

**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 237

Held at :

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

Wednesday, June 4 2008

Tenue à:

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

Mercredi, le 4 juin 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Karen Jones	Commission Counsel
Mr. George MacPherson	
Mr. John E. Callaghan	Cornwall Community Police
Mr. Mark Crane	Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. 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. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
Insp. Brendon Wells	Insp. Brendon Wells

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

2 L'audience débute à 9h34

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you.

10 Good morning, Inspector Wells.

11 **MR. WELLS:** Good morning. How are you?

12 **THE COMMISSIONER:** Good. Yourself?

13 **MR. WELLS:** Good, thanks.

14 **THE COMMISSIONER:** Good morning, Ms. Jones.

15 **MS. JONES:** Good morning, Mr. Commissioner.

16 **INSP. BRENDON WELLS, Resumed/Sous le même serment:**

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

19 **MS. JONES:** When we left yesterday,
20 Inspector Wells, we were talking about the Antoine
21 investigation, and I want to refer to the document we were
22 at before we left at the end of the day, which is Exhibit
23 1286, please.

24 **THE COMMISSIONER:** Twelve-eighty-six (1286).

25 All right. Okay.

1 So we're looking at the report from Staff
2 Sergeant Derochie of April 1995.

3 **MS. JONES:** Thank you.

4 If you could please turn to Bates page 5653,
5 which is typewritten as page 14, just to give you some
6 reference? As you may recall, this is where we left off
7 yesterday, I believe. Is that correct? Do you recall
8 that?

9 **MR. WELLS:** Yes.

10 **MS. JONES:** Yes? Okay.

11 Now, one of the questions that was arising
12 as a result of looking through this report is or has to do
13 with, for instance, file storage and where things are
14 actually kept. When an officer is investigating a file and
15 a file is opened, as you described earlier, an occurrence
16 number is attributed an individual file, where physically
17 is the file kept?

18 **MR. WELLS:** I believe the file was kept in
19 the officer's storage cabinet in a cardboard container, for
20 lack of a better description. The various files would be
21 placed in that particular cabinet.

22 **MS. JONES:** Are these metal typical ---

23 **MR. WELLS:** Cabinets?

24 **MS. JONES:** --- cabinets, filing cabinets?

25 **MR. WELLS:** Yes.

1 **MS. JONES:** And are they organized in a
2 fashion so anyone can go to that filing cabinet and
3 retrieve whatever file they want with that particular
4 officer?

5 **MR. WELLS:** If you couldn't have access to
6 it, you certainly would approach the officer and he would
7 unlock it, but they were filing cabinets that were kept
8 pretty private, but through the day they'd be open.

9 **MS. JONES:** But let's pretend the officer
10 wasn't available, if you wanted to just have access to the
11 file, were you able to do that relatively easily?

12 **MR. WELLS:** Yes, yes.

13 **MS. JONES:** Okay. So there was a filing
14 system in place? First, was it done alphabetically? Was
15 it done by date? Was it done by occurrence number?

16 **MR. WELLS:** I believe it was done by
17 occurrence number.

18 **MS. JONES:** Okay. And what would happen if
19 a file belonged to an officer who either went off ill for
20 some period of time or had an accident or even just moved
21 departments? What would happen to the physical file,
22 because presumably it would stay in the same department?

23 **MR. WELLS:** Yes, it would.

24 **MS. JONES:** So what would happen to that
25 physical file of that police officer?

1 **MR. WELLS:** If it was an active file, then
2 it would be given to another investigator to continue on
3 with.

4 **MS. JONES:** And the physical file would be
5 given to that officer?

6 **MR. WELLS:** Yes.

7 **MS. JONES:** And what about files that were
8 called in abeyance; what would happen to those?

9 **MR. WELLS:** Those files would basically be
10 stored for later, so that a person could check on it later
11 if something came in, if information came in or if other
12 facts were uncovered.

13 **MS. JONES:** So when you say stored, what do
14 you mean by that? Just describe that, please.

15 **MR. WELLS:** Basically placed in the
16 cardboard container that I was talking to you about, and it
17 would be left in the file, and if other facts came in
18 pertinent to that investigation, then people would have
19 access or the person who would have access to it would pull
20 out the file and then they would have the file in front of
21 them.

22 **MS. JONES:** So they would be taken out of
23 the traditional files ---

24 **MR. WELLS:** The folder that they were stored
25 in.

1 **MS. JONES:** Sorry, if I could just finish --
2 -

3 **MR. WELLS:** I'm sorry.

4 **MS. JONES:** Would they be taken out of the
5 filing system that was being used by that officer for
6 active files and put in a different sort of a storage
7 container?

8 **MR. WELLS:** If an investigation was held in
9 abeyance or placed in abeyance, the officer responsible for
10 that file would keep the file, maintain the file.

11 Now, you're asking if that person was
12 transferred out of that unit and another person was brought
13 in and if information came in concerning that particular
14 incident or occurrence, then that person would -- the new
15 member would be able to go to that file and extract that
16 particular file or the file folder or the box containing
17 those various occurrences, and he would extract that
18 particular file for the purpose of working on the file.

19 **MS. JONES:** And if an officer -- say he
20 wasn't transferred, say he just suddenly was injured on
21 duty and was supposed to report for work the next day but
22 didn't and was off for three months because they got an
23 injury of some sort, so it was a sudden sort of an event --
24 -

25 **MR. WELLS:** Yes.

1 **MS. JONES:** --- files in abeyance under that
2 police officer's name then, what would happen to those
3 files while he was gone?

4 **MR. WELLS:** If there was a high-profile
5 occurrence, it would basically be handed over to another
6 investigator.

7 **MS. JONES:** Who would do that handing over?

8 **MR. WELLS:** The supervisors.

9 **MS. JONES:** Okay. So I'm specifically
10 referring to CIB in the years that you're a supervisor
11 there and I'm specifically referring to historical sexual
12 assaults.

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

14 **MS. JONES:** So if we had an officer then
15 that went off on sick leave rather suddenly ---

16 **MR. WELLS:** Yes.

17 **MS. JONES:** --- and was gone for some period
18 of time, then you'll agree that part of your role as a
19 supervisor would be to make sure his files are being looked
20 after by someone?

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

22 **MS. JONES:** And so presumably there would
23 have been a list of active files and files in abeyance?

24 **MR. WELLS:** Now, are we talking, Ms. Jones,
25 to clarify, the pre-OMPPAC or post-OMPPAC or ---

1 MS. JONES: Let's talk about pre-OMPPAC.

2 MR. WELLS: And your question again is; I'm
3 sorry?

4 MS. JONES: If that officer left suddenly
5 and you, as supervisor, now had to see what was happening,
6 am I correct in assuming that you would go to that police
7 officer's active files and files in abeyance, see what's
8 happening on them ---

9 MR. WELLS: Yes.

10 MS. JONES: --- if something needed to be
11 done; these need to be assigned, et cetera?

12 MR. WELLS: M'hm. That's correct.

13 MS. JONES: Is that what you would do?

14 MR. WELLS: Yes.

15 MS. JONES: And files that were held in
16 abeyance ---

17 MR. WELLS: M'hm.

18 MS. JONES: --- that were not active at the
19 time, if they were not being actively investigated at that
20 moment, you said that they were stored in a different
21 place?

22 MR. WELLS: They were stored within the same
23 cabinet, and at that time our practice was if they were in
24 abeyance, they were placed in abeyance and until something
25 came in to be added or dealt with with that perspective

1 file, that's where they would be left.

2 **MS. JONES:** And I presume too that when an
3 officer is away from his desk, as I say, on sick leave or
4 something like that for an extended period of time, you
5 certainly would not be authorizing that his abeyance files
6 be destroyed in any way?

7 **MR. WELLS:** No.

8 **MS. JONES:** Okay. So they would remain
9 intact, the way the officer left them, in other words, and
10 just be put in another storage facility or area, and there
11 would be some sort of a log kept as to where this file was?

12 **MR. WELLS:** Yes. I would say generally,
13 yes.

14 **THE COMMISSIONER:** I'm sorry; you would say
15 generally?

16 **MR. WELLS:** Yes. My answer would be yes.

17 **MS. JONES:** So if we look at these two
18 particular investigations that we've looked at in some
19 detail, the Lalonde investigation and the Antoine
20 investigation, in both of those investigations we did have
21 a situation where they were both placed in abeyance, and at
22 some point Officer Malloy went on sick leave and eventually
23 he left that department completely. So we did have two
24 files held in abeyance that were still in that status when
25 he actually left either on sick leave or just was

1 transferred out of CIB.

2 At that particular point, was it not the
3 responsibility of the supervisor, i.e. yourself, to see
4 what was happening with Officer Malloy's files when he was
5 now gone on sick leave or now transferred out of CIB?

6 MR. WELLS: Yes.

7 MS. JONES: Okay. But you did not look at
8 these two particular files then when Officer Malloy left
9 the office?

10 MR. WELLS: As stated yesterday, Ms. Jones,
11 I don't recall those incidents. I had very limited
12 involvement with the Jeannette Antoine case and simply
13 don't recall the other occurrence that you've been
14 mentioning. So I can't speak to ---

15 MS. JONES: That's actually not my question
16 though. I understand that you don't recall that but my
17 question is, that would have been your responsibility, as
18 Officer Malloy's supervisor, to look at those two
19 particular files that were now in abeyance when he left
20 that department or went off on some extended sick leave?

21 MR. WELLS: If the files were in abeyance
22 and in a state of closure, whether the officer had gone to
23 see the Crown, made a decision or decisions that there was
24 no further follow-up required at this time for lack of
25 evidence or that he'd been instructed, for whatever reason,

1 that we couldn't -- there was no chance of a successful
2 prosecution, whatever, I wouldn't be going over that
3 particular file.

4 **THE COMMISSIONER:** But that file would be
5 noted as closed?

6 **MR. WELLS:** It would be in abeyance, Mr.
7 Commissioner.

8 **THE COMMISSIONER:** In abeyance why?

9 **MR. WELLS:** It would be in abeyance, Mr.
10 Commissioner, because we never knew if all of a sudden
11 something came up that would lend further evidence that
12 would enhance the chance of a successful prosecution. So
13 it wouldn't be closed but it would be in abeyance, in a
14 state of rest, for lack of a better word I guess.

15 **MS. JONES:** So, again, though, as your role
16 as supervisor, at least you would still be able -- it would
17 be part of your job to be aware of what files were in
18 abeyance, which ones were still active with Officer Malloy
19 if he went on extended sick leave or had left the
20 department?

21 **MR. WELLS:** Yes. Yes.

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

23 I have a note here that as of 2000 you were
24 a member of the Knights of Columbus at the St. Columban's
25 Parish. Is that correct?

1 **MR. WELLS:** In around that time, yes. I
2 don't recall the year that I joined.

3 **MS. JONES:** Did you by any chance know
4 Officer Malloy from your affiliation with the Knights of
5 Columbus?

6 **MR. WELLS:** I don't know when Constable
7 Malloy became a member. I believe my council was number
8 755, I believe. Constable Malloy was a member of St.
9 Columban's Council -- or was it St. Columban's or St.
10 Francis? I'm not sure what council he was a member of so I
11 don't really -- I can't really speak to that. I don't know
12 who was a member.

13 **MR. CALLAGHAN:** Is this really relevant as
14 to the Knights of Columbus? Maybe I'm missing something.

15 **THE COMMISSIONER:** Well, I think, for
16 linkage purposes, yes.

17 **MR. CALLAGHAN:** All right. Thank you. I'm
18 just a little confused as to why we're into this.

19 **MS. JONES:** So is the answer, yes, you knew
20 Mr. Malloy ---

21 **MR. WELLS:** I knew Mr. Malloy.

22 **MS. JONES:** --- as well from Knights of
23 Columbus?

24 **MR. WELLS:** No, my answer is I know
25 Constable Malloy but I didn't recognize him as an active

1 member of the Knights of Columbus.

2 **MS. JONES:** Did you know Malcolm MacDonald
3 from the Knights of Columbus?

4 **MR. WELLS:** I had recognized Malcolm
5 MacDonald as a high officiating member of the Knights of
6 Columbus, yes.

7 **MS. JONES:** Did you know him from that
8 affiliation? Did you personally know him?

9 **MR. WELLS:** No.

10 **MS. JONES:** No?

11 Okay, we're going to be moving now to an
12 investigation involving Keith Ouellette. And, again, just
13 to try to save time here I'll summarize, but essentially
14 you received a letter from him sometime in May, 1994 or
15 June, 1994. It's actually undated unfortunately. But
16 there was a complaint made by Mr. Ouellette about the
17 Cornwall Police and hospital staff, and there's a whole
18 bunch of things that he complained about in this and this
19 matter was actually investigated by Professional Standards.
20 Are you aware of that?

21 **MR. WELLS:** No, ma'am.

22 **MS. JONES:** When you received the letter --
23 I guess I'll refer you to the document then. It's Document
24 736873.

25 **THE REGISTRAR:** That would be Exhibit 597.

1 **MS. JONES:** Sorry, Exhibit 597. That's
2 correct.

3 **THE COMMISSIONER:** Another three-ring
4 binder. Just put that one aside, we might go back to it.
5 Okay?

6 **MR. WELLS:** Okay.

7 **THE COMMISSIONER:** Five -- sorry, Ms. Jones?

8 **MS. JONES:** Exhibit 597.

9 **THE COMMISSIONER:** Wrong book, Madam Clerk.
10 Five-nine-seven (597) you said?

11 **MS. JONES:** That's correct.

12 **THE COMMISSIONER:** Wrong book.

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

14 **THE COMMISSIONER:** Okay.

15 **MS. JONES:** This is the last kind of
16 investigation type of question I'm going to ask you that's
17 why I'm asking you about it now. It's a little bit out of
18 order with regards to timing, but do you recall receiving
19 this letter, Inspector Wells?

20 **MR. WELLS:** Yes.

21 **MS. JONES:** And at that particular time what
22 would your position have been with Cornwall Police?

23 **MR. WELLS:** I was in Professional Standards.

24 **MS. JONES:** So I understand that there was
25 an investigation done by yourself on this in any event?

1 MR. WELLS: No, ma'am.

2 MS. JONES: It wasn't? Did you assign that
3 investigation to someone else?

4 MR. WELLS: No, ma'am.

5 MS. JONES: Did you -- were you asked in any
6 way to look at the situation that Mr. Ouellette was
7 bringing up?

8 MR. WELLS: No, ma'am.

9 MS. JONES: No? So what was done with this
10 letter then and the contents of it, as far as you were
11 concerned?

12 MR. WELLS: I received it -- and I don't
13 recall if it was through the mail or personally delivered
14 by Mr. Ouellette. I recall Mr. Ouellette attending my
15 office. We discussed the contents of it and, as usual,
16 anyone coming into the office I would ask them if -- or
17 advise them if they were not -- if they were concerned
18 about the actions of any one of my officers or any member
19 of the Service or the policies of that Service, that they
20 had a right to complain and it surely would be
21 investigated.

22 Mr. Ouellette at that time, to the best of
23 my recollection, had stated that he didn't want any
24 investigation done at this time that, "I just want to
25 inform you of what took place". And that's how it was

1 handled.

2 MS. JONES: Okay.

3 MR. WELLS: He was -- I'm sorry.

4 MS. JONES: Did you take any notes of this
5 conversation?

6 MR. WELLS: Through my tenure in
7 Professional Standards, I would have taken notes with
8 respect to investigations. To recall if I took notes in
9 this particular instance because we were dealing with
10 written correspondence from Mr. Ouellette, I can't recall
11 if I took notes or not.

12 MS. JONES: So it was not typical of you to
13 take notes meeting a member of the public that's making a
14 complaint -- a possible complaint?

15 MR. WELLS: Not all of the time, no.

16 MS. JONES: Okay. Thank you for that.

17 Now, just to get you back then in time to
18 where we had left off earlier, in 1988 you went to CIB and
19 remained in CIB as a staff sergeant until 1992?

20 MR. WELLS: The first part of '92, yes.

21 MS. JONES: Okay. Now, in March, 1990 you
22 and various other staff sergeants wrote a particular
23 report, and that's Exhibit 1347.

24 THE COMMISSIONER: All right. So the 1347
25 is the staff sergeant senior officers report.

1 **MS. JONES:** Now, essentially this is a
2 report that was compiled from the various staff sergeants,
3 of which you were one of them. Is that correct, sir?

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

5 **MS. JONES:** Have you reviewed this document
6 lately or did you want a moment just to review it?

7 **MR. WELLS:** May I have a moment?

8 **MS. JONES:** Sure.

9 **MR. WELLS:** Thank you.

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

11 **MR. WELLS:** All right, thank you.

12 **MS. JONES:** Okay. We're going to be
13 referring specifically to Bates page 7180587 and on that
14 particular situation, just to summarize what it says at the
15 beginning, apparently, it would appear that you, staff
16 sergeants, met on March 12th, 1990 to discuss the situation
17 as it existed within the Force, to identify concerns and
18 you, as a group, collectively determined that the Force was
19 being mismanaged and that Chief Shaver was responsible for
20 this.

21 There was a second meeting on March 21st and
22 the group of you arrived at the following consensus of
23 opinions and these opinions are listed there and I'll just
24 read them out for the record.

25 ` "The Chief's actions have resulted in

1 the Office of the Chief of Police
2 losing all credibility with the men and
3 women of the Force, the Police
4 Commission and the community. The
5 Chief's decision-making is impulsive
6 and made without consultation. The
7 Chief does not respect the opinion or
8 counsel of any level of his management
9 team. The Chief has an alarming lack
10 of knowledge concerning the day-to-day
11 operation of the Force. The Chief
12 seeks every opportunity to be absent,
13 particularly during critical times.
14 The staff sergeants can no longer
15 function as effective managers because
16 of the irresponsible decisions and
17 actions of the Chief. Their authority
18 and credibility are continuously being
19 undermined."

20 And you conclude that the staff sergeants,
21 with since regret, recommend that the Chief tender his
22 resignation.

23 **MR. CALLAGHAN:** Read the whole thing. It
24 says, "Or have", there's the "or" part there:

25 "...or failing this, that the Cornwall

1 Police Commission invite the Ontario
2 Police Service Branch of the Solicitor
3 General's Office to conduct an
4 inquiry."

5 Which of course happened.

6 **MS. JONES:** I'm wondering if you could
7 possibly provide some specific examples of what you
8 personally had experienced with Chief Shaver that would
9 lead you to join in with this consensus as to Chief
10 Shaver's abilities as a Chief of Police?

11 **MR. WELLS:** I can say, Ms. Jones, that I
12 signed this document at that time and truly believed at
13 that time that what was mentioned in this letter was
14 accurate.

15 For me to go back 18 years and give you
16 specific examples of items mentioned, I'm afraid I can't or
17 I'm unable to do that. Not because I don't want to, it's
18 because it was an issue or issues that arose at that time.
19 We addressed it and inside of me it was water under the
20 bridge, it was resolved, and let's get on with life,
21 basically.

22 But I can tell you that I don't sign
23 documents such as this lightly and I believe that every
24 item mentioned here is accurate.

25 I can say that in our opinion or in my

1 opinion, Chief Shaver made decisions impulsively. For
2 example, putting out bush fires from here to there, one day
3 it would be one item of importance, another one would arise
4 and the next one would be more important or as important
5 and that would be looked after.

6 I recall, that in my opinion, as one person
7 that signed this report, that Chief Shaver paid more lip
8 service to the Association of the day, gave them a little
9 bit more credibility than he did his upper management
10 level.

11 We may identify an area which would require
12 attention to allow, in our opinion, the Service to run in a
13 more efficient or effective manner and if, for example,
14 that same item, i.e., if I can recall, I believe at that
15 time the records department, we felt that a relocation of
16 the staff within that department would best suit the
17 members of the community coming into the station; would
18 make things a little bit more efficient.

19 We felt that the staff or the Service and
20 the community would be best served by possibly changing
21 their shift, the hours of service, so that we could
22 accommodate the needs of the public in a more efficient
23 manner.

24 And if I recall correctly, those members
25 would have -- went to their Association because they felt,

1 for whatever reason, this wasn't appropriate. And after
2 all of the planning, which I believe Chief Shaver had
3 sanctioned, he elected to go with the Association's opinion
4 and nothing ever became of it.

5 It was those types of things consistently
6 taking place.

7 I apologize for not being able to give you
8 more specifics but like I said, it was an area of concern
9 identified by myself and other members of the team and we
10 felt by addressing it in this way that it would receive the
11 much needed attention so that we could resolve the issue.

12 **MS. JONES:** How long have you been a police
13 officer, Inspector Trew -- Inspector Wells, sorry.

14 **MR. WELLS:** Thirty-nine (39) years.

15 **MS. JONES:** Had you ever compiled such a
16 document as this one in your many years of service to the
17 police?

18 **MR. WELLS:** No, ma'am, and it wasn't with
19 pleasure we had to do it this time either.

20 **MS. JONES:** So considering that it's rather
21 exceptional circumstances, would it be fair to say that
22 when this was all happening, it had happened some time
23 prior to April, 1990, which is the date of this report. In
24 other words, things had been happening for some time
25 leading up to this report; it wasn't something that was

1 taken lightly and compiled in a week?

2 MR. WELLS: No, absolutely.

3 MS. JONES: And would you also agree with me
4 too, speaking as a manager yourself ---

5 MR. WELLS: Yes.

6 MS. JONES: And I can relate to this as
7 well, if you have say an employee that is causing some
8 problems or maybe you're looking, perhaps this person
9 should be leaving the Service as a manager, would you agree
10 with me that the most prudent thing to do is to take very
11 detailed notes about that person's performance, so that if
12 it comes to an arbitration or a mediation or even a firing,
13 that you would be able to rely on specific notes, made
14 contemporaneously with facts to back up what your position
15 would be?

16 MR. WELLS: Certainly.

17 MS. JONES: So would you agree with me that
18 if the conduct of Chief Shaver has been happening for some
19 time prior to the compilation of this particular report,
20 that it would have been critical for yourself and for the
21 other staff sergeants that signed this very significant
22 document, to make very detailed notes of specific
23 occurrences on specific dates of things that Chief Shaver
24 was doing that would lead to this report? Would you agree
25 that that was likely the best way to compile this evidence?

1 **MR. WELLS:** Not necessarily, Ms. Jones. We
2 didn't go into work each day and begin each day intending
3 to note or make note of every little deficiency that we
4 recognized with the possibility of addressing it down the
5 road, six months, a year, a year-and-a-half or two years.

6 To me, that just wasn't an appropriate thing
7 to do. We had work to do and I can speak for myself, went
8 in each day looking forward to completing the daily tasks,
9 and it is certainly not a pleasant task to do something
10 like this. And to expect that we would go each day and
11 every time someone would make a mistake we would make a
12 note, that's just not the way I did business, I'm sorry.

13 **MS. JONES:** We're not even looking for two
14 years prior, maybe even just two months prior, when things
15 were obviously going quite critical to require such a
16 dramatic document such as this.

17 Are you testifying that you did not make
18 notes of times that Chief Shaver acted in such a way that
19 he was impulsive or acting in such a way that he did not
20 respect your opinion as a manager? That you did not make
21 note of his alarming lack of knowledge of the day-to-day
22 operations of the Police Service? You made no specific
23 notes of those specific criteria?

24 **MR. WELLS:** I'm advising you that I did not
25 make notes with respect to those issues.

1 **MS. JONES:** Did you see any of the other
2 staff sergeants coming to your meetings with notes prepared
3 or any sort of documents about Chief Shaver's behaviour?

4 **MR. WELLS:** I don't remember them making
5 notes or coming to those meetings.

6 I was -- again for that period of time, I
7 was off on surgery or as the result of a surgery and they
8 called me at my residence and asked me to attend the
9 meeting because we were going to discuss something and I
10 attended and we discussed this issue.

11 **MS. JONES:** And the other document, too,
12 that we've had in evidence as well is Exhibit 1389.

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

14 **MS. JONES:** Now, this is called the "Morale
15 Report" and this was also put together in 1990. So these
16 two things were happening fairly close to each other, in
17 any event, and I would assume that you read over the Morale
18 Report as well, at the time, in 1990?

19 **MR. WELLS:** No, Ma'am.

20 **MS. JONES:** You never read it over?

21 **MR. WELLS:** No, Ma'am.

22 **MS. JONES:** You never heard of it?

23 **MR. WELLS:** I never -- I've never seen this
24 document prior to preparing for this particular Inquiry.

25 **MS. JONES:** Would you agree that ---

1 **MR. WELLS:** Or maybe it would be more
2 accurate to say -- excuse me -- that I do not recall seeing
3 this document, but I -- the first time, in my mind, I've
4 ever seen this document is preparing for this Inquiry.

5 **MS. JONES:** And did you read it over then?

6 **MR. WELLS:** Yes.

7 **MS. JONES:** Would you agree with me that it
8 doesn't look very good with regards to what is happening in
9 Cornwall Police at that time. It's a comment on the poor
10 morale within Cornwall Police at that time?

11 **MR. WELLS:** I would agree with you that
12 those are comments made by individuals regarding their
13 opinions of what was going on inside the Service at that
14 time.

15 **MS. JONES:** So if we are correct in saying
16 that this seems to be coming from the -- the ranking
17 officers, as we say, on the Morale Report, we've also got
18 your report from staff sergeants talking about poor morale,
19 is it fair to say at that particular time it was not very
20 good morale of Cornwall Police during the 1990s?

21 **MR. CALLAGHAN:** A clarification; I mean, I
22 think when -- I don't know what she means by "ranking
23 officers". We've heard from Mr. Quinn -- or, sorry,
24 Constable Quinn, who was on the Association, doesn't recall
25 it.

1 I mean, the extent to which this represents
2 a wide view or a view, I mean, she can put that there's a
3 view out there contained in the Morale Report. The scope
4 of it, I think, you'll have to determine, at the end of the
5 day, based on the evidence.

6 **THE COMMISSIONER:** Right. But he was given
7 -- I mean, it had a life. It went to the Police Services
8 Board.

9 **MR. CALLAGHAN:** It had a life. There's no
10 question it had a life. And you've heard the evidence. I
11 don't think we need to debate the evidence here. You'll
12 make your determination at the end of the day.

13 **THE COMMISSIONER:** Were you aware of this
14 report? You say you didn't see it or you don't remember
15 seeing it. Were you aware, at that time, that the union
16 had or the Association had prepared ---

17 **MR. WELLS:** And again, Mr. Commissioner, I'm
18 not -- I don't know exactly when this report was ---

19 **THE COMMISSIONER:** Nineteen ninety (1990).

20 **MR. WELLS:** Was it early '90, sir? Because
21 ---

22 **MS. JONES:** It's 1990.

23 **MR. WELLS:** All I'm going to suggest is if
24 it was pre my return to work in June, then this action
25 would have been committed in my absence and maybe that's

1 why I never became aware of it.

2 **THE COMMISSIONER:** Okay. Fair enough.

3 We'll move on.

4 **MS. JONES:** In your time in looking at these
5 issues surrounding Chief Shaver, at this time in 1990 and
6 the months preceding or perhaps even afterwards, not when
7 you were off duty, did you notice or have any comments
8 about the relationship between Chief Shaver and Deputy
9 Chief St. Denis?

10 **MR. WELLS:** No. The Chief went about his
11 duty and the Deputy went about his duty. I wasn't really
12 involved in their -- on their day-to-day tasks.

13 **MS. JONES:** Did you notice any conflict
14 between the two?

15 **MR. WELLS:** No, I can't -- not to speak to,
16 no, I can't recall.

17 **MS. JONES:** No? All right.

18 We're going to move on now to issues
19 surrounding Perry Dunlop, and the first area that I'm going
20 to be canvassing with you I would call the "early years"
21 with Mr. Dunlop and, again, I'll just read in a few facts
22 to get us up to speed.

23 On November 28th, 1988, you returned to CIB -
24 - I'm sorry, I already did that one.

25 In October, '86, you were one of the people,

1 I understand, that was supervising Officer Dunlop?

2 MR. WELLS: Sorry, I can't -- I can't recall
3 that, but if the file says that I was, I'll trust the file
4 on that. I ---

5 MS. JONES: Well ---

6 MR. WELLS: I recall submitting
7 commendations, et cetera, on Constable Dunlop. That would
8 put me in as his supervisor, so I'll concede that, yes,
9 that I was his supervisor during that period of time.

10 MS. JONES: So the various commendations,
11 for example, you wrote, in 1986, that Mr. Dunlop was
12 self-motivated, that he had -- if I get the exact words,
13 "displayed professionalism in very difficult and emotional
14 setting", that was the time where he helped someone that
15 was having a heart attack and he came and helped them at
16 the side of the road. Do you recall that, sir?

17 MR. WELLS: Not that specific item, but --
18 -

19 MS. JONES: I'll refer you to
20 Document 718177.

21 (SHORT PAUSE/COURTE PAUSE)

22 THE COMMISSIONER: Exhibit 1739 is internal
23 correspondence to Staff Sergeant Wells from Constable De
24 Gray.

25 --- EXHIBIT NO./PIÈCE NO P-1739:

1 (718177) - Internal Correspondence from
2 D. De Gray to Brendon Wells dated 11 Jan 87

3 **MS. JONES:** Does this refresh your memory,
4 that you wrote a memo on that date on ---

5 **MR. WELLS:** Me ---

6 **MS. JONES:** --- I'm sorry, it was given to
7 you on January 11th, 1987?

8 **MR. WELLS:** May I just quickly review the
9 document?

10 **MS. JONES:** Certainly.

11 **MR. WELLS:** Thank you.

12 (SHORT PAUSE/COURTE PAUSE)

13 **MR. WELLS:** Yes, go ahead. Thank you.

14 **MS. JONES:** Okay. Do you recall that? Do
15 you recall receiving this?

16 **MR. WELLS:** I don't recall receiving it, but
17 I would have received it.

18 **MS. JONES:** All right.

19 And you'll see at that particular point
20 there was quite a positive comment from, I presume, his
21 supervisor, Officer De Gray, as to his conduct in this
22 particular situation?

23 **MR. WELLS:** Yes, Constable De Gray, I
24 believe, was his Acting Patrol Sergeant.

25 **MS. JONES:** And do you recall reading over

1 any sort of evaluations of Officer Dunlop in 1996 or '97,
2 those sorts of years?

3 **MR. WELLS:** In -- again, in preparing for
4 this Inquiry, I have read over documents that were
5 submitted by myself and signed by myself relevant to
6 Constable De Gray.

7 **MS. JONES:** So you have ---

8 **MR. WELLS:** So I would say yes.

9 **MS. JONES:** Okay. You have compiled
10 documents and written documents yourself giving positive
11 evaluations to Mr. Dunlop?

12 **MR. WELLS:** Yes.

13 **MS. JONES:** Okay. And again, to go back to
14 1986, there was one in particular that you wrote,
15 Document 731045.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **THE COMMISSIONER:** Thank you. Exhibit
18 Number 1740 is an Officer Development Schedule of Officer
19 Dunlop, and the evaluation date was July 7th, 1986.

20 **--- EXHIBIT NO./PIÈCE NO. P-1740:**

21 (731045) Officer Development Schedule Part
22 II to IX dated 7 Jul 86.

23 **MS. JONES:** I'll just take you directly
24 towards the end part, which is Bates page 2135. And your
25 signature appears on that because you wrote a bit of that

1 evaluation there in saying that he was well mannered,
2 polite and that sort of thing, and then the inspector, at
3 the bottom, I take it, stated in the last sentence:

4 "Cst. Dunlop has received a highly-
5 rated evaluation."

6 So there were very positive things that were
7 said about him on that.

8 So the fact that you signed this document,
9 am I correct in assuming that you were a supervisor then of
10 Officer Dunlop at that time?

11 **MR. WELLS:** Yes, that's correct.

12 **MS. JONES:** Okay. And do you also recall in
13 1990 that you submitted a report to the Chief and Deputy
14 Chief commending Dunlop for a high degree of quality of
15 courage and professionalism in the execution of his duties,
16 as I say, approximately 1990?

17 **MR. WELLS:** May I see the document?

18 **MS. JONES:** Certainly. Document 718193.

19 **THE COMMISSIONER:** Thank you. Exhibit
20 Number 1741 is what, a Commendation Report for Perry Dunlop
21 and it's dated August 10th, 1990. Actually, it was prepared
22 on the 30th of July 1990.

23 **--- EXHIBIT NO./PIÈCE NO. P-1741:**

24 (731045) CPS Commendation Report prepared on
25 30 Jul 90

1 **MR. WELLS:** Yes. Thank you.

2 **MS. JONES:** Do you see that?

3 **MR. WELLS:** Yes.

4 **MS. JONES:** And also too at some point you
5 had recommended that Mr. Dunlop be nominated for citizen of
6 the year. Do you recall that as well?

7 **MR. WELLS:** Yes.

8 **MS. JONES:** Now, in 1992, you are assigned
9 to the Professional Standards Bureau. I'm trying to get
10 things chronologically here. So you would no longer be
11 Officer Dunlop's manager at that point?

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

13 **MS. JONES:** And on October 7th, 1993, Staff
14 Sergeant Derochie was assigned to investigate Mr. Dunlop's
15 involvement in providing the CAS with a copy of the Silmser
16 statement. You're aware of that report?

17 **MR. WELLS:** Yes.

18 **MS. JONES:** Okay. If I could please go to
19 Exhibit 1292?

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

21 **THE COMMISSIONER:** So Exhibit 1292. All
22 right.

23 **MS. JONES:** I apologize for that; that's not
24 the document I was looking for. Just a moment, please.

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

1 **MS. JONES:** In any event, at that particular
2 point, Officer Derochie, as I say, is assigned to look into
3 Constable Dunlop's statement released to the CAS and
4 Officer Derochie spoke to various people about that and had
5 discussed with Chief Shaver what should happen and what the
6 results of his investigation was. Are you aware of that
7 and what the report entailed?

8 **MR. WELLS:** As a result of -- yes.

9 **MS. JONES:** And as a result of the
10 investigation, it was concluded that he would be
11 counselled, that that was going to be the reprimand or the
12 punishment, or whatever you want to call it, for releasing
13 the statement to CAS. Are you aware of that as well?

14 **MR. WELLS:** Yes.

15 **MS. JONES:** Now, on October 15th, before
16 Officer Derochie had an opportunity to do this, Officer
17 Dunlop went on sick leave, and so he wasn't able to do it
18 right away, but there was actually a concern raised at a
19 morning meeting, and I just want to refer you, please, to
20 Tab -- I'm sorry, to Document 703943.

21 **THE COMMISSIONER:** Exhibit 1742 is the
22 audio-taped interview report of Inspector Brendan Wells on
23 the 20th of January 2000.

24 **--- EXHIBIT NO./PIÈCE NO. P-1742:**

25 (703943) Audio-Taped Interview Report of

1 Inspector Brendan Wells w/OPP P. Hall and
2 J.B. Dupuis dated 20 Jan 00

3 **MS. JONES:** Now, if I could just turn you to
4 the third page in, which is Bates page 3517, this is the
5 interview you gave the OPP officer Pat Hall in the year
6 2000. So you're talking historically about what happened
7 back in 1994 -- 1993, sorry, and going into 1994; correct?

8 **MR. WELLS:** Yes.

9 **MS. JONES:** Okay. And the morning meeting
10 that you're talking about there, we'll call that the
11 Silmsler meeting, I suppose, that you had in the morning
12 with the various officers. Do you recall that meeting?

13 **MR. WELLS:** The latter part of September,
14 yes.

15 **MS. JONES:** The latter part of September, is
16 that your recollection of that?

17 **MR. WELLS:** Yes.

18 **MS. JONES:** And according to what you told
19 the OPP in the year 2000, you said that you recalled senior
20 officers meeting and the people there were Chief Shaver,
21 Deputy Chief St. Denis, Inspector Trew and Luc Brunet and
22 you believe Claude Lortie as well.

23 **MR. WELLS:** Yes, I stated I believed
24 Inspector Trew was there and Luc Brunet.

25 **MS. JONES:** And could you please just

1 summarize for us what the substance of that meeting was?

2 MR. WELLS: I can't recall all the issues
3 that were discussed at that meeting. However, near the end
4 of the meeting, from what I recollect, Staff Sergeant
5 Lortie brought up the issue of an investigation concerning
6 a priest and he wanted to know what was happening with that
7 investigation.

8 MS. JONES: M'hm. And that's it?

9 MR. WELLS: Yes.

10 MS. JONES: Now, it's my understanding this
11 was the first time that you maybe heard about the Silmsers
12 situation becoming quite a dramatic sort of a situation.
13 It was a large problem that was now happening, that all of
14 you were meeting as senior officers to see what was going
15 on at that time.

16 MR. CALLAGHAN: Well, I think the evidence
17 has been there are morning meetings and this was raised at
18 a morning meeting. I don't think to characterize it more
19 than that is fair.

20 MS. JONES: Well, let me refer you to your
21 own words about halfway down the paragraph. It would seem
22 that Officer Lortie brought up the issue about Mr. Silmsers,
23 and in your words it said:

24 "It surprised me because I had no prior
25 knowledge, and to the best of my

1 recollection now, because I've been
2 involved with it..."

3 It seemed as if you didn't realize until
4 that morning meeting that there was an issue or problems
5 surrounding the David Silmsler situation. This was your
6 first knowledge of that.

7 **MR. WELLS:** And to the best of my
8 recollection, Ms. Jones, that was the first time that I was
9 ever made aware that the investigation was on board.

10 **MS. JONES:** Okay. So if I refer to the
11 morning meeting, this is the one I'm referring to.

12 **MR. WELLS:** Yes.

13 **MS. JONES:** Because I know that there's more
14 meetings that go on, but when I say the morning meeting,
15 this is the meeting ---

16 **MR. WELLS:** Yes.

17 **MS. JONES:** --- I'm looking at.

18 **MR. WELLS:** Yes, ma'am.

19 **MS. JONES:** So from that time onwards then,
20 you were aware that there was a situation involving
21 Silmsler. Did you make any notes, either of that meeting or
22 anything involving that particular topic, from that date
23 onwards?

24 **MR. WELLS:** No, I would not have made notes.

25 **THE COMMISSIONER:** Do you recall any -- what

1 the response was to Sergeant Lortie's questions?

2 MR. WELLS: Mr. Commissioner, I've read
3 there is documents concerning that meeting so I guess it's
4 in my mind of what other people -- I can testify that I was
5 sort of -- it sort of caught me off guard. Staff Sergeant
6 Lortie's -- the way he posed the question.

7 THE COMMISSIONER: M'hm.

8 MR. WELLS: I recall that he was upset.

9 THE COMMISSIONER: M'hm.

10 MR. WELLS: I recall that morning thinking,
11 "Oh boy, what's he speaking about and what's causing him to
12 be so upset," that's my recollection of that.

13 THE COMMISSIONER: So you don't recall if
14 Chief Shaver said anything; how it was resolved or how he
15 was answered?

16 MR. WELLS: No, I don't recall, but again, I
17 have knowledge of how he was answered. Sorry.

18 THE COMMISSIONER: Okay.

19 MS. JONES: Okay. And just to confirm your
20 -- the note taken, I want to refer you to the same exhibit
21 you have there, Bates page 3525, and at the very top of the
22 page.

23 MR. WELLS: Yes.

24 MS. JONES: Officer Hall is asking you:

25 "You attended meetings with senior

1 management to discuss the
2 investigation, were there -- were there
3 notes kept of these meetings?"

4 Your answer:

5 "Oh, that's the meeting I'm talking
6 about, Pat, and um, I remember that
7 morning. Um, I -- I can't honestly
8 say, um, I can honestly say that I
9 didn't make any notes. I don't
10 remember if anybody else was making
11 notes at that time. It -- it was sort
12 of like a heated issue and, um, some."

13 And then the next question is:

14 "Would you have any notes on -- on
15 this Silmsen matter?"

16 Your answer is:

17 "No."

18 So that confirms that you didn't take any
19 notes.

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

21 **MS. JONES:** Okay. So to the best of your
22 recollection then, what was the date of that morning
23 meeting? You said it earlier, I just didn't make a note of
24 it.

25 **MR. WELLS:** I didn't say the date, I said

1 around the end of September but I don't know why the 28th of
2 September sticks out in my mind.

3 **MS. JONES:** And that's 1993?

4 **MR. WELLS:** Yeah.

5 **MS. JONES:** Your counsel is agreeing, it's
6 1993?

7 **MR. WELLS:** Then it's 1993.

8 **MS. JONES:** So we're into September/October
9 then, 1993. So we'll move on now to January 1994 and I'm
10 wondering if we could please go to Exhibit 1439. I'm
11 sorry; I apologize, could we go please to Document 730071.

12 **THE COMMISSIONER:** Exhibit Number 1743 is a
13 news release from Detective Chief St. Denis and dated
14 January 5th, 1994.

15 **--- EXHIBIT NO./PIÈCE No. P-1743:**

16 (730071) - News Release from CPS dated 05
17 Jan 94

18 **MS. JONES:** Now, looking at Exhibit 1743,
19 this news release here is obviously issued by Cornwall
20 Police; it has the originator as Deputy Chief St. Denis and
21 you are the contact person. Do you see that, sir?

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

23 **MS. JONES:** So a few months after the
24 morning meeting, which is September/October '93, this press
25 release is issued and in the press release it says:

1 "In December 1992 a male reported
2 sexual improprieties which were alleged
3 to have been committed upon himself by
4 a local member of the clergy,
5 approximately 20 years ago. Cornwall
6 Police Service began an investigation
7 and prior to its completion the
8 complainant withdrew his complaint and
9 as a result the Service was unable to
10 continue the investigation."

11 Now, presumably you would have been one of
12 the people involved in drafting and preparing this news
13 release as you're the contact person someone is supposed to
14 go to. Who else was involved in writing this news release?

15 **MR. WELLS:** First thing I say, to assume
16 that I was part of the preparation of this press release
17 wouldn't necessarily be accurate. There's a good chance
18 that I would have been because I was the press release
19 officer. However, Deputy Chief Joe St. Denis -- and it
20 wasn't uncommon at that time for press releases to prepared
21 by the Chief or the Deputy, with me as the contact person
22 and that they would make me aware of the press release,
23 should any other questions from the public arise, then they
24 would -- those calls would be directed to my office.

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

1 **MS. JONES:** But surely you were involved in,
2 at the very least, being told what's the contents of the
3 press release and it's going to be issued and what it's
4 going to say?

5 **MR. WELLS:** Yes, like I just explained, yes,
6 they would apprise me of -- or give me a copy to make me
7 aware of the ingredients of the press release so that I
8 would be aware of what's going on.

9 **MS. JONES:** So do you know why the press
10 release was issued?

11 **MR. WELLS:** I can't recall what prompted the
12 press release to be issued. It was January the 5th, 1994,
13 was that in around the time that the media release?

14 **MS. JONES:** We are doing this in order.
15 Yes, the media release is January 6th.

16 **MR. WELLS:** Okay then. I don't recall what
17 prompted this press release to be prepared.

18 **MS. JONES:** Is it safe to assume anyway
19 there were meetings involved to discuss whether or not a
20 press release would be made?

21 **MR. WELLS:** By someone, yes.

22 **MS. JONES:** Do you recall if you were part
23 of that?

24 **MR. WELLS:** I can't recall if I was part of
25 those meetings.

1 **MS. JONES:** And do you ---

2 **MR. WELLS:** But I would -- excuse me -- I
3 would add that more than likely I was part of those
4 meetings.

5 **MS. JONES:** If I could please refer to
6 Exhibit 1439 now.

7 **THE COMMISSIONER:** Okay, so these are notes
8 -- whose notes are these?

9 **MS. JONES:** These are Brunet's notes.

10 **THE COMMISSIONER:** Mr. Brunet, right. Okay.
11 What page you want to go?

12 **MS. JONES:** If I could please go to Bates
13 page 7094, just briefly, because this is where the date
14 happens and I actually want to refer you to another page.
15 But you'll see at the top of that particular page, it's
16 7094, the date of these notes is the 5th of January 1994 at
17 855 hours; do you see that, sir?

18 **MR. WELLS:** Yes, I do.

19 **MS. JONES:** Okay. And obviously Brunet does
20 something and he continues on and then I'd like to actually
21 refer you to Bates page 7097 and at the very top there's a
22 reference by Brunet at time 9:05 which I presume is still
23 the 5th of January because the 6th of January starts just
24 below that; that's why I want to refer you to the date.

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

1 **MS. JONES:** And according to Officer Brunet
2 at 905 hours attended meeting and brief to senior officers
3 and Staff Sergeant Wells on the phone call. And the phone
4 call is described previously about -- about Silmsers and
5 such and that's what the notes all describe, but we've seen
6 that before.

7 So it would seem that you were involved,
8 certainly in a meeting, to discuss and learn about what had
9 just transpired, according to Officer Brunet, in any event?

10 **MR. WELLS:** Yes.

11 **MS. JONES:** You would have learned about the
12 facts of what had just happened.

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

14 **MR. CALLAGHAN:** Mr. Commissioner, to situate
15 you and the public, what the notes say is that -- is that
16 Mr. Silmsers gets a call from a member of the press and he's
17 calling to Staff Sergeant Brunet and there's discussion
18 about the -- that the press is now, to use the vernacular,
19 on -- on the situation. So that -- those are the notes
20 which my friend took it to him. I think you should -- it's
21 fair for you and the public to know that's the context in
22 which Staff Sergeant Brunet is writing about.

23 **THE COMMISSIONER:** M'hm

24 **MS. JONES:** So in event -- in any event, it
25 was exactly as Mr. Callaghan has stated there, that this

1 significant phone call, one of the elements was that Mr.
2 Silmsers had been contacted by the media.

3 And at 9:05 it would appear that you were
4 present at a meeting with the other senior officers to
5 discuss this phone call.

6 **MR. WELLS:** Yes, that's correct.

7 **THE COMMISSIONER:** So do you recall that,
8 sir? Do you recall being in a meeting where Sergeant
9 Brunet comes in and says, "Look it, Silmsers just phoned and
10 he's not very happy and the media is after him". Do you
11 remember that?

12 **MR. WELLS:** No, sir.

13 **THE COMMISSIONER:** Thank you.

14 **MS. JONES:** Now, it would appear that
15 Officer Brunet -- I'm sorry, it would appear that the news
16 release is very specific that the impropriety only happened
17 to Mr. Silmsers by a member of the local clergy. There's
18 actually no mention of a probation officer at that point.
19 Do you have any indication as to why that was the case?

20 **MR. WELLS:** No, ma'am.

21 **MS. JONES:** I would like to have you go
22 back, please ---

23 **MR. WELLS:** That question you just asked,
24 Ms. Jones, was relevant to that time -- at that time?

25 **THE COMMISSIONER:** Yes.

1 **MS. JONES:** Yes.

2 **THE COMMISSIONER:** Okay, so you answered
3 that you don't know why the allegations against Mr. Seguin
4 weren't in that press release and you say you don't know at
5 that time. Have you gained more knowledge now?

6 **MR. WELLS:** Well, because of documents that
7 I've read ---

8 **THE COMMISSIONER:** Yes.

9 **MR. WELLS:** --- I now have a little more
10 knowledge with respect to why possibly Mr. Seguin's name
11 wouldn't have been mentioned in the press release.

12 **THE COMMISSIONER:** And why is that?

13 **MR. WELLS:** I believe through documents that
14 I read that it was the wishes of Mr. Silmsler that we would
15 proceed with regards to Father Charlie first.

16 **THE COMMISSIONER:** Okay.

17 **MS. JONES:** Okay.

18 Now, if we go back, please, to Exhibit 1742.

19 **THE COMMISSIONER:** That would be in the
20 loose ones?

21 **MS. JONES:** Which is the OPP notes, the
22 transcript.

23 **THE COMMISSIONER:** Right, the interview.

24 **MS. JONES:** And if we could, please, go to
25 Bates page 3528. And I'm going to direct you to the last

1 entry by Mr. Hall:

2 "Do you know why Ken Seguin was never
3 investigated?"

4 Yes, that's right. I just want to read in
5 what your answers were on this particular issue as to Mr.
6 Seguin, and we'll do this as a bit of a play I guess. I'll
7 play Mr. Hall and you can be yourself in the transcript if
8 that would assist, in any event, rather than having to read
9 the whole thing.

10 So Mr. Hall says:

11 "Do you know why Ken Seguin was never
12 investigated?"

13 **MR. WELLS:** And I responded:

14 "God, as a human being I figured the
15 man was dead, he couldn't be
16 investigated."

17 **MS. JONES:** "I think ---"

18 **MR. WELLS:** "As far as ---"

19 **MS. JONES:** "I think I'll clarify that
20 question. That question is being asked
21 in relation to when David Silmser made
22 his allegations against Father Charles
23 MacDonald, who also has allegations
24 made at the same time against Ken
25 Seguin and those came in in December of

1 '92. Ken Seguin didn't commit suicide
2 until November of '93."

3 **MR. WELLS:** "All right. I remember. Was
4 it three paper reports that I had read
5 statements that said that David Silmser
6 had some -- had said something to the
7 effect -- in other words, leave it
8 alone that -- but then that's only from
9 what I read. Like I don't have any
10 knowledge other than that."

11 **MS. JONES:** "And did you have a conflict
12 of interest by personally knowing
13 Malcolm MacDonald, Ken Seguin or Father
14 Charles MacDonald?"

15 **MR. WELLS:** "I had no conflict of
16 interest. There was no conflict of
17 interest."

18 **MS. JONES:** Okay. We'll just stop there.
19 With regards to the whole Seguin ---

20 **MR. CALLAGHAN:** Can I ask Madam Reporter to
21 reflect that this is Wells' -- it's just going to be very
22 confusing when we come back to this part of the transcript
23 to have done it that way. But if we could have it as it's
24 written in the report at 1792. I just -- sorry, 1742.

25 **THE COMMISSIONER:** Yes.

1 **MR. CALLAGHAN:** Thank you.

2 **MS. JONES:** I actually thought it would be
3 easier if I was Hall each time and then you -- rather than
4 going Hall said this and Wells said that.

5 I think what you're saying here is that even
6 in 2000 you did not have really an indication as to why Mr.
7 Seguin was not being investigated or why he was not part of
8 that press release. Is that how I am to interpret your
9 words there?

10 If not, please help me in interpreting what
11 you're saying there with regards to your position on Ken
12 Seguin.

13 **MR. WELLS:** Give me that question one more
14 time, Ms. Jones.

15 **MS. JONES:** What are you trying to say here
16 in the interview because I frankly didn't understand it?
17 Are you saying that you didn't have any involvement or you
18 didn't have any knowledge about the investigation with Ken
19 Seguin or does this pertain to the press release? What
20 does that actually say, that excerpt?

21 **MR. CALLAGHAN:** Sorry, this is consistent
22 with the testimony he just read. He said that he read
23 somewhere that Ken -- wanted to say leave it alone. David
24 Silmsler wanted to leave the Ken Seguin alone. I don't know
25 -- I think it's unfair to put to him that it's not what he

1 just said.

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

3 **MR. CALLAGHAN:** It's exactly what the
4 witness just said ---

5 **THE COMMISSIONER:** Yes.

6 **MR. CALLAGHAN:** --- in his testimony. Now,
7 we're reading and saying well -- as if we're saying
8 something different. He says exactly the same thing in
9 2000 as he just testified to in 2008.

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

11 Your question again was? Let me just hear
12 that again.

13 **MS. JONES:** I don't think that the answer is
14 that clear. I know that Mr. Callaghan has now provided a
15 good answer to the question. However, my question to this
16 witness was, what was he trying to say during that 2000
17 interview because I'm just not clear about it.

18 **MR. WELLS:** Basically, that I had no
19 knowledge of it, no clear understanding as to why it was
20 the way it was.

21 **MS. JONES:** All right.

22 Did you ever receive any feedback about the
23 news release?

24 **THE COMMISSIONER:** Were you ever contacted?

25 **MR. WELLS:** I don't recall receiving any

1 feedback with respect to the news release.

2 MS. JONES: Is it possible you did?

3 MR. WELLS: There is a possibility that I
4 would have, yes.

5 MS. JONES: Okay. And, of course, we don't
6 have any notes about that ---

7 MR. WELLS: No, Ms. Jones.

8 MS. JONES: --- whether you did or didn't?

9 MR. WELLS: No, I don't have any notes to
10 indicate whether I did or didn't.

11 MS. JONES: And if I could, please, refer
12 you to -- I just want to be sure I have the right tab here
13 -- Bates page 3526, about halfway down.

14 THE COMMISSIONER: I'm sorry, what exhibit
15 are we looking at now?

16 MS. JONES: The same exhibit.

17 THE COMMISSIONER: Seventeen-forty-two
18 (1742)?

19 MS. JONES: Seventeen-forty-two (1742).

20 THE COMMISSIONER: Okay. And five ---

21 MS. JONES: Bates page 3526.

22 THE COMMISSIONER: Yes, okay. Sorry. Okay,
23 I'm there.

24 MS. JONES: About halfway down, Officer Hall
25 is asking if you had a conversation with Richard Abell

1 concerning the allegations. Do you see that?

2 MR. WELLS: Yes.

3 MS. JONES: And you said, "No, sir"?

4 MR. WELLS: Yes.

5 MS. JONES: Do you see that, sir? So at no
6 time -- we're all talking about the same timeframe. I know
7 this interview is the year 2000 but we're talking about the
8 timeframe of the news release and the days slightly before,
9 the days slightly after, around that early January, 1994.

10 Is it still your evidence that you didn't
11 have any contact with Mr. Abell around that time?

12 MR. WELLS: Not that I recollect, no.

13 MS. JONES: If I could, please, refer you to
14 Document 711964?

15 THE COMMISSIONER: Exhibit Number 1744 is
16 notes ---

17 MS. JONES: I can identify that, Mr.
18 Commissioner. They're Mr. Abell's notes.

19 THE COMMISSIONER: Right.

20 MS. JONES: And I've had discussions with my
21 colleague from CAS and these are dated actually January 6th,
22 1994 ---

23 THE COMMISSIONER: Okay.

24 MS. JONES: --- in another version.

25 THE COMMISSIONER: All right.

1 **MS. JONES:** I'm just getting the nod from
2 the CAS counsel on that.

3 **MR. CHISHOLM:** That's correct, sir.

4 **THE COMMISSIONER:** Thank you.

5 **--- EXHIBIT NO./PIÈCE NO. P-1744:**

6 (711964) - Notes of Richard Abell dated
7 January 6, 1994

8 **MS. JONES:** Now, at the very top, it would
9 appear that Mr. Abell made notes, and you're the first
10 entry on that, and it says:

11 "Brendon Wells, he's had call from
12 Charlie Greenwell. Claims CAS has five
13 independent victims of Father
14 MacDonald."

15 **THE COMMISSIONER:** I'm sorry, it's four.

16 **MS. JONES:** Sorry.

17 "...four independent victims of Father
18 MacDonald have come forward. Said I'd
19 check and get back to him. Lisa, no.
20 Fran, no."

21 It would appear that Mr. Abell has made a
22 note of what appears to be either a conversation or a
23 meeting with you.

24 **MR. WELLS:** Yes.

25 **MS. JONES:** Would you agree?

1 **MR. WELLS:** Yes.

2 **MS. JONES:** Do you recall at any time, now
3 that you've seen those notes, discussing this matter with
4 Mr. Abell?

5 **MR. WELLS:** I don't recall discussing it
6 with him, but if he said I discussed with him, I'm
7 satisfied I did.

8 **MS. JONES:** You have no notes of any
9 conversation anyway ---

10 **MR. WELLS:** No, ma'am.

11 **MS. JONES:** --- that's referred to?

12 If we could then go to Document 710459?

13 **THE COMMISSIONER:** Exhibit 1745 is notes
14 which appear to be again from Mr. Abell of the Children's
15 Aid Society. Do we have a date for that?

16 **MS. JONES:** I do have a date. I just
17 confirmed with CAS counsel, these are also dated January 6,
18 1994.

19 **THE COMMISSIONER:** Okay.

20 **--- EXHIBIT NO./PIÈCE NO. P-1745:**

21 (710459) Notes of Richard Abell dated
22 January 6, 1994

23 **MS. JONES:** And it would appear that your
24 name is on there again, Inspector Wells. It says:

25 "Brendan Wells, in absolute confidence,

1 no calls today. He's to say nothing to
2 Charlie Greenwell. He agreed."

3 Frankly, I don't really understand that.
4 Maybe I should be asking this to Mr. Abell, but do you know
5 what that possibly is about, if this is used to refresh
6 your memory?

7 **MR. WELLS:** If that is in the order that you
8 suggested it in, Ms. Jones, it would indicate that I called
9 Mr. Abell inquiring or advising him that I received a call
10 from Charlie Greenwell, who stated that the CAS had
11 received calls from four victims of sexual assault and I
12 inquired if he had and that we would have contact; would he
13 check and get back. That's where the "No calls today" ---

14 **MS. JONES:** Did you give advice to Mr. Abell
15 to say nothing to Charlie Greenwell? Is that ---

16 **MR. WELLS:** No.

17 **MS. JONES:** I don't know if that's ---

18 **MR. WELLS:** No.

19 **MS. JONES:** --- you saying there are not --
20 -

21 **MR. WELLS:** I believe it may have been Mr.
22 Abell that identified that this is in absolute confidence,
23 that they did not receive any calls with regards to that
24 sexual assault.

25 **THE COMMISSIONER:** Do you have any memory of

1 this?

2 MR. WELLS: No, sir.

3 THE COMMISSIONER: Okay. So we'll ask Mr.
4 Abell what he meant.

5 MS. JONES: Thank you.

6 On January 6, 1994, that's when the
7 Greenwell story was aired on CJOH?

8 MR. WELLS: What date was that?

9 MS. JONES: On January 6th, the same date
10 we're talking about here.

11 MR. WELLS: Okay.

12 MS. JONES: And the allegations were made.
13 When did you become aware of that story and that broadcast?
14 Do you recall ---

15 MR. WELLS: I can't recall the date that I
16 became aware of it, Ms. Jones.

17 MS. JONES: Was it around the same date
18 though?

19 MR. WELLS: Yes, it would have been around
20 the same date.

21 MS. JONES: And on January 7th, 1994, Acting
22 Chief Johnston asked Officer Derochie to submit his final
23 report on the discipline on Dunlop concerning the CAS
24 statement release. That happened on January 7th, 1994.

25 And also on January 7th, I would like to

1 refer you, please, back to Exhibit 1439 which are Officer
2 Brunet's notes.

3 **THE COMMISSIONER:** Fourteen-thirty-nine
4 (1439).

5 **MR. WELLS:** Yes, sir.

6 **THE COMMISSIONER:** Okay. What page?

7 **MS. JONES:** Thank you. Bates page 601.

8 **THE COMMISSIONER:** Six-zero-one (601)? No,
9 no, that's a doc number.

10 **MS. JONES:** You're right, it is. Just a
11 moment, please. I'm sorry, Bates page 7097.

12 Now, I'm looking at the entry under
13 Thursday, January 6th, and the very first paragraph of
14 Officer Brunet's notes:

15 "Made some inquiries with Constable
16 Sebalj on dates, etc., to clarify with
17 Staff Sergeant Wells re: press
18 release."

19 Do you see that?

20 **MR. WELLS:** Yes, I do.

21 **MS. JONES:** I just want to know, at this
22 particular point now, we have, as I say, the Greenwell
23 story is on January 6th. Your press release -- yours being
24 CPS's press release was January 5th; Greenwell's was the 6th.
25 Now we have Brunet stating that he had met with you to

1 clarify issues about the press release on that particular
2 date, on January 6th. It doesn't have a time,
3 unfortunately.

4 Do you recall at that particular stage that
5 you were consulted specifically about the press release?

6 **MR. WELLS:** No, I don't specifically recall
7 that I was, but again, if Staff Sergeant Brunet indicated
8 that I was there, then I trust that his notes are accurate.

9 **MS. JONES:** So if we go down to Friday now,
10 January 7th, '94, it's the same page at the bottom. Officer
11 Brunet wrote:

12 "I had other meetings with Constable
13 Sebalj and Staff Sergeant Wells re:
14 facts for press releases."

15 It's at the very bottom of Bates page 7097.

16 **MR. WELLS:** Yes, I see it. Thank you.

17 **MS. JONES:** Is it fair to say it would
18 appear certainly from these notes that you were quite
19 involved, actually, in getting material for the press
20 releases for CPS at that germane period of time?

21 **MR. WELLS:** Not necessarily.

22 **MS. JONES:** Would you agree with me that
23 Brunet's notes seem to include you in some of the
24 preparation or drafting of these news releases?

25 **MR. WELLS:** Yes.

1 **MS. JONES:** And are you able to say if you
2 provided facts to Officer Brunet with regards to what
3 perhaps the news releases contained? Is it possible you
4 provided facts to him?

5 **MR. WELLS:** How to construct a press release
6 or what to include in a press release, something along
7 those lines, yes.

8 **MS. JONES:** Okay. So the general
9 guidelines, but what about the actual facts of what would
10 be contained in that press release? Is it possible you
11 were involved in providing those facts to Officer Brunet?

12 **MR. WELLS:** I don't recall having a whole
13 lot of knowledge with regards to the investigation. I had
14 experience with regards to creating press releases. So
15 Staff Sergeant Brunet may have contacted me with regards to
16 that aspect of the press release ---

17 **MS. JONES:** So ---

18 **MR. WELLS:** --- more than ---

19 **MS. JONES:** Sorry.

20 **MR. WELLS:** I'm sorry.

21 **MS. JONES:** I'm sorry, I didn't mean to
22 interrupt you. I thought you were finished.

23 **MR. WELLS:** More than the facts surrounding
24 the investigation.

25 **MS. JONES:** So was Brunet then perhaps

1 giving you facts about the situation rather than you giving
2 him facts? Was he more the source of facts?

3 **MR. WELLS:** He'd be more with regards to the
4 source of facts. I would probably be there for the purpose
5 of what type of information can we release and can't we
6 release.

7 **MS. JONES:** Okay. So you're giving advice
8 on the facts, not the actual facts themselves?

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

10 **MS. JONES:** Okay. Good. I understand that.
11 Could we go to Document Number 122658,
12 please?

13 **THE COMMISSIONER:** Thank you.
14 Exhibit 1746 is a newspaper article. I
15 don't have the date for that.

16 **MS. JONES:** The date is January 8th, 1994.
17 It's up at the top, underneath the headline.

18 **THE COMMISSIONER:** Right. Thank you. And
19 it's the Citizen -- the Ottawa Citizen.

20 --- **EXHIBIT NO./PIÈCE NO. P-1746:**

21 (122658) Ottawa Citizen news clipping
22 "Cornwall Police deny privacy violation"
23 dated January 8, 1994

24 **MS. JONES:** Have you got that in front of
25 you, sir?

1 MR. WELLS: Yes, I do, Ms. Jones.

2 MS. JONES: Okay. So, again, just to recap
3 the dates, January 5th, you've got the first news release
4 coming from CPS. January 6th, we've got Charlie Greenwell's
5 situation. January 7th, we have Brunet's notes that state
6 that you had met with him and Officer Sebalj about the
7 press releases. Then January 8th, 1994, there's this rather
8 lengthy press release then to the -- or article, I should
9 say, about what's happening in the Cornwall Police. So
10 that's the next day after January 7th.

11 Now, the headline here is "Cornwall Police
12 deny privacy violation" and in the opening paragraph, just
13 to give a context of what this article is about, it says:

14 "An Ottawa Valley man says Cornwall
15 Police violated his privacy and
16 victimized him a second time by
17 releasing his witness statement about
18 being sexually abused. Details of the
19 statement were publicized this week
20 through an Ottawa television station
21 and newspaper. The man said that his
22 signature was noticeable in a
23 television report that used pictures of
24 the statement."

25 And then there's a quote there, I presume,

1 from Mr. Silmser.

2 Now, your input comes further down on the
3 second column, as Madam Clerk is showing there:

4 "Staff Sergeant Brendan Wells, a
5 Cornwall Police spokesman, said, 'I'm
6 satisfied no member of the Cornwall
7 Police Service gave any statement to
8 any news media', but Wells could not
9 explain how the statement became
10 public, adding, 'Cornwall Police are
11 investigating the matter and will
12 question involved media agencies as to
13 how they received its statement'."

14 So just a couple of questions about that.
15 The very first comment you made was -- and it seems to be a
16 quote, although I know that the media, as good as they are,
17 may not get it exactly right, with the greatest of respect
18 to them but the words attributed to you in any event are:

19 "I'm satisfied no member of the
20 Cornwall Police Service gave any
21 statement to any news media."

22 I'm wondering where did you get that
23 conclusion from, what were you relying on to be able to
24 tell the press that particular fact?

25 **MR. WELLS:** I'm not so sure that that quote

1 you used by the member of the media was accurate. I
2 wouldn't make such a statement out of thin air without
3 being able to prove it.

4 I have not investigated any incident
5 regarding to that date, regarding who had maybe released it
6 to the media or any member of the Service. So I can't see
7 myself making that statement.

8 **MS. JONES:** Do you recall meeting with the
9 press to discuss this issue and discuss this article?

10 **MR. WELLS:** Again, Ms. Jones, I don't recall
11 specifically meeting with the press with this but I have
12 read this particular item and am prepared to discuss it.

13 **MS. JONES:** They used the word "spokesmen",
14 were you a person that often dealt with high-profile issues
15 in the paper or was this a one-off?

16 **MR. WELLS:** Yes, I was the media relations
17 person designated at that time for the Service.

18 **MS. JONES:** So then as the media relations
19 person, what would have been the typical way that they
20 would have gotten some sort of a statement from you? Do
21 they do it over the phone? Do they meet with you in
22 person?

23 **MR. WELLS:** This is from The Citizen?

24 **MS. JONES:** Yes.

25 **MR. WELLS:** Okay, it would be over the

1 phone.

2 MS. JONES: And you didn't use a tape
3 recorder, whatever, just to be sure that your words would
4 not be misconstrued or misstated?

5 MR. WELLS: No, Ma'am.

6 MS. JONES: Or have somebody listen to your
7 end of the phone conversation to be sure that you weren't
8 misquoted or misstated?

9 MR. WELLS: No, Ma'am.

10 MS. JONES: And you didn't take any notes --

11 -

12 MR. WELLS: No, Ma'am.

13 MS. JONES: --- of the phone call
14 conversation so you wouldn't be misquoted or misstated?

15 MR. WELLS: No, Ma'am.

16 MS. JONES: Did you write a letter to The
17 Ottawa Citizen or did CPS write a letter to The Ottawa
18 Citizen to state that that was inaccurate, that that is not
19 actually what you said?

20 MR. WELLS: No, I did not.

21 MS. JONES: The other comment that you have
22 there attributed to you was that you couldn't explain how
23 the statement became public and that the Cornwall police
24 are investigating the matter.

25 Was that actually true at that time, on

1 January 8th, 1994?

2 **THE COMMISSIONER:** What, that he couldn't
3 explain it?

4 **MS. JONES:** With regards to Cornwall police
5 investigating how this statement got released to the media.

6 **THE COMMISSIONER:** Well, continue on though.
7 "The police are investigating the
8 matter and will question involved media
9 agencies as to how they received the
10 statement."

11 **MS. JONES:** Correct.

12 **THE COMMISSIONER:** Okay.

13 **MS. JONES:** But I'm just asking, on January
14 8th, 1994, was that actually true, was there actually an
15 investigation going on to find out how this statement was
16 released to the media?

17 **MR. WELLS:** Going by what this -- the
18 employee of the news media reported, no, it's not true, to
19 the best of my recollection.

20 If he or she accurately -- I believe it was
21 Carol Abraham, anyway, I could see myself saying something
22 to the effect that "if such a complaint comes in, we will
23 investigate to determine". But to say that we are
24 investigating, I don't recall if we had a specific
25 complaint at that time regarding -- or the media did.

1 **MS. JONES:** It would appear from the
2 documents you didn't, not at that time, on January 8th,
3 1994, it would come later.

4 **MR. WELLS:** Yes.

5 **MS. JONES:** But at that date you didn't have
6 a complaint ---

7 **MR. WELLS:** No.

8 **MS. JONES:** --- about that at the time.

9 **MR. WELLS:** No.

10 **MS. JONES:** So are you saying then that this
11 paragraph is inaccurate as well, that you didn't actually
12 say that to the press?

13 **MR. WELLS:** I wouldn't say that we were
14 doing an investigation.

15 In other words, Ms. Jones, I would not lie
16 to the media. I would not misguide them.

17 **MS. JONES:** Did you write any sort of
18 correspondence to The Ottawa Citizen to clarify this?

19 **MR. WELLS:** I thought I just answered that;
20 no, I did not.

21 **MS. JONES:** No, you answered on the first
22 point, I'm asking now about this second point because
23 they're two distinct issues here.

24 **MR. WELLS:** No, I did not.

25 **MS. JONES:** So when this particular false

1 comment, the second false comment was attributed to you,
2 you did nothing about that?

3 **MR. WELLS:** No, I did not.

4 **THE COMMISSIONER:** Time for a break?

5 **MS. JONES:** I think it's a good time. Thank
6 you.

7 **THE COMMISSIONER:** Thank you. We'll take
8 the morning break.

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

11 This hearing will resume at 11:15.

12 --- Upon recessing at 10:59 a.m./

13 L'audience est suspendue à 10h59

14 --- Upon resuming at 11:17 a.m./

15 L'audience est reprise à 11h17

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

18 This hearing is now resumed please be
19 seated. Veuillez vous asseoir.

20 **BRENDON WELLS: Resumed/Sous le même serment:**

21 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**
22 **JONES (Continued/Suite):**

23 **MS. JONES:** Thank you.

24 Inspector Wells, we were just looking at the
25 article that appeared in The Citizen on January 8th, 1994.

1 When you read that article and saw that these statements
2 had been attributed to you; do you remember how you felt
3 about that? Do you remember if you told anybody your
4 concerns?

5 **MR. WELLS:** No.

6 **MS. JONES:** Would it be fair to say that you
7 likely would have not been very happy, at the very least?

8 **MR. WELLS:** If I would have seen the
9 document and read the areas published by that newspaper, it
10 would have concerned me.

11 **MS. JONES:** Right. I mean especially given
12 that you're the media relations guy.

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

14 **MS. JONES:** Right? And I would assume being
15 the media relations person for Cornwall police, one of your
16 duties, clearly, would be to read the media releases
17 concerning Cornwall police.

18 **MR. WELLS:** Yes.

19 **MS. JONES:** So, we'll assume that you read
20 this article. I know you don't have any notes to that or
21 independent recollection even perhaps. But it would appear
22 that two very clear statements were attributed to you and
23 you're very clear in your testimony here today that really
24 you didn't say either of those statements; but they're both
25 false and you did not say that?

1 **MR. WELLS:** Or maybe written in another
2 context. I would not mislead the press and say that an
3 investigation was being conducted, if I didn't have
4 knowledge that one was being conducted.

5 **MS. JONES:** Right. And we've heard from you
6 that that was false.

7 **MR. WELLS:** Yes.

8 **MS. JONES:** About the investigation thing.
9 And the previous statement, if I could just have that up on
10 the screen again, sorry.

11 The previous statement where it said "I'm
12 satisfied no member of the Cornwall Police Service gave any
13 statement to any news media," you're saying today that that
14 is false; that you did not say that?

15 **MR. WELLS:** I'm saying that there may have
16 been another part or portion of -- it's possible that there
17 was another part. I have no evidence. For example, I have
18 no evidence to indicate that the Cornwall -- any member of
19 the Cornwall police released any information to the media,
20 so therefore, I'm satisfied at this time that there is --
21 there was no -- something to that effect.

22 **MS. JONES:** So are you saying ---

23 **MR. WELLS:** If they would have cut and
24 pasted or just put in to cover the facts that they wanted
25 to cover. And they've been -- with all due respect to the

1 media, sometimes they may slide towards that side.

2 And just to clarify a point, Ms. Jones.

3 When I say "I have no notes regarding this," it doesn't
4 necessarily mean that I didn't make any notes, I just don't
5 have any notes before me, at this time, to -- in other
6 words, periodically you ask me "Did you make notes or do I
7 have notes", I don't have notes concerning the ---

8 **MS. JONES:** So are you now -- excuse me.

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

10 **MS. JONES:** The -- so you're saying now that
11 there's a possibility you did make notes but you just don't
12 have them?

13 **MR. WELLS:** No, I'm not saying now. What I
14 want to clarify is that throughout my period of time that I
15 -- in my office, certainly I made notes, police officers
16 make notes, I just -- I haven't been able to provide those
17 notes to the Inquiry.

18 So I don't have those notes. I just wanted
19 to clarify that point.

20 **MS. JONES:** We have some notes but we
21 certainly don't have any notes ---

22 **MR. WELLS:** Yes.

23 **MS. JONES:** --- about these.

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

25 **MS. JONES:** Right. Do you have an

1 explanation for that?

2 MR. WELLS: No, Ma'am.

3 MS. JONES: If in fact there were notes
4 made, you don't know that though, do you?

5 MR. WELLS: May I say that not necessarily
6 in this date but down the road, I was off for another
7 lengthy period of time with various operations and my
8 office was moved and the contents of that office was moved
9 and so I have not been able to find the notes -- my notes
10 relevant to a period of time in my employment at the
11 Cornwall Community Police Service.

12 MS. JONES: Now, with respect to those two
13 statements that are attributed to you, your evidence, I
14 believe, is that the one statement is false and certainly
15 the other one seems to be misleading at best?

16 MR. WELLS: Yes.

17 MS. JONES: The first statement seems to be
18 at least misleading ---

19 MR. WELLS: Yes.

20 MS. JONES: --- if not false.

21 As a media relations person, again, it must
22 have been a concern to you because you're going to have to
23 deal with the media as the media spokesperson for Cornwall
24 Police from time to time in the future as well.

25 MR. WELLS: At that time, it wouldn't -- it

1 wouldn't mean that I would collect all areas or all
2 newspaper articles relevant to this particular item myself
3 personally. So there was a possibility that -- there was a
4 real possibility that I wouldn't have read that particular
5 item. I don't recall reading that particular item.

6 **MS. JONES:** So as the media spokesperson,
7 your evidence is you may not even have read the Ottawa
8 Citizen article?

9 **MR. WELLS:** There's a possibility I did not
10 read ---

11 **MS. JONES:** I just want to refer you to
12 Brunet's notes again. That's Exhibit 1429, Bates page
13 7098.

14 **MR. WELLS:** Fourteen-twenty-nine (1429)?

15 **MS. JONES:** Exhibit 1429.

16 **MR. WELLS:** Yes.

17 **MS. JONES:** Those are Officer Brunet's
18 notes.

19 **MR. WELLS:** Fourteen-twenty-nine (1429)?

20 **MS. JONES:** I'm sorry.

21 **MR. WELLS:** No.

22 **MS. JONES:** Fourteen-thirty-nine (1439).

23 Thank you.

24 And I just want to refer you to the Bates
25 page 7098 because those are Staff Sergeant Brunet's notes

1 from January 8th and they actually end January 11th. But on
2 January 8th -- do you have that in front of you, sir?

3 MR. WELLS: Yes, I do.

4 MS. JONES: You'll see actually on January
5 8th, 1994 the entry at 11:21 hours, it would appear that
6 there was contact with various members of the media, as you
7 can see down below there?

8 MR. WELLS: Yes.

9 MS. JONES: Can you see that, sir?

10 MR. WELLS: Yes.

11 MS. JONES: Okay. And if you read through
12 the notes, Officer Brunet calls CJOH. He calls the
13 Citizen. He calls The Sun. He calls the Standard
14 Freeholder and in those notes, would you agree with me,
15 nowhere in there is there any comment about the inaccuracy
16 of the January 8th article that would have appeared that
17 morning? The Ottawa Citizen is a morning paper, so it
18 would have appeared in the morning of the times of these
19 contacts or sometime after 11:21 in the morning. But would
20 you agree with me that nowhere in there is there any sort
21 of comment about the inaccuracies, the falsehoods or the
22 misleading article in the comments attributed to you in the
23 January 8th article?

24 MR. WELLS: I don't see any.

25 MS. JONES: And you'll agree with me it was

1 Officer Brunet and yourself that had been discussing, the
2 couple of days leading up to January 8th, the press
3 releases?

4 MR. WELLS: With Constable Sebalj, yes.

5 MS. JONES: With Constable Sebalj?

6 MR. WELLS: Yes.

7 MS. JONES: And you'll agree with me nowhere
8 in the notes between January 8th and January 11th is there
9 one entry of you perhaps going to Staff Sergeant Brunet
10 saying "I can't believe this has happened. These are false
11 things in the Citizen attributed. This is terrible"? Do
12 you agree there's no sort of bringing him to the attention
13 that these things have been printed in an inaccurate
14 fashion?

15 MR. WELLS: You're asking me if that's
16 accurate because of what's being said here in these notes?

17 MS. JONES: Well, if we are to accept that
18 these are Officer Brunet's notes of what happened ---

19 MR. WELLS: Yes.

20 MS. JONES: --- on January 8th vis-à-vis the
21 media ---

22 MR. WELLS: Yes.

23 MS. JONES: --- would you agree with me
24 there's no entry here that shows you talking to him about
25 the January 8th article which we've just discussed a moment

1 ago?

2 MR. WELLS: That's correct.

3 MS. JONES: And there's no entry here where
4 he's actually contacted the Citizen stating that he's
5 dismayed by the inaccuracies in the article that had
6 appeared that very morning? There's nothing to that effect
7 there?

8 MR. WELLS: That's correct.

9 MR. CALLAGHAN: I think it would also be
10 fair to point out that in these notes Staff Sergeant Brunet
11 is asking certain media outlets how they got the document,
12 apropos the comment about whether or not there was
13 inquiries made about how the document got to the media.
14 That's also in these notes.

15 Well, we just asked a lot of questions about
16 whether there were any inquiries about how the media got
17 the document.

18 THE COMMISSIONER: No, no ---

19 MR. CALLAGHAN: You've got this witness'.

20 THE COMMISSIONER: M'hm.

21 MR. CALLAGHAN: And then we go into here
22 saying -- asking about all the other issues that come up
23 with the media, but there are obviously comments in there
24 where he's asking -- you know, in one of them it says it
25 came unsolicited to one of the media outlets. But anyway,

1 it's ---

2 **THE COMMISSIONER:** I thought the question --

3 -

4 **MR. CALLAGHAN:** --- just a matter of fair
5 representation of the notes, that's all.

6 **THE COMMISSIONER:** Well, no, no. First of
7 all, those notes are Sergeant Brunet's notes.

8 **MR. CALLAGHAN:** I agree.

9 **THE COMMISSIONER:** Okay. So the
10 representation is there.

11 **MR. CALLAGHAN:** Right.

12 **THE COMMISSIONER:** I thought counsel was
13 asking questions about whether or not there was any
14 comments in the notes about rebutting the errors that were
15 printed in that article on June 6th -- January.

16 **MR. CALLAGHAN:** All right. Maybe I
17 misunderstood. I thought it was a contact with the media.

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

19 **MS. JONES:** Now, we have documents to verify
20 this but, again, I'm going to go through a bit of a
21 chronology. If you need the documents, I'll give them to
22 you, but it might be just helpful if I could quickly go
23 through a bit of chronology to get you up to speed on
24 what's happening next then.

25 So we have this article on January 8th that

1 we've talked about. On January 10th, 1994 Officers Blake
2 and Skinner from the Ottawa Police are starting their
3 investigation into the alleged conspiracy theories at
4 Cornwall Police. We would believe they would have been
5 asked earlier than January 10th, but on January 10th is the
6 date that they start that and we have a document to verify
7 that. Okay?

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

9 **MS. JONES:** Then on January 11th, 1994 there
10 is a letter from Mr. Silmser's lawyer, Bryce Geoffrey -- if
11 I'm pronouncing that correctly -- to the Cornwall Police
12 complaining that someone at CPS had released his victim
13 statement to the media without his authority. And in that
14 particular complaint Officer Sebalj is actually named as
15 the police officer that the complaint is being made about.
16 Now, that's on January 11th, which is obviously after. So
17 this investigation that may have been alluded to in the
18 January 8th article actually -- there's a letter dated
19 January 11th that may start this ball rolling. And I
20 believe you've seen this letter?

21 **MR. WELLS:** Yes.

22 **MS. JONES:** Is that right?

23 **MR. WELLS:** Now, on January 11th, the same
24 date as the letter -- although we don't have that you
25 received it on January 11th, so I don't want to mislead you

1 on that -- but on January 11th, 1994 the Cornwall Police
2 Services Board then issued a news release.

3 And I'm wondering if that could please be
4 brought up, Exhibit 1224.

5 (SHORT PAUSE/COURTE PAUSE)

6 THE COMMISSIONER: Do you recognize this
7 document, sir?

8 MR. WELLS: I've seen this document in
9 preparation for the Inquiry here today.

10 THE COMMISSIONER: Did you have any
11 involvement in preparing it, to your knowledge?

12 MR. WELLS: No. No, sir.

13 MS. JONES: Were you still the media
14 relations spokesperson though for Cornwall Police at the
15 time that the January 11th release was made?

16 MR. WELLS: Yes, I was.

17 MS. JONES: So would you possibly have had
18 involvement with regards to not the facts that go in but
19 the structure in which it said the type of wording, that
20 sort of thing?

21 MR. WELLS: Possibly in the structure, yes.

22 MS. JONES: And so ---

23 THE COMMISSIONER: Just let me stop here.
24 Just a minute. This is a news release from the Police
25 Services Board.

1 **MR. WELLS:** Yes, sir.

2 **THE COMMISSIONER:** Would -- did you
3 participate in preparation of press releases that are
4 titled the Police Services Board in the course of your
5 duties?

6 **MR. WELLS:** There may have been times when I
7 would, Mr. Commissioner.

8 **THE COMMISSIONER:** Yes.

9 **MR. WELLS:** Mr. Brunet -- Staff Sergeant
10 Brunet may have come over to my office and inquired as to
11 how to structure it because ---

12 **THE COMMISSIONER:** Okay. But Brunet is
13 still a police officer.

14 **MR. WELLS:** Yes.

15 **THE COMMISSIONER:** The originator of this
16 thing is Leo Courville, the Chairman of the Cornwall Police
17 Services Board.

18 **MR. WELLS:** Yes.

19 **THE COMMISSIONER:** And I know that sometimes
20 people who are head of something have other people prepare
21 it, and so if, for example, Carl Johnston -- Chief Johnston
22 had something to do, it might have been his outfit, so to
23 speak, that would have done that.

24 **MR. WELLS:** Yes.

25 **THE COMMISSIONER:** Is that -- am I reading

1 that correctly?

2 **MR. WELLS:** Yes, sir.

3 **THE COMMISSIONER:** Okay.

4 **MS. JONES:** All right.

5 If we look at the last portion of that
6 particular news release, towards the end of the news
7 release ---

8 **THE COMMISSIONER:** Yes, we're there.

9 **MS. JONES:** I'm sorry. I just wanted to get
10 -- at the very end of the news release or towards the end
11 of the news release they basically -- the press release is
12 inviting Silmsler to lodge a complaint or suggesting
13 possibly that this might be an appropriate method to pursue
14 if in fact there was a complaint to be made, and can you
15 see that the details are provided for that person to do
16 that.

17 Do you see that, sir?

18 **MR. WELLS:** Yes.

19 **MS. JONES:** Okay. So as the media
20 spokesperson for CPS, you certainly would have been aware
21 of this news release going out and being generated at that
22 particular time?

23 **MR. WELLS:** Possibly.

24 **MS. JONES:** Now, what happens shortly
25 thereafter, of course, is that there is actually a

1 complaint that is made ---

2 MR. WELLS: That's correct.

3 MS. JONES: --- as it talked about the Bryce
4 Geoffrey situation. So we're going to talk about that and
5 what I call the Silmsler investigation.

6 Now, do you recall the morning meeting that
7 we talked about earlier, just to put it into context again,
8 that that's where you met, and you recall that Shaver and
9 St. Denis were at the meeting. You think that Trew, Brunet
10 and Lortie were also there?

11 MR. WELLS: Yes.

12 MS. JONES: Okay. And that was your first
13 dealings with the Silmsler matter.

14 Now, if I could please refer you back to
15 your OPP interview, which is at Exhibit Number 1742. I
16 probably didn't need to take you to the document, but you
17 recall that earlier in the document you did say that you
18 hadn't taken any notes on the Silmsler investigation that
19 we're talking about now, but you actually had taken some
20 notes, did you not, when you were interviewing people and
21 such?

22 MR. WELLS: Yes.

23 MS. JONES: Okay.

24 MR. WELLS: That's correct.

25 MS. JONES: So when there's a reference in

1 here to no notes in the OPP interview, you're not actually
2 referring to the notes you prepared at the section we're
3 now involved in, which is the Silmsers investigation?

4 MR. WELLS: No.

5 MS. JONES: I just want to differentiate
6 between that.

7 MR. WELLS: I believe Mr. Hall was referring
8 to the notes made at that particular meeting. That was my
9 understanding.

10 MS. JONES: Right. Okay. So that's what I
11 just want to be clear about.

12 MR. WELLS: Yes.

13 MS. JONES: So when I ask about those notes,
14 I'm not talking about the notes you would have used when
15 you did your investigation.

16 MR. WELLS: Okay.

17 MS. JONES: Just to be clear and just so
18 that we're both clear about that, because I know that you
19 did do notes of the investigation.

20 MR. WELLS: Yes.

21 MS. JONES: Okay.

22 MR. WELLS: All right.

23 MS. JONES: So are you able to tell us --
24 did you have any sort of a mindset then when you're being
25 tasked now with having an investigation put on you because

1 apparently on January 21st, the actual complaint was made --
2 -

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

4 **MS. JONES:** --- and you met with Mr.
5 Geoffrey and you met with Mr. Silmser as well, and the
6 public complaint Form 1 was filled out.

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

8 **MS. JONES:** Do you recall that?

9 Now, you already had some knowledge going
10 into this. Do you remember what sort of mindset you would
11 have had when you were meeting initially with Mr. Geoffrey
12 and Mr. Silmser?

13 **MR. WELLS:** I don't understand your
14 question, Ms. Jones.

15 **MS. JONES:** Did you have any preconceived
16 notions about what was happening?

17 **MR. WELLS:** I try not to have any
18 preconceived notions prior to completing an investigation.
19 I basically let the investigation unfold as it's going to
20 and then make my judgments or recommendations based on
21 those facts.

22 **MS. JONES:** Okay.

23 Now, I'm going to be referring to Exhibit
24 643.

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

1 **MS. JONES:** Mr. Commissioner, I'm wondering
2 if we could just address Exhibit 643 for just a moment.
3 Six-forty-three (643) is the *Public Service Act* complaint.
4 It's the final report essentially written by Inspector
5 Wells and the complainant is Mr. Silmsner and the OPCC file
6 is 30019/94.

7 **THE COMMISSIONER:** Yes. It's already an
8 exhibit.

9 **MS. JONES:** Yes, but I have to just add --
10 put in quotation marks, add something to it. There's
11 actually -- to make this exhibit complete, there's actually
12 an addendum that was not made part of the original Exhibit
13 643, and I would be asking that the addendum, which I
14 believe all the parties have copies of now, for the sake of
15 completeness, just adding the addendum on as Exhibit 643A.

16 **THE COMMISSIONER:** All right.

17 Any problems with that? No? All right.

18 **MS. JONES:** The Document Number is 116245.

19 **THE COMMISSIONER:** But there's a whole bunch
20 of notes here. Oh, that's what it is. You're attaching to
21 the ---

22 **MS. JONES:** That's right.

23 **THE COMMISSIONER:** --- hearing the notes
24 that were filed and used in that hearing?

25 **MS. JONES:** That's correct.

1 **THE COMMISSIONER:** Okay.

2 **MS. JONES:** And it literally goes on the
3 back of Exhibit 643. So we wanted to have a full version
4 of this available.

5 **MR. CALLAGHAN:** Just to be clear, sir, this
6 isn't the final report but, rather, this is the disclosure
7 that's created from the public -- the Police Complaints --
8 they did disclosure on this. This is the disclosure that
9 would have gone to all the parties.

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

11 **MR. WELLS:** Mr. Commissioner?

12 **THE COMMISSIONER:** Yes.

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

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

15 **MR. WELLS:** Do you want me to add this to --

16 -

17 **THE COMMISSIONER:** No, no, you can leave it
18 there.

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

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

21 **--- EXHIBIT NO/PIÈCE NO. P-643A:**

22 (116245) *Police Services Act, 1990, Part 2 -*
23 *File History - Complainant David Silmser*
24 *against CPS*

25 **MS. JONES:** I'm sorry, it was right in front

1 of me here.

2 So I just want to go to the initial
3 complaint, Form 1, which is in Exhibit 643, Bates page
4 1134454. It's about four pages in.

5 **THE COMMISSIONER:** I'm sorry; say again?

6 **MS. JONES:** Am I correct on that?

7 **THE COMMISSIONER:** I don't know.

8 **MS. JONES:** No, I may not be. I think I'm
9 using the old document number, actually.

10 **THE COMMISSIONER:** Okay. No, it's all
11 right, 2661.

12 **MR. WELLS:** Thank you.

13 **THE COMMISSIONER:** The witness was there
14 before all of us.

15 **MS. JONES:** Thank you, 2661. I apologize,
16 I'm using another version.

17 So just for clarification then, on Bates
18 page 2661, that is actually the Form 1 that would have been
19 filled out with you, the lawyer and Mr. Silmsen?

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

21 **MS. JONES:** And just for clarification
22 purposes, the complaint is made up of Appendix A and the
23 lawyer's letter essentially that he had sent on January
24 11th. Is that right?

25 **MR. WELLS:** The complaint was made up of

1 Appendix A, which is this letter; right?

2 MS. JONES: Correct.

3 MR. WELLS: And the specific allegations of
4 misconduct underneath?

5 MS. JONES: Correct.

6 But there was also attached the original
7 Form 1, the letter. It also says it here too:

8 "Please see January 11th letter from
9 Bryce Geoffrey."

10 MR. WELLS: Yes.

11 MS. JONES: So the initial -- as I say, this
12 is a different sort of a document. It's not just the Form
13 1 and the letter; it's the whole package.

14 MR. WELLS: M'hm.

15 MS. JONES: So just for explanation sake, at
16 that particular time, what you have is Form 1 and you have
17 the lawyer's letter ---

18 MR. WELLS: Yes.

19 MS. JONES: --- attached to it.

20 MR. WELLS: Yeah.

21 MS. JONES: And in the lawyer's letter and
22 on the Form 1, the only officer noted here is Officer
23 Sebalj.

24 MR. WELLS: Yes, correct.

25 MS. JONES: And it'd be fair to say that the

1 lawyer's letter was the concern, because of the date it was
2 written, it was concerned with the release to the media.

3 MR. WELLS: M'hm.

4 MS. JONES: Because they'd seen the
5 statement on CJOH and that was the content, that was the
6 main thrust of the letter; they were upset that this
7 statement had been released to the media.

8 MR. WELLS: Correct.

9 MS. JONES: And there was no mention at that
10 time about any release of the document to CAS.

11 MR. WELLS: That's correct.

12 MS. JONES: And the release of the -- of
13 anything, or the statement to the CAS arose as a result of
14 seeing the press release in which it was mentioned, that I
15 had mentioned earlier, the Police Board press release. Is
16 that right?

17 MR. WELLS: I don't understand.

18 MS. JONES: Well they -- where did the
19 information come from then concerning the CAS? Because on
20 Appendix A it mentions CAS

21 MR. WELLS: And you're wondering where that
22 information came from?

23 MS. JONES: Yes, at that particular time now
24 it's known that ---

25 MR. WELLS: Yes.

1 **MS. JONES:** --- Mr. Dunlop had released the
2 statement to CAS, it wasn't known when the lawyer wrote the
3 letter but ---

4 **MR. WELLS:** Yes.

5 **MS. JONES:** --- when you met on January 21st
6 ---

7 **MR. WELLS:** Yes.

8 **MS. JONES:** --- it was known at that time?

9 **MR. WELLS:** Yes.

10 **MS. JONES:** So that's why on Appendix A, the
11 last two paragraphs actually mention the release of the
12 statement to CAS, in addition to the leak to the media.

13 **MR. WELLS:** Yes.

14 **MS. JONES:** They're two separate things in
15 other words.

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

17 **MS. JONES:** Okay. So even though it says
18 Officer Sebalj on the front of Form 1, the way the letter
19 writes and the way Appendix A reads, it actually also
20 involves any other involved officers that may be involved,
21 that you may discover through your investigation; an
22 unknown officer at the time of the making of the complaint,
23 leaking to the media and releasing the statement to CAS.

24 Sort of an all encompassing, even though it
25 only mentions Officer Sebalj.

1 **MR. WELLS:** Correct.

2 **MS. JONES:** Okay. Now, do you recall the
3 conversation with the lawyer and Mr. Silmser, was it a long
4 meeting, was it a short brief meeting, do you recall that
5 or is it just filling out the form and going or ---

6 **MR. WELLS:** To the best of my recollection
7 it wouldn't have been a short brief meeting, it would have
8 been, I believe, for a substantial period of time so as to
9 allow the Form 1, everything, sharing of information.

10 **MS. JONES:** Now, the next thing that happens
11 -- this is January 21st, 1994. On January 26th, 1994 it
12 would appear that you discussed the matter leading up to
13 January 26th, '94. It would appear you discussed the matter
14 with Acting Chief Johnston and you had signed a Form 6,
15 which is the request for classification of the complaint as
16 an inquiry so that you could reclassify the complaint Mr.
17 Silmser and his lawyer made as a public complaint, as an
18 inquiry. Do you recall that?

19 **MR. WELLS:** Yes.

20 **MS. JONES:** I could take you to the Document
21 721796.

22 **MR. WELLS:** Yes, please.

23 **THE COMMISSIONER:** Okay, Exhibit Number 1747
24 is a Police Complaints Form 6, dated -- oh no, the date of
25 the complaint is -- but it's signed by Officer -- Staff

1 Sergeant Wells on January 26th, 1994.

2 --- EXHIBIT NO./PIÈCE No. P-1747:

3 (721796) - Public Complaint - Form 6 -
4 Request for Classification of Complaint as
5 an Inquiry dated 26 Jan. 94

6 MS. JONES: And on the next page, Bates page
7 3639 you just listed the reasons why you felt this internal
8 -- currently internal complaint should be actually an
9 inquiry, more of a -- more of a ---

10 MR. CALLAGHAN: This is a statutory scheme;
11 there is Part 5 which is an internal complaint and Part 6
12 which is a public complaint. This was a public complaint
13 and this document is asking the Public Complaints
14 Commissioner to do the investigation, rather than the
15 Force.

16 I think we have to be very clear because
17 obviously at the end of the day people are going to refer
18 you back to the legislation.

19 MS. JONES: So you proposed to reclassify
20 Silmsers's public complaint as an inquiry?

21 MR. WELLS: That's correct.

22 MS. JONES: Thank you.

23 And the reasons for the reclassification or
24 the reasons why you wanted this were listed in the back:

25 "A very high profile incident; a need

1 for public perception that independent
2 investigation be carried out; the
3 gravity of the allegations, the civil
4 ramifications; to re-establish the
5 integrity of CPS, and the entire
6 incident has already been investigated
7 internally prior to the lodging of the
8 most recent complaint and prior to the
9 imposition of any corrective process."

10 And again, just for clarification, these are
11 the reasons you gave, why you thought it shouldn't be done
12 internally, why someone externally should be reviewing
13 this?

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

15 **MS. JONES:** Okay. And I just want to ask
16 you about the very last issue because there's two issues
17 being investigated here; one is the release of the
18 statement to CAS, the other is the leak to the media;
19 correct?

20 **MR. WELLS:** Yes, that's correct.

21 **MS. JONES:** And your very last sentence is
22 interesting because it said:

23 "The entire incident has been
24 investigated internally prior to the
25 lodging of this current complaint."

1 Now, we know that Staff Sergeant Derochie
2 investigated the CAS and Perry Dunlop and the statement
3 situation, we know that that had been done already.

4 **MR. WELLS:** Yes.

5 **MS. JONES:** And he was sanctioned by
6 counsel; that was done -- though the sanction wasn't
7 completed that was the sanction that was determined.

8 **MR. WELLS:** I'm sorry; could you repeat what
9 you just said?

10 **MS. JONES:** Derochie had done the
11 investigation and it was decided that counselling would be
12 the best way of dealing with Officer Dunlop, in releasing
13 the statement to the CAS.

14 **MR. WELLS:** And your question is?

15 **MS. JONES:** Okay, I haven't gotten to my
16 question yet. I'm just saying, that's the CAS part, that's
17 been investigated internally with Staff Sergeant Derochie.

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

19 **MS. JONES:** But the second part of the
20 complaint has to do with leak to the media.

21 **MR. WELLS:** Yes, correct.

22 **MS. JONES:** Now, in the news release the
23 words attributed to you said that "I am confident that
24 nobody in CPS had released this", in other words, it
25 sounded like it had already been investigated.

1 In here it says the entire incident has been
2 investigated internally. So had there been an additional
3 investigation into the leak to the media before January
4 22nd?

5 **MR. WELLS:** No, I don't believe so. No.
6 No, I'm sorry, don't believe so. Not to the best of my
7 knowledge. No, there was an internal investigation insofar
8 as -- or regarding the document being released to CAS.

9 **MS. JONES:** Right, that was done,
10 absolutely.

11 **MR. WELLS:** Yes.

12 **MS. JONES:** But now we're looking at the
13 leak to the media.

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

15 **MS. JONES:** Because you said -- because
16 that's what it said in the Ottawa Citizen article which
17 you've said here today just isn't true and here it says --
18 and you wrote this, "The entire incident has been
19 investigated internally". Was that just an error there?

20 **MR. WELLS:** The entire incident relevant to
21 the release of documents to CAS.

22 **MS. JONES:** Okay but it doesn't say that
23 there. It says "The entire incident has been investigated
24 internally", meaning CAS and the leak to the media.

25 **MR. WELLS:** No, meaning CAS.

1 **MS. JONES:** Okay. But you agree with me, it
2 doesn't say just CAS there?

3 **MR. WELLS:** I agree, it doesn't say that.

4 **MS. JONES:** So that's an error? I just want
5 to be clear about that because that's ---

6 **MR. WELLS:** That's an error.

7 **MS. JONES:** Okay. Thank you.

8 So for all of these reasons then you felt it
9 was very important to go outside the Force. And would it
10 also be possible that -- you don't list it here but did you
11 feel that possibly there was a conflict of interest on your
12 part? And I'll outline what I mean by that.

13 First of all, you did have knowledge of some
14 of the parties, we've already mentioned the OPP interview,
15 you said that you had met some of the parties that were
16 involved in the Silmser complaint, although I know that's
17 not being investigated.

18 But you had had some input into the news
19 releases that had been made by the CPS and by the Police
20 Board. You did have meetings with senior officers about
21 what was happening in the Silmser situation, so you already
22 perhaps knew what their position was about the Silmser
23 complaint.

24 Did you feel that you still had the
25 necessary independence and not a conflict of interest, now

1 asked to investigate this Silmsler situation?

2 **MR. CALLAGHAN:** My friend started off saying
3 they knew people in the Silmsler complaint; I don't recall
4 any evidence to that regard.

5 **MS. JONES:** In the OPP transcript that I
6 read to you, the portion, Officer Hall asked you, did you
7 know Father Charlie, did you know Ken Seguin, did you know
8 Malcolm MacDonald, you said that you had known these
9 people.

10 **MR. WELLS:** I said that I knew all of those
11 people?

12 **MS. JONES:** That there was no conflict of
13 interest. That's what it said in the OPP ---

14 **MR. WELLS:** That's right, there was no
15 conflict ---

16 **MS. JONES:** I'll refer you to it again.

17 **MR. WELLS:** There was no conflict of
18 interest.

19 You asked me about conflict of interest.

20 **MS. JONES:** Yes.

21 **MR. WELLS:** I don't recall you asking me did
22 I know all of those three people.

23 **MS. JONES:** Oh, okay.

24 **MR. WELLS:** Sorry.

25 **MS. JONES:** So we'll leave that anyway

1 because it's part of the other investigation.

2 **THE COMMISSIONER:** Well, no, no. Did you
3 know Father MacDonald?

4 **MR. WELLS:** Yes, I knew of Father MacDonald.

5 **THE COMMISSIONER:** If you saw him on the
6 street, would you stop, shake hands and, "Hey, how are you
7 doing?" That kind of stuff? Or just, "Hi," and pass by?

8 **MR. WELLS:** If I saw Father MacDonald on the
9 street and he was to say to me, "Hi," I'd say, "Hello,"
10 shake hands.

11 No, I didn't know Father MacDonald
12 personally.

13 **THE COMMISSIONER:** All right, you didn't
14 know him personally, okay.

15 What about Ken Seguin?

16 **MR. WELLS:** I knew of Ken Seguin because of
17 his involvement in Probations and I was a police officer.

18 **THE COMMISSIONER:** Have you ever had any
19 interactions with him outside the police office?

20 **MR. WELLS:** No, sir.

21 **THE COMMISSIONER:** Who was the other person?

22 **MS. JONES:** Malcolm MacDonald.

23 **THE COMMISSIONER:** Malcolm MacDonald?

24 **MR. WELLS:** I knew of Malcolm -- Mr. Malcolm
25 MacDonald because he was a member of the Knights of

1 Columbus, high up in the ---

2 **THE COMMISSIONER:** And what about as a Crown
3 attorney, was he Crown attorney when you ---

4 **MR. WELLS:** I knew that he was a Crown
5 attorney.

6 **THE COMMISSIONER:** But you didn't interact
7 with him?

8 **MR. WELLS:** No. No, sir, I didn't.

9 **THE COMMISSIONER:** All right, thank you.

10 **MR. WELLS:** You're welcome.

11 **MS. JONES:** I just want to refer you to the
12 transcript so there's no misunderstanding here and on the
13 page which I already read in earlier, Officer Hall asked
14 you:

15 "Did you have a conflict of interest by
16 personally knowing Malcolm MacDonald,
17 Ken Seguin or Father Charles
18 MacDonald?"

19 And your answer was:

20 "I had no conflict of interest. There
21 was no conflict of interest."

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

23 **MS. JONES:** Okay. But with regards to the
24 fact that you had input in the press releases and a new CPS
25 press release, the Board press release, you had been to at

1 least one major morning meeting with the senior police
2 officers, what we're calling the morning meeting.

3 **MR. CALLAGHAN:** It's a mischaracterization.

4 You've heard there's morning meetings and at
5 the end of it Sergeant Lortie said something at the end of
6 a daily morning meeting or a weekly, whatever -- wherever
7 they were conducted, we've heard the evidence, it wasn't a
8 major meeting about this case. It arose ---

9 **THE COMMISSIONER:** Is there any -- what was
10 the question?

11 **MR. CALLAGHAN:** She said "there's a major
12 morning meeting" about this issue; that's not what's going
13 on.

14 **THE COMMISSIONER:** Okay.

15 **MS. JONES:** I disagree with Mr. Callaghan's
16 characterization but ---

17 **THE COMMISSIONER:** Whoa, whoa, whoa.

18 The last I heard, I make the final decision.

19 **MS. JONES:** Oh, I'm sorry.

20 **THE COMMISSIONER:** I don't know that the
21 word "major" should fall in there.

22 **MS. JONES:** Fine.

23 **THE COMMISSIONER:** All right.

24 **MS. JONES:** The significant morning meeting

25 ---

1 **THE COMMISSIONER:** Well, no, no, no, no,
2 that -- no, no. No, no, no.

3 The meeting ---

4 **MS. JONES:** Okay.

5 **THE COMMISSIONER:** --- at the end of
6 September, where Sergeant Lortie asked about the Silmsers
7 matter.

8 **MS. JONES:** No, that's fine.

9 I wasn't trying to ---

10 **THE COMMISSIONER:** So "the morning meeting."

11 **MS. JONES:** The morning meeting.

12 **THE COMMISSIONER:** Capital T, that's it.

13 **MS. JONES:** Okay.

14 So you had -- you had knowledge of the
15 senior officers' discussion, because you were at the
16 morning meeting that we talked about earlier, correct?

17 **MR. WELLS:** There was no -- how do you
18 characterize a discussion -- Sergeant Lortie, to the best
19 of my recollection, asked what was happening with an
20 investigation where allegations of sexual assault were
21 pointed at a priest.

22 I -- I didn't partake in any -- any
23 discussion.

24 That was all I recall of being asked at that
25 particular meeting.

1 **MS. JONES:** Okay. I -- I didn't say that
2 you had contributed anything, but you were present at the
3 morning meeting ---

4 **MR. WELLS:** Well you said I participated.

5 **MS. JONES:** Okay, attended the morning
6 meeting?

7 **THE COMMISSIONER:** You were present when
8 Sergeant Lortie asked questions about the Silmsier
9 investigation?

10 **MR. WELLS:** Yes.

11 **THE COMMISSIONER:** Okay.

12 **MS. JONES:** So you were involved in those
13 discussions before any complaint was made that morning, at
14 the morning meeting. You observed the discussions?

15 **MR. WELLS:** Yeah, but -- does my presence
16 constitute "involved in discussions"?

17 **THE COMMISSIONER:** For the sake of this
18 thing, yes.

19 Just -- we understand you were present and
20 you don't recall having any participation whatsoever.

21 You attended the meeting and you heard this?

22 **MR. WELLS:** That's correct, Mr.
23 Commissioner.

24 **THE COMMISSIONER:** Sir, you heard Sergeant
25 Lortie voice some concerns; do you have any recollection --

1 I think I've asked you this already -- do you have any
2 recollection of anybody else -- of what anybody else would
3 have said?

4 **MR. WELLS:** No, sir.

5 **THE COMMISSIONER:** Okay, that's it. That's
6 all.

7 **MS. JONES:** Okay. And you also had, it
8 would appear from Staff Sergeant Brunet's notes,
9 discussions with him and Officer Sebalj about the incident?

10 **MR. WELLS:** Regarding this, possibly the
11 structure of how to prepare. Not the facts; how to prepare
12 or structure a press release.

13 **MS. JONES:** But you were aware of the facts
14 of the press release? You were the contact person for one
15 of them.

16 I'm not saying you contributed to the facts;
17 I'm just saying you were aware of the facts.

18 **MR. WELLS:** The -- the press release that
19 was released by Mr. Courville, is that the press release
20 ---

21 **MS. JONES:** No.

22 **MR. WELLS:** --- you're talking about?

23 **MS. JONES:** No.

24 **MR. WELLS:** Okay.

25 **MS. JONES:** The first press release,

1 January 5th, the short one.

2 MR. WELLS: Okay, yeah.

3 MS. JONES: That you were aware of those
4 facts, even if you didn't contribute to the facts, you were
5 aware of them; you were the contact person for them?

6 MR. WELLS: I'll concede that, yes.

7 MS. JONES: And the later press release, you
8 say you may have had some input into the structure of it
9 but at least you were aware of the facts of it, in order
10 for you to comment on the structure of it?

11 MR. WELLS: Not necessarily.

12 MS. JONES: Okay. But do you think that
13 having this involvement or prior knowledge in any way would
14 have affected the choice made to put you in charge of the
15 investigation, do you think that there's a potential for a
16 conflict of interest there?

17 MR. WELLS: No, I don't believe so. No, I
18 don't think there is.

19 MS. JONES: So I understand that you spoke,
20 at some point, to Michael Pearson of the office of the
21 Police Complaints Commission, and as a result of that
22 conversation, you quashed the Form 6, which is what we just
23 looked at there, at Exhibit 1747, and you then embarked on
24 the investigation of the Silmser complaint in your capacity
25 as a Professional Standards Officer?

1 MR. WELLS: That's correct.

2 MS. JONES: And you have no choice in that,
3 you asked for an external investigation to be done by them;
4 they said no.

5 MR. WELLS: That's correct.

6 MS. JONES: We don't have a document on that
7 but was that a telephone conversation or ---

8 MR. WELLS: That's correct.

9 MS. JONES: --- a personal meeting?

10 THE COMMISSIONER: So it was a telephone
11 conversation; you recall that?

12 MR. WELLS: Yes, I do, sir.

13 THE COMMISSIONER: Okay.

14 MS. JONES: So, unfortunately, we don't have
15 any notes of that conversation?

16 MR. WELLS: I don't have any notes, but ---

17 MS. JONES: So the Form 6 that we just
18 looked at, Exhibit 1747, even though it was signed and
19 dated, it was actually never filed ---

20 MR. WELLS: That's correct.

21 MS. JONES: --- is that right?

22 So then on February 2nd, 1994, you sent an
23 internal correspondence to all relevant police officer
24 witnesses, that you thought were relevant in any event, and
25 requested that they provide you with a statement of facts

1 concerning their observations and actions, as well as their
2 original notebook and any notes or evidence they may have
3 regarding the incidents; do you recall that, February 2nd?

4 MR. WELLS: What -- may I ask ---

5 MS. JONES: It was just a general letter ---

6 MR. WELLS: --- what correspondence you're
7 looking at so that I can read the same dates that you're
8 reading? Just so that I'll be -- we'll be accurate. I
9 mean ---

10 MS. JONES: Well, I don't -- sure, I don't
11 have any issue with it. You can actually look at the
12 second page of Exhibit 643.

13 MR. WELLS: Thank you.

14 MS. JONES: And you have a list of what was
15 done and your activities?

16 MR. WELLS: That's correct.

17 MS. JONES: And you can see February 2nd, you
18 have letters to a variety of police officers and it's a
19 pretty standard letter asking them for a statement and
20 input?

21 MR. WELLS: yes.

22 MS. JONES: I mean, I can go -- you can go
23 to the letters, but that's basically what they do, is a
24 summary?

25 MR. WELLS: Yes.

1 **MS. JONES:** Okay. And you then proceeded to
2 interview a number of the CPS officers and other members of
3 the public. And I'd like to direct you, please, to the
4 statement you received approximately February 8th, 1994 from
5 Deputy Chief St. Denis, and that is at Bates page 2721.

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

7 **MR. WELLS:** Yes.

8 **MS. JONES:** Okay?

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

10 **MS. JONES:** Just for the record, as well,
11 Mr. Commissioner, and for this witness, these are all just
12 retyped statements; are they not, Inspector? That -- I've
13 looked at the original statement and I've looked at this
14 and they're the same; they've just been lifted, basically,
15 and put as part of this report?

16 **MR. WELLS:** I believe so, yes.

17 **MS. JONES:** Okay. So when you received the
18 statement from Deputy Chief St. Denis, it wasn't modified
19 in any way to be put in as part of your report; you just
20 took the document as it was stated and put it directly here
21 and this is what we're reading right now?

22 **MR. WELLS:** I believe so, yes.

23 **MS. JONES:** I can refer you to the original,
24 if you wish, but it would appear to be the same document.
25 Okay.

1 Now, the meeting that he talks about, at the
2 top, "the morning meeting", he actually refers to, as well,
3 and like yourself, his memory of it is the end of September
4 or early October, 1993 so that's absolutely consistent with
5 what you said -- but he also says that -- he also is
6 consistent with you in saying it seemed to be Sergeant
7 Lortie, at the time, that was upset about things and was --
8 was the main focus, shall we say, of the meeting, of what
9 he was saying; he was the one leading the discussion?

10 **THE COMMISSIONER:** He's the one who brought
11 up the subject?

12 **MS. JONES:** Brought up the subject?

13 **MR. WELLS:** At the end of the meeting, yes.

14 **MS. JONES:** Yes, okay.

15 And St. Denis goes on to report that he had
16 a meeting with Chief Shaver, on -- in early October, 1993,
17 and in the second paragraph he says:

18 "I remember Chief Shaver saying
19 something very important and urgent
20 came up and that he had to meet with
21 Mr. Richard Abell of the Children's Aid
22 Society.

23 Later I learned from the Chief, that
24 Constable Dunlop had handed over
25 confidential documents about Mr.

1 Silmser to Mr. R. Abell."

2 Now, the paragraph that -- not the next
3 paragraph but the paragraph after that starts with "at this
4 point":

5 "At this point, it was obvious to me
6 that Chief Shaver was bypassing the
7 chain of command as I had little or no
8 input or was not involved in most
9 discussions between the Chief's office
10 and CIB Youth Bureau."

11 Do you see that?

12 **MR. WELLS:** Yes, I do.

13 **MS. JONES:** Now, I know that this complaint
14 is entirely about a leak to the media and the release of a
15 statement to CAS. I understand that, but when you hear a
16 statement like that being said by the Deputy Chief, is it
17 fair to say, as a Professional Standards officer, that that
18 might have raised a bit of concern, maybe not about this
19 particular complaint, but just as a Professional Standards
20 officer when you have Chief Shaver, according to the Deputy
21 Chief, as bypassing a particular chain of command? Is that
22 not of some concern to you as a Professional Standards
23 officer?

24 **MR. WELLS:** The fact that it was the Deputy
25 Chief's opinion that the Chief wasn't following the chain

1 of command?

2 MS. JONES: Yes.

3 MR. WELLS: Would that concern me? It would
4 cause me to consider what kind of relationship they may
5 have. Obviously, from reading that, the Deputy Chief -- it
6 would indicate that the Deputy Chief is not satisfied or
7 happy with that particular item, but as Professional
8 Standards, how that's going to affect my investigation, no,
9 I don't see any concern that I had with regards to that.

10 MS. JONES: I'm not thinking it would affect
11 this investigation.

12 MR. WELLS: All right.

13 MS. JONES: I just want to be clear about
14 that.

15 MR. WELLS: All right.

16 MS. JONES: But putting on another hat as a
17 Professional Standards officer, if -- it's like doing a
18 police investigation on one crime, and then they say, "Oh,
19 and by the way, there's drugs over there." I mean, you
20 have different hats that you may wear. It may not be
21 exactly for that investigation, but you hear something
22 curious about something else. Would you not, as the
23 Professional Standards officer, at least be alerted that
24 this sounds a bit unusual?

25 MR. WELLS: No.

1 **MS. JONES:** And two paragraphs down it
2 states:

3 "On November 2nd, 1993, Chief Shaver
4 announced his retirement, that he was
5 still firmly in control of decisions
6 with respect to Cst. Dunlop's
7 [decision] discipline."

8 I'm sorry; I'll just read that again because
9 I mispronounced the last word:

10 "...he was still firmly in control of
11 decisions with respect to Cst. Dunlop's
12 discipline."

13 So again, I know that it has nothing to do
14 with the leak to the media or leak to CAS or whatever. I
15 know that, and that's your investigation, but hearing or
16 reading that, again, as a Professional Standards officer,
17 does that cause you some concern that maybe there's
18 something else that you should look into or explore when
19 you hear that from Deputy Chief St. Denis?

20 **MR. CALLAGHAN:** I'm sorry; can we be a
21 little more specific? I mean, this is after the
22 announcement. We know that Chief Shaver did not leave his
23 post officially until January. He was still Chief until
24 January. Whether he was -- whatever he was doing, I just
25 don't know the import of the question as to what we're

1 supposed to be looking into, and I should point out that
2 the *Police Services Act* said it's the Board's
3 responsibility, not the Professional Standards officer to
4 deal with the Chief.

5 **THE COMMISSIONER:** So the question again is?

6 **MS. JONES:** Was this a comment that may have
7 warranted you possibly to think this is something in
8 another investigation or another sort of hat that I'm
9 wearing as a Professional Standards officer that would
10 warrant some sort of exploration on another day?

11 **MR. WELLS:** I just considered it the Deputy
12 Chief's opinion of what was going on.

13 **MS. JONES:** What about -- and I'm talking
14 about both of those comments made by St. Denis; what about
15 telling the OPP about it when they were doing their
16 investigation the following year, when you -- they will
17 later on do an investigation? Did it occur to you to alert
18 them to that -- those comments or to bring that up when
19 you're being interviewed?

20 **MR. WELLS:** I, through the interview,
21 answered the questions, to the best of my ability, posed to
22 me by Mr. Hall and Mr. Dupuis. I don't recall that being
23 brought up, and so in answer to your question, did I think
24 of mentioning those two opinions of Deputy Chief St. Denis
25 to them, no, I did not.

1 **MS. JONES:** Okay. Now, on February 9th,
2 1994, apparently you met with Colin McKinnon, who used to
3 be a lawyer in Ottawa, to get legal advice on the matter,
4 and you were specifically concerned with the issue of
5 double jeopardy under the *Police Services Act* because, in
6 effect, Mr. Dunlop had been disciplined or was to be
7 disciplined already on the CAS release, i.e. counselling,
8 and there was a concern; is there a problem with a double
9 discipline over the same incident. Do you recall that?

10 **MR. WELLS:** You said was to be disciplined
11 already?

12 **MS. JONES:** Well, there was a decision made
13 already that he was to be disciplined by way of
14 counselling.

15 **MR. WELLS:** Yes.

16 **MS. JONES:** So you, I understand, sought
17 legal advice as to if he was -- if you were able to effect
18 any more discipline because he had already been disciplined
19 ---

20 **MR. WELLS:** Yes, the Chief and I ---

21 **MS. JONES:** --- in that investigation.

22 **MR. WELLS:** I'm sorry; the Chief and I would
23 have met, as we usually did, to discuss various public
24 complaints. He was my supervisor, immediate supervisor,
25 and I always kept the Chief apprised of information as I

1 went through an investigation.

2 And so as a result, we obviously discussed
3 the fact that an internal investigation had been done and
4 that now we're dealing with a public complaint and
5 considered much more serious, shall we say, and as a
6 result, the Chief advised me to go and see -- seek legal
7 advice with respect to the double jeopardy.

8 **MS. JONES:** Okay. And I just have a note
9 here on February 10th you attempted to contact Mr. Abell but
10 he wished not to be interviewed on the advice of legal
11 counsel. I'm just trying to get the sequence here.

12 On February 11th, you interviewed Officer
13 Sebalj. Now, if I could please refer you to her statement?
14 It starts at Bates page 2698.

15 **MR. WELLS:** Yes.

16 **MS. JONES:** Now, my first question is there
17 seems to be two statements here. One is -- looks like a
18 written statement which is on Bates page 2698, and even
19 though it says "continued" at the bottom, on Bates page
20 2699 and 2700 it looks like a question/answer situation,
21 and you've got it dated Friday, February 11th, 1994 at 13:11
22 in your office.

23 **MR. WELLS:** I see that.

24 **MS. JONES:** Am I correct? Am I correct in
25 that, that the one statement 2698 is a separate written

1 statement that the officer provided you maybe in response
2 to your letter, and then you interviewed her?

3 MR. WELLS: It would indicate that in the
4 first portion of that particular portion of the statement,
5 "Further to your statement."

6 MS. JONES: Okay. So there were two
7 statements, that's what I just want to clarify was going
8 on.

9 MR. WELLS: Two portions of the same
10 statement.

11 MS. JONES: Two portions.

12 MR. WELLS: In other words, one's a
13 statement and I may, at various times, ask to clarify
14 points to help me through the investigation. So ---

15 MS. JONES: Okay. But if I could refer to -
16 - it appears to be a written statement. Is that the format
17 that she provided it to you, in letter format?

18 MR. WELLS: Are you talking about the
19 statements before us?

20 MS. JONES: Two-six-nine-eight (2698).

21 MR. WELLS: Because they're both typed
22 statements.

23 MS. JONES: Right. But this appears to be a
24 written statement versus a question/answer statement.

25 MR. WELLS: Oh, yes, that's correct. I'm

1 sorry.

2 **MS. JONES:** Okay. So the statement on 2698
3 looks like it was done, just written out and handed to you;
4 correct?

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

6 **MS. JONES:** And then there seems to be a
7 separate statement -- I'll call it Statement Number 2 --
8 where it's a question/answer format?

9 **MR. WELLS:** Yes.

10 **MS. JONES:** Okay. So just for the sake of
11 clarification, Statement 1 and Statement 2 I'm going to
12 refer to them.

13 **MR. WELLS:** Okay.

14 **MS. JONES:** You understand what I mean by
15 that?

16 **MR. WELLS:** Yes, I do.

17 **MS. JONES:** Now, your overall conclusion is
18 that Officer Sebalj did no wrong in any of her conduct.
19 She was not responsible for any leak to the media or any of
20 that nature. That was your overall final conclusion of
21 this. And I believe your exact quote:

22 "There was no evidence to prove that
23 she allowed the victim statement to be
24 copied and/or authorized the statement
25 to be given to any other agency person

1 other than to the officers of Cornwall
2 Police Service."

3 That was your final conclusion?

4 **MR. WELLS:** May I see that document?

5 **MS. JONES:** I've got it as Document 721794,
6 but it may very well be in this new exhibit. No, actually,
7 it's not. Yeah, 721794, please.

8 **THE COMMISSIONER:** Thank you. Exhibit 1748
9 is internal correspondence to Acting Chief Johnston from
10 Staff Sergeant Wells dated April 27th, 1994.

11 **--- EXHIBIT NO./PIÈCE NO. P-1748:**

12 (721794) Letter to Acting Chief Johnston
13 from S/Sgt. Wells dated 27 Apr 94

14 **MS. JONES:** So if you go to the second page
15 of that you can see, just for the record, this is written
16 by you to Acting Chief Johnston?

17 **MR. WELLS:** The letter was prepared by me,
18 yes.

19 **MS. JONES:** Okay. It's your signature at
20 the bottom anyway.

21 **MR. WELLS:** Yes.

22 **MS. JONES:** But on page 2, this is the quote
23 that I just read:

24 "Please be aware that although the
25 complaint is lodged against Constable

1 H. Sebalj, there was no evidence to
2 prove that she allowed the victim's
3 statement to be copied and/or
4 authorized a statement to be given to
5 any other agency/person other than to
6 officers of the Cornwall Police
7 Service."

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

9 **MS. JONES:** Okay. So that's your
10 conclusion?

11 **MR. WELLS:** Yes, ma'am.

12 **MS. JONES:** Now, when we go back to Exhibit
13 643 -- and I want to have the two statements of Officer
14 Sebalj there in front of you.

15 **THE COMMISSIONER:** Okay.

16 **MS. JONES:** Do you have those in front of
17 you, sir?

18 **MR. WELLS:** Yes, I do.

19 **MS. JONES:** If we could please go to the
20 second statement, and your second question is:

21 "Constable Sebalj, who did you allow to
22 view the victim's statement?"

23 And she answers:

24 "Constable Kevin Malloy, Sergeant Ron
25 Lefebvre, Constable Brian Snyder,

1 Constable Perry Dunlop and Staff
2 Sergeant Garry Derochie to view the
3 victim's statement."

4 Do you see that?

5 **MR. WELLS:** Yes, I do.

6 **MS. JONES:** Now, it's clear that there were
7 other officers that actually saw the statement, one of
8 which is Officer Lortie. He says that Officer Lefebvre
9 actually showed him and Officer Lortie says that in his
10 statement. She doesn't mention that, but you're aware that
11 Lortie did see the statement because Officer Lefebvre
12 showed it to him.

13 Is it fair ---

14 **THE COMMISSIONER:** The question, in fairness
15 to Constable Sebalj, is, "Who did you allow the victim's
16 statement?" Okay?

17 **MS. JONES:** Right.

18 **THE COMMISSIONER:** And Lortie says and
19 Lefebvre says that Lefebvre showed it to Lortie.

20 **MS. JONES:** Right.

21 **THE COMMISSIONER:** So we're all right in the
22 sense so long as we understand that you're aware that
23 Lortie saw it.

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

25 **THE COMMISSIONER:** Are you aware that Lortie

1 had seen it?

2 MR. WELLS: I believe I read documentation
3 to that effect, yes, Mr. Commissioner.

4 MS. JONES: Okay. So she allowed these five
5 people to see the statement. Now, we hear from Officer
6 Lortie that he saw the statement because Officer Lefebvre
7 showed him. So I'm not saying Officer Sebalj had anything
8 to do with that.

9 But there is one person that you talked to -
10 - because you took the statement from Lortie where he said
11 that -- but there's one person who saw the statement, at
12 least, that Officer Sebalj was not presumably aware of or
13 did not give permission to see; correct?

14 MR. WELLS: That would be Sergeant Lortie.

15 MS. JONES: Correct.

16 MR. WELLS: That's correct.

17 MS. JONES: So would it be fair to say that
18 knowing that, it's clear that there were opportunities,
19 obviously, for this statement to be viewed by other people
20 that Officer Sebalj would not be aware of? She can only
21 talk about the people she showed the statement to.

22 MR. WELLS: That's correct.

23 MS. JONES: But if you look at the interview
24 that you had with her, would you agree with me, you didn't
25 ask her any questions about storage of the statement, where

1 she kept the statement; correct?

2 MR. WELLS: Correct.

3 MS. JONES: Or what efforts she made to
4 maintain the confidentiality of the complainant?

5 MR. WELLS: Correct.

6 THE COMMISSIONER: Well, is there any -- is
7 there really any issue of privacy within the police force
8 of a complainant? My understanding is if this was put on
9 OMPPAC, for example, that every officer, including any
10 officer in other detachments, could see the document. So I
11 don't know how relevant it is that Constable Sebalj would
12 try to protect the identity of a complainant within her
13 same police force.

14 MS. JONES: Okay. That's fine.

15 On the second page of her answer/question
16 statement, the second one, Bates page 2700 ---

17 THE COMMISSIONER: M'hm.

18 MS. JONES: --- her first statement to your
19 question about:

20 "Who did you allow to take this
21 statement away from your physical
22 control?"

23 She said:

24 "I allowed Constable Snyder to take the
25 statement away on March 4th, 1993 for a

1 matter of days..."

2 Do you see that?

3 **MR. WELLS:** "For a matter of days for the
4 purpose of statement analysis", yes.

5 **MS. JONES:** Correct.

6 Now, we've heard from Officer Snyder that it
7 may have been up to a week. He's not clear about how many
8 days either, but it may have been up to a week. But you'll
9 agree with me, even though she has the date that she gave
10 it away, she doesn't have a date clearly of when it came
11 back to her?

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

13 **MS. JONES:** And on the next statement, he
14 said -- she said:

15 "I allowed Constable Perry Dunlop to
16 take the statement away at his
17 request... --"

18 I'm sorry, could I please go back to
19 Constable Snyder? There's another point there.

20 It said:

21 "I allowed Constable Snyder..." --

22 No, I'm sorry, I was correct on Constable
23 Dunlop. I'll go back to Constable Dunlop:

24 "I allowed Constable Perry Dunlop to
25 take the statement away at his request

1 on September 24th, 1993 for a period
2 that did not exceed one hour for the
3 purpose of reading material."

4 Do you see that?

5 **MR. WELLS:** Yes, I do.

6 **MS. JONES:** Now, if you look at her written
7 statement, what I'm calling statement number one, on Bates
8 page 2698, in the first part of that sentence she stated on
9 the second statement:

10 "I allowed Constable Perry Dunlop to
11 take the statement away at his
12 request..."

13 And in the first statement, she writes:

14 "I obtained the original statement and
15 handed it over to Constable Dunlop."

16 **MR. WELLS:** I'm sorry, Ms. Jones, where are
17 you?

18 **MS. JONES:** I'm on the fourth paragraph of
19 the first statement ---

20 **MR. WELLS:** All right.

21 **MS. JONES:** --- midway through. "I
22 obtained..."

23 **MR. WELLS:** Yes, all right. Thank you.

24 **MS. JONES:** "I obtained..." -- I'm sorry for
25 not directing you there.

1 **MS. JONES:** Which could have been an hour,
2 it's true.

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

4 **MS. JONES:** But, again, there seems to be a
5 bit of vagueness about whether or not how this all
6 transpired. Did you feel that there was a necessity to
7 explore that any further?

8 **MR. WELLS:** No, I was satisfied with the
9 statement.

10 **MS. JONES:** Okay.

11 Now, on February 15th, 1994, according to
12 your notes, you attended at the former Chief Shaver's
13 residence to obtain a statement from him. And I'll refer
14 you to Bates page 92708.

15 **MR. WELLS:** Yes.

16 **MS. JONES:** Now, in your notes it says you
17 attended his residence on February 15th, 1994. It says that
18 in your notes, in your summary?

19 **MR. WELLS:** Yes.

20 **MS. JONES:** And it appears to me to be the
21 only entry with respect to Chief Shaver. So was that -- do
22 you recall, was that the only time you would have spoken to
23 him about this matter directly?

24 **MR. WELLS:** That I recall, yes.

25 **MS. JONES:** Okay. Because you took actually

1 quite detailed notes about this ---

2 MR. WELLS: Okay.

3 MS. JONES: --- and you were able to say
4 what times you met people and times you got phone calls and
5 such.

6 MR. WELLS: Thank you.

7 MS. JONES: Could you please describe, how
8 was this statement actually taken? It looks like it might
9 be a tape-recorded statement that was later transcribed.
10 Is that how it happened?

11 MR. WELLS: I can't recall how I took the
12 statement, Ms. Jones, whether it was asking questions and
13 writing down the reply that Chief Shaver gave me relevant
14 to those questions or whether it was taped.

15 MS. JONES: Is it possible that you had a
16 pre -- a list of pre-prepared questions, that when you went
17 to Chief Shaver's residence you just left him with the
18 questions and he mailed the answers to you?

19 MR. WELLS: No.

20 MS. JONES: Is that possible? No?

21 MR. WELLS: No, it isn't possible.

22 MS. JONES: How do you know that so
23 definitively?

24 MR. WELLS: Because I remember it's not
25 everyday that you drop in and see the Chief at his

1 residence and ask him questions relevant to an
2 investigation.

3 MS. JONES: That's a good thing.

4 MR. WELLS: Yes, ma'am.

5 MS. JONES: So this was either done then by
6 note-taking or tape recording is what you're saying?

7 MR. WELLS: Yes.

8 MS. JONES: Now, I note that you did not ask
9 him about the two points I had asked you about earlier with
10 regards to Deputy Chief St. Denis.

11 In other words, the bypassing of chain of
12 command and taking an interest in Perry Dunlop's discipline
13 after he'd announced his retirement. You did not explore
14 that with Chief Shaver at that time, I see by your
15 interview here; is that correct?

16 MR. WELLS: That's correct.

17 MS. JONES: On February 16th, 1994 you had
18 asked Helen Dunlop for a meeting but she declined, and on
19 February 21st we have that you forwarded an interim report
20 to Mr. Silmsler and on March 1st, 1994 you also telephoned
21 Charlie Greenwell, the reporter with CJOH, asking about the
22 Silmsler statement. And you completed your final report on
23 the matter on March 21st, 1994.

24 You then wrote a letter to Mr. Silmsler on
25 March 25th, 1994, saying that a final report will be

1 forwarded to him upon completion of the same.

2 I know that he -- he didn't actually receive
3 it till about three weeks after but I understand that you
4 would have had to show the Chief and have a discussion
5 about it and just sort of purely administrative matters?

6 **MR. WELLS:** Yes.

7 **MS. JONES:** Now, your conclusion that -- I
8 referred to it in an earlier exhibit, was that there was no
9 evidence to prove that Sebalj had allowed Mr. Silmser's
10 statement to be copied but you did find that Mr. Dunlop had
11 committed a serious breach of discipline when he turned the
12 statement over to CAS?

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

14 **MS. JONES:** Would you agree with me that in
15 Staff Sergeant Derochie's earlier report, both Officer
16 Derochie and certainly Chief Shaver had agreed just months
17 earlier that Dunlop's sharing of the statement with CAS was
18 a minor infraction, in that it warranted counselling as
19 discipline?

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

21 **MS. JONES:** What was it about your
22 investigation that caused you to come to a very different
23 conclusion?

24 **MR. WELLS:** The fact ---

25 **MS. JONES:** About the discipline, just in

1 case Mr. Callaghan gets to his feet.

2 MR. WELLS: The fact that it was now in the
3 form of a public complaint and the fact that the statement
4 now has made its way to the press. And as -- upon visiting
5 Mr. McKinnon, agreed that it was a brand new ballgame, for
6 lack of a better word, that it was much more serious, a
7 much more serious breach.

8 MS. JONES: So the fact that the statement
9 had been leaked to the media had, in your mind, a direct
10 relationship to Mr. Dunlop's sharing the statement with the
11 CAS? You saw those two as linked?

12 MR. WELLS: It could have been attributed to
13 the fact that the statement that was given to CAS was
14 outside now of the police -- the confines of the police
15 building -- I'm sorry -- outside the confines of the police
16 building and now the police had no more control of it and
17 it could be linked to that, yes.

18 MS. JONES: In this relevant time period
19 here, how was the relationship between CPS and CAS?

20 MR. WELLS: I'm sorry, I wouldn't be able to
21 speak to that because I was in Professional Standards.

22 MS. JONES: How about when you were at CIB?

23 MR. WELLS: I wouldn't -- I'm sorry, ma'am?

24 MS. JONES: I'm sorry. How about when you
25 were at CIB then, in the '80s, how was the relationship

1 then?

2 **MR. WELLS:** A professional one. A
3 professional relationship. We inter-reacted, if we
4 requested their assistance or if they requested ours, it
5 was two agencies working for the betterment of the
6 community.

7 **MS. JONES:** Did you find that CAS was
8 forthcoming and cooperative whenever you requested things?

9 **MR. WELLS:** There were occasions when I --
10 are you asking that question with respect to when I was in
11 charge of CIB or when I was in Youth, like what period?

12 **MS. JONES:** Both. Both.

13 **MR. WELLS:** There were times when I was in
14 the Youth Department that I felt that they were not as
15 forthcoming as they could have been.

16 But eventually over the years that
17 relationship grew more professional and improved
18 significantly.

19 **MS. JONES:** And what about when you
20 requested CAS to provide files, for example, was that an
21 easy thing or did you have to get warrants?

22 **MR. WELLS:** Generally speaking, it was --
23 yes, I recall one particular instance when I would have had
24 to seize the file on a warrant.

25 **MS. JONES:** And what about when you were

1 with CIB, I mean, what was the relationship like with CPS
2 and the School Board?

3 **MR. WELLS:** I recall, while I was in CIB, I
4 believe at that point in time I was part of a committee
5 that was developing an interagency committee, so to bring
6 all agencies within the community together; that if one
7 agency had a problem and they required information or
8 assistance from another agency that we would collectively
9 get together for the betterment of the people within the
10 community to make sure that all -- the needs of the victims
11 were better protected and dealt with.

12 Does that answer ---

13 **MS. JONES:** Yes, that's fine.

14 **MR. WELLS:** Okay.

15 **MS. JONES:** And the other agency, the last
16 one here is your relationship with the Corrections or
17 Probation Office, how was, in your opinion, the
18 relationship with that?

19 **MR. WELLS:** Professional.

20 **MS. JONES:** Okay. Now, it appears that
21 after the decision is made by you, Mr. Silmsner is not
22 satisfied with the outcome of your investigation and so he
23 complained to the PCC and then they took it on from there.

24 **MR. WELLS:** No. No.

25 **MR. CALLAGHAN:** Let's be clear. I mean

1 obviously one went off to a Board of Inquiry, subsequently.
2 Be clear, we're talking about the one regarding Constable
3 Sebalj?

4 Okay, well it's a little unclear to me which
5 investigation -- what part of the investigation Mr. Silmser
6 would have been unhappy with.

7 **MS. JONES:** I'll refer you to Document
8 729385, please.

9 **MR. WELLS:** Seven two nine three eight five
10 (729385).

11 **THE COMMISSIONER:** No, that's a document,
12 it's a new one.

13 **MR. WELLS:** I'm sorry. Thank you.

14 **THE COMMISSIONER:** Exhibit 1749 is a letter
15 to Constable Perry Dunlop dated September 9th, 1994 from
16 Cathy Cannon, intake officer administrator for the Office
17 of the Police Complaints Commission.

18 **--- EXHIBIT NO./PIÈCE No. P-1749:**

19 (729385) - Letter from Cathy Cannon to Perry
20 Dunlop dated 09 Sep 94

21 **MS. JONES:** So this is what I'm referring
22 to, Mr. Silmser is saying he's dissatisfied with the
23 decision of Chief Johnston which is your finding:

24 "That no further action is necessary
25 regarding the allegation of the member

1 or members of the Cornwall Police
2 Service released information without
3 authorization to the media. The
4 complainant has requested this office
5 to review the matter."

6 So as I say, just to get a timeframe of what
7 was going on, this is what Mr. Silmsler was dissatisfied
8 with ---

9 **MR. WELLS:** Yes.

10 **MS. JONES:** --- with regards to your
11 outcome.

12 And you also are aware that Chief Johnston
13 then referred the matter to a Board of Inquiry, pursuant to
14 provisions of section 90 of the *Police Services Act*?

15 **MR. WELLS:** I am.

16 **MS. JONES:** And just to wrap up things up on
17 that front, this is the Inquiry that the PCC found no fault
18 in Mr. Dunlop's action of disclosing the statement to the
19 CAS. Are you aware of that?

20 **MR. WELLS:** I'm sorry?

21 **MS. JONES:** That the Police Complaints
22 Commission found no fault in Mr. Dunlop's release of the
23 information to the CAS.

24 **MR. WELLS:** I -- I can't -- I can't relate
25 to that what you're saying, I'm sorry.

1 **MS. JONES:** No. It's just the finding. As
2 a result of this ---

3 **MR. WELLS:** Yes.

4 **MS. JONES:** --- they made a decision that
5 actually Officer Dunlop was not at fault.

6 **MR. WELLS:** Yes, with regards to the media.

7 **MS. JONES:** With regards to the media.

8 **MR. WELLS:** Media, yes.

9 **MS. JONES:** Yes.

10 **Mr. CALLAGHAN:** I'm sorry to interrupt. The
11 Board of Inquiry didn't really relate to this; the Board of
12 Inquiry related to the release to the Children's Aid. This
13 officer found that they could not blame Mr. Dunlop for the
14 release to the media, there's an appeal.

15 There's a whole other issue released to the
16 Children's Aid.

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

18 **MS. JONES:** And the PCC also found no fault
19 in Dunlop's action of disclosing the statement to the CAS.

20 If you're not aware of this that's fine, I
21 was just trying to clarify.

22 **MR. WELLS:** Well, it's not that I'm not
23 aware of; I just can't get my mind around it.

24 **MS. JONES:** Okay.

25 **MR. WELLS:** You're saying that they found no

1 fault, the results of his appeal, period? Found that
2 Constable -- there was no fault with regards to -- in other
3 words it was never determined that a member of the Service,
4 including Constable Dunlop, released the statement to the
5 media?

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

7 **THE COMMISSIONER:** That's one.

8 **MR. WELLS:** That's one.

9 **MS. JONES:** Yes.

10 **MR. WELLS:** And you're saying that -- you're
11 suggesting or asking me that am I aware that the Commission
12 basically found that there was no wrong ---

13 **MS. JONES:** The Inquiry, yeah.

14 **MR. WELLS:** --- that there was no wrongdoing
15 with regards to Constable Dunlop releasing it to the CAS.

16 **MS. JONES:** Correct.

17 **MR. WELLS:** I'm -- I thought that they had
18 determined or it was determined that there was wrongdoing.
19 Maybe I'm not understanding.

20 **THE COMMISSIONER:** No ---

21 **MR. CALLAGHAN:** The Commission took the case
22 and ran it in front of the Board of Inquiry. The Board of
23 Inquiry made its decision. The Commission then appealed.
24 We've got to be clear in our terminology. I think the
25 officer is aware of what the result of the Board of Inquiry

1 was regarding the CAS and you can ask him the question, but
2 the Commission is different than the Board of Inquiry.

3 **THE COMMISSIONER:** Of course.

4 **MR. CALLAGHAN:** The Board of Inquiry is the
5 judge.

6 **THE COMMISSIONER:** Yes. And so ---

7 **MS. JONES:** That's likely my fault. I think
8 I mixed up TCC and Inquiry. That's my fault.

9 **THE COMMISSIONER:** And I don't know how
10 relevant it is to canvass this gentleman.

11 **MR. CALLAGHAN:** And it's in the record, sir.

12 **THE COMMISSIONER:** Yes.

13 **MS. JONES:** Actually, it was just to wrap it
14 up, actually, just for the sake of completion. That's
15 fine.

16 **THE COMMISSIONER:** I can do that too. I'll
17 wrap it up for lunch.

18 **MS. JONES:** Thank you.

19 **THE COMMISSIONER:** Thank you.

20 We'll see you at two o'clock, sir.

21 **MR. WELLS:** Thank you, sir.

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

24 This hearing will resume at 2:00 p.m.

25 --- Upon recessing at 12:33 p.m./

1 L'audience est suspendue à 12h33

2 --- Upon resuming at 2:03 p.m./

3 L'audience est reprise à 14h03

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

6 This hearing is now resumed. Please be
7 seated. Veuillez vous asseoir.

8 **THE COMMISSIONER:** Good afternoon, sir.

9 **MR. WELLS:** Thank you.

10 **THE COMMISSIONER:** How was lunch?

11 **MR. WELLS:** Excellent, sir.

12 **THE COMMISSIONER:** Good.

13 **MR. WELLS:** Thank you.

14 **THE COMMISSIONER:** Did anybody pay you
15 lunch?

16 **MR. WELLS:** No, sir.

17 **THE COMMISSIONER:** Terrible.

18 **INSP. BRENDON WELLS, Resumed/Sous le même serment:**

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

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

21 **MS. JONES:** Good afternoon, Inspector Wells.

22 **MR. WELLS:** Good afternoon.

23 **MS. JONES:** Could we please start with
24 looking at Document 729477, please?

25 **THE COMMISSIONER:** When she says "document"

1 it's something new that's coming up.

2 **MR. WELLS:** Okay. Thanks.

3 **THE COMMISSIONER:** Usually by the time you
4 get used to the system, it's time to go.

5 **(LAUGHTER/RIRES)**

6 **MR. WELLS:** Thanks, Mr. Commissioner.

7 **THE COMMISSIONER:** Okay. So here's an
8 internal correspondence which will be Exhibit 1750. It's
9 to Staff Sergeant Wells from Madeline Villeneuve. It's
10 dated September 5th, 1995.

11 **--- EXHIBIT NO./PIÈCE NO. P-1750:**

12 (729477) Internal Correspondence from
13 Madeline Villeneuve to Staff Sergeant
14 Brendon Wells dated September 5, 1995

15 **MS. JONES:** Now, Inspector Wells,
16 essentially what this seems to be is a transcript of a
17 telephone call received on another phone, but obviously the
18 memo about it was sent to you, and it appears that the
19 message was left by David Silmsler on August 23rd, 1995 at
20 12:17 p.m. and it appears that he stated the following on
21 the message:

22 "The Chief of Police or detective, she
23 was supposed to get hold of me
24 yesterday and still nobody got hold of
25 me. Everything is happening. I'm

1 recording this and making sure that I
2 am being left out in the cold again and
3 I'll make sure the courts find out
4 about everything."

5 Now, do you recall, when you received this,
6 if you did any sort of specific follow-up on this phone
7 call?

8 **MR. WELLS:** First of all, the first time
9 that I received -- I recall seeing this document was in
10 preparation for this Inquiry, and I believe it came in the
11 form of a memo received by the Chief's executive secretary.

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

13 **MR. WELLS:** And that's what I remember
14 seeing when preparing for this Inquiry.

15 **THE COMMISSIONER:** Well, let's step back
16 then. Do you recall seeing this in 1995?

17 **MR. WELLS:** No, sir, I do not.

18 **MS. JONES:** Do you recall if you made any
19 follow-up with Mr. Silmser on this?

20 **MR. WELLS:** No, I don't recall that.

21 **MS. JONES:** Do you recall if you asked
22 anyone else to follow up?

23 **MR. WELLS:** I don't recall -- as I said, Ms.
24 Jones, I don't recall the internal correspondence. I don't
25 recall the memo.

1 **MS. JONES:** Do you recall around that period
2 of time that Mr. Silmsner was calling the station, maybe not
3 particularly on August 23rd, 1995, but in the time
4 surrounding that time period at all?

5 **MR. WELLS:** No.

6 **MS. JONES:** No?

7 **MR. WELLS:** No, ma'am.

8 **MS. JONES:** You don't recall or no, he
9 wasn't?

10 **MR. WELLS:** I don't recall.

11 **MS. JONES:** Now, there's one other -- just
12 one other document for you to go to before we finish on
13 this area.

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

15 **MS. JONES:** It's Exhibit 316, but there's
16 just one page of Exhibit 316 that we need to go to. This
17 is a fairly lengthy document. And that's Bates page 4955.

18 **THE COMMISSIONER:** Whoa. Okay, 316, we'll
19 have to get that there.

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

21 **THE COMMISSIONER:** I'm sorry, the Bates page
22 again?

23 **MS. JONES:** Bates page 4955.

24 **MR. WELLS:** Ms. Jones, what was the number
25 again, please?

1 **MS. JONES:** Four-nine-five-five (4955).

2 **THE COMMISSIONER:** Well, the Exhibit is 316.

3 **MR. WELLS:** Thank you.

4 **MS. JONES:** Do you have that in front of you
5 now, Inspector?

6 **MR. WELLS:** Yes, I do, Ms. Jones.

7 **MS. JONES:** Okay. This is a very large
8 document. I'm only referring to this one paragraph of this
9 one page, so don't be too concerned.

10 But by way of background, this is a
11 transcript of an examination for discovery and Mr. Geoffrey
12 is the lawyer Bryce Geoffrey, who is Mr. Silmser's lawyer.

13 **MR. WELLS:** Okay.

14 **MS. JONES:** You referred to earlier or we
15 referred to earlier.

16 And this transcript is prepared as the
17 result of an examination on December 14th, 1995. So the
18 telephone call is August, 1995. This is a transcript of
19 December, 1995.

20 **MR. WELLS:** Thank you.

21 **MS. JONES:** And essentially what Mr.
22 Geoffrey is saying in the second-last paragraph -- I
23 believe what he's saying, in any event -- it starts off:

24 "And as I..."

25 If you see where I start there, midway through?

1 **MR. WELLS:** Yes.

2 **MS. JONES:** That's correct, Madam Clerk.

3 "And as I -- because I spoke with Staff
4 Sergeant Wells of the Cornwall Police
5 Services, and that's the impression. I
6 can't recall the exact words, but as
7 far as he was concerned, once I was
8 acting on behalf of Dave, they didn't
9 want to talk to Dave anymore because
10 Dave was always bothering them about
11 getting going in the investigation."

12 Do you see that?

13 **MR. WELLS:** Yes, I see that.

14 **MS. JONES:** Now, again, without going into a
15 huge ordeal about the initial investigation where Mr.
16 Geoffrey was involved in the complaint, et cetera, it would
17 appear that -- certainly the impression Mr. Geoffrey was
18 conveying that he had had a conversation with you and that
19 one of the areas of discussion was that Mr. Silmsler was
20 feeling -- that he was contacting the police station and
21 the impression Mr. Geoffrey was getting from you, if I read
22 this correctly, was that the CPS didn't want to talk to Mr.
23 Silmsler anymore because he was bothering them about the
24 investigation. That seems to be what he's saying you said
25 in that conversation.

1 Of course, my first question is do you
2 remember having any sort of a conversation like that with
3 Mr. Geoffrey?

4 **MR. CALLAGHAN:** The transcript, in the
5 earlier pages, refers to discussions that appear to be
6 happening much earlier in 1993 because they're talking
7 about the investigation of Heidi Sebalj on the 24th. I
8 don't think this is -- if the idea is it's relating to the
9 conversation we just spoke about and the communication that
10 was made with the Chief's secretary and the memo, that's
11 not what this is about. This ---

12 **MS. JONES:** I didn't say it was.

13 **MR. CALLAGHAN:** Okay. Well, I'm just trying
14 to -- when you ask him a question, I would have thought
15 we'd locate him at the time and space as to what's going on
16 in the transcript. They're talking, I believe, about 1993.

17 **THE COMMISSIONER:** Well ---

18 **MS. JONES:** Well, I ---

19 **THE COMMISSIONER:** Just a second. Just a
20 second.

21 When does Geoffrey get onto the file? In
22 early 1994.

23 **MR. CALLAGHAN:** Early '94, but if I'm
24 reading it correctly -- and maybe I'm not because I'm just
25 quickly looking at it as we go -- they seem to be talking

1 about the Crown Attorney and about the communications
2 earlier with Ms. Sebalj -- Constable Sebalj, and then they
3 go on to this. It's hard to follow as to exactly what ---

4 **THE COMMISSIONER:** Okay.

5 **MS. JONES:** If I could just comment, the way
6 that I read this was that it was not to do with the August,
7 1995 phone call; it's to do with the time when the Silmsers
8 investigation was initially started, before Mr. Geoffrey
9 got on board, and that the way that he's talking here, he
10 says:

11 "Once I was acting of behalf of Dave,
12 they didn't want to talk to Dave any
13 more because Dave was always bothering
14 them about the investigation."

15 So it's in the events leading up to the time
16 Mr. Geoffrey is retained.

17 **THE COMMISSIONER:** Mr. Kozloff?

18 **MR. KOZLOFF:** Good afternoon, sir.

19 **THE COMMISSIONER:** Good afternoon.

20 **MR. KOZLOFF:** I've two reasons for rising.

21 First of all, I wanted the website to see my tie.

22 **THE COMMISSIONER:** All right, that's done.

23 **MR. KOZLOFF:** My sense is that Mr. Geoffrey
24 may have misspoken himself. And the reason I say that is
25 because by the end of 1993, Mr. Silmsers is not speaking to

1 the Cornwall Police anymore because in early 1994 Mr.
2 Silmsler is dealing with the Ontario Provincial Police.

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

4 **MR. KOZLOFF:** You'll recall evidence some
5 months ago that within a week of his interview by Inspector
6 Smith in February of 1994, there was a series of phone
7 calls in early March of 1994, following which Inspector
8 Smith spoke directly to Mr. Geoffrey and suggested that it
9 might be a good idea for Mr. Silmsler to communicate with
10 the Ontario Provincial Police who were then conducting the
11 investigation through Mr. Geoffrey.

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

13 **MR. KOZLOFF:** That continued to be the case
14 through to the end of 1994 when Inspector Smith advised Mr.
15 Silmsler that there wouldn't be any charges but that they
16 would keep the file open.

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

18 **MR. KOZLOFF:** Nothing further happens until
19 August of 1995, which is the time period we're referring to
20 now, and you'll recall in mid-August of 1995, Mr. MacDonald
21 came out of the woodwork, so to speak, communicated with
22 Father Maloney ---

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

24 **MR. KOZLOFF:** --- spoke to the Cornwall
25 Police and, eventually, that investigation was turned over

1 to the Ontario Provincial Police.

2 **THE COMMISSIONER:** Yeah.

3 **MR. KOZLOFF:** And that's the period we're
4 talking about.

5 So he may have misspoken himself when he
6 referred to Inspector Wells. It would appear, from my
7 point-of-view, he may well have been referring to Inspector
8 Smith.

9 **THE COMMISSIONER:** Right.

10 **MR. KOZLOFF:** I just say that for the
11 assistance of ---

12 **THE COMMISSIONER:** I appreciate that, thank
13 you.

14 Sir, do you recall ever speaking to Mr.
15 Geoffrey?

16 **MR. WELLS:** Originally, when the original
17 complaint came in.

18 **THE COMMISSIONER:** Right. Okay, you took
19 the complaint from him and his client?

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

21 **THE COMMISSIONER:** Okay. And did you
22 receive any further phone calls. Do you have any ---

23 **MR. WELLS:** I may have, Mr. Commissioner.

24 **THE COMMISSIONER:** Okay.

25 **MR. WELLS:** I don't specifically recall.

1 **THE COMMISSIONER:** Okay. Well would you
2 have indicated to Mr. Geoffrey that you don't want Silmsen
3 calling you any more and you want him to go through his
4 lawyer?

5 **MR. WELLS:** No, sir, I would never leave
6 that impression with anyone.

7 **THE COMMISSIONER:** Okay.

8 **MS. JONES:** This actually just leads me to
9 the next, hopefully, the last question.

10 Were you aware that one of the issues about
11 Mr. Silmsen that Mr. Silmsen was complaining about was that
12 he was leaving a message and people weren't getting back to
13 him? Were you aware of that before August -- or September
14 5th, 1995 when you got the message? Were you aware that
15 this was ever any issue?

16 **MR. WELLS:** No, ma'am.

17 **MS. JONES:** Okay. So on September 5th, 1995,
18 when you got this message, you did not have any prior
19 knowledge that this would have been or could have been an
20 issue, you just had this memo and that's all you knew about
21 it?

22 **MR. WELLS:** I don't recall receiving that
23 memo. However, Madeline Villeneuve is a pretty
24 professional lady and if she has it listed she sent it to
25 me, the chances are I did receive it. I just don't recall

1 receiving it.

2 MS. JONES: Okay. All right then.

3 Is there a reason why, if we do assume that
4 Mrs. Villeneuve did send it to you, I notice, as I say,
5 it's addressed to you because of your position in
6 Professional Standards?

7 MR. WELLS: Yes.

8 MS. JONES: This is actually my real
9 question. Why would that query be directed to you?

10 MR. WELLS: I've no idea. And may I -- can
11 -- we have the original -- I remember seeing the original
12 memo.

13 THE COMMISSIONER: Telephone ---

14 MS. JONES: Yes, ma'am.

15 THE COMMISSIONER: --- little pink thing?

16 MR. WELLS: Sorry, yes, Mr. Commissioner.

17 Do we have that available? Did it say my
18 name on it? I don't know why it was addressed to me. I've
19 no idea.

20 MS. JONES: Okay.

21 THE COMMISSIONER: Well, if you don't know,
22 you don't know.

23 MS. JONES: That was actually my main
24 question in all of this exercise here.

25 Okay, thank you very much.

1 **MR. WELLS:** You're welcome.

2 **MS. JONES:** We're going to move now to the
3 Freeholder interview that Mr. Dunlop gave on September 24th,
4 1994. And I'll refer you to that article which is Document
5 115559.

6 **THE REGISTRAR:** Which is Exhibit 644.

7 **MS. JONES:** I'm sorry, what's the exhibit?

8 **THE REGISTRAR:** Exhibit 644.

9 **THE COMMISSIONER:** You might have that in
10 front of you -- no, you don't.

11 Moi, je l'ai.

12 **MS. JONES:** Now, I think I need my glasses
13 for this one. The article ---

14 **THE COMMISSIONER:** We'll put it on the
15 screen there, it will probably be larger.

16 **MS. JONES:** Thank you.

17 **THE COMMISSIONER:** Because we do accommodate
18 ---

19 **MS. JONES:** Visually impaired?

20 **THE COMMISSIONER:** Exactly.

21 **MS. JONES:** Thank you.

22 The title of this article, which is dated
23 September 24th, '94, is "I did it to save the kids. City
24 cop tells hearing he did nothing wrong." And this is from
25 the Standard Freeholder, the reporter is Karina Byrne.

1 Now, again, in your role with Professional
2 Standards, are you also at this time -- still in 1994 --
3 the media spokesperson? I know you're with Professional
4 Standards but is that also another hat you're wearing?

5 **MR. WELLS:** Yes.

6 **MS. JONES:** Okay. So was it part of your
7 job then -- I think I've asked this question before -- but
8 was it part of your job to screen the media or scan the
9 media for comments that involved CPS, quotes from police
10 officers, et cetera?

11 **MR. WELLS:** I recall a number of media
12 topics that would be forwarded to my office. Whether or
13 not it was my responsibility, I can't recall, but I know
14 that at that time all media relations or media topics
15 relevant to the investigation and the Silmser world were
16 ending in my office. So I don't know if it was -- I don't
17 know how to answer your question.

18 They were being scanned but I don't recall
19 by whom. If I would have seen articles that were relevant,
20 I would cut them out, but so were other members of the
21 administration.

22 **MS. JONES:** Okay, but it's -- you told us
23 already there's only one person in Professional Standards
24 so it would be your job to pursue any media issues, shall
25 we say?

1 **MR. WELLS:** There was only one person in
2 Professional Standards?

3 **MS. JONES:** Yes.

4 **MR. WELLS:** Yes.

5 **MS. JONES:** And is there only you doing the
6 media spokesperson stuff as well?

7 **MR. WELLS:** Yes. I believe Staff Sergeant
8 Derochie was also responsible for gathering media.

9 **MS. JONES:** I'm not saying "gathering"
10 media. I'm saying responding to or ---

11 **MR. WELLS:** Oh, I'm sorry.

12 **MS. JONES:** --- in charge of looking after
13 what's being reported in the media, that sort of thing.

14 **MR. WELLS:** Well, there we go. You're
15 saying two -- you're picking out two items here.

16 I was responsible for generally preparing
17 news media releases unless the Board, Deputy Chief or the
18 Chief would want to prepare one. That was my primary
19 responsibility, generally speaking.

20 However, the second part of your question
21 is, so I was also responsible for scanning all. And I'm
22 saying that I did, but I believe Staff Sergeant Derochie
23 was also responsible or was gathering news media articles
24 relevant to the case. Then we'd forward them over to the
25 file or build the file.

1 **MS. JONES:** Were you specifically tasked
2 with anything to do with Perry Dunlop or the Silmsers
3 investigation or was that something that either you or
4 Staff Sergeant Derochie ---

5 **MR. WELLS:** No, I was basically -- no, I was
6 the investigating officer for the complaint.

7 **MS. JONES:** No, nom but as far as media
8 goes, was just one of you tasked with anything to do with
9 Perry Dunlop or anything to do with Silmsers specifically or
10 was that just either of you?

11 **MR. WELLS:** A number of people were
12 addressing that particular issue.

13 **MS. JONES:** I'm just talking about the
14 media.

15 **MR. WELLS:** Yes.

16 **MS. JONES:** Okay.

17 If we could please go to Document 723592.

18 **THE COMMISSIONER:** Exhibit 1751 is internal
19 correspondence for Acting Chief Johnston from Staff
20 Sergeant Wells, dated September 29th, 1994.

21 --- **EXHIBIT NO./PIÈCE No. P-1751:**

22 (723592) - Internal Correspondence from
23 Brendon Wells to C. Johnston dated 29 Sep 94

24 **THE COMMISSIONER:** Okay.

25 **MS. JONES:** Okay?

1 **MR. WELLS:** Thank you.

2 **MS. JONES:** All right, do you recall writing
3 this memo?

4 **MR. WELLS:** Yes.

5 **MS. JONES:** Okay. And it would appear that
6 you'd read the article September 24th and you were raising
7 concerns that Constable Dunlop was quoted a number of time
8 in the articles and it said:

9 "In my opinion, that if in fact this
10 officer has released this information
11 then he committed offences contravening
12 the *Police Service Act* of Ontario,
13 namely, one was a breach of confidence;
14 two was discreditable conduct."

15 And then you signed that and you attached a
16 copy of the newspaper article.

17 So that was your first impression when you
18 read this article, that Officer Dunlop had overstepped the
19 boundaries of what a police officer should have done in
20 that particular situation?

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

22 **MS. JONES:** I'm just interested to know, in
23 between September 24th and September 29th when you wrote the
24 memo had you contacted Officer Dunlop to see if in fact he
25 had said those things?

1 **MR. WELLS:** I don't recall contacting him,
2 no.

3 **MS. JONES:** Because you yourself have
4 claimed here today that the press might misquote, mislead
5 or even print something that's not actually attributable to
6 the person and would that not have perhaps been something
7 that you could have done to see if in fact that was an
8 issue; maybe it was misquoted?

9 **MR. WELLS:** Possibly.

10 **MS. JONES:** And you then commenced another
11 internal investigation on this issue?

12 **MR. WELLS:** I brought this to the attention
13 of Chief Johnston and an investigation was conducted.

14 **MS. JONES:** Now, did Acting Chief Johnston
15 order you to do that investigation?

16 **MR. WELLS:** He would have instructed me to
17 follow an investigation, yes, or complete investigation.

18 **MS. JONES:** Now, I don't see any other
19 correspondence on this investigation but are you obliged to
20 inform a police officer that you're doing an internal
21 investigation on him or her, when you're conducting that?

22 **MR. WELLS:** We're obliged to, under
23 legislation, for a public complaint; I'm uncertain if we
24 were obliged to advise the officer on an internal matter.

25 There certainly would be times, possibly,

1 that you would not wish to advise the officer, when it
2 would jeopardize the outcome of the case or jeopardize
3 quality or quantity of evidence that you were going to be
4 gathering.

5 Through legislation I'm unaware if we are
6 obliged to advise the subject officer of an internal
7 investigation.

8 **MS. JONES:** Did the -- the situation that
9 you've just described there arise here? Did you advise
10 Constable Dunlop or did you think that would have
11 jeopardized the investigation?

12 **MR. WELLS:** I don't recall advising
13 Constable Dunlop that I would be conducting an internal
14 investigation into this.

15 **MS. JONES:** Is there a reason why you did
16 not?

17 **MR. WELLS:** No particular reason why, no.

18 **MS. JONES:** It wouldn't have jeopardized the
19 investigation?

20 **MR. WELLS:** I don't believe so.

21 **MS. JONES:** Or lost any evidence as a
22 result?

23 **MR. WELLS:** I don't believe so.

24 **MS. JONES:** Okay.

25 **MR. CALLAGHAN:** The document isn't in the

1 bundle that's been provided but you'll recall, Mr.
2 Commissioner, there's a letter from -- I think it's October
3 5th, like very soon after this, from Allan O'Brien about
4 this very issue.

5 You saw it on two other occasions but in
6 fairness to the witness, I don't know whether there was
7 notice or not given, I don't know if all the documents are
8 here.

9 **THE COMMISSIONER:** October 5th?

10 **MR. CALLAGHAN:** This is September 4th -- I'm
11 thinking it's October, don't quote me, Mr. Commissioner.
12 You may recall there's a letter wherein Allan O'Brien talks
13 about what happened at the Board of Inquiry, et cetera.

14 **THE COMMISSIONER:** Yes, that's the October
15 5th.

16 **MR. CALLAGHAN:** And that's in response to
17 this issue.

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

19 **MR. CALLAGHAN:** So I believe it's October
20 5th. Not a big deal other than obviously all the documents
21 aren't here and this witness is being asked to recall.

22 **THE COMMISSIONER:** Well, he's asking -- he's
23 being asked what he remembers.

24 **MR. CALLAGHAN:** I understand that but
25 without benefit of saying, "Well here's the letter, as I

1 recall," anyway.

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

3 **MS. JONES:** In any event, you did interview
4 Karina Byrne, I understand, on September 30th, '94?

5 **MR. WELLS:** Yes, that's correct.

6 **MS. JONES:** And the result of that is that
7 you did ask her if the comments in the paper with the
8 quotation marks about it were attributable to Mr. Dunlop?

9 **MR. WELLS:** I have. I believe I -- in our
10 interview I believe there is a document indicating the
11 nature of the information, the questions, answers that I
12 obtained from Karina Byrne.

13 **MS. JONES:** Yeah, I can direct you to that,
14 728609.

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

16 **THE COMMISSIONER:** Exhibit 1752 is an
17 interview with Karina Byrne, Friday September 30th, 1994.

18 **--- EXHIBIT NO./PIÈCE No. P-1752:**

19 (728609) - Statement by Karina Byrne w/
20 Brendon Well dated 30 Sep 94

21 **MS. JONES:** It's just to confirm what I had
22 said and what you had ---

23 **MR. WELLS:** M'hm.

24 **MS. JONES:** --- recalled as well, that the
25 quotes were attributable to Mr. Dunlop and she said they

1 were direct quotes.

2 MR. WELLS: Yes.

3 MS. JONES: Okay.

4 Now, the next area that I'm going to be
5 looking at is the Doug Seguin complaint and this all
6 started when Doug Seguin, who is Ken Seguin's brother,
7 wrote to you on October 24th, 1994.

8 And that document is 124194.

9 (SHORT PAUSE/COURTE PAUSE)

10 THE COMMISSIONER: Exhibit 1753 is the
11 document dated October 24th, 1994 to Staff Sergeant Brendon
12 Wells, Cornwall Police Services, from Doug Seguin.

13 --- EXHIBIT NO./PIÈCE No. P-1753:

14 (124194) - Letter from Doug Seguin to
15 Brendon Wells dated 24 Oct 94

16 MS. JONES: Do you recall having a
17 conversation with Mr. Seguin about this letter when you
18 received it?

19 MR. WELLS: I would have a conversation with
20 Mr. Seguin if he mailed this into the station and he was
21 laying a complaint, I would be meeting with him to discuss
22 it, yes.

23 MS. JONES: You don't have any notes of that
24 discussion?

25 MR. WELLS: I don't have any notes before me

1 on that, no.

2 **MS. JONES:** It turns out Mr. Seguin did file
3 a public complaint Form No. 1 on November 16th, 1994,
4 against Perry Dunlop and you received this complaint from
5 the Office of the Police Complaints Commissioner on
6 December 2nd, 1994.

7 Now, you then wrote to Acting Chief Johnston
8 on December 5th, 1994 suggesting that it may be more
9 appropriate if the investigation into the Seguin complaint
10 was done by the PCC. This has a familiar ring to it,
11 doesn't it?

12 If you could please go to Document 728622.

13 **THE COMMISSIONER:** Thank you.

14 Exhibit Number 1754 is internal
15 correspondence to Acting Chief Johnston from Staff Sergeant
16 Wells, dated December 5th, 1994.

17 **--- EXHIBIT NO./PIÈCE No. P-1754:**

18 (728622) - Internal Correspondence from
19 Brendon Wells to C. Johnston dated 05 Dec.
20 94

21 **MS. JONES:** And I say this has a familiar
22 ring because -- it's familiar because a similar thing
23 happened in the Silmsler matter, you felt, obviously, that
24 this should be done externally rather than internally. Is
25 that fair to say?

1 **MR. WELLS:** Yes.

2 **MS. JONES:** And I understand Chief Johnston
3 agreed with you on that?

4 **MR. WELLS:** Yes, correct.

5 **MS. JONES:** And it turned out that yet again
6 the PCC, as in the Silmsler matter, said that it was your
7 responsibility to do that?

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

9 **MS. JONES:** Okay. So you were assigned,
10 again, to do the internal investigation on this matter?

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

12 **MS. JONES:** Now, when you investigated the
13 complaint, you completed your final report on March 30th,
14 1995, and you concluded that there was no evidence that Mr.
15 Dunlop had ever made any comments to the news media that
16 implied that Ken Seguin had sexually molested any children.
17 Do you recall that?

18 I've got the document here, 122235.

19 **THE REGISTRAR:** Exhibit 1039.

20 **MS. JONES:** Exhibit 1039.

21 **THE COMMISSIONER:** One-zero-three-nine
22 (1039)?

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **MS. JONES:** Okay. Just to verify that that
25 was your report and that was your finding on that report,

1 Inspector Wells?

2 MR. WELLS: And that's 12235?

3 MS. JONES: Yes, Exhibit 1039. It's typed
4 in the little bar right beside the document number, but it
5 is Document 122235.

6 MR. WELLS: All right.

7 MS. JONES: Yes? Okay.

8 MR. WELLS: Yes, thank you.

9 MS. JONES: So this is your final report
10 then on the Seguin matter?

11 MR. WELLS: Yes.

12 MS. JONES: And I understand on April 11th,
13 1995, Mr. Seguin wrote to you saying basically he wasn't
14 very happy with the report, that he wanted more done with
15 it and on April 13th, 1995, Acting Chief Johnston wrote back
16 to Doug Seguin stating that no further action would be
17 taken by CPS at this point, that this was now considered
18 completed. Do you recall that, just the progress of
19 events?

20 MR. WELLS: Although I don't see the
21 document before me or the Chief's response, does that form
22 part ---

23 MS. JONES: I have that, but I'm just trying
24 to summarize it without having to file all the documents on
25 it.

1 **MR. WELLS:** Okay, I'll ---

2 **MS. JONES:** Okay?

3 **MR. WELLS:** That's fine.

4 **MS. JONES:** Okay.

5 Then we have a letter that is sent to Mr.
6 Seguin. This is Exhibit 1040.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **MS. JONES:** And just to put your mind at
9 ease, this is the letter from Chief Johnston to Mr. Seguin
10 on April 13th, '95 which I referred to just a moment ago,
11 just verifying that there's going to be no further action
12 taken, you're satisfied there's no evidence that Constable
13 Dunlop ever had any comments to the news media about this,
14 about his brother, and that was the end of it. He also
15 gave the information of if he wanted to complain, this is
16 the details.

17 So Mr. Seguin did take it to the PCC ---

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

19 **MS. JONES:** --- and they did do an
20 investigation and, again, no further action was taken on
21 that. So that -- that's how that basically ends.

22 So had you at any time ever met with Nancy
23 Seguin, who would be Doug Seguin's wife?

24 **MR. WELLS:** Yes, ma'am.

25 **MS. JONES:** Is it fair to say that she came

1 to speak to you because she wasn't happy with the way the
2 complaint was being handled by CPS?

3 MR. WELLS: I don't recall why she came to
4 see me, however, I do recall I believe on at least two
5 different occasions speaking with Mr. Seguin, Doug Seguin,
6 and his wife, Nancy.

7 MS. JONES: All right.

8 I just want to refer you, please, to your
9 OPP interview. It's Exhibit 1742.

10 MR. WELLS: Thank you.

11 THE COMMISSIONER: I'm sorry, what exhibit?

12 THE REGISTRAR: One-seven-four-two (1742).

13 MR. WELLS: Yes.

14 MS. JONES: Just Bates page 3528.

15 THE COMMISSIONER: Sorry, page number again?

16 MS. JONES: Three-five-two-eight (3528).

17 THE COMMISSIONER: Three-five-two-eight
18 (3528).

19 MS. JONES: And halfway down, you were
20 answering the question, because Officer Hall was asking
21 about Doug Seguin was concerned about the press releases
22 and then you -- you brought up the topic of his wife.

23 Do you see that part halfway down?

24 MR. WELLS: Where it's "Wells"?

25 MS. JONES: Yes.

1 MR. WELLS: "Doug"?

2 MS. JONES: "Doug", yeah, that's right.

3 MR. WELLS: Yes, m'hm?

4 MS. JONES: And then you say:

5 "Nancy Seguin, she -- she kept coming

6 in the office ..." ---

7 MR. WELLS: M'hm.

8 MS. JONES: --- "... into the office. I'm

9 not a psychologist or a psychiatrist,

10 but the lady seems troubled."

11 MR. WELLS: M'hm.

12 MS. JONES: So she was upset with the way

13 you were handling at that time, the handling the complaint?

14 Was that around the same time that you're talking about

15 here?

16 MR. WELLS: Are you telling me that that's

17 why she was upset?

18 MS. JONES: No, no, I'm asking you. That's

19 what I'm asking you.

20 THE COMMISSIONER: No, no, well, okay, she

21 seemed troubled.

22 MR. WELLS: Yes.

23 THE COMMISSIONER: Do you recall, in your

24 mind, seeing her come in?

25 MR. WELLS: Yes, sir.

1 **THE COMMISSIONER:** What did you mean by "she
2 seemed troubled"?

3 **MR. WELLS:** The lady displayed that she was
4 having troubles accepting this whole ---

5 **THE COMMISSIONER:** Okay.

6 **MR. WELLS:** --- issue surrounding Ken Seguin
7 or her husband's -- like, she -- the family was having
8 problems with it and she -- she ---

9 **THE COMMISSIONER:** But it was related to
10 this? It's not ---

11 **MR. WELLS:** Yes.

12 **THE COMMISSIONER:** --- like she was
13 imagining people walking in the sky ---

14 **MR. WELLS:** No, no, certainly not.

15 **THE COMMISSIONER:** Okay. So she was
16 troubled about this incident?

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

18 **THE COMMISSIONER:** All right. Okay.

19 **MS. JONES:** Thanks very much.

20 Now, I'm going to move on to just a little
21 bit of an area about OPP and Project Truth, very, very
22 briefly, just a couple of questions.

23 How would you say the relationship was
24 between CPS and OPP prior to Project Truth?

25 **MR. WELLS:** We've always had a professional

1 relationship with the Ontario Provincial Police.

2 MS. JONES: Is that a good thing? Is it a
3 good professional relationship?

4 MR. WELLS: Yes, yes.

5 MS. JONES: And once Project Truth got
6 organized, are you aware of what the mandate was? How did
7 files get referred from CPS to Project Truth?

8 MR. WELLS: I'm not aware of that. I had
9 very little involvement with Project Truth.

10 MS. JONES: So you wouldn't be able to
11 comment on how the mandate of Project Truth was
12 communicated to CPS officers?

13 MR. WELLS: No, ma'am.

14 MS. JONES: So the next topic we have, the
15 last topic we have, is back to Perry Dunlop, which I call
16 the "later years". And to bring you up to speed, in
17 January of 1994, Mr. Dunlop got a note from his family
18 physician saying he would be off work for medical reasons
19 until further notice.

20 Mr. Dunlop remained off work until May 19th,
21 1997 and when he came back to work, I understand you were
22 involved in his return-to-work program?

23 MR. WELLS: I was the Inspector in charge of
24 Field Operations at the time.

25 MS. JONES: All right. You're now an

1 Inspector, by the way, too? You've been ---

2 MR. WELLS: That -- that's correct.

3 MS. JONES: Okay. And if I could just
4 briefly go through, I think that you've reviewed these
5 documents. If not, I will put them to you, but I'll just
6 briefly summarize a few of the documents.

7 It would appear that, as the Inspector, you
8 were just having messages conveyed to you? You're just
9 being kept up-to-date in other words?

10 MR. WELLS: Yes.

11 MS. JONES: So there's one memo from Danny
12 Aikman, on June 16th, 1997, saying that Mr. Dunlop wants to
13 resume full duties as a police officer. He requested some
14 training courses and he asked you to forward this
15 information to D'Arcy Dupuis, who is the Modified Work
16 Program Coordinator, and you did so?

17 MR. WELLS: That's correct.

18 MS. JONES: Okay.

19 And you also got a memo from Claude
20 Lortie dated June 26th, 1997, requesting a consent on his
21 part to begin Mr. Dunlop's training as requested in Mr.
22 Aikman's memo and, again, you agreed to that and said:

23 "Kindly see Staff Sergeant Dupuis and
24 make the necessary arrangements."

25 MR. WELLS: That's correct.

1 **MS. JONES:** And you got another memo from
2 D'Arcy Dupuis, October 19th, 1997 saying that Mr. Dunlop was
3 now ready to return to full-time, regular constable duties
4 as of November 19th, 1997 and Officer Dupuis identified
5 certain steps to facilitate Dunlop's transition back to
6 work and it was proposed that a follow-up with Mr. Dunlop
7 be done at the end of December; okay?

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

9 **MS. JONES:** And you got a memo from Officer
10 Aikman dated December 7th, 1997, saying that Mr. Dunlop had
11 successfully completed use of force training and pistol
12 transition training and Officer Aikman believed the next
13 step was for a coach officer or mentorship situation to be
14 facilitated with Officer Dunlop.

15 **MR. WELLS:** That's correct.

16 **MS. JONES:** And you agreed to this. And
17 there was a final sort of a memo from Officer Lortie saying
18 that Dunlop had done well in the officer training or the
19 coach mentorship program.

20 So in order to get a fuller picture of what
21 was happening when Officer Dunlop returned to work, did you
22 make any inquiries as to his personal interactions with
23 fellow colleagues?

24 **MR. WELLS:** I would have spoken to the
25 supervisors to see how things were going with Perry.

1 **MS. JONES:** And were you aware of -- or did
2 you observe yourself how he interacted with others?

3 **MR. WELLS:** Everything seemed to be going
4 along just fine. He was welcomed back very professionally,
5 personally. I personally welcomed him back and invited him
6 to if he had any difficulty at all please drop in and see
7 me, open door policy, and I was glad to see him back and so
8 were the rest of the Service.

9 **MS. JONES:** Did you ever see him interact
10 with the others before he had gone on the extended leave,
11 and was there any difference?

12 **MR. WELLS:** I didn't notice any difference.

13 **MS. JONES:** And were you aware that -- even
14 some of the officers have testified here in the Inquiry,
15 that there were some officers that were treating Mr. Dunlop
16 in a negative fashion when he had returned back to work?
17 Were you made aware of that at all?

18 **MR. WELLS:** No, I was not aware of that.

19 **MS. JONES:** So you didn't personally observe
20 it and you were not made aware of that?

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

22 **MS. JONES:** Okay. Thank you very much.

23 **MR. WELLS:** You're welcome.

24 **THE COMMISSIONER:** There's some questions
25 about recommendations.

1 **MS. JONES:** Those are all the questions I
2 have for you about the substance of the Inquiry. And
3 there's just a couple of more questions that is asked of
4 every witness that testifies.

5 And the first question is do you have any
6 recommendations for Mr. Commissioner to consider when he is
7 going to be making his final report to do with anything to
8 do with the Inquiry, to do with anything in CPS, just any
9 sort of recommendations that you would like the
10 Commissioner to consider?

11 **MR. WELLS:** Mr. Commissioner, I prepared a
12 little document. With your permission I'd like to read it
13 out.

14 **THE COMMISSIONER:** Certainly.

15 --- **STATEMENT BY/DÉCLARATION PAR INSP. WELLS:**

16 **MR. WELLS:** Forgive me if I get a little
17 sensitive, I'm that type of person.

18 On March the 2nd, 1970 I was sworn in as a
19 constable with the Cornwall Community Police Service and I
20 had fulfilled a dream and that was becoming a police
21 officer. It was an extremely proud moment for both myself
22 and my family and after 39 years as a dedicated and
23 committed member of this Service I'm still extremely proud
24 to serve this community and the people in it.

25 Over the past number of years it has been

1 suggested that there is only one person who has truly cared
2 for the children in this community and now I am able to
3 publicly state for the record that that suggestion is
4 untrue. Those views were made up by people who, in my
5 opinion, were either misguided or by persons with a
6 perverted personal agenda.

7 Mr. Commissioner, as you are probably aware,
8 I was sued by Perry Dunlop who alleged that I was part of a
9 conspiracy to derail the investigation involving Charles
10 MacDonald and Ken Seguin. Those allegations are lies and
11 are slanderous of my professional reputation as a police
12 officer, along with my personal reputation as a member of
13 this community. Those false allegations not only hurt me
14 but more importantly than me, my family.

15 I'm extremely disappointed that Mr. Dunlop
16 will not come forward and explain to my family and I why he
17 felt it necessary, in pursuit of this multi-million dollar
18 claim, to spread such untruths.

19 I want to at this time thank you, Mr.
20 Commissioner, for the opportunity to be able to say
21 publicly that Mr. Dunlop's allegations are untrue.

22 Over the last 15 years, because of ongoing
23 criminal cases, we, as police officers, did not seek out
24 the press and make comments unlike Mr. Dunlop who used the
25 press to cast these aspersions.

1 Sir, as for the recommendations, I've been a
2 police officer for approximately 40 years and I can tell
3 you that policing has certainly changed a great deal over
4 that period of time.

5 And during my time as a senior officer we
6 have endeavoured to ensure that our members are properly
7 trained; however, as policing develops, more education and
8 practical training is required, and accordingly, my only
9 recommendation to you, sir, is any deficiencies that you
10 might identify or comment on, I would recommend that there
11 be a suggested education plan put into place, for not only
12 our officers but police officers throughout the province,
13 in order to address your concerns and recommendations.

14 In saying this, it's not just classroom
15 training but also practical training that is required so
16 members can become more efficient and effective in carrying
17 out their job functions as police officers.

18 Finally, sir, out of respect for the real
19 victims of the sexual assault in this community, I hope
20 that this process will give them people some real benefit
21 and peace of mind, because the men and women of the
22 Cornwall Community Police Service do really care.

23 Thank you.

24 **THE COMMISSIONER:** Thank you.

25 All right. We'll take the afternoon break.

1 Thank you.

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

4 This hearing will resume at 3:00 p.m.

5 --- Upon recessing at 2:48 p.m./

6 L'audience est suspendue à 14h48

7 --- Upon resuming at 3:04 p.m./

8 L'audience est reprise à 15h04

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

11 **BRENDON WELLS, Resumed/Sous le même serment:**

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

13 **DALEY:**

14 **MS. DALEY:** Inspector Wells, how are you?

15 **MR. WELLS:** Good, thank you.

16 **MS. DALEY:** My name is Helen Daley. I am
17 counsel to a citizens group called Citizens for Community
18 Renewal, who are Cornwall folk interested in the
19 improvements of our institutions in this town and I have
20 some questions for you.

21 First of all, the first subject area I want
22 to talk to you about has to do with the Antoine matter that
23 Malloy -- Constable Malloy worked on in 1989. And I quite
24 appreciate that the thrust of what you've said here is that
25 you have very, very little, if any, recollection about that

1 matter. But you do recall, or at least I thought what you
2 said was that you did have a recollection of a meeting
3 involving Tom O'Brien and Deputy Chief St. Denis.

4 **MR. WELLS:** Yes, ma'am.

5 **MS. DALEY:** You remember that meeting?

6 **MR. WELLS:** I do.

7 **MS. DALEY:** And you remember that Mr.
8 O'Brien was the former executive director of the Children's
9 Aid Society?

10 **MR. WELLS:** Yes.

11 **MS. DALEY:** And I take it, sir, you have
12 always had a memory of that meeting? In other words,
13 that's something that you've recalled from the time it
14 happened to now but you just don't remember anything else
15 about what occurred because you were absent from work?

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

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

18 Now, there's a document that we have looked
19 at here that pertains to that meeting and I just wanted to
20 direct you to it. It's within -- it's in Exhibit 1505. So
21 if you have that volume handy I'll direct you to a specific
22 portion of it.

23 And, sir, while Madam Clerk is finding that
24 brief, this exhibit was -- we have this exhibit from the
25 Children's Aid Society and these are some notes that Mr.

1 O'Brien recorded of events, including that meeting.

2 MR. WELLS: M'hm.

3 MS. DALEY: So if you find 1505, and then
4 please look at his page numbered 4.

5 MR. WELLS: Yes.

6 MS. DALEY: And just to help you out a wee
7 bit, if you go back -- turn back and look at the very
8 bottom of the prior page he's got a date there, a date of
9 October 2nd ---

10 MR. WELLS: M'hm.

11 MS. DALEY: --- and he's talking about
12 certain other things he does in the morning. And then on
13 page 4, the second and third paragraphs of the page he
14 talks about "the meeting." And let me give you a few
15 moments to digest that. Have you looked at that recently?

16 MR. WELLS: Yes, I have.

17 MS. DALEY: Okay. Is this portion of the
18 exhibit in reference to the meeting that you remember?

19 MR. WELLS: Yes.

20 MS. DALEY: And having had a chance to look
21 at it, do you recall the aspects of the meeting that Mr.
22 O'Brien is noting here?

23 MR. WELLS: Yes.

24 MS. DALEY: So it follows that you do
25 remember he gave some written documentation that the CAS

1 had pertaining to Ms. Antoine. You indicated that you
2 would read it, discuss it with the Deputy Chief and, if it
3 was to be investigated, it would probably be given to
4 Malloy. So presumably that's something that you said at
5 this meeting involving your Deputy Chief and Mr. O'Brien?

6 **MR. WELLS:** I don't recall what I said.
7 I've read that he's stating that he gave us some written
8 documents.

9 **MS. DALEY:** Yes.

10 **MR. WELLS:** I don't recall receiving those
11 documents into our possession.

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

13 If you look at the next paragraph, to
14 paraphrase, what he seems to be saying is that he's telling
15 you and the Deputy Chief that they're concerned about
16 possibly inappropriate sexual behaviour and their concern
17 comes from some comments in the worker's case notes.

18 Did you see that part of the exhibit, sir?

19 **MR. WELLS:** Is this the paragraph where it
20 starts "The Deputy Chief"?

21 **MS. DALEY:** Yes, that's it.

22 **MR. WELLS:** May I just quickly review that?

23 **MS. DALEY:** Yes, please, take a look at
24 that.

25 **MR. WELLS:** Thank you.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. WELLS: Yes. Thank you.

3 MS. DALEY: Do you remember him commenting
4 on inappropriate sexual behaviour at this meeting?

5 MR. WELLS: I can't recall that, no. I'm
6 sorry.

7 MS. DALEY: All right.

8 And putting that together with the very next
9 and last sentence here, he's referring to Mr. Keough, and
10 you did understand at this meeting that the potential
11 suspect or wrongdoer here was a Mr. Keough who was a CAS
12 employee?

13 MR. WELLS: The only time since that meeting
14 that I've become aware of Jeannette Antoine and names like
15 Mr. Keough, et cetera, were reviewing the documents in
16 preparing for this Inquiry.

17 MS. DALEY: All right.

18 So you carried with you from this meeting no
19 memory that there was a concern about a Mr. Keough or
20 perhaps a concern about sexual misconduct involving group
21 home residents?

22 MR. WELLS: I recall sexual improprieties,
23 et cetera, from the group home, something to do with that,
24 but I -- as far as names or suspects, no, I don't have a
25 specific recollection of the names.

1 **MS. DALEY:** Okay. Did you at least
2 recollect that in terms of the sexual improprieties, the
3 suspects were the CAS workers who were responsible for the
4 home where the children were living?

5 **MR. WELLS:** I'd believe, yes, I recall
6 something.

7 **MS. DALEY:** And obviously that's why it
8 would be of such concern to Mr. O'Brien; correct?

9 **MR. WELLS:** Yes.

10 **MS. DALEY:** Is there any -- having had the
11 benefit of just looking at these notes, is there anything
12 else about the meeting that, looking at the notes, triggers
13 in your memory?

14 **MR. WELLS:** No, ma'am.

15 **MS. DALEY:** We were calling -- you were
16 calling this, I think, the second meeting with the CAS the
17 other day, and I just wondered if you could recall an
18 earlier meeting?

19 **MR. WELLS:** The only reason why I referred
20 to it as the second meeting was because upon reading
21 documentation, I was aware that there was a meeting a few
22 days before that one.

23 **MS. DALEY:** Yes.

24 **MR. WELLS:** That's the only reason why. And
25 I don't know if I was the one that said the second meeting.

1 It may have been posed to me as a second meeting. I don't
2 recall naming it as the second meeting unless someone
3 possibly -- Ms. Jones was saying "Is it the second
4 meeting?" I don't recall me ---

5 MS. DALEY: Well, let's see if I can help
6 you with that.

7 MR. WELLS: Okay.

8 MS. DALEY: There were not two meetings that
9 you were present at that you can remember, I take it?

10 MR. WELLS: That's correct.

11 MS. DALEY: There was only the one?

12 MR. WELLS: Yes, ma'am.

13 MS. DALEY: Okay. Thank you.

14 Now, I just -- I don't know if you can
15 recall this. If not, that's fine. But you gave some
16 testimony to my friend about Constable Malloy consulting
17 with Crown Johnson in relation to Antoine. Do you remember
18 -- you seemed to know something about that, or do you?

19 MR. WELLS: I don't recall ---

20 MS. DALEY: Sorry?

21 MR. WELLS: I'm sorry; I don't recall.

22 You're saying in my testimony with Ms. Jones?

23 MS. DALEY: Yes. I thought you referred to
24 that in your testimony.

25 MR. WELLS: I may have mentioned something

1 to do with visiting with the Crown as part of my
2 explanation. I don't know if Constable Malloy would have
3 met with the Crown in that context. I certainly don't
4 remember making that comment that I was aware that he had
5 went to the Crown with him to talk about ---

6 **MS. DALEY:** I take it, sir, you have no
7 knowledge about Constable Malloy's interactions with Crown
8 Johnson pertaining to Antoine? You just can't help us with
9 that?

10 **MR. WELLS:** No, I'm sorry.

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

12 Moving to another topic, I want to now talk
13 about Constable Dunlop and the events that occurred with
14 the Silmsler investigation and with the Silmsler statement.
15 And I know you investigated on more than one occasion
16 matters arising from that.

17 Were you aware, sir -- I take it that you
18 would have been, but were you aware that Dunlop shared
19 information about Silmsler's criminal complaint with his
20 wife Helen?

21 **MR. WELLS:** Was I aware?

22 **MS. DALEY:** Yes.

23 **MR. WELLS:** Through my investigation ---

24 **MS. DALEY:** Yes.

25 **MR. WELLS:** --- I became aware that she was

1 actively involved in part of the -- of his -- she was out
2 asking questions. So I just assumed that he had shared
3 that with his wife, yes.

4 **MS. DALEY:** You became aware, I think,
5 through discussions with Officer Sebalj that Helen Dunlop
6 had in fact contacted Mr. Silmser in the latter part of
7 September 1993?

8 **MR. WELLS:** I'm sorry?

9 **MS. DALEY:** I can take you to that.

10 **MR. WELLS:** No, I'm just ---

11 **THE COMMISSIONER:** Just repeat the question.

12 **MS. DALEY:** Sorry.

13 **MR. WELLS:** I'm sorry.

14 **MS. DALEY:** Were you aware in your interview
15 of Constable Sebalj that Helen Dunlop had in fact contacted
16 David Silmser on or about September 25, '93?

17 **MR. WELLS:** I was aware through viewing the
18 notes of Staff Sergeant Luc Brunet that Constable Sebalj
19 had shared with him ---

20 **MS. DALEY:** Yes.

21 **MR. WELLS:** --- that she became aware of the
22 fact because Mr. -- I believe Mr. Silmser had reported to
23 her some -- I think he used the word "Crazy Lady is out and
24 the county is checking on him." Does that answer your ---

25 **MS. DALEY:** That's, in fact, what she noted,

1 and that the woman who had contacted Silmsers gave the name
2 Helen Dunlop and a telephone number to Mr. Silmsers.

3 MR. WELLS: M'hm.

4 MS. DALEY: Do you recall learning about
5 that?

6 MR. WELLS: Yes.

7 MS. DALEY: So just stopping there for a
8 moment, as at September 25th, there had been some leakage
9 outside your Service to the extent that the wife of an
10 officer has been informed about an investigation and has
11 involved herself with the potential victim?

12 MR. WELLS: Correct.

13 MS. DALEY: Now, obviously the name Helen
14 Dunlop was not meaningful to Mr. Silmsers. He didn't know
15 that she was the wife of a Cornwall Police officer, did he?

16 MR. WELLS: I don't believe so.

17 MS. DALEY: Right.

18 And I gather what he did was he showed
19 Constable Sebalj the name and the phone number and
20 Constable Sebalj recognized that this was Perry Dunlop's
21 wife, and she reported that to her superior?

22 MR. WELLS: Staff Sergeant Brunet.

23 MS. DALEY: Correct.

24 MR. WELLS: Yes.

25 MS. DALEY: However, she didn't tell Mr.

1 Silmsers that the woman who had contacted him was a police
2 officer's wife?

3 MR. WELLS: I don't know that.

4 MS. DALEY: I take it that you've no reason
5 to think that as of September '93, Mr. Silmsers was aware
6 that the person who had been trying to reach him, this so-
7 called "crazy lady" to use his words, was another police
8 officer's wife? He didn't know that, as far as you're
9 aware?

10 MR. WELLS: Not that I was aware.

11 MS. DALEY: Okay. Thank you.

12 And just stopping there for a second, and if
13 I could ask you to reflect on that circumstance where you
14 have the spouse of an uninvolved officer who's contacting a
15 victim and, as a result, of information being shared with
16 her. Was that, in your view, an unusual occurrence?

17 MR. WELLS: Yes, it was.

18 MS. DALEY: And you obviously have a lengthy
19 policing career. Does it stand out as unprecedented in
20 your experience for that type of thing to happen?

21 MR. WELLS: Never have experienced something
22 like that before in my career.

23 MS. DALEY: All right.

24 Is that the kind of circumstance that might,
25 within the Service, have rung an alarm bell concerning

1 Officer Dunlop and the role he seemed to be prepared to
2 take on?

3 **MR. WELLS:** Yes.

4 **MS. DALEY:** And, sir, did it ring an alarm
5 bell with you when you became aware of it?

6 **MR. WELLS:** Personally, yes. Yes, it would
7 have.

8 **MS. DALEY:** Is it something that you
9 discussed with your superior, the Deputy Chief, or whomever
10 you were reporting to at the time?

11 **MR. WELLS:** I'm not sure exactly when I
12 would have become aware of it. I had very limited
13 knowledge of the David Silmsers criminal investigation.

14 **MS. DALEY:** I think in fairness to you, sir,
15 if I could help you? I think we can take it you became
16 aware of it sometime in February of '94 when you started to
17 investigate Mr. Silmsers complaint?

18 **MR. WELLS:** Possibly.

19 **MS. DALEY:** Did you not? All right.

20 So if we put it roughly in that timeframe,
21 February of '94, do you remember any discussions within the
22 Service, at a senior level, about this circumstance and
23 what can be done to address it?

24 **MR. WELLS:** I don't recall sitting down
25 having a discussion with regards to a senior

1 administration, relevant to that point.

2 MS. DALEY: All right. Do you remember any
3 dialogue you might have had with your fellow officers or
4 senior managers about this unusual occurrence?

5 MR. WELLS: I would have kept Chief Johnston
6 apprised of the investigation and the steps that I was
7 taking and the ongoing ---

8 MS. DALEY: Yes.

9 MR. WELLS: --- parts of evidence that I
10 would have been privy to. But to say that I recall a
11 specific date or sitting down talking to him on that
12 specific subject matter, I'm unable to ---

13 MS. DALEY: That's fair. Let me present it
14 to you this way.

15 I suppose that at this point you have two
16 possible problems to deal with. The first problem would be
17 to look backwards at what's happened and to investigate it
18 and to determine whether there should be discipline or
19 really how Mr. Silmsen's complaint should be resolved,
20 based on the facts that have occurred to date; correct?

21 MR. WELLS: Yes.

22 MS. DALEY: But that was your problem,
23 primarily, I take it?

24 MR. WELLS: Yes.

25 MS. DALEY: Would you agree that another

1 aspect of the problem would be to take stock of the
2 situation involving Dunlop and his wife and try to
3 determine a future course of action to control or to
4 minimize the problems that might be caused by that?

5 **MR. WELLS:** The problem of the day for me,
6 as a Professional Standards, would be to investigate
7 thoroughly the complaint of David Silmsler regarding the
8 release of information to CAS and the media.

9 **MS. DALEY:** Yes.

10 **MR. WELLS:** And upon completion of that,
11 it's possible that then you would address independent
12 issues as uncovered through the course of the
13 investigation.

14 **MS. DALEY:** Right. Did that happen?

15 After you investigation was completed, do
16 you recall any time when senior people at the Force got
17 together and said, "Listen, we have a potential future
18 problem with Officer Dunlop as well. He's done this
19 before; we need to do something more. And I'm not
20 suggesting it need be discipline, but we need to do
21 something more to try and manage Officer Dunlop and this
22 situation."

23 **MR. WELLS:** I don't mean to answer your
24 question with a question; I'm not so sure that wasn't being
25 done with Project Truth, their investigation. I'm not

1 familiar with -- I've heard testimony and read documents, I
2 guess -- no, to be more truthful, I've heard testimony
3 where Inspector Trew was dealing with officers from Project
4 Truth trying to have Constable Dunlop return documents ---

5 MS. DALEY: Yes.

6 MR. WELLS: --- cease any involvement, et
7 cetera.

8 MS. DALEY: Yes.

9 MR. WELLS: I've strayed away from your
10 question and I apologize.

11 MS. DALEY: No, no, that's fine.

12 Project Truth is something that is occurring
13 in 1997, 1998 and you're right, they did have to deal with
14 some Dunlop issues.

15 I guess all I'm wondering is whether in the
16 years before 1997, before it got to that point, if you
17 remember any discussions at the Service directed to
18 managing Officer Dunlop so that the problem, some of which
19 you spoke about in your last statement, wouldn't have
20 occurred? In other words, managing his role in the media,
21 managing his role with victims; just stepping in to stop
22 things before they got too far out of control?

23 MR. WELLS: I personally would not have.
24 I'm aware that Staff Sergeant Brunet had talked to him
25 relevant to this ---

1 **MS. DALEY:** Yes.

2 **MR. WELLS:** --- investigation and basically
3 instructed him to return all documents.

4 **MS. DALEY:** Yes.

5 **MR. WELLS:** But that's primarily the only
6 time that I would recollect something of that nature being
7 done.

8 **MS. DALEY:** All right, that's fine.

9 So if you -- if we move forward then into
10 September of '93, we have the first circumstance,
11 disclosure to Mrs. Dunlop and her involvement with the
12 victim, and the second circumstance of course is Officer
13 Dunlop's disclosure of the physical statement to Mr. Abell
14 of the CAS, which we believe happens on or about September
15 29th. And you remember, that was the next occurrence;
16 correct?

17 **MR. WELLS:** Yes.

18 **MS. DALEY:** And from your review of that
19 situation, I take it Constable Dunlop always freely
20 admitted that he had in fact given the statement to Mr.
21 Abell; correct?

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

23 **MS. DALEY:** And in fact we looked at a press
24 report at a later time in which not only did he admit it
25 but he said he was -- he did the right thing. He was

1 somewhat proud about that act. So he never concealed the
2 fact he'd given the statement to Mr. Abell; correct?

3 MR. WELLS: That's correct.

4 MS. DALEY: Now, if I could stop there. Is
5 that occurrence unusual in your experience as a police
6 officer? The fact that Officer Dunlop physically handed
7 the statement to Mr. Abell?

8 MR. WELLS: Unusual?

9 MS. DALEY: Yes.

10 MR. WELLS: Yes, it is.

11 MS. DALEY: And ---

12 MR. WELLS: Or was.

13 MS. DALEY: Was at the time.

14 And, again, drawing on your experience, was
15 it unparalleled, in your experience, that an officer would
16 do such a thing?

17 MR. WELLS: To the best of my recollection,
18 yes.

19 MS. DALEY: All right. So, again, would
20 that be, in your mind at least, a second red flag about
21 this person and the steps he's prepared to take?

22 MR. WELLS: Yes.

23 MS. DALEY: And then the third thing that
24 occurs or the next event and point-of-time concerning Mr.
25 Silmsen's statement is the media pieces on January 5th, '94,

1 in which his physical handwritten statement is shown;
2 correct?

3 MR. WELLS: Could you go over that just one
4 more time for me, I'm sorry?

5 MS. DALEY: Yes, sorry. That wasn't a very
6 good question.

7 Moving forward from the disclosure to the
8 CAS, the next disclosure concerning his statement is on or
9 about January 5th, '94, when his statement is actually
10 featured in media pieces?

11 MR. WELLS: Yes, that's correct.

12 MS. DALEY: And, sir, I don't know if you
13 were ever aware of this or not because I appreciate you
14 weren't involved in that investigation, but did you come to
15 learn through Officer Sebalj or her notes that Silmsler was
16 sensitive about discussing his abuse and didn't want to
17 disclose it to a female officer. Did you know that?

18 MR. WELLS: I became aware of that later.

19 MS. DALEY: All right. So here he is now
20 being presented in the media as a male victim of sexual
21 abuse. You appreciate that would have been extraordinarily
22 concerning for Mr. Silmsler?

23 MR. WELLS: Yes, ma'am.

24 MS. DALEY: All right. And apart from Mr.
25 Silmsler's reaction, would you agree with the thought that

1 the unauthorized release of a sex abuse victim's statement
2 to the media might be expected to deter other victims from
3 coming forward to the police?

4 MR. WELLS: Yes, ma'am.

5 MS. DALEY: All right. And, again, I take
6 it, sir, you would agree that the media disclosure of a
7 statement was an extraordinary occurrence?

8 MR. WELLS: Yes, ma'am.

9 MS. DALEY: And, again, an unprecedented
10 situation in all your years of policing, that a statement
11 would find its way into the press?

12 MR. WELLS: That's correct.

13 MS. DALEY: Did you -- did you consider that
14 the situation perhaps called for some work, some effort, to
15 restore public confidence in the ability of your Force to
16 manage investigations and to manage the confidentiality of
17 statements?

18 MR. WELLS: I'm going to ask you to repeat
19 your question.

20 MS. DALEY: Yes. Did you ever turn your
21 mind to the fact that this was a situation that called for
22 some extraordinary measures on the part of the Police
23 Service to re-instil public confidence?

24 MR. WELLS: Yes.

25 MS. DALEY: All right.

1 And were you the media person at this time?
2 This obviously is the early months of 1994. Were you in
3 your media relations role at Professional Standards at that
4 point?

5 **MR. WELLS:** Yes, ma'am.

6 **MS. DALEY:** Did it ever -- did you ever
7 consider that the circumstance -- the need to restore
8 public confidence might require some public outreach by the
9 Force?

10 **MR. WELLS:** Did I ever consider it?

11 **MS. DALEY:** Yes.

12 **MR. WELLS:** I personally -- no, I can say
13 that I didn't personally consider it.

14 **MS. DALEY:** Did you -- do you know if any
15 other officers at the Force who were in a position to do
16 something about it gave thought to that as a possible thing
17 to be done?

18 **MR. WELLS:** I'm not aware of anyone that
19 gave particular thought to that.

20 **MS. DALEY:** Okay.

21 **MR. WELLS:** Not saying it didn't -- they
22 didn't, I'm just saying I'm not aware of anyone.

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

24 Is this a situation that with the benefit of
25 hindsight called for something more than a business-as-

1 usual type of response from the Service?

2 MR. WELLS: Possibly.

3 MS. DALEY: All right.

4 I guess what I'm wondering is -- you said in
5 your testimony in-chief that there was nothing to be done
6 until someone complained about it but I'm just wondering,
7 why would the Force not immediately designate someone to
8 investigate the media release of a victim's statement
9 rather than waiting to see if the victim complained?

10 MR. CALLAGHAN: I'm not sure that's a fair
11 statement on the evidence we've heard because we did hear
12 that Ottawa was brought in, and I think in their report
13 they address that issue as well, and that was brought in --
14 Ms. Jones mentioned the date, the 7th or 10th, somewhere in
15 that range, of January.

16 THE COMMISSIONER: That the Ottawa Police
17 were ---

18 MR. CALLAGHAN: The Ottawa Police were
19 brought in.

20 THE COMMISSIONER: Yeah.

21 MR. CALLAGHAN: In their report, you will
22 recall they do discuss the media release.

23 THE COMMISSIONER: Yes.

24 MR. CALLAGHAN: And it would be unfair to
25 say nothing was done because obviously Ottawa was brought

1 in by Chief Johnston.

2 **THE COMMISSIONER:** Okay.

3 **MS. DALEY:** Let me tell you what I was
4 referring to from your evidence in-chief. You can help me
5 if I've got this wrong. But I thought -- one second.
6 You gave this testimony, sir, in connection with the news
7 article. Do you recall Exhibit 1746 that Ms. Jones took
8 you to? That was the news article in which you say you
9 were misquoted. You had indicated that you were satisfied
10 no member of the Cornwall Police had given the statement
11 and you referred to an investigation.

12 And in that context, you said here that in
13 fact those statements weren't correct. There was no
14 investigation as of Jan. 8th, '94 and you said it was not
15 true that the CPS was investigating at this time how the
16 statement went to the media because there was no specific
17 complaint at that time. There was no investigation as
18 early as Jan. 8th, '94 because there was no complaint to be
19 the foundation for it.

20 Do you recall that?

21 **MR. WELLS:** I basically -- I believe, if I
22 recollect properly, I -- or accurately, I stated to Ms.
23 Jones that I would not have misled the press. I would not
24 have lied to them and said, "Listen, we are doing an
25 investigation" if we were not doing an investigation.

1 **MS. DALEY:** Correct. Right.

2 **MR. WELLS:** And I wasn't aware that we were
3 doing an investigation.

4 **MS. DALEY:** As of January 8th, 1994?

5 **MR. WELLS:** Yes.

6 **MS. DALEY:** Correct.

7 And I thought that elaborating on that point
8 with Ms. Jones you said, "Well, there was no complaint at
9 that point. There was no specific complaint. There was
10 nothing to ---

11 **MR. WELLS:** Did I say that?

12 **MS. DALEY:** --- investigate." Yes.

13 So do you accept that that was your
14 thinking, that as of this day, there's no specific
15 complaint. You're not investigating, and the reason you're
16 not is there's no complaint. Is that correct?

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

18 **MS. DALEY:** Okay. So the question I had was
19 given the extraordinary nature of what's happened, was any
20 thought given at the Force, prior to Mr. Silmsen's
21 complaint coming in, to just initiate their own
22 investigation and try to determine how it is that this
23 man's statement found its way into the press?

24 **MR. CALLAGHAN:** If I could -- well, if I
25 might, the -- I mentioned the one that was happening at

1 about this time and obviously we saw in Staff Sergeant
2 Brunet's notes that he was told to contact and find out
3 what the media was doing. It's not fair to say nobody was
4 dealing with it. Whether this office contests what he was
5 doing is fine, but to put the statement out that nobody was
6 doing it when it's clear from Staff Sergeant Brunet's notes
7 he's talked to Acting Chief Johnston and he's told to
8 contact the media and address the allegations, finding out
9 what's going on and the issue of Ottawa. It's not fair to
10 say nothing was happening.

11 What this officer knows is a different
12 issue.

13 **MS. DALEY:** Did you know of any steps that
14 your -- as of Jan. 8th when you made the statement that you
15 say is erroneous, did you know of any investigation steps
16 that were occurring at your Force?

17 **MR. WELLS:** No, ma'am.

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

19 Was any thought given at this point to
20 reaching out to Mr. Silmsler to contacting him and to say,
21 "We're sorry about this and indeed we will look into it"?

22 **MR. WELLS:** What steps? I believe that
23 there was a lengthy press release by Mr. Courville that at
24 the bottom -- and Ms. Jones, that was one of her exhibits
25 or part of my testimony where the press release invited the

1 complainant to come forward.

2 MS. DALEY: Right.

3 MR. WELLS: I'm aware of that. Any other --
4 I'm not aware of any other steps that may have been taken
5 at that time.

6 MS. DALEY: All right.
7 I'm just -- again, these are hindsight type
8 of questions.

9 MR. WELLS: M'hm.

10 MS. DALEY: These aren't meant to be
11 critical.

12 MR. WELLS: No.

13 MS. DALEY: But I take it it didn't occur to
14 anybody, apart from a press release, just to pick up the
15 phone and speak to him and say, "We understand you must be
16 bothered by this. We're very sorry and we'll look into
17 it"?

18 MR. WELLS: The fact that I'm not aware, I'm
19 not stating that in fact it wasn't a thought process ---

20 MS. DALEY: Yes.

21 MR. WELLS: --- with other members of the
22 administration, but as far as I was concerned, it wasn't
23 with me and I'm not aware of it being in the thought
24 process of another member.

25 MS. DALEY: That's fine.

1 Instead, actually, what occurs in this
2 window of time is the very news article that we've looked
3 at, Exhibit 1746, which unfortunately is inaccurate
4 according to you and in which you're stating that you're
5 satisfied no member of the Service did anything wrong in
6 terms of releasing the statement.

7 **MR. WELLS:** I wouldn't -- and like I had
8 mentioned previously, I didn't make it a habit of
9 misleading the press. In other words, it was fact that if
10 it was a yes, it was a yes; if it was a no, it was a no. I
11 wouldn't say something that wasn't true to them. If they
12 made a quote in the paper surrounding a comment I made and
13 misconstrued it or quoted it in such a way that it comes
14 out in this form, that was basically their problem, their
15 fault. I don't -- those aren't my words. That's all I can
16 speak to.

17 **MS. DALEY:** Fair enough, sir.

18 But if you're Mr. Silmser and you're reading
19 the paper, he's going to read that a responsible person is
20 saying nobody at the Cornwall Police Service did this;
21 correct?

22 **MR. WELLS:** Yes.

23 **MS. DALEY:** That's what he's going to read
24 and that's what my clients or any other citizen would read
25 who was following this; right?

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

2 **MS. DALEY:** Now, Ms. Jones spent some time
3 with you talking about the fact that you didn't -- that no
4 effort seemed to be made to correct this statement on the
5 public record, whether it be a letter to the editor or a
6 request for a retraction or anything of that sort.

7 It's occurred to me -- and you tell me if
8 I'm wrong, but it's occurred to me that if you had
9 retracted or corrected that statement, it wouldn't sound
10 very good, would it, because it would involve you saying,
11 "Well, no, I can't say I'm satisfied that no member of the
12 Force has disclosed your statement"?

13 **MR. WELLS:** It's possible that I never
14 viewed that press release.

15 **MS. DALEY:** Yes.

16 **MR. WELLS:** And so therefore, if I never
17 reviewed the press release or I never viewed it, then there
18 wouldn't be any reason for me to contact them and say,
19 "Listen, I want this straightened out. Your reporter has
20 either misinterpreted or put in some words in that press
21 release that are inaccurate."

22 **MS. DALEY:** Sir, whether or not you reviewed
23 this press article or not, I appreciate you can't remember.
24 I've got to think someone at the Force would be aware that
25 this article was published; correct?

1 **MR. WELLS:** I would think.

2 **MS. DALEY:** Someone at your level or senior
3 to you; correct?

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

5 **MS. DALEY:** And just looking at the
6 statement as it sits now, to my way of thinking, if one was
7 to correct that statement, the correction wouldn't sound
8 good because it would in fact be a statement to the effect
9 that "We can't say we're satisfied that no member of our
10 Service did this."

11 Do you understand my point there?

12 **MR. WELLS:** I'm getting a small flavour for
13 it.

14 **MS. DALEY:** Okay. In other words, the
15 statement that you made was a positive statement that the
16 public would take comfort from. To correct that would
17 require putting out some negative information that the
18 public might not take such comfort from?

19 **MR. WELLS:** I'm not following you.

20 **THE COMMISSIONER:** What she's saying is
21 let's assume you decided to write or publish something in a
22 newspaper ---

23 **MR. WELLS:** Yes.

24 **THE COMMISSIONER:** --- and it would read
25 something like "Cornwall Police Service wants to note that

1 where the Freeholder reported that we were satisfied that
2 it wasn't a police officer and that there was an
3 investigation going on," you'd have to say "We have not
4 determined yet who is responsible for this, and
5 accordingly, we're going to keep an open mind open until we
6 determine what's going on." But then, you know, you'd say,
7 "And as a police force, we're intent on getting to the
8 bottom of this and finding out who the culprit is." Let's
9 assume something like that happened.

10 **MR. WELLS:** Yes.

11 **THE COMMISSIONER:** It wouldn't be so bad.

12 **MS. DALEY:** No, it could be cast in a
13 positive light too, if indeed the Force was intending to
14 investigate the disclosure of the statement; correct?

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

16 **MS. DALEY:** Sir, just help me with
17 something. Is it your belief that the Force can really
18 only investigate a matter of this nature in response to a
19 complaint?

20 **MR. WELLS:** No.

21 **MS. DALEY:** All right. It just so happens
22 in this case, there was a complaint so that was the
23 platform for the investigation?

24 **MR. WELLS:** Correct.

25 **MS. DALEY:** All right. So I just want to

1 ask you some questions about the complaint and how it was
2 treated.

3 And you gave evidence to my friend about the
4 fact that, initially, it was your wish that the complaint
5 be treated as an inquiry and not dealt with by your own
6 Service; do you recall that?

7 **MR. WELLS:** Yes, I do.

8 **MS. DALEY:** And I had the impression from
9 your testimony that you were just shot out of the water, so
10 to speak, on that request that the authority told you that
11 there was no way it could happen that way.

12 **MR. WELLS:** After a discussion with Mr.
13 Pearson, basically his response was it would be best if he
14 directed us to do the investigation.

15 **MS. DALEY:** Do you recall the reasons that
16 he gave for that?

17 **MR. WELLS:** No, I don't. But certainly the
18 reasons that I gave for requesting it be done weren't
19 accepted by him or his bureau.

20 **MS. DALEY:** All right. Looking at the
21 reasons that you gave, and this, sir, is within Exhibit
22 1747, you might just refer to that if you wish. But it
23 struck me that the reasons that you advanced -- sir, 1747
24 is the exhibit.

25 **MR. WELLS:** Thank you.

1 **MS. DALEY:** And your reasons are on the
2 second page.

3 **MR. WELLS:** That's correct. Thank you.

4 **MS. DALEY:** It struck me that those were
5 fairly compelling reasons why this matter should be dealt
6 with by a body who seemed to be independent of the Cornwall
7 Police Service. Was that your feeling as well?

8 **MR. WELLS:** We certainly felt that, yes.

9 **MS. DALEY:** All right. And in advancing
10 these reasons in making this request, I take it what you
11 were trying to achieve would be a process that would be
12 more credible in the public eye, whatever the outcome?

13 **MR. WELLS:** Yes, inside and outside.

14 **MS. DALEY:** Inside and outside. And as a
15 companion to that, it would a process that would be more
16 credible to Mr. Silmsner perhaps, the person who was
17 aggrieved by the situation, to know that an independent
18 body had adjudicated it?

19 **MR. WELLS:** Possibly.

20 **MS. DALEY:** All right. Do you remember the
21 reasons given to you by Mr. Raymond for why it wouldn't
22 happen that way?

23 **MR. WELLS:** Mr. Raymond?

24 **MS. DALEY:** Sorry, was it Daniel Raymond of

25 ---

1 **MR. WELLS:** He was an investigator for the
2 Complaints Commission.

3 **MS. DALEY:** Yes.

4 **THE COMMISSIONER:** But he's already
5 answered. He doesn't know ---

6 **MS. DALEY:** I'm sorry, it's Mr. Pearson.

7 **THE COMMISSIONER:** Yeah. He does -- and he
8 answered. I think you've asked him that question already -
9 --

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

11 **THE COMMISSIONER:** --- and he said, no he
12 doesn't remember.

13 **MS. DALEY:** All right. I take it when the
14 Force received Pearson's answer, that was the final answer;
15 there was nothing further that you could do about it?

16 **MR. WELLS:** That's right.

17 **MS. DALEY:** All right. And frankly -- and
18 essentially the same process occurred in relation to the
19 public complaint by Doug Seguin?

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

21 **MS. DALEY:** All right. If you'd be kind
22 enough to look at Exhibit 643 for a moment with me? I want
23 to talk to you about the January 21, 1994 complaint form
24 that you assisted Mr. Silmsler and his counsel in filling
25 out.

1 (SHORT PAUSE/COURTE PAUSE)

2 MS. DALEY: I just wanted to take you to the
3 form itself. Give me a second. It's Bates page ending in
4 the letters 661.

5 MR. WELLS: Excuse me, what was the tab
6 number again, ma'am?

7 MS. DALEY: It should be 643, sir.

8 MR. WELLS: Thank you. And the Bates page?

9 MS. DALEY: I'm on the third piece of paper
10 in, it ends 661.

11 MR. WELLS: Yes.

12 MS. DALEY: And on the reverse side of that
13 page, sir, is Appendix A. Do you see that?

14 MR. WELLS: Yes.

15 MS. DALEY: Now Appendix A as I read it, in
16 particular points four, five and six, those relate to the
17 disclosure or the means by which Officer Dunlop disclosed
18 Mr. Silmsers's statement to the CAS; correct?

19 MR. WELLS: That's correct.

20 MS. DALEY: Now, when Silmsers -- when
21 Silmsers's lawyer first writes to you on January 11th, the
22 substance of his complaint has to do with the media
23 disclosure; you recall that?

24 MR. WELLS: Yes.

25 MS. DALEY: All right. So sometime between

1 January 11th and January 21st when you're sitting down with
2 Silmser and his lawyer, the subject of the CAS disclosure
3 has now been introduced; correct?

4 MR. WELLS: Yes.

5 MS. DALEY: What I'm wondering is this. Can
6 you help me at all with how it came to be that the CAS
7 disclosure was incorporated into Mr. Silmser's complaint?
8 In other words, did you talk to him about it? Did he talk
9 to you about it? How did it -- how did the subject arise?

10 MR. WELLS: The back -- you're talking about
11 the summary of incident on the back, Appendix A?

12 MS. DALEY: Appendix A, yeah. Because
13 Appendix A, as I said, is speaking to the disclosure by
14 Officer Dunlop to the CAS; correct?

15 MR. WELLS: Yes.

16 MS. DALEY: So I'm just curious. How does
17 that subject come up between yourself and Silmser? Because
18 Silmser's initial concern was with the media release.

19 MR. WELLS: Possibly because of the news
20 release ---

21 MS. DALEY: All right.

22 MR. WELLS: --- involving -- that lengthy
23 news release by Mr. Courville, I believe.

24 MS. DALEY: Yes.

25 MR. WELLS: That had bullet forms, I think

1 there were three pages.

2 **MS. DALEY:** All right. So this information
3 came from the Courville media release?

4 **MR. WELLS:** I believe so.

5 **MS. DALEY:** All right. Do you remember
6 discussing this information with Mr. Silmsler and his lawyer
7 when you sat down with him and helped him prepare this
8 form?

9 **MR. WELLS:** I don't recall discussing it
10 with him. Certainly it probably would have formed part of
11 the discussion because it's a Form One.

12 **MS. DALEY:** Yes.

13 **MR. WELLS:** And I would always sit down with
14 the complainant in those cases and go through the facts in
15 issue, what was their concerns, the name of the suspect
16 officer, what were their allegations of misconduct, if
17 there was any, et cetera.

18 **MS. DALEY:** Yes. You appreciate in your
19 capacity as a Professional Standards person; you deal with
20 this all the time. It's important that the person who's
21 aggrieved knows the identity of the officer that he is
22 complaining about; correct?

23 **MR. WELLS:** Yes, I would ask "Do we have a
24 name? Do you have a name of an officer who you feel has
25 wronged you or has acted inappropriately?"

1 **MS. DALEY:** Yes, precisely. Now, in this
2 instance, I take it certainly by this point in time, you
3 knew that the officer who'd given the statement to the CAS
4 was in fact Perry Dunlop?

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

6 **MS. DALEY:** But Appendix A doesn't refer to
7 him by name; it refers to an uninvolved officer.

8 **MR. WELLS:** Yes.

9 **MS. DALEY:** Now, since you know the name and
10 obviously Mr. Silmsner doesn't because no one has ever
11 disclosed it to him, why would you not inform him and his
12 lawyer that the person who made this disclosure to the CAS
13 is Mr. Dunlop?

14 **MR. WELLS:** Because the process, ma'am, does
15 not allow me to do that. I take the complaint purely on
16 the facts stated to me and reported to me by the
17 complainant.

18 It's not my purpose to say "Well, listen, if
19 it's -- you're saying it's Constable Sebalj, well, it could
20 have been Constable Wells." That's not -- I fill in the
21 form with the information that he's providing or she's
22 providing to me and then conduct my investigation. If
23 through the process of the investigation it's determined
24 that other subject officers are involved then that will be
25 a determination at the end of the investigation and

1 recommendations and actions will be taken.

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

3 **THE COMMISSIONER:** I know but -- maybe the
4 point is, in Appendix A we're only talking about the
5 disclosure of the statement to the CAS whereas I thought
6 the gist of the complaint, when Silmsler came in was "I'm
7 not happy that it got to the media"?

8 **MR. WELLS:** Yes.

9 **THE COMMISSIONER:** So -- so why wouldn't you
10 put in there that it appeared in the media and that was
11 really the essence of the complaint?

12 **MR. WELLS:** M'hm. As I said, Mr.
13 Commissioner, when I'm completing the Form 1 I go through
14 it step-by-step with the complainant and part of the
15 process in taking the initial complaint is not to make any
16 suggestions or lead the complainant in a certain direction.

17 However, the investigation definitely we'll
18 take in this case took us there

19 **THE COMMISSIONER:** Okay.

20 **MS. DALEY:** I take it the way things
21 unfolded in this, I appreciate that you have a framework
22 within which you have to work here but unfortunately what
23 occurred here is that Silmsler names Heidi Sebalj, who is
24 innocent of any wrongdoing, he names her -- well all right,
25 fine.

1 But he names the only person he dealt with
2 or he can remember dealing with and that was her; right

3 **MR. WELLS:** Yes, Ma'am.

4 **MS. DALEY:** He doesn't know the identity of
5 the person who actually released the statement but by this
6 point in time you do?

7 **MR. WELLS:** Yes.

8 **MS. DALEY:** But you're not able to tell him
9 that name for the purpose of his complaint?

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

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

12 **MR. WELLS:** Nor suggest -- if the person
13 stipulated in his opinion there were a couple of areas of
14 misconduct and it was obvious to me, through the initial
15 contact with the complainant that there may be a third, I
16 wouldn't suggest that to him. I would complete the Form 1,
17 as instructed by him, fill in the necessary areas as
18 indicated to him or the information that's indicated to me
19 by that person and then carry out my investigation.

20 In the long run it's going to come out.

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

22 Do you see that as a bit of a handicap, in
23 the sense that it makes it difficult for a citizen in Mr.
24 Silmser's shoes to know how to redress the wrongs since he
25 -- since he's lacking information that you have?

1 **MR. WELLS:** I can see where it might appear
2 that way.

3 **MS. DALEY:** Yes.

4 **MR. WELLS:** However, having faith in
5 yourself that you're going to do an honest investigation,
6 the end result is going to uncover who, and in fact, if
7 there was more than -- in this particular case if there was
8 more than Constable Sebalj involved, my investigation would
9 determine that and the complainant would be made aware of
10 that.

11 **MS. DALEY:** All right. So that helps me
12 with another question which is why -- why it would be that
13 -- I don't know if you have Exhibit 1748 handy, is that in
14 the book that you have?

15 **THE COMMISSIONER:** Seventeen forty (1740)?

16 **MS. DALEY:** Forty-eight (48).

17 **THE COMMISSIONER:** Forty-eight (48). Thank
18 you.

19 **MS. DALEY:** This was your ultimate finding
20 that you presented to Chief Johnston, if you recall, sir,
21 with relation to this -- at least a portion of the
22 citizen's complaint of Mr. Silmsler that you've been dealing
23 with.

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

25 **MS. DALEY:** And in this document, sir, you

1 tell Chief Johnston that -- on the second page -- that
2 there's no evidence to suggest that Officer Sebalj has
3 allowed the statement to be copied or to be given to
4 anybody else; correct?

5 MR. WELLS: That's correct.

6 MS. DALEY: All right. And that was a bit
7 of a foregone conclusion because we know and you knew that
8 it was Dunlop who handed the statement to the Children's
9 Aid Society but you had to formally find that because of
10 the nature of the complaint?

11 MR. WELLS: That's correct.

12 MS. DALEY: And you communicated that to Mr.
13 Silmsler in your June 2nd, 1994 letter and that's also part
14 of Exhibit 643.

15 Let me find that for you.

16 Just bear with me, my problem is I've been
17 working with a different copy of this document so it's
18 going to take me a minute to find it.

19 (SHORT PAUSE/COURTE PAUSE)

20 MS. DALEY: Let me save time. Madam Clerk,
21 if we could have a look at Document 728362?

22 THE REGISTRAR: That's Exhibit 1245.

23 MS. DALEY: Thank you.

24 THE COMMISSIONER: I'm sorry?

25 THE REGISTRAR: Twelve forty-five (1245).

1 **THE COMMISSIONER:** Twelve forty-five (1245).

2 **(SHORT PAUSE/COURTE PAUSE)**

3 **MS. DALEY:** Do you see that, sir? Do you
4 have Exhibit 1245 handy?

5 **MR. WELLS:** Yes, I do.

6 **MS. DALEY:** So that's your June 4th letter to
7 Mr. Silmsen, advising him that ---

8 **MR. WELLS:** June 4th?

9 **MS. DALEY:** Yes.

10 **MR. WELLS:** I have a June 2nd.

11 **MS. DALEY:** June 2nd, '94?

12 **MR. WELLS:** Yes.

13 **MS. DALEY:** Sorry, I misspoke.

14 **MR. WELLS:** Okay.

15 **MS. DALEY:** What you're communicating to him
16 of substance here is in the second paragraph which is;

17 "That as a result of the evidence
18 obtained, Constable Sebalj has been
19 exonerated from any wrongdoing
20 regarding this complaint."

21 And of course then you tell him that if he's
22 not satisfied he has further recourse; correct?

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

24 **MS. DALEY:** Now, sir, I guess just standing
25 back from this I'm somewhat puzzled because of course it's

1 technically correct that Constable Sebalj was not involved
2 in the dissemination of his statement but another officer
3 in the Service was, at least to the Children's Aid Society
4 ---

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

6 **MS. DALEY:** --- and he's not being informed
7 of that.

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

9 **MS. DALEY:** Is there a reason for that?

10 **MR. WELLS:** Not that I'm aware of.

11 **MR. CALLAGHAN:** I think the document -- in
12 fairness, I think the documents indicate that the
13 complainant was kept apprised of the interim report and of
14 the charges of Mr. Dunlop.

15 I think maybe even the document out here
16 you'll see he's copied on that material.

17 **MS. DALEY:** Your counsel is showing me other
18 material. I'm aware that you communicated with Silmser on
19 an interim basis as you were doing your report.

20 I guess just looking at the final letter
21 that he receives from you and the final conclusion,
22 although it's not incorrect, it's true, but what he's not
23 being told is that you've concluded that another officer,
24 in fact, was involved in disseminating his statement.

25 **MR. CALLAGHAN:** It's not a fair statement in

1 light of the document, one dated May 21st, 1994, two days
2 before where he's copied on the charges.

3 **THE COMMISSIONER:** Where's that?

4 **MR. CALLAGHAN:** It's Document 728387.

5 So, in fairness, Mr. Silmsler is kept
6 apprised of who is and is not being charged and for what.

7 **THE COMMISSIONER:** Let's see the letter.

8 **MR. CALLAGHAN:** It would be helpful to put
9 that in so we have a clear record.

10 **THE COMMISSIONER:** That's what we're doing.

11 **MR. CALLAGHAN:** Thank you.

12 **THE COMMISSIONER:** Give me a moment, please.

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

14 **THE COMMISSIONER:** So Exhibit 1755 is Public
15 Complaint Form 19, statement of alleged misconduct, date of
16 complaint is January 21st, 1994, and the police officer is
17 Perry Dunlop.

18 **--- EXHIBIT NO./PIÈCE NO. P-1755:**

19 (728387) - Public Complaint - Form 19 -
20 Statement of Alleged Misconduct dated 21 Jan
21 94

22 **MS. DALEY:** Do you have that handy, sir?

23 **MR. WELLS:** Yes, I do.

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

25 **THE COMMISSIONER:** Just a -- okay. That has

1 nothing to do with the allegation that somebody gave the
2 document to the media.

3 **MR. CALLAGHAN:** No. There is yet another
4 document advising him that Mr. Dunlop is not charged. In
5 fact he appeals that to the -- I thought we saw that
6 earlier -- Public Complaints Commissioner, that. So he's
7 advised of that.

8 As you point out, there are three things.
9 He's advised of the charge, released to the Children's Aid.
10 He's advised that Constable Sebalj will not be charged and
11 he's advised that Mr. Dunlop will not be charged and he
12 appeals. He writes the Public Complaints Commissioner on
13 the latter two.

14 **THE COMMISSIONER:** Okay.

15 **MS. DALEY:** Sir, were you personally in
16 touch with Mr. Silmser or his lawyer in connection with
17 your final reports and in connection with the steps that
18 were being taken?

19 **MR. WELLS:** They would have been sent to him
20 through correspondence.

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

22 Did you have any personal communication with
23 him that you can remember about that?

24 **MR. WELLS:** Not that I can't remember.

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

1 Do you remember the ultimate disposition of
2 his appeals?

3 MR. WELLS: Of?

4 MS. DALEY: I'm calling them appeals, but as
5 your counsel mentioned, obviously Mr. Silmsner goes further
6 with the matter and he goes to the Police Complaints
7 Commission. Do you remember the outcome of that?

8 MR. WELLS: This is with respect to
9 Constable Sebalj and Constable Dunlop?

10 MS. DALEY: Yes.

11 MR. WELLS: Both of them?

12 MS. DALEY: Yes, and the media.

13 MR. WELLS: Well, there was a statement of
14 alleged misconduct on Constable Dunlop.

15 MS. DALEY: In relation to the Children's
16 Aid Society?

17 MR. WELLS: Yes.

18 MS. DALEY: All right.

19 MR. WELLS: And you're -- I'm sorry ---

20 MS. DALEY: Sorry, but Mr. Silmsner was
21 unhappy with your finding that there was no evidence that
22 anyone at the Force had disclosed to the media.

23 MR. WELLS: M'hm.

24 MS. DALEY: So focusing on that aspect of
25 things, do you know the ultimate result?

1 **MR. WELLS:** I believe that they would have
2 reviewed -- the Commission would have reviewed the
3 information ---

4 **MS. DALEY:** Yes.

5 **MR. WELLS:** --- and upheld ---

6 **MR. CALLAGHAN:** Can the witness be shown
7 Exhibit 1247, which is the document that is at least the
8 one regarding Constable Sebalj which was put in earlier?

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

10 **THE COMMISSIONER:** It basically concludes
11 that former Acting Chief Johnston's decision could not be
12 seen as unreasonable and therefore under the Act he can
13 only go further if -- decide that no further action is
14 warranted or to order an inquiry so he decides there's no
15 inquiry.

16 **MS. DALEY:** Right. So that was the end of
17 the media complaint. Did you know that, sir?

18 **MR. WELLS:** Yes.

19 **MS. DALEY:** In terms of the media complaint,
20 do you have a recollection of the investigative steps that
21 you took?

22 **MR. WELLS:** I believe there's a completed
23 form as to my investigate steps that I would have taken.

24 **MS. DALEY:** And the people you interviewed?

25 **MR. WELLS:** Yes.

1 **MS. DALEY:** And I can show you this, it's
2 within Exhibit 647, but do you recall interviewing Mr.
3 Greenwell, for example?

4 **MR. WELLS:** I spoke to Mr. Greenwell.

5 **MS. DALEY:** And do you recall what he told
6 you or shall I try and find -- let me find the statement.

7 **MR. WELLS:** Thank you.

8 **MS. DALEY:** It's going to take me a second
9 but I'll do my best.

10 **THE COMMISSIONER:** In 647 did you say?

11 **MS. DALEY:** Yes, it should be inside 643.
12 I'm going to find you the Bates page, sir, of the Greenwell
13 matter, or try to. And, again, my apologies, I'm not --
14 I'm working in a document that I'm not, unfortunately,
15 familiar enough with.

16 **MR. WELLS:** May I be of assistance?

17 **MS. DALEY:** Yeah, did you find it?

18 **MR. WELLS:** I believe it's 2791. Is that
19 the document that you're looking for, the statement of Mr.
20 Charles Greenwell?

21 **MS. DALEY:** If it's Greenwell's statement,
22 that's the one. Thank you.

23 **MR. WELLS:** You're welcome.

24 **MS. DALEY:** So you heard his explanation for
25 how he'd received the statement?

1 MR. WELLS: Yes, ma'am.

2 MS. DALEY: But you'd also interviewed Doug
3 Seguin and Nancy Seguin as well on the same topic; correct?

4 MR. WELLS: Yes, ma'am.

5 MS. DALEY: And do you recollect that they
6 claimed that they'd been told by Greenwell that he received
7 it from the Cornwall Police Service?

8 MR. WELLS: I'd have to refer myself to that
9 document.

10 MS. DALEY: Okay. The Seguin statements are
11 the following statements -- the statements on the following
12 pages.

13 MR. WELLS: Yes.

14 MS. DALEY: And at Bates page 2730 ---

15 MR. WELLS: Two-seven-three-zero (2730)?

16 MS. DALEY: Sorry, one moment, sir. I'm
17 going to try to direct you. Yes -- I'm sorry, sir, Bates
18 2792 I think is the first place where Mr. Seguin makes that
19 statement under his name.

20 MR. WELLS: A third of the way down?

21 MS. DALEY: Yes.

22 MR. WELLS: "Since there was a police
23 officer involved...?"

24 MS. DALEY: It says:

25 "Charlie Greenwell said -- told me on

1 the telephone, and my wife Nancy was
2 listening, that he received information
3 from a Cornwall Police officer and said
4 that he was going to obtain a copy of
5 the allegations."

6 **MR. WELLS:** Yes.

7 **MS. DALEY:** Do you remember that?

8 **MR. WELLS:** Yes.

9 **MS. DALEY:** And at -- I don't want to take
10 too much time on this, but he returned to that topic a time
11 or two when you were interviewing himself and his wife that
12 Greenwell had said this came from the police, this
13 information, and that Greenwell was awaiting a statement,
14 which he ultimately received and published. And that's
15 certainly what the Seguins believed because they say that's
16 what Greenwell told them.

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

18 **MS. DALEY:** Correct? You were aware of all
19 that?

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

21 **MS. DALEY:** Sir, just out of curiosity, did
22 you ever obtain a copy of the statement that Greenwell had
23 in his possession so that you could identify, for example,
24 whether it had fax imprints on it or any other markings
25 that would verify or otherwise his story?

1 **MR. WELLS:** No, I did not.

2 **MS. DALEY:** Did you conclude that the
3 Seguins were just wrong and Greenwell hadn't made that
4 statement to them?

5 **MR. WELLS:** I didn't conclude that they were
6 wrong, however, I didn't receive any information that would
7 substantiate their claim.

8 **MS. DALEY:** Was there, in your mind,
9 anything you could do further to test the veracity of what
10 Mr. Greenwell was telling you, that is the paper bag story?

11 **MR. WELLS:** Nothing else occurred to me at
12 that time.

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

14 Essentially that's the crux of the issue, is
15 it not, whether -- exactly whether what Greenwell says is
16 true or not, right?

17 **MR. WELLS:** Yes, that's correct.

18 **MS. DALEY:** And I take it the reason that
19 ultimately that complaint was dismissed was because there
20 was no evidence available from Greenwell to support that it
21 had come from someone at your Service?

22 **MR. WELLS:** As a result of the whole
23 investigation, I wasn't able to obtain any information or
24 evidence that would conclude that a member of our Service
25 would have released it to the media, not just Mr. Greenwell

1 but the whole ---

2 MS. DALEY: Did I understand your evidence
3 in-chief to be that perhaps you entertained a bit of a
4 suspicion that since the statement was with the CAS,
5 perhaps someone there disclosed it to the media?

6 MR. WELLS: To be quite honest with you, it
7 occurred to me that anybody -- after it left our building,
8 anybody could have been responsible for providing that
9 statement to the media because after it left the building
10 it's conceivable it went anywhere. We had no more control
11 over it.

12 MS. DALEY: I appreciate that.

13 To the extent that it was disseminated
14 elsewhere once it left your building, that would be Officer
15 Dunlop's doing or perhaps someone to whom he'd given the
16 statement?

17 MR. WELLS: That's correct.

18 MS. DALEY: All right.

19 One second, sir.

20 THE COMMISSIONER: M'hm.

21 MS. DALEY: Those are my questions. Thank
22 you kindly.

23 MR. WELLS: Thank you.

24 THE COMMISSIONER: Thank you.

25 Mr. Paul?

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

2 PAUL:

3 MR. PAUL: Good afternoon, Inspector Wells.
4 My name is Ian Paul. I appear for a citizens group called
5 the Coalition for Action.

6 MR. WELLS: Good afternoon, sir.

7 MR. PAUL: I'd like to ask you a few
8 questions about one area that you were questioned about
9 earlier by Commission counsel, the area surrounding the
10 morale issues around 1990 and the Morale Report and the
11 actions of the senior officers.

12 Now, I understand from your evidence that
13 despite the problems around that period, it certainly began
14 to improve after 1990, the situation between yourself and
15 the other senior officers and the Chief of Police?

16 MR. WELLS: That's correct, sir.

17 MR. PAUL: So in terms of the -- and they
18 were fairly significant actions to seek the replacement or
19 removal of the Chief of Police; correct?

20 MR. WELLS: What were the words you used?

21 MR. PAUL: Fairly significant actions?

22 MR. WELLS: Fairly significant request for
23 action.

24 MR. PAUL: And despite those steps, you had
25 the sense that the Chief of Police essentially didn't hold

1 a grudge? He was prepared to move on and put that behind
2 him?

3 MR. WELLS: Yes, sir. That's correct.

4 MR. PAUL: And you and the other senior
5 officers were prepared to do that as well?

6 MR. WELLS: That's correct.

7 MR. PAUL: And I would assume it's an
8 attempt to put the matter behind you in order to try to
9 achieve a better policing within the community?

10 MR. WELLS: Yes.

11 MR. PAUL: And as a result, perhaps some of
12 the issues -- some of the concerns you had -- for example,
13 you had a concern about consultation, lack of consultation
14 by the Chief of Police with senior officers. That was one
15 of the concerns?

16 MR. WELLS: Mr. Paul, may I just go back?
17 That last question that you asked, in order to provide a
18 better police service to the community, I would like to say
19 that that was not to provide a better police service to the
20 community, because I don't believe at any time that the
21 police service -- the quality of police service to our
22 community suffered as a result of the inward problems that
23 were identified.

24 So could I change my answer in that regard?

25 MR. PAUL: Yes, that's fine.

1 **MR. WELLS:** Thank you.

2 **MR. PAUL:** Now, in terms of issues of
3 consultation, there had been some concerns maybe prior to
4 1990 about difficulties with the Chief not always
5 consulting senior officers?

6 **MR. WELLS:** Yes, sir, that's right.

7 **MR. PAUL:** And that seemed to improve?

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

9 **MR. PAUL:** So by the time 1993 comes, when
10 the Silmsler investigation arises, and by that point you and
11 the other senior officers are on better terms with the
12 Chief of Police?

13 **MR. WELLS:** Yes.

14 **MR. PAUL:** And is it perhaps in part for
15 that reason that in the morning meeting that we've spoken
16 about, the morning meeting where Sergeant Lortie raises the
17 issue of the Silmsler investigation in late September 1993,
18 your surprise in hearing about the Silmsler investigation is
19 you're surprised that you haven't heard about it before?
20 Are you surprised in part because you felt that it was
21 something that given the improved relationship, that you
22 would have heard about it by that point?

23 **MR. WELLS:** If I understand your question
24 correctly ---

25 **MR. PAUL:** It's a fairly long question, I

1 know.

2 MR. WELLS: I'm sorry?

3 MR. PAUL: I know it's a fairly long
4 question, but ---

5 MR. WELLS: The item that brought my
6 attention or caused me some concern or brought my
7 attention, I guess, again was the fact that Sergeant Lortie
8 brought this up and the manner in which he brought it up,
9 and I guess his body language and demeanour in bringing it
10 up sort of caused me to sit back and recognize like,
11 "What's going on here?"

12 MR. PAUL: In addition to his demeanour and
13 how he approaches it, are you also surprised that given
14 your rank as an inspector, that you're hearing about this
15 for the first time, the Silmsler case, given the people
16 involved, what's involved?

17 MR. WELLS: Well, I wasn't an inspector at
18 the time, Mr. Paul. I was a staff sergeant in Professional
19 Standards.

20 MR. PAUL: Nevertheless, are you surprised
21 it hasn't come up at a morning meeting before given the
22 involvement of a priest and a probation officer?

23 MR. WELLS: Not necessarily, sir.

24 MR. PAUL: The manner in which it was
25 brought up, you would agree that these meetings are fairly

1 informal?

2 MR. WELLS: Yes, sir.

3 MR. PAUL: There's no formal agenda?

4 MR. WELLS: No, sir.

5 MR. PAUL: And certainly the topic of the
6 Silmsler investigation was clearly brought up by Sergeant
7 Lortie, not by anybody else?

8 MR. WELLS: He initially brought the subject
9 matter up, yes.

10 MR. PAUL: All right.
11 He's the one that raised the issue; correct?

12 MR. WELLS: Yes, he initiated the
13 discussion.

14 MR. PAUL: It wasn't raised or initiated by
15 Chief Shaver or Staff Sergeant Brunet?

16 MR. WELLS: Not to my recollection.

17 MR. PAUL: In addition, it would be perhaps
18 fair to say that the person who did the most talking about
19 that issue, the Silmsler case during the meeting, was in
20 fact Sergeant Lortie?

21 MR. WELLS: What I recollect, yes.

22 MR. PAUL: He talked about it more than
23 anybody else, including Chief Shaver or Staff Sergeant
24 Brunet?

25 MR. WELLS: What I recollect wasn't a

1 lengthy, lengthy discussion, but it was -- yes, I would say
2 that he probably occupied the greatest majority of the
3 floor on that discussion.

4 **MR. PAUL:** And in terms of what was said by
5 Chief Shaver, there was very little said by Chief Shaver.
6 Would you agree with that?

7 **MR. WELLS:** I don't recall what was said by
8 Chief Shaver in response to his concern.

9 **MR. PAUL:** Okay. And you don't recall what
10 was said by Staff Sergeant Brunet?

11 **MR. WELLS:** No, I don't.

12 **MR. PAUL:** Would you agree if I would
13 suggest that you were under the impression that had not
14 Sergeant Lortie raised that topic, it probably wouldn't
15 have come up at all? That was your impression?

16 **MR. WELLS:** On that -- at that meeting?

17 **MR. PAUL:** Yes.

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

19 **MR. PAUL:** Now, in terms of what you recall
20 being raised at that point, the discussion about the
21 Silmser case was fairly limited to a discussion about the
22 case. There were no details given at the meeting?

23 **MR. WELLS:** Not that I can recall. No, sir.

24 **MR. PAUL:** And as far as what you recall,
25 you don't recall any discussion about a civil settlement at

1 the meeting; correct?

2 MR. WELLS: No, I don't.

3 MR. PAUL: And you don't recall any
4 discussion about whether the file was closed or whether the
5 investigation had been closed?

6 MR. WELLS: That's correct.

7 MR. PAUL: So that was not discussed at the
8 meeting?

9 MR. WELLS: Not that I recall, no.

10 MR. PAUL: I mentioned the name Ken Seguin,
11 but would it be fair to say that when the Silmsler case was
12 discussed, is it possible that the name Ken Seguin wasn't
13 even mentioned at the meeting?

14 MR. WELLS: I don't recall Mr. Seguin's name
15 being mentioned. It was Father -- or a priest.

16 MR. PAUL: Just a priest?

17 MR. WELLS: I believe so.

18 MR. PAUL: All right.

19 And if the name Ken -- I mean, Ken Seguin
20 was a name that would be familiar with you; correct?

21 MR. WELLS: Yes, sir.

22 MR. PAUL: As a probation officer. There
23 wouldn't be that many probation officers at the time in
24 Cornwall?

25 MR. WELLS: No. Through my earlier years I

1 was aware that Ken Seguin was one of the probation
2 officers.

3 MR. PAUL: So it's a name that had been
4 mentioned. Certainly it would be something that you would
5 recall?

6 MR. WELLS: Yes, sir.

7 MR. PAUL: In terms of any action being done
8 by Chief Shaver, you don't recall anything that he
9 suggested he was going to be doing about the case?

10 MR. WELLS: No, I don't recall, sir, no. I
11 don't recall that.

12 MR. PAUL: You'll recall at some later point
13 discussion -- any discussion about Chief Shaver going to
14 visit the papal nuncio in Ottawa?

15 MR. WELLS: I recall, as a result of this
16 Inquiry, preparation for this Inquiry, I recall -- I cannot
17 say that I recalled that being mentioned but I can't
18 specify the date that I heard it on.

19 MR. PAUL: Okay, but your recollection, it
20 would not have been discussed at that meeting?

21 MR. WELLS: No.

22 MR. PAUL: And in terms of going to anybody
23 else, such as the Children's Aid and reporting to
24 Children's Aid, that wasn't discussed in that meeting?

25 MR. WELLS: No, sir.

1 **MR. PAUL:** I did want to ask you about one
2 other area that I was confused; whether it occurred at that
3 meeting or not, was the issue of project files. And I was
4 going to ask you about a portion of the -- it's in the
5 Exhibit 1742; the statement for the Ontario Provincial
6 Police. It would be at page 3.

7 I think you've already been asked about
8 this, about some parts of this page, in reference to the
9 middle portion but perhaps you could look at the reference
10 to the project file which I believe is at the bottom of the
11 answer, the last answer.

12 There's a reference to:

13 "Very, very few people in the
14 organization have knowledge of it. I
15 guess and was now -- I can't give you
16 any dates cause it was a morning
17 meeting and there was some concern as
18 to why it was in the project file."

19 Do you see that response?

20 **MR. WELLS:** Yes, I do.

21 **MR. PAUL:** And I just wanted to ask you, was
22 it your understanding that the project file didn't surface
23 until after the morning meeting of late September of ---

24 **MR. WELLS:** For some reason, I recall the
25 word "Project file" being utilized at that meeting.

1 However, in preparation for this Inquiry, I have reviewed
2 documents whereby I was informed or became aware that the
3 word "Project file" was later on in that.

4 **MR. PAUL:** All right. I'm just going to ask
5 you if you have a view on whether project file -- putting
6 anticipated -- placing of it in a project file was
7 discussed at the late September meeting or whether project
8 files is discussed at some later point, such as October or
9 November, or do you recall?

10 **MR. WELLS:** I recall the words "Project
11 file". However, I don't believe there was any conversation
12 at that meeting concerning putting anything into it.

13 **MR. PAUL:** When you indicate at the end of
14 the answer "and there was come concern as to why it was in
15 the project file." It's not very clear whose concern is
16 that, who is raising the concern that's in a project file?

17 **MR. WELLS:** My recollection would have been
18 Sergeant Lortie.

19 **MR. PAUL:** Okay and is he doing that at some
20 meeting that comes later, the September 28th, 1993?

21 **MR. WELLS:** It's possible, Mr. Paul.

22 **MR. PAUL:** Do you know what, if any,
23 response there was to his -- the concern that was raised
24 about a project file?

25 **MR. WELLS:** At that meeting?

1 MR. PAUL: Yes.

2 MR. WELLS: Not to my recollection.

3 MR. PAUL: You don't recall any response?

4 MR. WELLS: No, sir.

5 MR. PAUL: If you could look at the next
6 page. Towards the middle, there's a question:

7 "To your knowledge was it normal to
8 place a sexual assault investigation in
9 the project files?"

10 And you respond:

11 "I wasn't unaware of project procedures
12 because I believe at that point I was
13 in Professional Standards. My past
14 involvement in criminal investigations,
15 I'm not aware of any time that I was
16 ever asked to put something in a
17 project."

18 MR. WELLS: That's correct.

19 MR. PAUL: So it was your understanding that
20 it would be unusual to put a sexual assault matter in a
21 project file?

22 MR. WELLS: Yes, it would be.

23 MR. PAUL: And with ---

24 MR. WELLS: From my experience with project
25 files because I had very little experience with regards to

1 dealing with issues, if any, whereby I was asked to put any
2 -- one of my investigations or any investigations into a
3 project file. I had no experience in that regard or
4 knowledge of it, when and -- when it wouldn't be
5 appropriate.

6 **MR. PAUL:** Was it more standard for drug
7 cases where there's informants, would that be the type that
8 would be more often in a project file?

9 **MR. WELLS:** Possible. But then again, I'm
10 not familiar with the procedures of project files, Mr. Paul
11 and was not, rather.

12 **MR. PAUL:** But you would be familiar with
13 criminal investigations, CIB or sexual assault cases?

14 **MR. WELLS:** Yes.

15 **MR. PAUL:** And your experience in that area,
16 it was basically unheard of, that that type of case be put
17 in a project file?

18 **MR. WELLS:** Yes, sir, that's correct.

19 **MR. PAUL:** I've got a question on the next
20 page, page 4. The bottom -- again at the bottom the page,
21 there's a question:

22 "What is your comment about placing the
23 complaint in a project files?"

24 **MR. WELLS:** What page is that, sir?

25 **THE COMMISSIONER:** It's in page -- page 3.

1 Page 4, sorry.

2 MR. PAUL: Page 4, yes.

3 MR. WELLS: Page 4.

4 THE COMMISSIONER: Right at the bottom. It
5 should be on your left-hand side, 2283 on the top, sir.

6 MR. WELLS: All right, sir.

7 Thank you.

8 Go ahead. Sorry.

9 MR. PAUL: There's a question there:

10 "What is your comment about placing the
11 complaint in a project files?"

12 And by that question the complaint -- you
13 would interpret the complaint to be the Silmsers case;
14 correct?

15 MR. WELLS: Mr. Hall is asking me what is
16 your comment about placing the complaint in the project
17 files?

18 MR. PAUL: Would you have understood the
19 complaint to be the Silmsers complaint or Silmsers case?

20 MR. WELLS: May I review the next -- my
21 response to that, it may help me?

22 MR. PAUL: Yes.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. WELLS: Okay, sir.

25 MR. PAUL: Would you understand that

1 question in asking what the reasoning would have been -- or
2 what was your comments about placing the Silmser case in a
3 project file?

4 MR. WELLS: That would be my understanding
5 of what he means.

6 MR. PAUL: In terms of a response, you
7 indicate some general comments but you don't come right out
8 and say what the reasons were in the Silmser case, do you?

9 MR. WELLS: Because I had no knowledge of
10 the case.

11 MR. PAUL: And I would understand that you
12 were aware that Sergeant Lortie had raised concerns at some
13 point about why it was a project file?

14 MR. WELLS: That morning meeting?

15 MR. PAUL: I take it at a morning meeting.

16 MR. WELLS: I recall the word "project
17 files" brought up at that meeting, just those words
18 "project file". I can't remember in what context they were
19 brought up in.

20 MR. PAUL: It would have been in a meeting
21 with Chief Shaver?

22 MR. WELLS: Pardon me?

23 MR. PAUL: It would likely have been in a
24 meeting with Chief Shaver?

25 MR. WELLS: Well Chief Shaver was there at

1 that time.

2 **THE COMMISSIONER:** He's talking about "The
3 morning meeting", "The", capital "T", morning meeting and
4 at that time that's where he recalls hearing the words
5 "project file".

6 **MR. PAUL:** Yes. But in terms of -- there
7 was comments, concern about a project file and is it your
8 understanding that the words -- there were concerns about a
9 project file, would have been in the meeting in late
10 September?

11 **MR. WELLS:** I can't state specifically when
12 that meeting was or the exact date, I heard it.

13 I recall "The morning meeting" that those
14 words were used, "project file" but I don't remember in
15 what context they were used.

16 **THE COMMISSIONER:** But that's still "The
17 morning" when Sergeant Lortie asked about ---

18 **MR. WELLS:** That's correct, Mr.
19 Commissioner.

20 **THE COMMISSIONER:** Okay, all right.

21 **MR. PAUL:** And to your knowledge you were
22 never given any explanation of why the case was in a
23 project file?

24 **MR. WELLS:** It wasn't in a project file.

25 **THE COMMISSIONER:** No but eventually it was,

1 in October.

2 MR. WELLS: Yes.

3 THE COMMISSIONER: Were you ever given any
4 explanation as to why it was eventually turned into ---

5 MR. WELLS: No, it was basically not my -- I
6 was not involved in the investigation. So it was not my
7 responsibility to be part of that involvement and
8 therefore, I had no reason to be brought in or informed why
9 or why it wasn't.

10 MR. PAUL: All right. But you do -- I
11 suggest you do imply by one of your answers in the
12 interview that you were somehow a witness to Sergeant
13 Lortie addressing concerns about a project file?

14 I mean were you not a witness to some form
15 of discussion about there being concerns or objections to
16 the Silmsler case being in a project file?

17 I'm just suggesting if you were a witness to
18 some issue -- some raising of concerns or objections you
19 might have expected to receive an explanation to satisfy
20 those concerns.

21 MR. WELLS: When would I have made those
22 statements, Mr. Paul, that I had heard that Sergeant Lortie
23 ---

24 MR. PAUL: Well, I'm referring to page 3,
25 the bottom of page 3 where -- the last sentence you

1 indicate, "and there was some concern as to why it was in
2 the project file." You seem to be suggesting there was
3 concerns about it ---

4 **MR. WELLS:** Yes.

5 **MR. PAUL:** --- already being in a project
6 file, not about to be in one.

7 **MR. WELLS:** M'hm. Okay.

8 **MR. PAUL:** So I'm just wondering did you --
9 by the nature of that comment, did you, in fact, witness or
10 listen to some discussion with Sergeant Lortie or someone
11 else where they're raising an issue of concern about why
12 Silmser is actually in a project file at the time?

13 **MR. WELLS:** It's conceivable that I may have
14 made a mistake with regards to hearing the words "project
15 file" and then at a later date becoming more aware of a
16 project, and then in the year 2000 when I was interviewed
17 putting it all into one meeting instead of over a period of
18 time. That's possible that it could have happened.

19 **MR. PAUL:** Now, as a result of the morning
20 meeting in late September 1993, were you under the
21 impression that Staff Sergeant Brunet was going to look
22 into the Silmser case and find out what was going on, that
23 he didn't seem to know exactly what was going on?

24 **MR. WELLS:** I read somewhere in my
25 preparation for this Inquiry that that, in fact, was the

1 belief of some people within that meeting. However, I have
2 no recollection of that discussion taking place.

3 **MR. PAUL:** Now, nevertheless, were you under
4 the impression from the discussion at the morning meeting
5 that Chief Shaver and Staff Sergeant Brunet seemed to not
6 indicate very much knowledge of what was going on?

7 **MR. WELLS:** The impression I was left with,
8 sir, that it was brought up and it was going to be
9 explained or checked in on and something to that effect.

10 **MR. PAUL:** At a later point, some point
11 after the meeting, did you ever receive information
12 suggesting that perhaps Chief Shaver and Staff Sergeant
13 Brunet, in fact, had more information about what was going
14 on with the civil settlement and the charges then they
15 actually let on or gave at the meeting?

16 **MR. WELLS:** No, I wouldn't have had that
17 impression.

18 **MR. PAUL:** Okay. You didn't have the
19 impression from ---

20 **MR. WELLS:** That somebody was holding back?

21 **MR. PAUL:** You didn't have the impression
22 that they -- from the information you would have received
23 later, at later points, that they actually had more
24 knowledge than they gave at the meeting about the civil
25 settlement and the status of the charges not proceeding?

1 **MR. WELLS:** No, that thought obviously
2 crossed my mind when I was reading documents relevant to
3 this Inquiry ---

4 **MR. PAUL:** I mean, did you not ---

5 **MR. WELLS:** --- that maybe they could have
6 had more information. That thought crossed my mind then
7 but I had no impression after that meeting -- during that
8 meeting. There is a possibility I may have had that
9 impression later on after receiving information but ---

10 **MR. PAUL:** While in preparation -- reviewing
11 documents in preparation, does it leave you somewhat
12 surprised that you were not simply told at the meeting that
13 there was a civil settlement and the charges were not
14 proceeding?

15 **MR. WELLS:** Was it that the people that may
16 have had knowledge wouldn't have shared that with the
17 audience at that meeting; is that what you're suggesting?

18 **MR. PAUL:** Yes. Were you not surprised?

19 **MR. WELLS:** Not necessarily. There are some
20 things that an investigator may want to share, depending on
21 the sensitivity of it. It's not always the case where
22 you're going to openly share it with the confines or the
23 audience at a meeting. You may elect to, at different
24 times, speak to the Chief privately or the Deputy Chief if
25 you were the investigator.

1 **MR. PAUL:** All right. Without passing any
2 judgments then, you would agree that from your review of
3 the documents since you were probably not given all of the
4 information that could have been given at the meeting that
5 was available? You'd be, nevertheless, under that
6 impression?

7 **MR. WELLS:** I'll concede that I wasn't given
8 all of the information that could have been available at
9 that time.

10 **MR. PAUL:** I just want to ask you about
11 another part of this same document -- I believe it's page 7
12 -- an answer in the middle of the page. It talks here
13 about your impressions. There's a response:

14 "As a human being, as a police officer
15 I felt that \$32,000 was paid to
16 somebody and I sort of sat back and
17 said 'My God, why was it paid?' If
18 that's part of an answer then I
19 wouldn't be suspicious of that move."

20 I wanted to ask you, what were you trying to
21 get across in terms of that answer?

22 **MR. WELLS:** Well, I'd have -- I would say
23 that then you may want to go up a little piece and look at
24 some of the questions that they asked prior to me getting
25 to that point, if they were asking what I felt. Mr. Hall,

1 you answered ---

2 **MR. PAUL:** I think the page before you're
3 asked if Chief Shaver tried to cover up the investigation.
4 You say "To the best of my knowledge, no, sir." Then the
5 next question is "To your knowledge, did anyone else try to
6 cover up this investigation?" And then at some point later
7 in the middle you give this response that talks about the
8 \$32,000 and you seem ---

9 **MR. WELLS:** Yes.

10 **MR. PAUL:** --- to suggest some concern about
11 the -- would I be correct to say that you had a concern
12 when you found out that the complainant is being paid money
13 and the charges are not proceeding with and those two
14 things coinciding would cause you concern?

15 **MR. WELLS:** Yes, Mr. Paul, it did cause me
16 some concern.

17 **MR. PAUL:** And are you aware that Sergeant
18 Lortie was of the view that when he heard that he thought
19 there should be a criminal investigation surrounding ---

20 **MR. WELLS:** I'm not aware of what Sergeant
21 Lortie was feeling at that time or what his thinking
22 process was.

23 **MR. PAUL:** Would you share the view that
24 when you received or became aware that there was a
25 settlement that seemed to coincide with the charges not

1 proceeding, that it might be appropriate to conduct a
2 criminal investigation of what happened to determine if
3 there was any obstruction of justice?

4 **MR. WELLS:** You're asking me if I felt that
5 once becoming aware that \$32,000 was paid to the
6 complainant that I felt that there should be a criminal
7 investigation into ---

8 **MR. PAUL:** Yes. Maybe you could just
9 clarify when you became aware first -- at what point you
10 became aware.

11 **MR. WELLS:** I don't remember specifically
12 what date I became aware but I can tell you that when I did
13 become aware that a \$32,000 sum of money was paid to the
14 complainant I was very suspicious of it, yes.

15 **MR. PAUL:** And did it cross your mind that
16 it might be appropriate to consider a criminal
17 investigation related to obstruction?

18 **MR. WELLS:** Yes, sir, it did cross my mind.

19 **MR. PAUL:** One question -- I have a portion
20 of evidence of Superintendent Skinner, it would be Volume
21 196, page 46.

22 **THE COMMISSIONER:** Page 46 you say?

23 **MR. PAUL:** Page 46.

24 **THE COMMISSIONER:** All right. Where?

25 **MR. PAUL:** Towards the middle of the page

1 there's -- a portion of Superintendent Skinner's evidence
2 indicates:

3 "I saw no indication at all at any
4 point that any inspector was involved
5 in it and Staff Sergeant Brunet and
6 Constable Sebalj appear to be the only
7 people with any interest at all in this
8 investigation."

9 Now, he's referring to the Silmsler
10 investigation. I realize at that time you weren't an
11 inspector but you're certainly -- certainly you're familiar
12 with the function of an inspector in the Cornwall Police at
13 this point. And I just wanted to ask you, with your
14 knowledge of the Silmsler investigation and the function of
15 an inspector, would you think that an inspector would have
16 an important role to play in the type of investigation that
17 existed in the Silmsler case?

18 **MR. WELLS:** I'm sorry; Mr. Paul, you have me
19 at a disadvantage. I don't understand the page. I don't
20 understand the reading that you just read. I don't know
21 where you're coming from on this.

22 **MR. PAUL:** Page 46 and it's towards the
23 middle. I believe it's line 10.

24 **THE COMMISSIONER:** So this is Superintendent
25 Skinner testifying here who is talking.

1 **MR. WELLS:** Okay.

2 **THE COMMISSIONER:** And so go ahead.

3 **MR. PAUL:** There's a portion at line 10 to
4 14 where Superintendent Skinner indicates that he saw no
5 evidence that an inspector was involved.

6 **MR. WELLS:** "I saw no indication at all at
7 any point". Is that where it starts; right ---

8 **THE COMMISSIONER:** Yes, yes.

9 **MR. WELLS:** --- "...the inspector was
10 involved..." ---

11 **MR. CALLAGHAN:** I think it's fair to point
12 out, Mr. Commissioner, the test -- the evidence is is that
13 there wasn't an inspector in CIB at the time, it was just
14 the Deputy Chief.

15 **THE COMMISSIONER:** Yes.

16 **MR. WELLS:** Now, Mr. Paul, I'm sorry?

17 **MR. PAUL:** What function would an inspector
18 play in this type of case?

19 **THE COMMISSIONER:** Well, we just learned
20 what -- you know, there's no inspector at that time.

21 **MR. WELLS:** It would be similar to the staff
22 sergeant; The Officer-in-Charge of the Criminal
23 Investigation Bureau.

24 **MR. PAUL:** All right. Thank you.

25 **THE COMMISSIONER:** And the staff sergeant

1 was Brunet?

2 MR. PAUL: Brunet, yes.

3 Now, you were asked about a number of the
4 reports about incidents involving Mr. Dunlop, some to his
5 credit, and I was going to ask you if you're aware of a
6 recommendation for him as a Citizen of the Year at one
7 point. Do you remember that?

8 MR. WELLS: From my office?

9 MR. PAUL: Yes.

10 MR. WELLS: Yes, sir, I do.

11 MR. PAUL: And would that be in relation to
12 one of the incidents you've already spoken to, the one with
13 Constable De Gray?

14 MR. WELLS: I recall Constable De Gray's
15 reviewed it this morning with Ms. Jones.

16 MR. PAUL: And did that -- did that report
17 referred to this morning result in you sending a
18 recommendation that he be considered a Citizen of the Year?

19 MR. WELLS: I reviewed that document? I'm
20 not sure if that's one of the ---

21 MR. PAUL: I have it as Document 731093.

22 THE COMMISSIONER: No, no, sir.

23 (SHORT PAUSE/COURTE PAUSE)

24 THE COMMISSIONER: So, Mr. Paul, we saw one
25 document where the officer described Officer Dunlop saving

1 -- attempts to save someone. Is that what you're talking
2 about?

3 **MR. PAUL:** I think it may be the
4 recommendation doesn't refer to the incident. It gives a
5 date and I thought he might remember by the date.

6 **THE COMMISSIONER:** Well, did you make a
7 recommendation for Officer Dunlop to be named as Citizen of
8 the Year for any other incident other than that one?

9 **MR. WELLS:** If that was the -- I recall the
10 one time I did, Mr. Commissioner. I'm not sure if it was
11 that.

12 **THE COMMISSIONER:** All right.

13 **MR. WELLS:** I remember reviewing it this
14 a.m. and I believe it is, but I want to make sure before --
15 -

16 **THE COMMISSIONER:** Sure.

17 So, okay, Exhibit Number 1756, internal
18 correspondence to Inspector Runions from Staff Sergeant
19 Wells, dated April 9th, 1987.

20 **--- EXHIBIT NO./PIÈCE NO. P-1756:**

21 (731093) - Internal Correspondence from
22 Brendon Wells to C.O. Runions - dated April
23 9, 1987

24 **MR. WELLS:** Yes, sir?

25 **MR. PAUL:** The document doesn't refer to the

1 incident, but it refers to Constable Dunlop. It's dated
2 the 9th of April, 1987?

3 MR. WELLS: Yes.

4 MR. PAUL: So would that be around the time
5 of the incident with Constable De Gray?

6 MR. WELLS: Do we have a date on APS Don
7 De Gray's report?

8 MR. PAUL: Just a moment.

9 MR. WELLS: It's just ---

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. PAUL: Okay. Seventeen-thirty-nine
12 (1739) at ---

13 THE COMMISSIONER: Seventeen-thirty-nine
14 (1739). That was on January 11th, 1987 that you get the
15 letter from De Gray?

16 MR. WELLS: Yes, sir.

17 THE COMMISSIONER: All right. Thank you.

18 MR. PAUL: So it's a few months different?

19 MR. WELLS: And it's conceivable that
20 because of that report, I would be asked if I had any one
21 of my officers that I would recommend for a Citizen of the
22 Year, and as indicated here in this internal, Constable P.
23 Dunlop and then number two, Constable P. Dunlop and
24 Constable George Tyo, yes.

25 MR. PAUL: And that this recommendation be

1 something that be done on an annual basis?

2 MR. WELLS: Yes, if there -- if there were
3 any officers within the organization -- supervisors would
4 be asked were there any officers under their command that
5 they would recommend for that award, and this particular
6 time those two officers were recommended.

7 MR. PAUL: What does he brief you about
8 another incident -- there's another incident where there's
9 an issue surrounding a pager system; the use of a pager
10 system?

11 THE COMMISSIONER: A pager in the ---

12 MR. PAUL: Yes, yes. A complaint of
13 improper use of a pager system by Mr. Dunlop?

14 MR. WELLS: I ---

15 THE COMMISSIONER: Oh, I'm sorry.
16 Do you recall the incident?

17 MR. WELLS: I recall again ---

18 THE COMMISSIONER: Reading?

19 MR. WELLS: --- reading something of that.

20 MR. PAUL: Well, perhaps I could -- there's
21 another Document 728658.

22 (SHORT PAUSE/COURTE PAUSE)

23 MR. PAUL: Exhibit 1310 I'm told.

24 THE COMMISSIONER: Exhibit 1310. I don't
25 think I have it.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. PAUL: Part of what I wanted to ask you
3 about is towards the middle, the fourth paragraph, there's
4 some reference to whether a member of the Service contacted
5 the Police Commission directly and bypassed the chain of
6 command. Do you recall that being a concern of the
7 Cornwall Police?

8 MR. WELLS: This specific concern right
9 here?

10 MR. PAUL: Yes. Do you recall that as being
11 a concern that -- being a concern that a member of the
12 Police Force, instead of reporting it up the chain of
13 command, goes directly to the Police Commission. Is that a
14 concern that was raised?

15 MR. WELLS: Well, I see at the bottom upon
16 reviewing this document -- and this may have been the
17 document that I indicated that I had read -- obviously, it
18 was a concern to be addressed.

19 MR. PAUL: The actual complaint came from
20 the Police Commissioner, I believe. Is it Mr. Wilson?

21 MR. WELLS: Yes, as a result of a letter.

22 MR. PAUL: Was it never -- never determined
23 what the source was of the complaint?

24 MR. WELLS: Pardon?

25 MR. PAUL: Was it determined who actually

1 made the complaint to Mr. Wilson?

2 MR. WELLS: May I read this document once
3 more, Mr. Paul?

4 MR. PAUL: Yes, certainly.

5 (SHORT PAUSE/COURTE PAUSE)

6 MR. CALLAGHAN: Before we spend too much
7 time on it, maybe we can ask what this gentleman had to do
8 with this document?

9 THE COMMISSIONER: Well, we're often too --
10 I thought we were talking about a complaint about using the
11 pager system, and now we're looking at internal
12 correspondence about something about Officer Dunlop using a
13 car and going to Ottawa and testifying with or without a
14 uniform.

15 MR. PAUL: Right.

16 MR. CALLAGHAN: And I'm not sure in either
17 case what this gentleman has to do with it. Maybe he has
18 nothing to do with it, but maybe he has something.

19 MR. PAUL: What I'm asking about is ---

20 THE COMMISSIONER: Well, just a second.
21 Just a second though.

22 If you look at the back of this thing, it
23 says that Inspector Wells should be briefed on with respect
24 to that investigation.

25 MR. PAUL: Fair enough.

1 **THE COMMISSIONER:** So that opens that door
2 there.

3 **MR. CALLAGHAN:** Fair enough, fair enough.
4 I was a bit more on the other one. I
5 couldn't find the documents we were looking -- a "cc" or
6 whatever it was he was involved with.

7 **THE COMMISSIONER:** All right. So Mr. Paul?

8 **MR. PAUL:** I'm not interested so much in the
9 complaints, I'm just interested if there was any issue
10 about the manner in which complaints are going to the
11 Police Commission and if anything was done to address that,
12 whether there was any investigation or directions to
13 members to go through the chain of command and not go
14 directly to the Police Commission.

15 **MR. WELLS:** It was well known that it was
16 inappropriate for members of the service to direct their
17 attention to the board. There was a chain of command to be
18 followed.

19 I believe one body that was exempt from
20 doing that would have been the Association, but other than
21 that general members were not allowed to follow that course
22 of action.

23 **MR. PAUL:** I just want to ask you a few
24 questions of matters that arose through some of the
25 questions that other counsel asked.

1 I think you were asked about issues
2 surrounding Mrs. Dunlop and her approaching the complainant
3 and that raising a concern. I was just wondering are you
4 aware of actions taken by the Cornwall police requesting
5 that Mr. Dunlop speak to his wife? Were you aware of that?

6 MR. WELLS: I'm sorry; Mr. Paul, I don't
7 understand your question.

8 MR. PAUL: You were asked about the concern
9 -- Ms. Daley about concerns about Ms. Dunlop approaching a
10 complainant on her own.

11 MR. WELLS: Yes.

12 MR. PAUL: I was going to ask you were you -
13 - you indicated that raised a concern for you.

14 MR. WELLS: Yes.

15 MR. PAUL: Were you aware of any action
16 taken by the Cornwall police to request that Mr. Dunlop --
17 Constable Dunlop speak to his wife about it?

18 MR. WELLS: I believe that Staff Sergeant
19 Brunet had a conversation with Constable Dunlop to cease
20 and desist, have his wife in other words ---

21 MR. PAUL: And was not the impression left
22 that he was cooperative in that regard and was willing to
23 speak to her?

24 MR. WELLS: Yes, that's correct.

25 MR. PAUL: Just generally about the release

1 of the Silmsers statement to the Children's Aid, I just
2 wanted to clarify and ask you whether concerns you had at
3 the time. Were your concerns about the release of any
4 information to the Children's Aid or was it more the type
5 of release that shouldn't have been -- that the statement
6 shouldn't have been released but perhaps some information
7 should have been given?

8 **MR. WELLS:** Certainly there are some times
9 or some cases where information is shared with the
10 Children's Aid Society. And if they request further
11 information relevant to those specific cases then it would
12 be expected that they would attend the station and sit with
13 the investigator and go through those files.

14 **MR. PAUL:** Back at the time were you of the
15 view that while perhaps you disagreed with giving the full
16 statement that some information about the Silmsers case
17 should have been given to the Children's Aid?

18 **MR. WELLS:** I don't believe that -- I don't
19 believe that we were of the opinion that it was to be --
20 should be brought to the Children's Aid Society.

21 **MR. PAUL:** You were of the view initially
22 that it should not be?

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

24 **MR. PAUL:** Again about the Children's Aid,
25 you were asked some questions about the relationship

1 between Children's Aid and the police department. I just
2 wanted to ask you generally is it your understanding that
3 that relationship included Cornwall police members sitting
4 on the Children's Aid Board? Was that a common thing that
5 was standard?

6 MR. WELLS: It could be. It could be.

7 MR. PAUL: Were you aware whether the --
8 would the Chief of police sit as a member on the board, the
9 Children's Aid Board, or were you aware of that?

10 MR. WELLS: I'm not -- I'm not specifically
11 aware who. Again, because of this Inquiry, I was aware
12 apparently that Constable Malloy sat on the board ---

13 MR. PAUL: Yes.

14 MR. WELLS: --- and the chief may have in
15 the past.

16 MR. PAUL: I have a question for -- you did
17 make some reference to the advice of Colin McKinnon, legal
18 advice in relation to it becoming a brand new ballgame
19 because of the fact that the statement had not only gone to
20 the Children's Aid but had gone out to the news media. Am
21 I correct? Is that -- that was your impression that it
22 became a brand new ballgame because it went beyond the
23 Children's Aid?

24 MR. WELLS: I believe, sir, it would be more
25 accurate to say that Mr. McKinnon's advice was it was a

1 brand new ballgame because it was a public complaint; it
2 was now a public complaint.

3 MR. PAUL: So it wasn't the fact that it
4 went beyond the Children's Aid that made it a brand new
5 ballgame?

6 MR. WELLS: He could have formed that
7 opinion because of that too. But I know at the end of the
8 day, I was advised that it was no longer an internal
9 matter. It was now out in the public, formed part of a
10 public complaint and it was a brand new ballgame. And my
11 question, I think, came from -- because it was this double
12 jeopardy.

13 MR. PAUL: All right. And the views you
14 were given was that it was not double jeopardy?

15 MR. WELLS: That's correct.

16 MR. PAUL: Some general questions about the
17 civil action. I think you indicated in your final comments
18 that one of your greatest concerns was the civil action and
19 the effect on reputation; that was one of your greatest
20 concerns?

21 MR. WELLS: Yes, sir.

22 MR. PAUL: In terms of the civil action, I
23 just wanted to ask you, in terms of the eventual outcome --
24 there wasn't a trial, I would take it, in the civil action?

25 MR. WELLS: I don't believe so.

1 **MR. PAUL:** Did you not -- you didn't testify
2 at any point in the civil action?

3 **MR. WELLS:** No, sir, I did not.

4 **MR. PAUL:** And you did mention concerns
5 surrounding that the civil action included allegations of a
6 conspiracy?

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

8 **MR. PAUL:** And you would agree that the
9 civil action went beyond that claim; there was other claims
10 mixed in; that was only one?

11 **MR. WELLS:** That's correct. Against me.

12 **MR. PAUL:** Would the claim also have
13 included claims in relation to the manner in which Mr.
14 Dunlop was prosecuted, claims in the nature of malicious
15 prosecution, was that ---

16 **MR. WELLS:** That I blocked the investigation
17 or public complaint, to that effect. I don't know the
18 exact -- I don't remember the exact words, sir. I'd have
19 to refer to the document. That there was a number of
20 areas.

21 **MR. PAUL:** You were asked a number of
22 questions about persons that you associated with, and I
23 think I'm clear on that, but I just wanted to ask you about
24 Mr. Shaver and whether you have any knowledge whether he
25 associated with some of those same people, such as, for

1 example, Malcolm MacDonald. Do you have any knowledge
2 whether Chief Shaver associated with Malcolm MacDonald?

3 MR. WELLS: I don't know who Chief Shaver
4 associated with.

5 MR. PAUL: Okay. So you don't know whether
6 he associated at all with Ken Seguin or knew him?

7 MR. WELLS: I don't know who Chief Shaver's
8 acquaintances were.

9 MR. PAUL: The other area I had is Exhibit
10 1481.

11 (SHORT PAUSE/COURTE PAUSE)

12 THE COMMISSIONER: Okay. So we're at 1481.

13 MR. PAUL: Yes. This would be a letter
14 dated September 15th, 1997 to Chief Repa from Sergeant
15 Lortie I believe -- Claude Lortie ---

16 THE COMMISSIONER: M'hm.

17 MR. PAUL: --- in his capacity as president
18 of the Police Association.

19 Have you read this letter in preparation?

20 MR. WELLS: Yes, I have.

21 MR. PAUL: And I believe at the time of this
22 letter, had you been involved in Standards?

23 MR. WELLS: Inspector Wells' office, no,
24 sir. I would have been the officer in charge of field
25 operations.

1 **MR. PAUL:** Okay. So ---

2 **MR. WELLS:** So it would be after March 21st,
3 1996 or thereabouts.

4 **MR. PAUL:** Now, having read this letter, can
5 you indicate, in terms of the relationship of this letter
6 to Sergeant Lefebvre, what your knowledge of how he's
7 involved and what's raised in this letter?

8 **MR. WELLS:** I have absolutely no knowledge
9 of ever disciplining or having anything to do with
10 disciplining Sergeant Lefebvre.

11 **MR. PAUL:** There's an indication here in a
12 portion of the letter towards the middle of the second
13 paragraph that indicates:

14 "Some time later a number of officers
15 advised their supervisor that, in fact,
16 the incident had occurred and that they
17 had lied at the time of the internal
18 investigation."

19 And I wanted to ask you, do you know who
20 that supervisor referred to is?

21 **MR. CALLAGHAN:** First of all, one has to
22 wonder what relevance it is to the Inquiry and whether it
23 relates to any of the individuals. I mean, you've heard --
24 this issue's been raised with other officers and you've
25 heard not only Staff Sergeant Derochie but Sergeant Bernie

1 on these issues.

2 I don't think you can sort of generally do
3 an inquiry as to discipline issues unless they relate to
4 the issues that were dealt with within the confines of this
5 Inquiry.

6 **THE COMMISSIONER:** Mr. Paul, how do you ---

7 **MR. PAUL:** The question relates to -- I
8 think this was raised previously with Sergeant Lortie.

9 **THE COMMISSIONER:** Yes.

10 **MR. PAUL:** And I believe he had some
11 knowledge, but limited knowledge about the portions I was
12 interested in. I think I was allowed to ask questions only
13 in relation to Sergeant Lefebvre.

14 **THE COMMISSIONER:** Right. Because he
15 testified -- well ---

16 **MR. PAUL:** We don't know whether he's going
17 to testify but in the event he does I think it's important
18 for me to have the information, whether he's one of the
19 individuals referred to that approached the supervisor.

20 **THE COMMISSIONER:** Right. But if I remember
21 correctly, and it's getting late in the day, that I
22 permitted you to go there on the basis that it may effect
23 the credibility of some of the people that are involved in
24 this subject matter of this Inquiry. Am I correct that
25 far, Mr. Paul?

1 **MR. PAUL:** Yes.

2 **THE COMMISSIONER:** Okay. And so we ask -- I
3 permitted you to ask about Sergeant Lefebvre because he's
4 part and parcel of some aspects of this Inquiry.

5 So having said that, now we're -- you want
6 to ask this officer if Sergeant Lefebvre was?

7 **MR. PAUL:** I want to know, basically -- the
8 letter is vague because it makes reference to Sergeant
9 Lefebvre at the end being one of a number of people seeking
10 legal assistance but it's not clear who the individuals are
11 who allegedly admit lying to a supervisor.

12 So I wanted to know whether Sergeant
13 Lefebvre is one of those individuals. I'm not going to ask
14 about either of the other two officers that are referred to
15 in the letter.

16 **THE COMMISSIONER:** Well ---

17 **MR. CALLAGHAN:** First of all, I thought the
18 proper confines was -- was the issue of found discipline
19 issues and I think this man has said he never dealt with a
20 discipline issue regarding Staff Sergeant Lefebvre. So I
21 don't understand where we're going now.

22 **THE COMMISSIONER:** Mr. Paul?

23 **MR. PAUL:** It was my understanding that I
24 was allowed to ask in relation to this letter, in relation
25 to Sergeant Lefebvre's involvement and my understanding of

1 the previous ruling, I did not believe I was limited to
2 actual discipline rulings; that I was entitled to ask in
3 relation to Sergeant Lefebvre's involvement in this
4 incident.

5 **THE COMMISSIONER:** Go ahead.

6 **MR. CALLAGHAN:** I had thought -- I wasn't
7 here, Mr. Manderville was. I was pretty clearly of the
8 view that we were dealing with the issues that were dealt
9 with as a matter of discipline for the purpose of this
10 Inquiry.

11 Discipline is obviously a very contentious
12 issue about it and I thought that we had crossed that
13 bridge but I may be mistaken.

14 **THE COMMISSIONER:** Well, we had because I
15 was interested -- I was interested and I thought it was
16 relevant to see if -- as it affected Sergeant Lefebvre's
17 possible credibility.

18 **MR. CALLAGHAN:** Right.

19 **THE COMMISSIONER:** So, he's saying that he
20 never disciplined Sergeant Lefebvre.

21 **MR. CALLAGHAN:** Right.

22 **THE COMMISSIONER:** So there may have been an
23 investigation in which Sergeant Lefebvre was involved and
24 what you're saying is because there was no discipline
25 arising out of that, that should be the end of it?

1 **MR. CALLAGHAN:** I think the difficulty you
2 get to is then you're going to get into a sub-discussion
3 about were the allegations merits -- I'm not suggesting --
4 I don't know -- I don't know if this has anything to do
5 with Sergeant Lefebvre et al, but the concern I have is
6 when you go into that substrata you get into, well someone
7 alleged but that's a lie and then you're now into a
8 secondary issue.

9 There's plenty of evidence to make
10 conclusions on here and that's why I'd always understood
11 when you dealt with discipline you dealt with findings of
12 discipline and that was a major ---

13 **THE COMMISSIONER:** No, no, no. No, that's -
14 --

15 **MR. CALLAGHAN:** And that's what I always
16 understood. The new case law coming out was when we deal
17 with the findings, otherwise you're going to get dragged
18 into someone saying, "Well this isn't -- you know, someone
19 made this allegation, that's not true" and et cetera, et
20 cetera and now we're chasing other things.

21 **THE COMMISSIONER:** No. First of all, you
22 know, I never made any findings about what I would do with
23 respect to discipline cases.

24 **MR. CALLAGHAN:** All right.

25 **THE COMMISSIONER:** There was some side

1 agreement with some parties of which I had nothing to do
2 with.

3 **MR. CALLAGHAN:** No, I understand that.

4 **THE COMMISSIONER:** All right. All right.

5 **MR. CALLAGHAN:** I understand there were
6 agreements amongst counsel.

7 **THE COMMISSIONER:** Yeah. So -- pardon me?

8 **MR. CALLAGHAN:** Well, I mean I'm not going
9 to -- my problem is, I wasn't the one dealing with it, Mr.
10 Manderville dealt with it. I think it's best not to engage
11 a discussion with the Commissioner who was here and I
12 wasn't on those occasions.

13 **THE COMMISSIONER:** Good, so -- okay.

14 **MR. CALLAGHAN:** But my -- it's just ---

15 **THE COMMISSIONER:** Yes, but this can be
16 resolved so quickly.

17 **MR. CALLAGHAN:** It could be. It could be he
18 doesn't know anything about it. I don't know what he's
19 going to say. Let's see what he says.

20 **THE COMMISSIONER:** No, no, just a minute,
21 just a minute. Just a minute.

22 Sir, was Sergeant Lefebvre involved as being
23 -- how was he involved in this investigation, was he one of
24 the direct people you were investigating or was he involved
25 with this peripherally?

1 **MR. WELLS:** Mr. Commissioner, I absolutely
2 have no idea.

3 **THE COMMISSIONER:** Okay. Well there you go.
4 He has no idea.

5 **MR. PAUL:** Those would be my questions, sir.

6 **THE COMMISSIONER:** Terrific.

7 And so ends another day.

8 **(LAUGHTER/RIRES)**

9 **THE COMMISSIONER:** So now I need to take
10 some -- because we have to control our time here, so Mr.
11 Neville, will you have any questions of this gentleman?

12 **MR. NEVILLE:** About 15 minutes at the most,
13 sir.

14 **THE COMMISSIONER:** Concerning your client's
15 interests, of course.

16 **MR. NEVILLE:** That's my role, sir.

17 **THE COMMISSIONER:** That's right. Okay. Mr.
18 Chisholm?

19 **MR. CHISHOLM:** Fifteen (15) or less, sir.

20 **THE COMMISSIONER:** All right.

21 Monsieur Rouleau?

22 **MR. ROULEAU:** Nothing, sir.

23 **THE COMMISSIONER:** Mr. Kloeze?

24 **MR. KLOEZE:** I'll have nothing, sir.

25 **THE COMMISSIONER:** All right. Mr. Kozloff?

1 **MR. KOZLOFF:** Depends on which time we're up
2 to.

3 **THE COMMISSIONER:** Exactly. Exactly. And
4 Mr. Carroll?

5 **MR. CARROLL:** Not at this point, sir.

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

7 **MR. CARROLL:** Not at this point, sir.

8 **THE COMMISSIONER:** Terrific.

9 And Mr. Callaghan?

10 **MR. CALLAGHAN:** I would assume an hour.

11 **THE COMMISSIONER:** All right, thank you. So
12 we'll see you tomorrow morning at 9:30. Thank you.

13 **THE REGISTRAR:** Order, all rise. À l'ordre,
14 veuillez vous lever.

15 This hearing is adjourned until tomorrow
16 morning at 9:30 a.m.

17 --- Upon adjourning at 5:04 p.m./

18 L'audience est ajournée à 17h04

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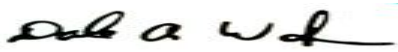
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM