

**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 220

Held at :

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

Friday, April 25 2008

Tenue à:

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

Vendredi, le 25 avril 2008

ERRATA

Volume 219

April 24, 2008

Trascript

Page 58, line 23

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

Should have read

MR. COURVILLE: I believe I had the opportunity of reviewing it perhaps last night or the night before.

Page 59, line 3 and 7

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

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

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

Should have read:

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Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Karen Jones	Commission Counsel
Mr. John E. Callaghan Ms. Reena Lalji	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
M ^e Claude Rouleau	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. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Leo Courville	Mr. Leo Courville

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
LEO COURVILLE, Resumed/Sous le même serment	1
Cross-Examination by/Contre-interroagtoire par Ms. Helen Daley(cont'd/suite)	1
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	112
Cross-Examination by/Contre-interrogatoire par Mr. Frank Horn	138

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1519	(723758) - Leo Courville - News Clipping "Shaver retiring" dated 02 nov 93	40
P-1520	(729981) - Leo Courville - Standard-Freeholder news clippings "City police under investigation" dated 12 Jan 94	48
P-1521	(722179) - Leo Courville - Standard-Freeholder news clippings "Mayor resigns his seat on police board" and "Resignations show great timing - Courville" dated 25 Jan 94	59
P-1522	(722195) - Leo Courville - Standard-Freeholder news clipping "Police board still mum on report" dated 23 Mar 94	69
P-1523	(722196) - Leo Courville - Standard-Freeholder news clipping "Police audit aims to rebuild force" and "No surprises" and "Police union hopes report won't be ignored" dated 06 Apr 94	76
P-1524	(722213) - Leo Courville - Standard-Freeholder news clipping "The mind of the molester" dated 08 Dec 94	82
P-1525	(729996) - Leo Courville - Standard-Freeholder news clippings "Commissioner appeals ruling that cleared Cornwall cop" dated 15 Mar 95	137

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

2 L'audience débute à 9h37

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 **MR. COURVILLE:** Good morning.

12 **THE COMMISSIONER:** I see Mr. Courville is
13 here. Thank you very much ---

14 **MR. COURVILLE:** Yes, sir.

15 **THE COMMISSIONER:** --- for changing your
16 schedule, sir. Ms. Daley?

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

18 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

19 **DALEY (cont'd/suite):**

20 **MS. DALEY:** Thank you, sir, for rearranging
21 your day so that we can finish here; I appreciate that.

22 **MR. COURVILLE:** That's fine.

23 **MS. DALEY:** Mr. Courville, I'm going to
24 momentarily pick up from where we were yesterday.

25 **MR. COURVILLE:** Yes.

1 **MS. DALEY:** But I thought it might be of
2 some benefit just to step back for a second and I want to
3 know your view on this question. Obviously, we spoke
4 yesterday about civilian oversight and -- of the police
5 force and the mechanism for that being the Board; you
6 recall that?

7 **MR. COURVILLE:** Yes.

8 **MS. DALEY:** And would you agree with the
9 notion that civilian oversight of any given police force is
10 as effective as the Board is able to be effective?

11 **MR. COURVILLE:** Yes, I think so. I -- I --
12 the -- certainly the Board is a primary instrument under
13 the Act for civilian oversight.

14 **MS. DALEY:** Are there any others that you're
15 aware of?

16 **MR. COURVILLE:** Well, the Board always acts,
17 excuse me, in conjunction with the advice that it gets from
18 the Solicitor General's office ---

19 **MS. DALEY:** Yes.

20 **MR. COURVILLE:** --- and -- and in concert
21 with the Provincial Association of Police Service Boards.

22 **MS. DALEY:** All right. And that's very
23 helpful because that was the next thing I wanted to mention
24 to you.

25 As we've understood your testimony in-chief,

1 there were really three important occasions on which the
2 Solicitor General's office and the Commissioner, I guess,
3 assisted your Board in examining what was happening in the
4 police force and those three occasions, just to name them
5 for you, were the 1990 level 3 investigation; recall that
6 sir?

7 **MR. COURVILLE:** Yes.

8 **MS. DALEY:** We spoke about that. And just
9 to help everybody out here and to save your counsel some
10 exercise, we all perfectly understand that that report was
11 rendered before your tenure on the Board; we understand
12 that.

13 **MR. COURVILLE:** Yes.

14 **MS. DALEY:** To the extent I'm going to ask
15 you questions about that, the questions will be focused on
16 whether the Board of the day; that is, the one that
17 preceded you, was able to implement any of the matters
18 mentioned there.

19 **MR. CALLAGHAN:** The Board of the -- excuse
20 me, if I might -- the Board of the day being which Board,
21 his Board or the previous Board?

22 **MS. DALEY:** I thought you were -- I was
23 trying to be clear. The Board of the day is the one that
24 preceded you; right?

25 **MR. COURVILLE:** The Board of -- of the day

1 of the 1990 ---

2 **MS. DALEY:** Nineteen ninety (1990).

3 **MR. COURVILLE:** --- report, yes.

4 **MS. DALEY:** Correct.

5 **MR. COURVILLE:** Yes.

6 **MR. CALLAGHAN:** And you're going to ask of
7 his knowledge as opposed to -- I just want to be clear, I
8 mean, he's there as a person who comes in '92. He might
9 have knowledge of what happened in 1990, he might not. I
10 just want to make it clear of what he's being asked as
11 opposed to answering for the Board of the day.

12 **THE COMMISSIONER:** Okay so ---

13 **MS. DALEY:** I'm not going to call upon you
14 to give evidence that you're not capable of giving, sir.
15 Let's -- let's get that clear. I'll make it entirely clear
16 the premise of my question.

17 **MR. COURVILLE:** Yes.

18 **MS. DALEY:** But I do have some questions
19 about the finding in the 1990 report that we'll come --
20 come to.

21 **MR. COURVILLE:** If I may -- If I may just
22 comment, you've mentioned three occasions; my understanding
23 is that in 1989 there was also an audit inspection of -- of
24 the Cornwall Police Service.

25 **MS. DALEY:** All right, and I may talk to you

1 about that as well, but 1989 is one occasion, 1990 --and we
2 know that preceded you.

3 MR. COURVILLE: Yes.

4 MS. DALEY: If we're counting in that
5 fashion then the third one would be the 1993 report.

6 MR. COURVILLE: Yes.

7 MS. DALEY: And that's a report that your
8 Board requested.

9 MR. COURVILLE: Yes.

10 MS. DALEY: Correct?

11 MR. COURVILLE: That's correct.

12 MS. DALEY: And the final one is the 1995
13 investigation of the Ontario Civilian Commission on Police
14 Services.

15 MR. COURVILLE: Yes.

16 MS. DALEY: And that one, in particular,
17 that was initiated by the Solicitor General; correct?

18 MR. COURVILLE: It was with, I think, a
19 request from the Cornwall Police Services Board to -- to
20 the Solicitor General, yes.

21 MS. DALEY: All right. So we're going to
22 examine each of those -- each of those in turn.

23 Let's start with the 1989 one and I -- if
24 you can turn up Exhibit, I believe it's 1388, sir. It
25 should be in your book. And -- and ---

1 **MR. COURVILLE:** Yes, I -- I have it.

2 **MS. DALEY:** Thank you. And, Madam Clerk,
3 could you show Mr. Courville the evidence he gave yesterday
4 at page 184, lines 6 through 18? If you could have that on
5 the screen.

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

7 **MS. DALEY:** I'm sorry?

8 **THE REGISTRAR:** (off mic - inaudible).

9 **MS. DALEY:** The -- no, no. Just if you
10 could, could you first show the witness the evidence at
11 184? I think -- I'm hoping that this can help him with the
12 exhibit, if not, not, but ---

13 **THE REGISTRAR:** off mic - inaudible)?

14 **MS. DALEY:** Yes, please.

15 **THE REGISTRAR:** (off mic - inaudible).

16 **MS. DALEY:** Yeah, one eight, yes, 184. And
17 Madam Clerk, to put it in a broader context just so that
18 it's very clear to him what we're talking about, if you
19 could just show him at page 183 of the transcript, my
20 question at line 16, his response and then carrying
21 forward.

22 I don't know if you recall this, sir, but
23 what I had suggested to you in my question was the fact
24 that the difficulties surrounding morale at the Force did
25 not originate in 1990 and that it had been a pre-existing

1 problem and your response was:

2 "I'm not sure how longstanding it was.
3 I've seen reports with regard to Chief
4 Shaver back in the '80s that were very
5 favourable."

6 And I asked where had you seen them and you
7 said you were trying to recall. And then over on page 184,
8 you told me that it was not, in fact, a Board document, but
9 you recalled the Chief being commended for bringing the
10 Force into professional standing with programs, with
11 services, with top-notch equipment -- I'm paraphrasing your
12 evidence -- and you're saying I don't recall the source of
13 the documentation, but I do recall that it was in a
14 timeframe that would have preceded the McGlashan Report,
15 the morale report, and that of course, we now know is 1990.

16 So with that -- with that context, I thought
17 it might be worthwhile showing you Exhibit 1388 because
18 that is an inspection report made in April of 1989 and if I
19 could just step you through it, I thought it might
20 correspond to the evidence you gave because it does speak
21 to career development initiatives, at page numbered 3 at
22 the bottom of the report, in a fairly positive way. It
23 does speak to equipment at page 5 in a positive way, which
24 seemed to be your recollection and it contains other
25 information, as well, which we'll come to.

1 But, sir, was this the document that you had
2 in mind yesterday when you gave me that evidence?

3 **MR. COURVILLE:** It could have been a -- one
4 of -- at least one of the documents that may have been in
5 my mind. I don't honestly recall referring to this
6 document at that time, but I -- I -- I'm sure that I have
7 read this document before and it may well have been a
8 factor that affected what I said to you.

9 **MS. DALEY:** When you -- when you took on
10 your position on the Board, I take it in order to be an
11 effective Board member, you made efforts to educate
12 yourself about important events that had occurred in the
13 recent past.

14 **MR. COURVILLE:** Yes, I can. Do you wish me
15 to tell you what I did?

16 **MS. DALEY:** Well, what I'd like to know is
17 did you read the inspection reports that existed? Did you
18 know that inspection reports were in existence?

19 **MR. COURVILLE:** Yes, I knew of inspection
20 reports as a vehicle that was designed to assist police
21 service boards.

22 **MS. DALEY:** All right. And were you able to
23 locate and review the inspection reports that had been
24 generated before you joined the Board?

25 **MR. COURVILLE:** Yeah, as I've already

1 indicated in my testimony yesterday, I did receive a copy
2 of the 1990 report some months after I came on the Board.

3 I can't recall when I saw the '89 report but
4 I do recall reviewing it at some point-in-time.

5 **MS. DALEY:** All right. So you were familiar
6 with Exhibit 1388 at some point after your tenure on the
7 Board. Is that fair, sir?

8 **MR. COURVILLE:** Yes, I believe that I that
9 I may have reviewed it during my tenure, yes.

10 **MS. DALEY:** All right. What I want to take
11 you to in this exhibit, sir, is a few comments concerning
12 the morale problem that you've spoken about at length, and
13 at the top of page numbered 7 of Exhibit 1388 there's a
14 heading "Morale" at the very top.

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

16 **MS. DALEY:** Which says:

17 "After numerous interviews at all
18 levels of the Force morale was found to
19 be low. A major cause of this problem
20 is due to the lack of communication
21 throughout the entire organization and
22 that further comments are noted below."

23 **MR. COURVILLE:** Yes.

24 **MS. DALEY:** Do you recall being aware of
25 that problem when you came across the 1989 report?

1 **MR. COURVILLE:** Yes, I recall that
2 particular notation in the report. I recall making
3 inquiries about that as I did about all of the information
4 I believe in that report.

5 At the time events had superseded this
6 report in that, for one, we had the McGlashan Study as an
7 appendix to the 1990 report. Mr. White had produced a
8 report so I had taken all of that into account.

9 I had -- as you know, the dealings of Board
10 members or the interface with the Police Service itself is
11 through the Chief of Police. I remember discussing this
12 issue, morale and a number of other issues, with Chief
13 Shaver in the first months that I was on the Board.

14 I accepted the fact that there were issues
15 as indicated of morale problems and I believe I had
16 communicated to the Chief that that was a concern that I
17 would be -- I would like to be kept abreast of.

18 **MS. DALEY:** Would this be one of your first
19 important conversations with the Chief after you took your
20 role?

21 **MR. COURVILLE:** I'm not sure if it was one
22 of my first but it was certainly -- I believe it was during
23 the period that I was Vice-Chair of the Board which would
24 have been in the period between July, 1992 and January,
25 '93.

1 **MS. DALEY:** All right. Here's what I'd like
2 to find out from you, and I appreciate all you've said, but
3 taking us back to Exhibit 1388 under that heading
4 "Organizational Structure", which also dealt with the
5 communication problem, the author of this report was
6 telling the Board -- as it was in 1989 and I know that
7 wasn't your Board, I'm clear on that -- but the report was
8 telling the Board that the organizational chart should be
9 updated, presented to the Board, approved by the Board.
10 Did you know if that occurred? Do you have any information
11 about that?

12 **MR. COURVILLE:** I know that there were
13 changes in the organizational structure.

14 I don't know if they were formalized in
15 terms of any Board by-law. I don't recall that but I do
16 recall discussions and the Chief being advised of issues
17 pertaining to the organizational structure.

18 **MS. DALEY:** But to the best of your
19 recollection, whatever changes were discussed did not find
20 itself into part of the rules and regulations by-law. Is
21 that ---

22 **MR. COURVILLE:** I can't ---

23 **MS. DALEY:** --- your best evidence?

24 **MR. COURVILLE:** I can't honestly answer
25 that. I ---

1 **MS. DALEY:** All right. This portion of
2 Exhibit 1388 goes on to say that to improve the situation,
3 and that's referencing the communication problem, that
4 there were suggestions under "Additional Comments".

5 So if we turn there, and that's page 9 of
6 Exhibit 1388, sir.

7 **MR. COURVILLE:** Under "Additional Comments"?

8 **MS. DALEY:** Yes, yeah, it's at the very
9 bottom entry.

10 **MR. COURVILLE:** Yes.

11 **MS. DALEY:** So the Ontario Police
12 Commission, in this portion of the document, is suggesting
13 or recommending in order to improve communication at all
14 levels that a concept known "Management Teams" be
15 considered, and it's intended for the entire Force, and
16 that over the page there's more information about that
17 suggestion. And the authors of this report are using
18 Halton Regional Force structure as an example. They attach
19 an appendix et cetera, et cetera.

20 Now, what I'd like to know from you, sir, is
21 that when you joined the Board and became familiar with the
22 history, did you see any indication that at the Board level
23 management teams had been considered as a policy
24 initiative?

25 **MR. COURVILLE:** I recall the concept being

1 discussed and I believe that there were attempts to bring
2 in the concept of management teams at that time.

3 I can't really comment on how extensive
4 those efforts were, but I do recall that this was an
5 approach that was being tried and that -- I believe that
6 the indication was that there was some -- the Force was
7 receiving this with some degree of -- they were quite happy
8 to try this, basically.

9 **MS. DALEY:** Well, did you see any policy
10 document that any prior Board had generated that introduced
11 the concept of management teams?

12 **MR. CALLAGHAN:** The recommendation is more
13 an administrative issue and that is what was tagged onto
14 it, and Administrative Directive Number 12 -- I don't know,
15 I thought we've heard about it already -- was implemented
16 after this.

17 So it's unfair to suggest it was supposed to
18 be a policy situation when it's an administrative directive
19 which is what occurred.

20 **MS. DALEY:** I'm not sure I understand
21 exactly what my friend is saying but did you, at the Board
22 level when you joined, deal with this recommendation in any
23 fashion. Can you recall?

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

25 **MS. DALEY:** All right.

1 **MR. COURVILLE:** We may have. We may.

2 **MS. DALEY:** But at this -- you can't tell us
3 definitively that you did?

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

5 **MS. DALEY:** Thank you.

6 All right. Now then, let's move to I guess
7 the second significant report, that's the Level III
8 inspection that happened in 1990, that's Exhibit 1391.

9 And there's one aspect of this -- we spoke
10 about this yesterday -- but there's one aspect of this that
11 I'm curious about because it relates to the concept of
12 workload and that problem, and I wonder, sir, if you would
13 look within Exhibit 1391, Bates page that ends with the
14 digits 526.

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

16 **MS. DALEY:** Do you have that?

17 And I'd like you to look at the first
18 paragraph and this, just to paraphrase, is stating that
19 statistics that have been gathered indicate that your
20 Service, the Cornwall Service, compares favourably with
21 other forces et cetera, but the perception persists,
22 however, within the Service that it's understaffed.

23 And you recall we talked about that
24 yesterday and I think you also talked about that in-chief
25 yesterday?

1 **MR. COURVILLE:** Yes.

2 **MS. DALEY:** So that -- that's the issue.

3 Now in this exhibit, sir, what the authors are suggesting
4 or recommending is that a workload study would assist in
5 clarifying the matter:

6 "Prior to the conclusion of the
7 inspection arrangements were made for a
8 workload study to be undertaken."

9 And then it refers to Recommendation Number
10 9. And if you want to just have a look at that,
11 Recommendation Number 9 is found at Bates page 542.

12 And sir, the reason that this has been
13 raised under Item 4 of course is there's uncertainty about
14 the workload, and I take it the uncertainty stems from the
15 fact that the members, feeling that they're overworked, is
16 in conflict with the empirical statistics that are
17 available. So there's some uncertainty about that. And
18 the recommendation is that, at the earliest possible
19 opportunity a workload study be conducted within the
20 Service.

21 Now, sir, when you became a member of the
22 Board, did you ever see that a workload study had in fact
23 been done?

24 **MR. COURVILLE:** I don't recall seeing a
25 workload study as such.

1 **MS. DALEY:** Just to connect the dots for you
2 -- and I'm sure it's unnecessary, but you recall that in
3 the Silmsler situation itself, one of the issues was the
4 assignment of a junior officer when there were officers in
5 the Service who perhaps had a better ability to deal with
6 it but they were too busy occupied on other criminal
7 matters.

8 So, the dots I'm trying to connect are that,
9 and we've heard ample evidence here from members of the
10 Force at the time, that they felt very overworked and
11 unable to, as a result, attend fully to some of their
12 investigations.

13 **MR. COURVILLE:** Yes, I don't take issue with
14 that. I think that one of the factors that has always
15 influenced the perception of workload, notwithstanding the
16 statistics with regard to complements and comparable police
17 services in comparable sized communities, has been the
18 number of individuals that have been off on sick leave and
19 disability leave and so on. And that number was fairly
20 substantial at one point during the time that I was on the
21 Board.

22 **MS. DALEY:** And did you not develop the
23 understanding that that fact itself, the fact that there
24 were many people on long-term disability, certain authors,
25 and we'll come to it, but other reviewers connected that to

1 the morale problem.

2 **MR. COURVILLE:** Yeah, insofar as the
3 perception again of those people that were actively
4 pursuing their duties, I agree that there was a sense that
5 they were overworked.

6 **MS. DALEY:** If I could put it to you this
7 way, I think there's an inter-connected problem here, and
8 here's the inter-connection.; the poor morale has led to a
9 relatively high number of people on long-term leave but the
10 relatively high number of people on long term leave has
11 placed more burdens on those who are working and therefor
12 those people feel overworked and unable to do an optimal
13 job.

14 Would you agree with that connection?

15 **MR. COURVILLE:** Yes, I would. And I'd go
16 further and point out that it was extremely frustrating for
17 those of us on the Board of that day to come to terms with
18 that situation. Because, until about, I believe it was
19 1994, '95, there was very little in the way of mechanisms
20 to accommodate people on long-term sick leave and Workers'
21 Compensation.

22 When those did come in, we took full
23 advantage of them and we proceeded to actually utilise the
24 Workers' Comp programs to assist in moving individuals into
25 civilian positions as opposed to police positions and this

1 freed up the ability to actually hire new police officers.
2 This is one thing I recall quite distinctly.

3 **MS. DALEY:** In terms of the workload study,
4 which was a recommendation made back in the 1990 report,
5 you say you didn't ever see a study?

6 **MR. COUVILLE:** I've seen -- maybe I can
7 clarify that. I've seen a number of documents that refer
8 to workload and workload problems. I haven't seen a
9 singular document referred to as a workload study.

10 **MS. DALEY:** Well, do you know whether or not
11 the previous Board adopted Recommendation Number 9 or can
12 you say?

13 **MR. COURVILLE:** I can't say whether they
14 adopted it as a specific study, no.

15 **MS. DALEY:** All right.

16 Could I ask you then, go back within this
17 exhibit, please, to page 526? And we've spoken about the
18 workload issue which was at the top of that page. And
19 then, of course the document goes on to say that the final
20 portion of the report will address the greater problem.
21 And of course, that is the problem of dissension that
22 exists throughout the Service, and -- it's the second
23 paragraph, sir.

24 And it notes that this dissension exists
25 from the rank of Constable to the Board itself, talks about

1 friction and all the rest of it.

2 Within that paragraph, it suggests that the
3 previous Mayor, who was Mayor Poirier, had a lack of
4 confidence in Shaver, et cetera. And the magnitude of the
5 problem is addressed by the authors by reference to some of
6 the appendices, one of which was the morale report of
7 Officer White that we talked about yesterday.

8 Now, just stopping there for a second, when
9 you stepped into your seat on the Board did you appreciate
10 that the prior Mayor evidently was expressing lack of
11 confidence in the Chief? Was that information that you
12 had?

13 **MR. COURVILLE:** I didn't have that
14 information in a formalised way. I was advised by way of
15 passing by individuals that I can't recall that there were
16 some tensions between Mayor Poirier and Chief Shaver, yes.

17 **MS. DALEY:** And Mayor Poirier was also a
18 member of the Board at the time?

19 **MR. COURVILLE:** Yeah, a member of that
20 Board?

21 **MS. DALEY:** Yes.

22 **MR. COURVILLE:** Yes. I believe he was
23 either Chair or Vice-Chair. I think he was Vice-Chair to
24 Mr. Adams, as I recall.

25 **MS. DALEY:** All right.

1 Now one of the matters that we didn't -- you
2 didn't speak about in your testimony in-chief yesterday,
3 and I just want to determine whether or not you knew about
4 it, Appendix IV to this document, which I believe is
5 Exhibit 1347 is called the Staff Sergeants/ Senior Officers
6 Report?

7 **MR. COURVILLE:** I'm sorry, that's 1347?

8 **MS. DALEY:** I think that's right, sir. I
9 hope that's right.

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

11 **MS. DALEY:** Do you have that?

12 And I don't know if you've looked at that recently in
13 preparing to give evidence. If not, please take a moment
14 and look it over.

15 **MR. COURVILLE:** Yes, I've -- I've read it.

16 **MS. DALEY:** All right.

17 And if I could take you to Bates 587, just
18 for a second?

19 **MR. COURVILLE:** Yes.

20 **MS. DALEY:** If you count five paragraphs up
21 from the bottom, the statement here is that, "the Chief's
22 decision-making is impulsive, without consultation," and
23 that resonated with something that you said in our
24 discussions yesterday that you said you did recall seeing a
25 document that suggested that the Chief was an impulsive

1 decision-maker?

2 MR. COURVILLE: Yes.

3 MS. DALEY: Can we take it that when you
4 became aware of the report as a whole, some months after
5 you took the role, you were also aware of this report from
6 the Staff Sergeants?

7 MR. COURVILLE: Yes. I would have been
8 aware of this report along with a number of other reports
9 that fed in to the reason for the 1990 audit.

10 MS. DALEY: All right. And suffice to say
11 that this report was a fairly extraordinary document in
12 that it reflected the Staff Sergeants and Inspectors who
13 wished the Chief to resign, and obviously that was an
14 important piece of information for you to learn?

15 MR. COURVILLE: Yes, it was.

16 Can I comment further on the general issue
17 of morale or do you ---

18 MS. DALEY: Sure.

19 MR. COURVILLE: I believe that in 1990 there
20 was not question, from what I had read, that there were
21 significant morale problems on the Cornwall Police Service
22 and those were certainly addressed in the reasons for, and
23 ultimately in the recommendations pertaining to, the 1990
24 audit report.

25 After the 1990 audit report, there were a

1 number of these recommendations that were presumably put in
2 place or dealt with, in part I recall through some limited
3 assistance from Suzanne McGlashan who was hired as a
4 consultant at that time.

5 Between 1990 and 1992 or '93, it was my
6 perception that a number of these issues were being dealt
7 with or at least that things were on the mend, if I could
8 put it that way. When we realized, as a Board, I think,
9 sometime at the beginning or in the early part of 1993 and
10 then going into the spring of '93, that there were tensions
11 that were continuing, that is when we took the step to in
12 fact ask for a major audit of the Police Service and ---

13 **MS. DALEY:** I completely understand. I
14 don't want to cut you off and I don't want to exercise Mr.
15 Callaghan, but we are going to come to that in great depth.

16 **MR. COURVILLE:** Yeah, well, I ---

17 **MS. DALEY:** We understand that.

18 I wanted to direct some questions to you
19 though about this document, in particular, what the prior
20 Board may or may not have done in response to the problem
21 at the time. All right?

22 So you are talking about the window between
23 1990 and 1992. I just want to see if you know some
24 particulars.

25 If you look at Bates 594 and 595, I take it

1 this is how the Chair of the Board as it then was responded
2 to the Staff Sergeant's wish for the Chief to resign. And
3 I just -- you're familiar with the seven points that the
4 Board at that time put forward in response?

5 **MR. COURVILLE:** I have read this previously,
6 if that's what you mean by ---

7 **MS. DALEY:** That's what I'm asking you.

8 **MR. COURVILLE:** Yes.

9 **MS. DALEY:** So, all right, if you haven't
10 read it recently, take a moment with it just to refresh
11 your memory.

12 **MR. COURVILLE:** Okay.

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

14 **MR. COURVILLE:** Yes, I've read it.

15 **MS. DALEY:** Thank you.

16 There are two specific initiatives here that
17 Mr. Adams, as Chair of the Board at that time, suggested
18 that the Board was going to undertake, and I want to ask
19 you about them.

20 Could I take you to Item 4 on Bates

21 Page 595?

22 **MR. COURVILLE:** Yes.

23 **MS. DALEY:** And that suggested that the
24 Board would use an outside expert and would conduct an
25 internal management audit of the supervisory positions to

1 determine what the problems were and what solutions were.

2 And my question for you is this, sir. When
3 you joined the Board in 1992, did you see any indication
4 that that internal management audit had in fact occurred?

5 **MR. COURVILLE:** I had not seen any specific
6 document to that effect. I understood that it had occurred
7 from different sources, primarily from the Chief. I don't
8 recall seeing any document.

9 **MS. DALEY:** You never saw a document? I
10 guess it follows then that you never saw any findings or
11 conclusions?

12 **MR. COURVILLE:** I can't recall that.

13 **MS. DALEY:** All right.

14 And Item 5 suggests that the Board at that
15 time was going to be updated on an ongoing basis as to
16 progress made in solving the problems identified in the
17 morale report, and are you able to say whether or not when
18 you joined the Board, it appeared that that ongoing update
19 had been in fact given to the Board?

20 **MR. COURVILLE:** As I recall from review of
21 some of the minutes, I believe that there was some
22 reference coming back to this. And in that sense I think
23 those problems were being addressed in that manner.

24 **MS. DALEY:** So you would suggest that the
25 Board minutes indicate Chief Shaver was updating the prior

1 Boards?

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

3 I'm just recalling that from 15 years ago ---

4 **MS. DALEY:** I appreciate. And the source of
5 your understanding would have been Board minutes?

6 **MR. COURVILLE:** I believe that there was
7 some indications in some of the Board minutes about
8 reference to various issues that were identified in the
9 morale report, yes.

10 **MS. DALEY:** Now, sir, you spoke about the
11 consultant, and I know that's an important part of what
12 happened, did you understand that upon receipt of the Staff
13 Sergeant's report, Chief Shaver had unilaterally engaged a
14 consultant to address internal problems. Did that come to
15 your knowledge?

16 **MR. COURVILLE:** Yes. You're talking about
17 Suzanne McGlashan?

18 **MS. DALEY:** Yes.

19 **MR. COURVILLE:** Yes.

20 **MS. DALEY:** And that ---

21 **THE COMMISSIONER:** Was that normal that as
22 far as you -- you weren't the Chair then?

23 **MS. DALEY:** That's correct ---

24 **MR. COURVILLE:** I was not the Chair. I was
25 not on the Board until two years later.

1 **THE COMMISSIONER:** But, no, I understand,
2 okay.

3 **MR. COURVILLE:** Yes.

4 **THE COMMISSIONER:** But in your experience on
5 the Board would the Chief have authority to do that? Hire
6 an outside consultant without speaking to the Board or was
7 there protocol for that?

8 **MR. COURVILLE:** That would have been, in my
9 experience, sir, it would have been unusual for the Chief
10 to do that.

11 **THE COMMISSIONER:** Right.

12 **MR. COURVILLE:** I believe that -- I can't
13 say that it's never been done before, but I believe the
14 protocol would have been to consult the Board first.

15 **THE COMMISSIONER:** Okay.

16 **MS. DALEY:** And in fact that very point is
17 commented on inside Exhibit 1391 at Bates Page 527. If you
18 could just look their briefly.

19 **MR. COURVILLE:** Sorry. Five ---

20 **MS. DALEY:** It's 527.

21 **MR. COURVILLE:** I don't appear to have that.

22 **THE COMMISSIONER:** Yeah, what ---

23 **MS. DALEY:** I'm sorry. Are you in Exhibit
24 1391?

25 **THE COMMISSIONER:** No.

1 MS. DALEY: Sorry, you'll have to ---

2 MR. COURVILLE: Sorry. 1391?

3 MS. DALEY: Yes, that's right.

4 THE COMMISSIONER: All right. Okay. I
5 think he already has that, Madam Clerk.

6 MS. DALEY: And ---

7 MR. COURVILLE: Yes, I have that.

8 THE COMMISSIONER: There we go.

9 MS. DALEY: And Bates 527, the top two
10 paragraphs deal with the matter that the Commissioner just
11 asked you about.

12 MR. COURVILLE: Okay. Can I have a minute?

13 MS. DALEY: Yes.

14 (SHORT PAUSE/COURTE PAUSE)

15 MR. COURVILLE: Okay.

16 MS. DALEY: Indeed, the second paragraph on
17 that page says essentially what the Chief did was
18 unauthorized because it should have been the Board that
19 decided to retain a consultant and the Board obviously was
20 responsible to ensure that there was funding for that;
21 correct?

22 MR. COURVILLE: Yes.

23 MS. DALEY: So he had bypassed the Board and
24 he had acted unilaterally?

25 MR. COURVILLE: It would appear so, yes.

1 **MS. DALEY:** All right.

2 And that would be an example of, I guess,
3 the problems that were attributed to him in the morale
4 report?

5 **MR. COURVILLE:** In part, yes.

6 **MS. DALEY:** All right.

7 Let us then, move forward on that. And I
8 want us to -- one second. You spoke a little bit in your
9 evidence yesterday about the Ms. McGlashan and her role.
10 And of course that also preceded your term on the Board.

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

12 **MS. DALEY:** By the time you arrived in 1992
13 the consultant was no longer doing any work for the
14 service?

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

16 **MS. DALEY:** Do you know when her consultancy
17 terminated?

18 **MR. COURVILLE:** No, I don't specifically.

19 **MS. DALEY:** And I think you suggested in
20 your testimony yesterday that she had assisted in preparing
21 what's called a mission statement for the Service; you
22 seemed to be aware of that.

23 **MR. COURVILLE:** Yes, that's my
24 understanding.

25 **MS. DALEY:** But am I right to say that the

1 Board or the Service never received a full-blown strategic
2 planning document as a result of Ms. McGlashan's work?

3 **MR. COURVILLE:** I can't honestly answer
4 that. I'm not sure what documentation Ms. McGlashan left
5 with the Board of that day.

6 **MS. DALEY:** All right. Let me try to help
7 you with this because -- and Madam Clerk, it might help the
8 witness just to look briefly at pages 50 and 51 of his
9 transcript yesterday because I'm going to refer him back to
10 that evidence.

11 And sir, at page 50 this was your testimony
12 in-chief, starting at about line 16 and then over the page
13 51 down to about line 16 on that point you were giving your
14 evidence about how you thought the strategic planning
15 process essentially became the 48 recommendations that are
16 contained in the 1993 report.

17 So I just want you to refresh your mind
18 about that.

19 **MR. COURVILLE:** Okay.

20 (SHORT PAUSE/COURTE PAUSE)

21 **MS. DALEY:** Have you had a -- sorry, let me
22 know when you've had a chance to look at that.

23 (SHORT PAUSE/COURTE PAUSE)

24 **MR. COURVILLE:** Yes, I've seen it.

25 **MS. DALEY:** Okay. And with particular

1 reference to the passage that's on the screen right now,
2 sir, lines 1 through 6, what I derived from that is that at
3 best you could say the Board seemed to have an awareness
4 that some strategic planning activity was happening.

5 Were you on the Board at that time or did
6 this precede you?

7 **MR. COURVILLE:** I was on the Board when we
8 were -- when there were minutes of strategic planning
9 meetings. There was a sub-committee of doing strategic
10 planning and I am aware of meetings with various sectors of
11 the Service, the senior officers, I believe the staff
12 sergeants, perhaps the sergeants and the uniform divisions
13 with regard to strategic planning. I don't recall the
14 precise details of that. I do recall that there was a
15 Board sub-committee, as I understand, that was charged with
16 an oversight of strategic planning.

17 All of this became -- I recall Chief Shaver
18 actually wanting to present a draft of a strategic plan
19 also to a Board meeting.

20 And I recall at the time the Board was
21 moving very rapidly toward requesting an overall audit and
22 that all of the strategic planning initiatives that were
23 being undertaken seemed -- it seemed to make sense to put a
24 hold on that and -- insofar as the recommendations of the
25 audit were going to address the overall direction of the

1 Police Service. Basically that seemed to be wise in
2 retrospect because ultimately the planning process revolved
3 around the implementation of those 48 recommendations.

4 **MS. DALEY:** Let's just break down your
5 testimony. I take it that if there was a strategic
6 planning sub-committee of the Board during your tenure you
7 were not on it?

8 **MR. COURVILLE:** I can't recall if I was on
9 it for part of the time or if I was not on it at all. I
10 frequently attended a number of the sub-committee meetings
11 for whatever -- for just a general sense of what was going
12 on.

13 **MS. DALEY:** Sir, have you a specific
14 recollection of personally being involved on any sub-
15 committee or committee meeting of the Board pertaining to
16 strategic planning?

17 **MR. COURVILLE:** I ---

18 **MS. DALEY:** A personal recollection.

19 **MR. COURVILLE:** I believe I attended at
20 least one meeting that I can recall that was concerned with
21 strategic planning.

22 **MS. DALEY:** Now, I take it from what you
23 said that when the Chief again came forward to the Board he
24 wanted to present a plan. By that time the Board was very
25 concerned as a result of hearing through the Association

1 members about the problem. And the Board at that time was
2 inclined to request the report that it in fact did request.

3 **MR. COURVILLE:** Yes.

4 **MS. DALEY:** Is that fair?

5 **MR. COURVILLE:** Yes, that's fair.

6 **MS. DALEY:** Okay. So, again, what's coming
7 forward at that point really doesn't address the situation
8 because the situation is almost in a crisis state.

9 **MR. COURVILLE:** I'm not sure that it doesn't
10 address the situation. I think strategic planning is
11 important with regard to any stage of -- that the
12 organization is in and maybe even more so when it's in a
13 crisis situation.

14 **MS. DALEY:** Well -- but was it not your
15 decision as the Chair at that time because of the crisis to
16 go outside for help and to seek the Human Resources report
17 as opposed to working through more strategic planning at
18 that point?

19 That was the judgment call you made?

20 **MR. COURVILLE:** Yeah, ultimately I think the
21 best strategic planning is that that fits the circumstances
22 of the day and moves forward from there so as to avoid
23 those circumstances from recurring and I think that was the
24 thinking that we were engaged in at the time.

25 **MS. DALEY:** That's what led you to request

1 the H.R. report of 1993?

2 **MR. COURVILLE:** Certainly one of the major
3 factors, yes.

4 **MS. DALEY:** All right. So let's talk about
5 that. We're now at, I guess, the third pillar of our
6 process here, the 1993 report. That's Exhibit 1393.

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

8 **MS. DALEY:** The top page of the document
9 bears the date July to August of 1993. Can you tell me,
10 sir, when this inspection report was finalized and given to
11 your Board in its final form?

12 **MR. COURVILLE:** I'm trying to recall. The
13 answer is difficult because I do recall seeing earlier
14 drafts of the final report in some form or other, but it
15 could have been sometime in September, I believe.

16 **MS. DALEY:** September of 1993?

17 **MR. COURVILLE:** Of 1993, yes.

18 **THE COMMISSIONER:** If you look at page 066,
19 if it's of any help. It says the report was completed
20 November of 1993.

21 **MS. DALEY:** Thank you. I'm sorry, sir, I
22 didn't mean to skip over that. I just hadn't noticed.

23 **THE COMMISSIONER:** No, no that's fine.
24 We're all working towards the same goal here.

25 **MS. DALEY:** Okay.

1 **MR. COURVILLE:** I'm sorry, I missed that,
2 sir.

3 **THE COMMISSIONER:** No, I was just pointing
4 out that it says on page 066 -- yeah, just flip it over ---

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

6 **THE COMMISSIONER:** --- that the report was
7 completed in November 1993.

8 **MR. COURVILLE:** Yes.

9 **THE COMMISSIONER:** Now you say you seen some
10 drafts but -- and that's fine. I was just pointing out
11 that the formal report was completed on November of 1993.

12 **MR. COURVILLE:** Yes, thank you.

13 **MS. DALEY:** So that's helpful, sir.

14 So I take it the date on the top page, July
15 and August '93 is when they did the work. And they
16 probably showed you drafts of their work and they finalized
17 their report in November of 1993.

18 **MR. COURVILLE:** Yes.

19 **MS. DALEY:** Is that correct?

20 **MR. COURVILLE:** Yes, that makes sense, yes.

21 **MS. DALEY:** And if I could take you just to
22 page 071, which is the Executive Summary.

23 **MR. COURVILLE:** Yes.

24 **MS. DALEY:** The top two paragraphs make it
25 clear that this work had been requested by your Board

1 because of very serious concerns about management and the
2 relationship amongst stakeholders and morale?

3 **MR. COURVILLE:** Yes.

4 **MS. DALEY:** And it follows then that this
5 document had a selective focus and the focus was on those
6 problems?

7 **MR. COURVILLE:** Yes.

8 **MS. DALEY:** And that focus was chosen
9 because those problems, as the Board saw it, were the
10 elephant in the room at this time; that's what obviously
11 had to be dealt with so the Force could go forward in a
12 competent way?

13 **MR. COURVILLE:** Yes, I think that's fair,
14 yes.

15 **MS. DALEY:** All right.

16 And not to belabour, but if you look at page
17 072, and I'm going to direct you to the third paragraph and
18 this, sir, is by way of executive summary as I think you
19 appreciate, the advisors were telling you that on their
20 very first visit it was clear to them that the organization
21 had a serious malaise, that internal problems had been
22 there for a long time, and that the effect of all that was
23 damaging on the work environment. And, obviously, that was
24 what was of concern to the Board?

25 **MR. COURVILLE:** Yes, that's true. This was

1 true, notwithstanding the fact that there was still I think
2 a lot of excellent individual work being done by individual
3 officers at various levels of rank.

4 So all I'm saying is that the malaise, I
5 believe, was -- the expression that was used yesterday was
6 "a lack of systemic support" and I believe that expression
7 was very apropos in terms of the malaise that the Police
8 Service was in at that time.

9 **MS. DALEY:** It's quite clear that that
10 problem had the potential to impact on the ability of
11 officers to do proper investigations?

12 **MR. COURVILLE:** It could have. I'm just
13 trying to recall -- I can't recall any specific complaints
14 about the inability to do the investigation as a result of
15 general problems of communication in the ranks, that kind
16 of thing, but it's certainly a possibility.

17 **MS. DALEY:** Can I suggest to you that in
18 part what the Ottawa Police Service found was that the
19 junior constable wasn't given adequate support to do her
20 investigation, and that could well have been a consequence
21 of this circumstance could it not?

22 **MR. COURVILLE:** Yes, it could have. Again,
23 I -- yes, no I think it could have, yes.

24 **MS. DALEY:** All right, thank you.

25 Now I took it, sir, that you and the Board

1 as a whole wholeheartedly endorsed the 48 recommendations
2 that this document contained?

3 **MR. COURVILLE:** Very much so.

4 **MS. DALEY:** And that included the
5 recommendations that pertain to the Board on Bates page
6 094? And at the bottom of that page, sir, you see
7 recommendations 41, 42 and 43 that pertain to the Board?

8 **MR. COURVILLE:** Yes.

9 **MS. DALEY:** The first of those obviously
10 we've spoken about and you spoke about that at some length
11 yesterday.

12 The second though is interesting to me. It
13 says:

14 "The Board must take a leadership role
15 in working together to manage the
16 renewal and re-engineering of the
17 Cornwall Police Service."

18 And I take it you supported that?

19 **MR. COURVILLE:** Absolutely. Not only
20 supported it, but strove to ensure that it was carried out.

21 **MS. DALEY:** And I'm going to come in a
22 moment to some public statements that were made about this
23 document, but from the point of view of the citizens who I
24 represent, did you agree that it was important that the
25 citizens also be told that these steps were going to be

1 taken and that problems would be resolved in their Force?

2 **MR. COURVILLE:** Yes, one of the initiatives
3 that we took at that time to do that was to formulate a
4 community policing policy by involving certain members of
5 the community that would be tasked with outreaching to
6 other sectors of the community.

7 **MS. DALEY:** If you direct your attention to
8 recommendation 43, were those working groups established?

9 **MR. COURVILLE:** Yes.

10 **MS. DALEY:** I'll tell you the ones that I'm
11 most interested in. "Developing Updated Procedural
12 Bylaws"; did that happen?

13 **MR. COURVILLE:** Yes, it did.

14 **MS. DALEY:** Were you involved in that?

15 **MR. COURVILLE:** Yes, I was. Myself and Miss
16 Adams, who was not only Secretary of the Board but was also
17 a lawyer.

18 **MS. DALEY:** What did those procedural --can
19 you give me some content to that? What did those
20 procedural bylaws pertain to as their subject matter?

21 **MR. COURVILLE:** Well, initially the internal
22 workings of the Board itself in terms of notice of
23 meetings, the settings of agendas, that kind of thing. We
24 also, I believe, as I indicated yesterday, there were
25 a number of areas that we were charged with administering

1 that really had nothing or very little, in my opinion, to
2 do with policing. Things like school crossing guards and
3 taxi licences ---

4 **MS. DALEY:** Right.

5 **MR. COURVILLE:** --- and tenders for towing
6 and that kind of thing that procedurally, I believe, there
7 was some concern because the bylaws had not been revised
8 for some considerable period of time.

9 And I recall that we were trying to address
10 those while at the same time trying to move to have those
11 functions removed from the Police Service and put in the
12 hands of other municipal organizations.

13 **MS. DALEY:** Okay. So setting aside the odds
14 and ends of the taxi licences, I take it the work that you
15 did was to develop some rules of procedure so that your
16 Board could better conduct its business?

17 **MR. COURVILLE:** That was one area.

18 I seem to recall working on -- I believe we
19 worked on a bylaw pertaining to discipline. I'm just --
20 this is -- I'm not -- this is just from memory, yes.

21 **MS. DALEY:** All right.

22 Now, I want to turn and address how -- sorry
23 let me back up. I take it you considered this set of
24 recommendations to represent a very important change in how
25 both the Board and the Service was going to do business in

1 the future?

2 **MR. COURVILLE:** Yes, we took all of the
3 recommendations seriously.

4 **MS. DALEY:** All right.

5 And I want to start taking you to some
6 documents that will reflect how this was told to the
7 public, right, and how the citizens learned about this.

8 The first of those documents is not an
9 exhibit yet. It's Bates -- sorry, Document 723758.

10 And, sir, just so that you know, these are a
11 few media pieces in which you're quoted. I'm going to take
12 you through a couple of these, all right? I don't know if
13 you have had a chance to see them recently. If not, take
14 your time and we'll step through them.

15 **THE COMMISSIONER:** Exhibit 1519 is a
16 newspaper article dated November 2nd, 1993.

17 --- **EXHIBIT NO./PIÈCE No. P-1519:**

18 (723758) - Leo Courville - News
19 Clipping "Shaver Retiring" dated
20 November 2, 1993

21 **MS. DALEY:** And, sir, this article comes
22 under the headline of Chief Shaver's retirement, but it
23 also deals with other issues as well. So if you haven't
24 seen that recently, take your time and have a look.

25 **MR. COURVILLE:** Okay.

1 (SHORT PAUSE/COURTE PAUSE)

2 MS. DALEY: I could tell you one area I'm
3 not interested in is the third column if -- just to -- to
4 save time; I'm going to ask you some questions about what's
5 in the first two columns.

6 MR. COURVILLE: Okay, fine, I'm ready.

7 MS. DALEY: All right? Thanks.

8 Now, the second column, first full
9 paragraph, that's a reference to the 1993 report that we've
10 just been discussing?

11 MR. COURVILLE: Yes.

12 MS. DALEY: And you also indicate, in the
13 second paragraph there, that you can't comment yet because
14 the final report hasn't been received; I take it that's
15 probably correct, it may -- it was received at some point
16 in November of 1993?

17 MR. COURVILLE: Yes, I -- I believe that ---

18 MS. DALEY: All right.

19 MR. COURVILLE: --- to be true.

20 MS. DALEY: But I take it, it -- was it the
21 intention that when the final report was received, there
22 would be public comment about its contents, just by way of
23 telling the community that ---

24 MR. COURVILLE: I -- I suspect that that was
25 true. I'm -- I'm trying to think of the vehicle for that.

1 It could have been our -- our community --
2 we had a subcommittee -- a subcommittee dealing with, I'd
3 say, community policing, but it was also community
4 relations, if you wish.

5 **MS. DALEY:** All right.

6 **MR. COURVILLE:** And I believe that the
7 person that would have dealt with that area was Mrs.
8 Delores Jensen.

9 **MS. DALEY:** She was a Board member?

10 **MR. COURVILLE:** She was a Board member.

11 **MS. DALEY:** All right. And I can help with
12 this, sir, because I'm going to take you through subsequent
13 pieces and we'll see how, in fact, it was commented on
14 publicly.

15 **MR. COURVILLE:** Okay.

16 **MS. DALEY:** But one other aspect of this I
17 wanted to talk to you about is in the first column, I guess
18 the fourth full paragraph, it says:

19 "Rumours of an early retirement have
20 been circulating for months and Shaver
21 said the decision to leave the Force
22 was not one he made lightly."

23 Were you aware that prior to the actual
24 retirement of the Chief, there had, in fact, been rumours
25 in the community, for some months, that that was about to

1 occur?

2 **MR. COURVILLE:** I can't say that I was
3 specifically aware of that. I -- there were always
4 comments made about Chief Shaver leaving.

5 I don't know if there was a -- if there were
6 comments that could be classified as -- as "rumours," you
7 know, in the sense that they were widespread discussions
8 like they ---

9 **MS. DALEY:** All right. But the comments
10 that you were aware of about the Chief leaving, these were
11 comments that were being made publicly?

12 **MR. COURVILLE:** Well, there were -- I'm
13 talking about individuals saying that they may have heard
14 that the Chief was leaving.

15 **MS. DALEY:** All right. But to the extent
16 that there were rumours to that effect, you'd agree that
17 undermines him in his job?

18 **MR. COURVILLE:** Sorry?

19 **MS. DALEY:** To the extent there were rumours
20 to that effect, would that likely undermine him in his job,
21 prior to his actual retirement?

22 **MR. COURVILLE:** I -- I can't -- I can't
23 comment on that because I -- I'm -- I'm not conversant with
24 the nature and extent of the rumours, so -- what I had
25 heard was that, you know, the individuals saying, well,

1 they had heard that he may be leaving, kind of thing.

2 **MS. DALEY:** All right. Did you know, sir,
3 and I've been curious about this, was Chief Shaver on the
4 job at all following this announcement in early November of
5 1993; was he performing his role?

6 **MR. COURVILLE:** I believe he -- he was on
7 the job, but I also believe that he may have taken some
8 leave, at some point, in November.

9 **MS. DALEY:** Did the Board, or the Force for
10 that matter -- well, I guess it would be the Board's role,
11 I take it the Board didn't appoint anyone to act during his
12 period of leave?

13 **MR. COURVILLE:** I'm just trying to think of
14 the interphase of -- your question is directed to somebody
15 internally, like the Deputy Chief, you mean?

16 **MS. DALEY:** Yes, yes.

17 **MR. COURVILLE:** I believe that the Deputy
18 Chief did assume some responsibilities at about that time.

19 **MS. DALEY:** All right. So the next event on
20 the horizon after this announcement, as we know, is -- at
21 least the next major event that the public becomes aware
22 of, is the press release of January 6th, 1994, and the
23 Silmser statement in the media and the allegations of
24 cover-up that surrounded that; do you recall that, sir?

25 **MR. COURVILLE:** Yes.

1 **MS. DALEY:** All right. So can you
2 understand, as a citizen or civilian, how those allegations
3 of potential cover-up in the press would be concerning to
4 citizens would read about them?

5 **MR. COURVILLE:** Yes, certainly I could --
6 obviously the -- any suggestion of a cover-up would, I
7 think, prompt a concern from -- from citizens generally,
8 yes.

9 **MS. DALEY:** Obviously people are going to
10 feel very anxious if they feel the Force is not going to
11 properly investigate a matter?

12 **MR. COURVILLE:** Yes.

13 **MS. DALEY:** All right. And you understood
14 that the allegations of cover-up extended to the role
15 played by Chief Shaver in the Silmsler investigation?

16 **MR. COURVILLE:** I think that -- that the
17 concept of a cover-up could be very extensive or very wide
18 and I think it's possible that people may have thought any
19 number of things, I agree with you on that, yes.

20 **MS. DALEY:** Based on the media reports and I
21 don't have them in front of me, but your general knowledge
22 of the media reports, these allegations extended to the top
23 of the Force, which was the then Chief? You did know that?

24 **MR. COURVILLE:** Yes, I -- I think that that
25 goes without saying that -- that it could extend from the

1 top to the bottom of the Force ---

2 MS. DALEY: Correct.

3 MR. COURVILLE: --- basically.

4 MS. DALEY: And in fact, we've heard here,
5 as recently as this week, that members of your own Service
6 believed that, believed that the Chief and senior officers
7 were part of a cover-up; did the Board know that?

8 MR. COURVILLE: No, I don't -- not -- not to
9 my knowledge.

10 I don't believe that -- that we -- we never
11 received input that any members of the Service ever
12 referred to -- referred in that manner to -- to
13 developments at that time; in other words, they never used
14 the word "cover-up" to my knowledge.

15 MS. DALEY: All right. Were you on the
16 Board when Mr. Dunlop initiated the lawsuit that had that
17 concept as one of its premises; did you know about that?

18 THE COMMISSIONER: Well, were you on the
19 Board when the lawsuit -- Dunlop lawsuit came up?

20 MR. COURVILLE: Yes, I was.

21 THE COMMISSIONER: Okay.

22 MS. DALEY: Okay. And was that -- clearly,
23 that would be a matter that would be brought to the Board's
24 attention?

25 MR. COURVILLE: Yes.

1 I just want to be clear; are you referring
2 to the -- the situation that arose out of the disciplinary
3 action with OCOPS; is that what you're referring to?

4 **MS. DALEY:** No, I'm referring to the civil
5 suit that Mr. Dunlop started in or about 1996.

6 **MR. COURVILLE:** Okay, I ---

7 **MS. DALEY:** There was a Notice of Action in
8 the summer of 1996.

9 **MR. CALLAGHAN:** Let me be clear, I think
10 that the witness has said he left the Board on June 7th,
11 '96.

12 My recollection is the Notice of Action,
13 Statement of Claim -- the Statement of Claim wasn't issued
14 until July '96, and it was amended in November.

15 So I don't know -- I think the timeline
16 could be easily ascertained.

17 **MS. DALEY:** The timeline is very tight; I
18 appreciate that.

19 I just wondered if you recalled in your
20 capacity as Chair of the Board that that suit had started?

21 **MR. COURVILLE:** I don't recall, as Chair of
22 the Board, ever receiving a Statement of Claim from Mr.
23 Dunlop.

24 **MS. DALEY:** All right. Perhaps after your
25 retirement from the Board, were you aware through media

1 reports or just as a citizen interested in this whole
2 process that, in fact, such a suit had occurred?

3 **MR. COURVILLE:** I do recall that -- yes, I
4 do recall from media reports that -- that Mr. Dunlop had
5 issued a Claim, yes.

6 **MS. DALEY:** All right. Now -- so then
7 moving back towards the beginning months of 1994, as this
8 situation is developing, I'd like you to look at a press
9 piece, Document Number 729981.

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

11 **THE COMMISSIONER:** Maybe we can -- can you
12 put it up on the screen Madam Clerk? Is this the one you
13 wanted to show?

14 **MS. DALEY:** It is.

15 **THE COMMISSIONER:** All right.

16 So what exhibit will that be once we get a
17 copy of it?

18 **THE REGISTRAR:** Fifteen-twenty (1520).

19 **THE COMMISSIONER:** So 1520 will be exhibit
20 of a newspaper clipping dated Wednesday January 12th, 1994,
21 and I take it it's the Standard-Freeholder?

22 **MR. COURVILLE:** I don't know.

23 **--- EXHIBIT NO./PIÈCE No. P-1520:**

24 (729981) - Leo Courville - Standard-
25 Freeholder news clipping "City Police

1 Under Investigation" dated January 12,
2 1994

3 **THE COMMISSIONER:** I know it was selling ---

4 **MS. DALEY:** I believe so, sir.

5 **THE COMMISSIONER:** --- for 50 cents in those
6 days.

7 **MS. DALEY:** A bargain at twice the price.

8 **THE COMMISSIONER:** But that excluded GST.

9 **MS. DALEY:** Yes, I know.

10 **THE COMMISSIONER:** All right.

11 **MS. DALEY:** Sir, I'm going to ask ---

12 **THE COMMISSIONER:** Can we ---

13 **MS. DALEY:** --- Madam Clerk to magnify the
14 two columns of text, but I take it that's a picture of you
15 sitting with then Acting Chief Johnston.

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

17 **MS. DALEY:** And I believe, sir, that this is
18 the first press piece that the citizens of this town would
19 have seen after the Ottawa force was brought in to have a
20 look at the occurrence that was in the media at that time?

21 **THE COMMISSIONER:** Can we blow it up,
22 please?

23 **MS. DALEY:** Yes, if you could blow it up
24 please, Madam Clerk.

25 And by all means take your time to read it

1 if you haven't seen it recently. I have a very limited
2 question for you about it but have a look and review it.

3 (SHORT PAUSE/COURTE PAUSE)

4 MS. DALEY: Have you ---

5 MR. COURVILLE: Yes, I've read it ---

6 MS. DALEY: --- read through it?

7 MR. COURVILLE: --- thank you, yes.

8 MS. DALEY: Okay. So let me put this in its
9 proper context for you.

10 I take it from this article, sir, that the
11 day of this piece is a Wednesday, January 12th, '94 ---

12 MR. COURVILLE: Yes.

13 MS. DALEY: --- and under the -- Madam
14 Clerk, if you can just scroll leftward here for a moment so
15 that we see the text underneath this photograph. That's
16 perfect, thank you.

17 So what had happened is that the Service, in
18 the person of the Acting Chief and yourself, had held a
19 joint press conference on Tuesday; so Tuesday would have
20 been January the 11th, 1994?

21 MR. COURVILLE: I assume so.

22 MS. DALEY: If Wednesday's the 12th?

23 MR. COURVILLE: Yes.

24 MS. DALEY: And that I take it was the event
25 at which your January 11th, 1994 press release was

1 discussed? That's Exhibit 1224, we saw that yesterday.

2 **MR. COURVILLE:** Yes.

3 **MS. DALEY:** All right. So let me direct you
4 then -- Madam Clerk, I'm sorry, I know that was a laborious
5 process but if you can now take him back to the two columns
6 of text and, sir, you are quoted about halfway down the
7 second column.

8 **MR. COURVILLE:** Yes.

9 **MS. DALEY:** Were those quotes accurate?

10 **THE COMMISSIONER:** Well, show him which one
11 -- now, all of the quotes in ---

12 **MS. DALEY:** Sir, yes, your quote is saying:
13 "From everything you've seen, all the
14 information was acted on thoroughly.
15 We hope that by bringing out all the
16 facts that there can be no doubt that
17 the police handled this appropriately."

18 Do you quarrel with that quote?

19 **MR. COURVILLE:** Well, I would assume it's
20 accurate. I can't, you know, from my memory of the events
21 of 15 years ago I can't say that it's word-for-word what I
22 said, but I would assume that it's probably accurate.

23 **MS. DALEY:** It fit the tenor of what you
24 meant to communicate?

25 **MR. COURVILLE:** Yes, at that time based on

1 the knowledge that I had I believe that would have been
2 accurate.

3 **MS. DALEY:** That's fair, and then Lyon, who
4 is the Ottawa Chief, says that once the report is
5 completed, it will be released to Johnston and Courville.
6 He says it's up to them to do what they want, and now I'd
7 like you to look at the last quote:

8 "Courville suggested at the press
9 conference that police would release
10 the findings to the public. 'We want
11 to make the factors known. We will try
12 to be as forthcoming as we can be'."

13 **MR. COURVILLE:** Yes.

14 **MS. DALEY:** And is that an accurate
15 reflection of what you conveyed?

16 **MR. COURVILLE:** Well, again, I think at the
17 time that certainly was our intent. I don't know if that
18 is exactly the words that I used but I have no reason to
19 believe that it's not.

20 **MS. DALEY:** You meant to express those
21 thoughts?

22 **MR. COURVILLE:** I believe I did, yes.

23 **MS. DALEY:** All right.

24 And is it fair to say that the public
25 reading this news item would be then expecting to hear from

1 the Service in a very forthcoming way about what the Ottawa
2 review had found concerning this matter?

3 **MR. COURVILLE:** I think that's a fair
4 assumption, yes.

5 **MS. DALEY:** That's certainly what you
6 intended to tell them?

7 **MR. COURVILLE:** At that time, yes. I
8 believe that's true.

9 **MS. DALEY:** All right.

10 And I'm not going to take you back to the
11 lengthy evidence that occurred yesterday with respect to
12 your press release of ---

13 **MR. COURVILLE:** I just -- could I just say
14 something here with regard ---

15 **MS. DALEY:** I'm sorry?

16 **MR. COURVILLE:** Could I say something with
17 regard to this process that you've just described?

18 **MS. DALEY:** What process?

19 **MR. COURVILLE:** Or at least the thought that
20 we wanted to make everything as forthright as we could and
21 clear and so on.

22 **MS. DALEY:** Sure.

23 **MR. COURVILLE:** The options that were
24 considered obviously with regard to the disclosure of any
25 information we received, were that we didn't necessarily

1 have to or at least the Police Service didn't necessarily
2 have to disclose any of it. That was one option obviously
3 that was an option that was rejected.

4 Another option was that we could do an
5 investigation internally and disclose whatever information
6 we came up with internally, which we also chose to reject.

7 The third option was that we make sure that
8 everything was in effect sent out of the Service to other
9 services and then the -- whatever the reports produced
10 would show, that would be accepted obviously by the
11 Cornwall Police Service.

12 Ultimately, we opted to send out the request
13 for an investigation and a re-investigation to both Ottawa
14 and the OPP.

15 With regard to the press releases that were
16 formulated, you know, to some -- to the degree that the
17 evidence shows that they may have been deficient or may not
18 have covered all of the points put forward in the --
19 particularly in the Skinner Report, I accept that.

20 I'm just saying that the process was there
21 to -- and the decision was made to try to -- by way of
22 ensuring that this went outside the Police Service to two
23 independent police services, to make this -- the whole idea
24 of what was done and how it was done and what further
25 recommendations should be made to make this process as

1 transparent as possible and to rely on these outside
2 agencies to assist the Cornwall Police.

3 **MS. DALEY:** Right and I understand that and
4 that's what you are telling the citizens in part in this
5 release that, "We're going outside. We're going to make
6 sure that everything is all right."

7 **MR. COURVILLE:** But I just wanted to
8 emphasize again that the option was always there not to do
9 that.

10 **MS. DALEY:** Appreciated. No, no, I
11 understand. I -- no one criticizes the option that was
12 chosen. But are we in agreement, based on the terminating
13 words of this press release, that the public was expecting
14 fairly full disclosure of what Ottawa found and that your
15 message to them was that they would have it?

16 **MR. COURVILLE:** I agree that we indicated
17 that we would make the public aware of the findings, yes.

18 **MS. DALEY:** Right. And the release, and
19 again, we're not -- there was plenty of evidence about this
20 yesterday and I don't want to re-open it, but the next that
21 the public heard on the subject was Exhibit 1226, which was
22 the press release of February 2, '94. Correct?

23 **MR. COURVILLE:** Yes, I believe so.

24 **MS. DALEY:** All right.

25 Whenever it's convenient.

1 **THE COMMISSIONER:** Let's take the break --
2 morning break, please. Thank you.

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

5 This hearing will resume at 11:15.

6 --- Upon recessing at 10:58 a.m./

7 L'audience est suspendue à 10h58

8 --- Upon resuming at 11:25 a.m./

9 L'audience est reprise à 11h25.

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

12 **THE REGISTRAR:** This hearing is now resumed.
13 Please be seated. Veuillez vous asseoir.

14 **THE COMMISSIONER:** Thank you.

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

16 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

17 **DALEY (cont'd/suite):**

18 **MS. DALEY:** Thank you.

19 Sir, I'm going to take you to through to
20 some additional press releases shortly but, I just want to
21 regroup here for a second and see if you'll agree how
22 things are unfolding in the public eye by February of '94
23 and I think you'll agree the following elements are in
24 place:

25 The Chief has recently resigned amidst

1 rumours that that was going to happen for some time; there
2 has been disclosure in the media of the Silmsler statement
3 and concern about either a cover up or an inefficient
4 investigation; there's been the retention of the Ottawa
5 force to review that; and there's been the delivery of the
6 Exhibit that we just looked at which was the January 12th,
7 19 -- or sorry, the January 12th, 1994 news article has come
8 forward suggesting that the citizens will be told the
9 outcome of Ottawa's review. And would you agree that in
10 that context, apart from the statement you made about
11 disclosing the review, the citizens at this point are
12 entitled to know what's happened?

13 **MR. COURVILLE:** I would agree that the
14 citizens, yes, are entitled to know generally what's going
15 on and that would be true, not at this time but at any time
16 as well.

17 **MS. DALEY:** Fair enough. But, at this
18 particular time are you aware that the media is perhaps
19 fueling some real concerns on the citizens' part about the
20 efficacy of the Force and whether this investigation was
21 conducted properly? In other words there's a -- some real
22 anxiety about that in the community, perhaps spread by the
23 press?

24 **MR. COURVILLE:** That could be.

25 **MS. DALEY:** All right.

1 Now, additionally there's another thread
2 here and that other thread is your intention as the Board
3 Chair to eventually tell the community about the 48
4 recommendations that you received in November of 1993.
5 That's still your intention, correct?

6 **MR. COURVILLE:** Well, it's the intention,
7 yes, of it coming through by way of either myself or Chief
8 Johnston or somebody from the Force. Yes.

9 **MS. DALEY:** That's right.

10 So the public is still -- the public has
11 been led to believe that they are going to hear about those
12 recommendations and they are still awaiting some details
13 about that. Correct?

14 **MR. COURVILLE:** It's referred to in the
15 various releases, yes.

16 **MS. DALEY:** That's right.

17 And there's another media piece I'd like you
18 to look at with me, if you would, Sir. And that is
19 Document 722179.

20 **THE COMMISSIONER:** Exhibit 1521 is a
21 photocopy of two newspaper articles and one is dated the
22 25th of January 1994.

23 **MS. DALEY:** I believe the second also has a
24 date of January 25th, 1994.

25 **THE COMMISSIONER:** Yes.

1 --- EXHIBIT NO./PIECE NO. P-1521:

2 (722179) - Leo Courville - Standard-
3 Freeholder news clippings "Mayor
4 resigns his seat on police board" and
5 "Resignations show great timing -
6 Courville" dated 25 Jan 94

7 MS. DALEY: Sir, I don't know what paper
8 this is from but do you know which paper Len Hooper wrote
9 for ---

10 MR. COURVILLE: He wrote for ---

11 MS. DALEY: --- by any chance?

12 MR. COURVILLE: Yes, he wrote for the
13 Standard-Freeholder.

14 MS. DALEY: Thank you. So this is a
15 Standard-Freeholder piece. And I don't know if you've seen
16 this recently so by all means take your time and review it.

17 MR. COURVILLE: No, that's fine I ---

18 MS. DALEY: You're aware of this?

19 MR. COURVILLE: Yes.

20 MS. DALEY: And, I take it that what's
21 happened at this time is that the 48 recommendations have
22 not yet been disclosed publicly but Mayor Martelle has
23 taken it upon himself to tell the citizens that one of
24 those recommendations was that he be replaced. Do you
25 recollect that, sir?

1 **MR. COURVILLE:** Yes, I do.

2 **MS. DALEY:** All right. And the piece in
3 which you are quoted the second piece on this page, you're
4 reacting to that in part and you're saying that in essence
5 because he's disclosed it you can confirm it. But other
6 than that I guess you're not quite ready to make public the
7 bulk of the report and I'm taking that -- if you look at
8 the second piece on the page, sir, the fifth column from
9 the left. I guess, sorry, you're saying you're in the
10 process of beginning to implement them, you therefore think
11 it's good timing that he has stepped down. But the report
12 itself or the recommendations themselves have not been
13 fully disclosed yet. Is that correct?

14 **MR. COURVILLE:** I'm not sure what
15 disclosure, if any, has been made up to this point.

16 **MS. DALEY:** Okay. I can help you with that,
17 sir, because there is a subsequent piece that deals with
18 it. But as of January 25th but what the public might take
19 from Exhibit 1521, amongst other things, is the comment
20 attributed to you beside your photo that in fact the Mayor
21 did have a conflict because of the status of his son.
22 Correct?

23 **MR. COURVILLE:** Correct.

24 **MS. DALEY:** And I don't know if you'll agree
25 with this but was that airing a bit of dirty laundry at the

1 Board level?

2 **MR. COURVILLE:** Well, the Mayor himself, I
3 think, maybe it's in reference -- excuse me, it might have
4 been in reference to whatever the Mayor told Mr. Hooper.
5 It was certainly a recommendation that -- that I believe
6 the Mayor disclosed himself before I commented on.

7 **MS. DALEY:** All right.

8 In any event, your statement certainly
9 doesn't reflect well on the Mayor's participation on the
10 Board; that is to say the fact he's in conflict?

11 **MR. COURVILLE:** I think I'm simply again
12 reiterating what the Mayor -- the Mayor indicated that he
13 was stepping down or that he was asked to leave the Board;
14 I can't recall what his words were. But I was asked in
15 view of what he said what was my reaction and that, I
16 believe, is the context.

17 **MR. CALLAGHAN:** I think in fairness, the
18 full quote, which says:

19 "...On some issues -- the Mayor has
20 conflict on some issues..."

21 You'll see it in the body. I know it's been
22 excised by the paper the way they wanted to but, not to
23 leave the impression that the Mayor's always in conflict.

24 **MR. COURVILLE:** Yeah, I would agree with
25 that. Basically, the nature of the conflict that I

1 specified is anything to do with his son. For example, if
2 he was involved in labour relations that involved his son
3 as well, that would be a conflict.

4 **MS. DALEY:** Sir, I -- the only point that
5 I'm going to quibble with you on is this one. The lead
6 article about the Mayor's resignation, I don't think refers
7 to the fact that he has, I know in fact that that's the
8 case, but I don't think he disclosed it in that piece.

9 **THE COMMISSIONER:** No, well, he said because
10 he wasn't a team player.

11 **MS. DALEY:** In any event, sir, what the
12 citizens might take from this piece is that there had been
13 members of the Board who were perceived to be in conflict
14 positions?

15 **MR. COURVILLE:** Yes, I think that's fair.

16 **MS. DALEY:** That's a fair ---

17 **MR. COURVILLE:** Yes.

18 **MS. DALEY:** --- take away?

19 **MR. COURVILLE:** Yes.

20 **MS. DALEY:** And I'd like to direct you to
21 Exhibit 1518 next. That should be in your Book of
22 Exhibits. You will remember you just -- sorry, I'll wait
23 'til you find it.

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

25 **MS. DALEY:** Do you have that? You may

1 remember Commission counsel discussed this with you in your
2 Examination-in-chief yesterday?

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

4 **MS. DALEY:** All right. So there's just a
5 view points I want to extract from this.

6 In the first column, the sixth paragraph
7 from the top, we're again referencing the Solicitor
8 General's report and the recommendations and the second
9 sentence says:

10 "Those recommendations should be made
11 public by mid-February, Police Service
12 Board Chair, Leo Courville, said."

13 So, again, just to help you with the
14 timeline here, obviously by this point-in-time the
15 recommendations were not on the table publicly?

16 **MR. COURVILLE:** I would assume so from that,
17 yes.

18 **MS. DALEY:** All right.

19 There's another aspect of this document that
20 is of interest I think, generally, to the Inquiry, and if
21 you look at the second paragraph -- or sorry, second
22 column, the third paragraph, it's reciting some facts that
23 are now known.

24 The last sentence says:

25 "A condition of his \$32,000 was that he

1 agreed to drop all civil and criminal
2 actions against the priest."

3 Do you see that, sir?

4 **MR. COURVILLE:** Yes, I do.

5 **MS. DALEY:** All right.

6 Now, I want to pause here just for a second.
7 You were obviously a criminal but also a civil litigation
8 practitioner at this time?

9 **MR. COURVILLE:** Yes.

10 **MS. DALEY:** And in that capacity familiar
11 with settlements of civil claims?

12 **MR. COURVILLE:** Yes.

13 **MS. DALEY:** And familiar generally with the
14 terms of releases that are requested when claims are
15 settled?

16 **MR. COURVILLE:** I am aware of releases, yes.

17 **MS. DALEY:** All right.

18 So what's being said here suggests that a
19 condition of this particular settlement was an agreement
20 not just to discontinue a civil action but a criminal
21 complaint as well?

22 **MR. COURVILLE:** Yes.

23 **MS. DALEY:** Do you see that, sir?

24 **MR. COURVILLE:** Yes, I do.

25 **MS. DALEY:** Now, I'm not suggesting that

1 this is your responsibility in any fashion but did that
2 fact strike you, as a practitioner, that there was
3 something wrong with a civil settlement in which the person
4 receiving the settlement had to drop criminal complaints?

5 You would have known that was inappropriate?

6 **MR. COURVILLE:** Yes, my understanding is
7 that that was one of the terms of reference given to the
8 OPP to investigate to determine what, if any, charges for
9 obstruction of justice may be applied as a result of that
10 particular matter.

11 **MS. DALEY:** Did you ever come to learn at
12 this time anything about how the Cornwall Police Service
13 itself had attempted to learn about the Silmsers settlement.
14 Is that something that you were ever made aware of?

15 **MR. COURVILLE:** I was made aware generally
16 of the fact that there was that attempt to settle and that
17 Mr. Silmsers himself had indicated that he no longer wished
18 to pursue the criminal charge because of the settlement, if
19 that's your question.

20 **MS. DALEY:** Did it ever come to your
21 attention that your Force itself, back in '93 when the file
22 was still open, was not aware that the reason Silmsers had
23 discontinued cooperation was because his civil settlement
24 required him to do that?

25 **MR. COURVILLE:** I believe at one point my

1 information is that when he -- on one contact that he made
2 that he did mention the settlement.

3 I'm not sure whether that was after the
4 settlement was more or less crystallized or at what point-
5 in-time that was but he -- I believe that he did mention
6 that he was engaged in trying to secure a civil settlement.

7 **MS. DALEY:** But I guess all I'm asking is
8 this and if you don't know that's fine. I'm not sure that
9 you do.

10 Your Force was wondering why he was not
11 going to continue with his criminal complaint, but it
12 appears they never knew that his settlement made it -- his
13 settlement purported to restrict him from doing that. Your
14 Force didn't have that information. It's now in the public
15 domain on February 2nd, 1994.

16 **MR. COURVILLE:** Yes. Like I said, my
17 information -- the information that I recall is that at
18 some point Mr. Silmsen had made known the fact that he was
19 engaged in a settlement negotiation with the Church and
20 that that was a reason for him not wanting to press the
21 criminal action further.

22 **MS. DALEY:** But I guess the dot that didn't
23 get connected was that the settlement document itself
24 purported to prevent him from doing that?

25 **MR. COURVILLE:** I don't believe that was

1 brought to the attention of the investigators at the time
2 within the Cornwall Police Service.

3 **MS. DALEY:** All right.

4 **THE COMMISSIONER:** I'm a little concerned
5 that you're saying that the police did not know -- well,
6 let's put it this way, subject to what we've heard so far
7 about what Silmsler told Brunet and what we've heard about
8 the letters going back and I don't know that, I want to say
9 that they did not know that the settlement -- as a
10 consequence of the settlement, Silmsler did not want to
11 proceed with his complaint?

12 **MS. DALEY:** Clearly he was expressing that
13 to them. I ---

14 **THE COMMISSIONER:** Yeah.

15 **MS. DALEY:** --- know that's the evidence.

16 I was thinking about the evidence to the
17 effect that the actual settlement document itself, which
18 would purport to restrict him from that, wasn't known to
19 the police.

20 **THE COMMISSIONER:** The document itself was
21 not known to the police at that time. Okay, fair.

22 **MS. DALEY:** That's the evidence I was
23 thinking of.

24 **THE COMMISSIONER:** Okay.

25 **MS. DALEY:** The final thing I'd like to draw

1 you to at the very bottom of this exhibit, the context of
2 course is Chief Johnston talking about the OPP review and
3 the second last and final paragraphs referring to a public
4 outcry being a reason for a full investigation.

5 And I believe this is the Acting Chief
6 speaking:

7 "There are questions that the public
8 have that should be responded to."

9 And I take it, sir, again this reflects a
10 fairly high degree of public concern at this time about
11 this matter?

12 **MR. COURVILLE:** Yes, most -- and in my mind
13 that would most definitely be the case. I recall the
14 general situation was one of concern that the public be
15 informed and that these matters be addressed publicly, yes.

16 **MS. DALEY:** All right.

17 So I'm now going to ask you -- and again I'm
18 switching the gear back to disclosure of the 48
19 recommendations.

20 **MR. COURVILLE:** Yes.

21 **MS. DALEY:** If you could please have a look
22 at Document 722195.

23 **THE COMMISSIONER:** Thank you.

24 Exhibit 1522, Standard Freeholder article.
25 One is dated -- well, one is dated March 21st, 1994. Oh,

1 no, actually just a second. Exhibit 1522 has a number of
2 newspaper clippings, one of which is March 21st, 1994 which
3 is a letter from the publisher of the Seaway News to his
4 readers, I guess, and also from the Standard-Freeholder on
5 Wednesday, March 23rd, 1994.

6 --- EXHIBIT NO./PIECE NO. P-1522:

7 (722195) - Leo Courville - Standard-
8 Freeholder news clipping "Police board
9 still mum on report" dated 23 Mar 94

10 MS. DALEY: And sir, it's the latter of
11 those articles that I'm interested in with you.

12 MR. COURVILLE: Yes.

13 MS. DALEY: I'm just -- just try to track
14 the issue about the Solicitor General's report. Obviously,
15 for reasons that are identified in that piece, the Board
16 was not yet in a position to disclose that report to the
17 public as of March 23rd, '94?

18 MR. COURVILLE: Yes, that would appear from
19 the article.

20 MS. DALEY: All right. Now I don't need
21 anything further there, but in the meantime do you recall
22 that the Solicitor General itself had corresponded with the
23 Force and had been asking for your response, at least an
24 interim response to that 1993 report which had been
25 finalized back in November; do you recall that, sir?

1 **MR. COURVILLE:** I recall that there were a
2 series of meetings with the inspectors by way of iterations
3 before the final report was produced.

4 I had mentioned earlier that I recall seeing
5 preliminary drafts and I believe there was a process
6 involved where the inspectors would present a draft and
7 they would get a response and then they would present
8 another draft, and ---

9 **MS. DALEY:** All right. But if I have
10 understood you, that terminated by November of '93 and you
11 had the final report in November of '93; correct? We're
12 now in March of '94.

13 **MR. COURVILLE:** Yes, and I don't -- there
14 was some interaction between the Solicitor General's office
15 and the Board in the period after November as well, and in
16 January and February, I recall that.

17 I don't know -- there's reference here to
18 the fact that I'm quoted as saying, first, we were under
19 pretty tight restrictions from the Solicitor General's
20 office as to how to handle the report, and it goes on.

21 And I'm just trying to recall all of the
22 interactions that occurred between ourselves and the
23 Solicitor General's office in those -- there were a couple
24 of months before the report, I know, could be released to
25 the satisfaction of the Solicitor General's office.

1 **MS. DALEY:** All right. So you say the delay
2 in releasing it to the public was -- emanated from the
3 Solicitor General?

4 **MR. COURVILLE:** Well, in part anyway.

5 **MS. DALEY:** All right. Were there any other
6 factors that had delayed the release of these
7 recommendations?

8 **MR. COURVILLE:** Well, I know that from the -
9 - this article it appears that one of the difficulties was
10 we wanted the City Council and the Board to formally
11 receive the report together, and there may have been some
12 difficulty in arranging for that meeting to occur.

13 **MS. DALEY:** Is that because of bad relations
14 between the Board and Council?

15 **MR. COURVILLE:** I don't believe it was
16 necessarily bad relations; it could have been logistics in
17 terms of getting everybody together on a given day. I'm
18 just not sure.

19 **MS. DALEY:** All right. Well the press item
20 that actually deals with the release, I believe is Exhibit
21 1513, if I could take you there.

22 **MR. COURVILLE:** Yes.

23 **MS. DALEY:** And you recall speaking about
24 this with Ms. Jones yesterday?

25 **MR. COURVILLE:** Yes.

1 **MS. DALEY:** And what I extract from these
2 three articles is that, firstly, there had been a news
3 conference in or about perhaps April 5th at which the Board
4 outlined the 48 recommendations for overhauling the Force,
5 and that I see in the third paragraph of the third article.
6 Do you see that?

7 **MR. COURVILLE:** I'm sorry?

8 **MS. DALEY:** Sorry, the third article -- the
9 article on the bottom of the page, third paragraph is
10 suggesting that there had been a news conference and the 48
11 recommendations were outlined there?

12 **MR. COURVILLE:** Yes.

13 **MS. DALEY:** So that's something that happens
14 finally in or about, say, April 5th, 1994?

15 **MR. COURVILLE:** That would appear to be the
16 case, yes.

17 **MS. DALEY:** Unfortunately, however, there
18 are other articles that suggested -- and the one in the
19 centre, that the City and the Police Board couldn't even
20 agree on a meeting time for that disclosure; do you see
21 that, sir?

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

23 **MS. DALEY:** And certainly that's indicative
24 of relationships that are in an appalling state; would you
25 not agree?

1 **MR. COURVILLE:** Yes, and specifically in
2 terms of the City I would say the emphasis was on Mayor
3 Martelle. Mayor Martelle was effectively controlling the
4 agenda for the City Council to meet with us.

5 **MS. DALEY:** And I guess the final message I
6 take from -- or that the citizens might have taken from
7 these media pieces is that you and he were still publicly
8 trading insults about one another's qualifications; do you
9 see that in the top piece?

10 **MR. COURVILLE:** I see that, yes.

11 **MS. DALEY:** And clearly that would be
12 information that would be rather concerning to the
13 citizens, would it not?

14 Let me put it in context. This is the
15 civilian oversight body that is meant to hold the police
16 accountable. So if and the Mayor are still trading insults
17 in public, that can't be a good thing from the public's
18 perception point of view, can it?

19 **MR. COURVILLE:** I agree that the public may
20 well be concerned about that. I -- the difficulty that I
21 was in is that the Mayor, in my estimation, would not
22 adhere to many of the Board policies and, indeed, rejected
23 the 48 recommendations. He was also the head of the
24 Municipal Council. The issue was for me as Chair of the
25 Police Board was what do I do about it.

1 One approach was to say nothing and
2 ultimately I think that would have, in my mind at the time,
3 it seemed that that would have been more of a disservice
4 than to indicate some of the difficulties with the Mayor.

5 That may or may not have been wise, and some
6 of the things that I may have said, on reflection, I may
7 wish if I had the opportunity to take it back, I would have
8 taken it back. But that was the context within which we
9 were operating at that time.

10 **MS. DALEY:** I fully appreciate you feel he
11 started it and he is responsible for the problem, but the
12 end result ---

13 **MR. COURVILLE:** Well, no, I'm also trying to
14 answer your question by saying that in terms of the public,
15 perhaps it wasn't entirely a disservice to identify the
16 problems with the Mayor and myself insofar as the public
17 had a right to know what was going on, on the Police Board.

18 **MS. DALEY:** Fair enough, but on this
19 particular occasion, you would agree that that conflict
20 dominates the news and your 48 recommendations, which you
21 thought were a very positive thing, that doesn't seem to be
22 the principal message here.

23 **MR. CALLAGHAN:** I don't think we can take
24 that from a clipped article from the Freeholder and a
25 different clipped article from the Ottawa Citizen.

1 It may well be the front page article on the
2 Freeholder on April 6th was about the recommendations.
3 Obviously, it's not here. These are clipped articles.
4 This is not to say this is what the Freeholder reported
5 throughout.

6 **THE COMMISSIONER:** Are you saying that they
7 did?

8 **MR. CALLAGHAN:** I don't know what they did.
9 I'm just saying the suggestion that one dominated the other
10 when you have two articles clipped out on a Xerox, is --
11 hardly warrants the suggestion that this dominated and we
12 don't know what else is in the Freeholder, which is I
13 assume the paper because the Citizen had its own article
14 expressly on the 48 recommendations.

15 **MS. DALEY:** Well, sir, let me try it this
16 way with you.

17 Was it not your perception that
18 unfortunately the conflict overshadowed the good news?

19 **MR. COURVILLE:** I'm not sure that it
20 overshadowed it and I'm not sure if there was not another
21 article in the same edition that, you know ---

22 **MS. DALEY:** Did the Board have a media
23 clipping service?

24 **MR. COURVILLE:** I believe that it did. I
25 don't know if -- I honestly don't know where those records

1 would be kept or if they were kept.

2 MS. DALEY: All right.

3 MR. COURVILLE: I believe that it was -- at
4 the time that there was a media clipping service, yes.

5 MS. DALEY: I would assume in your capacity
6 as Board Chair you would take it upon yourself to be aware
7 of what's reported in the media about your service?

8 MR. COURVILLE: At that time, yes.

9 MS. DALEY: All right. Now there's another
10 piece I'd like you to look at and that is Document 722196.
11 In fact, this goes to Mr. Callaghan's point. This is
12 another article on the same day, and this also deals with
13 the Solicitor General's report and the 48 recommendations.

14 (SHORT PAUSE/COURTE PAUSE)

15 THE COMMISSIONER: So Exhibit 1523 is re
16 newspaper clippings of -- the first one, just for purposes
17 of identifying the exhibit, is one dated April 6th, 1994. I
18 take it, it's from the Standard-Freeholder.

19 --- EXHIBIT NO./PIÈCE NO. P-1523:

20 (722196) - Leo Courville - Standard
21 -Freeholder news clippings, "Police
22 Audit Aims to Rebuild Force" dated
23 April 6, 1994, "No Surprises", and
24 "Police Union Hopes Report Won't Be
25 Ignored"

1 MS. DALEY: Thank you.

2 MR. COURVILLE: That appears to be the same
3 date as the earlier article that you referred me to.

4 MS. DALEY: That's right.

5 MR. COURVILLE: From the same newspaper.

6 MS. DALEY: One of the aspects of this
7 article, the top one, that I'd like to take you to is in
8 the second column, and this is the suggestion at the very
9 top:

10 "That the reports makes no mention of
11 one of the most contentious policing
12 issues in the community, the make-up of
13 the Police Board itself."

14 Do you see that, sir?

15 MR. COURVILLE: Yes, I do.

16 MS. DALEY: So at this point-in-time, that
17 issue has now become contentious and is in the public eye?

18 MR. COURVILLE: Well, it's certainly
19 reported here, yes.

20 MS. DALEY: All right.

21 Now, to just step into another stream here
22 for a second and remind you, the other event that is
23 unfolding at this time and is being reported in the local
24 media is Officer Dunlop's board of inquiry for releasing
25 the Silmsler statement to the CAS. That's something that

1 was in the media in 1994 and following?

2 MR. COURVILLE: Yes.

3 MS. DALEY: And I take it the Board was
4 aware of that?

5 MR. COURVILLE: Yes.

6 MS. DALEY: Let me just step back from this
7 for a moment and ask you this question. Obviously you
8 appreciated that that issue pertained to the disclosure of
9 the Silmsler statement to the Children's Aid Society?

10 MR. COURVILLE: Yes.

11 Can I comment on that for a moment?

12 MS. DALEY: Well, I wanted to ask you this
13 question. As a matter of policy -- as a policy issue, to
14 the extent that there was any uncertainty within the Force
15 about the reporting of historic sexual abuse cases to the
16 CAS, was there any Board policy directed at that?

17 MR. COURVILLE: There were protocols
18 developed between the Police Service and the Children's Aid
19 Society.

20 The difficulty is as I understand it and,
21 again, this was within the operational sphere, the
22 difficulty I believe was that Chief Johnston was presented
23 with facts that he perceived to be a breach of the release
24 of information outside of the chain of command; that on its
25 face because of the release of the information pertaining

1 to Mr. Silmsner, I think he felt that that led automatically
2 to the need for a public inquiry.

3 He was hoping, as I recall, to have this
4 matter dealt with expeditiously. Unfortunately, beyond his
5 control, there was an appeal undertaken by OCOPS. This was
6 not a decision of Chief Johnston and he certainly would not
7 have wished to have this happen; it was out of his hands.

8 But essentially that's the sequence of
9 events I recall ---

10 **MS. DALEY:** I understand that the appeal
11 wasn't initiated by the Force.

12 Did the Board have any input in assisting
13 Chief Johnston in the decision-making around the initial
14 board of inquiry?

15 **MR. COURVILLE:** I'm not sure that I
16 understand your question.

17 It was Chief Johnston's call to do that
18 within his sphere as the Chief directed to this ---

19 **MS. DALEY:** I fully appreciate that.

20 I'm just wondering did he bounce that off
21 you as the Chair of the Board?

22 **MR. COURVILLE:** This may have been
23 discussed. I can't recall the context -- or I know that
24 that he certainly kept the Board advised of what he was
25 doing.

1 **MS. DALEY:** And in that context I'm assuming
2 that the Board didn't challenge or question the wisdom of
3 that approach?

4 **MR. COURVILLE:** I think the Board deferred
5 to the view of Chief Johnston.

6 **MS. DALEY:** All right.

7 So just stepping back, and I had a more
8 generic question, let's assume for a moment that the
9 Service is legitimately in somewhat of a quandary as to
10 whether the historic abuse reported by Silmsner was
11 reportable' assume there's some uncertainty about that.

12 Did that ever come to the Board for guidance
13 or for the development of a policy that would assist?

14 **MR. COURVILLE:** Yes, I think ultimately the
15 Board felt that it needed to liaise with the Children's Aid
16 Society on these kinds of situations should they occur in
17 the future, and that was one of the directives that the
18 community policing aspect was directed to.

19 I recall that Ms. Delores Jensen, who was
20 the person charged with heading up that subcommittee, was
21 asked to address generally liaison and protocols with
22 agencies like the Children's Aid Society, in part largely
23 because of the situation that occurred with Mr. Silmsner.

24 **MS. DALEY:** I guess what I'm trying to
25 appreciate is was the output of that process incorporated

1 in writing somewhere so that there was a clear directive to
2 the Force in the future about disclosure of historic abuse
3 to the CAS?

4 **MR. COURVILLE:** I can't at this time say
5 that it was -- I recall that there were certainly
6 discussions at the Board level with regard to this being
7 incorporated in the terms of reference of the community
8 policing venture, but I can't say that it was formulated as
9 a concrete policy.

10 **MS. DALEY:** All right. You just have the
11 recollection or are you fairly sure it didn't get
12 formulated ---

13 **MR. COURVILLE:** No I'm not fairly sure that
14 it didn't. I have a recollection that it was discussed and
15 the hope was that it would be put into a procedural
16 precedent if you like.

17 **MS. DALEY:** But for whatever reason, and I'm
18 not attributing blame, that didn't happen?

19 **MR. COURVILLE:** I can't recall actually what
20 happened.

21 **MS. DALEY:** All right.

22 **MR. COURVILLE:** It may be there today, I
23 don't know.

24 **MS. DALEY:** Okay. On your watch at least
25 you have no recollection that that occurred?

1 **MR. COURVILLE:** I have no recollection of
2 any formal procedure or protocol as a result.

3 **MS. DALEY:** All right.

4 And we spoke about this yesterday, but one
5 of the next events that occurs, and we're now at the very
6 end of 1994, is that the Mayor comes back to the Board?

7 **MR. COURVILLE:** Yes.

8 **MS. DALEY:** All right.

9 And that's disclosed in the press at 722213.

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

11 **THE COMMISSIONER:** Exhibit 1524 is two
12 newspaper clippings and the one on the left says
13 December 8th 1994.

14 **MS. DALEY:** That's the one that I'm
15 concerned with, sir, not the one on the right.

16 **--- EXHIBIT NO./PIÈCE NO. P-1524:**

17 (722213) - Leo Courville - Standard-
18 Freeholder news clipping, "The Mind of
19 the Molester" dated December 8, 1994

20 **MS. DALEY:** So what the public is now being
21 told is that notwithstanding the recommendations,
22 notwithstanding the sort of public difficulties that you
23 and the Mayor have had previously, the Mayor's now come
24 back to the Board?

25 **MR. COURVILLE:** Yes.

1 **MS. DALEY:** All right.

2 And is that one of the principal reasons why
3 the Solicitor General of the day, who was David
4 Christopherson, determined that there should be an
5 investigation of the Board on or about April 3rd, 1995?

6 **MR. COURVILLE:** I believe it would have been
7 certainly one of the reasons; that along with how the Board
8 was functioning as a result of the Mayor rejoining the
9 Board, yes.

10 **MS. DALEY:** All right. And to deal with the
11 latter part of what you've just said, obviously the Board
12 had not functioned well with him there before and it was
13 not going to be able to function well with him again.

14 **MR. COURVILLE:** Well, that was the fear and
15 certainly when the Mayor was not on the Board the Board
16 functioned very much better. And after the Mayor left the
17 Board for the second time it functioned very much better
18 again.

19 **MS. DALEY:** Right. So now that takes us to
20 the final of the four key events we've spoken about here
21 and that's the July, 1995 Ontario Civilian Commission
22 Report on their investigation into your Board, Exhibit
23 1514.

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

25 **MS. DALEY:** All right. Now, you spoke about

1 that in-chief yesterday. You were not taken to the
2 Conclusion section of the report which is found at page
3 numbered 14 at the top and page numbered 15.

4 So that's what I'd like to discuss with you
5 now. You might want to take a minute and review the
6 conclusion and recommendation section.

7 (SHORT PAUSE/COURTE PAUSE)

8 MR. COURVILLE: Yes, I've read that.

9 MS. DALEY: All right. Thank you, sir.

10 And just before I ask you about that, just
11 if you would go forward to Bates page 041, which an
12 Appendix to this report.

13 And -- do you have that, sir.

14 MR. COURVILLE: Sorry, 0541?

15 MS. DALEY: Zero four one (041). It's the
16 letter from the Solicitor General to Mr. Chitra.

17 THE COMMISSIONER: Zero five four one
18 (0541).

19 MR. COURVILLE: Yes. Zero five four one
20 (0541), yes.

21 MS. DALEY: Yes. Sir, I take it in the
22 second paragraph that what triggered this whole review was
23 continuing public discussion indicating that there are
24 serious problems within the Cornwall Board.

25 Do you see that, sir?

1 **MR. COURVILLE:** Yes.

2 **MS. DALEY:** And that in part stems from some
3 of the media items we've looked at?

4 **MR. COURVILLE:** I would imagine so, yes.

5 **MS. DALEY:** All right. Now, do you know;
6 was this report received on or about the 10th of July, '95?
7 Is that when the Board got it?

8 **MR. COURVILLE:** I don't know if there's some
9 document that indicates receipt on that date but that may
10 well have been the case.

11 **MS. DALEY:** All right. In any event it
12 wasn't substantially later than that. It was about the
13 summer of '95?

14 **MR. COURVILLE:** I believe so.

15 **MS. DALEY:** And I guess that's the third
16 year of your term as Chair? Or the third year of your
17 term, generally?

18 **MR. COURVILLE:** It would have been going
19 into the third year, yes.

20 **MS. DALEY:** All right. And you'd been Chair
21 of the Board for over two years at that time?

22 **MR. COURVILLE:** Yes, from January '93 yes.

23 **MS. DALEY:** Now on page 15 of the report I
24 took it from paragraph 2 and what followed that as of that
25 time there had not yet been adopted rules or guidelines for

1 the conduct of Board members or for the effective
2 management of the media.

3 And I'm taking that from the fourth
4 paragraph. Is that -- was that true, sir?

5 **MR. COURVILLE:** I believe so.

6 **MS. DALEY:** All right. And this
7 recommendation is that there should be such guidelines
8 developed and implemented at the Board level?

9 **MR. COURVILLE:** Yes.

10 **MS. DALEY:** You agree with that?

11 **MR. COURVILLE:** Yes, I do.

12 **MS. DALEY:** All right. And did that happen
13 on your watch?

14 **MR. COURVILLE:** I believe that we attempted
15 to bring in guidelines with regard to discussions with the
16 media or basically the Board members when it was seen as
17 advisable not to comment to the media.

18 I recall something to that effect but, I'm
19 sorry, my recollection doesn't go beyond that.

20 **MS. DALEY:** Do you know -- do you recollect
21 if those guidelines were finalized, been adopted?

22 **MR. COURVILLE:** I can't recall that.

23 **MS. DALEY:** And can you help me as to
24 whether there are any rules or guidelines developed for the
25 conduct of Board members generally, and for conflict of

1 interest concerns?

2 **MR. COURVILLE:** I don't recall that
3 generally. I know that I took a course of action that was
4 recommended to me and I dealt with my own situation but I
5 don't recall whether guidelines were put in place, other
6 than guidelines that we were made aware of from the
7 Solicitor General's office that applied generally
8 throughout the province.

9 **MS. DALEY:** If I've read this correctly, the
10 suggestion is that this -- your particular Board needs to
11 develop its own set of guidelines and to adopt them.

12 But I take it as best you can recall that
13 didn't happen while you were still Chair?

14 **MR. COURVILLE:** You're talking specifically
15 with regard to conflict of interest?

16 **MR. COURVILLE:** Conflict of interest,
17 conduct of Board members. That's what the ---

18 **MR. COURVILLE:** Yeah.

19 **MS. DALEY:** --- recommendation is.

20 **MR. CALLAGHAN:** The recommendation, if
21 directed to the Minister, to the Ontario Association of
22 Police Services Board and all Boards, it's -- and if on
23 page 15 it says:

24 "We strongly urge that these
25 recommendations be given high priority

1 by the Minister of the Ontario
2 Association of Police Services and all
3 Boards across the province."

4 The discussion is that they're lax in the
5 Province of Ontario guidelines for a code of conduct and
6 conflict of interest in Board members across the province
7 and the recommendations to the Minister.

8 **MS. DALEY:** Well, sir, this report was -- is
9 an important milestone I would have taken it on your --
10 during your tenure on the Board. It's raised an important
11 issue and it's attempted to deal with an important issue,
12 correct?

13 **MR. COURVILLE:** Yes.

14 **MS. DALEY:** And that issue goes to the heart
15 of the Board's ability to function as a civilian oversight
16 Board. Would you agree?

17 **MR. COURVILLE:** Yes.

18 **MS. DALEY:** Would you not have thought
19 however one might parse this document that some guidelines
20 for Board conduct and conflicts were appropriate?

21 **MR. COURVILLE:** Yes, the concern that I have
22 is I know that we were looking at getting assistance from
23 the Solicitor General's office with regard to this. I
24 understood that they had some documentation that would have
25 -- that they were working on or that could be applicable to

1 individual Boards and I remember that we were focusing on
2 that.

3 And I can't honestly recall what happened
4 beyond that.

5 **MS. DALEY:** All right. So by the time your
6 tenure ended that hadn't been finely addressed, as best you
7 recall it?

8 **MR. COURVILLE:** I can't recall any specific
9 policies being put in place in that regard.

10 **MS. DALEY:** All right. Now following then
11 this occurrence, I'm just going to walk you -- step you
12 through the rest of your term and what was playing out in
13 the media.

14 I take it the Board was aware that there was
15 intense media coverage of what I might call the Dunlop
16 story and that pertains to his exoneration for disclosing a
17 statement to the CAS. That was in the public eye in 1995.

18 **MR. COURVILLE:** I recall that, yes.

19 **MS. DALEY:** And in fact, do you recall there
20 national media coverage of that whole situation including a
21 broadcast on The Fifth Estate?

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

23 **MS. DALEY:** And if I could ask you, what was
24 your perception -- you were still on the Board at that
25 time, was it your perception that that coverage inflamed

1 the citizens' concerns about what had happened?

2 **MR. COURVILLE:** I don't really have a view
3 on that. I think that people in the community from what
4 I've -- the voices that I heard were varied as to what
5 their views were. Some were clearly very supportive of Mr.
6 Dunlop, others were not.

7 I'm not sure the intent of your question but
8 certainly there was a keen sense of public awareness of
9 what was going on, if that was your intent.

10 **MS. DALEY:** And was part of that -- was it
11 brought home to you, as a Board member, that in part the
12 citizens were concerned about what they'd heard because it
13 appeared as though this Officer had been chastised or
14 prosecuted for something that it was his duty to do?

15 **MR. COURVILLE:** Well, that would certainly
16 be one stream of the public that I heard. I've also heard
17 other streams.

18 **MS. DALEY:** I appreciate.

19 Did you in your capacity as Board Chair
20 consider trying to address that stream of public opinion in
21 any fashion?

22 **MR. COURVILLE:** The issue I guess -- part of
23 the problem was the legal situation with Mr. Dunlop and I'm
24 not sure to what -- I do recall that the Board received I
25 believe legal advice with regard to what it should comment

1 on or could comment on and I know that that advice was
2 taken seriously.

3 But I don't recall the Board wanting to
4 make, or indeed seeing it advisable to make, a public
5 statement with regard to generally the course of what
6 happened to Mr. Dunlop.

7 **MS. DALEY:** Did you think there was any
8 scope for the Board and the Service, without necessarily
9 commenting on specifics or acting contrary to legal advice,
10 to talk to the community about the situation and why it had
11 occurred and for example, perhaps, to point out to the
12 community that the appeal hadn't been initiated by the
13 Police Force?

14 **MR. COURVILLE:** I think that my recollection
15 is that there may have been a press release and I'm, again,
16 going strictly on my memory of some time ago, but I believe
17 there was a press release indicating that it was not at the
18 instance of -- that the appeal was not at the instance of
19 the Police Service or Chief Johnston but rather was put
20 forward by OCOPS.

21 **MS. DALEY:** You're quite right about that.
22 I guess the point that I'm reflecting is that that
23 information was out there but somehow the citizens couldn't
24 quite distinguish that.

25 The takeaway message was still that somehow

1 Dunlop was being prosecuted or persecuted for doing the
2 right thing.

3 **THE COMMISSIONER:** By the Police; by the
4 Cornwall Police.

5 **MS. DALEY:** By the Cornwall Police Service.

6 **MR. COURVILLE:** That message may have been
7 out there. I don't deny that.

8 **MS. DALEY:** I guess the point I'm making to
9 you is that the -- there was some subtlety about who
10 initiated the appeal, but somehow the public didn't grasp
11 that and they thought that your Force had done that?

12 **MR. COURVILLE:** That could have been the
13 situation. I know that there were attempts made by the
14 Service to disabuse the public of that view.

15 **MS. DALEY:** I wonder whether any of these
16 thoughts were considered -- apart from press releases which
17 we've seen was a principal vehicle by which you
18 communicated or the Board did -- was thought ever given to
19 perhaps a public meeting or open discussion about this?

20 **MR. COURVILLE:** Well, I recall again through
21 the Aegis of a community policing approach that the general
22 sort of concerns about how the Police would proceed with
23 regard to an investigation and what the legal constraints
24 or the legal factors that put the investigation into
25 context were to be discussed within the general development

1 of a community policing policy.

2 It was felt that as part of the approach
3 towards community policing, that the public should be aware
4 of some of the legal factors within which the Police had to
5 operate. Yes, if that's an answer to your question I
6 believe.

7 **MS. DALEY:** It appears to me, as an outsider
8 here, that this public really could have used some
9 education about that and I wondered whether there -- I
10 appreciate what you say about community policing but it's
11 not clear to me how that permeates the community such that
12 people understand the message?

13 **MR. COURVILLE:** Well, I think you're -

14 **MS. DALEY:** Could that have been done in a
15 different forum, sir?

16 **MR. COURVILLE:** It could have been done
17 through a press release, but obviously the Police attempted
18 to release information by press release and apparently it
19 wasn't as satisfactorily received as it perhaps should have
20 been.

21 I do recall a press release to the effect
22 that it was not at the instance of Carl Johnston or the
23 Cornwall Police Service that the appeal against Mr. Dunlop
24 was proceeding.

25 And clearly, you know, you can take certain

1 steps to reach the public through the media but sometimes
2 they're not effective for whatever reason.

3 **MS. DALEY:** All right.

4 **THE COMMISSIONER:** Your previous comment was
5 that you had sent out the previous releases and they hadn't
6 been ---

7 **MR. COURVILLE:** I do recall, sir, a press
8 release of some type ---

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

10 **MR. COURVILLE:** --- that explained that it
11 wasn't at the instance of the Cornwall Police Service that
12 the appeal of the earlier decision pertaining to Mr. Dunlop
13 was instituted.

14 **THE COMMISSIONER:** All right.

15 Do we have that release?

16 **MS. DALEY:** I could find the article. I
17 don't question that there was an article that said that.

18 **THE COMMISSIONER:** No, no, just for my own -
19 --

20 **MS. DALEY:** Certainly.

21 **THE COMMISSIONER:** --- peace of mind to know
22 that.

23 **MS. DALEY:** Yeah, absolutely. Give me one
24 second I'll find it for you.

25 **THE COMMISSIONER:** It need not be now, it

1 could be later; whenever.

2 **MS. DALEY:** Okay. All right.

3 There is a press article that makes the
4 point; I don't quarrel with you, sir.

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

6 **MS. DALEY:** But I take it that
7 notwithstanding that press article, there was still
8 confusion in the public mind about the role the Force?

9 **THE COMMISSIONER:** With the appeal?

10 **MS. DALEY:** Yes.

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

12 **MR. COURVILLE:** I think that clearly, even
13 from some of the press statements that I've had the
14 opportunity to review recently, that confusion seems to be
15 there, yes.

16 **MS. DALEY:** Yes. All right.

17 Now, let me ask you this question, sir.

18 Did you come to know that while he was off
19 duty on sick leave, which spans the years 1994 through to
20 May of 1997 -- some of that overlapped your tenure -- did
21 the Board become aware that Officer Dunlop was
22 investigating purported allegations of historic abuse on
23 his free time, so to speak?

24 **MR. COURVILLE:** Do you mean the Board
25 formally or individual members of the Board or ---

1 **THE COMMISSIONER:** Start with you.

2 **MS. DALEY:** Start with you.

3 **MR. COURVILLE:** I was told that he may be
4 doing that kind of activity, yes.

5 **MS. DALEY:** Did you know about that while
6 you were still on the Board?

7 **THE COMMISSIONER:** Who told you that?

8 **MR. COURVILLE:** I can't honestly recall. It
9 would have been probably ---

10 **MR. CALLAGHAN:** Mr. Commissioner, as we did
11 before, I mean the sequence -- I mean we know the sequence.
12 He's off the Board in June of '96.

13 **THE COMMISSIONER:** Yes?

14 **MR. CALLAGHAN:** In fairness the
15 communications that Mr. Dunlop has are in October November
16 and going forward in '96.

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

18 **MR. CALLAGHAN:** So in fairness to him as to
19 whether he was a Board member or not. I mean I hear you
20 asking on his personal capacity, but I think ---

21 **THE COMMISSIONER:** No, no ---

22 **MR. CALLAGHAN:** --- he's already there.

23 **THE COMMISSIONER:** No, no, I didn't mean him
24 in his -- I meant him -- he was wondering who.

25 **MR. CALLAGHAN:** Yeah. I accept ---

1 **THE COMMISSIONER:** I'm saying let's start
2 with you ---

3 **MR. CALLAGHAN:** Right.

4 **THE COMMISSIONER:** --- and now you're saying
5 -- so while you were on the Board did you receive any
6 information that Mr. Dunlop was carrying on some kind of
7 investigation while he was off duty?

8 **MR. COURVILLE:** I can't be definite with
9 regard to the timing of that, so I believe I probably did,
10 but it could have been after I was on the Board.

11 **THE COMMISSIONER:** Yeah. And your source of
12 information, was it somebody from the Police Force or
13 others?

14 **MR. COURVILLE:** I believe it was probably
15 some -- no, I don't believe it was people from the Police
16 Force, I believe it was just some acquaintances that I
17 happened to have.

18 **THE COMMISSIONER:** Okay. Fair enough. Go
19 ahead, Ms. Daley.

20 **MS. DALEY:** All right.

21 Do you recall whether or not you ever
22 discussed that topic with the then-Chief who I assume would
23 have been Chief Repa?

24 **MR. COURVILLE:** I honestly can't recall
25 that. It's possible.

1 **MS. DALEY:** When that information came to
2 your attention as an experienced criminal lawyer, did it
3 cause you concerns?

4 **MR. COURVILLE:** Yeah, I believe it caused me
5 concerns insofar as the information that I was receiving
6 led me to question the how and why the information was
7 being sought and what it was intended for and -- insofar as
8 it would be potential evidence, the question of the
9 reliability of the evidence would have caused me concern.

10 **MS. DALEY:** And if it was potential evidence
11 I assume the disclosure of the evidence would also have
12 been on your radar as a experienced practitioner?

13 **MR. COURVILLE:** Yes.

14 **MS. DALEY:** All right. And, was it clear in
15 your mind, sir that whether Dunlop was off duty or on duty
16 to the extent he's investigating victims of crime, he's
17 acting in a policing capacity.

18 **MR. COURVILLE:** That was one of the
19 concerns.

20 **MS. DALEY:** Have you a recollection, sir, of
21 ever raising that concern with the Chief?

22 **MR. CALLAGHAN:** Sorry, let's be clear.
23 We're talking about a person who's now a private citizen.
24 Because we know as a fact this doesn't happen until after
25 he's off the Board. I'm wondering what the relevance of

1 all -- of this is. I mean ---

2 **THE COMMISSIONER:** So if we accept -- well,
3 okay, do you agree with Mr. Callaghan that from the
4 evidence we have now so far, that Mr. Dunlop's
5 investigations would have begun after this man was off the
6 Board?

7 **MS. DALEY:** The earliest that I kind of know
8 of would place some contact in June of '96. And I guess
9 that sort of coincides with termination of his role.

10 **THE COMMISSIONER:** Right.

11 **MS. DALEY:** I appreciate that but I thought
12 you did have some awareness of it while you were still in
13 that role, sir, based on your earlier testimony.

14 **MR. COURVILLE:** Actually, I recall seeing a
15 -- an article in the newspaper indicating that I had
16 resigned in -- on May the 30th of '96. I don't have an
17 independent recollection of the date of my resignation.

18 **MS. DALEY:** All right. And the Commissioner
19 may tell you that this is an irrelevant question, and you
20 needn't answer but, when it came to your attention you had
21 been on the Board for a number of years, you had some
22 concerns about it, did you consider raising it with the
23 then Chief, just to help him?

24 **MR. COURVILLE:** Quite frankly, after I
25 resigned from the Board I had very little contact with the

1 Police Service for awhile. I recall taking a fairly
2 extended vacation around that time.

3 **MS. DALEY:** all right.

4 **MR. COURVILLE:** So, I don't know -- I don't
5 -- the answer to your question is I don't recall having any
6 discussions with any Chief of Police after I resigned with
7 the Board.

8 **MS. DALEY:** All right. Do you have any
9 information at all as to whether the Board -- whether with
10 you there or subsequently -- became aware that Dunlop had
11 been operating almost as a private investigator into sexual
12 abuse?

13 **MR. CALLAGHAN:** There's no foundation for
14 this question in light of what we just talked about. While
15 he was on the Board; we know all this happened after Mr.
16 Courville was a Board member.

17 **THE COMMISSIONER:** What's your question
18 again?

19 **MS. DALEY:** Do you have any evidence to
20 offer as to whether, either the Board with you at the helm
21 or the later Board, was aware that Dunlop operated as
22 essentially a private investigator? Do you have any
23 information about that you could share with us?

24 **MR. COURVILLE:** No, not really.

25 **MS. DALEY:** All right.

1 One very, very discrete topic on the
2 question of disclosure. Do you remember talking to my
3 friend in-chief yesterday -- and this is at page 48 and 49
4 of your transcript if you want to have a quick look. But -
5 - and maybe you should actually because this is taking us
6 to a -- some evidence that you gave yesterday about
7 disclosure and the obligation.

8 So at the very bottom of 48 -- and let me
9 help you here, sir. You're talking about the morale report
10 but you're a little off base and you corrected yourself.
11 You are attributing it to Ms. McGlashan, the consultant.

12 **MR. COURVILLE:** Yes. Yes, I was confused on
13 that.

14 **MS. DALEY:** Yeah, and you clarified that.
15 But at the bottom of this page you say:

16 "I did note that in the report there
17 were a.."

18 And if we could look at the next page?
19 Thank you -- a number of things that you questioned and she
20 would refer to too much paper work, she indicated that the
21 Crown Briefs were required unnecessarily and you commented
22 as a practising lawyer you knew that that was fundamental
23 to disclosure.

24 **MR. COURVILLE:** Yes.

25 **MS. DALEY:** And you went on to say that you

1 found that hard to accept because you thought it was just
2 erroneous.

3 And I take it what you were saying was the
4 consultant got that wrong, because Crown Briefs are
5 fundamental to disclosure. Correct?

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

7 **MS. DALEY:** But you now understand that that
8 comment was made by an officer of the Cornwall Police
9 Service, and that is Shawn White.

10 **MR. COURVILLE:** Yes. And I still believe
11 it's -- it's erroneous and for the same reasons.

12 **MS. DALEY:** Precisely.

13 **THE COMMISSIONER:** Well, can we talk about
14 that? Sure, the issue of disclosure is a fundamental
15 principle, but wasn't the idea or the concern raised by
16 Officer White that the sheer volume of preparing those
17 documents and, God forbid, the costs of photocopying and
18 generating that, that it wasn't -- that that was really the
19 concern about -- and the time that it would take and
20 consume to get that done?

21 **MR. COURVILLE:** With respect, sir, if I
22 could -- can I comment on that?

23 **THE COMMISSIONER:** Yes.

24 **MR. COURVILLE:** My recollection of that
25 particular aspect of the report was that there were certain

1 cases that were of not great consequence or that were only
2 being pursued to allow lawyers to -- that were dealing with
3 Legal Aid to -- to ensure that they got the -- an
4 appropriate tariff from Legal Aid.

5 **THE COMMISSIONER:** Right.

6 **MR. COURVILLE:** And, I think it was within
7 that context that I found some concern because obviously
8 every individual that's charged with any criminal offence
9 is entitled to full disclosure by way of a Crown Brief.
10 And, it seemed that the idea was being put forward that you
11 didn't have to deal with certain types of criminal matters
12 by way of a Crown Brief. That's the concern I took it.

13 **THE COMMISSIONER:** Okay.

14 **MS. DALEY:** That is exactly what Officer
15 White had said in Exhibit 1389 and your reaction to it was,
16 "That's just erroneous; you still need to make disclosure."

17 **MR. COURVILLE:** Yes.

18 **MS. DALEY:** Are we agreed?

19 **MR. COURVILLE:** Yes.

20 **MS. DALEY:** I guess what I'm wondering
21 following on that is this; did it ever come to your mind
22 while you were a member of the Board that there might be a
23 lack of awareness by members of the Police Service
24 concerning disclosure? And let me frame it this way; we
25 are now talking about a time between '93 and '96 when the

1 law is obviously evolving. Correct?

2 MR. COURVILLE: Yes.

3 MS. DALEY: Did you ever develop any
4 concerns that perhaps the Force was not up to speed with
5 the evolution of the disclosure requirements?

6 MR. COURVILLE: Actually until I reviewed
7 that statement, I assumed that the Cornwall Police Service
8 was fairly much up to speed in terms of disclosure
9 requirements and I'd never personally experienced a problem
10 with disclosure from either the Cornwall Police before I
11 was on the Board or from any other police service in this
12 area.

13 I was quite impressed by the professionalism
14 of the police services in providing full disclosure.

15 MS. DALEY: Do you know of any in-house
16 education or training that the Cornwall officers received
17 during the '90s as these requirements evolved?

18 MR. COURVILLE: I know that there were --
19 and to -- I believe it was to Chief Shaver's credit that
20 officers were regularly sent to police colleges to keep
21 abreast of a number of matters and I believe that
22 disclosure requirements were very likely one of them.

23 MS. DALEY: Do you know anything in any
24 capacity about the difficulties the Force subsequently had
25 in obtaining Officer Dunlop's co-operation around

1 disclosure.

2 **MR. COURVILLE:** Yes, I'm aware that there
3 were attempts to have certain documents returned that were
4 not returned in a timely manner, if that's what you're
5 referring to.

6 **MS. DALEY:** Yes. Did you ever develop any
7 view as to why that had been a problem?

8 **MR. CALLAGHAN:** Again, we are talking to him
9 as a private citizen. This is all happening in 1997
10 through to 2000.

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

12 **MR. CALLAGHAN:** He has nothing to do with
13 the Police Service but I don't know the relevance as to why
14 we're asking a witness who wasn't in that position. We're
15 going to hear from plenty of witnesses who were, unless
16 there's another -- some foundation for this.

17 **MS. DALEY:** The only reason that I'm asking
18 is that obviously you were the only member of the Board at
19 the time that you were there who had knowledge as a
20 criminal practitioner, correct?

21 **MR. COURVILLE:** At the time that I was on
22 the Board that's correct.

23 **MS. DALEY:** All right.

24 **MR. COURVILLE:** With -- I could also say
25 that that's generally correct. I believe that the Board

1 Secretary, Shelley Adams had a very minor criminal practice
2 but ---

3 **MS. DALEY:** And you know that the
4 *Stinchcombe* decision, which is the key one, came out in
5 1991?

6 **MR. COURVILLE:** Yes.

7 **MS. DALEY:** In any event, is it your best
8 evidence that you felt the Force was fully cognizant of
9 disclosure requirements while you were there?

10 **MR. COURVILLE:** I believe so. I don't
11 recall any concerns put forward by members of the
12 practising Bar to the Board with regard to that.

13 **MS. DALEY:** All right. Just a few final
14 points.

15 I don't know if you would like to do another
16 break or shall I just finish?

17 **THE COMMISSIONER:** How long do you think
18 you're going to be?

19 **MS. DALEY:** Five minutes.

20 **THE COMMISSIONER:** Well, let's finish you
21 and then we'll take a break.

22 **MS. DALEY:** Okay.

23 **MS. DALEY:** Sir, let me ask the question
24 this way. During your tenure on the Board how would a
25 citizen, not an accused, not a police officer, just your

1 average hopefully law-abiding citizen, come to learn of how
2 the Police Service was functioning, apart from media
3 releases?

4 **MR. COURVILLE:** Well, there was always an
5 availability to attend the Board meetings, the open
6 meetings of the Board. Most of the meetings of the Board
7 were open.

8 There was, as I recall, notices in the
9 newspaper of Board meetings. There was -- I believe there
10 were posters put up in the police station.

11 There was also the thought that as the
12 community policing function evolved that that would be
13 promoted as well. So those were the avenues that I recall
14 being utilized.

15 **MS. DALEY:** During the time you were on the
16 Board and there was trouble and concern in the community
17 about the Dunlop issue, the Silmsner issue, et cetera, et
18 cetera, could a member of the public have come to a Board
19 meeting and put an item like that on the agenda?

20 **MR. COURVILLE:** Yes.

21 **MS. DALEY:** And would it have been dealt
22 with?

23 **MR. COURVILLE:** Yes, it would have. In
24 fact, as one of the -- well, as I recall the press release
25 of January the 11th, I believe it concluded with an

1 invitation to the complainant but by implication, I guess,
2 to anyone that wanted to come forward with any complaint.

3 That, in retrospect, could have been perhaps
4 more widely applied and the opportunity could have been
5 taken to utilize that as a means of expanding communication
6 in that regard.

7 But certainly the invitation was always
8 there for anyone to come forward with any complaint.

9 **MS. DALEY:** Can you help me with something
10 because I'm not clear about it.

11 Could an uninvolved person, in other words a
12 person who wasn't affected by the Silmsler investigation,
13 one of my clients, just to name a name, could they have
14 made a complaint and had it dealt with?

15 **MR. COURVILLE:** They could have if they felt
16 that the Police Service had not acted appropriately or with
17 a degree of urgency that they felt was necessary or
18 comprehensively or that the investigation had in any way
19 been less than adequate, they could have made a complaint.

20 **MS. DALEY:** But how would they have known of
21 that in the face of the press release that came out saying
22 that there was excellent policing done? How would they
23 have known that there was an issue there to comment on?

24 **MR. COURVILLE:** Well, Chief Johnston invited
25 basically input, I believe.

1 **MS. DALEY:** Can you elaborate on that?

2 **MR. COURVILLE:** Well, in one of the -- as I
3 say in the January 11th release, it pertained specifically
4 to that investigation, but clearly the implication is that
5 if anyone feels that they've been -- you know that they
6 have information to share or they want to come forward,
7 then they should feel free to do so.

8 I think the Chief was basically saying that
9 the Service was open to the receipt of information.

10 **MS. DALEY:** But the January 11th release,
11 that was Exhibit 1224, essentially outlined some facts and
12 the facts as outlined would suggest there was nothing
13 anybody should be complaining about because ---

14 **MR. COURVILLE:** But if you read the end of
15 the report, there's I think a general paragraph that if I'm
16 not -- I may be mistaken in terms of this particular
17 document versus another, but I believe there's a statement
18 to the effect that if anyone -- if the complainant wishes
19 to pursue this matter -- or not just with the Cornwall
20 police but with any policing agency, that he may do so.

21 I think that that kind of thing hopefully
22 would convey the sense that if anyone else has any problem
23 with any matter involving the Cornwall Police that they
24 could come forward.

25 **MS. DALEY:** But in fact no one did?

1 **MR. COURVILLE:** Pardon me?

2 **MS. DALEY:** In fact no one did, apart from
3 Mr. Silmser. No member of the public generally took up
4 that invitation?

5 **MR. COURVILLE:** I'm not aware -- no, to my
6 knowledge, no member of the public came forward at any
7 meeting of the Police Service Board to voice any concerns
8 about any police investigations.

9 **MS. DALEY:** Did members of the public come
10 forward to you outside of the context of a meeting and
11 voice concerns?

12 **MR. COURVILLE:** I can't recall any.

13 **MS. DALEY:** Thank you.

14 **THE COMMISSIONER:** All right.

15 Thank you very much. Let's take a 15-minute
16 break and then we'll ---

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

19 The hearing will resume at 12:55.

20 --- Upon recessing at 12:40 p.m. /

21 L'audience est suspendue à 12h40

22 --- Upon resuming at 12:57 p.m. /

23 L'audience est reprise à 12h57

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

1 This hearing is now resumed, please be
2 seated. Veuillez vous asseoir.

3 **LEO CORBIN: Resumed/Sous le même serment:**

4 **THE COMMISSIONER:** Mrs. Jones.

5 **MS. JONES:** Good afternoon, Mr.
6 Commissioner.

7 It's been brought to our attention from one
8 of the parties that there actually was a small error in the
9 transcript that was prepared from yesterday's testimony.

10 **THE COMMISSIONER:** Yes.

11 **MS. JONES:** And it has been confirmed
12 already with International Reporting that it was an error
13 and I just wanted to draw everyone's attention to it. It's
14 on page 58 and 59 of the transcript. It's at the bottom of
15 58.

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

17 **MS. JONES:** It comes after the phrase "Short
18 Pause". It's at line 23.

19 **THE COMMISSIONER:** Yes.

20 **MS. JONES:** And it would appear that the
21 three errors are actually attributing Mr. Callaghan when it
22 should be Mr. Courville. And it's the substitution at line
23 23, line number 3 on page 59 and line number 7 on page 59.

24 **THE COMMISSIONER:** Yes.

25 **MS. JONES:** All three of those entries

1 should actually be Mr. Courville instead of Mr. Callaghan.

2 **THE COMMISSIONER:** Terrific.

3 **MS. JONES:** Of course, it's understood
4 probably why that error was made given what was happening
5 at that particular time but -- thank you very much.

6 **THE COMMISSIONER:** It's not raining.

7 Mr. Lee.

8 **MS. LEE:** Mr. Commissioner, Mr. Horn and I
9 had a discussion early this morning and we think it may be
10 more efficient for me to go first. He'll follow me. I
11 trust nobody has any issue with that.

12 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

13 **MR. LEE:** Mr. Courville, my name is Dallas
14 Lee. I'm counsel for the Victims' Group.

15 **MR. COURVILLE:** Yes.

16 **MR. LEE:** I have just a few areas that I'd
17 like to cover with you. And can I have you start by
18 pulling up the *Police Services Act* that was in force at the
19 time you were on the Board.

20 Mr. Commissioner, Ms. Daley tried to enter
21 this yesterday and we were told it was in a Book of
22 Documents at Tab 4.

23 **THE COMMISSIONER:** Yeah.

24 **MR. LEE:** I'm not exactly -- I assume that's
25 a Cornwall Police Book of Documents.

1 **THE COMMISSIONER:** Yes.

2 **MR. LEE:** I'd like to look at Section 31,
3 please.

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

5 **MR. LEE:** And, Mr. Courville, this is the
6 section that sets out the Board's responsibilities. Is
7 that right?

8 **MR. COURVILLE:** Yes, it is.

9 **MR. LEE:** And you've looked at this, and so
10 we have at subsection (b):

11 "(b) To determine after the
12 consultation with the chief the
13 objectives and priorities with respect
14 to the service."

15 And at (c):

16 "(c) To establish the policies for the
17 effective management of the force."

18 And (e):

19 "(e) To direct the chief of police and
20 monitor his or her performance."

21 And all of those are more what I'm
22 interested than some of these others, but what I'm
23 especially interested is at (4) which reads that:

24 "(4) The board shall not direct the
25 chief of police with respect to

1 specific operational decisions or with
2 respect to the day-to-day operation of
3 the police force."

4 **MR. COURVILLE:** Yes, I see that.

5 **MR. LEE:** And what I'm not exactly clear on,
6 and I'm hoping that you can help me understand is, back at
7 the time you were on the Board, what you would have
8 considered that to mean; in other words, can you help me --
9 can you articulate for me what you would have understood to
10 be within the Board's mandate and what you would have
11 understood to be outside of the Board's mandate based on
12 that section?

13 **MR. COURVILLE:** Yes, I believe that I've
14 referred to a concept generally of the Board functioning to
15 provide civilian oversight.

16 And what I would refer to within the context
17 of that phrase is certain general policy initiatives and --
18 and such as the criteria for setting the budget, for
19 dealing with -- in -- in a general way, the personnel of
20 the Police Force, the general policy directives pertaining
21 to discipline or -- or collective bargaining, the general
22 approach toward community policing or setting any policy
23 pertaining to the interface between the Police Service and
24 the community; those are the kinds of things.

25 And then ensuring through the Chief of

1 Police that those policies are being implemented in -- in a
2 manner that would make them effective.

3 I think that the -- from an operational
4 point of view, the conducting of an investigation would be
5 an example of an operational sphere that Board should not
6 be involved in the -- the way in which the uniform police
7 compliment do their job on a daily basis in the various
8 multifaceted concerns that are presented to them would not
9 be a concern or function of the Board. So the general nuts
10 and bolts of policing would not be -- would not be in the
11 province of the Board, as such.

12 MR. LEE: Clearly, the Board has a role in
13 budget?

14 MR. COURVILLE: Yes.

15 MR. LEE: And that directly impacts on the
16 number of officers ---

17 MR. COURVILLE: Yes,

18 MR. LEE: --- as an example, on the quality
19 and quantity of equipment?

20 MR. COURVILLE: Exactly.

21 MR. LEE: Things along those lines.

22 And you mentioned that you deal with
23 discipline and collective bargaining issues and things
24 along those lines. What I'm having a hard time
25 understanding and what I'm hoping that you can shed some

1 light on, is can you articulate to me where the line is
2 drawn of what is operational? How did you know, when you
3 were faced with the situation -- how did the Board know
4 when something came up, where that line was that it could
5 approach but not cross?

6 And if you tell you me you can't clearly
7 articulate it, that's fine, but I'm having a hard time with
8 that; I don't clearly understand what we're dealing with
9 here.

10 **MR. COURVILLE:** I -- I -- the only way that
11 I can assist you, sir, is -- is to take specific areas
12 because I believe that -- that the line may vary, according
13 to what area you're talking about.

14 Generally speaking, within budgeting, for
15 example, the -- the overall budget was the responsibility
16 of the Board.

17 The -- the way in which the budget would be
18 implemented, in terms of, for example, the distribution of
19 personnel across the various areas that the Police Service
20 was concerned with, was the responsibility of the Chief as
21 an operational decision; that would be one area -- that
22 would be one example of where the line would be drawn.

23 With regard to collective bargaining, again
24 the ---

25 **MR. LEE:** Well, sir, if I can, let's -- if

1 we're looking at -- obviously what I'm concerned with -- I
2 act for -- as I said, I'm counsel for the victims here,
3 right?

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

5 **MR. LEE:** So you can appreciate somewhat
6 where I'm coming from.

7 What I'm talking about is if -- is if the
8 Board learns, as an example, that there are rumours around
9 town that an investigation had been botched or something
10 along those lines or there -- there are rumours around town
11 that "the Cornwall Police isn't a Force you want to go to
12 if you've got a problem," things along those lines, where -
13 - is there anything you can help me with, with what you
14 feel -- is it just a matter of you can enact a policy
15 saying there should be -- that officers should be properly
16 trained and you have to step back from there?

17 **MR. COURVILLE:** I think there's -- there is
18 a general concern that if -- if there are rumours to the
19 effect that, as you put it, an investigation has been
20 botched, I think the -- the Police Service -- the Board
21 would have a responsibility to inquire into why that
22 feeling is there and -- and to -- to try to address it to -
23 - to ensure that the public is -- is aware of whatever
24 actions the Police Services is taking to -- to deal with
25 that. For example, having it -- having the matter

1 critically reviewed by another Police Service, having
2 another Police Service reinvestigate matter, those kinds of
3 things are -- are, I think, within the purview of the
4 Board, as opposed to the -- the operational end.

5 **MR. LEE:** Directly in the *Police Services*
6 Act we have that the Board is to establish policies for the
7 effective management of the Force and to direct the Chief
8 and monitor his performance?

9 **MR. COURVILLE:** Yes.

10 **MR. LEE:** Can you tell me or help me out
11 with what efforts the Board made to inform itself as to how
12 the Force was being managed, during the time you were on
13 the Board?

14 **MR. COURVILLE:** Well, several -- several
15 ways.

16 Obviously, questioning the Chief of Police
17 with regard to the effective operation of the Force,
18 insofar as the Board was limited under the *Police Services*
19 Act to communicate only through and with the Chief of
20 Police. But also to receive comments from members of the
21 public and to -- from those comments, to put those forward
22 to the Chief and to try to obtain, you know, the
23 information that -- that's required to answer the comment
24 or the concern of the member of the public who put it
25 forward in the first place.

1 **MR. LEE:** Did I just hear you say that the
2 Board was limited to "communicating" with only the Chief?

3 **MR. COURVILLE:** I think under the Act, the
4 Board can only order the Chief to do something; the Board
5 cannot order ---

6 **MR. LEE:** Right.

7 **MR. COURVILLE:** --- any other individual
8 within the Police Service.

9 **MR. LEE:** And that's in 31(3)?

10 **MR. COURVILLE:** Yes.

11 **MR. LEE:** "The Board may give orders and
12 directions to the Chief of Police but
13 not to other members of the Police
14 Force, and no individual member of the
15 Board shall give orders or directions
16 to any member of the Police Force."

17 **MR. COURVILLE:** That's correct. There are -
18 ---

19 **MR. LEE:** That says nothing of
20 "communication" with other members of the Board?

21 **MR. COURVILLE:** That's right and -- and
22 you're quite correct there.

23 For example, the -- the Board can and does
24 and did, in my time, have extensive discussions with the
25 Police Association with regard to various concerns.

1 **MR. LEE:** In what form did that take, those
2 discussions?

3 **MR. COURVILLE:** It could -- well, it would
4 vary, depending on, again, on the nature of the concern.

5 Clearly, collective bargaining has its own
6 format and -- and that proceeded by way of a -- you know,
7 usually a committee of the Board meeting with a committee
8 of the Association.

9 **MR. LEE:** I'm more concerned about -- I'm
10 more concerned about issues that police officers may have
11 morale with ---

12 **MR. COURVILLE:** Yes.

13 **MR. LEE:** --- functioning of the Chief,
14 things along those lines, that may be seen as a little more
15 ---

16 **MR. COURVILLE:** Yeah.

17 **MR. LEE:** --- critical to the actual
18 operation of the Force and the work of the officers.

19 Was there any mechanism in place for
20 officers, as an example, to communicate with the Board or
21 to come to the Board, in the absence of the Chief?

22 **MR. COURVILLE:** Yes, the -- actually, at one
23 point, the Executive of the Association was extended a
24 standing invitation to attend any Board meetings it wished
25 to. It was provided with Agendas of the Board, in advance,

1 to identify if there were any concerns that -- that they
2 may have with regard to a specific Agenda.

3 There were meetings -- and particularly I
4 remember one very length meeting that went to, I believe,
5 two o'clock in the morning. It started at, I believe,
6 around 7:00 a.m. and went to two -- 7:00 p.m. and went to
7 2:00 a.m. -- in which the -- I think more than the
8 Executive, the Executive plus other members of the
9 Association, met with the Board and -- and at the time the
10 -- an advisor, by the name of Mr. Richard St. Pierre was
11 also present from the Ministry of the Solicitor General.

12 So that was a kind of meeting that -- that
13 would have ---

14 **MR. LEE:** Would the Chief have been present
15 at such a meeting?

16 **MR. COURVILLE:** Yes.

17 **MR. LEE:** Were there any meetings in the
18 absence of the Chief; was there some occasion to exclude
19 the Chief entirely and have frank discussions ---

20 **MR. COURVILLE:** Well, during that meeting,
21 in fact, the Chief was asked to be excused at points so
22 that there could be a frank discussion.

23 **MR. LEE:** Would you agree with me that the
24 primary source of the Board's information was the Chief?

25 **MR. COURVILLE:** Yes, I would agree to that.

1 **MR. LEE:** Can we take it so far as to say
2 that almost exclusively the source of the Board's
3 information was the Chief?

4 **MR. COURVILLE:** To a very large degree, I
5 recall meetings in which a Board member says, as perhaps
6 individuals charged with responsibility for subcommittees
7 met with sectors of the Police Service, apart from the
8 Chief to formulate policy and get policy inputs.

9 **MR. LEE:** Can I have you turn up the 1993
10 report? It's Exhibit 1393.

11 **THE COMMISSIONER:** One three nine three
12 (1393)?

13 **MR. COURVILLE:** Sorry, 1392?

14 **MR. LEE:** One three nine three (1393).

15 **THE COMMISSIONER:** No, I think we'll need a
16 new binder.

17 Oh no, I do have it yes, we do, sorry. One
18 three nine three (1393), yes.

19 **MR. LEE:** Yes.

20 **THE COMMISSIONER:** You would not have that -
21 - okay.

22 **MR. LEE:** Are you there, sir?

23 **MR. COURVILLE:** Yes I am, thank you.

24 **MR. LEE:** Then can you turn to page -- it's
25 Bates page ending in 093.

1 I just want to look at the top paragraph
2 please. It reads, under the heading "The Police Services
3 Board," that:

4 "The Board is seen as being ineffective
5 in its operations; there has been
6 limited exercise of the management
7 functions normally expected of a
8 governing authority and employer. By-
9 laws are outdated (1995). Rules of
10 order have not been followed
11 consistently. Until recently, agendas
12 have been set by the Chief of Police.
13 There is some inconsistency in Board
14 meeting record files."

15 Do you see that?

16 **MR. COURVILLE:** I'm sorry, what paragraph is
17 that?

18 **MR. LEE:** The very top paragraph on -- it
19 will ---

20 **MR. COURVILLE:** Yes.

21 **MR. LEE:** It's on the screen now to make
22 sure that -- you're where we are, the very top paragraph,
23 there that begins, "The board has seen"?

24 **MR. COURVILLE:** Yes, I see that, yes.

25 **MR. LEE:** If you can read that to yourself.

1 And to refresh your memory, this is the report that was
2 completed in November of 1993 so ---

3 **MR. COURVILLE:** Yes.

4 **MR. LEE:** -- very shortly before Chief
5 Shaver would have left. Is that right?

6 **MR. COURVILLE:** Yes, that's correct. I ---

7 **MR. LEE:** Would you agree that this
8 paragraph accurately states the situation as it applied
9 during your time on the Board, while Chief Shaver was the
10 Chief of Police?

11 **MR. COURVILLE:** No, I don't agree,
12 generally, with that.

13 I think that the difficulty that I have is
14 that as I mentioned earlier in my testimony, that opening
15 with that general statement and then immediately following
16 it with the series of so-called successes that there are
17 noted there, I think this -- first of all, the successes
18 noted are very significant successes, particularly the one
19 dealing with the social contract agreement. That, I think,
20 was a significant development between this particular board
21 and other boards that had in fact -- the immediate
22 agreement that we were dealing with was one that I
23 mentioned earlier had set the tone for Cornwall Police; a
24 first class constable in the Cornwall Police Service being
25 better paid than a first class Constable in Toronto and, in

1 fact, at the top of the heap in ontario.

2 And when we renegotiated that it allowed us
3 basically to avoid laying off anyone, given the economic
4 climate that we were involved in.

5 It's true that the operational bylaws were
6 outdated, which is referred to in that opening paragraph,
7 and we formed a committee to deal with that when we were
8 basically advised of that situation.

9 **MR. LEE:** Let me rephrase my question and
10 limit it a bit, so as not to diminish the work you did on
11 the social contract and some of the other successes we
12 have, there.

13 With respect to your mandate under the
14 *Police Services Act* to establish policies for the effective
15 management of the force and to direct the Chief and monitor
16 his or her performance, would you agree that in those
17 respects, this paragraph accurately sets out how the Board
18 had performed?

19 **MR. COURVILLE:** Perhaps up to that time --
20 you have to recall that this report produced 48
21 recommendations that were, in fact, carried out. They were
22 monitored and carried out by this same Board and brought
23 all of those recommendations into being. And those
24 recommendations included attempts to deal with all of the
25 criticisms that are noted in that paragraph, so ---

1 **MR. LEE:** This paragraph can obviously only
2 apply to the time it was written, and before.

3 **MR. COURVILLE:** That's -- that's ---

4 **MR. LEE:** At the time this was written,
5 would you agree with that statement as it related to those
6 duties I just read to you, under the *Police Services Act*?

7 **MR. COURVILLE:** In part, I would agree. And
8 I've already expressed where I would disagree.

9 **MR. LEE:** Can I have you -- moving to
10 another area, can I have you turn up Exhibit 1392?

11 A brief point on this.

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

13 **THE COMMISSIONER:** This is the letter that
14 the Chief sent -- Chief Shaver sent to the Policing
15 Services Division, on July 22nd 1994.

16 **MR. LEE:** Yes.

17 And Mr. Courville, you were asked in-chief
18 yesterday whether or not you were aware that this had been
19 sent. And what you told us that you were aware that Chief
20 Shaver communicated with the inspectors who wrote the '93
21 report.

22 Do you recall that answer?

23 **MR. COURVILLE:** Yes, I do.

24 **MR. LEE:** And you know that Kopinak and
25 Josiah are those two inspectors, is that right?

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

2 **MR. LEE:** Were you aware that this letter
3 was sent -- the date of the letter, if you -- I don't
4 actually see it on the first page but if you look at the
5 subsequent pages on the top right-hand corner, you have
6 July 22, 1993?

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

8 **MR. LEE:** Were you aware that this letter
9 was sent prior to the inspection? In other words, these
10 inspectors hadn't yet arrived in Cornwall. This was sent -
11 - oh, I guess the date is there.

12 **MR. COURVILLE:** I believe that they had
13 attended in Cornwall on some days in July, and I'm not sure
14 if those days were before or after this letter. But
15 certainly the letter predates the publication of the
16 report.

17 **MR. LEE:** Mr. Callaghan raises that -- I
18 don't need you to turn there -- in Exhibit 1393 which is
19 the report itself, it reads:

20 "The on-site visit and preliminary
21 review were undertaken on July 12 and
22 13, '93."

23 And then:

24 "Follow up visits were undertaken after
25 this letter."

1 So I did mis-state it there, that there had
2 been a couple of dates.

3 I supposed my question, then, is were you
4 aware that this was sent prior to the substantive review of
5 the Cornwall Police Force?

6 **MR. COURVILLE:** I was aware that a
7 communication had been made. I wasn't aware of this
8 letter, specifically.

9 **MR. LEE:** Having read this letter now and
10 knowing the time of it, do you have any concerns with this
11 communication from the Chief to the inspectors?

12 **MR. COURVILLE:** Yes, I indicated that I took
13 some exception with the Chief's characterization of this
14 particular Board as being -- I can't recall the exact words
15 he used, but there were more problems with this Board than
16 any other that he'd experienced; something to that effect.

17 **MR. LEE:** I understand you have some
18 difficulty with the content of the letter. What I'm asking
19 is if you have any difficulty with the very fact that it
20 was sent and whether you see it, perhaps, as an attempt by
21 the Chief to put his stamp on the report, before ---

22 **MR. COURVILLE:** Yeah, I do have some -- I do
23 have some concern about that, as well.

24 **MR. LEE:** Did you -- and I take it you
25 didn't appreciate that this had been done, at the time?

1 **MR. COURVILLE:** I knew that the Chief, as
2 part of the inspection process, had been in communication
3 with Mr. Kopinak and Ms. Josiah.

4 I didn't appreciate the fact that he had
5 sent this type of letter at that time, so had I known that,
6 I certainly would not have been in support of that action.

7 **MR. LEE:** And I take it you hadn't -- you
8 didn't have all the information you have sitting here,
9 today, by the time Chief Shaver resigned. Is that right?

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

11 **MR. LEE:** And so, you didn't have an
12 opportunity to raise it with him while you were on the
13 Board?

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

15 **MR. LEE:** And you didn't have an
16 opportunity, I take it, to raise any concerns you may have
17 had about that, with Kopinak or Josiah, at the time?

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

19 **MR. LEE:** Moving on to another area.

20 You -- during your examination in-chief, you
21 spoke about the Ottawa Police Service report, and you told
22 us that you had some concerns with some of the factual
23 content being unfair. Do you recall that?

24 **MR. COURVILLE:** Yes, I do.

25 **MR. LEE:** And the specific example you gave

1 us was that there seemed to be a criticism that Ms. Sebalj
2 was lacking experience and being put on a case that was
3 complex.

4 Do you recall that?

5 **MR. COURVILLE:** I do recall that. There was
6 two aspects to my concern. One was that Ms. Sebalj,
7 although new to CIB, was not new to the Police Service, and
8 her track record in the Police Service, I understood, was a
9 very good one. And she was certainly an individual that
10 innately had qualities to be a good investigator.

11 **MR. LEE:** I think what you told -- you did
12 make that clear to us, and the other thing you told us was
13 that Acting Chief Johnston had told you that there was a
14 homicide that took the attention of others who may have
15 been otherwise assigned to the case, is that correct?

16 **MR. COURVILLE:** Yes, I recall that two
17 fairly senior and accomplished investigators were basically
18 tasked to work that particular homicide and were not
19 available for this matter.

20 **MR. LEE:** Can I infer from that that the
21 suggestion by Acting Chief Johnston was that but for that
22 homicide, one of those two experienced investigators would
23 have been assigned the case?

24 **MR. COURVILLE:** I would imagine that's
25 indeed what he was referring to, yes.

1 **MR. LEE:** And so it seems to be implicit in
2 that, that there was some kind of resource issue at the
3 time, isn't that right?

4 **MR. COURVILLE:** Yes, and bearing in mind
5 that a number of individuals again were on sick leave or
6 disability leave and that further complicated the problem.

7 **MR. LEE:** Do you recall the Board having any
8 specific discussion of that issue in the context of the
9 Silmsler case?

10 **MR. CALLAGHAN:** I'm sorry to interrupt, but
11 the -- let's just be clear. When these decisions are made
12 -- I just want to be clear, I'm just not clear whether this
13 man was on the Board at the time you are talking about.

14 **MR. LEE:** Well, I think he must have.

15 **MR. CALLAGHAN:** I'm getting my timing mixed
16 up here.

17 **THE COMMISSIONER:** That's okay. Let's set
18 it up then.

19 **MR. CALLAGHAN:** He was on the Board; sorry,
20 I think that's right.

21 **MR. LEE:** You would have been on the Board
22 by the time the Ottawa Police Report was released?

23 **MR. COURVILLE:** Yes.

24 **MR. LEE:** Am I right?

25 **MR. COURVILLE:** Yes.

1 **MR. LEE:** And the only thing I'm asking you
2 is whether or not when you realized that part of what
3 Acting Chief Johnston was telling you was that in relation
4 -- I mean, as I understand the facts you would have known
5 was that D.S. had made a complaint of historical sexual
6 assault?

7 **MR. COURVILLE:** Yes.

8 **MR. LEE:** Against a couple of prominent
9 members of the community?

10 **MR. COURVILLE:** Right.

11 **MR. LEE:** And the Chief is telling you we
12 would have assigned one of these two experienced guys but
13 we didn't have enough of the experienced guys, so we
14 assigned Constable Sebalj instead? I'm not being unfair.

15 **MR. COURVILLE:** No, no.

16 **MR. LEE:** And he followed that with, but she
17 was a very good choice and she had experience and I had
18 confidence in her or we had confidence in her?

19 **MR. COURVILLE:** Yes, I agree with you, yes.

20 **MR. LEE:** Okay. Now my question is, did the
21 Board, when you realized that the Cornwall Police was in a
22 position that a homicide comes in and all of a sudden they
23 are scrambling to assign people; that's obviously a
24 resource issue?

25 **MR. COURVILLE:** Yes.

1 **MR. LEE:** Do you remember the Board in the
2 context of that, at the time that that realization was made
3 by the Board, or by you at least, having any discussion
4 about what could be done to ensure that something like that
5 didn't happen again?

6 **MR. COURVILLE:** Yes, we -- that was at the
7 time that we were moving toward a conclusion in our
8 negotiations, I believe, on the social contract -- under
9 the social contract to prevent further -- to prevent any
10 layoffs which would have even worsened the situation.

11 We were also looking at ways and means of
12 enhancing the police complement by determining if we could
13 civilianize certain positions so as to free up dollars for
14 additional police officers and also free up dollars to
15 ensure that the individuals that were on duty as
16 investigators had time to take courses as well as to
17 function on the job.

18 One of the difficulties that occurred with
19 Constable Sebalj was that -- it's my understanding that
20 during the investigation, a training program had been
21 actually assigned to her or for her, and this would have
22 assisted her in gaining the experience that she needed in
23 this type of investigation.

24 And it takes -- my understanding is that
25 there is quite a lead time to make sure that individuals

1 are actually able to take these courses and you can't just
2 cancel them very readily without incurring a significant
3 delay in their ability to take the course again.

4 So this kind of thing was certainly
5 discussed and it was a real dilemma because on the one hand
6 we wanted Constable Sebalj to avail herself of whatever
7 training she could have, and on the other, we had other
8 senior investigators that were tied up in this particular
9 homicide.

10 **MR. LEE:** My question is simply that from
11 your conversation with Acting Chief Johnston, you came to
12 appreciate that there was an issue where an important case
13 came in and his first choice couldn't be there, and his
14 second choice couldn't be there, and he had to go down the
15 line a little bit. Or sorry, it wasn't Chief Johnston at
16 the time, it was Shaver obviously?

17 **MR. COURVILLE:** Yes.

18 **MR. LEE:** Okay. Finally, the last area,
19 very -- hopefully a short point but one that I think it's
20 important; I just want to clarify.

21 You told us as part of that conversation
22 with Acting Chief Johnston that he told you there was a
23 homicide and that resources were flowing there?

24 **MR. COURVILLE:** With Chief Shaver?

25 **MR. LEE:** Acting Chief Johnston; I thought I

1 told you after the fact that there was a homicide and that
2 explained why the two experienced investigators weren't
3 available for Silmsner?

4 **MR. COURVILLE:** That's my understanding,
5 yes.

6 **MR. LEE:** And one of the things you told us
7 yesterday was that you could certainly see why a homicide
8 would take priority over a 20-year-old historic abuse case?

9 **MR. COURVILLE:** Well, insofar as if we can
10 use the expression, "cold case," that the historical sexual
11 assault case is in the nature of a cold case and the
12 homicide was a pressing issue that was there and there was
13 concern about preserving evidence of a forensic nature, and
14 so on. Yes, I can see that.

15 **MR. LEE:** And I take it your comments on
16 that vein weren't in an attempt to diminish the seriousness
17 of the D.S. allegation?

18 **MR. COURVILLE:** Not at all. The D.S.
19 allegation is extremely serious and the way in which the
20 investigation was done I think would be of considerable
21 concern to anybody.

22 **MR. LEE:** And part of the seriousness of the
23 D.S. case is the possible present risk given that the two
24 alleged perpetrators were active members of the community,
25 both with access to children?

1 **MR. COURVILLE:** Yes. I think that that's
2 reflected in part in -- my understanding, according to the
3 facts, is that in the decision of Chief Shaver to attend at
4 the -- to attend on the Archbishop and to make clear the
5 concerns there, that I understand was part of the thinking
6 of then Chief Shaver to alert the Church to that concern.

7 **MR. LEE:** We'll certainly ask Chief Shaver
8 about what he was thinking during that period. The only
9 point I want to get from you is that you would have
10 recognized the fact that D.S. was a high priority and that
11 it was a serious case?

12 **MR. COURVILLE:** Yes, indeed.

13 **MR. LEE:** Thank you. Those are my
14 questions.

15 **THE COMMISSIONER:** Thank you. Mr. Horn?

16 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

17 **HORN:**

18 **MR. HORN:** Mr. Courville.

19 **MR. COURVILLE:** Mr. Horn, good to see you.

20 **MR. HORN:** I'm representing the Coalition
21 for Action and we're a citizens group that's concerned
22 about issues regarding allegations of cover-up and
23 conspiracy.

24 **MR. COURVILLE:** Yes.

25 **MR. HORN:** And what I'm interested in is --

1 maybe we should pull this up; Number 729996. That's a
2 newspaper article.

3 **THE COMMISSIONER:** Has it already been
4 filed?

5 **MR. HORN:** I believe so. It's -- oh wait a
6 minute; 729996, it's a "Commissioners Appeal Ruling --
7 cleared Cornwall Cop," that was the heading.

8 **THE COMMISSIONER:** I don't know if it has
9 been -- has it been put in as an exhibit yet?

10 **MR. HORN:** I believe so. I believe it was -
11 - no, it doesn't look like it. I think that Mr. Paul must
12 have put it in.

13 **THE COMMISSIONER:** Do we have it? Can you
14 put it on the screen and then we'll give it a number?

15 We'll put it up on the screen.

16 **MR. HORN:** Okay.

17 **THE COMMISSIONER:** It's there.

18 So, Madam Clerk, what number would that
19 exhibit take?

20 **THE REGISTRAR:** One five two five (1525).

21 **THE COMMISSIONER:** One five two five (1525)
22 is an article from the Standard-Freeholder dated March 15th,
23 1995.

24 --- **EXHIBIT NO./PIÈCE No. P-1525:**

25 (729996) - Leo Courville - Standard-

1 Freeholder news clippings "Commissioner
2 appeals ruling that cleared Cornwall
3 cop" dated 15 Mar 95

4 **MR. HORN:** It was a story about a situation
5 in which the Ontario Public Complaints Commissioner
6 appealed ---

7 **THE COMMISSIONER:** Can we scroll down that,
8 Clerk, so we can see it?

9 **MR. HORN:** --- and Mr. Dunlop was exonerated
10 and it seemed that Mr. O'Reilly who was the President of
11 the Association felt that Mr. Dunlop would be vindicated,
12 that the Association was basically was behind one of their
13 members and at the bottom of the article there's a comment
14 that was attributed to you in which you indicated that you
15 would distance yourself from the appeal but you did, you
16 said:

17 "We believe the officer concerned
18 probably was acting in good faith and
19 there's no evidence to suggest
20 otherwise."

21 **MR. COURVILLE:** Yes, I see that.

22 **MR. HORN:** Okay. Now, that, "we believe" --
23 who were you talking about?

24 **MR. COURVILLE:** I assume that I'm talking
25 about the Board generally and acting police -- or I'm sorry

1 -- Acting Chief Johnston.

2 MR. HORN: And that was the position that
3 was held by yourself and the Police Chief?

4 MR. COURVILLE: I have no reason to assume
5 otherwise, sir.

6 MR. HORN: And, now, I don't know if this
7 letter that was -- it's Number 722445. It would be Mr.
8 Perry Dunlop's lawyer, Mr. Allen O'Brien from Nelligan
9 Powers, wrote a letter ---

10 THE COMMISSIONER: Okay. Hold on. We need
11 to let -- is it an Exhibit?

12 I'm saying no. I'm getting yes.

13 MR. CALLAGHAN: My recollection is I put
14 this in but ---

15 (SHORT PAUSE/COURTE PAUSE)

16 MR. CALLAGHAN: I'm almost positive I'll ---

17 THE COMMISSIONER: Well, let's get the
18 number.

19 MR. CALLAGHAN: --- eat a crow if I didn't
20 put it in.

21 THE COMMISSIONER: You would what?

22 MR. CALLAGHAN: Eat a crow. It's a phrase
23 we use in Toronto. It's not well used outside Toronto.

24 THE COMMISSIONER: Well, okay, I prefer
25 using "you'll buy us all lunch."

1 (LAUGHTER/RIRES)

2 MR. CALLAGHAN: Well, you got to come where
3 I want to eat.

4 (LAUGHTER/RIRES)

5 MR. HORN: And ---

6 THE COMMISSIONER: Okay, no, okay. So,
7 okay, so we have it now. Where are the hard copies to
8 this? Was notice not given, or did you give notice, sir?

9 MR. HORN: I believe Mr. Paul did. I ---

10 THE COMMISSIONER: Okay, all right. Well,
11 we won't tardy here. Okay, so the next exhibit, which is
12 1526, is a letter to Acting Chief Carl Johnston from Allen
13 O'Brien and the date, Madam Clerk, just -- October 5th,
14 1994.

15 MR. HORN: Now on the first, second --
16 second paragraph there's a wording there that is used in
17 which the preliminary hearing proceeded on the basis that
18 Constable Dunlop decision to disclose information to the
19 Children's Aid Society was made out of good faith concern
20 for the safety of the children of the Cornwall community.

21 Now this is the position that Mr. Dunlop was
22 conveying through his lawyer that it was all done in good
23 faith, so that the position then of the Board and the
24 Police Chief was that Mr. Dunlop was acting in good faith
25 and it was for the protection of the children in the

1 community. Do you agree with that position?

2 **MR. COURVILLE:** Yes, I think the earlier
3 comment that I made in the previous release would indicate
4 that.

5 **MR. HORN:** And so at that time in -- I think
6 it was March the 15th, 1995 when you made that comment it
7 corresponded to a letter that was from October the 5th,
8 1994. So the letter was dated in October the 5th and in
9 '94, but your comment is -- comes after that and this is
10 after reflection on the position of the lawyer for Mr.
11 Dunlop.

12 **MR. COURVILLE:** Yes, if I may comment on
13 that Mr. Horn? I think that the dilemma or at least the --
14 I don't believe that either Acting Chief Johnston or any
15 member of the Board was seriously contending that Constable
16 Dunlop was not acting in good faith with regard to this
17 disclosure. I don't think that was ever a real issue, that
18 I'm aware of.

19 What was an issue was the -- was the release
20 constituted a release of information out of the chain of
21 command and I believe that's where those two issues parted
22 company.

23 **MR. CALLAGHAN:** Well, just to advise, Mr.
24 Commissioner it is Exhibit 645, this letter.

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

1 **MR. CALLAGHAN:** According to --

2 **THE COMMISSIONER:** Good, Madam Clerk, change
3 that.

4 **MR. CALLAGHAN:** Just so you are aware.

5 **THE COMMISSIONER:** Yes.

6 **MR. CALLAGHAN:** And I think you will recall
7 it was Mr. Bourgeois -- there was a cross-examine exchange
8 on that.

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

10 **MR. CALLAGHAN:** And I'll go to your place
11 for lunch.

12 **(LAUGHTER/RIRES)**

13 **THE COMMISSIONER:** Okay.

14 **MR. HORN:** So the -- but initially when this
15 all was raised up, people -- it was became aware to the
16 Board, to the Police Department, the Head -- the Chief of
17 Police, when they initially were considering what Dunlop
18 had done. They were in agreement basically with what he
19 had done by dealing with this issue in the manner that he
20 did.

21 **MR. COURVILLE:** I don't think it's fair to
22 say that they were in agreement. I think they were -- that
23 the Board and the Chief recognized that he was acting in
24 good faith in doing what he did.

25 That's not to say that there were other

1 issues. For example, the chain of command issue that was a
2 concern.

3 **MR. HORN:** I understand that. The other
4 issues really maybe didn't come to the fore as much as
5 knowing that Mr. Dunlop as far as his convictions were and
6 what he felt he was doing was proper and there was nothing
7 wrong with what he had done. And you had agreed with that.

8 **MR. COURVILLE:** I agreed that he had acted
9 in good faith, yes.

10 **MR. HORN:** Okay. And now, just another
11 short item.

12 In the Skinner report -- I understand that
13 the investigators never interviewed Mr. Dunlop or
14 Mr. Silmser. Do you know that? Were you aware of that?

15 **MR. COURVILLE:** The investigators of -- in
16 the Skinner matter?

17 **MR. HORN:** In the Skinner matter.

18 **MR. COURVILLE:** Well, the Skinner report.

19 **MR. HORN:** I mean, the Skinner report. I'm
20 sorry.

21 **MR. COURVILLE:** Skinner report. Never
22 interviewed Mr. Dunlop ---

23 **MR. HORN:** Or Mr. Silmser.

24 **THE COMMISSIONER:** Were you aware of that?

25 **MR. HORN:** Were you aware of that?

1 **MR. COURVILLE:** No, I can't saw I was aware
2 of that.

3 **MR. HORN:** Now, if you had of been aware of
4 that do you think that that would have been a flaw in the
5 report?

6 **MR. COURVILLE:** I think the terms of
7 reference put to Mr. Skinner by Chief Johnston were to
8 determine whether the report was ineffective or inefficient
9 -- I can't recall which word was used, one or the other but
10 ---

11 **THE COMMISSIONER:** You used the word report,
12 but it should be the investigation?

13 **MR. COURVILLE:** The investigation, yes. The
14 investigation was either ineffective or inefficient. I
15 think he used the word ineffective. And also whether there
16 was any attempt to conceal or downplay any information.

17 Insofar as Mr. Skinner may have been aided
18 by speaking directly to either Mr. Silmser or Mr. Dunlop,
19 then I think I -- arguably you could say that he would have
20 been aided in doing so to achieve those ends.

21 I don't know whether he felt that it was
22 necessary for him to interview Mr. Silmser or Mr. Dunlop
23 based on those terms of reference.

24 **MR. HORN:** Now, in the appointment of the
25 Ottawa Police, who made that decision? Was it the

1 Commission or the Chief of Police or who made the decision
2 to ---

3 **MR. COURVILLE:** I think it was the Chief of
4 Police's call and he certainly was supported by the Board.

5 **MR. HORN:** Okay. And did you have any input
6 prior to him making that decision?

7 **MR. COURVILLE:** I know that when he -- when
8 he made the decision and when he -- I believe the process
9 went like this; that he had made contact with individuals
10 within the Ottawa Police Service to determine if they would
11 be available and willing to do that.

12 And when that was determined, then he
13 consulted with the Board and then he as Chief made the call
14 to do that knowing that the Board would support that.

15 **MR. HORN:** And so when he consulted with the
16 Board, did that mean that he had a meeting with the Board
17 to discuss this matter or was it just a phone call to you?

18 **MR. COURVILLE:** I don't honestly recall.

19 It could have been one or the other.

20 Obviously it was one or the other.

21 **MR. HORN:** Okay, so he would have just spoke
22 to you as the Chairman. Or he could have had a full Board
23 meeting, is that possible?

24 **MR. COURVILLE:** I don't recall a formal
25 Board meeting but it's possible that the Board may have

1 been consulted by way of a conference call on the telephone
2 or -- I'm not sure exactly how that happened.

3 **MR. HORN:** Okay. At this time were things
4 kind of breaking fast and decisions had to be made quickly
5 or was it something that people had to -- had an
6 opportunity to think about it before they made the
7 decision?

8 **MR. COURVILLE:** Generally I recall things
9 were breaking pretty quickly in a number of ways. I do
10 recall that there was the opportunity to consult with the
11 Chief and other members of the Board but I don't recall
12 whether there was an effort to sit down and analyze options
13 and that kind of thing.

14 **MR. HORN:** Now, in doing this, because the
15 story was breaking fast, was it in order to placate the
16 public and the media and the questioning that was going on
17 at that time that something had to be done very quickly?

18 **MR. COURVILLE:** That seems reasonable and I
19 believe that was probably the situation. I can't recall
20 exactly the way it transpired.

21 **MR. HORN:** Do you remember if there was --
22 you were part of any kind of input as to deciding whether
23 maybe somebody else other than a police officer or police
24 department would do this investigation?

25 **MR. COURVILLE:** I recall being advised by

1 Chief Johnston that he believed it would be in the best
2 interest of the general public and the Police Service and
3 everybody that outside agencies be involved.

4 **MR. HORN:** Did it have to be a police
5 department?

6 **MR. COURVILLE:** I don't recall discussion of
7 any other agency being appropriate other than the police
8 department -- other than a police department.

9 **MR. HORN:** Is it possible that they could
10 have found either a former judge or maybe a prominent
11 lawyer to look into such a controversial situation?

12 **MR. COURVILLE:** I think that the resources
13 that were needed were resources that ultimately may have
14 led to a reinvestigation of the process of -- or
15 reinvestigation of the entire situation and it seemed at
16 the time that the appropriate vehicle for that was another
17 police service.

18 **MR. HORN:** I understand that. Would it be
19 because maybe only another police department would know the
20 workings of a police service? Is that maybe the criteria
21 they were using or was it because they had to go to a
22 friendly force?

23 **MR. COURVILLE:** I don't believe that Ottawa
24 initially was chosen as a friendly force. Certainly the
25 fact that ultimately the OPP was also involved, I think, as

1 a separate entity or another police service ---

2 **MR. HORN:** At the same time?

3 **MR. COURVILLE:** No, after Ottawa reported.
4 The possibility of the matter being reinvestigated, I
5 think, was there even when Ottawa was charged with doing
6 this.

7 And I believe that if it was to be
8 reinvestigated then the assumption was that it would
9 probably be reinvestigated by a service outside of Ottawa
10 and certainly outside of Cornwall so that would necessarily
11 involve a third agency such as the OPP.

12 **MR. HORN:** Was the reason -- was one of the
13 reasons why first you went to the Ottawa Police, then
14 afterward you had to go to another police force, was
15 because people felt that the Ottawa report was not adequate
16 or it was -- there was a lot of criticism of that report
17 that it was not in enough depth?

18 **MR. COURVILLE:** Well, the main reason I
19 believe, Mr. Horn, was that the Ottawa Police Service
20 itself recommended a further investigation by another
21 police agency.

22 **MR. HORN:** So then basically the Ottawa
23 Police Service when they did their report was just
24 basically a cursory report, send two guys down, ask a few
25 questions, then go back and do a report?

1 **MR. COURVILLE:** Not necessarily. I think
2 that the -- I don't know how many hours Mr. Skinner had
3 spent on site in Cornwall and I can't speak to the degree
4 of depth that he went into in doing this report, but it
5 certainly wasn't intended as a very cursory document.

6 I don't know exactly -- I can't tell you
7 what number of hours were spent on his part doing this
8 report.

9 **MR. HORN:** So you were on the Board at the
10 time. Did you follow the -- when you knew there was going
11 to be an investigation done, did you, as the Chairman of
12 the Board, follow what was going to happen and how things
13 were being done?

14 **MR. COURVILLE:** Well, again what was being
15 done was an operational procedure that was best left to the
16 people that were knowledgeable in doing it and we wanted
17 them to make a report and then we would, as a Board, with
18 the Chief's guidance, review that and take whatever further
19 action the Chief would recommend.

20 That turned out to be in concert with the
21 recommendation of the Ottawa Police Service which was to
22 have the matter reinvestigated by a further police force.

23 **MR. HORN:** And did you agree that another
24 report should be done after reviewing the Skinner report?

25 **MR. COURVILLE:** Ultimately, yes.

1 **MR. HORN:** So you agree that he felt that
2 what he had done is not adequate?

3 **MR. COURVILLE:** It was ---

4 **THE COMMISSIONER:** Just a second. What's
5 the question again?

6 **MR. HORN:** Well, that -- what he -- what the
7 Skinner report had done was not adequate.

8 **MR. COURVILLE:** I think it addressed the
9 issues that the Ottawa Police were asked to address. The
10 Ottawa -- both Ottawa in its recommendation and Cornwall in
11 concurring with it felt that there was need to go beyond
12 that and specifically to reinvestigate, if you like, the
13 matter as a new investigation, completely -- a complete new
14 investigation which Ottawa was never charged to do.

15 The other thing was that there was an issue
16 also of determining to what extent if any there was an
17 obstruction of justice with regard to the civil settlement
18 that was made between Mr. Silmsler and the Church. And that
19 was never within the purview of the Ottawa Police to do
20 that.

21 So in those areas the -- it was felt
22 necessary by the Cornwall Police Service that the OPP
23 should do an investigation from the ground up.

24 **MR. HORN:** Okay. I'll go to another area.

25 As a practising lawyer in Cornwall you have

1 some experience in dealing, not only with criminal law, but
2 you also do child protection matters too, don't you?

3 **MR. COURVILLE:** I have done them in the
4 past, yes. I don't do it any more.

5 **MR. HORN:** But you have done some ---

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

7 **MR. HORN:** --- over the years in dealing
8 with the Children's Aid Society?

9 **MR. COURVILLE:** Yes, sir.

10 **MR. HORN:** Now have you ever been on the
11 Children's Aid Society Board?

12 **MR. COURVILLE:** No, I haven't.

13 **MR. HORN:** Have -- do you know of the way in
14 which the Board is made up of different segments of the --
15 of Cornwall's -- like there'd be members from the police
16 department and from different areas and they'd be on the
17 Board. Were you aware of that?

18 **MR. COURVILLE:** I'm aware that I believe
19 their Board seeks out input from various segments of the
20 community. I think most Boards do, but yes.

21 **MR. HORN:** And the same thing in the other
22 way when you have people coming to -- and sitting on the
23 Police Board and there would be the same kind of a
24 situation where you'd have people from different segments
25 of the society or city, they would be sitting in the

1 Boards?

2 **MR. COURVILLE:** Yes, certainly there would
3 be a general, I think, objective to have wide community
4 input of either Board.

5 **MR. HORN:** So what you're really having is
6 Boards in which members can be from different -- a police
7 officer can be sitting on the Board with the Children's Aid
8 Society and the -- your Board as the police agency would
9 have other people from -- maybe from other agencies sitting
10 there in your Board. Is that common?

11 **MR. COURVILLE:** Yeah, both of those agencies
12 could have people from various sectors of the community,
13 yes.

14 **MR. HORN:** Have you ever heard any criticism
15 as a result of this, well, almost like cross-fertilization
16 that goes on between one agency and another on the Boards?

17 **THE COMMISSIONER:** Well, just a minute, just
18 a minute.

19 My understanding, and I'm not familiar with
20 the Boards of local police, but what I read in the Act is
21 that there are a number of people that are taken for the
22 Police Board from the Council and others are appointed by
23 the Provincial government, all right?

24 And with respect to the Children's Aid
25 Society, I have no idea, but I would suspect that it's

1 their annual meeting and they have people they -- that run
2 and get appointed or elected to the Board.

3 So this cross-fertilization it may happen by
4 coincidence, but I don't know that -- that it's as
5 incestuous as you are trying to suggest it is.

6 **MR. HORN:** Okay, I understand what you're
7 saying, but the public perception, with this going on among
8 prominent people in the City of Cornwall, that they sit on
9 this Board and they've got friends sitting on another Board
10 and is that a -- I mean, you know if there is a perception
11 that that goes on?

12 **MR. COURVILLE:** I -- I'm ---

13 **MR. HORN:** I'm talking to him.

14 **MR. CALLAGHAN:** Thank you, I appreciate
15 that.

16 **(LAUGHTER/RIRES)**

17 **MR. HORN:** Okay.

18 **MR. CALLAGHAN:** We'll get along just fine.
19 There's no foundation for this. Where is
20 this coming from?

21 I mean -- and Ms. Daley went through
22 newspaper articles and demonstrated; this is without a
23 foundation.

24 **THE COMMISSIONER:** Mr. -- I don't know
25 where you're going, Mr. Horn.

1 **MR. HORN:** Okay. I'm just asking him this
2 because it's laying a foundation, first, because of his
3 experience as a lawyer ---

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

5 **MR. HORN:** You do quite a bit of Legal
6 Aid-funded clientele?

7 **MR. COURVILLE:** I have done many, yes.

8 **MR. HORN:** Now, initially when -- in the
9 1980s, I -- back in the 1980s, people who had civil
10 litigation issues could go to Legal Aid and may be funded
11 for ---

12 **MR. COURVILLE:** Yes.

13 **MR. HORN:** --- actions?

14 **MR. COURVILLE:** Yes, there was a period of
15 time when Legal Aid took on civil litigation, yes.

16 **MR. HORN:** And that kind -- that ended after
17 a while; now we don't have too much of that now?

18 **MR. CALLAGHAN:** I'm sorry, that -- this is
19 all very interesting and it's a great public forum, but
20 what does it have to do with the Inquiry?

21 **MR. HORN:** It has a lot to do with the
22 Inquiry.

23 **MR. CALLAGHAN:** Well ---

24 **MR. HORN:** I'll get to it.

25 **MR. CALLAGHAN:** Yeah, okay.

1 **THE COMMISSIONER:** Well, in the spirit of
2 openness, I'll let you go, but ---

3 **MR. HORN:** Okay.

4 **THE COMMISSIONER:** --- get to the point.

5 **MR. HORN:** Well, what I'm saying is that if
6 Mr. Silmsen or if anybody else had had an issue dealing
7 with the kind of things that happened, he could have gone
8 to, if they had been Legal Aid-funded, lawyers. He could
9 have gone there rather than wanting, meeting with lawyers
10 without representation. I'm talking about when he met and
11 negotiated these agreements, if the -- if the people who
12 don't have a lot of money were able to hire a lawyer
13 through Legal Aid, they wouldn't be at the mercy of the
14 lawyers that got -- can get away with the kind of things
15 that happened on these occasions, because I think that
16 that's one of the problems, is that the people who go into
17 the police department, go to the Children's Aid, they go
18 there alone; they should be able to go. And a lot of them
19 don't have a lot of money.

20 **THE COMMISSIONER:** Well, Mr. Horn, that
21 sounds like submissions to me.

22 **MR. HORN:** Okay.

23 **THE COMMISSIONER:** The second thing is, the
24 evidence I heard so far is that Mr. Silmsen, I think, had
25 two or three lawyers that he got on his own, so I don't

1 know that there's any foundation for making your
2 submissions, let alone putting a question to the witness.

3 **MR. HORN:** Okay.

4 **THE COMMISSIONER:** Okay.

5 **MR. HORN:** When an individual goes to the
6 Children's Aid Society, do they usually go there hoping
7 that they have a lawyer go there with them to be able to
8 deal with the Children's Aid Society?

9 **THE COMMISSIONER:** Mr. Horn.

10 **MR. HORN:** Yes.

11 As -- because I -- I -- why I'm asking
12 this, I've been in cases with Mr. Courville in which we've
13 both represented people and there was -- and we dealt with
14 Legal Aid, to be able to negotiate with the Children's Aid
15 Society.

16 Without that kind of funding, there's no --
17 the people can go there and they don't have any -- they
18 don't have any ability to deal with the Children's Aid
19 Society; they're coming up against a very powerful agency
20 that's grabbing their children and, you know, there's --
21 it's a very difficult position for them to find themselves
22 in.

23 **MR. CHISHOLM:** Mr. Commissioner, I'm not
24 sure what Mr. Horn's comments, with respect to the
25 Children's Aid Society "grabbing" their children has to do

1 with ---

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

3 **MR. CHISHOLM:** --- your mandate.

4 **THE COMMISSIONER:** Well -- well, okay.

5 Mr. Callaghan?

6 **MR. CALLAGHAN:** My comment would be, you
7 know, I suspect that Mr. Courville shares the passion of
8 Mr. Horn for Children's Aid, but he's here as part of the
9 Cornwall Police Service and I don't see this as
10 appropriate, with respect to that level.

11 **THE COMMISSIONER:** Right.

12 And I don't know where you're going. If
13 your point is that Legal Aid funding should be available to
14 people going to the Children's Aid Society, that you can
15 bring up whenever you want to but not through this
16 gentleman, who happens to be a lawyer, but who is here in
17 his capacity largely as the Chair or former Chair of the
18 Cornwall Police Services Board.

19 **MR. HORN:** I'm trying to utilize his
20 expertise in dealing with these kinds of situations where
21 individuals will find themselves confronting the
22 difficulties when they go to the police department, go to
23 the Children's Aid. These are government-funded agencies
24 and they go there alone.

25 If the funding was available, they could go

1 there armed with a lawyer, that's what I'm -- I'm saying.

2 What I'm saying is that ---

3 **THE COMMISSIONER:** Okay, you've said it.

4 You've said it.

5 **MR. HORN:** Yes.

6 **THE COMMISSIONER:** I don't think there's any
7 reason to continue with and to -- so go on to another
8 section.

9 **MR. HORN:** Okay.

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

11 **MR. HORN:** Oh, one -- there's one other
12 issue.

13 It was -- it was -- there was some question
14 about the fact that there was some conflict that existed
15 between yourself and the former Mayor and a conflict on the
16 Board. Okay.

17 It was suggested by my friend, who was
18 cross-examining you, that this was a -- the public
19 perception was -- it would give a bad perception to the
20 public; do you agree with that?

21 **MR. COURVILLE:** In -- in -- in one respect I
22 do, but I also disagree with it if I can explain.

23 I think that the public was entitled to know
24 the -- how the actions of -- of Mayor Martelle -- let's be
25 specific, that's who we're talking about -- were

1 constituting an extreme difficulty for the Board to
2 function and I -- I thought that the only way that that
3 could be effectively communicated was to -- to let the
4 public know that and to do it in whatever way we could.

5 There were certain times when I -- I think,
6 in hindsight, that it was unfortunate that the -- some of
7 the issues were advanced by way of the media, but at other
8 times I think it was quite appropriate and -- and the
9 public should have been informed about that because, in my
10 respectful opinion, the Mayor was acting in a manner which
11 took away from the governance of -- the effective
12 governance of the Police Service.

13 **MR. HORN:** Okay. So would you agree with me
14 that there should be many different interests on the Board
15 and that they should have open public discussions about
16 these things and it would be of benefit to the -- to the
17 public that these kinds of debates can take place?

18 **MR. COURVILLE:** I would certainly think it's
19 healthy always to -- for the public to debate any issue and
20 to the degree that the Board could facilitate that in
21 furtherance of, you know, good governance of policing, yes,
22 I would agree with you.

23 **MR. HORN:** Because I think that one of the
24 perceptions that the people that I am representing is that
25 there is a -- a lot of things that are done behind close

1 doors and the public is not aware of these things and
2 that's why there is so much criticism of what -- the
3 process and so my position is that if you're having Boards
4 that walk in lockstep with each other is not a benefit to
5 how a Board should operate.

6 **THE COMMISSIONER:** Mr. Horn.

7 **MR. HORN:** Do you agree?

8 (LAUGHTER/RIRES)

9 **MR. HORN:** Do you agree?

10 **MR. COURVILLE:** I'm always loath to disagree
11 with you Mr. Horn.

12 (LAUGHTER/RIRES)

13 **MR. HORN:** Okay. That's all.

14 **THE COMMISSIONER:** Thank you.

15 All right. So we are going to continue on
16 Monday at 09:30.

17 **MR. CALLAGHAN:** Just to advise, Mr.
18 Courville has yet another trial Monday. We will work
19 around it. There will be a witness here, Mr. Commissioner,
20 whether it's Mr. Courville. We may have to finish him on
21 another day. And I've communicated with Commission
22 counsel.

23 **THE COMMISSIONER:** That's fine. I understand
24 that. We'll see where we can go.

25 How much time will we need for Mr.

1 Courville? Do you have an idea?

2 **MR. CHISHOLM:** Five (5) minutes, sir.

3 **MR. CALLAGHAN:** I'd be about an hour and a
4 half. So a couple of hours

5 **THE COMMISSIONER:** All right. Thank you.

6 See you Monday.

7 **THE REGISTRAR:** Order; all rise. À

8 l'ordre; veuillez vous lever.

9 This hearing is adjourned until April 28th at

10 9:30 a.m.

11 --- Upon concluding at 2:03 p.m./

12 L'audience est ajournée à 14h03

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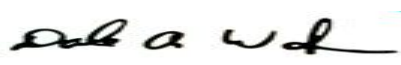
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM