

**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 30**

**Held at :**

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

Wednesday, May 17, 2006

**Tenue à:**

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

Mercredi, le 17 mai 2006

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
M <sup>e</sup> Simon Ruel	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. John E. Callaghan	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Actg.Det.Supt.Colleen McQuade	
Ms. Suzanne Costom	
Ms. Diane Lahaie	
Ms. G. Saccoccio Brannan,Q.C.	
Mr. David Rose	Ontario Ministry of Community
Mr. Mike Lawless	and Correctional Services and
	Adult Community Corrections
Ms. Judie Im	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of
	the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall
M <sup>e</sup> André Ducasse	and Bishop Eugene LaRocque
Mr. Jose Hannah-Suarez	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police
	Association
Ms. Suzanne Costom	Staff Sergeant Roger Kelly
Ms. Diane Lahaie	

**Table of Contents / Table des matières**

	<b>Page</b>
List of Exhibits :	iv
Opening Remarks	1
Submission by/Représentation par Mr. David Sherriff-Scott	2
<b>STAFF SERGEANT ROGER KELLY, Sworn/Assermenté</b>	10
Examination in-Chief by/Interrogatoire en-chef par Mr. Simon Ruel	10
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann	142

**LIST OF EXHIBITS/LISTE D'EXHIBITS**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGE NO</b>
P-37	EXHIBIT 37 - Policing Standards Manual - 0223.00 - Sexual Assault	54
P-38	OPP CORPORATE PRESENTATION - Police Orders Addressing Sexual Assault and Child Abuse Investigations Policies and Procedures	93

1 --- Upon commencing at 10:07 a.m./

2 L'audience débute à 10h07

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:** Thank you. Good morning  
10 all.

11 Mr. Engelmann.

12 **MR. ENGELMANN:** Good morning, Mr.  
13 Commissioner.

14 **THE COMMISSIONER:** Good morning.

15 **MR. ENGELMANN:** Just before we start with  
16 our next witness, and that's Staff Sergeant Roger Kelly,  
17 who is present, and my colleague Maître Ruel will be  
18 leading that evidence, you will recall we had had a request  
19 from Mr. Sherriff-Scott on behalf of the Diocese to have a  
20 few minutes this morning?

21 **THE COMMISSIONER:** Yes.

22 **MR. ENGELMANN:** So he's present, and I will  
23 turn off the floor in just a moment.

24 **THE COMMISSIONER:** Yes.

25 **MR. ENGELMANN:** I also wanted to say to the

1 parties that, given the meeting here at the Commission, I  
2 just wanted to give people notice that the lunch break will  
3 be from 12:00 to 2:00 today. There is a large meeting here  
4 at the Commission.

5 We have had some computer problems, but I  
6 understand that the computer in the hearing room is up and  
7 that everything is working, as is the webcast. Is that  
8 correct?

9 Okay.

10 **THE COMMISSIONER:** Great.

11 **MR. ENGELMANN:** So Mr. Sheriff-Scott wishes  
12 a few minutes and then, as I said, I'll turn it over to my  
13 colleague.

14 Thank you.

15 **THE COMMISSIONER:** Mr. Sherriff-Scott,  
16 please.

17 **MR. SHERRIFF-SCOTT:** Good morning,  
18 Commissioner.

19 **THE COMMISSIONER:** Good morning, sir.

20 **SUBMISSION BY/REPRÉSENTATIONS PAR MR. SHERRIFF-SCOTT:**

21 **MR. SHERRIFF-SCOTT:** Thank you for giving me  
22 an opportunity to update you by way of a brief statement on  
23 a couple of outstanding issues.

24 You'll know, Commissioner, when the long-  
25 awaited Terms of Reference for the inquiry were issued, my

1 client and I studied them with great care and it was  
2 apparent to us that the historical expression of concern in  
3 Cornwall had centred around what we consider to be the  
4 sufficiency of police investigations into historical  
5 allegations of abuse and how other agencies handled that.

6 Based on the historical context and what we  
7 considered to be the clear language of the Terms of  
8 Reference, we concluded that the Diocese was a community  
9 sector organization within the meaning of that document.

10 The fact that we felt the Diocese had that  
11 status we concluded was consistent with the documents since  
12 it would have allowed you to measure how my client  
13 interacted with authorities and determined whether or not  
14 the Diocese conformed with its legal and reporting  
15 obligations in connection with its interface with those  
16 organizations. It's with that perspective that we  
17 approached the standing hearings, believing we had a role  
18 to play in the inquiry to assist you as well as to ensure  
19 the Diocese' rights were respected. We applied for  
20 standing on that footing.

21 Following the standing hearings, the Diocese  
22 began to participate and did so on that basis. Commission  
23 counsel was aware of our perspective and there followed, as  
24 the process began to roll, meetings between parties,  
25 including the Diocese and Commission lawyers and work with

1 respect to production, and at all times the Diocese, with  
2 the knowledge of your counsel, was operating under an  
3 assumption that it was a community sector organization and,  
4 indeed, fully comprehending the Diocese' position.

5 Commission counsel did not criticize us for that view and  
6 it would be an understatement to say we could be forgiven  
7 for concluding that there was concurrence on our position.

8           However, in February others expressed the  
9 view that the Diocese was to be treated as a public  
10 institution within the meaning of the reference terms and  
11 when that position was revealed to me, I wrote to your  
12 counsel saying that we had participated up to this point in  
13 February on the assumption that we were otherwise captured  
14 by the Terms of Reference and that we would continue to  
15 hold that assumption unless you concluded otherwise.

16           And so by way of history, those different  
17 perspectives, from our point of view, are the things that  
18 stimulated or triggered the hearing on the Terms of  
19 Reference. The Diocese did not bring a motion.

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

21           **MR. SHERRIFF-SCOTT:** The Commission itself  
22 stimulated it in the face of conflicting views and  
23 circumstances where, I believe, you yourself concluded that  
24 the issue was not free of doubt.

25           From our point of view, regrettably, during

1 the scheduling of the hearing, there were some -- even some  
2 with standing who made statements and criticisms which we  
3 did not accept and believed were unfair. There seemed to  
4 have been invoked a double standard insofar as the Diocese  
5 was concerned, that people should draw negative inferences  
6 about it relying on its legal rights. Those criticisms, in  
7 our view, were not only wrong but not well founded and you  
8 have admonished some people for taking that kind of  
9 position, for which we thank you.

10 Now, you have now concluded that as a result  
11 of your ruling that the Diocese should be treated as a  
12 public institution as opposed to a community sector  
13 organization. The Diocese, however, continues to be of the  
14 opposite view for a number of reasons which, in no  
15 particular order, are that we consider the decision to  
16 raise broader issues which may affect many organizations.  
17 In our view, it blurs the distinction between church and  
18 state and the well-established views of what we consider to  
19 be appellate courts on the private nature of religious  
20 institutions. Indeed, other organizations of a non-  
21 Catholic basis have contacted us expressing those concerns.

22 Second, in a similar vein, the decision,  
23 from our point of view, raises the spectre that religious  
24 freedoms guaranteed by the Diocese may be in peril.

25 Third, the decision, we consider, departs

1 from the traditional method of analyzing statutes and we  
2 were also concerned; fourth, that it resulted in the  
3 Commission expanding its jurisdiction when the Lieutenant  
4 Governor in Council had not authorized us to be treated as  
5 a public institution, and we have other concerns.

6 However, notwithstanding the view expressed  
7 by me at this moment, a decision to seek a review of your  
8 reasons would require what we consider to be profoundly  
9 important public interest questions to be assessed in order  
10 to determine whether the confidence of the Diocese in the  
11 correctness of its own views might be outweighed by other  
12 considerations as the work of the Commission goes forward.

13 For example, can the Diocese withstand what  
14 we consider to be the continued misinformed posturing that  
15 its principled views on its status are nothing more than an  
16 attempt to impede the work of the inquiry?

17 We know that the process of a judicial  
18 review, for example, would clearly generate such additional  
19 misinformed criticism by invoking the kind of double  
20 standard to which I have alluded and, thus, obstructing  
21 what we consider to be the reconciliation objective of the  
22 Commission.

23 Moreover, should the Diocese accept  
24 responsibility for delays which would accompany a judicial  
25 review and which, in our view, would be clearly contrary to

1 the public interest and seeing these ongoing controversies  
2 in the Diocese being laid to rest, these important  
3 considerations have to be weighed in the balance and were  
4 weighed by us carefully in our decision with respect to the  
5 question of an appeal.

6 Having weighed all of these issues that I've  
7 raised, we have found, in our view, that the public  
8 interest considerations outweigh all other matters and,  
9 accordingly, in order to prevent any delay in the  
10 Commission's work and to silence the efforts of those who  
11 may seek to invoke the kind of double standard which  
12 troubles us, we will not at this time appeal your decision  
13 and we will participate in the inquiry as if Diocese were a  
14 public institution within the meaning of the Terms of  
15 Reference.

16 Now, I say that, but I say the Diocese  
17 remains concerned. I pause to emphasize that while we wish  
18 very much to assist the Commission in fulfillment of its  
19 mandate, we must be mindful of the rights of our members  
20 and employees like any other organization must be mindful  
21 of the rights of its people. Public inquiries are capable  
22 of doing great good. They are also capable of causing  
23 great havoc with the individuals' reputations and people  
24 before a public inquiry, every person, including all  
25 members of the Diocese, deserve their rights and process

1           considerations to be protected in order to ensure fair  
2           treatment and justice.

3                         So that is the perspective with which we  
4           will go forward. We will not launch an appeal and, having  
5           informed you of our position on this point, it behoves me  
6           not to briefly update you on the production issue.

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

8                         **MR. SHERRIFF-SCOTT:** The basis of our  
9           participation, in our view, has now changed. We wrote to  
10          your counsel on Thursday last. We have begun the process  
11          of evaluating my client's records from the point of a  
12          public institution.

13                        There was an internal investigation of the  
14          *Deslaurier* case which occurred in the mid-1980s which  
15          generated significant documentation. Three lawsuits  
16          occurred in the mid-1990s, one in the late 1990s, and there  
17          are presently a number of lawsuits to which I alluded in  
18          the standing submissions and which your counsel and you may  
19          be aware.

20                        Whereas the documents in all of those  
21          proceedings would not have historically been germane to the  
22          question of our participation as a community sector  
23          organization, they are now clearly relevant in terms of  
24          participating as a public institution and there are also a  
25          large number of privileged documents that were generated in

1 all of those many proceedings.

2 So we reported to your counsel on Thursday  
3 last that we have already begun seeking third-party  
4 consents. We have written to all of the defendants in all  
5 of the historical proceedings in connection with their  
6 records. We have written to all other people who may have  
7 had an interest or provided information to the Diocese on a  
8 confidential basis in the past; for example, as your  
9 counsel will see and as I have discussed with him, the  
10 *Deslaurier* investigation included participation of people  
11 on a confidential basis to whom we have written. We have  
12 sought the permission of all these people and we expect  
13 that will be forthcoming.

14 And therefore, I expect our production will  
15 be fully complete and certified within four weeks' time. I  
16 have delayed the opening statement because the document has  
17 to be substantially revisited based on our changed status  
18 and your decision, but I expect I will have that within  
19 three weeks time. A week later, the production will be  
20 complete.

21 In the intervening period, I want to assure  
22 you that we will work closely with your lawyers and ensure  
23 that any issues with respect to production will be  
24 resolved, hopefully by meeting directly where necessary.

25 That's the sum of my update this morning,

1 and I want to thank you for the opportunity to address you.

2 **THE COMMISSIONER:** Thank you. You are  
3 welcome.

4 All right. So we will continue with the  
5 hearing at this point.

6 **MR. RUEL:** Mr. Commissioner, we have as a  
7 witness Staff Sergeant Roger Kelly from the OPP.

8 **THE COMMISSIONER:** Staff Sergeant Kelly,  
9 please, thank you.

10 **THE REGISTRAR:** Can you place your right hand  
11 on the Bible, please? Your name?

12 **S/SGT. KELLY:** Roger Kelly.

13 **THE REGISTRAR:** Can you spell your last  
14 name?

15 **S/SGT. KELLY:** K-E-L-L-Y.

16 **ROGER KELLY, Sworn/Assermenté:**

17 **THE COMMISSIONER:** Good morning, sir.

18 **S/SGT. KELLY:** Good morning, Commissioner.

19 **THE COMMISSIONER:** How are you today?

20 **S/SGT. KELLY:** Very good, thank you.

21 --- EXAMINATION IN-CHIEF BY /INTERROGATOIRE EN-CHEF PAR MR.  
22 RUEL:

23 **MR. RUEL:** Good morning, Staff Sergeant  
24 Kelly. My name is Simon Ruel and I am Commission counsel  
25 and I will lead your evidence today.

1                   Mr. Commissioner, for your reference, we  
2                   will use, for Mr. Kelly's testimony, Exhibit 36, Volumes 1,  
3                   2, 6, 7 and 8.

4                   **THE COMMISSIONER:** One (1), 2, 6, 7 and 8.

5                   **MR. RUEL:** And there will be two additional  
6                   exhibits to this important production of documents. They  
7                   are loose leaf; two documents that will be introduced at  
8                   the appropriate time.

9                   **THE COMMISSIONER:** Yes.

10                  **MR. RUEL:** So Staff Sergeant Kelly, I would  
11                  invite you to take Volume 1, Exhibit 36 and at Tab 4 we  
12                  have -- it's your resumé, and I would ask you to go to page  
13                  -- well, I guess you'll start from the end. So it's page  
14                  7, and I would ask you to go and give the Commission the  
15                  highlights of your professional career with the OPP.

16                  **S/SGT. KELLY:** Thank you. Good morning.

17                  **THE COMMISSIONER:** Good morning, sir.

18                  **S/SGT. KELLY:** I have been with the OPP for  
19                  approximately 23 years now. I joined the OPP in 1983. I  
20                  was initially posted to the Kingston Detachment. At that  
21                  detachment I performed general duties as a constable and at  
22                  the time I performed duties within a degree -- a varying  
23                  degree of policing environments, including municipal, rural  
24                  as well as the 400 series of highways.

25                  In 1984 I was transferred to the Northeast

1 Patrol Unit which is a duration posting that polices --  
2 actually, it no longer exists, but at the time we policed  
3 the James Bay and Hudson Bay coastline, providing  
4 supervisory support to the First Nations Policing Program  
5 along the aboriginal communities along the coastline.

6 My responsibilities there were to directly  
7 supervise First Nations constables involved in that  
8 program; CPIC coordination for the Northeast Patrol Unit  
9 and court officer duties in the various court locations  
10 that we were responsible for ---

11 MR. RUEL: Then '86 -- oh, sorry.

12 S/SGT. KELLY: --- in each of the  
13 communities along the coast.

14 MR. RUEL: Then '86, you moved to the Lucan  
15 Detachment as a Constable?

16 S/SGT. KELLY:

17 MR. RUEL: Yes, in 1986, transferred to the  
18 Lucan Detachment again as a General Duties Constable, again  
19 policing in a rural environment with a variety of different  
20 types of occurrences. I was seconded to the Technical  
21 Support Branch out of the London office, involved in a  
22 number of different major occurrences in relation to  
23 electronic monitoring and preparing transcripts and  
24 evidence for court. I was also seconded to the drug  
25 enforcement component of the London Crime Unit, performing

1 undercover duties in that area.

2 MR. RUEL: In 1991, I understand that you  
3 got your first policy position with the OPP, and I gather -  
4 - I mean, you're a policy person, if I may say so. I mean,  
5 we'll focus on these areas now. So in 1991 was your first  
6 policy assignment ---

7 S/SGT. KELLY: Yes, I was ---

8 MR. RUEL: --- with the OPP. Is that  
9 correct?

10 S/SGT. KELLY: I was successful in the  
11 competition as a Policy Development Officer that was  
12 located at our General Headquarters in Toronto and in that  
13 position I was responsible for developing policies and  
14 procedures for police orders. I was the Secretary for the  
15 Police Orders Committee at the time. I was responsible for  
16 managing and the day-to-day updates of the police order  
17 system, including both the hardcopy and the electronic  
18 formats.

19 MR. RUEL: Then I'll move to 1995, where you  
20 were assigned to the Organizational Renewal Project.  
21 That's a secondment from your position, I understand?

22 S/SGT. KELLY: Yes, it was.

23 MR. RUEL: What did you do there?

24 S/SGT. KELLY: That was a major  
25 reorganization within the OPP where we -- and this was

1 alluded to in Deputy -- sorry ---

2 MR. RUEL: Chief.

3 S/SGT. KELLY: --- Detective Chief  
4 Superintendent Ryder yesterday -- where we collapsed the  
5 district environment into six regions, and my  
6 responsibilities in that project involved coordinating the  
7 implementation of the number of recommendations that were  
8 produced around how the new processes were going to operate  
9 within that new environment. And any of the procedures  
10 that were directed to the district and division level had  
11 to be redesigned to fit within the new regional model.

12 At the same time, there were decisions made  
13 about whether or not some of those processes would continue  
14 to exist or whether the authority to manage those processes  
15 would be delegated down to the detachment level.

16 MR. RUEL: Okay. As part of this  
17 secondment, you were, I understand, assigned to the -- as  
18 the OPP representative on the Ministry Adequacy Working  
19 Group. Is that correct?

20 S/SGT. KELLY: Yes.

21 MR. RUEL: Can you give us some information  
22 about that?

23 S/SGT. KELLY: During the period of the  
24 Organizational Renewal Project the Ontario government was  
25 initiating steps towards developing new standards for

1       policing in Ontario, and essentially that was derived out  
2       of the discussions and work with the province and the  
3       municipalities of transferring responsibility -- more  
4       accountability and responsibility to the municipalities,  
5       something that they had been asking for for years.

6                There was a policing summit that was held in  
7       which the OPP participated and submitted a report. From  
8       that summit, the government produced what was referred to  
9       as the "Who Does What Report" on the issues around the  
10      relationships with the municipalities.

11               The decision after the release of that  
12      report was to ---

13               **MR. RUEL:** If I may, we'll cover that point  
14      a bit later in your presentation, but we'll just cover your  
15      CV ---

16               **S/SGT. KELLY:** Sure.

17               **MR. RUEL:** --- for now and then come back to  
18      the work of the OPP on that group and the development of  
19      the adequacy ---

20               **S/SGT. KELLY:** My only point there was that  
21      it was the result of that report that created the steering  
22      committee which resulted in the development of the working  
23      group in which I was assigned to.

24               **MR. RUEL:** Okay. And then in 1997, you  
25      became the Acting Staff Sergeant, Manager of the

1 Operational Policy Section. So that's also a policy  
2 position but in a higher rank, I guess?

3 **S/SGT. KELLY:** Yes. I was promoted in an  
4 acting position to manage the policy area and this was the  
5 period just slightly leading into the development of the  
6 adequacy standard. So I was still involved in that working  
7 group and it was a very good fit for me, managing the  
8 implementation issues around the adequacy standards and the  
9 new designs for launching our police orders in the new  
10 environment.

11 **MR. RUEL:** So you provided advice to, can I  
12 say, OPP clients internally on policy issues with respect  
13 to adequacy ---

14 **S/SGT. KELLY:** I had a number of staff that  
15 were working with me that would conduct research and  
16 develop policy with program areas within the OPP with the  
17 Ministry and other ministries.

18 **MR. RUEL:** Okay. In 2000, I gather that you  
19 were confirmed as Staff Sergeant in that particular  
20 position. Is that right?

21 **S/SGT. KELLY:** Yes, that's correct.

22 **MR. RUEL:** In 2001, then you moved to  
23 another detachment, to the Ministry and that's the Ministry  
24 of Community Safety and Correctional Services, I gather?

25 **S/SGT. KELLY:** Yes.

1                   **MR. RUEL:** So can you give us a bit of  
2 information on -- in fact, you seem to have two secondments  
3 there.

4                   **S/SGT. KELLY:** Yes.

5                   **MR. RUEL:** So if you can provide some  
6 information on that.

7                   **S/SGT. KELLY:** I was seconded initially to  
8 the Assistant Deputy Minister's office, Policing Services  
9 Division, as the Executive Officer to the Assistant Deputy  
10 Minister and my responsibilities there were to coordinate  
11 the activities within the division and all the different  
12 branches within the division. I had a number of staff that  
13 were assigned to me that coordinated a number of the issues  
14 around communications within the division itself and I  
15 reviewed all of the material before it was submitted to the  
16 Assistant Deputy Minister for approval.

17                   **MR. RUEL:** Okay. And then the Corporate  
18 Policy Branch?

19                   **S/SGT. KELLY:** At the Corporate Policy  
20 Branch I was involved in a different type of policy  
21 development. The policy development within the OPP is very  
22 operationally oriented, implementation oriented. The  
23 policy projects at the corporate level within the Ministry  
24 are much more around politically-based policy direction of  
25 government. So there were a number of different issues

1 that I worked on, including the *Municipal Act*, biker  
2 fortifications, different types of labour issues, anti-  
3 terrorism policy and emergency measures.

4 **MR. RUEL:** Okay. In 2001, back to the OPP,  
5 I understand, then?

6 **S/SGT. KELLY:** Yes, I returned to the OPP in  
7 2002 as a member of the Quality Assurance Unit. Again, the  
8 focus of my activities were in relation to policy issues.  
9 The organization had -- because this is post-adequacy  
10 implementation, the organization had just created the  
11 Quality Assurance Unit and we were developing in that area  
12 a number of tools for the organization to support our  
13 implementation of adequacy across the organization to  
14 measure its effectiveness.

15 **MR. RUEL:** Okay. And currently you're  
16 Manager of the Research and Policy Section in the Operation  
17 -- can you help me, Operational Research and Development  
18 Bureau?

19 **S/SGT. KELLY:** Operational Research and  
20 Development Bureau, yes.

21 **MR. RUEL:** Okay. Can you explain what this  
22 -- what you were responsible for in that position? In  
23 fact, you had been assigned to that position at what  
24 moment?

25 **S/SGT. KELLY:** I moved into Operational

1 Research and Development Bureau in 2005, but I took on some  
2 new responsibilities in April 1<sup>st</sup>, 2005 because of a  
3 restructure. So I think I'll concentrate on my  
4 responsibilities today because they're ---

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

6 **S/SGT. KELLY:** --- much more relevant, I  
7 think.

8 I'm responsible for both the policy and the  
9 research activities within the organization. I have a  
10 number of staff that perform functions for the section,  
11 including policy development officers and planners or  
12 researchers. I'm also responsible for coordinating the  
13 activities within the Eric Silk Library. We are -- I guess  
14 to understand the kind of work that we do, a primary  
15 function of the policy area is to develop and publish the  
16 policies of the organization. In the research side, we're  
17 looking at the emerging trends, future of policing, where  
18 the OPP is going on different types of issues. We develop  
19 papers for our senior executive for decision-making that  
20 help guide through strategic direction in the organization.

21 **MR. RUEL:** So when you say policies, it  
22 would be, for example, police orders?

23 **S/SGT. KELLY:** Yes.

24 **MR. RUEL:** So would it be accurate to say  
25 that your group and yourself would follow the legislative

1 development and regulatory changes made both at the  
2 provincial and federal level to make sure that your ---

3 S/SGT. KELLY: Yes.

4 MR. RUEL: --- policies and police orders  
5 are in sync, if I may say, with those legislative changes?

6 S/SGT. KELLY: We monitor legislative  
7 changes, significant case law. We monitor inquests, public  
8 inquiries, hearings, as well as research from all over the  
9 world.

10 MR. RUEL: Just a point, and I would invite  
11 you to take Volume 2 at Tab 10.

12 S/SGT. KELLY: Volume 2.

13 MR. RUEL: It's the 2000 OPP org chart.

14 S/SGT. KELLY: I'm not sure if I have that  
15 volume here, but I can follow this on the screen.

16 MR. RUEL: Oh, you have it on the screen?

17 S/SGT. KELLY: Yes.

18 MR. RUEL: So just to identify where your  
19 section is in the org chart, at the left -- on the left  
20 side of the chart you have the Provincial Command Strategic  
21 Services.

22 S/SGT. KELLY: Yes, that's correct.

23 MR. RUEL: There's a Deputy Commissioner  
24 there.

25 S/SGT. KELLY: Yes, that's correct.

1                   MR. RUEL: And under that we have the  
2                   Operational Research and Development Bureau.

3                   S/SGT. KELLY: Yes.

4                   MR. RUEL: So you belong to that Bureau?

5                   S/SGT. KELLY: Yes, I do.

6                   MR. RUEL: And the Research and Policy  
7                   Section is a subunit.

8                   S/SGT. KELLY: Yes, it is.

9                   MR. RUEL: Okay, of that Bureau.

10                   Would it be accurate to say that the Bureau  
11                   is the link with the Ministry of Community Safety and  
12                   Correctional Services on policy issues?

13                   S/SGT. KELLY: Yes, it is. That is correct.  
14                   In fact, we are the conduit for interaction with a number  
15                   of different ministries as well as external agencies. We  
16                   coordinate all of the activities relating to the federal-  
17                   provincial-territorial agenda items in coordination with  
18                   our Ministry. We also are the conduit to a number of  
19                   different planning agencies in Ontario and North America  
20                   and around the world, including the Ontario Association of  
21                   Law Enforcement Planners, the International Association of  
22                   Law Enforcement Planners and the State and Provincial  
23                   Police Organization.

24                   MR. RUEL: So would it be fair to say that  
25                   you're the policy -- I would say the policy guy or the

1 policy specialist at the OPP?

2 S/SGT. KELLY: That would be fair to say.

3 MR. RUEL: Okay. Is there anything you  
4 wanted to add on your bio or your professional experience?

5 S/SGT. KELLY: No, not at this time.

6 Thanks.

7 MR. RUEL: Okay. So today, because of your  
8 policy experience and background, we will talk about a  
9 number of policy and issues, in particular police orders  
10 and the way they have evolved in reaction to the adoption  
11 of various regulations and legislative changes, right?

12 S/SGT. KELLY: Yes.

13 MR. RUEL: Okay. I'll bring you now to  
14 Volume 6 of Exhibit 36 and this is the Investigative  
15 Techniques and Standards volume. You have at Tab 1 an  
16 outline. In fact, it's a document prepared, I guess, by  
17 the OPP.

18 Were you involved in the preparation of that  
19 document?

20 S/SGT. KELLY: Yes, I was.

21 MR. RUEL: So I'll bring you now to page 6  
22 of that document.

23 S/SGT. KELLY: Yes.

24 MR. RUEL: Under number 2 -- and we will  
25 talk about the adequacy and effectiveness of police

1 services regulation.

2 So briefly, can you describe to the  
3 Commission what is this regulation, what it does, and we'll  
4 get to the history of how it's been developed.

5 **S/SGT. KELLY:** The regulation is derived  
6 from provisions set out in the *Police Services Act* under  
7 section 4(2) that refer to the core policing functions that  
8 each police service must deliver in Ontario.

9 **MR. RUEL:** Would it be useful to go to those  
10 sections now? I think we have that at Tab 4 of this  
11 volume.

12 **S/SGT. KELLY:** Yes, under section 4(2) it  
13 outlines five core policing services.

14 **MR. RUEL:** Yes.

15 **S/SGT. KELLY:** "Adequate and effective  
16 police services must include, at  
17 minimum, all of the following police  
18 services: crime prevention; law  
19 enforcement; assistance to victims of  
20 crime; public order maintenance and  
21 emergency response."

22 And in addition, in subsection (3) it refers  
23 to the responsibility for the delivery and provision of  
24 infrastructure and administrative supports for delivering  
25 those services.

1                   MR. RUEL: So that provision, I gather, was  
2                   adopted in 1997?

3                   S/SGT. KELLY: That's my understanding, yes.

4                   MR. RUEL: Okay. So the adequacy standards  
5                   implement essentially this provision as it provides uniform  
6                   standards throughout the province with respect to core  
7                   policing or core police services, right?

8                   S/SGT. KELLY: Essentially setting the  
9                   minimum standards that reflect the provincial interests of  
10                  the province.

11                  MR. RUEL: Okay. Now, can you explain to  
12                  the Commission how -- the historical evolution that led to  
13                  the adoption of this provision and of the adequacy  
14                  standards?

15                  S/SGT. KELLY: Yes. As I mentioned earlier,  
16                  for a number of years municipalities have been expressing  
17                  an interest to their provincial government for a need for a  
18                  restructuring of the framework in which municipalities can  
19                  operate. The *Municipal Act* itself was very constraining  
20                  towards their ability to function given the number of  
21                  changes that had been taking place.

22                  The provincial government at the time was  
23                  very amenable to reviewing that type of relationship and we  
24                  actually now see a new *Municipal Act* in which the  
25                  municipalities operate.

1                   In preparing for all of that there was a  
2                   committee struck by central government specifically called  
3                   the "Who Does What Committee", and during their  
4                   consultations a policing summit was held.

5                   **MR. RUEL:** What was that committee struck?

6                   **S/SGT. KELLY:** That was -- I understand that  
7                   was in June of 1996.

8                   **MR. RUEL:** Okay.

9                   **S/SGT. KELLY:** Sorry, the policing summit  
10                  was in June of '96.

11                  **MR. RUEL:** Okay.

12                  **S/SGT. KELLY:** Subsequent to the policing  
13                  summit, the Who Does What Report was released by government  
14                  which included specific provisions or recommendations for  
15                  the direction of policing in Ontario.

16                  **MR. RUEL:** Just a second. The policing  
17                  summit, who did that involve?

18                  **S/SGT. KELLY:** The summit was chaired by  
19                  then Ministry of Solicitor General and Correctional  
20                  Services and now Community Safety Correctional Services,  
21                  and it included a number of different police stakeholders  
22                  from the policing communities; so groups such as the OPP,  
23                  the Ontario Association of Chiefs of Police, the Police  
24                  Association of Ontario, the Association of Municipalities  
25                  of Ontario, the Ontario Association of Police Services

1 Board, a number of other different groups, as Crown  
2 attorneys, representatives from other ministries.

3 MR. RUEL: So you mentioned, I believe, that  
4 the OPP presented a document. Did I understand correctly?

5 S/SGT. KELLY: Yes.

6 MR. RUEL: Presented a document in the  
7 context of the discussions of this summit, right?

8 S/SGT. KELLY: Yes, that's correct.

9 MR. RUEL: And then the report was issued,  
10 the Who Does What Report. And I understand the Who Does  
11 What exercise is not about policing necessarily.

12 S/SGT. KELLY: No, not necessarily.

13 MR. RUEL: Policing is a part of that.

14 S/SGT. KELLY: Just a small part of the Who  
15 Does What initiative looked at a whole range of issues  
16 around the relationship between the provincial government  
17 and municipalities, including revenue and financing,  
18 community health services, emergency services, transport  
19 and utilities, land ambulance, public health, childcare; so  
20 a large of issues that were reviewed as part of that  
21 initiative.

22 MR. RUEL: So what did the report conclude  
23 or recommend with respect to policing services in Ontario?

24 S/SGT. KELLY: Just to make it clear, the  
25 Who Does What Report came out after the summit and the

1 recommendations that went forward and are articulated  
2 within the Who Does What Report indicate, in relation to  
3 adequacy and effectiveness, the adequacy -- and I'm reading  
4 now from a copy of the Who Does What Report:

5 "The adequacy and effectiveness  
6 regulation and supporting standards are  
7 intended to accomplish the following  
8 objectives: ensure the consistent  
9 delivery of high-quality, professional  
10 police services across the province;  
11 set minimum requirements for adequacy  
12 and effectiveness for police services;  
13 provide greater flexibility in the  
14 delivery of certain police functions,  
15 thereby permitting new cost reduction  
16 strategies such as regional or  
17 cooperatives, shared services and  
18 contracting with other police services;  
19 encouraging restructuring of policing  
20 in Ontario to focus on frontline  
21 policing..."

22 Would you like me to continue? There are a  
23 number of ---

24 **MR. RUEL:** Well, just generally, I guess,  
25 the thrust of that report, if I understand correctly, was

1 to give additional responsibilities to the municipalities?

2 S/SGT. KELLY: Yes.

3 MR. RUEL: And as a counterpart, if I could  
4 say, there would be standards that would be imposed on  
5 municipalities to ensure that uniform policing standards be  
6 applied throughout the province?

7 S/SGT. KELLY: Yes. Essentially, the report  
8 set in motion the efforts of the provincial government or  
9 our ministry to try to articulate the provincial interest  
10 in policing and document that within a framework in which  
11 the police community and the governing authorities, the  
12 Police Services Boards, could operate.

13 MR. RUEL: Okay. Then you mentioned the  
14 Adequacy Standards Steering Committee.

15 S/SGT. KELLY: Yes.

16 MR. RUEL: Can you give us a bit of  
17 information on that?

18 S/SGT. KELLY: The Steering Committee was  
19 struck as a result of the release of the Who Does What  
20 Report and the mandate of that committee was ---

21 MR. RUEL: Sorry, when was it struck?

22 S/SGT. KELLY: That was again in 1996.

23 MR. RUEL: Okay.

24 S/SGT. KELLY: The mandate of that committee  
25 was to submit a proposal to government on the articulation

1 of provincial interest in policing, and a working group was  
2 struck in support of that committee to develop core  
3 material for consideration by the Committee. I was selected  
4 as a member of that working group.

5 **MR. RUEL:** Were other police forces  
6 represented both on -- Ontario police forces represented  
7 both on the Steering Committee and the Working Group?

8 **S/SGT. KELLY:** The Steering Committee had  
9 representation very similar to the policing summit with  
10 groups such as the Police Association of Ontario, Ontario  
11 Association of Chiefs of Police, Municipalities of Ontario,  
12 the OAPSB, the Police Services Boards, but the Working  
13 Group itself was restricted to or limited to members of  
14 Policing Services Division, their Policing Standards  
15 Section staff, myself ---

16 **MR. RUEL:** Policing Services Division is the  
17 Ministry?

18 **S/SGT. KELLY:** Yes.

19 **MR. RUEL:** Okay.

20 **S/SGT. KELLY:** Myself, representing the OPP  
21 and the policing interest from a provincial perspective and  
22 another member of the OPP who had been seconded to the  
23 Ministry to help in developing standards relating to  
24 emergency response services such as tactical and crowd  
25 control or public order units.

1                   **MR. RUEL:** And can I ask you to explain what  
2 was the contribution of the OPP in that process?

3                   **S/SGT. KELLY:** Essentially, what we put  
4 together was a draft of a regulation and all of the content  
5 for the guidelines for consideration by the Steering  
6 Committee.

7                   Now, the material that we provided was in a  
8 slightly different framework than what we see today, but  
9 the content was essentially the same. There was certainly  
10 some difference in approach from what the OPP had in mind  
11 around the framework of the operation of adequacy standards  
12 than what was being proposed by the Ministry at the time,  
13 but that wasn't an issue that we addressed specifically as  
14 part of the working group. It was something we addressed  
15 later.

16                   **MR. RUEL:** And was it fair to say that the  
17 OPP, through this process, was in the position to assess  
18 its own internal workings and its policies?

19                   **S/SGT. KELLY:** That was an extremely  
20 valuable opportunity for us in a number of different ways.  
21 Because I was sitting there, helping to construct this  
22 material, I had OPP policy with me at every moment and as  
23 part of every discussion that we had about the provincial  
24 interest, and we compared other documents such as the CALEA  
25 standards, the Commission on Accreditation of Law

1 Enforcement Agencies. We had other documents that were  
2 drafted by their provinces in their efforts to try to  
3 articulate their particular interests in policing.

4 So certainly in the development of this core  
5 material, I had the opportunity to promote the best  
6 practices of the OPP and, at the same time, to assess the  
7 impact that the draft itself that we were able to finalize  
8 could have on the organization.

9 **MR. RUEL:** Okay. So what's the rest of the  
10 sequence that led to the adoption of the regulation, the  
11 adequacy regulation?

12 **S/SGT. KELLY:** The material was subsequently  
13 submitted to the Steering Committee and there were a number  
14 of sessions, meetings, that took place around the framework  
15 in which that material would operate and, ultimately, we  
16 see the framework that we have today with a regulation that  
17 sets out the critical provincial interest of the province,  
18 supported by guidelines in the Policing Standards Manual  
19 that promote a best practice on how to achieve the  
20 compliance of the regulation.

21 **MR. RUEL:** Okay. I think we can now --  
22 well, first of all, the regulation itself was adopted, and  
23 we have that at page 6 in the middle of the page, page 6 of  
24 your evidence document. So the regulation was filed on  
25 January 8, 1999?

1 S/SGT. KELLY: Yes.

2 MR. RUEL: And, I gather, called for police  
3 forces to comply two years later, so in January 2001?

4 S/SGT. KELLY: Yes.

5 MR. RUEL: Is that correct?

6 S/SGT. KELLY: It required police services  
7 to undertake a self-assessment of their ability to comply  
8 and to set in motion implementation plans to ensure that as  
9 of January 1<sup>st</sup>, 2001, they were in a situation of  
10 compliance.

11 MR. RUEL: Okay. On the compliance issue,  
12 did the OPP -- I guess the OPP confirmed at some point that  
13 it was in compliance with the ---

14 S/SGT. KELLY: Yes, that's correct.

15 MR. RUEL: --- regulation. And we have that  
16 at -- an indication of that at Tab 6 of your -- of the Book  
17 of Documents?

18 S/SGT. KELLY: Yes. That is a compliance  
19 report that was completed by the OPP. It utilizes the  
20 template that was provided by the Ministry for all police  
21 services to report on their compliance status.

22 MR. RUEL: So if you can turn to page -- the  
23 second page of that document, that's a letter from Gwen  
24 Boniface, who is the former Commissioner of the OPP, to ---

25 S/SGT. KELLY: Sorry, current.

1 MR. RUEL: Current.

2 S/SGT. KELLY: Current Commissioner.

3 MR. RUEL: Sorry. And to Chairpersons of  
4 the Municipal ---

5 S/SGT. KELLY: Our Police Services Boards,  
6 yes.

7 MR. RUEL: Police Services Boards, right?

8 S/SGT. KELLY: The governing authorities of  
9 which we are responsible in areas where we provide contract  
10 services.

11 MR. RUEL: Okay. And that sets how the OPP  
12 -- I mean, the status of the compliance of the OPP with the  
13 adequacy regulation?

14 S/SGT. KELLY: Yes, that's correct.

15 MR. RUEL: So if you could go to page 4 of  
16 that document -- page 5, actually. Sorry, page 5 in the  
17 middle of the page. So Commissioner Boniface states there:

18 "There were very few areas where  
19 policies required by adequacy did not  
20 exist."

21 S/SGT. KELLY: Yes, that's correct.

22 MR. RUEL: "Significant updating of  
23 policies to ensure adequacy  
24 compliance had already been  
25 completed."

1 So can you just expand on that?

2 S/SGT. KELLY: Essentially, during the  
3 development of the standards and my review of the initial  
4 draft and consultation with the different program areas, we  
5 were very confident, 100 per cent confident, that we were  
6 delivering the services that were articulated within the  
7 Regulations and the Guidelines. We recognized that there  
8 were areas where we were performing the function. In other  
9 words, it was a standard practice but we didn't necessarily  
10 have a corporate level policy that articulated those  
11 practices.

12 There were -- from within our  
13 infrastructure, there was flexibility at that time for  
14 program areas to have their own program manuals to guide  
15 the activities within those particular functions.

16 MR. RUEL: A bit later in the document, you  
17 have a number of charts and I would ask you to go to the  
18 portion of the report which is called "Procedure and  
19 Process Requirements", "Compliance Status Report".

20 So it may be a bit difficult for Madam Clerk  
21 to -- the document is not numbered there but it's -- can  
22 you find it?

23 S/SGT. KELLY: I'm sorry. Can you indicate  
24 the page?

25 (SHORT PAUSE/COURTE PAUSE)

1                   **MR. RUEL:** There's two sets of charts and  
2                   it's the second one which is called "Procedure and Process  
3                   Requirements", "Compliance Status Report" and those pages  
4                   are numbered. I would ask you to go to -- no, that's the  
5                   other one. There's the other one further down.

6                   Yes, it's that one and it's page 2. So it's  
7                   "criminal investigation" procedure.

8                   **S/SGT. KELLY:** Yes.

9                   **MR. RUEL:** So we will review the Adequacy  
10                  Regulation in a minute but it calls for police services to  
11                  adopt a criminal investigation management plan and  
12                  procedures and then here I understand that the OPP is  
13                  confirming whether it's complying with the provisions of  
14                  the Regulations which deal with criminal investigative  
15                  procedures, right?

16                  **S/SGT. KELLY:** Yes. This was a rather  
17                  simple process in evaluating this particular area of the  
18                  Regulations and the Guidelines because it is based on the  
19                  OPP's existing policy regarding the investigation of major  
20                  crimes known as benchmarks. It was a document that I had  
21                  taken in and promoted during the development and was  
22                  adopted by the Ministry with only minor changes.

23                  **MR. RUEL:** I just want to bring -- Madam  
24                  Clerk, if you can go up that page, we have "criminal  
25                  investigation":

1 "Does your police service have  
2 procedures that require supervisors to  
3 ensure that the person to whom the  
4 supervisor assigns an occurrence listed  
5 in the criminal investigation  
6 management plan, whether or not a  
7 criminal investigator has the  
8 knowledge, skills and abilities..."

9 -- and then --

10 "...to investigate that type of  
11 occurrence?"

12 Then the OPP says "Yes" and there is no mention of a policy  
13 there.

14 So does it mean that there is no specific  
15 policy addressing that but nonetheless there is something  
16 in policy somewhere addressing that issue?

17 **S/SGT. KELLY:** I'm sorry. Can you clarify  
18 which point you're referring to now?

19 **MR. RUEL:** In the "COMMENTS" section, ---

20 **S/SGT. KELLY:** Yes.

21 **MR. RUEL:** --- you can see below that there  
22 is a mention in some areas "Policy exists", "Policy being  
23 updated".

24 **S/SGT. KELLY:** Yes.

25 **MR. RUEL:** But for the criminal

1 investigation section, there is no comment. So does it  
2 mean that there is no policy or there is a policy but it's  
3 not specific?

4 S/SGT. KELLY: I just want to make sure that  
5 I'm looking at exactly the area that you're referring to  
6 because my screen isn't showing the entire piece.

7 MR. RUEL: Like if you look at "criminal  
8 investigative procedures", you see that there is a list of  
9 areas like "Child physical and sexual abuse".

10 S/SGT. KELLY: Yes.

11 MR. RUEL: And then there is a mention  
12 saying "Policy exists, being updated". When we deal with  
13 criminal investigation, there is no mention of a policy. I  
14 just wonder why is that so?

15 S/SGT. KELLY: We did have policy. I can't  
16 -- I'm not in a position really to explain the wording that  
17 was used and why there may not be a reference there in the  
18 "COMMENTS" area.

19 MR. RUEL: Okay. So when the OPP says "Yes"  
20 and it says "Yes" to all the requirements, it means that  
21 there is policy addressing the Adequacy Regulation, right?

22 S/SGT. KELLY: Yes.

23 MR. RUEL: Okay. So we'll go to the  
24 Adequacy Regulation itself which is at Tab 5 of the same  
25 binder.

1                   S/SGT. KELLY: Yes.

2                   MR. RUEL: And I would ask you to go through  
3 that regulation and just outline the -- basically the key  
4 provisions of that regulation.

5                   S/SGT. KELLY: As I mentioned, the  
6 regulation itself is formatted within a structure that  
7 outlines the -- what it refers to as the six core  
8 functions, the five referenced in section 4.2 and then the  
9 sixth being 4.3 of the *Police Services Act* for  
10 administration infrastructure.

11                   Essentially, I'll work my way through each  
12 one. Crime prevention sets out certainly the requirement  
13 that every police service provide community-based crime  
14 prevention and initiatives but it offers flexibility on the  
15 approach that a police service takes in performing those  
16 functions.

17                   MR. RUEL: So if I may stop you there, the  
18 way it works is that this sets minimum standards that must  
19 be offered, I guess, by police services in Ontario, right?

20                   S/SGT. KELLY: Yes, but for the most part,  
21 the Regulation sets out what to do but not necessarily how  
22 to do it, unless of course there was a determination that  
23 that was of significant critical provincial interest to the  
24 province.

25                   MR. RUEL: Okay. This Regulation, just to

1 clarify, it applies to the OPP as well?

2 S/SGT. KELLY: Yes, it does.

3 MR. RUEL: Because we talked about the  
4 process that led to the adoption of that Regulation. It  
5 seemed to have been focused on municipal policing but the  
6 Adequacy Regulation is provincial ---

7 S/SGT. KELLY: Provincial in nature and it  
8 applies to the OPP equally as the municipal services.

9 MR. RUEL: Okay. Then at section 4, we have  
10 "Law Enforcement".

11 S/SGT. KELLY: Yes. Here again a number of  
12 specific functions are identified that the police service  
13 must provide and, again, there are, in some circumstances,  
14 flexibility provided in how those services are actually  
15 delivered.

16 MR. RUEL: Okay. I would take you to  
17 section 11 and it's mentioned:

18 "Every chief of police shall prepare a  
19 criminal investigation management  
20 plan..."

21 S/SGT. KELLY: Yes.

22 MR. RUEL: So can you explain the  
23 requirement that is there?

24 S/SGT. KELLY: The fundamental requirements  
25 are:

1 "[to] lists the occurrences for which a  
2 police officer is required to contact a  
3 supervisor as soon as practicable;  
4 (b) [permitting] the supervisor ... to  
5 assign responsibility to undertake ...  
6 the investigation ... to any police  
7 officer, whether or not [they are] a  
8 criminal investigator;  
9 [but] lists the occurrences for which  
10 the supervisor must assign  
11 responsibility to undertake or manage  
12 the investigation to a criminal  
13 investigator;"

14 -- and --

15 "lists the occurrences for which the  
16 board has entered into agreements ...  
17 that would result in the investigation  
18 being undertaken on a combined or  
19 regional or co-operative basis by  
20 another police [service]..."

21 **MR. RUEL:** Then:

22 "(e) ... monitoring by supervisors of  
23 criminal investigations;"

24 -- as well?

25 **S/SGT. KELLY:** Essentially, when we look at

1       our criminal investigation management procedures and what  
2       the Guideline is asking for, when certain occurrences are  
3       reported to the police, there is an understanding of the  
4       complexity of some of those types of occurrences such as  
5       sexual assaults and the need to ensure that the appropriate  
6       resources are dedicated to responding to those occurrences  
7       and conducting the investigations by including a threshold  
8       or a benchmark that when these occurrences are reported to  
9       the police, it ensures appropriate notification to  
10      specialized criminal investigators, specifically to  
11      supervisors, ---

12               **MR. RUEL:** Okay.

13               **S/SGT. KELLY:** --- to assess the complexity  
14      of the investigation that's been reported and to determine  
15      the specific response by the agency.

16               **MR. RUEL:** Okay. You have that in policy.  
17      We'll cover that a bit later.

18               **S/SGT. KELLY:** Yes.

19               **MR. RUEL:** Eleven two (11(2)) is the  
20      knowledge, skills and abilities and providing that it  
21      provides that the procedures or the plan must have a  
22      process under which the occurrences listed in the plan are  
23      assigned to individuals or officers having the required or  
24      appropriate, I would say, knowledge, skills and abilities,  
25      right?

1                   S/SGT. KELLY: Yes, that's correct.

2                   MR. RUEL: Okay. Then I would take you to  
3 section 12. It says:

4                                 "Every chief of police shall develop  
5 and maintain procedures on and  
6 processes for undertaking and managing  
7 ... criminal investigations and  
8 investigations into,  
9 (a) physical and sexual abuse of  
10 children;  
11 (b) child pornography;"

12 But I would take you to letter "(r) sexual assaults". So  
13 it means that each police service and the OPP must have  
14 procedures and processes to manage those types of  
15 investigations, right?

16                   S/SGT. KELLY: That's t correct.

17                   MR. RUEL: Then at paragraph 17, the  
18 Regulation provides that:

19                                 "Every chief of police..."

20 So that includes the OPP as you have testified.

21                                 "...shall establish procedures on  
22 providing assistance to  
23 victims that,  
24 (a) reflect the principles of the  
25 Victims' Bill of Rights ... and

1 (b) set out the roles and  
2 responsibilities of members of the  
3 police force in providing assistance to  
4 victims."

5 Correct?

6 **S/SGT. KELLY:** Yes, correct, a very  
7 important provision of this particular material, yes.

8 **MR. RUEL:** Okay. And lastly, it's paragraph  
9 -- sorry, section 29. So the previous sections were saying  
10 that the chief of police shall establish procedures and  
11 this section says:

12 "Every board..."

13 And when we say the "board", for the OPP it's the  
14 Commissioner, right?

15 **S/SGT. KELLY:** Yes, that's correct.

16 **MR. RUEL:** "Every board shall establish  
17 policies with respect to the matters  
18 referred to in..."

19 -- sections listed which cover all of the sections we have  
20 discussed, right?

21 **S/SGT. KELLY:** Yes.

22 **MR. RUEL:** So "policy" means, in your case,  
23 police order. Would that be correct?

24 **S/SGT. KELLY:** Yes, that's correct.

25 **MR. RUEL:** Then I would ask you to go to

1 page 8 of your evidence document which is at Tab 1.

2 S/SGT. KELLY: Yes.

3 MR. RUEL: You have it. You mention there  
4 "The Policing Standards Manual (2000)".

5 S/SGT. KELLY: Yes.

6 MR. RUEL: And we have some excerpts of that  
7 manual in some of the tabs. So can you explain -- and I  
8 think I would take you Tab 7 of the Book of Documents.

9 S/SGT. KELLY: Yes.

10 MR. RUEL: Which is the preamble to this  
11 Policing Manual and I would ask you to explain to the  
12 Commission what is this manual and the nature of the  
13 manual, and then we'll examine a few specific sections of  
14 the Policing Standards Manual (2000).

15 S/SGT. KELLY: I think I referred to this a  
16 little earlier that essentially the Policing Standards  
17 Guidelines, specifically the guidelines that are in  
18 response to the adequacy and effectiveness of Police  
19 Services Regulation, are an effort by the province, by our  
20 Ministry to articulate lesser levels of or lesser degrees  
21 of provincial interest in these particular areas that are  
22 set in the Regulation.

23 In essence, a benchmark on which police  
24 services can measure their performance and best practice on  
25 which they can develop policies and procedures to

1 operationalize the requirements in the regulation.

2 MR. RUEL: I just want to understand  
3 something. You mentioned it outlines a lesser degree of  
4 provincial interest. I understood that the manual was, if  
5 I may say, fleshing out the requirements of the adequacy  
6 regulations.

7 S/SGT. KELLY: Yes.

8 MR. RUEL: So it would include the standards  
9 and detail in the view of the Ministry how those adequacy  
10 standards should be implemented by police forces in  
11 Ontario?

12 S/SGT. KELLY: Yes. What the province  
13 recognizes is that there are degrees of provincial  
14 interest. The regulation itself was intended to articulate  
15 those issues of critical provincial interest and it set out  
16 criteria to describe what that meant, issues that were  
17 still of a provincial interest but were of a lesser degree,  
18 so a little lower on the spectrum. The province has  
19 articulated those within the guidelines. In that way they  
20 have set out a benchmark or a threshold or a target for  
21 police services in achieving compliance with the regulation  
22 but still providing them flexibility on how they go about  
23 that.

24 MR. RUEL: If there is an audit on the  
25 municipal police force by the Ministry -- you may not be

1       able to answer because you're not a municipal police force  
2       and different standards would apply, but would it be fair  
3       to say that those guidelines could be applied by the  
4       auditors as a benchmark for the measurement of compliance  
5       with the regulations?

6                   **S/SGT. KELLY:** In fact, that is the case  
7       with the Ministry. They are using the guidelines as a  
8       benchmark to measure. I don't believe that at the moment  
9       they're using all of the guidelines. I think that they  
10      hadn't developed a program of -- an audit program through  
11      their Quality Assurance Unit and Policing Service Division  
12      that focuses on key areas that they have identified that  
13      are priorities for the Ministry.

14                   **MR. RUEL:** I gather, and it was said in  
15      testimony yesterday by Chief Ryder that the OPP is not  
16      audited by the Ministry, right?

17                   **S/SGT. KELLY:** No, we're not.

18                   **MR. RUEL:** So it's audited by the Provincial  
19      Auditor?

20                   **S/SGT. KELLY:** Yes, the Provincial Auditor  
21      is one aspect of governance over the OPP in relation to  
22      measuring our compliance with a number of different aspects  
23      of our business. Because we are a provincial agency or  
24      part of the provincial government we are bound to the rules  
25      and regulations as public servants and the public

1 institution. I'm not sure if that's the correct  
2 terminology but I think you understand my point on that,  
3 but the *Public Service Act* certainly governs us and there  
4 are a number of government directives, management board  
5 directives and guidelines that govern our business. So  
6 there are a number of different pieces of that puzzle that  
7 look at how we do our business.

8 **MR. RUEL:** I don't know if you -- I'll ask  
9 you the question. You may not know the answer -- but does  
10 the Provincial Auditor use the policing manual as a  
11 benchmark to measure the OPP compliance with the  
12 regulation?

13 **S/SGT. KELLY:** That's something I couldn't  
14 answer for you.

15 **THE COMMISSIONER:** Mr. Ruel, we might take a  
16 break a little early this morning.

17 **MR. RUEL:** Sure.

18 **THE COMMISSIONER:** So why don't we take a  
19 short break now and we'll come back in 15.

20 **THE REGISTRAR:** Order; all rise. À l'ordre;  
21 veuillez vous lever. The hearing will reconvene at 11:25.

22 --- Upon recessing at 11:11 a.m./

23 L'audience est suspendue à 11h11

24 --- Upon resuming at 11:31 p.m.

25 L'audience est reprise à 11h31

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

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

6                   **ROGER KELLY, Resumed/Sous le même serment:**

7                   **--- EXAMINATION-IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**  
8                   **RUEL (cont'd/suite):**

9                   **MR. RUEL:** So Mr. Commissioner, we were at -  
10                  - and Staff Sergeant Kelly, we were at Tab 7, discussing  
11                  the Policing Standards Manual 2000 and this was the  
12                  preamble. At the bottom of that page it states -- the  
13                  Ministry states that:

14                                 "The guidelines are advisory in nature  
15                                 and that chiefs of police may consider  
16                                 comparable equivalents that address  
17                                 compliance with the Act and  
18                                 Regulation."

19                  **S/SGT. KELLY:** Yes, that is correct.

20                  **MR. RUEL:** So it's not a standard that must  
21                  be applied?

22                  **S/SGT. KELLY:** No.

23                  **MR. RUEL:** The equivalent may be considered?

24                  **S/SGT. KELLY:** There is a clear  
25                  understanding and this existed from the beginning or the

1 introduction of the guidelines that a police service that  
2 achieves positive outcomes or desired outcomes through  
3 other methods may still be acceptable.

4 **MR. RUEL:** If you can turn up Tab 8 of this  
5 volume? Within the manual there is a number of guidelines  
6 and the one we have at Tab 8 deals with child abuse and  
7 neglect. So if I can just go through the document?

8 Sir, you're familiar with this document,  
9 right?

10 **S/SGT. KELLY:** Yes, very familiar with it.

11 **MR. RUEL:** And at paragraph 1 it states  
12 essentially that police services should ensure that there  
13 is multidisciplinary coordination with respect to issues of  
14 child abuse and neglect, right?

15 **S/SGT. KELLY:** Yes. You're looking at the  
16 Police Service Guidelines?

17 **MR. RUEL:** Guideline, yes.

18 **S/SGT. KELLY:** Yes, that's correct.

19 **MR. RUEL:** And then, at paragraph 4:

20 "Every Chief of Police shall enter into  
21 a child abuse protocol with their local  
22 Children's Aid Societies..."

23 **S/SGT. KELLY:** Yes.

24 **MR. RUEL:** Then, when you go at paragraph 5,  
25 it states that:

1 "Every police services procedures on  
2 and processes for undertaking and  
3 managing child abuse and neglect  
4 investigations should:"

5 And there is a number of requirements that are set out. So  
6 the first one:

7 "...require that investigations be  
8 conducted in accordance with the police  
9 service's...criminal investigation  
10 management plan;"

11 **S/SGT. KELLY:** Yes.

12 **MR. RUEL:** So that's addressed in the  
13 adequacy regulation as well?

14 **S/SGT. KELLY:** Yes, it is, and it is  
15 specifically addressed in the OPP's policies.

16 **MR. RUEL:** Okay. We'll deal with that  
17 shortly.

18 "(c) address the investigation into the  
19 past conduct by a suspect towards  
20 children..."

21 So by making appropriate checks. So the  
22 procedure should address that as well?

23 **S/SGT. KELLY:** Yes.

24 **MR. RUEL:** The "duty to report" that's (d)?

25 **S/SGT. KELLY:** Yes.

1 MR. RUEL: And it recognizes:

2 "...the unique circumstances involved  
3 in collecting...evidence in child...  
4 abuse cases."

5 So you have that as well, right?

6 S/SGT. KELLY: Yes, that's correct.

7 MR. RUEL: At (g) there's "provision of  
8 victim services" and at paragraph 6 there is the  
9 "knowledge, skills and abilities" provision, right?

10 S/SGT. KELLY: Yes, that is correct.

11 MR. RUEL: The following tab is of the  
12 sexual assault investigation guideline.

13 S/SGT. KELLY: Yes, LE-034.

14 MR. RUEL: And it calls at paragraph 1 for  
15 the establishment of protocols between police agencies and  
16 local services which can provide assistance to victims of  
17 sexual assault.

18 S/SGT. KELLY: Yes, it does.

19 MR. RUEL: So we have -- the OPP has such  
20 protocols?

21 S/SGT. KELLY: We have protocols at a local  
22 level, yes.

23 MR. RUEL: On the procedures, paragraph 2,  
24 there is a number of -- I would say -- recommended  
25 procedures which are similar to some extent to those

1 provided in the child abuse guideline.

2 S/SGT. KELLY: Yes.

3 MR. RUEL: At (a):

4 "require that investigations be  
5 undertaken in accordance with the  
6 police service's...management plan;"

7 S/SGT. KELLY: The criminal investigation  
8 management plan, yes.

9 MR. RUEL: Yes. At (c) there is the  
10 "notification of community members". So can you explain  
11 what that would be?

12 S/SGT. KELLY: That's the recognition of  
13 serial or predator-type behaviour of some sexual offenders  
14 and the obvious need to warn the community, notify the  
15 community if there is a suspicion or reasonable expectation  
16 that an individual is within the community, placing them at  
17 risk.

18 MR. RUEL: Okay. We have in the compliance  
19 the procedures shall address compliance with the ViCLAS  
20 Regulation.

21 S/SGT. KELLY: Yes.

22 MR. RUEL: Again, the Vi -- what is ViCLAS  
23 for the purpose of -- so that we all understand what this  
24 is?

25 S/SGT. KELLY: Victim Identification

1 Classification Linkage Analysis System.

2 MR. RUEL: It's a system managed by the OPP  
3 to ensure that links are made between occurrences of  
4 violent crimes, I guess?

5 S/SGT. KELLY: Yes, it is.

6 MR. RUEL: At (f), the procedures of police  
7 services should:

8 "address an officer's initial response  
9 to a sexual assault occurrence;"

10 S/SGT. KELLY: Yes.

11 MR. RUEL: And the "interview of victim"  
12 that's (j) or (g), I should say:

13 "require minimizing the unnecessary  
14 repetition of the facts by the victim  
15 of the sexual assault to different  
16 police officers;"

17 S/SGT. KELLY: Yes.

18 MR. RUEL: And sharing of information  
19 between patrol officers.

20 Then, I would ask you to go to -- and I  
21 would like to introduce as an exhibit the document which is  
22 the Policing Standards Manual dated -- dealing with sexual  
23 assault, dated September 26, 1996.

24 THE COMMISSIONER: That would be Exhibit 37.

25 MR. RUEL: That would be Exhibit 37.

1           ---EXHIBIT NO./PIÈCE NO 37:

2                                   Ontario Provincial Police Policing  
3                                   Standards Manual - 0223.00 - Sexual  
4                                   Assault

5                   **MR. RUEL:** So you have the document, Staff  
6           Sergeant Kelly?

7                   **S/SGT. KELLY:** Yes, I do.

8                   **MR. RUEL:** And this is not your document.  
9           This is a Ministry document?

10                   **S/SGT. KELLY:** This is a ministry document.  
11           It is a Policing Standards Manual Guideline. It predates  
12           the release of the Adequacy Standard Guidelines from the  
13           Policing Standards Manual 2000. This document in  
14           particular was released by the Ministry in September 1996.

15                   **MR. RUEL:** This document, Mr. Commissioner,  
16           was disclosed to parties last week. It's not in the  
17           binders material. It's a separate exhibit, and we should  
18           have it on the screen. So I'm not sure if the parties have  
19           it. It was part of the disclosure last week.

20                   **THE COMMISSIONER:** Okay. Does everybody  
21           have it?

22                   **MR. RUEL:** I'm told that it was on the  
23           original CD that was disclosed to parties last Wednesday.  
24           Nobody has it? I don't know; do we need to -- what you  
25           could do, Mr. Commissioner, is I intended to go through

1 some of the provisions of the document with the witness --

2 -

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

4 **MR. RUEL:** --- and we can make copies at  
5 lunchtime and provide it to all parties so that they have  
6 the opportunity to review it. Would that be satisfactory?

7 **THE COMMISSIONER:** Okay. So we'll skip that  
8 for now?

9 **MR. RUEL:** I -- would parties have an  
10 objection that we go through the document?

11 **THE COMMISSIONER:** Okay. We'll go through  
12 it. Fair enough.

13 **MR. RUEL:** So, Staff Sergeant Kelly, can you  
14 explain what this document -- well, first of all, I guess  
15 you have no objection that this be introduced as part of  
16 your evidence?

17 **S/SGT. KELLY:** You're counsel. I mean,  
18 there's no objection.

19 **MS. COSTOM:** I think, to be clear, we have  
20 no objection that it be put to the witness at this time,  
21 but it's an exhibit that's being produced by the  
22 Commission.

23 **THE COMMISSIONER:** Very well. Go ahead.  
24 It's Exhibit Number 37.

25 **MR. RUEL:** So can you explain, Staff

1 Sergeant Kelly, what is this document?

2 S/SGT. KELLY: As I mentioned, it is a  
3 Policing Standard Guideline from the Policing Standards  
4 Manual prior to the implementation of the Adequacy and  
5 Effectiveness Police Services Regulation. This particular  
6 document was released by the Ministry as part of their  
7 Policing Standards Manual in September 1996.

8 MR. RUEL: Okay. So I gather, and correct  
9 me if I'm wrong, that the Policing Standard Manual was in  
10 existence or was first adopted or released by the Ministry  
11 in 1992?

12 S/SGT. KELLY: I believe that's correct.

13 MR. RUEL: And in 1996, the Ministry issued  
14 a new section dealing with the investigation of sexual  
15 assault?

16 S/SGT. KELLY: Yes.

17 MR. RUEL: Is there much -- is there any  
18 difference in the status of this document? I mean, this is  
19 still -- do I understand that this is still a guideline ---

20 S/SGT. KELLY: Yes.

21 MR. RUEL: --- for police forces to ---

22 S/SGT. KELLY: I think the important  
23 distinction to acknowledge here is that a development of  
24 guidelines for the Policing Standards Manual, previous to  
25 the Adequacy Standard Regulation, means that these

1 guidelines were developed by the Ministry without an  
2 operating framework to articulate provincial interest. So  
3 there may be information in here that goes slightly beyond  
4 the provincial interest that we see articulated in the  
5 current adequacy guidelines and the regulation.

6 MR. RUEL: And you're familiar with the  
7 document?

8 S/SGT. KELLY: Yes, I am.

9 MR. RUEL: Would you agree it's much more  
10 detailed than the current version of the Policing Standard  
11 Manual dealing with the -- or the guideline, the current  
12 guideline dealing with sexual assaults?

13 S/SGT. KELLY: There's certainly much more  
14 content, much more language.

15 MR. RUEL: Okay. In the rationale section,  
16 the document provides that sexual assault is one crime that  
17 generally has the most traumatic effects on victims and on  
18 those persons associated with the victim. So this is a  
19 general recognition that -- of the nature of such type of  
20 crimes?

21 S/SGT. KELLY: Yes.

22 MR. RUEL: Then I would ask you to go to  
23 page 2 of the document and it states at the bottom of the  
24 page -- and it says here "The governing authority shall".  
25 So who is the governing authority?

1                   **S/SGT. KELLY:** Here we're speaking about or  
2 the Ministry is speaking about the Police Services Boards.

3                   **MR. RUEL:** So for the OPP, would that be the  
4 Commissioner?

5                   **S/SGT. KELLY:** If you were to -- in the  
6 current framework within adequacy, it is interpreted now as  
7 the Commissioner.

8                   **MR. RUEL:** Okay.

9                   **S/SGT. KELLY:** There was never language like  
10 that specifically designed within -- by the Ministry and  
11 how this guideline would apply in the same way that we do  
12 have now.

13                   **MR. RUEL:** So the guideline here uses the  
14 word "shall". So it seems to impose an obligation on  
15 police services to adopt a number of things. Can you  
16 comment on that?

17                   **S/SGT. KELLY:** Well, it's certainly the  
18 language that the Ministry was using and again these were  
19 the kinds of discussions we had in the development of the  
20 adequacy material itself and in measuring the degree of  
21 provincial interest; whether it was appropriate to be using  
22 the term "shall", "should", "must", "will". And again, all  
23 I can comment here is that the Ministry was operating  
24 without that particular framework or operating environment,  
25 to assess how to or what language to use.

1                   **MR. RUEL:** Okay. At paragraph A at page 3  
2 it states that:

3                   "The governing authority shall ensure  
4 that the written processes are in place  
5 to monitor all responses to complaints  
6 of sexual assault to ensure consistency  
7 with police services policy and  
8 procedures."

9                   And we'll see that through the document. Is  
10 it your understanding that this guideline calls for police  
11 service to adopt specific processes or specific policies  
12 dealing with the investigation of sexual assault?

13                   **S/SGT. KELLY:** It's certainly recommending  
14 that police services have written procedures or processes  
15 in place that address the various aspects of sexual assault  
16 investigations.

17                   **MR. RUEL:** So paragraph B there's a  
18 provision on the accommodation to the needs of victims and  
19 further down it says,

20                   "The protocol should be established  
21 with Crown attorneys."

22                   So that doesn't appear in the current  
23 version of the guideline, right, protocols with Crown  
24 attorneys?

25                   **S/SGT. KELLY:** I'm going to have to refer

1 back to the other one just to confirm the actual wording  
2 because the Crown is referenced in the current LE-034 which  
3 is at Tab 9 ---

4 MR. RUEL: Yes.

5 S/SGT. KELLY: --- dealing with sexual  
6 assault under "Protocols".

7 MR. RUEL: As well as the local Crown; you  
8 are right.

9 S/SGT. KELLY: Yes.

10 MR. RUEL: At page 4, it's C. So:

11 "The governing authority shall ensure  
12 that the policies in place regarding  
13 the notification of the community or  
14 members of the community who may be at  
15 risk in the event of sexual assault  
16 offence..."

17 So we had that provision in the previous --  
18 in the current guideline.

19 S/SGT. KELLY: Yes, there are a number of  
20 similarities between the two.

21 MR. RUEL: At E, we have a provision saying  
22 that:

23 "The governing authority shall direct  
24 the Chief of Police/Commissioner of the  
25 OPP..."

1 I understand that this guideline  
2 specifically addressed how the OPP should respond to the  
3 guideline.

4 **S/SGT. KELLY:** It's certainly -- again, we  
5 get into the language issue and the terminology used by the  
6 Ministry. Because it's a guideline, advisory in nature,  
7 it's certainly recommending that the municipal police  
8 services as well as the OPP undertake these particular  
9 activities.

10 **MR. RUEL:** At page 5, this talks about the  
11 direction to the Chief of Police and Commissioner of the  
12 OPP to ensure that written procedures are in place to  
13 respond to sexual assault, at the minimum including a  
14 number of points: initial response, communication  
15 procedures, investigative procedures, interviewing the  
16 victims, victims' assistance.

17 So again my question would be does that not  
18 call, in your view, for the adoption of specific procedures  
19 to deal with those issues?

20 **S/SGT. KELLY:** It's certainly recommending  
21 that.

22 **MR. RUEL:** At the following pages the  
23 guidelines address -- provide more detail on what should be  
24 provided by police services. So we have "Communication",  
25 which was referred in previous paragraphs. So I'm still at

1 page 5, yes.

2 S/SGT. KELLY: Yes.

3 MR. RUEL: So on communications:

4 "The procedure shall outline practices  
5 to be adopted by communication  
6 personnel upon receipt of a complaint  
7 of a sexual assault that has recently  
8 occurred."

9 So that's one.

10 And at page 6 it provides:

11 "The procedure shall also outline  
12 practices to be adopted by the  
13 communication personnel upon receipt of  
14 a complaint of sexual assault that has  
15 occurred in the past, historical  
16 complaints."

17 So this guideline deals also with the  
18 appropriate -- what should be the appropriate response of  
19 police services to historical complaints of historical  
20 assaults, right?

21 S/SGT. KELLY: Yes, it does.

22 MR. RUEL: And then we move on to "Initial  
23 Response Procedures". So:

24 "The procedure shall outline steps to  
25 be followed during the initial

1 response."

2 And the next paragraph:

3 "The procedure shall indicate that all  
4 complaints of sexual natures are to be  
5 referred to a qualified investigator."

6 **S/SGT. KELLY:** Yes, it does say that.

7 **MR. RUEL:** And then there's also at page 7 -  
8 - the guideline outlines what the procedure shall provide.

9 So:

10 "Officers will respond as quickly as  
11 possible to a report of sexual assault  
12 that has recently occurred."

13 Right?

14 **S/SGT. KELLY:** Yes.

15 **MR. RUEL:** And page 8, "Investigative  
16 Procedures" that provides:

17 "The procedures shall identify steps to  
18 be followed in the investigation of a  
19 sexual assault and include the  
20 functions and responsibilities of  
21 relevant personnel such as the sexual  
22 assault investigator and supervisory  
23 identification personnel."

24 So we saw that or we will discuss one of  
25 your policies, but in the Child Abuse Policy that you

1           currently have, there is such -- the function of the  
2           relevant individuals within the police service dealing with  
3           the investigation of child abuse is outlined.

4                       **S/SGT. KELLY:** Yes.

5                       **MR. RUEL:** Right?

6                       **S/SGT. KELLY:** That's correct.

7                       **MR. RUEL:** So there's a number of other  
8           points and I'll let the audience or the counsel read the  
9           rest of the document, but it provides a very detailed --  
10          you would agree, it provides a very detailed framework as  
11          to how the Ministry believed police services had to respond  
12          to instances of sexual assault, including historical  
13          assault.

14                      **S/SGT. KELLY:** Yes, it is advisory in nature  
15          as a guideline. It's certainly making recommendations.

16                      Again, one point I just want to highlight as  
17          well that as you'll recall when we were speaking earlier  
18          about the implementation of adequacy, there was a period of  
19          time to provide police services an opportunity to undertake  
20          self-assessment and to prepare implementation plans to  
21          achieve compliance at a future date. It's something to  
22          remember when we're looking at these guidelines; that that  
23          type of mechanism was not provided by the Ministry when  
24          they released these.

25                      **MR. RUEL:** Okay.

1                   **S/SGT. KELLY:** They released to the police  
2 community and what I can tell you on behalf of the OPP,  
3 when we received a new guideline such as this, we would  
4 initiate a policy project to review and assess, undertake  
5 its internal self-assessment and determine whether or not  
6 we could develop policy immediately or whether there were a  
7 number of implementation issues to be addressed.

8                   **MR. RUEL:** Okay. That's going to be a  
9 question for you. At page -- just at page 12, I just want  
10 to point out to the Commissioner and to you, there's a  
11 section dealing with the interview of victims of sexual  
12 assault, right, and the procedures that should be followed  
13 in the interview process.

14                   **S/SGT. KELLY:** I'm sorry, could you repeat  
15 that?

16                   **THE COMMISSIONER:** On interviewing the  
17 victim?

18                   **MR. RUEL:** Interviewing a victim.

19                   **S/SGT. KELLY:** Yes.

20                   **MR. RUEL:** Page 12. So there's a process  
21 there that is outlined, recommended procedures that are  
22 outlined to deal with the interview of victims, right?

23                   **S/SGT. KELLY:** Yes.

24                   **MR. RUEL:** And at page 14, and I won't go  
25 through those provisions, but there's -- the Ministry

1 outlines the core competencies for sexual assault  
2 investigators. So you have that in the documents as well.

3 S/SGT. KELLY: Yes, that's correct.

4 MR. RUEL: Your counsel points out and I  
5 would -- this document addresses sexual assault  
6 investigation, specifically. It doesn't address child  
7 sexual abuse.

8 S/SGT. KELLY: No, and I understand that you  
9 referred a few minutes ago to our policy and how we have  
10 similar provisions in that current policy to what are  
11 suggested here around who should be involved in the  
12 investigations.

13 MR. RUEL: Okay. Is there a similar  
14 document, Ministry document prior to 2000 dealing with the  
15 investigation of child abuse?

16 S/SGT. KELLY: No.

17 MR. RUEL: So that was -- the document we  
18 looked -- we reviewed earlier is that the new -- I mean,  
19 that version was adopted in 2000.

20 S/SGT. KELLY: The first guideline developed  
21 by the Ministry regarding child abuse and neglect was as a  
22 part of the Adequacy and Effectiveness Policing Standards  
23 process.

24 MR. RUEL: So now I would ask you to go to  
25 page 10 of your outline and there you talk about the police

1 orders that implement, I guess, the adequacy standards and  
2 other police orders that deal with the issues we are  
3 concerned here, right?

4 S/SGT. KELLY: Yes, they are the governing  
5 body of policies and procedures within the OPP to direct  
6 operations, administrative activities, et cetera.

7 MR. RUEL: Chief Ryder provided some  
8 background on the nature of police orders. We won't go  
9 back there today. I gather from your document here -- I  
10 don't know if Chief Ryder mentioned that, but the police  
11 order system has been in existence since 1922, right?

12 S/SGT. KELLY: I believe that's correct. I  
13 certainly wasn't around at the time but I have seen very  
14 early versions of police orders back into the '40s and  
15 '50s.

16 MR. RUEL: And they've been called at  
17 different times by different names.

18 S/SGT. KELLY: As I understand, yes, there  
19 have been a couple of name changes. Again, during my  
20 entire career they've been known as police orders.

21 MR. RUEL: Is it accurate to say that  
22 initially police orders, or in the old days, if I may so,  
23 the police orders didn't deal with the conduct of  
24 investigations?

25 S/SGT. KELLY: No, essentially, early

1 versions of police orders and, again, this is very common  
2 across many different types of police services, is that the  
3 policies and procedure manuals focus generally on  
4 administrative activities and reporting responsibilities.

5 It's only recently, in the last 10-20 years  
6 that we've seen, as the degree of complexity of  
7 legislation, investigations, technology that's being  
8 introduced, the codification of more information and  
9 procedures around investigative procedures at a corporate  
10 level.

11 **MR. RUEL:** The last 20 years, you're saying,  
12 approximately?

13 **S/SGT. KELLY:** Yes.

14 **MR. RUEL:** What's the process -- you're the  
15 policy specialist at the OPP. So what's the process which  
16 is being followed to adopt police orders at the OPP?

17 **S/SGT. KELLY:** I guess I have to start with  
18 just indicating that there are a number of different types  
19 of triggers that initiate activity on our part to either  
20 research a particular issue or respond to that external or  
21 internal trigger, and the initial steps that we undertake  
22 are certainly research and consultation with those who have  
23 a body of knowledge or understanding of the particular  
24 issue.

25 We work with our program area experts. So

1 if we're working on something to do with criminal  
2 investigation, we will work with someone who has specific  
3 expertise in that area to facilitate the development of  
4 what we see as important at a corporate level or  
5 organizational interest, not that much different than what  
6 we did in the exercise with the adequacy standards in  
7 looking at provincial interest. At a corporate level,  
8 we're looking at organizational interest.

9 So we work with the program areas to  
10 facilitate and draw out that kind of information. When we  
11 draft policy, before publication, before it can be  
12 implemented as policy, it's required to go through a number  
13 of different approval processes.

14 **MR. RUEL:** Sorry, just before you go there,  
15 you mentioned consultation process. Is the public consulted  
16 when police orders are ---

17 **S/SGT. KELLY:** It certainly depends on the  
18 type of policy that we're working on. We can have internal  
19 stakeholders, other ministries, community groups. Again,  
20 it depends on the type of policy and the issues that we're  
21 trying to address.

22 **MR. RUEL:** Police orders are not public  
23 documents?

24 **S/SGT. KELLY:** No, they're not.

25 **MR. RUEL:** They're internal policy documents

1 that guide the action of the OPP, right?

2 S/SGT. KELLY: That's correct; they are an  
3 internal document. They are not available to the public.

4 MR. RUEL: Okay. So now what is the -- you  
5 mentioned there's an approval process. So if you can  
6 expand on that?

7 S/SGT. KELLY: When we have a significant  
8 degree of confidence in what we have drafted, the first  
9 approval process is myself, and we require all written  
10 approval on all draft documents. Once I have approved an  
11 actual policy ---

12 MR. RUEL: So you have ---

13 S/SGT. KELLY: Multiple layers.

14 MR. RUEL: --- staff people working for you?

15 S/SGT. KELLY: Essentially, there are four  
16 written levels of approval that are required.

17 MR. RUEL: Okay.

18 S/SGT. KELLY: Myself, my bureau commander,  
19 the client itself that we're working with, so an  
20 accountable executive. That's usually a bureau commander  
21 or someone that they have designated as a program expert,  
22 and it may be one of our provincial commanders. The final  
23 approval before publication is the Deputy Commissioner of  
24 Strategic Services.

25 Once we have that approval, then we begin

1 our production and communication process.

2 MR. RUEL: So the authority for the Deputy  
3 Commissioner to approve the police orders, I guess, is  
4 delegated by the Commissioner?

5 S/SGT. KELLY: Yes, I understand it is.

6 MR. RUEL: Would that be a good time, Mr.  
7 Commissioner, for the break?

8 THE COMMISSIONER: Yes, it is.

9 MR. RUEL: Yes.

10 THE COMMISSIONER: Thank you very much.

11 THE REGISTRAR: Order; all rise. À l'ordre;  
12 veuillez vous lever.

13 THE COMMISSIONER: So we will see you at two  
14 o'clock.

15 THE REGISTRAR: The hearing will reconvene  
16 at 2:00 p.m.

17 --- Upon recessing at 12:01 p.m./

18 L'audience est suspendue à 12h01

19 --- Upon resuming at 2:07 p.m. /

20 L'audience est reprise à 14h07

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

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

1                   **THE COMMISSIONER:** Thank you. Good  
2 afternoon, sir.

3                   **S/SGT. ROGER KELLY, Resumed/Sous le même serment:**

4                   **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**  
5 **RUEL, (cont'd/suite):**

6                   **MR. RUEL:** Good afternoon, Monsieur  
7 Commissioner. So just one point of clarification, I  
8 understand that Madam Clerk spoke to all parties and  
9 confirmed with them that they, in fact, had Exhibit 37. So  
10 there was no need to copy the document. So everybody  
11 should have it on their computer.

12                   **THE COMMISSIONER:** Thank you.

13                   **MR. RUEL:** Staff Sergeant Kelly, we were  
14 discussing the OPP Police Orders and I would ask you to go  
15 to page 10 of Volume 36.

16                   **THE COMMISSIONER:** No, not Volume 36.

17                   **MR. RUEL:** Sorry, Exhibit 36, Volume 6.

18                   **THE COMMISSIONER:** Yes.

19                   **MR. RUEL:** Page 10.

20                   **THE COMMISSIONER:** Tab 10?

21                   **MR. RUEL:** No, sorry. It's Tab 1.

22                   **THE COMMISSIONER:** Sorry, my turn.

23                   **MR. RUEL:** Page 10 and in the middle of --  
24 we have the wording there. So in the middle -- well, top-  
25 middle of the page, it's stated here that the structure of

1 the Police Orders was completely re-vamped in January 2001.  
2 So I guess that's in response to the Adequacy Regulations,  
3 right?

4 **S/SGT. KELLY:** Yes, that's correct.

5 **MR. RUEL:** So can you give us a bit of  
6 background on this re-vamping and did it involve  
7 substantial changes to the Police Orders?

8 **S/SGT. KELLY:** Prior to January 2001, Police  
9 Orders existed in a part format rather than chapters, parts  
10 1 to 75. They were divided into three volumes. We  
11 referred to them as volumes. It actually consisted of five  
12 different binders and the topics of the policies were  
13 structured around the types of quorum or main activities  
14 within the organization. So we had topics such as  
15 personnel, financial, operations, fleet and administration.  
16 They weren't necessarily structured around the specific  
17 topics we see in adequacy now.

18 **MR. RUEL:** So there was restructuring done  
19 to address the new structure set in place or the structure  
20 of the adequacy standards, right?

21 **S/SGT. KELLY:** Yes. It was about a two-  
22 year process that we worked in parallel to continuing with  
23 the development of our policies that we developed the new  
24 structure using new software, new delivery system and  
25 incorporating in as well then the structure around

1           adequacy.

2                           **MR. RUEL:** So has there been at that point  
3           substantial or substantive changes, or it was just  
4           reorganizing?

5                           **S/SGT. KELLY:** The difference between the  
6           final release of Police Orders in the old part format that  
7           occurred in December of 2000, that content was identical to  
8           the content in January of 2001. There were no policy  
9           changes. The only difference was the structure and cross-  
10          referencing of material to match up with the new design.

11                          **MR. RUEL:** Okay, but before December 2000, I  
12          guess there has a number of substantive changes made to the  
13          orders to address adequacy, right?

14                          **S/SGT. KELLY:** Yes, there were.

15                          **MR. RUEL:** Okay. So I want now to move to  
16          your -- to the OPP's Police Orders, specific Police Orders.  
17          So the first one which is referred to at page 10 is Chapter  
18          2.7 which is the "Criminal Investigation  
19          Management/Procedures". So this is at Tab 11 of this Book  
20          of Documents. Yes?

21                          **S/SGT. KELLY:** Sorry, yes.

22                          **MR. RUEL:** So I gather that this policy had  
23          been in existence for some time and renumbered when the  
24          adequacy changes were brought into effect, right?

25                          **S/SGT. KELLY:** Yes, that's correct. In

1 fact, this particular policy, this particular Major Crime  
2 Occurrences (Benchmark) policy had been in place since the  
3 early nineties, and it was actually preceded with a very  
4 similar type of benchmark notification process but not as  
5 comprehensive. That was set out in a different area in  
6 policy but it had almost exactly the same list of  
7 occurrences which included sexual assault.

8 **MR. RUEL:** So when the Adequacy Regulation  
9 mentioned criminal investigation management plan, so this  
10 is? This is the ---

11 **S/SGT. KELLY:** Yes. Essentially, this is  
12 it. This is the foundation for the criminal investigation  
13 management plan within the organization.

14 **MR. RUEL:** Okay. So you have here the  
15 notion of benchmark offences and there's a list at -- yes,  
16 there's a list of offences which are considered as  
17 benchmark by the OPP, as major crime as benchmarks. So we  
18 have in that list "all 'Assault Level 3' occurrences".  
19 What does that mean?

20 **S/SGT. KELLY:** The 'Assault Level 3' comes  
21 from the reference in the *Criminal Code* of the degree of  
22 assaults. So we're talking about assaults that are serious  
23 bodily harm rather than a minor assault where there is no  
24 injury. So serious bodily harm means a marked injury that  
25 -- or remains for a significant period of time or

1 significant disability.

2 MR. RUEL: So not all sexual assault  
3 occurrences would be a benchmark?

4 S/SGT. KELLY: No. All sexual occurrences,  
5 including child pornography, are.

6 MR. RUEL: Oh, I see, okay. That's the next  
7 bullet.

8 S/SGT. KELLY: But all 'Assault Level 3' --  
9 there are 'Assault Level 1', 'Level 2', 'Level 3', and  
10 'Level 3' is a benchmark but that's not sex related.

11 MR. RUEL: Oh, I see, okay. Thank you.

12 And all sexual occurrences, including child  
13 pornography, are benchmark occurrences, right?

14 S/SGT. KELLY: Yes. So if there was an  
15 'Assault Level 1' but it was related to a sexual offence, -  
16 --

17 MR. RUEL: It would be a benchmark.

18 S/SGT. KELLY: --- it would be a benchmark,  
19 yes.

20 MR. RUEL: So what's the -- and then at page  
21 -- the second page of this document:

22 "any occurrence that does not fall into  
23 the above criteria but warrants  
24 involving investigative expertise."

25 So there's discretion there for the -- we will discuss the

1 process for the OPP to determine if what would be -- if  
2 there should be notification to supervisors to determine  
3 what the appropriate investigative response should be,  
4 right?

5 S/SGT. KELLY: Yes, that's correct.

6 MR. RUEL: Okay. So if there's a benchmark  
7 occurrence, then what's the process under the policy?

8 S/SGT. KELLY: The investigating member is  
9 immediately to report to their supervisor that they're  
10 responding to a major crime. The supervisor is responsible  
11 for notifying the area crime sergeant. The area crime  
12 sergeant is a full-time qualified criminal investigator  
13 with supervisory competencies.

14 MR. RUEL: That's not at Headquarters.  
15 That's at the local level, right?

16 S/SGT. KELLY: This is at the regional  
17 level.

18 MR. RUEL: Regional level?

19 S/SGT. KELLY: Yes. And the area crime  
20 sergeant is responsible for assessing the complexity and  
21 the specific issues dealing with this particular type of  
22 occurrence, whichever it may be, including it could be a  
23 sexual assault; and assessing whether or not specialized  
24 services or a specialized response is required or whether  
25 the individual who has initially responded, the officer who

1 initially responded has the knowledge, skills and  
2 abilities, the competencies to be able to carry on with the  
3 investigation.

4 MR. RUEL: You just mentioned knowledge,  
5 skills and abilities. I didn't see those words in the  
6 policy. Is that implicit?

7 S/SGT. KELLY: It is implicit and it  
8 recognizes that there are degrees of knowledge, skills and  
9 abilities. In the OPP, essentially we operate under a  
10 generalist policing principle where the frontline officer  
11 may be the investigating officer from the initial response  
12 right through to the end and there are obviously some  
13 exceptions because of complexities in things like homicide  
14 investigations where we would always bring in a detective  
15 inspector from CIB.

16 But the concept that we have tried to embed  
17 here in our policy is to ensure that the right resources  
18 are doing the right job and ensure that there are  
19 opportunities for growth and development of individuals so  
20 that they can move up in their competencies and KSAs for  
21 different types of occurrences.

22 MR. RUEL: When you say KSAs, it's  
23 knowledge, skills and abilities?

24 S/SGT. KELLY: Knowledge, skills and  
25 abilities.

1                   MR. RUEL: Okay. At 2.7.2, you've got here  
2 under the policy "Criminal Investigation Branch  
3 Notification". So what is that? Criminal Investigation  
4 Branch is the CIB that ---

5                   S/SGT. KELLY: Yes.

6                   MR. RUEL: --- Chief Ryder referred to  
7 yesterday. That's in Orillia ---

8                   S/SGT. KELLY: Yes.

9                   MR. RUEL: --- component if I may say.

10                  S/SGT. KELLY: Yes. So the initial  
11 benchmark sets a wide net to pick up a number of different  
12 occurrences. The threshold, though, for notification to  
13 CIB or Criminal Investigation Branch is a slightly narrower  
14 net, but those are occurrences that we do want notification  
15 up to Criminal Investigation Branch so that they can  
16 determine the appropriate response for those types of  
17 complex investigations.

18                  MR. RUEL: At page 3 of the document, one of  
19 those occurrences is:

20                                "an allegation of physical or sexual  
21                                abuse which occurred in a former  
22                                training school;"

23                  So it's very, very specific. Is there any reason for that?

24                  S/SGT. KELLY: That actually, as I  
25 understand, was a result of -- I believe it was a public

1 inquiry that took place -- I'm going to guess here that it  
2 was in the '80s or late '80s, early '90s, and we responded  
3 to that with a specific reference in policy.

4 MR. RUEL: Then at the next tab is the same  
5 -- which is Tab 12 -- is the same policy, but this is the  
6 version and at page 2 of this document, we have at the  
7 bottom of the page on the right side "(Nov 93)". So it's -  
8 - if I'm not mistaken, this is exactly the same document  
9 but the 1993 version. So it shows that it was in existence  
10 at least ---

11 S/SGT. KELLY: Yes.

12 MR. RUEL: --- in November of 1993, right?

13 S/SGT. KELLY: Yes. This is actually the  
14 version that I took with me working with the Adequacy  
15 Working Group.

16 MR. RUEL: Okay. The following -- the third  
17 page of this tab is the Criminal Investigation Bureau  
18 notification provision and this one seemed to have been  
19 adopted in the OPP Police Orders in June '97 and it's at  
20 the bottom of the page. Is that correct?

21 S/SGT. KELLY: Yes.

22 MR. RUEL: The other OPP Police Order that  
23 I'd like to review with you is at Tab 18. This is the  
24 "Child Abuse and Neglect" Police Order.

25 S/SGT. KELLY: Yes, that's correct.

1                   **MR. RUEL:** And could you tell us when that  
2 specific Police Order was adopted by the OPP?

3                   **S/SGT. KELLY:** I believe this was September  
4 2005.

5                   **MR. RUEL:** I'd like you to explain how this  
6 Police Order works, and the first thing I'd like to discuss  
7 is at the first page. You have -- and I'll read the  
8 wording:

9                   "An investigator will find that an  
10 occurrence dealing with child abuse and  
11 neglect will mainly fall into four  
12 areas ...

- 13                   • physical;
- 14                   • sexual;
- 15                   • historical; and
- 16                   • neglect."

17                   So is that accurate to say that this policy  
18 would apply to the investigation of historical cases of  
19 child abuse?

20                   **S/SGT. KELLY:** Yes, and what we're referring  
21 to here are categories or the characteristics of the  
22 occurrence but the policy itself is intended to encompass  
23 all of those variations and any others that may be outside  
24 of that group of four.

25                   **MR. RUEL:** Okay. At page 2 of the document,

1 we have the responsibility to report. So that's duty to  
2 report to the Children's Aid Society under the *Child and*  
3 *Family Services Act*, right?

4 S/SGT. KELLY: Yes, that's correct.

5 MR. RUEL: It outlines the requirements of  
6 the statute?

7 S/SGT. KELLY: Yes. And this is a policy  
8 that has been carried through for a number of years.  
9 Although this latest release was September 2005, this is a  
10 component that had been in our policy for a number of  
11 years.

12 MR. RUEL: Okay. We'll review that just  
13 after this document.

14 At page 4 of the document, 2.16.4, you have  
15 the initial response. So it has to be -- the investigation  
16 should be or shall be carried by a member who has the  
17 knowledge, skills and abilities to be able to proceed with  
18 such an investigation, right?

19 S/SGT. KELLY: Yes, that's correct.

20 MR. RUEL: And there's a priority.

21 "The child abuse and neglect  
22 occurrences shall be viewed with the  
23 same priority as any other life-  
24 threatening call."

25 S/SGT. KELLY: Yes, that is correct.

1                   **MR. RUEL:** Does that provision apply to  
2 historical cases?

3                   **S/SGT. KELLY:** It would depend on the  
4 information that we receive. If there is an immediate  
5 threat to anyone, then we will respond to that as a life-  
6 threatening call.

7                   **MR. RUEL:** Investigation procedure. So this  
8 deals with local protocols.

9                                    "Investigations shall be conducted with  
10 the established local child abuse  
11 protocols and the criminal management  
12 procedures."

13                   The criminal management procedures section  
14 is the previous policy we've examined, right?

15                   **S/SGT. KELLY:** Yes.

16                   **MR. RUEL:** Okay. Then at the following  
17 page, page 5, we have "Initial Investigation" and then  
18 there's a notification process, so notification to the  
19 supervisor. So this is similar to the provisions of the  
20 general investigation policy?

21                   **S/SGT. KELLY:** Yes, it is.

22                   **MR. RUEL:** Then we have further notification  
23 processes:

24                                    "The investigating member shall notify  
25 the Child Pornography Unit..."

1 And there's other notifications. I believe there's a  
2 notification to the Regional Abuse Issues Coordinator,  
3 right?

4 S/SGT. KELLY: Yes.

5 MR. RUEL: So when there's an incident of --  
6 an occurrence of child abuse, there should be or there  
7 shall be specific notification within the OPP machine,  
8 right?

9 S/SGT. KELLY: There will be, yes.

10 MR. RUEL: Follow-up investigation:

11 "Interviewing shall be conducted by  
12 members who have been trained in child  
13 interviewing techniques..."

14 S/SGT. KELLY: Yes.

15 MR. RUEL: And background checks must be  
16 conducted every time there is an occurrence of child ---

17 S/SGT. KELLY: Absolutely.

18 MR. RUEL: Right?

19 And then at 2.16.8, which is at page 6, the  
20 policy outlines the responsibilities of the chain of  
21 command, if I may say, when there's an occurrence of child  
22 sexual abuse, right?

23 S/SGT. KELLY: Yes.

24 MR. RUEL: Or child abuse?

25 S/SGT. KELLY: Yes. Where the previous

1 policy -- the policy relating to reporting of major crimes  
2 through 2.7 sets the wheels in motion for the appropriate  
3 people to be notified and engaged, this provides more  
4 clarification of the responsibilities of those individuals  
5 who become engaged.

6 MR. RUEL: Okay. So, for example, at the  
7 bottom of page 6:

8 "The investigating member supervisor  
9 shall review all child abuse and  
10 neglect occurrences..."

11 So is that different than the general  
12 investigation policy?

13 S/SGT. KELLY: Sorry; which one are you  
14 referring to right now?

15 MR. RUEL: It's at the bottom of page 6.

16 S/SGT. KELLY: Yes.

17 MR. RUEL: Supervisors' review:

18 "Supervisors shall review all child and  
19 abuse and neglect occurrences where  
20 there is a concern for victim safety,  
21 repetition of the incident and any  
22 history of violence."

23 S/SGT. KELLY: This particular provision  
24 provides greater clarity of the purpose of supervision --  
25 or, sorry, the review by the supervisor for this particular

1 type of occurrence.

2 MR. RUEL: The general investigation policy  
3 provides that the supervisor must be notified, but this  
4 says the supervisor also has responsibilities, right?

5 S/SGT. KELLY: Yes. It clarifies in more  
6 detail the responsibilities for this particular type of  
7 occurrence.

8 MR. RUEL: And then at the following page  
9 there's a Regional Manager, Criminal Operations. Regional  
10 managers are the -- would it be fair to say that they are  
11 the head of the investigative sections within areas or  
12 detachments ---

13 S/SGT. KELLY: Within the regions.

14 MR. RUEL: Within a region.

15 S/SGT. KELLY: Yes.

16 MR. RUEL: Okay.

17 S/SGT. KELLY: So they would report to the  
18 Regional Commander, but their focus of responsibilities  
19 would be on operations within that region rather than  
20 administration and infrastructure or human resource issues.

21 MR. RUEL: So they have to determine if any  
22 investigative assistance is required and supplement  
23 investigative team and monitor investigations. So they  
24 have a role to -- I presume they have to be notified first?

25 S/SGT. KELLY: Yes.

1                   **MR. RUEL:** And then they have some role in  
2                   overseeing such types of investigation?

3                   **S/SGT. KELLY:** Yes.

4                   **MR. RUEL:** And there's some responsibilities  
5                   for the area crime sergeant as well, and then there's  
6                   something about victims' assistance.

7                   **S/SGT. KELLY:** Yes. Here what we've done is  
8                   rather than repeat a lot of the information that we have in  
9                   a very comprehensive chapter on victim services, we've  
10                  provided a reference here to link back to that in the way  
11                  that we set out police orders. Because it's electronic  
12                  format, it's a click of a button for our personnel to  
13                  actually access the detailed information on victims'  
14                  assistance.

15                  **MR. RUEL:** Okay. Page 8. Just before we go  
16                  there, the victims' assistance provision, that's a  
17                  provision that would apply to the investigation of  
18                  historical cases, right?

19                  **S/SGT. KELLY:** Yes.

20                  **MR. RUEL:** And page 8 deals with protocols:

21                                 "There shall be protocols developed  
22                                 with social agencies by..."

23                  The detachment commander has a responsibility to develop  
24                  and sign those protocols?

25                  **S/SGT. KELLY:** Absolutely.

1                   **MR. RUEL:** And then the following page, page  
2                   9, there's CAS protocols. The detachment commander has the  
3                   responsibility to enter into a protocol with the CAS to  
4                   deal with those occurrences, right?

5                   **S/SGT. KELLY:** Yes.

6                   **MR. RUEL:** So prior to 2005, I gather that  
7                   there was a policy dealing with the investigation of child  
8                   abuse, but it was much narrower in scope. Is that correct?

9                   **S/SGT. KELLY:** We had a number of different  
10                  policies that addressed the investigations relating to  
11                  child abuse and neglect.

12                  **MR. RUEL:** Okay. But there was a specific  
13                  policy dealing with the investigation of child abuse, but  
14                  it was -- that specific one was much narrower in scope?

15                  **S/SGT. KELLY:** Well, yes, in 2001, when we  
16                  released the revised, restructured version of police  
17                  orders, we had created topics for each area that we  
18                  intended at some point to ensure dealt with all of the  
19                  relevant components of the adequacy guidelines.

20                  In some cases, we had been successful in  
21                  achieving all of those amendments prior to the release in  
22                  2001. In other cases, we took existing policies that were  
23                  in direct relationship to those topic areas and  
24                  structurally moved those into the new topics and provided  
25                  linkages to some of the others where it was more difficult

1 to move because they're policies that are shared with other  
2 processes.

3 MR. RUEL: So do I gather that the document  
4 at page 18 would be the result of the exercise you just  
5 described, which is the child abuse and neglect policy?

6 S/SGT. KELLY: On Tab 18?

7 MR. RUEL: On Tab 18, yes.

8 S/SGT. KELLY: Tab 18 is ---

9 MR. RUEL: A gathering of all the existing  
10 policies or ---

11 S/SGT. KELLY: Yes, it's the result of a  
12 complete assessment of the adequacy guideline as well as  
13 the linkage to other policies that we have that address  
14 child abuse and neglect and the pulling in of some of the  
15 other policies to consolidate them in one area.

16 MR. RUEL: I would like to bring you to  
17 Volume 8 of Exhibit 36, which is the Protocols binder, and  
18 it's at Tab 6. So here we have a document which is a  
19 police order, 2.16, Child Abuse and Neglect, which deals  
20 with the reporting obligations under the *Child and Family*  
21 *Services Act*, right?

22 S/SGT. KELLY: Yes. This was the one piece  
23 of policy specific to the topic of child abuse and neglect  
24 that we were able to easily move for the release in January  
25 of 2001.

1                   **MR. RUEL:** So prior to 2005, this was the  
2 only piece of policy that specifically was addressing the  
3 issue of child abuse and neglect or was called child abuse  
4 and neglect?

5                   **S/SGT. KELLY:** This is the only particular  
6 policy that we were able to, at that time, include  
7 underneath this new topic.

8                   **MR. RUEL:** Okay. And I gather that -- you  
9 indicated that the current policy was a collection, if I  
10 may say, of various policies that existed.

11                   **S/SGT. KELLY:** Yes.

12                   **MR. RUEL:** So we're going to get to that a  
13 bit later, but you have a list of those policies even  
14 though they were not called child abuse and neglect police  
15 order or policy, but some policies that were applicable to  
16 the investigation of child abuse and neglect, right?

17                   **S/SGT. KELLY:** Yes, we do.

18                   **MR. RUEL:** Okay. We'll deal with that  
19 shortly.

20                   Just to ask you a specific question, it's in  
21 evidence before the Commission that some other police  
22 forces had specific policies dealing with child abuse and  
23 neglect prior to 2005.

24                   So is there any reason for what seems to be  
25 a discrepancy between the way the OPP operated and the way

1 other police forces operated?

2 **S/SGT. KELLY:** Not really. I think the  
3 issue that we're certainly dealing with is a very large,  
4 complex set of policies and procedures that have been in  
5 place in this organization for quite a number of years,  
6 quite a long time, and it's quite a monumental task to  
7 deconstruct that system and reconstruct it in a new way.  
8 We have to be very careful. Certainly, when we were  
9 undertaking this initiative, we were very cognizant of the  
10 fact that we had to carry on with the regular business of  
11 developing new policies and getting them out to our people,  
12 while at the same time, use a portion of our resources to  
13 develop the new product in parallel.

14 So there were certain limits and conditions  
15 that we had to work within to be able to release this in  
16 January 2001.

17 We, through our best efforts, put as many  
18 policies together as we could in a consolidated fashion,  
19 but we wanted to release this on January 1<sup>st</sup>, 2001 and start  
20 that process of educating our people about the new format.

21 **MR. RUEL:** Okay. And the new format was the  
22 one released in 2005?

23 **S/SGT. KELLY:** Yes. And we're still  
24 continuing today to refine that structure.

25 **MR. RUEL:** Now I want to move to the issue

1 of policies applicable to sexual assault. So this was  
2 child abuse. So sexual assault now.

3 Does the OPP have a specific policy dealing  
4 with the investigation of sexual assault?

5 **S/SGT. KELLY:** We have a number of different  
6 procedures that deal and address with the investigation of  
7 sexual assaults.

8 **MR. RUEL:** Okay. Is there one specifically  
9 called "Investigation of Sexual Assault"?

10 **S/SGT. KELLY:** Not today.

11 **MR. RUEL:** Okay.

12 **S/SGT. KELLY:** In the next couple of weeks  
13 it should be out.

14 **MR. RUEL:** Okay. You have a number of  
15 policies that currently and historically have applied to  
16 the investigation of sexual assault, right?

17 **S/SGT. KELLY:** Pardon me?

18 **MR. RUEL:** You have -- the OPP has a number  
19 of policies or police orders that currently apply to the  
20 investigation of sexual assault?

21 **S/SGT. KELLY:** That is correct.

22 **MR. RUEL:** That have applied also in the  
23 past?

24 **S/SGT. KELLY:** Yes.

25 **MR. RUEL:** And there's a list of those

1 policies that was prepared by you, and that would be --  
2 that's been distributed to parties. That would be Exhibit  
3 Number 38.

4 --- EXHIBIT NO./PIÈCE NO. 38:

5 OPP Corporate Presentation - Police Orders  
6 Addressing Sexual Assault and Child Abuse  
7 Investigations Policies and Procedures

8 S/SGT. KELLY: Yes, I have it here.

9 MR. RUEL: Madam Clerk, is it going to show  
10 on the screen?

11 THE REGISTRAR: No.

12 MR. RUEL: So this document was prepared by  
13 you; is that correct?

14 S/SGT. KELLY: Yes. I'm sorry, but the  
15 screen has gone blank.

16 MR. RUEL: I don't think we had it on the  
17 screen.

18 S/SGT. KELLY: We are not following that at  
19 the moment, okay. Great.

20 MR. RUEL: So it's called "Police Orders  
21 Addressing Sexual Assault" ---

22 S/SGT. KELLY: Yes.

23 MR. RUEL: --- "and Child Abuse  
24 Investigation Policies and Procedures", right? So it's  
25 both aspects?

1 S/SGT. KELLY: Yes.

2 MR. RUEL: Sexual assault and child abuse?

3 S/SGT. KELLY: Well, the focus here is  
4 essentially on sexual assault.

5 MR. RUEL: Is it fair to say that some of  
6 them would also apply ---

7 S/SGT. KELLY: Some of them will apply.

8 MR. RUEL: --- to child abuse?

9 S/SGT. KELLY: To child abuse, yes.

10 MR. RUEL: So if you would be kind enough to  
11 go through that list of policies and explain to the  
12 Commission briefly what these policies provide and how they  
13 apply to the investigation of those offences? Just before  
14 you start, Mr. Commissioner, all of those policies are not  
15 in evidence now. Some of them are. So the witness is  
16 going to discuss some of them and we'll indicate along the  
17 way if they are in evidence or not.

18 S/SGT. KELLY: I just want to preface all of  
19 this by just indicating the order in which we have these  
20 items.

21 MR. RUEL: Sure.

22 S/SGT. KELLY: And it's just for convenience  
23 here that they have been ordered in relation to the topic  
24 that they fall in currently and the order in relation to  
25 their section numbers.

1                    Preventing and responding to firearms  
2                    occurrences includes very specific provisions with respect  
3                    to public safety criteria which are a list of occurrences  
4                    including sexual assault for which members are to initiate  
5                    members -- or sorry -- measures to prevent access to  
6                    firearms for these individuals. This particular provision  
7                    was added to our Police Order Policy in July of 2003.

8                    **MR. RUEL:** Okay. So there are specific  
9                    provisions there ---

10                    **S/SGT. KELLY:** Very specific, yes.

11                    **MR. RUEL:** Then, there's the 2.14 which is  
12                    the domestic violence occurrence, the Police Order.

13                    **S/SGT. KELLY:** Yes, and here we have a very  
14                    specific reference in the Domestic Violence Occurrence  
15                    Policy. It was originally added to our Police Orders in  
16                    June of 2000. It's undergone some revisions since that  
17                    date and, essentially, it recognizes the underlying causes  
18                    of domestic violence that can be related to sexual assaults  
19                    and child abuse and there are very specific provisions in  
20                    this policy with respect to the Victim Services and  
21                    stresses the safety planning. That would include children.

22                    **MR. RUEL:** Okay. The next one is 2.16  
23                    "Child Abuse and Neglect". So we have discussed that  
24                    specific one a few minutes ago.

25                    **S/SGT. KELLY:** Yes. Again, when we released

1 the new version in 2001 we had created this new topic and  
2 took existing policy that we had and placed it into that  
3 topic area. Again, in September 2005, as I mentioned, it  
4 was completely revamped to address all of the adequacy  
5 issues and now acknowledges linkage to sexual abuse and it  
6 addresses the duty to report by police to the Children's  
7 Aid Society, initial response procedures, follow up  
8 reporting victims, assistance and protocols.

9 **MR. RUEL:** Then we have 2.23 which is the  
10 "Parental/Non-Parental Abduction and Attempt". So how does  
11 that deal with sexual assault and child abuse?

12 **S/SGT. KELLY:** Here, again, there is a  
13 recognition that in abduction situations the linkage to  
14 sexual assault, child abuse. Again, in 2001 we created the  
15 topic, took our existing policy that we had which at that  
16 time was relating specifically to the RCMP Missing  
17 Children's Registry and the procedures for returning  
18 abducted children. In February of 2006 we completely  
19 revamped that policy again with a complete assessment  
20 against the adequacy standards and, again, it includes  
21 linkages between the abductions in sexual abuse and  
22 specific procedures around the Amber Alert Program.

23 **MR. RUEL:** What's the Amber Alert Program?

24 **S/SGT. KELLY:** That's the -- it's an  
25 Ontario-wide program, cooperative agreement with the police

1 and the media to quickly relay information, suspect  
2 information through the media to the public about children  
3 who had been abducted and are at risk.

4 **MR. RUEL:** Okay. Then, we have 2.39 which  
5 is the "Evidence Property Collection Preservation Control  
6 Policy".

7 **S/SGT. KELLY:** Yes, this is a provision that  
8 we've had in Police Orders as far back as I can remember at  
9 the beginning of my career. In fact, I remember at the  
10 Ontario Police College being trained on the handling of  
11 evidence consistent with the laboratory guide for the  
12 investigator which is produced by the Centre of Forensic  
13 Science, and our policy specifically indicates that members  
14 are to comply with the evidence collection procedures set  
15 out in that guideline unless there is another exemption or  
16 another procedure set out in Police Orders. And that  
17 particular guide has very specific provisions dealing with  
18 sexual assault evidence, including the use of the Sexual  
19 Assault Evidence Kit.

20 **MR. RUEL:** 2.40.5 "Statements and  
21 Interview". So when was that one adopted and how does it  
22 deal with the issues we're dealing with here?

23 **S/SGT. KELLY:** Here again this is -- we talk  
24 about the previous structure of Police Orders and the  
25 governing policies that we had on the general activities

1 and the general policing environment. This policy laid out  
2 the standards for taking statements and conducting  
3 interviews, identifying the particular forms that would be  
4 used and it would specifically relate to and encompass any  
5 kind of investigation including sexual assault.

6 **MR. RUEL:** It's not specific, right?

7 **S/SGT. KELLY:** It's not specific but it  
8 would encompass those and it was last updated in July of  
9 2003 when we made revisions as a result of legislation from  
10 the *Youth Criminal Justice Act*.

11 **MR. RUEL:** Sorry, I missed that. When was  
12 that one first adopted?

13 **S/SGT. KELLY:** I don't have a specific date,  
14 but I can remember being trained on this in '83, 1983 at  
15 the Ontario Police College and I know that that policy  
16 existed. It was a standard of the OPP for my entire career  
17 and remains to be. The Centre of Forensic Sciences  
18 releases versions of that manual or that guideline every so  
19 often as procedures change.

20 **MR. RUEL:** So 2.45 now is the "Bail Violent  
21 Crime Policy"?

22 **S/SGT. KELLY:** Yes. That was introduced  
23 into Police Orders in 1997 and it contains very specific  
24 procedures regarding the breach of probation or release  
25 conditions by an individual involved in a sexual offence;

1 specifically, a sexual assault. And where the original  
2 charge involves sexual assault the investigating member is  
3 required to attempt -- required to obtain information about  
4 the original charge prior to the completion of the bail  
5 brief and this is to ensure that during the show cause or  
6 bail hearing there is appropriate information to be  
7 considered before any release is granted.

8 There are also specific provisions, again,  
9 with respect to sexual assault. If the breach is from  
10 another jurisdiction there is a requirement to contact  
11 other agencies and gather information from them and let  
12 them know what has happened.

13 MR. RUEL: Okay. That one was adopted in  
14 June '97, right?

15 S/SGT. KELLY: Yes.

16 MR. RUEL: "Alert Broadcast"?

17 S/SGT. KELLY: This is an internal policy  
18 community type of notification requirement. It's something  
19 that's been in the Police Orders since 1994 and it  
20 specifically identifies sexual assault, again, and sets out  
21 the procedures for communicating within the policing  
22 community various crimes including persons arrested for  
23 sexual assault where the perpetrator is believed to be  
24 active throughout a wide geographic area. This ensures  
25 that if there is any type of predator type of or multi-

1 jurisdictional behaviour in the crime, that other  
2 jurisdictions are made aware very quickly of it.

3 MR. RUEL: Okay. 2.55.5 is the ViCLAS  
4 policy, OPP ViCLAS Policy. This implements ---

5 S/SGT. KELLY: 2.55.6, right?

6 MR. RUEL: Oh, sorry.

7 S/SGT. KELLY: ViCLAS responsibilities, yes.

8 This is ---

9 MR. RUEL: Point six (.6)?

10 S/SGT. KELLY: I believe it's point six  
11 (.6).

12 It was originally introduced into Police  
13 Orders in 1995 and then it was revised in '97 and the  
14 procedures were expanded, providing much more detail and  
15 clarity on how to complete the ViCLAS booklets. The  
16 procedures, as I mentioned, assist in completing the  
17 booklet for criteria offences which include sexual assault.

18 MR. RUEL: Okay. 2.59 is the "Composite Art  
19 Services"?

20 S/SGT. KELLY: Yes.

21 MR. RUEL: Composite Art Services Policy.

22 So what does that ---

23 S/SGT. KELLY: Within the OPP we have  
24 composite artists who will provide sketches of suspects  
25 based on the memory recall of a victim or witness. And

1 this specific procedure or this specific policy was put in  
2 Police Orders in December of 2000 and recognizes the trauma  
3 that's experienced by those involved in a sexual assault  
4 and provides additional time for the interview to be  
5 conducted. So rather than pressuring a victim or witness  
6 into recalling these events within a 24-hour period, we  
7 allow more time, up to 48 hours, to let them adjust and  
8 ensure that we're not re-victimizing them through the  
9 process.

10 **MR. RUEL:** 2.62.2 "High Risk Offender".

11 Does that specifically deal with -- well, when was that one  
12 adopted and does it specifically deal with sexual assault?

13 **S/SGT. KELLY:** This was introduced into  
14 Police Orders in 2000. It doesn't specifically mention  
15 sexual assault but it is designed to capture offences  
16 exactly like sexual assault. Anything where there may be a  
17 predator in the community this is our policy that ensures  
18 that the appropriate steps are taken; the appropriate  
19 information is collected and communicated through an  
20 appropriate process to the community so that they are aware  
21 of the risks.

22 **MR. RUEL:** The next one is the "Family  
23 Dispute Occurrence".

24 **S/SGT. KELLY:** Yes. This is a policy that  
25 we introduced in April of 2002 and, again, similar to

1 domestic violence, it recognizes that there are underlying  
2 causes to these kinds of incidents. This particular --  
3 there is specific reference to its linkage to sexual  
4 assaults in these kinds of incidents. It differs from  
5 domestic violence in that it deals with conflicts between  
6 non-intimate family members. And what it does is it  
7 ensures that there is appropriate reporting classification  
8 and review of occurrences to ensure that those underlying  
9 causes are explored and discovered, if possible, and then  
10 acted upon.

11 **MR. RUEL:** So it deals with sexual assault  
12 and child abuse?

13 **S/SGT. KELLY:** Yes.

14 **MR. RUEL:** Okay.

15 "Sex Offender Registry". So that implements  
16 the provisions of the Ontario and federal registries,  
17 right?

18 **S/SGT. KELLY:** Yes. We originally  
19 introduced policy in 2002 to meet the adequacy guideline  
20 and we subsequently amended the policy in anticipation of  
21 the National Registry. And again, this particular policy  
22 sets out very comprehensive procedures to manage the entry  
23 of sex offender information into the registry and the use  
24 of the registry by investigators for investigative  
25 purposes.

1                   **MR. RUEL:** The section 2.7 is a general  
2 investigation policy. We can ---

3                   **S/SGT. KELLY:** Yes, this is the catchall,  
4 the wide net that grabs the occurrences and ensures the  
5 appropriate people are engaged into the process.

6                   **MR. RUEL:** Okay. 3.1 "Victims Services"  
7 we're going to deal with that a bit later, but does this  
8 one deal with the services that would be offered to victims  
9 of either child abuse or victims of sexual abuse or sexual  
10 assault?

11                   **S/SGT. KELLY:** Yes. We have very specific  
12 information in there identifying the resources for victims  
13 of sexual assault including sexual assault/rape crisis  
14 centres and victims assistance services and referral  
15 services, hospital-based sexual assault/domestic violence  
16 treatment centres as well as reference to our OPP directory  
17 referral services by region.

18                   **MR. RUEL:** When was that one adopted?

19                   **S/SGT. KELLY:** Again, we've had victims  
20 assistance policies in Police Orders for quite a number of  
21 years and I think we have those items here.

22                   **MR. RUEL:** Okay. Well, we'll cover them a  
23 bit later.

24                   **S/SGT. KELLY:** But what we did with this  
25 particular piece is, again, in January 2001 we took the

1 material that we had, consolidated it together, cleaned up  
2 the language for the new format and then reproduced it.

3 MR. RUEL: You've got the Kids Comfort  
4 Program. That's very recent, right?

5 S/SGT. KELLY: Yes, it is a recent program  
6 introduced in May of 2004 and it's a joint venture between  
7 the OPP and a private organization. It's really intended  
8 to minimize the trauma of victims, child victims, so 12 or  
9 younger, in dealing with a witness to a very traumatic  
10 incident or being a victim of a very traumatic incident.

11 MR. RUEL: So the next page, you have a  
12 number of field guides, one dealing with a first officer of  
13 the "C" checklist, "Abused Child Interview Checklist" and  
14 there is a number of them. So there's the field guide,  
15 there's the checklist and can you explain to the Commission  
16 what is the field guide and what's the -- what is the  
17 nature of that document and where does it appear now and  
18 where it has appeared before?

19 S/SGT. KELLY: In a practical sense, and  
20 maybe it would have been nice in hindsight to actually have  
21 one here to show you, but it's -- the officers in the field  
22 have a small blue binder with all their provincial offences  
23 in it and we have created an insert for that book which we  
24 refer to as the "field guide" which includes a number of  
25 checklists so that the officers as they are attending and

1           responding to occurrences at the scene have access to  
2           these.

3                           This was originally introduced into the  
4           organization before we had any computers because we wanted  
5           to respond to their need to have information at the scene.  
6           They had Police Orders back at their office but they  
7           weren't able to take the five binders with them to each  
8           occurrence.

9                           So this allowed us to extract very critical  
10          information for them to have access to immediately at the  
11          scene of some of these types of incidents.

12                          **MR. RUEL:** Okay. Do I gather that those are  
13          part of the Police Orders now?

14                          **S/SGT. KELLY:** They are now part of Police  
15          Orders.

16                          **MR. RUEL:** So what does that mean,  
17          practically? We talked about ---

18                          **S/SGT. KELLY:** Essentially, that they have  
19          now become policy and through the evolution of the  
20          development of the field guide -- and I think one thing I  
21          want to make clear as well is where the roots of the field  
22          guide -- when we were talking -- when Chief Ryder was  
23          speaking the other day about the detachment libraries and  
24          the resource libraries, there has been an evolution of  
25          material from those libraries into the field guide. In

1 fact, one of the exhibits that was displayed from the field  
2 -- from the training material that Chief Ryder had spoken  
3 about is an exact replica of material that we now have in  
4 the field guide.

5 We've tried to move that material closer and  
6 closer to policy because there's been a recognition of its  
7 direct link to policy. At the present time, as we're  
8 working on any police project, we are always linking into  
9 the issues around the field guide. So it's an inherent  
10 part of a policy process now.

11 **MR. RUEL:** Since when has this -- have the  
12 field guides been part of the Police Orders?

13 **S/SGT. KELLY:** Since January 2001. That was  
14 our first opportunity to technologically include it as part  
15 of that document.

16 **MR. RUEL:** So before that, they existed, but  
17 they were ---

18 **S/SGT. KELLY:** But as a separate entity,  
19 yes.

20 **MR. RUEL:** And these field guides and  
21 checklists, since when have they been in existence?

22 **S/SGT. KELLY:** I could tell you that they've  
23 been around since June of '97. That was their last  
24 revision that I know of. There's another revision actually  
25 waiting for me to give final approval to get out to the

1 field. There was a field guide before June 1997.  
2 Unfortunately, I'm just not in a position to tell the  
3 Commission today when it originated.

4 MR. RUEL: Okay. But at least they've  
5 existed since ---

6 S/SGT. KELLY: Yes.

7 MR. RUEL: --- '97.

8 We have some of those checklists in the main  
9 -- in the Binder number 6 at Tab 20. So 20A we have the  
10 "Abused Child Interview Checklist". So this provides a  
11 checklist for the interview of child victims, right?

12 S/SGT. KELLY: Yes, that's correct.

13 MR. RUEL: So, for example, at number 8,  
14 it's provided:

15 "Ask open-ended questions so a child  
16 can tell their own story."

17 S/SGT. KELLY: Yes.

18 MR. RUEL: Would that checklist apply to  
19 historical child abuse cases as well or it's more directed  
20 to the interviewing of children?

21 S/SGT. KELLY: This wasn't designed to  
22 differentiate between the two different types of  
23 occurrences or the two different distinctions of that type  
24 of occurrence. It's something that the investigator would  
25 have to make determination as to how they would conduct

1           that kind of an interview, if they had to vary from what  
2           was listed here.

3                   **MR. RUEL:** Okay. The sub-tab "B" deals with  
4           -- it's the checklist for sexual assault and it provides:

5                           "The investigation of sexual offences  
6                           requires a high degree of sensitivity  
7                           and tact on the part of an  
8                           investigator."

9                   Right?

10                   **S/SGT. KELLY:** Yes. What you'll find in  
11           many of these checklists is a very significant component on  
12           sensitivity towards victims.

13                   **MR. RUEL:** And then there's a checklist  
14           which is, in some way, a process to be followed by the  
15           police officers involved in the investigation of such ---

16                   **S/SGT. KELLY:** Very key steps, yes.

17                   **MR. RUEL:** So, for example, at paragraph 2:  
18                           "Interview the complainant/victim  
19                           briefly."

20                   So that's at the -- that's the first  
21           contact, I suppose.

22                   **S/SGT. KELLY:** Yes.

23                   **MR. RUEL:**

24                           "Ensure privacy and sensitivity."

25                   I don't know if you want to -- could you go

1 just through some of the provisions of that checklist?

2 **S/SGT. KELLY:** I think what you'll see here  
3 is that a number of the things that we're looking at in the  
4 guidelines are actually covered here.

5 "Only one officer should be assigned to  
6 conduct the interview and maintain any  
7 subsequent contact with the victim.

8 Offer the victim the choice of being  
9 interviewed by an officer of the same  
10 gender, if possible...

11 In-depth interviews are to be carried  
12 out by training sexual assault  
13 investigators, where practicable."

14 **MR. RUEL:** At 5 it says:

15 "In instances of recent sexual  
16 assault..."

17 So implicitly it seems to suggest that this checklist also  
18 applies to the investigation of historical cases, right?

19 **S/SGT. KELLY:** Yes.

20 **MR. RUEL:** Of sexual assault.

21 **S/SGT. KELLY:** Yes. Again, that one item,  
22 although emphasizing a particular type or distinction  
23 within the investigation, the entire guideline -- or  
24 checklist itself is intended to encompass all different  
25 variations.

1                   **MR. RUEL:** Okay. Then briefly, we've got at  
2 sub-tab "D" the "Suspect Interview Checklist". So that's a  
3 general checklist for all types of offences, right?

4                   **S/SGT. KELLY:** Yes. Yes, we have a number  
5 of guidelines that are designed as -- in a very generalist  
6 way for a frontline officer as they respond to any type of  
7 occurrence that they might attend to. And then that is  
8 supplemented with some specialized guidelines for very  
9 specific occurrences.

10                   **MR. RUEL:** So the next tab is the "Witness-  
11 Victim Interview Checklist". So again, this is a general  
12 checklist for all ---

13                   **S/SGT. KELLY:** Yes, it is.

14                   **MR. RUEL:** Okay. So back to the document E-  
15 38, is there any other policy you would want to bring to  
16 the attention to the Commission, or provisions of policies  
17 as applicable to the investigation of child abuse or sexual  
18 assaults?

19                   **S/SGT. KELLY:** Well, in addition to the few  
20 guidelines that we've mentioned here, referred to here, we  
21 do have a field guide checklist on Sudden Infant Death  
22 Syndrome, unexpected deaths of a child under two years, and  
23 that is a guideline. Essentially, it lays out the  
24 procedures that would be consistent with the Coroner's  
25 protocol on those types of investigations.

1                   **MR. RUEL:** Anything else you want to  
2 outline?

3                   **S/SGT. KELLY:** We have procedures set out in  
4 our provincial communications -- in other words, our  
5 Dispatch Standard Operating Procedure Manual -- that  
6 classifies the type of sexual assault responses. For  
7 example, if there's an immediate -- if there's a report of  
8 a sexual assault or child abuse and there's an immediate  
9 threat, that would be a Priority One call and officers  
10 would be dispatched immediately to respond as soon as  
11 possible to respond to that threat.

12                   And for example, again, if it was a  
13 historical report and there was no threat, no immediate  
14 threat, that could be classified as a response Level 4,  
15 ensuring that no other lives or the public are put at risk  
16 by the officers responding.

17                   **MR. RUEL:** Okay. When was that -- that's  
18 the manual you're referring to, right?

19                   **S/SGT. KELLY:** Yes. That was actually  
20 introduced into Police Orders in 2002. We have a checklist  
21 for assisting officers in dealing with issues around the  
22 *Child and Family Services Act* and it addresses again the  
23 issues around child in need of protection, places of  
24 safety, the authority for police to act, and as well as  
25 providing them some of the options in responding to that

1 responsibility.

2 The Handbook for Police and Crown  
3 Prosecutors on Criminal Harassment contains very specific  
4 references to sexual assaults and provides investigators  
5 with guidelines on how to approach those types of  
6 investigations and issues that they need to consider and  
7 manage as part of those investigations.

8 The Niche Records Management System Manual  
9 that was introduced in February 2004 and replaced our  
10 OMPPAC manual provides very specific instructions on the  
11 types of data that needs to be entered into the Occurrence  
12 Reporting System. As a result, that transcends down to the  
13 officer having to collect that information as part of their  
14 investigations. So they're very aware of the kind of  
15 information that they need to report. Therefore, they must  
16 investigate and collect it. And again, there are very  
17 specific entries in there for sexual assault occurrences.

18 **MR. RUEL:** Okay. Does that cover the list?

19 **S/SGT. KELLY:** I believe so.

20 **MR. RUEL:** Let me ask you this. If an OPP  
21 police officer or investigator wanted to know which -- have  
22 guidance on how to conduct a sexual assault investigation,  
23 he wouldn't be able to go to a specific document? He  
24 wouldn't have to search a number of policy documents to be  
25 able to assess what's required of him under policy ---

1                   **S/SGT. KELLY:** I think I'd like to answer  
2 this in two parts. One, in direct answer to your question,  
3 we have designed our electronic versions of Police Orders  
4 with search capability. So entering in a keyword or a  
5 string of characters, they can get an immediate response on  
6 all of the policies that we have and Police Orders that  
7 even mention the word sexual assault.

8                   Now, when we talk about the response of  
9 investigators when they're conducting an investigation,  
10 obviously they can't carry policy around with them all the  
11 time and I think Chief Ryder mentioned this the other day  
12 in his testimony, that it's that accumulated knowledge that  
13 the investigator has from their training, from previously  
14 reviewing the field guide and Police Orders that certainly  
15 guides them in their investigation.

16                   **THE COMMISSIONER:** All he was asking,  
17 though, was in your policies, if somebody -- if a police  
18 officer happens on the scene and he says "All right, there  
19 it is." I open the book. It's not going to be sexual  
20 assault all the way down. This is what's it -- it's not in  
21 a self-contained unit.

22                   **S/SGT. KELLY:** Not at the moment, no.

23                   **THE COMMISSIONER:** There you go. Okay.

24                   **MR. RUEL:** Is this a good time for a break  
25 or you want to continue?

1                   **THE COMMISSIONER:** No, no, let's keep going.

2                   **MR. RUEL:** That's okay?

3                   **S/SGT. KELLY:** Can I just follow up with  
4 that, though, just to clarify.

5                   When somebody enters in the string of  
6 characters saying sexual assault as a search, they do get a  
7 window that populates with all of the policies with sexual  
8 assault, and when they enter into those particular policies  
9 all of the references to sexual assault are highlighted for  
10 them. So, in essence, it's -- it exists when -- once  
11 they've queried it.

12                   **MR. RUEL:** If I may ask as a follow up,  
13 since when the OPP computer system has allowed members to  
14 conduct a search the way you've described?

15                   **S/SGT. KELLY:** Okay. We've had two  
16 different versions, electronic versions. In the early  
17 1990s we created a DOS-based version of Police Orders and  
18 it had a search capacity where you could search all of the  
19 parts of Police Orders by keying in, for example, sexual  
20 assault and it would provide a little tick mark between  
21 each part that had a reference. And when you entered that  
22 part, all you had to do was hit "Enter" and it would take  
23 you to every single reference.

24                   **MR. RUEL:** Okay. So since 1990?

25                   **S/SGT. KELLY:** Since 2001, in the new

1 Acrobat format, we have a very specific -- a very  
2 specifically-designed search engine that's designed around  
3 just the files that we use for Police Orders and when they  
4 complete that search, it searches only those files and  
5 provides responses based on the names that we've given to  
6 each of those topics. And again, the policies themselves  
7 are highlighted.

8 MR. RUEL: Now, I want to bring you back to  
9 -- not to go through the document but to Exhibit 37 which  
10 was the Policing Standards Manual of 1996. It's the --  
11 yes.

12 THE COMMISSIONER: What book, please? What  
13 volume?

14 MR. RUEL: It's the Exhibit 37.

15 THE COMMISSIONER: Got it.

16 MR. RUEL: So I believe you mentioned  
17 earlier in your testimony that when this manual was issued  
18 or that guideline on investigation of sexual assault was  
19 issued in September of 1996, the OPP initiated a policy  
20 review ---

21 S/SGT. KELLY: Yes.

22 MR. RUEL: --- to deal with the provisions  
23 of that document. So can you explain to the Commission the  
24 process and where it's at now?

25 S/SGT. KELLY: In 1996, and it was in

1 November that we initiated the policy project and shortly  
2 after the consultation process began -- and in that  
3 consultation we were consulting with the regions to  
4 determine from them any input on issues around  
5 implementation of the content of this guideline -- we  
6 contacted the Ministry. Well, certainly, I wasn't working  
7 in the policy area at the time because I was working on the  
8 development of adequacy but the people who were in the  
9 policy area at the time contacted the Ministry when they  
10 became aware of what was happening with adequacy,  
11 understanding that there was going to be a new Guideline  
12 coming out and the Ministry at that ---

13 MR. RUEL: Sorry. The new Guideline, which  
14 one are you referring to now?

15 S/SGT. KELLY: Once the Ministry released  
16 the Guideline in 1996, ---

17 MR. RUEL: Yes.

18 S/SGT. KELLY: --- the adequacy process  
19 started.

20 MR. RUEL: I see, okay.

21 S/SGT. KELLY: And the OPP then became aware  
22 that there is a potential that the content of this  
23 Guideline could change and contacted the Ministry to  
24 clarify whether or not that was in fact going to happen.

25 MR. RUEL: Okay.

1                   **S/SGT. KELLY:** The Ministry responded back  
2 to the OPP later, I think it was in December of '96, and  
3 said that we don't think there's going to be substantial  
4 change and the Policy Project was reactivated and the  
5 consultations began again.

6                   **MR. RUEL:** Just before you continue, when  
7 you say "Policy Project", what's the purpose of that?

8                   **S/SGT. KELLY:** It's to identify the impact  
9 of implementing this within the organization. So we would  
10 reach out to all the regions, the investigators, the  
11 Provincial Police Academy. We would conduct research on  
12 what other police services are doing and how they're  
13 approaching this particular Guideline. We would have --  
14 try to get a sense of training issues, equipment issues,  
15 resource issues, all the different things to be able to  
16 implement this effectively.

17                   **MR. RUEL:** So the implementation, does that  
18 lead to the adoption of Police Orders or change to existing  
19 Police Orders? How does the implementation take place in  
20 the general sense once policy review is undertaken by your  
21 shop?

22                   **S/SGT. KELLY:** We're very cautious about  
23 implementing any policy that can't be implemented. So we  
24 strive -- we're very diligent in trying to make sure that  
25 we have -- we know what kind of training people need and

1 that they've actually received the training and the  
2 investigators are out there and able to respond to the  
3 policy. So at that particular time, that was the  
4 exploration. That was the kind of research we were doing;  
5 how would we do this.

6 MR. RUEL: Okay. So then you mention your  
7 group contacted the Ministry. The Ministry responded and  
8 then the project was reactivated and then ---

9 S/SGT. KELLY: Yes.

10 MR. RUEL: When was that?

11 S/SGT. KELLY: It was reactivated in late --  
12 it was either late '96 or early '97. I'm sorry, I can't  
13 remember the exact date.

14 MR. RUEL: And then what happened?

15 S/SGT. KELLY: The policy hadn't been  
16 released at the time that the Ministry released its final  
17 draft of the adequacy-based version and when the adequacy-  
18 based version then was received by the OPP, a new  
19 assessment was done of the content to assess compliance and  
20 implementation issues.

21 MR. RUEL: Did you say that the policy --  
22 you understand that the policy was about to be released by  
23 the organization?

24 S/SGT. KELLY: No, not that it was about to  
25 be released. It had not been released.

1                   MR. RUEL: Had not been, okay, sorry.

2                   S/SGT. KELLY: No. So when we received the  
3 revised Guideline, of course immediately we conducted  
4 another assessment; what had changed in that Guideline.

5                   MR. RUEL: When was that?

6                   S/SGT. KELLY: That was in 1999 when we  
7 received the final draft.

8                   MR. RUEL: Okay. And then what happened?  
9 The policy review continued?

10                  S/SGT. KELLY: Yes, the Policy Project  
11 continued and again, it was an issue of managing, do we  
12 have the resources out there, has the training been  
13 established, has the training been completed, and the  
14 policy continued to be developed.

15                  MR. RUEL: And now we're in 2006. So has  
16 there been any activity on that project between the release  
17 of adequacy and now?

18                  S/SGT. KELLY: I approved the draft of  
19 policy about a month ago, a month and a half ago. It was  
20 approved by our Bureau Commander shortly thereafter. It  
21 was approved by the client, which is Chief Superintendent  
22 Ryder, sometime after that and I was just notified early  
23 this week that our Deputy Commissioner had signed off on  
24 it.

25                  MR. RUEL: So when you say "a policy", is it

1 a specific policy dealing with the ---

2 S/SGT. KELLY: Yes.

3 MR. RUEL: --- issue of sexual assault?

4 S/SGT. KELLY: Yes.

5 MR. RUEL: Can the OPP undertake to file  
6 that document once it's released with the Commission?

7 S/SGT. KELLY: Certainly. I just want to  
8 clarify as well there will continue to be, in addition to  
9 that policy, a number of other policies within Police  
10 Orders that will still refer to procedures around sexual  
11 assault but this will be an opportunity for the  
12 investigators now to come in through one window under that  
13 topic, get some key information and then, as well, link out  
14 to the other policies that address components about sexual  
15 assault investigations.

16 MR. RUEL: If I may ask you, the policy is  
17 not released but will that policy be only a consolidation  
18 of existing provisions or it will contain additional ---

19 S/SGT. KELLY: It has some additional  
20 material in it.

21 MR. RUEL: And can you outline in which  
22 area, if you can?

23 S/SGT. KELLY: Just briefly, ---

24 THE COMMISSIONER: Excuse me.

25 MR. RUEL: If you have an objection, ---

1                   **MS. COSTOM:** The policy is not yet released  
2                   and there's ---

3                   **THE COMMISSIONER:** I'm sorry. Go ahead.

4                   **MS. COSTOM:** The policy has not yet been  
5                   released. There's an undertaking by the OPP to file that  
6                   policy when it is released.

7                   **THE COMMISSIONER:** Yes.

8                   **MS. COSTOM:** And I think that that would be  
9                   the appropriate time to ask the witness or someone else if  
10                  they need to come back and talk about it. We're talking  
11                  about a document that's not yet official OPP policy.

12                  **THE COMMISSIONER:** Okay. Thank you.

13                  **MR. RUEL:** Well, we're just asking if,  
14                  without any prejudice of the organization, to make any --  
15                  to withhold the policy ---

16                  **S/SGT. KELLY:** I think I can acknowledge at  
17                  this point that there are going to be within that policy  
18                  recognition of responsibilities, specifically as set out in  
19                  the Major Case Management Manual when we talk about  
20                  threshold-type offences dealing with sexual assault. That  
21                  will be specifically addressed in there.

22                  **MR. RUEL:** Okay. So that concludes the  
23                  section on the policies on sexual assault. Then we would  
24                  move on to the next section which is Support and Care to  
25                  Victims and this is a different binder. It's Volume 7.

1                   So if you can turn up Tab 1 which is the  
2                   evidence document prepared by the OPP with respect to  
3                   Support and Care to Victims. So that's page 1 and we have  
4                   here -- and we've been through that with another party here  
5                   but you can just maybe outline briefly ---

6                   **S/SGT. KELLY:** Yes.

7                   **MR. RUEL:** --- what are the legislative  
8                   provisions that apply to the issue of support and care to  
9                   victims?

10                  **S/SGT. KELLY:** Yes. Would you like me to  
11                  take you through ---

12                  **MR. RUEL:** Yes. We have the *Police Services*  
13                  *Act* which has a couple of provisions dealing with that  
14                  issue.

15                  **S/SGT. KELLY:** Yes, certainly. The  
16                  Declaration of Principles from 1990, section 1, *Police*  
17                  *Services Act*:

18                                 "The need to ensure the safety and  
19                                 security of all persons and property in  
20                                 Ontario.

21                                 The importance of safeguarding the  
22                                 fundamental rights guaranteed by the  
23                                 Canadian Charter of Rights and Freedoms  
24                                 and the Human Rights Code, 1981."

25                  **MR. RUEL:** If I can bring you to the next

1 page, I think it's right there, unless you wanted to raise  
2 something else but it's paragraph 4 which deals with  
3 victims.

4 S/SGT. KELLY: Yes.

5 "The importance of respect for victims  
6 of crime and understanding of their  
7 needs."

8 MR. RUEL: Okay. Then we have -- so that  
9 section was adopted in 1990, right?

10 S/SGT. KELLY: That's my understanding, yes.

11 MR. RUEL: And then we have current section  
12 4 of the *Police Services Act* and we've dealt with that one  
13 before.

14 S/SGT. KELLY: Yes.

15 MR. RUEL: Sub 4(2), sub (3), "Assistance to  
16 victims of crime" is ---

17 S/SGT. KELLY: Yes, a very specific category  
18 that's been identified as a core function for all police  
19 services.

20 MR. RUEL: Okay. Then at the bottom of the  
21 page, we have the Victims' Bill of Rights and that document  
22 may be found at Tab 3 and it's been adopted in December of  
23 1995. So without referring to the document, Staff Sergeant  
24 Kelly, could you just explain what this -- briefly what  
25 this legislation provides?

1 S/SGT. KELLY: With respect to the ---

2 MR. RUEL: Victims' Bill of Rights.

3 S/SGT. KELLY: Well, it certainly sets out  
4 the responsibilities to recognize the importance of victims  
5 in any kind of traumatic incident in relation to a crime.  
6 Certainly, there are -- the victim plays an important role  
7 in the entire criminal justice system. It's important to  
8 respect the impact that any incident has had on them and to  
9 guide them through the process to ensure that essentially  
10 we don't re-victimize these individuals as part of the  
11 process.

12 MR. RUEL: I gather that this statute  
13 applies also -- not only to the court process but to the  
14 investigative phase, right?

15 S/SGT. KELLY: Yes.

16 MR. RUEL: Then at page 3, you mention the  
17 Ontario Major Case Management Manual.

18 S/SGT. KELLY: You're back to the outline  
19 now?

20 MR. RUEL: Yes, back to the outline, page 3,  
21 section 3.

22 S/SGT. KELLY: Yes.

23 MR. RUEL: There is a provision in the Major  
24 Case Management -- well, first of all, if you can just  
25 briefly explain what is the Major Case Management Manual?

1                   **S/SGT. KELLY:** Okay. I'll do my best. I'm  
2 not an expert in that particular manual. I have read it a  
3 number of times because of policy-related issues but  
4 essentially it is to ensure that significant investigations  
5 such as homicide and those threshold-type of offences,  
6 sexual offences that meet the threshold are investigated in  
7 a very consistent way throughout Ontario, ensuring that the  
8 appropriate investigator -- the investigators have the  
9 appropriate training and levels of competency to be able to  
10 conduct those investigations.

11                   It sets a level -- levels of responsibility  
12 within the investigation team and command responsibilities  
13 over the investigations.

14                   **MR. RUEL:** And do you know when it was  
15 released, the manual? I think it's 1999. Is that correct?

16                   **S/SGT. KELLY:** That does sound ---

17                   **MR. RUEL:** The Major Case Management Manual?

18                   **S/SGT. KELLY:** Unfortunately, I would be  
19 guessing. It's around that time. I know that the OPP had  
20 embraced the major case management investigative style or  
21 procedures even prior to the actual release of the document  
22 officially.

23                   **MR. RUEL:** Okay. Could that be 1998?

24                   **S/SGT. KELLY:** It's possible. Again, I'm  
25 not the person who can best answer those. I wasn't

1 directly involved in this development and release.

2 MR. RUEL: So back to your outline, you  
3 mention at the third bullet -- well, at the second bullet  
4 under point 3 that the victim liaison officer "shall be  
5 selected by the Major Case Manager" when there is a -- when  
6 the offence is one that falls under the Major Case  
7 Management Manual.

8 S/SGT. KELLY: Yes.

9 MR. RUEL: So can you briefly explain what  
10 this process provides?

11 S/SGT. KELLY: Essentially, this ensures  
12 that one particular resource is dedicated towards providing  
13 victim support and the victim liaison officer obviously has  
14 to have the knowledge, the skill and the ability and the  
15 interpersonal skills and the understanding of sensitivity  
16 issues in dealing with the kinds of relationships and  
17 interactions that are necessary in responding to victims'  
18 needs. And this is -- by entrenching this within the  
19 manual itself and ensuring that there are dedicated  
20 resources, it gives us a higher degree of confidence that  
21 we're responding to victims and their needs.

22 MR. RUEL: Okay. And I don't think we need  
23 to go through it but the relevant section of the Major Case  
24 Manual dealing with the victim liaison officer is at Tab 4  
25 of your Book of Documents, right?

1 S/SGT. KELLY: Yes.

2 MR. RUEL: Then at paragraph 4, you mention  
3 the Adequacy Regulation, section 17 as addressing victims'  
4 assistance. So we've read that section before.

5 S/SGT. KELLY: Yes.

6 MR. RUEL: And page 4 under section 5, there  
7 is also in the Policing Standards Manual a standard that  
8 deals with the victims' assistance. So there's a Ministry  
9 -- Ministry Guidelines dealing with that issue, right?

10 S/SGT. KELLY: Yes.

11 MR. RUEL: Mr. Commissioner, would now be a  
12 good time for a break?

13 THE COMMISSIONER: It would be a good time  
14 for the break. Thank you very much.

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

17 The hearing will reconvene at 3:35.

18 --- Upon recessing at 3:21 p.m./

19 L'audience est suspendue à 15h21

20 --- Upon resuming at 3:41 p.m.

21 L'audience est reprise à 15h41

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

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

1           asseoir.

2                           **THE COMMISSIONER:** Maître Simon.

3           **STAFF SERGEANT ROGER KELLY, Resumed/Sous le même serment:**

4           **EXAMINATION-IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR. RUEL**  
5           **(cont'd/suite):**

6                           **MR. RUEL:** Staff Sergeant Kelly, we were at  
7           page 4 of Volume 7, Tab 1.

8                           **S/SGT. KELLY:** Yes.

9                           **MR. RUEL:** And now I would like to discuss  
10           with you section (b), the OPP police orders dealing with  
11           victims' assistance. So if you can go through this issue  
12           with us?

13                           **S/SGT. KELLY:** Yes. We can confirm,  
14           certainly, that we had policy dealing with assistance of  
15           victims of crime back to 1986. It's quite possible, though  
16           we weren't able to produce something for today, that there  
17           was policy beyond that period of time.

18                           We've recognized the major role that's  
19           played by victims in the criminal process and we're always  
20           sensitive to the needs of victims and always trying to be  
21           responsive to those needs.

22                           **MR. RUEL:** So if I can bring you to Tab  
23           7(a), we have here what seems to be -- I believe it's a  
24           Police Order.

25                           **S/SGT. KELLY:** Yes.

1                   **MR. RUEL:** And it addresses the assistance  
2                   to victims of crime. So do we have -- there's two dates  
3                   here. At the top of the page, it's written 1990 and at the  
4                   bottom of the page, in the right corner, it's written  
5                   February '86. So which is the accurate date there?

6                   **S/SGT. KELLY:** I'll explain what the two  
7                   dates represent. The 1990 date indicates the version of  
8                   police orders that we were able to extract this information  
9                   from. The February 1986 date actually dates the particular  
10                  provisions in this policy as to when they were last  
11                  revised.

12                  **MR. RUEL:** Last revised. So ---

13                  **S/SGT. KELLY:** Since -- so if we're looking  
14                  at the 1990 version, there may be a number of different  
15                  policies in police orders with different revision dates  
16                  beside each of the provisions.

17                  Here we can say that the provisions dealing  
18                  with assistance to victims of crime have been in place in  
19                  police orders since 1986.

20                  **MR. RUEL:** At least since 1986?

21                  **S/SGT. KELLY:** At least since 1986.

22                  **MR. RUEL:** And you don't know if there were  
23                  any such policies before, right?

24                  **S/SGT. KELLY:** I wasn't able to confirm that  
25                  before today.

1                   **MR. RUEL:** Okay. So what does that  
2 particular policy provide?

3                   **S/SGT. KELLY:** Essentially, it recognizes  
4 the responsibility on the police to provide support to  
5 victims, to remain sensitive to their needs and, again,  
6 recognize that they're very unfamiliar with the criminal  
7 justice process. At least we certainly hope they are, and  
8 our intent is to guide them through the process to make  
9 sure that it is as less traumatic as possible, or the least  
10 traumatic as possible on them because they've already been  
11 victimized by an incident. We certainly don't want to --  
12 we don't want that to be expanded upon. We don't want them  
13 to feel that they've been further victimized by the process  
14 that they're going to follow through.

15                   **MR. RUEL:** For example, at 99.3 it provides  
16 that each member is expected to employ the following  
17 guidelines. For example, under the fourth bullet it's  
18 written:

19                                   "Give each victim and witness a brief  
20                                   overview of the criminal justice  
21                                   system..."

22                   **S/SGT. KELLY:** Yes.

23                   **MR. RUEL:** "...and this overview should  
24                                   include the respective rights and  
25                                   obligations applicable to each one as

1 well as the process involved."

2 So there's information ---

3 **S/SGT. KELLY:** Yes.

4 **MR. RUEL:** --- that should be provided to  
5 victims in the process, right?

6 The second bullet:

7 "Make the victim aware of services  
8 available in the community."

9 Again, this is something that was provided  
10 in police orders since 1986?

11 **S/SGT. KELLY:** Yes, and that continues today  
12 as well.

13 **MR. RUEL:** Then if I -- we'll just follow  
14 the flow of this -- of the tabs here -- 7(b) is the  
15 following Police Order dealing with this issue.

16 **S/SGT. KELLY:** Yes.

17 **MR. RUEL:** And what are the differences  
18 between -- and this one, when was it adopted?

19 **S/SGT. KELLY:** This was revised in December  
20 of 1994, and in that revision we took the -- as you'll  
21 notice in Tab A, there was a very minor reference to the  
22 Victim Impact Statements that were being used in many  
23 jurisdictions throughout the province.

24 In 1994, we expanded upon the provisions  
25 around Victim Impact Statements, very clearly identifying

1 the processes to be followed from an organizational  
2 perspective.

3 **MR. RUEL:** Okay. And I note at 158.1(1)  
4 that there's a definition of victim, right?

5 **S/SGT. KELLY:** Yes. The definition  
6 includes:

7 "Any person to whom harm is done or who  
8 suffers physical or emotional loss as a  
9 result of the commission of the offence  
10 and where the person is dead, ill or  
11 otherwise incapable of making such  
12 impact statement, includes the spouse  
13 of any relative of that person, anyone  
14 who has in law or in fact the custody  
15 of that person or is responsible for  
16 the care and support of that person or  
17 any other dependant of that person."

18 This is a very broad definition and  
19 application of this policy.

20 **MR. RUEL:** So it's broader, I guess, than  
21 the immediate victim of a crime?

22 **S/SGT. KELLY:** Yes.

23 **MR. RUEL:** It could include family members,  
24 children?

25 **S/SGT. KELLY:** Yes.

1                   **MR. RUEL:** If I could ask you to turn up Tab  
2 (c), and it's -- we don't see the date here clearly on the  
3 version that I have, but if you can tell us when that ---

4                   **S/SGT. KELLY:** These changes were made in  
5 September 1997. And again, we can see the indication of  
6 that date when you look on page 2, all of the areas that  
7 were revised have that date of September '97 indicated.

8                   **MR. RUEL:** So what were the changes made to  
9 this document as of '97?

10                   **S/SGT. KELLY:** There was a minor change made  
11 to the structure of the definition but no real substantial  
12 change to it. But the key point of this particular  
13 revision was the introduction of the Victims' Support Line  
14 policy.

15                   **MR. RUEL:** Which is at the second page of  
16 the document?

17                   **S/SGT. KELLY:** Yes, on page 2, under section  
18 161.1.

19                   **MR. RUEL:** And what is the Victim Support  
20 Line?

21                   **S/SGT. KELLY:** It's a province-wide toll-  
22 free information service for victims and it's administered  
23 by our ministry, and it's designed to provide very timely  
24 information and notification to victims regarding the  
25 justice system process. It includes information to

1           counselors, phone, accessible tapes on topics such as  
2           arrest release, preparing witnesses and automatic victim  
3           notification service. So they can register to that service  
4           to receive information about the process at different  
5           points in time or steps through the process.

6                       **MR. RUEL:** And would I be right to say that  
7           it's around '97 that the Victim Support Line was  
8           introduced?

9                       **S/SGT. KELLY:** Yes. It's our understanding  
10          that it was.

11                      **MR. RUEL:** Okay. Then the next tab is the  
12          current policy on victim services, and this was adopted or  
13          revised in 2001 at the time of the revision of the police  
14          orders for adequacy standards, right?

15                      **S/SGT. KELLY:** Yes. And a number of those  
16          provisions from the adequacy guidelines are included in  
17          here, as well as a number of other provisions that the OPP  
18          has included on its own.

19                      **MR. RUEL:** Okay. Is there some -- do you  
20          want to highlight some of the key provisions of this  
21          policy?

22                      **S/SGT. KELLY:** Well, we retained the  
23          definition, essentially, for victim, but we have identified  
24          classifications of primary and secondary victims, a  
25          recognition of the distinction between the two, the primary

1 victim being a person who is directly impacted as a result  
2 of a crime that's committed or, in some cases, these  
3 persons may also be witnesses.

4 Secondary victims are those who are  
5 negatively affected by a crime but only indirectly. So  
6 secondary victims may also, in some cases, be witnesses of  
7 a crime. So that was just something that we wanted to make  
8 sure that our employees understood the dynamics of the  
9 different types of victims.

10 MR. RUEL: So both types of victims are  
11 covered under the policy?

12 S/SGT. KELLY: Yes.

13 MR. RUEL: And then there's some  
14 responsibilities.

15 S/SGT. KELLY: That was another major piece  
16 of this particular policy, is that we set out very specific  
17 responsibilities for different positions and levels in the  
18 organization with respect to victim services. So members  
19 in charge of an investigation, now there are specific  
20 provisions here that guide them about their  
21 responsibilities in providing services to victims.

22 MR. RUEL: So, for example, if you can go to  
23 page 2, member in charge of an investigation.

24 S/SGT. KELLY: Yes.

25 MR. RUEL: So in addition to the

1 responsibilities set out for all employees, the member in  
2 charge of an investigation shall, at bullet 2:

3 "...keep the victim informed when  
4 investigations are ongoing as  
5 appropriate."

6 So there should be ongoing information as to  
7 the status of the investigation provided to victims?

8 **S/SGT. KELLY:** Yes, that's correct.

9 As well, we've included the provisions for  
10 the Victim Liaison Officer.

11 **MR. RUEL:** It's at Tab -- page 3.

12 **S/SGT. KELLY:** There again, this recognizes  
13 the assignment of the Victim Liaison Officer that we spoke  
14 about earlier regarding the major crime or multi-  
15 jurisdictional crime.

16 **MR. RUEL:** And then ---

17 **S/SGT. KELLY:** It also suggests to the  
18 detachment commander that they can assign a Victim Liaison  
19 Officer in any other situation that they deem appropriate.

20 **MR. RUEL:** Okay. And then at page 4, there  
21 is a section dealing with the regional abuse issues  
22 coordinators and provincial abuse issues coordinator. So  
23 this is the basis for the existence of those positions at  
24 the OPP, right?

25 **S/SGT. KELLY:** Essentially, yes. This is

1 really the organizational recognition of the existence of  
2 those positions and formalizing them within the  
3 organization. They were in existence prior to the policy  
4 being released, but this now essentially codified their  
5 responsibilities in the organization.

6 **MR. RUEL:** And can you briefly outline what  
7 are the responsibilities of those two positions, if I may  
8 say, under this policy?

9 **S/SGT. KELLY:** The regional abuse issues  
10 coordinators obviously are located in each of the regions  
11 in the organization. So we would have five or six of them.  
12 We may only have five right now because of one covering off  
13 in one of the regions such as what was the GTR area, the  
14 Highway Safety Division area now. But essentially, they  
15 are responsible to their regional commander and responsible  
16 for representing the OPP regionally on issues related to  
17 all crime victims and, in particular, investigations  
18 involving victims of domestic violence, sexual assault,  
19 child abuse, abuse of the disabled, elder abuse, sexual  
20 exploitation, criminal harassment and missing and abducted  
21 children, providing expertise within their region for the  
22 development of protocols. These protocols could be at the  
23 detachment level, but having a regional abuse issues  
24 coordinator can help facilitate the development of these  
25 individual protocols.

1                   **MR. RUEL:** Okay. Do I understand that -- I  
2 guess I understand that an OPP witness will come. In fact,  
3 the Abuse Issues Coordinator for the East Region will be  
4 testifying before the Commission, right?

5                   **S/SGT. KELLY:** That's my understanding.

6                   **MR. RUEL:** So I guess they would cover the  
7 responsibilities there. So we may keep the meat for that  
8 witness, unless you -- did you want to add anything?

9                   **S/SGT. KELLY:** No, no, I'll just mention  
10 that the provincial abuse coordinator then has an  
11 overriding organizational responsibility of strategic  
12 direction and support of victim-related issues for the  
13 regional abuse issues coordinator. So where are we going  
14 in the future; coordinating and evaluating the  
15 effectiveness of the activities within the regions and  
16 determining whether or not changes needed to be made to  
17 improve the effectiveness of those particular services.

18                   **MR. RUEL:** Is there anything else you would  
19 want to cover in this policy?

20                   **S/SGT. KELLY:** I think it's worth mentioning  
21 that we have the directory of victim referral services by  
22 region.

23                   **MR. RUEL:** Sorry, where -- it's at page 5?

24                   **S/SGT. KELLY:** This is on page 4.

25                   **MR. RUEL:** Four (4)?

1                   **S/SGT. KELLY:** It begins on page 4 and  
2 continues on page 5. It's an extremely valuable resource  
3 in the organization that provides a lot of detailed  
4 information for our members so that they have readily  
5 accessible information about the victims' services that  
6 they may have to access or refer to victims.

7                   **MR. RUEL:** Okay.

8                   **S/SGT. KELLY:** We spoke of the Victim  
9 Support Line. Again that policy continues in here. We've  
10 provided some guidance to our members on the various types  
11 of community-type services that may be available to them  
12 such as domestic violence shelters, hospitals that may have  
13 sexual assault/domestic violence treatment centres with  
14 specially trained personnel. The Partner Assault Response  
15 Program, the sexual assault/rape crisis centres, victim  
16 assistance and referral services, the Victim/Witness  
17 Assistance Program which is administered by the Ministry of  
18 the Attorney General which, again, assists the victims and  
19 witnesses through the criminal justice process.

20                   We also have information to assist victims  
21 in relation to the Criminal Injuries Compensation Board  
22 which is mandated to provide compensation to victims of  
23 violent crime, as set out in the *Compensation for Victims*  
24 *of Crime Act*.

25                   Again, we continue with a significant amount

1 of detail on the use of Victim Impact Statements.

2 MR. RUEL: So building on provisions of  
3 previous policies, right?

4 S/SGT. KELLY: Yes.

5 MR. RUEL: Okay. So you've got a set of --  
6 historically, I guess, you have set of policies dealing  
7 with the care or assistance that should be provided to  
8 victims. Does the -- do the OPP Police Order address the  
9 issue of the objectivity that must be followed when a  
10 police officer investigates a crime? So there's the victim  
11 on one side and there is the potential suspect on the  
12 other. So is there some balance provided in Police Orders  
13 on that issue?

14 S/SGT. KELLY: We have. First of all, I  
15 think I'd like to indicate that most of what you're  
16 speaking about is something that is -- that we received  
17 through our training and education in the organization.  
18 But we have articulated these principles within our  
19 professionalism policy and our statements around the  
20 promise which specifically lay out the requirement for us  
21 to remain objective in any difficult situation that we may  
22 encounter.

23 MR. RUEL: So the promise if you -- I can  
24 take you to Volume 2. It was referred to by Chief Ryder  
25 yesterday, but it's Volume 2, Tab 2 which is the History

1 and Organizational Structure binder. The promise was at  
2 page 2 and then there's individual promises that are  
3 provided in the document and some of those provisions  
4 provide what you just indicated.

5 S/SGT. KELLY: Yes; accountability,  
6 respectful relationships, fairness, courage, caring,  
7 continuous ---

8 MR. RUEL: What are you reading?

9 S/SGT. KELLY: I'm just reading some of the  
10 basic values and, I'm sorry, I don't have that volume in  
11 front of me. So I'm going to have to rely on the screen.

12 MR. RUEL: Okay. If I can take you to page  
13 -- Madam Clerk, to page 4, in the middle of the page there  
14 is a bullet here:

15 "treat all others with equality, as I  
16 would want my loved one and myself to  
17 be treated: victims and accused."

18 So that's one example.

19 S/SGT. KELLY: Yes, it is.

20 MR. RUEL: I suppose. And can you remind us  
21 when was that promise adopted as part of the Police Orders?

22 S/SGT. KELLY: Again that's not something  
23 I'm absolutely certain of. It has been around for a couple  
24 of years now but I can't recall the specific date.

25 MR. RUEL: So this is fairly recent?

1                   S/SGT. KELLY: In the last couple of years,  
2                   yes.

3                   MR. RUEL: Okay.

4                   Mr. Commissioner, I have no further  
5                   questions. Mr. Engelmann has some questions with respect  
6                   to the Retention Policy.

7                   THE COMMISSIONER: All right.

8                   MR. RUEL: So I'll let him speak on that.

9                   MR. ENGELMANN: Good afternoon, Mr.  
10                  Commissioner.

11                 --- EXAMINATION-IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
12                 ENGELMANN:

13                 MR. ENGELMANN: Good afternoon, Staff  
14                 Sergeant Kelly.

15                 S/SGT. KELLY: Good afternoon.

16                 MR. ENGELMANN: Do you have a copy of Volume  
17                 4 and that's the Intake ---

18                 S/SGT. KELLY: No, I do not have ---

19                 MR. ENGELMANN: --- Policy and Record  
20                 Management?

21                 S/SGT. KELLY: No, I do not.

22                 MR. ENGELMANN: You're going to need one.  
23                 Oh, here it comes.

24                 S/SGT. KELLY: Thank you.

25                 MR. ENGELMANN: Sir, there was a portion of

1 the outline at Tab 1, just at the very end, that I did not  
2 cover with Chief Ryder.

3 S/SGT. KELLY: Yes.

4 MR. ENGELMANN: And I've left that to cover  
5 with you and I think it's at page 13.

6 S/SGT. KELLY: Yes.

7 MR. ENGELMANN: Yes.

8 S/SGT. KELLY: Retention?

9 MR. ENGELMANN: Retention Periods and their  
10 reference is to the Records Maintenance Manual.

11 S/SGT. KELLY: Yes.

12 MR. ENGELMANN: And there were some excerpts  
13 at Tab 5. What I've done is I've had some extra pages  
14 added to that that you were kind enough to provide and I'm  
15 hoping you have them in the document you have in front of  
16 you.

17 S/SGT. KELLY: I have the other binder  
18 anyway that ---

19 MR. ENGELMANN: All right. So what you  
20 should have is you should have some 25 pages or so that are  
21 part of the introduction and procedures.

22 S/SGT. KELLY: Yes.

23 MR. ENGELMANN: And they will not show up on  
24 the screen. Am I correct?

25 THE REGISTRAR: I am not sure.

1                   **MR. ENGELMANN:** Yes, I doubt it -- oh, no.  
2                   They're there, yes. Technology is a wonderful thing. All  
3                   right. So I guess every counsel should have this.

4                   You're familiar with the Records Maintenance  
5                   Manual, Staff Sergeant Kelly?

6                   **S/SGT. KELLY:** Yes, I am. I wonder if I  
7                   should clarify, though, my extent of knowledge of it.

8                   **MR. ENGELMANN:** Sure.

9                   **S/SGT. KELLY:** I have never worked in the  
10                  records area. We do have a specific area in the  
11                  organization that manages records centrally. I am aware of  
12                  the manual. I've been involved with issues because of its  
13                  linkage to policy and I've been involved in communicating  
14                  and educating those about the Records Maintenance Manual  
15                  System in a number of different capacities in the  
16                  organization.

17                  **MR. ENGELMANN:** Okay. Well, I'm going to  
18                  ask you some questions about it. If you're unable to  
19                  answer them, just say so and if you do know, and one of the  
20                  questions would be "Well, who within the OPP" -- maybe I'll  
21                  start there. Who within the OPP would deal with the  
22                  Records Maintenance Manual on a ---

23                  **S/SGT. KELLY:** On a regular basis? Every  
24                  work location in the OPP is responsible for adhering to the  
25                  Records Maintenance Manual Filing System. The entire OPP

1 filing system is based on the structure that is set out in  
2 this manual.

3 MR. ENGELMANN: All right. So for example,  
4 if we looked at the third page in, there's a distribution  
5 list.

6 S/SGT. KELLY: Yes.

7 MR. ENGELMANN: And ---

8 S/SGT. KELLY: I'd just like to say it's  
9 quite out of date.

10 MR. ENGELMANN: Okay. I'm assuming that  
11 this distribution list -- we have -- well, let's start at  
12 the beginning. There are two letters at the beginning.

13 S/SGT. KELLY: Yes.

14 MR. ENGELMANN: One is a letter dated  
15 October 30<sup>th</sup>, 1996.

16 S/SGT. KELLY: Yes.

17 MR. ENGELMANN: And as I understand it,  
18 that's the last time this manual has been updated?

19 S/SGT. KELLY: Yes, and I think it's  
20 important at this time to just recognize that the OPP does  
21 not have ownership of this particular manual.

22 MR. ENGELMANN: Yes, I was just going to ask  
23 you that.

24 S/SGT. KELLY: In 1996, it was our  
25 Integrated Justice Information Technology Division which

1 was a consolidation of the Ministry of the Attorney General  
2 and Solicitor General, but today, as I understand it, it is  
3 Shared Services Bureau through Management Board Secretariat  
4 that is responsible for the particular manual we're talking  
5 about.

6 **MR. ENGELMANN:** Right. And my understanding  
7 is the manual and the provisions and the retention periods  
8 therein are prescribed for various government agencies?

9 **S/SGT. KELLY:** This particular manual is  
10 directed towards our Ministry.

11 **MR. ENGELMANN:** Okay. So it would be --  
12 which Ministry is that now?

13 **S/SGT. KELLY:** The Ministry of Community  
14 Safety and Correctional Services, and there may be other  
15 filing systems being used by other ministries and by the  
16 archives.

17 **MR. ENGELMANN:** All right. And as well  
18 then, it would have maintenance schedules for the OPP  
19 Headquarters?

20 **S/SGT. KELLY:** Yes.

21 **MR. ENGELMANN:** And OPP regions and OPP  
22 field detachments?

23 **S/SGT. KELLY:** Yes.

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

25 So the last time that this was updated was

1 in October 30<sup>th</sup> of 1996?

2 S/SGT. KELLY: Unfortunately, yes.

3 MR. ENGELMANN: All right. And the time  
4 before then was October 30<sup>th</sup>, 1990.

5 S/SGT. KELLY: Yes.

6 MR. ENGELMANN: And I'm curious if the time  
7 before then was October 30<sup>th</sup>, 1984, but I doubt if you could  
8 tell us that.

9 S/SGT. KELLY: I'm not certain.

10 MR. ENGELMANN: All right.

11 S/SGT. KELLY: It would be pure speculation.

12 MR. ENGELMANN: I read the first page which  
13 is the October 30<sup>th</sup>, 1996 and it appears what happened then  
14 -- and maybe you can help us here -- is that the  
15 introduction procedure sections from the 1990 update were  
16 kept, whereas the Schedules I, II and III were replaced.

17 S/SGT. KELLY: Yes, that appears to be what  
18 this memo is indicating, yes.

19 MR. ENGELMANN: All right. So then on the  
20 third page when we're looking at the distribution list, as  
21 it's part of the intro, that could well have been the  
22 distribution list from 1990?

23 S/SGT. KELLY: It's quite possible.

24 MR. ENGELMANN: And I note the distribution  
25 list talks about districts.

1 S/SGT. KELLY: Yes.

2 MR. ENGELMANN: So that would suggest it was  
3 before your big reorganization in the mid-'90s.

4 S/SGT. KELLY: Yes, that's correct.

5 MR. ENGELMANN: All right. And it would  
6 appear at that time that there were several locations  
7 within the OPP where this manual would have been used?

8 S/SGT. KELLY: Yes, that is correct.

9 MR. ENGELMANN: And I'm ---

10 S/SGT. KELLY: Quite a number.

11 MR. ENGELMANN: Yes. And there would still  
12 be a number today.

13 S/SGT. KELLY: Yes, there are.

14 MR. ENGELMANN: Yes. And do you know if the  
15 numbers on the left-hand side of the column indicate the  
16 number of copies of the manual?

17 S/SGT. KELLY: That is my understanding.

18 MR. ENGELMANN: So for example, in various  
19 districts there would be a great number of the manuals but  
20 in some of the support branches or other branches, there  
21 may only be one.

22 S/SGT. KELLY: That's correct.

23 MR. ENGELMANN: All right. And so would it  
24 be fair to say that there would have been someone  
25 responsible for records maintenance at each of the

1 locations where manuals ---

2 S/SGT. KELLY: Yes, we have policy in Police  
3 Orders that does set out the requirements to comply with  
4 this manual and that individuals are to be assigned  
5 responsibility to ensure its application in each location.

6 MR. ENGELMANN: And sir, you have a copy of  
7 the manual because your branch has at least one copy?

8 S/SGT. KELLY: Yes.

9 MR. ENGELMANN: I understand the manual was  
10 in existence prior to 1990 as well.

11 S/SGT. KELLY: Yes. As I understand, yes,  
12 because when I came on the job in 1983, we were already  
13 using this filing system and when I was transferred to the  
14 Northeast Patrol Unit working with the aboriginal  
15 communities along the James Bay and Hudson Bay coast, we  
16 were responsible for building offices and setting up office  
17 space for them and this was the filing system that we used  
18 and the manual we provided them.

19 MR. ENGELMANN: At that time you were giving  
20 assistance to a number of First Nations Police Forces?

21 S/SGT. KELLY: Yes; that the OPP was  
22 administering.

23 MR. ENGELMANN: So to ensure that they also  
24 had some records maintenance?

25 S/SGT. KELLY: Yes.

1                   **MR. ENGELMANN:** I just want to take you  
2 through the introduction briefly, if I can. It appears at  
3 page 1 which is of course not at page 1 but about six or  
4 seven pages in -- just a little bit further, there we go --  
5 there's a description of -- and if I can just use the  
6 acronym RMM ---

7                   **S/SGT. KELLY:** Yes.

8                   **MR. ENGELMANN:** --- of sort of the policy  
9 behind this whole system?

10                  **S/SGT. KELLY:** Yes. It's laid out here,  
11 yes.

12                  **MR. ENGELMANN:** All right. And do you know  
13 what a liaison officer is under this manual or system?

14                  **S/SGT. KELLY:** No, I'm not familiar with  
15 that terminology.

16                  **MR. ENGELMANN:** All right. And are you  
17 familiar with what is known as Records Advisory Services?

18                  **S/SGT. KELLY:** Records Advisory Services at  
19 that time was a section within the Ministry that was  
20 located in Toronto at 25 Grosvenor Street. It no longer  
21 exists.

22                  **MR. ENGELMANN:** Okay. And they were  
23 responsible for the implementation or administration of the  
24 manual at that time?

25                  **S/SGT. KELLY:** At that time, yes.

1                   **MR. ENGELMANN:** Do you know who is  
2 responsible today within the Ministry?

3                   **S/SGT. KELLY:** As I understand, the  
4 individual in the original memo here from 1996 is still  
5 with the Ontario government, Kusum Girdhar, but I believe  
6 the reporting relationship has changed to Shared Services  
7 Bureau Managing Board.

8                   **MR. ENGELMANN:** And do you know if there's  
9 any service like the Records Advisory Service now at Shared  
10 Services?

11                   **S/SGT. KELLY:** It's my understanding, yes,  
12 that there is.

13                   **MR. ENGELMANN:** Okay. Now, at page 4  
14 there's a description of the schedules?

15                   **S/SGT. KELLY:** Yes.

16                   **MR. ENGELMANN:** Schedules 1, 2 and 3.

17                   **S/SGT. KELLY:** All right.

18                   **MR. ENGELMANN:** And you also have given us  
19 some excerpts that were in the original Tab E from those  
20 schedules; correct?

21                   **S/SGT. KELLY:** Yes.

22                   **MR. ENGELMANN:** And Schedule 1 refers to --

23 -

24                   **S/SGT. KELLY:** Schedule 1 is the complete  
25 filing system, broken down into its smallest components,

1 providing all of the detail of each individual file that  
2 was conceived at the time that could exist.

3 **MR. ENGELMANN:** Okay. And what would  
4 Schedule 2 then be?

5 **S/SGT. KELLY:** Schedule 2 is designed for  
6 field locations. It is a consolidated filing system that  
7 is based on Schedule 1 but not as detailed. It assumes a  
8 certain degree of business activity within those specific  
9 categories, but it doesn't include every single file folder  
10 that's in Schedule 1. If a location encounters activity  
11 relating to something that doesn't fit specifically within  
12 their Schedule 2 folders, there is a mechanism for  
13 including that in at a higher level.

14 **MR. ENGELMANN:** Okay. Then at page 5 of the  
15 introduction there appears to be instructions on using?

16 **THE COMMISSIONER:** Page 5, Madam Clerk.

17 **MR. ENGELMANN:** There appears to be  
18 instructions on how to classify records; is that fair?

19 **S/SGT. KELLY:** Yes.

20 **MR. ENGELMANN:** And are these instructions  
21 for classifying records into this RMM?

22 **S/SGT. KELLY:** Yes. If you look at the  
23 schedules, you will see that each of the files have a  
24 reference number, and the classification is based on those  
25 reference numbers.

1                   **MR. ENGELMANN:** So if we were to turn to the  
2 page immediately after Schedule 1, Master File Plan --  
3 it's about another 10 pages.

4                   **S/SGT. KELLY:** It might be worth mentioning  
5 at this point the series that are used in setting out the  
6 larger structure, the macro structure of this system.  
7 There's a 100 series, which is administration and  
8 management, which is what you're bringing up on the screen;  
9 the 200 series that deals with personnel; 300 dealing with  
10 training, all the way up to 900 which deals with  
11 investigations, other topics such as financial logistics  
12 and technical operations, police records, statistics, et  
13 cetera.

14                   **MR. ENGELMANN:** All right.  
15 And there's a page in the intro that  
16 explains that; correct?

17                   **S/SGT. KELLY:** Yes.

18                   **MR. ENGELMANN:** Okay. So just by way of  
19 example, you were referring to reference numbers. This is  
20 the first page now of Schedule -- one of the pages from  
21 Schedule 1, the one that we've excerpted?

22                   **S/SGT. KELLY:** Yes.

23                   **MR. ENGELMANN:** So, for example, the record  
24 title "General Systems and Procedures" has a reference  
25 number 150.

1 S/SGT. KELLY: Yes, 150-00.

2 MR. ENGELMANN: Okay. Then it also has a  
3 retention schedule set out.

4 S/SGT. KELLY: Yes.

5 MR. ENGELMANN: Okay. And we'll just come  
6 to that in a couple of minutes after we look through the  
7 codes. But that's what you mean by the reference numbers?

8 S/SGT. KELLY: Yes.

9 MR. ENGELMANN: And so everything is  
10 classified by a reference number?

11 S/SGT. KELLY: Yes, it is.

12 MR. ENGELMANN: And why would that be?

13 S/SGT. KELLY: When a document is created,  
14 an employee is supposed to look at the Records and  
15 Maintenance Manual, find the appropriate topic that  
16 corresponds with the topic that the correspondence is  
17 relating to and attach a file -- this particular reference  
18 number on the document, and that ensures then that the  
19 document can be filed by those receiving it as well as  
20 those sending it.

21 MR. ENGELMANN: All right.

22 Does that also help to assist people if they  
23 want to retrieve the document?

24 S/SGT. KELLY: Yes.

25 MR. ENGELMANN: All right.

1                   So back to the introduction, page 6, we have  
2                   a discussion here, I believe, about record destruction,  
3                   record schedules and retention periods?

4                   **S/SGT. KELLY:** Yes.

5                   **MR. ENGELMANN:** And again, it essentially  
6                   says for the retention periods, you have to refer to the  
7                   schedules?

8                   **S/SGT. KELLY:** Yes, that's correct.

9                   **MR. ENGELMANN:** Okay. And then at page 7  
10                  there's a reference to records centres or Records Centre?

11                  **S/SGT. KELLY:** Yes.

12                  **MR. ENGELMANN:** As I understand it, sir,  
13                  some files go to a records centre whereas others may go  
14                  straight to Archives? Those are files that are kept?

15                  **S/SGT. KELLY:** And at this point we're  
16                  getting beyond the scope of my expertise in this area.

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

18                  So you can't give us any more information  
19                  that's on that page?

20                  **S/SGT. KELLY:** Not really, no.

21                  **MR. ENGELMANN:** All right. So let's move  
22                  on.

23                  So again, likewise, on page 8, when we're  
24                  talking about how records are transferred from the OPP or  
25                  the Ministry to the Records Centre, you have no knowledge?

1                   **S/SGT. KELLY:** I have -- I'm aware that the  
2 process has been undertaken a number of different times. I  
3 have not been directly involved in that particular process.

4                   **MR. ENGELMANN:** And you've fortunately never  
5 been involved in assembling the boxes and packing them?

6                   **S/SGT. KELLY:** No, I must say I did have to  
7 assemble boxes. That was one of those things the youngest  
8 or the most junior person there had to put the boxes  
9 together.

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

11                   So that's described on 7, 8 and 9. And then  
12 there appears to be at page 10 instructions on how to  
13 retrieve records from the Records Centre?

14                   **S/SGT. KELLY:** Yes.

15                   **MR. ENGELMANN:** Have you ever had occasion  
16 to do that?

17                   **S/SGT. KELLY:** I have not.

18                   **MR. ENGELMANN:** All right. So we will move  
19 on there again.

20                   Page 11, as I understand it, talks about  
21 when you're trying to transfer records to your archives?

22                   **S/SGT. KELLY:** Yes.

23                   **MR. ENGELMANN:** And these are the archives  
24 where?

25                   **S/SGT. KELLY:** There again, this is maybe

1 beyond my expertise.

2 MR. ENGELMANN: All right.

3 S/SGT. KELLY: I'm speculating that it is  
4 the Archives of Ontario.

5 MR. ENGELMANN: Yes. That's what it says on  
6 the page.

7 S/SGT. KELLY: Yes.

8 MR. ENGELMANN: But you don't have any  
9 knowledge about that?

10 S/SGT. KELLY: I've not been involved in  
11 this process, no.

12 MR. ENGELMANN: All right.

13 And you haven't been involved in preparing  
14 documents to send to Archives?

15 S/SGT. KELLY: No.

16 MR. ENGELMANN: So you don't know anything  
17 about the instructions that are listed here as to how to do  
18 that?

19 S/SGT. KELLY: No. I was in -- when I was a  
20 member of operational -- back then at 90 Harbour Street, it  
21 was Planning and Policy Branch.

22 MR. ENGELMANN: Okay.

23 S/SGT. KELLY: There were individuals that  
24 were assigned the responsibility while I was there that  
25 were engaged in this process, but I was never directly

1 involved. So I don't have a good understanding of what  
2 they went through.

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

4 So likewise, on page 12, when it talks about  
5 retrieval of records from the Archives, you wouldn't have  
6 been involved in that?

7 **S/SGT. KELLY:** No.

8 **MR. ENGELMANN:** And then there are issues  
9 about destructions of the inactive records. Do you have  
10 any knowledge about that over and above what we see?

11 **S/SGT. KELLY:** You're looking at page?

12 **MR. ENGELMANN:** Thirteen (13) and 14.

13 **S/SGT. KELLY:** Thirteen (13), records  
14 destruction in-house. I haven't been directly involved in  
15 that, again. I do have some general knowledge and I know  
16 that the process has been undertaken within our particular  
17 bureau at periods of time.

18 **MR. ENGELMANN:** Okay. And we heard about  
19 that with respect to, for example, the destruction of  
20 Police Orders?

21 **S/SGT. KELLY:** Well, no, Police Orders is a  
22 completely separate issue than that.

23 What we instruct in the field to do is  
24 destroy their copies.

25 **MR. ENGELMANN:** Yes.

1                   **S/SGT. KELLY:** Their operational copies.

2                   And that is consistent with what we're looking at here in  
3                   the Records Maintenance Manual. Our bureau is responsible  
4                   for the archiving of Police Orders, the original versions.

5                   What we were asking the field to do was  
6                   destroy their operational copy.

7                   **MR. ENGELMANN:** So it would have been your  
8                   office or your bureau that would have been responsible for  
9                   archiving original police records?

10                  **S/SGT. KELLY:** Yes.

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

12                  Whereas when you're talking about  
13                  destruction of Police Orders or records in the field, those  
14                  are the hardcopies?

15                  **S/SGT. KELLY:** Those were copies.

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

17                  **S/SGT. KELLY:** Copies of the original.

18                  **MR. ENGELMANN:** Then there's a completion of  
19                  a records transfer list. I don't know if you've ever had  
20                  to do that?

21                  **S/SGT. KELLY:** No, I have not.

22                  **MR. ENGELMANN:** Okay. Then they tell us how  
23                  to fold the boxes for the Records Centre.

24                  **S/SGT. KELLY:** That, I am familiar with.

25                  **MR. ENGELMANN:** All right. It's very

1 descriptive.

2 I'm going to skip over the next part.

3 S/SGT. KELLY: I think I saw it on  
4 promotional process before.

5 MR. ENGELMANN: I think that's also ---

6 S/SGT. KELLY: That's one of those jokes  
7 around the business. If you can fold the box, you're  
8 eligible.

9 MR. ENGELMANN: It's not just police  
10 officers. When you're articling, that's often a task as  
11 well.

12 Sir, then let's skip ahead a few pages to  
13 Records Classification System, and it's just past this  
14 administrative manual. A little further. There we go.

15 Now, what do we see on this page? And  
16 hopefully we're looking at the same one. It should say  
17 "Records Classification System" at the top and "Key to  
18 Retention Abbreviations".

19 S/SGT. KELLY: The Records Classification  
20 System, these particular items are giving an overview of  
21 the general substructure of each of the major series of  
22 topics. So we can expect to find in each of the topics  
23 within the manual in Schedule 1 a substructure that's  
24 similar to this in a very consistent way.

25 MR. ENGELMANN: Okay.

1                   **S/SGT. KELLY:** The Key to Retention  
2                   Abbreviations guide us, when we see those initials under  
3                   the retention provisions, as to what action may be  
4                   required.

5                   **MR. ENGELMANN:** Okay. So if we look at the  
6                   bottom of the page, for example, if we look at "Y" at the  
7                   bottom, the letter "Y" means the number of years?

8                   **S/SGT. KELLY:** Yes.

9                   **MR. ENGELMANN:** Look at the letter "A".  
10                  That's indicating that the documents are to be sent to the  
11                  provincial archivist after the total period shown?

12                  **S/SGT. KELLY:** Yes.

13                  **MR. ENGELMANN:** And then we have some other  
14                  explanations as well, "M" for months. "OPT", that means  
15                  supervisor's option, et cetera?

16                  **S/SGT. KELLY:** M'hm.

17                  **MR. ENGELMANN:** Okay. And, sir, lastly,  
18                  just before going into a few questions in the schedule, you  
19                  had mentioned the numeric scheme.

20                  Madam Clerk, if you could go back to close  
21                  to the beginning -- I apologize for jumping around -- but  
22                  it's at page 2. I just found it, Staff Sergeant Kelly, and  
23                  I think you referred to this earlier.

24                  **S/SGT. KELLY:** Yes.

25                  **MR. ENGELMANN:** It's a little further. Yes.

1           Sorry, it's just a couple more pages. There we go. Just  
2           on the page we're looking at now, which is page 2 of the  
3           introduction, is that what you were referring to earlier  
4           when you said the 100 series?

5                   **S/SGT. KELLY:** Yes, that's correct.

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

7                   So that's administration and management.  
8           The 300 series deals with training?

9                   **S/SGT. KELLY:** Yes.

10                  **MR. ENGELMANN:** Et cetera?

11                  **S/SGT. KELLY:** Yes.

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

13                  And police records is the 700 series?

14                  **S/SGT. KELLY:** Yes.

15                  **MR. ENGELMANN:** Okay. Now, Staff Sergeant  
16           Kelly, you may be aware that the Commission has been  
17           seeking policies, orders, directives relating to its  
18           mandate from various public institutions, including the  
19           OPP, for as long into the past as we can get them.

20                  **S/SGT. KELLY:** Yes.

21                  **MR. ENGELMANN:** And I believe you heard  
22           Chief Ryder's evidence the other day about some of the  
23           difficulties that the OPP has had in retrieving ---

24                  **S/SGT. KELLY:** Yes.

25                  **MR. ENGELMANN:** --- certainly anything pre-

1 1990.

2 S/SGT. KELLY: Yes, I'm familiar with that.

3 MR. ENGELMANN: Yes. And he was able to  
4 find, I believe, three in-service training manuals from the  
5 Erik Silk Library.

6 S/SGT. KELLY: Yes.

7 MR. ENGELMANN: But we don't have any  
8 policies or orders.

9 S/SGT. KELLY: And the issue really isn't  
10 that they're not there. The issue is that we, given the  
11 time -- certainly at the time that I became aware that they  
12 were of issue and an interest to retrieve, we certainly  
13 haven't had the opportunity to put in place what would need  
14 to be in place to actually extract that information.

15 Again, the reader that we have for the tapes  
16 that we currently have for our policies and procedures can  
17 be viewed but not printed, not copied.

18 MR. ENGELMANN: What about if documents  
19 exist in the Archives?

20 S/SGT. KELLY: Again, I haven't been  
21 involved in that process.

22 MR. ENGELMANN: All right.

23 THE COMMISSIONER: I'm sorry, Mr. Engelmann.  
24 They can be viewed?

25 S/SGT. KELLY: Yes.

1                   **THE COMMISSIONER:** So then it can be  
2                   photographed?

3                   **S/SGT. KELLY:** I'm not sure of it.

4                   **THE COMMISSIONER:** Well, let's put it this  
5                   way; in this day and age, I would be overwhelmed,  
6                   surprised, dismayed that someone like the OPP couldn't find  
7                   these things and somehow bring them back to life.

8                   **S/SGT. KELLY:** I can tell you that when I  
9                   became aware of the interest in these tapes ---

10                  **THE COMMISSIONER:** And when was that, sir?

11                  **S/SGT. KELLY:** That was my first interview  
12                  with counsel.

13                  **THE COMMISSIONER:** And when was that? A  
14                  couple of weeks ago?

15                  **S/SGT. KELLY:** No, it was about a month ago.  
16                  I spoke with the employees down in the library, the Erik  
17                  Silk Library, because that area reports to me, and I asked  
18                  for an evaluation of the information that we had there,  
19                  basically an inventory, what do we have and can we retrieve  
20                  it. What I found out was it had one machine, but a couple  
21                  of different types of tapes. They could only read one type  
22                  of tape and that tape could only be viewed partially on the  
23                  screen. So we couldn't see the entire document.

24                  I had the complete inventory contents, the  
25                  registries redone so that I knew exactly what was there.

1 We now have that complete list. And I've asked some other  
2 administrative staff to explore into technology options for  
3 us to actually retrieve that data, and I am aware now that  
4 there are machines that can do this.

5 Unfortunately, at this point in time, I  
6 don't have the ability to acquire that kind of equipment  
7 and dedicate the resources because of the cost involved.

8 **THE COMMISSIONER:** You don't have the  
9 ability. Would a search warrant do?

10 **S/SGT. KELLY:** I'm not saying that we're not  
11 trying to do this. It's just in this organization, at this  
12 point, I'm still gathering information to be able to put a  
13 case together to support the purchase of equipment and the  
14 dedication of resources. Because of the cost, my delegated  
15 financial authority level is low enough that I have to put  
16 the business case to a higher level in the organization.

17 **THE COMMISSIONER:** Mr. Kozloff?

18 **MR. KOZLOFF:** Yes, sir.

19 **THE COMMISSIONER:** That sounds like  
20 government inertia to me, with the greatest respect to the  
21 gentleman. He's got those things.

22 **MR. KOZLOFF:** Well, I'm not sure that  
23 characterizing Staff Sergeant Kelly's response as  
24 government inertia is a fair characterization.

25 **THE COMMISSIONER:** All right. I'll take it

1 back somewhat, but ---

2 **MR. KOZLOFF:** What I can tell you is that we  
3 will continue to persevere in our efforts to provide the  
4 information that the Commission is requesting.

5 **THE COMMISSIONER:** And how long do you think  
6 -- when can you report back to me then?

7 **MR. KOZLOFF:** I don't want to guess.

8 **THE COMMISSIONER:** No, no, but I need an  
9 update somehow.

10 **MR. KOZLOFF:** I will give you an update next  
11 week.

12 **THE COMMISSIONER:** Thank you.

13 **MR. KOZLOFF:** You're welcome.

14 **S/SGT. KELLY:** I'd just like to reassure the  
15 Commissioner that I have been trying. We've done a search  
16 through government to find out if any other government  
17 ministry or agency has undertaken this type of effort to  
18 retrieve the data to see if equipment existed. When we  
19 found that that didn't -- that wasn't in place, we're now  
20 looking at whether or not we can purchase it.

21 **THE COMMISSIONER:** Yes, sure, don't get me  
22 wrong if I was, as Mr. Kozloff said, unfair to you, you  
23 certainly are not -- you've done what -- you've indicated  
24 to me you've done your best efforts and that's fine. I  
25 think it's just a question of getting the material out if

1 it's needed and then it's a question of just getting it  
2 done.

3 S/SGT. KELLY: Yes, sir.

4 THE COMMISSIONER: And so it certainly isn't  
5 a reflection on you or your capabilities. I've been  
6 enjoying your testimony here this afternoon. All right?

7 S/SGT. KELLY: Okay.

8 THE COMMISSIONER: Thank you.

9 Mr. Engelmann.

10 MR. ENGELMANN: Just a couple more  
11 questions, if I may, and if you don't know the answer, just  
12 say so.

13 Do you know if someone has been in touch  
14 with Shared Services and the Provincial Archives?

15 S/SGT. KELLY: I'm not sure.

16 MR. ENGELMANN: All right.

17 S/SGT. KELLY: I have been in contact with  
18 them on a number of different occasions relating to efforts  
19 to try and get this particular manual updated.

20 MR. ENGELMANN: Okay. So let's just take a  
21 look very quickly at the schedule about retention periods  
22 and then I'll let it go.

23 If we look at Schedule 1 -- and we were on  
24 that page before, Madam Clerk, Administration and  
25 Management.

1                   **THE COMMISSIONER:** Yes. It's at the bottom,  
2 I believe.

3                   **MR. ENGELMANN:** Page 36, apparently.

4                   **S/SGT. KELLY:** Yes.

5                   **MR. ENGELMANN:** If we're looking at general  
6 systems and procedures, the retention period for OPP  
7 Headquarters active would appear to be 10 years and then  
8 they're to be archived?

9                   **S/SGT. KELLY:** That's my understanding.

10                  **MR. ENGELMANN:** And for policies and  
11 procedures, a 25-year retention and then archived?

12                  **S/SGT. KELLY:** That's my understanding.

13                  **MR. ENGELMANN:** And likewise with occurrence  
14 reporting at 152 on the page, policy and procedure with  
15 respect to occurrence reporting for 25 years, no reference  
16 to archive.

17                  **S/SGT. KELLY:** No.

18                  **THE COMMISSIONER:** So 25 years ago would  
19 bring us to 1981. Can you tell me, for retention, does  
20 that mean that every year people walk in and destroy  
21 things?

22                  **S/SGT. KELLY:** No. In fact, since -- and I  
23 can speak to 1990 because I moved into the policy area in  
24 the 1990-1991 range, and we have the ability to retrieve  
25 all of that data. I have been directly involved in

1 developing electronic archiving systems to ensure that our  
2 project information is complete and retained.

3 **THE COMMISSIONER:** To what date though?

4 **S/SGT. KELLY:** Back to 1990.

5 **THE COMMISSIONER:** Right. No, I'm concerned  
6 between 1990 and 1980.

7 **S/SGT. KELLY:** Yes, and that's the difficult  
8 time for me to be able to respond to because I wasn't in  
9 the area. I don't -- so all I can rely on is the  
10 information that I have access to, the tapes that are  
11 available, but I wasn't involved in the process of getting  
12 information onto that, to those tapes.

13 **THE COMMISSIONER:** No. My concern, I  
14 suppose is, as we speak, we have someone else who is saying  
15 the 25-year period is up and they're destroying material  
16 that might be useful to us.

17 Does anybody know if the OPP is destroying  
18 material as we speak? Do you understand what I mean?

19 **S/SGT. KELLY:** Yes, I understand.

20 **THE COMMISSIONER:** Because now we're in  
21 2006. So presumably, if we follow this documentation here,  
22 the 25-year limitation is up for 1980 and 1981.

23 **S/SGT. KELLY:** Yes, destruction processes  
24 and procedures would have taken place earlier this year, if  
25 it took place.

1                   **MR. ENGELMANN:** We talked -- and I think  
2 Chief Ryder told us that at least with the deferred file  
3 issue, things are looked at at the beginning of the year, I  
4 believe in January, as they go on. And then files of  
5 particular historical value that worthy of retention are to  
6 be kept, but there's a lot of discretion in the detachment  
7 commanders, et cetera.

8                   This though, sir, seems to be referring to a  
9 requirement, at least in some cases, with respect to some  
10 kind of documentation that longer retention periods and/or  
11 archive requirements. So hopefully if documents are  
12 archived in accordance with the manual, we should be able  
13 to retrieve those, I would think. That would be the best  
14 hope.

15                   **S/SGT. KELLY:** It's difficult for me to  
16 answer that question.

17                   **MR. ENGELMANN:** Yes, fair enough.

18                   **S/SGT. KELLY:** I would assume that, yes, we  
19 should be able to.

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

21                   **S/SGT. KELLY:** Assuming that the records  
22 have followed this particular process, they should be  
23 there.

24                   **MR. ENGELMANN:** So just a couple more and  
25 then I'll let it go.

1                   On the following page, records management,  
2                   153, policies and procedures have a 25-year retention?

3                   **S/SGT. KELLY:** Yes.

4                   **MR. ENGELMANN:** At the 300 level -- I think  
5                   it's the next page of your excerpt -- for general training,  
6                   we have a 25-year retention and then it's to be archived?

7                   **S/SGT. KELLY:** Yes.

8                   **MR. ENGELMANN:** A few pages after that, at  
9                   700, there's a reference to 10 years for police records  
10                  general and policy and procedure.

11                  **S/SGT. KELLY:** Yes.

12                  **MR. ENGELMANN:** And then I note at the 900  
13                  series, under "Investigations", general criminal  
14                  investigations, we have major criminal investigation cases  
15                  solved, five years plus archived and 10 years plus  
16                  archived.

17                  **S/SGT. KELLY:** I'm sorry; which one are you  
18                  referring to?

19                  **MR. ENGELMANN:** For the unsolved.

20                  **S/SGT. KELLY:** Okay, I see this.

21                  **MR. ENGELMANN:** Nine fifty-five (955).

22                  **S/SGT. KELLY:** Nine fifty-five (955), 10,  
23                  yes.

24                  **MR. ENGELMANN:** Yes. And then it appears  
25                  that all Crown briefs are to be archived after five years.

1 I'm just looking under general criminal investigations.

2 S/SGT. KELLY: Yes.

3 MR. ENGELMANN: All right. Likewise,  
4 there's a Schedule 2 and that talks about the field --  
5 sorry, region and field detachments. If we could just look  
6 at one page, and I'm looking at the 700 series under  
7 "Police Records" ---

8 S/SGT. KELLY: Yes.

9 MR. ENGELMANN: --- right at the bottom of  
10 the page, I'm just wondering if this is what Chief Ryder  
11 covered the other day. It says that, "704-50, deferred  
12 case files", and then you've got "OPT" -- "OPT" and from  
13 our code, that was "option of supervisor".

14 S/SGT. KELLY: Yes.

15 MR. ENGELMANN: Would that be like a  
16 discretion issue perhaps?

17 S/SGT. KELLY: As I understand it, yes.

18 MR. ENGELMANN: Okay. Thank you very much,  
19 Staff Sergeant. Those are my questions.

20 S/SGT. KELLY: Thank you.

21 THE COMMISSIONER: Thank you.

22 It's 4:33. Does anyone -- well, we'll go  
23 through the list to see how much time we would need and if  
24 there's lots of time, we'll continue tomorrow. If we do it  
25 briefly, we'll do it today.

1                   So Mr. Wardle, how much time do you think  
2                   you'd be?

3                   **MR. WARDLE:** Well, I expect to be about 15  
4                   minutes, Mr. Commissioner.

5                   **THE COMMISSIONER:** All right. Thank you.  
6                   Mr. Lee?

7                   **MR. LEE:** Depending on what Mr. Wardle has  
8                   to say, I would expect I'd be 10 to 15 minutes.

9                   **THE COMMISSIONER:** All right. That's half  
10                  an hour.

11                  Mr. Chisholm?

12                  **MR. CHISHOLM:** Good afternoon, sir. No  
13                  questions.

14                  **THE COMMISSIONER:** All right.  
15                  Probation and Corrections?

16                  **MR. ROSE:** At this point, I don't have any  
17                  questions.

18                  **THE COMMISSIONER:** All right.  
19                  The Attorney General?

20                  **MS. IM:** No questions, Mr. Commissioner.

21                  **THE COMMISSIONER:** Ms. Im, no.  
22                  For Jacques Leduc?

23                  **MR. HANNAH-SUAREZ:** No questions.

24                  **THE COMMISSIONER:** No questions.  
25                  For the Diocese?

1                                   **MR. SHERRIFF-SCOTT:** At this point, I have  
2 no questions, Mr. Commissioner.

3                                   **THE COMMISSIONER:** Cornwall Police?

4                                   **MR. CALLAGHAN:** I'm going to say about 20 to  
5 25 minutes.

6                                   **THE COMMISSIONER:** Good. That will take  
7 care of it. We'll do that tomorrow then. Thank you.

8                                   We'll start tomorrow at 10 o'clock. Thank  
9 you.

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

12                                  The hearing is now adjourned. L'audience  
13 est ajournée.

14 --- Upon adjourning at 4:36 p.m./

15 L'audience est ajournée à 16h36

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



---

Sean Prouse, CVR-CM