

February 19, 2009

The Honourable Mr. Justice Normand Glaude
Commissioner
Cornwall Public Inquiry

Mr. Commissioner,

I would first like to express my gratitude for the manner in which you personally treated my officers during their testimony at the Inquiry. Police officers are accustomed to being the brunt of personal attacks during legal proceedings and you, sir, ensured they were treated as professionals. On their behalf, I wish to thank you for that courtesy, and also the courtesy which you extended to me.

I wish to address the issue of the alleged conspiracy and/or cover up by me or any of my officers during my ten year tenure as Chief of the Cornwall Police Service. I emphatically, and absolutely, deny any such conspiracy and/or cover up. Nor did I participate in, or have any knowledge of, any such conspiracy and/or cover up since my retirement from the Cornwall Police Service.

As for any alleged participation in criminal or quasi-criminal conduct, or professional misconduct, on my behalf, again, I absolutely and categorically deny any such allegation. I find it personally reprehensible that certain individuals with less than stellar reputations in the community can level bald-faced accusations at myself, and others, with nary a shred of evidence and, thereby, defame me and my family name in this community where I was raised. These disturbing, insidious, and patently false allegations which have been leveled at me throughout this Inquiry, allegations which have permeated the media and, in particular, the internet, have caused me and my family extreme emotional pain and suffering. The negative consequences of these allegations on my health and welfare are not calculable. I am placing my trust and faith in you, Mr. Commissioner, to clear my good name.

Speaking to the issue of the management of the Cornwall Police Service under my leadership, and the quality of service provided to the Cornwall community throughout my tenure, I truly believe that I did the best job I could throughout and that the community at large was well served by my officers.

Notwithstanding, I do, however, want to state that I accept responsibility for the actions or omissions that I, or any of my personnel, may have made in which we did not meet the needs of victims of historical sexual assaults. In this, I also include the action taken by Constable Dunlop while I was his Chief. I was torn by his actions in which he reported and provided an alleged victim's statement to the CAS. On the one hand, I agreed with his actions in reporting his concerns to the CAS, but, on the other hand, he should have gone through the proper channels to do so and honoured the chain of command. My

preference in dealing with this indiscretion was to have him 'verbally counseled', however, he refused, which was his right under our policies.

I announced my retirement on November 4, 1992 to take effect on January 2, 1993. I believe it was no mere coincidence that the Silmsler statement was given to the media immediately after I officially retired in order to take advantage of the void in the leadership at the CPS where the new interim chief had not yet been sworn in. Further, I believe that Dunlop's actions of refusing my verbal counseling combined with the unauthorized release of a victim's statement to the media, and the Public Complaint initiated by Mr. Silmsler, forced the hand of Acting Chief Johnston to charge Dunlop under the Police Services Act of Ontario. The following three years witnessed the PSA charges being stayed by the PCC, the province's decision to appeal this decision, and the Dunlop civil action, all of which, in my opinion, were the precipitating events that ultimately lead to this Inquiry. I do not believe Constable Dunlop's motive during this three year period was the protection of children in the Cornwall community, but rather to simply bolster his civil lawsuit. I believe that Constable Dunlop, and the Cornwall community, would have been best served if he had remained an active police officer working within the service and our justice system.

As for the issue of poor morale in the Cornwall Police Service, I believe that police officers have sworn oaths as professionals and no matter what the external or internal forces may be at any given time they must carry out their duties and protect the community they have sworn to serve. I truly believe that my personnel did carry out their duties professionally although some errors and/or omissions did occur for which they and I must accept responsibility. Every officer and civilian in the Police Service from the Deputy Chief on down is 'accountable' to the Chief of police. As Chief, I was accountable to the Police Commission and ultimately to the Cornwall community, and for that I bear the responsibility of ultimate accountability no matter what the internal or external pressures were upon me. Someone has to make the final accountable decisions regardless that those decisions may be subsequently adjudged, with the benefit of 20/20 hindsight, as correct or incorrect. No doubt, some of my decisions along the way were unpopular or found disfavour with certain officers which led to, or contributed to, morale issues within the CPS. It is my professional experience that all police forces go through cycles of good and bad morale throughout the tenure of a Chief. The CPS was no exception to this as I experienced two such cycles throughout my tenure as Chief. Notwithstanding, I stand behind the decisions I made as Chief and accept full responsibility for them.

When the Silmsler investigation was halted by the settlement agreement Silmsler signed with the Church (as we no longer had a willing/cooperative complainant), my immediate action of going to the Crown, the CAS, the Papal Nuncio and the Bishop demonstrated I did everything that I could do, within the law and the position of my office, to see that justice was done. The fact that Father McDonald was a priest and in a position of authority did not preclude him from the same rights guaranteed by law which we, as police, must follow in respect of all persons. The Silmsler allegation of historical sexual abuse, and subsequent CPS investigation, was one of the most puzzling situations I faced

as a Chief of police. It moved from a straight forward investigation to manifesting itself into a full blown controversy, which somehow became linked to an internal morale issue. Notwithstanding, I relied on my officer's sworn oath to carry out their duties in a professional and competent manner. While I was ultimately concerned with the length of time the investigation was taking, I had faith in the personnel assigned to do the job correctly, including Cst. Sebalj, Cst. Malloy, Sgt. Lefebvre and S/Sgt. Brunet. I stand by these officers as they never reached 'reasonable and probable grounds' to lay a charge against Father McDonald. The series of events that took place after the Silmsler/Church agreement is still unfathomable to me, but I do not believe that the overall morale issue was responsible for same as these individuals were all, in my opinion, professional police officers.

In my humble opinion, morale is a fickle thing that often rides the tide of discontent among a vocal minority. To that extent I believe an analogy can be drawn between the CPS investigation of the Silmsler allegations and this Inquiry. No one could have predicted the outcome of either from the outset, or the impact either would ultimately have on each of its respective players and the psyche of the Cornwall community at large. In both cases, I suggest, morale has cycled for us all.

Again, if we at the Cornwall Police Service failed in our duty to meet the needs of the victims of historical sexual assaults, albeit unintentionally, I truly apologize to them and I trust in this Inquiry to provide recommendations that every police service can use to better serve victims of crime in the future and our communities in general.

Finally, I wish to acknowledge my faith in the professionalism of the OPP 'Project Truth' investigation to get to the truth, which I believe was ably demonstrated by their testimony at the Inquiry. I wish, also, to state for the record my great faith in the CAS to protect the interests of children in the Cornwall community. And, I would be remiss not to state that I also believe in the personal integrity of our Crown Murray McDonald and I believe that the advice he gave to both my officers and me to be above reproach.

I thank you for your consideration of my submission.

Respectfully,

Claude Shaver
Chief of Police (retired)
Cornwall Police Service