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March 29, 2006

Insp. Peter Goulet
Royal Canadian Mounted Police
Special Task Force
Toronto, Ontario

Dear Insp. Goulet

Re Regina v. Schertzer, Correia, Miched, Maodus, Pollard and Benoit

I would like to take this opportunity to summarize the matters that the Special Task Force needs to complete by way of case preparation. Assuming that the Crown will be successful in obtaining a committal on the principal counts, an indictment likely would be lodged in the Supreme Court later this spring. Accordingly it will be necessary for the STF to have completed all case preparation, including the disclosure brief, no later than Labour Day.

As you are aware, I advised Super. Corrie during our meeting some weeks ago that the case cannot and will not be prosecuted unless the disclosure brief has been satisfactorily completed by the end of the summer; and that remains my view.

Given the pending departure of Det. Sgt. Scott, as well as the rest of the present investigative team, I am puzzled by the delay of the TPS in re-staffing the STF. At some point very soon this spring we will reach a point where there simply will not be enough time for any new team to do what is necessary. Moreover, each week of delay increases the number of officers who will be required on a full time basis throughout the summer to get the job done. I should add that it will take at least several weeks for even the most experienced officers to become sufficiently familiar with the case so that they might work productively on assigned tasks. This is not a case where new officers can step in without a warm-up period. I pause to note that our present disclosure brief is well in excess of 200,000 pages.

In any event, here are the critical positions to be filled:

- ~ A new Detective Sergeant must take charge of the investigation and related case preparation. He or she will need to have considerable case management and investigative experience. A qualified second in command should also be in place so that we can avoid the difficulties entailed in the departure of an OIC.
- ~ An exhibits officer is needed to ascertain all matters bearing on the authenticity and continuity of the original documentary evidence, and to identify and prepare all necessary witnesses for trial in that regard. This officer will need to have experience in the management of voluminous material in a large case.
- ~ A knowledgeable and efficient group of officers (with technical and investigative skills) needs to be in place to deal with the completion of the electronic disclosure brief in supertext.
- ~ Several investigative officers are required in several areas, including the completion of all follow up investigative work, and the handling of witnesses (including a transition from the present investigators).

MATTERS THAT NEED TO BE COMPLETED BY LABOUR DAY:

Here is a general list of the matters that need to be completed by the STF once it is refreshed with new officers. While the Crown will provide ongoing assistance by way of consultation and advice, the exigencies of the case require that these tasks be largely be carried out by officers who possess the necessary investigative and technical skill, and who thoroughly understand the subject matter of the case:

- i) ESTABLISH THE AUTHENTICITY AND CONTINUITY OF THE DOCUMENTARY EVIDENCE: An exhibits officer needs to ascertain all matters bearing on the authenticity and continuity of the original documentary evidence that will be adduced at trial. The officer will assist in identifying and preparing all necessary witnesses in that regard. (This is a serious issue because, as you know, at the preliminary inquiry defence counsel were able to raise questions about the provenance of certain CFC files.) The work will be labour intensive and time consuming. The exhibits officer will require considerable support in this task to do the work within the available time.

- ii) FOLLOW UP INVESTIGATION: As a result of what has been uncovered during the course of the preliminary inquiry, there is a need for certain investigative follow up in a number of areas. The officers who engage in this will have to be familiar with the case so that they know what they are doing. The work will have to be done sufficiently early in the spring/summer so as to permit processing of evidence through supertext for disclosure. The Crown may also schedule a number of witness interviews, and STF officers will need to participate in those.

- iii) ENSURE THAT DISCLOSURE IS COMPLETE AND CORRECT: We anticipate that the issue of disclosure will be aggressively challenged and litigated at trial. Consequently, the following matters bearing on this issue must all be completed by the STF, with a view to someone being able to testify to them:
 - a) REVIEW ALL UNDISCLOSED MATERIAL THAT HAS NOT BEEN SCANNED: It is necessary for knowledgeable officers to review *all* undisclosed and unscanned material in the possession of the STF, and to prepare such material for disclosure if necessary. Our recent experience with the “North West Field Command” box has taught us the importance of ensuring that this task is done properly. The officers who review the material will require sufficient knowledge of the case so as to be able to assess the materials being reviewed. The Crown will provide specific guidelines to the reviewing officers in determining relevance. Any relevant material that is uncovered will need to be scanned and included in disclosure.

 - b) REVIEW ALL UNDISCLOSED MATERIAL THAT HAS BEEN SCANNED: It will be necessary to review and reassess all material that has been scanned but undisclosed for one reason or another. Again, I note that the officers who review the material will require sufficient knowledge of the case so as to be able to assess the materials being reviewed. The Crown will provide guidelines to the reviewing officers in determining relevance.

 - c) PREPARE A REVISED LIST OF UNDISCLOSED MATERIAL: The present list of “undisclosed material” is not particularly useful, and it needs to be fundamentally revamped (so that it contains section headings, intelligible document descriptors, and the reasons for the withholding of the material) so as to provide

some guidance as to what is involved. Such a list is required for disclosure purposes.

- d) CHECK THE NECESSITY OF ALL VETS IN THE DISCLOSURE BRIEF: All vetting of material portions of the disclosure brief needs to be reviewed on account of apparent over-vetting. In particular, the vets in the investigators' memo books and "work product" need to be reviewed. However, I note that the emphasis will be with respect to correcting over-vetting (for the most part, it will be only the present vets that need to be reevaluated). *Please note that in respect of any particular memo book or "work product", it will be necessary for the vets to be reviewed by the officer who was the author as well as an assigned STF investigator.* It is the STF investigator who must ensure that the vetting is in accordance with the governing criteria. The Crown will provide vetting guidelines to the reviewing officers. Although this will be a labour intensive and time consuming process, I hope that it can be effectively managed over a three or four month period by a team of knowledgeable investigators. I expect that the Det. Sgt. will need to assign STF officers to work on this vetting in shifts (days and afternoons), with former STI investigators attending when required.
- e) THE CONCLUSION AND DISCLOSURE OF ALL ONGOING INVESTIGATION: As you know, there are a number of areas in which there is ongoing investigation. It will be necessary to wrap up and conclude those efforts prior to the end of the summer in order to allow for the orderly disclosure of any relevant material prior to Labour Day.
- f) CONDUCT AN AUDIT OF ALL MATERIALS SEIZED: It is essential that an audit be conducted of *all* materials seized to ensure that everything in the possession of the STF can be accounted for, as either having been disclosed or not, and as having been scanned into the supertext system, or not, as the case may be

- iv) **CONSOLIDATION OF THE ELECTRONIC DISCLOSURE:**
All stages of disclosure need to be merged into a single consolidation. This final consolidation also requires proper key-fielding to ensure adequate search capabilities. Please note that the final consolidation will need to include the following bodies of material:
- a) The previous consolidation of stages 1 to 6.
 - b) Stage 7.
 - c) The memo books of Det. Sgt. Randy Franks.
 - d) Materials that have been disclosed in "hard copy" form during the course of the preliminary inquiry.
 - e) Materials in the possession of the STF that have not previously been disclosed.
 - f) Materials that have arisen by way of new or ongoing investigation.
- v) **THE CREATION OF TABLES BASED ON THE FINAL CONSOLIDATED DISCLOSURE BRIEF:** It will be necessary for a number of tables to be prepared on the basis of the material in the final consolidation. These tables will be required for disclosure purposes. In order to permit creation of the tables, the STF's "supertext" computer wizards must ensure that all changes to the briefs (including changes to vetting), and other requisite information, are tracked in the database. The necessary tables are as follows:
- a) **MASTER TABLE OF CONTENTS:** A master table of contents, containing accurate and meaningful descriptions of all of the items in the final consolidation.
 - b) **CHANGES TO VETTING:** A table showing all pages on which there have been changes in vetting (either new vetting or the removal of vetting) in comparison to stage 7 and the consolidation of stages 1 to 6.
 - c) **ADDITIONS TO DISCLOSURE:** A table showing all documents or sections that have been added to the final consolidation (in comparison to stage 7 and the consolidation of stages 1 to 6).
 - d) **REASONS FOR EACH VET:** A table showing the codes for all vets on all pages in the final disclosure brief.

With respect to these above-noted items, I observe that some of them have to be completed before others. In particular, if items (i) to (iii) are not completed by early or mid-summer, it will not be possible to complete items (iv) and (v) on schedule. The Det. Sgt. will need to evaluate the necessary time and labour required for each item, and to set up a series of deadlines by way of a project plan. It is also imperative that the staffing fits the requirements of the project plan.

While the work to date has been barely satisfactory for the purposes of the preliminary inquiry, it not satisfactory for the purposes of proceeding to trial. Our present situation is dire because the present investigative team is exhausted and in the process of retiring, and so far there has been no orderly transfer of responsibilities to a new team. The case at present requires a significant infusion of talented and energetic officers to do a large amount of work over the spring and summer. A day of reckoning is upon us. Frankly, I am skeptical that the TPS is capable of marshaling the necessary resources to do what is necessary on a case of this type. (In that regard I was dismayed by the selection of the officer last week who was supposed to become the new Detective Sergeant, but who possessed no case management experience. This is not a case for inexperienced officers; they will get eaten up alive.)

Whatever may come, we are resolute that items (i) to (v) must be completed by Labour Day. The case cannot reasonably proceed otherwise. I trust that you will do your utmost to ensure that the TPS understands what is required.

Yours truly

A handwritten signature in black ink, appearing to read 'Milan Rupic', written in a cursive style.

Milan Rupic
Chief Counsel