

**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 212

Held at :

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

Monday, April 7 2008

Tenue à:

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

Lundi, le 7 avril 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Ms. Mary Simms	
Mr. Mark Crane	Cornwall Police Service Board
Mr. Peter Manderville	
Mr. Neil Kozloff	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Juda Strawczynski	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action

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1 --- Upon commencing at 9:36 a.m. /

2 L'audience débute à 9h36

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session. The Honourable Justice
5 Normand Glaude, Commissioner presiding.

6 Please be seated; veuillez vous assoir.

7 **THE COMMISSIONER:** Thank you. Good morning.
8 How are you doing today?

9 **MR. DUMAIS:** I'm doing fine; yourself?

10 **THE COMMISSIONER:** Good.

11 **MR. DUMAIS:** We have a new face,
12 Commissioner. Mr. Juda Strawczynski is here.

13 **MR. STRAWCZYNSKI:** Yes.

14 **MR. DUMAIS:** He works ---

15 **THE COMMISSIONER:** Good morning, welcome
16 aboard.

17 **MR. DUMAIS:** --- he works with Mr. Manson
18 and Ms. Daly.

19 **THE COMMISSIONER:** Right, thank you.

20 **MR. DUMAIS:** I believe that's the only new
21 face.

22 Good morning, Luc.

23 **THE COMMISSIONER:** Good morning.

24 **MR. BRUNET:** Good morning, Mr. Commissioner.

25 **LUCIEN BRUNET, Resumed/sous le même serment:**

1 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR Me
2 DUMAIS (Cont'd/Suite):

3 **MR. DUMAIS:** Now, Luc, we just left off last
4 Friday. You're looking at the Will Say statement that
5 Constable Dunlop had made and I had indicated that there
6 was just one last point that I want to discuss with you.

7 And that's his comments about the fact that
8 he would have gone into the Cornwall Police Service office
9 during the first weekend of October, 1993 where he presumed
10 that Constable Sibalj was entering the project file for the
11 David Silmser complaint?

12 **MR. BRUNET:** That's correct.

13 **MR. DUMAIS:** And what do you recall about
14 the project file and the fact that the file was being
15 transferred from the regular OMPPAC occurrence entry to a
16 project file?

17 **MR. BRUNET:** On October 1st myself -- well,
18 the Chief, the Deputy Chief and myself had a meeting, which
19 is the day that I was told that the Constable Dunlop had
20 turned over the statement to the Children's Aid Society.

21 There were a number of issues discussed, and
22 it would be nice if I had my notes to refer to the issues
23 that came up at that meeting, but one of the issues ---

24 **THE COMMISSIONER:** Well, do you have -- are
25 the notes here?

1 **MR. DUMAIS:** The notes are here,
2 Commissioner ---

3 **THE COMMISSIONER:** So what's the exhibit
4 number?

5 **MR. DUMAIS:** I believe it's Exhibit 1436.

6 **THE COMMISSIONER:** Thank you.

7 **MR. DUMAIS:** And actually, Luc, if I can
8 just have your response on the project file, we'll be
9 dealing with that meeting and your notes shortly?

10 **MR. BRUNET:** Yes. During that meeting,
11 there was -- the Chief asked myself and the Deputy our
12 opinion on -- he was thinking of getting the entire file
13 put into a project because of the leak that we had just
14 experienced. And my personal opinion was that I agreed
15 with doing it because -- to keep the integrity of the
16 investigation, to maintain the integrity of the
17 investigation; that we had numerous other people that had
18 been interviewed and in order to protect their identify.

19 **MR. DUMAIS:** All right. And I'll ask you
20 this again, Luc.

21 I don't recall whether or not we had touched
22 on this last Friday, but his suggestion that you should
23 meet with the Diocese or the Bishop, was that the first
24 time that you had heard that or thought about that, or had
25 there been a previous discussion with the Chief regarding

1 that?

2 **MR. BRUNET:** No. The issue of meeting with
3 the Bishop -- like I'd mentioned last week in my testimony,
4 I had a conversation with Sergeant Lefebvre fairly early on
5 during the year and we were not comfortable with the way
6 that the Diocese would be dealing with this.

7 So we had not approached the Bishop prior to
8 the suggestion about maybe this would be an idea --- is --
9 when Constable Dunlop brought it up I thought that, at this
10 point, it would have merit. And being that we were not
11 pursuing the criminal investigation at this point or it
12 didn't appear that Heidi was meeting with Mr. Silmsler at
13 the time, but we appeared to have some pretty serious
14 roadblocks into our criminal investigation.

15 I thought there would be some merit in that
16 and I acknowledged that with Constable Dunlop and I told
17 him that we would -- I would be bringing this idea up to
18 the Deputy Chief and to the Chief.

19 **MR. DUMAIS:** All right. So the next entry
20 in your note is that meeting of October 1st, 1993. And that
21 was the meeting with the Deputy Chief and the Chief. Is
22 that correct?

23 **MR. BRUNET:** That's correct.

24 **MR. DUMAIS:** Now, is it at that meeting that
25 -- or did you brief the Deputy Chief and the Chief about

1 your meeting with Dunlop at that meeting or any time prior
2 to that?

3 **MR. BRUNET:** Yes, I did. I briefed the
4 Deputy Chief as soon as I finished my conversation with
5 Constable Dunlop.

6 **MR. DUMAIS:** All right.

7 **MR. BRUNET:** I went to the Deputy Chief's
8 office and briefed him on our meeting and the issues that
9 had been discussed, and the fact that I had asked him to
10 bring me the -- if he had documentation, I wanted it back.
11 And I also briefed him on what Constable Dunlop had
12 suggested about the meeting with the Bishop, and I request
13 -- I advised him that I supported that and maybe the Chief
14 or maybe the Deputy Chief and the Chief would want to meet
15 with the Bishop and to discuss if there is any other
16 avenues that they can follow to protect the community.

17 **MR. DUMAIS:** All right So that briefing, or
18 your briefing to the Deputy Chief, was on the same day as
19 the meeting with Constable Dunlop?

20 **MR. BRUNET:** Yes, immediately after I
21 briefed the Deputy Chief. The Chief wasn't there, he
22 wasn't present actually when I briefed the Deputy.

23 **MR. DUMAIS:** Right.

24 **MR. BRUNET:** And this would have been on the
25 29th.

1 **MR. DUMAIS:** Now -- so then you -- this
2 meeting is set up on October 1st, 1993, and, sorry, am I
3 correct, the Chief is there, the Deputy Chief and yourself?
4 Is that ---

5 **MR. BRUNET:** That's correct. At this point,
6 the Chief requested that I attend his office and when I got
7 there the Deputy Chief was already there and -- that's
8 correct.

9 **MR. DUMAIS:** All right. So that's when you
10 first learn that the statement -- Mr. Silmser's statement -
11 - has been given a release to the Children's Aid Society.
12 Is that correct?

13 **MR. BRUNET:** That is correct.

14 **MR. DUMAIS:** All right. And now, you
15 discussed a number of issues at that meeting and let me see
16 if I can summarize or categorize them, and we'll deal with
17 each of them separately.

18 **MR. BRUNET:** Okay.

19 **MR. DUMAIS:** So one of the things you
20 discuss was that the Chief requested that you get a letter
21 from Mr. Adams, Mr. Sean Adams, requesting a direction on
22 the Ken Seguin complaint. Is that correct?

23 **MR. BRUNET:** That is correct.

24 **MR. DUMAIS:** All right. So the second issue
25 is that you were advised to enter the report under

1 "projects" by 8:00 a.m. Monday morning?

2 MR. BRUNET: That's correct.

3 MR. DUMAIS: The third issue -- you had a
4 discussion with respect to you and Chief Shaver attending
5 in Ottawa to visit with the Pope's representative?

6 MR. BRUNET: That's correct.

7 MR. DUMAIS: All right. And then the fourth
8 issue; you were advised that an investigation would be
9 conducted on the conduct of Constable Dunlop with respect
10 to the statement. Is that correct?

11 MR. BRUNET: That's correct.

12 MR. DUMAIS: So then if we deal with the
13 first issue, the request to follow-up on the -- Ken Seguin
14 and that complaint. I understand following this meeting,
15 that you did attempt to contact Sean Adams. Is that
16 correct?

17 MR. BRUNET: That's correct.

18 MR. DUMAIS: And what were you asking from
19 him?

20 MR. BRUNET: I was asking him direction in
21 reference to, was Mr. Silmsler now ready to proceed against
22 Mr. Seguin.

23 MR. DUMAIS: All right. So you weren't
24 giving him a call and asking him to get a direction not to
25 proceed? So it was to get confirmation whether or not he

1 wanted to proceed now?

2 **MR. BRUNET:** Yes. Just to clarify the
3 context of it.

4 What happened is when I had redirected
5 Constable Sibalj to meet with Mr. Silmsers and discuss the
6 settlement and to see why he had stopped, when it was also
7 understood at that point that she was to ask him if now he
8 was ready to meet with Mr. Seguin -- to continue the
9 investigation with Mr. Seguin, if he was ready to move on
10 that.

11 And that's what I felt that the meeting was
12 going to be about. I've got the impression that what
13 happened is with -- with the Ellen Dunlop situation and the
14 Constable Dunlop involvement in this situation, I think we
15 kind of got side tracked with our objective of the meeting
16 and I think we kind of forgot to deal with that issue. So
17 when he had gone and then the Chief brought it up he had
18 made it very clear to -- Mr. Silmsers had made it very clear
19 to Constable Sebalj that if there was any further
20 discussions that they are to go through his lawyer -- were
21 to go through his lawyer which we believed to be Sean Adams
22 at the time which I believe he was. And that's why I
23 contacted Mr. Adams.

24 **MR. DUMAIS:** All right. And you actually
25 did get to speak to Mr. Adams on that day?

1 **MR. BRUNET:** No, I didn't. There was -- he
2 was supposed to call me back. There was a delay and I had
3 to make another call which I never made a note of it but I
4 got to make another call at a later time and that -- that
5 led to the -- later on that month or maybe the early
6 November where Mr. Silmsler called Constable Sebalj back and
7 told her that he didn't want to pursue.

8 **MR. DUMAIS:** All right. And were you
9 requesting just oral instructions or verbal instructions
10 from Mr. Adams or where you ---

11 **MR. BRUNET:** No, I asked him to get some
12 written instructions with what had been happening. I
13 wanted to have some documentation of that -- that we had
14 talked and that what Mr. Silmsler was willing to move on.

15 **MR. DUMAIS:** All right.

16 And you never did receive this written
17 direction or instructions in writing. Is that correct?

18 **MR. BRUNET:** No, I didn't. It was just the
19 phone call to Constable Sebalj I believe.

20 **MR. DUMAIS:** All right. Any reason why you
21 are the one making this call to Sean Adams rather than
22 Constable Sebalj?

23 **MR. BRUNET:** I just think because of the
24 involvement when Constable Dunlop became involved and the
25 escalation of the situation -- I think that's why I took it

1 upon -- well, when the Chief instructed me to get it done
2 and I took it upon myself to do it.

3 **MR. DUMAIS:** And just on the follow-up call,
4 perhaps this document might assist you -- I'm looking at
5 Document Number 110716 which is not an Exhibit yet, and
6 that's an interview report and you are being interviewed by
7 Detective Constable McDonell with the OPP on August 18th,
8 '94. So, I'll just put that to you in a minute.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 All right. Apparently there is some issue
11 with the document, Commissioner, but ---

12 **THE COMMISSIONER:** Okay. Well, can we put
13 it on the screen and keep going and then -- unless it's
14 controversial document.

15 **MR. DUMAIS:** It is not. It is not ---

16 **THE COMMISSIONER:** It is an interview report
17 so the next Exhibit, which will be Exhibit number?

18 **THE REGISTRAR:** Fourteen thirty-seven (1437)

19 **THE COMMISSIONER:** Fourteen thirty-seven
20 (1437) is an interview report of L. Brunet, interviewed on
21 the 18th of August 1994.

22 **---EXHIBIT NO./PIECE NO. P-1437:**

23 (110716) Interview report - Lucien
24 Brunet w/ OPP D/C McDonell dated 18 Aug

25 94

1 **MR. DUMAIS:** All right, I'm just looking at
2 the second page, so Bates pages ending 247 top of the page
3 about the -- I'll just read it out to you. Just see what -
4 - that's a reference to what you just indicated, Luc.

5 "So on October 1st I had a meeting with
6 Chief Shaver and Deputy Chief St-Denis.
7 Chief Shaver instructed me to get
8 direction from Mr. Silmser on
9 proceeding criminally against Ken
10 Seguin. At 2:46 p.m., I called Sean
11 Adams and requested he contact his
12 client to get his directions. I made a
13 follow-up call two or three weeks
14 later."

15 And then there is the reference to
16 Constable Sebalj being contacted by Mr. Silmser.

17 **MR. BRUNET:** Yes. That's correct.

18 **MR. DUMAIS:** So that's what happened.

19 **MR. BRUNET:** Yes. That's correct.

20 **MR. DUMAIS:** Right. The fact that
21 Mr. Silmser contacted Constable Sebalj, I mean do you know
22 whether or not yet instructed or directed Constable Sebalj
23 to communicate with him once you did not receive
24 instructions from Mr. Adams?

25 **MR. BRUNET:** No, my understanding that he

1 was responding and I recall going over that statement from
2 -- or the report that Constable Sebalj submitted and my
3 understanding of that report and the briefing and so on was
4 that when he received a call from his lawyer, from Mr.
5 Adams, he contacted Constable Sebalj directly instead of
6 contacting me because -- probably because he had been
7 dealing with Constable Seblaj throughout the investigation
8 and he didn't -- he was probably more comfortable talking
9 to her, or Mr. Adams may not have given him direction as
10 far as who had placed the call. He might have just said
11 the Cornwall police called. I'm assuming here because I
12 really don't have the answer.

13 **MR. DUMAIS:** All right. So, and that call
14 to Constable Sebalj was around the 4th day of
15 November 1993 and I understand that following that call
16 Constable Sebalj filed or prepared a supplementary
17 occurrence report.

18 **MR. BRUNET:** That's accurate.

19 **MR. DUMAIS:** All right. So if you can just
20 have a look at that report, which is Exhibit 1248.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. DUMAIS:** So if -- now if we look up at
23 the top of the occurrence report where the date is -- the
24 date of the report -- appears to have been filed on
25 November 4th, 1993 and if we look at the bottom of that

1 incident, that number, "Project Silmsers 1-1" that indicates
2 to us that the project file has now been opened. Is that
3 correct?

4 MR. BRUNET: That is correct.

5 MR. DUMAIS: All right. And obviously if
6 she is filing this supplementary report, she has access to
7 that file?

8 MR. BRUNET: Yes.

9 MR. DUMAIS: Now, if we are just looking at
10 the second paragraph and I'll just read it for you, it's a
11 sentence that starts with, "Silmsers once again"? So:

12 "Silmsers once again reiterated to
13 Constable Sebalj that he did not want
14 to talk to anyone about this."

15 MR. BRUNET: That's correct.

16 MR. DUMAIS: But in these -- the second
17 sentence of that paragraph:

18 "Silmsers suggested that if other
19 victims came forward that he would
20 gladly assist as witness."

21 MR. BRUNET: That is correct.

22 MR. DUMAIS: So he had been made aware of
23 that. You knew that he was still willing to participate as
24 a witness?

25 MR. BRUNET: I am sure that I was made aware

1 of it. I don't recall -- I didn't recall that specific
2 comment but I am sure that Constable Sebalj would have
3 briefed me on that.

4 **MR. DUMAIS:** All right. And then the last
5 sentence of the next paragraph, ends with:

6 "Silmser made himself very clear, he
7 know longer wanted to talk about all of
8 this."

9 **MR. BRUNET:** That is correct.

10 **MR. DUMAIS:** So, if we can then look at
11 Document 715633.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **THE COMMISSIONER:** All right. So we now
14 have, I believe, Exhibit Number 1437, which is that
15 interview report.

16 And Exhibit 1438 is an interview report of
17 D. C. Genier, interviewed on September 14th, 1994.

18 **--- EXHIBIT NO./PIÈCE NO P-1438:**

19 (715633) Interview Report - D.C. Genier
20 w/OPP dated 14 Sep 94

21 **MR. DUMAIS:** So in this report we've got
22 there, notes from a police officer that were taken during
23 the OPP investigation and one of these notes makes
24 reference to a conversation that this officer would have
25 had with Mr. Bell from the Children's Aid Society, so if

1 you can just have a look at Bates pages 7058186.

2 **MR. BRUNET:** Yes.

3 **MR. DUMAIS:** So I'm just looking at the last
4 seven lines on that page. So it reads as follows:

5 "Bell stated that Silmsers thought he
6 could not speak to us in case it would
7 jeopardize his agreement with the
8 Diocese and take a chance at losing his
9 money."

10 So would, then, that make it reasonable, at
11 least for Mr. Silmsers, that he not want to talk to you on
12 this issue if he's concerned -- well, perhaps that's not --
13 I'll rephrase that.

14 Mr. Silmsers appears, from that note, to be
15 concerned with his settlement; do you agree with that, if
16 he speaks on this issue?

17 **MR. BRUNET:** Okay, can you reword the
18 question, sorry. I was trying to read what he was saying
19 here because I'm -- I'm not ---

20 **MR. DUMAIS:** So Mr. Bell is indicating that
21 Mr. Silmsers does not wish to speak to them ---

22 **MR. BRUNET:** Correct.

23 **MR. DUMAIS:** --- because he's concerned that
24 this would jeopardize his agreement with the Diocese and
25 take a chance at losing his money.

1 **MR. LEE:** Just an issue with the wording of
2 the question.

3 The note reads, "Mr. Silmser felt he could
4 not speak with the CAS," not that he wished not to speak
5 with the CAS.

6 **MR. BRUNET:** Okay. This -- this is in
7 reference to the Father Charlie investigation or are you --
8 because initially you mentioned Ken Seguin's name in there,
9 too, I believe, and that's where I'm a little confused.

10 **MR. DUMAIS:** All right. So this -- let's
11 just set that aside for now.

12 So this is a police officer that appears to
13 be interviewing Greg Bell from the Children's Aid Society.

14 **MR. BRUNET:** CAS, that's correct.

15 **MR. DUMAIS:** And Mr. Bell appears to be
16 indicating to this officer who took down this note that:

17 "Silmser thought he could not speak to
18 us in case it would jeopardize his
19 agreement with the Diocese and take a
20 chance at losing his money."

21 **MR. BRUNET:** Okay.

22 **MR. DUMAIS:** So that appears to be a comment
23 that Silmser made to Greg Bell, presumably when they
24 interviewed him.

25 **MR. BRUNET:** Correct.

1 **MR. DUMAIS:** All right. So certainly it
2 appears from that statement that Mr. Silmsers was concerned
3 with talking about this matter and jeopardizing the money
4 he had received.

5 **MR. BRUNET:** That's fair.

6 **MR. DUMAIS:** And do you agree with me that
7 in this November 4th conversation that Silmsers has with
8 Constable Sebalj, that twice in her note, Constable Sebalj
9 indicates that he no longer wants to talk about this. He
10 doesn't talk about proceeding with charges or not
11 proceeding or providing directions, the wording that she
12 puts down in her Supplementary Occurrence Report is that he
13 no longer wants to talk about this.

14 **MR. BRUNET:** Yes, but there's also more to
15 it on -- on -- in the third paragraph where she says --
16 she's very specific about when she says:

17 "Silmsers further advises that he lawyer
18 had contacted him on behalf of the
19 police to inquire as his intentions
20 with Ken Seguin."

21 Which is separate. Ken Seguin has got
22 nothing to do with the settlement:

23 "Of this, Constable Sebalj asked
24 Silmsers if he wished to pursue that
25 matter and as before, Silmsers declined.

1 Silmsers made himself very clear; he no
2 longer wanted to talk about all of
3 this."

4 MR. DUMAIS: Right.

5 MR. BRUNET: But there -- in this case,
6 here, she specifically asks him about Ken Seguin, which is
7 not part of this agreement, or this settlement.

8 MR. DUMAIS: Fair enough.

9 MR. BRUNET: So she's very clear.

10 MR. DUMAIS: All right. But I think it's
11 clear as well, from the note that Constable Sebalj makes on
12 this telephone call, that Mr. Silmsers simply no longer
13 wants to talk about all of this?

14 MR. BRUNET: I agree with that.

15 MR. DUMAIS: Now, do you recall if after
16 being briefed on this telephone call whether or not you
17 would have met with Staff Sergeant Derochie?

18 MR. BRUNET: Yes, I remember Heidi and I
19 going in his office.

20 MR. DUMAIS: All right. So if I can just
21 take you to Exhibit 1303, which is a note -- a rough note
22 that I believe Staff Sergeant Derochie made at that
23 meeting.

24 (SHORT PAUSE/COURTE PAUSE)

25 MR. DUMAIS: Have you seen this note before,

1 Luc?

2 MR. BRUNET: Yes, I have.

3 MR. DUMAIS: All right. So the first
4 question is, that the second bullet there, it's indicated:

5 "Informed that Malcolm MacDonald is
6 suspected of sexual misconduct
7 involving young boys."

8 So that's during your meeting involving
9 yourself, Staff Sergeant Derochie and Constable Sebalj; do
10 you recall this coming up during this meeting?

11 MR. BRUNET: No, I don't. I really don't,
12 because at that time I -- I had absolutely no information
13 about Malcolm MacDonald.

14 MR. DUMAIS: All right. You don't recall
15 that being part of a discussion that day?

16 MR. BRUNET: No, I don't.

17 MR. DUMAIS: All right. And the -- the
18 bullet right after that:

19 "Informed Murray MacDonald's father was
20 convicted of sexual assault of a young
21 boy, relevant to anything."

22 Do you recall having any discussion with
23 respect to Murray MacDonald's father during that meeting?

24 MR. BRUNET: Yes, I do.

25 MR. DUMAIS: All right. So what was being

1 discussed?

2 **MR. BRUNET:** I just -- I grew up in
3 Lancaster and I -- I knew the MacDonald family and I was
4 aware that Murray's father had been charged back in, I
5 believe it was somewhere between my Grade 8 and Grade 9,
6 somewhere in that area, and I knew the victim. I'd never
7 seen the victim after because we went to different high
8 schools but I did know that there -- that he had been
9 charged with sexual assault and I felt that Garry should be
10 advised about this, just for his general knowledge, not
11 that it -- not that there was anything specific but general
12 knowledge-wise, he should have known about this.

13 **MR. DUMAIS:** All right. So this is
14 information that you had outside of police work; is that
15 correct?

16 **MR. BRUNET:** That's correct, yes.

17 **MR. DUMAIS:** Because you remember this
18 incident ---

19 **MR. BRUNET:** Yes, I do.

20 **MR. DUMAIS:** --- growing up as a child,
21 correct?

22 **MR. BRUNET:** Yes, I do.

23 **MR. DUMAIS:** And do you recall or did you
24 know how old the victim was at that time?

25 **MR. BRUNET:** He would have been about my age

1 which would -- I believe it would have been about grade 8
2 so 12-13 years old; somewhere in that ball park.

3 **MR. DUMAIS:** And you raised this concern
4 about what -- or why did you raise this concern about
5 Murray MacDonald and his father?

6 **MR. BRUNET:** I knew that Garry was doing an
7 internal investigation, Staff Sergeant Derochie was doing
8 an internal investigation, and I felt that this was
9 knowledge that he should be aware of it. It had nothing to
10 do with -- with the actual investigation he was looking
11 into, however, he should have knowledge of it because of
12 the general -- the general talk, I guess, around the
13 station about us not doing a proper investigation.

14 That -- that was the -- seemed to be the
15 initial thought on everybody and -- and I thought Garry
16 should be aware of it in case that anything comes up down
17 in the future; at least he knows about it and he's not
18 blindsided.

19 **MR. DUMAIS:** Were you concerned that Murray
20 MacDonald may not be able to be objective in being involved
21 in this case?

22 **MR. BRUNET:** No, I -- I -- not really
23 because Murray and I had never discussed this at any time
24 so I -- I wouldn't have had any clue, one way or the other,
25 that he would have -- or he wouldn't have been, so I -- I

1 don't think that would -- that would have played a factor.

2 **MR. DUMAIS:** All right, but certainly you
3 were concerned enough that this might come up and for that
4 reason, you felt you should advise ---

5 **MR. BRUNET:** That -- that's correct.

6 **MR. DUMAIS:** But certainly during --
7 certainly at that time, so in November of 1993, there
8 wasn't an ongoing investigation with respect to Murray
9 MacDonald's father?

10 **MR. BRUNET:** No. No, I have never heard
11 anything other than -- than that incident back in -- I
12 would say probably -- and I think I went to high school in
13 '69, so it would have been around there.

14 **MR. DUMAIS:** All right. Now, the next entry
15 on this note refers to -- I'll just read it in its
16 entirety:

17 "Mystery money to pay off Silmser, did
18 it come from Seguin or Malcolm
19 MacDonald or someone else or does it
20 matter?"

21 Do you recall that discussion about the
22 mystery money?

23 **MR. BRUNET:** I can't say I specifically do.
24 We -- like I accept that we may have, but it would have
25 been just again a general just thinking out loud type of

1 thing if we did ---

2 MR. DUMAIS: M'hm.

3 MR. BRUNET: --- because I don't think it
4 had any real bearing on what I had done or what he was to
5 investigate so I -- we may have discussed it just again
6 thinking out loud and just ---

7 MR. DUMAIS: All right. So, again, the name
8 of Malcolm comes up again and I guess the thought here
9 appears to be is whether or not he was involved in paying
10 any monies. Do you recall who brought that up during that
11 meeting?

12 MR. BRUNET: I don't really remember too
13 much about that conversation about the money and stuff, so
14 I -- I can't see myself had brought it up. I guess that's
15 the only thing I can say ---

16 MR. DUMAIS: Okay.

17 MR. BRUNET: --- because I don't think it
18 had any bearing on my involvement in this investigation
19 and, personally, I didn't see that it really mattered so I
20 don't see myself had brought it up, but -- so it would
21 leave, I guess, Constable Sebalj or Staff Sergeant Derochie
22 ---

23 MR. DUMAIS: That's a -- it's ---

24 MR. BRUNET: --- but I don't remember it.

25 MR. DUMAIS: It's a term that's unusual,

1 "mystery money", and I mean if that doesn't mean anything
2 to you, that's fine.

3 **MR. BRUNET:** No, I really can't -- I can't
4 clarify that; I don't know.

5 **MR. DUMAIS:** Now, I understand, Luc, that
6 you would have received a note from Staff Sergeant D'Arcy
7 Dupuis on or about November 25th, 1993, about a call which
8 he believes he would have received from Mr. Silmsler. Is
9 that correct?

10 **MR. BRUNET:** That's correct.

11 **MR. DUMAIS:** So I think the -- there is a
12 handwritten note and I believe this is Doc Number 729601.

13 **THE COMMISSIONER:** Exhibit Number 1439 is
14 notes of -- are these Sergeant Brunet's notes?

15 **MR. BRUNET:** Yes, they are.

16 **THE COMMISSIONER:** Very good, thank you.

17 **MR. BRUNET:** Thank you, Mr. Commissioner.

18 **THE COMMISSIONER:** First date on it for
19 identification purposes is the 25th of November, 1992.

20 --- **EXHIBIT NO./PIÈCE NO. P-1439:**

21 (729601) Notes of Lucien Brunet dated
22 November 25, 1993 to January 12, 1994

23 **MR. DUMAIS:** So these are your notes ---

24 **MR. BRUNET:** These are my notes, yes. There
25 is also a document from Staff Sergeant Derochie, a

1 supplementary report that he had submitted on this which I
2 am referring to in my notes.

3 **MR. DUMAIS:** All right. Well, perhaps we
4 can file that right away as well. So is that indicating
5 there is a supplementary occurrence report from Staff
6 Sergeant Dupuis?

7 **MR. BRUNET:** That's correct.

8 **MR. DUMAIS:** All right, so ---

9 **MR. BRUNET:** And that's the document that I
10 received from him in the morning that I'm referring to in
11 my notes here. He would have -- he would have been working
12 the night shift.

13 **MR. DUMAIS:** All right. Well, let's file
14 that right away. I think that's Doc Number 728546.

15 **THE COMMISSIONER:** Thank you.

16 Exhibit number 1440 is a document signed by
17 Sergeant Dupuis dated November 24th, 1993.

18 --- **EXHIBIT NO./PIÈCE NO. P-1440:**

19 (728546) Occurrence Report dated
20 November 24, 1993

21 **MR. BRUNET:** This is the internal email that
22 he sent me, but there's also a supplementary report.

23 **MR. DUMAIS:** Okay. So that -- and that
24 would be -- and the last document that would be Exhibit
25 372. I think we've got all the relevant documents on this

1 issue now.

2 So do you have Exhibit 372 handy?

3 **THE COMMISSIONER:** I'm sorry, what exhibit,
4 Maître Dumais? What exhibit are we looking at?

5 **MR. DUMAIS:** Three-seven-two (372).

6 So we have everything now, Luc.

7 **MR. BRUNET:** Yes, we do.

8 **MR. DUMAIS:** All right.

9 **MR. BRUNET:** Thank you.

10 **MR. DUMAIS:** All right. So Staff Sergeant
11 Dupuis receives this call from an unidentified caller, I
12 believe. He writes you an email November 24, 1993. That
13 appears to be at 21:00 hours and I think you've indicated
14 in your notes that you're informed of this on the following
15 day, so on November 25th. Is that correct?

16 **MR. BRUNET:** That's correct.

17 **MR. DUMAIS:** All right. And do you have --
18 are you meeting with Staff Sergeant Dupuis?

19 **MR. BRUNET:** No, he would have been a
20 uniform officer; the staff sergeant in charge of a uniform
21 team. He would have been the Officer in Charge and he
22 would have worked the night shift, so he would have sent me
23 an email and left me the -

24 **MR. BRUNET:** Document 372 into an interoffice
25 memo and like he mentioned on his email, if I had any

1 questions I could call him at home.

2 **MR. DUMAIS:** And what was he telling you
3 about that telephone call?

4 **MR. BRUNET:** Well, he explained that he had
5 received a phone call from a male who had identified
6 himself as David Silmser. The gentleman on the phone had
7 explained to him that he was very close to settling a civil
8 suit within the next 48 hours involving a sexual abuse
9 case, and that he had requested that the officer put in a
10 report indicating that should anything happen to him that
11 Ken Seguin or Charlie MacDonald were to be considered
12 suspects.

13 **MR. DUMAIS:** So in that bullet it appears to
14 be indicating that there's some sort of a negotiation or a
15 settlement of a civil suit and the paragraph makes
16 reference to both Ken Seguin and Charlie MacDonald?

17 **MR. BRUNET:** That's correct.

18 **MR. DUMAIS:** But you knew at that time that
19 David Silmser had already received a settlement from either
20 Father Charlie MacDonald or the Diocese. Is that correct?

21 **MR. BRUNET:** That's correct.

22 **MR. DUMAIS:** All right. So the fact that
23 Charlie MacDonald's name comes up again here, did that
24 spark any interest?

25 **MR. BRUNET:** Well, it ---

1 **MR. DUMAIS:** Did you notice that, I guess?

2 **MR. BRUNET:** I guess, like, it's hard to put
3 ourselves back to what I was thinking 15 years ago. I can
4 tell you what I think today, but unfortunately there's a
5 lot of water that's gone by then and I know a lot more
6 information about this than I did at that time, so I guess
7 it would be unfair for me to say that at that time ---

8 **MR. DUMAIS:** Do you recall any specific
9 thought about that, at that time?

10 **MR. BRUNET:** I don't -- I don't recall.

11 **MR. DUMAIS:** All right. And, again, the
12 note makes a reference at the second page, mentioning a
13 judge as well. Let me read the whole sentence:

14 "He indicated that there may -- that
15 there were many peoples involved in
16 this matter, mentioning a judge as well
17 as Seguin and MacDonald."

18 **MR. BRUNET:** That's correct.

19 **MR. DUMAIS:** And, again, do you know if
20 there was any follow-up with respect to a judge being
21 involved and whether or not that was investigated or ---

22 **MR. BRUNET:** No, with this type of
23 information, I wouldn't -- I wouldn't have been able to
24 follow-up on that, and I really don't know if the OPP which
25 did the further investigations, if they ever questioned --

1 I guess they would have to answer that. Bur from the
2 Cornwall Police, no, there was never any follow-up done.

3 MR. DUMAIS: All right. So after you read
4 this memo from Staff Sergeant Dupuis, you would have shown
5 your report to Deputy Chief St. Denis ---

6 MR. BRUNET: That's correct.

7 MR. DUMAIS: -- who asked you to advise the
8 Chief. Is that correct?

9 MR. BRUNET: That's correct.

10 MR. DUMAIS: All right. I think you've
11 indicated that in your notes, but on November 25th, 1993, I
12 believe that the Chief is no longer working or at the
13 police station. Do I have that right?

14 MR. BRUNET: I -- I'm not sure about the
15 timing of that. I believe that he was still active at the
16 time, on that date, but because I -- but I know I did get a
17 hold of him and I did meet with him at his house. He asked
18 me to bring it down to his house and I did meet with him at
19 his house on the issue. But I don't remember if he was
20 still active or not.

21 MR. DUMAIS: All right. Clearly, he was not
22 at work, and you attend at his house. Is that correct?

23 MR. BRUNET: That's correct.

24 MR. DUMAIS: So I guess whether or not he is
25 still active, he was still being briefed on this issue?

1 **MR. BRUNET:** That's correct.

2 **MR. DUMAIS:** Now do you recall what the
3 Chief's instructions to you were?

4 **MR. BRUNET:** Yes, he asked me to get a hold
5 of Mr. Silmser and to confirm that he's the one that had
6 made the call.

7 **MR. DUMAIS:** All right.

8 **MR. BRUNET:** I called him but I wasn't able
9 to reach him.

10 **MR. DUMAIS:** All right. So then I believe
11 you would have received then a telephone call from Staff
12 Sergeant Dupuis that night?

13 **MR. BRUNET:** Yes, during the evening he had
14 called my house and when I returned home I was given the
15 message to call him back, so I did.

16 **MR. DUMAIS:** So then it's at that time that
17 Staff Sergeant Dupuis informed you that Ken Seguin had been
18 found dead?

19 **MR. BRUNET:** That's correct.

20 **MR. DUMAIS:** And, again, you briefed the
21 Chief on this information?

22 **MR. BRUNET:** Yes, I called him immediately.

23 **MR. DUMAIS:** And, again, like, you would
24 have called him at home. Is that correct?

25 **MR. BRUNET:** That's correct.

1 **MR. DUMAIS:** And my understanding is on the
2 following day, that you attempted to speak to someone from
3 the Ontario Provincial Police?

4 **MR. BRUNET:** Yes. I put in a call
5 immediately after I spoke to Chief Shaver. I called the
6 Ontario Provincial Police Communications Centre and asked
7 to speak to -- I was told that Constable Millar and
8 McDonnell I believe were doing the investigation, so I asked
9 for one of them to call me back.

10 **MR. DUMAIS:** And did anyone call you back
11 then?

12 **MR. BRUNET:** No, not that evening, so the
13 next morning at about seven o'clock when I came in to the
14 office, I called the Ontario Provincial Police detachment
15 and I spoke to Sergeant Vanderwood to inform him of the
16 information that we had.

17 **MR. DUMAIS:** And you wanted to speak with
18 them and just advise them of what CPS -- what had been
19 CPS's involvement with respect to Ken Seguin and otherwise?

20 **MR. BRUNET:** That's correct. When I heard
21 that he was found dead in his home, I was very concerned
22 that the Ontario Provincial Police were dealing with a
23 homicide and I know that, as a police investigator, I would
24 have wanted to know the phone call that Staff Sergeant
25 Derochie had received -- that Staff Sergeant Dupuis had

1 received the night before.

2 It would have -- that was in my opinion
3 very, very important information that they should know
4 immediately, early in the investigation. So that's the
5 purpose of my phone call, to make them aware of (a) the
6 phone call that Staff Sergeant Dupuis had received and then
7 brief them on the -- the complaint from the Children's --
8 from Mr. Silmsler.

9 MR. DUMAIS: All right.

10 MR. BRUNET: From the beginning.

11 MR. DUMAIS: Now, if I can just have you
12 look at the -- at your notes once again, which are at
13 Exhibit 1437, so the last couple of lines, that would be
14 Bates pages ending in 092?

15 MR. BRUNET: Yes.

16 THE COMMISSIONER: Okay. So that was filed
17 today. That would be a loose -- Sergeant Brunet, that's
18 your statement? That's 1437?

19 MR. BRUNET: One-four-three-seven (1437)?
20 Yes, I've got it.

21 THE COMMISSIONER: What's the Bates page;
22 202?

23 MR. DUMAIS: Zero-one-nine (019).

24 THE COMMISSIONER: Okay. Wait a minute now.
25 We're looking at Exhibit 1437?

1 MR. BRUNET: Yes.

2 MR. DUMAIS: Let me ---

3 MR. BRUNET: On which page? It's because
4 the -- I don't have any ---

5 THE COMMISSIONER: Yeah, me neither.

6 MR. DUMAIS: Perhaps, Commissioner, we want
7 to make sure we're looking at the same document and I'm
8 informed this might be Exhibit 1439. Is it Doc Number
9 729601?

10 MR. BRUNET: No.

11 MR. DUMAIS: Madam Clerk is nodding at me.

12 THE REGISTRAR: One-four-three-nine (1439).

13 THE COMMISSIONER: Okay, so we're looking at
14 this officer's notes?

15 MR. DUMAIS: Correct.

16 THE COMMISSIONER: All right; 1439. Are you
17 there, Mr. ---

18 MR. BRUNET: Oui.

19 THE COMMISSIONER: Okay; 1439 are your
20 notes?

21 MR. DUMAIS: I'm just looking at the last
22 seven or eight lines of your notes, which appears to
23 indicate what you did after you briefed Randy Millar. I'll
24 just read it and I'll ask you to explain afterwards:

25 "I went to see Constable Sebalj re a

1 statement from Seguin. She was talking
2 to Silmser. After the phone call, I
3 told her to come in the senior
4 officer's lounge and brief us on the
5 call. 10:55 - Constable McDonell
6 arrived in the lounge and 11:10, Millar
7 and McDonell left."

8 **MR. BRUNET:** Yes.

9 **MR. DUMAIS:** So you don't have anything in
10 your notes as to what she briefed you on; do you recall
11 what Constable Sebalj told you?

12 **MR. BRUNET:** I just have a general
13 recollection of it.

14 I -- I remember he was -- he had heard about
15 Mr. Seguin being found and I -- I don't remember the
16 context.

17 **MR. DUMAIS:** That's fine. All right.

18 So just getting back to that October 1st
19 meeting, so the second item or issue that the Chief had
20 asked you to look at is to make sure that the file be
21 entered in OMPPAC; is that correct?

22 **MR. BRUNET:** That's correct.

23 **MR. DUMAIS:** And those instructions came
24 from the Chief; is that correct?

25 **MR. BRUNET:** That's correct.

1 **MR. DUMAIS:** And did he explain why he
2 wanted everything entered in OMPPAC?

3 **MR. BRUNET:** Yes.

4 You mean why he wanted it on OMPPAC or why
5 he wanted it in the project?

6 **MR. BRUNET:** Why he wanted it in OMPPAC?

7 **MR. BRUNET:** Well, it's -- I mean, we've --
8 we've got to document -- like every investigation we do it,
9 it's got to be documented on the system.

10 Like I had mentioned earlier in my testimony
11 last week, we've always put it in the system. What we
12 would do often is we would work with a hard copy file but
13 at the end of the day, we have to put it in the system.

14 **THE COMMISSIONER:** But at the end of the
15 day, you -- this file had been open for nine months and
16 there hadn't been anything put in it.

17 **MR. BRUNET:** No, that's correct; we were
18 working with a hard copy file.

19 **THE COMMISSIONER:** Yeah.

20 **MR. BRUNET:** But the -- that's -- that's why
21 he wanted it entered. He said we've got to make sure that
22 it's documented in the system and I believe that he wanted
23 to review it. Like the purpose for him to do it is he
24 wanted to review the entire investigation.

25 **MR. DUMAIS:** Was he concerned with the fact

1 that this file had not been entered in OMPPAC?

2 MR. BRUNET: I don't recall being -- him
3 making any comments particular to it not being entered on
4 OMPPAC, I don't remember.

5 MR. DUMAIS: All right. But clearly you
6 received those instructions that morning.

7 MR. BRUNET: To put it on.

8 MR. DUMAIS: And clearly this appears to
9 have been a pressing matter and he had -- been given it a
10 deadline; is that correct?

11 MR. BRUNET: Yes, that's correct. I was --
12 I was told to get it in by the Monday.

13 MR. DUMAIS: Which -- would that have been
14 the third day of ---

15 MR. BRUNET: While reviewing my notes, I
16 noticed that my notes are off by one day. Somehow I made a
17 mistake in writing the date: The date; it was actually a
18 day later, but ---

19 THE COMMISSIONER: Run that by me again?

20 MR. BRUNET: Well, when I wrote my notes,
21 the Chief asked me have it in by the Monday and if -- if
22 the Monday was the 3rd, I put in the "2nd" and the Monday and
23 the Sunday, because Constable Sebalj brought them to my
24 house. I had asked her to review them before I turned them
25 over to the Chief and she brought them over to my house on

1 the Sunday afternoon and if the Sunday was -- it would have
2 been the 3rd, I believe I put in the "2nd" and then the
3 Monday was actually the 4th, I put in the "3rd" in my notes
4 and then my notes were accurate after that when I checked
5 it against the calendar, but I was wrong by -- like I made
6 a mistake by putting the dates down.

7 **MR. DUMAIS:** Do you care to summarize that,
8 Commissioner?

9 **THE COMMISSIONER:** Pardon me?

10 **MR. DUMAIS:** Did you understand that?

11 **THE COMMISSIONER:** Yes.

12 **MR. DUMAIS:** All right.

13 **MR. BRUNET:** Sorry about that.

14 **MR. DUMAIS:** But I guess suffice it to say,
15 Luc, that she brought you the file, whichever date it was,
16 on that Sunday, at your house?

17 **MR. BRUNET:** At my house, that's correct.

18 **MR. DUMAIS:** All right. And you reviewed it
19 on that day?

20 **MR. BRUNET:** That's correct.

21 **MR. DUMAIS:** And it was on the Monday that
22 you gave a copy of the file to Chief; is that accurate?

23 **MR. BRUNET:** That's accurate.

24 **MR. DUMAIS:** All right. Now -- and not only
25 did the Chief want everything entered in OMPAC -- and we

1 spoke about this briefly -- but he wanted everything in the
2 project file; is that correct?

3 MR. BRUNET: That's correct.

4 MR. DUMAIS: And I gather that not too many
5 people in the office were able to set up those project
6 files; is that correct?

7 MR. BRUNET: That's correct.

8 MR. DUMAIS: And is it accurate to say that
9 it is only Sergeant Lortie that was able to do that?

10 MR. BRUNET: Well, Sergeant Lortie would
11 have been the only one that would have had the -- the
12 authority.

13 I believe, if I remember correctly, the way
14 OMPPAC worked is there were a few -- like, there was an
15 administrator who -- who could give people the power to do
16 things and at that time Sergeant Lortie, being the
17 Intelligence Officer, would have been the administrator
18 that had the authority to -- to give access -- limited
19 access to the files.

20 In other words, if he wanted -- if I was
21 allowed to -- to put in a report in and to read that file,
22 like he could limit it to me just reading it or putting in
23 the reports or whatever.

24 THE COMMISSIONER: All right. But who --
25 can anyone -- he's the administrator but can ---

1 **MR. BRUNET:** That's right.

2 **THE COMMISSIONER:** --- anyone start a
3 project file?

4 **MR. BRUNET:** He's the only one that can give
5 you the authority to start it.

6 So depending on what the needs were, like if
7 -- if -- if I was working on a -- I'll use an example
8 something a little different, a drug project ---

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

10 **MR. BRUNET:** --- and I had two investigators
11 working for me and myself would be managing the drug
12 project, then he would -- he would give me that authority
13 and the two drug investigators the authority to either
14 enter reports, read reports and so on, but nobody else in
15 the department would have access to doing that.

16 **THE COMMISSIONER:** But the Chief would have?

17 **MR. BRUNET:** I -- I'm not really -- I -- I
18 don't remember and I'm not really qualified, so I --
19 somebody else could probably answer that question better
20 than can, because I'm not sure.

21 **MR. DUMAIS:** All right. So clearly Sergeant
22 Lortie gets this authority by virtue of being the
23 Intelligence Officer, right?

24 **MR. BRUNET:** That's correct.

25 **MR. DUMAIS:** All right. And you ask him to

1 set up this file and he does set it up?

2 MR. BRUNET: That's correct.

3 MR. DUMAIS: And do you recall who you ask
4 be granted access to the file?

5 MR. BRUNET: To the best of my recollection,
6 it would have been myself, Constable Sebalj, and Staff
7 Sergeant Derochie.

8 MR. DUMAIS: All right. And I take it, you
9 spoke to Constable Sebalj and she did undertake to enter
10 the entire file in OMPPAC?

11 MR. BRUNET: Yes, she did.

12 MR. DUMAIS: All right. Now, I believe in
13 your notes, when you ask her to input everything into
14 OMPPAC, you used the words, the terminology, "ordered;" is
15 there any significance to that?

16 MR. BRUNET: No, I -- I think probably
17 "directed" would have may be -- I think it's just language.
18 I think "directed" would have been appropriate.

19 There was no -- there was no reluctance on
20 her part of doing it; it was just she was directed to do
21 it.

22 MR. DUMAIS: All right.

23 THE COMMISSIONER: No, but let's get back
24 into the sphere of things. I mean things are happening
25 quickly now.

1 MR. BRUNET: Yes.

2 THE COMMISSIONER: You ordered her -- well,
3 "ordered" -- I guess, it's not whether or not she wanted to
4 get it done or had any reluctance; it was there was
5 pressure from above ---

6 MR. BRUNET: That's correct.

7 THE COMMISSIONER: --- to get this thing
8 "contained," I guess? And I'm just talking about documents
9 now ---

10 MR. BRUNET: Yes.

11 THE COMMISSIONER: --- and have them put
12 into this project file and then -- and prepared?

13 MR. BRUNET: That's accurate.

14 THE COMMISSIONER: All right.

15 MR. BRUNET: And that's why I'm saying like
16 it was more "directed" to do it, but -- it wasn't optional
17 but she was told to do it.

18 MR. DUMAIS: I mean, clearly she had to come
19 in over the weekend to ---

20 MR. BRUNET: Exactly.

21 MR. DUMAIS: --- to get this done?

22 MR. BRUNET: Yes.

23 And there's absolutely no -- no indication
24 from her that she was reluctant in doing it, that I would
25 have had to order her to do it.

1 **MR. DUMAIS:** All right.

2 **MR. BRUNET:** She agreed to do it.

3 **MR. DUMAIS:** So she brings you this package
4 at home on Sunday; do you recall what she's giving you,
5 what's in there?

6 **MR. BRUNET:** Well, they were ---

7 **MR. DUMAIS:** She ---

8 **MR. BRUNET:** It's -- basically it's the
9 entire file; you have everything from the -- the names of
10 all the witnesses, you have the statements that -- where
11 she took handwritten statements and there would have been a
12 synopsis of the incident.

13 **MR. DUMAIS:** So she's printing from OMPPAC,
14 right?

15 **MR. BRUNET:** She -- yes, I believe she
16 printed -- yeah, that's what I would have received as she
17 probably printed a brief. I would think she printed a
18 brief and then I got the brief which would have all the
19 documentation on it.

20 **MR. DUMAIS:** Okay. So do you think that
21 what you received from her was simply what had been
22 inputted in the OMPPAC. And, by that, I mean, did you have
23 any of her paper file given to you?

24 **MR. BRUNET:** No, I don't believe so. I
25 don't remember. I don't think she had included a copy of

1 her notes; I don't believe there were actual statements,
2 like people had handwritten their statement ---

3 MR. DUMAIS: Right.

4 MR. BRUNET: --- I don't believe that those
5 were included in the file. It would have been -- it's
6 retyped. It's the same information, but it's retyped on
7 the system.

8 MR. DUMAIS: But -- and clearly, you don't
9 enter all the information that you find in your notes into
10 the OMPPAC system?

11 MR. BRUNET: No, you're ---

12 MR. DUMAIS: Just ---

13 MR. BRUNET: --- she would have prepared a
14 synopsis.

15 MR. DUMAIS: All right.

16 MR. BRUNET: Now, you reviewed the file on
17 that Sunday.

18 MR. DUMAIS: Yes, I did.

19 MR. BRUNET: And, you met with the Chief on
20 the following day?

21 MR. DUMAIS: Yes.

22 MR. BRUNET: And you gave him a copy of the
23 file.

24 What were his comments, if any?

25 MR. BRUNET: Well, he asked me to -- he

1 wanted more information -- he wanted a synopsis of each
2 person interviewed; what their evidence was. In other
3 words, the ones that she had interviewed, that she had
4 obtained statements, she had put them in the system.

5 However, the people that basically said, "I
6 know nothing; I've got no evidence to give you," she had
7 not -- like, she had put their names but they were not
8 listed and he had asked to -- for her to do that, that he
9 wanted that, also. That if somebody was interviewed, what
10 exactly did they say? If they said they saw nothing, then
11 he wanted to know that.

12 **MR. DUMAIS:** So clearly, the Chief at that
13 point in time wanted a comprehensive file.

14 **MR. BRUNET:** He want -- yes, he wanted all
15 the details of each person that had been interviewed, and
16 so on.

17 **MR. DUMAIS:** All right.

18 And I understand that you spoke to Constable
19 Sebalj, and she did prepare ---

20 **MR. BRUNET:** She complied with that ---

21 **MR. DUMAIS:** --- this additional
22 information.

23 And maybe, if we can just look at the
24 Exhibit 1249 ---

25 **THE COMMISSIONER:** One two four nine (1249).

1 (SHORT PAUSE/COURTE PAUSE)

2 THE COMMISSIONER: And what page?

3 MR. DUMAIS: It would be Bates pages 696.

4 THE COMMISSIONER: One two four nine (1249)?
5 That's the copy of ---

6 MR. DUMAIS: --- 696.

7 THE COMMISSIONER: Yes, I'm sorry. Six nine
8 six (696).

9 Okay.

10 MR. DUMAIS: All right.

11 So this appears to be a -- the title to this
12 document is, "A confidential instructions for Crown
13 Counsel" which appears to have been printed on October 6th,
14 1993.

15 I'm looking at the top page ---

16 MR. BRUNET: Yes.

17 MR. DUMAIS: --- only.

18 MR. BRUNET: M'hm.

19 MR. DUMAIS: All right.

20 So is this what the file looks like, once
21 it's printed from OMPPAC?

22 MR. BRUNET: Yes; that's -- well, this would
23 -- this part here would have been a supplementary report,
24 where she would have complied with the Chief's request of
25 listing all the witnesses and what, if anything, they had

1 to say about the case, even if it wasn't any evidence to --
2 of any corroboration, it still detailed the -- what they
3 told her.

4 MR. DUMAIS: All right. So -- and that's
5 what we're finding at page -- at Bates pages 696, is that
6 right?

7 MR. BRUNET: That's correct.

8 MR. DUMAIS: All right.

9 And so then, you get this new Crown brief,
10 or confidential instructions for Crown counsel and you
11 remit that or give that to the Chief?

12 MR. BRUNET: Yes.

13 MR. DUMAIS: All right.

14 And do you know what he does with that, or I
15 mean, he just -- does he keep a copy? Does he ---

16 MR. BRUNET: I have absolutely no idea.

17 MR. DUMAIS: Okay.

18 But is it your belief that he reviewed all
19 this information then?

20 MR. BRUNET: It's an assumption, but if he
21 asked for it, I'm assuming that he read it.

22 MR. DUMAIS: I guess you know that the first
23 time he read it because he asked for additional
24 information.

25 MR. BRUNET: I guess that's fair. That's

1 fair.

2 MR. DUMAIS: And you were provided with a
3 copy of this October 6th version as well, and you reviewed
4 it as well?

5 MR. BRUNET: That's correct.

6 MR. DUMAIS: All right.

7 MR. BRUNET: So now, if -- so, going back
8 then to October 1st, 1993, that meeting with the Chiefs --
9 so the third thing that the -- that was decided or
10 discussed was that you would -- both you and the Chief
11 would be visiting with the Pope's representative. Is that
12 correct?

13 MR. DUMAIS: That's correct.

14 MR. BRUNET: All right.

15 MR. DUMAIS: And perhaps if you can just
16 take us back to the October 4th -- October 1st meeting and
17 tell us what was discussed about that.

18 MR. BRUNET: Is that the meeting with the
19 Archbishop, the 4th?

20 MR. DUMAIS: No, sorry. The October 1st
21 meeting is a meeting that you're having with the Chief and
22 the Deputy Chief, where ---

23 MR. BRUNET: Yes.

24 MR. DUMAIS: --- you're deciding -- and I
25 listed at the beginning of my questions before ---

1 **MR. BRUNET:** Right.

2 **MR. DUMAIS:** --- a plan of action, I guess.

3 **MR. BRUNET:** Okay.

4 **MR. DUMAIS:** So what was the discussion that
5 the Chief, yourself and the Deputy Chief was having about
6 meeting with the Pope's representative in ---

7 **MR. BRUNET:** Well, it was because he wanted
8 to voice our concern about the approach that the Diocese
9 had taken with this sexual assault complaint -- allegation.

10 **MR. DUMAIS:** All right.

11 And do you think, Luc, that this discussion
12 or this idea is a direct result of you briefing both the
13 Chief and the Deputy Chief on what Constable Dunlop had
14 suggested?

15 **MR. BRUNET:** That's possible.

16 **MR. DUMAIS:** All right.

17 **MR. BRUNET:** It's possible.

18 **MR. DUMAIS:** The idea came from there, I
19 guess.

20 **MR. BRUNET:** I -- like, I'm not sure if the
21 Chief had been thinking about it prior to or not, but it's
22 very possible that it would come from Constable Dunlop's
23 suggestion.

24 **MR. DUMAIS:** All right. And, if I can just
25 take you to Exhibit 1233, Luc.

1 **THE COMMISSIONER:** That's the interview of
2 Murray MacDonald?

3 **MR. DUMAIS:** That's correct.

4 So that's a statement that the Crown, Murray
5 MacDonald, gives to Tim Smith on July '94, and the -- I'd
6 ask you to turn to Bates pages 889.

7 And I believe that Mr. MacDonald is asking -
8 - or, Murray MacDonald is -- he's asking the -- he's
9 answering Detective Smith. And the question is -- it's at
10 mid-page there.

11 "Did he indicate that he was going to
12 do anything, or speak to any member of
13 the Church in regard to whether it's
14 done?"

15 **THE COMMISSIONER:** So, who is he talking
16 about, there?

17 **MR. DUMAIS:** He's -- I believe he's here,
18 talking about the Chief, and the discussion that the Chief
19 and Murray MacDonald would have had.

20 And I guess part of the answer is at the
21 bottom of page 55 and the remainder is at -- on the
22 following page.

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

24 **MR. DUMAIS:** So really -- so if you can read
25 through the next page, as well -- so 890 top half, so Mr.

1 Murray MacDonald appears to be saying -- and I'll just read
2 from the fourth line:

3 "It was discussed that perhaps, uh, the
4 Church, the CAS, and the Ministry of
5 Correctional Services would be agencies
6 that would be appropriate to contact,
7 but clearly, uh, from my conversation
8 with the Chief his main concern was to
9 go to the hierarchy of the Church and
10 say, 'You've got to protect children
11 from this -- from this complaint because
12 the complaint would all -- let's face it
13 the complaint focus on this, on this, on
14 the priests.'"

15 So Murray MacDonald appears to be relating a
16 conversation that we would have had with the Chief. So my
17 question to you is during that
18 October 1st meeting was there any discussion about speaking
19 or to anyone other than the Archbishop of Ottawa?

20 **MR. BRUNET:** I don't believe so. I believe
21 if there would have been, I would have made notes but ---

22 **MR. DUMAIS:** All right. So you believe at
23 that meeting you are only discussing meeting with the
24 Pope's representative and there's no discussion with
25 respect to whether or not you should report this to

1 Probations and Corrections?

2 MR. BRUNET: No, because CAS were already
3 advised. We're told that CAS were advised and ---

4 MR. DUMAIS: Fair enough.

5 MR. BRUNET: I don't recall a conversation
6 about Probation and Corrections.

7 MR. DUMAIS: Now ---

8 MR. BRUNET: Oh ---

9 MR. DUMAIS: Sorry?

10 MR. BRUNET: Isn't that where I'm -- it's at
11 that meeting that I'm told to contact -- yes, of course.
12 At that meeting, I'm told by the Chief to contact Sean
13 Adams and to try to get the Criminal Investigation going
14 against Ken Seguin, so that's the avenue we're taking
15 there.

16 MR. DUMAIS: With respect to Ken Seguin?

17 MR. BRUNET: That's correct.

18 MR. DUMAIS: So there is no discussion at
19 that meeting about whether or not you should be reporting
20 this to Probations and Corrections.

21 MR. BRUNET: Well, the -- I think the
22 criminal investigation would look after notification
23 because I don't think there was any discussion about should
24 we advise the employer. But if you -- if we initiated a
25 criminal investigation at that point we would be -- through

1 the investigation we would be advising them, so I think
2 that was a given.

3 **MR. DUMAIS:** All right. And the only point
4 that I'm making is that Murray MacDonald appears to relate
5 a conversation that he had with the Chief. I'm just asking
6 whether or not that same discussion occurred on October 1st?

7 **MR. BRUNET:** Yeah, well, definitely we were
8 to pursue the Ken Seguin investigation. We were to deal
9 with the way -- the Diocese had dealt with the -- the
10 Father Charlie complaint, and CAS had been advised through
11 Perry Dunlop that the -- of the complaint so ---

12 **MR. DUMAIS:** All right. Now, going to Ottawa
13 to the Archbishop as opposed to speaking to Bishop
14 Larocque; was that part of the discussion?

15 **MR. BRUNET:** Yes. It was still with the same
16 thought of the issues that had been brought up earlier.

17 **THE COMMISSIONER:** So why not Larocque as
18 opposed to the Bishop?

19 **MR. BRUNET:** Well, it's still the same issue
20 that we felt that Bishop Larocque was less than helpful to
21 our investigation back in 1988.

22 **THE COMMISSIONER:** M'hm. Okay.

23 **MR. DUMAIS:** '86. Could that be?

24 **MR. BRUNET:** Could be. I ---

25 **MR. DUMAIS:** I'm going from memory as well.

1 **MR. BRUNET:** Well, it's all -- I'll be clear
2 -- it's the Father Deslauriers investigation.

3 **THE COMMISSIONER:** Sure.

4 **MR. DUMAIS:** Yes.

5 **THE COMMISSIONER:** Can I just interrupt?

6 **MR. DUMAIS:** Yes.

7 **THE COMMISSIONER:** Let's assume for a minute
8 that you would have gotten the okay to do the Seguin
9 investigation. My question is with respect to the
10 employer, in the normal course, back in 1993, '94 ---

11 **MR. BRUNET:** Yes.

12 **THE COMMISSIONER:** --- would it have been
13 normal to contact the employer?

14 **MR. BRUNET:** No, normally you wouldn't
15 contact the employer until you start an investigation. But
16 once we got an investigation, we would likely be
17 approaching the employer and asking him for some
18 documentation.

19 And we would have to explain through our
20 investigation -- through the contact why we need that
21 information so at that point we would probably be -- we
22 would probably not give him much detail but we would at
23 least tell them that we have an allegation and what -- what
24 type of allegation it is and that we would be needing this
25 -- these types of documents.

1 So, definitely the employer would become
2 aware of the allegation at that point through the
3 investigation.

4 **THE COMMISSIONER:** I'm just wondering, you
5 know, with all of these thoughts held by some people that
6 there's all a cover up and everybody's involved in it,
7 would you be afraid that -- and it's without foundation
8 now, but that the employer might be involved in all of
9 this?

10 **MR. BRUNET:** I don't believe that I would
11 have -- at that point that I had any concerns about that.

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

13 **MR. BRUNET:** It was -- like for us it was if
14 we would have been able to do an investigation, I think in
15 order for us to get the documentation, then you have to get
16 some type of information but I feel that because you are
17 doing an active investigation, you are justified in doing
18 that.

19 **THE COMMISSIONER:** I'm just worried -- you
20 know, we heard evidence that one victim -- Barque's victim
21 picks up his courage and goes and tells the Supervisor ---

22 **MR. BRUNET:** Oh. Yes.

23 **THE COMMISSIONER:** --- and the Supervisor
24 has, as per his evidence, abused him.

25 **MR. BRUNET:** Yes, I -- I'm aware of that, Mr.

1 Commissioner. The only comment I have about that is that
2 we found that out later ---

3 **THE COMMISSIONER:** Oh, no, no, no.

4 **MR. BRUNET:** --- in the investigation.

5 **THE COMMISSIONER:** I understand that. I just
6 wanted to know out of your general procedures when you
7 would get to speak to the employer and what you would tell
8 them. And you've given me answers to that.

9 **MR. BRUNET:** Okay. Thank you.

10 **THE COMMISSIONER:** All right.

11 Mr. Dumais?

12 **MR. DUMAIS:** All right. So a decision had
13 been made then to speak to the Archbishop in Ottawa. Is
14 that correct?

15 **MR. BRUNET:** That's correct.

16 **MR. DUMAIS:** All right.

17 And do you know at that time whether or not
18 they are aware of any of this situation?

19 **MR. BRUNET:** Through the interview we became
20 aware of it that they were.

21 **MR. DUMAIS:** All right.

22 **MR. BRUNET:** But I'm not sure that they were
23 aware that it had been -- about the settlement. I know
24 that they had been aware during sometime of -- about the
25 allegations.

1 **THE COMMISSIONER:** They, you mean the
2 Archbishop?

3 **MR. BRUNET:** The Archbishop, yes.

4 **MR. DUMAIS:** All right. So before you head
5 over there though, there are not -- you had no knowledge
6 that there were ---

7 **MR. BRUNET:** No. Not until the interview.

8 **MR. DUMAIS:** All right. And these
9 arrangements are made through the Chief, is that ---

10 **MR. BRUNET:** That's correct.

11 **MR. DUMAIS:** All right. I believe your notes
12 indicate that he would have -- that he would have advised
13 them on October 4th, 1993 that an appointment had been made
14 to meet with the Archbishop by Carlo Curis in Ottawa on
15 October 7th. Is that your recollection?

16 **MR. BRUNET:** It is.

17 **MR. DUMAIS:** And than what was the -- what
18 was the purpose of your visit? What was your intent?

19 **MR. BRUNET:** Was to voice our concerns about
20 the settlements -- a settlement like this, how it didn't
21 resolve anything; it wasn't in the interest of the public.
22 Well, it was in the interest of the safety of the
23 community. It wasn't in the interest of the Church to do
24 that. If they had -- if there was some criminal activity
25 going on that they have to deal with it and just settling

1 it civilly didn't meet any of the community safety
2 concerns.

3 **MR. DUMAIS:** All right. Did you have any
4 expectations or suggestions for the Archbishop? Let me
5 know firstly, what was your -- what did you expect them --
6 him to be able to do, or to do? I mean before you got
7 there?

8 **MR. BRUNET:** Before I got there we were hoping
9 that they would cause some type of further internal
10 investigation. I was aware that they had already done
11 somewhat of an internal investigation or looking into it
12 and I was hoping ---

13 **THE COMMISSIONER:** And what -- what do you
14 mean by that?

15 **MR. BRUNET:** Well, they had -- we were
16 advised by Mr. Silmsler that he had already gone to the
17 Church in December of 1992 and that they had met with him
18 and -- with Mr. Silmsler and they had received his
19 allegations and they had obviously interviewed the priest
20 and we were hoping that they would do more to be able to
21 address the community concerns or the community safety
22 concerns.

23 **THE COMMISSIONER:** When you say "they" are we
24 -- you know ---

25 **MR. BRUNET:** I'm talking about the -- like

1 I'm -- not very familiar with the Church hierarchy but I'm
2 talking about the Archbishop would be able to have some
3 further investigation done through -- through the Church.

4 **MR. DUMAIS:** No, no, but I'm thinking about
5 what kind of knowledge the Archbishop had as opposed to
6 what the Diocese -- when you went in there, did the
7 Archbishop look surprised or did he know pretty well what
8 was going on?

9 **MR. BRUNET:** He -- he told us that he had
10 been -- or they had discussed this at a meeting that they
11 had prior with all the bishops. That our Bishop, Bishop
12 Larocque would have brought it up and there was a
13 discussion on it, but I don't remember a lot of the details
14 that were said to us, but I do recall him saying that.

15 **THE COMMISSIONER:** Okay.

16 **MR. DUMAIS:** Let's see if your statement
17 captures what you would have told the Archbishop.

18 So I'm looking at Exhibit 1437 and that's
19 your interview report of 1994. Again, that's Bates pages
20 ending 247.

21 **THE COMMISSIONER:** Is that the loose one?
22 This one, from today?

23 **MR. BRUNET:** That's my interview with him.

24 **MR. DUMAIS:** Your interview with Detective
25 Constable McDonnell?

1 **MR. BRUNET:** And the Bates page again?.

2 **THE COMMISSIONER:** Two-four-seven (247).

3 **MR. DUMAIS:** Two-four-seven (247). So it's
4 the entry that you make, it's a little higher than mid-
5 page, starts with "October 7th, 1993", so I'll just read it
6 for you:

7 "On October 7th, 1993, Chief Shaver and
8 I attended 724 Manor Avenue in Ottawa,
9 met with the Archbishop Carlo Curis.
10 The purpose of our visit was to ask him
11 to take action with this priest, have
12 him removed from the parish and make
13 sure he does not have access to
14 children in the future. I share my
15 concern that this was not a proper way
16 to deal with such a serious problem. I
17 felt that, as a catholic and as a
18 Police Officer, the problem had not
19 been dealt with and there was a lot of
20 potential for this priest to offend
21 again."

22 Is that essentially what you would have told
23 the Archbishop?

24 **MR. BRUNET:** Yes, that's a good, good ---

25 **MR. DUMAIS:** And then the suggestion that as

1 to whether or not he was able to have the priest removed,
2 that suggestion would have come from both or either you and
3 Chief Shaver?

4 MR. BRUNET: Yes.

5 MR. DUMAIS: All right. And you were not
6 concerned or you don't appear to have been concerned with
7 disclosing this information to the Archbishop, despite the
8 fact that you no longer had an ongoing criminal
9 investigation?

10 MR. BRUNET: Well the issue had already been
11 disclosed to the Church. We weren't advising them anything
12 further than -- anything more than they had already been
13 told. They had already been approached and they were
14 already aware of the allegations and the details of the
15 allegations. We didn't get into the details of the
16 allegations, we just told them that we were not happy and
17 we certainly objected to them settling it civilly.

18 MR. DUMAIS: All right. Clearly, that's a
19 distinction in your mind between Probations and Corrections
20 and what the Diocese knew at that time. Is that fair?

21 MR. BRUNET: Absolutely.

22 MR. DUMAIS: But, clearly, prior to you
23 attending the Archbishop, you did not believe that they had
24 any information. Is that right?

25 MR. BRUNET: Any information about what?

1 **MR. DUMAIS:** About the Silmsers complaint?
2 You didn't know that, right?

3 **MR. BRUNET:** Well, we knew that the -- well,
4 maybe not Archbishop Curis, but definitely we knew that the
5 Church was fully aware of the allegations. Like, the
6 organization was aware.

7 **MR. DUMAIS:** All right. So your thought at
8 that time was that somehow the Archbishop could do
9 something about it?

10 **MR. BRUNET:** Yes.

11 **MR. DUMAIS:** All right. Now, fair to say
12 that the Archbishop was cordial but he directed you back to
13 the Diocese?

14 **MR. BRUNET:** That's correct.

15 **MR. DUMAIS:** Essentially, was he telling you
16 at that time, "It's a Diocesan matter and there's nothing I
17 can do about it"? Is that ---

18 **MR. BRUNET:** Pretty well that -- if it
19 should be first that I-- the gist that I'm getting from the
20 conversation, or what I can recall of it, was that you have
21 to deal with it at the Diocese level first. If you don't
22 get any satisfaction at the Diocese level then get back to
23 me and I'll get involved further. But at this point, you
24 have to bring it to the Diocese.

25 **MR. DUMAIS:** All right. So then when you

1 get back to Ottawa, a meeting is set up with the Bishop as
2 well?

3 **MR. BRUNET:** That's correct, the same day.

4 **MR. DUMAIS:** So on the same day and as a
5 matter of fact, you did attend at that meeting with Chief
6 Shaver as well?.

7 **MR. BRUNET:** That's correct.

8 **MR. DUMAIS:** All right. So on your way up
9 and on your way back from the visit to the Archbishop in
10 Ottawa, is there any discussion between you and the Chief,
11 what you're saying and what you're going to do, and ---

12 **MR. BRUNET:** Yes, we're just basically
13 discussing that particular issue, and, you know, the fact
14 that they settled it and, yeah, there is some conversation
15 about that.

16 **MR. DUMAIS:** All right. And do you decide
17 anything as a result of your discussions with the
18 Archbishop? Does anything change?

19 **MR. BRUNET:** Well, no. We're going to bring
20 the same concerns that we had for the Archbishop, we're
21 going to bring to the Bishop and see what kind of reception
22 we get there and what kind of ---

23 **MR. DUMAIS:** Just about getting to the visit
24 with the Bishop, Commissioner. Either we break now or ---

25 **THE COMMISSIONER:** Yes, let's break now,

1 morning break.

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

4 This hearing will resume at 11:15.

5 --- Upon recessing at 11:03 a.m.

6 L'audience est suspendue à 11h03

7 --- Upon resuming at 11:23 a.m.

8 L'audience est reprise à 11h23.

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

11 This hearing is now resumed. Please be
12 seated. Veuillez vous asseoir.

13 **LUCIEN LEO BRUNET, Resumed/Sous le même serment:**

14 --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**

15 **DUMAIS (Continued/Suite):**

16 **THE COMMISSIONER:** So we're at the meeting
17 with Bishop Larocque?

18 **MR. DUMAIS:** Right. So after you leave
19 Ottawa, were you and the Chief disappointed by the fact
20 that the Pro-Nuncio did not appear to want to be involved
21 or he didn't want to get involved, that he's referring you
22 back to the Bishop?

23 **MR. BRUNET:** Well, maybe to some extent. I
24 really have a hard time to put myself back at that time
25 there to what exactly was happening. We felt this was a

1 step we had to do and we were okay with doing it.

2 MR. DUMAIS: Because clearly you're aware
3 that at that time, the Chief does not have the best
4 relationship with the Bishop?

5 MR. BRUNET: Yes.

6 MR. DUMAIS: And I understand, as you've
7 indicated earlier on, that that's as a result of the
8 falling-out they had with respect to the 1986
9 investigation, which is the Deslauriers investigation. Is
10 that correct?

11 MR. BRUNET: That's correct.

12 MR. DUMAIS: And as a matter of fact they --
13 well, do you know whether or not they were on speaking
14 terms?

15 MR. BRUNET: No, I don't know.

16 MR. DUMAIS: You don't know? Either way?

17 MR. BRUNET: No.

18 MR. DUMAIS: So the Chief doesn't mention
19 anything to you?

20 MR. BRUNET: Not that I can recall, no.

21 MR. DUMAIS: All right. And I guess the
22 distinction between the Diocese and the Bishop and the
23 Pope's representative in Ottawa is that you guys know that
24 the Bishop is aware of these allegations, right?

25 MR. BRUNET: Yes.

1 **MR. DUMAIS:** And you know that because
2 you're aware that they had some participation in the civil
3 settlement. And you're aware as well that the Bishop knew
4 of the criminal allegations, right?

5 **MR. BRUNET:** Yes. The reason that I know
6 for the -- that the Bishop was personally aware of it were
7 -- was a meeting where Heidi had briefed me that Mr.
8 Silmser had shared with her that he had met with a group of
9 people and one of them was the Bishop, at the time, and I'm
10 quite sure that that was the -- in February of 1993, where
11 the -- I'm sure in her notes and I'm sure that she had
12 briefed me that there was a meeting with -- and that she
13 had named a number of people and one of them was Father
14 MacDougald and one of them was the Bishop.

15 **MR. DUMAIS:** But were you not concerned,
16 prior to going into that meeting that you weren't really
17 able to put any pressure on the Bishop? And by that I
18 mean, you're no longer investigating the Silmser complaint
19 or that has come to a stop and the civil matter has been
20 settled?

21 **MR. BRUNET:** Yeah, that's correct.

22 **MR. DUMAIS:** So do you have any discussions
23 with the Chief with respect to that?

24 **MR. BRUNET:** Well, like I said, we discussed
25 it and I -- the problem is, is I can't remember what

1 specifically -- like I know, like we had discussed about
2 what we were -- you know, what we would be saying, what we
3 would be sharing with -- with the Archbishop, on the way up
4 and on the way back we were kind of just trying to make an
5 appointment.

6 I had -- the Chief had a cell phone, so I --
7 I was trying to make an appointment and -- and my
8 recollection of it was that we were going to take it back
9 to the Bishop and see what the response was and at least we
10 had an avenue.

11 If -- if we didn't get any -- any
12 cooperation, at least we had an avenue to then go back to
13 the Archbishop.

14 **MR. DUMAIS:** All right.

15 **MR. BRUNET:** So I think that's probably --
16 my recollection was -- is that probably that was our -- if
17 it -- if we had some -- some success communicating with the
18 Bishop what -- what the problems were and we felt that --
19 that it was good, fine, but if it wasn't, then we would go
20 right back to the Archbishop.

21 **MR. DUMAIS:** All right. But the one thing
22 that you're aware that the Bishop is not aware of is the
23 other part -- other parts of this investigation, other than
24 the statement that was made by David Silmsler; is that
25 correct?

1 **MR. BRUNET:** You mean the other people that
2 had given us some information ---

3 **MR. DUMAIS:** Correct.

4 **MR. BRUNET:** --- is that what you're
5 referring to?

6 Yes, that's for sure.

7 **THE COMMISSIONER:** Just a minute now.

8 Wasn't there in the statement -- oh, no,
9 right, I'm sorry.

10 Bishop LaRocque talked about -- he was led
11 to believe by the people involved in these negotiations
12 that the police had not found any other evidence to
13 substantiate the accusations?

14 **MR. BRUNET:** Yes.

15 **THE COMMISSIONER:** Okay.

16 **MR. DUMAIS:** So -- and these two, what
17 you're referring to is the statements that Constable Sebalj
18 would have taken from C-3 and C-56; is that correct?

19 **MR. BRUNET:** That's correct.

20 I can't remember -- I remember C-3, C-56, I
21 can't remember the name there, but, yes, that there was two
22 individuals who had given us some statements about sexual
23 improprieties with -- with the Church -- with the priest.

24 **MR. DUMAIS:** And whether or not you made the
25 decision beforehand, but those statements were discussed

1 with the Bishop; is that correct?

2 MR. BRUNET: Yes, not the -- not the details
3 but he was made aware that we had other people that had --
4 that had come forward with -- with some allegations.

5 MR. DUMAIS: All right. And so that was the
6 new information that you were giving the Bishop?

7 MR. BRUNET: That's correct.

8 MR. DUMAIS: All right. And with respect to
9 those statements, one of them -- and that is C-3 and
10 perhaps you're going to have to look at your -- you should
11 have in front of you ---

12 THE COMMISSIONER: No, we don't -- we don't
13 do that anymore, because they are confidential.

14 So, Madam Clerk, if could write out the
15 name.

16 MR. DUMAIS: All right, thank you.

17 Oh right, C-3 and C-56.

18 (SHORT PAUSE/COURTE PAUSE)

19 MR. BRUNET: Thank you.

20 MR. DUMAIS: And you'll remember that we
21 spoke about these two last week, briefly, Luc, but clearly
22 with respect to C-3, although he had spoken to Constable
23 Sebalj, he had not provided a statement; is that correct?

24 MR. BRUNET: That's correct.

25 MR. DUMAIS: All right. And again, we

1 discussed this last week, and the way it was left with him
2 is he was given a statement form to fill out and -- but the
3 last time that Constable Sebalj would have spoken to him
4 would be sometime -- and I don't have the date in front of
5 me -- but in March or April of that year; is that your
6 recollection, as well?

7 MR. BRUNET: Yes.

8 MR. DUMAIS: All right. And we know and you
9 know from reviewing Constable Sebalj's file later on, that
10 a statement was never obtained so when the statement was
11 printed out on October 6th or when the information was given
12 to you on that Sunday, there was no statement from C-3; is
13 that right?

14 MR. BRUNET: No, that's correct.

15 MR. DUMAIS: All right. And it's a little
16 different with C-56, in that he was not prepared to make a
17 complaint but certainly he was prepared to participate in
18 the process and act as a witness; is that your
19 recollection, as well?

20 MR. BRUNET: Yes, that that's -- that's the
21 way it is.

22 I -- somehow I think in the communication
23 between myself and Constable Sebalj, I was under the
24 impression that he was not -- not willing to participate in
25 either.

1 **MR. DUMAIS:** But ---

2 **MR. BRUNET:** But -- but you're -- you're
3 right, though, that -- that's -- I did see information that
4 would confirm that.

5 **MR. DUMAIS:** All right. And I think where
6 you've indicated in this discussion with the Bishop, in
7 your statement and I'm looking at Exhibit 1437.

8 **MR. BRUNET:** Yes.

9 **MR. DUMAIS:** Again, that's your August '94,
10 statement and bottom, I guess, of the second page of your
11 statement.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **MR. DUMAIS:** Actually, it's just the pronoun
14 that's at the bottom of the second page, it's the "we" and
15 then ---

16 **THE COMMISSIONER:** Flip the page?

17 **MR. DUMAIS:** It continues. Bates pages 247
18 and the next page is 248, obviously.

19 "We advised the Bishop that we had
20 independent statements that gave
21 credibility to Mr. Silmsler and
22 confirmed homosexual behaviour by
23 Father MacDonald. Bishop Larocque
24 shared that he has serious concerns
25 when he was approached about this

1 settlement. He was led to believe by
2 the people involved in these
3 negotiations that the police had not
4 found any other evidence to
5 substantiate the accusations."

6 All right. So then you would have disclosed
7 these two -- these two individuals to the Bishop?

8 **MR. BRUNET:** Yes, not the names but that we
9 had -- we had received -- well, when I say "statements" in
10 this case they were oral, but statements, yes.

11 **MR. DUMAIS:** All right. So now, at this
12 juncture, you have the Silmsers complaint, which has been
13 aborted or which investigation has stopped, and then you
14 have -- you're advising the Bishop of these two
15 individuals, one of them, although has disclosed some
16 information, has, at this point in time at least, refused
17 to provide a statement and the other individual does not
18 wish to file a complaint but has indicated that he's
19 willing to participate in a statement. So my question to
20 you, then; what is the distinction with your disclosure of
21 these two other individuals to the Bishop and the non-
22 disclosure of the complaint against Ken Seguin and your
23 decision not to report this to Probations and Corrections?

24 **MR. BRUNET:** Well, the -- the allegation is
25 against Father Charles MacDonald.

1 **MR. DUMAIS:** Yes.

2 **MR. BRUNET:** We had done an investigation
3 and the investigation was terminated by the complainant.

4 **MR. DUMAIS:** Correct.

5 **MR. BRUNET:** The -- during our
6 investigation, two people came forward and advised us that
7 there had been some sexual impropriety between them. I --
8 like when we advised the bishop that -- of this, we are not
9 disclosing any names, we are not -- we are still referring
10 to an allegation made against Father Charles.

11 In the Ken Seguin situation, initially or at
12 the beginning of the investigation, we were told by the
13 complainant that he was not ready to deal with the
14 investigation so we did not have an active investigation
15 started. We had an allegation, but we didn't have an
16 active investigation and there was absolutely no
17 corroboration of any type so there's -- like I said earlier
18 or a few days ago, the allegation against Ken Seguin, at
19 this point, we had nothing to corroborate it and we had no
20 active investigation to give him the details; to give him -
21 - to give the Ministry any information. Like we -- I
22 didn't feel that under the -- under the law that we had any
23 right to do so. In this case here, the Bishop was already
24 aware of the allegations so we were not telling him,
25 listen, there's an allegation against this person; all

1 we're telling him is the allegation that was made and that
2 you're aware of, we had some information that had you not
3 settled with this gentleman, we may have been able to
4 pursue further; like the investigation was not complete.

5 **MR. DUMAIS:** All right.

6 **MR. BRUNET:** So that's -- that's my --the
7 difference between the two from -- from my perspective.

8 **MR. DUMAIS:** But I guess what I'm saying is,
9 what's the distinct -- the distinction between the C-3
10 allegation and his refusal to give a statement and the
11 Silmsers allegations versus -- against Ken Seguin and his
12 refusal to proceed with that. In one case, you make the
13 decision to advise the principals, so the Bishop and the
14 Diocese and the -- in the other case, you make a decision
15 not to advise the principals which, in this case, is
16 Probations and Corrections.

17 **MR. BRUNET:** Well, the -- the allegation
18 here or the decision to tell the Bishop about C-3 and C-56
19 was -- this was corroborating information that we had
20 received versus this is the allegation. Like I -- I was
21 not giving him any information about C-3's allegations or
22 C-3's statements, I was -- like we were dealing -- the C-3
23 and C-56 were basically being used as corroboration, but
24 the -- the real issue was the David Silmsers investigation
25 that we were complaining about; how that was handled and he

1 was fully aware of that and the -- the Bishop was fully
2 aware of that and we were not telling him anything that he
3 wasn't -- that he didn't know other than we had
4 corroboration, basically, versus the -- the Ken Seguin
5 allegation is that we had an allegation; that was it.

6 **THE COMMISSIONER:** But isn't the protection
7 of the -- you started off by saying the reason why you went
8 and saw the Bishop is because you "had to protect the
9 public."

10 **MR. BRUNET:** Yes.

11 **THE COMMISSIONER:** Right? Well, so if Ken
12 Seguin -- if you didn't do anything with Ken Seguin,
13 wouldn't you be worried that he'd be -- if the allegations
14 were true, that he's be molesting children?

15 **MR. BRUNET:** Unfortunately, yes, I would be.
16 Like we were concerned about that, but unfortunately, we
17 have to follow the law. Well, my view of it, at the time,
18 was that we have to follow the law. We -- if we're not
19 authorized to disclose it -- like I -- we're police
20 officers and we have to follow what -- like the law.

21 **THE COMMISSIONER:** But like to the
22 Archbishop, what happens if he would have not known -- he
23 would have known nothing about this; would you not have
24 been disclosing to him?

25 **MR. BRUNET:** Well, the -- the -- his

1 organization, we knew that it -- that the organization was
2 aware of it.

3 **MR. DUMAIS:** So Luc, just a -- just a
4 follow-up on the notes that you've taken and I -- and again
5 I'm at the same exhibit, Bates pages 248 and I'm just going
6 to continue where I left off. It's in that first paragraph
7 about eight or nine lines down:

8 "I advised him that one case was an
9 advance made to a teenager in a car and
10 that the other was a sexual encounter
11 with another teenager when Father
12 MacDonald was in a parish outside the
13 city. These people did not want to be
14 identified or come forward as witnesses
15 or witnesses."

16 So you did, as well, provide the Bishop with some of these
17 details of these allegations; correct?

18 **MR. BRUNET:** A general overview, yes.

19 **MR. DUMAIS:** All right. And then you noted
20 down that the Bishop was very concerned about this new
21 information so clearly, he was not aware of this
22 information.

23 **MR. BRUNET:** Yes, my -- my interpretation of
24 his reaction is that he was not aware of this. I -- I
25 don't know that anybody would have been aware of this.

1 **MR. DUMAIS:** Right.

2 **THE COMMISSIONER:** But he was aware of the
3 fact that -- but he was led to believe by people involved
4 in these negotiations that police had not found any other
5 evidence to substantiate the accusations.

6 **MR. BRUNET:** That's -- that's what he said
7 and that's what he believed or that's -- well, to the best
8 of my knowledge, that's what he believed; that's what he
9 told us.

10 **THE COMMISSIONER:** So presumably, somebody
11 would have -- if that's true and if we know that Malcolm
12 MacDonald is the one who's calling Heidi, we know -- it
13 might be a possibility that Heidi is the one who told him
14 that.

15 **MR. BRUNET:** It -- it's a possibility. It's
16 a possibility that the people that were talking to the
17 Bishop just were pushing to get the settlement. I don't
18 know.

19 Just to -- to clarify that, I -- I
20 personally do not believe that Constable Sebalj would have
21 given any information about what facts she had about her
22 investigation to Malcolm MacDonald. I don't believe that
23 she would have but I can't say for sure.

24 **THE COMMISSIONER:** M'hm, all right.

25 **MR. DUMAIS:** All right. So then if I -- I

1 can just summarize, Luc, then in your mind you do not --
2 you believe that there's a distinction between what you
3 told the Bishop about C-3 and C-56 of that information and
4 the information that Mr. Silmsler had given you -- to you
5 about Ken Seguin.

6 **MR. BRUNET:** Yes.

7 **MR. DUMAIS:** All right. Now, I understand
8 that -- well, how did the meeting end?

9 **MR. BRUNET:** The -- the Bishop told -- told
10 us that he was going to be calling Father MacDougald and
11 that they would be arranging trying to meet with Father
12 Charlie as soon as possible and that he would let the Chief
13 know of the -- the results.

14 **MR. DUMAIS:** All right. So -- and this is -
15 - did the Bishop tell you at this point in time, that it
16 was his intention to do something with Father MacDonald or
17 is it -- do you -- is it as a result of this new
18 information that you gave?

19 **MR. BRUNET:** To the best of my knowledge,
20 it's as a result of the new information ---

21 **MR. DUMAIS:** Right.

22 **MR. BRUNET:** --- that he had received that
23 he's going to be checking further into this.

24 **MR. DUMAIS:** All right. Now, I understand
25 that following this meeting that the Bishop would have

1 called back and spoken to the Chief; is that correct?

2 MR. BRUNET: That's correct.

3 MR. DUMAIS: All right. And did the Chief
4 relay the information that the Bishop gave you?

5 MR. BRUNET: Yes, he did.

6 MR. DUMAIS: Gave him, sorry.

7 MR. BRUNET: Yes, he did; the next day.

8 MR. DUMAIS: All right. So what did he
9 indicate to you?

10 MR. BRUNET: He told me that he had received
11 a call from the Bishop and that they had met with him and
12 that he had told him that he was -- he had admitted to
13 being a homosexual and that he would be going for
14 treatment.

15 MR. DUMAIS: All right.

16 THE COMMISSIONER: Before we go any further,
17 if we go back to your statement, you said that -- on page
18 248, you said you advised the Bishop that we had
19 independent statements that gave credibility to Mr. Silmsler
20 and confirmed homosexual behaviour by Father MacDonald.

21 So did you have confirmed behaviour --
22 homosexual behaviour by Father MacDonald?

23 MR. BRUNET: Well, the allegations of the
24 two witnesses -- well, we had -- first of all, we had the
25 complaint from Mr. Silmsler, which we were not, at that

1 point -- then we had information from C-3 and then from C-
2 56 ---

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

4 **MR. BRUNET:** --- and they're both alleging
5 homosexual -- so that now we're starting to have
6 corroboration in reference to homosexual activity.

7 **THE COMMISSIONER:** Okay. But that's the
8 only evidence ---

9 **MR. BRUNET:** That's what I'm referring to,
10 here.

11 **THE COMMISSIONER:** Thank you.

12 **MR. DUMAIS:** And actually, Luc, I don't want
13 to get into the interpretation of these statements, and I
14 think what's important here is what you would have
15 disclosed to the Bishop and why you disclosed it, and then
16 how he responded to that.

17 **MR. BRUNET:** Okay.

18 **MR. DUMAIS:** All right, Luc, so I think --
19 and just going back, then, to the October 1st meeting; the
20 last matter, I believe, that we have not dealt with yet is
21 the -- this -- the internal investigation.

22 So the Chief had indicated, at this point in
23 time, that he would be conducting an internal
24 investigation.

25 **MR. BRUNET:** That's correct.

1 **MR. DUMAIS:** And, I believe, he had assigned
2 Staff Sergeant Derochie to conduct this investigation.

3 Is that correct?

4 **MR. BRUNET:** That is correct.

5 **MR. DUMAIS:** And I understand that you were
6 asked for certain information by Staff Sergeant Derochie
7 about the investigation, and those documents would have
8 been remitted to him.

9 Is that correct?

10 **MR. BRUNET:** That's correct.

11 **MR. DUMAIS:** And did you, as well, have a
12 conversation with Staff Sergeant Derochie and indicate to
13 him what your involvement was at the time?

14 **MR. BRUNET:** Yes, I did.

15 **MR. DUMAIS:** All right.

16 Now, my understanding is that following the
17 release of the statement to the Children's Aid Society,
18 that the different members, including yourselves, have some
19 interactions with the Children's Aid Society. So I'd just
20 like to go through the different -- what was your
21 involvement with different discussions with the Children's
22 Aid Society.

23 So I think the first thing we should be
24 doing is, perhaps, filing a new document in evidence, and
25 that would be Document 721621.

1 And ---

2 **THE COMMISSIONER:** Okay -- just a minute.

3 What -- Exhibit 1441 is what, now?

4 What -- how will we identify this document?

5 **MR. DUMAIS:** Well, these are -- they all
6 have the same document number, but there are a number of
7 different documents that, I guess, led to the Project Blue
8 file, or the Project Blue investigation that was conducted
9 by the Children's Aid Society.

10 **THE COMMISSIONER:** So it's a document with
11 the initial date of March the 8th, 1994. Exhibit 1441.

12 **MR. DUMAIS:** All right.

13 --- **EXHIBIT NO./PIÈCE No. P-1441:**

14 (721621) Various notes CAS file

15 **MR. DUMAIS:** So on this October 1st 1994
16 meeting, in the disclosure or at least the information that
17 she gave you with respect to the fact that the statement
18 had been disclosed to them, was that the first that you
19 heard of -- that the Children's Aid Society was involved in
20 this file?

21 **MR. BRUNET:** Yes, it was.

22 **MR. DUMAIS:** Right. So there's no
23 indication during -- throughout Heidi's investigation --
24 Constable Sebalj's investigation that she would have
25 communicated with them. Is that your understanding?

1 **MR. BRUNET:** Yes; and my understanding is
2 she didn't.

3 **MR. DUMAIS:** All right.

4 And I understand that you had a number of
5 conversation, and that the Chief had some conversations
6 with Richard Abell from the Children's Aid Society.

7 **MR. BRUNET:** Yes. I'm -- I can recall one
8 meeting we had with Mr. Abell and Mr. Townsdale.

9 **MR. DUMAIS:** All right.

10 So I'd like for us to just have a look at a
11 summary of a meeting that the -- Richard Abell would have
12 noted of a meeting that he had with the Chief. And that's
13 at Bates pages 659.

14 So, Luc, this appears to be the notes that
15 were taken by Mr. Richard Abell, the Executive Director of
16 the Children's Aid Society. And I believe he's referencing
17 a meeting that he would have had with Chief Shaver on
18 October 1st, 1993.

19 So, the first question is, were you aware --
20 or were you advised, when you attended the October 1st, 1993
21 meeting with the Chief, that he had previously met with
22 Richard Abell?

23 **MR. BRUNET:** I believe so. I believe I do.

24 **MR. DUMAIS:** And ---

25 **MR. BRUNET:** I believe he did say that.

1 **MR. DUMAIS:** --- so one of the notes that he
2 takes, of this meeting between Mr. Abell and the Chief is
3 at the end of that Bates page. So about nine pages from
4 the -- nine lines from the bottom. The line start, "The
5 Chief..."

6 **MR. BRUNET:** M'hm.

7 **MR. DUMAIS:** So:

8 "The Chief says his department screwed
9 up big time on this investigation, not
10 done. Put on the backburner. Heidi
11 black..."

12 Which we know is Constable Sebalj, correct?

13 **MR. BRUNET:** Yes.

14 **MR. DUMAIS:** "...facing discipline. Luc
15 Brunet did not supervise adequately.
16 She was inexperienced and needed close
17 supervision. He doesn't have a file,
18 no record on when. The police computer
19 filing record system."

20 So I believe that he's referring to OMPPAC.

21 **MR. BRUNET:** OMPPAC.

22 **MR. DUMAIS:** So, the first comments he
23 makes:

24 "Heidi Black facing discipline."

25 Is there any discussion with the Chief at

1 any point in time, whether or not Constable Sebalj would be
2 facing discipline at this time?

3 **MR. BRUNET:** No, not that I can recall.

4 **MR. DUMAIS:** All right.

5 The second comment:

6 "Luc Brunet did not supervise
7 adequately. She is inexperienced and
8 needed close supervision."

9 Did the Chief ever make any comments with
10 respect to your supervision of this investigation?

11 **MR. BRUNET:** Not that I can recall.

12 **MR. DUMAIS:** All right.

13 **MR. BRUNET:** And the last comment -- I think
14 it's an issue that we dealt with already in OMPPAC and
15 that's correct.

16 So it's after this meeting with Richard
17 Abell that you guys had your meeting and set out your plan
18 of action. Like, with ---

19 **THE COMMISSIONER:** There's -- just a minute.

20 There's another comment, with respect to --
21 about handling the file. He says -- I believe it says,

22 "Upset with Joe St-Denis and Luc
23 Brunet."

24 Is that -- is that that word? Is that
25 "meet"?

1 **MR. DUMAIS:** "Meet"?

2 **THE COMMISSIONER:** "Meet" -- you see how the
3 reading can change things? No, it's okay -- I'll take that
4 back. It didn't say he was upset.

5 **MR. BRUNET:** From the previous words, I'd
6 say -- I mean, the previous lines, I'd say he was, but ---

7 **MR. DUMAIS:** And I don't recall if -- whether
8 I asked you this last week, Luc, but at any point in time,
9 did you have any discussions with Constable Sebalj as to
10 whether or not during this investigation she had -- she
11 should have -- she had a duty to report the matter to the
12 Children's Aid Society?

13 **MR. BRUNET:** No, I don't recall ever
14 discussing it during this investigation.

15 **MR. DUMAIS:** And after this issue came up and
16 the statement had been given to the Children's Aid Society,
17 did you have any discussion with her with respect to duty
18 to report and her views as to when matters should be
19 reported to the Children's Aid Society?

20 **MR. BRUNET:** Yes, we would have had numerous
21 discussions after the -- after this issue came up and the
22 statement was disclosed. Obviously, we -- you know -- we -
23 - you know -- we were very concerned about what we were
24 being told and our previous practice and, yes, we had some
25 talks about it. Not only with Heidi but the entire branch.

1 **MR. DUMAIS:** And at one point-in-time did the
2 Chief Repa ask you to write a memo about this or did you
3 write a memo about this issue to Chief Repa?

4 **MR. BRUNET:** Yes. He had requested me to
5 submit a memo about what our thoughts were at the time.
6 And this had to do with why we wouldn't have reported it
7 and I had recalled earlier -- fairly early when I started
8 in Criminal Investigation, Constable Sebalj was the liaison
9 person with the Children's Aid and on a totally unrelated
10 case we had a discussion about with reporting.

11 And I had asked her if she had reported the
12 incident to the Children's Aid and at that time I was told
13 that the Children's Aid were not -- I don't want to use the
14 word "not interested" but were not -- did not need to know
15 cases that were extra-familial. That they would be
16 interested in intra-familial cases where a child would be
17 in need of protection so that was my interpretation of the
18 reporting.

19 **MR. DUMAIS:** All right. And that memo that
20 you wrote on December 8th, 1995 -- and that would be Doc
21 728578.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **THE COMMISSIONER:** Thank you.

24 Exhibit Number 1442 is a memorandum to Chief
25 of Police Repa from Staff Sergeant L. Brunet, dated the 8th

1 of December 1995.

2 --- EXHIBIT NO./PIÈCE NO. P-1442:

3 (728578) Memorandum from Lucien Brunet
4 to Chief A. Repa dated December 8, 1995

5 MR. DUMAIS: All right. So I think the first
6 paragraph summarizes what you just told us. Is that
7 correct, Luc?

8 MR. BRUNET: Yes, it is.

9 MR. DUMAIS: All right. That your
10 understanding -- and that you should only be reporting
11 intra-familial cases to the Children's Aid Society. Is
12 that correct?

13 MR. BRUNET: That's correct.

14 THE COMMISSIONER: Are those historical or is
15 that only -- it can't only mean ---

16 MR. BRUNET: I don't recall -- I don't
17 believe that the issue that we had discussed at the time
18 that the historical was discussed. It was -- this was an
19 on-going investigation. She had -- I don't believe it was
20 historical, the one that I am referring to in this memo.

21 But my interpretation -- I guess I don't know
22 if I should clarify that at this point -- but my
23 interpretation of an historical -- if we were dealing with
24 an adult, I didn't believe there was a duty to report. If
25 an adult made a complaint about something that involved an

1 abuse case, 10, 15, 20 years ago, I didn't think that there
2 was a necessity to call the Children's Aid.

3 **MR. DUMAIS:** You never looked at it from the
4 perspective as whether or not there were actual children
5 today that may be at risk?

6 **MR. BRUNET:** Not really. I was thinking of
7 the victim. Is he at risk and like that's -- like that was
8 my interpretation at the time.

9 **MR. DUMAIS:** All right. In the second
10 paragraph of that memo, you refer again to an investigation
11 in the mid-1980's and are you referring to the Deslauriers
12 investigation once again. Is that your ---

13 **MR. BRUNET:** That's the one that I'm
14 referring to, yes.

15 **MR. DUMAIS:** All right. And so I guess what
16 you are saying is, with that investigation they never
17 became involved or they never contacted you or requested
18 that you report this matter?

19 **MR. BRUNET:** That's correct.

20 **MR. DUMAIS:** But one of the distinctions with
21 the 1980 investigation, obviously, in that investigation
22 charges were laid. All right?

23 **MR. BRUNET:** Yes.

24 **MR. DUMAIS:** Now, the third paragraph, about
25 mid-way in the paragraph a sentence starts with, "I would

1 like to note further", so I'll just read it out for you.

2 "I would like to note further that to
3 the best of my knowledge after Constable
4 Dunlop advised Mr. Richard Abell
5 personally of the case. Mr. Abell never
6 contacted neither Chief Shaver, Deputy
7 Chief St. Denis, Staff Sergeant Brunet
8 or the investigator, Constable Sebalj.
9 He instead, knowing full well that he
10 was compromising Constable Dunlop's
11 position, accepted a photocopy of the
12 victim statement that was obtained by
13 deceitful means."

14 **MR. BRUNET:** That's correct.

15 **MR. DUMAIS:** All right. So we do know,
16 however, that after the statement was disclosed to the
17 Children's Aid Society on September 30th that Mr. Abell
18 would have had a meeting and at the meeting he noted in his
19 notes with Chief Shaver the next morning. Is that right?

20 **MR. BRUNET:** Yes, but that's after he
21 accepted the statement -- and what I was referring to here
22 was -- there was a time -- a distance of time between the
23 time he was made aware of the allegation and the time that
24 he actually received -- physically received the statement.

25 **MR. DUMAIS:** All right. So you're saying

1 then that when Mr. Dunlop first spoke to Mr. Abell about
2 this matter that Mr. Abell should have turned around and
3 contacted someone from your office?

4 **MR. BRUNET:** Yes.

5 **MR. DUMAIS:** All right.

6 **THE COMMISSIONER:** That's all else being
7 equal. What about if we hear from Mr. Abell that -- and I
8 don't know now that Constable Dunlop told him that he
9 sensed a cover-up, that it was people that were trying to
10 protect people, and it was -- you know -- Cornwall Police
11 Service was part of it.

12 **MR. BRUNET:** What better way to confirm it
13 than to call me. I was on the Board of Directors. I was a
14 volunteer on the Board of Directors at the time. Chief
15 Shaver had done a lot of volunteer work with the Children's
16 Aid Society. There was a personal contact there. What
17 better way of testing if Constable Dunlop's allegations
18 were true or not by giving us a call and giving us the
19 opportunity of disclosing the information.

20 **MR. DUMAIS:** But clearly, we would have
21 gotten to the same end result in that if Richard Abell had
22 contacted you, for example, and had requested the
23 information about this and you had decided to disclose the
24 statement ---

25 **MR. BRUNET:** Well, I'm not saying that I

1 would have disclosed a statement, but I would have
2 certainly shared the information that he needed to do. If
3 he felt that he had to do an investigation, we would have
4 been more than willing to -- like we have always been with
5 the Children's Aid -- my experience with the Children's Aid
6 has always been very, very positive before and even after
7 this.

8 We've always bent over backwards to work as a
9 team and work together, so there is absolutely no reasons
10 in the world that if they would have asked us for
11 information I would have been more than happy to share
12 whatever we had, and if they wanted to do an investigation,
13 we would have cooperated in their investigation. And this
14 way it would not have compromised Constable Dunlop's
15 position.

16 **MR. DUMAIS:** All right. And so just trying
17 to understand what your concerns ---

18 **MR. BRUNET:** That wasn't -- that's exactly
19 what I'm referring to here.

20 **THE COMMISSIONER:** So, in essence, you would
21 have given them all the information that's in the
22 statement, but you wouldn't have given them ---

23 **MR. BRUNET:** I probably would not -- like I
24 may have asked for advice from our people that would have
25 more knowledge in the *Privacy Act*, but I'm not sure, I

1 don't believe that I would have actually given him the
2 statement, but they could have viewed it and made notes
3 from it. And that's pretty well the policy that they have
4 with us, when we go in to investigate something is they let
5 us see things but they can't -- we can't take it out unless
6 we have a warrant and vice-versa I believe. That's
7 probably the avenue that I would have taken.

8 **MR. DUMAIS:** And the last line on the first
9 page indicates something to the effect that the victim
10 statement that was obtained by deceitful means from
11 Constable Sebalj -- I mean clearly, Luc, if the matter had
12 been inputted into the OMPPAC system, that would make that
13 information accessible to any of your officers. Is that
14 correct?

15 **MR. BRUNET:** That's correct.

16 **MR. DUMAIS:** Now, I understand that on
17 October 8th, 1993, you and Chief Shaver met with Richard
18 Abell of the Children's Aid Society and my understanding is
19 that a gentleman by the name of Angelo Towndale joined them
20 to discuss matters. Is that correct?

21 **MR. BRUNET:** That's correct.

22 **MR. DUMAIS:** And I refer you back to Exhibit
23 1441 and it's -- essentially, the notes are found at Bates
24 pages 656 to 658.

25 In of course this meeting, this October 8th

1 meeting, 1993 -- we'll look at the date, top right-hand
2 corner on the first Bates page I gave you -- follows the
3 meeting that you had with the Bishop on the 7th;correct?

4 **MR. BRUNET:** That's correct.

5 **MR. DUMAIS:** And as part of the discussion,
6 the Chief relates the information that he had or what his
7 experience had been with the Bishop on the previous
8 investigation. And that's the second paragraph, a
9 paragraph that starts with:

10 "Chief told me of Bishop's reaction
11 during last incident."

12 Do you see this?

13 **MR. BRUNET:** Yes.

14 **MR. DUMAIS:** "Five years ago, two officers
15 ordered out of Bishop's Office."

16 And, again, that's a reference to the
17 Deslauriers investigation. Is that correct?

18 **MR. BRUNET:** That's to my knowledge, yes.

19 **MR. DUMAIS:** And on the following page, so
20 at Bates pages ending with 657, again there's this
21 discussion about "mystery money", so I'll just read you the
22 first paragraph:

23 "Further, Silmsers allegations were
24 investigated by the Diocese in December
25 of ..."

1 I believe that's "'92".

2 "Father MacDougall, St Raphael's,
3 Charlie denied but Charlie put in
4 \$10,000 of his own money. Bishop put
5 in \$10,000 from the Diocese for
6 treatment and someone else put in
7 \$10,000 or \$12,000."

8 Remember I had asked you about the note in
9 Garry Derochie's -- or the comment about the mystery money
10 that we had found in Garry Derochie's note and, again, this
11 issue appears to have been discussed with your meeting with
12 Richard Abell. So does that help you jog your memory? Do
13 you recall that discussion that day?

14 **MR. BRUNET:** Not really. Maybe, I guess --
15 maybe it's a discussion that the Chief and Garry Derochie
16 would have talked about, would have had the discussion
17 about that, yeah.

18 For me, the money, how I became aware of the
19 settlement was I was advised by Heidi -- or by Constable
20 Sebalj, sorry -- that when she was trying to reach Mr.
21 Silmsler in September, he wasn't returning her calls. So
22 she contacted his sister and that's how she found out about
23 -- some information about the money, but other than that,
24 who paid the money ---

25 **MR. DUMAIS:** You weren't concerned with

1 that?

2 **MR. BRUNET:** No, not really. I'm involved
3 with the criminal investigation and that's my involvement.
4 I really don't -- I know there's a civil settlement and
5 there's allegedly \$32,000 paid. Who paid it, I don't know.

6 **MR. DUMAIS:** But you don't recall that
7 discussion during that October 8th meeting with Mr. Towndale
8 -- or Mr. Abell?

9 **MR. BRUNET:** I can't say. No, I don't.

10 **MR. DUMAIS:** Fair enough. Now, at one
11 point-in-time, Mr. Abell indicates in his notes that he
12 would have called you and left a message with you and the
13 note indicate that he was calling to ask if you had heard
14 from the Crown re Seguin. That's at Bates pages 649. See,
15 that entry, top of the page, line 15?

16 **MR. BRUNET:** Yes.

17 **MR. DUMAIS:** And he would have left a
18 message. I guess he was not able to reach with you. Do
19 you know what that was about? Why he was calling? Whether
20 or not you had heard from the Crown?

21 **MR. BRUNET:** I would assume that we probably
22 informed him that we were trying to get a hold of Mr.
23 Silmsler to continue the criminal investigation against Ken
24 Seguin or to continue to start, or continue the criminal
25 investigation against Ken Seguin.

1 **MR. DUMAIS:** But do you recall being
2 involved with Murray MacDonald or discussing anything with
3 Murray MacDonald after he had received his correspondence
4 of September, '93?

5 **MR. BRUNET:** Okay. I'm not sure -- I'm not
6 sure what you're referring to. I don't understand the
7 question.

8 **MR. DUMAIS:** Right. Let me just rephrase
9 that, break it down.

10 This appears to be -- well, this is a note
11 from Mr. Abell, at least it appears to be, where he
12 indicates that he's phoning you to ask whether or not you
13 have heard from the Crown on the Seguin matter?

14 **MR. BRUNET:** Okay, sorry.

15 **MR. DUMAIS:** And that's an October 14th, 1993
16 entry. So he appears to be trying to get that information
17 from you.

18 **MR. BRUNET:** Yes. My answer was I thought
19 it was from Mr. Adams. I was thinking of my phone call to
20 Mr Adams.

21 In reference to the Crown, no, I think at
22 that point Garry Derochie had already started his
23 investigation and from my perspective, I was being
24 investigated also. So I had taken a step back from this --
25 like I don't believe that I would have had a meeting with

1 the Crown -- or requested any information from the Crown.
2 I think Garry Derochie would have probably -- would have.

3 **MR. DUMAIS:** So you don't remember that you
4 had been asked or assigned to speak to the Crown on what to
5 do with the Seguin matter?

6 **MR. BRUNET:** No. Well, no I don't because
7 my recollection of the Seguin matter was, I was advised by
8 the Chief to get in touch with his lawyer and to try and
9 get him to come forward, and I was waiting for Mr. Silmser
10 to contact Heidi back. I knew she had made some attempts
11 to contact him and she was briefing me on the attempts she
12 was making, and to my knowledge, that was it. I don't know
13 of why I would have called the Crown for Ken Seguin.

14 **MR. DUMAIS:** All right. Now, to the best of
15 your recollection, after you receive the opinion letter
16 from Murray MacDonald in September -- I think it's dated
17 September 14th, around that time.

18 **MR. BRUNET:** Yes.

19 **MR. DUMAIS:** Do you recall having any
20 conversation with Murray MacDonald on this matter?

21 **MR. BRUNET:** I don't recall, no.

22 **MR. DUMAIS:** You don't recall? All right.

23 Now, my understanding is at one point-in-
24 time, you were advised that the Children's Aid Society was
25 conducting its own investigation and that they had assigned

1 this to some of their workers, and they contacted you to
2 get information from the file. Is that correct?

3 **MR. BRUNET:** Yes.

4 **MR. DUMAIS:** And, I think at one point in
5 time, you received a piece of correspondence signed by both
6 Mr. Gregory Bell, who was a social worker at the time, and
7 Bill -- William Carriere, who was a supervisor, requesting
8 for that information.

9 If -- you know, if we can just file that
10 document as an exhibit. It's 101562.

11 And that letter was addressed to you, Luc.

12 **THE COMMISSIONER:** Exhibit 1443 is a letter
13 from the Children's Aid Society, authored from Gregory Bell
14 and William Carriere to Staff Sergeant Luc Brunet dated
15 October 19th, 1993.

16 --- **EXHIBIT NO./PIÈCE No. P-1443:**

17 (101562) Letter from Gregory Bell and
18 William Carriere to Lucien Brunet dated
19 19 Oct 93

20 **MR. DUMAIS:** And Luc, correct me if I'm
21 wrong but I'm assuming that after your meeting at the
22 Children's Aid Office, some sort of arrangement had been
23 made or some discussion occurred whereas they would have
24 requested information from you and you were -- would
25 provide certain information to them. Is that ---

1 MR. BRUNET: Yes.

2 MR. DUMAIS: --- that fair?

3 MR. BRUNET: M'hm.

4 MR. DUMAIS: And I'm just looking at the
5 second entry, there; the -- where there's a number two.

6 It states there that they're asking for
7 information and that would involve the names, addresses and
8 telephone numbers of the other alleged victims that have
9 come to your attention.

10 MR. BRUNET: Yes.

11 MR. DUMAIS: Do you recall that this became
12 an issue with the Children's Aid Society?

13 MR. BRUNET: I -- I believe the issue was
14 with the ones that had asked to stay anonymous.

15 MR. DUMAIS: Yes. So like, for example,
16 whether or not you had disclosed the names of C-3 and C-56.

17 MR. BRUNET: Yes.

18 MR. DUMAIS: And I think you -- there's a
19 reference to that in one of your statements.

20 I'll give you the Exhibit number.

21 MR. BRUNET: Yes, it's ---

22 MR. DUMAIS: One four two one (1421), and
23 that's Bates pages ending 850.

24 MR. BRUNET: I don't think ---

25 THE COMMISSIONER: Hang on a second.

1 **MR. DUMAIS:** Page 1421.

2 **MR. BRUNET:** I don't have it in front of me.

3 **THE COMMISSIONER:** No. C'est tout?

4 Yes.

5 **MR. BRUNET:** Forty-one?

6 **THE COMMISSIONER:** No; one four two one,

7 Madam Clerk.

8 I think it's in another binder.

9 **THE COMMISSIONER:** It's -- yeah. It's in

10 this one, here.

11 You may have it. I think we referred to it

12 this morning.

13 **MR. BRUNET:** Twelve hundred (1200)

14 **THE COMMISSIONER:** Well, it ---

15 **MR. BRUNET:** Well, I -- I heard 1421.

16 **THE COMMISSIONER:** One four two one (1421)?

17 **MR. BRUNET:** Is that what -- that's what I

18 heard?

19 **THE COMMISSIONER:** That's your interview,

20 audiotaped interview report.

21 **MR. DUMAIS:** One four two one (1421), right.

22 **THE COMMISSIONER:** There's too many binders,

23 here.

24 **MR. BRUNET:** No -- I -- this book starts at

25 1426.

1 **MR. DUMAIS:** I think I can do this without -
2 --

3 **THE COMMISSIONER:** You're -- no -- well, now
4 that we've taken the time, let's do it properly. What
5 page, sir?

6 **MR. DUMAIS:** Eight five zero (850).

7 **MR. BRUNET:** Yes, Okay.

8 **MR. DUMAIS:** So, the question then, and it's
9 a question from Detective Hall at the top of the page:

10 "To your knowledge, why would Chief
11 Shaver not want to supply the other
12 victims' names to the CAS?"

13 And then your explanation:

14 "The only reason that we did it like
15 that is because -- and Chief Shaver, I
16 like -- when you say Chief Shaver, I'm
17 not sure that it's Chief Shaver that --
18 that didn't want to. Heidi that had
19 asked, because when a person's talked
20 to her, they didn't want to get
21 involved in this. But she -- and this
22 is what she's been telling you because
23 I've never met the other two. But,
24 from the information that I had at that
25 time, was that -- when she met with

1 them, they had -- they wanted nothing
2 to do with the investigation. But you
3 know, after discussing the possibility
4 of others being abused and so on
5 and..."

6 So the request not to disclose the names to
7 the CAS; did that come from Constable Sebalj?

8 **MR. BRUNET:** Definitely; she had a real
9 concern about the trust -- like, she had pretty well told
10 him -- at least made them agree to talk to her and --
11 because they didn't want to talk to her at first. And she
12 had relayed this through me throughout the investigation
13 that the -- they were concerned about their names going
14 public and that type of thing.

15 So they were -- she had built a trust and
16 they were willing -- they had agreed to talk to her. And I
17 was concerned that we wouldn't -- you know, just giving
18 their names out, I would have preferred that we tried to
19 convince them to come forward with the other agencies.

20 **MR. DUMAIS:** And is she the one that made
21 the final decision on this? Because, my understanding is
22 that those names were never provided. Is that correct?

23 **MR. BRUNET:** I don't remember. I remember
24 it being an issue and I remember talking to Staff Sergeant
25 Derochie about it. I would think that she's not the one

1 that made the final decision on it; it would have -- I
2 would think probably Staff Sergeant Derochie would have
3 discussed this with other people. I'm not sure if she
4 would have talked to people that would have had -- like, a
5 lawyer or something.

6 But I can't recall making a final decision
7 on it. I don't think I would have made the final decision
8 on it. I think, at that point, Staff Sergeant Derochie was
9 the liaison person to deal with this file and I really
10 don't recall if he made the final decision on it, and what
11 the final outcome was. But I do recall my opinion on it at
12 the beginning, was let's try and approach them -- have
13 Heidi try and approach them and try to get them to come
14 forward; try to convince them that this was important and
15 that there was -- their information was very valuable for
16 the CAS investigation and try to get them to come forward.

17 **MR. DUMAIS:** So am I correct, that these
18 names were never given to the Children's Aid Society?

19 **MR. BRUNET:** I don't know.

20 **MR. DUMAIS:** You're not sure?

21 **MR. BRUNET:** I don't know.

22 **MR. DUMAIS:** Do you know whether or not --
23 or -- Constable Sebalj would have contacted them and
24 advised them that they could ---

25 **MR. BRUNET:** I believe that that's what --

1 like my -- when I was involved at the beginning, when they
2 asked for it, I believe that that was what I had
3 recommended that she do; that she call them. So I'm
4 assuming that she did but I don't have any notes of that to
5 confirm that, yes, on such and such a date, she did. So I
6 can't be totally sure, but I'm -- my recollection of it was
7 that I had asked her to contact them to come forward.

8 **MR. DUMAIS:** All right.

9 Now, I believe, Luc, your next note on -- in
10 this file is on January 5th, 1994.

11 And I understand, on January 5th, Constable
12 Sebalj advised you that she had received a call from Mr.
13 Silmser. Is that correct?

14 **MR. BRUNET:** Yes.

15 **MR. DUMAIS:** And your notes are at Exhibit
16 1439.

17 **THE COMMISSIONER:** No, those are loose ones,
18 sir.

19 **MR. DUMAIS:** Correct.

20 **MR. BRUNET:** My book is empty.

21 **THE COMMISSIONER:** You're right, because
22 they're loose. They're the ones that ---

23 **MR. BRUNET:** Oh, sorry.

24 **THE COMMISSIONER:** One four three nine
25 (1439).

1 **MR. BRUNET:** Sorry about that, Mr.
2 Commissioner.

3 **THE COMMISSIONER:** No, no, that's fine.

4 **MR. BRUNET:** I get a little confused.

5 **THE COMMISSIONER:** You stay here long
6 enough.

7 What page, sir?

8 **MR. DUMAIS:** Well, your notes on January --
9 begin on 097.

10 **THE COMMISSIONER:** I'm sorry, 097?

11 Thank you.

12 **MR. DUMAIS:** Actually, 094.

13 **MR. BRUNET:** Nine four (94).

14 **MR. DUMAIS:** The first entry is 094.

15 So what did Constable Sebalj tell you about
16 this call, Luc?

17 **MR. BRUNET:** She came into my office and she
18 advised me that David Silmsler had just called her and he
19 was very upset about where the press got their information.
20 He told her that Mr. Charlie Greenwell called in at his
21 home and wanted to see him.

22 **MR. DUMAIS:** And is it correct that Mr.
23 Greenwell would have advised him, or at least he was
24 relating back to Constable Sebalj that he was under
25 investigation for extortion; is that correct?

1 **MR. BRUNET:** Yes, that he was being
2 investigated by the police, that's correct, for extortion,
3 that's right, sorry.

4 **MR. DUMAIS:** All right. And was he under
5 investigation, at that point in time, so on January 4th,
6 1994?

7 **MR. BRUNET:** Not by our Service. I don't
8 know if he was by the OPP, but he wasn't by our Service.

9 **MR. DUMAIS:** All right. So there's no
10 outstanding investigation within your Service?

11 **MR. BRUNET:** No.

12 **MR. DUMAIS:** All right. I understand as a
13 result or following this conversation with Constable
14 Sebalj, that you called Mr. Silmser; is that correct?

15 **MR. BRUNET:** Yes.

16 **MR. DUMAIS:** And can you just tell us about
17 that call or how the arrangements were made?

18 **MR. BRUNET:** Well, I told Constable Sebalj
19 that I could call him back and if he -- she made the phone
20 call and told him that -- that I would speak with him.

21 So I called him at his home and after the
22 introduction, I explained to him that I had no idea who was
23 informing the press and I also told him that we had no
24 investigation going on where he was a suspect in any type
25 of criminal investigation.

1 **MR. DUMAIS:** All right. At one point in
2 time, he does tell you that he -- he had no real problem
3 with the Cornwall Police investigation but, "he was not
4 happy with the Crown attorney for not laying charges"?

5 **MR. BRUNET:** That's correct.

6 **MR. DUMAIS:** And that's at the bottom of
7 pages 095, top of 096, for not -- I'm sorry, I'll just
8 finish that sentence "for not laying charges sooner"?

9 **MR. BRUNET:** That's correct.

10 **MR. DUMAIS:** And does he mention, at that
11 time, whether or not he's making reference to his
12 allegation against Father MacDonald or against Ken Seguin?

13 **MR. BRUNET:** I -- I assumed at that point
14 that he's talking about Father MacDonald, because Ken
15 Seguin, basically there was no investigation.

16 **MR. DUMAIS:** All right. So -- and is he --
17 does he qualify, what's he's saying, that "the Crown
18 attorney for not laying charges sooner," what he meant by
19 "sooner"?

20 **MR. BRUNET:** Well, how detailed did he get
21 into it? I would say that it was just like a general
22 statement like this, that he was upset with the Crown's
23 office, and at that point I felt that it was unfair for him
24 to be blaming the Crown attorney for not laying charges
25 when, in fact, it's the police responsibility to lay

1 charges.

2 MR. DUMAIS: Right, right.

3 MR. BRUNET: And I clarified that to him,
4 what -- what Crown's jobs or responsibilities are and what
5 police responsibilities are.

6 MR. DUMAIS: All right. Now -- and
7 following your telephone conversation with Mr. Silmsler, you
8 did have -- you brief your superiors on the call, correct?

9 MR. BRUNET: Yes, I believe I was on my way
10 to the -- our management meeting that morning, so I did
11 brief them on that.

12 MR. DUMAIS: All right. And one of the
13 persons that would have been briefed on that call would
14 have been Staff Sergeant Wells; is that correct?

15 MR. BRUNET: Yes.

16 MR. DUMAIS: And it was at about that time
17 that the -- that Greenwell's story was released in the
18 media; is that ---

19 MR. BRUNET: That evening. I saw it on the
20 six o'clock news.

21 MR. DUMAIS: On that same evening, right.

22 Now -- so following the release of this
23 media story, you were -- you assisted the Service in
24 providing a chronology or ---

25 MR. BRUNET: That's correct.

1 **MR. DUMAIS:** All right. So your job and
2 presumably Constable Sebalj's job was to advise whom on
3 this?

4 **MR. BRUNET:** Well, Staff Sergeant Wells was
5 the Media Relations Officer.

6 **MR. DUMAIS:** Yes.

7 **MR. BRUNET:** So there would have been some
8 contact with him where I would -- he would ask me for
9 information and I would either have it or if I didn't have
10 it, I would go and see Constable Sebalj and ask her
11 specific dates or whatever he -- he was inquiring about to
12 be able to -- to give a police response to the media.

13 **MR. DUMAIS:** All right. And the intent at
14 that time was to prepare some sort of a press release; is
15 that correct?

16 **MR. BRUNET:** That's correct.

17 **MR. DUMAIS:** And do you know who was
18 drafting that, who was in charge of drafting the release?

19 **MR. BRUNET:** Well, I believe there were more
20 than one. I believe there were some different times that -
21 - that there was some discussions, but there's two -- well,
22 there's two. There's -- I know that I was giving Staff
23 Sergeant Wells some information about the data and I was
24 also asked by Chief Johnston, on the Saturday morning he
25 called me at home and asked me to come in to meet with him

1 to give him some -- him and he was meeting with the -- the
2 Chair of the Police Board.

3 **MR. DUMAIS:** Mr. Courville?

4 **MR. BRUNET:** Mr. Courville, that's correct.

5 And I -- he asked me to come to Mr.
6 Courville's office to give them some details.

7 **MR. DUMAIS:** All right. And do you think
8 that they were drafting the press release at that time or
9 had you seen ---

10 **MR. BRUNET:** Well, I believe they -- I -- I
11 didn't -- I don't know that they -- I can't -- I can't
12 recall specifically if it was a media release at that time
13 or if they were just asking me for some -- some information
14 about the chronology of it, but they were definitely trying
15 to -- to get some -- some information about -- about the
16 case.

17 **MR. DUMAIS:** All right.

18 **MR. BRUNET:** Because Chief Johnston would
19 have just arrived in Cornwall at his new acting position, I
20 believe that week, so he was -- he wouldn't have known
21 anything about the case.

22 **MR. DUMAIS:** Well, maybe -- maybe your notes
23 might help, Luc, and I'm just looking at Exhibit 1439, so
24 the entries for January 6th, 7th and 8th.

25 **MR. BRUNET:** Yes.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. DUMAIS: So I think the relevant entries
3 are on January 6th, 1994, then at the bottom of -- at page
4 097:

5 "I had other meetings with Constable
6 Sebalj and Staff Sergeant Wells re fax
7 for press release."

8 And then I think January 8th, 1994, is the
9 meeting that you've just made reference to.

10 MR. BRUNET: Yes.

11 MR. DUMAIS: I guess my question is, I mean,
12 were you just the fact person, so were you just providing
13 facts so that they could prepare the release or did you
14 have ---

15 MR. BRUNET: No, they -- I was just
16 providing the facts; I was not part of drafting the -- the
17 release.

18 MR. DUMAIS: All right. And did you revise
19 the release before it was released?

20 THE COMMISSIONER: Did you review it before
21 it ---

22 MR. BRUNET: I -- I don't remember.

23 MR. DUMAIS: Thank you.

24 MR. BRUNET: It is possible that I did; I
25 just don't remember actually reading it.

1 **THE COMMISSIONER:** All right.

2 **MR. BRUNET:** But I may ---

3 **THE COMMISSIONER:** And what release was
4 this?

5 **MR. BRUNET:** I may have.

6 **THE COMMISSIONER:** What release was that, do
7 we know?

8 It's not the one about the Skinner report?
9 Is it or is it not?

10 **MR. BRUNET:** No, the Skinner Report hasn't
11 occurred yet.

12 **THE COMMISSIONER:** Okay.

13 **MR. DUMAIS:** I believe it's Exhibit 3 -
14 sorry. Yes, it is an exhibit already, 1224.

15 Perhaps, Commissioner, it's as good a time
16 as any to take a lunch break.

17 **THE COMMISSIONER:** It is a very good time to
18 take a lunch break.

19 It's really just the one about the Police
20 Board account of the incident involving alleged sexual
21 assault and it's dated January 11th, 1994.

22 So that's what you think you were meeting
23 and providing information for. Is that right?

24 **MR. BRUNET:** Yes. That would be it.

25 **THE COMMISSIONER:** Well, On that note, we'll

1 take our lunch break and we'll see you back at 2:00.

2 **MR. BRUNET:** Thank you, Mr. Commissioner.

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

5 --- Upon recessing at 12:37 a.m. /

6 L'audience est suspendue à 12h37.

7 --- Upon resuming at 2:08 p.m. /

8 L'audience est reprise à 14h08

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

11 This hearing is now resumed. Please be
12 seated. Veuillez vous asseoir.

13 **LUCIEN LEO BRUNET, Resumed/Sous le même serment:**

14 --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**

15 **DUMAIS (Continued/Suite):**

16 **THE COMMISSIONER:** Thank you. Good
17 afternoon.

18 **MR. DUMAIS:** When we left off this morning,
19 we were looking at Exhibit 1439 at around Bates pages
20 ending 097 and that was, essentially, things you would have
21 done in early January of 1994.

22 So the first entry is January 6th. You're
23 indicating that you made some inquiries with Constable
24 Sebalj. You're trying to clarify some of the dates and
25 you're indicating that you need to clarify that with Staff

1 Sergeant Wells. Is that ---

2 MR. BRUNET: That's correct.

3 MR. DUMAIS: And do you recall what you're
4 using at this point-in-time? And I know that you prepared
5 a document that is entitled "Chronology", which we've filed
6 as an exhibit already. Are you drafting that chronology at
7 that point-in-time?

8 MR. BRUNET: Yes, that would be the time
9 period where I started to do that, when we were asked
10 questions about "What day that meeting? What day that
11 meeting?" Basically, that's when I figured it would be
12 wise to start the chronology.

13 MR. DUMAIS: Right. Do you recall whether
14 or not you have a copy of the Crown brief at that time, the
15 document which was ---

16 MR. BRUNET: Oh, I certainly had access to
17 it, but I don't know that I went back to refer to it. I
18 think I was just to Heidi, Constable Sebalj, and asking her
19 the information.

20 MR. DUMAIS: All right. And then apparently
21 you meet with Chief Johnston and he's inquiring about
22 diaries or letters dealing with this case. Is that ---

23 MR. BRUNET: That's correct.

24 MR. DUMAIS: What's he referring to here
25 with the diaries or the letters?

1 **MR. BRUNET:** Well, diaries. If I had a --
2 well, what I'm assuming that he would have meant would have
3 been like my calendar, my diary book, so that if I had a
4 meeting with somebody or a phone call, that I would have
5 made a note in a calendar. That's what he would have been
6 -- well, that's what I took it that he meant.

7 **MR. DUMAIS:** And did you have a diary?

8 **MR. BRUNET:** No, I didn't. The only
9 reference I could use were my notes that I've disclosed
10 here.

11 **MR. DUMAIS:** All right. So then on January
12 7th, 1994, you have a conversation with an officer from the
13 OPP, Officer McDonell, and he advises you at this point-in-
14 time that he has a handwritten statement from Ken Seguin?

15 **MR. BRUNET:** Yes.

16 **MR. DUMAIS:** Do you recall what that was
17 about?

18 **MR. BRUNET:** I believe this was the -- had
19 something to do with the investigation they had done with
20 the Varley investigation, the Varley homicide. I'm pretty
21 sure that's the statement he was referring to.

22 **MR. DUMAIS:** All right. So he's not saying
23 that there's a contemporaneous statement, so something that
24 had been written by him ---

25 **MR. BRUNET:** It was in reference to a

1 previous investigation with the OPP and not the David
2 Silmsers investigation but another investigation that had
3 involved him. And the one that comes to mind is the Varley
4 investigation, where the young man had gotten shot in the
5 Summerstown area.

6 **MR. DUMAIS:** And is that ever provided to
7 you?

8 **MR. BRUNET:** It may have, it may have,
9 because I remember reading it. So I don't know if I ever
10 got a copy to keep it or if they just showed it to me, but
11 it seems to me that I read it, or read part of it, anyway.

12 **MR. DUMAIS:** Do you recall what would have
13 been the relevance for your investigation or your file?

14 **MR. BRUNET:** I think the only relevance --
15 there was definitely no relevance to the David Silmsers
16 investigation. It would have been just a general knowledge
17 -- he would have provided me for my general knowledge about
18 Ken Seguin.

19 **MR. DUMAIS:** All right. And the next entry,
20 I think we spoke briefly about that this morning, it's the
21 January 8th entry where the Chief calls you at home and then
22 asks to meet with him and Mr. Courville to clarify
23 questions on the Silmsers claim. So they had some questions
24 about the chronology and some of the facts. Is that
25 correct?

1 **MR. BRUNET:** That's correct.

2 **MR. DUMAIS:** And who else is there at that
3 meeting?

4 **MR. BRUNET:** Mr. Courville ---

5 **MR. DUMAIS:** Just Mr. Courville, the Chief
6 and yourself?

7 **MR. BRUNET:** --- and then the Chief and then
8 I come in.

9 I remember at one point they asked me to
10 wait outside and I started to make some phone calls because
11 of an assignment the Chief had given me. So I went out in
12 another office and I started to make phone calls.

13 **MR. DUMAIS:** All right. And do you recall
14 going through your chronology of the events at that
15 meeting?

16 **MR. BRUNET:** I believe I brought my file
17 with me so I would have had the file with me so, yes, the
18 chronology that I would have started I probably had it with
19 me.

20 **MR. DUMAIS:** Actually, maybe this document
21 can answer the question for us. Is Staff Sergeant Wells
22 present by the way?

23 **MR. BRUNET:** No, I don't believe so.

24 **MR. DUMAIS:** And I'm just referring to,
25 again, Exhibit 1439, your notes on this, and I'm looking at

1 Bates pages 098. So about 6 or 7 lines down:
2 "Present was Mr. Courville, Chief Johnston. We went
3 through a chronological order of the events. They had a
4 report submitted by Staff Sergeant Derochie. I clarified
5 their questions to the best of my abilities. At one point,
6 they showed me a full copy of Silmsler's statement with
7 following numbers."

8 And then there are fax numbers.

9 MR. BRUNET: That's right.

10 MR. DUMAIS: You're making reference here to
11 a -- are you making reference to the chronology or did you
12 go through ---

13 MR. BRUNET: Well, that's what I don't
14 recall. I would imagine, like a -- I remember I'd started
15 to work on the chronology when it went to the media, so it
16 would have been after January 6th, I believe.

17 And, obviously I had a file with some of the
18 documents such as the settlement and my letter with the
19 Crown and that type of information, and my notes that I had
20 done for the meeting in Ottawa and so on.

21 So I did have a file on it, and the actual
22 chronology that I produced here, was it produced? I think
23 it may have been in progress at that point. It may not
24 have been quite completed, but this is definitely the time
25 period where I was preparing it. And if I used it to

1 provide information, I can't say for sure.

2 MR. DUMAIS: What about the document that is
3 referenced here? The report from Staff Sergeant Derochie?
4 Do you recall what that was?

5 MR. BRUNET: I really don't remember what
6 that is.

7 MR. DUMAIS: Now, they show you a copy of
8 the statement that Mr. David Silmsler had made the previous
9 year and there's a number of fax numbers that you've noted
10 in your notes here?

11 MR. BRUNET: Yes. That's correct.

12 MR. DUMAIS: All right. So what was the
13 issue with those fax numbers?

14 MR. BRUNET: Well, the Chief asked me to
15 investigate the -- who those faxes numbers belonged to,
16 like where did the faxes come from, and he wanted to try
17 and find the source of who released the -- the statement.

18 MR. DUMAIS: All right. And so you followed
19 up on that?

20 MR. BRUNET: Yes.

21 MR. DUMAIS: You conducted an investigation
22 and determined that these fax numbers were from local --
23 local or regional media ---

24 MR. BRUNET: That's correct.

25 MR. DUMAIS: --- stations?

1 **MR. BRUNET:** The -- the number at the top,
2 "0355" was CJSS's number, which is our local radio station
3 here, and the number at the bottom was CJOH T.V. CJOH News
4 is the fax number in Ottawa.

5 And when I called CJSS and I don't have the
6 name of the person I spoke to, but he advised me that they
7 had received the message unsolicited.

8 **MR. DUMAIS:** All right. And so which would
9 mean that the person sending the fax -- the number of the
10 person sending the fax would not be on the document; is
11 that correct?

12 **MR. BRUNET:** The person sending the fax to
13 CJOH News?

14 **MR. DUMAIS:** And they would have sent it to
15 whom?

16 **MR. BRUNET:** To CJSS ---

17 **MR. DUMAIS:** All right.

18 **MR. BRUNET:** --- here in Cornwall, which is
19 our local radio station.

20 **MR. DUMAIS:** All right. So are they saying
21 that someone dropped it off at their station; is that ---

22 **MR. BRUNET:** No. What they're saying is
23 that the CJSS News in Cornwall received the fax
24 unsolicited; they had not -- they didn't know about it,
25 they didn't ask for it. CJOH News in Ottawa just faxed it

1 to them.

2 So the sender is CJOH and the receiver is
3 CJSS.

4 **MR. DUMAIS:** All right. But I mean we don't
5 know how CJOH or from who CJOH received that?

6 **MR. BRUNET:** That -- that's correct, I would
7 have no -- no indication of that.

8 **MR. DUMAIS:** And did you actually speak to
9 the person that had taken possession of the -- the
10 statement or the person having received it?

11 **MR. BRUNET:** No, I -- I started to make some
12 phone calls and every media outlet I called, they told me
13 that they would gladly send us the -- the report or the
14 story but any of the information that they had prior to
15 that, we would have to go their legal branch and they were
16 -- they -- they considered that confidential information
17 and that they couldn't share it with us.

18 **MR. DUMAIS:** All right. Did they tell you
19 that they knew which person had sent it? Who had sent it
20 or they were just claiming that person as a source?

21 **MR. BRUNET:** I never -- no, I -- I never got
22 to speak to a person that, in my opinion, that had
23 possession of it. Like it was just the story and they were
24 just trying to reach people likely either the -- that
25 broadcast manager or supervisor, I would get -- this was a

1 Saturday and I was getting who I could on the line, so it
2 wasn't ---

3 MR. DUMAIS: All right.

4 MR. BRUNET: --- it wasn't -- there was
5 nobody there that could offer me any specific information
6 about -- well, that would -- they -- they were basically
7 giving me a blanket, if you want ---

8 MR. DUMAIS: "We're not telling you."

9 MR. BRUNET: "We're not telling you. And if
10 you want it, you'll have to go through our legal branch."

11 MR. DUMAIS: All right. And so that's the
12 extent of your investigation with respect to these numbers
13 ---

14 MR. BRUNET: That's correct.

15 MR. DUMAIS: --- and your attempts to find
16 out who would have sent that to ---

17 MR. BRUNET: That's correct, because by
18 Monday -- by the time I came in on the Monday, I was
19 advised that the Ottawa Police would be -- had been called
20 and they would be doing this -- this investigation, so that
21 took me out of the investigation.

22 MR. DUMAIS: All right. And as far as you
23 know, Luc, the -- it has never been determined who would
24 have released that -- that statement?

25 MR. BRUNET: I don't believe it has.

1 **MR. DUMAIS:** All right. Now, if I can just
2 take you, just for a minute, to the news release, which is
3 Exhibit 1224.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MR. DUMAIS:** And I asked you earlier whether
6 or not you were responsible for some of the language that
7 was put in the news release or whether or not you're just
8 providing information and whether or not you had reviewed
9 it before it went out and I think this morning you had
10 indicated that you were uncertain as to whether or not you
11 had reviewed it or not and let me ask you this specific
12 question and we'll go from there.

13 So if you look at item 4 there, and I'm
14 looking at the first pages, the first page ending with
15 Bates page 624, it says:

16 "On February 10th, '93, the complainant
17 informed the investigating officer that
18 he did not wish to pursue a criminal
19 investigation concerning the local
20 probation officer."

21 **MR. BRUNET:** Yes.

22 **MR. DUMAIS:** Now -- and I'm assuming that
23 they're referring the notes that Constable Sebalj has on
24 this matter and Constable Sebalj's notes says, and I'll
25 read it out for you, but that's Exhibit 295, at pages 735:

1 "10:39 A t/c from V. advises he called
2 Seguin. He's running scared, advised
3 him he's and we think only laying
4 charges on MacDonald. Says he's
5 getting very mad."

6 So clearly there's a difference in language
7 between what's in the news release and what's in Constable
8 Sebalj's notes.

9 **MR. BRUNET:** Yes.

10 **MR. DUMAIS:** So I guess my question to you
11 is, what was your involvement with the drafting of the news
12 release, the reviewing of the information and what were you
13 using to provide that information other than your
14 chronology?

15 **MR. BRUNET:** I can't remember.

16 My involvement was to answer their
17 questions. When they asked me questions ---

18 **MR. DUMAIS:** All right.

19 **MR. BRUNET:** --- I would give them the
20 information. I can't remember specifically.

21 I don't know that I would have had access to
22 her notes. I -- I don't think I had her notes.

23 **MR. DUMAIS:** M'hm.

24 **MR. BRUNET:** I believe, if anything that
25 would giving me that type of information would have

1 probably been the report and -- but I'm assuming because I
2 really don't remember what I used for documentation, but I
3 would say probably the report would be a good -- a good
4 source of information.

5 And I remember making a phone call to her,
6 too, but she wouldn't have had her notes at home, I don't
7 think, but there was some -- some of the information that I
8 didn't have and obviously with the material that I had, I
9 didn't have the answer so I remember making a phone call to
10 her residence and speaking to her, but -- but I'm sure she
11 didn't have her notes at home, so she wouldn't have
12 referred to her notes.

13 **MR. DUMAIS:** All right. Fair enough.

14 I'm just looking at the summary now and that
15 would be Bates pages 626 of the news release, so -- which
16 is Exhibit 1224 and about mid-paragraph it indicates:

17 "The Board invites the complainant in
18 this matter to pursue any further
19 concerns they may have at this time
20 with the Cornwall Police Services or
21 any other policing agency that is
22 appropriate."

23 I mean, that suggestion or -- or that -- did
24 that come from you or is that something that came from the
25 Chief or from the Services Board; do you know that idea,

1 where it comes from?

2 MR. BRUNET: I can say certainly it didn't
3 come from me; however, like I said, I wasn't in the room
4 the whole time. They were already there when I came in,
5 when they invited me in and after they -- I provided them
6 the information that they had -- that they had asked me.
7 I went over to another office and started to make some
8 phones calls in reference ---

9 MR. DUMAIS: All right.

10 MR. BRUNET: --- to the investigation. So I
11 really can't make comment to -- but that, I definitely
12 didn't have anything to do with it.

13 MR. DUMAIS: And that meeting was more of a
14 question and answer format; they would have -- they would
15 ask for something ---

16 MR. BRUNET: Yes, when I arrived, they
17 basically asked me a number of things that they wanted
18 answered and I know, like I specifically remember making a
19 phone call to Constable Sebalj.

20 Like I said earlier, the source -- I would
21 have had my file; if there was questions in reference to
22 the dates that the complaint came in, that kind of thing, I
23 would definitely have that with my file and I provided them
24 the answers that -- that I was aware of.

25 As far as reading it after, to answer your

1 question again, I do not recall reading the whole thing;
2 it's very possible that I did. They may have asked me to
3 read it to see the facts were -- that it was factual and --
4 and that's what my attention would have been more towards
5 the dates and -- and what -- what I knew of the
6 investigation that I would have checked on, but the context
7 into which it was put out, I didn't have any input as far
8 as that goes.

9 **MR. DUMAIS:** All right. Now, you've
10 indicated that the following Monday, you had been advised
11 that the matter had been referred to the Ottawa Police
12 Service for re-investigation; is that correct?

13 **MR. BRUNET:** That's correct.

14 **MR. DUMAIS:** All right and that was on that
15 Monday next; right?

16 **MR. BRUNET:** The 10th of January.

17 **MR. DUMAIS:** All right. And perhaps, Luc,
18 just before we go there, we had finished off with 1993 and
19 we're into 1994, but there's just one last issue I'd just
20 like to close off before we get back to this, and that has
21 to do with different contacts that you would have had with
22 employees or people working for the Ministry of Probations
23 and Corrections.

24 **MR. BRUNET:** Yes.

25 **MR. DUMAIS:** So we've heard some evidence, a

1 number of people have testified and one of them would be a
2 Ms. Bradburn -- that indicates that she has a note where
3 she would have spoken to you on December 17, 1993.

4 **MR. BRUNET:** Yes, I -- I remember a phone
5 call in reference to -- and I believe it was a lady so I
6 wouldn't have the date down, but that -- I -- I remember
7 receiving a phone call.

8 **MR. DUMAIS:** All right. Do you recall what
9 the call was about or what information you provided her?

10 **MR. BRUNET:** Well, I -- I know that now
11 because of reading her notes in preparation for the -- my
12 testimony, but before that -- if you would have asked me
13 that before I read her notes; no, I wouldn't have
14 remembered it.

15 **MR. DUMAIS:** You wouldn't have known.

16 **MR. BRUNET:** No.

17 **MR. DUMAIS:** All right. And there is also a
18 Mr. Bill Roy that would have indicated that he would have
19 spoken to you; do you recall speaking to him?

20 **MR. BRUNET:** I just remember one phone call;
21 I don't remember the other one, but I'm not saying it
22 didn't happen. I just don't remember it.

23 **MR. DUMAIS:** You just don't recall it.

24 And there is also a Mr. Émile Robert that
25 testified that he had met with you and Constable Sebalj.

1 **MR. BRUNET:** Yes, I -- I heard that
2 testimony and unfortunately, I -- I can't remember that
3 meeting.

4 **MR. DUMAIS:** Actually, Mr. Robert indicated
5 in his evidence, I believe, that he had been shown briefly
6 a copy of the Silmsler statement, but you don't recall that
7 meeting; is that correct?

8 **MR. BRUNET:** No, I -- I'm -- I'm wondering
9 if he could have met with Constable Sebalj and -- and
10 another officer.

11 **MR. DUMAIS:** All right, but you're sure it's
12 not you.

13 **MR. BRUNET:** I -- well, I -- I could be
14 wrong, but I don't recall it.

15 **MR. MANDERVILLE:** Mr. Commissioner, to be
16 fair to the witness, there are notes documenting a meeting
17 between Mr. Brunet and Émile Robert and I would suggest he
18 be shown those ---

19 **THE COMMISSIONER:** Yes ---

20 **MR. MANDERVILLE:** --- notes.

21 **THE COMMISSIONER:** --- that's fair.

22 **MR. DUMAIS:** As soon as Mr. Manderville
23 gives me the doc number, I'll do it.

24 **(LAUGHTER/RIRES)**

25 **MR. MANDERVILLE:** It arose during the

1 testimony of Mr. Robert. I -- I don't have it at my
2 fingertips. Certainly, it was referred to during Mr.
3 Robert's examination.

4 **THE COMMISSIONER:** Yes, we'll deal with it
5 later.

6 **MR. DUMAIS:** Yeah, let me get back at it a
7 little later.

8 All right. So if we can get back to 1994
9 then so you're advised on the Monday and you're advised by
10 Chief Johnston, is that correct, that the OPS is ---

11 **MR. BRUNET:** That's correct; he did advise
12 me personally.

13 **MR. DUMAIS:** And ---

14 **THE COMMISSIONER:** He advised that the OPS
15 is coming in.

16 **MR. BRUNET:** That's correct.

17 **THE COMMISSIONER:** All right.

18 **MR. DUMAIS:** And I understand that you were
19 asked to provide a number of documents to the officers
20 involved in this investigation; is that correct?

21 **MR. BRUNET:** That's correct.

22 **MR. DUMAIS:** All right. And I think I
23 understand that on that same date, so on January 10th, you
24 actually met with Staff Sergeant William Blake and Sergeant
25 Brian Skinner; is that ---

1 MR. BRUNET: That's ---

2 MR. DUMAIS: --- correct?

3 MR. BRUNET: --- that's accurate.

4 MR. DUMAIS: And you would have provided
5 copies of documentation you had relevant to this to them;
6 is that correct?

7 MR. BRUNET: That's correct.

8 MR. DUMAIS: All right. And do you recall
9 what documents those were?

10 MR. BRUNET: Again, I -- I would have had a
11 file from when I became more involved where I started
12 keeping documentation, and I would have had that file with
13 me so I would have provided them whatever document they
14 asked me for that they wanted to review from -- from my
15 file, but I -- I don't have a list or I -- I don't actually
16 have a personal recollection of which documents I referred
17 to.

18 MR. DUMAIS: All right. And do you recall
19 on the following day receiving a call from Superintendent
20 Skinner indicating that he wanted to speak to Constable
21 Sebalj?

22 MR. BRUNET: Yes.

23 MR. DUMAIS: Actually, arrangements were
24 made ---

25 MR. BRUNET: Yes, I ---

1 **MR. DUMAIS:** --- for her -- to meet with
2 her; correct?

3 **MR. BRUNET:** Yes, that's correct.

4 **MR. DUMAIS:** And they were asking for other
5 documents, for example, the original copy of the statement
6 from Staff Sergeant Dupuis, which we went through this
7 morning, and that was turned over to her -- to them; is
8 that correct?

9 **MR. BRUNET:** Yes.

10 **MR. DUMAIS:** And was that essentially your
11 involvement in this re-investigation, the extent of your
12 involvement?

13 **MR. BRUNET:** I believe so other than the --
14 cooperating with the -- with the authorities when they
15 asked for interviews, but -- which you have the documents,
16 but I can't recall of any other involvement.

17 **MR. DUMAIS:** All right. You're aware that
18 following their investigation, they prepared or produced a
19 report?

20 **MR. BRUNET:** The Ottawa Police?

21 **MR. DUMAIS:** Yes.

22 **MR. BRUNET:** Yes.

23 **MR. DUMAIS:** And it was submitted to Chief
24 Johnston.

25 **MR. BRUNET:** Yes.

1 **MR. DUMAIS:** And do you recall receiving a
2 copy or reading that report?

3 **MR. BRUNET:** No, I didn't. I never received
4 a copy and I don't recall reading it.

5 **MR. DUMAIS:** All right. And do you recall
6 just the fact that the report had been completed and
7 submitted?

8 **MR. BRUNET:** Yes, I knew they're -- they had
9 submitted a report.

10 **MR. DUMAIS:** All right. And you never had
11 any discussion with Chief Johnston as to its contents?

12 **MR. BRUNET:** Well, we had some -- some
13 discussions a little later about some issues that had been
14 addressed.

15 **MR. DUMAIS:** All right. Specific to this
16 report?

17 **MR. BRUNET:** I believe so. I believe the --
18 I would have to check the recommendations to get some ---

19 **MR. DUMAIS:** Well ---

20 **MR. BRUNET:** --- get me going on it because
21 I ---

22 **MR. DUMAIS:** I can do that for you.

23 **MR. BRUNET:** --- I -- I'm pretty sure that
24 we had some -- well, I'm pretty sure -- I know that there
25 were some issues that -- that were discussed, but I -- like

1 I said, just offhand there, I can't think of it.

2 MR. DUMAIS: That's Exhibit 1207, actually.

3 (SHORT PAUSE)/(COURTE PAUSE)

4 MR. DUMAIS: And the conclusions, Luc, are
5 actually at pages 451 to 452.

6 MR. BRUNET: Yes.

7 (SHORT PAUSE)/(COURTE PAUSE)

8 MR. BRUNET: The -- the OMPPAC issue was --
9 was addressed -- this would have been very close to the
10 same time as Staff Sergeant Derochie had done another
11 investigation.

12 MR. DUMAIS: Yes.

13 MR. BRUNET: And I remember the OMPPAC
14 issue being addressed as an area that we had to be more
15 vigilant in.

16 MR. DUMAIS: All right. But certainly
17 there were no changes that were made just with respect to
18 the OMPPAC issue immediately following the issues in this
19 report.

20 MR. BRUNET: Not immediately after -- but I
21 believe in -- it may have been in the fall of the
22 following year.

23 MR. DUMAIS: Because -- yeah, was that not
24 when ---

25 MR. BRUNET: I remember ---

1 **MR. DUMAIS:** Sergeant Snider was ---

2 **MR. BRUNET:** No, there was a directive put
3 out by Chief Johnston I would say six months, maybe, after
4 this. I can't remember -- I think it was in 1994 that
5 Chief put out a ---

6 **MR. DUMAIS:** All right. That dealt
7 specifically with the OMPPAC issue?

8 **MR. BRUNET:** Yes, I believe so.

9 **MR. DUMAIS:** My understanding was that
10 inputting investigations in the OMPPAC system and the
11 updating through supplementary occurrence reports really
12 came into effect when Sergeant Snyder was assigned to the
13 CIB.

14 **MR. BRUNET:** Effectively, that's when we
15 were able to -- to abide by the -- or -- yes, abide by the
16 directive or by the order but the order had come out
17 earlier, it's just that I just wasn't able to do
18 everything that was expected of me at that time. Like
19 when the order came out I just -- like, I asked for
20 assistance because I just couldn't keep up. I was just --
21 I'll use the word overwhelmed.

22 **MR. DUMAIS:** And we've discussed that
23 already, Luc, and I'm advised that the OMPPAC Directive
24 would have been in May 1995. Is that your recollection as
25 well.

1 **MR. BRUNET:** That could very well be the
2 one that I'm talking about, yes.

3 **MR. DUMAIS:** All right.

4 **MR. BRUNET:** But I -- we would have had --
5 like, we would have had some conversations about that
6 prior to.

7 **MR. DUMAIS:** Okay. All right. What about
8 the other findings? So, the -- they indicate here that
9 there's strong indication that communication between Chief
10 Shaver and Deputy Chief St-Denis were -- was very poor;
11 each other were blaming each other for communications
12 break down.

13 **MR. BRUNET:** I've already testified that I
14 kept them informed of -- from my perspective, from my
15 office to their office. I went through the Deputy Chief
16 and unless the Chief would address me personally I would
17 always go to the Deputy Chief.

18 So from my perspective, my observation that
19 was being respected and at their level between themselves
20 I don't feel that I can comment on that.

21 **MR. DUMAIS:** All right.

22 **MR. BRUNET:** So I don't have any personal
23 knowledge.

24 **MR. DUMAIS:** All right, fair enough. Now
25 the third conclusion is that Constable Sebalj, in my

1 opinion, and that's the OPS:

2 "..."was not sufficiently qualified to
3 undertake such a complex and potentially contentious
4 investigation, was left to her own devices, and failed to
5 see the urgency of the situation."

6 **MR. BRUNET:** I've already testified to
7 that. Constable Seblaj had over a year experience in
8 Criminal Investigation at the time that she was assigned
9 the investigation. Constable Malloy and Sergeant Lefebvre
10 and myself were all available to assist her and I've
11 testified on many occasions that she shared information
12 with us, she seeked (sic) our guidance. She was provided
13 our guidance and I'm very -- I was satisfied that she had
14 the ability to do the investigation with some supervision,
15 with some assistance from the more senior officers and
16 that she did do that.

17 **MR. DUMAIS:** All right. And I mean we're
18 not going to -- I think we've gone through that.

19 **MR. BRUNET:** At your discretion.

20 **MR. DUMAIS:** Any other changes that would
21 have been brought about to Cornwall Police Services or the
22 CIB following the issuance of this report, that you are
23 aware of?

24 **MR. BRUNET:** No, no, not that I can recall.

25 **MR. DUMAIS:** Now, I understand that on

1 January 27th you would have received information or a
2 telephone call from an alleged victim that was calling you
3 from New Brunswick.

4 MR. BRUNET: That's correct.

5 MR. DUMAIS: And the contact had been made
6 through the RCMP in New Brunswick. Is that correct?

7 MR. BRUNET: That is correct.

8 MR. DUMAIS: All right. So did you,
9 yourself, speak to the alleged victim? Or did ---

10 MR. BRUNET: Yes, I did.

11 MR. DUMAIS: All right. And he -- that
12 individual had information about an allegation which
13 involved Father MacDonald. Is that correct?

14 MR. BRUNET: That's correct.

15 MR. DUMAIS: All right. But by that time
16 your investigation -- and by that I mean Cornwall Police
17 Services involvement in this investigation was over?

18 MR. BRUNET: Yes, I believe the Ontario
19 Provincial Police had been called in at that time.

20 MR. DUMAIS: And do you recall relating
21 this information -- relating this information to the
22 Ontario Provincial Police?

23 MR. BRUNET: Yes.

24 MR. DUMAIS: And do you recall who you
25 spoke to?

1 **MR. BRUNET:** I'd have to check my notes but
2 I believe it's Inspector Smith.

3 **MR. DUMAIS:** I think your notes on this is
4 at that Exhibit 1437; that would be the the last page.

5 **MR. BRUNET:** Exhibit 1437? This is a
6 statement.

7 **MR. DUMAIS:** Yes. Sorry. I ---

8 **MR. BRUNET:** I've got handwritten notes ---

9 **MR. DUMAIS:** Yeah.

10 **MR. BRUNET:** --- on this, on this
11 investigation. This is a statement that I provided to the
12 Ontario Provincial Police, but I do have handwritten notes
13 on it. I don't ---

14 **MR. DUMAIS:** I can refer you to your notes
15 but perhaps just -- if you could just look at the end of
16 your statement, the last page -- maybe that will give us
17 the answer.

18 **MR. BRUNET:** Okay. Yes, I advised
19 Detective Inspector Smith.

20 **MR. DUMAIS:** All right. On February 17th --
21 -

22 **MR. BRUNET:** Seventh (7th).

23 **MR. DUMAIS:** --- February 7th, 1994.

24 **MR. BRUNET:** That's correct.

25 **MR. DUMAIS:** And that was the last

1 involvement that you had -- with respect to this case.
2 From then on, they had carriage of the matter, is that
3 correct?

4 **MR. BRUNET:** That's correct.

5 **MR. DUMAIS:** Now, I think we dealt with
6 this at the end of the morning, Luc, and you're receiving
7 information at the end of November 1993 and some of this
8 information you were relating to Chief Shaver when he was
9 at home. So there was an issue this morning as to whether
10 or not he was retired or whether he was still with the
11 Service. Do you recall that conversation?

12 **MR. BRUNET:** Yes, yes.

13 **MR. DUMAIS:** All right. And do you recall
14 at what point in time he actually did retire and some one
15 else took over? Or he stopped being ---

16 **MR. BRUNET:** Well, to the best of my
17 knowledge it was the first of January 1994.

18 **MR. DUMAIS:** Okay.

19 **MR. BRUNET:** And Chief Johnston came in
20 right in after the New Year, immediately after. So, I'm
21 not sure of the date there but it was early, early in the
22 New Year.

23 **MR. DUMAIS:** Right. So to the best of your
24 recollection he -- Chief Shaver remained involved until
25 the New Year. Is that correct?

1 **MR. BRUNET:** Well, I don't know that I
2 would have any contacts with him in December but
3 definitely in November I was still -- I was directed by
4 the Deputy Chief to advise him so he was still actively
5 the Chief of Police.

6 **MR. DUMAIS:** All right. And did you have a
7 relationship with Chief Shaver outside of the office; were
8 you guys friends?

9 **MR. BRUNET:** No, not -- well, "friends;" I -
10 -- respected him and ---

11 **MR. DUMAIS:** You didn't hang around with
12 him?

13 **MR. BRUNET:** Definitely not.

14 **MR. DUMAIS:** All right. You didn't
15 socialize in ---

16 **MR. BRUNET:** No.

17 **MR. DUMAIS:** --- in any fashion? All right.
18 And so he initially became involved in this
19 investigation in December of 1992, correct?

20 **MR. BRUNET:** Yes.

21 **MR. DUMAIS:** And then his last involvement
22 would have been some time November 1993, and January 1st,
23 1994; is that fair?

24 **MR. BRUNET:** That's fair.

25 **MR. DUMAIS:** All right. And as far as you

1 know, his involvement in this case prior to the fall of
2 1993 was limited to him being informed by you on some
3 developments in this case; is that fair?

4 **MR. BRUNET:** That's correct.

5 Personally, my personal contact with him in
6 reference to this case would have been in the summer of
7 1993. I was aware that he had received a call from Mr.
8 Silmsler as relayed to me by -- by Sergeant Ron Lefebvre in
9 January when the issue of -- of selecting -- selection of
10 the officer.

11 **MR. DUMAIS:** Correct.

12 **MR. BRUNET:** But I personally did not have
13 personal contact with him on -- on that issue.

14 And the first personal contact that I had
15 with him would have been in the summer of '93.

16 **MR. DUMAIS:** All right. So he is involved
17 in December of 1992, he has this contact which we've looked
18 at last week, in January of 1993, then your next knowledge
19 of any involvement that he would have had in this file is
20 in the summer of 1993, sometime in July or August?

21 **MR. BRUNET:** July or August, that's correct.

22 **MR. DUMAIS:** At the morning meeting where he
23 -- I'm not sure if you used the word "order" but certainly
24 wanted to make sure that this investigation was moving
25 ahead; is that correct?

1 **MR. BRUNET:** That's correct.

2 I'll use the word "clearly directed" me.

3 **MR. DUMAIS:** All right. And so then he
4 became a little more involved in this case in September --
5 in October of 1993?

6 **MR. BRUNET:** Yes.

7 **MR. DUMAIS:** And we've gone through all of
8 his involvements that you can recall during those two
9 months; is that fair?

10 **MR. BRUNET:** Yes.

11 **MR. DUMAIS:** All right. Now, Chief Shaver
12 has been accused of attempting to interfere with this
13 investigation or attempting to cover up this investigation;
14 are you aware of any other information that would be
15 relevant to that issue?

16 **MR. BRUNET:** No.

17 **MR. DUMAIS:** Now, the matter is then
18 transferred to the OPP, who are reinvestigating this matter
19 and that's in early February of 1994?

20 **MR. BRUNET:** That's correct.

21 **MR. DUMAIS:** And you would have briefed
22 Detective Smith at the beginning of February 1994, and the
23 only other involvement that you would have had with respect
24 to that reinvestigation is the statement you gave on August
25 18th, 1994?

1 **MR. BRUNET:** That's correct.

2 **MR. DUMAIS:** And you've referred to this
3 throughout your evidence, and that's Exhibit 1437.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MR. DUMAIS:** Now, you were contacted once
6 again by Staff Sergeant Dupuis about information that
7 related to this case in April of 1995?

8 **MR. BRUNET:** Yes.

9 **MR. DUMAIS:** And that's with respect to a
10 phone call he would have received from a Brian Silmser; is
11 that correct?

12 **MR. BRUNET:** That's correct.

13 **MR. DUMAIS:** And there is -- let me just
14 find the document.

15 All right, there's an internal
16 correspondence that was prepared by Staff Sergeant Dupuis,
17 which is dated April 8th, 1995 at -- and I don't believe
18 this is an exhibit -- Document Number 727926.

19 **THE REGISTRAR:** Nine two six (926)?

20 **MR. DUMAIS:** Nine two six (926).

21 **(SHORT PAUSE/COURT PAUSE)**

22 **THE COMMISSIONER:** Thank you.

23 Exhibit Number 1444 is internal
24 correspondence to Staff Sergeant Brunet from Staff Sergeant
25 Dupuis, dated April 8th, 1995.

1 --- EXHIBIT NO./PIÈCE NO P-1444:

2 (727926) Internal Correspondence from
3 Lucien Brunet to Staff Sergeant Dupuis
4 dated 08 Apr 95

5 MR. DUMAIS: So you've -- you've seen this
6 document before, Luc?

7 MR. BRUNET: Yes, I have.

8 MR. DUMAIS: All right. And this is -- you
9 were provided with a copy of this internal correspondence;
10 is that correct?

11 MR. BRUNET: That's correct.

12 MR. DUMAIS: And essentially that
13 correspondence indicates that Staff Sergeant Dupuis
14 received information from a Brian Silmser who claims to be
15 David Silmser's first cousin, indicated -- and I think it
16 can be summarized in I think it's the fourth paragraph and
17 I'll just read it:

18 "On Friday night, April 7th, David was
19 drinking and made a disclosure that
20 deeply upset and disturbed Brian. He
21 apparently stated that the entire
22 matter involving the priest was a lie.
23 It never happened. It was simply a
24 scheme to get money. This was
25 apparently said in front of the -- this

1 Leonard fellow and Mr. Brian Silmser.
2 He wanted to say that the close it came
3 to an assault was that the priest has
4 put his hand on his knee, nothing
5 more."

6 Now:

7 And Mr. Silmser had contacted the
8 Cornwall Police Services."

9 Do you know why Staff Sergeant Dupuis had
10 been contacted or was it ---

11 **MR. BRUNET:** He was working that evening and
12 when he would have called, he was the Officer in Charge, so
13 the communicator that would have received the call would
14 have patched it through to him.

15 **MR. DUMAIS:** All right. And he does
16 indicate, at the second page of this internal
17 correspondence, the second-last paragraph:

18 "I didn't create an Incident at this
19 point because I didn't want it read by
20 anyone else. I'll see about that
21 another time."

22 And then the information -- so is it your
23 information that you received this internal correspondence
24 -- well, scratch that.

25 What did you do once you received this

1 internal correspondence from Staff Sergeant Dupuis?

2 MR. BRUNET: Do you -- can you refer me to
3 my notes? Because I do have notes on this.

4 MR. DUMAIS: Yes, you do. I believe it's at
5 Exhibit 1421.

6 MR. BRUNET: That's my statement from -- to
7 the OPP but I've got handwritten notes.

8 MR. DUMAIS: I don't think it's an exhibit
9 yet, so I think it's Document 727924. Document 727924.

10 (SHORT PAUSE/COURTE PAUSE)

11 THE COMMISSIONER: Thank you.

12 Exhibit 1445, notes of Staff Sergeant Lucien
13 Brunet. The first date is Monday, April 10th, 1995.

14 --- EXHIBIT NO./PIÈCE NO P-1445:

15 (727924) Notes of Lucien Brunet dated
16 10 Apr 95

17 (SHORT PAUSE/COURTE PAUSE)

18 MR. BRUNET: At 8:30 in the morning, after
19 receiving it, I advised the -- I met with the Deputy Chief
20 and briefed him on it. And then at 8:45, I met with the
21 Chief and briefed him on -- on this memo and he -- he asked
22 me to contact Inspector Smith at the Ontario Provincial
23 Police. So at 9:45, I left a message with Inspector Smith,
24 and at 9:50 he called me back from his cell phone and I
25 briefed him on the memo that -- that I had received. And

1 at 10:25, Inspector Smith called back and -- oh, okay, he
2 told me that he'd call me back from a land line and he
3 asked for me to fax the copy and gave me the number to fax
4 it to, which I did. And that ends my involvement with it.

5 **MR. DUMAIS:** All right.

6 **THE COMMISSIONER:** So what did you do with
7 the document? Was it ever registered? Did you put on
8 OMPPAC or ---

9 **MR. BRUNET:** That's a good question. The
10 original?

11 **THE COMMISSIONER:** Procedures, yeah, what --
12 because the officer says, "I didn't put it on because I
13 wanted to keep it confidential".

14 **THE COMMISSIONER:** Was the Silmsers file
15 still a project file?

16 **MR. BRUNET:** It was still a project file and
17 I -- I'll be very honest with you, Mr. Commissioner, I
18 don't know if I put it on or not. I can't remember.

19 **THE COMMISSIONER:** Okay.

20 **MR. DUMAIS:** Because your project file
21 continued in existence. Is that right, Luc?

22 **MR. BRUNET:** That's correct.

23 **MR. DUMAIS:** All right. And when stuff was
24 happening that was relevant to this file, it was being
25 updated?

1 **MR. BRUNET:** Yes, but I don't remember if I
2 put this on or not.

3 **MR. DUMAIS:** All right, fair enough.

4 Now if I can just take you back to 1994, and
5 I'm now entering into events that relate to the Marcel
6 Lalonde investigation?

7 **MR. BRUNET:** Okay.

8 **MR. DUMAIS:** Which is somewhat related to
9 this one, but we'll go through -- we'll get to that.

10 So my understanding, Luc, is on August 9th,
11 1994, you receive information from the OPP that in the
12 course of the Project Blue investigation, Mr. Silmsler had
13 alleged being sexually abused by a former school teacher,
14 Marcel Lalonde?

15 **MR. BRUNET:** That's correct.

16 **MR. DUMAIS:** And I understand that you had
17 made notes of when you received this information. Is that
18 correct?

19 **MR. BRUNET:** Yes.

20 **MR. DUMAIS:** And these have not been made an
21 exhibit yet; it's document 728489.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. DUMAIS:** Are these the notes that you
24 made ---

25 **THE COMMISSIONER:** Hold on, hold on.

1 **MR. DUMAIS:** Sorry.

2 **(SHORT PAUSE/COURTE PAUSE)**

3 **THE COMMISSIONER:** Exhibit 1446. Document
4 which appears to be Staff Sergeant Brunet's notes entitled
5 "Inc Silmser 2".

6 **--- EXHIBIT NO./PIÈCE NO. P-1446:**

7 (728489) Notes of Lucien Brunet dated
8 August 9, 1994 to November 4, 1994

9 **MR. DUMAIS:** All right. So these are your
10 notes that you took on the day in question. Is that
11 correct?

12 **MR. BRUNET:** That's correct.

13 **MR. DUMAIS:** And that would have been on
14 August 9th, 1994. It makes reference to a statement that
15 Mr. Silmser would have given to G. Bell and P. DeBellis of
16 the Children's Aid Society back on November 2nd, 1993?

17 **MR. BRUNET:** That's correct.

18 **MR. DUMAIS:** And was this the first time
19 that you had heard that David Silmser had made any
20 allegations against Marcel Lalonde? And by that, I'm
21 referring to the August 9th, 1994 date.

22 **MR. BRUNET:** Yes. Yes, sir, it is.

23 **MR. DUMAIS:** All right.

24 **MR. BRUNET:** It was the first date.

25 **MR. DUMAIS:** This never came up in the

1 course of any conversation you have had with Constable
2 Sebalj?

3 MR. BRUNET: No.

4 MR. DUMAIS: And as far as you know,
5 Constable Sebalj would have had -- would not have had any
6 knowledge of this, that she would have related to you at
7 least?

8 MR. BRUNET: No, she did not.

9 MR. DUMAIS: And were you advised, Luc,
10 whether or not there had ever been an investigation by the
11 Cornwall Police Service against a Marcel Lalonde involving
12 other victims?

13 MR. BRUNET: If I was advised about it, no,
14 I didn't know of any other ones.

15 MR. DUMAIS: Well, back in August, 1994,
16 when you received this telephone call from the OPP ---

17 MR. BRUNET: Yes.

18 MR. DUMAIS: --- do you know that there's
19 been a previous investigation relating to Marcel Lalonde?

20 MR. BRUNET: I don't -- I don't think I was
21 aware of any previous investigation.

22 MR. DUMAIS: All right. So you received the
23 information. Do you check whether or not you guys have any
24 files on this?

25 MR. BRUNET: I believe I did. I don't know

1 if I've got any notes on it, but I think -- I can't recall
2 if I -- what I checked and ---

3 MR. DUMAIS: I know that you ---

4 MR. BRUNET: I believe I did check and I
5 thought I had it in my notes but I don't see it.

6 MR. DUMAIS: Well, I know that you created a
7 general occurrence report?

8 MR. BRUNET: Yes.

9 MR. DUMAIS: You recall doing that?

10 MR. BRUNET: Yes, I do.

11 MR. DUMAIS: All right. And ---

12 MR. BRUNET: Like in -- like the -- any
13 previous incidents, I don't recall if -- I don't think I
14 was aware of any previous incidences ---

15 MR. DUMAIS: All right.

16 MR. BRUNET: --- so I'm -- I'm -- now the
17 question that you asked me is if I did some research on it
18 and I believe I did and I didn't find anything.

19 MR. DUMAIS: All right. And as far as you
20 know, was your research conducted solely on OMPPAC?

21 MR. BRUNET: That's what I'm thinking that I
22 would have done.

23 MR. DUMAIS: All right. But you're not sure
24 about that?

25 MR. BRUNET: Well, normally that's what --

1 that would have been my normal process is check the OMPPAC
2 and CPIC.

3 **MR. DUMAIS:** M'hm.

4 **MR. BRUNET:** So that's -- I -- but I didn't
5 note it down, so I can't recall for -- I can't testify that
6 I did for sure because I don't have a recollection of it
7 and all I can say is that that was my procedure ---

8 **MR. DUMAIS:** All right.

9 **MR. BRUNET:** --- is I would do and OMPPAC
10 and a CPIC check.

11 **MR. DUMAIS:** Well, maybe we can have a look
12 at ---

13 **MR. BRUNET:** Because -- because I do
14 remember seeing in my notes that Chief Johnston had asked
15 me to check if there was previous incidences, either by his
16 letter -- by his memo or something that I was requested to
17 do it, so I'm quite positive I did, but I don't see any
18 notes that I did and I can't remember right now. I can't
19 testify that I did for sure.

20 **MR. DUMAIS:** Well, let's have a look at your
21 occurrence summary and that Document Number is 736225;
22 736225?

23 **THE COMMISSIONER:** Is an occurrence summary.
24 What date? We have a date that it's printed.

25 **MR. BRUNET:** The date the report time ---

1 **THE COMMISSIONER:** Yeah.

2 **MR. BRUNET:** --- and the enter time would
3 have been on the 13th of December, '94.

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

5 **MR. DUMAIS:** Well, I think, Commissioner,
6 this document number refers to two different documents.
7 One is the occurrence summary and the second is the general
8 occurrence report.

9 I think as Luc has indicated, the general
10 occurrence report was reported on the 13th day of December,
11 1994, Nineteen-ninety-four (1994) and entered on the same
12 date.

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

14 **MR. DUMAIS:** The occurrence summary, it's
15 occurrence number 000, a number of zeros, 11. I guess
16 there are no other identifiers. It identifies Mr. David
17 Silmser and the fact it is reported to him.

18 **THE COMMISSIONER:** Okay.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. DUMAIS:** Sorry, Commissioner, what's the
21 exhibit number?

22 **THE COMMISSIONER:** One-one-four-seven
23 (1447).

24 **--- EXHIBIT NO./PIÈCE NO. P-1447:**
25 (736225) occurrence Summary, General

1 occurrence Report dated December 13,
2 1994

3 **MR. DUMAIS:** Now, Luc, if we can look for a
4 second at the occurrence summary, so the first page of that
5 document and the occurrence number, it's zero, zero, zero,
6 a number of zeros, 11. So what does that tell us?

7 **MR. BRUNET:** That that's a project. I
8 entered it as a project.

9 **MR. DUMAIS:** All right. And the -- it's the
10 same number as the the previous project file. Is that
11 correct?

12 **MR. BRUNET:** Well, all the projects -- like
13 the project file, instead of being a different incident
14 number we -- and like I explained previously, you give it a
15 name which in this case here was "Silmser 2". So that's
16 the name of the file and then the first report -- the
17 occurrence Report, it would be 1-1, 11. So the actual
18 identifier is the name and the ---

19 **MR. DUMAIS:** Not the number?

20 **MR. BRUNET:** In this case here, I put
21 "Silmser 2".

22 **MR. DUMAIS:** And all project files have the
23 number 11; correct?

24 **MR. BRUNET:** That's correct.

25 **MR. DUMAIS:** All right. And the first item

1 right underneath the line there, "Clearance Status: New",
2 does that mean that this is a new file?

3 MR. BRUNET: I'm sorry. Whereabouts are you
4 referring me to?

5 MR. DUMAIS: On the first page, "Clearance
6 Status"?

7 MR. BRUNET: Yes. That would be a new file.

8 MR. DUMAIS: Is that what that means? It's
9 a new file?

10 MR. BRUNET: Yes, I believe so.

11 MR. DUMAIS: But certainly it was your
12 intention to keep this separate and apart from the other
13 file?

14 MR. BRUNET: Yes. It was a different
15 allegation.

16 MR. DUMAIS: Yes. Now, if we can look then
17 at your general occurrence report, and that's 926, and I
18 think that gives us a general idea of your involvement with
19 this file.

20 Now, my understanding is that you received
21 this information from Inspector Smith of the OPP,
22 indicating that there had been a new allegation that
23 initially had been made on November 2nd, 1993 to two CAS
24 employees which involved Mr. Marcel Lalonde, and he was a
25 local teacher, local school teacher?

1 **MR. BRUNET:** That's correct.

2 **MR. DUMAIS:** Now, my understanding is that
3 Mr. Lalonde, at the time, was still a school teacher. Is
4 that correct?

5 **MR. BRUNET:** My understanding was that
6 that's true, yes.

7 **MR. DUMAIS:** All right. And you had not --
8 Detective Smith had not provided you with any of the
9 specific details of this allegation. Is that correct?

10 **MR. BRUNET:** Well, the -- no, I don't
11 believe they were known, and the letter from Inspector
12 Smith was sent to Chief Johnston and then sent to me by
13 Chief Johnston.

14 **MR. DUMAIS:** So then the first thing you
15 attempted to do was get the information from the Children's
16 Aid Society. Is that correct?

17 **MR. BRUNET:** That's correct.

18 **MR. DUMAIS:** And my understanding is you
19 sent a letter dated August 9th, 1994 -- sorry, you called,
20 you attempted to call Mr. Lorenzo Murphy from the
21 Children's Aid Society on that same date?

22 **MR. BRUNET:** Yes.

23 **MR. DUMAIS:** And my understanding is that he
24 returned your call on the following day, on August 10th?

25 **MR. BRUNET:** That's correct.

1 **MR. DUMAIS:** And you requested information
2 or a transcript of that statement?

3 **MR. BRUNET:** That's correct.

4 **MR. DUMAIS:** And did Mr. Murphy tell you
5 anything about that? Whether or not he would provide that
6 statement to you or was there any difficulty with that?

7 **MR. BRUNET:** Well, my understanding -- well,
8 my recollection of it was that he had to check if he was
9 authorized to provide us that information.

10 **MR. DUMAIS:** Now, my understanding is, on
11 August 24th of that same year, you spoke to Richard Abell
12 and requested a copy of that transcript once again?

13 **MR. BRUNET:** That's correct.

14 **MR. DUMAIS:** Since Mr. Murphy had not gotten
15 back to you, right?

16 **MR. BRUNET:** Yes, I called Mr. Abell
17 personally.

18 **MR. DUMAIS:** And the information was finally
19 provided to you on August 26th, 1994?

20 **MR. BRUNET:** Yes.

21 **MR. DUMAIS:** And it was provided to you in
22 the form of a cassette rather than a statement. Is that
23 correct?

24 **MR. BRUNET:** Yes. There may have been both
25 -- well, there was both a cassette and transcript from Mr.

1 Abell.

2 **MR. DUMAIS:** And this -- let's start with
3 your initial request from Mr. Murphy. You had followed up
4 your telephone call with a letter to Mr. Murphy. Is that
5 correct?

6 **MR. BRUNET:** I may not have had it in my
7 report, but I believe that I did.

8 **MR. DUMAIS:** All right. Maybe we can take
9 you to Document Number 728479?

10 **MR. BRUNET:** I'm sorry. Which document?
11 Oh, it's a document, okay.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **THE COMMISSIONER:** Thank you.

14 Exhibit 1448 is a letter addressed to Mr.
15 Lorenzo Murphy, Children's Aid Society, from Luc Brunet,
16 Staff Sergeant, dated August 10th, 1994.

17 **---EXHIBIT NO./PIÈCE NO. P-1448**

18 (728479) Letter from Lucien Brunet to
19 Lorenzo Murphy dated August 10, 1994

20 **THE COMMISSIONER:** So when do you expect us
21 to have a break there, Monsieur Dumais?

22 **MR. DUMAIS:** How about right now,
23 Commissioner?

24 **(LAUGHTER/RIRES)**

25 **THE COMMISSIONER:** That would be fine.

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

3 This hearing will resume at 3:25.

4 --- Upon recessing at 3:14 p.m. /

5 L'audience est suspendue à 15h14.

6 --- Upon resuming at 3:34 a.m. /

7 L'audience est reprise à 15h34

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

10 This hearing is now resumed. Please be
11 seated. Veuillez vous asseoir.

12 **LUCIEN LEO BRUNET, Resumed/Sous le même serment:**

13 --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**
14 **DUMAIS (Continued/Suite):**

15 **THE COMMISSIONER:** Yes, sir?

16 **MR. DUMAIS:** All right. So Luc, you had
17 sent a letter to confirm your August 10th call to Mr.
18 Murphy. At one point-in-time you do attend at the
19 Children's Aid office and you pick up a cassette and
20 transcript. Is that correct?

21 **MR. BRUNET:** Actually, Mr. Abell dropped it
22 off at the front desk at our office. That is correct.

23 **MR. DUMAIS:** All right. So your entry
24 reads:

25 "Staff Sergeant Brunet picked up a

1 cassette and a transcript from Mr.
2 Abell at the front desk ..." --

3 **MR. BRUNET:** That's my office.

4 **MR. DUMAIS:** All right. Now, as a result
5 thereof, my understanding is that you sent a letter to Mr.
6 Silmser?

7 **MR. BRUNET:** That's correct.

8 **MR. DUMAIS:** And if you can just have a look
9 at Exhibit 280.

10 In that letter, which is dated September
11 12th, 1994, which is addressed to Mr. Silmser, you indicate
12 that you're asking Mr. Silmser to come in and provide full
13 disclosure either with your Service or with another police
14 agency that could independently investigate the complaint?

15 **MR. BRUNET:** Yes, the initial letter that I
16 sent, I asked him to come to contact us and provide us
17 disclosure so that we can investigate the allegation and he
18 called back -- he called the Chief on the 8th or the 9th of
19 September and told Chief Johnston that he wasn't about to
20 give us any statement. He was concerned that it was going
21 to be going to the media. So then on the 12th of September
22 I wrote him this letter.

23 **MR. DUMAIS:** And so did you ever receive any
24 response to that, to your correspondence?

25 **MR. BRUNET:** Not to this one.

1 **MR. DUMAIS:** All right. And I understand
2 that you received a further piece of correspondence from
3 the Children's Aid Society regarding this matter, and that
4 is Document 728488?

5 **THE COMMISSIONER:** Exhibit Number 1449 is a
6 letter from the Children's Aid Society to Staff Sgt. Brunet
7 dated September 20th, 1994.

8 **--- EXHIBIT NO./PIÈCE No. P-1449:**

9 (728488) letter from William Carriere-
10 Gregory Bell-Pina DeBellis to Lucien
11 Brunet dated 20 Sep 94

12 **MR. DUMAIS:** And that letter appears to make
13 reference to a letter they had sent -- they being the
14 Children's Aid Society -- to David Silmsler dated July 28th,
15 1994 which would have been attached to this piece of
16 correspondence.

17 I don't have the attachment or the letter of
18 July. Do you recall the letter if they had sent it?

19 **MR. BRUNET:** That they sent to Mr. Silmer?

20 **MR. DUMAIS:** Correct.

21 **MR. BRUNET:** No, I don't. I don't recall.

22 **MR. DUMAIS:** Because in the body of the
23 letter it appears to indicate:

24 "Further to our telephone conversation
25 of September 13th, please find enclosed

1 a copy of the letter you requested in
2 which we suggest Mr. Silmsers could
3 advise your agency of the details
4 concerning the above allegation."

5 MR. BRUNET: Yes. I don't remember seeing
6 it.

7 MR. DUMAIS: All right.

8 MR. BRUNET: I reviewed the file and I don't
9 remember seeing it.

10 MR. DUMAIS: Now you would have had dealings
11 with Mr. Greg Bell, Ms. Pina DeBellis in the fall of 1993
12 after this disclosure by Mr. Silmsers which would have been
13 -- which was on November 2nd, 1993; correct?

14 MR. BRUNET: Probably. Yes, I was the
15 liaison person with them so I would have probably had
16 contacts with them, yes.

17 MR. DUMAIS: At no time were you advised by
18 either these two boys or the CAS or any other employee
19 about this disclosure with respect to Marcel Lalonde?

20 MR. BRUNET: No. The first time I was made
21 aware of this is when Chief Johnston sent me the letter
22 from Inspector Smith in August.

23 MR. DUMAIS: All right. And did you follow
24 up with any schools or any school boards at this point in
25 time?

1 **MR. BRUNET:** No, the letter from Inspector
2 Smith clearly stated that he had instructed CAS to advise
3 the school board.

4 **MR. DUMAIS:** All right. Did you have that
5 discussion with them?

6 **MR. BRUNET:** I believe I did but I can't be
7 sure.

8 **MR. DUMAIS:** And is it your understanding
9 that the OPP are not investigating this allegation at this
10 point?

11 **MR. BRUNET:** Yes, clearly. They made that
12 quite clear in their letter that they're referring it to
13 us. They came across this information while doing their
14 investigation of the first investigation and that we should
15 be made aware of it.

16 **MR. DUMAIS:** All right, and did they provide
17 any reason for that?

18 **MR. BRUNET:** No, not that I can recall.

19 **MR. DUMAIS:** Now you've indicated that
20 you're the one responsible for opening the project file
21 with respect to this occurrence or allegation, right?

22 **MR. BRUNET:** Yes, I discussed it with Chief
23 Johnston to see if it should go in a project file or not
24 and he authorized me to put it in a project file.

25 **MR. DUMAIS:** And do you recall who was given

1 access to this file?

2 MR. BRUNET: No, I don't.

3 MR. DUMAIS: Clearly you had access?

4 MR. BRUNET: Yes.

5 MR. DUMAIS: Do you think the Chief had
6 access? You don't recall.

7 MR. BRUNET: I really don't recall the
8 administration if the Chief is given automatic access to
9 any project file, I really don't know.

10 MR. DUMAIS: All right. And by the mere
11 fact that this is now a project file, anyone from your
12 Service who would have information with respect to Marcel
13 Lalonde would not be aware of this new allegation; correct?

14 MR. BRUNET: That's the downside of putting
15 it in a project---

16 MR. DUMAIS: That's the downside. All
17 right.

18 Now I understand that -- I believe it's on
19 the 11th day of January 1999 you were reassigned to uniform
20 patrol; is that correct?

21 MR. BRUNET: That's correct.

22 MR. DUMAIS: All right, so six years to the
23 day after you started?

24 MR. BRUNET: Yeah, pretty close, yes.

25 MR. DUMAIS: Yes. So you're still a staff

1 sergeant at that time?

2 MR. BRUNET: Yes, there was a restructuring
3 and it was a staff sergeant would be in charge of each
4 division, and I was reassigned to the uniform patrol
5 division.

6 MR. DUMAIS: All right, and I understand
7 that shortly after some of the events of 1993, Constable
8 Perry Dunlop would have gone off work for a certain period
9 of time and then came back, and when he came back he came
10 back as a part of the uniform patrol?

11 MR. BRUNET: Yes.

12 MR. DUMAIS: And that you would have been
13 his supervisor; is that correct?

14 MR. BRUNET: That's correct.

15 MR. DUMAIS: All right.

16 MR. BRUNET: Not immediate supervisor, I was
17 in charge of the four uniform teams. We had two sergeants
18 per uniform team that were in charge and these sergeants
19 reported to me.

20 MR. DUMAIS: And my understanding is -- or
21 at least the information that I have is that he came back
22 on the "P" team and at a certain point in time was changed
23 or assigned to the "D" team, and if you would just have a
24 look at Document 723935.

25 THE COMMISSIONER: New Exhibit 1450, an

1 interoffice memo to Constable Dunlop from Staff Sergeant
2 Brunet, August 30th, 1999.

3 --- EXHIBIT NO./PIÈCE No. P-1450:

4 (723935) Interoffice Memorandum from
5 Lucien Brunet to Perry Dunlop dated 30
6 Aug 99

7 MR. DUMAIS: So this is authored by you. It
8 appears to confirm a transfer from the "P" team to the "D"
9 team for Constable Dunlop?

10 MR. BRUNET: Yes.

11 MR. DUMAIS: And that's effective on
12 September 6, 1999?

13 MR. BRUNET: Yes.

14 MR. DUMAIS: And his immediate supervisor
15 would be Acting Sergeant J. Lefebvre?

16 MR. BRUNET: That's correct.

17 MR. DUMAIS: Right.

18 THE COMMISSIONER: Why was he transferred;
19 do you know?

20 MR. BRUNET: We had a lot of resignations
21 between the fall of 1998 and spring of 1999 and there was a
22 -- we had done a lot of hiring and I just had to -- to
23 well, unless there's other circumstances, but I -- I had
24 switched a lot of people around to be able to equalize the
25 -- the experience on the shifts.

1 **THE COMMISSIONER:** So your testimony then is
2 this transfer had nothing to do with the investigations or
3 anything ---

4 **MR. BRUNET:** No.

5 **THE COMMISSIONER:** --- like that?

6 **MR. BRUNET:** Definitely not, sir.

7 **THE COMMISSIONER:** Okay.

8 **MR. DUMAIS:** Now, I understand that in
9 September of 1999, Constable Rene Desrosiers met with you
10 essentially because Inspector Rick Carter was away, and
11 Desrosiers advised that they had made a request for
12 disclosure from Dunlop in the Marcel Lalonde matter, but
13 they had not received a response.

14 **MR. BRUNET:** That's correct; I -- I believe
15 I instructed him to give me an interoffice memo detailing
16 what -- what the issue was.

17 **MR. DUMAIS:** All right. So then if you can
18 -- I can refer you to Document Number 728252.

19 **(SHORT PAUSE)/(COURTE PAUSE)**

20 **THE COMMISSIONER:** Thank you. Exhibit
21 Number 1451 is internal correspondence dated September
22 30th, 1999 from Constable Desrosiers to Staff Sergeant
23 Brunet.

24 **--- EXHIBIT NO./PIÈCE NO P-1451:**

25 (728252) Internal Correspondence from

1 Rene Desrosiers to Lucien Brunet dated
2 30 Sep 99

3 **MR. DUMAIS:** So is that the internal
4 correspondence that you received on this?

5 **MR. BRUNET:** Yes, it is.

6 **MR. DUMAIS:** All right. And does that set
7 out the difficulties -- so a request had been made, the
8 initial request came from the Crown's office who -- from
9 Constable Perry Dunlop to receive all notes pertaining to
10 C-8 shortly after the Preliminary Inquiry in January of
11 1998, and Constable Desrosiers appears to indicate that he
12 had not received anything so as a result thereof -- and of
13 course I made reference to C-8, Commissioner, but there
14 should be ---

15 **THE COMMISSIONER:** A publication ban stamp
16 on it.

17 **MR. DUMAIS:** Thank you.

18 **THE COMMISSIONER:** Thank you.

19 **MR. DUMAIS:** The -- all right. So what did
20 you do after you received this memo, Luc?

21 **MR. BRUNET:** I prepared an internal
22 correspondence to Acting Sergeant Lefebvre requesting him
23 to -- to direct Constable Dunlop to provide the disclosure
24 that they were looking for.

25 **MR. DUMAIS:** And if you can just have a look

1 at Document 728256.

2 (SHORT PAUSE)/(COURTE PAUSE)

3 THE COMMISSIONER: Thank you. Exhibit
4 Number 1452 is an interoffice memo from Sergeant Luc Brunet
5 to Acting Sergeant Lefebvre dated September 30, 1999.

6 --- EXHIBIT NO./PIÈCE NO. P-1452:

7 (728256) Internal Correspondence from
8 Lucien Brunet to Sgt. Lefebvre dated 30
9 Sep 99

10 MR. DUMAIS: And again, Commissioner, C-8 is
11 mentioned in this document.

12 THE COMMISSIONER: Thank you. Publication
13 ban will be stamped.

14 MR. DUMAIS: So then is that the interoffice
15 memo you drafted as a result of the initial one?

16 MR. BRUNET: Yes, it is.

17 MR. DUMAIS: All right. And my
18 understanding is that you would have received Dunlop's
19 disclosure in a sealed envelope and that you then turned it
20 over to Constable Desrosiers on September 30, 1999.

21 MR. BRUNET: I believe so, yes.

22 (SHORT PAUSE)/(COURTE PAUSE)

23 MR. DUMAIS: And if I can refer you then to
24 Document Number 728493.

25 (SHORT PAUSE)/(COURTE PAUSE)

1 **THE COMMISSIONER:** Exhibit 1453; internal
2 correspondence dated September 30, 1999 from Acting
3 Sergeant Lefebvre to Staff Sergeant Brunet.

4 **--- EXHIBIT NO./PIÈCE NO. P-1453:**

5 (728493) Internal Correspondence from
6 Sgt. Lefebvre to Lucien Brunet dated 30
7 Sep 99

8 **MR. DUMAIS:** Once again, this document
9 should be stamped with a publication ban, Commissioner.

10 **THE COMMISSIONER:** Yes, thank you.

11 **MR. DUMAIS:** And that's an internal
12 correspondence that's drafted by Sergeant Garry Lefebvre
13 who's supervising Constable Dunlop and it's addressed to
14 you; is that correct:

15 **MR. BRUNET:** That's correct.

16 **MR. DUMAIS:** And what was the issue with the
17 -- with the notes that had been received from Constable
18 Dunlop?

19 **MR. BRUNET:** These notes that he received
20 now or previous?

21 **MR. DUMAIS:** Previously.

22 **MR. BRUNET:** I believe that he had -- he had
23 been requested to provide disclosure and from what I
24 gathered from the -- the internal correspondence from
25 Constable Rene Desrosiers that the defence had knowledge

1 that there was notes and they existed and that he had not
2 disclosed them.

3 **MR. DUMAIS:** And -- all right. So they
4 believed that Constable Dunlop had notes of a September
5 11th, 1996 meeting with C-8 and Constable Dunlop is
6 indicating that these notes are unrelated to the Marcel
7 Lalonde matter; is that correct?

8 **THE COMMISSIONER:** Well, the meeting of
9 September 11th notes.

10 **MR. DUMAIS:** Sorry. Yes, sorry.

11 **MR. BRUNET:** That's correct, yes.

12 **MR. DUMAIS:** And that's -- that is why or
13 that's the explanation for why he had not produced these
14 notes; correct?

15 **MR. BRUNET:** That's correct.

16 **MR. DUMAIS:** And at that time that you were
17 having this discussion with Acting Sergeant G. Lefebvre --
18 G. Lefebvre, did it occur to you that he -- that Constable
19 Dunlop was having meetings with a witness that were
20 unrelated to an investigation or appear to be unrelated to
21 an investigation; certainly this one?

22 **MR. BRUNET:** No, I -- I had basically no
23 knowledge of what was happening in it with the -- with the
24 court case or any of the investigations because I was -- I
25 had already -- my involvement in the early stages of this

1 investigation, I was pretty well kept at a distance from
2 any internal matters that dealt with Constable Dunlop so,
3 no, I hadn't. I didn't know what was going on.

4 **MR. DUMAIS:** All right so you had a simple
5 supervisory role. There was a problem with obtaining some
6 of the documents and you dealt with it.

7 **MR. BRUNET:** That's right. I believe that I
8 had spoke to Staff Sergeant Derochie prior to writing the
9 memo just asking him like, this is what I've got here and
10 he agreed; go ahead and get -- put a -- put a -- go ahead
11 with your memo and get the disclosure, and then I would
12 have advised him of what the results were after just so
13 that he's aware of it because he -- he basically was the
14 liaison person to deal with these things so I -- Staff
15 Sergeant Derochie would have been advised.

16 **(SHORT PAUSE)/(COURTE PAUSE)**

17 **MR. DUMAIS:** All right.

18 I think your next involvement regarding this
19 related matter is on February 11th, 2000.

20 If I can just take you to Document Number
21 728501.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **THE COMMISSIONER:** Exhibit 1454 is a -- what
24 do you call this?

25 **MR. DUMAIS:** I believe it's an email that

1 Staff Sergeant Brunet sent to Acting Sergeant G. Lefebvre.

2 THE COMMISSIONER: On the 11th of February,
3 2000?

4 MR. BRUNET: That's correct.

5 THE COMMISSIONER: Thank you.

6 --- EXHIBIT NO./PIÈCE NO P-1454:

7 (728501) E-mail from Lucien Brunet to
8 G. Lefebvre dated 11 Feb 00

9 MR. DUMAIS: All right, Luc, so is this what
10 this is; it's an email that you sent to Acting Sergeant
11 Lefebvre?

12 MR. BRUNET: That's correct.

13 MR. DUMAIS: And in this memo, you make
14 reference to your -- the previous memo of September 30th,
15 1999, where you had requested disclosure from Constable
16 Dunlop and then you're asking him to forward a copy of your
17 notes or you're asking him for a copy of his notes and
18 memos to Staff Sergeant Derochie as soon as possible; do
19 you recall why this request was sent in February of 2000?
20 Is there an event that sparked this request?

21 MR. BRUNET: I would -- well, the way this
22 is worded, I would have had the request from Staff Sergeant
23 Derochie to do it, but that's the only thing that I know.

24 MR. DUMAIS: All right.

25 So it doesn't really mean anything?

1 **MR. BRUNET:** It's just chain of command ---

2 **MR. DUMAIS:** All right.

3 **MR. BRUNET:** --- type of thing.

4 **MR. DUMAIS:** Okay.

5 All right, then, Luc, if we can -- then I'm
6 going to ask you some questions about the Jeannette Antoine
7 investigation and I guess the first question is: When was
8 the first time that you were briefed by Constable Sebalj
9 regarding this investigation or this -- her allegation ---

10 **MR. BRUNET:** Early ---

11 **MR. DUMAIS:** --- that she had ---

12 **MR. BRUNET:** Early January, 1994.

13 **MR. DUMAIS:** All right.

14 And maybe I can take you to your notes on
15 the matter, which is at -- which is document 739155.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. DUMAIS:** Sorry.

18 **THE COMMISSIONER:** Oh, we're just waiting
19 for ---

20 **MR. DUMAIS:** All right.

21 **THE COMMISSIONER:** Exhibit 1455 are Sergeant
22 Brunet's notes, entitled "Project Antoine 2".

23 --- **EXHIBIT NO./PIECE NO P-1455:**

24 (739155) Notes of Lucien Brunet date
25 unknown

1 **MR. DUMAIS:** All right.

2 So are these the notes that you made with
3 respect to the Jeannette Antoine investigation?

4 **MR. BRUNET:** Yes, it is.

5 **MR. DUMAIS:** All right.

6 So it makes reference to "Project Antoine
7 2".

8 **MR. BRUNET:** Yes.

9 **MR. DUMAIS:** And was there a "Project
10 Antoine 1"?

11 **MR. BRUNET:** I don't -- it looks that way
12 but I really don't know what went into that project because
13 it wasn't my investigation.

14 **MR. DUMAIS:** All right.

15 Now, when you're looking at, I guess, the
16 title to the notes, "Project Antoine 2", do you believe
17 that that makes reference to the fact that the information
18 would have been entered as a project file on OMPPAC?

19 **MR. BRUNET:** Yes.

20 **MR. DUMAIS:** All right.

21 Now -- and your notes indicate you're
22 meeting with Constable Sebalj at 9:30 a.m. on January 10th,
23 1994.

24 **MR. BRUNET:** Yes.

25 **MR. DUMAIS:** Do you recall that meeting?

1 **MR. BRUNET:** Yes, I do.

2 **MR. DUMAIS:** All right.

3 And what did she -- what did she advise you?

4 **MR. BRUNET:** She advised me that she had
5 spoken to a lady on Sunday, the 9th of January.

6 The lady advised her that she had serious
7 concerns about one of our old cases, which was a -- an
8 allegation of physical and I believe sexual abuse at a home
9 that was in the City of Cornwall -- historical; I believe
10 it was in the '70s.

11 And this person had made a complaint to
12 Constable Malloy and he had -- basically did not -- not
13 investigated it because he was on the Board of the
14 Children's Aid Society, at the time.

15 **MR. DUMAIS:** All right.

16 And what -- did you advise Constable Sebalj
17 to do anything about this?

18 **MR. BRUNET:** Yes, I asked her to write a
19 report on the -- on her conversation and that we would have
20 to review the investigation because I knew nothing about
21 it.

22 **MR. DUMAIS:** All right.

23 So if I can then just take you to Exhibit
24 1285.

25 **THE COMMISSIONER:** One-two-eight-five

1 (1285)?

2 MR. DUMAIS: Yes.

3 (SHORT PAUSE/COURTE PAUSE)

4 THE COMMISSIONER: Okay, a supplementary
5 occurrence report.

6 MR. BRUNET: I've got it.

7 MR. DUMAIS: All right.

8 So this appears to be the supplementary
9 occurrence report that was created by -- or authored by
10 Constable Sebalj and entered by Garry Derochie.

11 MR. BRUNET: That's correct.

12 MR. DUMAIS: All right.

13 And as far as you know, this is the
14 Supplementary Occurrence Report that was prepared by
15 Constable Sebalj?

16 MR. BRUNET: As far as I know, yes.

17 MR. DUMAIS: All right.

18 And again, it makes reference to the
19 occurrence number being 00 -- number of zero -- and 11, so,
20 again, that tells us that this is the project file,
21 correct?

22 MR. BRUNET: That's correct.

23 MR. DUMAIS: And it makes reference, then,
24 to the occurrence being the 11th day of January, 1994, so
25 presumably when Constable Sebalj would have received the

1 call from Jeannette Antoine, correct?

2 MR. BRUNET: Yes.

3 MR. DUMAIS: And then the matter is reported
4 on the -- or the supplementary occurrence report is
5 prepared on the 13th day of January, 1994, and then entered
6 into the file on the 14th day of February, 1994?

7 MR. BRUNET: Yes.

8 MR. DUMAIS: And the report relates the
9 circumstances in which Constable Sebalj became involved in
10 this matter and apparently her initial contact with the --
11 with Ms. Antoine was back in 1992, when she was
12 investigating another occurrence?

13 MR. BRUNET: Yes.

14 MR. DUMAIS: And did she discuss this with
15 you or explain this to you in your initial meeting in
16 January of that year?

17 MR. BRUNET: No.

18 MR. DUMAIS: So she didn't give you any of
19 these details?

20 MR. BRUNET: No.

21 MR. DUMAIS: All right.

22 Did she explain to you what the involvement
23 of Kevin Malloy was?

24 MR. BRUNET: Not other than to tell me that
25 he's the one that had done the investigation and what the

1 allegation against him was, basically what -- the way that
2 I put it down in my notes.

3 **MR. DUMAIS:** Now, I understand that the --
4 that Constable Sebalj had had some previous involvement
5 with this specific allegation prior to the call that you
6 received in January of 1994?

7 **MR. BRUNET:** Yes, I understand that now,
8 yes.

9 **MR. DUMAIS:** Yeah. And as a matter of fact,
10 she had a - conducted the full interview that had had been
11 tape recorded with someone from the Children's Aid office.

12 Is that correct?

13 **MR. BRUNET:** That's what I understand, yes.

14 **MR. DUMAIS:** All right.

15 And you had not been advised of that? Is
16 that correct?

17 **MR. BRUNET:** No, I was not.

18 **MR. DUMAIS:** And were you surprised to find
19 that out?

20 **MR. BRUNET:** Yes, I was.

21 **MR. DUMAIS:** All right.

22 So you would have expected that Constable
23 Sebalj would have told you that on January 10th, 1994?

24 **MR. BRUNET:** Yes.

25 **MR. DUMAIS:** All right.

1 **MR. BRUNET:** I would have expected she would
2 have told me that when she was doing the interview.

3 **MR. DUMAIS:** And as far as you know, this
4 interview was conducted at your offices. Is that correct?

5 **MR. BRUNET:** That's what I understand.

6 **MR. DUMAIS:** All right.

7 But certainly you were not made aware of
8 this or you did not know that this was being done?

9 **MR. BRUNET:** No, I did not.

10 **MR. DUMAIS:** All right.

11 And actually the interview had been
12 conducted with Geraldine Fitzpatrick from the -- well, child
13 protection worker, which you knew. Is that correct?

14 **MR. BRUNET:** I knew Mrs. Fitzpatrick, yes.

15 **MR. DUMAIS:** All right.

16 And not only had they conducted this
17 interview but on -- and I'm referring to the last page of
18 the supplementary occurrence report at Bates pages 556 about
19 mid-page, the line that starts with "On Thursday".

20 **MR. BRUNET:** Yes.

21 **MR. DUMAIS:** I'll just read it out:

22 "So on Thursday January 6th, 1994
23 Constable Sebalj met with Antoine at
24 her residence on which date Antoine
25 advised that Ken Seguin had been her

1 from them with respect to matters relevant to the
2 investigation, I take it?

3 **MR. BRUNET:** No, she did not.

4 **THE COMMISSIONER:** I take it that would be
5 somewhat unusual?

6 **MR. BRUNET:** Very unusual.

7 **THE COMMISSIONER:** Did she ever offer an
8 explanation?

9 **MR. BRUNET:** Well, I didn't follow-up on
10 this because Staff Sergeant Derochie took leadership of
11 this investigation. So I never had any conversation and to
12 be quite frank with you I never read this report until I
13 prepared for the inquiry. So it never was addressed.

14 **MR. DUMAIS:** And quite clearly, Luc, when we
15 look at the entry dates of this report and this project
16 file, it certainly appears that -- well, I mean, what we
17 know is that nothing had been done in this file before
18 January 13th, 1994 when the report was first authored.

19 **MR. BRUNET:** Done in reference to what --
20 I'm not sure.

21 **MR. DUMAIS:** Oh, sorry. The supplementary
22 occurrence report appears to indicate that the first OMPPAC
23 entry relating to this matter is on January 13th, 1994,
24 correct?

25 **MR. BRUNET:** Yes.

1 **MR. DUMAIS:** All right.

2 And ---

3 **MR. BRUNET:** Dealing with Constable Sebalj's
4 part of the investigation.

5 **MR. DUMAIS:** Dealing -- fair enough.
6 Dealing with Constable Sebalj?

7 **MR. BRUNET:** Yes.

8 **MR. DUMAIS:** So clearly nothing had been
9 entered by Constable Sebalj either when she conducted the
10 interview in the fall of 1993 or when she met with Ms.
11 Antoine on January 6th, 1994?

12 **MR. BRUNET:** No, I didn't know -- I didn't
13 see anything on the system for that -- on OMPPAC for that.

14 **MR. DUMAIS:** All right.

15 And at no point in time did you have any
16 discussion with her with respect to this; why she had done
17 that; why the matter had not been entered into OMPPAC as to
18 what her motivation was?

19 **MR. BRUNET:** No. Staff Sergeant Derochie --
20 like I said, Staff Sergeant Derochie took over the
21 investigation or oversaw this investigation because when I
22 became aware of this and it was -- I was advised that it
23 was an issue the allegation was that Constable Malloy had
24 not properly investigated this because he was on the Board
25 of the Children's Aid Society.

1 By that time I was a volunteer on the Board
2 so I declared a conflict of interest to the Deputy Chief as
3 soon as I briefed him and that's why Staff Sergeant
4 Derochie was brought in on it because I didn't -- I felt
5 that it would have been terribly unfair for me to take
6 supervision of this investigation.

7 **MR. DUMAIS:** All right.

8 So then -- and you would have declared your
9 conflict to whom?

10 **MR. BRUNET:** To my Deputy Chief St-Denis.

11 **MR. DUMAIS:** And so then, what happened to
12 this file?

13 **MR. BRUNET:** Well, he reassigned it to Staff
14 Sergeant Derochie to review it.

15 **MR. DUMAIS:** And was that essentially your
16 last involvement in the matter?

17 **MR. BRUNET:** Any active -- yes. There might
18 have been, I remember they asked me about getting an
19 investigator from the Criminal Investigation Branch to help
20 them with the investigation, to do some investigating. So
21 I made a suggestion about who I thought would be one of the
22 best candidates to do the investigation. But otherwise, I
23 don't believe that I had any other involvement.

24 **MR. DUMAIS:** And if we can just have a look
25 at your notes on this matter. So the ones that were just

1 filed as an exhibit, 1445, pages 898.

2 MR. BRUNET: Yes, I had some conversations
3 with Mr. Charlie Greenwell from CJOH News. He was asking
4 me for information and basically I told him that -- I asked
5 him time to review the case and there was some back and
6 forth with him.

7 MR. DUMAIS: Yeah, because Charlie Greenwell
8 initially communicated with you trying to confirm some
9 information and he was essentially saying that he would go
10 public unless -- and he was asking you to confirm some of
11 the information in a very short period of time, correct?

12 MR. BRUNET: That's correct and I wasn't
13 comfortable in doing that. It was too short notice. I
14 couldn't -- I wasn't -- I didn't know anything about this
15 case so I wasn't about to start making comments to the
16 media.

17 MR. DUMAIS: And in an attempt to confirm
18 this information you did have the occasion to query OMPPAC.
19 Is that correct?

20 And I'm just looking at the top of your
21 notes Bates pages ending 898.

22 MR. BRUNET: Yes.

23 MR. DUMAIS: So you had negative results on
24 OMPPAC?

25 MR. BRUNET: That's correct.

1 **MR. DUMAIS:** So we know for a fact that
2 there had been no previous entry by Constable Sebalj on
3 OMPPAC, correct?

4 **MR. BRUNET:** That's correct.

5 **MR. DUMAIS:** All right.

6 And following this telephone conversation
7 with Mr. Greenwell, I guess the matter became a little more
8 pressing and urgent in that he was threatening to go to the
9 press with this. Is that fair?

10 **MR. BRUNET:** Yes. He was -- that's right.

11 **MR. DUMAIS:** And if I'm looking at the same
12 pages of your notes ending with 898, it indicates:

13 "Constable Sebalj, who briefed me again
14 on what she knew about the case, and I
15 met with the Deputy Chief and later
16 with Chief Johnston."

17 So you had a second briefing with Constable
18 Sebalj?

19 **MR. BRUNET:** Yes.

20 **MR. DUMAIS:** And certainly all the questions
21 I previously asked you about the initial meeting, the same
22 answers for the second; correct?

23 **MR. BRUNET:** Yeah, basically, I don't
24 believe I was given any new information.

25 **MR. DUMAIS:** All right. She did not provide

1 any new information. All right.

2 And the actual transfer of the file was done
3 by taking the file and handing it over to Deputy Chief St.
4 Denis. Is that correct?

5 **MR. BRUNET:** Yes. I believe that Constable
6 Malloy advised me that the file was in his office. I
7 believe I called him to see if he had a file on it and he
8 told me it was in his office and my recollection is I went
9 in to the office and asked Constable Sebalj to locate it
10 for me and she pulled it out of his filing cabinet and gave
11 me the file. Yeah, and I did turn it over to the Deputy
12 Chief.

13 **MR. DUMAIS:** And at one point-in-time, you
14 were advised by Staff Sergeant Derochie that he had spoken
15 to the victims who wanted to proceed with the matter. Is
16 that correct?

17 **MR. BRUNET:** That's correct.

18 **MR. DUMAIS:** Now, Luc, you were advised that
19 one of our upcoming witnesses for the Children's Aid
20 Society will be Ms. Fitzpatrick from the Children's Aid
21 Society; correct?

22 **MR. BRUNET:** That's correct.

23 **MR. DUMAIS:** And she has provided a
24 statement and you were provided with a transcript of her
25 statement, just so that you are aware of what her evidence

1 will be?

2 MR. BRUNET: Yes.

3 MR. DUMAIS: And you have reviewed that?

4 MR. BRUNET: Yes, I have.

5 MR. DUMAIS: All right. And she will
6 apparently give evidence to the effect that Constable
7 Sebalj, after she had conducted the interview with her in
8 November of 1993, indicated that he was not -- she was not
9 going to her supervisor, Luc Brunet, because he sat on the
10 Board of Directors of the Children's Aid Society?

11 MR. BRUNET: That's correct.

12 MR. DUMAIS: And you had no prior knowledge
13 of any concerns that Constable Sebalj would have had with
14 respect to the fact that you sat on that Board of
15 Directors?

16 MR. BRUNET: No. I don't see how that would
17 have affected my duties.

18 MR. DUMAIS: That was the first that you
19 heard of that; correct?

20 MR. BRUNET: That's right.

21 MR. DUMAIS: All right. And she will
22 testify as well that Sebalj would have told her that she
23 did not trust Luc Brunet and that he was from Lancaster,
24 and she felt that there was some kind of cover-up with the
25 priest and with the Crown Attorney and with the Crown

1 Attorney's father. Again, that comes as a surprise to you.
2 Is that correct?

3 MR. BRUNET: It certainly did.

4 MR. DUMAIS: Now, your next -- the end of
5 the involvement in this matter was, you have a telephone --
6 or you have a conversation with -- or you're advised by
7 Staff Sergeant Derochie on January 18th, that the victims
8 want to pursue this matter. And then I understand that you
9 speak to Inspector Trew. Is that correct?

10 MR. BRUNET: Yes.

11 MR. DUMAIS: And you requested that
12 Constable White report directly to Inspector Trew because
13 of your conflict in this matter. Is that correct?

14 MR. BRUNET: Yes, well, I would say
15 perceived conflict is probably more accurate because I
16 don't think there is any conflict, but I saw that it could
17 certainly be perceived as one so that's why I asked that be
18 done.

19 MR. DUMAIS: All right. So out of an
20 abundance of caution, you removed yourself from this file?

21 MR. BRUNET: That's correct.

22 MR. DUMAIS: And did you have any
23 involvement is the preparation of a press release?

24 So your notes appear to indicate on January
25 19th that you would have met with the Chief, a Staff

1 Sergeant Wells, the Deputy Chief and Staff Sergeant
2 Derochie?

3 MR. BRUNET: Yes, I did see that in my
4 notes, yes.

5 MR. DUMAIS: Do you recall that meeting?

6 MR. BRUNET: I recall there was a meeting,
7 yes.

8 MR. DUMAIS: And do you recall a discussion
9 to the effect that Jeannette Antoine was not comfortable
10 with men?

11 MR. BRUNET: I don't really remember the
12 comments in the meeting. I didn't ---

13 MR. DUMAIS: You don't recall that
14 discussion? It would explain why Constable Sebalj would
15 have remained involved in this matter despite the fact that
16 it had been assigned to Constable White. You don't have
17 any recollection of that?

18 MR. BRUNET: They just -- I remember in
19 reading notes, but they're not my notes so that's the only
20 recollection I have of it, so I don't know if I can comment
21 on that.

22 MR. DUMAIS: Right. And these are your only
23 notes on the Antoine matter?

24 MR. BRUNET: Yes, it is.

25 MR. DUMAIS: All right. And if you can just

1 look at the last line:

2 "A total of 21 officers called in."

3 **MR. BRUNET:** I believe this has to do with
4 another investigation that I was doing at the time and was
5 a major strike and I think I just put notes in the wrong
6 place.

7 **MR. DUMAIS:** Okay. All right.

8 **THE COMMISSIONER:** Can we go back to page 1
9 of that occurrence report?

10 **MR. DUMAIS:** Yes.

11 **THE COMMISSIONER:** Near the end of the page,
12 there's this comment about, "The Society would not
13 investigate allegations made."

14 Okay. It says:

15 "November of 1993. Constable Sebalj
16 had been advised that the Children's
17 Aid Society would not investigate
18 allegations made against the Cornwall
19 probation officers, suggesting that
20 probation was not within the Children's
21 Aid Ministry."

22 What's that got to do with -- what's that
23 got to do with ---

24 **MR. BRUNET:** Like I said, Mr. Commissioner,
25 I did not read this report or have anything to do with it.

1 Staff Sergeant Derochie was supervising the investigation,
2 so I really haven't seen any content since I started
3 preparing for the Inquiry.

4 **THE COMMISSIONER:** Thank you.

5 **MR. DUMAIS:** Now, I'm just looking at Staff
6 Sergeant Derochie's note on this and there's an entry on --
7 I think it was entered on the 7th, 1994 indicating that --
8 I'll just read you the -- perhaps I don't need to refer you
9 to the exact document:

10 "I received a letter from Staff
11 Sergeant Brunet who had received it
12 from Constable Malloy. This letter was
13 received on February 26th, 1993 and was
14 a follow-up to a telephone call
15 received by Constable Malloy on August
16 13th, 1992."

17 **MR. BRUNET:** Yes.

18 **MR. DUMAIS:** Do you recall that piece of
19 correspondence of that letter?

20 **MR. BRUNET:** Yes, my recollection of it is
21 that Constable Malloy called me at the office and asked me
22 to check in his office. I can't remember if it was in a
23 file on his desk or a file in his filing cabinet, where it
24 was, but he had just recalled this letter that he had
25 received and to -- yeah, ask me to look into it.

1 **MR. DUMAIS:** All right.

2 So you got this information from Constable
3 Malloy?

4 **MR. BRUNET:** I believe so, yes.

5 **MR. DUMAIS:** All right.

6 And did he indicate where this piece --
7 well, perhaps I can refer you to the document firstly. If
8 you can look at document 739092.

9 **THE COMMISSIONER:** You're fading away from
10 the microphone.

11 **MR. DUMAIS:** It's 739092, sorry.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **THE COMMISSIONER:** Thank you.

14 Exhibit number 1456 is a letter dated
15 February 19, 1993 addressed to Constable Malloy from
16 Suzanne Lapointe.

17 **--- EXHIBIT NO./PIÈCE NO P-1456:**

18 (739092) Letter from Suzanne Lapointe
19 to Cst. Malloy dated 19 Feb 93

20 **MR. DUMAIS:** So is that the letter that was
21 given to you by Constable Malloy?

22 **MR. BRUNET:** Well, I don't think it was
23 given to me. I think he had given me a call and asked me
24 to go and locate it in his office somewhere.

25 **MR. DUMAIS:** I see. So you located this

1 letter for him then?

2 MR. BRUNET: Yes.

3 MR. DUMAIS: And did you do that yourself or
4 did you ask someone else to do it?

5 MR. BRUNET: No, I'm pretty sure I did it
6 myself.

7 MR. DUMAIS: All right.

8 So do you recall where it was located?

9 MR. BRUNET: It was in his office but I
10 don't recall exactly if it was on his desk or in a file on
11 his desk or if it was in his filing cabinet. I can't
12 remember.

13 MR. DUMAIS: All right.

14 And ---

15 MR. BRUNET: I'm very, very vague about this
16 but ---

17 MR. DUMAIS: And what did you do with this
18 letter?

19 MR. BRUNET: I went to see Staff Sergeant
20 Derochie and advised him about it.

21 MR. DUMAIS: All right.

22 And was this the first time that you had
23 been made aware of the existence of this correspondence?

24 MR. BRUNET: Yes, it was.

25 MR. DUMAIS: All right.

1 **THE COMMISSIONER:** So tell me -- help me out
2 in police life. In 1993 if someone were to receive
3 something like this in your force would you expect that to,
4 God forbid, go on OMPPAC, or that something be done with
5 it?

6 **MR. BRUNET:** Yes, exactly.

7 What I would expect is that a report would
8 be submitted and then it would come for my approval and
9 once I've received it and approved the report I would
10 reassign it to be investigated.

11 **MR. DUMAIS:** So does it then appear that no
12 one was tracking this complaint; that it had not been
13 entered?

14 **MR. BRUNET:** That's what it was.

15 **MR. DUMAIS:** All right.

16 **MR. BRUNET:** That was the circumstances.

17 **MR. DUMAIS:** So the letter appears to be
18 dated February 19th, 1993. My understanding is that
19 Constable Malloy was off work.

20 **MR. BRUNET:** Early March 1993.

21 **MR. DUMAIS:** All right.

22 And I take it then, since no one had been
23 made aware that this had come in, and certainly since it
24 appears that it had not been entered in OMPPAC, there is no
25 follow-up?

1 **MR. BRUNET:** That's correct. It was never
2 reassigned for follow-up.

3 **MR. DUMAIS:** Which is certainly a good
4 example of the usefulness of OMPPAC?

5 **MR. BRUNET:** Yes.

6 **MR. DUMAIS:** All right.

7 Now, I understand that a response was
8 forwarded to Ms. Lapointe. Is that your understanding as
9 well?

10 **MR. BRUNET:** Yes.

11 **MR. DUMAIS:** Are you aware ---

12 **MR. BRUNET:** Well, only in preparing for
13 this that I found out that it was, yes.

14 **MR. DUMAIS:** All right.

15 So you yourself were not involved?

16 **MR. BRUNET:** No, this was totally handled by
17 Staff Sergeant Derochie.

18 **MR. DUMAIS:** All right.

19 And certainly by that time Staff Sergeant
20 Derochie had been tasked with conducting a review of the
21 media allegation that had been brought by Miss Antoine?

22 **MR. BRUNET:** Yes.

23 **MR. DUMAIS:** And you are aware that
24 following his investigation that Staff Sergeant Derochie
25 prepared a report?

1 **MR. BRUNET:** Yes.

2 **MR. DUMAIS:** And I believe the report has
3 been filed as an exhibit already.

4 **THE COMMISSIONER:** Yes, it has.

5 Just, this letter of February 19, 1993 is
6 signed by someone other than Jeannette Antoine. Is this
7 one in the same or is this a different complaint?

8 **MR. BRUNET:** It's a different complaint.
9 It's her sister.

10 **MR. DUMAIS:** I believe it's Exhibit 1286.

11 **THE COMMISSIONER:** Thank you.

12 Yes, it is.

13 **MR. DUMAIS:** So did you review the report
14 once it had been filed?

15 I think it's -- there's no date. No,
16 there's a date of April 1995 when it was completed.

17 **MR. BRUNET:** If I read the report itself in
18 1995 or now?

19 **MR. DUMAIS:** Yes.

20 **MR. BRUNET:** In 1995 I don't believe I read
21 the report, no.

22 **MR. DUMAIS:** All right.

23 Did you ever have any discussion with Staff
24 Sergeant Derochie about his recommendations?

25 **MR. BRUNET:** Yes, we did.

1 **MR. DUMAIS:** And one of his recommendations
2 was a monitoring of CIB officers' notebook by senior staff?

3 **MR. BRUNET:** Yes.

4 **MR. DUMAIS:** And what are your views on
5 that?

6 **MR. BRUNET:** Well, it was to monitor each
7 investigation -- each officer's notebook for each
8 investigation, especially with the resources I had at that
9 time, it was -- well, impractical and totally impossible I
10 would say.

11 I would review officers' notebooks when they
12 would lay criminal charges and I was responsible to review
13 the file before it went to the Crown Attorney's office. So
14 I would get an opportunity to see if the officers -- their
15 notes -- their capability of keeping notes and making sure
16 that they're complete and they're following force
17 procedure.

18 However, for me to actually go to each
19 investigator and just sit down at their desk or bring me
20 their notebooks and review each notes, it's totally --
21 well, it was impossible.

22 **MR. DUMAIS:** You didn't think it was
23 feasible?

24 **MR. BRUNET:** Feasible, that's right.

25 **THE COMMISSIONER:** Well, no he goes -- he

1 goes further than that. He says it's "impossible" -- was
2 "impossible".

3 **MR. DUMAIS:** I like "feasible" better.

4 **THE COMMISSIONER:** I know you'd like
5 "feasible", but it was "impossible".

6 **MR. BRUNET:** Well, with the amount of
7 resources -- well, being the only one to supervise and
8 manage the branch with all the cases we had going on, I
9 wasn't able to find the time to do that.

10 **MR. DUMAIS:** Now, the second recommendation
11 that came out of this report or the second thing that was
12 noted is that there should be an alternative to the use of
13 loose-leaf and notebooks by CIB personnel.

14 **MR. BRUNET:** Yes.

15 **MR. DUMAIS:** So again, that's the issue that
16 we dealt with briefly last week in your correspondence to
17 the Crown Attorney Murray MacDonald.

18 **MR. BRUNET:** That's right.

19 **MR. DUMAIS:** All right.

20 So is that the same issue that comes up
21 again?

22 **MR. BRUNET:** Yes, and I explained, I
23 believe, at the meeting that the chief was there and Staff
24 Sergeant Derochie, and whoever was at that meeting I
25 explained to them that I had already done some research on

1 that and that the -- many other forces were using the
2 loose-leaf notebook at that point and it was seemed by the
3 Ontario Police College as very acceptable procedure.

4 **MR. DUMAIS:** All right.

5 But certainly at one point in time a change
6 was made within the Cornwall Police Service?

7 **MR. BRUNET:** That's correct.

8 When the adequacy standards were introduced
9 in 1999 part of the adequacy standards on notebooks are to
10 have bound notebooks and we complied with that directive
11 right away.

12 **THE COMMISSIONER:** Okay. What have you done
13 to -- as far as you know, in your practice, to curb having
14 police officers having letters of complaints filed in their
15 desk; having someone like Sebalj go out and interview Ms.
16 Antoine and without having a separate investigation on
17 their own. Is there anything you've done to try to curb
18 that?

19 **MR. BRUNET:** Well, the issue of the Sebalj
20 investigation is I didn't have any supervision of that
21 investigation and ---

22 **THE COMMISSIONER:** Okay, but you're ---

23 **MR. BRUNET:** --- I'm not --

24 **THE COMMISSIONER:** --- in charge.

25 **MR. BRUNET:** Yes.

1 **THE COMMISSIONER:** You're in charge?

2 **MR. BRUNET:** Yes.

3 **THE COMMISSIONER:** Right? Now you're
4 finding out Malloy's got this thing that he should have
5 opened up a complaint on for a letter dated February 19th
6 1993?

7 **MR. BRUNET:** Yes.

8 **THE COMMISSIONER:** Okay. So we know that
9 Officer Dunlop is reporting things to the CAS and now you
10 find out that Sebalj is doing things which isn't -- the
11 fact that she's interviewing that person is probably a good
12 thing, but that she's not filling in the OMPPAC nor is she
13 telling you about this. Do you know how many more there
14 are like this?

15 **MR. BRUNET:** No. Well -- no, obviously not.
16 Hopefully none; hopefully no other ones.

17 **THE COMMISSIONER:** Yeah, but hope springs
18 eternal, but what steps are we going to take to make sure
19 that police officers who come up with this information
20 properly report it?

21 **MR. BRUNET:** Well, I believe that one of
22 them is the Chief's orders to put everything in OMPPAC and
23 to enforce it. And that's what my request to get
24 assistance so that we can monitor that and eventually when
25 Sergeant Snyder came in 1996, that we were able to start

1 implementing the rules of OMPPAC.

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

3 **MR. DUMAIS:** All right. And, Luc, the last
4 issue that was identified is the -- was the closer
5 monitoring and supervision of CIB Personnel Case
6 Management?

7 **MR. BRUNET:** Yes. And that's the use of
8 OMPPAC and making sure that they submit their monthly
9 reports.

10 The issue of Constable Malloy failing to
11 enter the documentation here on the report or the letter on
12 OMPPAC -- I mean, not putting anything on OMPPAC was never
13 accepted as our position. I mean, we always had to start
14 an OMPPAC investigation every time you received it. That
15 was a given. It wasn't like -- what I had tolerated was
16 the 30 ---

17 **MR. DUMAIS:** Not the updating?

18 **MR. BRUNET:** --- the 30 -- exactly. The 30-
19 day inputting. Not putting it in was certainly not
20 acceptable and I believe that Constable Malloy was
21 documented and disciplined for that issue.

22 **MR. DUMAIS:** All right. And these three
23 recommendations and what you were to do -- what Staff
24 Sergeant Derochie was to do with them are noted in an
25 internal correspondence, and that's Document 739151.

1 **THE COMMISSIONER:** How much longer do you
2 want to go today, Maître Dumais?

3 **MR. DUMAIS:** Well, I'm almost done with this
4 investigation, Commissioner, which would leave us with one
5 last investigation or one-and-a-bit more of another for
6 tomorrow.

7 **THE COMMISSIONER:** Okay.

8 **MR. DUMAIS:** Does that make sense?

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

10 Thank you. Exhibit Number 1457, internal
11 correspondence to Staff Sergeant Derochie from Acting Chief
12 Carl Johnston re Jeannette Antoine, May 25th, 1995.

13 **--- EXHIBIT NO./PIÈCE NO. P-1457:**

14 (739151) Internal Correspondence from
15 A/Chief Carl Johnston to S/Sgt.
16 Derochie dated May 25 May, 1995

17 **MR. DUMAIS:** So that's the memo that comes
18 from Carl Johnston, the Acting Chief at that time -- notes
19 the three recommendations from the report. Also indicates
20 that these recommendations should be discussed with
21 Inspector Trew and Staff Sergeant Brunet. Is that correct?

22 **MR. BRUNET:** That's correct.

23 **MR. DUMAIS:** And that meeting did happen?

24 **MR. BRUNET:** Yes, we did have some
25 discussions with ---

1 **MR. DUMAIS:** All right. And, as well, the
2 memo appears to confirm that Constable Malloy was formerly
3 counselled in the note-keeping -- on the note-keeping
4 issue. Is that correct?

5 **MR. BRUNET:** Yes.

6 **MR. DUMAIS:** And would you have been
7 involved with that?

8 **MR. BRUNET:** No, I haven't, no, I wasn't.

9 **MR. DUMAIS:** All right.

10 Commissioner, I think this is a good spot to
11 finish.

12 **THE COMMISSIONER:** Terrific, thank you.

13 We'll see you tomorrow morning at 9:30.

14 **MR. BRUNET:** Thank you, Mr. Commissioner.

15 **THE REGISTRAR:** Order; all rise. A l'ordre;
16 veuillez vous levez.

17 This hearing is adjourned until tomorrow
18 morning at 9:30 a.m.

19 --- Upon adjourning at 4:41 p.m. /

20 L'audience est ajournée à 16h41

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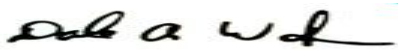
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C E R T I F I C A T I O N

I, Dale Waterman 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, Dale Waterman, 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.



Dale Waterman, CVR-CM