

**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 238

Held at :

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

Thursday, June 5 2008

Tenue à:

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

Jeudi, le 5 juin 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Ms. Karen Jones	
Ms. Janie Larocque	
Mr. George MacPherson	
Mr. John E. Callaghan	Cornwall Community Police
Mr. Mark Crane	Service and Cornwall Police
Mr. Peter Manderville	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
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
Mr. Joseph St. Denis	Mr. Joseph St. Denis

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1 --- Upon commencing at 9:32 a.m./

2 L'audience débute à 9h32

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you.

10 Good morning, all. So where were we this
11 morning?

12 How are you doing today, sir?

13 **MR. WELLS:** Fine, sir. Yourself?

14 **THE COMMISSIONER:** Great. Well, the weekend
15 is coming.

16 **MR. WELLS:** God willing.

17 **THE COMMISSIONER:** Mr. Neville.

18 **MR. NEVILLE:** Good morning, Commissioner.

19 At least there weren't three overtime
20 periods last night.

21 **THE COMMISSIONER:** That's right. That's
22 right.

23 **BRENDON WELLS, Resumed/Sous le même serment:**

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

25 **NEVILLE:**

1 **MR. NEVILLE:** Good morning, Inspector. My
2 name is Michael Neville and I represent Father Charles
3 MacDonald, the Estate of Ken Seguin, Douglas Seguin, the
4 Seguin family.

5 **MR. WELLS:** Good morning, Mr. Neville.

6 **MR. NEVILLE:** I expect to be only a very few
7 minutes with you.

8 Could we start, Commissioner, with Exhibit
9 1748?

10 **THE COMMISSIONER:** Yes, we can.

11 **MR. NEVILLE:** And it will assist as well,
12 Commissioner, if Inspector Wells could also be provided
13 with Exhibit 1253.

14 **THE COMMISSIONER:** Twelve-fifty-three (1253)
15 you said?

16 **MR. NEVILLE:** Yes, sir.

17 **THE COMMISSIONER:** Thank you.

18 **MR. NEVILLE:** Do you have both there, sir?

19 **MR. WELLS:** Yes, sir, I do.

20 **MR. NEVILLE:** I'm just trying to make the
21 pieces fit together a bit for everybody's benefit,
22 Commissioner.

23 If we look at Exhibit 1748, your memo to the
24 Acting Chief, in the first sentence you not only, in this
25 memo, summarize your conclusion, but you enclose something

1 called Form 4, Final Report.

2 MR. WELLS: That's correct.

3 MR. NEVILLE: And if you'd look then at
4 Exhibit 1253 and confirm for me that that is in fact the
5 Form 4 Final Report?

6 MR. WELLS: That's correct, sir.

7 MR. NEVILLE: All right.

8 Because in your chief, we used a different
9 document or Exhibit Number 643, which actually came from a
10 later matter, the *Police Services Act* and incorporated
11 this, but this is what you are talking about in your memo
12 as Form 4?

13 MR. WELLS: That's correct.

14 MR. NEVILLE: All right. And contained
15 within it, we have -- and I'll just use your numbering --
16 at the top of the right corner you'll see 51 pages, and if
17 you could just turn for me to page 3 of 51. From page 3 to
18 page 6 you go through, in effect, a chronology of each of
19 the steps you followed?

20 MR. WELLS: That's correct, sir.

21 MR. NEVILLE: And you have a reference in
22 there, as you touched on briefly, of two contacts with Mrs.
23 Dunlop, asking her to provide a statement or an interview,
24 which she agreed to consider initially and then declined?
25 And you'll see that on page 4, using your numbering.

1 MR. WELLS: Yes, I ---

2 MR. NEVILLE: Are you there?

3 MR. WELLS: Yes, I did have a contact with
4 Mrs. Dunlop.

5 MR. NEVILLE: And then she got back to you
6 later the same day, declining your invitation?

7 MR. WELLS: That's correct.

8 MR. NEVILLE: All right.

9 And you also had attempted to interview Mr.
10 Abell of CAS, and if you look at the top of page -- your
11 page 5, he declines to give a statement for civil
12 litigation reasons?

13 MR. WELLS: That's correct, sir.

14 MR. NEVILLE: All right.

15 Now, could I just refer you -- and then
16 throughout the body of the report, there are various
17 interview statements from a number of people that you took
18 statements from by sending them a memo requesting an
19 initial statement, and then I think almost invariably met
20 with each person and conducted a Q. and A. session?

21 MR. WELLS: That's correct.

22 MR. NEVILLE: Questions and answers; right?

23 MR. WELLS: That's correct.

24 MR. NEVILLE: All right.

25 And could we just look briefly at, again

1 using your numbers, page 19 of 51? It's Bates page,
2 Commissioner, 618.

3 MR. WELLS: Yes, sir.

4 MR. NEVILLE: This is the initial statement
5 by Staff Sergeant Brunet?

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

7 MR. NEVILLE: And if you'd look for me at
8 the fourth paragraph, it starts with the phrase, "On or
9 about September 3rd, 1993". Do you see that paragraph?

10 MR. WELLS: Yes, sir, I do.

11 MR. NEVILLE: All right. Now, you knew that
12 Staff Sergeant Brunet was in charge of the Criminal
13 Investigation Branch at that time?

14 MR. WELLS: Yes, sir, I did.

15 MR. NEVILLE: And that Constable Sebalj, who
16 was tasked with the Silmsler investigation, reported to him?

17 MR. WELLS: That's correct.

18 MR. NEVILLE: All right. And in that
19 paragraph -- and I won't read it out -- he confirms
20 contacts he had with various lawyers about the settlement
21 of the civil -- of the civil settlement is what I'm talking
22 about -- in the Silmsler matter?

23 MR. WELLS: Yes, sir.

24 MR. NEVILLE: In early September; right?

25 MR. WELLS: Yes, sir.

1 **MR. NEVILLE:** Including a meeting with the
2 Crown Attorney?

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

4 **MR. NEVILLE:** All right.

5 Now, could we then look at page 24 of 51?
6 Perhaps for context I should refer you quickly to page 22.
7 This is the initial statement of Sergeant Lortie?

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

9 **MR. NEVILLE:** And then if we turn to -- I
10 referred you to page 24. This is the question and answer
11 session that took place on February 17th?

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

13 **MR. NEVILLE:** Now, there's a question and
14 then an answer. I take it you would record the question
15 put to Sergeant Lortie and record what his answer was?

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

17 **MR. NEVILLE:** All right. And one of the
18 questions you put to him was -- he speaks, in the third
19 answer or second answer from the top, about seeing Mr.
20 Dunlop with a victim statement, and you then ask him when
21 this would have been, before or after the morning meeting
22 of September 28th. And his answer on that day was he did
23 not recall. Was that his answer?

24 **MR. WELLS:** Whereabouts are you, Mr.
25 Neville?

1 **MR. NEVILLE:** I'm in the middle of page 24.

2 **MR. WELLS:** Okay.

3 **MR. NEVILLE:** The second question from the
4 top, you asked whether Mr. Dunlop had told Lortie about
5 having a copy of a victim statement. He says he saw him
6 with one.

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

8 **MR. NEVILLE:** You ask him when that would
9 have been in relation to this September 28th meeting, and
10 his answer on the 17th of February was he did not recall?

11 **MR. WELLS:** That's correct, sir.

12 **MR. NEVILLE:** Two questions from the bottom,
13 you asked whether he and Mr. Dunlop had visited the Crown's
14 office on this matter?

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

16 **MR. NEVILLE:** And his answer on February 17th
17 was, no, he couldn't remember that?

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

19 **MR. NEVILLE:** Could we look at page 30 of
20 51?

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

22 **MR. NEVILLE:** I take it this is the response
23 statement from then Deputy Chief St. Denis?

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

25 **MR. NEVILLE:** And if you look at the first

1 paragraph for me, he discusses what we know as the
2 September 28th meeting?

3 MR. WELLS: Yes, sir.

4 MR. NEVILLE: And he attributes to Sergeant
5 Lortie the use of the word "cover-up"?

6 MR. WELLS: Yes, sir.

7 MR. NEVILLE: Now, do you recall that word
8 or words to that effect being part of what Lortie was upset
9 about?

10 MR. WELLS: I don't recall the word "cover-
11 up" being used, Mr. Neville.

12 MR. NEVILLE: Okay. All right.
13 This is what St. Denis said he recalled?

14 MR. WELLS: Yes, sir.

15 MR. NEVILLE: And he refers at the end of
16 that paragraph to the fact that Staff Sergeant Brunet was
17 very upset and came to see him about it?

18 MR. WELLS: That's correct.

19 MR. NEVILLE: All right.

20 THE COMMISSIONER: Well, that's correct --
21 that's correct that that's what he says.

22 MR. NEVILLE: Yes. But that's what he
23 records as being -- as what happened ---

24 THE COMMISSIONER: All right.

25 MR. NEVILLE: --- in the statement to him.

1 Now, could we look briefly at one other
2 document. It's Document 718886.

3 Now, this document, Commissioner, I don't
4 know until I ask Inspector Wells if he has seen it, but I
5 want to ask him about the content of it.

6 **THE COMMISSIONER:** Exhibit 1757 is a letter
7 to the Police Complaints Commissioner dated June 13th, 1994
8 from Bryce Geoffrey.

9 **--- EXHIBIT NO./PIÈCE NO. P-1757:**

10 (718886) Letter to the Police Complaints
11 Commissioner from Bryce Geoffrey dated June
12 13, 1994

13 **MR. NEVILLE:** And you knew Mr. -- you see
14 the letter, Inspector?

15 **MR. WELLS:** Yes, I do, sir.

16 **MR. NEVILLE:** And you know, of course, the
17 author, Mr. Geoffrey, although it's signed for him, as Mr.
18 Silmser's counsel?

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

20 **MR. NEVILLE:** All right. Can we just look
21 then? He's responding, it would appear, to correspondence
22 queries by the Police Complaints Commissioner and what he
23 says in the first paragraph is this:

24 "I am writing to confirm that the
25 nature of my client's complaint deals

1 with all unauthorized disclosure of
2 confidential information received by a
3 member of the Cornwall Police Services
4 Board."

5 I'm not sure why he talks about the Board.

6 "The initial complaint by my client
7 made at the Cornwall Police Station on
8 January 21st..."

9 Now, just stopping there. That's the one
10 that you prepared with Mr. Geoffrey and Mr. Silmsner?

11 **MR. WELLS:** That's correct, sir.

12 **MR. NEVILLE:** "...dealt with the
13 disclosure by Officer Perry Dunlop of a
14 copy of my client's written complaint
15 to personnel of a Children's Aid
16 Society only, because at the time of
17 making the complaint there have been no
18 admission that Officer Dunlop had, in
19 fact, disclosed this information to
20 members of the media."

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

22 **MR. NEVILLE:** Is that your understanding?

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

24 **MR. NEVILLE:** All right. And then he goes
25 on to explain that he eventually became aware of the

1 question of disclosure to the media.

2 MR. WELLS: That's correct.

3 MR. NEVILLE: All right.

4 And just briefly, if we could look next,
5 Commissioner, at Exhibit -- there are actually three that
6 go together, sir, 1751, 1753 and I have it, sir, as Exhibit
7 644. It's the Standard Freeholder story quoting Officer
8 Dunlop. This deals with Douglas Seguin.

9 THE COMMISSIONER: Six-forty (640) ---

10 MR. NEVILLE: Four -- 644.

11 THE COMMISSIONER: Right. Thank you.

12 (SHORT PAUSE/COURTE PAUSE)

13 THE COMMISSIONER: All right. So are we
14 there?

15 MR. NEVILLE: Do you have everything there,
16 Inspector?

17 MR. WELLS: Six-four-four (644), you said?

18 MR. NEVILLE: Six-four-four (644) and then
19 two documents from yesterday, Exhibits 1751 and 1753.

20 THE COMMISSIONER: That's in your second
21 book.

22 Do you have the news thing?

23 MR. WELLS: Yes, I do.

24 THE COMMISSIONER: Look in the other book,
25 1751.

1 MR. WELLS: Yes, sir.

2 THE COMMISSIONER: All right.

3 MR. NEVILLE: You have all three there now?

4 All right.

5 Let's look quickly then at 1751. This is
6 your memo?

7 MR. WELLS: Yes, sir.

8 MR. NEVILLE: And you raise a concern to the
9 deputy -- sorry, to the Acting Chief about a September 24,
10 1994 Standard Freeholder article quoting Mr. Dunlop?

11 MR. WELLS: That's correct.

12 MR. NEVILLE: And then you eventually dealt
13 with Douglas Seguin who had a complaint of what he felt
14 were improper statements slandering his brother?

15 MR. WELLS: That's correct.

16 MR. NEVILLE: His late brother. All right.

17 Now, could we just confirm, sir, that
18 Exhibit 644 is the Standard Freeholder article that you're
19 referencing, by Ms. Byrne?

20 MR. WELLS: That's correct.

21 MR. NEVILLE: All right.

22 Now, if we look at Exhibit 1753, this is
23 also addressed to you and confirm, if you would, that this
24 is Douglas Seguin's letter of complaint raising his
25 concern?

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

2 **MR. NEVILLE:** And if you'd look in the
3 middle, the fourth paragraph from the top, he itemizes
4 certain newspaper articles and number two is the same
5 article?

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

7 **MR. NEVILLE:** And was it your understanding,
8 sir, that eventually Mr. Seguin's complaint was fully
9 looked into, including, at his request, the Police
10 Complaints Commissioner, and it was felt that the complaint
11 would not proceed, was unfounded?

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

13 **MR. NEVILLE:** And just to close that loop,
14 as it were, could we look, Commissioner, at Document
15 122246?

16 **THE COMMISSIONER:** Exhibit Number 1758 is a
17 letter to Mr. Douglas Seguin from Gerald Lapkin dated
18 February 7th, 1996.

19 **--- EXHIBIT NO./PIÈCE NO. P-1758:**

20 (122246) - Letter from Gerald Lapkin to
21 Douglas Seguin dated February 7, 1996

22 **MR. NEVILLE:** If we look, if you could,
23 Inspector, at page 2 of the letter, the second full
24 paragraph from the bottom, Mr. Lapkin says:

25 "Well, it is inappropriate for a police

1 officer to release information other
2 than for authorized purposes. This
3 limitation cannot apply to prohibit the
4 officer from fully responding to any
5 charge of misconduct against him. In
6 my opinion, the comment attributed to
7 Constable Dunlop were limited to
8 explaining the reasons for his actions,
9 however, I can also understand why you
10 could conclude that the comments
11 implied your brother's guilt. In all
12 of the circumstances, however,
13 Constable Dunlop's conduct does not
14 amount to professional misconduct."

15 And you became aware that that was the
16 conclusion?

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

18 **MR. NEVILLE:** Now, finally, sir, you
19 mentioned the lawsuit by Mr. Dunlop?

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

21 **MR. NEVILLE:** And I don't wish to bring up
22 painful things but ---

23 **MR. WELLS:** But all right.

24 **MR. NEVILLE:** --- I just want to refer the
25 witness, Commissioner, to Exhibit 673.

1 **THE COMMISSIONER:** The last exhibit in that
2 book, sir.

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **MR. NEVILLE:** Now, just so you know
5 contextually, Inspector, this is the third of the
6 statements of claim on behalf of Perry Dunlop.

7 There was an initial one in the summer of
8 '96, one in November of '96, and then a further one. It's
9 misdated as January '97; we all know that it had to be '98.

10 If we just look at the front page of it, you
11 are a named defendant?

12 **MR. WELLS:** I am.

13 **MR. NEVILLE:** And can we look now at --
14 using the pages of the document itself at the top centre,
15 let's look at page 8, paragraph 37.

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

17 **MR. NEVILLE:** "It is pleaded by Dunlop
18 that several police personnel..."
19 -- including yourself, right?

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

21 **MR. NEVILLE:** "...reversed an earlier
22 decision to deal with his perceived
23 misconduct by way of counselling
24 instead for the malicious purposes
25 herein after particularized..."

1 And we'll get to those in paragraph 39.

2 "...caused a Board of Inquiry to be
3 instituted for the purpose of harming
4 Dunlop."

5 Is that what you did, personally?

6 **MR. WELLS:** For the purpose of harming?

7 **MR. NEVILLE:** Right.

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

9 **MR. NEVILLE:** Let's look at the reasons they
10 cite for what they say you did, paragraph 39, and let me
11 ask you if there's any truth to any of these; 39A:

12 "Because of your..."

13 -- because you're named.

14 "...association and/or friendship with
15 MacDonald and Seguin."

16 That's Father MacDonald and Seguin.

17 Did you have any such friendship with Father
18 MacDonald or Ken Seguin?

19 **MR. WELLS:** Absolutely not.

20 **MR. NEVILLE:** Next page, paragraph B:

21 "Their..."

22 -- that's you.

23 "...improper and unreasonable deference
24 and/or support for Father MacDonald..."

25 -- I'll put in the proper title.

1 "...as a Roman Catholic priest."

2 Is that true in your case?

3 **MR. WELLS:** No, sir, it is not.

4 **MR. NEVILLE:** "C: Your improper and
5 unreasonable deference and/or support
6 for Seguin as a provincial probation
7 officer."

8 Is there any truth to that allegation?

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

10 **MR. NEVILLE:** "D: Your anger at the
11 suicide of Seguin after the statement
12 was released to the CAS by Dunlop."

13 Any truth to that?

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

15 **MR. NEVILLE:** "E: Your continuing desire
16 to protect Father MacDonald and Seguin
17 from prosecution."

18 Did you have any such desire?

19 **MR. WELLS:** No, sir, I did not.

20 **MR. NEVILLE:** "F: Your desire to punish
21 Dunlop for having exposed a cover-up of
22 the complaint engaged in individually
23 or jointly."

24 -- that's by you.

25 Any truth to that, sir?

1 **MR. WELLS:** Absolutely not, Mr. Neville.

2 **MR. NEVILLE:** "G: Your desire to focus
3 attention on Dunlop's conduct as a
4 means to distract attention from your
5 failure to investigate and prosecute
6 diligently the complaint."

7 Any truth to that, sir?

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

9 **MR. NEVILLE:** Those are my questions.

10 Thank you.

11 **THE COMMISSIONER:** Mr. Chisholm.

12 **MR. CHISHOLM:** Good morning, sir.

13 **THE COMMISSIONER:** Good morning.

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

15 **CHISHOLM:**

16 **MR. CHISHOLM:** Good morning, Inspector. You
17 know I'm Peter Chisholm. I'm counsel for the CAS.

18 A couple of questions for you, if I may.

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

20 **MR. CHISHOLM:** Yesterday, you spoke of your
21 time in the Youth Bureau and you indicated that you felt
22 that the CAS was at times not as forthcoming as they could
23 have been. Do you recall that evidence?

24 **MR. WELLS:** Yes, I do, sir.

25 **MR. CHISHOLM:** And with respect to your time

1 in the Youth Bureau, I looked at Exhibit 1738, and the
2 second page ---

3 **THE COMMISSIONER:** Seventeen-thirty-eight
4 (1738) you would have, sir.

5 **MR. CHISHOLM:** And maybe you recall without
6 having to look at the exhibit, is it you started in the
7 Youth Bureau in August of 1981, August 10th, 1981. Does
8 that sound right?

9 **MR. WELLS:** That sounds right, sir.

10 **MR. CHISHOLM:** And you stayed there until
11 December 1, 1994, at which time you went into CIB?

12 **MR. WELLS:** I believe so, yes.

13 **MR. CHISHOLM:** Can you give us further
14 details as to -- to flush out your belief that the CAS was
15 not as forthcoming at times as it could have been?

16 **MR. WELLS:** At -- and when I say at times,
17 Mr. Chisholm, there were more times than not that we did
18 have a -- it was the odd time when they -- if I had an
19 investigation to complete and through that investigation I
20 required information from the Children's Aid Society ---

21 **MR. CHISHOLM:** Yes?

22 **MR. WELLS:** --- looking at their files, et
23 cetera -- and on one particular instance I recall where I,
24 basically, was refused admittance to the file or attendance
25 to the file, looking at it -- sorry -- and as a result, so

1 as to allow me to complete my file in an efficient manner,
2 I returned to the station and prepared a request for a
3 warrant.

4 **MR. CHISHOLM:** Search Warrant?

5 **MR. WELLS:** Yes, sir. And once acquiring
6 the search warrant, returned with the warrant and obtained
7 the file.

8 **MR. CHISHOLM:** Okay. The type of
9 investigation that you were doing, can you tell us about
10 that in terms of the allegations you were investigating?
11 Were they child protection issues?

12 **MR. WELLS:** Yes. Yes, sir, they were. It
13 had information relevant to the issue that I was
14 investigating.

15 **MR. CHISHOLM:** But the issue you were
16 investigating was what exactly?

17 **THE COMMISSIONER:** Without naming names;
18 just generic.

19 **MR. CHISHOLM:** Was it a fraud?

20 **MR. WELLS:** No, it would not be a fraud.

21 **MR. CHISHOLM:** A theft?

22 **MR. WELLS:** No, sir. It would be -- it
23 would have -- it would be surrounding a child, a family.

24 **MR. CHISHOLM:** Okay.

25 **MR. WELLS:** I can't ---

1 **MR. CHISHOLM:** A child or a family?

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

3 **MR. CHISHOLM:** But not -- you weren't
4 investigating an allegation of abuse against a young
5 person?

6 **MR. WELLS:** I'm sorry, Mr. Chisholm, I'm
7 unable to recall the specific case that I was working on at
8 that time, but I do recall that I had attended with a
9 search warrant and then seized the file.

10 **THE COMMISSIONER:** Okay. So why didn't they
11 turn it over? Did they tell you, "Listen, we have some
12 confidentiality issues here and we'd prefer you get a
13 warrant"?

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

15 **MR. CHISHOLM:** And you understand the need
16 for the confidentiality?

17 **MR. WELLS:** Oh, certainly, sir. Certainly.

18 **MR. CHISHOLM:** Apart from that time, I take
19 it, you're satisfied with the cooperation you had from the
20 CAS?

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

22 **MR. CHISHOLM:** You spoke yesterday of a
23 meeting, a second meeting was referred to, with Tom
24 O'Brien?

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

1 **MR. CHISHOLM:** Back in 1989?

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

3 **MR. CHISHOLM:** There's some question -- Ms.
4 Jones was asking you questions. She took the date of
5 September 29th, 1989 out of Staff Sergeant Derochie's report.
6 You'll recall Mr. O'Brien's notes, which are set out in
7 Exhibit 1505, the date was set out as October 2nd, 1989?

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

9 **MR. CHISHOLM:** You don't have any notes of
10 that meeting you had that you attended?

11 **MR. WELLS:** I don't have any notes before
12 me, no.

13 **MR. CHISHOLM:** Okay. And Staff Sergeant
14 Derochie, to your knowledge, was not present at that
15 meeting?

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

17 **MR. CHISHOLM:** Okay. If I could take you to
18 Exhibit 1505, please?

19 The fourth page would be Bates page --
20 sorry, I'll wait for Madam Clerk to return -- Bates page
21 7177235. It's the fourth page of the O'Brien material.

22 You'll see in the second paragraph on that
23 page that begins, "Later this morning"?

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

25 **MR. CHISHOLM:** I'll read the paragraph:

1 "Later this morning, I was able to meet
2 with Deputy Chief Joe St. Denis and
3 Staff Sergeant Wells and give them all
4 of the written documentation in our
5 possession. Staff Sergeant Wells will
6 read the material, discuss it with
7 Deputy Chief, and if it is to be
8 investigated it will then probably be
9 given to Detective Malloy."

10 You indicated you don't recall receiving the
11 CAS documentation. Is that right?

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

13 **MR. CHISHOLM:** But you're telling us you
14 don't recall; you are not saying you did not receive. Is
15 that fair to say?

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

17 **MR. CHISHOLM:** And with respect to the
18 discussion that took place at that meeting, what can you
19 recall of it in terms of location? Do you know where it
20 took place?

21 **MR. WELLS:** My recollection of that meeting
22 would have been in what we called the Boardroom that was
23 situated between the Chief's office and the Deputy Chief's
24 office.

25 **MR. CHISHOLM:** Okay.

1 **MR. WELLS:** It was a large office that
2 joined their two respective offices, and my recollection
3 would have been at that -- in that office.

4 **MR. CHISHOLM:** And do you have any
5 recollection with respect to Mr. O'Brien's concern that he
6 exhibited during that meeting?

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

8 **MR. CHISHOLM:** What can you tell us about
9 that?

10 **MR. WELLS:** Basically, that there was a
11 lady, Jeannette Antoine, that was complaining of being
12 assaulted or sexually assaulted while in the care of a
13 foster home.

14 **MR. CHISHOLM:** And in terms of Mr. O'Brien's
15 concern, he wanted to get to the bottom of the allegations?

16 **MR. WELLS:** Certainly did.

17 **MR. CHISHOLM:** He was forthcoming with you?

18 **MR. WELLS:** Yes, he was.

19 **MR. CHISHOLM:** With respect to the Exhibit
20 1505 and the portions relating to the meeting that you
21 attended, do you disagree with anything that Mr. O'Brien
22 wrote in his notes?

23 **MR. WELLS:** No, I don't.

24 **MR. CHISHOLM:** Those are my questions,
25 Inspector. Thank you very much.

1 **MR. WELLS:** Thank you, sir.

2 **THE COMMISSIONER:** Thank you.

3 Mr. Callaghan? I believe we are down to you
4 when I canvassed the others yesterday, I thought.

5 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

6 **CALLAGHAN:**

7 **MR. CALLAGHAN:** Good morning, Staff Sergeant
8 Wells.

9 **MR. WELLS:** Mr. Callaghan.

10 **MR. CALLAGHAN:** Inspector Wells, sorry.

11 Good morning, Commissioner.

12 I'm just going to canvass a few areas with
13 you, Inspector, and principally with respect to your work
14 in relation to the public complaints.

15 So before I start though, there was
16 discussion about you as a supervisor in CIB. Could you
17 advise as to how many cases, approximately, would be coming
18 into CIB for which you had to supervise in the years you
19 were the supervisor in CIB or the Staff Sergeant in CIB?

20 **MR. WELLS:** Encompassing all of the
21 incidents that we would have been receiving, approximately
22 between my -- 1,500 to 2,000 per year.

23 **MR. CALLAGHAN:** Okay.

24 I want to move forward then to your
25 involvement in 1994 with respect to Mr. Dunlop and the DS

1 situation.

2 MR. WELLS: Yes, sir.

3 MR. CALLAGHAN: And you talked about being -
4 - having, at least it was put to you that you had
5 discussions with Staff Sergeant Brunet in about that early
6 period of January, 1994?

7 MR. WELLS: Yes, sir.

8 MR. CALLAGHAN: All right. And at that
9 time, there was no public complaint that you were
10 addressing at that time?

11 MR. WELLS: That's correct.

12 MR. CALLAGHAN: And there was some
13 discussion about what investigations were ongoing, and I
14 don't think it's contentious, but I want to take you to
15 Staff Sergeant Brunet's notes and then sort of, if I might,
16 lay out a chronology so that we situate ourselves because
17 then I want to talk about your involvement with the Dunlop
18 investigation because people have asked certain questions
19 about what was going on.

20 And if I could just take you to Exhibit
21 1439.

22 THE COMMISSIONER: Okay, hold on a second
23 there. I don't think I have that book yet.

24 MR. CALLAGHAN: And ---

25 THE COMMISSIONER: No, no, just a -- sorry,

1 Mr. Callaghan, I've got a binder malfunction here.

2 MR. CALLAGHAN: I have that with some
3 regularity, Mr. Commissioner, I can empathize.

4 THE COMMISSIONER: Okay, I'll just ---

5 MR. CALLAGHAN: It's all right. I ---

6 THE COMMISSIONER: I have this -- I made my
7 staff a promise, never touch anything, that way it won't
8 get messed up.

9 MR. CALLAGHAN: I don't know how many times
10 we do that. We think we're helping ourselves and all of a
11 sudden we've created a problem for ourselves.

12 THE COMMISSIONER: Okay, so that goes there,
13 all right.

14 So now we're into the 1400s?

15 MR. CALLAGHAN: Fourteen-thirty-nine (1439),
16 Mr. Commissioner.

17 THE COMMISSIONER: Yes.

18 MR. CALLAGHAN: That's Staff Sergeant
19 Brunet's notes that we ---

20 THE COMMISSIONER: Yes, Madame Clerk, I do
21 have it.

22 Okay. What page?

23 MR. CALLAGHAN: I'm on 097, sir. It's ---

24 THE COMMISSIONER: Yes, I'm there. Are you
25 there, sir? It should be in one of your books.

1 MR. WELLS: Sorry.

2 THE COMMISSIONER: If you wanted to look at
3 it there. Right, Madam Clerk? One-four-four-seven (1447).

4 MR. WELLS: I have it, Mr. Commissioner.
5 Thank you.

6 MR. CALLAGHAN: You're there, sir?

7 MR. WELLS: And what ---

8 MR. CALLAGHAN: It's -- if your eyes are
9 good, you can see 7097 at the top left.

10 MR. WELLS: Seven-zero-nine-seven (7097)?

11 MR. CALLAGHAN: Right.

12 MR. WELLS: Thank you.

13 MR. CALLAGHAN: And if ---

14 MR. WELLS: Yes, sir.

15 MR. CALLAGHAN: --- and all I'm going to do
16 is just -- again, to set the context -- none of this --
17 you've already testified to this, so I don't mean to go
18 over it, but the first note is January -- at the top of the
19 page is January 5th at 9:05. There's a -- Staff Sergeant
20 Brunet records discussions with you or a brief -- a meeting
21 with you?

22 MR. WELLS: That's correct.

23 MR. CALLAGHAN: All right. If you go
24 further down on January 6th, at the bottom he records --
25 pardon me, January 7th, '94 -- he records that he had

1 another meeting with Constable Sebalj and yourself;
2 correct?

3 MR. WELLS: Yes, sir.

4 MR. CALLAGHAN: All right.

5 If you go to January 8th, '94, and this is
6 the date of the press article that was shown to you.

7 And this is a note of Staff Sergeant
8 Brunet's and at 11:21 you'll see that he is on Sydney
9 Street and he's present with Mr. Corriveau, who is Chair of
10 the Board, and Acting Chief Johnston. Do you see that?

11 MR. WELLS: Yes, sir.

12 MR. CALLAGHAN: All right. And it says in
13 the middle there, it says:

14 "At one point, they showed me a full
15 copy of Silmser's statement with the
16 following numbers on top of the page".

17 And it gives a phone number.

18 Xerox telecopier heading of January 7th goes
19 on to say:

20 "I called CJSS..."

21 -- that's a radio or television ---

22 MR. WELLS: It's a radio station, sir.

23 MR. CALLAGHAN: All right.

24 "...and found that there fax was..." --
25 and they give the number.

1 "I later found out that the number is
2 CJOH TV in Ottawa. Information was
3 this message came to them unsolicited."

4 That is, I take it to be the article.

5 And by the way, the document is the copy of
6 Silmser's statement, I should say ---

7 **THE COMMISSIONER:** Yes, I'm sorry, you
8 corrected that; right? It wasn't the copy of the article -
9 --

10 **MR. CALLAGHAN:** It was the copy of Silmser
11 statement. My apologies, Mr. Commissioner.

12 **THE COMMISSIONER:** Okay.

13 **MR. CALLAGHAN:** And if you go to the next
14 page, you'll see:

15 "I was asked by Chief Johnston to try
16 and get a hold of the main media
17 stations involved in reporting this
18 story, to ascertain as much as possible
19 so we can answer to the allegations."

20 And then it goes down, and you see at 13:46,
21 he calls Max Keeping at CJOH. At 13:50, he contacts the
22 Ottawa Citizen. Over to the next page, he is speaking with
23 the Ottawa Sun at 14:06, and then he goes onto speak to the
24 Freeholder.

25 Now, this is the same day that that

1 newspaper article came out. Could you possibly have been
2 advised that these enquiries were being undertaken?

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

4 **MR. CALLAGHAN:** All right.

5 You don't recall being -- and then you'll
6 note, just going to the next thing, that on January 10th
7 you'll see -- it's just a way they introduce the subject
8 frankly:

9 "At 11 o'clock, I was advised by Chief
10 Johnston of an internal review in the
11 criminal case and an internal inquiry
12 in the leak. At 11:05, met with Staff
13 Sergeant William Blake and Sergeant
14 Brian Skinner."

15 Should actually be Inspector Skinner. He was clear about
16 that.

17 Now, this is January 10th. I'm just
18 situating you -- it's not a dispute, it's just for your
19 information.

20 The Ottawa Police were called in to
21 investigate certain allegations; right?

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

23 **MR. CALLAGHAN:** All right. Including the
24 leak and including the issue surrounding the conduct of the
25 Cornwall Police?

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

2 **MR. CALLAGHAN:** And just to move forward a
3 little bit because just -- you don't get involved in the --
4 until the public complaint comes in in January 21st?

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

6 **MR. CALLAGHAN:** All right.

7 And I'll take you to some notes, but I take
8 it you are aware -- in late January, January 31st to
9 approximately February 2nd, Chief Johnston has asked the OPP
10 to conduct investigations into a review of the DS's
11 criminal complaint -- that's Mr. Silmser, sorry -- the
12 allegations of a cover-up and whether or not those involved
13 in the settlement acted criminally, that is, obstructed
14 justice.

15 You're aware that those investigations would
16 be done by the OPP in about late January, beginning
17 February?

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

19 **MR. CALLAGHAN:** All right.

20 So because it's important, I just want to
21 set up what you know and when you know it, so what I'd like
22 to do is you indicated that there were some notes of yours
23 which I will get to, and I'm just going to set out the
24 timeline there.

25 But before I do so, I would just like to

1 take you to the *Police Services Act* provisions, at least
2 the discipline process under the *Police Services Act*, and
3 you're familiar with that process and about that time, as
4 you were the ---

5 MR. WELLS: Yes, sir.

6 MR. CALLAGHAN: All right.

7 And there's been some confusion -- and I
8 don't think any of this is contentious -- but just so it's
9 clear to the public and I think, Mr. Commissioner, as I
10 indicated, obviously there's a statutory basis for this,
11 and it's just important because of the way it's come out,
12 there has been some confusion I think as to how it works.
13 I'm just going to briefly review it with him so it's clear.

14 I take it you are aware that there are two
15 types of investigations we've done of police officers? An
16 internal investigation and then a public complaint?

17 MR. WELLS: That's correct.

18 MR. CALLAGHAN: All right. And they are
19 under separate parts of the public service -- *Police*
20 *Services Act*. Part 5 deals with the internal complaints
21 and Part 6 deals with public complaints?

22 MR. WELLS: That's correct.

23 MR. CALLAGHAN: All right.

24 And you're aware that internal discipline
25 issues, the Chief has the right to decide on the punishment

1 if -- if there was misconduct?

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

3 **THE COMMISSIONER:** He's able to decide
4 whether there was misconduct and the penalty?

5 **MR. CALLAGHAN:** Right, but there's a hearing
6 process whereby -- I think we've seen some of that, Mr.
7 Commissioner, on the earlier thing with Mr. Dunlop.

8 And I should point out, Mr. Commissioner,
9 just more for the public, I know you know this, but when
10 the Conservative government comes in, they change that
11 system again in about 1996.

12 But I just want to take -- I want to read to
13 you section 58 of the *Police Services Act*, which is under
14 Part 5, and it relates to your comment about a new ball
15 game. And Section 58 (1) says:

16 "Any apparent or alleged misconduct by
17 a police officer shall be investigated
18 by his or her Chief of Police."

19 And that's the internal investigation issue?

20 **MR. WELLS:** Yes, it is.

21 **MR. CALLAGHAN:** Right; (2):

22 "When a complaint is made under Part 6
23 with respect to a parent or alleged
24 misconduct by a police officer, the
25 following rules apply:

1 1. The complaint shall be dealt with
2 in accordance with Part 6..."

3 That's for public complaints?

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

5 **MR. CALLAGHAN:** "...and recourse shall be
6 had to this part only as Part 6
7 permits."

8 Correct?

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

10 **MR. CALLAGHAN:** Two (2) (sic):

11 "Any investigation of the matter under
12 this part and any hearing under section
13 60 are suspended as soon as the Chief
14 of Police becomes aware that a
15 complaint has been made."

16 Correct?

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

18 **MR. CALLAGHAN:** And so that's why it was a
19 new ball game because once that happens you are into the
20 public complaint provisions of Part 6?

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

22 **MR. CALLAGHAN:** All right.

23 And I take it under the public complaints
24 process, you have to report not only to the complainant, as
25 we saw, but also to the Public Complaints Commissioner?

1 MR. WELLS: That's correct.

2 MR. CALLAGHAN: All right. And they follow
3 the proceedings, as it were?

4 MR. WELLS: Yes, sir.

5 MR. CALLAGHAN: And as you've indicated,
6 there is a provision in Part 6 whereby you may ask the
7 Commissioner, that is the Public Complaints Commissioner,
8 to actually do the investigation?

9 MR. WELLS: Yes, sir.

10 MR. CALLAGHAN: All right.

11 And that's what you did on two occasions.

12 MR. WELLS: Yes, sir.

13 MR. CALLAGHAN: All right.

14 You did it on the D.S. complaint; that's Mr.
15 Silmser's complaint; correct?

16 MR. WELLS: Yes.

17 MR. CALLAGHAN: And you did it -- and then
18 the Chief did it on Mr. Seguin's complaint.

19 MR. WELLS: That's correct.

20 MR. CALLAGHAN: And I'll come back to that
21 in a moment, but just to follow the process along and to be
22 clear, the first -- when it's investigated under a public
23 complaints; there are a number of options by which it can
24 be dealt with by the Chief of Police. He can have a
25 hearing with his own hearing officers even if it's a public

1 complaint; correct?

2 MR. WELLS: That's correct.

3 MR. CALLAGHAN: Or another option is to
4 refer it out to a Board of Inquiry and let the Public
5 Complaints Commissioner prosecute the case and have an
6 independent -- another independent body review it.

7 MR. WELLS: Yes, sir.

8 MR. CALLAGHAN: That is the Board of
9 Inquiry.

10 MR. WELLS: That's correct.

11 MR. CALLAGHAN: And under those
12 circumstances, the Public Complaints Commissioner becomes
13 the prosecutor.

14 MR. WELLS: Yes.

15 MR. CALLAGHAN: All right.

16 And, for example, you did an investigation;
17 do they review your investigation?

18 MR. WELLS: At that time, yes; they would
19 have seized my entire file and ---

20 MR. CALLAGHAN: And were they capable of
21 doing a subsequent investigation?

22 MR. WELLS: Yes, sir.

23 MR. CALLAGHAN: All right.

24 And we talked earlier about your discussion
25 with Mr. Pearson, and we'd seen Exhibit 1747 where you laid

1 out your reasons and those reasons weren't sufficient for
2 them to do the investigation; correct?

3 MR. WELLS: That's correct.

4 MR. CALLAGHAN: All right.

5 And just to be clear, when the Chief
6 requires there to be a Board of Inquiry, the Public
7 Complaints Commissioner has no choice. In other words,
8 when you've done your investigation, he's asking that the
9 charges be heard by a Board of Inquiry and the Public
10 Complaint Commissioner prosecute, there isn't any choice of
11 that.

12 MR. WELLS: That's right.

13 MR. CALLAGHAN: All right.

14 Whereas, there is a choice whether the
15 Public Complaints Commissioner will investigate?

16 MR. WELLS: That's correct.

17 MR. CALLAGHAN: All right.

18 And in the case of the request to have the
19 Public Complaints Commissioner do the initial
20 investigation, did you discuss that with Acting Chief
21 Johnston?

22 MR. WELLS: Yes, I did.

23 MR. CALLAGHAN: And what was his view of the
24 matter?

25 MR. WELLS: We both agreed that that was the

1 proper course of action to take, and as a result I was
2 directed to complete the form for -- submit the reasons for
3 our request and contact the PCC.

4 **MR. CALLAGHAN:** All right.

5 And I know you talked about your discussion
6 with Mr. Pearson; I would like to take you to -- deal with
7 this part just so we can encapsulize (sic) the process --
8 the letter that Chief Johnston sends the Public Complaints
9 Commissioner on the Seguin matter, and that would be
10 Document 728621.

11 And just to set this up while Madam Clerk
12 gets the document, you'll recall that Ms. Jones took you to
13 Exhibit 1754 where you made the request that they consider
14 doing that.

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

16 **MR. CALLAGHAN:** Do you recall that ---

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

18 **MR. CALLAGHAN:** --- Inspector Wells?

19 **THE COMMISSIONER:** Exhibit 1759 is a letter
20 dated December 12th, 1994, to the Office of the Police
21 Complaints Commissioner from Carl Johnston, Acting Chief of
22 Police.

23 --- **EXHIBIT NO./PIÈCE NO. P-1759:**

24 (728621) - Letter from Carl Johnston to
25 Cathy Cannon dated 12 Dec 94

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MR. CALLAGHAN: And the letter states:

"As per the requirements of the *Police Service Act* section 88.1(d)..."

And I should note, Mr. Commissioner, the other request would have been on the same section; I think there was a misquote under the D.S. one, but:

"May I request that the Commissioner conduct this particular investigation for the following reasons: (1) the Cornwall Police Service Professional Standards Bureau recently concluded a complete investigation into a very similar complaint involving the same officer which is presently at the Board of Inquiry level; (2) it may avoid the presumption that our investigation would be biased; (3) to begin such a lengthy investigation into the same circumstances would be quite repetitious; (4) the Chairperson of the Board of Inquiry has yet to decide if in fact the subject officer, same officer in this matter, acted in an improper manner."

And those were the reasons given, at that

1 time, why they felt there should be the Public Complaints
2 Commissioner involved.

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

4 **MR. CALLAGHAN:** And to be clear, the
5 allegation of Douglas Seguin included, as Mr. Neville
6 pointed out, the same press release that you'd earlier
7 opined was not a problem; correct?

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

9 **MR. CALLAGHAN:** So we could go then to the
10 response to the Public Complaints Commissioner, again, just
11 to get a feel how they deal with these things; if I could
12 Document 728619.

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

14 **THE COMMISSIONER:** Exhibit 1760 is a letter
15 dated February 3rd, 1995, to Acting Chief of Police Carl
16 Johnston and it's from Mark Conacher.

17 **--- EXHIBIT NO./PIÈCE NO. P-1760:**

18 (728619) - Letter from Mark Conacher to Carl
19 Johnston dated 03 Feb 95

20 **MR. CALLAGHAN:** Okay.

21 And if I could begin by reading the second
22 paragraph:

23 "The legislation clearly contemplates a
24 process in which the police play an
25 integral role in the resolution of

1 investigation for a moment, you had indicated you did take
2 notes and I don't plan to take you to all the notes, but I
3 did want to take you to Document 729693.

4 (SHORT PAUSE/COURTE PAUSE)

5 THE COMMISSIONER: All right. So these --
6 do we have an exhibit number, Madam Clerk?

7 THE REGISTRAR: One seven six one (1761).

8 THE COMMISSIONER: One seven six one (1761)?
9 All right, so these are notes of Inspector Wells?

10 MR. CALLAGHAN: That's correct, sir.

11 THE COMMISSIONER: All right, and the first
12 date is January 21st. I don't have a year.

13 --- EXHIBIT NO./PIÈCE NO. P-1761:

14 (729693) - Notes of Brendon Wells dated 21
15 Jan

16 MR. CALLAGHAN: Now, Inspector Wells, what
17 is this document?

18 MR. WELLS: This document would be my
19 handwritten notes in chronological order as to the actions
20 that I would have taken relevant to investigating that
21 particular complaint.

22 MR. CALLAGHAN: And there would be notes
23 underneath these things such as your interviews with the
24 officers, for example; your meetings with various people?

25 MR. WELLS: Yes, sir.

1 **MR. CALLAGHAN:** Right.

2 This is just a log of your activities?

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

4 **MR. CALLAGHAN:** And this is, I take it, if
5 we were to go through Exhibit 643 which is the *Police*
6 *Service Act* disclosure to Dunlop, we would find this typed
7 out; correct?

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

9 **MR. CALLAGHAN:** All right.

10 But I just want to point a few things out.
11 On -- you got the file on January 21st. We saw earlier
12 that you'd made the request or that you had intended to
13 make the request to the Police Complaints Commission on
14 January 26st. We saw the actual document; correct?

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

16 **MR. CALLAGHAN:** And you, at some point, had
17 a discussion with ---

18 **MR. WELLS:** Mr. Mike Pearson.

19 **MR. CALLAGHAN:** Right.

20 So you don't really start the investigation
21 until basically early February?

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

23 **MR. CALLAGHAN:** And I take it you receive,
24 for example, Staff Sergeant Derochie's material, his files,
25 et cetera, on February 7th. Have I got that right?

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

2 **MR. CALLAGHAN:** And would that be the time
3 when you would have had, example, Heidi Sebalj's notes and
4 all those things that have been gathered by Staff Sergeant
5 Derochie?

6 **MR. WELLS:** Yes.

7 **MR. CALLAGHAN:** All right.

8 So Ms. Daley asked you about when you became
9 aware of the nature of the settlement of \$32,000. Would it
10 be after you received -- sometime after you received the
11 stuff from Staff Sergeant Derochie and started looking
12 through the file?

13 **MR. WELLS:** Possibly.

14 **MR. CALLAGHAN:** And you'll see that on
15 February 9th, you went and you met with Colin McKinnon.
16 He's the lawyer?

17 **MR. WELLS:** Yes, he was our legal advisor at
18 that time.

19 **MR. CALLAGHAN:** And I take it you had a
20 meeting. Did you have phone calls with him thereafter from
21 time to time?

22 **MR. WELLS:** Yes, from time to time.

23 **MR. CALLAGHAN:** And you talked about the
24 double jeopardy. Did you talk about the nature of the
25 charges that might be appropriate in respect of Mr.

1 Dunlop's conduct?

2 MR. WELLS: Yes.

3 MR. CALLAGHAN: And did you talk about
4 whether or not he had some defence to the charges that were
5 being discussed?

6 MR. WELLS: We would have talked about that.

7 MR. CALLAGHAN: And if I could then show you
8 a document, and I'm going to bring two documents, Mr.
9 Commissioner, if that's okay, because they go together,
10 104213 and Document 729430. I would think that the charge
11 sheet is one of the attachments to the May 4th, '94 letter.

12 THE REGISTRAR: Which one?

13 MR. CALLAGHAN: I would do the letter first
14 and the charge sheet second.

15 (SHORT PAUSE/COURTE PAUSE)

16 THE COMMISSIONER: Thank you. Exhibit 1763
17 -- I'm sorry; Exhibit 1762 is a letter to the Cornwall
18 Police Service dated May 4th, 1994 from Colin McKinnon, Q.C.

19 --- EXHIBIT NO./PIÈCE NO. P-1762:

20 (104213) Letter to the Cornwall Police
21 Service from Colin McKinnon dated 4 May 94

22 THE COMMISSIONER: And Exhibit 1763 is a
23 copy of the Cornwall Police Service *Police Services Act*
24 Notice of Disciplinary Proceedings to Constable Perry
25 Dunlop and it's dated -- it's undated.

1 --- EXHIBIT NO./PIÈCE NO. P-1763:

2 (729430) Cornwall Police Service *Police*
3 *Services Act* Notice of Disciplinary
4 Proceedings to Constable Perry Dunlop -
5 undated

6 **MR. CALLAGHAN:** So can you confirm to me --
7 well, why don't we talk about the letter first. In the
8 letter it says:

9 "Per the attendance at my office
10 today..."

11 That's you attending Colin McKinnon's office
12 on May 4th, '94?

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

14 **MR. CALLAGHAN:** "...I am pleased to
15 enclose here two packages of documents.
16 The first relates to Constable..."
17 And that's a different discipline matter;
18 correct?

19 **MR. WELLS:** Yes.

20 **MR. CALLAGHAN:** With a different officer,
21 unrelated to anything involved in this Inquiry?

22 **MR. WELLS:** That's correct, yes.

23 **MR. CALLAGHAN:** All right.

24 And he lists a number of various documents
25 and the charge sheet, et cetera, and then he goes, at the

1 bottom:

2 "With respect to Constable Dunlop, you
3 will find the same documents referred
4 to above in the same order."

5 And I take it one of those documents was the
6 charge sheet that has just been marked Exhibit 1763?

7 **MR. WELLS:** Yes, it was.

8 **MR. CALLAGHAN:** And, in fact, that was the
9 charge sheet that proceeded -- that the public inquiry --
10 pardon me -- the Board of Inquiry proceeded with in respect
11 of Constable Dunlop?

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

13 **MR. CALLAGHAN:** Right.

14 And that was drafted by Colin McKinnon?

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

16 **MR. CALLAGHAN:** If we go over to the next
17 page, it says:

18 "You are to inquire with the Chief..."

19 That is, Brendon Wells is to inquire with
20 Acting Chief Johnston, right?

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

22 **MR. CALLAGHAN:** "...whether he wishes me
23 to arrange a hearing officer for the
24 Dunlop matter and coordinate dates."
25 That's if you were going to -- a hearing

1 officer would be if you did this yourselves as opposed to
2 refer it to a Board of Inquiry?

3 MR. WELLS: Yes.

4 MR. CALLAGHAN: All right. After that:

5 "Please advise if there are any
6 problems respecting dates relating to
7 witnesses."

8 I take it you did discuss with Acting Chief
9 Johnston as to whether you should do the hearing or whether
10 there should be a Board of Inquiry?

11 MR. WELLS: Yes.

12 MR. CALLAGHAN: And what was Chief
13 Johnston's view?

14 MR. WELLS: To go to the Board of Inquiry.

15 MR. CALLAGHAN: And did he express why he
16 thought you should go to a Board of Inquiry?

17 MR. WELLS: Yes, sir, he did.

18 MR. CALLAGHAN: And what was that?

19 MR. WELLS: Basically, he felt that if we
20 would have completed the hearing at our end and found the
21 officer guilty of misconduct, then we may be criticized
22 from within the Service of trying to crucify Constable
23 Dunlop.

24 However, if we found him not guilty, then
25 the public may cry whitewash. And so to prevent any bias

1 in that regard, the Chief felt that it would be best served
2 if a Board of Inquiry would look into the issue.

3 **MR. CALLAGHAN:** All right.

4 And acting -- what kind of man was Acting
5 Chief Johnston, in your opinion?

6 **MR. WELLS:** Acting Chief Johnston was
7 probably one of the more organized, professional gentlemen
8 that I have ever had occasion to serve under.

9 **MR. CALLAGHAN:** And what was -- what did you
10 understand about his background?

11 **MR. WELLS:** He had extensive experience in
12 policing, ex-Chief of Police in areas. I believe he worked
13 with the Ministry of the Attorney General. He had an
14 extensive policing background, very knowledgeable,
15 organized and professional.

16 **MR. CALLAGHAN:** And the Board of Inquiry
17 proceeds, and we've already heard that the Board of Inquiry
18 -- in fact, the charges were quashed on a motion as a
19 result of the *Child and Family Services Act* providing
20 protection to Constable Dunlop; correct?

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

22 **MR. CALLAGHAN:** All right.

23 So what was the reaction -- what was the
24 reaction of Acting Chief Johnston to the result of the
25 Board of Inquiry and the -- his view on a subsequent

1 appeal?

2 **MR. WELLS:** Basically, we felt that the
3 issue was over and to have Constable Dunlop return to work,
4 welcome him back and basically get on with life.

5 **MR. CALLAGHAN:** All right.

6 So to be clear -- I think we've got this
7 evidence already -- did the Cornwall Police participate in
8 any way in the appeal that the Public Complaints
9 Commissioner took to the Divisional Court?

10 **MR. WELLS:** No, no, we did not, sir.

11 **MR. CALLAGHAN:** If I could -- I then want to
12 just touch on the complaint, and I'll do it -- I think I
13 can do this all with one document, both the complaint --
14 pardon me; one second, Mr. Commissioner.

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

16 **MR. CALLAGHAN:** And if I might, if I could
17 see -- if I could have Document 727796? It was a Rule 38
18 disclosure.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **THE COMMISSIONER:** Thank you. Exhibit 1764
21 is a letter to Mr. David Silmser dated August 17th, 1994
22 from Acting Chief Carl Johnston.

23 **--- EXHIBIT NO./PIÈCE NO. P-1764:**

24 (727796) Letter to David Silmser from Carl
25 Johnston dated August 17th, 1994

1 **MR. CALLAGHAN:** All right.

2 And this is -- if I could just read it
3 quickly, this is the report to David Silmser on the issue
4 of the release to the media, and it says:

5 " In response to your complaint and
6 specifically addressing the
7 unauthorized release of information to
8 the media by a member or members of the
9 Cornwall Police Service, there is
10 insufficient evidence to hold any
11 member of the Cornwall Police Service
12 responsible for such release.
13 Therefore, it is my decision that
14 there's no further action required with
15 respect to the specific allegation of
16 the complaint."

17 And was that your conclusion as well?

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

19 **MR. CALLAGHAN:** If we could see Document
20 728377?

21 **THE COMMISSIONER:** Exhibit 1765 is a
22 document called -- entitled "Notice of Intention to Conduct
23 a Review" dated September 8th, 1994 from the Police
24 Complaints Commissioner.

25 --- **EXHIBIT NO./PIÈCE NO. 1765:**

1 (728377) Public Complaint - Form 17 - Notice
2 of Intention to Conduct a Review, dated
3 September 8, 1994

4 **MR. CALLAGHAN:** Okay. And this is notice of
5 -- you can verify this for me -- this is a notice by the
6 Public Complaints Commissioner that Mr. Silmsen wanted it
7 reviewed, the decision regarding the media; correct?

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

9 **MR. CALLAGHAN:** And he cites both Perry
10 Dunlop and Heidi Sebalj; correct?

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

12 **MR. CALLAGHAN:** And that's part of the
13 process?

14 **MR. WELLS:** Yes, it is, sir.

15 **MR. CALLAGHAN:** All right.
16 There's an appeal. If they don't like your
17 decision, they can go up and have it reviewed again?

18 **MR. WELLS:** Yes.

19 **MR. CALLAGHAN:** All right.
20 And are you aware that the Public Complaints
21 Commissioner dismissed this appeal and found that there was
22 no basis to discipline either Constable Sebalj or Perry
23 Dunlop for the release to the media?

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

25 **MR. CALLAGHAN:** All right.

1 Mr. Commissioner, just so you're aware,
2 there would be a letter somewhere. Notice doesn't appear
3 to have been given by anybody. I don't think it's
4 necessary to put the letter -- unless you think it's
5 otherwise ---

6 **THE COMMISSIONER:** No.

7 **MR. CALLAGHAN:** It's just important to get
8 on the record that that process took place.

9 **THE COMMISSIONER:** I think it's agreed by
10 all that that's the way it went.

11 **MR. CALLAGHAN:** If I could then take you
12 quickly back -- and, again, I'm going to try to do both
13 just to close the loop, as it were, with the complaints by
14 your internal review of the article of September 24th and
15 the Doug Seguin complaint, and that is Exhibit 1758, and
16 Mr. Neville took you to it a moment ago.

17 **THE COMMISSIONER:** It's a loose one. Okay.

18 **MR. CALLAGHAN:** And the -- and I won't take
19 you back to the article, but it's Exhibit 644. Ms. Jones
20 took you up to the point where you did an investigation --
21 or, pardon me, you made inquiries, you did an investigation
22 regarding Mr. Dunlop's statement to the press at the Board
23 of Inquiry.

24 Did you and Acting Chief Johnston come to
25 any conclusion whether that conduct amounted to a

1 disciplinary conduct?

2 **MR. WELLS:** No, sir, we concluded that the
3 man had the right to answer questions relevant to his
4 charges of misconduct, and we -- we felt that he had acted
5 properly and there was no reason to go any further with
6 regards to any discipline.

7 **MR. CALLAGHAN:** All right.

8 If we could then go to the letter of --
9 Exhibit 1758? As Mr. Neville pointed out, the allegations
10 made by Doug Seguin also dealt with the comments that Mr.
11 Dunlop had made when he was attending the Board of Inquiry,
12 and those comments were to the press; correct?

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

14 **MR. CALLAGHAN:** And if I could take you to
15 the second page, I'm going to start up a little earlier
16 than was done by Mr. Neville. It says:

17 "On September 23rd, '94, the Board heard
18 a motion to stay the hearing. The
19 motion contended that the statement of
20 alleged conduct did not allege any
21 actions by Constable Dunlop that would
22 constitute misconduct even if proven
23 true. The hearing was open to the
24 public and all written material,
25 including the affidavits, were also

1 available upon request. During a break
2 in the hearing, Constable Dunlop was
3 interviewed by a member of the media
4 who subsequently included his comments
5 in a newspaper article. I'm satisfied,
6 having examined the evidence, that any
7 comments made by Constable Dunlop to
8 the media were in response to
9 legitimate questions posed by members
10 of the press and were for the sole
11 reasons of responding to the charges
12 against him. Any statement he would
13 have made in the defence would
14 necessarily touch on the original
15 matter. While it is inappropriate for
16 a police officer to release information
17 other than for authorized purposes,
18 this limitation cannot apply to
19 prohibit the officer fully responding
20 to any charge of misconduct against
21 him."

22 Is that the rationale that you and Chief
23 Johnston applied as well?

24 **MR. WELLS:** Basically, yes.

25 **MR. CALLAGHAN:** Now, as was indicated, you

1 were sued by -- I'm moving on to a different topic if I
2 might -- Perry Dunlop in 1996; correct?

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

4 **MR. CALLAGHAN:** And as we saw, those
5 allegations involved allegations of conspiring; correct?

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

7 **MR. CALLAGHAN:** And you've already spoken
8 about that, but you were asked about Project Truth by one
9 of the lawyers -- I can't remember who -- and what
10 involvement, if any, you had in Project Truth.

11 Inspector Trew had testified that he was
12 chosen to be the liaison person because he had no
13 involvement in any of these matters?

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

15 **MR. CALLAGHAN:** What was the rationale for
16 you not being involved in Project Truth?

17 **MR. WELLS:** Because I was named in the
18 claim.

19 **MR. CALLAGHAN:** And you're aware that
20 Project Truth was looking into the allegations raised by
21 Constable Dunlop, even the allegations of conspiracy?

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

23 **MR. CALLAGHAN:** All right.

24 Did -- in respect of Constable Dunlop, at
25 any time after he returned to work, did he ever complain to

1 you or talk with you about not getting back-up by the other
2 members of the Force?

3 **MR. WELLS:** No, sir, he did not.

4 **MR. CALLAGHAN:** Now, Mr. Commissioner, Mr.
5 Neville reviewed some allegations in the statement of
6 claim. I'm of the view to ask the officer whether any of
7 the allegations regarding his conduct are true, rather than
8 take him to each of the allegations.

9 **THE COMMISSIONER:** Okay.

10 **MR. CALLAGHAN:** It seems to me to shorten
11 the matter. I don't think there's a dispute, but I think
12 we should have it on the record.

13 Staff Sergeant(sic) Wells, there were, as
14 Mr. Neville indicated, a number of pleadings, which are
15 statements of claim. There were approximately three that
16 made allegations against you -- Mr. Neville read some --
17 allegations of improper conduct by you as against Perry
18 Dunlop. I just want to get an unequivocal answer.

19 Was there -- did you do anything improper in
20 respect of Perry Dunlop?

21 **MR. WELLS:** No, sir, absolutely not.

22 **MR. CALLAGHAN:** And do you deny the
23 allegations raised to you -- raised by Mr. Dunlop in his
24 various statements of claim?

25 **MR. WELLS:** Emphatically.

1 **MR. CALLAGHAN:** All right. Thank you.
2 I think -- unless there's any issue with
3 that ---

4 **THE COMMISSIONER:** No.

5 **MR. CALLAGHAN:** --- and if there are, I
6 think someone would raise it. Otherwise, I would have gone
7 through the whole thing.

8 Thank you, Mr. Commissioner. Those are my
9 questions.

10 **THE COMMISSIONER:** Thank you.

11 Any re-exam?

12 **MS. JONES:** I just have a couple of
13 questions, but I just wonder if I could take a break?
14 There's one document I wanted to find that I don't seem to
15 be having here. Is that possible?

16 **THE COMMISSIONER:** Sure.

17 **MS. JONES:** Thank you.

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

20 This hearing will resume at 10:55.

21 --- Upon recessing at 10:40 a.m./

22 L'audience est suspendue à 10h40

23 --- Upon resuming at 10:56 a.m./

24 L'audience est reprise à 10h56

25 **THE REGISTRAR:** Order; all rise. À l'ordre;

1 veuillez vous lever.

2 This hearing is now resumed. Please be
3 seated. Veuillez vous asseoir.

4 **MS. JONES:** Thank you very much.

5 **BRENDON WELLS, Resumed/Sous le même serment:**

6 **--- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MS. JONES:**

7 **MS. JONES:** Just a couple more questions,
8 Inspector Wells.

9 Could we please refer to Exhibit 1439?

10 **THE COMMISSIONER:** I should note this is the
11 first time that someone refers to an exhibit and I have the
12 book right in front of me instead of having to find it.

13 So we're at the Officer Development
14 Schedule?

15 **MS. JONES:** We're at the -- Officer Brunet's
16 notes, actually, Exhibit 1439.

17 **THE COMMISSIONER:** Thirty-nine (39). Okay.
18 Sorry. Well, it still holds. Okay.

19 What page?

20 **MS. JONES:** It's going to be starting Bates
21 page 7097.

22 **THE COMMISSIONER:** We're there?

23 **MS. JONES:** You should go to 7098.

24 Just a quick question about this because
25 your counsel to this specific page.

1 January 8th, 1994, again, this is the date of
2 the newspaper article that you were given certain
3 quotations to, and this is the same date that apparently
4 Officer Brunet was calling around the media, and your
5 counsel took you to this letter -- to these notes and just
6 made comments that the various reasons why it would appear
7 Officer Brunet's contacting the media and the various
8 discussions that he's having there.

9 But I just want to draw your attention
10 actually to Bates page 7099 at the bottom at 13:50 hours.
11 I just want a clarification of that because I didn't make a
12 note of it as your counsel brought you to this.

13 I just want to be very clear that it would
14 appear from Sergeant Brunet's notes that when he contacted
15 Cathy Abraham at the Ottawa Citizen this is what she said
16 apparently to Officer Brunet. She states that:

17 "They are running a story today for the
18 first day. The story is the only thing
19 she can turn over to me. She says all
20 the other documentation will have to go
21 through their legal branch."

22 So the reference made there on January 8th to
23 Officer Brunet would appear to be the January 8th article
24 that quoted you. Whether it was correct or not is another
25 story.

1 Can you see that, sir?

2 MR. WELLS: I can.

3 MS. JONES: And you will agree with me, at
4 this time period you were having discussions with Officer
5 Brunet about press releases? We see that in notations in
6 the days leading up to this.

7 MR. WELLS: That's correct.

8 MS. JONES: And at that time you still were
9 the media person?

10 MR. WELLS: That's correct.

11 MS. JONES: So it is very possible you did
12 actually see the article around January 8th and it's
13 possible even that Officer Brunet brought it to your
14 attention?

15 MR. WELLS: It's possible.

16 MS. JONES: Okay. The only other query I
17 have that Mr. Callaghan brought up had to do with the
18 latest exhibit he brought here which is Exhibit 1761.

19 THE COMMISSIONER: Are those your
20 handwritten notes of your steps taken?

21 MS. JONES: These are the steps taken in
22 your investigation?

23 MR. WELLS: Yes, Ma'am.

24 MS. JONES: Have you got that? It's the
25 handwritten one that was just handed in today.

1 MR. WELLS: Yes ---

2 MS. JONES: You've got that.

3 MR. WELLS: --- that's right.

4 MS. JONES: Okay. And the date here says
5 January 21st and following, but that's 1994, although it
6 doesn't say it on here. Is that clear?

7 MR. WELLS: Yes, Ma'am.

8 MS. JONES: Okay. And your counsel asked
9 you and pointed out specifically to the entry on February
10 7th, 1994 and you stated:

11 "Received notes, statement and complete
12 investigation completed by Staff
13 Sergeant G. Derochie."

14 Do you see that?

15 MR. WELLS: That's correct.

16 MS. JONES: And the question put to you by
17 your counsel was is it possible that you learned of the
18 \$32,000 settlement after receiving Staff Sergeant
19 Derochie's notes on February 7th, 1994 and your answer is
20 it's possible that that is true that you didn't know of
21 that before -- or I'm sorry; you didn't learn of it until
22 after you received those notes on February 7th.

23 Do you recall telling your counsel that it
24 was possible that you didn't learn of that until after
25 receiving Derochie's notes?

1 **MR. WELLS:** I recall telling my counsel that
2 it was possible that I learned of the \$32,000 settlement
3 from that information.

4 **MS. JONES:** Okay. If I could just refer you
5 to, again, Exhibit 1224.

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

7 **MS. JONES:** Now, this is the press release
8 or the news release on January 11th, 1994. You can see the
9 originator is Mr. Courville, the contact is Acting Chief
10 Carl Johnston.

11 Now, you and I had spoken about this press
12 release, I believe it was yesterday.

13 **MR. WELLS:** Yes.

14 **MS. JONES:** And your testimony was, as I
15 understand it, that you may have helped in the drafting,
16 not the facts, but the drafting of how this was put
17 forward. That you may have had some input into that?

18 **MR. WELLS:** I believe my testimony was that
19 Staff Sergeant Brunet would have come to me re: assistance
20 of how to structure and nothing to do with the facts.

21 **MS. JONES:** No. That's right. I believe
22 that's what I was saying to you.

23 You did remember, though, specifically
24 having some contact with Staff Sergeant Brunet about this
25 news release in some fashion?

1 MR. WELLS: Yes.

2 MS. JONES: And, again, on January 11th, 1994
3 you were also wearing the hat of being the media
4 spokesperson as well?

5 MR. WELLS: That's correct.

6 MS. JONES: So if you would please go to
7 Bates page 5625?

8 MR. WELLS: Yes.

9 MS. JONES: I'm looking specifically at
10 paragraph 8.

11 MR. WELLS: Yes.

12 MS. JONES: Would you agree with me that in
13 that paragraph it states:

14 "On or about September 7th, 1993 the
15 Cornwall Police Service received for
16 the first time written notification
17 that the complainant no longer wished
18 to pursue any criminal action against
19 the clergyman, as he had received a
20 civil settlement with that party. At
21 this time, the Office of the Crown
22 Attorney was contacted by the
23 investigators regarding their
24 notification of the civil settlement."

25 Do you see that, sir?

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

2 **MS. JONES:** So it's actually more likely
3 that you would have known of a civil settlement in this
4 matter before you had received the notes from Staff
5 Sergeant Derochie on February 7th?

6 **MR. WELLS:** It's possible.

7 **MS. JONES:** Because of the fact of this
8 press release being January 11th, '94 and you clearly would
9 have had a discussion of some sort before January 11th,
10 1994?

11 **MR. WELLS:** Not necessarily.

12 **MS. JONES:** On the date then of January 11th,
13 1994?

14 **MR. WELLS:** Are you referring to the meeting
15 that Staff Sergeant Brunet and I had concerning the
16 structure of this media release?

17 **MS. JONES:** Yes.

18 **MR. WELLS:** And as I suggested before, I may
19 have had that meeting with Staff Sergeant Brunet concerning
20 how to structure a media release but not necessarily the
21 contents of it.

22 **MS. JONES:** True. But would that not be
23 part of your responsibility as the media spokesperson to at
24 least read the news release either ---

25 **MR. WELLS:** That would ---

1 **MS. JONES:** --- on or about the time it's
2 being released?

3 **MR. WELLS:** Possibly after I would have,
4 yes.

5 **MS. JONES:** But again, that would be before
6 February 7th. That's the point I'm trying to make here.

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

8 **MS. JONES:** Yes?

9 **MR. WELLS:** I don't know when I would have
10 read it.

11 **MS. JONES:** True.

12 **MR. WELLS:** But I possibly reviewed it, yes.

13 **MS. JONES:** But I just want to be clear here
14 that you would have likely known about the settlement
15 before you received the notes from Staff Sergeant Derochie?

16 **MR. WELLS:** Possibly. Possibly. My answer
17 is possibly, yes.

18 **MS. JONES:** Thank you. Those are all my
19 questions.

20 **MR. WELLS:** Thank you.

21 **THE COMMISSIONER:** So are we ready to
22 proceed with the next witness or do we need to take a break
23 to get the balance going?

24 **MR. CALLAGHAN:** We're doing a team shift.

25 **THE COMMISSIONER:** Okay.

1 **MR. CALLAGHAN:** If I could be five minutes
2 only?

3 **THE COMMISSIONER:** Sure.

4 **MR. CALLAGHAN:** We will move our team out
5 and let another team come in and deal with the next
6 witness.

7 **THE COMMISSIONER:** Yes. I think Commission
8 counsel have to do the same.

9 Sir, I want to take a moment to thank you
10 for coming to testify here. I know it's difficult to come
11 and give evidence at this Inquiry sometimes, but I can
12 assure you that your evidence will be considered and the
13 recommendations that you've given me will also be
14 considered.

15 **MR. WELLS:** Mr. Commissioner, it's been a
16 pleasure.

17 **THE COMMISSIONER:** Thank you very much.

18 **MR. WELLS:** Thank you.

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

21 This hearing will resume at 11:15.

22 --- Upon recessing at 11:06 a.m./

23 L'audience est suspendue à 11h06

24 --- Upon resuming at 11:16 a.m./

25 L'audience est reprise à 11h16

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

3 This hearing is now resumed. Please be
4 seated. Veuillez vous asseoir.

5 **THE COMMISSIONER:** Thank you.

6 **MR. DUMAIS:** Good morning, Mr. Commissioner.

7 **THE COMMISSIONER:** Good morning.

8 **MR. DUMAIS:** Our next witness is Joseph St.
9 Denis.

10 **THE COMMISSIONER:** Good morning, sir.

11 **MR. ST. DENIS:** Good morning, Your Honour.

12 **JOSEPH ST. DENIS, Sworn/Assermenté:**

13 **THE COMMISSIONER:** Sir, you'll be with us
14 for a little bit, so there is fresh water in the jug, clean
15 glasses.

16 I can understand you may be soft spoken, so
17 you may want to bring the microphone down so we pick up
18 what you're saying. There's a speaker, a little box there,
19 so if you have trouble hearing you can either up or lower
20 the volume.

21 There's a computer screen there. We will be
22 showing you documents either on the screen or in binders.
23 So we'll make sure that you're up to speed before we get
24 going.

25 More importantly, if you have any questions

1 about what's going on here, if you feel uncomfortable, you
2 can stop at any time and tell me that. But otherwise, I'd
3 like you to listen carefully to the question, answer the
4 best you can and if you don't know the answer, that's fine.
5 If you don't recall, that's fine, but if you don't
6 understand the question, what I really want you to do is
7 stop and make sure that we understand where everybody is
8 before you give your answer.

9 Do you have any questions, sir?

10 **MR. ST. DENIS:** No, sir.

11 **THE COMMISSIONER:** Thank you.

12 **MR. ST. DENIS:** Thank you.

13 **THE COMMISSIONER:** Welcome aboard.

14 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
15 **DUMAIS:**

16 **MR. DUMAIS:** Good morning, sir.

17 **MR. ST. DENIS:** Good morning.

18 **MR. DUMAIS:** I understand that you were
19 employed by the Cornwall Police Service from 1987 until the
20 date you retired in 2001; is that correct?

21 **MR. ST. DENIS:** That's correct.

22 **MR. DUMAIS:** And my understanding is that
23 you were employed in the capacity of Deputy Chief. Is that
24 correct?

25 **MR. ST. DENIS:** That's correct.

1 **MR. DUMAIS:** And you were the Deputy Chief
2 throughout that entire period?

3 **MR. ST. DENIS:** Yes, I was.

4 **MR. DUMAIS:** And I understand that you did
5 not start your police career with the Cornwall Police
6 Services and that you had been employed with the Royal
7 Canadian Mounted Police for a period of 24 years. Is that
8 correct?

9 **MR. ST. DENIS:** That's correct.

10 **MR. DUMAIS:** I understand you were first
11 hired or you applied and you completed your recruit
12 training in 1963. Is that correct?

13 **MR. ST. DENIS:** That's correct.

14 **MR. DUMAIS:** And you completed your recruit
15 training in Regina?

16 **MR. ST. DENIS:** Yes, I did.

17 **MR. DUMAIS:** And your first posting, sir,
18 would have been in Chilliwack. Am I correct on that?

19 **MR. ST. DENIS:** No, I was sworn in in
20 Chilliwack.

21 **MR. DUMAIS:** I see.

22 **MR. ST. DENIS:** Had a final medical in
23 Shaughnessy Hospital -- that does not exist today -- in
24 Vancouver. And then training began in Regina and after my
25 training, I was immediately posted to "C" Division,

1 Montreal, Quebec.

2 MR. DUMAIS: All right.

3 And we did prepare a document, which I will
4 file shortly, which sets out your rank and your work in the
5 Cornwall Police Service as well as the different training
6 courses that you would have completed.

7 But just before we get into that, can you
8 just simply give us a brief overview of your employment
9 with the RCMP, how you moved up in rank and where you were
10 stationed, just a general overview.

11 MR. ST. DENIS: Well, upon leaving Regina,
12 after graduating, I went to Montreal, and because I was
13 short at the time and bilingual, I was immediately engaged
14 into the drug squad. I did undercover work both at the
15 municipal, provincial, international level.

16 After Drugs, I went to Counterfeit. I did
17 preventive work, which was elicited stills. I did MBC,
18 *Migratory Birds Act*. I did CSA, *Canada Shipping Act*;
19 federal statutes, as you can appreciate, being in the
20 Province of Quebec.

21 I began some courses at Sir George Williams,
22 which is Concordia today, and from there, I was offered a
23 transfer to Ottawa, a promotional transfer to Ottawa into
24 Interpol, a corporal's position, and I took it, and
25 continued some more courses at St. Pat's College and

1 Carleton University.

2 From Interpol, I was sent downtown, another
3 promotional opportunity for sergeant in Commercial Crime,
4 white-collar crime. I dealt with top-secret documents to
5 simple fraud in the City of Ottawa and elsewhere.

6 **THE COMMISSIONER:** Okay. No, no, no, we
7 have got to deal with this.

8 (LAUGHTER/RIRES)

9 **THE COMMISSIONER:** You said that you're
10 transferred to Montreal because you were short and you were
11 French. So because there are some people over there who
12 would never understand that ---

13 (LAUGHTER/RIRES)

14 **THE COMMISSIONER:** --- is that -- because
15 you were shorter than most RCMP folks, the fact that you
16 were short, that would eliminate one of the checkmarks if
17 somebody was going to look into your drugs, into a drug
18 unit, right?

19 **MR. ST. DENIS:** That's correct.

20 **THE COMMISSIONER:** Okay. And because you
21 were French was just because you were going to Montreal.
22 It's not because short French people are drug users? Is
23 that ---

24 (LAUGHTER/RIRES)

25 **THE COMMISSIONER:** Because I know those

1 people over there came to that conclusion right off the
2 bat.

3 MR. ST. DENIS: Sorry for misleading you.

4 THE COMMISSIONER: No, well, it's just
5 they're uninformed. That's all.

6 (LAUGHTER/RIRES)

7 THE COMMISSIONER: All right. Good, good.
8 I'm glad we got that over with.

9 MR. ST. DENIS: Okay. So then I got
10 promoted to sergeant in Commercial Crime, "A" Division, and
11 I also got promoted to staff sergeant in "A" Division
12 Commercial Crime in downtown Ottawa.

13 From there, I went to -- was offered a
14 transfer again to Headquarters, Mother House, RCMP, to do
15 interprovincial audits on an audit team. They called it
16 the Commissioner's Audit Team, and we traveled from coast
17 to coast doing audits in the various divisions of the RCMP;
18 came back and went into another position downtown and did
19 managerial reviews for all of the detachments in Northern
20 Ontario, the Ottawa Subdivision.

21 And from there, I was offered another
22 transfer, but then something came up in The Ottawa Citizen.
23 I saw a clipping where they were looking for a Deputy Chief
24 of Police in Cornwall. I applied and made the shortlist
25 and I became the Deputy. I got the job.

1 **MR. DUMAIS:** And you eventually got the job?

2 **MR. ST. DENIS:** Yes.

3 **MR. DUMAIS:** All right.

4 What rank did you hold with the RCMP when
5 you took your retirement?

6 **MR. ST. DENIS:** Staff sergeant.

7 **MR. DUMAIS:** All right.

8 And you -- why did you decide to leave the
9 RCMP?

10 **MR. ST. DENIS:** I wasn't looking to take on
11 a commission at that time, meaning another promotion to
12 Inspector. As the rule at that time, if you became an
13 inspector, you were liable to be shipped out anywhere
14 across Canada. And with my family at that time, we weren't
15 prepared to do that. So I saw that door that I just
16 mentioned, becoming the Deputy in Cornwall. So I took that
17 opportunity and left the RCMP.

18 **MR. DUMAIS:** So when you took up that
19 position, that was essentially the first time that you were
20 part of the management team in a detachment. Is that
21 correct?

22 **MR. ST. DENIS:** Well, I was a supervisor in
23 -- like we had the Fraud Section, and we had the Bankruptcy
24 Section, and we would alternate between being supervisors
25 of either sub-squad, if I can call it that, subsection. So

1 I had people working for me, below me.

2 MR. DUMAIS: All right.

3 But were you in charge of a specific
4 detachment with that sub-squad?

5 MR. ST. DENIS: No. I'm sorry. No, I'm
6 sorry. No.

7 MR. DUMAIS: All right.

8 So I'm just going to go through some of the
9 training that you would have completed with the RCMP simply
10 because it's not part of the summary that was prepared.

11 So my understanding is that you would have
12 completed a senior police administration course in 1977.
13 Is that correct?

14 MR. ST. DENIS: That's fair.

15 MR. DUMAIS: All right.

16 MR. ST. DENIS: Around that time.

17 MR. DUMAIS: And you referred to work you
18 would have done as an auditor for the RCMP. My
19 understanding is you completed a couple of courses that
20 were relevant to that. So you would have completed the
21 Effective Auditing Course in January of 1983 as well as the
22 Auditing Management Controls Course in January of 1983 as
23 well. Is that correct?

24 MR. ST. DENIS: Yes, those were one-day
25 courses, I believe.

1 **MR. DUMAIS:** All right.

2 And these were courses that were offered by
3 a university. Is that correct?

4 **MR. ST. DENIS:** No, they were offered
5 through the Canadian Police College.

6 **MR. DUMAIS:** I see.

7 **MR. ST. DENIS:** And the one that was offered
8 -- that was prepared for us from the university was the
9 Comprehensive Audit. That one was prepared by a university
10 professor, fine-tuned to accommodate RCMP needs. And I
11 think it was a two to three-day -- a condensed two-month
12 course into a three-day course with exams, and you had to
13 pass that exam to remain on the Commissioner's Audit Team.

14 **MR. DUMAIS:** All right.

15 **MR. ST. DENIS:** I failed the first time, but
16 I passed the second time.

17 **MR. DUMAIS:** All right. Good for you.

18 And that course that you referred to was the
19 Comprehensive Auditing and Policing Course. Is that
20 correct?

21 **MR. ST. DENIS:** Yes, sir.

22 **MR. DUMAIS:** All right.

23 So if I can then just take you to Document
24 number 200203.

25 **THE COMMISSIONER:** Thank you. Exhibit 1766

1 is the Deputy Chief Joseph St. Denis's rank and position
2 within the Cornwall Police Service. So 1766.

3 --- EXHIBIT NO./PIÈCE No P-1766:

4 (200203) - Career profile

5 MR. DUMAIS: Thank you. If we just look at
6 the first page of that document, which is titled "Deputy
7 Chief Joseph St. Denis" and then "Rank and Position". So
8 that indicates that you would have started with the
9 Cornwall Police on March 23rd, 1987 and retired on June 15th,
10 2001. Is that correct?

11 MR. ST. DENIS: That's correct.

12 MR. DUMAIS: And my understanding, sir, is
13 that you were away for a certain period of time between
14 April 14th, 1998 and the date of retirement 2001. You were
15 off on sick leave. Is that correct?

16 MR. ST. DENIS: That's correct.

17 MR. DUMAIS: All right.

18 And so you never went back during that
19 entire period of time?

20 MR. ST. DENIS: No, I did not.

21 MR. DUMAIS: All right.

22 So essentially then my questions to you
23 today will deal with this time period between 1987 and
24 April 14th, 1998.

25 And we have prepared a list of training

1 courses that you would have completed. That's on page 2 of
2 this document.

3 You have reviewed this document, sir, and I
4 understand that it is accurate and these are the courses
5 that you would have completed as a police officer within
6 your career. Is that correct?

7 **MR. ST. DENIS:** Yes.

8 **MR. DUMAIS:** All right.

9 **MR. ST. DENIS:** With a small correction,
10 since I didn't have this form in front of me. It was not
11 the Comprehensive Auditing and Policing Toronto. That was
12 just kind of a two-day course. The heavy-duty course was
13 the Auditing Management Controls. That would have been the
14 exam course. Sorry about that.

15 **MR. DUMAIS:** But you would have completed
16 that course in 1991; correct?

17 **MR. ST. DENIS:** Yes, yes.

18 **MR. DUMAIS:** All right.

19 Now, if we can just go back or go to 1987
20 when you applied for this position? I take it you
21 travelled to Cornwall and had an interview. Is that
22 correct?

23 **MR. ST. DENIS:** Yes.

24 **MR. DUMAIS:** And do you recall who was
25 interviewing you?

1 **MR. ST. DENIS:** I believe at that time it
2 was Mayor Brian Lynch, Board Chairman -- Cornwall Police
3 Board Chairman Ron Adams; I believe Alderman Guy Léger, who
4 was also a Cornwall Police Board Member, was on that Board.
5 There was somebody from Toronto and I believe there was a
6 Chief of Police, whom I don't recall who it was and Chief
7 Shaver sat in, but I believe Chief Shaver was more as an
8 observer. The other people were making the decision on the
9 shortlist of the people that were ---

10 **MR. DUMAIS:** All right.

11 So did you have a follow-up interview when
12 you made the shortlist?

13 **MR. ST. DENIS:** Actually, I only remember
14 one interview and a decision was made from that, I believe.

15 **MR. DUMAIS:** All right.

16 So you don't think that during that
17 interview that Shaver -- Chief Shaver would have
18 participated; correct?

19 **MR. ST. DENIS:** He may have. Like, I wasn't
20 there for the prior session or the session after.

21 **MR. DUMAIS:** I mean, during the interview,
22 is he asking you questions?

23 **MR. ST. DENIS:** No.

24 **MR. DUMAIS:** All right.

25 **MR. ST. DENIS:** No, he did not.

1 **MR. DUMAIS:** So he's simply an observer?

2 **MR. ST. DENIS:** Yes.

3 **MR. DUMAIS:** All right.

4 So then finally you're hired. You get the
5 job. You get to work on March 23rd of 1987, and I take it
6 you would have had a meeting with the Chief; is that
7 correct?

8 **MR. ST. DENIS:** Yes.

9 **MR. DUMAIS:** And do you have a discussion at
10 this point in time about job description, what the
11 expectations are, what you are to do?

12 **MR. ST. DENIS:** Somewhat, somewhat. We were
13 guided by the -- my Personal Services Contract as provided
14 by the Board, between the Board and myself, and within my
15 Personal Services Contract there were three areas that
16 identified my responsibilities as Deputy Chief. And we'll
17 say a year or two later, a job description was more defined
18 or better prepared by the Board when I renegotiated my
19 Personal Services Contract. There was a clearer job
20 description ---

21 **MR. DUMAIS:** All right.

22 **MR. ST. DENIS:** --- than the one I had.

23 **MR. DUMAIS:** It was clear that you answered
24 to the Chief at that time. Is that correct?

25 **MR. ST. DENIS:** Chief and only the Chief.

1 **MR. DUMAIS:** All right.

2 And my understanding is that if you gave him
3 -- he gave you an order; you followed that order. Is that
4 correct?

5 **MR. ST. DENIS:** If the order was lawful,
6 yes, sir.

7 **MR. DUMAIS:** All right.

8 And I understand as well that you would have
9 assisted the Chief with employment issues, pay equity
10 issues, administrative stuff. Is that correct?

11 **MR. ST. DENIS:** That's what my job
12 description stated, assisting the Chief to implement all
13 these various aspects of what was identified in the *Police*
14 *Act* and under the -- under the Police Services Board
15 mandate.

16 **MR. DUMAIS:** All right.

17 And I also understand that you sat on some
18 committees?

19 **MR. ST. DENIS:** Many.

20 **MR. DUMAIS:** Many committees?

21 **MR. ST. DENIS:** Yeah.

22 **MR. DUMAIS:** And you were also responsible
23 for creating or revising or reviewing policies and
24 procedures?

25 **MR. ST. DENIS:** Yes, sir.

1 **MR. DUMAIS:** And I understand that all staff
2 inspectors would report to you?

3 **MR. ST. DENIS:** Three areas -- actually
4 four, the officer in charge of -- the Financial Services
5 Officer, Mr. Lefebvre; the OIC Field Ops; the OIC CIB; and
6 the OIC Admin.

7 **MR. DUMAIS:** All right.

8 **MR. ST. DENIS:** I would do their
9 evaluations, those four people.

10 **MR. DUMAIS:** And did all of these people
11 hold the rank of inspectors or staff inspector?

12 **MR. ST. DENIS:** It changed. One inspector
13 passed away and then we temporarily used a staff sergeant
14 to fill the position. It changed from time to time.

15 **MR. DUMAIS:** All right.

16 But clearly these four people reported
17 directly to you?

18 **MR. ST. DENIS:** Yes.

19 **MR. DUMAIS:** All right.

20 I also understand that you acted or you had
21 a liaison officer role with the OPP. Is that correct?

22 **MR. ST. DENIS:** Yes. Well, the OPP
23 Superintendent would either call the Chief or myself,
24 especially if we were mounting a joint forces operation,
25 and we did have one in the early '90s. Yes, I would be

1 involved. We'd hold meetings, and whatever the operation
2 would be, a plan would be written up and all the
3 stakeholders would sign on as to what their
4 responsibilities would be and who would pay for what and
5 who would look after what. It's a project.

6 **MR. DUMAIS:** All right.

7 And I understand you were also dealing with
8 budget issues; is that correct?

9 **MR. ST. DENIS:** Yes, I assisted the Chief
10 with the budgets. We'd have all our various unit heads
11 come in, present what they believed was going to be
12 required financially, training, otherwise, for the
13 following year and the Chief always called those meetings
14 every year before he made his presentation to the Board.

15 **MR. DUMAIS:** But the actual preparation of
16 the document, was that you that was doing that?

17 **MR. ST. DENIS:** No. No, the final
18 submission, the final prep would have been done by the
19 Chief's office.

20 **MR. DUMAIS:** All right.

21 So there's a split between the Chief's
22 office and the Deputy Chief's office; is that correct?

23 **MR. ST. DENIS:** On paper you could say that,
24 yes.

25 **MR. DUMAIS:** I mean, when you're telling me

1 the final responsibility or the final document was being
2 prepared by the Chief's office, are you part of that or is
3 there something that's separate?

4 **MR. ST. DENIS:** It depended. I could be --
5 I could be part of it and make my suggestions, but the
6 Chief had the ultimate final say.

7 **MR. DUMAIS:** He had final say on all
8 matters?

9 **MR. ST. DENIS:** We could say that, yes.

10 **MR. DUMAIS:** All right.

11 So in 1987, when you join the Police
12 Service, is there any discussion with the Chief about
13 whether or not there is any internal issues within the
14 Service?

15 **MR. ST. DENIS:** I think he briefed me on
16 some, but I didn't think -- I don't think he wanted to -- I
17 don't know what the word is. I think he wanted me to just
18 make up my own mind on the various issues that may or may
19 not have existed at the time without making me see what he
20 was seeing at the time.

21 **MR. DUMAIS:** All right.

22 So you don't have a specific discussion
23 right away. Is that fair?

24 **MR. ST. DENIS:** No, it probably happened
25 that week, the first week I was there though.

1 **MR. DUMAIS:** And we're going to look at a
2 number of different reports shortly, and the first three
3 are inspection reports that would have been conducted by
4 the Ontario Police Commission. You're familiar with that
5 process, sir?

6 **MR. ST. DENIS:** Yes, sir.

7 **MR. DUMAIS:** All right.

8 And were you familiar with that process back
9 in 1987?

10 **MR. ST. DENIS:** I got my first involvement -
11 - I should say my first involvement was the debriefing of
12 the auditors of that first inspection.

13 **MR. DUMAIS:** All right.

14 So you didn't have prior experience ---

15 **MR. ST. DENIS:** No.

16 **MR. DUMAIS:** --- with inspection reports ---

17 **MR. ST. DENIS:** No.

18 **MR. DUMAIS:** --- of that sort?

19 **MR. ST. DENIS:** No, not those, no.

20 **MR. DUMAIS:** All right.

21 And the report that you're referring to is
22 the 1989 inspection. Is that correct?

23 **MR. ST. DENIS:** Yes.

24 **MR. DUMAIS:** All right.

25 And perhaps I can just take you to that

1 document.

2 **THE COMMISSIONER:** Before we go there, Mr.
3 Dumais, can I ask this? So you're coming into this Force
4 with extensive policing experience with the RCMP?

5 **MR. ST. DENIS:** M'hm.

6 **THE COMMISSIONER:** Can you give me, you
7 know, what your initial response or thoughts were when you
8 got in there; you met with the Chief and you had a look
9 around? You know, it could be the "Oh my God, what did I
10 get myself into?" or "This is going to be a challenging
11 job." Do you remember how you felt?

12 **MR. ST. DENIS:** The latter two, for the
13 first while ---

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

15 **MR. ST. DENIS:** I said the latter two
16 comments you made, for the first while, everything was
17 hunky dory, but it was -- you could tell there was stress
18 in the office, internally.

19 **THE COMMISSIONER:** All right.

20 And so my question was going to broaden out.
21 Morale -- right off the bat, did you come to any sense
22 about how morale was? You said stress?

23 **MR. ST. DENIS:** There was stress, but we
24 were dealing -- I was beginning to realize you had maybe
25 different pockets of interests within the Force and

1 everybody seemed to have different views as to what the
2 priorities should be ---

3 THE COMMISSIONER: M'hm.

4 MR. ST. DENIS: --- and people -- there were
5 people that were on -- a lot of people on sick leave ---

6 THE COMMISSIONER: Yes.

7 MR. ST. DENIS: --- and a lot of people on
8 time off. I can remember one time there was up to 12
9 people off on sick leave, for maternity leaves ---

10 THE COMMISSIONER: Yes.

11 MR. ST. DENIS: --- and other leave.

12 THE COMMISSIONER: Okay. And what was your
13 initial ---

14 MR. ST. DENIS: Well, I knew it wasn't going
15 to be easy. I knew it was going -- I knew it was going to
16 be a challenge ---

17 THE COMMISSIONER: Right.

18 MR. ST. DENIS: --- and I think I learned
19 that, I would say, three to four months into the job.

20 THE COMMISSIONER: Okay. What's your
21 initial assessment of Chief Shaver as the Chief ---

22 MR. ST. DENIS: Excellent.

23 THE COMMISSIONER: --- in those first few
24 months?

25 MR. ST. DENIS: Excellent.

1 **THE COMMISSIONER:** All right.

2 **MR. ST. DENIS:** He was -- he showed
3 leadership and my first exposure to his leadership style --
4 good exposure to his leadership style was this document
5 that we're talking about. When it came out, I was still
6 green, I guess you could say ---

7 **THE COMMISSIONER:** Yes.

8 **MR. ST. DENIS:** --- and Chief Shaver
9 immediately acted upon the suggested problems and complied
10 with all, I think -- well, I'll say all the
11 recommendations. I could be maybe missing one or two, but
12 I believe we complied with all the recommendations.

13 **THE COMMISSIONER:** Did you know Perry Dunlop
14 before joining ---

15 **MR. ST. DENIS:** No.

16 **THE COMMISSIONER:** --- this Force?

17 **MR. ST. DENIS:** No, sir.

18 **THE COMMISSIONER:** All right.

19 Go ahead, Maître Dumais.

20 **MR. DUMAIS:** And is it fair to say that
21 between 1987 and 1989 there wasn't much change within the
22 Cornwall Police Service? Is that fair?

23 **MR. ST. DENIS:** It appeared there were old
24 issues that hadn't been rectified, and I think that's what
25 resulted in this report.

1 **MR. DUMAIS:** Well, during that period of
2 time, did you try to implement any new processes to try to
3 address some of these issues?

4 **MR. ST. DENIS:** Yes, and I think some of
5 them are covered in the action taken with respect to that
6 report.

7 **MR. DUMAIS:** All right.

8 Well, perhaps we can just go to that
9 document. It might be easier. So if I can take you then
10 to Document Number 729852, and I believe that has been
11 filed as an exhibit.

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

13 **MR. DUMAIS:** Exhibit 1388.

14 **THE COMMISSIONER:** All right. So what page
15 would you like to go to?

16 **MR. DUMAIS:** If we can just go to Bates page
17 026.

18 **THE COMMISSIONER:** All right. Sir, if you
19 look on the top left-hand corner ---

20 **MR. ST. DENIS:** M'hm.

21 **THE COMMISSIONER:** The other left-hand
22 corner. Okay. You'll see a bunch of numbers there and
23 what we'll do is probably refer you to the last three or
24 four numbers to give you an indication -- oh, actually
25 there's a page number at the bottom as well. We might go

1 there. So the last three numbers are 026.

2 **MR. ST. DENIS:** I'm there.

3 **THE COMMISSIONER:** All right. Thank you.

4 **MR. ST. DENIS:** Thank you.

5 **MR. DUMAIS:** And perhaps, Mr. St. Denis,
6 before we look at the document, do you know how -- what the
7 process is to have the Ontario Police Commission come to
8 your service and conduct an audit?

9 **MR. ST. DENIS:** I believe at that time the
10 Sol Gen's Department would come every -- I'll say three
11 years -- I'm not sure -- or they could come at the bequest
12 of the Police Services Board, and this one I believe it --
13 I'm not sure -- I'm not sure how this one was -- how it
14 originated. I can't tell you. I don't remember or at
15 least I don't know.

16 **MR. DUMAIS:** All right.

17 But certainly people from the Ontario Police
18 Commission came to ---

19 **MR. ST. DENIS:** Yeah.

20 **MR. DUMAIS:** --- your office and you
21 participated in that process?

22 **MR. ST. DENIS:** We would -- the Chief,
23 myself, probably the senior officers and I would think the
24 initial debriefing of these recommendations would have
25 probably been done to the Chief and myself in the Chief's

1 office.

2 MR. DUMAIS: You mean after the report ---

3 MR. ST. DENIS: After the ---

4 MR. DUMAIS: --- was completed?

5 MR. ST. DENIS: After the report, everything
6 is done, yes.

7 MR. DUMAIS: All right.

8 So my understanding -- and I'm just looking
9 at the introduction which is at the top of that page 026 --
10 that they would have been at the detachment on April 4th, 5th
11 and 6th and, as well, on April 18th, 19th and 20th. Do you
12 see that?

13 MR. ST. DENIS: Yes.

14 MR. DUMAIS: And my understanding is that,
15 essentially, they come in; they interview a number of
16 different people; they conduct audits of documents, of
17 investigative files and they come up with a certain number
18 of findings. Is that correct?

19 MR. ST. DENIS: Yes.

20 MR. DUMAIS: And after they make their
21 findings, they come up with a number of recommendations?

22 MR. ST. DENIS: Yes.

23 MR. DUMAIS: And there's a process, as well,
24 that's in place to verify whether or not these
25 recommendations have been implemented. Is that correct?

1 **MR. ST. DENIS:** There's a follow-up report
2 usually.

3 **MR. DUMAIS:** All right.

4 And you see this from this report they're
5 looking -- the first section there looks at the previous
6 recommendations and they are making reference to the 1986
7 audit report. Is that correct?

8 **MR. ST. DENIS:** Yes.

9 **MR. DUMAIS:** So these are recommendations
10 that would have been made back then and here they come in
11 and they look whether or not they have been implemented;
12 correct?

13 **MR. ST. DENIS:** Yes.

14 **MR. DUMAIS:** And these three recommendations
15 from the '86 report appear to have been implemented?

16 **MR. ST. DENIS:** Yes.

17 **MR. DUMAIS:** All right.

18 And did you, prior to the release of this
19 report, review the 1986 inspection report?

20 **MR. ST. DENIS:** I don't think so. I don't
21 believe I did.

22 **MR. DUMAIS:** So you don't recall whether or
23 not it would have been produced to you or ---

24 **MR. ST. DENIS:** No.

25 **MR. DUMAIS:** --- someone would have told you

1 to ---

2 MR. ST. DENIS: I don't ---

3 MR. DUMAIS: --- review the ---

4 MR. ST. DENIS: --- I do not recall.

5 MR. DUMAIS: All right.

6 Now, the first section deals with
7 accommodation, and if I can just summarize that paragraph,
8 essentially, they're saying that space is short and they
9 should be looking at new accommodations. Is that correct?

10 MR. ST. DENIS: Yes.

11 MR. DUMAIS: Now, the next heading deals
12 with activity report, and I'm just going to review the last
13 three lines:

14 "However, it has been brought to our
15 attention that the Chief is not
16 notifying the Board of Commissioners of
17 Police of his peers of absence from
18 duty..."

19 And then it continues on the following page:

20 "In order to maintain good
21 communication at all levels of the
22 organization, extended periods of time,
23 i.e., vacations, conferences, seminars
24 should be posted on daily orders
25 indicating the length of absence and

1 who is in charge during such time as
2 the Chief is absent."

3 So that was a concern that they had noted
4 back then?

5 **MR. ST. DENIS:** Yes.

6 **MR. DUMAIS:** And is that something that you
7 were aware of, that the Chief was away and he was not
8 advising the Cornwall Police Services Board?

9 **MR. ST. DENIS:** Well, I assumed when he was
10 away, he must have -- he must have called somebody on the
11 Board to let them know he'd be away and that I would be --
12 I would be taking over while he was off.

13 **MR. DUMAIS:** All right.

14 So that's an assumption that you were making
15 ---

16 **MR. ST. DENIS:** Yes.

17 **MR. DUMAIS:** --- that he was advising
18 someone ---

19 **MR. ST. DENIS:** Yes.

20 **MR. DUMAIS:** --- right?

21 **MR. ST. DENIS:** Yes.

22 **MR. DUMAIS:** And it was your understanding
23 during that period of time that when he was away, you would
24 have been in charge. Is that correct?

25 **MR. ST. DENIS:** That's correct.

1 **MR. DUMAIS:** All right.

2 And the next paragraph deals with accounting
3 and budget matters. Do you see that?

4 **MR. ST. DENIS:** Yes.

5 **MR. DUMAIS:** And the auditors or the
6 inspectors appear to be indicating that the different heads
7 of department who are submitting their budgets would like
8 an opportunity to make submissions, I guess, to you and the
9 Chief prior to cuts being made or to these budgets being
10 submitted to the Cornwall Police Services Board. Is that
11 correct?

12 **MR. ST. DENIS:** That's correct.

13 **MR. DUMAIS:** And, I mean, is that
14 essentially how the budget was dealt with? Different heads
15 submitted ---

16 **MR. ST. DENIS:** At times, yes. Items were
17 cut without maybe a little more consultation, yes.

18 **MR. DUMAIS:** All right.

19 But that paragraph appears to be indicating
20 that there wasn't a consultation process between different
21 heads of department and the ---

22 **MR. ST. DENIS:** Possibly ---

23 **MR. DUMAIS:** --- Chief's office.

24 **MR. ST. DENIS:** Possibly, yes.

25 **MR. DUMAIS:** But when you reviewed this

1 report that was pointed out to you. Is that correct?

2 MR. ST. DENIS: Yes.

3 MR. DUMAIS: And you don't necessarily
4 disagree with that finding?

5 MR. ST. DENIS: No, but I do know it was
6 rectified.

7 MR. DUMAIS: All right.

8 Now, the next heading I want to point your
9 attention to is the career development heading, and I'll
10 just read the introduction. So that's the same page:

11 "A lateral training program has been
12 initiated within the organization.
13 However, it would appear that there is
14 no criteria in the selection of
15 personnel that are being transferred to
16 various units."

17 Now, my first question is what was this
18 lateral training program?

19 MR. ST. DENIS: That would be your staff
20 sergeants and sergeants identifying personnel that could
21 take a lateral move from field office to CIB.

22 There's very little movement that can be
23 accommodated in a small police service, as you can
24 appreciate, so the supervisors would select people that
25 would be deemed as good candidates -- at least interview --

1 to be moved laterally without promotion ---

2 MR. DUMAIS: Right.

3 MR. ST. DENIS: --- and extend their
4 training and exposure to police work.

5 MR. DUMAIS: All right.

6 So essentially if you have a constable
7 that's part of a patrol unit and wants to be transferred to
8 the CIB, he would have to go through this lateral program.
9 Is that correct?

10 MR. ST. DENIS: That would be one way of
11 explaining it, yes.

12 MR. DUMAIS: All right.

13 And essentially what the auditors are saying
14 here is that there is no criterias for that process. Is
15 that correct?

16 MR. ST. DENIS: No, but there was an in-
17 house group, probably myself, the Chief and some senior
18 officers. They'd pull out the personnel file that included
19 the evaluations of these people and based on some of the
20 information and some of the decision making by the senior
21 staff, a person would be selected.

22 Maybe the person that was selected some
23 other people didn't like, for whatever reason, and that was
24 probably creating part of that morale issue that we're all
25 talking about.

1 **MR. DUMAIS:** All right.

2 And this lateral training program, was that
3 put in place by yourself or did it exist prior to your
4 arrival?

5 **MR. ST. DENIS:** I think that came in maybe
6 when I was there but I'm not 100 percent sure.

7 **MR. DUMAIS:** All right.

8 So what are your personal views on the
9 transfers, lateral transfers?

10 **MR. ST. DENIS:** A lot of people don't agree
11 but my position is that you should try and give the members
12 as much exposure to the various areas in the small
13 department that we have so that it makes them a better
14 well-rounded police officer.

15 If you're hired on and you go to field-ops
16 and you're on patrol for 30 years, that's fine. We had
17 some officers that were very happy just to do that and
18 stay; no promotions. They called them CFLers ---

19 **THE COMMISSIONER:** CFLers?

20 **MR. ST. DENIS:** Constable for life. Sorry,
21 sir.

22 **THE COMMISSIONER:** It's okay. We've heard
23 of the Heisman move too so we're all in football terms.

24 **MR. ST. DENIS:** And those people were happy
25 to. But there were other people that wanted to go -- many

1 people wanted to go to CIB but you could only move one or
2 two out per year, because there was no sense moving people
3 in and out of CIB every six months. You need some -- you
4 need to be there for a while to gain the experience.

5 **THE COMMISSIONER:** And to provide some
6 continuity I would suspect.

7 **MR. ST. DENIS:** Yes.

8 **THE COMMISSIONER:** All right.

9 **MR. DUMAIS:** Is it fair to say that the
10 person being laterally transferred did not necessarily have
11 a say in the matter?

12 **MR. ST. DENIS:** Unfortunately I think at
13 times that happened, yes.

14 **MR. DUMAIS:** So that decision fell to who?
15 Was that to you or to the Chief?

16 **MR. ST. DENIS:** It would fall eventually to
17 the Chief. If I made it and he didn't like it he would
18 change it but if he liked it I guess it would be my
19 decision.

20 **MR. DUMAIS:** All right.

21 **MR. ST. DENIS:** And if the association
22 didn't like it, it would be grieved. It's as simple as
23 that.

24 **MR. DUMAIS:** And I guess what the inspectors
25 noted here is the difficulty with the program was that

1 there were an absence of criterias. Is that correct?

2 **MR. ST. DENIS:** I think that that's fair,
3 yes.

4 **MR. DUMAIS:** All right.

5 And if I can then just take you to page --
6 it's page 6. It might be easier, sir, if you just look at
7 the bottom. It's Bates page 030 but page 6 of the report.

8 **MR. ST. DENIS:** Yes. Sorry.

9 **MR. DUMAIS:** It's the paragraph dealing with
10 governing authority ---

11 **MR. ST. DENIS:** Yes.

12 **MR. DUMAIS:** --- and makes reference to your
13 relationship with the Cornwall Police Services Board.

14 **MR. ST. DENIS:** Yes, I remember that.

15 **MR. DUMAIS:** All right.

16 And I guess perhaps just before I ask you a
17 question on the finding, can you give us an idea of what
18 the relationship at that period of time -- and I mean 1989
19 -- was with the Cornwall Police Services Board?

20 **MR. ST. DENIS:** It was -- in my opinion, it
21 was good.

22 **MR. DUMAIS:** All right.

23 **MR. ST. DENIS:** It was excellent. The Board
24 seemed to be happy, the Chief was happy, I was getting my
25 feet wet, but below the stress was starting to show.

1 **MR. DUMAIS:** All right.

2 And were you meeting with the Board
3 personally?

4 **MR. ST. DENIS:** No, never, unless it was my
5 contract and even the Chief was there when it was my
6 contract. Never meet the Board alone. That was -- no.

7 **MR. DUMAIS:** All right.

8 So it was only the Chief that would attend
9 meetings. Is that correct?

10 **MR. ST. DENIS:** When you say "alone" without
11 the Chief; is that what you meant?

12 **MR. DUMAIS:** No, sorry. Whether or not you
13 were part of these and so on.

14 **MR. ST. DENIS:** Oh, I'm sorry. Yes, I did
15 attend Board meetings as and when required. I wasn't
16 necessarily required on all of them. I guess it depended
17 on the issues and if the Chief wanted me there and it ended
18 up that the Board members wanted me there, so I attended
19 many, many Board meetings.

20 **MR. DUMAIS:** And did you have a casting vote
21 at that ---

22 **MR. ST. DENIS:** No, no. No, no.

23 **MR. DUMAIS:** All right. But the Chief did.
24 Is that correct?

25 **MR. ST. DENIS:** No.

1 **MR. DUMAIS:** He did not?

2 **MR. ST. DENIS:** No.

3 **MR. DUMAIS:** All right.

4 So then essentially I think they noted --
5 the finding is at the last part of that section so I'll
6 just read it out:

7 "The Board has an open
8 relationship with the Chief and
9 Deputy Chief. Present members of
10 the Board are fairly new in their
11 position and are seeking guidance
12 and direction concerning their
13 role in the government of the
14 police force."

15 So during that period of time you're dealing
16 essentially with a new Board?

17 **MR. ST. DENIS:** Yes.

18 **MR. DUMAIS:** So both you -- well, you were
19 fairly new to the police service, and you had new Board
20 members?

21 **MR. ST. DENIS:** Yes.

22 **MR. DUMAIS:** And it's noted that there's an
23 open relationship with the Chief and Deputy Chief. So does
24 that mean that you can go to the Cornwall Police Services
25 Board or call someone up and talk to them?

1 **MR. ST. DENIS:** That would be a practice I
2 would not do because I would be bypassing the Chief and
3 that would not be a very good working relationship.

4 **MR. DUMAIS:** All right.

5 So you're a strong believer of the chain of
6 command. Is that correct?

7 **MR. ST. DENIS:** I am, but there is
8 flexibility within the chain at all times.

9 **MR. DUMAIS:** What do you mean by that?

10 **MR. ST. DENIS:** I mean sometimes how
11 decisions were arrived at in the service, it was by
12 consensus, in the sense that there was no sense making a
13 final decision up here if you knew if it was going to be
14 grieved down here for whatever reason.

15 So sometimes what we try to do is get some
16 of the stakeholders into the meeting, get an agreement of
17 whatever it was so that we knew when it came out as a
18 direction that it would be reasonably well accepted.

19 **MR. DUMAIS:** Well, let's just take, as an
20 example, you have a sergeant that has a grievance with some
21 issue. Does he -- can he come into your office and talk to
22 you about it or does he need to go through the inspector?

23 **MR. ST. DENIS:** The first stage he has to go
24 through his own supervisor and then it kicks up to my
25 stage, Deputy Chief, and then it kicks to the Chief's

1 stage, and if it's still not settled it kicks to the Board.

2 MR. DUMAIS: All right.

3 So then it is not an accepted practice to
4 bypass your immediate supervisor. Is that fair?

5 MR. ST. DENIS: When there is an issue, the
6 issue -- you should be able to see what the issue is. You
7 should be able to see what the position is of the
8 supervisor. It should be clearly -- he should be clearly
9 identifying what he feels, what he's recommending and what
10 he doesn't like, what he likes.

11 I get it and I look at it. I should be
12 doing the same thing. So when it reaches the Chief's
13 office, in all fairness, then he would have -- he should
14 have 95 percent of the facts to then make a solid sound
15 decision.

16 So if you start eliminating one level,
17 you're missing out on what is happening below, how that
18 supervisor is feeling or what that supervisor's
19 recommending.

20 MR. DUMAIS: All right.

21 Chain of command rules, really?

22 MR. ST. DENIS: Pardon me?

23 MR. DUMAIS: Chain of command rules, really?

24 MR. ST. DENIS: Yeah. At the end of the
25 day, yes.

1 **MR. DUMAIS:** And is it fair to say that the
2 Chief was also a firm believer in the chain of command as
3 well?

4 **MR. ST. DENIS:** Yes, but with a lot of
5 flexibility. I guess that's the best way I can put it.

6 **MR. DUMAIS:** All right.

7 And again, when you're saying flexibility,
8 that's what you just described to us?

9 **MR. ST. DENIS:** It was his prerogative if he
10 wanted to bypass, and sometimes maybe I may not have liked
11 it, but he had a reason, and then maybe he'd let you know
12 the next day or let you know when the issue hit the fan.

13 **MR. DUMAIS:** All right.

14 And I mean, the chain of command, sir, runs
15 both ways, and by that I mean it runs up and down; correct?

16 **MR. ST. DENIS:** Yes.

17 **MR. DUMAIS:** All right.

18 **MR. ST. DENIS:** It should.

19 **MR. DUMAIS:** Now, if I can just take you to
20 the next page, and that's page 7 of the report, the
21 paragraph that has "Morale" as a heading.

22 **MR. ST. DENIS:** Yes.

23 **MR. DUMAIS:** So the finding -- and I'm just
24 going to read to you the first line of that paragraph:

25 "After numerous interviews at all

1 levels of the Force, morale was found
2 to be low."

3 So is that a fair assessment of ---

4 **MR. ST. DENIS:** I was beginning, yes, to
5 realize it was low.

6 **MR. DUMAIS:** All right.

7 **MR. ST. DENIS:** Obviously.

8 **MR. DUMAIS:** And the next paragraph dealing
9 with organizational structure, and I'm reading the second
10 paragraph:

11 "It was found that a serious
12 communication problem exists between
13 the Chief, senior command officers and
14 those of lower ranks."

15 Do you know what they meant by that finding?

16 **MR. ST. DENIS:** I think -- and I'm not sure
17 -- like, there were meetings that may have been occurring
18 with -- between the Association and the Chief where
19 sometimes decisions were made without including the people
20 in the chain of command, if I can say that. And that
21 didn't -- that wouldn't go over very well because you just
22 upset the other supervisors who had no part of it. And I
23 think that was rectified through an admin policy 12, I
24 believe it is.

25 **MR. DUMAIS:** Well, they sort of introduced

1 or talked about the management team concept in that ---

2 MR. ST. DENIS: Is it Admin 12?

3 MR. DUMAIS: I think so, but we'll get to
4 that just shortly. And I mean, that paragraph refers us to
5 additional comments, and I'll just take you to that
6 paragraph. It's the following page, sir, page 9, last
7 paragraph on that page. I believe this is their
8 recommendation to the communication problem.

9 MR. ST. DENIS: Yes. Yes, I think that's
10 what I'm referring to. Inasmuch as it doesn't talk about
11 Admin 12, I think that's where we were heading, I think.

12 MR. DUMAIS: Yeah. I think they were
13 recommending the management team concept.

14 MR. ST. DENIS: Yes.

15 MR. DUMAIS: And do you recall what that
16 was?

17 MR. ST. DENIS: Yes. What it was, if a
18 civilian or a constable had an idea, let's say to have dog
19 patrol, have a dog section, he would commit it to paper,
20 put his comments on and ship it up to the sergeant;
21 sergeant to the staff sergeant; staff sergeant to the
22 inspector. And as I just mentioned, everyone would fill in
23 their comments, and suggestions and recommendations come to
24 me. Same thing; I'd be reading it all now from the bottom,
25 and I would say, "It's a wonderful idea" or "We can't

1 afford it this year because of budget cuts" and the Chief
2 would see all the information, and he could overrule me and
3 find the money if he could maybe. And that's how I believe
4 this was intended to work.

5 **MR. DUMAIS:** All right.

6 So it was sort of a mechanism -- a
7 communication mechanism that was put in place. Is that
8 fair?

9 **MR. ST. DENIS:** Yes, sir. That's a better
10 way of putting it.

11 **MR. DUMAIS:** And am I correct in
12 understanding that the way that ideas were being
13 communicated was subject to a very rigid process?

14 **MR. ST. DENIS:** I wouldn't say rigid. It
15 followed a formality. If someone wanted to add additional
16 comments or wanted to know what my opinion was, I think the
17 document -- actually, now I recall. I believe after, let's
18 say, it left my office and went to the Chief's, that
19 document would have flowed back down to where it originated
20 from, where everyone was to be able to see what happened,
21 who this -- yes.

22 **MR. DUMAIS:** Yeah. I think my use of the
23 word "rigid" was not appropriate. Perhaps formal is ---

24 **MR. ST. DENIS:** It was meant to be a little
25 more formal because we wanted to make sure that people were

1 doing their -- what they should be doing.

2 MR. DUMAIS: And I guess what I meant by
3 formal is there is a process in place for the
4 recommendation to be moved up the chain of command and a
5 response to that recommendation to go back to where it
6 originates.

7 MR. ST. DENIS: That's correct.

8 MR. DUMAIS: Is that fair?

9 MR. ST. DENIS: Yes, it is.

10 MR. DUMAIS: All right.

11 And you made a reference to a directive
12 which is Directive ADM-012. And do you think that that
13 directive set out this process?

14 MR. ST. DENIS: Is it in here?

15 MR. DUMAIS: No. Unfortunately we have not
16 been able to find that directive. I believe it was
17 destroyed.

18 MR. ST. DENIS: If I don't have the right
19 number, that was the mechanism.

20 MR. DUMAIS: Okay. But you recall then that
21 there was some sort of a directive that was adopted ---

22 MR. ST. DENIS: Absolutely. Absolutely.

23 MR. DUMAIS: --- and the intent was to
24 implement this management team concept?

25 MR. ST. DENIS: Yes.

1 **MR. DUMAIS:** All right.

2 **MR. ST. DENIS:** To make sure the
3 communications went up and down.

4 **MR. DUMAIS:** Now, you don't need to go back,
5 but at the previous page, so the other heading deals with
6 personnel and there's a finding that there may be a --
7 well, it indicates that there is a shortage of manpower and
8 it is recommended that a workload study be completed.

9 Do you recall that?

10 **MR. ST. DENIS:** Yes, I do.

11 **MR. DUMAIS:** All right.

12 **MR. ST. DENIS:** Yes, I do.

13 **MR. DUMAIS:** And at one point in time a
14 workload study was conducted. Is that correct?

15 **MR. ST. DENIS:** I remember that, but I don't
16 remember the results of that. But I do remember a workload
17 study being done by an outside person.

18 **MR. DUMAIS:** All right.

19 And we will eventually get to that.

20 **MR. ST. DENIS:** Okay.

21 **MR. DUMAIS:** And finally, sir, there's an
22 appendix to this report, and that is at Bates pages 036.
23 So the inspectors appear to have included the management
24 team's process of the Halton Regional Police Force, or at
25 least I think that's what it is. It's sort of setting out

1 how to implement this concept. If you could just look at
2 it briefly and just give us an idea of whether or not you
3 followed the same process in the directive you adopted?

4 **MR. ST. DENIS:** Yes, I believe that was the
5 directive.

6 **MR. DUMAIS:** All right.

7 **THE COMMISSIONER:** So can we look at
8 resource allocation on page 8, sir? There they talk about
9 the compressed work week, and if you look right in the
10 middle, it says:

11 "Compressed work week is popular with
12 the general patrol officers and four
13 statistics indicated a decline in sick
14 time and a fairly consistent work
15 performance."

16 **MR. ST. DENIS:** Sir, I missed ---

17 **THE COMMISSIONER:** Page 8, sorry. Page 8.

18 **MR. ST. DENIS:** Yes, sir.

19 **THE COMMISSIONER:** Resource allocation.

20 **MR. ST. DENIS:** Yes.

21 **THE COMMISSIONER:** It seems to say there
22 that the statistics indicated a decline in sick time.

23 **MR. ST. DENIS:** Maybe at that time, but it
24 sure fluctuated high in '92, '93, '94, '95.

25 And when I say sick time, it could be

1 maternity and if you couple that with people away on
2 courses ---

3 **MR. CALLAGHAN:** Right.

4 **MR. ST. DENIS:** You couple that with myself
5 who could have been away at an Ontario Association of
6 Chiefs of Police Conference and so on and so forth.

7 **THE COMMISSIONER:** You're eating up a lot of
8 your personnel.

9 I'm a little concerned about the sick leave
10 and maybe somewhere during the course of the presentation,
11 I don't know if the Cornwall Police have those statistics,
12 but it would be interesting to see during that period of
13 time from '85 to -- to 2000, in any event, what the sick
14 time requirements were.

15 **MR. DUMAIS:** I'll deal briefly with that
16 issue Commissioner, but we don't specifically have those
17 numbers, but perhaps we'll take that into consideration.

18 **THE COMMISSIONER:** Okay.

19 **MR. DUMAIS:** All right.

20 So my understanding then after this -- this
21 report was released to you, or released to the Cornwall
22 Police Services Board, that you would have adopted a
23 directive; correct?

24 **MR. ST. DENIS:** This directive would have
25 been adopted or implemented.

1 **MR. DUMAIS:** Well, I think this is the
2 directive that the Halton Regional Police had ---

3 **MR. ST. DENIS:** But we ---

4 **MR. DUMAIS:** --- and they ---

5 **MR. ST. DENIS:** Yes, we would have taken
6 that and then we would just put our Cornwall Police stamp
7 on it ---

8 **MR. DUMAIS:** Okay, so you recall that ---

9 **MR. ST. DENIS:** Something similar to that.

10 **MR. DUMAIS:** Okay. Very similar to that?

11 **MR. ST. DENIS:** Yes.

12 **MR. DUMAIS:** All right.

13 So then if I can just take you to Exhibit
14 1347?

15 **THE COMMISSIONER:** Is that mine? That's a
16 different book. We want 1347.

17 So we are looking at the Staff Sergeants
18 Senior Officers' Report?

19 **MR. DUMAIS:** That's correct, Commissioner.

20 **MR. ST. DENIS:** I'm there.

21 **MR. DUMAIS:** All right. So you had seen
22 this document before, sir?

23 **MR. ST. DENIS:** Recently, yes, but I did see
24 it whatever year it was, yes; 1990 and recently.

25 **MR. DUMAIS:** All right.

1 So this is a report that was prepared by the
2 staff sergeants following a number of meetings that they
3 would have had between themselves; the first one being on
4 March 12th and the second on March 21st, 1990.

5 And if -- I'm just looking at the third line
6 of that report, so I'm looking at Bates pages 587.

7 **MR. ST. DENIS:** Yes.

8 **MR. DUMAIS:** So the police station pursuant
9 to the Management Team concept as outlined in ADM 012. So
10 this appears to be a report that was prepared as a result
11 of the process that was implemented by this directive? Is
12 that correct?

13 **MR. ST. DENIS:** That's correct.

14 **MR. DUMAIS:** And essentially the staff --
15 the staff sergeants are indicating that -- or stating that
16 the Force is being seriously mismanaged. And you'll find
17 that at the second paragraph of the ---

18 **MR. ST. DENIS:** I see that.

19 **MR. DUMAIS:** All right. And some of the
20 opinions that they had -- and it appears that they would
21 have come to a consensus -- are that the Chief's action
22 would have resulted in the Office of the Chief of Police
23 loosing all credibility with the men and the women of the
24 Force. Do you see that?

25 **MR. ST. DENIS:** Yes, I do.

1 **MR. DUMAIS:** And another one of their
2 opinions was that the Chief's decision-making was impulsive
3 and made without consultation?

4 **MR. ST. DENIS:** Yes.

5 **MR. DUMAIS:** And the next opinion was that
6 the Chief did not respect the opinion or counsel of any
7 level of his management team?

8 **MR. ST. DENIS:** I see that.

9 **MR. DUMAIS:** And then that the Chief has an
10 alarming lack of knowledge concerning "The day-to-day
11 operation of our Force". Is that correct?

12 **MR. ST. DENIS:** I read that.

13 **MR. DUMAIS:** And, as well, the next opinion
14 is the same that was found in the Inspectors' Report of
15 1989, and is that the Chief seeks every opportunity to be
16 absent from his office, particularly during critical times?

17 **MR. ST. DENIS:** I see that.

18 **MR. DUMAIS:** And that, finally, they're of
19 the opinion that staff sergeants of the Cornwall Police
20 Force can no longer function as an effective managers
21 because of the irresponsible decisions and actions of the
22 Chief of Police?

23 **MR. ST. DENIS:** I see that.

24 **MR. DUMAIS:** All right.

25 So do you recall when you would have

1 received this report?

2 MR. ST. DENIS: I'm just looking for my note
3 -- if I wrote my notes -- it's ---

4 MR. DUMAIS: I can tell you, and I'll take
5 you to your response to it shortly. And your response was
6 on April 4th, 1990, but I'm just wondering in -- whether or
7 not it was delivered ---

8 MR. ST. DENIS: I would suggest ---

9 MR. DUMAIS: --- to you in your hands?

10 MR. ST. DENIS: Oh no, no, no. I think I
11 got it from the Chief. And I think I would have responded.
12 I would have responded ASAP.

13 MR. DUMAIS: All right. And I believe your
14 response is found ---

15 THE COMMISSIONER: Five-nine-two (592), at
16 Bates page 592.

17 MR. ST. DENIS: Five-nine-two (592)?

18 MR. DUMAIS: Yes.

19 THE COMMISSIONER: Do you have it, sir?

20 MR. ST. DENIS: Yes, I'm sorry.

21 THE COMMISSIONER: No, no, that's ---

22 MR. DUMAIS: So the last sentence of that
23 first paragraph, you note:

24 "I have every confidence in the Chief
25 to administer the Cornwall Police and

1 reaffirm my loyalty to him.”

2 Is that correct?

3 **MR. ST. DENIS:** Yes.

4 **MR. DUMAIS:** All right.

5 So did you disagree or agree with any of the
6 opinions of the staff sergeants?

7 **MR. ST. DENIS:** When I wrote this, I was
8 still holding in abeyance my full professional opinion and
9 that’s why I wrote this.

10 **MR. DUMAIS:** All right.

11 I mean, did you agree with some of their
12 opinions?

13 **MR. ST. DENIS:** I may have.

14 **MR. DUMAIS:** Do you recall which you agreed
15 with and which you disagreed with?

16 **MR. ST. DENIS:** I think, well, without going
17 back over the notes there, I think one of the ones was the
18 communication amongst ourselves.

19 **MR. DUMAIS:** M’hm.

20 **MR. ST. DENIS:** It was -- it was becoming
21 difficult at times, although everyone maintained being very
22 professional from the Chief, myself to the inspectors. A
23 lot of disagreement, but we managed to continue to do the
24 job the best way that we could.

25 **MR. DUMAIS:** But part of the solution to

1 your communications problem was to adopt this directive?
2 Is that correct?

3 MR. ST. DENIS: Yes.

4 MR. DUMAIS: Did the ADM 012 ---

5 MR. ST. DENIS: Yes.

6 MR. DUMAIS: And I mean this -- the
7 directive essentially generated this report from the staff
8 sergeants. Is that correct?

9 MR. ST. DENIS: Yes, it did.

10 MR. DUMAIS: All right, but despite that,
11 despite perhaps your misgivings, you were still supporting
12 the Chief?

13 MR. ST. DENIS: Absolutely.

14 MR. DUMAIS: All right.

15 And the staff sergeants at that time were
16 calling for either, one, the Chief's resignation or, two,
17 asking the Solicitor General's office to come in and
18 conduct an inquiry. Is that correct?

19 MR. ST. DENIS: Yes.

20 MR. DUMAIS: All right.

21 And prior to you writing this response, did
22 you have any discussion with the Chief on the contents of
23 this report?

24 MR. ST. DENIS: I may have. I may have.

25 MR. DUMAIS: Do you recall what the

1 discussion was?

2 **MR. ST. DENIS:** About -- generally speaking,
3 about the issues that the staffs had laid out and the
4 inspectors, and trying to follow the instruct -- or the
5 policy that maybe had just been implemented and try to
6 stick to it, and anyone that would go off-base, especially
7 a senior officer, to check him up on it and hold him
8 accountable.

9 But to remain as a team, you all have to be
10 on the same team and this directive was to help us all, and
11 when a decision was made you didn't want two inspectors not
12 agreeing with the decision because right away that breaks
13 down the -- breaks down the governing authority values of -
14 - on the intent of the issue at hand.

15 **MR. DUMAIS:** All right. And we'll deal with
16 the inspectors views on the report but if I can just ask
17 you whether or not the Chief considered resigning at that
18 point-in-time?

19 **MR. ST. DENIS:** I -- no, I'm not -- well, I
20 don't think so. He never told me.

21 **MR. DUMAIS:** All right.

22 **MR. ST. DENIS:** Not at that point.

23 **MR. DUMAIS:** And do you recall having any
24 discussion with him regarding the proposed inquiry by the
25 Solicitor General's office?

1 **MR. ST. DENIS:** Any comments from the Chief
2 on that?

3 **MR. DUMAIS:** Yes.

4 **MR. ST. DENIS:** No, because the Chief,
5 again, when he did get this, he was extremely concerned if
6 I recall. So was I.

7 And he again showed extreme leadership in
8 very stressful times, by -- I don't know if he consulted
9 with the Board or who, but by bringing in a lady I think by
10 the name of Suzanne McGlashan. That was called, I think,
11 the strategic planning, which was another very, very good -
12 - good thing for the Force at that time, at least, in my
13 opinion.

14 **MR. DUMAIS:** All right. So you don't recall
15 any discussion with the Chief regarding either resignation
16 or ---

17 **MR. ST. DENIS:** No, no.

18 **MR. DUMAIS:** --- some sort of a ---

19 **MR. ST. DENIS:** If anything, he -- there was
20 no way he was ready to resign. He was ready to fight.

21 **MR. DUMAIS:** Yeah, and ---

22 **MR. ST. DENIS:** That's not a nice way, not a
23 proper way of saying it, but as far as I was concerned, he
24 wasn't going to be resigning at that point-in-time.

25 **THE COMMISSIONER:** He was up for the

1 challenge?

2 MR. ST. DENIS: He was up for the challenge,
3 yes.

4 MR. DUMAIS: And actually his response to
5 this report was that, "I'm not resigning"; correct?

6 MR. ST. DENIS: I don't know what his
7 response was. I can't remember.

8 MR. DUMAIS: If I can just take you to it
9 then perhaps, sir. That's Bates page 591.

10 MR. ST. DENIS: Five-nine-one (591)?

11 THE COMMISSIONER: Yes.

12 MR. DUMAIS: That would be Bates page ---

13 THE COMMISSIONER: No, no. It's the same
14 exhibit.

15 MR. ST. DENIS: Oh, I'm sorry.

16 THE COMMISSIONER: It's in Exhibit 1347.

17 MR. ST. DENIS: Okay, now I have it. Thank
18 you.

19 THE COMMISSIONER: All right.

20 MR. ST. DENIS: That's what I was getting
21 at. I didn't realize that was there. That's exactly what
22 I mean.

23 MR. DUMAIS: All right.

24 And my understanding is that this Staff
25 Sergeants' Report also went to the inspectors and staff

1 inspectors. Is that correct?

2 MR. ST. DENIS: Yes.

3 MR. DUMAIS: And actually they did prepare
4 their own response to this report and that's at Bates pages
5 586?

6 MR. ST. DENIS: Yes.

7 MR. DUMAIS: And, essentially this staff
8 inspector and two inspectors agreed with the Staff
9 Sergeants' Report, save and except they were suggesting
10 that either, one, he resigns and if the matter goes to an
11 audit or an inquiry, that it be done in-house?

12 MR. ST. DENIS: Yes.

13 MR. DUMAIS: So essentially at that point-
14 in-time, so on April 4th, 1990, you have your inspectors and
15 your staff sergeants calling for the Chief's resignation.
16 Is that right?

17 MR. ST. DENIS: Yes.

18 THE COMMISSIONER: Well, not quite.

19 In fairness, I don't think the staff
20 inspectors are looking for -- that he resign; right?

21 MR. ST. DENIS: That's true, Your Honour.
22 They don't talk about resigning.

23 THE COMMISSIONER: So I think they echo his
24 concerns. The inspectors echoed -- the word was, "We
25 concur with their concerns, but we would recommend one

1 further -- well, one further option, that this matter
2 remain in-house".

3 MR. DUMAIS: Yes.

4 THE COMMISSIONER: So I just don't want you
5 to overstate the case.

6 MR. DUMAIS: Fair enough, Commissioner, but
7 I mean there's concerns brewing?

8 MR. ST. DENIS: Yes.

9 THE COMMISSIONER: I mean, this is serious?

10 MR. ST. DENIS: Yes, it is.

11 MR. DUMAIS: All right.

12 And my understanding then is that the Chief
13 would have taken this report and all replies thereto and
14 forward everything to the Cornwall Police Services Board.
15 Is that correct?

16 MR. ST. DENIS: That was my understanding,
17 yes.

18 MR. DUMAIS: And perhaps just to complete
19 the record, there's a further response, and you can find
20 that at Bates pages 593.

21 MR. ST. DENIS: Yes, I'm there. That's the
22 report from the staff sergeants?

23 MR. DUMAIS: It's a response to the Staff
24 Sergeants' Report.

25 THE COMMISSIONER: I think it's misnamed

1 there a little bit.

2 **MR. ST. DENIS:** Okay.

3 **MR. DUMAIS:** And you see at the bottom, it
4 appears to be signed by Sergeant Rick Carter, Roland
5 Lefebvre, Madeline Villeneuve, and Diane Gibeau.

6 **MR. ST. DENIS:** No, that's -- that is not
7 the Board.

8 **THE COMMISSIONER:** No, no, no.
9 It's some -- it's a management team?

10 **MR. ST. DENIS:** These are ---

11 **THE COMMISSIONER:** Or the executive staff?

12 **MR. ST. DENIS:** There are three civilians.

13 **THE COMMISSIONER:** Yes?

14 **MR. ST. DENIS:** Roland Lefebvre is a
15 Financial Services Officer.

16 **THE COMMISSIONER:** Right.

17 **MR. ST. DENIS:** Diane Gibeau was my
18 secretary. Mrs. Villeneuve was Chief Shaver's secretary.
19 Rick Carter was -- I'm not sure if he was a planning or a
20 training officer or something. I think he was a planning
21 officer at that time.

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

23 **MR. DUMAIS:** They're otherwise referred to
24 as the executive staff. Is that correct?

25 **MR. ST. DENIS:** That would be. Yes.

1 **MR. DUMAIS:** All right.

2 And it was their opinion that the Chief
3 should not resign; correct?

4 **MR. ST. DENIS:** That's what it says.

5 **MR. DUMAIS:** And I understand that at one
6 point-in-time, following the issuance of this report, Chief
7 Shaver would have gone and spoken to some of these staff
8 sergeants and attempted to get them to change their minds
9 or withdraw their support to the report?

10 **MR. ST. DENIS:** I heard that, yes.

11 **MR. DUMAIS:** You recall that?

12 **MR. ST. DENIS:** Yes, I do.

13 **MR. DUMAIS:** And some of these staff
14 sergeants and the inspectors took issue with that?

15 **MR. ST. DENIS:** Yes.

16 **MR. DUMAIS:** All right. And as a matter of
17 fact, through this process, I understand one of these staff
18 sergeants did withdraw his ---

19 **THE COMMISSIONER:** His signature.

20 **MR. DUMAIS:** --- his signature. Is that
21 right?

22 **MR. ST. DENIS:** His signature, yes. Yes, I
23 believe, it was one.

24 **MR. DUMAIS:** All right.

25 So at one point-in-time then, everything

1 goes to the Board and they prepare a response?

2 MR. ST. DENIS: I believe they did.

3 MR. DUMAIS: And you don't need to go at the
4 response now, but do you recall whether or not there was a
5 meeting prior to their response?

6 MR. ST. DENIS: I would think the Chief met
7 with them, yes, but I ---

8 MR. DUMAIS: Okay, so you were not part of
9 that?

10 MR. ST. DENIS: No, not part of that
11 meeting.

12 MR. DUMAIS: All right.

13 And my understanding, sir, is that as part
14 of their response, they also took into consideration a
15 report which is called the Morale Report. Is that your
16 understanding as well?

17 MR. ST. DENIS: That the Board did say that?

18 MR. DUMAIS: If I can just then take you to
19 their response at Bates pages 594?

20 MR. ST. DENIS: Yes, I'm there.

21 MR. DUMAIS: So the introductory paragraph,
22 the last line:

23 "The Board has also considered the
24 Morale Report submitted by the Cornwall
25 Police Association."

1 **MR. ST. DENIS:** What paragraph again, sir?

2 **THE COMMISSIONER:** The top one, introductory
3 paragraph.

4 **MR. ST. DENIS:** Okay. Yes.

5 **THE COMMISSIONER:** And then paragraph 6,
6 they comment on the Morale Report.

7 **MR. ST. DENIS:** Yes.

8 **MR. DUMAIS:** Do you agree it certainly
9 appears that they would have considered that report prior
10 to drafting their response?

11 **MR. ST. DENIS:** Yes, I think so.

12 **MR. DUMAIS:** All right.

13 And just in terms of chronology, do you
14 recall whether or not you received a copy of the Staff
15 Sergeants' Report prior to seeing the Morale Report?

16 **MR. ST. DENIS:** No, I never received a copy
17 of the Staff Sergeants' Report or the Inspectors' Report.
18 It went directly to the Chief to the best of my knowledge -
19 - at the best of my recollection at least.

20 **MR. DUMAIS:** Okay. Fair enough.

21 So would the Chief have given you the Staff
22 Sergeants' Report prior or after the Morale Report?

23 **THE COMMISSIONER:** In other words, which one
24 did you see first?

25 **MR. DUMAIS:** Thank you.

1 MR. ST. DENIS: I can't remember.

2 MR. DUMAIS: Can't remember. All right.

3 MR. ST. DENIS: It's a good question for the
4 flow here.

5 MR. DUMAIS: Okay. Perhaps I can just take
6 you then to that exhibit. That's the next report I want to
7 review with you. So it's Exhibit 1389.

8 THE COMMISSIONER: Just a reminder, Mr.
9 Dumais, we have a staff meeting at 12:30 sharp, so if you
10 can find a good place to stop?

11 MR. DUMAIS: All right.

12 THE COMMISSIONER: So we're going to the
13 Morale Report? What exhibit?

14 MR. DUMAIS: One-three-eight-nine (1389).

15 THE COMMISSIONER: I'm sorry. One?

16 MR. DUMAIS: Three-eight-nine.

17 THE COMMISSIONER: Yes, okay. Sir, it's in
18 another book. Yes, 1389.

19 MR. ST. DENIS: I don't go that far.

20 THE COMMISSIONER: No, because you need
21 another binder and it's in ---

22 MR. ST. DENIS: It's in the other one?

23 THE COMMISSIONER: Yes.

24 MR. DUMAIS: And I guess, Commissioner,
25 perhaps it's a good place to stop ---

1 **THE COMMISSIONER:** All right.

2 **MR. DUMAIS:** --- before I get into the
3 Morale Report.

4 **THE COMMISSIONER:** All right. We are going
5 to have to take the lunch break now, sir, so if you can
6 come back at two o'clock?

7 **MR. ST. DENIS:** Yes, sir.

8 **THE COMMISSIONER:** Thank you.

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

11 This hearing will resume at 2:00 p.m.

12 --- Upon recessing at 12:28 p.m./

13 L'audience est suspendue à 12h28

14 --- Upon resuming at 2:04 p.m./

15 L'audience est reprise à 14h04

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 **JOSEPH ST. DENIS, Resumed/Sous le même serment:**

21 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
22 **DUMAIS (Cont'd/suite):**

23 **THE COMMISSIONER:** Good lunch?

24 **MR. ST. DENIS:** Yes, sir.

25 **THE COMMISSIONER:** Maître Dumais.

1 **MR. DUMAIS:** Good afternoon, sir. So right
2 before we broke for lunch, we were just about to look at
3 the Morale Report, and I think you were explaining to me
4 that you believe that you would have received a copy
5 through the Chief. Is that correct?

6 **MR. ST. DENIS:** I believe so.

7 **MR. DUMAIS:** All right, but you would have
8 received a hard copy and you would have reviewed it at that
9 time?

10 **MR. ST. DENIS:** Yes.

11 **MR. DUMAIS:** And who did you think that --
12 well, we know that Shawn White was a -- or Constable Shawn
13 White would have authored that report but who did you think
14 it represented? Whose views did it represent at that time?

15 **MR. ST. DENIS:** I would say a majority of
16 the Service. When I read it the first time, it reminded me
17 somewhat of a -- I'll say a managerial audit. Shawn White
18 identified the problem, a problem, and he also -- and the
19 next step, he also tried to identify a solution inasmuch as
20 some of the -- some of the findings I may not agree with,
21 it certainly gave a good platform for further discussion.

22 And once again, if I recall reading it, some
23 of the recommendations, again, it's the leadership of
24 Shaver that implemented the appropriate changes shortly
25 after it was received. I think that's -- I think that's

1 what happened.

2 MR. DUMAIS: All right. So then perhaps if
3 I can, we can just take it one step at a time and see what
4 the -- some of the issues were -- are identified in this
5 report and then we'll look at what Chief Shaver would have
6 implemented afterwards.

7 So I'm just looking at -- you have the
8 report in front of you, sir?

9 MR. ST. DENIS: No, I don't.

10 MR. DUMAIS: It's Exhibit 1389.

11 THE COMMISSIONER: Which one, the Morale?

12 MR. ST. DENIS: Yes, yes, I have it now.

13 THE COMMISSIONER: Yes, I'm sorry, yes,
14 1389, you're right.

15 MR. ST. DENIS: Yes.

16 MR. DUMAIS: All right. So I'm just looking
17 -- there's a cover page, I'm just looking at the first
18 page, and I'm going to have to use the Bates pages; so 244.

19 MR. ST. DENIS: Yes.

20 MR. DUMAIS: So it starts out, there is a
21 sort of an introductory statement that again makes
22 reference to the tremendous morale problems within the
23 Cornwall Police Department and then I am going to read you
24 the second sentence:

25 "The situation has become so critical

1 that it is being experienced by all
2 personnel and in all departments. The
3 performance of the workers has suffered
4 greatly."

5 So certainly it appears that they're
6 indicating here that not only is there a morale problem but
7 it's starting to affect the work. Is that correct?

8 **MR. ST. DENIS:** I believe that once there's
9 several issues that are not handled, then it only spreads
10 and makes more things worse, and I think that's what
11 happened here. Some of the things were allowed to sit
12 maybe and more things -- more negative things were
13 generated.

14 **MR. DUMAIS:** All right. And now some of the
15 -- and I think they split up the report in general
16 categories, I guess, and the first one is the uniform
17 branch.

18 **MR. ST. DENIS:** M'hm. Yes, I'm there.

19 **MR. DUMAIS:** And I think we've seen some of
20 the concern expressed in the 1989 audit but the first thing
21 they address is difficulties they had with transfers of
22 individuals in other departments.

23 Now, I guess, they get into more specific
24 details as to the concern they had and what they're
25 indicating here is that some individuals that are described

1 as having a tyrannical behaviour are being transferred just
2 to transfer the problem to another unit.

3 So do you agree with that statement that
4 problem employees were being transferred because they were
5 problem employees?

6 **MR. ST. DENIS:** Well, I -- the terminology
7 that I would use is not "tyrannical."

8 **MR. DUMAIS:** I'm just using their
9 terminology, sir. I'm just looking at the sentence, the
10 second sentence of ---

11 **MR. ST. DENIS:** Well, what ---

12 **MR. DUMAIS:** --- Bates pages 245.

13 **MR. ST. DENIS:** I think what they were
14 talking about is managerial styles. You had some that were
15 autocratic.

16 **MR. DUMAIS:** Yes?

17 **MR. ST. DENIS:** And some that were
18 easygoing, and I think that's what this is referring to,
19 and that could have been anywhere from the Inspector down
20 to the Sergeant or up to the Chief or Deputy Chief, which
21 obviously they're talking about us here anyway.

22 **MR. DUMAIS:** Right. So I guess my question
23 is, was that something that was being done? When a
24 supervisor wasn't working out or was a problem, he was
25 being transferred to attempt to address that problem?

1 **MR. ST. DENIS:** I've seen that happen.

2 **MR. DUMAIS:** All right.

3 **MR. ST. DENIS:** I've also seen the opposite
4 of that happening where you have five people complaining
5 about the supervisor, and the five people got transferred
6 instead of the supervisor.

7 **MR. DUMAIS:** All right. Now, I'm not going
8 to deal with all of the issues, sir, but perhaps if I can
9 just turn your -- if you can turn your attention to Bates
10 pages 248, it's a paragraph that's headed by
11 "Communication." I guess more specifically it makes
12 reference to the new OMPPAC system that has been put in
13 place. And I'm just going to read you a sentence; I'm just
14 reading from the second paragraph ---

15 **MR. ST. DENIS:** M'hm.

16 **MR. DUMAIS:** --- about the fifth line. It
17 says:

18 "It has not yet been accepted by the
19 workforce because its need is not
20 understood."

21 And they are, of course, referring to the
22 OMPPAC system here.

23 **MR. ST. DENIS:** Yes.

24 **MR. DUMAIS:** Which would have been
25 implemented sometime in 1989. Is that correct?

1 **MR. ST. DENIS:** Yes.

2 **MR. DUMAIS:** Do you recall this being a
3 problem for the office?

4 **MR. ST. DENIS:** Yes.

5 **MR. DUMAIS:** What was the problem?

6 **MR. ST. DENIS:** I think partly the R.C.,
7 Resistance to Change was part of it.

8 **THE COMMISSIONER:** The what? The R.C.?

9 **MR. ST. DENIS:** Resistance to Change.

10 **THE COMMISSIONER:** Right, yes.

11 **MR. ST. DENIS:** And in line with the R.C.
12 factor, people had a difficult time accepting change, and
13 it took this program maybe a little longer than it should
14 have to come online properly.

15 There were also problems with the system
16 itself, things that the officers wanted that were not
17 available on the system at that time.

18 But to over -- or to take care of this
19 issue, we held courses and seminars within our Service in
20 the training room for everyone to attend, and we had a
21 fellow by the name of Mr. Shaw who taught us how and what
22 to do and that's how we learned how to start OMPPAC.

23 **MR. DUMAIS:** Right.

24 **MR. ST. DENIS:** But there was tremendous
25 difficulty with -- at the beginning, yes.

1 **THE COMMISSIONER:** Was there also -- was the
2 Force used to having computers?

3 **MR. ST. DENIS:** No.

4 **THE COMMISSIONER:** Okay. So change is one
5 thing but going to computer, would that have been another -
6 --

7 **MR. ST. DENIS:** Yes, both.

8 **THE COMMISSIONER:** Yes.

9 **MR. ST. DENIS:** That would be combined.

10 **THE COMMISSIONER:** All right.

11 **MR. DUMAIS:** Do you remember whether or not
12 this training would have occurred before or after the
13 Morale Report?

14 **MR. ST. DENIS:** The best way I can put it is
15 whenever OMPPAC came, Shaw was the man in charge with Staff
16 Sergeant Derochie I believe, and Shaw was eventually the
17 teacher, if I can say, and we all went and attended these
18 courses. But was it before morale or after ---

19 **THE COMMISSIONER:** Well, I thought OMPPAC
20 came in in '89; the report is in '90.

21 Is there anybody ---

22 **MR. DUMAIS:** I think some of the meetings
23 that led to the preparation of the report occurred in 1989.
24 We see some of the dates. There's an October date.

25 **THE COMMISSIONER:** Mr. Manderville, could

1 you help out?

2 **MR. MANDERVILLE:** It's my information -- I
3 mean, we do know OMPPAC came online in July of '89.

4 **THE COMMISSIONER:** Right.

5 **MR. MANDERVILLE:** The morale report came out
6 in early 1990 and the contents or the things that led up to
7 its preparation, some took place in late '89 and some in
8 early '90.

9 **THE COMMISSIONER:** Sure. Sure. Okay, so
10 almost contemporaneously ---

11 **MR. ST. DENIS:** Together.

12 **THE COMMISSIONER:** --- these two things come
13 -- yeah, okay. Fair enough.

14 **MR. DUMAIS:** But I guess my question was,
15 Mr. St. Denis, is when they put in place the OMPPAC system,
16 training of the Force would have occurred shortly
17 afterwards, if not at the same time?

18 **MR. ST. DENIS:** That's correct. Yeah,
19 that's correct.

20 **MR. DUMAIS:** And another problem or issue
21 that's identified is at page 250 dealing with the manpower
22 and resources. So, again, something that was identified in
23 the 1989 audit and I think it's summarized in the first two
24 lines:

25 "There are not enough men within each

1 department to do what is expected of
2 them or so it is perceived by the
3 workers."

4 So certainly it appears to be a concern.

5 **MR. ST. DENIS:** It was.

6 **MR. DUMAIS:** All right.

7 And as a matter of fact one of the -- I
8 guess conclusion to the problem is found at the end of the
9 fourth paragraph, the sentence that starts with "After
10 awhile."

11 **MR. ST. DENIS:** Yes.

12 **MR. DUMAIS:** "After awhile the worker
13 finds himself looking for shortcuts in
14 order to simply keep up with the
15 workload. This results in sloppy
16 investigation, poor law enforcement and
17 little or no time for a strong presence
18 for crime deterrence."

19 **MR. ST. DENIS:** Well, I don't see where it
20 affected the workload -- I should say the work ethic, not
21 workload. The workload was heavy. But the professional
22 work ethic, in my opinion, was always there,
23 notwithstanding the heavy workload.

24 **MR. DUMAIS:** So your view then was that the
25 job was still being done?

1 **MR. ST. DENIS:** Absolutely.

2 **MR. DUMAIS:** All right. But certainly it
3 appears that they are saying here in this report that it's
4 affecting the investigations?

5 **MR. ST. DENIS:** I don't think I agree with
6 that statement.

7 **MR. DUMAIS:** Fair enough.

8 And then there's another area or heading
9 that's called "Leadership" and it starts at Bates pages
10 253.

11 **MR. ST. DENIS:** Yes.

12 **MR. DUMAIS:** And essentially it deals with I
13 guess some management issues. So they appear to be
14 indicating that training appears to be a problem.

15 **MR. ST. DENIS:** Are you asking me if there
16 was?

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

18 **MR. ST. DENIS:** There were issues and I
19 think that that's not unusual and the -- you have the
20 we/they -- you have the we/they syndrome. You have your
21 people that are, let's say, non-commissioned officers,
22 senior management; all the people below that rank always
23 find something to criticize, that the upper management is
24 blamed for anything and everything. That's the name of the
25 game.

1 **MR. DUMAIS:** But I mean, I'm just trying to
2 identify some of the issues or the problems that they had
3 identified and certainly one of their comments is that the
4 training officer or the person that's designated as the
5 training officer is not providing for any in-house
6 training.

7 **MR. ST. DENIS:** There may have been a period
8 of time he may not have but I can't see that.

9 **MR. DUMAIS:** All right.

10 Well, ---

11 **MR. ST. DENIS:** Now, he may have been -- you
12 know, like he may have been assigned to something else that
13 came in more urgent. I don't know. But the training
14 officer, he was a civilian, a retired OPP officer, and he
15 was hired by Cornwall Police and he was an excellent,
16 excellent trainer. We ended up losing him -- if that's
17 what they're referring to, and I believe they are. -- it
18 wasn't for lack of work. The man had all -- but maybe he
19 wasn't -- he wasn't deployed 100 percent in a training
20 capacity maybe.

21 **MR. DUMAIS:** And I'm referring to -- and
22 perhaps I can just point you out to the paragraph, it's at
23 Bates pages 255, the paragraph with the heading "Training."

24 **MR. ST. DENIS:** That's the -- that paragraph
25 said exactly what I just said and I unknowingly -- he was

1 one of the best retired -- well, he left the OPP and came
2 to us.

3 **MR. DUMAIS:** But I guess the concern they're
4 identifying is that the training officer is tasked with so
5 many other duties that he's not ---

6 **MR. ST. DENIS:** That's ---

7 **MR. DUMAIS:** --- able to train the officers.

8 **MR. ST. DENIS:** I believe that would be a
9 fair statement.

10 **MR. DUMAIS:** All right.

11 There's one that's specifically directed at
12 you, sir, and that's just the previous page. Actually, I
13 jumped ahead a bit. Bates pages 254, the first paragraph,
14 "Problem," and there's a five there. Do you see that?

15 **MR. ST. DENIS:** "No direction as we enter"?

16 **MR. DUMAIS:** Bates pages 254.

17 **MR. ST. DENIS:** Oh, I'm sorry; I'm ahead of
18 you.

19 **THE COMMISSIONER:** At the top of the page,
20 "Problem," and there's ---

21 **MR. ST. DENIS:** "The Deputy Chief sees it
22 as a hot issue; declares a war without
23 the money..."

24 Yes, that would be something I'd say.

25 **MR. DUMAIS:** So what they're saying -- and

1 I'll just start reading from the second sentence.

2 **THE COMMISSIONER:** Okay.

3 **MR. ST. DENIS:** That would be my verbosity
4 of sorts.

5 **MR. DUMAIS:** Okay. Perhaps let me just read
6 you the sentence further:

7 "The Deputy Chief sees this as a hot
8 issue; declares a war without the
9 money, manpower or planning."

10 So is it fair to say that when you joined
11 the Cornwall Police Services that was a concern for you,
12 the war on drugs?

13 **MR. ST. DENIS:** Not only me but the
14 community, the Board, and I would think the Chief also.
15 But other personnel may have viewed it as again taking from
16 field office to fill another uniformed position, and
17 particularly drugs.

18 **MR. DUMAIS:** So what initiatives did you
19 undertake between, I guess, your arrival in 1989 or '90, to
20 deal with the war on drugs?

21 **MR. ST. DENIS:** It took awhile. Personnel
22 changed maybe at the Board and philosophies changed a
23 little bit and finally we were able to put two men in the
24 Drug Squad, and I forget what timeframe that was, what year
25 that was, but it would have been obviously after this.

1 **MR. DUMAIS:** All right. So you would have
2 taken, I guess, resources then from another unit and made
3 this new Drug Unit; correct?

4 **MR. ST. DENIS:** If we had hirings we would -
5 - like, we would probably maybe had hirings that came on
6 and that would have given us a better change of
7 reallocating resources. That would have been the only way
8 I can see of getting a drug squad.

9 **MR. DUMAIS:** And then just under this
10 paragraph they express their concerns about implementing an
11 evaluation system, and as well, they appear to be asking
12 that the promotional procedure be more formalized.

13 **MR. ST. DENIS:** Yes.

14 **MR. DUMAIS:** Do you agree with that?

15 **MR. ST. DENIS:** Yes.

16 **MR. DUMAIS:** All right.

17 **MR. ST. DENIS:** I think at the end of all
18 this, sir -- not that I -- I'm not 100 percent sure, but I
19 think these questions were answered through the
20 recommendations being complied with -- or not complied
21 with, enacted.

22 **MR. DUMAIS:** And I'm getting there. I mean,
23 I'm going to get a chance to look at what the response was
24 shortly.

25 **MR. ST. DENIS:** Sorry.

1 **MR. DUMAIS:** I'm just -- all right.

2 So just before we look at the -- well,
3 perhaps we can do that now. The response that you referred
4 to, sir, starts at pages 271, same exhibit number.

5 **MR. ST. DENIS:** Yes, sir, I'm there.

6 **MR. DUMAIS:** So it's dated April 26th, 1990,
7 Morale Report. And if you can just turn to the last page
8 for just a second, I believe the response is signed by the
9 Chief -- by Chief Shaver. Is that correct?

10 **MR. ST. DENIS:** Yes, sir.

11 **MR. DUMAIS:** All right.

12 And if you look just at the conclusion, the
13 first sentence reads:

14 "Both and I and the Deputy Chief do
15 accept responsibility for the current
16 morale situation and are taking steps
17 to solve the problems. I believe with
18 the strategic plan in place, a
19 possibility of mirroring or reaching
20 our authorized strength and with a
21 complete management audit of all
22 supervisory positions, we can overcome
23 a great many issues in this report."

24 So it makes reference to yourself here, "the
25 Deputy Chief do accept responsibility." Would you have

1 assisted the Chief in authoring this response to the morale
2 ---

3 **MR. ST. DENIS:** I would definitely have had
4 some input.

5 **MR. DUMAIS:** All right.

6 **MR. ST. DENIS:** But I do know that -- again,
7 I must indicate that it was the Chief's initiative again,
8 leadership. He -- I know I had input on it and I'm sure
9 other people had input on it. That is the Chief's report.
10 The conclusion, I totally agree with.

11 **MR. DUMAIS:** All right.

12 So he signs off on it, but you wouldn't have
13 signed off; correct?

14 **MR. ST. DENIS:** No.

15 **MR. DUMAIS:** All right.

16 **MR. ST. DENIS:** But I don't dispute the
17 conclusion.

18 **MR. DUMAIS:** So maybe if we can just briefly
19 look at some of the -- of what his responses are. The
20 first issue deals with transfers. Remember, we had
21 discussed the difficulties that had been identified with
22 transfers, and my understanding is that a new directive was
23 adopted.

24 **MR. ST. DENIS:** Yes.

25 **MR. DUMAIS:** ADM-013?

1 **MR. ST. DENIS:** Yes, that's what it says
2 here, yes.

3 **MR. DUMAIS:** And do you recall what that new
4 directive was about?

5 **MR. ST. DENIS:** Somebody would have to tweak
6 me a little bit there, but I do know that a new directive
7 was made, but I think I have to pass on that.

8 **MR. DUMAIS:** Unfortunately I don't have that
9 directive, but do you recall whether or not a process had
10 been set up to be followed when an officer was to be
11 transferred?

12 **MR. ST. DENIS:** I believe so, but I ---

13 **MR. DUMAIS:** You can't recall precisely.

14 **MR. ST. DENIS:** --- can't be ---

15 **MR. DUMAIS:** All right.

16 Now, one of the other issues that had been
17 identified and was responded to by Chief Shaver is at pages
18 273.

19 Mr. St. Denis, if I can just -- just make
20 sure you speak into the microphone.

21 **MR. ST. DENIS:** I'm sorry.

22 **MR. DUMAIS:** Thank you.

23 **MR. ST. DENIS:** Sorry.

24 **MR. DUMAIS:** So the Chief appears to
25 indicate that he will address the communications problem

1 within the Force by -- well, he's addressed it in a number
2 of different ways. The first one is he refers back to
3 Administrative Directive 012. That's in the third
4 paragraph.

5 MR. ST. DENIS: Yes, sir.

6 MR. DUMAIS: And then he makes reference to
7 a -- some sort of a strategic long-range plan for the
8 Force.

9 MR. ST. DENIS: Yes.

10 MR. DUMAIS: And I think by that time an
11 initiative had been undertaken by the Chief to hire a
12 consultant. Is that correct?

13 MR. ST. DENIS: With the blessing of the
14 Board.

15 MR. DUMAIS: And this consultation would
16 have occurred in 1990 as well. Is that correct?

17 MR. ST. DENIS: I believe so, but we'd have
18 to look at the strategic report date.

19 MR. DUMAIS: All right.

20 MR. ST. DENIS: But I believe so.

21 MR. DUMAIS: And again, another issue that
22 was identified by the Morale Report is responded to at page
23 4 by Chief Shaver, and that's the issue dealing with
24 manpower and resources?

25 MR. ST. DENIS: Yes, sir.

1 **MR. DUMAIS:** And again, Chief Shaver refers
2 back to the strategic planning workshop that's up and
3 coming. And I think the intent is that a new org chart
4 would be put in place after the workshop. Is that correct?

5 **MR. ST. DENIS:** I believe so, yes.

6 **MR. DUMAIS:** And there was a further issue
7 that's dealt with at the bottom of this page, the heading
8 "Too many sergeants." Do you see that?

9 **MR. ST. DENIS:** Yes, sir.

10 **MR. DUMAIS:** And I hadn't addressed that
11 with you in the Morale Report, but certainly it was a
12 concern that had been identified, that there were too many
13 sergeants. Is that correct?

14 **MR. ST. DENIS:** Yes.

15 **MR. DUMAIS:** Was that your view as well?

16 **MR. ST. DENIS:** Yes. I would have preferred
17 a different organizational structure, but that's what was
18 there and you can't take someone's rank away unless he did
19 something under the *Police Act* or something serious.

20 **MR. DUMAIS:** Well, can you explain to me
21 what having too many sergeants creates or what's the
22 problem with that?

23 **MR. ST. DENIS:** Well, my recollection is you
24 had two sergeants to each of the teams on Field Ops; four
25 teams, that's eight sergeants there. Then you had, I'll

1 say, two, three other sergeants in CIB. We may have had
2 11-12 sergeants. So the comment here is accurate. You did
3 not need that many sergeants. You could have had one
4 sergeant per team.

5 So to offset that, we waited until people
6 left the Force. It's not nice to say, but people may have
7 passed on, and we tried another way is to put some of the
8 sergeants in CIB -- some of the extra sergeants in CIB.
9 That didn't work for too long either.

10 **MR. DUMAIS:** So what was the problem with
11 that?

12 **MR. ST. DENIS:** Other members were viewing
13 it as they were going to be there for life and they were
14 not going to have an opportunity to be rotated into CIB.

15 So sometimes you may try to undo a problem
16 and you just created another one.

17 **MR. DUMAIS:** All right.

18 So essentially, to address that problem, you
19 simply stopped, I guess, promoting officers to the rank of
20 sergeant. Is that ---

21 **MR. ST. DENIS:** That's correct.

22 **MR. DUMAIS:** All right.

23 If I can just take you back to the Staff
24 Sergeants' report, and that's Exhibit 1347.

25 **MR. ST. DENIS:** Yes, sir.

1 **MR. DUMAIS:** And if I can take you to the
2 last two pages, so Bates pages 594-595, which is the Board
3 of Commissioners' response.

4 **MR. ST. DENIS:** Yes, sir.

5 **MR. DUMAIS:** So you'll recall this morning
6 we had left off the Board responded to the Staff Sergeants'
7 report, and we had established that they had a copy of the
8 Morale Report as well.

9 So essentially, just to summarize their
10 response, they sort of disagreed that the Chief was
11 responsible for all mismanagement issues?

12 **MR. ST. DENIS:** Well, I think they may have
13 come to the same conclusion as me that no one person can be
14 totally responsible for all the issues. It's a team
15 effort.

16 **MR. DUMAIS:** All right. But certainly at
17 that point in time they were still supporting the Chief.
18 Is that correct?

19 **MR. ST. DENIS:** I believe so, yes.

20 **MR. DUMAIS:** All right.

21 And they did address some of the concerns
22 from the reports by making sure he attends and completes
23 different courses. Is that correct?

24 **MR. ST. DENIS:** If this is the report, I
25 don't see it yet, but if he -- he was recommended to go on

1 an executive ---

2 THE COMMISSIONER: Training course.

3 MR. ST. DENIS: --- training course ---

4 THE COMMISSIONER: M'hm.

5 MR. ST. DENIS: --- I don't see it, but if
6 that -- yes.

7 MR. DUMAIS: I think it's at number 2, Mr.
8 St. Denis.

9 MR. ST. DENIS: Okay, yes.

10 MR. DUMAIS: So he would have attended this
11 course?

12 MR. ST. DENIS: Yes, he attended it.

13 MR. DUMAIS: And, of course, the Board fully
14 supported the strategic planning workshop that was being
15 set up?

16 MR. ST. DENIS: Totally, completely.

17 MR. DUMAIS: All right.

18 And at number 4, they are making reference
19 to hiring an outside expert which would conduct an internal
20 management audit of all supervisory positions and you'll
21 remember that Chief Shaver, in his response to the Morale
22 Report, made reference to the same type of process or
23 expert. Do you recall what that was about?

24 MR. ST. DENIS: I -- no, I don't, but I'm
25 reading 4, paragraph 4, on page 2. I guess they were

1 looking at keeping that avenue open ---

2 MR. DUMAIS: M'hm.

3 MR. ST. DENIS: --- so that obviously the
4 Board had -- if it wasn't going to work out after all these
5 changes and courses and everything else, they were looking
6 at the option of doing what they're suggesting here.

7 Now, does the next audit flow from that
8 paragraph? I don't know. It -- it's possible.

9 MR. DUMAIS: All right.

10 So we know that there was a further audit
11 conducted at the end of 1990, so you think it could make
12 reference to that?

13 MR. ST. DENIS: Maybe.

14 MR. DUMAIS: All right, but you don't have
15 any specific recollection of ---

16 MR. ST. DENIS: You see, I wasn't a party to
17 this memorandum. I wasn't at this meeting and it's signed
18 by the Chairman.

19 MR. DUMAIS: All right.

20 And I think the last three paragraphs
21 essentially deal with the strategic plan and the need to
22 deal with this expeditiously.

23 So then my understanding is that this
24 management consultant came in -- is that correct -- by the
25 name of Suzanne McGlashan?

1 MR. ST. DENIS: Yes.

2 MR. DUMAIS: And my understanding is that
3 prior to her setting up this session, she would have sent a
4 number of questionnaires around?

5 MR. ST. DENIS: Yes.

6 MR. DUMAIS: Gathered information?

7 MR. ST. DENIS: Yes.

8 MR. DUMAIS: And then she essentially sat
9 all of the managers in a session. Is that correct?

10 MR. ST. DENIS: Yes, well, she gathered the
11 info from the questionnaires and had a -- a basis for
12 discussion ---

13 MR. DUMAIS: All right.

14 MR. ST. DENIS: --- because the
15 questionnaires were private. You didn't have to sign your
16 name. Some people were very forthcoming and laid it out
17 right on the table and she had all that in her possession,
18 and she took it from there what we had to do.

19 The first meeting I believe was with the
20 Chief's senior management.

21 MR. DUMAIS: All right. So that first
22 meeting, yourself and Chief Shaver, would have been there?

23 MR. ST. DENIS: Definitely.

24 MR. DUMAIS: And the three inspectors and
25 the five staff sergeants. Is that correct?

1 **MR. ST. DENIS:** I believe so.

2 **MR. DUMAIS:** So that was the entire
3 management team?

4 **MR. ST. DENIS:** Yes. Well, I'm not sure if
5 it was later, but some of our senior civilian staff became
6 a supervisor of sorts though I don't know if they were at
7 that meeting, but if not, what you just said is correct.

8 **MR. DUMAIS:** Okay.

9 Well, perhaps I can assist you by pointing
10 you to the document which is Exhibit 1390.

11 **MR. ST. DENIS:** One-three-nine-zero (1390)?

12 **THE COMMISSIONER:** Yes, it should be the
13 next one, next exhibit after the Morale Report, yes.

14 **MR. ST. DENIS:** I see.

15 Yes, I'm there.

16 **MR. DUMAIS:** So if you can just have a look
17 at the -- at page 283. I think it identifies all the
18 participants.

19 **MR. ST. DENIS:** I would say that's accurate.

20 **MR. DUMAIS:** And you -- was this session
21 held off-site or was it held at the detachment?

22 **MR. ST. DENIS:** I believe we went -- I
23 believe we went to the complex, Cornwall Square, in the
24 Cornwall Square civic complex, where we may have been -- we
25 may have gone over to -- no, I doubt if we went to City

1 Hall. If anywhere, we probably went down to the Cornwall
2 Complex.

3 **THE COMMISSIONER:** All right.

4 **MR. DUMAIS:** So this session, essentially,
5 follows the issuance of the Staff Sergeants' Report, your
6 response to it, the Chief's response to it, the Board's
7 response to it. It also follows the Morale Report and the
8 Chief's response to the Morale Report.

9 Tell me about the first day of the session.

10 **MR. ST. DENIS:** Well, I found we were a
11 little shy at the beginning, but the coordinator, Suzanne,
12 the lady, made no uncertain terms about it. This was a --
13 this is very serious -- very serious session and that if we
14 didn't get a handle on things, it would only become worse.

15 And the managers all seemed to be happy and
16 let's go, let's turn a new page, and she took it from
17 there.

18 You first of all had to get the commitment
19 of all these players that we would do exactly what -- what
20 the planning session called for and what Suzanne had
21 suggested. And what had come out of -- of those meetings
22 of the senior manager would have come out of the
23 questionnaires, so it may have taken, you know, a little
24 longer to -- to get the commitment back again to -- for her
25 to continue because she said if I can't get beyond -- I can

1 remember words at one of the meetings, "If I can't get
2 beyond this stage, there's no sense of me going any
3 further".

4 **MR. DUMAIS:** All right.

5 And, fair to say, that after the first day
6 that she would have obtained everyones commitment to this
7 process?

8 **MR. ST. DENIS:** I -- I don't know if it
9 happened the first day, but it certainly happened during
10 our session.

11 **MR. DUMAIS:** All right.

12 And my understanding of the process is,
13 essentially, you would have dealt with some of the problem
14 issues within the Force?

15 **MR. ST. DENIS:** Yes.

16 **MR. DUMAIS:** Obtain some sort of a unanimous
17 direction?

18 **MR. ST. DENIS:** Yes.

19 **MR. DUMAIS:** And then set out a number of
20 objectives ---

21 **MR. ST. DENIS:** Yes, sir.

22 **MR. DUMAIS:** --- to attain. Is that sort of
23 the process?

24 **MR. ST. DENIS:** Yes, sir. Yes.

25 **MR. DUMAIS:** So you discussed, I take it,

1 some of the issues that we've talked about this morning and
2 this afternoon. Is that correct?

3 **MR. ST. DENIS:** Yes, sir.

4 **MR. DUMAIS:** All right.

5 And was there anything different that came
6 out in the questionnaire than what had come out in the
7 Morale Report or in the Staff Sergeants' Report?

8 **MR. ST. DENIS:** I don't recall because
9 there's quite a -- quite a bit of information in just those
10 reports, as you can appreciate.

11 **MR. DUMAIS:** All right. And my
12 understanding is that, essentially, she would have broken
13 down the session dealing with four areas.

14 The first one, the first strategic issue,
15 would have been Management of the Force. The second one
16 would have been Preparing the Force for the Future. The
17 third one would have been Community-based Policing and the
18 fourth one, the New Legislative Requirements. Is that
19 correct?

20 **MR. ST. DENIS:** That -- that sounds -- that
21 sounds fair. I'm not reading it here.

22 **MR. DUMAIS:** And is it fair to say as well,
23 sir, that you would have spent most of the session dealing
24 with the first strategic issue, which would have been the
25 Management of the Force?

1 **MR. ST. DENIS:** Yes.

2 **MR. DUMAIS:** All right.

3 And that at one-point-in-time, through
4 discussions, you came out with a number of objectives and
5 they were strategic objectives, and if I could just take
6 you to Bates pages 323?

7 **MR. ST. DENIS:** Yes.

8 **MR. DUMAIS:** So these are -- would be the
9 objectives to the first strategic issue and they're
10 numbered 1.1 through 1.9 and some of them deal with you,
11 some of them deal with the Chief, and some of them deal
12 with the senior management.

13 So if we look at the first one, it appears
14 to be an objective for the Chief, the Deputy Chief and, as
15 a matter of fact, all of the senior officers to work
16 collaboratively. Is that correct?

17 **MR. ST. DENIS:** Yes, sir.

18 **MR. DUMAIS:** And the second issue deals with
19 everyone taking ownership for the issues?

20 **MR. ST. DENIS:** Yes, sir.

21 **MR. DUMAIS:** And the other one deals with
22 the relationship between the Chief and the senior
23 management team, say they had set as an objective ongoing
24 consultation. Is that correct?

25 **MR. ST. DENIS:** Yes, sir.

1 **MR. DUMAIS:** And the next paragraph, that
2 the communications be open and honest.

3 **MR. ST. DENIS:** Yes, sir.

4 **MR. DUMAIS:** And the next paragraph deals
5 with the Chief and the Deputy Chief and the senior
6 management team working towards a stronger working
7 relationship with the Board.

8 **MR. ST. DENIS:** Yes, sir.

9 **MR. DUMAIS:** And, as well, working towards
10 their relationship with the Cornwall Police Association.
11 Is that correct?

12 **MR. ST. DENIS:** Yes, sir.

13 **MR. DUMAIS:** All right.

14 And essentially at the end of the day, with
15 all the strategic objectives, the idea was to prepare some
16 sort of a five-year strategic plan. Is that correct?

17 **MR. ST. DENIS:** Yes, sir.

18 **MR. DUMAIS:** And a number of steps had been
19 identified to arrive at this plan after your session was
20 completed. One of them was meeting with the Board. Is
21 that correct?

22 **MR. ST. DENIS:** Yes.

23 **MR. DUMAIS:** And do you think that happened,
24 that there was a meeting with -- involving Ms. McGlashan
25 and the Board?

1 **MR. ST. DENIS:** Absolutely.

2 **MR. DUMAIS:** Okay. And were you part of
3 that session as well?

4 **MR. ST. DENIS:** Not the one with the Board.

5 **MR. DUMAIS:** Pardon me?

6 **MR. ST. DENIS:** I was not part of the
7 meeting with the Board.

8 **MR. DUMAIS:** Okay.

9 **MR. ST. DENIS:** Like, she broke it up in
10 kind of like three areas, stakeholders.

11 **MR. DUMAIS:** Yes.

12 **MR. ST. DENIS:** One was the Board, one was
13 Cornwall Police senior management and the other one was the
14 Cornwall Police Association. And she made sure all of
15 those three stakeholders who were the only stakeholders
16 that could make this thing work because everybody had to
17 buy in -- buy into this plan, or as she indicated, and I
18 said earlier, no sense going beyond page 1 that we just
19 read here.

20 **MR. DUMAIS:** And then am I correct in
21 assuming that there would have been a meeting with the
22 Cornwall Police Association as well?

23 **MR. ST. DENIS:** Yes, sir. I wasn't at that
24 but I know.

25 **MR. DUMAIS:** You were not part of that as

1 well. All right.

2 MR. ST. DENIS: I don't recall at least.

3 MR. DUMAIS: And am I correct, sir, that at
4 this point in time everyone was very committed to this
5 process?

6 MR. ST. DENIS: Well, there was even at one
7 point talking that let's form a memorandum and sign it but
8 I think some people had -- some people may have had
9 difficulty putting their name to something like this
10 because this is a very serious and important document for
11 us at that time.

12 I think the idea of signing a memorandum --
13 maybe there was one signed but I don't recall, but I think
14 there was some discussions but maybe it was just at the
15 Chief's level and my level. I just don't recall. But we
16 wanted everybody -- this is not for fun here, this is very
17 -- we have to commit here. And I'll leave it at that.

18 MR. DUMAIS: All right.

19 But I guess my question is was everyone
20 committed to this process or was there still some
21 reluctance?

22 MR. ST. DENIS: At the end of the day I
23 believed that everyone was committed.

24 Now, if you're asking for how long, I can't
25 answer that.

1 **MR. DUMAIS:** And do you recall if this
2 strategic management consultant had any more involvement
3 with the strategic plan and the implementation of the
4 objectives, other than the sessions between the senior
5 management team, Cornwall Police Association and the Board?

6 **MR. ST. DENIS:** I remember her coming back
7 once, maybe twice. I seem to remember her -- I'm not sure
8 if it was the Board that asked her to submit an update but
9 I know an update was submitted somewhere along the line. I
10 don't recall doing an update but someone did. It could
11 have been Suzanne herself and it may have been at the
12 request of the Board or it could have been at the request
13 of the Chief. I just can't remember. But it would have
14 been one or the other.

15 **MR. DUMAIS:** But when she came back was she
16 coming back and meeting with you, or with the Chief, or
17 with the Board, or do you recall?

18 **MR. ST. DENIS:** I think it was for a Board
19 purpose, if I'm not mistaken.

20 **MR. DUMAIS:** All right. Do you think she
21 was reporting back to the Board or ---

22 **MR. ST. DENIS:** I believe so.

23 **MR. DUMAIS:** Was it your understanding --
24 that at any point in time was it your understanding that
25 she would have been hired as a consultant to make sure that

1 the plan was being followed?

2 MR. ST. DENIS: Maybe. Maybe that's what
3 I'm getting mixed up with. I'm not sure.

4 MR. DUMAIS: All right.

5 So then my understanding, sir, is there
6 would have been an inspection report as well in 1990. And
7 if I can refer you to Exhibit 1391.

8 MR. ST. DENIS: Yes, sir.

9 MR. DUMAIS: There is certainly a lot of
10 meetings that year, sir. Is that right?

11 MR. ST. DENIS: We were meeting'd out.

12 MR. DUMAIS: Pardon me?

13 MR. ST. DENIS: We were meeting'd out. Too
14 many meetings.

15 MR. DUMAIS: And I mean -- all right. So
16 this -- do you recall this, this inspection report in 1990?

17 MR. ST. DENIS: Yes, I do.

18 MR. DUMAIS: So it would have been conducted
19 between the 13th and the 30th day of November and it would
20 have been conducted by Mr. McEwen and Ms. Sheila Dunlop.
21 Is that correct?

22 MR. ST. DENIS: Yes.

23 MR. DUMAIS: And my understanding, it would
24 have been reviewed by Christine Silverberg and Carl
25 Johnston. Is that correct?

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

2 **MR. DUMAIS:** And this Carl Johnston would
3 eventually become the acting chief at your Service. Is
4 that correct?

5 **MR. ST. DENIS:** That's correct.

6 **MR. DUMAIS:** It's the same person?

7 **MR. ST. DENIS:** Yes, it is.

8 **MR. DUMAIS:** All right.

9 Now, then, if I can just take you to Bates
10 pages 523, which is the introduction to the inspection, and
11 the inspectors, I guess, sort of set out what they're
12 basing their assessments on and they're making reference to
13 police standards which have now been adopted as guidelines.
14 Is that correct?

15 **MR. ST. DENIS:** Yes.

16 **MR. DUMAIS:** And they're making references
17 as well to generally accepted police practices.

18 **MR. ST. DENIS:** Yes.

19 **MR. DUMAIS:** All right.

20 And they're describing the different levels
21 of inspections, the number one being an inspection for a
22 new chief, number two, the basic inspection, but number
23 three would be an extensive examination of the police
24 force. Is that correct?

25 **MR. ST. DENIS:** That's correct.

1 **MR. DUMAIS:** And the inspection that they
2 conducted in 1990 was a level three inspection. Is that
3 correct?

4 **MR. ST. DENIS:** That's correct.

5 **MR. DUMAIS:** And this inspection essentially
6 follows the same process as previous audits. And by that I
7 mean they look at previous recommendations and whether or
8 not they had been implemented. They conduct an audit,
9 attempt to identify issues and problems, and then finally
10 they make recommendations. Is that correct?

11 **MR. ST. DENIS:** Yes, sir.

12 **MR. DUMAIS:** And I'm looking at the
13 executive summary that was prepared, and that starts at
14 pages 524.

15 **MR. ST. DENIS:** Yes, sir.

16 **MR. DUMAIS:** And in the first paragraph they
17 essentially describe who they would have met to -- they
18 would have met with some members of your police force and
19 as well they would have met with additional authorities, so
20 different stakeholders in the judicial process. Is that
21 correct?

22 **MR. ST. DENIS:** Yes, sir.

23 **MR. DUMAIS:** And I think it does provide --
24 and I'm just looking at the third paragraph from the bottom
25 -- that the Cornwall Police Services is delivering an

1 excellent level of policing. Is that correct?

2 **MR. ST. DENIS:** Yes, sir.

3 **MR. DUMAIS:** All right.

4 So certainly, despite many of the issues and
5 the problems that we've been dealt with, it appears that
6 the Force is still delivering a good service to the
7 community.

8 **MR. ST. DENIS:** I couldn't have said it
9 better myself.

10 **MR. DUMAIS:** All right.

11 The ---

12 **THE COMMISSIONER:** Now you're leading too
13 much.

14 **MR. DUMAIS:** And one of the first issues
15 that is dealt with in this executive summary is an internal
16 audit process. Is that correct?

17 **MR. ST. DENIS:** Yes. Yes, sir.

18 **MR. DUMAIS:** And am I correct that an
19 internal audit process did not exist when you first joined
20 Cornwall Police Services?

21 **MR. ST. DENIS:** That's correct.

22 **MR. DUMAIS:** And in your experience, was it
23 common for police forces to have internal audits?

24 **MR. ST. DENIS:** Smaller municipal forces did
25 not. As an example, Brockville did not. Kingston, I

1 believe, had one person and Toronto obviously had.

2 The problem also is that the provincial
3 standards were just starting to roll out from the
4 government. So there were very few standards at that time.

5 So if I recall correctly, when I was tasked
6 at one point to look into it, as you said, and I made a
7 book of directives based, unfortunately -- the only place I
8 could go to was to get the RCMP criteria, mission
9 statement, questionnaires and so on and so forth, audit
10 findings, all the necessary tools you need to complete a
11 proper audit or a managerial review. This did not exist
12 from the government at that time, Policing Services at that
13 time.

14 And shortly after, though, it came online,
15 and I remember attending the Ontario Association of Chiefs
16 of Police meetings when issues like this came up, and I was
17 a very strong advocate of pushing for a more centralized --
18 because we're all the same. Police agencies in Ontario,
19 all we do is change our shoulder flashes, and whether
20 you're Cornwall or Brockville, you should be looking -- if
21 it's prisoners or search warrants, we should all be looking
22 at the same criteria and we should be audited the same --
23 to the same terminology.

24 And this was -- this did not exist. I can
25 remember even for policies, like in the areas of concern

1 here, let's say promotional, we would write, phone up to 8,
2 10, 12 different police agencies, get all their policies in
3 and we would try to pick the one that the Cornwall Police
4 could adopt or adjust to. That's how it was done then.
5 There was no assistance from the Policing Division Services
6 at that time.

7 **MR. DUMAIS:** All right.

8 So you were tasked then to set up this audit
9 process?

10 **MR. ST. DENIS:** Yes. Yes, I was.

11 **MR. DUMAIS:** All right.

12 And part of the function of this audit
13 process is making sure that standards and accepted police
14 practice were being followed within the Service. Is that
15 fair?

16 **MR. ST. DENIS:** Correct.

17 **MR. DUMAIS:** All right.

18 And following the adoption of this process,
19 you would have conducted an audit of the Service. Is that
20 correct?

21 **MR. ST. DENIS:** Just a part audit. Just a -
22 - not a whole division or a whole service audit, just a
23 section audit, kind of thing.

24 **MR. DUMAIS:** Okay. Do you recall what
25 section you audited?

1 **MR. ST. DENIS:** The Executive Office. I
2 figured I should start there, if anywhere.

3 **MR. DUMAIS:** And by that you mean the
4 Chief's office, the Deputy Chief's office ---

5 **MR. ST. DENIS:** Yes.

6 **MR. DUMAIS:** --- and the senior management's
7 office?

8 **MR. ST. DENIS:** Yes.

9 **MR. DUMAIS:** All right.
10 And what were your findings or where did
11 that go?

12 **MR. ST. DENIS:** The findings obviously go to
13 the Chief of Police, and he is -- the form is such that you
14 have to comment on the finding. You wouldn't present a
15 finding unless you could back it up and you had the proper
16 criteria for whatever the issue may be, and you'd also have
17 a suggestion or a recommendation as to what maybe could
18 happen to improve the situation.

19 **MR. DUMAIS:** All right.

20 And how was that audit received, or how did
21 that go?

22 **MR. ST. DENIS:** I think because it was new
23 it was not accepted at all.

24 **MR. DUMAIS:** Sorry?

25 **MR. ST. DENIS:** Because it was new, a new

1 idea, it was not accepted.

2 **MR. DUMAIS:** All right.

3 So they recommend that you adopt an audit
4 process. You set it up. You tried it. You tried to
5 perform part of an audit. It was not accepted and it was
6 discontinued. Is that fair?

7 **MR. ST. DENIS:** Basically, yes, until I
8 realigned Staff Sergeant Wells at the time to go to Ottawa
9 to Police College to take a Managerial Review Course, which
10 is a form of audit course, to come back and start doing his
11 own audits. And I wanted to do that with each OIC so that
12 they could properly manage, on an ongoing basis, the flow
13 of whatever happens in their area of responsibility.

14 **MR. DUMAIS:** All right.

15 And was that ever implemented ---

16 **MR. ST. DENIS:** No, it didn't get that far
17 and, again, it was a shortage of funds. There was only so
18 much money to go around and so many courses that we were
19 allowed to go on.

20 **MR. DUMAIS:** All right.

21 Now, just getting back to the Executive
22 Summary of the 1990 Inspection Report, it again refers to
23 the need for more space. So I'm looking at the top of page
24 525.

25 **MR. ST. DENIS:** Five-two-five (525)?

1 **MR. DUMAIS:** Are you at Exhibit 1391, sir?

2 **MR. ST. DENIS:** I think I'm lost.

3 **THE COMMISSIONER:** Well, we're going to take
4 a break and Mr. Dumais will put you back on track.

5 **MR. ST. DENIS:** Thank you.

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

8 This hearing will resume at 3:15.

9 --- Upon recessing at 3:00 p.m./

10 L'audience est suspendue à 15h00

11 --- Upon resuming at 3:18 p.m./

12 L'audience est reprise à 15h18

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

15 This hearing is now resumed. Please be
16 seated. Veuillez vous asseoir.

17 **JOSEPH ST. DENIS, Resumed/Sous le même serment:**

18 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
19 **DUMAIS (cont'd/suite):**

20 **MR. DUMAIS:** Sir, we're at Bates page 525 in
21 the Executive Summary of the 1990 Inspection Report.

22 **MR. ST. DENIS:** Yes, sir.

23 **MR. DUMAIS:** And so in the second paragraph
24 on that page, again the auditors mention that there appears
25 to be -- one of the common complaints was the lack of in-

1 service training programs. Is that correct?

2 MR. ST. DENIS: Yes, sir.

3 MR. DUMAIS: And again, they note the fact
4 that the Service appears to be significantly understaffed.
5 Is that correct?

6 MR. ST. DENIS: Yes, sir.

7 MR. DUMAIS: And then again they note issues
8 with the promotional process at the next paragraph?

9 MR. ST. DENIS: Yes, sir.

10 MR. DUMAIS: And they do as well allude to
11 the absence of an annual report being published with the
12 different statistics for the year. Is that correct?

13 MR. ST. DENIS: Yes, sir.

14 MR. DUMAIS: All right.

15 And on the following page, so at Bates page
16 526, they make reference to arrangements for a workload
17 study that was to be undertaken.

18 MR. ST. DENIS: Yes, sir.

19 MR. DUMAIS: And I know that the workload
20 study was done in 1991. We'll deal with that shortly.

21 And then paragraph number -- the following
22 paragraph deals with the relationship between the Chief and
23 some of the Board members. I'm just reading four lines
24 from the bottom of that second paragraph.

25 MR. ST. DENIS: Yes, sir.

1 **MR. DUMAIS:** It starts:
2 “So the relationship between Mayor P.
3 Poirier and Chief Shaver is
4 particularly turbulent. Mayor Poirier,
5 when interviewed, expressed a complete
6 lack of confidence in Claude Shaver,
7 but at the same time he stated he’s
8 prepared to work with him subject to
9 improved performance and assessments of
10 results achieved.”

11 **MR. ST. DENIS:** I see that.

12 **MR. DUMAIS:** Do you recall that, that the
13 Chief had a difficult time dealing with the mayor at that
14 time?

15 **MR. ST. DENIS:** I think we’re dealing with
16 different personalities here, idiosyncrasies. Maybe it was
17 a bad day for the mayor or maybe it was a bad day for the
18 Chief. I don’t know. But you might have to ask those two
19 gentlemen.

20 **MR. DUMAIS:** All right.
21 So you don’t -- you did not personally make
22 any personal observations?

23 **MR. ST. DENIS:** Not really. Not really.
24 There’s a lot of -- I always try to separate what -- like,
25 I call it chicken stuff and -- I call it chicken stuff and

1 I kind of try to work above that or below it, but maybe
2 this time they had to work it together. I don't know.

3 **MR. DUMAIS:** All right.

4 And in the next paragraph they essentially
5 summarize -- I don't know if they summarized it, they
6 allude to the Staff Sergeants in the Seniors' Report and,
7 as well, they make reference to the Strategic Plan prepared
8 by Suzanne McGlashan. Is that correct?

9 **MR. ST. DENIS:** Yes, sir.

10 **MR. DUMAIS:** Now the next paragraph deals
11 with, I guess, specific concerns that were noted regarding
12 Chief Shaver through different interviews of his officers.

13 **MR. ST. DENIS:** Yes.

14 **MR. DUMAIS:** Now, I'm just going to start to
15 read from the third line in that paragraph, and I'll ask
16 you if you agree or not with the finding.

17 So it says:

18 "The majority of the members of the
19 Service who were interviewed feel that
20 Chief Shaver is absent from the job too
21 frequently. They refer to him as "the
22 golfer" during the summer months and
23 are very critical of his impulsive
24 management style."

25 **MR. ST. DENIS:** Just before you go any

1 further, you're on page?

2 MR. DUMAIS: Oh, sorry. I'm on page 526.

3 MR. ST. DENIS: Yes, sir.

4 MR. DUMAIS: The last paragraph of that
5 page.

6 MR. ST. DENIS: Yes, sir.

7 MR. DUMAIS: And I started to read the third
8 line from the top of that paragraph. A sentence that says
9 ---

10 MR. ST. DENIS: Is this where they refer to
11 him as "the golfer"?

12 MR. DUMAIS: Yes.

13 MR. ST. DENIS: Yes, okay, I'm sorry.

14 MR. DUMAIS: All right.

15 So -- and this appears to be a general
16 comment from a majority of the interviews; that he's absent
17 from the job?

18 MR. ST. DENIS: Well, this would be a fair
19 statement, but it would be even fairer for having Chief
20 Shaver answer it.

21 THE COMMISSIONER: Well, he will, but what
22 we want to do is ask you of your perception. See what the
23 report says is, and I think -- it says:

24 "To take sides in this issue would
25 serve no useful purpose at this

1 particular time."

2 So I'm not asking you to take sides or
3 anything.

4 "...but a brief review of some of the
5 perceptions relating to Chief Shaver is
6 revealing. So interviews conducted
7 during this inspection indicated the
8 following: The majority of the members
9 of the Service who were interviewed
10 feel..."

11 **MR. ST. DENIS:** Yes.

12 **THE COMMISSIONER:** So their perception is
13 he's absent from the job too frequently, and he's a golfer
14 in the summer months.

15 So what I'm asking you now is, what is your
16 view of that? Was that the perception?

17 **MR. ST. DENIS:** That's a reasonably fair ---

18 **THE COMMISSIONER:** Reasonably fair?

19 **MR. ST. DENIS:** A reasonably fair statement.

20 **THE COMMISSIONER:** Okay.

21 **MR. DUMAIS:** All right. And then it refers
22 to his management style being impulsive.

23 Would you describe his management style as
24 being impulsive?

25 **MR. ST. DENIS:** I suppose it would depend on

1 the issue. Yes, I've seen him being impulsive.

2 **MR. DUMAIS:** All right. And I think the
3 next paragraph may be an example of that. And so that's
4 Bates pages 527.

5 **MR. ST. DENIS:** Yes.

6 **MR. DUMAIS:** So I'm just going to read you
7 the paragraph:

8 "The Cornwall Board called a meeting to
9 discuss the Morale Report on March 15th,
10 1990. In attendance were Chief Shaver
11 and Association representatives. The
12 Association was present to address the
13 Morale Report, which had been presented
14 to the Board about three or four days
15 prior to the meeting. To the surprise
16 of the Board members, Chief Shaver
17 announced at this meeting that he had
18 engaged the services of a management
19 consultant, Suzanne McGlashan, to
20 address the internal problems of the
21 Cornwall Police Services. The Board
22 was not (sic) in complete agreement
23 that..." ---

24 **THE COMMISSIONER:** "The Board was in
25 complete agreement..."

1 **MR. DUMAIS:** Sorry, Commissioner.

2 "The Board was in complete agreement
3 that employing a management consultant
4 was a wise approach, but Board members
5 were considerably annoyed that they
6 were not consulted prior to the
7 employment of Ms. McGlashan."

8 **MR. ST. DENIS:** I'm learning something new
9 today. I did not know this. I assumed that the Chief had
10 obtained permission.

11 **MR. DUMAIS:** You thought he had permission
12 from the Board?

13 **MR. ST. DENIS:** Yes.

14 **MR. DUMAIS:** Yeah, is that an example of his
15 impulsive style of management in that he faces a problem,
16 makes a decision?

17 **MR. ST. DENIS:** Yeah, maybe this is one
18 example.

19 **MR. DUMAIS:** All right. And then the
20 auditor's view of what I've just read is found at the end
21 of the next paragraph, the last two lines:

22 "In a Chief's relationship with his
23 board, however, there's one certainty:
24 The end does not justify the mean. To
25 believe and act otherwise is

1 inadvisable."

2 **MR. ST. DENIS:** I totally agree with that
3 statement; the Board is your employer.

4 **MR. DUMAIS:** And if I can then just ask you
5 to turn your attention to the next page, which is Bates
6 pages 528. And actually, I'm just going to start from the
7 bottom of the previous page, but I'll read it to you.

8 **MR. ST. DENIS:** M'hm.

9 **MR. DUMAIS:** "A strong recommendation was
10 then made to Board Chairman, Ron Adams,
11 and Chief Shaver that Suzanne McGlashan
12 be actively involved in the
13 implementation of the Strategic Plan.
14 It was gratifying to learn from Mr.
15 Adams on December 14th, 1990 that
16 arrangements had been made for her
17 ongoing involvement."

18 So it certainly appears that she has been
19 retained to oversee the Strategic Plan?

20 **MR. ST. DENIS:** I believe that's correct.

21 **MR. DUMAIS:** All right.

22 And then in the next paragraph, they go on
23 to state that:

24 "It would be advisable for the Board to
25 invite Ms. McGlashan to attend Board

1 meetings on regular occasions."

2 MR. ST. DENIS: I believe that's correct
3 also.

4 MR. DUMAIS: Earlier on, sir, you indicated
5 to us that -- you would have recalled that she came back on
6 a few occasions after the planning session, and you thought
7 that this would have been to attend at a Board meeting.

8 MR. ST. DENIS: And also maybe to follow up
9 on how we were all getting along. I'm not sure.

10 MR. DUMAIS: All right, but you don't
11 specifically recall her coming back to the detachment and
12 checking up with the Chief or yourself?

13 MR. ST. DENIS: If she did, she would have
14 talked to the Chief.

15 MR. DUMAIS: All right.

16 MR. ST. DENIS: Or she would have talked to
17 the President of the Association or the Board.

18 MR. DUMAIS: All right, but you don't ---

19 MR. ST. DENIS: I don't remember. I don't
20 know that.

21 MR. DUMAIS: --- have a specific
22 recollection? All right.

23 MR. DUMAIS: And then on the last page, they
24 indicated that the follow-up inspection would be
25 recommended, and we know that for a fact an inspection

1 follow-up report was completed and done in 1991. Is that
2 correct?

3 MR. ST. DENIS: That's correct.

4 MR. DUMAIS: All right.

5 So then the auditors looked at the
6 recommendations that had been set out in the 1989 audit,
7 and I ---

8 MR. ST. DENIS: Sir, before we go there,
9 shall we not look at the other two pages?

10 MR. DUMAIS: Sorry, which?

11 MR. ST. DENIS: I believe this again shows
12 some leadership on Shaver's part.

13 MR. DUMAIS: All right. So you are making
14 reference to Bates pages 528?

15 THE COMMISSIONER: Well ---

16 MR. ST. DENIS: Five -- yes, 530 and seventy
17 -- 74-506.

18 MR. DUMAIS: Yes.

19 THE COMMISSIONER: Well, I'm sure Chief
20 Shaver will ---

21 MR. ST. DENIS: Okay.

22 THE COMMISSIONER: --- be there to look at
23 it and show his leadership.

24 MR. ST. DENIS: Okay.

25 THE COMMISSIONER: And if not, Mr.

1 Manderville is going to get up and show us that.

2 MR. ST. DENIS: Okay.

3 THE COMMISSIONER: But we will just let Mr.
4 Dumais waltz you through the spots that he wants you to
5 see.

6 MR. ST. DENIS: Thank you.

7 MR. DUMAIS: All right, and actually I was
8 just about to go there, sir, and so my introduction was
9 that there was recommendations that were made in the 1989
10 Audit Report. Is that correct?

11 MR. ST. DENIS: Yes, sir.

12 MR. DUMAIS: All right. So these guys come
13 back in 1990. They're conducting their own audit, and one
14 of their functions is to look at past recommendations to
15 look at exactly what was done?

16 MR. ST. DENIS: yes.

17 MR. DUMAIS: And so the first recommendation
18 back in 1989 was that the Chief was absent and not
19 informing his Board of his absence. Do you recall that?

20 MR. ST. DENIS: Yes, I seem to recall that.

21 MR. DUMAIS: All right. So then -- and this
22 appears to remain an issue in 1990 and that's the first
23 previous recommendation. Do you agree with that?

24 MR. ST. DENIS: I -- if it wasn't dealt with
25 on the first one, it was probably dealt with on the second

1 one.

2 MR. DUMAIS: All right.

3 And perhaps it might be easier if I point
4 the specific recommendations. So I'm at Bates pages 530.

5 MR. ST. DENIS: Yes, sir.

6 MR. DUMAIS: All right.

7 So they look at the recommendation 1989, so
8 that says:

9 "The Chief requests permission from the
10 Board to attend conventions, seminars
11 et cetera and inform it when going on
12 annual leave. All lengthy periods of
13 absence to be posted, stating who is in
14 charge during such time."

15 So that was a recommendation that was made
16 in '89 and the action they're suggesting in this report is
17 the following:

18 "Chief is posting absences, designate
19 an officer in charge, but that the
20 commencement of this inspection, he
21 does not fully communicate with the
22 Board on his absences". (As read)

23 So do you agree?

24 MR. ST. DENIS: I see that.

25 MR. DUMAIS: So the problem in '89, it

1 appears that it was a continuing problem in 1990?

2 MR. ST. DENIS: It appears that way.

3 MR. DUMAIS: All right.

4 There was a recommendation made regarding
5 the budget and that there should be some sort of consulting
6 with the heads of departments so they have some input as to
7 whether or not you cut some of the money requested or not,
8 and that appears to have been implemented?

9 MR. ST. DENIS: I believe so.

10 MR. DUMAIS: And then they make reference to
11 the lateral training and they make reference to the fact
12 that a directive was adopted, ADM 013.

13 THE COMMISSIONER: Madam Clerk, can you
14 scroll down, please?

15 MR. ST. DENIS: We're on page ---

16 MR. DUMAIS: I'm looking at the previous
17 recommendation number 3. Still the same page, 530.

18 MR. ST. DENIS: Thank you.

19 THE COMMISSIONER: Madam Clerk? Thank you.
20 Recommendation 3 we're at? Thank you.

21 MR. ST. DENIS: That's correct.

22 MR. DUMAIS: So it was complied with?

23 MR. ST. DENIS: Yes.

24 MR. DUMAIS: All right.

25 MR. ST. DENIS: Yes, sir.

1 **MR. DUMAIS:** So the next recommendation was
2 to prepare some sort of a job descriptions so that officers
3 knew what their role was. And I think it was complied with
4 for the civilian positions, but they noted that it was not
5 complied with for the -- the police positions. Is that
6 correct?

7 **MR. ST. DENIS:** That may be correct.

8 **MR. DUMAIS:** And I'm just looking at the
9 action there suggesting -- and that's at top of page 531:

10 "Chief Shaver was evaluating all police
11 and civilian assignments at the time of
12 this inspection and reports job
13 descriptions have been formulated for
14 the civilian positions."

15 **MR. ST. DENIS:** Yes, that's correct.

16 **MR. DUMAIS:** All right.

17 The fifth recommendation had to do with
18 crime prevention and they noted that that had been complied
19 with?

20 **MR. ST. DENIS:** Yes, sir.

21 **MR. DUMAIS:** Same with the disaster plan?

22 **MR. ST. DENIS:** Yes, sir.

23 **MR. DUMAIS:** And same with the
24 recommendation regarding weapons?

25 **MR. ST. DENIS:** Yes, sir.

1 **MR. DUMAIS:** All right.

2 And as well they noted that an evaluation
3 process had been put in place, so it appears that there was
4 compliance with that recommendation as well?

5 **MR. ST. DENIS:** Yes, sir.

6 **MR. DUMAIS:** And, again, there's a request
7 for a complaint process to be put in place and that was
8 done as well?

9 **MR. ST. DENIS:** Yes, sir.

10 **MR. DUMAIS:** The communications issue was
11 dealt with by the adoption of directive ADM 012?

12 **MR. ST. DENIS:** Yes, sir.

13 **MR. DUMAIS:** And then there was a property
14 procedure that was set up as well, so that addressed that
15 recommendation?

16 **MR. ST. DENIS:** Yes, sir.

17 **MR. DUMAIS:** And -- they -- one of the
18 recommendations was that a workload study be ordered or
19 conducted, and that still had not been done in 1990. Is
20 that correct?

21 **MR. ST. DENIS:** I -- actually, I just don't
22 remember that workload.

23 **THE COMMISSIONER:** We're on page 10 now, I
24 think, eh?

25 **MR. ST. DENIS:** Yes. But what I'm saying, I

1 don't remember the workload report.

2 **MR. DUMAIS:** The workload study?

3 **MR. ST. DENIS:** The workload study.

4 **MR. DUMAIS:** I can advise you that at one
5 point-in-time -- I'll point you to a reference. I can't do
6 that right now, but I know that Phase I and Phase II I
7 think of the work study was done in 1991.

8 **MR. ST. DENIS:** I remember it being done. I
9 just don't remember the report.

10 **MR. DUMAIS:** All right.

11 But certainly it appears -- because they're
12 recommending that a study be conducted, actually -- sorry -
13 - it does make reference here in the action item, if you
14 look at recommendation number 12:

15 "It will be conducted early in 1991
16 by the Standards and New Programs
17 Branch at Policing Services Division."

18 **MR. ST. DENIS:** Yes, sir.

19 **MR. DUMAIS:** And recommendation 13:

20 "A new org chart was..." ---

21 **THE COMMISSIONER:** "...complied with."

22 **MR. ST. DENIS:** Yes, sir.

23 **MR. DUMAIS:** "...was formulated and
24 passed."

25 And they made reference to the Board

1 resolution and, finally, there is the issue with the Chief
2 Medical Officer and that had not been complied with. Is
3 that correct?

4 **MR. ST. DENIS:** Yes, sir.

5 **MR. DUMAIS:** All right.

6 So after they've conducted their inspections
7 and looked at previous recommendations, they set out 10 new
8 recommendations; so the 1990 recommendations.

9 So the first one is something that we've
10 seen before. They recommend that a management consultant
11 be retained on an ongoing basis. So I'm at Bates pages
12 535.

13 **MR. ST. DENIS:** I have that.

14 **MR. DUMAIS:** And the second recommendation
15 is:

16 "That there be an immediate and
17 continuing action to be taken to ensure
18 continuing compliance with the Police
19 Standards."

20 Is that correct?

21 **MR. ST. DENIS:** Yes, sir.

22 **MR. DUMAIS:** All right.

23 **THE COMMISSIONER:** What page is that on?

24 **MR. DUMAIS:** I'm at Bates pages 535. Sorry,
25 sir.

1 **THE COMMISSIONER:** No, I'm just trying to
2 follow on the screen and I'm having some problems.

3 **MR. DUMAIS:** So the next recommendation is
4 at the following page and it deals with the internal audit
5 process, and I think we have addressed that with you
6 previously.

7 **MR. ST. DENIS:** Recommendation number?

8 **MR. DUMAIS:** That's recommendation number 3,
9 Internal Audit Process.

10 **MR. ST. DENIS:** Yes, sir.

11 **MR. DUMAIS:** So, essentially the
12 recommendation was that one be put in place ---

13 **MR. ST. DENIS:** Yes.

14 **MR. DUMAIS:** --- I think we've had your
15 evidence on that.

16 **MR. ST. DENIS:** Yes.

17 **MR. DUMAIS:** And the next recommendation was
18 that inservice training be implemented?

19 **MR. ST. DENIS:** Yes, sir.

20 **MR. DUMAIS:** All right.

21 And the next recommendation that dealt with
22 -- the Chief should obtain authority to replace members
23 that were leaving. I think that issue was that prior to
24 1990, the Chief did not have the authority to replace
25 officers who had left the service. Is that correct?

1 **MR. ST. DENIS:** No, he did not have the
2 authority. That is a Board prerogative.

3 **MR. DUMAIS:** All right.

4 So they had -- every time that someone left,
5 he had to go back to the Board and obtain their specific
6 authority. Is that correct?

7 **MR. ST. DENIS:** Yes, sir.

8 **MR. DUMAIS:** All right. And I think what
9 they are recommending here is that the Chief of Police be
10 able to do once an established maximum strength has been
11 established. Is that correct?

12 **MR. ST. DENIS:** Yes, sir.

13 **MR. DUMAIS:** All right.

14 And then the sixth recommendation was
15 essentially to establish a promotional process?

16 **MR. ST. DENIS:** Yes.

17 **MR. DUMAIS:** And he makes it -- they are
18 making reference to Appendix 5 of the Strategic Plan that
19 recommended that the present promotional process be
20 assessed?

21 **MR. ST. DENIS:** Yes.

22 **MR. DUMAIS:** And then I think we've dealt
23 with the next recommendation. So there's a recommendation
24 that an annual report be published with the statistics and
25 -- since they had noted that it had not been done since

1 1985.

2 MR. ST. DENIS: That's correct. It was
3 reactivated.

4 MR. DUMAIS: And then the eighth
5 recommendation deals with auxiliary members, and that had
6 been dealt with through the strategic plan as well.

7 MR. ST. DENIS: Yes.

8 MR. DUMAIS: And then recommendation number
9 nine makes reference again to the workload study which is
10 to be conducted sometime in 1991. Is that correct?

11 MR. ST. DENIS: Yes, sir.

12 MR. DUMAIS: And finally the final
13 recommendation for the 1990 audit was that there be a
14 follow-up inspection in the following year, so 1991.

15 MR. ST. DENIS: Yes, sir.

16 MR. DUMAIS: So then my understanding is
17 that the same two auditors would have come back. Do you
18 recall them coming back?

19 MR. ST. DENIS: I remember two auditors
20 coming back.

21 MR. DUMAIS: And I don't believe this
22 document has been filed previously as an exhibit -- it is
23 Document Number 101544 -- but I could be mistaken.

24 THE COMMISSIONER: Document 1767 is a report
25 on the inspection follow-up visit to the Cornwall Police

1 Service July 30th to August 1st, 1991.

2 --- EXHIBIT NO./PIÈCE NO. P-1767:

3 (101544) - Report on the inspection follow-
4 up visit to the CPS dated 30 Jul 91 to 01
5 Aug 91

6 **THE COMMISSIONER:** As I said at the
7 beginning, 1767.

8 **MR. DUMAIS:** Thank you. I was trying to get
9 away with that.

10 **THE COMMISSIONER:** Change. Adapt.

11 **MR. DUMAIS:** All right. So essentially ---

12 **THE COMMISSIONER:** I will adapt to you, Mr.
13 Dumais. I'll tell you the exhibit number from now on at
14 the end.

15 **MR. DUMAIS:** Thank you.

16 All right. So they came back and they did
17 this follow-up report and I think it was not a complete
18 audit and essentially what they were doing is they were
19 looking at the different recommendations that had been made
20 and they were trying to determine whether or not any
21 progress had been made. Is that fair?

22 **MR. ST. DENIS:** I would say that's fair,
23 yes.

24 **MR. DUMAIS:** So then the first
25 recommendation that Ms. McGlashan be retained as -- to

1 monitor the implementation of the strategic plan. So they
2 make reference to two separate visits that were made, one
3 on December 14th, 1990 -- sorry, there's just a reference to
4 one visit. So in the last paragraph it indicates:

5 "Ms. McGlashan had attended one meeting
6 with the management team and one with
7 the strategic planner. Her services
8 had not, at the time of the 1990
9 inspection follow-up visits, been
10 retained on an ongoing basis to monitor
11 the implementation of the strategic
12 plan."

13 But it appears that she came back for two
14 visits.

15 **MR. ST. DENIS:** I remember those visits.

16 **MR. DUMAIS:** All right.

17 **MR. ST. DENIS:** But I don't remember
18 anything after that.

19 **MR. DUMAIS:** Okay. So there is a reference
20 there to a -- to the strategic planner.

21 **MR. ST. DENIS:** Yes.

22 **MR. DUMAIS:** Who was that?

23 **MR. ST. DENIS:** I believe it was Sergeant
24 Carter at the time. He was the first strategic planner.
25 But I stand to be corrected.

1 **MR. DUMAIS:** All right. So he would have
2 been designated as the strategic planner?

3 **MR. ST. DENIS:** Yes.

4 **MR. DUMAIS:** And do you recall whether or
5 not he retained that role for a long period of time?

6 **MR. ST. DENIS:** I think the position was
7 retained for a long time but then it changed. I think the
8 next chap to move in there was Constable Bernie, and I'm
9 not sure if I haven't got it vice versa.

10 **MR. DUMAIS:** It could be one before the
11 other?

12 **MR. ST. DENIS:** Yeah.

13 **MR. DUMAIS:** All right.

14 **MR. ST. DENIS:** And the purpose, again, I
15 think that came out -- that flowed out of the Strategic
16 Planning Committee meetings and the strategic planner,
17 whoever it was, Carter or Bernie, would stay in
18 communication with Suzanne McGlashan, and the planner
19 himself would be trying to follow-up on or continuing to
20 follow-up on these agreed terms that we all agreed to.

21 **MR. DUMAIS:** All right. But, I mean,
22 certainly it appears that the minutes of the Board meeting
23 reflect the fact that it was their intention to retain Ms.
24 McGlashan, but other than these two visits it does not
25 appear that she was retained on a long-term basis. Is that

1 your recollection as well?

2 MR. ST. DENIS: I think so, yes.

3 MR. DUMAIS: Now, recommendation number two
4 dealt with police standards and they do acknowledge that
5 some work had been done with respect to the compliance with
6 those standards.

7 Recommendation number three deals with the
8 audit system and they make reference here to you being
9 appointed as an auditor. And I'm looking at the top of
10 page 492.

11 MR. ST. DENIS: Yes.

12 MR. DUMAIS: And it is a little difficult to
13 read but I'll start with the second sentence:

14 "Chief Shaver appointed Deputy Chief
15 St. Denis as a Service internal
16 auditor. However, the advisors were
17 not satisfied that the procedures for
18 this internal audit system had been
19 sufficiently researched, nor had they
20 been sufficiently developed for the
21 system to be implemented as quickly as
22 was intended. The philosophy had been
23 developed but without the necessary
24 forms to provide the necessary
25 reporting structure and with an

1 unrealistic schedule. A proper audit
2 process could not be established and
3 maintained."

4 **MR. ST. DENIS:** Yes.

5 **MR. DUMAIS:** All right. So that was their
6 conclusion in 1991. So do you think that following this
7 follow-up report that you had done some further work on
8 this audit system?

9 **MR. ST. DENIS:** Very little.

10 **MR. DUMAIS:** Very minimal?

11 **MR. ST. DENIS:** Minimal.

12 **MR. DUMAIS:** All right.

13 Now, the next recommendation had to do with
14 in-service training. And I'm just looking at the action
15 item, the second sentence:

16 "A training officer had been appointed.
17 However, his responsibilities as
18 strategic planner and recruitment
19 officer precluded him from developing
20 in-service training."

21 So is that a recollection as well that ---

22 **MR. ST. DENIS:** Yes, I believe that's fair.

23 **MR. DUMAIS:** All right.

24 And do you think that was -- I apologize, I
25 forgot the name. Was it Carter?

1 **MR. ST. DENIS:** Yes, Carter or ---

2 **MR. DUMAIS:** Sergeant Carter.

3 So he was the training officer but his role
4 as a training officer was replaced, I guess, by his
5 responsibilities as a strategic planner and recruitment
6 officer. Is that correct?

7 **MR. ST. DENIS:** I believe that's correct.

8 **MR. DUMAIS:** And a recruitment officer, that
9 means what? That means he's involved in ---

10 **MR. ST. DENIS:** Recruiting members to the
11 police service or ---

12 **MR. DUMAIS:** All right. So it has nothing
13 to do with managing the auxiliaries or the cadets or
14 anything like that?

15 **MR. ST. DENIS:** Not specifically, no.

16 **MR. DUMAIS:** Okay.

17 And I think recommendation number five had
18 been complied with and the Chief of Police now had the
19 authority to replace members who had left the service. Is
20 that correct?

21 **MR. ST. DENIS:** That's correct.

22 **MR. DUMAIS:** Now, recommendation number six
23 dealt with promotional process and it appears that nothing
24 had been done with respect to the promotional process and
25 the explanation that appears to have been given was some

1 difficulties pending an arbitration process. Do you recall
2 that?

3 MR. ST. DENIS: I remember a little bit
4 about that, yes.

5 MR. DUMAIS: What do you recall of that?

6 MR. ST. DENIS: I'm not sure if it was the
7 issue of seniority becoming an important negotiated item
8 for the new collective agreement or -- I guess it's best I
9 say that I don't remember.

10 MR. DUMAIS: Okay. But is it fair to say
11 that nothing appears to have been done because of this
12 ongoing arbitration?

13 MR. ST. DENIS: I would say that's fair.

14 MR. DUMAIS: And then the next
15 recommendation deals with the annual report, and they do
16 confirm that one was published for 1990. Do you recall
17 whether or not this is a practice that continued after
18 1990?

19 MR. ST. DENIS: Yes, absolutely. I know for
20 a fact.

21 MR. DUMAIS: Okay.

22 MR. ST. DENIS: We may have missed one year,
23 but I do remember '91, '92, '93. Have you seen any of
24 those booklets?

25 MR. DUMAIS: I don't believe I have. But

1 you think it was being done on an annual basis?

2 **MR. ST. DENIS:** Absolutely.

3 **MR. DUMAIS:** Okay. It contained statistics
4 and ---

5 **MR. ST. DENIS:** Yes, a statement from the
6 Board, a statement from the Chief.

7 **MR. DUMAIS:** All right.

8 **MR. ST. DENIS:** And all your statistics,
9 letters of appreciation, commendations, officers taking the
10 less amount of sick leave or no sick leave at all. There
11 was a running record of that, and community service type
12 items. Bicycle patrol and all that was included in the
13 Audit Report.

14 **MR. DUMAIS:** Okay.

15 **MR. ST. DENIS:** Not the Audit Report -- I'm
16 sorry -- the Annual Report.

17 **MR. DUMAIS:** Annual, all right.

18 So the next recommendation dealt with
19 auxiliary members, and I believe they confirm that that had
20 been complied with as well and that 12 auxiliary members
21 had been selected. Is that correct?

22 **MR. ST. DENIS:** Yes, sir.

23 **MR. DUMAIS:** All right.

24 And here's the notation about the workload
25 study which had been suggested in previous audits. So in

1 the action item it says at -- and I'll just read it:

2 "Phases 1 (March 9 to April 5, 1991)
3 and 2 (June 28 to July 25, 1991) of the
4 Workload and Resources Study have been
5 completed. Examinations of the phases
6 have been completed. The results of
7 the study will be discussed with the
8 Chief of Police and the Police Services
9 Board."

10 So it appears that Phase 1 and Phase 2 were
11 completed. Do you recall ever seeing this Workload Study?

12 **MR. ST. DENIS:** I'd have to have a peek at
13 it to refresh my memory.

14 **MR. DUMAIS:** Unfortunately we do not have
15 it.

16 But you don't recall ---

17 **MR. ST. DENIS:** No, that's what I was saying
18 earlier. You have to tweak my ---

19 **MR. DUMAIS:** You don't recall what it says.

20 **MR. ST. DENIS:** I do remember the
21 terminology here that's used here that something was done,
22 but I thought we would be viewing a report later on, but I
23 guess we're not.

24 **MR. DUMAIS:** All right. Fair enough.

25 And then of course the last recommendation

1 dealt with the need for a follow-up report, which of course
2 was done?

3 **MR. ST. DENIS:** Yes.

4 **MR. DUMAIS:** Now, we are now in 1991. My
5 understanding is that there's no audits that were completed
6 in 1992. Is that your recollection as well?

7 **MR. ST. DENIS:** Yes.

8 **MR. DUMAIS:** And I believe the next audit
9 that was completed would have been done in 1993?

10 **MR. ST. DENIS:** Yes.

11 **MR. DUMAIS:** And I believe it's Exhibit
12 1393.

13 **MR. ST. DENIS:** Yes, I'm there.

14 **MR. DUMAIS:** All right.

15 So this is the 1993 audit and it is
16 described as a human resources management inspection.

17 **MR. ST. DENIS:** Yes.

18 **MR. DUMAIS:** And it was conducted by John
19 Kopinak and Hyacinthe Josiah. Is that correct?

20 **MR. ST. DENIS:** That's correct.

21 **MR. DUMAIS:** It was reviewed by Mr. Mitchell
22 from the Ministry?

23 **MR. ST. DENIS:** That's correct.

24 **MR. DUMAIS:** And essentially there's an
25 introduction and a purpose, I guess, which explains why

1 it's a little different than a Level 3 Inspection Report.
2 So I'm looking at Bates pages 068.

3 MR. ST. DENIS: Yes.

4 MR. DUMAIS: So essentially they're saying -
5 - they're explaining how the program is designed, the fact
6 that they're looking at requirements of legislation as well
7 as standards and, again, generally accepted police
8 operational practices.

9 MR. ST. DENIS: Yes.

10 MR. DUMAIS: And it does then provide a
11 community profile at page 070?

12 MR. ST. DENIS: Yes.

13 MR. DUMAIS: And an executive summary at
14 page 071?

15 MR. ST. DENIS: Yes.

16 MR. DUMAIS: All right.

17 So it appears that this inspection was
18 requested by the Chairman of the Board. And I'm just
19 looking at the second paragraph of the executive summary
20 which reads as follows:

21 "The Police Services Board Chair, in
22 his letter to the Ministry requesting
23 the inspection, mentions serious
24 concerns about management, the
25 relationship among stakeholders and

1 morale. Based on these concerns, it
2 was determined that the primary focus
3 would be selective, i.e. on human
4 resource issues. Matters relating to
5 morale were reviewed in the context of
6 the definition outlined below."

7 So it appears to have been -- this audit or
8 this inspection appears to have been requested by the
9 Chairman of the Board?

10 **MR. ST. DENIS:** It would appear that way,
11 yes.

12 **MR. DUMAIS:** And in 1993, would that have
13 been Mr. Courville; do you recall?

14 **MR. ST. DENIS:** I believe it was.

15 **MR. DUMAIS:** Actually, I know for a fact.
16 I'm just looking at Bates page 111 of this same exhibit and
17 there's a list there of the Police Services Board members
18 and the Chairperson appears to be Mr. Courville.

19 **MR. ST. DENIS:** I don't see the list, sir.

20 **MR. DUMAIS:** It's at Bates page -- actually,
21 page 43 of the report.

22 **MR. ST. DENIS:** Okay.

23 **MR. DUMAIS:** It just confirms you were
24 right.

25 **MR. ST. DENIS:** Yes. That -- yes.

1 **MR. DUMAIS:** It's at the bottom there?

2 **MR. ST. DENIS:** That would be the Board.

3 **MR. DUMAIS:** Yes. And Mr. Courville
4 certainly appears to be the Chairperson?

5 **MR. ST. DENIS:** Yes.

6 **MR. DUMAIS:** All right.

7 Now, I think they note when the inspection
8 was conducted. So I'm back at page 071. Sorry. And they
9 would have conducted their inspection on July 12th and July
10 13th of 1993?

11 **MR. ST. DENIS:** Yes.

12 **MR. DUMAIS:** And again, between July 26th and
13 30th?

14 **MR. ST. DENIS:** Yes.

15 **MR. DUMAIS:** August 3rd and 6th, and again
16 between August 16th and 20th, so a total of 18 days on sites?

17 **MR. ST. DENIS:** That would be -- that's
18 about right.

19 **MR. DUMAIS:** And the third paragraph at page
20 072, the inspectors noted that -- and I'm just reading from
21 the first page:

22 "It was clear on the advisors' first
23 visit to the Police Service premises
24 that there existed a serious
25 organizational malaise."

1 **MR. ST. DENIS:** Yes.

2 **MR. DUMAIS:** And the next paragraph deals
3 with the delivery of policing services, and they appear to
4 conclude that:

5 "The general community perceptions
6 about the delivery of policing services
7 were positive, with some reservations
8 about prioritization in deployment of
9 resources."

10 **MR. ST. DENIS:** Yes.

11 **MR. DUMAIS:** And then they continue on. I'm
12 just going to skip one sentence and go to the last one:

13 "They are, however, significant..."
14 They're just talking about negative
15 attitudes and perceptions:

16 "They are, however, significant because
17 little has been done to counteract
18 their longstanding nature and increased
19 seriousness, which have obviously been
20 detrimental to the health of
21 individuals and the organizations."

22 And then the next paragraph they indicate
23 that:

24 "The level of discontent have reached a
25 critical point."

1 **MR. ST. DENIS:** I believe that's a fair
2 statement.

3 **MR. DUMAIS:** So that's in the summer of
4 1993. So you would agree with that conclusion then?

5 **MR. ST. DENIS:** Yes.

6 **MR. DUMAIS:** All right.

7 **MR. ST. DENIS:** May I add something?

8 **MR. DUMAIS:** Yes, you certainly may.

9 **MR. ST. DENIS:** When they say "critical
10 point," I'd like to emphasize inside the Force or outside
11 the Force, enforcement or administrative? And if that -- I
12 accept that statement on the basis that it's internal, an
13 internal problem, not what we were doing as police officers
14 but our own internal issues. I don't know if that makes
15 sense or not.

16 **MR. DUMAIS:** Right.

17 **THE COMMISSIONER:** To a certain degree, what
18 you're saying is that if police -- if someone phones 9-1-1
19 for a police officer, there will be a car sent out?

20 **MR. ST. DENIS:** Absolutely.

21 **THE COMMISSIONER:** Right. Right.

22 But I think what we're looking at is, to be
23 fair to you, it can be generally accepted for the time
24 being that yes, the police service was doing its job on the
25 streets, et cetera, but to what degree has this malaise

1 affected investigation of historical sexual assaults, for
2 example. So I want you to be aware it's not just black and
3 white; there is that midsection there that I'm looking at.

4 **MR. ST. DENIS:** Okay, sir.

5 **THE COMMISSIONER:** All right?

6 **MR. ST. DENIS:** Yes, sir.

7 **THE COMMISSIONER:** Okay.

8 **MR. DUMAIS:** Perhaps just to be more
9 accurate, I think I should perhaps leave the entire
10 paragraph. So it starts with:

11 "Levels of discontent have reached a
12 critical point. A positive change in
13 leadership and within the internal
14 management environment must be
15 implemented quickly. Otherwise, the
16 community perception of the Cornwall
17 Police Service as a viable delivery
18 mechanism for crime prevention and law
19 enforcement services is, in the
20 advisors' view, in jeopardy."

21 **MR. ST. DENIS:** If I may, that's his
22 opinion.

23 **MR. DUMAIS:** Oh yes, certainly.

24 So you disagree with that?

25 **MR. ST. DENIS:** I don't totally disagree

1 with it. I agree with some of it. I think it's probably
2 the strong wording of it. Perhaps it's the wording of it,
3 how it's worded.

4 **MR. DUMAIS:** All right.

5 Now, what they have done is they've looked
6 at previous recommendations, and I think they've just
7 essentially copied or summarized the 1991 follow-up
8 reports, and we find this at pages 074 and 075.

9 **MR. ST. DENIS:** Yes.

10 **MR. DUMAIS:** So, I mean, I think we've gone
11 through those. I don't propose to go through them once
12 again. And if I can simply go then to their 1993 findings
13 and recommendations? So that starts at page 076.

14 **MR. ST. DENIS:** Yes, I'm there.

15 **MR. DUMAIS:** So the first finding -- the
16 first area that they looked at dealt with police service
17 organization, and then they note the policing standard
18 that's been adopted, and the findings that they made with
19 respect to that are just further down the page.

20 **MR. ST. DENIS:** Yes.

21 **MR. DUMAIS:** And if you look at the first
22 paragraph -- so they sort of describe the mission
23 statement, what was adopted in 1990-'91 with the strategic
24 plan. And the last sentence of this paragraph reads as
25 follows:

1 "The Board has not had ongoing
2 involvement and has not approved the
3 plan for implementation."

4 And they're making reference to the '90-'91
5 strategic planning process.

6 **MR. ST. DENIS:** It seems I recall a little
7 bit of that, yes.

8 **MR. DUMAIS:** All right.

9 So do you agree with that, that the Board
10 had never agreed on the plan for implementation?

11 **MR. ST. DENIS:** I'm not sure if they didn't
12 agree. I think that maybe it was an oversight on the
13 Board, something that got shoved on the backburner, or
14 somebody forgot to bring to the front burner. I'm not -- I
15 don't know.

16 **MR. DUMAIS:** Well, they appear to make
17 reference here to a joint committee that had been put in
18 place, and that joint committee appears to have been formed
19 to coordinate strategic planning.

20 Do you recall that?

21 **MR. ST. DENIS:** I'm starting to, yes.

22 **MR. DUMAIS:** And do you recall who would
23 have been a part of this joint committee?

24 **MR. ST. DENIS:** I don't know. Maybe I was
25 on it, but is there another document to show me?

1 **MR. DUMAIS:** Unfortunately there isn't. Do
2 you think you were part of that joint committee?

3 **MR. ST. DENIS:** I could have been.

4 **MR. DUMAIS:** You could have been, but you're
5 not sure?

6 **MR. ST. DENIS:** Yes.

7 **MR. DUMAIS:** All right.

8 But certainly it appears that -- and just
9 continuing on with the sentence:

10 "The joint committee which was formed
11 to coordinate strategic planning has
12 not been actively involved. The
13 committee does not endorse the most
14 recent version of the strategic plan."

15 And then the sentence which I read:

16 "The Board has not had ongoing
17 involvement and has not approved the
18 plan for implementation."

19 **MR. ST. DENIS:** Well, see, I don't remember
20 that.

21 **MR. DUMAIS:** It certainly appears from this
22 paragraph that the implementation of the strategic plan has
23 gone nowhere?

24 **MR. ST. DENIS:** That's what it's
25 insinuating.

1 **MR. DUMAIS:** But do you agree with me or
2 not?

3 **MR. ST. DENIS:** I think parts of the
4 strategic planning were functioning. I think they were
5 functioning by some of the stakeholders. That's why I'm
6 not sure to agree with the total paragraph is accurate.

7 **MR. DUMAIS:** All right.

8 Is it fair to say that in 1990 there's
9 certainly a willingness to participate in this planning
10 session and develop a strategic plan, and that was followed
11 up with the audit later in the year and the follow-up
12 report in 1991, and some administrative directives had been
13 put in place?

14 But certainly from one point in time in 1991
15 and this further Inspection Report, not a whole lot had
16 been done to implement this strategic plan?

17 **MR. ST. DENIS:** I guess that's a fair
18 statement.

19 **MR. DUMAIS:** Do you recall, Mr. St. Denis,
20 whether or not there was a change at one point in time or a
21 discussion just to set that plan aside completely or not to
22 follow up with it, or do they just ---

23 **MR. ST. DENIS:** I think it got off the rails
24 somewhere. I'm just not sure what month, what year.
25 Everybody was gung-ho for a while, and then it fell off the

1 rails. That's the only way I can explain it.

2 MR. DUMAIS: All right.

3 So if we -- in the last paragraph on that
4 page it appears to indicate that:

5 "There is no system in place for
6 monitoring or management of sick leave
7 utilization."

8 Was that correct at that time?

9 MR. ST. DENIS: I think that that's a fair
10 statement.

11 MR. DUMAIS: All right.

12 And I think you indicated to us previously
13 that sick leave was a problem ---

14 MR. ST. DENIS: Yes.

15 MR. DUMAIS: --- at one point in time?

16 MR. ST. DENIS: Yes.

17 MR. DUMAIS: And it, to a certain extent,
18 contributed to lack of resources. Is that fair?

19 MR. ST. DENIS: Yes, sir.

20 MR. DUMAIS: Now, the next item that they
21 looked at was the selection process, and that dealt with
22 essentially the promotional process that we've talked about
23 earlier on and the finding that they make, and I'm looking
24 at the first paragraph:

25 "The selection and promotional

1 processes have been changed through
2 internal consultation, however, they
3 have not been ratified by the Board.
4 The 1991 inspection recommending Board
5 review has not been complied with. The
6 most recent recruitment process for a
7 civilian dispatcher was seen to have
8 worked well."

9 And then they continue on with the
10 promotional process:

11 "There is some indication that the
12 mechanism for selection and promotion
13 are not well understood by the staff."

14 And what they are suggesting as appropriate
15 recommendations, towards the end of that page, is:

16 "A temporary moratorium should be
17 placed selection and promotional
18 processes."

19 And then they are suggesting that selection
20 criteria should be developed for all positions?

21 **MR. ST. DENIS:** I think that's fair.

22 **MR. DUMAIS:** All right.

23 And this is -- the promotional process and
24 transfer process is an issue that had been identified since
25 1989?

1 **MR. ST. DENIS:** Yes.

2 **MR. DUMAIS:** Certainly, it appears here with
3 their suggestion that a moratorium be placed until it be
4 changed. It certainly appears to have been a continuing
5 problem even in 1993. Is that fair?

6 **MR. ST. DENIS:** Yes, it is.

7 **MR. DUMAIS:** Now, the next item that they
8 looked at, and I'm at page 13, deals with career
9 development. And again the, I guess, reference in the
10 heading, the relevant policing standard, and their finding
11 is at the first paragraph:

12 "There is no written policy from the
13 Chief which designates an individual to
14 administer a career development program
15 which is accessible to all employees."

16 So is that your recollection as well? There
17 was no ---

18 **MR. ST. DENIS:** No, there was no policy.

19 **MR. DUMAIS:** --- no policy ---

20 **MR. ST. DENIS:** No.

21 **MR. DUMAIS:** --- dealing with that?

22 **MR. ST. DENIS:** That's fair.

23 **MR. DUMAIS:** And the next item on the
24 following page deals with training and development. And
25 the first paragraph, or the first finding, deals with they

1 wanted to make sure that there was consistency with the
2 assignment of coach officers.

3 In the second -- I'm looking at the third
4 paragraph, they indicate that:

5 "A two-person training unit had been
6 established, however, the training plan
7 developed for the Police Service had
8 not been implemented."

9 So is that your recollection as well, that
10 the training plan had still not been implemented in 1993?

11 **MR. ST. DENIS:** I believe that's reasonably
12 accurate.

13 **MR. DUMAIS:** Now, the next item deals with
14 employment equity and, again, it deals with the concern
15 that some of the members had with the promotional processes
16 and concern about -- and some of the concerns, I guess,
17 that some of the members had can be -- are summarized at
18 the end of the findings. I will just read it out to you:

19 "Negative public statements about
20 employment equity have led to
21 considerable confusion and apprehension
22 among staff about advancements based on
23 merit and the integrity of the
24 promotional process."

25 **MR. ST. DENIS:** Under "Employment Equity",

1 it's a fair statement.

2 And I do recall being nominated to sit on
3 the Employment Equity Committee, probably after this audit.
4 So I was on the Employment Equity Committee. So obviously
5 this is a fair statement.

6 **MR. DUMAIS:** But certainly it appears that
7 there was still concern within the members with the
8 promotional process?

9 **MR. ST. DENIS:** That's possible.

10 **MR. DUMAIS:** And, again, the issues with the
11 promotional process had initially, I think, been identified
12 in 1989, in the initial audit that we looked at today. Is
13 that right?

14 **MR. ST. DENIS:** I think it's fair from some
15 quarters within the Force, yes.

16 **MR. DUMAIS:** And the next item which deals
17 with performance appraisal indicates that their findings
18 are essentially that there was some inconsistency between
19 the appraisals. And I believe at one point-in-time,
20 supervisors were asked or requested to perform the
21 appraisals of their Unit. Is that correct?

22 **MR. ST. DENIS:** Members of their Unit?

23 **MR. DUMAIS:** Yes.

24 **MR. ST. DENIS:** Yes. Yes.

25 **MR. DUMAIS:** I mean, do you recall whether

1 or not there was a change with that?

2 MR. ST. DENIS: There was ---

3 MR. DUMAIS: By that, I mean the supervisors
4 doing it rather than senior management?

5 MR. ST. DENIS: Well, the appraisal form
6 allowed for the sergeant, staff Sergeant, the inspector in
7 charge, the Deputy Chief, and the Chief to comment, all the
8 way up the line. There was a column where you could add
9 your comments.

10 And as I say or what I'm trying to say, if
11 your evaluation assessment was positive, nothing negative,
12 there didn't seem to be a problem, but if it was negative,
13 the subordinates would challenge it.

14 MR. DUMAIS: But I guess what they're saying
15 here is that there was inconsistency between the way it was
16 being performed between -- by different supervisors.

17 MR. ST. DENIS: Like I said I think this
18 morning, different supervisors have different ways of
19 evaluating. It's terribly subjective, but I thought that
20 the policy would help -- help us all to make a better
21 evaluation, I guess.

22 MR. DUMAIS: All right. So then it would be
23 fair to say that there would have been -- not everyone was
24 using the appraisal techniques in the same way?

25 MR. ST. DENIS: Yes.

1 **MR. DUMAIS:** It was very subjective?

2 **MR. ST. DENIS:** That's fair.

3 **MR. DUMAIS:** All right.

4 Now, the next item deals with commendation
5 and discipline and, I guess, essentially the recommendation
6 that was made was that there be criteria implemented for
7 commendations?

8 **MR. ST. DENIS:** Yes.

9 **MR. DUMAIS:** And the next item deals with
10 financial accountability. So, essentially, they noted a
11 lack of consistent control with respect to access to
12 accounts, and they conclude that these are public funds,
13 the management of which demands a high degree of care and
14 scrutiny by the governing authority and police management?

15 **MR. ST. DENIS:** I'm not sure where they
16 headed with this.

17 **MR. DUMAIS:** Well, if I can just ---

18 **MR. ST. DENIS:** Oh, I think we -- we were
19 signing over our authority over our allowance. Is that
20 what we are talking about here?

21 **MR. DUMAIS:** Well, perhaps I can just point
22 you out to the second paragraph of Bates pages 088?

23 **MR. ST. DENIS:** Yes.

24 **MR. DUMAIS:** And I'll just read out:

25 "Signing authorities are outlined in an

1 outdated PSB bylaw on purchasing and
2 appropriation dated 1985. There
3 appears to be a lack of consistent
4 control with respect to access to
5 accounts, transfer of funds between
6 accounts, monitoring of petty cash
7 accounts, authorization of expenditures
8 and accountability."

9 **MR. ST. DENIS:** I think there was a wee bit
10 of that, yes.

11 **MR. DUMAIS:** All right.

12 And they're suggesting that there be a --
13 more scrutinized accounting, I guess.

14 **MR. ST. DENIS:** And I believe the Board
15 called in -- called in a Cornwall auditor to audit those
16 accounts and he -- that auditor submitted a report to the
17 Board but, again, that's after the fact.

18 **MR. DUMAIS:** All right.

19 Now, the next paragraph deals with external
20 relations, so I'm at page 24, and the first finding is that
21 community policing has not been implemented. Is that
22 correct, in 1993?

23 **MR. ST. DENIS:** We're at -- where are we
24 again?

25 **THE COMMISSIONER:** Page 24.

1 **MR. ST. DENIS:** Yes, I'm there.

2 **THE COMMISSIONER:** Top -- well, where it
3 says "Findings".

4 **MR. ST. DENIS:** Yes.

5 **THE COMMISSIONER:** It says, "Community
6 policing has not been implemented".

7 **MR. ST. DENIS:** I've got it, thank you.

8 **THE COMMISSIONER:** Yes.

9 **MR. DUMAIS:** So they make reference to
10 different programs that are being maintained by some of the
11 officers on a voluntary basis but, essentially, the -- they
12 know the community policing have not been -- has not been
13 implemented as of 1993?

14 **MR. ST. DENIS:** I think some of the programs
15 are not implemented, yes.

16 **MR. DUMAIS:** And then the last paragraph of
17 this same page indicates, essentially, that no protocol
18 exists for liaison with agencies providing service to
19 victims. Is that correct?

20 **MR. ST. DENIS:** I think that's -- I think
21 that's accurate, but I'm not sure.

22 **MR. DUMAIS:** And I think you had done some
23 work -- you would have done some work with adopting a
24 directive dealing with victim assistance which would have
25 been adopted in 1995, but we'll deal with that a little

1 later.

2 MR. ST. DENIS: After the fact.

3 MR. DUMAIS: Now, the next paragraph deals
4 with the Police Services Board, so that's page 26, and they
5 describe the Board -- I'm looking at the first sentence:

6 "The Board is seen as being ineffective
7 in its operation. There's been limited
8 exercise of the management functions
9 normally expected of a governing
10 authority and employer. The bylaws are
11 outdated. Rules of Order have not been
12 followed consistently and until
13 recently, agendas have been set by the
14 Chief of Police."

15 MR. ST. DENIS: Because of the Board --
16 newer Board members, I would suggest that's a fair
17 statement.

18 MR. DUMAIS: All right. And I think that
19 they identify that as a concern as well, and I'm looking at
20 the second paragraph from the bottom:

21 "That there appears to be a strong
22 member turnover."

23 And, as well, they allude to the fact that
24 there's a lot of interpersonal conflicts within the Board
25 itself?

1 **MR. ST. DENIS:** Are we talking about the
2 same players on the Board that we mentioned a little while
3 ago?

4 **MR. DUMAIS:** Well, they're making a
5 reference to the 1993 Board I'm assuming.

6 **MR. ST. DENIS:** Okay.

7 **MR. DUMAIS:** And ---

8 **MR. ST. DENIS:** There were issues.

9 **MR. DUMAIS:** And the members of the Police
10 Services Board that were identified at that time were --
11 and that's the page I just referred you to ---

12 **MR. ST. DENIS:** Yes.

13 **MR. DUMAIS:** --- previously in 1.11.

14 Members of the Board were Leo Courville,
15 Angelo Towndale, Delores Jensen, Mayor Ron Martelle.

16 **MR. ST. DENIS:** Yes.

17 **MR. DUMAIS:** Alderman Tom Green, Shelley
18 Adams and then Chief Shaver and yourself, Deputy Chief St.
19 Denis.

20 **MR. ST. DENIS:** Unfortunately, there were
21 issues amongst -- even amongst the Board members.

22 **MR. DUMAIS:** All right. What were the
23 issues at that time between these Board members?

24 **MR. ST. DENIS:** Personalities. One Board
25 member might want it to go this way and the other Board

1 (sic) wanted to go that way and a little bit of power
2 struggle between one member and the other; those kinds of
3 idiosyncrasies that seem to exist.

4 There were a lot of idiosyncrasies there
5 that came to the forefront at some of the Board meetings
6 that I at least attended.

7 **MR. DUMAIS:** Now, I'm just back at the
8 Police Services Board phase, Mr. St. Denis, that's Bates
9 pages 26.

10 **MR. ST. DENIS:** Yes, I'm still there.

11 **MR. DUMAIS:** Last paragraph. So it
12 indicates, first sentence:

13 "Municipal employees have had
14 difficulties in accepting their role on
15 the Board as community rather than
16 elected representatives."

17 So do you recall that as being a problem?

18 **MR. ST. DENIS:** That was an issue, yes.
19 That was an issue, yes.

20 **MR. DUMAIS:** And the next paragraph, they
21 identify -- sorry, the next page, 094?

22 **MR. ST. DENIS:** Yes.

23 **MR. DUMAIS:** Second paragraph, they're
24 discussing the Mayor involving himself in operational
25 issues?

1 **MR. ST. DENIS:** Yes.

2 **MR. DUMAIS:** And the way it's described --
3 and I'm just going to read to you the -- I'm starting with
4 the second sentence of the second paragraph:

5 "Against advice, he continues..." -- and
6 he's speaking about the Mayor -- they're speaking about the
7 Mayor:

8 "...he continues to involve himself in
9 operational police issues, example,
10 attempting to negotiate a buyout of the
11 Chief without prior Board approval
12 using the media to reinforce his own
13 agenda for policing priorities."

14 So do you recall that the time of the
15 report, so between July and August of 1993, that there was
16 some discussion between the Chief and the Mayor or
17 discussions regarding a buyout?

18 **MR. ST. DENIS:** Yes, I do believe I heard
19 that.

20 **MR. DUMAIS:** All right.

21 And that was prior to the Chief actually
22 announcing his formal retirement?

23 **MR. ST. DENIS:** That would be prior, yes.

24 **MR. DUMAIS:** And is this a discussion that
25 you would have had with Chief Shaver?

1 **MR. ST. DENIS:** Not really.

2 **MR. DUMAIS:** Okay, so this is just stuff you
3 would hear through the media or ---

4 **MR. ST. DENIS:** Well, a lot of people had
5 loose -- loose tongues including Board members and -- but I
6 always kept -- I tried to keep everything I heard
7 confidential if it was coming from that area.

8 **MR. DUMAIS:** All right.

9 **THE COMMISSIONER:** Mr. Dumais, I'm kind of
10 tired today.

11 **MR. DUMAIS:** Yes.

12 **THE COMMISSIONER:** So how about if we just
13 finish that section off and we'll leave the next one for
14 tomorrow morning?

15 **MR. DUMAIS:** And some -- yes, perhaps just
16 two or three questions.

17 Now, Mr. St. Denis ---

18 **THE COMMISSIONER:** Yes.

19 **MR. DUMAIS:** --- I understand that some of
20 the recommendations that had been made by the auditors are
21 that the Mayor should be replaced?

22 **MR. ST. DENIS:** I remember that.

23 **MR. DUMAIS:** And that the Board ---

24 **THE COMMISSIONER:** That Mayor should be
25 replaced on the Police Board, not as a Mayor?

1 MR. ST. DENIS: Yes, that's correct.

2 MR. DUMAIS: Thank you.

3 MR. ST. DENIS: Yes.

4 MR. DUMAIS: And that they're asking the
5 Board to take on more of a leadership role and then that --
6 they suggest that they should take advantage of some of the
7 members' expertise?

8 MR. ST. DENIS: Yes, sir.

9 MR. DUMAIS: All right.

10 THE COMMISSIONER: So ends another day at
11 the Cornwall Public Inquiry, sir.

12 MR. ST. DENIS: Thank you, sir.

13 THE COMMISSIONER: We'll come back at 9:30
14 tomorrow.

15 MR. ST. DENIS: Yes, sir.

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

18 This hearing is adjourned until tomorrow
19 morning at 9:30 a.m.

20 --- Upon adjourning at 4:30 p.m./

21 --- L'audience est ajournée à 16h30

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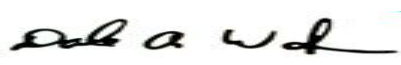
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C E R T I F I C A T I O N

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