

**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 202

Held at :

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

Friday, February 29 2008

Tenue à:

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

Friday, le 29 février 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Janie Larocque	Commission Counsel
Mr. John E. Callaghan Mr. Mark Crane	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
GARY DEROCHIE, Resumed/Sous le même serment	1
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann(cont'd/suite)	1

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1299	(711991) Handwritten notes of Richard Abell - 14 Oct, 93	71
P-1300	(719991) Letter fr. Garry Derochie to Carl Johnston - 08 Jan, 94	142
P-1301	(719992) Report on Perry Dunlop's involvement with the David Silmser investigation - 08 Jan, 94	143
P-1302	(738457) Notes of Garry Derochie - 11 jul, 93 to 29 Mar, 94	148

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

2 L' audience débute à 9h33

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

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

8 Please be seated. Veuillez vous asseoir.

9 **GARRY DEROCHIE:** Resumed/Sous le même serment

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

11 **ENGELMANN:** (Continued/Suite)

12 **THE COMMISSIONER:** Thank you. Good morning.

13 **MR. DEROCHIE:** Good morning, Mr.
14 Commissioner.

15 **THE COMMISSIONER:** Mr. Engelmann.

16 **MR. ENGELMANN:** Good morning, Mr.

17 Commissioner. Good morning, Staff Sergeant Derochie.

18 **MR. DEROCHIE:** Good morning, Mr. Engelmann.

19 **MR. ENGELMANN:** Mr. Commissioner, I had a
20 brief discussion with Staff Sergeant Derochie just before
21 we started and I just want to clear up a couple of points
22 from yesterday.

23 **THE COMMISSIONER:** Yes.

24 **MR. ENGELMANN:** That's he's brought to my
25 attention.

1 Sir, I understand that the -- your second
2 tour of duty, if I can call it that, as a supervisor within
3 the CID or CIB Unit, you indicated to us in your evidence
4 yesterday, a slight error with respect to who you were
5 reporting to?

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

7 **MR. ENGELMANN:** And can you just clarify
8 that for the record, sir?

9 **MR. DEROCHIE:** Yes. When I first went into
10 CIB for the second time, that would have been November of
11 1991, I actually reported to Deputy Chief Ron Laverty at
12 that time.

13 **MR. ENGELMANN:** So it wouldn't have been
14 deputy -- the current Deputy Chief, Danny Aikman?

15 **MR. DEROCHIE:** He was not. He was a
16 sergeant working for me, actually, at the time.

17 **MR. ENGELMANN:** And, sir, your second tour
18 of duty in that unit would have started in 2001. Is that
19 correct?

20 **MR. DEROCHIE:** Two-thousand-and-one (2001),
21 November.

22 **MR. ENGELMANN:** And, sir, as well, yesterday
23 in an exchange you had with the Commissioner, I think he
24 asked you about whether you would have had rough notes when
25 you were preparing, for example -- it's Exhibit 1293, the

1 notes that we were going through yesterday?

2 **MR. DEROCHIE:** Yes, that's correct.

3 **MR. ENGELMANN:** And would it be fair to say
4 you would have had rough notes at that time?

5 **MR. DEROCHIE:** I would have. The
6 Commissioner's questioning caused me to reflect on that.
7 When I went back, I checked my regular duty book for that
8 same time period. There was nothing in there that would
9 have refreshed my memory so that I could have recorded the
10 exact days and times of meetings, such as with Mr. Abell
11 but, yeah, there must have been rough notes and
12 unfortunately they do not exist.

13 **MR. ENGELMANN:** Okay. So although there's
14 some notes from later on, rough notes from the fall of '93,
15 you do not have?

16 **MR. DEROCHIE:** From the earlier part of the
17 investigation, when I first started it, that's correct.

18 **MR. ENGELMANN:** I believe, sir, there was a
19 third issue. Oh, no ---

20 **MR. DEROCHIE:** You want to cover that; okay.

21 (LAUGHTER/RIRES)

22 **MR. ENGELMANN:** All right. Let's then carry
23 on where we left off yesterday.

24 I believe what you were telling us when we
25 left off, was you were going to meet with a staff sergeant

1 by the name of Brunet?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: And that would have been, as
4 I understand it, on or about the 12th of October?

5 MR. DEROCHIE: That's correct.

6 MR. ENGELMANN: And the reason you were to
7 meet with him, sir?

8 MR. DEROCHIE: Was to get up-to-speed on
9 what had occurred with the investigation and, in fact, the
10 latter part of the investigation.

11 MR. ENGELMANN: Okay. And -- but your
12 meeting with him at that point-in-time would not have been
13 to re-investigate or review his investigation of the
14 Silmsler complaint, it would have been for the purposes of
15 looking at Mr. -- Constable Dunlop's role; correct?

16 MR. DEROCHIE: Correct. That was the only
17 reason I would be meeting with him.

18 MR. ENGELMANN: Right, because at the time
19 you were investigating the possibility of *Police Service*
20 *Act* charges against Constable Dunlop?

21 MR. DEROCHIE: That's correct. That's
22 correct.

23 MR. ENGELMANN: And what -- how well did you
24 know Staff Sergeant Brunet at that point?

25 MR. DEROCHIE: Oh we'd been -- I've known

1 him since he joined the Police Service, probably within two
2 to three years of my joining the Cornwall Police Service.

3 MR. ENGELMANN: All right, so you had worked
4 with him for many years?

5 MR. DEROCHIE: For many years.

6 MR. ENGELMANN: All right, and did you know
7 his background as a police officer?

8 MR. DEROCHIE: Yes, I did.

9 MR. ENGELMANN: All right. And what about
10 his background in running criminal investigations?

11 MR. DEROCHIE: I'm not sure of exactly when
12 he would have been transferred in as the OIC, the Officer
13 in Charge of criminal investigations, but I knew that he
14 had spent some time as an investigator in criminal
15 investigations and had done some supervisory work in
16 uniform patrol.

17 MR. ENGELMANN: Because it's my
18 understanding that he was relatively recent in that
19 position?

20 MR. DEROCHIE: You're correct. It brings to
21 mind that he was transferred in there in January of 1993.

22 MR. ENGELMANN: And prior to that he -- the
23 last three or four years before that, I understand, he'd
24 been supervising in something called "Traffic"?

25 MR. DEROCHIE: Yes.

1 **MR. ENGELMANN:** Is that correct?

2 **MR. DEROCHIE:** Well, the traffic -- uniform
3 -- more road work, more uniform patrol-type work.

4 **MR. ENGELMANN:** Motor road work, is that
5 what it means?

6 **MR. DEROCHIE:** Motor patrol, traffic
7 enforcement.

8 **MR. ENGELMANN:** Okay, all right. So -- and
9 did you know anything of Staff Sergeant Brunet's
10 relationship with the chief and/or deputy chief?

11 **MR. DEROCHIE:** No.

12 **MR. ENGELMANN:** All right. And did you --
13 did you know anything about his relationship with Constable
14 Sebalj, one of the officers that was reporting to him?

15 **MR. DEROCHIE:** Nothing other than as he was
16 her supervisor.

17 **MR. ENGELMANN:** All right. Okay, so you met
18 with him on the 12th?

19 **MR. DEROCHIE:** That's correct.

20 **MR. ENGELMANN:** And when I reviewed your
21 notes, which are Exhibit 1293, you would have written at
22 least these notes up about three weeks after you had that
23 meeting with Staff Sergeant Brunet?

24 **MR. DEROCHIE:** That's correct.

25 **MR. ENGELMANN:** And the reference to your

1 meeting with Staff Sergeant Brunet starts at the bottom of
2 page 4 of your notes. Is that correct?

3 **MR. DEROCHIE:** That's correct.

4 **MR. ENGELMANN:** And can you tell us, sir, in
5 a general sense, what it is he communicated to you?

6 **MR. DEROCHIE:** He gave me an overview of his
7 -- his knowledge of how the statement had come into the
8 possession of Perry Dunlop and subsequently how he presumed
9 it came into the possession of CAS.

10 He had indicated me -- indicated to me that
11 Perry Dunlop had had occasion to approach Heidi Sebalj and
12 ask her to see the statement, that Heidi Sebalj had turned
13 the statement over to Perry for reading purposes, just to
14 have a look at it.

15 And, subsequently, that Heidi Sebalj had
16 received information from Mr. Silmser to the effect that
17 some woman was calling him and asking him questions or
18 questioning his reasons for withdrawing his complaint
19 against the priest, Father Charlie MacDonald.

20 **MR. ENGELMANN:** All right. And the
21 information that he was passing on to you would have been
22 information he had received from Constable Sebalj?

23 **MR. DEROCHIE:** From Constable Sebalj, that's
24 correct. That's correct.

25 **MR. ENGELMANN:** And, in fact, he would have

1 mentioned to you that Sebalj -- Constable Sebalj had had a
2 meeting with Mr. Silmsers on the 29th of September?

3 **MR. DEROCHIE:** That's correct.

4 **MR. ENGELMANN:** All right. Was there any
5 indication about -- in that call about Mr. Silmsers being
6 concerned about being contacted by someone?

7 **MR. DEROCHIE:** I don't know -- I don't know
8 if Mr. Silmsers -- I can't recall if Mr. Silmsers would have
9 been concerned but certainly Heidi Sebalj was concerned.

10 He was -- I think he was stating the -- as a
11 matter of fact, wondering out loud how this person had
12 found out about who he was and how to get a hold of him.

13 **MR. ENGELMANN:** All right, but Constable
14 Sebalj was concerned about that?

15 **MR. DEROCHIE:** Yes, she was concerned.

16 **MR. ENGELMANN:** And why -- and she expressed
17 those concerns to Staff Sergeant Brunet?

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

19 **MR. ENGELMANN:** Who then in turn expressed
20 them to you?

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

22 **MR. ENGELMANN:** And what was the gist of the
23 concern, sir?

24 **MR. DEROCHIE:** The gist of it, I think was
25 two-fold. One, that she may have -- she may have been

1 compromised as far as vulnerability goes; that there would
2 become -- it would become knowledge now that she had, in
3 fact, turned this statement over to Perry Dunlop.

4 And, secondly, that she was placed in a
5 position whereby she had to report this matter to her
6 supervision. By that I mean had to report Perry Dunlop's
7 actions, which might consequently involve him getting in to
8 some difficulties with management.

9 **THE COMMISSIONER:** So tell me, sir, in the
10 normal course of things is it customary, acceptable
11 practice, that when an investigator is doing an
12 investigation that, in this case, that she would pass a
13 statement over to Constable Dunlop for reading material?

14 **MR. DEROCHIE:** There's nothing -- there's
15 nothing in policy or procedure that prohibits it. I don't
16 believe it's good practices; I wouldn't have condoned that.

17 When I -- when it's my investigations, I
18 would insist that information is confidential and only
19 people who need to know, need to know.

20 **MR. ENGELMANN:** Now, during the course of
21 that interview, after talking to you about what he learned
22 from Constable Sebalj, did Staff Sergeant Brunet talk to
23 you about an interaction he had with Constable Dunlop?

24 **MR. DEROCHIE:** I'm sorry, Mr. Engelmann, I
25 was thinking of my last answer.

1 **MR. ENGELMANN:** No, no problem.
2 You've talked to us about Staff Sergeant
3 Brunet ---

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** --- telling you some of the
6 things that he was told by Heidi Sebalj?

7 **MR. DEROCHIE:** Yes.

8 **MR. ENGELMANN:** Did he also indicate to you
9 that as a result of that information that he would have
10 received from Heidi Sebalj on the 29th of September, whether
11 or not he acted upon it?

12 **MR. DEROCHIE:** Yes. It's my understanding
13 and he reported to me that he called Constable Dunlop into
14 his office and questioned him about this; explained to him
15 the dangers.

16 I should explain, Mr. Commissioner, that the
17 primary concern was the involvement of Mrs. Dunlop with
18 regards to her activity surrounding the apparent disclosure
19 of the statement ---

20 **MR. ENGELMANN:** Okay.

21 **MR. DEROCHIE:** --- from Perry Dunlop ---

22 **MR. ENGELMANN:** Okay, and why is that a
23 concern for you, sir?

24 **MR. DEROCHIE:** Well, she's taken it upon
25 herself to make contact with the victim and as I learned --

1 I later learned that she actually travelled to his -- where
2 he lived and tried to make face-to-face contact with him.
3 Subsequently to that, he wasn't home. Subsequent to that,
4 she called him on the telephone and they had arranged to
5 meet to discuss this matter.

6 MR. ENGELMANN: How did you learn about
7 that, sir?

8 MR. DEROCHIE: I learned that through the
9 investigation from Heidi Sebalj; information that she had
10 been ---

11 MR. ENGELMANN: All right.

12 MR. DEROCHIE: --- provided.

13 MR. ENGELMANN: All right. So the concern
14 that you had in -- was it also a concern of Staff Sergeant
15 Brunet's is that an officer's spouse was contacting an
16 alleged victim?

17 MR. DEROCHIE: Absolutely, it was totally
18 improper.

19 MR. ENGELMANN: All right. And did -- did
20 Staff Sergeant Brunet give you a sense as to what he
21 communicated to Perry Dunlop ---

22 MR. DEROCHIE: He ---

23 MR. ENGELMANN: --- about this?

24 MR. DEROCHIE: --- and he explained the
25 gravity of the -- of the situation to Perry Dunlop that,

1 you know, his -- the actions could have consequences that
2 are negative to his career and that he should, you know,
3 have his wife cease and desist because we knew that she had
4 arranged a meeting and we wanted that meeting stopped, or
5 Staff Sergeant Brunet wanted that meeting stopped.

6 **MR. ENGELMANN:** I'm just looking at page 6
7 of your notes and I'm assuming this is what Staff Sergeant
8 Brunet would have -- would have communicated to you or
9 words to this effect:

10 "Constable Dunlop was advised that he
11 was out-of-line in taking matters into
12 his own hands and agreed to prevent his
13 wife from further involvement."

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

15 **MR. ENGELMANN:** All right. So this is
16 something that would have been communicated to you by Staff
17 Sergeant Brunet?

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

19 **MR. ENGELMANN:** All right.

20 **MR. DEROCHIE:** He went on to explain, sir,
21 that Perry had expressed concerns with regards to the
22 situation to him and had suggested, you know, that
23 something should be done and Staff Sergeant Brunet agreed
24 that he -- agreed with him and said he would try to -- he
25 would try to do something.

1 **MR. ENGELMANN:** I was just -- I was just
2 going to ask you that, sir, I note in the -- no, it's fine.

3 **MR. DEROCHIE:** Okay.

4 **MR. ENGELMANN:** In the paragraph above, it
5 says:

6 "Staff Sergeant Brunet called Constable
7 Dunlop into his office that same day
8 and informed him of what had occurred.
9 Constable Dunlop advised he had real
10 concerns over the fact that the
11 suspects were getting away with their
12 crimes and that they represented a
13 threat to children in the community."

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** So -- so this is Staff
16 Sergeant Brunet reporting to you what Constable Dunlop
17 tells him?

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

19 **MR. ENGELMANN:** All right. And, again,
20 Staff Sergeant Brunet would have indicated to you how he
21 wanted -- how he -- well, the fact that he had spoken to
22 Constable Dunlop about the fact that there should be some
23 follow-up ---

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** --- about Constable Dunlop's

1 concerns?

2 **MR. DEROCHIE:** That's correct, yes.

3 **MR. ENGELMANN:** All right. And, for
4 example, and again at page 7 of your notes, the fact that
5 he promised Constable Dunlop that he would speak to the
6 deputy chief and the chief about pursuing the matter of
7 Father MacDonald with the bishop ---

8 **MR. DEROCHIE:** That's right.

9 **MR. ENGELMANN:** --- et cetera?

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

11 **MR. ENGELMANN:** All right. So these were
12 all things that Brunet told you he had discussed with
13 Constable Dunlop?

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

15 **MR. ENGELMANN:** And at this point-in-time,
16 did Staff Sergeant Brunet also talk to you about his
17 knowledge of Constable Dunlop turning the statement, the
18 statement being the Silmsler statement, over to the CAS?

19 **MR. DEROCHIE:** No, I don't believe it had
20 occurred at this point. Well, he -- at -- on the day that
21 he's reporting to me, obviously, the statement was turned
22 over to CAS, that's correct, but at the time he had called
23 Dunlop into the office, a statement had not been turned
24 over.

25 **MR. ENGELMANN:** Right. Right, on the 29th of

1 September?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: And I'm just -- I'm just
4 looking at your notes. It indicates -- and I'm assuming
5 this is what Staff Sergeant Brunet told you -- that he was
6 advised by the chief with the deputy chief present on
7 October 1st, '93, that CAS had a copy of Silmsers
8 statement?

9 MR. DEROCHIE: Quite correct, yes.

10 MR. ENGELMANN: All right. And that he'd
11 been informed that Constable Dunlop had, in fact, turned it
12 over?

13 MR. DEROCHIE: That's right. We knew at
14 that time, yes.

15 MR. ENGELMANN: And then during the course
16 of that conversation, Staff Sergeant Brunet also would have
17 indicated to you what the chief and/or deputy chief had
18 asked him to do?

19 MR. DEROCHIE: That's right.

20 MR. ENGELMANN: And we see that at the
21 bottom of page 7 of your notes?

22 MR. DEROCHIE: Correct.

23 MR. ENGELMANN: Where he advised you that
24 the chief had instructed him to contact Mr. Sean Adams?

25 MR. DEROCHIE: Yes.

1 **MR. ENGELMANN:** And have the victim --
2 victim, I presume being David Silmsler, give us directions
3 regarding Ken Seguin?

4 **MR. DEROCHIE:** Correct on all counts, yes.

5 **MR. ENGELMANN:** And just -- I think this
6 clears up perhaps something that we were talking about
7 yesterday, at the top of page 8:

8 "...to file reports on OMPPAC under
9 'Projects' for this investigation."

10 So this is Staff Sergeant Brunet telling you
11 that the chief's instructing him on October 1st to have some
12 reports entered under "Projects" in OMPPAC?

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

14 **MR. ENGELMANN:** And those would have been,
15 for example, those two reports we would have looked at
16 yesterday?

17 **MR. DEROCHIE:** That's right.

18 **MR. ENGELMANN:** All right. And, as well, at
19 this time on October 12th, he's relating to you that the
20 chief had asked him to accompany him to Ottawa?

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

22 **MR. ENGELMANN:** And that was to meet with
23 the Pope's representative there about this matter?

24 **MR. DEROCHIE:** That's correct.

25 **MR. ENGELMANN:** All right. And, apparently,

1 Staff Sergeant Brunet also indicated to you that the chief
2 would have told him that there was going to be some kind of
3 an internal investigation into Constable Dunlop's actions?

4 MR. DEROCHIE: That's correct.

5 MR. ENGELMANN: And it indicates in your
6 notes at page 8 that you requested a statement from Staff
7 Sergeant Brunet. Do you see that?

8 MR. DEROCHIE: That's correct, yes.

9 MR. ENGELMANN: Can you -- can you tell us
10 whether or not you, in fact, did get some form of a
11 statement from him?

12 MR. DEROCHIE: I don't recall getting one.

13 MR. ENGELMANN: Yes, I just -- I don't
14 remember seeing it ---

15 MR. DEROCHIE: No.

16 MR. ENGELMANN: --- sir, and ---

17 MR. DEROCHIE: I don't recall getting one.

18 MR. ENGELMANN: All right. He may have
19 given a statement in a later investigation of this matter?

20 MR. DEROCHIE: I -- yes, or I may have got
21 back to him and said there's no rush for this; I want to --
22 -

23 THE COMMISSIONER: You're talking about Mr.
24 Abell?

25 MR. DEROCHIE: No.

1 **MR. ENGELMANN:** No, I'm talking about Staff
2 Sergeant Brunet.

3 **THE COMMISSIONER:** Yes, I'm sorry. I'm
4 sorry.

5 **MR. ENGELMANN:** And it indicates in the
6 notes that Staff Sergeant Derochie had requested a
7 statement from Staff Sergeant Brunet ---

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** --- and I was just wondering
10 if he ever got that and, sir, you agree that you did
11 request it?

12 **MR. DEROCHIE:** I did request it. Yes, I
13 did.

14 **MR. ENGELMANN:** But you're not sure why it
15 is you never got it?

16 **MR. DEROCHIE:** No, I know that I can tell
17 you that at this time, I had not dedicated myself totally
18 to this project and that was an agreement I had with the
19 chief and the deputy. I had those primary duties,
20 responsibilities to my uniformed team, and I would -- I
21 would deal with it in greater detail when I was dedicating
22 myself full-time to it.

23 **MR. ENGELMANN:** And just to be perfectly
24 clear, on October 12th, your only mandate was to investigate
25 Constable Dunlop for potential or possible *Police Service*

1 Act charges?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: You had not been assigned to
4 reinvestigate or to review the force's handling of the
5 Silmsler matter?

6 MR. DEROCHIE: Very true.

7 MR. ENGELMANN: All right. Now, was this
8 really where -- if I can call it this -- your internal
9 investigation starts about Constable Dunlop's actions? It
10 starts with your meeting with Luc Brunet to gather
11 background facts?

12 MR. DEROCHIE: Just get some background
13 facts, yes.

14 MR. ENGELMANN: Yes, so at this point-in-
15 time you have these 13 documents we looked at ---

16 MR. DEROCHIE: M'hm.

17 MR. ENGELMANN: --- and you have that
18 initial interview with Luc Brunet to flesh out that facts?

19 MR. DEROCHIE: That's it, yes.

20 MR. ENGELMANN: And that's really where you
21 start the internal on Constable Dunlop?

22 MR. DEROCHIE: That's correct.

23 MR. ENGELMANN: All right. Now, I
24 understand, sir, that you speak to a number of other
25 individuals about this, but that the next person that you

1 speak with is Heidi Sebalj. Do I have that right?

2 MR. DEROCHIE: Which date would that have
3 been?

4 MR. ENGELMANN: Well, sir, at page 8 of your
5 notes, right after you say, "I've requested a statement
6 from Staff Sergeant Brunet"?

7 MR. DEROCHIE: Yes, you're quite right.

8 MR. ENGELMANN: You say, "Later, I spoke
9 briefly with Constable Sebalj". Now, I'm assuming that's
10 the same day, October 12th?

11 MR. DEROCHIE: I -- I believe it is, yes.

12 MR. ENGELMANN: Because I'm -- I'm looking
13 at page 9 and ---

14 MR. DEROCHIE: Yes.

15 MR. ENGELMANN: --- you have October 12th
16 written at the top?

17 MR. DEROCHIE: Yes, that's correct.

18 MR. ENGELMANN: All right. So she would
19 have been the next person you would have interviewed in
20 this internal investigation?

21 MR. DEROCHIE: That's right.

22 MR. ENGELMANN: All right. Can you tell us
23 -- it's a brief meeting, as I understand it?

24 MR. DEROCHIE: It is.

25 MR. ENGELMANN: Can you just sort of

1 summarize for us what she would have told you?

2 **MR. DEROCHIE:** She pretty much confirmed
3 what -- the story that Luc Brunet told me. The -- it was
4 the same account of how the statement had gotten from her
5 to Constable Dunlop and subsequently, we assume, to CAS.

6 **MR. ENGELMANN:** Did she give you some
7 indication as to whether or not she thought Constable
8 Dunlop was making a copy of that statement at the time when
9 she would have turned it over to him?

10 **MR. DEROCHIE:** She suspected that. She
11 suspected at that point that when he took away, it was for
12 more than reading material.

13 **MR. ENGELMANN:** As I understand it, she
14 didn't -- well, as it seems to be related to you and I'm
15 looking at page 9 of your notes -- that she didn't really
16 think anything more of it until the meeting with Mr.
17 Silmser on the 29th of September?

18 **MR. DEROCHIE:** That's correct. She didn't
19 think -- she didn't think it was -- she didn't think
20 anything more his interest in the case than just that. It
21 didn't -- hadn't occurred to her that he would do anything
22 else but read it and return it to her.

23 It's a small force. She would have known
24 Perry, she would have known Perry's relationship probably
25 with St. Andrew's Parish, you know, the fact that Father

1 Charlie had married Perry, so she, you know, I would assume
2 ---

3 MR. ENGELMANN: She might have been at the
4 wedding?

5 MR. DEROCHIE: She may well have been at the
6 wedding.

7 MR. ENGELMANN: Yeah. Were you at the
8 Dunlops' wedding, sir?

9 MR. DEROCHIE: No, I wasn't.

10 MR. ENGELMANN: Okay. We've heard some
11 people that were in and I just ---

12 MR. DEROCHIE: Yes, some of the -- some of
13 the members were, yes.

14 MR. ENGELMANN: You reference at the middle
15 of that page, the meeting that Constable Sebalj relates to
16 you about her meeting with David Silmsers on the 29th of
17 September?

18 MR. DEROCHIE: Yes.

19 MR. ENGELMANN: Do you recall, sir, how that
20 meeting was set up? Because all it says in your notes is:

21 "...when Silmsers came into headquarters
22 and mentioned receiving a telephone
23 call from Mrs. Dunlop."

24 Would she have indicated to you anything
25 about that meeting or how it was set up, at this time?

1 **MR. DEROCHIE:** I don't recall that she did.
2 I may have known but -- I have may have known; I was
3 writing these notes and just didn't include it.

4 **MR. ENGELMANN:** All right. Were you aware,
5 sir, if that was the meeting where he would have signed a
6 note in the notebook? We looked at it yesterday ---

7 **MR. DEROCHIE:** Yes.

8 **MR. ENGELMANN:** --- as item 13 in your
9 package?

10 **MR. DEROCHIE:** Yes, yes, that's my
11 understanding of what it would have been.

12 **MR. ENGELMANN:** And you make a note, sir,
13 that:

14 "Constable Sebalj gave me the
15 impression that she felt betrayed by
16 Constable Dunlop's actions."

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** And why did you have that
19 impression?

20 **MR. DEROCHIE:** Well, I think she gave him --
21 she gave him that statement and regardless of what I think
22 of that -- that action, she gave him that statement with --
23 you know, for an innocent purpose, thinking that he just
24 wanted to read it for his own information and that he had
25 obviously some other intent in -- in coming to get it.

1 That's certainly the impression I got.

2 MR. ENGELMANN: All right. Do you -- do you
3 know how it was, sir, that Mr. Dunlop would have even known
4 to ask for that statement from Constable Sebalj?

5 MR. DEROCHIE: It's my understanding that he
6 heard conversations between Sergeant Lefebvre and Sergeant
7 Lortie with relation to the investigation and the fact that
8 the investigation had come to an end.

9 I don't know that he was in -- he was aware
10 of the investigation prior to that.

11 MR. ENGELMANN: All right. And you would
12 have heard that from either Sergeants Lortie or Lefebvre or
13 perhaps from Mr. Dunlop himself?

14 MR. DEROCHIE: I'm sorry, I -- I don't
15 recall how ---

16 MR. ENGELMANN: That's fine.

17 MR. DEROCHIE: --- I came into that
18 information.

19 MR. ENGELMANN: That's fine. This is a long
20 time ago ---

21 MR. DEROCHIE: Yeah.

22 MR. ENGELMANN: --- so that's why when I
23 can, I'm referring you to your notes ---

24 MR. DEROCHIE: Yes, yes.

25 MR. ENGELMANN: --- that were made close to

1 the time.

2 **MR. DEROCHIE:** Thank you for that, yeah.

3 **MR. ENGELMANN:** Yeah.

4 On the next page of your notes, it -- you
5 say that:

6 "She also expressed concerns for her
7 vulnerability in this whole matter."

8 Just thinking back, can you get a sense -- I
9 mean, why she felt vulnerable?

10 **MR. DEROCHIE:** Well, she must have -- she
11 must have realized that maybe she ought not to have so
12 casually let somebody read that statement. That was my
13 impression.

14 **MR. ENGELMANN:** And just after that, you
15 indicate that you -- you told her that your concern was
16 with what Constable Dunlop did with the statement, not with
17 what she did with the statement. Is that fair?

18 **MR. DEROCHIE:** That's fair.

19 **MR. ENGELMANN:** All right. And that was to
20 perhaps make her feel a bit more comfortable?

21 **MR. DEROCHIE:** Yeah, she was visibly shaken
22 by this whole experience, you know. She was concerned.

23 **MR. ENGELMANN:** And, sir, I understand that,
24 at least from your note, that in the course of that
25 meeting, you actually ordered her to give you a statement

1 about what happened?

2 MR. DEROCHIE: I did.

3 MR. ENGELMANN: Can you explain to us why
4 you would have given her an order to do that?

5 MR. DEROCHIE: I just wanted to make it
6 easier for her to give me the details, to officially inform
7 me of what was going on, and if I ordered her to do it, you
8 know, then she wouldn't -- she would maybe feel more
9 comfortable about doing that. Whether that makes sense or
10 not, I don't know.

11 MR. ENGELMANN: All right. But you indicate
12 that you sensed that she was reluctant to get her colleague
13 into trouble?

14 MR. DEROCHIE: Yeah, yeah; understandably.
15 She didn't want to rat out Constable Dunlop, as it were.

16 MR. ENGELMANN: And she knew you were doing
17 an internal investigation into his actions?

18 MR. DEROCHIE: Oh yes, at this point she
19 would have known that.

20 MR. ENGELMANN: Yeah.

21 MR. DEROCHIE: Which could result in a
22 formal Police Act charge, which could result in her being
23 called to give testimony.

24 MR. ENGELMANN: Right. And did you, at that
25 time, give her some advice about perhaps talking to her

1 association, her union?

2 **MR. DEROCHIE:** Yes, that's correct, I did.
3 I told her if she was uncomfortable, she should talk to an
4 association rep.

5 **MR. ENGELMANN:** Now, did you get a sense at
6 all, sir, at that time, that she was uncomfortable about
7 the possibility of her work being reviewed in any way?

8 **MR. DEROCHIE:** No, I never got that, other
9 than her actions in -- in disclosing the statement.

10 **MR. ENGELMANN:** All right. Now, did you end
11 up getting a statement from Constable Sebalj?

12 **MR. DEROCHIE:** No, I never -- I never
13 followed up. I never got to the formal Police Act
14 investigation.

15 **MR. ENGELMANN:** Is that why, sir, in
16 hindsight that you might not have followed to get those
17 statements from both Staff Sergeant Brunet and Constable
18 Sebalj?

19 **MR. DEROCHIE:** Yes, it's my -- it's my
20 recollection that very quickly into my review of this whole
21 matter, I thought that Perry Dunlop's role in this was
22 outside of the -- his wife becoming actively involved in
23 it. It's something that we -- we should be understanding
24 about and that we would treat as a less serious matter than
25 we had originally, you know, viewed it.

1 **MR. ENGELMANN:** All right. And we'll get to
2 some of your thoughts as they develop on that in your
3 notes, just on that issue.

4 **MR. DEROCHIE:** Yes, okay.

5 **MR. ENGELMANN:** All right. Because I think
6 you're right, in a few days into this you make the decision
7 that this should not be a *Police Service Act* charge?

8 **MR. DEROCHIE:** Right.

9 **MR. ENGELMANN:** Sir, I understand the next
10 person you speak to this -- or about the fact that you're
11 doing this internal investigation is actually Perry Dunlop
12 himself?

13 **MR. DEROCHIE:** Yes, that's correct.

14 **MR. ENGELMANN:** And can you tell us the
15 circumstances around your initial discussion with Mr.
16 Dunlop? I understand it was that very same day,
17 October 12th?

18 **MR. DEROCHIE:** It was that very same day,
19 October the 12th. We had a habit of -- we work twelve-hour
20 shifts and we get off both shifts approximately seven
21 o'clock in the evening and it was our habit back then to
22 have periodic shift team meetings, as it were. We would
23 discuss business relative to the whole idea of what was
24 going on with our team with, you know, what we wanted to
25 work on, and subsequent to that, we would have a little

1 social gathering.

2 MR. ENGELMANN: All right. Can you just
3 give us a sense as to how many people were on your team?
4 This is the "D Team", I think it's been called?

5 MR. DEROCHIE: Yes, I would -- I would
6 expect that there would be approximately 12 ---

7 MR. ENGELMANN: All right.

8 MR. DEROCHIE: --- 13 people.

9 MR. ENGELMANN: And Mr. -- Constable Dunlop
10 was, as he then was, was one of those team members?

11 MR. DEROCHIE: He was one of those team
12 members, yes.

13 MR. ENGELMANN: And -- when you say "12",
14 that's 12 on that shift?

15 MR. DEROCHIE: Twelve (12) on that
16 particular team or shift, yes.

17 MR. ENGELMANN: All right. And so you have
18 sort of a debriefing at the end of the shift?

19 MR. DEROCHIE: Not on all shifts but -- but
20 maybe once a month we'll have a team meeting where we want
21 to discuss problems that we're having that we may want to
22 send up the chain of command or ---

23 MR. ENGELMANN: All right.

24 MR. DEROCHIE: --- you know, equipment
25 needs, things of that nature.

1 **MR. ENGELMANN:** And that just happened to be
2 that evening?

3 **MR. DEROCHIE:** It happened to be that that
4 was scheduled. I had had one scheduled for the 12th of
5 October.

6 **MR. ENGELMANN:** All right. So give us a
7 sense as to when you spoke to Constable Dunlop and whether
8 you spoke to him more than once, in context to the meeting?

9 **MR. DEROCHIE:** Okay.

10 **MR. ENGELMANN:** And whether it was private
11 or public?

12 **MR. DEROCHIE:** Yeah. The first contact I
13 had with him was prior to the meeting starting. I took him
14 aside and I just advised him that I had been passed with
15 doing a review, possibly a Police Act investigation of his
16 involvement in turning over the statement of David Silmser
17 to the Children's Aid Society.

18 **MR. ENGELMANN:** Okay. Yeah, your note
19 indicates that you told him that you had been assigned ---

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** --- to do a Police Act
22 investigation?

23 **MR. DEROCHIE:** Yes.

24 **MR. ENGELMANN:** All right. So he would have
25 been apprised of that?

1 **MR. DEROCHIE:** He would have been apprised
2 of that.

3 **MR. ENGELMANN:** Do you recall how he reacted
4 when you first told him?

5 **MR. DEROCHIE:** Yes, he was -- he was
6 devastated by that information and so much so that I
7 commented further that, you know, Perry, from what I see
8 now, you have no need to worry about this.

9 **MR. ENGELMANN:** All right. Did you do that
10 then or was that later on that same day ---

11 **MR. DEROCHIE:** Well, I think it was in very
12 close proximity, unless -- in time, I'm -- I'm referring to
13 now. It would have been prior to the start of the meeting.

14 I might have, you know, turned my attention
15 to someone else or something else and then subsequently
16 gone back to him, but it would have been in that -- before
17 the meeting started.

18 **MR. ENGELMANN:** And when you say
19 "devastated", can you -- can you recall his actual ---

20 **MR. DEROCHIE:** Yeah, he was actually --
21 looked disappointed and said, "I -- geez, I didn't think
22 you'd be doing it," you know and ---

23 **MR. ENGELMANN:** In other words, you as in
24 you investigating or you as in the force?

25 **MR. DEROCHIE:** Me personally. He didn't

1 think that his supervisor would be tasked with this and I,
2 you know, I sort of said, "Well who's better to do it,
3 Perry?"

4 **MR. ENGELMANN:** All right. I note in your
5 notes, sir, you say:

6 "Because I had knowledge of the fact
7 that he had a major Police Act
8 conviction on his file, I went out of
9 my way to assure him that I was not
10 headhunting."

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** All right. So he had had a
13 *Police Service Act* charge some years before?

14 **MR. DEROCHIE:** Some years before, yes.

15 **MR. ENGELMANN:** All right, and you were
16 aware of that?

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** And would that have -- if
19 you had proceeded with *Police Service Act* charges for this
20 issue and he had been found guilty of something under the
21 *Police Services Act* might that have had a serious
22 consequence on his career?

23 **MR. DEROCHIE:** It might well have had a very
24 serious consequence on his career.

25 **MR. ENGELMANN:** All right.

1 And you -- so that's why you went back to
2 him, sir?

3 **MR. DEROCHIE:** That's right, yes.

4 I went back to him and told him "Listen,
5 it's -- you know, that's no need to worry about this." I
6 attributed his previous problem with the fact that he was
7 inexperienced and just made a bad decision and I didn't
8 want him to think that this would result in severe
9 consequences to him.

10 As I saw it then, you know. I had no
11 problem with him.

12 **MR. ENGELMANN:** All right.

13 So I just -- and I'm looking at page 11 of
14 Exhibit 1293, where this is set out. You say:

15 "He took the news that an investigation
16 had been started very hard. His
17 reaction was such that I returned and
18 spoke to him further on it."

19 Do you see that?

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** Is that when you say you
22 were trying to reassure him a bit?

23 **MR. DEROCHIE:** That's correct.

24 **MR. ENGELMANN:** All right.

25 **MR. DEROCHIE:** I fully anticipated that he

1 would have, by that time, realized that there was going to
2 be some consequence to his action. He had gone ---

3 **MR. ENGELMANN:** Why is that, sir?

4 **MR. DEROCHIE:** Well he had gone against the
5 instructions of Staff Sergeant Brunet.

6 **MR. ENGELMANN:** Okay. And how had he gone
7 against those instructions?

8 **MR. DEROCHIE:** Well, Staff Sergeant Brunet
9 had instructed him at that previous meeting, that first
10 meeting that he had with him ---

11 **MR. ENGELMANN:** That would have been
12 September 29th?

13 **MR. DEROCHIE:** Twenty-ninth (29th).

14 **MR. ENGELMANN:** Yes.

15 **MR. DEROCHIE:** That he should return all
16 documents that he has in his possession with regards to
17 this investigation.

18 **MR. ENGELMANN:** Right.

19 **MR. DEROCHIE:** And clearly he had not done
20 that; he had gone out, in fact, and done the opposite.

21 **MR. ENGELMANN:** I'm sorry; he had?

22 **MR. DEROCHIE:** He had gone out and done the
23 opposite.

24 **MR. ENGELMANN:** Oh, by turning the statement
25 over to the CAS?

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

2 **MR. ENGELMANN:** After that meeting?

3 **MR. DEROCHIE:** After that meeting.

4 **MR. ENGELMANN:** All right. And I believe
5 your thoughts at the time were that he must have known that
6 that would become known by the Force?

7 **MR. DEROCHIE:** Exactly. Exactly. I had to
8 assume that he had turned it over to CAS with the hopes
9 that some action would be taken and that would eventually
10 become known to the Service.

11 **MR. ENGELMANN:** Now, apparently after your
12 discussion with him he left?

13 **MR. DEROCHIE:** When I called the meeting to
14 order that evening I didn't notice him leaving. When I
15 called the meeting to order I noticed that he was not
16 present.

17 **MR. ENGELMANN:** And as a result of that did
18 you have any discussions with others about your internal
19 investigation later that same day?

20 **MR. DEROCHIE:** Yes, I -- at the end of the
21 meeting and giving regard to how he had taken the
22 information from me, I approached two members of my team
23 who happened to also be association executive members.

24 **MR. ENGELMANN:** All right, so these were
25 executive members of the police union?

1 **MR. DEROCHIE:** Of the police union.

2 **MR. ENGELMANN:** And who were they?

3 **MR. DEROCHIE:** They were Constable Mike
4 Quinn, with whom he had a personal relationship;
5 a good friendship with Mike Quinn and Dan O'Reilly,
6 Constable Daniel O'Reilly.

7 **THE COMMISSIONER:** Sir, and where did this
8 meeting take place?

9 **MR. DEROCHIE:** At that time, Mr.
10 Commissioner, we had a -- the Police Association had a
11 police club.

12 **THE COMMISSIONER:** Right.

13 **MR. DEROCHIE:** It was a social club and it
14 was located down in this area actually, just on the banks
15 of the St. Lawrence River.

16 **THE COMMISSIONER:** Right, so were there --
17 is there -- was there alcohol served there?

18 **MR. DEROCHIE:** Not during the -- oh yes,
19 there was alcohol served there. We had a meeting room away
20 from the bar. We'd have our meeting and then have a couple
21 of drinks.

22 **THE COMMISSIONER:** So during those meetings
23 there's no alcohol?

24 **MR. DEROCHIE:** No alcohol during the
25 meeting.

1 **THE COMMISSIONER:** Nobody could bring in
2 alcohol?

3 **MR. DEROCHIE:** No.

4 **THE COMMISSIONER:** Okay.

5 **MR. ENGELMANN:** So you'd have your formal
6 meeting and then there was a social ---

7 **MR. DEROCHIE:** Then we'd break -- sure, have
8 a beer ---

9 **MR. ENGELMANN:** --- after?

10 **MR. DEROCHIE:** --- and then, yes, be on our
11 way.

12 **MR. ENGELMANN:** All right. And he wasn't
13 there for the meeting or for the social afterwards?

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

15 **MR. ENGELMANN:** Because after you had spoken
16 to him a couple of times he left, apparently?

17 **MR. DEROCHIE:** Yes, he left.

18 **MR. ENGELMANN:** All right.

19 So -- and you mentioned that Mike Quinn had
20 a relationship with Constable Dunlop?

21 **MR. DEROCHIE:** I knew that Mike Quinn and he
22 were close; that they hunted together and that they had a -
23 - they went out socially.

24 **MR. ENGELMANN:** And what if -- oh, so you
25 meet with them together or separately, do you recall?

1 **MR. DEROCHIE:** Together.

2 **MR. ENGELMANN:** Together. And what do you
3 tell him?

4 **MR. DEROCHIE:** I tell him exactly what I
5 told Perry and I say, listen and I got to tell you --
6 normally when I'm doing a Police Act investigation I would
7 leave it up to the subject officer to advise the union.

8 But because of the way he had reacted I
9 wanted to make sure they did a follow-up with him. So I
10 told them exactly what I was doing and what my tendencies -
11 - you know, what I felt about the consequences that he
12 would face.

13 **MR. ENGELMANN:** All right. And what was
14 that?

15 **MR. DEROCHIE:** That he would be -- you know,
16 that he would be counselled or he would cautioned but it
17 wouldn't result in severe punishment.

18 **MR. ENGELMANN:** All right. I note in your -
19 - you have a brief note of that on page 12. You indicate
20 that:

21 "The nature of the inquiry that I was
22 conducting and asked them to speak to
23 Dunlop and assure him that I did not
24 believe that his job was in danger."

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

1 **MR. ENGELMANN:** All right. And would that
2 be in summary form, what you would have expressed to them?

3 **MR. DEROCHIE:** Yes. Yes.

4 **MR. ENGELMANN:** And did you expect that
5 would be communicated to Mr. Dunlop?

6 **MR. DEROCHIE:** I did.

7 **MR. ENGELMANN:** And why?

8 **MR. DEROCHIE:** Well I thought I had a good
9 relationship with these two people. I thought that they
10 would see the -- the concern that I had for Constable
11 Dunlop's emotional state at that time; that they should
12 reassure him and I'm reassuring them, so I would be held
13 accountable for what I'm telling them. And that should
14 further reassure Constable Dunlop.

15 **MR. ENGELMANN:** All right. And when you
16 described this to them, what if any familiarity, did they
17 appear to have with the issues that you were involved with?

18 **MR. DEROCHIE:** They were aware of it. They
19 had knowledge. They gave me the impression that they had
20 knowledge for some period of time. I don't know if it's
21 weeks or days but they had knowledge of it.

22 **MR. ENGELMANN:** All right and we're talking
23 about a meeting on October 12th.

24 **MR. DEROCHIE:** October 12th.

25 **MR. ENGELMANN:** And we know that Constable

1 Dunlop, at least, becomes aware of this statement in late
2 September, the last week of September.

3 MR. DEROCHIE: M'hm.

4 MR. ENGELMANN: And you've talked about the
5 meeting that Staff Sergeant Brunet had with him on the 29th.

6 MR. DEROCHIE: Yes.

7 MR. ENGELMANN: Did it -- when you say they
8 had known about it for some time did you get the sense
9 they'd known about it even before then or just since late
10 September or are you able to help us there?

11 MR. DEROCHIE: I couldn't comment beyond
12 they knew about it, probably before I did.

13 MR. ENGELMANN: All right. Yes, well you
14 didn't find out until October 7th?

15 MR. DEROCHIE: October 7th.

16 MR. ENGELMANN: All right. And in your
17 notes you express some surprise about that.

18 MR. DEROCHIE: Yeah, I'm surprised why don't
19 I know about this, you know. Why do they know and I don't.

20 MR. ENGELMANN: And O'Reilly had told you
21 though that Constable Sebalj had come to him?

22 MR. DEROCHIE: Yes, that was as a result of
23 my conversation with her about if you feel uncomfortable
24 then you should talk to an association rep.

25 MR. ENGELMANN: And Constable Quinn, I think

1 you indicate, said to you, he was very familiar with it?

2 **MR. DEROCHIE:** Well I don't ---

3 **MR. ENGELMANN:** I'm at page 13 of your note.

4 **MR. DEROCHIE:** Yeah, I certainly had that
5 impression, that he was more familiar with it than I was --
6 very familiar with it.

7 **MR. ENGELMANN:** Because your note says:

8 "I got the very distinct impression
9 he'd been dealing with Dunlop on this
10 issue for some considerable time."

11 **MR. DEROCHIE:** Yeah.

12 **MR. ENGELMANN:** "This added to my confusion
13 with regards to the way Dunlop had
14 reacted to being informed about the
15 investigation."

16 Why is that, why would that have added to
17 your confusion?

18 **MR. DEROCHIE:** Well it anticipates, I would
19 think, if he's talking to members of the association he's
20 anticipating some sort of consequence to what he had done
21 or was about to do.

22 **MR. ENGELMANN:** All right.

23 **MR. DEROCHIE:** Given when they had found out
24 about it.

25 **MR. ENGELMANN:** And therefore it shouldn't

1 be a surprise to him that someone would end up
2 investigating?

3 **MR. DEROCHIE:** That somebody would come to
4 him; I would think that he would be thankful it was me or
5 maybe I hoped that he would be thankful it was me.

6 **MR. ENGELMANN:** And I note you say that you
7 spoke to them for some time and again that you found that
8 they had more knowledge about this case than you did?

9 **MR. DEROCHIE:** Yeah, they had already made
10 some assumptions.

11 **MR. ENGELMANN:** All right. But I mean at
12 this point in time you had these 13 documents, you'd had
13 your meeting with Brunet.

14 **MR. DEROCHIE:** Yeah.

15 **MR. ENGELMANN:** These other guys seem to
16 have more information than you do. Did you ask them how or
17 why?

18 **MR. DEROCHIE:** No, I didn't. I don't think
19 I -- I don't think I grilled them on it, I just ---

20 **MR. ENGELMANN:** All right, you were just
21 curious about it?

22 **MR. DEROCHIE:** I was curious, yeah.

23 **MR. ENGELMANN:** Fair enough.

24 Now I want to ask you a little bit, sir,
25 about something that you have in square brackets on page 12

1 of your notes.

2 And this is -- I'm just going to read it:

3 "I had, by this time..."

4 And this time would have been October 12th.

5 "...received bits and pieces of
6 information which led me to believe
7 that there were -- that there were far
8 larger issues at stake here than that
9 involving Constable Dunlop. I was
10 beginning to form the opinion that
11 although wrong, Dunlop might be able to
12 justify his actions, ie., the case had
13 been mishandled and he was acting in
14 good faith...for the good of the
15 community."

16 I guess the first thing I want to ask you,
17 that's all in square brackets. Was there something to that
18 when you use square brackets in your notes?

19 **MR. DEROCHIE:** Well, it, you know, it
20 indicates I'm thinking out loud maybe and maybe it's a good
21 time to explain these notes because they are rather
22 unconventional of what I would normally keep with regards
23 to my police duties.

24 These notes I didn't have very much
25 discipline in taking them as far as restricting myself to

1 what I knew to be true, what I knew to be the facts which I
2 would normally keep.

3 **MR. ENGELMANN:** Okay, so just on that note,
4 if I can---

5 **THE COMMISSIONER:** Let him finish.

6 **MR. ENGELMANN:** Yes, sorry; go ahead, sir.

7 **THE COMMISSIONER:** You may have lost your
8 thought there.

9 **MR. DEROCHIE:** Yeah, the ---

10 **THE COMMISSIONER:** You're saying that ---

11 **MR. ENGELMANN:** I just wanted to ask you,
12 you said they weren't typical police notes?

13 **MR. DEROCHIE:** That's correct. Typical
14 police notes are what I expect is going to be entered into
15 evidence and I'm very careful, by the way, keeping my
16 police notes as to what the facts are and I don't
17 speculate, I don't put forth theories or opinions. I keep
18 it to what I know of the case and what's going to be
19 admissible. That's at that time.

20 We've since evolved to a more -- not casual
21 but a more detailed, more articulate notes but at this time
22 it would have been just, you know, just the facts; dates,
23 times, names, date of births.

24 **THE COMMISSIONER:** So why did you change?

25 **MR. DEROCHIE:** Well, these I saw this -- I

1 saw these notes as being very informal that I was going to
2 use them at the end of the process to write a report that I
3 would go back and look at my theories and make sure that I
4 had covered them off, things of that nature. I didn't
5 expect that they would ever become evidence in a Police Act
6 hearing and subsequently in this Inquiry. So they're
7 rather undisciplined in that regard.

8 **THE COMMISSIONER:** Did you put those little
9 square marks or brackets at the time or was it later when
10 you were reading them over that you'd ---

11 **MR. DEROCHIE:** No, I would have put them at
12 the time and for what purpose that may escape me now, other
13 than to suggest that it was something that was an opinion,
14 a theory that I wanted to get back to and make sure that I
15 reconsidered that when I made my final report to the Chief.

16 **MR. ENGELMANN:** All right, so if I can just
17 reiterate then, these weren't typical police notes?

18 **MR. DEROCHIE:** No, they were not.

19 **MR. ENGELMANN:** When you wrote them you
20 weren't expecting them to be disclosed in any kind of
21 formal criminal process?

22 **MR. DEROCHIE:** No. I'd use them to do my
23 final report and at that point they would be -- if they
24 were going -- if I was going to go into a Police Act trial,
25 then I would certainly keep more formal notes because they

1 would likely be introduced or could be introduced.

2 **MR. ENGELMANN:** So would it be fair to say
3 then, sir, by early November when you actually made these
4 notes that you had formed the opinion that this was not
5 going to be a formal *Police Service Act* matter.

6 **MR. DEROCHIE:** Everyone had formed that
7 opinion.

8 **MR. ENGELMANN:** Fair enough.

9 **MR. DEROCHIE:** The Deputy Chief and the
10 Chief and myself.

11 **MR. ENGELMANN:** And if it had been a formal
12 *Police Service Act* matter, these notes would then be
13 required for disclosure purposes.

14 **MR. DEROCHIE:** They may well be, yes.

15 **MR. ENGELMANN:** And in fact when there
16 became a *Police Service Act* matter in the following year,
17 these notes were in fact disclosed?

18 **MR. DEROCHIE:** Unfortunately they were, yes.

19 **MR. ENGELMANN:** Yes, okay. But normally you
20 wouldn't put in your thoughts because that would be
21 disclosed to perhaps lawyers that would then cross examine
22 you?

23 **MR. DEROCHIE:** Absolutely.

24 **MR. ENGELMANN:** Or ask you questions about
25 them years later at a public inquiry?

1 MR. DEROCHIE: Exactly.

2 MR. ENGELMANN: All right.

3 MR. DEROCHIE: That I couldn't get a good
4 answer for.

5 MR. ENGELMANN: All right. But I want to
6 ask you about those thoughts ---

7 MR. DEROCHIE: Yes.

8 MR. ENGELMANN: --- if I can.

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: Because these are thoughts
11 you're musing, if I can use that term ---

12 MR. DEROCHIE: Good term.

13 MR. ENGELMANN: --- for thinking out loud on
14 October 12th and you say there are far larger issues at
15 stake than that involving Constable Dunlop.

16 Can you think back to what you were musing
17 about at the time?

18 MR. DEROCHIE: Yes, when I met with O'Quinn
19 (sic) and O'Reilly, they had put forward their theory about
20 what was going on. As I mentioned, Mr. Commissioner, they
21 were aware of the details or some of the details at least
22 and they suggested to me that, you know, this could be a
23 case where, you know, you're going to use the constable as
24 a scapegoat when you should be looking elsewhere in this
25 whole matter to see if there was other people who may have

1 dropped the ball.

2 MR. ENGELMANN: All right. And you say at
3 least then, and I know you were just investigating Dunlop,
4 but at that point the case had been mishandled and he was
5 acting in good faith; that were your thoughts then?

6 MR. DEROCHIE: My thoughts were the theory
7 was that -- my theory was at that time that may well have
8 happened. Subsequently they didn't remain my thoughts but
9 at that point in time this is what I'm thinking.

10 MR. ENGELMANN: All right, and why were you
11 thinking that at that point in time?

12 MR. DEROCHIE: Well, based on my
13 conversations with the -- with O'Reilly and Quinn, based on
14 my conversation with Luc Brunet, and just my own opinion on
15 how the case appeared to me at a quick glance, you know.

16 MR. ENGELMANN: All right, well you knew for
17 example that the OMPPAC material had been very recently
18 entered ---

19 MR. DEROCHIE: Yes.

20 MR. ENGELMANN: --- after the investigation
21 had been closed. Was that part of your concern, sir?

22 MR. DEROCHIE: Yes.

23 MR. ENGELMANN: All right. And were there
24 other concerns that you had about it with respect to
25 perhaps the level of experience of the officer or the

1 supervision, or anything of that nature at that time?

2 MR. DEROCHIE: Well it was certainly stuff I
3 was going to consider. I hadn't formed an opinion. Well -
4 --

5 MR. ENGELMANN: Well you had at least a
6 little bit of an opinion?

7 MR. DEROCHIE: I had a thought that I should
8 look at this, yes. It may have been mismanaged. There may
9 have been, you know, that type of thing.

10 MR. ENGELMANN: Okay.

11 MR. DEROCHIE: I haven't made a
12 determination yet by a long shot.

13 MR. ENGELMANN: Well, your thinking out loud
14 says that the case had been mishandled?

15 MR. DEROCHIE: Yes, that's the theory.

16 MR. ENGELMANN: Right?

17 MR. DEROCHIE: The case had been mishandled.

18 MR. ENGELMANN: All right, and when you say
19 he was acting in good faith, do you recall what you were
20 thinking about there? And just to -- you also said, "for
21 the good of the community."

22 MR. DEROCHIE: Yes, I had to consider that
23 Perry Dunlop did this for no reason other than his
24 conscience required him to do this.

25 MR. ENGELMANN: And that was your thought

1 then?

2 **MR. DEROCHIE:** That was my theory then, yes.

3 **MR. ENGELMANN:** Is that still your theory,
4 sir?

5 **MR. DEROCHIE:** Yes, it is.

6 **MR. ENGELMANN:** About that initial ---

7 **MR. DEROCHIE:** Yes, it is.

8 **MR. ENGELMANN:** All right. So that's his
9 initial bringing it up and speaking to the Children's Aid
10 Society?

11 **MR. DEROCHIE:** I never found any evidence
12 that he did anything other than what he felt he was
13 required to by his conscience to do.

14 **MR. ENGELMANN:** All right.

15 **MR. DEROCHIE:** I wish he would have done it
16 a different way, but ---

17 **MR. ENGELMANN:** Fair enough. And that way
18 would have been?

19 **MR. DEROCHIE:** He could have come to me. He
20 knew -- he knew me. I thought we had a good relationship.
21 He knew I had the ear of the Chief of Police. I could have
22 intervened. He could have simply reported it to the CAS.
23 He could have just went to, using the same process he did
24 and said I have this information. CAS would have been
25 seized with it because it is a requirement to report, not

1 to provide documentation of that.

2 MR. ENGELMANN: He did report to them before
3 he gave them the documentation?

4 MR. DEROCHIE: That's correct, he did.

5 MR. ENGELMANN: And he was asked to give
6 them the documentation after he had reported it?

7 MR. DEROCHIE: My understanding is Mr.
8 Abell, Mr. -- well, Mr. Abell told me that he asked for the
9 statement and Perry turned it over.

10 MR. ENGELMANN: Right, but your first
11 approach or your preferred approach would have been for him
12 to come to you as his supervisor?

13 MR. DEROCHIE: Well, come to me or go
14 directly to Richard Abell if he felt more comfortable with
15 him and said listen this is what I have, this is -- I'm
16 nervous about this or concerned about this, I'd like you to
17 do something about this. You're CAS, you're the Director
18 of CAS, do something about this.

19 MR. ENGELMANN: Is there really much --
20 maybe there is but if he goes and reports to Richard Abell
21 and tells him everything, the actual giving him the
22 statement as well?

23 MR. DEROCHIE: Well you know, that statement
24 is a confidential document that's given by a victim of a
25 crime to the police department and they expect that we're

1 going to keep that information confidential and it's for
2 court purposes only. It not -- it's for any other person,
3 purpose. I can't recall us ever giving a copy of a
4 statement to CAS. We may ask them, they may ask to see it,
5 we'll show it to them and they can make notes but I didn't
6 feel comfortable and that was my position at the time that
7 he ought to have provided that physical copy of the
8 statement to CAS. CAS had ways of getting all the
9 information they wanted from us.

10 **MR. ENGELMANN:** I guess my point is -- and
11 maybe we're splitting hairs -- if he feels he has a duty to
12 report ---

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

14 **MR. ENGELMANN:** --- to the CAS and he says
15 it all orally, or he says it orally and he gives the
16 statement, you think it's ---

17 **MR. DEROCHIE:** I think there's a real big
18 difference there, Mr. Engelmann.

19 **MR. ENGELMANN:** The giving of the statement
20 as well?

21 **MR. DEROCHIE:** The actual giving of the
22 physical statement.

23 **MR. ENGELMANN:** All right.

24 **MR. DEROCHIE:** That's my opinion.

25 **MR. ENGELMANN:** Fair enough, and that's what

1 I asked.

2 MR. DEROCHIE: Okay.

3 MR. ENGELMANN: All right, so you meet with
4 the association executives, you've spoken briefly to Mr.
5 Dunlop and at page 14 of your note you're writing -- you
6 give them the impression about what might happen as a
7 result. What the consequence might be ---

8 MR. DEROCHIE: Yes.

9 MR. ENGELMANN: --- to Mr. Dunlop?

10 MR. DEROCHIE: Yes. Yes. I'm committing
11 myself to him by -- in fact, you know, when I make those
12 kind of comments that's going to come back to haunt me if I
13 stray from that.

14 MR. ENGELMANN: All right. So you're giving
15 them a sense that what he did was wrong but it's tempered
16 by ---

17 MR. DEROCHIE: But we understand, yes.

18 MR. ENGELMANN: --- certain facts.

19 MR. DEROCHIE: Yes.

20 MR. ENGELMANN: And I think you say that you
21 had a bit of an argument with them about whether it was
22 wrong or not.

23 MR. DEROCHIE: Yes, they didn't share my
24 opinion.

25 MR. ENGELMANN: And they were concerned that

1 he might be a scapegoat?

2 MR. DEROCHIE: Exactly.

3 MR. ENGELMANN: And you tried to assure them
4 that that was not the case?

5 MR. DEROCHIE: I -- in fairness I -- in
6 honesty I was sort of offended by that.

7 MR. ENGELMANN: All right. And why were you
8 offended by that?

9 MR. DEROCHIE: Because I wouldn't be part of
10 anything like that, you know. And they should know that.

11 MR. ENGELMANN: All right.

12 MR. DEROCHIE: That's my position.

13 MR. ENGELMANN: And these were individuals
14 that you had known for some time?

15 MR. DEROCHIE: For some time, yes. They
16 knew me.

17 MR. ENGELMANN: And you had supervised them
18 for some time?

19 MR. DEROCHIE: I had.

20 MR. ENGELMANN: Now, sir, I understand the
21 next thing you do in this -- what starts out as a *Police*
22 *Service Act* investigation of Constable Dunlop, the next
23 thing that you note doing, in any event, is meeting with
24 Richard Abell.

25 MR. DEROCHIE: Yes.

1 **MR. ENGELMANN:** And my understanding is that
2 meeting takes place a couple of days later, on October 14th?

3 **MR. DEROCHIE:** That's correct.

4 **MR. ENGELMANN:** And again, this is something
5 that, at least in these notes, you write about on or about
6 November 3rd?

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

8 **MR. ENGELMANN:** So, can you recall how that
9 meeting with Mr. Abell was set up?

10 **MR. DEROCHIE:** I believe I called him and
11 asked for a meeting and he obliged me.

12 **MR. ENGELMANN:** All right. And why was it
13 important for you to meet with him, in the context of what
14 you were doing?

15 **MR. DEROCHIE:** I wanted to get a sense of
16 his take on this whole matter.

17 **MR. ENGELMANN:** And did you want to get a
18 sense as to how it was they ended up with your statement?

19 **MR. DEROCHIE:** Yes.

20 **MR. ENGELMANN:** The facts surrounding that?

21 **MR. DEROCHIE:** And the mechanism by which he
22 used to get that information. I wanted to try to get a
23 feel for that.

24 **MR. ENGELMANN:** All right.

25 And you have a few pages of notes of that

1 meeting with Mr. Abell?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: All right. And to your
4 knowledge, do they reflect your now memory of what took
5 place?

6 MR. DEROCHIE: They do.

7 MR. ENGELMANN: All right. And can you just
8 give us a sense, you met with him at his office?

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: Do you recall -- do you
11 recall his demeanour and your ---

12 MR. DEROCHIE: He was very -- very
13 hospitable. He was -- he was very willing to answer,
14 cooperate fully with me. He didn't hesitate to answer any
15 of my questions; other than that one question that stuck in
16 my craw for a bit.

17 MR. ENGELMANN: All right.

18 MR. DEROCHIE: But other than that, it was a
19 very frank open meeting.

20 MR. ENGELMANN: All right, so let's then go
21 through it.

22 Would you have indicated to him at the
23 beginning of the meeting what you were doing?

24 MR. DEROCHIE: Yes.

25 MR. ENGELMANN: What did you tell him?

1 **MR. DEROCHIE:** I told him I was doing a
2 review of an investigation. I don't know if I would have
3 detailed it or if I indicated that I detailed it any
4 greater than that but I was looking into this whole matter
5 of how he came to have this statement and Perry Dunlop's
6 role in him having this statement.

7 **MR. ENGELMANN:** And did you ask him whether
8 they were friends or is that just something he volunteered?

9 **MR. DEROCHIE:** No, he volunteered -- he
10 volunteered that right off the bat.

11 **MR. ENGELMANN:** And he told you how he and
12 his wife knew the Dunlops?

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** All right. And did he
15 indicate to you when he first became aware of the Silmsers
16 statement and the circumstances?

17 **MR. DEROCHIE:** Yes, he did.

18 **MR. ENGELMANN:** And what did he suggest?

19 **MR. DEROCHIE:** He said that they had -- they
20 were at a social gathering; Perry Dunlop would play, would
21 entertain; he's a very gifted musician. He played at the
22 local pubs in his own time and there was, on one of those
23 occasions, that they had gone to listen to him play and you
24 know, to socialize with him.

25 And it was in the parking lot of Quinn's Inn

1 in St. Andrew's that Perry had approached him originally --
2 initially rather, with his concerns.

3 **MR. ENGELMANN:** All right. And apparently -
4 - and I'm looking at page 16 of your notes. It says:

5 "He said that Dunlop was struggling
6 with the problem and was unsure what he
7 was going to do with it."

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** That -- that would have been
10 Mr. Abell's comments to you about that first meeting he had
11 with Dunlop?

12 **MR. DEROCHIE:** Mr. Abell's impression of
13 what -- how Perry was struggling with this -- with this
14 information that he had and these concerns that he had.

15 **MR. ENGELMANN:** All right. So there was
16 some kind of oral report by Dunlop to Abell; that's how
17 it's communicated to you?

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** It takes place after --
20 after a social event in a parking lot at a local
21 restaurant/bar?

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** And does he then tell you
24 how things develop from then?

25 **MR. DEROCHIE:** Yes, he goes on to explain

1 that subsequently he gets to read -- he went over to the
2 Dunlops' residence and actually read the statement and
3 subsequent to that, went back and asked for a copy of the
4 statement.

5 **MR. ENGELMANN:** All right.

6 So there were two meetings between them
7 before Mr. Dunlop actually gave him a copy?

8 **MR. DEROCHIE:** Two that I'm aware of.

9 **MR. ENGELMANN:** Right. He may have reviewed
10 it with him beforehand but it was only that third meeting,
11 apparently when he actually handed it over to Mr. Abell?

12 **MR. DEROCHIE:** That's correct.

13 **MR. ENGELMANN:** And it's your understanding
14 that it was at Mr. Abell's request?

15 **MR. DEROCHIE:** Yes.

16 **MR. ENGELMANN:** And I'm looking at the
17 bottom of page 16 of your notes, you say:

18 "Abell had confirmed with Dunlop
19 earlier that he, Dunlop, was aware of
20 the possible consequences of going
21 outside of channels."

22 **MR. DEROCHIE:** That's correct. He told me
23 that they had a -- excuse me, that they had a conversation
24 with regards to Perry, do you realize what the -- you know,
25 there could be consequences to this.

1 **MR. ENGELMANN:** All right. So again, this
2 would have been before October 12th, when you mentioned to
3 Constable Dunlop that you're doing this investigation?

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** So again, it would seem to
6 be that, at least as communicated to you, he recognized
7 there might be some consequences?

8 **MR. DEROCHIE:** Yes. Perry is an intelligent
9 man, he would have -- he would have recognized this.

10 **MR. ENGELMANN:** And in fact, Mr. Abell is
11 saying to you right after that Dunlop's reply was to the
12 effect that he felt strongly enough about the principles
13 involved to put his job at risk?

14 **MR. DEROCHIE:** That's what I was told, yes.

15 **MR. ENGELMANN:** And did Mr. Abell indicate
16 to you that his agency was starting a formal investigation
17 into the Silmsler matter?

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

19 **MR. ENGELMANN:** And did he give you a sense
20 about what they had done so far?

21 **MR. DEROCHIE:** Yes. Yes, he had reviewed
22 the statement with Mr. Townsdale, I believe -- I believe he
23 was his assistant; he would have been second in command at
24 CAS.

25 **MR. ENGELMANN:** All right. And, sir, did he

1 indicate to you anything about what they were doing, either
2 with respect to Father Charles MacDonald or Mr. Ken Seguin?

3 **MR. DEROCHIE:** Yes, he told me that they
4 were going to -- they were going to do an investigation on
5 Charlie MacDonald and that they were going to consult or he
6 was going to consult with his Ministry with regards to Ken
7 Seguin.

8 **MR. ENGELMANN:** Did you know what that was
9 about, sir? Did he explain that to you?

10 **MR. DEROCHIE:** No, not beyond that. I got
11 the impression that there was some sort of -- he felt that
12 there was some sort of connection between his Ministry and
13 Corrections and I quite frankly didn't -- no, I wasn't
14 aware of what that would have been.

15 I didn't -- I didn't push that issue at all
16 with him.

17 **MR. ENGELMANN:** All right. Did he -- did he
18 indicate to you whether or not he had spoken to Chief
19 Shaver?

20 **MR. DEROCHIE:** Yes, he told me that he had
21 spoken to Chief Shaver and he told me that when he did
22 finally get the statement that he had attempted to contact
23 Chief Shaver right away to make him aware that he had a
24 copy of the statement.

25 And subsequently, he spoke and met with

1 Chief Shaver.

2 **MR. ENGELMANN:** Now, I note at the bottom of
3 page 17, you say in your note:

4 "I asked Mr. Abell for his thoughts and
5 how our Service had handled the
6 investigation and if he felt that the
7 CAS should have been notified
8 officially by the service concerning
9 the particulars of the incident in
10 question. I asked him to be candid."

11 So -- at this point in time, you're just --
12 your mandate is supposed to be looking at Dunlop, not yet
13 looking at the broader investigation, so I'm wondering why
14 it is you would have put that question to Mr. Abell.

15 **MR. DEROCHIE:** Well, part of my review for
16 the chief would have been to -- to comment on why -- why
17 this had happened, how -- how did -- why was there a need
18 for this -- this -- for Perry to take the action he did and
19 quite frankly, I was a little bit confused as to why Mr.
20 Abell had elected to go this route given that they had both
21 acknowledged, both Perry and -- and Mr. Abell had
22 acknowledged that there was some inherent risk with -- to
23 Perry for doing it this way. So I couldn't understand -- I
24 should explain that I thought our relationship with CAS was
25 a strong one; that -- that we, you know, we had good

1 cooperation, that there was -- we worked well together; as
2 well as agencies can work together.

3 **MR. ENGELMANN:** Had you had any dealings
4 directly with Mr. Abell before this?

5 **MR. DEROCHIE:** No, I didn't. I -- I knew
6 him only by reputation; he had a very good reputation. I'd
7 never heard anything that would -- that would change or
8 influence my mind otherwise so, you know, I was looking for
9 an answer from him as to why he -- he had gone the route he
10 had gone.

11 **MR. ENGELMANN:** Asking Constable Dunlop to
12 turn over that statement?

13 **MR. DEROCHIE:** Why not just come to us and
14 say, I've got information, I've heard information, I have a
15 report that this happened; I want a review of the case or
16 can we review the case together.

17 **MR. ENGELMANN:** Presumably, he would have
18 asked for the statement at that point though.

19 **MR. DEROCHIE:** He would have -- he would
20 have asked to see it, perhaps.

21 **MR. ENGELMANN:** Okay. Now ---

22 **MR. DEROCHIE:** With freedom of information,
23 there's not a -- there's not an open flow of documents; we
24 have -- we can share information, but a lot of times, I
25 know, my dealings with CAS is that I'm free to go in there

1 and review of their files, but if I want to take something
2 away, they would ask that I get a warrant and, you know ---

3 MR. ENGELMANN: All right.

4 MR. DEROCHIE: --- there's -- there's
5 confidentiality involved; there's procedures to follow.

6 MR. ENGELMANN: But surely when you're
7 investigating whether children are in danger, there's a
8 free flow of the information.

9 MR. DEROCHIE: If we're -- yes, oh
10 absolutely, yes.

11 MR. ENGELMANN: All right.

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: And you note in your notes,
14 he responded that he had serious concerns over the handling
15 of this investigation.

16 MR. DEROCHIE: Yes.

17 MR. ENGELMANN: Did he tell you what those
18 were?

19 MR. DEROCHIE: No, I didn't. We didn't get
20 into the details of what -- what those concerns were. This
21 was just an introductory meeting with him and ---

22 MR. ENGELMANN: All right.

23 MR. DEROCHIE: --- but I certainly made note
24 of that fact.

25 MR. ENGELMANN: You had a subsequent meeting

1 with him in November.

2 MR. DEROCHIE: That's right.

3 MR. ENGELMANN: All right. And you say he
4 also said that he was disappointed that CAS had not been
5 briefed:

6 "They are, the pointed out, the lead
7 agency tasked with overseeing the
8 interests of children in our
9 community."

10 MR. DEROCHIE: Yes, that's what he -- that's
11 what he indicated to me.

12 MR. ENGELMANN: All right. So by that, he
13 was at least suggesting to you that they should have been
14 involved in the Silmsler investigation sometime earlier.

15 MR. DEROCHIE: That's right and that -- that
16 caught me a little off guard.

17 MR. ENGELMANN: Why did it catch you off
18 guard?

19 MR. DEROCHIE: Well, it was my understanding
20 that a CAS mandate would -- we'd have to identify a child
21 at risk now in the community as opposed to a child that
22 would have been at risk 20 years ago, you know, as an
23 historical thing. Was there evidence -- was there evidence
24 that a -- as a -- of a child being at risk in the
25 community; our understanding was they weren't -- they

1 weren't mandate to investigate sexual -- or historical
2 sexual -- or allegations of historical sexual assault.

3 **MR. ENGELMANN:** Well, did he mention to you
4 at that meeting, his concern about suspects whether they're
5 historical or not ---

6 **MR. DEROCHIE:** No, he didn't ---

7 **MR. ENGELMANN:** Just ---

8 **MR. DEROCHIE:** Sorry, yes.

9 **MR. ENGELMANN:** --- being caregivers, in
10 other words, having access to children?

11 **MR. DEROCHIE:** Yes, but my understanding was
12 it was familial situations as opposed to outside of the
13 family unit, as it were, situation and I -- I didn't pursue
14 that because it -- it -- it caused me to pause and think of
15 my understanding of the whole duty to report with CAS may
16 be wrong and I wanted, you know, I wasn't going to argue
17 openly with him there or discuss openly because I didn't
18 know. He caused me enough confusion that I wanted to go
19 back and evaluate my understanding of our duty to report.

20 **MR. ENGELMANN:** All right, but again, just
21 so we understand my question, the question really is, did
22 he indicate to you, rightly or wrongly, that his concern
23 for being -- being notified earlier was that the suspects
24 might be in a situation where they had access to children
25 and there may be children as risk?

1 **MR. DEROCHIE:** If he didn't say that
2 specifically, certainly I got the impression that that's
3 what he was talking about.

4 **MR. ENGELMANN:** All right. And this -- you
5 mentioned it earlier, something sticking in your craw, I
6 think is what you said; is that what we're seeing at the
7 bottom of page 18 of your notes?

8 "I asked him why he had not come to the
9 service in his official capacity rather
10 than obtaining a statement from
11 Dunlop."

12 And then again, we have this, perhaps, thinking out loud;
13 there's square brackets:

14 "He could have raised the question
15 based on information received and
16 hopefully gain the cooperation
17 required, if not he still had Dunlop as
18 a trump card."

19 **MR. DEROCHIE:** Yes, obviously; that's what I
20 was trying to understand.

21 **MR. ENGELMANN:** And did you feel you had an
22 answer to that?

23 **MR. DEROCHIE:** No, I didn't get an answer to
24 that.

25 **MR. ENGELMANN:** And, in fact, at the top of

1 page 19, in part of your note, you say:

2 "He was not the least bit defensive,
3 said it was a fair question, but could
4 not answer why he had not."

5 MR. DEROCHIE: That's right.

6 MR. ENGELMANN: Now, you note, as well, that
7 you did not ask -- you didn't ask Mr. Abell for a statement
8 at that time.

9 MR. DEROCHIE: No, I did not.

10 MR. ENGELMANN: You thought he had been
11 cooperative.

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: In fact, fully cooperative.

14 MR. DEROCHIE: Yes.

15 MR. ENGELMANN: And he agreed that he would
16 meet with you again if needed.

17 MR. DEROCHIE: Yes.

18 MR. ENGELMANN: All right. And you make an
19 observation at the bottom of page 19 about Mr. Abell.

20 MR. DEROCHIE: That's correct, yes.

21 MR. ENGELMANN: Where you say you:

22 "...found him to be a very concerned
23 professional in matters relating to
24 children's issues. He left no doubt
25 but that children's interests take

1 priority over all other matters and
2 that he felt duty bound to take
3 whatever action was needed to achieve
4 his ends."

5 **MR. DEROCHIE:** That's right.

6 **MR. ENGELMANN:** All right. Then those were
7 your thoughts after this meeting?

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** Do you recall how long that
10 meeting was approximately or do you have any ---

11 **MR. DEROCHIE:** I think probably a half an
12 hour.

13 **MR. ENGELMANN:** All right. Now, at the
14 middle of page 20, you say:

15 "After speaking with Mr. Abell and
16 listening to his concerns, I returned
17 to the office to consult with the
18 Deputy Chief. I had some serious
19 concerns about this whole issue. I saw
20 the apparent mismanagement of the
21 investigation overshadowing Dunlop's
22 involvement. I wanted to touch base
23 with him; make sure he was aware of all
24 the issues."

25 When you say, "I wanted to touch base with

1 him; make sure he was aware of all the issues" are you
2 referring to the Deputy Chief?

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** All right. And when you
5 say, "I saw the apparent mismanagement" is that the same
6 issue that you were talking about from a couple of days
7 earlier or had Abell said something else to you that ---

8 **MR. DEROCHIE:** No, Abell ---

9 **MR. ENGELMANN:** --- concerned you?

10 **MR. DEROCHIE:** --- Abell never -- never
11 added to that -- the information that I had that would --
12 that resulted in my reaching this -- this conclusion or
13 this theory.

14 **MR. ENGELMANN:** During the course of your
15 meeting with Abell and the first meeting with him, did he
16 tell you that the Chief had actually told him that the
17 force hadn't handled this matter well?

18 **MR. DEROCHIE:** Yes, I believe that's --
19 that's what he told me, yes. And I believe that's what the
20 -- subsequently, the Chief told me himself.

21 **MR. ENGELMANN:** All right. I'll just be a
22 moment, sir.

23 **MR. DEROCHIE:** Certainly.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. ENGELMANN:** I'm wondering if the witness

1 could be shown Document Number 711991; it's an excerpt of
2 notes of Mr. Abell of the meeting on October 14th.

3 **THE COMMISSIONER:** Thank you.

4 Exhibit Number 1299 are notes of Mr. -- is
5 it Richard Abell? Yes, dated -- the first day on top is
6 October 14th, 1993.

7 **--- EXHIBIT NO./PIÈCE NO. P-1299:**

8 (711991) Handwritten notes of Richard Abell,
9 October 14, 1993

10 **MR. ENGELMANN:** Staff Sergeant Derochie, you
11 would have seen these notes, although somewhat recently.
12 Is that fair?

13 **MR. DEROCHIE:** Yes, I've seen these notes
14 recently, yes.

15 **MR. ENGELMANN:** Yes. And it's my
16 understanding that these are notes that Mr. Abell would
17 have taken within about -- well, within the 24 hours of
18 your meeting with him?

19 **MR. DEROCHIE:** Yes.

20 **MR. ENGELMANN:** All right. And they're
21 dated October 14th. We can suggest, just from the timing,
22 that you're about right with the half-hour?

23 **MR. DEROCHIE:** Yeah.

24 **MR. ENGELMANN:** And I just -- I just wanted
25 to ask you a couple of questions from these notes and

1 whether or not you recall this being a part of your
2 discussion.

3 He notes in the third paragraph:

4 "He says what I'm saying concerns him.
5 He's been feeling the police
6 investigation was poorly done. I've
7 confirmed that. I tell him of chief's
8 remark, 'We screwed up'."

9 So do you recall if he actually indicated to
10 you that the chief told him, "We screwed up" on this?

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** Words to that effect?

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** All right. And already you
15 appear to be telling him as well -- and I just don't know
16 if you remember this ---

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

18 **MR. ENGELMANN:** --- that you can't see
19 grounds for a Police Act charge?

20 **MR. DEROCHIE:** Yes, I do remember that.

21 **MR. ENGELMANN:** All right. Would there have
22 been a reason you would have been saying that to Abell in
23 that first meeting?

24 **MR. DEROCHIE:** Yeah, I think I had already
25 committed to that position and, you know, I was -- I was

1 willing to give Perry Dunlop the benefit of the doubt very
2 early in the game that he was acting in good faith in
3 making this disclosure to CAS.

4 **MR. ENGELMANN:** And you knew right from the
5 get-go at the meeting that Abell had told he was a good
6 friend, or a friend of Dunlop's?

7 **MR. DEROCHIE:** Yes. Yes, that didn't
8 compromise Mr. Abell's position in any way in my mind.

9 **MR. ENGELMANN:** No, fair enough, but I'm
10 wondering, sir, if you thought that your comment that "You
11 can't see police service charge acts", if you expected that
12 that might get ---

13 **MR. DEROCHIE:** Oh, yes.

14 **MR. ENGELMANN:** --- back to Mr. Dunlop that
15 way as well?

16 **MR. DEROCHIE:** Yes, I understand what you're
17 saying.

18 Yes, I thought that maybe this would be an
19 additional way of reassuring Perry that, you know, there's
20 no need for you to fear for your job or your security.

21 **MR. ENGELMANN:** And he says that, at least
22 indicates that you say to him, "An officer's highest duty
23 is safety of the community"?

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** Do you recall if you might

1 have said words to that effect?

2 **MR. DEROCHIE:** I would have said something
3 like -- may well have said something to that effect, yes.

4 **MR. ENGELMANN:** Because he's got in
5 brackets, "(Before department policy and/or procedure)"?

6 **MR. DEROCHIE:** I don't -- I don't know if we
7 specifically spoke of that.

8 **MR. ENGELMANN:** All right.

9 **MR. DEROCHIE:** That would have been the --
10 that would have been the theme of the conversation.

11 **MR. ENGELMANN:** So -- I mean, it's in a
12 paragraph that says:

13 "Says he can't see grounds for Police
14 Act charge; misconduct if anything.
15 Says an officer's highest duty is to
16 safety of the community (before
17 department policy or procedure)."

18 That's the context?

19 **MR. DEROCHIE:** That's the context of it,
20 yes.

21 **MR. ENGELMANN:** All right. You don't
22 disagree with his restatement of what might have been said?

23 **MR. DEROCHIE:** No, that's his recording of
24 the conversation, I have no problems with that.

25 **MR. ENGELMANN:** Now, he says in his notes,

1 and I just wanted to ask you about this because it isn't in
2 your notes, he says:

3 "Our Crown declared a conflict of
4 interest initially then gave the
5 position that the police couldn't
6 proceed. He questions that."

7 And this is Abell writing, I think, about
8 something you say to him, that:

9 "Our Crown declared a conflict of
10 interest initially, then gave the
11 position that the police couldn't
12 proceed. He, [presumably you, Garry
13 Derochie] questions that."

14 Do you recall speaking to Richard Abell
15 about the local Crown, Murray MacDonald?

16 **MR. DEROCHIE:** Yes.

17 **MR. ENGELMANN:** And do you know why you
18 would have done that, sir, at that time?

19 **MR. DEROCHIE:** I believe it just came up in
20 the conversation with regards to the history of the -- of
21 the case.

22 I don't -- I don't have the same
23 recollection of the context or the linking the two events.
24 I didn't -- I may have had some difficulties with the
25 conflict and not understanding that, but it seems to link

1 it with -- you know, he declared a conflict and then gave
2 information and then gave advice which appears to suggest
3 some sort of -- that was improper.

4 I don't -- I don't recall that tone, no, but
5 it -- you know, we were talking about a number of issues.

6 **MR. ENGELMANN:** Well, sir, would you agree
7 if you have a conflict, you have a conflict?

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** And that if you have a
10 conflict you shouldn't be giving advice about proceeding or
11 not proceeding?

12 **MR. DEROCHIE:** I might appreciate that now,
13 I don't know if I did at that time.

14 **MR. ENGELMANN:** Okay. Because the note
15 seems to suggest you ---

16 **MR. DEROCHIE:** Yeah.

17 **MR. ENGELMANN:** --- might have appreciated
18 it at that time?

19 **MR. DEROCHIE:** Well, you know, if it was
20 something that I thought was -- was of interest or strange
21 to me, I think I would have had a note of it. I would have
22 made some note of it myself and there's no question that we
23 may well have discussed that but I don't -- I don't recall
24 it being specifically significant.

25 **MR. ENGELMANN:** All right. Because he notes

1 it and you don't and I just -- you recall bringing up
2 Murray MacDonald?

3 **MR. DEROCHIE:** Yes, I'm almost positive that
4 we did.

5 **MR. ENGELMANN:** All right. So you're not
6 suggesting that his note is incorrect?

7 **MR. DEROCHIE:** It's not incorrect, no. When
8 you make notes you make notes from your perspective, you
9 know.

10 **MR. ENGELMANN:** Right.

11 **MR. DEROCHIE:** We both made notes and we
12 don't cover all the same issues.

13 I have things that are important to me; he
14 has things that are important to him.

15 **MR. ENGELMANN:** No, fair enough. And he may
16 have tied something together that you don't believe you did
17 tie together?

18 **MR. DEROCHIE:** That's possible, yes.

19 **MR. ENGELMANN:** All right. Now, there was
20 just another note here that isn't in your notes that I
21 wanted to bring to your attention.

22 It's on the second page of Mr. Abell's
23 notes, the first paragraph. Again, he's relating what
24 you're telling him. He says:

25 "Says something should be done to

1 investigate allegation against Ken
2 Seguin. Repeats chief's comment that
3 there have been 'stories' about Seguin
4 for some time."

5 All right, so what Mr. Abell is saying in
6 his notes and I believe he will say here when he's called
7 as a witness, that you tell him something should be done to
8 investigate allegation against Ken Seguin and that you
9 repeat something very similar to what the chief tells him,
10 that there have been "stories" about Seguin for some time.

11 Now, I realize this isn't in your notes but
12 he's saying this is what you said to him. Do you recall
13 talking to him about that?

14 **MR. DEROCHIE:** We certainly talked about Mr.
15 Seguin in our meeting. I don't recall -- I don't recall
16 that particular subject. I didn't make a note of it,
17 you're quite right.

18 Did I know at that time about the comments
19 of the chief? He may have told me that as well, the chief,
20 I don't recall exactly when I became aware of that
21 information.

22 **MR. ENGELMANN:** Just in fairness, I think
23 what he's referring to there is, the chief has said that --
24 -

25 **MR. DEROCHIE:** And I confirmed it.

1 **MR. ENGELMANN:** And now he's hearing from
2 you as well?

3 **MR. DEROCHIE:** Yeah. Yeah, and I understand
4 that's what he's saying. I just don't recall that part of
5 the conversation.

6 **MR. ENGELMANN:** You're not saying it didn't
7 happen?

8 **MR. DEROCHIE:** I'm not saying it didn't
9 happen.

10 **MR. ENGELMANN:** All right.

11 **THE COMMISSIONER:** But regardless of whether
12 the conversation occurred or not, do you remember at that
13 time whether you had heard stories about Ken Seguin?

14 **MR. DEROCHIE:** I don't know at that time,
15 Mr. Commissioner. I assume that if Mr. Abell says we
16 discussed it and I made some comment of it, that I did. I
17 just don't know how I became aware of that; whether it was
18 through a conversation with Chief Shaver and he told me
19 about it or did Luc Brunet tell me about it; I don't know
20 where that came from. I don't know where my knowledge of
21 that came from.

22 **MR. ENGELMANN:** Well, what were the stories
23 about Mr. Seguin?

24 **MR. DEROCHIE:** I don't recall hearing
25 stories about Mr. Seguin. I recall people telling me that

1 there were stories about -- or there was something about
2 Ken Seguin but I don't recall stories about him, that he
3 did this on this date.

4 The only thing that I can recall is -- and
5 it would have been a vague recollection of some incident
6 that occurred at his home involving probationers attending
7 some sort of a party or something of that nature.

8 And, again, I don't know when I became aware
9 of that. Whether that was as a result of my involvement in
10 this or if I had previous knowledge of that.

11 **MR. ENGELMANN:** But, sir, this is in the
12 context of an allegation by Mr. Silmsen?

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** That he was abused as a
15 young person by both Father Charles MacDonald and Ken
16 Seguin?

17 **MR. DEROCHIE:** Yes, I understand that.

18 **MR. ENGELMANN:** And it's in the context of
19 that conversation, you're saying to -- you're allegedly
20 saying to Mr. Abell the same thing the chief is saying to
21 him, that there have been stories about Seguin for some
22 time?

23 **MR. DEROCHIE:** Yes, that's right.

24 **MR. ENGELMANN:** Weren't the stories that
25 there were allegations about sexual abuse of probationers?

1 **MR. DEROCHIE:** I don't know that there were
2 those stories. I don't know those stories. I knew that
3 there was, you know, talk about this thing that had
4 happened in Glen Walter some years previous. I don't know
5 exactly even when that happened.

6 **MR. ENGELMANN:** But that's not a story about
7 abuse of probationers on his part?

8 **MR. DEROCHIE:** Well, I don't know what those
9 stories were other than there was sort of -- it was one of
10 those statements that are made and just left hanging there
11 without details and that's not unusual, those types of
12 things. What were young probationers doing at his home,
13 leave that hanging there? Fill in the blanks. I don't
14 honestly recall what I knew about Mr. Seguin?

15 **MR. ENGELMANN:** All right. You don't recall
16 that the stories may have been about is involvement with
17 teenage probationers?

18 **MR. DEROCHIE:** No. I knew that he had made
19 an allegation in the statement. Mr. Silmsers made an
20 allegation in the statement which was very, very vague. It
21 just didn't say anything that I -- something to the effect
22 that I was also abused by Ken Seguin. That's what I knew
23 of that.

24 **MR. ENGELMANN:** With respect to David
25 Silmsers, yes?

1 **MR. DEROCHIE:** With regards to David
2 Silmsner.

3 **MR. ENGELMANN:** All right, but not about
4 others, you just have no recollection?

5 **MR. DEROCHIE:** I have no recollection of
6 that.

7 **THE COMMISSIONER:** Take the time for a
8 break, Mr. Engelmann, whenever you're ---

9 **MR. ENGELMANN:** It'll just be a moment.

10 **THE COMMISSIONER:** Sure.

11 **MR. ENGELMANN:** Sir, at the end of Mr.
12 Abell's notes, he says that you tell him that you would be
13 available if he wanted further information. Do you see
14 that?

15 **MR. DEROCHIE:** Yes.

16 **MR. ENGELMANN:** The last paragraph -- that
17 you'd have serious problems if the word went out to police.
18 I'm not sure, I think this is Mr. Abell saying this to you:

19 "I would have serious problems if the
20 word went out to police officers that
21 they could be charged for making
22 reports to the CAS."

23 **MR. DEROCHIE:** I think you're right in your
24 interpretation, that he expressed that concern to me.

25 **MR. ENGELMANN:** All right. Do you recall if

1 he actually did express that concern to you, sir?

2 MR. DEROCHIE: We discussed that whole issue
3 and we agreed that that's something we did not want to
4 happen.

5 MR. ENGELMANN: You didn't want it to happen
6 either?

7 MR. DEROCHIE: No, no.

8 MR. ENGELMANN: And you wouldn't want that
9 to happen then and you wouldn't want that to happen today?

10 MR. DEROCHIE: Quite right.

11 MR. ENGELMANN: All right.

12 Perhaps then we'll take a break then, sir.

13 THE COMMISSIONER: Thank you. Let's take
14 the morning break.

15 THE REGISTRAR: Order all rise. À l'ordre
16 veuillez vous lever.

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

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

19 L'audience est suspendue à 10h57

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

21 L'audience est reprise à 11h15

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

24 This hearing is now resumed, please be
25 seated. Veuillez vous asseoir.

1 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
2 ENGELMANN: (Continued/Suite)

3 MR. ENGELMANN: Mr. Derochie, I note that
4 after you met with Richard Abell on the 14th of October, you
5 also met with I believe Chief Shaver and Deputy Chief St-
6 Denis?

7 MR. DEROCHIE: That's correct.

8 MR. ENGELMANN: And, sir, just for your
9 reference, at page 20.

10 MR. DEROCHIE: Yes.

11 MR. ENGELMANN: Twenty (20) and 21 of your
12 notes.

13 MR. DEROCHIE: Yes, I'm there, yes.

14 MR. ENGELMANN: Was this the first meeting
15 you'd had with the chief and deputy chief since you'd been
16 tasked with this assignment on October 7th?

17 MR. DEROCHIE: I don't believe so. I
18 believe I had a conversation with them prior to that. I
19 don't know if it was just standing around in the hallway
20 talking about it, but ---

21 MR. ENGELMANN: This is the first one that
22 seems to be of any length. Is that fair?

23 MR. DEROCHIE: Yes, the only one I make
24 notes on up to this point, yes.

25 MR. ENGELMANN: All right. And when you --

1 you say that you had a lengthy conversation that day?

2 **MR. DEROCHIE:** Yes.

3 **MR. ENGELMANN:** And you indicate that they
4 were aware of all of the facts relative to the
5 investigation?

6 **MR. DEROCHIE:** Well, they're aware of the
7 facts that I had become aware of up until that point.

8 **MR. ENGELMANN:** All right. So from that,
9 they would have had access to the 13 or 14 documents
10 presumably?

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** And may or may not have
13 discussed matters with Staff Sergeant Brunet, for example,
14 or others?

15 **MR. DEROCHIE:** Yes.

16 **MR. ENGELMANN:** All right. And they
17 apparently are both, at least at that time, critical of how
18 this matter had been investigated?

19 **MR. DEROCHIE:** Yes, they have concerns about
20 it, yes.

21 **MR. ENGELMANN:** Right, because you note in
22 your note that they acknowledged that the case had fallen
23 between the cracks and that there may have been some
24 mismanagement?

25 **MR. DEROCHIE:** Yes.

1 **MR. ENGELMANN:** And I note your note
2 actually says there had been and it's crossed out?

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** It says "may have"?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** Do you recall, and I'm just
7 -- I know it's a long time ago, but do you recall some of
8 the criticism that either Chief Shaver or Deputy Chief St-
9 Denis would have expressed at that meeting?

10 **MR. DEROCHIE:** I think at that point that
11 the major concern was the length of time the investigation
12 had taken and the -- and possibly, and I don't recall
13 clearly this, but I know there was some discussion about a
14 period when it appeared to be in abeyance or inactive.

15 **MR. ENGELMANN:** Do you recall anything else
16 that might have been expressed?

17 **MR. DEROCHIE:** Well, they were certainly
18 concerned about the fact, the circumstances, under which
19 the investigation had been terminated.

20 **MR. ENGELMANN:** All right. And do you
21 remember anything at all specific about that, the
22 termination of the investigation?

23 **MR. DEROCHIE:** No, other than there was a
24 general -- I don't want to use the word surprise -- but we
25 were taken aback I guess by the termination of the

1 investigation.

2 MR. ENGELMANN: Do you recall what was
3 described to you about that?

4 MR. DEROCHIE: Not specifically, only that
5 it was, you know, it was a different circumstance. I mean,
6 you know, we didn't have that experience.

7 MR. ENGELMANN: In what way, sir?

8 MR. DEROCHIE: Well, the whole idea of the
9 civil settlement.

10 MR. ENGELMANN: All right.

11 MR. DEROCHIE: We didn't really appreciate
12 what a civil settlement was, you know. We're police
13 oriented, *criminal code* oriented, so we had no appreciation
14 of that.

15 THE COMMISSIONER: Okay. So was there ever
16 a time -- like at that point, did you consider that payment
17 of money would be illegal under the *Criminal Code*?

18 MR. DEROCHIE: I don't believe we considered
19 that -- that question at all.

20 MR. ENGELMANN: But you'd agree, sir, that
21 if money was paid to terminate a police investigation, that
22 would be inappropriate. In fact, that would be illegal?

23 MR. DEROCHIE: If -- I'm sorry, if we had
24 knowledge that money was paid to terminate the criminal
25 investigation?

1 **MR. ENGELMANN:** Yes.

2 **MR. DEROCHIE:** I would certainly have some
3 questions I'd want to ask somebody about, if I knew that.

4 **MR. ENGELMANN:** But if there was really no
5 civil suit at all but it was simply a payment of money to
6 avoid a criminal investigation or to end a criminal
7 investigation, that that would not only be improper but
8 illegal?

9 **MR. DEROCHIE:** I would have serious concerns
10 about that. I don't have experience in that area, but I
11 would want to ask somebody, is this proper. That wasn't
12 our knowledge though, Mr. Engelmann, at that time. It
13 certainly wasn't my knowledge.

14 **MR. ENGELMANN:** It wasn't your knowledge?

15 **MR. DEROCHIE:** No.

16 **MR. ENGELMANN:** Yeah. I'm just wondering
17 and perhaps you're not the right person to ask, maybe that
18 it should have been?

19 **MR. DEROCHIE:** I have no knowledge of
20 whether or not -- what information and I don't know ---

21 **MR. ENGELMANN:** Fair enough.

22 **MR. DEROCHIE:** --- I had never gained any
23 knowledge that anybody else in the service knew that.

24 **MR. ENGELMANN:** All right, but the abrupt
25 end or the abrupt termination of the investigation was

1 something that either the chief or deputy chief had some
2 concerns about?

3 **MR. DEROCHIE:** I would say caught us off
4 guard and they had some questions about that.

5 **MR. ENGELMANN:** Now, at this point-in-time,
6 they hadn't asked you to act upon some of their concerns
7 about the investigation?

8 **MR. DEROCHIE:** No.

9 **MR. ENGELMANN:** They indicated to you to
10 stay focussed on the Dunlop ---

11 **MR. DEROCHIE:** On Perry's involvement, yes.

12 **MR. ENGELMANN:** But that did change a bit
13 later?

14 **MR. DEROCHIE:** It did, subsequently, yes.

15 **MR. ENGELMANN:** All right. Because right
16 after you mention the discussion about mismanagement, the
17 note says:

18 "The Chief reminded me to stay
19 focussed on the mandate I had been
20 given."

21 **MR. DEROCHIE:** Yes, it does.

22 **MR. ENGELMANN:** "...Dunlop's actions of
23 discussing this matter with his wife
24 and his subsequently giving CAS a copy
25 of the statement."

1 **MR. DEROCHIE:** Right.

2 **MR. ENGELMANN:** So he wanted you to focus on
3 that, not focus on possible mismanagement or other issues?

4 **MR. DEROCHIE:** That's true.

5 **MR. ENGELMANN:** All right. And it indicates
6 they wanted Dunlop's part in this matter dealt with in a
7 timely fashion and I assume when you say that and if this
8 is, in fact, how you recall it, that they wanted you to do
9 it quickly?

10 **MR. DEROCHIE:** Yes.

11 **MR. ENGELMANN:** And it's indicated right
12 there, in fact, that there would be a second investigation
13 into the actual management of the criminal investigation.

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

15 **MR. ENGELMANN:** All right. But at least at
16 that point in time, they wanted the Dunlop investigation
17 first and then a subsequent investigation thereafter?

18 **MR. DEROCHIE:** Yes.

19 **MR. ENGELMANN:** All right. And I think this
20 is, even though it's not in square brackets, perhaps you
21 were musing that you didn't necessarily agree with their
22 priority?

23 **MR. DEROCHIE:** No. And -- and for the
24 reason of the optics of the -- of the whole situation and I
25 guess I was sensitive to the conversation I had had with

1 Quinn and O'Reilly on the -- on the 12th of October, that
2 they would -- they were suggesting that, well, a constable,
3 the guy at the lower end of the -- the command structure or
4 the food chain, as it were, would be the first to be held
5 accountable for this and it was strictly an optics thing.

6 **MR. ENGELMANN:** In that sense, because if
7 you did the reinvestigation or review of the criminal
8 investigation and there were others who may have not
9 performed as they should have, you would have someone
10 higher up the food chain responsible?

11 **MR. DEROCHIE:** Yes, but -- but be clear, I'd
12 like to be clear that it -- I did not agree with the method
13 that Perry had used to do what he did.

14 **MR. ENGELMANN:** I understand ---

15 **MR. DEROCHIE:** That aside, yes, that could
16 wait. That was a less priority than ---

17 **MR. ENGELMANN:** It was less of a priority to
18 you?

19 **MR. DEROCHIE:** Yeah, to me personally.

20 **MR. ENGELMANN:** And, in fact, at or about
21 this time, you were also concerned about whether or not the
22 criminal investigation that had been undertaken should be
23 reopened?

24 **MR. DEROCHIE:** I thought that should be
25 explored, yes.

1 **MR. ENGELMANN:** Now, did you have any
2 concern at that time about -- I mean, other than the order
3 about how these matters should be dealt with, about dealing
4 with the Dunlop matter too quickly?

5 **MR. DEROCHIE:** Yes, I wasn't aware of all
6 the facts and it had occurred to me that there was a
7 certain -- there were certainly some knowledge within the
8 organization that -- certainly at the association level and
9 I assumed at other levels, about the actions of -- of
10 Constable Dunlop and I wanted to make sure that I
11 understood everything about that before I, you know, came
12 to a final conclusion.

13 As you -- you can see, up until this point,
14 a defence lawyer might -- and that's how I can relate it --
15 might suggest to me that there was a rush to judgment on
16 this thing with regards to a lot of aspects of it.

17 **MR. ENGELMANN:** But that would be if, in
18 fact, you proceeded with *Police Service Act* charges?

19 **MR. DEROCHIE:** That and as well as the rush
20 to judgment with regards to saying that the investigation
21 was mismanaged and improperly done; all of those issues
22 were on the table.

23 **MR. ENGELMANN:** But the investigation had
24 been completed at that point?

25 **MR. DEROCHIE:** Yes.

1 **MR. ENGELMANN:** And ---

2 **MR. DEROCHIE:** But the evaluation -- I'm
3 sorry, the evaluation of the investigation, we were
4 prejudging that.

5 **MR. ENGELMANN:** All right. But was it true,
6 sir, that at or about this time in mid-October there were
7 certainly rumours about -- within the Force that there were
8 others of higher rank that may have been more responsible
9 for mishandling things than Dunlop and that that shouldn't
10 be the way to proceed?

11 **MR. DEROCHIE:** Certainly people had their --
12 their theories, as well, yes.

13 **MR. ENGELMANN:** And you were aware of those
14 theories?

15 **MR. DEROCHIE:** Yes, I was.

16 **MR. ENGELMANN:** So that was perhaps part of
17 your concern about not proceeding too quickly and also the
18 order in which you ---

19 **MR. DEROCHIE:** Exactly, exactly.

20 **MR. ENGELMANN:** All right. Now, you had
21 formed an opinion fairly early that Police Service charges
22 should be not be pursued against Mr. Dunlop?

23 **MR. DEROCHIE:** Yes.

24 **MR. ENGELMANN:** During the course of this
25 meeting with the Chief and Deputy Chief, did they agree

1 with you on that issue?

2 MR. DEROCHIE: Yes, they did.

3 MR. ENGELMANN: Now, that same day, October
4 14th ---

5 MR. DEROCHIE: Yes.

6 MR. ENGELMANN: --- 1993, did you receive a
7 call from the Chief of Police after you had booked off
8 shift?

9 MR. DEROCHIE: Yes, I did. It was in the
10 evening and I was at home and I got a call from Chief
11 Shaver; he was -- he was quite upset. He told me that had
12 had a visit from Helen Dunlop, Perry Dunlop's wife. She
13 had arrived unannounced and -- and was very aggressive with
14 him.

15 MR. ENGELMANN: Okay. Did -- that's sort of
16 a summary of the call?

17 MR. DEROCHIE: It's a summary. She was --
18 she was accusing the Chief of going after Perry's job when
19 she (sic) should be looking -- when he should be looking at
20 the -- the supervisors, as opposed to Perry.

21 MR. ENGELMANN: And, in fact, you made a
22 note of this call, as well, and it's in your -- in Exhibit
23 1293?

24 MR. DEROCHIE: Yes, it is, page 23.

25 MR. ENGELMANN: Page 23, sir?

1 **MR. DEROCHIE:** Yes.

2 **MR. ENGELMANN:** Yeah, okay. And how -- do
3 you have a specific recollection of Chief Shaver calling
4 you that day?

5 **MR. DEROCHIE:** Yes, I do, yes. Yes.

6 **MR. ENGELMANN:** Unusual call?

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

8 **MR. ENGELMANN:** An unusual call?

9 **MR. DEROCHIE:** An unusual call.

10 Well, I would -- I would get calls from --
11 from the Chief when he had something on his mind that he
12 wanted me to attend to right away.

13 I -- it wasn't unusual that I got a call
14 from him; it was unusual that he was calling me about a
15 constable's wife barging or aggressively coming to him and
16 -- in the evening and -- and making these kinds of
17 allegations to him.

18 **MR. ENGELMANN:** How did he appear to you, at
19 that time?

20 **MR. DEROCHIE:** He was -- he was affected by
21 it and he was actually quite confused and wanted an
22 explanation as to why she would think that, because I had
23 ---

24 **MR. ENGELMANN:** By what?

25 **MR. DEROCHIE:** That -- that we were after

1 his job; that the Chief was after Perry's job.

2 And I had assured him that I had made
3 efforts to -- to -- to Perry to understand that that's not
4 the case, "Perry, we're not after your job on this."

5 **MR. ENGELMANN:** So one of the reasons he was
6 calling you was to find out why Mrs. Dunlop would have had
7 that?

8 **MR. DEROCHIE:** Sure, he wanted an
9 explanation from me. "You've told me that you've assured
10 Perry. Why is she at my door?"

11 **MR. ENGELMANN:** So what, in fact, do you
12 recall telling the Chief about efforts you'd made?

13 **MR. DEROCHIE:** I told him exactly what I had
14 done and I told him I was at a loss to explain her -- her
15 actions.

16 **MR. ENGELMANN:** Okay. Did you explain to
17 him that you had spoken to Perry Dunlop yourself?

18 **MR. DEROCHIE:** Explained that I -- I had
19 spoken to Perry, reassured him and I had taken the -- the
20 additional steps of speaking to Mike Quinn and Dan
21 O'Reilly, yes, and the Chief would have been familiar with
22 those people and both of their relationships with Perry.

23 And still I couldn't explain why she had
24 reached the conclusion she had.

25 **MR. ENGELMANN:** All right. And did the

1 Chief mention to you in that call that, again that he
2 wanted this matter wrapped up quickly?

3 **MR. DEROCHIE:** He asked me to report for
4 duty that next day. I was actually scheduled to begin the
5 nightshift on the 15th and says, "Come in on the dayshift;
6 get this done. You know, I want -- I want this issue put
7 to rest..."

8 **MR. ENGELMANN:** All right.

9 **MR. DEROCHIE:** "...this whole idea of what
10 Perry -- the consequences that Perry's going to suffer."

11 **MR. ENGELMANN:** So he asked you to come in
12 early and meet with him and deal with the issue?

13 **MR. DEROCHIE:** That's right.

14 **MR. ENGELMANN:** Now, as a result of getting
15 that call from the Chief, did you take any further action
16 before you came in? And that would have been the following
17 morning.

18 **MR. DEROCHIE:** Yes, I called Dan O'Reilly at
19 his house and ---

20 **MR. ENGELMANN:** When did you do that? Oh,
21 I'm sorry.

22 **MR. DEROCHIE:** I'm sorry.

23 I did that that same night. After I spoke
24 to the Chief, I called Dan O'Reilly.

25 **MR. ENGELMANN:** All right. Can you tell us

1 why you would have called Dan O'Reilly?

2 **MR. DEROCHIE:** I wanted to make sure that --
3 that my views and my opinions had been passed on to Perry
4 as they had agreed to on the 12th.

5 **MR. ENGELMANN:** All right. And what --
6 what did you find out from him?

7 **MR. DEROCHIE:** I was assured by Dan O'Reilly
8 that Mike Quinn had, in fact, passed on my -- my comments
9 to Perry and he was at a loss to explain why Mrs. Dunlop
10 would not -- think that.

11 **MR. ENGELMANN:** And you would have indicated
12 to him what had just been related to you by Chief Shaver?

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** About Mrs. Dunlop appearing
15 at his home?

16 **MR. DEROCHIE:** Quite right, quite right.

17 **MR. ENGELMANN:** Did Mr. O'Reilly suggest to
18 you that he was going to take any action or follow up in
19 any way as a result of your conversation?

20 **MR. DEROCHIE:** I don't believe he did; I
21 don't recall.

22 **MR. ENGELMANN:** And just I'm looking at
23 page 25 of your notes, sir, October 14th:

24 "O'Reilly assured me that Constable
25 Quinn had spoken to Dunlop per my

1 request and that he, O'Reilly, was at a
2 loss to explain the reactions of both
3 Dunlop and his wife. He agree to look
4 into it further and to try and get
5 things under control."

6 **MR. DEROCHIE:** Then I -- I stand corrected
7 then, he obviously said that to me.

8 **MR. ENGELMANN:** All right. So he was -- was
9 -- was it -- is it your recollection then, sir, that some
10 of what you discussed was ensuring that that message was
11 re-communicated?

12 **MR. DEROCHIE:** Yes. Yes.

13 **MR. ENGELMANN:** The message that his job
14 wasn't in danger.

15 **MR. DEROCHIE:** Exactly.

16 **MR. ENGELMANN:** All right. So you've got
17 some notes then of the following day, the 15th of October,
18 you meet with Chief Shaver; do you?

19 **MR. DEROCHIE:** That's right.

20 **MR. ENGELMANN:** And can you give us a sense,
21 that morning, about his demeanour?

22 **MR. DEROCHIE:** Yes, my -- my observations
23 was he was still quite -- quite upset about what had
24 happened the night before and I know that he had spent time
25 giving it consideration because he had a document prepared

1 for me that he wanted to -- wanted me to consider in
2 dealing with the -- with the resolution of Perry's
3 involvement.

4 **MR. ENGELMANN:** So he'd actually written up
5 something.

6 **MR. DEROCHIE:** He had -- he had something
7 prepared, yes. Yes, he did.

8 **MR. ENGELMANN:** And can you give us a sense
9 as to what he had prepared?

10 **MR. DEROCHIE:** It was a -- it was -- as I
11 recall, it was a -- it was a document that suggested a
12 counselling session and how we should deal with Perry and
13 how -- what subjects should be raised with Perry; what
14 points should be made and the -- and the fact that, you
15 know, we were disappointed in how he had done what he had
16 done.

17 **MR. ENGELMANN:** All right. In your notes,
18 you indicate that -- top of page 26:

19 "He developed a strategy which he
20 wanted me to use when it came time to
21 discipline Dunlop; he was to be
22 'formally counselled'..."

23 **MR. DEROCHIE:** Yes.

24 **MR. ENGELMANN:** "...for going outside of
25 channels."

1 **MR. DEROCHIE:** Yes.

2 **MR. ENGELMANN:** And it says, "see item 14"
3 and I believe that there were some handwritten notes from
4 the -- from the Chief.

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** In any event, we have an
7 appendix A; we'll come to later ---

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** --- which I believe sets it
10 out, but as I understand it, what he'd written up was some
11 wording for a counselling report or session.

12 **MR. DEROCHIE:** That's right.

13 **MR. ENGELMANN:** And what is typically meant
14 by that, to be "formally counselled," from your experience,
15 sir?

16 **MR. DEROCHIE:** Well, it's formally
17 informally counselled. It's a -- it's a very low level
18 type of discipline that we would -- we -- it would be a
19 notation to the effect that I had called Perry and -- and
20 spoken to him about this matter.

21 **MR. ENGELMANN:** So just -- just for those of
22 us who aren't familiar with levels of discipline, can you
23 give us a sense as to what a first level of discipline
24 would be within the Cornwall Police Service and then above
25 that?

1 **MR. DEROCHIE:** It would be a talking-to by
2 the supervisor saying, "Listen, I'm not in agreement with
3 the way you did this; in the future, I'd like to see you do
4 it this way." And I might make a note and put it in his
5 evaluation file. We do annual evaluations.

6 **MR. ENGELMANN:** All right. So the
7 difference between an informal and formal counselling
8 session is they're both talking-tos, but the formal one
9 actually finds a notation ---

10 **MR. DEROCHIE:** The ---

11 **MR. ENGELMANN:** --- on the file.

12 **MR. DEROCHIE:** Excuse me, the -- the formal
13 counselling session would find its way onto the -- into the
14 personnel -- or the person's personnel file which would --
15 and that was in accordance with our -- our -- our informal
16 counselling or informal discipline process that we had with
17 the union and in that process, the officer has to agree
18 that that goes into his personnel file. We were talking
19 about -- although we -- we use the term "informal
20 counselling" it was formal in the sense that the
21 counselling session would be recorded verbatim and placed
22 in his evaluation file which he -- I am free as a
23 supervisor to call my -- my people in and say, "I'm not
24 happy with the way you did this and I'm making a notation
25 of it on your evaluation file." He doesn't have the

1 ability to agree or disagree; I guess he could file a
2 grievance that I was being unreasonable or something, but -
3 --

4 MR. ENGELMANN: All right.

5 MR. DEROCHIE: --- I was within my -- my
6 authority to do that.

7 MR. ENGELMANN: Well, let me just ask you
8 then about the meeting; the Deputy Chief is there as well.

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: And are the three of you
11 talking about possible discipline and what your preferences
12 ---

13 MR. DEROCHIE: Yes ---

14 MR. ENGELMANN: --- would be?

15 MR. DEROCHIE: --- we're talking about some
16 form of informal discipline.

17 MR. ENGELMANN: All right.

18 MR. DEROCHIE: My first thought was, well,
19 we'll -- we'll use the -- what was referred to as the
20 inspector's discipline which was an agreement; a written
21 agreement between the association and the -- and management
22 that gave us parameters in which we could discipline people
23 informally. The -- the proviso there was that the officer
24 agreed to it and it could be resolved informally.

25 MR. ENGELMANN: Okay, because in just

1 reading your notes, sir, it would suggest that you and the
2 Deputy Chief favoured something called a "conduct report."

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** And the Chief was
5 recommending counselling or a counselling session.

6 **MR. DEROCHIE:** Yes, the -- the conduct
7 report is the actual document that's used to record the
8 incident to be placed in the personnel file.

9 **MR. ENGELMANN:** So what exactly is the
10 difference then between counselling and a conduct report?

11 **MR. DEROCHIE:** Well, the conduct report is a
12 -- is a record of the counselling.

13 **MR. ENGELMANN:** All right and why did you
14 favour that approach?

15 **MR. DEROCHIE:** It -- it was a permanent --
16 it would have been put on his personnel file and it would
17 have been a little bit more formal, you know, to -- to
18 suggest that, you know, that -- that this had done and it
19 was -- it was in his personnel file.

20 **MR. ENGELMANN:** So the approach that you and
21 the Deputy Chief wanted to take was a somewhat more formal
22 approach than that of the Chief.

23 **MR. DEROCHIE:** Exactly, he wanted something
24 less than that.

25 **MR. ENGELMANN:** And do you know if the

1 Chief's position on that had changed as a result of the
2 meeting he had the night before with Mrs. Dunlop?

3 MR. DEROCHIE: Oh, no. Oh, no, he was still

4 ---

5 MR. ENGELMANN: That was still ---

6 MR. DEROCHIE: --- still set on that course.

7 MR. ENGELMANN: All right. I -- I was just
8 wondering if that would have an influence, to your
9 knowledge.

10 MR. DEROCHIE: No. No. Oh, I'm sorry,
11 maybe I'm -- I -- I'm getting the impression you say didn't
12 back down from a previous ---

13 MR. ENGELMANN: No.

14 MR. DEROCHIE: --- position.

15 MR. ENGELMANN: No, I'm just asking you if
16 you thought it might have had any influence on ---

17 MR. DEROCHIE: No. No, I -- I always got
18 the sense that he wanted -- he wanted this dealt at the
19 lowest possible level.

20 MR. ENGELMANN: All right. So it was a
21 counselling session; before the interaction with Mrs.
22 Dunlop, it was a counselling session.

23 MR. DEROCHIE: Yes, that's right. I -- I --

24 -

25 MR. ENGELMANN: It had ---

1 **MR. DEROCHIE:** --- had in my mind -- I had
2 in my mind I would use the conduct sheet or the -- or the
3 inspector's discipline and I never discussed that with him.
4 When he suggested something less, I just stopped and said,
5 okay -- that -- that's -- I had no problem with that.

6 **MR. ENGELMANN:** All right. Now, sir, is it
7 -- am I correct in saying that it was at this meeting where
8 the Chief and the Deputy Chief also instructed you to
9 review or investigate -- I don't know what the right term
10 is, but review what the Force had done with respect to the
11 Silmser investigation?

12 **MR. DEROCHIE:** Yes, he wanted me to look at
13 it -- look at it and report, just a factual report, on the
14 sequence of events that had occurred during the
15 investigation; don't be judgmental; don't give me an
16 opinion on right -- somebody did something wrong, somebody
17 did something right, just give me a factual overview of
18 what happened.

19 **MR. ENGELMANN:** Because I note in your note,
20 it says:

21 "I was instructed to determine the
22 chain of events from the time the
23 complaint was received right up to its
24 current status."

25 I'm on page 27:

1 And I was told not to adjudicate..."

2 **MR. DEROCHIE:** Yes.

3 **MR. ENGELMANN:** "... (find fault), but to
4 report on exactly what had occurred."

5 **MR. DEROCHIE:** That -- that's correct.

6 That's ---

7 **MR. ENGELMANN:** Would you ever be asked to
8 adjudicate, if I can ---

9 **MR. DEROCHIE:** Oh, yes. Different chiefs on
10 different reviews that I've done of similar nature would
11 give me guidance as to how -- what they wanted. Some asked
12 for recommendations; Chief Repa, for example, always wanted
13 recommendations and they're -- that's what they are;
14 they're just recommendations.

15 **MR. ENGELMANN:** All right, but in this case,
16 you weren't being asked for recommendations, you were just
17 being asked to lay out the facts.

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

19 **THE COMMISSIONER:** Was that a consistent
20 approach that Chief Shaver had with you; that he just
21 wanted the facts and he would make the decision? Maybe
22 I'll go back; did you do any kind of audit like this under
23 -- any other ones under Chief Shaver?

24 **MR. DEROCHIE:** I don't recall having done
25 it, no.

1 **MR. ENGELMANN:** When you did them for Chief
2 Repa, he wanted recommendations though.

3 **MR. DEROCHIE:** Yes, Carl Johnston wanted
4 recommendations too on -- as I recall, he -- he always
5 wanted recommendations.

6 **MR. ENGELMANN:** All right. Now you indicate
7 that after this meeting that you -- you decide to stop off
8 at -- it's -- I believe it's Staff Sergeant Dupuis' home --
9 -

10 **MR. DEROCHIE:** Yes.

11 **MR. ENGELMANN:** --- and meet with him.

12 **MR. DEROCHIE:** Yes.

13 **MR. ENGELMANN:** Was that in any way to do
14 with either of these two investigations; the Dunlop
15 discipline issue or the investigation of the Silmsen
16 matter?

17 **MR. DEROCHIE:** Oh yes, it had a direct
18 bearing on that. Darcy Dupuis is -- is a Staff Sergeant as
19 well; he was performing the same duties that I was
20 performing at that time. As I recall, he was a shift
21 supervisor. He had been a member of the police band as
22 well; had a personal relationship with -- with Staff
23 Sergeant Dupuis and -- and was ---

24 **THE COMMISSIONER:** With Dunlop you mean.

25 **MR. DEROCHIE:** I'm sorry, with Dunlop, yes -

1 --

2 THE COMMISSIONER: M'hm.

3 MR. DEROCHIE: --- yes, Mr. Commissioner,
4 with Dunlop and was likely to have some knowledge of what
5 was going on and I just wanted his opinion on what he saw
6 this as being.

7 MR. ENGELMANN: All right. And so you, in
8 fact, did meet with him ---

9 MR. DEROCHIE: I did.

10 MR. ENGELMANN: --- and discussed this
11 matter.

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: And what, if any,
14 familiarity did he have with this matter?

15 MR. DEROCHIE: He -- he told me that he was
16 aware of the situation; that, in fact, Perry had gone to
17 his house, had come over to his house the very night -- the
18 October 12th evening where I -- I approached Perry about my
19 involvement in this matter and he described Perry as being
20 distraught, in tears over this issue, and he also told me
21 that Perry had approached him some time previously with
22 regards to the same issue and had expressed his concerns,
23 that is Perry's concerns, about what -- how this was ending
24 and had ---

25 MR. ENGELMANN: How this was ending, meaning

1 how the Silmser matter ended?

2 **MR. DEROCHIE:** How the Silmser investigation
3 had ended, and Darcy told me that he had assured Perry that
4 he'd look after it; he'd look into it for him.

5 **MR. ENGELMANN:** He'd look into the Silmser
6 issue?

7 **MR. DEROCHIE:** Yeah, to see what happened
8 there. Raised it a morning meeting I think is what he told
9 me.

10 **MR. ENGELMANN:** And did Staff Sergeant
11 Dupuis also tell you that Mr. Dunlop had followed up with
12 him?

13 **MR. DEROCHIE:** He had told me that very
14 shortly after Perry had originally brought it to his
15 attention that Perry had come back to him and said, "Don't
16 bother, I've set the wheels in motion. I've taken some
17 other course of action to get the resolution to this" and I
18 don't think -- my impression was that Darcy hadn't gone
19 beyond that or Staff Sergeant Dupuis hadn't gone beyond
20 accepting that information and just letting it go.

21 **MR. ENGELMANN:** So there were apparently a
22 number of Cornwall police officers who, by mid-October, had
23 a fair bit of familiarity with this matter?

24 **MR. DEROCHIE:** In some degree of knowledge,
25 yes.

1 **MR. ENGELMANN:** You have Quinn and O'Reilly?

2 **MR. DEROCHIE:** Yes.

3 **MR. ENGELMANN:** You have Darcy Dupuis?

4 **MR. DEROCHIE:** Yes.

5 **MR. ENGELMANN:** Clearly, you have the chief
6 and deputy chief?

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

8 **MR. ENGELMANN:** Yourself, Constable Sebalj,
9 Staff Sergeant Brunet, possibly -- I don't know this but
10 Sergeant Lortie as well?

11 **MR. DEROCHIE:** Yes.

12 **MR. ENGELMANN:** So there appears to be,
13 despite the fact that this was in a "Projects" file, at
14 least at this point-in-time a number of officers who are at
15 least somewhat familiar with how this investigation's ended
16 and also Mr. Dunlop's actions?

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** Now, at or about this time -
19 - and we're in mid-October -- to your knowledge did Mr.
20 Dunlop go off on some form of sick leave?

21 **MR. DEROCHIE:** Yes, on the 15th of October.
22 As I had indicated, I was to work the night shift and I had
23 intended to deal with Perry on that night shift.

24 **MR. ENGELMANN:** So what -- what did you
25 intend to do with him on that night shift?

1 **MR. DEROCHIE:** I intended to call him into
2 my office and give him a counselling session, say, Perry,
3 we're not happy or I'm not happy with the way you dealt
4 with this; you ought to have used some other mechanism to
5 get your concerns dealt with.

6 **MR. ENGELMANN:** Do you know, sir, if he was
7 aware that that was your intention?

8 **MR. DEROCHIE:** I don't think so. I don't
9 think he would have known that.

10 **MR. ENGELMANN:** All right.

11 **MR. DEROCHIE:** Unless the chief said
12 something to Helen the night, you know, but I have no
13 knowledge of that.

14 **MR. ENGELMANN:** And I'm just wondering, your
15 note indicates at page 29, that:

16 "On reporting for duty on the night
17 shift, I was informed through the
18 grapevine that Dunlop was off on sick
19 leave and would be off until this
20 investigation was completed."

21 **MR. DEROCHIE:** Yes.

22 **MR. ENGELMANN:** So someone informed you ---

23 **MR. DEROCHIE:** Someone informed me,
24 informally, "I've heard that Perry's booked off sick and
25 he's not going to be in 'til you're done with this".

1 **MR. ENGELMANN:** And did you speak to either
2 Officers O'Reilly or Quinn about this issue at that time?

3 **MR. DEROCHIE:** I believe I spoke to both
4 actually and I was told by O'Reilly that he had made
5 inquiries and he's not -- he's not sure who Perry is
6 getting his advice from or what's being communicated
7 between Perry and other people and that he was going to,
8 you know, remove himself from this issue.

9 **MR. ENGELMANN:** All right. And it appears
10 that Mike Quinn knew that Mr. Dunlop was off on sick leave?

11 **MR. DEROCHIE:** Mike Quinn was the one that
12 came to me and said, "Listen, Perry's not going to be in
13 till the day shift on October 20th".

14 **MR. ENGELMANN:** All right. Did you have
15 concerns at that time about the sick leave that Mr. Dunlop
16 was taking?

17 **MR. DEROCHIE:** Well, only concerns in that
18 it was related to obviously what I was doing and I knew
19 that he had -- he had reacted emotionally to it, so I was
20 giving him the benefit of the doubt that he was -- you
21 know, that -- if that's what you're getting at, Mr.
22 Engelmann, that he was legitimately ill over this, I had no
23 qualms with that at all.

24 **MR. ENGELMANN:** All right, because in your
25 note -- and I'm looking at the bottom of page 30 and on to

1 the top of page 31 -- you say, "At this point" and I'm
2 assuming that evening of the 15th?

3 MR. DEROCHIE: Yeah.

4 MR. ENGELMANN: "... I came to some
5 conclusions".

6 MR. DEROCHIE: Yes.

7 MR. ENGELMANN: And the first one is:

8 "Constable Dunlop was not prepared to
9 take any criticism for his actions in
10 this incident. He sees himself as a
11 white knight fighting the good fight."

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: And just on that point, by
14 October 15th, aside from the very brief discussions you'd
15 had with him on the 12th where you say you were
16 investigating for a possible *Police Service Act* charges,
17 and then I believe you tell him a little further on that
18 evening that, "Don't worry, Perry, your job is not in
19 danger", you really hadn't talked to him had you?

20 MR. DEROCHIE: No.

21 MR. ENGELMANN: All right. So why are you,
22 at that time, forming the opinion that he's not prepared to
23 take any criticism?

24 MR. DEROCHIE: This is what I'm -- this is
25 my opinion at the time. It's not based -- I can't point to

1 a specific event that made me believe that, but it just
2 seemed that the way things were going that there was some
3 discussion between Perry and other people with regards to
4 the situation or what he had done, what his strategy was
5 going to be in dealing with me on this issue, and I just
6 reached that opinion.

7 I don't know, you know, I don't know to this
8 day if I was right or if I'm wrong on that opinion, but
9 that was my sense.

10 **MR. ENGELMANN:** I'm just wondering why that
11 was your opinion at that time?

12 **MR. DEROCHIE:** It just seemed that
13 everything that was going on led me to believe that there
14 might be something going on in the background that I'm not
15 aware of.

16 **MR. ENGELMANN:** In fairness, you say in the
17 next paragraph, you say, "There's division within the
18 association"?

19 **MR. DEROCHIE:** That's right.

20 **MR. ENGELMANN:** Is that the differences
21 between O'Reilly's feedback and Quinn's feedback or is it
22 something else?

23 **MR. DEROCHIE:** Yes, although -- no, that's
24 from that exactly and the whole idea that O'Reilly was
25 removing himself from it or distancing himself from it or

1 washing his hands of it. There was obviously a conflict
2 that he felt some form of conflict with, with at least Mike
3 Quinn, I assumed.

4 **MR. ENGELMANN:** All right. Then in the
5 third paragraph you say, "There may be hidden agendas at
6 work"?

7 **MR. DEROCHIE:** Yes.

8 **MR. ENGELMANN:** "Dunlop may be getting at or
9 is being used to get at other people
10 perceived as being vulnerable; that
11 being officers involved in the
12 investigation or supervisors of those
13 officers."

14 **MR. DEROCHIE:** That was my opinion, yes.

15 **MR. ENGELMANN:** Yes. No, no, and I realize
16 no square brackets but you're thinking out loud?

17 **MR. DEROCHIE:** I'm thinking out loud.

18 **MR. ENGELMANN:** All right. Can you give us
19 some sense as to what you meant by "hidden agendas" and
20 whose hidden agendas?

21 **MR. DEROCHIE:** Well, there was a certain
22 amount of disagreement between the association and
23 management, as there is I would think in any environment,
24 work environment, and I thought that that might be playing
25 a role here.

1 **MR. ENGELMANN:** So just a labour/management
2 issue, sir?

3 **MR. DEROCHIE:** Well, and it may well have
4 been personalities involved as well but, again, I'm
5 thinking out loud.

6 **MR. ENGELMANN:** Well, you say at the bottom
7 of the page -- you're trying and give some explanation, I
8 think. You say:

9 "These concerns are expressed because
10 of several inconsistencies in behaviour
11 by Dunlop."

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

13 **MR. ENGELMANN:** Do you know what you mean by
14 that?

15 **MR. DEROCHIE:** Well, I think it's maybe not
16 several, maybe it's the whole idea that he took a
17 calculated risk; he understood what he was doing.

18 First of all, why would he -- react so
19 seriously to the -- to what I was trying to do. Just by
20 this time I would -- I was pretty confident that he had
21 been told by at least Quinn, by myself, and I would hope
22 that Helen came back and reported to him what her
23 discussion with Shaver was and Shaver had said no, we're
24 not going after Perry's job, I don't know why you're
25 reacting this way.

1 So -- and still, you know, still, come to
2 work, have your little -- your little session with me,
3 saying Perry, we're disappointed in you, don't -- next time
4 you have conflict like this, please use the chain of
5 command.

6 We weren't being heavy-handed with him in
7 any way. You know, why wouldn't -- having acknowledged
8 that he faced some sort of consequence to doing what he
9 did. By that, I mean turning the statement over to CAS and
10 discussing it in that kind of detail with his wife to the
11 point where she would go off and take action on her own, he
12 had to realize that that wasn't proper. At least that was
13 my thought on it.

14 **MR. ENGELMANN:** All right. So he had to
15 have realized that and plus this inconsistency between the
16 actual sanction?

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** In your view?

19 **MR. DEROCHIE:** Yes. I didn't think it added
20 up to the way he would -- that should result in the way he
21 was acting and responding to this.

22 **MR. ENGELMANN:** You then say, sir, and this
23 is not about Mr. Dunlop, but you say:

24 "An odd behaviour by some people not
25 directly involved. It may seem

1 incredible that such an atmosphere
2 would exist in a police organization
3 and even more so that it would surface
4 in relation to issues as grave as those
5 present in this situation. But sadly,
6 people with such mentalities do exist
7 within this organization. There are
8 too many schemes being hatched in back
9 rooms."

10 Can you give us a sense, sir, about who
11 you're talking about; odd behaviour by some people not
12 directly involved?

13 **MR. DEROCHIE:** Those concerns would be --
14 would be of people involved in the -- probably the
15 executive of the association who had -- who I thought may
16 be using this to their advantage, this whole issue.

17 **MR. ENGELMANN:** All right.

18 **MR. DEROCHIE:** I had no -- no proof of that.

19 **MR. ENGELMANN:** All right.

20 **MR. DEROCHIE:** That was my ---

21 **MR. ENGELMANN:** I know you're thinking out
22 loud.

23 **MR. DEROCHIE:** Yeah.

24 **MR. ENGELMANN:** I'm just asking you to think
25 back and ---

1 **MR. DEROCHIE:** Yeah, there was -- there was
2 conflict, as I say, disagreement amongst management and the
3 association with regards to several issues and I was -- I
4 was embarrassed, concerned, that we would use something
5 like a sexual assault to achieve those -- some other end.
6 And maybe I was overreacting.

7 **THE COMMISSIONER:** But -- can you be a
8 little more specific as to what they would be using the
9 sexual assault for?

10 **MR. DEROCHIE:** Not to discredit other people
11 within the organization, to point out weaknesses in other
12 people, in the management, supervisory areas.

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

14 **MR. ENGELMANN:** Did you discuss those
15 concerns that -- those musings with the chief or deputy
16 chief at that time?

17 **MR. DEROCHIE:** I don't know if -- that
18 specific time, but subsequently we had some discussions
19 along those lines.

20 **MR. ENGELMANN:** And did you continue to have
21 those views that people were using this situation for
22 improper purposes?

23 **MR. DEROCHIE:** Well, they were always in the
24 back of my mind by I never -- I never developed them
25 further than that.

1 I should -- I should mention that I never
2 got to resolve these issues. I lost jurisdiction of these
3 matters and I never got to bring this thing to -- to pull
4 it together.

5 **MR. ENGELMANN:** What thing, sir?

6 **MR. DEROCHIE:** The whole -- all of those
7 questions that I had, all of those things that I would
8 report to the chief on. Here's what my findings are, we
9 have had problems in this area.

10 **MR. ENGELMANN:** Would those have been part
11 of a report on the way the force handled the Silmsler
12 investigation?

13 **MR. DEROCHIE:** Yes, the whole -- the whole
14 issue, including Perry's -- how Perry's involvement in it
15 got to be, as it were.

16 **MR. ENGELMANN:** Because that would have been
17 relevant to your broader mandate then of looking at ---

18 **MR. DEROCHIE:** Yeah, I've looked at this
19 investigation, here are some of the problems I've found
20 with it.

21 **MR. ENGELMANN:** But that report, at the end
22 of the day, never was written by you?

23 **MR. DEROCHIE:** No, by Superintendent
24 Skinner.

25 **MR. ENGELMANN:** Well, he did his own work?

1 **MR. DEROCHIE:** That's right, but he did what
2 I was to do; review the investigation and report on it.

3 **MR. ENGELMANN:** All right, but -- well, he
4 had -- he had a specific mandate?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** It may not have been
7 identical to yours but it was similar. Is that fair?

8 **MR. DEROCHIE:** Yes, it was similar, yes.

9 **MR. ENGELMANN:** All right, but you would
10 have had knowledge about some of these musings and things
11 that perhaps Mr. Skinner would not have had?

12 **MR. DEROCHIE:** No. No, and in fairness to
13 Mr. Skinner, he would not have wanted to be involved in
14 that. He was just looking at the technical -- he was
15 giving an opinion on the way the investigation was done
16 from a technical standpoint.

17 **MR. ENGELMANN:** Right. Right.

18 **THE COMMISSIONER:** Like an audit?

19 **MR. DEROCHIE:** An audit, yes, of this
20 particular investigation without identifying underlying
21 issues and politics.

22 **MR. ENGELMANN:** So in that -- I'm sorry?

23 **MR. DEROCHIE:** Politics that may have
24 surround this.

25 **MR. ENGELMANN:** So in that sense if you'd

1 ever finished that review, it presumably would have been
2 much broader?

3 **MR. DEROCHIE:** Yeah, I have a tendency to
4 broaden my mandate.

5 **MR. ENGELMANN:** I'm certainly not going to
6 accuse anybody of that.

7 (LAUGHTER/RIRES)

8 **MR. ENGELMANN:** It seemed to me, sir, that
9 everything you were doing was reasonably relevant to your
10 mandate. I was wondering whether I was going to get there.

11 I understand, sir, that you then met with --
12 I may be wrong, is it Sergeant or Staff Sergeant Lortie?

13 **MR. DEROCHIE:** At the time it was Sergeant
14 Lortie.

15 **MR. ENGELMANN:** All right. And your purpose
16 in meeting him, would that have been in the context of your
17 initial investigation? That being the investigation about
18 Dunlop's actions because I don't think you really started
19 the second investigation yet.

20 My reading of your notes suggests that
21 happened sort of at the beginning of November?

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** So is it fair to say that
24 you would have met with -- oh, I guess Sergeant Lortie
25 actually came to see you?

1 **MR. DEROCHIE:** Yes, and that was with
2 regards to my wanting to have a statement, ordering Heidi
3 to provide me with a statement.

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

5 **MR. ENGELMANN:** Okay. So he comes to you
6 with respect to your direct order to Constable Sebalj?

7 **MR. DEROCHIE:** Yes.

8 **MR. ENGELMANN:** And she's spoken to him
9 about it?

10 **MR. DEROCHIE:** Yes, she has.

11 **MR. ENGELMANN:** All right. And he's
12 concerned about that?

13 **MR. DEROCHIE:** Am I concerned about that?

14 **MR. ENGELMANN:** No.

15 **MR. DEROCHIE:** Oh, he is. Yes, he's
16 concerned about that, yes.

17 **MR. ENGELMANN:** And what's he telling you?

18 **MR. DEROCHIE:** He was questioning my
19 authority to issue such an order. And I guess I should
20 explain it.

21 We don't -- we issue orders, formal orders,
22 as a very regular occurrence. It happens very, very
23 infrequently and I had done it, I guess, just out of a --
24 just in an attempt to assist Heidi in, you know, getting
25 over this whole vulnerability that she felt with regards to

1 telling on Perry-type, as it were.

2 And I had phrased it in the form of an order
3 just to satisfy that reason and Sergeant Lortie and I got
4 into a discussion with regards to my authority to issue
5 orders and ---

6 **MR. ENGELMANN:** All right. He took some
7 exception with that authority?

8 **MR. DEROCHIE:** Yeah, he thought was on shaky
9 grounds.

10 **MR. ENGELMANN:** All right.

11 **MR. DEROCHIE:** In this day and age to issue
12 orders.

13 **MR. ENGELMANN:** Okay. And what was his role
14 in the association at that time. Do you recall?

15 **MR. DEROCHIE:** I don't -- I don't recall.
16 He was a member of the executive board.

17 **MR. ENGELMANN:** Fair enough.

18 **MR. DEROCHIE:** Beyond that, I don't know.

19 **MR. ENGELMANN:** Now ---

20 **THE COMMISSIONER:** How -- I'm sorry -- how
21 was it left? Did you resolve it with him or did he accept
22 your explanation or ---

23 **MR. DEROCHIE:** Yeah, I think he did. I
24 think he did.

25 **MR. ENGELMANN:** And I note that you're

1 saying you still haven't received that statement and you're
2 making the note that that's as of November 3rd?

3 **MR. DEROCHIE:** As of November 3rd I hadn't
4 received it.

5 **MR. ENGELMANN:** Yeah, and I think you told
6 us that you never did get it from her?

7 **MR. DEROCHIE:** No, I never -- I never
8 pursued it.

9 **MR. ENGELMANN:** Now, he also -- the
10 conversation didn't end there with Sergeant Lortie
11 according to your notes, in any event?

12 **MR. DEROCHIE:** No, he gave me his comments
13 with regards to the investigation itself.

14 **MR. ENGELMANN:** Now, the investigation being
15 your investigation of Dunlop. Is that fair?

16 **MR. DEROCHIE:** No. He's talking now about
17 the investigation of the Silmsler allegation, that's my
18 understanding.

19 **MR. ENGELMANN:** All right. And did you in
20 fact tell him that that was something you were also tasked
21 to do?

22 **MR. DEROCHIE:** I don't know that I did.

23 **MR. ENGELMANN:** All right, but in any event,
24 he gets into that subject matter with you?

25 **MR. DEROCHIE:** Yeah. He told me that he had

1 raised this matter at a morning meeting some time ago.

2 **MR. ENGELMANN:** What's the significance of
3 raising an investigation at a morning meeting? What does
4 that mean?

5 **MR. DEROCHIE:** It sort of calls it to the
6 attention of everybody that's in the -- it doesn't sort of,
7 it does call it to the attention of everybody at that
8 meeting. In all -- that meeting would be comprised of all
9 of the senior officers, the chief, the deputy chief, you
10 know, given their availability to attend. So everyone
11 would know about it.

12 **MR. ENGELMANN:** Well, that's what concerned
13 me. I was wondering who would be at those morning meetings
14 because you were one of the senior officers?

15 **MR. DEROCHIE:** Yes, but ---

16 **MR. ENGELMANN:** But yet you knew nothing
17 about it.

18 **MR. DEROCHIE:** No, I would -- I would get to
19 one of those meetings on a very infrequent basis because
20 we're shift workers. We wouldn't be working the day shift.
21 These meetings are typically held at eight o'clock in the
22 morning or eight-thirty in the morning.

23 **MR. ENGELMANN:** Okay.

24 **MR. DEROCHIE:** So I would be on days off or
25 on night shift.

1 **MR. ENGELMANN:** So who would be at the
2 morning meetings, the senior officers?

3 **MR. DEROCHIE:** Typically all of the -- the
4 chief, the deputy, the inspectors and the staff sergeants.

5 **MR. ENGELMANN:** Did you get a sense from
6 Sergeant Lortie how he would have raised it and what was
7 discussed at the morning meeting about the Silmsen
8 investigation?

9 **MR. DEROCHIE:** Well, I got the sense that he
10 had raised it and expressed some concern about the way it
11 was being resolved, how it had concluded. That was my
12 understanding, then, as you point out, I was not at that
13 meeting.

14 **MR. ENGELMANN:** Right.

15 **MR. DEROCHIE:** And ---

16 **MR. ENGELMANN:** So you're getting his -- his
17 version.

18 **MR. DEROCHIE:** I'm getting his -- I'm
19 getting his version of what went on there.

20 **MR. ENGELMANN:** You note this at the bottom
21 of page 33 and onto 34, you express some concerns about the
22 "progress of this investigation at a morning meeting some
23 time ago," so presumably that's when the -- when the matter
24 was still active?

25 **MR. DEROCHIE:** My impression was he -- he

1 would have raised it some time after we became aware that
2 there had been a settlement and that Mr. Silmsler was no
3 longer going to proceed or cooperate with the
4 investigation. That's -- that's my understanding of when
5 he raised it at the morning meeting.

6 **MR. ENGELMANN:** All right. That's -- that's
7 not written in your notes; that's just your recollection,
8 sir? Because it says -- it says he'd "raised concerns
9 about the progress of this investigation at a morning
10 meeting some time ago," and it just suggests to me that, at
11 least, there would be an investigation file opened, if he's
12 talking about progress; it wouldn't be closed.

13 **MR. DEROCHIE:** Well, that was my
14 understanding of the conversation; certainly he may have
15 more ---

16 **MR. ENGELMANN:** All right.

17 **MR. DEROCHIE:** He may be able to inform you
18 better.

19 **MR. ENGELMANN:** Well, we'll talk to him
20 about it, sure.

21 **MR. DEROCHIE:** Yeah.

22 **THE COMMISSIONER:** Mr. Engelmann, I'm sorry
23 to interrupt, can we explain the black-outs here in this --
24 and I do that not to be critical, but it just ---

25 **MR. DEROCHIE:** This note, yes, sorry.

1 **THE COMMISSIONER:** These notes are only
2 about the Silmsier and this whole investigation; members of
3 the public who are looking at this might ---

4 **MR. ENGELMANN:** If I can just have a moment,
5 sir.

6 **THE COMMISSIONER:** Sure.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **MR. ENGELMANN:** Staff Sergeant Derochie, do
9 you know why certain portions of these notes are blacked
10 out?

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

12 **MR. ENGELMANN:** All right. And do they
13 relate to this investigation?

14 **MR. DEROCHIE:** No, they do not.

15 **MR. ENGELMANN:** All right.

16 **MR. DEROCHIE:** Did you want me to explain
17 further?

18 **THE COMMISSIONER:** Yes.

19 **MR. DEROCHIE:** I anticipated that.

20 Sergeant Lortie gave me some information
21 about possible misconduct on two other -- or another
22 officer -- another two separate incidents of misconduct on
23 another officer that had absolutely nothing to do with this
24 Inquiry, the subject matter of this Inquiry.

25 **THE COMMISSIONER:** So why would you put them

1 in these notes?

2 **MR. DEROCHIE:** I -- I really don't have a
3 good answer for that, other than it was at the same time
4 that we were talking about this.

5 It would have had nothing to do with my
6 regular police notes and I subsequently passed that
7 information on to the Chief of Police and Staff Sergeant
8 Dupuis, to whom this officer was subordinate, yeah.

9 **THE COMMISSIONER:** All right.

10 **MR. ENGELMANN:** Now, you make a comment,
11 sir, about Sergeant Lortie taking a fairly strong view of
12 this investigation and that it should be continuing; that's
13 how I read your note.

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** Did you say -- you said that
16 he "had made notes on the fact and that he did not intend
17 to let the matter drop," the matter being, presumably, the
18 Silmsler complaint; is that fair?

19 **MR. DEROCHIE:** That -- that's what he's
20 referring to, yes.

21 **MR. ENGELMANN:** Yeah.

22 "And Lortie left me with the impression
23 if nothing is done, heads will roll."

24 **MR. DEROCHIE:** Yes.

25 **MR. ENGELMANN:** And that -- that's his --

1 you're paraphrasing what he's said to you?

2 **MR. DEROCHIE:** I am.

3 **MR. ENGELMANN:** And you say:

4 "I believe this conversation with
5 Lortie took place on Saturday, October
6 16th or thereabouts. I really didn't
7 put too much weight on this discussion
8 because it was a matter of Lortie
9 beating his chest again."

10 **MR. DEROCHIE:** Yeah. I wish I would have
11 blacked that out, as well.

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

13 **MR. DEROCHIE:** Well, it's -- he's -- it's my
14 relationship with -- with Sergeant Lortie, we often had
15 some -- some -- some based -- very frank discussions, he
16 and I.

17 We -- we have mutual respect for each other.
18 We, you know, get along fairly well, but we do have some
19 very different views on things and, you know, I -- I had
20 not idea what he was talking about "heads would roll".
21 Heads would roll, why? You know what is here that heads
22 would roll over?

23 **MR. ENGELMANN:** What did you mean by him
24 "beating his chest again"?

25 **MR. DEROCHIE:** Well, just standing up and --

1 and you know, preaching from the -- the soapbox, as it
2 were.

3 **MR. ENGELMANN:** Did you think he was
4 sounding self-righteous in how he ---

5 **MR. DEROCHIE:** Well, he was a little bit --
6 yeah, a little bit indignant about, I would think, that,
7 you know, "No, we're not -- I'm not going to stand for
8 this." You know, I think he -- by doing that, he's saying
9 he's -- he's maybe insinuating that I would stand for it,
10 type thing, you know, and I would take exception to
11 something like that.

12 **MR. ENGELMANN:** All right. Well, did he --
13 did he actually follow through and express concerns or get
14 upset, to your knowledge, when this matter wasn't
15 reinvestigated or followed up on by your Service?

16 **MR. DEROCHIE:** Not that I'm aware of.

17 **MR. ENGELMANN:** Now, you mentioned that you
18 had thought about dealing with Constable Dunlop on October
19 15?

20 **MR. DEROCHIE:** Yes.

21 **MR. ENGELMANN:** Yet when I'm -- I'm looking
22 at your notes, and maybe it's just the way I'm looking at
23 them, you're drafting something on October 29th or
24 thereabouts?

25 **MR. DEROCHIE:** That's right.

1 Had I had -- had Perry come into work on the
2 15th, I would have taken the time to draft the counselling
3 document at that time.

4 **MR. ENGELMANN:** All right.

5 **MR. DEROCHIE:** He wasn't coming in, so I
6 didn't -- I didn't -- I didn't deal with it; I dealt with
7 the matters that were my responsibility on the nightshift
8 as opposed to working further on this.

9 **MR. ENGELMANN:** Was he on the nightshift
10 with you at that time?

11 **MR. DEROCHIE:** No.

12 **MR. ENGELMANN:** All right.

13 **MR. DEROCHIE:** He -- he absented himself for
14 the whole nightshift; there would have been three.

15 **THE COMMISSIONER:** No, he would have been
16 on?

17 **MR. DEROCHIE:** Oh, he was on my team, oh
18 yes.

19 **MR. ENGELMANN:** Sorry, that was my ---

20 **MR. DEROCHIE:** Yes, he was part of me team,
21 yes.

22 **MR. ENGELMANN:** And -- and do you remember
23 how long he was off work?

24 **MR. DEROCHIE:** I believe he did come back to
25 the dayshift on the 20th.

1 **MR. ENGELMANN:** On the 20th, as Mr. Quinn
2 said ---

3 **MR. DEROCHIE:** That's right, yeah.

4 **MR. ENGELMANN:** All right. But you -- you
5 didn't meet with him on ---

6 **MR. DEROCHIE:** No, I had -- we had -- by
7 that time obviously I had discussed with the Chief again
8 that we weren't -- I wasn't going to deal with him right
9 now, "He's not going -- he's not going to be receptive to
10 this; let's do the other stuff first and we'll -- we'll get
11 over..."

12 **MR. ENGELMANN:** All right. So at that point
13 you put him on the back burner.

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

15 **MR. ENGELMANN:** And you started the other
16 work?

17 **MR. DEROCHIE:** That's right.

18 **MR. ENGELMANN:** Or that was your intention?

19 **MR. DEROCHIE:** Yeah, yeah. It was
20 distracting. That part of it was distracting; let's get on
21 with the other part of it.

22 **MR. ENGELMANN:** And I think that's what
23 you're -- maybe that's what you're saying at the top of
24 page 36 of your notes, October 29th:

25 "I decided to deal with Dunlop last

1 week and to review the case
2 chronologically as we became involved.
3 I plan to speak with Richard Abell
4 again in order to nail down some
5 specific dates relevant to Dunlop's
6 part in the incident; however, I was
7 determined not to write..."

8 **THE COMMISSIONER:** "Write off."

9 **MR. ENGELMANN:** "...write off his role in
10 this matter."

11 **MR. DEROCHIE:** That's right.

12 **MR. ENGELMANN:** Now you say:
13 "I was beginning to think that his
14 intentions may have been less than
15 honourable and was unsure at this time
16 if I was still willing to give him the
17 benefit of the doubt."

18 **MR. DEROCHIE:** That's just -- yes, that's
19 just a continuation of my thought process from previously.

20 **MR. ENGELMANN:** All right. So what -- what
21 has changed? Why are you thinking that his original
22 intentions may have been less than honourable; what
23 happened?

24 **MR. DEROCHIE:** Going back to -- going back
25 to that previous discussion we had about why he was

1 responding and why he was acting the way he had, why the --
2 you know, why the association was conflicted over this
3 thing. It was just the whole -- the whole atmosphere of
4 that was causing me some -- some trouble.

5 **MR. ENGELMANN:** All right. There were a lot
6 of things that you weren't understanding?

7 **MR. DEROCHIE:** Exactly. Yeah, exactly.

8 **MR. ENGELMANN:** All right. So you did some
9 work on a draft of a counselling document, for the Chief?

10 **MR. DEROCHIE:** Yes.

11 **MR. ENGELMANN:** And did you get some
12 feedback from the Chief about that?

13 **MR. DEROCHIE:** I did. He -- he agreed with
14 the general direction it was going in but wanted me to --
15 wanted me to expand on or comment on Dunlop going to his
16 NCOs, that's the -- that would Sergeant Lortie and Staff
17 Sergeant Dupuis.

18 **MR. ENGELMANN:** All right. So he wanted to
19 know a little bit more about the ---

20 **MR. DEROCHIE:** About that.

21 **MR. ENGELMANN:** --- interaction between
22 Dunlop and those two officers?

23 **MR. DEROCHIE:** Well, he wanted -- he wanted
24 me to emphasize the fact or to -- to identify the fact that
25 "that was the way to go, Perry."

1 **MR. ENGELMANN:** All right.

2 **MR. DEROCHIE:** You know, "You had spoken to
3 your sergeant -- you had spoken to a sergeant, you -- you
4 know, you chose not to speak to me but you spoke to Staff
5 Sergeant Dupuis; you're more comfortable with him,
6 obviously. That was the way to go."

7 **MR. ENGELMANN:** All right. So in hindsight,
8 not to Abell but to them?

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

10 **MR. ENGELMANN:** All right.

11 **MR. DEROCHIE:** Let them deal with it.

12 **MR. ENGELMANN:** Now, did the counselling
13 session ever take place?

14 **MR. DEROCHIE:** No.

15 **MR. ENGELMANN:** All right. He was at work?

16 **MR. DEROCHIE:** He was at work.

17 **MR. ENGELMANN:** But it just never was an
18 appropriate time, sir?

19 **MR. DEROCHIE:** There was never an
20 appropriate time. Shortly after this time in the latter
21 part of November the situation changed, other things were
22 going on.

23 CAS were conducting their investigation and
24 they had enlisted the assistance of the OPP. The OPP were
25 conducting -- the local detachment of the OPP were

1 conducting an investigation, and so things were not
2 progressing as far as my review went. I was back on my
3 team doing my -- just letting these things sort of flesh
4 out. There were two major OPP investigations going on
5 relative to this whole issue.

6 **MR. ENGELMANN:** And that was?

7 **MR. DEROCHIE:** That was the suicide of Mr.
8 Seguin and the subsequent -- as a part to that, the
9 subsequent investigation of Mr. Silmsen with regards to
10 extortion, and then Detective Ron Wilson was investigating
11 the allegations against Father Charlie that occurred in
12 their jurisdiction.

13 **MR. ENGELMANN:** All right. And you, sir,
14 were doing some investigation or reinvestigation of the
15 force's role during the month of November?

16 **MR. DEROCHIE:** That's correct. I was
17 getting a chronology together of what happened.

18 **MR. ENGELMANN:** But Constable Dunlop was at
19 work?

20 **MR. DEROCHIE:** He was at work.

21 **MR. ENGELMANN:** He wasn't avoiding you and
22 avoiding being disciplined or counselled?

23 **MR. DEROCHIE:** Oh no. Oh, no. Our
24 relationship wasn't strained at all.

25 **MR. ENGELMANN:** It just never happened?

1 **MR. DEROCHIE:** No, no.

2 **MR. ENGELMANN:** I'm sorry.

3 **MR. DEROCHIE:** I'm sorry. Our relationship
4 wasn't strained. There was no problem. We conducted, you
5 know, we dealt with each other as we would normally deal
6 with each other.

7 **MR. ENGELMANN:** All right, just this issue
8 wasn't raised?

9 **MR. DEROCHIE:** This issue wasn't discussed
10 with him.

11 **MR. ENGELMANN:** All right. And did you then
12 finally complete a report into his actions in releasing the
13 statement?

14 **MR. DEROCHIE:** Yes, in early January I was
15 contacted by Chief Johnston and he asked me to submit a
16 report and to comment on whether or not I had uncovered any
17 information that would cause me to recommend a remedy other
18 than what Chief Shaver had wanted.

19 **MR. ENGELMANN:** And Acting Chief Johnston
20 had just started with the force at that time?

21 **MR. DEROCHIE:** Yes, he had just started,
22 yes.

23 I should say it's my recollection as well
24 that Chief Shaver had tendered his resignation or at least
25 it had been announced that he was going to leave the force

1 and I don't believe he was -- he was working very much at
2 the end of 1993.

3 **MR. ENGELMANN:** Yeah, he had been off work
4 at least during the month of December?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** Possibly some of November,
7 do you recall?

8 **MR. DEROCHIE:** I don't recall specifically
9 what periods of time but I knew he was away for a period of
10 time.

11 **MR. ENGELMANN:** Right. Perhaps the witness
12 could be shown Document Number 719991.

13 **THE COMMISSIONER:** And I was thinking, Mr.
14 Engelmann, of taking another short 10-minute break just to
15 break things up, so whenever you find it convenient in the
16 next 10, 15 minutes.

17 **MR. ENGELMANN:** All right.

18 **THE COMMISSIONER:** Thank you.

19 **MR. ENGELMANN:** Seven-one-nine-nine-nine-one
20 (719991). I just want to talk about a couple of documents,
21 sir.

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

23 Thank you. Exhibit 1300 is internal
24 correspondence to Acting Chief Carl Johnston from Staff
25 Sergeant G. Derochie and the date is January 8th, 1994.

1 coincided with the suicide of Mr. Ken Seguin.

2 **MR. ENGELMANN:** All right. So with respect
3 to your work on the review, that would have ended in or
4 about late November of '93?

5 **MR. DEROCHIE:** Yes.

6 **MR. ENGELMANN:** And were you asked to stop
7 it at that time or do you recall how that came to an end?

8 **MR. DEROCHIE:** I really don't know. I think
9 that may have been my own initiative just to say, well,
10 we'd better just wait and see where this settles out.

11 **MR. ENGELMANN:** And then after Chief Shaver
12 left, wasn't around in any event, Deputy Chief St-Denis
13 didn't ask you to wrap that up?

14 **MR. DEROCHIE:** No, not that I recall, no.

15 **MR. ENGELMANN:** And with this internal
16 correspondence, did you attach a report?

17 **MR. DEROCHIE:** I did.

18 **MR. ENGELMANN:** If the witness could be
19 shown 719992.

20 **THE COMMISSIONER:** Thank you.

21 Exhibit 1301 is a report to Acting Chief
22 Carl Johnston by Staff Sergeant G. Derochie dated January
23 8th, 1994.

24 --- **EXHIBIT NO./PIÈCE NO. P-1301:**

25 (719992) Report on Perry Dunlop's

1 involvement with the David Silmsler
2 investigation - January 8, 1994

3 **MR. ENGELMANN:** Now, this investigation and
4 the report itself, did you come up with any reason for a
5 different remedy than that that had been suggested by your
6 former chief?

7 **MR. DEROCHIE:** No.

8 **MR. ENGELMANN:** So it was consistent with
9 what he had wanted, some form of counselling?

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

11 **MR. ENGELMANN:** All right. And you had
12 drafted that back in late October, beginning of November.
13 Do you know why there was this kind of delay in having this
14 report finalized?

15 **MR. DEROCHIE:** Well, only that Carl Johnston
16 asked for the report. I had in effect stopped all work on
17 the whole matter by late November.

18 **MR. ENGELMANN:** Oh, all right, so it was
19 just on the back burner and ---

20 **MR. DEROCHIE:** I had drafted the counselling
21 document to be ready when the time was right to present it.

22 **MR. ENGELMANN:** And the final result then of
23 your internal investigation into the possibility of *Police*
24 *Service Act* charges against Mr. Dunlop was what, sir?

25 **MR. DEROCHIE:** That they weren't necessary,

1 that we could go ahead and just use the remedy that Chief
2 Shaver had wanted.

3 **MR. ENGELMANN:** And, sir, there were a
4 couple of appendices attached to the back of that report.
5 Can you tell us what they are and why there are two?

6 **MR. DEROCHIE:** Yes, the Appendix "A" is the
7 transcribed version of the notes, the handwritten notes,
8 made by Claude Shaver with regards to what the -- what I
9 should consider when counselling.

10 **MR. ENGELMANN:** Those were the notes that he
11 would have prepared in or around mid-October, just typed
12 up?

13 **MR. DEROCHIE:** Yes, they are.

14 **MR. ENGELMANN:** And then what do we see in
15 Appendix "B"?

16 **MR. DEROCHIE:** That is my interpretation of
17 his instructions to me and what I intended to do or what I
18 intended to use as a counselling document.

19 **MR. ENGELMANN:** And, sir, did that
20 counselling document ever get acted upon?

21 **MR. DEROCHIE:** I was asked to do it but I
22 never did. Mr. Dunlop absented himself in early January
23 and never came back to Cornwall -- or never came back to
24 duty for three years after that, so it was never acted
25 upon.

1 And at some point, I was contacted by Chief
2 Johnston and instructed not to, in any event. I had made
3 an attempt through Mike Quinn again to get Perry to come in
4 so that we could resolve it and I had been told that he
5 would not make himself available to be counselled.

6 And so there it sat until such time that the
7 acting chief contacted me and said, "Have you done it yet?"
8 And I said, "No, I haven't". And he said, "Well, don't do
9 it, don't ---".

10 **THE COMMISSIONER:** In your comment, are you
11 saying then at some time Mr. Dunlop became aware that this
12 was to be resolved by a letter of counsel?

13 **MR. DEROCHIE:** Yes. Yes, he did.

14 **THE COMMISSIONER:** When would he have become
15 aware of that?

16 **MR. DEROCHIE:** I would -- there's other
17 notes in my duty book.

18 **THE COMMISSIONER:** Okay, well maybe we'll
19 get ---

20 **MR. ENGELMANN:** We'll come back to that if
21 we can, sir.

22 **THE COMMISSIONER:** Sure.

23 **MR. ENGELMANN:** Yeah.

24 Perhaps we can take a break then?

25 **THE COMMISSIONER:** Yes, let's take a short

1 break; 10 minutes.

2 **THE REGISTRAR:** Order; all rise. Veuillez
3 vous lever.

4 This hearing will resume at 12:40 p.m.

5 --- Upon recessing at 12:21 p.m. /

6 L'audience est suspendue à 12h21

7 --- Upon resuming at 12:38 p.m. /

8 L'audience est reprise à 12h38

9 **THE REGISTRAR:** This hearing is now resumed,
10 please be seated. Veuillez vous asseoir.

11 **GARRY DEROCHIE:** Resumed/Sous le même serment

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

13 **ENGELMANN (continued/suite):**

14 **MR. ENGELMANN:** Mr. Derochie -- sorry, Staff
15 Sergeant Derochie, just before the break I think the
16 Commissioner had asked you if you had tried to deal with
17 the counselling session from a counselling note with
18 Constable Dunlop.

19 **MR. DEROCHIE:** Yes, I recall that.

20 **MR. ENGELMANN:** And my understanding is that
21 you did make an effort to do that in the spring of 1994?

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

23 **MR. ENGELMANN:** All right. And I'm just
24 wondering, perhaps, I wasn't going to get here but if the
25 witness could be shown -- it's Document Number 738457.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. ENGELMANN: These are, as I understand
3 it, sir, Staff Sergeant's Derochie's notes between the
4 dates indicated on the front of the notebook.

5 THE COMMISSIONER: All right, so that will
6 be Exhibit 1302.

7 --- EXHIBIT NO./PIÈCE No. P-1302:

8 (738457) Notes of Garry Derochie

9 11 July, '93 to 29 March '94

10 MR. ENGELMANN: And just to help us out,
11 Staff Sergeant Derochie, before we look at the document
12 itself, are you able to tell us, is this a dedicated
13 notebook or are these just general notes that you would
14 keep, an excerpt of general notes you keep between these
15 dates?

16 MR. DEROCHIE: These represent the notes
17 that I keep on a daily -- these are my duty notebooks; they
18 represent what I do every day of the year with regards to
19 my police duties.

20 MR. ENGELMANN: All right and what we have
21 in here is an excerpt of the notes between those dates?

22 MR. DEROCHIE: That's right.

23 MR. ENGELMANN: And what I'd like you to do
24 then, sir, is turn to the very last page; it's Bates pages
25 7167724.

1 I'm going to try and read what I believe it
2 says under the blacked out portion. Sorry, blacked out --
3 highlighted portion.

4 "Called in Constable Quinn, had asked
5 him to speak to Dunlop, re, making
6 himself available for counselling.
7 This was Sunday, March 20th, he called
8 to say that Dunlop would not come in to
9 be counselled."

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

11 **MR. ENGELMANN:** Is that what you're written
12 there?

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** All right.

15 **THE COMMISSIONER:** I'm sorry, let's just
16 make sure I've got the date right then. That's in March of
17 1994; 23rd of March 1994; is that right?

18 **MR. ENGELMANN:** I believe it's -- is it the
19 23rd or the 20th, sir?

20 **THE COMMISSIONER:** Twenty (20) -- well I'm
21 just looking ---

22 **MR. DEROCHIE:** This note is -- sorry, if I
23 can be of assistance.

24 **THE COMMISSIONER:** Sure.

25 **MR. DEROCHIE:** This note is made on the 23rd

1 of March '94 and that note on there says: "This was Sunday,
2 March the 20th", meaning I had called Mike and asked him to
3 get a hold of Dunlop on March 20th. So he's calling me back
4 on the 23rd saying ---

5 **MR. ENGELMANN:** Do you know why you would
6 have done it at that time?

7 **MR. DEROCHIE:** I would suspect it was
8 because I was told by Acting Chief Johnston to do the
9 counselling, get that done. That would have been -- why
10 there was a delay from the -- when I submitted the report
11 in January 8th until this point I don't know. I really
12 don't know why that delay took place.

13 **MR. ENGELMANN:** Because at this point in
14 time Mr. Dunlop was off on an extended sick leave?

15 **MR. DEROCHIE:** Yeah, and he had been -- he
16 had been when I -- I believe when I filed my report he
17 wasn't at work.

18 **MR. ENGELMANN:** He wasn't off yet, on
19 January 8th?

20 **MR. DEROCHIE:** The only thing I could
21 explain and I don't have a note of it is that I recall Carl
22 Johnston contacting me and saying "Do the counselling" it
23 was some time after I had submitted the report. It seems
24 to me it was some time -- there was some weeks after I had
25 done the report.

1 **MR. ENGELMANN:** Because it would be --
2 sorry, that's not the norm that you would counsel someone
3 when they're off on some form of extended sick leave?

4 **MR. DEROCHIE:** No, it would not be, no. No.

5 **MR. ENGELMANN:** But in any event, it was
6 something you were instructed to do?

7 **MR. DEROCHIE:** That's something I was
8 instructed to do.

9 **MR. ENGELMANN:** So let's then go back, sir,
10 to the internal review or re-investigation -- not re-
11 investigation but the investigation of the investigation
12 that you were tasked to do in mid-October of '93.

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** My understanding is, at
15 least from my reading of your notes that this starts at or
16 about the beginning of November?

17 **MR. DEROCHIE:** Yes. I'm now off my shift,
18 off my uniformed shift and I'm doing -- I'm working on this
19 full-time.

20 **MR. ENGELMANN:** All right, so you've been
21 relieved of other duties?

22 **MR. DEROCHIE:** Yes.

23 **MR. ENGELMANN:** And you're now doing --
24 you're investigating the Force's involvement ---

25 **MR. DEROCHIE:** Yes, if I recall ---

1 **MR. ENGELMANN:** -- on the Silmsner case?

2 **MR. DEROCHIE:** Yes. If I recall correctly,
3 I -- at this point I got caught up in my notes of what I
4 had done previously, reviewed all of the documents that I
5 had and then started talking to people.

6 **MR. ENGELMANN:** And how long were you given
7 to do this; do you recall how long?

8 **MR. DEROCHIE:** No, I was -- there was no
9 timelines put on this.

10 **MR. ENGELMANN:** Okay.

11 **MR. DEROCHIE:** It was -- again, there was
12 nothing.

13 **MR. ENGELMANN:** But you indicated to us that
14 about three weeks later, some time in late November, after
15 Mr. Seguin's suicide and the OPP gets involved ---

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

17 **MR. ENGELMANN:** --- you stop working on it.

18 **MR. DEROCHIE:** Yes, I don't know if I
19 completely stopped but certainly I -- there was less
20 activity on it.

21 **MR. ENGELMANN:** And were you then tasked
22 back to your normal duties or ---

23 **MR. DEROCHIE:** Yes, I went back to shift
24 work. I only spent two weeks -- a two-week period ---

25 **MR. ENGELMANN:** Okay, that's what I wanted

1 to ask; I'm sure the Force found something else for you to
2 do?

3 **MR. DEROCHIE:** Yes and it wasn't -- I wasn't
4 given two weeks to do this; it's just the way things worked
5 out, I only had two weeks and then I had to go back on
6 regular duties for -- I forget what it was.

7 **MR. ENGELMANN:** All right, so after those
8 first two weeks you were going to have to fit this
9 assignment in with your other duties.

10 **MR. DEROCHIE:** I was going to have to finish
11 it off, yeah.

12 **MR. ENGELMANN:** All right.

13 So, I'm looking at page 37 of your notes and
14 that's Exhibit 1293, and it appears to be that you start
15 this off with an interview of a Sergeant by the name of
16 Nakic?

17 **MR. DEROCHIE:** Yes.

18 **MR. ENGELMANN:** And was there a particular
19 reason why you were starting with him?

20 **MR. DEROCHIE:** He was the first one that
21 came into contact with Mr. Silmser.

22 **MR. ENGELMANN:** All right.

23 And what, if anything, do you recall, sir,
24 of your meeting with him?

25 **MR. DEROCHIE:** Well he explained that he had

1 received a telephone call from Mr. Silmser while he was the
2 station duty officer and that Mr. Silmser had reported to
3 him that he wasn't -- he couldn't come into the station to
4 make this report but he wanted a report on file to the
5 effect that he's complaining of being sexually abused by
6 Father Charles MacDonald and Mr. Ken Seguin.

7 **MR. ENGELMANN:** And did Sergeant Nakic give
8 you some sense as to how long he had spent on the phone
9 with Mr. Silmser?

10 **MR. DEROCHIE:** I got the impression that it
11 was -- it was a very short period of time. But after the
12 telephone conversation he went to see Staff Inspector
13 McDonald and was instructed to submit a memo or to call Mr.
14 Silmser back, advise him that an investigator would be
15 assigned and that he should be hearing from us within a
16 week.

17 And then, as I say, he submitted an internal
18 memo detailing the complaint.

19 **MR. ENGELMANN:** All right. And you've noted
20 the conversation you had with Sergeant Nakic, at pages 37
21 and 38 of your notes.

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

23 **MR. ENGELMANN:** I'll just be a moment.

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

25 **MR. ENGELMANN:** And, sir, I think we may

1 have been here before, but Sergeant Nakic did not enter
2 this complaint on to your OMPPAC system.

3 **MR. DEROCHIE:** No, he did not.

4 **THE COMMISSIONER:** Did you ever find out
5 why?

6 **MR. DEROCHIE:** No. No he -- there was no
7 explanation for it. I don't think there was ever a
8 question asked of him to that. He didn't have the ability
9 or the access to OMPPAC to have created an incident.

10 **MR. ENGELMANN:** He was not the first officer
11 assigned in this matter. The first officer assigned would
12 have been Sergeant Lortie?

13 **MR. DEROCHIE:** He was never assigned this
14 incident at all; he just took information over the phone.

15 Had this been dealt -- had it been dealt in
16 the communications room, a similar complaint, but where the
17 victim -- or the complainant wanted to see the police, it
18 would have been dealt with in the radio room. They would
19 have created an incident right away in order to dispatch an
20 officer to take the details.

21 However, this was a case where the gentleman
22 was living outside the City of Cornwall and we weren't
23 going to dispatch someone, therefore, they transferred this
24 call from the radio room to Mr. -- or to Sergeant Nakic.

25 **MR. ENGELMANN:** And he then informed?

1 **MR. DEROCHIE:** Staff Inspector McDonnell.

2 **MR. ENGELMANN:** Right. And the instruction
3 he was given was to get back to the complainant and
4 indicate that an officer would be assigned and be back in
5 touch with him?

6 **MR. DEROCHIE:** Yes.

7 **MR. ENGELMANN:** Okay.

8 **THE COMMISSIONER:** So have things changed
9 now? I don't know if you're aware. I mean, it seems that
10 it doesn't -- it's a little dysfunctional, in the sense
11 that here's something that can slip in the cracks.

12 **MR. DEROCHIE:** They ought to have started an
13 OMPPAC incident right at the very start.

14 It has changed. We now have an order to
15 that effect.

16 **THE COMMISSIONER:** Okay. And so looking
17 back, and you're saying Officer Nakic wasn't the one who --
18 who should have in the order of things or in a perfect
19 world, who should have opened up the OMPPAC?

20 **MR. DEROCHIE:** In a perfect world, Sergeant
21 Nakic should have had it. Failing that, Staff Inspector
22 McDonnell should have required it.

23 Failing that, Claude Lortie, who was going
24 to be the investigator, would certainly need an incident
25 created in order to report on it, so, you know, he should

1 have opened one as well.

2 **THE COMMISSIONER:** And if my memory is
3 correct, the one who did open it up was Constable Sebalj on
4 the day or the day after that she was assigned?

5 **MR. DEROCHIE:** It was on January 13th, she --
6 yes.

7 **THE COMMISSIONER:** All right. Good, thank
8 you.

9 **MR. ENGELMANN:** And then where we go from
10 there is, as individuals are interviewed or notes are
11 taken, they should be entered as the investigation goes on?

12 **MR. DEROCHIE:** Yes.

13 **MR. ENGELMANN:** And that's how it would
14 happen today, sir?

15 **MR. DEROCHIE:** That's how it would happen
16 today, yes.

17 Back then, it wasn't unusual for the officer
18 to -- to do the investigation, create the incident, do the
19 investigation and then do an all-encompassing report that
20 covered everything.

21 **THE COMMISSIONER:** Well, hold it now.

22 We've been through that yesterday and my
23 understanding was that was the old way of doing it.

24 When OMPPAC came on, you wanted to have
25 people putting it in as they went. Is that fair?

1 **MR. DEROCHIE:** Yes. That -- that was the
2 whole purpose of getting OMPPAC, yes.

3 **THE COMMISSIONER:** All right. And then we
4 learned that OMPPAC had been there for three years?

5 **MR. DEROCHIE:** Yes.

6 **THE COMMISSIONER:** So it's not as if it came
7 in a month ago and people are still straddling the line.

8 Then you told us that Sebalj is -- Constable
9 Sebalj is a good typist and is proficient and has been
10 trained on OMPPAC?

11 **MR. DEROCHIE:** Absolutely. Yes, you're
12 quite right.

13 **THE COMMISSIONER:** All right. So ---

14 **MR. ENGELMANN:** And I think it went a step
15 further, sir.

16 **THE COMMISSIONER:** Yes.

17 **MR. ENGELMANN:** I think you also said to us
18 that the staff sergeant running the CIB essentially didn't
19 require his officers at that time ---

20 **MR. DEROCHIE:** Well, that's -- that's the
21 point I was going -- I was making, that it was a practice
22 back then, it wasn't unheard of for what I just was
23 describing, to have occurred.

24 And you're quite right in your observation,
25 Mr. Commissioner, it ought to have been done differently.

1 **THE COMMISSIONER:** What I'm trying to do is
2 this, is that given that there were allegations out there
3 of a cover-up -- all right? -- anything that deviates from
4 what ought to have been, should be examined?

5 **MR. DEROCHIE:** Quite true.

6 **THE COMMISSIONER:** All right. So now we're
7 at -- we've seen where the incident report or the OMPPAC
8 ought to have started with Sergeant Nakic and now we're
9 going over to January 13th when it was opened, however,
10 there is nothing in it?

11 **MR. DEROCHIE:** That's quite right.

12 **THE COMMISSIONER:** And then later on in the
13 -- there's a -- what's the word?

14 **MR. ENGELMANN:** A Project file ---

15 **THE COMMISSIONER:** A Project file is opened
16 in October?

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

18 **THE COMMISSIONER:** So someone coming in to
19 this thing would be looking and saying, wait a minute here,
20 no one could see this investigation nor the names of the
21 complainants or the names of the accused -- or the suspects
22 from January 13th to when the Project file was opened and
23 when the Project file was opened, nobody could see it?

24 **MR. DEROCHIE:** It certainly was very
25 restricted to who could see it, but your point is well

1 made, sir, yes.

2 **THE COMMISSIONER:** All right.

3 **MR. ENGELMANN:** Sir, what information, if
4 any, would individuals have once the OMPPAC was open?

5 **MR. DEROCHIE:** On this particular incident?

6 **MR. ENGELMANN:** Yes.

7 **MR. DEROCHIE:** They would have known that
8 there was a sexual assault being investigated at 40 Fourth
9 Street West.

10 **MR. ENGELMANN:** That's it?

11 **MR. DEROCHIE:** That's it.

12 **THE COMMISSIONER:** And what's "44th Street
13 West"?

14 **MR. DEROCHIE:** Forty (40) Fourth Street
15 West, which is the church or the diocese -- or the parish.

16 **THE COMMISSIONER:** And that's what Constable
17 Sebalj would have put in?

18 **MR. DEROCHIE:** That's my recollection of the
19 information that was on -- that was available to anybody
20 that opened up OMPPAC and looked at it, yes.

21 **THE COMMISSIONER:** All right.

22 **MR. ENGELMANN:** And do you know, sir,
23 whether that access was restricted from January 13th until
24 October 1st or ---

25 **MR. DEROCHIE:** No, No, anybody could have

1 opened it up and looked at that part.

2 That incident would also appear, as I -- as
3 I believe I stated yesterday, on Sebalj's outstanding
4 assignment list and it would be available to her staff
5 sergeant.

6 **MR. ENGELMANN:** But no one would be familiar
7 with what work, if any, had been done?

8 **MR. DEROCHIE:** Correct.

9 **MR. ENGELMANN:** Since it was opened on
10 January 13th?

11 **MR. DEROCHIE:** That's right.

12 **MR. ENGELMANN:** All right. Now, after
13 meeting with Sergeant Nakic, did you then next meet with
14 Mr. Abell for a second time, and that would have been on
15 November 4th?

16 **MR. DEROCHIE:** That's right.

17 **MR. ENGELMANN:** So that would be, then, your
18 second meeting with Mr. Abell?

19 **MR. DEROCHIE:** That's correct.

20 **MR. ENGELMANN:** And did you inform him --
21 sorry, did you set up that meeting, sir?

22 **MR. DEROCHIE:** Yes, I did.

23 **MR. ENGELMANN:** And did you inform him about
24 why it was you wanted to meet with him for a second time?

25 **MR. DEROCHIE:** I don't recall if -- if I had

1 explain why I wanted to see him, I just asked if I could
2 meet with him and I -- I probably told him I wanted to go
3 over it in detail what his role had been in this.

4 **MR. ENGELMANN:** In your note at the bottom
5 or page 39, you say:

6 "I told him that my mandate had been
7 expanded..." ---

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** --- "...since the last we
10 spoke, to include a review of the
11 investigation itself."

12 **MR. DEROCHIE:** That was at the meeting I
13 told him that.

14 **MR. ENGELMANN:** All right, okay. So that
15 you would have started the meeting with a comment like that
16 perhaps?

17 **MR. DEROCHIE:** Yeah.

18 **MR. ENGELMANN:** And again, sir, it appears,
19 at least from your notes, that you would have suggested to
20 him that you were leaning towards simply counselling Mr.
21 Dunlop for what he had done in this particular case?

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

23 **MR. ENGELMANN:** All right. So despite the
24 fact that you're there for the broader investigation,
25 you're still letting him know something about Dunlop from

1 the first time around?

2 MR. DEROCHIE: Yes.

3 MR. ENGELMANN: Now, did he inform you as to
4 what they were doing?

5 MR. DEROCHIE: Yes. He told me he had -- he
6 had opened a Project on this and that he was going to have
7 his people investigate the -- all of the circumstances.

8 MR. ENGELMANN: And did he give you some
9 idea as to who he had assigned and what they were doing?

10 MR. DEROCHIE: Yes. He told me that Bill
11 Carriere would be in -- in charge of the investigation or
12 the Project.

13 MR. ENGELMANN: And was Mr. Carriere someone
14 who was known to you, sir?

15 MR. DEROCHIE: Yes.

16 MR. ENGELMANN: And you had had dealings
17 with him?

18 MR. DEROCHIE: I -- I would have, off and
19 on, over a period of years, yes.

20 MR. ENGELMANN: And did he give you a sense
21 as to what they had already done with respect to their
22 investigation? For example, sir, would he have told you
23 that they would have met with Mr. Silmsen?

24 MR. DEROCHIE: I don't know if he told me
25 that they had met, but they were going to meet. I -- I

1 don't recall the chronology of when I first heard that they
2 were -- when they first met.

3 MR. ENGELMANN: All right.

4 MR. DEROCHIE: If you could take me ---

5 MR. ENGELMANN: Sure, the bottom of page 40:

6 "He also told me they had met with
7 Silmsen about a week ago and were
8 trying to solicit his cooperation."

9 MR. DEROCHIE: Yes.

10 MR. ENGELMANN: "We're moving slow with
11 him and had hoped to speak with him
12 again on Friday."

13 MR. DEROCHIE: That's right, yes.

14 MR. ENGELMANN: And then you got into, to
15 some extent, some questions you had about when he met with
16 Constable Dunlop?

17 MR. DEROCHIE: Yes, again I was building my
18 chronology so I wanted to know specific dates.

19 MR. ENGELMANN: All right. And that's why
20 you asked him when they first talked about it, when he
21 first saw the statement and when he first received a copy
22 of it?

23 MR. DEROCHIE: That's right.

24 MR. ENGELMANN: Now, he also in the course
25 of this interview talked to you about conversations that

1 he'd had with Chief Shaver?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: And his effort to get a hold
4 of Chief Shaver immediately after obtaining the statement
5 from Constable Dunlop?

6 MR. DEROCHIE: That's right.

7 MR. ENGELMANN: And the fact that he met
8 with Chief Shaver on October 1st?

9 MR. DEROCHIE: That's correct.

10 MR. ENGELMANN: And would he have told you
11 about meeting with Chief Shaver and Staff Sergeant Brunet
12 on October 8th as well?

13 MR. DEROCHIE: That's correct.

14 MR. ENGELMANN: And you'd covered some of
15 this the first time around with him?

16 MR. DEROCHIE: Yes. Yes.

17 MR. ENGELMANN: And I note, sir, you seem to
18 be going back to him again about his opinion of your
19 service?

20 MR. DEROCHIE: Yes, I'm concerned about
21 that.

22 MR. ENGELMANN: And that's because you
23 weren't satisfied with your answer the first time around?

24 MR. DEROCHIE: Yes. I'd posed the question
25 to him and just left it with him.

1 **MR. ENGELMANN:** And you describe that at
2 page 43 of your notes?

3 **MR. DEROCHIE:** That's correct.

4 **MR. ENGELMANN:** And I note you say, sir, and
5 this is in your square brackets:

6 "I brought this subject up at our last
7 meeting, he could not or would not
8 explain his reasons. I could not
9 understand why he would expose a
10 personal friend, Dunlop, to possible
11 disciplinary action when he didn't need
12 to."

13 Do you see that?

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** And again, the note carries
16 on, onto the following page but you do give his answer on
17 page 44, in the second paragraph.

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

19 **MR. ENGELMANN:** "He felt that he had to
20 have a statement before he approached
21 the Service official."

22 **MR. DEROCHIE:** That's what he told me, yes.

23 **MR. ENGELMANN:** And were you satisfied then
24 with that response?

25 **MR. DEROCHIE:** No, I had lingering doubts as

1 to -- I'm not saying he was being not forthcoming with me
2 but I thought he had concerns about our police service and
3 he had concerns about our police service that caused me
4 concerns. I wanted to know what they were and what we
5 could do about that.

6 **MR. ENGELMANN:** But apparently you put that
7 question to him directly and he said he didn't?

8 **MR. DEROCHIE:** No, and he did respond. He
9 said "No, I've got no problems at all with it" but it just
10 was inconsistent with the way he had done that and that's
11 what I was trying to get a handle on; I wasn't comfortable
12 with that.

13 No, you can't have -- if there's something
14 there between CAS and us, we have to get that resolved. I
15 want that resolved.

16 **MR. ENGELMANN:** All right and you're
17 suggesting, at least at the top of page 45 of your notes
18 that Mr. Dunlop -- or Constable Dunlop may have painted a
19 poor picture of your service with Mr. Abell?

20 **MR. DEROCHIE:** That was my feeling;
21 something -- something had to have been said.

22 **MR. ENGELMANN:** All right. You didn't hear
23 that from anyone, that was just your thinking out loud?

24 **MR. DEROCHIE:** No, that was my rationale.
25 How -- rationalized why he had acted the way he had and ...

1 **MR. ENGELMANN:** Then on page 45 you start to
2 get into the whole issue of the Silmsers investigation.

3 **MR. DEROCHIE:** Yes.

4 **MR. ENGELMANN:** Is that fair?

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

6 **MR. ENGELMANN:** And he's saying to you the
7 suspects fit a profile which normally indicate a pattern of
8 abuse?

9 **MR. DEROCHIE:** Yes.

10 **MR. ENGELMANN:** Multiple victims being
11 abused over many years?

12 **MR. DEROCHIE:** That's correct.

13 **MR. ENGELMANN:** Now, apparently -- and I
14 don't know if these are his words or yours it says:

15 "As is the case when members of the
16 church are involved, cover-ups were
17 sometimes involved."

18 That was coming from him or from you?

19 **MR. DEROCHIE:** That was -- would be coming
20 from him.

21 **MR. ENGELMANN:** All right.

22 "He believed that this might be the
23 case in this incident, Silmsers had been
24 paid off to keep things quiet."

25 **MR. DEROCHIE:** Correct.

1 **MR. ENGELMANN:** So these are words or
2 conversation that Mr. Abell is having with you?

3 **MR. DEROCHIE:** Words to those effect -- that
4 effect, yes.

5 **MR. ENGELMANN:** Did he -- did he elaborate
6 on that, sir?

7 **MR. DEROCHIE:** No. I think he was just
8 making an observation that this does sometimes happen and
9 it may be present here in this particular circumstances.

10 **MR. ENGELMANN:** Did he indicate to you at
11 that time that he had met with the Bishop or was about to
12 meet with the Bishop?

13 **MR. DEROCHIE:** He may have, I don't recall.
14 I didn't make note of it, that I can recall.

15 **MR. ENGELMANN:** Now there was apparently a
16 discussion about Mr. Seguin, that came up at the meeting.

17 **MR. DEROCHIE:** As it had in the first, yes.

18 **MR. ENGELMANN:** Yes. And you'd mentioned
19 the discussion the first time about he was going to inquire
20 about whether he was in the same Ministry or words to that
21 effect?

22 **MR. DEROCHIE:** Something to that effect,
23 yes.

24 **MR. ENGELMANN:** All right. And was there a
25 further discussion about that, sir? There's some reference

1 at the bottom of page 45 and onto page 46 of your notes.

2 MR. DEROCHIE: Yes, he explained that he
3 wasn't going to conduct the same type of inquiry into Ken
4 Seguin as he would with Father MacDonald.

5 MR. ENGELMANN: And what were the reasons
6 given for that?

7 MR. DEROCHIE: The reason that I articulated
8 or recorded here and what I recall was that Ken Seguin was
9 not part of his Ministry as he had originally thought. And
10 I may have misunderstood what he had said the first time
11 but that didn't make very much sense to me at that time.

12 MR. ENGELMANN: It doesn't make a whole lot
13 of sense to me either because Father MacDonald wouldn't be
14 part of his Ministry either.

15 MR. DEROCHIE: Those would have been my
16 observations as well but I never pursued that with him.

17 MR. ENGELMANN: Are you sure he actually
18 said this to you, sir?

19 MR. DEROCHIE: That's my recollection of the
20 conversation, yes; they were not going to investigate Ken
21 Seguin.

22 MR. ENGELMANN: "Because he's not part of
23 our Ministry."

24 MR. DEROCHIE: That was ---

25 MR. ENGELMANN: I just say it -- it's not in

1 his notes and I don't think that's going to be his
2 recollection but that's ---

3 **MR. DEROCHIE:** That's my -- that's my
4 recollection; those are my notes on that subject.

5 **MR. ENGELMANN:** All right.

6 Did he provide you with any further
7 explanation for what they were going to be doing with
8 respect to Mr. Seguin, if anything?

9 **MR. DEROCHIE:** It was my impression that
10 they weren't going to do anything else.

11 **MR. ENGELMANN:** What were your thoughts
12 about that?

13 **MR. DEROCHIE:** Well, I have to defer to Mr.
14 Abell's understanding of what his mandate is and I didn't
15 understand it. That would be my comments; I didn't
16 understand the difference.

17 **MR. ENGELMANN:** And why he would investigate
18 one person but not the other?

19 **MR. DEROCHIE:** Yeah, even if ministries
20 weren't involved.

21 **MR. ENGELMANN:** Did you feel any -- any
22 necessity at that time yourself to make any inquiries, sir?

23 **MR. DEROCHIE:** Not at that time, no.

24 **MR. ENGELMANN:** You weren't investigating
25 the original complaint?

1 **MR. DEROCHIE:** No, I was trying to
2 understand.

3 **MR. ENGELMANN:** Do you know if -- from the
4 work you were doing in investigating the Cornwall Police
5 Service investigation if any of the officers from the Force
6 ever had contact with Mr. Seguin's employers?

7 **MR. DEROCHIE:** Have any of our officers had
8 contact with the employers with regards to this
9 investigation?

10 **MR. ENGELMANN:** Yes.

11 **MR. DEROCHIE:** No.

12 **MR. ENGELMANN:** But there was some contact
13 between certainly the Police Service and the Diocese?

14 **MR. DEROCHIE:** Yes.

15 **MR. ENGELMANN:** Perhaps indirectly through
16 Mr. MacDonald, Malcolm MacDonald.

17 **MR. DEROCHIE:** Yes, we met with the -- we
18 met with church officials.

19 **MR. ENGELMANN:** No, but even before then,
20 during the time of the active investigation.

21 **MR. DEROCHIE:** Oh yes. Yes, you're quite
22 right.

23 **MR. ENGELMANN:** Certainly the Diocese was
24 aware that ---

25 **MR. DEROCHIE:** That it was ongoing.

1 **MR. ENGELMANN:** --- you were investigating -
2 --

3 **MR. DEROCHIE:** Yes. Yes.

4 **MR. ENGELMANN:** --- Father MacDonald.

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

6 **MR. ENGELMANN:** The Ministry of Corrections
7 was never informed that you might be investigating Ken
8 Seguin?

9 **MR. DEROCHIE:** Not to my knowledge. We
10 weren't investigating Ken Seguin.

11 **MR. ENGELMANN:** Fair enough; that never
12 happened?

13 **MR. DEROCHIE:** That's right.

14 **MR. ENGELMANN:** We've heard from a former
15 director of that office, Mr. Sirrs. And actually we've
16 heard from a couple more as well, and Mr. Robert, that they
17 were disappointed that they weren't told about police
18 complaints and/or rumours about their officers or their
19 employees by the Cornwall Police Service.

20 Do you not think that would have been
21 perhaps a good idea, sir, for someone from your office,
22 someone from the police force to have some contact with the
23 area manager?

24 **MR. DEROCHIE:** Well I don't know -- I don't
25 know of any -- any authority that we would have to do that.

1 We were -- you know, we're agents of the state, what we say
2 to people normally has meaning and I don't think we were --
3 we have any kind of -- we wouldn't be able to justify going
4 to an employer with regards to information that's un-
5 investigated, unsubstantiated, just an allegation.

6 **MR. ENGELMANN:** Well just -- you've got a
7 criminal complaint ---

8 **MR. DEROCHIE:** Yes.

9 **MR. ENGELMANN:** --- filed with your Force.

10 **MR. DEROCHIE:** We've got a criminal
11 allegation, yes.

12 **MR. ENGELMANN:** And you wouldn't ---

13 **MR. DEROCHIE:** No, we would not.

14 **MR. ENGELMANN:** You wouldn't go to -- let me
15 just finish the question. You wouldn't -- you wouldn't go
16 to an employer of that person, especially a public service
17 employer and make some inquiries or ask for some
18 information in the investigation?

19 **THE COMMISSIONER:** Hold on for a second now.
20 Mr. Callaghan?

21 **MR. CALLAGHAN:** The premise of the question
22 is, I think, somewhat unfair insofar as if -- there has
23 been some reference but no exploration of the issue of the
24 statutory authority by which police are permitted to do
25 this.

1 And there was an amendment in 1997, after
2 Christopher's Law that allowed very circumspect evidence --
3 no, pardon me, information in the possession of police to
4 be passed on and almost none in respect to the
5 investigative stage and that -- I just think it's a little
6 unfair, given there are legal parameters upon which these
7 people were at work that were doing this without having
8 that history here and specifically here this witness who
9 has given his answer, not dissimilar to what Superintendent
10 Skinner said too originally. But it's out of a context.

11 **THE COMMISSIONER:** Mr. Engelmann?

12 **MR. ENGELMANN:** Sir, the witness gave the
13 answer and I thought -- he opened the door so I thought I
14 should explore it with him as to why he felt that way. I
15 don't think there's anything improper with the question.

16 **THE COMMISSIONER:** Why would you think that?

17 **MR. DEROCHIE:** I'm sorry, sir?

18 **THE COMMISSIONER:** I'll permit you to answer
19 the question, which you have probably forgot now.

20 **MR. DEROCHIE:** Well, the question was would
21 I -- would we advise the employer of criminal allegations
22 against one of their employees?

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

24 **MR. DEROCHIE:** The answer is no.

25 **THE COMMISSIONER:** No, okay. Now let's

1 shift a little bit. Officer Dunlop thought he had an
2 obligation to report this to the Children's Aid Society?

3 **MR. DEROCHIE:** That's correct.

4 **THE COMMISSIONER:** Okay, and technically you
5 agree -- I mean philosophically you agree with that?

6 **MR. DEROCHIE:** Yes.

7 **THE COMMISSIONER:** That it was a higher
8 duty, but you questioned how he went about it. I guess my
9 question is if you don't have a duty to report it to an
10 employer, would you not have a duty to report to the CAS of
11 Seguin's -- the allegation against Seguin to protect
12 children or young people that may still be at risk at the
13 hands of Mr. Seguin, in the same way that it was done for
14 Father MacDonald?

15 **MR. DEROCHIE:** My answer again would be, no,
16 unless we had some very concrete evidence as to the
17 circumstances involved. I can't answer any better than
18 that. My understanding was at that time is that we weren't
19 -- the CAS would not investigate historical allegations of
20 sexual assault if there was. Their mandate involved
21 children at risk in the community. Now, in our
22 interpretation, or at least my interpretation of that was
23 we had to be able to identify a child in need of
24 protection.

25 **MR. ENGELMANN:** It's clear though from your

1 conversations with Mr. Abell that he had a broader view of
2 their role than you did?

3 **MR. DEROCHIE:** He did and I won't argue with
4 him.

5 **MR. ENGELMANN:** Just on the last point, sir,
6 one of the documents we looked at yesterday had reference
7 to this as well.

8 Could you look at Exhibit 301?

9 **THE COMMISSIONER:** 301, hold on, I think we
10 need another binder.

11 **MR. ENGELMANN:** This was a letter that was
12 in your package, sir?

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** Item number 12?

15 **MR. DEROCHIE:** That's correct.

16 **MR. ENGELMANN:** And just looking at the
17 middle paragraph, it says:

18 "It is evident that Mr. Silmsers
19 allegations suggest a very serious
20 breach of trust by the alleged
21 perpetrator. These concerns can, of
22 course, be put to the suspect's
23 principles if you deem it appropriate."

24 Apparently he's writing to Mr. Brunet, or
25 Staff Sergeant Brunet at that time suggesting that's

1 obviously an option that can be followed.

2 **MR. DEROCHIE:** Yes, and he's, I assume he's
3 aware that the church knows, the Diocese knows.

4 **MR. ENGELMANN:** What I'm saying, sir, is
5 this would be an indication that you should if you want to
6 take it up with the suspect's employer?

7 **MR. DEROCHIE:** Yes, but the suspect's
8 employer knows of the allegations already. Mr. Seguin's
9 employer did not know. I see that as being different;
10 maybe I'm wrong.

11 **MR. ENGELMANN:** All right, well they've
12 consistently said that they want to know, in fact that's
13 one of the recommendations they've made.

14 **MR. DEROCHIE:** They did, yes, I heard that.

15 **MR. ENGELMANN:** All right. Was there a
16 policy then within the department at that time when
17 criminal complaints were filed never to consult with the
18 employer?

19 **MR. DEROCHIE:** It certainly wasn't a policy
20 in place. It was the understanding that we would not do
21 that, but no policy prohibiting it, no.

22 **MR. ENGELMANN:** Sir, during the course of
23 your discussion with Mr. Abell, you would have talked about
24 both of these alleged perpetrators were people who were in
25 some position of trust, correct, with young persons or

1 young people?

2 MR. DEROCHIE: That's correct.

3 MR. ENGELMANN: And I'm just looking at page
4 46 of your notes. He's apparently suggesting to you that
5 he wants your service to re-open its investigation?

6 MR. DEROCHIE: Yes.

7 MR. ENGELMANN: And he wants the whole thing
8 re-investigated, or investigated?

9 MR. DEROCHIE: Yes, yes.

10 MR. ENGELMANN: By that I mean not just
11 Father Charles MacDonald, but also Ken Seguin?

12 MR. DEROCHIE: Yes.

13 MR. ENGELMANN: And you apparently told him
14 at the time, according to your notes, that you'd look into
15 that possibility but in the meantime you would help his
16 investigation in any way that you could?

17 MR. DEROCHIE: Yes.

18 MR. ENGELMANN: And I just note you say:

19 "We agreed that it was important that
20 the suspects in this case be identified
21 to the community and that they answer
22 for their actions."

23 Those are your notes?

24 MR. DEROCHIE: That's right. That was my
25 feelings at the time.

1 **MR. ENGELMANN:** All right, what did you mean
2 by being identified to the community?

3 **MR. DEROCHIE:** Through a charge. Let's get
4 them charged so that we can -- that there can be a
5 disclosure to the public that this has happened.

6 As you know, once you lay a criminal charge,
7 it's a public document. It becomes -- the information
8 becomes available.

9 **MR. ENGELMANN:** Yes. Now he's saying to you
10 apparently during the course of this conversation that he
11 has some concerns about information disseminating out of
12 the Cornwall Police Service?

13 **MR. DEROCHIE:** Yes.

14 **MR. ENGELMANN:** What was that issue, sir?

15 **MR. DEROCHIE:** He didn't say specifically
16 but he was referring that there was information circulating
17 that could only come from the police. And I just noted to
18 myself, I don't think I expressed this concern to Mr.
19 Abell, but I noted to myself the very reason I'm doing this
20 is because of the amount of information that's going out of
21 the organization unofficially, not being through the chain
22 of command.

23 **MR. ENGELMANN:** You were dealing with one
24 aspect of that?

25 **MR. DEROCHIE:** Well, are you referring to

1 the release of the statement to the CAS?

2 MR. ENGELMANN: No. I understood you were
3 dealing with two things with respect to Mr. Dunlop, or
4 Constable Dunlop; the actions where he gave some
5 information to his wife and she took some initiative and
6 also the statement to the CAS?

7 MR. DEROCHIE: That's correct, yes.

8 MR. ENGELMANN: But this would suggest that
9 there was other information getting out as well?

10 MR. DEROCHIE: There was other information.
11 Once this became the gossip within the police service, it
12 grew from there.

13 MR. ENGELMANN: And I think, and this is
14 again you thinking out loud, I believe, on page 47, that
15 fathers in the St. Andrews area talking to their children
16 about altar boys, sons to see if they had been victimized.

17 MR. DEROCHIE: At least I was.

18 MR. ENGELMANN: Your son had been an altar
19 boy at the parish?

20 MR. DEROCHIE: That's correct.

21 MR. ENGELMANN: I'll just be a moment, sir.

22 MR. DEROCHIE: M'hm.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. ENGELMANN: Can you tell us, sir, then,
25 as a result of meeting with Mr. -- you gathered information

1 from meeting with Mr. Abell?

2 MR. DEROCHIE: Yes, that's correct.

3 MR. ENGELMANN: And did you have further
4 meetings that day, on November 4th, with either Staff
5 Sergeant Brunet and/or Constable Sebalj?

6 MR. DEROCHIE: Yes, both of those. I met
7 them together.

8 MR. ENGELMANN: All right. And would this
9 have been just after you had met with Mr. Abell?

10 MR. DEROCHIE: Yeah, it was very shortly
11 afterwards.

12 MR. ENGELMANN: All right. And did they
13 have some new news to report to you?

14 MR. DEROCHIE: Yes. Heidi reported -- or
15 Constable Sebalj reported to me that she had received a
16 call from Mr. Silmsner and that he's quite upset; he wanted
17 to be left alone. He wanted to know how CAS had become --
18 become aware of him and he wanted to know who the woman was
19 that was pestering him or bothering him.

20 MR. ENGELMANN: I think he used the term
21 "crazy woman"?

22 MR. DEROCHIE: Yes.

23 MR. ENGELMANN: According to your note?

24 MR. DEROCHIE: That's his term, yes.

25 MR. ENGELMANN: That's his term, yes.

1 Yeah, he was, in describing this to the
2 constable, presumably he was quite upset?

3 **MR. DEROCHIE:** He described to Constable
4 Sebalj the woman who was trying to contact him as being the
5 "crazy woman".

6 **MR. ENGELMANN:** Did he provide a name to
7 her?

8 **MR. DEROCHIE:** He provided a piece of paper
9 to Constable Sebalj that contained the name and telephone
10 number of Helen Dunlop.

11 **MR. ENGELMANN:** Did he appear to know, sir,
12 at least in reference to either Ms. Sebalj -- or Constable
13 Sebalj or Staff Sergeant Brunet, that this person was the
14 spouse of one of your officers?

15 **MR. DEROCHIE:** No, he did not know that.

16 **MR. ENGELMANN:** And in this meeting, she
17 would have related to you that -- "she" being Constable
18 Sebalj -- that Mrs. Dunlop had -- had sought Mr. Silmser
19 ou?

20 **MR. DEROCHIE:** Yes, I believe she told me
21 that she had actually travelled to Bourget looking for him
22 and he wasn't home, and subsequently she had phoned him.

23 **MR. ENGELMANN:** As a result of this
24 conversation with both Staff Sergeant Brunet and Constable
25 Sebalj, did you follow up with Mr. Abell about ---

1 **MR. DEROCHIE:** Yes, I gave -- I gave Mr.
2 Abell a call.

3 He had just told me that he was going to be
4 meeting with Mr. Silmsers shortly and I wanted to make sure
5 that he was aware of these developments.

6 **MR. ENGELMANN:** Now, did Constable Sebalj go
7 into any more detail about her call with Mr. Silmsers and
8 his apparent -- I don't want to say "state of mind", but
9 how he reacted, how he was acting?

10 **MR. DEROCHIE:** He was -- there was no doubt
11 -- I mean, when she was communicating to me that Mr.
12 Silmsers was very much put-out by -- by this -- by this
13 development, that he did not want to deal with this matter
14 any further.

15 She described him as being volatile.

16 **MR. ENGELMANN:** Did she give you any further
17 explanation about what she meant by "volatile"?

18 **MR. DEROCHIE:** No.

19 **MR. ENGELMANN:** And was she concerned about
20 -- did she express some concern to you about him as a -- as
21 a victim or alleged victim of sexual assault?

22 **MR. DEROCHIE:** Yes. Yes, she did. I -- she
23 was -- she told me that Mr. Silmsers is the victim of a
24 sexual assault and he's got to be treated accordingly. He
25 has rights and he -- he wasn't comfortable, you know, and

1 she felt that maybe he was going -- he was feeling he was
2 being re-victimized.

3 **MR. ENGELMANN:** And I'm wondering, sir, at
4 the bottom of page, page 49 of your notes, it says:

5 "She feels that our instructions from
6 Silmser are clear."

7 And it refers to items 10.2 and 13, and I
8 remember item 13 being the note that -- that he writes I
9 think on September 29th at the service, on a piece of paper.

10 Do you know what item 10.2 is -- 10 point 2
11 -- being referred to there?

12 **MR. DEROCHIE:** I can't recall right now.

13 **MR. ENGELMANN:** All right.

14 **MR. DEROCHIE:** I don't know what that
15 document would be.

16 **MR. ENGELMANN:** All right.

17 Mr. Commissioner, perhaps we should leave it
18 there. I'm just thinking of going into another area.

19 **THE COMMISSIONER:** No, that's good, thank
20 you.

21 We'll rise for today and come back on Monday
22 at 9:30.

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

25 This hearing is adjourned until March 3rd at

1 9:30 a.m.

2 --- Upon adjourning at 1:23 p.m./

3 L'audience est ajournée à 13h23

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

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, Sean Prouse 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, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM