ViCLAS section?

7 **MS. SACCOCCIO BRANNAN:** Yes.

8 **MS. LEAVER:** Okay.

9 **MS. SACCOCCIO BRANNAN:** Tab 10 starts the  
10 "Violent Crime Linkage Analysis System Reports". These are  
11 all regulations that I'm going to address that have been  
12 passed under the *Police Services Act*.

13 **MS. LEAVER:** Yes.

14 **MS. SACCOCCIO BRANNAN:** You'll see that that  
15 one is dated 1996.

16 **MS. LEAVER:** Yes.

17 **MS. SACCOCCIO BRANNAN:** And can you give a  
18 brief explanation as to what ViCLAS is, just in a nutshell?

19 **MS. LEAVER:** Basically it's a booklet that  
20 we are regulated to fill-in in homicides, attempted  
21 homicides, sexual assaults, solved or unsolved missing  
22 persons, et cetera. I think it's listed in subsection (3).  
23 And bottom line, the information is analyzed and it would  
24 compare everything from offenders' descriptions, type of  
25 offences across Canada. So it would link. If there's a

1 possibility we had an offender operating in Toronto and all  
2 of a sudden ViCLAS, with all the information contained, may  
3 be able to connect a bit of information, be it a  
4 description, something was said, something was done, to  
5 another maybe assault that took place in Vancouver by the  
6 same offender. So it links ---

7 **MS. SACCOCCIO BRANNAN:** This is something  
8 that would've been very helpful in the Bernardo case, for  
9 example?

10 **MS. LEAVER:** Absolutely, yes.

11 **MS. SACCOCCIO BRANNAN:** How would it be  
12 helpful in a historical child sexual abuse case?

13 **MS. LEAVER:** The majority of times, from the  
14 cases I've done, not at all.

15 **MS. SACCOCCIO BRANNAN:** The next thing I  
16 want to look at is major case management and that's at Tab  
17 12. And this regulation was introduced in 2004, but the  
18 police services, as I understand it, were given an  
19 opportunity to gear up ---

20 **MS. LEAVER:** Absolutely.

21 **MS. SACCOCCIO BRANNAN:** --- and it's in  
22 place in 2005.

23 **MS. LEAVER:** Yes, in January it was  
24 mandated.

25 **MS. SACCOCCIO BRANNAN:** And Ontario major

1 case management required the police services to establish  
2 policies with respect to major cases. Can you help us with  
3 what those major cases are that this regulation is dealing  
4 with?

5 **MS. LEAVER:** The threshold cases were in  
6 section 4, homicides, sexual assaults, non-familial  
7 abductions and attempted non-familial abductions, missing  
8 persons occurrences, occurrences involving found human  
9 remains that are suspected to be homicide, criminal  
10 harassment and then any other type of cases that are  
11 designated. This also takes a look at the serial offender  
12 cases again so that we can share information because it's  
13 all integrated across the province.

14 **MS. SACCOCCIO BRANNAN:** And how does the  
15 major case management system assist the police officers in  
16 carrying out an investigation in historical child sexual  
17 abuse? What is it about this major case management that  
18 would be helpful? And if there is nothing, I am prepared  
19 to accept that answer as well.

20 **MS. LEAVER:** Since it's just been initiated  
21 at the beginning of this year, maybe five, 10 years down  
22 the road, it may ---

23 **MS. SACCOCCIO BRANNAN:** You'll be able to  
24 answer that question?

25 **MS. LEAVER:** I'll be able to answer that

1 question, but right now, no.

2 MS. SACCOCCIO BRANNAN: One hopes that five  
3 or 10 years down the road, there are no more historical ---

4 MS. LEAVER: Absolutely.

5 MS. SACCOCCIO BRANNAN: --- sexual assault  
6 cases.

7 MS. LEAVER: Yes.

8 MS. SACCOCCIO BRANNAN: One moment.

9 Well, I did settle in for the night so I'm  
10 hoping that I get a gold star for that one, Mr.  
11 Commissioner.

12 I'd like to thank Detective Leaver ---

13 MS. LEAVER: Thank you.

14 MS. SACCOCCIO BRANNAN: --- and all the  
15 staff for staying late and just one more person to go.

16 THE COMMISSIONER: That's right.

17 Mr. Wallace.

18 MR. WALLACE: Thank you.

19 Good afternoon, Mr. Commissioner, or good  
20 evening.

21 THE COMMISSIONER: Good evening would be  
22 about this time, yes.

23 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
24 WALLACE:

25 MR. WALLACE: And to you too, Detective

1 Leaver.

2 I wanted to ask you a few questions about  
3 the investigative process itself, just in a general sense.  
4 Mr. Manson in his questions this afternoon, he started off  
5 with an example of a fact situation and he put to you, do  
6 you make an arrest? And as I got your answer, it was to  
7 the effect of "It depends".

8 MS. LEAVER: M'hm.

9 MR. WALLACE: And it really outlines for us,  
10 I think, in the context of these historical child sexual  
11 abuse cases that they are very complicated matters for the  
12 police. Correct?

13 MS. LEAVER: Yes.

14 MR. WALLACE: And what you're trying to do  
15 as a police officer is you're trying to marshal the facts,  
16 investigate the facts that will lead you to a decision  
17 either to make an arrest or not make an arrest. Those are  
18 really the only two possibilities you have.

19 MS. LEAVER: Yes, sir.

20 MR. WALLACE: And if you decide that you're  
21 going to make an arrest your investigation will probably  
22 continue to allow you to be able to present the Crown with  
23 the best possible case that they can offer in court.  
24 Correct?

25 MS. LEAVER: I have a stronger case with two

1 or three victims in historical sexual assaults, sir, than I  
2 do with one, yes.

3 MR. WALLACE: Yes. And obviously your  
4 investigation doesn't stop upon an arrest being made?

5 MS. LEAVER: No, sir.

6 MR. WALLACE: Okay. And if your  
7 investigation is such that an arrest is not made, you want  
8 to be able to justify that decision based on all the facts?

9 MS. LEAVER: Yes.

10 MR. WALLACE: And it's for both reasons --  
11 that is, whether you make an arrest or not make an arrest -  
12 - that you want to be as thorough as possible?

13 MS. LEAVER: Yes.

14 MR. WALLACE: The course an investigation  
15 can take really is a function of the officer's experience,  
16 training, judgment, intuition?

17 MS. LEAVER: I would say, yes, sir, but a  
18 lot of times that officer isn't working alone. So it's  
19 usually a team effort ---

20 MR. WALLACE: --- a corroborative effort.

21 MS. LEAVER: --- but you're absolutely  
22 right. It's through experience and training and education,  
23 yes.

24 MR. WALLACE: Sure. And in fact, that's  
25 even better. The more resources brought to bear on the

1           problem, theoretically the better the result.

2                   **MS. LEAVER:** Yes.

3                   **MR. WALLACE:** The decisions that are made in  
4           the course of an investigation, again, these are made on  
5           the basis of judgement and experience?

6                   **MS. LEAVER:** And evidence too, sir.

7                   **MR. WALLACE:** Yes. Sure.

8                   And I think you've made this point earlier,  
9           that is that an investigation is not a paint-by-numbers  
10          exercise.

11                  **MS. LEAVER:** No, it isn't.

12                  **MR. WALLACE:** It's something that is very  
13          dynamic. Its direction can change, but again, the  
14          decisions that are made in the context of an investigation  
15          are the product of the investigator's judgment, experience,  
16          training. Correct?

17                  **MS. LEAVER:** Yes.

18                  **MR. WALLACE:** As well, I would suppose that  
19          the approach to an investigation differs between  
20          investigators, but the end result, or where they're going  
21          or where the object is that is to be as thorough as  
22          possible, is the same.

23                  **MS. LEAVER:** Well, I mean, due to  
24          evidentiary requirements and legal requirements, I'm not  
25          too sure what you mean by the approach being different by

1 investigators.

2 MR. WALLACE: In an investigation, certain  
3 things are obviously always going to be done.

4 MS. LEAVER: Yes.

5 MR. WALLACE: For example, the complainant  
6 is going to be interviewed.

7 MS. LEAVER: Yes.

8 MR. WALLACE: But the order in which things  
9 are done may not be the same as between two different  
10 investigators.

11 MS. LEAVER: Possibly. It would depend, I  
12 guess, on the information received, safety issues, but you  
13 may be right. But there are still sort of, dealing with an  
14 investigation, guidelines within the law that we have to  
15 follow, but you're right, it may be a bit different.

16 MR. WALLACE: Yes. I may have just --  
17 didn't phrase the question very well. The point I'm making  
18 is that you receive a complaint and at some point in time,  
19 a decision has to be made as to whether the matter is going  
20 to result in an arrest ---

21 MS. LEAVER: Right.

22 MR. WALLACE: --- and a prosecution or not.

23 MS. LEAVER: M'hm.

24 MR. WALLACE: So between the complaint and  
25 the decision, ---

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

2                   **MR. WALLACE:** --- a number of different  
3 evidentiary avenues are explored. Correct?

4                   **MS. LEAVER:** Yes.

5                   **MR. WALLACE:** And the order in which they're  
6 explored may differ between investigators?

7                   **MS. LEAVER:** They may, yes.

8                   **MR. WALLACE:** But at the end of the day,  
9 whoever is doing the investigating is going to bring their  
10 best judgment to bear and to be as thorough as possible in  
11 order to make the best decision possible.

12                   **MS. LEAVER:** Yes.

13                   **MR. WALLACE:** Is that fair?

14                   **MS. LEAVER:** Yes.

15                   **MR. WALLACE:** Okay. Thank you very much.

16                   **THE COMMISSIONER:** Thank you.

17                   Me Dumais, do you have any re-examination?

18                   **MR. DUMAIS:** No, thank you.

19                   **THE COMMISSIONER:** Thank you.

20                   Thank you very much for coming. I know that  
21 it has been a difficult few weeks for you and so, all the  
22 best. Thank you very much.

23                   **MS. LEAVER:** Thank you for inviting me.

24                   Thank you, sir.

25                   **THE COMMISSIONER:** All right.

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

3                   The hearing is now adjourned. L'audience  
4                   est ajournée.

5  
6                   --- Upon adjourning at 5:22 p.m. /  
7                   L'audience est ajournée à 17h22

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

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Sean Prouse, CVR-CM