

**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 213**

**Held at :**

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

Tuesday, April 8 2008

**Tenue à:**

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

Mardi, le 8 avril 2008

**ERRATA**

**April 3, 2008**  
**Volume 210**

**Transcript**

**Page 150, line 24, 25**

**MR. BRUNET:** Eleventh (11<sup>th</sup>) of '93, that's correct. sacristy

**Should have read:**

**MR. BRUNET:** Eleventh (11<sup>th</sup>) of '93, that's correct.

**Appearances/Comparutions**

Ms. Julie Gauthier	Registrar
M <sup>e</sup> 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. Allan Manson	Citizens for Community Renewal
Mr. Juda Strawczynski	
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. Frank T. Horn	Coalition for Action
Mr. Ian Paul	

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1 --- Upon commencing at 9:35 a.m./

2 L'audience débute à 9h35

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you. Good morning,  
10 all.

11 **MR. DUMAIS:** Good morning, Commissioner.

12 Before we start -- good morning, Luc.

13 **MR. BRUNET:** Good morning.

14 **MR. DUMAIS:** Before we start, if I can just  
15 address two issues, Commissioner, that were pointed out to  
16 us about the transcript. The first one -- and I'm looking  
17 at Volume 210, page 150, line 25, the question that  
18 precedes that says:

19 "All right. So you -- because you only  
20 started as the OIC on January 11<sup>th</sup>..."

21 And the answer from Luc is:

22 "The 11<sup>th</sup> of '93, that's correct."

23 And then there's a word after that sentence, sacristy. We  
24 checked the recordings and he did not say that word. So an  
25 errata will be published tonight.

1                   The other issue came up at page 156 of the  
2 transcript at line 22, and Luc is answering when Mr. Lortie  
3 would have been off for surgery. So he says:

4                   "I understand it had been a surgery or  
5 something that had happened earlier  
6 between the first day of May and the  
7 12<sup>th</sup>."

8 And we checked the recordings, and he does say "May". So  
9 that's not actually an errata, but perhaps I could just put  
10 it to Luc right away.

11 **LUCIEN BRUNET, Resumed/Sous le même serment:**

12 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**  
13 **DUMAIS (cont'd/suite):**

14                   **MR. DUMAIS:** When Sergeant Lortie was off  
15 for his surgery, do you recall what month that was in 1993?

16                   **MR. BRUNET:** It would have been January,  
17 1993.

18                   **MR. DUMAIS:** All right. So we won't publish  
19 an errata, but certainly we've corrected the record.

20                   **MR. BRUNET:** Thank you.

21                   **MR. DUMAIS:** Those are the only two issues.

22                   **THE COMMISSIONER:** Terrific. Thank you.

23                   **MR. DUMAIS:** So, Luc, we're going to talk  
24 this morning then about the -- your involvement in a new  
25 investigation and that's the Earl Landry, Jr.

1 investigation.

2 My understanding is that your first  
3 involvement in this matter was in 1993 when you received a  
4 telephone call from Pina DeBellis of the Children's Aid  
5 Society. Is that correct?

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

7 **MR. DUMAIS:** All right. So if I can just  
8 refer you to a document just to help us out with some of  
9 the dates, and that would be Document 740301.

10 And there will be an issue with a  
11 publication ban request from myself, Commissioner, which I  
12 will address in a few minutes.

13 **THE COMMISSIONER:** Thank you. So what are  
14 these now?

15 **MR. DUMAIS:** These are the notes of Pina  
16 DeBellis from the Children's Aid Society, and the date that  
17 the notes start are the 22<sup>nd</sup> day of October 1993.

18 **THE COMMISSIONER:** Great. That will be  
19 Exhibit 1458.

20 **--- EXHIBIT NO./PIÈCE NO. P-1458:**

21 (740301) Notes of Pina DeBellis -  
22 October 22 to December 6, 1993

23 **MR. DUMAIS:** Actually, they are not  
24 exclusively notes from -- actually, they are.

25 So there is one issue with a -- a

1 publication ban issue, Commissioner. There are a number of  
2 names of victims in the Earl Landry, Jr. prosecution  
3 throughout this document and there are a number of  
4 different names as well. There were a total of five  
5 different victims that were identified or that Mr. Earl  
6 Landry, Jr. pled guilty to those charges.

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

8 **MR. DUMAIS:** And there was a criminal  
9 publication ban that was issued by Justice Manton on  
10 December 23<sup>rd</sup>, 1999. So the names of these victims have  
11 never been published, as far as I know, and have never come  
12 out.

13 **THE COMMISSIONER:** Nor has the order been  
14 rescinded.

15 **MR. DUMAIS:** Correct.

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

17 **MR. DUMAIS:** And these victims, as I  
18 understand it, have already been identified and monikers  
19 were given to them. So it's monikers C-51, C-52, C-53, C-  
20 54 and C-55. So I'm going to be dealing with a number of  
21 documents that refer to these names this morning and I'll  
22 identify them as they are put in.

23 **THE COMMISSIONER:** Well, I don't know that  
24 we have to identify the monikers all the time, but just  
25 that we put a publication stamp so that the media is aware

1 that they have a responsibility to make sure not to breach  
2 any outstanding criminal orders or whatever.

3 **MR. DUMAIS:** Correct.

4 **THE COMMISSIONER:** Thank you.

5 **MR. DUMAIS:** All right, Luc. So these notes  
6 from Ms. DeBellis appear to indicate that on the 22<sup>nd</sup> day of  
7 October 1993, that she would have called you at the office?

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

9 **MR. DUMAIS:** And I'll be filing your notes  
10 as well in this matter, and those notes are Exhibit 1354.  
11 So if you can just keep those close by?

12 All right, Luc. So if you can just bring us  
13 back to October 22<sup>nd</sup>, 1993, you would have received this  
14 phone call. What's the call about?

15 **MR. BRUNET:** As I had testified before, I  
16 was the contact or liaison person with the Children's Aid  
17 Society, so they would contact me for this type of  
18 information.

19 They advised me that they had received a  
20 call from a psychologist, Dr. Nadler, that works in the  
21 City of Cornwall, and he had seen a person that he was  
22 treating and the person had disclosed to him that he had  
23 been assaulted -- sexually assaulted by Earl Landry, Jr.  
24 and this would have taken place when the victim was  
25 approximately nine years old and the incident -- there was

1 more than one incident. It probably lasted for about a  
2 year. The situation was that the young person -- or the  
3 person that he was treating did not want to come forward  
4 and speak to the Children's Aid or the police or didn't  
5 want anything done about it.

6 MR. DUMAIS: And at this time, Luc, there  
7 was -- you didn't know what the name of the complainant was  
8 ---

9 MR. BRUNET: No.

10 MR. DUMAIS: --- is that correct?

11 MR. BRUNET: No, no, that's correct. We  
12 never -- I was never disclosed the name.

13 MR. DUMAIS: All right. And now you, when  
14 you're recounting this telephone call, you're looking at  
15 this note which is Exhibit 1354. Is that correct?

16 MR. BRUNET: That's correct.

17 MR. DUMAIS: Tell us; you made that note,  
18 Luc. Is that correct?

19 MR. BRUNET: Yes, I did.

20 MR. DUMAIS: Tell us about that note.

21 MR. BRUNET: Well, what happened is I had a  
22 full stack of paper on my desk, and when I received a call,  
23 I started to write the information that I'm being told.  
24 Basically, at this point, I don't have any more information  
25 to investigate or to start a criminal investigation. It's

1 basically a liaison research for CAS and trying to help CAS  
2 to establish some information.

3 What I do is I have a file -- I had a file  
4 in my filing cabinet with all of my contacts with CAS where  
5 there wasn't a criminal investigation started, basically.  
6 Once I was done with the conversation, I would put it in  
7 that file.

8 **MR. DUMAIS:** All right. And that note was  
9 stuck in that file and ---

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

11 **MR. DUMAIS:** --- you located it afterwards?

12 **MR. BRUNET:** Going through it, I disclosed  
13 it to the Commission.

14 **MR. DUMAIS:** All right. So if we're looking  
15 at the notes that Ms. DeBellis took, she marks down or  
16 noted the date as being the 22<sup>nd</sup> day of October, 1993. I'm  
17 looking at the top left-hand corner of your note and it  
18 says the 22<sup>nd</sup> day of September 1993.

19 **MR. BRUNET:** Yes. The only explanation I  
20 have for that is that I see that Dr. Nadler spoke to him --  
21 I got the 13<sup>th</sup> of September 1993, and I believe that's an  
22 error in my recording the time of the call -- sorry, the  
23 month of the call.

24 **MR. DUMAIS:** So that could very well be the  
25 22<sup>nd</sup> day of October?

1                   **MR. BRUNET:** Yes, it -- that could very well  
2                   be and it would certainly correspond with the notes of Ms.  
3                   DeBellis.

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

5                   And if you look at the top of your note,  
6                   there is a number up there, it's 81569-7.

7                   **MR. BRUNET:** Yes.

8                   **MR. DUMAIS:** Can you tell us what that  
9                   number is?

10                  **MR. BRUNET:** That's an OMPPAC incident  
11                  number.

12                  **MR. DUMAIS:** And do you think that's --  
13                  well, what number is it? What does it represent?

14                  **MR. BRUNET:** Well, like I have mentioned  
15                  earlier in my testimony, when we create an incident, the  
16                  system automatically assigns you an incident number and  
17                  that's what I would have recorded on this and then I would  
18                  have submitted a supplement -- not a supplementary, a  
19                  general occurrence report subsequent to that under that  
20                  number.

21                  **MR. DUMAIS:** Okay. So you created an  
22                  incident?

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

24                  **MR. DUMAIS:** All right.

25                  Now, just one last question about your note

1 to the bottom right-hand corner. It appears to be signed  
2 by you, Staff Sergeant L. Brunet, and there is a date, 9<sup>th</sup>  
3 day of November 1999.

4 **MR. BRUNET:** Yes.

5 **MR. DUMAIS:** Do you know -- can you tell us  
6 what that date represents?

7 **MR. BRUNET:** I believe it's when Staff  
8 Sergeant Derochie asked me for any documentation I had on  
9 this incident. He was doing an internal review of the  
10 entire file.

11 **MR. DUMAIS:** All right.

12 So whenever you take one of your original  
13 notes and you give it to someone, you always date it and  
14 sign it; is that right?

15 **MR. BRUNET:** Yes. Normally, I would sign  
16 the copy and this -- I'm not sure why this date and my name  
17 is on the original that I would have submitted unless this  
18 copy happens to come from Staff Sergeant Derochie.

19 Maybe that's the way that -- maybe it's his  
20 submission to the Commission that ---

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

22 **MR. BRUNET:** --- that ended up being that  
23 way because usually when I send a copy, I would put my name  
24 on it and the date that I submitted it.

25 **MR. DUMAIS:** Okay.

1                   **MR. BRUNET:** But the original, I wouldn't  
2                   make any extra notes on my original. However, I'm not sure  
3                   where this copy comes from, if it comes from Staff Sergeant  
4                   Derochie or mine.

5                   **MR. DUMAIS:** Fair enough.

6                   Now, did Ms. DeBellis indicate to you what  
7                   her interest in this case was or why the CAS were involved?

8                   **MR. BRUNET:** Yes, obviously she had -- they  
9                   had received a call from the doctor and they wanted to do  
10                  an investigation and they also -- I believe it's this  
11                  incident here where she had advised me that Earl Landry,  
12                  Jr. and his wife had applied for custody of a child and  
13                  they were very, very concerned about the allegation and the  
14                  fact that he was trying to get custody.

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

16                  So she had advised you that there was this  
17                  ongoing process within the Children's Aid Society as well?

18                  **MR. BRUNET:** Yes. I'm quite positive it's  
19                  on this case and not the later case.

20                  **MR. DUMAIS:** All right.

21                  Now, it appears that you would have  
22                  indicated to Ms. DeBellis that you may have been aware of a  
23                  previous complaint regarding Earl Landry, Jr.; is that  
24                  correct?

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

1                   **MR. DUMAIS:** And where did you get that  
2 information from, Luc? How did you know that?

3                   **MR. BRUNET:** I don't know the source. I  
4 would have been -- when that investigation would have taken  
5 place, it would have been 1985. I would have been a  
6 constable working patrol for the last six, seven years, and  
7 I heard it around the office, but I can't say the source --  
8 I don't know the source and I don't know exactly where and  
9 when. It's just knowledge that I had.

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

11                  **MR. BRUNET:** I knew there had been an  
12 investigation. I didn't know any of the details.

13                  **MR. DUMAIS:** But in any event you told her  
14 that you would check up on it and you'd get back to her; is  
15 that correct?

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

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

18                                So then we have her note which is on the  
19 following page, and I'm still looking at the same exhibit,  
20 Bates pages ending in 995, and again ---

21                  **THE COMMISSIONER:** It's Exhibit 1458.

22                  **MR. DUMAIS:** Thank you.

23                  **MR. BRUNET:** Thank you.

24                  **MR. DUMAIS:** And it appears that the note  
25 was taken on the same day at 15:51 whereas the first one

1 should have been at 9:07. So again, it indicates a  
2 telephone call from Staff Sergeant Brunet. So the first  
3 thing that she notes is that there's no criminal records or  
4 warrants on CPIC. So do you recall whether or not you had  
5 done a CPIC search?

6 **MR. BRUNET:** Yeah. That was one of the  
7 purposes of the call is to do a background check. So my  
8 normal process would have been to do a CPIC search and a  
9 records management search which is an OMPPAC search.

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

11 Because you do indicate or you appear to  
12 tell her or she notes it down that there is an incident of  
13 a sexual assault re: Earl Landry and there is a date there  
14 as well, 24<sup>th</sup> of June 1985, and that there was no charges.  
15 So do you recall where you got that information from?

16 **MR. BRUNET:** Yes. I would have got that  
17 from our Records Department. Prior to OMPPAC, we had what  
18 we refer to as contact cards and any contact we had with a  
19 victim or a suspect would have been typed on those contact  
20 cards. So this is where I would have got that information.

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

22 And is there any other information on those  
23 contact cards?

24 **MR. BRUNET:** I believe it was the date of  
25 birth of the person that -- whether it's a witness or

1 suspect and I'm not sure about the address and the incident  
2 number that's involved.

3 MR. DUMAIS: All right.

4 So there would have been an incident number  
5 as well?

6 MR. BRUNET: That's correct.

7 MR. DUMAIS: And did you follow up on those  
8 incident numbers, whether or not there were any files?

9 MR. BRUNET: Yes, I did. I'm not sure who I  
10 spoke to. I'm assuming that I spoke to the Records  
11 supervisor and asked him if we had files on it and I was  
12 advised that the files had been purged.

13 MR. DUMAIS: All right.

14 So then the only information that you had  
15 within the Service was whatever information was on your  
16 contact card?

17 MR. BRUNET: That's correct.

18 MR. DUMAIS: And did the contact card make  
19 reference to which officer would have been involved back in  
20 1985?

21 MR. BRUNET: I don't recall, but I knew  
22 Sergeant Lefebvre was involved.

23 MR. DUMAIS: Okay.

24 MR. BRUNET: So I coordinated or arranged  
25 for Sergeant Lefebvre and Ms. DeBellis to talk to each

1 other to try and get some information.

2 MR. DUMAIS: Okay. All right. And Sergeant  
3 Lefebvre, you just remembered that from the incident back  
4 in 1985?

5 MR. BRUNET: Yes, that's correct.

6 MR. DUMAIS: All right.

7 Now, you indicated that you created an  
8 incident in 1993; can you explain to us what you did in  
9 OMPPAC?

10 MR. BRUNET: Well, it was a police  
11 information. At this point, I didn't have a victim or a  
12 complainant and I didn't have any information to put on  
13 about the sexual assault itself. So I wanted to put an  
14 information occurrence in. So I submitted the report with  
15 a -- detailing what we had.

16 MR. DUMAIS: All right.

17 And that police information file, if I can  
18 call it that, in OMPPAC, what type of information goes in  
19 that?

20 MR. BRUNET: Any information that could be  
21 useful for another police investigation down the road.

22 MR. DUMAIS: Sort of an intelligence  
23 gathering file?

24 MR. BRUNET: Yes.

25 MR. DUMAIS: Does that make sense?

1                   **MR. BRUNET:** Yes. It's not -- like it  
2 doesn't go to our Intelligence Branch and put in a project  
3 or anything. It was just a general occurrence on our  
4 system, on our regular files. But the -- yes, it would be  
5 information that someone would query the name, would get a  
6 hit on and could read what -- that we did get a call and  
7 basically what was done on it.

8                   **MR. DUMAIS:** All right.  
9 And is that done through the OMPPAC system?

10                   **MR. BRUNET:** Yes, it is.

11                   **MR. DUMAIS:** All right.

12                   And I understand that there is different  
13 retention period for police information for that type of  
14 information; is that correct?

15                   **MR. BRUNET:** Yes. I found that out after.

16                   **MR. DUMAIS:** And what's the retention period  
17 then?

18                   **MR. BRUNET:** I'm not sure. I seem to be  
19 getting some different opinions depending on who I ask. So  
20 I'm not really sure. I don't know.

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

22                   So you're not able to confirm that?

23                   **MR. BRUNET:** Not really.

24                   **MR. DUMAIS:** But certainly ---

25                   **MR. BRUNET:** Not certain -- I can't for

1           sure.

2                       **MR. DUMAIS:** All right.

3                       So then -- but there was -- you had further  
4 involvement in this file and that's in January of 1996, and  
5 we'll get to that shortly. But certainly the information  
6 that you had put in in 1993 had been purged from the  
7 system; is that correct?

8                       **MR. BRUNET:** Well, it was purged from the  
9 system later on. I'm not sure when it got purged.

10                      **MR. DUMAIS:** But certainly, you went back --  
11 in 1996, in January of that year, you did a search through  
12 your system and your -- the information that you had put in  
13 in 1993 was no longer there; is that correct?

14                      **MR. BRUNET:** I'm not sure about that. I  
15 don't remember.

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

17                      Let's ---

18                      **MR. BRUNET:** I don't remember if it was gone  
19 or not.

20                      **MR. DUMAIS:** Okay. Well, let's just ---

21                      **MR. BRUNET:** If it was, then it would --  
22 it's possible, but I don't remember. Like, obviously I  
23 knew about it, so I -- but I -- so it didn't get my  
24 attention, but I'm not sure if it was gone or not.

25                      **MR. DUMAIS:** All right.

1                   Is it fair to say, Luc, that in 1993 when  
2                   you put that information in, you did not know that there  
3                   was a shorter retention period for that?

4                   **MR. BRUNET:** No, I was not aware of that.

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

6                   Now, do you recall your discussion with  
7                   Sergeant Lefebvre?

8                   **MR. BRUNET:** Not any of the details. I  
9                   remember that I explained to him that we had received a  
10                  call and to get in touch with Pina or Pina would be getting  
11                  in touch with him. Like, I had made the link between the  
12                  two and for him to give as much information as he could to  
13                  assist the Children's Aid, but as far as the actual -- what  
14                  we said, I don't remember.

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

16                  So you would not have reviewed his notes or  
17                  any of the paperwork that he had?

18                  **MR. BRUNET:** Well, no, it's -- like, he  
19                  would have been able to give the Children's Aid a lot more  
20                  information than I would have, so I don't get into that.

21                  **MR. DUMAIS:** And did he keep you up to date  
22                  with his contact with the Children's Aid Society or what he  
23                  was advising them or where this was going?

24                  **MR. BRUNET:** I really can't remember. I  
25                  know -- like, I know we had some contact, but to what stage

1 and what he would have said, I can't recall.

2 **MR. DUMAIS:** All right.

3 Now, there is a further contact by yourself  
4 or at least there's a note that appears to indicate that,  
5 and that's at -- it's Document 740302.

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **THE COMMISSIONER:** Thank you. Exhibit  
8 Number 1459 are notes with the first date of 27<sup>th</sup> of  
9 October, 1993 and those are notes from whom?

10 **MR. DUMAIS:** I don't know that,  
11 Commissioner, so I'll ask Mr. Brunet perhaps if he can  
12 assist us.

13 It's a note that I believe we would have  
14 obtained from the Children's Aid Society, but there's --  
15 certainly, there's no name or any identifiers on the note  
16 itself.

17 **THE COMMISSIONER:** To the rescue. Mr.  
18 Chisholm wants to be called as a witness.

19 **MR. CHISHOLM:** I'm advised the note may be  
20 from Bernie Lamarche of the CAS, sir.

21 **THE COMMISSIONER:** Okay. We'll tentatively  
22 say that.

23 **--- EXHIBIT NO./PIÈCE NO. P-1459:**

24 (740302) Notes of CAS Bernie Lamarche -  
25 27 Oct, 93

1                   **MR. DUMAIS:** Now, this note indicates, Luc,  
2                   that on 20 -- on the 27<sup>th</sup> day of October, 1993, someone  
3                   would have called you at your office regarding the Earl  
4                   Landry matter. Do you recall speaking to anyone from the  
5                   Children's Aid Society?

6                   **MR. BRUNET:** Not specifically.

7                   **MR. DUMAIS:** And does Bernie Lamarche ---

8                   **MR. BRUNET:** Bernie Lamarche was ---

9                   **MR. DUMAIS:** --- assist you?

10                  **MR. BRUNET:** Well, Bernie Lamarche was a  
11                  supervisor at the Children's Aid Society. I had ongoing  
12                  contact with him back and forth on a lot of CAS and police  
13                  issues, information, cases and so on. So it is very  
14                  possible that it's him and that -- like, I accept the fact  
15                  that in his notes he said we had contact and I fully accept  
16                  that and I fully agree to that, but I can't say that I  
17                  specifically remember that phone call.

18                  **MR. DUMAIS:** All right. So you don't  
19                  remember that.

20                  And there's one issue I -- and I'm not sure  
21                  whether or not you're able to help us given that you don't  
22                  remember the call, but it's unclear at the top as to what  
23                  time the call is and it appears to be 8:30 -- 8:30 and even  
24                  the last number is unclear, but I guess you could interpret  
25                  it as being a.m ---

1                   **MR. BRUNET:** My belief would be ---

2                   **MR. DUMAIS:** --- or p.m.

3                   **MR. BRUNET:** --- a.m. because at 8:30 p.m. I  
4 would have been at home and, like, unless I was working on  
5 a major case or something, I would have been at home and so  
6 would he. So I would be pretty convinced that it would be  
7 in the morning.

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

9                   So you usually work the day shift; right.

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

11                  **MR. DUMAIS:** Now, there are notes as well  
12 from an N. Whitock. Does that name mean anything to you?

13                  **MR. BRUNET:** No, not that name.

14                  **MR. DUMAIS:** So it appears that she would  
15 have been -- she or he would have been an employee at the  
16 Children's Aid Society. So you don't recall any ---

17                  **MR. BRUNET:** That name doesn't ring a bell  
18 with me.

19                  **MR. DUMAIS:** All right.

20                  So you don't recall any further conversation  
21 with anyone else from the Children's Aid Society in 1993?

22                  **MR. BRUNET:** No, the best evidence that I  
23 can bring out is I know that I had contact with them, that  
24 I did have -- check our files. We communicated with them.  
25 I had liaison between Sergeant Lefebvre, like I said

1 earlier, but to specifically remember one person or  
2 another, I can't say I do.

3 **MR. DUMAIS:** Now, I understand that -- if  
4 you can just have a look at Exhibit 1458 again at Bates  
5 page 718000? And again, these are the notes of Ms.  
6 DeBellis and there is -- she has a further entry on October  
7 29, 1993 at the bottom of the page and it says, well:

8 "Telephone call from Sergeant Ron  
9 Lefebvre..."

10 Which is scratched out and then:

11 "Telephone call from Sergeant Brunet.  
12 Explained the purpose of my call. He  
13 will try to see if he can contact..."

14 And there's the name of the victim there.

15 So do you recall a further conversation with  
16 her and them requesting your assistance to contact the  
17 victim?

18 **MR. BRUNET:** I can't specifically remember.  
19 I know from the notes that I did, but ---

20 **MR. DUMAIS:** So you don't recall ---

21 **MR. BRUNET:** I'm just going by the notes. I  
22 really don't have a recollection of it.

23 **MR. DUMAIS:** Okay. Fair enough.

24 And do you recall, at any point in time,  
25 whether or not you had been advised by the Children's Aid

1 Society on the progress of their file or their  
2 investigation?

3 **MR. BRUNET:** I don't believe so. I -- well,  
4 again, I don't remember receiving any updated information.

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

6 And do you recall whether or not any other  
7 information had been added or inserted in OMPPAC under this  
8 incident number by yourself, after your initial entry?

9 **MR. BRUNET:** No, I don't believe -- well, I  
10 don't believe so.

11 I put in what the complaint was all about,  
12 what the allegation was, the fact that we didn't know who  
13 the victim was, and I remember Pina telling me that they  
14 were going to try hard to get him to come forward and, of  
15 course, we were interested in that too. "If you do, make  
16 sure we know and we'll start a criminal investigation right  
17 away."

18 **MR. DUMAIS:** All right.

19 **MR. BRUNET:** But that's -- I don't remember  
20 anything -- them every coming back to us with more  
21 information and adding other information on the system. I  
22 think I would have put all that we were doing and that  
23 would have been it.

24 **MR. DUMAIS:** All right.

25 So I think your next involvement, then, in

1           this matter, would have been in 1995?

2                       **MR. BRUNET:** Actually, it's '96.

3                       **MR. DUMAIS:** Well, perhaps if I can just  
4           have you look at Document Number 740245, which is a Will-  
5           Say Statement of Carole Leblanc of the Children's Aid  
6           Society.

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

8                       **THE COMMISSIONER:** Exhibit 1460 is a Will-  
9           Say statement of Carole Leblanc and looks -- the date is  
10          May 28<sup>th</sup>, 1997.

11          --- **EXHIBIT NO./PIÈCE NO P-1460:**

12                               (740245) Will-Say Statement of Carole  
13                               Leblanc - 28 May, 97

14                       **MR. DUMAIS:** And this document has issues  
15          with the publication ban. You see right in the first  
16          paragraph that there's ---

17                       **THE COMMISSIONER:** Thank you.

18                       **MR. DUMAIS:** Now, this is a will-say  
19          statement that appears to have been prepared or at least  
20          signed by Ms. Leblanc on May 28<sup>th</sup>, 1997, and she appears to  
21          indicate at paragraph 7, so Bates pages 890, that she would  
22          have given you a call on January 9<sup>th</sup>, 1996. Is that your  
23          recollection as well?

24                       **MR. BRUNET:** That's my recollection, yes.

25                       **MR. DUMAIS:** All right.



1                   **MR. DUMAIS:** This, Madam Clerk, is one of  
2                   the new documents that was recently disclosed to us in that  
3                   ---

4                   **THE COMMISSIONER:** Thank you.

5                   Exhibit 1461 is a General Occurrence Report  
6                   and the author is Brunet.

7                   And what date shall we use? The report time  
8                   is 1996/01/09.

9                   **--- EXHIBIT NO./PIÈCE NO P-1461:**

10   (740006) General Occurrence Report - 09  
11   Jan, 96

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

13                   So is this the general occurrence report or  
14                   the information that you enter that would create the  
15                   general occurrence report on January 9<sup>th</sup>, 1996?

16                   **MR. BRUNET:** Yes, it is.

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

18                   And if we look at the occurrence number, the  
19                   occurrence number is 001245090. Is that correct?

20                   **MR. BRUNET:** Yes.

21                   **MR. DUMAIS:** And so that -- this one was not  
22                   a project file; is that correct?

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

24                   **MR. DUMAIS:** All right.

25                   So this is just a regular incident number

1 that is entered numerically?

2 MR. BRUNET: That's correct.

3 MR. DUMAIS: Now, can you essentially tell  
4 us what the call was about and after you entered the  
5 information on OMPPAC or before, what you did? What was  
6 your next step?

7 MR. BRUNET: Okay. Well, I was advised by  
8 Mrs. Leblanc that they had received a referral of a sexual  
9 assault that occurred approximately between 12 and 16 years  
10 prior at the King George Park, and the victim had reported  
11 that he had been fondled and masturbated by Earl Landry Jr.  
12 when he was between 10 and 14 years of age. He was told  
13 that this was some type of passage that he had to go  
14 through and the victim remembers only one incident and  
15 states that it could have happened more often, but he only  
16 had memory of one incident.

17 He was being admitted at Mount Carmel House  
18 for treatment but should be returning to the Friendship  
19 House after his treatment.

20 The victim had been interviewed on January  
21 3<sup>rd</sup> by CAS and they did have an audiotape of the interview  
22 and it was open for a further investigation.

23 I -- what I did is I reassigned it to  
24 Constable Scott Hanton.

25 The situation was that we had a backlog in

1 sexual assaults and I had requested -- in the fall of 1995,  
2 I had requested to get some assistance to help the SACA  
3 unit to do -- get caught up, to investigate the backlog,  
4 and so he was one of the officers that -- basically, I had  
5 two officers assigned to me above and beyond Constable  
6 Sebalj and Constable Bough.

7 So I assigned this to Constable Hanton. I  
8 met with him, briefed him on the 1985 complaint, briefed  
9 him on the call that I had received in 1993 and obviously  
10 this new incident and I asked him to investigate it.

11 **MR. DUMAIS:** All right.

12 Now, when you received this call in 1996, do  
13 you recall, at that time, that there was this previous  
14 incident without a complainant in 1993 and there had been  
15 this previous allegation in 1985 as well?

16 **MR. BRUNET:** Yes, I did recall that and I  
17 did tell them that.

18 **MR. DUMAIS:** All right.

19 And the alleged perpetrator here is the son  
20 of your ex-police chief; is that correct?

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

22 **MR. DUMAIS:** So potentially, this could  
23 become a high profile case, correct?

24 **MR. BRUNET:** Yes, potentially, yes.

25 **MR. DUMAIS:** All right.

1                   And so did you give any thought in 1996 to  
2 perhaps refer this file to another police service given the  
3 fact that it involved the son of the ex-chief?

4                   **MR. BRUNET:** Not -- no, I didn't. I didn't  
5 see it as being an issue. Chief Landry had retired over 10  
6 years prior -- 10 or 12 years prior, and I didn't it as  
7 being an issue.

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

9                   Now, if I can just take you to Exhibit 1352.

10                   **(SHORT PAUSE/COURTE PAUSE)**

11                   **MR. DUMAIS:** So this document has already  
12 been filed as an exhibit. They appear to be Constable  
13 Hanton's notes?

14                   **MR. BRUNET:** Yes.

15                   **MR. DUMAIS:** And it appears to indicate that  
16 the file was assigned to him by yourself on January 10<sup>th</sup>,  
17 1996. So that's your recollection as well?

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

19                   **MR. DUMAIS:** So Constable Hanton at that  
20 time is not part of the CIB?

21                   **MR. BRUNET:** No. He's a 15-year veteran of  
22 the Force. He had been -- he was assigned to uniformed  
23 patrol duties. He had shown an interest by applying to a  
24 number of postings prior to this in the Criminal  
25 Investigation Branch and the Sexual Assault Unit. So I --

1 when he was selected to come in and help the team he was  
2 there in an investigative role.

3 **MR. DUMAIS:** So do you recall whether or not  
4 at that time he had any experience investigating historical  
5 sexual assault files?

6 **MR. BRUNET:** No, I don't believe that he  
7 would have had any experience. What I did to prepare them  
8 or to give them assistance is I met with the -- well, there  
9 was him and Constable Desrosiers that was there to assist  
10 and Constable Sebalj and Constable Bough were also there.  
11 So I assigned them in the same office so they were sharing  
12 the desks.

13 I basically asked them to mentor them if the  
14 two patrol officers, or uniformed officers, they were both  
15 veteran officers, but if they had any questions that they  
16 needed direction, that they could assist them.

17 This was pretty well the process when we  
18 would get new members in the Investigative Unit. We would  
19 usually get senior people that have more experience to  
20 mentor them and assist them if they have any questions and,  
21 of course, I was there to assist also.

22 **MR. DUMAIS:** All right. But is Constable  
23 Hanton assigned to the CIB Unit at this point or does he  
24 just have carriage of the file and he's ---

25 **MR. BRUNET:** No. He's assigned to the SACA

1 unit between, I believe, it's approximately December to  
2 March, to the month of March, that the two came in to help  
3 out.

4 MR. DUMAIS: All right. So he's actually  
5 transferred in?

6 MR. BRUNET: It's a temporary transfer.  
7 That's correct.

8 MR. DUMAIS: All right. And which then  
9 means that you are his direct supervisor?

10 MR. BRUNET: That's right.

11 MR. DUMAIS: Now, his notes appear to  
12 indicate that he would have conducted a -- actually, before  
13 we go there, you indicated when you first gave the file or  
14 assigned the file to Constable Hanton, that you would  
15 advise him of the your 1993 involvement in this. Is that  
16 correct?

17 MR. BRUNET: Yes.

18 MR. DUMAIS: And would you have advised him  
19 of the 1985 dealing that the service ---

20 MR. BRUNET: Yes, I did.

21 MR. DUMAIS: You have a specific  
22 recollection of that?

23 MR. BRUNET: Yes.

24 MR. DUMAIS: All right.

25 And did you advise Constable Hanton that an

1 incident number had been created in OMPPAC and ---

2 MR. BRUNET: Those specific words, I'm not  
3 sure that I advised him that I had created an OMPPAC  
4 incident. I would assume that I did, it would be normal  
5 that I would have said that, but I can't remember  
6 specifically telling him that. I remember briefing him  
7 about the history that I was aware of.

8 MR. DUMAIS: All right. Do you recall  
9 whether or not he was asked to file supplementary  
10 occurrence reports in the OMPPAC system?

11 MR. BRUNET: I don't believe that I  
12 instructed him specifically on that, no.

13 MR. DUMAIS: You know that he did?

14 MR. BRUNET: Yes.

15 MR. DUMAIS: But you don't recall that  
16 specific conversation?

17 MR. BRUNET: Not ---

18 MR. DUMAIS: And if I can just take you to a  
19 new document, that's Document 740007.

20 Again, Commissioner, that's a statement of  
21 one of the names of the victims, so there should be ---

22 THE COMMISSIONER: A publication ban. Stamp  
23 on, please.

24 Exhibit 1462 is a witness statement.  
25 Statement date is 1996-01-18.

1                   **MR. DUMAIS:** The moniker is C-52.

2                   **THE COMMISSIONER:** Thank you; C-52.

3                   **--- EXHIBIT NO./PIÈCE NO. P-1462:**

4                                   (740007) Witness Statement of C-52 -  
5                                   January 18, 1996

6                   **MR. DUMAIS:** All right, Luc. So when we  
7 look at the witness statement that has been entered in  
8 OMPPAC under the incident occurrence number, and certainly  
9 it appears to indicate that the statement date would have  
10 been on the 18<sup>th</sup> day of January, 1996?

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

12                   **MR. DUMAIS:** And that certainly it does  
13 appear that Constable Hanton was filing supplementary  
14 reports. Is that correct?

15                   **MR. BRUNET:** That would indicate that he  
16 did, yes.

17                   **MR. DUMAIS:** Well, this is a witness  
18 statement which is a report that you attach to the  
19 occurrence file, to the occurrence. It says witness  
20 statement is a little -- well, it's similar to a  
21 supplementary report but it has to be submitted for  
22 disclosure when you prepare a Crown brief and so on.

23                   **MR. DUMAIS:** Is it attached to something?

24                   **MR. BRUNET:** Well it's attached -- it's  
25 appended to the number, so it's part of your report, that's

1           what I mean. I don't mean to confuse things.

2                       **MR. DUMAIS:** Fair enough. Now, the last  
3 entry in Constable Hanton's note and that's - I'll just  
4 read it out to you. So that's Exhibit 1352 at Bates pages  
5 ending 070, 13<sup>th</sup> of March, '96.

6                               "I was transferred to Uniform  
7 Branch. This case was  
8 transferred to Constable Bough of  
9 the Youth Branch."

10                              So is that your recollection? That the only  
11 involvement the constable had from the date the file was  
12 assigned to him to the 13<sup>th</sup> day of March, 1996 would have  
13 been that he would have taken this statement from the  
14 alleged victim?

15                              **MR. BRUNET:** No, that's not my recollection  
16 of it.

17                              **MR. DUMAIS:** So what's your -- he had  
18 further involvement than that?

19                              **MR. BRUNET:** Well, when he was assigned the  
20 case, basically it was to investigate it and not just to  
21 take a statement. I followed up on him, confirmed that --  
22 he had confirmed that he obtained the statement, that he  
23 was working on it. I followed up at a later date and he  
24 advised me that he was waiting for the City of Cornwall to  
25 receive some information about where Mr. Landry was posted

1 at the time.

2 And in March, my recollection is that he  
3 asked me to turn it over back to the Youth Branch, to the  
4 SACA Unit and I asked him to continue to do the  
5 investigation. The situation at the time, we had received  
6 a complaint of -- well, not a complaint -- we were  
7 investigating a homicide involving a baby death where  
8 Constable Sebalj was the lead investigator and Constable  
9 Bough was the secondary.

10 And it was a homicide investigation so they  
11 had made an arrest at the end of February, but homicide  
12 investigations require a lot of follow-up and so on, and I  
13 didn't feel that they could have got on the case in a  
14 timely fashion.

15 He had started it and I asked him to  
16 continue with it. Even if he was going back to uniform  
17 patrol, I felt that his Staff Sergeant could give him some  
18 time to finish it.

19 **MR. DUMAIS:** All right. So you recall that  
20 he was transferred back to uniform patrol on or about that  
21 date. Is that right?

22 **MR. BRUNET:** Yeah, around that date. I  
23 remember it was in the spring of '96 because what had  
24 happened is that we had -- well, by that time I had the  
25 homicide in February and then somewhere around the 1<sup>st</sup> of

1 March I had another homicide. So I had all of the Criminal  
2 Investigation Branch, like both the SACA Unit, which were  
3 doing the baby homicide, and the Investigative Branch were  
4 extremely busy at that time.

5 **MR. DUMAIS:** All right. My understanding is  
6 that Constable Hanton would have filed a supplementary  
7 occurrence report in April of that year and if you could  
8 just have a look at Document Number 740008.

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

10 **THE COMMISSIONER:** Exhibit Number 1463 is  
11 the supplementary occurrence report dated 1996-04-05.

12 **--- EXHIBIT NO./PIÈCE NO. P-1463:**

13 (740008) Supplementary Occurrence  
14 Report, April 5, 1996

15 **MR. DUMAIS:** So again, Luc, it's the same  
16 occurrence number with the date -- appears to be authored  
17 by S. Hanton, but it would have been entered by B.  
18 Reynolds. Do you recall who B. Reynolds ---

19 **MR. BRUNET:** Yes, Mrs. Barbara Reynolds is  
20 one of our data entry clerks.

21 **MR. DUMAIS:** All right. So that essentially  
22 only means that Constable Hanton is giving her the  
23 information and she's inputting everything into the system?

24 **MR. BRUNET:** That's correct. We have the  
25 option of either dictating it on our dictaphone system or

1 meeting with the clerk personally and dictating it to them,  
2 so, it would have been either way -- it would have been  
3 dictated to her and she would have typed it in.

4 **MR. DUMAIS:** All right. And, again  
5 Commissioner, this document has the same publication.

6 **THE COMMISSIONER:** What publication is that,  
7 please?

8 **MR. DUMAIS:** Although it is spelled  
9 differently but -- now this appears to indicate that  
10 Constable Hanton on April 5<sup>th</sup>, 1996 indicating that he has  
11 spoken to the victim and that he does not intend to mail  
12 any charges and there was hope that he was able to get  
13 other victims to come forward but with negative results.

14 And, again, he's indicating that this matter  
15 should be transferred once again to the -- or should be  
16 transferred to the Youth Branch and reassigned to one of  
17 the officers working that branch.

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

19 **MR. DUMAIS:** So is that what occurred, Luc?  
20 Is that your recollection?

21 **MR. BRUNET:** No, what -- well, the report --  
22 that's what he submitted for the report but ---

23 **MR. DUMAIS:** Yes.

24 **MR. BRUNET:** --- when I read the report and  
25 I spoke to his Staff Sergeant which was Staff Sergeant

1 Dupuis, by this time, which was the 5<sup>th</sup> of April, we had  
2 received another homicide.

3 We were doing the third homicide of the year  
4 -- that had come in on the 1<sup>st</sup> of April and this one was a  
5 homicide that we didn't have any suspects at that point.  
6 So there was -- like -- the Branch was, at this point,  
7 extremely busy and I asked Staff Sergeant Dupuis to talk to  
8 Constable Hanton and see if he could give him some time to  
9 continue this investigation.

10 It had to be done. I wasn't satisfied with  
11 the results of it. I didn't feel that it was a thorough  
12 investigation at this point and that more work had to be  
13 done on it. So I asked Staff Sergeant Dupuis to re-assign  
14 it to him which he did.

15 **MR. DUMAIS:** All right and Sergeant Dupuis -

16 --

17 **MR. BRUNET:** Staff Sergeant ---

18 **MR. DUMAIS:** Staff Sergeant ---

19 **MR. BRUNET:** Staff Sergeant Dupuis would  
20 have been his immediate -- well, his Staff Sergeant on a  
21 uniform. Up to 1999, we had a Staff Sergeant running each  
22 uniform platoon -- uniform team and he would have been his  
23 Staff Sergeant.

24 **MR. DUMAIS:** All right. So you're no longer  
25 supervising him but certainly you are keeping track of his

1 files?

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

3 **MR. DUMAIS:** All right. Now, if I can just  
4 have you take a look at Exhibit 1348, which is an internal  
5 correspondence that was prepared by Staff Sergeant Dupuis  
6 on this file.

7 **THE COMMISSIONER:** One-three-four-eight  
8 (1348) is Derochie.

9 **MR. DUMAIS:** Correct. And if you could just  
10 have a look at the Appendix which has a chronology that's  
11 at Bates pages ending 205.

12 **MR. BRUNET:** Yes.

13 **MR. DUMAIS:** All right. So I'm just looking  
14 at the April 6<sup>th</sup>, 1996 entry that Staff Sergeant Derochie  
15 made. So it indicates:

16 "Staff Sergeant Dupuis approves  
17 Hanton's supplement report and re-  
18 assigns to Brunet for follow-up."

19 But you indicate that you re-assigned it  
20 right away ---

21 **MR. BRUNET:** After I've -- I read the re-  
22 assignment from Staff Sergeant Dupuis. I spoke to him. I  
23 don't remember if I went to his office or if he was around  
24 my office or -- but I spoke to him about it. And I advised  
25 him that at this point we had three homicides on the go --

1 I just couldn't free anybody to continue this  
2 investigation. I felt that Constable Hanton had enough  
3 years of service to be able to continue this investigation  
4 and asked Staff Sergeant Dupuis if he could leave it with  
5 him to continue.

6 MR. DUMAIS: And do you know when it comes  
7 back to you -- or ---

8 MR. BRUNET: That's -- it ---

9 MR. DUMAIS: Well, let me look -- let's look  
10 at these next entries. So the next entry says -- it's on  
11 May 28<sup>th</sup>, 1996:

12 "Brunet re-assigned to then Constable  
13 Bough in SACA for follow-up."

14 MR. BRUNET: Yes. By May, Staff Sergeant  
15 Dupuis came and seen me and basically advised me that he  
16 didn't think that Constable Hanton was going to be able to  
17 follow it up.

18 So I re-assigned it to Constable Bough and I  
19 met with Constable Bough and explained the background again  
20 and told him that I wasn't satisfied with the results of  
21 the investigation -- the initial investigation, and this  
22 required further follow-up.

23 MR. DUMAIS: All right. So do you recall  
24 how long Constable Bough had this file with him?

25 MR. BRUNET: Yes. He would have had it 'til

1           September of 1996.

2                   **MR. DUMAIS:** And do you know what, if  
3 anything, he had done while he had that file, whether or  
4 not ---

5                   **MR. BRUNET:** It does not appear that he's --  
6 he was able to do any follow-up investigation on it.

7                   **MR. DUMAIS:** All right. And did you know  
8 this during that period of time in 1996, Luc?

9                   **MR. BRUNET:** Well, we -- obviously we would  
10 have had some conversations over the summer, but summer is  
11 always challenging because of vacation.

12                           Any new cases that come in, you have to  
13 assess and you have to re-assign and being that we were --  
14 by that time we had made an arrest in our third homicide,  
15 so we had arrested the people for the homicide, but there's  
16 an awful lot of legwork that has to be done and the other  
17 cases keep coming in so you really develop a backlog over  
18 that time period.

19                           I don't remember the specific meeting dates  
20 and so on but the -- obviously I was of the opinion also or  
21 satisfied -- I don't know if the word is satisfied -- I had  
22 to accept that he was busy on other things and he just  
23 wasn't able to get to this one.

24                   **MR. DUMAIS:** All right.

25                           But certainly it's not being re-assigned

1 during that period of time to anyone?

2 MR. BRUNET: Not during the summer months,  
3 no, until September when I decided to -- in September of  
4 1996, Sergeant Snyder came to -- I'd be asking for the last  
5 two years, three years, to get some help and finally I got  
6 somebody that would come in and help me to do some of this  
7 case management.

8 MR. DUMAIS: All right. So if you could  
9 just have a look at Document Number 740327, and that's a  
10 new document.

11 (SHORT PAUSE/COURTE PAUSE)

12 --- EXHIBIT NO./PIÈCE NO. 1464:

13 (740327) Internal Correspondence from  
14 Sgt. D. Bough to S/Sgt. G. Derochie -  
15 September 20, 2000

16 MR. DUMAIS: So this appears to be an  
17 internal correspondence from Bough to Derochie presumably  
18 in his reinvestigation of the matters, and he indicates  
19 that:

20 "Although the OMPPAC indicates Case  
21 124509, which is the Earl Landry  
22 matter, was reassigned to me for  
23 follow-up, this was cancelled due to my  
24 being transferred from the SACA Branch  
25 in September of 1996."

1                   **MR. BRUNET:** Yes, that's when I reassigned  
2                   it to Sergeant Snyder.

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

4                   So then if we can just have a look at the  
5                   activity log on this file, and that's Document Number  
6                   740032.

7                   **THE COMMISSIONER:** Thank you.

8                   Exhibit Number 1465 is an events occurrence  
9                   and the date is 1996/01/09.

10                  **--- EXHIBIT NO./PIÈCE NO. 1465:**

11                                   (740032) OMPPAC Activity Log - January  
12                                   8, 1996

13                  **MR. DUMAIS:** So, Luc, is this the activity  
14                  log that you find in OMPPAC for this occurrence or incident  
15                  number?

16                  **MR. BRUNET:** Yeah, that's right.

17                  **MR. DUMAIS:** All right. So if you just have  
18                  a look at items 34 through 38 or 39 at Bates pages ending  
19                  435?

20                                   So the first relevant entry -- sorry, the  
21                                   first -- what I wanted you to look at is number 40. So it  
22                                   appears to indicate the "6<sup>th</sup> day of April 1996, wrong  
23                                   officer DD April 6<sup>th</sup>".

24                                   So is that when you asked Constable Hanton  
25                                   to stay with this file?

1                   **MR. BRUNET:** Well, I believe -- I know it  
2 was early April. Obviously the 6<sup>th</sup> would have been  
3 approximately that time. That's when I would have spoke to  
4 Staff Sergeant Dupuis to ask him. I had spoken to  
5 Constable Hanton and asked him to keep carriage of the file  
6 when he went back to uniform, but in April I would have  
7 spoke to his Staff Sergeant, Staff Sergeant Dupuis, and  
8 asked him to continue the carriage of the file.

9                   **MR. DUMAIS:** All right. And the next entry  
10 on top of that, he appears to approve the -- approve that,  
11 approve the officer?

12                   **MR. BRUNET:** Yes.

13                   **MR. DUMAIS:** All right. And then we see the  
14 reassignment to Constable Bough, but you believe that it  
15 was actually reassigned a little later on to him. Is that  
16 correct?

17                   **MR. BRUNET:** Yes.

18                   **MR. DUMAIS:** All right.

19                   **MR. BRUNET:** I believe it was as stated in  
20 Staff Sergeant Derochie's assignment. I believe it would  
21 have been like in May.

22                   **MR. DUMAIS:** All right. Now, in the entry  
23 on top of that, number 36, it appears that the task  
24 indicates that it was reassigned to Sergeant Snyder. Is  
25 that correct?

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

2                   **MR. DUMAIS:** All right. So we spoke a bit  
3 about Sergeant Snyder when he was reassigned to the CIB  
4 Unit. So that about corresponds with his reassignment to  
5 the CIB Unit?

6                   **MR. BRUNET:** Yes, it does.

7                   **MR. DUMAIS:** All right. So as well as  
8 providing assistance in managing and supervising some of  
9 these files, he took on this specific file. Is that  
10 correct?

11                   **MR. BRUNET:** Yes. The objective of getting  
12 Sergeant Snyder in the Unit was not to be investigating. I  
13 didn't want to do the same thing as what had happened to  
14 Sergeant Lefebvre where he gets such a caseload that he  
15 can't be taking any management responsibilities.

16                   However, this case here, I knew that, you  
17 know, there was an incident -- there was some previous  
18 incidents reported. We had done an initial investigation,  
19 which I didn't feel was adequate, and I wanted it  
20 reinvestigated and I wanted somebody that had experience  
21 and somebody that had some availability, although there was  
22 a lot of other jobs for him to do, but I considered this a  
23 high priority.

24                   **MR. DUMAIS:** All right. And so you met with  
25 Sergeant Snyder and had a discussion with him and gave him

1 the history of the file?

2 MR. BRUNET: Gave him the history and the  
3 background, yes.

4 MR. DUMAIS: All right. And as far as you  
5 know from this date on, he had carriage of this matter and  
6 he investigated this matter. Is that correct?

7 MR. BRUNET: That's correct. Basically, I  
8 had asked him for a follow-up and he had told me that he  
9 had sent some instructions to Constable Hanton to get  
10 documentation on what he had done, more documentation than  
11 obviously he had put on his report of what he had done on  
12 the investigation, so that he can start his own  
13 investigation.

14 MR. DUMAIS: And following that, Constable  
15 Hanton files a supplementary occurrence report. And if you  
16 can just have a look at Document Number 740010?

17 THE COMMISSIONER: Exhibit 1466 is a  
18 supplementary occurrence report and the date there is  
19 1996/11/07. And there should be a stamp on that.

20 MR. DUMAIS: Thank you.

21 --- EXHIBIT NO./PIÈCE NO. 1466:

22 (740010) Supplementary Occurrence  
23 Report - November 7, 1966

24 MR. DUMAIS: So is this the supplementary  
25 occurrence report that you believe Constable Hanton filed?

1                   **MR. BRUNET:** Yes, it is.

2                   **MR. DUMAIS:** And certainly you will agree  
3 with me that it doesn't add a whole lot to what Constable  
4 Hanton has previously ---

5                   **MR. BRUNET:** No, it doesn't.

6                   **MR. DUMAIS:** --- added? All right.

7                   Now, my understanding is that Sergeant  
8 Snyder then conducted this investigation and that charges  
9 were eventually laid against Mr. Earl Landry, Jr., and my  
10 understanding is that he was interviewed on May 26<sup>th</sup>, 1997  
11 and provided an inculpatory statement. Is that correct?

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

13                   **MR. DUMAIS:** And as a result of the charges,  
14 more victims came forward. Further charges were laid as  
15 well?

16                   **MR. BRUNET:** That's correct. I believe in  
17 September there was at least one, maybe two more charges  
18 laid. Two more people came forward, at least two more that  
19 I'm aware of.

20                   **MR. DUMAIS:** And my understanding is that  
21 the suspect eventually entered guilty pleas to the charge  
22 and was to be sentenced on November 18<sup>th</sup>, 1999?

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

24                   **MR. DUMAIS:** Now, as you know, Staff  
25 Sergeant Derochie conducted an administrative review of

1           this matter and prepared a report dated December 8, 1999.  
2           And if you can just have a look at his conclusions at Bates  
3           pages 204?

4                       **THE COMMISSIONER:**   What exhibit?

5                       **MR. DUMAIS:**    Pardon me?

6                       **THE COMMISSIONER:**   What exhibit number?

7                       **MR. DUMAIS:**    Sorry, 1348.

8                       **THE COMMISSIONER:**   Yes.

9                       **MR. DUMAIS:**    And essentially -- and I'll  
10           just list them out.  So he comes to or notes four concerns.  
11           The first one is that the notes were -- that:

12                               "Notes were attached to complete  
13                               investigative reports and so were  
14                               destroyed at the end of the retention  
15                               period of those reports."

16                       So he's making reference to the 1993 notes.  
17           Is that correct?

18                       **MR. BRUNET:**    No, I believe that would be the  
19           1985 notes.

20                       **MR. DUMAIS:**    The 1985 notes.  Okay.  So the  
21           initial 1985 investigation.

22                       And the second concern he notes is that:

23                               "Occurrence incidents which contained  
24                               allegations of historical sexual  
25                               assault which could not be prosecuted

1                                   or pursued for a number of reasons,  
2                                   were classified as police information  
3                                   and so had a very short retention  
4                                   period."

5                                   So there he is making reference to the  
6                                   retention of your 1993 notes ---

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

8                                   **MR. DUMAIS:** --- and how that had been  
9                                   filed?

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

11                                  **MR. DUMAIS:** All right.

12                                  So you agree with these two first concerns  
13                                  that we went over?

14                                  **MR. BRUNET:** Yes.

15                                  **MR. DUMAIS:** And do you know how this was  
16                                  addressed within the Service?

17                                  **MR. BRUNET:** Yes. I believe the retention  
18                                  period has been changed. I don't know how long it is now,  
19                                  but for the second part and as far as the first part, the -  
20                                  - we went to bound notebooks which would have resolved that  
21                                  issue.

22                                  **MR. DUMAIS:** All right.

23                                  And does it make sense that the retention  
24                                  period for this police information be the same as the  
25                                  retention period for occurrences? Is there any real need

1 to wipe out any of this intelligence information?

2 **MR. BRUNET:** Well, it's a storage issue. I  
3 really don't know enough about -- I'm not very well versed  
4 in the area of retention of how it's being classified right  
5 now, and I don't -- I would say that definitely we would  
6 have to keep the information longer. I certainly agree  
7 with that, but as far as what it is now compared to other  
8 incidences, I really don't know what the others are.

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

10 The third issue is -- or the third concern  
11 that he noted was that:

12 "Historical sexual assaults were not  
13 pursued with the same type of urgency  
14 as with recently occurring assaults are  
15 given."

16 So was that issue addressed by the Service?

17 **MR. BRUNET:** Yes. Chief Repa issued an  
18 order. I believe it was an interim order and which became  
19 a full order that all historical sexual assault will have  
20 the same priority as recently reported assaults.

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

22 And his last concern noted that:

23 "The case management issues in CIB  
24 remain unresolved and a continued  
25 source of concern."

1 So do you agree with that concern?

2 **MR. BRUNET:** I have to concede that I was  
3 trying to monitor it the best I could with the other cases  
4 that I had at the time and there were certainly some  
5 issues. The end results is there were some delays, and I  
6 have to accept responsibility for that.

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

8 **THE COMMISSIONER:** So a question of too many  
9 hot potatoes to balance all at once?

10 **MR. BRUNET:** That's very much so, Mr.  
11 Commissioner. When you have three homicides, the Criminal  
12 Investigation Branch, at this time, is the same size as it  
13 was in 1993 and I'm handling three murder investigations at  
14 the same time with the people I had -- with -- I must say  
15 that I was provided two other uniform officers that had CIB  
16 experience that came and helped us to do the homicides, the  
17 last homicide. However, it was very, very, very busy and  
18 demanding.

19 **THE COMMISSIONER:** But you get homicides  
20 every year, do you not?

21 **MR. BRUNET:** Yes. One, maybe two tops, but  
22 to get three in three months is -- I've never experienced  
23 that in my 31 years that I've been there other than 1996.

24 **MR. DUMAIS:** All right, Luc.

25 And this report is dated December 8<sup>th</sup>, 1999

1 and I believe at that time, you're no longer the OIC of --  
2 the officer in charge of the Criminal Investigative Bureau;  
3 is that correct?

4 **MR. BRUNET:** That's correct. I'm now in  
5 charge of Uniform Patrol Division.

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

7 But despite that, I believe that you did  
8 meet with Staff Sergeant Derochie and Acting Inspector  
9 Carter, Staff Sergeant Dupuis, to review his report and to  
10 discuss how changes could be made?

11 **MR. BRUNET:** Yes, we did.

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

13 And if you could just have a look at Exhibit  
14 1356, and you just -- you mentioned that in your previous  
15 answer. That's internal correspondence from Chief Repa.

16 So, Luc, did your discussions essentially  
17 lead to the issue of these internal correspondences by  
18 Chief Repa?

19 **MR. BRUNET:** Yes.

20 **MR. DUMAIS:** All right.

21 **MR. BRUNET:** Well, my participation, yes.

22 **MR. DUMAIS:** Yes. And in the second  
23 paragraph which begins with "Such investigations," it's  
24 noted in the second sentence that:

25 "The investigating officer will report

1 on the status of the case by means of a  
2 supplementary report every 30 days."

3 Was that delay ever an issue or is that part  
4 of a discussion? Is there a discussion that day on when  
5 the follow-up should be?

6 **MR. BRUNET:** I believe so, yes.

7 **MR. DUMAIS:** Do you recall what that  
8 discussion was?

9 **MR. BRUNET:** Not in detail, no. I thought  
10 there was something to the effect -- and it might be  
11 through another, like this, the correspondence -- the  
12 internal correspondence here. I believe there was a draft  
13 copy and the draft copy was the initial -- the Chief's  
14 belief was to supplement it every seven days.

15 **MR. DUMAIS:** Yes.

16 **MR. BRUNET:** And I believe that was  
17 discussed at the meeting and I didn't feel that it was  
18 practical. My personal opinion was that I didn't feel that  
19 it was practical to do that when you have, you know, 20-30  
20 investigations in a unit going on at once. It's very time  
21 consuming to be able to do that.

22 **THE COMMISSIONER:** So they went to 14 and  
23 then they settled on 30?

24 **MR. BRUNET:** I believe 30, yes.

25 **THE COMMISSIONER:** And I believe Sergeant

1 Derochie or Staff Sergeant Derochie realized that when he  
2 went back in the field, that it was difficult, if not  
3 impossible, to even meet 30 days.

4 **MR. BRUNET:** The 30 days is very, very  
5 difficult when you have -- when everything is running  
6 normal, it's okay, but what happens is when you have, let's  
7 say, a homicide investigation or you may have two very  
8 serious sexual assaults that occur or maybe a bank robbery  
9 and a sexual assault at the same time and your resources --  
10 then your time is spent managing a lot of those major  
11 investigations. And that's where you fall behind and then  
12 it's to try and get caught up after.

13 So I would certainly agree with Staff  
14 Sergeant Derochie's comments on that.

15 **MR. DUMAIS:** Now, just two last areas in  
16 this investigation, Luc. The victim apparently would have  
17 told the media that he had threatened to bypass the police  
18 and go to the media, and that's only -- it was only at that  
19 time that action was taken on his file.

20 **MR. BRUNET:** Well, I don't think -- I would  
21 say definitely if that's the case. I'm not sure if that's  
22 the case or not, but if that's the case, certainly it would  
23 have motivated Sergeant Snyder to move faster on it. Maybe  
24 there could have been a lack of communication also.

25 Because what happens is you -- if you do

1 things and you don't get back to the victim fast enough,  
2 you -- the victim feels that he's left out and he doesn't  
3 know what's going on and that's when he would come out with  
4 a statement like that.

5 MR. DUMAIS: Agreed. But do you recall  
6 being advised of that?

7 MR. BRUNET: I could have. I don't actually  
8 have a recollection of it right now, but I could have been  
9 advised. Yes, it's possible.

10 MR. DUMAIS: All right.

11 MR. BRUNET: But I had been very adamant  
12 with everyone involved in this case to continue the  
13 investigation and not to -- obviously with -- sometimes you  
14 have to understand as the manager that there are other  
15 issues going on at the same time and you just can't split  
16 people in two.

17 MR. DUMAIS: But you don't recall, I guess,  
18 any specific discussion or bringing the matter to the  
19 attention of either the deputy chief, the chief or the  
20 media relations officer or anyone for that matter?

21 MR. BRUNET: I don't remember, no.

22 MR. DUMAIS: Commissioner, I'm now moving on  
23 to another investigation. Should I do that now, or should  
24 we take a break?

25 THE COMMISSIONER: Take a break.

1                   **MR. DUMAIS:** Thank you.

2                   **THE COMMISSIONER:** Thank you.

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

5                   This hearing will resume at 11:10.

6                   --- Upon recessing at 10:55 a.m./

7                   L'audience est suspendue à 10h55

8                   --- Upon resuming at 11:16 a.m./

9                   L'audience est reprise à 11h16.

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

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

14                  **LUCIEN BRUNET, Resumed/Sous le même serment:**

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

17                  **MR. DUMAIS:** Now, Luc, I'm going to ask some  
18                  questions now about what your involvement has been on the  
19                  Albert Roy criminal investigation.

20                  My understanding is that on November 23<sup>rd</sup>,  
21                  1994, you were advised by Constable Sebalj that a gentleman  
22                  by the name of Albert Roy wanted to file a historical  
23                  sexual abuse complaint against Nelson Barque.

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

25                  **MR. DUMAIS:** And I understand that you

1 documented your involvement in this matter by making notes.  
2 And these notes have been filed as an exhibit, and I  
3 believe it's Exhibit 1201. So if you can have those notes  
4 close by?

5 And I will also be referring to what I  
6 believe are your rough notes. So if Document  
7 736919 can be put to you?

8 **THE REGISTRAR:** Document 736919?

9 **MR. DUMAIS:** Correct. I believe it's in the  
10 cross documents.

11 **THE COMMISSIONER:** Thank you. Exhibit 1467  
12 are Officer Brunet's rough notes, and the first date on it  
13 is the 23<sup>rd</sup> of November '94.

14 **--- EXHIBIT NO./PIÈCE NO. P-1467:**

15 (736919) Handwritten notes of Lucien  
16 Brunet - 23 Nov, 94 to 12 Dec, 94

17 **MR. DUMAIS:** Perhaps just before we start,  
18 if you can just confirm, are these the rough notes that you  
19 took in this matter?

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

21 **MR. DUMAIS:** And these are the same type of  
22 rough notes that you referred to previously this morning,  
23 where you're just jotting down information on a pad, and  
24 you would have transcribed that information in Exhibit  
25 1201. Is that correct?

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

2                   **MR. DUMAIS:** Commissioner, there's one issue  
3 with Document Number -- I didn't note down the ---

4                   **THE COMMISSIONER:** One-four-six-seven  
5 (1467)? Publication stamp should be put on?

6                   **MR. DUMAIS:** That's correct. There is the  
7 name of C-44 that appears at Bates pages 7142452.

8                   **(SHORT PAUSE/COURTE PAUSE)**

9                   **MR. DUMAIS:** Now, so your notes appear to  
10 indicate that you were advised of this on November 23<sup>rd</sup>,  
11 1994, but the briefing would have been provided by  
12 Constable Sebalj on the 25<sup>th</sup>. Is that correct?

13                   **MR. BRUNET:** She first came to me on the  
14 afternoon of the 23<sup>rd</sup> of November.

15                   **MR. DUMAIS:** And if we look a little further  
16 down, so six or seven lines from the bottom:

17                                   "On November 25<sup>th</sup>, 1994, Constable  
18                                   Sebalj met with me and briefed me on  
19                                   the complaint."

20                   **MR. BRUNET:** Well, on the initial  
21 investigation, I believe that on the 24<sup>th</sup> ---

22                   **MR. DUMAIS:** Yes?

23                   **MR. BRUNET:** I thought that she was -- she  
24 had set an appointment with him and that's when she would  
25 have given me additional briefing. But the initial

1 information I received was on the Wednesday afternoon.

2 MR. DUMAIS: All right.

3 But certainly when you received this  
4 information and this was a complaint of historical sexual  
5 abuse against Mr. Nelson Barque and Mr. Ken Seguin as well;  
6 correct?

7 MR. BRUNET: Yes.

8 MR. DUMAIS: All right.

9 And you would have briefed Detective --  
10 sorry; Deputy Chief St-Denis and Chief Johnston on November  
11 25<sup>th</sup>, 1994. Is that correct?

12 MR. BRUNET: That's correct.

13 MR. DUMAIS: And one of the requests that  
14 the Chief made at that time was that you advise Inspector  
15 Smith and Inspector Burns of the OPP of Long Sault?

16 MR. BRUNET: Yes, that's correct.

17 MR. DUMAIS: And what was the reason for  
18 that?

19 MR. BRUNET: Well, Inspector Smith had done  
20 the previous investigation in 1994 where there were  
21 allegations made against Ken Seguin at the time.

22 MR. DUMAIS: Yes.

23 MR. BRUNET: And then Inspector Burns was  
24 the Officer in Charge of the East Region Long Sault  
25 Detachment, situated at the Long Sault detachment. So he

1 was to be advised also because initially there appeared to  
2 be a jurisdiction -- a joint jurisdiction where there would  
3 have been allegations. Well, the main allegation was out  
4 in the OPP's jurisdiction.

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

6 And this eventually became a joint  
7 investigation with your Service, the OPP and eventually you  
8 -- the Cornwall Police Services ended their participation.  
9 Is that correct?

10 **MR. BRUNET:** That's correct, because the  
11 officer from the OPP laid some charges. He came in and  
12 advised us that he had gone ahead and laid some charges, so  
13 which basically limited our involvement after that.

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

15 So -- and you would have advised both the  
16 different OPP units verbally of this information?

17 **MR. BRUNET:** Yes, by telephone. That's  
18 correct.

19 **MR. DUMAIS:** And you would have told them  
20 about the complaint being against both Nelson Barque and  
21 Ken Seguin. Is that correct?

22 **MR. BRUNET:** Yes. I can't think of the  
23 exact conversation we had, but I'm sure we would have,  
24 although at that time Mr. Seguin was deceased.

25 **MR. DUMAIS:** Yes. Now, you did -- were you

1           advised by the Chief to communicate with the Children's Aid  
2           Society as well?

3                       **MR. BRUNET:** Yes, I was.

4                       **MR. DUMAIS:** And did you do so on November  
5           25<sup>th</sup>, 1994?

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

7                       **MR. DUMAIS:** Do you recall who you spoke to?

8                       **MR. BRUNET:** At 1:30 I spoke to Mr. Bill  
9           Carriere.

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

11                      If you can just have a look at Document  
12           Number 115428? And that's -- that has not been filed yet  
13           as an exhibit.

14                      **THE COMMISSIONER:** Thank you. Exhibit  
15           Number 1468 is a document called Case Document System  
16           Initial Intake Report and the date of the intake is the 25<sup>th</sup>  
17           of November, '94.

18                      **--- EXHIBIT NO./PIÈCE NO. P-1468:**

19                                      (115428) Case notes of CAS Fran Lepage  
20                                      - 25 Nov, 94

21                      **MR. DUMAIS:** So these appear to be notes  
22           from the Children's Aid Society recorded by Fran Lepage.  
23           Do you know who Fran Lepage is?

24                      **MR. BRUNET:** Yes, she was an intake person  
25           at the Children's Aid.

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

2                   So it appears to indicate at the top of the  
3 paragraph that you would have communicated with her on the  
4 23<sup>rd</sup> day of -- sorry, on the 25<sup>th</sup> of November 1994. Do you  
5 recall speaking with her?

6                   **MR. BRUNET:** I don't specifically recall,  
7 but it would make sense. She would be the intake person  
8 that would take the initial call.

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

10                   Now, the second-last paragraph on this  
11 document indicates that Sergeant Brunet said:

12                   "Nelson Barque is doing supply teaching  
13 for Separate School Board and the  
14 reason for referral to CAS..."

15                   **MR. BRUNET:** Yes.

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

17                   So is that -- the fact that Nelson Barque  
18 was a supply teacher at the Separate School Board, were you  
19 advised of that by Constable Sebalj?

20                   **MR. BRUNET:** I'm not sure if it would have  
21 been Constable Sebalj or if I had personal knowledge of  
22 that. Because of my spouse being in teaching, I might have  
23 just known that.

24                   **MR. DUMAIS:** All right.

25                   So this may have been independent

1 information?

2 MR. BRUNET: That's correct. I'm not sure  
3 if it was Heidi or ---

4 MR. DUMAIS: Right.

5 MR. BRUNET: --- personal information.

6 MR. DUMAIS: So you don't -- do you recall  
7 whether or not this was discussed with the chief and the  
8 deputy chief?

9 MR. BRUNET: That he was doing supply  
10 teaching?

11 MR. DUMAIS: Yes.

12 MR. BRUNET: I don't recall.

13 MR. DUMAIS: All right.

14 Now, did the Children's Aid Society become  
15 involved in this investigation? And by that I mean did  
16 they conduct a joint investigation with you?

17 MR. BRUNET: No, I don't believe they did a  
18 joint -- we had communication, but I don't believe that  
19 they conducted an investigation, according to my notes on  
20 the 28<sup>th</sup>.

21 MR. DUMAIS: Now, you made a reference to a  
22 subsequent conversation that you had with Bill Carriere of  
23 the Children's Aid Society, and I believe that's on  
24 November 28, 1994. If you can just have a look, if you  
25 can, to Exhibit 1201?

1                   **MR. BRUNET:** Yes, I've got it.

2                   **MR. DUMAIS:** And I'm just looking at Bates  
3 pages ending in 446. Mr. Carriere would have advised you  
4 that Barque had worked at L'Équipe Psycho-Sociale and that  
5 this had come to the CAS attention because a woman had  
6 expressed concerns. Is that correct?

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

8                   **MR. DUMAIS:** And is this something that you  
9 knew beforehand?

10                  **MR. BRUNET:** No.

11                  **MR. DUMAIS:** All right.

12                                So you learned this information from Mr.  
13 Carriere?

14                  **MR. BRUNET:** Yes.

15                  **MR. DUMAIS:** And as far as you know, the  
16 Children's Aid Society had never advised your Service of  
17 this information, as far as you know?

18                  **MR. BRUNET:** As far as I know. I don't  
19 know.

20                  **MR. DUMAIS:** And there's also a notation a  
21 few lines down that:

22                                        "The director said that it did not  
23                                        implicate children under 16. CAS  
24                                        closed their file."

25                                Do you know if you're making reference here

1 to the issue with L'Équipe Psycho-Sociale or whether you're  
2 making reference to this allegation that you're discussing?

3 **MR. BRUNET:** I believe it's in reference to  
4 the discussion I'm having with Mr. Carriere, in reference  
5 to the CAS closing their file.

6 **MR. DUMAIS:** Closing this file, the file on  
7 the Nelson Barque matter or on L'Équipe Psycho-Sociale  
8 matter?

9 **MR. BRUNET:** On L'Équipe Psycho-Sociale.

10 **MR. DUMAIS:** All right. It was just unclear  
11 to me.

12 **MR. BRUNET:** That's my belief here ---

13 **MR. DUMAIS:** All right.

14 **MR. BRUNET:** --- from reading my notes.

15 **MR. DUMAIS:** Now, I understand after your  
16 telephone conversation with Mr. Carriere that you would  
17 have, once again, met with the chief and the deputy chief?

18 **MR. BRUNET:** Yes.

19 **MR. DUMAIS:** And that there was some  
20 discussion with respect to OPP's involvement in this  
21 matter; is that correct?

22 **MR. BRUNET:** That's correct. We felt that  
23 the main incident that seemed to have been reported was in  
24 the OPP jurisdiction.

25 **MR. DUMAIS:** And there was also a

1 discussion, Luc, about putting this file or entering this  
2 file under a project file because of the leaks you were  
3 experiencing; is that correct?

4 MR. BRUNET: That's correct.

5 MR. DUMAIS: And the leak that you're  
6 referring to is the disclosure -- the David Silmsler  
7 statement to the Children's Aid Society; is that correct?

8 MR. BRUNET: That's correct.

9 MR. DUMAIS: All right.

10 MR. BRUNET: And the media. I was more  
11 concerned -- the Children's Aid Society is not a big issue,  
12 but the -- in 1994 -- in November 1994, we had experienced  
13 the leak to the media -- in January of 1994.

14 MR. DUMAIS: Do you know if this file was  
15 eventually entered as a project file?

16 MR. BRUNET: I can't ---

17 THE COMMISSIONER: Do we have an occurrence  
18 report or something on ---

19 MR. BRUNET: Well, I'm checking my notes and  
20 I don't have the incident number. That would tell me right  
21 away. I believe it was entered as a project, but I could  
22 be wrong.

23 MR. DUMAIS: I don't have the incident  
24 number handy either.

25 MR. BRUNET: My belief is that it went into

1 a project.

2 **MR. DUMAIS:** Okay. So if you're not sure,  
3 you may not be able to answer this. Do you who had access?

4 **MR. BRUNET:** No, I can't answer that.

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

6 Now, if you can just turn to Document Number  
7 115434.

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **THE COMMISSIONER:** Thank you. Exhibit  
10 Number 1469 is a case note dated -- from social worker,  
11 Bill Carriere, dated November 28, 1994 is the first  
12 notation on that document.

13 **--- EXHIBIT NO./PIÈCE NO. P-1469:**

14 (115434) Case notes of CAS Bill  
15 Carriere - 28-29 Nov, 1994

16 **MR. DUMAIS:** Now these, Luc, appear to be  
17 notes taken by Mr. Bill Carriere and they are dated  
18 November 29, 1994. And if you can just have a look at the  
19 second-last paragraph, the last six or seven lines, the  
20 sentence begins with "We". So it indicates:

21 "We have reviewed Mr. Barque's reported  
22 supply teaching experiences and I  
23 indicated that if the police chose to  
24 explore this with the School Board, they  
25 may want to further explore whether Mr.

1 Barque was supply teaching in random  
2 schools or whether he taught in one  
3 class for an extended period of time  
4 that could enable him to form a  
5 relationship with a child or children."

6 Do you recall that conversation with Mr.  
7 Carriere?

8 **MR. BRUNET:** Not specifically, no, but I'm  
9 not denying that it happened. I just can't specifically  
10 remember it.

11 **MR. DUMAIS:** All right.

12 Are you aware if Constable Sebalj or anyone  
13 else from the Service followed up with this issue to verify  
14 that information?

15 **MR. BRUNET:** No, I'm not aware of it.

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

17 **MR. BRUNET:** In my view, that would be a CAS  
18 responsibility.

19 **MR. DUMAIS:** All right.

20 And if you could just have a look at the last  
21 -- just the last paragraph, it reads:

22 "Finally, I indicated that I would be  
23 reviewing our discussion with my  
24 Executive Director and that I would get  
25 back to him if we had any problems with

1 the course of action we had discussed or  
2 if we had any further thoughts or ideas  
3 on this matter. I indicated to Staff  
4 Sergeant Brunet that I agreed that I did  
5 not see the need for CAS involvement at  
6 this time."

7 Is that your recollection?

8 **MR. BRUNET:** Yes, the investigation itself,  
9 we were dealing with an adult and I didn't see any need for  
10 CAS involvement with the interview and investigating the  
11 criminal complaint.

12 **MR. DUMAIS:** Would you have advised Mr.  
13 Carrier at this time that -- of your thoughts on whether or  
14 not it would be up to them to investigate or advise the  
15 School Board?

16 **MR. BRUNET:** I can't say for sure. I don't  
17 know. My position would be that, but I can't recall  
18 specifically telling them that it should be them doing it.  
19 I don't know.

20 **MR. DUMAIS:** All right.

21 Now, the last of your notes on this matter  
22 refers to a telephone conversation with Émile Robert, who  
23 was then the manager of Probation Services.

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

25 **MR. DUMAIS:** And again, that's Exhibit 1201.

1 The entry is at Bates Pages 447.

2 MR. BRUNET: Yes.

3 MR. DUMAIS: So it appears to be a note on a  
4 conversation that you would have had with Mr. Robert. You  
5 remember calling him or speaking with him?

6 MR. BRUNET: Yes, I believe that he's the one  
7 that called me.

8 MR. DUMAIS: And he was requesting  
9 information on the case. Is that correct?

10 MR. BRUNET: That's correct.

11 MR. DUMAIS: And essentially he wanted to  
12 know whether or not the victim in this case was the same as  
13 the one in the 1982 complaint. Is that correct?

14 MR. BRUNET: That is correct.

15 MR. DUMAIS: And what was your response to  
16 that?

17 MR. BRUNET: Well, I told him that I would  
18 not be able to give him the name of the victim. However, I  
19 could confirm that it was not the same complainant.

20 MR. DUMAIS: All right.

21 That this was a new complainant?

22 MR. BRUNET: That is correct.

23 MR. DUMAIS: And Mr. Robert would have  
24 advised you at that time that a Mr. Roger Davidson of the  
25 SD&G Separate School Board had investigated him, being

1 Nelson Barge, for something in Moose Creek?

2 MR. BRUNET: That's correct.

3 MR. DUMAIS: Do you recall that?

4 MR. BRUNET: Yes, I do.

5 MR. DUMAIS: All right.

6 Do you recall passing on that information to  
7 Constable Sebalj or asking her to follow up on that?

8 MR. BRUNET: I believe I told Constable  
9 Zebruck of the OPP.

10 MR. DUMAIS: All right.

11 And do you know ---

12 MR. BRUNET: I'm sorry; I believe that  
13 Constable Sebalj was also made aware of it, but the area --  
14 it was obviously an OPP jurisdiction and I remember telling  
15 Constable Zebruck when he was in our office.

16 MR. DUMAIS: All right.

17 And does this then -- your notes essentially  
18 terminate there. Does this end your involvement in this  
19 matter, essentially?

20 MR. BRUNET: Yes.

21 MR. DUMAIS: And the charges were essentially  
22 laid by the Long Sault OPP; is that correct?

23 MR. BRUNET: That's correct.

24 MR. DUMAIS: And the only thing that remained  
25 with the Cornwall Police Services was an investigation into

1           allegations against Nelson Barque made by C-44. So perhaps  
2           if we could just give Luc the ---

3                       **THE COMMISSIONER:** Madame Clerk? C-44.

4                       **MR. DUMAIS:** C-44.

5                       So were you are aware that she continued to -  
6           - she looked into this or ---

7                       **MR. BRUNET:** I thought I knew that she had  
8           called them. I remember that she had called them, but I  
9           thought that he didn't want to pursue it.

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

11                      **MR. BRUNET:** Or maybe I'm mixing him up with  
12           somebody else.

13                      **MR. DUMAIS:** Okay. Fair enough.

14                      **MR. BRUNET:** There was two people involved  
15           earlier and I'm not sure of the names, so -- I didn't know  
16           that there was another complaint filed. I thought that when  
17           she interviewed him initially, anyway, my recollection of my  
18           conversation with him is that he -- there was no complaint.

19                      **MR. DUMAIS:** All right.

20                      Well, let's just leave it at that. These are  
21           my questions, Luc.

22                      My friends may have some questions for you as  
23           well. As I indicated when we met that you would be  
24           permitted to give us your thoughts or recommendations prior  
25           to the cross-examination beginning, so I open the floor for

1 your comments, if any.

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

3 Mr. Commissioner, would you mind if I read them in because  
4 I've got them in writing and it will be brief.

5 **THE COMMISSIONER:** No.

6 **MR. BRUNET:** Mr. Commissioner, I would like  
7 to thank you for the opportunity of testifying at this  
8 Inquiry. I have waited 15 years to publicly state my  
9 involvement in the David Silmsler investigation, more  
10 specifically.

11 I wish to clearly state that the suggestion  
12 that I breached my oath of office by covering up a sexual  
13 assault investigation is totally false.

14 I also wish to state that the suggestion that  
15 I was involved in a cover-up because I'm a Catholic is also  
16 totally false and it is offensive to me.

17 The thought that some people in the community  
18 may think that I obstructed justice has caused me grave  
19 concerns and severe stress that affected my health.

20 Over the last 15 years I was subjected to  
21 three criminal investigations in relation to the same  
22 allegations, a lawsuit and now this Inquiry. Unfortunately,  
23 these malicious allegations also had significant impact on  
24 my immediate family, which I find terribly unfair.

25 I have always cared deeply about our

1 community and I always served with honour and integrity both  
2 on and off duty.

3 Those are my comments.

4 In reference to my recommendation, this --  
5 when the Supreme Court decisions or legislative changes are  
6 made and forced upon the policing community, the funding  
7 should accompany the implementation costs to meet the  
8 standards. The premise that people have to do more with  
9 less is much easier said than done.

10 This type of statement requires the people  
11 that are left to implement the changes to use innovation and  
12 are going to be subject to close scrutiny, as we should.

13 The decisions may also have considerable  
14 human impact on both the victims of the crime and the police  
15 officers that are left to investigate them.

16 The other issue may not be so much a  
17 recommendation but, rather, a request from direction from  
18 the police community and I'll say personally anyway. In  
19 your report, Mr. Commissioner, I would appreciate a  
20 recommendation that would give the police very clear and  
21 concise direction to when and under what circumstances they  
22 are authorized and should advise the principals of a person  
23 alleged of criminal activity.

24 It has been close to 15 years since the  
25 Cornwall Community Police Service have been involved with

1       this complaint and I've heard many opinions, but I've yet to  
2       hear a clear and concise answer to that question and as  
3       police officers, I would really appreciate some direction  
4       for the police officers to come.

5                     Thank you very much.

6                     **THE COMMISSIONER:** Thank you.

7                     **MR. DUMAIS:** Thank you, Luc.

8                     **THE COMMISSIONER:** Mr. Manson.

9                     **MR. MANSON:** It will just take me a minute  
10       to get my various binders organized, Mr. Commissioner.

11                    **THE COMMISSIONER:** Not a problem.

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

13                    **MR. MANSON:** Mr. Manderville thinks I'm  
14       doing a very good job so far.

15                    **THE COMMISSIONER:** Well, I think you're  
16       moving in and I don't know if I like that.

17                    **(LAUGHTER/RIRES)**

18                    **MR. MANSON:** I just thought I'd point that  
19       out; I need all the support I can get.

20       **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

21       **MR. MANSON:**

22                    **MR. MANSON:** Staff Sergeant Brunet, my name  
23       is Allan Manson. I'm one of the lawyers for the Citizens  
24       for Community Renewal, which is a local citizens group  
25       concerned with institutional reform and especially the

1 protection of children.

2 I guess just to get this out of the way  
3 first, can you tell me your age now?

4 MR. BRUNET: Fifty-one (51) years old.

5 MR. MANSON: Fifty-one (51).

6 And you would have started with the CPS as a  
7 civilian dispatcher in '77?

8 MR. BRUNET: That's correct.

9 MR. MANSON: So you would have been 21 then?

10 MR. BRUNET: Twenty (20).

11 MR. MANSON: Twenty (20).

12 MR. BRUNET: Almost 21, yes.

13 MR. MANSON: And then you became a fourth  
14 class constable in '79?

15 MR. BRUNET: June, '79, that's correct.

16 MR. MANSON: And in 1990 you went to CIB for  
17 seven months?

18 MR. BRUNET: That's correct.

19 MR. MANSON: And then you became a Staff  
20 Sergeant with the uniform patrol the same year?

21 MR. BRUNET: That's correct.

22 MR. MANSON: So at this point, you would  
23 have been 36?

24 MR. BRUNET: Yes.

25 MR. MANSON: Around there?

1                   **MR. BRUNET:** Around there.

2                   **MR. MANSON:** And you became the Staff  
3                   Sergeant, CIB, January 11<sup>th</sup>, 1993?

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

5                   **MR. MANSON:** So it's fair to say that you  
6                   had a good career and since then, as well, but you had a  
7                   good career with the Cornwall Police Service?

8                   **MR. BRUNET:** Yes, I have.

9                   **MR. MANSON:** You moved up the ranks  
10                  expediously from a civilian dispatcher to a Staff Sergeant;  
11                  correct?

12                  **MR. BRUNET:** Yes.

13                  **MR. MANSON:** Whereas a lot of your peers  
14                  were still first class constables?

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

16                  **MR. MANSON:** Just to get one thing out of  
17                  the way. I'm going to do this completely out of order but  
18                  I just don't want to forget it.

19                                 On September 29<sup>th</sup>, 1993, you had a meeting  
20                  with Perry Dunlop about the Silmsler statement; correct?

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

22                  **MR. MANSON:** And during the course of that  
23                  meeting, you indicated that you thought this was a breach  
24                  of confidence; correct?

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

1                   **MR. MANSON:** And you reminded him that he  
2 had had *Police Act* problems in the mid-eighties; correct?

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

4                   **MR. MANSON:** And you said something like,  
5 "You're not single now; you're married and a family. This  
6 is a serious matter, Perry"?

7                   **MR. BRUNET:** Yes. If he continued with --  
8 like if his wife continued to do what she was doing, it  
9 could turn out to be a very serious matter, yes.

10                   **MR. MANSON:** Let me just read to you from  
11 the testimony of Helen Dunlop, his wife, back on September  
12 18<sup>th</sup>, Volume 130 and I'm reading from page 56:

13                               "MR. ENGLEMANN: So when he came home  
14                               and related this to you ..." --  
15 and Mr. Engelmann is talking about the meeting with you.

16                   **MR. BRUNET:** Yes.

17                   **MR. MANSON:** "... can you just sort of  
18 describe how he acted at this time?

19                               MRS. DUNLOP: He was really upset like  
20 you would be if somebody threatened you  
21 about your wife and three kids. He was  
22 scared for his career. I believe he  
23 was scared for the innuendo that 'you  
24 have a wife and three kids' might bring  
25 and I think, quite honestly, he was

1                   floored that a senior officer wouldn't  
2                   take what he had to say seriously."

3                   That was Mrs. Dunlop's testimony.

4                   Do you agree that your tone may have seemed  
5                   threatening?

6                   **MR. BRUNET:** No, I do not. The context of  
7                   my meeting with Constable Dunlop was to try and avoid him  
8                   getting himself into any trouble.

9                   I've known Perry for a quite a few years.  
10                  We had worked together on certain cases. I had respect for  
11                  him, I had respect for his opinion.

12                  I certainly did not want him -- to see him  
13                  get in trouble and the position that his wife had put him  
14                  in at that point I felt was very, very serious, and I felt  
15                  that that's what compromised his position like as a police  
16                  officer and his oath of office.

17                  And it was -- I was trying to tell him that  
18                  this is very serious; I want you to realize it. I don't  
19                  want -- like, this is not a Police Act investigation, it's  
20                  I'm just trying to tell you, think about it before she goes  
21                  out and does something that you can't reverse at the end.

22                  **MR. MANSON:** So just to clarify, when you  
23                  talk about the position that his wife had put him in, you  
24                  mean by contacting the complainant, David Silmsler; correct?

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

1                   **MR. MANSON:** At some point, you must have  
2                   learned that the Dunlops believed that -- or at least were  
3                   expressing the belief that you had threatened him; correct?

4                   This isn't -- when I read this to you today,  
5                   this isn't news?

6                   **MR. BRUNET:** No, that's not news, that's  
7                   correct, but I certainly disagree with ---

8                   **MR. MANSON:** No, no, no, we'll get ---

9                   **MR. BRUNET:** --- with his interpretation.

10                  **MR. MANSON:** We'll get through this a lot  
11                  quicker if you just listen to my -- and we'll do it bit by  
12                  bit.

13                  At some point, you learned ---

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

15                  **MR. MANSON:** --- this was their belief;  
16                  correct?

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

18                  **MR. MANSON:** And certainly after the Police  
19                  Act complaint was being prosecuted to the board of inquiry  
20                  and Mr. Dunlop filed an affidavit, by that point you would  
21                  know that this was their perception of your meeting;  
22                  correct? This is summer of '94.

23                  **MR. BRUNET:** I'm not sure if I would have  
24                  been privy to that affidavit. Okay ---

25                  **MR. MANSON:** Can you recall when it ---

1                   **MR. BRUNET:** My recollection is when it --  
2                   it was in the media that -- one of the media releases  
3                   alleged that he had been threatened, his job had been  
4                   threatened, and from the way it was worded I assumed it was  
5                   -- he was talking about our conversation and ---

6                   **MR. MANSON:** Can you place that in time?

7                   **MR. BRUNET:** Not really. It was after  
8                   January, '94.

9                   **MR. MANSON:** After January, '94?

10                  **MR. BRUNET:** Yeah. One of the media  
11                  releases, but I don't know which one.

12                  **MR. MANSON:** But it would have been January,  
13                  '94 and the commencement of the board of inquiry process,  
14                  which was May of '94?

15                  **MR. BRUNET:** I don't know. I haven't  
16                  reviewed any of the media releases for this Inquiry so I --  
17                  I really don't know.

18                  **MR. MANSON:** And when you learned of this,  
19                  other than disagreeing with it, it must have occurred to  
20                  you that the Dunlops' response and what you believed was  
21                  going on on September 29<sup>th</sup>, 1993, were out of proportion ---

22                  **MR. BRUNET:** Yes, very much.

23                  **MR. MANSON:** --- correct?

24                  **MR. BRUNET:** Yes, that's correct.

25                  **MR. MANSON:** When you started in -- I'm

1 going to move on to something else.

2 When you started with the CIB, January 11<sup>th</sup>,  
3 1993, was there a job description for being the Officer in  
4 Charge of the CIB with Cornwall Police?

5 **MR. BRUNET:** No, not at that time. There  
6 may have been one much earlier but I prepared one in the  
7 spring of that year.

8 **MR. MANSON:** Was there a protocol that  
9 indicated what the OIC of the CIB was expected to do, a  
10 written protocol?

11 **MR. BRUNET:** No, not that I'm aware of.

12 **MR. MANSON:** Did the chief or the deputy  
13 chief sit down with you, congratulate you on the  
14 appointment and say "This is what we expect the OIC of CIB  
15 to do"?

16 **MR. BRUNET:** No, I don't remember that.

17 **MR. MANSON:** So they just assumed that  
18 because you'd been in CIB, you were already a staff  
19 sergeant, you would know this; correct?

20 **MR. BRUNET:** I can't comment what they  
21 assumed, but I did start and I didn't have that  
22 conversation.

23 **MR. MANSON:** Did you have any training in  
24 supervision of a Criminal Investigation Unit?

25 **MR. BRUNET:** Well, not ---

1                   **MR. MANSON:** Prior to January 11, '93?

2                   **MR. BRUNET:** Not specifically to criminal  
3 investigations. There's no training -- no management  
4 courses specifically geared towards criminal investigation.  
5 Our management courses are geared for policing and whether  
6 you're in criminal investigation or uniform patrol is the  
7 same course.

8                   **MR. MANSON:** Did you take any management  
9 courses in policing?

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

11                   **MR. MANSON:** Can you tell me where you took  
12 them, please?

13                   **MR. BRUNET:** I took Police Management, Level  
14 1 at the Ontario Police College in 1985.

15                   **MR. MANSON:** Yes.

16                   **MR. BRUNET:** And then I took a Senior Police  
17 Administration Course at the Canadian Police College either  
18 in '87 or '88.

19                   **MR. MANSON:** So these would be general  
20 management courses?

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

22                   **MR. MANSON:** Did ---

23                   **MR. MANDERVILLE:** Just for the record, Mr.  
24 Commissioner, to assist my friend, Mr. Brunet's training  
25 record is Exhibit 1417.

1                   **THE COMMISSIONER:** Thank you.

2                   **MR. MANSON:** Thank you.

3                   And if we look at that exhibit, we'll see  
4 the notation of the October 16<sup>th</sup>, 1987 Senior Police  
5 Administration Course.

6                   And then earlier you mentioned another  
7 course?

8                   **MR. BRUNET:** Yes, the Police Management,  
9 Level 1 Course at the Ontario Police College in 1985.

10                  **MR. MANSON:** Yes, Police Management Training  
11 Course?

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

13                  **MR. MANSON:** And did either of those courses  
14 have a component dealing with running a Criminal  
15 Investigation Bureau?

16                  **MR. BRUNET:** Not specifically to criminal  
17 investigations, no. It was police operations.

18                  **MR. MANSON:** So they were how to manage  
19 other officers?

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

21                  **MR. MANSON:** And I understand from your  
22 examination-in-chief that when you started with the CIB  
23 January of '93, you hadn't yet taken the General  
24 Investigation Course yourself; correct?

25                  **MR. BRUNET:** No, that's correct.

1                   **MR. MANSON:** So your experience with  
2 criminal investigations was on the job in the seven months  
3 that you were there in 1990; correct?

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

5                   **MR. MANSON:** And when you first started in  
6 January of 1993, you had some serious resource concerns  
7 about the CIB, didn't you?

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

9                   **MR. MANSON:** And aside from vehicles and  
10 other equipment, your biggest concern was staffing?

11                   **MR. BRUNET:** Staffing, that's correct.

12                   **MR. MANSON:** I take it that at that time you  
13 had Lefebvre?

14                   **MR. BRUNET:** Yes.

15                   **MR. MANSON:** Malloy?

16                   **MR. BRUNET:** Yes.

17                   **MR. MANSON:** Sebalj?

18                   **MR. BRUNET:** Yes.

19                   **MR. MANSON:** Anyone else?

20                   **MR. BRUNET:** Tyo.

21                   **MR. MANSON:** Tyo.

22                   **MR. BRUNET:** Sergeant Nakic was coming in at  
23 the same time as I was.

24                   **MR. MANSON:** He was coming in to do frauds?

25                   **MR. BRUNET:** That's correct, at the same

1 time as I was.

2 MR. MANSON: And then we've seen your  
3 communications where you wanted to add Zulinski?

4 MR. BRUNET: That's correct.

5 MR. MANSON: Who came in later that year?

6 MR. BRUNET: That's correct. And there's  
7 also Constable Hume.

8 MR. MANSON: Hume?

9 MR. BRUNET: Hume.

10 MR. MANSON: How do you spell that?

11 MR. BRUNET: H-U-M-E.

12 MR. MANSON: Hume.

13 MR. BRUNET: Sorry for the French accent  
14 there.

15 MR. MANSON: Now, can I just ask you some  
16 questions about Malloy, Lefebvre and Sebalj, January '93?

17 MR. BRUNET: Yes.

18 MR. MANSON: Did they each have similar  
19 caseloads at that point?

20 MR. BRUNET: I would say Sergeant Lefebvre  
21 and Constable Malloy's caseload were heavier than Constable  
22 Sebalj.

23 MR. MANSON: And in terms of numbers of  
24 files -- and I know you can't necessarily compare one file  
25 to another -- but just so we understand, how many files

1 would they be carrying at this point, roughly?

2 MR. BRUNET: Constable Sebalj had in the  
3 area of 25 to 30 files. I remember Sergeant Lefebvre had  
4 probably in the area of 60 to 70 files and Constable  
5 Malloy, I don't specifically remember.

6 MR. MANSON: But he would have had more  
7 files than Constable Sebalj?

8 MR. BRUNET: Yes, he would have.

9 MR. MANSON: Now, Exhibit 1298, if we can  
10 just look at that for a second, is the memo that you  
11 received from Deputy Chief St. Denis?

12 MR. BRUNET: Yes.

13 MR. MANSON: This must have been one of the  
14 first memos from the Deputy Chief that you got once you  
15 were on the job; correct?

16 MR. BRUNET: Yes, of this particular duties  
17 -- of these duties, yes.

18 MR. MANSON: Yes. And in it he's talking  
19 about the Silmsler investigation; correct?

20 MR. BRUNET: That's correct.

21 MR. MANSON: And he writes this on the 8<sup>th</sup> of  
22 January, and I think you indicated that you probably got it  
23 on the 12<sup>th</sup>?

24 MR. BRUNET: That's correct.

25 MR. MANSON: Now, he wants this reassigned

1 because he's heard Lortie is on sick leave; correct?

2 MR. BRUNET: That's correct.

3 MR. MANSON: He's telling you he wants the  
4 reassignment ASAP; correct?

5 MR. BRUNET: Yes.

6 MR. MANSON: And he's telling you that this  
7 is a serious matter, that it could possibly turn into an  
8 Alfred-type situation; correct?

9 MR. BRUNET: That's correct.

10 MR. MANSON: And then he's also telling you  
11 to get the new investigator to see and discuss this with  
12 Sergeant Lortie; correct?

13 MR. BRUNET: That's correct.

14 MR. MANSON: And I'm assuming -- tell me if  
15 I'm wrong -- but the point there is that you guys have had  
16 this since December 12<sup>th</sup>. Lortie has been working on it.  
17 So the new person should find out all the things that  
18 Lortie has done; correct?

19 MR. BRUNET: That's correct.

20 MR. MANSON: Christmas and New Year's have  
21 intervened, but the CIB is an essential service; correct?

22 MR. BRUNET: That's correct.

23 MR. MANSON: So there may be breaks, but you  
24 keep on working?

25 MR. BRUNET: Yes.

1                   **MR. MANSON:** We've subsequently learned that  
2                   it looks like Sergeant Lortie, other than having a  
3                   conversation with Mr. Silmser, obtained Silmser's criminal  
4                   record; correct?

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

6                   **MR. MANSON:** And that that's probably all  
7                   that was done?

8                   **MR. BRUNET:** Yes.

9                   **MR. MANSON:** You decide at this point that  
10                  you're going to assign this file to Constable Sebalj;  
11                  correct?

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

13                  **MR. MANSON:** And I'm not trying to put words  
14                  in your mouth, but that's essentially for resource reasons  
15                  because Lefebvre and Malloy are busy; correct?

16                  **MR. BRUNET:** That's correct. They're  
17                  working on a homicide investigation and they're getting  
18                  ready for a preliminary hearing which is tying up a lot of  
19                  their time, plus they also have a very heavy assignment  
20                  list.

21                  **MR. MANSON:** And from your evidence in-  
22                  chief, answering questions from Mr. Dumais, you indicated  
23                  that you were comfortable in assigning her this task  
24                  because you had some confidence in her abilities and you  
25                  knew what her past experience was; correct?

1 MR. BRUNET: Yes.

2 MR. MANSON: She may have been junior to  
3 Malloy and Lefebvre, but you had some confidence in her  
4 abilities; correct?

5 MR. BRUNET: That's correct.

6 MR. MANSON: Plus, you knew that Lefebvre  
7 and Malloy were around to give her a hand; correct?

8 MR. BRUNET: And myself.

9 MR. MANSON: And yourself.

10 And, in fact, in later interviews you  
11 indicated that the presence of Malloy and Lefebvre was  
12 significant because Lefebvre had done Deslauriers in the  
13 mid-'80s; correct?

14 MR. BRUNET: That's correct.

15 MR. MANSON: And Malloy had had a lot of  
16 related experience; correct?

17 MR. BRUNET: That's correct.

18 MR. MANSON: And so you expected that they  
19 would be providing guidance to Constable Sebalj?

20 MR. BRUNET: Yes, as she requested, yes.

21 MR. MANSON: In essence, they would be her  
22 mentors on this case; correct?

23 MR. BRUNET: That's correct.

24 MR. MANSON: Did you ever tell them that?

25 MR. BRUNET: Yes.

1                   **MR. MANSON:** You did?

2                   **MR. BRUNET:** Yes.

3                   **MR. MANSON:** You told Sergeant Lefebvre that  
4 you expected him to be Constable Sebalj's mentor on this  
5 case?

6                   **MR. BRUNET:** Well, I didn't use the word  
7 "mentor", but basically I told him that -- well, I told  
8 both him and Kevin -- Constable Malloy that any assistance  
9 that she needed, we would help her.

10                  **MR. MANSON:** Any assistance?

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

12                  **MR. MANSON:** But you didn't say to them, "Be  
13 her mentor on this case"?

14                  **MR. BRUNET:** Not -- I didn't use those  
15 words, no. This was and still is a very common practice  
16 where a new member comes into a unit and you're the junior  
17 person, the senior people always advise and help as  
18 requested and as needed.

19                  **MR. MANSON:** And did you give her any  
20 specific instructions when you assigned this case to her?

21                  **MR. BRUNET:** Well, I briefed her on what the  
22 allegation was about. I gave her a copy of the statement.  
23 I asked her to put the incident -- create an incident and  
24 make it assignable to herself, and I asked her to go and  
25 see Sergeant Lortie or -- yeah, Sergeant Lortie.

1                   **MR. MANSON:** Let's just get a sense of how  
2 serious this matter was in January of 1993. From your  
3 perspective, and it's only your perspective that I'm  
4 interested in, by the time you get this memo from Deputy  
5 Chief St. Denis, this is a case that was originally  
6 assigned on the direction of the Chief; correct?

7                   **MR. BRUNET:** Yes.

8                   **MR. MANSON:** And now is being reassigned on  
9 the direction of the Deputy Chief; correct?

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

11                  **MR. MANSON:** It's a case about -- even  
12 though it's old, the offences at the heart of it are sexual  
13 abuse of children; correct?

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

15                  **MR. MANSON:** The alleged perpetrators are  
16 prominent people; correct?

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

18                  **MR. MANSON:** They're people known in the  
19 community; correct?

20                  **MR. BRUNET:** Yes.

21                  **MR. MANSON:** And they're people who, if the  
22 allegations are true -- and we're not talking about that  
23 now -- if the allegations are true, they've breached a  
24 position of authority in committing these offences, if  
25 they're true; correct?

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

2                   **MR. MANSON:** And as well, you've got the  
3 Deputy Chief telling you this is a potential Alfred  
4 situation; correct?

5                   **MR. BRUNET:** Yes.

6                   **MR. MANSON:** And I take it that would  
7 suggest maybe there's multiple victims, maybe there's  
8 multiple perpetrators; correct.

9                   **MR. BRUNET:** Yes.

10                  **MR. MANSON:** So this is a serious matter?

11                  **MR. BRUNET:** Yes, it is.

12                  **MR. MANSON:** Now, in the CIB at that time,  
13 what was the protocol for -- your own protocol, the one  
14 that you either inherited or developed for monitoring  
15 investigation files?

16                  **MR. BRUNET:** I would -- well, first of all,  
17 when an investigation was ongoing, that I had reassigned  
18 it, the officers would brief me on any developments of  
19 interest.

20                  **MR. MANSON:** By that you mean informal  
21 briefings?

22                  **MR. BRUNET:** Informal briefings. When they  
23 would come in in the morning, they would tell me if they  
24 had a meeting with someone, or they had new information, a  
25 disclosure, that kind of thing. Normally they would tell

1 me, "On that case, I've got this new information or this  
2 corroboration", or if they had a meeting with the Crown  
3 Attorney, they would tell me, "Oh, I met the Crown  
4 yesterday and I'm going to be preparing a brief for him,"  
5 that type of conversation.

6 **MR. MANSON:** So we'll call that -- you would  
7 expect informal updates on developments?

8 **MR. BRUNET:** Yes, that's correct.

9 **MR. MANSON:** Through conversations in the  
10 office?

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

12 **MR. MANSON:** Okay. That's number one.

13 **MR. BRUNET:** Then number two, I would print  
14 their assignment list. Like I already testified in my  
15 examination in-chief, I would print their assignment list  
16 and meet with them and go through the cases and get an  
17 official briefing on what the situation was; was there any  
18 further evidence to be done, further investigation? Is it  
19 to be closed? Basically, we would go through each case  
20 that way. That would be what I referred to as a formal ---

21 **MR. MANSON:** A formal meeting?

22 **MR. BRUNET:** Yes.

23 **MR. MANSON:** And you would hope to do that  
24 monthly; correct?

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

1                   **MR. MANSON:** That would be the plan?

2                   **MR. BRUNET:** That would be the plan. That  
3 would be the objective, yes.

4                   **MR. MANSON:** Now, CIB is involved with a  
5 spectrum of cases; correct?

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

7                   **MR. MANSON:** And you've already told us  
8 about different homicides. The homicide is top priority;  
9 correct?

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

11                  **MR. MANSON:** Do you have any way of red-  
12 flagging a case like a homicide or is it just so important  
13 and so immediate that everybody knows about it?

14                  **MR. BRUNET:** I'm not sure I understand your  
15 question of red-flagging. I'm not sure I'm following that.

16                  **MR. MANSON:** Well, for example, when you do  
17 your monthly reviews and you get your OMPPAC printout ---

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

19                  **MR. MANSON:** --- and the cases come out --  
20 -

21                  **MR. BRUNET:** Yes.

22                  **MR. MANSON:** --- is there any flashing  
23 lights around the homicide?

24                  **MR. BRUNET:** No.

25                  **MR. MANSON:** And that's because this is a

1 small city, a small force. You know which ones are the  
2 homicides?

3 MR. BRUNET: That's correct.

4 MR. MANSON: You probably have one a year.  
5 You said your worse year was three; correct?

6 MR. BRUNET: Yes.

7 MR. MANSON: What about other kinds of  
8 cases? Is there any way of red-flagging their by  
9 priorities?

10 MR. BRUNET: Not other than it says it's --  
11 well, I'm referring to the OMPPAC. It's said beside the  
12 incident number what type of case it was. So it would have  
13 said sexual assault; it would have said homicide; it would  
14 have said break and enter, whatever the type of incident,  
15 that would be the ---

16 MR. MANSON: So just to give you an example,  
17 if you started -- let's talk about Sergeant Nakic in  
18 Frauds.

19 MR. BRUNET: Yes.

20 MR. MANSON: If you started a fraud  
21 investigation that you expected was going to take a long  
22 time because there's a lot of documents to review, et  
23 cetera, but because of the nature of the offence, you  
24 thought this was a very serious matter, is there any way  
25 that that would be red-flagged so it was popping up out of

1 the system?

2 MR. BRUNET Not in OMPPAC, no. There was  
3 nothing like that.

4 MR. MANSON: And you had nothing internal,  
5 no internal protocol?

6 MR. BRUNET: No. We depended on the  
7 assignment list.

8 MR. MANSON: The assignment list?

9 MR. BRUNET: Yes.

10 MR. MANSON: I guess my point is simply that  
11 with a long, complex investigation it may be months and  
12 months and months before anything comes to fruition;  
13 correct?

14 MR. BRUNET: That's correct.

15 MR. MANSON: And if it's a big fraud  
16 investigation, you'd expect that; correct?

17 MR. BRUNET: I'd expect what?

18 MR. MANSON: That it's going to take a long  
19 time?

20 MR. BRUNET: Yeah, well yes.

21 MR. MANSON: And 10, 11, 12 months latter,  
22 whether it's you or another officer in charge going through  
23 an assignment list, the list that pops out would just have  
24 the name of the case; correct?

25 MR. BRUNET: That's correct.

1                   MR. MANSON: It wouldn't tell you anything  
2 special about it?

3                   MR. BRUNET: No.

4                   MR. MANSON: And the same would apply to the  
5 Silmsen investigation; correct?

6                   MR. BRUNET: That's correct.

7                   MR. MANSON: So it's just a question of  
8 relying on the memories and the priorities of the people on  
9 the ground; correct?

10                  MR. BRUNET: Yes. Well ---

11                  MR. MANSON: Well, by people on the ground I  
12 mean the officer in charge and the investigator?

13                  MR. BRUNET: And the investigator, yes.

14                  MR. MANSON: Do you agree with me?

15                  MR. BRUNET: Yes, we know. Once I was  
16 briefed the first time, like, you would know what the  
17 investigations are.

18                  MR. MANSON: Yeah. And from then on, in  
19 terms of giving a matter appropriate priority, that's a --  
20 we rely on the good judgment and the memory of the officer  
21 in charge and the investigator; correct?

22                  MR. BRUNET: That's correct.

23                  MR. MANSON: Okay. In terms of formal  
24 meetings with Constable Sebalj, what you've called your  
25 formal meetings, I understand that there was one around the

1 end of April of '93; correct?

2 MR. BRUNET: Actually, it was in June.

3 MR. MANSON: Well, you did a ---

4 MR. BRUNET: There was one in early -- when  
5 I arrived, I would say in January.

6 MR. MANSON: Yes?

7 MR. BRUNET: And I don't think I printed  
8 that one because I hadn't got a system going yet, because I  
9 went through everybody's assignment list as I was -- when I  
10 arrived, to get a feel for the investigations that were  
11 going on.

12 MR. MANSON: Yes.

13 MR. BRUNET: But I don't think I printed  
14 that one. But then I had one in June and I had another one  
15 in August. The one that was printed in April, I had the  
16 meeting in June because she had -- obviously we couldn't  
17 connect before because I -- I'm not sure what happened at  
18 the end of April, but I know in May we had the homicide  
19 investigation and then she left for college and she was  
20 gone for four weeks out of five. And then when she would  
21 have come back, that's when I would have sat down with her  
22 and gone through her assignment list.

23 MR. MANSON: Can we look at Exhibit 1219?  
24 That's your OMPPAC printout dated -- further back, it's got  
25 April 22<sup>nd</sup> on it.

1 Mr. Commissioner, I take it you plan to  
2 break at 12:30?

3 **THE COMMISSIONER:** Yes.

4 **MR. MANSON:** I plan to get as much done as I  
5 can before 12:30, and then during the lunch, I'll see what  
6 I need to finalize, and ---

7 **THE COMMISSIONER:** Yes, that's fine. Thank  
8 you.

9 **MR. MANSON:** Thank you.

10 So if we turn -- the first page has the date  
11 August 24<sup>th</sup>, but if we go further down, further, further,  
12 there we go.

13 This is Bates page 1025731 and it has in the  
14 corner the date April 22<sup>nd</sup>, '93. This is the list of  
15 Constable Sebalj's cases as of that date; correct?

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

17 **MR. MANSON:** And you would have printed this  
18 out in preparation for a late April or early May meeting  
19 that, for a variety of reasons, didn't happen; correct?

20 **MR. BRUNET:** That's accurate, yes.

21 **MR. MANSON:** Okay. Let's talk about the  
22 beginning of May, 1993.

23 Constable Malloy, one of the assisters for  
24 Constable Sebalj, he's been injured and he's gone since  
25 mid-March; correct?

1                   **MR. BRUNET:** That's accurate, yes.

2                   **MR. MANSON:** Lefebvre -- is Lefebvre a  
3 sergeant at this point?

4                   **MR. BRUNET:** Yes, he is.

5                   **MR. MANSON:** He's a sergeant. He's very  
6 busy with a homicide starting in May; correct?

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

8                   **MR. MANSON:** Okay.

9                   **MR. BRUNET:** I had just -- for your  
10 information, I had reassigned Sergeant Lefebvre on the 1<sup>st</sup>  
11 of May to the Sexual Assault Unit.

12                   **MR. MANSON:** Yes.

13                   **MR. BRUNET:** But he got -- I had to assign  
14 him to Homicide as the secondary.

15                   **MR. MANSON:** And then he became involved  
16 with the homicide?

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

18                   **MR. MANSON:** So when you go to OMPPAC on  
19 April 22<sup>nd</sup> and print out the assignment list, this is what  
20 comes out; correct?

21                   **MR. BRUNET:** Yes.

22                   **MR. MANSON:** And other than the original  
23 occurrence report, there is nothing else on OMPPAC at this  
24 time is there? About the Silmsler case?

25                   **MR. BRUNET:** On the Silmsler case, okay, yes,

1 just the incident report. That's correct.

2 MR. MANSON: So you would have known that on  
3 April 22<sup>nd</sup>; correct?

4 MR. BRUNET: Yes.

5 MR. MANSON: So when you meet with Constable  
6 Sebalj June 29<sup>th</sup>, two months have passed, you're concerned  
7 about the number of cases that haven't been closed and the  
8 number of charges not laid; correct?

9 MR. BRUNET: That's correct.

10 MR. MANSON: Did you specifically discuss  
11 the Silmsler case with her on June 29<sup>th</sup>?

12 MR. BRUNET: Well, I know that we would have  
13 gone through it but I don't remember specifically what the  
14 conversation would have been about that case, but like I  
15 went through every case, yes. So I would have.

16 MR. MANSON: And there's no OMPPAC notes  
17 about Silmsler; correct?

18 MR. BRUNET: That's right.

19 MR. MANSON: And you wouldn't have go  
20 through Constable Sebalj's handwritten notes at the time?

21 MR. BRUNET: No, I would not.

22 MR. MANSON: And what we know is for a  
23 number of months, she made very detailed handwritten notes;  
24 correct?

25 MR. BRUNET: That's correct.

1                   **MR. MANSON:** Can you recall asking Constable  
2                   Sebalj what's going on with the Silmser complaint in June?

3                   **MR. BRUNET:** I remember one conversation in  
4                   the spring to early summer. I don't remember if it's at  
5                   this particular meeting, but I remember asking her and I  
6                   was advised that she was waiting. There was one witness  
7                   that was in Germany ---

8                   **MR. MANSON:** Yes?

9                   **MR. BRUNET:** --- and that she was waiting  
10                  for -- and it's not clear to me if she was waiting for him,  
11                  that he was due back in Canada shortly or if she was  
12                  waiting for a phone call. She had told me she had a very  
13                  difficult time to try and reach him by phone in Germany and  
14                  she was waiting for something to get in touch with that  
15                  witness. I don't remember the exact details.

16                  And then there was -- I thought there were  
17                  two issues with witnesses but I don't remember, I don't  
18                  recall the second one, what the detail was.

19                  **MR. MANSON:** But you certainly got the  
20                  impression that she felt your words were very taxed;  
21                  correct?

22                  **MR. BRUNET:** My word, I'm sorry?

23                  **MR. MANSON:** Yes, Constable Sebalj felt  
24                  very, very taxed.

25                  **MR. BRUNET:** Yes, she was.

1                   **MR. MANSON:** And as a result, you took over  
2 the CAS liaison work; correct?

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

4                   **MR. MANSON:** But you didn't know that she  
5 hadn't done anything on this case since April 29<sup>th</sup> did you?

6                   **MR. BRUNET:** Probably not the date, no.

7                   **MR. MANSON:** Well, let's just look for a  
8 second at your testimony in-Chief. You haven't looked  
9 through her notebook on June 29<sup>th</sup>?

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

11                  **MR. MANSON:** There's no OMPPAC notes?

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

13                  **MR. MANSON:** And she's not saying to you,  
14 "Staff Sergeant, I've got a problem. I've done nothing  
15 since April 29<sup>th</sup>." She's not saying that?

16                  **MR. BRUNET:** No, she didn't say that.

17                  **MR. MANSON:** So you have no way of knowing;  
18 correct?

19                  **MR. BRUNET:** True.

20                  **MR. MANSON:** And then shortly afterwards  
21 though, at a management meeting, Chief Shaver got very  
22 upset and ordered you to get the investigation done;  
23 correct?

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

25                  **MR. MANSON:** And that's early July '93?

1                   **MR. BRUNET:** I was thinking more late July-  
2                   early August, but I don't really have a recollection of the  
3                   time span, but it was either July or August.

4                   **MR. MANSON:** And at that point, you go and  
5                   have a serious conversation with Constable Sebalj don't  
6                   you?

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

8                   **MR. MANSON:** And, at that point, does she  
9                   tell you that she's waiting to meet with an out-of-  
10                  jurisdiction Crown to get opinions about RP&G?

11                  **MR. BRUNET:** Yes, she did.

12                  **MR. MANSON:** She didn't tell you that in  
13                  June?

14                  **MR. BRUNET:** No, I don't believe so.

15                  **MR. MANSON:** And you encourage her and then  
16                  there are some communications about a possible meeting with  
17                  Bob Pelletier but it doesn't happen; correct?

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

19                  **MR. MANSON:** And then the next thing that  
20                  goes on with this case is, according to Constable Sebalj,  
21                  she has a phone call with Malcolm MacDonald on August 23<sup>rd</sup>  
22                  and then you have a further meeting with her on August 24<sup>th</sup>;  
23                  correct?

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

25                  **MR. MANSON:** And you get another OMPPAC

1 printout; correct?

2 MR. BRUNET: Yes.

3 MR. MANSON: And at this point, there are  
4 still no notes on OMPPAC; correct?

5 MR. BRUNET: That's correct.

6 MR. MANSON: She tells you about the phone  
7 call from Malcolm MacDonald?

8 MR. BRUNET: I can't remember for sure about  
9 that one.

10 MR. MANSON: You recall the one that I mean,  
11 where he wants to talk with her about what seems to be the  
12 impending arrest of Father Charles; correct?

13 MR. BRUNET: Yes, I ---

14 MR. MANSON: Handcuffs versus summons?

15 MR. BRUNET: Yes, yes, I know which one  
16 you're talking about.

17 MR. MANSON: So that seems to suggest that  
18 as of August 23<sup>rd</sup>, 1993, he is anticipating some action by  
19 the CPS; correct?

20 MR. BRUNET: That's correct.

21 MR. MANSON: Now, let's look back and talk  
22 about Malcolm MacDonald.

23 Can we look at Exhibit 295, please? These  
24 are the notes of Constable Sebalj, the handwritten ones,  
25 Mr. Commissioner.

1                   **THE COMMISSIONER:** What page would you like  
2                   to go to?

3                   **MR. MANSON:** Can we turn to the date  
4                   February 25<sup>th</sup>, 1993? I'm suffering Bates page deficiency,  
5                   Mr. Commissioner.

6                   **THE COMMISSIONER:** Page 745 are the last  
7                   three numbers.

8                   **MR. MANSON:** Thank you.

9                   **THE COMMISSIONER:** And which one ---

10                  **MR. MANSON:** It's February 25<sup>th</sup>.

11                  **THE COMMISSIONER:** Yeah, what time?

12                  **MR. MANSON:** We've got to go further and  
13                  further ---

14                  **THE COMMISSIONER:** The next page.

15                  **MR. MANSON:** --- and further, another page,  
16                  another page, another page ---

17                  **THE COMMISSIONER:** February 25<sup>th</sup> goes on for  
18                  ---

19                  **MR. MANSON:** Quite a while.

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

21                  **MR. MANSON:** Ah, bottom -- there it is, so  
22                  that's Bates page 7063750, 750:

23                                 "Telephone call from Malcolm MacDonald,  
24                                 14:55, February 25<sup>th</sup>."

25                                 Now can we turn the page over?

1                   Staff Sergeant Brunet, can you tell me, have  
2                   you ever seen this page of notes about Constable Sebalj's  
3                   conversation with Malcolm MacDonald?

4                   **MR. BRUNET:** Not until the preparation for  
5                   this Inquiry.

6                   **MR. MANSON:** Well, let's just have a quick  
7                   look at it.

8                                   "Get phone call from Malcolm MacDonald,  
9                                   counsel for the suspect Father Charles  
10                                  MacDonald. Advises Jacques Leduc is  
11                                  lawyer for the Diocese. Gave history  
12                                  of his file, states Monsignor  
13                                  Schonenbach met with Silmsier in Ottawa  
14                                  on December 9<sup>th</sup>, 1992 at Archdiocese.  
15                                  Schonenbach is in charge of  
16                                  investigating offenses. Schonenbach  
17                                  wrote letter to Monsignor MacDougall on  
18                                  December 11<sup>th</sup>, 1992 advising him of the  
19                                  allegations against MacDonald."

20                   Can you recall if Constable Sebalj told you  
21                   about the involvement of Monsignor Schonenbach?

22                   **MR. BRUNET:** No, I don't remember that.

23                   **MR. MANSON:** Can we carry on please?

24                                   "MacDonald retained his lawyer Malcolm  
25                                  MacDonald on December 16<sup>th</sup>, 1992.

1 MacDonalld and MacDonalld..."

2 I gather one is Father and one is Malcolm:

3 "...met MacDougall on Thursday..."

4 That's Father MacDougall:

5 "...on Thursday, December 17<sup>th</sup>, 1992 and  
6 St. Raphael's..."

7 Can you turn the page please, Madam Clerk?

8 "MacDonalld (sic) then wrote a letter to  
9 Silmser on December 21<sup>st</sup>, 1999."

10 **THE COMMISSIONER:** Sorry, it's McDougall.

11 **MR. MANSON:** Oh, sorry. I apologize.

12 **THE COMMISSIONER:** No, no, just ---

13 **MR. MANSON:** "Father MacDougall then  
14 wrote a letter to Silmser on December  
15 21<sup>st</sup>, 1993 denying allegations on the  
16 part of the suspect, requesting  
17 clarification on incidents and noting  
18 that dates provided by victim are wrong  
19 as MacDonalld not at St. Columban's at  
20 that time."

21 Can you recall if Constable Sebalj  
22 communicated this to you?

23 **MR. BRUNET:** No.

24 **MR. MANSON:** Then it says:

25 "Victim therefore told Church he was

1 going to the police. Suggests that  
2 after victim first attended HQ..."

3 I take it that's police headquarters.

4 "...on January 28<sup>th</sup>, 1993 that at  
5 approximately 23 hrs that night, called  
6 McDougall and stated that he wanted to  
7 go through the Diocese. MacDougall  
8 believes victim was very intoxicated at  
9 the time, therefore meeting at the  
10 Diocese on Montreal Road on February 9<sup>th</sup>,  
11 1999 set up at victim's request."

12 You did learn at some point that Silmsler went  
13 to this meeting; correct?

14 **MR. BRUNET:** Yes, I did. She told me that.

15 **MR. MANSON:** And she told you that McDougald  
16 was there, Leduc was there and someone from -- I can't read  
17 after Leduc (lawyer) ---

18 **THE COMMISSIONER:** From Glen ---

19 **MR. MANSON:** Oh, unknown. From -- looks like  
20 Glen Water or ---

21 **MR. BRUNET:** Glen Walter maybe?

22 **THE COMMISSIONER:** Glen Walter?

23 **MR. MANSON:** Glen Walter, thank you.

24 "...states they talked about getting  
25 the victim some psychological help

1 through Royal Ottawa without it..."

2 It says:

3 "...admitting liability".

4 Did Constable Sebalj tell you this, that this  
5 was discussed with Silmser?

6 **MR. BRUNET:** I know she told me about the  
7 meeting and I believe she did.

8 **MR. MANSON:** Can we turn the page?

9 "Victim was satisfied at the time,  
10 however, called the next day to tell  
11 them..."

12 That would mean the Diocese, I take it.

13 "...he was going through the police."  
14 And then the next -- then you see the hyphen before the  
15 word "advises"?

16 **MR. BRUNET:** Yes.

17 **MR. MANSON:** I'm assuming that's Malcolm  
18 MacDonald again? We're still talking -- because she would -  
19 --

20 **MR. BRUNET:** I believe that's who she's  
21 talking to, yes.

22 **MR. MANSON:** In her notes, she always starts  
23 another interview, another telephone call making it quite  
24 clear that she's moved onto something else; correct?

25 **MR. BRUNET:** Yes, but I thought the issue

1 about Don Johnson I thought -- I didn't know about Tom  
2 Swabey -- well, I don't recall Tom Swabey but ---

3 **MR. MANSON:** But my point is simply this is  
4 Malcolm MacDonald telling her; correct?

5 **MR. BRUNET:** I didn't -- I agree I didn't  
6 really see a change where she would have now been talking to  
7 somebody else. So I have to assume that's yes.

8 **MR. MANSON:** And she seems quite fastidious  
9 in her note-taking practice that every time she finishes  
10 task one and moves on to task two, she tells you; correct?

11 **MR. BRUNET:** Yes. Yes.

12 **MR. MANSON:** So it's:

13 "Malcolm MacDonald advises that victim  
14 has retained Tom Swabey and Don Johnson,  
15 both, and has parted ways in both a  
16 couple of days later."

17 Correct?

18 **MR. BRUNET:** Yes.

19 **MR. MANSON:** Then:

20 "Malcolm MacDonald advises the Church  
21 files are open and they are willing to  
22 cooperate."

23 **MR. BRUNET:** Yes.

24 **MR. MANSON:** That's what that says; correct?

25 **MR. BRUNET:** Yes.

1                   **MR. MANSON:** Did Constable Sebalj tell you  
2                   that?

3                   **MR. BRUNET:** I believe -- my recollection of  
4                   what she would have advised me was that the -- Mr. MacDonald  
5                   was willing to give her whatever she -- whatever she  
6                   requested to cooperate. I don't know that I understood, and  
7                   she may have said it that the Church was, but I thought it  
8                   was Father -- not Father MacDonald -- Malcolm MacDonald that  
9                   was offering his assistance to provide information.

10                  **MR. MANSON:** And I think Staff Sergeant  
11                  Derochie said the same thing and made some comments about  
12                  why one wouldn't pursue offers from defense counsel;  
13                  correct?

14                  **MR. BRUNET:** There's certainly some downside  
15                  to it, but I -- because of the circumstances that we were in  
16                  ---

17                  **MR. MANSON:** Oh no, I'm not -- I'm just --  
18                  you recall -- I don't know if you heard Staff Sergeant  
19                  Derochie's evidence, but he was asked ---

20                  **MR. BRUNET:** I did, but I'm not ---

21                  **MR. MANSON:** --- and he said ---

22                  **MR. BRUNET:** --- sure if -- that part there  
23                  is what; sorry?

24                  **MR. MANSON:** Well, he indicated that one  
25                  would have to be cautious about pursuing offers of help from

1 defense counsel.

2 MR. BRUNET: Yes, I'd agree with that.

3 MR. MANSON: But here, this is not Malcolm  
4 MacDonald offering material. It's Malcolm MacDonald  
5 advising that the Church files are open and they are willing  
6 to cooperate. He's talking about the Diocese; correct?

7 MR. BRUNET: Well, if you read it that way,  
8 yes.

9 MR. MANSON: Well, he's not talking about Tom  
10 Swabey and Don Johnson. He's talking about the Church files  
11 are open and they are willing to cooperate.

12 MR. BRUNET: Okay.

13 MR. MANSON: Correct?

14 MR. BRUNET: Yes.

15 MR. MANSON: That's what it says?

16 MR. BRUNET: Yes.

17 MR. MANSON: So are you suggesting that  
18 Constable Sebalj didn't communicate that to you or you just  
19 don't recall?

20 MR. BRUNET: I don't recall. I know that she  
21 had received a call from Malcolm MacDonald and he had  
22 offered to provide information that she needed. I was not -  
23 - or my recollection today is that that's -- like, that's  
24 what I was told. I don't believe that it was clear to me  
25 and it might be my fault that I didn't understand it

1 properly, but that was my belief at the time.

2 **MR. MANSON:** And the next -- and this will be  
3 my last question before -- "Advised" and again I would  
4 suggest that it's Malcolm MacDonald advising.

5 "...he would get go ahead from  
6 McDougall to provide me with a copy of  
7 victim's allegations to the Church."

8 Can you recall if Constable Sebalj told you  
9 that?

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

11 **MR. MANSON:** I think we can break there, Mr.  
12 Commissioner.

13 **THE COMMISSIONER:** Thank you. Come back at  
14 2:00 p.m.

15 **THE REGISTRAR:** Order; all rise. A l'ordre;  
16 veuillez vous lever.

17 **THE REGISTRAR:** This hearing will resume at  
18 2:00 p.m.

19 --- Upon recessing at 12:33 p.m./

20 L'audience est suspendue à 12h33

21 --- Upon resuming at 2:08 p.m./

22 L'audience est reprise à 14h08

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

25 This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 **THE COMMISSIONER:** Thank you. Good afternoon  
3 again.

4 **MR. MANSON:** Good Afternoon,  
5 Mr. Commissioner.

6 **LUCIEN BRUNET, Resumed/Sous le même serment:**

7 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
8 **MANSON (cont'd/suite):**

9 **MR. MANSON:** Can we go back to exactly where  
10 we were, Exhibit 295, February 25<sup>th</sup>?

11 **THE COMMISSIONER:** Yes, 752, is that where  
12 you wanted to be?

13 **MR. MANSON:** I'm sure. I'll see when we get  
14 there.

15 **THE COMMISSIONER:** Oh, okay.

16 **MR. MANSON:** Yes. I had just asked you about  
17 the line:

18 "...and advises the Church files are  
19 open. They are willing to cooperate.  
20 Advised he would get go ahead from  
21 McDougall to provide me with a copy of  
22 DS allegations to the Church."

23 And I believe your answer was you don't think  
24 Constable Sebalj told you that the offer came from the  
25 Diocese, communicated by Malcolm MacDonald rather than an

1 offer of help from Malcolm MacDonald. Is that correct?

2 MR. BRUNET: Yes, my -- what I can recall --  
3 my belief was that it was Mr. MacDonald that was offering to  
4 provide assistance.

5 MR. MANSON: But you were concerned about  
6 the cooperation of the Diocese because you talked to  
7 Sergeant Lefebvre about the Diocese and his role in  
8 Deslauriers; correct?

9 MR. BRUNET: That's the concern that I had,  
10 yes. That's where their base came from there.

11 MR. MANSON: Now, was that a casual  
12 conversation with Sergeant Lefebvre or an in-depth  
13 conversation about Deslauriers?

14 MR. BRUNET: I don't remember how long it  
15 was and how detailed it was. I remember him giving me what  
16 -- that he had encountered problems and, to be honest with  
17 you, I don't remember right now what the specifics were.  
18 At the time, it caused me enough concern and I know that  
19 Sergeant Lefebvre had concerns about asking the Church for  
20 co-operation.

21 MR. MANSON: In essence, he was saying to  
22 you, "Back in the mid-eighties when we were investigating  
23 Father Deslauriers, the Diocese was not co-operative"?

24 MR. BRUNET: That's -- yes, that's accurate.

25 MR. MANSON: And he was saying, "There's

1 probably little point in going that route because they're  
2 not co-operative"; correct?

3 MR. BRUNET: That's the gist of it, yes.

4 MR. MANSON: Did he tell you anything  
5 special about the Deslauriers investigation, how it was  
6 conducted?

7 MR. BRUNET: No, not into investigative --  
8 he didn't get into investigative details. It was more  
9 towards the co-operation issue.

10 MR. MANSON: He didn't tell you did he that  
11 during the Deslauriers investigation, they got a warrant to  
12 put a wire on the mother of a victim for the purpose of  
13 intercepting communications with the Bishop. He didn't  
14 tell you that did he?

15 MR. BRUNET: I don't know if he told me  
16 that. I have knowledge of that but I'm not sure if that  
17 was knowledge prior to, during or after the investigation,  
18 but I do have a general knowledge that that was done or  
19 attempted.

20 MR. MANSON: And that suggests a pretty  
21 aggressive investigation doesn't it?

22 MR. BRUNET: Yes.

23 MR. MANSON: It's not a usual event?

24 MR. BRUNET: No.

25 MR. MANSON: To apply for a warrant in those

1 kinds of circumstances?

2 MR. BRUNET: No, it wouldn't be.

3 MR. MANSON: In 1993 it looks like,  
4 according to this note from Constable Sebalj, that the  
5 Church may be singing a different -- the Diocese may be  
6 singing a different tune, if you take it at face value?

7 MR. BRUNET: If we take it at face value  
8 from what she's being told, yes, I agree.

9 MR. MANSON: But I understand from your  
10 evidence that she never went to the Diocese for  
11 cooperation; correct?

12 MR. BRUNET: Not that I know of, no.

13 MR. MANSON: And one area that certainly  
14 would have been helpful, aside from knowing about the  
15 victim's allegations, altar boys would have been an  
16 interesting question to put to the Diocese wouldn't it?

17 MR. BRUNET: What do you mean, altar boys?

18 MR. MANSON: Well, if we look through her  
19 notes, she spent a lot of March and April interviewing  
20 former altar boys; correct?

21 MR. BRUNET: Yes, that's right.

22 MR. MANSON: And she got those names from  
23 Mr. Silmsler, Mr. Silmsler's mom and Mr. Silmsler's sister;  
24 correct?

25 MR. BRUNET: Yes, and other altar boys.

1                   **MR. MANSON:** Altar boy X would mention altar  
2                   boy Y?

3                   **MR. BRUNET:** Yes, exactly, yes.

4                   **MR. MANSON:** A more efficient way, if they  
5                   were co-operative, would have been to go to the Diocese,  
6                   right?

7                   **MR. BRUNET:** Definitely.

8                   **MR. MANSON:** If we can just read down the  
9                   statement one more line:

10                                   "Advises Father MacDonald is prepared  
11                                   to take a polygraph."

12                   **MR. BRUNET:** Yes.

13                   **MR. MANSON:** This point she did raise with  
14                   you didn't she?

15                   **MR. BRUNET:** Yes, she asked me about it.

16                   **MR. MANSON:** And you had a specific  
17                   conversation about this?

18                   **MR. BRUNET:** Yes.

19                   **MR. MANSON:** And I take it from reading your  
20                   evidence that your view was it was premature; correct?

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

22                   **MR. MANSON:** Your view was that one approach  
23                   that you preferred is to wait further in the investigation,  
24                   preferably at the time of arrest?

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

1                   **MR. MANSON:** And that would work fine if you  
2 were actually arresting somebody; correct?

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

4                   **MR. MANSON:** But to arrest somebody, you'd  
5 need reasonable and probable grounds, wouldn't you?

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

7                   **MR. MANSON:** Let me suggest to you that it  
8 might be a good technique in a case where you were worried  
9 about reasonable and probable grounds and needed a bit more  
10 traction after you'd done a substantial investigation, to  
11 then pursue a polygraph; correct?

12                   **MR. BRUNET:** I agree with that. If you  
13 don't have the reasonable and probable grounds and if  
14 you've done you investigation, you've interviewed everybody  
15 that you can interview and ---

16                   **MR. MANSON:** Might be a good technique?

17                   **MR. BRUNET:** At one point, you're at the end  
18 of your investigation, you know you don't have the  
19 reasonable and probable grounds, then at that point I agree  
20 that a polygraph would be a good investigative ---

21                   **MR. MANSON:** Be a be a good idea?

22                   **MR. BRUNET:** --- a good investigative tool,  
23 yes.

24                   **MR. MANSON:** If we move from that -- I just  
25 have to -- I apologize for skipping the chronological

1 order, but we just have to jump back for a minute to the  
2 January 28<sup>th</sup>, 1993 interview of Mr. Silmsers.

3 You were aware before that interview that it  
4 was going to be conducted by Sergeant Lefebvre, Constable  
5 Malloy and Constable Sebalj; correct?

6 MR. BRUNET: No, I was not.

7 MR. MANSON: You didn't know that  
8 beforehand?

9 MR. BRUNET: No.

10 MR. MANSON: If I can just have a moment.

11 I understood that Mr. Silmsers had called and  
12 spoken to the Chief?

13 MR. BRUNET: To the Chief, that's correct.

14 MR. MANSON: And said, "I don't want a woman  
15 investigator"?

16 MR. BRUNET: That's what I understand after,  
17 yes.

18 MR. MANSON: And was it the Chief who  
19 organised this three-person interview?

20 MR. BRUNET: Well, the Chief met -- I was on  
21 holidays that week.

22 MR. MANSON: Yes?

23 MR. BRUNET: And the Chief met with Sergeant  
24 Lefebvre who was the acting Officer in charge and Constable  
25 Sebalj. They discussed it and the Chief made the decision

1           that that's the way they would do it.

2                       **MR. MANSON:** And when my friend, Mr. Dumais,  
3           asked you, you indicated it was unusual to have three  
4           people conduct an interview; correct?

5                       **MR. BRUNET:** Yes, it is.

6                       **MR. MANSON:** And he further asked you about  
7           it and you explained that Lefebvre was there because he had  
8           all this experience with Deslauriers, and you also  
9           explained that Constable Sebalj was there, even in a  
10          passive capacity, because it was her case; correct?

11                      **MR. BRUNET:** That's correct and she would be  
12          the one doing the legwork.

13                      **MR. MANSON:** But when I read the part of the  
14          transcript, I didn't see an explanation of why Malloy was  
15          there?

16                      **MR. BRUNET:** Well, Constable Malloy was the  
17          initial officer that was assigned to help her with the  
18          investigation. He's the other officer that works in the  
19          Youth Branch, and like I explained earlier in my testimony,  
20          he had already been asked to participate in the interview.  
21          And when Constable Sebalj had initially called Mr. Silmser,  
22          they had made arrangements, she had made arrangements with  
23          Mr. Silmser that Constable Malloy would be doing the  
24          initial interview and she would be there also.

25                      **MR. MANSON:** Before this interview, had you

1 had conversations with Sergeant Lortie about what he'd done  
2 on this file?

3 MR. BRUNET: Yes, I did. I went to see  
4 Sergeant Lortie immediately after I read the memo on  
5 January 12<sup>th</sup>.

6 MR. MANSON: And he told you about his  
7 communication with Silmser?

8 MR. BRUNET: Yes, he did.

9 MR. MANSON: And he told you about the  
10 criminal record search?

11 MR. BRUNET: No, I don't recall the criminal  
12 record search. I believe he gave that to Constable Sebalj  
13 after. But the -- he definitely told me that he had called  
14 him and that Mr. Silmser had requested to wait 'til the new  
15 year for the meeting.

16 MR. MANSON: Did you ask him if he told Mr.  
17 Silmser that in cases like this it's a very bad idea to  
18 discuss the allegations with third parties?

19 MR. BRUNET: No, I didn't tell Sergeant  
20 Lortie this.

21 MR. MANSON: No, no. Did you ask Sergeant  
22 Lortie whether he told Mr. Silmser?

23 MR. BRUNET: Oh, no. I wouldn't have asked  
24 him that.

25 MR. MANSON: Did you instruct Constable

1           Sebalj that she should tell Mr. Silmser it's a bad idea to  
2           discuss allegations with third parties?

3                       **MR. BRUNET:** I don't recall telling her  
4           that, no.

5                       **MR. MANSON:** And would the same apply to  
6           Sergeant Lefebvre and Malloy?

7                       **MR. BRUNET:** Yes, I don't recall telling  
8           anybody that.

9                       **MR. MANSON:** Now, with respect to  
10          instructions, you did give some instructions to Constable  
11          Sebalj with respect to the civil suit issue; correct?

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

13                      **MR. MANSON:** Now, let me just go to the  
14          transcript for a minute. This is April 4<sup>th</sup>, which would be  
15          last Friday, page 14, half-way down:

16                               "MR. BRUNET: Yes, Constable Sebalj had  
17                               approached me. She was briefing me  
18                               quite regularly on the issues as they  
19                               were happening. Like the next morning  
20                               she would brief me and she advised me  
21                               at one point that she was having some  
22                               serious concerns about his motives..."

23                               -

24                               that would be Mr. Silmser,

25                               "...and she explained to me that he

1                                   talked to her about meeting with the  
2                                   Church and he was talking about a civil  
3                                   settlement with them."

4                                   And we know from her notes that he had told  
5                                   her that he had a meeting where the Bishop was there, Mr.  
6                                   MacDonald was there, and Mr. Leduc was there; correct?

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

8                                   **MR. MANSON:** And you indicate to her that  
9                                   you thought this was dangerous territory for the police to  
10                                   give any instructions whatsoever in reference to civil  
11                                   settlements; correct?

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

13                                   **MR. MANSON:** And then at page 15:

14                                   "So what I told Heidi at the time is to  
15                                   advise him ..." --

16                                   Mr. Silmsner,

17                                   "... that whatever he does civilly is  
18                                   totally his business."

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

20                                   **MR. MANSON:** That's correct? And, in fact,  
21                                   at page 22, you agreed with Mr. Dumais that it was a matter  
22                                   of instructions.

23                                   "So clearly your ..." --

24                                   at line 10,

25                                   "... your instructions to Constable

1                   Sebalj at that time was that this had  
2                   nothing to do with your criminal  
3                   investigation?

4                   MR. BRUNET: That's correct."

5                   MR. BRUNET: That correct.

6                   MR. MANSON: But that's not entirely  
7 accurate is it, in the sense that Mr. Silmsen is  
8 representing himself in these negotiations, isn't he?

9                   MR. BRUNET: Yes, as far as I know.

10                  MR. MANSON: Well, I mean, he's telling  
11 Constable Sebalj that he's having these meetings; correct?

12                  MR. BRUNET: Yes.

13                  MR. MANSON: And so unlike civil litigation  
14 where there may be two or three or four lawyers around the  
15 table, this is Mr. Silmsen, the complainant, talking with,  
16 for lack of a better word "the other side"; correct?

17                  MR. BRUNET: Yes.

18                  MR. MANSON: And while it may be true that  
19 you're not interested in the civil settlement, you're  
20 certainly interested in his disclosures about the  
21 allegations to third parties; correct?

22                  MR. BRUNET: That's correct.

23                  MR. MANSON: And so a more accurate  
24 statement would have been, "Maybe he should get some legal  
25 advice"?

1                   **MR. BRUNET:** I agree.

2                   **MR. MANSON:** And we might even add to that,  
3                   "And, Mr. Silmser, you ought not to be discussing these  
4                   allegations with people like the Bishop, Mr. MacDonald,  
5                   Father McDougald, Mr. Leduc" et cetera; correct?

6                   **MR. BRUNET:** That -- that's true.

7                   **MR. MANSON:** Because by doing that, he's  
8                   potentially setting up a record for cross-examination in  
9                   the future; correct?

10                  **MR. BRUNET:** Yes, that's right.

11                  **MR. MANSON:** And your investigator is losing  
12                  control of the file; correct?

13                  **MR. BRUNET:** Losing control of the file?

14                  **MR. MANSON:** Well, if the file includes all  
15                  of Mr. Silmser's statements about these allegations since  
16                  he called the CPS on December 12<sup>th</sup>, 1992, you're losing  
17                  control of the file?

18                  **MR. BRUNET:** I -- I can see that, yes.

19                  **MR. MANSON:** Now, I asked you earlier and  
20                  you explained to me about the April 22<sup>nd</sup> OMPAC printout?

21                  **MR. BRUNET:** Yes.

22                  **MR. MANSON:** And that that was discussed in  
23                  June?

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

25                  **MR. MANSON:** Correct. And as of the June

1 meeting, you were not aware that her last work on this file  
2 was April 29<sup>th</sup>, 1993 were you?

3 MR. BRUNET: No, I -- I wasn't -- I wasn't  
4 aware that the last contact was the 29<sup>th</sup> of April, no, I  
5 can't say I was.

6 MR. MANSON: And then what happens next in  
7 this sequence is the Chief raising this case at a morning  
8 meeting and telling you he wants this investigation  
9 pursued; correct?

10 MR. BRUNET: Well, just to correct that. I  
11 brought it up after the morning meeting to the Chief and  
12 the Deputy ---

13 MR. MANSON: Oh, I see, okay.

14 MR. BRUNET: --- because it was -- I had  
15 issues about her being taxed.

16 MR. MANSON: And the Chief's response was  
17 "This has to get finished", right?

18 MR. BRUNET: Yes, sir.

19 MR. MANSON: So now you have another meeting  
20 with Constable Sebalj; correct?

21 MR. BRUNET: Yes, I do.

22 MR. MANSON: So this is probably some time  
23 in July?

24 MR. BRUNET: In July or August or early  
25 August.

1                   **MR. MANSON:** And at this meeting, you learn  
2                   that she's having problems with reasonable and probable  
3                   grounds, that she wants to talk to a Crown Attorney and  
4                   that they're waiting for an appointment with an outside  
5                   Crown; correct?

6                   **MR. BRUNET:** That's correct, but the  
7                   reasonable and probable grounds, I didn't learn that at  
8                   this meeting. I knew that all along.

9                   **MR. MANSON:** You knew that all along?

10                  **MR. BRUNET:** Yes.

11                  **MR. MANSON:** Yes.

12                  **MR. BRUNET:** But at this point, with the  
13                  request for a meeting or the wanting a meeting, was to  
14                  discuss the other people that we had interviewed and  
15                  received information on.

16                  **MR. MANSON:** Yeah. Now, just to finish up  
17                  the sequence, according to Constable Sebalj's notes, on  
18                  August 23<sup>rd</sup> she gets a phone call from Malcolm MacDonald;  
19                  correct?

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

21                  **MR. MANSON:** Did she tell you about this  
22                  phone call? This is the handcuff/summons phone call.

23                  **MR. BRUNET:** Yeah, this one I can't  
24                  remember.

25                  **MR. MANSON:** Then on August 24<sup>th</sup>, she gets a

1 phone call from Mr. Silmser; correct?

2 MR. BRUNET: Yes.

3 MR. MANSON: And then later that day, you  
4 have your August meeting with Constable Sebalj; correct?

5 MR. BRUNET: Yes.

6 MR. MANSON: And if we look at Exhibit 1219,  
7 this is the OMPPAC printout now updated to August 24<sup>th</sup>?

8 MR. BRUNET: Yes.

9 MR. MANSON: Page 2, three-quarters of the  
10 way down:

11 "Since our last interview ..." --  
12 this is essentially an "evaluative report", that's how Mr.  
13 Dumais referred to it?

14 MR. BRUNET: Yes, it's for appraisal filing,  
15 yes.

16 MR. MANSON: "... she felt that she is  
17 giving her best and does not feel there  
18 was a problem. Her caseload will  
19 continue to be monitored. I also asked  
20 her to lay charges where charges are  
21 warranted and to close off her cases as  
22 soon as possible."

23 With respect to Silmser, that's talked about  
24 above:

25 "She advised that she's waiting for the

1 Crown Attorney's Office to get back to  
2 her. Mr. MacDonald ..." --

3 that's Murray MacDonald,

4 "... is trying to get her an outside  
5 Crown Attorney that she can meet."

6 So this is the situation as of August 24<sup>th</sup>;  
7 correct?

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

9 **MR. MANSON:** But at this point, you do know  
10 that she hasn't done any work since April 29<sup>th</sup>; correct?  
11 She has no more witnesses to interview?

12 **MR. BRUNET:** Yes, at this point it's -- it's  
13 time to meet with a Crown Attorney to see if -- to discuss  
14 her grounds.

15 **MR. MANSON:** And isn't it likely that at the  
16 August 24<sup>th</sup> meeting, she told you about the phone call from  
17 Malcolm MacDonald?

18 **MR. BRUNET:** I don't remember that phone --  
19 like that phone call, so I don't remember her telling me  
20 that. I'm not saying she didn't; I just don't remember it.

21 **MR. MANSON:** Okay. These little additions  
22 that you're making to OMPPAC, you're familiar with the  
23 facility of OMPPAC, correct, how to use it?

24 **MR. BRUNET:** Yes. This, I've explained  
25 earlier, this is not in OMPPAC, I'm just using the email

1 facility to type the information. It's not a -- a ---

2 MR. MANSON: No, I understand that.

3 MR. BRUNET: Okay.

4 MR. MANSON: But my question is, you're  
5 familiar with how OMPPAC works?

6 MR. BRUNET: Yes. I'm not in -- like large  
7 detail, but, yes, I've got a good understanding, yes.

8 MR. MANSON: And as of August 24<sup>th</sup>, you know  
9 that her notes are not in OMPPAC; correct?

10 MR. BRUNET: Yes, she would not -- we never  
11 put her notes in OMPPAC.

12 MR. MANSON: Had she put her notes in  
13 OMPPAC, she could have generated a Crown brief; correct?

14 MR. BRUNET: Well, you mean that putting in  
15 a general occurrence report ---

16 MR. MANSON: Yes.

17 MR. BRUNET: --- and supplementary reports,  
18 yes, she could have.

19 MR. MANSON: That's one of the functions of  
20 OMPPAC ---

21 MR. BRUNET: Yes, it is.

22 MR. MANSON: --- it makes that easy;  
23 correct?

24 MR. BRUNET: That's correct.

25 MR. MANSON: My question for you is, what do

1           you expect her take to this meeting with the Crown?

2                       **MR. BRUNET:** She would take the statements -  
3           --

4                       **MR. MANSON:** Yes.

5                       **MR. BRUNET:** --- and her notes, and I'm not  
6           sure if there was any other documentary evidence that she  
7           would have had, but she would have taken her hard copy  
8           file.

9                       **MR. MANSON:** Wouldn't it have been a good  
10          idea to tell her, "Put all this stuff on OMPPAC, generate a  
11          Crown brief and then go see the Crown", so you've got  
12          something to hand over?

13                      **MR. BRUNET:** Yes, I agree that it would have  
14          been better.

15                      **MR. MANSON:** Another suggestion. Why not  
16          call Malcolm MacDonald and say, "I want to take you up on  
17          your polygraph offer"?

18                      **MR. BRUNET:** Well, that would have been the  
19          next step after the meeting with the Crown.

20                      **MR. MANSON:** Well, why not before?

21                      **MR. BRUNET:** Because I wanted to get an  
22          opinion on the other witnesses/victims, the information  
23          that she had, the fact that they were not willing to become  
24          victims(sic). I wanted to get a legal opinion on that  
25          before we go to the last step.

1                   **MR. MANSON:** And here you've got a suspect  
2 whose lawyer is calling Constable Sebalj saying, "Can we  
3 make an arrangement? Use a summons. I don't want to see  
4 him handcuffed."

5                   **MR. BRUNET:** Right.

6                   **MR. MANSON:** It seems to me a perfect time  
7 to say, "Yeah, we can make that promise. Come on, bring  
8 him in for a polygraph test."

9                   **MR. BRUNET:** Well, I would like her to meet  
10 with the Crown before, get to know exactly where she stands  
11 with her grounds, and make a decision if he's going to be  
12 arrested when he comes in or if he's going to come in as a  
13 last resort-type of interview.

14                   **MR. MANSON:** But the purpose of the  
15 polygraph really is to get your trained investigator in a  
16 room with the suspect in the hope that you'll get a  
17 confession; correct?

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

19                   **MR. MANSON:** And nothing works better with  
20 the criminal prosecution than a confession; correct?

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

22                   **MR. MANSON:** So, again, it just strikes me  
23 as odd that when she's got reasonable and probable grounds  
24 problems, that you're going to have the meeting with the  
25 Crown first rather than get -- try to get the confession?

1                   **MR. BRUNET:** Well, personally, that's the  
2 way we did it then and that's still the practice today.  
3 You do your investigation. If you've got reasonable and  
4 probable grounds, you will arrest the person and then  
5 question them and interview them, interrogate them, if it  
6 goes to interrogation, and if there's a polygraph  
7 opportunity, you will arrange for the polygraph to be ready  
8 and do the polygraph examination.

9                   If you don't have reasonable and probable  
10 grounds, then you bring the person in as a last resort and  
11 hopefully the interrogation -- you do the same  
12 interrogation, but you don't arrest them. It's always been  
13 more successful -- my experience as an investigator, being  
14 in the investigative area, it's always been more successful  
15 if you arrest the person.

16                   **MR. MANSON:** But isn't she telling you, "I  
17 don't believe I have reasonable and probable grounds  
18 because of my doubts about Silmsers credibility,  
19 veracity", whatever it is? That's her big concern;  
20 correct?

21                   **MR. BRUNET:** Yes.

22                   **MR. MANSON:** And she hasn't found -- other  
23 than C-3 and C-56, she hasn't found much in the way of  
24 either corroboration or another victim; correct?

25                   **MR. BRUNET:** That's correct. You've got

1 information, and that's the information that, personally, I  
2 wanted her to get legal advice on.

3 **MR. MANSON:** Let's move into September.  
4 This is the month of the settlement; correct?

5 **MR. BRUNET:** Yes.

6 **MR. MANSON:** I'm not going to go into that  
7 in any great detail. There's a flurry of correspondence  
8 and telephone calls. My only point is no one at the CPS  
9 thought to say to Mr. Silmser, "I want to see those  
10 settlement documents"; correct?

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

12 **MR. MANSON:** So as a result, by the end of  
13 September, when you're now dealing with Mr. Dunlop, no one  
14 has seen those documents; correct?

15 **MR. BRUNET:** That's correct. My  
16 instructions to Constable Sebalj, and she tried for the  
17 month of September to try and get Mr. Silmser to come in.  
18 We wanted to make sure that that's something that he had  
19 initiated and it wasn't a -- that there wasn't any  
20 coercion.

21 **MR. MANSON:** And you wanted to confirm his  
22 instructions to you, that he didn't want to proceed?

23 **MR. BRUNET:** Yes, but at the end of the day,  
24 what we were very interested in is was there any coercion  
25 or is there any evidence of criminal activity that could

1 have happened.

2 MR. MANSON: But you weren't saying, "I want  
3 to see that document"?

4 MR. BRUNET: I didn't even know that  
5 document existed, sir. I'm ---

6 MR. MANSON: Okay.

7 MR. BRUNET: I don't deal with civil  
8 matters.

9 MR. MANSON: No, no, I understand. I  
10 understand. I'm just trying to -- I want to -- there's a  
11 lot happening in that last week in September and early  
12 October?

13 MR. BRUNET: Yes.

14 MR. MANSON: I want to leave Mr. Dunlop and  
15 Mr. Lortie out for a minute and I want to come back to the  
16 investigation.

17 On October 1<sup>st</sup>, you have a meeting with the  
18 Chief and the Deputy Chief; correct?

19 MR. BRUNET: That's correct.

20 MR. MANSON: And there were a number of  
21 things that you wanted to discuss at that meeting; correct?

22 MR. BRUNET: Well, there was a number of  
23 things that -- I was called to the meeting. I didn't  
24 organize the meeting.

25 MR. MANSON: Yes, I ---

1                   **MR. BRUNET:** I'm the one that was called to  
2                   the meeting and the Chief wanted to address some issues,  
3                   yes.

4                   **MR. MANSON:** And I take it that they were  
5                   quite concerned about the issue of the Dunlop disclosure to  
6                   Children's Aid; correct?

7                   **MR. BRUNET:** Yes.

8                   **MR. MANSON:** And they were also concerned,  
9                   certainly the Chief was, about what happened with the  
10                  Silmser investigation; correct?

11                  **MR. BRUNET:** Yes.

12                  **MR. MANSON:** Another thing that was there to  
13                  discuss was what to do about the Seguin investigation;  
14                  correct?

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

16                  **MR. MANSON:** And in your evidence on April  
17                  7<sup>th</sup> at page 8, starting at 11, that ---

18                  **THE COMMISSIONER:** Hold on a second.

19                  **MR. MANSON:** Line 11.

20                  **THE COMMISSIONER:** Just let us get that.

21                  **MR. MANSON:** Sure.

22                  **THE COMMISSIONER:** Line 11?

23                  **MR. MANSON:** Yes.

24                  **THE COMMISSIONER:** All right. We're there.

25                  **MR. MANSON:** And that's what I felt the

1 meeting -- I guess if -- we have to go up a little bit to  
2 line 4:

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

12 And then it's a new paragraph, but I would  
13 suggest to you it's the same thought:

14 "And that's what I thought -- felt that  
15 the meeting was going to be about."

16 You thought that there was going to be a  
17 discussion of what to do about Seguin; correct?

18 **MR. BRUNET:** Yes. Well, yes, we're talking  
19 about Constable Sebalj meeting with Mr. Silmser here?

20 **MR. MANSON:** Yes.

21 **MR. BRUNET:** Yes, I thought that was going  
22 to be part of the meeting, yes.

23 **MR. MANSON:** And when you say the meeting  
24 got sidetracked, it was because of the Perry Dunlop/Helen  
25 Dunlop issues, that that consumed a lot of the meeting;

1 correct?

2 **MR. BRUNET:** I'm assuming this, but yes,  
3 that's what I believe.

4 **MR. MANSON:** And at the end of the meeting,  
5 probably because of Constable Sebalj's involvement with  
6 Constable Dunlop, you were directed to get in touch with  
7 Sean Adams and find out what's happening with the Seguin  
8 investigation; correct?

9 **MR. BRUNET:** That's correct. I don't recall  
10 that he specifically wanted me personally to do it, but I  
11 took it upon myself to do it, yes.

12 **MR. MANSON:** And can we just look at your  
13 notes, Exhibit 1248, please?

14 **MR. BRUNET:** That's the Constable Sebalj  
15 supplementary report.

16 **MR. MANSON:** That's not what I'm looking  
17 for. Sorry; it's 1436.

18 I apologize, Madam Clerk, for making more  
19 work for you.

20 **THE REGISTRAR:** Fourteen-thirty-six (1436)?

21 **MR. MANSON:** Fourteen-thirty-six (1436),  
22 we'll give that one a try. Otherwise, I'll bring up my  
23 random number generator and we'll just see what comes next.

24 **MR. BRUNET:** Yes.

25 **MR. MANSON:** These are your notes?

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

2                   **MR. MANSON:** I just have to wait until they  
3 come up on the screen for a second.

4                   **(SHORT PAUSE/COURTE PAUSE)**

5                   **MR. MANSON:** Can we scroll down to October  
6 1<sup>st</sup>?

7                   When were these notes prepared, Staff  
8 Sergeant Brunet?

9                   **MR. BRUNET:** They were started right after  
10 the interview with Perry Dunlop.

11                   **MR. MANSON:** And ---

12                   **MR. BRUNET:** And the October 1<sup>st</sup>, I would say  
13 they were prepared -- I'm not sure if I had brought the pad  
14 in to my -- to the Chief's office or not. They would have  
15 been prepared probably right after the meeting if I didn't.  
16 I'm not sure if I had them with me at the time of the  
17 meeting or if they were prepared after.

18                   **MR. MANSON:** I just have to check something  
19 because I believe I have a typed copy. In my typed copy  
20 what I'm looking for is staring at me in your handwritten  
21 copy.

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

23                   **MR. MANSON:** Fourteen-thirty-six (1436),  
24 October 1, 1993. Can we scroll down, please, Madam Clerk?  
25 It must be -- I'm looking at 2:46 p.m.

1                   **THE COMMISSIONER:** Scroll down a bit.

2                   **MR. BRUNET:** Yes.

3                   **MR. MANSON:** Still further down, at 2:46

4                   p.m.:

5                                "I spoke to Sean Adams, David

6                                Silmser's..."

7                   **MR. BRUNET:** "Lawyer".

8                   **MR. MANSON:** Now I've lost it.

9                   **THE COMMISSIONER:** "... and asked him for

10                               direction ---

11                   **MR. MANSON:** "... and asked him for

12                               direction by letter of Ken Seguin's

13                               complaint."

14                   Correct?

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

16                   **MR. MANSON:** But, in fact, you didn't speak

17                   to him did you?

18                   **MR. BRUNET:** Yes, I believe I did speak to

19                   him. I had not heard back from him when I called him back.

20                   If I wrote down that I spoke to him, it's because I did.

21                   **MR. MANSON:** Because you did?

22                   **MR. BRUNET:** But I did follow-up later

23                   because I had not received any direction or any information

24                   back from him after.

25                   **MR. MANSON:** Well, can we look at the

1 transcript for -- I'm just trying to get everything right  
2 here -- for April 7<sup>th</sup> at page 8, right at line 24.

3 "MR. DUMAIS: All right. And you  
4 actually did get to speak to Mr. Adams  
5 on that day?"

6 Next page:

7 "MR. BRUNET: No, I didn't. There was  
8 -- he was supposed to call me back.  
9 There was a delay and I had to make  
10 another call which I never made a note  
11 of but I got to make another call at a  
12 later time. And that led to -- later  
13 on that month or maybe the early  
14 November where Silmsler called Constable  
15 Sebalj back and told her that he didn't  
16 want to pursue."

17 **MR. BRUNET:** This is definitely an error.  
18 What I meant is that after I called him, he was supposed to  
19 get back to us to give us some direction. I never heard  
20 back from him and then I called him back later that month  
21 and I didn't note down. I never found, through all the  
22 notes that I went through, I never found any -- the date  
23 that I called him back, but that's when I called him back.  
24 So I apologize, I did make an error in my testimony there.

25 **MR. MANSON:** So on the day this happened

1 with the Chief telling you, "We've got to get in touch with  
2 Sean Adams and it shouldn't be Constable Sebalj", is it  
3 that day that you actually spoke with Adams or later?

4 **MR. BRUNET:** It would be that day at 2:46  
5 p.m. My notes are very clear.

6 I spoke to San Adams, David Silmser's  
7 lawyer, and asked him for direction by letter of Ken  
8 Seguin's complaint. So my -- it's very clear that I spoke  
9 to him.

10 What I would not heard from him and I would  
11 have had to call back to try and get some direction, at a  
12 later time during that month after not hearing from him.

13 So that's -- I apologize, Mr. Commissioner,  
14 I obviously made a mistake.

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

16 **MR. MANSON:** I make them all the time.

17 **MR. BRUNET:** So do I.

18 **MR. MANSON:** But later -- it's November 4<sup>th</sup>  
19 when Mr. Silmser phones Constable Sebalj and tells her, "I  
20 don't want to talk to anybody about this" that you're  
21 prepared to say the Seguin file is closed; correct?

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

23 **MR. MANSON:** And you don't -- you've not  
24 seen the settlement documents; correct?

25 **MR. BRUNET:** No, I haven't.

1                   **MR. MANSON:** So you don't know that Mr.  
2 Silmsler is staring at a document that gives him the  
3 impression that if he talks about these things, he may lose  
4 his money. You don't know that; correct?

5                   **MR. BRUNET:** I have no idea.

6                   **MR. MANSON:** October 4<sup>th</sup> -- also at the  
7 October 4<sup>th</sup> first meeting, I should say, the Chief says he  
8 wants to see the whole file, right?

9                   **MR. BRUNET:** Yes.

10                   **MR. MANSON:** And you tell -- am I right that  
11 you tell Constable Sebalj, "Input this into OMPPAC"?

12                   **MR. BRUNET:** Yes.

13                   **MR. MANSON:** And she produces that weekend a  
14 package for you from OMPPAC?

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

16                   **MR. MANSON:** And you take it to the Chief on  
17 Monday, October 4<sup>th</sup>, I believe?

18                   **MR. BRUNET:** Yes.

19                   **MR. MANSON:** And he looks at it and says  
20 "It's not good enough"; correct?

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

22                   **MR. MANSON:** He wants a synopsis of each  
23 witness; correct?

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

25                   **MR. MANSON:** So you tell Constable Sebalj

1 that; correct?

2 MR. BRUNET: Yes.

3 MR. MANSON: And then on October 6<sup>th</sup>, we get  
4 a new OMPPAC document?

5 MR. BRUNET: Yes.

6 MR. MANSON: And that's Exhibit 1249. Can  
7 we look at that please? Ah, this is it. And this is  
8 exactly what -- I'm sorry, I'll wait for you, Staff  
9 Sergeant Brunet.

10 And this is entitled "Confidential  
11 Instructions for Crown counsel" not because that's what it  
12 was intended for but that's how OMPPAC works. It spits the  
13 stuff out in this format; correct?

14 MR. BRUNET: This is the format -- I'm sorry  
15 -- this is the format that you would produce it, yes, to  
16 get all the information so that somebody can read the file.

17 MR. MANSON: And so that was a smart thing  
18 for Constable Sebalj to do. She inputted the stuff and the  
19 system spits it out this way; correct?

20 MR. BRUNET: That's correct.

21 MR. MANSON: And so -- can we just scroll  
22 through it slowly? We start with a list of all the  
23 witnesses; correct?

24 MR. BRUNET: Yes.

25 MR. MANSON: That she's interviewed, I take

1 it?

2 MR. BRUNET: Yes.

3 MR. MANSON: And then we move to ---

4 THE COMMISSIONER: No, just a second.

5 MR. MANSON: There are names on this that --

6 -

7 THE COMMISSIONER: No, that's not what I  
8 meant. Your question was, "Here's a list of people that  
9 she has interviewed"?

10 MR. MANSON: I believe that's the case.

11 THE COMMISSIONER: No, no because you've got  
12 -- I thought you had Father Charles MacDonald there. So  
13 she wouldn't have ---

14 MR. MANSON: Yes. I'm corrected. This  
15 would be the -- as if this was a Crown brief, the system  
16 spits this out, but obviously it's not a list of people  
17 she's interviewed.

18 MR. BRUNET: It's the list of the people  
19 involved in the investigation.

20 MR. MANSON: Okay. That's a better way to  
21 put. Thank you.

22 So we start with a list of people involved  
23 and we get to 20 -- now, can we just hold on? Now, we've  
24 got a summary in chronological form of the events; correct?

25 MR. BRUNET: Yes.

1                   **MR. MANSON:** And this is -- had she been  
2                   inputting material from the word go, this is what would  
3                   have resulted; correct?

4                   **MR. BRUNET:** Probably the -- she had more  
5                   information available at the end of the report to submit to  
6                   do the report than she would have had if she would have  
7                   piecemealed it as she was doing the investigation.

8                   **MR. MANSON:** Yes. So there may have been  
9                   more, maybe more ---

10                  **MR. BRUNET:** I believe there is more  
11                  information here than there would have been if she would  
12                  have inputted it as she went.

13                  **MR. MANSON:** Can we scroll down some more,  
14                  please? And let's get to the next part; there'll be a  
15                  subheading.

16                  And then this is followed with the synopses  
17                  of the witnesses under the heading "Crown Brief Synopsis";  
18                  correct?

19                  **THE COMMISSIONER:** No, not yet.

20                  **MR. BRUNET:** I think we're still dealing  
21                  with ---

22                  **MR. MANSON:** Oh, we're still dealing with  
23                  the ---

24                  **MR. BRUNET:** --- the synopsis.

25                  **MR. MANSON:** --- the synopsis.

1 MR. BRUNET: Yeah.

2 MR. MANSON: Can we just go -- that one ---

3 THE COMMISSIONER: Ahead or back?

4 MR. MANSON: Back, I'm sorry. Could we go  
5 back one more page? Okay, back one more page? Okay.

6 THE COMMISSIONER: Okay. So first ---

7 MR. MANSON: Here's where we are, Bates page  
8 7113688.

9 THE COMMISSIONER: Right. Okay.

10 MR. MANSON: You see right at the bottom:

11 "Later the 25<sup>th</sup> of February, Constable  
12 Sebalj received a telephone call from  
13 one Malcolm MacDonald."

14 MR. BRUNET: Yes.

15 MR. MANSON: You see that?

16 MR. BRUNET: M'hm.

17 MR. MANSON: Now, let's go to the next page,  
18 please?

19 First paragraph of it -- by its own:

20 "The task of locating former altar boys  
21 was then begun and, when successful,  
22 statements were obtained. Former altar  
23 boys have been added as witnesses."

24 And I would suggest that all of her work  
25 with the altar boys is in the Appendices. She's got a

1 synopsis for every person; correct?

2 MR. BRUNET: Yes, in the supplementary  
3 report, yes.

4 MR. MANSON: Yes, and it's very detailed;  
5 correct?

6 MR. BRUNET: Yes, it is.

7 MR. MANSON: One thing is missing here  
8 though. And after February 25<sup>th</sup>, 1993, from this point  
9 exactly where the cursor is, there are no dates. Have you  
10 noticed that, Staff Sergeant Brunet? We can scroll down.

11 THE COMMISSIONER: Well, there is a date at  
12 the last paragraph.

13 MR. MANSON: Well, show me, let's just see.

14 THE COMMISSIONER: Before last paragraph, in  
15 the last paragraph.

16 MR. MANSON: Well.

17 THE COMMISSIONER: It says:

18 "Telephone conversation occurred on  
19 August..."

20 MR. MANSON: Oh, no, no.

21 THE COMMISSIONER: No, no, no,?

22 MR. MANSON: Until we get to September,  
23 there are no dates; correct?

24 MR. BRUNET: Okay, you want me to start from  
25 where -- that there's no dates?

1                   **MR. MANSON:** Well, if we start from February  
2                   25<sup>th</sup> at the bottom of 7113688 ---

3                   **MR. BRUNET:** Okay.

4                   **MR. MANSON:** --- until -- I'm wrong about --  
5                   until we get to August 24<sup>th</sup>, fifth line from the bottom on  
6                   the next page, there are no dates; correct?

7                   **MR. BRUNET:** Okay.

8                   **MR. MANSON:** Do you agree with me?

9                   **MR. BRUNET:** Yes.

10                  **MR. MANSON:** And if we look at the  
11                  appendices for any witness, there's no dates when they were  
12                  interviewed either. Is that correct?

13                  **MR. BRUNET:** I'm not sure what you're asking  
14                  me to confirm here.

15                  **MR. MANSON:** Well, if you look at the ---

16                  **MR. BRUNET:** The list ---

17                  **MR. MANSON:** --- supplementary synopses of  
18                  witnesses ---

19                  **MR. BRUNET:** Yes.

20                  **MR. MANSON:** --- are there dates when the  
21                  witnesses were interviewed? There may be. I may have  
22                  missed them. This is not a -- it's not a trick.

23                  **THE COMMISSIONER:** Yeah, in paragraph 8 --  
24                  number 8 on the -- I'm sorry; page 698, dealing with C-  
25                  somebody. It says on March 12<sup>th</sup>, 1993.

1 MR. MANSON: Okay. Good. There's one.

2 THE COMMISSIONER: So ---

3 MR. MANSON: The following page ---

4 THE COMMISSIONER: March 18<sup>th</sup>.

5 MR. MANSON: Okay.

6 THE COMMISSIONER: April 3<sup>rd</sup>.

7 MR. BRUNET: April 3<sup>rd</sup>, yeah.

8 MR. MANSON: But for many of them there are  
9 no dates; correct?

10 MR. BRUNET: Yes, in some of them, yes.

11 MR. MANSON: My point is, Staff Sergeant  
12 Brunet, as comprehensive as this document is, if you looked  
13 at this, you -- no one would know that no work was done  
14 from April 29<sup>th</sup> to August 24<sup>th</sup>; correct?

15 MR. BRUNET: I see. Yes.

16 MR. MANSON: Now, let's just leave this now  
17 and let's talk about your interaction with Sergeant Lortie  
18 in the morning meeting. I've checked his notes. You'll  
19 recall that the St. Denis memo wasn't sure, late September  
20 or early October, but Sergeant Lortie's notes indicate  
21 September 29<sup>th</sup> in the morning. We both know what meeting  
22 we're talking about?

23 MR. BRUNET: Yes, but I don't know. If  
24 that's what it says; I don't have notes of the meeting, so  
25 I don't know.

1                   **MR. MANSON:** Do you have any reason to --  
2           think back to the meeting. Do you recall it?

3                   **MR. BRUNET:** Yes.

4                   **MR. MANSON:** Okay. It's a morning meeting?

5                   **MR. BRUNET:** Yes.

6                   **MR. MANSON:** Who is there? Can you  
7           remember?

8                   **MR. BRUNET:** I know that the deputy chief is  
9           there.

10                  **MR. MANSON:** St. Denis?

11                  **MR. BRUNET:** Yes. Obviously Claude Lortie.

12                  **MR. MANSON:** Yes.

13                  **MR. BRUNET:** Myself and there's some more  
14           people there, but I can't remember who they are, which  
15           staff sergeant. I can't remember. I don't think the chief  
16           was there.

17                  **MR. MANSON:** So you've given us three names.  
18           Is there 10 people in the room or less than 10 or more than  
19           10?

20                  **MR. BRUNET:** Less than 10. My estimate  
21           would be probably five, six people, to my recollection.

22                  **MR. MANSON:** Is that usual? Is that usual  
23           for a morning meeting, five or six people?

24                  **MR. BRUNET:** Yes.

25                  **MR. MANSON:** Can you recall how this topic

1           came up?

2                           **MR. BRUNET:** No, I can't.

3                           **MR. MANSON:** Was it Sergeant Lortie who  
4           raised it?

5                           **MR. BRUNET:** Yes, to the best of my  
6           knowledge, it was, yes.

7                           **MR. MANSON:** And did he just blurt out his  
8           views or did you ask any questions, or was there an  
9           introduction to his opinion?

10                          **MR. BRUNET:** My recollection is that he  
11           started to talk about it. So I don't think there was  
12           anybody else that brought it up. I can't recall exactly  
13           how it was -- how it started. I don't know.

14                          **MR. MANSON:** Did he say anything about  
15           failure to contact the CAS?

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

17                          **MR. MANSON:** Can you recall any details of  
18           what he said other than the phrase "cover-up"?

19                          **MR. BRUNET:** Well, there was the phrase  
20           "cover-up" is what certainly got my attention.

21                          **MR. MANSON:** And was he speaking about the  
22           Church or the Cornwall Police?

23                          **MR. BRUNET:** Well, my understanding or my  
24           interpretation of it was that he was speaking about the  
25           Church, ---

1                   **MR. MANSON:** The Church?

2                   **MR. BRUNET:** --- the Diocese, yes.

3                   **MR. MANSON:** And in your evidence you  
4 indicated that you were upset about that because given the  
5 information he would know, he wouldn't be in a position to  
6 have an opinion on that. Is that your evidence?

7                   **MR. BRUNET:** On the investigation, yes.

8                   **MR. MANSON:** Yes. But he was certainly  
9 unhappy about the investigation being closed; correct?

10                  **MR. BRUNET:** Yes, he was.

11                  **MR. MANSON:** If his notes are right that he  
12 made this comment or outburst to everybody you've described  
13 on September 29<sup>th</sup>, what we know now is he's already talked  
14 with Perry Dunlop, hasn't he?

15                  **MR. BRUNET:** I would say so.

16                  **MR. MANSON:** And in fact when you met with  
17 Perry Dunlop, both Lortie and Dunlop had already met with  
18 the Crown Attorney Murray MacDonald; correct?

19                  **MR. BRUNET:** That's what I heard, yes.

20                  **MR. MANSON:** But you didn't know that at the  
21 time?

22                  **MR. BRUNET:** I didn't know that at the time.

23                  **MR. MANSON:** Mr. Dunlop didn't tell you?

24                  **MR. BRUNET:** No. At least I don't recall  
25 it, and I didn't note it in my notes, but I don't believe

1           that I was advised that they had met with the Crown  
2           Attorney.

3                       **MR. MANSON:** Now, did you have an  
4           opportunity to see much of Staff Sergeant Derochie's  
5           evidence?

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

7                       **MR. MANSON:** When I cross-examined him, I  
8           asked him some questions about three cases: the  
9           investigation of Earl Landry Jr. in the mid-'80s; the  
10          Jeannette Antoine investigation in its original form and  
11          the Silmsler investigation. And I suggested to him -- you  
12          may recall this -- that they were all open to criticism.  
13          Did you hear that?

14                      **MR. BRUNET:** Yes.

15                      **MR. MANSON:** And I suggested to him that the  
16          Earl Landry Jr. investigation was open to criticism on the  
17          basis of case management, record keeping and delay, and he  
18          agreed with me.

19                      **MR. BRUNET:** Yes.

20                      **MR. MANSON:** Would you agree with that with  
21          respect to Earl Landry Jr.?

22                      **THE COMMISSIONER:** Now you're wanting his  
23          assessment?

24                      **MR. MANSON:** That's right.

25                      **MR. BRUNET:** Which investigation are you

1 referring to?

2 MR. MANSON: The mid-'80s.

3 MR. BRUNET: Mid-'80s, I never reviewed it.

4 MR. MANDERVILLE: With respect, Mr.

5 Commissioner, I think if Mr. Manson is going to put this  
6 issue to the witness, he ought to specify what it is he's  
7 concerned about.

8 THE COMMISSIONER: True.

9 MR. MANSON: I'm putting to you the evidence  
10 of Staff Sergeant Derochie, and it was Tuesday morning,  
11 April 1<sup>st</sup> in my cross-examination. If we can pull it up?

12 THE REGISTRAR: Which day?

13 MR. MANSON: Tuesday morning, April 1<sup>st</sup>.

14 THE REGISTRAR: April Fool's Day.

15 MR. MANSON: Who said that?

16 Let me see if I can quickly find the page.

17 It's at page 2, starting at line 7:

18 "I understand from reading the  
19 transcript yesterday that you agreed  
20 with my friend Mr. Engelmann that with  
21 respect to investigations, we can draw  
22 some conclusions from the Earl Landry  
23 Jr. investigation, the investigation  
24 into the Silmsler complaint and the  
25 investigation into Jeannette Antoine

1 complaint in the sense that all three  
2 were open to criticism; correct?

3 MR. DEROCHIE: Correct.

4 MR. MANSON: Mr. Engelmann suggested to  
5 you that the criticisms were similar in  
6 that they related to case management  
7 problems, record keeping problems and  
8 delay; correct?

9 MR. DEROCHIE: Yes, some or all of  
10 those were present in the -- yes."

11 Now, what I want to suggest to you is once  
12 you moved into the CIB, you did become involved with Earl  
13 Landry Jr.; correct?

14 MR. BRUNET: Yes.

15 MR. MANSON: And that required you to have a  
16 look at what was done in the mid-'80s; correct, with  
17 respect to the original complaint?

18 MR. BRUNET: No, I did not. I did not  
19 review that investigation.

20 MR. MANSON: You didn't go back and look at  
21 that file?

22 MR. BRUNET: That file had been purged.

23 MR. MANSON: Purged? You didn't talk to any  
24 of the officers?

25 MR. BRUNET: Well, Sergeant Lefebvre --

1           there was a brief conversation with Sergeant Lefebvre but  
2           nothing that I could make that type of evaluation.

3                       **MR. MANSON:** Okay. How about Jeannette  
4           Antoine?

5                       **MR. BRUNET:** Jeannette Antoine I wasn't  
6           familiar with. That was prior to me arriving in the unit  
7           and Staff Sergeant Derochie was the witness -- or the  
8           investigating officer. So I never reviewed that  
9           investigation neither. I read his reports, but that's his  
10          comments, not the actual review of the case.

11                      **MR. MANSON:** That's completely fair. You  
12          were the supervisor, the officer in charge of the  
13          investigation of the Silmsler complaint; correct?

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

15                      **MR. MANSON:** And would you agree with me  
16          that it can be criticized on the grounds of case  
17          management, record keeping problems and delay?

18                      **MR. BRUNET:** With the explanation given that  
19          I gave, the reasons why, but yes, I agree.

20                      **MR. MANSON:** Well, let's look at the  
21          explanation for a second. You agree with me that between  
22          April 29<sup>th</sup> and August 23<sup>rd</sup>, the assigned officer did nothing  
23          on the file, correct?

24                      **MR. BRUNET:** Yes, that I agree.

25                      **MR. MANSON:** And you also agree with me that

1       you -- her notes weren't on OMPPAC, so you couldn't see  
2       what she did; correct?

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

4                   **MR. MANSON:** And at the June 29<sup>th</sup> meeting,  
5       you said you didn't look at her notes; correct?

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

7                   **MR. MANSON:** So you didn't know that nothing  
8       had been done for four months; correct?

9                   **MR. BRUNET:** Well, that nothing at all had  
10       been done, yes, but I knew that the investigation had been  
11       -- that there wasn't any activity on it or much activity on  
12       it in the last four months, yes, I did. I did know that.

13                   **MR. MANSON:** And this was a serious matter,  
14       correct?

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

16                   **MR. MANSON:** And looking back, it just seems  
17       to me that the ball was dropped for four months. Would you  
18       agree with that?

19                   **MR. BRUNET:** Well, there -- there were  
20       reasons why and it's not just dropped because of not  
21       wanting to do anything on it. It was we weren't active on  
22       it because there were other cases that came in and there  
23       were other priorities and there was training and I've  
24       already given those explanations.

25                   So I agree with you there was no movement on

1 the investigation, but with reasons. There were reasons  
2 given for why there was no ---

3 **MR. MANSON:** I'm not saying you didn't have  
4 serious resource problems. All I'm saying is until the --  
5 near the end of August, that August 24<sup>th</sup> meeting, you didn't  
6 know that nothing was going on, did you?

7 **MR. BRUNET:** Well, yes, I had -- yes -- well  
8 -- yes, I knew that there wasn't -- I was aware that there  
9 hadn't been much activity on the investigation for the last  
10 -- since -- from April, the end of April to August. I did  
11 know that. I did know that from speaking to her, when I  
12 met with her in June, when I met with her in either the end  
13 of July or early August, and I was pursuing it for her to  
14 continue the -- to meet with the Crown Attorney so that the  
15 investigation can be completed.

16 **MR. MANSON:** Can I just have one second ---

17 **THE COMMISSIONER:** Sure.

18 **MR. MANSON:** --- Mr. Commissioner?

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. MANSON:** Can we look at the transcript  
21 for April 4<sup>th</sup>, at page 77, line 2? And this is Mr. Dumais:

22 "And just to finish off on that, and  
23 certainly by that August meeting, she  
24 ..."

25 Meaning Constable Sebalj.

1                                    "... certainly has not advised you that  
2                                    she has not really done anything on  
3                                    this case since April of that year?

4                                    MR. BRUNET: No, I -- I don't believe  
5                                    so."

6                                    That was your testimony; correct?

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

8                                    And I don't believe that she openly came and  
9                                    told me that she didn't do anything on it, but my bringing  
10                                   it up at the July/August meeting after the management  
11                                   meeting certainly indicated that I was aware that it wasn't  
12                                   -- it wasn't moving.

13                                   **MR. MANSON:** Thanks, Staff Sergeant Brunet;  
14                                   those are all my questions.

15                                   **MR. BRUNET:** Thank you very much, Mr.  
16                                   Manson.

17                                   **THE COMMISSIONER:** Thank you.

18                                   Well, we'll take the afternoon break, Mr. --  
19                                   could you find out what the order and the time for cross-  
20                                   examination?

21                                   **Mr. DUMAIS:** I will.

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

24                                   This hearing will resume at 3:20.

25                                   --- Upon recessing at 3:04 p.m./

1 L'audience est suspendue à 15h04

2 --- Upon resuming at 3:23 p.m./

3 L'audience est reprise à 15h23

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

6 This hearing is now resumed. Please be  
7 seated. Veuillez vous asseoir.

8 **THE COMMISSIONER:** Thank you.  
9 Mr. Paul.

10 **LUCIEN BRUNET, Resumed/Sous le même serment:**

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

13 **MR. PAUL:** Staff Sergeant Brunet, I appear  
14 for a citizens group by the name of the Coalition for  
15 Action.

16 **MR. BRUNET:** Good afternoon.

17 **MR. PAUL:** I'd like to just ask you one  
18 question, an additional question on there, and it was  
19 covered at length; there was the issue of having a female  
20 investigator?

21 **MR. BRUNET:** Yes.

22 **MR. PAUL:** And I understand that  
23 notwithstanding that Ms. Sebalj did sit in on the interview  
24 but with two other males?

25 **MR. BRUNET:** Yes.

1                   **MR. PAUL:** And I just wanted to ask, I  
2 understand that some police forces have the ability to  
3 somehow have a coaching officer outside the room monitor an  
4 interview but not be present, either electronically or  
5 through a window. I just want to ask you, is that  
6 something that you had the ability back then to do?

7                   **MR. BRUNET:** Not back then. We do now.

8                   **MR. PAUL:** So now you would have the ability  
9 through video, presumably, to do that?

10                   **MR. BRUNET:** That's correct. We got video  
11 equipment in 1994 or '95 and now we've got a new system in  
12 the last year and we even have better capability now to do  
13 it. So we can do it from a distance.

14                   **MR. PAUL:** All right. And that allows  
15 another officer -- I'm sorry; that allows a coaching  
16 officer to sit outside and watch the interview?

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

18                   **MR. PAUL:** I'd like to refer the witness to  
19 the statement to the Ontario Provincial Police. I believe  
20 it's Exhibit 1421, Document 728585, and I would be looking  
21 at page 23.

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

23                   **MR. BRUNET:** The page number again?

24                   **MR. PAUL:** I believe it's page 23.

25                   **MR. BRUNET:** That's -- that's not the

1 document's number; it's the page of the interview.

2 MR. PAUL: Page 23 would be the page of the  
3 interview, yes.

4 MR. BRUNET: Okay.

5 THE COMMISSIONER: At the bottom.

6 MR. BRUNET: Okay.

7 MR. PAUL: Page 23 of 30.

8 MR. BRUNET: Okay.

9 MR. PAUL: And I believe towards the middle  
10 there's a question:

11 "Did the announcement of Chief Shaver's  
12 early retirement have anything to do  
13 with the covering up of this  
14 investigation?"

15 MR. BRUNET: Yes.

16 MR. PAUL: Do you see that question?

17 MR. BRUNET: Yes.

18 MR. PAUL: And you respond, and you not only  
19 respond for Chief Shaver's purposes but you also deny a  
20 cover-up on your own behalf?

21 MR. BRUNET: That's correct.

22 MR. PAUL: And I think you make reference in  
23 your answer:

24 "No way. It wouldn't make sense to  
25 have a cover-up, because why would we

1 go and see the Archbishop in Ottawa if  
2 we had been part of a cover-up here.  
3 It doesn't make sense."

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

5 **MR. PAUL:** I want to point out that perhaps  
6 it didn't come to your mind at that time to suggest that it  
7 was not a cover-up because of the nature of the  
8 investigation being, for example, thorough? You didn't  
9 give that as a response at that time?

10 **MR. BRUNET:** No, I didn't.

11 **MR. PAUL:** The response you did give was the  
12 explanation for not being a cover-up was the fact that you  
13 -- after the fact, after the investigation was essentially  
14 over, you went to see the Archbishop; correct?

15 **MR. BRUNET:** That's correct. That was one  
16 of the reasons, but that's the reason I gave in this  
17 interview, yes.

18 **MR. PAUL:** I suggest perhaps the reason you  
19 didn't focus your attention on the nature of the  
20 investigation perhaps being a good investigation or  
21 something of that nature was because you basically did have  
22 some doubts in your mind about the type of investigation  
23 that was conducted at that point?

24 **MR. BRUNET:** No, I don't agree with that.

25 **MR. PAUL:** It wouldn't be the fact that, at

1 that point, when you're answering that question, the  
2 Ontario Provincial Police, you would have knowledge that  
3 despite the length of time that was involved in this  
4 investigation, Charlie MacDonald was never either subject  
5 to a polygraph or any form of interview, correct?

6 **MR. BRUNET:** Okay. I got the last part, but  
7 I didn't understand the question. What's your question  
8 exactly?

9 **MR. PAUL:** Despite the length of time of the  
10 investigation, Charlie MacDonald was never subjected to  
11 this polygraph or interview; correct?

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

13 **MR. PAUL:** Is it also the case, given what  
14 you've seen of the documentation, that he was never even  
15 asked to come in for an interview?

16 **MR. BRUNET:** No, because I didn't -- well, I  
17 don't -- I believe I've explained that to Mr. Manson  
18 earlier, is there's very good reasons why I believed we  
19 weren't ready to call them in yet. This investigation was  
20 not completed yet.

21 **MR. PAUL:** All right. All right. That's --  
22 that's the issue of probable grounds; correct? That you  
23 felt you needed to see the Crown to see if you had grounds  
24 for arrest, first?

25 **MR. BRUNET:** Well, yes, we wanted to discuss

1 the -- the new information that we had from the other two  
2 witnesses that we had acquired, I wanted to know exactly  
3 what impact they would have had on the evidence and if we  
4 could use that evidence.

5 And, basically, that's the stage we were at.  
6 That's why we were both in agreement that we wanted legal  
7 advice on that stage and then the decision to bring him in  
8 would have been after, either ready for an arrest or for a  
9 last-ditch interview.

10 **MR. PAUL:** I understand from what you're  
11 saying is that ultimate decision in bringing Charlie  
12 MacDonald was not Ms. Sebalj's, it was your decision?

13 **MR. BRUNET:** It was our decision. I think  
14 we both agreed that -- at this point, she had asked me my  
15 opinion and when this was offered -- I'm not sure, I  
16 believe it's either February or March that this was offered  
17 to her -- she didn't speak to me about it to get my  
18 opinion. I was of the opinion that it was premature and  
19 she agreed with that and she proceeded to do her  
20 investigation.

21 She did find other information and at that  
22 point, I felt that we needed legal advice to weigh that  
23 information -- that new information that she had gathered  
24 in order for us to determine if we would get to the point  
25 of reasonable and probable grounds or if it would be a last

1 interview, that we didn't feel that we had reasonable and  
2 probable grounds and we wanted to interview him.

3 **MR. PAUL:** So you would agree that you were  
4 expecting to be consulted or to be involved before Charlie  
5 MacDonald was asked to come in for an interview?

6 **MR. BRUNET:** Yes, we -- I know I would have  
7 had the results of the meeting with the Crown and after  
8 that meeting then it would have been a question of strategy  
9 at that point ---

10 **MR. PAUL:** M'hm.

11 **MR. BRUNET:** --- we would have had a  
12 strategy -- I don't know if you'd call it meeting or we  
13 would have spoke about the next steps.

14 **MR. PAUL:** And in terms of responsibility  
15 for him never coming in for an interview, that's not his  
16 refusal, that's Cornwall Police deciding they don't yet  
17 want him to be interviewed?

18 **MR. BRUNET:** At that point, yes, that's  
19 correct.

20 **MR. PAUL:** And you don't think that the  
21 opportunity to interview an accused, given the possibility  
22 that you don't even need a Crown opinion on probable  
23 grounds, might be appropriate? You're saving the Crown's  
24 time if you actually get an admission?

25 **MR. BRUNET:** Well, there was other

1 information. Well, I mean, yeah, I guess you would -- if  
2 you would get an admission, but you want to be sure of  
3 where you stand. I'll speak for myself in this type of  
4 investigation.

5 Before I would bring the suspect in for an  
6 interview, I'd want to make sure where I stand as far as if  
7 -- if I do have the grounds at that point, if it's evidence  
8 that we can use, then I want to know that because that will  
9 change the information that I confront him with and that I  
10 interrogate him with.

11 **MR. PAUL:** But is it not the normal practice  
12 you'd get all the information, including any statement from  
13 the accused, and then hand it over to the Crown Attorney  
14 and let them make their decision?

15 **MR. BRUNET:** Well, no. You can consult the  
16 Crown Attorney anytime that you feel you need legal advice  
17 to help you in your investigation.

18 **MR. PAUL:** Right, but anytime usually before  
19 the investigation is over. Isn't it usually preliminary  
20 matters like search warrants and you leave probable grounds  
21 until all the evidence is in?

22 **MR. BRUNET:** Well, in this case here, I'll  
23 suggest that we needed legal advice prior to making a final  
24 decision on when we do the interview.

25 **MR. PAUL:** All right. In this case here,

1       you also seemed to be under the impression you can't even  
2       get legal advice on that issue right away anyways; correct?  
3       You have to wait for an outside ---

4               **MR. BRUNET:** We've got to wait for an  
5       outside Crown. We've requested for an outside Crown and --  
6       or at least that's a -- I'm told that we had requested for  
7       an outside Crown and we're waiting for a meeting.

8               **MR. PAUL:** So given that you have to wait  
9       anyways and you don't seem to have access to immediate  
10       legal advice, why not go ahead and try to attempt to  
11       interview the accused in the meantime since you can't get a  
12       legal opinion immediately anyways?

13               **MR. BRUNET:** I thought I'd explained that.

14               The -- it was my position that when I bring  
15       the suspect in, I want to be solid on the information that  
16       I can use to do the interview. I don't want to step around  
17       the issues. When you do an interrogation, you want to know  
18       exactly where you stand.

19               **MR. PAUL:** All right, but as far as point-  
20       in-time of late August -- late August of '93 would be when  
21       you have documentation showing that you met Ms. Sebalj  
22       about the case; correct?

23               **MR. BRUNET:** Yes.

24               **MR. PAUL:** And although you've talked to her  
25       before that, is that -- is there any other times prior to

1 that where you have it written in documentation that you  
2 discussed the case with Ms. Sebalj?

3 **MR. BRUNET:** Well, no. There's the -- I had  
4 informal meetings which weren't documented and the formal  
5 meetings that I have -- paper that I put in her appraisal  
6 file were the June and the August meetings.

7 **MR. PAUL:** And the June one, I don't think  
8 specifically refers to discussions about Silmser. That's  
9 your recollection, but ---

10 **MR. BRUNET:** It's my -- my recollection.  
11 I'd have to check the report to make sure, but my -- I -- I  
12 don't recall. I would have gone -- I would have definitely  
13 brought it up, but I'm not sure that I documented the  
14 response.

15 **MR. PAUL:** And the August meeting is late  
16 August, around August 24<sup>th</sup> in '93 is it?

17 **MR. BRUNET:** Yes.

18 **MR. PAUL:** And that's less than two weeks  
19 before the civil settlement arises; correct?

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

21 **MR. PAUL:** And so less than two weeks  
22 before, you have documentation where you're suggesting to  
23 Ms. Sebalj that she speed up on her cases, including  
24 Silmser?

25 **MR. BRUNET:** Yes, but the initial -- well,

1 did I have documentation? Yes, but the initial contact  
2 with her was earlier that month or at the end of July.

3 **MR. PAUL:** Right. In terms of the timing  
4 and the coincidence that you're discussing speeding up the  
5 matter so soon before the civil settlement, I just want to  
6 ask you, had you or Chief Shaver heard anything or had any  
7 knowledge, whether rumour or not, that there was a civil  
8 settlement in ---

9 **MR. BRUNET:** No, I ---

10 **MR. PAUL:** --- coming up?

11 **MR. BRUNET:** No, I did not, and Chief Shaver  
12 never told me that he did. He'd have to answer that  
13 question himself, but for myself, I had no indication  
14 whatsoever. The phone call that I received in September  
15 was the first indication of that.

16 **MR. PAUL:** All right. Just going back to  
17 the issue of the visit to Ottawa, the Archbishop, I just  
18 wanted to confirm whether this is an Archbishop of Ottawa  
19 or is this the Papal-Nuncio (sic)?

20 **MR. BRUNET:** The Papal-Nuncio (sic). My  
21 understanding is the Chief had made the appointment, but  
22 that's the -- I don't think I was even aware of what Papal-  
23 Nuncio (sic) meant and the Chief explained to me that he  
24 was a representative to the Pope in Canada.

25 **MR. PAUL:** Something like a -- equivalent of

1 an ambassador?

2 MR. BRUNET: Ambassador, that's correct.

3 That's my understanding of his position.

4 MR. PAUL: Having diplomatic status, to your  
5 knowledge?

6 MR. BRUNET: I ---

7 MR. PAUL: Are you unsure of that?

8 MR. BRUNET: I -- I don't really know. I  
9 know it's a -- like the -- the place we went to on Manor  
10 Drive, it's where the embassies are. It's in that section,  
11 but I don't know if he's got -- what status he's got. I've  
12 got no idea.

13 MR. PAUL: At this point, when you travelled  
14 to Ottawa, the investigation is essentially concluded?

15 MR. BRUNET: Well, the -- yes, the Charlie  
16 MacDonald investigation, yes.

17 MR. PAUL: And are you performing more of a  
18 child protection role at this point as opposed to a police  
19 services role?

20 MR. BRUNET: Well, it's -- it's to voice our  
21 concern. The objective of the trip was to voice our  
22 concern about the settlement while there's a criminal  
23 investigation going on. We didn't feel that it -- (a) we  
24 felt that it really tied us up; we didn't have any options;  
25 (b) we felt that it was not a right way to deal with issues

1 and it compromised community safety.

2 **MR. PAUL:** In terms of the choice of Papal-  
3 Nuncio (sic), as far as your understanding, apart from the  
4 Bishop, Papal-Nuncio (sic), is there any other level in  
5 between that you could have gone to?

6 **MR. BRUNET:** I've got no idea.

7 **MR. PAUL:** Right. Did you have any concerns  
8 for future investigations of this matter, the fact that you  
9 may be dealing with a group that may or may not have  
10 diplomatic immunity. Is that -- was that any concern for  
11 investigative purposes?

12 **MR. BRUNET:** I didn't have any -- that never  
13 even crossed my mind.

14 **MR. PAUL:** Issue of discussions with him or  
15 any documents they had potentially being -- including  
16 diplomatic immunity, that wasn't anything that crossed your  
17 mind at the time?

18 **MR. BRUNET:** It never crossed my mind.

19 **MR. PAUL:** Now, this time -- I think  
20 yesterday, the issue of approaching both the Church and  
21 Probation was addressed yesterday and I think you indicated  
22 that as far as Murray MacDonald's discussions with the  
23 Chief and a suggestion that maybe the probation department  
24 could be contacted. You were unaware of that?

25 **MR. BRUNET:** I don't know. I -- I've --

1 I've got no recollection of that at all so I don't -- as  
2 far as I'm concerned, I wasn't aware of it, no.

3 **MR. PAUL:** So you're not aware of any legal  
4 advice that Chief Shaver may have had suggesting that he  
5 actually go to Probation as an option and raise issues with  
6 the employer?

7 **MR. BRUNET:** Well, it was in the letter that  
8 the Crown Attorney sent me. That issue was in the letter,  
9 but his discussion with the Chief, I don't recall any  
10 discussion with the Chief about that.

11 **MR. PAUL:** You didn't consider it an option  
12 at that point. I understand that there was no contact with  
13 Probation prior to Mr. Seguin's death?

14 **MR. BRUNET:** No, that's correct. My view on  
15 that was to try and get Mr. Silmsler to cooperate with the  
16 criminal investigation and that we would move on to advise  
17 when we had an active investigation and we had the -- we  
18 needed to confirm documentation and so on. We would be able  
19 at that point to approach them in a *bona fide* fashion.

20 **MR. PAUL:** It was your view that you were  
21 barred from contacting Probation?

22 **MR. BRUNET:** I wasn't barred -- well, I  
23 didn't feel that I had any legal authority to do so.

24 **MR. PAUL:** And you did have a discussion with  
25 Ron Lefebvre about that?

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

2                   **MR. PAUL:** But apart from that you didn't  
3 seek any legal advice in that issue?

4                   **MR. BRUNET:** No, I didn't.

5                   **MR. PAUL:** All right. And the fact that --  
6 the fact that Perry Dunlop advised you of this incident  
7 called the "Varley incident", did that make you consider  
8 contacting the Ontario Provincial Police to see whether Mr.  
9 Seguin was already under investigation for a related matter?

10                   **MR. BRUNET:** No. That investigation, the  
11 Varley investigation, I believe was -- it had been some time  
12 prior, probably I would estimate about two years prior and,  
13 no, I didn't think of calling the OPP to get further  
14 information on it.

15                   **MR. PAUL:** Did it reduce your concern about  
16 contacting the employer, the fact that there seemed to be  
17 some incident outstanding that it seemed to already relate  
18 to his employer?

19                   **MR. BRUNET:** Can you repeat that question?  
20 I'm not sure that I understand what you're asking?

21                   **MR. PAUL:** The fact that he already seemed to  
22 have some incident, the Varley Incident, that related to his  
23 employer ---

24                   **MR. BRUNET:** Yes.

25                   **MR. PAUL:** --- potentially didn't lessen your

1 concern about contacting Probation?

2 MR. BRUNET: No, not really because they were  
3 two separate issues. My understanding of the issue was a  
4 drinking -- at his place -- that's what my understanding  
5 was. And I believe when Constable Dunlop brought it up, I  
6 believe that's the issue that he had brought up, the fact  
7 that they were drinking at his place.

8 MR. PAUL: Was it brought up that one of them  
9 might be a probation client? Or was that brought up?

10 MR. BRUNET: M'hm, yes. Yes, actually it  
11 was. Yes, he did say that.

12 MR. PAUL: Now, I understand that as far as  
13 information back and forth between yourself and the  
14 Children's Aid, there was a reluctance also to give  
15 information in relation to the two individuals that I  
16 believe were referred to as C-3 and C-56?

17 MR. BRUNET: Yes.

18 MR. PAUL: And you had a concern that might  
19 be -- their names might be some how confidential  
20 information?

21 MR. BRUNET: Yes. I was aware that Constable  
22 Sebalj had -- especially C-3 -- she had quite a conversation  
23 with him to -- make him agree to meet with her, but she had  
24 reassured him about his confidentiality. And I was of the  
25 opinion that she had to respect that because if she didn't

1 respect that then any future dealing with C-3 may have been  
2 compromised.

3 In other words, if he didn't trust us any  
4 more his chances of ever coming forward and making a  
5 complaint dealing with the allegations that he was making  
6 would have been nil.

7 If you establish a rapport with somebody and  
8 you tell them and promise them that you're going to keep  
9 their name confidential, unless there is a legal obligation  
10 to do so such as a direction from the Courts, I believe that  
11 you have to respect that.

12 But having said that, what I had agreed to do  
13 is that I had agreed to ask Heidi to contact him and to try  
14 to get him to cooperate with their investigation.

15 **MR. PAUL:** Are you comparing this to a case  
16 where a drug informant gives a name, comes forward but wants  
17 their name to be in confidence. Is that ---

18 **MR. BRUNET:** Well, an informant issue is  
19 somewhat separate because there's a whole bunch of other  
20 issues.

21 I think it's just a common courtesy that if  
22 you've got a victim that tells you something confidentially,  
23 that you work with them and try and keep him on your side  
24 and try to keep -- you don't -- what's the word I'm looking  
25 for -- threaten his trust. Like you don't breach his trust

1 in you because if you do that then his chances of coming  
2 forward as a victim later on when he decides -- when he  
3 would be -- is gone. You basically have nil.

4 **MR. PAUL:** The two individuals, would it be  
5 accurate to say that neither of them initiate contact with  
6 the police as -- what I'm suggesting is that the police  
7 track them down through investigative means, found their  
8 names through investigation as opposed to the individuals  
9 volunteering their names?

10 **MR. BRUNET:** That is correct. That's  
11 accurate. Their names were provided by other people and  
12 when they were interviewed they shared the information with  
13 the officer at that time, at the time of the interview.

14 **MR. PAUL:** So in dealings with Children's Aid,  
15 couldn't you have drawn the distinction that the information  
16 that you got from these individuals was confidential, but  
17 the names were obtained not through the individuals but by  
18 other means that were not as confidential?

19 **MR. BRUNET:** Well, my thought at the time --  
20 and I mean I stand to be corrected -- but my thought at the  
21 time is I didn't want to be -- I didn't want to put Heidi in  
22 the position that she was breaching their trust. That's  
23 basically what my position was at the time; what my thought  
24 was at the time.

25 **MR. PAUL:** During some of this period of

1 time, I understood that you performed sort of dual role as a  
2 police officer and you are also on the Children's Aid  
3 Society Board?

4 **MR. BRUNET:** Well, it's not a dual role.  
5 It's a volunteer thing. I was asked to -- if I would be  
6 interested in volunteering as a board member with the  
7 Children's Aid Society.

8 It's totally volunteer and I accepted to do  
9 that and you attend monthly meetings. And you don't have  
10 anything to do with the operation -- the operational  
11 organization, it's strictly a governance position. And then  
12 I also accepted to be on their French-Language Committee as  
13 a sub-committee, so I was involved with the Children's Aid  
14 approximately five years in both those roles as a volunteer.

15 **MR. PAUL:** Now, as your involvement with the  
16 Children's Aid board, were you the only Cornwall Police  
17 Officer or were there other officers also on the Board?

18 **MR. BRUNET:** At the time that I was there, I  
19 was the only one. Prior to me would have been Constable  
20 Malloy and when I left I approached one of our Community  
21 Services Officers, Constable Gary Leger, and asked him if he  
22 would like to replace me because I felt that it's a very  
23 good thing to do; to give back to the community, especially  
24 anything that has to do with dealing with children. It's  
25 good to give your time and it's good to have police presence

1 on the Board because when you are discussing governance  
2 issues, it's nice to get the police perspective and Mr.  
3 Abell made numerous comments about my input to those  
4 meetings.

5 **MR. PAUL:** As far as your role as either a  
6 police officer or a member of the Children's Aid Board, were  
7 you aware of any reluctance by the Children's Aid Society to  
8 get involved in investigating Mr. Seguin prior to his death?

9 **MR. BRUNET:** No. This is something that I  
10 learned through Staff Sergeant Derochie. I didn't hear  
11 anything directly from Children's Aid.

12 **MR. PAUL:** And either as part of your role as  
13 a police officer or on the Children's Aid Board, were you  
14 ever aware in any way, any connection between the Silmsler  
15 case and the Jeannette Antoine case, particularly any  
16 connection involving Mr. Seguin?

17 **MR. BRUNET:** No, I'm not aware of any.

18 **MR. PAUL:** Were you aware of any fear the  
19 Cornwall Police or Children's Aid had or reluctance to  
20 pursue Mr. Seguin shortly prior to his death?

21 **MR. BRUNET:** I'm aware through Staff Sergeant  
22 Derochie that they were not going to be doing an  
23 investigation, but I didn't have any personal involvement in  
24 communicating with anyone at the Children's Aid about that.

25 **MR. PAUL:** Now, you have indicated that your

1 impression was that Mr. Silmsler was reluctant to immediately  
2 go after Mr. Seguin, he wanted to focus on Charlie MacDonald  
3 first?

4 **MR. BRUNET:** Yes.

5 **MR. PAUL:** But I just wanted to ask you, did  
6 that -- as you understand -- that came out of his first  
7 interview or did that only come out shortly after his  
8 interview?

9 **MR. BRUNET:** My memory -- if my memory serves  
10 me right, it was on the 10<sup>th</sup> of February.

11 **MR. PAUL:** Would it be your recollection  
12 that, initially, he was behind the prosecution of both  
13 Charlie MacDonald and Mr. Seguin?

14 **MR. BRUNET:** That's my understanding, yes.

15 **MR. PAUL:** And in terms of events that  
16 changed that, were you suspicious that some contact between  
17 Mr. Seguin and Mr. Silmsler may have changed that?

18 **MR. BRUNET:** Well, he openly admitted to  
19 Constable Sebalj, she's got it in her notes, that he had --  
20 well -- I can't remember in her notes who initiated the  
21 contact but there was contact between the two and that he  
22 was getting mad and that he told Constable Sebalj that he  
23 was not interested in -- well, not interested, that's not  
24 his words, but I can't remember the exact words. He did  
25 not want to pursue Mr. Seguin this time.

1                   **MR. PAUL:** And there's a reference to Mr.  
2                   Seguin running scared?

3                   **MR. BRUNET:** Yes, that's the conversation.

4                   **MR. PAUL:** Would you agree that in terms of  
5                   exactly why Mr. Silmser is backing off, that was never  
6                   really thoroughly canvassed by the police?

7                   **MR. BRUNET:** Why Mr. Seguin's backing off?

8                   **MR. PAUL:** Sorry, Mr. Silmser is backing  
9                   off.

10                  **MR. BRUNET:** Oh, Silmser. My understanding,  
11                  the explanation that I had, is that he wasn't able to deal  
12                  with both. He didn't want to deal with both.

13                  And that's not uncommon for victims to start  
14                  the investigation, to make the complaint, and then tell  
15                  you, "This is happening in my life, that's happening in my  
16                  life and I'm not comfortable in continuing". So my  
17                  understanding of the situation was that he just did not  
18                  feel comfortable with pursuing both investigations at the  
19                  same time.

20                  He would rather -- he preferred to deal with  
21                  Father Charlie first and then he would deal with Mr. Seguin  
22                  at a later date.

23                  **MR. PAUL:** But it's just in terms of what  
24                  was said between Mr. Silmser and Mr. Seguin. The police  
25                  didn't really probe for details on what was said in that

1 conversation?

2 **MR. BRUNET:** I really don't -- I can't  
3 answer that because Constable Sebalj had the conversation  
4 with him. I can only depend on her notes.

5 **MR. PAUL:** All right. Now, as far as Mr.  
6 Silmser's view suggesting that he wanted to take things one  
7 at a time, Charlie MacDonald first and Séguin later.

8 **MR. BRUNET:** Yes.

9 **MR. PAUL:** Nevertheless, I'd suggest he did  
10 give a version of events in the initial interview?

11 **MR. BRUNET:** Yes, he did.

12 **MR. PAUL:** And that version of events gave a  
13 fair number of details in relation to Mr. Seguin. Would  
14 you agree with that?

15 **MR. BRUNET:** Yes.

16 **MR. PAUL:** And, in that respect, I would  
17 suggest that perhaps, at least in terms of the pre-charge  
18 phase of a criminal proceeding, he had done his part. He  
19 gave a detailed version of events. Would you agree with  
20 that?

21 **MR. BRUNET:** Well, he had given some  
22 information, yes, but we had not received a written  
23 statement at that point and as a cautious investigator, I  
24 would want to have a written statement. And if there was  
25 any questions to be clarified, once you receive the

1 statement, you'll clarify your questions, and that will  
2 give you the information that you would be comfortable in  
3 taking to a court of law.

4 **MR. PAUL:** In terms of his reluctance to  
5 proceed on both matters at the same time, was he questioned  
6 to clarify what he meant; in the sense did he mean that he  
7 didn't want to go through two trial processes at once?

8 **MR. BRUNET:** You see, that I can't answer  
9 you because Constable Sebalj had the conversation with him  
10 and I'm not privy to the details of the actual telephone  
11 conversation they had. Above and beyond that, I do not  
12 recall her getting into any details with me about it.

13 **MR. PAUL:** Did you consider at any point  
14 approaching Mr. Silmsen and suggesting that it would be  
15 both consistent with his wishes and the public interest to  
16 finalize and complete your side of the investigation on Mr.  
17 Seguin, but not actually lay charges or proceed to court  
18 without his directions or at least his input?

19 **MR. BRUNET:** No, I didn't consider that and  
20 I never spoke to Constable Sebalj about that option.

21 **MR. PAUL:** Would you agree that to complete  
22 the police side, he's given us a detailed verbal statement?  
23 To complete the police investigation of other witnesses  
24 could have been consistent with his wishes and the public  
25 interest to complete it up to the point of charges?

1                   **MR. BRUNET:** That could have worked. I'm  
2 not sure about -- once you've done the investigation and  
3 you're at the point of charges, I'm not sure about delaying  
4 it at that point. If you've got reasonable and probable  
5 grounds, where that would take you.

6                   However, a Crown Attorney would -- I'd  
7 certainly want to discuss that with a Crown Attorney.  
8 However, I am -- it is an avenue that is a possibility and  
9 I didn't consider that; I didn't think of it.

10                   **MR. PAUL:** If you had considered proceeding  
11 with the investigation up to a point prior to laying  
12 charges, would you have considered whether any of the  
13 alleged offences actually occurred at the probation office?  
14 Did you have to look at that?

15                   **MR. BRUNET:** I'm sorry, I missed the point  
16 of your question. Can you ask me again, please?

17                   **MR. PAUL:** If the complainant, Mr. Silmsler,  
18 suggested any sexual assaults at the probation office  
19 itself, then you wouldn't hesitate to go to the scene of  
20 the crime and conduct interviews at the scene of the crime,  
21 being the probation office?

22                   **MR. BRUNET:** That's correct. If there was  
23 any information whatsoever that would indicate that the --  
24 where the crime occurred or any witnesses that related to  
25 that place, then you're *bona fide* in doing a police

1 investigation and talk to anybody that can give you  
2 evidence to the charge. And if that means going to take  
3 photographs or if he gives you information that you feel  
4 that photographs can help you, you can certainly do that.

5 **MR. PAUL:** I had a couple of questions on  
6 the area of Mr. Skinner's investigation. I know you were  
7 questioned about that but there are a few areas that I'd  
8 like to ask additional questions.

9 First of all, did you have detailed  
10 discussions with Superintendent Skinner?

11 **MR. BRUNET:** Well, I had an interview with  
12 him. Detailed -- certainly not detailed like we've just  
13 gone through it now, no, but we did have an interview.

14 **MR. PAUL:** Now, while his notes are not  
15 detailed in that regard, they do make a reference to  
16 "Brunet accepts responsibility". And I ask you did you  
17 accept responsibility for certain flaws in the  
18 investigation?

19 **MR. BRUNET:** I accepted responsibility for  
20 the entire investigation. I'm in charge, so I have to  
21 accept the responsibility.

22 **MR. PAUL:** So in terms of deficiencies in  
23 the investigation, you indicated to him that you would  
24 accept responsibility as the supervisor of Ms. Sebalj?

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

1                   **MR. PAUL:** Now, he did in his testimony  
2                   indicate that he had the impression that Ms. Sebalj was  
3                   thrown in the deep-end and left to run with it. Is that  
4                   something that you disagree with?

5                   **MR. BRUNET:** I totally disagree with that  
6                   statement.

7                   **MR. PAUL:** Were you able to give your  
8                   version in terms of discussions with Superintendent  
9                   Skinner? Did you give your version of the events in the  
10                  sense of describing to him the amount of meetings you had  
11                  with Ms. Sebalj?

12                  **MR. BRUNET:** I thought I did. Well, again  
13                  maybe not in detail like I've just done in the last four  
14                  days, but, yeah, I did explain to him that we had regular  
15                  meetings. I was being briefed and the documentation that I  
16                  received was shared with him, the documentation we referred  
17                  to as far as the assignment lists. He's the one that had  
18                  it. That's why it wasn't purged. It was provided to him  
19                  so, yeah, he was given details about that.

20                  **MR. PAUL:** Are you aware that Superintendent  
21                  Skinner commented that he had a concern that a number of  
22                  interviews were done by telephone and not in person?

23                  **MR. BRUNET:** Yes. And I believe that with  
24                  people from between Edmonton and I'm not sure how far east  
25                  they went, it's impractical to meet with everyone

1 personally.

2 You first make contact with them, you  
3 interview them, and if you feel that there's more to offer,  
4 then you'll make arrangements. In the case of Edmonton, I  
5 would suggest that we would have probably contacted  
6 somebody with the Edmonton Police Service to do the  
7 interview if we would've had any information that ---

8 **MR. PAUL:** Well, he did make reference to  
9 one interview of someone from Ottawa who showed some  
10 reluctance to talk about the matters over the telephone.  
11 Superintendent Skinner seemed to be under the impression  
12 that that interview should have been taken up in person?

13 **MR. BRUNET:** Well, I don't know that he's  
14 interviewed that person or not to make that comment. My  
15 position on that interview and his comments is that the  
16 officer called him. He made a comment that it was close to  
17 home. I don't know that the officer -- that Constable  
18 Sebalj, she may have cleared what he meant and may not have  
19 made detailed notes about everything that he meant by that.  
20 At the end of the day, he didn't provide a statement and he  
21 was later interviewed by the OPP in person and still didn't  
22 provide a statement.

23 So my position, my belief on that, is that  
24 there's nothing that says that the officer didn't pursue  
25 what he meant and that she just didn't see it as important

1 to note in her notebook. If he gave a reasonable  
2 explanation of what he meant by that comment, that would  
3 lead her -- that would justify why she didn't request for  
4 the interview.

5 I'll suggest that when she found out from C-  
6 3 and C-56 that they had information to offer, she went  
7 above and beyond to try and get them to cooperate and to  
8 meet with them and try to convince them to take a  
9 statement. So it's not logical that she wouldn't have  
10 tried for this other individual.

11 **MR. PAUL:** All right.

12 You don't think that the recombination of  
13 comments like "It's close to home; it's scary stuff"  
14 combined with a verbal indication that they're reluctant to  
15 talk over the phone, that combination might suggest we'd  
16 better go up there and try to talk to the person?

17 **MR. BRUNET:** Well, it's -- like, I mean, it  
18 certainly would require me -- would trigger me to ask more  
19 questions, but if the answers given to the officer or if I  
20 was the one doing the interview, if the answers justified  
21 the statements, then at that point, I -- you know, it's  
22 second guessing. Like, right now, for me to make comment  
23 on it, really, it's second-guessing the officer without  
24 knowing.

25 **THE COMMISSIONER:** We've been through all of

1           this already though, Mr. Paul.

2                       **MR. PAUL:** I want to ask you about -- just  
3           one point I believe wasn't covered with respect to that  
4           report. Superintendent Skinner indicated that he didn't  
5           see much in the way of contact by inspectors on the file.  
6           Was your impression while the Silmsler investigation was  
7           going on that the inspector level was basically not  
8           involved in the case?

9                       **MR. BRUNET:** There was no inspector in  
10          charge in the Criminal Investigation Branch at the time. I  
11          reported directly to the deputy chief. There was an  
12          inspector off on sick leave.

13                      **MR. PAUL:** Now, at the point in time in the  
14          fall when you have correspondence with Murray MacDonald,  
15          you have verbal conversation first and then you want to  
16          document it with a letter?

17                      **MR. BRUNET:** Yes.

18                      **MR. PAUL:** And when he writes back  
19          indicating that they don't force complainants to testify,  
20          he adds information also about concerns about probable  
21          grounds; correct?

22                      **MR. BRUNET:** Yes, that's correct.

23                      **MR. PAUL:** And while he adds material about  
24          probable grounds, he doesn't mention in his letter anything  
25          about the other two individuals, C-3 and C-56; correct?

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

2                   **MR. PAUL:** And you're aware of those  
3 individuals when you get -- when you're involved in that  
4 correspondence; correct?

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

6                   **MR. PAUL:** When you see his letter coming  
7 back, making reference to reasonable and probable grounds,  
8 without making reference to these possible similar fact  
9 witnesses, don't you consider contacting Mr. MacDonald to  
10 make sure he is aware of them?

11                   **MR. BRUNET:** I was with the belief at that  
12 time that he was aware of it.

13                   **MR. PAUL:** Doesn't it appear that he is not  
14 aware of it as a result of the letters because he doesn't  
15 mention it?

16                   **MR. BRUNET:** No. These people were  
17 interviewed in April and ---

18                   **MR. MANDERVILLE:** Two points, Mr.  
19 Commissioner. I think Mr. Brunet's being asked to answer  
20 questions in a vacuum. He doesn't have the letter in front  
21 of him.

22                               Secondly, I believe, last week through  
23 Officer Derochie, it was established that Mr. MacDonald was  
24 indeed aware of these two individuals and I think my friend  
25 is being unfair to suggest otherwise without putting that

1 transcript reference to him.

2 **THE COMMISSIONER:** Mr. Paul, any response?

3 **MR. PAUL:** I am prepared to put the letter  
4 to him if it's fair to put the letter to him.

5 **THE COMMISSIONER:** Okay. But we know --  
6 well, we know -- there is evidence on the carpet now that  
7 as far as Staff Sergeant Derochie is concerned, that Murray  
8 MacDonald was aware of those two people.

9 **MR. PAUL:** Well, I think that Mr. MacDonald  
10 will still have to testify in relation to that. I would  
11 suggest I'm still prepared to ask his position on whether  
12 Mr. MacDonald was aware. If it appears in the letters,  
13 there is no reference to it.

14 **THE COMMISSIONER:** Okay. Where's the  
15 letter? What's the exhibit number?

16 **MR. PAUL:** I believe 301.

17 **THE COMMISSIONER:** Three-zero-one (301)?

18 **MR. PAUL:** Looking at Exhibit 301, would you  
19 agree that Mr. MacDonald doesn't make reference to the two  
20 other witnesses, C-3 and C-56?

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

22 **MR. PAUL:** Now, you said that you were --  
23 may have been under the impression that he was already  
24 aware of these two individuals?

25 **MR. BRUNET:** Yes, I believe that he was

1           because of the timing of the interviews. The interviews  
2           were done in April -- late March, early April and this  
3           letter is written in September, and I know that Constable  
4           Sebalj had been in touch with him on numerous occasions and  
5           I was of the belief that he was aware of them.

6                       **MR. PAUL:** So you didn't discuss it with Mr.  
7           MacDonald prior to the correspondence? You didn't discuss  
8           it with him yourself?

9                       **MR. BRUNET:** Not about C-13 and C-56, no.

10                      **MR. PAUL:** Okay. And as far as your  
11           dealings with Ms. Sebalj, did she ever tell you that she  
12           had met Mr. MacDonald, discussed that with him?

13                      **MR. BRUNET:** I do not recall. I do not  
14           recall that she ever told me specifically, no.

15                      **MR. PAUL:** Mr. Commissioner, I'd like to  
16           refer to another document ---

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

18                      **MR. PAUL:** --- 728585. I believe that was  
19           the document I referred to earlier, Exhibit 1421. It is a  
20           statement to the Ontario Provincial Police.

21                      **THE COMMISSIONER:** One-four-two-one (1421).  
22           All Right. What page?

23                      **MR. PAUL:** It would be page 15.

24                      **THE COMMISSIONER:** One-five (15)?

25                      **MR. PAUL:** Yes.

1                   **THE COMMISSIONER:** Thank you.

2                   **MR. PAUL:** I want to ask you about your  
3 answer to the first question. Towards the middle, you're  
4 answering a question that refers to C-3 ---

5                   **THE COMMISSIONER:** And C-56.

6                   **MR. BRUNET:** Yes. The question?

7                   **MR. PAUL:** To give the impression in that  
8 answer to the Ontario Provincial Police that neither of the  
9 witnesses are cooperative?

10                  **MR. BRUNET:** Yes. I've already testified to  
11 that. I was of that belief. It may have been a  
12 miscommunication between Constable Sebalj and I. I was  
13 under the impression that the two other victims did not  
14 want to be identified -- did not want to file a complaint  
15 and also they didn't want to be identified.

16                  **MR. PAUL:** And you would agree that you were  
17 perhaps in error in relation to one of the two?

18                  **MR. BRUNET:** Yes, after reading -- after  
19 preparing for this information and probably even before  
20 that, I may have become aware of that, but I wasn't  
21 initially.

22                  **MR. PAUL:** When you prepared for this  
23 interview, did you have access to Ms. Sebalj's notes or the  
24 police report or any of that information?

25                  **MR. BRUNET:** I don't believe that I had

1 access to her notes.

2 MR. PAUL: Would you have the police reports  
3 that would show a summary statement of those witnesses?

4 MR. BRUNET: Yes. I would have had a copy  
5 of that -- access to a copy of that.

6 MR. PAUL: When I say you're mistaken, would  
7 you agree that at least with one of the witnesses, they  
8 were prepared not to be a complainant but possibly a  
9 witness?

10 MR. BRUNET: That's correct. That's the  
11 information that I got to learn and clarify.

12 MR. PAUL: In terms of this statement,  
13 you're giving a statement to the Ontario Provincial Police  
14 who, in your understanding, are investigating possible  
15 wrongdoing?

16 MR. BRUNET: That's correct.

17 MR. PAUL: So you are looking at that and  
18 answering questions knowing that they are looking at  
19 possible wrongdoing by the Cornwall Police?

20 MR. BRUNET: Yes, possible wrongdoing from  
21 myself.

22 MR. PAUL: And in terms of the error that  
23 you made, the error suggesting that neither one of them  
24 want to cooperate, that's an error that would have the  
25 effect of reducing probable grounds and perhaps making the

1 police position look better; would you agree?

2 MR. BRUNET: If ---

3 THE COMMISSIONER: Look better? Weaken the  
4 case, you mean, to bolster the position of the police that  
5 they don't have RPG?

6 MR. PAUL: Well, to explain the reason why  
7 they didn't proceed on the charges.

8 THE COMMISSIONER: Right.

9 MR. BRUNET: If it would have been done  
10 maliciously, yes, it would have given that indication, but  
11 in my case it was an error.

12 MR. PAUL: Now just another point. We've  
13 covered most of the area of probable grounds, but you did  
14 make a reference at some point to suggesting that there  
15 were inconsistencies in the statement made by Mr. Silmsen  
16 from the verbal statement to the written statement?

17 MR. BRUNET: Yes, there was.

18 MR. PAUL: Now, are you just going by what  
19 the investigating officers told you or have you actually  
20 reviewed those?

21 MR. BRUNET: That's after reviewing the  
22 notes and the statement.

23 MR. PAUL: In terms of those  
24 inconsistencies, are you talking about, for example,  
25 whether the offence happened at noontime or night time at

1 the church? Is that what you were ---

2 MR. BRUNET: No, no, it was the actual  
3 offence itself. The information provided initially and  
4 then the information provided in the statement was very  
5 different.

6 MR. PAUL: But in terms of -- so you're  
7 going by the notes of Ms. Sebalj, Mr. Malloy and Mr.  
8 Lefebvre in comparing those to the written statement?

9 MR. BRUNET: That's correct.

10 MR. PAUL: And if I suggest to you the  
11 discrepancies really are not significant; you disagree with  
12 that?

13 MR. BRUNET: I think they are significant.

14 MR. PAUL: The discrepancies, we've seen  
15 them in all the officers' notes or just coming up in some  
16 of the officers' notes and not others?

17 MR. BRUNET: I don't recall. I'd have to go  
18 through the notes of the three officers and then compare it  
19 to the statement.

20 MR. PAUL: I have a couple questions for you  
21 on project files. I just want to ask you; approval of a  
22 project file, does a chief of police have the authority to  
23 approve a project file?

24 MR. BRUNET: No, it's -- well, I guess --  
25 good question. I don't know the answer. The chief does

1 not approve reports. The supervisor is the one that  
2 approves reports.

3 **MR. PAUL:** In a sense, is a project file, is  
4 it approved within Cornwall Police or from outside, for  
5 example, in Toronto?

6 **MR. BRUNET:** Within Cornwall Police.

7 **MR. PAUL:** And I wanted to ask you another  
8 question about OMPPAC generally. Back at that time in '93,  
9 to enter OMPPAC, does an officer have to enter a badge  
10 number?

11 **MR. BRUNET:** Yes.

12 **MR. PAUL:** And I'm just wondering; in terms  
13 of controlling officers, controlling who goes in, could Mr.  
14 -- could Constable Dunlop have been directed to stay out of  
15 that file and you would be able to know it because his  
16 badge number would go in if you looked at it?

17 **MR. BRUNET:** No, I don't believe it tracked  
18 people querying the file.

19 **MR. PAUL:** There's no way to track it?

20 **MR. BRUNET:** No. To the best of my  
21 knowledge, the way it works is that you -- there's a --  
22 there was a sheet that the administrator had control of,  
23 and the administrator would give access to the files, but  
24 there's like the general OMPPAC investigations, like the  
25 general access to OMPPAC information, all the officers need

1           it because when they start an investigation, if they don't  
2           want to do a query and so on and so on, they need access to  
3           it. So it was a given that they were given access to that.  
4           Where the control was was the supervisory function. So if  
5           somebody was promoted, then you would be given supervisory  
6           access.

7                           **MR. PAUL:** I wanted to ask you a few  
8           questions just about your relationship, if any, to some  
9           parties involved in the case.

10                           Now, Malcolm MacDonald, had you had any  
11           relationship with Malcolm MacDonald?

12                           **MR. BRUNET:** No, the only -- I knew him as a  
13           lawyer in the city. I would see him in the courtroom when  
14           I would go to court. That's it.

15                           **MR. PAUL:** And you did indicate -- it was  
16           referred to in one of your statements that you're Catholic.  
17           Did you have any connection to Charlie MacDonald or Charles  
18           MacDonald?

19                           **MR. BRUNET:** No, I didn't. I maybe -- well,  
20           I don't even know that he would have presided church. I  
21           might have gone to St. Columban's mass maybe five or ten  
22           times. My parish is a French parish. I used to belong to  
23           the parish in Lancaster. And when I got married, we moved  
24           to Cornwall and I joined St. Martyr canadien and then  
25           Christ-Roy, which are French churches.

1                   **MR. PAUL:** And other than knowing that  
2 Milton MacDonald was charged at some point in your high  
3 school, do you have any contact with him?

4                   **MR. BRUNET:** No. Well, again, I worked --  
5 when I was a teenager, I worked in a restaurant. So I  
6 would see him come into the restaurant and say hi, but  
7 there was no relationship there whatsoever.

8                   **MR. PAUL:** The other two lawyers involved in  
9 the civil settlement, Jacques Leduc and Shawn Adams, any --  
10 -

11                   **MR. BRUNET:** Jacques Leduc, I don't know. I  
12 know who he is, but I've never had any cases involving him.  
13 I've never -- I don't recall even having a conversation  
14 with him -- that I've ever had a conversation with him.

15                   Shawn Adams I got to know. I didn't know  
16 him very well at that time. He did a placement with the  
17 Cornwall Police when he was a student and he -- I remember  
18 going -- I had to go and do something in Ottawa, and they  
19 had sent him for a ride-along with me as a patrol officer.  
20 He came along and we had chatted and brought him back, and  
21 he wasn't assigned on my team.

22                   Then there was basically no contact until I  
23 got to know Shawn a little better in the mid to late '90s  
24 when he got involved with the Children Treatment Centre,  
25 and I've been volunteering with the Children Treatment

1 Centre for -- since '96. So I got to know him better from  
2 that point on.

3 **MR. PAUL:** There's another individual that  
4 came up in the civil settlement as the bursor of the Church  
5 as well, Gordon Bryan. Do you have any contact with him?

6 **MR. BRUNET:** I -- no personal contact. I  
7 know who he is and, again, you know, we'll have -- we've  
8 had brief conversations about the weather and that type of  
9 thing, but never any social involvement whatsoever.

10 **MR. PAUL:** What about -- I don't think I  
11 asked you about Ken Seguin. Was he someone you knew?

12 **MR. BRUNET:** Ken Seguin, I didn't know him  
13 at all. I knew to see him. He would come in to the front  
14 foyer of the police station and go to Records because he  
15 dealt a lot with the Records Bureau for probation issues.  
16 So I knew him to -- I knew that he was Ken Seguin, but no  
17 relation whatsoever. I don't recall ever talking to him to  
18 be honest with you.

19 **MR. PAUL:** Do you know of any of those  
20 persons associating outside of work with Chief Shaver?

21 **MR. BRUNET:** No.

22 **MR. PAUL:** Now, were you also a member --  
23 apart from being a member of the Church, were you also a  
24 member of the Knights of Columbus?

25 **MR. BRUNET:** Yes, I am.

1                   **MR. PAUL:** Did you see that in any way as a  
2 conflict in dealing with a case with a priest?

3                   **MR. BRUNET:** None so ever. I belong to  
4 Lancaster Council, which is totally out of this  
5 jurisdiction. It's in the Diocese, but it's not in  
6 Cornwall.

7                   **MR. PAUL:** And as far as Chief Shaver, I  
8 think you indicated that he wasn't a close, personal  
9 friend?

10                   **MR. BRUNET:** Chief Shaver? No.

11                   **MR. PAUL:** Now, since his retirement, have  
12 you had any contact with him?

13                   **MR. BRUNET:** Not other than him stopping by  
14 the police station a few times and he'll drop in and say  
15 hi, but ---

16                   **MR. PAUL:** No discussion about this case?

17                   **MR. BRUNET:** Not since he retired, no.

18                   **MR. PAUL:** I just want to ask you in  
19 relation to Mr. Silmsen's settlement and confirming whether  
20 it was voluntary; that was Ms. Sebalj's task?

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

22                   **MR. PAUL:** Now, did it ever come to your  
23 attention whether he made any comments like that he felt he  
24 had to take the sure thing, meaning the money?

25                   **MR. BRUNET:** Yes, I saw that in her notes

1           somewhere.

2                       **MR. PAUL:** Okay. I mean, back then though -  
3           - I'm not talking about now -- back then, in '93, did it  
4           ever come to your attention that he was making some  
5           suggestion that he had to take the sure thing?

6                       **MR. BRUNET:** Well, my interpretation of  
7           that, when I saw that, my interpretation of it is that he -  
8           - when you take a case to court, criminal court, there's  
9           always -- I mean, there's no guarantees you're going to get  
10          a conviction. I take it that he saw this as if he had an  
11          opportunity to get some money; he preferred to go that way.

12                      **MR. PAUL:** All right. Did you give  
13          direction to Ms. Sebalj or did you ever know whether she  
14          specifically put to him that he had the choice of  
15          continuing with the criminal prosecution no matter what  
16          happened in the civil settlement?

17                      **MR. BRUNET:** I really don't know what she  
18          would have told him, if she would have told him that, that  
19          that was an option. Obviously the reason for the meeting  
20          was to see, like, "Are you sure you want to do this?"  
21          Like, I'm not guaranteeing -- I know that she was not at a  
22          point to say that she could lay a charge, but a lot of the  
23          investigation had been completed.

24                      In my opinion, it was very close to being  
25          able to terminate it one way or the other. I can't answer

1 the question. I don't know. I don't know what she told  
2 him.

3 **MR. PAUL:** So you don't know whether the  
4 approach was just to find out what he wanted as opposed to  
5 making sure he knew that he had the right to continue?

6 **MR. BRUNET:** Well, my objective or my  
7 direction was to meet with him and make sure that that's  
8 exactly what he wanted and that if there's any possibility  
9 that there was any -- what's the word I use -- if there was  
10 any undue influence, for him to convince him to sign or  
11 anything illegal that had happened, that's what I wanted to  
12 know. And that would have certainly caused us to further  
13 the investigation.

14 **MR. PAUL:** I'd like to refer the witness to  
15 another document. It's 116272. I believe it's a statement  
16 of Mr. Shaver -- Chief Shaver.

17 **THE COMMISSIONER:** What exhibit, please?

18 **MR. PAUL:** I'm sorry; I don't have the  
19 exhibit number.

20 **THE COMMISSIONER:** Pardon me?

21 **MR. PAUL:** I don't have the exhibit number,  
22 I'm sorry.

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

24 **THE COMMISSIONER:** Can anyone help out as to  
25 the exhibit number?

1                   **THE REGISTRAR:** --- two one two (212)?

2                   **MR. PAUL:** Yes.

3                   **THE COMMISSIONER:** So do we have Mr. -- did  
4 we get a number?

5                   **MR. PAUL:** I'm sure -- sure that's the ---

6                   **THE COMMISSIONER:** No, no, it's already an  
7 exhibit; is it not?

8                   Chief Shaver's ---

9                   **MR. PAUL:** I'm sorry, that's a statement of  
10 Mr. MacDonald, I'm sorry.

11                   **THE COMMISSIONER:** Of which?

12                   **MR. PAUL:** Mr. Murray MacDonald, I believe.

13                   **THE COMMISSIONER:** Yeah, well, Murray  
14 MacDonald ---

15                   **MR. PAUL:** Yes.

16                   **THE COMMISSIONER:** One two three three  
17 (1233)?

18                   Julie, are you sure you put the heat down?  
19 C'est crevant.

20                   **MR. PAUL:** You got to look at for page 234.

21                   **THE COMMISSIONER:** Just a second, 1233.

22                   You may have it in your book, Mr. -- you  
23 have it.

24                   **MR. BRUNET:** I've got the exhibit, Mr.  
25 Commissioner, but ---

1                   **THE COMMISSIONER:** One two three three  
2                   (1233).

3                   Julie, peux-tu vérifier le thermostat?  
4                   I have -- 1233 is the interview report of  
5                   Murray MacDonald.

6                   **MR. PAUL:** Yes, you'd be looking for  
7                   page 54.

8                   **THE COMMISSIONER:** Sorry, page 54.

9                   **MR. BRUNET:** Maybe I'm missing something;  
10                  there's no pages on mine.

11                  **THE COMMISSIONER:** On top.

12                  **MR. PAUL:** On top.

13                  **THE COMMISSIONER:** Right in the middle?

14                  **MR. BRUNET:** Oh, I was missing something,  
15                  sorry. I'm getting tired.

16                  What's the page number, fifty- ---

17                  **MR. PAUL:** Fifty-four (54).

18                  **MR. BRUNET:** Okay.

19                  **MR. PAUL:** And in the middle of that page  
20                  there's a reference, Mr. MacDonald seems to be discussing a  
21                  meeting with Chief Shaver and discussing a possibility of  
22                  charging Mr. Silmsler with obstruction. He indicates:

23                                 "He inquired about charging the  
24                                 complainant and I explained to him that  
25                                 he -- he'd either have to be, you know,

1                   some key evidence on the issue of  
2                   obstruct -- obstructing justice or  
3                   public mischief, none of which seemed  
4                   to exist, at least for in terms of a --  
5                   what the police were aware. There was  
6                   -- now I have nothing to support that  
7                   at that time and if there was no crime  
8                   in the complainant seeking a civil  
9                   settlement at the same time."

10                   Just what I wanted to ask you is this, if in  
11                   your dealings around this time with Chief Shaver, if you  
12                   were aware of an intention or a desire to try to charge Mr.  
13                   Silmser somehow as a result of a civil settlement instead  
14                   of -- or rather than the lawyers were involved in it?

15                   **MR. BRUNET:** I -- I don't recall any -- any  
16                   such conversation like that the Chief having a conversation  
17                   with me about that. If he did, I don't remember.

18                   **MR. PAUL:** And so you're not aware of some  
19                   change in the atmosphere or mentality in the police force  
20                   moving from trying to prosecute certain individuals, to  
21                   moving towards trying to charge or prosecute persons such  
22                   as Mr. Dunlop and Mr. Silmsers?

23                   **MR. BRUNET:** Well, the -- Mr. -- I'm going  
24                   to speak for Mr. Silmsers first, I'm not aware that anybody  
25                   had suggested that we were going to charge him for

1 anything. That's news to me.

2 In reference to Constable Dunlop, I had  
3 absolutely nothing to do with that investigation. After  
4 our meeting and then after October 1<sup>st</sup>, the Chief told me  
5 that he was assigning Constable Derochie -- Constable sorry  
6 -- Staff Sergeant Derochie to investigate it and I stayed  
7 clear from that investigation.

8 There wasn't -- being I was very -- very  
9 involved in it, I kept my distance from it, from that  
10 aspect of the investigation.

11 **MR. PAUL:** All right. If we could just have  
12 one other area I want to ask you a question about.

13 Are you aware that there was an individual  
14 who worked for Canada Employment, who committed suicide as  
15 a result of allegations?

16 **MR. BRUNET:** Yes.

17 **MR. PAUL:** And I just wanted to ask you:  
18 Did you have any involvement with respect to searching that  
19 -- or obtaining exhibits or evidence from that individual's  
20 residence?

21 **MR. BRUNET:** No, I did not.

22 **MR. PAUL:** And yet you have no knowledge of  
23 anything seized from the residence?

24 **MR. BRUNET:** Well, I was aware that the --  
25 the officer that -- or the officers that did participate in

1 the -- in the seizures, they reported to me at the time and  
2 when I was informed that they had acquired a -- a lot of  
3 material, I made arrangements for them to get an office. I  
4 changed the locks on it. Well, I had the locks changed on  
5 it and I made arrangements for them to have -- people that  
6 had computer knowledge to -- to help them go through the  
7 documents.

8 And I was advised at one point that  
9 everything had been catalogued and we eventually laid  
10 charges; I was aware of that.

11 But I didn't participate in the search.

12 **THE COMMISSIONER:** You've actually laid  
13 charges -- I'm sorry, I must have missed this.

14 Is this the search of the Hickerson  
15 residence ---

16 **MR. PAUL:** Hickerson, yes.

17 **THE COMMISSIONER:** --- after his suicide?

18 **MR. PAUL:** Yes.

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

20 **THE COMMISSIONER:** And there were charges  
21 laid?

22 **MR. BRUNET:** Yes.

23 **THE COMMISSIONER:** Such as?

24 **MR. BRUNET:** The -- the -- is it okay for me  
25 to name the person?

1                   **THE COMMISSIONER:** Well, no, but what kind  
2 of charges would it have been?

3                   **MR. BRUNET:** It -- it would have -- it was --  
4 - somebody was charged with possession of child  
5 pornography.

6                   **THE COMMISSIONER:** Oh, okay.

7                   **MR. PAUL:** I believe those are my questions.

8                   **THE COMMISSIONER:** Thank you.

9                   Mr. Lee.

10                   How long do you think you're going to be,  
11 Mr. Lee?

12                   **MR. LEE:** Could be an hour.

13                   **THE COMMISSIONER:** Okay, why don't we take a  
14 10 minute break and we'll see if we can cool down this room  
15 and then we'll carry on.

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

18                   This hearing will resume at 4:35.

19 --- Upon recessing at 4:26 p.m./

20                   L'audience est suspendue à 16h26

21 --- Upon resuming at 4:39 p.m./

22                   L'audience est reprise à 16h39

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

25                   This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 **THE COMMISSIONER:** It seems the air  
3 conditioning is going to cooperate, thank God.

4 **MR. LEE:** It's a little bit better, I think.

5 **THE COMMISSIONER:** Oh yeah.

6 Now you will, Mr. Lee, bring in your own bit  
7 of fresh air now ---

8 **MR. LEE:** I'd like to think so.

9 **THE COMMISSIONER:** --- in your  
10 cross-examination, clear the air and get everything done in  
11 45 minutes.

12 **LUCIEN BRUNET: Resumed/Sous le même serment:**

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

14 **MR. LEE:** Staff Sergeant Brunet, my name is  
15 Dallas Lee; I'm on for the Victims Group.

16 I have a few questions I'd like to ask you.

17 I want to start by discussing, going back a  
18 little bit but from a different angle, the issue of the  
19 assignment of Constable Sebalj to the DS and -- the Silmsler  
20 investigation, okay?

21 **MR. BRUNET:** Yes.

22 **MR. LEE:** And you've explained to us already  
23 the heavy workloads that Malloy and Lefebvre had and the  
24 reasons that they weren't available, so I'm not going to  
25 take you back to that.

1                   As I understood your evidence, one of the  
2 reasons that Sebalj was assigned is because she was in the  
3 Youth Bureau and this was the kind of case that the Youth  
4 Bureau should be handling; is that right?

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

6                   **MR. LEE:** Is that an absolute rule or is  
7 that a preference?

8                   **MR. BRUNET:** That's a preference, because  
9 there's -- it's a specialty unit and you -- you try and get  
10 people to do the investigations within the specialty unit  
11 that -- that it belongs.

12                   **MR. LEE:** Mr. Manson asked you earlier today  
13 about what other officers were under your supervision at  
14 the time. And we have an org chart that I'd like to take  
15 you to ---

16                   **MR. BRUNET:** Sure.

17                   **MR. LEE:** --- because it might make it a  
18 little bit easier.

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

20                   **MR. LEE:** This has not been filed as an  
21 exhibit; it's document 731951.

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

23                   **THE COMMISSIONER:** Thank you.

24                   Thank you. Exhibit 1470 is a document  
25 called "The Cornwall Police Service Administration Bureau".

1        --- EXHIBIT NO./PIECE P-1470:

2                                (731951) CPS Resources - 16 Jan, 93

3                                **MR. LEE:** There's a date on the bottom  
4 right-hand corner, sir.

5                                **MR. COMMISSIONER:** Yes, revised the 16<sup>th</sup> of  
6 January 1993. Thank you, Mr. Lee.

7                                **MR. LEE:** Do you see that, Staff Sergeant  
8 Brunet, at the bottom right-hand corner of that front page  
9 of the revised date of January 16<sup>th</sup>, '93.

10                                **MR. BRUNET:** Yes.

11                                **MR. LEE:** And so that would have been within  
12 the week of you becoming the officer in charge of the CIB;  
13 is that right?

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

15                                **MR. LEE:** And if we turn over to the second  
16 page of that document, please, we see in the middle column  
17 the "E" team. And we have you listed as Staff Sergeant. Do  
18 you see that, sir?

19                                **MR. BRUNET:** Yes.

20                                **MR. LEE:** And so we have you as a Staff  
21 Sergeant with Sergeant Lefebvre and Sergeant Nakic below.  
22 Is that right?

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

24                                **MR. LEE:** And you told us that Nakic came in  
25 the same time you did and his responsibility was frauds.

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

2                   **MR. LEE:** Is that right?

3                   **MR. BRUNET:** Yes.

4                   **MR. LEE:** And you mentioned earlier today to  
5 Mr. Manson, as I heard it, Constable Hume and Constable Tyo.

6                   **MR. BRUNET:** Yes.

7                   **MR. LEE:** I didn't hear you mention Constable  
8 White.

9                   **MR. BRUNET:** No, and I forgot about him ---

10                   **MR. LEE:** He was there?

11                   **MR. BRUNET:** He was definitely there, yes.

12                   **MR. LEE:** And so am I right that that would  
13 be what you would describe as the General Investigations  
14 Branch ---

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

16                   **MR. LEE:** --- for the CIB? And below that we  
17 have the Youth Bureau with Sebalj and Malloy. So that would  
18 have also been part of CIB, the second part of CIB. Is that  
19 right?

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

21                   **MR. LEE:** And over on the right at the bottom  
22 we have the Intelligence/Drug Unit with Lortie and Forget?

23                   **MR. BRUNET:** Yes.

24                   **MR. LEE:** And that's the third component of  
25 CIB?

1                   **MR. BRUNET:** Well, it's the Intelligence Unit  
2                   like we've already discussed is -- reports directly to the  
3                   chief, but it's a unit that is usually associated with  
4                   Criminal Investigations.

5                   **MR. LEE:** So if we had some kind of flow  
6                   chart we would see that underneath CIB even though the  
7                   reporting relationship isn't to you; it's to the Chief?

8                   **MR. BRUNET:** I would say so, yes.

9                   **MR. LEE:** And would that apply to both Lortie  
10                  and to Forget or just Lortie?

11                  **MR. BRUNET:** Sergeant Lortie -- Constable  
12                  Forget was on light duties and she was just helping him with  
13                  data entry at the time. So she was not capable of regular  
14                  duties.

15                  **MR. LEE:** Okay. Let's take her out of it  
16                  then. Of those other officers there, was there anybody more  
17                  junior than Constable Sebalj?

18                  **MR. BRUNET:** No.

19                  **MR. LEE:** Sorry?

20                  **MR. BRUNET:** No.

21                  **MR. LEE:** No. Okay.

22                  What about in terms of experience with sexual  
23                  assault or sexual abuse investigations specifically; would  
24                  anybody there have had -- or can you break down for us who  
25                  would have had more or less experience than Constable Sebalj

1 in that area?

2 MR. BRUNET: I don't know that -- well, I  
3 know definitely Sergeant Lefebvre did. Constable Hume,  
4 Constable Tyo and Constable White, I don't know if any of  
5 them would have had sexual assault investigation experience  
6 at that point, but they were assigned some cases after  
7 Constable Malloy went off sick and I had to reassign some of  
8 his cases. Some of those officers were assigned some cases.

9 MR. LEE: Would those three in particular, is  
10 it fair to say that they would have had all more general  
11 investigative experience than Constable Sebalj.

12 MR. BRUNET: That's correct.

13 MR. LEE: But not necessarily in terms of  
14 sexual assault?

15 MR. BRUNET: Sexual assault. Some of them  
16 may have, but I'm not aware of it right now if they did or  
17 not.

18 MR. LEE: Mr. Manson this morning brought you  
19 through a number of -- set out for you a number of factors,  
20 essentially, in list form of things that you knew about the  
21 seriousness of the Silmsler investigation.

22 MR. BRUNET: Yes.

23 MR. LEE: Including that it had been assigned  
24 by the chief?

25 MR. BRUNET: Yes.

1                   **MR. LEE:** And then it had been reassigned by  
2 the deputy chief?

3                   **MR. BRUNET:** Yes.

4                   **MR. LEE:** It involved the abuse of kids;  
5 involved prominent alleged perpetrators? If the allegations  
6 were true it would have involved a breach of trust on their  
7 part and that it was an Alfred-type situation. And at the  
8 end of that you agreed with  
9 Mr. Manson that it was clearly a serious situation?

10                   **MR. BRUNET:** Yes.

11                   **MR. LEE:** Do you recall all that?

12                   **MR. BRUNET:** Yes.

13                   **MR. LEE:** Given all of those things and the  
14 fact that you knew it was a serious situation, did you ever  
15 consider assigning a more experienced officer even though he  
16 or she would not have been a member of the Youth Bureau as  
17 Constable Sebalj was?

18                   **MR. BRUNET:** Yes, it was a consideration. I  
19 had looked at everybody's list, but the General  
20 Investigative Branch was extremely busy. I think that my  
21 report -- my February report to the deputy chief outlines  
22 the number of arrests that they had been involved with. So  
23 they had a huge assignment list, an ongoing assignment list  
24 and there was a lot of criminal activity. This is the time  
25 where the smuggling was -- the smuggling situation in

1 Cornwall was just flourishing and we were getting a  
2 tremendous amount of criminal activity in the city.

3 **MR. LEE:** Do you recall whether or not it  
4 went beyond just being something that you considered and  
5 whether it was something that you inquired into at any  
6 point?

7 **MR. BRUNET:** I may have talked to some --  
8 some officers. I don't think Constable Hume was considered  
9 because she wouldn't have had -- she had more police  
10 experience, general patrol, but I believe her timing in the  
11 Criminal Investigation Branch was similar to Constable  
12 Sebalj. However, Constable Tyo and Constable White  
13 definitely had more police and investigative -- so I may  
14 have talked to them, but I don't specifically recall. It's  
15 -- I'm not sure.

16 **MR. LEE:** What about if we -- Madame Clerk,  
17 if you can scroll a little bit and show us the left-most  
18 column of this document?

19 We have the "D" Team. A little bit more,  
20 please. We have the "D" team with the Staff Sergeant being  
21 Mr. Derochie and below him we have Sergeant D. Masson. Is  
22 that Doug Masson?

23 **MR. BRUNET:** Doug Masson, yes.

24 **MR. LEE:** Was there ever any thought of  
25 perhaps Mr. Masson being assigned the DS investigation?

1                   **MR. BRUNET:** Not by myself, no. I didn't  
2 consider going on the teams to get someone. If that had  
3 been considered it would have been a decision at the deputy  
4 chief's level when he -- when he reassigned it.

5                   **MR. LEE:** Okay.

6                   **MR. BRUNET:** Because he's responsible for the  
7 entire field operations which include the Uniform Patrol and  
8 the Detective Branch, and he chose to reassign it to me and  
9 he acknowledged in his memo that he knew it was very busy,  
10 but he wanted me to give it priority and that was the basis  
11 for my decision.

12                   **MR. LEE:** Let me tell you why I'm asking  
13 this. Can you turn up Exhibit 1208, please?

14                   While you are looking for that -- you are  
15 aware that Superintendent Skinner filed the report from the  
16 Ottawa Police, but he was assisted by an Officer Blake.

17                   **MR. BRUNET:** Yes.

18                   **MR. LEE:** You're aware of that?

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

20                   **MR. LEE:** The two of them work together in  
21 doing their review?

22                   **MR. BRUNET:** Yes.

23                   **MR. LEE:** So this Exhibit 1208 are Officer  
24 Blake's notes.

25                   **MR. BRUNET:** Okay.

1           **MR. LEE:** And Officer Blake hasn't testified  
2 here, but Superintendent Skinner did and he was put these  
3 notes and was asked to go through them a little bit with us,  
4 okay?

5           **MR. BRUNET:** Okay.

6           **MR. LEE:** And so if you look at -- up at the  
7 top we have the Bates pages, and can I get you to look at  
8 the Bates page ending in 771, please?

9           **MR. BRUNET:** Yes.

10          **MR. LEE:** So at the very top of that page we  
11 have the date 11 January '94. Do you see that?

12          **MR. BRUNET:** Yes.

13          **MR. LEE:** And at 11:10 it looks like there  
14 was some kind of meeting with you?

15          **MR. BRUNET:** Yes.

16          **MR. LEE:** And then if you go down about  
17 three-quarters of the way down the page there's a time entry  
18 11:55.

19          **MR. BRUNET:** Yes.

20          **MR. LEE:** And it says "Heidi Sebalj".

21          **MR. BRUNET:** Right.

22          **MR. LEE:** And then it makes it somewhat  
23 confusing because the rest of that line there's a hyphen and  
24 then 13 January '93, right?

25          **MR. BRUNET:** Yes.

1                   **MR. LEE:** And Superintendent Skinner was  
2 asked about this, and what he told us was that at 11:55 they  
3 met with Constable Sebalj ---

4                   **MR. BRUNET:** Okay.

5                   **MR. LEE:** --- and what follows in these notes  
6 is what she was telling them. Okay? So it looks to me like  
7 it reads as if she starts her story on the 13<sup>th</sup> of January  
8 '93 and it goes from there. Okay? That was Superintendent  
9 Skinner's testimony.

10                   **MR. BRUNET:** Okay.

11                   **MR. LEE:** Now, if I can take you over,  
12 please, to page 774 -- 773 at the bottom, please.

13                   **MR. BRUNET:** Okay.

14                   **MR. LEE:** We have a date range, January 2-  
15 February 2. And it reads:

16                                "No supervision, no direction, replaced  
17                                two investigators both very competent.  
18                                Doug Masson didn't want to work with a  
19                                "bitch"..."

20                   And then in parentheses:

21                                "(George Tyo doing frauds)."

22                   Do you see that?

23                   **MR. BRUNET:** Yes.

24                   **MR. LEE:** So as I understood then  
25 Superintendent Skinner's testimony, this was what Ms. Sebalj

1           herself was telling Blake and Skinner, that Masson didn't  
2           want to work with a "bitch".

3                        So my question for you is whether or not  
4           Masson or Tyo were ever considered for this assignment or,  
5           more than that, whether they were approached to do this  
6           assignment?

7                        **MR. BRUNET:** Not by me.

8                        **MR. LEE:** You have no knowledge of that at  
9           all?

10                      **MR. BRUNET:** No.

11                      **MR. LEE:** And you have no knowledge of  
12           whether or not office politics or personality conflicts may  
13           have played any role in Constable Sebalj being assigned this  
14           investigation rather than somebody more senior?

15                      **MR. BRUNET:** No, I decided to assign her the  
16           investigation and it definitely didn't have anything to do  
17           with Doug Masson.

18                      **MR. LEE:** You ---

19                      **MR. BRUNET:** And Constable Tyo, my  
20           recollection is that he was assigned General Investigations  
21           because, like I said, Sergeant Nakic was going in to do  
22           frauds and he was being trained by Constable Ouellette who  
23           was going back to Uniform.

24                      **MR. LEE:** So if there was anything to do with  
25           the possibility of Masson being assigned, it wasn't by you

1 and I think you've said it was more likely at the deputy  
2 chief's level?

3 **MR. BRUNET:** If it was considered, yes. But  
4 I -- this is the first that I hear that he was ever  
5 considered for this investigation. I have never heard that.

6 **MR. LEE:** Okay.

7 **THE COMMISSIONER:** What about the  
8 relationship? I mean, that's a pretty strong comment here  
9 that's attributed to him. Do you know of any problems he  
10 might have been having with working with women or with  
11 Officer Sebalj?

12 **MR. BRUNET:** Not that I'm aware of. I was -  
13 - like, I was in charge of a uniform team at the time where  
14 they would have worked together, because I believe Sergeant  
15 Masson had just gone back to uniform.

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

17 **MR. BRUNET:** So they may have worked  
18 together in the Criminal Investigation Division in the year  
19 prior to me arriving, but I'm not aware of anything  
20 specific.

21 **THE COMMISSIONER:** Okay. Sorry, Mr. Lee.

22 **MR. LEE:** Okay. I'm leaving that area,  
23 Staff Sergeant Brunet. I don't need that document anymore.

24 I want to talk to you a little bit about  
25 OMPAC and the whole issue with supplementary occurrence

1 reports being put in every 30 days or not being put in  
2 every 30 days. You've described to us your procedure in  
3 the sense that you didn't require your investigators to  
4 update OMPPAC every 30 days. That's correct?

5 MR. BRUNET: That's correct. I accepted  
6 that, yes.

7 MR. LEE: And we've spent quite a lot of  
8 time going through your procedure with printing out the  
9 assignment lists and everything else.

10 MR. BRUNET: Yes.

11 MR. LEE: Was that the way that things were  
12 done in CIB from the time that you began as the officer in  
13 charge until Sergeant Snyder started in '96?

14 MR. BRUNET: That was the -- yes, it was,  
15 but I wasn't able to do it on a regular basis every 30  
16 days. Like, I wasn't able to do it. My objective when I  
17 first started it was to definitely review them every 30  
18 days and sit down with the officer. However, I wasn't able  
19 to do that.

20 MR. LEE: That's not where I'm going with  
21 this.

22 MR. BRUNET: Okay.

23 MR. LEE: What I'm wondering is if at any  
24 point during those three years that general system changed  
25 where you said, "Okay, I do want things on OMPPAC now" or

1 "I'm going to be a stickler for the rules on that. I want  
2 it," or through those three years it generally remained  
3 that you would try every 30 days to get the assignment  
4 list?

5 **MR. BRUNET:** No, I wasn't -- I never changed  
6 my -- like, I never insisted on having the 30-day reports.

7 **MR. LEE:** And who did you report to at that  
8 time? As I understood it, you reported directly to the  
9 deputy chief?

10 **MR. BRUNET:** Initially to the deputy chief  
11 and then when Inspector Rick Trew came back, I started to  
12 report to him.

13 **MR. LEE:** Did you ever have a discussion  
14 with the deputy chief or Rick Trew when he was back in the  
15 fold about this general procedure that you had adopted?

16 **MR. BRUNET:** Yes, I believe there was some  
17 discussion about the file management that came after -- I'm  
18 not sure if it was this investigation or if it was the  
19 Antoine Report, but I do recall having a conversation with  
20 Inspector Trew. I don't remember who else was there. I  
21 remember Inspector Trew. I think it was Chief Johnston at  
22 the time, that we would have discussed case management --  
23 the issue of case management.

24 **MR. LEE:** Would you specifically have  
25 discussed entering information on OMPPAC and when that was

1 required and when it was not required?

2 MR. BRUNET: Well, I remember the chief --  
3 when the chief had issued the policy, the new policy -- I  
4 don't remember if it's prior to that or if that was  
5 subsequent, but there was some discussion about that and  
6 trying to do it.

7 MR. LEE: I take it you would agree with me  
8 that the effective and timely inputting of information in  
9 OMPPAC is important for an investigating officer's direct  
10 superior?

11 MR. BRUNET: Yes, it is.

12 MR. LEE: And what about for that  
13 supervisor's supervisor; does it go further -- does the  
14 importance go further up the chain than that? Is there  
15 some value to OMPPAC for a supervisor's supervisor as well?

16 MR. BRUNET: Yes, yes, I agree that there is  
17 some benefit to that. Like, the initial supervisor, the  
18 first-level supervisor, he's the one that reads the  
19 reports. In the event that the investigation is being  
20 closed, he will look at what was done on the investigation,  
21 and if he is satisfied that the proper investigation was  
22 done, then he will approve the report and the report will  
23 go in abeyance.

24 If the officer -- the investigating officer  
25 -- sorry, the supervisor officer at the first level sees

1           that a charge was laid, he'll look at the documentation, at  
2           the synopsis. He'll make sure that the disclosure package  
3           is proper, is complete, and then he'll sign off and send it  
4           off. So the first-level supervisor, it's very important  
5           for him to check the reports of the officers to make sure  
6           that when there is a charge going to court, that it's  
7           complete, that it's accurate, that it's -- there's enough  
8           information there for a guilty plea.

9                        If there is no charges laid, then obviously  
10           it's a question of determining if the proper investigation,  
11           a complete investigation was done and if he's going to  
12           reassign it to that officer or if he will put it in  
13           abeyance. It's at the first-level supervisor.

14                       The second-level supervisor or management  
15           level, then it would be to monitor if an investigation --  
16           to see how an investigation is going, see if there's any  
17           new developments from the last time versus getting up and  
18           going and talking to the investigating officer and getting  
19           a version from them.

20                       **MR. LEE:** Is it fair to say that the chain  
21           of command at the Cornwall Police, there is going to be a  
22           more constant level of supervision between the  
23           investigating officer and the staff sergeant as compared to  
24           the staff sergeant and the deputy chief, as an example?

25                       **MR. BRUNET:** Yes.

1                   **MR. LEE:** But the supervision of the staff  
2 sergeants by the deputy chief is equally as important?

3                   **MR. BRUNET:** Yes.

4                   **MR. LEE:** And the intent -- using OMPPAC the  
5 way it was intended simplifies that and it makes it more  
6 effective; correct?

7                   **MR. BRUNET:** Yes, yes, I agree with that.

8                   **MR. LEE:** And would you agree with me that  
9 another problem with not using OMPPAC as it was intended --  
10 and I'm not going to get into, at this point, whether or  
11 not it was possible to use OMPPAC -- we have your evidence  
12 on that. I'm talking now, in the grand scheme of things,  
13 what does it mean that OMPPAC wasn't being used properly,  
14 okay?

15                   **MR. BRUNET:** Okay.

16                   **MR. LEE:** So would you agree with me that  
17 another problem with not using OMPPAC as it was intended is  
18 that it denies a certain amount of information to other  
19 members of the force?

20                   **MR. BRUNET:** Yes, I agree.

21                   **MR. LEE:** And that point hit me when you  
22 talked about a couple of times that you personally  
23 referenced OMPPAC, one in relation to Marcel Lalonde ---

24                   **MR. BRUNET:** Yes.

25                   **MR. LEE:** --- and one in relation to Earl

1 Landry Jr. in '93.

2 MR. BRUNET: Right.

3 MR. LEE: And you told us both times that  
4 you did a CPIC check?

5 MR. BRUNET: Yes.

6 MR. LEE: And you went to OMPPAC?

7 MR. BRUNET: Yes.

8 MR. LEE: And I take it you'd agree that if  
9 OMPPAC is being inputted regularly with all the information  
10 that the Cornwall Police has institutionally, it's a lot  
11 more effective when officers like yourself are doing those  
12 kinds of searches?

13 MR. BRUNET: Yes. In my position, I would  
14 have been aware if somebody -- let's say I was querying  
15 Marcel Lalonde, and if I would have -- like, I would have  
16 been aware that somebody else was investigating him, but if  
17 someone else than me in the organization is querying him,  
18 that's correct; then that would be at a disadvantage if you  
19 don't use it.

20 MR. LEE: I don't understand what you mean.  
21 I got the second part of your answer. I don't understand  
22 what you mean, that you would have been aware.

23 MR. BRUNET: Well, because as the officer in  
24 charge, I was aware -- like, if a name came up, I was aware  
25 if that person was being investigated because I'm the one

1           that would have reassigned an officer to do it.

2                       **MR. LEE:** Well, presuming there was -- when  
3           you came in in January of '93, presuming the investigation  
4           was active at that point or had begun after that fact ---

5                       **MR. BRUNET:** Yes.

6                       **MR. LEE:** --- you would have known it?

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

8                       **MR. LEE:** June '92, who knows, right?

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

10                      **MR. LEE:** And again, that depends entirely  
11           on you being fully up to speed on what your officers are  
12           doing?

13                      **MR. BRUNET:** By that -- yes.

14                      **THE COMMISSIONER:** And the officers  
15           inputting what they're supposed to?

16                      **MR. BRUNET:** Yes.

17                      **THE COMMISSIONER:** As in Malloy with the  
18           Antoine letter?

19                      **MR. BRUNET:** Yes. Then if it's not  
20           inputted, then I've gotten absolutely no way of monitoring  
21           that investigation.

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

23                      **MR. LEE:** And then as I understand it,  
24           another concern might be that it's not just the Cornwall  
25           Police that has access to what the Cornwall Police inputs

1 in OMPPAC. Is that right?

2 MR. BRUNET: That's correct.

3 MR. LEE: There's some kind of link to other  
4 forces?

5 MR. BRUNET: There is, yes, everybody that's  
6 in the cooperative.

7 MR. LEE: Right. And so presumably somebody  
8 at another force who gets a complaint about Marcel Lalonde  
9 could query OMPPAC and could come up with a positive hit --  
10 -

11 MR. BRUNET: That's correct.

12 MR. LEE: --- inputted in Cornwall?

13 MR. BRUNET: That's correct.

14 MR. LEE: And obviously if the information  
15 isn't inputted ---

16 MR. BRUNET: It's not queryable.

17 MR. LEE: Now, would you agree with me that  
18 it's especially important for other forces to have access  
19 to information like that in relation to historic sexual  
20 abuse investigations given that those perpetrators can  
21 often have multiple victims and can often abuse across  
22 multiple jurisdictions?

23 MR. BRUNET: That was a long question. Can  
24 you -- do you mind just repeating that, please?

25 MR. LEE: Is it your understanding that

1 historic sexual abuse cases often have a component whereby  
2 there are multiple victims and/or victims in different  
3 jurisdictions?

4 MR. BRUNET: Yes.

5 MR. LEE: So my question to you is would you  
6 agree with me that having information related to those  
7 investigations on OMPPAC may be especially important when  
8 we consider that there was a cooperative that goes across  
9 jurisdictions and across police forces that permits that  
10 kind of information?

11 MR. BRUNET: Yes, I agree with that.

12 MR. LEE: So we have not inputting  
13 information into OMPPAC as one problem, and it creates some  
14 of these things that we dealt with here.

15 MR. BRUNET: Yes.

16 MR. LEE: Would you agree with me that  
17 similar problems arise as a result of information being  
18 entered into a project file?

19 MR. BRUNET: Yes.

20 MR. LEE: In the sense that officers in the  
21 force can't query that information?

22 MR. BRUNET: That's correct.

23 MR. LEE: Outside agencies can't query that  
24 information?

25 MR. BRUNET: That's correct.

1                   MR. LEE: Similar problem?

2                   MR. BRUNET: Yes.

3                   MR. LEE: You can have a very well defined  
4 and a very well referenced project file but nobody's going  
5 to know about it other than those who were given access to  
6 the project?

7                   MR. BRUNET: That's correct.

8                   MR. LEE: So would you agree with me, then,  
9 that a project file should be used only when absolutely  
10 necessary?

11                   MR. BRUNET: Yes, I do.

12                   MR. LEE: If I can have one moment, sir?

13                   THE COMMISSIONER: Certainly.

14                   (SHORT PAUSE/COURTE PAUSE)

15                   MR. LEE: Can I have you turn up  
16 Exhibit 1425, please? That is your handwritten chronology  
17 of the Silmsler investigation?

18                   MR. BRUNET: Yes.

19                   (SHORT PAUSE/COURTE PAUSE)

20                   MR. LEE: And I'm going to also want to  
21 refer to Exhibit 295 and it's probably going to be easier  
22 if you just get that ready now, as well. Those are  
23 Constable Sebalj's handwritten notes.

24                   (SHORT PAUSE/COURTE PAUSE)

25                   MR. LEE: Do you have both of those in front

1 of you, Staff Sergeant?

2 MR. BRUNET: Yes, I do, yes.

3 MR. LEE: So if we can look at your  
4 chronology first, Exhibit 1425, and if you turn it over to  
5 the second page, down near the bottom there's an entry that  
6 we've already looked at, dated February 10<sup>th</sup>, '93.

7 MR. BRUNET: Yes.

8 MR. LEE: Do you see that?

9 MR. BRUNET: Yes.

10 MR. LEE: And it reads:

11 "David Silmsler called Constable Sebalj  
12 and advised her he had contacted Ken  
13 Seguin; he was running scared."

14 MR. BRUNET: Yes.

15 MR. LEE: Okay? That's what I'm going to  
16 refer to as "Part 1" of your entry on February 10<sup>th</sup>, okay?

17 MR. BRUNET: Okay.

18 MR. LEE: Part 2 of your entry is:

19 "He said he did not want to lay charges  
20 against Seguin at this time. He asked  
21 to concentrate on Father MacDonald at  
22 this time."

23 Do you see that?

24 MR. BRUNET: Yes.

25 MR. LEE: So that's Part 2 of your entry.

1 Can you now turn up Exhibit 295, please?

2 Constable Sebalj's notes.

3 **MR. BRUNET:** Yes.

4 **MR. LEE:** And if I can take you to the Bates  
5 page ending in 735, we have an entry -- the second entry on  
6 the page is the 10<sup>th</sup> of February 1993; do you see that?

7 **MR. BRUNET:** Yes.

8 **MR. LEE:** And it reads:

9 "10:39, TC from V. advises he called  
10 Seguin who was running scared. Advised  
11 him he's only laying charges on  
12 MacDonald. Stated he's getting very  
13 mad."

14 Do you see that?

15 **MR. BRUNET:** Yes.

16 **MR. LEE:** And so if we look back at your  
17 Part 1 of your entry on February 10<sup>th</sup>, we have Silmser  
18 called Sebalj, which we know from her entry on February  
19 10<sup>th</sup>.

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

21 **MR. LEE:** And advised he had contacted Ken  
22 Seguin, again directly out of Constable Sebalj's notes; is  
23 that right?

24 **MR. BRUNET:** Yes.

25 **MR. LEE:** He was running scared.

1 MR. BRUNET: Yes.

2 MR. LEE: Do you see that?

3 MR. BRUNET: M'hm.

4 MR. LEE: Those are very close?

5 MR. BRUNET: Yes.

6 MR. LEE: The next Part 2 of your entry is:

7 "He said he did not want to lay charges  
8 against Seguin at the time. He asked  
9 to concentrate on Father MacDonald at  
10 this time."

11 MR. BRUNET: Yes.

12 MR. LEE: That's not so close to Constable

13 Sebalj's entry, is it? What she has there is he -- that:

14 "DS had advised Seguin he's only laying  
15 charges on MacDonald."

16 MR. BRUNET: Yes.

17 MR. LEE: Okay. Do you see that?

18 MR. BRUNET: Yeah.

19 MR. LEE: The note from Sebalj doesn't say  
20 that Silmsers only asked to concentrate on Father MacDonald  
21 at that point; would you agree with me?

22 MR. BRUNET: No, I agree, yes, sorry.

23 MR. LEE: And we know that six days later,  
24 on February 16<sup>th</sup>, Mr. Silmsers comes in and drops off his  
25 handwritten statement, ---

1 MR. BRUNET: Yes.

2 MR. LEE: --- okay?

3 MR. BRUNET: M'hm.

4 MR. LEE: And we know when that -- there is  
5 some reference to Mr. Seguin again; would you agree with  
6 that, do you recall that, in Mr. Silmser's handwritten  
7 statement that there's a reference to the allegation ---

8 MR. BRUNET: Yes, yes.

9 MR. LEE: --- against Seguin, as well?

10 MR. BRUNET: Yes.

11 MR. LEE: And then on March 10<sup>th</sup> -- so again,  
12 back in Exhibit 295, if I can take you to page 802.

13 (SHORT PAUSE/COURTE PAUSE)

14 MR. LEE: Are you there, sir?

15 MR. BRUNET: Yes.

16 MR. LEE: We have a date, 11 March '93, and  
17 we have two time entries above that, one of them being  
18 14:00, and it reads:

19 "I don't think I can deal with that,  
20 too, right now re Seguin."

21 Do you see that?

22 MR. BRUNET: Yes.

23 MR. LEE: Would you agree with me that that  
24 entry there, although it's -- it's hardly identical, but  
25 that entry there is a closer proximation of Part 2 of your

1 February 10<sup>th</sup> chronology?

2 **MR. BRUNET:** Well, it's -- it's different.

3 I mean it's -- like this -- this is written in my language,  
4 the way that I write.

5 **MR. LEE:** Your chronology is?

6 **MR. BRUNET:** Yes.

7 **MR. LEE:** Yeah.

8 **MR. BRUNET:** So I -- is it closer? It -- it  
9 says -- to me it -- it says the same thing, but ---

10 **MR. LEE:** Let me give you my theory. I  
11 think that when you're writing your chrono -- oh.

12 **MR. MANDERVILLE:** Sorry to interrupt my  
13 friend, Mr. Commissioner.

14 The Silmsler investigation has been  
15 exhaustively canvassed.

16 Mr. Silmsler is not Mr. Lee's client.

17 We know most of who Mr. Lee's clients are  
18 and we some of whom are not.

19 I'm not sure how this is relevant to Mr.  
20 Lee's interest.

21 **THE COMMISSIONER:** Mr. Lee?

22 **MR. LEE:** As you might expect, I disagree.

23 As you know, I'm the only counsel here that  
24 is specifically representing the interests of victims. I  
25 represent specific people -- 50 some -- and I would argue

1           that I represent not only their individual interests, but  
2           more globally their interest as victims or as survivors, as  
3           you may have it.

4                       I act for alleged victims of Father Charles  
5           MacDonald against whom Mr. Silmsler makes an investigation  
6           or an allegation and the Cornwall Police conducts an  
7           investigation.

8                       I act for alleged victims of Ken Seguin,  
9           against whom Mr. Silmsler makes an allegation and CPS does  
10          not, I would submit, conduct an investigation, although  
11          they should have.

12                      I act for victims of Children's Aid Society  
13          perpetrators and of other -- of people who've dealt with  
14          other institutions.

15                      I would say that I bring a very unique  
16          perspective to examinations of witnesses at this Inquiry  
17          that you are not going to get from any other lawyer in this  
18          room representing any other party in this room.

19                      And all of that is to say that I think I  
20          should be given a very wide latitude when it comes to the  
21          areas of cross-examination that I conduct at this Inquiry.

22                      It's often said -- this issue gets raised  
23          typically in relation to institutions or in relation to  
24          counsel for alleged perpetrators where it's said that, as  
25          an example, counsel for the CPS doesn't need to argue on

1           behalf of the OPP, they'll do it for themselves; that's not  
2           the case here.

3                           I'm looking generally at what this  
4           investigation was in relation to allegations made against  
5           perpetrators who are shared by my clients.

6                           **THE COMMISSIONER:** Okay, okay, so you beat  
7           that one.

8                           But what about repetition? If we've heard  
9           this -- so what's your theory? Ask your question and  
10          we'll see what's the theory.

11                          **MR. LEE:** The only thing -- the only reason  
12          I'm going to this area is to try and to pin down -- and I  
13          did the same thing with Staff Sergeant Derochie ---

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

15                          **MR. LEE:** Mr. Callaghan got up during Mr.  
16          Engelmann's examination in-chief and said, "Silmser called  
17          off that investigation on February 10<sup>th</sup>."

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

19                          **MR. LEE:** Mr. Engelmann said March 10<sup>th</sup> and I  
20          went through with Staff Sergeant Derochie and we have the  
21          same thing repeating itself here with Staff Sergeant Brunet  
22          where he's saying February 10<sup>th</sup> -- he said it a couple of  
23          times. He said it as recently as during the  
24          cross-examination by Mr. Paul.

25                          I say it's March 10<sup>th</sup>, they say it's February

1           10<sup>th</sup> and I want to see what the witness has to say.

2                   **THE COMMISSIONER:** Okay, ask your question.

3                   **MR. LEE:** The question I was going -- what I  
4 was going to say, Staff Sergeant Brunet, is -- is when I  
5 read this, what it looks like to me is that you've  
6 amalgamated the notes from Constable Sebalj, dated  
7 February 10<sup>th</sup> and March 10<sup>th</sup> into one entry in your  
8 chronology dated February 10<sup>th</sup>. You've taken both of those  
9 pieces of information in her notes and stuffed them all  
10 together on February 10<sup>th</sup>.

11                   **MR. BRUNET:** My answer is: I didn't -- I  
12 don't believe that I had her notes when I did my  
13 chronology. I believe it was through a conversation with  
14 her that -- that I've determined that.

15                   She may have referred to her notes, that's  
16 very possible, but I don't believe that I -- that I  
17 actually went through her notebook myself.

18                   **MR. LEE:** I think what you told us was that  
19 this chronology was prepared in January of '94?

20                   **MR. BRUNET:** Yes.

21                   **MR. LEE:** You told us that it was probably  
22 based on notes or on questions that -- that you put to  
23 Constable Sebalj at the time?

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

25                   **MR. LEE:** You told us yesterday that you

1 would have had access to a Crown brief at the time you were  
2 preparing it but you're not sure you referred to it?

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

4 I don't remember her notes -- me having  
5 access to -- well, physically taking her notes to -- to do  
6 the chronology.

7 Having said that, I -- I did meet with her  
8 and I did ask her a question, so it is very possible, very  
9 -- very likely that she referred to her notes, but she  
10 would have referred it to me verbally and I would have made  
11 notes for my chronology from there.

12 So it was my language that I used to write  
13 my notes based on what she would have told me. I possibly  
14 went through the report that she had prepared for us  
15 because I did have that in my file, so I could have  
16 referred to that. That's possible.

17 **MR. LEE:** Is it fair to say that you don't  
18 have a specific recollection of what documents you relied  
19 on or what conversations you had in creating your  
20 chronology?

21 **MR. BRUNET:** Not specific, no.

22 **MR. LEE:** And is it your understanding that  
23 Constable Sebalj's notes at Exhibit 295 were made  
24 contemporaneously, that is to say if she has an entry on  
25 February 10<sup>th</sup>, it was made on February 10<sup>th</sup>?

1                   **MR. BRUNET:** Yes, I believe that.

2                   **MR. LEE:** If she has an entry on March 10<sup>th</sup>,  
3 it was made on March 10<sup>th</sup>?

4                   **MR. BRUNET:** Yes, I believe that.

5                   **MR. LEE:** Is that right?

6                   **THE COMMISSIONER:** So the rest can go to  
7 submissions.

8                   **MR. LEE:** That's -- oh, I was ---  
9 I'd like to take you to your transcript of  
10 evidence at Volume 211, please. Page 95, Madam Clerk.

11                   Do you recall Mr. Dumais asking you about a  
12 conversation you had with Murray MacDonald on September 8<sup>th</sup>,  
13 1993? That would have been shortly after, very shortly  
14 after, you learned of the Silmsler settlement.

15                   **MR. BRUNET:** Yes.

16                   **MR. LEE:** And that's what's being discussed  
17 at the bottom of page -- the very bottom of page 295. Mr.  
18 Dumais asks:

19                   "All right. And do you recall what  
20 information you provided to Murray  
21 MacDonald during that call?"

22                   You answer:

23                   "Well, not word for word, but  
24 basically there was two issues  
25 that I was curious about, that I

1 wanted to get information about.  
2 The first one was, can they  
3 legally do that, and second of  
4 all, the issue of what we do if  
5 we don't have a willing  
6 complainant in a sexual assault  
7 investigation?"

8 Do you see that?

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

10 **MR. LEE:** What does that first question  
11 mean, sir? "Can they legally do that?"

12 **MR. BRUNET:** Exactly that. Can they settle  
13 a civil settlement? Can they actually give him money  
14 during an active police investigation?

15 **MR. LEE:** Who would you have meant by "they"  
16 at that time?

17 **MR. BRUNET:** The Diocese.

18 **MR. MANSON:** So, "Can the Diocese settle a  
19 civil lawsuit during the course of a criminal  
20 investigation?"

21 **MR. BRUNET:** That was my question, yes.

22 **MR. LEE:** That was your question.

23 You would have known at the time that it was  
24 lawful for a victim of abuse to seek compensation in the  
25 civil courts?

1                   **MR. BRUNET:** Yes.

2                   **MR. LEE:** So can we take this answer and  
3 what you've just told me now as you saying that you  
4 recognized soon after, or at the time of learning of the DS  
5 settlement, that there might be a problem with the legality  
6 of the settlement?

7                   **MR. BRUNET:** I was asking the question  
8 because I didn't know.

9                   **MR. LEE:** The question I have is, did you  
10 recognize early on and was it one of the questions you were  
11 putting to Mr. MacDonald, whether or not that settlement  
12 might be illegal because it had an impact on the criminal  
13 proceedings?

14                   **MR. BRUNET:** My question was -- I really  
15 didn't know if it did or not and I wanted to have legal  
16 advice on that. It was -- my question was, we've got a  
17 victim that's given some money here and now he doesn't want  
18 to proceed. Is it legal for the Diocese to give him money  
19 during a criminal investigation? That was my question.

20                   **MR. LEE:** Do you recall turning your mind to  
21 the issue at that time?

22                   **MR. BRUNET:** Yes.

23                   **MR. LEE:** And we have a letter at Exhibit  
24 300. That's the letter that you write the next day,  
25 September 9<sup>th</sup>, '93, to Mr. MacDonald, to Murray MacDonald?

1                   **MR. BRUNET:** Yes.

2                   **MR. LEE:** And if you can look at that for a  
3 moment.

4                   **THE COMMISSIONER:** What Exhibit number?

5                   **MR. LEE:** Three-hundred (300).

6                   Would you agree with me that there is  
7 nothing in that letter about the first question? This  
8 letter deals with the uncooperative victim question but it  
9 doesn't deal with the legality of the settlement. Do you  
10 see that?

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

12                   **MR. LEE:** Can you tell me what Mr. MacDonald  
13 told you about the legality of the settlement during your  
14 phone conversation?

15                   **MR. BRUNET:** Generally, yes, that he was of  
16 the opinion that a person could settle a civil settlement  
17 at any time and it didn't have a -- like, there was nothing  
18 that the police could do about it. It was his right to  
19 settle a civil settlement. I don't remember word-for-word  
20 but that's the gist of what my understanding was.

21                   **MR. LEE:** Was there any discussion of the  
22 timing of this civil settlement, given that on the one hand  
23 we have the civil settlement and on the other hand we  
24 immediately have the complainant declining to proceed  
25 further with the criminal charges?

1                   **MR. BRUNET:** I don't recall. I remember  
2                   discussing the fact that he had received legal advice on it  
3                   but I don't recall anything else.

4                   **MR. LEE:** Is it fair to say that given the  
5                   fact that the first question doesn't make its way in your  
6                   letter, that you were satisfied with your discussion with  
7                   Mr. MacDonald on that point?

8                   **MR. BRUNET:** That's fair, yes.

9                   **MR. LEE:** Your concerns were allayed?

10                  **MR. BRUNET:** Yes.

11                  **MR. LEE:** And you didn't begin an  
12                  investigation of the legality of the settlement at any  
13                  point?

14                  **MR. BRUNET:** No, I did not.

15                  Well, I did instruct Constable Sebalj to  
16                  follow-up with Mr. Silmser to see if there was any -- how,  
17                  like -- if this was of his own -- if it was his wish to do  
18                  that because if he would have been coerced in doing this,  
19                  then obviously at this point it would have changed the  
20                  investigation. We would have definitely started an  
21                  investigation at that point.

22                  **MR. LEE:** There was no investigation in the  
23                  sense of talking to the guys he's requesting settlement  
24                  documents or ---

25                  **MR. BRUNET:** No, like I testified earlier, I

1 didn't even know that these things existed.

2 **THE COMMISSIONER:** So you now know that when  
3 you wanted to find out if it was voluntary, you have to  
4 look at two sides; one, were there any threats or were  
5 there any promises?

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

7 **THE COMMISSIONER:** Right. And promises  
8 include money?

9 **MR. BRUNET:** Okay.

10 **THE COMMISSIONER:** Right?

11 **MR. BRUNET:** Yes.

12 **MR. LEE:** Changing focus again, sir.

13 Can I take you to Exhibit 1442? This is the  
14 December 8<sup>th</sup>, 1995 memo from you to Chief Repa.

15 **MR. BRUNET:** Oh, yes.

16 **MR. LEE:** See that?

17 **MR. BRUNET:** Yes.

18 **MR. LEE:** And down near the bottom of the  
19 first page, you're writing Richard Abell from the CAS, and  
20 you write:

21 "He instead, knowing full well that he  
22 was compromising Constable Dunlop's  
23 position, accepted a photocopy of the  
24 victim statement that was obtained by  
25 deceitful means from Constable Sebalj."

1 Do you see that?

2 MR. BRUNET: Yes.

3 MR. LEE: And Mr. Dumais put that to you  
4 yesterday. And as I understood your answer, you said that  
5 there was some time between when Mr. Abell learned of the  
6 statement and between when he physically received the  
7 statement?

8 MR. BRUNET: That's my understanding, yes.

9 MR. LEE: And your position is that Mr.  
10 Abell should have called the Cornwall Police in that  
11 interim about the allegation. Is that right?

12 MR. BRUNET: Yes.

13 MR. LEE: What do you mean when you say that  
14 Mr. Abell knew full well that he was compromising Constable  
15 Dunlop's position?

16 MR. BRUNET: Well, he knew -- well, my  
17 understanding from my research in this investigation is  
18 that he knew that Constable Dunlop was not the  
19 investigating officer and that compromised Constable Dunlop  
20 to -- like, the way that it was done through a meeting away  
21 from the office. It's not done like I've testified  
22 earlier, that the normal reference to a CAS case is done  
23 through calling the intake office. You make the referral  
24 and then they have an investigator assigned to it if  
25 there's something to be followed up. This wasn't being

1 followed by Constable Dunlop.

2 **MR. LEE:** There's a big difference between  
3 saying that Mr. Abell should have known that this wasn't a  
4 typical procedure and saying that he should have known that  
5 he was compromising Mr. Dunlop's position. Would you agree  
6 with that?

7 I don't understand the distinction I suppose  
8 is what I'm saying between the fact that -- I don't  
9 understand why it matters that Dunlop wasn't the  
10 investigating officer if he had information that the CAS  
11 should know.

12 **MR. BRUNET:** I'm not sure where I would have  
13 received that information, but somewhere along the line I  
14 got to find out that there was a discussion about Constable  
15 Dunlop and Mr. Abell discussing the case, and making  
16 allegations that it wasn't done properly and so on. So I  
17 feel somebody in Mr. Abell's position should be pretty  
18 astute to the fact that he's not the investigating officer  
19 and he's not -- like the handling of a statement like he  
20 did was not the proper procedure to disclose information.  
21 So I feel at that point that he should have known that this  
22 was compromising Constable Dunlop's position.

23 If he's told information that Mr.  
24 Commissioner addressed yesterday, that if he's told that  
25 this may be a cover-up and so on, then I feel that he could

1 have called either the Chief, the Deputy Chief, myself, and  
2 make enquiries about it and see how we respond to it.

3 **MR. LEE:** If I put it in simple language,  
4 are you essentially saying that Mr. Abell should have known  
5 that Constable Dunlop might get in trouble for doing what  
6 he was doing?

7 **MR. BRUNET:** That's -- that's what I  
8 thought, yes.

9 **MR. LEE:** And can I presume that along with  
10 that you feel that Mr. Dunlop should have known that he  
11 might get in trouble for doing what he was doing?

12 **MR. BRUNET:** Yes.

13 **MR. LEE:** You now understand that Constable  
14 Dunlop did, indeed, have a positive duty to report that  
15 allegation?

16 **MR. BRUNET:** Yes, I do understand that now.

17 **THE COMMISSIONER:** As did anybody who ---

18 **MR. BRUNET:** Any person in authority, yes, I

19 ---

20 **THE COMMISSIONER:** --- that touched that file

21 and ---

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

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

24 **MR. BRUNET:** --- after the general division

25 -- well, we started -- I met with Mr. Carriere, I believe,

1       shortly after this issue and we had agreed that there would  
2       be full reporting on everything, and then certainly the  
3       general division decision certainly reinforced that, that  
4       we did an obligation and we've complied with that ever  
5       since.

6                   **MR. LEE:** And you're now aware that Dunlop  
7       had a duty to report. Do you accept the fact -- or is it  
8       your understanding or your belief now that Richard Abell,  
9       at that time in 1993, believed that Dunlop had a positive  
10      duty to report?

11                   **MR. BRUNET:** That's what my understanding  
12      was that he did believe that.

13                   **MR. LEE:** Abell's understanding of the duty  
14      to report was different from your duty to report?

15                   **MR. BRUNET:** From my interpretation, yes.

16                   **MR. LEE:** And it appears that Mr. Dunlop's  
17      understanding of the duty to report may have been different  
18      ---

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

20                   **MR. LEE:** --- than from what yours was?

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

22                   **MR. LEE:** And yet you say that Abell, and  
23      now you've said Dunlop as well, should have known that they  
24      were heading for trouble.

25                   So the question I have for you is, isn't it

1 reasonable to think that Mr. Abell or Mr. Dunlop might have  
2 thought that at the end of the day there would not be  
3 trouble flowing from this? Positive duty to report, you  
4 report it?

5 **MR. BRUNET:** Yes, but the issue of how he  
6 obtained the statement, I don't know if Mr. Abell was aware  
7 of that, if Constable Dunlop told him how he obtained it,  
8 but certainly Constable Dunlop had to know that the way he  
9 obtained the statement was deceitful.

10 **MR. LEE:** I don't want to spend all day on  
11 the Dunlop thing, but it seems to me -- isn't it a  
12 reasonable interpretation to think that Dunlop heard  
13 something of the allegations, asked Constable Sebalj for a  
14 copy of the statement, and the moment he read that  
15 statement, he had a duty to report?

16 **MR. BRUNET:** That's his interpretation, yes.

17 **MR. LEE:** You can't go back and impute some  
18 ill intent on Constable Dunlop at the time he asked for  
19 that statement can you?

20 **MR. BRUNET:** No, that's true. That's true.  
21 That's a different way of looking at it and I accept that.

22 **MR. LEE:** Is some part of what you're saying  
23 in this memo in terms of what Mr. Abell should have known,  
24 does the idea that Dunlop should have known that he was  
25 going to be disciplined or going to at least face some kind

1 of consequence for breaking ranks come into this at some  
2 point?

3 **MR. BRUNET:** Well, the CAS -- the report to  
4 CAS, I don't know that there was an issue of discipline on  
5 that. I know that initially there was an investigation,  
6 but I don't think that that was an issue where -- I know  
7 when -- my conversation with him, my issue, I didn't even  
8 know he was going to CAS.

9 My issue was Mrs. Dunlop contacting the  
10 victim. That's where he should have known that that was  
11 definitely problematic for him.

12 **MR. LEE:** Was there a culture at the CPS in  
13 1993 -- sorry, let me start that over.

14 Did you sense an attitude in the CPS in 1993  
15 that somebody going outside the framework of the Force,  
16 breaking ranks if you will, was going to be disciplined for  
17 it regardless of whether or not their attitude was right or  
18 not -- or what they were doing was right, sorry?

19 **MR. BRUNET:** General or on this issue?

20 **MR. LEE:** Generally.

21 **MR. BRUNET:** I don't know of any other  
22 circumstances that that would have applied to, to set my  
23 mind to it.

24 **MR. LEE:** It wasn't part of the culture as  
25 far as you could tell?

1                   **MR. BRUNET:** No, well I -- no, I don't know  
2 what -- I don't know of any other cases where anybody went  
3 outside to discuss private matters. I don't know.

4                   **MR. LEE:** Mr. Commissioner, Mr. Manderville  
5 has asked me if I would ask the witness whether or not he's  
6 -- are you too tired to continue, sir? Are you feeling  
7 okay?

8                   **MR. BRUNET:** Well, I'm okay for now, but ---

9                   **THE COMMISSIONER:** No -- well, it's okay.  
10 After you're finished, we're going to call it a day.

11                   **MR. LEE:** Okay.

12                   **THE COMMISSIONER:** Because I've had enough.  
13 But thank you for asking about my condition.

14                   **(LAUGHTER/RIRES)**

15                   **MR. LEE:** It was next. You ---

16                   **THE COMMISSIONER:** Yes. Oh, yes. Yes ---

17                   **MR. LEE:** --- you jumped ahead.

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

19                   **(LAUGHTER/RIRES)**

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

21                   **MR. LEE:** The peanut gallery is really  
22 working overtime here as it gets later.

23                   You were asked -- I'm shifting focus again,  
24 Staff Sergeant Brunet -- you were asked some questions by  
25 Mr. Dumais in-Chief about Constable Sebalj's actions in

1 relation to the Jeannette Antoine complaint. Do you recall  
2 that?

3 MR. BRUNET: Yes.

4 MR. LEE: And as I understood your evidence,  
5 and I'm summarizing a bit here, Ms. Sebalj conducted a full  
6 audio interview of Ms. Antoine in the presence of a CAS  
7 representative without your knowledge?

8 MR. BRUNET: That's correct.

9 MR. LEE: You would have expected Ms. Sebalj  
10 to tell you that on the date of that interview?

11 MR. BRUNET: Yes, or prior to.

12 MR. LEE: Right, okay.

13 Did I understand you to say that Ms. Sebalj  
14 had contacted another police service in relation to this  
15 matter?

16 MR. BRUNET: There was some notes that she  
17 had contacted, I believe, Calgary Police.

18 MR. LEE: Right, okay. That was unusual for  
19 you not to know about that?

20 MR. BRUNET: Well, not to know about the  
21 investigation she was working on, yes.

22 MR. LEE: There was no entry in OMPPAC on  
23 any of this?

24 MR. BRUNET: No.

25 MR. LEE: This was not an investigation to

1 which she had been assigned?

2 MR. BRUNET: That's correct.

3 MR. LEE: And as a result of the above, she  
4 was not being supervised in any way because you didn't know  
5 about it?

6 MR. BRUNET: That's correct.

7 MR. LEE: So this investigation was off the  
8 books so to speak?

9 MR. BRUNET: Yes.

10 MR. LEE: She was doing it on her own  
11 without the knowledge of the Cornwall Police?

12 MR. BRUNET: That's correct.

13 MR. LEE: And we know from the interview  
14 transcript of Geraldine Fitzpatrick that Mr. Dumais  
15 referenced you to, that Sebalj had said that she would not  
16 advise you of what she was doing because she couldn't trust  
17 you?

18 MR. BRUNET: That's what she said or that's  
19 what's being relayed.

20 MR. LEE: And I take it that your view is  
21 that these actions are entirely unacceptable?

22 MR. BRUNET: Yes.

23 MR. LEE: The chain of command was  
24 completely disregarded?

25 MR. BRUNET: Yes.

1                   **MR. LEE:** None of the typical safeguards  
2                   that are built into the system were put in place?

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

5                   **MR. LEE:** This is completely unheard of  
6                   isn't it?

7                   **MR. BRUNET:** I can't think of another  
8                   investigation that was done like that, no.

9                   **MR. LEE:** What about some of what we now  
10                  know Perry Dunlop was doing later on?

11                  **MR. BRUNET:** I ---

12                  **MR. LEE:** Do you see any parallels between  
13                  Ms. Sebalj contacting Ms. Antoine, interviewing Ms.  
14                  Antoine, not keeping her supervisors apprised of what was  
15                  going on?

16                  **MR. BRUNET:** Yes, that case could be made,  
17                  yes.

18                  **MR. LEE:** Do you know whether or not there  
19                  was any discipline to Ms. Sebalj as a result of her actions  
20                  in the Antoine matter?

21                  **MR. BRUNET:** I didn't deal with that, but I  
22                  read the report. I don't believe so.

23                  **MR. LEE:** You don't know of any?

24                  **MR. BRUNET:** I don't know for sure, no.

25                  **MR. LEE:** Do you know of any action being

1 taken against Ms. Sebalj in that regard at all at any time?

2 MR. BRUNET: I don't know of any, no.

3 MR. LEE: Two areas, Mr. Commissioner.

4 Continuing on, shifting focus but still in  
5 the context of the Antoine investigation.

6 You were asked some questions yesterday by  
7 Mr. Dumais about the review of the Antoine investigation by  
8 the Cornwall Police?

9 MR. BRUNET: Yes.

10 MR. LEE: That was ultimately handled by  
11 Staff Sergeant Derochie?

12 MR. BRUNET: That's correct.

13 MR. LEE: And as I understood your evidence,  
14 you told us that you were on the CAS Board at the time so  
15 you declared a conflict of interest and that's what led to  
16 Staff Sergeant Derochie coming in?

17 MR. BRUNET: Well, I don't know that that  
18 directly led to Staff Sergeant Derochie, but definitely I  
19 couldn't do it.

20 MR. LEE: It led to you not doing it, I  
21 guess?

22 MR. BRUNET: That's correct.

23 MR. LEE: You might have done it had -- but  
24 for declaring a ---

25 MR. BRUNET: Possibly, yes.

1                   **MR. LEE:** And I believe you also told us  
2                   that you didn't believe that you actually had a conflict,  
3                   but you appreciated that there might be the appearance of a  
4                   conflict and so you thought it best to step aside?

5                   **MR. BRUNET:** Yes, well I -- I really didn't  
6                   know anything about that investigation. Like, I had not --  
7                   this was prior to me arriving in the Criminal Investigation  
8                   Branch, so I -- I had absolutely no idea, so I -- I really  
9                   didn't know the extent of the investigation, if the -- what  
10                  the issues were.

11                  All I'm being told is that there's a lady  
12                  that -- that called Constable Sebalj and told her that  
13                  there was a problem with an investigation, it wasn't done  
14                  properly or it wasn't done; it was basically not done  
15                  because Constable Malloy was sitting on the Board of  
16                  Directors.

17                  **MR. LEE:** Can I stop you there?

18                  **MR. BRUNET:** Yes.

19                  **MR. LEE:** And that's the gist of it?

20                  **MR. BRUNET:** That's the gist of it.

21                  **MR. LEE:** It wasn't done because Malloy was  
22                  on the CAS Board?

23                  **MR. BRUNET:** That's the accusation or what  
24                  I'm being told, yes.

25                  **MR. LEE:** And so can I presume, your thought

1 process was, "Well, hold on, I'm on the CAS Board ..." ---

2 MR. BRUNET: I'm on the ---

3 MR. LEE: --- "... I can't possibly review  
4 this."

5 MR. BRUNET: Exactly.

6 MR. LEE: And again, as I understood your  
7 evidence yesterday, not because you would be predisposed to  
8 cover something up or to not do a proper job, but because  
9 somebody out there somewhere might think you would be  
10 predisposed.

11 MR. BRUNET: That's exactly what I've meant.

12 MR. LEE: Can you explain why you thought  
13 that was important, to avoid that perception?

14 MR. BRUNET: Well, because I didn't want to  
15 put the Service in that position, if -- if -- like if -- if  
16 the complainant or the person that called had concerns in  
17 the first time, then she could say the same thing and like,  
18 it would be terrible to have someone review it that's  
19 presently sitting on the Board of Directors; it -- it just  
20 doesn't make sense. It wouldn't make any sense to me to do  
21 that.

22 MR. LEE: So as a police officer, the  
23 appearance of a conflict was something you were concerned  
24 about?

25 MR. BRUNET: Yes.

1                   **MR. LEE:** And it sounds like from your  
2 answer, you were concerned about the appearance of a  
3 conflict vis-à-vis the police force?

4                   **MR. BRUNET:** yes.

5                   **MR. LEE:** And so in that case, your decision  
6 was to step aside entirely and avoid that situation?

7                   **MR. BRUNET:** Tell everybody immediately and  
8 they can make -- they can have other people look at it and  
9 review it and -- and determine if there was any -- any  
10 issues.

11                   **MR. LEE:** And looking back on it today, do  
12 you still think that was the prudent thing to do?

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

14                   **MR. LEE:** The last area that I want to ask  
15 you about comes from the very end of your examination  
16 in-chief today. You were asked by Mr. Dumais whether or  
17 not you had any recommendations for this Inquiry.

18                   **MR. BRUNET:** Yes.

19                   **MR. LEE:** And you broke that down into a  
20 couple of areas.

21                   First, you had some general comments,  
22 thanking the Commissioner and talking about sort of, I  
23 suppose, the effects of -- of this entire episode on you.

24                   **MR. BRUNET:** Yes.

25                   **MR. LEE:** And then you made some

1 recommendations.

2 MR. BRUNET: Yes.

3 MR. LEE: As I understood the first part of  
4 that -- and again, I don't have a transcript because it was  
5 today, but I did my best to take notes -- you told us that  
6 you've been subjected to three internal investigations, a  
7 lawsuit and now this Inquiry as a result of malicious  
8 rumours; is that correct?

9 MR. BRUNET: Yes.

10 MR. LEE: And can I take it by "malicious  
11 rumours", you meant the allegations that you were involved  
12 in a cover-up?

13 MR. BRUNET: That's what I meant.

14 MR. LEE: Or a conspiracy or something along  
15 those lines?

16 MR. BRUNET: That's -- that's correct.

17 MR. LEE: And, sir, do you understand that  
18 this Inquiry is about more than allegations of a cover-up?

19 MR. BRUNET: Yes.

20 MR. LEE: You understand that this Inquiry,  
21 in large part, is so that the Commissioner can make  
22 recommendations to improve institutional responses?

23 MR. BRUNET: Yes.

24 MR. LEE: And would you agree with me that  
25 the Cornwall Police internal reviews were about more than

1 cover-ups, as well?

2 MR. BRUNET: Yes.

3 MR. LEE: They identified serious problems?

4 MR. BRUNET: Yes.

5 MR. LEE: With policies and procedures?

6 MR. BRUNET: Yes.

7 MR. LEE: And with the management of certain  
8 investigations?

9 MR. BRUNET: Yes.

10 MR. LEE: And with certain -- the content of  
11 certain investigations, as well?

12 MR. BRUNET: Yes.

13 MR. LEE: And you accept that, as you now  
14 look back on things in the context of everything that you  
15 now know that certain mistakes were made by the Cornwall  
16 Police?

17 MR. BRUNET: Yes, I accept that.

18 MR. LEE: And you accept that you made  
19 certain mistakes along the way?

20 MR. BRUNET: Yes.

21 MR. LEE: And would you agree with me that  
22 finding out what happened and that making sure institutions  
23 improve is a good thing?

24 MR. BRUNET: Yes, I do.

25 MR. LEE: Staff Sergeant Brunet, thank you

1 very much for coming and for your patience.

2 **MR. BRUNET:** Thank you very much.

3 **THE COMMISSIONER:** Thank you.

4 As I've indicated, we're going to have to  
5 call it a day because I have much to ponder after Mr. Lee's  
6 gruelling cross-examination.

7 **MR. LEE:** "A breath of fresh air", I believe  
8 you called it.

9 **THE COMMISSIONER:** There you go.

10 Thank you very much.

11 We'll see you at 9:30 tomorrow morning.

12 **MR. BRUNET:** Thank you very much.

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

15 This hearing is adjourned until tomorrow  
16 morning at 9:30 a.m.

17 --- Upon adjourning at 5:36 p.m./

18 --- L'audience est ajournée à 17h36

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C E R T I F I C A T I O N

I, Marc Demers 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, Marc Demers, 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.



---

Marc Demers, CVR-CM

