

**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 196

Held at :

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

Wednesday, February 13 2008

Tenue à:

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

Mercredi, le 13 février 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Mary Simms	Commission Counsel
Mr. Ian Stauffer	
Mr. John E. Callaghan	Cornwall Police Service Board
Mr. Mark Crane	
Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Ms. Karin Stein	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	
Ms. Amanda Connolley	Ottawa Police Service

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
Opening Statement by the Commissioner/Remarques D'ouverture par le Commissaire	1
BRIAN SKINNER, Resumed/Sous le même serment	9
Examination in-Chief by/Interrogatoire en-chef par Mr. Ian Stauffer(cont'd/suite)	9
Cross-Examination by/Contre-interrogatoire par Mr. Allan Manson	73
Cross-Examination by/Contre-interrogatoire par Mr. Ian Paul	117
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	150
Cross-Examination by/Contre-interrogatoire par Mr. Michael Neville	200
Cross-Examination by/Contre-interrogatoire par Mr. Peter Chisholm	236
Cross-Examination by/Contre-interrogatoire par Mr. Stephen Scharbach	241

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1220	(101552) Project Silmser - Event Book	17
P-1221	(101615) Monthly Calendar showing January 1993	24
P-1222	(727836) Letter from Carl R. Johnston to Brian Ford dated February 3, 1994	61
P-1223	(101542) List of Incidents dated January 18, 1994	67
P-1224	(101551) News Release re: Police Board Account - Incident Involving Alleged Sexual Assault dated 11 Jan 94	79
P-1225	(101537) Memorandum fr Chief Brian Ford to Deputy Chief Donald G. Lyon dated 18 Jan 94	83
P-1226	(101533) News Release re: Review of Alleged Sexual Assault by Ottawa Investigative Team dated 2 Jan 94	109
P-1227	(722187) News clipping: Former police chief says many reputations have been damaged dated 03 Feb 94	141

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

2 L'audience débute à 9h34

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

5 This hearing of the Cornwall Public Inquiry
6 is now in session. The Honourable Mr. Justice Normand
7 Glaude, Commissioner, presiding. Please be seated.
8 Veuillez vous asseoir.

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

11 I would like to begin today by providing a
12 brief update on some Phase II activities at the Cornwall
13 Public Inquiry.

14 I want to, first of all, address counseling
15 support. When I approved counselling support for those
16 touched by the Cornwall Public Inquiry, we were uncertain
17 as to the demand. As of the end of January we have opened
18 more than 300 files, people who have approached the Inquiry
19 for counselling.

20 Not all are in counselling today. Some
21 found that it was not for them. Others graduated, pleased
22 with the changes in their lives and ready to move on, but
23 the majority are still attending counselling regularly.
24 Those attending are willing to make an investment of
25 emotional resources and commitment to their own well-being

1 and to important life relationships. We have invested
2 money; they have invested a lot more.

3 When I extended counselling support after a
4 successful first year, I made two decisions. I extended
5 the provision of payment for counselling support for those
6 already approved to the date of the release of the report
7 of the Inquiry plus 90 days. Obviously that will be
8 sometime in 2009.

9 I decided to stop intake of new clients on
10 March 31st, 2008 but said I would reconsider closer to the
11 date.

12 Cette date du 31 mars 2008 a suscité
13 quelques confusions. Certains ont pensé que les services
14 de counselling seraient interrompus à cette date même pour
15 les clients déjà approuvés. Notre coordonnateur de
16 services de counselling les a rassurés en affirmant que les
17 services de counselling se poursuivront après le 31 mars
18 2008 pour les personnes déjà approuvées. Je confirme ce
19 point.

20 Pour décider s'il fallait ou non repousser
21 la date limite du 31 mars 2008, nous avons consulté
22 plusieurs personnes. Évidemment, les membres de mon Comité
23 consultatif, les parties, les fournisseurs des services de
24 counselling, les membres d'un Comité de transition créé
25 pour faciliter la transition des services de counselling

1 lorsque l'enquête sera terminée et mon rapport publié.

2 Je remercie tous ces gens de leur
3 coopération et des commentaires et conseils précieux que
4 j'ai reçus au sujet de la date limite du 31 mars 2008.
5 Même si ces conseils et commentaires n'étaient pas
6 unanimes, j'ai pu constater un certain degré de consensus
7 et voici les facteurs que j'ai pris en compte.

8 The deadline of March 31st, 2008 seemed
9 artificial to many because it does not coincide with the
10 date that is meaningful in inquiries' calendar. Most
11 people commented that if the purpose of counselling support
12 is to respond to the needs of those affected by this
13 Inquiry, then people could be affected after March 31st,
14 2008, especially with evidentiary hearings continuing.

15 On the other hand, there is a need for a
16 certain end for new intake of clients given the expected
17 completion of our work here. Those involved in providing
18 counselling support and those thinking of getting it need
19 to know there are real deadlines and what they are.

20 On balance, I am persuaded to extend new
21 intake beyond March 31st, 2008. However, this will be the
22 last extension because it is necessary to create certainty
23 in anticipation of the wind-up of this Inquiry.

24 So taking all into account, I have decided
25 to extend the intake of new clients to August 31st, 2008.

1 This takes us to the end of evidentiary hearings with a
2 small grace period for those affected to come forward. As
3 I said, this will be the last extension.

4 One of the excellent pieces of advice I
5 received was from some of the members of the Transition
6 Committee for Counselling Support. They emphasized that we
7 need to advertise the deadline widely a month or so prior
8 to the end and close to the end so that people will know.
9 We will do this and also we'll ask our network of mentors,
10 survivors, counselling support providers, and community
11 agencies to help in getting this information out.

12 Counsel for parties, I also ask you to
13 inform those of your clients who may be interested in
14 participating.

15 We have a number of planned events for Phase
16 II this spring. I will go over a few of the components.
17 These activities include professional training workshops,
18 town halls, and other activities.

19 We have established a program of
20 professional training opportunities in Cornwall. These
21 have included four educational sessions that are now
22 complete. These training opportunities cover topics such
23 as male sexual victimization, re-visioning of male
24 violence, group therapy and practice, and counselling
25 couples where one or both spouses had a history of

1 childhood abuse.

2 The following educational sessions are
3 coming up here in Cornwall. There is a self-care for
4 trauma workers on February 21st and 22nd of this year; trauma
5 and resilience on March 31st through to April 3rd, 2008;
6 tracking and managing disclosure of historical abuse on May
7 22nd and 23rd. We are also providing supervision
8 consultation opportunities for our counselling support
9 providers over the next few months. The supervisor is a
10 skilled professional in a relevant specialized practice in
11 Ottawa.

12 Les prochains événements sont déjà affichés
13 sur notre site web ou ils le seront prochainement. Ils
14 peuvent aussi être communiqués aux fournisseurs des
15 services de counselling. Nous avons reçu une forte demande
16 pour certains programmes de formation et des commentaires
17 très positifs des participants au point où nous avons dû
18 dresser des liste d'attente pour plusieurs cours de
19 formation.

20 Nous avons donc décidé d'offrir de nouveau
21 certains des programmes à l'automne 2008. Je suis ravi que
22 les professionnels de Cornwall et des localités
23 avoisinantes aient le désir de rencontrer d'autres
24 professionnels pour perfectionner leur compétence dans le
25 secteur important des soins aux personnes traumatisées.

1 Le Programme de mentorat lancé à Cornwall a
2 été couronné de succès. La formation est maintenant
3 terminée. Dans le cadre de ce programme, des bénévoles
4 étaient assignés à des adultes qui avaient subi des abus
5 sexuels pendant leur enfance et avaient besoin d'un ami
6 dans un environnement amical et rassurant.

7 Plusieurs des personnes qui ont été formées
8 au travail du mentor, travaillent maintenant avec des gens
9 qui voulaient un mentor. Certains mentors devront aussi
10 assister à des événements prochains de l'enquête pour
11 soutenir les survivants de différentes façons.

12 We also have an agenda of workshops. These
13 are designed to discuss policy issues of interest and
14 relevance and to discuss what might be a good approach for
15 the future.

16 Our first workshop occurred in January and
17 looked at the legal and ethical implications of apologies.

18 I enjoyed the thoughtful discussion and
19 thank the presenters, Ms. Leslie Macleod and Mr. Russell
20 Getz. Ms. MacLeod's paper and a summary of the workshop
21 are online at our website. They include excerpts from a
22 display of interesting apologies and uniform apologies
23 legislation.

24 We plan at least two more workshops; one on
25 the idea of an ombudsman or other mechanism to support

1 those sexually abused and facing a complex world in
2 obtaining help. That workshop will be on March 5th and is
3 open to all. We plan to post the related discussion paper
4 prepared by Mr. David Bennett, counsel to the Men's
5 Project.

6 The other workshop has a professional focus
7 and examines the difficult issues of appropriate services
8 for men who are adult sexual offenders who also have a
9 history of childhood sexual abuse. That workshop will be
10 held on May 15th of this year.

11 The idea of workshops as a way to debate
12 relevant policy issues has attracted interest and it may be
13 that more will be planned.

14 On the evening of April 15th, 2008 we will be
15 having our third Town Hall event. Hosted by my advisory
16 panel, it will focus on an important issue raised by many
17 individuals at community meetings.

18 Many individuals who are adult survivors
19 tell us that we must always be vigilant about risks for
20 children and youth, including the impact of newer
21 technologies. As a result, we're having one evening
22 looking at the internet luring of children and trading in
23 depictions of abused children.

24 We will also hear what is being done by law
25 enforcement organizations, internationally, across Canada

1 and in Ontario to address this problem.

2 On a hopeful note, they will also talk about
3 how they identify and rescue abused children and youth and
4 apprehend their abusers.

5 This concludes my update. We have work to
6 proceed with as we conclude the response evidence of the
7 first of eight institutional parties and start with the
8 second institutional party.

9 The evidence of the Ministry of Community
10 Safety and Correctional Services is complete this week,
11 with the exception of one witness who is out of the country
12 and will be heard later this month.

13 We are then moving towards the next
14 scheduled institution, the Cornwall Community Police
15 Service, following the plans as we have set out many months
16 ago.

17 I intend to continue to follow that schedule
18 and to update you on Phase I events very shortly.

19 Thank you.

20 Mr. Stauffer?

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

23 I would like to recall Superintendent Brian
24 Skinner please.

25 **THE COMMISSIONER:** Thank you.

1 WILLIAM BRIAN SKINNER, Resumed/Sous le même serment

2 MR. STAUFFER: And again, for the record,
3 Mr. Commissioner, Amanda Connolley is here from Ottawa,
4 from the Ottawa Police Service, representing Mr. Skinner.

5 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
6 STAUFFER: (Continued/Suite)

7
8 THE COMMISSIONER: Thank you.

9 Good morning, Mr. Skinner.

10 MR. SKINNER: Good morning, sir.

11 THE COMMISSIONER: How was the drive in?

12 MR. SKINNER: It was terrible. The
13 challenges of the Cornwall winter.

14 MR. STAUFFER: Mr. Skinner, thank you again
15 for coming down from Ottawa.

16 I would like to take you to some of the
17 paperwork again, some of which we've entered yesterday and
18 a few more new documents which I intend to enter this
19 morning.

20 The first new document, if I can put it that
21 way, Mr. Commissioner, is we're going to look at Document
22 101557, which is a letter from Malcolm MacDonald to the
23 Cornwall Police Service, dated September 3rd, 1993.

24 THE COMMISSIONER: Thank you. Exhibit
25 Number P-1220 is, again, the letter from Malcolm MacDonald

1 to Detective Sergeant Luc Brunet, September ---

2 MR. MANSON: I believe -- is this September
3 3rd, '93?

4 THE COMMISSIONER: Yes, it is.

5 MR. MANSON: I don't have the number at hand
6 but I believe this is already an exhibit.

7 If you'll recall during the evidence of Mr.
8 ---

9 THE COMMISSIONER: Yes.

10 MR. MANSON: --- all these documents.

11 THE COMMISSIONER: All right.

12 MR. STAUFFER: One moment please, Mr.
13 Commissioner.

14 Mr. Commissioner, before we go too much
15 further on this document, could I ask the witness in any
16 event if he could look at this letter?

17 THE COMMISSIONER: So it's not going to be
18 this exhibit. Do we have the exhibit number?

19 THE REGISTRAR: Two-ninety-nine (299).

20 THE COMMISSIONER: Two-ninety-nine (299),
21 all right.

22 MR. STAUFFER: Mr. Skinner, in any event,
23 could you look at this letter which apparently is from Mr.
24 Malcolm MacDonald to Detective Sergeant Luc Brunet and he's
25 described here? Did you see this letter, sir, if you can

1 recollect again, before you wrote your January 24th, 1994
2 report?

3 **MR. SKINNER:** I honestly can't remember.

4 **MR. STAUFFER:** All right, that's fine.

5 **MR. SKINNER:** Mr. Stauffer, I'm sorry.

6 **MR. STAUFFER:** No, that's fine, I
7 understand.

8 And, with respect, there is an enclosure
9 which is referred to by Mr. MacDonald as a statement
10 prepared by Sean Adams. And again, if I could see the
11 attachment which is Document -- thank you -- 101558, which
12 again I'm assuming is already an entered exhibit.

13 **THE COMMISSIONER:** We'll find out in a
14 moment.

15 **MR. STAUFFER:** This is a -- yes, I
16 appreciate that. Well, it is a -- I would call it a
17 direction to the Cornwall City Police to Detective Sergeant
18 Luc Brunet and to Constable Heidi Sebalj, signed by David
19 Silmser with Sean Adams, apparently his signature at the
20 bottom, dated September 3rd, 1993.

21 The Document Number is 101558.

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

23 **MR. STAUFFER:** September 2nd, apparently,
24 Madam Clerk. I may have misspoke. It looks like the 3rd
25 but it may be the 2nd.

1 **THE COMMISSIONER:** Well, there was some
2 issue as to what the date was.

3 Do you have it on the screen, Madam Clerk?
4 Okay, and what exhibit is it for the record, do you know?

5 **THE REGISTRAR:** I can't find it.

6 **THE COMMISSIONER:** Okay. We've seen this
7 before in any event.

8 **MR. STAUFFER:** Mr. Skinner, do you have it
9 on the screen in front of you?

10 **MR. SKINNER:** Yes.

11 **MR. STAUFFER:** Just take a moment, sir, and
12 indicate to the Commissioner whether you recollect seeing
13 this before you prepared your report.

14 **MR. SKINNER:** No. Again, I would have to
15 say that I don't remember seeing this. I may have but I
16 can't remember.

17 **MR. STAUFFER:** All right. The next
18 document, Mr. Commissioner, is Document Number 101560 which
19 is a letter from Murray MacDonald, the Crown at the time,
20 to Staff Sergeant Luc Brunet, dated September 14th, 1993.

21 **THE COMMISSIONER:** September -- it's Exhibit
22 301.

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

24 So Exhibit 301 ---

25 **THE COMMISSIONER:** So is that the same

1 question to the witness?

2 MR. STAUFFER: Yes, it is.

3 THE COMMISSIONER: Do you recall seeing
4 this?

5 MR. STAUFFER: Yes, same question, yes.

6 MR. SKINNER: Yes, I do recall seeing this
7 one.

8 MR. STAUFFER: Thank you, sir.

9 If I could just direct everyone to the
10 second -- well, I guess it's the third paragraph, it starts
11 with "It is evident". Just take your time, Mr. Skinner, do
12 you see:

13 "It is evident that Mr. Silmsers ..."

14 MR. SKINNER: Yes, I do.

15 MR. STAUFFER: Yes. In it Mr. MacDonald,
16 the Crown attorney says:

17 "These concerns can, of course, be put
18 to the suspect's principals if you deem
19 it appropriate."

20 Now, again, I appreciate that this is Mr.
21 MacDonald's letter and not your letter, but I am assuming
22 what he is talking about is one or both of the suspects in
23 the Silmsers allegation; that is Father MacDonald and Ken
24 Seguin.

25 Could I ask you, sir, from your experience

1 of over 30 years with the Ottawa Police Service, what
2 should or should not be done in terms of contacting a
3 suspect's employer or someone who is still managing, if you
4 will, that individual, in terms of an allegation?

5 **MR. SKINNER:** I'm sorry, can you ---

6 **MR. STAUFFER:** Yes, I'm sorry. So Mr.
7 MacDonald is talking about the suspect's principals, okay?

8 **MR. SKINNER:** M'hm.

9 **MR. STAUFFER:** Which I understand to be
10 somebody in authority over the suspect, whether it's a
11 manager or the employer or whatever.

12 I am just simply asking you, sir, from your
13 experience, what your opinion would be as to whether that's
14 an appropriate course of action? That is whether the
15 principal of a suspect should be contacted at some point
16 during an investigation?

17 **MR. SKINNER:** I'm having difficulty, Mr.
18 Stauffer, understanding who you mean by the suspect's
19 principals.

20 **THE COMMISSIONER:** So for Father MacDonald,
21 let's say, it would have been the Bishop. For ---

22 **MR. SKINNER:** I see. Okay. I'm sorry. I'm
23 sorry.

24 **THE COMMISSIONER:** --- Mr. Seguin it would
25 have been somebody in the Ministry, either the local

1 manager or somebody higher up.

2 MR. SKINNER: Excuse me, I was ---

3 THE COMMISSIONER: No, no.

4 MR. SKINNER: I was misunderstanding between
5 suspect and victim. I'm sorry; that's my own error.

6 It's not something that I would recommend I
7 don't think.

8 MR. STAUFFER: All right.

9 And why is that?

10 MR. SKINNER: Just give me a second to read
11 this.

12 (SHORT PAUSE/COURTE PAUSE)

13 MR. SKINNER: Well, I think that in a set of
14 circumstance, getting away from this particular specific
15 case for a moment.

16 MR. STAUFFER: Yes.

17 MR. SKINNER: If a serious criminal
18 investigation is made against someone, the responsibility
19 of the investigating organization would be simply to
20 conduct a criminal investigation into the allegation, and I
21 don't see any circumstances at any point along there where
22 the investigator would necessarily go to the employer or
23 someone else having authority and control over the suspect.
24 It's possible that there may -- circumstances may arise
25 where that might be advisable but as a general course it's

1 not, I don't think, an avenue that would be followed.

2 **MR. STAUFFER:** Okay. Again, you're
3 referring to these specific allegations. Again, it's my
4 understanding that both gentlemen who are being accused, if
5 you will, by Mr. Silmsler are both still alive and both
6 still in a position of some authority vis-à-vis in Mr.
7 Seguin's case probationers and in Father MacDonald's case
8 parishioners.

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

10 **MR. STAUFFER:** Does that change ---

11 **MR. SKINNER:** Well, yeah, I can see in those
12 circumstances that it could be a different situation.

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

14 Mr. Skinner, I'm going to just ask you one
15 more question in terms of what you received from the police
16 or -- well, I guess the police essentially, in this case
17 the Cornwall Police as you're doing your investigation.

18 Did you receive any documentation outlining
19 the terms of settlement of this civil matter? So Mr.
20 Silmer's apparent civil settlement with, to put it broadly,
21 the church; did you see any paperwork relating to the
22 settlement?

23 **MR. SKINNER:** Not that I remember at this
24 stage. I was made aware of it but I don't recall seeing
25 any ---

1 MR. STAUFFER: Fair enough.

2 MR. SKINNER: --- any official document.

3 MR. STAUFFER: Fair enough.

4 And in my parlance we would say minutes of
5 settlement, for example, or an agreement or a release.

6 MR. SKINNER: M'hm.

7 MR. STAUFFER: Those types of documents.

8 MR. SKINNER: No.

9 MR. STAUFFER: No.

10 MR. SKINNER: I didn't see anything like
11 that.

12 MR. STAUFFER: All right.

13 MR. SKINNER: Again, to the best of my
14 recollection.

15 MR. STAUFFER: I appreciate that.

16 There is a document called "An Event Flow
17 for Project Silmsers" which is Document Number 101552. If
18 that could be located.

19 THE COMMISSIONER: Thank you.

20 That's Exhibit 1220, which is a Project
21 Silmsers event flow.

22 ---EXHIBIT NO./PIECE NO. P-1220:

23 (101552) Project Silmsers - Event Book

24 MR. STAUFFER: Thank you very much.

25 Again, Mr. Skinner, if you could take a

1 moment.

2 Now, it's my understanding, and of course
3 correct me if I am wrong, this is not a document prepared
4 by yourself or Mr. Blake?

5 **MR. SKINNER:** No, it is not.

6 **MR. STAUFFER:** I gather this is something
7 prepared by the Cornwall Police Service. That's my best
8 information at the moment.

9 Did you receive this document before you
10 prepared your report?

11 **MR. SKINNER:** No, I didn't.

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

13 I should just go back for one moment in
14 terms of those settlement documents I referred to a moment
15 ago in terms of the civil settlement with respect to Mr.
16 Silmser.

17 Did you ask any of the officers involved in
18 the case whether the police had actually received
19 settlement documents?

20 **MR. SKINNER:** I don't remember.

21 Once I became aware of the fact ---

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

23 **MR. SKINNER:** --- that a settlement had been
24 made I -- you know, I don't know that I would have had any
25 interest in seeing the documents.

1 **MR. STAUFFER:** Okay. Again though with
2 respect to the settlement, would that be part of an
3 investigation? And what I mean by that is when an officer
4 -- in this case Constable Sebalj -- would have been told or
5 seen some paperwork concerning the civil settlement, is
6 that not part of the investigation? And what I'm really
7 driving at is, is it not an obligation on her to double-
8 check the circumstances of how that settlement was arrived
9 at?

10 **MR. SKINNER:** An obligation on her to
11 investigate the circumstances? I guess my opinion on that
12 is no better than anyone else's. It would -- I think it
13 would depend on the individual investigator.

14 Once a settlement has been reached and the
15 instructions from the victim are to discontinue the
16 investigation then I don't know that there would be any
17 point in pursuing that. But I can understand that in order
18 to conduct a thorough complete investigation that it
19 wouldn't be a bad thing to pursue that and obtain those
20 documents.

21 **MR. STAUFFER:** Because, again, may I suggest
22 to you that the civil settlement could have been reached
23 under duress. And I'm not suggesting that's the case here.
24 I'm saying in a hypothetical situation that the settlement
25 could have been reached under duress so there could be some

1 circumstances in which the person simply hadn't entered
2 into the agreement with a willingness.

3 **MR. SKINNER:** Well, I suppose that's
4 possible. I suppose that's possible, Mr. Stauffer. But,
5 you know, that isn't the sort of thing that I was there to
6 examine or to get to the bottom of. It's getting sort of
7 outside of the area in which I was interested at the time
8 that I was in Cornwall.

9 **MR. STAUFFER:** Right.

10 **MR. SKINNER:** I was there purely to
11 investigate whether or not the Cornwall Police had covered
12 up the allegations made by Mr. Silmsler.

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

14 And am I right, when you say cover-up, that
15 there is some kind of an active step or steps being taken?

16 **MR. SKINNER:** Or not taken, yeah.

17 **MR. STAUFFER:** Yeah.

18 **MR. SKINNER:** Yeah. You know, something
19 that for want of a better expression, a better term, would
20 be something overtly done in order to conceal or, you know,
21 make unavailable the information which could be helpful in
22 the investigation.

23 **MR. STAUFFER:** Right. And, again, this is
24 totally hypothetical. I'm not suggesting this is the case
25 here. But if a document had been destroyed or if some

1 witness was being told -- a potential witness -- not to say
2 something, that kind of an overt act.

3 MR. SKINNER: M'hm.

4 MR. STAUFFER: Yes. So you're looking for
5 an act of concealment, if you will, by one or more of the
6 officers involved in the case?

7 MR. SKINNER: Looking for evidence of a
8 cover-up by members of The Cornwall Police Service. It's
9 difficult to define what that could have been, you know.
10 It could be many circumstances and it could be all kinds of
11 hypothetical sort of examples given, but ---

12 MR. STAUFFER: M'hm. So I'm going to ask
13 you in terms of your conversations with Constable Sebalj,
14 and I think you told us yesterday it was your recollection
15 that you actually had more than one conversation with her?

16 MR. SKINNER: Yes, I can't tell you exactly
17 how many, but --

18 MR. STAUFFER: Right.

19 MR. SKINNER: -- we did meet with her more
20 than once.

21 MR. STAUFFER: I appreciate that. When she
22 was speaking with you about her notes, what was your
23 understanding of how they were prepared, that is, were they
24 prepared contemporaneous with her having heard something
25 from someone or having observed something? Were they made

1 later? What was your impression in terms of how she
2 recorded her notes?

3 **MR. SKINNER:** Well, she was asked that
4 question and she gave the standard police answer that her
5 notes were prepared at the time or as soon as possible
6 afterwards.

7 **MR. STAUFFER:** Was there any impression that
8 the notes were -- that you received, eventually, from her,
9 that bundle of notes which is Exhibit 295, that they were
10 copied from rough notes, if I can put it that way, or from
11 some other book or were these the notes?

12 **MR. SKINNER:** I think it would be impossible
13 to answer that question. She -- she was a very neat
14 person, a very organized person, as I recall, and I had no
15 reason to doubt that her notes were other than properly
16 prepared and genuine.

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

18 **THE COMMISSIONER:** What exhibit were you
19 referring to me?

20 **MR. STAUFFER:** That was Exhibit 295, Mr.
21 Commissioner.

22 **THE COMMISSIONER:** If I could just -- thank
23 you, very much. I have -- yes.

24 **MR. STAUFFER:** Yes.

25 **THE COMMISSIONER:** It looked like

1 photocopies, at least, from a police officer's sized
2 notebook, except -- yeah, I would think so.

3 **MR. STAUFFER:** Yes, it looks like a little
4 3-ring notebook.

5 **THE COMMISSIONER:** Yes.

6 **MR. STAUFFER:** So, Mr. Skinner, in terms of
7 these notes, I gather one of your concerns, and a serious
8 concern, was that these notes were not inputted into the
9 then existing electronic system that the Cornwall police
10 had, that is, this OMPPAC system?

11 **MR. SKINNER:** These -- or any system. These
12 notes appear to have been the only running record of the
13 investigation that existed.

14 **MR. STAUFFER:** Right.

15 **MR. SKINNER:** I could find no evidence that
16 any -- any -- what we would call in the Ottawa Police
17 Service a current report and subsequent follow-up
18 investigation reports, existed within the Cornwall Police
19 Service.

20 **MR. STAUFFER:** And I think we talked about
21 that yesterday is this word "SUPS" that we saw but there's
22 no supplementary reports?

23 **MR. SKINNER:** M'hm, no.

24 **MR. STAUFFER:** All right. Mr. Commissioner,
25 there's another document and that is a calendar of January,

1 1993 which is Document 101615.

2 **THE COMMISSIONER:** Didn't we have that
3 yesterday or is that another calendar?

4 **MR. STAUFFER:** That was a multi-page
5 calendar; this one just relates to one month.

6 **THE COMMISSIONER:** Okay

7 **MR. STAUFFER:** Thank you very much.

8 **THE COMMISSIONER:** So this is Exhibit 1221
9 which is a monthly calendar showing January, 1993.

10 **MR. STAUFFER:** Right.

11 --- **EXHIBIT NO./PIÈCE NO. P-1221:**

12 (101615) Monthly Calendar showing January,
13 1993

14 **MR. STAUFFER:** Now, again, Mr. Skinner, to
15 help you out a little bit, it's my understanding that this
16 is a page out of Sergeant Lortie's, Claude Lortie's
17 calendar.

18 Do you remember receiving this document
19 during your investigation or your examination of the
20 investigation?

21 **MR. SKINNER:** No, that doesn't look familiar
22 at all.

23 **MR. STAUFFER:** Okay.

24 **MR. SKINNER:** Again, I may have, but I don't
25 remember it.

1 **MR. STAUFFER:** Yes. This would indicate, I
2 think, confirming what you told us yesterday, that is,
3 Sergeant Lortie is showing himself off work from January 5th
4 to the 8th of 1993 ---

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

6 **MR. STAUFFER:** --- but apparently back to
7 work by the 12th or thereabouts. I'm not sure what that
8 says on the 11th.

9 **MR. SKINNER:** Well, on the 11th, he visited
10 Bill Cicalo, who is a member of the Ottawa Police Service,
11 or at that time was a member of the Ottawa Police Service.

12 **MR. STAUFFER:** M'hm, okay. So there's a
13 visit going on there ---

14 **MR. SKINNER:** Presumably, he was back at
15 work.

16 **MR. STAUFFER:** Right, fair enough.

17 Now, the -- Mr. Commissioner, there is
18 another document but it's in the process right now of being
19 redacted. It's an OMPPAC print-out which I hope to get
20 back to before we finish our questioning of Mr. Skinner.

21 So, Mr. Skinner, let us -- let's move on for
22 a minute, in terms of stepping back. When you went down to
23 Cornwall -- we've been through many, many documents and so
24 on -- I think you confirmed yesterday but I just want to be
25 crystal clear -- when you and Staff Sergeant Blake arrived,

1 you had no paperwork that had been forwarded to your office
2 by the Cornwall Police Service or anyone else?

3 **MR. SKINNER:** That is my recollection, yes.

4 **MR. STAUFFER:** Right. And so you arrived
5 and essentially -- and please tell me if I'm wrong here --
6 the individuals that you were directed to in terms of
7 talking to them and interviewing, these individuals would
8 have been identified by someone at the Cornwall Police
9 Service ---

10 **MR. SKINNER:** Yes.

11 **MR. STAUFFER:** --- I assume Acting Chief
12 Johnston or Staff Sergeant Brunet -- that these gentlemen
13 would have told you who to speak to?

14 **MR. SKINNER:** Yes.

15 **MR. STAUFFER:** As the relevant personnel
16 involved in the Silmsner investigation?

17 **MR. SKINNER:** Yes, and we were assisted to
18 some extent by Staff Sergeant Derochie ---

19 **MR. STAUFFER:** Right.

20 **MR. SKINNER:** --- as well who introduced --
21 set up appointments for us and introduced us ---

22 **MR. STAUFFER:** Right.

23 **MR. SKINNER:** --- to members.

24 **MR. STAUFFER:** Oh, no, I don't want to
25 exclude him for a moment. No, I appreciate he was a

1 facilitator.

2 What I'm getting at is, you didn't go down
3 with some game plan knowing these are the officers that I
4 must speak to or Staff Sergeant Blake must speak to or
5 whatever. You were told, when you got there, as to who the
6 relevant personnel were?

7 **MR. SKINNER:** Well, after the first day of
8 interviews, we did then set up a schedule of people that we
9 should -- that we should speak with and we did -- we did
10 make those arrangements ---

11 **MR. STAUFFER:** Right.

12 **MR. SKINNER:** --- and if I recall, I think
13 we got Staff Sergeant Derochie to set up some of those
14 appointments for us.

15 **MR. STAUFFER:** Right. No, I appreciate
16 that. I think we're on the same page here. All I'm
17 getting at is, you did not arrive in Cornwall with a list
18 of names ---

19 **MR. SKINNER:** No.

20 **MR. STAUFFER:** --- of people to speak to.
21 You figured that out from the information you were given
22 when you got down there?

23 **MR. SKINNER:** That's right.

24 **MR. STAUFFER:** You did make some notes and,
25 Mr. Commissioner, I should refer Superintendent Skinner to

1 those just for a moment. I think we looked at those
2 yesterday. Thank you very much and this is Exhibit 1209.

3 Mr. Skinner, again just to confirm, the
4 first four pages of these notes are in your handwriting. I
5 think you told us that yesterday and then the balance of
6 that exhibit is in Staff Sergeant Blake's handwriting, but
7 this would be, if I can put it that way, to some extent a
8 rough game plan as to what you were going to do?

9 **MR. SKINNER:** That's right.

10 **MR. STAUFFER:** There is a reference on the
11 fourth page, Bates page 1025788, which has at the top "Mrs.
12 Nancy Seguin" and so on. How did that come about that you
13 made this note, if you can recollect?

14 **MR. SKINNER:** Yes, at some point, the Seguin
15 family left a message at the Cornwall Police station
16 requesting that Staff Sergeant Blake and I contact them and
17 we did. I believe we telephoned them and that led to a
18 subsequent meeting with members of the Seguin family at the
19 home of one of them, two of them, I believe.

20 **MR. STAUFFER:** Okay, so this is essentially
21 information that these individuals are giving you
22 concerning, I gather, Charlie Greenwell, for example, where
23 I see "Greenwell called Doug" ---

24 **MR. SKINNER:** M'hm.

25 **MR. STAUFFER:** --- and so on.

1 **MR. SKINNER:** Yes.

2 **MR. STAUFFER:** Okay. But this was an
3 unsolicited phone call, I gather, from them. You didn't
4 seek out the Seguins or any of the individuals that are
5 mentioned here, they called you?

6 **MR. SKINNER:** Yes, that is my recollection.

7 **MR. STAUFFER:** It's a -- I don't know if
8 it's a coincidence or not, but you indicated that on the
9 11th of January, Acting Chief Johnston had asked you to look
10 into how Silmsers's statement had gotten into the press, if
11 I can put it broadly.

12 **MR. SKINNER:** M'hm.

13 **MR. STAUFFER:** And this really is completely
14 a coincidence that these folks phoned and not you following
15 up on the chief's request?

16 **MR. SKINNER:** Yes, I think you could put it
17 that way. It was not -- and I explained this to Chief
18 Johnston that it was not our intention to treat that as a
19 separate investigation that -- I told him, if I recall,
20 that if anything comes to our attention during the course
21 of the investigation that is -- is our primary purpose,
22 that I would be happy to share it with him, but I did tell
23 him that we weren't going to mount an investigation to
24 discover how that came about.

25 **MR. STAUFFER:** Yes. And just to follow

1 along from that, just so we're all crystal clear, it was
2 not your mandate, at least you did not believe your mandate
3 to be that you were going to reinvestigate the Silmser
4 case, if I can put it that way; that is ---

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

6 **MR. STAUFFER:** --- talk to David Silmser
7 again, talk to all the alleged -- or the potential
8 witnesses, any other alleged victims and so on?

9 **MR. SKINNER:** We were not going to
10 reinvestigate those investigations from a criminal point of
11 view, no, we were not; simply -- simply to discover whether
12 or not the Cornwall police had covered up the allegations.

13 **MR. STAUFFER:** Right. Could I ask you, sir,
14 there are a few names that we know were involved in the
15 Silmser investigation; I think you've alluded to them in
16 your notes, as well, but there's, for example, a Sergeant
17 Ron Lefebvre.

18 **MR. SKINNER:** Yes.

19 **MR. STAUFFER:** Is there a reason why you did
20 not interview Sergeant Lefebvre? Of course, if you did
21 interview him, tell us, but I understand you did not?

22 **MR. SKINNER:** M'hm. If we didn't -- if we
23 didn't interview anyone during the course of our
24 investigation, Mr. Stauffer, it was because we didn't feel
25 it was necessary.

1 **MR. STAUFFER:** Okay. Because the other
2 name, sir, there's a Kevin Malloy, a Constable Malloy ---

3 **MR. SKINNER:** M'hm.

4 **MR. STAUFFER:** --- who -- whose name does
5 appear in the notes but he was not interviewed, as I
6 understand it.

7 **MR. SKINNER:** No.

8 **MR. STAUFFER:** And there's a Constable
9 Dunlop, whose name, of course, appears in some of the
10 paperwork; he -- now it's my understanding he may not have
11 been at work during that time ---

12 **MR. SKINNER:** No, I ---

13 **MR. STAUFFER:** --- period?

14 **MR. SKINNER:** --- don't believe he was at
15 work during that time.

16 **MR. STAUFFER:** All right. And finally,
17 we've mentioned, of course, Mr. Silmser; it was your
18 decision not to ask the victim, if you will ---

19 **MR. SKINNER:** M'hm.

20 **MR. STAUFFER:** --- any further questions; is
21 that right?

22 **MR. SKINNER:** That's right.

23 **MR. STAUFFER:** Okay. And in terms of
24 outside the police and outside the victim, you clearly
25 spoke with Mr. Abell, the CAS Director at the time, but you

1 did not to interview anyone from the Church, for example?

2 MR. SKINNER: No.

3 MR. STAUFFER: Or from any other agency, I
4 gather, other than the Children's Aid Society?

5 MR. SKINNER: No.

6 MR. STAUFFER: Okay. Now, sir, I'm going to
7 move to your report and look at a few of your comments.

8 So, Mr. Commissioner, we are looking at --
9 thank you very much ---

10 THE COMMISSIONER: One two zero seven
11 (1207)?

12 MR. STAUFFER: Mr. Commissioner, always one
13 step ahead.

14 All right, 1207.

15 Mr. Skinner, take your time sir, and I'll
16 try not to make this too laborious but I just want to be
17 sure that we all understand what you have written and why
18 you have written it.

19 We've been over the mandate; I don't think
20 there's any need for me, at least, to go over that any
21 further.

22 I'm going to turn to the second page, which
23 is Bates page 7123330, at least in my copy.

24 Yes, sorry, Mr. Commissioner. We have
25 different documents here; it's 1025447, for those who are

1 scratching their heads.

2 THE COMMISSIONER: What are you talking
3 about?

4 MR. STAUFFER: This is Bates page ---

5 THE COMMISSIONER: Yes.

6 MR. STAUFFER: --- 1025447.

7 THE COMMISSIONER: Okay. It's the second --

8 -

9 MR. STAUFFER: It's the second page of
10 Exhibit 1207.

11 THE COMMISSIONER: All right.

12 MR. STAUFFER: So Mr. Skinner, the -- you
13 have outlined under the heading "The Problems" and you say:

14 "A number of concerns arise from the
15 procedure thus far."

16 MR. SKINNER: M'hm.

17 MR. STAUFFER: There's mention of Sergeant
18 Nakic and his creation of this internal correspondence
19 but you say:

20 "No report of any kind has been
21 generated, no formal record of the
22 investigative resources assigned to the
23 complaint existed and the original
24 investigator, Sergeant Lortie, reported
25 directly to the Chief of Police."

1 So again, without belabouring it, I gather
2 this follows from what you've been saying to us already
3 that there just was nothing encoded; there's nothing put
4 into the system electronically that would allow other
5 officers to see what was happening ---

6 **MR. SKINNER:** Yes.

7 **MR. STAUFFER:** --- on this case?

8 **MR. SKINNER:** That's part of what I'm
9 alluding to here, yes.

10 **MR. STAUFFER:** There's a hard copy of this
11 December 9th memo, if you will, or internal correspondence
12 ---

13 **MR. SKINNER:** M'hm.

14 **MR. STAUFFER:** --- but that's essentially
15 the record at that point?

16 **MR. SKINNER:** That was the ---

17 **THE COMMISSIONER:** So you're saying that's
18 part of it; what's the other part, then?

19 **MR. SKINNER:** Well, the other part, sir, is
20 that, in effect, although this -- although this internal
21 memo was -- was generated, the -- and the concern is that
22 no report was made and effectively no one was assigned to
23 the investigation during the early stages.

24 **THE COMMISSIONER:** M'hm. So you mean over
25 the Christmas holidays ---

1 MR. SKINNER: M'hm.

2 THE COMMISSIONER: --- like that month or so
3 delay?

4 MR. SKINNER: Yeah, it's probably closer to
5 five weeks or more.

6 THE COMMISSIONER: Okay, right.

7 And I guess when -- by you saying that, in
8 this type of investigation, you don't measure things by
9 weeks or months; you measure them by days and hours?

10 MR. SKINNER: Or hours, yes. Yeah, yeah.

11 THE COMMISSIONER: Okay, thank you.

12 MR. SKINNER: That's what I'm saying.

13 THE COMMISSIONER: Thank you.

14 MR. STAUFFER: All right. The -- you go on
15 to say, in terms of how the management of this file was
16 affected -- and those are my words -- that essentially
17 because Sergeant Lortie is reporting directly to Chief
18 Shaver at that time, that Staff Sergeant Brunet, who is the
19 staff sergeant in charge of CIB, is not living in the loop
20 ---

21 MR. SKINNER: That's right.

22 MR. STAUFFER: --- to know what ---

23 MR. SKINNER: That's right.

24 MR. STAUFFER: --- what is going on on that
25 file?

1 **MR. SKINNER:** In effect, nobody else in the
2 entire force was.

3 **MR. STAUFFER:** All right. And you go on
4 to say that in terms of Deputy Chief St-Denis is not really
5 in the loop -- and again those are my words.

6 In terms, sir, of Constable Sebalj's
7 assignment, did you understand how that assignment did take
8 place, then, from her -- from discussing this with her or
9 with others at the force?

10 **MR. SKINNER:** What -- what -- my
11 understanding of what happened is that at -- at some point,
12 I believe on January the 8th, Deputy Chief St-Denis sent an
13 internal memo to Staff Sergeant Brunet pointing out that
14 time was passing and that no progress was being made on the
15 investigation and suggesting that, you know, it's time that
16 something was done, sort of thing.

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

18 **MR. SKINNER:** So on the -- and again, this
19 might be a good time to bring up something that occurred in
20 -- in my evidence yesterday.

21 I think I indicated yesterday, referring to
22 that memo from Deputy Chief St-Denis to Staff Sergeant
23 Brunet, my notation on the bottom of it said "received
24 January the 11th to 13th" and then my initials, and I
25 believe I said yesterday that I thought that referred to

1 the date on which Constable Sebalj received that document.

2 I was thinking of that overnight and I think
3 I may have been wrong in that; I think that was actually
4 the date on which Staff Sergeant Brunet received the
5 document, sometime between January the 11th and the 13th.

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

7 **MR. SKINNER:** Whatever -- whatever --
8 however that did transpire, on January the 13th Staff
9 Sergeant Brunet assigned Constable Sebalj to conduct the
10 investigation

11 **MR. STAUFFER:** All right. Mr. Commissioner,
12 the document, then, Superintendent Skinner is referring to
13 is 1215.

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

15 **MR. STAUFFER:** So, Mr. Skinner, in terms of
16 the decision is -- to move to that major question, the
17 decision to assign Constable Sebalj to this case, to the
18 Silmsler allegations, what is your opinion in terms of her
19 assignment: Was she the right officer, essentially?

20 **MR. SKINNER:** Well, without -- without
21 intending any criticism whatsoever of Constable Sebalj,
22 it's my belief that -- that she was far too junior and
23 inexperienced at that time to be given responsibility for
24 such a potentially complex and even explosive
25 investigation.

1 I think -- I think -- and again, I can only
2 put myself in the position of someone in charge of the
3 Criminal Investigation Division of a -- of a much larger
4 force, I would have found an investigator who was -- who
5 was much more experienced specifically in that type of
6 investigation and who had a little bit more time involved
7 in those types of investigations.

8 **MR. STAUFFER:** You've identified, as well,
9 something that I'm sure we heard through Mr. Silmsler when
10 he testified and that is his concern -- his concern about a
11 female officer as the investigator.

12 **MR. SKINNER:** That's a concern that surfaced
13 after Constable Sebalj's initial contact with him, yes.

14 **MR. STAUFFER:** Again, has this arisen from
15 your experience in other cases, where a victim or an
16 alleged victim has a concern about the sex of a particular
17 officer because of the circumstances of the allegations?

18 **MR. SKINNER:** Yes, it happens. It happens
19 fairly frequently that, you know, it happens in the reverse
20 as well. Typically, you try not to -- when it's an
21 investigation of a complaint of that nature, a very
22 personal situation, you try to appoint an investigator of
23 the same gender as the complainant. It just makes things
24 much easier, much more comfortable.

25 And it's critical early in an investigation

1 that the investigator establish a good relationship and
2 rapport with the victim in order to elicit whatever
3 information you're looking for in order to pursue the
4 investigation.

5 **MR. STAUFFER:** All right. Because as I
6 understand it, as you note at the bottom of that second
7 page of your report, Constable Sebalj has come into the
8 youth bureau, as it was known back then in the Cornwall
9 Police Service, in October of 1992 ---

10 **MR. SKINNER:** M'hm.

11 **MR. STAUFFER:** And so she's receiving this
12 investigation in mid-January of 1993.

13 **MR. SKINNER:** Right.

14 **MR. STAUFFER:** And, again, I think you noted
15 from your discussions with her and you may have told us
16 this already, that eventually she did go on courses,
17 specific courses relating if you will to sexual
18 investigation or investigation of sexual assaults and abuse
19 and so on.

20 **MR. SKINNER:** That's right.

21 **MR. STAUFFER:** But this was after she was
22 assigned the case?

23 **MR. SKINNER:** Yes it was. It was ---

24 **MR. STAUFFER:** The -- I just want to be
25 sure, sir, in terms of the third page of your report, under

1 the heading "The Investigation".

2 MR. SKINNER: M'hm.

3 MR. STAUFFER: In the second paragraph
4 you're talking about "she" and I gather you're talking
5 about Constable Sebalj ---

6 MR. SKINNER: M'hm.

7 MR. STAUFFER: --- was contacted by the
8 legal counsel for the priest who indicated that he denied
9 the allegations and he was willing to undergo polygraph
10 examination; this was never followed up.

11 Now, when we went through, very briefly
12 yesterday, some of Constable Sebalj's notes, the impression
13 that I got was that Mr. Silmsler, the victim, had put
14 forward himself as a potential polygraph deponent, if you
15 will. Is that something that you were told also was
16 offered by Father MacDonald, through his lawyer?

17 You appreciate all this is third- and
18 fourth-hand, but is this what your understanding was that
19 he'd put himself forward?

20 MR. SKINNER: Yes. At some point -- at some
21 point Constable Sebalj told us that she had received a
22 telephone call from Father MacDonald's legal counsel
23 offering a polygraph test.

24 MR. STAUFFER: All right.

25 MR. SKINNER: And this -- that was never

1 followed up.

2 **MR. STAUFFER:** And, again, it's my
3 understanding and certainly correct me if I'm wrong, that
4 at the time, back in 1994, there was a very experienced
5 polygraph operator in the person of -- I'm not sure if it
6 was Constable Snyder, Sergeant Snyder back then -- but
7 anyway, Mr. Snyder was a very competent polygraph operator?

8 **MR. SKINNER:** Yes. I didn't know him
9 personally but I did know that he had a good reputation in
10 Eastern Ontario or in Ontario as a polygraph operator.

11 **MR. STAUFFER:** So the resource, if I can put
12 it that way, was available ---

13 **MR. SKINNER:** Yes.

14 **MR. STAUFFER:** -- in the service.

15 **THE COMMISSIONER:** So we've heard of a
16 reluctance of having a polygraph done on potential victims.
17 Is there such a restriction or is it something that police
18 would encourage if an alleged accused -- if an accused
19 comes and wants to do a polygraph, would you take him up on
20 it?

21 **MR. SKINNER:** Almost invariably, sir, yes.

22 **THE COMMISSIONER:** All right. And was there
23 any reason given to you why the Cornwall Police hadn't done
24 that?

25 **MR. SKINNER:** Not that I can -- not that I

1 can remember, no. It just wasn't done.

2 **THE COMMISSIONER:** Okay.

3 **MR. STAUFFER:** All right. There is a
4 mention of how Constable Sebalj went about her
5 investigation and whether or not she should have met
6 personally with one or more of these potential witnesses.

7 Do you have any comments, without naming any
8 names, Mr. Skinner, as to what your view was on that point?
9 That is, whether she should or should not have met with
10 potential witnesses face-to-face.

11 **MR. SKINNER:** Well, it's my belief that she
12 should have. In every case where there was a reasonable
13 expectation of furthering the investigation by meeting with
14 a witness or a potential victim, then I think she should
15 have met with them.

16 And there was one glaring example of that
17 where she was contacted by a probable victim, let's say,
18 who was resident in Ottawa, who told her that he had things
19 that he wanted to tell her but he was never interviewed.

20 He -- he made it clear he didn't want to
21 discuss it on the telephone, he wanted to do it by way of a
22 personal interview but that didn't happen.

23 **MR. STAUFFER:** And, again, to play the
24 devil's advocate, I assume that geographical and monetary
25 constraints come into any investigation, that is, there's

1 only so much money in a police budget and there's only so
2 many hours in a day and so on to travel.

3 But did you have the impression that these
4 were factors that entered into that decision, that is, not
5 to see or meet with the fellow in Ottawa?

6 **MR. SKINNER:** I don't believe that ever
7 surfaced as a reason for the lack of the interview; not
8 that I remember.

9 **MR. STAUFFER:** All right. The -- you say at
10 page 3 again of your report, the third last paragraph, it
11 appears that Constable Sebalj was manipulated by the
12 complainant during this period. He changed appointments;
13 failed to appear for others and was generally difficult.

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

15 **MR. STAUFFER:** And then you give the opinion
16 that a more experienced investigator may not have had the
17 same problems. Is there anything you'd like to add to help
18 the Commissioner out as to how you came to that conclusion?

19 **MR. SKINNER:** Only going back to what I said
20 earlier about witness development and the establishment of
21 a relationship and a rapport with witnesses and victims.

22 Had -- had there been a better relationship
23 developed earlier in the investigation and not necessarily
24 with Constable Sebalj, possibly with another investigator,
25 there may not have been this resistance and obstruction

1 from the victim, the complainant.

2 But that's -- you know, that's not cast in
3 stone.

4 **MR. STAUFFER:** Right.

5 **MR. SKINNER:** He may have had a different
6 agenda, I don't know.

7 **MR. STAUFFER:** It was your impression, at
8 least, superintendent, that the investigation -- active
9 investigation was concluded some time in the spring, April
10 or thereabouts, of 1993.

11 Can you help us any further as to why you
12 came to that conclusion?

13 **MR. SKINNER:** Well, I could find no evidence
14 of any investigative activity after -- after that point.

15 And as I said earlier, there was -- there
16 was no way of tracking that definitely. There was
17 absolutely no written record of the investigation, apart
18 from -- apart from Constable Sebalj's notes.

19 **MR. STAUFFER:** Okay.

20 **MR. SKINNER:** And I don't believe I saw any
21 indication of any investigative activity in her notes after
22 -- after that approximate time.

23 **MR. STAUFFER:** M'hm. There were at least
24 two meetings as are recorded here, I believe, with Staff
25 Brunet, her supervisor ---

1 **MR. SKINNER:** M'hm.

2 **MR. STAUFFER:** --- in June and August of
3 1993. What is your thought on that and were those enough;
4 were they too little; was it just right? What was the --
5 what was your impression as to how she was being
6 supervised?

7 **MR. SKINNER:** Well, I don't know that -- you
8 know, I really don't know the circumstances. I would
9 suspect in a reasonably small force like Cornwall, there
10 would have been more contact than that, more interaction
11 between the two; those two are documented.

12 But if it was only those two contacts, well
13 then, no, it wasn't -- it wasn't enough.

14 From my observations, appeared to be a real
15 lack of communication within -- within the Cornwall Police
16 Service. Curiously enough, I was thinking about -- about
17 all of this last evening, as I have been for several days
18 now, and I just came to the realization that I don't know
19 how many inspectors the Cornwall Police Service had at that
20 time, but I saw absolutely no indication of any activity or
21 supervision or management activity by any of them if, in
22 fact, there were any during the conduct of this entire
23 investigation.

24 There was no activity by anybody of a
25 commissioned rank, really at all. Staff Inspector McDonald

1 ---

2 MR. STAUFFER: McDonald.

3 MR. SKINNER: I guess it's a fairly safe bet
4 to say McDonald in relation to this investigation ---

5 MR. STAUFFER: It's McDonald.

6 MR. SKINNER: --- was out of the picture by
7 the end of 1992, I believe. He no longer had any
8 supervisory or managerial responsibilities with regard to
9 the investigation.

10 I saw no indication at all at any point that
11 any inspector was involved in it and Staff Sergeant Brunet
12 and Constable Sebalj appear to be the only people with any
13 interest at all in this investigation. And it was my
14 feeling that Constable Sebalj was just sort of thrown in at
15 the deep end and left to run with it.

16 And I don't want anything that I'm saying to
17 come across as criticism of her because I don't believe any
18 of this was her fault. She was treated, in my opinion,
19 very unfairly.

20 I think at one point -- and I know I'm
21 getting way off topic here, sir, and I apologize for that.
22 But I think at one point I told Constable Sebalj that if
23 she wanted to come up to Ottawa she could work for me any
24 time and I'd see that she got the proper training to do
25 that. But anyway, that's beside the point.

1 **MR. STAUFFER:** Okay. We call that poaching
2 in my profession.

3 **(LAUGHTER/RIRES)**

4 **MR. STAUFFER:** Be very careful.

5 **MR. SKINNER:** It's something that is very
6 prevalent in policing circles since I retired apparently.

7 **MR. STAUFFER:** Sir, I'm going to ask you to
8 comment on the Crown Attorney, Mr. Murray MacDonald.

9 What was your information and impression as
10 to how often Constable Sebalj had met with Mr. MacDonald?

11 **MR. SKINNER:** I had -- during the time of
12 our discussions with Constable Sebalj -- unless, again, I
13 am mistaken and my memory is faulty -- I only recall her
14 mentioning one meeting with the Crown Attorney and that was
15 before she had spoken to the witnesses from Ottawa who
16 potentially could have offered more information. And she
17 asked for advice and I understand that Mr. MacDonald
18 expressed some reservations about her reasonable and
19 probable grounds at that point, but this was fairly early
20 in the investigation I believe.

21 **MR. STAUFFER:** Again, this is a very broad
22 question, but from your experience what is the role of the
23 Crown Attorney in terms of dealing with a police officer
24 who is investigating a file, as compared to once the file -
25 - the charge has been laid, but during the investigation

1 process?

2 **MR. SKINNER:** Well, again, I can only go
3 back to my own experience in a relatively large force in a
4 fairly large city with a fairly extensive staff of Crown
5 Attorney and assistants, and my investigators, and in fact
6 when I was an investigator myself, regularly met with the
7 Crown Attorney in complex cases in order to look for
8 guidance as to how to proceed with the investigation and in
9 order to be guided by the Crown Attorney as to what sort of
10 evidence would be desirable and what to look for.

11 So it was -- you know, it was an understood
12 thing that regular meetings with the Crown Attorney were
13 encouraged.

14 **MR. STAUFFER:** All right.

15 I gather at some point you have a concern
16 about Crown MacDonald's involvement in this particular
17 case. You met with him, I gather.

18 **MR. SKINNER:** Yes.

19 **MR. STAUFFER:** You and Staff Sergeant Blake.

20 **MR. SKINNER:** Yes.

21 **MR. STAUFFER:** What was the concern that you
22 had with his involvement in this Silmsen investigation?

23 **MR. SKINNER:** Well, at some point fairly
24 early in the investigation he expressed a concern about a
25 possible conflict of his being involved in the

1 investigation because of a committee of the Roman Catholic
2 Diocese on which he had served at some time in the past, a
3 committee which, if I remember correctly, dealt with the
4 Church's approach to assaults on young people.

5 And he, I believe, if I remember correctly,
6 advised Constable Sebalj that if it came to the conducting
7 of a prosecution after charges had been laid, that he may
8 have to exclude himself from conducting the prosecution.

9 **MR. STAUFFER:** Did he indicate that he had
10 made arrangements for an outside Crown to either speak with
11 Constable Sebalj or to, so to speak, be the Crown if
12 charges were laid?

13 **MR. SKINNER:** The only thing that I can find
14 about that is that at some point I understand a telephone
15 call was made -- and this was before there was any firm
16 sort of intention to lay charges. A telephone call was
17 made from Mr. MacDonald to Mr. -- I can't remember his name
18 now -- the Crown Attorney in L'Orignal.

19 **MR. STAUFFER:** Bob Pelletier.

20 **MR. SKINNER:** Bob Pelletier; that's correct.

21 To Mr. Pelletier indicating that his
22 services may be required. And then I understand that at
23 some point later on Mr. Pelletier received a second
24 telephone call telling him to forget the whole thing; that
25 it wasn't going to happen.

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

2 You -- I'm jumping ahead a little bit but
3 you're on page 4 of your report. You're discussing your
4 concerns about the Crown. And I don't know if there is
5 really much more to add. But you come to an opinion near
6 the end of the third full paragraph on page 4, the last
7 sentence that says "Above all...":

8 "Above all he should not have placed
9 himself in the position of writing a
10 letter confirming that it was not
11 advisable to charge a person against
12 whom he would not conduct a
13 prosecution."

14 That's a difficult sentence to read.

15 **MR. SKINNER:** I'm sorry; you're on page 5.
16 You're on page 5, I think.

17 **MR. STAUFFER:** Am I?

18 **MR. SKINNER:** M'hm.

19 **MR. STAUFFER:** I apologize.

20 **MR. SKINNER:** Yes, I see that.

21 **MR. STAUFFER:** Yes, sir, page 5. You're
22 quite right. Page 5, the third full paragraph, the last
23 sentence.

24 **MR. SKINNER:** M'hm. Yes.

25 "Above all he should not have placed

1 himself in the position of writing a
2 letter confirming that it was not
3 advisable to charge a person against
4 whom he would not conduct a
5 prosecution."

6 I guess what I'm saying is that if he had a
7 conflict -- if he had a conflict earlier in the
8 investigation then that conflict should have remained
9 constant and that -- and I realize that we weren't talking
10 about a prosecution or charges at this point, but once he
11 had declared a conflict I think he just should have
12 remained completely out of the picture with regard to this
13 particular investigation.

14 That's only my own opinion but that's my
15 feeling on it.

16 **MR. STAUFFER:** Okay.

17 **MR. SKINNER:** He should not have written the
18 letter, in other words.

19 **MR. STAUFFER:** Yes. No, I appreciate that,
20 sir.

21 There is a final comment that you have at
22 the very bottom of page 5 where you say:

23 "I suggest that Mr. MacDonald had the
24 responsibility to voice his concerns to
25 the Chief of Police or his Deputy."

1 So, again, getting back to the role of the
2 Crown Attorney from your experience -- and, again, I
3 appreciate your experience is from the Ottawa Police
4 Service and Ottawa Crown Attorneys and so on, although you
5 may very well have dealt with Crown Attorneys outside of
6 the Ottawa area over the years.

7 **MR. SKINNER:** M'hm.

8 **MR. STAUFFER:** What is your reason for
9 saying that; that he should have spoken to the Chief or the
10 Deputy? I mean, is that really his responsibility as a
11 Crown?

12 **MR. SKINNER:** Well, it probably isn't. In
13 terms of a direct responsibility it probably isn't but I
14 think it wouldn't have been out of the way for Mr.
15 MacDonald to express some concern. He evidently did to
16 Constable Sebalj and he did to myself when we interviewed
17 him to question Constable Sebalj's qualifications to
18 conduct this investigation and told her in fact that she
19 should seek assistance from her Staff Sergeant.

20 And I'm not saying that Mr. MacDonald had an
21 obligation or anything to contact the Chief or the Deputy
22 Chief, but in my opinion it wouldn't have been a bad thing
23 to do if he had these concerns about the abilities and the
24 experience and so on of Constable Sebalj conducting this
25 investigation. I don't think it would have been out of the

1 way for him to approach Chief Shaver or Deputy Chief St-
2 Denis and make his concerns known to them.

3 **MR. STAUFFER:** Okay. There are a few other
4 matters, Superintendent, on the following page where you
5 talk about:

6 "The Cornwall Police Service should
7 have arranged to postpone Constable
8 Sebalj's training courses at the police
9 college."

10 I know yesterday you were telling us that
11 it's not easy ---

12 **MR. SKINNER:** No, it's ---

13 **MR. STAUFFER:** --- to get ---

14 **MR. SKINNER:** It's a difficult thing to do,
15 yeah.

16 **MR. STAUFFER:** To get into a course because
17 there are only so many places ---

18 **MR. SKINNER:** That's right.

19 **MR. STAUFFER:** --- and you have to reserve a
20 spot well in advance and so on.

21 **MR. SKINNER:** Yes.

22 **MR. STAUFFER:** But you're of the opinion why
23 should they have -- why should the police have said hold
24 off on the course in this case?

25 **MR. SKINNER:** Well, because she was deeply

1 involved in -- I was going to say up to her neck, she was
2 deeply involved in a -- in a potentially very complex
3 investigation and she was effectively going away for three
4 weeks of courses and during that time no arrangements were
5 made, that I could see, for the investigation to be
6 continued. And, you know, that's just no way to conduct an
7 investigation, in my opinion.

8 **MR. STAUFFER:** So you could find no one who
9 was, so to speak, to baby-sit that ---

10 **MR. SKINNER:** Charged with the
11 investigation.

12 **MR. STAUFFER:** Shepherd -- shepherding her
13 cases or overseeing her cases?

14 **MR. SKINNER:** No, there was no indication of
15 that, that I could find.

16 **MR. STAUFFER:** The -- you make a strong
17 comment under "Conclusion," if I could take you to that.

18 **MR. SKINNER:** M'hm.

19 **MR. STAUFFER:** When you say:

20 "The investigation into the allegations
21 made to the Cornwall Police Service by
22 David Silmser was inept and
23 ineffective."

24 I don't know if you need to expand any
25 further; you've said quite a bit, but if there's anything

1 further to help the Commissioner as to how you come to that
2 opinion?

3 **MR. SKINNER:** Well I think -- I think we've
4 probably dealt with the reasons for coming to that opinion.

5 And again, let me repeat again that I'm not
6 intending any criticism at all of Constable Sebalj or
7 anyone else -- any other individual of the Cornwall Police
8 Service at that time. But I don't -- you know, that is a
9 strong word "inept" and "ineffective" are strong words but
10 even thinking about it since, I don't think they're
11 inappropriate.

12 The complaint was received; nothing was done
13 for five weeks. Then fairly early in the complaint the
14 Service became aware that Mr. Silmsler was in contact with
15 the Church and was seeking settlement and that still didn't
16 seem to add any urgency to the investigation.

17 And then just in general terms I couldn't
18 find any -- you know, witnesses weren't interviewed that
19 should have been. A suspect who volunteered for a
20 polygraph test didn't have it followed up.

21 It just has too many holes in it to be an
22 effective investigation, in my opinion.

23 **MR. STAUFFER:** There's a ---

24 **MR. SKINNER:** And it was a systemic
25 breakdown of the Cornwall Police Service. It wasn't --

1 there was no management -- there was no management system
2 in place that I could see to shepherd the investigation
3 along, to supervise its progress. There was just nothing
4 there. There wasn't even anything on paper to track the
5 progress of the investigation.

6 It couldn't have happened in my Force and
7 you know, again, that's all -- that's all I have to compare
8 it with.

9 **MR. STAUFFER:** Sir, there is perhaps some
10 confusion, I want to backtrack for one moment to -- I
11 believe we are on the fourth page this time around, this is
12 under the heading "The Problems."

13 **MR. SKINNER:** Yes.

14 **MR. STAUFFER:** I just want to be sure about
15 a particular date.

16 You say under that heading the problems --
17 are you with me -- as early as January 13th, 1992.

18 **MR. SKINNER:** Yes. That should be December.
19 That I'm sure must have been an error of mine in dictating
20 the report and then I didn't pick it up after it was typed.

21 That should be December 1992 because that
22 would be four days after the receipt of the initial
23 complaint.

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

25 In terms of the other comments under your

1 conclusion, there was a decision ultimately by someone,
2 we're not quite sure who yet but we'll assume it's Chief
3 Shaver for the moment, that the file be put -- the Silmser
4 file be put into a project file.

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

6 **MR. STAUFFER:** Again, there was some
7 confusion yesterday. I don't know, overnight reflecting on
8 all of this, were you made aware during your time in
9 Cornwall during January of 1994, that the file had been
10 placed into a project file?

11 **MR. SKINNER:** If there were I don't remember
12 that.

13 Now I'm not saying that we were not made
14 aware of that but I did -- I was aware that nothing was put
15 on paper; no paper record of the investigation was created
16 until October of 1993, I believe.

17 **MR. STAUFFER:** Right, okay.

18 **MR. SKINNER:** Whether or not it became a
19 project I can't remember.

20 **MR. STAUFFER:** Right. A project file, as I
21 understand it, correct me if I'm wrong, is one where's
22 there's limited access to the file; it's on a need-to-know
23 basis essentially and certain officers are given an access
24 code in order to see what information is there?

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

1 Generally speaking, a project is conducted
2 in conjunction with Criminal Intelligence Services of
3 Ontario, a branch of the Solicitor General's Ministry and
4 it is a confidential investigation with very limited
5 access.

6 **MR. STAUFFER:** Okay. It's often to protect
7 the identity of informants, I guess, in drug cases; that
8 would be an example?

9 **MR. SKINNER:** Yes. Yes, and it's used --
10 it's used widely in investigations into organized crime
11 where there's a fear that the information could get out and
12 alert the people that are being investigated.

13 **MR. STAUFFER:** Right.

14 The question, I suppose, following to the
15 end of your report, you did mention again and this is the
16 second paragraph, at the top of the last page, where it
17 starts with "I am satisfied there was no attempt..."

18 You do mention, "to cover up the situation."

19 **MR. SKINNER:** M'hm.

20 **MR. STAUFFER:** We've been through that at
21 the opening this morning in terms of an active -- a
22 concealment, and those are my words, you found no active
23 concealment by any officer?

24 **MR. SKINNER:** No.

25 **MR. STAUFFER:** That's what you say.

1 **MR. SKINNER:** No, I didn't.

2 **MR. STAUFFER:** The -- what you found was a
3 slow investigation; is that correct?

4 **MR. SKINNER:** A slow investigation? That's
5 being very charitable, Mr. Stauffer. No, I would -- it was
6 -- I would go back to an ineffective investigation.

7 **MR. STAUFFER:** Right.

8 **MR. SKINNER:** M'hm.

9 **MR. STAUFFER:** Again, this may be unfair but
10 in the eyes of others, when you talk about an ineffective
11 investigation, can that be equated with the notion of not
12 doing enough and by continuing that notion, that there is
13 some kind of a cover-up? Even though there is no active
14 attempts to destroy evidence, to tell witnesses not to say
15 something and that kind of thing?

16 **MR. SKINNER:** Yeah. That was a difficulty
17 that I faced in writing this report because obviously it
18 could be argued that not applying adequate resources to an
19 investigation could be viewed as a way of obstructing the
20 investigation and in the long-term covering up the
21 investigation.

22 So, yes, a less than efficient investigation
23 could -- could be interpreted as a cover-up.

24 In writing the report I guess I wanted to
25 emphasise that I didn't see any overt indications of that.

1 It doesn't mean it didn't happen but I didn't see any overt
2 indications of an attempt to cover the -- cover the thing
3 up by not applying adequate resources to it.

4 There's no question that adequate resources
5 were not applied but I can't say that that was deliberate
6 on anyone's part.

7 **MR. STAUFFER:** Sir, you made a
8 recommendation at the bottom of your report, before you
9 signed it. That you say:

10 "While it is not within my mandate to
11 do so, I would recommend an outside
12 police agency be asked to conduct a
13 complete investigation of the events
14 and allegations which resulted from
15 this particular complaint."

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

17 **MR. STAUFFER:** As far as you know, some
18 other police force did become involved at some stage then,
19 after your departure ---

20 **MR. SKINNER:** Yes, I understand ---

21 **MR. STAUFFER:** --- the Ontario Provincial
22 Police?

23 **MR. SKINNER:** Yes.

24 **MR. STAUFFER:** Yes.

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

1 **MR. STAUFFER:** Now, there is a letter
2 following your report which one of my friends was kind
3 enough to bring to our attention; thank you.

4 Mr. Commissioner, I'm looking at Document
5 727836. This is a letter dated February 3rd, 1994,
6 apparently from Acting Chief Carl Johnston to Chief Brian
7 Ford.

8 All right, do you have it, Madam Clerk?
9 Yes. Thank you.

10 **THE COMMISSIONER:** Thank you. Exhibit
11 Number 1222.

12 **--- EXHIBIT NO./PIÈCE No. P-1222:**

13 (727836) Letter from Carl R. Johnston
14 to Brian Ford dated February 3, 1994

15 **MR. SKINNER:** Yes.

16 **MR. STAUFFER:** Now, again, the letter is
17 quite short but first of all, Mr. Skinner, did you ever see
18 this letter?

19 **MR. SKINNER:** I would have to answer
20 honestly, Mr. Stauffer, that I don't recall seeing this
21 letter before you showed it to me yesterday.

22 **MR. STAUFFER:** All right. The praise didn't
23 flow properly here. Anyway, for Mr. Johnston is saying --
24 Chief Johnston is saying in part that it was his view
25 anyway that the investigation carried out by yourself and

1 Staff Sergeant Blake was done in an absolutely objective
2 and professional manner.

3 Could I ask you, sir, in terms of the
4 follow-up? You gave the report of January 24th, 1994 to
5 someone I gather.

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

7 **MR. STAUFFER:** To whom did you give it?

8 **MR. SKINNER:** It's my recollection that I
9 gave all of the documents associated with the
10 investigation, my report, my notes, Staff Sergeant Blake's
11 notes and all of the notes and documents that we received
12 from the Cornwall Police Service during the investigation
13 to Acting Chief Johnston. No file was turned into -- it
14 never became the subject of a file with the Ottawa Police
15 Service. It's my recollection that it was all given to
16 Acting Chief Johnston.

17 I kept one copy certainly of the report and
18 possibly of the notes although I'm not certain about that,
19 and when I retired I turned that over to Staff Sergeant
20 Blake and he retired a year after I did, approximately, and
21 he shredded the whole thing when he retired.

22 **MR. STAUFFER:** All right. Did you have any
23 further contact formally or informally from Cornwall as to
24 what had been done with your report? Did anyone ever --
25 did you ever find out what happened with your report?

1 **MR. SKINNER:** No, not that I remember, no.

2 **MR. STAUFFER:** From your experience with
3 your own service, if such a report had come to your chief,
4 you know, some outside force or service had done a review
5 of an Ottawa Police Service investigation ---

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

7 **MR. STAUFFER:** --- what would you ---

8 **MR. ROSE:** I apologize, that was me.

9 **MR. STAUFFER:** I thought I had gone to
10 heaven.

11 **(LAUGHTER/RIRES)**

12 **MR. SKINNER:** Not you Mr. Stauffer, I don't
13 think.

14 **MR. STAUFFER:** Mr. Skinner, if such a report
15 had come into one of your chief's hand from your experience
16 over the years in Ottawa, is there anything that would have
17 followed from the report? Is there some kind of a process
18 as to what is to be done with the report?

19 **MR. SKINNER:** Let me answer that from my own
20 --- I can't speak for any former chiefs of Ottawa or ---

21 **MR. STAUFFER:** No, I appreciate that.

22 **MR. SKINNER:** --- but it's my belief that if
23 a report was received pointing out these criticisms and
24 pointing out these systemic problems, that a management
25 review at least would have been conducted and some changes

1 made to first of all, get records of investigations and
2 subsequent progress reports on paper immediately or at
3 least as soon as possible -- as soon as practicable.

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

5 **MR. SKINNER:** And also the management and
6 supervisory system certainly would have been examined.

7 **MR. STAUFFER:** All right. I just want to
8 explore one other area, Mr. Commissioner. I don't expect
9 to be more than another 10 minutes or so for your own
10 purposes here.

11 But Mr. Ken Seguin, although he is
12 referenced in your report it seems, and again correct me if
13 I'm wrong, it seems that the thrust of the report and so on
14 is aimed at the investigation of Father Charles MacDonald -
15 --

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

17 **MR. STAUFFER:** --- and what allegations came
18 from Mr. Silmser against him. What happened to Mr. Seguin
19 in terms of this investigation?

20 **MR. SKINNER:** In terms of the investigation?

21 **MR. STAUFFER:** Yes, like what was your
22 impression of what was being done in terms of him?

23 **MR. SKINNER:** Well, it's my understanding
24 from -- I believe from Constable Sebalj that from the
25 outset of the investigation, Mr. Silmser's position had

1 been that he wanted no activity -- no investigative
2 activity taken against Mr. Seguin.

3 **MR. STAUFFER:** Okay. Now, I'm sure you've
4 been in that situation yourself as an officer over the
5 years where a complainant doesn't want to proceed against
6 someone or at a particular time.

7 **MR. SKINNER:** M'hm.

8 **MR. STAUFFER:** Were you concerned during
9 your review of the investigation about that the fact that
10 Mr. Seguin's case, if I can put it that way and it's a very
11 loose way of putting it, was not being looked at at all?

12 **MR. SKINNER:** It's -- in my opinion, it's
13 something that shouldn't have happened. If there was the
14 potential for evidence substantiating the initial
15 allegation being obtained from other witnesses, for
16 example, then it's my belief that that should have been
17 followed up.

18 **MR. STAUFFER:** M'hm. Because, again, you
19 are -- I hope you understood Mr. Seguin was still a
20 probation officer at that time, was still in the community
21 and so on.

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

23 **MR. STAUFFER:** You understood that?

24 **MR. SKINNER:** Yes.

25 **MR. STAUFFER:** Because you used the word

1 "urgency" in your report at least once in terms of there
2 should have been a sense of urgency to the investigation.

3 **MR. SKINNER:** M'hm.

4 **MR. STAUFFER:** Does that word only relate to
5 the investigation of Father MacDonald or does it relate to
6 both or is it ---

7 **MR. SKINNER:** No, it relates to both. It
8 relates to the presence of, potentially, you know,
9 recognizing that these allegations were simply that,
10 allegations. It relates to the recognition or the
11 possibility at least that two people who were committing
12 these types of offenses were within the community and that
13 the situation should be looked at as quickly as possible.

14 **MR. STAUFFER:** Just one moment please, Mr.
15 Commissioner, I just want to be sure I have covered off.

16 **THE COMMISSIONER:** Well, in any event Mr.
17 Stauffer, it's time for the break.

18 **MR. STAUFFER:** Yes.

19 **THE COMMISSIONER:** So you might want to look
20 it over and ---

21 **MR. STAUFFER:** Sir, that would be very good
22 of you, let's take the break.

23 **THE COMMISSIONER:** Thank you.

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

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

2 --- Upon recessing at 11:00 a.m. /

3 L'audience est suspendue à 11h00

4 --- Upon resuming at 11:24 a.m. /

5 L'audience est reprise à 11h24

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

8 This hearing is now resumed. Please be
9 seated. Veuillez vous asseoir.

10 **WILLIAM BRIAN SKINNER:** Resumed/Sous le même serment

11 --- **EXAMINATION IN CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**
12 **STAUFFER (Continued/suite)**

13 **THE COMMISSIONER:** Thank you.

14 **MR. STAUFFER:** Mr. Commissioner, I have a
15 Document 101542 which is entitled "List of Incidents" which
16 I would like to put to Mr. Skinner. The top date is
17 January 18th, 1994.

18 **THE COMMISSIONER:** Exhibit Number 1223.

19 ---**EXHIBIT NO./PIÈCE NO P-1223:**

20 (101542) "List of Incidents" document
21 dated January 18, 1994

22 **MR. STAUFFER:** Mr. Skinner, if you would
23 just look at this document and tell Mr. Commissioner
24 whether or not you received this, if you can remember,
25 before you wrote your report?

1 **MR. SKINNER:** Yes, sir, I am pretty
2 confident we did -- we did get this. This is the -- as I
3 remember the OMPPAC, the entry on OMPPAC which was ---

4 **MR. STAUFFER:** All right.

5 **MR. SKINNER:** --- entered in -- okay, I'm
6 not good at following these things. It's a thing I'm not
7 familiar with, but I believe this is the one that was
8 entered in October of '93.

9 **MR. STAUFFER:** Yes. And, again, you may not
10 be able to answer that or not but this is created -- if I
11 tell you this -- that the project file was opened in early
12 October of 1993, I gather this would have been a document
13 following the opening of the project file?

14 **MR. SKINNER:** I would assume so.

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

16 **THE COMMISSIONER:** I'm sorry. This is the
17 opening of a project file?

18 **MR. STAUFFER:** Well, sir, this -- perhaps
19 Mr. Callaghan can speak to this better but this is a
20 document which, to my understanding, is created -- it's
21 printed obviously after the project file is created.

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

23 **MR. STAUFFER:** I can't really say much more
24 about it than that at this point.

25 **MR. CALLAGHAN:** Mr. Commissioner?

1 **MR. STAUFFER:** Yes, Mr. Callaghan?

2 **MR. CALLAGHAN:** If it assists Mr.

3 Commissioner, an OMPPAC incident number was assigned in
4 January, 1993, which I believe my friend has in the
5 documents.

6 It then gets put into a project file in
7 October and I believe that's what this is, but presumably
8 you'll hear from some of our people.

9 **THE COMMISSIONER:** No, no, I understand.

10 **MR. CALLAGHAN:** But the OMPPAC incident
11 number, which I think is what is germane to this witness,
12 was in January, 1993.

13 **MR. STAUFFER:** And, again, Mr. Skinner, I
14 think you've told us this already but just to be again
15 crystal clear as to what you recollect seeing from the
16 electronic system. Did you see any electronic entries, if
17 I can put it that way, other than what would appear on the
18 front page of Exhibit 1223, namely, "Sexual assault on 09
19 December '92 11:55 Sebalj, H." and so on?

20 Was that essentially the electronic entry as
21 of that date that Mr. Callaghan is talking about, that is,
22 when this is opened in January of 1993?

23 **MR. SKINNER:** My recollection is that I was
24 given this -- this document, these four pages -- five
25 pages, excuse me, already printed, at some point in the

1 investigation. This is all I saw.

2 **MR. STAUFFER:** All right. And, Mr.
3 Commissioner, there is a document that had been entered as
4 an exhibit earlier and it was of concern. It's Mr. --
5 there's a document, Exhibit 1219, Exhibit 1219. It was
6 concerns about personal information on that file. We have
7 taken steps to redact much of the personal information on
8 that file.

9 I would like to re-enter this as the proper
10 Exhibit, 1219.

11 **THE COMMISSIONER:** Can I see it, please.

12 Oh, you've already changed it? Well ---

13 **MR. STAUFFER:** I have copies for the
14 parties, Mr. Commissioner.

15 **THE COMMISSIONER:** Oh, I see. I see what
16 you're doing.

17 Okay, does anyone have any concerns or
18 comments with respect to that redaction? Everybody in
19 agreement? No one rising?

20 **MR. STAUFFER:** Mr. Commissioner, my
21 apologies ---

22 **THE COMMISSIONER:** No, no. No, Mr.
23 Stauffer, come to the microphone.

24 **MR. STAUFFER:** Yes.

25 I'm simply saying, Mr. Commissioner, they

1 have to see it first before they can make any comments
2 about the redactions.

3 **THE COMMISSIONER:** Okay. Do you have the
4 original one, Madam Clerk, can I just see it?

5 Oh, yes. Yes, the names that are on there
6 seem to be matters that are completely irrelevant to this
7 matter.

8 **MR. STAUFFER:** Well, my understanding, again
9 subject to correction by Mr. Callaghan or others, is that
10 this would be the assignment list of Constable Sebalj and
11 this is a document that obviously contains a number of
12 alleged offenders.

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

14 **MR. STAUFFER:** And as, Mr. Commissioner,
15 you're pointing out, it's our understanding that none of
16 these are relevant to this Inquiry; that is why the names
17 have been removed.

18 **THE COMMISSIONER:** M'hm, okay.

19 **MR. CALLAGHAN:** Mr. Commissioner, these
20 materials which came back to us through the Ottawa file are
21 as Mr. Stauffer indicated, that -- I think the witness
22 testified that Mr. Luc Brunet had sat down with Heidi on a
23 couple of occasions and gone through all her files --
24 Constable Sebalj, I should say.

25 My problem is, I haven't seen it redacted in

1 this forum. I assume it looks fine to me but I would like
2 to speak to my client just to make sure.

3 I think what the Commission is being
4 sensitive to is that obviously there's other investigations
5 with other people involved ---

6 **THE COMMISSIONER:** Yes.

7 **MR. CALLAGHAN:** --- unrelated to the
8 incidents.

9 **THE COMMISSIONER:** Okay.

10 **MR. STAUFFER:** Mr. Skinner, you may have
11 answered this already, but again, I just want to be sure.

12 Looking at Exhibit 1219, in it -- I know
13 it's now in what we call a redacted form with the blacked-
14 out portions -- did you receive this document before you
15 wrote your report? And, again, I realize you did not
16 receive it in the blacked-out form.

17 **MR. SKINNER:** I believe I did see this at
18 some point, yes. I can't be absolutely certain but I
19 believe I did see this.

20 **MR. STAUFFER:** All right.

21 Yes, Mr. Commissioner, at some point but not
22 now unless you wish to do it, we'll need to go in camera
23 with respect to one name that appears in Mr. Skinner's
24 report of January 24th.

25 **THE COMMISSIONER:** All right. Well, we'll

1 make a note of it and we're going to have to deal with
2 that.

3 **MR. STAUFFER:** Yes, thank you, sir.

4 Mr. Skinner, thank you very much. I'm going
5 to turn this over to my friends.

6 (SHORT PAUSE/COURTE PAUSE)

7 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

8 **MANSON:**

9 **MR. MANSON:** Good morning, superintendent.

10 **MR. SKINNER:** Good morning, sir.

11 **MR. MANSON:** My name is Allan Manson. I'm
12 one of the lawyers for the Citizens for Community Renewal
13 which is Cornwall organization of citizens who are
14 concerned about institutional reform and particularly the
15 protection of young people.

16 I have a number of questions to ask you but
17 before I get started you can just satisfy my curiosity
18 about something in Staff Sergeant Blake's notes, which is
19 Exhibit 1208, and I don't want to get into any of the
20 names. It's at page 1, 2, 3, 4, 5, 6, 7 -- 12 January '94.

21 I don't think we need to show it, Mr.
22 Commissioner.

23 I'm just curious what CSIS stands for?

24 **MR. SKINNER:** That's the Canadian Security
25 Intelligence Service.

1 **MR. MANSON:** That's what I thought.

2 **MR. SKINNER:** M'hm.

3 **MR. MANSON:** And so you were in touch with
4 the named person but not in his official capacity. Is that
5 correct?

6 **MR. SKINNER:** No it isn't. I wasn't.
7 I'm not sure I found the page that you're
8 talking about yet. It's dated January 12th you said?

9 **MR. MANSON:** Twelve (12) January '94.

10 **MR. SKINNER:** Oh yeah, I've got it, okay.
11 I've got it.

12 **MR. MANSON:** You see the name and the phone
13 number at the top?

14 **MR. SKINNER:** Yes, I do.

15 **MR. MANSON:** Was this someone you were in
16 touch with?

17 **MR. SKINNER:** No.

18 **MR. MANSON:** Do you know who was in touch
19 with this person?

20 **MR. SKINNER:** Staff Sergeant Blake was.
21 This was after we had -- at some point we were back in
22 Ottawa and Staff Sergeant Blake received a telephone call
23 in his office from his person.

24 **MR. MANSON:** Who volunteered some
25 information that he had from a local informant?

1 **MR. SKINNER:** Yes, that's my understanding.

2 **MR. MANSON:** Thank you. Now, we can leave
3 that aside now.

4 Is it fair to say that the major primary
5 focus of your job in Cornwall was to look into the Cornwall
6 Police Service investigation of Mr. Silmser's complaints
7 against a priest and a probation officer; correct?

8 **MR. SKINNER:** That is basically the only
9 focus, yes, sir.

10 **MR. MANSON:** And you were aware that there
11 was a lot of media attention that had already raised the
12 spectre of a cover-up; correct?

13 **MR. SKINNER:** Yes.

14 **MR. MANSON:** And so part of your job was to
15 respond to that media attention, in the sense that if there
16 was a cover-up you wanted to disclose it and if there
17 wasn't one you wanted to make that point; correct?

18 **MR. SKINNER:** That is correct. My interest
19 in doing that though would not be to serve the media, it
20 was to serve Chief Johnston.

21 **MR. MANSON:** Absolutely, but what I'm
22 suggesting is there's a public dimension ---

23 **MR. SKINNER:** Yes.

24 **MR. MANSON:** --- to this task because of all
25 the media attention; correct?

1 MR. SKINNER: Yes.

2 MR. MANSON: Now, the report that you
3 prepared which is Exhibit 1207 ---

4 MR. SKINNER: M'hm.

5 MR. MANSON: --- is it fair to say that
6 that's the synthesis of your interviews, your file reviews,
7 the conversations you had with Cornwall officers during the
8 eight days that you were here; correct?

9 MR. SKINNER: Yes, it is.

10 MR. MANSON: And so even if there may be
11 gaps in some of the notes, you prepared that report within
12 a few days of these conversations; correct?

13 MR. SKINNER: Yes, correct.

14 MR. MANSON: So that all the information
15 would be fresh in your mind at that time?

16 MR. SKINNER: It was.

17 MR. MANSON: So even if now we go through
18 the notes and we see an A plus B and you can't remember
19 what the C was, at the time you prepared the report if the
20 C's in the report ---

21 MR. SKINNER: It was there.

22 MR. MANSON: --- it was there?

23 MR. SKINNER: M'hm.

24 MR. MANSON: Now, during your -- am I
25 correct when I say eight days in Cornwall?

1 **MR. SKINNER:** Yes, I think that's right. We

2 ---

3 **MR. MANSON:** Not that anything turns on it I
4 just don't want anyone to be misled. It looks like ---

5 **MR. SKINNER:** No, I believe our last day
6 here was the 18th. The first day was ---

7 **MR. MANSON:** So you're given the job on the
8 10th and you leave Cornwall on the 18th?

9 **MR. SKINNER:** Well, we were back and forth.
10 We didn't stay in Cornwall. But, yes, I think our last
11 investigative day down here was the 18th.

12 **MR. MANSON:** And so during that period there
13 was even more media attention, wasn't there, to this issue?

14 **MR. SKINNER:** You know, I can't honestly
15 answer that because there wasn't much, as I recall, in the
16 Ottawa media, and I didn't look at the Cornwall -- I wasn't
17 exposed to the Cornwall media at all.

18 **MR. MANSON:** Let me show you a document and
19 see if you recall seeing this or being given this by
20 someone from the Cornwall Police Service. It's Document
21 101551, Mr. Commissioner.

22 **THE COMMISSIONER:** That won't be in there
23 yet.

24 **MR. MANSON:** There is a fax from Brian Ford
25 to Mr. Chiarelli, but what goes with it is a news release

1 dated January 11th, 1994.

2 **THE COMMISSIONER:** Can we bring that up
3 please, Madam Clerk?

4 **MR. MANSON:** And just for the record, Brian
5 Ford was your Chief at the time; correct?

6 **MR. SKINNER:** That's correct, yes.

7 **MR. MANSON:** So if he's faxing this to
8 someone on the 18th he obviously had access to it.

9 But my question is whether you ever saw not
10 so much the fax but the news release?

11 **THE COMMISSIONER:** This is a news release.
12 The originator is Leo Courville ---

13 **MR. MANSON:** Chairman Cornwall Police
14 Services Board.

15 **THE COMMISSIONER:** Yes. And the date is
16 January 11th, 1994, Police Board account.

17 **MR. MANSON:** Can we give it an exhibit
18 number?

19 **THE COMMISSIONER:** I'm sorry. I'm sorry;
20 sir, 1224.

21 **---EXHIBIT NO./PIECE NO. P-1224:**

22 (101551) News Release re: Police Board
23 Account - Incident Involving Alleged
24 Sexual Assault dated 11 Jan 94

25 **MR. MANSON:** One-two-two-four (1224). Thank

1 you, Mr. Commissioner.

2 **MR. SKINNER:** No, my response would have to
3 be that I don't remember seeing this document before, sir.
4 It doesn't mean that I didn't but I don't remember seeing
5 it.

6 **MR. MANSON:** Well, if we could just take a
7 minute to have a look at parts of it. On the front page
8 you see a distribution list at the bottom which indicates
9 that this was sent to a number of officials but also the
10 media; correct?

11 **MR. SKINNER:** Yes.

12 **MR. MANSON:** That would be the suggestion.

13 And you've just looked through it. I would
14 suggest to you that it is an effort to make public a
15 chronology of the investigation of the Silmsler complaint.

16 **MR. SKINNER:** That's what it looks like,
17 yes.

18 **MR. MANSON:** And can you turn to number
19 seven?

20 **MR. SKINNER:** M'hm.

21 **MR. MANSON:** "By August 24th, 1993 the
22 investigation was completed by Cornwall
23 Police."

24 I want to suggest to you that that's a bit
25 of an exaggeration because your report suggests that the

1 investigation was essentially ended by the end of April;
2 correct?

3 **MR. SKINNER:** From the point of view of
4 efforts made to gather investigative material, my feeling
5 is that no effort was made to do that after the date that I
6 mentioned in my report.

7 **MR. MANSON:** So to say that the
8 investigation was completed by the Cornwall Police August
9 24, '93 is a bit of an exaggeration; correct?

10 **MR. SKINNER:** Yes.

11 **MR. MANSON:** At best?

12 **MR. SKINNER:** Yes.

13 **MR. MANSON:** And if we look at Constable
14 Sebalj's notes, which are Exhibit 295, we can see that
15 there is -- there are no notes from April 29th until August
16 24th -- August 23rd rather, when she gets a phone call from
17 Father MacDonald's counsel; correct?

18 **THE COMMISSIONER:** Say that again?

19 **MR. MANSON:** There are no notes from April
20 29th, 1993 ---

21 **THE COMMISSIONER:** April 29th, yeah, okay.

22 **MR. MANSON:** --- until August 23rd, 1993 when
23 she gets a phone call from Father MacDonald's counsel?

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

25 **MR. MANSON:** And then the next day she gets

1 a phone call from the complainant, Mr. Silmsler, wanting to
2 know about the progress; correct?

3 **MR. SKINNER:** Yes, she returns a call to
4 Silmsler and then she's requesting a progress report. Yes,
5 that's right.

6 **MR. MANSON:** Now, if we go back to the
7 beginning of this news release, Superintendent, the first
8 paragraph:

9 "In view of extensive media coverage
10 over the past week concerning the
11 investigation of an alleged sexual
12 assault and the possibility of a cover-
13 up or other inappropriate action on the
14 part of the Cornwall Police Service,
15 the Police Services Board wishes to
16 make the following facts known."

17 And this is their effort to show the
18 chronology of their work; correct?

19 **MR. SKINNER:** Apparently so. I haven't read
20 the whole thing in detail but that's what it appears to be.

21 **MR. MANSON:** And if we look at paragraph
22 number one it's not only about a member of the local
23 clergy, but they make it clear that the complaint was also
24 about a local probation officer; correct?

25 **MR. SKINNER:** They do, yes.

1 **MR. MANSON:** And you may not share this but
2 I was surprised when I read this that there's no mention of
3 the death of the probation officer on November 25th, 1993.

4 Do you find that surprising?

5 **MR. SKINNER:** In this ---

6 **MR. MANSON:** In this news release?

7 **MR. SKINNER:** --- press release?

8 **MR. MANSON:** Which would be about six, seven
9 weeks after Mr. Seguin's death.

10 **MR. SKINNER:** I really don't know that I can
11 comment on that, sir, whether I'd find it surprising or
12 not.

13 **MR. MANSON:** Well, it struck me as
14 surprising when they start of by saying on December 9th, '92
15 there was a male complainant making allegations about local
16 clergy and a local probation officer.

17 **MR. SKINNER:** M'hm.

18 **MR. MANSON:** And that due to the extensive
19 media coverage they wanted to make the following facts
20 known, and there is no mention that the probation officer
21 is now dead.

22 My point is that from the public perspective
23 that would be an important thing to know. Do you agree?

24 **MR. SKINNER:** Well, I don't know. I'm
25 fairly confident the public did know by that point but

1 perhaps not.

2 Now, I don't feel that I can -- you know,
3 that my opinion as to whether they should have included
4 that in the press release is really relevant.

5 **MR. MANSON:** I don't want to push you to
6 offer an opinion about something if you're not comfortable.

7 **MR. SKINNER:** M'hm.

8 **MR. MANSON:** There's another document that I
9 want to know whether you saw while you were doing this
10 work. It's 101537 and it again involves Chief Ford. This
11 is a memo from Chief Ford to Deputy Chief Lyon, who I take
12 it assigned you to this task; correct?

13 **MR. SKINNER:** That's correct. He was my
14 boss, yeah.

15 **MR. MANSON:** This is 101537 and I suppose it
16 will be Exhibit 1225, Mr. Commissioner?

17 **THE COMMISSIONER:** That it is. It is a
18 memorandum to Deputy Chief Lyon from Chief Brian Ford dated
19 January 18th, 1994.

20 **---EXHIBIT NO./PIECE NO. P-1225:**

21 (101537) Memorandum from Chief Brian
22 Ford to Deputy Chief Donald G. Lyon
23 dated 18 Jan 94

24 **MR. MANSON:** Could you have a read through
25 it to yourself, Superintendent?

1 **MR. SKINNER:** M'hm.

2 **MR. MANSON:** Because at the bottom, the last
3 paragraph it says:

4 "It would appear to me this information
5 should be brought to the attention of
6 Superintendent Brian Skinner."

7 And it's dated January 18th so I'm just curious whether it
8 was brought to your attention.

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

10 **MR. SKINNER:** Again, I don't remember seeing
11 this. It doesn't mean that I didn't, but I don't remember
12 seeing it.

13 **MR. MANSON:** But it's fair to say that this
14 is Chief Ford talking to Chief -- to Deputy Chief Lyon ---

15 **MR. SKINNER:** M'hm.

16 **MR. MANSON:** --- about a conversation he had
17 with a local MPP named Mr. Bob Chiarelli; correct?

18 **MR. SKINNER:** That's right, yes.

19 **MR. MANSON:** Did you know that Mr.
20 Chiarelli, when he was in private practice, was a partner
21 of Garry Guzzo's?

22 **MR. SKINNER:** I know that now; I don't
23 believe I knew it then.

24 **MR. MANSON:** Well, let's move to Mr. Guzzo
25 for a second. You know who I'm talking about?

1 **MR. SKINNER:** I do, m'hm.

2 **MR. MANSON:** And he was a former judge and a
3 former MPP; correct?

4 **MR. SKINNER:** Correct.

5 **MR. MANSON:** Did you know that for a period
6 of time after you did this work, he was referring to your
7 report as a whitewash?

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

9 **MR. MANSON:** You knew that?

10 **MR. SKINNER:** Yes.

11 **MR. MANSON:** And he was suggesting that you
12 -- your job -- and I'd say that he was suggesting
13 erroneously and he quite frankly admitted to his error --
14 he was suggesting that your job was to do another
15 investigation of the Silmser complaint and that you flew
16 into town and flew out and laid no charges. Did you know
17 that that was his ---

18 **MR. SKINNER:** Didn't know he was suggesting
19 that, no. No.

20 **MR. MANSON:** But he quite frankly admitted
21 that he'd never read your report.

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

23 **MR. MANSON:** My question for you is, knowing
24 about these comments made by Mr. Guzzo, did you or any of
25 your colleagues make any efforts to get him a copy of the

1 report and put him on the right tracks?

2 **MR. SKINNER:** No, not at all. No, I
3 regarded the report as something that was confidential to
4 Acting Chief Johnston.

5 When we were -- when we were finished the
6 investigation, I gave him the original of the report and,
7 to the best of my recollection, I gave him all the notes
8 and documents that had been accumulated by us during the
9 investigation and all I kept, again, to the best of my
10 recollection, was a copy of my report which, when I
11 retired, I gave to Staff Sergeant Blake and it's my
12 understanding that when he retired, he shredded it.

13 It never became an Ottawa Police document.
14 It never became the subject of an Ottawa Police file and
15 so, no, I regarded that -- I didn't feel that I had the
16 right to make that report available to anyone apart from
17 Acting Chief Johnston; didn't even give my own boss a copy
18 of it.

19 **MR. MANSON:** But you must have been unhappy
20 about the unwarranted criticism from Mr. Guzzo?

21 **MR. SKINNER:** I didn't learn about them at
22 the time. Well, I don't even know to this day when he was
23 making them, but I didn't learn about them until some --
24 until quite recently, as a matter of fact, and I wouldn't
25 say that -- I wouldn't say that I was unhappy with his

1 comment. I wouldn't be happy about them, but policemen
2 over time become accustomed to unjustified criticism.

3 **MR. MANSON:** Thank you.

4 Can we go to your report now, Exhibit 1207?

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

6 **MR. MANSON:** We can start at page 2 under
7 the heading "The Problems".

8 **MR. SKINNER:** Yes.

9 **MR. MANSON:** I just want to summarize some
10 of your findings and if I misstate any of them please jump
11 in and correct me, but if we look at that paragraph under
12 "The Problems" ---

13 **MR. SKINNER:** M'hm.

14 **MR. MANSON:** --- I would say that your first
15 comment is about the early stages of the investigation and
16 you're concerned that:

17 "No report of any kind had been
18 generated. No formal record of the
19 investigative resources assigned to the
20 complainant existed and the original
21 investigator, Sergeant Lortie, reported
22 directly to the Chief of Police. This
23 decision is questionable since it
24 effectively removes Staff Sergeant
25 Brunet, the officer in charge and

1 Deputy Chief St-Denis, the officer
2 having overall responsibility for CIB,
3 from the management structure for this
4 particular investigation."

5 That's your first finding that you weren't
6 happy about the way the matter started; correct?

7 **MR. SKINNER:** Yes, correct.

8 **MR. MANSON:** And then the rest of the
9 paragraph talks about some of the events in January leading
10 up to the first interview with Mr. Silmsers which is on
11 January 28th, 1993; correct?

12 **MR. SKINNER:** Correct.

13 **MR. MANSON:** I want to take you -- I want to
14 ask you a few questions about that interview which you
15 don't get into in any detail here, but if we look at
16 Constable Sebalj's notes, and we can go to those, it
17 appears that, number one, Mr. Silmsers wasn't happy about
18 having a female investigator; correct?

19 **MR. SKINNER:** That's what I was told, yes.

20 **MR. MANSON:** And as a result, it was
21 arranged that this first interview would be conducted by, I
22 believe, it was Sergeant Lefebvre in the presence of
23 Constable Sebalj and Constable Malloy; correct?

24 **MR. SKINNER:** Yes.

25 **MR. MANSON:** And, as you point out in your

1 notes, which is Exhibit 1208, there was no recording of
2 this interview; correct?

3 MR. SKINNER: No report generated, you mean

4 ---

5 MR. MANSON: Well ---

6 MR. SKINNER: --- to indicate that the ---

7 MR. MANSON: --- let me take you to the page

8 -- 1208 are Staff Sergeant Blake's notes.

9 THE COMMISSIONER: Which are?

10 MR. MANSON: Exhibit 1208, Mr. Commissioner.

11 THE COMMISSIONER: Right, yes, you're quite

12 right, and what page?

13 MR. MANSON: Fourth page, about a third of

14 the way down:

15 "Lefebvre would interview; Silmser

16 adamant still about having a male

17 officer. No recording of meeting."

18 THE COMMISSIONER: Actually, on the fifth

19 page, I think.

20 MR. MANSON: Oh.

21 THE COMMISSIONER: One, two -- no, you're

22 right, four. Do you have it, sir?

23 MR. SKINNER: Yes, I have it, m'hm.

24 MR. MANSON: So this would be during your --

25 one of your conversations with Constable Sebalj I take it?

1 **MR. SKINNER:** M'hm, yes.

2 **MR. MANSON:** Sergeant Blake made the note,
3 "No recording of meeting"?

4 **MR. SKINNER:** Yes, and I'm sure that refers
5 to the fact that no report was generated of any kind; that
6 a supervisor or a manager could go to verify that a meeting
7 took place and what happened at the meeting.

8 **MR. MANSON:** And it wasn't audio-taped;
9 correct?

10 **MR. SKINNER:** To the best of my knowledge,
11 no, but I don't believe that's what I'm referring to by --
12 or Sergeant Blake is referring to by a recording.

13 **MR. MANSON:** But you certainly didn't see
14 any indication that it was audio-taped?

15 **MR. SKINNER:** No.

16 **MR. MANSON:** And you didn't see any
17 indication that it was video-taped did you?

18 **MR. SKINNER:** No.

19 **THE COMMISSIONER:** So what do you think was
20 meant by "No recording of meeting"? Like, it's not put in
21 the notes?

22 **MR. SKINNER:** No, no written report. No
23 what we would call in the Ottawa force, an investigation
24 report.

25 **THE COMMISSIONER:** Right.

1 **MR. SKINNER:** Had something of that
2 importance occurred during an investigation in my force, it
3 would have resulted in a -- what we called an investigation
4 report, but what apparently the Cornwall service referred
5 to as a supplementary report, which would have been created
6 and become part of the file. We saw no evidence that that
7 type of report was created.

8 **MR. MANSON:** Can we turn to Constable
9 Sebalj's notes, please. This is Exhibit 295 ---

10 **MR. SKINNER:** M'hm.

11 **MR. MANSON:** --- and it's about the fourth
12 page where right at the bottom she says, "January 28th,
13 1993".

14 **THE COMMISSIONER:** They are numbered so ---

15 **MR. MANSON:** Oh, Bates page 1025517. This
16 is Exhibit 295, Mr. Commissioner, Constable Sebalj's
17 handwritten notes.

18 **THE COMMISSIONER:** Yes, 7063757?

19 **MR. MANSON:** I'm sorry?

20 **THE COMMISSIONER:** What's the Bates page
21 number?

22 **MR. MANSON:** One-zero-two (102) ---

23 **THE COMMISSIONER:** No.

24 **MR. MANSON:** I'm looking at Document 101550.

25 **THE COMMISSIONER:** No.

1 **MR. MANSON:** You've got another version, I
2 believe.

3 **THE COMMISSIONER:** Yes, we do.

4 **MR. MANSON:** Okay. Same document. The
5 document popped up a number of times in the database, Mr.
6 Commissioner. It's the fourth page with the date January
7 28th at the bottom.

8 **THE COMMISSIONER:** January 28th?

9 **MR. MANSON:** Nineteen-ninety-three (1993);
10 that's it.

11 **MR. SKINNER:** That's the fifth page. In the
12 notes that I have it's the fifth page.

13 **THE COMMISSIONER:** Yes, Mr. Manson counts
14 pages like he counts money.

15 **(LAUGHTER/RIRES)**

16 **MR. MANSON:** Yes. Anyways, what we do know
17 from Constable Sebalj's notes is this meeting was slightly
18 over three hours long, right? It starts at nine-twenty-two
19 and if we turn over a few pages at twelve-thirty Sergeant
20 Lefebvre escorted him to the front?

21 **MR. SKINNER:** Yes.

22 **MR. MANSON:** And this is the first formal
23 interview with a complainant who's making a very serious
24 allegation; correct?

25 **MR. SKINNER:** To the best of my knowledge

1 that is correct, yes.

2 **MR. MANSON:** So this is an important stage
3 in the investigative process; correct?

4 **MR. SKINNER:** Very important.

5 **MR. MANSON:** Very important.

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

7 **MR. MANSON:** And we have no recording, plus
8 we have three officers there who will produce three
9 accounts of the event, possibly; correct?

10 **MR. SKINNER:** I have a little difficulty
11 with that. Three accounts, you mean three different
12 accounts, are you saying or ---

13 **MR. MANSON:** No, no, no, but you know ---

14 **MR. SKINNER:** Well actually they'll each
15 make their own notes, yes. Quite -- yeah possibly.

16 **MR. MANSON:** And as a result there may be
17 discrepancies in those notes; correct?

18 **MR. SKINNER:** Possibly.

19 **MR. MANSON:** And these are the sorts of
20 things that defence counsel go at; those kinds of
21 discrepancies; correct?

22 **MR. SKINNER:** Correct.

23 **MR. MANSON:** And there's no audio tape or
24 videotape to say this is what Mr. Silmsler said during those
25 three hours; correct?

1 **MR. SKINNER:** To the best of my knowledge
2 there was not.

3 **MR. MANSON:** I'm suggesting to you that with
4 a serious matter like this for the first interview there
5 was a better way to deal with it; correct? By that I mean
6 audio or videotaping.

7 **MR. SKINNER:** I guess the -- the right
8 answer to that question is yes but, you know ---

9 **MR. MANSON:** I'm happy with that answer.

10 **MR. SKINNER:** -- it has to be -- it has to
11 be taken into account that different police services had
12 different resources available to them.

13 **MR. MANSON:** Okay. But you would agree that
14 from the perspective of looking forward to a possible trial
15 this is not the ideal way to start?

16 **MR. SKINNER:** No, it isn't.

17 **MR. MANSON:** Can we go back to 1207, your
18 report?

19 **MR. SKINNER:** M'hm.

20 **MR. MANSON:** At the bottom of page 2 you
21 conclude that the Chief should have assigned a more
22 experienced male investigator and then on the next page,
23 three-quarters of the way down you say that:

24 "Constable Sebalj, it appears, was
25 manipulated by the complainant during

1 this period; he changed appointments,
2 failed to appears for others and was
3 generally difficult. A more
4 experienced investigator may not have
5 had the same problems."

6 That was your opinion; correct?

7 **MR. SKINNER:** Yes.

8 **MR. MANSON:** And what I want to suggest to
9 you is, again, looking at an allegation that could turn
10 into a prosecution, assuming there was reasonable probable
11 grounds, it would be a difficult prosecution; wouldn't it,
12 in this respect: The accused would be a very prominent
13 person and it's a 20 year old event; correct?

14 **MR. SKINNER:** Yeah.

15 **MR. MANSON:** And a more experienced
16 investigator would have appreciated that in a case like
17 this the role of the victim is key to succeeding at the
18 trial; correct?

19 **MR. SKINNER:** Correct.

20 **MR. MANSON:** And that an experienced
21 investigator would probably understand that it's very
22 important to address the victim's needs but you have to
23 strike a balance between addressing the victim's needs and
24 being manipulated; correct?

25 **MR. SKINNER:** Correct.

1 **MR. MANSON:** And this might be part of your
2 view that it would have been preferable to have a more
3 experienced investigator; correct?

4 **MR. SKINNER:** Yes, that was my -- the point
5 that I was making in this particular ---

6 **MR. MANSON:** It's a difficult role for
7 someone like Constable Sebalj. I'm not pointing fingers at
8 her, I'm suggesting this is a difficult role for her.

9 **MR. SKINNER:** It was a role in which she
10 should not have been placed, in my opinion.

11 **MR. MANSON:** Especially when there's some
12 suggestion and some sense that the complainant is not the
13 easiest person in the world to deal with.

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

15 **MR. MANSON:** If we can go back to your
16 report, the next finding you make which we've already
17 talked about is at the bottom of the third page:

18 "The investigation appears to be
19 completed by late March to early April;
20 I find no indication that any further
21 evidence was obtained."

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

23 **MR. MANSON:** Correct?

24 **MR. SKINNER:** Yes.

25 **MR. MANSON:** And then at the bottom of the

1 next page, under "Problem" you talk about urgency.

2 I would suggest that that's your next
3 conclusion, that you found a situation where the victim,
4 the alleged victim is pursuing, on his own, settlement
5 efforts with the Church.

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

7 **MR. MANSON:** He's contacting the probation
8 officer and that from the police perspective this should
9 signal urgent matter, get this investigation moving;
10 correct?

11 **MR. SKINNER:** I would just argue with what
12 you -- the way you put it, sir, in that I don't believe
13 that I had any information that he was in contact with the
14 probation officer.

15 The information I had, that he was in
16 contact with Father McDougald and that was discussing a
17 civil settlement. But the body of your comment is quite
18 correct, yes, that would, and should, have given urgency to
19 the investigation.

20 **MR. MANSON:** If I can just have one second
21 and I'm not quibbling with you, Superintendent ---

22 **MR. SKINNER:** Excuse me, yeah, the next line
23 does say that he indicated that he told the probation
24 officer that he was only laying charges against the priest.
25 Sorry. Sorry.

1 **MR. MANSON:** So Constable Sebalj, through
2 contacts with Mr. Silmser, knows that he's made some
3 approach to the probation officer?

4 **MR. SKINNER:** Yes.

5 **MR. MANSON:** I was just looking for that.
6 Maybe just to be complete I will -- February 10th I've got.
7 Yes, in Constable Sebalj's notes on February
8 10th it says:

9 "Telephone call from victim, advises he
10 called Seguin who was running scared.
11 Advised him he's laying charges on
12 MacDonald; stating he's getting very
13 mad."

14 That's on February 10th of Exhibit 295,
15 Constable Sebalj's notes.

16 So you had some awareness that Silmser had
17 spoken to Ken Seguin; correct?

18 **MR. SKINNER:** Yes.

19 **MR. MANSON:** So that's -- this is part of
20 the urgency; Silmser is running his own game at this point;
21 correct?

22 **MR. SKINNER:** Correct. He was manipulating
23 the investigation.

24 **MR. MANSON:** Can we go back to 1207, please.
25 Second paragraph on the next page, this is

1 where you make your comment about the polygraph. There was
2 first an offer ---

3 **MR. SKINNER:** M'hm.

4 **MR. MANSON:** --- from Malcolm MacDonald,
5 Charles MacDonald's lawyer at the time, offering the
6 polygraph test. Cornwall Police has an experienced
7 polygraph examiner and this offer is not taken up; correct?

8 **MR. SKINNER:** Correct.

9 **MR. MANSON:** Now, we both know that polygraph
10 results are not admissible in court; correct?

11 **MR. SKINNER:** Yes.

12 **MR. MANSON:** But what is admissible if
13 voluntary, are conversations with the polygraph operator;
14 correct?

15 **MR. SKINNER:** Yes, that's my understanding.

16 **MR. MANSON:** Yes. And we both know that
17 polygraph operators, as well as being trained to run the
18 machine, are trained to conduct questioning while they're
19 running the machine; correct?

20 **MR. SKINNER:** Yes, well that's the crux of
21 the polygraph examination, yes.

22 **MR. MANSON:** That's the crux.

23 And in fact many experienced officers would
24 say the machine is more of a prop and the most important
25 thing is to try and get some statements out of the accused;

1 would you argue with that?

2 MR. SKINNER: I don't think I've ever heard
3 one say that but yes, that would be a ---

4 MR. MANSON: That would be fair?

5 MR. SKINNER: --- a valid comment, yes.

6 MR. MANSON: And this is why when my friend,
7 Mr. Stauffer, asked you about would you take up an offer
8 from a suspect or an alleged perpetrator to take a
9 polygraph test you answer was immediately, almost
10 invariably.

11 MR. SKINNER: Yes.

12 MR. MANSON: This is good police practice;
13 correct?

14 MR. SKINNER: Yes.

15 MR. MANSON: The next finding that you make
16 is about Constable Sebalj not going to meet a witness
17 personally and can I read into that the concern that this
18 witness, we don't know what the witness is going to say but
19 given the context could be a possible victim; correct?

20 MR. SKINNER: Yes. Yes.

21 MR. MANSON: And that's another reason why a
22 face-to-face meeting would be important; correct?

23 MR. SKINNER: M'hm, absolutely.

24 MR. MANSON: And then the next paragraph is
25 about the Crown, Murray MacDonald, and to summarise that,

1 then you're concerned that he was less than effective in
2 his support of the Cornwall Police Service. In this
3 paragraph, you're also saying:

4 "A conflict is a conflict. If he felt
5 he had one, he should have backed off
6 entirely."

7 Correct?

8 **MR. SKINNER:** I guess -- yeah, my feeling
9 was that a conflict once declared doesn't go away.

10 **MR. MANSON:** Yes.

11 **MR. SKINNER:** It's always there.

12 **MR. MANSON:** And so, it's not like I have a
13 conflict and I can do a little bit, the right answer is to
14 back off, assuming there is a conflict?

15 **MR. SKINNER:** Yes.

16 **MR. MANSON:** Can we turn to the conclusion
17 now, Mr. Superintendent? Your own words, "The
18 investigation was inept and ineffective."

19 **MR. SKINNER:** M'hm.

20 **MR. MANSON:** Strong words as you said.

21 **MR. SKINNER:** Very strong words, yes.

22 **MR. MANSON:** But you also agreed that you
23 thought about whether this was a subtle attempt to impede
24 or obstruct or cover up but you concluded that you found no
25 indication of that?

1 **MR. SKINNER:** Correct.

2 **MR. MANSON:** So the ineptness is what it is
3 but it didn't have, according to your findings, an
4 underlying malicious motive?

5 **MR. SKINNER:** That was my feeling at the
6 time, yes. And I haven't changed that opinion.

7 **MR. MANSON:** As well as inept and
8 ineffective, is it fair to say that you found a general
9 laxity especially with respect to record keeping? With
10 respect to this investigation, I'm not talking about
11 Cornwall police generally?

12 **MR. SKINNER:** In terms of the creation of a
13 means of tracking the progress of the investigation, yes,
14 there was a very serious lack of anything concrete to
15 enable -- had Constable Sebalj been the victim of an
16 unfortunate accident or something like that, and wasn't
17 able to provide the information that she did through her
18 notes and her verbal briefings, there would have been
19 nothing to track.

20 I mean, my investigation anyway showed there
21 would have been nothing to track the progress of the
22 investigation.

23 **MR. MANSON:** The next -- I've only got a few
24 more comments about your report:

25 "The poor quality of investigation

1 cannot be in its entirety be blamed on
2 any of the people who conducted; the
3 problems arise at a much higher level."

4 And you go on in the next paragraph:

5 "People lack the proper background..."

6 I'd suggest what you're saying there was
7 there was a problem of inappropriate assignment and a
8 problem of supervision?

9 **MR. SKINNER:** Yes. And management, I
10 haven't said management -- yes, I did, I did say that.

11 **MR. MANSON:** Yes, and management. The next
12 comment you made and you'll have to explain some of this to
13 me because I don't quite understand policing well enough,
14 you said:

15 "There are strong indications that
16 communication between Chief Shaver and
17 Deputy Chief St-Denis was very poor."

18 Before I ask you my question, if we go back
19 and look at your notes, you interviewed both of these men;
20 correct?

21 **MR. SKINNER:** Yes, we did.

22 **MR. MANSON:** And Chief St-Denis -- Deputy
23 Chief St-Denis is essentially saying, "I was left out of
24 the loop, I wasn't consulted."

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

1 **MR. MANSON:** Chief Shaver is saying "I got
2 regular reports from Deputy Chief St-Denis."

3 **MR. SKINNER:** M'hm.

4 **MR. MANSON:** Your conclusion, I don't know
5 what's what but this is poor communications; correct?

6 **MR. SKINNER:** Yes.

7 **MR. MANSON:** And are you also saying that
8 for a matter like this, I mean I am not familiar with
9 policing intimately and I am not familiar with policing in
10 a city the size of Cornwall. We're not talking about
11 Ottawa. What -- for a matter like this, what kind of role
12 would you expect for Deputy Chief and Chief?

13 **MR. SKINNER:** I think it's critical that
14 there is an ongoing and constant exchange of information
15 between the two, they're running the force. And it's their
16 responsibility to be certain that whatever activity the
17 force is involved in be it a criminal investigation or a
18 community program, that the proper resources are applied to
19 it, that those resources themselves are pursuing the matter
20 in the proper manner, and that everyone knows what's going
21 on.

22 **MR. MANSON:** And the last point I want to --
23 oh, there is another page, I've got a few more points,
24 sorry Mr. Commissioner.

25 **THE COMMISSIONER:** It's not a problem Mr.

1 Manson.

2 MR. MANSON: I'm up to about number 10 here.
3 But at the bottom of that page, following the comments
4 about Chief Shaver and Deputy Chief St-Denis ---

5 MR. SKINNER: M'hm.

6 MR. MANSON: --- you make a general comment:
7 "No one monitored the progress of the
8 investigation and if someone had chosen
9 to do so, their only recourse would
10 have been to ask Constable Sebalj since
11 no formal record of the complaints and
12 resulting investigation existed until
13 October."

14 What you're suggesting here is that there
15 was a problem of oversight of operations. Just -- you're
16 only looking at this case, but what you saw was a problem
17 of oversight of operations; correct?

18 MR. SKINNER: Yes.

19 MR. MANSON: And then the next page, the
20 second paragraph is your conclusion that there was no cover
21 up; there were inadequate resources applied to a case of
22 potential complexity.

23 MR. SKINNER: M'hm.

24 MR. MANSON: The next sentence:

25 "There was no legislated duty to inform

1 any other agency, although it could be
2 argued that it would have been prudent
3 to inform the Children's Aid Society."

4 From your experience in the Ottawa Police
5 Force, did you have much interaction with Children's Aid
6 Societies?

7 **MR. SKINNER:** No, very little, if any.

8 **MR. MANSON:** So you're not offering a
9 comment on your duties under the *Child and Family Services*
10 *Act* to report? Is that something you're familiar with or
11 not familiar?

12 **MR. SKINNER:** No, that's something with
13 which I would not have been familiar with at that
14 particular time.

15 **MR. MANSON:** Your final observations right
16 at the bottom:

17 "I'd like to emphasize while it's very
18 critical of the way..."

19 Your report:

20 "...the way in which this investigation
21 was conducted, it should not be
22 interpreted as being an indictment of
23 the Cornwall Police Service."

24 And then you go on to say:

25 "I've seen abundant evidence of

1 excellent police work done by
2 accomplished police officers despite a
3 lack of managerial direction and
4 systemic report."

5 Can I suggest to you that you're not being
6 critical of Constable Sebalj in this report? She was put
7 in an unfortunate situation.

8 **MR. SKINNER:** Yes, yes, you can suggest that
9 and I would agree with it.

10 **MR. MANSON:** And you're using police
11 officers in the plural; are you including Luc Brunet?

12 **MR. SKINNER:** Well, I would, yes, I would
13 include Staff Sergeant Brunet in that comment.

14 I didn't -- you know, I didn't get to meet
15 as many of the officers as, you know, maybe I would have
16 liked to but -- and that was not the purposed of my being
17 there. But I did see, including Staff Sergeant Brunet,
18 some very competent and professional police officers there.

19 **MR. MANSON:** And this is why your last --
20 your major comment, aside from the recommendation that
21 there be a new investigation by an outside force, is "Lack
22 of managerial direction and systemic support," that's --
23 you are pointing fingers now but it's at the people
24 upstairs?

25 **MR. SKINNER:** At the upper levels, yeah.

1 **MR. MANSON:** And when you say upper levels,
2 without naming names, what levels are we talking about from
3 a police hierarchy perspective? Chief, Deputy Chief, what
4 about Inspectors?

5 **MR. SKINNER:** Yes. All of the so called
6 commissioned officers, I could see no clear direction or
7 supervision or management skills from any of them. Yes,
8 that's what I meant by it.

9 **MR. MANSON:** Now, you complete this report,
10 it's dated January 24th, 1994, you deliver it to Acting
11 Chief Johnston ---

12 **MR. SKINNER:** M'hm.

13 **MR. MANSON:** --- and now you're back in
14 Ottawa; correct?

15 **MR. SKINNER:** Yeah. Well, I was back in
16 Ottawa ---

17 **MR. MANSON:** Yes.

18 **MR. SKINNER:** --- as of the 18th.

19 **MR. MANSON:** But your job in Cornwall is
20 done.

21 **MR. SKINNER:** M'hm.

22 **MR. MANSON:** Were you aware that, as a
23 result of your report, there was a press release from the
24 Cornwall Police Service about your work?

25 **MR. SKINNER:** Yes, I believe Acting Chief

1 Johnston sent me a copy of that.

2 MR. MANSON: Mr. Commissioner, can we have a
3 look at that, it's Document 101533.

4 THE COMMISSIONER: Thank you, Exhibit 1226
5 is a document dated January 17th, 1992 called "Daily
6 Orders"?

7 MR. MANSON: No.

8 THE COMMISSIONER: No. I don't think so.

9 MR. MANSON: One zero one five three three
10 (101533), it's a fax ---

11 THE COMMISSIONER: Sorry, 533, Madam Clerk,
12 not 553. We'll take that back, Mr. Skinner. You want to
13 get that from the witness?

14 Thank you.

15 So this is a fax cover sheet to
16 Superintendent Skinner?

17 MR. SKINNER: Yes. M'hm.

18 THE COMMISSIONER: Okay.

19 --- EXHIBIT NO./PIÈCE No. P-1226:

20 (101533) News Release re: Review of
21 Alleged Sexual Assault by Ottawa
22 Investigative Team dated January 2,
23 1994

24 MR. MANSON: And enclosed is a two-page news
25 release, again, from Mr. Leo Courville, Chairman, Cornwall

1 Police Services Board.

2 Mr. Commissioner, if you're looking at the
3 clock, this is the last matter I'm going to look at. It's
4 going to take a few minutes but this is the last document
5 I'm going to show ---

6 **THE COMMISSIONER:** Okay, sure. Thank you.

7 **MR. MANSON:** --- Superintendent Skinner.

8 Now, we know right from the first paragraph
9 that it's about your report.

10 "The Cornwall Police Services Board
11 wishes to announce that the Chief of
12 Police has received a report from the
13 Ottawa Police Service investigative
14 team inquiring into the Cornwall Police
15 investigation of an alleged sexual
16 assault that purportedly occurred 20
17 years ago." (As read)

18 So this is talking about your work; correct?

19 **MR. SKINNER:** Yes. M'hm.

20 **MR. MANSON:** And it's got one, two, three,
21 four, five paragraphs.

22 I'd like to compare it to your report,
23 Exhibit 1207, and I want to suggest to you that all the
24 good stuff that you said about the Cornwall Police is
25 certainly in this news release. Is that fair to say?

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

2 **MR. MANSON:** It says you were:

3 "Satisfied that there was no cover-up."

4 (As read)

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

6 **MR. MANSON:** It says you found:

7 "Substantial evidence of excellent
8 police work by accomplished officers."

9 (As read)

10 **MR. SKINNER:** M'hm.

11 **MR. MANSON:** Now, going back to your report,
12 you said:

13 "I have seen abundant evidence of
14 excellent police work done by
15 accomplished police officers ..." (As
16 read)

17 **THE COMMISSIONER:** Where do you see -- can I
18 just -- can you situate me, Mr. Manson?

19 **MR. MANSON:** Yes, that's the very last
20 paragraph of Exhibit 1207.

21 **THE COMMISSIONER:** Yes.

22 **MR. MANSON:** And then you say:

23 "... despite a lack of managerial
24 direction and systemic support." (As
25 read)

1 And the news release as well goes on to say:

2 "There was a noticeable lack of senior
3 management direction and systemic
4 support throughout the course of the
5 investigation." (As read)

6 **MR. SKINNER:** M'hm, it does.

7 **MR. MANSON:** So that's sort of a paraphrase
8 of that very last line -- those last few phrases in the
9 second-last sentence of your report; correct?

10 **MR. SKINNER:** Yes, that's correct.

11 **MR. MANSON:** The next good thing that we see
12 here is the next sentence.

13 "The report noted that this criticism
14 was not intended as a indictment of the
15 police service and its members." (As
16 read)

17 That's what the news release says; correct?

18 **MR. SKINNER:** M'hm, it does.

19 **MR. MANSON:** But that's not exactly what
20 your report says, does it?

21 **MR. SKINNER:** Not quite.

22 **MR. MANSON:** Pardon me?

23 **MR. SKINNER:** Not quite.

24 **MR. MANSON:** Not quite. Your report says:

25 "While it is very critical of the way

1 in which this investigation was
2 conducted, it should not be interpreted
3 as being an indictment of the Cornwall
4 Police Service." (As read)

5 You're talking about ---

6 **MR. SKINNER:** My report.

7 **MR. MANSON:** And this specific
8 investigation; correct?

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

10 **MR. MANSON:** Whereas ---

11 **MR. SKINNER:** Well, no, I'm just talking
12 about my report.

13 **MR. MANSON:** M'hm. And your report is about
14 the Silmsler investigation?

15 **MR. SKINNER:** That's correct. M'hm.

16 **MR. MANSON:** Whereas the comment about the
17 indictment, this criticism -- that criticism relates to
18 lack of senior management direction and systemic support
19 throughout the course of the investigation?

20 **MR. SKINNER:** M'hm.

21 **MR. MANSON:** Your report says, we're
22 critical of the investigation but don't take our criticism,
23 which is six pages long, to be an indictment of the whole
24 force?

25 **MR. SKINNER:** Yeah.

1 **MR. MANSON:** You're not just talking about
2 senior management direction and systemic support, you're
3 talking about a lot of other things; correct?

4 **MR. SKINNER:** Correct.

5 **MR. MANSON:** So it looks like Mr. Courville
6 is putting a bit of a spin on some of your words. Would
7 you agree with that?

8 **MR. SKINNER:** I think the popular phrase is
9 "slightly out of context".

10 **MR. MANSON:** Slightly out of context, yes.
11 And, in fact, the next paragraph is talking
12 about what CPS has done by requesting a Solicitor General's
13 policing services review and bringing onboard Acting Chief
14 Johnston; correct?

15 **MR. SKINNER:** Yes.

16 **MR. MANSON:** And then if we turn the page we
17 see two more paragraphs. The first one really is an effort
18 to say, "We've got legal advice and we can't say anymore";
19 correct?

20 **MR. SKINNER:** Yes.

21 **MR. MANSON:** And the next one is, "We've
22 agreed with the recommendation to bring in the OPP";
23 correct?

24 **MR. SKINNER:** It's a bit difficult to read
25 in my copy but ---

1 MR. MANSON: Yes.

2 MR. SKINNER: --- that appears to be ---

3 MR. MANSON: "The Police Services Board
4 has agreed with the recommendations of
5 the Acting Chief of Police that the
6 Ontario Provincial Police be requested
7 to conduct a new investigation into
8 other legal and factual issues related
9 to the original investigation and
10 subsequent allegations which have
11 arisen from this particular complaint.
12 The Cornwall Police Service personnel
13 [I believe] and any other investigative
14 agency assisting our police service in
15 such investigations will liaise with
16 Mr. Peter Griffiths, East Regional
17 Director of Crown attorney." (As read)

18 MR. SKINNER: Yes.

19 MR. MANSON: So that's announcing the new
20 investigation?

21 MR. SKINNER: M'hm.

22 MR. MANSON: So we have a situation in
23 Cornwall where the media has been stirring up the public.
24 The Cornwall Police, on January 11th, went to the trouble of
25 putting out a detailed chronology of their work. They then

1 get your report which is a detailed, in my view you can
2 disagree with me, but it's a detailed criticism of the
3 investigation, and what the public is told is substantial
4 evidence of excellent police work, not an indictment, a few
5 little quotations.

6 Very little of the substance of your report
7 is in this press release; correct?

8 **MR. SKINNER:** That's true.

9 **MR. MANSON:** Do you think it would have been
10 advisable for the police force, if it wanted to enhance
11 public confidence, to make this document public, your
12 report?

13 **MR. SKINNER:** I really don't think that's a
14 question that I can answer.

15 **MR. MANSON:** Okay, that's fair.

16 Those are all my questions, Mr.

17 Commissioner.

18 **THE COMMISSIONER:** Your timing is
19 impeccable, Mr. Manson.

20 **MR. MANSON:** Pardon me?

21 **THE COMMISSIONER:** Your timing is
22 impeccable.

23 **MR. MANSON:** Well, it's the only thing about
24 me that is.

25 **THE COMMISSIONER:** Oh, I don't think so,

1 sir. I don't think so.

2 All right. So why don't we take the lunch
3 break, sir, we'll come back at two o'clock.

4 **MR. SKINNER:** Very good.

5 **THE COMMISSIONER:** Thank you.

6 **THE REGISTRAR:** Order, all rise; veuillez
7 vous lever.

8 This hearing will resume at 2:00 p.m.

9 --- Upon recessing at 12:24 p.m. /

10 L'audience est suspendue à a 12h24

11 --- Upon resuming at 2:05 p.m./

12 L'audience est reprise à 14h05

13 **THE REGISTRAR:** All rise. This hearing is
14 now resumed.

15 Please be seated; veuillez vous asseoir.

16 **MR. MANSON:** I want to make my excuses now,
17 I have a meeting with Mr. Engelmann at three-fifteen in the
18 back and so I'm just going to sneak away at that time.

19 **THE COMMISSIONER:** Thank you.

20 **WILLIAM BRIAN SKINNER:** Resumed/Sous le même serment

21 **THE COMMISSIONER:** Mr. Paul?

22 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

23 **PAUL:**

24 **MR. PAUL:** Good afternoon, Superintendent
25 Skinner.

1 **MR. SKINNER:** Good afternoon, sir.

2 **MR. PAUL:** My name is Ian Paul. I appear
3 for a group called The Coalition for Action which is a
4 citizens group that have been involved in -- essentially
5 advocating for this Inquiry.

6 I'd like to ask you a few questions at the
7 outset about your initial involvement, even before you come
8 down to Cornwall.

9 Now, from the outset, were you the person
10 that was unfamiliar with the Cornwall Police personnel or
11 did you have any -- either personal or professional
12 relationships with any of the Cornwall Police officers?

13 **MR. SKINNER:** From the best of my
14 recollection, the only one that I knew was Chief Shaver
15 and, of course, by the time that I got down here to begin
16 conducting the investigation he was no longer here.

17 **MR. PAUL:** What relation to your partner ---

18 **MR. SKINNER:** I wouldn't call it a relation,
19 but I'd taken -- I'd taken courses at the Canadian Police
20 College in 1977, 1978 and then I was invited back to
21 coordinate a Senior Police Administration course in 1978,
22 and then I believe I completed another course in 1979 and
23 on all three of those occasions, Mr. Shaver was an
24 instructor at the Canadian Police College and, unless I'm
25 mistaken, was involved in all three of those courses ---

1 **MR. PAUL:** All right.

2 **MR. SKINNER:** --- as an instructor.

3 **MR. PAUL:** And he is the police officer you
4 recall having any contact with before this investigation?

5 **MR. SKINNER:** Yes, and I should add to that,
6 excuse-me I should add to that that subsequent to that, and
7 I believe, after he became Chief of the Cornwall police,
8 every year I was tasked with organizing a golf tournament
9 for senior police officers in the Eastern Ontario area and
10 he was always invited to that and, I think, attended most
11 of them. But beyond that, I didn't have any close
12 relationship with him.

13 **MR. PAUL:** All right. So the relationship
14 wasn't necessarily -- was it close enough that it would
15 make it awkward to be involved in the investigation?

16 **MR. SKINNER:** No.

17 **MR. PAUL:** What about your partner, Staff
18 Sergeant Blake, did he have any strong connections to any
19 officers in the Cornwall area?

20 **MR. SKINNER:** Strong, no, to my knowledge,
21 he knew, yeah, with the existence of the Ontario Police
22 College and the Canadian Police College, we were -- all of
23 us were acquainted with a number of other officers from
24 different forces.

25 And I think Staff Sergeant Blake knew the

1 polygraph operator here because Staff Sergeant Blake was
2 involved in the same kind of work. And he may have known
3 one or two others as well as the result of probably,
4 usually, courses.

5 MR. PAUL: Did any of these connections with
6 either you or your partner make it awkward in any way to be
7 involved in the investigation?

8 MR. SKINNER: Not at all, no.

9 MR. PAUL: Now you did understand from the
10 outset that the investigation had some aspects that dealt
11 with the Catholic Church?

12 MR. SKINNER: Yes, m'hm.

13 MR. PAUL: Now in terms of the Cornwall area
14 and the surrounding area, I take it you didn't have any
15 connections to anybody in the Catholic Church hierarchy in
16 the Cornwall area?

17 MR. SKINNER: No, I didn't.

18 MR. PAUL: Now you were asked by Mr. Manson,
19 previous counsel, a question about telephone interviews by
20 Ms. Sebalj and ---

21 MR. SKINNER: M'hm.

22 MR. PAUL: --- I think you indicated that
23 it's preferable obviously to have a face-to-face meeting?

24 MR. SKINNER: I did, yes.

25 MR. PAUL: But I wanted to ask an additional

1 question; is it not preferable also, because in a face-to-
2 face meeting obviously you can get the information down in
3 writing and signed by the witness?

4 MR. SKINNER: Absolutely.

5 MR. PAUL: And a record that's signed by the
6 individual is certainly of assistance later to help them
7 remember the events?

8 MR. SKINNER: M'hm, yes.

9 MR. PAUL: Now, I just want to ask you in
10 terms of your investigation when you came to investigate
11 allegations of cover up in the Cornwall police, in terms of
12 conducting your investigation, I just want to ask you, the
13 fact that you didn't choose to use written statements with
14 the police officers, does that in any way indicate either
15 any neglect on your part or alternatively any refusal by
16 police officers to put it down in writing?

17 MR. SKINNER: No, I don't believe so.

18 MR. PAUL: So it didn't indicate a refusal;
19 it wasn't a situation where they were refusing to put it
20 down in writing?

21 MR. SKINNER: No one -- no one, from my
22 recollection, did that, no.

23 MR. PAUL: Okay. And there wasn't a
24 direction from the outset that initial meetings with the
25 Chief that this was going to be more informal and not in

1 writing?

2 **MR. SKINNER:** I don't recall any
3 conversation like that with the Chief. As far as I can
4 recall, Chief Johnston never gave me any direction as to
5 how the investigation should be or the review should be
6 conducted.

7 **MR. PAUL:** So as far as the manner of the
8 review and the decision not to take written statements
9 signed by the police officers, I take it then, that's a
10 decision of you in combination with your partner?

11 **MR. SKINNER:** Yes.

12 **MR. PAUL:** And would you not agree that
13 perhaps today that if you had statements from those
14 officers in writing there might be a better more complete
15 record of the events of what they were saying?

16 **MR. SKINNER:** No, I don't think so. No, we
17 were there to -- you know, it wasn't -- your questions make
18 it sound as though it was some kind of a serious sort of
19 quasi-criminal investigation, it wasn't anything like that
20 at all.

21 It was simply a review of the manner in
22 which the Cornwall police conducted the investigation. And
23 I didn't see a need for written -- the last thing I wanted
24 to do was give the impression that we were there on, for
25 want a better word, a witch hunt. So I wanted cooperation

1 from the people that we talked to and asking them for
2 signed statements is arguably not the best way to get that
3 cooperation.

4 **MR. PAUL:** All right. As far as when you
5 talk about being serious, as far as your review, you don't
6 get much, in terms of being more serious, by way of a
7 review, than an allegation of cover up in the police
8 department; there's not much more serious than that; would
9 you agree?

10 **MR. SKINNER:** I agree that it's serious,
11 yes.

12 **MR. PAUL:** I mean, given the level of
13 seriousness, would it not indicate that there should be a
14 complete written record of everything these people are
15 saying?

16 **MR. SKINNER:** I don't feel that that's
17 necessary so, no.

18 **MR. PAUL:** Now, when you were asked
19 questions by Commission counsel I think you did indicate
20 why you didn't conclude a cover-up, there were some pieces
21 of evidence that you acknowledged could be consistent with
22 that, or could be interpreted as that, such as the
23 appointment of an under-qualified investigator?

24 **MR. SKINNER:** I think what I said was that
25 it could be argued, it could be put that an ineffective

1 investigation could be interpreted as a means of covering
2 up something.

3 **MR. PAUL:** So if ---

4 **MR. SKINNER:** Let me emphasize again, I was
5 not alleging that this happened and I'm satisfied that this
6 didn't happen in this case.

7 **MR. PAUL:** All right. So all you're
8 basically saying is that a piece of evidence such as an
9 incomplete investigation could point towards negligence but
10 could also be one piece of circumstantial evidence that
11 might point towards a cover-up? One piece of
12 circumstantial evidence?

13 **MR. SKINNER:** If the objective of the
14 negligence was to bring about a cover-up, then yes, that
15 would be accurate.

16 **MR. PAUL:** Now another piece of evidence
17 that was referred to was the failure to interview an
18 accused. Now obviously if the accused is not cooperative,
19 then that would be irrelevant in terms of a cover-up;
20 correct? But if the accused is perhaps giving some
21 willingness to come forward and deal with the police then
22 it's certainly a concern that that wasn't taken up;
23 correct?

24 **MR. SKINNER:** Are you referring to the offer
25 of a polygraph?

1 **MR. PAUL:** Polygraph, yes.

2 **MR. SKINNER:** Yes, it was a concern that it
3 wasn't -- that that offer wasn't accepted, yes.

4 **MR. PAUL:** In terms of an offer of a
5 polygraph, I think your evidence would be that police
6 should essentially never turn down that opportunity to get
7 information from an accused?

8 **MR. SKINNER:** I don't think I would say
9 never, no. I don't think I would say never, it would
10 depend -- it would have to be evaluated on its own
11 individual merits. But I think, in most cases, it's an
12 offer that would be accepted.

13 **MR. PAUL:** And based on what you looked at
14 and I think you knew quite a bit about this case, you
15 looked at all of Ms. Sebalj's notes; is that correct?

16 **MR. SKINNER:** Yes.

17 **MR. PAUL:** So you knew enough about this
18 case that based on your knowledge of this case, that offer
19 should certainly have been taken up?

20 **MR. SKINNER:** Yes, I've already said that.

21 **MR. PAUL:** M'hm. And again the failure to
22 take up that offer is perhaps there are to be one piece of
23 circumstantial evidence pointing to either negligence or a
24 cover-up, one or the other.

25 **MR. SKINNER:** Pointing to the lack of an

1 effective investigation, I wouldn't want to go any farther
2 than that.

3 **MR. PAUL:** And you can't rule out that that
4 piece of information might point towards some attempt by
5 somebody to cover-up?

6 **MR. SKINNER:** I can't conclusively rule that
7 out, no.

8 **MR. PAUL:** In a different area, but also
9 related to this issue of cover-up, now, you had some
10 concerns about matters not being put on the computer
11 systems and documented?

12 **MR. SKINNER:** Not necessarily on the
13 computer system. The concern was that there wasn't a
14 documented written flow of events dealing with the
15 investigation and the progress of the investigation that
16 could be monitored and could be assessed by supervisory and
17 management personnel and which would also serve to be a
18 living record of the investigation and its progress should
19 anything happen to the investigator.

20 **MR. PAUL:** All right. Would it be fair to
21 say that if that type of practice, failing to record all
22 the matters in the documents and supplementary reports, was
23 done in all of Ms. Sebalj's cases, it might point more
24 toward negligence but if it's only done in this specific
25 case, it might raise more concerns about that case?

1 **MR. SKINNER:** I don't know if that's
2 something I can comment on because I have no idea whether
3 she made reports on all her other cases or not.

4 **THE COMMISSIONER:** Right. But I think he is
5 asking -- and I don't know if this will change whether or
6 not you can answer it ---

7 **MR. SKINNER:** M'hm.

8 **THE COMMISSIONER:** --- what he is saying is
9 assuming for a moment that the rest of her cases were all -
10 --

11 **MR. SKINNER:** Documented.

12 **THE COMMISSIONER:** --- documented and well
13 done and this one is the only one that isn't; would that
14 add to the mix of circumstantial evidence that this was not
15 negligence but more of a sinister kind of thing?

16 **MR. SKINNER:** It would certainly tend to
17 arouse some suspicions along those lines, I would think.

18 **MR. PAUL:** And what I wanted to ask -- the
19 follow-up on that is given part of your mandate is to look
20 at issues of cover-up, did you make the comparison and look
21 at her other files and to see if she was filing the proper
22 documents in other sexual assault cases?

23 **MR. SKINNER:** No.

24 **MR. PAUL:** The project files, putting this
25 matter into project files, did you say you were not certain

1 whether you were aware of that at the time you were doing
2 the investigation?

3 **MR. SKINNER:** I was not certain of whether
4 or not a project had been created?

5 **MR. PAUL:** Yes.

6 **MR. SKINNER:** No, at the time of doing the
7 investigation I don't believe that I did know that.

8 **MR. PAUL:** Now, if I were to tell you that
9 it was put in the project -- a project file at some point,
10 is that something that potentially could have changed your
11 conclusions or caused you to do further investigation back
12 at the time?

13 **MR. SKINNER:** I would have wanted to see the
14 files, but I was told that there were no written files
15 relating to this investigation.

16 **MR. PAUL:** Okay. As far as a project file,
17 in your experience, is it normal to put a sexual assault
18 case in a project file?

19 **MR. SKINNER:** In my experience? Well,
20 possibly. It's -- a project is a pretty involved
21 situation. A project involves the Criminal Investigative
22 Services of Ontario and the force -- the police service
23 that wants to initiate a project has to write a proposal to
24 CISO looking for approval to initiate this project and if
25 that approval is given -- it would be evaluated obviously

1 by a CISO and if the approval is given the project is
2 created.

3 **MR. PAUL:** Would it be common to put a
4 matter in a project file if the intention was to somehow
5 protect a witness or a complainant?

6 **MR. SKINNER:** Possibly, depending on the
7 circumstances.

8 **MR. PAUL:** But on the other hand, would it
9 be less common to put a matter in a project file to somehow
10 try to protect the reputation of an accused?

11 **MR. SKINNER:** I don't see that sort of
12 situation getting approval from CISO.

13 **MR. PAUL:** So I'm not saying that this is
14 the case, but if the case were to protect the reputation of
15 a prominent person, is that not usually a reason to put
16 something in a project file?

17 **MR. SKINNER:** I don't believe that would
18 ever be given approval.

19 **MR. PAUL:** And who ultimately normally gives
20 approval?

21 **MR. SKINNER:** The CISO, the Criminal
22 Investigative Services of Ontario, which is a branch of the
23 Solicitor General's Ministry.

24 **MR. PAUL:** So even the chief of police can't
25 give that approval, he has to get it from someone above

1 him?

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

3 **THE COMMISSIONER:** But the net effect of
4 opening a file like that is that it takes it away from
5 wandering eyes or inquisitive eyes inside the police force,
6 in the sense that it's restricted access.

7 **MR. SKINNER:** Well, that's true, sir, but
8 the main objective of it is to prevent the people under
9 investigation from becoming aware of the fact that they are
10 under investigation.

11 **THE COMMISSIONER:** No, I understand that. I
12 guess if we're looking at it from a more suspicious look
13 and somebody within the force might interpret that as being
14 a means by which to keep it away from the eyes of the rest
15 of the police force.

16 **MR. SKINNER:** Well, it wouldn't necessarily
17 have to be created as a criminal project in order to
18 accomplish that.

19 **THE COMMISSIONER:** I see.

20 **MR. SKINNER:** In my own force, the Chief had
21 a vault.

22 **THE COMMISSIONER:** Right.

23 **MR. SKINNER:** The Detective Superintendent
24 had a vault and confidential documents, reports, whatever,
25 could be kept there ---

1 **THE COMMISSIONER:** I see.

2 **MR. SKINNER:** --- and wouldn't necessarily
3 be part of the available records of the service. Certainly
4 the Chief, the Operations Deputy Chief and the Detective
5 Superintendent and the investigators would certainly be
6 aware of the existence of those reports and that
7 information.

8 **MR. PAUL:** You mentioned about one purpose
9 being to prevent suspects from knowing about the ongoing
10 investigation?

11 **MR. SKINNER:** M'hm.

12 **MR. PAUL:** So in this case, given that we
13 have, at least in relation to one accused who's offered a
14 polygraph, that rationale wouldn't apply there, I take it?
15 He seems to be already aware that if he's offered a
16 polygraph ---

17 **MR. MANSON:** Yeah, m'hm.

18 **MR. PAUL:** Do you agree that one effect of
19 entering a matter in a project file is it might restrict
20 valuable information to, for example, officers in other
21 areas who might come across a suspect and might benefit
22 from that information if a new case comes up?

23 **MR. MANSON:** If that was the case, if there
24 was a parallel investigation and information came to light
25 which could be of value to the investigator of that other

1 situation, then I'm certain that whatever information could
2 be released would be released to that other investigator.

3 **MR. PAUL:** But the other investigator, if he
4 goes into the police database records, if it's a project
5 file wouldn't find similar information?

6 **MR. MANSON:** No.

7 **MR. PAUL:** Now, it was brought up by Mr.
8 Manson in your report that there was a reference to
9 initially on the Deputy Chief and CIB were effectively
10 taken out of the chain of command?

11 **MR. SKINNER:** M'hm.

12 **MR. PAUL:** And in your mind, is that in any
13 way circumstantial evidence of a cover-up?

14 **MR. SKINNER:** Well, again, it's a matter of
15 interpretation. I didn't think it was. In fact I was
16 satisfied that it wasn't, but the reason for that could
17 well be that Chief Shaver and Sergeant Lortie at that point
18 were considering the creation of the project and then that
19 would have been the effect of that in terms of a purely
20 practical situation. And, you know, in reality the Deputy
21 Chief would have been made aware of it, or should have
22 been.

23 **MR. PAUL:** Now, you'd agree that -- I think
24 on your evidence -- that there was a request by the
25 complainant to have a male investigator?

1 **MR. SKINNER:** I'm sorry, for a male
2 investigator?

3 **MR. PAUL:** Yes.

4 **MR. SKINNER:** Yes.

5 **MR. PAUL:** And at some point, two male
6 officers became involved in the interview process?

7 **MR. SKINNER:** M'hm.

8 **MR. PAUL:** But they didn't completely remove
9 the female -- Ms. Sebalj -- she stayed on as lead
10 investigator?

11 **MR. SKINNER:** M'hm.

12 **MR. PAUL:** And would your recommendation had
13 been that that wasn't enough just to have the two males
14 involved, that there should have been a complete change to
15 a male lead investigator?

16 **MR. SKINNER:** That would have been my
17 recommendation, yes.

18 **MR. PAUL:** I wonder if I could refer the
19 witness to a portion of Exhibit 1208, being the notes of --
20 -

21 **THE COMMISSIONER:** Officer Blake?

22 **MR. PAUL:** Yes.

23 And I believe it's at page 12. It would
24 also be Bates number 1025780 in the corner.

25 **THE COMMISSIONER:** And it would be the third

1 page from the back.

2 MR. SKINNER: M'hm. Thank you.

3 MR. PAUL: There should be a page that
4 refers in the middle of the page to, "Lortie at morning
5 meeting made reference to cover-up".

6 Have you got that page?

7 MR. SKINNER: Yes.

8 MR. PAUL: I'm just wondering, I wasn't
9 clear what you did with that information or what follow-up
10 you did to pursue that issue?

11 (SHORT PAUSE/COURTE PAUSE)

12 MR. SKINNER: I can't remember. It goes on
13 to say that there was no date for this meeting and we never
14 saw any file with regard to it. I can't remember what, if
15 anything, we did.

16 MR. PAUL: So you have no recollection of
17 whether you followed it up even with a meeting with
18 Sergeant Lortie and met him and discussed it with him?

19 MR. SKINNER: I'm quite sure that we did,
20 but I have no specific recollection of it.

21 MR. PAUL: And I understand that you've
22 reviewed the notes. There's no notes relating to that
23 issue and what Sergeant Lortie would say about that?

24 MR. SKINNER: With regard to that comment,
25 no, there are no notes.

1 **MR. PAUL:** And there's no notes in relation
2 to discussing that point with any other Cornwall police
3 officers that may have been involved at the meeting?

4 **MR. SKINNER:** No, this occurred on January
5 the 18th I believe. By that time we were pretty well
6 finished, and in view of all the other information that we
7 had gathered to that point, I think we were satisfied that
8 there was no cover-up.

9 **MR. PAUL:** So you'd already made your
10 decision at that point and so basically you didn't take
11 that piece of information very seriously?

12 **MR. SKINNER:** I wouldn't say that, but it
13 didn't change our opinion.

14 **MR. PAUL:** All right. But you would agree
15 that the reference to a sergeant saying there was a cover-
16 up at a Cornwall police meeting would seem to be something
17 important, the mandate that you had?

18 **MR. SKINNER:** It would have -- it would have
19 possibly been more meaningful had we had some context, some
20 point at which -- at which it was made, because at some
21 point -- and, you know, at some point some efforts were
22 made to prod the investigation along a little bit, you
23 know, the memo from the Deputy Chief to -- to the Staff
24 Sergeant Brunet and the subsequent assignment of -- of
25 Constable Sebalj; that occurred on January 13th, some

1 slightly more than a month after the receipt of the initial
2 -- of the initial complaint, if that comment was made in
3 that -- within that period sometime and -- and action
4 followed that, well then, you know.

5 MR. PAUL: Well, do you recall what your
6 source of information, who your source was for that
7 information?

8 MR. SKINNER: For this ---

9 MR. PAUL: That comment about cover-up?

10 MR. SKINNER: That would be during our
11 interview with Deputy Chief St-Denis, I believe.

12 MR. PAUL: All right. And did you obtain
13 from him the names of other people who had been at that
14 meeting?

15 MR. SKINNER: I don't remember. I'm quite
16 sure we did, but I don't remember who it would have been.

17 MR. PAUL: But do you agree there's nothing
18 in your notes to indicate who else would be at the meeting
19 and whether they were interviewed or not?

20 MR. SKINNER: It was -- it was described as
21 a morning meeting so, you know, I would assume from that
22 the Chief was there and the Deputy Chief and the senior
23 officers and possibly the staff sergeants, but I really
24 don't know.

25 MR. PAUL: All right. Do you think if all

1 those individuals were present, it would have been
2 appropriate to interview all those persons about
3 surrounding those comments?

4 **MR. SKINNER:** Not if I had already satisfied
5 myself that there was no -- that there was no cover-up.

6 **MR. PAUL:** Now, as far as Chief Shaver, you
7 understood that there was another individual besides the
8 police; there was a probation officer being investigated or
9 at some point his name came up?

10 **MR. SKINNER:** M'hm.

11 **MR. PAUL:** To your knowledge, had any
12 information ever come to light about any connection between
13 the probation officer and Mr. Seguin and any members of the
14 Cornwall police, any friendships or any connections?

15 **MR. SKINNER:** No, not that I recall.

16 **MR. PAUL:** I just wanted to ask you if you
17 would have any comment on whether a local police force
18 should investigate allegations against a probation officer
19 or given that on some occasions they work closely together,
20 whether it should be an outside police force?

21 **MR. SKINNER:** The only comment that I can
22 make in response to that, it was -- it would be -- it would
23 depend on the nature of the allegations. I can see that
24 that might be a possibility in some circumstances and not
25 necessarily in others.

1 **MR. PAUL:** So depending on the
2 circumstances, it might be appropriate to refer the matter
3 to another police force?

4 **MR. SKINNER:** Possibly.

5 **MR. PAUL:** Now, we looked at the interaction
6 between the Crown and the Cornwall police; was it your
7 understanding that there were some issues whether the
8 Cornwall police gave a full version of the facts and all
9 the information to the Crown before they gave your opinion
10 not to proceed with the charges?

11 **MR. SKINNER:** No, I don't believe that was
12 ever a concern.

13 **MR. PAUL:** You didn't have any concern about
14 whether the Crown attorney had information in relation to
15 the additional witnesses besides Mr. Silmser, the other
16 witnesses that Ms. Sebalj had uncovered, whether that had
17 ever gone to the Crown attorney?

18 **MR. SKINNER:** Let me say again that we
19 weren't investigating the -- reinvestigating the events of
20 the allegations; we were simply looking at the way in which
21 the Cornwall police dealt with it.

22 We had some concerns about the lack of
23 meetings with -- with the Crown attorney by anyone; we had
24 some concerns about the Crown attorney's apparent concerns
25 about Constable Sebalj as an investigator and his apparent

1 lack of -- of any action on those concerns, but I -- I'm
2 not suggesting and didn't suggest that any -- any
3 information was withheld from the Crown attorney.

4 **MR. PAUL:** All right. If the Crown attorney
5 were only advised of Mr. Silmsler and was not advised of the
6 existence of other witnesses who were potential
7 complainants but reluctant, would that be inappropriate for
8 the Crown not to be advised of the other reluctant
9 individuals?

10 **MR. SKINNER:** This is quite hypothetical and
11 -- and if -- if information was -- with regard to a
12 criminal investigation was withheld from the Crown
13 attorney, that would be a matter of some concern.

14 **MR. PAUL:** Now, you indicated you weren't
15 doing a new or reinvestigation of the Silmsler issue,
16 correct?

17 **MR. SKINNER:** Yes.

18 **MR. PAUL:** But would you not agree that
19 there should have been some, at least, limited contacted
20 with Mr. Silmsler to see if he was in agreement with the way
21 Ms. Sebalj set out the dealings with him in her notes?

22 **MR. SKINNER:** Some contact by me?

23 **MR. PAUL:** Yes, with Mr. Silmsler.

24 **MR. SKINNER:** No.

25 **MR. PAUL:** To the extent that -- you agree

1 that there was an investigation of whether there was a
2 cover-up or not, correct?

3 **MR. SKINNER:** Yes.

4 **MR. PAUL:** So would you agree it might have
5 been a flaw in your investigation to go on an assumption
6 that the notes of Ms. Sebalj can all be relied upon where
7 they refer to conversations with Mr. Silmsen without
8 getting his side of it?

9 **MR. SKINNER:** After meeting with Constable
10 Sebalj and with discussing her actions and her
11 investigative techniques and reviewing some of her work, we
12 were convinced -- we were -- we were happy with her actions
13 in the -- in the investigation to the point that she was
14 permitted to conduct the investigation.

15 I didn't suspect, for a moment, that
16 Constable Sebalj was involved in any kind of cover-up.

17 **MR. PAUL:** All right. But to make -- to
18 make a complete investigation and be able to report that
19 you looked at it completely, would you not want to go to
20 Mr. Silmsen, for example, and say, "Do you agree with the
21 suggestion that you did not want to pursue the Seguin
22 complaint," that you want to ask him to make sure that he
23 agrees with that side of it?

24 **MR. SKINNER:** Given the information that we
25 had at the time, I did not think that was necessary.

1 **MR. PAUL:** All right. So basically, you
2 didn't think it was necessary to get any information from
3 Mr. Silmsen whatsoever?

4 **MR. SKINNER:** NO.

5 **MR. PAUL:** Now with respect to Mr. Dunlop,
6 did you see that as unnecessary or was he just not
7 available?

8 **MR. SKINNER:** To the best of my knowledge,
9 he was -- he was no longer functioning with the force and
10 there was nothing -- he was never involved in the
11 investigation so I didn't see any point in -- in
12 interviewing Constable Dunlop ---

13 **MR. PAUL:** Was the individual ---

14 **MR. SKINNER:** --- with regard to a potential
15 cover-up of the investigation.

16 **MR. PAUL:** Well, as the individual who
17 seemed to bring the matter into the public eye by ---

18 **MR. SKINNER:** M'hm.

19 **MR. PAUL:** --- revealing information to
20 Children's Aid did you not think that he should have been
21 contacted to see what his side of it was?

22 **MR. SKINNER:** No, I didn't.

23 **MR. PAUL:** So again, is it a decision by
24 you, your partner, that he's not necessary or is it because
25 he's unavailable?

1 **MR. SKINNER:** It was never necessary.

2 **MR. PAUL:** I want to refer the witness to a
3 document; I believe it's 722187.

4 **THE COMMISSIONER:** That's a new one, sir.

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

6 **THE COMMISSIONER:** Thank you.

7 Exhibit Number 1227 ---

8 **MR. PAUL:** Thank you.

9 **THE COMMISSIONER:** --- is what -- these are
10 newspaper articles from, I don't know which
11 -- well, one is an article by Claudia Peel
12 and Carol Bowman.

13 **--- EXHIBIT NO./PIÈCE NO P- 1227:**

14 (722187) Newspaper article: Former
15 police chief says many reputations have
16 been damaged dated 03 Feb 94

17 **MR. PAUL:** Yes.

18 **THE COMMISSIONER:** The others I don't know.

19 **MR. PAUL:** That would be the one I would be
20 referring to, that first one there.

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

22 **MR. PAUL:** I would be referring to the first
23 one; "I'm happy with the air getting cleared."

24 **THE COMMISSIONER:** Okay, all right.

25 **MR. PAUL:** Superintendent Skinner, do you

1 see the article with the -- I believe it's a photograph of
2 Chief Shaver?

3 **MR. SKINNER:** M'hm, I do.

4 **MR. PAUL:** And just below that, there's a
5 portion where there appears to be a quotation; they appear
6 to be quoting Chief Shaver, I believe.

7 **THE COMMISSIONER:** It's a lot clearer on the
8 screen, sir.

9 **MR. SKINNER:** Yes, I see. Thank you.

10 **MR. PAUL:** And it indicates:

11 "...it was going to be checked by one
12 of our staff sergeants. He said, 'Did
13 the system break down?' If it did
14 break down in the middle parts of my
15 organization, that's something that
16 should be fixed."

17 **MR. SKINNER:** I see that, yes.

18 **MR. PAUL:** I would ask you for your comment
19 on that; would you agree that your finding, an opinion
20 would be that if the system broke down, it was not merely
21 in the middle parts; it included up to Chief Shaver's
22 level, as well?

23 **MR. SKINNER:** That would be my position,
24 yes.

25 **MR. PAUL:** I wanted to ask you generally

1 about a situation of morale -- morale in the police force;
2 you were aware that there were issues surrounding morale
3 difficulties in the Cornwall Police?

4 **MR. SKINNER:** Only in a very -- only in a
5 very general sense before I came to conduct the
6 investigation.

7 **MR. PAUL:** Were you aware of some situation
8 where some of the senior officers put forward some kind of
9 written request, I believe, to the Police Commission
10 seeking the dismissal or removal of the Chief?

11 **MR. SKINNER:** I don't know. I don't know; I
12 don't remember. I did become aware of that at some point
13 but I don't know whether it was before the investigation or
14 after the investigation.

15 **MR. PAUL:** In your mind, did you ever form
16 any conclusions about whether morale and in-fighting issues
17 played any part in the breakdown of the system in this
18 case?

19 **MR. SKINNER:** I'm sorry, would you ask me
20 that again?

21 **MR. PAUL:** Did you ever look at the issue or
22 form any conclusions on whether morale issues or in-
23 fighting in the police department caused any difficulties
24 and breakdown in the system in the chain of command?

25 **MR. SKINNER:** I don't know what the cause

1 was, but there obviously was a breakdown of the situation.
2 I couldn't -- I couldn't tell you what the cause of it was.

3 **MR. PAUL:** I had a brief question about --
4 there's a reference at one point in the notes to the
5 statement of, I believe, Mr. Silmsler being referred to then
6 Constable Snyder for some form of analysis, and I believe
7 that would be Exhibit 1208, page 5, I believe.

8 **MR. SKINNER:** Sorry, page what?

9 **MR. PAUL:** Page 5.

10 **THE COMMISSIONER:** And what's ---

11 **MR. PAUL:** Towards the middle, it indicates
12 "Brian Snyder examines..." ---

13 **THE COMMISSIONER:** Right. So that's Bates
14 page 10255 -- I'm sorry -- 1025773.

15 **MR. SKINNER:** M'hm, yes, I have it.

16 **MR. PAUL:** It refers to a polygraph but it
17 also refers to examination of a statement which I believe
18 is Mr. Silmsler's statement?

19 **MR. SKINNER:** M'hm.

20 **MR. PAUL:** And it would be your
21 understanding that Constable Snyder conducted a kind of a
22 review of this statement and found it to be credible?

23 **MR. SKINNER:** M'hm.

24 **MR. PAUL:** Did you look at what type of
25 methodology or what he did to do that?

1 **MR. SKINNER:** If I did, I don't remember.

2 **MR. PAUL:** And are you familiar with that
3 process? Is that a process that's used in the Ottawa
4 Police, that some form of specialist officer with some form
5 of training looks at statements to see ---

6 **MR. SKINNER:** To judge whether they are
7 truthful or not.

8 **MR. PAUL:** And is it matter of looking at
9 how detailed they are and whether they're consistent with
10 other evidence or ---

11 **MR. SKINNER:** I don't know. I've never had
12 that training. I don't know.

13 **MR. PAUL:** A brief question for you about
14 the role of the Crown attorney again. Now, you're familiar
15 with the distinction between the natural conflict and
16 appearance of conflict?

17 **MR. SKINNER:** In the legal sense, no.

18 **MR. PAUL:** Oh, well, an actual conflict in
19 the sense that someone is actually biased versus an
20 appearance where it just gives a bad impression. Are you
21 familiar with that distinction?

22 **MR. SKINNER:** I can understand that
23 distinction, yeah.

24 **MR. PAUL:** I'm just wondering, in your
25 dealings with the issue of the Crown's conflict, did you

1 become aware whether it was a claim that it was an actual
2 conflict or a perception of conflict?

3 **MR. SKINNER:** No. No, I don't think -- I
4 don't think that became clear at all. There was a
5 conversation declaring a possible conflict and that was as
6 far as it went.

7 **MR. PAUL:** As far as the state of the
8 investigation at that point, obviously there were -- there
9 weren't never charges at that point. It was a situation
10 where charges had not been laid ---

11 **MR. SKINNER:** M'hm.

12 **MR. PAUL:** --- when the Crown was giving
13 advice to the police?

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

15 **MR. PAUL:** So we understand that the
16 decision-making authority still vested in -- the police had
17 the decision-making power over whether charges would be
18 laid?

19 **MR. SKINNER:** Well, the investigation was
20 still ongoing, yes, and it would have depended on the
21 evidence that was gathered.

22 **MR. PAUL:** And would I understand that the
23 Crown -- your understanding would be the Crown attorney
24 would become a decision maker once the charges were laid
25 and then they assume carriage and have the decision-making

1 whether it proceeds or not?

2 **MR. SKINNER:** Well, I'm, you know, not
3 intimately familiar with the procedures in a Crown
4 attorney's office.

5 But my understanding of the situation is
6 that once the -- once the reasonable and probable grounds
7 are established and the charges laid, then a Crown attorney
8 is selected who will conduct the prosecution.

9 And it's my understanding, at this point,
10 that Mr. MacDonald was indicating a possible conflict and
11 that he may be unable to conduct the prosecution should it
12 come to that.

13 **MR. PAUL:** All right, should charges be
14 laid?

15 **MR. SKINNER:** Yeah.

16 **MR. PAUL:** In your mind -- I mean, you did
17 come to a conclusion that there was a conflict and it was
18 inappropriate for the Crown to stay on the case?

19 **MR. SKINNER:** That I did?

20 **MR. PAUL:** Yes.

21 **MR. SKINNER:** I came to that conclusion?
22 No, I don't think ---

23 **MR. PAUL:** Isn't that what you recommended?

24 **MR. SKINNER:** No. No. I think what I said
25 was that if Mr. MacDonald felt that he was in a position of

1 conflict initially then that conflict doesn't sort of
2 disappear. He later sent a letter indicating that it was
3 contrary to Ministry policy to lay charges when the
4 complainant was unwilling to proceed with the prosecution.

5 **MR. PAUL:** As far as whether there was a
6 conflict, did you seek any legal advice for opinion on it?

7 **MR. SKINNER:** No, I didn't, that was just my
8 opinion.

9 **MR. PAUL:** And in your mind was there any --
10 was there any distinction between a Crown before charges
11 are laid and after charges are laid as to what situations
12 are in conflict on? You wouldn't be able to comment on
13 that?

14 **MR. SKINNER:** No.

15 **MR. PAUL:** At some point in your evidence,
16 you indicated this was a potentially explosive situation?

17 **MR. SKINNER:** M'hm.

18 **MR. PAUL:** And by that, I take it you would
19 mean it had a potential given the types of allegations and
20 type of people being accused, had the potential for more
21 complainants. Is that fair?

22 **MR. SKINNER:** It had the potential for a
23 very negative reaction on the part of the Cornwall
24 community. A very -- I'm not sure I know how to -- how to
25 explain it.

1 It would have been a media field day and a
2 lot of negative connotations could have -- could have flown
3 from it.

4 **MR. PAUL:** And it also had the potential,
5 perhaps, given the type of persons that were involved,
6 probation and the church had potential to involve an
7 ongoing risk to the public?

8 **MR. SKINNER:** Yes.

9 **MR. PAUL:** And for that reason it should
10 have been done properly?

11 **MR. SKINNER:** Yes.

12 **MR. PAUL:** All right. Thank you.

13 **THE COMMISSIONER:** Thank you, Mr. Paul.
14 Mr. Lee?

15 So, Mr. Lee, unless you're completed your
16 cross-examination by three, three-o-five, you can pick a
17 time around then so we can take a break.

18 **MR. LEE:** Okay, thank you.

19 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

20 **MR. LEE:** Superintendent Skinner, my name is
21 Dallas Lee. I act for the Victims Group.

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

23 **MR. LEE:** I have some questions I'd like to
24 ask you.

25 **MR. SKINNER:** Right.

1 **MR. LEE:** Can we turn up your report,
2 please, Exhibit 1207.

3 At the first page, you set out the original
4 complaint made by Mr. Silmser and you go through under the
5 title "The Response" ---

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

7 **MR. LEE:** --- and you set out the very early
8 stages of the investigation and what occurred.
9 Specifically, you set out the fact that Sergeant Nakic took
10 the original call. You see that there?

11 **MR. SKINNER:** Yes.

12 **MR. LEE:** And Sergeant Claude Lortie was
13 assigned originally as the original investigating officer?

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

15 **MR. LEE:** And one of the things that it says
16 on the first page is that almost immediately Sergeant
17 Lortie makes contact with David Silmser. Is that right?

18 If you look at the bottom, the third-last
19 line:

20 "Sergeant Lortie telephoned the victim,
21 Silmser, in order to arrange an
22 interview."

23 Do you see that?

24 **MR. SKINNER:** Yeah, I don't see "almost
25 immediately" though.

1 **MR. LEE:** Fair enough. My impression was it
2 was relatively soon after.

3 Regardless, the question I want to put to
4 you is, what he's told by David Silmser is that Mr. Silmser
5 would prefer to wait until after the Christmas holidays ---

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

7 **MR. LEE:** --- to meet, to be interviewed.
8 Do you see that?

9 **MR. SKINNER:** Yes.

10 **MR. LEE:** And if we look up above it, the
11 complaint that was originally received by Sergeant Nakic on
12 December 9th ---

13 **MR. SKINNER:** M'hm.

14 **MR. LEE:** --- we know in there that it's an
15 allegation that he was sexually assaulted by a priest?

16 **MR. SKINNER:** Yes.

17 **MR. LEE:** That it happened 20 years earlier?

18 **MR. SKINNER:** M'hm.

19 **MR. LEE:** And he claimed to also be sexually
20 assaulted by a Cornwall probation officer?

21 **MR. SKINNER:** Yes.

22 **MR. LEE:** So at the time the complaint is
23 received, it's immediately apparent that is extremely
24 serious. Do you agree?

25 **MR. SKINNER:** Yes, I would agree.

1 **MR. LEE:** And it's extremely serious for a
2 couple of reasons. One of them, it's an allegation of a
3 sexual offence which is always going to be serious.

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

5 **MR. LEE:** And then there's this added
6 wrinkle, the fact that there are these two prominent
7 members of the community involved.

8 **MR. SKINNER:** Right.

9 **MR. LEE:** You'd agree with that?

10 **MR. SKINNER:** I do.

11 **MR. LEE:** The complaint is received on
12 December 9th. Sergeant Lortie would have contacted David
13 Silmsler sometime after that and, obviously, before
14 Christmas because Mr. Silmsler is saying that he wants to
15 wait ---

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

17 **MR. LEE:** --- until after Christmas. So
18 right away Mr. Silmsler is proposing a fairly significant
19 delay. Would you agree with that?

20 **MR. SKINNER:** I would.

21 **MR. LEE:** What would the proper response to
22 Mr. Silmsler's request for that delay have been, given what
23 Sergeant Lortie knew at that time?

24 **MR. SKINNER:** I'm responding as a -- an
25 Ottawa police officer, but a proper response, in my

1 opinion, would be something to the effect that an
2 investigator will be in contact with you tomorrow to
3 arrange an interview the day after or the day after that or
4 very, very soon.

5 MR. LEE: And why is that?

6 MR. SKINNER: Because it's, in my opinion,
7 and it's only my opinion, once a criminal -- a criminal
8 complaint is made, it's critical to get the nature and the
9 character of the complaint documented as soon as possible;
10 immediately is ideal.

11 Anything less than that, if the complainant
12 then begins to delay things, then the complainant, not the
13 investigator, is running the investigation and that's never
14 -- that's never a good situation and, again, it's only my
15 opinion.

16 MR. LEE: If we look back at the very bottom
17 of the first page of your report ---

18 MR. SKINNER: M'hm.

19 MR. LEE: --- the last sentence starts:

20 "This time period conflicted with
21 arrangement made by Sergeant Lortie to
22 undergo a surgical procedure..." ---

23 MR. SKINNER: M'hm.

24 MR. LEE:

25 "...so arrangements were made for the two

1 of them to meet on January 18, 1993."

2 (As read)

3 **MR. SKINNER:** Yes.

4 **MR. LEE:** My quick math tells me that --
5 that January 18th would be about five-and-a-half weeks after
6 the original complaint was made?

7 **MR. SKINNER:** M'hm.

8 **MR. LEE:** So, as I understand it, the first
9 step that's taken by the investigating officer here is to
10 set up a meeting five-and-a-half-weeks later?

11 **MR. SKINNER:** Yes.

12 **MR. LEE:** That's how you read it; that's how
13 you understand the situation?

14 **MR. SKINNER:** Yes, it is.

15 **MR. LEE:** Can I take your evidence to be
16 that there is -- there is no way that allegations of this
17 nature should have been left five-and-a-half-weeks before
18 getting a statement?

19 **MR. SKINNER:** That is my opinion, yes, m'hm.

20 **MR. LEE:** And would you agree with me that
21 it's not for Mr. Silmsler in this situation to appreciate
22 the need to deal with this right away?

23 **MR. SKINNER:** That it's what?

24 **MR. LEE:** It's not for Mr. Silmsler to
25 appreciate the fact that this should really be dealt ---

1 MR. SKINNER: No.

2 MR. LEE: --- with right away?

3 MR. SKINNER: No, it's the police service.

4 MR. LEE: And one of the things that you've
5 touched on a little bit and you touch on in your report is
6 the fact that you think that a more senior officer than Ms.
7 Sebalj may not have been, if I can use the word
8 "manipulated", in the same ways that perhaps she was. Is
9 that right?

10 MR. SKINNER: That's what I'm saying, yes.

11 MR. LEE: And I took your answer a moment
12 ago to be that a police officer needs to run the
13 investigation ---

14 MR. SKINNER: M'hm.

15 MR. LEE: --- not the complainant. Is that
16 right?

17 MR. SKINNER: Yes.

18 MR. LEE: And I take it there's a balance to
19 be had there between accommodating the -- the desires or
20 the needs of a complainant and yet not being pushed around?

21 MR. SKINNER: Yes.

22 MR. LEE: Is that right?

23 MR. SKINNER: Yes. One has to build a
24 rapport, a relationship, with the victim and with witnesses
25 and it has to be mutually agreeable, but it can't be one

1 sort of instituting delaying tactics and running -- running
2 the thing disproportionately.

3 MR. LEE: I take it you need to be sensitive
4 not to come off as pushy or as insensitive to the plight of
5 the complainant, but at the same time things need to get
6 done?

7 MR. SKINNER: That's right.

8 MR. LEE: And that's the police officer's
9 job to get things done?

10 MR. SKINNER: M'hm.

11 MR. LEE: I'd like you to turn up Exhibit
12 1224, please.

13 THE COMMISSIONER: We're dealing with a news
14 release?

15 MR. LEE: Yes.

16 THE COMMISSIONER: M'hm.

17 MR. LEE: Do you have that, sir?

18 MR. SKINNER: Yes, I do.

19 MR. LEE: So on the first page, we have a --
20 we have a numbered list of points and the first few points
21 set out the original timeline in the complaint. Do you see
22 that?

23 MR. SKINNER: M'hm.

24 MR. LEE: And if you turn over to the second
25 page, to paragraph 6, I'm going to read this aloud, okay?

1 Follow along, please:

2 "On March 2, 1993, the complainant
3 contacted the investigating officer and
4 informed the officer that there was no
5 need to rush the investigation and to
6 feel free to take whatever time was
7 necessary to complete the
8 investigation. Specifically, the
9 complainant stated 'three months, six
10 months or eight months'. Again, on
11 August 24, 1993 the complainant, for a
12 second time, stated that there was no
13 problem with the timing of this
14 matter."

15 Do you see that, sir?

16 **MR. SKINNER:** I do.

17 **MR. LEE:** And I -- I should have prefaced,
18 sir, you're clear on the context. This is the news release
19 that was sent by Leo Courville, the Chairman of The
20 Cornwall Police Services Board?

21 **MR. SKINNER:** M'hm.

22 **MR. LEE:** And the date of this is January
23 11, 1994, so just as you're starting to get going in your
24 investigation. Is that right?

25 **MR. SKINNER:** That's correct, m'hm.

1 **MR. LEE:** Based on that paragraph that I've
2 just read to you, it would seem that the Cornwall Police
3 are suggesting to the press that the delays in this
4 investigation were not worrisome because they were approved
5 by the complainant. Would you agree with that's what that
6 seems to suggest?

7 **MR. SKINNER:** Yes, I think I would, m'hm.

8 **MR. LEE:** Does that logic make any sense to
9 you?

10 **MR. SKINNER:** No. No, if I was an
11 investigator, I'd be -- I'd be suspicious of getting
12 information like that from the complainant.

13 **MR. LEE:** And saying that the complainant
14 didn't want or didn't mind long delays is no justification
15 for long delays is it?

16 **MR. SKINNER:** No, no.

17 **MR. LEE:** I want to turn to a different
18 issue, please.

19 **MR. SKINNER:** M'hm.

20 **MR. LEE:** The -- in your report, you've been
21 asked about it here, you speak about a lack of
22 documentation.

23 **MR. SKINNER:** M'hm.

24 **MR. LEE:** You speak about Officer Lortie as
25 an example being -- reporting directly to Claude Shaver and

1 the result of that being that Officers Brunet and St-Denis
2 were cut out of the loop, so to speak?

3 MR. SKINNER: Yes, but only for a brief
4 period, but -- well, relatively brief period, but that's --
5 that's the -- that's the effect of it, yes.

6 MR. LEE: Can you help me out, I want to
7 draw on your experience as a police officer here. Can you
8 help me out with why it matters if Brunet and St-Denis are
9 out of the loop. Why is that important?

10 I guess -- let me be specific here --
11 essentially if you look at the chain of command ---

12 MR. SKINNER: M'hm.

13 MR. LEE: --- if you have the bottom link in
14 the chain talking to the top link in the chain, why do we
15 care about the middle?

16 MR. SKINNER: By the bottom link, who are
17 you referring to?

18 MR. LEE: The investigating officer in this
19 case.

20 MR. SKINNER: In this case, Constable
21 Sebalj?

22 MR. LEE: Constable Sebalj or very early on
23 I suppose Constable Lortie.

24 MR. SKINNER: Yes. No, Sergeant Lortie.

25 MR. LEE: Sergeant Lortie, sorry.

1 **MR. SKINNER:** My concern with that would be
2 that -- and we're not dealing here with a lack of
3 documentation, I take it, just the ---

4 **MR. LEE:** I'll go there, but at this point
5 just the reporting relationship and who's in the loop and
6 who's out of the loop?

7 **MR. SKINNER:** M'hm, well, it's effectively
8 removed middle management from the -- from the ability to
9 supervise the conduct of the investigation. Staff Sergeant
10 Brunet, as I understand it, was the head of the Criminal
11 Investigation Bureau and should have been as involved in
12 the investigation as Constable Sebalj in a supervisory
13 position, of course. And unless there are very sensitive
14 matters to justify it, the Deputy Chief should not have
15 been removed from the -- from the information loop either.

16 **MR. LEE:** It's a system of checks and
17 balances I take it?

18 **MR. SKINNER:** Of course, yes. It's basic
19 management.

20 **MR. LEE:** And that was missing here at
21 first?

22 **MR. SKINNER:** Yes.

23 **MR. LEE:** And as I -- if you turn to -- it
24 doesn't have page numbers but it's the sixth page of your
25 report, it has -- the little number on the top left-hand

1 corner ends with 451.

2 MR. SKINNER: Where is that?

3 MR. LEE: Sorry, back out to the report.

4 THE COMMISSIONER: So you're looking at --
5 which page are you looking at?

6 MR. LEE: I'm looking at his -- at the
7 report ---

8 THE COMMISSIONER: Yes.

9 MR. LEE: --- not the news release any
10 longer ---

11 THE COMMISSIONER: No.

12 MR. LEE: --- and it's Bates page 1025451.

13 THE COMMISSIONER: Yes, the one with the
14 conclusion on it.

15 MR. LEE: Yes; 1025451. That's the one.

16 And if we look down at the second last
17 paragraph, you write:

18 "There are strong indications that
19 communication between Chief Shaver and
20 Deputy Chief St-Denis was very poor."

21 (As read)

22 MR. SKINNER: M'hm.

23 MR. LEE: "During my interviews with
24 them, each blamed the other for
25 communication breakdowns and a lack of

1 direction." (As read)

2 And did you get the impression that by the
3 time you got there and were hearing what had happened in
4 the past, that it was not a very healthy situation that
5 they were dealing with at the time?

6 **MR. SKINNER:** At the time that I got there
7 or -- or the time that ---

8 **MR. LEE:** No, at the time that the
9 investigation was going on.

10 **MR. SKINNER:** --- the time that the
11 investigation -- yes, I do.

12 **MR. LEE:** It was not a good situation at
13 all?

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

15 **MR. LEE:** And turning to the lack of
16 documentation, again, more or less the same question. Why
17 does that matter? Are we dealing -- is this a procedural
18 misstep that, you know, in a perfect world the policy says
19 you document it, so you document it, or does this actually
20 matter in practice?

21 **MR. SKINNER:** Well, it's common sense and,
22 again, comes down to management that if people -- people
23 have to be -- people in a supervisory position have to be
24 able to monitor the progress of an investigation,
25 particularly such a sensitive one, and if no documentation

1 existed that enabled managers or supervisors to do that,
2 then it was, to my mind, a serious shortcoming.

3 **MR. LEE:** So there are a couple of issues.
4 You told us earlier today -- you gave the example if
5 something -- you know, for example, if Ms. Sebalj had been
6 involved in an accident ---

7 **MR. SKINNER:** M'hm.

8 **MR. LEE:** --- without proper documentation
9 nobody can pick up where she left off. That's one concern.

10 **MR. SKINNER:** That's right.

11 **MR. LEE:** And the other concern is even as
12 she works you need to be able to supervise her properly.
13 Is that right?

14 **MR. SKINNER:** Exactly, yes.

15 **MR. LEE:** A supervisor should be able to go
16 into an investigation at whatever time he sees fit and
17 review ---

18 **MR. SKINNER:** Review what she's doing and
19 determine whether or not she's going in the right direction
20 and possibly suggest to her other avenues of investigation
21 that she may not have thought of.

22 **MR. LEE:** A little bit earlier today Mr.
23 Stauffer put a document to you that was some kind of OMPPAC
24 printout.

25 Do you remember that?

1 **MR. SKINNER:** Yes.

2 **MR. LEE:** And Mr. Callaghan got up and
3 assisted the Commissioner to identify exactly what this
4 was. And one of the things he said was that his
5 understanding is that an OMPPAC incident number was created
6 in January of '93.

7 **MR. SKINNER:** M'hm.

8 **MR. LEE:** So ---

9 **MR. SKINNER:** I heard him say that, yes.

10 **MR. LEE:** You did hear him say that.

11 Was that your understanding at the time of
12 your investigation?

13 **MR. SKINNER:** I was not aware of that, no.

14 **MR. LEE:** Now, ---

15 **MR. SKINNER:** At least I don't remember
16 being aware of that.

17 **MR. LEE:** Can you help me out with what an
18 OMPPAC incident number would be? Is that like a file
19 number?

20 **MR. SKINNER:** I suspect that it is but I
21 don't know because I wasn't familiar with OMPPAC at all.
22 OMPPAC was a provincial reporting and record system which
23 some forces were involved with and mine wasn't.

24 **MR. LEE:** Generally when the police receive
25 a complaint they open a file?

1 **MR. SKINNER:** Yes.

2 **MR. LEE:** It's assigned a file number for
3 administrative purposes?

4 **MR. SKINNER:** Yes.

5 **MR. LEE:** And I take it the point of opening
6 the file was that you have a specific number that you can
7 reference on subsequent correspondence and reports and
8 notes ---

9 **MR. SKINNER:** Yes.

10 **MR. LEE:** --- and things along those lines?
11 You can all find it in one place based on that number?

12 **MR. SKINNER:** It all goes to the same place,
13 yes.

14 **MR. LEE:** And I take it the point of opening
15 the file was to have that central depository for everything
16 relating to that incident?

17 **MR. SKINNER:** Exactly.

18 **MR. LEE:** And the incident number on its
19 own, I think you would agree, isn't of any value?

20 **MR. SKINNER:** Oh, it's of no value; if
21 nothing is added to the file except the incident number,
22 it's meaningless.

23 **MR. LEE:** Mr. Commissioner, did you say you
24 wanted to break at 3:00 or 3:15?

25 **THE COMMISSIONER:** At 3:00.

1 **MR. LEE:** 3:00? This is a good spot.

2 **THE COMMISSIONER:** All right.

3 Let's take a short break.

4 **THE REGISTRAR:** Order. All rise. A
5 L'ordre. Veuillez vous lever.

6 This hearing will resume at 3:15.

7 --- Upon recessing at 2:59 p.m./

8 L'audience est suspendue à 14h59

9 --- Upon resuming at 3:17 p.m./

10 L'audience est reprise à 15h17

11 **THE REGISTRAR:** Order. All rise. A
12 L'ordre. Veuillez vous lever.

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

15 --- **WILLIAM BRIAN SKINNER, Resumed/Sous le meme serment:**

16 ---**CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:**
17 **(Continued/Suite)**

18 **MR. LEE:** I'm going to shift to a different
19 area. I want to talk a little bit about the very early
20 timeline of the Silmser investigation. So not your
21 investigation the original investigation. And we can go to
22 documents if we need to but I think we've been over it
23 enough that you'll agree with me that the original
24 complaint comes in on December 9th, 1992.

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

1 **MR. LEE:** Is that a yes? That's your
2 recollection?

3 **MR. SKINNER:** Yes, it is. I'm sorry.

4 **MR. LEE:** And we know that Claude Lortie is
5 on sick leave until January 11th.

6 **MR. SKINNER:** Well, only between, I believe,
7 the 4th and the 8th he was on sick leave.

8 **MR. LEE:** Your understanding is that he
9 comes back on the 11th?

10 **MR. SKINNER:** Yes.

11 **MR. LEE:** That's when he's back to work?

12 **MR. SKINNER:** M'hm.

13 **MR. LEE:** And we know that Officer St-Denis
14 writes to Officer Brunet on January 8th and tells him to
15 assign somebody else. Is that right?

16 **MR. SKINNER:** M'hm. Yes.

17 **MR. LEE:** So three days earlier.

18 And what I want to ask you about, as I
19 understand it, Constable Sebalj isn't assigned until
20 January 13th?

21 **MR. SKINNER:** Correct.

22 **MR. LEE:** So she's assigned two days after
23 Officer Lortie is back at work.

24 **MR. SKINNER:** M'hm.

25 **MR. LEE:** And you alluded to that in your

1 examination in-chief a little bit I think.

2 MR. SKINNER: M'hm.

3 MR. LEE: Did you find that odd at the time?
4 I mean, let me break it down. Question number one, did you
5 find it odd that an order was given to assign somebody else
6 three days before Officer Lortie came back to work?

7 MR. SKINNER: No. I can understand that
8 happening. Ordinarily Sergeant Lortie was the officer in
9 charge of the Criminal Intelligence section who reports
10 directly to the Chief and in ordinary circumstances is not,
11 in the generally accepted sense of the term, an
12 investigator, he is a gatherer of information.

13 MR. LEE: Help me out with that. I'm not
14 sure I understand the distinction.

15 MR. SKINNER: Well, the Criminal
16 Intelligence section of any police service, in Ontario
17 certainly, is a section that gathers, as the name suggests,
18 criminal intelligence usually focused towards but not
19 necessarily restricted to organized crime, and that's done
20 -- that information is gathered through a wide variety of
21 sources.

22 In almost all cases that officer, whatever
23 his rank, is a member of CISO and goes to regular meetings
24 at CISO in Toronto and his activities are monitored
25 directly by the -- well, not monitored but he reports

1 directly to the Chief and keeps the Chief directly aware of
2 developments within the criminal intelligence area.

3 So in the ordinary course of events he is
4 not an investigator. He is usually an experienced
5 investigator from -- you know, from his past duties but
6 he's not necessarily an investigator. And he is, generally
7 speaking, out of the loop of the chain of command.

8 So I can understand that he would not have
9 been assigned to this investigation if the intention was to
10 keep him in charge of criminal intelligence.

11 However, I don't think it would have been a
12 bad idea, since he had previous experience in investigating
13 this type of crime, to temporarily detach him from criminal
14 intelligence and put him in charge of this investigation.
15 But that's only myself thinking aloud and possibly giving
16 consideration to what I might have done in those
17 circumstances. But the exigencies of the Cornwall Police
18 Service at that time have to be taken into account.

19 **MR. LEE:** So you can imagine the situation,
20 I take it from that answer, where the decision may have
21 been made whether Officer Lortie was on sick leave or not
22 on sick leave that he was not the right guy for the
23 investigation because he had other duties that needed to be
24 tended to?

25 **MR. SKINNER:** That effectively excluded him

1 from that type of activity, yeah.

2 MR. LEE: And if that's what happened then
3 your issue was with the fact that Sebalj was assigned ---

4 MR. SKINNER: M'hm.

5 MR. LEE: --- not the fact that Lortie was
6 removed. Is that right?

7 MR. SKINNER: Yes.

8 I can understand the removal of Lortie but
9 it's more difficult to understand him being assigned to the
10 investigation in the first place.

11 MR. LEE: We've -- you've discussed a fair
12 bit the fact that Mr. Silmsler expressed some concerns about
13 having a female officer and I don't want to go back over
14 that in detail with you.

15 MR. SKINNER: M'hm.

16 MR. LEE: What I do want to ask you though
17 is were you ever provided with a reason or an explanation
18 for why he wasn't reassigned a male officer right away?

19 MR. SKINNER: Well, just that the volume of
20 work apparently precluded that type of action being taken.

21 MR. LEE: So Sebalj was the only one
22 available is the answer you were given?

23 MR. SKINNER: Pretty well, yeah.

24 MR. LEE: Do you recall who would have told
25 you that?

1 **MR. SKINNER:** No, I can't.

2 **MR. LEE:** Another one of the issues with the
3 investigation that you've been asked about a little bit is
4 the fact that Mr. Silmsers comes in and he says he can only
5 deal with one complaint at a time and he picks the priest.

6 **MR. SKINNER:** Oh, I see, m'hm.

7 **MR. LEE:** Do you recall that? You recall
8 that Mr. Silmsers came in and said "I was abused by a
9 probation officer as well but let's leave that off the
10 table for now, I can't handle both at the same time"?

11 **MR. SKINNER:** I recall being told about
12 that, yeah.

13 **MR. LEE:** Is it fair for me to suggest or
14 would you agree that the police have to consider the wishes
15 of the complainant in a situation like that, but at the
16 same time they must also consider whether the accused might
17 be a threat to others?

18 **MR. SKINNER:** Absolutely.

19 **MR. LEE:** Once that complaint is made it
20 doesn't only involve David Silmsers anymore, does it?

21 **MR. SKINNER:** No. No, and that's another
22 example of the victim, the complainant, running the
23 organization -- the investigation, excuse me.

24 **MR. LEE:** Is there an obligation in a case
25 like that to at least discuss the matter with the

1 complainant to point out some of the concerns the police
2 might have with not investigating both of those complaints?

3 MR. SKINNER: I would have thought so, but I
4 don't know that that wasn't done.

5 MR. LEE: You don't know one way or the
6 other whether that was done?

7 MR. SKINNER: No.

8 MR. LEE: Do you still have your report up
9 in front of you?

10 MR. SKINNER: Yes.

11 MR. LEE: Can I take you to the page that
12 has the title at the top "The Investigation"? The Bates
13 number ends in 448.

14 MR. SKINNER: M'hm.

15 MR. LEE: And if you look at the third
16 paragraph there's a name at the very end of the last -- or
17 the second-last sentence and continuing on into the last
18 sentence. Do you see that name?

19 MR. SKINNER: I do.

20 MR. LEE: We're not to say that name aloud,
21 you know?

22 MR. SKINNER: No.

23 MR. LEE: And let me read this paragraph to
24 you:

25 "She obtained statements from a number

1 of former altar boys and members of
2 church musical groups."

3 "She" refers to Constable Sebalj there?

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

5 **MR. LEE:** "Most had nothing of any value
6 to the investigation. Some were
7 indignant in their defence of the
8 priest and two clearly recalled
9 incidents of homosexual behaviour on
10 his part.

11 One witness, during a telephone
12 interview on April 13th, said he did
13 wish to discuss it on the phone and
14 wanted to meet in person. Constable
15 Sebalj indicated she was unable to meet
16 every potential witness in person and
17 he then indicated that nothing untoward
18 had happened. He commented that the
19 investigation was 'scary stuff and very
20 close to home' but Constable Sebalj
21 does not appear to have met with him."

22 That person's name is then in parentheses
23 and, "No statement by him is included in the file."

24 **MR. SKINNER:** M'hm.

25 **MR. LEE:** I want to take you to Exhibit 297,

1 and these are typed notes of Constable Sebalj's notebook.
2 As I understand it, her notebook was transcribed. It's a
3 little bit easier to deal with, Exhibit 297.

4 MR. SKINNER: Oh yeah, okay. It's a
5 transcription of her notes, yeah.

6 MR. LEE: Yes.

7 MR. SKINNER: M'hm.

8 MR. LEE: And it's 64 pages, I'd like you to
9 turn to page 59, page numbers are in the bottom right-hand
10 corner; fifth last page.

11 MR. SKINNER: Right.

12 MR. LEE: Are you there?

13 MR. SKINNER: M'hm.

14 MR. LEE: If you go down to the bottom, the
15 middle entry, the middle of the page is 13 April 1993.

16 MR. SKINNER: Yes?

17 MR. LEE: And if you -- there is a 16:26
18 telephone call to a residence in the name of -- is given
19 there and there is some advice on how she might be able to
20 reach this man, and that's the name of the person that's in
21 your report that we're talking about ---

22 MR. SKINNER: I see this.

23 MR. LEE: --- is that right?

24 MR. SKINNER: M'hm.

25 MR. LEE: So, if we go down to the next

1 entry dated 13 April 1993, and my understanding is that it
2 would mean a page in the original notebook had changed,
3 we're on a new page. It reads:

4 "Expressed concerns about talking over
5 the phone. Took name and number,
6 stated he would prefer to talk in
7 person. I advised him of my
8 investigation and impractical of
9 visiting everyone; thereafter agreed to
10 answer some questions."

11 Do you recall looking at this at the time of
12 your investigation?

13 **MR. SKINNER:** Specifically, no, I can't say
14 that I do.

15 **MR. LEE:** You make reference to it in your
16 report so can we presume that you must have read Constable
17 Sebalj's notes on this point? You quote directly from her
18 in the sense of "scary stuff and very close to home."

19 **MR. SKINNER:** M'hm.

20 **MR. LEE:** Would you agree with me that you
21 must have read her notes at some point?

22 **MR. SKINNER:** Yes. Yes, I would.

23 **MR. LEE:** And it continues on and the
24 statement goes that he was an altar boy and that he
25 remembers the names of some priests and it says on the

1 third bullet from the top of the page:

2 "Asked if victim or witness to any
3 improprieties."

4 Answer:

5 "No. Personally I had no problems and
6 I have nothing bad to say about any of
7 them."

8 It goes on, he denies any impropriety again.
9 And the last bullet of any substance is:

10 "Asked if he remembered any fellow
11 altar boys. Advised that's a long
12 time ago, thought investigation
13 was scary stuff and very close to
14 home."

15 Do you see that?

16 **MR. SKINNER:** Yes, I do.

17 **MR. LEE:** In your report, you're very clear,
18 and you've said the same here in the last couple of days,
19 that Constable Sebalj should have met with this man; is
20 that right?

21 **MR. SKINNER:** M'hm.

22 **MR. LEE:** And would you agree with me that
23 reading this, the notes that I've just put to you; they
24 begin with the fact that he'd like to meet in person.

25 **MR. SKINNER:** Yes.

1 **MR. LEE:** She says she can't do it. He says
2 "Well, I don't have any information though." But at the
3 end, "Thought investigation was scary stuff and very close
4 to home."

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

6 **MR. LEE:** Is there any doubt in your mind
7 based these notes that she should have met with this man?

8 **MR. SKINNER:** No, none.

9 **MR. LEE:** Would you have understood back at
10 the time of your review, so I'm putting you back in 1994
11 here; would you have understood that it was often very
12 difficult for a victim of abuse to disclose that abuse?

13 **MR. SKINNER:** Absolutely, m'hm.

14 **MR. LEE:** In 1994, you would have understood
15 that?

16 **MR. SKINNER:** Yes. For the victim to
17 disclose the abuse?

18 **MR. LEE:** Yes.

19 **MR. SKINNER:** Yes, that's always difficult.

20 **MR. LEE:** And would you have understood back
21 then again, I don't want to know what you understand about
22 victim issues today, I'm talk -- put yourself back in 1994.
23 Would you have understood when a person tries to disclose
24 something like abuse, the reaction of the person receiving
25 the information plays a big part in how much ---

1 **MR. SKINNER:** Absolutely.

2 **MR. LEE:** --- he or she discloses?

3 **MR. SKINNER:** M'hm.

4 **MR. LEE:** And along those same lines, would
5 you have understood that if the reaction of the person
6 receiving the information is not completely supportive and
7 accommodating that that might further discourage the person
8 from providing the information?

9 **MR. SKINNER:** Yes.

10 **MR. LEE:** I take it you would agree that we
11 can't go back now and know what this man might have told
12 Constable Sebalj had she met with him at that time.

13 **MR. SKINNER:** I would agree with that, yeah.

14 **MR. LEE:** We have what he said on a specific
15 date at a specific time with a specific mind set and we
16 can't recapture that at any point.

17 **MR. SKINNER:** M'hm.

18 **MR. LEE:** And that's one of the reasons that
19 she should have taken him up on his offer to meet with him
20 at that time; is that right?

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

22 **MR. LEE:** Just a very brief point, you've
23 talked to us about the polygraph issue involved in Father
24 MacDonald.

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

1 **MR. LEE:** Leaving whether or not they should
2 have administered the polygraph, do you know whether or not
3 he was ever interviewed by the Cornwall police?

4 **MR. SKINNER:** I cannot remember that, no.

5 **MR. LEE:** You don't have a recollection?

6 **MR. SKINNER:** I don't know.

7 **MR. LEE:** Okay. I want to talk to you a
8 little bit about Murray MacDonald. I know there are a lot
9 of MacDonalds here, Murray was the Crown attorney at the
10 time.

11 **MR. SKINNER:** M'hm, yeah.

12 **MR. LEE:** And you speak a fair bit of some
13 of the decisions that Mr. MacDonald made in your report;
14 you'd agree with that?

15 **MR. SKINNER:** I'm sorry; would you repeat
16 that?

17 **MR. LEE:** In your report, you write a couple
18 of different times about Murray MacDonald in the sense of
19 his -- the support he offered to the investigation; the
20 conflict issue; the letter at the end of the investigation;
21 all of those things.

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

23 **MR. LEE:** There are a few different issues
24 with him.

25 **MR. SKINNER:** Yes.

1 **MR. LEE:** And I understand it, you learn
2 from Constable Sebalj that at some point in time, Murray
3 MacDonald had indicated to her that he might be in a
4 conflict of interest position because of his involvement in
5 a church committee?

6 **MR. SKINNER:** Correct.

7 **MR. LEE:** And you got that information from
8 Ms. Sebalj?

9 **MR. SKINNER:** Yes.

10 **MR. LEE:** And you're clear in your report,
11 and I take it it's still your opinion today, that you
12 cannot comment whether or not a conflict did or did not
13 exist?

14 **MR. SKINNER:** No, I don't think I can.

15 **MR. LEE:** You have no information on that?

16 **MR. SKINNER:** No.

17 **MR. LEE:** What you can tell us is that Mr.
18 MacDonald told Ms. Sebalj that it may be an issue?

19 **MR. SKINNER:** M'hm.

20 **MR. LEE:** And he advised that if it appeared
21 that charges were likely to be laid, he would have to step
22 back; is that right?

23 **MR. SKINNER:** Yes. I'm not certain that he
24 said he definitely would have to step back but that was a
25 likelihood.

1 **MR. LEE:** If you look at page 448 of your
2 report; that's the page with the investigation at the top.

3 **MR. SKINNER:** M'hm.

4 **MR. LEE:** And if you look to the second-last
5 paragraph.

6 **MR. SKINNER:** Yes, I see that.

7 **MR. LEE:** He indicated that if it appeared
8 likely that charges would be laid, he would refer the
9 matter to another Crown attorney.

10 **MR. SKINNER:** Yes.

11 **MR. LEE:** So the laying was there as a
12 little bit more positive, he would refer the matter; is
13 that right?

14 **MR. SKINNER:** Yes.

15 **MR. LEE:** That was your understanding at the
16 time?

17 **MR. SKINNER:** Yes, that's true.

18 **MR. LEE:** And in the end, you are aware that
19 Mr. MacDonald provided an opinion to the Cornwall police
20 about this matter. One of the issues addressed in that, to
21 try to focus you in on it, was the policy of the Crown
22 attorney when a complainant no longer wished to proceed ---

23 **MR. SKINNER:** Right.

24 **MR. LEE:** --- and whether or not he might be
25 compelled; do you recall that?

1 **MR. SKINNER:** M'hm.

2 **MR. LEE:** I'd like to take you to that
3 letter please. It's Exhibit 301.

4 **THE COMMISSIONER:** Three zero one (301).

5 **MR. LEE:** Do you have that, sir?

6 **MR. SKINNER:** Yes.

7 **MR. LEE:** September 14th, '93 letter from
8 Murray MacDonald to Staff Sergeant Luc Brunet?

9 **MR. SKINNER:** Yes.

10 **MR. LEE:** In the first paragraph, he states
11 exactly what I've just referenced:

12 "It is our policy not to compel victims
13 of sexual crimes to proceed against
14 their wishes."

15 **MR. SKINNER:** M'hm.

16 **MR. LEE:** Is that right?

17 **MR. SKINNER:** Yes.

18 **MR. LEE:** But he goes further than that,
19 doesn't he sir?

20 **MR. SKINNER:** He does.

21 **MR. LEE:** If you look at the last sentence
22 of the first paragraph, he offers:

23 "Grounds are now even further
24 obfuscated by the fact that he has
25 evidently used this threat of a

1 criminal prosecution as a means of
2 furthering his efforts to gain monetary
3 settlement."

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

5 **MR. LEE:** Obviously speaking of Mr. Silmsen
6 there. He continues in the next paragraph:

7 "It is evident that Mr. Silmsen's
8 allegations suggest a very serious
9 breach of trust by the alleged
10 perpetrator. These concerns can, of
11 course, be put to the suspect's
12 principles if you deem it appropriate.
13 However, this case is fraught with (due
14 to his own conduct) a very non-credible
15 complainant saddled with an evident
16 ulterior motive for making these
17 allegations."

18 And the last sentence of the last paragraph:

19 "This is especially so and that
20 reluctant witness will be crucified in
21 cross-examination."

22 In reference to the difficulties in
23 proceeding with this; it's very strongly worded; isn't it
24 sir?

25 **MR. SKINNER:** It is very strongly worded.

1 **MR. LEE:** And you would agree with me that
2 this letter does much more than confirm the Crown policy in
3 place at the time dealing with whether or not they would
4 force a victim to proceed against his wishes?

5 **MR. SKINNER:** I would agree with that, yeah.

6 **MR. LEE:** In your years of policing, have
7 you ever come across a similar situation with a Crown
8 attorney as to what you reviewed here?

9 **MR. SKINNER:** Not that I can recall, no.

10 **MR. LEE:** And the other major concern, as I
11 understand it about Mr. MacDonald was that -- his conflict
12 of -- his potential conflict of interest aside, was that he
13 seemed to have some concerns about Ms. Sebalj's ability to
14 conduct an investigation but he failed to mention that to
15 his superiors?

16 **MR. SKINNER:** Yes, he did.

17 **MR. LEE:** Is that right?

18 **MR. SKINNER:** He suggested to her that she
19 talk to her staff sergeant about it.

20 Of course he ---

21 **MR. LEE:** And you flatly suggest -- sorry.
22 And you flatly suggest in your report that
23 he should have talked to her superior; is that right?

24 **MR. SKINNER:** That's my opinion, yeah.

25 **MR. LEE:** Did you ever suggest to Murray

1 MacDonalld that he should have raised those concerns?

2 MR. SKINNER: At the time of our interview I
3 believe I asked him why he didn't.

4 MR. LEE: Do you recall what he said?

5 MR. SKINNER: I think that's when he
6 indicated that he advised her to -- to talk to her staff
7 sergeant about getting some assistance.

8 MR. LEE: Did the discussion go any further
9 than that; did you press him on it?

10 MR. SKINNER: No.

11 No, I don't -- no, I don't think it's a
12 situation where he was compelled to do that; I was simply
13 suggesting that it would have been ---

14 MR. LEE: I'm curious in whether or not you
15 put that proposition to him and what his reaction was?

16 MR. SKINNER: M'hm. Yeah.

17 But to the best of my recollection, he just
18 -- he just said that he advised her to seek assistance from
19 her staff sergeant.

20 MR. LEE: Did you suggest to Murray
21 MacDonalld that he should have stepped back entirely when he
22 recognized the conflict?

23 MR. SKINNER: I believe I asked him why he
24 didn't do that.

25 MR. LEE: Do you recall his reaction to that

1 question?

2 MR. SKINNER: No, I -- I can't.

3 MR. LEE: You don't, not at all?

4 MR. SKINNER: I can't specifically remember
5 now, no.

6 MR. LEE: Moving on to a different topic,
7 think back, please, to the very first time that you heard
8 anything about a potential investigation of the -- of
9 something to do with the Cornwall Police by the Ottawa
10 Police, okay? ---

11 MR. SKINNER: M'hm, yeah.

12 MR. LEE: Do you recall what that first
13 indication was?

14 MR. SKINNER: Yeah, it was a telephone call
15 to me in my office from Deputy Chief Lyon asking me to come
16 up to his office to meet with him.

17 MR. LEE: There were no -- this wasn't
18 something you had heard rumours of or anything along those
19 lines?

20 MR. SKINNER: Not that I recall, no.

21 MR. LEE: So you got the -- you got the call
22 from Mr. Lyon; you went up to his office and he told you
23 exactly what was going on, that's the first you ever heard
24 of this?

25 MR. SKINNER: He simply told me that, to the

1 best of my recollection, that he -- that the -- our force
2 had been requested by Acting Chief Johnston of the Cornwall
3 Police Service to investigate an allegation of a cover-up
4 into a complaint of sexual assault and ---

5 MR. LEE: Were you given details ---

6 MR. SKINNER: --- he had selected me to do
7 the investigation and that I should get on with it as
8 quickly as possible.

9 MR. LEE: Do you remember, when would that
10 have been in -- do you remember the date of that?

11 MR. SKINNER: The date?

12 MR. LEE: Yes.

13 MR. SKINNER: Yeah, that was -- that was the
14 10th of ---

15 MR. LEE: So, okay.

16 MR. SKINNER: The 10th of January, 1994.

17 MR. LEE: And was the mandate of your
18 investigation discussed at that meeting?

19 MR. SKINNER: It was -- yes, it was; it was
20 made -- it was made very clear that -- that I wasn't
21 expected to go down there to reinvestigate the
22 circumstances of the sexual assault, in other words, to
23 mount a criminal investigation, that my mandate was simply
24 to discover or try to discover whether or not the Cornwall
25 Police had, through overt action, conducted a cover-up of

1 the allegations.

2 MR. LEE: Do you have any knowledge as to
3 whether or not it was ever contemplated that the Ottawa
4 Police's involvement may be something more than that?

5 MR. SKINNER: At that point in time, no it
6 wasn't.

7 MR. LEE: You have no information that the
8 investigation was originally intended to be broader in
9 scope?

10 MR. SKINNER: No, none whatsoever.

11 MR. LEE: What about timelines, what were
12 you originally told about how long you had to complete this
13 task?

14 MR. SKINNER: I don't -- I don't remember
15 any -- any advice or restrictions as to time being imposed
16 at all.

17 MR. LEE: Was it ever suggested to you that
18 it might take significantly longer than the week or so that
19 you worked on the investigation?

20 MR. SKINNER: Not -- not that I can recall,
21 no.

22 MR. LEE: Was this ever intended to be
23 something that would take months, as an example?

24 MR. SKINNER: No.

25 As I say, I don't believe there was a

1 timeline attached to it, at the outset; it was -- you know,
2 it was to take as long as it took.

3 **MR. LEE:** There's been some discussion of
4 the cover-up angle to this entire thing and how you were
5 looking into that; I'd like to ask you a few questions
6 about that.

7 Do I understand your evidence and what you
8 discovered during the course of your investigation to be --
9 is it fair for me to say that you uncovered that -- that
10 Claude Shaver, the Chief at the time, essentially took
11 control of the Silmsler investigation; is that a fair way of
12 putting it?

13 **MR. SKINNER:** No, I don't believe that was
14 the case at all, no.

15 **MR. LEE:** What did you -- help me understand
16 what you understood his involvement to be?

17 **MR. SKINNER:** What the Chief's involvement
18 was?

19 **MR. LEE:** yes.

20 **MR. SKINNER:** I -- I -- looking back now and
21 to the best of my recollection, I think that my impression
22 was then and is now that the Chief had virtually no
23 involvement in the investigation.

24 **MR. LEE:** In your report, you write that the
25 Deputy Chief -- that would have been Mr. St-Denis --

1 claimed that the Chief assumed overall control of the
2 investigation and did not keep him informed.

3 **MR. SKINNER:** That's what Deputy Chief
4 St-Denis claimed, yes.

5 **MR. LEE:** Did you ever determine why Mr.
6 Shaver would have been -- involved himself in this
7 investigation at all?

8 **MR. SKINNER:** I didn't determine that he
9 did, much less why he would have.

10 **MR. LEE:** It was not your impression from
11 the interviews you conducted that Chief Shaver had some
12 kind of unusual relationship to this investigation, to this
13 file? Officer Lortie, as an example, was reporting
14 directly to him; middle management was being cut out?

15 **MR. SKINNER:** For a very short time, that's
16 true, yeah.

17 But no, no, I never had any cause for
18 concern about that.

19 **MR. LEE:** You spoke to Chief Shaver; is that
20 right?

21 **MR. SKINNER:** Yes.

22 **MR. LEE:** Did you canvass those issues with
23 him at all, whether he had any specific interest in this
24 investigation or ---

25 **MR. SKINNER:** Any specific interest in it?

1 **MR. LEE:** Yes.

2 **MR. SKINNER:** Well, I -- I -- only in terms
3 of -- of why the managerial support seemed to be lacking,
4 why the -- why the existence of -- why written progress
5 reports and so on of the investigation were nonexistent,
6 why the communication within the upper levels of the
7 Cornwall Police was so -- was so lacking.

8 **MR. LEE:** Did you at ever point -- did you
9 ever, at any point, turn your mind to the idea that Claude
10 Shaver may have been involved in some kind of cover-up?

11 **MR. SKINNER:** No, I don't think so.

12 **MR. LEE:** You were sent down generally to
13 investigate whether or not there may have been a cover-up?

14 **MR. SKINNER:** Whether there had been a
15 cover-up, yeah.

16 **MR. LEE:** Did you ever turn your mind to the
17 idea of Claude Shaver possibly being involved?

18 **MR. SKINNER:** No, I can't say that I did.

19 **MR. LEE:** Given that answer, I suspect I
20 know the answer to the next few questions but I'm going to
21 put them to you anyways: Did you, at any point, question
22 Claude Shaver about his relationship with either Charles
23 MacDonald or Ken Seguin?

24 **MR. SKINNER:** Not that I remember, no.

25 **MR. LEE:** Did you question him about his

1 relationship with the Church, the local diocese?

2 MR. SKINNER: No.

3 MR. LEE: His relationship with Malcolm
4 MacDonald?

5 MR. SKINNER: Not that I remember, no.

6 MR. LEE: His relationship with Murray
7 MacDonald?

8 MR. SKINNER: No, not specifically.

9 MR. LEE: Something else that you told us
10 today was that you didn't look at the Silmsers settlement
11 documents, for lack of a better term.

12 MR. SKINNER: M'hm.

13 MR. LEE: You understood that there had been
14 some kind of settlement and that, as a result ---

15 MR. SKINNER: Yes.

16 MR. LEE: --- or at least in a time
17 coinciding with that settlement, Mr. Silmsers had come
18 forward and said that he no longer wished to proceed; you
19 knew that much?

20 MR. SKINNER: Yes, I did.

21 MR. LEE: But you didn't look at the
22 documents; is that right?

23 MR. SKINNER: That is correct.

24 MR. LEE: Can I presume that you considered
25 that part of the story to be outside your mandate?

1 **MR. SKINNER:** Yes.

2 **MR. LEE:** You didn't see a link between what
3 was going on with that part of the story and the
4 allegations of cover-up?

5 **MR. SKINNER:** My concern about that was that
6 possibly had the investigation been conducted more
7 effectively and in a more timely manner, that it could have
8 progressed farther before the question of a settlement
9 arose.

10 **MR. LEE:** If I can -- if I can try to break
11 it down sort of to a basic level, did it concern you at any
12 point that you had a victim who had come forward to the
13 police, who had subsequently received a monetary settlement
14 and who then no longer wished to proceed with criminal
15 charges; did you look at it that way at any point?

16 **MR. SKINNER:** Oh, yeah, of course, of
17 course, but ---

18 **MR. LEE:** Can I -- you specifically recall
19 having that thought?

20 **MR. SKINNER:** Having what?

21 **MR. LEE:** You specifically recall thinking
22 of it in those terms, that this guy was getting some money
23 and now he didn't want to proceed with criminal charges
24 anymore?

25 **MR. SKINNER:** Yeah, m'hm.

1 **MR. LEE:** And so why did that not -- why did
2 your investigation not encompass that?

3 **MR. SKINNER:** Well, it certainly took it
4 into account, but by that time -- by the time that happened
5 the investigation was effectively concluded. There was no
6 investigative activity being pursued at that point.

7 **MR. LEE:** Was there properly no
8 investigative activity going on at that time or -- I mean,
9 the fact is there was nothing going on but was that proper
10 at that point?

11 **MR. SKINNER:** No, I don't think it was
12 proper, no.

13 **MR. LEE:** I mean, I guess the question is
14 didn't it sound to you -- or did it sound to you at the
15 time like somebody who had been accused of a crime was
16 buying his way out of criminal charges?

17 **MR. SKINNER:** It could be put that way. It
18 could be put that way, but none of this caused me to
19 conclude or could cause me to conclude, because of the lack
20 of any concrete indication along those lines, that this
21 resulted from a cover-up. I simply found no overt evidence
22 of a cover-up.

23 **MR. LEE:** And I understand you weren't there
24 to look at what the church was doing or what Father
25 MacDonald was doing or the propriety, the settlement on

1 that. That's clear. That wasn't your mandate?

2 **MR. SKINNER:** No, not at all.

3 **MR. LEE:** But might it have been within your
4 mandate to consider why the police and the Crown were
5 content to let this thing lie?

6 **MR. SKINNER:** That's what I was trying to
7 discover.

8 **MR. LEE:** Would you agree with me that based
9 on the facts as you had them about the civil settlement and
10 the result on the criminal proceedings, that the police and
11 Crown should have at least been concerned about what was
12 going on there?

13 **MR. SKINNER:** Yeah, yeah, that's the whole
14 crux of my report I think, was that there was a failure, a
15 miserable failure, of the management structure of the
16 Cornwall Police Service.

17 **MR. LEE:** My understanding is you had a
18 limited mandate for a very specific investigation?

19 **MR. SKINNER:** Yes.

20 **MR. LEE:** One, whether the Silmser
21 investigation was inefficient?

22 **MR. SKINNER:** Yes.

23 **MR. LEE:** Two ---

24 **MR. SKINNER:** Well, yes, okay.

25 **MR. LEE:** --- whether the Cornwall police

1 covered it up in any way?

2 MR. SKINNER: Yes.

3 MR. LEE: And, three, sort of got tacked on
4 at the end, who leaked the Silmser statement to the media.
5 And as you told us today, if you happened to come across
6 some information you'd include it ---

7 MR. SKINNER: Yeah, I never ---

8 MR. LEE: --- but you weren't going to go
9 out and pound the pavement on that?

10 MR. SKINNER: Yes. I didn't -- as I pointed
11 out to Acting Chief Johnston -- give that third
12 consideration very much status at all.

13 MR. LEE: And you confined your
14 investigation to those areas?

15 MR. SKINNER: Yes.

16 MR. LEE: You didn't poke around the
17 periphery of those just out of curiosity?

18 MR. SKINNER: No.

19 MR. LEE: The only investigation you looked
20 at was Mr. Silmer's?

21 MR. SKINNER: Yes.

22 MR. LEE: Can you turn up your report please
23 at the last page?

24 Given what you've just told me about your
25 mandate and about what you looked into, and let's be

1 specific, the Silmsers investigation is what you looked
2 into, I'm confused by the sentence that reads:

3 "I have seen abundant evidence of
4 excellent police work done by
5 accomplished police officers despite a
6 lack of managerial direction and
7 systemic support." (As read)

8 **MR. SKINNER:** M'hm.

9 **MR. LEE:** What evidence of excellent police
10 work done by accomplished police officers did you find in
11 the Silmsers investigation?

12 **MR. SKINNER:** No, I'm not referring to the
13 Silmsers investigation there. Just in general terms, the
14 activity of the Cornwall Police Service, I did see evidence
15 of excellent police work being done in other areas because
16 that sentence follows on with:

17 "It should not be interpreted as being
18 an indictment of the Cornwall Police
19 Service."

20 **MR. LEE:** It does, and ---

21 **MR. SKINNER:** Meaning my report.

22 **MR. LEE:** Right. And I was very clear that
23 -- to preface my confusion over this sentence in relation
24 to the Silmsers investigation. I don't want to talk to you
25 about whether or not there was other work going on at the

1 Cornwall Police that was excellent work done by competent
2 police officers. Obviously there would have been.

3 MR. SKINNER: Yeah.

4 MR. LEE: I'm talking about the Silmser
5 investigation.

6 MR. SKINNER: Yes, I understand that.

7 MR. LEE: And I'm confused about this
8 sentence because it gives the impression -- the reason it
9 confuses me is because that's what gets latched onto in the
10 press release that we see.

11 MR. SKINNER: M'hm.

12 MR. LEE: And it's taken as though it
13 applies in some way to the Silmser investigation.

14 I want to be clear here. The Cornwall
15 police investigation of the Silmser matter was very badly
16 handled, wasn't it?

17 MR. SKINNER: It was. It was, but I don't
18 think anything that I've said in that final paragraph in
19 any way diminishes that, that statement in the rest of my
20 report.

21 MR. LEE: Well, the confusion comes from the
22 fact that you've told us that you only reviewed the Silmser
23 investigation and yet you have -- you saw abundant evidence
24 of excellent police work?

25 MR. SKINNER: Well, you can see that in a

1 few hours spent in a police station.

2 MR. LEE: Well, there you go, we have our
3 answer then.

4 Mr. Skinner, those are my questions. Thank
5 you very much.

6 MR. SKINNER: M'hm.

7 THE COMMISSIONER: Thank you.

8 Mr. Neville.

9 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

10 NEVILLE:

11 MR. NEVILLE: Good afternoon,
12 Superintendent.

13 MR. SKINNER: Mr. Neville, how are you?

14 MR. NEVILLE: We know each other.

15 MR. SKINNER: We do.

16 MR. NEVILLE: In case you didn't know, I
17 represent Father Charles MacDonald for the purposes of this
18 Inquiry and during criminal matters and also the Estate of
19 Mr. Ken Seguin and his brother, Doug.

20 MR. SKINNER: M'hm.

21 MR. NEVILLE: And I don't expect to be too
22 long with you.

23 Can I start with this question, just so it's
24 clear at least for me and maybe for others, we've used the
25 word "cover-up" and it's reflected in your report and in

1 discussions with various lawyers of your mandate, and just
2 so at least it's clear to me, am I correct that when you
3 use that word and conducted your work here with a mandate
4 focussed on cover-up, it did not include the settlement per
5 se as an involvement of the police force?

6 **MR. SKINNER:** No, no.

7 **MR. NEVILLE:** What you were looking at was
8 the straight, on-the-ground police work that was done by
9 Constable Sebalj and whether or not she was properly
10 guided, supported, had middle management assistance and the
11 like. In other words, how did the police department
12 function on this file?

13 **MR. SKINNER:** Exactly.

14 **MR. NEVILLE:** All right. Now, you got a lot
15 of materials that you and Officer -- you and Staff Sergeant
16 Blake collected, police officers notes. I gather you
17 obtained, in effect, the police brief on the Silmsers case?

18 **MR. SKINNER:** You mean this project file
19 thing that was ---

20 **MR. NEVILLE:** Yes, Constable Sebalj's ---

21 **MR. SKINNER:** No.

22 **MR. NEVILLE:** You did not?

23 **MR. SKINNER:** No.

24 **MR. NEVILLE:** Okay. All right. Maybe we'll
25 come back to that in a minute because there is a couple of

1 documents I'll want you to look at later and you may or may
2 not have seen them, and we'll do that in a minute if I
3 could then.

4 But you did obtain, because we've seen the
5 transmission of it, her duty book notes?

6 **MR. SKINNER:** Yes.

7 **MR. NEVILLE:** One-hundred-and-ten (110)
8 pages I think.

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

10 **MR. NEVILLE:** And obviously went through
11 those?

12 **MR. SKINNER:** Yes.

13 **MR. NEVILLE:** All right. And am I correct
14 in saying to you, sir, that other than to volunteer through
15 his counsel, his then counsel Malcolm MacDonald, to submit
16 himself to a polygraph, there is no evidence of Father
17 MacDonald's doing anything in relation to Officer Sebalj's
18 investigation between December 1992 when Mr. Silmsen first
19 called the police department and April 29th when the last
20 investigative work was done?

21 **MR. SKINNER:** To the best of my knowledge
22 that is accurate.

23 **THE COMMISSIONER:** Just a minute now. And I
24 don't want to characterize it as being -- trying to effect
25 the -- but there were more communications by Malcolm

1 MacDonalld ---

2 MR. SKINNER: Yes, sir.

3 THE COMMISSIONER: --- with Constable

4 Sebalj?

5 MR. SKINNER: Yes, I agree.

6 THE COMMISSIONER: Okay.

7 MR. NEVILLE: And just to tidy up the last

8 point by our Commissioner, those contacts between Ms.

9 Sebalj and Mr. MacDonald are reflected in her notes?

10 MR. SKINNER: Yes.

11 MR. NEVILLE: All right.

12 THE COMMISSIONER: Well, the ones -- we

13 don't know whether all of them were reflected ---

14 MR. NEVILLE: Fair enough.

15 THE COMMISSIONER: --- but we know that

16 there were some.

17 MR. NEVILLE: Yes. Let me put it this way

18 so the Commissioner will be happy with my question

19 hopefully.

20 She recorded contacts from time-to-time with

21 Mr. MacDonald?

22 MR. SKINNER: She did.

23 MR. NEVILLE: Calling in relation to her

24 investigation on behalf of his identified client, Father

25 MacDonald?

1 **MR. SKINNER:** M'hm.

2 **MR. NEVILLE:** All right. Now, can we just
3 look for a moment at our Exhibit 1208, which is the notes
4 by Staff Sergeant Blake. You told the Commissioner early
5 in your evidence in-chief that as between yourself and Mr.
6 Blake, he took on the role of note-taker?

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

8 **MR. NEVILLE:** Which is fairly common
9 practice when two partners work together?

10 **MR. SKINNER:** M'hm.

11 **MR. NEVILLE:** All right. So -- but what he
12 has recorded here would be events that happened in your
13 presence because you were working together?

14 **MR. SKINNER:** That's correct, except for a
15 couple of pages where ---

16 **MR. NEVILLE:** Right.

17 **MR. SKINNER:** --- he was taking telephone
18 calls in his office.

19 **MR. NEVILLE:** Yeah, I think Mr. Manson
20 touched on that.

21 **MR. SKINNER:** M'hm.

22 **MR. NEVILLE:** We'll leave that.

23 **MR. SKINNER:** Yeah.

24 **MR. NEVILLE:** It has to do with the
25 informant-type stuff?

1 **MR. SKINNER:** M'hm. That's right.

2 **MR. NEVILLE:** I don't want to go there.

3 All right. Can we look then at -- and I'll
4 call it page 1 of the notes and if you want to use the
5 Bates pages subsequently, it's the little numbers in the
6 top-left corner, superintendent.

7 **MR. SKINNER:** M'hm.

8 **MR. NEVILLE:** You have in the -- or Mr.
9 Blake has in his notes, and I'm not sure I understand what
10 he has written here, in the middle of the page:

11 "Reviewed notes of ..."

12 And then there is a word I can't read. Is
13 it "files"?

14 "... in Dunlop internal file."

15 It looks like the word "et cetera".

16 **MR. SKINNER:** I think "files" is in small
17 letters above that.

18 **MR. NEVILLE:** It is.

19 **MR. SKINNER:** I think it reads:

20 "Reviewed notes of files et cetera ..."

21 **MR. NEVILLE:** All right.

22 **MR. SKINNER:** "... in Dunlop internal..." --

23 -

24 **MR. NEVILLE:** Fair enough. So I take it you
25 and your partner had access to something designated as an

1 internal file relating to Perry Dunlop?

2 MR. SKINNER: We may have, Mr. Neville.

3 Quite frankly, I don't recall doing that.

4 MR. NEVILLE: Well, let's look down a little
5 further because it says in the next line:

6 "Internal commences 29 September '93
7 where Sebalj learns that Helen Dunlop
8 has approached Silmsler and Staff
9 Sergeant Brunet confronts Dunlop." (As
10 read)

11 MR. SKINNER: M'hm.

12 MR. NEVILLE: So it would appear that your
13 partner and you were looking at something to give you that
14 information of knowledge?

15 MR. SKINNER: It would appear so.

16 MR. NEVILLE: All right. Now the next entry
17 is underlined with the word "No" underlined.

18 MR. SKINNER: M'hm.

19 MR. NEVILLE: Double underline.

20 "No action taken yet against Dunlop,
21 six months up on 29 September '94." (As
22 read)

23 MR. SKINNER: M'hm.

24 MR. NEVILLE: Meaning that if a proceeding
25 of sorts under the *Police Services Act* was to be commenced,

1 there was a six-month limitation period?

2 **MR. SKINNER:** I assume that's what it means,
3 yeah.

4 **MR. NEVILLE:** However, there is also a
5 notation that if it were to be a discipline matter, the
6 Chief wanted to simply -- and I use the word "simply" as my
7 word ---

8 **MR. SKINNER:** M'hm.

9 **MR. NEVILLE:** --- counsel Mr. Dunlop?

10 **MR. SKINNER:** Yes.

11 **MR. NEVILLE:** All right. So obviously --
12 and this is the very first day that you're on this case.
13 And one of the first things that's reviewed in the notes
14 with you and Mr. Blake is the existence of an internal file
15 -- potential discipline file for Mr. Dunlop as reflected in
16 the notes?

17 **MR. SKINNER:** Yes, I think that ---

18 **MR. NEVILLE:** I'm not saying other things
19 didn't happen but that's what the notes show.

20 **MR. SKINNER:** Yeah.

21 **MR. NEVILLE:** All right.

22 **MR. SKINNER:** I think that was discussed in
23 our initial meeting. Now, I may be wrong about this but I
24 believe this was discussed in our initial meeting with
25 Acting Chief Johnston when he asked me to extend our

1 mandate by looking into the means by which the confidential
2 statement got into the hands of the media.

3 **MR. NEVILLE:** Exactly, and you've
4 anticipated where I was going, at least in part.

5 That's connected to sort of that tag-on part
6 really isn't it? How did that statement get out in the
7 public domain including to the media?

8 **MR. SKINNER:** M'hm.

9 **MR. NEVILLE:** Right?

10 **MR. SKINNER:** Yeah.

11 **MR. NEVILLE:** You have to say "Yes" just
12 because "M'hm" might not be picked up.

13 **MR. SKINNER:** Because I brought it up, yeah.

14 **MR. NEVILLE:** Thank you. All right.

15 Let's look next if we could at page -- I'll
16 use the last three numbers, 773, which is page 5 of the ---

17 **MR. SKINNER:** M'hm.

18 **MR. NEVILLE:** --- notes. Now, there's been
19 questions asked of you about the issue of Malcolm MacDonald
20 volunteering as it were Father Charles for a polygraph
21 test?

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

23 **MR. NEVILLE:** And let me just explore a
24 couple of things recorded in the -- Staff Sergeant Blake's
25 notes. We see an entry five lines from the top for the 2nd

1 of March '93. Now, just so it's clear, would you -- and I
2 apologize for taking you backwards for a moment. Could we
3 just flip back for a moment to page 771 which is page 3?

4 MR. SKINNER: M'hm.

5 MR. NEVILLE: And we see at the bottom a
6 time entry of 11:55 and Heidi Sebalj's name?

7 MR. SKINNER: Yes.

8 MR. NEVILLE: Now, do I take it that this is
9 your -- or an interview with her and that's why it reads
10 this way?

11 MR. SKINNER: Yes, I think so.

12 MR. NEVILLE: Fair enough. So if you turn
13 over the page, I'm not going to deal with this page, but
14 this is notes being made during the interview?

15 MR. SKINNER: Yes.

16 MR. NEVILLE: All right. And that brings us
17 to the page I first referred you to, 773.

18 MR. SKINNER: M'hm.

19 MR. NEVILLE: So, again, these are things
20 being discussed with her in the interview; correct?

21 MR. SKINNER: Yes, I think so.

22 MR. NEVILLE: And she indicates to you a
23 time, and I take it when you're meeting with her, the three
24 of you must have been using her notes or something to
25 trigger dates for discussion purposes.

1 MR. SKINNER: M'hm.

2 MR. NEVILLE: Is that fair?

3 MR. SKINNER: Yes.

4 MR. NEVILLE: All right. So we come in the
5 discussion to a date of March 2nd where we see the Crown's
6 name, Mr. MacDonald; right?

7 MR. SKINNER: Yes.

8 MR. NEVILLE: And there seems to be an
9 arrow. Am I right?

10 MR. SKINNER: There does, yeah.

11 MR. NEVILLE: Going down, because there's a
12 sentence in the middle, but the arrow is going down from
13 Murray MacDonald's name to "C.A." meaning Crown attorney --
14 -

15 MR. SKINNER: M'hm.

16 MR. NEVILLE: --- "... kept up to date on
17 all circumstances."

18 MR. SKINNER: That's what it says, yeah.

19 MR. NEVILLE: All right. So that was
20 Constable Sebalj telling you that that's what she had been
21 doing.

22 MR. SKINNER: M'hm.

23 MR. NEVILLE: Is that fair?

24 MR. SKINNER: Yes, it is.

25 MR. NEVILLE: All right. And then the

1 intermittent sentence is in quotation marks and I'm going
2 to suggest to you that this was something she told you
3 David Silmser had been saying to her around or about that
4 date, namely three, six, eight months, it doesn't matter.
5 In other words, take as long as you want, three, six, eight
6 months; right?

7 **MR. SKINNER:** I believe that's accurate,
8 yes.

9 **MR. NEVILLE:** And the fact if we look at
10 your notes with her notes, we'll see that. All right.

11 Now, let's deal specifically with this
12 question of the polygraph as it came up in your meeting
13 with her. And it goes down two further lines. There is a
14 reference to Constable Snyder and the statement analysis.

15 **MR. SKINNER:** M'hm.

16 **MR. NEVILLE:** And then the following is:

17 "Polygraph considered and discarded
18 because of perception of weak case by
19 Malloy." (As read)

20 **MR. SKINNER:** M'hm.

21 **MR. NEVILLE:** Now that, I suggest, is
22 Officer Sebalj saying to you that a polygraph of someone,
23 and the only two I've heard in play so far were Father
24 MacDonald and/or Mr. Silmser, was rejected because the
25 perception by that point was that Mr. Silmser's case was a

1 weak one according to her fellow officer, Malloy. Is that
2 not what it says?

3 MR. SKINNER: I'm sorry. I was reading
4 while you were talking. Do you mind ---

5 MR. NEVILLE: Yes. What I'm suggesting to
6 you is this, the officer is telling you and Officer Blake -
7 - Staff Sergeant Blake ---

8 MR. SKINNER: M'hm.

9 MR. NEVILLE: --- is that on the topic of a
10 polygraph, because there was the offer from Malcolm
11 MacDonald and there was some suggestion of one by Silmsner
12 as well, that the polygraph was considered and discarded
13 because of perception of weak case by Malloy?

14 MR. SKINNER: Right. I see that.

15 MR. NEVILLE: Now, Officer Malloy was an
16 experienced senior investigator, more so than she; right?

17 MR. SKINNER: Yes, apparently.

18 MR. NEVILLE: So it would appear that the
19 notion of a need for a polygraph was actually from this
20 entry, a matter of discussion with a more senior officer
21 who seems to have expressed the view that it would not be
22 something to do because the case of Silmsner was weak. Is
23 that not what it says?

24 MR. SKINNER: It's my belief that that --
25 and I agree with you that that -- it looks like it's out of

1 context, but my recollection is that that discussion
2 referred to polygraphing Mr. Silmsers.

3 **MR. NEVILLE:** Well, that's why I said
4 earlier when I asked the question, whether one looks at it
5 from the standpoint of either polygraph test ---

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

7 **MR. NEVILLE:** --- Father Charles or David
8 Silmsers, it seems to have been a matter of discussion and
9 put aside because of the colleague, Officer Malloy,
10 considering the case to be weak?

11 **MR. SKINNER:** Yeah. Yes, I agree with that.

12 **MR. NEVILLE:** And, therefore, the polygraph
13 would be of no point or assistance in his view?

14 **MR. SKINNER:** I can't agree with that.

15 **MR. NEVILLE:** All right. Well, I'm not
16 saying you would agree with it. That appears to be what he
17 has expressed ---

18 **MR. SKINNER:** Oh, I see, yeah.

19 **MR. NEVILLE:** --- that she is conveying to
20 you?

21 **MR. SKINNER:** M'hm.

22 **MR. NEVILLE:** Is that fair?

23 **MR. SKINNER:** Yeah.

24 **MR. NEVILLE:** All right. Now, can we next
25 look for a moment, sir, at what would be Bates page 776,

1 which is the eighth page from the front of the notes.

2 MR. SKINNER: Yeah.

3 MR. NEVILLE: Now, if we look three -- have
4 you got it?

5 MR. SKINNER: Yes, I have it.

6 MR. NEVILLE: Thank you.

7 The third line from the top, we see the
8 entry of 2:40 p.m., and this is a meeting or interview with
9 yourself, Staff Sergeant Blake and Staff Sergeant Brunet?

10 MR. SKINNER: M'hm.

11 MR. NEVILLE: And the entry that is recorded
12 at the bottom is quoting, I presume, Staff Sergeant Brunet:

13 "Made regular checks with Sebalj on
14 progress of case. Reported regularly
15 to Deputy Chief."

16 MR. SKINNER: M'hm.

17 MR. NEVILLE: So this is what Staff Sergeant
18 Brunet told you he had done throughout the Sebalj
19 investigation, right?

20 MR. SKINNER: Throughout, yes, m'hm.

21 MR. NEVILLE: Is that correct?

22 MR. SKINNER: M'hm. That's what he told us,
23 yeah.

24 MR. NEVILLE: Yes.

25 And indeed, and I won't take up the Court --

1 the Commission's time with it, but if we look at another
2 exhibit, 1209, which are your notes, we'll see the same
3 thing. If you want to take a quick look maybe; we might as
4 well as just close the loop, as they say.

5 **THE COMMISSIONER:** What page?

6 **MR. NEVILLE:** It would be page 3, on to
7 page 4.

8 I'm sorry, Mr. Commissioner, as you know,
9 they're divided in two parts; Mr. Skinner's are first and
10 Officer Blake's are second, so it would be the portion
11 where it's Officer's Blake's writing.

12 The Bates page, sorry, sir, would be 789 and
13 following; so if we look at 791 on to 792.

14 And these are -- this writing is whose,
15 again?

16 **MR. SKINNER:** That's Staff Sergeant Blake's
17 writing.

18 **MR. NEVILLE:** All right. So we seem to have
19 two versions; we've got the same entry of 2:40 and if we
20 look on page 792, we have the same entry:

21 "Made regular checks on progress and
22 status of investigation. Regular
23 reports to Deputy Chief. Morning
24 meetings update the Chief."

25 Right?

1 "Morning meeting, update Chief."
2 Or -- yeah, "update Chief;" that's what he seems to be
3 telling you and Officer Blake?
4 **MR. SKINNER:** Oh yes, that's on the
5 following page, right, m'hm.
6 **MR. NEVILLE:** Correct?
7 **MR. SKINNER:** Yes.
8 **MR. NEVILLE:** All right. So that appears to
9 be an indication, at least, at that point, that there was
10 some degree of communication about the ongoing
11 investigation; does it not?
12 **MR. SKINNER:** It does indicate that, yes.
13 **MR. NEVILLE:** Both between the Staff
14 Sergeant and the more junior investigator ---
15 **MR. SKINNER:** M'hm.
16 **MR. NEVILLE:** --- going in one direction,
17 and going in the other direction, up the chain of command
18 to the Deputy and to the Chief?
19 **MR. SKINNER:** Correct.
20 **MR. NEVILLE:** All right. So let's look
21 next, then, if we could, briefly, at the next page, 778,
22 the 17th of January, '94.
23 **THE COMMISSIONER:** Seven seven (77) ---
24 **MR. NEVILLE:** Oh, sorry, Mr. Commissioner, I
25 apologize; I've gone back to 1208. My fault.

1 Have I confused you enough, Officer Skinner?

2 MR. SKINNER: No, I'm ---

3 MR. NEVILLE: Back in 1208 ---

4 MR. SKINNER: M'hm.

5 MR. NEVILLE: --- using 778 Bates page
6 number.

7 MR. SKINNER: M'hm.

8 MR. NEVILLE: The 17th of January, the last
9 four lines; correct me if I'm wrong, but I sense that that
10 indicates there was an actual communication with Mr.
11 Pelletier?

12 MR. SKINNER: Yes, it does seem to indicate
13 that.

14 MR. NEVILLE: Okay. Do you have any
15 independent recollection yourself, today, of speaking with
16 Mr. Robert Pelletier?

17 MR. SKINNER: No, I definitely did not speak
18 with Mr. Pelletier.

19 MR. NEVILLE: So this is possibly an
20 instance where that was done by Staff Sergeant Blake, as
21 reflected in the notes? Because it certainly reads as if
22 it's a conversation, a very short one, mind you, does it
23 not?

24 MR. SKINNER: Let me just read the preceding
25 one?

1 **MR. NEVILLE:** Please do, yes.

2 "Bob Pelletier:..."

3 At least it looks like a colon.

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

5 **MR. NEVILLE:** "...advises contacted last
6 summer by Murray MacDonald to prosecute
7 this case and then was cancelled."

8 **MR. SKINNER:** M'hm.

9 **MR. NEVILLE:** That appears to be attributed
10 to Mr. Pelletier.

11 **MR. SKINNER:** Yes, it does and I agree with
12 you that it appears to be a contact with him by Staff
13 Sergeant Blake.

14 **MR. NEVILLE:** Fair enough. Now other
15 counsel asked you -- I believe it might have been Mr. Paul
16 -- if we could just look briefly at page 780, and this is
17 just to cue it, part of your interview notes with Deputy
18 Chief St-Denis; if we turn to a previous page ---

19 **MR. SKINNER:** Yes, that's correct.

20 **MR. NEVILLE:** --- on the 18th of January,
21 1994.

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

23 **MR. NEVILLE:** And there was -- one of the
24 other counsel referred you to the middle of the page, the
25 phrase or the sentence:

1 "Lortie at morning meeting made
2 reference to..."

3 And it's in quotes:

4 "...'cover-up' because of lack of
5 progress - Brunet upset."

6 MR. SKINNER: Right.

7 MR. NEVILLE: Now, you did speak with
8 Brunet, right?

9 MR. SKINNER: Yes.

10 MR. NEVILLE: Okay.

11 MR. SKINNER: M'hm.

12 MR. NEVILLE: What I'm going to suggest to
13 you is that what this means is, although Lortie may have
14 used the word "cover-up" as an opinion, that phrase upset
15 Brunet, that someone, even a colleague, was suggesting it;
16 fair enough?

17 MR. SKINNER: That would appear to be the
18 case, yes.

19 MR. NEVILLE: All right.

20 MR. SKINNER: And -- and I would understand
21 that.

22 MR. NEVILLE: All right. Thank you.

23 Can we next look at page 781?

24 MR. SKINNER: M'hm.

25 MR. NEVILLE: This is the interview with

1 Murray MacDonald.

2 MR. SKINNER: Yes,

3 MR. NEVILLE: The interview starts,
4 according to the entry on the page, six lines from the
5 bottom, "at 2:40 p.m."

6 MR. SKINNER: M'hm.

7 MR. NEVILLE: Do you have any recollection
8 now, Superintendent, how long your meeting with Mr.
9 MacDonald lasted?

10 MR. SKINNER: It was -- it was fairly brief,
11 as I recall; I don't think it would have been any more than
12 about 15 or 20 minutes.

13 MR. NEVILLE: Fifteen (15), 20 minutes, all
14 right.

15 MR. SKINNER: Yes.

16 Again, it was 14 years ago, you know ---

17 MR. NEVILLE: Oh, no, absolute -- fair
18 enough.

19 And you weren't the designated note-taker;
20 however, let me suggest this to ---

21 MR. SKINNER: Okay, go ahead. Sorry.

22 MR. NEVILLE: No, go ahead; I didn't mean to
23 interrupt.

24 MR. SKINNER: No, no, I was just going to
25 add that I had complete faith in Staff Sergeant Blake's

1 abilities.

2 **MR. NEVILLE:** Well, I'm sure he's glad to
3 hear that.

4 So we have the entry for Mr. MacDonald.
5 You've told the Commissioner that it was perhaps 15 to 20
6 minutes; would it be fair to me -- for me to suggest that
7 what took 15 to 20 minutes, there was much more discussed
8 or covered than reflected in some six or seven lines;
9 that's a fair statement?

10 **MR. SKINNER:** I'm sure there would have been
11 other discussion. Whether or not it ---

12 **MR. NEVILLE:** Right.

13 **MR. SKINNER:** --- was relative, I don't
14 know.

15 **MR. NEVILLE:** Well, ---

16 **MR. SKINNER:** But -- and, you know, I may be
17 well -- way off on the 15 or 20 minutes, as well.

18 **MR. NEVILLE:** Well okay. That's why I asked
19 you to give me your best recollection.

20 **MR. SKINNER:** M'hm.

21 **MR. NEVILLE:** Let's look at what is
22 recorded. It says, and you'll recall earlier I asked you
23 about the arrow in Mr. -- in the Sebalj interview about
24 regular contact with MacDonald; right?

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. NEVILLE: So we have here:

"Murray MacDonald spoke several times
to Sebalj and Brunet about case."

MR. SKINNER: M'hm, m'hm.

MR. NEVILLE: It appears to be consistent
with previous interviews?

MR. SKINNER: Yes, it does.

MR. NEVILLE: Now, interjected above it is
this statement by Mr. MacDonald:

"Sebalj didn't believe Silmser."

Right?

MR. SKINNER: That's what it says, yeah.

MR. NEVILLE: And so ---

THE COMMISSIONER: Wait. What didn't she --
didn't believe Silmser about ---

MR. NEVILLE: Well ---

THE COMMISSIONER: --- that he would not ---

MR. NEVILLE: I took that to ---

THE COMMISSIONER: --- continue to
prosecute?

MR. NEVILLE: No, I took that as all
separate thoughts, Commissioner; that's why I'll explore
it.

Let's look at it, one step at a time, shall
we, Officer?

1 "Spoke several times to Sebalj and
2 Brunet about case."

3 That's one thought, right?

4 MR. SKINNER: Yes.

5 MR. NEVILLE: Okay. Then there's an arrow,
6 which looks like an interjection to put it in there, right?

7 MR. SKINNER: It does.

8 MR. NEVILLE: And the arrow points up to the
9 sentence:

10 "Sebalj didn't believe Silmser."
11 Right?

12 MR. SKINNER: Yes.

13 MR. NEVILLE: Now let's look at the next
14 words:

15 "Would not conduct prosecution..."

16 MR. SKINNER: "Conduct prosecution," m'hm.

17 MR. NEVILLE: "...because Diocesan committee
18 several years ago."

19 But would you agree with me that the
20 sentence, "Sebalj didn't believe Silmser" would hardly go
21 with "would not conduct prosecution;" can we agree on that?

22 MR. SKINNER: Yes.

23 MR. NEVILLE: Right.

24 MR. SKINNER: It's curious about the
25 position of that.

1 **MR. NEVILLE:** Well, I'm suggesting that that
2 is an indication by Mr. MacDonald that, depending on how
3 things unfolded, he might not or would not conduct the
4 trial because of this earlier committee he was on?

5 **MR. SKINNER:** Yes.

6 **MR. NEVILLE:** All right.

7 **MR. SKINNER:** I think that's right.

8 **MR. NEVILLE:** But that's a freestanding
9 separate thought than the one about Sebalj didn't believe
10 Silmser?

11 **MR. SKINNER:** It appears to be. I don't ---

12 **MR. NEVILLE:** All right.

13 **MR. SKINNER:** M'hm.

14 **MR. NEVILLE:** Then we get to the last two
15 lines:

16 "Waits for investigation..." --

17 or "investigators" I guess it is:

18 "...to establish R & PG before forwarding
19 outside Crown."

20 **MR. SKINNER:** Yes.

21 **MR. NEVILLE:** I'm suggesting to you that
22 what Mr. MacDonald tells you and Staff Sergeant Blake, he
23 was waiting for an indication from the investigator or
24 investigators to be satisfied they had reasonable and
25 probable grounds to lay a charge before he'd bring it in or

1 pass it over to an outside Crown?

2 MR. SKINNER: Yes.

3 MR. NEVILLE: All right. Now, can I ask you
4 to look briefly -- it was an exhibit put in in your chief
5 by Mr. Stauffer. It's Exhibit 1211.

6 And these are some notes, Mr. Commissioner,
7 by Staff Sergeant Brunet.

8 THE COMMISSIONER: M'hm.

9 MR. SKINNER: Yes.

10 MR. NEVILLE: Now, am I correct that this
11 was a document or set of pages that you did get or did you
12 not?

13 MR. SKINNER: I can't recall. I can't say
14 definitively, Mr. Neville, one way or the other whether we
15 got them or not. They appear to be Staff Sergeant Brunet's
16 notes.

17 MR. NEVILLE: Yes.

18 MR. SKINNER: We did get some notes from him
19 but I'm not -- I can't positively say that we did get
20 these.

21 MR. NEVILLE: All right. Just so you
22 understand the process, superintendent.

23 When Commission counsel gets ready to call a
24 witness such as yourself, we the parties are provided with
25 a will say or what we call an Anticipated Evidence Summary

1 and a list of documents potentially to be put in through
2 the witness and discussed with him or her and, indeed,
3 through your Chief this was put in as an exhibit.

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

5 **MR. NEVILLE:** So all I'm trying to get
6 clear, at least in my mind because I may or may not
7 therefore have questions, is whether you specifically can
8 say this was something you got and/or reviewed as part of
9 your work then?

10 **MR. SKINNER:** Yeah. But as I said before,
11 you know, if I could remember reviewing these, Mr. Neville,
12 I would tell you that I could remember, but looking at it
13 now I quite frankly don't remember. I'm not saying that we
14 didn't get them but I don't remember looking at them.

15 **MR. NEVILLE:** All right. And the reason I'm
16 asking you that is could you turn and see if this does
17 refresh your memory. If it doesn't, we'll move on. I'm
18 using the Bates number 710 and the date ---

19 **THE COMMISSIONER:** Wait a minute. I'm
20 sorry, what exhibit?

21 **MR. NEVILLE:** Sorry, Commissioner, it's
22 1211, the same notes.

23 **THE COMMISSIONER:** Right. I'm sorry. Yes.

24 **MR. NEVILLE:** Yes. Bates page 71 -- I'm
25 using the last three numbers.

1 **THE COMMISSIONER:** Okay.

2 **MR. NEVILLE:** The date is 5 January '94 at
3 the top of the page.

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

5 **MR. NEVILLE:** And I'm just going to refer
6 you if I could -- and I'll just summarize quickly to save
7 us all some time. It appears when we look at these notes
8 that Mr. Silmsler calls the Cornwall police station, speaks
9 to Officer Sebalj. He's concerned about Mr. Greenwell
10 trying to come to see him and Officer Brunet then
11 undertakes to call Mr. Silmsler and talk to him and records
12 in the subsequent pages things said back-and-forth between
13 himself and Mr. Silmsler. All right?

14 **MR. SKINNER:** Yes, I ---

15 **MR. NEVILLE:** All right. So ---

16 **MR. SKINNER:** I understand.

17 **MR. NEVILLE:** So the part I wanted to refer
18 you to is at the next page, Bates page 711, and this is
19 where Officer Brunet apparently tells -- and I'm looking
20 about 10 lines from the bottom -- you'll see a phrase
21 starting, "We talked about the investigation."

22 Have you found it?

23 **MR. SKINNER:** Yes, I see that, yeah.

24 **MR. NEVILLE:** All right.

25 He writes:

1 "We talked about..." --

2 that is he and Silmser.

3 **MR. SKINNER:** M'hm.

4 **MR. NEVILLE:** "...talked about the
5 investigation and apologized for taking
6 so long. I explained to him that the
7 branch was very busy and we experienced
8 some sickness which delayed the
9 investigation. He told me at that time
10 that he had no problem with the
11 Cornwall Police investigation but was
12 not happy with the Crown attorney for
13 not laying charges sooner." (As read)

14 Do you recall reviewing that or having a
15 discussion with Officer Brunet about this because this is
16 shortly before you come down to do your work?

17 **MR. SKINNER:** No, I'm sorry, I ---

18 **MR. NEVILLE:** All right.

19 **MR. SKINNER:** --- simply don't remember
20 reviewing this.

21 **MR. NEVILLE:** And you were asked questions
22 by one of my colleagues earlier about the role of the
23 police versus the role of the Crown and who lays charges
24 and you explained sometimes your inner workings with the
25 Crown and the like. And you will see that Officer Brunet

1 duly, as did you, records the respective roles on that
2 page; right?

3 **MR. SKINNER:** M'hm.

4 **MR. NEVILLE:** And he then says, as what he
5 told Mr. Silmsen -- you'll notice now, of course, that Mr.
6 Silmsen, in the part I just read out, was somehow blaming
7 the Crown for not laying charges; right?

8 **MR. SKINNER:** Yes, I see that.

9 **MR. NEVILLE:** He then corrects Mr. Silmsen
10 as to who makes those decisions, right? And then in the
11 middle of the page he has:

12 "I told him that we had not laid a
13 charge at that point where I got his
14 letter requesting we close the case.
15 He did not comment further on that
16 point." (As read)

17 **MR. SKINNER:** Yes.

18 **MR. NEVILLE:** Again, do you recall some of
19 this coming up during your review?

20 **MR. SKINNER:** No, at this stage I'm sorry I
21 can't. I can't remember that.

22 **MR. NEVILLE:** All right. Now, could I just
23 refer briefly, Mr. Commissioner, to two documents.

24 And, again, simply to have you -- again, it
25 was on the list that we have, superintendent, so I'm not

1 sure they're ones you got.

2 And the numbers, Mr. Commissioner, are
3 729546 -- actually this may be on my list -- and 729547.

4 One is entitled "General Occurrence Report"
5 because you made some mention in your testimony so far to a
6 report that was done in early October, 1993?

7 **MR. SKINNER:** Yes.

8 **MR. NEVILLE:** And I'm just going to have you
9 look at it and one that's a companion to it ---

10 **MR. SKINNER:** I'm sorry, would you give me
11 the number again?

12 **MR. NEVILLE:** Yes. You may not have it yet.

13 **THE COMMISSIONER:** No, no, you don't have it
14 yet.

15 **MR. SKINNER:** Oh, I see. Okay.

16 **MR. NEVILLE:** Our registrar will get that
17 for you once she finds them. Seven-two-nine (729), Madam
18 Registrar, and 546 and 547.

19 And it may be, Mr. Commissioner, that they
20 needn't be exhibits yet if this witness doesn't recognize
21 them. I think you should see them and the witness, but you
22 may or may not want to make -- I'll leave that to you, of
23 course. If he hasn't seen them and doesn't recognize them,
24 we'll have to ---

25 **THE COMMISSIONER:** Don't put -- well, okay.

1 **MR. NEVILLE:** But if perhaps everybody has
2 them and if you look and the witness tells me he doesn't
3 recognize them, I'll just move on.

4 **THE COMMISSIONER:** Okay.

5 **MR. NEVILLE:** So 546, superintendent, is
6 entitled "General Occurrence Report" and you'll see it was
7 entered on the 3rd of October 1993. And 547 is entitled
8 "Supplementary Occurrence Report" entered on the 5th of
9 October, 1993.

10 **MR. SKINNER:** Yes, m'hm.

11 **MR. NEVILLE:** Are these documents that you
12 looked at and reviewed as part of your work, if you can
13 recall?

14 **MR. SKINNER:** I don't remember seeing these
15 documents.

16 **MR. NEVILLE:** All right. Perhaps I had
17 better just move on then, Commissioner, if they're not of
18 any ---

19 **THE COMMISSIONER:** Just take those back,
20 please.

21 **MR. NEVILLE:** So you can't say you saw them
22 and considered them as part of your work?

23 **MR. SKINNER:** I'm saying that I can't recall
24 having seen them. It doesn't mean that I didn't.

25 **MR. NEVILLE:** No, I know. I understand.

1 **MR. SKINNER:** But it's 14 years ago ---

2 **MR. NEVILLE:** Sure.

3 **MR. SKINNER:** --- and I don't remember ---

4 **MR. NEVILLE:** All right.

5 **MR. SKINNER:** --- from looking at them now
6 that I saw them before.

7 **THE COMMISSIONER:** Did you give the witness
8 his copy, Madam Clerk? Can you get the witness's copies
9 back?

10 **MR. NEVILLE:** Now, I'm almost finished,
11 superintendent. Let me just ask you this.

12 You, yourself, and your CV, and of course I
13 know you, are a former criminal investigator in your
14 previous life.

15 **MR. SKINNER:** Yes.

16 **MR. NEVILLE:** And you did many
17 investigations of great seriousness down to minor.

18 **MR. SKINNER:** I wouldn't say many. I didn't
19 spend a lot of time involved in that but, yeah, from minor
20 to major investigations I was involved in.

21 **MR. NEVILLE:** And you certainly supervised
22 them when you were a more senior officer, if not doing them
23 yourself on the street.

24 **MR. SKINNER:** Yes, I did.

25 **MR. NEVILLE:** All right.

1 And you would agree with me that under our
2 Criminal Code to lay a criminal charge an officer must
3 swear, take an oath, that he or she personally subjectively
4 believes an offence was probably committed by a designated
5 accused?

6 **MR. SKINNER:** Yes.

7 **MR. NEVILLE:** Now, do you agree with this;
8 by the spring of 1993 -- and we know from her notes that
9 actual investigative work went up to approximately the 29th
10 of April -- Officer Sebalj had one complainant, David
11 Silmser, who was variously described as uncooperative,
12 right?

13 **MR. SKINNER:** Yes.

14 **MR. NEVILLE:** Aggressive?

15 **MR. SKINNER:** I don't recall.

16 **MR. NEVILLE:** Okay. Manipulative?

17 **MR. SKINNER:** I don't recall aggressive.
18 Definitely manipulative, yes.

19 **MR. NEVILLE:** And apparently seeking money?

20 **MR. SKINNER:** Yes.

21 **MR. NEVILLE:** And he also had, to your
22 knowledge, a quite significant criminal record?

23 **MR. SKINNER:** I don't think I was aware of
24 that at the time.

25 **MR. NEVILLE:** You didn't know that?

1 **MR. SKINNER:** I don't think so.

2 **MR. NEVILLE:** She would know that you would
3 expect?

4 **MR. SKINNER:** I'm sure she would, yeah.

5 **MR. NEVILLE:** And Mr. Commissioner is aware
6 is that his record of some considerable length involves
7 numerous offences of dishonesty, theft and the like, right?

8 **THE COMMISSIONER:** Where are we going with
9 this, sir?

10 **MR. NEVILLE:** I'm almost done, sir. It's
11 just about the laying of charges or not. And I'm going to
12 refer him to an exhibit; I'm laying the foundation for the
13 exhibit.

14 **THE COMMISSIONER:** Go ahead.

15 **MR. NEVILLE:** Thank you.

16 You also know, from reviewing her notes,
17 that she had two individuals who had made allegations but
18 were unwilling to do statements and testify, right?

19 **MR. SKINNER:** Yes.

20 **MR. NEVILLE:** So really, as of the spring of
21 1993 she had Mr. Silmsler -- and we have her as quoted by
22 Mr. MacDonald, she had some difficulty believing him?

23 **MR. SKINNER:** M'hm.

24 **MR. NEVILLE:** So if we look at Exhibit 301,
25 which is Mr. MacDonald's letter to Staff Sergeant Brunet --

1 do you have it?

2 MR. SKINNER: Yes.

3 MR. NEVILLE: Now, the first thing we
4 notice, of course, is that Mr. MacDonald is writing to the
5 Staff Sergeant in response to a letter by him.

6 MR. SKINNER: Correct.

7 MR. NEVILLE: All right.

8 And he says in the first paragraph two
9 things; the first sentence refers to a policy apparently
10 within the Ministry not to compel victims to proceed
11 against their wishes.

12 MR. SKINNER: M'hm.

13 MR. NEVILLE: And secondly, it says:

14 "The officer was tentative on the issue
15 of reasonable and probable grounds
16 before this so-called settlement."

17 MR. SKINNER: Yes, it says that.

18 MR. NEVILLE: So what I'm suggesting Mr.
19 MacDonald is confirming is that given the subjective belief
20 required for the laying of a charge in this country,
21 Officer Sebalj had nowhere to go, given that state of mind,
22 regardless of any settlement.

23 MR. SKINNER: Given the quality of the
24 investigation, yes, that's accurate.

25 MR. NEVILLE: Thank you. Those are my

1 questions.

2 **THE COMMISSIONER:** Thank you.

3 Mr. Chisholm.

4 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

5 **CHISHOLM:**

6 **MR. CHISHOLM:** Good afternoon, sir.

7 Superintendent Skinner, my name is Peter

8 Chisholm. I'm counsel for the local CAS.

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

10 **MR. CHISHOLM:** If I could take you, please,
11 to a document that Professor Manson took you to earlier
12 today and it's Exhibit 1208 and it's Bates page 1025775,
13 and that would be the seventh page in of the notes of Staff
14 Sergeant Blake.

15 **MR. SKINNER:** Right.

16 **MR. CHISHOLM:** It's up on the screen now.

17 Staff Sergeant Blake has been with -- has
18 been in the hearings room the last couple of days. Is that
19 right?

20 **MR. SKINNER:** Yes.

21 **MR. CHISHOLM:** Okay.

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

23 **MR. CHISHOLM:** And he made this note, as far
24 as you know, on January the 12th, '94, right?

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

1 **MR. CHISHOLM:** And this note relates to an
2 individual who contacted him. If I understand your
3 evidence correctly today, he contacted Staff Sergeant Blake
4 by way of a telephone call to Staff Sergeant Blake. Is
5 that right?

6 **MR. SKINNER:** That's my understanding, yeah.

7 **MR. CHISHOLM:** And he identified himself as
8 a CSIS employee. Is that right?

9 **MR. SKINNER:** I believe Staff Sergeant Blake
10 knew him, but yes, that's accurate.

11 **MR. CHISHOLM:** Your understanding is Staff
12 Sergeant Blake knew this caller before the call was placed
13 to Staff Sergeant Blake?

14 **MR. SKINNER:** I think so. I can't be
15 certain about that but I think so.

16 **MR. CHISHOLM:** And as a partner working with
17 Staff Sergeant Blake in this case, is it fair for me to
18 assume that you would have been advised of this call that
19 Staff Sergeant Blake received?

20 **MR. SKINNER:** Not necessarily. I believe
21 that Staff Sergeant Blake didn't feel that there was any
22 relevance to our investigation in Cornwall.

23 **MR. CHISHOLM:** So you were not advised but -
24 --

25 **MR. SKINNER:** I can't say that I wasn't. I

1 may have been.

2 **MR. CHISHOLM:** You have no recollection that
3 you were advised?

4 **MR. SKINNER:** No.

5 **MR. CHISHOLM:** Okay. And then if I could
6 take you please to the same exhibit, Bates page 1025778,
7 which is three pages further in.

8 **MR. SKINNER:** M'hm.

9 **MR. CHISHOLM:** This is a notation of January
10 17th, '94. And if I understand -- if you look down three
11 lines -- four lines, excuse me, do I understand that -- is
12 it your understanding looking at Staff Sergeant Blake's
13 note that the CSIS individual called a second time to Staff
14 Sergeant Blake?

15 **MR. SKINNER:** Yes.

16 **MR. CHISHOLM:** And with respect to your
17 earlier answer, were you advised by Staff Sergeant Blake
18 with respect to this call?

19 **MR. SKINNER:** Again, I may have been but I
20 can't specifically remember.

21 **MR. CHISHOLM:** And if I understand your
22 evidence correctly, on January the 18th you and Staff
23 Sergeant Blake attended at the CAS office in Cornwall. Is
24 that right?

25 **MR. SKINNER:** Yeah.

1 MR. CHISHOLM: And you met with ---

2 MR. SKINNER: Mr. Abell.

3 MR. CHISHOLM: -- the Executive Director ---

4 MR. SKINNER: M'hm.

5 MR. CHISHOLM: --- Rick Abell?

6 MR. SKINNER: M'hm.

7 MR. CHISHOLM: And during that meeting you
8 discussed the relationship between the Cornwall Police
9 Service and the CAS. Is that right?

10 MR. SKINNER: Correct.

11 MR. CHISHOLM: Do you recall if during that
12 meeting either you or Staff Sergeant Blake would have
13 raised with Mr. Abell any of the issues which were raised
14 by the CSIS caller to Staff Sergeant Blake?

15 MR. SKINNER: Possibly but I don't remember.

16 MR. CHISHOLM: And you've reviewed Staff
17 Sergeant Blake's notes with respect to the meeting
18 involving Rick Abell?

19 MR. SKINNER: M'hm.

20 MR. CHISHOLM: And is there any reference in
21 those notes with respect to the concerns raised by the CSIS
22 caller?

23 MR. SKINNER: No, I don't see one.

24 MR. CHISHOLM: You do not see any?

25 MR. SKINNER: No.

1 **MR. CHISHOLM:** And did you, at any point
2 after the January 18th meeting with Mr. Abell, ever raise
3 those concerns with either Mr. Abell or the Board of
4 Directors of the CAS or anyone else?

5 **MR. SKINNER:** I don't think so.

6 **MR. CHISHOLM:** And to your ---

7 **MR. SKINNER:** But, again, I can't be
8 absolutely certain.

9 **MR. CHISHOLM:** You have no knowledge of
10 doing so. Is that right?

11 **MR. SKINNER:** No.

12 **MR. CHISHOLM:** And with respect to your
13 understanding of any actions taken by Staff Sergeant Blake,
14 do you know if he raised those concerns with anyone after
15 that meeting of January the 18th?

16 **MR. SKINNER:** I don't know.

17 **MR. CHISHOLM:** Thanks, sir. Those are my
18 questions.

19 **THE COMMISSIONER:** Thank you.

20 Mr. Rose?

21 **MR. ROSE:** Good afternoon, Mr. Skinner. My
22 name is David Rose. I act for the Ministry of Community
23 Safety and Correctional Services.

24 I have no questions. Thank you.

25 **MR. SKINNER:** Good afternoon, sir.

1 **THE COMMISSIONER:** Mr. Scharbach.

2 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

3 **SCHARBACH:**

4 **MR. SCHARBACH:** Good afternoon,
5 Commissioner. Good afternoon, Superintendent Skinner.

6 **MR. SKINNER:** Good afternoon, sir.

7 **MR. SCHARBACH:** My name is Stephen
8 Scharbach. I'm counsel for the Ministry of the Attorney
9 General and I have a few questions for you.

10 **MR. SKINNER:** M'hm.

11 **MR. SCHARBACH:** First of all, I'd like to
12 deal with a matter that was touched on by Mr. Stauffer and
13 Mr. Paul and that is the role of the police and the Crown,
14 in general.

15 **MR. SKINNER:** M'hm.

16 **MR. SCHARBACH:** I take it you would agree
17 with me that the roles are complementary, but they're
18 distinct. They are two ---

19 **MR. SKINNER:** Correct.

20 **MR. SCHARBACH:** --- distinct roles?

21 **MR. SKINNER:** Yes.

22 **MR. SCHARBACH:** With respect to the police,
23 the police's role -- the role of the police is generally to
24 conduct investigations; correct?

25 **MR. SKINNER:** Yes.

1 **MR. SCHARBACH:** And that would include
2 designing the investigation itself, deciding which people
3 to talk to, which leads to follow, and what information to
4 get, in general. Is that correct?

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

6 **MR. SCHARBACH:** And when an officer -- as
7 Mr. Neville has mentioned, when an officer has a subjective
8 belief that reasonable and probable grounds exist to
9 suggest that a person has committed a criminal offence ---

10 **MR. SKINNER:** M'hm.

11 **MR. SCHARBACH:** --- that a charge can be
12 laid by the police; correct?

13 **MR. SKINNER:** Correct.

14 **MR. SCHARBACH:** And that's a responsibility
15 of the police ---

16 **MR. SKINNER:** Of the police.

17 **MR. SCHARBACH:** --- correct?

18 **MR. SKINNER:** Yes.

19 **MR. SCHARBACH:** With respect to the Crown, I
20 would suggest to you that there are two main components of
21 the role. The first is to provide advice to the police in
22 the pre-charge stage.

23 **MR. SKINNER:** M'hm.

24 **MR. SCHARBACH:** Would you agree with that?

25 **MR. SKINNER:** Yes, I would.

1 **MR. SCHARBACH:** And, secondly, during -- at
2 the post-charge stage, to conduct the prosecution of the
3 case. Is that correct?

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

5 **MR. SCHARBACH:** And with respect to
6 prosecution, that role would include screening the charge
7 initially once it's laid by the police?

8 **MR. SKINNER:** Yes.

9 **MR. SCHARBACH:** Deciding whether or not to
10 proceed ---

11 **MR. SKINNER:** M'hm.

12 **MR. SCHARBACH:** --- with the prosecution?

13 **MR. SKINNER:** Yes.

14 **MR. SCHARBACH:** Conducting the prosecution,
15 deciding which evidence to call, making arguments and so on
16 and -- but that's the exclusive role of the Crown; correct?

17 **MR. SKINNER:** The Crown, yes.

18 **MR. SCHARBACH:** And with respect to the
19 Crown's role in providing advice to the police, that --
20 that role takes place at the pre-start, pre-charge stage;
21 correct?

22 **MR. SKINNER:** M'hm, yes, it does.

23 **MR. SCHARBACH:** And Crowns typically provide
24 advice to police on a whole host of matters, including
25 elements of the offence?

1 MR. SKINNER: M'hm.

2 MR. SCHARBACH: Admissibility of evidence,
3 and directions on investigation when required; correct?

4 MR. SKINNER: Yes, absolutely, m'hm.

5 MR. SCHARBACH: And that advice that's given
6 by the Crown to police, that in some occasions is given in
7 a formal way and in some cases it's given in an informal
8 way?

9 MR. SKINNER: Informally, yes, that's true.

10 MR. SCHARBACH: In complex cases, the police
11 may provide the Crown with a written request for an opinion
12 ---

13 MR. SKINNER: M'hm.

14 MR. SCHARBACH: --- and the Crown may
15 provide a written opinion in response; correct?

16 MR. SKINNER: That's true, m'hm.

17 MR. SCHARBACH: But it may be given more
18 informally and there may be meetings set up, meetings that
19 take place verbally; correct?

20 MR. SKINNER: M'hm, yes.

21 MR. SCHARBACH: And they could be even more
22 informal than that. They could be chats, for example, in
23 the courthouse hallway?

24 MR. SKINNER: M'hm.

25 MR. SCHARBACH: And that's not uncommon?

1 **MR. SKINNER:** Not at all.

2 **MR. SCHARBACH:** Okay. Now, you mentioned
3 today that when you wrote your report -- when you did your
4 review and you wrote your report, you were under the
5 impression that the Crown had met with Constable Sebalj one
6 time?

7 **MR. SKINNER:** Yes.

8 **MR. SCHARBACH:** And you felt that that was
9 inadequate?

10 **MR. SKINNER:** Yes.

11 **MR. SCHARBACH:** And I think you mentioned in
12 your report, and I'm paraphrasing, that the level of
13 support provided by the Crown to the Cornwall Police was --
14 was inadequate?

15 **MR. SKINNER:** It could have been improved,
16 yes, m'hm.

17 **MR. SCHARBACH:** And at least part of -- part
18 of the basis of that -- of that suggestion in your report
19 was your belief that the Crown attorney had met with
20 Constable Sebalj one time. Is that correct?

21 **MR. SKINNER:** Yes, yes.

22 **MR. SCHARBACH:** I think what you said in
23 your report was that:

24 "The Crown was less than effective in
25 its support for the Cornwall Police

1 Service." (As read)

2 And I'm quoting from your report.

3 MR. SKINNER: Right.

4 MR. SCHARBACH: Now, Superintendent Skinner,
5 I'm sorry, I'm referring you to Exhibit 1207, your report,
6 at page 5 -- Bates page 450.

7 MR. SKINNER: M'hm.

8 MR. SCHARBACH: Now, I'm wondering if we can
9 turn to your notes, Exhibit 1208 and Bates page 774.

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. SCHARBACH: Sorry, 774?

12 MR. SKINNER: Yes.

13 MR. SCHARBACH: Yes. Towards the bottom of
14 the page?

15 MR. SKINNER: Yes.

16 MR. SCHARBACH: This is the note concerning
17 your interview with Murray MacDonald on January 18th. And I
18 think you mentioned that the meeting may have taken 15 to
19 20 minutes?

20 MR. SKINNER: To the best of my
21 recollection, yeah.

22 MR. SCHARBACH: And I take it these are the
23 only notes of that meeting; it wasn't a taped meeting?

24 MR. SKINNER: No, it wasn't.

25 MR. SCHARBACH: But clearly, more

1 conversation took place than is reflected in these notes?

2 MR. SKINNER: Yes.

3 MR. SCHARBACH: Now, Mr. Neville has already
4 taken you to it, but about three lines from the bottom of
5 the page.

6 MR. SKINNER: Yes.

7 MR. SCHARBACH: Oh, I'm sorry,
8 superintendent, I'm referring to the wrong ---

9 (SHORT PAUSE/COURTE PAUSE)

10 MR. SCHARBACH: I'm sorry, superintendent,
11 I've referred you to the wrong page. I apologize.

12 If I could refer you to page 781.

13 MR. SKINNER: M'hm.

14 MR. SCHARBACH: This is the note that I
15 meant to refer you to. This is the conversation with
16 Murray MacDonald and you'll see the note suggests that
17 Murray MacDonald spoke several times to Sebalj and Brunet?

18 MR. SKINNER: It does.

19 MR. SCHARBACH: All right. And if I can
20 take you to the note that was made of the interview with
21 Heidi Sebalj at page 773. Mr. Neville has already referred
22 you to this.

23 MR. SKINNER: M'hm.

24 MR. SCHARBACH: She seems -- the notes seem
25 to indicate -- in the middle of the page just past the

1 notation "March 2nd, 1993"?

2 MR. SKINNER: Yes.

3 MR. SCHARBACH: As Mr. Neville pointed out,
4 there's a note concerning Murray MacDonald and there's a
5 line down which says "CA".

6 MR. SKINNER: M'hm.

7 MR. SCHARBACH: I take it that means "Crown
8 attorney"?

9 MR. SKINNER: Yes.

10 MR. SCHARBACH: "...kept up to date on all
11 communications."

12 MR. SKINNER: M'hm.

13 MR. SCHARBACH: And that would suggest ---

14 THE COMMISSIONER: I think it's more "in all
15 circumstances".

16 MR. SCHARBACH: "In all circumstances",
17 thank you.

18 And I suggest that that suggests that Heidi
19 Sebalj is saying to you during that meeting that he was
20 kept up-to-date on a regular basis and not just one time.
21 Would you agree?

22 MR. SKINNER: Yes, that's what it's saying.

23 MR. SCHARBACH: Now, Heidi Sebalj's notes
24 were reviewed by you before you wrote your report?

25 MR. SKINNER: M'hm.

1 **MR. SCHARBACH:** And we have those notes as
2 Exhibit 295, and if we could turn, please, to Exhibit 295,
3 Bates page 1025545, the second one.

4 **THE COMMISSIONER:** I'm sorry, what page?

5 **MR. SKINNER:** I can't find that page.

6 **MR. SCHARBACH:** This is a note apparently
7 made by Constable Sebalj on the 2nd of March, 1993.

8 **THE COMMISSIONER:** So what's the Bates page?

9 **MR. SCHARBACH:** One-zero-two-five-five-four-
10 five (1025545).

11 **THE COMMISSIONER:** One zero two (102)?

12 **MR. SKINNER:** That -- that doesn't
13 correspond with what I have.

14 **THE COMMISSIONER:** No, no, it doesn't.

15 **MR. SKINNER:** Mine start out number 706.

16 **THE COMMISSIONER:** Yes.

17 **MR. SCHARBACH:** Well, perhaps if -- the page
18 is coming up on the...

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. SCHARBACH:** I'm sorry, the version in my
21 book must be a separate version. Bates page 706370.

22 **THE COMMISSIONER:** No, now you're missing
23 one, 70637?

24 **MR. SCHARBACH:** Seven-zero-six-three-seven-
25 six-zero (7063760).

1 **THE COMMISSIONER:** Oh, 60, sorry, 60. The
2 last three numbers are 760.

3 **MR. SKINNER:** M'hm. Yes, okay, I have that.

4 **MR. SCHARBACH:** This appears to be Heidi
5 Sebalj's note at 15:35?

6 **MR. SKINNER:** Yes.

7 **MR. SCHARBACH:** And this is one of, I think,
8 two references in her notes to her meeting with Crown
9 attorney MacDonald.

10 **MR. SKINNER:** M'hm.

11 **MR. SCHARBACH:** And she states in this
12 notation:

13 "Met Crown MacDonald at CIB ..."

14 **THE COMMISSIONER:** Easy on the names please.
15 I don't know, be careful about the names. I don't know who
16 they are referring to right now.

17 **MR. SCHARBACH:** I understand.

18 **THE COMMISSIONER:** Okay.

19 **MR. SCHARBACH:** I'm just interested in the
20 first two lines. She says:

21 "Met Crown MacDonald at CIB; asked how
22 investigation was going." (As read)

23 That suggests to me, Superintendent Skinner,
24 that Crown attorney MacDonald was aware of the
25 investigation and was asking her how it was proceeding.

1 Would you agree with me?

2 **MR. SKINNER:** Yes, I would.

3 **MR. SCHARBACH:** And that seems to suggest
4 that Crown attorney MacDonald knew of the investigation
5 before that date?

6 **MR. SKINNER:** Yes, it does suggest that.

7 **MR. SCHARBACH:** We suggested it wasn't the
8 first conversation that she had with MacDonald concerning
9 this investigation?

10 **MR. SKINNER:** It would suggest that, yes,
11 you're right.

12 **MR. SCHARBACH:** So, Superintendent Skinner,
13 I think we have an indication in your partner's notes from
14 Murray MacDonald that he met several times with Sebalj and
15 Brunet; an indication in your partner's notes from Sebalj
16 that she kept MacDonald up-to-date on the circumstances of
17 the investigation?

18 **MR. SKINNER:** M'hm.

19 **MR. SCHARBACH:** And there is a suggestion in
20 her notes that at least on that one occasion when she notes
21 a meeting with MacDonald, that wasn't the first one.

22 So I'm suggesting to you that the material
23 indicates that there were several meetings. There was at
24 least more than one meeting with Crown attorney MacDonald?

25 **MR. SKINNER:** Yes, it does. It does suggest

1 that.

2 **MR. SCHARBACH:** And I also -- I understand
3 that Murray MacDonald will be testifying and he will be
4 testifying when he comes to the Inquiry that he met with
5 Constable Sebalj 7 to 10 times.

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

7 **MR. SCHARBACH:** Was there anything in your
8 recollection of your conversations with Mr. MacDonald that
9 would contradict that or shed light on that?

10 **MR. SKINNER:** No, I can't say that there was
11 that I can recall.

12 **MR. SCHARBACH:** Do you recall specifically
13 asking Murray MacDonald how many times he had met with
14 Constable Sebalj?

15 **MR. SKINNER:** No. No, I don't.

16 **MR. SCHARBACH:** Do you recall whether you
17 asked Constable Sebalj how many times she met with Murray
18 MacDonald?

19 **MR. SKINNER:** No, I don't remember. I'm
20 looking quite frankly in my report for somewhere that I
21 said that she only met with him once and I can't find it.

22 **MR. SCHARBACH:** I know you said that in your
23 testimony this morning.

24 **THE COMMISSIONER:** I know, but I believe it
25 to be comments he made with respect to the Crown attorney.

1 He says on -- he doesn't talk about that, unless he says,
2 "My review of the..." and this at 451, last three numbers.
3 "My review of the investigation, in the case that was...".
4 No, hang on.

5 Okay, he says that:

6 "Constable Sebalj was in a position to
7 approach Crown attorney at that time
8 and ask for assistance as to charges.
9 She should have done so." (As read)

10 So other than that, he talks about the
11 conflict that Mr. MacDonald had and so:

12 "Accordingly, he should not have placed
13 himself in a position of writing a
14 letter confirming that it was not
15 advisable to charge a person against
16 whom he would not conduct a
17 prosecution." (As read)

18 I think that's really the -- I can put
19 criticism -- that's in this report.

20 **MR. SCHARBACH:** Okay. All right.

21 Well, I understood the evidence today was
22 that Superintendent Skinner was under the impression that
23 they had met once and that that was less than adequate. I
24 was trying to address that point.

25 **THE COMMISSIONER:** Okay. Well, that's fine.

1 **MR. SCHARBACH:** Okay. All right. Thank
2 you.

3 **THE COMMISSIONER:** Point taken.

4 **MR. SKINNER:** I've mentioned the March 2nd
5 meeting in the report here on the third page, but I don't
6 recall saying that they only met once.

7 **THE COMMISSIONER:** The problem is, sir, late
8 in the day like this, we're going off perhaps on a little
9 tangent.

10 I think you may have mentioned that at the -
11 - in your testimony and it's been covered two or three
12 times now. And so I think it's clear from what we had here
13 and subject to what we're going to hear that Constable
14 Sebalj would have communicated with this gentleman, but I
15 don't think that that really is the crux of what is ---

16 **MR. SCHARBACH:** All right.

17 Superintendent Skinner, on -- you met with
18 Murray MacDonald on January the 18th and you had a
19 conversation with him and we have a note of that
20 conversation.

21 **MR. SKINNER:** M'hm.

22 **MR. SCHARBACH:** But you've told us that that
23 conversation took 15 to 20 minutes as best as you can
24 recall now?

25 **MR. SKINNER:** To the best of my

1 recollection, yes.

2 MR. SCHARBACH: And I think there was
3 discussion during that conversation concerning this alleged
4 conflict that Mr. MacDonald had.

5 MR. SKINNER: M'hm.

6 MR. SCHARBACH: Is that correct?

7 MR. SKINNER: Yeah.

8 MR. SCHARBACH: Do you recall that
9 conversation? Do you recall whether he told you the nature
10 of that conflict?

11 MR. SKINNER: He did mention the church
12 committee, yeah.

13 MR. SCHARBACH: Right. And did he ---

14 MR. SKINNER: Sorry, but I don't recall
15 specifically the conversation.

16 MR. SCHARBACH: Well, if this assists your
17 memory, did he tell you that he sat on that committee as a
18 lay person several years prior to this?

19 MR. SKINNER: I don't recall that.

20 MR. SCHARBACH: You don't recall that?

21 MR. SKINNER: No. He did -- excuse me, he
22 did mention that the -- that the committee had been some
23 years in the past.

24 THE COMMISSIONER: It's in the -- well, sir,
25 you should refer him to the ---

1 **MR. SCHARBACH:** It's in the report.

2 **THE COMMISSIONER:** It's in the report.

3 **MR. SCHARBACH:** And do you have any
4 additional details than is in the report, Superintendent
5 Skinner?

6 **MR. SKINNER:** No, I don't.

7 **MR. SCHARBACH:** Okay. And do you recall
8 whether or not Mr. MacDonald told you that he only realized
9 that he had a conflict when Constable Sebalj told him that
10 Silmser was dealing with the church to settle this matter
11 in a civil way? I should say according ---

12 **MR. SKINNER:** Yeah, I understand what you
13 mean. No, I don't have that specific recollection.

14 **MR. SCHARBACH:** Do you recall whether or not
15 Mr. MacDonald told you that it was his intention to refer
16 the proposed charge to an outside Crown?

17 **MR. SKINNER:** I believe we did discuss that,
18 yes. In the event that reasonable and probable grounds did
19 surface and that there would be a charge laid, then I
20 believe he did indicate that he would refer the matter to
21 an outside Crown.

22 But you know, it's so long ago that I
23 definitely did get that information. Whether I got it
24 directly from Mr. MacDonald or not during that meeting, I
25 honestly can't remember.

1 **MR. SCHARBACH:** Well, what I am trying to do
2 is determine whether you have any memory of whether or not
3 Mr. MacDonald was making a distinction between prosecuting
4 the case or simply reviewing the charge or screening the
5 charge?

6 Let me give you a bit of background,
7 Superintendent Skinner. I understand that when Mr.
8 MacDonald comes to testify, he will say that it was his
9 intention to have the matter of the charge reviewed by
10 another Crown, but he was intending to keep the prosecution
11 within the Cornwall office.

12 **MR. SKINNER:** Yeah. Well, that may well be
13 so, sir, but it's not going to affect my memory of the
14 conversation that I had with him.

15 **MR. SCHARBACH:** You don't recall a
16 discussion to that effect?

17 **MR. SKINNER:** My impression is that he was
18 indicating that he would refer the situation if there were
19 charges, if reasonable and probable grounds surfaced.

20 **MR. SCHARBACH:** All right.

21 **MR. SKINNER:** It says in my report:
22 "He felt that this could place him in a
23 position of conflict in conducting
24 prosecutions against clergymen." (As
25 read)

1 **MR. SCHARBACH:** All right. And according to
2 the note that we've looked at earlier, it was Mr.
3 MacDonald's intention to get an outside Crown once Heidi
4 Sebalj got to the point of reasonable and probable grounds;
5 correct?

6 **MR. SKINNER:** M'hm. Yes.

7 **MR. SCHARBACH:** And I understand that Heidi
8 -- there's no indication in the file or in Heidi's notes to
9 indicate that she ever got to the point where she had
10 reasonable probable grounds.

11 **MR. SKINNER:** There is not.

12 **MR. SCHARBACH:** There is not?

13 **MR. SKINNER:** No. To my knowledge.

14 **MR. SCHARBACH:** And, in fact, up until the
15 time Mr. Silmsler made his settlement, Ms. Sebalj hadn't
16 prepared a Crown brief. Is that correct? Is that your
17 understanding?

18 **MR. SKINNER:** Up to the time of what?

19 **MR. SCHARBACH:** Up to the time that Mr.
20 Silmsler made his settlement in early December, December the
21 3rd, I think, 1993, Ms. Sebalj had not prepared a Crown
22 brief for review by the Crown.

23 **MR. SKINNER:** That's to the best of my
24 knowledge correct, yes.

25 **MR. SCHARBACH:** Now, your notes -- I'm

1 sorry, Mr. Blake's notes concerning your review indicate
2 that when you talked to Heidi Sebalj, Heidi said that she
3 spoke to Murray MacDonald about getting a review by an
4 outside Crown at some point during -- at some point in the
5 investigation; correct?

6 Well, I can ---

7 **MR. SKINNER:** Yes.

8 **MR. SCHARBACH:** --- take you to the notes if
9 you like.

10 **MR. SKINNER:** Yes. M'hm. Correct.

11 **MR. SCHARBACH:** And the notes also indicate
12 that it was confirmed with Robert Pelletier, another Crown
13 in L'Original who was contacted by Mr. Blake, that he was
14 contacted sometime during the summer regarding a
15 participation ---

16 **MR. SKINNER:** The possibility ---

17 **MR. SCHARBACH:** --- in this matter.

18 **MR. SKINNER:** --- of prosecution.

19 **MR. SCHARBACH:** But apparently before that
20 review could take place Mr. Silmsen made his settlement
21 with the Church effectively terminating matters. Is that
22 correct?

23 **MR. SKINNER:** Yes. That's my understanding.

24 **MR. SCHARBACH:** Now, with respect to ---

25 **THE COMMISSIONER:** Sorry, effectively

1 terminating the matter. What do you mean by that?

2 MR. SCHARBACH: Well ---

3 THE COMMISSIONER: Had he agreed that he
4 would not pursue criminal -- that he would not participate
5 in the criminal proceeding?

6 MR. SCHARBACH: The -- as Superintendent
7 Skinner has indicated, the investigation was effectively
8 terminated at that point.

9 THE COMMISSIONER: Because a civil
10 settlement had been reached.

11 MR. SCHARBACH: Yes, and because the
12 cooperation of -- because ---

13 THE COMMISSIONER: Because a criminal act --
14 -

15 MR. SCHARBACH: --- Mr. Silmsen ---

16 THE COMMISSIONER: --- had been committed.

17 MR. SCHARBACH: Because Mr. Silmsen withdrew
18 his cooperation from the investigation.

19 MR. SKINNER: I believe my report says that
20 in my opinion the investigation was effectively finished by
21 about the end of April.

22 THE COMMISSIONER: Right.

23 MR. SCHARBACH: Now, there was nothing in
24 Constable Sebalj's notes to the effect that Murray
25 MacDonald refused to meet with her or refused to provide

1 her with advice or ---

2 MR. SKINNER: Not that I remember seeing.

3 MR. SCHARBACH: --- anything to that effect,
4 I take it?

5 MR. SKINNER: No.

6 MR. SCHARBACH: Or was uncooperative or was
7 unhelpful in any way?

8 MR. SKINNER: No.

9 MR. SCHARBACH: Now, with respect to the
10 letter of September -- with respect to the letter of
11 September the 14th ---

12 THE COMMISSIONER: Which is which exhibit
13 now?

14 MR. SCHARBACH: Which is Exhibit 301.

15 THE COMMISSIONER: Yes.

16 MR. SCHARBACH: Do you recall discussing
17 this letter with Murray MacDonald?

18 MR. SKINNER: Not specifically. I'm sure I
19 did but not specifically.

20 MR. SCHARBACH: One of the concerns you
21 expressed was the fact that he wrote the letter despite the
22 fact that he had this apparent conflict.

23 MR. SKINNER: M'hm.

24 MR. SCHARBACH: Did you raise that with
25 Murray MacDonald?

1 **MR. SKINNER:** I believe it did, yeah.

2 **MR. SCHARBACH:** And sorry, Mr. Neville asked
3 you and I don't believe you recall what his response was to
4 that?

5 **MR. SKINNER:** No.

6 **MR. SCHARBACH:** And this letter apparently
7 resulted from conversations -- a conversation, at least one
8 conversation that he had with Inspector Brunet. Did you
9 review these facts with Inspector Brunet?

10 **MR. SKINNER:** It was a response to a
11 correspondence, I understand, from Staff Sergeant Brunet.

12 **MR. SCHARBACH:** Well, perhaps we can call up
13 the letter. Exhibit 301 is a letter from Murray MacDonald
14 dated September the 14th to Staff Sergeant Lucien Brunet.

15 **MR. SKINNER:** M'hm.

16 **MR. SCHARBACH:** It's on the screen.

17 **THE COMMISSIONER:** Yeah.

18 **MR. SCHARBACH:** And it refers to
19 correspondence of September the 9th, 1993.

20 I wonder if we can bring up that
21 correspondence. It's Exhibit 300.

22 Please take a moment to read it,
23 Superintendent Skinner, the letter that's on the screen.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. SKINNER:** Yeah.

1 **MR. SCHARBACH:** And the first line Staff
2 Sergeant Brunet refers -- says:

3 "This letter will confirm our telephone
4 conversation on September the 8th."

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

6 **MR. SCHARBACH:** And in the last line -- in
7 the last paragraph I should say, he says:

8 "It's my understanding, after our
9 conversation..."

10 And he goes on to talk about the policy.

11 **MR. SKINNER:** Yes.

12 **MR. SCHARBACH:** So it appears that these
13 letters arose out of this conversation ---

14 **MR. SKINNER:** Out of the telephone
15 conversation.

16 **MR. SCHARBACH:** --- that took place between
17 Brunet and MacDonald on September the 8th.

18 **MR. SKINNER:** Yes, it does.

19 **MR. SCHARBACH:** Did you pursue with Mr.
20 MacDonald what those conversations were; what the context
21 was that gave rise to these letters?

22 **MR. SKINNER:** If I did, sir, I can't
23 remember what it was.

24 **MR. SCHARBACH:** And do you know what facts -
25 - I suppose if you didn't have a conversation with him

1 concerning this the answer will be no but I just want to
2 confirm this. Do you know what facts Mr. MacDonald had at
3 that time when he wrote that letter?

4 **MR. SKINNER:** I'm assuming the facts of the
5 telephone conversation and the letter from Staff Sergeant
6 Brunet, but other than that I ---

7 **MR. SCHARBACH:** Of which you're not aware?

8 **MR. SKINNER:** M'hm.

9 **MR. SCHARBACH:** Okay. Thank you. Those are
10 my questions.

11 Thank you.

12 **THE COMMISSIONER:** Thank you.

13 We'll adjourn until tomorrow at 9:30.

14 **THE REGISTRAR:** Order. All rise. A
15 L'ordre. Veuillez vous lever.

16 This hearing is adjourned until tomorrow
17 morning at 9:30 a.m.

18 --- Upon adjourning at 5:02 p.m.

19 L'audience est ajournée à 17h02

20

21

22

23

24

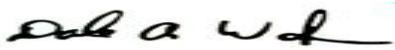
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM