

**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 33

Held at :

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

Wednesday, May 24, 2006

Tenue à:

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

Mercredi, le 24 mai 2006

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Raija Pulkkinen	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Actg.Det.Supt.Colleen McQuade	
Ms. Suzanne Costom	
Ms. Diane Lahaie	
M ^e Claude Rouleau	Ontario Ministry of Community
Mr. Mike Lawless	and Correctional Services and
	Adult Community Corrections
Ms. Judie Im	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of
	the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Ms. Lauren Schellenberger	
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall
M ^e André Ducasse	and Bishop Eugene LaRocque
Mr. Jose Hannah-Suarez	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police
	Association
Ms. Suzanne Costom	Detective Staff Sgt. Paul Yelle
Ms. Diane Lahaie	Detective Staff Sgt. Heather
	Kewley

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1 --- Upon commencing at 10:04 a.m. /

2 L'audience débute à 10h04

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning. Good
10 morning, everyone.

11 Mr. Engelmann, how are you doing today?

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

14 **PAUL YELLE, Resumed/Sous le même serment:**

15 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
16 ENGELMANN, (cont'd/suite):

17 **MR. ENGELMAN:** Good morning, Staff Sergeant
18 Yelle.

19 **DET/STAFF SGT. YELLE:** Good morning.

20 **THE COMMISSIONER:** Just for the record, Mr.
21 Engelmann is an Oilers fan. So if he's void this morning,
22 I mean other than once the Senators have moved, he's an
23 Oilers fan. So let's just put that on the record.

24 **MR. ENGELMAN:** I was a little nervous last
25 night.

1 (LAUGHTER/RIRES)

2 MR. ENGELMAN: They had the flu.

3 Sir, we were about to turn to -- it is
4 Volume 10 of Exhibit 36 and that is the Book of Documents
5 entitled "Ontario Provincial Police: Court Case
6 Management". Do you have that in front of you?

7 DET/STAFF SGT. YELLE: Yes, I do.

8 MR. ENGELMAN: All right.

9 THE COMMISSIONER: I don't. Hang on a
10 second there.

11 MR. ENGELMAN: It's about an inch thick.

12 THE COMMISSIONER: The one that Madam Clerk
13 put right before me?

14 MR. ENGELMAN: That would be the one.

15 THE COMMISSIONER: That's the one, yes.

16 MR. ENGELMAN: And the one she's put up on
17 the screen for us, I hope. Yes.

18 THE COMMISSIONER: All right.

19 MR. ENGELMAN: All right.

20 So again, we have an outline of evidence,
21 sir, that's about four and a half pages?

22 DET/STAFF SGT. YELLE: Yes.

23 MR. ENGELMAN: And then a tab which includes
24 the OPP "Court Case Management Manual" at Tab 2.

25 DET/STAFF SGT. YELLE: Correct.

1 **MR. ENGELMAN:** And then a "Case Management
2 Criminal Court Protocol", a recent one involving the Crown
3 Attorney's office and the OPP for Prescott-Russell Counties
4 at Tab 3.

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

6 **MR. ENGELMAN:** And then OPP "Crown Brief
7 Screening Checklist" at Tab 4.

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

9 **MR. ENGELMAN:** All right.

10 We'll go through those -- well, particularly
11 2 and 4 if we can as we go through your evidence.

12 My understanding is that the manual that we
13 see at Tab 2 -- first of all, is it a part of the Ontario
14 Provincial Police Orders?

15 **DET/STAFF SGT. YELLE:** Yes, it is.

16 **MR. ENGELMAN:** And sir, in your outline, it
17 states that this has been a part of Police Order since
18 approximately March of 1994.

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

20 **MR. ENGELMAN:** And do you know if it's
21 changed much over that time?

22 **DET/STAFF SGT. YELLE:** I don't believe it's
23 changed.

24 **MR. ENGELMAN:** Okay. And the Court Case
25 Management Manual, as I understand it, outlines four

1 different styles of court case management?

2 DET/STAFF SGT. YELLE: Yes, it does.

3 MR. ENGELMAN: And if you want to just take
4 a look at -- it's Tab 2 and I believe it would start at the
5 bottom of page 4.

6 DET/STAFF SGT. YELLE: Correct.

7 MR. ENGELMAN: So if you can just briefly
8 tell us what court case management is and just a brief
9 description of those four different styles?

10 DET/STAFF SGT. YELLE: Okay. Well, I guess
11 Court Case Management means that we have an officer
12 assigned as a court case manager to a specific court
13 location and the role of that officer, if I can go into
14 that just briefly ---

15 MR. ENGELMAN: Sure, absolutely.

16 DET/STAFF SGT. YELLE: -- which is on page 3
17 -- so the role is, basically, to reduce our costs in
18 overtime because it's one of the reasons that it was
19 implemented.

20 MR. ENGELMAN: How was that actually done?

21 DET/STAFF SGT. YELLE: By cancelling
22 officers when a trial is scheduled and if the trial has
23 been -- or if the case has been -- if there has been an
24 agreement on a plea of some type, then the officers would
25 be cancelled in court and the victims or witnesses would

1 also be cancelled.

2 MR. ENGELMAN: Okay.

3 DET/STAFF SGT. YELLE: So reducing costs
4 that way. So that was one of the reasons why the court
5 case manager's position was brought into place.

6 MR. ENGELMAN: So they would be reducing
7 costs and reducing inconvenience to members of the public
8 who ---

9 DET/STAFF SGT. YELLE: Correct.

10 MR. ENGELMAN: --- may be called as
11 witnesses, et cetera.

12 DET/STAFF SGT. YELLE: Correct.

13 MR. ENGELMAN: All right.

14 DET/STAFF SGT. YELLE: Also to expedite --
15 if we go into the duties, to expedite cases through the
16 court system, and that's done basically by examining Crown
17 briefs -- and I'll discuss Crown briefs in a bit -- but
18 reviewing Crown briefs to make sure that they're completed
19 properly. A complete Crown brief is very helpful to the
20 Crown and defence as well. So ---

21 MR. ENGELMAN: Okay. Sorry.

22 DET/STAFF SGT. YELLE: Sorry. Other areas
23 would be to have a better relationship or an improved
24 relationship with the Crown Attorney or defence attorneys,
25 those types of relationships, and to make sure that the

1 victims are notified promptly on different court dates or
2 settlements in court, those types of things.

3 **MR. ENGELMAN:** All right.

4 And I understand that the OPP has four
5 different styles of court case management throughout the
6 province.

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

8 **MR. ENGELMAN:** Could you briefly describe
9 those for us? As I said, I understand they're set out at
10 the bottom of page 4 and the top of page 5 of the manual.

11 **DET/STAFF SGT. YELLE:** Correct. The
12 centralized OPP style is where an officer would be -- would
13 have an office in a court location and manage the files for
14 a number of OPP detachments that would have jurisdiction in
15 that court, in that specific court location.

16 **MR. ENGELMAN:** All right.

17 So then you've given an example, have you,
18 of Ottawa?

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

20 **MR. ENGELMAN:** So you actually have an OPP
21 officer at the courthouse and they would be managing --
22 court case managing for several detachments?

23 **DET/STAFF SGT. YELLE:** Correct. In Ottawa,
24 the court case manager has an office in the courthouse and
25 manages the OPP files, strictly the OPP files.

1 **MR. ENGELMAN:** All right.

2 **DET/STAFF SGT. YELLE:** On page 5, the second
3 style, the court case manager manages all OPP files and
4 other police services' files. I'll use the Brockville area
5 as an example. The Brockville courthouse has one OPP
6 officer assigned to that courthouse and Brockville City
7 Police also have an officer and they deal with all files.
8 So the OPP officer could technically be dealing with the
9 Brockville City case and vice versa; the Brockville City
10 officer could be dealing with an OPP case. So they work in
11 joint forces.

12 **THE COMMISSIONER:** So an economy of scales
13 where it's big enough; as in Ottawa, the OPP would take
14 care of its own; in a smaller town there's a hybrid so that
15 they can save money.

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

17 **MR. ENGELMAN:** Okay. And that's called the
18 centralized JFO or joint forces operations approach?

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

20 **MR. ENGELMAN:** Okay.

21 **DET/STAFF SGT. YELLE:** The third, which is
22 the centralized partial, is the court case manager manages
23 all the files from one court location and there's other
24 agencies there as well; as an example there, Barrie, but
25 the officer strictly manages the OPP files. So in that

1 case, there's enough volume of files for the OPP officer to
2 strictly concentrate on OPP matters but also working in
3 conjunction with other police services.

4 MR. ENGELMAN: All right.

5 DET/STAFF SGT. YELLE: In this jurisdiction
6 here, the style that we have is the last one which is the
7 Individual Case Manager.

8 MR. ENGELMAN: And when you talk about this
9 jurisdiction, sir, you're referring to the United Counties
10 of Stormont, Dundas and Glengarry?

11 DET/STAFF SGT. YELLE: Correct.

12 MR. ENGELMAN: All right.

13 So how does it work here and what's the
14 approach called?

15 DET/STAFF SGT. YELLE: In this area, it's
16 called the "Individual Case Manager" style and the court
17 case manager is responsible for all files coming from one
18 single OPP detachment, being the Stormont-Dundas and
19 Glengarry Detachment.

20 MR. ENGELMAN: So that's the detachment that
21 is now headquartered at Long Sault?

22 DET/STAFF SGT. YELLE: Correct.

23 MR. ENGELMAN: With the satellite offices?

24 DET/STAFF SGT. YELLE: Correct.

25 MR. ENGELMAN: Okay.

1 **DET/STAFF SGT. YELLE:** And that officer is
2 responsible for all OPP files within this jurisdiction and
3 has an office. I believe the office is in the Crown
4 Attorney's office at the courthouse there in Cornwall.

5 **MR. ENGELMAN:** Now, would that -- excuse my
6 ignorance but that officer then travels to other courts?

7 **DET/STAFF SGT. YELLE:** No. In Stormont-
8 Dundas-Glengarry, there is also a court location in
9 Morrisburg and one in Alexandria.

10 **MR. ENGELMAN:** Yes.

11 **DET/STAFF SGT. YELLE:** There are three court
12 officers assigned to each of those court locations. So
13 there's a court officer in Alexandria, one in Cornwall and
14 one in Morrisburg. The court case manager works out of the
15 Cornwall location but manages all files. So the Crown
16 Attorney's office in Cornwall also looks after the other
17 court locations that I've referred to. So the court case
18 manager works with the Crown Attorney in Cornwall but the
19 file certainly can be from Alexandria or Morrisburg.

20 **MR. ENGELMAN:** And how does that person then
21 coordinate with those other court officers?

22 **DET/STAFF SGT. YELLE:** In Long Sault where
23 the administration office, there is a court office if you
24 will for all the -- for the court case manager and the
25 three court officers and that's where the files would be

1 generated from I guess or the court case manager would
2 retrieve the files from that location and then from there
3 bring them to his office in Cornwall.

4 **MR. ENGELMAN:** And this is set out to some
5 extent at the top of page 4 of your outline; is that
6 correct? I know we're jumping ahead.

7 **DET/STAFF SGT. YELLE:** Yes, it is.

8 **MR. ENGELMAN:** Okay. So the actual office
9 for the court case manager is at the Crown Attorney's
10 office here in the City of Cornwall?

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

12 **MR. ENGELMAN:** All right.

13 Now, you briefly described some of the
14 duties and qualities of a court case manager and I note,
15 sir, that those are set out in the manual starting at the
16 bottom of page 2 and on to page 3.

17 If you want to just briefly elaborate for us
18 on some of the knowledge requirements for this work and how
19 the credibility of the court case manager is judged or
20 evaluated?

21 **DET/STAFF SGT. YELLE:** Well, I should
22 indicate that the selection process for the court case
23 manager is one that the detachment commander undertakes so
24 the detachment commander in Long Sault would select the
25 person that would be assigned to that position as court

1 case manager.

2 MR. ENGELMAN: Would there be any rank that
3 would go with that position necessarily?

4 DET/STAFF SGT. YELLE: No. It's a
5 constable's position in this area.

6 MR. ENGELMAN: Okay. So there would be some
7 kind of an interview process?

8 DET/STAFF SGT. YELLE: I don't believe there
9 would be an interview process but there would certainly be
10 -- it would certainly be based on background and the
11 officer's skills, organizational skills, leadership skills.
12 I'm aware that the officer that's a court case manager here
13 is entering the promotional process, so somebody that
14 certainly has ambitions to be promoted.

15 MR. ENGELMAN: So what kind of background
16 knowledge do these individuals have to have to do this
17 work?

18 DET/STAFF SGT. YELLE: Well, certainly some
19 experience -- some years of experience in general duties in
20 dealing with both criminal and traffic cases. But, again,
21 the knowledge would be as stated here with the OPP policy
22 and court procedures and certainly the knowledge of the
23 protocols, the local protocols and the victim services.

24 MR. ENGELMAN: Okay. And would the court
25 case manager have regular contact with victims?

1 **DET/STAFF SGT. YELLE:** The court case
2 manager would have some contact. Normally, the court case
3 manager will have the officer, the investigating officer
4 make contact with the victim if that's feasible or if
5 that's possible. If there is some type of emergency for
6 the victim or witnesses to be contacted, then the court
7 case manager will certainly make that contact.

8 **MR. ENGELMAN:** Okay. And they give some
9 examples of the evaluations that are important for court
10 case managers and some of the skills that are set out at
11 page 3; correct?

12 **DET/STAFF SGT. YELLE:** Oh, yes, the
13 motivation, leadership qualities; is that what you're
14 referring to?

15 **MR. ENGELMAN:** Yes.

16 **DET/STAFF SGT. YELLE:** Yes, decision and
17 judgement, tenacity, communication skills, negotiating
18 skills, problem solving and organizational skills.

19 **MR. ENGELMANN:** Now, you've set out a number
20 of the duties of the court case manager in your outline of
21 evidence on page 2?

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

23 **MR. ENGELMANN:** They're also found in the
24 manual. I just wondered if you could elaborate on a couple
25 of those, sir. I'm just looking at the second page, some

1 of those duties that you believe are most important from
2 the court case management point of view.

3 **DET/STAFF SGT. YELLE:** Certainly the
4 relationship with the Crown Attorney is a very important
5 responsibility.

6 **MR. ENGELMANN:** And would that be a
7 Provincial Crown Attorney, a Federal Crown Attorney, or
8 both?

9 **DET/STAFF SGT. YELLE:** It would be both.

10 **MR. ENGELMANN:** Okay.

11 **DET/STAFF SGT. YELLE:** Certainly the victim
12 aspect, although I don't -- I think it's listed perhaps
13 elsewhere, but making sure that the victim is made aware of
14 any changes in the court process.

15 **MR. ENGELMANN:** Yes, you've got a bit of
16 that information on the next page of the outline, sir. Is
17 that correct? At the top of the page.

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

19 And, again, that can be done through the
20 investigating officer, but that's one of the duties that
21 the court case manager would undertake.

22 **MR. ENGELMANN:** Anything else there that you
23 wanted to highlight? I know there are issues about liaison
24 with the defense bar, filing systems, et cetera.

25 **DET/STAFF SGT. YELLE:** My understanding is

1 in this jurisdiction the main duties of the court case
2 manager is to make sure that the Crown briefs are reviewed
3 and this goes to the Crown. There's not -- there is some
4 contact with defense counsel but not on a regular basis.

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

6 Well, let's go right to the Crown brief,
7 then, if we can. First of all, what is a Crown brief?

8 **DET/STAFF SGT. YELLE:** A Crown brief is a
9 report, if you will, that the officer prepares outlining
10 the charges that were laid with the accused; the name of
11 the accused with the description of the charges. It would
12 also include a witness list. It would include all of the
13 witness statements or statements from the accused. It
14 would include any medical records if there's medical
15 records involved. If there's any documentary evidence,
16 that would be indicated or included there if it's not too
17 lengthy. Otherwise it would be indicated that there is
18 documentary evidence elsewhere. The officer's notes would
19 be included.

20 So, basically, everything is included in --
21 is disclosed to the Crown Attorney in one package.

22 **MR. ENGELMANN:** Okay. And, you have
23 actually in your materials a checklist for an OPP Crown
24 brief?

25 **DET/STAFF SGT. YELLE:** Correct; at Tab 4.

1 MR. ENGELMANN: Okay.

2 DET/STAFF SGT. YELLE: So the process when
3 the officer prepares a Crown brief ---

4 MR. ENGELMANN: Let me just stop you there.

5 DET/STAFF SGT. YELLE: Sorry.

6 MR. ENGELMANN: Is it an individual officer,
7 or is it the officer who is the court case manager who
8 prepares the Crown brief?

9 DET/STAFF SGT. YELLE: The individual
10 officer prepares the Crown brief.

11 MR. ENGELMANN: Okay. And that's the
12 officer investigating that particular occurrence?

13 DET/STAFF SGT. YELLE: Correct.

14 MR. ENGELMANN: And so what -- sorry.

15 DET/STAFF SGT. YELLE: If we're dealing with
16 a major case where you would have, for instance in a
17 homicide investigation where you would have a CIB court
18 case manager, a primary investigator and a file
19 coordinator, in that instance the file coordinator normally
20 would be the officer preparing the Crown brief with some
21 assistance from the court case manager and the primary
22 investigator.

23 In a case where it's the single officer
24 investigating, the officer prepares a Crown brief, submits
25 it with the checklist to his or her supervisor. The

1 supervisor reviews the checklist in the Crown brief and
2 signs off on it. Then the Crown brief with the checklist
3 is then submitted through the court officers. The court
4 officers then review to make sure that ---

5 **MR. ENGELMANN:** Let me just stop you for a
6 second.

7 Let's assume we're doing this here in
8 Stormont-Dundas Glengarry for a minute. So we
9 have the investigating -- this is not a major
10 case that we're talking about. We have the
11 investigating officer ---

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

13 **MR. ENGELMANN:** --- preparing the Crown
14 brief, submitting it to his or her supervisor.

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

16 **MR. ENGELMANN:** So this could be, say, a
17 Detective Constable submitting a Crown brief to the
18 Detective Sergeant.

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

20 **MR. ENGELMANN:** And then where does it go?

21 **DET/STAFF SGT. YELLE:** From there, from the
22 supervisor ---

23 **MR. ENGELMANN:** Yes.

24 **DET/STAFF SGT. YELLE:** -- the Crown brief
25 goes with the checklist to the court officer.

1 **MR. ENGELMANN:** So you've told us that there
2 are three court officers?

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

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

5 And then what happens after that?

6 **DET/STAFF SGT. YELLE:** The court officer
7 reviews it to see -- reviews the checklist to see if
8 there's anything missing in the Crown brief or anything
9 that's forthcoming, and then the Crown brief is then
10 submitted to the court case manager. The court case
11 manager again reviews the checklist in the Crown brief to
12 update the Crown if there's anything that's forthcoming for
13 disclosure, or to notify the Crown on any other matter or
14 any other issues that they should be aware of. The court
15 case manager makes disclosure to the Crown Attorney's
16 office.

17 **MR. ENGELMANN:** That would either be to the
18 Provincial or Federal Crown?

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

20 **MR. ENGELMANN:** And then what happens with
21 the Crown brief?

22 **DET/STAFF SGT. YELLE:** The Crown brief is
23 turned over to the Crown for disclosure to defense. My
24 understanding is that in Cornwall here they have -- the
25 Crown Attorney's office also have a checklist, but I've

1 never seen it.

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

3 Now, the requirement of disclosing the Crown
4 brief to defense counsel, is that a requirement of the
5 Crown or a requirement of the OPP?

6 **DET/STAFF SGT. YELLE:** It's a requirement
7 from the Crown. We have an obligation to disclose
8 everything whether it's beneficial to the accused or not.
9 So we disclose all the documents that we have available to
10 us to the Crown Attorney. The Crown Attorney decides --
11 makes a decision on what is being disclosed.

12 **MR. ENGELMANN:** That requirement to give
13 full disclosure of both things that are perhaps helpful or
14 not to an accused or to a victim, is that an important
15 requirement for an OPP officer?

16 **DET/STAFF SGT. YELLE:** Yes, certainly. Under
17 the *Police Services Act* we're obligated to disclose
18 everything and it's actually an offence not to disclose
19 everything.

20 **MR. ENGELMANN:** All right.

21 **DET/STAFF SGT. YELLE:** I can state that,
22 especially since the *Stinchcombe* decision that we're bound
23 by that decision for disclosure.

24 **MR. ENGELMANN:** Now ---

25 **DET/STAFF SGT. YELLE:** I should state as

1 well that this checklist has been in place for
2 approximately two years.

3 MR. ENGELMANN: This particular checklist
4 you're looking at?

5 DET/STAFF SGT. YELLE: This one; correct.

6 MR. ENGELMANN: What about before then, sir?

7 DET/STAFF SGT. YELLE: Before then I'm
8 advised that the court case manager had his or her own
9 checklist when a Crown brief came. This specific checklist
10 came in to make sure that when the court case manager
11 received a Crown brief that there had been a review of all
12 the documents that should be included in the Crown brief.
13 So this is within the last two years.

14 MR. ENGELMANN: Okay.

15 DET/STAFF SGT. YELLE: Prior to -- Crown
16 briefs are generated from our RMS System.

17 MR. ENGELMANN: This is the computer system
18 we've been talking about that's been in place for about
19 five years?

20 DET/STAFF SGT. YELLE: Correct.

21 MR. ENGELMANN: The Niche RMS?

22 DET/STAFF SGT. YELLE: The Niche RMS System

23 ---

24 MR. ENGELMANN: Yes.

25 DET/STAFF SGT. YELLE: -- for cases where a

1 single officer would be investigating.

2 If it's a CIB case normally the Crown brief
3 is prepared in a different fashion; it's on a legal
4 document and it's -- because of the length of it they don't
5 use RMS, we normally use another computer system. Or,
6 actually now, disclosing more and more on CDs where a Crown
7 brief would be disclosed on a CD; that's relatively new.

8 **MR. ENGELMANN:** Okay.

9 **DET/STAFF SGT. YELLE:** Prior to RMS ---

10 **MR. ENGELMANN:** I know all about disclosure
11 on CDs from this hearing.

12 Okay, so what about -- and is most of the
13 Crown brief, then, generated through that system,
14 through the Niche RMS?

15 **DET/STAFF SGT. YELLE:** The majority are.

16 **MR. ENGELMANN:** Okay.

17 What about witness statements and other
18 things like that? Might they also be paper?

19 **DET/STAFF SGT. YELLE:** Yes, they would be.

20 If a witness statement is recorded on paper, then it would
21 be included in the Crown brief as a copy of what was
22 recorded, the way it was recorded. It could be transcribed
23 or typed as part of RMS.

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

25 Before RMS Niche, how were these Crown

1 briefs generated; before 2000, 2001?

2 **DET/STAFF SGT. YELLE:** Correct. In the
3 OMPPAC -- with OMPPAC ---

4 **MR. ENGELMANN:** That was the computer system
5 before Niche RMS?

6 **DET/STAFF SGT. YELLE:** Correct; from the
7 early '90s to when RMS replaced it.

8 I should state before we go on to OMPPAC
9 that when you complete a brief on RMS, there are certain
10 areas that prompt you to fill in certain sections. So
11 there is some type of a checklist on its own that's built
12 into RMS, I guess.

13 **MR. ENGELMANN:** Okay.

14 **DET/STAFF SGT. YELLE:** For OMPPAC, OMPPAC
15 wasn't as modernized, I guess if you will, than RMS is.
16 But, certainly there was areas in there for a synopsis, for
17 a Crown brief synopsis, for a witness list. So there was,
18 again, some areas that would prompt the officer to make
19 sure that the specific sections were filled in.

20 **MR. ENGELMANN:** So when you had OMPPAC, some
21 of the Crown brief was generated on that system, but not as
22 much as is generated today?

23 **DET/STAFF SGT. YELLE:** All the Crown briefs,
24 with the exception of the CIB cases or the major cases, but
25 all the Crown briefs, otherwise, would be generated from

1 OMPPAC. They just weren't as sophisticated, I guess, as
2 the RMS System is.

3 **MR. ENGELMANN:** And, before the OMPPAC
4 System how were you generating the Crown briefs?

5 **DET/STAFF SGT. YELLE:** Before the OMPPAC
6 System they were all generated -- they would have been
7 hand-written by the officer. Like the synopsis, for
8 instance, would have been hand-written by the officer,
9 submitted for typing through the local stenographer. There
10 was a Crown brief folder that we used to have and that
11 folder was a checklist on its own to make sure that you
12 included and indicated what documents were in the Crown
13 brief.

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

15 So when does this Crown brief have to be
16 prepared? You've talked about the individual officer and
17 it going through the supervisor or the court officer or the
18 court case manager; it seems like a lot of people. When
19 does it have to be prepared and given to the Crown so the
20 Crown can then disclose to defense counsel?

21 **DET/STAFF SGT. YELLE:** I don't think there
22 is any specific time, although generally the officers have
23 to prepare them as soon as possible or as soon as
24 practicable.

25 Certainly, depending on the case, as soon as

1 a charge is laid then we're under the obligation to provide
2 disclosure as soon as possible.

3 When an arrest is made and we -- somebody
4 would be -- the accused would be held for a bail hearing,
5 then an officer would prepare a bail brief which is a very
6 short form brief; it certainly doesn't include all the
7 evidence. It includes a package for the Crown to be able
8 to bring to a bail hearing which, normally is the next --
9 sometimes even the day of the arrest or the next day or if
10 it's a weekend it will be after the weekend.

11 So certainly that package is not as
12 comprehensive as a complete Crown brief. I would say
13 normally that when a charge is laid the officer gives him
14 or herself two to three weeks before first appearance so
15 that a Crown brief can be turned over to the Crown for
16 disclosure.

17 **MR. ENGELMANN:** And then defense counsel can
18 get some disclosure before they enter a plea for their
19 client?

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

21 **MR. ENGELMANN:** Okay.

22 And, I just wanted to ask, is disclosure and
23 the Crown brief, is everything prepared at the
24 same time or are there instances where some of
25 the Crown brief gets prepared later?

1 **DET/STAFF SGT. YELLE:** The Crown brief is
2 prepared and submitted as detailed as the officer can.
3 There are instances, for instance, with reports from the
4 Center of Forensic Sciences in a sexual assault, for
5 example, where reports might be delayed because of the
6 examinations that are required.

7 So just by -- in waiting for those reports
8 or sometimes we have a very basic statement from a witness
9 that may reside in another location, so we'll indicate on
10 the checklist there's a -- if we can scroll down to the
11 bottom of the checklist, there's an area that indicates
12 there if there is items that are not disclosed indicate the
13 estimated duty or delivery date to court. So in that area
14 the officer would indicate that there is a statement, a
15 more detailed statement coming or another statement coming
16 because the witness hasn't been interviewed or a CFS -- or
17 a Centre of Forensics Science report that it would be
18 forthcoming.

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

20 So typically, you'd expect some indication
21 of disclosure that's forthcoming to be indicated at the
22 bottom of 4?

23 **DET/STAFF SGT. YELLE:** Correct, and I can
24 recall before a checklist that we'd leave a note for the
25 Crown and the court officer saying these are the items that

1 are missing in this Crown brief that are forthcoming and we
2 expect the date to be this.

3 MR. ENGELMANN: All right.

4 DET/STAFF SGT. YELLE: But, certainly, the
5 investigation officer's responsibility to provide
6 disclosure as soon as possible.

7 MR. ENGELMANN: I will just be a moment. We
8 have been jumping around a bit so we have covered most of
9 the questions I had. I'll just be a moment.

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. ENGELMANN: Sir, just a little bit,
12 then, on Stormont-Dundas-Glengarry, and I think you've
13 covered some of this, but the final couple of pages of your
14 outline, starting at the bottom of page 3, there is some
15 description about who has been involved in working as court
16 case managers since the mid-nineties. There appear to have
17 been seven officers in this role since '95.

18 DET/STAFF SGT. YELLE: Correct.

19 MR. ENGELMANN: Do you know if there is a
20 policy or if the OPP likes to rotate people through a
21 position like this?

22 DET/STAFF SGT. YELLE: It's different in
23 every jurisdiction.

24 MR. ENGELMANN: Okay.

25 DET/STAFF SGT. YELLE: Certainly, my

1 experience has been that a court officer will -- or a court
2 case manager, and the same with the court officer, will be
3 in a position like this and if it's something that they
4 view as a good experience and then they want to move on,
5 say, for a promotion then, certainly, they'd be rotated.
6 Some officers may not enjoy the position so they'll ask to
7 be reassigned but, certainly, I know of other locations
8 where the court officer has been there for a number of
9 years, 10-12 years that I'm aware of.

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

11 **THE COMMISSIONER:** Steady days in the office
12 and off the road, it might be something some people would
13 like.

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

15 **MR. ENGELMANN:** Is this also, perhaps, a
16 position that sometimes may be used for an accommodation of
17 an officer who may have some form of disability?

18 **DET/STAFF SGT. YELLE:** It can be. Mostly,
19 the court officer position, I would say, is filled with
20 those positions. The court case manager position could be
21 filled by somebody that needs accommodation but, certainly,
22 the qualities of that officer would be reviewed because it
23 is ---

24 **MR. ENGELMANN:** Oh ---

25 **DET/STAFF SGT. YELLE:** --- an important

1 position.

2 MR. ENGELMANN: Yes.

3 DET/STAFF SGT. YELLE: I should say as well
4 the court case manager, although it is a constable position
5 in this area, the court officers also report to that
6 officer. So there is some type of -- or some supervisory
7 role in that position.

8 MR. ENGELMANN: A couple of other questions,
9 then. On page 4 of your outline there's a reference to
10 "Case management criminal court protocol that's in place
11 between the Crown Attorney's office and the OPP in
12 Prescott-Russell."

13 DET/STAFF SGT. YELLE: Yes.

14 MR. ENGELMANN: And that's the document we
15 see at Tab 3, correct?

16 DET/STAFF SGT. YELLE: Correct.

17 MR. ENGELMANN: And as I understand it,
18 there is no such formal protocol here in Stormont-Dundas-
19 Glengarry but that the practice that is in place is very
20 similar.

21 DET/STAFF SGT. YELLE: That's my
22 understanding, is that this protocol has been adopted by
23 the local Crown Attorney and the court case manager in this
24 jurisdiction.

25 MR. ENGELMANN: All right.

1 And you indicate in the outline that there
2 has been a court case manager position, and I assume that's
3 with the OPP since approximately 1985?

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

5 **MR. ENGELMANN:** The middle of page 4 of your
6 outline.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **DET/STAFF SGT. YELLE:** Since 1995?

9 **MR. ENGELMANN:** Oh, I'm sorry, that refers
10 to Prescott-Russell.

11 **DET/STAFF SGT. YELLE:** Oh, yes. Yes, in
12 Prescott-Russell they've ---

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

14 That was the very first one in Ontario?

15 **DET/STAFF SGT. YELLE:** I'm not aware of
16 that.

17 **MR. ENGELMANN:** Okay. This is just what the
18 outline indicated.

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

20 **MR. ENGELMANN:** Sure, okay.

21 And then the court case management came or
22 the title of a court case manager came, obviously, to this
23 area of Stormont-Dundas-Glengarry sometime later?

24 **DET/STAFF SGT. YELLE:** In 1995, I believe.

25 **MR. ENGELMANN:** Okay.

1 And I note at the end of your outline there
2 is a reference to the fact that the OPP court case manager
3 is subject to yearly performance reviews by the Crown.

4 **DET/STAFF SGT. YELLE:** Correct, and ---

5 **MR. ENGELMANN:** Why is that?

6 **DET/STAFF SGT. YELLE:** To make sure some
7 type of evaluation -- to make sure that the officer is
8 performing to the Crown's satisfaction. Certainly, the
9 Crown wouldn't prepare the evaluations because our
10 evaluations are kind of specific to certain areas, but the
11 Crown would be consulted because there would be no way for
12 the supervisor -- the detachment supervisor to complete a
13 proper evaluation without the Crown Attorney's input.

14 **MR. ENGELMANN:** So there would be a report
15 from the Crown Attorney to the detachment commander about
16 that individual's work?

17 **DET/STAFF SGT. YELLE:** The detachment
18 commander or another supervisor at Stormont-Dundas-
19 Glengarry Detachment.

20 **MR. ENGELMANN:** Okay. I'll just be a
21 moment, sir.

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

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **MR. ENGELMANN:** Thank you very much, Staff
25 Sergeant Yelle. Those are my questions. I understand --

1 oh, sorry.

2 **THE COMMISSIONER:** I'll have a couple of
3 questions.

4 **MR. ENGELMANN:** I understand there are a few
5 counsel that have questions but not too many.

6 **THE COMMISSIONER:** All right.

7 Yesterday, you were talking about there was
8 some discretion with respect to where a sexual assault
9 charge would go, whether it would stay with a uniformed
10 police officer or whether it would go up the line to
11 someone who has experience in that regard.

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

13 **THE COMMISSIONER:** All right.

14 Have you run into situations where at some
15 point whether it went to one person or the other that the
16 case just grew and that it justified a reassessment? Is
17 there a procedure for that as to how you do that?

18 **DET/STAFF SGT. YELLE:** Well, certainly that
19 occurs frequently.

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

21 **DET/STAFF SGT. YELLE:** I've certainly run
22 into a situation like that and the onus is on the
23 investigating officer to make sure that that officer
24 reports the fact that the case is growing beyond his or her
25 capabilities to follow up on the case.

1 Having said that, if there is other victims
2 that would come forward on the same case then, of course,
3 the benchmark notification would kick in again and the area
4 crime sergeant would certainly be made aware that there is
5 multiple victims. In that case then of course the case
6 would be re-evaluated and likely reassigned. I would
7 venture to say that it would be reassigned to somebody like
8 a detective constable in a crime unit.

9 **THE COMMISSIONER:** Is there much reluctance
10 to do that, to give up the file?

11 **DET/STAFF SGT. YELLE:** No, there isn't much
12 reluctance but many officers want to remain with the file.
13 So oftentimes what we'll do is because the officer has a
14 good rapport with the victim, or the officer has a good
15 enough knowledge base of the case, we'll have that officer
16 work with a crime unit member to follow up on the case. So
17 the officer might be reassigned temporarily in plainclothes
18 to the crime unit to work with a detective constable to
19 follow through with it.

20 And that's done frequently also to give the
21 uniformed officer a chance to get experience and it gives
22 us an opportunity to develop an officer for other cases
23 that will come down the line. But certainly I can tell you
24 that that happens frequently where we ask a detachment
25 commander to keep the officer on board with an

1 investigation when a case grows.

2 **THE COMMISSIONER:** Then, back on the other
3 end, when the Crown brief is ready to go do you give it to
4 a specific Crown Attorney or is it just given to the in-
5 basket, I suppose?

6 **DET/STAFF SGT. YELLE:** My understanding for
7 this jurisdiction is that the court case manager there
8 would be an in-basket, if you will, but there's a Crown
9 Attorney assigned to review all Crown briefs. I'm not sure
10 if it's on a daily basis but, certainly, it's not -- the
11 Crown is not -- that reviews all Crown briefs will not
12 necessarily follow through with all the cases but make sure
13 that the briefs are completed properly. So it's not -- my
14 understanding is that all Crown briefs are not delivered to
15 a specific Crown Attorney. They're delivered to the
16 Crown's office and it's the obligation of one of the
17 assistant Crown Attorneys, I presume, to review these Crown
18 briefs on a regular basis.

19 **THE COMMISSIONER:** And you spoke yesterday -
20 - I just want to make sure I've got it straight -- under
21 the new system there is a to do list that continues with
22 the computer system; is that correct?

23 **DET/STAFF SGT. YELLE:** Under Major Case
24 Management?

25 **THE COMMISSIONER:** Yes.

1 DET/STAFF SGT. YELLE: Yes, there is.

2 THE COMMISSIONER: Okay. And so let's
3 assume for a minute that -- I take it a Crown Attorney can
4 email the police officer and ask him or her to do a certain
5 thing?

6 DET/STAFF SGT. YELLE: Yes.

7 THE COMMISSIONER: Is that correct?

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

9 THE COMMISSIONER: All right.

10 Is there any follow up on that from the
11 police side of it as to whether or not those requests are
12 up to date and are followed through with?

13 DET/STAFF SGT. YELLE: Is there any follow
14 up from the investigating officer?

15 THE COMMISSIONER: Let's assume the Crown
16 Attorney emails and says, "Look it, I need a better
17 statement from this witness".

18 DET/STAFF SGT. YELLE: Yes.

19 THE COMMISSIONER: And so is there any
20 accountability there? So let's assume the police officer
21 doesn't do it, what happens then?

22 DET/STAFF SGT. YELLE: The process, I
23 understand, in SD&G and from other jurisdictions, from my
24 experience, is that the Crown Attorney will advise the
25 court case manager to say this is missing from the file or

1 I would like something better and then it's the court case
2 manager's responsibility to report it to the officer
3 supervisor. And certainly, that's the way it is done here,
4 that they are directed not to deal directly with the
5 officer but to deal with a supervisor so that there is some
6 accountability.

7 To add to that, for major cases; for
8 example, a homicide investigation there is normally regular
9 meetings with the Crown Attorney and there is a
10 communication, open communication on a frequent basis to
11 review what's missing or what needs to be disclosed.

12 **THE COMMISSIONER:** Thank you.

13 So who goes first today? Ms. Daley.

14 **MS. DALEY:** Yes.

15 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATORIE PAR MS.**

16 **DALEY:**

17 **MS. DALEY:** Detective Staff Sergeant, I have
18 just a few questions for you. I'm hoping to clarify some
19 of the information you provided yesterday about the
20 resources that are available to OPP investigating sexual
21 assaults and abuse.

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

23 **MS. DALEY:** But my particular interest is
24 the timing of some of those resources; in other words, when
25 they came onstream. So that's the context for these

1 questions.

2 In your evidence yesterday, you spoke about
3 two positions that are aimed at coordinating abuse-related
4 matters and you mentioned the regional abuse issues
5 coordinator and the regional abuse issues investigator. I
6 understand that the first of those persons is going to be
7 our next witness; that's Ms. Kewley?

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

9 **MS. DALEY:** And you mentioned that her
10 position as coordinator was created in 1994?

11 **DET/STAFF SGT. YELLE:** That's my
12 understanding that that's when that position started.

13 **MS. DALEY:** Sir, do you have any knowledge
14 or information about whether a similar function was
15 performed at an earlier point in time, i.e. prior to 1994?

16 **DET/STAFF SGT. YELLE:** I'm not aware of any
17 -- excuse me -- I'm not aware of anybody in that position
18 prior to that, no.

19 **MS. DALEY:** All right.

20 And the second coordination position that
21 you refer to is the regional abuse issues investigator.

22 I've skipped ahead in the literature so I
23 understand that came on stream some time in 2002. Do you
24 have knowledge of that?

25 **DET/STAFF SGT. YELLE:** Is that indicated in

1 the literature somewhere?

2 MS. DALEY: That may be my interpretation of
3 what I've read.

4 Do you know when that position came on
5 stream?

6 DET/STAFF SGT. YELLE: No, I'm not aware.
7 I'm assuming it was shortly after but I'd have to do some
8 research.

9 MS. DALEY: Sorry. Surely after 1994?

10 DET/STAFF SGT. YELLE: It would be, yes,
11 shortly thereafter.

12 MS. DALEY: All right.

13 DET/STAFF SGT. YELLE: I'm not quite sure
14 when that position came in.

15 MS. DALEY: And do you know whether or not
16 that function was performed at an earlier point in time?

17 DET/STAFF SGT. YELLE: I don't believe that
18 it was.

19 MS. DALEY: Thank you.

20 When we looked at Tab 23, if you recall,
21 those were the additional services that the OPP has
22 available for sexual abuse or child abuse cases, and you
23 mentioned yesterday afternoon about the Profiling Unit for
24 instance, the Forensic Psychiatry Unit and how you're able
25 to obtain assistance from those other resources. Did you

1 recall that?

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

3 **MS. DALEY:** I was hoping you could help us
4 with the timeframe for that. Do you know when those
5 resources came on stream and became available to the OPP in
6 sex abuse cases?

7 **DET/STAFF SGT. YELLE:** As I indicated
8 yesterday, there is -- some of these units were available
9 before the Behavioral Sciences section was formed. I'm not
10 quite sure of all the dates but certainly it's something
11 that we can make available, but I don't have any knowledge
12 as to exactly. I believe it was 1995 that the Behavioral
13 Sciences section was formed.

14 **MS. DALEY:** All right.

15 So would it be correct to understand then
16 that these resources then were in place from 1995 onward?

17 **DET/STAFF SGT. YELLE:** Some of them. I'm
18 not sure that all of them would have been available at that
19 time. Certainly some. The Profiling Unit -- or, sorry,
20 the Polygraph Unit has been available for some time ---

21 **MS. DALEY:** Right.

22 **DET/STAFF SGT. YELLE:** --- and it wasn't
23 always under the Behavioral Sciences section. So that, as
24 an example, has been available for a number of years prior
25 to 1995.

1 **MS. DALEY:** Are there -- in your view, at
2 least, which of these resources are uniquely applicable to
3 sexual assault or child abuse? Are any of these, kind of,
4 uniquely helpful in those areas, from your experience?

5 **DET/STAFF SGT. YELLE:** I think they all have
6 value. Certainly on major cases the Profiling Unit is used
7 frequently. Dr. Peter Collins is certainly -- his
8 assistance is requested for sexual assault matters on a
9 regular basis, I would say, if the cases are cases that
10 would dictate his involvement. The polygraph section for
11 interviewing suspects, we've certainly utilized them
12 frequently.

13 **MS. DALEY:** Has profiling, then, been
14 available since the mid-1990's?

15 **DET/STAFF SGT. YELLE:** Profiling has been
16 available for some time. I'm not quite sure, again.

17 **MS. DALEY:** All right.

18 **DET/STAFF SGT. YELLE:** I could get you those
19 answers. I just don't have them.

20 **MS. DALEY:** That's all right. If you don't
21 know that's fine.

22 One other area in the resource section I
23 wanted to discuss with you, you recall yesterday afternoon
24 you were talking about local protocols and you mentioned
25 that, of course, you're aware of field officers who are

1 particularly experienced in sexual assault, and then I
2 think you were telling us that these people are known to
3 people in your position and the ACS as well as resource
4 people. I'm just wondering -- maybe I'll take this
5 question in two parts.

6 As of the present time, roughly how many
7 officers, in your mind, would fit into that category of
8 being particularly experienced?

9 **DET/STAFF SGT. YELLE:** I would say we would
10 have 10 to 15 officers throughout the region that -- again,
11 I would have to review all our list, but when the resources
12 for specialized cases are required we review the resources
13 that we have available. But certainly, on my review of the
14 officers in the crime units that we have, I can identify
15 the officers that are proficient, if you will, at these
16 types of investigations. I would say that, yes, 10 to 15
17 officers would be, yes.

18 **MS. DALEY:** In present-day terms that would
19 be the ballpark, 10 to 15?

20 **DET/STAFF SGT. YELLE:** Yes, I would assume
21 that that's correct.

22 **MS. DALEY:** If I ask you to go back and
23 think about that question at an earlier point in time, say
24 during the 1990's, would you be able to give us a ballpark
25 of how many officers that you considered proficient in that

1 area?

2 DET/STAFF SGT. YELLE: I ---

3 MS. DALEY: I'm just trying to get a sense
4 of how many resources might be available.

5 DET/STAFF SGT. YELLE: In the early 1990's I
6 wasn't in a supervisor capacity so it's very difficult for
7 me to say how many officers would have been in that
8 position.

9 I can tell you that when I started in a
10 supervisory capacity looking after one specific crime unit,
11 we had officers, like for Leeds and Grenville Crime Unit,
12 we had two officers that were very proficient and I would
13 classify them as experts in the field, and certainly those
14 officers are still around today.

15 THE COMMISSIONER: How many? Sorry.

16 DET/STAFF SGT. YELLE: Out of 10?

17 THE COMMISSIONER: Two out of ten?

18 DET/STAFF SGT. YELLE: Two out of ten in
19 that location.

20 MS. DALEY: All right.

21 I just want to skip to one final topic. I
22 was trying to understand the chronology of the computer
23 systems that you mentioned earlier this morning.

24 DET/STAFF SGT. YELLE: Yes.

25 MS. DALEY: If I've understood it correctly,

1 and forgive me if this is old ground before the Commission,
2 but the RMS system has been in place for five years so that
3 would take us back to roughly the year 2000 or 2001?

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

5 **MS. DALEY:** And you mentioned OMPPAC, which
6 was in place prior to that, can you help me as to when
7 OMPPAC became available?

8 **DET/STAFF SGT. YELLE:** It was available at
9 different dates throughout the province because of the
10 program or the computer program was -- and the training was
11 being done at different locations throughout the province
12 because at the time I was in the northern area and we
13 didn't have OMPPAC then. When I transferred to Kingston
14 OMPPAC was already there.

15 **MS. DALEY:** Right.

16 **DET/STAFF SGT. YELLE:** So it would have been
17 the early 1990's.

18 **MS. DALEY:** All right.

19 So when you -- if I've understood it
20 correctly, the error, when people were relying on
21 handwritten documents by officers -- you said that was
22 prior to OMPPAC, but on the calendar that would have been
23 some time prior to 1990?

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

25 **MS. DALEY:** Those are my questions.

1 Thanks very much.

2 DET/STAFF SGT. YELLE: Thank you.

3 THE COMMISSIONER: Mr. Lee.

4 ---CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR. LEE:

5 MR. LEE: Good morning, Mr. Commissioner.

6 THE COMMISSIONER: Good morning, sir.

7 MR. LEE: Good morning Det/Staff Sgt. Yelle.

8 DET/STAFF SGT. YELLE: Good morning.

9 MR. LEE: My name is Dallas Lee. I'm
10 counsel for the Victims Group.

11 I would like to take you back to part of the
12 discussion that you had yesterday concerning benchmark
13 occurrences.

14 DET/STAFF SGT. YELLE: Yes.

15 MR. LEE: Specifically, you went through in
16 a fair bit of detail the various notifications that must
17 occur ---

18 DET/STAFF SGT. YELLE: Yes.

19 MR. LEE: --- when you're dealing with a
20 benchmark occurrence.

21 So my understanding -- you'll excuse me with
22 everybody's rank here. I'm trying to keep track. My
23 understanding is that the area crime sergeant is the one
24 who manages a benchmark occurrence case; is that correct?

25 DET/STAFF SGT. YELLE: Yes, that would be a

1 fair classification, yes.

2 MR. LEE: And then above the area crime
3 sergeant we would have a regional crime supervisor?

4 DET/STAFF SGT. YELLE: Correct.

5 MR. LEE: And that's your title; is that
6 correct?

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

8 MR. LEE: And I believe you mentioned
9 yesterday that in that position you'll review the area
10 crime sergeant's work; is that correct?

11 DET/STAFF SGT. YELLE: It's my
12 responsibility to make sure that the proper supervision is
13 given, yes, to area crime sergeants in my area of
14 responsibility.

15 MR. LEE: At one point yesterday you
16 mentioned that as part of those responsibilities, when
17 you're reviewing the area crime sergeant's work, you would
18 pay particular attention to situations or issues that arise
19 that may attract media attention. I believe you also
20 mentioned that there could be situations, for example,
21 where a political figure was involved or a figurehead from
22 a specific organization, and you explained that you would -
23 - in fairness, I don't think you used the word "flag" but
24 that was my understanding. You would take note of that
25 situation in order to let your supervisors know what was

1 going on and to prepare people within the organization for
2 the fact that there may be media attention, they may be
3 expected to answer questions from the outside. Is that
4 correct?

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

6 **MR. LEE:** I believe yesterday you referenced
7 -- I think the phrase you used was "an issue note"; that
8 you would assist in the preparation of an issue note. What
9 is that?

10 **DET/STAFF SGT. YELLE:** An issue note is a
11 very brief synopsis of a particular incident or a
12 particular investigation detailing what we perceive, or
13 what I would perceive as issues that may be of concern or
14 that supervisory personnel should be aware of, and that can
15 go -- the way an issue note -- does that answer your
16 question as far as what's in the issue note?

17 **MR. LEE:** I think it does. I may have a
18 follow up question but ---

19 **DET/STAFF SGT. YELLE:** So the issue note is
20 completed. We have a civilian position at Regional
21 Headquarters that specializes in preparing these notes. So
22 I would work in conjunction with that person. The issue
23 note is then submitted. Of course, regional command staff
24 is made aware as well through the issue note, but
25 presumably they would know what the issues are before we

1 even prepare the issue note. The issue note is mainly for
2 command staff at General Headquarters and may even go up to
3 the Deputy Minister's office, depending on how severe or
4 important the issues are.

5 **MR. LEE:** Would an issue note be created for
6 a -- to give you a hypothetical situation -- if you had
7 information that the accused in a benchmark occurrence case
8 had fled the jurisdiction, if he was in Mexico all of a
9 sudden. Is that something that would raise an issue or is
10 it more for the upper management as opposed to the
11 management of the case itself? I'm just trying to get a
12 grasp on exactly what kind of issues would go into an issue
13 note.

14 **DET/STAFF SGT. YELLE:** Well, generally
15 speaking, if somebody fled that would not require an issue
16 note. Now, if the person that fled was the subject of an
17 issue note, if it was a person that, again, may have been a
18 political figure or somebody that would have caused us to
19 take notice and create an issue note, if that person fled
20 then, certainly, if something that the media might focus
21 on, then we would put a follow up to the original issue
22 note.

23 So it's hard to -- every case is different.
24 I can't say that for every case that somebody would flee
25 the area but, certainly, depending on the case, if we feel

1 that's it's worthwhile for our command staff to be made
2 aware of then we will do up an issue note.

3 **MR. LEE:** In what format are issue notes
4 created? Are they electronic or are they hardcopy?

5 **DET/STAFF SGT. YELLE:** Yes, they're
6 electronic. They're electronic and they're usually just
7 one page. They're, again, a very brief synopsis of what
8 the issues are.

9 **MR. LEE:** In what system are those created?

10 **DET/STAFF SGT. YELLE:** I believe it's just a
11 Word document.

12 **MR. LEE:** Are they sent through email or are
13 they sent ---

14 **DET/STAFF SGT. YELLE:** Normally they're sent
15 via email. They could be faxed depending on certain
16 factors.

17 **MR. LEE:** Do those issue notes form part of
18 the investigation file or are they retained in some other
19 way?

20 **DET/STAFF SGT. YELLE:** I don't believe
21 they're part of the investigative files. I believe we
22 treat them as a work product, meaning that it's an internal
23 memo. I'm not sure that if -- are you getting to the fact
24 of whether it's disclosed through a Crown brief? Is that -
25 - because I don't ---

1 MR. LEE: I am now.

2 DET/STAFF SGT. YELLE: I don't ---

3 (LAUGHTER/RIRES)

4 MR. LEE: Do you know if they're disclosed
5 through a Crown brief?

6 My questions get better as I go.

7 (LAUGHTER/RIRES)

8 DET/STAFF SGT. YELLE: They may be, but
9 certainly the investigating officer may not always be aware
10 there is an issue note that's been created.

11 MR. LEE: So it's more something for
12 management?

13 DET/STAFF SGT. YELLE: Yes, it's a
14 management practice and it's an internal mechanism to make
15 sure that our command staff are made aware of any issues,
16 and certainly it's to make sure that our Commissioner isn't
17 taken off guard by the media.

18 MR. LEE: At one point in the investigation
19 of a benchmark occurrence are charges laid? I mean, I
20 understand this may vary depending on the charge, but I'm
21 not a criminal lawyer, nor am I a police officer, so I'm
22 not exactly sure when charges are laid in the criminal
23 process. Is it different for a benchmark occurrence then
24 it would be for a non-benchmark occurrence?

25 DET/STAFF SGT. YELLE: No, not at all.

1 Every case is so different that that's a very difficult
2 question to answer. If there's an arrest made on a
3 specific case, then the charge is laid right away in some
4 cases. Sometimes a person may be released unconditionally
5 and until there's a further investigation completed. I'm
6 not just talking about sexual assault cases, any benchmark
7 case.

8 o there's no specific time as to when a
9 charge is laid. Whenever we have reasonable and probable
10 grounds to believe an offence has occurred is when we lay
11 the charge.

12 **MR. LEE:** Just to take it to its most basic
13 level, I suppose for my own understanding, if an officer
14 was called and he arrived at the scene, at somebody's home,
15 whatever it was, and somebody answered the door with a
16 black eye and said, "My neighbour gave me a black eye;
17 that's him over there", and the officer went over and the
18 neighbour said, "Yes, I did it", would the arrest be made
19 and the charge be laid immediately by the officer who
20 responded to the scene or is there some process where there
21 is some verification before a charge is laid?

22 **DET/STAFF SGT. YELLE:** Well, certainly we're
23 all trained to view all the aspects of the case. So to say
24 that there would be an arrest made immediately, every case
25 again is different. So if there is any indication that

1 there would be a repetition of the offence, then certainly
2 an arrest could be made, but not in every circumstance is
3 an arrest and charges laid right away.

4 **MR. LEE:** Would the creation of an issue
5 note generally occur before a charge is laid or after a
6 charge is laid? Is it one way or the other?

7 **DET/STAFF SGT. YELLE:** It varies. Issue
8 notes are -- when we become aware that there's media
9 attention to a specific incident or there could be an
10 investigation ongoing and then we become aware that there
11 is some figurehead that's involved, then we'll make the
12 issue note at that time. So no, there is no -- again,
13 every case is different and we treat it accordingly. So
14 there's no specific time that an issue note is made. It's
15 whenever we feel that one is necessary.

16 **MR. LEE:** Thank you.

17 **DET/STAFF SGT. YELLE:** You're welcome.

18 **MR. LEE:** I'd like to turn to a different
19 area. You mentioned yesterday in a discussion of Police
20 Orders, I believe, and my recollection of what you said was
21 that Police Orders are a good reference guide but that
22 seasoned investigators don't refer to them very often. Is
23 that correct?

24 **DET/STAFF SGT. YELLE:** We don't refer --
25 seasoned investigators don't refer to Police Orders when it

1 comes to dealing with cases that we deal with on a daily
2 basis. I don't mean to minimize the importance of Police
3 Orders because they certainly are our bible, if you will,
4 because we refer to Police Orders for several matters but
5 from my perspective, I refer to Police Orders when I'm
6 dealing with something that I'm not quite familiar with.
7 So I'll refer to them for that reason, whereas a junior
8 officer may refer to them more frequently.

9 But for the seasoned investigators and
10 especially for major cases, we're guided more by case-law,
11 recent case-law that we're obligated to follow,
12 recommendations from inquests or inquiries. Those types of
13 things is what we refer to more regularly than we would
14 Police Orders.

15 **MR. LEE:** I think the context of the
16 discussion you were having at the time you were discussing
17 Police Orders was the fact that there isn't a consolidated
18 sexual assault policy in place and you were asked how you
19 felt that affected investigations and you explained that
20 you didn't feel it hindered investigations because you had
21 other resources available. I believe there was an
22 interview check, video libraries, as well as other more
23 experienced officers available for consultation. Is that
24 correct?

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

1 **MR. LEE:** Turning to your own career, you
2 explained at the beginning of your testimony that you
3 originally were with the Sturgeon Falls detachment in 1989.

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

5 **MR. LEE:** And then you moved on to the -- is
6 it Englehart?

7 **DET/STAFF SGT. YELLE:** Englehart, correct.

8 **MR. LEE:** Detachment in 1991. Am I correct
9 that there was no Sex Crimes Unit in either one of those
10 detachments at the time you were there?

11 **DET/STAFF SGT. YELLE:** No, there was no
12 Detective Unit at all.

13 **MR. LEE:** No Detective Unit at all, let
14 alone a further breakdown.

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

16 **MR. LEE:** And there were no specialists per
17 se on staff at the time; is that correct?

18 **DET/STAFF SGT. YELLE:** Again, we had and
19 always had in every detachment officers that specialized in
20 certain areas, even in uniform. So if a homicide came in,
21 in the east region we don't have a homicide squad but we're
22 very proficient in investigating homicide investigations
23 mainly because our Criminal Investigations Branch detective
24 inspectors are certainly experts in the field. So my
25 recollection in '89 in Sturgeon Falls, we did have a

1 homicide investigation and we had an officer in our
2 detachment that was deemed to be a very proficient homicide
3 investigator.

4 So certainly, experience has always played a
5 major role in my experience as far as when an officer is
6 selected for specific investigations if the circumstances
7 dictate that we need somebody with specific experience and
8 training.

9 MR. LEE: So I take it that goes into the
10 knowledge, skills and abilities.

11 DET/STAFF SGT. YELLE: Correct.

12 MR. LEE: You get people qualified to do the
13 job to do the jobs, correct?

14 DET/STAFF SGT. YELLE: Correct.

15 MR. LEE: Early in your career back in
16 Sturgeon Falls or in Engelhart, did you as a -- I'll use
17 the term a "regular patrol officer", did you investigate
18 sexual assaults at any time?

19 DET/STAFF SGT. YELLE: Yes, I did.

20 MR. LEE: Do you recall if you investigated
21 cases of child sexual abuse at all?

22 DET/STAFF SGT. YELLE: I did.

23 MR. LEE: And what about historical sexual
24 assault?

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

1 investigating something that would be classified as
2 historical, no.

3 **MR. LEE:** But since that time you've been
4 involved in those investigations, is that correct?

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

6 **MR. LEE:** Again, staying early in your
7 career, what training did you have? Did you have anything
8 beyond the basic police training that all officers go
9 through?

10 **DET/STAFF SGT. YELLE:** Well, no, we had the
11 basic training but certainly in Sturgeon Falls my coach
12 officer was the person I referred to as the homicide
13 investigator. So he was a very proficient criminal
14 investigator.

15 So I learned a lot from that officer and
16 certainly we have the selection for coach officers -- I
17 don't know -- I don't think I spoke much of a coach
18 officer; the coach officer program. I'm not sure if
19 Inspector Medved did.

20 When a recruit comes on the OPP, he's
21 assigned to -- he or she is assigned to a specific officer
22 that has experience for a period of 10 months and they're
23 evaluated and throughout that 10 months, it's the recruit's
24 responsibility as well as the coach officer's
25 responsibility to make sure that they cover certain areas,

1 and part of that is criminal investigations.

2 I recall a specific case where I
3 investigated sexual assault against children and my coach
4 officer led me through that investigation.

5 **MR. LEE:** It's a kind of on-the-job training
6 if you will.

7 **DET/STAFF SGT. YELLE:** Development
8 opportunities and we still have that today.

9 **MR. LEE:** Mr. Commissioner, I understand
10 we're close to the time for a break. I have only a few
11 questions left if you permit me to finish.

12 **THE COMMISSIONER:** Go ahead.

13 **MR. LEE:** Thank you.

14 Would your knowledge and understanding of
15 investigating sexual abuse or historical sexual abuse have
16 been as sophisticated early in your career as it is today?

17 **DET/STAFF SGT. YELLE:** Definitely not. I
18 have the experience now and certainly I'm in the field now.
19 I've been in the criminal investigations field for some
20 time. So I've certainly developed and have had more
21 courses.

22 **MR. LEE:** What would you expect if I asked
23 the same question of your experience in 1989 as a first-
24 year officer and a first-year officer in 2006? Would that
25 first-year officer's understanding of sexual abuse

1 investigations likely be more sophisticated than yours
2 given the general knowledge in the area?

3 **DET/STAFF SGT. YELLE:** There's certainly
4 more attention now or more focus on victims but I can tell
5 you that the investigation that I referred to back in '89
6 when I investigated sex offences against children in the
7 Sturgeon Falls area, that we worked very closely with CAS.
8 I actually had CAS members with me during the interview and
9 CAS certainly provided the assistance to those victims
10 throughout the court process. So to say that we didn't
11 treat them as proficiently then as we do now I'm not sure
12 is correct but, certainly, there is more focus on victims
13 now than there would have been then.

14 **MR. LEE:** In those first few years of your
15 career, I just want to get a handle on exactly what you
16 were able to do back then. Were you -- certainly, you
17 would have been -- you would have received the complaint.
18 You would have been qualified to receive a complaint
19 dealing with sexual abuse.

20 **DET/STAFF SGT. YELLE:** Yes. Every patrol
21 officer is qualified.

22 **MR. LEE:** And to investigate it?

23 **DET/STAFF SGT. YELLE:** I'm sorry?

24 **MR. LEE:** And to investigate the complaint
25 once it's received?

1 **DET/STAFF SGT. YELLE:** Well, certainly to
2 take the details and again, through the benchmark process,
3 it's that officer's responsibility to make the officer or
4 his or her supervisor aware that they're dealing with a
5 benchmark crime.

6 **MR. LEE:** But there were no benchmarks back
7 then? It wouldn't have been referred to as a benchmark in
8 1989, right?

9 **DET/STAFF SGT. YELLE:** There was some type
10 of notification but there was no benchmark and I'm not sure
11 of the benchmark place here.

12 **MR. LEE:** Correct me if I'm wrong.

13 **DET/STAFF SGT. YELLE:** I believe that Staff
14 Sergeant Kelly may have referred to a list back then but --
15 -

16 **MR. LEE:** Sure.

17 **DET/STAFF SGT. YELLE:** --- I don't recall a
18 specific list. In any event, certainly we're all -- the
19 officers -- recruits are all very well trained when they
20 come out of the Ontario Provincial Police College and out
21 of our Academy to deal with criminal investigations. But
22 when there's expertise required, then again it's the area
23 crime sergeant's responsibility to make sure that the case
24 is treated accordingly, so it could be reassigned or the
25 officer may be allowed to follow through with the

1 investigation with some supervision or maybe even with a
2 more experienced officer.

3 MR. LEE: And was that the case in 1989 as
4 well?

5 DET/STAFF SGT. YELLE: Definitely.

6 MR. LEE: There could be a recognition that
7 maybe it needed to go up the food chain a little bit so to
8 speak to somebody more experienced, somebody better
9 equipped to deal with it?

10 DET/STAFF SGT. YELLE: Yes, and certainly
11 the case that I referred to as my example in '89; I was
12 closely supervised in that case.

13 MR. LEE: Was there a manual setting that
14 out that -- setting out the appropriateness of the
15 investigative team?

16 DET/STAFF SGT. YELLE: We had the protocol,
17 the local protocol that I can remember with the Children's
18 Aid Society and certainly the -- Chief Ryder referred to
19 the library. I recall that as a recruit that any spare
20 time I was directed to the library to review whatever
21 manuals there were and that was frequent. So certainly
22 when dealing with various cases, we would refer to the
23 library. I recall as well as a recruit that we would be or
24 that I would be referred to Police Orders on a regular
25 basis. So certainly we were referenced to those documents.

1 **MR. LEE:** So there were some things in place
2 to guide you along the way and help you in the process?

3 **DET/STAFF SGT. YELLE:** Correct. My opinion
4 is that -- if I can give my opinion, Mr. Commissioner -- is
5 that our officers, the experience that our officers have
6 and the people that we have as specialists are definitely
7 our greatest resource and we still do today refer junior
8 officers to more experienced officers, not necessarily in
9 the Crime Unit but we certainly refer them to more
10 experienced officers for whatever case they may be dealing
11 with.

12 **MR. LEE:** Has that been your experience
13 throughout the whole of your career?

14 **DET/STAFF SGT. YELLE:** It has been.

15 **MR. LEE:** Thank you very much, Detective
16 Staff Sergeant Yelle. Those are my questions.

17 **DET/STAFF SGT. YELLE:** You're welcome.

18 **THE COMMISSIONER:** All right.

19 So we'll take a morning break then. Thank
20 you.

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

23 The hearing will reconvene at 11:30.

24 --- Upon recessing at 11:18 a.m. /

25 L'audience est suspendue à 11h18

1 --- Upon resuming at 11:42 a.m. /

2 L'audience est reprise à 11h42

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

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

8 **MR. ENGELMANN:** Mr. Commissioner, I have
9 canvassed remaining counsel. The Men's Project is not
10 present. Counsel for Charles MacDonald is not present.
11 Children's Aid Society, Peter Chisholm, has indicated he
12 has no questions. Maître Rouleau for Probation and
13 Corrections indicated no questions. Ms. Imm with the
14 Ministry of the Attorney General has indicated no
15 questions.

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

17 **MR. ENGELMANN:** We will have some questions
18 from Mr. Hannah-Suarez for Jacques Leduc. The Diocese, Mr.
19 Ducasse or Maître Ducasse has indicated no questions.
20 Likewise, for the Cornwall Police Service, Mr. Manderville,
21 has indicated no questions.

22 So we will have some questions, as I said,
23 from Jacques Leduc's lawyer and for -- oh, I'm sorry -- for
24 the OPPA, Mr. Wallace has indicated he will have some
25 questions as well. I may have a couple quick questions for

1 clarification.

2 I just wanted to mention, Mr. Commissioner,
3 that some counsel have been asking about starting time on
4 Monday.

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

6 **MR. ENGELMANN:** And I just wanted to
7 reaffirm, I think, a decision that had been made earlier
8 that we'll start at two o'clock on Monday, May 29th and it
9 will be the motion by the Diocese on the redaction issue.

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

11 **PAUL YELLE, Resumed/Sous le même serment:**

12 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

13 **HANNAH-SUAREZ:**

14 **MR. HANNAH-SUAREZ:** Good morning. This will
15 be just a few questions.

16 Now, you indicated yesterday and today that
17 there is no specialized unit in the OPP that conducts
18 sexual assault investigations and child sexual abuse
19 investigations. That's correct?

20 **DET/STAFF SGT. YELLE:** That's correct. The
21 Child Pornography Unit certainly focuses on child
22 pornography and that's the unit that does investigations
23 but regionally we don't have a specific sexual assault
24 unit.

25 **MR. HANNAH-SUAREZ:** Okay. However, you did

1 indicate that virtually all investigators are trained about
2 sexual assault investigations and specifically child sexual
3 investigations; is that correct? And I would assume that's
4 a basic investigator's training that they all receive.

5 **DET/STAFF SGT. YELLE:** All of our detective
6 constables would have the sexual assault course but that's
7 not to be confused with a child -- and I'm not quite
8 familiar with the exact name of the course, but the child
9 sexual assault investigation course. Certainly, we have a
10 number of detectives that have that child -- focuses on
11 offences against children, but all of our detectives would
12 have the training on sexual assault; those who don't either
13 because they're new to the unit or because of a changeover.

14 I should indicate as well that we have
15 several members, patrol officers that have the sexual
16 assault training and actually this year we have trained a
17 class that were -- the majority were patrol officers,
18 including uniformed supervisors. So there's a number of
19 uniformed officers that have the sexual assault training as
20 well and the criminal investigations course.

21 **MR. HANNAH-SUAREZ:** Okay. Now, in terms of
22 ensuring that only officers that have received this
23 training conduct investigations into sexual assault, I
24 would assume that's done through the benchmark procedures
25 and just the general supervisory practice rather than

1 through any written policy that says specifically, okay, if
2 it's a sexual assault investigation, somebody with this
3 training has to be doing it; likewise, with child sexual
4 abuse investigations. Is that correct?

5 And just to rephrase, meaning it's through
6 the supervisory role that there is these assurances that an
7 officer is trained to conduct these investigations rather
8 than through specific policies that say "X" crime has to be
9 investigated by a person with that training. Would that be
10 a correct assessment?

11 **DET/STAFF SGT. YELLE:** It's the area crime -
12 - if it's a sexual assault complaint, it's the area crime
13 supervisor's responsibility or discretion, I guess, as to
14 who will follow up on the investigation, not necessarily
15 somebody with sexual assault training. Chances are they
16 will be, but if it's somebody that doesn't have the
17 training, that officer could follow up with the
18 investigation with some assistance from a sexual assault
19 investigator or somebody with experience in that field or
20 with close supervision from somebody that has experience.

21 **MR. HANNAH-SUAREZ:** Okay. Now, in terms of
22 the more complicated sexual assault investigations, you've
23 indicated that although there is no specific unit assigned
24 to sexual assault cases, the more complicated cases would
25 be assigned to officers that are known to have this special

1 expertise. Would that be correct?

2 **DET/STAFF SGT. YELLE:** Yes. Every case is
3 different but we certainly look at every aspect of cases
4 when they come in to determine who will follow up on it.

5 **MR. HANNAH-SUAREZ:** Now, you indicated in
6 terms of what makes up this expertise. So one of the ways
7 that they acquire this expertise is by on their own taking
8 special courses above and beyond these basic courses that
9 officers have to take, you indicated somebody that was
10 taking seminars with CAS and that sort of thing. Is that
11 accurate?

12 **DET/STAFF SGT. YELLE:** We have a number of
13 seminars that our abuse coordinators, they'll either
14 organize it or make us aware that there's specific seminars
15 coming. We also have as part of our yearly evaluations
16 when -- as a supervisor when I complete an evaluation on an
17 officer, there is an area there for a learning and
18 development section. So if an officer has a specific
19 interest in a field, let's say, for instance, sexual
20 assault investigations, then we would try to make sure that
21 that officer attends training on sexual assault
22 investigations and, farther, that then that officer is
23 given the opportunity to assist with the sexual assault
24 investigation to develop that officer in that field. So
25 there is that aspect of it as well.

1 **MR. HANNAH-SUAREZ:** And now, in terms of any
2 sort of mandatory requisites for training for these
3 officers that end up specializing in sexual assault
4 investigations, there are no mandatory regulations are
5 there, in terms of the additional training that they would
6 receive?

7 **DET/STAFF SGT. YELLE:** I believe Staff
8 Sergeant Kewley is probably a better witness to answer
9 those questions. She specializes in that training aspect.

10 **MR. HANNAH-SUAREZ:** I guess what I just
11 wanted to get to, and this is where more your role would
12 come in as, just my understanding so far has been that
13 there isn't any sort of additional mandatory training. So
14 I guess my concern is, are there any policies in place to
15 ensure that when a complicated sexual assault case comes to
16 the forefront, it will be investigated with the same level
17 of skill and proficiency across the province, meaning it's
18 not a luck of the draw where it lands? You know, are
19 there any policies in place to ensure some sort of
20 consistency in skills and practices?

21 **DET/STAFF SGT. YELLE:** Under the Major Case
22 Management legislation, anybody in the command triangle,
23 being the major case manager, the primary investigator or
24 the file coordinator, has to have the Major Case Management
25 course to be in one of those positions.

1 So certainly, that's mandatory, but for
2 specific sexual assault investigations, as an internal
3 quality assurance, we certainly make sure that officers are
4 properly trained before they undertake these types of
5 investigations. I don't know that we have a specific
6 policy that addresses that.

7 **MR. HANNAH-SUAREZ:** Now, are there any
8 particular regions that have more experienced officers than
9 others and, if so, are they ever transported to other
10 regions when a specific case comes up that's outside the
11 expertise of a smaller region that may not have this
12 expertise?

13 **DET/STAFF SGT. YELLE:** So are you referring
14 to the OPP across?

15 **MR. HANNAH-SUAREZ:** M'hm.

16 **DET/STAFF SGT. YELLE:** I would say that
17 that's possible in northern Ontario where we have smaller
18 detachments with less resources. So there's a possibility,
19 and I know that we have asked our regional abuse
20 coordinators to assist in other regions but it was for very
21 specific cases.

22 The Child Pornography Unit, of course, is a
23 provincial unit that travels across the province.
24 Regionally, we have the Community Response Team, as I
25 indicated. They have travelled to other regions to assist

1 on very specific investigations but we don't have -- that
2 I'm aware of, we don't have a sexual assault unit that
3 travels province-wide that I'm aware of. Certainly, CIB
4 would be the specialists in the field of Major Case
5 Management that travel all over the province.

6 **MR. HANNAH-SUAREZ:** Okay. Those are just my
7 questions.

8 Thank you very much.

9 **DET/STAFF SGT. YELLE:** You're welcome.

10 **THE COMMISSIONER:** Thank you.

11 Mr. Wallace, any questions?

12 **MR. WALLACE:** Yes, thank you.

13 **THE COMMISSIONER:** Okay, thank you.

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
15 WALLACE:

16 **MR. WALLACE:** Staff Sergeant, my name is
17 Mark Wallace. You and I have done business before in the
18 past.

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

20 **MR. WALLACE:** And I'm representing the OPPA
21 today.

22 I have a few questions about a number of
23 disjointed issues, and I'll try and keep it as concise and
24 as clear as possible.

25 Dealing firstly with the issue of disclosure

1 which you spoke of this morning in the context of talking
2 about court case management, the first point that I think
3 you made was that the ultimate responsibility for
4 disclosure lies with the Crown as opposed to the police; is
5 that not correct?

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

7 **MR. WALLACE:** Now, the trigger in the
8 disclosure process is a request by the defence with the
9 Crown to be provided with disclosure, correct?

10 **DET/STAFF SGT. YELLE:** Usually, disclosure
11 is provided on the first instance as a Crown brief. Now,
12 of course, it's different in cases that are larger but a
13 normal case with, let's say, one officer, disclosure is
14 provided to the Crown and normally I would say that the
15 Crown is not even aware that the case is coming before the
16 courts until they get the Crown brief.

17 I don't know if that answers your question.

18 **MR. WALLACE:** You're referring to the run-
19 of-the-mill type of cases, correct, like the impaired
20 driving files, the two witness common assault cases, these
21 types of cases?

22 **DET/STAFF SGT. YELLE:** Yes, it technically
23 could be a sexual assault that's on the -- certainly, not
24 to minimize the importance of sexual assault investigations
25 but, certainly, if one officer investigated a sexual

1 assault with one victim, one suspect, disclosure would be
2 done in that fashion with one Crown brief and the Crown
3 doesn't know what is coming until they get disclosure from
4 the police.

5 **MR. WALLACE:** In cases, more serious cases
6 involving longer investigations, there is oftentimes
7 consultation between the investigating officer and the
8 Crown Attorney's office; is that not correct?

9 **DET/STAFF SGT. YELLE:** Frequently that
10 happens and normally on major cases, especially homicide
11 investigations, we consult the Crown very early on.

12 **MR. WALLACE:** And this would also be true on
13 lengthy sexual assault cases where there would be
14 consultation prior to the laying of any charges?

15 **DET/STAFF SGT. YELLE:** Again, depending on
16 the magnitude of the investigation, certainly an
17 investigation like Project Jericho which I referred to
18 earlier, which was a substantial sexual assault
19 investigation involving several victims, several accused,
20 the Crown would have had some involvement early on and
21 consulted for what charges should be laid and not
22 necessarily to direct our investigation but certainly to
23 give some advice as to how we should proceed.

24 **MR. WALLACE:** And if wiretaps were going to
25 be applied for, these sorts of issues would be canvassed

1 with the Crown in the events of laying charges?

2 **DET/STAFF SGT. YELLE:** Normally, they would,
3 yes.

4 **MR. WALLACE:** Yes.

5 Now, in those larger cases it's not uncommon
6 that either in advance of the charge being laid itself or
7 shortly after the charge is laid that a specific Crown
8 would be assigned to that particular file; is that not
9 correct?

10 **DET/STAFF SGT. YELLE:** Oftentimes when we
11 consult the Crown, there is a Crown assigned to it, if the
12 case is deemed to be large enough, if I can use that term,
13 to dictate the case being assigned ---

14 **MR. WALLACE:** Yes.

15 **DET/STAFF SGT. YELLE:** --- to one particular
16 Crown, yes.

17 **MR. WALLACE:** And in those instances, then,
18 the communications would be directly from the investigating
19 team to a specific Crown?

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

21 **MR. WALLACE:** Okay. And the reason I raise
22 that is Mr. Commissioner asked you a question this morning
23 about the disclosure process whereby it goes from the
24 police service into an in-box at the Crown's office.

25 Do you recall that line of questions?

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

2 **MR. WALLACE:** Okay. That type of situation
3 that you're talking about where it simply flows from the
4 Crown's office -- sorry, from the police service to an in-
5 box to an unassigned Crown, that would be true in the cases
6 that could be classified as run of the mill type files. Is
7 that not correct?

8 **DET/STAFF SGT. YELLE:** Yes. And certainly
9 there's -- on cases involving child abuse or victims of
10 sexual assault, they are frequently referred to the
11 Victims' Witness Assistance Program which is usually -- I'm
12 not that familiar with that position in St. Lawrence
13 Glengarry, but I know that in Prescott-Russell there's a
14 full-time position in the Crown's office that deals
15 strictly with victims and witnesses.

16 So not to get off topic, but certainly that
17 person works closely with the Crown Attorneys in that
18 office and we refer victims and witnesses to that person
19 early on for assistance.

20 **MR. WALLACE:** I was trying to focus the
21 questions more on the disclosure issue. On those cases,
22 those cases that are big enough that they are assigned to a
23 specific Crown ---

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

25 **MR. WALLACE:** Okay.

1 In those instances the particular Crown
2 assigned to the case would be the one directing the
3 disclosure once they've received it from the police?

4 **DET/STAFF SGT. YELLE:** I'm just assuming --
5 I don't know what the disclosure steps are once it gets to
6 the Crown Attorney's office. I really don't -- I've never
7 been involved in preparing disclosure for the defense. My
8 experience has always been that we disclose everything to
9 the Crown and they make the decision from there as to how
10 it will be disclosed.

11 **MR. WALLACE:** That makes another point. You
12 disclose the fruits of the investigation to the Crown's
13 office; correct?

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

15 **MR. WALLACE:** And the obligation of the
16 Crown to disclose is not absolute. They're not obligated
17 to disclose every single piece of paper that they receive
18 from the investigation; correct?

19 **DET/STAFF SGT. YELLE:** No, there's specific
20 areas where, for an informant for example ---

21 **MR. WALLACE:** Let me help you. For example,
22 there's an issue of relevance. If the information is
23 irrelevant to the charge before the court, there's no
24 obligation to disclose; correct?

25 **MR. COMMISSIONER:** I don't know if this

1 witness is in a position to answer that.

2 MR. WALLACE: Well, actually that just makes
3 my point. There are legal ---

4 MR. COMMISSIONER: I know.

5 MR. WALLACE: Okay.

6 There are legal issues surrounding the
7 disclosure that the Crown's office has to resolve; correct?

8 DET/STAFF SGT. YELLE: Yes.

9 MR. WALLACE: That's what I'm talking about
10 in terms of relevance; for them to decide what is or isn't
11 relevant, third party records, these types of things?

12 DET/STAFF SGT. YELLE: Correct. We don't
13 get involved in that process normally.

14 MR. WALLACE: You turn the fruits of the
15 investigation to the Crown's office. They, in turn, decide
16 what will get disclosed.

17 DET/STAFF SGT. YELLE: Yes. And certainly
18 if there's issues that we feel the Crown should be aware of
19 -- for example, an informant -- then certainly that's
20 something that we would bring up to the Crown's office.

21 But, yes, to answer your question, yes, the
22 Crown decides, has a final say as to what's being
23 disclosed.

24 MR. WALLACE: Sure. And, as well you've
25 mentioned this earlier this morning that the obligation to

1 disclose is ongoing; correct?

2 **DET/STAFF SGT. YELLE:** It's an ongoing
3 process, correct.

4 **MR. WALLACE:** So for example, in a situation
5 which you've described this morning where you've got part
6 of the statement or a witness gave a second statement, then
7 you would be obligated to provide that to the Crown's
8 office who, in turn, would disclose it?

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

10 **MR. WALLACE:** And by analogy as well, if
11 another witness altogether comes forward, then you take the
12 statement and provide it to the Crowns and they disclose it
13 as their obligation is?

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

15 **MR. WALLACE:** The next area that I wanted to
16 ask you some questions about was just in terms of your
17 experience and your -- in speaking to Mr. Lee this morning
18 you outlined for him your experience dating back to 1989
19 and more specifically the experience that you gathered on
20 the job involving the investigation of sexual assault cases
21 and sexual assault cases involving children; correct?

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

23 **MR. WALLACE:** Now, I notice that you started
24 -- you joined the police, the OPP, in 1989 and in 1994 you
25 -- it says that you transferred to the penitentiary squad

1 as a Detective Constable.

2 DET/STAFF SGT. YELLE: Yes.

3 MR. WALLACE: Did you become a Detective
4 Constable at that posting or prior to that?

5 DET/STAFF SGT. YELLE: No, that would have
6 been when I went to that unit, to that penitentiary squad.

7 MR. WALLACE: And, as I understand it, in
8 order to get that designation of Detective Constable you
9 have to sit in front of a board? There's a competition for
10 this position?

11 DET/STAFF SGT. YELLE: Generally, yes.

12 MR. WALLACE: Okay. And did you in your own
13 particular case?

14 DET/STAFF SGT. YELLE: Yes, I did.

15 MR. WALLACE: In that, one of the things
16 that they, the board members, are looking at is your
17 previous investigatory experience?

18 DET/STAFF SGT. YELLE: That's part of it,
19 yes.

20 MR. WALLACE: Now, the reason I'm asking
21 this is that it wasn't until 1999 that you took the General
22 Investigative Techniques course?

23 DET/STAFF SGT. YELLE: Correct.

24 MR. WALLACE: So at the time that you took
25 that course you had significant investigatory experience

1 under your belt?

2 DET/STAFF SGT. YELLE: Yes, I did.

3 MR. WALLACE: Are you the exception to the
4 rule, or are you a fairly standard example of what happens
5 within the OPP?

6 DET/STAFF SGT. YELLE: Certainly, before
7 adequacy, before major case management, before a lot of
8 recent case law in the late '90s, there weren't as many
9 criminal investigation courses available to our officers as
10 there is now. As I indicated, in 1999 we had numerous
11 officers trained in major case management to meet the
12 adequacy or to meet the incoming requirements.

13 The sexual assault course is something that
14 our officers joining crime units now are aware that they
15 will have to attend at some point. Prior to the late '90s,
16 officers trained in sexual assault investigations, normally
17 had indicated an interest in that field. And, again, the
18 reason why I never had the Criminal Investigations course
19 until later on was because the courses were not as frequent
20 as they are now.

21 So I'm not sure if that answers your
22 question. But it's certainly easier to send somebody on a
23 criminal investigations course a sexual assault course, and
24 we -- Detective Staff Sergeant Kewley has certainly been a
25 leader in making sure that our region is trained for sexual

1 assault investigations, especially since the late '90s.

2 **MR. WALLACE:** And, just following up on that
3 and looking at the courses that you did attend, as I look
4 at it you would not have had any specific police course
5 training in sexual assault, although you would have had a
6 lot of actual investigatory experience in sexual assault
7 and child sexual assault cases?

8 **DET/STAFF SGT. YELLE:** Yes, I had
9 substantial experience in that field.

10 **MR. WALLACE:** Therefore, your expertise was
11 developed primarily based on experience and training as
12 opposed to courses?

13 **DET/STAFF SGT. YELLE:** At that time, yes.

14 And I can certainly tell you that, again, as
15 I indicated earlier, that I believe our greatest
16 resource is the experience that our officers
17 have. Certainly, the training helps to touch on
18 the specific case law or specific requirements
19 that have changed with adequacy and major case
20 management and so on. But the experience in, for
21 instance interviewing, often comes with
22 experience.

23 **MR. WALLACE:** And, as I understand it, you
24 see your own circumstances as fairly typical within the
25 OPP, given the timeframe that you joined and got trained?

1 **DET/STAFF SGT. YELLE:** I believe that was
2 the norm, yes.

3 **MR. WALLACE:** Thank you.

4 I wanted to ask you a few questions
5 concerning Police Orders and policies.

6 Now, yesterday at the end of your evidence
7 with Mr. Engelmann, you had been discussing major case
8 management.

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

10 **MR. WALLACE:** You made the point that every
11 case is different from an investigative point of view;
12 correct?

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

14 **MR. WALLACE:** And that you aren't always
15 able to apply the policies in practice. Do you recall
16 that?

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

18 **MR. WALLACE:** But the important point that I
19 thought you were trying to make was that if you are not
20 following the policies, for example, you're not following
21 the manual the major case management, is that you have to
22 be able to justify it. Is that not correct?

23 **DET/STAFF SGT. YELLE:** Yes. The manual,
24 again major case management, certainly is
25 probably one of the best tools that we have now

1 to manage major cases. But, certainly, every
2 case is different, as I indicated. And, if we
3 deviate from what the manual says, you'd
4 certainly have to justify the reason for
5 deviating from it.

6 Now, I recall taking the training and
7 emphasis being put on the fact that the filing system is a
8 recommended practice and it could be adapted to any
9 particular case if required.

10 For example, there's a tab in the filing
11 system for victims. If you had multiple victims you could
12 then start your own file on "Victims" to accommodate the
13 large number of documents that would go in that file, for
14 instance.

15 So, certainly, the manual is to be treated -
16 - is to be followed and treated as a guide, certainly. And
17 I would say that if we deviate from it then we would not
18 deviate from it to the point where we would start something
19 new as far as the principles in major case management or
20 filing; we would stick to those principles and the filing,
21 but follow it as closely as possible.

22 **MR. WALLACE:** I wanted to just draw your
23 attention to what appears to me may possibly be one of
24 those situations where you're unable to follow the policy.
25 And I'll refer you to Exhibit 36, Volume 6 at Tab 2, page

1 38.

2 Just to situate you here, this is the policy
3 and procedure dealing with the interviewing of witnesses or
4 suspects in a major case; correct?

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

6 **MR. WALLACE:** Okay. Now, the second point
7 under "Policies and Procedures" states that:

8 "The interviewer shall fully prepare
9 and plan for any interview to be
10 conducted."

11 It goes on to talk in terms of the recording that's to be
12 employed, but I want to direct your attention to the first
13 sentence, that is that:

14 "The interviewer shall fully prepare
15 and plan for any interview to be
16 conducted."

17 You would agree with me that from time to
18 time in investigations, and not infrequently, that the
19 ability to fully prepare for an interview doesn't exist?

20 **DET/STAFF SGT. YELLE:** I agree with that.

21 **MR. WALLACE:** And therefore, your choices
22 are either to follow the policy, what it says here, and not
23 conduct the interview, or to seize the opportunity and
24 conduct the interview when you're less than fully prepared;
25 correct?

1 **DET/STAFF SGT. YELLE:** Yes, that certainly
2 happens where both suspect or victims when -- if somebody
3 shows up and is wishing to be interviewed we will normally
4 do that right away because the opportunity to interview
5 that person may not exist later. So we normally -- I guess
6 there's some preparation, to some extent, as to when the
7 person shows up. We'll make a quick preparation as to how
8 we're going to set up a room, for instance, or so on, but
9 certainly not a detailed plan as to how we're going to do
10 it.

11 **MR. WALLACE:** So that's an example of really
12 where common sense and good judgment overrides what the
13 policy says?

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

15 **MR. WALLACE:** And circumstances would allow
16 you to justify your decision to go ahead and do the
17 interview?

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

19 **MR. WALLACE:** And speaking generally, in
20 terms of Police Orders, and referring to Tab 10 of the same
21 volume, that is the Introduction to Police Orders, you
22 agree with the statement that policies are designed to be
23 guidelines; correct?

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

25 **MR. WALLACE:** And the last paragraph of the

1 Commissioner's message appears to be a statement that you
2 are to use your good judgment in how you interpret the
3 orders; correct?

4 **DET/STAFF SGT. YELLE:** Correct. Again, not
5 to minimize the importance of Police Orders because they're
6 a very important document, and certainly from an
7 administrative perspective they are certainly of great
8 value to our officers.

9 I'm not sure if Staff Sgt. Kelly covered
10 this or not, but certainly the purpose of Police Orders is
11 not to interfere with criminal investigations or any type
12 of investigations for that matter. They are there as a
13 guide. And as I indicated, the majority of our
14 investigators are very well aware of the requirements on
15 specific cases, for example, criminal investigations,
16 sexual assaults. For cases that we don't deal with
17 frequently for -- extradition, for example ---

18 **THE COMMISSIONER:** I'm sorry, for what?

19 **DET/STAFF SGT. YELLE:** For extradition, for
20 example ---

21 **THE COMMISSIONER:** Okay.

22 **DET/STAFF SGT. YELLE:** --- we will refer to
23 Police Orders to guide us.

24 Certainly if there's a blatant disregard for
25 Police Orders then that would be something that would be

1 regarded as a breach of conduct by the officer, but when
2 it's an investigation good common sense takes over.

3 **MR. WALLACE:** And as you indicated, the
4 Police Orders are not designed to encumber investigations,
5 they're drafted without -- they can't take into
6 consideration all the varied circumstances that present
7 themselves in the course of an investigation?

8 **DET/STAFF SGT. YELLE:** That's correct, and
9 they're not intended to do that.

10 **MR. WALLACE:** And that's why you have
11 investigators exercising their good judgment?

12 **DET/STAFF SGT. YELLE:** Good judgment and
13 common sense and discretion, yes, sir.

14 **MR. WALLACE:** Thank you, sir.
15 Those are my questions.

16 **DET/STAFF SGT. YELLE:** You're welcome.

17 **THE COMMISSIONER:** Thank you.

18 **----CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**
19 **COSTOM:**

20 **MS. COSTOM:** Good afternoon, Commissioner.
21 Good afternoon, Staff Sgt. Yelle.

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

23 **MS. COSTOM:** My friend Mr. Hannah-Suarez was
24 asking you what mechanisms are in place to ensure that the
25 right officers are assigned to investigate a particular

1 crime, and he was suggesting to you that there was no
2 policy in place to ensure that that was the case, that that
3 was a determination made on a case-by-case basis by the
4 area crime sergeant or by the members supervisor; is that
5 correct?

6 **DET/STAFF SGT. YELLE:** Is it correct ---

7 **MS. COSTOM:** That was the spirit of the
8 question that Mr. Hannah-Suarez was asking you just earlier
9 in his cross-examination.

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

11 **MS. COSTOM:** Okay.

12 I'm going to direct your attention to Volume
13 6 of our materials, Tab 36, and in particular to Tab 11,
14 the "Investigative Techniques and Standards" binder ---

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

16 **MS. COSTOM:** --- at Tab 11 -- to page 2 of
17 that Police Order, which, of course, is the Police Order
18 dealing with criminal investigations or our benchmark
19 policy.

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

21 **MS. COSTOM:** About a third of the way down
22 the page or the first full paragraph actually it says that:

23 "Upon determination of a major crime
24 members shall notify their immediate
25 supervisor."

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

2 **MS. COSTOM:** Okay. And then in the next
3 paragraph:

4 "The criminal investigation supervisory
5 personnel who are notified of a major
6 crime are responsible, in consultation
7 with respective supervisory and command
8 personnel for determining the most
9 appropriate investigative response..."

10 And I'm just reading from the Order:

11 "...the following factors should be taken
12 into consideration..."

13 And I'll point to the second bullet:

14 "...the investigative and supervisory
15 capabilities of the personnel involved
16 in response to the occurrence."

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

18 **MS. COSTOM:** So in fact, when the area crime
19 sergeants are making the determination as to the
20 appropriate skill level of an investigating officer, they
21 are in fact, implementing this policy, this benchmark
22 policy; is that correct?

23 **DET/STAFF SGT. YELLE:** Yes, and that's, I
24 guess, what I've been trying to say all along. We meet the
25 guidelines that Police Orders provides, not necessarily by

1 following a checklist but by -- sexual assault
2 investigations or any benchmark investigations are common.
3 Our officers deal with them everyday. So certainly these
4 outlines are being met on a daily basis.

5 **MS. COSTOM:** So what you're saying is that
6 the area crime sergeants or the criminal investigation
7 supervisory personnel do it instinctively?

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

9 **MS. COSTOM:** Okay.

10 I'm also going to turn your attention,
11 please, to Tab 18 of the same binder, which is Police Order
12 2.1.6, the Child Abuse and Neglect Policy.

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

14 **MS. COSTOM:** I'm going to refer you, please,
15 to page 7 of that Order.

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

17 **MS. COSTOM:** And there's a bullet or a bold
18 area on the left which says "Area Crime Sergeant".

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

20 **MS. COSTOM:** And there again it says that:

21 "The Area Crime Sergeant shall ensure
22 the member assigned to investigate the
23 child abuse and neglect occurrence have
24 the required knowledge, skills,
25 abilities."

1 So again, the policy is describing the
2 practice, which you outlined earlier in response to the
3 questions; is that correct?

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

5 **MS. COSTOM:** Thank you.

6 **THE COMMISSIONER:** Thank you very much.

7 **MR. ENGELMANN:** I do have a couple of
8 questions.

9 **THE COMMISSIONER:** Okay. I'm sorry. Go
10 ahead.

11 **----RE-EXAMINATION BY/RE-INTERROGATOIRE PAR MR. ENGLEMANN:**

12 **MR. ENGELMANN:** I'll try and refer to the
13 person that asked the question so that it might make it
14 easier. Ms. Daly asked you a couple of questions about
15 personnel and I, just for clarification purposes, want to
16 understand the answer. You told her there were
17 approximately 10 to 15 officers at this time -- I think
18 this was your best estimate -- with specialized training in
19 dealing with sexual assaults or child sexual abuse cases.
20 Were you talking about the Eastern Region or were you
21 talking about the Eastern Zone of the Eastern Region that
22 you're responsible for? I just want to make sure I
23 understood the answer.

24 **DET/STAFF SGT. YELLE:** Yes. I mean, I'm
25 referring to my area of responsibility, but certainly --

1 which is the Eastern Zone -- but certainly we have -- what
2 I was describing there is specific officers that I would
3 feel comfortable with -- sorry, specific officers that have
4 extensive experience in dealing with sexual assault cases.
5 And as I mentioned, all of our detective constables have
6 the sexual assault training and I would feel comfortable
7 with any of them investigating specific cases of sexual
8 assault.

9 But when we're dealing with -- I think I
10 referred to the fact that a lot of our officers that are
11 deemed to be very proficient in that field are normally
12 female officers. So if we have, for instance, a case of a
13 child abuse that requires specific interviews, like a
14 detailed interview from an experienced investigator, this
15 is one of these people that I would call upon to -- or the
16 area crime sergeant would call upon to assist in that
17 investigation or investigate it completely.

18 **MR. ENGELMANN:** And these officers, would
19 they be all part of crime units within the East Zone or
20 would they be detective constables and patrol officers?

21 **DET/STAFF SGT. YELLE:** They would be patrol
22 officers as well. We have a number of patrol officers that
23 are very proficient at doing these interviews and I think
24 it's important to remember that not all officers want to be
25 detective constables. But a lot of officers do want to

1 pursue these types of investigations and I can think of
2 several officers, female officers, that work uniform that I
3 would not hesitate to call to follow up on serious sexual
4 assault investigations.

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

6 You were then asked some questions by Mr.
7 Lee, and a number of questions about something that you
8 referred to as an "issue note".

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

10 **MR. ENGELMANN:** I just had one question
11 arising from that. You talked about your role in passing
12 issue notes up the line. What if it's a CIB run case,
13 would it be someone in the region responsible for the issue
14 note or would it be someone at CIB?

15 **DET/STAFF SGT. YELLE:** It varies. I think
16 that when a case comes in, when it's a fresh case, if I can
17 use that term, that comes in, and CIB -- we know that CIB
18 will be assigned or is being assigned, we will take the
19 lead on preparing an issue note.

20 Sometimes for an ongoing case, if I see that
21 a case should be -- that an issue note should be generated,
22 I'll confer with the CIB inspector. It's important to
23 remember that the CIB inspector has carriage of that
24 investigation and so anything that we deal with that
25 investigation should be approved by, and normally is

1 approved by the CIB inspector, including the issue note.

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

3 You were asked a few questions by Mr.
4 Hannah-Suarez about training of officers, and I just wanted
5 to ask you a question. With respect to minimum or
6 mandatory training requirements for investigators who are
7 doing sexual assault occurrence investigations, those types
8 of questions well placed with Staff Sgt. Kewley?

9 **DET/STAFF SGT. YELLE:** Yes, definitely.

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

11 I'll save it.

12 And lastly, with respect to Police Orders,
13 you were asked some questions at the end by Mr. Wallace on
14 Police Orders and about using judgment. He gave you an
15 example of when you might not be able to follow a Police
16 Order in a major case.

17 Would it be fair to say that some Police
18 Orders are more imperative or mandatory than others?

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

20 **MR. ENGELMANN:** For example, if they're
21 directly -- if they're coming or derive directly from
22 legislation or regulations?

23 **DET/STAFF SGT. YELLE:** Correct. If it's
24 legislation, then this is something that we would -- that
25 is expected to be followed.

1 **MR. ENGELMANN:** Okay. Thank you very much.
2 Those are my questions.

3 **THE COMMISSIONER:** I have one question
4 coming out of that. You've indicated that on occasion, a
5 couple of occasions, that you would refer this to women
6 officers. Is that a trend that you see at this point?

7 **DET/STAFF SGT. YELLE:** A lot of times with
8 children especially we try, and I think historically we've
9 trained female officers to perform this function when
10 dealing with children, victims that are children.

11 **THE COMMISSIONER:** And that would apply to
12 both boys and girls?

13 **DET/STAFF SGT. YELLE:** Yes, I would say so
14 but that's not to say that we don't have male officers that
15 are capable of doing that and certainly we've run into that
16 where we have very proficient interviewers interviewing
17 male victims.

18 **THE COMMISSIONER:** We've heard, and it might
19 not apply to this situation in a sense, that historical
20 abuse against little boys who are now older that they might
21 prefer to be interviewed by men.

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

23 **THE COMMISSIONER:** Are you aware of that or
24 is that something that you consider when assigning who to
25 whom on a ---

1 **DET/STAFF SGT. YELLE:** Yes, we certainly
2 consider the gender. If there's a request for a specific
3 gender ---

4 **THE COMMISSIONER:** No, no, no, never mind
5 the request.

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

7 **THE COMMISSIONER:** Never mind that the
8 alleged victim is requesting. I'm trying to see whether or
9 not we're rolling into biases unwittingly. Do you
10 understand what I mean?

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

12 **THE COMMISSIONER:** All right.

13 **DET/STAFF SGT. YELLE:** I think that because
14 of the officers that we had trained to deal with child
15 sexual assaults in the '90s for example that we tended to
16 have female officers dealing with children more often than
17 male officers. I think that's fair to say.

18 With the training that we've had since the
19 late '90s, I think that we see more officers, male
20 officers, doing these types of interviews but there is
21 still some -- we still assign female officers normally when
22 we're dealing with children simply because it's been --
23 it's kind of a historic thing the way we've done it for
24 some time.

25 **THE COMMISSIONER:** So it may be that they're

1 better at it naturally, maybe, or it may be that we're
2 slipping into a false sense of security in that way.

3 **DET/STAFF SGT. YELLE:** Possibly, yes.

4 **THE COMMISSIONER:** Any questions rising out
5 of that? No one.

6 Okay. Well, we'll take the lunch break and
7 we'll come back. Thank you very much, sir, for your
8 assistance. I appreciated hearing your evidence.

9 **DET/STAFF SGT. YELLE:** You're welcome.

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

12 The hearing will reconvene at 2:00.

13 --- Upon recessing at 12:32 p.m. /

14 L'audience est suspendue à 12h32

15 --- Upon resuming at 2:03 p.m. /

16 L'audience est reprise à 14h03

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

19 This hearing of the Cornwall Public Inquiry
20 is now in session. Please be seated. Veuillez vous
21 asseoir.

22 **THE COMMISSIONER:** Mr. Engelmann, good
23 afternoon.

24 **MR. ENGELMANN:** Good afternoon, Mr.
25 Commissioner.

1 The next witness this afternoon will be
2 Staff Sergeant Heather Kewley who will be with us in just a
3 moment.

4 **THE COMMISSIONER:** All right.

5 **MR. ENGELMANN:** I just wanted to explain the
6 books that we're going to be dealing with so that you can
7 pull them out. We'll deal briefly with the witnesses'
8 volume which is Volume 1. We will then be dealing with
9 Volume 7, Support and Care to Victims, and then we will be
10 dealing with Volume 8, which is the volume dealing with
11 Protocols, and lastly we'll be dealing with Volume 9
12 dealing with Training.

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

14 **MR. ENGELMANN:** So there's a fair bit of
15 material to cover and I suspect I'll be there this afternoon.

16 **THE COMMISSIONER:** All right.

17 **MR. ENGELMANN:** Staff Sergeant Kewley will
18 be right with us.

19 Oh, she is here. Sorry. I'm turning the
20 wrong way.

21 **THE COMMISSIONER:** She is with us.

22 **MR. ENGELMANN:** She is with us. If the
23 witness could be sworn, please?

24 **HEATHER KEWLEY, Sworn/Assermentée:**

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

1 **ENGELMANN:**

2 **THE COMMISSIONER:** Good afternoon.

3 **DET/STAFF SGT. KEWLEY:** Good afternoon,
4 Commissioner.

5 **MR. ENGELMANN:** Staff Sergeant Kewley, good
6 afternoon.

7 **DET/STAFF SGT. KEWLEY:** Good afternoon.

8 **MR. ENGELMANN:** Do you have Volumes 1, 7, 8
9 and 9 with you?

10 **DET/STAFF SGT. KEWLEY:** I do.

11 **MR. ENGELMANN:** All right. If we could look
12 at Volume 1 to start, and in particular I would just have
13 you take a look at the last two tabs, starting with Tab 9.
14 Is that your biography?

15 **THE COMMISSIONER:** So it's the small one?

16 **MR. ENGELMANN:** Yes.

17 **DET/STAFF SGT. KEWLEY:** I have my own books.
18 So ---

19 **THE COMMISSIONER:** All right. Well, it's on
20 the corner and it's on the screen.

21 **DET/STAFF SGT. KEWLEY:** Yes, okay. Thank
22 you.

23 Yes, that is my biography.

24 **MR. ENGELMANN:** And it is accurate and up to
25 date?

1 DET/STAFF SGT. KEWLEY: Yes, it is.

2 MR. ENGELMANN: And in fact, it has the fact
3 that you've recently been promoted in March of this year to
4 Detective Staff Sergeant?

5 DET/STAFF SGT. KEWLEY: It is reflected.

6 MR. ENGELMANN: All right. And then as
7 well, you have a copy of your curriculum vitae at Tab 10.

8 DET/STAFF SGT. KEWLEY: That's correct.

9 MR. ENGELMANN: And to your knowledge, is it
10 accurate and up to date?

11 DET/STAFF SGT. KEWLEY: Yes, it is.

12 MR. ENGELMANN: All right. And the bulk of
13 what we'll be talking about is work I understand you've
14 been doing till very recently as the regional abuse issues
15 coordinator.

16 DET/STAFF SGT. KEWLEY: Correct.

17 MR. ENGELMANN: Okay. To start however, I'd
18 like to just briefly go through some of your background and
19 I won't go into the duties in great detail because we'll be
20 getting to that in more detail shortly, but my
21 understanding is you started with the Ontario Provincial
22 Police in June of 1980?

23 DET/STAFF SGT. KEWLEY: That's correct.

24 MR. ENGELMANN: And then you served as a law
25 enforcement officer at a number of detachments including

1 Pembroke; correct?

2 DET/STAFF SGT. KEWLEY: Correct.

3 MR. ENGELMANN: Ottawa.

4 DET/STAFF SGT. KEWLEY: Yes.

5 MR. ENGELMANN: Kanata Municipal and
6 Rockland.

7 DET/STAFF SGT. KEWLEY: That's right.

8 MR. ENGELMANN: And when you were doing
9 that, Staff Sergeant Kewley, were you doing that as a
10 patrol officer or as a detective constable?

11 DET/STAFF SGT. KEWLEY: No. I was a
12 generalist officer which is a uniformed officer who
13 responds to anything that comes in, traffic, criminal.

14 MR. ENGELMANN: During that period of time,
15 did you have occasion or occasions to assist detectives
16 with sexual assault cases or child abuse investigations?

17 DET/STAFF SGT. KEWLEY: Yes, I did. I was
18 routinely asked to assist Crime Units on serious sexual
19 assault investigations. Primarily, I would deal with the
20 complainant in taking the statement and looking after their
21 needs, helping them navigate through the judicial process.

22 MR. ENGELMANN: I understand that when you
23 say "routinely" that this would be happening on a regular
24 basis.

25 DET/STAFF SGT. KEWLEY: Fairly.

1 **MR. ENGELMANN:** And how did that come about?
2 How did that start?

3 **DET/STAFF SGT. KEWLEY:** My gender may have
4 been a ---

5 **MR. ENGELMANN:** I know we had a discussion
6 about that before lunch, okay. It may have had something
7 to do ---

8 **DET/STAFF SGT. KEWLEY:** May have had
9 something to do with it back in the early 1980s but I also
10 had an interest in this area and helping victims of crime
11 and it may have been where I worked once with them and it
12 was successful and they kept utilizing me as a resource.

13 **MR. ENGELMANN:** That interest that you had
14 in dealing with complainants or victims of child sexual
15 abuse or sexual assault, was that evident to your
16 colleagues and your superiors?

17 **DET/STAFF SGT. KEWLEY:** I would think so.
18 My personality is such that I'm empathetic and
19 compassionate and I certainly had an interest in that area.

20 **MR. ENGELMANN:** Okay. And I understand that
21 you've had a number of courses and various training in
22 those areas?

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

24 **MR. ENGELMANN:** We'll come to that later on
25 but some of that would have been as far back as the 1980s?

1 DET/STAFF SGT. KEWLEY: Yes.

2 MR. ENGELMANN: Okay. Now, I understand
3 that in or about 1988, you moved into a Crime Unit when you
4 were at the Rockland detachment?

5 DET/STAFF SGT. KEWLEY: Yes. In February
6 1988, I was transferred into the Detective Unit in Rockland
7 detachment.

8 MR. ENGELMANN: And what did that mean for
9 you with respect to the type of work you were doing?

10 DET/STAFF SGT. KEWLEY: From 1988 to 1990,
11 myself and a partner, a male partner, did the majority of
12 sexual assault and child abuse cases that would come into
13 that office, which was very high. I'd say maybe 80 per
14 cent of my caseload.

15 MR. ENGELMANN: All right. So you were
16 investigating at that point more serious crimes?

17 DET/STAFF SGT. KEWLEY: Yes.

18 MR. ENGELMANN: Crimes that we've heard have
19 been called "benchmarks" for example.

20 DET/STAFF SGT. KEWLEY: Yes.

21 MR. ENGELMANN: And you and your partner
22 were doing about 80 per cent of the child sexual abuse or
23 sexual assault occurrences that came into the Rockland
24 detachment?

25 DET/STAFF SGT. KEWLEY: That's right and

1 Rockland was a bit unique in the fact that we had two
2 jurisdictions. We had the jurisdiction of Ottawa-Carleton
3 and we had the jurisdiction of Prescott-Russell. So I
4 would be working with the CAS in Ottawa and the CAS in
5 Prescott-Russell as well.

6 **MR. ENGELMANN:** So your work would have been
7 both in urban and in rural areas as well?

8 **DET/STAFF SGT. KEWLEY:** Correct.

9 **MR. ENGELMANN:** All right. And can you give
10 us a sense, the two of you were part of a Crime Unit at the
11 detachment?

12 **DET/STAFF SGT. KEWLEY:** Yes.

13 **MR. ENGELMANN:** How many detective
14 constables were there in the Crime Unit?

15 **DET/STAFF SGT. KEWLEY:** I believe we had six
16 at one point in time but the majority of the time we had
17 five. There were two teams of two and one officer that
18 delegated or acted as the supervisor and then he would fill
19 in when was required.

20 **MR. ENGELMANN:** So two out of five doing
21 almost exclusively investigations into sexual assault
22 and/or child sexual abuse allegations?

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

24 **MR. ENGELMANN:** Now, that carried on until
25 approximately 1990, is that correct?

1 DET/STAFF SGT. KEWLEY: Yes.

2 MR. ENGELMANN: And I understand that in
3 1990, your work shifted again?

4 DET/STAFF SGT. KEWLEY: I did. I became a
5 lead investigator on a double homicide.

6 MR. ENGELMANN: And as I understand it, that
7 case carries on even to this day?

8 DET/STAFF SGT. KEWLEY: That's correct.

9 MR. ENGELMANN: Okay. It sounds like long
10 cases I've been involved in. They don't end and I'm not
11 talking about this case.

12 (LAUGHTER/RIRES)

13 MR. ENGELMANN: Staff Sergeant Kewley, as I
14 understand it, you were the lead detective on a double
15 murder?

16 DET/STAFF SGT. KEWLEY: Yes.

17 MR. ENGELMANN: And that you continued
18 working on that through the 1990s.

19 DET/STAFF SGT. KEWLEY: Yes, for 10 years.
20 It's spanned a decade.

21 MR. ENGELMANN: And then you've started
22 working on that again very recently.

23 DET/STAFF SGT. KEWLEY: In December 2004,
24 I've been back working on that.

25 MR. ENGELMANN: All right. So during those

1 10 years or so that you were the lead investigator or lead
2 detective on a double murder, I understand that about four
3 years into that, you also took on the responsibilities as
4 the abuse issues coordinator for District 11.

5 **DET/STAFF SGT. KEWLEY:** That's correct. The
6 position was advertised and I applied and was successful at
7 obtaining that position.

8 **MR. ENGELMANN:** All right. Now, the
9 districts are no longer in existence and you've been here
10 for the evidence over the last week or so. They
11 disappeared during the reorganization.

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

13 **MR. ENGELMANN:** In the mid-'90s.

14 **DET/STAFF SGT. KEWLEY:** Correct.

15 **MR. ENGELMANN:** And that district, was that
16 known as sort of Stormont-Dundas-Glengarry, Prescott-
17 Russell and Ottawa-Carleton?

18 **DET/STAFF SGT. KEWLEY:** That's correct,
19 number 11 District.

20 **MR. ENGELMANN:** And I think we had it on a
21 map but in any event, so can you just -- we'll certainly be
22 going into these details in much -- the details of this
23 job, the coordinator job in more detail later, but just
24 explain to us approximately what percentage of your time
25 you would have been working as the abuse issues coordinator

1 or would that vary over time?

2 **DET/STAFF SGT. KEWLEY:** It would vary
3 depending on what was going on in the investigation and
4 prosecution. I can tell you that any available moment I
5 was working on abuse issues in terms of reviewing
6 occurrences, updating myself, attending training, meetings,
7 that kind of thing.

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

9 So whenever there was downtime in the double
10 homicide case and, as well, no doubt you had marked off
11 various times for work on the abuse issues coordinator?

12 **DET/STAFF SGT. KEWLEY:** Yes, and you know,
13 actually, I was working on it on lunch hours when we were
14 out of court and at one point in time we were able to
15 configure my computer, my home computer, so that I was able
16 to access our records. This was back probably about 1997.
17 So it would be easier for me to fit it all in, so to speak.

18 **MR. ENGELMANN:** Okay. Well, I understand
19 that in 1996 with the implementation of the OPP
20 reorganization, your job title changed?

21 **DET/STAFF SGT. KEWLEY:** Yes, making it
22 "Regional Abuse Issues Coordinator" which I had to apply
23 and was successful at obtaining as well.

24 **MR. ENGELMANN:** And was that a promotion at
25 that time?

1 DET/STAFF SGT. KEWLEY: No.

2 MR. ENGELMANN: And what did that mean with
3 respect to your work location?

4 DET/STAFF SGT. KEWLEY: My work location
5 became Smiths Falls. It wasn't exactly when the reorg took
6 place because it was sort of phased in over 1996 and I
7 believe that our headquarters in Smiths Falls wasn't ready
8 until early 1997.

9 MR. ENGELMANN: Okay.

10 DET/STAFF SGT. KEWLEY: So people were part
11 of our region but we were deployed.

12 MR. ENGELMANN: I understand that -- and as
13 I said, we'll get into the specific job duties later, but
14 that you became responsible for being an abuse issues
15 coordinator for a larger area.

16 DET/STAFF SGT. KEWLEY: That's correct,
17 number 9, 10 and 11 District became East Region.

18 MR. ENGELMANN: All right.

19 And then, in the late '90s, you were
20 promoted to the rank of detective sergeant?

21 DET/STAFF SGT. KEWLEY: That's right. In
22 1999, they upgraded the position I was filling as abuse
23 issues coordinator to a Detective Sergeant position and,
24 again, I had to apply and was successful at that.

25 MR. ENGELMANN: All right.

1 And then I understand in or about the year
2 2000, you started to do that work on a full-time basis?

3 **DET/STAFF SGT. KEWLEY:** That's correct,
4 around March of 2000.

5 **MR. ENGELMANN:** And is it true that you then
6 carried on this role until the end of 2004?

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

8 **MR. ENGELMANN:** On a full-time basis?

9 **DET/STAFF SGT. KEWLEY:** That's correct.

10 **MR. ENGELMANN:** And then I think you told us
11 that you started to do more work on the double homicide
12 again?

13 **DET/STAFF SGT. KEWLEY:** That's right.

14 **MR. ENGELMANN:** And what happened then with
15 your responsibilities as regional abuse issues coordinator?
16 Did you continue to do that work on a part-time basis or
17 what happened?

18 **DET/STAFF SGT. KEWLEY:** No, I left that
19 position and a detective sergeant was placed in my role.
20 That person has since moved on and my abuse investigator is
21 now the acting detective sergeant.

22 **MR. ENGELMANN:** Is that Isobel?

23 **DET/STAFF SGT. KEWLEY:** Fitzpatrick.

24 **MR. ENGELMANN:** Fitzpatrick. I was going to
25 say McVey but I knew I was wrong.

1 All right. And as I understand it, in March
2 of this year you were promoted to the rank of detective
3 staff sergeant?

4 **DET/STAFF SGT. KEWLEY:** That's right.

5 **MR. ENGELMANN:** And that you're working in
6 anti-rackets?

7 **DET/STAFF SGT. KEWLEY:** I'm assigned as a
8 team leader in the Anti-Rackets Unit in Ottawa. However, I
9 have not got a desk there. I'm still working on the murder
10 investigation.

11 **MR. ENGELMANN:** Now, do you still have any
12 role to play in the area of abuse issues within the OPP?

13 **DET/STAFF SGT. KEWLEY:** No.

14 **MR. ENGELMANN:** Okay. And did you have a
15 role after December of 2004 in any way?

16 **DET/STAFF SGT. KEWLEY:** I say "no" but this
17 is an area that I'm very passionate about. So I always
18 have room for my two cents here and there, but I'm not
19 officially running the program, no.

20 **MR. ENGELMANN:** Okay. But are you consulted
21 from time to time because of your expertise?

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

23 **MR. ENGELMANN:** And has that continued right
24 up until the present?

25 **DET/STAFF SGT. KEWLEY:** Yes.

1 **MR. ENGELMANN:** Now, at Tab 10 in your CV,
2 you have listed a number of courses.

3 **DET/STAFF SGT. KEWLEY:** Yes.

4 **MR. ENGELMANN:** And you, for example, in
5 February 1998 completed a two-week criminal investigation
6 course?

7 **DET/STAFF SGT. KEWLEY:** That's right.
8 That's when I entered the crime unit and I was sent on a
9 criminal investigations course right away.

10 **MR. ENGELMANN:** And that's a course that's
11 offered by the OPP Academy?

12 **DET/STAFF SGT. KEWLEY:** Yes.

13 **MR. ENGELMANN:** And then, as well, after
14 being named to the position of abuse issues coordinator for
15 District 11, you participated in a roundtable on domestic
16 violence?

17 **DET/STAFF SGT. KEWLEY:** Yes, I did.

18 **MR. ENGELMANN:** Is that several?

19 **DET/STAFF SGT. KEWLEY:** Pardon me?

20 **MR. ENGELMANN:** Several roundtables?

21 **DET/STAFF SGT. KEWLEY:** No, one roundtable
22 on domestic violence in the Ottawa-Carleton area and my
23 participation lasted approximately three years.

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

25 And then, in February 1997, and we'll get

1 into some of these courses a bit later in your evidence,
2 but you attended and successfully completed a course in the
3 Investigation of Sexual Offences Against Children?

4 DET/STAFF SGT. KEWLEY: Yes, also known as
5 ISOAC.

6 MR. ENGELMANN: ISOAC. And I understand
7 that course is offered by the Ontario Police College?

8 DET/STAFF SGT. KEWLEY: Yes, it was.

9 MR. ENGELMANN: Yes, and I understand as
10 well that course was offered both to police officers and to
11 Children's Aid Society workers?

12 DET/STAFF SGT. KEWLEY: Yes, it was a joint
13 training venture.

14 MR. ENGELMANN: And I understand that after
15 taking that course you then qualified as an instructor?

16 DET/STAFF SGT. KEWLEY: That's right.

17 MR. ENGELMANN: To teach the course?

18 DET/STAFF SGT. KEWLEY: That's right.

19 MR. ENGELMANN: And that you and Isobel
20 Fitzpatrick taught the course on several times -- on
21 several occasions thereafter?

22 DET/STAFF SGT. KEWLEY: That's right.
23 Between the two of us, we instructed nine courses in the
24 Eastern Region between 1998 and 2002.

25 MR. ENGELMANN: All right.

1 And you also list other courses. You have
2 taken, for example, a course in Major Case Management in
3 1999?

4 **DET/STAFF SGT. KEWLEY:** Yes.

5 **MR. ENGELMANN:** And a course in the
6 Investigation of Sexual Assaults in December of 1999?

7 **DET/STAFF SGT. KEWLEY:** Correct.

8 **MR. ENGELMANN:** And you have a number of
9 other courses that are listed that you've either attended,
10 facilitated or instructed?

11 **DET/STAFF SGT. KEWLEY:** Correct.

12 **MR. ENGELMANN:** Now, if we could then turn
13 to Volume 7, which is "Book of Documents, Ontario
14 Provincial Police, Support and Care to Victims"?

15 And Staff Sergeant Kewley, colleagues of
16 yours have testified with respect to matters covered under
17 the first six pages of the outline of evidence at the start
18 of this particular volume.

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

20 **MR. ENGELMANN:** So what I'd like to do is
21 start at the sixth page in, if you could. And I understand
22 you will be speaking in particular to issues involving
23 support and care to victims as it applies here, the East
24 Region, and more specifically, in Stormont, Dundas and
25 Glengarry?

1 DET/STAFF SGT. KEWLEY: Correct.

2 MR. ENGELMANN: Now, in the outline at the
3 bottom of page 6, there's a reference to the fact that
4 Chapter 3 of the Police Orders -- and those would be the
5 Ontario Provincial Police Orders?

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

7 MR. ENGELMANN: Formalized the positions of
8 regional abuse coordinator and provincial abuse issues
9 coordinator in 2001?

10 DET/STAFF SGT. KEWLEY: Correct.

11 MR. ENGELMANN: Now, we know from your
12 background that you were doing that work before then. Do
13 you know why this was only formalized in Police Orders
14 then?

15 DET/STAFF SGT. KEWLEY: I can't say for
16 certain why it was only formalized then, but since I was a
17 regional abuse issues coordinator, I had input into what
18 the job specifications would be for the -- what was actually
19 written in Police Orders.

20 MR. ENGELMANN: All right.

21 And in any event, there is no question that
22 these positions existed well before 2001?

23 DET/STAFF SGT. KEWLEY: Oh, absolutely. In
24 fact, we had -- I started in 1994 but we actually had
25 sexual assault coordinators as far back as 1988.

1 **MR. ENGELMANN:** All right.

2 I just want to ask you about that because
3 there were some questions of the previous witness about
4 this.

5 So the abuse issues coordinator position
6 started in or about 1994?

7 **DET/STAFF SGT. KEWLEY:** Correct, in the
8 Eastern -- not the Eastern Region, sorry, No. 11 District.

9 **MR. ENGELMANN:** Okay. And is it also true
10 that there was a provincial issues abuse coordinator at or
11 about that time?

12 **DET/STAFF SGT. KEWLEY:** Roughly the same
13 time, yes.

14 **MR. ENGELMANN:** My understanding from your
15 evidence, then, is that before then, starting in or about
16 1988, there were sexual assault coordinators.

17 **DET/STAFF SGT. KEWLEY:** That's right. In
18 1988, Commissioner O'Grady directed each district to
19 establish a sexual assault coordinator that would be a
20 resource to other officers in the district and those
21 positions were generally held by the district crime
22 corporals.

23 **MR. ENGELMANN:** And those are now district -
24 --

25 **DET/STAFF SGT. KEWLEY:** Area crime sergeant.

1 MR. ENGELMANN: Area crime sergeants, yes.

2 DET/STAFF SGT. KEWLEY: Right.

3 MR. ENGELMANN: Yes. So those would be
4 individuals who headed up crime units at detachments?

5 DET/STAFF SGT. KEWLEY: Yes.

6 MR. ENGELMANN: Sorry, I guess it would have
7 been a district?

8 DET/STAFF SGT. KEWLEY: District at that
9 time, yes.

10 MR. ENGELMANN: Now, do you know if there
11 was some publicity surrounding that, whether it would have
12 been known to officers that these sexual assault
13 coordinators existed and were available as a resource?

14 DET/STAFF SGT. KEWLEY: In 1988?

15 MR. ENGELMANN: Yes.

16 DET/STAFF SGT. KEWLEY: I don't specifically
17 recall.

18 MR. ENGELMANN: All right.

19 Well, when we come to your position, there
20 was some work like that done?

21 DET/STAFF SGT. KEWLEY: Yes.

22 MR. ENGELMANN: To ensure that officers knew
23 that the resource was available?

24 DET/STAFF SGT. KEWLEY: Absolutely, yes.

25 And then, actually, the abuse issues coordinators began in

1 Northeast and Northwest Region in about 1993 and they were
2 established at, I think, five sites up north; Dryden,
3 Thunder Bay, North Bay, Sudbury and Sault Ste. Marie, and
4 then No. 11 District came onboard in 1994.

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

6 So they started up north first and then made
7 their way through the rest of the province shortly
8 thereafter?

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

10 **MR. ENGELMANN:** And that previous job title
11 of sexual assault coordinator, those weren't full-time
12 positions, correct?

13 **DET/STAFF SGT. KEWLEY:** No, that would be in
14 addition to their duties as a district crime corporal or a
15 district crime sergeant.

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

17 So that was an add-on onto the duties they
18 were already doing?

19 **DET/STAFF SGT. KEWLEY:** Correct.

20 **MR. ENGELMANN:** And you told us about how --
21 you just told us now about how the abuse issues coordinator
22 positions get rolled out over the province. What about the
23 abuse issues investigator positions? We know, for example,
24 in the East Region that occurred several years after you
25 became the coordinator.

1 DET/STAFF SGT. KEWLEY: Right.

2 MR. ENGELMANN: What about in other parts of
3 the province, if you know?

4 DET/STAFF SGT. KEWLEY: I'm not exactly
5 sure. I know that when I started having meetings in 1996
6 with the provincial abuse coordinator, there were some
7 districts that had several coordinators sitting at the
8 table; for example, Western Region and Northwest Region.

9 MR. ENGELMANN: So they would have had abuse
10 issues investigators prior to the East Region which got its
11 investigator in 2002?

12 DET/STAFF SGT. KEWLEY: Right.

13 MR. ENGELMANN: So let's go back to that
14 time before you were the regional abuse coordinator. So
15 prior to 1994 -- and in fact, let's go back to 1988 to 1990
16 when you were spending 80 or more per cent of your time
17 investigating child abuse, child sexual abuse and sexual
18 assault. You have experience and your colleague has
19 experience. What -- and presumably, you're getting these
20 occurrences ---

21 DET/STAFF SGT. KEWLEY: Yes.

22 MR. ENGELMANN: --- in your detachment
23 because your commanding officer or -- I don't know the
24 title at that time but the person in charge of the crime
25 unit knows that you have experience.

1 DET/STAFF SGT. KEWLEY: Right.

2 MR. ENGELMANN: And knows that you have an
3 interest.

4 DET/STAFF SGT. KEWLEY: That's correct.

5 MR. ENGELMANN: By the way, was your
6 colleague male or female?

7 DET/STAFF SGT. KEWLEY: My colleague is
8 male.

9 MR. ENGELMANN: Okay. So we've got a gender
10 split on that one.

11 DET/STAFF SGT. KEWLEY: It was a nice
12 combination, actually.

13 MR. ENGELMANN: Okay. So give us a sense as
14 to what resources were available to the two of you as a
15 team when you were investigating this type of work.

16 DET/STAFF SGT. KEWLEY: Certainly, my
17 experience that I gained was through seasoned
18 investigators. I was involved in sexual assault
19 occurrences pretty much since the time I started in 1980-
20 81. I learned from their experiences. I had also had the
21 opportunity to work with a number of CIB inspectors on
22 cases where police officers were suspects or victims or
23 children of OPP officers were victims. So I learned from
24 experience.

25 I also, between '88 and '90, worked a lot

1 with the Children's Aid Society. So they were joint
2 investigations and I learned a lot about the Children's Aid
3 Society through my contact with the workers that I worked
4 with.

5 **MR. ENGELMANN:** Let me just stop you there
6 for a minute. Do you recall if at that time you were
7 working under any local protocols with Children's Aid
8 Societies?

9 **DET/STAFF SGT. KEWLEY:** I believe we were.

10 **MR. ENGELMANN:** Okay.

11 **DET/STAFF SGT. KEWLEY:** I actually came to
12 work on the CAS Police Protocol for Ottawa-Carleton. I'm
13 not sure of the year, but I've had extensive ---

14 **MR. ENGELMANN:** Was it in that timeframe?

15 **DET/STAFF SGT. KEWLEY:** I'm not sure when it
16 started, but it would have been the early '90s perhaps.

17 **MR. ENGELMANN:** Okay.

18 **DET/STAFF SGT. KEWLEY:** So I learned from
19 them, I learned from protocols that were in place and I
20 believe Chief Ryder spoke about those booklets that were at
21 the detachment. Well, I was one of those officers that
22 would read on midnight shift when it was quieter in those
23 areas.

24 **MR. ENGELMANN:** That was a special interest
25 of yours?

1 **DET/STAFF SGT. KEWLEY:** That was a special
2 interest of me and I was involved in some fairly serious
3 cases and to broaden my knowledge.

4 **MR. ENGELMANN:** And in the structure of the
5 OPP as you know it and as you have experienced it, who is
6 it that would recognize special skills of an officer in a
7 detective constable position to do this type of work? Is
8 there someone that would normally have that responsibility
9 and be able to do that?

10 **DET/STAFF SGT. KEWLEY:** It would be the area
11 crime sergeant that would be your hands-on front-line
12 supervisor that would have recognized those qualities.

13 **MR. ENGELMANN:** So that person would have
14 been your direct supervisor when you were doing the sexual
15 assault work in Rockland?

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

17 **MR. ENGELMANN:** So at the bottom of page 6
18 of your outline, there's a caption entitled "Abuse Issues
19 Coordinator". And at the top of page 7 it would appear to
20 have some of the responsibilities of the provincial abuse
21 issues coordinator.

22 **DET/STAFF SGT. KEWLEY:** Correct.

23 **MR. ENGELMANN:** Now, that's not a position
24 you've ever held.

25 **DET/STAFF SGT. KEWLEY:** No, I have not.

1 **MR. ENGELMANN:** Do you have some knowledge
2 of what the person in that position does?

3 **DET/STAFF SGT. KEWLEY:** Yes.

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

6 **DET/STAFF SGT. KEWLEY:** I do not have a
7 reporting relationship to the provincial abuse coordinator,
8 however, we work hand in hand. The provincial abuse
9 coordinator would work on abuse issues on the corporate
10 level and they would design initiatives and they would be -
11 - I would be the vehicle in the East Region to get those
12 initiatives out to our field members.

13 **MR. ENGELMANN:** And, how would the
14 provincial abuse issues coordinator work with the regional
15 abuse issues coordinator or others?

16 **DET/STAFF SGT. KEWLEY:** We had meetings, the
17 provincial abuse coordinator and all the regional abuse
18 issues coordinators. We would have at least one a year.
19 But we often corresponded through e-mail, by phone, through
20 memorandum.

21 **MR. ENGELMANN:** Okay. I note under the
22 caption "Provincial Abuse Issues Coordinator" there's a
23 reference to ensuring the accuracy and currency of the
24 directory of victim referral services by region.

25 **DET/STAFF SGT. KEWLEY:** That would be an

1 example where the provincial abuse coordinator would have
2 the ultimate responsibility for maintaining the accuracy
3 and currency of the directory. However, she would download
4 that responsibility to the regional coordinator to update
5 the directory, send the amendments into her and she would
6 ensure that they were done.

7 **MR. ENGELMANN:** And I note as well that it
8 says "she"; this was Lesley Rice at the time?

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

10 **MR. ENGELMANN:** That she also had the
11 responsibility for compiling and making available a
12 comprehensive inventory of protocols?

13 **DET/STAFF SGT. KEWLEY:** That's correct.

14 **MR. ENGELMANN:** What role would the regional
15 abuse issues coordinator have with her in that respect?

16 **DET/STAFF SGT. KEWLEY:** As protocols were
17 developed the protocols from around the region were to be
18 sent to me and I would make an inventory of what I had, and
19 I also would make a copy of that protocol. At first we
20 were sending them to the provincial abuse coordinator for
21 safekeeping or to maintain a library as such, and then it
22 became where we would send these protocols to our library
23 to be filed.

24 **MR. ENGELMANN:** So then tell me a little bit
25 about the regional abuse issues coordinator. That's a

1 position you've held for a number of years?

2 **DET/STAFF SGT. KEWLEY:** That's right.

3 Essentially I'm representing the OPP regionally on abuse
4 issues, and that takes in not just sexual assaults and
5 child abuse, but it also takes in domestic violence,
6 criminal harassment, elder abuse, missing children,
7 basically crimes against persons.

8 **MR. ENGELMANN:** And ---

9 **DET/STAFF SGT. KEWLEY:** I also -- sorry ---

10 **MR. ENGELMANN:** Go ahead.

11 **DET/STAFF SGT. KEWLEY:** I also was providing
12 expertise on the developmental protocols. And how I would
13 do that is that I had -- because I was a repository for all
14 of the protocols, when someone at detachment level was
15 involved in protocol development, I would supply them
16 protocols that I had in my possession to give them an idea
17 of what we needed in the protocols and a basic structure.

18 **MR. ENGELMANN:** There's a number of
19 references to victims and victims assistance under these
20 bullets here. Were you providing assistance directly to
21 victims, or were you providing assistance to officers who
22 could then provide the assistance to victims?

23 **DET/STAFF SGT. KEWLEY:** Initially in 1994 to
24 '96 when I was on a district level, I may have been
25 involved in providing assistance to victims directly. When

1 I became the Regional Abuse Issues Coordinator it was such
2 a large region that I, essentially, took on a coordination
3 role. So I would instruct officers about the agencies that
4 are available so they could make the referrals to the
5 victims.

6 **MR. ENGELMANN:** And lastly, there is a bullet
7 that references -- and I'm looking at the top of page 8,
8 "Providing Assistance to Field Investigators as Required".

9 **DET/STAFF SGT. KEWLEY:** Yes.

10 **MR. ENGELMANN:** Can you elaborate on that
11 and what you may have done in the eight or more years you
12 worked as the Regional Abuse Issues Coordinator?

13 **DET/STAFF SGT. KEWLEY:** Initially in 1994 to
14 1996 I would have been involved in providing resources to
15 our officers. For example, they may have called me up and
16 said, "I would like an experienced female investigator to
17 assist in an investigation in taking a statement". I knew
18 who those people were throughout our district and was able
19 to facilitate that.

20 Also, in that timeframe not all of our
21 detachments would have had videotaping
22 capabilities and so if an officer required a
23 room, I would facilitate that in another
24 detachment. They often called me for advice on
25 situations, for example, a sexual assault of a

1 child while in the custody of a caregiver. Often
2 it was just to, you know, advise them that they
3 were on the right track or make little
4 suggestions on where they should go in the
5 investigation.

6 **MR. ENGELMANN:** So there were officers who
7 would call when they were involved in actual investigation
8 work.

9 **DET/STAFF SGT. KEWLEY:** Absolutely.

10 **MR. ENGELMANN:** And that could be any type
11 of area you were covering, from physical or sexual child
12 abuse, domestic violence, sexual assault, et cetera.

13 **DET/STAFF SGT. KEWLEY:** Absolutely. And
14 it's become more prevalent in the last few years that that
15 occurs.

16 **MR. ENGELMANN:** Now, I note as well, one of
17 the bullets is "Assisting in the Training of Field Members
18 as it Relates to Victims and Abuse Issues".

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

20 **MR. ENGELMANN:** That's something ---

21 **DET/STAFF SGT. KEWLEY:** That's an area that
22 I have worked very hard at, particularly since 1998.

23 **MR. ENGELMANN:** And, as part of that, did
24 you yourself have to obtain a great deal of training?

25 **DET/STAFF SGT. KEWLEY:** Yes, I did.

1 **MR. ENGELMANN:** All right.

2 So let's start with -- I note, and I'm
3 looking at page 8, there's a reference to the fact that
4 there were a number of workshops that were organized.
5 And I assume that these were workshops organized by the
6 provincial abuse issues coordinators for regional abuse
7 issues coordinators?

8 **DET/STAFF SGT. KEWLEY:** That's right. When
9 we became more structured in terms of a provincial abuse
10 coordinator and regional coordinators, as I said, we would
11 have workshops and we would also hold meetings as well.
12 For example, we often had a workshop that we all attended
13 in Niagara Falls on child abuse. It was a three days
14 workshop but we would tack on another two days and have
15 coordinator meetings surrounding that.

16 **MR. ENGELMANN:** Some of those workshops that
17 you would have been involved in, you've provided us with
18 some agendas for them at Tab 8. Is that correct?

19 **DET/STAFF SGT. KEWLEY:** That's correct.

20 **MR. ENGELMANN:** So for example, we appear to
21 have a three day workshop November 26, 27 and 28.

22 **DET/STAFF SGT. KEWLEY:** Correct.

23 **MR. ENGELMANN:** And on day three, you're
24 talking about a sexual assault standard and developing a
25 training program to meet requirements of the standard?

1 **DET/STAFF SGT. KEWLEY:** That's right.

2 **MR. ENGELMANN:** And I think we've seen
3 earlier in OPP evidence a sexual assault guideline or best
4 practices that was issued in or about 1996?

5 **DET/STAFF SGT. KEWLEY:** I think it was in
6 October of '96 that the policing standards came out on
7 sexual assault, and this was a very live issue for us as a
8 regional coordinator and a provincial coordinator. So we
9 discussed the standard, we discussed the need for trained
10 sexual assault investigators and how we were going to do
11 that. Because a specialist -- or the policing standard,
12 had 10 core competencies listed and we were discussing how
13 we were going to do that so training became a very live
14 issue for me in November of '96.

15 **MR. ENGELMANN:** To meet that best practices
16 standard on sexual assault investigation?

17 **DET/STAFF SGT. KEWLEY:** That's right.

18 I mean, that's the minimal standard that we
19 have for police services and I was attempting to
20 exceed the standard.

21 **MR. ENGELMANN:** All right.

22 Then, as well in that same tab, and I've
23 flipped through a few pages, there's a letter that's being
24 written -- it's an Abuse Issues Coordinator's Workshop,
25 October 20-22, 1999.

1 DET/STAFF SGT. KEWLEY: Yes.

2 MR. ENGELMANN: Could you give us a sense
3 about what that was about?

4 DET/STAFF SGT. KEWLEY: This workshop was an
5 opportunity, as it says:

6 "...to discuss local initiatives and
7 concerns and to develop strategic plans
8 based on regional business plans."

9 It was really important for the coordinators
10 to come together and hear what other regions were doing in
11 terms of their own initiatives and perhaps that would be an
12 initiative that we would want to adopt and bring forward in
13 our region. So it was an exchange of information. We also
14 -- these workshops -- we did a lot of public presentations
15 and we exchanged a lot of information between the
16 coordinators and we exchanged power-point presentations so
17 that we didn't have to start reinventing the wheel each
18 time. So we really utilized each other's information.

19 MR. ENGELMANN: All right.

20 And the Sergeant Rice, or Lesley Rice,
21 that's referred to, I know, on the second page, she's the
22 Provincial Abuse Issues Coordinator?

23 DET/STAFF SGT. KEWLEY: She was at that
24 time, yes.

25 MR. ENGELMANN: And the cc's to this letter,

1 your name at the time was Heather Lamarche; correct?

2 DET/STAFF SGT. KEWLEY: That is correct.

3 MR. ENGELMANN: So do we have the regional
4 abuse issues coordinator's name there?

5 DET/STAFF SGT. KEWLEY: Yes, we do.

6 MR. ENGELMANN: And, I note in some regions
7 we have more than one.

8 DET/STAFF SGT. KEWLEY: That's right.

9 MR. ENGELMANN: Is it because we have more
10 than one regional abuse issues coordinator for some
11 regions, or are those investigators?

12 DET/STAFF SGT. KEWLEY: No, we don't have
13 more than one coordinator in each region. For example,
14 Northwest Region, there are two. That's simply because of
15 the geography of northwest; it's an extremely vast area and
16 it made more sense to have them strategically placed in
17 that case.

18 In the case of West Region, Acting Detective
19 Sergeant Arden Farrow was actually the coordinator. And
20 then we had four investigators that worked in -- that were
21 also strategically placed throughout the region.

22 MR. ENGELMANN: Then, as well, we have
23 another example of one of these workshops January 10, 2000.
24 And there's also a reference there to a child abuse
25 conference, the 7th to 11th of February, 2000?

1 **DET/STAFF SGT. KEWLEY:** That's what I was
2 explaining earlier with the -- we made it a point of
3 attending the child abuse conference in Niagara Regional
4 each year and we also tacked on a couple of extra days so
5 that we could get together and discuss issues provincially.

6 **MR. ENGELMANN:** I understand there were some
7 larger municipal forces that had well-developed expertise
8 in this area and Niagara Regional was one of them?

9 **DET/STAFF SGT. KEWLEY:** That's right.

10 And Metro Toronto had an annual sexual
11 assault seminar which was excellent for updating on the
12 areas.

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

14 **THE COMMISSIONER:** So you were here in your
15 position when Project Truth was?

16 **DET/STAFF SGT. KEWLEY:** Yes, but I have no
17 knowledge about Project Truth.

18 **THE COMMISSIONER:** You weren't consulted by
19 them?

20 **DET/STAFF SGT. KEWLEY:** No. Once a
21 detective inspector becomes involved in an investigation,
22 they take command and control of it, and if they require
23 resources, like myself, I would be consulted, but I was
24 never consulted in that case.

25 **THE COMMISSIONER:** But you were available?

1 Had they wanted to, you would have been there?

2 DET/STAFF SGT. KEWLEY: Yes.

3 MR. ENGELMANN: I'm on page 8, Staff Sgt.
4 Kewley, under the directory of "Victim Referral Services by
5 Region".

6 DET/STAFF SGT. KEWLEY: Yes.

7 MR. ENGELMANN: And again, as I understand
8 it, there's a reference in Police Orders ---

9 DET/STAFF SGT. KEWLEY: There is.

10 MR. ENGELMANN: --- for the need to have
11 this directory?

12 DET/STAFF SGT. KEWLEY: It's under "Victim
13 Assistance" in chapter 3.

14 MR. ENGELMANN: All right.

15 And you say that the first comprehensive
16 province-wide directory was published by the OPP in '97?

17 DET/STAFF SGT. KEWLEY: Correct.

18 MR. ENGELMANN: And you say that that was
19 before it was required by Police Orders?

20 DET/STAFF SGT. KEWLEY: Yes, it was.

21 MR. ENGELMANN: When was it required by
22 Police Orders?

23 DET/STAFF SGT. KEWLEY: I believe 2001.

24 MR. ENGELMANN: All right.

25 DET/STAFF SGT. KEWLEY: I'm not 100 per cent

1 sure.

2 **MR. ENGELMANN:** Was it a part of the
3 Adequacy Standards?

4 **DET/STAFF SGT. KEWLEY:** Yes.

5 **MR. ENGELMANN:** So presumably that should
6 have been phased in between '99 and 2001?

7 **DET/STAFF SGT. KEWLEY:** I would have to
8 actually -- because we did have Police Orders on victim
9 assistance prior to 2001 and without going right back to
10 that, I would not be able to say whether the victim
11 directory was -- where it came along in the year.

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

13 But at Tab 9, we have correspondence about
14 the first draft copy of such a directory in 1997 ---

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

16 **MR. ENGELMANN:** --- in April. And that's
17 from the Community Policing Development Centre of the OPP?

18 **DET/STAFF SGT. KEWLEY:** That's right.
19 Actually the provincial abuse coordinator was part of that
20 unit.

21 **MR. ENGELMANN:** And then I have another
22 letter, that same tab, talking about the release of the OPP
23 directory of victim referral services by region in 1999?

24 **DET/STAFF SGT. KEWLEY:** Correct.

25 **MR. ENGELMANN:** And then you have other

1 letters referring to further copies?

2 DET/STAFF SGT. KEWLEY: That's right.

3 Also in ---

4 MR. ENGELMANN: So is this updated on a
5 fairly regular basis?

6 DET/STAFF SGT. KEWLEY: Yes.

7 I also wanted to say that in 1999 we were
8 advised that this directory of victim referral services was
9 actually placed on the Internet website as well for access
10 for officers.

11 MR. ENGELMANN: And at Tab 10, as I
12 understand it, that is actually the most recent directory
13 of victim referral services for the province; correct?

14 DET/STAFF SGT. KEWLEY: Yes.

15 MR. ENGELMANN: And that's from 2001?

16 DET/STAFF SGT. KEWLEY: Correct.

17 MR. ENGELMANN: And that's a very thick
18 document we see that has Lesley Rice's card on the front?

19 DET/STAFF SGT. KEWLEY: Yes.

20 MR. ENGELMANN: Now, then in your outline we
21 have the caption "East Region Regional Abuse Issues
22 Coordinator".

23 DET/STAFF SGT. KEWLEY: Correct.

24 MR. ENGELMANN: And I think you already told
25 us about the fact that you were in that position as of

1 1994?

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

3 MR. ENGELMANN: And this may be an error but
4 they note here in bold, it says you were the regional abuse
5 issues coordinator, East Region, until March 27th, 2006?

6 DET/STAFF SGT. KEWLEY: I was technically,
7 although I was not there, I was seconded back to a CIB
8 project. So I left that area in December of 2004 but I was
9 still known as the regional abuse issues coordinator until
10 I got promoted in March of 2006.

11 MR. ENGELMANN: So it was your home or your
12 substantive position, if I can use federal government talk?

13 DET/STAFF SGT. KEWLEY: Correct.

14 MR. ENGELMANN: All right.

15 So it's the same in the province. Okay.

16 And your notification or the notification
17 about your getting this original position of district abuse
18 issues coordinator, is that what we see at Tab 11?

19 DET/STAFF SGT. KEWLEY: That's correct.
20 Superintendent Fougère sent that out to all of the
21 detachment and unit commanders in 11 District outlining my
22 job description essentially.

23 MR. ENGELMANN: All right.

24 So he would have sent that -- or she ---

25 DET/STAFF SGT. KEWLEY: He.

1 **MR. ENGELMANN:** He would have sent that out
2 to all of the -- what is a unit commander, a unit
3 detachment commander?

4 **DET/STAFF SGT. KEWLEY:** A unit commander
5 would be the commander of our Forensic Identification Unit,
6 the specialty services.

7 **MR. ENGELMANN:** Okay.

8 **DET/STAFF SGT. KEWLEY:** Whereas a detachment
9 commander is someone that actually runs the detachment.

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

11 So what's the purpose of this letter going
12 out?

13 **DET/STAFF SGT. KEWLEY:** Well, this is to
14 make everybody aware that there, first of all, is a new
15 position that's been created and who will be doing the job,
16 as well as what my job description was ---

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

18 **DET/STAFF SGT. KEWLEY:** --- so that everyone
19 would be aware of that.

20 **MR. ENGELMANN:** Was the letter effective?

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

22 **MR. ENGELMANN:** Did you get some hits
23 afterwards, some calls?

24 **DET/STAFF SGT. KEWLEY:** I got many hits
25 after.

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

2 And what do we see at Tab 12? Is that just
3 the same kind of letter when you become the regional abuse
4 issues coordinator?

5 **DET/STAFF SGT. KEWLEY:** Yes. Because I was
6 now taking over 9 and 10 District, I wanted -- you know,
7 quite frankly, when you're working in 11 District, you
8 become well-known as to who you are and what you do, but I
9 was not known in 9 and 10 District as much. So I
10 essentially sent out the same type of letter introducing
11 myself as the regional abuse issues coordinator and that
12 I'd be monitoring the occurrences.

13 And at that point in time, we still did not
14 have our Regional Headquarters in Smith Falls. I was
15 deployed and working out of the Cumberland detachment. So
16 I made sure that they were aware that I had to get a copy
17 of the abuse investigations and they should be faxed over
18 to the Cumberland detachment.

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

20 So you had been responsible for District 11?

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

22 **MR. ENGELMANN:** And now with the reorg, the
23 other two districts that came in, again, were they 9 and
24 10?

25 **DET/STAFF SGT. KEWLEY:** Nine (9) and 10

1 District.

2 MR. ENGELMANN: All right.

3 And given how you apply yourself to your
4 work, I assume you made some effort to ensure that people
5 in 9 and 10 knew you were there?

6 DET/STAFF SGT. KEWLEY: Oh, yes.

7 MR. ENGELMANN: Other than just send this
8 letter.

9 DET/STAFF SGT. KEWLEY: No. I made a point
10 of speaking at detachment commander meetings. I made a
11 point of personally speaking to each area crime supervisor
12 and also area crime supervisor meetings. I have routinely
13 spoke at conferences that we hold for our sergeants, which
14 occurs every year, on some issue regarding abuse issues.

15 MR. ENGELMANN: As a result of those
16 efforts, did you have contact and provide assistance to
17 people from throughout the East Region since then?

18 DET/STAFF SGT. KEWLEY: Oh, yes.

19 MR. ENGELMANN: It wasn't just people from
20 District 11 who would call?

21 DET/STAFF SGT. KEWLEY: Oh, no.

22 MR. ENGELMANN: Okay.

23 DET/STAFF SGT. KEWLEY: That was one of the
24 reasons that we were able to get an investigator in 2002.
25 I didn't have enough hands.

1 **MR. ENGELMANN:** Right. And what is it that
2 you've attached to the letter you're sending out?

3 **DET/STAFF SGT. KEWLEY:** I have attached a
4 summary of my duties, as well as abuse notification. At
5 that point in 1996, this was the type of form that we used.
6 They would have to fill out the OMPPAC number, some very
7 basic information. They would fax it over to me and then I
8 would monitor their occurrence on OMPPAC.

9 **MR. ENGELMANN:** So is this similar to what
10 Staff Sergeant Yelle was talking to us about? He talked to
11 us about benchmark notification ---

12 **DET/STAFF SGT. KEWLEY:** Yes.

13 **MR. ENGELMANN:** --- with benchmark crimes or
14 occurrences, and he said that if they were dealing with
15 certain benchmark crimes, you would also get notification -
16 --

17 **DET/STAFF SGT. KEWLEY:** Correct.

18 **MR. ENGELMANN:** --- first by fax and then by
19 e-mail. Is this the type of notification you would get?

20 **DET/STAFF SGT. KEWLEY:** Exactly.

21 **MR. ENGELMANN:** All right.

22 And again, a summary of your duties is on
23 the third page in the tab?

24 **DET/STAFF SGT. KEWLEY:** Correct.

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

1 Now, you've talked to us about the fact that
2 in 2002 you needed more hands.

3 **DET/STAFF SGT. KEWLEY:** That's correct.

4 **MR. ENGELMANN:** And I don't know how long
5 you'd been working on getting those hands but you were
6 successful in 2002?

7 **DET/STAFF SGT. KEWLEY:** Yes. Training, I
8 was wanting to do a lot of training and I needed someone to
9 assist in that. Detective Fitzpatrick was somebody with a
10 very good background in all aspects of abuse
11 investigations, and whenever I needed a hand for any kind
12 of a training issue, she was the one that I was routinely
13 pulling out of detachment to work with me. So by 2002, I
14 was successful in pulling her out of detachment full-time
15 and coming to Headquarters to work with me.

16 **MR. ENGELMANN:** And she had done a lot of
17 work with you before then?

18 **DET/STAFF SGT. KEWLEY:** Yes, she had.

19 **MR. ENGELMANN:** And she had a lot of
20 experience with investigating or assisting in sexual
21 assaults or child sexual abuse cases?

22 **DET/STAFF SGT. KEWLEY:** Absolutely. She
23 worked approximately four years on Project Jericho and had
24 an extensive background in child abuse investigations.

25 **MR. ENGELMANN:** Project Jericho is a large

1 sexual abuse case from the Prescott area ---

2 DET/STAFF SGT. KEWLEY: Correct.

3 MR. ENGELMANN: --- in the early '90s?

4 DET/STAFF SGT. KEWLEY: I believe it started
5 somewhere around '89.

6 MR. ENGELMANN: Okay. So she had lots of
7 experience?

8 DET/STAFF SGT. KEWLEY: Yes.

9 MR. ENGELMANN: And was there a competition
10 for this job or ---

11 DET/STAFF SGT. KEWLEY: Yes, it was a
12 competition for the job that she won.

13 MR. ENGELMANN: All right.

14 And she is now, if I'm not mistaken, about
15 to become the regional abuse issues coordinator?

16 DET/STAFF SGT. KEWLEY: Well, she'll have to
17 apply for the job.

18 MR. ENGELMANN: Oh, I'm sorry.

19 DET/STAFF SGT. KEWLEY: But she is ---

20 MR. ENGELMANN: I don't want to prejudge
21 anything.

22 DET/STAFF SGT. KEWLEY: She is in an acting
23 position and when that job is posted, then she will have an
24 opportunity to apply for that job.

25 MR. ENGELMANN: All right.

1 She sounds very well qualified but I'll
2 leave it there.

3 **DET/STAFF SGT. KEWLEY:** Yes, she is.

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

5 Now, in your outline at the bottom of page
6 9, you talk about some additional resources that are
7 available, aside from the regional abuse issues coordinator
8 and the regional abuse issues investigator. In particular,
9 you talk about an abuse issues -- sorry, I can't read -- an
10 abuse resource person or detachment abuse issues
11 investigator.

12 **DET/STAFF SGT. KEWLEY:** That's correct.

13 **MR. ENGELMANN:** Now, are those different
14 positions or is it the same position just with a name
15 change?

16 **DET/STAFF SGT. KEWLEY:** It's basically the
17 same position. Those names are synonymous. They're used
18 interchangeably. I started these abuse resource people in
19 1997. The region was extremely large. There were things
20 that I needed to have accomplished at detachments, namely
21 sexual assault protocols, things like the directory of
22 victim services, and I needed to have somebody in place in
23 the detachments as a resource person.

24 **MR. ENGELMANN:** Now, those resource persons
25 in the detachment, are they listed on Tab 14?

1 DET/STAFF SGT. KEWLEY: Yes, they are.

2 MR. ENGELMANN: All right.

3 And so at that time, in fact, Isobel McVey,
4 as she then was, is listed as the abuse resource person for
5 the Prescott-Kemptville detachment?

6 DET/STAFF SGT. KEWLEY: Correct.

7 MR. ENGELMANN: And I don't see a Stormont,
8 Dundas and Glengarry here. Was it called by another name?

9 DET/STAFF SGT. KEWLEY: Yes, it was. About
10 halfway down the page Lancaster-Maxville.

11 MR. ENGELMANN: Yes.

12 DET/STAFF SGT. KEWLEY: The position was
13 held by Provincial Constable Charlene Davidson.

14 And Upper Canada, the last area is what Long
15 Sault, Morrisburg and Winchester were called, and that was
16 Detective Rhonda MacLeod.

17 MR. ENGELMANN: All right.

18 So what was the purpose of sending this note
19 out to Superintendent Fougère, Inspector Sweeney,
20 detachment commanders and area crime sergeants?

21 DET/STAFF SGT. KEWLEY: That was to make
22 everybody aware who the resource people were in their
23 respective areas, and that -- and for the officers to know
24 that somebody had been chosen to be a resource person for
25 that detachment.

1 **MR. ENGELMANN:** All right.

2 So when you say "a resource person for that
3 detachment", what were your expectations as to what these
4 individuals would offer officers at the detachment?

5 **DET/STAFF SGT. KEWLEY:** I'm sure we'll be
6 getting to it, but I started having meetings with the
7 resource people and what I wanted to do was to get them
8 trained in the area of abuse issues so that the officers at
9 the local detachments would have someone there to go to. I
10 also disseminated information to them as it came to me and
11 they were to start a library at the detachment on abuse
12 issues so that all officers would have a place to go and
13 read up on an issue if they weren't totally familiar with
14 that, and they became involved in protocol development at
15 the local level.

16 Essentially, I wanted to start getting some
17 expertise in this area.

18 **MR. ENGELMANN:** Now, as I understand it,
19 this would have been part of their duties but this would
20 not have been fulltime?

21 **DET/STAFF SGT. KEWLEY:** That's right. This
22 was a job in addition to what they were already doing.

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

24 And some of them were detective constables
25 so they were in crime units?

1 DET/STAFF SGT. KEWLEY: Yes, they were.

2 MR. ENGELMANN: And they would have the
3 letters "DET" in front of their names?

4 DET/STAFF SGT. KEWLEY: Correct.

5 MR. ENGELMANN: And others, if their -- PC
6 is what, police constable?

7 DET/STAFF SGT. KEWLEY: It's Provincial
8 Constable ---

9 MR. ENGELMANN: Sorry.

10 DET/STAFF SGT. KEWLEY: --- bearing uniform.

11 MR. ENGELMANN: Bearing uniform, okay.
12 Now, would these individuals aside from
13 being resource persons, would some of them actually be
14 investigating child sexual abuse or sexual assaults, et
15 cetera?

16 DET/STAFF SGT. KEWLEY: Absolutely.

17 MR. ENGELMANN: Would that be most of them,
18 to your knowledge?

19 DET/STAFF SGT. KEWLEY: Absolutely all of
20 them would have been involved in investigations.

21 MR. ENGELMANN: All right.

22 And in fact, at Tab 16, it's like a position
23 description of some of the work of a detachment abuse
24 issues investigator?

25 DET/STAFF SGT. KEWLEY: Tab 15?

1 **MR. ENGELMANN:** I'm sorry, Tab -- you're
2 right, 15.

3 **DET/STAFF SGT. KEWLEY:** That's right. I put
4 together a position description.

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

6 I know Tab 14 is dated April 13th, '97. Is
7 what we see at Tab 15 from a later date, or do you know?

8 **DET/STAFF SGT. KEWLEY:** I can't be certain
9 what date.

10 However, there is at Tab 16 an email from
11 myself where I'm sending this position description to all
12 the detachment commanders, to all of the listed abuse
13 resource people, to the area crime sergeants, asking them
14 to take a look at it and see whether or not they felt that
15 they could fulfil the commitment. It was a fairly large
16 commitment in addition to their regular duties and I wanted
17 to make sure that we had the right person in that job who
18 was able to put some commitment into it.

19 **MR. ENGELMANN:** So it would appear that 15
20 follows 14 chronologically?

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

22 **MR. ENGELMANN:** And that you would have put
23 this position description together sometime in the year
24 2000?

25 **DET/STAFF SGT. KEWLEY:** Correct.

1 **MR. ENGELMANN:** All right.

2 And then at Tab 17, if I understand this
3 correctly, these are examples of a couple of meetings that
4 you would have had with detachment abuse resource persons?

5 **DET/STAFF SGT. KEWLEY:** Right. The first
6 one is dated -- or I don't think maybe there is a date on
7 yours but it's actually May '97 was my first meeting with
8 my resource people, and that was the agenda that I had laid
9 out for them. I wanted them to understand the roles that
10 the provincial coordinator had, how they fit into the big
11 picture, and I also discuss the policing standards for
12 sexual assault, the need for sexual assault protocols, as
13 outlined in policing standards, because they were going to
14 be the vehicles for me to get that done.

15 We talked about courses and seminars. The
16 Sexual Assault Seminar was a course that I sent several
17 people to, and I will come to that, but it was held by
18 Metro Toronto and I had Rhonda MacLeod and Cathy Lindsay
19 come back and give a short synopsis of the information that
20 they would have gleaned from that topic at the Sexual
21 Assault Conference. So it was an effort to get our people
22 more knowledgeable in the area of abuse issues and exchange
23 information.

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

25 I note you have Isobel McVey at that time

1 giving an overview of Project Jericho to your members?

2 **DET/STAFF SGT. KEWLEY:** Yes, and that's
3 extremely important to learn about investigations that have
4 occurred and how they've come together or perhaps even some
5 of the pitfalls in it.

6 **MR. ENGELMANN:** Sure, and you also have a
7 section on case law referring to a couple of cases from the
8 Supreme Court of Canada?

9 **DET/STAFF SGT. KEWLEY:** That's correct.

10 **MR. ENGELMANN:** That you're telling people
11 about, okay.

12 And if there's not a name next to them like
13 "Criminal Harassment" Rhonda MacLeod, would it be you that
14 would have been putting this training on for your
15 detachment abuse resource persons?

16 **DET/STAFF SGT. KEWLEY:** These are the
17 agendas that I designed and I held the meetings. Like,
18 Rhonda MacLeod, she attended the Sexual Assault Seminar in
19 Toronto on March 3rd, '97 so I wanted her to report back to
20 the other resource people about the seminar "Victim
21 Management Criminal Harassment Issues".

22 **MR. ENGELMANN:** And then the tab -- the tab
23 has a second page. That's an agenda of another meeting you
24 would have had with those individuals?

25 **DET/STAFF SGT. KEWLEY:** Correct. Again,

1 that was from 1997.

2 What's important about this is that I
3 started bringing in our community partners. I had the
4 sexual assault care centres come in and make a presentation
5 to our resource people so that they were aware of how these
6 community agencies could help the officers in their
7 investigation and it was also to start building
8 relationships between the sexual assault care centres in a
9 particular area with the resource person in a particular
10 area.

11 **MR. ENGELMANN:** Would this have been sexual
12 assault centres throughout the region?

13 **DET/STAFF SGT. KEWLEY:** Absolutely, yes.

14 **MR. ENGELMANN:** And then at Tab 18, as I
15 understand it, this is an example of some information that
16 you're disseminating to police officers in the East Region?

17 **DET/STAFF SGT. KEWLEY:** That's correct.

18 Often, information came to me, well,
19 different ways, but a lot of the time it came from the
20 provincial abuse issues coordinator when something was new
21 and then it was my job to get that information out to --
22 out to our members. For example, when Bill 6 with the
23 amendments to the *Child and Family Services Act*, I would
24 construct a memo or design a training and get that out to
25 our members in the East Region.

1 **MR. ENGELMANN:** So this is an example of
2 your giving information on issues involving victims of
3 crime?

4 **DET/STAFF SGT. KEWLEY:** That's right. This
5 was a long name that's become a very short name. This is
6 the "Automated Information and Referral Service Victim
7 Notification System" which is now known as the "Victims
8 Support Line", which is much easier to say.

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

10 And you have got a reference to that at your
11 second page in as well, correct?

12 **DET/STAFF SGT. KEWLEY:** Correct. What
13 happened is this was -- I initially had sent out the
14 message saying that we had this service and then I was
15 provided with the cards for the Victims Support Line so I
16 am disseminating these cards to the different detachment
17 commanders so that the officers can start using them.

18 **MR. ENGELMANN:** My understanding is officers
19 still use those cards today?

20 **DET/STAFF SGT. KEWLEY:** Yes, absolutely.

21 **MR. ENGELMANN:** And the card has inside it
22 victims services agencies in the area?

23 **DET/STAFF SGT. KEWLEY:** That's actually
24 another card that they use.

25 **MR. ENGELMANN:** So tell me about this card,

1 then. I apologize.

2 **DET/STAFF SGT. KEWLEY:** Okay. This is a
3 card that is printed by the Ministry of the Solicitor
4 General and Correctional Services, the Ontario Board of
5 Parole and the Ministry of the Attorney General. It's a
6 Victims Support Line. It's got a toll-free number that you
7 can call and on the back it tells you what services they
8 offer to victims of crime.

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

10 And those cards -- do officers have those
11 cards?

12 **DET/STAFF SGT. KEWLEY:** They're available at
13 every detachment.

14 **MR. ENGELMANN:** And there's also cards that
15 officers have that set out referral agencies for victims?

16 **DET/STAFF SGT. KEWLEY:** Yes. I have
17 examples somewhere here in my book. But what it is, it's
18 about the size of a business card and what it does is it
19 opens up. And often, when you're dealing with victims of
20 crime they are very -- they're in crisis. They don't
21 always remember the officer's name that dealt with them or
22 the occurrence number or a phone number. So what we have
23 is this card that the officer can fill out his name, his
24 phone number, the report number and inside it opens up and
25 inside there's a list of victims services available to the

1 victim in; for example, Stormont-Dundas and Glengarry.

2 MR. ENGELMANN: The first card you talked
3 about comes out about the summer of '97?

4 DET/STAFF SGT. KEWLEY: Yes.

5 MR. ENGELMANN: What about the card that the
6 officer can write his or her name on and badge number and
7 phone number and has the referral services inside? Do you
8 know when they started to be used?

9 DET/STAFF SGT. KEWLEY: No. I can't be
10 certain of when they started to use them, but I know
11 personally I've used that type of card for many, many
12 years. I'm just not sure in this area, Stormont-Dundas and
13 Glengarry when they would have. I had no hand in making
14 those cards up. They were made at the local level.

15 MR. ENGELMANN: All right.

16 Then, on page 10 of your outline you have a
17 caption, "The Directory of Victim and Parole Services by
18 Region".

19 THE COMMISSIONER: What is the page number?

20 MR. ENGELMANN: Page 10 of Tab 1, Volume 7.

21 DET/STAFF SGT. KEWLEY: I just found the
22 card.

23 (LAUGHTER/RIRES)

24 MR. ENGELMANN: One of the cards ---

25 DET/STAFF SGT. KEWLEY: That's the card. It

1 folds up to the size of a business card and it's got all
2 the numbers for Stormont-Dundas and Glengarry in terms of
3 the detachments that are within SD and G. On the back it's
4 got officer name, badge number, occurrence number, and when
5 you open it up it's got the emergency contact number for
6 Stormont-Dundas and Glengarry.

7 MR. ENGELMANN: And that's in use today?

8 DET/STAFF SGT. KEWLEY: Yes, it is.

9 MR. ENGELMANN: You're just not sure when it
10 started?

11 DET/STAFF SGT. KEWLEY: I'm not sure when it
12 started.

13 MR. ENGELMANN: Fair enough.

14 Then, in your outline, you have a "Directory
15 of Victim Referral Services by Region"?

16 DET/STAFF SGT. KEWLEY: Correct.

17 MR. ENGELMANN: And you actually have a
18 letter in your materials at Tab 19 where you're sending --
19 are you sending it out to the detachment commanders in the
20 Eastern Region?

21 DET/STAFF SGT. KEWLEY: That's right. What
22 had happened is this is something that I update, as you
23 know.

24 The year before I had a cadet assisting with
25 the updating of the information and I was made aware that I

1 may have missed some services because I, quite frankly,
2 didn't know all the areas in the Eastern Region. So what
3 I'm doing in 2000 is asking the detachment commanders to
4 have the abuse issues investigators do the updating for
5 their particular area. They would call the agencies or add
6 agencies, make the amendments, send them back to me. I
7 would forward that information to the provincial abuse
8 coordinator to make the changes.

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

10 And as I understand it, the last update of
11 the Eastern Region Directory Victim Referral Services --
12 what we see then at the next tab, at Tab 20?

13 **DET/STAFF SGT. KEWLEY:** Right, for 2003.

14 **MR. ENGELMANN:** And if one wanted to have a
15 look at the types of services that are included the table
16 of contents is the second page in?

17 **DET/STAFF SGT. KEWLEY:** Yes, it is.

18 **MR. ENGELMANN:** And gives some examples?

19 **DET/STAFF SGT. KEWLEY:** We have a section on
20 addiction, bereavement, children services for counselling,
21 the disabled, education and employment, funeral homes, help
22 for abusive men, hospitals, housing services, interpreters,
23 legal assistance, police services, senior services, sexual
24 assault centres, victim assistance, wife assaults and
25 shelters and centres.

1 **MR. ENGELMANN:** That seems quite a
2 comprehensive guide or directory for victims' assistance
3 services.

4 **DET/STAFF SGT. KEWLEY:** That's correct, and
5 Eastern Region has a few more.

6 We are guided by Police Orders as to what
7 actually goes in the Victims Services Directory but Eastern
8 Region has a few extra sections that we have included for
9 officers' reference.

10 **MR. ENGELMANN:** Now, as I understand it, the
11 provision of a directory of victims' services was a
12 requirement from the Adequacy Standards that were phased in
13 between '99 and 2001?

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

15 **MR. ENGELMANN:** We've heard that the OPP had
16 a provincial directory as early as '97. Do you know when
17 it started in the Eastern Region?

18 **DET/STAFF SGT. KEWLEY:** I don't recall.
19 1997 is the earliest directory I remember.

20 **MR. ENGELMANN:** Okay. And is that the
21 provincial one or do you mean here in the region itself as
22 well?

23 **DET/STAFF SGT. KEWLEY:** A provincial one?

24 **MR. ENGELMANN:** Yes.

25 **DET/STAFF SGT. KEWLEY:** We've always had

1 directories in the detachment area. I believe it's called
2 "Vital Services Directory" and it's usually found at the
3 detachments and at the communication centres that would
4 also list the services available. But in terms of
5 provincially, this was the first time that I had become
6 aware of one in 1997.

7 **MR. ENGELMANN:** Staff Sergeant Kewley, those are all
8 my questions on this volume. I was going to turn to the
9 Protocol volume.

10 If you'd like, Mr. Commissioner, perhaps it
11 would be a time for our afternoon break.

12 **THE COMMISSIONER:** Yes, it would be.

13 Great. See you in 15.

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

16 The hearing will reconvene at 3:30.

17 ---Upon recessing at 3:14 p.m. /

18 L'audience est suspendue à 15h14

19 ---Upon resuming at 3:36 p.m. /

20 L'audience est reprise à 15h36

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 HEATHER KEWLEY, Resumed/Sous le même serment:

2 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
3 ENGELMANN, (cont'd/suite):

4 THE COMMISSIONER: Go ahead, sir.

5 MR. ENGELMANN: Staff Sergeant Kewley, would
6 you have Volume 8 handy? And that's the Book of Documents
7 entitled "Ontario Provincial Police Protocols".

8 DET/STAFF SGT. KEWLEY: Yes, I have them.

9 MR. ENGELMANN: And at the front of the
10 volume, you have an "Outline of Evidence".

11 DET/STAFF SGT. KEWLEY: Yes.

12 MR. ENGELMANN: At Tab 1; correct?

13 DET/STAFF SGT. KEWLEY: Correct.

14 MR. ENGELMANN: And I believe that
15 colleagues of yours have dealt with the first five pages.
16 So we will be dealing with the portion starting at the
17 bottom of page 5, under the caption "The East Region and
18 Stormont, Dundas and Glengarry".

19 DET/STAFF SGT. KEWLEY: Correct.

20 MR. ENGELMANN: Right through to the end.

21 DET/STAFF SGT. KEWLEY: Okay.

22 MR. ENGELMANN: All right.

23 And, you've had some involvement in
24 protocols dealing with the investigation of child
25 sexual abuse, child abuse and sexual assault here

1 in the East Region?

2 **DET/STAFF SGT. KEWLEY:** Yes. Prior to
3 becoming the East Region, when I was in number 11 District
4 from '94 to '96, I would have been involved in a child
5 sexual abuse protocol between the CAS and the jurisdiction
6 of Ottawa-Carleton. And I was also involved in protocol
7 development here in Stormont, Dundas and Glengarry in
8 regards to wife abuse, as it was called at that time.

9 **MR. ENGELMANN:** Okay.

10 **DET/STAFF SGT. KEWLEY:** Then when we became
11 a region, I was more the facilitator of getting the
12 protocols done in the areas that did not have protocols.

13 **MR. ENGELMANN:** And I understand that as
14 part of that facilitation, you would have made some effort
15 to collect protocols that were in existence?

16 **DET/STAFF SGT. KEWLEY:** Yes, I did. It's
17 actually part of Police Orders now that all the protocols
18 be sent to me so that I can keep a copy of them on file.

19 **MR. ENGELMANN:** So after you became the
20 district abuse issues coordinator and then the regional
21 abuse issues coordinator, did you actually draft protocols,
22 or was it more facilitation and provision of other
23 expertise?

24 **DET/STAFF SGT. KEWLEY:** More the
25 coordination of it, the facilitation of it. When we were

1 talking about the abuse resource people and when policing
2 standards came out in 1996, it talked about the development
3 of sexual assault protocols. I would have had my abuse
4 resource people go out and begin working on sexual assault
5 protocols.

6 I had a library, so to speak, at Eastern
7 Region with other protocols; not necessarily from Eastern
8 Region but from, for example, Peel Regional Police or Metro
9 Toronto Police. So I provided them with copies to help
10 them through the process.

11 **MR. ENGELMANN:** And on the top of page 6 of
12 the outline, you reference the fact that you were
13 monitoring protocol development.

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

15 **MR. ENGELMANN:** That you shared copies of
16 new protocols with other areas and detachments?

17 **DET/STAFF SGT. KEWLEY:** Right.

18 **MR. ENGELMANN:** And that you maintained a
19 comprehensive inventory.

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

21 **MR. ENGELMANN:** And then you list a number
22 of protocols for various regions or counties within the
23 East Region. And those are found at Tab 9, are they not?

24 **DET/STAFF SGT. KEWLEY:** Yes. That was my
25 list that I had at Eastern Region Headquarters, the list of

1 protocols that I had in my possession, I should say.

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

3 **MR. ENGELMANN:** And, you've listed a number
4 of the protocols that exist or existed in the Stormont,
5 Dundas and Glengarry area on page 6 of your outline.

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

7 **MR. ENGELMANN:** We're going to go to a few
8 of those.

9 Can you give us a sense as to how
10 comprehensive this list is? Are you able to do
11 that?

12 **DET/STAFF SGT. KEWLEY:** Since I was
13 preparing for my testimony here at the inquiry, I have
14 found more protocols in the detachment that I was not aware
15 of. So this list that is on page 6 is much more
16 comprehensive than my list that I had at Region.

17 **MR. ENGELMANN:** All right. So the list
18 under Stormont, Dundas and Glengarry at Tab 9, page 2 is -
19 if we can just go there for a moment - where you have, I
20 think, about eight protocols ---

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

22 **MR. ENGELMANN:** --- listed for this region,
23 is not the full list. The full list is really what you
24 have in your outline on pages 6 and 7 from "A" to "L".

25 **DET/STAFF SGT. KEWLEY:** Correct. There's

1 twelve.

2 **MR. ENGELMANN:** And these are protocols that
3 I understand you or others in the region had copies of?

4 **DET/STAFF SGT. KEWLEY:** Yes.

5 **MR. ENGELMANN:** Now, let's take a look at a
6 few of those protocols. They're all at Tab 10, and we just
7 followed the letters that are set out on outline, page 6,
8 right?

9 So "A", "Child Abuse Protocol, Proposed
10 Guidelines and Procedures for Response to Child
11 Abuse in S.D. & G. County Board of Education,
12 February 1987, Draft Copy". That's what we see
13 at 10A.

14 **DET/STAFF SGT. KEWLEY:** Correct.

15 **MR. ENGELMANN:** And likewise, the next one,
16 "Child Abuse Protocol, Coordinated Response" under
17 paragraph "B", that would be at 10B.

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

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

20 So at 10A, this draft protocol, this is
21 something that you were able to find either in
22 the region or at Headquarters?

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

24 **MR. ENGELMANN:** And you had no involvement
25 in it at the time?

1 DET/STAFF SGT. KEWLEY: No, none at all.

2 MR. ENGELMANN: I note there are not parties
3 listed.

4 DET/STAFF SGT. KEWLEY: No, there is not.

5 MR. ENGELMANN: So this is obviously a draft
6 of a protocol that someone is working on. Do you have a
7 sense as to who would be working on a protocol of this
8 nature?

9 DET/STAFF SGT. KEWLEY: From reading the
10 contents of the protocol, it seems to me that it would be
11 between the Children's Aid Society and the County Board of
12 Education here in Stormont, Dundas and Glengarry, because
13 it clearly outlines the role of the school when it comes to
14 child abuse investigations and their responsibilities
15 towards reporting and assisting in these types of
16 investigations.

17 MR. ENGELMANN: Yes, and it has a school
18 procedure and then access to children by CIS workers and
19 police officers.

20 DET/STAFF SGT. KEWLEY: Yes.

21 MR. ENGELMANN: And you don't know if that
22 particular protocol ever was formalized, do you?

23 DET/STAFF SGT. KEWLEY: No, I have no
24 information.

25 MR. ENGELMANN: All right.

1 So then let's turn to the protocol we see at
2 Tab 10B. And if you could tell us where this was found and
3 how it might relate to the protocol at 10C, given your
4 review of both.

5 **DET/STAFF SGT. KEWLEY:** This protocol was
6 located at I believe it was the library in Orillia, and it
7 was date-stamped that GHQ had received it in February of
8 1993. However, I compared the protocol at "B" to the
9 protocol at "C", and it seems to me to be the same
10 protocol. "C" seems to be the more comprehensive one
11 because it lists -- there is a signatory page from 1992.
12 It actually has a table of contents and the only difference
13 I could see was some sections of the *Child and Family*
14 *Services Act* had been changed from one to the other. And,
15 actually, the protocol at "C" has the odd time more
16 information than "B" has.

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

18 So it would appear from your review that the
19 protocol at "B" might have been an early version
20 of the protocol that's been signed off at 10C in
21 June of '92.

22 **DET/STAFF SGT. KEWLEY:** Correct.

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

24 And, in fact, if we were to look at the
25 forward on 10B, which is the second page of Tab B ---

1 DET/STAFF SGT. KEWLEY: Yes.

2 MR. ENGELMANN: --- we have the three
3 paragraphs that are listed.

4 DET/STAFF SGT. KEWLEY: Yes.

5 MR. ENGELMANN: And then if we look, compare
6 that with the forward at 10C, which is page 1, but it's at
7 two pages in, actually. There we go.

8 DET/STAFF SGT. KEWLEY: It's actually the
9 same but there's an additional paragraph.

10 MR. ENGELMANN: Just make it a bit bigger;
11 cover all four paragraphs. All right.

12 Then the last paragraph on that screen
13 appears to be an add-on to the first three.

14 DET/STAFF SGT. KEWLEY: Correct.

15 MR. ENGELMANN: And, of course, at 10C on
16 the second page in, we have the Declaration of Commitment;
17 it's a couple of pages back.

18 DET/STAFF SGT. KEWLEY: That's correct; our
19 signatory page.

20 MR. ENGELMANN: There we go. And, at the
21 bottom of that page we have the various parties that are
22 signatories.

23 DET/STAFF SGT. KEWLEY: That's correct.

24 MR. ENGELMANN: Now, we've looked at this
25 document I think with Mr. Carriere from Children's Aid

1 Society and Deputy Aikman from the Cornwall Police Service.
2 I don't want to spend too much time on it. But, the OPP
3 was a signatory to this document; correct?

4 **DET/STAFF SGT. KEWLEY:** Yes. Superintendent
5 Klenavic had signed this document on the 30th of June, '92.

6 **MR. ENGELMANN:** And if we look at the
7 acknowledgements page which is two pages further in, are
8 you familiar with some of the names there and in particular
9 are you aware that some of those individuals were OPP
10 officers involved in this area?

11 **DET/STAFF SGT. KEWLEY:** Yes, Sergeant Wesley
12 Prosser was actually the sergeant or the detachment
13 commander in charge of Stormont, Dundas and Glengarry, and
14 Detective Sergeant Russ Lackey would have been the area
15 crime supervisor at that time.

16 **MR. ENGELMANN:** So in the forward, when
17 we're talking about core members for protocols of this
18 nature, who is it we're talking about?

19 **DET/STAFF SGT. KEWLEY:** I believe it's
20 talking about the people that are acknowledged there. And,
21 we have people from Cornwall Police Service, Public Health
22 Unit, Cornwall General Hospital, representatives from the
23 Public and Separate School Board, a lawyer for the CAS and
24 a social worker with the Hôtel Dieu.

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

1 And, if we're looking at the forward, and in
2 particular the third paragraph, what does that mean to you,
3 "The development of the protocol was in
4 itself as important as the end
5 product".

6 -- just from your experience with working with these
7 protocols?

8 **DET/STAFF SGT. KEWLEY:** The relationships
9 that you build sitting at a table to develop protocols are
10 just as important as the end result. Because what you do,
11 essentially, is sit down and hammer out the best practices
12 to be used. You clearly define everybody's roles and
13 responsibilities. Protocols take time to work on and over
14 the period of time it takes to develop a protocol, a lot of
15 really good strong relationships are built. And, that's
16 very important when you're working in the area of sexual
17 assault and child abuse.

18 **MR. ENGELMANN:** Is that also important,
19 then, with respect to further copies or further amendments
20 to protocols that these individuals get back together
21 again?

22 **DET/STAFF SGT. KEWLEY:** Yes. I'm not sure
23 at this point in time how frequently they met, but it's
24 generally the practice to meet every one or two years to
25 review the protocol and make any amendments.

1 **MR. ENGELMANN:** And just looking at the
2 Statement of Principles, then, on the next page, the third
3 paragraph from the bottom. I'd just like you to take a
4 look at that comment on that and comment on that from your
5 experience, perhaps working from '88 to 1990, actively
6 investigating crimes of this nature and your experience
7 with protocols generally.

8 **DET/STAFF SGT. KEWLEY:** That there "be
9 mutual reporting and full disclosure between the police and
10 the Children's Aid Society", that has always been the case
11 when you're doing joint investigations. I would say in
12 1988 and 1990, I did not necessarily have the appreciation
13 that I came to have when I started, when I took the ISOAC
14 course where the roles and responsibilities and the level
15 of reporting was clearly outlined.

16 But having said that, I always knew that
17 there was mutual reporting. So if I had a case of sexual
18 assault or child abuse I knew that I had to call the CAS
19 and they would call me. I didn't necessarily know the
20 intricacies about intra-familial versus extra-familial at
21 that timeframe.

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

23 What about -- and this no doubt developed as
24 well as you did more of this. But dealing with historical
25 child sexual abuse, if the alleged victim is coming forward

1 for the first time either as an older child or as an adult,
2 what about the involvement of the CAS, and when, if at all,
3 were you going there?

4 **DET/STAFF SGT. KEWLEY:** Generally when
5 children reach the age of 16, unless they're in the care of
6 the CAS, we have no responsibility to involve the
7 Children's Aid Society unless there is a concern that there
8 are children still at risk, and then we contact the CAS to
9 become involved.

10 **MR. ENGELMANN:** And in those cases it would
11 depend on what the alleged suspect was doing and whether or
12 not he or she was involved in the care of children?

13 **DET/STAFF SGT. KEWLEY:** Right; has access to
14 children, has their own children, that kind of thing.

15 **MR. ENGELMANN:** All right.

16 And then likewise, let's just look at a
17 couple of other areas, a page entitled "Receipt of
18 Reports", page 9.

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

20 **MR. ENGELMANN:** "Procedure" at the bottom of
21 the page, paragraph 3. Actually paragraphs 2 and 3.

22 **DET/STAFF SGT. KEWLEY:** Two (2) and three
23 (3) just clearly outline that there has to be a mutual
24 reporting between the two agencies. Whoever receives a
25 report has a duty to report to the other agency.

1 **MR. ENGELMANN:** All right.

2 And then likewise there, there are
3 procedures at page 11 on the follow up to an initial report
4 involving the CAS and the police force?

5 **DET/STAFF SGT. KEWLEY:** Yes. It talks about
6 becoming involved in joint investigations and working as a
7 team; about sharing information and that the actual -- the
8 decisions that are made about the investigation are joint
9 decisions between the CAS and the police.

10 **MR. ENGELMANN:** From your experience, are
11 these fairly common requirements and issues that are set
12 out in protocols of this nature?

13 **DET/STAFF SGT. KEWLEY:** Absolutely.

14 **MR. ENGELMANN:** Likewise, the commentary on
15 interviewing of children, 14, 15 and 16. To your knowledge
16 ---

17 **DET/STAFF SGT. KEWLEY:** What page?

18 **MR. ENGELMANN:** Page 14.

19 **DET/STAFF SGT. KEWLEY:** Yes. It talks about
20 a joint interview, the location of the interview, which is
21 extremely important when you're dealing with children.

22 **MR. ENGELMANN:** Are these, to your
23 knowledge, are these still good principles to follow?

24 **DET/STAFF SGT. KEWLEY:** I read them through
25 and they're the very same principles that were in place

1 when I was investigating in '88 to '90. The only
2 difference is that we don't use anatomically correct dolls
3 and I have never used them ever in my career.

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

5 Would that be for perhaps younger children,
6 or is it just -- just you would never ---

7 **DET/STAFF SGT. KEWLEY:** Yes, ones that can't
8 express ---

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

10 **DET/STAFF SGT. KEWLEY:** --- what has
11 happened. They use dolls. I've never been involved in
12 that process though.

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

14 **DET/STAFF SGT. KEWLEY:** I might say though
15 that I have used other interviewing aids. When a child
16 cannot express I've actually had them draw pictures.

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

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

19 **MR. ENGELMANN:** But again, these
20 interviewing techniques, you were using them back in the
21 late '80s. They're still in use today?

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

23 **MR. ENGELMANN:** And this would not be
24 uncommon to find in a protocol of this nature?

25 **DET/STAFF SGT. KEWLEY:** Not at all.

1 **MR. ENGELMANN:** And would some of these
2 interview techniques be applicable when dealing with adults
3 reporting historical child sexual abuse?

4 **DET/STAFF SGT. KEWLEY:** I would treat an
5 adult who has experienced sexual abuse as a child, as an
6 adult.

7 **MR. ENGELMANN:** Yes.

8 **DET/STAFF SGT. KEWLEY:** The preparation for
9 the interview would not be in as much detail perhaps as you
10 would with a child. For example, with a child we
11 specifically try and find a very neutral location. You
12 don't want anything that can distract the child. We try to
13 use plain clothes as opposed to uniforms because they can
14 become preoccupied with your uniform and your equipment.
15 We are very careful to find out as much information about
16 the child prior to doing the interview because we want to
17 build a good rapport with that child. I mean, when you're
18 dealing with a child, if you don't build rapport there's no
19 point. I would rather end the interview and go back
20 another day and try and build rapport before we carry on.

21 Whereas an adult we don't normally -- we're
22 not normally as concerned about those types of issues. But
23 certainly, when we're interviewing an adult whose
24 experienced child abuse, we have to be cognizant of the
25 fact that they're remembering as a child their memory and

1 that they may have what we call "script memory" as opposed
2 to "episodic memory" where we may have to try and extract;
3 tell me the first time it happened to you; tell me the last
4 time or tell me about a time when it happened different.
5 So we may use some of our interviewing techniques that we
6 would use on a child with an adult.

7 **MR. ENGELMANN:** So in some cases some of the
8 technique that you would use for the child victim would
9 apply and others it would be more similar to, say, an adult
10 victim of sexual assault?

11 **DET/STAFF SGT. KEWLEY:** Right.

12 **MR. ENGELMANN:** Okay.

13 **DET/STAFF SGT. KEWLEY:** Right, because it's
14 very important when you're dealing with historical sexual
15 assaults, of course, to get the timeframe. So you're
16 trying to bring them back to the time that it happened and
17 trying to associate things that were going on in their life
18 to help you determine what that timeframe was.

19 **MR. ENGELMANN:** And then at page 21 there's
20 the caption "Interview of the Alleged Offender".

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

22 **MR. ENGELMANN:** And it has a reference to
23 the role of the Children's Aid Society worker. It appears
24 that in this case, and I think in some of these other
25 protocols, that it's really the police that take charge of

1 that interview with the alleged offender?

2 **DET/STAFF SGT. KEWLEY:** That's correct.

3 Because if we're going to use the statement
4 in court we really have to safeguard against how we took
5 the statement and that will become very important. It's
6 not that we leave them out of the mix for the interview.
7 I've had at times where they have been in the monitoring
8 room and have watched the interview being conducted. I've
9 also had -- they have provided me with questions that they
10 need to fulfill their mandate so that I ensure that I ask
11 those so they have it. And there's also been occasions
12 where I provided them with a videotape ---

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

14 **MR. LEE:** --- of what the interview was all
15 about so they had all the information.

16 **MR. ENGELMANN:** Some of that appears to be
17 set out on the following page dealing with the procedure.

18 So again, this would be something you would
19 find in other protocols?

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

21 **MR. ENGELMANN:** All right.

22 Now, I just wanted to take you to a couple
23 of other ones, if I may, and some of these were covered by
24 Deputy Aikman. But can you tell us, for example -- and I'm
25 looking at Tab 10F -- what it is we see there?

1 **DET/STAFF SGT. KEWLEY:** This is a child
2 protection protocol, which is CAS, police, and all of our
3 partners in the community that deal with child abuse. And
4 it takes in a much larger area. As you can see, it's going
5 into Lanark, Leeds-Grenville, Prescott-Russell and
6 Stormont-Dundas and Glengarry.

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

8 And if we want to get a sense as to whose
9 involved, just on the second page in we have a number of
10 committee members.

11 **DET/STAFF SGT. KEWLEY:** That's right.

12 **MR. ENGELMANN:** Some of who are Ontario
13 Provincial Police officers.

14 **DET/STAFF SGT. KEWLEY:** Yes. Actually
15 Detective Isobel Fitzpatrick was one of the leader -- took
16 one of the leader roles when it came to the police
17 involvement in this protocol. But we also have a staff
18 sergeant out of Casselman detachment. He's a detachment
19 commander. But the protocol partners involved the Crown
20 Attorney's office, school board, other police services,
21 hospitals, CAS, child care resources, anybody that has a
22 response to victims of child abuse.

23 **MR. ENGELMANN:** And how does that protocol
24 compare then with the one we see at Tab 10G?

25 **DET/STAFF SGT. KEWLEY:** I was able to read

1 it and ---

2 MR. ENGELMANN: It's got a similar cover, I
3 note, but it's different, right?

4 DET/STAFF SGT. KEWLEY: Yes. It's actually
5 a bit confusing to have the same cover.

6 But, the first one that we just dealt with
7 was effected July 2001 and this one at Tab G is
8 specifically designed for a child protection school
9 handbook. So what they did was they took excerpts out of
10 the protocol at F and this specifically dealt with the CAS,
11 police and the schools to clearly outline the roles and
12 response abilities of the school when it came to child
13 abuse investigations and how to make referrals and that
14 kind of stuff.

15 MR. ENGELMANN: So who is 10G really
16 directed at, then?

17 DET/STAFF SGT. KEWLEY: The schools.

18 MR. ENGELMANN: Okay. So the schools and
19 their employees?

20 DET/STAFF SGT. KEWLEY: Absolutely. The
21 principal, teachers, anybody employed by the school system.

22 MR. ENGELMANN: All right.

23 DET/STAFF SGT. KEWLEY: Because if you
24 notice in the table of contents it also talks about child
25 abuse neglect indicators.

1 MR. ENGELMANN: Yes.

2 DET/STAFF SGT. KEWLEY: So it's also making
3 the teachers and principal aware of what to look for as
4 well.

5 MR. ENGELMANN: And that would assist them
6 under their duty to report under the *Child and Family*
7 *Services Act*?

8 DET/STAFF SGT. KEWLEY: Correct.

9 MR. ENGELMANN: Now, at Tab 10H we have what
10 appears to be a revision to a police shelter protocol ---

11 DET/STAFF SGT. KEWLEY: Yes.

12 MR. ENGELMANN: --- dealing with abuse of
13 adult women?

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

15 MR. ENGELMANN: And again, just from looking
16 at the second page, it appears -- as I said, these are
17 revisions or updates. Again, revisions and updates occur
18 with these protocols on a fairly regular basis?

19 DET/STAFF SGT. KEWLEY: Yes, they do.
20 Sometimes it's on a yearly basis and sometimes it's every
21 two years. But fairly frequently they pull the committee
22 together and review to see if there's any amendments to the
23 protocol.

24 MR. ENGELMANN: And that also gives them an
25 opportunity to reacquaint themselves with one another?

1 DET/STAFF SGT. KEWLEY: Yes.

2 MR. ENGELMANN: Okay. There are a number of
3 other protocols there so I think I'll just let them be, but
4 these were all in protocols that you were able to find in
5 the East Region ---

6 DET/STAFF SGT. KEWLEY: Correct.

7 MR. ENGELMANN: --- that in some way
8 involved the OPP?

9 DET/STAFF SGT. KEWLEY: Well, actually for
10 Stormont-Dundas and Glengarry.

11 MR. ENGELMANN: Yes. Thank you.

12 All right. So let's then turn to the issue
13 of training, and that is Volume 9. And again, for the
14 purposes, just looking at the outline itself if we can,
15 which is at Tab 1, my understanding is that the area you
16 will be speaking to starts near the top of page 9.

17 DET/STAFF SGT. KEWLEY: Correct.

18 MR. ENGELMANN: That's regional training?

19 DET/STAFF SGT. KEWLEY: Correct.

20 MR. ENGELMANN: And you would have been
21 earlier when Inspector Medved testified?

22 DET/STAFF SGT. KEWLEY: I was.

23 MR. ENGELMANN: My understanding is when he
24 testified he dealt with the first eight pages?

25 DET/STAFF SGT. KEWLEY: Correct.

1 **MR. ENGELMANN:** And you're dealing with
2 regional training and in particular aspects of regional
3 training dealing with sexual assault and child abuse, child
4 sexual abuse, et cetera, domestic violence?

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

6 **MR. ENGELMANN:** Now, the outline at the
7 second -- well, first of all, it talks about training
8 offered through the OPC and the PPA, and those are acronyms
9 for the Ontario Police College ---

10 **DET/STAFF SGT. KEWLEY:** Yes, and the
11 Provincial Police Academy.

12 **MR. ENGELMANN:** And the Provincial Police
13 Academy is an academy run by the Ontario Provincial Police;
14 correct?

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

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

17 And you've told us, I think, already in your
18 evidence that there were other police forces that put on
19 good training in these areas?

20 **DET/STAFF SGT. KEWLEY:** Yes, there was.

21 **MR. ENGELMANN:** Including Metro Toronto ---

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

23 **MR. ENGELMANN:** --- and Niagara Regional for
24 example?

25 **DET/STAFF SGT. KEWLEY:** Yes.

1 **MR. ENGELMANN:** There may well be others but
2 those are two that come to mind?

3 **DET/STAFF SGT. KEWLEY:** They're the ones
4 that stand out in this area.

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

6 And you talk about courses in the second
7 bullet being coordinated through the regional issues abuse
8 coordinator. Can you tell us what you mean by coordinated?

9 **DET/STAFF SGT. KEWLEY:** What happens is it
10 changed and evolved over the years but when I started doing
11 this job in 1994 as a district training coordinator, all
12 flyers of courses, all external courses or internal courses
13 were sent to me as sort of a central repository for all the
14 upcoming courses.

15 **MR. ENGELMANN:** All right. So they were
16 sent to you from someone at District Headquarters?

17 **DET/STAFF SGT. KEWLEY:** Yes, and at that
18 point in time, I would disseminate the information to the
19 detachment commanders to see if they had anybody interested
20 in attending the training.

21 **MR. ENGELMANN:** Now, this training, it could
22 have been formal training either at the Police College or
23 the Academy?

24 **DET/STAFF SGT. KEWLEY:** Usually with the
25 Ontario Police College or the Provincial Police Academy

1 training, the courses would come in and they would ask for
2 my input as to who would get assigned to it to go, to
3 attend. When it came to like one-day workshops that were
4 held sometimes by OPP, sometimes by other police services
5 and sometimes by our community partners, I would be sent
6 notice of it, like a flyer about the training and I would
7 disseminate that to the detachment commanders and anyone
8 interested would sign up to go.

9 **MR. ENGELMANN:** All right. So the courses
10 could be courses taught by police entities, whether they be
11 the formal ones or the other forces you've talked about, or
12 they could be taught by non-police entities.

13 **DET/STAFF SGT. KEWLEY:** Yes.

14 **MR. ENGELMANN:** Such as sexual assault
15 centres and other not-for-profit agencies.

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

17 **MR. ENGELMANN:** Okay. So some are more
18 formal than others?

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

20 **MR. ENGELMANN:** And this information was all
21 sent through the Headquarters here in Long Sault for
22 District 11?

23 **DET/STAFF SGT. KEWLEY:** That's correct.

24 **MR. ENGELMANN:** And they would notify you by
25 some form of mail system?

1 **DET/STAFF SGT. KEWLEY:** Well, we had an
2 internal mail system that I would receive the information
3 from District Headquarters up in my office in Rockland and
4 then Cumberland where I was situated and from there, I
5 would disseminate it to the detachment commanders.

6 **MR. ENGELMANN:** And approximately how many
7 were there at that time?

8 **DET/STAFF SGT. KEWLEY:** There was quite a
9 few actually.

10 **MR. ENGELMANN:** All right. And how was it
11 then -- were you suggesting to these detachment commanders
12 that they send officers for various types of training?

13 **DET/STAFF SGT. KEWLEY:** Well, again, it
14 depends on what it is. If it was training that was
15 occurring within our district or not very far of our
16 district and there was not a cost or a huge cost to it, I
17 would leave it up to the detachment commanders to look
18 after who they wanted to send or -- and generally what
19 would happen is it would be posted on an eight-day board
20 and someone spoke about the eight-day board. And then the
21 officer that was interested would go to the detachment
22 commander and say, "I'd really like to attend this
23 training".

24 **MR. ENGELMANN:** Who would make the decisions
25 about which officers were sent on training?

1 **DET/STAFF SGT. KEWLEY:** The detachment
2 commander for those types of one-day seminar type things.

3 **MR. ENGELMANN:** What about if the training
4 was -- well, what if it costs some money and you had to
5 send people outside of the district, for example, who made
6 those decisions and how were they made?

7 **DET/STAFF SGT. KEWLEY:** What I would do is
8 put together a cost of sending an officer on a training
9 course and I would take it to my supervisor who would tell
10 me how many could attend the training.

11 **MR. ENGELMANN:** All right. Now, did you
12 make some recommendations from time to time whether that
13 was district training or out-of-district training to either
14 the detachment officer or someone in charge of training?

15 **DET/STAFF SGT. KEWLEY:** Yes, I did.

16 **MR. ENGELMANN:** And how was it that you were
17 able to make those recommendations?

18 **DET/STAFF SGT. KEWLEY:** I was familiar with
19 the officers in the detachment that were involved in sexual
20 assault and child abuse investigations. So you know, those
21 were the people that I wanted to further their knowledge
22 and I also -- when it came to my abuse investigators, I
23 also wanted to get them more formally trained as well and
24 provide extra knowledge for them.

25 **MR. ENGELMANN:** Okay. So from '94 through

1 '96, you were doing this -- you were giving some advice or
2 recommendations to detachment commanders who were making
3 the decisions and/or if it's outside of the district, those
4 decisions were being made elsewhere?

5 **DET/STAFF SGT. KEWLEY:** No. When it comes
6 to seminars that are taking place in the district, ---

7 **MR. ENGELMANN:** Yes.

8 **DET/STAFF SGT. KEWLEY:** --- I'm really
9 leaving that up to the detachment commander ---

10 **MR. ENGELMANN:** Yes.

11 **DET/STAFF SGT. KEWLEY:** --- as to who can
12 attend from their detachment. When it comes to more
13 formalized training at the Ontario Police College or the
14 Provincial Police Academy, I'm giving input as to who could
15 receive the training.

16 **MR. ENGELMANN:** All right. And who's
17 keeping track of the training, whether it's the more
18 informal training or the more formal training? This is
19 when you're still at district between '94 and '96.

20 **DET/STAFF SGT. KEWLEY:** I don't know that
21 anyone was specifically keeping track of that training.
22 It's always been an individual's best interest to keep
23 track of their own training. So that would ---

24 **MR. ENGELMANN:** Presumably that would assist
25 them with promotional purposes?

1 DET/STAFF SGT. KEWLEY: Right, or the
2 ability to get into a Crime Unit for example.

3 MR. ENGELMANN: Yes.

4 DET/STAFF SGT. KEWLEY: So it's the
5 individual's responsibility.

6 MR. ENGELMANN: Okay. And if it was formal
7 training such as the Police College or the Police Academy
8 or Metro Toronto, would there be some kind of a certificate
9 that someone would receive for completing training?

10 DET/STAFF SGT. KEWLEY: Yes. The more
11 formalized training there would be a certificate that
12 follows and that certificate is placed on the individual's
13 personnel file.

14 MR. ENGELMANN: Whereas the informal
15 workshops there may not be any form of certificate?

16 DET/STAFF SGT. KEWLEY: No.

17 MR. ENGELMANN: All right.

18 Now, how did things change, if at all, in
19 '96 when you were under a regional structure with respect
20 to decisions about training and who you had to deal with
21 and who informed you of courses?

22 DET/STAFF SGT. KEWLEY: In 1996 when we came
23 into our Regional Headquarters, there was a training
24 supervisor. It was part of the staffing development and
25 training and the courses that came in from the Ontario

1 Police College, the Provincial Police Academy would come in
2 to our training sergeant.

3 She would then come to me and say, "You've
4 got one seat, two seats, whatever seats. You've got an
5 allotment here. Who would you like to send on these
6 courses?" So I had a lot of input into who went, in
7 consultation with the area crime sergeants.

8 **MR. ENGELMANN:** As far as the numbers who
9 went though, that was something that he or she was involved
10 with your Headquarters on or with the Ontario Police
11 College?

12 **DET/STAFF SGT. KEWLEY:** Yes. I had no
13 involvement in how many people could go on courses.

14 **MR. ENGELMANN:** All right. I understand
15 that aside from trying to facilitate training and ensure
16 that members in the East Region had training in these
17 various areas, you also gave training from time to time?

18 **DET/STAFF SGT. KEWLEY:** Yes. I really
19 started training in ISOAC in 1998 and I saw this is a --
20 these training opportunities were very important to the
21 East Region to move us ahead and have training
22 opportunities for our officers. So I really got involved
23 in training initiatives.

24 **MR. ENGELMANN:** Now, if we could take a look
25 at Tab 11 and just -- sorry, just before doing that, at the

1 bottom of page 9, you list a number of courses that have
2 been offered here in East Region since 1997.

3 DET/STAFF SGT. KEWLEY: Those are courses
4 that I have been instrumental in -- or Detective
5 Fitzpatrick been instrumental in facilitating or been
6 involved in actually doing presentations.

7 MR. ENGELMANN: All right. And of course,
8 right at the top of the list you have the Investigation of
9 Sexual Offences Against Children or ISOAC as you call it.

10 DET/STAFF SGT. KEWLEY: Correct.

11 MR. ENGELMANN: All right. And that was of
12 course offered through the OPC?

13 DET/STAFF SGT. KEWLEY: Yes, it was.

14 MR. ENGELMANN: But you were doing it here
15 in the East Region for them?

16 DET/STAFF SGT. KEWLEY: That's right. They
17 do outreach programs with the ISOAC course and I was an
18 instructor as well as Detective Fitzpatrick in Eastern
19 Region.

20 MR. ENGELMANN: So if we wanted to get a
21 short summary of some of your notes on sexual assault
22 training, is that what we see at the start of Tab 11?

23 DET/STAFF SGT. KEWLEY: Yes, some of it.

24 MR. ENGELMANN: And then what follows in the
25 tab are some examples of training that you either were

1 involved in facilitating or that you actually gave.

2 **DET/STAFF SGT. KEWLEY:** That's right.

3 **MR. ENGELMANN:** So for example, if we take a
4 look at the third page in, we have something with the
5 Ottawa-Carleton Regional Police Service letterhead?

6 **DET/STAFF SGT. KEWLEY:** Right.

7 **MR. ENGELMANN:** Can you tell us what that's
8 about in January of 1996?

9 **DET/STAFF SGT. KEWLEY:** Well, through my
10 involvement with CAS protocol development and my contacts
11 with other police services, I was aware that Sergeant Tim
12 Armour was hosting a one-day seminar on shaken baby and
13 *O'Connor* decision, Supreme Court. So what I did was this
14 would be an example of having him send me the outline,
15 getting approval to send our officers and then
16 disseminating it to the various detachments ---

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

18 **DET/STAFF SGT. KEWLEY:** --- so they could
19 assign officers to attend.

20 **MR. ENGELMANN:** Then at the next page, we
21 see what appears to be the e-mail from Lesley Rice. I
22 think you've indicated to us that she's the provincial
23 abuse issues coordinator?

24 **DET/STAFF SGT. KEWLEY:** Correct.

25 **MR. ENGELMANN:** Can you tell us just very

1 briefly what that's about? This is now in November of
2 1996.

3 **DET/STAFF SGT. KEWLEY:** Right. As I spoke
4 before about the Policing Standards Manual coming out in
5 October 1996, obviously the sexual assault guidelines were
6 very important to the coordinators and one of the issues
7 was on training for sexual assault investigators and at
8 this point in time, we were doing a census as to how many
9 officers would have received an accredited sexual assault
10 investigation course.

11 **MR. ENGELMANN:** All right. And what did
12 your census find out? I just want to turn the page to a
13 memo that you wrote December 13th, '96.

14 **DET/STAFF SGT. KEWLEY:** That's correct. In
15 December of 1996, I was able to determine that we had nine
16 officers trained by the Ontario Police College in the
17 sexual assault course.

18 **MR. ENGELMANN:** All right. So what did that
19 mean to you at that time about what you needed to do?

20 **DET/STAFF SGT. KEWLEY:** That we had a lot of
21 training to get done and that was a very live issue for me
22 and I worked towards that over the years.

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

24 And in fact, what do we see a few pages
25 further dated December 23rd, 1996?

1 **DET/STAFF SGT. KEWLEY:** Before I go on, I
2 maybe should mention that just here that in 1996, we had
3 nine officers trained and by 2000, we only had 16 officers
4 trained. So in those three some years, we had not moved
5 forward very much.

6 **MR. ENGELMANN:** Then I understand it you had
7 some Adequacy Regulations that were coming in and there was
8 a significant movement after that.

9 **DET/STAFF SGT. KEWLEY:** Correct, but I had
10 started well in advance of the Adequacy Standards ---

11 **MR. ENGELMANN:** Yes.

12 **DET/STAFF SGT. KEWLEY:** --- to look after
13 the training issues for Eastern Region.

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

15 **DET/STAFF SGT. KEWLEY:** This next tab is ---

16 **MR. ENGELMANN:** Actually, Staff Sergeant
17 Kewley, I think -- and if I could just direct you somewhere
18 else first because I think the letter that deals with this
19 same issue comes a bit later.

20 You're writing to the regional commander
21 December 13th, '96. You're saying we've only got nine
22 officers trained in this. You're referring to that
23 practices guideline has come out in the fall. What do you
24 get then -- I think it's -- I'm just trying to find the
25 reference.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. ENGELMANN: I know we'll come to it.
3 It's a little hard because the pages aren't numbered and I
4 should have done that. So what do see on December 23rd
5 then?

6 DET/STAFF SGT. KEWLEY: This was a memo that
7 I wrote to the detachment commanders and to our detective
8 inspector that we have been advised that there's going to
9 be an ISOAC course, that the course was an outreach course
10 that was going to be held in Ottawa and that we had five
11 seats on that course and I was able to choose who was
12 available to go to that training. So this is simply a
13 notification to the detachment commanders that I have
14 selected these people and to make them available for the
15 training.

16 MR. ENGELMANN: All right. And one of them
17 was yourself. You were then known as Heather Lamarche.

18 DET/STAFF SGT. KEWLEY: Correct.

19 MR. ENGELMANN: And you wanted to have that
20 training.

21 DET/STAFF SGT. KEWLEY: Absolutely.

22 MR. ENGELMANN: Okay. And then what do we
23 see then -- oh, I think this is the one I wanted to refer
24 you to, the next page, December 5th, 1996.

25 DET/STAFF SGT. KEWLEY: Yes. This is -- the

1 sexual assault investigator seminar had come into me and
2 quite often I would receive the flyers directly from the
3 provincial abuse coordinator. So I knew well in advance
4 that these courses were happening. And what I am doing is
5 sending a memorandum to our staff sergeant who is in charge
6 of staff development and requesting that this is such a
7 worthwhile seminar that, please advise how many people
8 could attend.

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

10 In fact, the numbers and the names of the
11 people that you're allowed to send are written in
12 handwriting ---

13 **DET/STAFF SGT. KEWLEY:** That's right.

14 **MR. ENGELMANN:** --- on that page?

15 **DET/STAFF SGT. KEWLEY:** Those are the four
16 people that I selected to attend.

17 **MR. ENGELMANN:** And in fact, this was a
18 sexual assault investigator seminar held in 1997 in Toronto
19 ---

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

21 **MR. ENGELMANN:** --- by the Metropolitan
22 Toronto Police?

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

24 **MR. ENGELMANN:** And I note from looking at
25 it a few pages down we've got Wendy Lever from the Sexual

1 Assault Squad talking about false allegations.

2 DET/STAFF SGT. KEWLEY: Yes.

3 MR. ENGELMANN: Was she someone that was
4 known to you back then?

5 DET/STAFF SGT. KEWLEY: Absolutely. She was
6 well-known in the area of sexual assault and I've been --
7 I've heard her speak many times.

8 MR. ENGELMANN: All right.

9 And if we can turn ahead it's a letter dated
10 December 31st, 1996.

11 DET/STAFF SGT. KEWLEY: Yes.

12 MR. ENGELMANN: And this, I think, may be
13 what I was looking for earlier. But what is this about?
14 Is this about that same seminar?

15 DET/STAFF SGT. KEWLEY: That's right. What
16 has happened is the provincial abuse issues coordinator,
17 her boss is Superintendent Brad Nudds who works at the
18 Community Policing Development Centre. He is sending a
19 memorandum to the regional commander saying "I think this
20 is really important to start putting your people into this
21 kind of training" and he's referring to the sexual assault
22 standards as outlined by the Policing Standards Section and
23 suggesting that we ---

24 MR. ENGELMANN: You send some people to this
25 conference in Toronto?

1 DET/STAFF SGT. KEWLEY: Send some people.

2 But I had already dealt with that earlier.

3 MR. ENGELMANN: Yes. Okay. So you were
4 ahead of the game there?

5 DET/STAFF SGT. KEWLEY: Right.

6 MR. ENGELMANN: All right.

7 Then, if we could turn ahead to March 18th,
8 1997.

9 DET/STAFF SGT. KEWLEY: Yes.

10 MR. ENGELMANN: I understand that you're
11 writing here to the regional commander?

12 DET/STAFF SGT. KEWLEY: Yes. Well, I'm
13 writing to Superintendent Fougère.

14 MR. ENGELMANN: All right. And ---

15 DET/STAFF SGT. KEWLEY: Sorry, he wasn't the
16 regional commander. The regional commander at that time
17 was Emmer.

18 MR. ENGELMANN: Okay.

19 DET/STAFF SGT. KEWLEY: But Superintendent
20 Fougère was in charge of operations.

21 MR. ENGELMANN: All right.

22 And you're advising that you were approached
23 by an instructor at the Ontario Police College?

24 DET/STAFF SGT. KEWLEY: That's correct.

25 MR. ENGELMANN: And that you've now been

1 asked to assist them in teaching the ISOAC course?

2 **DET/STAFF SGT. KEWLEY:** That's right. And
3 also a portion of a two-day seminar they were holding on
4 physical child abuse at the Ontario Police College. So
5 she's asking me to become involved in teaching. And as I
6 understand it, for the ISOAC course there was no instructor
7 for Eastern Region at that point in time.

8 **MR. ENGELMANN:** And consequently you point
9 out in the memo that you need some further training before
10 you can train the trainer, so to speak?

11 **DET/STAFF SGT. KEWLEY:** Right.

12 **MR. ENGELMANN:** And as well, in the memo you
13 refer to the fact that you thought it would be extremely
14 beneficial to the East Region in terms of getting our
15 people trained and designated as sexual assault
16 investigators?

17 **DET/STAFF SGT. KEWLEY:** Correct.

18 **MR. ENGELMANN:** So you're still concerned
19 about meeting that standard?

20 **DET/STAFF SGT. KEWLEY:** Absolutely.

21 **MR. ENGELMANN:** Then at the next page, is
22 this an example of an informal workshop or training?

23 **DET/STAFF SGT. KEWLEY:** That's ---

24 **MR. ENGELMANN:** I know there's several in
25 here.

1 **DET/STAFF SGT. KEWLEY:** That's right. This
2 is exactly an example of informal training where the
3 Coordinating Committee to End Family Violence here in
4 Stormont, Dundas and Glengarry had put together a one-day
5 training seminar on third party records, of which I
6 participated, but I would disseminate that to the
7 detachment commanders so that officers had a chance to
8 attend this kind of training.

9 **MR. ENGELMANN:** All right. So you were a
10 panelist for that informal training?

11 **DET/STAFF SGT. KEWLEY:** Correct.

12 **MR. ENGELMANN:** Then if we could flip ahead
13 to a memorandum of November 5th, '99.

14 **DET/STAFF SGT. KEWLEY:** Right.

15 **MR. ENGELMANN:** And this is regarding a
16 sexual assault course; is that correct?

17 **DET/STAFF SGT. KEWLEY:** That's right. It
18 was being held -- it was an OPC course, Ontario Police
19 College course, but it was being held on an outreach basis
20 at the Provincial Police Academy in Orillia. At that time,
21 we were allowed a seat allotment of nine personnel from
22 Eastern Region to attend.

23 **MR. ENGELMANN:** And in fact, the individuals
24 that ended up being sent, again, you've written in hand?

25 **DET/STAFF SGT. KEWLEY:** Yes.

1 **MR. ENGELMANN:** Now, I'd like to turn ahead
2 then to an e-mail message to you dated January 26th, 2000.
3 Can you tell us what it is you're speaking about in the e-
4 mail just below that and who you're writing to?

5 **DET/STAFF SGT. KEWLEY:** I'm writing to
6 Dwayne Sears, who is one of our abuse resource people. I
7 had asked my abuse resource people who required the
8 training, what training they had and what training they
9 required, and I'm simply asking if he had had the sexual
10 assault course. I'm telling him that they have to be
11 appropriately trained before they can do sexual assault
12 occurrences, and that had been something that we had
13 discussed at headquarters.

14 **MR. ENGELMANN:** So we're in the phase-in
15 period on the Adequacy Standards at this point?

16 **DET/STAFF SGT. KEWLEY:** Right.

17 **MR. ENGELMANN:** And you're making some
18 reference to wanting to assure that your abuse resource
19 people are properly trained?

20 **DET/STAFF SGT. KEWLEY:** Right.

21 **MR. ENGELMANN:** And what we see at the next
22 document, it's a memorandum to detachment commanders East
23 Region regarding recruitment of sexual assault
24 investigators?

25 **DET/STAFF SGT. KEWLEY:** Right.

1 What was happening there was because of my
2 involvement with Catherine Anton, who was an instructor at
3 the Ontario Police College, I was aware that she would do
4 an Outreach Program or outreach course on sexual assault at
5 our region if I was the facilitator and got it set up for
6 our region. Because of Adequacy Standards coming in,
7 everything that I was working towards was to get our
8 officers up and trained to do sexual assault
9 investigations.

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

11 I note at the bottom of the second paragraph
12 you say:

13 "The officers chosen must have shown an
14 interest and aptitude in the
15 investigation of such cases."

16 **DET/STAFF SGT. KEWLEY:** Right.

17 **MR. ENGELMANN:** Why was that important to
18 you?

19 **DET/STAFF SGT. KEWLEY:** Just before I go on,
20 this is -- the sexual assault course that I was going to
21 facilitate I wanted to get our detectives trained, the
22 crime supervisors trained, and also because we were hosting
23 it, we were able to take advantage of getting some of our
24 uniformed officers trained who had had the CI or the GIT
25 course.

1 In this particular timeframe, we had a lot
2 of GIT courses, the General Investigative Techniques
3 courses coming up. So I saw that as an opportunity to get
4 some of our uniformed members up and running and trained in
5 sexual assault investigations.

6 From my perspective, I wanted officers that
7 had a desire to do these investigations, not because their
8 detachment commander wanted them to do it but because they
9 actually had a desire to do it. And I wanted to know what
10 experience they had before. Many of them had come from --
11 had done a lot of volunteer work, and I wanted to know that
12 kind of information so I could hand pick, so to speak,
13 officers who were uniformed and would be available to go on
14 this course.

15 **MR. ENGELMANN:** All right.

16 And you talked about having nine officers
17 trained in '96 or '97. I can't remember the exact date,
18 '96?

19 **DET/STAFF SGT. KEWLEY:** Ninety-six ('96).

20 **MR. ENGELMANN:** And then sixteen by 2000.
21 So you're interested in getting more officers trained
22 through this?

23 **DET/STAFF SGT. KEWLEY:** That's right.

24 **MR. ENGELMANN:** And I note there's a memo
25 June 12th, 2000. Again, you're talking about the fact that

1 there's prerequisites to a sexual assault course.

2 **DET/STAFF SGT. KEWLEY:** That's right.

3 **MR. ENGELMANN:** Who are you writing to here
4 and what's the purpose?

5 **DET/STAFF SGT. KEWLEY:** I'm sending a
6 message to all the chiefs of police that are in Eastern
7 Region and what I -- I knew that all of the police services
8 were in the same bind, that we needed training for sexual
9 assault investigators. So what I was doing was simply
10 giving them a heads up that we were having that training so
11 that they could preplan to have officers attend.

12 I was also aware that Belleville City was
13 holding a training session as well, the course in their
14 area.

15 **MR. ENGELMANN:** So how did you work that out
16 between you holding a course through OPP headquarters in
17 Smith Falls and the Belleville Police in coordinating that?

18 **DET/STAFF SGT. KEWLEY:** Well, I knew -- we
19 had our course in January and I knew -- and I believe it
20 was just after our course. And so the officers that were
21 not able to attend my training course in 2001 in January we
22 were able to put into the Belleville course and, you know,
23 subsequently courses that OPC or OPP Academy would be
24 holding as well.

25 **MR. ENGELMANN:** So if I'm a detachment

1 commander in the East Region and I want to ensure that my
2 officers have the sexual assault training, I have a couple
3 of opportunities. They can either take it at Smith Falls
4 or they can take it at the course offered by the Belleville
5 Police Service?

6 **DET/STAFF SGT. KEWLEY:** Right.

7 **MR. ENGELMANN:** That would also be true,
8 would it not, for say the chief here in Cornwall, if he
9 wanted to ensure his officers were trained?

10 **DET/STAFF SGT. KEWLEY:** Yes. And by
11 bringing the Outreach Program to our area, there's not as
12 much cost involved because people can travel home at night
13 so you have no accommodation fees and you simply have a
14 lunch -- a meal -- a lunch. So the cost of holding an
15 Outreach Program are a lot less then if we had to send an
16 officer away for a week on training.

17 **MR. ENGELMANN:** And do you have a sense how
18 many police officers ended up coming for the training
19 course, the one-week training course you offered in January
20 of 2001?

21 **DET/STAFF SGT. KEWLEY:** Yes, about 69, if my
22 math is right, my counting. I do have a list.

23 **MR. ENGELMANN:** Is that what we see -- and
24 I'm looking a little further down. It's just after a
25 letter dated December 14th.

1 **DET/STAFF SGT. KEWLEY:** That's right. This
2 letter is confirming that we have 69 spaces on the course
3 that we're hosting in Smith Falls in January of 2001.

4 **MR. ENGELMANN:** Now, I tried to count, and
5 although I'm pretty good at math, sometimes I make
6 mistakes. I have about 63 of these officers being OPP
7 officers.

8 **DET/STAFF SGT. KEWLEY:** Yes. There's always
9 changes, particularly when you're dealing with detectives
10 going on courses. They may get involved in investigation
11 and have to cancel at the last minute and we try to
12 substitute.

13 **MR. ENGELMANN:** Do you know if there were
14 restrictions? In other words, do you know if the OPP had a
15 certain minimum number reserved for it?

16 **DET/STAFF SGT. KEWLEY:** I really can't
17 answer that. That would be the Ontario Police College that
18 ---

19 **MR. ENGELMANN:** All right.
20 So there was an officer from the Prescott
21 Police Service. I note there was one officer from the
22 Cornwall Police Service ---

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

24 **MR. ENGELMANN:** --- who attended.

25 I was just wondering if the OPP had certain

1 spots reserved or if you knew.

2 DET/STAFF SGT. KEWLEY: I can't answer how
3 they come to that determination, but we did have several
4 from Ottawa Carleton and other police services.

5 MR. ENGELMANN: Do you know -- the course in
6 Belleville that was also an OPC course, it was the same
7 course.

8 DET/STAFF SGT. KEWLEY: Right.

9 MR. ENGELMANN: Do you know approximately
10 how many they had at that course?

11 DET/STAFF SGT. KEWLEY: No, I can't. I just
12 know that we did have officers that attended that course.

13 MR. ENGELMANN: All right.

14 So there would have been OPP officers there
15 as well ---

16 DET/STAFF SGT. KEWLEY: Yes.

17 MR. ENGELMANN: --- from the East Region?

18 DET/STAFF SGT. KEWLEY: Right.

19 MR. ENGELMANN: And presumably other forces,
20 these other forces that were listed in your letter would
21 have also been invited to send members, to your knowledge?

22 DET/STAFF SGT. KEWLEY: That's my
23 understanding.

24 MR. ENGELMANN: Okay. And we have a gender
25 breakdown of those officers if we want to know whose

1 showing the interest and whose getting the training as
2 well.

3 **DET/STAFF SGT. KEWLEY:** This was a big
4 training venture for us. It was the way -- and let me
5 explain something a little bit here. When those -- we
6 needed to have trained sexual assault investigators. We
7 didn't necessarily have to send them through this training
8 course because if they met the 10 competencies, then they
9 could be appointed as sexual assault investigators.

10 But in conversations with Eastern Region, my
11 boss particularly, we felt that we were going to have a
12 baseline for our officers and that we were going to get
13 them all at the same level with this sexual assault course.
14 And it was also easier for our officers too when they were
15 challenged in court about their credentials they could say
16 they have the sexual assault course rather than trying to
17 explain to a judge and perhaps a jury what those 10 core
18 competencies were and how they came to meet them.

19 So we made a conscience decision to have a
20 baseline by doing this course.

21 **MR. ENGELMANN:** And that baseline was fairly
22 significant. This is a long intensive course.

23 **DET/STAFF SGT. KEWLEY:** This is a five-day
24 course. Yes, it was a ---

25 **MR. ENGELMANN:** I don't think you have an

1 agenda, but do you have a sense as to what was covered?

2 **DET/STAFF SGT. KEWLEY:** I certainly could
3 have it for tomorrow morning.

4 **MR. ENGELMANN:** I was just curious, but ---

5 **DET/STAFF SGT. KEWLEY:** I mean, we dealt
6 with victims issues. In fact, I did the presentation on
7 that. We had a Crown Attorney from Ottawa come in and
8 speak about the legal issues associated to sexual assault.
9 I can't off the top of my head be sure. I've done so many
10 courses in training I don't want to confuse them.

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

12 Well, I'm going to be a few more minutes yet
13 and I'm also cognizant of the time.

14 Perhaps if it's appropriate, sir, we could
15 break now and if you do have something to refresh your
16 memory about what was offered maybe we could start there --
17 -

18 **DET/STAFF SGT. KEWLEY:** Certainly.

19 **MR. ENGELMANN:** --- and we'll wrap up the
20 training.

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

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

25 --- Upon adjourning at 4:36 p.m./

1 L'audience est ajournée à 4h36

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

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM