

**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 222

Held at :

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

Tuesday, April 29 2008

Tenue à:

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

Mardi, le 29 avril 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Janie Larocque	Commission Counsel
Mr. Ian Stauffer	
Mr. John E. Callaghan	Cornwall Community Police
Mr. Mark Crane	Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Ms. Nadya Tymochenko	Upper Canada District School Board
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	

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1 --- Upon commencing at 9:33 a.m./

2 L'audience débute à 9h33

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.

10 Good morning, all.

11 **RICHARD WILLIAM TREW:** Resumed/Sous le même serment

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

13 **STAUFFER (Cont'd./suite):**

14 **MR. STAUFFER:** Good morning, Mr.
15 Commissioner. Inspector Trew is in the box.

16 **THE COMMISSIONER:** Yes. Thank you.

17 **MR. TREW:** Good morning, sir.

18 **MR. STAUFFER:** All right. Mr. Commissioner,
19 I have a few more questions.

20 And Inspector Trew, I want to thank you for
21 coming back. And we're -- I'm going to start with whether
22 you have read the press release which we were talking about
23 yesterday, Exhibit 1531. Did you have a chance to read
24 that overnight?

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

1 **MR. STAUFFER:** All right.

2 Now, I just want to be clear on a few
3 points. One is you indicated to us yesterday I think that
4 someone from the OPP, or more than perhaps one person,
5 prepared this document. Is that right?

6 **MR. TREW:** The document was prepared by the
7 Ontario Provincial Police and it's my understanding, it's
8 on the bottom, the contact person is Detective Inspector
9 Klancy Grasman.

10 **MR. STAUFFER:** Right. G-R-A-S-M-A-N.

11 **MR. TREW:** Grasman.

12 **MR. STAUFFER:** Do you know did Detective
13 Inspector Grasman prepare the document?

14 **MR. TREW:** I don't know who prepared the
15 document. I know it was prepared by the Ontario Provincial
16 Police.

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

18 And am I right that you said yesterday that
19 you did not see this document before the press conference
20 or have I got that wrong?

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

22 **MR. STAUFFER:** You didn't see it. Okay.
23 Did you read it at least while the press
24 conference was going on?

25 **MR. TREW:** I did not see this document until

1 recently in preparing for this Inquiry.

2 **MR. STAUFFER:** Okay. I gather though, and I
3 think the Commissioner went over this with you yesterday,
4 the purpose of this whole exercise was to have a press
5 conference and that this document was to be available at
6 the press conference. Am I right?

7 **MR. TREW:** The document was available to the
8 media at the press conference.

9 **MR. STAUFFER:** Okay. But was it not being
10 handed out as, if you will, a public document to anyone who
11 came?

12 **MR. TREW:** It was the habit of the outside
13 agencies sending us news releases to our Service to send
14 them by way of fax to our news media officer and that was
15 in the course of business. We would often get a news media
16 release before any release came out in the paper.

17 **MR. STAUFFER:** Okay, but again, that type of
18 answer I gather is some type of a custom or some kind of an
19 experience you had. I'm talking about this actual document
20 here. So if you don't know, tell us, okay, but what I want
21 to know is was this document available for those who came
22 to the press conference on September the 25th, 1997? It's
23 actually called a news conference. Do you see that on the
24 front?

25 **MR. TREW:** Yeah.

1 **MR. STAUFFER:** Okay. Was this document
2 available for those people who attended the news
3 conference?

4 **MR. TREW:** I can't answer that question.

5 **MR. STAUFFER:** Okay. Because, again, I
6 assume the whole purpose of having Inspector Grasman's name
7 at the bottom of this page 1 of the document is so that
8 people will, in fact, contact him if they have any relevant
9 information about sexual abuse. Am I right?

10 **MR. TREW:** After reading the document, it
11 points out that anyone would want to come forward with
12 possible further evidence or perhaps being a victim to
13 contact Project Truth and Inspector Tim smith. Mr. Klancy
14 Grasman perhaps is a contact person for press releases.

15 **MR. STAUFFER:** Okay. Again, you're guessing
16 I think at this point?

17 What's that Mr. Callaghan?

18 **MR. CALLAGHAN:** You've asked him to review
19 the document. He's told you he hasn't seen it before this.
20 The document says on its face to contact the investigators
21 and you're asking about contacting Klancy Grasman. If
22 you've read the document, it's clear that he's reiterating
23 what's on the document.

24 **MR. STAUFFER:** Okay. Well -- Inspector
25 Trew, what is not right in this document from your

1 perspective, having read it?

2 MR. TREW: I disagree with some of the
3 statements made about our officers who initially
4 investigated this case.

5 MR. STAUFFER: All right.
6 Please point to those disagreements that you
7 have.

8 MR. TREW: On page 2 ---

9 MR. STAUFFER: Yes?

10 MR. TREW: --- it relates to the officer:
11 "She was not given all the resources
12 required to conduct the investigation
13 and, as a result, some witnesses were
14 never interviewed."

15 MR. STAUFFER: All right. So the sentence
16 says:

17 "She was not given all the resources
18 required to conduct the investigation
19 and, as a result, some witnesses were
20 never interviewed."

21 Who is the "she" that is being referred to
22 as far as you understand because her name is not in this
23 document?

24 MR. TREW: I'll refer to her as Detective
25 Constable Sebalj.

1 **MR. STAUFFER:** All right.

2 So where did this information come from that
3 she was not given all the resources?

4 **MR. TREW:** You'd have to ask the person who
5 made that.

6 **MR. STAUFFER:** All right.

7 So, Inspector, when did you first see this
8 document? Think about that hard now. When did you first
9 see this document?

10 **MR. CALLAGHAN:** He's answered that question
11 three times.

12 **MR. STAUFFER:** Okay. When was it Mr.
13 Callaghan? Why don't you tell us then?

14 **MR. CALLAGHAN:** Well, he said it in the
15 preparation for this. He just told you that.

16 **MR. STAUFFER:** Well then, excellent. When
17 did you prepare yourself, sir, for this day?

18 **MR. TREW:** Within the last couple of weeks,
19 sir.

20 **MR. STAUFFER:** Well, that's a little hard to
21 believe. We had an interview a number of months ago or
22 last year, do you remember that? Do you remember being
23 interviewed, sir?

24 **MR. TREW:** There seems to be a tone in your
25 voice, sir, that I'm being pointed at. I'm just trying to

1 answer questions here.

2 **THE COMMISSIONER:** Gentlemen, enough.

3 Enough. Just stay back. Just a second.

4 Mr. Stauffer ---

5 **MR. STAUFFER:** Yes, sir?

6 **THE COMMISSIONER:** --- let's start over
7 again.

8 He asked you when you first saw this
9 document.

10 **MR. TREW:** Yes, sir.

11 **THE COMMISSIONER:** You said when you were
12 preparing?

13 **MR. TREW:** Yes, sir.

14 **THE COMMISSIONER:** You say last two weeks.
15 Mr. Stauffer says, well, hold on a minute. Did you not
16 prepare with Mr. -- was it with you?

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

18 **THE COMMISSIONER:** Or was it someone from
19 months before and the issue -- did you see him months
20 before?

21 **MR. TREW:** Commissioner's counsel asked me
22 to come in ---

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

24 **MR. TREW:** --- and went over things with me.

25 **THE COMMISSIONER:** All right.

1 **MR. TREW:** As far as preparing for this day,
2 I started preparing for this day a couple weeks ago.

3 **THE COMMISSIONER:** Oh, okay. So a few
4 months ago, would you have seen this document?

5 **MR. TREW:** No, sir.

6 **THE COMMISSIONER:** All right. So you saw it
7 two weeks ago?

8 **MR. TREW:** Yes, sir.

9 **THE COMMISSIONER:** Roughly, we won't bicker
10 about a few days.

11 **MR. TREW:** Thank you.

12 **THE COMMISSIONER:** All right.

13 Mr. Stauffer, please?

14 **MR. STAUFFER:** Thank you sir.

15 All right. Inspector, so just out of
16 curiosity, when you saw this mistake as you see it on page
17 2, did you take it up with anybody at the OPP? I'm talking
18 about two weeks ago. Did you take it up with somebody at
19 the OPP?

20 **MR. TREW:** No.

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

22 Because, again, sir, you have some problems
23 with this. I just wondered, do you have any contacts any
24 more with these gentlemen that you dealt with at the OPP?

25 **MR. TREW:** First of all, the two gentlemen

1 you're talking about would be Inspector Tim Smith and
2 Inspector Pat Hall now?

3 **MR. STAUFFER:** Right.

4 **MR. TREW:** I believe both those gentlemen
5 are retired.

6 **MR. STAUFFER:** All right.

7 **THE COMMISSIONER:** I think the more
8 important question is, did you raise this with anyone in
9 the last two weeks?

10 **MR. TREW:** Sir, not with the Ontario
11 Provincial Police ---

12 **THE COMMISSIONER:** No ---

13 **MR. TREW:** --- and no, I didn't, no I did
14 not.

15 **THE COMMISSIONER:** Sir, come on now. Let's
16 just -- did you raise it with anyone?

17 **MR. TREW:** No.

18 **THE COMMISSIONER:** Okay. Thank you.

19 **MR. CALLAGHAN:** In fairness, sir, he raised
20 it with me and I spoke to OPP. But that -- I don't
21 understand the relevance of this to this Inquiry.

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

23 **MR. CALLAGHAN:** And two weeks -- within the
24 last two weeks, everybody's represented here.

25 **THE COMMISSIONER:** I agree 100 percent with

1 that part. But Mr. Callaghan, please, please ---

2 MR. CALLAGHAN: Well ---

3 THE COMMISSIONER: No, no. Just a minute.
4 I'm asking the questions here.

5 MR. CALLAGHAN: I appreciate that.

6 THE COMMISSIONER: I just asked him, did you
7 raise it with anyone; he says "No". You know, he could
8 have said, "I raised it with my lawyer", and that would
9 have been fine.

10 MR. CALLAGHAN: That was a discussion. I
11 mean, I don't want to go and -- we're sitting there
12 preparing. This document was not produced to him when the
13 original documents were produced. It came out with the
14 Book of Documents. We went over it. The concerns he is
15 raising now, he raised with his counsel.

16 MR. TREW: May I speak, sir?

17 THE COMMISSIONER: Okay.

18 MR. TREW: In fairness to Mr. Callaghan, he
19 showed me the document.

20 THE COMMISSIONER: Right.

21 MR. TREW: We went through the document
22 quickly. I personally cannot truly recall this particular
23 sentence that we're stuck on; raising a question about this
24 particular sentence. And that's what the question is all
25 around right now ---

1 THE COMMISSIONER: All right.

2 MR. TREW: --- is this particular sentence.

3 THE COMMISSIONER: All right.

4 MR. TREW: I can't recall that.

5 THE COMMISSIONER: All right.

6 MR. STAUFFER: What other points in this
7 news conference release do you disagree with?

8 MR. TREW: May I have a moment, please?

9 MR. STAUFFER: Of course.

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. TREW: As you can see, sir, there's --
12 there's eight -- there's eight pages that were involved in
13 this information package.

14 MR. STAUFFER: I'm sorry?

15 MR. TREW: There's eight pages involved in
16 this information package ---

17 MR. STAUFFER: Yes.

18 MR. TREW: I -- I ---

19 MR. STAUFFER: I've ---

20 MR. TREW: --- I'm not ---

21 MR. STAUFFER: --- got nine pages in my
22 document.

23 MR. TREW: You have nine?

24 MR. STAUFFER: Well there's a ---

25 MR. TREW: Okay.

1 MR. STAUFFER: --- a page nine.

2 MR. TREW: I ---

3 THE COMMISSIONER: Sir?

4 MR. TREW: There is a terms in the document
5 -- it is my own personal opinion that terms such as
6 paedophiles; that term is often overused. It is often used
7 for a blanket effect of sexual abusers.

8 My education and training and policing
9 refers to paedophiles as pre-puberty and I disagree with
10 the fact that young male victims of the ages of, let's say,
11 above 13 are a paedophile victim.

12 THE COMMISSIONER: All right. That's number
13 two; what else?

14 MR. TREW: In March of 1997 ---

15 THE COMMISSIONER: Oh, I'm sorry; could you
16 refer ---

17 MR. TREW: Oh ---

18 THE COMMISSIONER: --- to the page?

19 MR. TREW: --- sorry.

20 THE COMMISSIONER: Yes.

21 MR. TREW: In page 7 ---

22 THE COMMISSIONER: M'hm.

23 MR. TREW: --- as it's written ---

24 THE COMMISSIONER: Where?

25 MR. TREW: The last paragraph "In March of

1 1997..."

2 THE COMMISSIONER: Yes.

3 MR. TREW: After that '97, you see all of
4 the information was provided to Detective Inspector Smith
5 and he was assigned to investigate the news allegation.

6 THE COMMISSIONER: The new allegation.

7 MR. TREW: The new allegation, sorry.

8 THE COMMISSIONER: Okay.

9 MR. TREW: Sorry.

10 THE COMMISSIONER: And you're ---

11 MR. TREW: I -- I disagree with that
12 because, first of all, we were still dealing with Constable
13 Dunlop and Inspector Smith and this is going on in the
14 latter part of 1997.

15 THE COMMISSIONER: M'hm.

16 MR. TREW: He did not receive all of the
17 information at that time.

18 THE COMMISSIONER: Okay, he may have
19 believed he did; would that be fair?

20 MR. TREW: Enough information for him to
21 certainly continue with the investigation.

22 THE COMMISSIONER: Inspector Smith?

23 MR. TREW: Yes.

24 THE COMMISSIONER: Yes, m'hm. Okay. And
25 you're saying that "he" being Mr. Dunlop was assigned to

1 investigate the new allegations.

2 MR. TREW: No, the person who was assigned
3 to investigate the new allegations was Inspector Tim Smith.

4 THE COMMISSIONER: Okay, m'hm.

5 MR. STAUFFER: Okay. Are there any others,
6 Inspector, because I want to go back over a couple of
7 points that you've made, but are there any others? Let's
8 just have ---

9 MR. TREW: Yes.

10 MR. STAUFFER: --- a complete list.

11 MR. TREW: Page number 8, last paragraph:

12 "Although there's definitely multiple
13 victims in sexual assault cases like
14 this, the 200 or 300 victims, by the
15 time he reaches the age of 50..."

16 Again, that's sheer speculation and it's --
17 it's -- it's hard for myself as an investigator to swallow
18 200 or 300 victims. There's definitely victims; I'll agree
19 with that.

20 THE COMMISSIONER: Okay. But just on that
21 point, you don't know whether it's speculation or not.

22 MR. TREW: Well ---

23 THE COMMISSIONER: I mean, he---

24 MR. TREW: --- they're speculating in here
25 so I don't agree with it.

1 **THE COMMISSIONER:** You don't know whether he
2 consulted Statistics Canada or some ---

3 **MR. TREW:** Okay, it -- from what -- my
4 experience there -- there has never been -- ever any a
5 quote of any kind of this thing whether it's in Stats
6 Canada that I've viewed in my career or not that there's
7 200 or 300 victims on one abuser and I have a hard time
8 with the credibility of that particular sentence.

9 **THE COMMISSIONER:** Okay. So you don't know
10 what it's based on though. You find it surprising or you
11 question that, but you don't know whether it was researched
12 or not.

13 **MR. TREW:** To my -- to my knowledge, I don't
14 know if it was rather researched or not.

15 **THE COMMISSIONER:** Right.

16 **MR. TREW:** But to my experience, it was
17 never brought out in policing circles or in -- in
18 education.

19 **THE COMMISSIONER:** Okay.

20 **MR. STAUFFER:** Okay.

21 And, Inspector, are there any other matters
22 that you'd like to point out before I go back?

23 **MR. TREW:** In page number 3 ---

24 **THE COMMISSIONER:** One (1), 2, 3.

25 **MR. TREW:** --- third paragraph, the

1 sentence:

2 "It was learned the complainant had
3 been negotiating with the probation
4 officer and his lawyer..."

5 And it continues:

6 "...the same lawyer who had represented
7 the Diocese in the previous
8 settlement)."

9 When you're speaking to me, sir, on that, I
10 was not aware of that.

11 **THE COMMISSIONER:** Okay.

12 **MR. TREW:** So therefore, I would disagree
13 with that statement. I -- we were not aware of it.

14 **MR. STAUFFER:** By "we" you mean anyone
15 within the Cornwall Police Service?

16 **MR. TREW:** No, the -- by way of "we" I guess
17 I should say, I was not aware of it because I was the
18 Liaison Officer with the Ontario Provincial Police on this
19 matter.

20 **MR. STAUFFER:** Okay. Any other points?

21 **MR. TREW:** No, sir.

22 **MR. STAUFFER:** All right.

23 Now, Inspector, I'm going to ask you a few
24 questions here in terms of what I think may be inaccurate.
25 On page 3 just dealing with that page you were just on, it

1 says at the very top:

2 "In November of 1993, the
3 complainant's statement was disclosed
4 to the press."

5 Do you know that to be a true statement or a
6 false or an inaccurate statement, I guess, would be more
7 accurate? An inaccurate statement; what do you have to say
8 about that? Is it ---

9 **MR. TREW:** The only knowledge I have is what
10 the media printed in the -- the -- the local paper.

11 **MR. STAUFFER:** Okay, but if I suggested to
12 you that it's after November of 1993 that the Silmsler
13 statement became public knowledge; do you know or do you
14 not know?

15 **MR. TREW:** I don't know if that's
16 inaccurate.

17 **MR. STAUFFER:** That it's in January of 1994.

18 **MR. TREW:** I don't know if that's an
19 accurate statement.

20 **MR. STAUFFER:** All right. Now, I'm going to
21 ask you, sir, to turn to page 6 of this document, right to
22 the bottom where they're talking about Constable Dunlop so
23 the "he" I think, refers to him where it says:

24 "He stated his concerns for the safety
25 of children in that area and that a

1 clan of paedophiles was still operating
2 with impunity in the Cornwall area."

3 So I think you've told us from yesterday
4 that you did not believe there was a clan of paedophiles
5 operating in the City of Cornwall or in the area of
6 Cornwall, is that correct?

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

8 **MR. STAUFFER:** All right. So the statement
9 as you've already seen or the release -- the news
10 conference release goes on on page 8 -- you've already
11 referred to this -- to this study or studies about abuse
12 and trying to figure out how many possible victims there
13 are and you've told the Commissioner you disagree with
14 that. Now, I'm no mathematician, but if you try to
15 multiply all of these victims by 18 alleged paedophiles, I
16 guess you have a pretty large number; do you see what I'm
17 referring to here?

18 **MR. TREW:** Yes.

19 **MR. STAUFFER:** Okay, so if we just look at
20 all this for a moment as a member of the public -- assuming
21 a member of the public -- the press gets this news
22 conference release. Okay, what we have is this; we've got
23 the documents saying the expression "clan of paedophiles,"
24 it doesn't say that one exists, but it says "clan of
25 paedophiles," do you agree with me there?

1 **MR. TREW:** Yes.

2 **MR. STAUFFER:** Okay. Then you go to page 8
3 and you've got this fairly large potential number of
4 victims, right? If someone tries to do the arithmetic,
5 they've got a large number of potential victims now, in
6 their minds, from this document; would you agree with me
7 there?

8 **MR. TREW:** Your scenario ---

9 **MR. STAUFFER:** Yes.

10 **MR. TREW:** --- yes.

11 **MR. STAUFFER:** All right. Sir, am I right
12 in thinking -- and please tell me if I'm wrong here, but
13 does this document not create the image of a potential clan
14 of paedophiles. We have this expression in the document
15 then we have this reference to "studies" where now we have
16 hundreds of potential victims out there. Is that not a
17 potential image that would be created in the mind of the
18 reader by looking at this?

19 **MR. TREW:** It would be my opinion that
20 someone reading this information would have concerns in
21 regards to how many victims are truly out there.

22 **MR. STAUFFER:** All right. So if you can
23 remember -- now we're going back to 1995 when you're --
24 have I got the date right here? Sorry we're going back to
25 1997 September 25th 1997 when you're sitting there.

1 If you can cast your mind back to that time,
2 do you remember having any reaction to this document at
3 all? I think you've told us you didn't read it but I want
4 to be totally fair with you here. Do you have any
5 recollection of having any reaction at all at that press
6 conference?

7 **MR. TREW:** I don't recall reading it, sir.

8 **MR. STAUFFER:** Okay. Do you recall as a
9 result of any questions being put to you because I gather
10 that the Commissioner I think asked you this and I'm pretty
11 sure you answered it. This is a press conference, there
12 are media there. Is that not correct?

13 **MR. TREW:** That's correct.

14 **MR. STAUFFER:** I mean your picture and the
15 pictures of these gentlemen appear in the newspaper?

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

17 **MR. STAUFFER:** Right. So do you have any
18 recollection of questions being asked such as, "What do you
19 have to say about a clan of pedophiles existing?" Do you
20 have any recollection ---

21 **MR. TREW:** There was one question I believe
22 put to me and it was in regards to our part in the ongoing
23 investigations.

24 And I explained to the reporter, I believe,
25 of the day that we were there to be a liaison officer with

1 the Cornwall Police Service to the Ontario Provincial
2 Police and to assist them in any way we possibly could to
3 enhance and further these investigations.

4 **MR. STAUFFER:** Okay. Do you know if the
5 Chief of the day, and I guess it would have been Chief Repa
6 at this point in 1997?

7 **MR. TREW:** Yes.

8 **MR. STAUFFER:** Okay. Would you know if
9 Chief Repa would have received a copy of this document?

10 **MR. TREW:** You'd have to ask him.

11 **MR. STAUFFER:** All right.

12 Are you concerned at all, sir, having read
13 this document that your Service, the Cornwall Police
14 Service, should have done something to dispel this rumour
15 of a "clan of pedophiles" as set out in it? Because I'm
16 assuming this is a public document that must have gotten to
17 your Service. Am I right -- am I wrong in that assumption?

18 **MR. TREW:** Yes, sir, you're wrong.

19 **MR. STAUFFER:** Okay. So this document that
20 has your name on it ---

21 **MR. TREW:** No, my name is in the front, sir

22 ---

23 **MR. STAUFFER:** Yes.

24 **MR. TREW:** --- but it's not my written
25 document.

1 **MR. STAUFFER:** I appreciate that
2 distinction.

3 This document that has your name printed on
4 the front cover under the other two officers' names, you're
5 saying as far as you know never reached the Cornwall Police
6 Service up until, I don't know ---

7 **MR. TREW:** No, sir, I'm saying personally I
8 did not see this document.

9 **MR. STAUFFER:** --- if ---

10 **MR. TREW:** You're putting something in my
11 mouth or putting something in words that I cannot answer to
12 you properly ---

13 **THE COMMISSIONER:** Didn't you ---

14 **MR. TREW:** I've already said that.

15 **MR. STAUFFER:** Okay. That's the extent of
16 your knowledge as the liaison officer who's tasked with
17 dealing with the OPP, you do not know if this news
18 conference release ever came into the hands of anyone in
19 management at the Cornwall Police Service?

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

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

22 Sir, are you familiar with Nelson Barque?

23 **MR. TREW:** I'm aware of the name.

24 **MR. STAUFFER:** Yes, because there's an
25 allusion I believe to Nelson Barque in this document where

1 there's discussion about a probation officer?

2 **MR. TREW:** I took it as another probation
3 officer.

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

5 **MR. TREW:** I took it as another probation
6 officer.

7 **MR. STAUFFER:** Who was the other probation
8 officer?

9 **MR. TREW:** Are we allowed to say that name
10 here?

11 **THE COMMISSIONER:** Yes. Which one? Well,
12 I don't know.

13 Ken Seguin?

14 **MR. STAUFFER:** Yes.

15 **THE COMMISSIONER:** Oh, yeah.

16 **MR. STAUFFER:** Oh, yeah.

17 **THE COMMISSIONER:** Okay, we both see that
18 name.

19 **MR. STAUFFER:** Yes, Ken Seguin, I believe is
20 referred to by the tragic comment that a suicide had taken
21 place.

22 **MR. TREW:** So I didn't -- when I read this
23 document again last night I didn't recall Nelson Barque.
24 Nelson Barque didn't come to my mind.

25 **MR. STAUFFER:** Okay, just bear with me for a

1 moment. I apologize, I'm going to have to find this in
2 the document.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. STAUFFER: Now, if you turn to page 8
5 for a moment above the paragraph that you've been looking
6 at about the studies and the abuse of pedophiles, it says:

7 "Two of the suspected pedophiles
8 identified in the previous
9 investigations have since been charged
10 with sexual offences in separate
11 investigations conducted by the
12 Cornwall Police Service and the OPP,
13 Upper Canada Detachment. These
14 individuals are alleged to be part of
15 the "plan". One former probation
16 officer has been dealt with by the
17 courts the other, a school teacher, is
18 still before the courts."

19 So, again, sir, if you can tell me -- if you
20 can't of course tell us that -- but I am assuming that the
21 expression "a former probation officer" refers to Nelson
22 Barque or do you ---

23 MR. TREW: Reading it right now, sir, yes,
24 I'll agree with that.

25 MR. STAUFFER: All right.

1 So back in '97 when you're attending the
2 news conference, are you aware of Nelson Barque. Do you
3 know him back then, that name?

4 **MR. TREW:** Yes.

5 **MR. STAUFFER:** Okay. Do you know that he
6 has been charged and that he's been dealt with, as it says
7 here in the news conference report, by the courts?

8 **MR. TREW:** Yes.

9 **MR. STAUFFER:** Okay. At that time back in
10 '97, do you make any type of connection between the fact
11 that Mr. Barque has been charged and convicted and the fact
12 that there was an allegation by Mr. Silmsler against Ken
13 Seguin? Do you have --- do you make any kind of connection
14 in your mind that there are two probation officers, one
15 who's been convicted, the other against whom an allegation
16 was made by Mr. Silmsler?

17 **MR. CALLAGHAN:** Can we situate the witness
18 as to the time we're talking about? Are we talking about -
19 --

20 **THE COMMISSIONER:** Nineteen-ninety-seven
21 (1997).

22 **MR. CALLAGHAN:** And '97 as opposed to ---

23 **THE COMMISSIONER:** Right at ---

24 **MR. CALLAGHAN:** --- at the time of this in
25 '94?

1 **THE COMMISSIONER:** Right at this press
2 conference.

3 **MR. STAUFFER:** Okay. So just take your
4 time, Inspector. You're at the news conference, okay? Do
5 you have any recollection at that point of making a
6 connection in your mind between the fact that Nelson Barque
7 has been convicted of sexual abuse and that Ken Seguin was
8 alleged to have abused someone?

9 **MR. TREW:** You're asking me at the time of
10 the news conference? No. Again, I did not have this
11 document in front of me.

12 **MR. STAUFFER:** Right.

13 **MR. TREW:** Therefore I would not make a
14 correlation or perhaps thought process that these two
15 individuals work in a probation office.

16 **MR. STAUFFER:** Okay. Let's leave -- let's
17 completely leave the news conference document aside.

18 In the case of Nelson Barque, your Service
19 was responsible I believe for some of the investigation was
20 it not of Mr. Barque?

21 **MR. TREW:** I believe we did charge him.

22 **MR. STAUFFER:** All right. And are you head
23 of CIB at that time?

24 **MR. TREW:** If you give me dates I could say
25 "yes" or "no".

1 **MR. STAUFFER:** Okay. I can't give you the
2 exact date but I am -- are we in agreement, Mr. Callaghan,
3 that Mr. Trew was in charge of CIB at the time when Mr.
4 Barque was arrested?

5 **MR. CALLAGHAN:** That I'm not sure because I
6 don't have the dates of Mr. Barque, but I think it's either
7 -- it's about '93 or '94. It depends on when the exact day
8 it was.

9 **MR. TREW:** Ninety-three ('93) or '94, I was
10 on sick leave.

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

12 **MR. STAUFFER:** Well, you returned to work in
13 December of 1993.

14 But in any event, whether or not you're the
15 head of CIB at the time, sir, I simply want to know do you
16 have any recollection of Nelson Barque and your Service
17 being involved in the investigation and charging Mr. Barque
18 and him being dealt with by the courts. Do you have any
19 recollection of that?

20 **MR. TREW:** Yes.

21 **MR. STAUFFER:** When you had a recollection
22 of that fellow's name back then when Mr. Barque is being
23 dealt with by your Service, at that time or subsequent did
24 you ever make a connection between Mr. Barque and Mr.
25 Seguin as possibly having any kind of connection. The ---

1 **MR. TREW:** Until Mr. Seguin's suicide and
2 reporting of that in the newspaper, there was no connection
3 in my mind of -- to the best of my recollection, that I
4 ever put two-and-two together about Mr. Seguin and Mr.
5 Barque.

6 **THE COMMISSIONER:** Of course not and I don't
7 think -- but after that, after his suicide, that's what
8 he's asking.

9 **MR. TREW:** Okay, could I have the question
10 again, please, in regards to ---

11 **MR. STAUFFER:** Well ---

12 **MR. TREW:** What point are we trying to drive
13 at here?

14 **MR. STAUFFER:** I want to know, sir, as the
15 head of CIB, did you ever make a connection between Mr.
16 Barque and Mr. Seguin as to whether there was any
17 relationship between them in terms of the charge against
18 one and the allegation against the other?

19 **MR. TREW:** Both the one charge and the
20 allegation, obviously I saw after the death of Mr. Seguin.
21 I sat back and thought about what was taking place, but as
22 far as putting two and two together, you're asking me a
23 difficult thing to do here, sir.

24 I mean first of all, we're drawing back on
25 memory again, where no notes have been taken, and you're

1 asking me but yet you're telling me in stern words at times
2 that you should know better or you should remember.

3 And I'm trying to say to the court, and to
4 the Inquiry here, to the best of my recollection I don't
5 recall sitting down and putting that together. I do recall
6 the names, I do recall the individuals and I do recall
7 thinking about it. I'll go that far, sir.

8 **MR. STAUFFER:** All right.

9 Did you ever think -- perhaps you did do
10 this. Let me ask you this.

11 Did you ever speak to any area manager of
12 Probations -- I'm putting a very general question to you
13 here -- did you ever speak to the Area Manager of
14 Probations in Cornwall?

15 **MR. TREW:** Did I ever speak to any area
16 manager?

17 **MR. STAUFFER:** Correct.

18 **MR. TREW:** Other than saying hello, no.

19 **MR. STAUFFER:** Okay. Because the more specific
20 question is, did you ever speak to an area manager about
21 any concerns regarding Ken Seguin or Nelson Barque?

22 **MR. TREW:** When we're starting to talk about these
23 concerns, sir, the Cornwall Police has already asked for
24 another service to come in to investigate these
25 allegations.

1 **THE COMMISSIONER:** No. That's not the
2 question, sir.

3 The question is, did you ever speak to any
4 manager from Manpower -- or from Probations, about any
5 concerns about Nelson Barque and Mr. Seguin?

6 **MR. TREW:** No, I didn't ---

7 **THE COMMISSIONER:** Given the fact that
8 you've answered that you've only ever spoken to say hello,
9 I guess the answer's "no"?

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

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

12 **MR. STAUFFER:** Okay. Again, sir, could I
13 ask, because yesterday you were candid to say that you had
14 talked to the gentleman who was involved at Big Brothers
15 over the question whether Jacques Leduc was a member of Big
16 Brothers. Do you remember telling us that?

17 **MR. TREW:** Yes.

18 **MR. STAUFFER:** Okay. I'm just concerned as
19 to the fact that you might spoken at some point to the Area
20 Manager of Probations and made some discreet inquiries
21 about Mr. Seguin, Mr. Barque. That's really where I'm
22 going but I gather you never did?

23 **MR. TREW:** No.

24 **MR. STAUFFER:** All right.

25 Sir, I have two last areas and one deals

1 again with files.

2 We heard I believe from Constable Malloy
3 that he would occasionally put a file into abeyance; you I
4 think used that word yourself yesterday. Does that have a
5 meaning? Does it have some technical meaning in your
6 Police Service?

7 **MR. TREW:** My interpretation that the file
8 has to be -- cannot go any further at this time. It's put
9 in abeyance but it's not closed.

10 **MR. STAUFFER:** Okay.

11 **MR. TREW:** If further information comes
12 forward or perhaps new information comes to light, the file
13 will be continued and reports and investigations will go
14 from there.

15 **MR. STAUFFER:** Okay. When does a file ever
16 leave the investigator's office? Constable Malloy was
17 giving the impression, I could be wrong about this, that if
18 a file was in abeyance it would be put into a box, if you
19 will, or into some kind of storage but more or less in his
20 office.

21 Is that the way it was when you were in CIB
22 as the Officer-in-Charge?

23 **MR. TREW:** There's a transition period
24 between hard copy and OMPPAC ---

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

1 **MR. TREW:** --- prior to OMPPAC that would be
2 the case. There would be a file that would be left in the
3 office, in a filing cabinet, perhaps under the officer's
4 name or perhaps under the victim's name.

5 **MR. STAUFFER:** Right.

6 **MR. TREW:** From the beginning of OMPPAC or
7 thereabouts to today, files are dictated -- sorry,
8 occurrences and supplements are dictated and they go
9 directly to an automated OMPPAC file.

10 **MR. STAUFFER:** Really?

11 **MR. TREW:** So that would not be physically
12 in the officer's area.

13 **MR. STAUFFER:** Are files in the OMPPAC
14 system -- or were they because I appreciate OMPPAC has now
15 been superseded by another system, but were the files in
16 the OMPPAC system deleted at some point then if I can use
17 that word?

18 **MR. TREW:** There's retention ---

19 **MR. STAUFFER:** Were they ---

20 **MR. TREW:** There's retention by-laws if
21 that's what you're speaking of, sir, over a period time.

22 There would have been back in the '80s a
23 retention by-law and after a certain period of time, files
24 would be eliminated or taken out of the system.

25 **MR. STAUFFER:** Right. So when you're --

1 let's deal with a specific time period here. While you
2 were in charge of CIB, what is the policy for file
3 retention at that point?

4 **MR. TREW:** I don't have the specifics in
5 regards to times for certain files. They ranged at a
6 different time. Some of them could be held for five years,
7 some of them could be held for a lot longer than five.

8 **MR. STAUFFER:** Would any files that had the
9 earmark of historical sexual child abuse, would they have
10 any special designation as to how long they were to be
11 held?

12 **MR. TREW:** I'm going to suggest that files
13 of interest would be held longer, especially if a file is
14 not closed, obviously.

15 **MR. STAUFFER:** Yes. I think that's what
16 we're talking about here ---

17 **MR. TREW:** Is that what you're talking ---

18 **MR. STAUFFER:** Yeah, these are old files ---

19 **MR. TREW:** A file that's not closed then is
20 still not classified as put away, if I can say that. If
21 you're talking about the file that's in abeyance, then it
22 really hasn't gone to historical filing.

23 **MR. STAUFFER:** It's still where then? Where
24 --

25 **MR. TREW:** If it's prior to OMPPAC it would

1 perhaps be ---

2 MR. STAUFFER: No, after OMPPAC?

3 MR. TREW: Then it would still ---

4 MR. STAUFFER: While you're in charge of
5 CIB. That's the timeframe we're talking about.

6 MR. TREW: It should still be on the system.

7 MR. STAUFFER: Okay. Finally, sir, in terms
8 of your involvement, I understand that you assisted or were
9 involved in the creation of a diocesan protocol with
10 respect to the reporting of alleged sexual abuse.

11 Am I right?

12 MR. TREW: Yes.

13 MR. STAUFFER: Can you just give us, give
14 the Commissioner, the briefest background here as to how
15 you became involved in that, what brought that on, and so
16 on?

17 MR. TREW: I was contacted by CAS and they
18 wanted a representative -- I believe the Chief was
19 contacted by CAS, and they wanted a representative to sit
20 in a group to ensure that there was involvement from the
21 community agencies in regards to making up a policy, or a
22 protocol for the Catholic diocese, in order for the
23 reporting of alleged sexual abuse.

24 MR. STAUFFER: All right.

25 How much involvement did you have?

1 **MR. TREW:** I can recall having two meetings.
2 I believe the first one was -- the document was in draft
3 form and we sat and went over it and had discussions on it.

4 I was asked my input in regards to when the
5 police should be notified and contacted. I was also asked
6 my input in regards to the whole document but my main
7 concern was when we were notified and also the -- I believe
8 in regards to the alleged individual that there were some
9 concerns of safety there, there was -- if it was a safety
10 issue, to have this individual taken away from his duties.

11 **MR. STAUFFER:** All right.

12 Was there any input from you as to whether
13 officers would be allowed free access, for example, to
14 diocesan records with respect to any kind of investigation?

15 Did it go into that kind of detail?

16 **MR. TREW:** I don't remember that, sir.

17 **MR. STAUFFER:** Was there any discussion or
18 input from you as to whether an alleged priest, seminarian,
19 the various categories of individuals covered by the
20 protocol, were to co-operate with any investigating
21 officer. Was there ever any input from you on that? Or
22 was that a concern of yours?

23 **MR. TREW:** I think the way the document was
24 written our -- my main concern was that the reporting
25 system was in place. Our other concern was that it flowed

1 down through the list. I haven't got this document in
2 front of me.

3 **MR. STAUFFER:** No, well, I'm not to
4 concerned about the document ---

5 **MR. TREW:** Well, sir, you're asking me to
6 recall again, and that's quite a few years ago.

7 **MR. STAUFFER:** Well, I'm asking you if you
8 can recall what input you had or more accurately what
9 concerns you had. And I put two potential concerns to you.

10 **MR. TREW:** That's the recall I have, sir,
11 which I've stated.

12 **MR. CALLAGHAN:** I don't know why it would be
13 unfair to let the witness see the document of which we are
14 referring. It seems to me that he's asked to refresh his
15 memory by looking at the document. Is there a problem ---

16 **MR. STAUFFER:** Well, I'm not asking to
17 refresh his memory by looking at the document. I'm asking
18 him what he recalls in terms of discussions or input he had
19 when he met with the various people on this Committee.
20 That's what I'm asking. But if you want to show him the
21 document later, that's fine. But I'm ---

22 **MR. CALLAGHAN:** I would have thought
23 fairness would suggest you show him now, but if you don't
24 want to do that that's fine.

25 **THE COMMISSIONER:** Well, I no, no, no.

1 **UNIDENTIFIED SPEAKER:** Your Honour, the
2 witness has asked ---

3 **THE COMMISSIONER:** No, no, no, whoa, whoa,
4 you sit down. Sit down, please. He has asked that -- he's
5 saying my memory is such that maybe that he should look at
6 the document, Mr. Stauffer.

7 **MR. STAUFFER:** Absolutely.

8 **THE COMMISSIONER:** So, yes in fairness.

9 **MR. STAUFFER:** Of course.

10 **THE COMMISSIONER:** We've got lots of
11 documents here; please show it to him.

12 **MR. STAUFFER:** Yes, sir.

13 **THE COMMISSIONER:** What exhibit is it?

14 **MR. STAUFFER:** Just give me one moment.

15 Thank you. Seven three three eight five
16 three (733853).

17 **MR. SHERRIFF-SCOTT:** Mr. Commissioner?

18 **THE COMMISSIONER:** Yes.

19 **MR. SHERRIFF-SCOTT:** I'd like to suggest
20 that it's already an Exhibit ---

21 **THE COMMISSIONER:** I know ---

22 **MR. SHERRIFF-SCOTT:** --- in the Diocese and
23 corporate presentation, but might have him mark it again
24 for his identification.

25 **MR. STAUFFER:** I'm sorry. It is 733853. It

1 is a one page, well, I apologize, it's not a one page
2 document. There are a number of documents which all bear
3 the Document Number 733853

4 **MR. SHERRIFF-SCOTT:** It's 733853/1 and /2;
5 /1 is English, /2 is French.

6 **THE REGISTRAR:** I just need the Bates page.

7 **MR. STAUFFER:** The Bates page is 7132265.
8 And then it goes on from there 66, seems to jump to 73 and
9 then 75, 76, 77, 78, 79. Those are the ---

10 **THE COMMISSIONER:** Let's take a short break.

11 **MR. STAUFFER:** Yes, sir.

12 **THE COMMISSIONER:** Find the document.
13 Please look at it during the break and then we can get to
14 it.

15 **MR. TREW:** Thank you, sir, appreciate it.

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

18 This hearing will resume at 10:30.

19 --- Upon recessing at 10:18 a.m./

20 L'audience est suspendue à 10h18

21 --- Upon resuming at 10:48 a.m./

22 L'audience est reprise à 10:48 a.m.

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

25 This hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 RICHARD WILLIAM TREW, Resumed/Sous le meme serment:

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

4 STAUFFER (cont'd/suite):

5 THE COMMISSIONER: Thank you. Now where
6 were we?

7 MR. STAUFFER: Yes, thank you Mr.
8 Commissioner.

9 Mr. Commissioner, Inspector Trew has been
10 shown a document which is -- I'll call it a protocol with
11 respect to the Diocese of Alexandria-Cornwall. And quite
12 frankly I only had a couple of questions and they didn't
13 really relate to the document but now that you've seen the
14 document, could I just ask you to identify, sir -- there's
15 a signature of Bishop Larocque and a date of June 21st, 1995
16 at the bottom of the front page, is this the protocol in
17 which you had some involvement?

18 MR. TREW: Yes.

19 MR. STAUFFER: All right.

20 And the questions really I had earlier, I
21 just want to be sure I had the answer, and I apologize if
22 you feel that you have already answered them but let me ask
23 you one more time. Before the document is created, that is
24 the June 21st, 1995 document, did you have any input into
25 the document? And I have two specific areas; one is did

1 you have any concerns as to whether there would be free
2 access by the investigator to the alleged perpetrator's
3 documents and so on? That is, whether you would be able to
4 carry out a proper investigation to see what documents
5 might relate to the alleged perpetrator.

6 I just want to know if you expressed that
7 concern, not necessarily in those words but if you had a
8 concern about free access to the ---

9 **MR. TREW:** The Police Service had a concern
10 about free access to the notes and the investigation and
11 the reporting of the individual that we could go over. And
12 I think in the paragraph on the first paragraph, the person
13 receiving the complaint should not -- not accept nor
14 withhold any material proof. That was discussed as a
15 concern of the Cornwall Police Service.

16 **MR. STAUFFER:** Okay, and -- but I'm talking
17 more -- and I don't know if we're talking at cross-purposes
18 here. I'm talking about the police's wish to be able to
19 have access to the alleged perpetrator's file, if I can put
20 it that way. You know, whether there is a file kept on him
21 by the Diocese, whether he has personal notes, that kind of
22 thing. I just wondered if you had that concern.

23 **MR. TREW:** Sitting here, drafting this up,
24 this protocol, I did not have that concern. I would have
25 that concern if we're doing an investigation and we're

1 asking the Diocese for information and if the Freedom of
2 Information of the time would bar us from that, we would go
3 get a search warrant.

4 **MR. STAUFFER:** Okay. And with respect to
5 the co-operation, if I could put it generally, of the
6 alleged perpetrator and his superior, was there discussion
7 about that or did you voice a concern that you wanted to be
8 sure if somebody was having an allegation against them,
9 that you'd have free access to that person, there wouldn't
10 be a problem with respect to speaking to him? You follow
11 what I'm saying?

12 **MR. TREW:** I believe we're dealing with a
13 criminal investigation and when speaking with an alleged
14 person, he has rights to speak to us or not speak to us.
15 It falls under the Charter ---

16 **MR. STAUFFER:** And I understand that. I
17 just wondered in terms of both him and his superior, was
18 there any discussion about it that there'd be cooperation
19 from, if you will, the Diocese, for lack of a better term?

20 **MR. TREW:** There definitely would be
21 cooperation from the Church.

22 **MR. STAUFFER:** Did you have a question,
23 there?

24 **THE COMMISSIONER:** No, no let's move on.

25 **MR. STAUFFER:** All right.

1 Inspector Trew, in this bundle -- and I only
2 want to refer you to one thing -- there are some
3 handwritten names. It's on Bates page 7132275. There are
4 five names under a date of March 29th, 1995. It's a bit of
5 a ways in.

6 **MR. TREW:** Again, the page, sir?

7 **MR. STAUFFER:** If you look in the upper
8 left-hand corner, all those long numbers?

9 **MR. TREW:** Yes.

10 **MR. STAUFFER:** The last three are 275.

11 **MR. TREW:** Two seven five (275).

12 **MR. STAUFFER:** It's some handwriting with
13 the word "welcome" at the top. Okay. It's on the screen.

14 **MR. TREW:** It's on the screen?

15 **MR. STAUFFER:** Yes.

16 Now, I just want to confirm, sir, are those
17 five individuals the ones who made up, for lack of a better
18 term, the committee that sat and dealt with the creation of
19 the protocol?

20 **MR. TREW:** Yes.

21 **MR. STAUFFER:** Okay, and could you just,
22 just for identification purposes, who are these people?

23 **MR. TREW:** Ian Grant, Staff Sergeant with
24 the local area Ontario Provincial Police.

25 **MR. STAUFFER:** All right.

1 **MR. TREW:** Father Denis Vaillancourt, I
2 believe, was a reverend priest in the local diocese here in
3 and around the Cornwall area.

4 Reverend Gordon Finlay to my best
5 recollection was a minister in this area.

6 **MR. STAUFFER:** In the Baptist Church?

7 **MR. TREW:** I couldn't go that far, but
8 definitely protestant.

9 **MR. STAUFFER:** All right.
10 Yourself?

11 **MR. TREW:** Bill Carriere is ---

12 **THE COMMISSIONER:** We know of.

13 **MR. STAUFFER:** Yes.

14 **MR. TREW:** --- gentleman from CAS.

15 **MR. STAUFFER:** Thank you, sir.

16 **MR. TREW:** So those are the questions I have
17 about this document. Thank you for reading it, Inspector
18 Trew.

19 I have one thing that's come up in the break
20 that I have to get confirmed once and for all. I apologize
21 for belabouring this point.

22 If we turn our minds back one last time to
23 files. Before OMPPAC was created, when files are being
24 kept in hard copy -- are you with me so far, Inspector?

25 **MR. TREW:** Yes.

1 **MR. STAUFFER:** When some officer went on
2 extended leave, whether it was sick leave or whatever, what
3 would happen with the files that were in abeyance that were
4 his or her files?

5 **MR. TREW:** The hard copy is not the original
6 copy that goes to records.

7 Let's deal with one -- the initial copy goes
8 to records, it stay in records, but the officer's
9 investigative copy stays in his office in a file.

10 If the officer is on long-term sick leave or
11 away from the office for a long term and there was an issue
12 at hand in regards to new information coming in on an
13 abeyance file, the staff sergeant or sergeant in charge of
14 that office would go to that file and take that up and
15 either assign it to another officer or make a supplement
16 himself.

17 **MR. STAUFFER:** Do you remember Kevin Malloy,
18 Constable Malloy, being on extended leave at one point? I
19 think he was away for about three years?

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

21 **MR. STAUFFER:** Okay. Do you have any
22 recollection at all as to who was in charge, if you will,
23 of his files while he was on that extended period of leave;
24 those files that were in abeyance?

25 **MR. TREW:** My best recollection, sir, I was

1 on sick leave at the time also.

2 MR. STAUFFER: You were away for the full
3 three years that ---

4 MR. TREW: When did Constable Malloy go on
5 sick leave?

6 MR. STAUFFER: Well, I'm going to have to
7 find that date but we know that -- and please -- we went
8 over this at some length yesterday. I thought you were
9 away, according to your profile, from April of 19 -- just
10 give me moment here. Okay. So do you have your career --
11 here we are. It's Exhibit 1528. We have you away from
12 April 6th of 1992 -- and just take a moment there and just -
13 --

14 MR. TREW: Yes, that I'll agree with.

15 MR. STAUFFER: April 6th of 1992 until
16 December 8th of 1993. And, again, we won't go over the
17 whole thing again. I realize you returned part-time and
18 all of that, but I'm simply saying you were away from the
19 office for that period of time. Is that correct?

20 MR. TREW: That's correct.

21 MR. STAUFFER: Okay. Was there any other
22 period of time that you were away for an extended period?

23 MR. TREW: Dates that surround that example,
24 your executive bureau and senior administration, are we
25 talking about times that I'm away from CIB or times I'm

1 away from the office or times when I'm in training? What
2 are we talking about, sir?

3 **MR. STAUFFER:** Well, leaving aside the
4 training which we have a record of here in the exhibit, are
5 there any other periods when you're away sick because
6 that's the impression that you gave us a minute ago, that
7 you and Constable Malloy are away for roughly the same
8 period of time. Is that really right?:

9 **MR. TREW:** I basically asked you the date
10 that Constable Malloy did go away on sick leave, I don't
11 have that date.

12 **MR. STAUFFER:** Okay. We have a date of on
13 or about March the 8th or 9th of 1993 when Constable Malloy
14 was away.

15 **MR. TREW:** Yes.

16 **MR. STAUFFER:** For about three years.

17 **MR. TREW:** Yes.

18 **MR. STAUFFER:** Okay. And so both of you
19 were away, I guess, at the same time; we can figure that
20 one out. But you come back, he's still away?

21 **MR. TREW:** Correct.

22 **MR. STAUFFER:** Okay. So there's an
23 overlapping period when you're both away?

24 **MR. TREW:** Correct.

25 **MR. STAUFFER:** Do you know during that

1 overlapping period when you're both away -- now you've got
2 the dates and take your time here, okay -- you're away for
3 a certain period, he's away for a certain period.

4 During that overlapping period when you're
5 both away, who is in charge of his files then while they're
6 in abeyance?

7 **MR. TREW:** I believe Staff Sergeant Luc
8 Brunet.

9 **MR. STAUFFER:** Okay. Sir, I come to --
10 Inspector, I want to go to one last area before I close and
11 that is I'm right that in April of 1990 you and the staff
12 inspector and the other inspector of the time signed a memo
13 essentially supporting the six staff sergeants asking for
14 the resignation of Chief Shaver. Am I right?

15 **MR. TREW:** That's incorrect.

16 **MR. STAUFFER:** Okay. What's the story?

17 **MR. TREW:** We signed a memo ---

18 **MR. STAUFFER:** Yes.

19 **MR. TREW:** --- that we had concerns because
20 of our staff sergeants bringing concerns to us. We wanted
21 that further investigated and possibly addressed by --
22 internally by our policing service. And it went on to be a
23 private consultant that came into the Cornwall Police
24 Service and viewed the problems that we were facing.

25 **MR. STAUFFER:** Okay. So have I got you

1 right, then -- and I can show you the document, maybe we
2 should do that.

3 MR. TREW: M'hm.

4 MR. STAUFFER: Let's look at Exhibit 1347.

5 MR. TREW: Okay, sir.

6 MR. STAUFFER: All right.

7 So what I'm looking at specifically,
8 Inspector, is an April 4th, 1990 memo to Chief Shaver and
9 Deputy Chief St. Denis from the senior officers and it's re
10 Report from the Staff Sergeants.

11 So let's just start with that. Do you have
12 it ---

13 MR. TREW: There's a report from the staff
14 sergeants, yes.

15 MR. STAUFFER: Yeah, but do you have the
16 memo that I just referred to, April 4th of 1990 It's on the
17 screen, so see if you can compare it ---

18 MR. TREW: Yes.

19 MR. STAUFFER: --- to the hard copy if you
20 wish.

21 MR. TREW: Yes.

22 MR. STAUFFER: All right.

23 Is that your signature at the bottom of the
24 page?

25 MR. TREW: Yes.

1 **MR. STAUFFER:** And the Inspector Burke's
2 signature and ---

3 **THE COMMISSIONER:** Okay, we don't need to go
4 to Burke's signature.

5 **MR. STAUFFER:** Okay.

6 **THE COMMISSIONER:** That's his signature.

7 **MR. STAUFFER:** Yes ---

8 **THE COMMISSIONER:** Let's get on.

9 **MR. STAUFFER:** --- that's okay.

10 So, sir, the staff sergeants -- if we keep
11 going through this bundle -- the staff sergeants have
12 essentially said at page 2 of their signed document that
13 they're making the following recommendations. This is to
14 the Board, Board of Police Services, that the Chief tender
15 his resignation. That's the first recommendation.

16 **MR. TREW:** They're not saying that to the
17 Board, sir, they're saying that to us.

18 **MR. STAUFFER:** I see, okay.

19 And so you have said, the three of you, the
20 three inspectors:

21 "After lengthy deliberations, it is in
22 an atmosphere of sadness that we concur
23 with their concerns. We would
24 recommend one further option, that this
25 matter remain in-house and the Board

1 conduct their own inquiry."

2 So are you saying, sir, that the three
3 inspectors did not agree with the staff sergeants as to the
4 recommendation, number one recommendation, that the Chief
5 tender his resignation?

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

7 **MR. STAUFFER:** I see. Okay.

8 What was your recommendation then just to be
9 clear, Inspector? What were the three ---

10 **MR. TREW:** Our further recommendation on the
11 last sentence is that we would recommend one further
12 option, that this matter remain in-house and the Board
13 conduct their own inquiry.

14 **MR. STAUFFER:** I see. So is that the option
15 because the way it's worded, it says "one further option,"
16 is that the only recommendation ---

17 **MR. TREW:** Well, if you go back to the next
18 line, just above it:

19 "After a lengthy deliberation, it is in
20 the atmosphere of sadness that we
21 concur with their concerns."

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

23 **MR. TREW:** We didn't concur with their
24 decision.

25 **MR. STAUFFER:** I see. Okay, because that --

1 to be quite frank and maybe again it's because I'm very
2 slow, I don't see that. It's not written there.

3 MR. TREW: Well, concerns is different than
4 their recommendations.

5 MR. STAUFFER: Right.

6 MR. TREW: Concerns is -- they have ---

7 MR. STAUFFER: Okay.

8 MR. TREW: --- concerns, they come to us.

9 MR. STAUFFER: Okay, but Inspector, have I
10 got this straight then, the only recommendation that the
11 three Inspectors was making was that this matter remain in-
12 house and the Board conduct their own inquiry?

13 MR. TREW: That's -- that's my recollection,
14 sir.

15 MR. STAUFFER: That's the only
16 recommendation?

17 MR. TREW: To the best of my knowledge,
18 that's my recollection.

19 MR. STAUFFER: Okay. You realize why I'm
20 saying only because you're saying "further" in here, that's
21 why I'm saying it's the only one or is -- are there more
22 than one option; that's all I'm asking?

23 MR. TREW: Best of my recollection, we would
24 recommend one further option and that's our option; that
25 this matter remain in-house and the Board conduct their own

1 inquiry.

2 MR. STAUFFER: All right. Sir, have you had
3 an opportunity to read the morale report?

4 MR. TREW: Yes, I have.

5 MR. STAUFFER: All right.

6 MR. TREW: Yes, I have.

7 MR. STAUFFER: Okay, but again, sir, I'm
8 going to ask you to turn to it very briefly and this is
9 Exhibit 1389.

10 MR. TREW: I do not have it in front of me.

11 (SHORT PAUSE/COURTE PAUSE)

12 MR. TREW: I have it in front of me, sir.

13 MR. STAUFFER: Thank you. I simply want to
14 refer to the first page which is Bates page 7178244.

15 MR. TREW: Yes.

16 MR. STAUFFER: Again, we have no date on
17 this document, but the best estimate we have is that it's
18 sometime in 1990 that it's prepared. I gather, sir, you
19 had no involvement in the preparation of this document.

20 MR. TREW: That's correct.

21 MR. STAUFFER: And that it's prepared, to
22 the best of our knowledge, by Constable Shawn White, do you
23 know that or do you ---

24 MR. TREW: I don't know that ---

25 MR. STAUFFER: --- remember that?

1 **MR. TREW:** --- for a fact.

2 **MR. STAUFFER:** Okay. I simply want to ask
3 you if you agree or disagree with the sentence at the
4 start:

5 "There currently exists a tremendous
6 morale problem within the Cornwall
7 Police Department."

8 So we're talking back in 1990; at that time
9 was that your view?

10 **MR. TREW:** The sentence is strongly worded.
11 There was a morale problem, but "tremendous," I'm going to
12 be guarded with that.

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

14 **MR. TREW:** There was a morale problem ---

15 **MR. STAUFFER:** Yes.

16 **MR. TREW:** --- but I'm not going to agree
17 with the sentence per quote "tremendous." I will agree
18 that there was a problem with morale in the 1990s.

19 **MR. STAUFFER:** All right. Would you agree
20 with this, sir, that clearly there's a great deal of time
21 being take up by the preparation of this morale report?
22 Would you agree with me from your years on the Service that
23 this isn't something that would be banged out within a half
24 hour? This is a document, from your experience as a police
25 officer, it would take some time to prepare?

1 **MR. TREW:** Yes.

2 **MR. STAUFFER:** Would you agree with me that
3 the amount of time spent before the six staff sergeants got
4 up the courage to put their names on their document, that
5 that would have taken up a good deal of time?

6 **MR. TREW:** Do we have a timeframe here, sir?
7 Obviously, there'd be meetings; there would be some -- some
8 discussion ---

9 **THE COMMISSIONER:** A lot of thought went
10 into this.

11 **MR. TREW:** A lot of thought went into it.

12 **THE COMMISSIONER:** Okay.

13 **MR. TREW:** Yes.

14 **MR. STAUFFER:** And sir, in terms of the
15 inspectors, I agree the same; that you fellows would have
16 sat down; there would have been many discussions about
17 what's going on within the Service before you would ever
18 take up the courage to put your name on such a document.

19 **MR. TREW:** A lot of thought went into it.

20 **MR. STAUFFER:** Okay. Am I right that the
21 amount of time that was being spent on the discussions
22 within the department must have been of some significance?

23 **MR. TREW:** I can speak for us. There was a
24 couple of meetings, perhaps, a few days at the most, sir,
25 but as far as a lengthy period of time, no.

1 **MR. STAUFFER:** I see. Do you have the view
2 that the time that was being spent on the various
3 discussions and meetings and so on was time that otherwise
4 would have been spent on other police work if you were not
5 in all these discussions about the morale, the problems
6 that some saw with the Chief and so on?

7 **MR. TREW:** Sir, I'm a manager with the
8 Cornwall Police Service or was a manager with the Cornwall
9 Police Service; one of my main functions is to address
10 problems facing our subordinates and our people who work
11 for us. If there's concerns, that's one of our major,
12 major areas that we have to address, so time spent here
13 addressing that issue is time well spent. If our -- if our
14 people can see that we're trying to fix something or trying
15 to help them, then I say to you that it's time well spent.

16 **MR. STAUFFER:** Could you give us, finally
17 Inspector, any examples of what you did to improve the
18 situation? I know that's a very general question so you
19 can give a general answer, but what did you do in some form
20 of action to rectify the problems that certain people are
21 identifying within the Service?

22 **MR. TREW:** I would openly discuss with any
23 individual who cared to -- to discuss their -- their
24 problems about feeling that there was a morale problem, I
25 would try to encourage them that in policing it's a

1 negative environment to begin with. There's a quote that I
2 often use that it rains everyday in policing. We -- we are
3 a negative operation; we go on crisis situations, we go to
4 bad accidents, we see death, we see people who've been
5 abused; this affects us in a long-term to the point where
6 we become negative ourselves. And often, because we're
7 negative, we want things fixed. You have to remember that
8 the Cornwall Police Service, like other policing services,
9 is a crisis intervention system. We are very good at
10 crisis intervention, but we're not so good at fixing long-
11 term problems such as negativity. And sometimes we don't
12 even understand it's the negativity of our jobs that
13 eventually we point our fingers at each other and blame
14 each other. What I suggest, sir, it's a lot bigger than a
15 few officers in the Cornwall Police Service. It's global
16 and the -- the best terms I can put on it, okay, it's the
17 nature of the beast in our -- our service and the nature of
18 the beast is negativity. And in the end, everyone points
19 fingers at everybody, but that's not the problem; the
20 problem is what we work in.

21 **MR. STAUFFER:** Mr. Commissioner, I failed to
22 enter as an exhibit that document that Inspector Trew had
23 been referring to ---

24 **THE COMMISSIONER:** Exhibit 1532 is the
25 Diocese of Alexander-Cornwall and document dated January --

1 June 21, 1995.

2 --- EXHIBIT NO./PIÈCE NO. P-1532:

3 P-1532: (733853) Various Materials re:

4 Diocese protocol

5 **MR. STAUFFER:** Thank you, sir.

6 Inspector Trew, I thank you for your time.

7 **MR. TREW:** Thank you.

8 **THE COMMISSIONER:** Well, okay, so at this
9 point I would ask you; do you have any recommendations?
10 You don't have to, but if you wish, I certainly would
11 listen to them.

12 **MR. TREW:** Sir, I have something prepared in
13 regards to -- for your information. I don't know if
14 they're necessarily recommendations and I do not want to
15 take up your time if you feel it's not necessary.

16 I do have some information on the insight of
17 policing. I think, just recently, my last paragraph was
18 one of them that I had prepared in -- in explaining to you
19 the -- the situation that happens in police services. The
20 other situation was regards to human resources. As you ---

21 **THE COMMISSIONER:** Go ahead. Give me -- go
22 ahead.

23 **MR. TREW:** Can I? Thank you, sir.

24 In the Cornwall area, policing during the
25 '80s and '90s was very difficult for a number of reasons.

1 Modern day -- modern day policing with its new demands such
2 as *Stinchcombe-Askov* rulings and other Charter issues were
3 new to police officers.

4 I note, a lot more work with very little
5 human resource increase at our Service.

6 An explosion of smuggling issues in our
7 region produced a direct increase in the amount of serious
8 crimes that the Cornwall police had to handle. Example,
9 robberies in the late '80s to early '90s went from 15 to 55
10 a year. These crimes take a lot longer to investigate and
11 complete by our officers.

12 Another example of that is major historical
13 sexual assault cases were also investigated with successful
14 conclusion; all the while, no significant increase with
15 officer strength.

16 It is to be noted that when I became an
17 inspector in 1985, the local RCMP detachment had a total of
18 seven officers working there. By the early '90s, that had
19 grown to approximately 75 members. I hope we are starting
20 to understand how really busy the Cornwall Police Service
21 was and this was all being addressed with very little
22 increase in our officer strength. As we continued to push
23 forward during this time, a lot of our officers became ---

24 **THE COMMISSIONER:** Take your time.

25 **(SHORT PAUSE/COURTE PAUSE)**

1 **MR. TREW:** --- a lot of our officers became
2 discouraged, disenchanted, sick leave rose which compounded
3 the problems for the officers who remained.

4 Senior officers, chiefs, police boards all
5 were aware how overloaded everyone was. Human resource
6 increase was a constant topic at police management
7 meetings, chief's budgets, et cetera.

8 But during these years, government's strict
9 restraints and conservative budget increases would not
10 allow our police service to expand to meet the demands.
11 Because of these human resource issues, major problems
12 arose and there was a Band-Aid effect, a temporary fix,
13 pulling people from one source to another. Frustration
14 leads to negative attitude. No one gets relief, backs get
15 up, officers become discouraged, stressed; this leads to
16 negativity.

17 And like I've mentioned earlier to you,
18 policing is a negative environment. Officers attend P.I.
19 accidents, robberies, deaths; this is all a negative
20 situation in policing. It feels like going to work in the
21 rain every day and after a while, you don't want to go out
22 and work in the rain.

23 This when you see finger pointing and
24 policing audits, it's my opinion that, we, the police, are
25 frustrated and start to blame each other when, in fact, the

1 problem is far bigger than a few people in a policing
2 organization. It is the nature of the beast, negativity.
3 And may I suggest, it is a global problem in policing.

4 Cornwall Police officers and support staff
5 have unfairly had to endure a ridicule of a poison pen and
6 for the most part, a negative lopsided media circus. This
7 negative media storm continued for the last 15 years. The
8 media used our professional silence as a fact that we were
9 covering up when we really were trying to protect.

10 I apologize.

11 We were trying to protect the integrity of
12 the courts, the victims, and criminal cases not yet
13 completed.

14 Thank you.

15 **THE COMMISSIONER:** Thank you.

16 We'll take a short break. Thank you.

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

19 This hearing will resume at 11:30.

20 --- Upon recessing at 11:18 a.m. /

21 L'audience est suspendue à 11h18

22 --- Upon resuming at 11:33 a.m. /

23 L'audience est reprise à 11h33

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 **THE COMMISSIONER:** Thank you.

4 Mr. Trew, I want to thank you for your
5 comments. I think your comments on negativity are -- can
6 apply to a lot of examples. And I think that we're all
7 victims sometimes of the negativity of this process.

8 And so while I certainly cannot say that the
9 rain -- that any of us can compare to the rain that people
10 who dedicate their lives to protecting people have felt, I
11 think that what I have tried to do is, through this
12 Inquiry, to perhaps dissipate some of those clouds and so
13 through the reconciliation and, I guess, the healing that
14 we're doing in Phase 2. But that doesn't mean that we
15 can't do something about that in Phase 1 as well.

16 And so I understand that being a witness is
17 not an easy thing. And I understand that asking questions
18 sometimes is not an easy thing.

19 And so, if we've upset you in any way, I
20 sincerely want to apologize. This is not the place to grow
21 negativity; it's a place to try to reduce it. And so I've
22 asked everyone and myself as well, to act civilly and to
23 deal with witnesses in a sympathetic manner.

24 And I am going to use your words of wisdom
25 to continue and to re=launch that again. And so again, I

1 thank you for your words.

2 **MR. TREW:** I thank you for the time that I
3 had to compose myself, sir.

4 **THE COMMISSIONER:** No, that's fine.

5 **MR. TREW:** And your words, I appreciate very
6 much.

7 **THE COMMISSIONER:** Thank you.

8 **MR. TREW:** Thank you.

9 **RICHARD WILLIAM TREW, Resumed/Sous le même serment:**

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

11 **DALEY:**

12 **MS. DALEY:** Hello there, Inspector Trew. My
13 name is Helen Daley. I am counsel for a group called the
14 Citizens for Community Renewal.

15 **MR. TREW:** Good morning.

16 **MS. DALEY:** And that's a local citizens'
17 group whose interest lies in the reform of institutions in
18 this town.

19 I have a number of questions for you --
20 thank you -- and plenty of water. And are you all right on
21 the water front?

22 **MR. TREW:** Yes, thank you.

23 **MS. DALEY:** Okay. The first area I'd like
24 you to help us with, if you can, is this one. I want to
25 develop some further information about how you, as an

1 inspector in CIB, provide supervision to other officers,
2 and let me tell you what I've taken from your testimony to
3 date.

4 What I've taken is that the front line
5 staff, so to speak, the officers who are doing the
6 investigations, they will report directly and be supervised
7 by either a sergeant or a staff sergeant, is that correct?

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

9 **MS. DALEY:** All right. So you're not
10 involved in a supervisory capacity at that level for the
11 most part?

12 **MR. TREW:** For the most part.

13 **MS. DALEY:** And I'm assuming that as an
14 inspector, the supervision you provide is supervision of
15 either sergeants or staff sergeants; is that correct?

16 **MR. TREW:** Correct.

17 **MS. DALEY:** And I want to see if you can
18 give us a little bit more information about that. I took
19 it from your testimony in-chief that, for the most part,
20 you would talk to staff sergeants about cases that they
21 wanted to raise with you; that was the gist of what I
22 thought I heard you say in-chief. Is that more or less how
23 it worked?

24 **MR. TREW:** Yes, and an added note that there
25 were cases of interest to the Chief of Police or the Deputy

1 Chief, those cases would be raised by myself towards them.

2 MS. DALEY: All right. So that second
3 category of subject matter, if you will, those would be
4 what we've called the high profile cases; is that more or
5 less correct sir?

6 MR. TREW: The term "high profile" -- I'll
7 use cases of interest; it could be high profile, yes.

8 MS. DALEY: All right. And those would be
9 cases though that either the Deputy Chief or the Chief
10 identified as being as "high profile" such that you would
11 be directed to supervise the staff sergeant about that type
12 of case. Is that the gist of it?

13 MR. TREW: Yes.

14 MS. DALEY: Okay.

15 Now, in terms of how you conducted
16 supervision, was it a formalised occurrence or was it more
17 informal, in the sense of just conversations, conversations
18 on the ground, so to speak, while you worked?

19 MR. TREW: More informal. Those meetings
20 took place on a casual -- I want to say casual -- casual
21 atmosphere. They were more or less seeing what was
22 flowing, what was coming and going, did I have to give them
23 some information, did they have to give me some
24 information? So the meetings that took place were of a
25 casual nature.

1 **MS. DALEY:** Does it follow from that, for
2 the most part you wouldn't have an opportunity to make any
3 notes of those meetings?

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

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

6 **MR. TREW:** It wasn't my habit to making
7 notes of those meetings.

8 **MS. DALEY:** So I take it that once you're at
9 the inspector level, unless there's a specific task that
10 you're involved in, your supervision of officers doesn't
11 generate notes on your part?

12 **MR. TREW:** Correct.

13 **MS. DALEY:** I'm wondering whether, as
14 inspector, you also had any responsibility for training or
15 what I might call in-service education of the Force?

16 Is that something that you had some
17 responsibility for?

18 **MR. TREW:** During the years of the -- of
19 being an inspector with them, there was budgets often made
20 up as a result of my office. Those budgets were in
21 conjunction with input from my officers and made up and
22 then we went over that budget as a -- sometimes even as a
23 staff sergeant to inspector and then forwarded to the first
24 level of the budget process, so that nature.

25 **MS. DALEY:** And is training then an element

1 of budgeting?

2 MR. TREW: It is, because it requires time.
3 It also requires added money if the courses that we're
4 talking about are at the Ontario Provincial Police College
5 or the Canadian Police College, that requires money down
6 and money sent prior to the officer going, plus there's
7 travelling expenses. There's also the officer's salary to
8 look at.

9 MS. DALEY: I take it in your role as an
10 inspector, you would be aware of the spectrum of courses
11 that were offered to members of police services?

12 MR. TREW: Yes.

13 MS. DALEY: Now, I'm going to come back to
14 that in a moment.

15 I'm wondering, though, whether or not there
16 was ever any in-house training, if I could call it that?
17 What I mean is not sending officers away formally for a
18 Police College training course but just having an in-house
19 seminar or a get-together whereby knowledge and experience
20 could be shared with junior officers? Is that something
21 that ever happened?

22 MR. TREW: Yes.

23 MS. DALEY: And were you involved in those
24 types of activities?

25 MR. TREW: Yes.

1 **MS. DALEY:** Because what I'm imagining is
2 that, as an inspector, you would have a wealth of
3 experience and knowledge that could be transmitted to
4 junior officers about, you know, how to conduct complex
5 investigations. Is that fair?

6 **MR. TREW:** Somewhat, yes.

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

8 **MR. TREW:** I would also bring in outside
9 agencies to speak to our officers. This would be, for
10 example, Crown Attorney's Office to come in to speak on
11 perhaps recent issues or recent ruling or recent Criminal
12 Code case.

13 **MS. DALEY:** Okay. Just to use that as an
14 example or entry point for starters, as for example the
15 Charter evolved and you commented on that in your -- in
16 your final comments.

17 Would the Force have internal training about
18 that, so it would know, for example, how disclosure
19 obligations were changing?

20 **MR. TREW:** My best recollection, yes we did;
21 we had some -- some training in that. We also had the
22 Crown attorney back in on those issues. He would often
23 perhaps even go through not just the CIB but through the
24 whole Uniform Division. And when they came on duty during
25 their day shift, they would often make arrangements for

1 certain officers to attend and certain officers to be on
2 the road.

3 **MS. DALEY:** And let me also ask whether you
4 can recall; the time period would be, say, the late 1980s
5 up until 1994 when you've been off and you've returned.

6 Do you know whether in that period of time,
7 sir, there was any in-house training that pertained to the
8 investigation of sexual assault or sexual abuse?

9 **MR. TREW:** No, I can't recall that.

10 **MS. DALEY:** All right.

11 Does it follow that there was no in-house
12 program that dealt with the investigation of historic
13 allegations of sexual abuse? None that you're aware of?

14 **MR. TREW:** No training that I'm aware of.

15 **MS. DALEY:** Do you know, sir, whether or not
16 in the early 1990s -- and I'm now focusing on external
17 training opportunities, those through the Ontario Police
18 College. Do you know whether in the early 1990s,
19 there were courses available through the Police College
20 pertaining to the investigation of sexual abuse or sexual
21 assault?

22 **MR. TREW:** There was generalized courses
23 such as your CI course, which is a Criminal Investigation
24 course. There was also a Youth Criminal course offered at
25 the different establishments. They would touch on these

1 subjects but in detail, I believe not.

2 MS. DALEY: And are -- did you ever become
3 aware, in the 1990s of any OPS or other external courses
4 that were designed to help officers investigate historic
5 allegations of sexual abuse?

6 MR. TREW: Not in the early '90s, no.

7 MS. DALEY: All right.

8 I'm going to move to another topic with you
9 and this is something else I'm curious about. The general
10 idea -- the general area I want to deal with you on is how
11 did people within the service, when they were promoted into
12 a supervisory role, learn how to do that -- learn how to do
13 that job, if you understand ---

14 MR. TREW: Learn how to supervise?

15 MS. DALEY: Yes.

16 MR. TREW: Well ---

17 MS. DALEY: And I guess what I'd like to
18 know -- we can take an example from one of the cases that
19 we've spoken about here. We understand that Luc Brunet
20 had, in the beginning of 1993, very recently taken over
21 responsibility as the officer in charge of CIB. I know
22 that you were away when that happened, but that's
23 information we have here.

24 So my question, sir, is was there any in-
25 house training available to officers about how to perform

1 supervision once they received promotions that put them in
2 a supervisory role?

3 **MR. TREW:** Yes, if I can speak on my --
4 about myself and other similar officers who reached the,
5 the level of inspectors and staff sergeants, there's a
6 number of courses offered during the Canadian Police
7 College, the Ontario Police College.

8 There's a First Line Supervisors' course it's
9 called. It might have changed titles a couple of times
10 during my tenure. There's another one strictly for mid-
11 managers and there's another one called Executive
12 Development Course which I attended in the early '90s.

13 **MS. DALEY:** Do you know whether any -- and
14 I'll name the officers that are of interest to us. I don't
15 believe from his testimony that Luc Brunet took any of
16 those courses but do you have any knowledge of that
17 yourself, sir?

18 **MR. TREW:** Yes, he did.

19 **MS. DALEY:** He did?

20 **MR. TREW:** Yeah.

21 **MS. DALEY:** He did? All right.

22 If that was covered in his evidence I'm not
23 going to deal with it. All right.

24 Do you know whether or not -- just think for
25 a second who else we're dealing with here.

1 I take it -- let's just for a moment turn to
2 the personnel involved on the Jeannette Antoine
3 investigation, and that was Constable Malloy as the
4 investigator, and that was Staff Sergeant Wells as his
5 direct report. Is that correct, sir?

6 MR. TREW: I believe so.

7 MS. DALEY: Do you have any knowledge as to
8 whether Staff Sergeant Wells was -- had gone through the
9 courses that you're talking about, the training courses?

10 MR. TREW: I believe the first two, anyway.
11 I don't believe he was on the Executive Development course
12 at that time.

13 MS. DALEY: All right. All right.

14 But in any event, was it a policy at the
15 Police Service that, to your knowledge, that when people
16 received promotions that put them in that supervisory role,
17 they were sent on these courses?

18 MR. TREW: That's correct.

19 MS. DALEY: And obviously there'd be a
20 budget allocation so that that could happen?

21 MR. TREW: That's correct.

22 MS. DALEY: Just before I move off the area
23 of supervision; following the introduction of the OMPPAC
24 system in, I believe the summer of 1989, would it be
25 correct to say that OMPPAC was a key supervision tool in

1 the sense that it was the place where the investigators'
2 activities were recorded such that his or her supervisor
3 could have access to them and give supervision if
4 necessary.

5 MR. TREW: That was taking place also in
6 regards to -- prior to OMPPAC. The system, if I may
7 explain to you, had a number of copies, hard copies. The
8 original went to records, the investigator got one and
9 there was a follow-up or another copy that went to the
10 staff sergeant. He was aware during those times that those
11 ones with the occurrence numbers he had.

12 MS. DALEY: All right.

13 So prior to OMPPAC, there was a paper system
14 with multiple copies of reports?

15 MR. TREW: That's correct.

16 MS. DALEY: The supervising officer would
17 see those and he or she could then follow-up?

18 MR. TREW: Yes.

19 MS. DALEY: And then once OMPPAC was brought
20 in, OMPPAC became a supervision tool in the same manner, in
21 the sense that now on the computer supervising officer can
22 see what files his officers have opened, what their
23 progress is and whether they need any guidance?

24 MR. TREW: That's correct.

25 MS. DALEY: So from the point of view of

1 effective supervision, OMPPAC would be a pretty important
2 element once it became available?

3 MR. TREW: Yes.

4 MS. DALEY: And we've heard evidence which I
5 won't -- you know -- reiterate, about some difficulties
6 initially getting people to input their OMPPAC information,
7 but let me ask you from the supervisor's perspective as you
8 saw it.

9 Did the supervisor's in fact utilize OMPPAC
10 as a supervision tool?

11 MR. TREW: Yes, we were trained along with
12 them and tried to grasp it and accept it and continue
13 forward.

14 MS. DALEY: Was it readily accepted by the
15 supervisors?

16 MR. TREW: I'm going to suggest, yes.

17 THE COMMISSIONER: Okay, but how about the
18 rank-and-file?

19 MR. TREW: Obviously, it's a difficult
20 process when you're asked to go from writing your reports
21 to submitting reports and dictating reports. It's a
22 different system all together. There is always resistance
23 to change and there was resistance.

24 MS. DALEY: All right.

25 Again, before we leave this topic, there's

1 another area I just want to pursue. And you're familiar
2 with the notion of a corporate culture, you know, how
3 institutions develop a bit of a culture of their own.

4 And what I'm curious about it this, you've
5 given some testimony about Constable Sebalj and your
6 feelings about her abilities et cetera, et cetera. What
7 I'd like to know is, was there any element in the culture
8 of the service at that time that would have been a barrier
9 for Officer Sebalj if she'd wanted to speak with other
10 officers and seek help?

11 **MR. TREW:** No. Detective Constable Sebalj
12 would have been told by me, by the staff sergeant of the
13 day, if you have any concerns please come and see us, talk
14 to us if you feel that you need to speak to, let's say,
15 someone who's been in the CIB Branch longer. Go ahead and
16 talk to them. That was open. There's was no blockade
17 there.

18 **MS. DALEY:** I won't belabour this point, but
19 she was a female officer probably at a time when there were
20 few female officers in the Service?

21 **MR. TREW:** During that period of time when
22 Detective Constable Sebalj came on, it was beginning to be
23 more accepted. She was a very motivated person. She went
24 through the ranks I believe before she went into
25 investigator. She was with us for somewhere around seven

1 years. Highly thought-of officer.

2 **MS. DALEY:** I guess the question I have for
3 you, or at least the thought in my mind is this, if she's a
4 younger female officer, kind of breaking into what has
5 historically been a male occupation, do you think it would
6 have been difficult for her to put her hand up and say, "I
7 need help with the Silmsler investigation"?

8 **MR. TREW:** I believe that there was an
9 opportunity for her to come forward if she felt a little
10 trapped or perhaps a little overwhelmed. There was other
11 officers there to help her and she was well respected and
12 she was liked.

13 **MR. STAUFFER:** All right.

14 **THE COMMISSIONER:** I don't know if you are
15 going to there, but I seem to remember there's a note, a
16 very, I thought, an unfortunate note in Heidi Sebalj's
17 thing saying that some officer had said I'm not going to
18 work with a bitch. Did ---

19 **MR. TREW:** Sir, in every organization we
20 have these people.

21 **THE COMMISSIONER:** Yes.

22 **MR. TREW:** And that would have been one
23 percent or less than one percent of the Service as far as
24 I'm concerned. That's very inappropriate and even in those
25 -- even at that time, it was inappropriate.

1 **THE COMMISSIONER:** Right, but were you aware
2 of someone actually saying that?

3 **MR. TREW:** No, Sir, I wasn't.

4 **THE COMMISSIONER:** Okay. So that's
5 actually. Were you aware that there was maybe that
6 sentiment in a very small minority of the people at the
7 office, but were you aware that that was floating around?

8 **MR. TREW:** I was aware of the fact that
9 there's always challenges with officers going into CIB or
10 going into Youth Bureau. That would have been perhaps the
11 same as another officer.

12 **THE COMMISSIONER:** Okay.

13 **MR. TREW:** So I'm going to leave it at that.
14 That the challenges of the work, sometimes people view you
15 and say she's not doing it right, or perhaps you could look
16 at someone else and say, he's not doing it right.

17 I think that challenge was always there for
18 the officers including the female officer.

19 **THE COMMISSIONER:** I'm sorry, but are you
20 saying then there was a little bit of a malaise? When
21 somebody went into CIB would there be jealousy ---

22 **MR. TREW:** Sure.

23 **THE COMMISSIONER:** Is that what ---

24 **MR. TREW:** Yes.

25 **THE COMMISSIONER:** Tell me about that.

1 **MR. TREW:** When officers get -- this is not
2 a promotion but it's viewed as a stepping stone. You
3 usually try to pick the officers going in here who are
4 looked upon as forward thinking officers with talent;
5 officers who are going to go and try to help
6 investigations. The whole service views that as that.

7 When you don't get picked and you're in that
8 pool of, let's say, officers who have been on five-to-seven
9 years or who have passed third-class constables and all of
10 a sudden see an individual go in, they often -- they would
11 often say or you would hear that, by the way of back door,
12 but you would hear that by saying, well, you know, I could
13 do just as good a job as they could or this being cynical
14 or sometimes being inappropriate in regards to certain
15 investigations.

16 **MS. DALEY:** So there'd be resentment to an
17 extent by the people who didn't receive the promotions?

18 **MR. TREW:** They're there, but not a lot.
19 What I'm trying here -- I'm not trying to paint the whole
20 brush here.

21 **MS. DALEY:** Understood.

22 **MR. TREW:** I'm just trying to say there
23 would be some resentment from some individuals.

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

25 **THE COMMISSIONER:** So we have to pile that

1 on top of the fact that Heidi Sebalj is a female and that
2 while you have certainly opened the door for her to come to
3 you and your other officers if the need arises, and I think
4 the question really is, do you understand that there may be
5 some reluctance from an officer to come and ask for that
6 because they feel trapped, overwhelmed or maybe afraid to
7 ask those questions for fear of appearing to be not worthy
8 of the position?

9 MR. TREW: I understand, sir. I hope that
10 wasn't the case but I understand.

11 THE COMMISSIONER: Okay.

12 MS. DALEY: All right.

13 I want to move to another area and that's
14 the area of resourcing, and I paid great attention to your
15 very heartfelt comments on the lack of human resources.

16 My question for you is this. It's a very
17 limited and specific question and it's not to set aside
18 your comments. Is it your belief, sir, that a lack of
19 resources prevented the Police Service from effectively
20 investigating any historic sexual abuse allegations?

21 MR. TREW: At the time when we are dealing
22 with the historical sex abuse allegations, I thought that
23 there was proper resources in place. There didn't seem to
24 be an overly need for further resources in the initial
25 investigation. Obviously, down the road now we are looking

1 at a different light.

2 **MS. DALEY:** I appreciate that.

3 You had, for example, made the comment this
4 morning, I think, in response to something Mr. Stauffer
5 asked you, that you disagreed with the notion that Officer
6 Sebalj, for example, had not received adequate resources,
7 therefore, didn't do a proper investigation. That was a
8 tidbit from that press release with which you disagreed
9 today; correct?

10 **MR. TREW:** Correct.

11 **MS. DALEY:** And so I take it with respect to
12 -- and I'm just going to name the ones that you've talked
13 about in-chief -- the Landry Jr. investigation, the
14 allegations of Ms. Antoine, the allegations of Mr. Silmser.

15 Is it your evidence, sir, that a lack of
16 resources did not, in fact, handicap the CPS in
17 investigating those matters?

18 **MR. TREW:** That's my view.

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

20 And just one follow-up point to that. If
21 you have knowledge of this maybe you can share it with us.
22 But I understand that in a situation in which a municipal
23 force was facing almost a crisis situation and couldn't
24 handle an investigation, it did have the ability to go to
25 the OPP for assistance, are you aware of that?

1 **MR. TREW:** That's not a given. We had the
2 ability -- we had that opportunity to speak to another
3 agency for help.

4 **MS. DALEY:** Yes.

5 **MR. TREW:** We also had the avenue of going
6 to the Policing Services Division in Toronto and asking for
7 guidance and assistance.

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

9 So obviously at your level of responsibility
10 in the Force, there's an awareness that those resources can
11 be drawn upon in the event that there's a perceived need?

12 **MR. TREW:** Correct.

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

14 And I take it that your Service didn't feel
15 it necessary to do that with respect to any of the
16 historical assault investigations that we're interested in
17 here?

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

19 **MS. DALEY:** All right.

20 I'm going to move to another topic now, and
21 that has to do with the 1985 occurrence involving Earl
22 Landry, Jr. Now, you weren't taken to this document by my
23 friend but there are, in fact, some notes of yours
24 available.

25 Madam Clerk, if you could show us Document

1 739932, please?

2 **THE COMMISSIONER:** Thank you.

3 Exhibit 1533.

4 **MR. TREW:** Thank you.

5 **THE COMMISSIONER:** This is your note, sir?

6 **MR. TREW:** Yes, it is.

7 **THE COMMISSIONER:** All right. And it's from
8 11th of February '85 to the 10th of December '85.

9 **MR. TREW:** I have it the 10th of June, '85.

10 **THE COMMISSIONER:** I'm sorry. No, I was
11 reading here. So you're saying -- all right. The first
12 notation on this Exhibit 1533 is June 10th, '85.

13 **MR. TREW:** That's correct.

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

15 --- **EXHIBIT NO./PIÈCE NO. P-1533:**

16 (739932) Handwritten Notes of Richard Trew

17 **MS. DALEY:** And, sir, just to try to help
18 you with this if you don't mind, you're an Acting Inspector
19 in Field Operations at this time, based on my review of
20 your CV?

21 **MR. TREW:** Yes.

22 **MS. DALEY:** Does that sound right? And
23 we've heard evidence here previously that the first
24 allegation of abuse by Earl Landry, Jr. was made known to
25 the Force on June 24th of 1985 and certain things followed

1 from that. So if I could take you to your June 24th note.

2 And, again, to try to help you with this,
3 you may recall that you said in-chief that you remember
4 being called back in to the station to talk about this?

5 MR. TREW: Yes.

6 MS. DALEY: And your memory is correct
7 because that's what your note seems to reflect; correct?

8 MR. TREW: That's right.

9 MS. DALEY: So you'd finished your job or
10 your duty for the day and then you were called back in the
11 evening. And so I take it you returned to the station from
12 home?

13 MR. TREW: That's correct.

14 MS. DALEY: And would I be right to think
15 that either the then-Chief or the Deputy Chief is the
16 person who called you back?

17 MR. TREW: No. I ---

18 MS. DALEY: Do you recall who it was?

19 MR. TREW: We would most likely be called
20 back by a staff sergeant in charge of the station at the
21 time.

22 MS. DALEY: All right.

23 I wonder if you knew who that was or can you
24 recall?

25 MR. TREW: No.

1 **MS. DALEY:** And then your note indicates
2 "One hour at HQ". Do you see that under King George Park?

3 **MR. TREW:** Yes.

4 **MS. DALEY:** Have you a recollection of what
5 happened during that one hour, what was discussed, what the
6 issues were?

7 **MR. TREW:** The recollection would be that I
8 was briefed by the staff sergeant that there was a sexual
9 assault that took place at King George Park.

10 I would only -- I would have to say that a
11 name was mentioned to me, and from there I made -- after I
12 was briefed, I made calls to the appropriate Deputy Chief
13 or Chief of the time.

14 **MS. DALEY:** All right.

15 So the name that was mentioned was that of
16 Earl Landry, Jr.?

17 **MR. TREW:** Yes.

18 **MS. DALEY:** And you were aware, of course,
19 he was one of the sons of the former Chief who had, I
20 think, left the Service about a year or so prior? Is that
21 correct?

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

23 **MS. DALEY:** And so the Chief who was in
24 place at the time, of course, was Chief Shaver who had
25 replaced Early Landry, Sr. within roughly a 12-month

1 period. Is that correct?

2 MR. TREW: Correct.

3 MS. DALEY: All right.

4 So would this be an example of perhaps a
5 high-profile, or what you called a bush-fire type of case,
6 that needed some input because it had the potential to
7 embarrass the Force if it wasn't addressed properly?

8 MR. TREW: Correct.

9 MS. DALEY: All right.

10 And you would anticipate this would be a
11 high-profile case in the sense that it might get some media
12 attention to have a recently departed Chief's son involved
13 in an activity of this sort?

14 MR. TREW: Well, first of all, there were
15 allegations and we had to address those allegations ---

16 MS. DALEY: Precisely.

17 MR. TREW: --- as soon as possible.

18 MS. DALEY: But I take it that in your mind
19 you'd be conscious of the need to be seen to be doing a
20 good job, considering the connection between the alleged
21 perpetrator and the former Chief?

22 MR. TREW: Correct.

23 MS. DALEY: Now, help me with this because I
24 was a little bit confused by your testimony yesterday, but
25 I'm sure you can help me get it right.

1 You having been briefed about what was known
2 at this time, you contacted either the Deputy Chief, who
3 would have been Joseph St. Denis or Chief Shaver. Is that
4 your best recollection?

5 **MR. TREW:** The 1985 -- I'm not quite sure if
6 Deputy Chief St. Denis is with us at that time.

7 **MS. DALEY:** It could be O'Neill? Is that
8 the name?

9 **MR. TREW:** It could be.

10 **MS. DALEY:** All right.

11 But, in any event, Chief Shaver we know is
12 in place?

13 **MR. TREW:** Yes.

14 **MS. DALEY:** And did I understand your
15 testimony yesterday to be that Chief Shaver had input into
16 the officers who would investigate this allegation?

17 **MR. TREW:** During a meeting, a morning
18 meeting, obviously this topic and this investigation came
19 up. He was concerned and he gave his input and he --
20 guidance, if you would like to say, and then he wanted to
21 ensure that there were some good officers on this.

22 **MS. DALEY:** And the officers that he wanted
23 to have on it were -- Ron Lefebvre was one of them;
24 correct?

25 **MR. TREW:** Correct.

1 **MS. DALEY:** And the other was Staff Sergeant
2 Willis?

3 **MR. TREW:** I believe that would be Sergeant
4 Lefebvre's immediate supervisor, Staff Sergeant Willis.

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

6 And Chief Shaver wanted both of them
7 involved in this particular investigation?

8 **MR. TREW:** Wanted them both briefed and
9 involved, yes.

10 **MS. DALEY:** All right.

11 And you in your role as Inspector would be
12 supervising Staff Sergeant Willis at this point, to the
13 extent he required any supervision?

14 **MR. TREW:** Yes. I was not physically in CIB
15 at the time. I was a Duty Inspector with an allegation of
16 another office in the HQ. I would work out of that office
17 on shifts at that time. It was a pilot program and when I
18 would come in, whether that would be day shift or evening
19 shift, if they needed resources and other things to go to,
20 I would be doing that.

21 But like the staff sergeants who were in
22 charge of uniform, there was four staff sergeants with four
23 teams there, and there was a staff sergeant in CIB.

24 Those officers were also in charge of the
25 daily operations of their division -- their department.

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

2 When you say you weren't in CIB, that means
3 were you at a different physical location inside the
4 building?

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

6 **MS. DALEY:** Like you were accessible to
7 Staff Sergeant Willis if ---

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

9 **MS. DALEY:** --- if need arose, obviously?

10 **MR. TREW:** I was available.

11 **MS. DALEY:** Do you know if there was any
12 discussion while the Chief was deciding who would be
13 involved here about a role that you would play? Were you
14 given any role to play in this?

15 **MR. TREW:** No, ma'am. Other than being
16 involved in the meeting, the initial meeting to go ahead
17 with the investigation.

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

19 Now, to your knowledge, sir, was Chief
20 Shaver aware of Staff Sergeant Willis's personal friendship
21 with Earl Landry Jr.'s brother?

22 **MR. TREW:** I wouldn't know that.

23 **MS. DALEY:** You don't know one way or the
24 other?

25 **MR. TREW:** No. I couldn't comment on it.

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

2 I don't know if you know about this factor
3 or not, sir. We've heard evidence here, it's reflected in
4 an exhibit which is Exhibit 1387 just to be specific, that
5 within a day or two or starting the investigation, the
6 former Chief Earl Landry, Sr. made a phone call to Stanley
7 Willis. Did you know about that?

8 **MR. TREW:** In my preparation to come here in
9 the last couple of weeks, that was the first time I heard
10 that.

11 **MS. DALEY:** All right.`

12 So back in 1985 when this was ongoing, that
13 fact was never brought to your attention?

14 **MR. TREW:** Correct.

15 **MS. DALEY:** Let me ask the question and,
16 again, this is not to blame anybody, but is it the kind of
17 occurrence that you would have wished had been brought to
18 your attention by Officer Willis?

19 **MR. TREW:** Chief Shaver was very interested
20 in this case along with -- that's why he was involved from
21 the beginning in regards to the staff sergeant and
22 sergeant. And as far as conversations go, there might have
23 been a conversation in passing to me in the progress of
24 where it's going, but I was not directly involved and I
25 felt that it was being addressed, if that would be the

1 proper answer. I thought it was being addressed.

2 MS. DALEY: I guess what I'm curious about
3 is this. There's Exhibit 1387 which I am paraphrasing but
4 the gist of it is that there had been conversation about
5 Landry, Jr. coming in for a polygraph. And the gist of
6 what is said by his father to Sergeant Willis early one
7 morning is that he has changed his mind about doing that.
8 He's not going to do that and that things are going too
9 fast. That's the gist of it.

10 MR. TREW: Okay.

11 MS. DALEY: Is that type of communication
12 something you wished you'd been apprised of at the time as
13 Willis's supervisor?

14 MR. TREW: Well, since I was not aware of
15 it, looking back perhaps I could give input into it but at
16 the time, I wasn't aware of it so I've ---

17 MS. DALEY: You can't give input about
18 things you don't know about?

19 MR. TREW: That's right.

20 MS. DALEY: We all understand that. All
21 right.

22 And it appears from the evidence, as we have
23 it, that there was nothing further done to investigate the
24 specific complainant and the specific occurrence after that
25 phone call. Is that something that you knew about, sir, at

1 the time?

2 MR. TREW: Could you say that again?

3 MS. DALEY: Yes. The evidence, as we have
4 it, suggests that following the receipt of that phone call,
5 there was no further investigative activity in relation to
6 Landry, Jr. and the specific complainant who was then
7 dealing with the police. Is that something that you knew
8 about?

9 MR. TREW: No, I thought there was a
10 continuation of that investigation ---

11 MS. DALEY: All right.

12 MR. TREW: --- with other possible people
13 being interviewed.

14 MS. DALEY: There is at a later time but
15 there is not at this particular time. Does that help you
16 at all?

17 MR. TREW: No, ma'am.

18 MS. DALEY: Did you know that at a much
19 later point-in-time, this person, Mr. Landry Jr., did plead
20 guilty in response to charges that were brought about a
21 decade later?

22 MR. TREW: Yes.

23 MS. DALEY: And did you know -- was it ever
24 brought home to you that this occurrence had led to a claim
25 by a Landry victim that the initial complaint, the 1985

1 matter, had been covered up?

2 MR. TREW: Only in my preparation. I didn't
3 know of it at the time.

4 MS. DALEY: All right.
5 That's not something that you knew about at
6 the time?

7 MR. TREW: No.

8 MS. DALEY: All right.

9 I want to speak to you very briefly about
10 the Deslauriers matter.

11 Are you holding up okay or ---

12 MR. TREW: Yes, I'm fine, thanks.

13 MS. DALEY: All right. Good. All right.

14 You had said something in-chief that
15 interested me about that, and to the best of my note-taking
16 ability I thought what you had said is that the Deslauriers
17 case you knew about as it had unfolded through the media
18 first and then into CIB. Do you recall that?

19 MR. TREW: I recall stating that yesterday.
20 If you want some clarification on it, I ---

21 MS. DALEY: Yeah, because what interested me
22 about that is it left me with the impression that there was
23 some media coverage about Deslauriers before the
24 investigation got off the ground?

25 MR. TREW: That's correct.

1 **MS. DALEY:** Can you just give us a bit of
2 detail about that?

3 **MR. TREW:** In going back there, I can recall
4 that there was a news release in regards to an individual
5 who was dissatisfied with the Church, the Roman Catholic
6 Church, and he went to the media to give a story, his side
7 of the story. And from there, we still did not have a
8 complainant that came to the station to state that I --
9 that they were allegedly abused.

10 So when asked by the media for the comment
11 in reply to the release, we said that a person hasn't come
12 in yet, a complainant hasn't come in. And therefore when
13 that person does come in -- and I don't know how that went
14 from there, either maybe we contacted them or they
15 contacted us -- someone did come in.

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

17 And that then gave you a complainant with
18 whom you could work to determine what his story was?

19 **MR. TREW:** Correct.

20 **MS. DALEY:** All right.

21 Now, you had made a point in your testimony
22 yesterday about identifying the difficulty that men in
23 particular have around coming forward with allegations of
24 abuse in their past. You recall that testimony?

25 **MR. TREW:** Yes.

1 **MS. DALEY:** That's a phenomenon I think
2 we're all familiar with here.

3 Would you agree that when a matter of that
4 nature is in the news, in other words, someone has come
5 forward and has said "This happened to me" and the press
6 reports on it, does that make it somewhat easier for other
7 victims to come forward with their own stories?

8 **MR. TREW:** I think it's a two-sided edge.
9 Some would feel ---

10 **MS. DALEY:** Yes.

11 **MR. TREW:** --- more comfortable that someone
12 has finally stood up and come forward and they think about
13 maybe doing it themselves. And there's another real fear
14 factor on the other side about someone saying, "I'm trying
15 to put this behind me. I don't need this. And I just want
16 my life to get on. I don't need to go back through all
17 this."

18 **MS. DALEY:** All right.
19 So people could react in either of those
20 manners?

21 **MR. TREW:** That's right.

22 **MS. DALEY:** In relation to Deslauriers
23 though, did it happen that because this first individual
24 had come forward and his story was in the public that other
25 victims -- other alleged victims of Father Deslauriers also

1 came forward to you? Do you recall that?

2 **MR. TREW:** I remember the initial start of
3 the case and through investigating I believe there was more
4 victims that came forward, but I think it was
5 investigating, I don't believe people came in initially.

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

7 I guess what I'm wondering here is this. I
8 wonder if you think there is some sort of lesson here that
9 could be applied or could have been applied to the Silmsner
10 matter for example?

11 That is to say, if there was some way of
12 getting the allegations about Father Charlie in the public
13 eye, some legitimate way, not an illegitimate way, but a
14 correct way of doing that, that it might have been of
15 assistance in allowing the Cornwall Police Service to
16 identify the additional alleged victims of that gentleman?

17 **MR. TREW:** But there was no -- there was no
18 legal way that the Cornwall Police Service could do that.
19 This was alleged. It was historical sexual assault. We
20 didn't have any evidence. We'd had a testimony of an
21 alleged victim and that alleged victim basically stated, "I
22 don't want to do anything with this right now, I want to
23 talk to the Church". That was my understanding.

24 Therefore, if we went to the public and
25 tried to get more information we would, by using that name,

1 that would be inappropriate, very inappropriate.

2 MS. DALEY: Agreed it's inappropriate to use
3 the victim's name ---

4 MR. TREW: Or victims or even the accused
5 name.

6 MS. DALEY: All right.

7 MR. TREW: We don't have one unless ---

8 MS. DALEY: I agree with that too.

9 MR. TREW: Okay.

10 MS. DALEY: I'm just wondering whether --
11 and this is a hindsight type of question, so you understand
12 what I mean by that.

13 When applying hindsight, had the Service
14 been able to indicate that it was interested in potential
15 victims of a local priest, without naming names, others
16 might have been forthcoming?

17 MR. TREW: If there was a legal way ---

18 MS. DALEY: Yes.

19 MR. TREW: --- that we could have done it, I
20 would suggest that it would've helped.

21 MS. DALEY: All right.

22 In terms of the specifics of that particular
23 investigation, the Deslauriers matter, I take it you're
24 really not able to provide us with any more specifics. It
25 would be Officer Lefebvre if anyone could do that?

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

2 **MS. DALEY:** This morning you gave some
3 testimony about the morale report, you recall that, sir ---

4 **MR. TREW:** Yes.

5 **MS. DALEY:** --- and also the Staff
6 Inspector/Senior Officer's report, and I'm only coming to
7 this because I'm in about the 1990 era that's why I'm
8 interested in it, but just to make sure we're clear because
9 you distinguished between what you as an Inspector agreed
10 with and what you didn't. If you -- perhaps you could just
11 quickly look at 1347, sir?

12 **MR. TREW:** Okay.

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

14 **MR. TREW:** No, I don't.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MR. TREW:** I have it.

17 **MS. DALEY:** I just want you to help us
18 identify the concerns that the inspectors concurred with
19 because, of course, you distinguish concerns from
20 recommendations, but if I could take you to Bates page that
21 ends in the digits 587 of that document; it should be the
22 third page in.

23 **MR. TREW:** Okay.

24 **MS. DALEY:** And I think, but you tell me if
25 I'm right or wrong, that the concerns are identified

1 starting at about the middle of that page and taking us
2 over, I guess, to the top of the next page and the staff
3 sergeants who've signed the documents say, "We have
4 documented the preceding concerns".

5 So is that the list of concerns that firstly
6 that the staff sergeants presented to the inspectors?

7 **MR. TREW:** Yes.

8 **MS. DALEY:** And those are the precise
9 concerns with which you, as an Inspector, agreed?

10 **MR. TREW:** I concur ---

11 **MS. DALEY:** Yes.

12 **MR. TREW:** --- that there was concerns from
13 my staff sergeants. When this thing took place -- when you
14 have all staff sergeants signing a document that they are
15 concerned about something, whether I agree with all their
16 concerns or not is less irrelevant, then I agree there must
17 be a problem and I concur -- and when we put this down to
18 paper, we basically said, we concur with their concerns.

19 To go individually and go one, two, three,
20 four, I agree with five of their concerns, I wasn't about
21 to get into that. I was basically stating here, when I
22 signed that and agreed to signing that, was that there has
23 to be concerns here. Whether that's -- I agree with all of
24 them or not is really a non-issue as much as we have to
25 address the concerns that they have.

1 **MS. DALEY:** But am I to take from that that
2 you acknowledged that they had those concerns ---

3 **MR. TREW:** We -- we ---

4 **MS. DALEY:** --- you didn't necessarily share
5 them?

6 **MR. TREW:** --- we acknowledged that there
7 was concerns. I -- and I not necessarily agreed on all
8 their concerns. I do agree -- I did agree with them that
9 obviously there must be concerns that we have to address.
10 There was a there was a problem here.

11 **MS. DALEY:** All right.

12 Obviously, the Chief did not resign at that
13 time. We know that he stayed in place and his resignation
14 is announced in November of 1993. I guess that's a time
15 when you're still on leave?

16 **MR. TREW:** Correct.

17 **MS. DALEY:** Do you know -- one second.

18 Did the problem alleviate itself at all in
19 your experience, sir, between March of 1990 which I think
20 is when this document is signed and that later point-in-
21 time when the Chief resigned?

22 **MR. TREW:** After the process of getting
23 together with the private consultant and going through --I
24 believe it was two or three days of meetings and making a
25 plan for the Service and putting out a statement where the

1 Service -- what the service was meant to do, I felt that
2 there was a coming together. I felt that the -- at least
3 in the managers and towards the Association, I thought
4 there was compliance and let's get -- let's fix our
5 problems and let's get on.

6 **MS. DALEY:** I don't know if you'll agree or
7 disagree, it's your privilege to do this, but Staff
8 Sergeant Derochie, to paraphrase his evidence a little bit,
9 talked about that same process. He thought the consultant
10 was very healthy, but then the tenor of his evidence was
11 that that initiative sort of died on the vine, so to speak,
12 and there was no ultimate strategic plan or no ultimate
13 conclusion. Did you have the same perception?

14 **MR. TREW:** Up until the time I left, I
15 thought we were working towards the five-year plan. I
16 thought there was a mission statement in place.

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

18 **MR. TREW:** I felt that there was a problem
19 getting funding, I believe, for the independent consultant
20 at the time and perhaps that's where the wheels fell off.

21 **MS. DALEY:** Fair enough, because you were
22 away from the police for about 18 months starting in the
23 spring of '92. By the time you come back, the Chief has,
24 in fact, retired?

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

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

2 **THE COMMISSIONER:** Lunchtime?

3 **MS. DALEY:** Now is fine.

4 **THE COMMISSIONER:** That's great. Thank you.

5 **MR. TREW:** Thank you.

6 **THE COMMISSIONER:** Come back at 2.

7 **THE REGISTRAR:** Order; all rise. À l'ordre;

8 veuillez vous lever.

9 This hearing will resume at 2 p.m.

10 --- Upon recessing at 12:24 p.m./

11 L'audience débute à 12h24

12 --- Upon resuming at 2:04 p.m./

13 L'audience est reprise à 14h04

14 **THE REGISTRAR:** Order; all rise. À l'ordre;

15 veuillez vous lever.

16 This hearing is now resumed. Please be

17 seated. Veuillez vous asseoir.

18 **THE COMMISSIONER:** Thank you.

19 Good afternoon, Ms. Daley.

20 **RICHARD WILLIAM TREW:** Resumed/Sous le même serment

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

22 **DALEY:** (Cont'd./Suite)

23 **MS. DALEY:** Sir, the next area I want to

24 speak to you about relates to the Jeannette Antoine

25 investigation that happened in 1988-1989 so that's the

1 topic that we're going to cover.

2 Would you agree with me at the outset that
3 again the Antoine matter was high profile in the sense that
4 she was making allegations -- serious allegations that
5 pertained to a CAS employee?

6 **MR. TREW:** It didn't come across that way,
7 initially, in our meetings. It came across that the --
8 Jeannette Antoine had already been dealing with CAS back in
9 the mid-'70s and that the home that she had lived in, which
10 was run by CAS, had been disbanded and a number of people
11 had been let go ---

12 **MS. DALEY:** Correct.

13 **MR. TREW:** --- as a result of that.

14 There was no -- there was a hesitation upon
15 the victim at that time to divulge fully what really took
16 place, and that was a problem that the officer faced with
17 an ongoing basis. Every time he spoke with the individual,
18 Ms. Antoine, the dynamics of the story seemed to have
19 changed a bit.

20 **MS. DALEY:** All right.

21 I'll take you through that, but did you come
22 to learn ultimately that the allegations Ms. Antoine made
23 pertained to a current CAS employee. In other words, she
24 was making allegations about one of the people associated
25 with the group home who had not been fired?

1 **MR. TREW:** Correct.

2 **MS. DALEY:** Did you come to know that, and I
3 also -- you weren't directed to this document in-chief and
4 I've asked you to look at a document which we'll canvass in
5 a moment, but do you recall attending a meeting at the CAS
6 offices prior to the initiation of the Antoine
7 investigation?

8 **MR. TREW:** I remember attending a meeting at
9 the Crown Attorney's office which involved the CAS.

10 **MS. DALEY:** Was it Mr. O'Brien, the then
11 Executive Director?

12 **MR. TREW:** Correct.

13 **MS. DALEY:** Now, I've asked you to look at
14 Exhibit 1505 and I think you have that handy?

15 **MR. TREW:** Yes.

16 **MS. DALEY:** And let me just find the page
17 I'd like to direct you to. I'm hoping that you'll have had
18 a chance to read from the bottom of page -- Bates page 233.
19 There is a September 25th, '89 entry of Mr. O'Brien and if
20 you go over the page, you can read the completion of that
21 entry and then the following two entries.

22 Have you had a chance to look at that this
23 afternoon, sir?

24 **MR. TREW:** Just now.

25 **MS. DALEY:** Okay. And the first -- well,

1 let me just ask you some of the background context and see
2 if you recollect it.

3 Do you remember knowing at this time that
4 Mr. O'Brien was on the eve of his own retirement?

5 MR. TREW: Yes.

6 MS. DALEY: And that he wanted to be able to
7 leave a clean slate for his successor on this issue. In
8 other words, he wanted the matter dealt with?

9 MR. TREW: Yes.

10 MS. DALEY: In connection with his
11 retirement?

12 MR. TREW: Yes.

13 MS. DALEY: And this exhibit suggests that a
14 meeting then took place September 25th, '89 and your
15 recollection is that that happened at the Crown Attorney's
16 office. That was Mr. Johnson.

17 MR. TREW: Yes.

18 MS. DALEY: And are the notes that Mr.
19 O'Brien made of that meeting accurate in accordance with
20 your own recollection?

21 MR. TREW: Correct.

22 MS. DALEY: I'm wondering if you could help
23 me with this?

24 At the top of Bates page 234, the first full
25 paragraph of that page, he records that the meeting talked

1 about the strapping that had occurred in the group home and
2 the fact that it wasn't necessarily a criminal act contrary
3 to any section of the Code. Do you remember that matter
4 being discussed?

5 MR. TREW: Yes.

6 MS. DALEY: Does that suggest that there was
7 some sort of predetermination of that issue? In other
8 words, before the investigation got off the ground, the
9 police officer's frame of mind about it would have been
10 that any strapping at the group home was not actionable in
11 a criminal sense?

12 MR. TREW: I believe the strapping part
13 comes from the 1970 investigation that was held by CAS into
14 the group home, and this was carried over by the victim.

15 And, again, the victim was not forthcoming
16 in regards to what really took place and specifics. She
17 walked around certain items and she mentions about being
18 abused physically at the hands of the CAS workers.

19 MS. DALEY: All right.

20 But as you recollected, this comment was a
21 reflection on what the CAS had thought in the past. It
22 wasn't meant to in any way inform what the police officers
23 were going to do?

24 MR. TREW: That's correct.

25 MS. DALEY: And the following paragraph, he

1 records that the suggestion is that a registered letter go
2 to Jeannette and that if there's no action on her part,
3 that can end the matter. Who's suggestion was that? Do
4 you recall, sir?

5 MR. TREW: No, I don't.

6 MS. DALEY: Would you recall if it had been
7 suggested by you or by the Deputy Chief who was also there?

8 MR. TREW: I can't recall.

9 MS. DALEY: Just to take you back to the
10 very top of that page. O'Brien is recording that he's
11 suggesting that he's in a quandary about what to do, and do
12 you recall that aspect of the meeting? In other words, the
13 CAS Executive Director is saying, "We don't know what to do
14 about this".

15 MR. TREW: I believe that's why the meeting
16 was held. He wanted to get further information and perhaps
17 guidance from the Cornwall Police Service and the Crown's
18 office. He knew that there, again, had have been a
19 previous incident involving Antoine and this didn't seem to
20 be wont to go away but, at the same time, he didn't have
21 enough factual evidence to go ahead with anything.

22 MS. DALEY: And when you say it didn't seem
23 to want to go away, I take it what that means is that Miss
24 Antoine herself was not going away. She kept asserting her
25 claims over a period of time?

1 **MR. TREW:** The dates are somewhat confusing
2 here. I know that Detective Constable Malloy had gone down
3 in September of that year on another incident involving the
4 Antoinnes, and through that incident, as I've previously
5 stated, there was some concern stated to the Detective
6 Constable at the time.

7 **MS. DALEY:** So just stopping there. She
8 wasn't reluctant to raise the issue. She'd raised it
9 already directly with Constable Malloy in a different
10 context?

11 **MR. TREW:** Correct.

12 **MS. DALEY:** As best you can know about it?
13 All right.

14 Now, in any event the outcome of this
15 particular meeting, the September 25th one, is the
16 suggestion that he sends her a registered Letter. If she
17 makes no response, he considers the matter done. That's
18 how things were left. Is that your recollection of the
19 outcome of that meeting?

20 **MR. TREW:** My recollection is that we took
21 that information and went back to the Service and through
22 the Deputy Chief, we assigned Detective Constable Malloy to
23 further follow-up on this.

24 **MS. DALEY:** Well, let me see if I can help
25 you a little bit with that.

1 **MR. TREW:** Okay.

2 **MS. DALEY:** I wonder if you'd look with me
3 at the September 29th entry now which is four days later?

4 **MR. TREW:** Okay.

5 **MS. DALEY:** And, fairly importantly, if you
6 look at the intervening day, September 28, these are
7 internal deliberations that the CAS is having.

8 And then we see on September 29th internally
9 the CAS is deciding to go back to the police. Do you see
10 that, sir?

11 **MR. TREW:** Yes.

12 **MS. DALEY:** Yes?

13 **MR. TREW:** I recall two meetings. One I
14 recall being at; the next one, I can't recall that second
15 meeting.

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

17 And in fairness, I'll take you there.
18 O'Brien doesn't say you are there.

19 **MR. TREW:** Yeah.

20 **MS. DALEY:** It's possible that you are and
21 he's forgotten to note it but maybe I'll just leave that
22 for a moment 'til I take you to the entry.

23 But do you appreciate by reading the
24 September 28 and September 29 entries, that O'Brien is not
25 comfortable with leaving the ball, so to speak, in

1 Jeannette's court? He's met with social workers and if you
2 look at the second paragraph under September 28th, he's
3 suggesting that they went over some of the detail in
4 Jeannette's handwritten notes and he advised that there was
5 some truth in it, some things that were untrue and some
6 exaggerations?

7 **MR. TREW:** Yes.

8 **MS. DALEY:** And, again, I'm wondering if it
9 was ever communicated to the police that he held that view
10 about her statement? In other words, he had decided that
11 it was perhaps partially true, perhaps partially false and
12 partially exaggerated? Was that imparted to you at the
13 meeting in ---

14 **MR. TREW:** Not in that way. He was
15 concerned -- this gentleman was concerned that there was
16 still an issue on the table. He felt that even though it
17 was somewhat confusing, it had to be dealt with.

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

19 **THE COMMISSIONER:** Was there ever any idea
20 that you got from this man that he wanted it put under the
21 carpet or covered up?

22 **MR. TREW:** Never.

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

24 **THE COMMISSIONER:** Did you ever tell him
25 that you would prefer that this thing never saw the light

1 of day?

2 MR. TREW: Never.

3 THE COMMISSIONER: Thank you.

4 MS. DALEY: If I could take you to the
5 second -- sorry, to the entry under September 29th and this
6 is internal deliberations at CAS.

7 Just directly before they come back to the
8 police, and he's referring to notes made by Jeannette, he's
9 referring to notes of Suzy Robinson who is a social worker
10 and minutes of different personnel committee meetings.

11 And then he says:

12 "The main reason for going back to the police would not be
13 because of the issue of corporal punishment but rather
14 because of the information contained in Suzy Robinson's
15 notes, which suggest inappropriate sexual behaviour by our
16 staff when the group home was in operation."

17 And I guess that is what they say their
18 motivation to come back to the police.

19 Do you recall that being discussed?

20 MR. TREW: No, not at a meeting that I was
21 at.

22 MS. DALEY: All right.

23 And, again, I think you've had a chance to
24 look at his October 2nd entry? That is the entry that
25 covers a second meeting with the police.

1 And if could ask you just to direct your
2 attention on Bates 235 to the second and third full
3 paragraphs there?

4 **MR. TREW:** Can I have that again, please?

5 **MS. DALEY:** Did you get a look at that?

6 So this is the second meeting and I take it
7 you have no specific recollection that you were there?

8 **MR. TREW:** I'm sorry. What note would you
9 like me to look at?

10 **MS. DALEY:** I'm sorry. If you could look at
11 Bates page 235, the last three digits, and direct yourself
12 to the second and third full paragraph?

13 **MR. TREW:** Yes.

14 **MS. DALEY:** Where he's talking about a
15 meeting with your Deputy Chief and Staff Sergeant Wells?

16 **MR. TREW:** Yes.

17 **MS. DALEY:** Have you had a chance to review
18 that?

19 **MR. TREW:** I'm sorry, I ---

20 **THE COMMISSIONER:** Is it on the screen
21 properly?

22 **MS. DALEY:** Yeah. It's at the top of the
23 screen.

24 **THE COMMISSIONER:** Thank you.

25 **MR. TREW:** Yes.

1 **MS. DALEY:** Now, I take it, sir, you have no
2 specific recollection that you were present at that
3 meeting?

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

5 **MS. DALEY:** Did you discuss it with the
6 Deputy Chief subsequent to the meeting?

7 **MR. TREW:** I can't recall. There was
8 ongoing discussions.

9 Obviously after this meeting here, if it
10 wasn't the first meeting, at the second meeting and
11 definitely something was put in place by the Cornwall
12 Police Service to investigate, if that's what we're trying
13 to ---

14 **MS. DALEY:** What I'm curious about is this.
15 The note suggests that the written documentation which
16 we've seen described on the prior page, so that would be
17 the social worker's notes, some meeting minutes and perhaps
18 Ms. Antoine's own statement, that those were handed over to
19 Staff Sergeant Wells. Did you ever have knowledge of that?

20 **MR. TREW:** No.

21 **MS. DALEY:** And then there's an indication
22 that the Deputy Chief is registering surprise, but what is
23 said to him by Mr. O'Brien is that the allegations in the
24 social worker's case notes about inappropriate sexual
25 behaviour was what prompted him to return and not the

1 information in Antoine's statement. Do you see that, sir?

2 MR. TREW: Yes.

3 MS. DALEY: So what has troubled Mr. O'Brien
4 is he's got social worker's notes that appear to be
5 reflecting some inappropriate sexual behaviour by staff at
6 the group home and that's why he's come back to the police.
7 Were you ever made aware of that?

8 MR. TREW: Are we talking her handwritten
9 notes from the group home?

10 MS. DALEY: No, I think what he -- he's
11 referring to the social worker's case notes and that social
12 worker is Suzy Robinson.

13 MR. TREW: Yes.

14 MS. DALEY: And we saw her notes referred to
15 on the prior page.

16 MR. TREW: Yes.

17 MS. DALEY: So what I'm wondering, sir, is,
18 is this. It appears from this that the CAS is bringing to
19 the police's attention, this matter, because of what the
20 social worker has recorded about perhaps sexual
21 improprieties by staff at the home where Jeannette resided.
22 I just want to know whether you were ever made aware of
23 that?

24 MR. TREW: I was made aware of that. At
25 this time, perhaps not, but I was made aware eventually

1 through Detective Constable Malloy's briefing and us
2 talking, he had mentioned that there was -- she was
3 complaining of physical abuse and possible sexual assault
4 at the group home.

5 MS. DALEY: Yes.

6 MR. TREW: That's when I became more aware
7 of it, but as far as this particular date, no.

8 MS. DALEY: All right.

9 Officer Malloy, and I know you're familiar
10 with his testimony, said here that he did not have
11 possession of that material; that is to say, the Suzy
12 Robinson notes or anything else from the CAS file.

13 Let me ask you this question. Did you
14 provide direct supervision to Staff Sergeant Wells in
15 connection with this issue, sir?

16 MR. TREW: There seems to be an issue here
17 of Staff Sergeant Wells being away for a period of time; it
18 might be during his annual leave.

19 MS. DALEY: Yes.

20 MR. TREW: I do recall speaking with
21 Constable Kevin Malloy on at least two different occasions
22 and that was at my office or near my office.

23 MS. DALEY: Did he approach you or vice
24 versa?

25 MR. TREW: I believe I asked. Detective

1 Constable(sic) could have come in to talk to me. Maybe
2 once I asked, maybe he came in once. It could have went
3 that way.

4 **MS. DALEY:** In the course of your
5 discussions with Constable Malloy, was it ever brought home
6 to you that he had possession of a social worker's notes or
7 other CAS material that pertained to this issue of possible
8 sexual impropriety?

9 **MR. TREW:** Relating back to -- if my memory
10 serves me correctly, relating back to the 25th of September,
11 he was on another incident involving the Antoinnes.

12 At that time, Jeannette Antoine had given
13 him some information which he copied down in his notes,
14 stating that the lady was suggesting there was abuse in a
15 home in the 1970s and I can't remember directly if the
16 abuse related to sexual abuse, but definitely physical
17 abuse, and that he, after the conversation, invited
18 Jeannette Antoine to come back into the station with a
19 written statement so that he could proceed with an
20 investigation.

21 **MS. DALEY:** As I interpret what we've just
22 looked at here, in addition to those events, sir, it seems
23 as though Staff Sergeant Wells assigned Jeannette Antoine
24 to him again in early October of '89?

25 **MR. TREW:** Shortly thereafter, I'm going to

1 say within a few days. Because of the meetings with Tom
2 O'Brien and the Deputy Chief and the Staff Sergeant, I'm
3 going to suggest that from there it came and it got
4 reassigned. When I say "reassigned", assigned again, if
5 you like.

6 **MS. DALEY:** Correct. And I take it, it's
7 that second assignment that Officer Malloy speaks to you
8 about on the two occasions?

9 **MR. TREW:** Yes. Once goes back and he tries
10 to speak to Jeannette Antoine -- I believe that it's twice,
11 maybe three times -- he has stated in the briefing to me
12 that every time that he tried to get information from
13 Jeannette Antoine, that the dynamics of the story had
14 changed up a bit; he was concerned with that.

15 **MS. DALEY:** All right. A very discrete
16 question.

17 In the course of your discussions with
18 Constable Malloy, did he make you aware that he had
19 materials from the CAS in his possession that formed part
20 of his investigation?

21 **MR. TREW:** I was aware that he was talking
22 to CAS; I wasn't aware of notes and statements.

23 **MS. DALEY:** All right. I have a few further
24 questions about the Antoine investigation.

25 I take it you eventually learned that Ms.

1 Antoine did come to the station with a statement that she'd
2 prepared on her own initiative?

3 MR. TREW: That's correct.

4 MS. DALEY: So just tell me if you agree or
5 disagree with these observations.

6 I take it you agree that it appears Ms.
7 Antoine was asked to write her own statement, that's
8 something that did happen; correct?

9 MR. TREW: That's correct.

10 MS. DALEY: Will you agree with me if I say
11 that potentially relevant evidence was not in the hands of
12 the investigator and that would be CAS materials we've just
13 talked about?

14 MR. TREW: Not to my knowledge it wasn't in
15 the hands of the investigator.

16 MS. DALEY: All right. In other words,
17 that's not something that you knew at the time?

18 MR. TREW: I'm sorry?

19 MS. DALEY: That's not something that
20 entered your thoughts at the time. It didn't occur to you
21 that there might be materials that were relevant, but for
22 whatever reason, Constable Malloy didn't have them?

23 MR. TREW: No, because we had talked with
24 the CAS Director and gotten information from him. I felt
25 that if it was -- I felt we had the information.

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

2 **MR. TREW:** Okay.

3 **MS. DALEY:** But you would agree I think that
4 the office in charge had doubts about the truthfulness of
5 what he was hearing from the victim? I think you've just
6 commented on that already.

7 **MR. TREW:** Yes.

8 **MS. DALEY:** And would you agree that this
9 officer then went to the Crown as a result of those doubts.
10 Is that something you would agree with?

11 **MR. TREW:** Not just the result of the
12 doubts. He wanted to put this together. He now had a
13 statement that was I think approximately eight pages from
14 Jeannette Antoine, and he wanted to make sure that he was
15 getting another opinion, and we did that on a regular
16 basis, asked for opinion from the Crown's Office,
17 especially if we felt it was a grey area.

18 **MS. DALEY:** I take it that Constable Malloy
19 didn't show you Ms. Antoine's statement and ask you for
20 your assessment of it?

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

22 **MS. DALEY:** And do we agree -- and, again,
23 I'm not asking you to attribute blame to anybody, but would
24 you agree there was a time gap in this investigation and a
25 time gap happened between October, when it was assigned and

1 I guess February 7th, 1990, which is the date she brought
2 her statement to the Service. There was a time gap there;
3 correct?

4 **MR. TREW:** There was, but at the same token
5 the gap -- the time gap was as a result of Jeannette not
6 coming forward with her statement.

7 **MS. DALEY:** I understand. That's what
8 Officer Malloy told you and that's the information you rely
9 upon; correct?

10 **MR. TREW:** Correct.

11 **MS. DALEY:** And we're also agreed that there
12 was no OMPPAC reports filed by Constable Malloy concerning
13 this matter?

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

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

16 And, you know, again, I don't mean to be
17 pejorative about this, but I think you would agree and I
18 think you did when the Commissioner suggested it to you
19 yesterday, this was unfortunately a matter that fell
20 through some cracks at the Cornwall Police Service?

21 **MR. TREW:** I agreed on that statement.

22 **MS. DALEY:** All right.

23 Let me now move you into some questions
24 concerning the David Silmsler investigation. And I want to
25 deal with one discreet issue just at the outset, sir, and

1 that is the reporting of the Silmsler matter to the CAS, if
2 you could direct your thoughts to that. I have some
3 questions for you there.

4 Sir, I take it, you became aware that
5 Constable Dunlop took it upon himself to discuss the
6 Silmsler allegations with Mr. Abell of the CAS. You were
7 aware of that?

8 MR. TREW: Yes.

9 MS. DALEY: And you also became aware that
10 he took it upon himself to actually provide a copy of
11 Mr. Silmsler's statement directly to Mr. Abell; you knew
12 that as well?

13 MR. TREW: Yes.

14 MS. DALEY: What I'm wondering about is
15 this. It stands to reason that Constable Dunlop would not
16 have done that. There would have been no need if someone
17 else at your service had made a report of the Silmsler
18 allegation to the CAS. I am sure you would agree with
19 that?

20 MR. TREW: No.

21 MS. DALEY: You don't agree with that?

22 MR. TREW: No.

23 MS. DALEY: Is there a reason why not?

24 MR. TREW: Yes.

25 MS. DALEY: Can you share that with me?

1 **MR. TREW:** I'll try.

2 When we're dealing with -- at this time,
3 there is a person who has come in and has given us a
4 statement that says it's historical, there is no direct
5 evidence right now, there is no real evidence and also the
6 fact that somewhat uncooperative by saying that "I don't
7 want you doing anything with this statement right now. I
8 want to talk to the Church."

9 If you recall, back in 1986, the same
10 individual who later on was the Father Deslauriers case,
11 stated the same thing, he wanted to talk to the Church
12 first.

13 It was my impression, okay -- and I am not
14 here at this time, but it is my impression in reading this
15 stuff that this was a situation that the officer was held
16 up here. Was held up in regards to -- can't go forward
17 because the victim -- the alleged victim doesn't want to
18 testify right now. We don't have any further evidence.

19 **THE COMMISSIONER:** Well -- sorry, finish
20 off.

21 **MR. TREW:** That's about it.

22 **THE COMMISSIONER:** Maybe I'm getting old,
23 but I don't know that Silmsler says "Don't start the
24 investigation on Father Charles MacDonald because I'm going
25 to talk to the Church."

1 **MR. TREW:** That ---

2 **THE COMMISSIONER:** Where do you get that?

3 **MR. TREW:** Well, that's my belief -- that's
4 my belief in regards to what I heard.

5 **THE COMMISSIONER:** Okay.

6 **MS. DALEY:** Let's try it this way. Mr.
7 Silmsler has given a statement and it suggests that a priest
8 and a probation officer abused him when he was younger, a
9 teenager perhaps in his mid-teens.

10 In 1993 when this hits the radar at your
11 service -- I appreciate you're not there at the time, sir,
12 but was there a general understanding that an allegation
13 such as that should be reported to the Children's Aid
14 Society? In other words it was within the duty to report?

15 **MR. TREW:** No. I'm going to suggest to you
16 it's a historical sexual assault and the view is that if
17 there was a child in need of protection -- you know, things
18 have changed -- but if there's a child in need of
19 protection -- at that time, because it's historical --
20 we're dealing with a man who says that he has been sexually
21 assaulted. We feel that there is no direct -- at that
22 time, direct evidence that there is a child in need of
23 protection.

24 **MS. DALEY:** What about this chain of
25 reasoning. You tell me if this ever occurred -- I take it

1 that if a person in authority abuses his authority by
2 sexually abusing young people, be they choir boys, be they
3 probationers, be they pupils, if he is a teacher, would you
4 agree that there is -- that experience teaches us that for
5 the most part the people who do that don't do it in an
6 isolated way. It's a habit. In other words, it doesn't
7 happen once and never again. It tends to be a repeated
8 occurrence.

9 Does experience teach that?

10 **MR. TREW:** Yes.

11 **MS. DALEY:** All right.

12 So applying that reasoning to what Mr.
13 Silmsler was alleging did it ever occur, to your knowledge,
14 or to anyone at the force that if indeed the probation
15 officer was responsible for this act, if indeed the priest
16 had done this, then there was at least some probability
17 that they had continued in that vein, such that there would
18 be currently children or young people at risk?

19 **MR. TREW:** We have a document of a person
20 who has come in and given us a statement. That person is
21 not cooperating with us right away. That raises a flag.
22 That raises a flag why.

23 And even though today it would be -- it's a
24 different time in our careers and in our lives, that brings
25 doubt, and you've got to be careful here as a policing

1 agency not to all of a sudden run and give information to
2 someone else when perhaps that information is not true.

3 That's how we felt at the time.

4 **THE COMMISSIONER:** Well, wouldn't it --
5 that's how you felt?

6 **MR. TREW:** No, as investigators.

7 **THE COMMISSIONER:** Well, okay, but -- that's
8 how you felt -- that's how investigators generally felt
9 about it. Because you don't -- do you know how they were
10 feeling about it? Because you were off, how would you know
11 -- I just want to understand.

12 **MR. TREW:** Sir, we had a good rapport with
13 the CAS. It wasn't that that we didn't have a good
14 rapport. And we gave many heads up to the CAS in regards
15 to sexual assault victims.

16 **THE COMMISSIONER:** No, that's not what I
17 mean. Just a minute now. It's probably just the language
18 used. You said, "We were all aware of that." And I'm
19 saying, well "we" -- your off on sick leave, right, sir?
20 Are you saying "we" generally like as in investigators as a
21 group generally?"

22 **MR. TREW:** In generally.

23 **THE COMMISSIONER:** Okay. Because it could
24 be taken that you were saying that "we" as investigators,
25 the ones who were doing this, were of this view.

1 **MR. TREW:** Okay, sir.

2 **THE COMMISSIONER:** All right?

3 **MR. TREW:** Yes, sir.

4 **THE COMMISSIONER:** Thank you.

5 **MS. DALEY:** Appreciating that you were not
6 on active duty at the time, did you ever inquire into why
7 no one on the force had directly reported the Silmser
8 allegations to the CAS? In other words, did you ever ask
9 any body "Listen, we know that Officer Dunlop has done it
10 and now we are in a Board of Inquiry around that"?

11 Did you ever inquire as to why it hadn't
12 been -- that step hadn't been taken by any other officer
13 who was directly involved in the Silmser matter?

14 **MR. TREW:** It wasn't our practice, as you've
15 just heard from me. It wasn't our practice and so I never
16 questioned that.

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

18 This wouldn't have been on anybody's radar
19 screen then? In other words, Officer Sebalj, Officer
20 Lefebvre, their supervisors, Staff Sergeant Brunet?

21 **MR. TREW:** Only if we had evidence of a
22 young person in need of protection.

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

24 Sir, I'm just wondering, we spoke about
25 education and training earlier this morning. Are you aware

1 of any in-house training or seminars or educational
2 literature on the duty to disclose either -- let's take it
3 in two pieces -- before the Silmsers occurrence, was there
4 any in-house training on that?

5 MR. TREW: Yes.

6 MS. DALEY: And was there -- in-house
7 training ---

8 MR. TREW: Are we talking about CAS or are
9 we talking about criminal matters now?

10 MS. DALEY: I'm talking about -- sorry,
11 disclosure to the CAS.

12 In other words, was there any in-house
13 guidance about when and what is disclosable to the CAS?

14 MR. TREW: There wasn't any particular
15 training seminars on that, that I recall. There was common
16 knowledge that we work with CAS.

17 MS. DALEY: Do you know whether or not after
18 the Silmsers occurrence there was any in-house training or
19 education on disclosure to the CAS in the context of an
20 historic abuse allegation?

21 MR. TREW: I missed the first part, Ma'am,
22 I'm sorry.

23 MS. DALEY: After the Silmsers matter is --
24 has happened and you've had that experience, and in
25 particular, I guess, after the court has ruled on the

1 propriety of what Dunlop did, was there ever any in-house
2 training or education focused on the duty to disclose to
3 the CAS relative to an historic sexual assault or abuse
4 allegation?

5 MR. TREW: I don't know what form or format
6 it came around to the officers but it definitely was from
7 here on in any sexual historic sexual assault of ---

8 THE COMMISSIONER: Of a child.

9 MR. TREW: Of a child.

10 THE COMMISSIONER: Right.

11 MR. TREW: We were to advise CAS.

12 MS. DALEY: Regardless of whether you
13 thought it was a credible allegation or whether there were
14 difficulties with ---

15 MR. TREW: We took it as professionals and
16 went forward and used it.

17 MS. DALEY: All right. So let me then just
18 move to some specific questions about Silmser. And I
19 understood your testimony in-chief to be that Acting Chief
20 Johnston gave you some information or some excerpts from
21 the Skinner report; do I have that right?

22 MR. TREW: Yes.

23 MS. DALEY: And that he made the report
24 available to you but for whatever reason, you didn't read
25 it at the time.

1 **MR. TREW:** The report was available. I did
2 read excerpts from it. I don't recall reading the whole
3 thing, but I do definitely read -- I remember reading some
4 of it.

5 **MS. DALEY:** All right. I just want to see
6 whether these specific points were known to you, these
7 specific aspects of what the report said. And if you don't
8 know, that's fine.

9 But I take it -- did you know that there was
10 an offer of a polygraph examination of Father Charles which
11 wasn't taken up? Is that something that you knew about?

12 **MR. TREW:** No.

13 **MS. DALEY:** Did you know that, essentially,
14 although Mr. Silmsler had made allegations about the
15 probation officer Ken Seguin, there had been no
16 investigation really of those allegations?

17 **MR. TREW:** I was aware at the time. I don't
18 know what her notes had said.

19 **MS. DALEY:** I'm interested as to whether you
20 picked that up on your look through of the Skinner report.
21 I take it you didn't?

22 **MR. TREW:** I remember the name Detective
23 Constable Sebalj being mentioned. I do remember that there
24 should have been perhaps further follow-up, but as the
25 particular that you just said, I can't recall.

1 **MS. DALEY:** All right. Do you know that the
2 Silmsler investigation was another one in which the victim
3 was asked to write his own statement? Is that information
4 that ever came to your attention?

5 **MR. TREW:** We asked -- we usually tried to
6 have everyone write their own statement back at that time.

7 **MS. DALEY:** Did you know that that had
8 happened with Silmsler?

9 **MR. TREW:** I wasn't aware but I would take
10 it for granted that it would take place.

11 **MS. DALEY:** All right. Because that was
12 your standard practice at the time?

13 **MR. TREW:** Yes.

14 **THE COMMISSIONER:** Is that yours, your
15 personal, or you're saying that's the Force's?

16 **MR. TREW:** That's the service's.

17 **MS. DALEY:** All right. Did you know from
18 the Skinner Report or otherwise that there was an issue
19 about a female investigator taking -- interviewing Silmsler
20 and that he had a strong preference to talk to a male?

21 **MR. TREW:** I only read that later.

22 **MS. DALEY:** Okay. Not something that you
23 knew about ---

24 **MR. TREW:** No.

25 **MS. DALEY:** --- when you were on the job?

1 MR. TREW: No.

2 THE COMMISSIONER: Well, then, now we're
3 getting there. You knew about it after 1993?

4 MR. TREW: When I come back ---

5 THE COMMISSIONER: When you came back in
6 1993.

7 MS. DALEY: Oh, I see.

8 MR. TREW: That's correct.

9 MS. DALEY: Okay. So while you were on the
10 job, you did -- did you become aware of that through the
11 Skinner Report?

12 MR. TREW: I believe so.

13 MS. DALEY: Okay. Thank you.

14 Did you know from the Skinner Report that
15 they also commented on a gap in this investigation? That
16 is to say, it appeared that Officer Sebalj had effectively
17 concluded her investigation in April of '93 and there was a
18 gap between that date and late August when Brunet reviewed
19 it with her.

20 Did you know about that finding?

21 MR. TREW: I'm trying to recall. I don't
22 recall that.

23 MS. DALEY: And did you know that the
24 Skinner Report commented on a particular lead, I guess you
25 call it, who Officer Sebalj did not meet with or take a

1 statement from, and this would have been another person who
2 seemed to have some information about the conduct of Father
3 Charles. Did you know about that?

4 **MR. CALLAGHAN:** In fairness, I think she
5 took a verbal interview of the person. The question was he
6 didn't go to attend. The way it's being presented is as if
7 she didn't follow up with her. We know what the story is
8 and I don't want to use the names, but, obviously, she got
9 the statement over the phone, made notes and there was that
10 last line if you recall, Mr. Commissioner.

11 **THE COMMISSIONER:** No, no, I understand
12 that. So how best to describe that that she spoke to a
13 witness on the phone, that in the last comment he may have
14 said something that may or may not or should or should not
15 have lit a bell.

16 **MR. CALLAGHAN:** Right. Having regard to the
17 fact that he'd already said ---

18 **THE COMMISSIONER:** Exactly.

19 **MR. CALLAGHAN:** --- that he had nothing ---

20 **THE COMMISSIONER:** Right.

21 **MR. CALLAGHAN:** --- that happened to him or
22 knew nothing of happening to someone else.

23 **THE COMMISSIONER:** Exactly.

24 Well, you see -- well, your question was it
25 seemed that he knew more than he was saying or something

1 like that, and it's not quite ---

2 **MS. DALEY:** Well, in fair --- I'll try to --

3 -

4 **THE COMMISSIONER:** Yeah.

5 **MS. DALEY:** --- rephrase that. And again,
6 you may or may not be aware of this, but the Skinner Report
7 comments about a particular person that Officer Sebalj had
8 been speaking to on the phone, who apparently wanted to
9 speak to her person-to-person according to what the finding
10 was.

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

12 **MS. DALEY:** She wasn't able to do that. And
13 as a result, she took no statement from him. There is a --
14 that's the comment.

15 **THE COMMISSIONER:** Well, no, okay. Let's
16 put it this way. Are you looking at the Skinner Report
17 now?

18 **MS. DALEY:** I am.

19 **THE COMMISSIONER:** Okay. So the finding in
20 the Skinner Report is a finding. I mean it's his opinion.
21 So if you're going to put to him this is what the Skinner
22 Report said, that's okay. Now, whether it's accurate or
23 not is a different thing.

24 **MS. DALEY:** All I want to know at this point
25 is whether he knew the Skinner Report had said that.

1 **THE COMMISSIONER:** Right. Okay. So ---

2 **MS. DALEY:** Okay.

3 **THE COMMISSIONER:** --- sir, here we go. So
4 are you aware that the Skinner Report said ---

5 **MS. DALEY:** That Constable Sebalj had been
6 unable to meet every potential witness; that this
7 particular witness wanted to not speak to her on the phone
8 but he commented that the investigation was very scary
9 stuff and close to home? But she had not met him and there
10 was no statement included in the file. That's a finding
11 that Skinner and Blake made.

12 Is that something that you had any knowledge
13 of?

14 **MR. TREW:** Other than the -- perhaps when I
15 read it with Carl Johnston or Mr. Johnston, Chief Johnston,
16 I had read that. It didn't stick up out of my mind. It
17 definitely was negative towards perhaps some of the
18 investigations.

19 **MS. DALEY:** That's a comment that perhaps
20 Johnston flagged for you or you had some knowledge about
21 when you looked at the Skinner Report?

22 **MR. TREW:** Yes.

23 **MS. DALEY:** All right. In your capacity as
24 an inspector then, sir, were you called upon to do anything
25 as a result of the Skinner Report with the Force? And by

1 that, what I have in mind is any meeting, any training
2 session, any occasion on which the lessons from the Skinner
3 Report might have been shared or discussed with
4 investigating officers?

5 **MR. TREW:** We had ongoing CIB meetings that
6 were trying to be held at least with an agenda once a
7 month. Those meetings were a bit of a training or info
8 session also.

9 And I'm more than confident, although I
10 don't have specific dates for you, that issues surrounding,
11 an example, to report historical sexual assault were
12 discussed and that shared with our officers.

13 So in saying was there a bit of training or
14 a bit of information sharing, yes.

15 **MS. DALEY:** Do you recall whether there was
16 any information sharing that was specific to some of the
17 findings in the Skinner Report?

18 In other words, sometimes we can learn by
19 our mistakes. If I make mistakes, I find them a good
20 educator. So if you think about what you did wrong, you
21 maybe change your approach in the future.

22 Do you know of any sessions in which the
23 findings of the Skinner Report were discussed with a view
24 to helping people do better in the future?

25 **MR. TREW:** Well, certainly. Certainly

1 learning from this Skinner Report and an outside agency
2 reviewing the way we handled the case, we took things from
3 that report.

4 Did we take everything from that report? I
5 doubt it, but we did take things from that report. We were
6 very cautious on how we tried to go ahead and investigate
7 further in the Cornwall area.

8 **MS. DALEY:** Apart from the issue about
9 disclosure to the CAS, can you think of any other specific
10 findings or lessons that were applied from the Skinner
11 Report at the Force?

12 **MR. TREW:** Certainly. If we're dealing with
13 historical sexual assault cases that we make sure that we
14 have -- have a look at it and try to have -- get up to
15 speed in a timely fashion to see if there was factual
16 allegations that presented itself, that would be one.

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

18 **THE COMMISSIONER:** I'm sorry, what does that
19 mean?

20 **MR. TREW:** What that means is that -- is
21 that by this time everyone is -- is very much aware that
22 the Cornwall Police Service is under the microscope.

23 So what we tried to do is make our officers
24 aware that, "Listen, even though we think we did some
25 things right here, we also have to pay attention to perhaps

1 this report and we've got to learn from it. Let's try to
2 make sure that when you go ahead and do your
3 investigations, there's incident numbers, there's timely
4 reports. If there's a problem with perhaps a grey area,
5 let's do this all over again but make sure that we get a
6 reply as quickly as possible."

7 Everyone was aware of the fact that -- try
8 to improve, try to improve on not just sexual assault
9 investigations but investigations that perhaps could get
10 the Cornwall Police Service into hot water.

11 **THE COMMISSIONER:** See, the impression I
12 get, tentatively, in any event, is that folks would tend to
13 look at historical sexual abuse as something that happened
14 in the past and wasn't a burning issue, as opposed to
15 something that's right off the hat and yesterday.

16 And I understand that you'd say, "Well, we
17 have to go into forensics, we've got to secure the scene,"
18 but other than that, I don't know if the police officers
19 understood that if the perpetrator is still in the
20 community, there are children that are still at risk -- at
21 as much risk as the person that was abused yesterday and
22 was that given to them or ...

23 **MR. TREW:** Well, sir, that was certainly a
24 lesson that we learnt in 1986 with Father Deslaurier. I
25 mean, if you could see the Force at that time, we went

1 ahead quickly or as quickly as possible with that and there
2 was, I believe over 33 criminal charges laid against that
3 individual.

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

5 **MR. TREW:** So we're very much aware that
6 there's a possible risk, but we're also very much aware
7 that we need factual evidence before we can run out and put
8 someone's name ---

9 **THE COMMISSIONER:** Oh no, yeah, I'm not --
10 I'm not there yet.

11 **MR. TREW:** Okay.

12 **THE COMMISSIONER:** All I'm doing is trying
13 to see, when you're talking about telling the officers of
14 "getting up to speed quickly so that we can make
15 decisions", I want to know if that element of risk to --
16 present risk was something that they thought about as well.

17 **MR. TREW:** I believe so.

18 **THE COMMISSIONER:** All right, thank you.

19 **MS. DALEY:** I'm going to change topics and I
20 have just a very few questions for you about Exhibit 1532,
21 that was the Guidelines on Sexual Abuse by Priests that you
22 spoke about this morning.

23 **MR. TREW:** Yes.

24 **MS. DALEY:** Do you have that handy?

25 **MR. TREW:** Yes, I do.

1 **MS. DALEY:** My only question for you about
2 these Guidelines is this: If -- and you can help me, but
3 when I look at Phase 1, "Receiving a Complaint", I take it
4 that's referring to a Diocesan official who is receiving a
5 complaint by an alleged victim; is that correct, sir?

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

7 **MS. DALEY:** And it indicates that that
8 person writes personal notes about the reception of the
9 complaint. That's the last entry under Phase 1. I take it
10 that that part of the Guideline contemplated an interview
11 between a church official and a purported victim?

12 **MR. TREW:** That would be an interview, yes,
13 of a person coming forward and complaining about the church
14 or a person in the church.

15 **MS. DALEY:** Right.

16 **MR. TREW:** Yes.

17 **MS. DALEY:** And then Phase 3 is the
18 investigation by the CAS and the police. But I take it
19 this Guideline contemplated it before the police did an
20 investigation, it could be the case that the victim had
21 already made disclosure to a church official and the church
22 official would have written that down; is that how you
23 understood the Guideline?

24 **MR. TREW:** I understood the Guidelines --
25 maybe we're walking a line here, but I understood that when

1 the person comes forward and mentions to the church, that
2 that person immediately gives us that information and if
3 there was a child in need of protection, that the CAS would
4 be notified also.

5 MS. DALEY: Oh, I -- I don't ---

6 MR. TREW: During that conversation, initial
7 conversation, there would be notes taken by the church
8 official so that later on he could give those notes or
9 referral of information over to the police.

10 MS. DALEY: I'm just wondering whether you
11 saw any possible adverse policing implications of this
12 Guideline and what I have in mind here is obviously if --
13 you want to minimize the number of disclosures an abused
14 victim makes because if he or she is a witness at trial,
15 they have perhaps less inconsistent statements that can be
16 put to them in cross-examination.

17 Did you see that there could be an
18 implication for police work if the person is asked by the
19 church to make a statement which is written down at the
20 outset?

21 MR. TREW: No.

22 MS. DALEY: Did any aspect of this Guideline
23 cause you concern, from a policing perspective?

24 MR. TREW: No.

25 MS. DALEY: All right.

1 **MR. SHERRIFF-SCOTT:** (Off mic) can I make
2 the observation that ---

3 **THE COMMISSIONER:** Of course.

4 **MR. SHERRIFF-SCOTT:** --- (off mic)
5 guidelines just ask the person to write a statement ---

6 **THE COMMISSIONER:** No, no, I was getting
7 there. I was getting there.

8 **MR. SHERRIFF-SCOTT:** So that's a premise to
9 put to the witness which is not consistent with the
10 document.

11 **THE COMMISSIONER:** Yes.

12 And I can see the problem, because this is
13 written in French and put in English afterwards and so it's
14 a little sluggish with the English and the meaning there is
15 -- is a little different.

16 It's not that the writer of the person to
17 whom the complaint is given asks the victim to give out a
18 -- to write out a statement; it's basically to the person
19 who receives the complaint, after you've received the
20 complaint, right, whatever that person told you, hurry up
21 and write it down what you -- what happened, as a record of
22 what occurred.

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

24 **THE COMMISSIONER:** I think that's the way I
25 see it.

1 **MS. DALEY:** In any event, that -- that was
2 an aspect that made sense to you; it didn't cause you any
3 policing concern?

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

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

6 Just a few questions about John MacDonald;
7 do you recall you gave a little bit of testimony about that
8 yesterday. I don't know if you do recall. There were some
9 notes that you made.

10 Let me just find them for you. One moment.
11 Exhibit 238.

12 **THE COMMISSIONER:** We don't have it, Madam
13 Clerk.

14 No, I don't think you have it, sir.

15 Two three eight (238)?

16 No, I don't have it.

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

18 **MS. DALEY:** Two three eight (238)?

19 **THE COMMISSIONER:** Yeah. Notes from August
20 2nd, '95, to September 30th.

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

22 And I just want you to have these available
23 to you in case you need to look at them, sir.

24 But if I understood your evidence correctly
25 -- and I think it's reflected in the notes -- this

1 situation unfolded in the following way: Mr. MacDonald had
2 written to Father Maloney with an allegation of historic
3 abuse, not by him but by another priest. And it comes to
4 your attention because Father Maloney brings it to your
5 attention; is that the gist of what happened?

6 MR. TREW: Yes.

7 MS. DALEY: And I think you made a
8 preliminary assignment of the case to a Constable -- is it
9 D. Bough?

10 MR. TREW: Correct.

11 MS. DALEY: And then very shortly
12 afterwards, there was a determination that rather than
13 investigating it at Cornwall, it should be dealt with by
14 the OPP?

15 MR. TREW: Correct.

16 MS. DALEY: Is that the sequence?

17 MR. TREW: Yes.

18 MS. DALEY: And what I'm concerned about is
19 this, are you confident that that was communicated clearly
20 to Mr. MacDonald, in August of 1995?

21 MR. TREW: Yes.

22 MS. DALEY: Did you communicate that to him?

23 MR. TREW: No, the constable did.

24 MS. DALEY: The reason I'm asking -- I don't
25 know if you now about this occurrence but Staff Sergeant

1 Derochie gave testimony here that in October of 1995, Mr.
2 MacDonald and Carson Chisholm came to the Cornwall Police
3 Service station, and there was an encounter about Cornwall
4 Police taking a statement from Mr. MacDonald.

5 Were you aware ---

6 **THE COMMISSIONER:** Receiving.

7 **MS. DALEY:** Receiving the statement.

8 **THE COMMISSIONER:** Taking -- accepting it,
9 you know ---

10 **MS. DALEY:** Accepting a statement that they
11 wanted to tender.

12 **MR. TREW:** Okay.

13 **MS. DALEY:** Did you know about that?

14 **MR. TREW:** I honestly can't recall. I've
15 been trying to draw from that, but I don't remember that
16 incident.

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

18 Did you know by that time that Carson
19 Chisholm was Officer Dunlop's brother-in-law?

20 **MR. TREW:** Yes.

21 **THE COMMISSIONER:** By what time?

22 **MS. DALEY:** By October of '95?

23 **THE COMMISSIONER:** Okay.

24 **MR. TREW:** Yes.

25 **MS. DALEY:** And did you know -- whether or

1 not you knew about the particular incident we've just
2 discussed, did you know, generally, that Mr. Chisholm was
3 involved with alleged victims of abuse, sexual abuse, such
4 as Mr. MacDonald?

5 **MR. TREW:** I was aware that he was Constable
6 Dunlop's brother-in-law, but I didn't know that he was
7 actively involved in cases.

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

9 Did you come to believe that Constable
10 Dunlop had had some involvement with John MacDonald,
11 meaning that Dunlop had discussed his alleged abuse with
12 him, matters of that nature?

13 **MR. TREW:** I'm going to say no, because of
14 the letter that was written to Father Maloney. There was
15 no evidence of that, so -- and I didn't hear anything
16 further down the road on that. I personally didn't, I
17 don't believe.

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

19 **MR. TREW:** I don't recall, but ---

20 **MS. DALEY:** To the best of your knowledge,
21 the matter is turned over to the OPP. That's the only
22 thing you know?

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

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

25 And the rationale for turning it over to the

1 OPP, as your notes suggest to me, was because they had
2 already dealt with allegations concerning Charles
3 MacDonald?

4 **MR. TREW:** Plus there was OPP jurisdictions
5 and the evidence that had been gathered so far by Detective
6 Inspector Smith and his staff would set a cross-
7 referencing, those three issues.

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

9 So that brings me to some questions about
10 Constable Dunlop. All right? This is a new topic area,
11 and I don't want to spend a lot of time in the deep past,
12 but I do have some questions for you about the 1985
13 discipline that you spoke about yesterday, all right?

14 **THE COMMISSIONER:** How long will that take,
15 do you think?

16 **MS. DALEY:** Five minutes.

17 **THE COMMISSIONER:** Okay. Let's do that, and
18 then we'll take a break.

19 **MS. DALEY:** All right.

20 There's a document that I'm happy to show
21 you if it -- if you need to see it, but I gather in the '85
22 matter, Dunlop and some others alleged that you actually
23 told him to resign within 24 hours or to face criminal
24 charges. This is in relation to the cruiser incident, not
25 the wallets. Is that correct?

1 MR. TREW: Could I see the document? And I
2 ---

3 MS. DALEY: Sure.

4 MR. TREW: --- don't ---

5 MS. DALEY: One second.

6 MR. TREW: Is that a document from him?

7 THE COMMISSIONER: Well, it's ---

8 MS. DALEY: No, it's a document in the
9 disclosure and I'm going to take you to 731179.

10 THE COMMISSIONER: And you say that's
11 already an exhibit?

12 MS. DALEY: It's not an exhibit yet, sir.

13 THE COMMISSIONER: It's not an exhibit yet.

14 MS. DALEY: Yeah.

15 THE COMMISSIONER: Okay.

16 MS. DALEY: Sorry.

17 THE COMMISSIONER: It's not -- no, it's
18 okay.

19 MR. TREW: Thank you.

20 THE COMMISSIONER: We could be digging a
21 long time.

22 MS. DALEY: And perhaps a more efficient
23 thing to do is ---

24 THE COMMISSIONER: Right.

25 MS. DALEY: --- take the break, and I'll try

1 to show the documents to the witness ---

2 **THE COMMISSIONER:** Well, let's ---

3 **MS. DALEY:** --- so that we can save time.

4 **THE COMMISSIONER:** Let's make it an exhibit,
5 first ---

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

7 **THE COMMISSIONER:** --- and then we can --
8 maybe I'll read it on the break.

9 **MR. TREW:** Thank you.

10 **THE COMMISSIONER:** Okay. Exhibit 1534 is an
11 affidavit, it looks like -- yes -- of Perry Dunlop and the
12 Chief of the Cornwall Police Forces is the action number
13 and it is signed by John Parisien.

14 **--- EXHIBIT NO./PIÈCE No. P-1534:**

15 (731179) Affidavit of John Parisien - 09
16 Dec, 85

17 **THE COMMISSIONER:** All right. So let's take
18 the break and we'll come back in due course.

19 **MS. DALEY:** Sure.

20 Thank you.

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

23 This hearing will resume at 3:15.

24 --- Upon recessing at 3:01 p.m./

25 L'audience est suspendue à 15:01

1 --- Upon resuming at 3:19 p.m./

2 L'audience est reprise à 15:19

3 **THE REGISTRAR:** This hearing is now resumed.

4 Please be seated. Veuillez vous asseoir.

5 **THE COMMISSIONER:** Yes, go ahead.

6 **MS. DALEY:** Thank you.

7 **RICK TREW, Resumed/Sous le même serment:**

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

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

10 **MS. DALEY:** Inspector Trew, I'm hoping we
11 can move through this fairly quickly, but I took it from
12 what I read in Exhibit 1534 and, in particular, paragraph
13 3, that as the person responsible for the discipline of
14 Officer Dunlop in 1985 in relation to the cruiser incident,
15 you were giving him an option which was, "Resign the force
16 or charges will ensue."

17 Did that happen?

18 **MR. TREW:** That's not what happened here.
19 There was a meeting, but there was no -- it was a criminal
20 charge would be laid against him.

21 That's not the issue. The issue was either
22 resign or face disciplinary actions in front of the
23 Service.

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

25 But do I take it from this that your view

1 about the seriousness of what had occurred in relation to
2 the cruiser justified him leaving the Force?

3 MR. TREW: That's correct.

4 THE COMMISSIONER: I'm sorry; it was
5 sufficient to ---

6 MS. DALEY: Yes. This gentleman viewed that
7 the cruiser incident was such that it justified asking
8 Officer Dunlop to consider leaving the Force; correct?

9 MR. TREW: That's correct.

10 MS. DALEY: And I take it, sir, that you
11 believe strongly that the element of deceit that was
12 involved in that occurrence was very significant?

13 MR. TREW: Yes.

14 MS. DALEY: And, sir, your fellow
15 inspectors, I think they were, Inspectors or Staff Sergeant
16 Burke and Kirkey were involved in these events as well?

17 MR. TREW: Inspector Burke, I believe, was a
18 uniform inspector at the time, and Staff Sergeant Kirkey
19 was his squad leader at the time.

20 MS. DALEY: They both had some involvement
21 in the 1985 discipline of Officer Dunlop?

22 MR. TREW: Inspector Burke did not, I don't
23 believe. It was Staff Sergeant Kirkey who assisted me at
24 the *Police Act* trial.

25 MS. DALEY: And was it Kirkey also who, with

1 you, opened the officer's locker and found the wallets that
2 led to the additional charges?

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

4 **MS. DALEY:** I don't know if you'll recall
5 this, but let me try to put a timeframe on it.

6 Did you know, sir, that Constable Dunlop was
7 off duty on leave from about the beginning of 1994 through
8 to May of 1997?

9 **MR. TREW:** I know he was on leave, but the
10 specific dates, especially the '94 one, I thought it was
11 earlier, but ---

12 **MS. DALEY:** I see.

13 His return date, if I gave you his return
14 date as being in May of 1997, does that accord with your
15 recollection?

16 **MR. TREW:** I remember him being there in
17 1997 because we dealt with him in 1997.

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

19 And I don't know if you know about this
20 incident or not, and I'm not going to spend a great deal of
21 time here, but Staff Sergeant Derochie gave some evidence
22 about an occurrence when Officer Dunlop returned to work,
23 involving the use of the PA system and some rather
24 disrespectful comments concerning Burke and Kirkey. Did
25 you know about that?

1 **MR. TREW:** Only in preparation for this
2 Inquiry.

3 **MS. DALEY:** All right. You didn't know
4 about it at the time.

5 Now, sir, during the period of time that
6 Officer Dunlop was off active duty on leave, was it
7 generally known to the Force that he was doing private
8 investigations, for want of a better term, into allegations
9 of historic sexual abuse?

10 **MR. TREW:** I personally didn't know that.

11 **MS. DALEY:** Were you aware of any media
12 pieces that dealt with that subject?

13 **MR. TREW:** As the initial meeting with
14 Inspector Smith and having Constable Dunlop come to my
15 office and speak to the investigating officers, shortly
16 thereafter, whether that's a month, or so, there was an
17 issue that arose, and I had to give an order not to speak -
18 - to be speaking with the media and follow a directive that
19 we had at the Cornwall Police Services at that time.

20 **MS. DALEY:** Apart from speaking with the
21 media, which I -- is another matter you gave an order on,
22 was an order given to Constable Dunlop to discontinue any
23 private meetings with alleged victims of historic sexual
24 assault?

25 **MR. TREW:** I didn't -- I wasn't aware of

1 that, so I wouldn't have given him that order. I didn't
2 know he was meeting the people.

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

4 Did you know that -- obviously you gave
5 testimony about his civil lawsuit. That's a fact that you
6 knew about?

7 **MR. TREW:** Yes.

8 **MS. DALEY:** And did you know that he was
9 doing work interviewing victims in relation to the civil
10 lawsuit at all?

11 **MR. TREW:** No.

12 **MS. DALEY:** All right.

13 By the time he returns and you speak with
14 him on August the 7th, and this is reflected in your notes,
15 sir. For your ease of reference, it's Exhibit 733.

16 You were taken to this passage this morning,
17 but by August of '97, he's telling you and others that
18 there are crime victims that need him, that won't come
19 forward without him. And if you want to look at the
20 exhibit, sir, take your time; 733.

21 **MR. TREW:** I haven't got it.

22 **THE COMMISSIONER:** What page number?

23 **MS. DALEY:** It's the hand numbering page 5
24 of 62.

25 **THE COMMISSIONER:** Five of sixty two.

1 **MR. TREW:** Where would you like me to go,
2 ma'am?

3 **MS. DALEY:** Do you have the hand numbering
4 page 5 of 62?

5 **MR. TREW:** Yes, I do.

6 **MS. DALEY:** That's where we're at. It's at
7 the very bottom of that meeting of August 7th, in which he
8 states:

9 "There are victims that won't come forward unless he's
10 involved with their case."

11 And you spoke about that here yesterday, I'm
12 just taking you back to that ---

13 **MR. TREW:** Okay.

14 **MS. DALEY:** --- that occurrence.

15 Obviously by this point-in-time, you were
16 made aware that he's in contact with victims, some of whom
17 I take it he claims trust him but perhaps not the Cornwall
18 Police Service. Is that what you took from that comment?

19 **MR. TREW:** Yes.

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

21 **MR. TREW:** Also not come forward meaning to
22 the OPPs also.

23 **MS. DALEY:** So these people were not
24 prepared to deal with either your Service or the OPP? They
25 were ---

1 **MR. TREW:** That's how I took it.

2 **MS. DALEY:** That's how you took it?

3 I take it, sir, that when Officer Dunlop was
4 on leave, notwithstanding he wasn't on active duty,
5 anything he did of an investigatory nature would be subject
6 to disclosure in the event a criminal charge ensued?

7 **MR. TREW:** Correct.

8 **MS. DALEY:** You always understood that?

9 **MR. TREW:** Yes.

10 **MS. DALEY:** Do you believe that was
11 generally understood by the senior officers at the Force
12 during the period of Dunlop's leave?

13 **MR. TREW:** Yes.

14 **MS. DALEY:** Did Dunlop understand that,
15 based on your discussions with him from and after June of
16 '97?

17 **MR. TREW:** Definitely.

18 **MS. DALEY:** There's no doubt in your mind?

19 **MR. TREW:** None.

20 **MS. DALEY:** So there was never an issue that
21 because I'm not on active duty, I'm not wearing a uniform
22 when I do these interviews, they don't matter. He always,
23 to your best evidence, knew that this would be disclosable
24 material if a charge ensued?

25 **MR. TREW:** It's common knowledge that once

1 you swear, take the oath as a police officer, you're a
2 police officer 24 hours a day.

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

4 Perhaps the answer is no, but since you
5 don't appear to have direct knowledge of him doing
6 investigations while off duty, do you know if this is a
7 matter that the Chief at the time, or the Deputy Chief ever
8 have regard to? That is to say the fact that Dunlop
9 appears to be interviewing crime victims when he's off
10 duty?

11 **MR. TREW:** It becomes an issue. As you can
12 see in my notes ---

13 **MS. DALEY:** Yes.

14 **MR. TREW:** --- it becomes more of an issue
15 and initially we were not aware of him doing
16 investigations.

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

18 So your best evidence is that that issue
19 never surfaces until some time in the summer of 1997 after
20 he's back on duty?

21 **MR. TREW:** That's my interpretation.

22 **MS. DALEY:** All right.

23 Just a few final questions, sir, about your
24 involvement with Project Truth.

25 Since we're in your notes, Exhibit 733, I

1 wonder if you'd look with me at Bates page 376 which is ---

2 MR. TREW: Which page?

3 MS. DALEY: Handwritten 23 of 62.

4 MR. TREW: Yes.

5 MS. DALEY: And this is the February 3rd,
6 1998 entry and I do believe you spoke about this yesterday.

7 But what I want to focus on is sort of
8 halfway down the page where you've noted that many of the
9 victims' witnesses might have contacted Project Truth
10 because they did not want to deal with the Cornwall Police
11 and you say, in brackets:

12 "(Perception problem because what they read and see by the
13 media, Fifth Estate, Ottawa Sun, Standard Freeholder, et
14 cetera.)"

15 And I don't think you talked about that in-
16 chief, but I just want to see if I can get that thought
17 developed a bit further.

18 Is what you're referring to there the media
19 coverage surrounding Officer Dunlop and his role in this
20 piece?

21 MR. TREW: It's about the media storm that's
22 taking place at this time where if it's not about Special
23 Constable Dunlop it's directed at the Cornwall Police
24 Service, where as time goes by it would be very, very
25 difficult for the Cornwall Police Service to try and clear

1 the air on these past investigations because of the
2 poisonous(sic) of the media event.

3 **MS. DALEY:** Was it your view that by early
4 1998 the Cornwall Police had lost the battle for hearts and
5 minds, if you wish, in that the media had portrayed it in a
6 negative light?

7 **MR. TREW:** We never lost -- we never lost
8 faith that it eventually would come forward. When
9 Inspector Smith -- after Ottawa, Inspector Smith does a
10 further review of what we did and there was no finding of
11 cover-up or wrongdoing.

12 A further investigation by Detective
13 Inspector Smith reveals that he cannot go and lay charges.
14 He doesn't have enough evidence and he sends that evidence,
15 or package, off to a Crown Attorney who views it and says,
16 "You haven't got enough". And it was only later on that
17 Inspector Smith, again, as new evidence came to light, was
18 able to lay charges.

19 So we felt all along that Cornwall was going
20 to get -- the air was going to get cleaned -- the air was
21 going to get cleared here, that we did the right thing or
22 we were trying to do the right thing.

23 **MS. DALEY:** But by this point-in-time, 1998,
24 your feeling is that the Force is not -- it's reputation
25 has been somewhat damaged by the media to that point?

1 **MR. TREW:** And thus that another service
2 comes in and clears the air for us.

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

4 There's a comment in your note that also
5 suggested to me that public opinion was quite inflamed.

6 And if you look at page 29 of 62, that's a
7 note you made May 21st, 1998, and I won't ask you for
8 details but as of that date what had happened was someone
9 had defaced church buildings ---

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

11 **MS. DALEY:** --- with a slogan that said
12 "pedophile heaven" or "pedophile haven"?

13 **MR. TREW:** Correct.

14 **MS. DALEY:** So obviously that was a
15 reflection of some very intense feelings in the community
16 and some people who were acting on them. Would you agree?

17 **MR. TREW:** Intense feelings in the
18 community? It was put there by someone, I don't know if
19 that was the whole gist of the community or not?

20 **MS. DALEY:** All right.

21 Fair enough, but some element of the
22 community saw fit to do this?

23 **MR. TREW:** That's right.

24 **MS. DALEY:** Take this step.

25 Just a few little final topics and these

1 will be somewhat random focussed, but you were asked
2 yesterday questions about the various orders that were
3 given to Constable Dunlop after he rejoined the Force, some
4 of which he didn't comply with, and I wonder this.

5 From your point-of-view, was the fact that
6 he'd initiated a civil suit against the Force a factor that
7 led you -- the Force not to impose discipline as a result
8 of his order breaches?

9 MR. TREW: Not the civil suit.

10 MS. DALEY: What was, in your mind, the key
11 factor for not imposing discipline in the face of
12 violations of orders by Dunlop?

13 MR. TREW: The key factor with me was I
14 wanted disclosure to keep flowing. I wanted things to get
15 going to the Project Truth investigators. It was very
16 important on behalf of the Cornwall Police Service to be
17 perceived as genuinely trying to help and -- and put the --
18 these investigations -- to complete these investigations
19 and put them to rest. Therefore, that alone was the most
20 important one in my mind; that disclosure had to go
21 through. If I was going to charge this officer, I felt
22 that disclosure would stop immediately.

23 MS. DALEY: In other words, to the extent he
24 was cooperating, that would stop.

25 MR. TREW: That's correct.

1 **MS. DALEY:** Even though he had a duty to do
2 what he'd been asked.

3 **MR. TREW:** That's correct. I believe my
4 evidence would reflect that I still had that option
5 somewhere down the road of charging this officer.

6 **THE COMMISSIONER:** And if you were to lay
7 charges, would that give, under the *Police Act*, a right to
8 go in and grab a search warrant? Did you have search
9 warrant possibilities under the *Police Act*?

10 **MR. TREW:** At that time, under the
11 *Provincial Offences Act*, there is some grounds there or
12 some leeway, but reading the *Police Services Act*, it
13 doesn't state that, in particular, in the *Police Services*
14 *Act* about "re: Search warrants."

15 **THE COMMISSIONER:** Research warrants?

16 **MR. TREW:** Well, a section just on search
17 warrants.

18 **THE COMMISSIONER:** Right, okay. Right; re:
19 Search warrants.

20 **MR. TREW:** Yes.

21 **MS. DALEY:** Apart from the *Police Services*
22 *Act*, was there authority elsewhere for the issuance of a
23 warrant to obtain documents that were disclosable that
24 might have been on his premises?

25 **MR. TREW:** Could I have that one more time,

1 ma'am?

2 **MS. DALEY:** Yes, that was a bad question.

3 Apart from the *Police Services Act*, did you
4 or other members of the force consider that a search
5 warrant could otherwise be obtained to take materials from
6 his home that were disclosable in the Project
7 Truth matters?

8 **MR. TREW:** Well, you must remember that
9 under -- under an investigation -- which we did not have a
10 criminal investigation against Special Constable -- sorry,
11 under -- against Constable Dunlop, therefore, it would be
12 impossible to get a search warrant under the *Criminal Code*
13 so there's really only two places where you could get a
14 search warrant; under the *Criminal Code*, as a result of an
15 investigation and possibly under the *Provincial Offences*
16 *Act*, if you had started a *Police Act* trial against him or
17 *Police Act* investigation against him.

18 **MS. DALEY:** All right, so that latter point
19 goes to the Commissioner's question to you which would
20 suggest that if there were *Police Act* charges, there's a
21 possibility under the *Provincial Offences Act* of procuring
22 a warrant?

23 **MR. TREW:** There's a possibility.

24 **MS. DALEY:** All right, but I take it the
25 Force didn't -- did the Force actively consider doing that

1 or not?

2 MR. TREW: Again ma'am, that's where I was
3 more than concerned that we -- we would -- first of all,
4 that's number one where we wouldn't get any more. We
5 didn't know where those documents or disclosure were.
6 You're talking about a home, you know, there's many homes,
7 there's many barns, there's many sheds; we have to be
8 specific because if we lose and go and do the search
9 warrant and turn up nothing, that -- that again, we get
10 fired upon ---

11 MS. DALEY: I hear you.

12 MR. TREW: --- through the media.

13 MS. DALEY: Understood.

14 MR. TREW: Okay.

15 MS. DALEY: So you thought that potentially
16 Dunlop might be alert to this and hide his materials?

17 MR. TREW: At some point, yes.

18 MS. DALEY: All right. And I guess that
19 speaks volumes to the way you were seeing Dunlop, at this
20 point in time.

21 MR. TREW: You have to remember, ma'am, that
22 I did the Chief's prosecution on this individual in 1985 --
23 -

24 MS. DALEY: Yes.

25 MR. TREW: --- and the grounds were or the

1 charge was of deceit.

2 MS. DALEY: Yes.

3 MR. TREW: Therefore, I -- I couldn't fully
4 -- I couldn't fully trust this officer.

5 MS. DALEY: Understood. I take it, sir, you
6 were no longer with the Service in 1999 when Officer Dunlop
7 made a media statement which was a two-part statement; one
8 part of which was he was complaining that his fellow
9 officers weren't backing him up. Were you still on the
10 Force when that happened?

11 MR. TREW: Is that the one that came through
12 a media release again?

13 THE COMMISSIONER: I don't know if it was a
14 media release or an interview.

15 MS. DALEY: I believe it was an interview.

16 THE COMMISSIONER: An interview.

17 MR. TREW: Well, the originality of that
18 came through a media release back in the early spring of
19 1999.

20 MS. DALEY: Yes.

21 MR. TREW: It was, I believe, Whistleblower
22 Program ---

23 MS. DALEY: Yes.

24 MR. TREW: --- and Constable Dunlop, at that
25 time, was talking to the media and mentioned a couple of

1 facts, one being that he wasn't getting proper back-up ---

2 MS. DALEY: M'hm.

3 MR. TREW: --- or he felt he wasn't getting
4 proper back-up.

5 MS. DALEY: So you were aware of that ---

6 MR. TREW: Yes.

7 MS. DALEY: --- statement that he made? And
8 as I understand police culture, that is one of the worst
9 things that an officer can say about his fellow officers;
10 would you agree?

11 MR. TREW: I definitely agree with that.

12 MS. DALEY: So to the extent he was alleging
13 his fellow officers weren't backing him up, those fellow
14 officers, you would expect to be very exercised about that.

15 MR. TREW: I can't speak for everyone. I
16 can speak for myself and it would cause grave concern for
17 me that initially, if the officers were not backing him up,
18 we have serious, serious problems.

19 MS. DALEY: Yes.

20 MR. TREW: But at the same token, taking it
21 from that light and going to the -- being disturbed, it --
22 it would be -- if it was not true, then he's actually --
23 he's actually blaming his own fellow officers when the
24 blame should not be there at all.

25 MS. DALEY: Assuming that the assertion

1 isn't, in fact, true; it's very insulting and offensive to
2 his fellow officers.

3 **MR. TREW:** Obviously, yes.

4 **MS. DALEY:** All right. Just give me one
5 moment, please.

6 I have one final document I want to show you
7 and discuss with you very briefly and it is -- just to help
8 you, sir, you recall you gave some testimony yesterday and
9 also today about the press conference you attended with
10 some of the OPP gentlemen in September of '97.

11 And, Madam Clerk, if you could have
12 available Document 721074 for Mr. Trew to look at?

13 **THE COMMISSIONER:** It's in your -- no, it's
14 a new one, sir. It's in your -- no.

15 **MS. DALEY:** It won't be there yet, sir.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **THE COMMISSIONER:** Exhibit Number 1535 are a
18 number -- no, same one, right, okay -- is an article by Ben
19 Rayner, R-a-y-n-e-r, of the Ottawa Sun undated that I can
20 see.

21 **--- EXHIBIT NO./PIÈCE NO. P-1535:**

22 (721074) The Ottawa Sun news clipping "18
23 eyed in sex ring"

24 **THE COMMISSIONER:** Okay?

25 **MR. TREW:** Yeah.

1 **MS. DALEY:** Sir, I just wonder if you can
2 identify this as a news item that correlated to the press
3 conference that you and these OPP gentlemen gave and that
4 you spoke about in your testimony; is this one of the
5 articles that came from that event?

6 **MR. TREW:** Yes.

7 **MS. DALEY:** And in the fourth column
8 counting from the left, the top paragraph is referring to
9 the fact that some members of the public were at the
10 conference, and it suggests that perhaps they were angry as
11 a result of an appearance of secrecy. Do you remember
12 members of the public at that press conference and any
13 statements or actions that they took?

14 **MR. TREW:** I remember members of the public
15 but how many, I don't recall. I do remember one
16 individual.

17 **MS. DALEY:** This article is creating an
18 impression that the people there were somewhat angry and
19 demanding, was -- is that your recollection?

20 **MR. TREW:** My recollection would have been
21 that there was some backroom noises and shouts, but nothing
22 in a detrimental way to ruin the press release.

23 **MS. DALEY:** All right, so there appeared to
24 be some agitation but it was off-screen, so to speak.
25 These people weren't addressing you or the other officers

1 as you recollect it?

2 MR. TREW: I think they shouted out in
3 general.

4 MS. DALEY: All right. Now, just a few
5 final questions.

6 Were you, sir, involved in any additional
7 press conferences pertaining to Project Truth and the
8 matters discussed in Exhibit 1535?

9 MR. TREW: Re-say that again?

10 MS. DALEY: Yes. Were you personally
11 involved in any further press conferences after this one
12 pertaining to the Project Truth investigation?

13 MR. TREW: I'm unclear on that. There could
14 have been one more when charges -- further charges came
15 out, but I'm not recalling it or ---

16 MS. DALEY: All right.

17 MR. TREW: --- the background.

18 MS. DALEY: I'm just wondering whether --
19 whether other members of the service gave additional media
20 interviews or press conferences on this issue, other
21 members of your service, not the OPP?

22 MR. TREW: No.

23 MS. DALEY: And sir, did your service
24 conduct any public meetings or try to put the issue back in
25 the public eye in any other fashion?

1 **MR. TREW:** Not at that time.

2 **MS. DALEY:** All right. Not until much, much
3 later?

4 **MR. TREW:** Well, I think you are suggesting
5 that townhouse meeting perhaps.

6 **MS. DALEY:** Yes, that type of event.

7 **MR. TREW:** I know that Chief Shaver had
8 townhouse meetings but I don't believe it was around this
9 time, and certainly not around these issues.

10 **MS. DALEY:** All right. And one final
11 comment you made in-chief and I just want to clarify. You
12 had said in response to Mr. Stauffer's questions that you
13 disagreed with the use of the pedophile term in the press
14 release because your knowledge told you that that applied
15 to people who have a sexual interest in children under
16 puberty. You remember that?

17 **MR. TREW:** Yes.

18 **MS. DALEY:** You weren't meaning to suggest
19 by that that a person who was older than puberty, in other
20 words say between the ages of 13 and 18, I take it that you
21 weren't suggesting that if those people were sexually
22 abused it wasn't otherwise a criminal matter. You just
23 wouldn't label that pedophilia?

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

1 **MS. DALEY:** Is that correct? Those are my
2 questions. Thank you.

3 **THE COMMISSIONER:** Thank you.

4 Mr. Paul?

5 **--- CROSS-EXAMINATION BY /CONTRE-INTERROGATOIRE PAR MR.**

6 **PAUL:**

7 **MR. PAUL:** Good afternoon, Inspector Trew.

8 **MR. TREW:** Good afternoon.

9 **MR. PAUL:** I appear for the Coalition for
10 Action which is a citizen's group that had been involved in
11 advocating for this inquiry.

12 At the outset I'd like to ask you a few
13 questions to clarify a few points I don't understand in
14 relation to your evidence on Ms. Antoine, Jeannette
15 Antoine.

16 First thing I'd like to focus on would your
17 evidence in relation to how you say you had heard from
18 Constable Malloy that the evidence of Jeannette Antoine had
19 changed over time. And I think in your words you had
20 referred to this as -- a couple of times in your evidence
21 as the dynamic of the story changing.

22 And first of all, I would understand that
23 you yourself don't have any notes on these conversations or
24 this conversation with Constable Malloy about the evidence
25 changing?

1 **MR. TREW:** I don't have notes on that.

2 **MR. PAUL:** And you also don't have the
3 benefit of looking at any notes of Constable Malloy in
4 relation to how the evidence changed.

5 **MR. TREW:** In prep, I've seen notes in
6 regards to Constable Malloy, but there is a notation there
7 in regards to that he spoke with Jeannette Antoine. I
8 don't recall seeing notes that the dynamics changed.

9 **MR. PAUL:** Okay. As far as -- in terms of a
10 written record, you don't have any recollection of any
11 written record illustrating or setting out in detail how
12 the evidence changed?

13 **MR. TREW:** No.

14 **MR. PAUL:** And both today and yesterday, you
15 simply indicated that the story had changed but you didn't
16 give any details of how that changed. Correct?

17 **MR. TREW:** Correct.

18 **MR. PAUL:** So I would assume that either
19 Constable Malloy didn't give those details to you or
20 perhaps you had forgotten them. Is it possible that one of
21 those two situations would be the reason?

22 **MR. TREW:** There is a detail that I do
23 recall, back then. The detail was that she came forward
24 and she was suggesting that she was physically abused and
25 assaulted back in the seventies. There was some mention

1 about possible sexual abuse but she doesn't go into
2 details. And then the next time he talks to her or sees
3 her, speaks to her, the issue of the sexual abuse is not on
4 the table. It's just an abuse of physical.

5 MR. PAUL: All right. Would you not agree
6 that did not Constable Malloy tell you at some point that
7 she was indicating she more interested in the physical
8 abuse and the sexual abuse? She didn't really want to
9 proceed necessarily as strongly with the sexual abuse?

10 MR. TREW: During our interview, I don't
11 recall that at all.

12 MR. PAUL: All right.

13 So you're not suggesting that you actually
14 had some comment from Constable Malloy that she described
15 the sexual abuse in two different ways; correct?

16 MR. TREW: No, basically it was a generality
17 conversation with the officer, dynamics have changed; give
18 me the example of the abuse, whether it was sexual or non
19 sexual, wanting to go ahead or not wanting to go ahead.
20 That was just what I can recall.

21 MR. PAUL: And so it's just you have an
22 impression that the sexual abuse was referred to perhaps in
23 one conversation not in another?

24 MR. TREW: I'll agree.

25 MR. PAUL: Okay. But you don't necessarily

1 know all the details of those conversations or the context;
2 correct?

3 MR. TREW: That's correct.

4 MR. PAUL: Ms. Antoine, she's not -- I may
5 be incorrect in this but I assume that she's not a lady
6 that you actually met yourself?

7 MR. TREW: No, I have never officially met
8 Jeannette Antoine.

9 MR. PAUL: Now, the word, when people use
10 the word "story", you've said a couple of times the dynamic
11 of the story changed. Some people when they refer to
12 "story" refer to it as a -- in sort of a derogatory way of
13 evidence, as if it's fictional.

14 And I would assume that since you never met
15 this lady and you don't have any notes in relation to or
16 records in relation to what the changes were, I would
17 assume that by the word "story" that you're not referring
18 to it as a fictional account?

19 MR. TREW: No, I'm not referring to it as a
20 fictional account. The concern of the officer was trying
21 to get the story straight and being able to proceed with an
22 investigation.

23 MR. PAUL: And as far as the officer -- you
24 relied on almost exclusively on the officer, in terms of an
25 assessment of whether this lady is believable because he is

1 the one that was dealing with her?

2 MR. TREW: I believe that eventually the
3 statement was taken from Jeannette Antoine or given to the
4 officer and he took it to the Crown counsel for review.

5 MR. PAUL: I'm just suggesting that since
6 he's the one that met her, you would agree that he's the
7 best source on whether her evidence changed and how much it
8 changed?

9 MR. TREW: Yes.

10 MR. PAUL: So whether it was major or minor,
11 he's the best source, not you?

12 MR. TREW: Yes, sir.

13 MR. PAUL: Now, were you under the
14 impression from dealing with Constable Malloy that he was
15 saying that apart of the written statement, he has several
16 different meetings with her where he discusses it with her
17 verbally but has no record?

18 MR. TREW: I recall in our conversations, I
19 believe there was two; there might have been three, but
20 definitely two conversations about the case. He has
21 mentioned that he has talked with her a couple of times.
22 He has also mentioned to me that there was some difficulty
23 in seeing her. That was led to me -- led me to believe
24 that it was difficult reaching her, contacting her, making
25 an appointment with her.

1 **MR. PAUL:** All right. But in terms of
2 whether she was cooperative or not, that sort of ended when
3 she gave a fairly lengthy written statement; those concerns
4 probably ended at that point?

5 **MR. TREW:** Yes.

6 **MR. PAUL:** And as far as Constable Malloy's
7 dealings with her, were you under the impression that he
8 was talking to her and keeping no notes of those
9 conversations?

10 **MR. TREW:** When I talked to Constable Malloy
11 during one of these conversations, the officer had a
12 notebook in his hand. I find it surprising that there's
13 not more notes. The officer was very -- usually very
14 detailed with his notes.

15 **MR. PAUL:** All right. So at the time you're
16 saying you didn't direct him to take notes of these
17 conversations because you assumed he was doing it?

18 **MR. TREW:** Yes.

19 **MR. PAUL:** But now having reviewed his notes
20 while preparing for the case, you understand that perhaps
21 that wasn't the case?

22 **MR. TREW:** Well, not -- there is some notes
23 but there's obviously notes that are not continuing.

24 **MR. PAUL:** I just wanted to ask you; given
25 the lack of written record of any discrepancies in her

1 evidence, would you agree that that perhaps would lead you
2 to conclude that any discrepancies in her evidence are
3 probably fairly minor if they were perhaps too minor to
4 even record?

5 MR. TREW: Could you say that again, sir?
6 I'm not quite -- I don't quite understand the question.

7 MR. PAUL: The fact that there is no written
8 record of these differences in her evidence, would that
9 lead you perhaps to conclude that the differences were too
10 minor to even note in his notebook?

11 MR. TREW: I guess you're asking my opinion?

12 MR. PAUL: I'm asking your opinion, yes.

13 MR. TREW: They should have definitely been
14 in an issue and they should have been in the notebook.

15 MR. PAUL: Just going to the notes, there
16 were some questions asked by Mr. Stauffer about the
17 note-taking practice and I was under the impression that
18 you didn't necessarily agree with Staff Sergeant Derochie's
19 findings in his report in relation to note keeping. I just
20 want to clarify that, are you -- I want to perhaps suggest
21 that do you agree that Staff Service Derochie, in his
22 criticisms of the note-taking was not saying that there
23 were no notes taken, he was saying that there were certain
24 days or certain absences of entries; would you agree with
25 that?

1 **MR. TREW:** It left me with an opinion that
2 there was -- that he was very adamant there was very little
3 note-taking.

4 **MR. PAUL:** Okay. And I, just to understand,
5 are you in disagreement with those conclusions with respect
6 to note-taking?

7 **MR. TREW:** The note-taking, I -- I would not
8 be in disagreement with Staff Sergeant Derochie's finding.
9 If he found that there was -- there was gap in note-taking,
10 that's not acceptable.

11 There is obviously, hopefully there's some
12 information that the Inquiry has gotten to try and clarify
13 that.

14 **MR. PAUL:** And you would understand that
15 Constable Malloy worked for you at the time he received
16 some type of counselling in relation to note keeping?

17 **THE COMMISSIONER:** Well, not counselling.
18 He was counselled, as in not therapeutic counselling but
19 discipline counselling.

20 **MR. TREW:** Discipline counselling, yes.

21 **MR. PAUL:** Yes.

22 I believe Constable Derochie -- is it your
23 understand that he also -- I can point you to the portion
24 if you need it -- but is it your understanding that he drew
25 a general conclusion at some point that the investigation

1 was, in his words, "poor"? Poor investigation?

2 **THE COMMISSIONER:** I don't think that was
3 his word, but I thought it was "ineffective" and ---

4 **MR. PAUL:** I thought that Silmser that was
5 ineffective.

6 **THE COMMISSIONER:** Oh, I'm sorry, yes, yes,
7 yes, yes. No.

8 **MR. PAUL:** I believe it's at ---

9 **MR. TREW:** Are we in Silmser or are we on
10 Antoine?

11 **THE COMMISSIONER:** Antoine.

12 **MR. PAUL:** Antoine, yes.

13 **THE COMMISSIONER:** That was my fault.

14 **MR. PAUL:** I can point you to perhaps
15 exhibit, I believe it's 1286, at page 8.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. PAUL:** I believe it's at the bottom of
18 the page.

19 **THE COMMISSIONER:** Hold on.

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

21 **MR. TREW:** Mr. Paul, where would you like me
22 to go?

23 **MR. PAUL:** Oh, it's the bottom of the page
24 is the number 2, and actually, it would be -- the word
25 "poor" isn't used but it's, "did not conduct a thorough

1 investigation."

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. TREW: Are we on page 2?

4 MR. PAUL: I'm sorry, it's page 8, at the
5 bottom of page 8, but there's a number 2, there's two
6 points at the bottom of the page and it's number 2.

7 MR. TREW: "Did not keep proper notes of his
8 involvement with this matter."

9 I concur with the evidence here in the
10 Inquiry.

11 "Constable Malloy did not conduct a
12 thorough investigation."

13 I disagree.

14 MR. PAUL: The portion about "not conducting
15 a thorough investigation," is that something you would be
16 in agreement with?

17 THE COMMISSIONER: He just said, no, he
18 doesn't agree with it.

19 MR. PAUL: No, okay.

20 Now, is that the portion that -- did you
21 actually take that up Staff Sergeant Derochie and make your
22 concerns known? Did you take your concerns to Staff
23 Sergeant Derochie that you didn't agree with that portion?

24 MR. TREW: I believe I spoke yesterday in
25 generalities, that I was disappointed and I perhaps gave my

1 opinion to him that I was disappointed in the report in --
2 as regards to the officer trying to do an investigation and
3 in regards to the supervision of that officer.

4 But in details, I do not remember going in
5 details and speaking with the officer.

6 **MR. PAUL:** All right. So your disagreement
7 with -- that you referred to Staff Sergeant Derochie would
8 have been the level of supervision but it also would have
9 included -- beyond the supervision aspects, would it have
10 included the reference to the thoroughness of the
11 investigation?

12 **MR. TREW:** Is that a two-part question, Mr.
13 Paul?

14 **MR. PAUL:** I understand -- I think you just
15 said that you took up the issue of supervision, that's
16 another criticism in the report, you took that up with
17 Staff Service Derochie; I'm still ---

18 **MR. TREW:** When -- when I say "took it up,"
19 to the best of my recollection I remember call -- speaking
20 with Staff Sergeant Derochie. I remember basically
21 referring to, "I did not concur with his findings in
22 regards to supervision and the officer's investigation."
23 In detail; I never went in detail with that.

24 **THE COMMISSIONER:** So what did he tell you
25 about that, in response?

1 **MR. TREW:** I believe he -- he tried to -- a
2 staff sergeant is a staff sergeant; he was trying to be
3 respectful to an Inspector at the same time, so I don't
4 believe he was trying to be combative or -- or try to -- he
5 basically said that "that was my findings, Inspector, and I
6 felt it necessary to put it to paper."

7 **THE COMMISSIONER:** So in the end, though, he
8 was being critical of you, amongst other people?

9 **MR. TREW:** Amongst other people.

10 **THE COMMISSIONER:** When you spoke to him to
11 tell him about how -- do you not think that that might be
12 seen as putting pressure on someone who was your
13 subordinate?

14 **MR. TREW:** It was already down to a report.
15 I couldn't put pressure on it; it was already a finished
16 report.

17 And I didn't -- I didn't come across that
18 way, as putting pressure; I just came across as that I was
19 dissatisfied. I was just dissatisfied and I didn't
20 approve.

21 **MR. PAUL:** And as far as persons you took
22 this report up with or discussed it with, is Staff Sergeant
23 Derochie, is he the only one that you discussed the report
24 with?

25 **MR. TREW:** Well, I was shown the report

1 initially by -- sorry -- by Chief Johnston and I believe I
2 -- I might have said the same things to Chief Johnston.

3 **THE COMMISSIONER:** And what did Chief
4 Johnston say about that?

5 **MR. TREW:** I have -- I have no recollection,
6 sir.

7 **MR. PAUL:** And as far as the thoroughness of
8 the investigation, it's your understanding that in the
9 Antoine case, there was never an interview of an accused?

10 **MR. TREW:** In -- in the initial part, Mr.
11 Paul?

12 **MR. PAUL:** Yes.

13 **MR. TREW:** In the initial part, before the
14 evidence went to the Crown, yes, I was aware.

15 **MR. PAUL:** And would that not suggest some
16 lack of thoroughness in the investigation?

17 **MR. TREW:** We were waiting for a statement
18 from the victim, at the time. Once the statement was
19 obtained by the officer -- I believe there was an interview
20 by the officer to the victim and, therefore, he went also
21 for further assistance with the Crown attorney and when the
22 Crown attorney mentioned that there was a big possibility
23 here, there wasn't any -- any -- enough evidence for
24 charging someone but they were going to go on to put that
25 information to the Regional Crown, I believe the officer

1 felt he better put everything on hold instead of running
2 out and trying to interview an accused.

3 **MR. PAUL:** All right. Well, not trying to
4 interview the accused before going to the Crown, does that
5 not show some lack of thoroughness in the investigation?

6 **MR. CHISHOLM:** I'm sorry to interrupt my
7 friend.

8 Mr. Paul's making reference to an accused;
9 I wonder if he could specify who he's speaking of?

10 **MR. PAUL:** Well, certainly there are
11 multiple potential accused, but I believe the one most
12 often referred to by Ms. Antoine is Mr. Keough ---

13 **THE COMMISSIONER:** Which one?

14 **MR. PAUL:** --- as the one that she has the
15 most interest in, I believe.

16 **THE COMMISSIONER:** Mr. Chisholm?

17 **MR. CHISHOLM:** I'm sorry to interrupt again.
18 I don't believe that Mr. Keough is ever
19 charged with an offence.

20 **THE COMMISSIONER:** No. No, no, he was never
21 charged.

22 **MR. CHISHOLM:** So with respect to the
23 categorization by Mr. Paul ---

24 **THE COMMISSIONER:** As an "accused," a
25 "suspect" then; would you agree with "suspect" Mr. ---

1 **MR. PAUL:** Yes.

2 **THE COMMISSIONER:** --- Mr. Chisholm?

3 Well, a "person of interest"?

4 What word would you like to have to
5 describe? Pick one.

6 **MR. CHISHOLM:** "Mr. Keough" I suppose, is
7 better than "the accused."

8 **THE COMMISSIONER:** Well, no, no, "the
9 accused" you're right, but, you know, "the suspect"?

10 **MR. CHISHOLM:** Suspect in whose eyes?

11 **THE COMMISSIONER:** Okay. So what's the
12 opposite of a complainant?

13 "The complainant came in and gave a
14 statement implicating Mr. Keough", How
15 would you describe Mr. Keough? What
16 name would you give him other than Mr.
17 Keough, "The culprit"?

18 **MR. CHISHOLM:** Not in the legal system that
19 we operate in Canada.

20 **THE COMMISSIONER:** Okay. Okay. No, it's
21 just I saw that in other -- that some note takers that I've
22 seen call them ---

23 **MR. CHISHOLM:** In the Cornwall Police
24 Service notes there's actually a form that Cornwall Police
25 Service notes it refers to identify -- identification of

1 the culprit. I suspect that's where that language may have
2 come from.

3 **THE COMMISSIONER:** Right.

4 **MR. CHISHOLM:** In terms of using the word
5 "accused" in the context that the justice system normally
6 uses that word.

7 **THE COMMISSIONER:** "Accused" is out, Mr.
8 Chisholm.

9 **MR. CHISHOLM:** Thank you, sir.

10 **THE COMMISSIONER:** Which word do you want
11 him to use?

12 **MR. CHISHOLM:** Something other than the
13 "accused" Mr. Keough.

14 **THE COMMISSIONER:** All right.

15 **MR. CHISHOLM:** The -- and maybe if that's
16 who he is referring to -- he's speaking of -- perhaps he's
17 speaking of other individuals -- the "object" of Ms.
18 Antoine's concerns. I'm not sure which word Mr. Paul can
19 use but there must be one better than the "accused."

20 **THE COMMISSIONER:** Okay.

21 **MR. CHISHOLM:** Thank you, sir.

22 **THE COMMISSIONER:** So what do you think of
23 all that?

24 **MR. PAUL:** Perhaps "suspects" would be -- I
25 don't have any difficulty with that, I think.

1 **THE COMMISSIONER:** Anyway, so -- but the
2 person we're talking about now is Mr. Keough ---

3 **MR. PAUL:** Mr. Keough primarily.

4 **THE COMMISSIONER:** --- hereinafter referred
5 to as the "suspect".

6 **MR. TREW:** Yes sir. Thank you.

7 **MR. PAUL:** Now, you're not aware of any
8 attempt before Mr. Malloy saw the Crown to interview Mr.
9 Keough or any other suspected persons?

10 **MR. TREW:** There wasn't any other suspected
11 persons. But, no is the answer.

12 **MR. PAUL:** And as far as other witnesses,
13 other than the complainant giving the written statement,
14 are you aware of any other persons that were interviewed by
15 Mr. Malloy prior to going to see the Crown?

16 **MR. TREW:** There was some conversation in
17 regards to people who lived away from the jurisdiction; one
18 being, I believe, a sister that lived in New Jersey;
19 another person who had moved out west. I don't have that
20 name and therefore -- I recall that conversation.

21 **MR. PAUL:** Okay. Were any of those people
22 interviewed?

23 **MR. TREW:** No, they weren't at the time
24 because of budget restraints and human resource restraints.
25 There wasn't even any thought of going ahead until we had

1 further guidance and more evidence -- further guidance from
2 the Crown.

3 MR. PAUL: Was anybody in Children's Aid
4 interviewed prior to Constable Malloy going to the Crown?

5 MR. TREW: I'm not aware of that.

6 MR. PAUL: In terms of your assessment of
7 this being a thorough -- or your disagreement that this is
8 not a thorough investigation ---

9 MR. TREW: May I stop you for a second?
10 Constable Malloy was in contact with the
11 Children's Aid Society. He also, on the initial visit down
12 to the Antoine's on a different matter, was called by
13 caseworkers. So Constable Malloy might have been aware of
14 some further information but I don't have that knowledge.

15 MR. PAUL: And you're not aware of him
16 taking any formal written statements from any of those
17 people?

18 MR. TREW: I'm not aware of that.

19 MR. PAUL: In terms of your assessment of
20 whether his investigation was thorough, did you ever sit
21 down and compare his investigation to what was later done
22 by I believe Detective Constable White who is now Sergeant
23 White? Did you ever compare the two investigations?

24 MR. TREW: I haven't.

25 MR. PAUL: You mentioned the Crown had

1 looked at the matter and come up with an assessment. Were
2 you aware that the Crown really only pointed to a lack of
3 dates and locations or, I believe, places and dates, names
4 of people, those types of things?

5 That they needed names of people involved,
6 for example, before they could proceed with the matter and
7 dates of when it happened?

8 **MR. TREW:** I was under the understanding
9 that the local Crown was of the opinion that there was not
10 enough evidence to proceed with a criminal charge but he
11 was going to send it further up and speak with the Regional
12 Crown and let him have a look at it.

13 **MR. PAUL:** If you had known that -- did you
14 get a copy of the letter the Crown sent to the Regional
15 Crown?

16 **MR. TREW:** I didn't.

17 **MR. PAUL:** And if you had known that the
18 concern that the Crown raised was matters such as dates of
19 when offences occurred and names of people, would you not
20 have directed Constable Malloy to go out and find that
21 information?

22 **MR. TREW:** Well, I think that Constable
23 Malloy would have went out and found that information if he
24 had that knowledge.

25 **MR. PAUL:** If he got a copy of the letter,

1 your belief is he would have gone out and done that?

2 MR. TREW: If he would have had a copy he
3 would have acted upon it.

4 MR. PAUL: And you're sure of that?

5 MR. TREW: That officer is a very good
6 officer. I believe he would have.

7 MR. PAUL: I want to ask you one other
8 question about the nature of the investigation in terms of
9 supervision. Would you agree that while you did speak to
10 Constable Malloy prior to him going to the Crown, after he
11 met the Crown you never really sat down with him in a sort
12 of a concluding meeting to go over the whole file once
13 more?

14 MR. TREW: I believe we were waiting. The
15 file was in abeyance. I recall that we were waiting for a
16 letter to return from the Regional Crown by way of the
17 local Crown, therefore, the file was in abeyance. Shortly
18 thereafter, I left the CIB area and went to uniform.

19 MR. PAUL: And you don't know what happened
20 to it after that in terms of supervision?

21 MR. TREW: I believe they were waiting -- I
22 believe that they were waiting for further instructions by
23 the Crown.

24 MR. PAUL: Just one other question. In
25 Staff Sergeant Derochie's report he made reference to the

1 fact that in the 1970s the Children's Aid Society Board did
2 not contact the police and that there were various
3 prominent members of the community involved in the Board.

4 Do you have knowledge of who was involved in
5 the Board of the Children's Aid in the '70s when the
6 Antoine case originally arose?

7 **MR. TREW:** No.

8 **MR. PAUL:** I wanted to ask you some
9 questions just generally about the Silmsler case. You've
10 already been asked a lot of questions in relation to that
11 so I just have a few.

12 Now, you did indicate that I believe from
13 your perspective that once there was the agreement in the
14 civil case and the accused didn't want -- I'm sorry, the
15 complainant didn't want to proceed that -- were you under
16 the impression that little could be done at that point?

17 **MR. TREW:** I'm going to say it would have
18 been a difficult situation to proceed with especially when
19 you would have an historical sexual assault and the
20 complainant does not want to testify. There is no direct
21 evidence; there is no real evidence, and therefore, the
22 police -- any likelihood of conviction is not there.

23 **MR. PAUL:** And you used the comment flags
24 being raised or a flag being raised. As far as some issue
25 of being raised, like a flag being raised, would you not

1 agree that once there was a civil settlement that coincided
2 with the complainant wanting to withdraw the criminal
3 charges, did that sort of not raise a red flag to you and
4 others?

5 **MR. CALLAGHAN:** In fairness, he's not even
6 at the police station in September '93. I mean -- he's not
7 there.

8 **MR. PAUL:** The reason I'm asking this, Mr.
9 Commissioner, is that other counsel have questioned him and
10 got his opinion in relation to Silmsler and I was not
11 originally planning -- it was not one of my original
12 questions on that area of Silmsler because of his
13 involvement or lack of involvement but having expressed an
14 opinion about it ---

15 **THE COMMISSIONER:** Okay. Well, ask in
16 hypothetical sense then.

17 **MR. PAUL:** I just wanted to ask you, in that
18 situation of the coinciding of the civil settlement with
19 the request to withdraw the criminal charges, would that to
20 you raise a red flag in terms of possible obstruction of
21 justice that should be acted on right away?

22 **THE COMMISSIONER:** Well, never mind -- well,
23 okay, answer that question first of all.

24 **MR. TREW:** There would be definitely a red
25 flag raised.

1 **MR. PAUL:** So it's something that you would
2 identify immediately as an issue that should be looked at
3 promptly?

4 **MR. TREW:** That would be an issue to be
5 looked at. There is -- like I said, there is a red flag.
6 In my opinion, since I was not there, obviously it should
7 be discussed and see what we could do to go further or to
8 put closure to the case.

9 **MR. PAUL:** Well, more specifically, would it
10 not raise an issue of perhaps investigation should attempt
11 to determine who contacted who first in the civil
12 settlement?

13 **MR. TREW:** I think we're going very deep
14 into presumptions, Mr. Paul.

15 **MR. PAUL:** I want to get your views on
16 another aspect in terms of experience levels of officers
17 with regards to Constable Sebalj and --- Constable Malloy.

18 Would you agree that, perhaps both in the
19 Silmsler investigation and the Antoine investigation, both
20 Officers Sebalj and Malloy are relatively junior in
21 conducting criminal investigations of sexual assaults when
22 they get involved in those cases?

23 **MR. TREW:** The officers are relatively new
24 to the perspective branches. They are not rookies by any
25 stretch of the imagination; they're seasoned officers, to

1 answer your question. They have done investigations to --
2 investigations of this magnitude or matter, perhaps not,
3 but they were -- they were aware that they could get help
4 if need be.

5 MR. PAUL: Both of these cases, I mean first
6 of all, the Silmsler case is potentially -- you'd agree, was
7 potentially a very complicated case?

8 MR. TREW: Potentially. There was --
9 there's sexual assault of two victims.

10 MR. PAUL: Well potentially it could lead to
11 more victims, that type of case?

12 MR. TREW: At -- at the beginning, there was
13 the potential of two victims.

14 MR. PAUL: All right. In terms of ---

15 THE COMMISSIONER: Two accused.

16 MR. TREW: I'm sorry, two accused ---

17 THE COMMISSIONER: We're talking Silmsler,
18 here?

19 MR. PAUL: Yeah.

20 MR. TREW: Two accused.

21 THE COMMISSIONER: Or suspects.

22 MR. PAUL: In terms of the Antoine case,
23 given the fact that dealt with Children's Aid group home
24 back in the seventies and you're at, I think, 1989 at that
25 time, it's a fairly complicated case to go back and uncover

1 what happened back in the 1970s from that period of time?

2 **MR. TREW:** There's another allegation to an
3 accused person, or a suspect and there's one person --
4 alleged wrongdoing. It's not a complicated case at the
5 start.

6 We have to understand that everyday cases
7 are coming through to the officers; it's not just one case
8 here. They're dealing with a number of cases and case
9 loads. If they find that they're getting into an area that
10 multiple charges and multiple suspects, they still have the
11 right to come back and ask for further resources or perhaps
12 help.

13 But on the outset, they were basic cases
14 coming, historical sexual assault. Not taking away from
15 the seriousness of that, but definitely there's evidence.
16 If there's evidence, let's proceed and it's like an
17 assault, only it's sexual in nature.

18 **MR. PAUL:** All right. But potentially
19 complicated in terms of locating witnesses, going back that
20 long?

21 **MR. TREW:** That's what you would do on an
22 everyday case, whether that would be a sexual assault case
23 or tracking down someone on a fraud. You have to go to
24 different locations, you have to go to different addresses,
25 you have to phone people; very little difference in doing

1 your follow-up work.

2 MR. PAUL: You commented I think, on Heidi
3 Sebalj and her ability to do the Silmser case. I take it
4 that for parts of the time when she was investigating that
5 you were not on duty or you got back on duty in December
6 '93?

7 MR. TREW: That's correct, I was ---

8 MR. PAUL: December '93?

9 MR. TREW: --- starting back in December of
10 '93.

11 MR. PAUL: Okay.

12 Is it -- would you agree that the workload
13 in the Cornwall Police at times can make it difficult for
14 other officers to assist someone like Constable Sebalj if
15 their workload is too heavy?

16 MR. TREW: Constable Sebalj at any time
17 could have went to her staff sergeant and the staff
18 sergeant makes that decision, whether to give more human
19 resource -- resources to the case. That door was always
20 open for the officer.

21 THE COMMISSIONER: Well, you keep saying
22 that that door is open. But do you understand that if --
23 if Constable Sebalj is aware, as you are, and every other
24 officer, that resources are stretched, that everybody's
25 working to the limit, right, that it might be difficult for

1 someone to come forward and say -- you know, even though
2 the door is open, it's a one-way street there, the door's
3 open and you can come in at any time but that somebody
4 would be very reluctant to do that because it would mean
5 hurting, or ambitionner, English word ---

6 **MR. TREW:** No, sir, I'm getting the jest of
7 your -- our conversation ---

8 **THE COMMISSIONER:** It's not a jest but we'll
9 make it a gist.

10 (LAUGHTER/RIRES)

11 **MR. TREW.** Okay. Long day.

12 **THE COMMISSIONER:** Yeah. Oh no, I know. I
13 know.

14 So do you see where I'm going with that? So
15 can you comment on that?

16 **MR. TREW:** I'd like to be able to.

17 My experience in regards to cases that start
18 off and all of a sudden we get into multiple -- multiple
19 accused people or multiple victims, experience or at least
20 the norm in the past is that people would come forward and
21 say: "Listen, I've got something here that's exploded and
22 it needs a lot more attention."

23 I honestly believe the officer would have
24 been professional enough to come forward and say: "Enough
25 is enough here; I think I'm in over my head."

1 **THE COMMISSIONER:** Yeah, I understand that
2 if it was exploding. What happens if it just stuck in the
3 mud?

4 **MR. TREW:** Well, then I believe the officer
5 might be thinking that with time and perhaps new
6 information coming forward we'll get through with this
7 investigation.

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

9 **MR. PAUL:** I can move to another topic and
10 ask you a few questions about the issues surrounding Perry
11 Dunlop and disclosure.

12 And I believe those are in your notes at
13 Exhibit 733.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 First part I'll do for you is page 11.

16 **MR. TREW:** Number 11?

17 **MR. PAUL:** Yes. Number 11.

18 Now, I believe as of this point, October 3rd,
19 there had been issues with respect to a previous date in
20 August. Perry Dunlop was supposed to have given material
21 in August?

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

23 **MR. PAUL:** And so as of 3rd of October,
24 you're giving an order, a written order for him to produce
25 the material and that's what's referred to on page 11?

1 **MR. TREW:** It's prior to the 3rd of October.
2 The 3rd of October is the deadline.

3 **MR. PAUL:** All right.

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

5 **MR. PAUL:** And on page 14, I believe there's
6 a reference to a conversation with Mr. Bourgeois and the
7 reference indicates that there had already been materials
8 turned over to the OPP. He makes that comment?

9 **MR. TREW:** Yes.

10 **MR. PAUL:** And he also comments that some of
11 the materials might be solicitor-client privilege?

12 **MR. TREW:** Yes.

13 **MR. PAUL:** So as of the 6th of October '97,
14 the two issues of some materials are already with OPP and
15 some may be privileged are raised to you and you make a
16 record of it; correct?

17 **MR. TREW:** Yes.

18 **MR. PAUL:** Now, on page 17, on October 8th
19 there's a reference to -- I believe that's correspondence.
20 You're speaking of a letter you received from Mr.
21 Bourgeois, and in which he again refers to -- except for
22 materials provided to the OPP or any materials that fall
23 under solicitor-client privilege?

24 **MR. TREW:** Yes.

25 **MR. PAUL:** And so that is a reference to

1 what he's saying in a fax letter to you?

2 **MR. TREW:** Yes.

3 **MR. PAUL:** And it is October 10th, I believe,
4 according to your notes on page 19, that there's
5 confirmation that the OPP do receive information from
6 Constable Dunlop?

7 **MR. TREW:** Correct.

8 **MR. PAUL:** So at least in terms -- from the
9 October 3rd date to October 10th, there's relatively quick
10 action. Would you agree with the materials being turned
11 over?

12 **MR. TREW:** I was disappointed to the fact
13 the materials weren't turned over in August. That was an
14 order from then by me, to the officer, that -- I ordered
15 him to turn it over by October the 3rd and even by October
16 the 3rd, he hadn't turned over that information.

17 **MR. PAUL:** All right.

18 **MR. TREW:** There's conversation by me to his
19 lawyer and to Constable Dunlop.

20 **MR. PAUL:** But you understand that there's
21 an appearance that Mr. Dunlop doesn't have these
22 necessarily in his own possession? They may be in the
23 possession of his lawyer?

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

25 **MR. PAUL:** And he's -- I assume that he's

1 indicating to you that he's working on it from the 3rd to
2 the 10th?

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

4 **MR. PAUL:** And so you -- I take it that
5 you're satisfied that there's some progress going on
6 between the 3rd and the 10th?

7 **MR. TREW:** I agree with that statement.

8 **MR. PAUL:** And as far as the delay -- one-
9 week delay, I would suggest is not really a significant
10 delay. Would you agree with that?

11 **MR. TREW:** No, I won't agree with that.

12 **MR. PAUL:** Okay. You would agree that at
13 this point -- would you agree at this point that, for
14 example, you refer to him, I guess, as a suspect at this
15 point. Charles MacDonald is not charged at this point, I
16 don't believe?

17 **THE COMMISSIONER:** October of '97. Can
18 anybody help?

19 **MR. CALLAGHAN:** It's indicated to me that he
20 was charged at this stage of the original three charges.

21 **THE COMMISSIONER:** All right.

22 **MR. PAUL:** It's not after that?

23 **THE COMMISSIONER:** There we go.

24 **MR. NEVILLE:** Commissioner, he was charged
25 with the original three complainants in March of

1 '96 ---

2 THE COMMISSIONER: Right.

3 MR. NEVILLE: --- and additional
4 complainants in January or perhaps February of '98.

5 THE COMMISSIONER: Okay. So there you go.
6 So he had been charged.

7 MR. PAUL: All right.

8 So in relation to the deadline, you're
9 speaking of a one-week delay in terms of the deadline?

10 MR. TREW: There was more than one week
11 delay here.

12 MR. PAUL: In terms of the -- I'm sorry, but
13 is the deadline August or is the deadline in early October?

14 MR. TREW: The initial deadline was August
15 to turn all relevant material over to the Ontario
16 Provincial Police.

17 That came and went, and the OPP came back to
18 me with concerns, and that's when a letter was written by
19 me, given to the officer with a date, a due date of October
20 the 3rd.

21 MR. PAUL: Okay. And in terms of what was
22 actually turned over on the 10th, you weren't present, so
23 you don't have any knowledge of what was turned over?

24 MR. TREW: That's correct.

25 MR. PAUL: And in terms of when it's claimed

1 by Perry Dunlop's lawyer that some material has already
2 been turned over, at that point does anybody go to his
3 lawyer or to Perry Dunlop to try to match up the list of
4 items that the OPP have with what he's claiming was turned
5 over?

6 **MR. TREW:** That -- does that take place at
7 that date, sir? Are we talking ---

8 **MR. PAUL:** I'm speaking of the references in
9 the correspondence and communications, the letter of
10 October 8th, '97 where there's reference to:

11 "...except for any materials previously
12 provided to the OPP."

13 So there's a reference in early October from
14 Perry Dunlop's lawyer that some material had already been
15 turned over to the OPP. I just want to ask ---

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

17 **MR. PAUL:** I assume you can't speak for the
18 OPP, but does anybody in the Cornwall Police, to your
19 knowledge, try to confirm what materials Mr. Bourgeois is
20 talking about and see if those match up with what the OPP
21 are saying they already have?

22 **MR. TREW:** I believe I made mention to the
23 Ontario -- Inspector Pat Hall in regards to my conversation
24 with the lawyer from Toronto, Perry's lawyer -- Constable
25 Dunlop's lawyer. So they were aware of previous

1 information or previous evidence.

2 MR. PAUL: Nobody follows up this comment on
3 October 8th and asks Mr. Bourgeois for a list of what was
4 supposedly turned over already to the OPP?

5 MR. TREW: Okay. I apologize. Could you
6 say that one more time?

7 MR. PAUL: The reference on October 8th in
8 your notes to Mr. Bourgeois saying that some materials had
9 already been turned over to the OPP, I'm just asking you,
10 did anybody, yourself or anybody else in the Cornwall
11 Police, go to Mr. Bourgeois or Mr. Dunlop and ask for a
12 list of what they're talking about?

13 MR. TREW: If my memory serves me right, I
14 took that as there was some disclosure already turned over
15 to the OPP. I was aware of that disclosure; so were the
16 OPP. Therefore, I didn't do a follow-up on that.

17 MR. PAUL: Now, these notes -- I understand
18 that if there are already charges laid, would these be
19 notes that are relevant to those proceedings, that would be
20 subject to the ongoing disclosure, that you'd provide those
21 to the Crown?

22 MR. TREW: My notes?

23 MR. PAUL: These notes. Obviously you'd
24 provide those to the Crown Attorney?

25 MR. TREW: Who's -- these -- what notes?

1 **MR. PAUL:** The notes I've questioned him on,
2 the October '97 notes.

3 **THE COMMISSIONER:** Your notes?

4 **MR. TREW:** Well, I believe those notes were
5 provided eventually to the -- to that proceeding.

6 **MR. PAUL:** Yes.

7 So in terms -- you're talking about the
8 Father Charlie MacDonald proceeding?

9 **MR. TREW:** Yes.

10 **MR. PAUL:** So those would be turned over to
11 the Crown?

12 **MR. TREW:** Yes.

13 **MR. PAUL:** So in terms of references in the
14 notes to Mr. Bourgeois saying that there was some materials
15 that solicitor-client privilege was claimed and some
16 materials that had already been turned over to the OPP,
17 those notes were turned over to the Crown Attorney in the
18 Charles MacDonald case; correct?

19 **MR. TREW:** All my notes that you see here,
20 although I did not mention -- I did not number them from 1
21 to 62 -- all those notes, when I testified at Father
22 Charles MacDonald's trial, those notes were already entered
23 as evidence.

24 **MR. PAUL:** All right.

25 And in terms of that issue, it's referred to

1 as solicitor-client privilege. Did you ever hear anything
2 else of that issue, whether the parties ever considered
3 bringing an application to the Court to get an order or a
4 decision from the Court on what was privileged or not?

5 MR. TREW: I'm not aware of that.

6 MR. PAUL: I just want to take you to
7 another portion of your notes later on. I believe it's a
8 portion where the -- Ms. Dunlop is referred to as referring
9 to other materials.

10 And I believe that would be notes of 23rd of
11 July, '98, I believe pages 36 to 37.

12 (SHORT PAUSE/COURTE PAUSE)

13 MR. TREW: Okay, sir.

14 MR. PAUL: Do you need a few minutes to
15 review 36 to 37?

16 MR. TREW: If you don't mind.

17 (SHORT PAUSE/COURTE PAUSE)

18 MR. TREW: Go ahead, sir.

19 MR. PAUL: In terms of this information,
20 it's indicated in your notes that there's some issue with
21 the OPP believing from hearing Ms. Dunlop announcing some
22 comments about affidavits to the public, that there may be
23 other materials that they didn't receive?

24 MR. TREW: Correct.

25 MR. PAUL: And you contact -- I assume that

1 then you contact Perry Dunlop and he suggests that there
2 were four boxes that were handed over to the top cop of
3 Ontario?

4 **MR. TREW:** Okay. His conversation on that
5 is a direct conversation with Inspector Smith and Inspector
6 Hall. I am in my office at the time with him.

7 **MR. PAUL:** So there's some issue whether --
8 about the amounts of materials that were received by the
9 OPP. Is that what that's about?

10 **MR. TREW:** Yes.

11 **MR. PAUL:** And in terms of that issue, I
12 take it you don't have a conclusive answer to who's right
13 in terms of the amount that was turned over? You weren't
14 involved in that?

15 **MR. TREW:** No.

16 **MR. PAUL:** But you can say that the way you
17 heard about it is through OPP saying that Mr. Dunlop was
18 announcing this information openly?

19 **MR. TREW:** Well, was announcing the
20 information about many affidavits and the Ontario
21 Provincial Police only had one affidavit.

22 **MR. PAUL:** Right.

23 **MR. TREW:** Then, when Inspector Smith has
24 conversation with Constable Dunlop, the constable says,
25 "Well, I gave those -- that information to the cop top --

1 the top cop of Ontario."

2 MR. PAUL: And it wasn't -- I mean, the
3 missing information was not uncovered, for example, through
4 a complainant -- police talking to a complainant.

5 MR. TREW: No, and from there, there was a
6 further discussion with Inspector Smith. I recall that he
7 says I only got one binder.

8 MR. PAUL: Right, and from that point on,
9 Mr. Dunlop then provides some further information?

10 MR. TREW: Yes.

11 MR. PAUL: And it would be at page 38. Your
12 notes indicate you:

13 "...met with Constable Dunlop and "he
14 advised me that the material was ready
15 to be given over."

16 And that's July 31st.

17 MR. TREW: Yes.

18 MR. PAUL: So in terms of the response time,
19 at least from the time it was raised on the 23rd of July,
20 it's a fairly quick response time.

21 MR. TREW: Are we talking about this last
22 disclosure bit?

23 MR. PAUL: Yes.

24 MR. TREW: Okay, yes.

25 MR. PAUL: So you didn't have any objection

1 from the 23rd of July to the 31st of July.

2 MR. TREW: I took it as a misunderstanding
3 at the time. I -- I tried to stay as neutral as possible
4 if there was a genuine mistake in regards to one binder
5 versus four binders. I even believed the -- Inspector
6 Smith took it that way also.

7 MR. PAUL: All right. I just have a couple
8 of questions, I believe, for you on the Earl Landry, Jr.
9 case. You were already asked about some discussions in
10 between another police officer and Mr. Landry, Sr. I don't
11 think you were asked about the Chief and I just wanted to
12 ask you; did you have any knowledge whether Chief Shaver
13 directly contacted former Chief Landry, Sr. and spoke about
14 the case?

15 MR. TREW: In my preparation to come here,
16 there was information that was given to me that revealed
17 that there was a conversation with the Chief and the
18 retired Chief of Police. The -- I can't recall if it was
19 after the charges were laid, before the charges were laid.

20 MR. PAUL: Is that just something you know
21 or you didn't know that at ---

22 MR. TREW: I didn't know that at the time.

23 MR. PAUL: That was my question.

24 One other question I have on that issue of
25 Mr. Landry, Jr. would be in terms of possible conflict of

1 interest issues; did you perceive it as a conflict and
2 raise it with the Chief at the time, Chief Shaver, that it
3 might be a conflict for the police force to get involved in
4 this case?

5 **MR. TREW:** Policing services back in that
6 time -- that period of time, we laid charges -- it's in
7 record where we have laid charges against fellow police
8 officers. It's -- laid charges against family members of a
9 policing family, it -- the list goes on and on; brothers,
10 sisters, wives, fathers. So we felt -- we felt -- we felt
11 that it -- that it should proceed and we would handle it.

12 **THE COMMISSIONER:** Yes, I know, but was
13 there a discussion about it or was it just normal practice,
14 "We charge everybody; we'll do any investigation"? But --
15 or did anyone stop and say, okay, family ---

16 **MR. TREW:** I -- I believe it was just,
17 "Let's go ahead with it." There was no discussion.

18 **THE COMMISSIONER:** All right.

19 **MR. PAUL:** About -- by the time the Shelley
20 Price case arose, was the policy any different at that
21 point?

22 **MR. CALLAGHAN:** I'm losing the -- the
23 correlation between Shelley Price and investigating --
24 think what the point was -- a former Chief of Police.

25 **MR. PAUL:** M'hm.

1 **THE COMMISSIONER:** So he's asked relevancy.

2 **MR. CALLAGHAN:** Yes, yes, relevance, right.

3 I mean, I'm just trying to ---

4 **MR. PAUL:** I believe Shelley Price was -- in
5 that accusation, there was an accusation against two former
6 Cornwall police officers from back in the '70s, I believe,
7 in the Shelley Price case.

8 **THE COMMISSIONER:** It's getting late.

9 **MR. PAUL:** I think that the same conflict
10 issue arose in Shelley Price's even stronger because in
11 that case, there were two officers named by Ms. Price as
12 being suspects in the accusations that she's made and the
13 whole discussions around that with Ms. Price -- the Price
14 family doesn't want the Cornwall Police investigating.

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

16 **MR. PAUL:** And they make their objections
17 known ---

18 **THE COMMISSIONER:** Okay.

19 **MR. PAUL:** --- in a strong way, I think.

20 **THE COMMISSIONER:** Thank you.

21 **MR. TREW:** The Shelley Price incident,
22 they're two different incidences, Mr. Paul. The incident,
23 if I can recall the Shelley Price deal, it's -- they are
24 living out west in Vancouver at the time and when they --
25 they find out that we were attempting to investigate that -

1 - because that was turned back over to us by the Ontario
2 Provincial Police; they asked us to take over that case.
3 We started to investigate it. We assigned an officer to
4 investigate preliminary findings and we were promptly told
5 that the Price family would not speak with the Cornwall
6 Police Service and there's a long story involved in that,
7 but that's a different -- different situation altogether.

8 First of all, the -- the family did not want
9 the Cornwall Police Service to investigate it, plus the
10 fact it's -- it's passed -- it's during the time where
11 Project Truth is up and running and it's also during the
12 time where the media -- the media is not viewing the
13 Cornwall Police Service in a good light.

14 **MR. PAUL:** But is it not the case that there
15 were accusations against -- by Ms. Price against former
16 Cornwall police members?

17 **MR. TREW:** All I remember seeing was there -
18 - there was a possibility of a police officer -- a former
19 police officer. That's all -- I don't know. I don't know
20 the numbers and I -- I do remember -- I do recall it was
21 about her father and perhaps a satanic cult.

22 **THE COMMISSIONER:** I don't know if we -- do
23 we have to go into that or ---

24 **MR. PAUL:** I would like to ask ---

25 **MR. TREW:** To get -- to get the gist of the

1 information, they're two -- they're really two different
2 things here at different times.

3 **THE COMMISSIONER:** Well, isn't the principle
4 though -- in the end, did you turn back -- turn the
5 investigation back over to somebody else?

6 Mr. Lee?

7 **MR. LEE:** Can I have a moment with Mr. Paul,
8 please?

9 **THE COMMISSIONER:** Sure.

10 **MR. PAUL:** Sorry, Mr. Commissioner, I
11 believe Mr. Lee is going to canvass some of that area
12 later.

13 I did have another document to ask the
14 witness about; it's 722609.

15 **THE COMMISSIONER:** M'hm. And how much
16 longer do you think you'll be, Mr. Paul, just to know?

17 **MR. PAUL:** Well, I'll be 15 minutes maybe.

18 **THE COMMISSIONER:** M'hm. Could we finish
19 tomorrow?

20 **MR. PAUL:** That's fine. Thank you very
21 much.

22 **THE COMMISSIONER:** Thank you.

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

25 This hearing is adjourned until tomorrow

1 morning at 9:30 a.m.

2 --- Upon adjourning at 4:42 p.m./

3 --- L'audience est ajournée à 16h42

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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