

**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 215

Held at :

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

Thursday, April 10 2008

Tenue à:

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

Jeudi, le 10 avril 2008

ERRATA

**January 23, 2008
Volume 188**

Transcript

Page 99, line 21

MR. RUEL: That's correct.

Should have read:

MR. HAWKINS: That's correct.

Page 100, line 1

MR. RUEL: I don't recall a specific discussion with him, but knowing my usual behaviour in these kinds of situations, I would find it difficult to believe that I didn't have a conversation with him about it.

Should have read:

MR. HAWKINS: I don't recall a specific discussion with him, but knowing my usual behaviour in these kinds of situations, I would find it difficult to believe that I didn't have a conversation with him about it.

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Mary Simms	Commission Counsel
Mr. Ian Stauffer	
Mr. Peter Manderville	Cornwall Police Service Board
Ms. Reena Lalji	
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. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action

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1 --- Upon commencing at 9:37 a.m. /

2 L'audience débute à 9h37

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. Stauffer?

12 **MR. STAUFFER:** Good morning, Mr.
13 Commissioner.

14 **THE COMMISSIONER:** How are you doing today?

15 **MR. STAUFFER:** Staff Sergeant Lortie is
16 here.

17 **THE COMMISSIONER:** Good morning.

18 **MR. LORTIE:** Good morning, sir.

19 **THE COMMISSIONER:** How are you doing today?

20 **MR. LORTIE:** Pretty good.

21 **THE COMMISSIONER:** All right.

22 **MR. STAUFFER:** So, Mr. Commissioner, if
23 you're ready to go, I'm going to continue with Mr. Lortie.

24 **CLAUDE LORTIE:** Resumed/Sous le même serment

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

1 **STAUFFER:** (Continued/Suite)

2 **MR. STAUFFER:** Staff Sergeant, I just wanted
3 to clear up a few things from yesterday. You'd indicated
4 that you were not the first Intelligence Officer, from what
5 you can recollect, in your organization.

6 Do you remember from whom you took over that
7 position?

8 **MR. LORTIE:** It was Rick Carter.

9 **MR. STAUFFER:** All right. And do you know
10 he had been in that position? Was it a year or six years
11 like you or ---

12 **MR. LORTIE:** I'm not sure how many years he
13 was there.

14 **MR. STAUFFER:** When you took over that
15 position, would it have been Sergeant Carter back then?

16 **MR. LORTIE:** Yes, it was.

17 **MR. STAUFFER:** Okay. Do you remember what
18 handover process there was? Did you have some kind of
19 meeting or meetings in terms of handover?

20 **MR. LORTIE:** Yeah, we worked for a short
21 period together.

22 **MR. STAUFFER:** All right. And when you left
23 as the Intelligence Officer in 1996, did you have a similar
24 handover process?

25 **MR. LORTIE:** Yes, I did. Yes.

1 **MR. STAUFFER:** Who took over from you?

2 **MR. LORTIE:** Thom Racine, if I'm not
3 mistaken.

4 **MR. STAUFFER:** All right. When you took
5 over from Sergeant Carter, was there any talk at all about
6 historical sexual child abuse, even in general terms, in
7 terms of an area of criminal activity that was part of the
8 mandate of the Intelligence Officer?

9 **MR. LORTIE:** No, not that I can recall.

10 **MR. STAUFFER:** I appreciate that.

11 I'd like to deal with the Silmsers matter a
12 few more minutes here, if you don't mind. When you took
13 the file from Chief Shaver on December the 10th, I think
14 you've already told us there was no reporting date, that is
15 the Chief didn't say, "I need to hear back from you by a
16 certain date". Is that right?

17 **MR. LORTIE:** That's what I recalled.

18 **MR. STAUFFER:** Right. No, I appreciate that
19 because there are no notes that I'm aware of that would
20 reflect that. So we're going on your memory right now.

21 With regard to your conversation with Mr.
22 Silmsers on December 14th, in any fashion, did you advise the
23 Chief that you were meeting with Mr. Silmsers on January the
24 18th of 1993?

25 **MR. LORTIE:** I don't think so. I don't

1 recall but I don't think I did.

2 MR. STAUFFER: All right. I am just
3 curious. I want to be sure of this for the last time.

4 As far as you recollect, Chief Shaver never
5 spoke to you about this file then other than that one
6 meeting on December the 10th during the time you had
7 carriage of the file?

8 MR. LORTIE: That's correct.

9 MR. STAUFFER: Until it was reassigned by
10 the Deputy Chief?

11 MR. LORTIE: That's correct.

12 MR. STAUFFER: All right. And after the
13 reassignment, did the Chief ever speak to you about the
14 file?

15 MR. LORTIE: No.

16 MR. STAUFFER: All right. Did you find that
17 odd since he'd basically selected you to be the
18 investigator?

19 MR. LORTIE: No, I didn't. I assumed that
20 the Deputy Chief must have briefed him on it. I ---

21 MR. STAUFFER: All right. Again, you'd been
22 in the building for about 15 years at that point. Had you
23 had a chance to form an opinion as to how well the Chief
24 and the Deputy Chief were communicating?

25 MR. LORTIE: I wasn't aware of any problems.

1 **MR. STAUFFER:** Is that right?

2 **MR. LORTIE:** That's right.

3 **MR. STAUFFER:** Okay. You were aware -- I
4 mean, you must have read this by now or heard in other
5 testimony that there were problems between the Chief and
6 the Deputy Chief in terms of communication. Have you ever
7 heard that or read that?

8 **MR. LORTIE:** I heard that at the Inquiry,
9 but to me I never noticed it whenever they worked together.

10 **MR. STAUFFER:** All right. Were you ever
11 privy to any of the inspection reports that were carried
12 out by the Solicitor General's Office as it was called back
13 then in the nineties?

14 **MR. LORTIE:** Yes, I was.

15 **MR. STAUFFER:** Okay. Did you read about
16 that observation in any of those reports; that is that the
17 Chief and the Deputy Chief were not communicating well?

18 **MR. LORTIE:** I may have. I don't recall
19 seeing that.

20 **MR. STAUFFER:** Again, I am just trying to
21 understand that when you handed -- or sorry, well, when you
22 handed that slip of paper back to Deputy Chief St. Denis
23 sometime after Christmas of 1992, did you believe he would
24 tell the Chief as to the fact that the file was going to be
25 reassigned to somebody?

1 **MR. LORTIE:** Well, I am assuming that
2 they're talking and they know what's going on. I couldn't
3 tell you what went on in the background.

4 **MR. STAUFFER:** Okay. Again, it may be that
5 we have just focussed on this so much, but it seems that
6 this would have been a very different type of case to start
7 with. That is this is something new on the radar. We're
8 talking about a priest and a probation officer being
9 accused of sexual abuse in the past.

10 Am I right this is a relatively novel case?

11 **MR. LORTIE:** Yes, it is.

12 **MR. STAUFFER:** Okay. So, again, perhaps
13 we're focussing too much but I'm trying to understand how
14 it didn't keep coming up while you were in the building;
15 that is why you wouldn't have said something to the Chief
16 or the Chief to you as to what the progress of the file was
17 until apparently September 28th when you talked about it
18 yesterday, when you had that meeting?

19 How could nine months or so go by and no
20 conversations take place between you and the Chief about
21 this file?

22 **MR. LORTIE:** I can't answer that because it
23 never happened. We never did discuss it and I can only --
24 I can only tell you, sir, that it was probably because we
25 were all so tied up in our own little world doing our own

1 little investigations at the time.

2 **MR. STAUFFER:** Okay. And I appreciate that
3 because, again, correct me if I'm wrong, the circumstances
4 that existed back then in late 1992 and early 1993, you
5 were heavily involved in drug investigations, is that
6 right, as the Intelligence Officer?

7 **MR. LORTIE:** One of three major
8 investigations on the go, yes.

9 **MR. STAUFFER:** Right. In addition to
10 whatever other crime was going on of an organized nature/
11 So you had a full plate, if I can put it that way?

12 **MR. LORTIE:** Yeah.

13 **MR. STAUFFER:** Yeah. And, in addition, you
14 had your -- this is my term, but your extracurricular
15 activities of being on the Executive of the Association and
16 that must have taken up some of your time?

17 **MR. LORTIE:** Very little of my time at work
18 was taken up by Association matters, but ---

19 **MR. STAUFFER:** I appreciate that because I
20 gather that was a sensitive issue. There's mention in a
21 letter from the Deputy Chief at one point about the
22 President spending too much time on Association matters. I
23 guess that wasn't you because this is back in 1993, you
24 weren't President yet?

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

1 **MR. STAUFFER:** Right. But with -- and I'm
2 not accusing you that you're working on Association
3 business during working hours, if I can put it that way,
4 but I'm saying that your time is fully occupied by work and
5 then by Association activities. Is that not correct?

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

7 **MR. STAUFFER:** Okay. So can you tell me, as
8 best as you can, when you're given the Silmsers file where
9 is that on the priority list in relation to all the other
10 matters that you're dealing with at that time?

11 **MR. LORTIE:** It would have been my number
12 one priority.

13 **MR. STAUFFER:** Okay. Then I guess without
14 repeating too much here, I don't understand that. If it's
15 your number one priority, why you wouldn't have met with
16 Mr. Silmsers earlier than five -- you know, the projected
17 date of five weeks down the road?

18 **MR. LORTIE:** Sir, I'm going to repeat
19 myself, but he didn't want to meet and circumstances for
20 myself for the surgery made it impossible to meet and he
21 agreed that the 18th of January was fine.

22 **MR. STAUFFER:** Could I suggest to you, and I
23 don't know if this is fair or not -- you'll tell me in a
24 moment -- that there really was no sense of urgency,
25 clearly from the Chief at least, because there was no

1 follow-up from him?

2 MR. LORTIE: I am assuming the Chief is
3 expecting his people to do their work.

4 MR. STAUFFER: Okay.

5 MR. LORTIE: And the CIB is reporting to the
6 Deputy Chief. So I don't know where the breakdown occurs.

7 MR. STAUFFER: What do you mean by that?
8 What breakdown?

9 MR. LORTIE: Well, if you're saying the
10 Chief doesn't know or he's not asking; he might be asking
11 the Deputy Chief all the way through this what's happening.
12 We don't know that until you speak to him. And I would
13 assume that that's what's happening.

14 MR. STAUFFER: Did Deputy Chief St. Denis
15 ever express to you that he felt he was out of the loop on
16 the Silmsler investigation?

17 MR. LORTIE: No, we've never discussed it.

18 MR. STAUFFER: Okay. I guess that's the
19 answer. That's what I'm asking is at any time really more
20 back then than now, but at any time, did he ever express
21 that to you then? You're saying he never felt he was out
22 of the loop in any conversations with you.

23 MR. LORTIE: He's never said that to me, no.

24 MR. STAUFFER: Have you read that anywhere?

25 MR. LORTIE: It seems to me I've read that

1 somewhere.

2 **MR. STAUFFER:** All right. Just out of
3 curiosity again, in terms of this mention of a bishop, when
4 Mr. Silmsers said he'd spoken to a bishop, we don't know who
5 that bishop was obviously; is that right?

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

7 **MR. STAUFFER:** Right. Was there any concern
8 when he said that to you, Staff Sergeant, that he would
9 then call the bishop and the bishop would remove Father
10 MacDonald from Ontario, from Canada, whatever, in order to
11 place that person out of the reach of Canadian legal
12 officials?

13 **MR. LORTIE:** I'm sorry. But you're going to
14 have to start that one over.

15 **MR. STAUFFER:** Okay. No, it's a long
16 question.

17 Was there any concern when Mr. Silmsers said
18 he'd called the bishop or he was going to call the bishop -
19 - I think you said he called the bishop -- that, when the
20 bishop was alerted to Mr. Silmsers's concern, that the
21 bishop might transfer Father MacDonald out of the reach of
22 Ontario or Canadian law enforcement officials?

23 **MR. LORTIE:** There's a possibility that
24 could happen.

25 **MR. STAUFFER:** Okay. But were you aware of

1 -- back then back in the '90s, that had occurred within
2 certain parishes and so on that priests could be
3 transferred by their bishop in order to, if you will, keep
4 them out of the process; keep them from being prosecuted or
5 just get them out of that particular community? Were you
6 aware that that was sometimes done by the Church?

7 **MR. LORTIE:** I was not aware that that was a
8 practice if that's what you're telling me.

9 **MR. STAUFFER:** But would you agree with me
10 that that is something that was a possibility back then,
11 because obviously church officials much like others in
12 organizations are told what to do; that is where they're
13 going to practice or officiate?

14 You understand what I'm saying? That the
15 priest would have been told by a bishop "You're going to
16 another parish now;" that that was a possibility back then?

17 **MR. LORTIE:** You're asking me if that was a
18 possibility. I assume it would be a possibility.

19 **MR. STAUFFER:** But did that concern you at
20 all when Mr. Silmser said he had or was going to talk to a
21 bishop that the potential culprit would be removed from
22 potential prosecution?

23 **MR. LORTIE:** It never entered my mind.

24 **MR. STAUFFER:** All right. There is a
25 reference in your note of something about Crime Stoppers.

1 You know in your contemporaneous notes ---

2 MR. LORTIE: Yeah.

3 MR. STAUFFER: --- you say Crime Stoppers.

4 What is that about?

5 MR. LORTIE: That's reports that we receive
6 almost daily from Crime Stoppers from tips that they
7 receive.

8 MR. STAUFFER: Okay. Did it have anything
9 to do with the Silmsler case or is this something -- I can
10 take you to it if you want but ---

11 MR. LORTIE: No, I seen it yesterday.

12 MR. STAUFFER: Okay.

13 MR. LORTIE: No, my notes are not dedicated
14 to one investigation ---

15 MR. STAUFFER: I appreciate that.

16 MR. LORTIE: --- they just go day by day,
17 minute by minute.

18 MR. STAUFFER: Okay.

19 MR. LORTIE: And whatever happens at the
20 time is what's recorded.

21 MR. STAUFFER: Okay. So is it your best
22 evidence now, Staff Sergeant, that that may not relate to
23 the Silmsler case or does it relate?

24 MR. LORTIE: Definitely, it does not relate
25 to the Silmsler case.

1 **MR. STAUFFER:** All right. So the Crime
2 Stoppers is irrelevant. All right.

3 Could I ask you, you did a CPIC check on Mr.
4 Silmsler, was that your practice when a complainant came
5 forward to do a CPIC check on that person?

6 **MR. LORTIE:** In most cases, yes.

7 **MR. STAUFFER:** Okay. Why is that?

8 **MR. LORTIE:** I just wanted to know who I'm
9 working with.

10 **MR. STAUFFER:** All right. What does it
11 matter if the person has a criminal record?

12 **MR. LORTIE:** Well, if he's got a charge of
13 deceit or obstruct police, right away you know that you've
14 got to deal with this person differently.

15 **MR. STAUFFER:** Okay. Was there anything --
16 again I appreciate it's a long time ago -- but do you
17 recollect if Mr. Silmsler had anything that gave you that
18 concern that he would not be dealing with you on a truthful
19 basis?

20 **MR. LORTIE:** I had no concerns by the
21 criminal record -- from the criminal record.

22 **MR. STAUFFER:** All right. When -- you may
23 have told us this yesterday and I apologize, but when did
24 you learn that Constable Sebalj had carriage of the Silmsler
25 investigation?

1 **MR. LORTIE:** It would have been at the
2 September meeting when Ron Lefebvre advised me that she was
3 the investigator.

4 **MR. STAUFFER:** So up until that meeting, who
5 did you think had carriage of the investigation?

6 **MR. LORTIE:** Ron Lefebvre.

7 **MR. STAUFFER:** And why did you think that?
8 Because of that meeting you had in February in the hallway
9 and he shows you the statement?

10 **MR. LORTIE:** And it was a logical thing that
11 Ron Lefebvre would have it. He is an excellent
12 investigator.

13 **MR. STAUFFER:** All right. So again this is
14 a difficult question when I put it to you. Did you know
15 Constable Sebalj at all before 1992? Had you ever worked
16 with her? Did you know of her?

17 **MR. LORTIE:** Constable Sebalj was probably
18 the only officer on our service that did not work for me.

19 **MR. STAUFFER:** Okay. Were you able to form
20 any opinion at all when you heard that she was in charge of
21 the investigation as to whether she was the right person
22 for the job?

23 **MR. LORTIE:** I can only tell you that if Ron
24 Lefebvre had still been on the investigation, and I wasn't
25 quite clear at that time if he wasn't assisting, that Ron

1 Lefebvre and Heidi would make an excellent team to do this
2 investigation.

3 **MR. STAUFFER:** But did you understand that
4 they were a team at any point?

5 **MR. LORTIE:** No. No, I can't say that I
6 know that for sure, no.

7 **MR. STAUFFER:** No.

8 **MR. LORTIE:** I just assumed -- I did a lot
9 of assuming that morning obviously trying to figure it out.
10 I thought Ron Lefebvre was doing the investigation. And
11 then I heard Heidi was doing the investigation. And I
12 thought "It's not a bad team."

13 **THE COMMISSIONER:** Okay. But I guess the
14 question is if you know now that -- if you assume that she
15 was the main investigator and not a team, right, what would
16 be your assessment of her capabilities of doing this
17 investigation back in 1993?

18 **MR. LORTIE:** Allow me to answer this one in
19 little longer. I didn't know her so I couldn't form the
20 opinion as to whether she had the knowledge or ability to
21 do the investigation.

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

23 **MR. LORTIE:** But under the circumstances, if
24 Ron was with her, she certainly was a good candidate to
25 learn how to do the investigations.

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

2 **MR. LORTIE:** Did you have another part of
3 that question sir? For me to tell you that Heidi, on her
4 own, to do this investigation, I personally would feel that
5 it's unfair to Heidi.

6 **THE COMMISSIONER:** Because she is junior and
7 inexperienced?

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

9 **THE COMMISSIONER:** All right. Okay.

10 **MR. STAUFFER:** Were you -- thank you, Mr.
11 Commissioner.

12 Staff Sergeant, when the September 28
13 meeting takes place, do you understand that the case is
14 closed at that point? Is that your understanding?

15 **MR. LORTIE:** When I attended the meeting, I
16 was under the impression from what was on the OMPPAC
17 printout that it was over.

18 **MR. STAUFFER:** All right.

19 **MR. LORTIE:** I forget the words there but
20 they're in my notes.

21 **MR. STAUFFER:** Yes. No, I appreciate that.
22 No action or -- I understand. But what and what was your
23 impression? We're now roughly nine months or so from the
24 date that Mr. Silmsler had made his complaint, what was your
25 impression as to whether or not that had taken too long --

1 the investigation had taken too long?

2 **MR. LORTIE:** The investigation, that type of
3 investigation can easily go nine months. So my impression
4 wasn't that it was taking too long, it was that nobody
5 seemed to know what was going on at that point, that
6 morning.

7 **MR. STAUFFER:** All right.

8 **MR. LORTIE:** Those investigations can be, as
9 you pointed out in your comment yesterday, they can be
10 prolonged; you might have witnesses to interview all over
11 the place, all over the country and possibly in the world,
12 so they are going to be possibly lengthy investigations
13 unless you got lucky and the man plead guilty or admitted
14 it.

15 **MR. STAUFFER:** M'hm. In terms of record
16 keeping, I just want to be clear. Back in 1992 and 1993,
17 was there a requirement that an entry be made into OMPPAC
18 by a certain date, that is, was there some kind of a bring-
19 forward system where some type of entry had to be put into
20 the system by a certain timeframe?

21 **MR. LORTIE:** If you're talking about was
22 there a policy on that, I don't recall, and I think that
23 every supervisor had their own method of dealing with --
24 giving due dates.

25 The computer would generate an overdue date

1 for the initial to come in. That's where that comment came
2 out yesterday about the overdue after the 18th of January.
3 Well, that's just a computer-generated pop-up that shows on
4 the assignment lists.

5 **MR. STAUFFER:** Was there a requirement to
6 record when a file was transferred from one officer to
7 another?

8 **MR. LORTIE:** No, that would fall into the
9 same category. It's -- you would think that reports will
10 be -- will be put in.

11 **MR. STAUFFER:** All right. Because am I
12 right -- please correct me if I'm wrong -- when Deputy
13 Chief St. Denis took the Silmsler file away from you for
14 reassignment, you did not record that in either your
15 notebook or in the electronic OMPPAC system. Is that
16 correct?

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

18 **MR. STAUFFER:** All right. Do you recollect
19 that Staff Sergeant Brunet took over as Officer in Charge
20 of the CIB in early January of 1993?

21 **MR. LORTIE:** I didn't know it was January,
22 but I know he was in charge in -- in CIB, yes.

23 **MR. STAUFFER:** All right. Did you -- do you
24 have any recollection of dealing with him in his early days
25 as Officer in Charge of CIB?

1 **MR. LORTIE:** We would have had contact
2 probably several times.

3 **MR. STAUFFER:** Okay. Can you give us your
4 opinion as to whether he felt confident in his position in
5 the early days of being Officer in Charge?

6 **MR. LORTIE:** I would say so.

7 **MR. STAUFFER:** All right. Did you ever form
8 the opinion that he -- when the file was reassigned to him
9 to give to an officer, did you ever form the opinion that
10 he was feeling he could not do anything other than reassign
11 to someone. That is, he couldn't say, you know, Staff --
12 or Sergeant Lortie at the time -- would it be the right
13 fellow to do it because he's set up the initial contact
14 with the complainant?

15 **MR. LORTIE:** I'm sure he could have said
16 that if he wanted to.

17 **MR. STAUFFER:** But do you have any
18 recollection of having any discussions with him about that?

19 **MR. LORTIE:** No. No.

20 **MR. STAUFFER:** And, again, I think we've
21 been over this, but just to clear up one last time.

22 Did you have any discussions with Staff
23 Sergeant Brunet that you can remember during the January-
24 February timeframe of 1993?

25 **MR. LORTIE:** Luc said that he had spoken to

1 me. I don't recall it so there's a possibility that he
2 did, I just don't recall it.

3 **MR. STAUFFER:** All right. There are two
4 expressions which have come up through the press and so on,
5 a "clan of pedophiles" or a "ring of pedophiles". Have you
6 ever heard either or both of these expressions while you
7 were the Intelligence Officer?

8 **MR. LORTIE:** After -- at the end of 1993-
9 1994, that expression started coming out. I think it was
10 mostly in the newspapers.

11 **MR. STAUFFER:** Okay. Were you ever asked,
12 while you were Intelligence Officer, to respond to that
13 allegation, that there was a ring of pedophiles or a clan
14 of pedophiles?

15 So what I'm asking you is did one or more of
16 the Chiefs during that six-year period ask you to give an
17 opinion, an assessment if you will, as the Intelligence
18 Officer as to whether such a ring or clan of pedophiles
19 existed?

20 **MR. LORTIE:** No.

21 **MR. STAUFFER:** Did it ever come up in any
22 meetings, even in an informal discussion, that is we should
23 put forward some kind of an assessment here to see if
24 there's any ring of truth to it at all?

25 **MR. LORTIE:** No.

1 **MR. STAUFFER:** Were you -- did you -- to
2 flip the card here, did you ever suggest this to anybody in
3 management, that it was time to do an assessment to see if
4 there was any validity to that allegation in the popular
5 press or in any other information that was coming forward?

6 **MR. LORTIE:** No.

7 **MR. STAUFFER:** Did you at any time during
8 your six years as Intelligence Officer, believe that there
9 was a clan or ring of pedophiles in Cornwall?

10 **MR. LORTIE:** I don't -- I don't like the
11 terms "clan" or "ring". I do believe there were, after the
12 1993 exposure, that there were a number of people that were
13 involved.

14 **MR. STAUFFER:** All right, but are you saying
15 -- and please correct me if I'm misinterpreting your answer
16 -- are you saying that there's not an organized nature to
17 these individuals, that they are acting essentially on
18 their own? Is that why you're ---

19 **MR. LORTIE:** Well ---

20 **MR. STAUFFER:** --- saying you don't like
21 clan or ring or ---

22 **MR. LORTIE:** --- the first part of your
23 question -- can you repeat that question, please?

24 **MR. STAUFFER:** Sure. The impression I'm
25 getting is you don't like clan or ring of pedophiles as an

1 expression and I'm wondering is that because it denotes
2 some kind of an organized venture as compared to
3 individuals abusing children on their own without any kind
4 of joint venture?

5 MR. LORTIE: I don't like the terms because
6 I just don't like the terms.

7 MR. STAUFFER: Okay.

8 MR. LORTIE: I think somebody put that tag
9 on there and I don't know why they would have done that
10 without some sort of evidence that that was something that
11 was going on, but from the information received, it
12 appeared that there were -- there were a number of
13 individuals, whether they were connected in any way, I
14 don't know.

15 MR. STAUFFER: All right. And, again,
16 without repeating myself more than I have to, I'm just
17 wondering if that's your personal belief -- and I accept
18 it, that is, you don't like the notion clan or pedophiles,
19 ring of pedophiles -- why some formal assessment wasn't
20 done by you to refute the notion of some kind of an
21 organized venture?

22 MR. LORTIE: Why would I not after -- it
23 would have been after 1994 when this information came out,
24 look into it? Probably because I was absolutely -- what's
25 the term -- busy.

1 **MR. STAUFFER:** With other matters, the drug
2 matters that you've talked to us about?

3 **MR. LORTIE:** Yeah, it -- sir, if you had
4 read in my CV yesterday, you would have seen and everybody
5 in the room would have seen but mostly the Commissioner
6 would have known, how involved I was at different -- and
7 you've got to remember that in 1996, I was returned to the
8 uniform division.

9 **MR. STAUFFER:** I appreciate that. That's
10 why I was limiting my question to the time when you were
11 the Intelligence Officer.

12 **MR. LORTIE:** And in 1995, the year before
13 that, I was seconded to the RCMP.

14 **MR. STAUFFER:** Right. In May of 1995, you
15 were on what was called the "Drug Task Force Project"?

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

17 **MR. STAUFFER:** Is that right? Yes.

18 And on that point, Mr. Commissioner, perhaps
19 we could enter Staff Sergeant Lortie's profile as an
20 exhibit?

21 **THE COMMISSIONER:** Certainly.

22 **MR. STAUFFER:** Oh, the Document Number is
23 200190.

24 **THE COMMISSIONER:** Exhibit 1477 is a
25 document entitled "Staff Sergeant Clause Lortie, Badge 33,

1 Rank and Position within Cornwall Police Service".

2 MR. STAUFFER: Yes.

3 --- EXHIBIT NO./PIÈCE NO. P-1477:

4 (200190) Claude Lortie - Career Profile

5 MR. STAUFFER: And to sum up on that point
6 then, Staff Sergeant, is it fair to say that the priorities
7 in your job in the latter part of your time as Intelligence
8 Officer from '93 to '96, let's say, is working on drug-
9 related criminal activities?

10 MR. LORTIE: I was in -- in 1995, the final
11 year that I was there, I was the Officer in Charge of
12 outdoor operations for the RMCP. I was seconded to the
13 RCMP Unit, so I was no longer in our station at that point.

14 MR. STAUFFER: Thank you.

15 All right, do you recollect a name Nelson
16 Barque?

17 MR. LORTIE: Yes, I do.

18 MR. STAUFFER: Okay. Did you ever
19 personally know him?

20 MR. LORTIE: Never personally knew him but I
21 did have an encounter with him, yes.

22 MR. STAUFFER: Okay. I wasn't aware of
23 that. What was the encounter?

24 MR. LORTIE: I met him whenever I was on the
25 breathalyser course at the forensic lab in Toronto and I

1 didn't know him but obviously he recognized me and
2 approached and we had a chit-chat. And he had related to
3 me that he had taken the train to get there and if I had a
4 vehicle that he would appreciate a ride back home.

5 **MR. STAUFFER:** All right. Did you
6 accommodate him?

7 **MR. LORTIE:** I did.

8 **MR. STAUFFER:** All right. What I'm getting
9 at here, Staff Sergeant, is were you aware of the
10 circumstances as to why he left the probation office here
11 in Cornwall?

12 **MR. LORTIE:** I don't have all the details.
13 Something happened, they were on the fourth floor of our
14 building at that time; something happened.

15 **MR. STAUFFER:** All right.

16 **MR. LORTIE:** And I don't know what the
17 details are.

18 **MR. STAUFFER:** How did you find out the
19 information that you did get?

20 **MR. LORTIE:** I think that was through the
21 rumour mill.

22 **MR. STAUFFER:** Okay. Was your wife working
23 at the time ---

24 **MR. LORTIE:** No.

25 **MR. STAUFFER:** --- for the probation ---

1 **MR. LORTIE:** No.

2 **MR. STAUFFER:** Just going to the September
3 28th meeting one last time, September 28th, 1993. Can you
4 help us out, as best as you can recollect, who was at the
5 meeting?

6 **MR. LORTIE:** The Chief was at the meeting,
7 the Deputy Chief was at the meeting, Inspector Wells would
8 have been -- Staff Sergeant Wells, he was doing
9 Professional Standards, he was at the meeting; Staff
10 Inspector McDonald was at the meeting; Luc Brunet was at
11 the meeting; and I'm guessing Stan Willis was at the
12 meeting.

13 **MR. STAUFFER:** What position would he have
14 occupied at that time?

15 **MR. LORTIE:** He was a Staff Sergeant on
16 shift.

17 **MR. STAUFFER:** All right.

18 **MR. LORTIE:** I think.

19 **MR. STAUFFER:** Yes. Now, would this have
20 been the normal route, if you will, for that particular
21 meeting or was this a special meeting?

22 **MR. LORTIE:** No, that was the morning
23 meeting. The group -- whoever is working that day ---

24 **MR. STAUFFER:** Yes.

25 **MR. LORTIE:** --- goes in.

1 **MR. STAUFFER:** All right. When you made
2 your comments that we read about in your notes yesterday,
3 you were concerned, obviously, that no one seemed to know
4 what was going on as to the status of the investigation.

5 What plan of action was formed at the
6 meeting?

7 **MR. LORTIE:** The Chief asked Luc what was
8 happening and he said I'll have to get back to you. There
9 was no other -- in other words, I'll get it and I'll bring
10 it to you, whatever.

11 **MR. STAUFFER:** All right. Do you know what
12 happened after that meeting then in terms of a follow-up?

13 **MR. LORTIE:** Not a bit.

14 **MR. STAUFFER:** Why is that?

15 **MR. LORTIE:** Because I assume they must have
16 met themselves; I don't know what they did.

17 **MR. STAUFFER:** Okay. But, again, I know
18 this is years ago but was there a subsequent meeting, that
19 is, the next day or within the next few days?

20 **MR. LORTIE:** I don't think there was. I'm
21 not sure.

22 **MR. STAUFFER:** Because I appreciate again
23 the Commissioner was certainly right in pointing this out;
24 you may not have been at every meeting. Is that fair?

25 **MR. LORTIE:** That's fair.

1 **MR. STAUFFER:** Okay. But at the -- during -
2 - let's say early October, mid-October and so on, following
3 the September 28th meeting, do you have any recollection of
4 being at any meetings where the Silmsler case was brought up
5 again?

6 **MR. LORTIE:** I don't recall going to another
7 meeting after that.

8 **MR. STAUFFER:** Okay. But how, as the
9 Intelligence Officer, would you keep up-to-date then as to
10 what was going on if you didn't go to the meetings?

11 **MR. LORTIE:** I read the reports.

12 **MR. STAUFFER:** Okay, so what did you read
13 about the Silmsler investigation and what action took place
14 after the September 28th meeting?

15 **MR. LORTIE:** Nothing.

16 **MR. STAUFFER:** Is that because there wasn't
17 anything or you don't remember?

18 **MR. LORTIE:** That's because shortly after
19 that the project was put into a -- the file was put into a
20 project.

21 **MR. STAUFFER:** Right.

22 **MR. LORTIE:** And I did not have access to
23 that project.

24 **MR. STAUFFER:** Okay. I find that a little
25 hard to understand so just help me out.

1 You were asked -- correct me if I'm wrong,
2 you were asked by the Chief, Chief Shaver at the time, to
3 create a project file for the Silmsers case. Is that
4 correct?

5 **MR. LORTIE:** That's wrong.

6 **MR. STAUFFER:** Okay. Who asked you to do
7 that?

8 **MR. LORTIE:** Luc Brunet.

9 **MR. STAUFFER:** Okay. Was he -- do you know,
10 was he tasked to do that by Chief Shaver?

11 **MR. LORTIE:** I don't know, you'd have to ask
12 Luc.

13 **MR. STAUFFER:** Okay. So Staff Sergeant
14 Brunet asked you to create a file with a special access
15 code. Am I putting it in the right vernacular here?

16 **MR. LORTIE:** That's exactly what it is, yes.

17 **MR. STAUFFER:** Okay. And you did that
18 sometime around October 2nd or 3rd of 1993?

19 **MR. LORTIE:** It's in that period, yes.

20 **MR. STAUFFER:** Okay. But I'm not quite sure
21 when you said a minute ago that you didn't have access to
22 it, how could that be, you're the Intelligence Officer?

23 **MR. LORTIE:** You create a file ---

24 **MR. STAUFFER:** Right.

25 **MR. LORTIE:** --- and you allow the people

1 that want to be into that file to have access to it.

2 **MR. STAUFFER:** Right.

3 **MR. LORTIE:** When I created that file I
4 removed my access to that particular file.

5 **THE COMMISSIONER:** Is that a common practice
6 you had?

7 **MR. LORTIE:** No, that was -- that was one
8 that I didn't think was my business.

9 **MR. STAUFFER:** Okay. Did Staff Brunet give
10 you any information as to why there was going to be a
11 project file created for the Silmsler case?

12 **MR. LORTIE:** No.

13 **MR. STAUFFER:** Did you ask him?

14 **MR. LORTIE:** Was it all -- he called and he
15 wanted a project file started. That's all the information
16 that we had.

17 **MR. STAUFFER:** Okay. At that time, did you
18 have any impression at all that this was being done because
19 the statement that Mr. Silmsler had given had apparently
20 gone out of the office?

21 **MR. LORTIE:** I would have not done that, so
22 ---

23 **MR. STAUFFER:** I'm sorry?

24 **MR. LORTIE:** I would have not created a file
25 for that.

1 **MR. STAUFFER:** I appreciate that, but did
2 you have that information at all that that's what had
3 happened?

4 **MR. LORTIE:** No. No, no. I didn't have --
5 that's what I'm getting at, I didn't have the -- I didn't --
6 - they called and asked me to start a project and I did
7 whatever they asked me to do and I started the project and
8 I gave access to the project to Luc Brunet, Heidi Sebalj,
9 I'm almost sure the Chief of Police, and possibly the
10 Deputy Chief of Police.

11 **THE COMMISSIONER:** But what are you saying,
12 that you didn't agree with that?

13 **MR. LORTIE:** I didn't agree with putting
14 that in a project file, no. It was something that I -- my
15 project files are -- that section of OMPPAC, I thought, was
16 -- should have been reserved for informants and major
17 organized crime activity.

18 **THE COMMISSIONER:** Right.

19 **MR. LORTIE:** And I thought that that's an
20 incident that should just go on regular OMPPAC.

21 **THE COMMISSIONER:** Why?

22 **MR. LORTIE:** Because like every other
23 incident goes on regular OMPPAC.

24 **THE COMMISSIONER:** All right, okay.

25 **MR. STAUFFER:** And when it's on the so-

1 called regular OMPPAC that means anybody who has access to
2 that system can view the details?

3 MR. LORTIE: Yes.

4 MR. STAUFFER: And is it -- and please
5 correct me if I'm wrong here, is that so that an officer
6 who comes upon a name or whatever and he runs it through the
7 system or she runs it through the system, it may cross-
8 reference to another case and it may show that there is
9 more activity with respect to a particular individual than
10 just the one item that the officer has got concern about.

11 Do you follow?

12 MR. LORTIE: Yeah.

13 MR. STAUFFER: It's to ---

14 MR. LORTIE: It's a possibility, yes.

15 MR. STAUFFER: Okay. So to follow-up on the
16 Commissioner's question here, on the Silmsler matter, is it
17 your view it would have been better for all officers to
18 have access to that file because there was of course a
19 chance that one of the officers would know something from
20 another case or another meeting or whatever, about any of
21 the individuals mentioned in the notes from the Silmsler
22 case?

23 MR. LORTIE: That's a possibility, but I can
24 tell you that when you're -- I don't think too many people
25 would have looked at that. I mean, the report goes on and

1 unless you're paying attention to a certain incident and
2 you want to see what's going on.

3 No, I don't think too many officers would be
4 looking at it but, the second part of your question, would
5 it be better to have it there so that other people, in case
6 something comes up, would get a hit on that name, yes.

7 **MR. STAUFFER:** Right. Because, again, I'm
8 just taking this as a hypothetical situation, but if
9 Officer Smith has a complaint now from some young man who
10 says that a certain priest had abused him as an altar boy
11 and he runs that priest's name, and now he sees Father
12 MacDonald for example ---

13 **MR. LORTIE:** That's exactly ---

14 **MR. STAUFFER:** This is the way cases develop
15 to some extent is it not?

16 **MR. LORTIE:** That's exactly the reason for
17 it. And you're talking an officer from another service,
18 possibly ---

19 **MR. STAUFFER:** Sure.

20 **MR. LORTIE:** --- having access to it and
21 seeing that Cornwall is working on this person. That's the
22 importance of keeping incidents open unless they're
23 organized crime people.

24 And when it comes to organized crime, I
25 mentioned to you yesterday that in the Intelligence Unit,

1 we have an OTIS terminal which is a totally separate
2 computer system that belongs to the province. And the
3 reason for that is so that the information that we consider
4 projects on our own OMPPAC system that may be of interest
5 to other forces that are classified, would go on the OTIS
6 system so that the whole province, the intelligence
7 officers, would have access to it.

8 MR. STAUFFER: Okay. After you opened the
9 project file, did you ever talk to anybody in management
10 again as to what was going on with the file?

11 MR. LORTIE: No.

12 MR. STAUFFER: Did you ever form the opinion
13 that the project file had been created as a result of Mr.
14 Silmsen's statement going out of the office?

15 MR. LORTIE: I can assume that, yes.

16 MR. STAUFFER: Why do you assume that?

17 MR. LORTIE: Well, the statement had gone
18 out of the office, therefore, they're trying to secure it.

19 MR. STAUFFER: Okay.

20 MR. LORTIE: Which -- which actually, it
21 makes sense.

22 MR. STAUFFER: What information at all do
23 you have, Staff Sergeant, as to how the Silmsen statement
24 got out of the office? What do you know about that?

25 MR. LORTIE: Absolutely nothing.

1 **MR. STAUFFER:** Let me ask you this though.
2 We read yesterday about Perry Dunlop and you told us about
3 Mr. Dunlop, Constable Dunlop, hearing about the statement.
4 Did you see him look at a statement?

5 **MR. LORTIE:** He came back to my office,
6 showed me the statement and said, "Is this the same one you
7 looked at?" He was still holding it. I looked at the top
8 and I said, "Yes, it is", because the only part of it that
9 I was familiar with was the top portion because I didn't
10 stand in the hallway back in February and read that whole
11 statement.

12 **MR. STAUFFER:** This is when Ron Lefebvre had
13 it in his hands?

14 **MR. LORTIE:** That's right.

15 **MR. STAUFFER:** Right. So when Constable
16 Dunlop has the statement in September of 1993, where does
17 he go with it? What's the last you see of him with the
18 statement?

19 **MR. LORTIE:** He's walking out of my office
20 with it.

21 **MR. STAUFFER:** Did he give you any
22 impression as to what he was going to do with the
23 statement?

24 **MR. LORTIE:** Not a bit.

25 **MR. STAUFFER:** And after that, what

1 discussions did you have with him as to what he was going
2 to do?

3 MR. LORTIE: Nothing.

4 MR. STAUFFER: Okay. Did you have any
5 impression that he was doing anything other than putting
6 the statement back into the appropriate file folder?

7 MR. LORTIE: That's all I thought.

8 MR. STAUFFER: When were you advised that
9 the statement had left the office and gone to the CAS?

10 MR. LORTIE: I think I either read it in the
11 newspaper or I saw it on television. One or the other.

12 MR. STAUFFER: Okay. Do you know when that
13 was, as best you can recollect?

14 MR. LORTIE: I really -- I'd be guessing.
15 It's in the next -- I don't know, seems to me in the next
16 two-to-three months.

17 MR. STAUFFER: Two-to-three months?

18 MR. LORTIE: I don't know. The proper
19 answer to that, I haven't got a clue.

20 MR. STAUFFER: Okay. At what point did you
21 get into the picture with respect to Staff Sergeant
22 Derochie? So I hope I'm getting this right now. At some
23 point, you meet with Staff Sergeant Derochie concerning a
24 personnel matter, And I think it starts with Constable
25 Sebalj. Am I right on that?

1 **MR. LORTIE:** I think Garry mentioned that
2 Constable Sebalj had come to see me about that but I don't
3 recall it.

4 **MR. STAUFFER:** You don't recall speaking
5 with Constable Sebalj about any potential complaint against
6 her?

7 **MR. LORTIE:** I don't recall that, no.

8 **MR. STAUFFER:** Okay. Do you recall meeting
9 with Staff Derochie in October relating to Mr. Dunlop?

10 **MR. LORTIE:** Yes, I do.

11 **MR. STAUFFER:** Okay. Just bear with me for
12 one moment.

13 Mr. Commissioner, I'm looking at Exhibit 1-
14 2-9-3, 1293, Document 728438. These are the notes of Staff
15 Sergeant Derochie from October 7th, 1993 onwards.

16 **THE COMMISSIONER:** What page, sir?

17 **MR. STAUFFER:** It's styled as page 32 by
18 Staff Sergeant Derochie. It's Bates page 7113404. It
19 looks like it's October the 15th and I'm assuming it's
20 October 15th, 1993.

21 So, again, Staff Sergeant, I appreciate this
22 is a long time ago and perhaps this will refresh your
23 memory, but are you with me on page 32?

24 **MR. LORTIE:** I'm on page 7113374.

25 **MR. STAUFFER:** No.

1 **THE COMMISSIONER:** No; 7113404.

2 **MR. STAUFFER:** You see how the Staff has
3 written the numbers at the top of the page in handwriting,
4 32 and so on?

5 **MR. LORTIE:** There's no numbers handwritten
6 on the pages here.

7 **THE COMMISSIONER:** What Exhibit are you on,
8 sir?

9 **MR. LORTIE:** I'm on - it says 1293 written
10 at the top of this page.

11 **MR. STAUFFER:** Oh, I hope I'm not misleading
12 you here.

13 Staff Sergeant, are you on page 32? I've
14 just got a report number.

15 **MR. LORTIE:** Oh, yes, okay.

16 **MR. STAUFFER:** I'm going to refer to them by
17 Staff Sergeant Derochie's numbering here. If you just take
18 a moment and you go down the page to the bottom third and
19 it says:

20 "I received a visit from Sergeant
21 Lortie in his capacity of Association
22 Executive Member. He wanted to know
23 what I wanted from Sebalj."

24 And it goes on:

25 "I explained I wanted to know how a

1 statement in her possession and control
2 had gotten to CAS and so on. And he
3 was interested in it as it related to
4 Dunlop's involvement."

5 Again, without getting into all the office
6 politics and so on, what is meant by you? And I appreciate
7 this is Sergeant Derochie's handwriting, but he's
8 supposedly quoting you here where he says:

9 "He ..."

10 That's yourself,

11 " ...made some suggestion to the effect
12 that I was on shaky ground ordering a
13 member to provide a statement 'this day
14 and age'."

15 Does this refresh your memory? Do you
16 remember meeting with Staff Sergeant Derochie?

17 **MR. LORTIE:** I remember meeting with Garry,
18 yes.

19 **MR. STAUFFER:** Okay. And do you remember
20 saying that to him, this expression "day and age"?

21 **MR. LORTIE:** No.

22 **MR. STAUFFER:** Okay. Do you recollect
23 anything -- do these notes help you as to what you fellows
24 talked about?

25 **MR. LORTIE:** I went in because I heard that

1 Garry was investigating Perry Dunlop and I wanted to know
2 what was going on with that.

3 MR. STAUFFER: Okay.

4 MR. LORTIE: And I was -- I probably came
5 across as being a little upset that Perry Dunlop is being
6 investigated and who else is being investigated here?

7 MR. STAUFFER: Okay.

8 MR. LORTIE: And Garry was pretty good about
9 it even though I heard that he said I was beating my chest
10 that night, but -- I'm sorry if he thought I was beating my
11 chest but I had to get some answers there.

12 All of a sudden the focus was on Perry
13 Dunlop. After this investigation that we had gone through,
14 the one who is being investigated is Perry Dunlop, and I
15 don't recall what happened.

16 MR. STAUFFER: Am I right -- please correct
17 me if I'm wrong -- am I right in saying you're saying the
18 focus in on Constable Dunlop as compared to being on ---

19 MR. LORTIE: Anybody else involved in the
20 investigation.

21 MR. STAUFFER: Okay. As compared to the
22 investigation itself like you know whether the Silmsen
23 matter should be going on or not?

24 MR. LORTIE: No.

25 MR. STAUFFER: No. As to whether it's just

1 Constable Dunlop as compared to any other officers?

2 **MR. LORTIE:** As opposed to any other officer
3 that was involved in this case when there was obvious
4 flaws.

5 **MR. STAUFFER:** Okay.

6 **THE COMMISSIONER:** I'm sorry. Obvious
7 flaws?

8 **MR. STAUFFER:** Can you expand on that Staff
9 Sergeant? What do you mean by that?

10 **MR. LORTIE:** Well, the delay, not knowing --
11 nobody seemed to know what was going on with it. And then
12 by that time, I would have known about the payout by the
13 Catholic Church.

14 And there is obvious other criminal activity
15 going on when you're starting to promise people some money
16 to withdraw charges. There had to be more work done on
17 this. It may not have been as a result of the Silmsler
18 complaint because the Silmsler complaint, by the end of
19 September, after finding out what was going on, would have
20 been a real problem for disclosure because there would have
21 been all kinds of letters there from defence lawyers and
22 phone calls from defence lawyers in any part of our
23 disclosures. So you can imagine that investigation is dead
24 in the water.

25 But who actually initiated the contact

1 between Silmsers and the Church? Because there is a
2 criminal offence that took place and we have to find out
3 who started this.

4 **MR. STAUFFER:** M'hm.

5 **MR. LORTIE:** And none of that was being
6 done. So I was a little put out by the fact that Perry
7 Dunlop was being investigated.

8 **MR. STAUFFER:** All right. Did you have any
9 impression at all as to what was happening with the Ken
10 Seguin part of the Silmsers case?

11 **MR. LORTIE:** Nothing.

12 **MR. STAUFFER:** And is that because nothing
13 was being done or is it just you weren't in the loop?

14 **MR. LORTIE:** No. I don't know what was
15 going on. After the September 28th meeting, other than
16 Perry mentioning to me that he was being investigated, I
17 didn't know what was going on with the investigation.

18 **THE COMMISSIONER:** So are you saying that
19 when you spoke to Staff Sergeant Derochie, that the light
20 had gone on in your head that the payout was illegal?

21 **MR. LORTIE:** Oh, it didn't go on at that
22 point sir. As soon as I found out that there had been a
23 payout, there was something wrong.

24 **THE COMMISSIONER:** All right. Okay. And
25 was being dis -- was that -- did you discuss that

1 conclusion that there is something wrong with anybody else
2 in the police force?

3 **MR. LORTIE:** Nobody was talking to me at
4 that point sir. I think people were upset that I had
5 brought it up.

6 **THE COMMISSIONER:** Right. Okay.

7 **MR. STAUFFER:** Staff Sergeant, where does
8 this meeting, October 15th, 1993 fall in relationship to a
9 visit you had with the Crown attorney? Or perhaps I should
10 step back one step here.

11 Did you see Crown Attorney Murray MacDonald
12 at some point regarding the Silmsler case?

13 **MR. LORTIE:** Yes, I did.

14 **MR. STAUFFER:** Okay. When does that meeting
15 take place in relation to the October 15th meeting you had
16 with Staff Sergeant Derochie?

17 **MR. LORTIE:** It's in that area somewhere.
18 I'm not sure where -- what dates. I couldn't give you a
19 specific date on that.

20 **THE COMMISSIONER:** Do you know if it was
21 before or after?

22 **MR. LORTIE:** I don't know sir.

23 **THE COMMISSIONER:** Okay.

24 **MR. STAUFFER:** Okay. So we'll get to that
25 in a moment. But just getting back to your meeting with

1 Staff Sergeant Derochie, I'm now at the bottom of page 33
2 of his notes. And again this is more or less, I guess,
3 going over what you went over yesterday.

4 "But Sergeant Lortie then went on to
5 tell me that he had raised concerns
6 about the progress of this
7 investigation. In a morning meeting
8 some time ago, he said that he had made
9 notes on the fact and he did not intend
10 to let the matter drop."

11 And then continuing on to page 34:

12 "Lortie's left me with the impression
13 of, if nothing is done, heads will
14 roll."

15 And then the Staff is saying:

16 "I believe this conversation with
17 Lortie took place on Saturday, October
18 16th or thereabouts. I really didn't
19 put too much weight on this discussion
20 because it was a matter of Lortie
21 beating his chest again."

22 So leaving aside that editorializing, I'm
23 just wondering what you recollect, Staff Sergeant, about
24 this notion of "heads will roll?" Do you remember using
25 that expression?

1 **MR. LORTIE:** No, that would be one of
2 Garry's expressions. But I may have come across as
3 something is wrong here and there are going to be problems
4 with this investigation.

5 **MR. STAUFFER:** Again, it's a difficult one
6 if that's indeed his expression but what did -- "heads will
7 roll", what do you -- if you can remember back then, what
8 did you intend to do then after the meeting with Staff
9 Sergeant Derochie?

10 **MR. LORTIE:** What happened, all in that
11 short time span from September 28th to probably the next
12 four years, I was told that Garry was going to do an
13 investigation on the matter and I had complete confidence
14 in Garry getting to the facts. And that by the time that
15 investigation is complete, we're going to be doing
16 something. So I had total trust in the system at that
17 point. I thought that the best avenue was to let Garry do
18 his job.

19 Before Garry could finish doing his job, I
20 was told that the Ottawa police were coming to do an
21 investigation. And I thought, "Even better, now the facts
22 are going to come out."

23 Some months later, I read a press release
24 that almost exonerated the Cornwall Police Force and I
25 thought "Somebody missed the boat." I never did see the

1 report on -- from Superintendent Skinner. But I thought,
2 just by reading it, "Something is wrong."

3 **THE COMMISSIONER:** Just by reading the press
4 release?

5 **MR. LORTIE:** The press release. Because it
6 made no sense from what had occurred during their
7 interviews. They had made comments that there was a
8 problem with the investigation to me.

9 I had provided them with a printout that
10 they wanted of investigations that were in arrears from
11 Heidi Sebalj. So the printout you have from the Ottawa
12 Police force, with the assignment list, was printed by
13 myself and I turned it over to them. And it was obvious
14 that there were problems there. And I can't remember how
15 many cases were overdue and et cetera, et cetera.

16 That was followed shortly after that,
17 keeping my hopes in the system; I was told that the OPP
18 were going to do an investigation. And I thought "There is
19 a good police force; they're going to take care of the
20 matter. It's going to come out."

21 Some time after that, I found out that there
22 was nothing. During that period of time Staff Inspector
23 Wells is doing an internal on Perry Dunlop and the release
24 of the statement. Perry Dunlop came to me and wanted
25 representation and it was all provided for him. And I

1 thought, "It will all come out" because Brendon Wells --
2 Inspector Wells is a very thorough investigator. He is a
3 no-nonsense thorough investigator." So I thought, "It will
4 come out."

5 Shortly after that, it didn't come out
6 during the hearings that we went through. I was told that
7 the OPP were starting Project Truth. And I thought "That's
8 it, it's all going to come out." And a number of charges
9 were laid and then it became a maze of circular logic what
10 was happening. There were all kinds of complaints at those
11 hearings about disclosure.

12 And it was disclosure that I actually had a
13 part of because Perry Dunlop, one morning, had showed up at
14 my office whenever he was -- he was actually on my team at
15 that time -- so we were back in uniform, so it would have
16 been '96-'97-'98, somewhere around there. And he had
17 brought in a number of boxes and he had told me that they
18 were his disclosure that he had given it to Fantino and he
19 had given it to the Attorney General but it seems like
20 nobody knows where all these files are.

21 Were you concerned about something, sir?

22 **MR. STAUFFER:** I haven't heard this one
23 before. So I'm very interested.

24 **MR. LORTIE:** I'm just ---

25 **MR. STAUFFER:** Please tell me everything

1 that you ---

2 MR. LORTIE: I see you looking around the
3 room. That's why I was wondering.

4 MR. STAUFFER: No.

5 MR. LORTIE: Okay.

6 MR. STAUFFER: Go right -- you tell us
7 everything you can remember about Constable Dunlop and
8 this.

9 MR. LORTIE: Constable Dunlop brought in all
10 those boxes.

11 And he advised me that Sergeant Hall was
12 coming over with another officer to pick up the boxes, and
13 he wanted me to be his witness. Sergeant Hall showed up a
14 short while later, picked up a number of boxes. Perry had
15 us both sign a paper that he had -- that Pat Hall had
16 picked up the boxes and that I witnessed the -- I signed it
17 as a witness. I don't know if you have that form in your
18 records.

19 So I was under the impression at that point
20 that Perry Dunlop had provided complete disclosure. That's
21 what my impression was. Subsequently ---

22 MR. STAUFFER: Could I stop you -- did you
23 tell us the date or your best approximation of when that
24 took place, what you've just described?

25 MR. LORTIE: When was Perry back to work?

1 MR. STAUFFER: Well ---

2 MR. LORTIE: I don't know.

3 MR. STAUFFER: May 1997, Mr. Manderville is
4 telling me. I appreciate that.

5 MR. LORTIE: So it would be between May 1997
6 and the first trial, I guess, Project Truth trial or in
7 that area. Those are the -- that's the time period.

8 So whenever they left with the boxes, I was
9 under the impression that someone in authority had all the
10 disclosure. By reading some of the newspaper clippings
11 that came out regarding the trials that were ongoing, it
12 became apparent to me that one of the main focuses that
13 they were -- that everybody was talking about was
14 disclosure, and I thought, "He has provided the complete
15 disclosure. He has given it to somebody that is supposed
16 to look after that."

17 Now, I don't know who, after they got the
18 boxes, divvied up the different investigations that were in
19 those boxes and gave them to different defence counsels for
20 their accused, but obviously they may not have divvied up
21 the boxes properly if they didn't have complete disclosure,
22 and that has just been an assumption on my part. But I do
23 know that he turned over a number of boxes. I don't know
24 if they were all the boxes he had, but he certainly turned
25 over a number of boxes, and I am sure if you find that

1 piece of paper, you will see that the number is on that.

2 MR. STAUFFER: And so, again, this is a hard
3 one to do in a vacuum. I haven't seen this piece of paper.
4 Do you think your signature is on the piece of paper then?
5 Is that what you are saying?

6 MR. LORTIE: I am sure my signature is on
7 that piece of paper because he wanted me to witness it.
8 And I found the whole situation kind of weird because I
9 knew Pat Hall very well because I had worked with Pat Hall,
10 and it was as if he didn't trust Pat Hall, but he wanted to
11 cover all his steps, which made sense actually, after he
12 had gone through two different other batches of disclosure.

13 MR. STAUFFER: Okay. So just to back up,
14 this is at your house where this is ---

15 MR. LORTIE: No.

16 MR. STAUFFER: No, sorry.

17 MR. LORTIE: It's at the police station.

18 MR. STAUFFER: At the police station, sorry.

19 MR. LORTIE: I was working days.

20 MR. STAUFFER: Okay. And so did Perry tell
21 you he was going to do this and that you were basically act
22 as a witness; is that ---

23 MR. LORTIE: He walked in that morning ---

24 MR. STAUFFER: --- that's how your
25 involvement -- I'm just trying to understand how you got

1 involved in this.

2 **MR. LORTIE:** He walked in that morning and
3 told -- he was carrying his little boxes in and told me
4 what he had arranged with the OPP. The transfer of the
5 files would be done right here in the officer in charge's
6 office.

7 **MR. STAUFFER:** Okay. Was that it then?
8 That was your involvement. Did you have any further
9 involvement with disclosure?

10 **MR. LORTIE:** No.

11 **MR. STAUFFER:** Okay. Did you have any
12 discussions with Perry Dunlop before that incident as to
13 why he was doing this, what had brought this on?

14 **MR. LORTIE:** What brought that on was that
15 he had told me that he had brought a set of these files to
16 Chief Fantino in London and that he had brought a set of
17 these files to the -- I think it's the Attorney General's
18 office in Toronto.

19 **MR. STAUFFER:** Okay, but now he was doing it
20 again with respect to, at that point, Sergeant Hall?

21 **MR. LORTIE:** Apparently, the boxes that he
22 had brought to the other places -- I'm assuming here again,
23 I'm not sure -- they didn't know where they were I guess.

24 **THE COMMISSIONER:** Well, you are not
25 assuming. Dunlop told you that?

1 **MR. LORTIE:** I can't remember for sure, sir.

2 **THE COMMISSIONER:** Okay.

3 **MR. LORTIE:** It seems to me that he had told
4 me that now they can't find the boxes.

5 **MR. STAUFFER:** Okay, and was there any
6 follow up at all from your end? Had you talked to
7 Detective Sergeant Hall further about this after that day
8 in terms of disclosure?

9 **MR. LORTIE:** No, we had no further
10 discussions on it. That morning, we had no discussion
11 whatsoever because I think both of us were very
12 uncomfortable with the fact that it looked as if he wasn't
13 being trusted, so sign the paper type of thing.

14 **MR. STAUFFER:** M'hm.

15 **MR. LORTIE:** And I had worked with Sergeant
16 Hall on many drug matters, and I knew him to be a
17 gentleman.

18 **MR. STAUFFER:** M'hm, okay. Well perhaps we
19 can find that piece of paper at the appropriate break, but
20 I am going to just conclude, Staff Sergeant, with a few
21 other matters.

22 But is there anything else you want to tell
23 us about that incident in terms of the disclosure before I
24 move on?

25 **MR. LORTIE:** There is no more.

1 **MR. STAUFFER:** Okay. Did -- just dealing
2 with Constable Dunlop a few more minutes here, you have
3 talked about getting representation for him and so on. But
4 before that happened, am I right that two other officers
5 within the Association, Constable Quinn and Constable Dan
6 O'Reilly; did they have involvement with Constable Dunlop
7 in the early stages, that is I'm talking about October of
8 1993, when it looked like Constable Dunlop might be in
9 trouble, to put it in the vernacular? Did those two
10 gentlemen come into the picture as well?

11 **MR. LORTIE:** I don't recall having a
12 conversation with Mike Quinn or Dan O'Reilly about those
13 matters. So and I think from Garry's evidence, he spoke to
14 them, and I'm sure they wouldn't come running to me and
15 say, this is what's happening.

16 I think Dan O'Reilly was the President of
17 the Association at that time.

18 **MR. STAUFFER:** Okay.

19 **MR. LORTIE:** And Mike would have been an
20 executive member of the Association. I'm guessing.

21 **MR. STAUFFER:** Yeah.

22 **MR. LORTIE:** I think he may have been
23 because he was on it for a number of years. And my
24 position would have been as the Vice-President of the
25 Association.

1 **MR. STAUFFER:** Okay. So back in -- this is
2 important; back in October of 1993, your best recollection
3 is you were the Vice-President of the Police Association?

4 **MR. LORTIE:** Yes.

5 **MR. STAUFFER:** Okay. All right, but you
6 have no recollection of speaking to either Constable Quinn
7 or Constable O'Reilly about Constable Dunlop in the initial
8 stages, in October of 1993?

9 **MR. LORTIE:** I heard that, when Gary
10 testified, that he had spoken to Mike Quinn and Dan
11 O'Reilly, and that's the first time I hear it.

12 **MR. STAUFFER:** Okay. Because again the
13 impression from Staff Sergeant Derochie's testimony, I
14 think, although I didn't hear it, but certainly from his
15 notes, was that these fellows seemed to know what was going
16 on before he did, that is Staff Sergeant Derochie in terms
17 of whether Constable Dunlop had the statement that Mr.
18 Silmser had given; what had happened to the statement and
19 so on. That these two fellows, O'Reilly and Quinn, had
20 more knowledge than Staff Sergeant Derochie.

21 Can you help us all on that?

22 **MR. LORTIE:** No. You would have to ask
23 them. I didn't -- I didn't have any conversations with
24 them about that.

25 **MR. STAUFFER:** Okay.

1 Mr. Commissioner, you tell me when you want
2 to take the break, but I am going to move on to another
3 matter. And that is your meeting with Crown Attorney
4 MacDonald. How did that come about?

5 **MR. LORTIE:** Well shortly after that ---

6 **THE COMMISSIONER:** Shortly after what; I'm
7 sorry?

8 **MR. LORTIE:** Shortly after that.

9 **THE COMMISSIONER:** After that?

10 **MR. LORTIE:** I don't -- okay, September 28th.

11 **THE COMMISSIONER:** Right, okay.

12 **MR. LORTIE:** When everything became apparent
13 that the Church had covered up this matter, I -- Perry and
14 I, and I don't know who would have initiated it, we decided
15 to go see the -- Murray MacDonald with our concerns that
16 this was being dropped and the way it was handled.

17 **MR. STAUFFER:** Could I stop you there? I
18 don't want to interrupt your narrative, but is this the
19 first time you had ever gone to a Crown Attorney in this
20 type of situation? Because, correct me if I'm wrong, you
21 are not the investigator on the file anymore and Constable
22 Dunlop obviously isn't the investigator on the file. So
23 had you ever gone to a Crown Attorney before to talk about
24 a case where you or whoever you are going with from your
25 Service aren't involved in the case?

1 **MR. LORTIE:** I don't think that I -- I'm
2 trying to recall that I ever drop in to discuss other --
3 no, I don't think that would have happened.

4 **MR. STAUFFER:** So this is a pretty unique
5 situation.

6 **MR. LORTIE:** Yes.

7 **MR. STAUFFER:** Is that fair?

8 **MR. LORTIE:** It was uncomfortable, yes.

9 **MR. STAUFFER:** Sorry, uncomfortable?

10 **MR. LORTIE:** It was uncomfortable.

11 **MR. STAUFFER:** Okay. So I apologize for
12 interrupting. Continue on; so the two of you fellows, you
13 and Constable Dunlop head off, do you go to Mr. MacDonald's
14 office.

15 **MR. LORTIE:** Yes, we do.

16 **MR. STAUFFER:** Okay. And what happens?

17 **MR. LORTIE:** We had a very short meeting
18 with Murray. From what I can recall Murray could not get
19 involved and to tell you what was discussed in that
20 meeting, I have no idea was what discussed in the meeting;
21 it went nowhere. We -- I think that Murray realized that
22 we had nothing to do with that matter and did not want to
23 share any information with us.

24 He may have given us some advice but I don't
25 recall what that would be. But Murray was very pleasant

1 but could not get involved.

2 MR. STAUFFER: And again, sorry to be so
3 slow here; why did you two fellows go to see the Crown
4 attorney?

5 MR. LORTIE: Just to try and see if there
6 was anything that we could do, for him possibly to get
7 involved and push this matter along.

8 MR. STAUFFER: Okay. Would that involve re-
9 opening the file, in your mind?

10 MR. LORTIE: I think that would have -- I
11 think that would have included looking at criminal charges
12 being laid against whoever of the two made the approach.

13 If Silmsner approached the Church and used us
14 then he's committing extortion; he's compounding an
15 offence. If the Church approached Silmsner then they're
16 obstructing justice.

17 MR. STAUFFER: All right. Was there any
18 discussion that you can recall, about the other alleged
19 perpetrator that is, Ken Seguin, when you went to meet with
20 the Crown?

21 MR. LORTIE: I don't recall if Ken Seguin
22 was mentioned. I don't recall if Father MacDonald was
23 mentioned; I think it was just discussed as this case.

24 MR. STAUFFER: There are no notes, I gather,
25 coming out of that. I have not seen any. You don't

1 recollect taking any notes of that meeting?

2 **MR. LORTIE:** No.

3 **MR. STAUFFER:** And do you recollect if
4 Constable Dunlop was writing anything during the meeting?

5 **MR. LORTIE:** You'd have to ask him that,
6 sir.

7 **MR. STAUFFER:** Okay. Well that may not
8 happen so I'm just wondering if you can recollect if he
9 took notes. I'm just asking you if you saw him writing
10 something ---

11 **MR. LORTIE:** No, I don't remember that. No,
12 I don't remember if he took notes but you know what, it's
13 possible that he did. Perry was very -- he would take
14 notes for just about everything that went on so ---

15 **MR. STAUFFER:** Okay. And do you recollect
16 if the Crown attorney was taking any notes?

17 **MR. LORTIE:** I don't recollect. I can still
18 him sitting in his chair.

19 **MR. STAUFFER:** Okay.

20 **MR. LORTIE:** But I don't recall him, if he
21 leaned over and ---

22 **MR. STAUFFER:** Right. Okay.

23 **MR. LORTIE:** --- and took notes.

24 **MR. STAUFFER:** And again, I think you've
25 been through this with the Commissioner, but just one last

1 time; trying to put this in a sequence. It's after the
2 September 28th meeting, is that correct, the one that we
3 talked about, at the police station.

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

5 **MR. STAUFFER:** But do you know if it's
6 before the meeting of October 15th when you're with Staff
7 Derochie or is it after October 15th?

8 **MR. LORTIE:** I couldn't tell you; I don't
9 know.

10 **MR. STAUFFER:** Okay. Are there any other
11 meetings or conversations, formal or informal, that you had
12 with the Crown attorney about the Silmsers case?

13 **MR. LORTIE:** No.

14 **MR. STAUFFER:** Okay. You obviously knew
15 this Crown, I gather, you called him Murray, you'd dealt
16 with him in the past on various criminal matters, I assume?

17 **MR. LORTIE:** Yes, sir.

18 **MR. STAUFFER:** Okay. Did you feel that you
19 had a good rapport with him ---

20 **MR. LORTIE:** Yes.

21 **MR. STAUFFER:** --- at that point?

22 **MR. LORTIE:** Yes, sir.

23 **MR. STAUFFER:** So it was a cordial meeting?

24 **MR. LORTIE:** Yes, sir, he's a gentleman
25 that's always been there for us.

1 **MR. STAUFFER:** Okay.

2 **MR. LORTIE:** And if he doesn't have the
3 answers he normally gets them.

4 **MR. STAUFFER:** All right. Did you get any
5 impression as to whether he'd ever met or spoken with
6 Constable Sebalj about the Silmsler case?

7 **MR. LORTIE:** That was never brought up, that
8 I can recall anyway.

9 **MR. STAUFFER:** Yes. Did he by any chance
10 refer you to another Crown, that is, look I can't talk
11 about this case because of x, y, and z but maybe talk to
12 another Crown, either in Cornwall or outside Cornwall?

13 **MR. LORTIE:** I don't -- I don't think so.

14 **MR. STAUFFER:** Okay. Just to refresh my
15 memory, was there another Crown attorney at that time in
16 Cornwall?

17 **MR. LORTIE:** There was four or five of them.

18 **MR. STAUFFER:** Were these part-time Crowns
19 or ---

20 **MR. LORTIE:** No, they were full-time.

21 **MR. STAUFFER:** Okay, so there were other
22 Crowns that ---

23 **MR. LORTIE:** Oh yeah.

24 **MR. STAUFFER:** --- were available. But in
25 any event, you don't recollect Crown MacDonald saying "Talk

1 to one of my colleagues"?

2 MR. LORTIE: No.

3 MR. STAUFFER: Okay. The last area, Staff
4 Sergeant, deals with the inspection report, first of all,
5 from what was called the Ministry of the Solicitor General,
6 back in 1993.

7 So I need some assistance as to what that
8 exhibit is. I'm sure it's been entered already but it's
9 Document Number 729854.

10 THE REGISTRAR: Thirteen ninety-three
11 (1393).

12 MR. STAUFFER: Thirteen ninety-three (1393),
13 thank you very much.

14 If that could be shown, please, to Staff
15 Sergeant Lortie.

16 MR. LORTIE: Thank you.

17 MR. STAUFFER: Staff Sergeant, have you seen
18 this document before today?

19 MR. LORTIE: Yes, I have, sir.

20 MR. STAUFFER: When did you first see it, if
21 you can recollect?

22 MR. LORTIE: I'm -- I'll be guessing, early
23 nineties.

24 MR. STAUFFER: Okay, so sometime -- not that
25 long after it came out because it's dated July/August 1993.

1 **MR. LORTIE:** Okay.

2 **MR. STAUFFER:** And I understand it
3 eventually made its way to your service, I think in late
4 '93 or early '94 but you're thinking you saw it sometime
5 relatively soon after it came out.

6 **MR. LORTIE:** Is this the one with the 48
7 recommendations in it?

8 **MR. STAUFFER:** This is indeed.

9 **THE COMMISSIONER:** Yes.

10 **MR. STAUFFER:** Yes.

11 **MR. LORTIE:** Okay. I saw the 48
12 recommendations, yes.

13 **MR. STAUFFER:** All right. I'm just going to
14 direct you to a couple of matters in this long document.

15 On page 4 of the document which is Bates
16 page 7118071. So it's under the title "Executive Summary."

17 **THE COMMISSIONER:** Okay.

18 **MR. STAUFFER:** You'll see that the authors
19 of this report have given their own definition. Well, it
20 may have been taken from another source but in any event
21 they've given their definition of morale which they say is:

22 "...an attitude of satisfaction with
23 desire to continue in and willingness
24 to strive for the goals of a particular
25 group or organization".

1 I'm going to ask you, Staff, do you agree
2 with that definition?

3 **MR. LORTIE:** Yes.

4 **MR. STAUFFER:** All right. If you turn over
5 the page we're now at their numbered page 5, the third
6 paragraph. The advisors are writing as follows:

7 "It was clear on the advisors' first
8 visit to the Police Service premises
9 that there existed a serious
10 organizational malaise. Internal
11 problems have persisted for a long time
12 and were contributing to a debilitating
13 work environment. The damaging effects
14 of which were evidenced in a widespread
15 lack of enthusiasm for work, a lack of
16 trust among peers and managers, and a
17 pervasive sense of hopelessness and
18 disempowerment among most ranks."

19 Could I ask you, before I get to the
20 questions on that, just by way of background, were you
21 interviewed or did you make some submissions to the
22 advisors before the report was written?

23 **MR. LORTIE:** I don't think I was
24 interviewed.

25 **MR. STAUFFER:** Okay.

1 **MR. LORTIE:** And --

2 **MR. STAUFFER:** What involvement, if any, did
3 you have in the production of this report?

4 **MR. LORTIE:** I was on the executive at the
5 time.

6 **MR. STAUFFER:** Right.

7 **MR. LORTIE:** When we would meet with whoever
8 was working on the report.

9 **MR. STAUFFER:** Okay. So it is your best
10 recollection -- again, I realized this is 14 years ago --
11 was this a meeting then with the advisors and your
12 executive? Is that how it worked out?

13 **MR. LORTIE:** I don't think it was. I don't
14 remember exactly how the format went; who they spoke to or
15 if they spoke to the president or the vice-president I have
16 no idea. I can't remember.

17 **MR. STAUFFER:** Okay. Could I ask you, do
18 you agree with that paragraph's comments?

19 **MR. LORTIE:** Personally, no.

20 **MR. STAUFFER:** Okay.

21 **MR. LORTIE:** There may have been problems in
22 other areas that people felt that they had to say these
23 comments or make the comments that led to this.

24 I'm not going to say that the morale was 100
25 percent for sure, because it seems to me my whole career

1 I've listened to morale, morale, morale problems.

2 But I can only tell you that in each
3 individual area -- and that's not to say that we didn't
4 work with the other areas -- it all depended who was in
5 that area whether or not the morale was high or low.

6 I can assure you that in the Drug Unit the
7 morale was very high.

8 **MR. STAUFFER:** Okay. Can you comment at all
9 on the Youth Bureau since the two of you are close in
10 proximity, you know, in the building?

11 **MR. LORTIE:** No, we were not close in
12 proximity in the building.

13 **MR. STAUFFER:** Okay. How far apart were
14 you?

15 **MR. LORTIE:** The Intelligence Drug Unit was
16 completely on the other side of the building.

17 **MR. STAUFFER:** Okay.

18 **MR. LORTIE:** We were away from CIB. So you
19 actually had to walk halfway across the building to get to
20 our office.

21 **MR. STAUFFER:** Okay. All right.

22 **MR. LORTIE:** Our office was a secure office.
23 It was the only secure office in the building. You had to
24 have a pass code to get into the office. And we also had a
25 luxury by having our own door to come in and out without

1 going through the station.

2 MR. STAUFFER: All right.

3 Perhaps to put it more in the vernacular,
4 when you spoke with the people from the Youth Bureau did
5 you get any sense as to the morale in that small section of
6 CIB?

7 MR. LORTIE: I don't recall speaking to the
8 people in the -- which bureau you said?

9 MR. STAUFFER: The youth.

10 MR. LORTIE: The Youth Bureau.

11 MR. STAUFFER: M'hm.

12 THE COMMISSIONER: Okay. But the bottom
13 line is, in 1992-1993, right, around this time when this
14 whole thing started ---

15 MR. LORTIE: Yes.

16 THE COMMISSIONER: --- what was life like at
17 the Cornwall Police Service?

18 MR. LORTIE: In my office, sir -- I'll speak
19 for my office and then I'll go off to the other.

20 THE COMMISSIONER: Yes.

21 MR. LORTIE: In my office we had extremely
22 good morale.

23 THE COMMISSIONER: M'hm.

24 MR. LORTIE: In the other parts of the
25 building there may have been problems.

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

2 **MR. LORTIE:** I think you should talk to the
3 people that were in the other parts of the building to find
4 out what the morale problems were in those areas.

5 **THE COMMISSIONER:** Right.

6 **MR. LORTIE:** On shift -- whenever I was on
7 shift -- but I wasn't during that period, but I can use
8 prior to 1990 because I guess that would build up to it.
9 On my team I would say -- and not because I was the
10 supervisor there -- that we had extremely good morale. I
11 think that other officers will tell you I had a very good
12 reputation with the officers, maybe because I was on the
13 Executive. But I never had great problems.

14 I had concerns with some of the things in
15 the 48 recommendations, yes, but they were not morale
16 busters type of thing, they were concerns that I had about
17 let's move on with this, let's get it done.

18 **THE COMMISSIONER:** Okay. But let's go back
19 again. What was your relationship with the Chief? How was
20 your relationship with the Chief?

21 **MR. LORTIE:** Good.

22 **THE COMMISSIONER:** Okay. At some point some
23 staff sergeants signed a document asking for the Chief to
24 resign. Are you aware of that?

25 **MR. LORTIE:** I was made aware of that.

1 **THE COMMISSIONER:** All right.

2 So you didn't sign that?

3 **MR. LORTIE:** I wasn't a staff sergeant.

4 **THE COMMISSIONER:** So what do you think --
5 so you've got a police force where the Chief is embattled,
6 in the sense that there's this petition to get him out,
7 what do you -- what was that all about?

8 **MR. LORTIE:** I couldn't tell you, sir.

9 **THE COMMISSIONER:** Okay.

10 **MR. LORTIE:** The staff sergeants obviously
11 had their concerns ---

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

13 **MR. LORTIE:** --- with the way things were
14 going. Probably the chain of command may have been a
15 problem. But I think that she should talk to the staff
16 sergeants and find out what their problems were with this -
17 - with the Chief. They had specific problems with the
18 Chief that I would not have.

19 **THE COMMISSIONER:** No, but what I'm
20 interested in -- what you're -- the picture I'm getting is
21 that you took care of your division and your work and that
22 you're in a position of being inside this organization and
23 yet being apart. And so what I'm interested in finding out
24 is your bird's eye view, your feelings about how things
25 were going in 1993 in that. That's the perspective I want.

1 **MR. LORTIE:** Do you want my opinion, sir?

2 **THE COMMISSIONER:** Yes.

3 **MR. LORTIE:** I thought -- maybe naïve, but I
4 thought things were going good.

5 **THE COMMISSIONER:** Okay. Fair enough.

6 **MR. STAUFFER:** Okay. I just -- I don't want
7 to belabour this, but, Staff Sergeant, can you turn to page
8 28 of the document, perhaps following along to some extent
9 the Commissioner's questions here.

10 If you look at the third paragraph on page
11 28 it says:

12 "The Chief and Deputy Chief were not
13 viewed as having performed in a
14 satisfactory manner as senior managers
15 with command responsibility.

16 Interviewee stated that there is
17 limited confidence of the capacity of
18 the Chief and the Deputy Chief to
19 lead."

20 What's your view on that comment?

21 **MR. LORTIE:** You're talking about the
22 paragraph that starts with, "It appears from the Chief's
23 actions"?

24 **MR. STAUFFER:** No.

25 **THE COMMISSIONER:** The one before that.

1 **MR. LORTIE:** Okay. Sorry.

2 **MR. STAUFFER:** I mean, we'll get to that one
3 as well but I was -- I just read the one before that.

4 **MR. LORTIE:** I don't agree with that.

5 **MR. STAUFFER:** All right.

6 Who would have expressed this view; have you
7 any idea?

8 **MR. LORTIE:** Well, the staff sergeants
9 probably had legitimate beefs with the Chief, and ---

10 **MR. STAUFFER:** Okay. Again, remember,
11 putting it in context, this is three years after -- more
12 than three years after the staff sergeants and the
13 inspectors asked for the resignation of the Chief. Okay?

14 **MR. LORTIE:** Okay.

15 **MR. STAUFFER:** So you're saying it still
16 continues at that point that ---

17 **MR. LORTIE:** Well, it may have been, from
18 the sound of it.

19 **MR. STAUFFER:** Okay.

20 **THE COMMISSIONER:** I think maybe we should
21 take the break now.

22 **MR. STAUFFER:** Yes, thank you, Mr.
23 Commissioner.

24 **MR. LORTIE:** Thank you, sir.

25 **THE COMMISSIONER:** We'll take the morning

1 break.

2 Thank you.

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

5 This hearing will resume at 11:20.

6 --- Upon recessing at 11:04 a.m./

7 L'audience est suspendue à 11h04

8 --- Upon resuming at 11:28 a.m./

9 L'audience est reprise à 11h28

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 **CLAUDE LORTIE, Resumed/Sous le même serment:**

15 **THE COMMISSIONER:** Thank you.

16 Mr. Stauffer.

17 ---EXAMINATION-IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
18 STAUFFER (C'ont/Suite):

19 **MR. STAUFFER:** Staff Sergeant, if you would
20 continue to look at the inspection report, Exhibit 1393,
21 we're still on page 28, and I wanted you to comment on a
22 couple of more matters on that page and then I think I'll
23 be done with this report.

24 We've moved to the fourth paragraph and I
25 wanted you to comment. The Chief is being shown in this

1 paragraph as being an absentee manager. Now, can you help
2 us at all, during your time as the Intelligence Officer,
3 did you have the view that you had access to the Chief on a
4 ready basis; you could just go in and see the Chief?

5 MR. LORTIE: Yes.

6 MR. STAUFFER: Was the Chief away for
7 periods of time -- lengthy periods of time during your six
8 years?

9 MR. LORTIE: Not that I can recall.

10 MR. STAUFFER: During the time that you were
11 involved in the Silmsner case -- so let's say from December
12 10th, to start with, until some time later on in that month
13 -- was the Chief away during that period until the
14 reassignment of the file?

15 MR. LORTIE: During the -- from the 10th to
16 the 27th or so ---

17 MR. STAUFFER: Yes.

18 MR. LORTIE: --- of December?

19 I couldn't tell you. I don't know.

20 MR. STAUFFER: Did you have concern, up
21 until, let us say, October of 1993, that the Chief was not
22 there in order to give direction to investigations?

23 MR. LORTIE: I never found that.

24 MR. STAUFFER: Can you comment at all --
25 you'll see just a bit further down in the fifth paragraph

1 on page 28 there is mention by the auditors that:

2 "The poor working relationship between
3 the Chief and the Deputy (who at times
4 communicated by leaving each other
5 notes taped on their doors) reflects a
6 lack of appropriate behaviour among
7 senior police management."

8 Can you comment on a leaving of notes? Did you ever see
9 that where ---

10 **MR. LORTIE:** Can I read this paragraph
11 first?

12 **MR. STAUFFER:** Well, of course, yes.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MR. LORTIE:** I didn't see that as a -- I --
15 I wouldn't be familiar with the notes. I've never seen
16 that and I -- like I've already said, I didn't see any
17 problems between the Chief and Deputy Chief, but again, I -
18 - I'm not there to see what's going on around their office.

19 **MR. STAUFFER:** Right. You've talked about
20 the location of offices a few minutes ago; where were the
21 Chief's and Deputy Chief's offices in relation to the
22 intelligence office?

23 **MR. LORTIE:** The Chief and Deputy Chief
24 would have been located in the northwest corner of the --
25 southwest corner of the building and we were located on the

1 -- which would have been closer to the northeast corner of
2 the building; almost right across the building.

3 **MR. STAUFFER:** Okay. I'm going to ask you
4 briefly about the morale report.

5 And again, my apologies; I'll need
6 assistance as to what exhibit number this is, but it's
7 Document Number 739890. This, I assume, was entered during
8 Staff Sergeant Derochie's testimony.

9 **THE REGISTRAR:** Thirteen eighty-nine (1389).

10 **MR. STAUFFER:** Thirteen eighty-nine (1389),
11 thank you very much.

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

13 **THE COMMISSIONER:** Do we have a copy of it?

14

15 **MR. STAUFFER:** Oh, I'm sorry. Staff
16 Sergeant, I understand the author of this document was
17 Constable Shawn White; am I right?

18 **MR. LORTIE:** I -- I don't know.

19 **THE COMMISSIONER:** Have you ever seen this
20 report before?

21 **MR. LORTIE:** I don't think I have, sir.

22 **THE COMMISSIONER:** Okay, well ---

23 **MR. LORTIE:** But I didn't read a lot it
24 there and that ---

25 **THE COMMISSIONER:** Okay, well ---

1 **MR. STAUFFER:** No, but I had been under the
2 impression, up to today anyway, that this document
3 essentially was written by Constable White at the request
4 of, if you will, the Executive of the Association; am I
5 right or wrong about that?

6 **MR. LORTIE:** Well, I heard Garry say that --
7 Garry Derochie say that, but I don't recall that and I -- I
8 don't know why we would have asked Shawn White to do this
9 report, but there's -- it's possible that he did. I can't
10 tell you that for sure as a fact; I don't know.

11 **MR. STAUFFER:** Well, I mean, can you assist
12 us any further? Because, I mean, this is a lengthy
13 document and I have no intention of going through it with
14 you. All I'm trying to establish is: (a) did Shawn White
15 write it and I ---

16 **MR. LORTIE:** Oh, I don't know.

17 **MR. STAUFFER:** In interviews, he's told us
18 he has, but I just wanted to have confirmation from you as
19 a member of the ---

20 **MR. LORTIE:** Well ---

21 **MR. STAUFFER:** --- Executive of the
22 Association whether you recollect that as being the case.

23 **MR. LORTIE:** If you're telling me he said he
24 wrote it, I -- I'll agree with you, I don't know.

25 **MR. STAUFFER:** Okay. Again though, this is

1 a lengthy document and it obviously took a great deal of
2 time to write and so on; are you saying that you don't know
3 if the Executive had any involvement in tasking him to
4 write it?

5 **MR. LORTIE:** I don't know, but maybe some
6 other member of the Executive would know. Maybe the
7 President and -- what -- what year is this?

8 **MR. STAUFFER:** Well, that's a good question.
9 My best guess is it's 1990.

10 **MR. LORTIE:** Yeah, I'm not even sure what my
11 position on the Executive would have been in 1990.

12 **MR. STAUFFER:** All right.

13 **THE COMMISSIONER:** Well, you'll be happy to
14 know that the Drug Unit in this report says:

15 "We now have an extremely functional
16 JFO drug unit."

17 **MR. LORTIE:** There you go.

18 **THE COMMISSIONER:** So were you there in
19 1990?

20 **MR. LORTIE:** Yes, sir.

21 **THE COMMISSIONER:** There you go.

22 **MR. LORTIE:** Thank you.

23 **THE COMMISSIONER:** All right.

24 **MR. LORTIE:** And you know what, if I had
25 read it, I probably would have framed that.

1 (LAUGHTER/RIRES)

2 MR. STAUFFER: All right. Mr. Lortie, a
3 couple of other matters, you told us about that meeting at
4 the station where Detective Sergeant Hall came in from the
5 OPP and Constable Dunlop was there and so on and the
6 turning over of some boxes. We've located a Document
7 Number 723586 -- and I apologize to my friends, I don't
8 think that they have a copy readily at hand so we'll
9 probably have to look at this on the screen -- dated July
10 31, 1998 and it appears to be signed by Patrick Hall,
11 Detective Sergeant on that date.

12 So if -- Staff Sergeant Lortie, if you could
13 look at that for a moment.

14 MR. LORTIE: Yes, sir.

15 MR. STAUFFER: Now, I don't, obviously, see
16 your name mentioned anywhere on that ---

17 MR. LORTIE: Okay.

18 MR. STAUFFER: Is -- is this the document
19 that you're -- that you think you signed or saw?

20 MR. LORTIE: Well, I thought I had signed
21 it, but, obviously, he just wanted me to witness it, I
22 guess.

23 MR. STAUFFER: Okay. Well, let me ask you
24 this; is that the date, from what you can recollect, as to
25 when these boxes were turned over to Detective Sergeant

1 Hall; July 31st, 1998?

2 MR. LORTIE: It's in the right time period,
3 yes.

4 MR. STAUFFER: All right.

5 THE COMMISSIONER: Exhibit 1478 is a
6 document dated July 31st, 1998 which is a receipt.

7 --- EXHIBIT NO./PIÈCE NO. P-1478:

8 P-1478: (723586) Receipt of document
9 disclosure signed by Pat Hall - 31 Jul
10 98

11 MR. STAUFFER: Thank you, sir.

12 And I also have one other letter, in this
13 case, Mr. Commissioner, which is already an exhibit; it's
14 Exhibit 732. Again, it deals with disclosure and if Staff
15 Sergeant Derochie could look at this for a moment. It's a
16 letter, apparently, from Charles Bourgeois to Inspector
17 Trew, T-R-E-W, October 8, 1997 and it's Document Number
18 728029.

19 So if you just take a moment to look at that
20 Staff Sergeant, obviously, this letter's sent to Inspector
21 Trew, but I see that you are shown as a carbon copy
22 recipient at the bottom left. Can you help us out at all
23 as to why you would have been copied on this letter?

24 MR. LORTIE: I guess -- I don't remember the
25 letter, but I guess it would be to confirm that someone --

1 someone else in the organization -- it's another form of
2 trying to show that they've got a certain -- I didn't -- I
3 got to read this a little bit closer, sir; sorry.

4 **MR. STAUFFER:** What's that? Sorry, what?

5 **MR. LORTIE:** I've got to read this ---

6 **MR. STAUFFER:** No, of course; go ahead.

7 (SHORT PAUSE/COURTE PAUSE)

8 **MR. LORTIE:** Okay.

9 **MR. STAUFFER:** Okay. So can you help us at
10 all; what involvement do you have at that point? Now
11 again, at that point, we're now a few months or about a
12 year, I guess, before the last exhibit we referred to;
13 1478. So we're ten months or so before July of 1998 --
14 perhaps I should have shown this to you first, but, in any
15 event, in terms of your involvement; why are you in the
16 picture on this?

17 **MR. LORTIE:** I -- other than possibly being
18 the President of the association, which I think I -- I was
19 or I was Vice-President, one or the other, it appears that
20 they just sent me a copy of it.

21 **MR. STAUFFER:** Had you had any dealings with
22 Mr. Bourgeois before this letter was sent; do you have any
23 recollection of him?

24 **MR. LORTIE:** I met Mr. Bourgeois.

25 **MR. STAUFFER:** Okay.

1 **MR. LORTIE:** Yes, I did.

2 **MR. STAUFFER:** Okay, in what context was
3 that meeting?

4 **MR. LORTIE:** I was at the police association
5 office one day and Perry showed up with him to introduce
6 him.

7 **MR. STAUFFER:** Okay. Did anything come of
8 that meeting?

9 **MR. LORTIE:** No, there was nothing to come
10 of it.

11 **THE COMMISSIONER:** No, I think what he means
12 is, were there any discussions during that presentation
13 about why he was a lawyer there -- anything like that?

14 **MR. LORTIE:** Well, there was a bit of a
15 discussion because Mr. Bourgeois thought -- or said to me
16 he wanted to confirm to me that I was the only one they
17 trusted on the Police Force. I didn't want to say it, sir,
18 but ---

19 **THE COMMISSIONER:** Say that again? I know
20 you didn't want to say what?

21 **MR. LORTIE:** Mr. Bourgeois thought that I
22 was the only person that they could trust on the Cornwall
23 Police Force.

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

25 **MR. STAUFFER:** Okay. Did you have any other

1 discussions with Mr. Bourgeois other than that brief
2 meeting? It sounds like it's a brief meeting anyway.

3 **MR. LORTIE:** It was a brief meeting and
4 there was no other discussion and I never met him after
5 that.

6 **THE COMMISSIONER:** And what did you respond
7 to him when he told you that you're the only guy they could
8 trust?

9 **MR. LORTIE:** I haven't got a clue, sir.

10 **THE COMMISSIONER:** All right. Okay.

11 **MR. STAUFFER:** No, I think what we're trying
12 to find out is did you think that that was an accurate
13 statement by Mr. Bourgeois? Was it puffery? I don't know
14 what your impression was when he said something like that
15 to you.

16 **MR. LORTIE:** I don't know what he's
17 thinking, sir. When he said that, what was my impression?

18 **MR. STAUFFER:** Right.

19 **MR. LORTIE:** I don't know if I even got an
20 answer to that. He certainly -- I certainly didn't think
21 that I was the only person that he could trust on the
22 Cornwall Police Force.

23 **MR. STAUFFER:** Was it your impression at
24 that point -- and I gather this is what, in 1997 now, is
25 when you're meeting with Mr. Bourgeois because this letter

1 is October 8th of 1997? So I don't know if that helps you
2 or not.

3 **MR. LORTIE:** No, I'm not sure when that
4 happened.

5 **MR. STAUFFER:** Okay. When you do meet with
6 him, what is the state of affairs with Mr. Dunlop and his
7 treatment by fellow officers and by management at that
8 point, from your perspective?

9 **MR. LORTIE:** It was very good, very good.
10 He had been -- he had been off sick for a while. I guess I
11 should add a little bit more to the very good. He had been
12 sick for a while and when he -- when we found out he was
13 coming back to work, I thought the best place to put him
14 was with me on my team just to get him back into the flow
15 of things.

16 So I looked after Perry. I thought ---

17 **MR. STAUFFER:** Okay.

18 **THE COMMISSIONER:** No, he's not finished
19 yet.

20 **MR. LORTIE:** No, I don't know what else to
21 say. I looked after him. I guess I put the words in the
22 wrong context, sir. I thought I was looking after Perry.

23 **MR. STAUFFER:** All right. Can you give us
24 any examples at all, Staff Sergeant, of what you mean by
25 "look after him"?

1 **MR. LORTIE:** Just be good and go easy with
2 him, bring him back in nice and slow and get him accustomed
3 to doing police work again because he had been off for a
4 little while, and it worked out perfect.

5 **MR. STAUFFER:** Okay. Would he have had to
6 re-qualify like for use of force?

7 **MR. LORTIE:** Everybody does every year.

8 **MR. STAUFFER:** Okay. So in any event, up
9 until the time he leaves, which is sometime in 2000, do you
10 keep up a fairly close contact with him? Are you his
11 supervisor during those three years? Would you say that?

12 **MR. LORTIE:** In 1999, I was seconded to the
13 province as the Firearms Officer, Provincial Firearms
14 Officer, and I lost contact with Perry. It would have been
15 January, 1999.

16 **MR. STAUFFER:** Okay. Between '97 let's say
17 when he comes back into your -- and I hope I've got the
18 date right -- '97 when he comes back into your Unit and
19 when you go off to be the Firearms Instructor, do you have
20 a fairly close relationship with him? Do you see him
21 regularly and so on?

22 **MR. LORTIE:** He comes into work on his shift
23 every day. We don't have social contact but it's a
24 pleasant relationship. I liked the kid. I thought he was
25 a good policeman and I just wanted to do the best I could

1 for him.

2 MR. STAUFFER: Okay. I appreciate that.

3 Did you see any evidence -- and I'm not
4 talking about formal evidence, but any types of
5 conversations that you had with others where he was being
6 mistreated or being ostracized?

7 MR. LORTIE: Not on my team.

8 MR. STAUFFER: Okay. What about on other
9 teams?

10 MR. LORTIE: Well, he would have worked on
11 my team.

12 MR. STAUFFER: Right.

13 MR. LORTIE: And I don't -- the contact with
14 the other teams would have been limited but I still didn't
15 see any problems.

16 Now, after I left, I don't know what
17 happened, but I can tell you that I certainly did not hear
18 anything and if I had, I would have reacted to it because
19 he certainly was doing his job, what he had been asked to
20 do, and there was no bitching. He was there.

21 THE COMMISSIONER: Was there any
22 conversation during that period of time about his
23 investigations of sexual abuse in this whole situation?

24 MR. LORTIE: I don't recall any.

25 MR. STAUFFER: Again, just so I'm clear,

1 Staff Sergeant, it's my understanding that Constable Dunlop
2 is going out and doing, for lack of better term,
3 investigations during this time period. Did you have any
4 indication that he was interviewing people in terms of
5 taking statements, following up with people as to whether
6 they had been abused, that kind of thing?

7 **MR. LORTIE:** Perry Dunlop came back on light
8 duty. He worked the front entrance or counter or whatever
9 they call it and took complaints at the front. When he was
10 ready to go back on the road, he was with a coach officer
11 for a period of time. I don't remember what the period of
12 time is, but I do recall it was Constable Waters that was
13 his coach and Constable Waters had come to me and said
14 Perry was ready to go on his own.

15 After that, he went on his own and I had
16 never heard about Perry doing investigations while he was
17 at work.

18 **THE COMMISSIONER:** Okay. Did you hear of
19 any -- of him doing investigations when he's not at work?

20 **MR. LORTIE:** Yeah, you're right. Oh, no.
21 No, I knew that he was doing investigations but what he was
22 up to when he's off work, I don't know what he's doing.

23 **THE COMMISSIONER:** But you knew he was doing
24 investigations -- what do you mean by that?

25 **MR. LORTIE:** Well, he was talking to people.

1 **THE COMMISSIONER:** About?

2 **MR. LORTIE:** People were going to his house
3 and talking to whatever -- about whatever.

4 **THE COMMISSIONER:** And how did you know
5 that?

6 **MR. LORTIE:** He told me.

7 **THE COMMISSIONER:** Okay. So let's talk
8 about those conversations. What did he tell you?

9 **MR. LORTIE:** Just that people were coming
10 over.

11 **THE COMMISSIONER:** And talking about sexual
12 abuse?

13 **MR. LORTIE:** I think so.

14 **THE COMMISSIONER:** And when would you have
15 that conversation with him?

16 **MR. LORTIE:** That would have been in that
17 period of time. You know, the exact period of time I'm not
18 sure but it's in -- I would say that even before he came
19 back on my shift that -- because we were supporting him
20 through the Association. So I had contact with him through
21 the Association that he would mention that people were
22 going over to his house and making complaints. That's --
23 where I became aware that he was doing investigations was
24 when that finally came out. I didn't know he was doing
25 investigations on -- but ---

1 **MR. STAUFFER:** Staff Sergeant, what I'm
2 trying to understand though if you knew that he was doing
3 this, what advice did you give him because you're his
4 supervisor and you're a senior officer and so on? I mean
5 what did you say to him about this -- for lack of a better
6 term and in my own term, you know, moonlighting or
7 freelancing as an investigator? What did you say to him?

8 **MR. LORTIE:** I can remember the first -- at
9 the very beginning, just to give you a bit of a history on
10 it, Perry wasn't sure about me and I think I was in the
11 same kettle as everybody else. We had hardly any contact
12 whatsoever. I can remember going to his home because I had
13 to talk to him about Association matters and he wouldn't --
14 he wouldn't talk to me or his wife would tell me that he
15 wasn't home.

16 Somewhere probably from '95 to '99, it
17 became apparent that he's doing -- people are going to his
18 house. Now, when did I find out that he was doing
19 investigations? I'm not sure. What advice did I give him?
20 I don't recall giving him any advice.

21 **MR. STAUFFER:** Had you ever seen anyone do
22 this kind of work before where they're -- again, it's my
23 expression but basically acting like a private investigator
24 going off and doing your own ---

25 **THE COMMISSIONER:** Mr. Stauffer, you're off

1 the microphone.

2 MR. STAUFFER: Oh, I'm sorry. I'm sorry;
3 wandering here.

4 Now, Staff, What I'm trying to understand is
5 in your time on the Force, and at that point you had been
6 on the job at least 15 years or more, what -- had you ever
7 seen anybody do this?

8 MR. LORTIE: No.

9 MR. STAUFFER: Like carry out their own
10 investigations so to speak?

11 MR. LORTIE: No.

12 MR. STAUFFER: So when you have a unique
13 experience like that. What I don't understand is why you
14 wouldn't be talking to him because I'm assuming, correct me
15 if I'm wrong, that this opens a whole minefield of proper
16 criminal prosecution. So what did you say to him?

17 MR. LORTIE: I don't recall what my thought
18 was at that point, but what would I say to him? I don't
19 know. I don't know.

20 MR. STAUFFER: Well, did you ever form the
21 opinion that this was a dangerous route to take to act
22 outside of, if you will, formal investigative channels?

23 MR. LORTIE: I thought that if people want
24 to go and talk to him, that there's -- that's good, that's
25 good. If they want to go talk to him, that's good.

1 **MR. STAUFFER:** Okay. Though I understand
2 that and -- because you told us you got a whole raft, or
3 had a whole raft of informants out there, you know, in the
4 drug world and so on. So I understand that. That's how
5 you get information. But once the information is
6 collected, what is the officer supposed to do with that
7 then? So what's the channel?

8 **MR. LORTIE:** Well, I think he had already
9 made attempts to turn over those papers to different people
10 so that somebody would do something with them.

11 **THE COMMISSIONER:** You're thinking the
12 delivery to Fantino and to the Attorney General ---

13 **THE COMMISSIONER:** And in the ---

14 **MR. LORTIE:** Attorney General and the OPP --
15 -

16 **THE COMMISSIONER:** And in the ---

17 **MR. STAUFFER:** Okay. Did you ever encourage
18 him, you know, say turn them over to us, you know, to the
19 Cornwall Police Service so that we can take it from there?

20 **MR. LORTIE:** I didn't know enough about what
21 was going on.

22 **MR. STAUFFER:** Well, should you have known?

23 **MR. LORTIE:** That's a tough question.
24 Should I have known?

25 I can't answer that, like -- should I have

1 known what he was doing on his own time? Tough question.
2 If I run into him, if I see him, if I hear about something
3 but it was all hush-hush.

4 **MR. STAUFFER:** Yeah, but I feel like I'm
5 prolonging the agony here now, but is it his own time
6 because -- what is your view? Is a police officer not a
7 police officer 24 hours a day?

8 **MR. LORTIE:** Okay, I'll ---

9 **MR. STAUFFER:** You know what I'm saying?

10 **MR. LORTIE:** Yeah.

11 **MR. STAUFFER:** You know, there's no question
12 you work a particular shift but when you're off shift,
13 you're still a police officer?

14 **MR. LORTIE:** I agree with you, yeah.

15 **MR. STAUFFER:** Right. So this idea of him
16 doing it on his own time is that really a valid concept?

17 **MR. LORTIE:** I guess this is a whole
18 different situation, sir, given the fact that everything
19 that had gone on. And I can't tell you that I even
20 reflected on the fact that he's doing the investigations on
21 his own time. I just figured if he's putting them together
22 he's doing something good. He's going to turn them over to
23 some law enforcement agency. I didn't know if it was going
24 to be Cornwall or whoever at the time, but I guess he did
25 his best.

1 **MR. STAUFFER:** Okay. Is there anyone else,
2 up until the time that you become the Firearms Instructor,
3 who you would say was his supervisor then other than
4 yourself? So from the time he comes back to work 'til the
5 time you become the Firearms Instructor, is there anybody
6 else who you'd say was his supervisor?

7 **MR. LORTIE:** Well, we had two sergeants.
8 You'd have to check the org chart.

9 **MR. STAUFFER:** Okay.

10 **MR. LORTIE:** I can't remember who they were.

11 **MR. STAUFFER:** I appreciate that, but in
12 terms of the next level of supervisor, you were it?

13 **MR. LORTIE:** Yeah.

14 **MR. STAUFFER:** You're the Staff Sergeant I
15 guess at that point And so during that timeframe, from
16 roughly 1997 'til you become the Firearms Instructor, are
17 you ---

18 **MR. LORTIE:** That's not quite accurate
19 neither. I was the Firearms Officer, not Instructor.

20 **MR. STAUFFER:** Sorry. Okay.

21 But when you take that new role, during that
22 timeframe until you take the new role, are you the Staff
23 Sergeant in charge of Perry Dunlop?

24 **MR. LORTIE:** Yes.

25 **MR. STAUFFER:** Okay. Almost done.

1 You'd mentioned about meeting with Staff
2 Sergeant Blake and Superintendent Skinner when they came
3 down in 1994. When did you see their report? So their
4 report's dated roughly I think January 24th of 1994. Do you
5 know when you would have seen that?

6 **MR. LORTIE:** I never saw the report.

7 **MR. STAUFFER:** Okay. Are you telling me
8 right up to today or ---

9 **MR. LORTIE:** Didn't you show it to me?

10 **MR. STAUFFER:** I think so, but you mean
11 other than being prepared to give testimony here, you'd
12 never seen it?

13 **MR. LORTIE:** No. The first time I saw it is
14 when you showed it to me.

15 **MR. STAUFFER:** Okay. Now should you as the
16 Intelligence Officer, because you were the Intelligence
17 Officer back at that time, should you have seen that
18 report?

19 **MR. LORTIE:** No. That's a management
20 report.

21 **MR. STAUFFER:** Okay. But what steps, if
22 any, as the Intelligence Officer were you aware of
23 management taking as a result of the report?

24 **MR. LORTIE:** They completed a press release.

25 **MR. STAUFFER:** Okay.

1 **MR. LORTIE:** And I didn't even know they
2 were preparing a press release ---

3 **MR. STAUFFER:** Which I don't think you were
4 that keen about, but I could be wrong about that. The
5 wording of the --

6 **MR. LORTIE:** I just read the press release
7 and I think I heard it on the radio also.

8 **THE COMMISSIONER:** So now that you've read -
9 - did you have a chance to read that report?

10 **MR. LORTIE:** Since Mr. Stauffer showed it to
11 me, yeah, I read it.

12 **THE COMMISSIONER:** Okay. So how does it
13 compare to the press release in your view?

14 **MR. LORTIE:** Again, in your view -- in my
15 view, sir, it was pretty bad.

16 **THE COMMISSIONER:** And how's that?

17 **MR. LORTIE:** Well, it certainly didn't
18 reflect -- they picked out what they wanted to say to keep
19 the public happy.

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

21 **MR. LORTIE:** That's all it said.

22 **MR. STAUFFER:** Could I ask in general terms,
23 Staff Sergeant, when an investigation is done like that,
24 whether it's from an external force or an internal
25 investigation, back when you were the Intelligence Officer,

1 was there some way of following up? Was there some
2 protocol as to how the recommendations from a particular
3 investigation were to be dealt with? I mean, like, what
4 were you fellows supposed to do when you got the report?

5 **MR. LORTIE:** Which one are you talking
6 about?

7 **MR. STAUFFER:** Well, I was being very
8 general to start with. So if any report is done, either by
9 an external force or by an internal investigation, was
10 there some type of guideline, protocol, whatever you want
11 to call it, in your office as to what was to be done? How
12 were the lessons to be learned from the report?

13 **MR. LORTIE:** Well, as an example, the one
14 you brought up. I didn't see it. I don't know if Garry
15 Derochie's seen it, or maybe Garry did see it. I don't
16 think too many people were privy to the original report.
17 That's one example.

18 Other reports such as the 48
19 recommendations, occasionally we had management meetings
20 where we went through the reports and decided, okay, we've
21 got to fix this or that or whatever it was. It had to be
22 dealt with.

23 **MR. STAUFFER:** Having read the Blake-Skinner
24 report, this is the Ottawa Police Service report, ought
25 that to have been disseminated at least to yourself as the

1 Intelligence Officer?

2 MR. LORTIE: Sir, I already told you, no, I
3 never seen that report 'til you gave it to me a month ago.

4 MR. STAUFFER: Yeah, well it might have been
5 more than that but it's -- I'm saying ought it to have been
6 given to you back in '94 when it was received by Acting
7 Chief Johnston?

8 MR. LORTIE: No. That's a management
9 report. It's got nothing to do with a sergeant running the
10 joint force operation.

11 MR. STAUFFER: So in terms of management
12 you're saying, correct me if I'm wrong, that it was
13 commissioned by Acting Chief Johnston, okay, and we know
14 that the police gave a copy to Chief Johnston. Should it
15 have gone to the Deputy Chief, to the Staff Inspector and
16 to the Inspectors? Is that what you're talking about with
17 respect to management?

18 MR. LORTIE: I don't know what the chain of
19 reports going to, sir. I think that it all depends on what
20 the report says whether or not the Chief would want
21 somebody else to see it. I don't know.

22 MR. STAUFFER: All right. Thank you.

23 Yes, I'm being reminded just to take you
24 back one last time to Murray MacDonald and the meeting.

25 Mr. Commissioner, in Constable Dunlop's

1 statement which is Exhibit 579, if Staff Sergeant Lortie
2 could look at that for a moment? And we're looking, Staff,
3 at paragraph 20 and so it's page 10 of 110.

4 **THE COMMISSIONER:** Okay.

5 **MR. STAUFFER:** You'll see that Constable
6 Dunlop has written:

7 "On September 29th, 1993 I met with
8 Senior Crown Attorney, Murray MacDonald
9 and showed him the D.S. statement. I
10 had called him the previous evening at
11 his residence, requesting a meeting
12 with him. I consider Murray a friend,
13 along with dealing with him as a police
14 officer; we also hunted and socialized
15 on occasion."

16 And then it goes on to say:

17 "The meeting took place the following
18 morning. Murray told me to meet him on
19 the fourth floor and so on."

20 Does this -- and take your time here because
21 there's some detail. Is this a meeting that you're at or
22 is it just Constable Dunlop? Because your name, I don't
23 think, finds its way into this narrative.

24 **MR. LORTIE:** If he says that we met on the
25 fourth floor, I wasn't there.

1 **MR. STAUFFER:** Okay. So this, as far as you
2 can figure out, is a separate meeting that he had?

3 **MR. LORTIE:** It would have had to have been.

4 **MR. STAUFFER:** Okay.

5 **THE COMMISSIONER:** Where did you meet?

6 **MR. LORTIE:** I'm trying to remember where we
7 met. So as he was saying that I'm thinking, we didn't meet
8 on the -- we didn't meet in our station and I thought it
9 was in his office. So I can't be sure where it was.

10 **MR. STAUFFER:** And so help us out, Staff,
11 where was Murray MacDonald's office back then, in 1993?

12 **MR. LORTIE:** I don't recall. Give me a
13 second.

14 **MR. STAUFFER:** Okay, take your time.

15 **MR. LORTIE:** Oh, his office was at Water and
16 Pitt, at the County Building.

17 **MR. STAUFFER:** Back in 1993?

18 **MR. LORTIE:** I think so.

19 **MR. STAUFFER:** Okay. And so is that where
20 you met, that's your best recollection ---

21 **MR. LORTIE:** I ---

22 **MR. LORTIE:** --- where you and Murray
23 MacDonald and Constable Dunlop met?

24 **MR. LORTIE:** That's where I think we met,
25 yes.

1 **MR. STAUFFER:** Okay. So this is a different
2 location, obviously, that we're referring to here in
3 Constable Dunlop's statement?

4 **MR. LORTIE:** Yes, it is.

5 **MR. STAUFFER:** Okay. Did Constable Dunlop
6 talk to you about this meeting that he had with Murray
7 MacDonald?

8 **MR. LORTIE:** No. And I find it strange that
9 there was two meetings actually. I didn't know about the
10 other meeting and I'm wondering, like -- and I don't recall
11 a statement so -- being there. So I'm wondering if Perry
12 didn't bring me along for a second meeting to try and coax
13 Murray into doing something; I don't know what it is.

14 **MR. STAUFFER:** Okay. Because, again, and I
15 appreciate this is Constable Dunlop's statements, not
16 yours, but he seems to have quite a bit of detail as to
17 what was talked about and so on at the meeting.

18 And the impression I had from your testimony
19 today was Murray MacDonald was fairly -- well I don't know
20 if curt is the right words but it was a pretty short
21 meeting because he didn't really want to get into anything
22 because you fellows really weren't the investigators.

23 So ---

24 **MR. LORTIE:** That's the way I took it, yes.

25 **MR. STAUFFER:** So in any event, perhaps I

1 should have asked this long ago; did -- was it your idea to
2 go to see Murray MacDonald or was Constable Dunlop's or did
3 the two of you basically come up with the same idea or how
4 did that come about?

5 **MR. LORTIE:** It's like I said earlier this
6 morning, sir, I don't recall whose idea it was.

7 **MR. STAUFFER:** Okay.

8 Mr. Commissioner, I've gone long past my
9 time here; those are my questions and I'm happy to turn
10 this over to one of my friends now.

11 Thank you very much, Staff Sergeant.

12 **MR. LORTIE:** You're welcome, sir.

13 **THE COMMISSIONER:** Normally we ask, do you
14 have any comments or recommendations that you'd like to
15 make at this point?

16 **MR. LORTIE:** Well we -- the only comments
17 and recommendations, sir is -- it's not a recommendation
18 it's a comment.

19 And the comment would be in relation to
20 Perry Dunlop.

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

22 **MR. LORTIE:** Perry Dunlop provided
23 disclosure and I don't know if he provided all the
24 disclosure but I do know that he provided a number of boxes
25 of disclosure.

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

2 **MR. LORTIE:** And after the fact someone else
3 -- someone else divvied up those boxes and put the -- I
4 guess proper investigation, where it was supposed to go,
5 supposedly, and Perry ended up in hearings, heavily
6 criticized, bombarded because of these disclosures and
7 subsequently was subpoenaed to come to this Inquiry. And I
8 can just imagine, in his mental state, thinking, "Am I
9 going to get the same bombardment from the Inquiry?"

10 And I can understand, probably in a state of
11 mind that "everybody is against me," and it's the same
12 phrase that I used earlier, it becomes a maze of circular
13 logic at that point; you don't know what hole to crawl
14 into.

15 **THE COMMISSIONER:** And how long -- have you
16 spoken to Mr. Dunlop since he's left here in 2000?

17 **MR. LORTIE:** One email, I think. Never
18 spoke to him.

19 **THE COMMISSIONER:** Okay. And when was that
20 email?

21 **MR. LORTIE:** That would have been shortly
22 after he moved out there. And I haven't spoken to him,
23 sir, because I didn't want to corrupt this Inquiry, if it
24 ever happened.

25 **THE COMMISSIONER:** Okay, thank you.

1 **MR. STAUFFER:** Thank you very much.

2 **MR. LORTIE:** Thank you, sir.

3 **THE COMMISSIONER:** Mr. Manson?

4 Good morning.

5 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

6 **MANSON:**

7 **MR. MANSON:** Good morning, Mr. Commissioner.

8 If you can just give me a second to get some
9 of my books ---

10 **THE COMMISSIONER:** Certainly.

11 **MR. MANSON:** --- organized.

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

13 **MR. MANSON:** Thank you.

14 Mr. Lortie, my name is Alan Manson; I'm one
15 of the lawyers for the Citizens for Community Renewal which
16 is a group of Cornwall citizens concerned about
17 institutional reform and especially the protection of young
18 people.

19 Before we start, how would you prefer that I
20 address you, Staff Sergeant or Mr. Lortie?

21 **MR. LORTIE:** Claude is good.

22 **MR. MANSON:** Ah, I only gave you two
23 choices.

24 **(LAUGHTER/RIRES)**

25 **MR. MANSON:** Staff Sergeant Lortie, does

1 that work?

2 MR. LORTIE: It doesn't matter.

3 MR. MANSON: Before you came to give your
4 evidence, have you been following the Inquiry?

5 MR. LORTIE: Yes, I have.

6 MR. MANSON: On the webcast or in the
7 newspaper or both?

8 MR. LORTIE: I have been following it very
9 sporadically, occasionally. When my wife spoke I watched a
10 little bit of it and I started watching when Garry -- and
11 not every day because I do have work to do but occasionally
12 I saw Garry testifying. And this week I have because I
13 took the week off to get this done.

14 So I haven't seen a lot of it. Very little
15 of it actually.

16 MR. MANSON: Have you read any of the
17 transcripts that are available on the web?

18 MR. LORTIE: Yes, I have.

19 MR. MANSON: And whose transcripts did you
20 read; can you recall?

21 MR. LORTIE: I read Garry Derochie's.

22 MR. MANSON: Yes.

23 MR. LORTIE: And Luc Brunet's.

24 MR. MANSON: And did you read your wife's
25 transcripts?

1 **MR. LORTIE:** I don't know if I did -- I
2 don't -- maybe.

3 **MR. MANSON:** Just ---

4 **MR. LORTIE:** I don't think so, Mr. Manson.

5 **MR. MANSON:** So I don't forget; I just want
6 to come back to, in a very general way to your comments
7 about Mr. Dunlop and disclosure.

8 You said "In his mental state," just a few
9 minutes ago; correct?

10 **MR. LORTIE:** Yes. Yes.

11 **MR. MANSON:** Can you tell me first, what
12 time period you're referring to?

13 **MR. LORTIE:** I'm referring to the late
14 nineties when he was before the courts testifying.

15 **MR. MANSON:** And what did you mean by "his
16 mental state"?

17 **MR. LORTIE:** Being a police officer and
18 having been involved in many court proceedings, I can
19 assure you that court proceedings for police officers are
20 tough. You people make it tough on us. It always affected
21 me, so I'm sure it was affecting Perry.

22 **MR. MANSON:** Did you see any indications
23 that he was -- that his mental state wasn't completely
24 alert and normal?

25 **MR. LORTIE:** I never saw him.

1 **MR. MANSON:** You also, near the end of your
2 testimony in-chief, indicated that somewhere between 1995
3 and '99 you were aware that people were going to Mr.
4 Dunlop's house; correct?

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

6 **MR. MANSON:** To talk to him?

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

8 **MR. MANSON:** And you said if people wanted
9 to talk to him that's a good thing?

10 **MR. LORTIE:** Yes.

11 **MR. MANSON:** Now, this period, '95-'99 spans
12 part of the time that he was off on disability leave;
13 correct?

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

15 **MR. MANSON:** And part of the time after he
16 returned in May '97; correct?

17 **MR. LORTIE:** Correct.

18 **MR. MANSON:** And so are you saying that you
19 were aware sometime in that period he was engaged and
20 talking to people about sexual abuse matters or that
21 throughout that period he was talking to people?

22 **MR. LORTIE:** Sometimes. I don't know when.

23 **MR. MANSON:** You don't know when?

24 **MR. LORTIE:** Yeah.

25 **MR. MANSON:** But at some time you became

1 aware of that?

2 **MR. LORTIE:** Yes.

3 **MR. MANSON:** And when you say, "talking to
4 people" these people would be -- at least part of them
5 would be potential complainants; correct?

6 **MR. LORTIE:** Victims, yes.

7 **MR. MANSON:** Victims. Okay.

8 You're an experienced officer, you know what
9 I mean by *Stinchcombe* obligations; correct?

10 **MR. LORTIE:** Yes, sir.

11 **MR. MANSON:** And they're quite rigorous,
12 aren't they?

13 **MR. LORTIE:** Yes, they are.

14 **MR. MANSON:** At any time when you discussed
15 with Mr. Dunlop his talking to people, did you advise him
16 about his *Stinchcombe* obligations?

17 **MR. LORTIE:** No, I didn't.

18 **MR. MANSON:** Did you tell him that "You may
19 be off duty but you're still a police officer, Perry"?

20 **MR. LORTIE:** No, I didn't tell him that
21 because I figured that he knew that.

22 **MR. MANSON:** And *Stinchcombe* obligations
23 would certainly apply to any statements that he took;
24 correct?

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

1 MR. MANSON: Any documents that he obtained?

2 MR. LORTIE: That's correct.

3 MR. MANSON: Any notes that he made?

4 MR. LORTIE: That's correct.

5 MR. MANSON: And perhaps anything else,
6 other assorted material, because the test is anything
7 that's likely relevant has to be produced; correct?

8 MR. LORTIE: Exactly.

9 MR. MANSON: And you know as a police
10 officer that the process could be a rigorous one; correct?

11 MR. LORTIE: Yes.

12 MR. MANSON: Now, I want to go to, for lack
13 of a better word, the Skinner Report, which I believe is
14 Exhibit 1207. I know you haven't read it but I want to put
15 a few things to you.

16 Before I do that, because I ---

17 THE COMMISSIONER: I'm sorry; he has read
18 it.

19 MR. MANSON: Oh, you have read it?

20 MR. LORTIE: Yes, sir.

21 THE COMMISSIONER: In the last month or so,
22 right?

23 MR. LORTIE: Last few months.

24 THE COMMISSIONER: Whatever. Whatever. At

25 12 ---

1 **MR. MANSON:** It's 1207 I believe.

2 **THE COMMISSIONER:** Thank you.

3 **MR. MANSON:** Is it fair to say that from
4 your involvement with former Inspector Skinner and Staff
5 Sergeant Blake that you anticipated a critical report;
6 correct?

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

8 **MR. MANSON:** And you were disappointed by
9 the press release that arose after this report, weren't
10 you?

11 **MR. LORTIE:** Yes, I was.

12 **MR. MANSON:** And you were disappointed
13 because it didn't reflect the kind of criticism that you
14 expected; correct? Criticism of the David Silmser
15 investigation.

16 **MR. LORTIE:** Okay.

17 **MR. MANSON:** Do you agree with that?

18 **MR. LORTIE:** Yes, I agree with that.

19 **MR. MANSON:** Well, let's look at some of the
20 actual criticisms. I just want to get your opinions on
21 them.

22 Can we turn to it looks like Bates page 451
23 starting ---

24 **THE COMMISSIONER:** That's the last three
25 numbers?

1 **MR. MANSON:** Starting with "Conclusion." It
2 would be the second-last page, right under "Conclusion."

3 **MR. LORTIE:** Yeah.

4 **MR. MANSON:** Inspector Skinner referred to
5 the investigation as, "inept and ineffective."

6 Does that conform with your understanding of
7 the Silmsler investigation?

8 **MR. LORTIE:** Well, I can tell you that since
9 I've heard through testimony that Heidi was right there;
10 she had corroborated her investigation, so I would have to
11 say that inept is not the proper word. Ineffective only
12 because it never went anywhere. But after finding out what
13 she had done I would say that all she needed was a little
14 nudge.

15 **MR. MANSON:** Now, you know, from following
16 the Derochie evidence, that it was the opinion of the Crown
17 attorney, given her concerns about the credibility of Mr.
18 Silmsler and the payout of \$32,000, that there were, in
19 their view, both Mr. MacDonald, the Crown and Constable
20 Sebalj, no reasonable and probably grounds?

21 **MR. LORTIE:** I would say that if you went
22 back to March/April when she corroborated some of the
23 evidence, that she was on the brink of getting the job
24 done. Your comments -- the payout, it comes much later on.

25 **MR. MANSON:** Absolutely.

1 **MR. LORTIE:** And what's the other comment?

2 **MR. MANSON:** Well, my understanding is that
3 when she meets with Murray MacDonald she's concerned about
4 the credibility of her complainant and then she becomes, in
5 September of '93, concerned about the added factor of the
6 payout and as a result she gets the advice from him that
7 with those concerns and an uncooperative complainant, which
8 he apparently was at that time, no reasonable and probable
9 grounds.

10 **MR. LORTIE:** Well, at that time Murray is
11 probably right. But before that I think that we had
12 reached an area where action could be taken.

13 **MR. MANSON:** Because, in fact, in March and
14 April of 1993 she interviewed a lot of people.

15 **MR. LORTIE:** M'hm. That's right.

16 **MR. MANSON:** Correct?

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

18 **MR. MANSON:** She was very busy looking for
19 other complainants, looking for corroboration in March and
20 April; correct.

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

22 **MR. MANSON:** Let's look at some of their
23 other comments. If you look two paragraphs down:

24 "People who lacked the proper
25 background and training were placed in

1 positions for which they were ill-
2 suited and unqualified and no
3 management systems existed which would
4 enable supervisors to track the
5 progress of investigations."

6 That seems to be a comment both on Constable
7 Sebalj's qualifications and Staff Sergeant Brunet's
8 monitoring. Would you agree?

9 MR. LORTIE: I would agree.

10 MR. MANSON: And would you agree with the
11 comment?

12 MR. LORTIE: Constable Sebalj should have
13 had somebody to work with; that's what I'll agree with.

14 MR. MANSON: Okay. Now, another thing that
15 popped up -- I'm just going to go to this because of your
16 comments about not wanting to bully Mr. Silmsen and force
17 an earlier meeting on him. I take it the source of that
18 comment was your experience as an investigator; correct?

19 MR. LORTIE: Yes.

20 MR. MANSON: And you agree, as did Inspector
21 Skinner, that building rapport is important?

22 MR. LORTIE: Yes.

23 MR. MANSON: Especially in a case like this;
24 correct?

25 MR. LORTIE: Yes.

1 **MR. MANSON:** And I put to Inspector Skinner,
2 and I'm going to put it to you, that when Silmsler called --
3 for those reasons, for those rapport concern reasons, when
4 Silmsler called the Chief and said "I don't want a female
5 investigator" it would have been a good idea to accommodate
6 him. Do you agree with that or not?

7 **MR. LORTIE:** My personal opinion?

8 **MR. MANSON:** Yes.

9 **MR. LORTIE:** Yes.

10 **MR. MANSON:** Another issue that they raise
11 on the earlier page -- and I'll just summarize it for you -
12 - was the fact that the Cornwall Police Service did not
13 take up the offer to have Father Charles MacDonald come in
14 for a polygraph. It was Inspector Skinner's view that,
15 especially if you don't think you've got reasonable and
16 probable grounds, that would have been a good idea; the
17 offer was on the table, take it. Do you agree or not?

18 **MR. LORTIE:** I disagree.

19 **MR. MANSON:** You disagree?

20 **MR. LORTIE:** Yeah.

21 **MR. MANSON:** Can you explain your
22 disagreement?

23 **MR. LORTIE:** I would do -- what I would do
24 was exactly what Luc would do; I would try and collect as
25 much as I can so that when the case is presented to the

1 polygraph operator he has something to work with. That's
2 what I would do.

3 The person that I would first do a polygraph
4 on, almost immediately, would be the victim.

5 **THE COMMISSIONER:** I'm sorry? You said you
6 would do a polygraph on the victim?

7 **MR. LORTIE:** On the victim.

8 **THE COMMISSIONER:** Have you ever done that
9 in the past?

10 **MR. LORTIE:** Yes.

11 **MR. MANSON:** Now, I'm just curious about
12 that because you know the results of the polygraph aren't
13 admissible in court; correct?

14 **MR. LORTIE:** I am not trying to get the
15 victim, I ---

16 **MR. MANSON:** That's right. And the real
17 advantage of the polygraph with a suspect is the
18 opportunity for the polygraph operator to interrogate;
19 correct?

20 **MR. LORTIE:** We can talk about this until
21 midnight, sir. The fact remains that an investigator will
22 collect as much information as possible before presenting
23 the polygraph.

24 **MR. MANSON:** Okay.

25 **MR. LORTIE:** So that the person has

1 something to work with. To bring him in the first day is a
2 waste of time.

3 MR. MANSON: No, I was actually concerned
4 about polygraphing victims.

5 MR. LORTIE: Oh, the victim.

6 MR. MANSON: And why you'd think your own
7 interrogation skills weren't good enough.

8 MR. LORTIE: Because the polygraph operator
9 is going to be able to put questions to them and give me an
10 idea whether or not the person is being truthful.

11 MR. MANSON: Okay. Can we move on to
12 something -- another area for a minute? I want to ask you
13 a few questions about Perry Dunlop.

14 I take it from your evidence yesterday, when
15 he was working with you on the Drug Unit, that you thought
16 highly of him; correct?

17 MR. LORTIE: Perry Dunlop?

18 MR. MANSON: Yes.

19 MR. LORTIE: Yes, sir.

20 MR. MANSON: And in the materials that were
21 produced, we have an assessment of him that I am going to
22 take you to in a minute. But when you said -- when I asked
23 you did you think highly of him, I suggest that part of
24 that was how well he complied with your instructions;
25 correct?

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

2 **MR. MANSON:** And part of it was his
3 enthusiasm for police work; correct?

4 **MR. LORTIE:** Correct.

5 **MR. MANSON:** Now, if we go back to 1987,
6 there is a Document 731044. I don't believe it was made an
7 exhibit yesterday. This is a 1987 assessment that appears
8 to be signed by you. I will just wait until we get the
9 document together.

10 **THE COMMISSIONER:** Exhibit Number 1479 is an
11 Officer Development Schedule. Uniform Division Constables
12 Officer Perry Dunlop and -- evaluation date, here we go --
13 19-08-87.

14 **--- EXHIBIT NO./PIÈCE No P-1479:**

15 (731044) Officer Development Schedule -
16 19 Aug, 87

17 **MR. MANSON:** If we can turn to the third
18 page, which is really your assessment, "This part to Be
19 Completed by Rating Supervisor," I am not going to read all
20 of it, but you use phrases like:

21 "Dunlop has performed an exceptional
22 amount of good police work in his last
23 year."

24 And you go on to outline some examples of
25 that good police work. Correct?

1 **MR. LORTIE:** Just ---

2 **MR. MANSON:** Sure, take your time. In that
3 paragraph, "Areas deserving of commendation," there's a
4 number of areas in which you reflect very favourably on his
5 work for you. Correct?

6 **MR. LORTIE:** "Areas identified which require
7 development," is that the one you are talking about?

8 **MR. MANSON:** No, I'm talking about the top
9 one, the "deserving of commendation."

10 **MR. LORTIE:** Oh, yes, okay.

11 **MR. MANSON:** I am simply saying you are
12 recounting the reasons why you say there is an exceptional
13 amount of good police work in his last year and then you
14 give examples; correct?

15 **MR. LORTIE:** Yes. Yes, sir.

16 **MR. MANSON:** And then we get into -- you
17 know, I don't want to belittle that, but I'm not going to
18 read all of it:

19 "Areas identified which requirement
20 development: Constable Dunlop has one
21 area which might need development and
22 that is his ability not to allow the
23 shortcomings of the justice system..."

24 The word "to" is probably omitted.

25 "...[to] affect his own morale."

1 Do you see that?

2 MR. LORTIE: Yes, I do.

3 MR. MANSON: Can you explain to us what you
4 meant by, "the shortcomings of the justice system"?

5 MR. LORTIE: I have no idea of what Perry
6 was doing at that time that caused me to write that.

7 MR. MANSON: Are you referring to a general
8 concern that you sometimes hear that the way the justice
9 system works, bad guys get off?

10 MR. LORTIE: Possibly.

11 MR. MANSON: Can you think of anything else
12 that it could mean?

13 MR. LORTIE: It's probably court related.

14 MR. MANSON: Court related?

15 MR. LORTIE: But I don't remember the
16 specific case.

17 MR. MANSON: Then next:

18 "Perry will learn with experience to do
19 his work to the best of his ability and
20 be satisfied with that."

21 MR. LORTIE: Yeah.

22 MR. MANSON: It seems to me it is talking
23 about you are a police officer, you have got your job to
24 do, you do your job. If it turns out that the bad guy
25 doesn't go away, well that's the way the system works; you

1 have to live with it.

2 MR. LORTIE: Move along.

3 MR. MANSON: Move along. Is that what
4 you're talking about here?

5 MR. LORTIE: It certainly sounds like it.

6 MR. MANSON: It certainly sounds like it.

7 You know now that at some point in September
8 of 1993, Perry Dunlop reported the allegations against
9 Father MacDonald and Ken Seguin to the CAS. Correct?

10 MR. LORTIE: I'm not sure if it's the end of
11 September or October but yes, in that period.

12 MR. MANSON: The date doesn't matter. You
13 know that he did that; correct? You've certainly heard
14 that?

15 MR. LORTIE: I -- oh, yeah, I've heard it
16 since. I'm just - I thought you were wondering when did I
17 find that out.

18 MR. MANSON: No, no, no.

19 MR. LORTIE: Yeah, I heard it.

20 MR. MANSON: And my understanding is from
21 the *Police Services Act* prosecution and his Affidavit and
22 the decision of the Divisional Court in that matter that
23 his motives, as he expressed them, were because children
24 might be at risk. Correct?

25 MR. LORTIE: That's what he says, sir.

1 **MR. MANSON:** Now, you agree with me that no
2 one else from the Cornwall Police Service notified the CAS
3 about this matter prior to him doing it. Correct?

4 **MR. LORTIE:** I did not know that at the
5 time, no.

6 **MR. MANSON:** Do you think he was correct in
7 reporting this matter to the CAS?

8 **MR. LORTIE:** Sure.

9 **MR. MANSON:** Would you have reported it to
10 the CAS?

11 **MR. LORTIE:** No.

12 **MR. MANSON:** Why wouldn't you have? I don't
13 mean you who had this file briefly in late December, but if
14 you were in his position and knew about the statement of
15 Silmsler, would you have reported it to the CAS?

16 **MR. LORTIE:** What I would have done, sir, is
17 I would have had trust in the system and the wheels were
18 already in motion that the first investigator that was
19 going to review the matter, Staff Sergeant Derochie, was
20 going to get his chance to resolve that problem.

21 Now, you want me to continue with that?

22 **MR. MANSON:** No. I'm -- let me just -- you
23 are trying to say, if it had been you, you would have let
24 the system play its course because you'd be optimistic that
25 the system would get it right.

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

2 **MR. MANSON:** What about taking the document;
3 that statement that Ron Lefebvre showed you and giving a
4 copy to the CAS?

5 **MR. LORTIE:** It takes guts.

6 **MR. MANSON:** It takes guts.

7 **MR. LORTIE:** Yeah.

8 **MR. MANSON:** Couldn't you do the same thing
9 orally and still protect the confidentiality of that
10 document?

11 **MR. LORTIE:** You certainly could, yeah.

12 **MR. MANSON:** You certainly could.

13 **MR. MANSON:** Let me ask you a quick OMPAC
14 question just to make sure I understand it.

15 The way the system works, entries are all
16 date stamped; correct?

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

18 **MR. MANSON:** Once an entry is made, can it
19 be changed?

20 **MR. LORTIE:** I couldn't tell you that.

21 **MR. MANSON:** My understanding is you can add
22 a supplementary entry, which might correct something
23 earlier, but you can't go back and change something once
24 it's in the system.

25 **MR. LORTIE:** Only after it's approved.

1 **MR. MANSON:** Only, I'm sorry?

2 **MR. LORTIE:** Only after it's approved. You
3 can change stuff in your report, but until the Sergeant
4 approves that report or after the Sergeant approves the
5 report, you can't make any more changes.

6 **MR. MANSON:** I see. Can we talk for a
7 minute about the -- Mr. Commissioner, I'm completely in
8 your hands and in the witness' hands as far as lunch is
9 concerned. I have a few areas to get into. I'm going into
10 another one now.

11 **THE COMMISSIONER:** We'll take lunch. Thank
12 you very much.

13 Thank you. Come back at two.

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

16 This hearing will resume at 2:00 p.m.

17 --- Upon recessing at 12:31 p.m. /

18 L'audience est suspendue à 12h31

19 --- Upon resuming at 2:03 p.m. /

20 L'audience est reprise à 14h03

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

23 This hearing is now resumed. Please be
24 seated. Veuillez vous asseoir.

25 **CLAUDE LORTIE, Resumed/Sous le même serment:**

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

2 MANSON (Cont'd/suite):

3 THE COMMISSIONER: Okay. Good afternoon Mr.
4 Manson. How are you doing?

5 MR. LORTIE: Thank you Mr. Commissioner.

6 MR. MANSON: Did you get some lunch, Staff
7 Sergeant?

8 MR. LORTIE: No, I didn't sir.

9 MR. MANSON: Well, I can't help you out on
10 that.

11 But, can we look at Exhibit 1476, which is
12 Staff Sergeant Lortie's notes, please?

13 MR. LORTIE: Thank you.

14 THE COMMISSIONER: Which one now? Fourteen
15 (14), I don't have it. I've got 77, 78 and 79.

16 MR. MANSON: Fourteen seventy-six (1476),
17 Document Number 735622 ---

18 THE COMMISSIONER: Okay, just ---

19 MR. MANSON: --- the one on my page.

20 Oh, 621 is on the first page and then I've
21 got ---

22 THE COMMISSIONER: It's all right, I've it.
23 Thank you. So what page do you want to refer to?

24 MR. MANSON: The second page, the first hand
25 -- we're looking at your September 28th, '93 note Staff

1 Sergeant, correct?

2 MR. LORTIE: Yes sir.

3 MR. MANSON: And can you tell us when you
4 made these notes?

5 MR. LORTIE: It would have been shortly
6 after. Shortly after.

7 MR. MANSON: Meaning later in the day or ---

8 MR. LORTIE: No, no, immediately after, an
9 hour after or so. The reason why I say these were done
10 maybe a little later is because I had an appointment in
11 between the morning meeting and the time I did my notes.

12 MR. MANSON: So the notes were done sometime
13 on September 28th, in very close proximity of the events;
14 correct?

15 MR. LORTIE: That's correct.

16 MR. MANSON: And this -- of course, these
17 are the notes that touch on a few points but get into the
18 meeting that we've been talking about where it was alleged
19 you used the phrase "cover-up," correct?

20 MR. LORTIE: Correct.

21 MR. MANSON: And yesterday, you were quite
22 confident that if your notes say September 28th, that's when
23 the meeting was, correct?

24 MR. LORTIE: Correct.

25 MR. MANSON: Now your first note "8:00 On

1 duty" and from your evidence yesterday just -- tell me if
2 I'm right, I characterize it's three significant events
3 take place between 8:00 and 9:00.

4 The first -- I'm going to ask you a few
5 questions about each. The first is the Ron Lefebvre
6 conversation about Father Charles; correct?

7 MR. LORTIE: Correct.

8 MR. MANSON: The second event that I'm going
9 to take you to is Perry Dunlop overhearing the conversation
10 or even participating in it and then taking off from the
11 room; correct?

12 MR. LORTIE: Correct.

13 MR. MANSON: That all happened. And the
14 third thing, obviously before the meeting, was your OMPAC
15 search; correct?

16 MR. LORTIE: Correct.

17 MR. MANSON: Now, let's look at the first
18 one. My understanding of your evidence about the
19 conversation with Ron Lefebvre was basically very casually
20 and out of the clear blue sky, you said "By the way,
21 whatever happened to the Father Charles MacDonald
22 investigation?"

23 MR. LORTIE: Or the Davidson, I'm not sure
24 what ---

25 MR. MANSON: One or the other.

1 **MR. LORTIE:** Yes.

2 **MR. MANSON:** And his response to you was
3 basically "Well, it wasn't my investigation. I don't
4 really know. It was Constable Sebalj's investigation and
5 she's got the statement." Correct?

6 **MR. LORTIE:** Correct.

7 **MR. MANSON:** Were there any other details
8 about that investigation that he raised?

9 **MR. LORTIE:** None.

10 **MR. MANSON:** None. And at some point in
11 this conversation, event 2, Perry Dunlop comes over to
12 listen in on the conversation; correct?

13 **MR. LORTIE:** Well, I don't think he came
14 over to listen to the conversation, no.

15 **MR. MANSON:** He could -- so he just heard it
16 from where he was standing, 15 ---

17 **MR. LORTIE:** Like you and I talking right
18 now.

19 **MR. MANSON:** Okay. So he's 15, 20 feet away
20 and he hears it.

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

22 **MR. MANSON:** Does he participate? Does he
23 ask any questions?

24 **MR. LORTIE:** I can't remember for sure what
25 the exact words were. "What about Father MacDonald?" or

1 whatever.

2 **MR. MANSON:** And he would have heard Ron
3 Lefebvre say "Heidi's got the statement," correct?

4 **MR. LORTIE:** Yeah, oh yeah.

5 **MR. MANSON:** And your evidence yesterday was
6 he bolted from the room and you were confident he was going
7 to see Heidi about the statement. That was your evidence
8 yesterday, correct?

9 **MR. LORTIE:** Well, that may be the evidence
10 I gave yesterday. He left the room.

11 **MR. MANSON:** I was going to ask you why did
12 you think he was going to see Heidi?

13 **MR. LORTIE:** I'm not sure if I knew where he
14 was going.

15 **MR. MANSON:** Okay. So maybe you just
16 assumed that?

17 **MR. LORTIE:** Probably.

18 **MR. MANSON:** From what you know now about
19 events, correct?

20 **MR. LORTIE:** He just left the room, yes sir.

21 **MR. MANSON:** Now, my friend Mr. Stauffer
22 pointed out that in Constable Dunlop's notes, or his Will-
23 Say statement to be more accurate, he says this happened on
24 the 23rd, the Ron Lefebvre conversation. Your notes say the
25 28th; correct?

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

2 **MR. MANSON:** And you stand by your notes;
3 correct?

4 **MR. LORTIE:** Definitely. Definitely.

5 **MR. MANSON:** Definitely. Can we look at --
6 I'm not going to go over the same turf again but Mr.
7 Stauffer took you to Exhibit 579, that's Document 728943
8 Mr. Commissioner. Now, Mr. Stauffer looked at paragraphs 3
9 and 4, but I want to look at paragraph 6 which is on the
10 third page of these 110 pages.

11 **MR. LORTIE:** I'm not sure if I'm on the same
12 page?

13 **MR. MANSON:** Okay. Well, before we get
14 there, let me just start off this way, Staff Sergeant. If
15 you say the 28th, and Perry Dunlop says the 23rd, one of you
16 has got to be wrong, correct?

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

18 **MR. MANSON:** Okay. And your evidence is that
19 he is in error, correct?

20 **MR. LORTIE:** Yes sir.

21 **MR. MANSON:** Okay. Now let's look at
22 paragraph 6. He describes the discussion with Sergeant
23 Lefebvre and Lortie. Let me just read it to you.

24 "It was during the discussion with
25 Sergeants Lefebvre and Lortie that I

1 first learned that the investigation
2 concerning Father Charles MacDonald and
3 Ken Seguin had been recently terminated
4 because the Catholic Diocese of
5 Cornwall had made a monetary settlement
6 of \$32,000 with the complainant."

7 Your evidence is that's not right.

8 **MR. LORTIE:** That's not right.

9 **MR. MANSON:** That's not right. Okay.

10 Let's look at your notes about the meeting;

11 if we could go back to 1476. Yesterday, when you were
12 speaking about this meeting, you made it very clear that
13 you never used the word "cover-up," correct?

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

15 **MR. MANSON:** And you know that that
16 allegation has been repeated many times over the years,
17 correct?

18 **MR. LORTIE:** Correct.

19 **MR. MANSON:** And it was repeated by Mr.
20 Dunlop in support of some of his activities, wasn't it?

21 **MR. LORTIE:** It may have been.

22 **MR. MANSON:** And it was repeated by Mr.
23 Guzzo, the MPP who was concerned about these issues as
24 well, wasn't it?

25 **MR. LORTIE:** I don't know.

1 **MR. MANSON:** But you obviously are upset by
2 this allegation?

3 **MR. LORTIE:** No, I'm not upset.

4 **MR. MANSON:** Oh, okay. But you're concerned
5 to correct the record, right?

6 **MR. LORTIE:** Well, that's -- yeah.

7 **MR. MANSON:** Yeah. And we both know that
8 Staff Sergeant Brunet and Deputy Chief St. Denis say that
9 at this meeting you used the phrase, "cover-up." Do you
10 know that they both say that?

11 **MR. LORTIE:** I heard that in evidence, yes.

12 **MR. MANSON:** And did you see the reference
13 to the -- I believe it's February 8th memo from St. Denis
14 where he discusses Luc Brunet's concerns about this?

15 **MR. LORTIE:** Did I see the memo?

16 **MR. MANSON:** Yeah, when you were listening
17 to the evidence; did you hear it referred to?

18 **MR. LORTIE:** Yes, I heard that, yes.

19 **MR. MANSON:** So it's clear both of them take
20 the position at this meeting you used the phrase "cover-
21 up," correct?

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

23 **MR. MANSON:** And you disagree; they're wrong
24 on that front, correct?

25 **MR. LORTIE:** Yeah.

1 **MR. MANSON:** Okay. Now, let's look at your
2 notes for a minute. So we're now -- after your 9:35
3 appointment, you are now writing up your notes about the
4 earlier nine o'clock morning meeting; correct?

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

6 **MR. MANSON:** And my understanding of your
7 evidence is the senior officers raise questions, discuss
8 matters, and when it was your turn, you said to the Chief,
9 "What's happening with the Father MacDonald-David Silmser
10 investigation?" That's how it started; correct?

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

12 **MR. MANSON:** And the answer that you got was
13 he looked to Staff Sergeant Brunet and Staff Sergeant
14 Brunet said, "I'll have to get back to you". Is that
15 basically what their participation was?

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

17 **MR. MANSON:** So you didn't get any
18 information at that meeting about the status of the
19 investigation; correct?

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

21 **MR. MANSON:** And that caused you some
22 concern?

23 **MR. LORTIE:** What caused me concern was that
24 nobody knew about it.

25 **MR. MANSON:** Yeah, yes. You are asking and

1 nobody seems to know about this serious matter and that's a
2 concern for you; correct?

3 **MR. LORTIE:** Correct.

4 **MR. MANSON:** Now, let's look at what you
5 wrote in your notes:

6 "At morning meeting, I advised the
7 persons present that the David Silmser-
8 Father MacDonald investigation, which
9 supposedly has been completed/cleared,
10 no further action, which is no action."

11 And if I can just stop there for a second.
12 You're getting that from OMPPAC; correct?

13 **MR. LORTIE:** That's correct.

14 **MR. MANSON:** Because you didn't get that
15 from Ron Lefebvre obviously, right?

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

17 **MR. MANSON:** And then your next remark is "A
18 shame"? Can you explain what you meant by that?

19 **MR. LORTIE:** That nobody knew what was going
20 on. It's a shame that nobody knows what's going on with
21 this investigation.

22 **MR. MANSON:** And then you add:

23 "And I was advised this is what the
24 Crown has stated. Advised the
25 meeting..." --

1 I take it you mean you advised the meeting here?

2 MR. LORTIE: I'm not sure, sir.

3 MR. MANSON: Well, it says:

4 "...should other victims come up in the
5 future..." --

6 then there is a bit of a problem with the sentence.

7 "...that occurred since this
8 investigation, that our Force would be
9 responsible ..."

10 So this is obviously you speaking?

11 MR. LORTIE: Yes, sir.

12 MR. MANSON: "...and that this whole
13 investigation is a complete..."

14 Can you read the last word?

15 MR. LORTIE: I am looking to see where you
16 are. I'm ---

17 MR. MANSON: Oh, just -- see where it says,
18 "12:35 - Return drugs to drug vault"?

19 MR. LORTIE: Okay.

20 THE COMMISSIONER: It's at page 682.

21 MR. LORTIE: Okay, yes, "That occurred";
22 that's the beginning of the page?

23 MR. MANSON: That's right.

24 THE COMMISSIONER: What's the last word?

25 MR. MANSON: Now, my friend just pointed out

1 there may be something out of a -- is it your recollection
2 that this is a continuous account of the meeting, starting
3 at the proceeding page that says:

4 "At morning meeting..." --
5 and then finishing with:

6 "...that occurred since this
7 investigation"?

8 **MR. LORTIE:** No, there's a page ---

9 **MR. MANSON:** Is there a page missing?

10 **MR. LORTIE:** Well, I have got 0935; 1000;
11 1020; 1050.

12 **MR. MANSON:** That's right.

13 **MR. LORTIE:** Okay. So it's a continuous --
14 yeah.

15 **MR. MANSON:** So it looks like the wording
16 may be a little jumbled, but you think it's a continuous
17 account.

18 **MR. LORTIE:** Yes.

19 **MR. MANSON:** On the two pages, okay. Now --
20 -

21 **THE COMMISSIONER:** And so what's the last
22 word on it?

23 **MR. MANSON:** What's the last word just
24 before 1235?

25 **MR. LORTIE:** Oh, it's "A complete shame".

1 MR. MANSON: "Shame" it's not "sham"?

2 MR. LORTIE: No.

3 MR. MANSON: It's "shame".

4 MR. LORTIE: No, that's my "e".

5 MR. MANSON: Okay. Now, you'll agree with
6 me that the source of your information about the fact that
7 the file had been completed/cleared was OMPPAC; correct?

8 MR. LORTIE: Sorry?

9 MR. MANSON: The source of your information
10 that the file was "Completed/cleared, no further action",
11 that was OMPPAC; correct?

12 MR. LORTIE: That's what I saw on OMPPAC,
13 yes.

14 MR. MANSON: Okay.

15 Can we look at Exhibit 1424, please? This
16 is Document 721761. I don't believe you have ever seen
17 this, Staff Sergeant Lortie. It's an OMPPAC printout.
18 Could you have a look at it, please?

19 See in the top, the Bates page is 7083259.
20 We've got the same document?

21 MR. LORTIE: I have got 7083260.

22 MR. MANSON: Okay, 59 should be the first
23 page, 60 the second and then ---

24 MR. LORTIE: Okay. Well, it's 61 on this
25 one.

1 **THE COMMISSIONER:** You're looking at the Doc
2 Number there which should be ---

3 **MR. LORTIE:** Yes, I am.

4 **THE COMMISSIONER:** Yes, sir?

5 **MR. LORTIE:** I'm looking at the Doc Number.

6 **THE COMMISSIONER:** Yes.

7 **MR. LORTIE:** It says 761.

8 **THE COMMISSIONER:** It's me. I'm talking to
9 you.

10 **MR. LORTIE:** Oh, sorry.

11 **THE COMMISSIONER:** Which when you are
12 looking at it it's the left-hand side, on the left hand of
13 the paper.

14 **MR. LORTIE:** Yeah.

15 **THE COMMISSIONER:** Those are your -- that's
16 the Bates page. That's what we are looking at. So he's at
17 the last three numbers 259.

18 **MR. LORTIE:** Okay. Thank you.

19 **THE COMMISSIONER:** Okay.

20 **MR. MANSON:** It should be 259, 260, 261,
21 would be the order, Staff Sergeant.

22 **THE COMMISSIONER:** Yes. Okay.

23 **MR. MANSON:** On the front page, the 259, the
24 top right, the date is "September 28th, '93, 11:09.47"?

25 **MR. LORTIE:** Okay.

1 MR. MANSON: Correct?

2 MR. LORTIE: Yes, sir.

3 MR. MANSON: Which suggests that this is an
4 OMPPAC printout on that day at that time; correct?

5 MR. LORTIE: That's correct.

6 MR. MANSON: Can you have a look at it, at
7 these three pages, please?

8 (SHORT PAUSE/COURTE PAUSE)

9 MR. LORTIE: Okay.

10 MR. MANSON: The only information that came
11 out of OMPPAC was the original input, which was done on
12 January 13th, '93. There's been no update since January
13 13th, '93. Isn't that correct?

14 MR. LORTIE: There's been no input since
15 January?

16 MR. MANSON: Thirteenth (13th) '93.

17 MR. LORTIE: I see the 1st of Feb '93.

18 MR. MANSON: Where is that?

19 MR. LORTIE: Bottom of page 2, but I'm not
20 sure where -- what area that you're referring to.

21 MR. MANSON: Well, I am just trying to
22 understand where in OMPPAC on September 28th, '93 it says
23 anything about this investigation being cleared, completed
24 or no further action?

25 MR. LORTIE: Well, there is the word

1 "cleared" in the middle of the page.

2 MR. MANSON: And where's that?

3 MR. LORTIE: Page 2, you've got "cleared".

4 And this is not the typical OMPPAC printout where you would
5 get an assignment list, for example. This is a copy of a
6 report.

7 MR. MANSON: This is a copy of a report?

8 MR. LORTIE: That's what it looks like,
9 yeah.

10 MR. MANSON: Okay. So when you say you were
11 looking at OMPPAC, you were looking at Constable Sebalj's
12 assignment list?

13 MR. LORTIE: I'm not sure where I was
14 looking.

15 MR. MANSON: Well, could we look at Exhibit
16 1249, please? It's another OMPPAC printout.

17 (SHORT PAUSE/COURTE PAUSE)

18 MR. MANSON: It's quite long and I just want
19 to look -- take you to page 8.

20 THE COMMISSIONER: Page 8. You're going to
21 have to help us out with the Bates page numbers.

22 MR. MANSON: Oh, the Bates page ends in 695,
23 Mr. Commissioner.

24 THE COMMISSIONER: Okay.

25 MR. MANSON: And this is Document Number

1 728535.

2 Do you see the top of page 8?

3 MR. LORTIE: Yes, sir.

4 MR. MANSON: "Investigation into
5 allegations of sexual assault against
6 Father Charles MacDonald is
7 cleared/otherwise."

8 MR. LORTIE: I'm just looking at 695 and
9 there's only one line on it.

10 MR. MANSON: Yes. And the one line is:
11 "Investigation into allegations of
12 sexual assault against Father Charles
13 MacDonald is cleared/otherwise."

14 MR. LORTIE: Okay.

15 MR. MANSON: Is that what you saw on OMPPAC?

16 MR. LORTIE: No.

17 MR. MANSON: No. And the reason why ---

18 MR. MANSON: Go ahead.

19 MR. LORTIE: And the reason why I didn't
20 see this is because this is a project file.

21 THE COMMISSIONER: Right.

22 MR. MANSON: Yes. This was done probably on
23 October 3rd and maybe supplemented on October 6th.

24 MR. LORTIE: I had no access to this.

25 MR. MANSON: Okay.

1 Now, your evidence about the meeting. Is it
2 possible that the Chief and Staff Sergeant Brunet were
3 essentially ignoring your question?

4 **MR. LORTIE:** No.

5 **MR. MANSON:** They took you seriously?

6 **MR. LORTIE:** I think so.

7 **MR. MANSON:** Well, can we look at Exhibit
8 300, please?

9 This is a letter from Staff Sergeant Brunet
10 to the Crown Attorney, Murray MacDonald. It's fairly
11 brief. Could you have a read, please?

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

13 **MR. LORTIE:** Okay.

14 **MR. MANSON:** This would seem to suggest that
15 Staff Sergeant Brunet already knows about the settlement,
16 the payment of money, and that Mr. Silmsler has indicated he
17 doesn't want to participate in criminal proceedings;
18 correct?

19 **MR. LORTIE:** Correct.

20 **MR. MANSON:** And the date is September 9th;
21 correct?

22 **MR. LORTIE:** Correct.

23 **MR. MANSON:** And then if we look at 301,
24 which is Document 101560, this is slightly longer so I want
25 to give you a minute to read it. This is Murray

1 MacDonal'd's response to Sergeant Brunet with some notations
2 at the bottom.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. LORTIE: Okay.

5 MR. MANSON: Am I right that on the left-
6 hand side there is what appears to be a notation from the
7 DC dated September 16th, that this letter was being
8 forwarded to the Chief; correct?

9 MR. LORTIE: That's what it says.

10 MR. MANSON: And on the right, there's a
11 notation that it should be forwarded to Staff Sergeant
12 Brunet and there's a "C" under that. Is that how Chief
13 Shaver would make a note?

14 MR. LORTIE: I have no idea.

15 MR. MANSON: What I'm suggesting to you,
16 Staff Sergeant, is by September 28th both Chief Shaver and
17 Staff Sergeant Brunet knew exactly what had gone on with
18 the Father MacDonal'd investigation. Isn't that what these
19 two letters indicate?

20 MR. LORTIE: Luc Brunet knew.

21 MR. MANSON: Yes.

22 MR. LORTIE: The DC possibly knew. I'm not
23 sure about the Chief.

24 MR. MANSON: But your evidence was that the
25 source of the shame was nobody knew what was going on and

1 that they were taking you seriously.

2 **MR. LORTIE:** Yeah.

3 **MR. MANSON:** I just find that difficult to
4 comprehend when, certainly, Staff Sergeant Brunet knew
5 exactly what was going on. He may not have been happy
6 about it but he knew exactly what was going on.

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

8 **MR. MANSON:** That's correct. And he's one
9 of the people that says this was the meeting when you said
10 this was a cover-up; correct?

11 **MR. LORTIE:** Correct.

12 **MR. MANSON:** And your evidence was, "I
13 couldn't have said it was a cover up because I didn't know
14 anything about the pay-off"; right?

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

16 **MR. MANSON:** Perry Dunlop's notes indicate
17 that you did know about the pay-off. He says Lefebvre was
18 filling you guys in.

19 **MR. LORTIE:** I don't think that's what they
20 say, sir. I might be wrong but ---

21 **MR. MANSON:** So Dunlop is wrong on that?

22 **MR. LORTIE:** Oh, definitely. We didn't talk
23 about a pay-off. I asked Ron Lefebvre what's going on with
24 it and then I went to the meeting to find out what's going
25 on with it.

1 **MR. MANSON:** Okay. You know that Perry
2 Dunlop went to the CAS about the Father MacDonald
3 allegations; correct?

4 **MR. LORTIE:** Yes, sir.

5 **MR. MANSON:** And you know that he ultimately
6 gave a copy of the statement to the CAS; correct?

7 **MR. LORTIE:** Yes, sir.

8 **MR. MANSON:** We have heard substantial
9 evidence that the first time he went to the CAS was
10 September 25th?

11 **MR. LORTIE:** Is that right?

12 **MR. MANSON:** Yes.

13 **MR. LORTIE:** I didn't know.

14 **MR. MANSON:** Does that make you re-think the
15 fact that all this happened on the 28th?

16 **MR. LORTIE:** Well, I'm the one who brought
17 up the fact that what's happening with the investigation on
18 the 28th again.

19 **MR. MANSON:** I'm concerned about the time
20 line, Staff Sergeant, and there's substantial evidence from
21 a number of sources, Cornwall Police and CAS and Perry
22 Dunlop, that the first contact with the CAS was September
23 25th; that he already had Constable Sebalj's statement. And
24 I just want you to think for a minute, can you be wrong
25 about the fact that all this happened on September 28th?

1 **MR. LORTIE:** Sir, those are my notes that
2 are made at the time, that I carry with me all the time
3 when I'm doing investigations. So I'm going by my notes
4 that are made and, if I'm not mistaken, I don't have the
5 pages before it but they must -- it must be the 27th, the
6 page before it, unless I made a mistake on the date. But I
7 would think that you would look for the notes that are made
8 at the time.

9 **MR. MANSON:** Absolutely. Now, if we can
10 just move ahead a little bit.

11 Your evidence is that some point mid-
12 October, you and Perry Dunlop went to see the Crown
13 Attorney; correct? Murray MacDonald.

14 **MR. LORTIE:** I'm not sure when but we did go
15 see him.

16 **MR. MANSON:** And Mr. Stauffer took you to
17 some of Mr. Dunlop's notes that talked about a meeting on
18 the 4th floor and your evidence was, "I don't know about
19 that, I wasn't at that meeting"; correct?

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

21 **MR. MANSON:** Yeah. So if that happened,
22 your meeting would be the second meeting between Perry
23 Dunlop and Murray MacDonald -- well, it could be more but
24 it was a subsequent meeting; correct?

25 **MR. LORTIE:** Correct, sir. Sorry.

1 **MR. MANSON:** Because Perry Dunlop is
2 indicating that his meeting was still in September so yours
3 is subsequent to that; correct?

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

5 **MR. MANSON:** You indicated that it was a
6 relatively brief meeting because the Crown Attorney learned
7 that neither of you were officially involved in the
8 investigation and he didn't want to discuss it; correct?

9 **MR. LORTIE:** That's correct.

10 Can we look at 1293, which is Document
11 728438?

12 **THE COMMISSIONER:** Yeah, I don't want to
13 disturb your flow but I -- you know, while we're at this
14 thing, if we look at paragraph 14 of Dunlop's ---

15 **MR. MANSON:** I understand that, Mr.
16 Commissioner.

17 **THE COMMISSIONER:** Oh, you've got that. All
18 right, as long as you're going to cover that.

19 **MR. MANSON:** You're talking about Exhibit
20 579, paragraph 14.

21 **THE COMMISSIONER:** Yes. Okay. Thank you.
22 So we were looking at Derochie's notes?

23 **MR. MANSON:** Yes.

24 **THE COMMISSIONER:** Twelve -- what's the
25 exhibit number again?

1 **MR. MANSON:** It's 1293.

2 And if we look at -- it's Bates page ending
3 in 3453, Staff Sergeant Derochie has got 81 at the top. He
4 is saying he met with the Crown attorney on December 6th.

5 Do you see that, Staff Sergeant Lortie?

6 **MR. LORTIE:** I didn't get to it yet, sir.

7 Okay.

8 **MR. MANSON:** So you've got page 81?

9 **MR. LORTIE:** Yes.

10 **MR. MANSON:** Okay. Now, we've got to turn
11 to the next page. There is some discussion about Sebalj,
12 Brunet, et cetera. If we look to the next page with 82 at
13 the top, this is what Staff Sergeant Derochie records from
14 his meeting with Murray MacDonald.

15 "Mr. M. MacDonald told me that he'd
16 also been approached by Sergeant Lortie
17 and Constable Dunlop when it became
18 apparent that a deal had been made and
19 no prosecution would occur."

20 And then if we turn the page:

21 "He had suggested to Sergeant Lortie
22 that if the service couldn't lay
23 charges that maybe the service could
24 deal with the community safety concerns
25 by going to CAS or the Ministry of

1 Correctional Services."

2 Do you recall that conversation?

3 MR. LORTIE: No, sir.

4 MR. MANSON: But you are sure that you went
5 to this meeting with Perry Dunlop and Murray MacDonald?

6 MR. LORTIE: Yes.

7 MR. MANSON: And it's after the September
8 28th meeting?

9 MR. LORTIE: That's correct.

10 MR. MANSON: At this point, did you have a
11 copy of the Silmsler statement?

12 MR. LORTIE: I didn't have a copy, no.

13 MR. MANSON: Had Mr. Dunlop given you a
14 copy?

15 MR. LORTIE: No, he didn't.

16 MR. MANSON: Had you see a copy since the
17 original viewing when Lefebvre showed it to you in
18 February?

19 MR. LORTIE: I saw the copy on September 28th
20 that Perry Dunlop showed me, yes.

21 MR. MANSON: That he showed you on September
22 28th?

23 MR. LORTIE: Yes.

24 MR. MANSON: How did he get it on September
25 28th?

1 **MR. LORTIE:** The morning -- the morning of
2 the meeting ---

3 **MR. MANSON:** Yes.

4 **MR. LORTIE:** --- sometime after that, in
5 that -- during the morning, he had a copy and he brought it
6 over to my desk and said "Is this the statement?"

7 **MR. MANSON:** Was that before or after the
8 meeting?

9 **MR. LORTIE:** It would have been after the
10 meeting.

11 **MR. MANSON:** After the meeting?

12 **MR. LORTIE:** Probably, because I -- there
13 wouldn't have been enough time.

14 **MR. MANSON:** And so he'd obviously gotten it
15 from Constable Sebalj?

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

17 **MR. MANSON:** And did he tell you then that,
18 you know, there was a payout of \$32,000?

19 **MR. LORTIE:** No.

20 **MR. MANSON:** He didn't say that to you?

21 **MR. LORTIE:** No.

22 **MR. MANSON:** And he didn't give you a copy
23 of the statement?

24 **MR. LORTIE:** No.

25 **MR. MANSON:** If we go back to his notes,

1 Exhibit 579 at paragraph 14, he says he gave you a copy of
2 the statement.

3 MR. LORTIE: He showed it to me.

4 MR. MANSON: He showed it to you?

5 MR. LORTIE: Yeah.

6 MR. MANSON: But he didn't give you a copy?

7 MR. LORTIE: No.

8 MR. MANSON: Now, can you tell us what the
9 strategy was for this meeting with Murray MacDonald?

10 MR. LORTIE: It was to try and convince him
11 that this should be pursued.

12 MR. MANSON: This should be pursued.

13 Now, you indicated that you couldn't recall
14 whether it was his idea for the meeting or your idea for
15 the meeting; correct?

16 MR. LORTIE: Whether it was Perry or myself?

17 MR. MANSON: That's right.

18 MR. LORTIE: No, I don't recall.

19 MR. MANSON: So obviously, you and Perry
20 were having some discussion about these matters; correct?

21 MR. LORTIE: Must have had.

22 MR. MANSON: Can you recall where that took
23 place?

24 MR. LORTIE: I have no idea.

25 MR. MANSON: Was there an appointment for

1 this meeting or did you just show up?

2 **MR. LORTIE:** With Murray?

3 **MR. MANSON:** Yes.

4 **MR. LORTIE:** I'm not sure.

5 **MR. MANSON:** Can you recall -- we're now
6 mid-October, not sure whether it's before the 15th or after
7 but sometime mid-October; correct?

8 **MR. LORTIE:** I'm not sure if it's October or
9 November or what -- I don't now when it is. It's sometime
10 in the fall.

11 **MR. MANSON:** Well, can we look at Document
12 703 -- sorry, we'll do this in sequence -- 721944, not an
13 exhibit yet.

14 **THE REGISTRAR:** That's Exhibit 1423.

15 **MR. MANSON:** Pardon me?

16 **THE REGISTRAR:** Fourteen twenty-three
17 (1423).

18 **MR. MANSON:** It's going to be 14 or it is?
19 721944? Oh, I'm wrong. I apologize. Fourteen twenty-
20 three (1423), yes.

21 Just to explain this to you, Sergeant
22 Lortie, at some point, Brendon Wells was embarking on an
23 investigation and on February 14th, 1994, you gave him this
24 three-page statement. If you look at page 3 -- a four-page
25 statement rather; if you look at page 4, it has your

1 signature on it; correct?

2 MR. LORTIE: That's correct.

3 MR. MANSON: And the date is February -- is
4 that 18, 1994?

5 MR. LORTIE: It looks like that, yes, 18th of
6 February.

7 MR. MANSON: And the first page, which is
8 Bates page 4622, all the way down to three quarters of the
9 way in the second page, looks like stuff that's taken from
10 your notes; correct?

11 MR. LORTIE: Where are you, sir?

12 MR. MANSON: Starting at page 1. I'm saying
13 that because of the indication "No notes on the file". You
14 start with ---

15 MR. LORTIE: Okay.

16 MR. MANSON: --- Thursday, December 10th.
17 That's from your notes. December 14th and then you've
18 indicated some of the intervening events, I take it from
19 your memory because they weren't in your notes; correct?

20 MR. LORTIE: Some of them were.

21 MR. MANSON: Some of them were, yes, but
22 some of them say "No notes on the file".

23 MR. LORTIE: Oh, okay.

24 MR. MANSON: Things like "Staff Sergeant
25 Brunet request that I create a project file and give him

1 authority on it". You would have added those from your
2 recollections. Early October, these are obviously -- this
3 is your synopsis of events.

4 MR. LORTIE: Okay.

5 MR. MANSON: Some from your notes and some
6 not; correct?

7 MR. LORTIE: Okay, good.

8 MR. MANSON: And then at the bottom of page
9 2, he starts asking you questions; correct?

10 MR. LORTIE: Yes.

11 MR. MANSON: How did you be -- February 17th,
12 1994, it looks like he's asking you questions.

13 MR. LORTIE: Yes, sir.

14 MR. MANSON: Can we turn over to page 3?

15 Halfway down:

16 "Claude, have you or Constable Dunlop
17 ever visited the Crown's office with
18 respect to the David Silmser
19 investigation?"

20 Answer:

21 "No, I can't remember that."

22 MR. LORTIE: Yeah.

23 MR. MANSON: So February 1994, you can't
24 remember this meeting that you've just been telling us
25 about.

1 **MR. LORTIE:** And I have seen this and I
2 can't explain this. I don't know why I would have said no
3 because it was common knowledge that we had gone to the
4 Crown's office.

5 **MR. MANSON:** Can we have a look at Document
6 703 -- let me just get the number please; 908, yes. I
7 don't believe it's an exhibit and it's Bates page 7013084 I
8 believe.

9 Staff Sergeant Lortie, this is a transcript
10 of the interview that Pat Hall and Constable Dupuis
11 conducted of you January 19th, 2000.

12 **THE COMMISSIONER:** Exhibit 1480.

13 **--- EXHIBIT NO./PIÈCE No. P-1480:**

14 (703908) Audio-Taped Interview Report -
15 Claude Lortie with OPP P. Hall and J.B.
16 Dupuis - 19 Jan. 2000

17 **MR. MANSON:** It's 1480?

18 **THE COMMISSIONER:** Yes. Now you want us to
19 go to 086?

20 **MR. MANSON:** Yes.

21 **THE COMMISSIONER:** Thank you.

22 **MR. MANSON:** No, I think it was 084, bottom
23 of 084. I'm sorry, Mr. Commissioner.

24 **THE COMMISSIONER:** No, that's fine.

25 **MR. MANSON:** Do you see where we are, Staff

1 Sergeant Lortie?

2 MR. LORTIE: I ---

3 MR. MANSON: Top of the page says "Never
4 spoke to Mr. Abell" but I'm way down at the bottom of the
5 page.

6 MR. LORTIE: Okay.

7 MR. MANSON: Hall:

8 "Did you ever discuss any of this with
9 a Crown Attorney, Murray MacDonald?"

10 Lortie:

11 "I don't -- I don't know if I ever
12 talked to Murray about this. Um, I can
13 remember going in to talk to Murray
14 about -- I don't know if it was the
15 bombing investigation or some other
16 investigation and we may have discussed
17 this matter a little bit; I'm not sure.
18 I don't recall -- ah, well I -- the
19 reason I'm hesitating is cause I can
20 remember talking to Murray about an
21 investigation. I think it was about a
22 car theft ring and that may have come
23 up, that subject."

24 Can you -- you've read that?

25 MR. LORTIE: Yeah.

1 **MR. MANSON:** Now, you wouldn't have gone
2 with Perry Dunlop to talk about the bombing, would you?

3 **MR. LORTIE:** I don't know.

4 **MR. MANSON:** Would he have come with you to
5 talk about the bombing?

6 **MR. LORTIE:** It's possible.

7 **MR. MANSON:** Would he have come with you to
8 talk about the car theft ring?

9 **MR. LORTIE:** It's possible.

10 **MR. MANSON:** But in the year 2000 you don't
11 seem to have the recollection of this meeting that you have
12 now.

13 **MR. LORTIE:** No, sir, I even said I don't
14 remember where exactly it was but it wasn't on the fourth
15 floor.

16 **MR. MANSON:** Okay.

17 **MR. LORTIE:** And I did say I don't recall
18 what the conversation was about. It was -- it was -- there
19 was nothing to it.

20 **MR. MANSON:** We know that Perry Dunlop,
21 shortly after these events went to see Quinn and O'Reilly
22 from the Association. Did he come to talk to you about
23 these events, shortly after he got a hold of the Sebalj
24 statement?

25 **MR. LORTIE:** It's possible.

1 **MR. MANSON:** It's possible.

2 Did you give him any advice?

3 **MR. LORTIE:** I don't remember meeting him so
4 -- I met him a number of times so I don't know ---

5 **MR. MANSON:** Did he come to you and say, you
6 know, "Staff Sergeant Lortie, I feel I've got to take this
7 to the CAS. Give me some advice; what should I do"?

8 **MR. LORTIE:** That was never discussed.

9 **MR. MANSON:** Never discussed.

10 After he went to the CAS and before you went
11 to see Murray MacDonald, did you sit down and talk with
12 Perry Dunlop about what he should do about these matters?
13 Did you give him any advice?

14 **MR. LORTIE:** I don't recall.

15 **MR. MANSON:** What frame of mind was he in,
16 in mid-October, when you went to see Murray MacDonald?

17 **MR. LORTIE:** He was in a normal frame of
18 mind.

19 **MR. MANSON:** Calm?

20 **MR. LORTIE:** That I can remember.

21 **MR. MANSON:** Was he calm?

22 **MR. LORTIE:** I think so. If he hadn't been
23 I think that would -- I'd recollect that but I don't -- I
24 don't know what he was -- didn't seem -- let's put it this
25 way; if I thought that he had been agitated I would

1 probably remember, I don't.

2 MR. MANSON: I asked your wife this
3 question, I asked her whether it seemed, after these
4 events, after the Children's Aid Society disclosure and
5 after Perry Dunlop learned about the payoff, was he
6 profoundly disturbed by learning these matters?

7 And I don't mean disturbed, I'm just talking
8 ordinary parlance.

9 MR. LORTIE: Yeah, well he's obviously upset
10 by it.

11 MR. MANSON: And what's upsetting him; do
12 you know?

13 MR. LORTIE: No.

14 MR. MANSON: Is he upset that Sergeant
15 Brunet and the Chief don't seem to know where the matter
16 is; is that what's upsetting him?

17 MR. LORTIE: Not that I know.

18 MR. MANSON: Is he upset because he thinks
19 there are children at risk and no one is doing anything
20 about it?

21 MR. LORTIE: It's possible.

22 MR. MANSON: But by mid-October he's not
23 especially agitated?

24 MR. LORTIE: It doesn't strike -- I don't
25 remember that.

1 **MR. MANSON:** Staff Sergeant Lortie, here's
2 my problem. We are trying to assist the Commissioner, the
3 witnesses, your former police force, the lawyers, in
4 reaching some findings of fact and until today we had a
5 pretty clear timeline but that's all disrupted by your
6 evidence about the Ron Lefebvre conversation of September
7 28th.

8 And my question for you is; your evidence
9 seems to be clear that this is the date that Perry Dunlop
10 gets the statement, correct?

11 **MR. LORTIE:** Correct.

12 **MR. MANSON:** We've heard a lot of evidence
13 that he's already got it on September 25th.

14 **MR. LORTIE:** I -- I'm going by my notes.

15 **MR. MANSON:** You're going by your notes?

16 **MR. LORTIE:** I'm going by my notes.

17 **MR. MANSON:** Okay.

18 **MR. LORTIE:** And if I had the whole book to
19 verify that I didn't misprint the date that morning and you
20 could tell by the sequence of events ---

21 **MR. MANSON:** Yes.

22 **MR. LORTIE:** --- then I assure you that it's
23 September 28th.

24 **MR. MANSON:** But your notebook could be
25 wrong, is that what you're saying?

1 **MR. LORTIE:** Well I'd have to see it to make
2 sure I didn't put the wrong date in that day.

3 **MR. MANSON:** So it could be wrong?

4 **MR. LORTIE:** Well -- yeah, it could be wrong
5 but I mean that's easy to correct; just find the notebook.

6 **MR. MANSON:** Those are all my questions,
7 Staff Sergeant Lortie.

8 **MR. LORTIE:** Thank you, sir.

9 **THE COMMISSIONER:** Is the original notebook
10 around? It must be.

11 **MR. MANSON:** I just get what's in the
12 database, Mr. Commissioner.

13 **THE COMMISSIONER:** I know but do we not have
14 the whole -- oh no, we wouldn't have it.

15 **MR. STAUFFER:** Mr. Manderville is going to
16 answer that question, Mr. Commissioner.

17 **MR. MANDERVILLE:** I understand my client
18 would have it, Mr. Commissioner. It would not have been
19 produced in its entirety to the Commission, obviously.

20 **THE COMMISSIONER:** All right, so maybe they
21 -- you can make some -- have some arrangements made so this
22 gentleman could view it and then we'll see where we go with
23 it ---

24 **MR. MANDERVILLE:** Certainly, sir.

25 **THE COMMISSIONER:** --- and report back to

1 me. Thank you.

2 All right, so Mr. Paul?

3 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

4 PAUL:

5 MR. PAUL: Staff Sergeant Lortie, I'm here
6 for a group called The Coalition for Action which is a
7 citizens group.

8 At the outset I would like to ask you a few
9 questions to clarify some comments that you made of Mr.
10 Manson.

11 Firstly, at one point earlier you were asked
12 questions about, I think earlier in his cross-examination
13 you were asked about the *Stinchcombe* decision in relation
14 to documents that Perry Dunlop was collecting and the duty
15 to disclose under the *Stinchcombe* decision.

16 I just wanted to ask you if your
17 understanding of *Stinchcombe* would be that duty under that
18 case would only start once there's a charge laid, not prior
19 to charges?

20 MR. LORTIE: I didn't know that.

21 MR. PAUL: Okay, it's not your understanding
22 that the duty to disclose to defence lawyers -- defence
23 lawyers you understand would just involved once a charge is
24 laid and then the accused would go to court and likely be
25 represented. Is that your understanding?

1 **MR. LORTIE:** I don't understand your
2 question but I'm under the impression that complete
3 disclosure doesn't start at the time that the charge is
4 laid.

5 **MR. PAUL:** But in terms of prior to charges
6 being laid there isn't necessarily an obligation on the
7 police to gather information and disclose to the defence?

8 **MR. LORTIE:** I never heard of that.

9 **MR. PAUL:** Okay. Is it your understanding
10 that -- so it's your understanding there isn't -- there is
11 not an obligation at that point?

12 **MR. LORTIE:** There is an obligation to
13 provide all the documents.

14 **MR. PAUL:** Prior to even a charge?

15 **MR. LORTIE:** Prior to the charge, yes.

16 **MR. PAUL:** Okay. Your understanding is that
17 as far as what Mr. Dunlop was collecting, who those
18 documents related to and what they were, you didn't have
19 any precise knowledge?

20 **MR. LORTIE:** Again, I'm sorry; I missed your
21 question there.

22 **MR. PAUL:** As far as what Mr. Dunlop was
23 collecting at his residence, you didn't have the details on
24 exactly what those documents were?

25 **MR. LORTIE:** No, I didn't.

1 **MR. PAUL:** And you didn't have details on
2 who they related to, for example?

3 **MR. LORTIE:** No.

4 **MR. PAUL:** And you didn't have details on --
5 you didn't have any information suggesting that they
6 related to pending charges involving the Cornwall Police,
7 there was no information suggesting that?

8 **MR. LORTIE:** No.

9 **MR. PAUL:** Okay. Now you were also asked
10 some questions in relation to the meeting with -- or the
11 discussion, I'd call it, with Ron Lefebvre that you thought
12 was around the 28th of September.

13 And first of all, the fact that Mr. Dunlop
14 obtained a copy of Mr. Silmsers's statement, I just want to
15 clarify one point. My understanding is that that's not
16 something you actually saw?

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

18 **MR. PAUL:** Okay, you actually saw the
19 statement taken?

20 **MR. LORTIE:** No, I didn't see him take the
21 statement, no.

22 **MR. PAUL:** Okay.

23 **MR. LORTIE:** He showed it to me, yes.

24 **MR. PAUL:** Okay. But in terms of him
25 actually getting it from Ms. Sebalj, you didn't actually

1 see that?

2 MR. LORTIE: No.

3 MR. PAUL: And how he got it from her, how
4 he discussed it with her, you weren't present then?

5 MR. LORTIE: No.

6 MR. PAUL: And did he discuss it with you on
7 the 28th?

8 MR. LORTIE: Yes, sir.

9 MR. PAUL: Is that yes?

10 MR. LORTIE: Yes.

11 MR. PAUL: Now, as far as discussions with
12 Ron Lefebvre that same morning, your recollection is that
13 the settlement was not discussed?

14 MR. LORTIE: That's correct.

15 MR. PAUL: Okay. But certainly in the
16 following weeks, sometime later, you become aware later on
17 that there's a settlement?

18 MR. LORTIE: In the next few days, yes.

19 MR. PAUL: Okay. So at some later point
20 there's certainly a possibility you may have discussed this
21 settlement with Ron Lefebvre not on the 28th but on a later
22 date?

23 MR. LORTIE: There's a possibility.

24 MR. PAUL: As far as -- you were also asked
25 by Mr. Manson about attending the Crown's office and

1 meeting Murray MacDonald, and I think it was suggested to
2 you there was some indication of -- or some question of
3 whether you were told by Mr. MacDonald that the Children's
4 Aid and Correctional Services could be contacted. And you
5 had no recollection of that?

6 MR. LORTIE: No.

7 MR. PAUL: And at the time of that meeting,
8 my understanding would be, in relation to the Silmsler
9 matter you're not in the chain of command with respect to
10 the investigation; correct?

11 MR. LORTIE: That's correct.

12 MR. PAUL: So it would be -- from your
13 perspective, it would be unusual for Mr. MacDonald to be
14 telling you something -- to go and do something because
15 you're not in the chain of command; correct?

16 MR. LORTIE: That's correct.

17 MR. PAUL: If anything, it would be a
18 situation where if he were to say that, you would likely
19 suggest, well, that's something he could be telling Chief
20 Shaver or somebody else; correct?

21 Because it's not your task really to carry
22 out matters because you're not even in the chain of command
23 on the case.

24 MR. LORTIE: I don't think that would
25 matter.

1 **MR. PAUL:** All right.

2 But it would be more likely in the
3 conversation that you would not be told to do something,
4 that the more likely outcome would be Mr. MacDonald would
5 be contacting the Chief or Staff Sergeant Brunet because
6 they are the ones involved, right?

7 **MR. LORTIE:** He would be in touch with them
8 over this matter, yes.

9 **MR. PAUL:** Right.

10 As far as the actual meeting, you're not
11 completely certain whether it was at the Crown Attorney's
12 office or not?

13 **MR. LORTIE:** I know it wasn't on the fourth
14 floor at the station.

15 **MR. PAUL:** Okay. I just want to clarify
16 that. By the fourth floor of the station -- I may be
17 mistaken, but back at that time was the Provincial
18 Courthouse also on the fourth floor?

19 **MR. LORTIE:** Yes, it was.

20 **MR. PAUL:** Okay. Because the new court came
21 in -- Provincial Courts came around '98 or around then?

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

23 **MR. PAUL:** So when you say it wasn't on the
24 fourth floor, are you saying it only couldn't have been in
25 the police station on the fourth floor? Is there a

1 possibility the meeting could have been in what was the
2 Crown's small meeting room adjacent to the Provincial
3 Court?

4 **MR. LORTIE:** No, it wasn't there.

5 **MR. PAUL:** Okay. It wasn't there. Okay.

6 There were a couple of other points I wanted
7 to clarify, going back to your evidence and examination in-
8 chief with Mr. Stauffer. There are a few points I didn't
9 understand completely.

10 One point -- I think we're talking about the
11 timeframe when you've become aware of the settlement. You
12 indicated that people were upset when you brought it up. I
13 think that was your evidence?

14 **MR. LORTIE:** Not quite, no.

15 **MR. PAUL:** Did you sense that people were
16 not talking to you and the police force were upset with you
17 over that topic?

18 **MR. LORTIE:** I would say they were upset
19 that I had brought the fact up at the meeting but not about
20 the settlement because I didn't know about the settlement.

21 **MR. PAUL:** Okay. So the point I wasn't
22 clear on is who was upset. Are you talking about the other
23 people at the meeting?

24 **MR. LORTIE:** Well, actually, what I'm
25 talking about is the after effect ---

1 **MR. PAUL:** Okay.

2 **MR. LORTIE:** --- of the meeting.

3 **MR. PAUL:** So what I was confused about in
4 your answer was whether it's just the people in the meeting
5 or is it widespread through the entire police force? I'm
6 asking basically who was upset?

7 **MR. LORTIE:** I would think that the
8 management team was upset that I brought it up.

9 **MR. PAUL:** Okay. And you're speaking of the
10 chief, deputy chief and ---

11 **MR. LORTIE:** I have no proof that the chief
12 was upset or the deputy chief was upset or -- just from
13 what I've heard, it would appear that people were upset.

14 **MR. PAUL:** All right.

15 Now, you also indicated -- you made a
16 comment about the press release and that you didn't think
17 the press release really matched what you were being told
18 about the investigation. And you had said that they had
19 said there were problems with the investigation, yet the
20 problems weren't being illustrated in the press release, I
21 think is what you said.

22 **MR. LORTIE:** Well, similar to that. Having
23 been interviewed by the Ottawa Police, I knew from what
24 they were finding that it wasn't accurate.

25 **MR. PAUL:** Okay. Then my question was, that

1 I didn't understand, is you said they had said there were
2 problems with the investigation. Is the word "they" --
3 you're talking about the Ottawa Police inspectors?

4 **MR. LORTIE:** Yes.

5 **MR. PAUL:** Okay. You're not talking about
6 the Cornwall Police officers?

7 **MR. LORTIE:** No.

8 **MR. PAUL:** Okay. Now, you also were talking
9 at one point about the various investigations. You
10 mentioned Staff Sergeant Garry Derochie starting things off
11 and you had said that -- you made a comment that you had
12 confidence, and you said at that time. And I'm not sure if
13 this is the case, but it gave me the impression that since
14 you said "at that time," that somewhere between then and
15 some later point you began to lose confidence in the
16 investigation process somewhere as it went from Cornwall,
17 Ottawa to OPP?

18 **MR. LORTIE:** No, what I did is I gave you a
19 chronological order of what was going on and kept faith
20 that something was going to come out eventually.

21 **MR. PAUL:** Okay. So essentially you kept
22 confidence that something would be done at some point?

23 **MR. LORTIE:** With the system, yes.

24 **MR. PAUL:** Yes. You talked briefly about
25 Perry Dunlop in the period where he was testifying in court

1 proceedings in the late '90s, I believe, and talked about
2 his mental state at the time.

3 Now, I gather that you're talking about a
4 period after he had left your supervision?

5 **MR. LORTIE:** No, this is stuff -- whenever
6 he was going through the court proceedings, what I said is
7 I can imagine what his mental state would have been, having
8 been through that before on many occasions. Court for
9 police officers is stressful.

10 **MR. PAUL:** And what I wanted to ask you
11 about that is, from your knowledge, the difficulties that
12 you had perceived Constable Dunlop going through, is it
13 purely the court process, or did you get any sense that he
14 had less support from superiors -- his new superiors -- as
15 opposed to when you were his superior?

16 **MR. LORTIE:** I thought it was only that we
17 were talking about the court process.

18 **MR. PAUL:** All right.

19 **THE COMMISSIONER:** He was, but what he's
20 saying is with the court process, when he was going to
21 court, did you get a sense that his superiors were not
22 backing him up?

23 **MR. LORTIE:** Did I get a sense?

24 **THE COMMISSIONER:** Yeah.

25 **MR. LORTIE:** Okay. Yes, I did get a sense.

1 **THE COMMISSIONER:** And what was the sense?

2 **MR. LORTIE:** That nobody was backing him up.

3 **THE COMMISSIONER:** Okay.

4 **MR. LORTIE:** And that was coming from all
5 directions. It was coming from the newspapers. It was
6 coming from everywhere.

7 **THE COMMISSIONER:** Officers -- fellow
8 officers?

9 **MR. LORTIE:** I never heard any officers say
10 anything about that.

11 **MR. PAUL:** I have a few questions about -- I
12 think early on in your evidence you talked -- there was
13 some talk about the type of steps that you may have taken
14 if you had continued on in the file if it hadn't been
15 transferred, and you talked about, I think, checking
16 background on, I believe, OMMPAC for the accused persons,
17 that that would be something that would be done?

18 **MR. LORTIE:** Yes.

19 **MR. PAUL:** And I just wanted to ask you,
20 since I'm not completely familiar with that process, if one
21 checks OMPPAC, if an accused, apart from criminal
22 convictions and outstanding charges, would it show any kind
23 of incidents where they're in contact with the police? For
24 example, if Mr. Seguin was a material witness in a murder
25 investigation, would that come up in an OMPPAC

1 investigation as a report with his name?

2 MR. LORTIE: Yes, if I got your question
3 properly.

4 MR. PAUL: So just OMPPAC properly used can
5 not just reveal charges -- outstanding charges and
6 convictions, it can even reveal where someone's a witness
7 in a case?

8 MR. LORTIE: Yes.

9 MR. PAUL: So it can give sort of a wide
10 array of information, any -- of contacts with police
11 agencies?

12 MR. LORTIE: Yes.

13 MR. PAUL: For example, even a call where
14 there's a call but no charge; that might show up?

15 MR. LORTIE: Yes.

16 MR. PAUL: Now, I think you said that you
17 heard some of Staff Sergeant Brunet's evidence the other
18 day?

19 MR. LORTIE: That's correct.

20 MR. PAUL: Okay. And do you recall some
21 debate about the issue of probable grounds for an
22 investigation? Do you recall hearing some of that
23 evidence?

24 MR. LORTIE: No.

25 MR. PAUL: I think that you had testified

1 yourself early in your evidence that as far as steps in
2 this case, after taking a statement from Mr. Silmsler, you
3 would have proceeded on -- and I think in your words, to
4 make some arrangements to meet Charlie MacDonald and Ken
5 Seguin?

6 **MR. LORTIE:** Yes.

7 **MR. PAUL:** Okay. So you view it as a
8 routine step to make contact, potentially try to interview
9 the accused persons; correct?

10 **MR. LORTIE:** I may not interview them at
11 that time, but I will put them on notice that there's an
12 allegation that I'm investigating.

13 **MR. PAUL:** All right. Now, in terms of --
14 just in terms of the issue -- if there were issues with
15 reasonable and probable grounds in terms of sequence of
16 events of contacting a Crown, would you agree that you
17 would likely want to make efforts to interview an accused
18 prior to contacting the Crown about whether there's
19 reasonable and probable grounds?

20 **MR. LORTIE:** Interview the witness -- the
21 accused -- yes, for sure.

22 **MR. PAUL:** Okay. And one thing I just
23 wanted to ask you in a sense that if you were to do it in
24 the reverse, contact a Crown first, and they were to tell
25 you to go ahead and lay a charge and you arrested an

1 accused -- for example, in this case, a probation officer
2 or a priest -- you might well find them under arrest
3 claiming some excuse or alibi that may well convince you
4 and you may think that it was -- you made a mistake in
5 arresting the person, Is that ---

6 **MR. LORTIE:** I've never heard of contacting
7 a Crown first.

8 **MR. PAUL:** Okay, because you agree in
9 fairness to the accused, if it's not an emergency, I mean
10 unless it's a real emergency, unless it's an emergency,
11 you'd want to at least give them the opportunity, knowing
12 that they might say nothing, but given the opportunity to
13 say something that might affect your grounds, like an alibi
14 or something. Is that fair?

15 **MR. LORTIE:** That's fair.

16 **MR. PAUL:** And you were asked a couple of
17 questions early on in your evidence about your experience.
18 I think you noted that you hadn't done historical, sexual
19 assaults before?

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

21 **MR. PAUL:** And I'm not certain whether in
22 that timeframe -- I guess I speak generally of the 1980s or
23 early 90s -- whether in you view historical, sexual
24 assaults were as prevalent as they are, for example, near
25 the end of your tenure in the in the 2000s.

1 Would they ---

2 **MR. LORTIE:** No.

3 **MR. PAUL:** --- okay, would they be less
4 common back then?

5 **MR. LORTIE:** Yes.

6 **MR. PAUL:** And being less common, how would
7 you know if you actually had officers in the Force back
8 around early 90s that had extensive experience and done a
9 lot of historical, sexual assaults?

10 **MR. LORTIE:** We didn't have a lot of them,
11 but we did have officers that were -- that had investigated
12 them, yes.

13 **MR. PAUL:** Okay. As far as your experience,
14 notwithstanding that you haven't done historical, sexual
15 assault, obviously you've done a number of very
16 complicated cases including -- have you done homicide cases
17 -- at that time, as of late '92 early '93?

18 **MR. LORTIE:** I've worked on them.

19 **MR. PAUL:** And you were in the middle of an
20 investigation, what you referred to as the undercover
21 operation which arguably might be at least as complicated
22 as an historical, sexual assault?

23 **MR. LORTIE:** It could be.

24 **MR. PAUL:** Okay. I just wondered, as far as
25 historical matters, have you -- at that time back in late

1 '92, at that time had you done other type of historical
2 matters such as old homicide cases that had to be brought
3 up again?

4 MR. LORTIE: No.

5 MR. PAUL: Now, you did mention that around
6 that time, you thought that the Deputy Chief was likely
7 understanding of your situation being involved in the
8 undercover operation because he had been a drug officer
9 himself?

10 MR. LORTIE: That's correct.

11 MR. PAUL: And by a drug officer, did you
12 mean that he had fulfilled a similar type of role that you
13 were fulfilling running an undercover operation?

14 MR. LORTIE: Yes.

15 MR. PAUL: And is that as a -- like a -- as
16 an individual who directs the undercover operator, a
17 handler?

18 MR. LORTIE: Well, a handler is the bottom
19 of the ---

20 MR. PAUL: Okay.

21 MR. LORTIE: --- of the pile there. He
22 would have been a case manager.

23 MR. PAUL: You talking about the Deputy
24 Chief or whatever the case may be?

25 MR. LORTIE: Yes. It would have been a case

1 -- well, I -- I'm assuming he would have been a case
2 manager because he was a Staff Sergeant with the RCMP.

3 MR. PAUL: All right.

4 MR. LORTIE: And he was -- I'm pretty sure
5 he was the Officer in Charge of the Drug Unit.

6 MR. PAUL: All right. Do you know whether
7 he also performed other functions, such as -- actually as
8 an undercover operator; had he ever performed that
9 function?

10 MR. LORTIE: I don't know.

11 MR. PAUL: Okay. And Chief Shaver, would he
12 have a similar sympathy for your situation? Was he also
13 involved in undercover operations in some capacity?

14 MR. LORTIE: I'm not sure what Chief Shaver
15 did with the RCMP?

16 MR. PAUL: Just have a few general questions
17 about Constable Sebalj.

18 Now, she wasn't an officer that you had
19 extensive experience with in the sense that she -- I think
20 she hadn't worked with you or under you?

21 MR. LORTIE: She never worked with me, no.

22 MR. PAUL: But you were a small Police Force
23 so you were fairly familiar with her at the time?

24 MR. LORTIE: Everybody says we have a small
25 Police Force. No, I wouldn't know what she's doing on

1 another team.

2 MR. PAUL: Okay, but in terms of her
3 generally, I mean, at this point, you did indicate that you
4 had somewhat of a disagreement. You mentioned to her when
5 she was going to see Mr. Silmsen, you didn't agree with the
6 signing off on the investigation?

7 MR. LORTIE: That's correct.

8 MR. PAUL: Okay, it's not something that you
9 -- you wouldn't hold anything against her in terms of
10 having animosity against her today?

11 MR. LORTIE: No, no, it's ---

12 MR. PAUL: In some respects, would you view
13 -- I mean, in some respects, you have some sympathy for her
14 as being put in a situation where maybe she didn't have
15 quite the level of experience to be doing it on her own?

16 MR. LORTIE: That's not why.

17 MR. PAUL: Sorry, that's not why what?

18 MR. LORTIE: That's not why I have sympathy

19 ---

20 MR. PAUL: Well ---

21 MR. LORTIE: --- for her.

22 MR. PAUL: All right. You'd also have
23 sympathy for her perhaps for other reasons as well. It
24 might include the fact that in terms of her -- well, the
25 investigation, she's a Constable receiving a lot of the

1 directions from other persons or superiors. Is that ---

2 MR. LORTIE: I felt bad for her to be on her
3 own.

4 MR. PAUL: Without the support of another
5 officer with her?

6 MR. LORTIE: Another officer with her to run
7 ideas off of.

8 MR. PAUL: All right. Now, you do
9 understand -- have you followed the Commission enough to
10 know that she's not likely to attend in person as a
11 witness?

12 MR. LORTIE: Yes, I heard.

13 MR. PAUL: All right. And you understand
14 that because of that it becomes somewhat more difficult to
15 get her perspective on what happened?

16 MR. LORTIE: Yes.

17 MR. PAUL: Obviously.

18 MR. LORTIE: It's unfortunate.

19 MR. PAUL: And for that reason, you would
20 understand that witnesses like yourself are needed to give
21 a perspective on the type of work environment that she
22 worked in?

23 MR. LORTIE: Yes.

24 MR. PAUL: In terms of that work
25 environment, did you have any sense or knowledge of whether

1 she had -- what her workload was; whether she was
2 overworked or had too heavy a workload?

3 MR. LORTIE: No.

4 MR. PAUL: Okay.

5 MR. LORTIE: Excuse me.

6 MR. PAUL: Just looking -- apart from
7 knowing what her workload was, that type of investigation,
8 the Silmsler case, is that a case that can be done with a
9 normal workload or is it the type that sometimes is -- you
10 give to someone and take away the rest of their workload
11 and they work just on that?

12 MR. LORTIE: I was never in charge of the
13 Criminal Investigation Branch in Cornwall and I think the
14 best person to ask is Ron Lefebvre. Whether or not when he
15 did the Father Deslauriers matter, did he have a workload
16 or did he simply do that. I wouldn't have any idea.

17 MR. PAUL: Okay. So Father Deslauriers
18 would be the most similar type of case that the Cornwall
19 Police had, in that recent era, had done?

20 MR. LORTIE: It's similar, but this one here
21 is more complicated.

22 MR. PAUL: The Silmsler case?

23 MR. LORTIE: Yes.

24 MR. PAUL: Yes. Again, on Constable Sebalj,
25 you had indicated in your evidence that you thought that

1 what she needed was a nudge.

2 Now, I was just going to ask you, did you
3 mean that perhaps if the case has been pushed a bit further
4 in a sense of going to interview accused persons, that that
5 might have been the next step that needed to be done?

6 **MR. LORTIE:** I understand from what I've
7 heard during this Inquiry that she may have had
8 corroboration already.

9 **MR. PAUL:** Yes.

10 **MR. LORTIE:** And when you have
11 corroboration, if nothing else comes up, then a little
12 nudge to cross that line and lay the charge.

13 **MR. PAUL:** All right. So maybe a bit
14 further investigation looking for a few more witnesses?

15 **MR. LORTIE:** If you want to.

16 **MR. PAUL:** Okay. Or if the accused persons
17 had not been interviewed, that would be a next logical
18 step?

19 **MR. LORTIE:** Oh, yes.

20 **MR. PAUL:** All right.

21 **THE COMMISSIONER:** But by nudge, do you mean
22 talking to someone like you and say, well my view, there's
23 that, go ahead and do it or ---

24 **MR. LORTIE:** If you think you might have the
25 corroboration that you're looking for -- I mean, that's the

1 whole intent of this is to go look for corroboration -- if
2 you think you might be on the edge, go to somebody that --
3 for a second opinion on it, that you're working with.

4 You referred a while ago, do you go to the
5 Crown to get an opinion? Very, very seldom do we go to the
6 Crown for an opinion. We establish our reasonable and
7 probable grounds; we lay the charge and we present our case
8 to the Crown, unless you had a case where you were not sure
9 which direction to go, can I do this, that kind of stuff.

10 But I don't remember a lot of cases where I
11 went to the Crown to say "Can I lay my charge"; I just --
12 and to tell you the truth I don't remember any where I went
13 to the Crown, "Can I lay my charge".

14 **MR. PAUL:** But there are a lot -- were a lot
15 of resources within the Cornwall Police, a lot of
16 experienced investigators, such as yourself, who could be
17 asked for a view on the level of grounds.

18 **MR. LORTIE:** That could be asked.

19 **MR. PAUL:** Yes. And that would be one way
20 to go prior to making a decision, I take it?

21 **MR. LORTIE:** Yes. And when you're working
22 on a complicated case there's always more than one person.
23 That's the important part. And two people or three people
24 working on a case, when you're discussing it you could come
25 to the conclusion, that's what we need, we've got it.

1 **MR. PAUL:** Just one other point on Constable
2 Sebalj in relation to the type of work environment that she
3 may have faced, to understand her position. Did you have
4 any knowledge whether there was any -- anything in the way
5 of conflict of interest or bias by means of connections by
6 any of her supervisors to any of the accused persons, Mr.
7 Seguin or Father Charlie MacDonald, that may have affected
8 her work environment?

9 **MR. LORTIE:** No.

10 **MR. PAUL:** Okay. So you're not aware of any
11 connections -- you weren't aware of any connections or
12 you're not aware of any connections between, for example,
13 Chief Shaver and the probation officer, Mr. Seguin or
14 Father Charlie MacDonald?

15 **MR. LORTIE:** No.

16 **MR. PAUL:** A couple of questions about
17 project files. Now, a project file I understand has
18 limited access. If rather than a project file, if a matter
19 simply isn't put on OMPPAC, do you agree that it can have,
20 in a sense, the same effect as a project file?

21 **MR. LORTIE:** Oh, I missed your question
22 there.

23 **MR. PAUL:** If a file isn't put on -- isn't
24 made a project file ---

25 **MR. LORTIE:** Yes.

1 **MR. PAUL:** --- but nothing is entered on
2 OMPPAC, the result or the effect can be the same, in the
3 sense that it's not available on the system?

4 **MR. LORTIE:** If a report goes into a project
5 file -- first of all, a project file is OMPPAC. It's the
6 secure part of OMPPAC. And the secure part of OMPPAC you
7 have to be given permission to go into a certain report to
8 look at it.

9 **MR. PAUL:** Okay. Are you aware of any
10 practice in the Cornwall Police of rather than opening
11 project files just not putting information on sensitive
12 files on OMPPAC and leaving it off? You're not familiar
13 with that?

14 **MR. LORTIE:** Well, I did it all the time. I
15 -- the work I did, I did into project files.

16 **THE COMMISSIONER:** What he's saying though
17 is another way of doing it if you don't want other people
18 to find out about it is don't even put it on OMPPAC and
19 keep a file on the side.

20 **MR. LORTIE:** Yeah, you could do that, yeah.

21 **MR. PAUL:** But have you ever heard of that
22 being done in the Cornwall Police?

23 **MR. LORTIE:** No.

24 **MR. PAUL:** I'll ask you one other point on
25 OMPPAC. To enter OMPPAC at that time, does an officer have

1 to put their badge number in?

2 MR. LORTIE: I think it was their badge
3 number. I'm not -- I can't remember for sure.

4 MR. PAUL: And do you know if there was a
5 record of that that could be accessible?

6 MR. LORTIE: To see if you went into a
7 certain file?

8 MR. PAUL: To see if -- what officers were
9 going into files.

10 MR. LORTIE: I heard in testimony that we
11 couldn't do that, but I'm pretty sure we can. And it was
12 done in Toronto at the -- wherever they run OMPPAC.

13 MR. PAUL: I do have one other question in
14 relation to project files. It comes out the officer's
15 statement to the Ontario Provincial Police. I believe it's
16 Document 703908.

17 THE COMMISSIONER: So why don't we put that
18 document to the witness after the break.

19 MR. PAUL: Yes.

20 THE COMMISSIONER: Let's take a short break.

21 THE REGISTRAR: Order; all rise. À l'ordre;
22 veuillez vous lever.

23 This hearing will resume at 3:35

24 --- Upon recessing at 3:17 p.m./

25 L'audience est suspendue à 15h17

1 ---Upon resuming at 3:34 p.m./

2 L'audience est reprise à 15h34

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

5 This hearing is now resumed. Please be
6 seated. Veuillez vous asseoir.

7 **CLAUDE LORTIE, Resumed/Sous le même serment:**

8 **THE COMMISSIONER:** Thank you.

9 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. PAUL
10 (C'ont/Suite):

11 **MR. PAUL:** Mr. Commissioner, I believe I was
12 about to refer to, I believe it's on 1480?

13 **THE COMMISSIONER:** Yes.

14 **MR. PAUL:** And I was interested in page
15 1942.

16 **THE COMMISSIONER:** So 1480 is the audio
17 taped interview report of Claude Lortie on the 19th of
18 January 2000.

19 --- EXHIBIT NO./PIÈCE NO. P-1480:

20 (703908) Audio-Taped Interview Report -
21 Claude Lortie w/ OPP P. Hall and J.B.
22 Dupuis - 19 Jan, 00

23 **THE COMMISSIONER:** What page again? I'm
24 sorry.

25 **MR. PAUL:** It would be 1942.

1 **THE COMMISSIONER:** Oh, okay.

2 Sir, do you have ---

3 **MR. LORTIE:** I've got it on the screen here,
4 sir.

5 **THE COMMISSIONER:** Oh, Okay. You have the
6 hard copy there as well. Okay.

7 **MR. PAUL:** The part I was going to ask you
8 about is almost directly in the middle. There's a
9 question:

10 "To your knowledge, was it normal to
11 place a sexual assault investigation in
12 the project files?"

13 And the answer:

14 "At the time, project files, to my
15 knowledge, were not used by anyone at
16 the Intelligence Unit."

17 Was that your state of knowledge back at the
18 time; that the project files were generally only for the
19 Intelligence Unit?

20 **MR. LORTIE:** Yes, that was my understanding,
21 yes.

22 **MR. PAUL:** And basically all you can say is
23 that it's unusual or not common for files from CIB to be
24 put into project files?

25 **MR. LORTIE:** I've never seen a CIB file in a

1 project file but it's -- I wouldn't -- you see, the problem
2 is I wouldn't know, really.

3 MR. PAUL: Yes. So going back to one point
4 I was asking you earlier about Constable Sebalj, you
5 indicating that she needed a nudge from someone. I just
6 wanted to ask you, by a nudge, did you mean that you had
7 the impression that she might actually have had
8 reasonable/probable grounds and perhaps was ready to lay a
9 charge?

10 MR. LORTIE: Not at that time but after
11 listening to the evidence that was put into the Inquiry it
12 appears to me that she may have had enough.

13 I've never seen it. I can't make that
14 judgement having never seen the statements.

15 MR. PAUL: All right.

16 So just hearing the evidence leaves you the
17 impression that it may have either been reasonable/
18 probable grounds or very close?

19 MR. LORTIE: Just from what I heard. Yes
20 sir.

21 MR. PAUL: All right.

22 Just a couple of questions about the very
23 initial stages when you get involved. When you talked to
24 Mr. Silmsler in about the Christmas period -- I just want to
25 clarify so I understand for sure -- is Mr. Silmsler saying

1 that he doesn't want to come in because of Christmas or is
2 he saying he doesn't want to inconvenience the police and
3 bother the police at Christmas time?

4 **MR. LORTIE:** I think his words were, from my
5 recollection -- I'm not reading it there -- that he didn't
6 want to ruin somebody's Christmas.

7 **MR. PAUL:** Okay. Did you at that point tell
8 him that you didn't have a problem coming in before
9 Christmas, or did ---

10 **MR. LORTIE:** It wasn't me that he was
11 concerned about. He was concerned about the accused, I
12 imagine.

13 **MR. PAUL:** All right.

14 Okay. So then ruining Christmas he thought
15 meant the laying -- or getting involved in charges and
16 doing that to a person, the accused around Christmas? Is
17 that what ---

18 **MR. LORTIE:** That's what it sounded like,
19 yes.

20 **MR. PAUL:** All right.

21 Now, I understand from your evidence that
22 when you got that file you didn't initially notice it
23 involved Mr. Seguin?

24 **MR. LORTIE:** Well, I couldn't remember that
25 it said Seguin whenever I was interviewed by the Commission

1 counsel.

2 MR. PAUL: Now, I just want to understand,
3 that if you had proceeded on the file would the fact that
4 even though you didn't know Mr. Seguin hardly at all, the
5 fact that he worked with your wife, would that cause you to
6 not want to do the file or would you have proceeded?

7 MR. LORTIE: Oh, I would have done it, yes.

8 MR. PAUL: Just generally about the
9 settlement, your reaction and impression from the charges
10 not proceeding the settlement is that that was something
11 that you were opposed to?

12 MR. LORTIE: Very much.

13 MR. PAUL: And your impression was, is it
14 whatever -- your view is whatever happened in the civil
15 side the criminal process should have continued on with
16 further investigation?

17 MR. LORTIE: That's kind of a very
18 complicated thing, because what had happened at that point
19 -- and I think I'm repeating myself here -- the disclosure
20 on the criminal side, once the settlement, or once the
21 paperwork, or once the conversations all becomes part of
22 the evidence, part of the disclosure, and it would have
23 been a very tough prosecution. And that's just my opinion.

24 MR. PAUL: It was more the -- in terms of
25 continuing in the investigation, it was more the

1 possibility of obstruction or interference that you wanted
2 to be looked at, at that point?

3 **MR. LORTIE:** At that point.

4 **MR. PAUL:** And just to clarify or understand
5 this. It's not either the fact that there's a settlement
6 by itself or the fact that there's a stopping of the
7 criminal process by itself, your concern is the fact that
8 those two things happened at the same time, together?

9 **MR. LORTIE:** Yes, that's correct.

10 **MR. PAUL:** And from your perspective, you
11 thought it improper for there to be a connection -- for
12 these to be connected in some way; that they should be
13 totally separate?

14 **MR. LORTIE:** I think it's totally improper
15 during an investigation to try and make a settlement.

16 **MR. PAUL:** And the fact that these two
17 things were happening at the end of the criminal process
18 and the civil settlement at the same time, made it very
19 suspicious of some form of interference that you thought
20 should be at least investigated?

21 **MR. LORTIE:** There's one -- there's one or
22 two choices here. That you have to talk to Mr. Silmsen to
23 find out who initiated the settlement and then you'll know
24 who committed the next criminal offence.

25 **MR. PAUL:** Now, going back, just a couple of

1 questions to the meeting of September 28th, I think. Is it
2 called a daily meeting?

3 **MR. LORTIE:** It's a morning meeting we call
4 it.

5 **MR. PAUL:** Morning meeting. So at the
6 morning meeting, previous counsel, Mr. Manson, put to you
7 the fact that there was various activities in September --
8 correspondence back and forth from the Police Department to
9 the Crown's office.

10 None of that came up at the meeting I
11 understand?

12 **MR. LORTIE:** No.

13 **MR. PAUL:** And having heard that, you would
14 still maintain obviously that you were given the impression
15 that nobody knew what was going on at the meeting?

16 **MR. LORTIE:** That's the impression I had,
17 yeah.

18 **MR. PAUL:** And the conclusion today that you
19 would draw is that for some reason there were people at the
20 meeting that did not want to fill you in on the full
21 picture for some reason?

22 **MR. LORTIE:** Well, they may have thought it
23 wasn't any of my business at that point.

24 **MR. PAUL:** Whether it's -- for whatever
25 reason, though, that when asked the question really held

1 back information from you. Would you agree with that? You
2 don't know the reason, but that's what happened.

3 **MR. LORTIE:** Well, I think the way the Chief
4 asked Luc, "So what's going on with it?", he may have been
5 referring to, "What's going on since the settlement?" I
6 don't know if he's even aware of it.

7 **MR. PAUL:** Okay, but there was no reference
8 to a settlement. Nobody said that even though there was a
9 settlement; correct?

10 **MR. LORTIE:** No.

11 **MR. PAUL:** And nobody said anything at the
12 meeting about the fact that there was correspondence with
13 the Crown about whether they could proceed given that Mr.
14 Silmsers no longer wanted to proceed. That wasn't mentioned
15 at the meeting?

16 **MR. LORTIE:** No.

17 **MR. PAUL:** So it came as a surprise to you
18 when you saw Ms. Sebalj later to get Mr. Silmsers to sign
19 off on the file because that wasn't discussed in the
20 meeting neither; correct?

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

22 **MR. PAUL:** So in terms of all of those
23 factors, those seem to have been held back from you at the
24 meeting; correct?

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

1 **MR. PAUL:** I have another area I'd ask a few
2 questions.

3 There's a document, I don't believe it's an
4 exhibit, it's 722840. It's a letter dated 15 September '97
5 from Staff Sergeant Lortie to Chief Repa.

6 **THE COMMISSIONER:** Thank you.
7 Exhibit Number 1481.

8 **MR. PAUL:** Thank you.

9 I understand that this is a letter in which
10 you raise concerns about a matter involving a public
11 complaint involving three officers. You raised that to the
12 Chief?

13 **MR. LORTIE:** I'm going to read this, sir.

14 **THE COMMISSIONER:** Okay, let's -- give us a
15 minute here?

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. MANDERVILLE:**

18 **MR. MANDERVILLE:** Mr. Commissioner, I've not
19 seen this document before but scrolling through it on the
20 screen, I fail to see how it's remotely relevant to what
21 you're charged with looking into.

22 **THE COMMISSIONER:** Let me read the letter
23 and then we'll see. Thank you.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **THE COMMISSIONER:** Okay. So you have to

1 deal with the objection first of all.

2 **MR. PAUL:** Yes. Relevance would be -- the
3 arguments to the relevance would be based on the fact that,
4 first of all, page 1 there's a reference to, in the middle,
5 they had lied at the time of the internal investigation;
6 that's referring I believe to three officers.

7 Secondly, the last paragraph refers -- or
8 the second-last paragraph refers to the officers involved,
9 one of whom is an upcoming witness in the case and the
10 letter seems to imply some difference in treatment between
11 the two -- between the group of officers, seeming to
12 suggest that one is treated worse than the other two.

13 So for those reasons, I would suggest it has
14 some bearing on the -- as to what was transpiring, and this
15 witness seems to have some knowledge of it, writes a
16 detailed letter and seems to be relevant to the credibility
17 of the upcoming witness.

18 **THE COMMISSIONER:** Mr. Lee's getting up.
19 Groundswell of support here or ---

20 --- **SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. LEE:**

21 **MR. LEE:** Yeah. I think it's going to be
22 more efficient because I had intended to go to this
23 document as well and so I presume the same objection would
24 be raised.

25 I agree with what Mr. Paul had to say, but I

1 think another ground of relevance is may be the fact that
2 there's an issue as you know from Staff Sergeant Derochie's
3 testimony dealing with the provision of discipline records.

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

5 **MR. LEE:** And some confusion about what
6 should be done and what should be produced and what
7 shouldn't be produced?

8 It would seem that Staff Sergeant Lortie may
9 have some knowledge of -- based on the fact that he's
10 involving himself at this point on what ended up happening
11 here -- a discipline was imposed or not imposed -- and
12 possibly about issues relating to the willingness of the
13 Cornwall Police to impose discipline.

14 And as Mr. Paul said, whether or not
15 Lefebvre was treated differently than other officers;
16 things along those line. It seems like this may well go
17 directly to the discipline issue as well as to credibility
18 issues with Lefebvre.

19 **THE COMMISSIONER:** All right.

20 **MR. MANDERVILLE:** Well, first off, Mr.
21 Commissioner, if somehow this document is relevant and does
22 raise credibility issues with another witness, it's hardly
23 appropriate to put this to Staff Sergeant Lortie.

24 Secondly, as you are well aware, sir, you
25 are charged to looking into institutional response to

1 sexual abuse allegations or abuse allegations. This
2 letter, on its face, does not deal with that at all. It
3 deals with other matters entirely.

4 Lastly, and I spoke of this briefly last
5 week, Commission counsel, Mr. Manson, Mr. Kozloff and I
6 reached an agreement, and it was an arduous process, as to
7 what relevant discipline is. And documents were searched
8 for and then have now been produced in connection with
9 that. This does not go to that.

10 Mr. Lortie was not privy to what has been
11 discussed and what has been concluded to be relevant
12 discipline, and I understand you will become so, but it
13 will not be through Mr. Lortie.

14 **THE COMMISSIONER:** Okay. So having heard
15 that, Mr. Paul?

16 **MR. PAUL:** Just in response, I want to note
17 that I wasn't party to that agreement that he speaks of.

18 And, secondly, I would suggest that Mr.
19 Lefebvre's evidence I anticipate would be relevant to the
20 Silmsler case and the Landry cases ---

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

22 **MR. PAUL:** --- and his credibility would be
23 of issue there.

24 The document, on its face, would seem to
25 suggest that this witness has knowledge of what the

1 circumstances are in relation to an incident that goes to
2 credibility that would -- could well be very relevant to
3 the testimony of Mr. Lefebvre if there is actually --
4 whether there's discipline or not, if there is actually
5 evidence of an acknowledgement of some deceit or lie in
6 relation to a complaint, and that was acknowledged to other
7 officers, I would suggest that that would certainly be
8 relevant to credibility.

9 **THE COMMISSIONER:** Okay. What kind of
10 questions do you intend to ask him?

11 **MR. PAUL:** The questions I was going to ask
12 is what the purpose of this letter was; whether it was to
13 make a complaint to the Chief of unfair treatment or
14 whether it was simply for information purposes.

15 And I wanted to ask what the nature of the
16 alleged deceit was and what that involved, the details of
17 who that statement was to and what it related to.

18 **THE COMMISSIONER:** Are you going to be
19 asking the names of the police officers that lied?

20 **MR. PAUL:** Well, yes, I think the comment in
21 the middle about sometime later a number of officers
22 advised their supervisor, in fact, that the incident had
23 occurred and they had lied at the time of the internal
24 investigation, that implies -- I think it implies that
25 that's the three officers involved. And I wanted to

1 clarify whether if that's the case if that's the three
2 officers that are referred to and if this officer is aware
3 that's the case and what the circumstances were. And,
4 secondly, if he's complaining -- if the purpose of this
5 letter is to complain about unfair discipline as between
6 Hume and the other two.

7 **THE COMMISSIONER:** Thank you.

8 I'm going to permit some of the questions.
9 While this -- I'm not really interested in all of the
10 details with respect to this complaint or whatever, nor am
11 I interested in drawing out names of all of the officers
12 that may be involved. So I'm going to limit you to
13 officers that may have some bearing on this matter.

14 I find that while the letter isn't on four
15 corners dealing with sexual abuse, I think it has to do
16 with other relevant considerations, which is the state of
17 the union, I suppose, with the local police force and how
18 they dealt with matters and, of course. with the
19 credibility of certain witnesses.

20 Go ahead.

21 **MR. MANDERVILLE:** I would reiterate, Mr.
22 Commissioner -- and I appreciate your making your decision
23 on the fly.

24 I would reiterate that we did, in
25 consultation with Commission counsel, reach an agreement as

1 to what relevant discipline is. It means discipline
2 imposed as a consequence of a sexual assault investigation
3 or arising from a finding of deceit. That does not obtain
4 in either -- neither of those circumstances obtains in this
5 letter and I believe I'm obliged to ask you to stay the
6 case on this issue, sir.

7 **THE COMMISSIONER:** Okay. So can he ask
8 questions?

9 **MR. MANDERVILLE:** I'll object to all of
10 them, sir.

11 **THE COMMISSIONER:** Comments from anyone
12 else?

13 --- **SUBMISSIONS BY / REPRÉSENTATIONS PAR MR. STAUFFER:**

14 **MR. STAUFFER:** Well, Mr. Commissioner, might
15 I suggest we put this matter off until the next hearing
16 date so we can ponder this a little bit further and I can
17 discuss the matter with other Commission counsel who had
18 had the discussions with Mr. Manderville in terms of what
19 discipline matters would be gone into.

20 Since I understand we're going to rise at
21 4:15 perhaps, if I may be so bold, Mr. Paul could continue
22 on with some other line of questioning and we can deal with
23 this matter when we come back.

24 **THE COMMISSIONER:** Anyone objecting?

25 So done. Thank you.

1 See you -- Officer Lortie, the Clerk date
2 will announce the date on my leaving.

3 **MR. LORTIE:** Thank you, sir.

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

6 This hearing is adjourned until April 21st at
7 1:00 p.m.

8 ---Upon adjourning at 3:54 p.m./

9 L'audience est ajournée à 15h54

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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-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CVR-CM