

**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 219**

**Held at :**

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

Thursday, April 24 2008

**Tenue à:**

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

Jeudi, le 24 avril 2008

**Appearances/Comparutions**

Ms. Julie Gauthier	Registrar
Ms. Karen Jones	Commission Counsel
Ms. Janie Larocque	
Mr. John E. Callaghan	Cornwall Community Police
Ms. Reena Lalji	Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. David Rose	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
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
Mr. Leo Courville	Mr. Leo Courville

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1 --- Upon commencing at 9:34 a.m. /

2 L'audience débute à 9h34

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 Just a couple of comments, first of which is  
12 that tonight we'll be sitting until 4:30 and tomorrow until  
13 2:00 so again it will be a very short break at lunch time  
14 to have a piece of fruit or something, but then we'll  
15 continue until 2:00.

16 All right? Thank you.

17 Mrs. Jones?

18 **MS. JONES:** Yes, good morning ---

19 **THE COMMISSIONER:** Good morning.

20 **MS. JONES:** --- thank you.

21 Mr. Courville, please.

22 **THE COMMISSIONER:** Oh, great. Good morning,  
23 sir.

24 **MR. COURVILLE:** Good morning, sir.

25 --- **LEO COURVILLE, Sworn/Assermenté:**

1                   **THE COMMISSIONER:** Merci. Welcome, Mr.  
2 Courville.

3                   **MR. COURVILLE:** Thank you, sir.

4                   **THE COMMISSIONER:** A few rules. There's a  
5 microphone in front of you; I'd ask you to speak into the  
6 microphone. There's a small speaker in front of you, if  
7 you wish to raise the volume, that kind of thing, or lower  
8 it at times; clean glasses and water. The screen's in  
9 front of you if you wish to look at documents that they  
10 refer you to; they'll be on the screen. We will also give  
11 you a hard copy. If you don't know the answer to a  
12 question, please just tell me you don't know the answer.  
13 If you don't understand something or if you feel  
14 uncomfortable just turn to me and we'll be able to work  
15 things out. All right?

16                   **MR. COURVILLE:** Thank you, sir.

17                   **THE COMMISSIONER:** Thank you.

18                   Mrs. Jones?

19                   **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

20                   **JONES:**

21                   **MS. JONES:** Good morning, Mr. Courville.

22                   **MR. COURVILLE:** Good morning.

23                   **MS. JONES:** Just to remind you, I'm Karen  
24 Jones, the Commission counsel.

25                   **MR. COURVILLE:** Yes.

1                   **MS. JONES:** We've met before.

2                   Mr. Courville, I'm just going to go over  
3 your background, if you wouldn't mind. I'll lead you  
4 through that and if I get something wrong, please stop me,  
5 but I think that these are things that we've agreed on  
6 already.

7                   **MR. COURVILLE:** Yes.

8                   **MS. JONES:** Understand you were born in  
9 British Columbia but you've resided in Cornwall for the  
10 last 25 years or so?

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

12                  **MS. JONES:** And you were an Economist before  
13 going to law school and you were called to the Saskatchewan  
14 Bar in 1983 and the Ontario Bar in 1985?

15                  **MR. COURVILLE:** Yes.

16                  **MS. JONES:** And you're currently practicing  
17 law and you have a mixture of civil and criminal practice  
18 and you basically have done that since you resided in  
19 Cornwall as a lawyer?

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

21                  **MS. JONES:** Now, with regards to the Police  
22 Services Board, I understand that you were first appointed  
23 as a regular member of the Cornwall Community Police  
24 Services Board on the 24<sup>th</sup> of June, 1992. You became the  
25 Vice-Chair shortly thereafter and then became the Chair on

1 the 14<sup>th</sup> of January, 1993.

2 **MR. COURVILLE:** Yes, I believe that's  
3 correct. I thought that I might have been -- I know  
4 there's -- my first board meeting, I believe, was in July,  
5 but I believe that's correct.

6 **MS. JONES:** The expiry of that term was  
7 supposed to be the 23<sup>rd</sup> of June, 1996, but you left a little  
8 bit earlier than that on the 7<sup>th</sup> of June, 1996?

9 **MR. COURVILLE:** That's correct.

10 **MS. JONES:** And I also understand that  
11 normally it's a 2-year board placement and you had that  
12 renewed once so you were approximately there for four  
13 years?

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

15 **MS. JONES:** And prior to you joining the  
16 Cornwall Police Services Board -- which I'll just call "the  
17 Board" from now on if that's okay -- you didn't have any  
18 other experience with policing other than practicing in the  
19 area of criminal law?

20 **MR. COURVILLE:** That's also correct.

21 **MS. JONES:** And when you joined, it appeared  
22 that none of the other Board members had direct criminal  
23 law experience either; they came from a variety of  
24 backgrounds?

25 **MR. COURVILLE:** That's true and I believe

1 that's true generally in the province.

2 **MS. JONES:** Okay. And there were a few  
3 names that were mentioned, for instance, Angelo Towndale  
4 came from the Children's Aid Society, Delores Jensen was a  
5 homemaker and Tom Green was a teacher?

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

7 **MS. JONES:** And I also understand with  
8 regards to the dates, just because this name may be  
9 significant for other purposes not necessarily today, but  
10 you were actually not on the Board at the same time as a  
11 person named Phil Poirier.

12 **MR. COURVILLE:** That's true.

13 **MS. JONES:** Now, the first issue I'm going  
14 to be addressing here is the relationship you had while you  
15 were on the Board with Mayor Martelle, and is it fair to  
16 say that it was strained at times; that it was a difficult  
17 sort of relationship?

18 **MR. COURVILLE:** Yes, that's very fair.

19 I think that Mayor Martelle certainly had a  
20 mindset as to what his role was with regard to policing.

21 If I may explain for a moment, Mayor  
22 Martelle basically came from a background where he was an  
23 RCMP recruit. He did no policing beyond his recruitment  
24 period, but he liked to refer to himself as the "chief  
25 magistrate" and he had a view that he could, in fact, be

1 directly involved in the operational sphere of policing.

2 I remember several occasions where he  
3 attended on the Chief of Police to obtain, for example,  
4 information of a confidential nature in terms of  
5 investigative information that he thought he was entitled  
6 to receive. He attended at crime scenes. He did a number  
7 of things that I'm sure most Board members would be very  
8 reluctant or cautious to do and he would do this on a  
9 fairly regular basis, so it made life interesting for the  
10 other Board members.

11 **MS. JONES:** What about life for you as the  
12 Chair?

13 **MR. COURVILLE:** Well, it was particularly  
14 problematic in a number of respects.

15 I recall the Mayor taking information that  
16 was in the process of being formulated by the Board and  
17 presenting to the public in the form of press releases  
18 before the Board had an opportunity to actually vote on the  
19 matter that was at hand or -- that was one problem. He had  
20 a very strong disinclination toward Employment Equity which  
21 was another problem ---

22 **MS. JONES:** M'hm.

23 **MR. COURVILLE:** --- because the Board was  
24 under a mandate to bring in Employment Equity measures.

25 There were various problems of that type

1 that presented themselves and made life very difficult.

2 **THE COMMISSIONER:** Can you tell us how you  
3 get -- sir, excuse me ---

4 **MR. COURVILLE:** Sorry.

5 **THE COMMISSIONER:** Can you tell us a little  
6 bit about how you came to be on the Board? Is that an  
7 elected position; is it an appointment>

8 **MR. COURVILLE:** Yes, actually there's two  
9 types of membership, sir, with regard to the Board.  
10 There's those that are appointed at the provincial level  
11 and those that are selected from the municipal council.

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

13 **MR. COURVILLE:** And basically, in my day, it  
14 was three members from the province and two from the  
15 municipality.

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

17 **MR. COURVILLE:** I had to submit résumé. I  
18 had to appear before an all-party meeting in Toronto ---

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

20 **MR. COURVILLE:** --- and I had to have my  
21 credentials reviewed by that all-party committee and after  
22 that all-party committee went through that process, I was  
23 told that I was selected.

24 **THE COMMISSIONER:** So you were a provincial  
25 appointee?

1                   **MR. COURVILLE:** I was a provincial  
2                   appointee.

3                   **THE COMMISSIONER:** Yes. Okay.

4                   **MS. JONES:** Just a moment.

5                   The fact that you and Mayor Martelle did not  
6                   get along very well was actually public knowledge because  
7                   there were sometimes press releases or I should say  
8                   newspaper articles that described that. Do you recall that  
9                   at the time?

10                  **MR. COURVILLE:** Yes, I do recall that.

11                  **MS. JONES:** I do have a Document Number  
12                  722197.

13                  **THE COMMISSIONER:** Thank you.

14                  Exhibit Number 1513 is a number of newspaper  
15                  articles and the top one has a date from the Freeholder; it  
16                  says April 6<sup>th</sup>, 1994.

17                  --- **EXHIBIT NO./PIÈCE NO. P-1513:**

18                                   (722197) - Leo Courville - Standard-  
19                                   Freeholder news clipping "Mayor and  
20                                   Courville Still Trading Insults" dated  
21                                   April 6, 1994

22                  **MS. JONES:** And is this the type of article  
23                  that would appear occasionally to describe what was  
24                  happening?

25                  **MR. COURVILLE:** I don't know if it was

1 typical of the type of article that would appear, but  
2 certainly the articles were fairly forthright, I believe,  
3 in what they purported to state.

4 On reflection, I think that this particular  
5 article indicates the Mayor is essentially rejecting the  
6 idea of having provincial appointees because of their  
7 political connection and he raises the point that people  
8 are appointed based on who they know as opposed to what  
9 they know.

10 And what I was trying to indicate by way of  
11 response, I guess, was that my appointment was based on  
12 some form of formal review as I mentioned earlier by this  
13 all-party process in Toronto, whereas the Mayor was on the  
14 boards basically under the *Police Services Act* by virtue of  
15 the fact that he was the Mayor; that's what this is all  
16 about.

17 **MS. JONES:** Okay. And I also would like to  
18 refer you please to -- I just want to be sure this is an  
19 exhibit or not; I don't believe that it is -- Document  
20 Number 740541; 740541

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

22 **THE COMMISSIONER:** Okay, thank you.

23 Exhibit 1514 is the Ontario Civilian  
24 Commission on Police Services Report of an investigation  
25 into the Cornwall Police Services Board and it's dated

1 July, 1995.

2 --- EXHIBIT NO./PIÈCE NO P-1514:

3 (740541) - Leo Courville Report of an  
4 Investigation into the Cornwall Police  
5 Services Board

6 MS. JONES: Madam Clerk, what is the exhibit  
7 number, I'm sorry.

8 THE COMMISSIONER: It's 1514.

9 MS. JONES: Thank you.

10 Mr. Courville, do you have a hard copy of  
11 the document there in front of you?

12 MR. COURVILLE: Yes, I do.

13 MS. JONES: Okay. For the sake of brevity,  
14 we'll call that the "1995 Report" so that we're talking  
15 about the same thing.

16 Now, this particular report, I believe, was  
17 done at the request of yourself. Is that correct?

18 MR. COURVILLE: I believe it was, yes.

19 MS. JONES: It would show on ---

20 MR. COURVILLE: I should say myself and  
21 other board members.

22 MS. JONES: And other board members?

23 MR. COURVILLE: Yes.

24 MS. JONES: On pages 1 and 2 which is Bates  
25 page 7181024 and 1025, it would appear that the reason why

1           this report came up was because of the Board requesting it  
2           to be conducted. Would you agree with that?

3                       **MR. COURVILLE:** Yes.

4                       **MS. JONES:** And, in particular, I just want  
5           to draw your attention to the bottom paragraph on Bates  
6           page 1024.

7                               By the way, Mr. Courville, I should -- if  
8           you don't know already, when I say "Bates page", each  
9           individual page is actually given a unique number. So  
10          instead of saying "page 1", "page 2", "page 3", this is  
11          what we call a "Bates page" up in the left-hand corner.

12                       **MR. COURVILLE:** Yes.

13                       **MS. JONES:** For the sake of the record, we  
14          refer to that as the page.

15                       **MR. COURVILLE:** Okay.

16                       **MS. JONES:** So at the bottom of Bates  
17          page 1024, it starts and states:

18                                       "Continuing public discussion indicates  
19                                       that there are serious problems with  
20                                       the Cornwall Police Services Board. As  
21                                       you are aware, there was a previous  
22                                       report resulting from an inspection  
23                                       conducted by police service advisors  
24                                       and the Board has been implementing the  
25                                       various recommendations made.



1 experienced periods of heated debate on  
2 a range of issues largely going to  
3 matters of control. These have been  
4 fuelled by a series of public  
5 statements, interviews and press  
6 releases from individual members, which  
7 frankly appear to have served no  
8 constructive purpose. Certainly they  
9 have done nothing to advance public  
10 confidence in the activities of the  
11 Board or highlight its accomplishments.  
12 However, we see no evidence to suggest  
13 that the delivery of police services to  
14 the community is compromised."

15 And the only other excerpt I wish to refer  
16 you to is on the next page, which is Bates page 1034, and  
17 there's just a reference in the bottom paragraph about:

18 "Other concerns were expressed about  
19 certain activities of Mayor Martelle."

20 Later on in the report, it also refers to  
21 Mayor Martelle's confrontational approach and the tension  
22 that was generated as a result of that.

23 The question was essentially answered in  
24 part, I suppose, in this report and that is did the tension  
25 between yourself and Mayor Martelle, did it actually have

1 an effect do you feel on the Cornwall Police or the ability  
2 for the Board to function in the job that it was supposed  
3 to be doing?

4 **MR. COURVILLE:** I don't believe that it had  
5 any significant impact on the ability of the Board to  
6 function.

7 Basically Mayor Martelle was a "lone wolf"  
8 if I can use that expression. I think the rest of the  
9 Board was quite cohesive in moving forward.

10 Certainly, Alderman Green, I believe, when  
11 he was the other municipal representative -- I can't recall  
12 many occasions when he would vote against the three  
13 provincial representatives in any concrete plan or  
14 proposal.

15 When Mayor Martelle was replaced from the  
16 Board or when he removed himself rather to be more correct,  
17 the replacements were, I believe, Alderman Lebano and  
18 Alderman Sylvester, Brian Sylvester, and certainly the  
19 Board functioned extremely well at that time.

20 The Board -- I believe this Board was one of  
21 the best boards in terms of actually accomplishing  
22 something that Cornwall has seen in a long time. There are  
23 a number of accomplishments that, I believe, occurred  
24 during the time that I was Vice-Chair and Chair and I can  
25 go into them at length.

1                   But certainly the -- insofar as the Board  
2                   being tension-filled or under a great deal of stress, that  
3                   is true. There is no doubt that there was a degree of  
4                   tension that, I believe, was almost totally precipitated by  
5                   the position taken by Mayor Martelle and what he perceived  
6                   to be his function and it made life difficult, there's no  
7                   question about that, for not only myself but for the other  
8                   Board members.

9                   But in reality, it also spurred us to -- to  
10                  take action, I believe, that ultimately assisted the Board  
11                  and assisted the Police Service, really, in coming to grips  
12                  with matters that needed to be done.

13                  Ultimately, there was, as you may be aware,  
14                  there was a report done by way of an audit inspection in  
15                  July and August of 1993 that, in part, dealt with the issue  
16                  of Mayor Martelle and recommended his removal from the  
17                  Board, but it also dealt with many other issues that  
18                  ultimately were put into full effect.

19                  The Board -- one of the recommendations was  
20                  that the Board hire a facilitator to correct a number of  
21                  problems that dealt primarily with such issues as  
22                  communication up and down in the ranks, the training --  
23                  well, definition of jobs, that kind of thing.

24                  **MS. JONES:** Mr. Courville, if I just could  
25                  stop you there because we are going to talk about the 1993

1 report in a bit more detail later on.

2 MR. COURVILLE: Okay.

3 MS. JONES: I just want to get the personnel  
4 situation of the Board clarified first ---

5 MR. COURVILLE: Sure.

6 MS. JONES: And then we'll move into the  
7 more nitty-gritty of the situation.

8 MR. COURVILLE: Okay. Sure.

9 MS. JONES: So after Martelle left you said  
10 that things went a lot smoother.

11 With respect to the minutes, I understand  
12 there was a permanent Secretary that was appointed that  
13 kept the Board minutes?

14 MR. COURVILLE: Yes. Actually when I first  
15 came on the Board, the minutes were being kept by Mr. Gene  
16 Kiviaho, who was also basically one of the City  
17 administrative officers.

18 MS. JONES: Okay, if I could just spell the  
19 name for the record; G-E-N-E, K-I-V-I-A-H-O.

20 MR. COURVILLE: That's correct.

21 And then Mr. Kiviaho was replaced by Miss  
22 Shelley Adams and Miss Adams was on the Board, I believe  
23 for -- I believe for a couple of years. And then,  
24 ultimately Mr. Ken Sliter, spelled S-L-I-T-E-R, became the  
25 Secretary. He was the last Secretary when I was on the

1 Board.

2 MS. JONES: Thank you.

3 And when the minutes were typed up and  
4 obviously made available, are you aware of the retention  
5 period for them? How long were they kept for, do you have  
6 any idea?

7 MR. COURVILLE: I -- no I really don't. I, I  
8 believe that there were minutes available to me from  
9 approximately a year previous to the meeting that I was  
10 concerned with.

11 MS. JONES: So you could go back a year, to  
12 the best of your recollection anyway, but you wouldn't  
13 necessarily be able to go beyond that?

14 MR. COURVILLE: Well -

15 MS. JONES: Or maybe you wouldn't need to?

16 MR. COURVILLE: I don't believe I ever  
17 needed to, and I honestly don't know what the retention  
18 period was.

19 MS. JONES: Now, I understand that generally  
20 speaking the Board meetings are considered open meetings;  
21 they're open to the public and they can attend. Is that  
22 correct?

23 MR. COURVILLE: Yes, subject -- there are  
24 certain exceptions. And exceptions would primarily involve  
25 information of a personal nature in terms of perhaps a

1 disciplinary action or something to that effect.

2 The information that was usually put before  
3 the Board was certainly conveyed in open session.

4 **MS. JONES:** And the closed sessions, or the  
5 in camera sessions did not have minutes taken or at least  
6 minutes not made available publicly?

7 **MR. COURVILLE:** Yes. The minutes would not  
8 be made available publicly. I don't know if in all cases  
9 there were minutes not taken. I think that would have been  
10 the normal operating procedure.

11 **MS. JONES:** That minutes were not taken?

12 **MR. COURVILLE:** That minutes were not taken  
13 unless it was requested otherwise for whatever reason.

14 **MS. JONES:** But you had very clear  
15 parameters, though, on what was allowed to be in camera and  
16 everything else was open.

17 **MR. COURVILLE:** Yes.

18 **MS. JONES:** And I understand the Board met  
19 monthly or at least tried to meet monthly, but there were  
20 sub-committees that branched off the Board that might have  
21 met in between that time independently, just a small number  
22 of the Board?

23 **MR. COURVILLE:** That's correct. As I recall  
24 for a great period of time, the Board actually met much  
25 more frequently than monthly.

1                   **MS. JONES:** Much more frequently, did you  
2 say?

3                   **MR. COURVILLE:** Yes. But it may also be in  
4 part because of the overlap between the sub-committees and  
5 the Board generally as well.

6                   **MS. JONES:** Now let's move on to the actual  
7 mandate of the Board.

8                   **MR. COURVILLE:** Yes.

9                   **MS. JONES:** What exactly was the Board  
10 tasked to do?

11                   **MR. COURVILLE:** Well under the *Police*  
12 *Services Act*, it's very clear I think what the model of the  
13 Board was and should be. Basically the Board was designed  
14 to be a -- a group of individuals who I can best describe  
15 as having civilian oversight of a policing function. And  
16 the model was designed very deliberately so that there  
17 would be some community input with regard to the municipal  
18 police structure; that the input would be in the nature of  
19 an oversight or general policy role as opposed to an  
20 operational role.

21                   And the lines were very clearly defined; the  
22 Board was not to have any operational control. Indeed, the  
23 only individual under the *Police Services Act* that the  
24 Board could deal with directly or order, if you wish, was  
25 the Chief of Police. No other member of the police service

1           could be directly contacted or ordered by the Board to do  
2           anything.

3                           And the Board, in that function, was  
4           supported by the Ministry of the Solicitor General within  
5           the Police Services Division in Toronto. We were given  
6           advice directly from advisors in that division if an issue  
7           came up.

8                           We also had an Ontario Association of Police  
9           Services Boards that was provided with regional advisors  
10          through the Ministry. And I recall a couple of them,  
11          actually during my time. There was a Mr. Richard St-Pierre  
12          that would attend a number of our meetings. There was an  
13          individual named Garfield Wyche, I believe was his name.  
14          And these people were quite helpful in providing the Board  
15          with advice and assistance when I was there.

16                          But basically the model was one of civilian  
17          oversight with a general sense of policy formulation as  
18          opposed to any operational role.

19                          **MS. JONES:** Now this is always difficult  
20          because obviously some things would overlap; for example,  
21          if the Board was requested to purchase a boat to patrol the  
22          waters around Cornwall to prevent drug importation or for  
23          whatever purposes, impaired boating, a request for the boat  
24          would have to be approved by the Board at some point, to  
25          say, "Yes, we can afford it or we can't." But surely some

1 of your decisions, such as, "No, we're not going to fund a  
2 boat" would have a direct impact, therefore, on the  
3 operational mandates.

4 So if the operational mandate is to have  
5 more water patrol for criminal offences, if you turn them  
6 down, is that not actually an operational decision in a  
7 sense on your part as the Board?

8 **MR. COURVILLE:** Well one of the oversight  
9 functions of the Board indeed was the financial budgeting,  
10 if you wish, of the service. And ultimately, that was an  
11 issue that was determined by the Board within a very set  
12 context. The Board did look at its overall budget  
13 flexibility, if you wish, before any decision was made to  
14 accumulate any equipment or any decision was made to hire  
15 new personnel.

16 But short of those constraints, the  
17 priorities for expenditure, if you wish, were those that  
18 were left in the hands of the Chief of Police and whatever  
19 individuals within the Service he consulted with.

20 **MS. JONES:** So looking at the Board function  
21 within the Cornwall Police investigative role. You've  
22 mentioned earlier -- we're going to talk about budget in a  
23 moment but the way that it would work was that the Chief of  
24 Police would come to you and say, "We would like to have  
25 100 police officers." And then you would discuss whether

1 or not there's money for that. And again, is that not an  
2 example of, in a way the Board having direct impact on  
3 operational matters? Because if you are going to fund the  
4 police officers, that's one thing. If you're not going to  
5 fund the police, that's quite another.

6 **MR. COURVILLE:** Yeah. I can only say that,  
7 within the general parameter of setting the overall budget,  
8 the Board had a role.

9 It was particularly tough when I was on the  
10 Board, because the economic climate in Ontario, and  
11 particularly in Cornwall was very bad.

12 **MS. JONES:** Perhaps you can describe that?

13 **MR. COURVILLE:** Yeah.

14 Well I recall in the period around 1990 to  
15 1992, 1993, I believe there was something like 28 different  
16 plants that closed down. And that had a tremendous impact  
17 on the local economy, on the revenues of the municipality.  
18 This was also when I came on the Board, the phrase that  
19 stuck out of my mind was -- was that we operated under was  
20 "Rae Days" and basically there were just virtually no  
21 monies at hand to add to the Cornwall Police Service.

22 This was then followed by the government of  
23 Mr. Harris and Mr. Harris had very strong thoughts about  
24 what money should be advanced to public institutions in  
25 those days as well.

1                   So we were under a great restraint in terms  
2                   of our ability to think in terms of adding resources or  
3                   adding new equipment. That was really the focus that we  
4                   had to deal with. I remember having some very extended  
5                   discussions with the Police Association or the union, if  
6                   you wish, about the situation and I think the minutes  
7                   certainly of the Board meetings that I've reviewed reflect  
8                   the fact that our focus was on rather than trying to add as  
9                   many officers as we felt that we needed, the focus was on  
10                  more trying not to have any layoffs.

11                  And so, we were -- we did whatever we could  
12                  by way of using creative and imaginative approaches to  
13                  maintaining our complement that we had at the time and  
14                  often that was a very challenging thing to do.

15                  **MS. JONES:** Now, do you recall during your  
16                  time of tenure with the Board at any point that you were  
17                  approached by Cornwall Police or by the Chief of Police, I  
18                  suppose, stating that there had been specific cases, for  
19                  instance, a high profile sexual case that was not being  
20                  investigated properly, we need some more funding in that  
21                  particular area? Do you recall anyone coming forward  
22                  asking for money specifically focused on a particular type  
23                  of investigation?

24                  **MR. COURVILLE:** No, I don't recall that and  
25                  I also don't recall at any point in time receiving a

1 directive from the Ministry of the Solicitor General or any  
2 advice in our Regional Police Board meetings. The Eastern  
3 Region, for example, was known as Zone 2. I don't recall  
4 ever receiving any information on a policy into  
5 investigations pertaining to sexual assaults or historical  
6 sexual assaults. There was no guidance of that whatsoever.

7 **MS. JONES:** In high profile cases, not  
8 necessarily sexual assault, but just generally high profile  
9 cases was the Board ever consulted by the Chief or  
10 conversely did the Board ever go to the Chief about  
11 something, when it was a high profile case involved?

12 **MR. COURVILLE:** The only -- generally the  
13 answer to that would be no.

14 I do recall one matter where the Board was  
15 obviously concerned and that was the investigation that  
16 came out of the complaint pertaining to David Silmser.  
17 And, that was on recommendation of Acting Chief Carl  
18 Johnston, the Board issued a press release about its  
19 approach toward that investigation or at least the role of  
20 the Cornwall Police in that investigation.

21 That stands out in my mind as somewhat of an  
22 exception to the general question that you've asked.

23 **MS. JONES:** Okay. So, I'm talking about all  
24 crimes, murder or ---

25 **MR. COURVILLE:** Yes.

1                   **MS. JONES:** --- just any sort of high  
2                   profile crime.

3                   **MR. COURVILLE:** Yes. No, I don't recall in  
4                   my time at the Board, at any rate, in the Board being  
5                   involved in any way in -- in those particular high profile  
6                   matters.

7                   **MS. JONES:** And what about your own personal  
8                   knowledge as a result of being the Chair of the Board with  
9                   regards to operational matters within the Cornwall Police?  
10                  How aware were you of any problems? Had you heard of  
11                  anything that was going awry? For example, the computer  
12                  programme, OMPAC. Did you hear about anything?

13                  **MR. COURVILLE:** Yes. Well, I was certainly  
14                  aware of -- again, this in part is through the -- as you've  
15                  earlier referred to the interaction of policy and  
16                  operations.

17                  But, certainly from the point of view of  
18                  cost and budgeting and the point of view of the direction  
19                  of all police services at the time, OMPACC was a fact of  
20                  life and it was designed obviously to make policing more  
21                  efficient, more effective, more cost effective, in  
22                  particular. And it was something that would have impacted  
23                  on our budget and we would have therefore, been aware of  
24                  both the positive and the negative consequences of Impact  
25                  (sic).

1 I can say that there was -- I was also aware  
2 of the fact that officers were resistant to using Impact  
3 and I think that wasn't just in Cornwall from our  
4 attendance at Regional Board meetings it was a common  
5 feature throughout the province.

6 **MS. JONES:** So, by what you are saying then,  
7 with regards to the OMPACC issue, there was the occasional  
8 operational situation that would have happened within the  
9 police that you became aware of, not necessarily as a  
10 result of your interaction with the Board but this would be  
11 just something that you would learn as a consequence of  
12 being there.

13 **MR. COURVILLE:** I can say that I learned it  
14 primarily from Chief Shaver or Chief Johnston or Chief  
15 Repa. It would be -- actually the Chiefs would be my  
16 source of information for almost everything.

17 **MS. JONES:** I just want to be clear. What I  
18 was trying to get at is, it's not necessarily an official  
19 mandate of the Board to know about this. This is something  
20 that would have come up in a discussion perhaps that you  
21 had, an informal discussion.

22 **MR. COURVILLE:** Exactly and in almost all  
23 cases the discussion would have been with the Chief.

24 **MS. JONES:** Okay.

25 At the time that you Chair with the Board --

1 and again you would have some of these discussions with the  
2 Chief about other things going on in CPS -- did the issue  
3 of morale ever come up?

4 Did you hear anything about morale within  
5 Cornwall Police?

6 **MR. COURVILLE:** Yes. Yes, yes.

7 **MS. JONES:** And what were you hearing about  
8 the general morale at that time?

9 **MR. COURVILLE:** When I came on the Board the  
10 issue of morale was not actually a real factor. I came on  
11 in the summer of '92; I didn't hear much about morale. The  
12 focus at that time through that -- the summer and the fall  
13 and going early into '93 was on labour relations and we  
14 were very much concerned with how we were going to address  
15 the Collective Agreement which was coming up for  
16 renegotiation.

17 The social contract was in place and I don't  
18 know if you know it or not but Cornwall police officers had  
19 a contract at the time that placed a first class constable  
20 in Cornwall right at the top of the pay scale. A first  
21 class constable in Cornwall was making more money than a  
22 first class constable of equivalent rank in Toronto.

23 And so, notwithstanding that we had this  
24 terrible economic situation and we had the social contract.  
25 So this took a great deal of the focus of our attention.

1                   **MS. JONES:** Yeah. Did you ever talk to a  
2 person named Shawn White about morale issues within CPS?

3                   **MR. COURVILLE:** I known Shawn White as an  
4 officer and I know him primarily through my law practice  
5 but no, I didn't talk to him about morale issues.

6                   **MS. JONES:** Okay.

7                   Now I'm going to move onto the Board budget  
8 and allocation of resources.

9                   **MR. COURVILLE:** M'hm.

10                  **MS. JONES:** And, I understand that at the  
11 time you were Chair of the Board your recollection is that  
12 the Board budget was in the range of \$3.5 to \$5 million per  
13 annum.

14                  **MR. COURVILLE:** That's my recollection, yes.

15                  **MS. JONES:** And I also understand that  
16 approximately 90 percent of the budget of whatever it was  
17 actually went to salaries.

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

19                  **MS. JONES:** So you really, as the Board  
20 really had only about 10 percent of the budget to play with  
21 if you wanted to add something or purchase something.

22                  **MR. COURVILLE:** Yes.

23                  **MS. JONES:** And what was your -- how was it  
24 that the budget was presented to you? How did that happen?  
25 Did the Chief come to you with a document and say, "This is

1        what my wish list is" and then it was taken from there by  
2        you?

3                    **MR. COURVILLE:** Yes, that was generally the  
4        beginning of the process. And, the Chief also had his  
5        financial officer often present and we would look at what  
6        his wish list entailed and whether matters could be  
7        deferred, whether matters could be substituted for other  
8        matters. We went generally on a line-by-line review of his  
9        wish list, if you wish. And, from there we, we would ask  
10       him to come back again and so it went through a series of  
11       iterations, if you wish that I think is common to most  
12       budget processes, and ultimately it was designed and had to  
13       be designed to accommodate the financial needs of the  
14       municipality as well.

15                   **MS. JONES:** Am I correct in assuming there  
16       was a budget sort of sub-committee of the Board?

17                   **MR. COURVILLE:** Yes.

18                   **MS. JONES:** And, you would have been a  
19       member of that I presume as well?

20                   **MR. COURVILLE:** Yes, I was.

21                   **MS. JONES:** So, once you and the Chief --  
22       you being the Board and the Chief had negotiated this  
23       budget was it then presented to the City? Is that how it  
24       worked?

25                   **MR. COURVILLE:** Yes.

1                   **MS. JONES:** And then it was either approved  
2 or not?

3                   **MR. COURVILLE:** Yes, and if it was not  
4 approved then it would go to Toronto and there would be  
5 further inquiries as to why it wasn't approved.

6                   **MS. JONES:** And what about the Chief's  
7 desire for more personnel, was that a recurrent theme?

8                   **MR. COURVILLE:** It was always ---

9                   **MS. JONES:** --- in the time you were the  
10 Chair?

11                   **MR. COURVILLE:** Yes, it was always a  
12 recurrent theme.

13                   No police service, I think, feels that it's  
14 adequately staffed and I think with some justification.  
15 There were always pressing needs, certainly in Cornwall.  
16 And, unfortunately, when I was on the Board it was  
17 constrained very much by a number of these external  
18 factors.

19                   **MS. JONES:** And do you recall -- when extra  
20 personnel was being requested by the Chief, do you recall  
21 if there was ever a specific area or department within the  
22 Cornwall Police Service that needed more personnel?

23                   **MR. COURVILLE:** I think that, generally  
24 speaking, that the request would have gone across the  
25 board. I don't think there was a department that felt that

1 it was adequately staffed.

2 I recall, certainly, the need for better and  
3 more identification staff; for the uniform patrols; for  
4 CIB, or the Criminal Investigation Branch; for some of the  
5 new areas, community policing. That involved things like  
6 bike patrols and greater presence in the schools, that kind  
7 of thing.

8 So I would say that the needs were across  
9 the board.

10 **MS. JONES:** And you had mentioned earlier  
11 that you used to attend regional police board meetings ---

12 **MR. COURVILLE:** Yes.

13 **MS. JONES:** --- in the province, and I  
14 understand that was a collection of all the police boards  
15 from around Ontario, and you would get together once in a  
16 while and maybe compare notes and talk about what's  
17 happening in your jurisdiction.

18 **MR. COURVILLE:** That's correct. And in  
19 particular the regional focus was one that we were directed  
20 to.

21 As I recall, the zone that comprised Eastern  
22 Ontario was known as Zone 2 and we had meetings in Kingston  
23 and Belleville and, in fact, in 1994 or 1993-94, we  
24 persuaded the association to meet in Cornwall. And the  
25 subject that was on the agenda I remember, or at least one

1 of the subjects, was audits of police services. So that  
2 was kind of fortuitous.

3 **MS. JONES:** An interesting coincidence.

4 **MR. COURVILLE:** Yes.

5 **MS. JONES:** I understand from these meetings  
6 that Cornwall would be compared to like-sized and like-  
7 situated cities as well, such as -- but you've mentioned  
8 Peterborough, Belleville, North Bay -- and a comparison  
9 would be made of personnel versus population, versus  
10 clearance rates ---

11 **MR. COURVILLE:** Yes.

12 **MS. JONES:** --- of charges.

13 I was just wondering if you could comment on  
14 that, very briefly.

15 **MR. COURVILLE:** Yeah. This is one of the  
16 dilemmas that we had in assessing the manpower needs at the  
17 Cornwall Police Service. On paper, we had a manpower  
18 commitment that was about where it should be relative to  
19 communities of similar size, and we had crime statistics  
20 that also seemed to suggest that our manpower complement  
21 was where it should be.

22 The statistic known as a clearance rate is  
23 one in which cases move from the time that charges are laid  
24 -- I'm sorry, from the time that the initial investigation  
25 is done and charges are laid until the matter proceeds to

1 court and is dealt with in the courts. And Cornwall's  
2 clearance rates were always in the area that they were  
3 better than -- somewhat better than average throughout the  
4 province, and consistently so.

5 I remember the three years that I was on the  
6 Board the clearance rates were something like 45 to -- or  
7 49 to 42 percent, or something, and this was quite a  
8 favourable statistic relative to other police services.

9 **MS. JONES:** I imagine that this would be  
10 something you would mention to the Chief when he was coming  
11 to you for a budget saying I need more people. You could  
12 use that I suppose as a comeback, saying, "Actually,  
13 compared to these other cities, you seem to have adequate  
14 resources"?

15 **MR. COURVILLE:** Yes. This is certainly one  
16 of the factors that made it difficult for the Board because  
17 these kinds of statistics suggested that the manpower  
18 complement was where it should be.

19 Now, we were also aware of the fact that not  
20 every community is the same and some communities have more  
21 difficult policing needs because of their location or  
22 because of various factors.

23 For example, Cornwall obviously had a  
24 problem with smuggling but, on the other hand, Cornwall  
25 also had the advantage of having a series of police

1 services that could -- not only the Cornwall Police but the  
2 RCMP, the OPP and the Akwesasne police were very much  
3 involved in this and, ultimately, there was a joint task  
4 force formed to take care of that problem. But every  
5 community is unique.

6 So these general statistics obviously had to  
7 be looked at with a more general kind of concept of what  
8 was going on.

9 **MS. JONES:** Okay.

10 **THE COMMISSIONER:** When you're talking about  
11 clearance rates, would that include the number of files  
12 that were investigated and then closed?

13 **MR. COURVILLE:** Actually, sir, I think it  
14 was the -- yes, it -- you know, I don't know the answer to  
15 that actually ---

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

17 **MR. COURVILLE:** --- but I know that most of  
18 the clearance rates were pertaining to those matters that  
19 actually made it to court. Yes.

20 **MS. JONES:** Now, I understand your point of  
21 contact with the Cornwall Police was always the Chief.  
22 That's the person that consulted you and you consulted,  
23 initially, when there was any sort of a concern.

24 I just want to briefly go through the  
25 various Chiefs of Police that were there when you were at

1 the Board.

2 The first Chief that I wish to talk about  
3 was Chief Shaver and I understand he did attend Board  
4 meetings on a regular basis?

5 **MR. COURVILLE:** Yes.

6 **MS. JONES:** And, of course, Chief Shaver  
7 ended up leaving Cornwall Police and his departure was  
8 announced publicly in November, 1993.

9 Now, obviously, you would have known about  
10 this before November, 1993, and I'm wondering if you could  
11 cast your mind back as to how long before this announcement  
12 you became aware that Chief Shaver was leaving?

13 **MR. COURVILLE:** I recall, I believe it was  
14 in June of '93, becoming aware that unbeknownst to the  
15 Cornwall Police Board, the Mayor, Mr. Martelle, had engaged  
16 in attempting to negotiate a severance package with the  
17 Chief. And I believe that those negotiations commenced  
18 some time around April of '93.

19 And, in fact, when we did become aware of  
20 the efforts of Mayor Martelle in that regard, basically a  
21 floor had been established by the municipality and by the  
22 Mayor in terms of what kind of severance package you would  
23 get.

24 So when the Board took over in June, I  
25 believe it was in June and early July, to actively approach

1 the Chief, things had pretty much been set in motion by the  
2 actions of the Mayor.

3 In September, we started negotiating in  
4 earnest with the Chief and certainly by -- obviously before  
5 November we had more or less crystallized the kind of  
6 package that he would get.

7 **MS. JONES:** Now, who was involved in that  
8 negotiation? I understand that there was legal counsel.  
9 You were assisted by Rick Baldwin and Chief Shaver was  
10 assisted by Colin MacKinnon when he was in practice at the  
11 time?

12 **MR. COURVILLE:** That's my recollection, yes.

13 **MS. JONES:** And were there other people  
14 besides that that were involved in the negotiation, I mean  
15 other people besides the Board and Chief Shaver?

16 **MR. COURVILLE:** Not that I'm aware of. I  
17 know the municipality always sort of was maintaining a  
18 watching brief if you like. And the financial officers at  
19 the municipality were I think kept in the picture by the  
20 Mayor.

21 **MS. JONES:** That's why I wanted to ask. Was  
22 Mayor Martelle still involved or were his financial people  
23 still involved? Who was at the table making this  
24 negotiation?

25 **MR. COURVILLE:** The Mayor was not at the

1 table making the negotiation but the Mayor was, I believe,  
2 a factor behind the scenes. And as I say, basically, when  
3 the Mayor left the active process when the Board basically  
4 told him to stop and let it go to the Board, there was a  
5 floor of over \$200,000 that had been more or less agreed  
6 upon by the municipality.

7 **MS. JONES:** And, again, I'm going to go into  
8 the audit a little bit later, but my understanding is that  
9 the Chief was leaving because of the results of what we're  
10 going to call the "1993 Recommendations". Is that your  
11 understanding as well?

12 **MR. COURVILLE:** Well, the Chief basically --  
13 the process toward the Chief considering his retirement  
14 from the Service, I believe, came before the audit report  
15 if that's what your question is.

16 I think that there were a series of events  
17 that precipitated the Chief's decision and those events did  
18 feed into the 1993 audit report.

19 **MS. JONES:** As we're referring to it, I  
20 think I will make reference to it quite literally. This is  
21 Exhibit 1393.

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

23 **MS. JONES:** I'll be looking at the audit  
24 report in a little bit more detail later because you and I  
25 have both referred to this.

1                   This is the 1993 report that you and I have  
2                   been referring to as "audit" and to summarize, there were  
3                   48 recommendations made throughout this audit.

4                   So you had mentioned earlier that Chief  
5                   Shaver had been part of this process, shall we say, and  
6                   after these recommendations have been made, this is when  
7                   the resignation of Chief Shaver was discussed. Is that  
8                   your recollection?

9                   **MR. COURVILLE:** Yes, generally that's true.  
10                  I do recall a very extensive meeting between the Board and  
11                  the Association. I believe it was toward the end of May  
12                  and that meeting was attended by a Police Services advisor  
13                  by the name of Richard St. Pierre.

14                  And at that meeting, the Association voiced  
15                  concerns with regard to Chief Shaver's leadership and those  
16                  concerns ultimately found expression in the report of -- in  
17                  this report.

18                  **MS. JONES:** Could I just point out one  
19                  thing? It's actually is literally on the face of the  
20                  document, the Bates page 7118065, the date of the 1993  
21                  report is July/August?

22                  **MR. COURVILLE:** Yes.

23                  **MS. JONES:** And you've just mentioned a  
24                  moment ago that discussions about Chief Shaver's departure  
25                  had started, you believe -- I believe your evidence was in

1 June, '93, that the Mayor was already talking about Chief  
2 Shaver leaving. Clearly that would have predated this 1993  
3 report?

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

5 Well, that's when the Board became aware of  
6 the Mayor's attempts, if you like, to negotiate a package  
7 with Chief Shaver, yes.

8 **MS. JONES:** So you understood the Mayor was  
9 actually negotiating even before June, and I believe you  
10 said April, but that predates even further the July/August,  
11 1993.

12 So my point is, the departure of Chief  
13 Shaver couldn't solely have been based on the outcome of  
14 this report because discussions are taking place months  
15 before the report comes out?

16 **MR. COURVILLE:** Discussions between the  
17 Mayor and Chief Shaver, yes.

18 **MS. JONES:** Yes.

19 **MR. COURVILLE:** Yes.

20 **MS. JONES:** Is that what you were saying?

21 **MR. COURVILLE:** Yes.

22 **MS. JONES:** Okay.

23 **MR. CALLAGHAN:** If it assists, Mr.  
24 Commissioner, this is actually set out in Exhibit 1514  
25 which is the OCOPS report, the 1995 report, the sequence of

1 the Mayor dealing with Shaver without the knowledge of the  
2 Board and the Board learning in June during the middle of  
3 this process. It's all set out in that report.

4 **THE COMMISSIONER:** What exhibit again?

5 **MR. CALLAGHAN:** What was referred to as the  
6 "1995 Report".

7 **THE COMMISSIONER:** I'm sorry, what number  
8 though?

9 **MR. CALLAGHAN:** Exhibit 1514.

10 **THE COMMISSIONER:** Great, thank you.

11 **MS. JONES:** Now, moving on then to the next  
12 Chief, I believe the next person who would have been Acting  
13 Chief Johnston. Is that right?

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

15 **MS. JONES:** And when did Acting Chief  
16 Johnston first come to the Board? I understand he was  
17 actually hired as a facilitator?

18 **MR. COURVILLE:** Yes.

19 **MS. JONES:** Could you just please describe  
20 that?

21 **MR. COURVILLE:** Yes. One of the  
22 recommendations of this report of July/August '93 was to  
23 retain a facilitator to in effect help the Board to  
24 implement the 48 recommendations.

25 And we learned at the time that we were

1       considering this particular recommendation, that Carl  
2       Johnston, who was at that time the Assistant Deputy  
3       Minister in charge of the Police Servicing Division within  
4       the Solicitor General's department, was retiring from that  
5       position.

6                   And we knew that Mr. Johnston had extensive  
7       policing experience as a chief of police in several police  
8       services and it was just very fortuitous that his  
9       retirement from the Ministry was at a time when we were  
10      looking for an individual to act as a facilitator.

11                   It turned out that what we did was -- it  
12      evolved to the point where Chief Johnston was prepared to  
13      accept the position of Acting Chief and to come on board  
14      specifically for a short period of time to effect the  
15      implementation of the 48 recommendations.

16                   And he certainly did that. As I recall,  
17      when he left, I believe all but one of the recommendations  
18      had been implemented and that was the removal of Mayor  
19      Martelle to the Board. It turns out that Mayor Martelle  
20      after he resigned from the Board, I believe it was in  
21      March, '94, actually came back to the Board in '95 and so -  
22      --

23                   **MS. JONES:** Now ---

24                   **MR. COURVILLE:** Sorry.

25                   **THE COMMISSIONER:** But not as the mayor --

1 was he still mayor when he came back to the Board?

2 **MR. COURVILLE:** Yes, he was, sir. He was --  
3 actually the municipality reappointed him notwithstanding  
4 the recommendation of the report.

5 **MS. JONES:** Just to get the timeframe right  
6 too, if Chief Shaver announced his departure in November,  
7 '93, it was going to take effect -- that was just the  
8 announcement of his departure -- and I understand that  
9 Chief Johnston started as Acting Chief on January 4<sup>th</sup>, 1994?

10 **MR. COURVILLE:** I believe that's correct,  
11 yes.

12 **MS. JONES:** Okay. And when he was Chief or  
13 when he was involved in that role anyway, he was also very  
14 active at the Board. He attended regularly?

15 **MR. COURVILLE:** Oh yes, very much so.

16 **MS. JONES:** And I understand that after the  
17 consultation, Chief Repa then became the Chief of Cornwall  
18 Police?

19 **MR. COURVILLE:** Yes. That was an  
20 interesting situation because the Board was quite blessed  
21 in having a model for recruitment of a police chief known  
22 as a competency-based model that had just been developed by  
23 Hay Consultants who were working with the Solicitor  
24 General, and we were able to take -- we were the first  
25 police board in Ontario to take advantage of that model.

1                   And basically what we did was -- we had  
2                   something like I believe it 70 to 100 candidates for the  
3                   position of Chief of Police and we graded each of those  
4                   individuals on the basis of certain competencies. For  
5                   example, administrative ability, analytical ability,  
6                   ability with regard to interpersonal relations. We graded  
7                   each of these individuals on a scale of 1 to 10 after very  
8                   extensive interviews. Sometimes we would have two or three  
9                   interviews with the same person.

10                   And I recall I think the Board spent over  
11                   100 hours in the selection process before it concluded that  
12                   Chief Repa was the candidate that met most of the  
13                   competencies that we were looking for.

14                   **MS. JONES:** And, again, just to keep things  
15                   so that we know what the dates are of all of this, I just  
16                   have a Document here, 706791.

17                   **(SHORT PAUSE/COURTE PAUSE)**

18                   **THE COMMISSIONER:** Thank you. Exhibit  
19                   Number 1515 is a Standard Freeholder clipping of Saturday  
20                   January 6<sup>th</sup>, 1996.

21                   **---EXHIBIT NO. P-1515:**

22   (706791) - Leo Courville Standard-  
23   Freeholder news clipping "Small town  
24   boy fits in as police chief" dated 06  
25   Jan 96

1                   **MS. JONES:** And this article just confirms  
2                   the appointment of Chief Repa as police chief. And the --  
3                   it's stated the date of the article is the 12<sup>th</sup> -- is the 6<sup>th</sup>  
4                   of January, 1996.

5                   So that, then is the flow of police chiefs  
6                   that were there at the time that you were on the Board, is  
7                   that correct?

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

9                   **THE COMMISSIONER:** So Carl Johnston was  
10                  there two years, '94 -- January '94 to January '96?

11                  **MR. COURVILLE:** Yes, his term was actually  
12                  extended. I believe it was extended twice.

13                  **MR. CALLAGHAN:** I think -- not to interfere  
14                  but I think the record will be when it's over that Chief  
15                  Repa comes sometime in the summer of '95. And this  
16                  article, obviously they're doing a -- I wouldn't say fluff  
17                  piece but it is what it is.

18                  They're doing one of those interest pieces.  
19                  It wasn't at the time. My understanding, and maybe Mr.  
20                  Courville recalls, it was in the summer of '95 that the  
21                  transition happens.

22                  **THE COMMISSIONER:** That's what I want. So a  
23                  year and a half?

24                  **MR. COURVILLE:** Yes, I believe that's  
25                  correct, right. I know that the initial appointment was

1           envisaged for something like six months which turned out to  
2           be grossly underestimated and he came ---

3                   **THE COMMISSIONER:** Sometimes good things  
4           take a little more time to happen.

5                   **MR. COURVILLE:** Yes, indeed they do, sir.

6                                   **(LAUGHTER/RIRES)**

7                   **THE COMMISSIONER:** All right. Now that we  
8           got that out of the way.

9                   **MS. JONES:** Thank you. Now moving on to the  
10          area of historical sexual assaults; now you were, you are a  
11          practising criminal lawyer. And the concept of historical  
12          sexual assaults has to be something known to someone who  
13          practices criminal law.

14                           But do you remember at the time when you  
15          were with the Board the concept of historical sexual  
16          assaults, with you as a practitioner and as Chair of the  
17          Board? Do you recall when you first became aware of that  
18          terminology or phrase?

19                   **MR. COURVILLE:** As a practising lawyer I was  
20          aware of that phrase, I believe, in those days. As a Board  
21          member I don't believe the concept of historical sexual  
22          assault was ever discussed, or at least not until the  
23          matter of David Silmser.

24                   **MS. JONES:** And that, to your best  
25          recollection, would have been the first time that that had

1 ever even come up as a concept to the Board?

2 **MR. COURVILLE:** I believe so. I do recall  
3 actually seeing a Board minute where members of the press  
4 were invited and one reporter in particular, I believe it  
5 was Sean Silcoff, asked if the Board would start to  
6 generate statistics for sexual assault as opposed to  
7 general assaults.

8 And I can't recall the date of that minute  
9 but I'm reasonably certain that that was after the David  
10 Silmsler investigation.

11 **MS. JONES:** Now with regards to audits and  
12 inspections, we're going to look now at the different  
13 reports that you would have been aware of or likely to have  
14 been aware of and some of them have been quite critical  
15 here to the Inquiry.

16 **MR. COURVILLE:** M'hm.

17 **MS. JONES:** The first one is Exhibit 1391  
18 which we'll be calling the 1990 report.

19 **THE COMMISSIONER:** It's in your -- it should  
20 be in that ---

21 **MS. JONES:** One three nine one (1391).

22 **MR. COURVILLE:** Okay, I have that.

23 **MS. JONES:** Now this predates your time at  
24 the Board but do you remember when you joined the Board  
25 reading the 1990 report at any time?

1                   **MR. COURVILLE:** I don't recall reading it  
2 when I first joined the Board. I recall becoming aware of  
3 it and reviewing it and probably about five or six months  
4 after I was on the Board.

5                   **MS. JONES:** Five or six months after?

6                   **MR. COURVILLE:** Or it might have been four  
7 months or -- but it was sometime after that. I wasn't  
8 presented with it, if you like, when I first came on the  
9 Board.

10                   **THE COMMISSIONER:** So how did it come about  
11 to cross your desk, then?

12                   **MR. COURVILLE:** I recall other Board members  
13 indicating to me that a report of this nature existed and  
14 ultimately I recall obtaining a copy. I can't recall if  
15 somebody gave it to me before I requested it from the  
16 Chief.

17                   But I do recall that it was about a few  
18 months before or at least after I came on the Board that I  
19 first saw it.

20                   **MS. JONES:** And part of the 1990 report was  
21 what they called Appendix 3 which is something called the  
22 Morale Report.

23                   **MR. COURVILLE:** Right.

24                   **MS. JONES:** And that is Exhibit 1389.

25                   **MR. COURVILLE:** Yes.

1                   **MS. JONES:** So presumably if you read the  
2                   1990 report this was an exhibit to the 1990 report.

3                   **MR. COURVILLE:** Yes.

4                   **MS. JONES:** I'm sorry, an Appendix. And  
5                   presumably you would have read that along at the same time.

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

7                   **MS. JONES:** So I'm wondering if you could  
8                   comment, then, on the purpose behind the 1993 report which  
9                   is Exhibit 1393.

10                  **THE COMMISSIONER:** Well, can we just back  
11                  up? After you read this Morale Report, what did you think?

12                  **MR. COURVILLE:** I thought that it expressed  
13                  a number of points that on the surface appeared somewhat  
14                  troubling. I was somewhat surprised because when I -- in  
15                  my time on the Board up to that point, I hadn't really  
16                  perceived a number of the problems that were noted in the  
17                  report as being factual and active at the time that I was  
18                  there.

19                                I was impressed with the report as  
20                                triggering things that I might look for in the future. But  
21                                I honestly didn't perceive the Force to be in the degree of  
22                                turmoil that the author of the report, Suzanne McGlashan, I  
23                                believe, indicate or would tend to indicate in the report  
24                                itself.

25                                I did note that in the report there were a

1 number of things that I questioned. She would refer to,  
2 for example, one example, she referred to the problem of  
3 too much paperwork for frontline officers. And  
4 specifically she indicated the fact that Crown briefs were  
5 required for many cases unnecessarily simply because Legal  
6 Aid required it in order to have lawyers receive Legal Aid  
7 tariffs. And as a practising lawyer I know that a Crown  
8 brief is fundamental to disclosure in any case.

9 And I found it hard to accept, you know, the  
10 thinking behind this particular aspect or this particular  
11 example of unnecessary paperwork. There were other issues  
12 in the report that seemed to, on its face, be contradictory  
13 one to another.

14 For example, there was the concern about  
15 morale issues arising from too much paperwork. And on the  
16 other side there was concerns about trying to implement  
17 OMPPAC and the work involved in that.

18 And logically OMPPAC was designed to replace  
19 some of the paperwork. So some of these issues stuck out  
20 in my mind as -- and I got the impression that Ms.  
21 McGlashen, without knowing how she went about formulating  
22 the report, that she consulted a number of individuals  
23 within the police service and noted their concerns about  
24 morale and made a list of them without really looking at  
25 how one would interact on another.

1 MS. JONES: M'hm.

2 MR. COURVILLE: So those were some of the  
3 thoughts that I had at the time that I reviewed the report.

4 MS. JONES: I endorse your concept that  
5 Legal Aid Ontario is blamed for quite a few things; that's  
6 true.

7 With respect then to the 1993 report which  
8 we have as Exhibit 1393 -- you already referred to that  
9 earlier today.

10 MR. COURVILLE: Yes.

11 MS. JONES: Yeah. Again, what was your  
12 understanding of what the purpose of this report was?  
13 Because this is clearly done during your time ---

14 MR. COURVILLE: Yes, in fact ---

15 MS. JONES: --- as Chair?

16 MR. COURVILLE: --- in fact, I requested it  
17 and we wanted to put the Police Service in a position where  
18 a number of clearly defined directions could be identified  
19 and followed and monitored as to its progress and to  
20 generally make all members of the Service feel that they  
21 were part of an overall plan an approach.

22 The 48 recommendations in effect I believe  
23 were designed to do that and particularly insofar as they  
24 were carried out and through the facilitation of Acting  
25 Chief Johnston.

1           There's talk earlier about a strategic plan  
2           and strategic planning and as I recall in looking at some  
3           earlier minutes, we did have strategic planning ongoing  
4           within the Service and the Board was, I believe, cognizant  
5           of it and then may have even had a subcommittee directed  
6           toward it.

7           What happened though in reality is that  
8           whatever strategic planning was taking place before this  
9           report came down became folded in to the implementation of  
10          the recommendations of this report and that became, in  
11          fact, the focus of strategic planning. And it may well  
12          still be, I don't know, but certainly the report was  
13          helpful I believe in directing in redefining and  
14          crystallizing the whole approach towards strategic  
15          planning.

16                 **MS. JONES:** And there's one -- I understand  
17                 there's one phrase that's actually on page 26 of the  
18                 report, Bates page 7118093, and that deals with  
19                 specifically with the Police Services Board.

20                 **MR. COURVILLE:** I'm sorry, could you ---

21                 **MS. JONES:** Yes ---

22                 **MR. COURVILLE:** --- tell me the page number?

23                 **MS. JONES:** --- it's page 26 of the report,  
24                 but the Bates page is 8093.

25                 **MR. COURVILLE:** Yes.

1                   **MS. JONES:** And the heading is the "Police  
2 Services Board" and the opening line is, "The Board is seen  
3 as being ineffective in its operations" and also halfway  
4 down the page is a paragraph that states:

5                    "In part, the problems experienced can  
6 be attributed to the member turnover, a  
7 Chair who could have exercised stronger  
8 leadership and organizational  
9 attributes. And lack of training in  
10 Police Service Board administration  
11 were damaging to the Board's  
12 credibility and effectiveness, however,  
13 has been interpersonal conflicts. The  
14 lack of cohesiveness that exists among  
15 Board members is common knowledge and  
16 contributed to morale problems within  
17 the Police Service."

18                   I understand, however, that you were  
19 actually not interviewed for this report. Is that correct,  
20 Mr. Courville?

21                   **MR. COURVILLE:** I don't recall any extensive  
22 interview. I may have met these individuals, but I don't  
23 recall them asking me, you know, what have you done by way  
24 of leadership; what organizational attributes do you bring;  
25 what training have you had, any of those questions and, in

1 fact, I take some fairly strong exception to this  
2 characterization. It's interesting that they say that the  
3 Board has been seen as ineffective in its operations and  
4 then they go on immediately thereafter to identify five  
5 areas where we have been ---

6 **MS. JONES:** Five successes ---

7 **MR. COURVILLE:** Yeah and, you know, some of  
8 these successes were more than just successes in my humble  
9 opinion.

10 The Social Contract agreement that we  
11 succeeded in negotiating with the Association was I think a  
12 major achievement given the economic climate in Cornwall  
13 and it was something that I don't think any other Board had  
14 spent as much time doing up to that point, again, because  
15 of the extreme nature of the negative economy.

16 The joint committee with the Association to  
17 review issues such as wellness was also a first, and one of  
18 the first in Ontario. The communications committee to  
19 bring in community policing -- and we had programs like  
20 Adopt-a-Cop in schools that were unique for Ontario and so  
21 on.

22 I know that the interpersonal conflicts  
23 tended to overshadow -- and I mean between the Mayor and  
24 myself -- tended to overshadow a lot of the work we've done  
25 on the Board, but I don't think the Board was in any way

1           ineffective and I really take strong exception to that.

2                   **MS. JONES:** Now, was it your understanding  
3           that the implementation of the strategic plan or these  
4           recommendations as a result of this report, was a shared  
5           responsibility between yourself and the Cornwall Police  
6           Service?

7                   **MR. COURVILLE:** Oh, very much so. Myself  
8           meaning the Board or the Board and the ---

9                   **MS. JONES:** The Board.

10                  **MR. COURVILLE:** --- Police Service? Yes.

11                  **MS. JONES:** Yeah.

12                  **MR. COURVILLE:** Yes, we were all in it. We  
13           were all stakeholders and, yes.

14                  **MS. JONES:** And just to get it clear, this  
15           is why you hired Chief Johnston, who would then become  
16           Acting Chief Johnston anyway, this is why you hired Mr.  
17           Johnston at that time to facilitate the strategic plan?

18                  **MR. COURVILLE:** Yes.

19                  **MS. JONES:** And in your opinion, when you  
20           finally leave as Board Chair, in your opinion had these  
21           recommendations been implemented to the satisfaction of  
22           yourself or other people on the Board and perhaps even  
23           Cornwall Police?

24                  **MR. COURVILLE:** I believe they had with the  
25           exception, as I pointed out, of the Mayor. The Mayor

1 turned up like a bad penny and I don't believe that -- I  
2 think the recommendation to remove the Mayor was, you know,  
3 frankly flawed because under the *Police Services Act*, the  
4 Mayor, as a representative of the municipality, can be on  
5 the Board no matter what he's done I think short of, you  
6 know, gross misconduct. So he was back on and I don't  
7 think that recommendation was realistic.

8 **MS. JONES:** Now, some of the concepts, I  
9 understand, would have been left over from these  
10 recommendations after your departure. Would some of them  
11 just be too large to have completed by the time you'd left?

12 **MR. COURVILLE:** That's probably correct.  
13 Certainly strategic planning was an ongoing process.

14 A number of things, the Employment Equity  
15 program had to be fleshed out in some part because of the  
16 Mayor's position toward it and just not getting it done.

17 Community policing, we had established a  
18 community policing subcommittee that had actually gone out  
19 into the community and had managed to recruit community  
20 leaders to sit on that committee.

21 We had the Adopt-a-School(sic) program  
22 beginning -- I think we had something like 21 officers  
23 involved when I left the Board. There were bike patrols,  
24 that kind of thing.

25 **MS. JONES:** Now, was it Chief Johnston that

1           made you aware of the -- what we call the OPS Report,  
2           that's the report prepared by Detectives Skinner and Blake?

3                   **MR. COURVILLE:** Yes.

4                   **MS. JONES:** And do you remember reviewing  
5           that report?

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

7                   **MS. JONES:** And do you know when you would  
8           have reviewed that report? I'm just trying to find it to  
9           bring it in front of you.

10                   **MR. COURVILLE:** Well, yeah, it would have  
11           been obviously some time in January. It would have been  
12           shortly after the report was formulated by Mr. Skinner.

13                   **MS. JONES:** And ---

14                   **MS. DALEY:** I just thought my friend wanted  
15           the exhibit reference; it's 1207.

16                   **MS. JONES:** Thank you. Exhibit 1207, please.

17                   **MR. CALLAGHAN:** I might have misheard, but  
18           did you say -- I think he meant to say Johnston made him  
19           aware. Did he say Shaver made him aware?

20                   **MR. COURVILLE:** I thought -- I had  
21           interpreted it to be Johnston.

22                   **MR. CALLAGHAN:** Okay, sorry. I'm sorry, but  
23           we might have misheard you.

24                   **MS. JONES:** Have you got ---

25                   **THE COMMISSIONER:** Before we go here, and I

1 need just to situate myself, Chief Shaver sent a letter to  
2 some people that were going to do a review. Was that  
3 letter the one that just preceded the report that we just  
4 reviewed?

5 **MR. CALLAGHAN:** I think the evidence you've  
6 heard, sir, is that it was Chief Johnston who asked for the  
7 Ottawa report and ---

8 **THE COMMISSIONER:** No, no, I understand  
9 that. No, I'm sorry, let me do it again.

10 The report we just finished that we are just  
11 leaving, the one that came out in August of ---

12 **MR. CALLAGHAN:** Ninety-three ('93).

13 **THE COMMISSIONER:** --- ninety-three (93), at  
14 one point Chief Shaver sends a letter and says to the  
15 investigators, or the people who are going to come and do  
16 the report. Here's my side of the story before you get  
17 here. Was that ---

18 **MR. CALLAGHAN:** Yes, that was during the  
19 time, I think prior to them coming he said, "Here if you  
20 want to know the story, here it is." And you'll obviously  
21 hear from Chief Shaver. And then I think he reviews the  
22 recommendations and gives his comments on the  
23 recommendations in November.

24 I don't think you've heard that part. But  
25 you will hear that part.

1                   **THE COMMISSIONER:** No, it's ---

2                   **MR. CALLAGHAN:** But, you're absolutely  
3 right. The letter that you saw the other day ---

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

5                   **MR. CALLAGHAN:** --- was Chief Shaver to the  
6 two investigators, Kopinak and Hyacinthe in July, I think,  
7 of '93. I could be -- but I think you've got the right ---

8                   **THE COMMISSIONER:** Okay, Madam -- Mrs.  
9 Jones, I don't know if you intended to go into that area,  
10 but, I would be interested in seeing if (a) this gentleman  
11 saw this letter and how if any he reacted to it and did it  
12 compound any problems he was having with?

13                   **MS. JONES:** Okay.

14                   **THE REGISTRAR:** Thirteen ninety-two (1392).

15                   **MS. JONES:** Thank you.

16                   Exhibit 1392, please?

17                   **THE COMMISSIONER:** Can we go there before we  
18 go onto the Skinner report? I'd prefer doing it that way.

19                   Thirteen ninety-two (1392).

20                   **(SHORT PAUSE/COURTE PAUSE)**

21                   **THE COMMISSIONER:** Sir, did you ever see  
22 that letter?

23                   **MR. CALLAGHAN:** I believe I had the  
24 opportunity of reviewing it perhaps last night or the night  
25 before.

1                   **THE COMMISSIONER:** Oh, okay. Have you see  
2                   it before then?

3                   **MR. CALLAGHAN:** I don't recall seeing it  
4                   before then.

5                   **THE COMMISSIONER:** Were you aware of its  
6                   existence before then?

7                   **MR. CALLAGHAN:** I would have been aware of  
8                   the fact that the Chief would have communicated directly  
9                   with Mr. Kopinak and Mr. Chitra with regards to his views  
10                  on the report.

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

12                  **MR. COURVILLE:** But I don't believe that --  
13                  I don't recall seeing it before last night.

14                  **THE COMMISSIONER:** Okay.

15                  **MS. JONES:** Did you wish a minute to review  
16                  that?

17                  **MR. COURVILLE:** If I may?

18                  **MS. JONES:** I'm just wondering here, Mr.  
19                  Commissioner, if it's an appropriate time for a break?

20                  **THE COMMISSIONER:** Let's take a break and  
21                  review that during the break. You may have some questions  
22                  arising out of it.

23                  **THE REGISTRAR:** Order; all rise. A l'ordre;  
24                  veuillez vous lever.

25                                 This hearing will resume at 11:15 a.m.

1 ---Upon recessing at 10:57 a.m./

2 L'audience est suspendue at 10h57

3 --- Upon resuming at 11:15 a.m./

4 L'audience est reprise a 11h22

5 **THE REGISTRAR:** Order; all rise. A l'ordre;  
6 veuillez vous lever.

7 Please be seated. Veuillez vous asseoir.

8 This hearing is now resumed.

9 **LEO COURVILLE, Resumed/Sous le même serment:**

10 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

11 **JONES (cont'd/suite):**

12 **MS. JONES:** Now, Mr. Courville you've had a  
13 chance then to read that letter?

14 **MR. COURVILLE:** Yes, I have.

15 **MS. JONES:** And, you'll agree with me --  
16 it's a very strongly worded piece of correspondence?

17 **MR. COURVILLE:** Yes.

18 **MS. JONES:** And you'll also agree with that  
19 there is a lot of negative statements about the Board and  
20 indirectly, I suppose, about you as well.

21 **MR. COURVILLE:** I - certainly there is a  
22 strong statement about the Board being dysfunctional. I  
23 don't know to what degree that refers to the specific role  
24 of Mayor Martel on the Board. He's certainly -- he's --  
25 Chief Shaver's certainly makes several comments about the

1 Mayor with regard to -- I'm looking at the second page and  
2 there's a reference in the first paragraph at the bottom to  
3 a series of cheap shots against various Board members and  
4 the Chief of Police made by Alderman Green and Mayor Martel  
5 at an open public meeting with the Police Association  
6 Executive present; that kind of thing.

7 There's the -- the reference to Mayor Martel  
8 and his role in firing other Chief Executive Officers in  
9 the City and so on.

10 At any rate, I don't know to what degree  
11 he's casting his remarks towards me.

12 **MS. JONES:** I didn't -- I said indirectly  
13 towards you. I mean, on page 5, which is Bates page 0857,  
14 Chief Shaver is saying that:

15 "In my ten years with the Cornwall  
16 Police Service, the present Board is  
17 the most dysfunctional and ineffective  
18 I have dealt with."

19 **MR. COURVILLE:** Yeah.

20 **MS. JONES:** And as Chair of that Board it  
21 would imply that some of that criticism is directed towards  
22 you. That's what I had meant by indirect criticism.

23 **MR. COURVILLE:** I believe you could take it  
24 that way. I know that the Chief was, I think, ultimately  
25 concerned as well with -- with the Board's perception of

1 him and his performance and I don't know to what degree  
2 that's reflected in his comments but ---

3 **MS. JONES:** Can you expand on what you just  
4 said?

5 **MR. COURVILLE:** Yes. ---

6 **MS. JONES:** What was the perception?

7 **MR. COURVILLE:** Well, I -- obviously at this  
8 point in time in July and August, the perception was that  
9 there was a need for change in the leadership of the police  
10 service.

11 **MS. JONES:** I'm sorry, I didn't hear the  
12 last part ---

13 **MR. COURVILLE:** Yeah, there was need for  
14 change in the leadership of the police force -- service at  
15 this point in time.

16 **THE COMMISSIONER:** As in the Chief?

17 **MR. COURVILLE:** As in the Chief.

18 **MS. JONES:** Now, as you just read this  
19 document fairly recently you clearly were not aware at the  
20 time that it had been written?

21 **MR. COURVILLE:** I don't believe I was. I  
22 have no recollection of it.

23 **MS. JONES:** So it is a possibility that you  
24 were aware of it?

25 **MR. COURVILLE:** No, I don't believe so.

1                   **MS. JONES:** What are your thoughts about the  
2 Chief writing such a letter on the heels of the 1993 report  
3 being released?

4                   **THE COMMISSIONER:** No, no, no.

5                   **MS. JONES:** I'm sorry. Prior to the 1993  
6 report being released?

7                   **MR. COURVILLE:** Well, I believe that the  
8 Chief knew what was coming in a general way and I think he  
9 was -- you know, I believe he would be trying to provide  
10 some input to the authors of the prospective report and I'd  
11 be quite certain that that would be his -- his goal in  
12 doing this.

13                   **MS. JONES:** And what are your thoughts on  
14 that?

15                   **MR. COURVILLE:** I think that some of the  
16 information that he conveys is -- I would intend to agree  
17 with.

18                   I believe that when he refers to morale and  
19 morale problems generally and in Cornwall and the economic  
20 environment and the fact that 40 percent or more of the  
21 population were on some form of social assistance and so  
22 on. It puts the time of this letter into context and I  
23 agree with that. I agree that the Mayor, I believe, had a  
24 singularly disruptive effect on the Board, and to the  
25 degree that he points that out I agree with that.

1 I don't believe, and I think events would  
2 prove it later on, that this Board was ineffective. I  
3 think the Board was, at the time that Chief Shaver was  
4 writing this, was in a period of trying to educate itself  
5 as to what was happening and to ultimately take action that  
6 would, I believe, remedy much of the difficulty that the  
7 Chief is alluding to.

8 MS. JONES: Just a moment please.

9 (SHORT PAUSE/COURTE PAUSE)

10 MS. JONES: Just a moment. Could I refer  
11 you now to page --- to Document Number 727834.

12 (SHORT PAUSE/COURTE PAUSE)

13 MR. COURVILLE: Sorry, that's ---

14 THE COMMISSIONER: No, no, no, no.

15 Hold on, it's a new document.

16 (SHORT PAUSE/COURTE PAUSE)

17 MS. JONES: So I'm just going to leave that  
18 for a moment.

19 THE COMMISSIONER: Did you want this in as  
20 an exhibit?

21 MS. JONES: No, not at the moment.

22 THE COMMISSIONER: Thank you.

23 MS. JONES: Just a moment, please.

24 (SHORT PAUSE/COURTE PAUSE)

25 MS. JONES: Here we go.

1                   So if we could go back, then, to  
2           Exhibit 1207, please, and that's the Blake and Skinner  
3           Report we had mentioned just a moment ago.

4                   Now you do -- I'm sorry.

5                               **(SHORT PAUSE/COURTE PAUSE)**

6                   **MR. COURVILLE:** Yes.

7                   **MS. JONES:** Now, I believe your testimony is  
8           you do remember seeing this report?

9                   **MR. COURVILLE:** Yes.

10                  **MS. JONES:** And you do remember reading  
11           that?

12                  **MR. COURVILLE:** Yes.

13                  **MS. JONES:** Generally speaking, would you  
14           say that it is quite critical of Cornwall Police, in  
15           general terms, as to how they conducted this investigation?

16                  **MR. COURVILLE:** I think the tenor of that is  
17           yes, it is, it's critical.

18                  **MS. JONES:** And do you remember talking to  
19           anyone about this, at the time?

20                  **MR. COURVILLE:** Well certainly I recall  
21           talking to Chief Johnston about it.

22                  **MS. JONES:** You do recall that?

23                  **MR. COURVILLE:** Yes.

24                  **MS. JONES:** And what sort of things did you  
25           talk about?

1                   **MR. COURVILLE:** I believe that we -- we  
2                   certainly talked about where we would go, as a result of  
3                   this report, and ultimately the recommendation that -- that  
4                   the matter be reinvestigated and by -- as it turns out, by  
5                   the OPP, was something that was followed up on.

6                   And I believe that there were some concerns  
7                   about some of the factual content of the report that  
8                   perhaps were somewhat unfair in the sense that I recall the  
9                   comments about Constable Sebalj and -- and her lack of  
10                  experience and -- and being put into the -- into the  
11                  position of undertaking a fairly complex investigation.

12                  And I recall, at the time, that Chief  
13                  Johnston had mentioned that the Police Service had a major  
14                  homicide investigation that -- that took up the attention  
15                  of other individuals who could have otherwise been put on  
16                  this particular investigation. And it struck me at the  
17                  time that an ongoing homicide investigation would  
18                  necessarily take precedence over an historical sexual  
19                  assault investigation of some 20 years past.

20                  I recall that -- that although Constable  
21                  Sebalj was -- was new to the Criminal Investigation Branch,  
22                  my understanding from Chief Johnston is that she was a  
23                  veteran of some seven years of police service and was a  
24                  very -- a very highly rated individual in terms of whatever  
25                  courses she took and was deemed to be quite competent.

1                   Those are some of the thoughts that come to  
2                   mind.

3                   **MS. JONES:** Now, I just would like you to  
4                   refer now to document -- I'm sorry, Exhibit 1226.

5                   **(SHORT PAUSE/COURTE PAUSE)**

6                   **MR. COURVILLE:** Yes.

7                   **MS. JONES:** It would be the next page, Bates  
8                   page 1025442.

9                   Are you familiar with that document?

10                  **MR. COURVILLE:** I'm sorry, I'm -- I'm  
11                  looking at a document that appears, on the first page, is -  
12                  - it has the handwriting of Superintendent B. Skinner; is  
13                  that the document?

14                  **THE COMMISSIONER:** Yes, just ---

15                  **MS. JONES:** Yes, that's right.

16                  **THE COMMISSIONER:** --- flip the page.

17                  **MR. COURVILLE:** Yes.

18                  **MS. JONES:** Turn the page over to press  
19                  release.

20                  **MR. COURVILLE:** Yes.

21                  **MS. JONES:** And this is the press release,  
22                  dated February 2<sup>nd</sup>, 1994. Your name is actually at the top  
23                  as the originator.

24                  **MR. COURVILLE:** Yes.

25                  **MS. JONES:** And you're familiar, obviously,

1 with this press release?

2 **MR. COURVILLE:** Yes, I am.

3 **MS. JONES:** And in light of the Skinner  
4 Report that we just referred to, Exhibit 1207, it's curious  
5 that there seems to be praise, actually, in the press  
6 release, for the conduct of the Cornwall Police; would you  
7 agree with me on that, the general sort of a tenor?

8 **MR. COURVILLE:** What I recall from -- in  
9 looking at the Skinner Report, a minute ago, and looking at  
10 the -- the last paragraph or paragraphs of the press  
11 release, is that it fairly readily tracks the general  
12 observations or conclusions of the Skinner Report, I think  
13 that's what I recall.

14 **MS. JONES:** So you think that that press  
15 release does accurately reflect what the Skinner Report was  
16 saying?

17 **MR. COURVILLE:** I -- I think it reflects the  
18 -- under -- under the last heading of the Skinner Report, I  
19 can't recall if it's "Observations" or "Conclusions," I  
20 believe it tracks the word -- the words of the Skinner  
21 Report; it certainly doesn't purport to identify all of the  
22 issues that the Skinner Report raised and ---

23 **THE COMMISSIONER:** Did you have anything to  
24 do with the preparation of this press release, sir?

25 **MR. COURVILLE:** Well, I -- I obviously

1 signed it and my name is noted as the originator, that  
2 doesn't necessarily mean that I wrote it.

3 I can't recall, actually, how this  
4 particular press release was constructed or how it came  
5 into being.

6 The normal practice that I would engage in,  
7 at that point in time, was I would meet with Chief Johnston  
8 and meet with whoever he deemed to call on to assist him  
9 with regard to issuing a press release, but I honestly  
10 can't say, sir, that I -- that I authored it, but I  
11 certainly would have -- would have reviewed it and would  
12 have been in contact with the individuals that ultimately  
13 would have provided the information for it.

14 I just can't recall if ---

15 **THE COMMISSIONER:** Do you accept  
16 responsibility for this -- for this ---

17 **MR. COURVILLE:** Well, yes, I do; I signed  
18 it.

19 **THE COMMISSIONER:** Right. Other than that,  
20 though, what I want to know is what the details were -- so  
21 you don't recall how it came about.

22 Did you have a -- did the Police Services  
23 Board have a communications person who would draft these  
24 things up?

25 **MR. COURVILLE:** The Police Services Board

1 would not have had its own communications person.

2 I believe the Police Services had a public  
3 relations individual, at that time.

4 **THE COMMISSIONER:** Would that person have  
5 anything to do with the preparation of this Press Release?

6 **MR. COURVILLE:** It's possible that that  
7 person would have been called on to prepare a draft or to  
8 have some input into it, yes.

9 **THE COMMISSIONER:** But you don't know?

10 And do you know who that person would have  
11 been at that time?

12 **MR. COURVILLE:** No, I -- I honestly I don't  
13 recall.

14 **THE COMMISSIONER:** Ms. Jones.

15 **MS. JONES:** Thank you.

16 I understood, generally speaking, certainly  
17 with that press release -- and there's other press releases  
18 as well, but generally you would rely on the Chief or the  
19 Acting Chief, at the time, to provide you with some  
20 information to assist you?

21 **MR. COURVILLE:** Yes.

22 **MS. JONES:** Obviously that's the source of  
23 the information, that's where it's going to be coming from.

24 At that particular time that this particular  
25 press release was made, I understand that it was more of a

1 collaborative effort between yourself, Acting Chief  
2 Johnston and Staff Sergeant Brunet?

3 **MR. COURVILLE:** Yes, I recall Staff Sergeant  
4 Brunet attending at some meetings that we had -- Chief  
5 Johnston and I had with regard to providing factual  
6 information such as the chronological order of events, that  
7 kind of thing.

8 **MS. JONES:** Now, just ---

9 **MR. CALLAGHAN:** May I get clarity as to  
10 whether he's talking about this press release or the  
11 January 11<sup>th</sup> press release, because I think there's some  
12 confusion?

13 **THE COMMISSIONER:** Let's talk about this  
14 press release, the February 2<sup>nd</sup>, 1995.

15 **MR. COURVILLE:** Right. Yes. I don't  
16 recall, actually, Staff Sergeant Brunet being present or  
17 involved in the formulation of this particular press  
18 release.

19 **MS. JONES:** Now, the phrase in the press  
20 release dated February 2<sup>nd</sup>, '94 that we have in front of you  
21 there, the phrase "cover-up" is put in quotation marks and  
22 is basically a public declaration of -- or acknowledgement  
23 of the fact that this has been something challenged to  
24 Cornwall Police Service at that time.

25 Could you please cast your mind back to when

1       you would have heard about the possibility of a "cover-up"  
2       regarding Cornwall Police Service?

3                   **MR. COURVILLE:** I don't recall an exact  
4       date. I do -- I believe that that word, cover-up, is  
5       mentioned in the Skinner report, if I'm not mistaken. And  
6       I -- insofar as there's a reference to it in this press  
7       release, I imagine it goes directly to the Skinner report.

8                   **MS. JONES:** Just a moment, please.

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

10                  **THE COMMISSIONER:** Yes, Exhibit 1207 is the  
11       report from Officer Skinner, and in the second paragraph he  
12       says that:

13                               "The mandate of the investigation was  
14                               to determine, amongst other things,  
15                               whether or not an efficient  
16                               investigation was pursued and whether  
17                               or not any effort was made by any  
18                               member of the Cornwall Police Service  
19                               to conceal or downplay these  
20                               allegations."

21                  **MR. COURVILLE:** Yes.

22                  **MR. CALLAGHAN:** Might I also direct your  
23       attention, Mr. Commissioner, to the language at the last  
24       page where it says:

25                               "I'm satisfied that there was..."

1                   **THE COMMISSIONER:** Yeah.

2                   **MR. CALLAGHAN:** "...no attempt by any  
3                   member of the Cornwall Police to 'cover  
4                   up' the situation."

5                   Which tracks the language of the press  
6                   release.

7                   **THE COMMISSIONER:** Thank you.

8                   **MS. JONES:** So in answer to your question  
9                   then, or to my question, the first time you heard of the  
10                  term cover-up then would have been around the time of the  
11                  Blake and Skinner report?

12                  **MR. COURVILLE:** I believe so, but ---

13                  **MS. JONES:** Is it possible you'd actually  
14                  heard it earlier in conversations with Chief Johnston,  
15                  before it was written down in a document such as the Blake  
16                  and Skinner report?

17                  **MR. COURVILLE:** It is possible.

18                  I note that one of the issues that was -- I  
19                  think Ottawa was directed to address, if I'm not mistaken,  
20                  was the leak or the leaking of a statement involving a  
21                  Cornwall radio station, and I believe CJOH Television.

22                  And insofar as -- I'm not sure if that term  
23                  "cover-up" had any relevance to me as a result of that or  
24                  not.

25                  **MS. JONES:** Well, we understand that the

1 leak to the press was actually on January 6<sup>th</sup>, 1994, the  
2 Charlie Greenwell situation?

3 **MR. COURVILLE:** Yes.

4 **MS. JONES:** Okay. And use of the phrase was  
5 there, also, to January 11<sup>th</sup>, 1994, which is Document  
6 101551, which is another press release.

7 **THE COMMISSIONER:** It's a new one, sir.  
8 We'll get it to you.

9 **THE REGISTRAR:** No, it's 1224.

10 **MS. JONES:** Twelve-twenty-four (1224).

11 **THE COMMISSIONER:** All right. Exhibit 1224,  
12 sir.

13 **MS. JONES:** Thank you.

14 **MR. COURVILLE:** Yes, I have that before me.

15 **MS. JONES:** And you'll note that the word  
16 "cover-up" is actually used in Exhibit 1224. The date of  
17 that is January 11<sup>th</sup>, 1994.

18 **MR. COURVILLE:** I don't see the word "cover-  
19 up" there, but I accept that if you're saying that it  
20 appears.

21 **MS. JONES:** Well, it's -- if you look at the  
22 second sentence:

23 "In view of extensive media  
24 coverage..."

25 **MR. COURVILLE:** Yes.

1                   **MS. JONES:** "...over the past week..."

2                   **MR. COURVILLE:** Yes.

3                   **MS. JONES:** They use the word "cover-up"  
4                   there.

5                   **MR. COURVILLE:** Yes.

6                   **MS. JONES:** And -- or you used the word  
7                   "cover-up", I should say, because you're the originator of  
8                   this particular press release.

9                                 So you clearly would have heard the word  
10                   before -- well before the Blake and Skinner report, which  
11                   is dated towards the end of January. This is dated January  
12                   11<sup>th</sup>, 1994. So clearly you would have been made aware prior  
13                   to January 11<sup>th</sup>, 1994 that there was a possibility of this?

14                   **MR. COURVILLE:** Yes. And that's why I  
15                   mentioned a minute ago that it may have been at about the  
16                   time of the leaked information.

17                   **MS. JONES:** Now, if the leaked information  
18                   from the Charlie Greenwell incident that you referred to  
19                   happened about January 6<sup>th</sup>, 1994 ---

20                   **MR. COURVILLE:** Yes.

21                   **MS. JONES:** --- is it my understanding you  
22                   actually had heard of that before the leak, that there was  
23                   an allegation of cover-up prior to January 6<sup>th</sup>?

24                   **MR. COURVILLE:** I can't recall that, no.

25                   **MS. JONES:** Is it possible you did before

1 the media leak?

2 **MR. COURVILLE:** Well, I know that the  
3 initial terms that were of the request to have the Ottawa  
4 police involved clearly say that one of the terms of  
5 reference was to ensure that the police did not in any way  
6 attempt to conceal or downplay any information that was  
7 given to them.

8 So I'm not sure specifically if the word  
9 "cover-up" was used at about that time or -- but certainly  
10 I would see that phraseology and the words "cover-up" in a  
11 similar vein.

12 **MS. JONES:** Then let me rephrase my  
13 question. Is it not true that you actually knew of cover-  
14 up or conspiracy, or something of that nature happened --  
15 rumours were happening before the media link (sic) -- leak  
16 which happened on January 6<sup>th</sup>, that you'd heard it from a  
17 police officer that there were rumours to that effect?

18 **MR. COURVILLE:** I can only tell you what  
19 police -- what chief Johnston advised me, and I honestly --  
20 I do recall being briefed prior to the January 11<sup>th</sup> release  
21 of this particular document and I recall being briefed by  
22 the chief and various other officers.

23 And in this case, because of the chronology,  
24 I believe I was briefed at the same time by Staff Sergeant  
25 Brunet.

1                   **THE COMMISSIONER:** So let's go back a little  
2 bit and put things in context.

3                   In the summer of 1993 you're getting --  
4 you're undergoing an investigation by the -- a review from  
5 the province as to the state of the union in your -- in  
6 Cornwall Police Services?

7                   **MR. COURVILLE:** Yes.

8                   **THE COMMISSIONER:** We know that the Mayor is  
9 negotiating a deal to have the Chief retire.

10                  **MR. COURVILLE:** Yes.

11                  **THE COMMISSIONER:** In September we hear that  
12 Constable Dunlop goes to the Children's Aid Society.

13                  And so that must have caused a stir in the  
14 Police Services Board?

15                  **MR. COURVILLE:** I don't recall specifically  
16 the Board as such dealing with the issue. I know that  
17 individuals on the Board, including myself, were aware of  
18 that fact.

19                  **THE COMMISSIONER:** Were aware of that fact?

20                  **MR. COURVILLE:** Were aware of the fact that  
21 Constable Dunlop took information from an investigating  
22 officer and proceeded to release that information outside  
23 of the Police Service.

24                  **THE COMMISSIONER:** Well, didn't that cause a  
25 bit of a ripple in your Board?

1                   **MR. COURVILLE:** I believe that it caused  
2 concern with regard to members on the Board. I believe  
3 that the operational aspect of an ongoing investigation was  
4 something that the Board would not normally be involved in  
5 or be -- that was an operational aspect and it was under  
6 the Chief's purview as opposed to the oversight situation.  
7 Obviously when it became a matter of concern with regard to  
8 the public perception of how the Cornwall police were  
9 functioning, then the Board became more involved.

10                   **THE COMMISSIONER:** So what -- are you saying  
11 you had any input in the preparation of this press release  
12 dated January 11<sup>th</sup>, 1994?

13                   **MR. COURVILLE:** I would have had some input  
14 obviously because, first of all, my name is noted as  
15 originator.

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

17                   **MR. COURVILLE:** And secondly I do recall  
18 actually Staff Sergeant Brunet and the Chief attending at a  
19 meeting with myself pertaining to the chronology that  
20 ultimately is produced in this press release.

21                   **THE COMMISSIONER:** Ms. Jones.

22                   **MS. JONES:** Thank you.

23                   When it came to your role with the Board  
24 though and there were problems such as being alleged even  
25 in the Blake Skinner report or certainly as even stated in

1 the press releases surely it would be part of the Board's  
2 responsibility to do some damage control, as you said?

3 **MR. COURVILLE:** Yes, I think that that is  
4 really the impetus behind the press release in -- of  
5 January the 11<sup>th</sup>, '94.

6 **MS. JONES:** So would it also not then be  
7 true that part of the Board responsibility in order to  
8 effect more damage control would be to ensure that  
9 institutions such as the Diocese or schools be contacted to  
10 see what's happening with respect to their response to the  
11 situation as well just to be kept abreast of what's going  
12 on. Is that also not part of the Board?

13 **MR. COURVILLE:** I think that the Board in  
14 this -- I believe in this press release at some point  
15 invites members of the public to come forward with any  
16 information they have that may -- yeah, we say at the -- in  
17 summary on the -- on page 3 or -- of the document that the  
18 Board invites the complainant in this matter to pursue any  
19 further concerns that he may at this time with the Cornwall  
20 Police Service or any other police agency that is  
21 appropriate, come forward with concerns in order to give  
22 full confidence to the complainant and that any and all  
23 concerns he may still have, he may still have or will be  
24 actively and impartially investigated, the Board shall seek  
25 assistance from other police agencies. The Board also

1 invites the complainant to avail himself of the police  
2 complaints procedure, et cetera.

3 I think that the Board was also cognizant of  
4 the fact that if there were any other individuals or any  
5 other institutions that wish to advance some information to  
6 the Board at that time that that hopefully would be  
7 accomplished.

8 **MS. JONES:** I understand what the press  
9 release says but that's not actually what my question is.  
10 It's not the matter of people coming forward and sort of  
11 exposing what's happened. My question is surely it would  
12 be incumbent upon the Board to make an inquiry of Cornwall  
13 Police, have they contacted the Diocese, have they  
14 contacted the school board, have they contacted Probation?  
15 Have they made contact?

16 Have they made contact with these persons to  
17 see what the situation is? Would you not perceive that as  
18 being part of the Board function?

19 **MR. CALLAGHAN:** Could I get some clarity?  
20 What -- contact them to ---

21 **THE COMMISSIONER:** To do what?

22 **MR. CALLAGHAN:** --- discuss what?

23 **MS. JONES:** To contact with regards to now  
24 these allegations have come out. They involve major  
25 institutions within the Cornwall community.

1                   Are they aware of that situation? Should  
2                   they be -- should there be a dialogue between the  
3                   institutions to find out where everybody is at?

4                   **MR. COURVILLE:** Well, at this point we were  
5                   concerned primarily about a police investigation which, as  
6                   I say, is an operational matter.

7                   And in assessing the role of the Police  
8                   Service, that was our focus in our role as a Board. We  
9                   were intent at this point of making sure that this  
10                  particular matter was dealt with the way it should be.

11                  And ultimately we went on to retain the  
12                  services of the Ontario Provincial Police to reinvestigate  
13                  the matter. So our focus at this point was certainly on  
14                  insuring that this investigation was done properly.

15                  As I recall, when we ultimately retained the  
16                  Ontario Provincial Police we also were intent on  
17                  determining that any settlement between the individual  
18                  involved and the -- in this case the Church was done in a  
19                  way that -- well, to determine whether or not there were --  
20                  there was a possibility of bringing charges of obstruction  
21                  of Justice.

22                  And so we were very much focused in that  
23                  area.

24                  **THE COMMISSIONER:** Well isn't that an  
25                  operational question?

1                   **MR. COURVILLE:** It is and it isn't. Insofar  
2 as we are retaining the services of an outside police  
3 agency with another jurisdiction, that has some policy  
4 overtones. And I think that's where we were coming from on  
5 that one.

6                   **MS. JONES:** Now in Exhibit 1224 which is the  
7 press release, January 11<sup>th</sup>, 1994, the first one, clearly  
8 there's a lot of details here in the chronology and I think  
9 we've established you would have gotten that information  
10 likely from Acting Chief Johnston or Staff Sergeant Brunet  
11 at the time.

12                   And I also understand that it's very clear  
13 from the press release you wish to provide a venue for  
14 people to come forward and make their statements known.

15                   Am I correct in understanding that actually  
16 no one came forward?

17                   **MR. COURVILLE:** I can't recall any  
18 particular individual that either communicated directly  
19 with the Board or attended any of the open sessions of the  
20 Board to voice any complaints.

21                   **MR. CALLAGHAN:** Well, my friend doesn't know  
22 but obviously we've heard that Mr. Silmsler came forward and  
23 made a public complaint on January 21<sup>st</sup>, 1994.

24                   **THE COMMISSIONER:** Yes.

25                   **MR. COURVILLE:** I'm sorry, I thought we were

1 referring to any other individuals other than Mr. Silmsen.

2 MS. JONES: Yes, that's right. I'm not  
3 talking about complaints. We're talking about people  
4 coming forward with problems and wanting investigations  
5 done and such.

6 MR. COURVILLE: Yes. I'm not ---

7 MS. JONES: New victims.

8 MR. COURVILLE: I'm not aware of anyone that  
9 materialized to put forward a concern.

10 MS. JONES: And am I also correct that no  
11 one contacted the Police Board in an informal way as well.  
12 Not just as a result perhaps as a press release saying  
13 we've provided a venue, but there really wasn't any  
14 informal contact either.

15 MR. COURVILLE: That's correct. There was  
16 no contact by way of letter or by way of phone call or by  
17 way of appearance.

18 MS. JONES: All right. Now clearly you're  
19 aware of Constable Dunlop's involvement now in this  
20 particular situation.

21 You knew Officer Dunlop, did you not, when  
22 he was a young police officer?

23 MR. COURVILLE: Yes, I aware of Perry  
24 Dunlop. I had met him and chatted with him. I recall one  
25 time when he was basically trying out on a -- he was trying

1 out a bicycle on a bike patrol and we had -- I stopped him  
2 on the street and asked him how he was doing and we had a  
3 very pleasant chat.

4 **MS. JONES:** Was it your understanding that  
5 Chief Johnston had never met Officer Dunlop before this all  
6 started?

7 **MR. COURVILLE:** That's my understanding.

8 **MS. JONES:** And you personally, you didn't  
9 know Father Charlie MacDonald until this ---

10 **MR. COURVILLE:** No.

11 **MS. JONES:** --- all happened in January,  
12 1994?

13 **MR. COURVILLE:** That's correct. I didn't  
14 have any acquaintance with the man.

15 **MS. JONES:** And you knew Ken Seguin as a  
16 Probation Officer in your role as counsel ---

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

18 **MS. JONES:** --- with the private bar. And  
19 you've heard rumours about him being homosexual but you  
20 didn't know that for a fact?

21 **MR. COURVILLE:** Yeah. I believe I had heard  
22 rumours to that effect and I can't recall when exactly I  
23 had heard those rumours. But yes, I had heard rumours.

24 **THE COMMISSIONER:** Would this have been  
25 around 1993? Before that?

1                   **MR. COURVILLE:** I believe it was around  
2                   1993.

3                   **THE COMMISSIONER:** Before or after his  
4                   death?

5                   **MR. COURVILLE:** I believe it was just  
6                   shortly before his death. But now I had heard rumours that  
7                   he was a homosexual. I did not hear any rumours, to my  
8                   mind, that he was involved in paedophilic activities and  
9                   that information was only revealed as part of the  
10                  allegations that were concerned with Mr. Silmser.

11                  **MS. JONES:** I'd like to refer you now to  
12                  Document Number 723003.

13                  **THE COMMISSIONER:** Thank you.

14                  Exhibit 1516 is an article from the Standard  
15                  Freeholder dated Saturday, October 7<sup>th</sup>, 1995 and in the back  
16                  is another -- for identification purposes, we're fine.

17                  --- **EXHIBIT NO./PIÈCE NO P-1516:**

18                                 (723003) - Leo Courville - Standard-  
19                                 Freeholder news clipping "Union Head  
20                                 Says Plan was to get rid of Courville"  
21                                 dated October 7, 1995

22                  **MS. JONES:** Thank you.

23                  Mr. Courville, have you read this newspaper  
24                  article?

25                  **MR. COURVILLE:** Yes, I have.

1                   **MS. JONES:** You have, okay.

2                   Again, if I was going to classify this  
3 article, it's not very favourable towards yourself. Would  
4 you agree that there is some negative comments made about  
5 you?

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

7                   **MS. JONES:** That perhaps, for instance just  
8 to give an example, perhaps you were in this situation, it  
9 was a conflict of interest, that you should not have been  
10 in the position that you were because you were a practising  
11 criminal lawyer?

12                  **MR. COURVILLE:** Well, certainly Mr. O'Reilly  
13 refers to that. I think he also goes on to point out that  
14 in his view he never was aware of any actual conflict. On  
15 my part, he certainly makes it very clear that he feels  
16 differently about Mayor Martelle.

17                  **MS. JONES:** Yes, the focus is mainly about  
18 Mayor Martelle as well.

19                  **MR. COURVILLE:** Well, in fact, I think it's  
20 not just mainly about him. He makes it very clear that  
21 Mayor Martelle had met with the Association to work a deal  
22 to take control of the Police Service.

23                  **MS. JONES:** M'hm, but this article is dated  
24 October 7<sup>th</sup>, 1995. Were you aware of this going on?

25                  **MR. CALLAGHAN:** May I have some

1 clarification as to "this"; what is "this"?

2 **MS. JONES:** If the witness is unclear in  
3 what I'm asking him I'm sure Mr. Courville can---

4 **MR. CALLAGHAN:** I'd like to have clarity of  
5 the question.

6 **THE COMMISSIONER:** Yes.

7 **MS. JONES:** Essentially that Mayor Martelle  
8 was trying to take over the Cornwall Police Service by  
9 gaining control of the Police Board, which is in the very  
10 first sentence of this article.

11 **MR. COURVILLE:** I wasn't aware of any covert  
12 meetings between Mayor Martelle and the Police Association  
13 Executive that is identified in this article.

14 I certainly was aware of a general sense  
15 that the Mayor wanted to control the Police Service Board  
16 and the Police Service, and indeed had specific individuals  
17 lined up to do so in terms of his own candidates for Chief  
18 of Police.

19 So I was aware of a number of matters that  
20 Mr. O'Reilly is referring to, but not specifically that the  
21 Mayor had actually met with the Executive to plan  
22 something.

23 **MS. JONES:** You were not aware of that?

24 **MR. COURVILLE:** No.

25 **MS. JONES:** And when did you learn of that?

1 I suppose you would have learned about it in 1995 as that's  
2 when the article was printed?

3 **MR. COURVILLE:** Yes, actually I recall  
4 around this time Mr. O'Reilly, who was the President of the  
5 Association I believe at that time, actually calling me and  
6 extending a courtesy to me that he planned to have a press  
7 release that would identify a number of things and I  
8 remember talking to him about that.

9 **MS. JONES:** Now, one of the incidents or  
10 problems mentioned here is that it was perceived that you  
11 had a conflict of interest because you were a practising  
12 criminal lawyer ---

13 **MR. COURVILLE:** Yes.

14 **MS. JONES:** --- in Cornwall. But it was  
15 your position there was no conflict of interest because you  
16 stopped taking people charged by Cornwall Police during  
17 your tenure on the Board. Is that correct?

18 **MR. COURVILLE:** Yes, initially I -- first of  
19 all, I was never asked by anyone in Toronto to reconsider  
20 my position because of my involvement in the practice of  
21 criminal law.

22 Secondly, at the time that I came on the  
23 Board, my practice was significantly in other areas other  
24 than criminal law.

25 Thirdly, in the criminal law that I did,

1 much of it was directed toward cases involving other police  
2 services in the area, the Royal Canadian Mounted Police,  
3 the OPP, and the Akwesasne Police.

4 And, finally, when I did -- when I was on  
5 the Board, I never took a trial matter that would involve  
6 me in cross-examining any Cornwall Police Officer. But  
7 then ultimately I decided in -- it says March, well, I  
8 believe it was March of '94, it may have been March of '95,  
9 but at some point in March I decided that I would refrain  
10 from taking any criminal matters for the rest of my tenure  
11 on the Board, and ultimately that's what happened.

12 So I don't believe I was ever in a position  
13 where I would -- and I think actually there is a comment  
14 from the Crown Attorney, Mr. MacDonald, in the material  
15 that I was presented with, that indicated that he felt that  
16 I was never in any perceived or actual conflict pertaining  
17 to any police officer of the Cornwall Police Service.

18 **MR. CALLAGHAN:** Mr. Commissioner, to assist,  
19 Exhibit 1514, the 1995 report reviews the issue that he's  
20 talking about, for your reference, and that's where I think  
21 the MacDonald reference is. So for the record, when we go  
22 back, I don't propose that we'll take him necessarily, but  
23 you'll see it in the 1995 reports there.

24 **THE COMMISSIONER:** Thank you.

25 **MS. JONES:** And further down that same

1 column, in the first column, Mr. O'Reilly states and I  
2 quote:

3 "It was clear to me that we were being  
4 asked for assistance or support in Mr.  
5 Martelle's effort to have Mr. Courville  
6 removed from the Board. So I advised  
7 Mr. Martelle that I would not make any  
8 statement regarding Mr. Courville's so-  
9 called conflict of interest without  
10 commenting on Martelle's possible  
11 conflict of interest, that being the  
12 incident in 1992."

13 I wonder if you could just describe what  
14 "the incident in 1992" is referring to?

15 **MR. COURVILLE:** I know that there was a  
16 situation which arose, and I don't know if it was in May of  
17 '92 or it was sometime in '92 and I believe it was in the  
18 spring, where Mr. Martelle was involved in labour  
19 negotiations on behalf of the Board which directly involved  
20 the seniority and tenure of his son who was a constable, a  
21 cadet or constable at the time, Shawn Martel. And I believe  
22 that's what -- there was a sense from Mr. O'Reilly that the  
23 Mayor was prepared to ensure job security for police staff  
24 possibly at the expense of civilian staff, but I believe  
25 that's what he's referring to.

1                   **MS. JONES:** And in the third column right at  
2 the top, it states:

3                   "O'Reilly said Martelle also spoke at  
4 meeting about firing Acting Police  
5 Chief Carl Johnston, referring to  
6 Johnston as overpaid and over-stayed.  
7 Martelle expressed his desire to dump  
8 him."

9                   Were you aware of that at the time or was  
10 that sentiment by Mayor Martelle?

11                  **MR. COURVILLE:** Yes. I was certainly aware  
12 of that sentiment and I was aware that basically Mayor  
13 Martelle was prepared to dump any police chief that  
14 wouldn't kowtow to him. I can use that expression, I  
15 think, in this case.

16                  **MS. JONES:** Those are all my questions.  
17 Thank you.

18                  **THE COMMISSIONER:** Can we ---

19                  **MS. JONES:** I just have --

20                  **THE COMMISSIONER:** I'm sorry?

21                  **MS. JONES:** I was just going to ask not a  
22 question per se, but do you have any recommendations for --

23 -

24                  **THE COMMISSIONER:** No, no. I need to stop  
25 now.

1 MS. JONES Oh, sorry.

2 THE COMMISSIONER: All right?

3 So I'm afraid I'll ask for the lunch break  
4 to occur now. We'll come back at 1:30. All right?

5 THE REGISTRAR: Order; all rise. À l'ordre;  
6 veuillez vous lever.

7 This hearing will resume at 1:30.

8 --- Upon recessing at 12:04 p.m./

9 L'audience est suspendue à 12h04

10 --- Upon resuming at 1:35 p.m.

11 L'audience est reprise à 13h35

12 THE REGISTRAR: Order; all rise. À l'ordre;  
13 veuillez vous lever.

14 This hearing is now resumed. Please be  
15 seated. Veuillez vous asseoir.

16 THE COMMISSIONER: Thank you. Good  
17 afternoon, all.

18 MS. JONES: Good afternoon, Mr.  
19 Commissioner.

20 LEO COURVILLE, Resumed/Sous le même serment:

21 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.  
22 JONES, (cont'd/suite):

23 MS. JONES: Mr. Courville, the disadvantage,  
24 of course, of luncheon breaks, as you know, is that lawyers  
25 can always come up with some more questions.

1                   **MR. COURVILLE:** Yes.

2                   **MS. JONES:** So I've just got a few more  
3 questions about the last area that we'd looked at, and  
4 that's mainly the press releases and again referring to the  
5 Blake and Skinner report.

6                   **MR. COURVILLE:** Right.

7                   **MS. JONES:** It just struck me over the lunch  
8 hour that the press releases -- and I'm going to focus  
9 first of all on the press release of February 2<sup>nd</sup>, 1994,  
10 which is Exhibit 1226.

11                   I was wondering if you can get that in front  
12 of you, please?

13                   **MR. COURVILLE:** Yes.

14                   **MS. JONES:** And I don't know if this is  
15 possible or not, but I think it certainly helped me over  
16 the lunch period to actually have the documents out side by  
17 side rather than sort of flipping back and forth. And I'm  
18 referring to the Blake and Skinner Report, Exhibit 1207.

19                   Are you able to have those documents beside  
20 each other for ease of reference?

21                   **THE COMMISSIONER:** Well, you can certainly  
22 have one on the screen. So we've got the press release on  
23 the screen. So if you go to 1207, you'll have the report.

24                   **MR. COURVILLE:** Yes, I have 1207.

25                   **MS. JONES:** Okay. You can see -- can you

1 read the press release? It's not the best type in the  
2 world, but you can read the press release from the screen?

3 **MR. COURVILLE:** Yes, I can.

4 **MS. JONES:** I really want to go into this in  
5 a bit more detail. The trouble that I had with it,  
6 essentially, was the flavour of the press release of  
7 February 2<sup>nd</sup>, 1994 didn't adequately actually represent the  
8 results that were found in the Blake and Skinner Report  
9 which is Exhibit 1207? And it's troubling, at least to me,  
10 that there seems to be almost a misrepresentation of the  
11 police report in that press release. And I'll just draw  
12 your attention to a couple of things.

13 First of all, would you agree with me that  
14 the press release as a concept or even as a document is  
15 there to admit some past responsibility while suggesting  
16 that there's a solution in the future time in the format of  
17 perhaps another investigation into what happened with  
18 Cornwall Police Service and the legitimacy of the CPS?

19 Would you agree that seems to be the overall  
20 description of what that press release is trying to  
21 accomplish?

22 **MR. COURVILLE:** Clearly the wording of the  
23 press release is not extensive. I think it -- as I  
24 mentioned before, it tends to track the section of the  
25 Skinner Report which I think is referred to as Observations

1 or Conclusions. It's right at the end of the report in any  
2 event.

3 There's no question that the press release  
4 does not elaborate on the various problems, all of the  
5 problems that are noted by, or perceived by, Mr. Skinner as  
6 operative in his review.

7 To the degree that it doesn't refer to all  
8 of those problems, you may say it's misrepresenting the  
9 gist of the report. With respect, I wouldn't agree with  
10 that.

11 I think that in tracking the sort of general  
12 conclusion of the Skinner Report, I believe it's accurate.  
13 I think that obviously there are areas in the report by Mr.  
14 Skinner that are not specifically mentioned. I don't know  
15 if that in any way misrepresents the nature of the  
16 investigation. I don't believe it does.

17 **MS. JONES:** Okay. Well, let's go through  
18 it. Because you'll agree with me that part of the motive  
19 behind providing the press release and certainly part of  
20 the motive of even having the Skinner Report prepared in  
21 the first place was to provide the public with a thorough  
22 and transparent review of what had been happening within  
23 the CPS?

24 **MR. COURVILLE:** Yes, I would agree with  
25 that. I would go further and say that in all of the

1 actions that were taken by Chief Johnston, that there was  
2 an underlying wish to be as transparent as possible in  
3 terms of the whole process and in terms of what role, if  
4 any -- I believe there were two criteria laid down by Chief  
5 Johnston when he approached the Ottawa Police.

6 One was to determine to what degree the  
7 investigation was inefficient or ineffective and the other  
8 was to determine if there was any concealing or downplaying  
9 of any information. And ultimately I think those were the  
10 factors that are reflected in the wording of this press  
11 release.

12 I agree that there are a number of problem  
13 areas that Mr. Skinner pointed out with regard to the  
14 operational aspect of the investigation.

15 **MS. JONES:** Okay. If I could just interrupt  
16 you for a second, because I just want to go through this in  
17 a sort of logical, coherent fashion?

18 **MR. COURVILLE:** Sure.

19 **MS. JONES:** If you look at the Skinner  
20 Report and specifically go to the "Conclusion" section  
21 which is on the second-last page, which is Bates number  
22 1025451.

23 **MR. COURVILLE:** Right.

24 **MS. JONES:** Do you agree with me the very  
25 first sentence in the conclusion says:

1                    "The investigation into the allegations  
2                    made to the Cornwall Police Service by  
3                    David Silmser was inept and  
4                    ineffective."

5                    **MR. COURVILLE:** Yes, that's what it says.

6                    **MS. JONES:** Now, those are extremely strong  
7 words, are they not?

8                    **MR. COURVILLE:** They are words that I  
9 believe are self-explanatory, yes.

10                   **MS. JONES:** Yeah. But they're also strong.  
11 They are clear and they do not actually reflect very well  
12 on the Cornwall Police Service?

13                   **MR. COURVILLE:** Well, certainly they are  
14 words that I believe speak for themselves, yes. They  
15 indicate problems with the investigation.

16                   **MS. JONES:** I would say more than problems.  
17 They are saying that CPS was inept and ineffective.

18                   **MR. COURVILLE:** I think what they're saying  
19 is that the investigation was inept and ineffective. I  
20 believe that's precisely what they're saying as opposed to  
21 ---

22                   **MS. JONES:** Exactly.

23                   **MR. COURVILLE:** --- the Cornwall Police  
24 Service was inept and ineffective.

25                   **MS. JONES:** In fact, that's exactly what the

1 sentence does say:

2 "The investigation into the allegations  
3 was inept and ineffective."

4 **MR. COURVILLE:** That's what the words say,  
5 yes.

6 **MS. JONES:** Correct.

7 And there's really no other interpretation  
8 of that sentence?

9 **MR. COURVILLE:** Well, I believe, as I said,  
10 the words in Mr. Skinner's mind are self-explanatory, I  
11 believe.

12 **MS. JONES:** Okay. And yet you'll agree with  
13 me that that phrase does not find itself whatsoever into  
14 that February 2<sup>nd</sup> press release? In fact, there's not even  
15 something alluded to it in the February 2<sup>nd</sup> press release?

16 **MR. COURVILLE:** I seem to have lost the --  
17 -

18 **MS. JONES:** The press release is 1226. It's  
19 up -- it was up on the screen.

20 **MR. COURVILLE:** Yeah.

21 **MS. JONES:** Perhaps that could be kept on  
22 the screen and the witness can have the Skinner report in  
23 front of him?

24 **MR. COURVILLE:** I agree that that phrase  
25 does not present itself in this press release.

1                   **MS. JONES:** And you'd agree with me that  
2                   there isn't even a sentence in the press release that could  
3                   be construed as implying that the investigation was  
4                   determined to be inept and ineffective.

5                   **MR. COURVILLE:** Unless you read into the  
6                   phrase:

7                                   "...that there was a noticeable lack of  
8                                   senior management, direction and  
9                                   systemic support throughout the course  
10                                  of the investigation."

11                   **MS. JONES:** Well, that's something different  
12                   though because that actually is referred to -- that  
13                   particular phrase is referred to in the report, so I'll  
14                   deal with that in a minute, but I'm just going, at this  
15                   point, one phrase or concept at a time.

16                   **MR. COURVILLE:** Okay. I agree that those  
17                   words are not to be found in the press release and I can't  
18                   see any specific allusion to other words that are of that  
19                   nature in the press release.

20                   **MS. JONES:** Okay. And another problem that  
21                   was highlighted by the Skinner Report had to do, in part,  
22                   with the people who had conducted it, and that's the second  
23                   paragraph in the conclusion, and one of the sentences in  
24                   the next paragraph is:

25                                   "People who lacked the proper

1 background and training were placed in  
2 positions for which they were ill-  
3 suited and unqualified and no  
4 management systems existed which would  
5 enable supervisors to track the  
6 progress of investigations."

7 In other words, that has to do with the person or the  
8 constable who has actual conduct of that investigation;  
9 correct?

10 **MR. COURVILLE:** Can I have that question  
11 again, please?

12 **MS. JONES:** That sentence that I just  
13 referred to in the Skinner Report about people who lacked  
14 the proper background and training for positions would  
15 refer to people such as the -- at the constable level that  
16 are conducting the investigation.

17 **MR. CALLAGHAN:** Well, in fairness, one has  
18 to read the whole paragraph. One goes after the part that  
19 was read at the beginning; that is, that it's inept and  
20 ineffective, they say. The problems are systemic and  
21 they're going on to discuss them.

22 **THE COMMISSIONER:** No, no, the  
23 responsibility for ---

24 **MR. CALLAGHAN:** Rests ---

25 **THE COMMISSIONER:** --- this rests ---

1                   **MR. CALLAGHAN:** Right.

2                   **THE COMMISSIONER:** --- with the Cornwall  
3 Police Service and the problems for the responsibility lie  
4 ---

5                   **MR. CALLAGHAN:** Right.

6                   **THE COMMISSIONER:** --- with that.

7                   **THE CALLAGHAN:** M'hm. Right. And that's, I  
8 think, what it -- it's characterized as an individual  
9 individual -- an individual, but rather a systemic issue.  
10 It would be incorrect. That's what they're going on to  
11 explain in the report. The characterization, I don't think  
12 is correct, that people who lack involves the individual.  
13 No, they're talking about the systemic issue of people  
14 getting -- being appointed to do investigations is what I  
15 take from this report. And we had Mr. Skinner here.  
16 Superintendent Skinner went at great length through what he  
17 thinks, having heard it all.

18                   **THE COMMISSIONER:** M'hm, m'hm. So ---

19                   **MS. JONES:** Well, my comment to that would  
20 be then the -- if counsel is relying on the first paragraph  
21 to say that the problem which is systemic, I would then go  
22 to the second paragraph which then goes back to:

23                                 "The poor quality of the investigation  
24                                 cannot in its entirety be blamed on any  
25                                 of the people who conducted it. The



1                   **MR. COURVILLE:** No, I -- well, I really  
2                   can't agree in the sense that I think it's referring to --  
3                   it's referring to both. It's referring to the systemic  
4                   responsibility for the constable being in that position in  
5                   the first place, and then it's referring to the experience  
6                   level of the constable.

7                   **MS. JONES:** Well, you will agree with me  
8                   that throughout the report, there's this -- there's a few  
9                   occasions where it is mentioned -- I believe you just said  
10                  so a moment ago -- that Officer Sebalj was inexperienced --  
11                  -

12                  **MR. COURVILLE:** Yeah, I ---

13                  **MS. JONES:** --- and there were certain  
14                  problems with her inexperience ---

15                  **MR. COURVILLE:** Yeah.

16                  **MS. JONES:** --- in dealing with this case.

17                  **MR. COURVILLE:** I take -- I have some  
18                  problem with that general idea, if I may elaborate?

19                  **MS. JONES:** Well, I'm not disagreeing with  
20                  your right to ---

21                  **THE COMMISSIONER:** Let him finish. Let him  
22                  finish.

23                  **MS. JONES:** Okay.

24                  **MR. COURVILLE:** Constable Sebalj was new to  
25                  the Criminal Investigation Branch at the time. She was a

1 very experienced officer of seven years standing in general  
2 criminal investigations in other areas.

3 **THE COMMISSIONER:** What are you telling me  
4 there? You're saying that she was very much ---

5 **MR. COURVILLE:** I'm saying, sir, that it's  
6 my information that she had seven years on the police  
7 service.

8 **THE COMMISSIONER:** On general patrol as a  
9 uniformed officer.

10 **MR. COURVILLE:** Well, in part, yes, but  
11 within that guise she also had some general experience in  
12 the nature of criminal investigations. I'm not saying that  
13 she was a focused investigator in the way that someone in  
14 CIB would be, but she certainly wasn't completely a raw  
15 rookie to policing in terms of some general overview of  
16 investigation functions.

17 **MS. JONES:** Okay. I was not proposing --  
18 that's what I was trying to say. I'm not even here to  
19 debate if, in fact, she was inexperienced or not.

20 The issue was what the Skinner Report was  
21 finding. That's what I was trying to draw your attention  
22 to.

23 **MR. COURVILLE:** Yes. I ---

24 **MS. JONES:** And ---

25 **MR. COURVILLE:** --- agree with you that Mr.

1 Skinner found that she was relatively inexperienced as a  
2 person within the Criminal Investigation Branch, yes.

3 **MS. JONES:** And you'd agree with me that,  
4 again, if we go back to the press release, that really that  
5 sort of inexperience of the lead investigator into that  
6 particular matter, that was actually not addressed either  
7 in the press release?

8 **MR. COURVILLE:** Not specifically, no.

9 **MS. JONES:** Okay. Also too, the report  
10 dealt quite extensively with the conflict of interest that  
11 they found existed with the Crown attorney, Murray  
12 MacDonald, and to refresh your memory, I'm referring  
13 specifically to Bates page 1025450 which is one of the  
14 middle pages of the Skinner Report.

15 **MR. COURVILLE:** Yes, I have that.

16 **MS. JONES:** In the middle section, Mr.  
17 Skinner is dealing with the whole issue of Murray  
18 MacDonald, and I'll just draw your attention to the last  
19 couple of sentences:

20 "I feel that Mr. MacDonald would have  
21 served his own interests and those of  
22 the Cornwall Police Service more  
23 effectively had he simply declared the  
24 conflict and referred all aspects of  
25 the investigation and all inquiries by

1 the investigator to another Crown  
2 Attorney. Above all, he should not  
3 have placed himself in the position of  
4 writing a letter confirming that it was  
5 not advisable to charge a person  
6 against whom he would not conduct a  
7 prosecution."

8 As I say, I'm not even here to -- I'm not here to debate  
9 whether or not a conflict of interest existed. Why I'm  
10 here though is to point out that the report concluded that  
11 Mr. MacDonald had a conflict of interest and he clearly was  
12 very involved in this investigation.

13 **MR. COURVILLE:** I think Mr. Skinner's words  
14 speak for themselves. I don't know how I could interpret  
15 it otherwise. I think ---

16 **MS. JONES:** Okay

17 **MR. COURVILLE:** --- what I think he has to  
18 say about Mr. MacDonald is pretty clear on the page.

19 **MS. JONES:** Would you agree with me that  
20 calling someone with such a significant role, shall we say  
21 in the Criminal Justice system here in Cornwall is a very  
22 serious thing and that did not make it in the February 2<sup>nd</sup>,  
23 1994 press release either.

24 **MR. COURVILLE:** I agree with you that there  
25 is no reference to Mr. MacDonald in the press release. I

1 don't think -- I think the object of the press release was  
2 to go back to the directive given to the Ottawa Police  
3 which was to address itself to the two issues that Chief  
4 Johnston conveyed to Ottawa namely that the Cornwall --  
5 whether or not the Cornwall Police conducted an effective  
6 investigation and whether or not there was any concealing  
7 or downplaying of any information conveyed.

8 **THE COMMISSIONER:** So, if those are the two  
9 comments, the two questions is it -- are you of the view  
10 that the Skinner came up, that the effectiveness of the  
11 investigation was that it was inept and ineffective? So  
12 the investigation was not effective at all, right? In  
13 answer to -- you've said that Chief asked him two  
14 questions. Was there a cover up and what was the quality  
15 of the investigation? Is that what you are telling me?

16 **MR. COURVILLE:** I'm saying, sir, that there  
17 were problems noted in the report that ---

18 **THE COMMISSIONER:** Yes.

19 **MR. COURVILLE:** --- I believe are -- speak  
20 for themselves. I'm not -- I'm not in a position to say  
21 that the investigation was totally ineffective or that the  
22 ineffectiveness of it was the result of the way in which  
23 the Cornwall Police presented themselves.

24 Clearly there is a -- by way of background  
25 in Mr. Skinner's report there are indications of

1 difficulties with the complainant himself in terms of his  
2 availability and so on. I don't know to what degree that  
3 is to be put at the door of the Cornwall Police Service in  
4 it's investigation.

5 **THE COMMISSIONER:** Let's cut the guff; all  
6 right? Fact of the matter is, some people might say that  
7 if they read the Skinner report and if they read that press  
8 release that was authored or signed by yourself that they  
9 would be amazed that the -- I think some people might even  
10 think that we're talking about two different  
11 investigations.

12 So bottom line is, question to you is, if  
13 someone was going to put to you that that press release  
14 does not reflect in a transparent and fair way what the  
15 report says, what would you say?

16 **MR. COURVILLE:** Well, short of producing the  
17 Skinner report in its entirety which may -- which may have  
18 been an option, I think it does address the -- some of the  
19 problem areas from the point of view of forward -- a  
20 forward thinking in terms of where to go from there.

21 I agree that it doesn't -- it doesn't cover  
22 a number of the problems that Mr. Skinner has identified in  
23 the investigation.

24 **THE COMMISSIONER:** That's your answer?

25 **MR. COURVILLE:** That's my answer, yes.

1                   **THE COMMISSIONER:** Thank you. Go ahead.

2                   **MS. JONES:** Mr. Courville, if we go to the  
3 press release the first paragraph is just an introductory  
4 paragraph, doesn't really say anything. What it says is,  
5 we want to announce that we got a report and here's the  
6 results of the report. So that is what you are tasked to  
7 do, correct, give the results of the report? It doesn't  
8 matter if you agree with them or disagree with them,  
9 whether you think that you agree that the police were inept  
10 and ineffective, but all you are doing with this press  
11 release according to your first paragraph is to say, "This  
12 is what the report said."

13                   **MR. COURVILLE:** I don't think it purports to  
14 be a complete -- in any way a complete summary of the  
15 report. It says that this was noted. It says members of  
16 the investigative team have indicated in that report that  
17 they are satisfied that there was no attempt by a member of  
18 the Cornwall Police Service to cover up the situation.

19                   **MS. JONES:** Okay, Mr. Courville, you are  
20 going off again on a tangent. I'm really trying to be --  
21 I'm asking I think a very small question.

22                   **MR. COURVILLE:** Okay.

23                   **MS. JONES:** That first sentence is basically  
24 saying, we got a report, these are the results. It's not a  
25 comment whether you agree with the results or not but

1       that's why I'm just trying to summarize that first  
2       paragraph.

3                   **MR. COURVILLE:** Well, I do take some issue  
4       with your characterizing this as; "We've got a report;  
5       these are the results." I don't think it purports to say  
6       these are the results.

7                   **MS. JONES:** All right, that's fine.

8                   **MR. CALLAGHAN:** In fairness, I mean, there's  
9       a second page which describes that indeed not all the  
10      report has been produced and they got legal advice which --  
11      which takes -- you have to read the whole statement in a  
12      whole, right, from the second ---

13                   **THE COMMISSIONER:** Cornwall Services Board  
14      wishes to announce that the Chief of Police has received a  
15      report from the Ottawa Police Investigation team.

16                   **MR. CALLAGHAN:** Right. And on the second  
17      page it says:

18                                "After obtaining legal advice the  
19                                Police Force is not in a position to  
20                                release any further information or  
21                                gives details."

22                   **THE COMMISSIONER:** Details is -- details is  
23      one thing Mr. Callaghan. I think the question here is  
24      whether or not that press release really represents what  
25      the report said.

1                   **MS. JONES:** Put it this way; sn't that what  
2                   you were trying to tell the people in the press release,  
3                   "We have a report and this is what it says"? That's what a  
4                   press release is, is it not, telling the media, this is  
5                   what we are about to talk about now in our press release?  
6                   Is that not just a simple introductory paragraph?

7                   **MR. COURVILLE:** I think it states in part  
8                   what the investigation perceived or realized. I don't -- I  
9                   think -- the difficulty I have is I don't have the second  
10                  page of the report in front of me.

11                  **THE COMMISSIONER:** Give him the report.  
12                  It's Exhibit Number 1225, sir. It's in your book.

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

14                  **MS. JONES:** Yes, it's Exhibit 1226,  
15                  actually, Mr. Courville.

16                  **THE COMMISSIONER:** What did I say?

17                  **MS. JONES:** One two two five (1225).

18                  **THE COMMISSIONER:** Sorry.

19                  **MR. COURVILLE:** Yes. The second page begins  
20                  by stating:

21                                 "After obtaining legal advice the  
22                                 Police Services Board is not in a  
23                                 position to release any further  
24                                 information because of restraints  
25                                 opposed upon it."

1                   **THE COMMISSIONER:** And what were they, sir?

2                   **MR. COURVILLE:** I can only indicate that by  
3 way of answer that the references to Section 14.3(b) of the  
4 *Municipal Freedom of Information Act* and I don't actually  
5 recall what that specific section pertained to. Obviously  
6 it was an issue of disclosure and privacy but I really  
7 can't go beyond that, sir.

8                   **MS. JONES:** Well, Mr. Courville I actually  
9 want to deal with that issue later. Because I really want  
10 to do this one paragraph at a time.

11                   **MR. COURVILLE:** M'hm.

12                   **MS. JONES:** But, essentially what I am  
13 saying here is that you picked and chose the details of the  
14 report that you wanted to and put it into that press  
15 release. And one of the items that you chose not to put in  
16 was the line about the Cornwall Police Investigation was  
17 inept and ineffective.

18                   **MR. COURVILLE:** I've already agreed that  
19 that is not in there and, as I mentioned, perhaps in  
20 hindsight it might have been advisable to release the  
21 Skinner Report in its entirety and ---

22                   **MS. JONES:** But surely you're not saying by  
23 going now to the second page and talking about this after  
24 obtaining legal advice, surely you're not saying that line,  
25 about the investigation being inept and ineffective was

1           some how due to a privilege? You're surely not saying that  
2           here today, are you?

3                   **MR. COURVILLE:** To be honest, I can't recall  
4           the legal advice that we had on this point and I -- that  
5           was 15 years ago ---

6                   **MS. JONES:** Yes.

7                   **MR. COURVILLE:** --- and I'm not prepared to  
8           answer beyond that.

9                   **MS. JONES:** And the purpose of a press  
10          release obviously to provide information to the media is to  
11          ultimately see this written up in the press.

12                   You would anticipate that this would likely  
13          be written up somewhere, correct?

14                   **MR. COURVILLE:** That's the general purpose  
15          of a news release, yes.

16                   **MS. JONES:** All right.

17                   Now, if we go again to the press release  
18          itself, we've had a debate about the first paragraph.  
19          We'll move on to the second paragraph.

20                   The first sentence that you use has to do  
21          with the fact that the report did conclude that there was  
22          no cover up. And that was your first sentence in the  
23          second paragraph, correct?

24                   **MR. COURVILLE:** Yes, correct.

25                   **MS. JONES:** All right.

1 So we're going to leave that.

2 In the second sentence it says:

3 "In addition, the report makes it clear  
4 that although the investigative team  
5 saw substantial evidence of excellent  
6 police work being done by accomplished  
7 police officers, there was a noticeable  
8 lack of senior management direction and  
9 systemic support throughout the course  
10 of the investigation."

11 Do you see that?

12 **MR. COURVILLE:** Yes, I do.

13 **MS. JONES:** Okay. That sentence is very  
14 long. It's actually in two parts, I would suggest. The  
15 first part is that I'm going to talk about the:

16 "...although the investigative team saw  
17 substantial evidence of excellent  
18 police work being done by accomplished  
19 police officers..."

20 Okay. I just want to deal with that part of  
21 the sentence.

22 **MR. COURVILLE:** M'hm.

23 **MS. JONES:** In the Skinner report, that is  
24 essentially lifted from the very last paragraph in the  
25 report on the final page at the bottom, and that's Bates

1 page 1025452. Do you see that?

2 In the Skinner report it says:

3 "I have seen abundant evidence of  
4 excellent police work done by  
5 accomplished police officers despite a  
6 lack of managerial direction and  
7 systemic support."

8 **MR. COURVILLE:** Yes.

9 **MS. JONES:** Do you see that?

10 **MR. COURVILLE:** Yes, I do, yes.

11 **MS. JONES:** Now, that particular placing of  
12 that sentence and that phrase is very key because it comes  
13 under the heading of final observations. Do you see that?

14 **MR. COURVILLE:** Yes.

15 **MS. JONES:** And the preceding paragraph, of  
16 course, provides context, as your counsel pointed out just  
17 earlier about the press release, and it's very important to  
18 read them together.

19 So the first paragraph under "Final  
20 Observations" says:

21 "In closing this report, I would like  
22 to emphasize that while it is very  
23 critical of the way in which this  
24 investigation was conducted, it should  
25 not be interpreted as being an

1 indictment of the Cornwall Police  
2 Service."

3 Then it says:

4 "I have seen abundant evidence of  
5 excellent police work done by  
6 accomplished police officers..."

7 That phrase or that last sentence about the  
8 excellent police work and accomplished police officers  
9 comes in the context of the Cornwall Police Service as a  
10 whole and not in the context of the investigation; wouldn't  
11 you agree?

12 **MR. COURVILLE:** I don't know where Constable  
13 Skinner would have reference to the excellent police work  
14 outside of the investigation that he was tasked to examine.  
15 I'm not saying -- I don't disagree but I just -- I'm not  
16 sure what he's referring to in that context.

17 **MS. JONES:** Well, again, Mr. Courville, I am  
18 not debating if Mr. Skinner's conclusion is correct or not.  
19 I'm not debating if he did an adequate investigation. I'm  
20 not debating the accuracy of the report. This is the  
21 report and this was what you were making a press release  
22 on.

23 **MR. COURVILLE:** Yes.

24 All I'm saying is that I don't believe  
25 either you or I can make a judgment on what he's

1           referencing by way of abundant evidence of excellent police  
2           work done by accomplished police officers because I don't  
3           think you can automatically conclude that he's saying that  
4           outside of the context or the -- of the investigation or  
5           within the context of the investigation.

6                       **MS. JONES:** Would you agree with me at least  
7           then it's unclear if it's Cornwall Police as a whole versus  
8           the investigation? Is that what you're saying?

9                       **MR. COURVILLE:** I'm not sure that it's  
10          unclear. He puts it within his final observations of this  
11          report which is premised on his investigation into this  
12          investigation.

13                      So I wouldn't say necessarily that it's  
14          unclear. I would say that there is some ambiguity there.

15                      **MS. JONES:** Thank you.

16                      So if there's some ambiguity there, it would  
17          appear that you erased any ambiguity by putting it in the  
18          press release as you did.

19                      And you even said in the press release, I  
20          quote again:

21                                "In addition the report makes it clear  
22                                that although the investigative team  
23                                saw some substantial evidence of  
24                                excellent police work being done by  
25                                accomplished police officers..."

1 et cetera, et cetera.

2 You even go to the point of saying the  
3 report made that particular point very clear.

4 **MR. COURVILLE:** I disagree with that. I  
5 don't think I did that. I think I -- I think the way that  
6 the words are put in this reflect the way in which the  
7 words are put in the Skinner report. I don't think I can  
8 go beyond that.

9 Skinner himself has put this as -- put these  
10 words as his words in his final observations. Those words  
11 have been tracked and put into the press release.

12 **MS. JONES:** Oh, yes, I know what you've  
13 done. But my point is at the very best you're saying this  
14 is ambiguous in the report and yet you don't have that  
15 ambiguity in the press release, do you?

16 **MR. COURVILLE:** I'm saying that on its face  
17 it could be interpreted as being ambiguous. I think that  
18 he has made -- without going into the mind of Mr. Skinner,  
19 he has made a statement that I believe on its face is  
20 within the context of this investigation. That's all I'm  
21 saying.

22 **MS. JONES:** And the only other real point  
23 that you made:

24 "...the noticeable lack of senior  
25 management direction and systemic

1 support throughout the course of the  
2 investigation."

3 That essentially comes from that last  
4 paragraph as well.

5 **MR. COURVILLE:** Yes.

6 **MS. JONES:** Okay. The last sentence in the  
7 second paragraph in the press release states:

8 "The report noted that this criticism  
9 was not intended as an indictment of  
10 the police service and its members."

11 And again that is pretty well lifted from  
12 that first paragraph of the final observations that I just  
13 read out a moment ago; would you agree?

14 **MR. COURVILLE:** I would agree that those  
15 words are there, yes.

16 **MS. JONES:** So essentially you've lifted the  
17 last paragraph of the Skinner report and used that in the  
18 second paragraph.

19 **MR. COURVILLE:** Well, I would ---

20 **MS. JONES:** Words were changed a little bit  
21 but ---

22 **MR. COURVILLE:** I would take ---

23 **MS. JONES:** --- that first sentence ---

24 **MR. COURVILLE:** Yeah. I take some exception  
25 to the phrase "lifting". Clearly any press release

1 involves -- short of producing the entire document is going  
2 to involve taking some phraseology from the original  
3 report.

4 But yeah, certainly those words were taken  
5 from the report and they were incorporated into the press  
6 release.

7 **MS. JONES:** I appreciate you're not going to  
8 duplicate the whole report as part of a press release. I  
9 understand that. But my point is that the bulk of that  
10 second paragraph came from the last two -- or paragraph and  
11 a half under the last section of the report under "Final  
12 Observations".

13 You actually didn't take any of the critical  
14 comments from any other part of the Skinner report.

15 **MR. COURVILLE:** Well, given the brevity of  
16 the report itself -- or pardon me, the brevity of the press  
17 release, as I come back to the answer that you know, we  
18 could have I suppose duplicated the -- or released the  
19 entire Skinner report.

20 Clearly there's a mention in the -- on the  
21 second page of the press release that there was a concern  
22 in doing so based on legal advice.

23 And I can't honestly recall the nature of  
24 that advice at this point but I do agree with you that  
25 there was -- there were negative aspects in the report that

1 do not find themselves on the pages of this press release.

2 **MS. JONES:** And in fact, the way the Skinner  
3 report is even constructed it's quite clear -- for example,  
4 on the fourth page of the document, Bates page 5449 -- that  
5 starts with "The problems of the investigation" ---

6 **MR. COURVILLE:** Yes.

7 **MS. JONES:** --- and there's a catalogue of  
8 problems that Mr. Skinner had found. And that goes on for  
9 almost two full pages.

10 Then the next section which is Bates page  
11 451 starts with "Conclusion." And you'd agree with me that  
12 this is the conclusion drawn by Mr. Skinner as a result of  
13 looking at the investigation, analyzing the problems and  
14 now he's concluding what he has found?

15 **MR. COURVILLE:** Yes. And one of those  
16 conclusions I notice, and I quote it from the second  
17 paragraph under the word "Conclusion":

18 "The poor quality of the investigation  
19 cannot in its entirety be blamed on any  
20 of the people who conducted it. The  
21 problems arise at a higher level."

22 **THE COMMISSIONER:** "In its entirety" -

23 **MR. COURVILLE:** Yes.

24 **THE COMMISSIONER:** - which means that he is  
25 blaming some of the poor quality on the investigators and

1 some of it at a much higher level.

2 **MR. COURVILLE:** Yes. I'm just indicating  
3 that that I believe is somewhat reflective of the same  
4 words that are used in the final observations which find  
5 themselves in this press release.

6 **THE COMMISSIONER:** Sir, are you saying that  
7 you got independent legal advice on this press release?  
8 Did the lawyer see this press release before it went out?

9 **MR. COURVILLE:** I'm not sure about that.  
10 I'm just saying that again I -- I'm having a problem  
11 because I don't have page 2 on my screen but ---

12 **THE COMMISSIONER:** Did you give -- it's on,  
13 I'm sorry, it's Exhibit 1226.

14 **MR. COURVILLE:** Twelve-twenty-six (1226)?

15 **THE COMMISSIONER:** Yes.

16 Do you have any independent recollection of  
17 how you went about writing this thing?

18 **MR. COURVILLE:** I don't have a recollection  
19 of the mechanics of sitting down and writing it on a -- and  
20 who is present and whether legal advice was given before a  
21 draft was presented or after a draft was presented. No,  
22 sir, I don't. I do ---

23 **THE COMMISSIONER:** Did you compose this?

24 **MR. COURVILLE:** I recall having an input in  
25 its composition; I can't say that I'm the author of it.

1                   **THE COMMISSIONER:** Do you have any  
2                   experience in preparing press releases at this time, not at  
3                   this -- back then? Had you prepared press releases before?

4                   **MR. COURVILLE:** I had prepared press  
5                   releases, yes.

6                   **THE COMMISSIONER:** Okay. So my question  
7                   again is, you don't know if you sent the press release out  
8                   to lawyers to have it reviewed before you sent it out?

9                   **MR. COURVILLE:** Well, from the wording on  
10                  the second page ---

11                  **THE COMMISSIONER:** No, no, I'm looking at  
12                  it.

13                  **MR. COURVILLE:** Yes.

14                  **THE COMMISSIONER:** Okay. There's a wording  
15                  there "after legal advice", I understand that, but I want  
16                  to know your memory did you send out a copy of this press  
17                  release to be reviewed by lawyers before it was made  
18                  public?

19                  **MR. COURVILLE:** I cannot say from my memory  
20                  that I did that.

21                  **THE COMMISSIONER:** Okay, Thank you.

22                  **MS. JONES:** So would it be fair to say that  
23                  somebody reading that second paragraph just on its own, and  
24                  "somebody" being the press because it's obviously a press  
25                  release, would get the feeling that anything negative found

1 in that report had been contained in that second paragraph.

2 Would you agree that that could be  
3 interpreted that way?

4 **MR. COURVILLE:** I suppose one could  
5 interpret it that way. I believe there are other  
6 interpretations as well.

7 **MS. JONES:** If I could refer you, please, to  
8 Document 728405; that's the new document.

9 **MR. CALLAGHAN:** This is the document that we  
10 just got at lunch. I don't know if -- like after lunch --  
11 whether he's had an opportunity to read it fully.

12 **THE COMMISSIONER:** Well, we'll pull it out  
13 and we'll see. Oh, here we go.

14 Exhibit Number 1517 is an Ottawa Citizen  
15 report -- clipping of February 3<sup>rd</sup>, 1994.

16 --- **EXHIBIT NO./PIÈCE NO P-1517:**

17 (728405) - Leo Courville - The Ottawa  
18 Citizen news clipping "Police to Begin  
19 New Probe of Priest" dated February 3,  
20 1994

21 **MR. COURVILLE:** Yes, I've ---

22 **MS. JONES:** Mr. Courville, you've read this?

23 **MR. COURVILLE:** Yes.

24 **MS. JONES:** Yes?

25 **THE COMMISSIONER:** Have you seen this

1 before?

2 **MR. COURVILLE:** No, I haven't.

3 **THE COMMISSIONER:** Like -- okay.

4 **MS. JONES:** But you read it before we  
5 started today?

6 **THE COMMISSIONER:** Yes, yes.

7 **MR. COURVILLE:** I read it actually just  
8 before we convened this afternoon, yes.

9 **MS. JONES:** Yes. Would you agree with me  
10 the first three paragraphs which, by the way, you need a  
11 microscope to read, so maybe the screen is better way of  
12 doing it.

13 **THE COMMISSIONER:** The screen is the better  
14 place, yes.

15 **MS. JONES:** Would you agree with me the  
16 first three paragraphs -- that's nice and big now -- really  
17 is a summary of what just happened?

18 That maybe a bit big, Madam Clerk; perfect.

19 "The Ontario Provincial Police"  
20 paragraph, "The Original 10-month Investigation" and "Since  
21 Then the Case has Drawn Speculation"; so those three  
22 paragraphs are kind of introductions to what the article is  
23 going to be about?

24 **MR. COURVILLE:** Yes.

25 **MS. JONES:** Okay? The very next paragraph

1 now is discussing, presumably based on the strength of your  
2 press release dated the day before, and starts off with:

3 "However an Ottawa Police review ..."

4 I'm sorry, I should read the proceeding paragraph:

5 "Since then the case has drawn  
6 speculation of police cover-ups and  
7 there have been allegations that the  
8 Roman Catholic Diocese of Alexandria-  
9 Cornwall was involved in obstruction of  
10 justice, however, an Ottawa Police  
11 review has found that Cornwall  
12 investigators did 'excellent police  
13 work'. The review found no evidence  
14 Cornwall Police had quashed the  
15 investigation to protect clergy  
16 members."

17 Do you see that paragraph?

18 **MR. COURVILLE:** I see that, yes.

19 **MS. JONES:** So I'm going to suggest to you  
20 that this press release essentially attained a goal of  
21 focussing on the one line in the report that you wanted the  
22 press to focus on, and that was the line about there being  
23 excellent police work done by Cornwall Police Service in  
24 this investigation?

25 **MR. COURVILLE:** I can't really speak to

1 that. I mean, I think the words are there. I don't --  
2 it's an excerpt from the Ottawa Citizen I guess. I've  
3 never seen it before so I really don't have a lot to say.

4 **MS. JONES:** Well, you're seeing it now.

5 **MR. COURVILLE:** Yes.

6 **MS. JONES:** Would you agree with me that  
7 that is what they gleaned from your press release dated  
8 February 2<sup>nd</sup>, 1994?

9 **MR. COURVILLE:** I don't know if they gleaned  
10 that from that press release or whether they had it --  
11 whether they spoke to other individuals or where they draw  
12 that conclusion. It's a possibility that that might have  
13 been the source of their -- of that statement.

14 **MS. JONES:** Isn't the whole purpose of a  
15 press release to provide the press and the media with  
16 information?

17 **MR. COURVILLE:** Yes, it is, but again I  
18 don't know how this press release came into being or who  
19 who the author of the press release, Carolyn Abraham,  
20 consulted or why she came to write those words.

21 **THE COMMISSIONER:** Let's assume for a  
22 moment, sir, that this reporter took the information from  
23 your press release; okay?

24 **MR. COURVILLE:** M'hm.

25 **THE COMMISSIONER:** So regardless of what

1       your intent was, here we have an article which if she took  
2       -- he or she took the material from your press release, is  
3       showing that the Cornwall Police investigators did  
4       "excellent police work", so do you not agree that that's  
5       not correct? That the report did not say that the  
6       investigators did "excellent police work"?

7                   **MR. COURVILLE:** I agree with you that that  
8       there seems to be a misinterpretation in that regard.

9                   I also note though that this same article  
10       goes on to say that -- it's -- I believe it's the seventh  
11       paragraph down it says:

12                               "The alleged victim, now 35, said he is  
13                               pleased provincial police would take  
14                               over the case. The man who lives just  
15                               outside of Ottawa said he felt Cornwall  
16                               Police dragged their feet on the  
17                               investigation convincing him to accept  
18                               the church settlement."

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

20                   **MR. COURVILLE:** And in the Skinner Report it  
21       makes reference to the fact that the alleged victim, on a  
22       number of occasions in conversation with the police, said  
23       there was no hurry, you can do this in -- for three, four,  
24       five or six months and so on.

25                   So clearly the individual reporter that

1 wrote this did not seem to have access to either the  
2 Skinner Report or -- and I don't know to what degree they  
3 may have access to the Cornwall Police press releases  
4 either, but there seems to be -- what I'm saying is  
5 generally there seems to be some questionable information  
6 in this press release.

7 **MS. JONES:** Additionally here too -- now,  
8 these are Officer Johnston's words, not part of the press  
9 release, I appreciate that, but six paragraphs down  
10 Johnston is being quoted here. Quote:

11 "We believe we have done this  
12 investigation and done this  
13 completely', Johnston said Wednesday."

14 Quote:

15 "But it's a matter of public  
16 perception that it's being reopened by  
17 the OPP."

18 Do you read that?

19 **MR. COURVILLE:** Yes.

20 **MS. JONES:** Would you agree that it looks  
21 like it's almost a due diligence sort of safeguard taken on  
22 by Cornwall Police, rather than an explicit recommendation  
23 that that actually happened? Would you agree with me on  
24 that?

25 **MR. COURVILLE:** I wouldn't agree with you,

1 in the sense that when the matter was turned over to the  
2 Ontario Provincial Police it was clear that the Ontario  
3 Provincial Police were to feel free to reinvestigate from  
4 the get-go the whole investigation. And I think that, you  
5 know, there was never any attempt to suggest that the  
6 Cornwall Police Service did an exemplary job in this  
7 investigation.

8 Chief Johnston went out of his way to  
9 be as transparent as possible with regard to the role of  
10 the Cornwall Police Service and with regard to the merits  
11 of the investigation and the merits of preferring charges.

12 I don't know of too many police services  
13 that actually enlist the aid of two successive police  
14 forces to do a further investigation and to inquire into  
15 their own handling of the matter, the way that Chief  
16 Johnston did.

17 And so I'm not suggesting that Chief  
18 Johnston -- and unfortunately, I don't know what Chief  
19 Johnston's thoughts were when he's quoted in this release  
20 because, you know, this is the first time that I've seen  
21 this release.

22 So I haven't had an opportunity to review  
23 this with him. I don't know what his thoughts were. But I  
24 do know that on a number of occasions he was absolutely  
25 firm in wanting this whole process to be as open and

1 transparent and as meaningful as possible to the  
2 complainant and to allow the complainant, notwithstanding  
3 whatever arrangements were made in a civil settlement, to  
4 be able to proceed with a criminal charge.

5 That was the whole point of this exercise  
6 and I really feel strongly about this because Chief  
7 Johnston isn't here today and cannot be because of his  
8 health, suggest that there's any -- that anything he says  
9 can be construed as going in a direction opposite to his  
10 desire to have this be completely above board, completely  
11 transparent and completely open to the complainant to  
12 proceed with whatever charges he wanted to proceed with.

13 **MS. JONES:** I appreciate your allegiance to  
14 Officer Johnston, but if part of that openness and  
15 transparency was supposed to make up your press release as  
16 the one on February 2<sup>nd</sup>, 1994, you have to agree with me  
17 that you were not, and you I mean plural, you, Officer  
18 Johnston and I believe Officer Brunet that conceived ---

19 **MR. CALLAGHAN:** Excuse me. Officer Brunet  
20 had nothing to do with this, and it's Chief Johnston.

21 **THE COMMISSIONER:** Yes.

22 **MS. JONES:** The people that were involved in  
23 writing this, Chief Johnston, yourself and anyone else?

24 I had understood from earlier this morning  
25 Officer Brunet had ---

1                   **THE COMMISSIONER:** No, Brunet was on the  
2 first ---

3                   **MS. JONES:** On the first one.

4                   **MR. COURVILLE:** Yes, January the 11<sup>th</sup> I  
5 believe.

6                   **MS. JONES:** Officer Brunet was not involved  
7 in this one?

8                   **MR. COURVILLE:** No, I don't believe he was.  
9 I'm quite certain he wasn't.

10                   **MS. JONES:** Okay. So you and Chief  
11 Johnston then were the only people that -- or the chief  
12 drafters of this?

13                   **MR. COURVILLE:** Well, again coming back to  
14 the concern of Mr. Commissioner. I don't know when and in  
15 what way legal counsel was involved, but certainly from the  
16 point of view of the police service and the police board,  
17 Chief Johnston and I were primarily the individuals.

18                   **MS. JONES:** Okay. So if you're saying that  
19 you and Chief Johnston were very interested and committed  
20 to be open and transparent, you'll have to agree with me  
21 that really the main thrust and the negative comments of  
22 the Skinner Report, which I would say make up the bulk of  
23 it, quite frankly, were really not communicated in that  
24 press release, were they?

25                   **MR. COURVILLE:** There were a number of

1 problem areas that were not communicated.

2 **MS. JONES:** And I'm just going to latch onto  
3 the one, the first conclusion drawn by the Skinner Report  
4 of being inept and ineffective in the investigation?

5 **MR. COURVILLE:** Those -- I agree with you  
6 that those words were not reflective -- were not ---

7 **MS. JONES:** And ---

8 **MR. COURVILLE:** --- included.

9 **THE COMMISSIONER:** Let him finish. Are you  
10 finished?

11 **MR. COURVILLE:** Yes. That's fine.

12 **MS. JONES:** And do you agree with me that if  
13 a press release actually had stated -- I don't want to get  
14 the words wrong:

15 "The report has concluded that the  
16 investigations into the allegations  
17 made to the Cornwall Police Service by  
18 a complainant was inept and  
19 ineffective."

20 Do you agree with me that that would likely  
21 catch the eye of the media and would likely be reported?

22 **MR. COURVILLE:** I don't know what catches  
23 the eye of the media. I suppose that that may very well  
24 have been reported.

25 **MS. JONES:** And making a logical conclusion

1           that the media would likely grasp onto things like that  
2           because the media loves to do things like that, is that not  
3           really the reason why you didn't put those words in your  
4           media release?

5                           For that very reason you did not want the  
6           media to be aware of the true conclusion of the Skinner  
7           Report which was that the investigation by Cornwall Police  
8           was inept and ineffective?

9                           **MR. COURVILLE:** No.

10                           **MS. JONES:** Now, with respect to the clause  
11           on the second page of the news release which has to do with  
12           the legal bits, that starts with "after obtaining legal  
13           advice..." ---

14                           **MR. COURVILLE:** Yes.

15                           **MS. JONES:** Just waiting for it to come up  
16           on the screen.

17                           I'm sorry; it's the second page of the --  
18           1226.

19                           **(SHORT PAUSE/COURTE PAUSE)**

20                           **MS. JONES:** I'm very fortunate; I have a  
21           much better copy than that one.

22                           I have a document number here. It's 727834,  
23           that's my document number -- 727834, if that could just  
24           come up on the screen.

25                           **THE COMMISSIONER:** Just a minute. This

1 gentleman has it in hard copy. He can see it.

2 **MS. JONES:** Is it legible? Okay.

3 **THE COMMISSIONER:** Is your copy legible,  
4 sir?

5 **MR. COURVILLE:** No, I can't really say it's  
6 legible. There are some words that I don't ---

7 **THE COMMISSIONER:** Okay. There we go.

8 **MS. JONES:** That's better. Thank you.  
9 Okay, that's a more legible copy of the document.

10 **MR. COURVILLE:** M'hm.

11 **MS. JONES:** That particular phraseology  
12 that's used there, as it states there, is to protect  
13 privacy interests and to maintain a certain discretion and  
14 a certain professional responsibility on the behalf of the  
15 Cornwall Police Service to make sure that certain  
16 information is not released to the media; I understand  
17 that.

18 However, is it not true that in those  
19 certain circumstances there has to be a balance or a caveat  
20 that there needs to be transparency for the public to have  
21 information that is good for the public interest and that  
22 to be argued with the privacy interests of the Cornwall  
23 Police.

24 **MR. CALLAGHAN:** I'm not sure that's a  
25 question or seeking legal advice. I mean, they've got a

1 prohibition in the *Municipal Freedom of Information Act*  
2 which is what is being discussed in that paragraph. I  
3 don't see a balancing in that Act.

4 But I don't see why -- it's like a legal  
5 question.

6 **THE COMMISSIONER:** It sounds like a legal  
7 question.

8 **MS. JONES:** I actually hadn't asked my  
9 question yet.

10 **THE COMMISSIONER:** Go ahead.

11 **MS. JONES:** Mr. Courville, do you recall if  
12 in fact that section may have to do with balancing  
13 competing interests? You have a privacy interest perhaps  
14 competing with a transparency interest.

15 Was this a discussion at all when you were  
16 looking at that particular section with your legal advisor  
17 or was that something that was considered, the balancing of  
18 competing interests?

19 **MR. COURVILLE:** Well, I certainly believe  
20 that there was a concern to be as transparent as possible.  
21 I've mentioned that before. Obviously, the Board sought  
22 legal advice with regard to what it could disclose and  
23 received it. I cannot, from memory, recall the nature of  
24 that advice. I cannot recall specifically the wording of  
25 section 14(b)(3) of the *Municipal Freedom of Information*

1 Act. But clearly that was a concern, and to the degree  
2 that there was a desire to be as transparent as possible,  
3 particularly on the part of Carl Johnston, there could very  
4 well have been a concern about transparency versus privacy  
5 concerns.

6 **THE COMMISSIONER:** Did the other members of  
7 the Board get a chance to review this press release before  
8 it went out?

9 **MR. COURVILLE:** I believe they did, because  
10 I think anything of this nature would have been reviewed by  
11 the Board, not necessarily in the form of a board minute,  
12 but it would have been seen by other Board members, yes.

13 I'm sorry, sir. You're asking me if the  
14 other Board members individually would have seen it prior?

15 **THE COMMISSIONER:** M'hm, m'hm.

16 **MR. COURVILLE:** Yes, I believe they would  
17 have.

18 **THE COMMISSIONER:** All right.

19 **MS. JONES:** As you're free to comment, as  
20 you've commented a few times here about Chief Johnston's  
21 desire to be open and transparent, I want to refer you,  
22 please, to Document 115551.

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

24 **THE COMMISSIONER:** Wait a minute now.

25 **MR. CALLAGHAN:** Mr. Commissioner, I don't

1 know whether notice was given on this document. It doesn't  
2 seem to be in our notice pile, so I'm not sure if the  
3 witness has seen it.

4 **MR. LEE:** I gave notice of it.

5 **THE COMMISSIONER:** This is a witness  
6 synopsis? I don't think so. I don't think we have the  
7 right document. What's the document you want to present?

8 **MS. JONES:** I've got 115551.

9 **THE COMMISSIONER:** No. Okay. Okay.

10 **MS. JONES:** One, one -- excuse me -- 115551.

11 **THE COMMISSIONER:** Okay. The next Exhibit  
12 which will be Number 1518 is a newspaper clipping by Carol  
13 Bowman -- I don't know who -- what date. It's the --  
14 Wednesday, February 2<sup>nd</sup>, 1994 and I don't know -- The  
15 Standard -- is it the Standard Freeholder, I guess? Okay.

16 Can we blow it up here a little bit, Madam  
17 Clerk?

18 ---EXHIBIT NO./ PIÈCE NO. P-1518

19 (115551) - Leo Courville - Standard-  
20 Freeholder news clipping "OPP to open  
21 inquiry into sex complaint" dated 02  
22 Feb 94.

23 **THE COMMISSIONER:** Okay. Can we flip it  
24 down so we can read it as we go? Can you bring it down  
25 then? Okay. Okay. A little more.

1 (SHORT PAUSE/COURTE PAUSE)

2 MS. JONES: Have you read it, Mr. Courville?

3 MR. COURVILLE: Yes, I have.

4 MS. JONES: Thank you.

5 This happens to be dated February 2<sup>nd</sup>, 1994  
6 which is the same date as the press release. And at the  
7 very beginning of the article -- again, it starts off with:  
8 "Declaration - Ontario Provincial Police will open a new  
9 investigation into a complaint of sexual assault against a  
10 former Cornwall priest, an Ottawa Police review has  
11 recommended."

12 So presumably, as they had not read the  
13 report, referring to the Skinner Report, they likely would  
14 have been reading the press release. Would that be fair to  
15 say? Is that what it looked like?

16 MR. COURVILLE: Yeah. I don't know if they  
17 would have had a copy of the Skinner Report. I presume  
18 they didn't, but I don't know.

19 MS. JONES: Was the Skinner Report  
20 disseminated by the Cornwall Police Service to the media?

21 MR. COURVILLE: No, not to my knowledge, but  
22 we all know the media have a way of obtaining information  
23 sometimes without it being disseminated by the police.

24 MS. JONES: But the date is quite  
25 coincidental with your press release; correct?

1                   **MR. COURVILLE:** It's the same date, yes.

2                   **MS. JONES:** And at this particular venue it  
3 states in the next paragraph:

4                                 "Acting Cornwall Police Chief Carl  
5                                 Johnston told a news conference this  
6                                 morning the OPP probe would 'start from  
7                                 scratch' possibly by week's end."

8                   **MR. COURVILLE:** Yes.

9                   **MS. JONES:** So it would seem that maybe this  
10 information could have come also from a news conference?  
11 We don't know but there's a reference to that.

12                   **MR. COURVILLE:** There's a reference to a  
13 news conference this morning, yes.

14                   **MS. JONES:** Okay. But it would appear that  
15 Acting Chief Johnston was having a conference and talking  
16 about the Skinner report as we're calling it.

17                                 And in the next paragraph:

18                                 "The Ottawa Police review of the  
19                                 handling of the investigation by  
20                                 Cornwall police also concluded there  
21                                 was no evidence of a cover-up attempt  
22                                 by Cornwall Police, Johnston said, but  
23                                 the report also concluded there was a  
24                                 noticeable lack of senior management  
25                                 direction and support throughout the

1 course of the investigation."

2 That was also something that was said in the  
3 press release; correct?

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

5 **MS. JONES:** As was the previous paragraph,  
6 no allegation of cover-up -- or "No evidence of a cover-  
7 up"?

8 **MR. COURVILLE:** Yes.

9 **MS. JONES:** Now, the next two paragraphs was  
10 actually what was interesting to me:

11 "Johnston set out the time of the  
12 investigation..."

13 Meaning the Silmsler investigation:

14 "Police were overloaded with other  
15 cases including a murder. 'Everyone  
16 was carrying too heavy a workload' he  
17 told reporters."

18 Now, in my review of the Skinner report,  
19 when I looked at the conclusions drawn as to what the --  
20 and what the problems were at the time, even if it could  
21 have been inferred by something that was said in the  
22 Skinner report, I would say that was not necessarily what  
23 the theme of the Skinner report was saying with regards to  
24 why there were any problems with the investigation. Would  
25 you agree with me on that?

1                   **THE COMMISSIONER:** Mr. Callaghan.

2                   **MR. CALLAGHAN:** The suggestion that one  
3 flows to the other; you have a press release you have a  
4 press conference. Why the Chief can't elaborate that this  
5 idea to tie the two together that there's something  
6 nefarious with the press release when there's a press  
7 conference explaining and expounding perhaps.

8                   And with respect to Skinner, it's a  
9 multifaceted issue. I think you can take it as a press  
10 conference.

11                   **THE COMMISSIONER:** What say you?

12                   **MS. JONES:** I'm not sure what relevance it  
13 has to do with my question actually.

14                   My question is, the quote given by Johnston  
15 as to the reasoning behind why the report might have been  
16 critical in any way of the Cornwall Police was because of  
17 the workload, but you agree with me that in the report or  
18 the review it's not necessarily actually saying that?  
19 There's a lot of other reasons why there were problems with  
20 the investigation.

21                   **MR. CALLAGHAN:** Yeah, I have to object.

22                   Nowhere does it say that he's trying to  
23 explain the report based on the -- he's making comment. We  
24 weren't at the press conference.

25                   **THE COMMISSIONER:** No ---

1                   **MR. CALLAGHAN:** To tie it back you're taking  
2                   it out of context even in the report and what's going on.

3                   **THE COMMISSIONER:** No, but the point can be  
4                   made that he added something that wasn't in the report; but  
5                   it wasn't in the report.

6                   **MR. CALLAGHAN:** That may be, but to suggest  
7                   that his intention in doing so was to detract from the  
8                   report or somehow misrepresent the report is unfair. It's  
9                   a press release. He might add to it, there might be ---

10                  **THE COMMISSIONER:** It was a the press  
11                  conference.

12                  **MR. CALLAGHAN:** --- the press conference  
13                  and he might add to it he might ---

14                  **THE COMMISSIONER:** News conference.

15                  **MR. CALLAGHAN:** --- he might be answering a  
16                  question. We don't know. But to suggest that it somehow  
17                  implies that he's trying to detract from Mr. Skinner's  
18                  report or somehow obfuscate Mr. Skinner's report is  
19                  inappropriate, it bases on a press conference.

20                  **THE COMMISSIONER:** M'hm. No ---

21                  **MR. CALLAGHAN:** I should say Superintendent  
22                  Skinner because he was very clear about that.

23                  **THE COMMISSIONER:** What the lieutenant --  
24                  Superintendent?

25                  **MR. CALLAGHAN:** Superintendent; he was very

1 clear as we recall.

2 THE COMMISSIONER: Yeah.

3 MR. CALLAGHAN: But ---

4 THE COMMISSIONER: No, no, I mean that's  
5 something that can be put to this witness and ---

6 MR. CALLAGHAN: I think you got my point.  
7 You've got my point that this is a press conference. This  
8 isn't -- there's no suggestion he's sitting there trying to  
9 say, well, here's Skinner's report, here's what I say about  
10 it.

11 THE COMMISSIONER: No, I think you know very  
12 well that what is trying to be brought out I guess is that  
13 the press release ---

14 MR. CALLAGHAN: Right.

15 THE COMMISSIONER: --- may have skimmed over  
16 the negative effects ---

17 MR. CALLAGHAN: I understand that's the  
18 point ---

19 THE COMMISSIONER: --- to the detriment of  
20 the community in the sense that when -- and I think, I hope  
21 we're going to get to that -- is regardless of what the  
22 intentions were, the report was interpreted, and I hope we  
23 get to Mr. Guzzo, for example, who for years said that the  
24 Ottawa Police had covered up and it was part of the  
25 conspiracy because the report ---

1                   **MR. CALLAGHAN:** --- wasn't released.

2                   **THE COMMISSIONER:** --- wasn't released and  
3 what flowed from the press release and what the press said  
4 was that there was no problem

5                   **MR. CALLAGHAN:** I see.

6                   **THE COMMISSIONER:** And that fed and fuelled  
7 Mr. Guzzo and others on a conspiracy theory.

8                   **MR. CALLAGHAN:** But I'm just trying to say  
9 tie it together, particularly ---

10                   **THE COMMISSIONER:** Well, no, ---

11                   **MR. CALLAGHAN:** You know, there are separate  
12 issues here and you've got to be fair to say Mr. Johnston -  
13 - sorry Chief Johnston ---

14                   **THE COMMISSIONER:** Chief Johnston.

15                   **MR. CALLAGHAN:** --- and the others.

16                   **THE COMMISSIONER:** No, and I know, and I'm  
17 not saying anything against Chief Johnston or anything like  
18 that, I'm just saying that I think she can ask the question  
19 say, "Look it, that was not in the press release or in the  
20 report".

21                   **MR. CALLAGHAN:** Right.

22                   **THE COMMISSIONER:** And that's fine.

23                   **MS. JONES:** So I'll just re-ask the  
24 question.

25                   That particular point that Chief Johnston is

1 saying at the news conference, that the problem at that  
2 particular point of the investigations that everyone was  
3 overworked, overloaded, was not actually a problem  
4 highlighted in the Skinner report?

5 **MR. COURVILLE:** Insofar as it may be  
6 referable to the lack of appropriate supervision which is,  
7 for example, was one of the problems identified in Skinner.  
8 It could be attributed -- it -- I agree with you that those  
9 words were not used by Skinner.

10 I'm not sure that the concept of everyone  
11 carrying too heavy a workload is not referable back to some  
12 of the problems that he identifies. He certainly did not  
13 use those words. I agree with you in that respect.

14 **MS. JONES:** And going over to the right-hand  
15 column, about half way down the column, I'll start with the  
16 words "As a result" if you know where I am?

17 **MR. COURVILLE:** Yes.

18 **MS. JONES:** "As a result Cornwall Police,  
19 acting on the advice of the local Crown  
20 Attorney, dropped their 10-month  
21 investigation, concluding it would be  
22 difficult to proceed without a  
23 complainant. Johnston said Cornwall  
24 Police last week contacted the alleged  
25 victim's lawyer inviting him to come

1                   forth. No new witnesses have come  
2                   forward so far he said."

3                   **MR. COURVILLE:** Yes, I read that.

4                   **MS. JONES:** Do you see that?

5                   **MR. COURVILLE:** Yes, I do.

6                   **MS. JONES:** Now, in my reading of the  
7                   Skinner report, and I'm looking at the third page of the  
8                   Skinner report which is Bates page 1025448.

9                   **MR. COURVILLE:** I'm sorry ---

10                  **MS. JONES:** The Skinner report?

11                  **MR. COURVILLE:** Yeah, I'm just trying to ---

12                  **MS. JONES:** Trying to find that?

13                  **MR. COURVILLE:** Okay, I have it. Sorry, the  
14                  page?

15                  **MS. JONES:** Exhibit 1207.

16                  The third page, Bates page 5448, and the  
17                  heading is "The Investigation".

18                  **MR. COURVILLE:** Yes?

19                  **MS. JONES:** The fourth paragraph down.

20                  **MR. COURVILLE:** Yes.

21                  **MS. JONES:** In that paragraph it states:

22                                "On March 2<sup>nd</sup> she..."

23                  Meaning Constable Sebalj:

24                                "...met informally with the Crown

25                                Attorney, Murray MacDonald, and spoke

1 to him about some of the witnesses she  
2 had interviewed. She had not yet  
3 spoken with the two witnesses who  
4 remembered the sexual improprieties on  
5 the part of the priest. He expressed  
6 some doubts about her grounds for  
7 prosecution."

8 So just that brief bit of the report, and  
9 certainly there's many volumes of documentation now on the  
10 Silmsler investigation, but it would appear just from the  
11 Skinner report that there were actually one or two  
12 witnesses that had come forward?

13 **MR. CALLAGHAN:** With great respect, the  
14 sentence is referable, "No new witnesses have come  
15 forward". Afterwards he invited the victim to come  
16 forward. "No new witnesses have come forward he said".

17 He invites the claimant to come forward, the  
18 alleged victim to come forward and no new victims have come  
19 forward. This is of February, 1994. And that's a true  
20 statement.

21 **THE COMMISSIONER:** What's your position on  
22 this?

23 **MS. JONES:** That it could be misleading in  
24 the sense that my question was, "Do you think that that  
25 could be misleading, the fact that no new witnesses came

1 forward ever in the investigation?"

2 **MR. COURVILLE:** I -- no, well I agree with  
3 Mr. Callaghan's view of the timing of things in 1994. At  
4 the time of the press conference and the comments of Chief  
5 Johnston, that was at a -- within a different context and  
6 the reference on page 4 or of the report of Mr. Skinner.

7 **THE COMMISSIONER:** It's okay. Let's go on.  
8 Let's pass over that.

9 **MS. JONES:** Just one last sort of area.  
10 With respect to the whole concept of these press releases,  
11 can you see how important it is to make sure that the  
12 tenure or the message that you want to send is accurate and  
13 not misleading?

14 **MR. COURVILLE:** I believe that the press  
15 reports should be as accurate as possible, yes. I also  
16 believe that they have to be taken within a context of what  
17 is happening at the time and what may happen in the future  
18 and what the whole process is that the Police Service is  
19 trying to engage in and I come back to the general sense of  
20 -- it was at the instance of Chief Johnston that there was  
21 a Skinner Report to begin with.

22 It was at the instance of Chief Johnston  
23 that there was an OPP investigation and insofar as the  
24 press and the media are concerned that's one facet of it  
25 but I don't take that to be necessarily the major facet or

1 with regard to the exercise that was being undertaken. It  
2 was part of the process, but the underlying point of the  
3 process was to ensure the public that by having a critical  
4 review by at least two police services other than the  
5 Cornwall Police that the process would be in the best  
6 interest of any member of the public whether they happen to  
7 be a victim or otherwise.

8 And I think that's really the only point  
9 that I can indicate with regard to where press releases fit  
10 into the whole equation.

11 **MS. JONES:** I appreciate that but I still am  
12 not really hearing from you that you understand the  
13 seriousness of how important press releases were on this  
14 critical issue at the time.

15 For example, you weren't sure in the Ottawa  
16 Citizen article, which is Exhibit 1517, if they were in  
17 fact referring to your press release which had been made  
18 the day before the article.

19 I can say towards the bottom of the article  
20 -- on the screen -- if you are looking at the screen --  
21 it's about half way up. It's the paragraph that begins  
22 with the quotation mark and the word "There" -- "There  
23 was". Do you see where I am?

24 **MR. COURVILLE:** Yes.

25 **MS. JONES:** And in the article it says:

1 "There was a noticeable lack of senior  
2 management direction and systemic  
3 support throughout the course of the  
4 investigation' said a release from  
5 Cornwall's Police Services Board  
6 quoting the Ottawa report."

7 So it's very clear that this reporter at  
8 least had been referring to your press release. Would you  
9 agree with me on that that they had -- it would seem  
10 through their writing that they were referring to your  
11 press release?

12 **MR. COURVILLE:** In this particular  
13 instance, yes, I would agree you.

14 **MS. JONES:** So when this article was written  
15 presumably that police report in its -- I'm sorry; the  
16 press release, in it's entirety, was available to that  
17 reporter at the time as she makes reference to it directly  
18 in her article?

19 **MR. COURVILLE:** She certainly does and I  
20 can't dispute that.

21 **MS. JONES:** So you can understand, I hope  
22 anyway, the significance of my question. That is, do you  
23 really, truly appreciate how important it was that your  
24 press releases be accurate and open when you were composing  
25 them and releasing them?

1                   **MR. COURVILLE:** My hope is always that the  
2                   press release is accurate and reflects the nature of the  
3                   material that is referable to it. I've already I think  
4                   answered that question by reference to the Skinner Report  
5                   itself and how much -- you know, whether it could have been  
6                   released in its entirety. We've ---

7                   **THE COMMISSIONER:** Never mind being released  
8                   in its entirety, sir. I think where we have to go is this.  
9                   Regardless of the intent or regardless that press release  
10                  went out.

11                  Did you live here in Cornwall?

12                  **MR. COURVILLE:** Yes.

13                  **THE COMMISSIONER:** Did you follow what went  
14                  on from that time on about all this -- the investigations  
15                  and all of that?

16                  Since 1993, have you been following the  
17                  developments of this thing?

18                  **MR. COURVILLE:** Yes, I have. Both in --

19                  **THE COMMISSIONER:** All right.

20                  **MR. COURVILLE:** Yes.

21                  **THE COMMISSIONER:** I'm sorry?

22                  **MR. COURVILLE:** Yes, I have.

23                  You're referring to beyond my period on the  
24                  board?

25                  **THE COMMISSIONER:** Yes, yes, yes.

1                   **MR. COURVILLE:** Yes.

2                   **THE COMMISSIONER:** All right.

3                   Are you aware that, for example, Mr. Guzzo  
4                   latched onto the fact that the report said there was  
5                   nothing wrong with the Cornwall Police and used that as  
6                   fuel or as something in his mind that showed that there was  
7                   not -- that there was something wrong with all of these  
8                   investigations? Are you aware of that?

9                   **MR. COURVILLE:** Yes, I am.

10                  **THE COMMISSIONER:** Okay.

11                  **MR. COURVILLE:** I'm aware of what he has  
12                  said.

13                  **THE COMMISSIONER:** Right.

14                  **MR. COURVILLE:** Yes.

15                  **THE COMMISSIONER:** Okay.

16                  And are you aware that other people in the  
17                  community took that as well as being more fuel for a  
18                  conspiracy theory and that there is something wrong in the  
19                  Cornwall Police?

20                  **MR. COURVILLE:** I am aware that that view is  
21                  held by certain people in the community.

22                  **THE COMMISSIONER:** All right.

23                  And do you not agree that -- so when people  
24                  started commenting and misinterpreting the report, did you  
25                  ever think that maybe you should come forward and say, "No,

1 no, no. No, no, no, that's not what the report said. The  
2 report said there was no cover up; the investigation itself  
3 was inept and I, as Chair of the Board, is going to take  
4 steps to make sure that we have a Ministry inquiry and  
5 we're going to ask the OPP to come in and restart the  
6 investigation"?

7 Did you ever consider doing that?

8 **MR. COURVILLE:** Well, in fact, sir, that's  
9 what we did.

10 **THE COMMISSIONER:** Of course that's what you  
11 did but that's not what you said in the press release. Do  
12 you not see the difference?

13 **MR. COURVILLE:** I think the -- well, with  
14 the greatest respect, I think that we did, in fact, say  
15 that in the press release but we didn't make it manifest or  
16 perhaps as clear as we could have.

17 I think we indicated that -- in words that  
18 were generally addressed to the lack of systemic support  
19 and so on. That we were trying to basically point out that  
20 there were a lot of difficulties with the investigation.

21 I think we -- in hindsight, we could have  
22 been perhaps a little bit more clear, more specific. That  
23 didn't happen.

24 Again, I'm not sure of the -- from memory of  
25 the impact of the legal advice we obtained at the time, but

1 ultimately I think the process was such that anyone,  
2 including Mr. Guzzo, if he so chose, could have approached  
3 the authorities and got clarity with regard to the nature  
4 of exactly what the Skinner Report entailed. He didn't  
5 choose to do that. He chose to go off on his own tangent  
6 and make certain hypothesis as to what did or didn't  
7 happen. And I regret that he did that. I think it was a  
8 great disservice for this community and for anybody who  
9 listened to him.

10 **THE COMMISSIONER:** And as a service being a  
11 community oriented board and a public institution do you  
12 not think that at some point it's up to the Board and the  
13 public institution to set the record straight?

14 **MR. COURVILLE:** I think the record was set  
15 straight to the degree that the OPP did a reinvestigation.

16 The problem that the Board has is that  
17 ultimately it defers to the operational branches of the  
18 Police Services that are involved. The Board, in terms of  
19 its civilian over sight, defers to the Operational Branch.

20 **THE COMMISSIONER:** It was your press  
21 release, sir. It was your press release.

22 **MR. COURVILLE:** Yes.

23 **THE COMMISSIONER:** If there were problems  
24 emanating from that press release would it not have been  
25 your responsibility to set the record straight?

1                   **MR. COURVILLE:** I honestly can't recall when  
2                   Mr. Guzzo and others indicated a concern in this area. I  
3                   don't recall the timing of that. I don't recall how that  
4                   coincided with my time on the Board and I honestly can't  
5                   put that in the context of what may or may not have  
6                   happened 15 years ago.

7                   I do believe that the individuals who were  
8                   of a mind to believe that there was a conspiracy would --  
9                   had every opportunity to disabuse themselves of that by  
10                  going to the source and they chose not to.

11                  **THE COMMISSIONER:** Thank you.

12                  Let's take the break.

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

15                  This hearing will resume at 3:20.

16                  ---Upon recessing at 3:05 p.m./

17                  L'audience est suspendue à 15h05

18                  ---Upon resuming at 3:25 p.m./

19                  L'audience est reprise à 15h25

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

22                  This hearing is now resumed. Please be  
23                  seated. Veuillez vous asseoir.

24                  **LEO COURVILLE, Resumed/Sous le même serment:**

25                  **THE COMMISSIONER:** Thank you.

1 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.  
2 JONES (C'ont/Suite):

3 MS. JONES: Now could I please go to Exhibit  
4 1224? That's the January 11<sup>th</sup> press release.

5 THE COMMISSIONER: Yes. What page?

6 MS. JONES: Do you have that in front of  
7 you, Mr. Courville?

8 MR. COURVILLE: Yes, I do. Sorry.

9 MS. JONES: I was wondering if you could  
10 please turn to the second last page, 1025626?

11 MR. COURVILLE: Yes.

12 MS. JONES: I'm not going to read over the  
13 other 17 preceding paragraphs or so but you were outlining  
14 the incident that was at issue obviously, and then you give  
15 a summary and I just want to read the summary:

16 "Given all of the foregoing facts, the  
17 Police Services Board of the City of  
18 Cornwall are most anxious not only to  
19 fully inform the public what has  
20 actually happened to date but in  
21 addition to give its assurance that any  
22 and all future steps necessary to  
23 resolve all outstanding issues and  
24 questions will be taken."

25 Now, this is the part that I wish to focus

1 on:

2 "The Board invites the complainant in  
3 this matter to pursue any further  
4 concerns that he may have at this time  
5 with the Cornwall Police Service or any  
6 other police agency that is appropriate  
7 in order to give full confidence to the  
8 complainant that any and all concerns  
9 he may still have will be actively and  
10 impartially investigated. The Board  
11 shall seek assistance from other police  
12 agencies. The Board also invites the  
13 complainant to avail himself of the  
14 police complaint procedures available  
15 to any citizen under the *Police*  
16 *Services Act* of Ontario."

17 **MR. COURVILLE:** Yes.

18 **MS. JONES:** Do you see that?

19 **MR. COURVILLE:** Yes.

20 **MS. JONES:** Now, that last few sentences  
21 starting with, "The Board invites the complainant in this  
22 matter", is that not a very clear invitation for the  
23 complainant to essentially make a formal complaint about  
24 Perry Dunlop, which is what you're implying there?

25 **MR. COURVILLE:** Not necessarily Perry Dunlop

1 but any and all actions taken by the Cornwall Police  
2 Service with regard ---

3 **MS. JONES:** I'm sorry; could you just speak  
4 into the microphone. I'm having difficulty hearing you.

5 **MR. COURVILLE:** Yes.

6 Not necessarily limited to Perry Dunlop but  
7 to any and all actions that are perceived as being improper  
8 by the Cornwall Police Service.

9 **MS. JONES:** Well, at that particular stage,  
10 was not Perry Dunlop the main focus or the main person that  
11 was behind a lot of these problems as far as the Cornwall  
12 Police Service was concerned?

13 **MR. COURVILLE:** Generally speaking there was  
14 an issue of insuring the public that there was no attempt  
15 to cover up. Insofar as Perry Dunlop fits into that  
16 concern, I would agree with you.

17 **THE COMMISSIONER:** Did you ever specifically  
18 discuss Perry Dunlop when you were directing that part of  
19 the press release?

20 **MR. COURVILLE:** I'm sorry; did I ever ---

21 **THE COMMISSIONER:** In the preparation of  
22 this press release ---

23 **MR. COURVILLE:** Yes.

24 **THE COMMISSIONER:** --- was the word -- name  
25 Perry Dunlop discussed when you were preparing that last

1 paragraph?

2 **MR. COURVILLE:** Well, generally speaking,  
3 Perry Dunlop certainly was discussed in the preparation of  
4 this press release, yes. And I would think that it would  
5 be in the minds of myself and others who would have  
6 assisted me also that Perry Dunlop was a concern or an  
7 issue.

8 **THE COMMISSIONER:** Okay.

9 **MS. JONES:** I'm sorry; a concern and an  
10 issue?

11 **MR. COURVILLE:** A concern or an issue I  
12 said. It could be a concern and an issue if you wish to  
13 phrase it that way.

14 **MS. JONES:** A concern and an issue for  
15 Cornwall Police Service?

16 **MR. COURVILLE:** Well, for the process of the  
17 public perception of what was going on by way of the  
18 investigation, yes.

19 **MS. JONES:** So I'll reiterate my initial  
20 question, is that not basically then an invitation for a  
21 complaint to be made against Perry Dunlop?

22 **MR. COURVILLE:** Not necessarily. I think  
23 it's more an invitation to have anyone come forward with  
24 regard to any complaint they may have against the police  
25 and the way the police acted in undertaking this

1 investigation.

2 **MS. JONES:** Now, when you were compiling all  
3 these press releases I imagine it was a fairly stressful  
4 ordeal to go through at the time. You were under the gun  
5 for a variety of reasons and under the microscope.

6 You made the press releases in pretty quick  
7 succession. Is it fair to say that you and the Cornwall  
8 Police -- and by that I mean Chief Johnston or Officer Repa  
9 -- I'm sorry; Officer Brunet -- would it be fair to say  
10 that you had developed some sort of a media strategy of how  
11 you were going to handle the media?

12 **MR. COURVILLE:** Well, I think the -- really  
13 the only media strategy was to be as open and transparent  
14 as possible, to the effect that we may not have achieved  
15 that.

16 I don't think it was in our mind to not be  
17 transparent. I think that was our objective to -- the  
18 whole process was to -- by putting the matter in the hands  
19 of other police services, basically, both in terms of a  
20 critical review of the Cornwall Police Service and in terms  
21 of reinvestigating the whole issue.

22 The whole objective was to insure the public  
23 that we were doing as much as possible to have an open  
24 approach to this. I think that's what our objective was.

25 **MS. JONES:** Well, I -- that may have been

1           one of your objectives. Would not one of your objectives  
2           also to have been to paint the Cornwall Police Service in  
3           the best possible light?

4                       **MR. COURVILLE:** Well, bear in mind that we  
5           were also concerned about -- as a Board we were concerned  
6           about doing an internal audit of the police service  
7           generally and identifying whatever shortcomings there were  
8           in the Police Service by way of that internal audit.

9                       So I suppose that if you're asking that we  
10          were -- were we putting a spin on things to cast the Police  
11          Service in a way that was more favourable than it might  
12          have been otherwise, I don't believe that was the intent.

13                      Insofar as that may have happened, that  
14          could have been a result that -- I don't know -- it could  
15          have been due to a number of factors. It could have been  
16          due to the -- as I say, I'm not sure what the legal advice  
17          was that was pertaining to the second press release but  
18          that could have been a factor.

19                      What is said in press conferences as opposed  
20          to press releases as well is another factor. I notice that  
21          some of the comments come up by way of press conference as  
22          opposed to press release so I'm just -- I'm going back 15  
23          years and I'm trying to cast my mind into the state of  
24          affairs that existed when these press releases were  
25          prepares and I'm having some difficulty doing that.

1 (SHORT PAUSE/COURTE PAUSE)

2 MS. JONES: Now as with all the witnesses in  
3 the Inquiry, I'm at the stage now to ask you if you have  
4 any recommendations for the Commissioner as to instances  
5 that have happened and, not just the content for the  
6 Inquiry, but all the circumstances leading up to this, if  
7 there are any sort of recommendations you could offer to  
8 Mr. Commissioner?

9 MR. COURVILLE: Yes. I think one that I  
10 would propose, and I'm not sure to what extent it's been  
11 acted on already, if at all, is that the Police Servicing  
12 Division of the Ministry of the Solicitor General put  
13 forward a general policy directive with regard to the  
14 handling of historical sexual assault cases, if you wish,  
15 that could be instructive to any police service in Ontario  
16 before such -- before the occurrence of such  
17 investigations.

18 I think the collaboration -- there should be  
19 -- it would be good to have mechanisms built in where  
20 police services could collaborate with one another with  
21 regard to -- with regard to the criteria for undertaking  
22 review investigations or reviews of other investigations.  
23 If those criteria were formulated and set down, then we  
24 wouldn't have to worry about whether press releases were  
25 accurate or not or to what extent they were fully

1 comprehensive. And the investigation would be conducted  
2 according to the criteria laid down and that would be made  
3 available to the public.

4 I believe that insofar as the community  
5 policing function is developed and made effective within a  
6 community, one very important focus of that community  
7 policing function could be the liaison or the liaising with  
8 other -- between the police and other relative -- relevant  
9 community bodies such as the Children's Aid Society, the  
10 schools and so on.

11 That to me is an ideal focus and forum for  
12 community policing and I don't know to what degree that's  
13 been formalized as a thought within the Police Services  
14 Division in Toronto, but I think that would be something  
15 that might be looked at.

16 **MS. JONES:** Thank you. And lastly, are you  
17 able to tell Mr. Commissioner as well if there has been any  
18 impact on you personally as a result of this whole process,  
19 and the Inquiry, that you wish to share?

20 **MR. COURVILLE:** Yes, very much so. I --  
21 when I agreed to go onto the Board, I did it out of a sense  
22 that public service was a responsibility and a duty that  
23 people should undertake and I felt that it was my time to  
24 do that.

25 And I feel that there were countless hours

1 spent trying to effect the best approach to this civilian  
2 oversight that I referred to initially. But I think that  
3 one can always learn, and learn primarily through the door  
4 of experience and there is no better teacher than to go  
5 through the experience, if you like.

6 And so I think the Inquiry has forced me to  
7 focus on a lot of the time that I spent on the Police Board  
8 in a way that I -- perhaps in a somewhat different way that  
9 I focused at the time and I appreciate really having the  
10 opportunity in many ways to revisit that.

11 **MS. JONES:** Thank you very much, Mr.  
12 Courville.

13 **MR. COURVILLE:** Thank you.

14 **THE COMMISSIONER:** Ms. Daley?

15 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

16 **DALEY:**

17 **MS. DALEY:** Hello, Mr. Courville. My name  
18 is Helen Daley. I am counsel to a group of Cornwall  
19 citizens called the Citizens for Community Renewal. They  
20 have standing here, and their principal interest is in the  
21 reform of our civic institutions.

22 I have a few areas I'd like to discuss with  
23 you and I think my first general topic is the governance  
24 mandate of the Board and the role the Board plays in  
25 civilian oversight of the Police Service.

1 Right, so that's the first area I want to  
2 canvass.

3 And would you agree, sir, that the role of  
4 Board members on a police service board such as yours is  
5 central to the concept that we hold of civilian governance  
6 of police services in Ontario?

7 **MR. COURVILLE:** Very much so, yes.

8 **MS. DALEY:** In fact, the Board is the body  
9 that performs this civilian oversight function?

10 **MR. COURVILLE:** Yes.

11 **MS. DALEY:** And you would agree with the  
12 notion that the Board in that capacity acts as public  
13 stewards and they ensure that police forces are accountable  
14 to the community; that's the purpose of the Board?

15 **MR. COURVILLE:** Yes.

16 **MS. DALEY:** Would you agree?

17 **MR. COURVILLE:** Yes, I would agree.

18 **MS. DALEY:** And to put more flesh on the  
19 bones, the Board sets policy, the Board hires the police  
20 and supervises -- sorry, hires the Chief of Police and  
21 provides oversight of the Chief's performance; you would  
22 agree with that concept?

23 **MR. COURVILLE:** Yes.

24 **MS. DALEY:** And those are functions that the  
25 Board alone plays in this system of police governance?

1                   **MR. COURVILLE:** Generally I agree. I think  
2 that the Board calls -- can call on the assistance of  
3 advisors in discharging that function through the Ministry  
4 of the Solicitor General, but I do agree with you, yes.

5                   **MS. DALEY:** That subject to receiving advice  
6 or direction from an appropriate outsider, it is the  
7 Board's job to supervise the Chief of Police?

8                   **MR. COURVILLE:** Yes, it is.

9                   **MS. DALEY:** And it's the Chief who oversees  
10 the day-to-day operation?

11                   **MR. COURVILLE:** Very much so.

12                   **MS. DALEY:** But the Board supervision is of  
13 the Chief in his capacity as essentially chief operating  
14 officer of the organization?

15                   **MR. COURVILLE:** Yes, that's true.

16                   **MS. DALEY:** Now I just want to review some  
17 of the statutory duties that apply to the Board and  
18 obviously, sir, you are aware these duties derive from Part  
19 III of the *Police Services Act*?

20                   **MR. COURVILLE:** Yes, I am.

21                   **MS. DALEY:** And I'm going to paraphrase some  
22 of them. If you have problems with my paraphrasing, I'll  
23 show you the statute, but I'm not -- I'm hopeful that I'll  
24 get it right and that you'll be able to agree with me.

25                   **MR. COURVILLE:** That's fine.

1                   **MS. DALEY:** Would you agree that one of the  
2                   statutory duties of the Board is to determine the  
3                   objectives and priorities of the Service, the Police  
4                   Service?

5                   **MR. COURVILLE:** Yes, within certain  
6                   statutory requirements, yes.

7                   **MS. DALEY:** Do you want to look at the  
8                   statute? We might as well. We have it. It's Document  
9                   600865 and I'll give Madam Clerk the reference to the  
10                  sections we're going to be looking at.

11                  **(SHORT PAUSE/COURTE PAUSE)**

12                  **THE COMMISSIONER:** Thank you.

13                  **MS. DALEY:** Sir, so this is the Act as it  
14                  applied during your tenure on the Board? And by way of  
15                  base reference, I'm just going to use the last three  
16                  digits. At Bates 391 we see section 31 as it then was.

17                  **MR. COURVILLE:** I'm sorry. I'm ---

18                  **THE COMMISSIONER:** Just a second. Just a  
19                  second. We're at -- we're with the book of documents,  
20                  Volume 2.

21                  **MS. DALEY:** Yes.

22                  **THE COMMISSIONER:** So what tab are we at?

23                  **THE REGISTRAR:** Twenty-nine (29).

24                  **THE COMMISSIONER:** Tab 29, sir.

25                  **MR. COURVILLE:** Okay. Yes, I have that.

1                   **MS. DALEY:** And you can -- you can find  
2 section 31 of the statute, Bates 391?

3                   **THE COMMISSIONER:** We don't have Bates pages  
4 for this?

5                   **MS. DALEY:** Oh, I'm sorry.

6                   **THE COMMISSIONER:** Wait a minute. It's not  
7 29.

8                   **MS. DALEY:** Section 31.

9                   **THE COMMISSIONER:** No, no, just a second.

10                   **MS. DALEY:** Sorry.

11                   **THE COMMISSIONER:** Tab 29 is "Child Abuse  
12 and Neglect Policing Standard", so I don't think that's  
13 what we want. Framework for child abuse -- now, on section  
14 30 we had the Ontario regulation on the adequacy and  
15 effectiveness of police services. No, that's not what we  
16 want. So can you help me out?

17                   **MS. DALEY:** If Madam Clerk shows me the  
18 book, I'll try to find what we're looking for.

19                   **(SHORT PAUSE/COURTE PAUSE)**

20                   **MS. DALEY:** Sorry for the delay.

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

22                   **THE COMMISSIONER:** Thank you.

23                   So Mr. Courville -- is he going to get an --  
24 okay. So it's Tab 4 in the Book of Documents that you've  
25 been given and it's at page 31 of 105.

1                   **MR. COURVILLE:** Okay. I have that.

2                   **MS. DALEY:** Do you have that, sir?

3                   **MR. COURVILLE:** Yes.

4                   **MS. DALEY:** So the Board's responsibilities  
5 are outlined at -- are contained at paragraph 31 of this  
6 statute, and if we look at 31(1)(b), it's where I derived  
7 the notion that the Board has some responsibility for  
8 determining with the Chief objectives and priorities of the  
9 Service?

10                   **MR. COURVILLE:** Yes.

11                   **MS. DALEY:** And to try to tie that concept  
12 to what -- some of the things we've spoken about here, that  
13 would include strategic planning process; would it not?

14                   **MR. COURVILLE:** Yes.

15                   **MS. DALEY:** That's what strategic planning  
16 is generally about, to ascertain objectives and priorities?

17                   **MR. COURVILLE:** Yes, my understanding of  
18 strategic planning is that it proceeds from a mission  
19 statement which could be regarded as an overall objective  
20 and then it sets out ways and means of achieving that, and  
21 I believe that this particular section is basically  
22 contained within that concept. Yes, I agree.

23                   **MS. DALEY:** As a Board responsibility?

24                   **MR. COURVILLE:** Yes.

25                   **MS. DALEY:** All right.

1                   And a Board responsibility also includes  
2                   establishing policies for the effective management of the  
3                   Force?

4                   **MR. COURVILLE:** Yes.

5                   **MS. DALEY:** So when you have spoken to us in  
6                   your evidence about policy versus operation, to flesh that  
7                   out, the policies that your Board is responsible for are  
8                   policies directed at effective management; correct?

9                   **MR. COURVILLE:** Yes, yes.

10                  **MS. DALEY:** And the Board is also  
11                  responsible for the appointment of the Chief and to direct  
12                  the Chief and monitor his or her performance. That's a  
13                  Board function and responsibility?

14                  **MR. COURVILLE:** Yes, I agree.

15                  **MS. DALEY:** And as I think you outlined  
16                  earlier or alluded to, the Board, in that respect, may give  
17                  direct orders to the Chief?

18                  **MR. COURVILLE:** Yes, in the sense of  
19                  carrying out policies or objectives, yes.

20                  **MS. DALEY:** And the final duty that I wanted  
21                  to draw your attention to was the Board may make rules for  
22                  effective management of the service?

23                  **MR. COURVILLE:** Yes, up to a point. Again,  
24                  I think insofar as those rules are directives to the Chief  
25                  and they're policy -- overall policy -- their objective is

1 oversight of policy; that's true. Insofar as those rules  
2 purport to get into how policy will be effected or what I  
3 call the operational aspect, I think there's a cutoff at  
4 that point.

5 **MS. DALEY:** I understand that. The Board  
6 establishes the appropriate rules and it's up to the Chief  
7 and those under him to implement?

8 **MR. COURVILLE:** Yes.

9 **MS. DALEY:** Right?

10 **MR. COURVILLE:** Yes.

11 **MS. DALEY:** Okay. So I have a few questions  
12 then. When you joined the Board in June of 1992, did you  
13 receive any training or any guidance as to your performance  
14 as a member of the Board and your compliance with these  
15 obligations?

16 **MR. COURVILLE:** I received training shortly  
17 after I joined the Board. I'm recalling that I went to a  
18 seminar with regard to effective Board participation which  
19 was within the context of a regional meeting of the  
20 Association of Police Service Boards, yes.

21 **MS. DALEY:** When you actually took your seat  
22 at the first Board meeting or prior to that time, were you  
23 -- did anyone give you a manual of the policies that the  
24 Board had in fact created for the management of the  
25 Cornwall Force?

1                   **MR. COURVILLE:** I don't recall a manual as  
2 such. I recall receiving various documents pertaining to  
3 certain policies.

4                   **MS. DALEY:** All right.

5                   My question was are there in fact -- were  
6 there in fact policies that related to effective management  
7 when you joined the Board?

8                   **MR. COURVILLE:** There were not policies with  
9 regard to the overall approach toward formulating policies,  
10 if I can put it that way. There were not a manual that  
11 was a sort of a blueprint for functioning on a Board, if  
12 that's what you're looking for.

13                   **MS. DALEY:** No, no, I'm talking about the  
14 statutory policy -- we've just looked at the Board's  
15 responsibility ---

16                   **MR. COURVILLE:** Yeah.

17                   **MS. DALEY:** --- to create policies for  
18 effective management of the service. Were there policies  
19 that dealt with the effective management of the service  
20 when you joined?

21                   **MR. COURVILLE:** Yes, there were. There were  
22 policies that covered a wide range of things. I remember  
23 at the time that I was surprised to learn that the Cornwall  
24 Police Service, for example, was in charge of licensing of  
25 City taxi cabs and there was a policy for that. There was

1 a policy for tendering with regard to what towing service  
2 the police would use in -- with regard to impounded  
3 vehicles. There was a policy with regard to school  
4 crossing guards which struck me as something that was  
5 outside of what we normally regard as policing services.  
6 Yes, there were a number of policies that we were presented  
7 with as new Board members.

8 **MS. DALEY:** Well, the ones you've just  
9 described, tendering for towing services, cab licences or  
10 school crossing guards, those don't relate to effective  
11 management of the police service, do they?

12 **MR. COURVILLE:** Well, they did in the sense  
13 that police personnel were involved in supervising or  
14 directing these activities, which was a concern for me as a  
15 -- personally, as a Board member.

16 There were other policy areas that were, you  
17 know ---

18 **MS. DALEY:** Can you name one that relates to  
19 effective management of the service, in your mind?

20 **MR. COURVILLE:** Well, I believe there was a  
21 policy with regard to disciplinary action, for example.

22 **MS. DALEY:** All right.

23 When you joined the Board for the first  
24 time, were you introduced to audit reports? Were you  
25 introduced to the items of that nature that we've spoken

1 about? I took it from your testimony you had to seek that  
2 out; is that ---

3 MR. COURVILLE: That's ---

4 MS. DALEY: --- correct?

5 MR. COURVILLE: That's correct.

6 I was not introduced -- I was not handed an  
7 audit report and, and as sort of a package, if you like,  
8 that was prepared for me.

9 MS. DALEY: When you joined the Board, was  
10 there any guideline or directive concerning conflicts of  
11 interest with respect to Board members that you were aware  
12 of?

13 MR. COURVILLE: Not that I was aware of, no.

14 MS. DALEY: All right.

15 Now, we spoke about -- sorry, one second.

16 (SHORT PAUSE/COURTE PAUSE)

17 MS. DALEY: When you joined the Board, did  
18 you -- were you aware of any evidence that the Board had  
19 played a direct role in supervising Chief Shaver? By that  
20 I mean any performance appraisals? Did you ever see a  
21 performance appraisal the Board had done of Chief Shaver?

22 MR. COURVILLE: I believe I did. I don't  
23 know if it was at the time that I joined the Board or if it  
24 was sometime thereafter, but I recall seeing a performance  
25 appraisal, yes.

1                   **MS. DALEY:** Who had done the performance  
2 review?

3                   **MR. COURVILLE:** I honestly can't recall. I  
4 believe it was done by an individual in an outside policing  
5 service, but I don't recall.

6                   **MS. DALEY:** Did it identify any of the  
7 issues that we've spoken about here today? And I'm  
8 directing you back to the morale report and the 1993 report  
9 that we talked about.

10                   **MR. COURVILLE:** I believe that one phrase  
11 that sticks in my mind was "somewhat impulsive management  
12 style." So that's the only thing I can recall from that.

13                   **MS. DALEY:** Was the tenor generally negative  
14 as that comment applies?

15                   **MR. COURVILLE:** I think it was balanced. I  
16 think there were certainly some aspects that could be  
17 regarded as negative and there were some others that were  
18 fairly positive.

19                   **MS. DALEY:** I take it if you look for an  
20 appointment file, so to speak, on the Chief, that was the  
21 only piece of paper you saw when you took over?

22                   **MR. COURVILLE:** I honestly can't recall if  
23 it was the only one. It's one that certainly comes to  
24 mind.

25                   **MS. DALEY:** All right.

1 I thought I took from your testimony -- and  
2 give me one second -- that -- and this was said with  
3 reference to the morale report, which I'll come back to you  
4 on in a minute, but that you hadn't perceived any of those  
5 problems yourself in the time you were there up until the  
6 delivery of that report?

7 **MR. COURVILLE:** Well -- with -- that's  
8 correct generally. There was a -- before the report was  
9 issued, there were meetings held in which particularly the  
10 Association brought to the Board's attention some concerns  
11 with regard to the leadership of Chief Shaver. So I ---

12 **MS. DALEY:** But I take it that was just  
13 shortly in advance of your receipt of the report?

14 **MR. COURVILLE:** It would have been several  
15 months in advance of that, yes.

16 **MS. DALEY:** All right.

17 But by that point in time, you'd been on the  
18 Board for perhaps about a year, maybe somewhat less? And I  
19 take it Shaver had attended many Board meetings; correct?

20 **MR. COURVILLE:** He did, yes. I came on to  
21 the -- my first Board meeting that I recall attending was  
22 in July, and the appointment was in June, I believe. And I  
23 recall attending a meeting sometime in May where the  
24 Association voiced -- the following May ---

25 **MS. DALEY:** Yes.

1                   **MR. COURVILLE:** --- where the Association  
2                   voiced concerns, yes.

3                   **MS. DALEY:** Between those points,  
4                   notwithstanding that Shaver -- Chief Shaver was in  
5                   attendance, I take it he hadn't brought to the Board's  
6                   attention that there were serious morale problems on the  
7                   Service?

8                   **MR. COURVILLE:** He personally?

9                   **MS. DALEY:** Yes?

10                  **MR. COURVILLE:** I don't recall Chief Shaver  
11                  bringing any specific problems of that nature to our  
12                  attention.

13                  **MS. DALEY:** And until the time the  
14                  Association did so, the Board otherwise had no awareness of  
15                  those problems, or did you?

16                  **MR. COURVILLE:** I don't believe so. I'm --  
17                  -

18                  **MR. CALLAGHAN:** Just to be clear, I mean  
19                  we're talking the Board generally and obviously there are  
20                  earlier reports that -- earlier Boards, and I don't know  
21                  what overlap, et cetera.

22                  You might want to clarify the sequence here,  
23                  a particular Board member who is talking about his  
24                  particular experience.

25                  **MR. COURVILLE:** Yeah. In terms of my own

1 experience, as I mentioned earlier, I had obtained a copy  
2 of the earlier audit report with the morale -- with the  
3 appended morale report and I had reviewed that and made  
4 myself aware of the situation within that report. But in  
5 terms of my experience with regard to morale issues, I  
6 believe that I really became aware of the input of the  
7 other members of the service in about May of the year after  
8 I was appointed.

9 **MS. DALEY:** And the members who made you  
10 aware were the Association Executive?

11 **MR. COURVILLE:** Yes, I think that's true. I  
12 believe there were other members of the Association besides  
13 the Executive that attended this particular meeting.

14 **MS. DALEY:** All right.

15 But that was, I take it, an eye-opening  
16 event for the Board as a whole?

17 **MR. COURVILLE:** Yes, I believe so. I can't  
18 speak for other members of the Board, but my sense is that  
19 my reaction was much the same as theirs.

20 **MS. DALEY:** So you were surprised?

21 **MR. COURVILLE:** I was quite surprised by the  
22 intensity of the views that were being put forward.

23 **MS. DALEY:** All right.

24 Just a step sideways for a discrete topic.  
25 I take it, and you've referred in-chief to the fact that

1 under the *Police Services Act*, the governing principle is  
2 that the Police Services Board is to conduct its business  
3 open to the public as an important principle. In other  
4 words, public access to the Board and its functions is an  
5 important value that we have in the statute.

6 You would agree with that?

7 **MR. COURVILLE:** Yes, I agree with that and I  
8 think it's only with certain exceptions that the Board  
9 would meet in closed session that pertained to the  
10 disclosure of personal information and that kind of thing.

11 **MS. DALEY:** And my question, sir, is I  
12 believe the Act requires the Board to publish notice of its  
13 meetings so that the public may be there if they wish;  
14 correct?

15 **MR. COURVILLE:** Yes, I believe so.

16 **MS. DALEY:** And while you were on the Board,  
17 did that occur? Do you know how notice of meetings was  
18 made known to the public?

19 **MR. COURVILLE:** I think there were occasions  
20 when it was posted in the newspapers. There were -- it was  
21 always noted within the police station that meetings were  
22 held on such and such a time.

23 **MS. DALEY:** Sir, do you know if your routine  
24 meetings were -- the dates and times were published in the  
25 newspaper every month?

1                   **MR. COURVILLE:** I can't say if they were or  
2 they weren't. I know that the objective was to do that. I  
3 ---

4                   **MS. DALEY:** Did citizens, just average  
5 citizens, ever attend your meetings while you were there?

6                   **MR. COURVILLE:** Yes.

7                   **MS. DALEY:** Did it happen frequently?

8                   **MR. COURVILLE:** Yes.

9                   **MS. DALEY:** And did the press attend  
10 meetings while you were on the Board?

11                   **MR. COURVILLE:** Yes.

12                   **MS. DALEY:** And that -- did that also happen  
13 frequently?

14                   **MR. COURVILLE:** Yes.

15                   **MS. DALEY:** You referred in your evidence to  
16 the fact you -- one of the things that Martelle-- Mr.  
17 Martelle did that made you very unhappy, of course, was the  
18 unauthorised severance negotiations with the Chief.

19                   Do you recall that?

20                   **MR. COURVILLE:** Yes.

21                   **MS. DALEY:** Which starts in or about the  
22 summer of 1993?

23                   **MR. COURVILLE:** Actually, I think it started  
24 in about April of '93.

25                   **MS. DALEY:** April of '93?

1                   **MR. COURVILLE:** We became aware of it in  
2                   about -- in June of '93.

3                   **MS. DALEY:** All right.

4                   And amongst other problems that that caused,  
5                   of course, it established a floor of \$200,000 plus dollars  
6                   in order to part company with the Chief; correct?

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

8                   **MS. DALEY:** My question to you is this. If  
9                   the Board, at that time, had wanted to hold the Chief  
10                  accountable for poor management of the Service, did it have  
11                  any evidence in its possession of efforts to supervise and  
12                  monitor his performance, such that that could be done  
13                  without paying a severance package?

14                  **MR. COURVILLE:** No, I'm not sure how  
15                  familiar you are with labour law. My familiarity is not  
16                  great and I haven't practised it for a while, but there's a  
17                  concept of "dismissal for cause" that is quite central to -  
18                  - to the influence of negotiations for severance and  
19                  certainly the advice we had received was that there were no  
20                  grounds for dismissal for cause and, therefore, we were in  
21                  the realm of a negotiated settlement package, bearing in  
22                  mind that the Chief had spent some nine years on the job  
23                  and came in with a certain contract and certain contractual  
24                  expectations and so on.

25                  Notwithstanding that, we were faced with

1           essentially a *fait accompli* when the -- the Mayor undertook  
2           to negotiate or at least open the negotiations with the  
3           Chief unbeknownst to the Board and having done that we then  
4           proceeded to get legal advice on where our position was and  
5           what we could do and -- and so on.

6                       And basically that legal advice led us to a  
7           conclusion that -- that the most economic and most  
8           expeditious way of proceeding was simply to conclude the  
9           negotiations at -- at a price and that's what we did.

10                      **MS. DALEY:** I take it, you would agree with  
11           me that if Chief Shaver was a bad manager of his Force, it  
12           didn't happen overnight in 1993, it preceded that, right?

13                      **MR. COURVILLE:** There were, I think,  
14           examples of -- of management that was less than exemplary  
15           prior to that, yes.

16                      **MS. DALEY:** In fact, the first report we  
17           have is dated 1990, but it didn't originate in 1990,  
18           either; the 1990 report occurred or was sought because of a  
19           longstanding pre-existing problem, correct?

20                      **MR. COURVILLE:** I'm not sure how  
21           longstanding it was. I -- I've seen reports with regard to  
22           Chief Shaver back in the late '80s that were very  
23           favourable.

24                      **MS. DALEY:** Where have you seen those?

25                      **MR. COURVILLE:** I saw a -- I'm trying to

1 think.

2 MS. DALEY: Is this a Board document? A  
3 Board supervision ---

4 MR. COURVILLE: No.

5 MS. DALEY: --- document?

6 MR. COURVILLE: No, it's not.

7 I do recall -- I do recall the Chief being  
8 commended for bringing the Force into -- into a  
9 professional standing with -- with bringing a lot of --  
10 bringing the availability of a number of programs in -- in  
11 the Police College to -- to members of the Police Service,  
12 to ensuring that the equipment was -- was -- the equipment  
13 that was required by a police service, at that time and so  
14 on.

15 And -- and I honestly don't recall the  
16 source of that documentation, but I do recall that -- that  
17 that was, I think, in a timeframe that would have preceded  
18 the McGlashan Report, the morale report.

19 MS. DALEY: Let me ask it this way; during  
20 the time you were on the Board coinciding with Chief  
21 Shaver's tenure, did you ever sit down and do a performance  
22 review with him?

23 MR. COURVILLE: Me, personally?

24 MS. DALEY: Yes.

25 MR. COURVILLE: No, I didn't. I ---

1                   **MS. DALEY:** Did anyone on the Board?

2                   **MR. COURVILLE:** Basically, my -- as I  
3 understand from my memory, there was one that I saw but I -  
4 - I did not do one specifically.

5                   **MS. DALEY:** So my next question is; to your  
6 knowledge, did any other Board member do a performance  
7 review of Chief Shaver while you were on the Board and he  
8 was the Chief?

9                   **MR. COURVILLE:** Yeah, I believe that -- that  
10 in the context of -- and I can't recall when it was done,  
11 but I -- I do recall that the Board had obtained the  
12 services of Mr. Rick Baldwin of the firm of Matthews  
13 Dinsdale to do a number of things for us in terms of labour  
14 relations and I believe that one of the things that Mr.  
15 Baldwin did was to -- to determine the Chief's performance  
16 based on obtaining what could be regarded as a generalized  
17 job description for a chief, but I don't recall where that  
18 went in terms of the -- I don't think the Chief was  
19 presented with -- with it or in the sense of it being used  
20 as a monitoring instrument for -- to say to him, "Well,  
21 look it, you know, you're not doing good here but you're  
22 doing better here," and so on, "and can you account for  
23 that?" So I don't recall that happening.

24                   **MS. DALEY:** All right. So in the end,  
25 whatever Mathews Dinsdale offered you, there was no

1 ultimate job description for the Chief?

2 MR. COURVILLE: There were -- to my  
3 knowledge, there was not a job description that came out of  
4 that process, no.

5 MS. DALEY: And I take it, there were no  
6 recorded performance criteria for the Chief?

7 MR. COURVILLE: Other than generic ones from  
8 the Police Services Division?

9 MS. DALEY: Well, was there any set of  
10 performance criteria that the Board developed to allow it  
11 to monitor the Chief's performance?

12 MR. COURVILLE: Not -- not as -- not in a  
13 formalized way but there were discussions with regard to a  
14 number of -- a number of issues in terms of his -- his  
15 management style, his -- the -- the method of communication  
16 up and down the ranks, the formalization of -- of a  
17 training function with a specific training officer; there  
18 were those kinds of issues that were reviewed with him.

19 MS. DALEY: By you?

20 MR. COURVILLE: Well, by the Board  
21 generally.

22 MS. DALEY: All right. Any record of those  
23 discussions?

24 I could tell you, I've not seen any in our  
25 database; that doesn't mean you didn't have them. Were --

1 were they recorded?

2 **MR. COURVILLE:** I -- I honestly don't know  
3 if they were recorded or not. I -- they would not have  
4 been recorded in the minutes as far as -- because I've --  
5 I've attempted to review the minutes and I couldn't find  
6 the minutes.

7 **MS. DALEY:** Well, you've explained to me  
8 that personal issues are generally not minuted but I ---

9 **MR. COURVILLE:** Yes.

10 **MS. DALEY:** --- wouldn't have thought they  
11 would be in the minutes but I would have thought somebody  
12 might have a file in which they had noted discussions with  
13 the Chief on critical performance issues. Did you ever see  
14 any such documents?

15 **MR. COURVILLE:** I can't recall seeing them,  
16 no.

17 **MS. DALEY:** All right. Does that, in part,  
18 explain why the Chief -- why severance had to be paid to  
19 the Chief as opposed to any consideration given for  
20 termination on some other basis?

21 **MR. COURVILLE:** I don't -- I don't believe  
22 so.

23 As I've indicated, I -- I don't think there  
24 was anything like termination for cause in the Chief's  
25 performance. There was nothing to indicate any -- any

1 gross misconduct on his part that would warrant the taking  
2 it outside of the purview of a severance package.

3 **MS. DALEY:** I want to turn to talk to you a  
4 little bit about resources; you also spoke about that in  
5 your evidence in-chief.

6 And you noted, I think, in-chief, amongst  
7 other things, that notwithstanding the very poor economic  
8 climate that pertained in your City, Cornwall Police were  
9 the highest paid force in the Province or amongst the  
10 highest paid force; you recall that?

11 **MR. COURVILLE:** Yes, I do.

12 **MS. DALEY:** And I also wanted to reflect  
13 back to you or just put in context for you, your testimony  
14 that, if I've understood it correctly, that compared to  
15 comparable jurisdictions -- that is to say same population,  
16 same crime rate -- the statistics demonstrated to you, at  
17 least, that the manpower commitment was where it needed to  
18 be relative to other similar communities; in other words,  
19 you had the right number of officers on the Force. You  
20 recall that?

21 **MR. COURVILLE:** I recall saying that the --  
22 that the criteria of clearance rates was such that it led  
23 us to -- to a conclusion that the complement was -- was in  
24 line with the performance of other -- other ---

25 **MS. DALEY:** Right.

1                   **MR. COURVILLE:** --- police services.

2                   **MS. DALEY:** Based on your review, performing  
3 your role as the Board you were satisfied or able to  
4 satisfy yourselves as a Board that compared to others,  
5 there were adequate resources in your Service?

6                   **MR. COURVILLE:** Well, you know, the term  
7 "adequate" is -- is an interesting one.

8                   There were always -- there were always  
9 requests for additional resources.

10                  **MS. DALEY:** Of course there are and I don't  
11 want to cut you off; we'll come there.

12                  But I'm just looking and all I want to  
13 determine, this -- you said this in-chief, if ---

14                  **MR. COURVILLE:** Yes.

15                  **MS. DALEY:** --- if I've got wrong, tell me,  
16 but the impression I took was that your clearance rates  
17 were better than average. And you -- your Board believed  
18 based on the statistical evidence that you had the right  
19 complement of manpower.

20                  Was that not the Board's belief?

21                  **MR. COURVILLE:** Well, yes. The right in the  
22 sense also that for communities of comparable size we had a  
23 comparable complement of police officers.

24                  **MS. DALEY:** Correct, and that's what  
25 logically you would go by, right?

1                   **MR. COURVILLE:** Yes. And I -- again I  
2 stress that every community, though, is somewhat unique  
3 obviously in terms of its policing needs and I mentioned  
4 earlier that Cornwall, one example that comes to mind is  
5 smuggling, and many communities don't have the same problem  
6 that Cornwall has with regard to smuggling.

7                   **MS. DALEY:** I understand all that. But am I  
8 -- can I put a -- my finger on something and say you would  
9 agree with me or the Board -- in your capacity as a Board  
10 member that based on what you knew you had enough money  
11 available to pay the officers handsomely. In fact, as you  
12 said better than in Toronto. We're correct about that?

13                   **MR. COURVILLE:** That was the agreement  
14 before I came on the Board.

15                   **MS. DALEY:** Right. And those funds are  
16 being paid. Those officers were enjoying those salaries,  
17 right?

18                   **MR. COURVILLE:** They were, yes.

19                   **MS. DALEY:** And based on your assessment of  
20 the statistics you had an above average clearance rate and  
21 you had adequate human beings on the Force to do the work.

22                   **MR. COURVILLE:** Okay.

23                   **MS. DALEY:** Was that your belief or not?

24                   **MR. COURVILLE:** Well, let me be clear about  
25 that. In terms of numbers in the complement, that's true.

1           There were a number of individuals that were on sick leave  
2           and on disability. And I believe that that created a  
3           burden on the officers that were healthy and that were on  
4           the job and working.

5                        As I mentioned earlier, the difficulty that  
6           we had was not so much trying to add to the complement that  
7           we had in the period when I first came on the Board because  
8           the economic climate and the social contract and so on just  
9           made that impossible.

10                      The focus was on trying to prevent any  
11           layoffs and reducing the complement that we had. So I'm  
12           never persuaded that the term adequate is one that really  
13           applies.

14                      **MS. DALEY:** Well, I wrote down that you said  
15           it so obviously I don't understand your testimony. But I'm  
16           just -- what I want to talk to you about is this, sir.

17                      And if you look at the morale report which  
18           you spoke to in your testimony this morning, I believe it's  
19           Exhibit 1389.

20                      And I'm going to take you to Bates page 554.

21           And ---

22                      **MR. COURVILLE:** I'm sorry, the page?

23                      **MS. DALEY:** Bates page 554.

24                      **MR. COURVILLE:** I'm not sure that I ---

25                      **THE COMMISSIONER:** We don't have that.

1                   **MS. DALEY:** Do I have the wrong version of  
2 this? One second.

3                   **THE COMMISSIONER:** Isn't there -- aren't  
4 there page numbers on this document? Guess not, eh? Okay,  
5 problem number six, do you know what problem you're at?

6                   **MS. DALEY:** I'm looking at problem number  
7 eight.

8                   **THE COMMISSIONER:** Well, 250.

9                   **MS. DALEY:** Thank you. The problem is  
10 there's multiple versions of this, sir, and I guess I'm  
11 using the wrong one. However, what I ---

12                   **THE COMMISSIONER:** Just a second. Just a  
13 second. Bates page number, sir, is 250. The upper left-  
14 hand corner.

15                   **MR. COURVILLE:** Yes, I have that.

16                   **MS. DALEY:** All right. So problem number  
17 eight states, quote:

18                                "There are not enough men within each  
19                                department to do what is expected of  
20                                them or so it is perceived by the  
21                                worker."

22                   Now, firstly did you understand this  
23 document was authored by a member of your -- of the  
24 Service?

25                   **MR. COURVILLE:** I understand that Constable

1       Shawn White became involved in authoring a document  
2       entitled a morale report, yes.

3                   **MS. DALEY:** And that's the one we're looking  
4       at. So this is the work of an officer, in fact, Officer  
5       White?

6                   **MR. COURVILLE:** Yes.

7                   **MS. DALEY:** All right. And I just wanted to  
8       clarify because I thought in your Examination-in-Chief you  
9       seemed to believe that an external consultant had authored  
10      this document, Ms. McGlashan. In fact it was a member of  
11      the Service who wrote this document, correct?

12                   **MR. COURVILLE:** If I stated that I may have  
13      been confusing this particular morale report with another  
14      document which was also called a morale report which was  
15      authored by Suzanne McGlashan.

16                   **MS. DALEY:** All right. Okay. But this  
17      particular one, that -- it's not an external document.  
18      It's members of the Force are presenting these problems.  
19      And this particular problem of course is a perception of  
20      not enough men to do what is expected. So does it follow  
21      that the employees of the Service are on a different page  
22      than the Board when it comes to this issue of adequacy of  
23      resources?

24                   **MR. CALLAGHAN:** In fairness we're talking  
25      about a document in 1990. And he isn't -- doesn't come on

1           until 1992. And if I've heard his evidence it's not until  
2           the end of '92 he sees it.

3                        So I think we should put some context and  
4           timing around the document.

5                        **MS. DALEY:** Well, sir, you were aware of  
6           this report, as you said, within several months of assuming  
7           your seat on the Board, correct?

8                        **MR. COURVILLE:** Yes.

9                        **MS. DALEY:** And this problem hadn't gone  
10          away by the time you became aware of it, right? It was  
11          still there because it was dealt with by your Board in 1993  
12          and later years.

13                       **MR. COURVILLE:** It perhaps hadn't gone away  
14          but in terms of perception of the members of the Board it  
15          wasn't presented to the Board as a continuum or an ongoing  
16          problem, if I can put it that way.

17                        When I came on the Board the Association,  
18          for example, which would normally have the mandate of  
19          speaking to that issue certainly indicated to us that in  
20          many respects the force could use more people.

21                        We appreciated that but we also told the  
22          Association that we simply could not find the dollars at  
23          that time to accommodate that. The Association basically  
24          agreed that that would be extremely difficult to do and we  
25          worked out between us a process where we could minimize the

1 possibility of any layoffs and whereby we could establish  
2 funds to deal with some of the individuals who were not on  
3 the job because of sickness. We had a -- we established  
4 what was called a sunshine fund for that to help them with  
5 their recuperation.

6 Ultimately we found that within the area of  
7 Workers' Comp, Workers' Compensation, there was an ability  
8 to secure funding which would come into place if we could  
9 move positions -- move individuals into civilian positions  
10 or civilianization of certain functions which would free up  
11 dollars for other police officers.

12 So we attempted to tackle this over a series  
13 of the years that I was on the Board. The other thing we  
14 did was there was a time when we had a limited window to  
15 secure funds for community policing and I believe we hired  
16 a number of police officers through those funds.

17 So we attempted to do all of those things  
18 with the objective of trying to get as many bodies  
19 available to do the various functions that people were  
20 complaining about.

21 **MS. DALEY:** Would you disagree with my  
22 perception that there seems to be a disconnect between what  
23 members of the Service feel about the adequacy of the  
24 resources and ---

25 **MR. COURVILLE:** Well, this ---

1                   **MS. DALEY:** --- the information that you've  
2 given me previously about how the Board saw that issue?

3                   **MR. COURVILLE:** Not at all. This report was  
4 written in 1990 and I've indicated to you that over the  
5 years from about -- this is before my time, and from the  
6 time of my coming onto the Board in mid-1992 through to  
7 about '95/'96 when I left, these various avenues were  
8 pursued and we were able in fact when I -- before I left  
9 the Board my understanding is that we had hired ten new  
10 officers in addition to a new Chief through these various  
11 avenues.

12                   **MS. DALEY:** When you reviewed the morale  
13 report did you identify that some of these problems fell  
14 within the responsibility of the Board?

15                   **MR. COURVILLE:** I believe that certainly the  
16 idea of a contented police force falls within the purview  
17 of the Board, yes.

18                   **MS. DALEY:** All right.

19                   If you look at page 255 of the document, and  
20 I direct you to problem number 10, it says:

21                   "No direction at all as we enter the  
22 '90s. What is our objective? What are  
23 our priorities?"

24                   Is that not a strategic -- a plea for some  
25 sort of strategic plan which would also, with the Chief's

1 input, fall within the responsibility of the Board?

2 MR. COURVILLE: On its face, I agree. This  
3 is in 1990. This is two years before I came on the Board,  
4 so I ---

5 MS. DALEY: I understand that.

6 MR. COURVILLE: I'm assuming that the Board  
7 of the day received and reviewed this report and acted in  
8 whatever way they could.

9 MS. DALEY: Well, did they tell you how they  
10 had acted when you joined them?

11 MR. COURVILLE: All I can is that the  
12 perception that I had as a new member of the Board in 1992  
13 was that officers were getting by with what they had, doing  
14 the functions that they had to do.

15 There was never a time when I think the  
16 Police Service felt that it had enough officers to do an  
17 exemplary job in every area. I think there was always a  
18 sense that you could use more personnel.

19 MS. DALEY: Let me just wind up for today on  
20 this point.

21 MR. COURVILLE: Sure.

22 MS. DALEY: When you joined the Board, this  
23 document was in existence, although no one brought it to  
24 your attention, I gather, for several months. Are we right  
25 there?

1                   **MR. COURVILLE:** Yes.

2                   **MS. DALEY:** Okay. When you joined the  
3 Board, did you see any evidence that the prior Board or  
4 Boards had dealt directly by implementing policies to deal  
5 with any of the items mentioned in this report?

6                   **MR. COURVILLE:** Yes. The -- for a period of  
7 time my understanding was that Suzanne McGlashan was  
8 retained to address some of these problems. I don't know  
9 what became of that retainer or what became of Ms.  
10 McGlashan.

11                   **MS. DALEY:** Let me focus you not on a  
12 consultant's report but on Board policies. We spoke at the  
13 beginning about Board policies.

14                   **MR. COURVILLE:** Yes.

15                   **MS. DALEY:** Were you shown any Board  
16 policies that intended to address any items in the morale  
17 report?

18                   **MR. COURVILLE:** I can't recall any offhand,  
19 but that's not to say that I wasn't shown them.

20                   **MS. DALEY:** Sir, we're very close to your --  
21 -

22                   **THE COMMISSIONER:** Time to go. Thank you.

23                   **MS. DALEY:** --- stop time.

24                   **THE COMMISSIONER:** We'll see you tomorrow  
25 morning at 9:30, sir.

1                   **MR. COURVILLE:** Um ---

2                   **THE COMMISSIONER:** Yes.

3                   **MR. CALLAGHAN:** The witness is a trial  
4                   counsel and he has a trial in Brockville tomorrow which was  
5                   supposed to take a day. Commission counsel was aware. I  
6                   will speak to the witness to see what, if any,  
7                   accommodations, but there is a trial schedule and I'm  
8                   afraid Commission counsel was aware that this was a one day  
9                   -- but I will speak to the witness, if it's ---

10                  **THE COMMISSIONER:** Okay.

11                  **MR. CALLAGHAN:** Otherwise, we will have  
12                  someone else here. We won't waste time, sir.

13                  **THE COMMISSIONER:** No.

14                  **MR. CALLAGHAN:** But, à propos this witness -  
15                  --

16                  **THE COMMISSIONER:** Were you aware of that?  
17                  Okay. Thank you.

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

20                                This hearing is adjourned until tomorrow  
21                                morning at 9:30 a.m.

22                                --- Upon adjourning at 4:28 p.m./

23                                L'audience est ajournée à 16h28

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.

  

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Dale Waterman, CVR-CM