



Taman Inquiry
into the investigation and prosecution of Derek Harvey-Zenk
Honourable Roger Salhany, Q.C., Commissioner

PROSECUTORIAL STANDARDS AND ETHICS

TAB 10

**THE *DEWAR* REVIEW: A REPORT RELATING TO
PROSECUTORIAL DISCRETION AND PLEA
BARGAINING IN THE TICKET FIXING CASE
COMMISSIONED BY THE ATTORNEY-GENERAL
OF MANITOBA – OCTOBER 1988**

THE DEWAR REVIEW

A report prepared by
The Honourable A. S. Dewar
at the request of
The Attorney-General of Manitoba

October 1988

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R E P O R T

PART I

SCOPE OF THE REVIEW

On June 9, 1988 the Honourable James McCrae, Attorney-General of Manitoba, directed that the conduct of a prosecution within his Department and the related police investigation be reviewed.

The scope of the review requested is defined in the terms of a letter The Honourable James McCrae, Attorney-General of Manitoba, sent to the undersigned on June 9, 1988, the text of which reads:

"I am writing to you pursuant to our earlier conversations to ask you to review the conduct of a prosecution within my Department. Specifically, I request that you consider the steps taken by the Department of the Attorney-General and the Winnipeg Police Department in the initiation and pursuit of a series of obstruct justice charges, resulting in the charging of a number of individuals, the conviction of a Provincial Court Judge and a senior Magistrate and the ultimate staying of charges against a number of other individuals.

A number of questions have been raised in various quarters as to the appropriateness of the initial charges, the manner in which the investigation was pursued and the manner in which the prosecution was handled by senior staff within my department. The police and prosecution personnel involved in the matter have asserted that the proper procedures and standards were at all times carefully observed and they are concerned that their competence, reputations and motives have been unfairly drawn into question in a way which they cannot appropriately respond.

Accordingly, I would ask that you carefully consider how the investigation began, how it was handled by the police, how the prosecution became involved and how various decisions were reached. I am particularly concerned with the allegations that have been made that there was no basis for the charges, the wiretaps, the warrants of arrest and search. I would appreciate your views on the steps that were taken and whether they met the legal and professional standards which are normally expected in this area.

There have also been concerns raised about the disposition of the charges and I would ask that you review with the police and the involved prosecutors the guilty pleas of Judge Trudel and Magistrate Steen and the basis for the staying of the charges against the other accused.

I have discussed this matter with the City and senior officials within the Department and they have assured me that they will give you their full cooperation. Should you wish to consult me at any time I would be pleased to meet with you.

Given the controversy surrounding this matter, I would like your assessment and conclusions as soon as possible."

Co-operation was initially sought, and received without hesitation on the part of those approached, in compiling an extensive and complete record, including documents and memoranda prepared and related to the investigation and prosecution. The information contained in these documents and memoranda formed a reliable source of basic information and a measure of the accuracy of additional information provided.

Full co-operation was given in that personnel from both the City of Winnipeg Police Department and the Department of the Attorney-General, including senior officials, made themselves

available and participated without reservation in interviews conducted by the undersigned. Without such co-operation, the absence of formal powers to compel production of documents or testimony under oath would have been a handicap. With the degree of co-operation given, I am satisfied that all pertinent and material facts and documents relating to the matters under consideration have been carefully scrutinized and the conclusions reached and recommendations made are solidly founded upon those facts as they are understood to be.

The conclusions and recommendations are intended to be fair and objective, having been drawn from an examination of the actions and decisions of those who participated in the investigation and prosecution after reviewing essentially the same evidence and facts available to them when the actions were taken or the decisions were made. To consider the opinions of others (e.g., those subjected to investigation and/or arrest) and information not available to the investigator, the prosecutor, or others involved in the process at each stage would not serve the effort made to achieve objectivity of the review requested.

PART II

THE INVESTIGATION - AN OVERVIEW1. PRIOR TO JANUARY 15, 1988

(a) Preliminary Investigation

In mid-July 1987 a small team of members of the City of Winnipeg Police Department (WCP) was assigned to investigate information reaching the police about alleged traffic ticket-fixing activity within the Provincial Court of Manitoba at Winnipeg. As it had been original information that a judge of the Provincial Court was implicated in the alleged illegal activity the matter was, and was treated as, a sensitive one. Experienced police officers were selected and steps were taken to preserve security of the project. A senior officer, Superintendent Wayne King of WCP Traffic Division was placed in charge; Inspector R. Dawson (then a Staff Sergeant) was in charge of operations. Early results first cast suspicion upon Provincial Judge Robert Trudel and subsequently upon Magistrate Bruce Steen.

Judge Trudel's office was in the Court House premises at 227 Provencher Boulevard. Magistrate Steen's was at 100 - 207 Donald Street, a mid-town Provincial Court premises where he was in charge, and the principal place in Winnipeg for processing offence notices issued under provincial statutes including The Highway Traffic Act. Annually, that office deals with something in the order of 150,000 such notices, the major portion by far being for traffic offences. The office is manned by a staff of clerks, cashiers and magistrates.

A brief statement outlining the jurisdiction and discretion of judges and magistrates to deal with offence notices is contained in APPENDIX A. APPENDIX B describes the offence notice and the counterparts.

(b) Interceptions Authorized

Continuation of the investigation was authorized in August after the Chief of Police and the Deputy Chiefs were briefed on progress by the officer in charge. Initial contact by WCP with the Crown office occurred within a few days of the end of August or the beginning of September when Deputy Chief Paul Johnston spoke to Mr. George Dangerfield Q.C., a Senior Crown Attorney in the Department of the Attorney-General of Manitoba and informed him of the investigation. On September 10 senior officers of WCP met with the Attorney-General, the Honourable Roland Penner Q.C., and Mr. Dangerfield. The purpose of the meeting was informational and to seek the Attorney-General's approval of an application to a superior court judge for authority to intercept private communications of Provincial Judge Trudel and Magistrate Steen at their respective offices and homes. The Attorney-General gave approval and, later the same day, an application (Part IV.1 of the Criminal Code) was made to Scott ACJQB. The application was granted. By the terms of the authorization, interceptions were permitted from September 11 to November 9, 1987. A later application made on October 31, 1987 to Scott ACJQB resulted in an authorization extending the period of interception to January 7, 1988. Three monitor transcribers were added to the police investigative team when interceptions began.

The Honourable V. Schroeder Q.C. assumed office as Attorney-General at the end of September 1987.

Although security within the Crown office was regarded as important, steps to preserve it were less extensive than those taken by WCP. Mr. Dangerfield remained the sole contact with the police investigators, who kept him informed of progress. Other staff were not privy to any knowledge of the nature of the investigation or to any information it was producing. The office of Director of Criminal Prosecutions had remained vacant since the death of the late Director in August. Mr. Stuart Whitley Q.C. was appointed to the vacancy late in October and commenced his duties November 4, 1987. He was first informed of the investigation on December 11 by Mr. Dangerfield.

(c) Evaluation of Results in the Crown Office

During the five days (including an intervening weekend) following January 7, 1988 (the date when the authorization to intercept expired) Messrs. Whitley and Dangerfield spent many hours of intensive work evaluating the evidence gathered by the police to that time. Given the time frame mentioned, this was a task of considerable proportions. Subjects, offences, sources, nature and weight of evidence, further investigation required, probable existence of supporting original evidence and where it might be located, appropriate measures to protect and obtain it, and a review of applicable law were the matters requiring attention at this stage as the information the investigation had produced

was digested by the two Crown lawyers, with the assistance of the police investigation team and their reports.

Some of the names that had surfaced during the investigation were those of persons working in the court system or in other areas of the Department of the Attorney-General. It was seen as undesirable that security of the matter be endangered by expansion of staff to assist in the work at this stage. This fear appears to have created a sense of urgency and a resulting pressure to get on with the job at hand. The services of two or three junior lawyers in the Crown office were utilized to review matters of law, but the main burden rested with Messrs. Whitley and Dangerfield, neither of them in sole charge.

Following this joint evaluation, Mr. Whitley prepared a "strictly confidential" memorandum addressed to Mr. John Guy Q.C., the Assistant Deputy Attorney-General (Criminal Justice). The document is dated January 12, 1988. Mr. Guy received it on the afternoon of January 13. It contained a synoptic description of the investigation, a brief of law on conspiracy and on elements of the offence described in s.127(2) of the Criminal Code and a list of legal, judicial and court staff persons who were under investigation. Persons outside the justice system were also named. Three categories of suspects were set forth and the action to be taken in respect of each was proposed. On the basis that there was sufficient evidence to do so, it was proposed that the first group be arrested and charged.

On the basis that further investigation should proceed in respect of the second group, it was proposed that they be given a police warning and interviewed. Finally, the third group, whose involvement might go no further than innocent complicity, were to be seen, and police warnings given "as the case may be" when interviewed.

Short cryptic notes as to the alleged nature of individual involvement appeared beside each name. Altogether there were 31 names. A 32nd apparently omitted in error was added at the meeting of January 13 described below. The memorandum also noted that WCP would be prepared to act on January 15 and to close down the Provincial Court Office at 207 Donald Street while executing a search warrant (to be obtained) for the purpose of locating documentary evidence in original form. A number of issues relating to anticipated prosecutions, dispositions, and possible diversion to a public inquiry were the subject of brief remarks. Finally, the memorandum recommended that a public statement be made by the Attorney-General to allay public concerns of failure in the Provincial Court system.

(d) Joint Meeting--January 13, 1988

On January 13 a meeting convened in the office of the Attorney-General. It lasted from 4 p.m. until 11 p.m. Those present were The Honourable V. Schroeder Q.C., Attorney-General, Mr. Tanner Elton, Deputy Attorney-General, Mr. John Guy Q.C., Assistant Deputy Attorney-General (Criminal Justice), Mr. Stuart Whitley Q.C., Director of Criminal Prosecutions, Mr. George Dangerfield Q.C., Senior Crown Attorney, Chief

of Police H.B. Stephen, Deputy Chief of Police Paul Johnston, Superintendent Wayne King, Inspector R. Dawson, Sergeant D. Preisenzanz, and monitor transcriber L. Granger (in possession of the master tapes of the interceptions).

The purpose of the meeting (chaired by the Attorney-General) was to consider the course of action outlined in Mr. Whitley's memorandum and to obtain the Attorney-General's approval. Copies of the Whitley memorandum referred to above were distributed and the contents of it discussed; individual cases were reviewed. Mr. Whitley made the main presentation. On the Crown side Messrs. Whitley and Dangerfield were the most informed people; on the police side these were Superintendent King, Inspector Dawson, Sergeant Preisenzanz.

When the meeting concluded, WCP had been instructed to obtain warrants for the arrest of twelve persons, and to apply for warrants to search the homes of Provincial Judge Trudel and Magistrate Steen, the Provincial Court premises at 207 Donald Street and 227 Provencher Boulevard, and two residences where three persons who were to be charged lived. The Provincial Court Office at 207 Donald Street was to be closed while the search for relevant records was being carried on. All of this was to be done commencing at 8 a.m. on January 15, 1988. Interviews with the remaining persons were to go ahead at the same time, as police personnel were available. January 15 had been selected as the date because it was a scheduled "overlap day" when a larger-than-normal complement of police officers is available for

duty. Such days occur periodically; the reason is not relevant here.

During the morning of January 14 while preparations were going ahead at WCP to carry out the instructions of the January 13 meeting Mr. Whitley, apparently acting on instructions from the Deputy Attorney-General, telephoned Superintendent King to advise him of a change in plans. The change was that Chief Provincial Judge Gyles, Provincial Judge Trudel and Magistrate Steen were the only suspects to be arrested and charged. King's reaction was that this instruction must come directly from the Attorney-General, given WCP's perception following the previous day's meeting that the Attorney-General had approved a specific course of action. Superintendent King reported the call to Deputy Chief Johnston. The Chief of Police was notified. He spoke to the Deputy Attorney-General by telephone and requested written instructions from the Attorney-General, without which the instructions received at the meeting on the previous evening would be carried out. Later by telephone WCP was told to proceed as originally planned. Mr. Dangerfield was not aware of this incident, nor was he advised of it until quite some time later. The same applies in the case of the Attorney-General. He knew nothing of it at the time and was not informed of it until told by Superintendent King on February 22.

(e) Charges Laid; Warrants Issued

Close to midnight on January 14, Sergeants Dickieson and Preisentanz of WCP attended on Provincial Judge Kris F. Stefanson at his home to lay informations charging the persons to be

arrested, and to obtain warrants of arrest and warrants to search. Both officers were members of the police investigating team, fully familiar with all aspects of the investigation, and were appropriate for the role of informants. Before attending they had prepared the necessary documents to be completed in the presence of the judge. The process (Secs. 443, 455, 455.3, 456, 456.2 of the Criminal Code apply) lasted approximately four and one-half hours. Judge Stefanson had no prior knowledge of the investigation. He rejected the information charging Chief Provincial Judge Harold ff Gyles but received the others and issued arrest warrants and search warrants. Some informations had been prepared to be sworn to and signed by Sergeant Dickieson and others by Sergeant Preisentanz. Through error a number of those Dickieson should have signed were signed by Preisentanz. This oversight, embarrassing to the judge and the two officers, was not noticed until the second court appearance on February 2, at which time new informations were laid to replace the defective ones.

2. JANUARY 15 TO MAY 6, 1988

On January 15 a considerable group of police officers was marshalled to effect the arrests, conduct interviews, and carry out the searches, as previously planned. All but members of the investigating team were unfamiliar with the investigation and briefings for individual tasks were given. During the day arrests and interviews proceeded. Search warrants were executed at 100 - 207 Donald Street, 227 Provencher Boulevard and at the homes of Provincial Judge Trudel,

Magistrate Steen, and three of the other accused.

(a) Arrests

Early in the afternoon of January 15 Chief Provincial Judge Harold ff Gyles was interviewed by Sergeants D. Shipman and R. Morin of WCP in his chambers at 373 Broadway. The Chief Judge was informed by the officers that they wished to speak to him about a possible s.127(2) charge and he was cautioned. The interview lasted approximately one hour. Before leaving, he was informed that the interview would be considered with other evidence, including intercepted communications, and a decision made about charges. He was arrested on January 16 on a warrant issued by Mr. Justice P.S. Morse of the Court of Queen's Bench upon the information of Sergeant Shipman. Messrs. Whitley and Dangerfield and the two police sergeants had attended on Mr. Justice Morse to lay the information and obtain the process.

Fifteen persons were arrested by WCP on January 15, eleven pursuant to the instructions of the January 13 meeting. Four others were charged and arrested after police interviews that day. With the arrest of the Chief Judge on January 16 and two further arrests on January 17, again after police interviews, the total number arrested was eighteen.

All arrested were conveyed to the Public Safety Building for interview and identification processes. Usual police procedures were followed. Each was afforded an opportunity to retain and instruct counsel; statements were taken, after police warning, from those who chose to make a

statement. When the process was completed, each was released on a personal recognizance to appear in court. No one was placed in the remand centre and no circumstances arose at any stage to cause the police officers to use handcuffs or any other means of physical restraint.

WCP expected that, once word of arrests and the closing of the Court Office at 207 Donald Street became known on January 15, the media would gather in force at the Public Safety Building. This they did. Identification of persons arrested was not revealed and arrangements were made to try to prevent exposure of accused persons to media personnel. Guards were posted to prevent access to portions of the building where the processing was to be done; much of it was done in areas not usually used for that purpose. Normally, release procedures take place in the Clerk of Court's office, a public area. On this occasion a magistrate attended in non-public areas for the purpose. In one instance, while other interview rooms were fully occupied, an accused was conducted to an interview room in the Youth Division area. To reach the room and return from it, it was necessary to traverse public space. In this instance the precautions taken failed to prevent momentary exposure. However, no one was "paraded" before media cameras.

(b) Searches

The search at 207 Donald Street was a substantial task. The office was closed by the police; staff members were interviewed, then allowed to leave.

Large quantities of court records were seized, and segregated. The process of examination went on throughout the following two days. On Monday morning the office was open again to the public. However, document examination continued for approximately two weeks, but with reduced manpower. When completed some 27-2800 traffic offence notices had been retained by the police.

The search of Provincial Judge Trudel's chambers and other locations at 227 Provencher Boulevard, authorized by warrant, produced some 125 traffic offence notices or one or more counterparts of such notices issued to 76 different individuals, only eight of which showed a disposition. Of the eight, five had been marked "stayed" (one person), two showed pleas of guilty entered but disposed of by acquittal and one was reprimanded. The remainder bore no sign of a disposition. With a few exceptions, all were returnable at 207 Donald Street. The exceptions pre-dated establishment of the 207 Donald Street court office.

Searches conducted pursuant to warrants executed at the residential premises resulted in seizure of miscellaneous items and documents as listed in the statutory returns filed in Provincial Court.

(c) Follow-up Investigation

Rather than dwell on numbers, it is sufficient for present purposes to say that the traffic offence notices recovered in the searches at 207 Donald Street and 227 Provencher Boulevard added very substantially to the number of police

interviews a complete and thorough investigation demanded. Many names were known to police investigators on January 13 when the lists mentioned above were considered. Some of the offence notices recovered on January 15 strengthened or supplemented the evidence as it stood on January 13, but the searches and seizures produced many names and notices not previously known. It was late February before this aspect of the investigation was near completion. Some 25 additional cases were referred by the police to the Crown office for evaluation and opinion during this period.

No written communications containing the Crown opinions requested appear to exist. The WCP position is that none have been received. The Crown office position is that opinions were given verbally. It seems reasonable to expect opinions sought by written requests would be in writing. A review of Crown office files on these matters reveals that some bear endorsements indicating individual cases had been evaluated, but there is nothing to indicate WCP had been advised, even verbally. Of some relevance to this point is the written advice of the Deputy Attorney-General to the Attorney-General on January 18, 1988:

"No additional charges have been laid since Saturday morning and pursuant to our discussion, no further charges or arrests will be made until there has been full consultation with the Crown Attorneys."

Also, on February 5, in a letter to Deputy Chief Paul Johnston, Assistant Deputy Attorney-General Guy wrote:

"It is my understanding that the investigative reports for Crown opinions are being forwarded to Director of Prosecutions Stuart Whitley. It is anticipated that these matters will not be reviewed immediately as our primary emphasis is on the preparation of the cases of those already charged ..."

(d) Follow-up Assistance to the Crown

Individual case summaries, witness "can say" briefs, exhibit reference lists and final interception transcripts were prepared by members of the police investigation team for the court briefs of prosecutors. Tedious and exacting, this was necessary work.

3. WHAT THE INVESTIGATION DISCLOSED--A GENERAL STATEMENT

"It's not like we've done anything criminal here. We're talking about traffic tickets." (Extract from a police report of an interview with one of the persons charged.)

Another accused, when spoken to by police about a bottle of liquor received, is reported as saying, "What would you expect me to do? Reject it?"

These two comments indicate the perception of two of the individuals accused. If widely viewed by the community in this way, the investigation and prosecutions under review served no public purpose and were a waste of time and resources. That, however, is not the case.

The investigation disclosed a practice in the Provincial Court at two locations in Winnipeg

of disposing of traffic tickets unlawfully and away from the public eye. The underlying reason in most instances uncovered was to avoid the accumulation of demerit points on driving records of offenders and the consequent effect on licenses and licensing costs. To avoid unwanted demerit points for moving offences, a disposition of "reprimand" or "acquittal" is required. An alternative method was to remove from the system all counterparts of a ticket and destroy them, or set them aside without disposition. At 207 Donald Street, Magistrate Bruce Steen practised the favourable disposition method; at 227 Provencher Boulevard, Provincial Judge Robert Trudel practised disappearance.

There was no accountability within the Provincial Court at Winnipeg for traffic tickets or the dispositions made. However, there were instances in which the favourable treatment described would be refused; e.g., if a traffic ticket was accident related, or if a traffic ticket had been issued by a law enforcement agency known within the Court to follow up on dispositions. Traffic accidents give rise to traffic accident reports--a separate record outside the Court system. Some rural police detachments do keep track of dispositions of offence notices made returnable in Winnipeg as a convenience to the offender or are sent there for disposition at the request of the offender. Possible complications could arise, and instances of this nature were not touched.

Involved with the two principal judicial figures, and alleged to have been parties to the

"attempt" or "conspiracy to attempt" charges recently stayed, as well as others who have not been charged, are other court officials, court staff members, lawyers, taxicab drivers (particularly those who drove for the cab company Provincial Judge Trudel used), and friends of the two central judicial figures. The traffic tickets involved had been received personally, by friends or associates, by family members, by acquaintances; in some instances the evidence fails to identify a relationship.

Transactions of the nature described were arranged by telephone or within a private office, never in an open courtroom or at a public counter. Some traffic tickets eventually dealt with favourably were pulled from the system at 207 Donald Street, and held in abeyance by the magistrate for long periods until a favourable disposition could be arranged. Also, at 207 Donald Street "explanations," if given, were in most instances unrelated to statutory parameters and in that sense not explanations at all. Magistrate Steen was easily "shopped" for dispositions that would not result in demerit points. For an apparently select group who could by-pass the public counter to reach his private office, there was no difficulty.

At 227 Provencher Boulevard, traffic tickets just disappeared from the system after leaving 207 Donald Street when requested by Provincial Judge Trudel or his secretary. Many were found in his office intact, showing no attempt to record a plea or a disposition. Many others noted in the transfer book at 207 Donald Street

as having been sent to Judge Trudel have disappeared without trace. Offenders who were taxi drivers received the benefit automatically, regardless of their driving records.

As well, benefits in kind are shown by the evidence to have been received and retained --liquor, a clock, an automobile paint job, an engine fan, hockey tickets--not as an immediate quid pro quo in specific instances, but nonetheless received, and not rejected by either of the judicial figures mentioned.

The real focus of attention the results of this investigation should receive is not the traffic tickets that were "fixed," rather it is the corruption of the judicial system established by law to process traffic tickets and punish offenders. Traffic tickets are but the means of commencing proceedings; the judicial process was the victim, the interest of justice was being defeated.

PART III

THE PROSECUTIONS - AN OVERVIEW1. PRIOR TO JANUARY 15, 1988

The Crown office, on the criminal side, is under the over-all direction of the Assistant Deputy Attorney-General (Criminal Justice) who has a broad range of responsibilities. The Directors of Criminal and Special Prosecutions report to him as do senior Crown attorneys functioning as "general counsel."

The role played by the Crown office prior to January 15, 1988 has been described in Part II. As a matter of convenience, in developing the narrative chronologically, this Part III deals only with what followed but is not exclusive.

2. JANUARY 15 TO MAY 6, 1988(a) Control of the Prosecutions

On or about January 15 Assistant Deputy Attorney-General Guy, who appears to have assumed a degree of control of the prosecutions, assigned the cases arising out of activity at 227 Provencher Boulevard (Trudel side) to Director of Criminal Prosecutions Whitley and those arising out of 207 Donald Street (Steen side) to Mr. Dangerfield. The Gyles matter was also assigned to Mr. Whitley.

No one person was given over-all responsibility for directing and controlling the prosecutions in a "hands-on" sense. Mr. Guy's responsibilities as an Assistant Deputy Minister

covered a broad range of matters which did not include the day-to-day control and management of criminal litigation. His knowledge and understanding of individual cases, while more than superficial, was not that to be expected of an actively participating counsel. Messrs. Whitley and Dangerfield were, of course, well versed, but control and responsibility were split between them. They were also carrying other work loads. Both reported directly to the Assistant Deputy Attorney-General. Neither one was in sole charge.

As the investigation proceeded beyond January 15, the Crown was faced with a problem of some complexity in a procedural sense. There were fifteen pending charges, eight being joint charges against either Steen or Trudel and one other (in one case, three other) accused, seven were individual charges against other accused. The Gyles matter had surfaced unexpectedly during the period of interceptions, but more or less stood alone on its own set of facts. As the results of this later phase of the investigation were accumulated, it became apparent that evidence in proof of one over-all unlawful agreement or common design, or even two, was not to be found. Whether or not evidence of that nature would be uncovered had remained an open question until this time. Without it, the prospect of organizing the prosecution into a lesser and more manageable number of cases was diminished. The task facing the prosecutors was not without difficulty, but not beyond their capability; preparation for the litigation went ahead.

(b) Circumstances Affecting the Crown Office

Two unsettling concerns, one of external origin, the other arising from within, must be mentioned here because of the apparent serious impact:

(c) External Criticism

Enforcement of the law to protect the integrity of the justice system was the supportable public purpose to which WCP and Crown office efforts had been directed from the start. Activities disclosed by early investigation showed grounds for taking protective steps. Public dismay about the health of the system was expected when the lid was lifted. Not anticipated, however, was the backlash of criticism encountered in the public media's presentation of the news of the charges and arrests following January 15.

If statements by various sources were correctly reported, the whole effort by WCP and the Crown was somehow perceived as a great mistake, a trivial pursuit, or alternatively a witch-hunt by a malfunctioning police force whose senior officers were unfit. That was one apparent theme; another appears to have been that lawyers, judges, and court officials should not be treated in the same way as the common throng. All of this salted with misinformation to lend credence.

Whatever the effect of this on public perception, the Crown office, for good reason, became greatly concerned. The only effective means of replying lay in presenting the facts in a court room. Until then it was something to be endured.

(d) Internal Attitudes

Another unsettling concern arose within the Crown office. This appears to have flowed from the fact that one lawyer on the civil side was arrested, four Crown Attorneys were interviewed by police, and members of the Provincial Court staff were likewise interviewed, all without forewarning. While attesting to the security that had been maintained, these events caused ill-feeling and resentment among some employees within the Department of the Attorney-General (including Crown attorneys) against senior Crown officials and the police. The reason is not clear, given the even-handed approach, unless one departs from the principle that public officials and employees ought to receive the same treatment as the ordinary citizen. Displeasure with the recent appointment of the Director of Criminal Prosecutions, displeasure at not being involved and displeasure with the way the prosecution was being handled contributed to the dissension.

(e) Thoughts of Diversion

Yet another unsettling influence was a recurring point of view which found some favour among senior Crown officials. It appears to have been expressed first on January 14. The substance of the view was that criminal proceedings should go forward against the Chief Provincial Judge, Provincial Judge Trudel and Magistrate Steen only, and be ultimately abandoned against the rest of those charged and arrested, the lawyers and civil servants to be referred to The Law Society of Manitoba or to the Civil Service Commission respectively. All others would be allowed to go free, having "learned a lesson" from the experience.