

**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 242**

**Held at :**

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

Wednesday, June 11 2008

**Tenue à:**

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

Mercredi, le 11 juin 2008

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Mary Simms	Commission Counsel
Mr. Mark Crane Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
M <sup>e</sup> Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Nadia Laeeque	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Ms. Allison Thiele-Callan	Victims' Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action
Mr. John Olver	Mr. Claude Shaver
Mr. Claude Shaver	Mr. Claude Shaver

**Table of Contents / Table des matières**

	<b>Page</b>
List of Exhibits :	iv
<b>CLAUDE SHAVER, Resumed/Sous le même serment</b>	1
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann(cont'd/suite)	1
Submissions by/Représentations par Mr. Sherriff-Scott	121
Submissions by/Représentations par Mr. Sherriff-Scott	125
Submissions by/Représentations par Mr. Peter Manderville	130
<b>CLAUDE SHAVER, Resumed/Sous le même serment</b>	132
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann(cont'd/suite)	132
Cross-Examination by/Contre-interrogatoire par Mr. Allan Manson	270

## LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1788	(729873) Letter from Colin McKinnon to Shelley Adams - 06 Apr, 94	85
P-1789	(715814) Statement of Claude Shaver re D.S. alleged sexual assault	88
P-1790	(703764) Interview Report of Bishop Eugene Larocque - 12 Sep, 94	106
P-1791	(729696) Letter from Claude Shaver to Archbishop Carlo Curis - 13 Oct, 93	147
P-1792	(729697) Letter from Claude Shaver to Bishop Eugene Larocque - 13 Oct, 93	147
P-1793	(728767) Ottawa Sun media Clipping "Sex Scandal probe eyed" - 08 Jan, 94	202
P-1794	(729505) Standard-Freeholder media clipping "Reports of sex abuse complaint involving church, police surface" - 06 Jan, 94	203
P-1795	(728389) Ottawa Citizen media clipping "Police protested to Church over payoff" - 14 Jan, 94	204
P-1796	(731223) Internal Correspondence from Denis B. O'Neill to Claude Shaver - 17 Feb, 86	221
P-1797	(722621) Internal Correspondence from Claude Shaver to Perry Dunlop - 17 May, 91	226
P-1798	(723283) Summary of Claude Shaver by Perry Dunlop	232
P-1799	(730679) Project Truth Website "Naming names (revised)"	252

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

2 L'audience débute à 9h34

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Mr. Engelmann, how are you?

12 **MR. ENGELMANN:** Good morning.

13 **THE COMMISSIONER:** Mr. Shaver, how are you  
14 doing today?

15 **MR. SHAVER:** Very well, thank you.

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

17 Go ahead, Mr. Engelmann.

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

19 Commissioner.

20 **CLAUDE SHAVER, Resumed/Sous le même serment:**

21 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
22 ENGELMANN (cont'd/suite):

23 **MR. ENGELMANN:** Good morning, Mr. Shaver.

24 **MR. SHAVER:** Good morning.

25 **MR. ENGELMANN:** Yesterday when we left off,

1 we were talking about your meeting with Richard Abell.

2 MR. SHAVER: Yes.

3 MR. ENGELMANN: And you had known him for a  
4 number of years?

5 MR. SHAVER: Well, since he became the  
6 director, yes.

7 MR. ENGELMANN: Do you remember  
8 approximately when that would have been? He replaced Tom  
9 O'Brien?

10 MR. SHAVER: I'm not sure, sir, late '80s.

11 MR. ENGELMANN: All right.

12 So by the fall of '93, you'd known him for  
13 at least three or four years. Is that ---

14 MR. SHAVER: Oh yes.

15 MR. ENGELMANN: Yeah. And it was a  
16 professional working relationship?

17 MR. SHAVER: Yes, yes.

18 MR. ENGELMANN: And you talked about meeting  
19 with him and Angelo Towndale?

20 MR. SHAVER: Towndale, yes.

21 MR. ENGELMANN: The morning of October 1<sup>st</sup>?

22 MR. SHAVER: October, yes.

23 MR. ENGELMANN: And you've had an  
24 opportunity, sir, to review his notes of your meeting?

25 MR. SHAVER: I have.

1                   **MR. ENGELMANN:** And we don't have notes of  
2                   yours, so ---

3                   **MR. SHAVER:** Right.

4                   **MR. ENGELMANN:** --- I've been looking at  
5                   his. And, sir, you should have -- it's Exhibit 1441. And  
6                   they're extensive notes, so I'm ---

7                   **MR. SHAVER:** I know.

8                   **MR. ENGELMANN:** --- going to pinpoint the  
9                   page for you, if I can.

10                  **MR. SHAVER:** Okay.

11                  **MR. ENGELMANN:** And the Document Number --  
12                  and these notes are in various places, but the Document  
13                  Number I'm referring to is 721621.

14                  **THE COMMISSIONER:** What exhibit again, Mr.  
15                  Engelmann?

16                  **MR. ENGELMANN:** Exhibit 1441.

17                  **THE COMMISSIONER:** Great. There.

18                  **MR. SHAVER:** And the Bates page, sir, was?

19                  **MR. ENGELMANN:** Yes, the Bates page that I'd  
20                  like you to look at, sir, is 659.

21                  **MR. SHAVER:** I finally found it, yes.

22                  **MR. ENGELMANN:** Yes. Okay.

23                  Now, it was just the three of you at the  
24                  meeting?

25                  **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** You didn't have a  
2                   representative with you at that meeting?

3                   **MR. SHAVER:** I did not bring a  
4                   representative, no.

5                   **MR. ENGELMANN:** But I think for the second  
6                   meeting you did have Mr. Brunet there?

7                   **MR. SHAVER:** Yes, yes.

8                   **MR. ENGELMANN:** Were you uncomfortable with  
9                   the fact that Angelo Towndale was also there?

10                  **MR. SHAVER:** No, not at all.

11                  **MR. ENGELMANN:** Okay. And were you  
12                  expecting to be meeting with two people, or did you know?  
13                  I think you had a note saying "Rick and Angelo" but you  
14                  weren't sure if you'd written afterwards or before.

15                  **MR. SHAVER:** No, I wasn't -- that didn't  
16                  bother me in the least.

17                  **MR. ENGELMANN:** Right.

18                  And he's someone you knew fairly well from -  
19                  --

20                  **MR. SHAVER:** Oh, somebody I knew very well,  
21                  yes.

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

23                  Okay. So I just want to -- there's some  
24                  points that are set out in here and I just want to go  
25                  through them one at a time, chronologically. The first



1 point is, and it's sort of the first paragraph at 659, he  
2 seems to be saying that this -- you're concerned -- that  
3 you've reviewed the matter.

4 "I spent a lot of time on it  
5 yesterday."

6 So that would have been the 30<sup>th</sup>?

7 **MR. SHAVER:** Yes.

8 **MR. ENGELMANN:** And that would be fair; you  
9 had spent a lot of time on this on the 30<sup>th</sup>?

10 **MR. SHAVER:** Yes, I think that was the day I  
11 met with the Crown.

12 **MR. ENGELMANN:** Exactly. Exactly.

13 And I think you also got things going on the  
14 OMPPAC issue and other things that you were concerned with?

15 **MR. SHAVER:** No, that was on -- that was  
16 after this meeting, sir.

17 **MR. ENGELMANN:** All right. Okay.

18 But you were aware that you didn't have a  
19 file on OMPPAC at this time?

20 **MR. SHAVER:** No, I was not aware.

21 **MR. ENGELMANN:** Okay. Well, I'll just --  
22 I'll show you the note and we'll ---

23 **MR. SHAVER:** Yes, I know.

24 **MR. ENGELMANN:** --- see if we can refresh  
25 your memory.

1                   So the first issue appears to be that you're  
2                   concerned about Perry Dunlop and you're concerned that he's  
3                   going to outside channels. Do you ---

4                   **MR. SHAVER:** Sir, I think you have to set  
5                   the meeting up a little bit before that. I was going to  
6                   see Mr. Abell to tell him about this file. That's -- he  
7                   called me. I had been calling him back. I called him  
8                   back. I didn't realize why he wanted to see me, but that's  
9                   why I wanted to see him.

10                   So when I first walked in the room, I'm  
11                   thinking -- he said, "Well, we've both been sort of phoning  
12                   one another." And he said, "Well, I want to tell you  
13                   something." And the next thing you know, he told me about  
14                   the file and he told me about Perry Dunlop. That's the --  
15                   that was how the meeting began.

16                   **MR. ENGELMANN:** Okay. Because I knew, sir,  
17                   that he was trying to get a hold of you ---

18                   **MR. SHAVER:** Right.

19                   **MR. ENGELMANN:** --- and he's got some notes  
20                   about that and he talks about an interview, and there are  
21                   notes saying, "Do we start with Shaver? Do we start with  
22                   the Crown." So we certainly have documents saying Abell is  
23                   looking to talk to you.

24                   **MR. SHAVER:** Right.

25                   **MR. ENGELMANN:** We don't have any documents

1 saying you're looking to talk to Shaver -- sorry, you're  
2 looking to talk to Abell.

3 MR. SHAVER: No, I called him though, sir.

4 MR. ENGELMANN: All right.

5 MR. SHAVER: I called him.

6 MR. ENGELMANN: All right.

7 So in any event, what he suggests -- and I'm  
8 just going through this chronologically -- is -- the first  
9 issue he's really dealing with is:

10 "He's got a big issue to deal with re:  
11 Perry Dunlop going outside channels."

12 MR. SHAVER: Yes.

13 MR. ENGELMANN: Okay? And is it true, sir,  
14 that you would have indicated something along those lines,  
15 that you were very concerned that Mr. Dunlop had gone  
16 outside your internal police force channels?

17 MR. SHAVER: I was, sir.

18 MR. ENGELMANN: Okay.

19 MR. SHAVER: I expressed that concern after  
20 he told me he had the statement. That's how I knew about  
21 it.

22 MR. ENGELMANN: And you didn't know he had  
23 the statement until this morning?

24 MR. SHAVER: Until he told me that, yes.

25 MR. ENGELMANN: Right.

1                   And he apparently says to you as well, sir,  
2                   that the statement is highly creditable or something to  
3                   that effect, "lots of surface validity".

4                   **MR. SHAVER:** Right.

5                   **MR. ENGELMANN:** Do you recall him making a  
6                   statement of that sort?

7                   **MR. SHAVER:** Yes, yes, he did.

8                   **MR. ENGELMANN:** Okay. And that's his  
9                   statement, not yours?

10                  **MR. SHAVER:** That's not mine, no.

11                  **MR. ENGELMANN:** And he's referring to the  
12                  February statement of Mr. Silmsler that he's received from  
13                  Mr. Dunlop?

14                  **MR. SHAVER:** I didn't look at the statement,  
15                  sir, but he said that he had the statement of Mr. Silmsler.

16                  **MR. ENGELMANN:** Right.

17                  But when he's referring to it being highly  
18                  creditable, lots of surface validity, he's referring to the  
19                  Silmsler statement?

20                  **MR. SHAVER:** Yes, he is.

21                  **MR. ENGELMANN:** All right.

22                  The next point, sir, is he appears to be  
23                  suggesting to you that the CAS is going to proceed with  
24                  their own investigation.

25                  **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** Or an investigation?

2                   **MR. SHAVER:** Yes.

3                   **MR. ENGELMANN:** All right.

4                   And the next point is he's saying that  
5                   you're upset about a financial settlement?

6                   **MR. SHAVER:** Yes.

7                   **MR. ENGELMANN:** And you're expressing that  
8                   to him and you're suggesting to him that you wanted the  
9                   matter to proceed?

10                  **MR. SHAVER:** I did.

11                  **MR. ENGELMANN:** All right.

12                  And he says that you tell him that you've  
13                  talked to the Crown and the Crown has told you that if the  
14                  complaint is withdrawn, no basis to proceed, possible  
15                  charge of malicious prosecution.

16                  **MR. SHAVER:** Yes.

17                  **MR. ENGELMANN:** Do you recall having said  
18                  something like that to Mr. Abell?

19                  **MR. SHAVER:** Yes, and more. I gave him more  
20                  information of what my meeting with the Crown was.

21                  **MR. ENGELMANN:** All right.

22                  He then says:

23                                "Chief says his department 'screwed up  
24                                big time' on this. Investigation not  
25                                done, put on 'backburner'. Heidi Black

1 facing discipline."

2 MR. SHAVER: Okay. I think you have to  
3 divide that up, sir.

4 MR. ENGELMANN: All right.

5 Well, let's start at the beginning.

6 MR. SHAVER: Okay. "Screwed up big time," I  
7 did say that.

8 MR. ENGELMANN: All right.

9 MR. SHAVER: But I was -- what I was  
10 referring to was that the information had left the police  
11 department and had gotten into the CAS' hands. I was not  
12 talking about the investigation.

13 MR. ENGELMANN: Well, that's certainly not  
14 how this reads.

15 MR. SHAVER: Well, sir, that was what  
16 happened. Mr. -- the other thing that Mr. Abell doesn't  
17 put in here is that he was defending Constable Dunlop  
18 throughout this whole process, and I said, "Look, this is  
19 an internal matter in the police department. It has  
20 nothing to do with CAS. I have to go back and find out how  
21 a piece of information that should not have left this -- he  
22 was not the officer responsible for this file -- how it  
23 left the police department."

24 MR. ENGELMANN: What does your investigation  
25 have to do with Dunlop's leak though? What he's talking

1 about here in this portion of his notes is "department  
2 screwed up big time." His next comment is:

3 "Investigation not done, put on  
4 "backburner". Heidi Black facing  
5 discipline."

6 Are you suggesting, sir, that you didn't say  
7 those things or are you saying that it's out of context?

8 **MR. SHAVER:** I'm saying it's out of context.

9 **MR. ENGELMANN:** All right.

10 So do you recall telling him that the  
11 investigation was not done?

12 **MR. SHAVER:** That the investigation was not  
13 done? No, I don't recall that.

14 **MR. ENGELMANN:** Okay. Do you recall telling  
15 him to put it on the backburner or that it was put on the  
16 backburner?

17 **MR. SHAVER:** I may have said that, yes.

18 **MR. ENGELMANN:** And Heidi Black facing  
19 discipline?

20 **MR. SHAVER:** Taking this in context, sir,  
21 I'm speaking about the release of the information, not the  
22 Silmsler complaint. I'm talking -- what I'm speaking to him  
23 about at this moment is I'm speaking about how did this  
24 file leave the police department and get there. So I'm  
25 looking back, thinking, "All right. I want to see about

1           this. I want to see where -- I want to see what's  
2           happening here." I don't know if I ever would have used  
3           the word that someone in my department was facing  
4           discipline, because I wouldn't be telling an outside agency  
5           that. I wouldn't be -- I would not say derogatory remarks  
6           about my officers. That's just not my style. I wouldn't  
7           do that.

8                                But I look back and I may have said these  
9           things, but it was in relation to the statement leaving the  
10          department, because that's what I was concerned with at  
11          this moment.

12                           **MR. ENGELMANN:** But, sir, if you look at the  
13          context of his notes ---

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

15                           **MR. ENGELMANN:** Let's assume for a moment  
16          his notes are accurate. You don't have any notes?

17                           **MR. SHAVER:** That's right, I don't have any  
18          notes.

19                           **MR. ENGELMANN:** He's a professional; you've  
20          said that.

21                           **MR. SHAVER:** Absolutely.

22                           **MR. ENGELMANN:** Everything you're saying on  
23          this page, except the beginning portion, deals with the  
24          Silmser investigation, not the leak. Just look at it for a  
25          minute.



1                   **MR. SHAVER:** Sir ---

2                   **MR. ENGELMANN:** At the top, you talk about  
3 big issue to deal with Perry Dunlop going outside channels.  
4 So that's leaking a statement, but the rest of that page,  
5 he tells you the statement's highly creditable; lots of  
6 surface validity.

7                   Then you say, and this is all about Silmsers,  
8 you say you're upset; you've heard about the financial  
9 settlement; you wanted it to proceed. You say but if we  
10 do, possible charge of malicious prosecution. Then the  
11 stuff about "Screwed up big time; investigation not done".

12                   Then it goes on further and it says:  
13 "Brunet did not supervise adequately.  
14 She's inexperienced; needed close  
15 supervision. Files being put together  
16 now."

17                   There's nothing here about leaking. This is  
18 all about the Silmsers investigation, sir.

19                   So the only logical way to read this, if  
20 it's accurate, is that you're talking about the Silmsers  
21 investigation?

22                   **MR. SHAVER:** Well, then, sir, continue on.  
23 Continue on with what he says.

24                   **MR. ENGELMANN:** All right. Well, let's just  
25 ---

1                   **MR. SHAVER:** That's -- if I could, sir?

2                   **MR. ENGELMANN:** Yes.

3                   **MR. SHAVER:** He doesn't -- if you go down it  
4 says -- he doesn't have a file; no record on something OM  
5 something or other. The police computer -- what is that? -  
6 - filing records system.

7                   **MR. ENGELMANN:** Right.

8                   **MR. SHAVER:** The file is being put together  
9 now. Sir, I couldn't have said that. I didn't say it  
10 because I only put that file together that afternoon. I  
11 did not say that.

12                   He may have had knowledge of this that he  
13 got it from some other source, but he did not get this from  
14 me, because I did not know that the OMPPAC file was not put  
15 together until I went back to the office.

16                   I had Sergeant Brunet -- Staff Sergeant  
17 Brunet in my office and I ordered him, I said, "Where's the  
18 file?" He said, "It's not put together". I ordered him to  
19 have the file put together. And Staff Sergeant Brunet's  
20 notes will indicate that.

21                   **MR. ENGELMANN:** In fact and so do Staff  
22 Sergeant Derochie's, that you had a meeting that afternoon  
23 after you left Rick Abell's office ---

24                   **MR. SHAVER:** To put it together.

25                   **MR. ENGELMANN:** --- and this is what you're

1 saying as well if we read on.

2 "The file's being put together now."

3 And a logical explanation for that is you're  
4 going to have this done now.

5 "He wants to read it; meet with Joe St.  
6 Denis and Luc Brunet and make some  
7 decisions. Says he's planned to go  
8 over bishop's head; write a letter..."

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

10 **MR. ENGELMANN:** --- "to a senior church  
11 official and include the statement.

12 Wanted to know how we would proceed."

13 So, are you actually suggesting to us, sir,  
14 that you didn't say these things to Rick Abell?

15 **MR. SHAVER:** I'm saying to you, sir, that I  
16 couldn't possibly have said those things because I did not  
17 have -- I had no knowledge that the file was not put  
18 together.

19 I went back in the afternoon after this  
20 meeting and that's when I demanded the file be put  
21 together. So I didn't know that.

22 I'm suggesting that Mr. Abell was listening  
23 to me and taking notes as people take notes, but that  
24 information came from another source, sir. It did not come  
25 from me, not at that time.

1                   If this would have been a subsequent  
2                   meeting, I would have said yes, absolutely, I would have  
3                   said that.

4                   **MR. ENGELMANN:** All right. So you find out  
5                   about this no later than a morning meeting on September  
6                   28<sup>th</sup>?

7                   **MR. SHAVER:** Right.

8                   **MR. ENGELMANN:** You're very upset. This  
9                   letter from Murray MacDonald ---

10                  **MR. SHAVER:** Right.

11                  **MR. ENGELMANN:** --- you actually meet with  
12                  Murray MacDonald on the 30<sup>th</sup>?

13                  **MR. SHAVER:** Yes.

14                  **MR. ENGELMANN:** And then you meet with him  
15                  on the 1<sup>st</sup>, and you're telling us that you didn't look to  
16                  see if you had a file before you met with the Crown to talk  
17                  about this case and before you met with Rick Abell to talk  
18                  about this?

19                  **MR. SHAVER:** I already told you that in my  
20                  evidence, sir. I did not look -- I did not know that the  
21                  file did not exist at that time.

22                  **MR. ENGELMANN:** Wouldn't you have prepared  
23                  yourself for either of these meetings, sir?

24                  **MR. SHAVER:** Sir, all I was preparing myself  
25                  for -- my only thought process at that stage of the game

1 was "Where do I go from here?"

2 As I explained yesterday, I talked to Crown.  
3 He tells me there's no place I can go. So I'm saying --  
4 I'm thinking, "Okay, I've got to find -- I have to do  
5 something as the Chief of Police to see if this file can  
6 move forward". So that my next thought in my head was that  
7 I will see the Children's Aid Society.

8 That's why I called Rick Abell and then I  
9 found out that he was calling me. So I thought, okay, he's  
10 just returning my call, maybe he thought I was returning  
11 his.

12 That's why -- that's the way this happened,  
13 sir, in those -- in that chronological order.

14 **MR. ENGELMANN:** I just -- sir, if you're so  
15 upset about something as you said you were when you  
16 received MacDonald's letter ---

17 **MR. SHAVER:** Right.

18 **MR. ENGELMANN:** --- and wanted to move on it  
19 immediately.

20 **MR. SHAVER:** Right.

21 **MR. ENGELMANN:** I just -- I find it  
22 difficult to comprehend that you wouldn't want a full  
23 briefing; that you wouldn't want to look at the material  
24 that you had in your department before you talk to people  
25 outside your department to make sure you know what your

1 department has done. And it would be fairly easy, sir, to  
2 determine that there was nothing on OMPPAC except that  
3 initial report. There was no file?

4 MR. SHAVER: Right. I'm ---

5 MR. ENGELMANN: That wouldn't have taken you  
6 long to do.

7 MR. SHAVER: I'm telling you, sir, what I  
8 did.

9 MR. ENGELMANN: All right.

10 MR. SHAVER: And that's what I did.

11 MR. ENGELMANN: All right. Okay.

12 So when he says, "Screwed up big time",  
13 you're saying that that doesn't relate to the  
14 investigation?

15 MR. SHAVER: It did not.

16 MR. ENGELMANN: Notwithstanding the context  
17 of his notes and what he says immediately before and  
18 immediately after?

19 MR. SHAVER: No, the ---

20 MR. ENGELMANN: All right.

21 And "Put on back burner". You'd agree that  
22 that happened in this investigation?

23 MR. SHAVER: Yes.

24 MR. ENGELMANN: For months?

25 MR. SHAVER: Absolutely.

1                   **MR. ENGELMANN:** All right. Heidi Black  
2                   (sic) facing discipline?

3                   **MR. SHAVER:** I didn't agree with that.

4                   **MR. ENGELMANN:** Where did that come from,  
5                   sir? Who ---

6                   **MR. SHAVER:** As I said, sir, he could have  
7                   gotten this from another source. Because that's the only  
8                   explanation I can possibly have how he would be able to say  
9                   the file was put on the back burner; Luc Brunet didn't  
10                  supervise; Heidi Sebalj was going to face discipline.  
11                  That's the only place that I can think of, sir.

12                  **MR. ENGELMANN:** Well, he's clearly  
13                  attributing these comments to you?

14                  **MR. SHAVER:** I think he -- I think he  
15                  clearly makes the "Screwed up big time one" mine. Yes, and  
16                  I agree with that totally, totally.

17                  **MR. ENGELMANN:** Is there any other way we  
18                  should be reading these notes? When I'm reading this ---

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

20                  **MR. ENGELMANN:** --- when he's saying  
21                  something, it's pretty clear he's saying it. Like, if you  
22                  look up the page on the second point, he says:

23                                 "I said the statement is highly  
24                                 credible. I am seized with..."

25                                 Then he says:

1                    "Lots of surface validity. Can't be  
2                    dismissed. I am seized with the  
3                    information; I'm going to proceed."

4                    So he is talking about his angle. Then he  
5                    goes over and he says, "The Chief". Do you see the line  
6                    there?

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

8                    **MR. ENGELMANN:** And then he attributes the  
9                    remainder of that page to -- to you, in fact, onto the next  
10                    page. So he is clearly attributing these comments in his  
11                    notes to you?

12                    **MR. SHAVER:** He may well be, sir.

13                    **MR. ENGELMANN:** So you're here today telling  
14                    us that his notes are inaccurate. They're not reflective  
15                    of your meeting?

16                    **MR. SHAVER:** I am telling you what my --  
17                    what I meant by "Screwed up big time". I agree to that. I  
18                    think that the rest of that information, I didn't -- sir, I  
19                    couldn't possibly know about the file.

20                    **THE COMMISSIONER:** Okay. But never mind the  
21                    file for a minute.

22                    **MR. SHAVER:** Sure.

23                    **THE COMMISSIONER:** Do you deny or agree that  
24                    he's written, "Luc Brunet did not supervise adequately".  
25                    Did you say that?



1                   **MR. SHAVER:** I would not have said that,  
2                   sir. I would not have said that to him.

3                   **MR. ENGELMANN:** Not "would not have", did  
4                   you say that?

5                   **MR. SHAVER:** I've -- sir, then I did not say  
6                   that.

7                   **MR. ENGELMANN:** Okay.

8                   **THE COMMISSIONER:** And I just, you know, I  
9                   just want to get it clear.

10                                You say well, it was probably from other  
11                   information. Now, if Mr. Abell comes and testifies and  
12                   says "No, no, no, no. I heard that ---

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

14                   **THE COMMISSIONER:** --- from the Chief's  
15                   mouth."

16                   **MR. SHAVER:** Right.

17                   **THE COMMISSIONER:** Okay. So, help me. What  
18                   am I supposed to say? He's in error, that's one  
19                   possibility.

20                   **MR. SHAVER:** No. Sir, I'm not suggesting  
21                   that Mr. Abell is in error. I'm suggesting that this stuff  
22                   may have been taken out of context. If I said anything, I  
23                   would have been pre-judging my officers which I may have  
24                   done. I don't doubt that.

25                                But the chronological order that this is in,

1       sir, there's nothing in here about defending Perry Dunlop.  
2       That -- we spent 5 or 10 minutes on that, him defending  
3       Perry Dunlop, but there's no reference to that at all in  
4       here.

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

6                   **MR. SHAVER:** And that's where we were going.  
7       And then the next -- and parts of this may have been said  
8       but I don't think it was said at the same time. I think he  
9       just took a lot of things that may have been said there ---

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

11                   **MR. SHAVER:** --- and then later on down the  
12       road, I may have been talking about -- about I've go to go  
13       back; I've got to get this file put together; I'm going to  
14       take a look at Luc's supervision; I'm going to look at what  
15       Heidi did; which is exactly what I did.

16                   So I'm not suggesting at all that Mr. Abell  
17       isn't writing down what he thinks or how -- what he thought  
18       that took place in the conversation. I'm not saying that  
19       about him at all. He is an honourable man and I know him.

20                   All I'm saying, sir, is that what I'm  
21       telling you about the things screwed up; that was my only  
22       thinking. I went there with that -- I went there to tell  
23       him about the case and then I hear that one of my officers,  
24       you know, screwed the police force and went outside.

25                   And my thinking immediately changed right to

1           that. How does that happen? That shouldn't happen. He's  
2           not the officer responsible for the file. He has no right  
3           to bring that file out of the Police Department without  
4           coming through the proper channels. Now, if it would have  
5           been given to him by Staff Sergeant Brunet or Heidi Sebalj,  
6           I would have had no difficulty with that. But Dunlop was  
7           not involved with the case at all, sir.

8                         So my thinking went from being -- from  
9           saying, "What can I do as a Chief to see about protecting  
10          children?" to "Wait a minute, we did something wrong inside  
11          this department. I've got to find that out first." All  
12          right? "I have to find out how that happened." That was  
13          my thinking, sir.

14                        **THE COMMISSIONER:** Thank you.

15                        **MR. ENGELMANN:** All right.

16                        Sir, on the next page, page 660, he's  
17          attributing comments to you about wanting to know how we  
18          would proceed?

19                        **MR. SHAVER:** Yes.

20                        **MR. ENGELMANN:** And said I'm assigning two  
21          of my top people, they will start with Silmser and go from  
22          there.

23                        **MR. SHAVER:** Right.

24                        **MR. ENGELMANN:** And do you recall him  
25          telling you this?

1                   **MR. SHAVER:** Yes, absolutely.

2                   **MR. ENGELMANN:** And he's also attributing  
3 comments to you a little bit later down:

4                                    "He..."

5                   So that would be you:

6                                   "...questioned my ability to proceed on  
7 basis of 'out of channel information'."

8                   There appears to be some discussion about  
9 him being able to use this statement that he's obtained and  
10 you're upset about it?

11                   **MR. SHAVER:** No, I'm not upset about it,  
12 sir. What we talked about -- and out of channel  
13 information was a file being given to him by Constable  
14 Dunlop, not by us. I had no problem with it. I was going  
15 there to do the exact same thing. I was going there to  
16 give him the information.

17                   **MR. ENGELMANN:** Well, why did ---

18                   **MR. SHAVER:** Not the statement, just the  
19 information.

20                   **MR. ENGELMANN:** But if you were going to  
21 give him all that information, why were you so upset then  
22 about the fact that Mr. Dunlop had given it to him?

23                   **MR. SHAVER:** Because he went out of channel.  
24 He went out of the Police Force, our policy, he's not the  
25 officer responsible.

1                   Sir, if I could give you the best example is  
2                   that police officers talk every day. They may be sitting  
3                   at the police service club talking. One of them brings up  
4                   an -- one of them says, "Oh, yeah, I'm doing an  
5                   investigation of Father Charlie" but then the other one  
6                   goes, "Oh, okay". Tomorrow morning he runs over to  
7                   Children's Aid. It's not his responsibility to do that.  
8                   It's information obtained and police officers do this all  
9                   the time. We chat about things back-and-forth. And the  
10                  officer -- the person responsible for the investigation is  
11                  the person that has to do that.

12                  **MR. ENGELMANN:** Okay. Why are you doing it?

13                  **THE COMMISSIONER:** Says who?

14                  **MR. SHAVER:** Our policy would say that, sir.

15                  **THE COMMISSIONER:** Okay. Well, then there  
16                  is a conflict of course with the *Child and Family Services*  
17                  Act where it says that anyone ---

18                  **MR. SHAVER:** Right.

19                  **THE COMMISSIONER:** --- who gains knowledge -  
20                  - it doesn't say how ---

21                  **MR. SHAVER:** Yes.

22                  **THE COMMISSIONER:** --- has a personal duty  
23                  to do it.

24                  **MR. SHAVER:** I understand, sir.

25                  **THE COMMISSIONER:** So in theory, Ms. Sebalj

1           might have had that duty. Anyone who knew about the  
2           statement or would have had that duty and why they wouldn't  
3           include Dunlop once he knew about it?

4                   **MR. SHAVER:** Well, sir, I think if you go  
5           back to the Child Services Act it says -- I tried to read  
6           it again myself.

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

8                   **MR. SHAVER:** It does not -- it says that you  
9           have to have reasonable and probable grounds if you are a  
10          professional I believe, and that's in one of those sections  
11          in there. I think that's what it says.

12                   Sir, it would be like if you hear -- if a  
13          police officer hears a rumour in the department, just hears  
14          a rumour, does that mean that he has to run to the  
15          Children's Aid Society? He hasn't confirmed anything. You  
16          know, if we could say, "Listen, I'm doing an investigation  
17          on Claude Shaver" and then somebody runs to Children's Aid  
18          and says, "Well, Claude Shaver's out there".

19                   And, again, sir, there was not a child.  
20          This was an historical act, too, and that's what we are  
21          into, that whole historical act thing, sir.

22                   **MR. ENGELMANN:** What I am having difficulty  
23          with, sir, is -- and it's a reasonable basis.

24                   **THE COMMISSIONER:** Right. Excuse me. Let's  
25          make one thing sure. The difference -- degree of knowledge

1 needed is not the same as laying a charge.

2 MR. SHAVER: I agree.

3 THE COMMISSIONER: Do you understand that?

4 MR. SHAVER: I agree.

5 THE COMMISSIONER: It's much lower.

6 MR. SHAVER: I agree, sir.

7 THE COMMISSIONER: Okay.

8 MR. SHAVER: Oh, I totally agree with that.

9 THE COMMISSIONER: Okay.

10 MR. ENGELMANN: But from what you've told  
11 us, you were going over there to give this information to  
12 Rick Abell?

13 MR. SHAVER: Exactly.

14 MR. ENGELMANN: Because you thought it was  
15 important that the CAS look into it?

16 MR. SHAVER: Yes.

17 MR. ENGELMANN: And if that's the case, I  
18 still don't -- aside from the fact that it was a statement,  
19 Mr. Dunlop did something very similar. He gave information  
20 to Rick Abell?

21 MR. SHAVER: Right.

22 MR. ENGELMANN: Because he was concerned?

23 MR. SHAVER: Right.

24 MR. ENGELMANN: For the protection of  
25 children?

1                   MR. SHAVER: M'hm, absolutely.

2                   MR. ENGELMANN: And so you had the same idea  
3                   as he did?

4                   MR. SHAVER: I certainly did.

5                   MR. ENGELMANN: All right.

6                   But Heidi Sebalj didn't have that idea  
7                   presumably because she didn't do it; correct?

8                   MR. SHAVER: Correct.

9                   MR. ENGELMANN: Luc Brunet didn't do it?

10                  MR. SHAVER: Correct.

11                  MR. ENGELMANN: Okay. So there are a number  
12                  of people who could have done what you did and what Mr.  
13                  Dunlop did?

14                  MR. SHAVER: There were two people that  
15                  could have done it, yes, Staff Sergeant Brunet and Heidi  
16                  Sebalj. They were ---

17                  MR. ENGELMANN: Possibly the Deputy Chief?

18                  MR. SHAVER: And possibly the Deputy Chief,  
19                  yes.

20                  MR. ENGELMANN: All right.

21                  MR. SHAVER: Chain of command, yes.

22                  MR. ENGELMANN: All right.

23                  In any event, there's a discussion that's  
24                  noted by Mr. Abell where he's essentially saying to you, I  
25                  had no problem under our Act; would be happy to face the



1 challenge on it?

2 MR. SHAVER: Right.

3 MR. ENGELMANN: Okay, and that's presumably  
4 receiving this information and acting upon it?

5 MR. SHAVER: Right, and what he doesn't say  
6 after that, sir, is that I'm agreeing with him and saying,  
7 "Good, I'm happy about that".

8 MR. ENGELMANN: All right.

9 So in that sense his notes aren't complete?

10 MR. SHAVER: Yes.

11 MR. ENGELMANN: Yeah, and that's often the  
12 case, is it not?

13 MR. SHAVER: Of course.

14 MR. ENGELMANN: His notes are a summary of a  
15 conversation?

16 MR. SHAVER: Yes.

17 MR. ENGELMANN: Now, he then says on Bates  
18 page 660:

19 "He indicated Silmsen was of  
20 questionable character and motive."

21 MR. SHAVER: Character -- yes.

22 MR. ENGELMANN: Do you recall telling that  
23 to Rick Abell?

24 MR. SHAVER: I told him that was my personal  
25 view.

1                   **MR. ENGELMANN:** All right.

2                   And then he apparently says to you, if he's  
3                   had trouble as an adult it fits the profile of an abuse  
4                   victim?

5                   **MR. SHAVER:** Yes.

6                   **MR. ENGELMANN:** And:

7                   "Four people we've talked to, three  
8                   denied anything happened, one said they  
9                   wouldn't talk."

10                  Is that something that you indicate to Rick?

11                  **MR. SHAVER:** Yes.

12                  **MR. ENGELMANN:** And who are you referring to  
13                  there, sir?

14                  **MR. SHAVER:** Four people? Oh, I'm sorry. I  
15                  didn't read that very carefully. Four people were talked  
16                  to? I'm trying to think of who the fourth person would  
17                  have been.

18                  **MR. ENGELMANN:** So these are people that  
19                  Heidi Sebalj tried to interview?

20                  **MR. SHAVER:** Information that I already knew  
21                  that had come back up through the chain of command.

22                  **MR. ENGELMANN:** Well, this is my question  
23                  for you. If you hadn't looked at the file how would you be  
24                  able to give specifics like that?

25                  **MR. SHAVER:** Because I knew that, sir. That

1 was -- when I got information -- when I get information on  
2 briefings, sir, I don't get information into -- I don't get  
3 into the minutia of the information, I get an overall view  
4 of it.

5 And what I was told at that time is that  
6 there were three people, that there was obviously Silmsler  
7 and there were two other people, both living in Ottawa, one  
8 who said that he would testify, the other one who said he  
9 would not under any circumstances.

10 So that's what I knew from an overview,  
11 because that's all I would get as a Chief, sir. I would  
12 get -- I would get overviews of investigations. I don't --  
13 I didn't get into the details of the investigation.

14 **MR. ENGELMANN:** But the way I look at that  
15 statement, "Four people were talked to, three denied  
16 anything happened, one said they wouldn't talk", it doesn't  
17 look like anybody is saying something happened.

18 I'm wondering who you are referring to. And  
19 I don't need names, but this is information you had from  
20 your investigating officers?

21 **MR. SHAVER:** Yes. This is the information  
22 that had been given to me, a bit of information that I  
23 actually knew.

24 **MR. ENGELMANN:** All right. And it says:  
25 "Chief feels his Force was used by

1 Silmser to get money."

2 MR. SHAVER: Yes.

3 MR. ENGELMANN: And would you have said that  
4 to ---

5 MR. SHAVER: I would have said that, yes.

6 MR. ENGELMANN: All right.

7 And where would you have -- why would you  
8 have formed that opinion?

9 MR. SHAVER: Sir, that was other information  
10 that had come up through the whole process. Silmser was  
11 not cooperative. He wouldn't go to meetings. I heard it  
12 through my channels and I got thinking about it myself and  
13 that's what I was thinking. I said, "Hey, are we being  
14 used?" The more information I got, "Are we being used to  
15 collect -- to go out and get money somewhere?"

16 And I did say that to Rick Abell, yes.

17 MR. ENGELMANN: And, sir, we talked about  
18 this yesterday. There was not a lot of information you  
19 didn't have about the request for a written apology, or did  
20 you have that information?

21 MR. SHAVER: No. Well, the request for a  
22 written apology? I knew that. I knew that he had asked  
23 for an apology. I knew that he had gone to Bishop  
24 Stromberg (phonetic) I believe, in Ottawa.

25 MR. ENGELMANN: Schoenenbach.

1                   **MR. SHAVER:** Schoenenbach, yes. Excuse me,  
2                   Schoenenbach.

3                   Yes, I knew that. Those were pieces of  
4                   information that I was given. It's always -- sir, in my  
5                   position it's not -- I only get an overview of things, you  
6                   know.

7                   **MR. ENGELMANN:** All right.

8                   **MR. SHAVER:** Just the highlights.

9                   **MR. ENGELMANN:** It's fair to say that you  
10                  would have expressed some comments about Mr. Silmser's  
11                  character and his motives?

12                  **MR. SHAVER:** I did.

13                  **MR. ENGELMANN:** And they weren't flattering?

14                  **MR. SHAVER:** No, they weren't.

15                  **MR. ENGELMANN:** And you ---

16                  **MR. SHAVER:** I also told him that was my  
17                  personal opinion, just from what I heard, because if he was  
18                  going to continue on with this I wanted him to have this  
19                  knowledge in advance that this is not an easy person to  
20                  deal with.

21                  **MR. ENGELMANN:** Sir, why wouldn't you want  
22                  to wait and make sure you gave him objective facts after  
23                  you had had an opportunity to review the file? Why are  
24                  you just giving him your opinions?

25                  **MR. SHAVER:** Well, sir, at the time you have

1 to remember why I'm there. I'm there to try to get him  
2 information to say, "Listen, I can't go any farther. Is  
3 there anything that you can do? I'm stuck. My hands are  
4 tied here." That was my motives -- my motive for going  
5 there.

6 **MR. ENGELMANN:** All right.

7 **MR. SHAVER:** And then when he started to  
8 tell me, "Yes, I can do something", I'm thinking, "Oh,  
9 good, I'm glad. I'm glad. I'm glad I was correct in  
10 coming to tell you these things."

11 We got sidetracked by the statement,  
12 unfortunately, but if he had asked me, "Did Dunlop do  
13 something wrong at the time?", the only thing that he did  
14 wrong was take it outside of channels. I mean, I agreed  
15 with Dunlop. I mean, even in the counselling thing that I  
16 did, I agreed with Dunlop on that.

17 **MR. ENGELMANN:** But, sir, if you're  
18 concerned about this priest, okay, because the probation  
19 officer is off the map ---

20 **THE COMMISSIONER:** Well ---

21 **MR. ENGELMANN:** Or maybe not.

22 **THE COMMISSIONER:** Not quite.

23 **MR. ENGELMANN:** Maybe he is back on but ---

24 **THE COMMISSIONER:** Mr. Abell says something  
25 in the back there about ---

1                   **MR. ENGELMANN:** If you're concerned -- and  
2 you want them to investigate; right?

3                   **MR. SHAVER:** I wanted them to know if they  
4 could and then when he tells me he could I felt better. I  
5 said, "Okay, good".

6                   **MR. ENGELMANN:** But then you say to him  
7 immediately, "But, hey, be careful about this guy. He's  
8 got a bad background and he's got questionable motives"?

9                   **MR. SHAVER:** Yes.

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

11                   Do you think that would encourage him to  
12 investigate, sir?

13                  **MR. SHAVER:** Oh, he was going to. I was --  
14 at this stage of the game, sir, he tells me that he's going  
15 to investigate. I'm quite happy with that. He said he was  
16 going to put two of his best people on it which I was quite  
17 happy with.

18                  **MR. ENGELMANN:** In fact, he tells you right  
19 after that, he reiterates:

20                                "I had a very strong basis on the  
21 statement to look into this matter with  
22 respect to possible current abuse of  
23 children..."

24 et cetera.

25                  **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** On the last page, he does  
2 refer to Mr. Seguin, the last paragraph. He says:

3                                "I indicated I would need to alert  
4                                MCSS..."

5 And I think that's Corrections.

6                                "...soon re: the potential of the case  
7                                plus the involvement of Seguin.

8                                Chief asked for time to see the file."

9                   **MR. SHAVER:** Sir, does that contradict what  
10 he said on the first page? I guess ---

11                   **MR. ENGELMANN:** Well, no, he's got you  
12 saying that you don't have a file. There's no record on  
13 OMPPAC. The file's being put together now.

14                                It seems to be very consistent with what he  
15 has you quoting on the first page.

16                                You know, you're telling him, "The file's  
17 being put together now." He wants to read it." That's  
18 what you're saying to Abell.

19                                And in the last paragraph, you're saying to  
20 Abell, again:

21                                "Chief asked for time to see the file."

22                                I would suggest to you that those notes are  
23 very consistent. You don't agree?

24                   **MR. SHAVER:** No, I don't agree.

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



1                   So you agreed, at that time, to meet the  
2                   next Friday, right?

3                   **MR. SHAVER:** Yes, we did.

4                   **MR. ENGELMANN:** And you said:

5                                 "I would have to take a decision at  
6                                 that time on our investigation."

7                   So he's telling you he's going to make a  
8                   decision about the investigation of Seguin at that time?  
9                   Because he's already told you he's going to investigate the  
10                  MacDonald issue?

11                  **MR. SHAVER:** Yes. Yes, I ---

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

13                  **MR. SHAVER:** We talked about the two people  
14                  that were on the file, yes.

15                  **MR. ENGELMANN:** All right.

16                  Now, that same day, you hold a meeting with  
17                  Staff Sergeant Brunet and Deputy Chief St. Denis?

18                  **MR. SHAVER:** That afternoon, yes.

19                  **MR. ENGELMANN:** And we've heard some  
20                  evidence on this, but it's my understanding, in a general  
21                  sense, you're asking Brunet to get a letter from Sean Adams  
22                  ---

23                  **MR. SHAVER:** Yes.

24                  **MR. ENGELMANN:** --- regarding his intentions  
25                  -- Silmser's intentions with respect to Seguin?

1                   **MR. SHAVER:** Absolutely, yes.

2                   **MR. ENGELMANN:** And did you ever receive  
3 such a letter, sir?

4                   **MR. SHAVER:** I thought we had, sir. I know  
5 I was told that Sean Adams -- I forget; it was a couple of  
6 weeks later that he came back and said that Seguin did not  
7 want to proceed ---

8                   **MR. ENGELMANN:** Okay.

9                   **MR. SHAVER:** --- or Silmser did not want to  
10 proceed against Seguin.

11                   **MR. ENGELMANN:** My understanding is there  
12 was never a letter.

13                   **MR. SHAVER:** Oh, you may well be ---

14                   **MR. ENGELMANN:** You don't know?

15                   Did you ever understand, sir, at least at  
16 that time, the extent of Mr. Adams' retainer in this  
17 matter?

18                   **MR. SHAVER:** No.

19                   **MR. ENGELMANN:** Did you find out at some  
20 time thereafter that he had been simply retained to give  
21 independent legal advice at the time of the settlement?

22                   **MR. SHAVER:** No, sir.

23                   **MR. ENGELMANN:** And that was his role?

24                   **MR. SHAVER:** No, sir. The indication that I  
25 had received is that Mr. Adams was acting for Mr. Silmser.

1                   **MR. ENGELMANN:** And who would have told you  
2                   that?

3                   **MR. SHAVER:** Somewhere -- either the Deputy  
4                   Chief, Staff Sergeant Brunet. It would have been one of  
5                   those two.

6                   **MR. ENGELMANN:** All right.  
7                   And did you not at that meeting give  
8                   instructions that the notes and reports should be completed  
9                   on OMPPAC and that this should go in a project file?

10                  **MR. SHAVER:** Yes, I did.

11                  **MR. ENGELMANN:** And did you, at that  
12                  meeting, tell Staff Sergeant Brunet that you wanted to  
13                  visit the papal nuncio in Ottawa and that you wanted him to  
14                  go with you?

15                  **MR. SHAVER:** I don't remember if that was at  
16                  that meeting, but it may well have been. I don't know if I  
17                  had even decided on the papal nuncio. I was still trying  
18                  to figure out who the Bishop's boss was at the time,  
19                  because I didn't want to go see the Bishop. I wanted to go  
20                  past the Bishop to whoever the Bishop's boss was. So I'm  
21                  not sure. If that's in somebody's notes, I could have said  
22                  that, yes.

23                  **MR. ENGELMANN:** And, sir, the reason you  
24                  wanted to do that was what?

25                  **MR. SHAVER:** I wanted to register my

1           displeasure in the fact that this had happened. I wanted -  
2           - I felt -- at that time, I felt this was like the  
3           Deslauriers investigation, that somewhere along the line  
4           the Church was hindering us from doing our job. I wanted  
5           that registered at the highest level I could possibly  
6           register it at.

7                       **MR. ENGELMANN:** Okay. But why not just go  
8           to the Bishop?

9                       **MR. SHAVER:** Because he was not cooperative  
10          the first time, sir. I didn't -- if you remember my first  
11          interaction with the Bishop, and then the Bishop signing  
12          this particular document, I was saying there's not much  
13          point in going there because the sort of -- my thought was,  
14          "Did he do this again?" So I needed -- I wanted to go  
15          basically like if you're coming to the police, you want to  
16          go to the boss. I wanted to find out who the boss was and  
17          go to that person.

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

19                      And did you give them some idea at that time  
20          that you wanted an investigation conducted?

21                      **MR. SHAVER:** Yes, two things. I wanted --  
22          oh, wait a minute now; that was with Brunet. No, no, that  
23          was after with Staff Sergeant Derochie.

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

25                      **MR. SHAVER:** That wasn't with Brunet. I may

1 have told him that we were going to conduct an  
2 investigation because I really wanted to know what was  
3 going on.

4 **MR. ENGELMANN:** But you wanted someone to  
5 look into Mr. Dunlop's conduct?

6 **MR. SHAVER:** Yes, that was Staff Sergeant  
7 Derochie.

8 **MR. ENGELMANN:** Right.

9 Now, sir, I understand that the project file  
10 was put together ---

11 **MR. SHAVER:** It was.

12 **MR. ENGELMANN:** --- rather quickly?

13 **MR. SHAVER:** Yes, over the course of, I  
14 think, the next four days. Constable Sebalj was going to  
15 go on annual leave and I cancelled that and said that "I  
16 want this file put together."

17 **MR. ENGELMANN:** Sir, if you could just take  
18 a look at -- it's Exhibit 1293.

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

20 **MR. SHAVER:** Staff Sergeant Derochie's  
21 notes, sir?

22 **MR. ENGELMANN:** Yes.

23 **MR. SHAVER:** Yes.

24 **MR. ENGELMANN:** Bates page 379.

25 **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** Bottom of the page, this is  
2                   with respect to the meeting on October 1<sup>st</sup>.

3                   "SGT. Brunet advised by the Chief DC  
4                   present. CAS had a copy of Silmsers's  
5                   statement. He was informed that Cst.  
6                   Dunlop had turned this statement over  
7                   to Richard Abell."

8                   **MR. SHAVER:** Yes.

9                   **MR. ENGELMANN:** "Chief instructed Brunet  
10                   to contact Sean Adams, have the victim  
11                   give us direction re: Ken Seguin."

12                   **MR. SHAVER:** Yes.

13                   **MR. ENGELMANN:** "File reports on OMPPAC  
14                   under "Projects" for this  
15                   investigation. Attend Ottawa with him.  
16                   Chief to visit Pope's representative  
17                   and S/Sgt. Brunet was also advised an  
18                   internal investigation would be  
19                   ordered."

20                   Okay?

21                   **MR. SHAVER:** Okay.

22                   **MR. ENGELMANN:** And my understanding, sir,  
23                   is that over the weekend -- October 1<sup>st</sup> was a Friday.

24                   **MR. SHAVER:** Right.

25                   **MR. ENGELMANN:** And over the weekend, Ms.

1 Sebalj entered her notes into OMPPAC?

2 MR. SHAVER: She did.

3 MR. ENGELMANN: As per your request, and  
4 that on Monday you received an OMPPAC report?

5 MR. SHAVER: I did.

6 MR. ENGELMANN: And -- I'll just be a  
7 moment.

8 (SHORT PAUSE/COURTE PAUSE)

9 MR. ENGELMANN: Document Number 1243 --  
10 sorry, Exhibit Number 1243. I apologize.

11 Is this the report you would have received  
12 from either Constable Sebalj or through the chain of  
13 command, Staff Sergeant Brunet, on October 4<sup>th</sup>?

14 MR. SHAVER: It appears to be, sir.

15 MR. ENGELMANN: And, sir, it's my  
16 understanding you asked for further information?

17 MR. SHAVER: Yes.

18 MR. ENGELMANN: And that was because there  
19 were individuals that had been interviewed without formal  
20 statements ---

21 MR. SHAVER: Yes.

22 MR. ENGELMANN: --- and you wanted her to do  
23 summaries and add them?

24 MR. SHAVER: I wanted to look at statements,  
25 yes.

1                   **MR. ENGELMANN:** All right.

2                   And, sir, my understanding is that was done  
3 by the Wednesday, October 6<sup>th</sup>? And jus to confirm that,  
4 sir, if you want to look at Exhibit 1249?

5                   **MR. SHAVER:** Yes. Okay.

6                   **MR. ENGELMANN:** And, sir, would you have  
7 reviewed these documents? You would have reviewed the  
8 first one?

9                   **MR. SHAVER:** Yeah.

10                  **MR. ENGELMANN:** Then asked for more?

11                  **MR. SHAVER:** And asked for more, and read  
12 these.

13                  **MR. ENGELMANN:** You reviewed the second one.  
14 You were taking a pretty hands-on role here?

15                  **MR. SHAVER:** I wanted to see exactly what  
16 was in this file, yes.

17                  **MR. ENGELMANN:** Okay. And you were  
18 certainly getting prepared for your meeting with the papal  
19 nuncio which was to take place on the 7<sup>th</sup>?

20                  **MR. SHAVER:** No, this had nothing to do with  
21 that, sir. This was because I was ordering -- I was going  
22 to order an internal investigation on this thing. I wanted  
23 to see if this thing did slip through the cracks or  
24 whatever -- what happened to it, how did we get to this  
25 stage where we don't have it on OMPPAC, where were we with



1 the file?

2 It was -- when you find out about this at my  
3 level, as any supervisory level, I see things below me. I  
4 said, "Well, I want to know about this." I need to know  
5 what happened here.

6 **MR. ENGELMANN:** Okay.

7 **MR. SHAVER:** But the visit to the papal  
8 nuncio, who was basically part of that other strategy that  
9 I had -- but what can I do?

10 **MR. ENGELMANN:** But, sir, surely you want to  
11 be well prepared for any meeting you were having with an  
12 outside representative?

13 **MR. SHAVER:** I wanted to be more prepared  
14 with the Bishop than I did with the papal nuncio, but I  
15 didn't realize I was even going to the Bishop's.

16 **MR. ENGELMANN:** So aside from reviewing  
17 these OMPPAC reports, would you have also had an  
18 opportunity to review Ms. Sebalj's personal notes?

19 **MR. SHAVER:** No, I did not look at her  
20 notes.

21 **MR. ENGELMANN:** And, sir, what about the  
22 Deputy Chief here? It appears that you're sort of taking  
23 the operational role, if I can use that term. Would you  
24 agree with that?

25 **MR. SHAVER:** No, I wasn't looking at this

1 from an operational perspective. I was looking at it from  
2 a purely administrative perspective, how did this happen.  
3 How did a case like this happen? Why isn't it on OMPPAC?  
4 Where were we with this case, finding out about -- you  
5 know, with Children's Aid, all of these things. I just  
6 wanted to know that if we had made a mistake somewhere  
7 along the line, that we'd be able to correct that mistake.

8 **MR. ENGELMANN:** I'm not saying you were  
9 wrong or right doing that, but the Deputy Chief has  
10 certainly suggested that you were replacing him and taking  
11 this on.

12 **MR. SHAVER:** As I remember the Deputy  
13 Chief's evidence, he said that I -- by going to the papal  
14 nuncio, I was going outside the chain of command. Well,  
15 sir, the Chief of Police is the chain of command. I can go  
16 anywhere, any time, ask anybody anything. And I wasn't  
17 looking at this from an operational perspective. I was  
18 still trying to -- I was still, in my mind, thinking if  
19 there are children out there in need of protection, what  
20 can I do? Where can I go? That was the prevalent thought  
21 in my mind.

22 **MR. ENGELMANN:** The reason I said that, sir,  
23 and I'm just -- I'm not going to refer to a specific  
24 reference in his evidence, but if you look at Exhibit 1435  
25 just for a minute ---

1                   **THE COMMISSIONER:** Fourteen thirty-five  
2                   (1435).

3                   **MR. SHAVER:** Fourteen thirty-five (1435)?

4                   **MR. ENGELMANN:** Yes, Exhibit 1435.

5                   **MR. SHAVER:** I do have that one, yes. M'hm.

6                   **MR. ENGELMANN:** It's his interview with  
7                   Staff Sergeant Wells, or at least internal correspondence  
8                   during the *Police Services Act* investigation by Wells.

9                   **MR. SHAVER:** Right.

10                  **MR. ENGELMANN:** He gives some background and  
11                  he says:

12                                    "On October 7, '93, I sent a  
13                                   confidential note to S/Sgt. Derochie  
14                                   requesting an internal investigation of  
15                                   Cst. Dunlop."

16                  Now, you were aware of that, sir?

17                  **MR. SHAVER:** Yes, I ordered it.

18                  **MR. ENGELMANN:** You ordered it.

19                  **MR. SHAVER:** Absolutely.

20                  **MR. ENGELMANN:** Also:

21                                    "In my diary book there's an entry on  
22                                   the 7<sup>th</sup> indicating the Chief and S/Sgt.  
23                                   Brunet were going to Ottawa re:  
24                                   Silmser file."

25                  **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** That was the visit to the  
2                   papal nuncio?

3                   **MR. SHAVER:** That was the visit to the papal  
4                   nuncio.

5                   **MR. ENGELMANN:** And he says:

6                                 "At this point it was obvious to me  
7                                 that Chief Shaver was bypassing the  
8                                 chain of command as I had little or no  
9                                 input or was [not] involved in most  
10                                discussions..."

11                   **THE COMMISSIONER:** "...or was not involved..."

12                   **MR. ENGELMANN:** "...not involved in most  
13                                 discussions between the Chief's office  
14                                 and CIB Youth Bureau."

15                                 That's why I made that point, sir.

16                   **MR. SHAVER:** Well, sir, he was involved with  
17                   the discussion. In terms of me asking for permission to go  
18                   see the papal nuncio, I wasn't going to ask the Deputy. I  
19                   had made up my mind. I was going to do that.

20                   **MR. ENGELMANN:** All right.

21                   **MR. SHAVER:** It was that simple. If there  
22                   was a problem, I wanted to get it solved.

23                   **MR. ENGELMANN:** Yes. You took charge.

24                   **MR. SHAVER:** Yes.

25                   **MR. ENGELMANN:** So, sir, you met with the

1           papal nuncio the morning of October 7<sup>th</sup>. Is that correct?

2                   **MR. SHAVER:** October 7<sup>th</sup>, I believe that's  
3           correct, sir.

4                   **MR. ENGELMANN:** And can you describe that  
5           meeting for us?

6                   **MR. SHAVER:** Yes. The Archbishop Carlo  
7           Curis was very amenable. He listened to what I had to say.  
8           I told him that I believed the Church had tied our hands.  
9           I told him that I didn't believe it was right. I told him  
10          about our need to protect children in the community. I  
11          told him basically about the situation and the case, you  
12          know, that we had a complainant. We had two other people  
13          that would say that this happened. I gave him sort of just  
14          a general overview of the case.

15                   **MR. ENGELMANN:** All right.

16                   Sir, did you have the sense that he already  
17          knew about the complaint against Father MacDonald?

18                   **MR. SHAVER:** Yes, sir, I did have that  
19          sense, yes. I think that he had some knowledge of this. I  
20          don't know what the knowledge was, but that was my general  
21          sense of his non-verbal communication with us. But he was  
22          quite open. I mean, I must admit he was quite open.

23                   **MR. ENGELMANN:** Did you also have the sense,  
24          sir, that he knew that there had been a monetary  
25          settlement?

1                   **MR. SHAVER:** Yes, I did have that sense.

2                   **MR. ENGELMANN:** And did he, at the end or  
3 during the course of the meeting, suggest that you should  
4 speak to Bishop Larocque?

5                   **MR. SHAVER:** Yes, he did.

6                   **MR. ENGELMANN:** And did he -- did you, at  
7 that time, explain some concerns that you had from the  
8 past?

9                   **MR. SHAVER:** I did. I told him.

10                  **MR. ENGELMANN:** And what, if anything, did  
11 he indicate to you about that?

12                  **MR. SHAVER:** As I remember, the bottom line  
13 of the whole conversation was he looked at us and he said,  
14 "I would request that you see Bishop Larocque personally  
15 and if you do not get cooperation, I will use my  
16 authority."

17                  **MR. ENGELMANN:** And did he suggest to you  
18 that he believed the Bishop would cooperate with you?

19                  **MR. SHAVER:** I'm not sure, sir. I'm not  
20 sure if he said that.

21                  **MR. ENGELMANN:** Now, sir, you do have some  
22 notes in your Day timer and I'm assuming that if they're in  
23 your Day-timer they were made contemporaneously ---

24                  **MR. SHAVER:** Yes, they were.

25                  **MR. ENGELMANN:** --- or shortly after?

1           **MR. SHAVER:** Yes, shortly thereafter, yes.

2           **MR. ENGELMANN:** All right.

3           And I have your original because some of  
4 these are on stickies.

5           **MR. SHAVER:** Yes, and my handwriting is --  
6 -

7           **MR. ENGELMANN:** So I'm just going to pass  
8 this up to you because ---

9           **MR. SHAVER:** Okay.

10          **MR. ENGELMANN:** --- it's your handwriting.

11          **THE COMMISSIONER:** So what are we looking  
12 at; his notes? What ---

13          **MR. ENGELMANN:** Yes, we're looking at ---

14          **THE COMMISSIONER:** In the 1700s?

15          **MR. ENGELMANN:** It is Exhibit 1787 and  
16 you're looking at Bates page 185.

17          **THE COMMISSIONER:** All right. Are you  
18 there, Chief? Are you there, sir?

19          **MR. SHAVER:** Yes. Oh, I've got the  
20 original, sir.

21          **THE COMMISSIONER:** All right.

22          **MR. ENGELMANN:** Yeah. And just so we're  
23 clear, Mr. Shaver, the writing on the left, the left top  
24 and -- yes -- that's on a white sticky, is it not?

25          **MR. SHAVER:** Yes, yes.

1                   **MR. ENGELMANN:** And the writing just below  
2                   that ---

3                   **MR. SHAVER:** Is on a white sticky also.

4                   **MR. ENGELMANN:** Right.

5                   And the lower one of the two white stickies  
6                   that we're looking at right now on the screen, is that the  
7                   note from your meeting in the morning with the papal  
8                   nuncio?

9                   **MR. SHAVER:** Yes, the Archbishop, yes.

10                  **MR. ENGELMANN:** And at the time you've  
11                  described -- perhaps that was another title he held,  
12                  Archbishop?

13                  **MR. SHAVER:** Archbishop, yes.

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

15                  And, sir, I've passed out to counsel a  
16                  photocopy of the page underneath this page because there  
17                  were a few things written underneath the stickies, and just  
18                  for the record, that new page, which also forms part of  
19                  this exhibit, if I may, is 185A. So that's been passed out  
20                  to counsel, sir.

21                  I'm not sure if you'd like a hardcopy of  
22                  that as well?

23                  **THE COMMISSIONER:** Do we have one? So how  
24                  are we going to deal with this?

25                  **MR. ENGELMANN:** Sir, Ms. MacArthur has given



1           it an A.

2                       **THE COMMISSIONER:** Right.

3                       **MR. ENGELMANN:** So for the purposes of our  
4 document database, it's a Bates page in the same Document  
5 Number, 740556.

6                       **THE COMMISSIONER:** So what do you want me to  
7 do with this now?

8                       **MR. ENGELMANN:** I just -- I may be referring  
9 to that, and I just wanted you to be able to ---

10                      **THE COMMISSIONER:** No, but for purposes of  
11 the record, are we going to make this ---

12                      **MR. ENGELMANN:** For purposes of the record,  
13 I'd like that simply to be part of Exhibit 1787.

14                      **THE COMMISSIONER:** You've already put it in,  
15 Madam Clerk. That's what she's trying to tell me.

16                      **MR. ENGELMANN:** All right.

17                      **THE COMMISSIONER:** Okay.

18                      **MR. ENGELMANN:** She's ahead of me again.

19 All right.

20                      So the portion I'd simply like you to read  
21 for us, if you could ---

22                      **MR. SHAVER:** Okay.

23                      **MR. ENGELMANN:** --- is your note of the  
24 meeting with the papal nuncio.

25                      **MR. SHAVER:** Okay. It says:

1 "Archbishop very cooperative. Would  
2 use his authority. Call the Bishop.  
3 Tied our hands. History with the  
4 Bishop was bad."

5 **MR. ENGELMANN:** So he's suggesting to you,  
6 essentially, if necessary, he would use his authority?

7 **MR. SHAVER:** Yes, he would.

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

9 **MR. SHAVER:** If I called him back and said  
10 that the Bishop was not cooperative, he said he would use  
11 his authority, and I totally believed the man.

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

13 So you were satisfied and ---

14 **MR. SHAVER:** Yes.

15 **MR. ENGELMANN:** --- pleased with the meeting  
16 you had with the papal nuncio?

17 **MR. SHAVER:** Very pleased, sir, yes.

18 **MR. ENGELMANN:** Do you have a sense as to  
19 how long it was, sir?

20 **MR. SHAVER:** I think we started around 11:00  
21 in the morning. It probably went until, I don't know,  
22 maybe an hour, an hour and a bit. I'm trying to think  
23 because we called the Bishop's office after that. He was  
24 gone until 1:30.

25 So it would have been, I know, twelve-thirty

1 or so, approximately.

2 MR. ENGELMANN: All right.

3 And my understanding, you were able to, as a  
4 result of your call to the bishop's office, get an  
5 appointment to see him at three o'clock?

6 MR. SHAVER: At three o'clock, yes.

7 MR. ENGELMANN: And can you tell us, sir,  
8 and perhaps we -- just describe the meeting with the  
9 bishop, generally?

10 MR. SHAVER: The bishop met us in the  
11 hallway. He was extremely friendly. He pledged his  
12 cooperation with the Police Department when I was walking  
13 down the hallway with him.

14 And then when we sat in his office, he  
15 talked about it. He talked about that the -- you know, he  
16 knew all about the case, obviously, because I -- we knew  
17 that, that's why I wanted to go and see him. He said that  
18 Father McDougald -- who was the priest that was responsible  
19 for doing the investigations in the archdiocese.

20 He knew that I knew Father McDougald quite  
21 well from when I was a child and he believed that Father  
22 McDougald believed Father Charlie. Father Charlie denied -  
23 - he said he denied it. He said that they both believed  
24 him.

25 I just let him speak through that whole

1 process and then I waited and told him about the other two  
2 complainants.

3 No, excuse me. That didn't happen. We got  
4 into the money first, sir, before that.

5 MR. ENGELMANN: All right. So, I just sort  
6 of wanted to get a general sense of the meeting ---

7 MR. SHAVER: Yes. That was the general  
8 sense.

9 MR. ENGELMANN: Okay. Cooperative  
10 throughout?

11 MR. SHAVER: Very cooperative. Very, very  
12 co-operative.

13 MR. ENGELMANN: Length of time?

14 MR. SHAVER: Approximately an hour, maybe a  
15 little less?

16 MR. ENGELMANN: And did he have anybody with  
17 him or was it just ---

18 MR. SHAVER: It was just him, Luc Brunet and  
19 I.

20 MR. ENGELMANN: All right.

21 And he would explain to you that Monsignor  
22 McDougald was the diocese representative or the person  
23 responsible for sexual abuse-type cases?

24 MR. SHAVER: Yes. Doing -- doing -- I'm not  
25 sure he used the word "investigations" but was the person

1 responsible for speaking to priests if there were  
2 allegations made against them.

3 **MR. ENGELMANN:** Did he also suggest or talk  
4 about him being responsible to speak with victims or  
5 alleged victims or do you recall?

6 **MR. SHAVER:** No, I don't recall that, sir.

7 **MR. ENGELMANN:** All right.

8 And you did take some notes at this meeting  
9 as well?

10 **MR. SHAVER:** Staff Sergeant Brunet did, sir.

11 **MR. ENGELMANN:** Okay.

12 And, sir, you wrote some notes in your Day  
13 Timer on this?

14 **MR. SHAVER:** Yes. Oh, yes. When I -- as  
15 soon as I got to the office I wrote down these notes.

16 **MR. ENGELMANN:** All right. So you would  
17 have written these notes just after the meeting when you  
18 were at your office?

19 **MR. SHAVER:** Yes. Exactly. Right after.

20 **MR. ENGELMANN:** All right. And the notes  
21 you wrote about this meeting, are they on the "sticky" that  
22 appears at the top left corner?

23 **MR. SHAVER:** At the top, yes.

24 **MR. ENGELMANN:** And that's at Bates page  
25 185?

1                   **MR. SHAVER:** Yes.

2                   **MR. ENGELMANN:** And, again, can you read for  
3 us what you wrote there?

4                   **MR. SHAVER:** Says:  
5                                "3:00 o'clock. Very friendly, pledged  
6 co-operation, believed Father  
7 Charlie..."

8                   **MR. ENGELMANN:** Says: "Believed Charlie";  
9 right?

10                   **MR. SHAVER:** ---"Believed Charlie", yes,  
11 that's right:

12                                "Believed Charlie..."  
13 -- trying to read what that says, not sure what that -- let  
14 me read it again.

15                   **MR. ENGELMANN:** Does it say, "He denied?"

16                   **MR. SHAVER:** Yes, that's right, good.

17                                "He denied..."

18                   **MR. ENGELMANN:** I'm just looking at the  
19 screen.

20                   **MR. SHAVER:** Thank you, yeah.

21                                "He denied. Father McDougald also  
22 believed this would bite both. Told  
23 him wrong what the Church did. Diocese  
24 paid \$32,000; \$10,000 from the diocese;  
25 \$10,000 from Father Charlie; \$12,000

1 unknown. Told him of others, shaken.  
2 Would help. See him tonight. Would  
3 get back. Very cooperative."

4 **MR. ENGELMANN:** All right.

5 So when you wrote your brief summary of the  
6 meeting, did you try and do it in the order how  
7 things happened?

8 **MR. SHAVER:** As much as I could, sir. As  
9 much as I could. The -- yes, I think I did. The part that  
10 I left out, the part that's not in the notes, is when I  
11 told him about the other people. That's what -- that  
12 really shook the bishop up.

13 Oh, shaken -- "Told him of others, shaken".  
14 I'm sorry, no, that was there.

15 **MR. ENGELMANN:** So that was towards the end  
16 of the ---

17 **MR. SHAVER:** Yes.

18 **MR. ENGELMANN:** --- session? All right.

19 **MR. SHAVER:** It may not have been in exact  
20 chronological order, sir. It may just -- I just tried to  
21 get the highlights of the points that I wanted to put down  
22 there.

23 **MR. ENGELMANN:** So when you told him about  
24 two other alleged victims, you said he was shaken by that?

25 **MR. SHAVER:** Yes. He had spoken -- we had

1 spoken about this. He said there was only one victim and I  
2 said, "I'm sorry, there may have been more than one. We  
3 spoke to two other people."

4 And that literally shook the bishop. He was  
5 very concerned at that stage of the game; very, very, very  
6 concerned.

7 **MR. ENGELMANN:** And that's when he agreed to  
8 meet with Father Charles MacDonald that evening?

9 **MR. SHAVER:** Yes. I kind of -- I pushed him  
10 into a corner on that particular issue.

11 I said, "Well, are you going to do?" He  
12 said, "We'll talk to Father Charlie". I said, "Well then"  
13 -- I got into it, "Well, when are you going to talk to  
14 him?" And he said, "Well, we'll talk to him; I'll talk to  
15 Father McDougald". I said, "Now, I want to know when  
16 you're going to do this".

17 So I thought at the time that it was the  
18 ideal time for me to try to see if I could get some action  
19 done and the bishop finally, he said, "I will do it this  
20 evening". I said, "That's great. Thank you."

21 **MR. ENGELMANN:** Now, did he tell you what he  
22 would do if Father MacDonald admitted to the allegations?

23 **MR. SHAVER:** Yes. He said that he would --  
24 no, excuse me, not at that time. This was at the later --  
25 the later time. He did not say anything. At that meeting,



1 he didn't say that; didn't say anything.

2 **MR. ENGELMANN:** He didn't tell you that if  
3 he admitted to the allegations that he would remove him  
4 from his parish and send him away for treatment  
5 immediately?

6 **MR. SHAVER:** No. I'm -- I'm the one that  
7 asked that question, sir. He didn't say that. I asked  
8 that question.

9 I said, "Well, if he does admit -- if he  
10 does admit, what are you going to do? Would you remove him  
11 from the parish?" And he said, "Yes". And then I think he  
12 came back with, "I will -- I would send him away for  
13 treatment".

14 **MR. ENGELMANN:** Now, did that satisfy your  
15 concerns about protection of children, if he were to remove  
16 him from the parish and send him away for treatment?

17 **MR. SHAVER:** It satisfied my immediate  
18 concern, yes, knowing that the Children's Aid was going to  
19 do another investigation. If Father Charlie was in fact a  
20 pedophile and was out there, at least he would not be in  
21 the community. And then the Children's Aid was going to do  
22 their investigation and we were going to co-operate and re-  
23 open the file if we had to.

24 **MR. ENGELMANN:** So he was going to speak to  
25 him that evening?

1                   **MR. SHAVER:** Yes.

2                   **MR. ENGELMANN:** Did he indicate to you that  
3 he would do so with Monsignor MccDougald?

4                   **MR. SHAVER:** No, sir, he did not. He just -  
5 - I would think that he would have done it with Monsignor  
6 McDougald because he was involved with him all the way  
7 along, sir.

8                   **MR. ENGELMANN:** And at the end of the day  
9 said if there was an admission, he would be removed from  
10 the parish ---

11                   **MR. SHAVER:** Yes.

12                   **MR. ENGELMANN:** --- and sent for treatment?

13                   **MR. SHAVER:** Yes.

14                   **MR. ENGELMANN:** And you were satisfied, at  
15 least your immediate concern was satisfied?

16                   **MR. SHAVER:** My immediate concern was  
17 satisfied, yes.

18                   **MR. ENGELMANN:** And would it be fair to say  
19 that you found the bishop to be much more cooperative than  
20 you had told he had been back in 1986?

21                   **MR. SHAVER:** Yes. He was -- he was not  
22 anywhere near the person that I believed him to be in 1985.

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

24                   So I want to ask you a few questions about  
25 things that might have come up at this meeting,

1                   and if they did, you just tell us they did and if  
2                   they didn't, so be it.

3                   Did the bishop tell you at any time during  
4                   the course of your meeting with him that there'd been an  
5                   investigation of sorts conducted by the diocese?

6                   **MR. SHAVER:** He did.

7                   **MR. ENGELMANN:** All right.

8                   And did he offer to show you any  
9                   investigative documentation?

10                  **MR. SHAVER:** I don't remember that, sir.

11                  **MR. ENGELMANN:** Do you remember if you asked  
12                  to see it?

13                  **MR. SHAVER:** No, I don't think -- I don't  
14                  think that topic ever came up, sir. I'm not sure, but I  
15                  don't think that topic came up.

16                  **MR. ENGELMANN:** That was an issue back with  
17                  Deslauriers?

18                  **MR. SHAVER:** Yes, it was.

19                  **MR. ENGELMANN:** So you didn't go there at  
20                  that meeting?

21                  **MR. SHAVER:** No.

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

23                  Did the bishop tell you what Mr. Silmser was  
24                  originally seeking from the diocese?

25                  **MR. SHAVER:** What he was originally seeking?

1 Yes, he mentioned -- I think he was -- we talked about  
2 that. It was an apology. I'm not sure if I brought that  
3 up or he brought that up, that Mr. Silmsers originally  
4 wanted an apology.

5 MR. ENGELMANN: Did he say something about  
6 wanting an apology letter for his mother?

7 MR. SHAVER: I don't remember the mother  
8 part but, sir, definitely an apology.

9 MR. ENGELMANN: All right. So you don't  
10 know who brought it up, but it was discussed; the issue?

11 MR. SHAVER: I believe it was discussed,  
12 yes.

13 MR. ENGELMANN: Did the bishop tell you  
14 whether there had ever been a civil suit brought by Mr.  
15 Silmsers?

16 MR. SHAVER: No.

17 MR. ENGELMANN: Is that something you asked  
18 him?

19 MR. SHAVER: No, I did not.

20 MR. ENGELMANN: Did you have knowledge of  
21 that issue at that time?

22 MR. SHAVER: No, I did not.

23 MR. ENGELMANN: Did the bishop tell you who  
24 the lawyers were for each of the parties?

25 MR. SHAVER: He told -- he told me that

1 Jacques Leduc was acting for the diocese. That's who he'd  
2 received his information from.

3 **MR. ENGELMANN:** Did he tell you who was  
4 acting for the priest or is that something you already knew  
5 in any event?

6 **MR. SHAVER:** Did I know it at that stage of  
7 the game? He did not say it, sir. I'm not -- I'd have to  
8 go back and think of when I knew that -- no, I knew that --  
9 yes, I did know it at the time because it was -- it was  
10 Sean Adams that sent the letter, the original letter, to  
11 Luc about stopping the investigation, I believe. I'd have  
12 to go back and look at those things, sir.

13 **MR. ENGELMANN:** All right.  
14 Sir, by October 7<sup>th</sup> ---

15 **MR. SHAVER:** Right?

16 **MR. ENGELMANN:** --- surely you knew that  
17 Malcolm MacDonald was the lawyer for Father Charles  
18 MacDonald?

19 **MR. SHAVER:** I may well have, sir. You  
20 asked me if I remember it now, I'm going back 16 years in  
21 my memory here, sir.

22 **MR. ENGELMANN:** Did the bishop not talk to  
23 you about the lawyers, trying to encourage him to enter  
24 into this settlement and pay money?

25 **MR. SHAVER:** Yes, he did. He mentioned that

1 Jacques Leduc was a lawyer for the Diocese, and that's  
2 true; I think he believed that he did mention something  
3 about Malcolm MacDonald also. I thought that they were  
4 both lawyers for the Diocese. Yes, I believe that that  
5 happened, yes.

6 **MR. ENGELMANN:** Well, did he tell you  
7 anything about his reluctance to enter into a monetary  
8 settlement?

9 **MR. SHAVER:** Yes, he did. He told us -- he  
10 told me that he had to be convinced and that it was the  
11 recommendation of the lawyers that -- it did not sit well  
12 with him. He was saying it didn't sit well in the initial  
13 instance.

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

15 **MR. SHAVER:** And then after that, yes, he  
16 did say that.

17 **THE COMMISSIONER:** Was this all being done  
18 in English?

19 **MR. SHAVER:** In English, yes, sir.

20 **THE COMMISSIONER:** Okay.

21 **MR. SHAVER:** We could have done it in  
22 French, but we did it in English.

23 **THE COMMISSIONER:** Sure.

24 **MR. ENGELMANN:** As you say, all of you spoke  
25 French?

1                   **MR. SHAVER:** Yes, yes.

2                   **MR. ENGELMANN:** So that was my question.

3                   Did he suggest to you that he had some reluctance to do  
4                   this but his lawyers convinced him to do it?

5                   **MR. SHAVER:** He did say that, yes.

6                   **MR. ENGELMANN:** And you just weren't sure at  
7                   the time whether Malcolm MacDonald was working for the  
8                   priest or the Diocese?

9                   **MR. SHAVER:** I guess I assumed, sir, that he  
10                  was working for the Diocese also.

11                  **MR. ENGELMANN:** Fair enough.

12                  But did he tell you that Malcolm MacDonald  
13                  was acting as a form of go-between or intermediary ---

14                  **MR. SHAVER:** No.

15                  **MR. ENGELMANN:** --- for the Diocese counsel  
16                  in his discussions with ---

17                  **MR. SHAVER:** I don't remember that, sir. If  
18                  he did, I don't remember that.

19                  **MR. ENGELMANN:** Now, he did talk to you  
20                  about some of the -- at least some of the terms of the  
21                  settlement?

22                  **MR. SHAVER:** He did, yes.

23                  **MR. ENGELMANN:** And how did that come up; do  
24                  you remember?

25                  **MR. SHAVER:** I asked him.

1                   **MR. ENGELMANN:** All right.

2                   **MR. SHAVER:** I said, "There is a -- you had  
3 a monetary settlement. Why? How did that happen?"

4                   **MR. ENGELMANN:** Now, you already knew -- you  
5 had information that there had been a monetary settlement?

6                   **MR. SHAVER:** Yes, and the information that I  
7 had received was that it was \$25,000. I believe that came  
8 from Sergeant Lortie, but I'm not sure. It came from  
9 somewhere.

10                  **MR. ENGELMANN:** It came from within?

11                  **MR. SHAVER:** It came from within, yes. It  
12 was a \$25,000 settlement.

13                  **MR. ENGELMANN:** When I say within, within  
14 the CPS?

15                  **MR. SHAVER:** Yes, yes, it didn't come from  
16 outside, no.

17                  **MR. ENGELMANN:** And did the Bishop suggest a  
18 different number when you spoke to him?

19                  **MR. SHAVER:** Yes, he told me it was \$32,000.

20                  **MR. ENGELMANN:** All right.

21                                 And did you ask him -- and he volunteered to  
22 you the sources of that money?

23                  **MR. ENGELMANN:** No, I asked him. I said,  
24 "So where is -- where does the Diocese get \$32,000?" And  
25 that's when he broke it down. He said that the Diocese



1       paid \$10,000 and he qualified -- he qualified these numbers  
2       by saying, "Listen, we believed and Father MacDougal  
3       believed that this man needed extreme counselling and this  
4       was going to pay for the counselling".

5                       That's what the money -- that's how the  
6       Bishop described why he -- why the money was being paid.  
7       It was for this person to be counselled. And so he said  
8       the first \$10,000 -- he said, no -- he said \$10,000 was  
9       paid by the Diocese and \$10,000 was paid by Father Charlie  
10      and \$12,000, and he didn't identify the source, and after  
11      he said that, I said, "Well, since when do innocent men  
12      pay?" And he said, "That bothered me also, but we looked  
13      at it from a perspective it was almost like a" -- I'm not  
14      sure if he used the word "nuisance settlement", but he was  
15      very sympathetic to the victim, to Mr. Silmsler. He wanted  
16      to make sure that Mr. Silmsler got -- received counselling.

17                      And on the other side of that, he was saying  
18      that Father Charlie put up the money because it was better  
19      than his reputation being soiled in the community because  
20      as soon as it got out -- and that's when I told him. I  
21      said, "Sir, this is going to come back and bite us both  
22      right in the butt" and I think that's the exact language I  
23      used because I felt it was going to come back. I said,  
24      "This thing being paid, our hands being tied -- you've tied  
25      our hands".

1                   And then I told him about the other people,  
2                   and that's when he was -- he was absolutely shaken about  
3                   that.

4                   **MR. ENGELMANN:** That he had helped tie your  
5                   hands ---

6                   **MR. SHAVER:** Yes.

7                   **MR. ENGELMANN:** --- and there were other  
8                   alleged victims out there?

9                   **MR. SHAVER:** And I told him about the other  
10                  alleged victims, yes. He said -- and that's when he said,  
11                  "There is only one -- but there is only one person." I  
12                  said, "No, no, no, there are two other people." And that  
13                  really shook him. I honestly -- then, if you had asked me  
14                  about his intentions, I think that the Bishop's intentions  
15                  were totally honourable in this meeting.

16                  **MR. ENGELMANN:** So you think he was  
17                  concerned that he might have contributed to stopping your  
18                  investigation without knowing about two other alleged  
19                  victims?

20                  **MR. SHAVER:** I believe that, yes.

21                  **MR. ENGELMANN:** All right.

22                  I just wanted to understand.

23                  **MR. SHAVER:** Yes.

24                  **MR. ENGELMANN:** Okay. Did he tell you how  
25                  he knew about these different amounts, the \$10,000 from the

1 Diocese, the \$10,000 from Father Charlie and the \$12,000  
2 from an unknown source?

3 MR. SHAVER: No, he just volunteered the  
4 information, sir.

5 MR. ENGELMANN: All right.  
6 Well, did you ask him how he knew this?

7 MR. SHAVER: How he knew it?

8 MR. ENGELMANN: Yeah.

9 MR. SHAVER: He signed the papers or -- I  
10 don't know.

11 MR. ENGELMANN: All right.

12 MR. SHAVER: I asked him how could the  
13 Diocese come up with \$32,000 and that's how he broke it  
14 down.

15 MR. ENGELMANN: Now, when he told you that  
16 \$12,000 came from an unknown source ---

17 MR. SHAVER: Yes.

18 MR. ENGELMANN: --- did you ask him who that  
19 person was?

20 MR. SHAVER: No, I don't believe I did, sir.

21 MR. ENGELMANN: He didn't volunteer that?

22 MR. SHAVER: No, he did not. He volunteered  
23 the other two names.

24 MR. ENGELMANN: Did you make any effort at  
25 all to find out who that other person might have been?

1                   **MR. SHAVER:** I did not, sir. And then  
2 subsequently I heard rumours about who they thought the  
3 other \$12,000 had come from. That was it, nothing  
4 substantiated by any fact that I knew of, sir.

5                   **MR. ENGELMANN:** Sir, you knew -- in fact,  
6 your department was still considering what to do about  
7 another alleged perpetrator of Mr. Silmsner?

8                   **MR. SHAVER:** Yes.

9                   **MR. ENGELMANN:** That was Mr. Seguin.

10                  **MR. SHAVER:** Yes.

11                  **MR. ENGELMANN:** Would it not have been  
12 important to find out who that mystery person might be?

13                  **MR. SHAVER:** It wasn't for me at the time,  
14 sir. I mean, as far as I was concerned, that damage had  
15 already been done. I'm trying to -- I'm just trying to  
16 open this thing back up to see -- make sure about Father  
17 Charlie. Now, my only concern here was not about -- I had  
18 no concern about Ken Seguin at all. My only concern was  
19 about Father Charlie and what would happen there.

20                  **MR. ENGELMANN:** But, sir, you were concerned  
21 that the Church had tied your hands ---

22                  **MR. SHAVER:** Yes.

23                  **MR. ENGELMANN:** --- by entering into a  
24 monetary settlement?

25                  **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** Which led to the withdrawal  
2 of criminal charges?

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** That was your view?

5                   **MR. SHAVER:** It was my view.

6                   **MR. ENGELMANN:** That by paying money ---

7                   **MR. SHAVER:** Right.

8                   **MR. ENGELMANN:** --- they had caused these  
9 charges to be withdrawn?

10                  **MR. SHAVER:** Right.

11                  **MR. ENGELMANN:** And if that was the case,  
12 why wouldn't you be interested to know whether Mr. Seguin  
13 might have been involved in that settlement?

14                  **MR. SHAVER:** Never dawned on me, sir, to  
15 even -- I never even considered that.

16                  **MR. ENGELMANN:** Now, sir, did the Bishop  
17 tell you during the course of this meeting whether there  
18 were any confidentiality provisions in the settlement?

19                  **MR. SHAVER:** No.

20                  **MR. ENGELMANN:** Did you ask?

21                  **MR. SHAVER:** No.

22                  **MR. ENGELMANN:** Did the Bishop show you the  
23 settlement documentation at the meeting?

24                  **MR. SHAVER:** He did not.

25                  **MR. ENGELMANN:** Is that something you asked

1 for at that time?

2 MR. SHAVER: I did not ask for it.

3 MR. ENGELMANN: Why not?

4 MR. SHAVER: It never dawned on me, sir, not  
5 at that time.

6 MR. ENGELMANN: Why?

7 MR. SHAVER: I was still -- my only concern  
8 was what are we going to do about Father Charlie?

9 MR. ENGELMANN: Right.

10 MR. SHAVER: I mean, I wanted the Bishop  
11 focused on Father Charlie and that's where I stayed. My  
12 focus was solely on Father Charlie.

13 MR. ENGELMANN: But, sir, if you thought  
14 that the settlement, the payment of these monies, caused  
15 the withdrawal of the charge, wouldn't you want to confirm  
16 that by looking at the documents?

17 MR. SHAVER: In hindsight, sir, probably,  
18 but I was not -- that was not the focus of what I was doing  
19 there. That was not my primary intention.

20 MR. ENGELMANN: And, sir, did you have a  
21 sense at all that the payment of money which then causes  
22 charges to be withdrawn might be illegal in and of itself?

23 MR. SHAVER: I had not thought about it at  
24 that time, sir.

25 MR. ENGELMANN: Because if a settlement is

1 illegal or it's not proper for all sorts of reasons,  
2 wouldn't that just give you a reason to disregard it, keep  
3 investigating, because that's what you wanted to do?

4 **MR. SHAVER:** Well, sir, I had already talked  
5 to the Crown Attorney. I had asked him if there was a -- I  
6 asked him about that specifically. I asked him about that  
7 on September the 29<sup>th</sup>, I think it was.

8 **MR. ENGELMANN:** It was September 30<sup>th</sup> when  
9 you met with him?

10 **MR. SHAVER:** Yeah, September 30<sup>th</sup> when I met  
11 him. I asked him about that and he said that he didn't  
12 believe that there were -- anywhere I could go with the  
13 church at the time or with David Silmser. I asked him  
14 about both those things.

15 So my concern, sir, was solely on what is  
16 the Church prepared to do about Father Charlie? That was  
17 my sole concern at this moment.

18 **MR. ENGELMANN:** And do you know if Mr.  
19 MacDonald had looked into the settlement and if he had seen  
20 the settlement documents -- Mr. Murray MacDonald; I'm  
21 sorry?

22 **MR. SHAVER:** No, I did not, sir. You'd have  
23 to ask him that. I don't know.

24 **MR. ENGELMANN:** We will. All right.  
25 Anything else about that meeting with the

1 Bishop? We've covered it?

2 MR. SHAVER: No, other than -- other than  
3 when I left I felt a lot better than when I walked in.

4 MR. ENGELMANN: All right.

5 Now, I understand he calls you later that  
6 same evening?

7 MR. SHAVER: That evening, yes.

8 MR. ENGELMANN: All right.

9 MR. SHAVER: Well, we exchanged numbers. We  
10 exchanged -- he gave me his private number. I gave him my  
11 numbers. So we exchanged numbers. That was the other  
12 thing that was done.

13 MR. ENGELMANN: And, sir, did you make a  
14 note of that call?

15 MR. SHAVER: I did.

16 MR. ENGELMANN: And would that have been --  
17 would he have called you at home or at your office?

18 MR. SHAVER: At home.

19 MR. ENGELMANN: All right.

20 So when you made the note at home it would  
21 have been at the time of the call or immediately  
22 thereafter?

23 MR. SHAVER: Yes, I was writing as he was  
24 speaking with me.

25 MR. ENGELMANN: All right.



1 Now, is that the note that we see at Bates  
2 page 185?

3 MR. SHAVER: Yes.

4 MR. ENGELMANN: I'm just waiting for it to  
5 come up on the screen.

6 And sir, just for the record, is that also  
7 on a sticky?

8 MR. SHAVER: That's not that note, sir.  
9 Keep going.

10 MR. ENGELMANN: No, to the right, Madam  
11 Clerk.

12 MR. SHAVER: To the right, yes.

13 THE COMMISSIONER: That one right there,  
14 yes.

15 MR. SHAVER: Yes. That's on a sticky. It's  
16 on a yellow sticky though.

17 MR. ENGELMANN: Okay. And it's ovetop of  
18 Friday, October 8<sup>th</sup>?

19 MR. SHAVER: Yes.

20 MR. ENGELMANN: Is that fair?

21 MR. SHAVER: Yes, it is.

22 MR. ENGELMANN: All right.

23 And can you tell us -- there's a caption  
24 that's cut off. Do you know what ---

25 MR. SHAVER: Bishop.

1                   MR. ENGELMANN: Bishop. Okay.

2                   MR. SHAVER: Yes.

3                   MR. ENGELMANN: And can you tell us what it  
4 says? Just read those words for us.

5                   MR. SHAVER: "Charlie admits. Will go to  
6 treatment special place. Study one  
7 week. Would recommend leave Saturday,  
8 no further contact. Bishop sorry."

9                   MR. ENGELMANN: All right.  
10 So let's just go through that. These are  
11 your contemporaneous notes?

12                   MR. SHAVER: Yes.

13                   MR. ENGELMANN: All right.

14                   The Bishop apologized at some point during  
15 the course of the meeting?

16                   MR. SHAVER: The last thing he said, sir.

17                   MR. ENGELMANN: Did he tell you at all  
18 whether he felt he'd been lied to?

19                   MR. SHAVER: Yes, he did.

20                   MR. ENGELMANN: And lied to by whom?

21                   MR. SHAVER: Father Charlie.

22                   MR. ENGELMANN: All right.  
23 Did he tell you whether he felt betrayed?

24                   MR. SHAVER: Yes.

25                   MR. ENGELMANN: And by whom?

1                   MR. SHAVER: Father Charlie.

2                   MR. ENGELMANN: And why was he apologizing?

3                   MR. SHAVER: Well, if I could start at the  
4 top of the notes, sir, where he says ---

5                   MR. ENGELMANN: Certainly.

6                   MR. SHAVER: Okay. "Charlie admits," that  
7 wasn't Charlie admitting to the Silmsler -- what he said was  
8 Charlie admitted the assault and then he immediately  
9 stopped and said "It wasn't an assault." Father Charlie  
10 then told him that he had a homosexual relationship, an  
11 isolated homosexual relationship, and that was what he felt  
12 betrayed about.

13                   And my words to him were that, "I don't care  
14 if Father Charlie had a homosexual relationship. I'm only  
15 caring if he has a relationship with children." That was  
16 the bit of -- the only bit of sort two-way conversation.

17                   And I asked him then, "Okay, what's going to  
18 happen now?" And he said, "Well, we're going to send him  
19 to a treatment centre to be assessed." He told me it was a  
20 special place that only priests go to. They would study  
21 him for one week there and then they would make  
22 recommendations after that week.

23                   So then he came back to what I had asked him  
24 originally. "Well, if you hear of anything, what are you  
25 going to do?" And he said, "We're going to remove Father

1 Charlie." Which he promptly did.

2 I think that was a -- let's see, that would  
3 have been a Thursday night, was it? Yes, Thursday evening.

4 **MR. ENGELMANN:** It was a Thursday.

5 **MR. SHAVER:** Yes. He removed Father Charlie  
6 Friday -- Friday morning. They made an announcement at his  
7 church on Sunday.

8 **MR. ENGELMANN:** Sir, the note doesn't say  
9 Father Charlie admits to being a homosexual?

10 **MR. SHAVER:** No, no, I know ---

11 **MR. ENGELMANN:** It doesn't talk about his  
12 sexual orientation at all?

13 **MR. SHAVER:** No, I'm just -- I'm writing  
14 this very quickly, sir, as we go.

15 **MR. ENGELMANN:** Right.

16 And, sir, in the afternoon, the Bishop and  
17 you had agreed on a course of strategy ---

18 **MR. SHAVER:** Yes.

19 **MR. ENGELMANN:** --- if Father Charlie  
20 admitted to assaulting David Silmsen?

21 **MR. SHAVER:** No, we agreed on the course of  
22 strategy that if he had -- yes, I guess if he admitted to  
23 Father Charlie (sic), that he would be removed. Yes, okay.  
24 I can agree with that, yes.

25 **MR. ENGELMANN:** Right.

1                                   And that was that he be removed from his  
2                   parish?

3                                   **MR. SHAVER:**   Yes.

4                                   **MR. ENGELMANN:**  And that he be sent away for  
5                   treatment?

6                                   **MR. SHAVER:**   Yes.

7                                   **MR. ENGELMANN:**  And were you told where?

8                                   **MR. SHAVER:**   Yes, but I don't remember  
9                   where, sir.

10                                  **MR. ENGELMANN:**  Does the name Southdown ring  
11                   a bell at all?

12                                  **MR. SHAVER:**   I can't say.  Southdown is near  
13                   Barrie, Ontario or ---

14                                  **MR. ENGELMANN:**  I'm not sure ---

15                                  **MR. SHAVER:**   Barrie is the one that stuck in  
16                   my head as it's near this place.

17                                  **MR. ENGELMANN:**  I'm not sure where, but we  
18                   know that it's a place where priests can be treated ---

19                                  **MR. SHAVER:**   Okay.  That may be the place  
20                   then.

21                                  **MR. ENGELMANN:**  --- for all sorts of things,  
22                   including alcoholism, drug dependency.  We've heard some of  
23                   this, I think.

24                                  **THE COMMISSIONER:**  Well, we know that he  
25                   went there.

1                   **MR. ENGELMANN:** Yeah, we know he did.

2                   **MR. SHAVER:** Okay, sir.

3                   **THE COMMISSIONER:** To Southdown.

4                   **MR. ENGELMANN:** And also, sexual deviancies  
5 and things of that nature.

6                   Now, I guess what I want to ask you, sir, is  
7 sending him away for treatment, at least how you'd left it  
8 in the afternoon ---

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

10                  **MR. ENGELMANN:** --- that was tied to his  
11 admitting the allegation. It wasn't tied to his being a  
12 homosexual; fair enough?

13                  **MR. SHAVER:** Fair enough, yes.

14                  **MR. ENGELMANN:** And you'd agree with me,  
15 sir, that at least in 1993, people weren't getting treated  
16 as a result of their sexual orientation?

17                  **MR. SHAVER:** I don't agree with that, sir.  
18 I don't know that.

19                  **MR. ENGELMANN:** Sir, you honestly believe  
20 that in 1993, gay men and lesbians were sent away for  
21 treatment because of ---

22                  **MR. SHAVER:** No.

23                  **MR. ENGELMANN:** --- their sexual  
24 orientation?

25                  **MR. SHAVER:** I'm not talking about that.

1 I'm talking about a priest here, sir.

2 MR. ENGELMANN: It doesn't matter if we're  
3 talking about a priest, a doctor, a lawyer. We're talking  
4 about treatment for sexual orientation in 1993.

5 MR. SHAVER: Not treatment, sir. He's going  
6 to the treatment -- that says "will go to treatment." All  
7 right? And then he explained to me that that was for an  
8 assessment. He used the word -- he came back, "He's going  
9 to go there for an assessment and he will be studied for  
10 one week."

11 MR. ENGELMANN: Whether people were treated,  
12 assessment or examined, sir, it wasn't for homosexuality;  
13 it was for other things, was it not, at that time, 1993?  
14 We're not talking about the '60s.

15 MR. SHAVER: Well, sir, you're asking me to  
16 speculate. I can't speculate on that.

17 MR. ENGELMANN: I'm asking you to think back  
18 to 1993.

19 MR. SHAVER: Yes, I am.

20 MR. ENGELMANN: I'm asking you to think back  
21 to your notes which say, "Charlie admits. Will go  
22 treatment".

23 MR. SHAVER: Right.

24 MR. ENGELMANN: And I'm suggesting to you  
25 what you were really told was that Charlie admitted the

1 allegation.

2 **MR. SHAVER:** Absolutely not, sir.

3 **MR. ENGELMANN:** And after he told you that,  
4 sir, I'm suggesting that's when he said he felt betrayed;  
5 he felt lied to and he was sorry. Isn't that what really  
6 happened, Chief Shaver?

7 **MR. SHAVER:** Absolutely not. And you can  
8 ask the Bishop these questions when he comes to testify.  
9 This is the information the Bishop gave me as he gave it to  
10 me and what he said, and how he explained it to me.

11 **MR. ENGELMANN:** Sir, you would agree with me  
12 that these notes are much more consistent with an admission  
13 to an allegation rather than an admission to homosexuality,  
14 would you not?

15 **MR. SHAVER:** I would suggest, sir, that my  
16 notes were not as complete as they possibly could have been  
17 if I wouldn't have been writing them down. I would have  
18 written all the rest of that stuff down.

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

20 Well, sir, just to eliminate any doubt about  
21 what your notes were, you wrote a statement about this  
22 within a year of this happening, did you not?

23 **MR. SHAVER:** Yes, I did.

24 **MR. ENGELMANN:** And you were a little more  
25 descriptive in this statement?



1                   **MR. SHAVER:** I used the actual word that the  
2 Bishop used, yes, in the statement.

3                   **MR. ENGELMANN:** And that was a statement  
4 that I understand you wrote for your then lawyer Colin  
5 McKinnon?

6                   **MR. SHAVER:** Yes.

7                   **MR. ENGELMANN:** And it's my understanding he  
8 was doing a number of things for you, but one of them was  
9 defending the lawsuit that David Silmser was bringing  
10 against the City for the release of his statement to the  
11 media?

12                   **MR. SHAVER:** I'm not sure if it was a  
13 lawsuit, but a public complaint, sir.

14                   **MR. ENGELMANN:** Sir, just to refresh your  
15 memory, Document Number 729873 ---

16                   **THE COMMISSIONER:** It's a new one, sir.

17                   **MR. SHAVER:** A new one? Thank you, sir.

18                   **THE COMMISSIONER:** Thank you.

19                   Exhibit 1788, Mr. Engelmann -- 1788 is a  
20 letter dated April 6<sup>th</sup>, 1994 addressed to the Cornwall  
21 Police Services Board from Colin D. McKinnon, Q.C.

22 --- **EXHIBIT NO./PIÈCE NO. P-1788:**

23                   (729873) Letter from Colin McKinnon to  
24 Shelley Adams dated April 6, 1994

25                   **MR. ENGELMANN:** So, sir, I'm aware that

1           there was another law firm that was defending the City in  
2           this matter, but what Mr. McKinnon is writing, he says:

3                           "I've been retained by Chief Shaver to  
4                           represent him with respect to these  
5                           claims to the extent that Chief Shaver  
6                           is not defended by the City lawyers."

7                           Those are claims involving David Silmser and  
8           Daniel Rose. Do you see that?

9                           **MR. SHAVER:** Yes.

10                          **MR. ENGELMANN:** And I'm just concerned about  
11           the David Silmser one.

12                          **MR. SHAVER:** Okay.

13                          **MR. ENGELMANN:** But he's certainly acting  
14           for you at that time?

15                          **MR. SHAVER:** Yes, he was.

16                          **MR. ENGELMANN:** And, sir, there's another  
17           letter in the file from Mr. McKinnon on your behalf. It's  
18           actually an exhibit, 708 -- 708.

19                          Counsel, the Document Number is 105673.

20                          **THE REGISTRAR:** What's the exhibit number?

21                          **THE COMMISSIONER:** Seven zero three (703)?

22                          **MR. ENGELMANN:** Seven hundred and eight  
23           (708).

24                          **THE COMMISSIONER:** Seven zero eight (708).

25                          Okay. Just so we can get the book.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. SHAVER: Thank you.

3 Yes, yes. It was with another letter.

4 MR. ENGELMANN: Yeah. And this, sir, this  
5 dealt with a possible defamation action, this was ---

6 MR. SHAVER: Yes.

7 MR. ENGELMANN: --- a notice, this was being  
8 sent to a media outlet by the name of the Seaway News.

9 MR. SHAVER: Yes.

10 MR. ENGELMANN: I understand it was also  
11 sent to Carson Chisholm.

12 MR. SHAVER: It was.

13 MR. ENGELMANN: It was about comments that  
14 he was making with respect to you, and you had retained Mr.  
15 McKinnon for that purpose.

16 MR. SHAVER: I did, yes.

17 MR. ENGELMANN: But I'm going to suggest to  
18 you, the statement the you prepared for Mr. McKinnon dealt  
19 with the first matter; not ---

20 MR. SHAVER: Not this -- no, not this  
21 matter. No.

22 MR. ENGELMANN: Right. So it dealt with the  
23 -- oh, sorry. That could be an Exhibit.

24 THE COMMISSIONER: Which one?

25 MR. ENGELMANN: It already is; 708. I

1 apologize.

2 **THE COMMISSIONER:** Yeah.

3 **MR. ENGELMANN:** No, I'm going to suggest to  
4 you that it was more related to the letter we just looked  
5 at; the April 6<sup>th</sup> letter, 1994.

6 **MR. SHAVER:** Yes.

7 **MR. ENGELMANN:** The Silmser.

8 Okay? Now, the statement that I wanted to  
9 refer you to, then, is -- it's Document Number 715814.

10 **THE COMMISSIONER:** It's a new one.

11 **MR. SHAVER:** You're certainly on top of  
12 this, sir.

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

14 **MR. SHAVER:** I said, you're certainly on top  
15 of if it's new, or from where it is.

16 **THE COMMISSIONER:** Code words.

17 Thank you. Exhibit 1789 ---

18 **MR. SHAVER:** Thank you.

19 **THE COMMISSIONER:** ---is a statement of  
20 Claude Shaver and is there a date I can use? No. It's  
21 entitled D.S. Alleged Sexual Assault.

22 --- **EXHIBIT NO./PIÈCE No. P-1789:**

23 (715814) Statement of Claude Shaver re  
24 D.S. Alleged Sexual Assault

25 **MR. SHAVER:** Yeah.

1                   **MR. ENGELMANN:** Now sir, there's a semi-  
2 legible note on the top right of the first page. But my  
3 understanding is it's a note from an OPP officer who's  
4 receiving this statement in June of 1994.

5                   And, sir, were you aware that the OPP was  
6 called in by the new Acting Chief to reinvestigate the  
7 Force's handling of the Silmsler matter?

8                   **MR. SHAVER:** I think I was aware, yes.

9                   **MR. ENGELMANN:** Yeah. And just by way of  
10 chronology, in January of 1994 there were a couple of  
11 officers from the Ottawa police who came in?

12                   **MR. SHAVER:** Yes, m'hm.

13                   **MR. ENGELMANN:** I believe you might have  
14 been interviewed by ---

15                   **MR. SHAVER:** I was interviewed by them, yes.

16                   **MR. ENGELMANN:** And then after that, in  
17 February, after receiving that report, Acting Chief Johnson  
18 asked for the OPP's assistance.

19                   **MR. SHAVER:** Yes.

20                   **MR. ENGELMANN:** And there were a couple of  
21 OPP officers; a Tim Smith and a Michael Fagan ---

22                   **MR. SHAVER:** Yes.

23                   **MR. ENGELMANN:** --- who came to Cornwall for  
24 several months? Did they also meet with you, or at least  
25 talk to you on the phone?

1                   **MR. SHAVER:** Sir, I can't remember them  
2 talking to me. I'm thinking back in my memory bank,  
3 thinking that I think they did, but I don't remember it. I  
4 don't remember that.

5                   **MR. ENGELMANN:** Were you living in Cornwall  
6 then?

7                   **MR. SHAVER:** Yes, sir. I never moved out of  
8 Cornwall.

9                   **MR. ENGELMANN:** Okay, well, you did move at  
10 some point.

11                   **MR. SHAVER:** 1999.

12                   **MR. ENGELMANN:** All right, fair enough.

13                   **MR. SHAVER:** Or it -- excuse me, the end of  
14 '98.

15                   **MR. ENGELMANN:** All right; because you were  
16 a school board trustee and ---

17                   **MR. SHAVER:** Yes.

18                   **MR. ENGELMANN:** --- several other things  
19 after ---

20                   **MR. SHAVER:** I ran for election as a result,  
21 and ---

22                   **MR. ENGELMANN:** Yeah.

23                   **MR. SHAVER:** --- you could see that ---

24                   **MR. ENGELMANN:** In the previous letter.

25                   **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** So you're not sure whether  
2                   you had an in-person or a telephone call with one of the  
3                   two officers?

4                   **MR. SHAVER:** No, I'm not, sir. I have no --  
5                   -

6                   **MR. ENGELMANN:** But ---

7                   **MR. SHAVER:** My recollection of it is  
8                   absolutely gone.

9                   **MR. ENGELMANN:** All right. Were you aware,  
10                  sir, that this letter or this statement was to be given to  
11                  the OPP?

12                  **MR. SHAVER:** No, I was not, sir.

13                  **MR. ENGELMANN:** All right. So you gave this  
14                  to your counsel Mr. McKinnon?

15                  **MR. SHAVER:** Yes.

16                  **MR. ENGELMANN:** And how, then, did it get in  
17                  the hands of the OPP?

18                  **MR. SHAVER:** I don't know, sir.

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

20                  **MR. SHAVER:** I may have given it to them; I  
21                  have no idea if they came back and asked me. I know the  
22                  OPP ended up with the statement, obviously, but I don't  
23                  know how they got it.

24                  **MR. ENGELMANN:** All right. Now, in the  
25                  statement, you talked about some of the events from the

1 fall of 1993?

2 MR. SHAVER: Yes.

3 MR. ENGELMANN: All right. You talk about  
4 the Silmsler investigation; you talk about some of the  
5 meetings you have. And sir, when you prepared this, did  
6 you have some notes to prepare this with?

7 MR. SHAVER: Yes, I -- thinking back on how  
8 I would remember dates on it, I would -- obviously must  
9 have had notes at the time. I have searched high and low  
10 for them, sir, and that's -- and I could not find any  
11 notes.

12 MR. ENGELMANN: Yeah. You've told us you no  
13 longer have those notes.

14 MR. SHAVER: Yes, I no longer have those ---

15 MR. ENGELMANN: Fair enough. But at the  
16 time when you prepared this, you would have had some notes  
17 ---

18 MR. SHAVER: Yes.

19 MR. ENGELMANN: --- that would have assisted  
20 you with your dates.

21 MR. SHAVER: Yes, obviously, because I --  
22 coming up with dates, I would have been able to do that.

23 MR. ENGELMANN: All right. Now, in this  
24 particular statement you do talk about your meeting with  
25 the papal nuncio.



1                   **MR. SHAVER:** I do.

2                   **MR. ENGELMANN:** And that's at Bates page 713  
3                   at the bottom. Is that correct?

4                   **MR. SHAVER:** Yes.

5                   **MR. ENGELMANN:** And then, on the following  
6                   page, you talk about your meeting with Bishop Larocque on  
7                   October 7<sup>th</sup>.

8                   **MR. SHAVER:** Yes.

9                   **MR. ENGELMANN:** And in quite a bit of  
10                  detail, is that fair? You've ---

11                  **MR. SHAVER:** Yes.

12                  **MR. ENGELMANN:** --- got a whole page, there,  
13                  about your meeting with him.

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

15                  **MR. ENGELMANN:** And, in fact, if we look at  
16                  the second full paragraph, you say:

17                                 "Bishop's position was as it was only  
18                                 one complaint, which was denied by the  
19                                 priest, that the Church's action was  
20                                 proper. I explained we had two other  
21                                 persons who also had a problem with  
22                                 sexual advances made by the same  
23                                 priest; one who would reluctantly  
24                                 testify and another who was so upset  
25                                 with the Church he was refusing to

1                   testify but gave us a statement  
2                   describing assault. This new  
3                   information visibly shook the  
4                   Bishop..."

5                   **MR. SHAVER:** Yes.

6                   **MR. ENGELMANN:** You've told us that today.

7                   **MR. SHAVER:** Yes, yes.

8                   **MR. ENGELMANN:** "...as he was not aware of  
9                   other victims, and admitted that he'd  
10                  made a large mistake in the payment of  
11                  the money."

12                  Now, did he actually explain to you why he  
13                  thought that was a mistake, at that time?

14                  **MR. SHAVER:** I think he did, sir, because  
15                  the bishops had just had a meeting. I believe it was six  
16                  or five months before and they talked about that that they  
17                  weren't going to pay the monies.

18                  They brought it out in some sort of  
19                  directive to the Bishop. He did mention that. You just  
20                  jogged that memory.

21                  **MR. ENGELMANN:** Well, was it tied to a  
22                  policy, then, of the Church? Or was it because ---

23                  **MR. SHAVER:** Policy of the Church, yes.

24                  **MR. ENGELMANN:** No, just let me finish the  
25                  question.

1                   **MR. SHAVER:** Okay, sorry.

2                   **MR. ENGELMANN:** Or was it because he was  
3 concerned that he had stopped a criminal investigation when  
4 there were two other alleged victims out there? Or was it  
5 both, perhaps?

6                   **MR. SHAVER:** I don't think it was the latter  
7 ---

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

9                   **MR. SHAVER:** --- I think it was the ---

10                  **MR. ENGELMANN:** Church's policy?

11                  **MR. SHAVER:** --- Church's policy, that  
12 they'd had a meeting and they'd decided that.

13                  **MR. ENGELMANN:** All right. And you do say  
14 in this paragraph, about halfway through, after he explains  
15 to you where this money comes from:

16                                "I asked, 'Since when do innocent men  
17 pay, if they are not guilty?'"

18                  **MR. SHAVER:** Yeah -- okay, yes.

19                  **MR. ENGELMANN:** And then you say:

20                                "The Bishop said this had troubled him,  
21 but it had been explained to him that  
22 it was done all the time, as the  
23 person's reputation would be seriously  
24 harmed if the matter became public."

25                                Okay?

1                   **MR. SHAVER:** Yes.

2                   **MR. ENGELMANN:** And that's, I think, what  
3 you recounted to us today.

4                   **MR. SHAVER:** Yes.

5                   **MR. ENGELMANN:** Yeah.

6                   **MR. SHAVER:** Unfortunately, sir, I had not  
7 read this -- I had not read this statement for many months.  
8 I'd never even considered reading it before I came here, so  
9 ---

10                  **MR. ENGELMANN:** This is something that ---

11                  **MR. SHAVER:** Okay.

12                  **MR. ENGELMANN:** --- clearly was in your  
13 document, sir.

14                  **MR. SHAVER:** Yes. Yeah, I know it was in my  
15 documents, I guess I thought -- well, I know what I said in  
16 the statement, but I didn't go back over it.

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

18                  **MR. ENGELMANN:** And you say -- when you  
19 talked about public, you said:

20                                "I advised the Bishop that the CAS now  
21 had the information, and it was my  
22 belief that information of this nature  
23 does not stay private, and as soon as  
24 the agency begins an investigation, the  
25 word would be out if it was not out

1                                   already."

2                   **MR. SHAVER:** Yes.

3                   **MR. ENGELMANN:** So you'd just met with Rick  
4           Abell ---

5                   **MR. SHAVER:** Right.

6                   **MR. ENGELMANN:** --- the Friday before and  
7           you're telling the Bishop, "They're coming."

8                   **MR. SHAVER:** Yes.

9                   **MR. ENGELMANN:** "And when they come, it will  
10           likely be public."

11                   **MR. SHAVER:** Yes. Or, if it wasn't public  
12           already.

13                   **MR. ENGELMANN:** Fair enough.

14                   **MR. SHAVER:** Yeah.

15                   **MR. ENGELMANN:** Fair enough. Now, it says  
16           here:

17                                   "He advised that he and Father  
18                                   McDougald, the priest appointed to  
19                                   conduct inquiries of this nature, would  
20                                   see the priest in question that evening  
21                                   and he would get back to me with the  
22                                   results."

23                   **MR. SHAVER:** Yes.

24                   **MR. ENGELMANN:** That's why I asked you  
25           earlier if remembered; you thought he might have.

1 MR. SHAVER: Yes.

2 MR. ENGELMANN: All right.

3 MR. SHAVER: "I further questioned the  
4 Bishop on what action he was prepared  
5 to take, should he ascertain that the  
6 priest had committed the alleged  
7 assaults. He advised the priest would  
8 be removed from the parish, and sent to  
9 a special treatment program  
10 immediately."

11 Can you have agreed with that?

12 MR. SHAVER: Yes.

13 MR. ENGELMANN: That's your recollection as  
14 well?

15 MR. SHAVER: Yeah, absolutely.

16 MR. ENGELMANN: "I advised that this  
17 action is agreeable as the police are  
18 concerned for future victims,  
19 especially children, although we had  
20 not uncovered any complaints other than  
21 those which date back to the '70s."

22 So you're telling him that it's -- that  
23 these are old, but ---

24 MR. SHAVER: It's historical, yes.

25 MR. ENGELMANN: Sure.

1                   Now, this is the paragraph I wanted to draw  
2           to your attention:

3                   "The Bishop contacted me later..."

4           So that's later that evening.

5           **MR. SHAVER:** Yeah.

6           **MR. ENGELMANN:** "And advised that the  
7           priest had admitted the assault and  
8           that it was an isolated incident and he  
9           was prepared to leave for the  
10          treatment/assessment centre  
11          immediately. I was subsequently  
12          advised the priest left for the  
13          treatment centre on the 9<sup>th</sup> of October  
14          '93 and was replaced in his parish."

15          **MR. SHAVER:** Yes.

16          **MR. ENGELMANN:** Right?

17                   So, in this statement, again -- just  
18          fleshing out the statement before -- you're saying the  
19          priest had admitted the assault, that it was an isolated  
20          incident, and he was prepared to leave for the  
21          treatment/assessment ---

22          **MR. SHAVER:** Right.

23          **MR. ENGELMANN:** --- immediately. All right?

24          **MR. SHAVER:** I should have gone into more  
25          detail.

1                   **MR. ENGELMANN:** Well, what's missing?

2                   **MR. SHAVER:** The fact that the Bishop used  
3 the word -- he used the word "assault" but then immediately  
4 changed that.

5                   You know, he was shaken when he called, me,  
6 so he used the word "assault", he changed it and then told  
7 me that Father Charlie had admitted to a homosexual,  
8 isolated incident, and that was -- and he was prepared to  
9 go away.

10                   I should have -- that's something --  
11 remember, I'm preparing this as just sort of something for  
12 my lawyer to be able to read, to know that, you know, the  
13 chronological -- I wasn't putting all of the information in  
14 there. It wasn't necessary for Colin McKinnon to know all  
15 of the fine details, because there was nothing at that time  
16 that we were looking at from that perspective.

17                   **MR. ENGELMANN:** Sir, your contemporaneous  
18 note says "Charlie admits".

19                   **MR. SHAVER:** It does.

20                   **MR. ENGELMANN:** This -- and remember; the  
21 admission is tied to sending him to a treatment centre, and  
22 you've agreed to that twice now. This note rather  
23 unequivocally says:

24                   "The Bishop contacted me later and  
25 advised that the priest had admitted



1 the assault, that it was an isolated  
2 incident and he was prepared to leave  
3 for the treatment/assessment centre  
4 immediately."

5 MR. SHAVER: Yes.

6 MR. ENGELMANN: Is that what he told you?

7 MR. SHAVER: Is that what he told me?

8 MR. ENGELMANN: Yes.

9 MR. SHAVER: That was part of what he told  
10 me.

11 MR. ENGELMANN: That the priest had admitted  
12 the assault and that it was an isolated incident, and he  
13 was prepared to leave for the treatment/assessment centre  
14 immediately.

15 MR. SHAVER: Sir, the best way of answering  
16 what this was -- what I said there is that I contacted  
17 Staff Sergeant Brunet immediately after this and I gave him  
18 the exact amount of information. So if you look at his  
19 statement, you'll see that it says what I just told you, I  
20 believe.

21 MR. ENGELMANN: In fact, his statement  
22 doesn't say anything about admitting the assault. It says  
23 "admitted homosexuality".

24 MR. SHAVER: Yes, admitted homosexuality.

25 MR. ENGELMANN: But your notes ---

1                   **MR. SHAVER:** Right.

2                   **MR. ENGELMANN:** --- don't say that at all,  
3 don't say anything about sexual orientation. They say  
4 "admitted assault or admitted" -- and they tie it to going  
5 for treatment.

6                   **MR. SHAVER:** Sir, no matter how many  
7 different ways you put the question to me, I'm telling you  
8 this, that the Bishop used the word "assault" and  
9 immediately changed it to a homosexual -- homosexual  
10 incident. That's what the Bishop told me. That's what I'm  
11 saying under oath, sir, and that's what he told me.

12                   Now, that may not be the way it looks like  
13 it's written here, but that's what he told me and that's  
14 what I -- exactly what I passed on to Staff Sergeant Brunet  
15 without using the word "assault", if you say that that that  
16 is in his notes or ---

17                   **MR. ENGELMANN:** Whether it was a homosexual  
18 act or not ---

19                   **MR. SHAVER:** Right.

20                   **MR. ENGELMANN:** --- you were told that he  
21 admitted to the assault?

22                   **MR. SHAVER:** He used the word assault, yes.

23                   **MR. ENGELMANN:** And with respect to whom?

24                   **MR. SHAVER:** Again, sir, he used the word  
25 assault and immediately changed -- he said "assault" and

1           then changed it to "no" -- he went on to tell me about this  
2           homosexual isolated incident. That's what he told me.

3                       **MR. ENGELMANN:** With whom?

4                       **THE COMMISSIONER:** With whom?

5                       **MR. SHAVER:** Oh, he didn't tell me that,  
6           sir.

7                       **MR. ENGELMANN:** Weren't you talking about  
8           David Silmser, sir?

9                       **MR. SHAVER:** No, I was not. No, I was not  
10          talking about David Silmser, not ---

11                      **MR. ENGELMANN:** Well, who else could you  
12          have been talking about?

13                      **MR. SHAVER:** Sir, he -- again, I don't know  
14          how many times I have to answer this question, but ---

15                      **MR. ENGELMANN:** No, no, this is a different  
16          question.

17                      **MR. SHAVER:** Well, then tell me what that  
18          question is.

19                      **MR. ENGELMANN:** Sir, who else could you have  
20          been talking about but David Silmser?

21                      **MR. SHAVER:** I was not talking about David  
22          Silmser, sir, and I don't think the Bishop -- well, I  
23          believe the Bishop was not either.

24                      **MR. ENGELMANN:** But the Bishop and Monsignor  
25          McDougal went to see Father MacDonald ---

1                   **MR. SHAVER:** Right.

2                   **MR. ENGELMANN:** --- after you talked to him?  
3                   And you've only talked to him about one allegation, right?

4                   **MR. SHAVER:** No, I talked about one  
5                   allegation and two other people.

6                   **MR. ENGELMANN:** Fair enough. Whom you  
7                   haven't named?

8                   **MR. SHAVER:** Right.

9                   **MR. ENGELMANN:** And he comes back to you and  
10                  says "He's admitted the assault. It's an isolated  
11                  incident." Now you've added homosexuality.

12                  **MR. SHAVER:** No, he -- again, how many times  
13                  do I have to answer this? He went back; he said assault.  
14                  He changed that word, sir. He changed it.

15                  **MR. ENGELMANN:** Right.

16                  **MR. SHAVER:** I mean, he was flustered when  
17                  he phoned me, sir. He was absolutely flustered, and I  
18                  could hear it in his voice, and he was kind of rambling and  
19                  he said -- he admitted the assault. "No, no, that's not  
20                  it." What he told me was, "He had a homosexual encounter.  
21                  It was an isolated incident. I want to send him to an  
22                  assessment centre." That's how that conversation took  
23                  place.

24                  You know, to suggest that the Bishop had  
25                  said that he admitted it, sir, I would not agree with that

1 and I don't know what the Bishop is going to say when he  
2 testifies, but that -- I'm sure he will recount what I just  
3 said.

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

5 **MR. ENGELMANN:** Sure.

6 **THE COMMISSIONER:** Let's have the morning  
7 break.

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

10 This hearing will resume at 11:25.

11 --- Upon recessing at 11:08 a.m./

12 L'audience est suspendue à 11h08

13 --- Upon resuming at 11:29 a.m./

14 L'audience est reprise à 11h29

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

17 This hearing is now resumed. Please be  
18 seated. Veuillez vous asseoir.

19 **CLAUDE SHAVER, Resumed/Sous le même serment:**

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

21 **ENGELMANN (cont'd/suite):**

22 **MR. ENGELMANN:** Mr. Shaver, just before the  
23 break ---

24 **MR. SHAVER:** Yes.

25 **MR. ENGELMANN:** --- you suggested that we

1 should talk to the Bishop. You were quite confident he  
2 would recount a similar version of events to yourself?

3 **MR. SHAVER:** Yes.

4 **MR. ENGELMANN:** And I just had a look  
5 through the documents. There's a document that I wouldn't  
6 mind referring the witness to. It's in the cross  
7 documents. It's Document Number 703764.

8 **THE COMMISSIONER:** No, that's a new one,  
9 sir.

10 **MR. ENGELMANN:** I'm not sure how this was  
11 copied, but I would hope -- 703764. It's an interview of  
12 Bishop Larocque by the OPP. I'm not sure of the date.  
13 There's only an excerpt identified, but I would hope we'd  
14 have the full document.

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

16 **MR. ENGELMANN:** Madam Clerk, do you actually  
17 have the full document? Okay. So I think we should put in  
18 the full document as an exhibit, not an excerpt.

19 **THE COMMISSIONER:** Thank you. Exhibit  
20 Number 1790 will be the Interview Report of Bishop Eugene  
21 Larocque on September 12<sup>th</sup>, 1994.

22 **--- EXHIBIT NO./PIÈCE NO. P-1790:**

23 (703764) Interview Report of Bishop Eugene  
24 Larocque - September 12, 1994

25 **MR. ENGELMANN:** I only have an excerpt, sir.

1 I'm wondering if -- do you need that copy right now?

2 Sir, the excerpt of this interview would  
3 have been in the documents that you were provided?

4 **MR. SHAVER:** Yes, I ---

5 **MR. ENGELMANN:** You've had an opportunity to  
6 review it?

7 **MR. SHAVER:** I'm not sure I read this  
8 document, but I probably have, sir.

9 **MR. ENGELMANN:** Well, you were fairly  
10 confident the Bishop was going to say what you just said.  
11 So I was thinking ---

12 **MR. SHAVER:** Yeah.

13 **MR. ENGELMANN:** --- perhaps you read this.

14 **MR. SHAVER:** No, I was just -- that's  
15 through my thinking.

16 **MR. ENGELMANN:** All right.

17 **MR. SHAVER:** Just from my thinking of what  
18 the Bishop -- our conversation.

19 **MR. ENGELMANN:** Okay. Well, have you spoken  
20 to him either directly or indirectly since 1993 about this?

21 **MR. SHAVER:** No.

22 **MR. ENGELMANN:** So I just assumed perhaps  
23 you had read this document that was in the materials. This  
24 is an interview report, September 12<sup>th</sup>, 1994 ---

25 **MR. SHAVER:** Right.

1                   **MR. ENGELMANN:** --- of Bishop Eugene  
2                   Larocque. Present are David Scott, counsel; Tim Smith,  
3                   Detective Inspector and Mike Fagan, Detective Constable.

4                   **MR. SHAVER:** Okay.

5                   **MR. ENGELMANN:** And the portion that was in  
6                   the materials, sir, starts at Bates page 427.

7                   **(SHORT PAUSE/COURTE PAUSE)**

8                   **MR. ENGELMANN:** Sir, I'm particularly  
9                   interested in the part on 428. And there's a discussion  
10                  there about Chief Shaver.

11                  **MR. SHAVER:** Yes.

12                  **MR. ENGELMANN:** Do you see that?

13                  **MR. SHAVER:** Yes.

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

15                  So this was in your materials?

16                  **MR. SHAVER:** Yes.

17                  **MR. ENGELMANN:** You're saying, sir, you did  
18                  not read this?

19                  **MR. SHAVER:** Sorry; I can't remember. I  
20                  probably did.

21                  **MR. ENGELMANN:** All right. Okay.

22                  **MR. SHAVER:** I mean, I've got the ---

23                  **MR. ENGELMANN:** I just thought, given your  
24                  comment, that you may have.

25                  So if we can look at that, there's a



1 discussion about your meeting on the 7<sup>th</sup>?

2 **MR. SHAVER:** Yes, I see that.

3 **MR. ENGELMANN:** And on Bates page 430 he  
4 says:

5 "All I had was the one accusation and  
6 then the complete denial on the part of  
7 the priest.

8 SMITH: Yes. Did he indicate to you at  
9 the time there had been an unconfirmed  
10 report of sexual abuse with Father  
11 Charles in '91 other than that report?

12 BISHOP: No. But he did say -- he said  
13 that he had two other people who had  
14 said that they had been abused by  
15 Father Charles but who would not  
16 testify."

17 So it's a little different than what you  
18 told us ---

19 **MR. SHAVER:** Yes, it is.

20 **MR. ENGELMANN:** --- about two people.

21 **MR. SHAVER:** M'hm.

22 **MR. ENGELMANN:** Then it says -- and I'm not  
23 sure what this means:

24 "And that's what motivated me to sing  
25 for..."

1 Maybe that's "sign for" ---

2 **THE COMMISSIONER:** That's "signed" maybe.

3 **MR. ENGELMANN:** "...shortly after his four  
4 days leave."

5 And then Smith:

6 "The Chief made note that later that  
7 evening, around 7:00, he received a  
8 telephone call from you on October the  
9 7<sup>th</sup>. You indicated to him that you'd  
10 been speaking to Father Charles and  
11 what Father Charles admitted to you,  
12 that you were going to send him on the  
13 following day to Southdown."

14 Okay? Southdown is that name ---

15 **MR. SHAVER:** Yes.

16 **MR. ENGELMANN:** --- I gave you earlier.

17 **MR. SHAVER:** Yes.

18 **MR. ENGELMANN:** And Smith, about midway down  
19 that next page, 431:

20 "Did Father Charles admit to you at  
21 that time that there were being ---"

22 "BISHOP: No. Father Charles had never  
23 admitted to me that he had any sexual  
24 contact with young people. "

25 **MR. SHAVER:** Okay.

1                   **MR. ENGELMANN:** Tell us what "young people"  
2                   means?

3                   **MR. SHAVER:** Young? M'hm.

4                   **MR. ENGELMANN:** Then it says:  
5                                    "And the Chief, you're saying, may be  
6                                    incorrect as to what he put here then?  
7                                    It puts me in a dilemma."

8                   And then the lawyer interacts, and says:  
9                                    "What don't you just tell him what  
10                                   you've got there?"

11                   And the he reads, Smith, I don't know what  
12                   page this would be but it says:

13                                    "The Bishop contacted me later and  
14                                    advised that the priest had admitted to  
15                                    assault; that it was an isolated  
16                                    incident; he's prepared to leave for  
17                                    the treatment centre."

18                   Et cetera. This is the paragraph contained  
19                   in your statement, sir ---

20                   **MR. SHAVER:** Right.

21                   **MR. ENGELMANN:** --- that you did for your  
22                   lawyer that was then given to the OPP.

23                   **MR. SHAVER:** Yes.

24                   **MR. ENGELMANN:** And that's Exhibit 1789.

25                   **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** And then the Bishop's  
2                   response was:

3                                   "Well, he couldn't have admitted to the  
4                                   assault because he never has even after  
5                                   his treatment. Southdown same thing,  
6                                   never has admitted to the incident and  
7                                   relations with teenagers.

8                                   SMITH: The Chief also indicated on his  
9                                   meeting with you on the seventh that he  
10                                  ---"

11                   And the Bishop:

12                                  "Well, I think that I told Father  
13                                  Charles is that I now knew from the  
14                                  Chief that there were two other alleged  
15                                  victims and on the strength of this, I  
16                                  had to send the -- something through --  
17                                  that I had to send him away for  
18                                  analysis.

19                                  SMITH: The Chief is pretty explicit.  
20                                  We interviewed him in regard to this  
21                                  and he said he recalls vividly of what  
22                                  you said and made note of it. He  
23                                  stated also that he questioned the  
24                                  Bishop on what action he was prepared  
25                                  to take should he be certain that the

1 priest had committed the alleged  
2 offences, and he advised the priest  
3 would be removed from the parish and  
4 sent to the special treatment program  
5 immediately. And the Chief was  
6 agreeable to that."

7 All right?

8 **MR. SHAVER:** Yes.

9 **MR. ENGELMANN:** So Smith is saying:

10 "The Chief is pretty explicit. We  
11 interviewed him in regard to this and  
12 he said he recalls vividly what you  
13 said."

14 **MR. SHAVER:** All right.

15 **MR. ENGELMANN:** Okay. But you don't recall  
16 whether or not you spoke with Tim Smith? That was your  
17 evidence earlier today.

18 **MR. SHAVER:** I couldn't remember it, sir.  
19 Obviously, I did if he is saying that.

20 **MR. ENGELMANN:** We haven't called him yet as  
21 a witness.

22 **MR. SHAVER:** Okay.

23 **MR. ENGELMANN:** But I'm just reading from a  
24 statement ---

25 **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** --- that's been identified  
2 here. So he's read your statement. He's challenging the  
3 Bishop. You've had a look at this I'm sure, sir, with  
4 respect to the Bishop's position. What about that?

5                   "The Chief is pretty explicit. We  
6 interviewed him in regard to this. He  
7 says he recalls vividly of what you  
8 said."

9                   **MR. SHAVER:** Right.

10                  **MR. ENGELMANN:** And your statement is pretty  
11 clear.

12                  **MR. SHAVER:** The one that I gave to my  
13 lawyer, yes.

14                  **MR. ENGELMANN:** Yeah.

15                  **MR. SHAVER:** Yes. Okay.

16                  **MR. ENGELMANN:** Do you recall what you said  
17 to Tim Smith? What you may have said to him?

18                  **MR. SHAVER:** I don't, sir. I don't recall.

19                  **MR. ENGELMANN:** Did you at any time tell the  
20 OPP that there was any problem with the statement that they  
21 had received from you or from your counsel back in 1994?

22                  **MR. SHAVER:** I don't remember if I did or  
23 not, sir.

24                  **MR. ENGELMANN:** I'm going to suggest to you,  
25 sir, that you probably didn't if that's what we're looking

1 at. You just -- you don't remember?

2 **MR. SHAVER:** I don't remember, no.

3 **MR. ENGELMANN:** All right. Do you think it  
4 would have been important to correct that if it was  
5 incorrect?

6 **MR. SHAVER:** Well, sir, I would have  
7 corrected if -- again, sir, I don't know. Tim Smith -- I'd  
8 have to see what -- where -- what the basis of this is. If  
9 he's just using this -- the statement that I gave to my  
10 lawyer for the civil case, I don't know.

11 But, sir, one very important fact here. I'm  
12 a police officer. If the Bishop would have admitted Father  
13 Charlie had committed an assault, I would have reopened  
14 that case immediately. There would have been no further  
15 discussion.

16 I would have gone right back to my  
17 department and we would have taken over to do this and keep  
18 going. But, sir, that ---

19 **MR. ENGELMANN:** Well that's what I wanted to  
20 ask you, sir. Because hadn't you already agreed that if he  
21 admitted the assault, you were going to let the Bishop send  
22 him to Southdown, remove him from the parish and that was  
23 it? You never talked about reopening your investigation.

24 **MR. SHAVER:** Not to the Bishop but I'd  
25 already -- no, that was always in the back of my mind. If

1 we could find any information to open the case -- to reopen  
2 the case.

3 And if the Bishop and -- and this is what --  
4 I'm thinking about this -- if the Bishop would have said to  
5 me just the assault part. That was it. I would have been  
6 back -- we'd have been right back investigating this case.

7 **MR. ENGELMANN:** Well, you should have been.

8 **MR. SHAVER:** Well, sir, if he didn't --  
9 that's not what he said though.

10 **MR. ENGELMANN:** But, sir, you had already  
11 agreed with the Bishop that if the priest admitted the  
12 assault, removing him from the parish and sending him to  
13 the treatment centre was an agreed upon force of action.

14 **MR. SHAVER:** Yes. Immediate course of  
15 action.

16 **MR. ENGELMANN:** And I'm going to suggest to  
17 you that the immediate course of action on your part should  
18 have been to reopen your investigation.

19 **MR. SHAVER:** Sir, no, no, because there was  
20 no admission of the assault. There was no admission.

21 **MR. ENGELMANN:** Well, if there had been an  
22 admission, certainly your force should have acted  
23 immediately to reopen its investigation.

24 **MR. SHAVER:** If there had been an admission;  
25 if the Bishop would have told me that that evening, sir, we



1 would have opened it -- we would have opened the file that  
2 night, not continue the way I was going.

3 **MR. ENGELMANN:** And that notwithstanding any  
4 agreement you might have made with the Bishop with respect  
5 to the priest.

6 **MR. SHAVER:** The agreement that I made with  
7 the Bishop, sir, was just on what he was going to do about  
8 Father Charlie now. We had no -- at that stage of the  
9 game, I had no -- there was no -- there was nothing.  
10 Father Charlie had told him that nothing had happened.  
11 That was the bottom line there. Nothing had happened.

12 **MR. ENGELMANN:** Sir, that's not what your  
13 notes say. And ---

14 **MR. SHAVER:** No, it is ---

15 **MR. ENGELMANN:** --- what I'm suggesting to  
16 you is ---

17 **MR. SHAVER:** --- no, no Mr. Engelmann, now  
18 hold on. It's not -- it is what my notes say. I had the  
19 meeting with the Bishop and that's when that agreement --  
20 when he said, "Is that good enough for you, Chief, if he  
21 goes off? Yes, that's good enough right now. That's  
22 fine." All right?

23 Then he calls me back later on that evening  
24 and he explains what happened, all right. He decides he's  
25 going to remove him. The Bishop never mentioned anything

1 about Father Charlie admitting the assault on David  
2 Silmsers. If he would have done that, I would have reopened  
3 that case immediately.

4 I wasn't going through all of these other  
5 things with going to the Crown, going to CAS to let this  
6 thing die.

7 **MR. ENGELMANN:** On the basis of what you  
8 were told by the Bishop on the evening of October 7<sup>th</sup>, would  
9 you agree with me that you should have reopened your  
10 investigation?

11 **MR. SHAVER:** On what he's told on October  
12 7<sup>th</sup>? Absolutely not. There was no admission of an assault  
13 on David Silmsers. There was a recognition that Father  
14 Charles had had an isolated incident, homosexual incident,  
15 and it was not related to this case.

16 **MR. ENGELMANN:** And there is no doubt, if  
17 that had happened, if there had been an admission of an  
18 assault that evening, you should have reopened that case  
19 immediately.

20 **MR. SHAVER:** If there had been an admission  
21 that evening, sir, I would have reopened the case  
22 immediately.

23 **MR. ENGELMANN:** Sir, on October 8<sup>th</sup>, you met  
24 with Rick Abell again?

25 **MR. SHAVER:** On October 8<sup>th</sup>, yes, 2:05.

1                   **MR. ENGELMANN:** Sorry?

2                   **MR. SHAVER:** At 2:05.

3                   **MR. ENGELMANN:** Right. And that -- there is  
4 a reference in your Day Timer to that?

5                   **MR. SHAVER:** Yes, there is. That's what I  
6 just looked at, sir.

7                   **MR. ENGELMANN:** And that's the meeting that  
8 had been agreed to a week earlier?

9                   **MR. SHAVER:** Yes.

10                  **MR. ENGELMANN:** And that was a meeting -- an  
11 update meeting so you could exchange information?

12                  **THE COMMISSIONER:** Mr. Engelmann, Mr.  
13 Sherriff-Scott has -- is approaching.

14                  **MR. SHERRIFF-SCOTT:** Sir, I wish to register  
15 my objection to how this examination is proceeding. I  
16 don't consider it's appropriate. I don't suggest my friend  
17 can't cross-examine the witness, that's his right as  
18 Commission counsel, but I suggest the process has to be --  
19 and in particular with respect to the last points on this  
20 discussion with the Bishop, it has to be neutral, it has to  
21 be balanced, and it has to be consistent with the  
22 presentation of all of the facts.

23                               I suggest it is not consistent with that  
24 approach and that my friend has driven for a point of view  
25 or a position on the evidence when there is evidence

1 inconsistent with it out of the mouth of this witness which  
2 has not been put to him. And I wish to demonstrate that.

3 I appreciate I have a right to cross-examine  
4 but my concern here is with what I suggest is not as much  
5 neutrality as should be shown by Commission counsel in the  
6 manner in which this evidence is being tendered, and I'd  
7 like to demonstrate that with a brief submission.

8 First, Exhibit 1436 ---

9 **THE COMMISSIONER:** Okay, hang on a second  
10 now -- 1486. Yeah.

11 **MR. SHERRIFF-SCOTT:** These are -- I've given  
12 notice should these documents ---

13 **THE COMMISSIONER:** Should we be doing this  
14 in the absence of the witness or does it matter?

15 **MR. SHERRIFF-SCOTT:** It's immaterial to me.  
16 If you wish he can leave the room.

17 **THE COMMISSIONER:** I don't know. I'm just -  
18 --

19 **MR. SHERRIFF-SCOTT:** In fairness, let's have  
20 him leave because I don't want ---

21 **THE COMMISSIONER:** Okay.

22 **MR. SHERRIFF-SCOTT:** --- to taint cross-  
23 examination of later.

24 **THE COMMISSIONER:** Out you go.

25 (WITNESS WITHDRAWS/TÉMOIN SE RETIRE)

1 (SHORT PAUSE/COURTE PAUSE)

2 THE COMMISSIONER: Okay, 1486?

3 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. SHERRIFF-SCOTT:

4 MR. SHERRIFF-SCOTT: Yes, sir. These are  
5 Officer Brunet's notes.

6 THE COMMISSIONER: Oh, 1486. Are you sure?

7 MR. SHERRIFF-SCOTT: Fourteen-thirty-six  
8 (1436). I'm sorry.

9 THE COMMISSIONER: Thirty-six (36), oh,  
10 yeah, that's my fault.

11 MR. SHERRIFF-SCOTT: And they do commence  
12 with September 29<sup>th</sup>.

13 These are Officer Brunet's notes.

14 THE COMMISSIONER: Yes.

15 MR. SHERRIFF-SCOTT: And they were the  
16 subject of examination of him when he appeared here.

17 THE COMMISSIONER: M'hm.

18 MR. SHERRIFF-SCOTT: On the Bates page 036,  
19 which is the second-last page of that batch of notes ---

20 THE COMMISSIONER: M'hm.

21 MR. SHERRIFF-SCOTT: --- there is an entry  
22 at the bottom of the page, Madam Clerk, on Friday 8 '93.

23 Now, this entry appears to have been made  
24 within less than 24 hours of the discussion between Mr.  
25 Shaver and the bishop.

1 THE COMMISSIONER: Right.

2 MR. SHERRIFF-SCOTT: And it reads:

3 "Called in to see Chief Shaver."

4 This is the very next morning.

5 "He advised the bishop called him and  
6 advised that Father Charles admitted he  
7 had a homosexual problem but only with  
8 consenting adults. He agreed to go for  
9 treatment and..."

10 Over to the top of the next page, Madam

11 Clerk:

12 "...will be leaving immediately."

13 That is the point number one, sir.

14 Point number two is -- and I'll now move to  
15 another document which is Exhibit 1208. Now, there is a  
16 publication ban on this document and these are Officer  
17 Blake's notes.

18 THE COMMISSIONER: Twelve-oh-eight (1208),  
19 okay, yes.

20 MR. SHERRIFF-SCOTT: And this is the last  
21 page of that exhibit, sir.

22 THE COMMISSIONER: Yes.

23 MR. SHERRIFF-SCOTT: Which I believe is  
24 Bates page 784 of that exhibit. And I don't think there is  
25 anything on there that's subject to a ban if we only look

1 at that one last page.

2 And that is an entry which -- you need the  
3 previous page, Commissioner. You can look at it if you  
4 wish. It starts on November or January 19<sup>th</sup>.

5 **THE COMMISSIONER:** Sorry, whose notes are  
6 these?

7 **MR. SHERRIFF-SCOTT:** These are Officer  
8 Blake's notes when the Ottawa Police Service was doing  
9 their investigation.

10 **THE COMMISSIONER:** Right, right, right, yes.

11 **MR. SHERRIFF-SCOTT:** And Mr. Blake  
12 interviewed Claude Shaver.

13 **THE COMMISSIONER:** Right.

14 **MR. SHERRIFF-SCOTT:** And on January 19<sup>th</sup>, six  
15 months before the statement given to counsel, Colin  
16 McKinnon, apparently around 11:20 in the morning.

17 And over on the last page of that interview,  
18 Shaver tells him in about the fourth or fifth line from the  
19 bottom:

20 "Admitted to bishop his homosexuality."

21 There is no mention of an admission, but I  
22 suggest his position here is consistent with the evidence  
23 he gave *viva voce* this morning or this afternoon.

24 **THE COMMISSIONER:** Okay.

25 **MR. SHERRIFF-SCOTT:** There is then the

1 statement of the bishop, which has been referred to, but  
2 there is also the interview notes of Richard Abell of  
3 October 12<sup>th</sup>, now just several days later, which is already  
4 Exhibit 1441. It's a lengthy exhibit but I am only  
5 interested in two pages, Bates pages 654 and 655.

6 And that is on the bottom of the page, Mr.  
7 Abell is meeting with the bishop and contends -- the  
8 bishop's saying Charlie is strongly denying Silmsner  
9 allegation. This is now four days later, sir:

10 "Strongly denying allegation; admitting  
11 to being a homosexual not while he was  
12 teaching and not for the last four  
13 years, only with..."

14 And then it says:

15 "...teen/adults. Comments to bishop  
16 Charlie that the partners sometimes..."

17 I can't read that.

18 **THE COMMISSIONER:** Initiate.

19 **MR. SHERRIFF-SCOTT:** Yeah:

20 "...initiate. We jump on that and deal  
21 with it."

22 -- et cetera.

23 So Richard Abell is speaking to the bishop  
24 and I suggest that that evidence is consistent with the  
25 bishop's statement with the evidence *viva voce*.



1                   Now, I don't wish to lecture anybody or  
2                   suggest that I should be saying how Mr. Engelmann should  
3                   run his cross-examination, but I do wish to point out --  
4                   and I submit the authorities establish that the obligation  
5                   here for Commission counsel is to thoroughly canvass the  
6                   evidence with the witness, as opposed to driving for a  
7                   position on the evidence which I suggest he just did.

8                   The witness should have an opportunity to  
9                   explain these inconsistencies at best when I suggest or it  
10                  could be argued that some of these statements are  
11                  contemporaneous and one within 15 hours of the very meeting  
12                  support his *viva voce* contentions.

13                  That's my objection, sir. Thank you.

14                  **THE COMMISSIONER:** Thank you.

15                  Mr. Engelmann.

16                  ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PETER ENGELMANN:**

17                  **MR. ENGELMANN:** I don't know if anyone else  
18                  has anything to say.

19                  **THE COMMISSIONER:** Okay. Does anybody else  
20                  wish to say anything at this point?

21                  **MR. ENGELMANN:** Sir, Commission counsel has  
22                  to both ask questions that would normally be evidence in-  
23                  chief and some that would normally be evidence in cross.  
24                  That is the role of Commission counsel. Commission counsel  
25                  can ask leading questions.

1 I don't personally think I'm doing anything  
2 but trying to represent the public interest. Mr. Sherriff-  
3 Scott is a capable counsel and there are many capable  
4 counsel here. The witness will be cross-examined by  
5 several people.

6 The witness brought up the Brunet statement,  
7 we acknowledged it, we talked about it although very  
8 briefly, and those are comments he made to a third party.  
9 I was challenging the witness on the words he himself used  
10 which are inconsistent on their face with what he is saying  
11 here.

12 And with respect to the McKinnon matter, you  
13 know, we're not sure when that statement was written. We  
14 know that statement was written sometime between the end of  
15 February and June 14<sup>th</sup>.

16 We're not sure when, but it was a very  
17 thorough canvassing where Chief Shaver elaborated in great  
18 detail -- not just a one-off note as Mr. Sherriff-Scott  
19 referred to in the Officer Blake note -- very great detail  
20 on what occurred when he met with the bishop.

21 This is a very important fact because if in  
22 fact what happened was what his notes suggest happened,  
23 there clearly was an obligation on the Cornwall Police to  
24 reinvestigate this matter, and that's what I'm trying to  
25 establish.

1 I'm trying to test the credibility of the  
2 witness, which I think is my role in these circumstances.  
3 And with the greatest of respect, I don't think there is  
4 anything improper about it.

5 With respect to the Abell comments that my  
6 friend brings up, I didn't want to go there. We will go  
7 there with Richard Abell. Richard Abell talks about -- and  
8 read it in a rather soft voice -- but Father MacDonald  
9 acknowledging consensual sex with teens and adults. I  
10 mean, we'll go there with Richard Abell, but I don't think  
11 that deals with the issue at hand.

12 I've tried to be fair about it. Over the  
13 break I looked at the document and I think it was Mr.  
14 Sherriff-Scott that included it. It was the bishop's  
15 statement. I thought I should go there. I don't have a  
16 note from Tim Smith to know whether in fact he spoke to him  
17 or not.

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

19 **MR. ENGELMANN:** Hopefully, we will find that  
20 out when we meet with him. We're trying to get to the  
21 bottom of this. I think the best way to do that is when a  
22 witness's words here are, on their face, inconsistent with  
23 the words he gives at the time, it's important to  
24 challenge. And I think if I do anything less I'm not doing  
25 my job.

1                   And as I said, Mr. Sherriff-Scott and others  
2                   not only will have an opportunity to cross-examine, they  
3                   will have an opportunity at the end of this Inquiry to make  
4                   all sorts of submissions about this issue and others.

5                   **THE COMMISSIONER:** I think, if I understand  
6                   Mr. Sherriff-Scott, is that others will be able to do that  
7                   as well and not necessarily -- he's saying you should be a  
8                   little more neutral and let people, the Victims Group, the  
9                   Coalition, cross-examine on those issues and that you stay  
10                  away from those impugning his credibility to the extent  
11                  that you are -- or trying to.

12                  **MR. ENGELMANN:** Mr. Commissioner, for many  
13                  months in this Inquiry, many months ago, you admonished  
14                  counsel with respect to examination and cross-examination,  
15                  all of us, including Commission counsel, and you challenged  
16                  us at that time in directions on process to deal with some  
17                  of those issues that should perhaps normally be dealt with  
18                  in cross-examination and make sure we pull them out.  
19                  That's exactly what I was doing, sir.

20                  **THE COMMISSIONER:** All right. But you  
21                  haven't mentioned some of the documents that Mr. Sherriff-  
22                  Scott has mentioned.

23                  **MR. ENGELMANN:** That's true. And that's  
24                  true with each and every witness. Again, if they are one-  
25                  off comments often we don't go to them.

1                   The Brunet matter was spoken to by the  
2                   Chief. It was acknowledged. It was in the binder. I  
3                   didn't have a reference to the comment to Blake. I just  
4                   didn't know about it. But I don't think it's that  
5                   significant and when he talked about the bishop at the  
6                   break, I reviewed those notes and I put it to him right  
7                   afterwards, didn't shy away from it.

8                   **THE COMMISSIONER:** Okay. So where are you  
9                   going now? Have you finished with this point?

10                  **MR. ENGELMANN:** Yes. I see -- and that's  
11                  the other thing. I am already on to something completely  
12                  different.

13                  **THE COMMISSIONER:** Right.

14                  **MR. ENGELMANN:** And I'd like to move this  
15                  forward. I'm trying to deal with Richard Abell.

16                  **THE COMMISSIONER:** Okay. I guess what I'm  
17                  going to say falls somewhere in the middle on this issue in  
18                  the sense that now that we've finished it, it may be a shot  
19                  across the bough for future; where you're going with this  
20                  witness in the future as it affects the bishop.

21                  Well, let's carry on. I think there is some  
22                  merit to what Mr. Sherriff-Scott says.

23                  Oh, now you're going to weigh-in?

24                  **MR. MANDERVILLE:** Yes, I am.

25                  **THE COMMISSIONER:** Okay.

1 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PETER

2 MANDERVILLE:

3 MR. MANDERVILLE: I would, to a degree, echo  
4 Mr. Sheriff-Scott's objection, and I didn't weigh-in at the  
5 time because I wasn't sure what my friend was going to say.

6 THE COMMISSIONER: M'hm.

7 MR. MANDERVILLE: I don't think anyone in  
8 the room would dispute the Commission counsel have a duty  
9 to thoroughly and fairly canvass all the evidence and  
10 exhibit or have a role both in Chief and in Cross. It's a  
11 hybrid role the Commission counsel play.

12 I do say that if he's going to challenge a  
13 witness's credibility, that he do so in a thorough and fair  
14 fashion and not omit portions that may bolster the  
15 witness's credibility or give credence to the position the  
16 witness has taken.

17 I don't think -- if it's left to me or to  
18 Mr. Sherriff-Scott or to my friends who are cross-  
19 examining, the public realises we get up with a point-of-  
20 view and a bit of an agenda to advance. Commission counsel  
21 doesn't have that or certainly there is not a public  
22 perception that they have that.

23 THE COMMISSIONER: M'hm.

24 MR. MANDERVILLE: And so I submit that it is  
25 my friend's role to fully canvass all aspects of a

1 particular issue, particularly as it goes to credibility,  
2 to get a full picture of whether or not the witness -- let  
3 the public judge whether or not the witness is credible on  
4 a particular point. And if there is an issue that would  
5 bolster the credibility or detract from it, those should  
6 both be looked at.

7 **THE COMMISSIONER:** M'hm. Thank you.

8 Well, Mr. Manderville has to some degree  
9 doused Mr. Sherriff-Scott's objection, in my view, and I  
10 think that we'll do it this way.

11 I see both views and I understand that  
12 Commission counsel is in a difficult position vis-à-vis  
13 witnesses and we're now in that grey area as to where he  
14 should go. I certainly do not discourage frank questions  
15 being put to the witness and difficult questions put to the  
16 witness.

17 So, Mr. Engelmann, I think we are in a grey  
18 area. Let's be careful from here on in and how we do it.

19 **MR. ENGELMANN:** Certainly, sir.

20 I'd just point out, I think as a result of  
21 meetings or discussions beforehand, Mr. Shaver was aware  
22 that Commission counsel was going to be directing some hard  
23 questions about those "sticky notes" and that discussion,  
24 so the concern about fairness here ---

25 **THE COMMISSIONER:** No, no, it's not a

1 question about fairness, it's just a question of getting it  
2 right. And as I've indicated, we're in that grey area and  
3 so we'll be mindful of Mr. Sherriff-Scott's objection.

4 (SHORT PAUSE/COURTE PAUSE)

5 THE COMMISSIONER: Just as a reminder to you  
6 and to the public, I'd asked you to leave so that we can  
7 discuss matters that -- with respect to procedural matters.  
8 It has no way a reflection on the evidence that you've  
9 given so far and no way an indication or a slight against  
10 you in any way.

11 Do you understand that?

12 MR. SHAVER: Yes, sir.

13 THE COMMISSIONER: And I'm sure the public  
14 will understand that.

15 Mr. Engelmann?

16 CLAUDE SHAVER, Resumed/Sous le même serment:

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

19 MR. ENGELMANN: Thank you.

20 Mr. Shaver, we were talking a meeting you  
21 had on October 8<sup>th</sup>, 1993, with Richard Abell?

22 MR. SHAVER: Yes.

23 MR. ENGELMANN: And at this meeting there  
24 were other people present as well; right?

25 MR. SHAVER: Yes. Staff Sergeant Brunet was



1           there.

2                       **MR. ENGELMANN:** And was Angelo Towndale  
3           there again?

4                       **MR. SHAVER:** I can't remember, sir, if he  
5           was at that second meeting.

6                       **MR. ENGELMANN:** If you could look again at  
7           Exhibit 1441. Counsel, it's Document Number 721621.

8                       **THE COMMISSIONER:** Yeah.

9                       **MR. ENGELMANN:** Sorry, Bates page 656.

10                      **THE COMMISSIONER:** Six-five-six (656).

11                      **MR. ENGELMANN:** It's hard to read, sir. It  
12           may be better on the screen if it's blown up for you.

13                      It appears from the notation at the top right that  
14           Angelo joined the meeting?

15                      **MR. SHAVER:** Yes.

16                      **MR. ENGELMANN:** If I can reason that?

17                      **MR. SHAVER:** Yes, yes.

18                      **MR. ENGELMANN:** You don't have any  
19           independent recollection whether he was there or not?

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

21                      **MR. ENGELMANN:** But you do know that Brunet  
22           was with you?

23                      **MR. SHAVER:** Oh, absolutely. Yes.

24                      **MR. ENGELMANN:** And Luc Brunet was on the  
25           board of the Children's Aid at the time?

1                   **MR. SHAVER:** I don't know, sir.

2                   **MR. ENGELMANN:** Okay.

3                   And Angelo Towndale was on the Police  
4                   Services Board?

5                   **MR. SHAVER:** Angelo was definitely on the  
6                   Police Services Board, yes.

7                   **MR. ENGELMANN:** All right. So they both had  
8                   dual roles, if I can call them that?

9                   **MR. SHAVER:** If Luc was on the board at the  
10                  time, yes. I know he's -- I know he was on the board at  
11                  some point, but ---

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

13                  And do you describe to him, sir -- it  
14                  appears, if we're reading this -- if I'm reading this  
15                  correctly, that you're describing to him the meeting you  
16                  had the day before, in the first full paragraph, with the  
17                  Papal Nuncio?

18                  **MR. SHAVER:** I think so, yes.

19                  **MR. ENGELMANN:** That's after it says,  
20                  "Yesterday a.m."?

21                  So you describe to him what happened with  
22                  the Papal Nuncio; correct?

23                  **MR. SHAVER:** Yes, I see that, yes.

24                  **MR. ENGELMANN:** Anything incorrect about  
25                  that?

1                   **MR. SHAVER:** "He was aware of the payment"?  
2           I'm not sure about that. It was -- that was the sense that  
3           I had. Yes, yes ---

4                   **MR. ENGELMANN:** This information must have  
5           been coming from you, sir. Is that fair?

6                   **MR. SHAVER:** Yes, yes. And it's obviously  
7           something that I'd forgotten that the archbishop had told  
8           us, because he did tell us that the bishop had just come  
9           back from a conference. That's how I knew then.

10                   **MR. ENGELMANN:** About this policy of the  
11           church?

12                   **MR. SHAVER:** About this policy, yes, sir.

13                   **MR. ENGELMANN:** All right. And -- all  
14           right.

15                   And then at the bottom of the page, where  
16           you say, "Yesterday, p.m.", you're describing to Mr. Abell  
17           what happens at the afternoon meeting with the bishop?

18                   And there's a reference to the fact that the  
19           bishop is going to see Charlie MacDonald. See  
20           that?

21                   **MR. SHAVER:** Yes. Yes.

22                   **MR. ENGELMANN:** Then on the next page, Bates  
23           page 657, you continue to describe what took place at the  
24           afternoon meeting with the bishop?

25                   **MR. SHAVER:** Not sure what it says in the

1 middle here, sir, it's very, very faint to me.

2 MR. ENGELMANN: "Bishop says he was  
3 against the payoff..."

4 MR. SHAVER: "Against the payoff." Okay.

5 MR. ENGELMANN: "...but took the advice of  
6 his lawyers, Leduc and Malcolm  
7 MacDonald."

8 So does that -- so at this point -- and I'd  
9 asked you about that earlier, whether he'd mentioned the  
10 names of the lawyers to you?

11 MR. SHAVER: Right.

12 MR. ENGELMANN: And you had thought that  
13 they were both acting for the diocese? He's mentioning  
14 them there ---

15 MR. SHAVER: Yes.

16 MR. ENGELMANN: --- or you're mentioning  
17 them.

18 "I acknowledged he had a mess on his  
19 hands. The decision to pay off to  
20 haunt him. Chief/Luc tell him we are  
21 informed, to expect to hear from us."

22 "We" being CAS?

23 MR. SHAVER: Yes.

24 MR. ENGELMANN: All right.

25 "Some discussion on need for protocol

1 to handle these matters."

2 MR. SHAVER: Yeah, that's something I ---

3 MR. ENGELMANN: That's you with the bishop?

4 MR. SHAVER: Yes. Because I -- the bishop  
5 did say -- at the end of my first meeting with the bishop,  
6 he did say that. He said that -- I asked him about that  
7 and he said, yes, and we were going to -- we were going to  
8 have a protocol started.

9 MR. ENGELMANN: The bottom paragraph, Abell  
10 describes what he's going to do? He's telling you that  
11 he's off to see the bishop?

12 MR. SHAVER: Yes. Yes.

13 MR. ENGELMANN: And there's a bit of a  
14 discussion about Seguin, following page, second paragraph?

15 MR. SHAVER: I'm having trouble reading  
16 that, sir.

17 MR. ENGELMANN: All right.

18 "I ask about what they are doing re:  
19 Ken Seguin. Tell them I am about to  
20 inform MCSS of the matter. They are  
21 waiting to hear from the Crown and  
22 where to go with that. Luc agreed to  
23 keep me informed"?

24 MR. SHAVER: That's about right.

25 MR. ENGELMANN: All right. So ---

1                   **MR. SHAVER:** Kind of disjointed. They ask  
2                   what "they" are doing and he's telling us what he's going  
3                   to do. Yes.

4                   **MR. ENGELMANN:** All right. Yes.  
5                   Well, it's a meeting to exchange  
6                   information.

7                   **MR. SHAVER:** Yeah, yeah, that's what we're  
8                   doing.

9                   **MR. ENGELMANN:** And that's what you  
10                  expected?

11                  **MR. SHAVER:** Yes.

12                  **MR. ENGELMANN:** And you were asking him  
13                  what they were going to be doing?

14                  **MR. SHAVER:** Oh, yes. Absolutely.

15                  **MR. ENGELMANN:** And -- because you were keen  
16                  to know?

17                  **MR. SHAVER:** Yeah.

18                  **MR. ENGELMANN:** And they talk a bit later on  
19                  that page -- well, I think this is -- or his own notes,  
20                  perhaps after you've left:

21                                    "Meeting lasted..."

22                                    I can't really see what that says, an hour,  
23                                    perhaps?

24                                    What strikes me as somewhat unusual about  
25                                    what is not in these notes and that is, there is no

1 reference to you or Mr. Brunet, but it was really you,  
2 because no reference to the call you had with the Bishop  
3 the night before.

4 MR. SHAVER: Yes.

5 MR. ENGELMANN: It's not referenced here,  
6 okay.

6 MR. SHAVER: No.

7 MR. ENGELMANN: Now, that was a significant  
8 call, was it not?

9 MR. SHAVER: Yes.

10 MR. ENGELMANN: Now, what -- no matter what  
11 the Bishop told you about the admission from Father  
12 Charlie, you knew he was being removed from the parish  
13 ---

14 MR. SHAVER: Right.

15 MR. ENGELMANN: You knew he was going off to  
16 Southdown for treatment. Why didn't you tell that to Rick  
17 Abell and Angela Towndale at the Children's Aid Society?

18 MR. SHAVER: I don't know, sir; I'm not sure  
19 I didn't tell them. I had to see Sergeant -- Staff  
20 Sergeant Brunet's notes, because he's the one who took  
21 notes.

22 MR. ENGELMANN: If you didn't tell them at  
23 that meeting, you would agree that it is something you  
24 should have talked to them about?

25 MR. SHAVER: I'd have to see, sir, whether I

1 told them or not. It's ---

2 **THE COMMISSIONER:** But regardless;  
3 regardless of it -- I think what he's ---

4 **MR. SHAVER:** It would be -- I would think  
5 that that would be important, yes, to let them know what  
6 the Bishop said the night before.

7 **MR. ENGELMANN:** It'd be a serious omission  
8 if you did, in fact, omit to tell them that.

9 **MR. SHAVER:** A serious omission?

10 **MR. ENGELMANN:** Mr. Sherriff-Scott.

11 **MR. SHERRIFF-SCOTT:** Perhaps we should  
12 excuse the witness?

13 **MR. ENGELMANN:** I don't know what he said,  
14 so if -- I mean, if -- I can put it to him -- yeah.

15 **MR. SHERRIFF-SCOTT:** On the first page of --  
16 which is Bates page 656, there is a discussion under this  
17 date, with the meeting with Chief Shaver, Angela Townend  
18 and Rick Abell about what the Bishop said and him being  
19 sent off for treatment.

20 **THE COMMISSIONER:** Well, there you go.

21 **MR. SHERRIFF-SCOTT:** So it's on the first  
22 page at the bottom.

23 **MR. ENGELMANN:** Do you have the Bates page  
24 number?

25 **MR. SHERRIFF-SCOTT:** Yes, it's 656.



1                   **THE COMMISSIONER:** Thank you.

2                   **MR. ENGELMANN:** I'll just be a moment, sir.

3                   **THE COMMISSIONER:** Yeah. Okay.

4                   **MR. ENGELMANN:** Yeah, the excerpt I have  
5 from -- is from 1436 and it ends the morning of October 8<sup>th</sup>.  
6 I'm sorry, I don't have the note for Mr. Brunet. Perhaps  
7 Mr. Sherriff-Scott could give me the Exhibit -- the Tab  
8 number or the Exhibit number?

9                   **MR. SHERRIFF-SCOTT:** I know that it's a part  
10 of Exhibit 1441, Bates page -- I can't read the first  
11 number of the Bates page. It's 708056.

12                   **THE COMMISSIONER:** Zero-five (05)

13                   **MR. SHERRIFF-SCOTT:** Seven-zero-eight-zero-  
14 six-five-six (7080656). It's document 721621 and it is  
15 part of that Exhibit and it's at the bottom of the October  
16 8<sup>th</sup> meeting entry.

17                   **MR. ENGELMANN:** Okay, sorry, I just want to  
18 make sure I've got the Bates page.

19                   **MR. SHERRIFF-SCOTT:** Yes.

20                   **MR. ENGELMANN:** Well, I -- they're here.

21                   **THE COMMISSIONER:** So what's the Bates page,  
22 again?

23                   **MR. SHERRIFF-SCOTT:** The last three digits  
24 are six-five-six.

25                   **THE COMMISSIONER:** Okay, it's on the screen

1 now.

2 MR. SHERRIFF-SCOTT: That's it; yes, sir

3 ---

4 MR. ENGELMANN: Thank you.

5 MR. SHERRIFF-SCOTT: --- Commissioner, at  
6 the bottom of the page.

7 MR. ENGELMANN: Thank you.

8 THE COMMISSIONER: Okay, so -- okay.

9 MR. ENGELMANN: We just looked at this, sir.  
10 This is ---

11 THE COMMISSIONER: M'hm.

12 MR. ENGELMANN: --- this is the reference --  
13 I though I'd put that correctly. So let's just go through  
14 that again.

15 On Bates page 656, you're describing --  
16 these are Rick Abell's notes. So let's just make sure  
17 we're right on the same page here,

18 MR. SHAVER: Okay.

19 MR. ENGELMANN: The first two paragraphs,  
20 you're talking about the meeting in the morning with the  
21 papal nuncio. Correct?

22 MR. SHAVER: Yes.

23 MR. ENGELMANN: And at the bottom of the  
24 page you're talking about what happened at the meeting with  
25 the Bishop in the afternoon. Correct?

1                   **MR. SHAVER:** Yes.

2                   **MR. ENGELMANN:** It says, "Yesterday p.m."

3                   Let's just read it together, because I'm a little confused  
4                   by the interjection, so:

5                                 "Chief, Luc go to see bishop. Describe  
6                                 him as very open."

7                   This is Abell's accounting of what you're  
8                   telling him.

9                   **MR. SHAVER:** Yes, yes.

10                   **MR. ENGELMANN:** "Told him there are now  
11                                 two other individuals named as victims.  
12                                 Question: one was over 18 at time,  
13                                 consenting adult. Question: the other  
14                                 wants nothing to do with any action,  
15                                 but is saying that what the police have  
16                                 from Silmsler is 'on the right track.'"

17                   All right? This is, apparently, what you're  
18                   relating to Abell.

19                                 "Bishop, at that point, says he's going  
20                                 off to see Charlie MacDonald, will be  
21                                 moving him out of the parish. Send him  
22                                 to a Church program in Barrie where  
23                                 priests are assessed and treated."

24                   Now it's my understanding is, sir, that was  
25                   the arrangement you had if Father Charlie admitted to the

1 allegation.

2 MR. SHAVER: That's what we discussed, yes.

3 MR. ENGELMANN: Right.

4 MR. SHAVER: M'hm.

5 MR. ENGELMANN: Okay. Then we go on to the  
6 next page, and my point is I don't see anything there that  
7 indicates that you reported on the call in the evening, and  
8 anything about an admission and the fact that this was a  
9 done deal. He had left -- he was leaving the parish on the  
10 9<sup>th</sup> and he was starting a program.

11 And that was my concern about the omission  
12 and, if I've missed something, the only note I have of Luc  
13 Brunet's -- give me a moment on -- on this is Exhibit 1436.

14 MR. SHAVER: Okay.

15 MR. ENGELMANN: And it ends at Bates page  
16 036 and 037. And it notes on 037, October 8<sup>th</sup> '93, 14:10  
17 hours:

18 "Meeting with Rick Abell and Angela  
19 Towndale."

20 But there are no notes there. So if counsel  
21 has notes of that meeting, I'm happy to put them to the  
22 witness. If you say that there were notes from Staff  
23 Sergeant Brunet that suggest you talked about the call from  
24 the night before ---

25 MR. SHAVER: Yes; it's on the page before

1           that, sir. I'm just -- I'm reading it right now.

2                               "Friday, called in to see Chief Shaver.  
3                               He advised that the Bishop called him  
4                               and advised that Father Charles  
5                               admitted he had a homosexual problem  
6                               but only with consenting adults. He  
7                               agreed to go for treatment."

8                       **MR. ENGELMANN:** And you talked about that,  
9                       earlier this morning, when I was questioning you.

10                      **MR. SHAVER:** Yeah.

11                      **MR. ENGELMANN:** The interjection right now  
12                      was a suggestion, as I thought it -- and let's just be  
13                      clear on the record -- that Luc Brunet had notes of your  
14                      October 8<sup>th</sup> meeting with Rick Abell wherein you would have  
15                      told Rick Abell about the call from the night before,  
16                      because that's not in Rick Abell's notes.

17                      **MR. SHAVER:** Right.

18                      **MR. ENGELMANN:** And I understood that  
19                      perhaps there was an interjection from counsel, that -- I  
20                      guess there isn't.

21                      So, sir, you have no recollection whether or  
22                      not you talked to Rick Abell about the call in the evening  
23                      where there was an admission of some sort being made by  
24                      Father Charlie to the Bishop.

25                      **MR. SHAVER:** Sir, I don't recall it. You're

1 asking me to recall it. Luc Brunet was the person taking  
2 notes for us. I thought it would be in his -- I thought it  
3 might be in his notes.

4 **MR. ENGELMANN:** All right. And, sir, you  
5 knew they were conducting an investigation into Father  
6 MacDonald.

7 **MR. SHAVER:** Yes.

8 **MR. ENGELMANN:** And therefore, the  
9 information from the evening call would have been  
10 important. You just can't remember whether you gave it to  
11 him or not.

12 **MR. SHAVER:** I can't remember, sir.

13 **MR. ENGELMANN:** All right.

14 **MR. SHAVER:** Now, sir, did you follow up  
15 with either the Bishop or the papal nuncio after your  
16 visits with them on October 7<sup>th</sup>? Did you write them  
17 letters?

18 **MR. SHAVER:** Yes, I actually -- I wrote two  
19 letters, one to each one of them.

20 (SHORT PAUSE/COURTE PAUSE)

21 **MR. ENGELMANN:** Exhibit -- sorry, Document  
22 Number 729796. Mr. Commissioner, it's a letter dated  
23 October 13<sup>th</sup>, '93 from J.C.C. Shaver to Archbishop Carlo  
24 Curis.

25 **THE REGISTRAR:** What was that number again?

1                   **MR. ENGELMANN:** Seven two nine seven nine  
2                   six (729796).

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

4                   **MR. ENGELMANN:** Madam Clerk, while you're at  
5                   it, you might want to look at 729797 as well, which will be  
6                   the one afterwards.

7                   **THE COMMISSIONER:** Thank you. Exhibit  
8                   Number 1791 is a letter to the Archbishop Carlo Curis from  
9                   Chief Shaver dated October 13<sup>th</sup>, 1993 and another letter  
10                  dated October 13<sup>th</sup>, 1993 to Bishop Eugene Larocque from  
11                  Chief Shaver. So the first one is 1791. The second letter  
12                  to Eugene Larocque is 1792.

13                  **--- EXHIBIT NO./PIÈCE NO. P-1791:**

14                               (729796) Letter to Archbishop Carlo Curis  
15                               from Chief Shaver dated October 13, 1993

16                  **--- EXHIBIT NO./PIÈCE NO. P-1792:**

17                               (729797) Letter to Bishop Eugene Larocque  
18                               from Chief Shaver dated October 13, 1993

19                  **MR. ENGELMANN:** Perhaps we can just deal  
20                  with the letter to the papal nuncio first, sir?

21                  **(SHORT PAUSE/COURTE PAUSE)**

22                  **THE COMMISSIONER:** Okay. Are you ready?

23                  **MR. ENGELMANN:** Have you had a chance to  
24                  read those letters, sir?

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

1           **MR. ENGELMANN:** Oh, okay.

2           Sir, in the first letter, 1791 ---

3           **MR. SHAVER:** Yes.

4           **MR. ENGELMANN:** --- to the Archbishop ---

5           **MR. SHAVER:** Yes.

6           **MR. ENGELMANN:** --- did you have any other  
7 follow-up with him ---

8           **MR. SHAVER:** No.

9           **MR. ENGELMANN:** --- that you can recall  
10 other than this letter?

11          **MR. SHAVER:** That was it, sir.

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

13          And you were obviously expressing gratitude  
14 to him for how you felt he dealt with this matter ---

15          **MR. SHAVER:** Yes.

16          **MR. ENGELMANN:** --- and dealt with you?

17          **MR. SHAVER:** Yeah, exactly.

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

19          And presumably the third paragraph on that  
20 page is a different experience than you felt several years  
21 back when your Force had some dealings with the Bishop at  
22 that time?

23          **MR. SHAVER:** You're talking about the one  
24 with the Archbishop ---

25          **MR. ENGELMANN:** Yes.



1                   **MR. SHAVER:** You're on the Archbishop, not  
2                   the Bishop one?

3                   **MR. ENGELMANN:** Yes, when you say:  
4                   "On a personal note, I must say I was  
5                   extremely impressed when I met you."

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

7                   **MR. ENGELMANN:** "You make me proud to be a  
8                   Catholic. Your obvious sincerity was  
9                   extremely gratifying..."

10                  **MR. SHAVER:** Yes.

11                  **MR. ENGELMANN:** "...to both myself and  
12                  S/Sgt. Brunet."

13                  **MR. SHAVER:** Yes.

14                  **MR. ENGELMANN:** Now, sir, did you fill him  
15                  in on what happened, for example, the phone call and the  
16                  arrangements ---

17                  **MR. SHAVER:** No.

18                  **MR. ENGELMANN:** --- that had been made with  
19                  Father Charles MacDonald?

20                  **MR. SHAVER:** No, I did not, sir. I just --  
21                  the letter is self-explanatory.

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

23                  Well, you did fill him in on some  
24                  information ---

25                  **MR. SHAVER:** Right. Yes.

1                   **MR. ENGELMANN:** --- about payment of money.

2                   **MR. SHAVER:** Right.

3                   **MR. ENGELMANN:** Why is it you didn't want to  
4 talk about this admission and Southdown, et cetera, or do  
5 you recall?

6                   **MR. SHAVER:** Sir, this letter was more from  
7 a PR perspective, to say, you know, "I appreciate what the  
8 Church has done." I wasn't trying to fill him in on  
9 details.

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

11                   And likewise, sir, the letter -- well, let  
12 me just ask you this, sir. On the very last page of the  
13 letter, or the second page of the letter, you actually tell  
14 him that you're going to be retiring?

15                   **MR. SHAVER:** Yes.

16                   **MR. ENGELMANN:** Why did you think that was  
17 important? Because obviously you wanted to express that  
18 publicly?

19                   **MR. SHAVER:** I wanted to tell him that, as I  
20 say in the letter, that it was one of the highlights of my  
21 32 years, his sincerity, his concern.

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

23                   Sir, you also write to Bishop Larocque on  
24 the same day?

25                   **MR. SHAVER:** I do.

1                   **MR. ENGELMANN:** And again, you express your  
2 appreciation to how things went?

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** And you tell him as well  
5 that you're going to be retiring. And again, this is  
6 private. This is not a public matter at that point, your  
7 retirement?

8                   **MR. SHAVER:** No, that's why I put it as  
9 personal and confidential because he's in town.

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

11                                 And again, I'm wondering; do you know why  
12 you would have spoken to him about your retirement at that  
13 time?

14                   **MR. SHAVER:** Yes, because when we -- well,  
15 we agreed when we left that we were going to come up with a  
16 mutual protocol to protect children. So I thought this was  
17 a great incentive for the Diocese to be involved with that  
18 because they were not involved before in the protocol. He  
19 was very sincere about that, sir.

20                   **MR. ENGELMANN:** Okay.

21                   **MR. SHAVER:** So ---

22                   **MR. ENGELMANN:** But that was left for your  
23 successor?

24                   **MR. SHAVER:** That was going to be left for  
25 my successor, yes.

1 MR. ENGELMANN: Now, let's switch tracks.

2 MR. SHAVER: Okay.

3 MR. ENGELMANN: In the fall of 1993, there  
4 were a couple of internal or administrative reviews that  
5 you had requested.

6 MR. SHAVER: Yes.

7 MR. ENGELMANN: One dealing with Mr.  
8 Dunlop's involvement in the release of information?

9 MR. SHAVER: Yes.

10 MR. ENGELMANN: And the second one being to  
11 have a re-look, if I can call it that, at what had been  
12 done on the Silmsler investigation?

13 MR. SHAVER: Yes.

14 MR. ENGELMANN: And those were tasks that  
15 were assigned to Staff Sergeant Garry Derochie?

16 MR. SHAVER: They were.

17 MR. ENGELMANN: And there's some confusion,  
18 I think, in the evidence about whether one was assigned  
19 first and one was assigned second, but I just want to go  
20 through that.

21 MR. SHAVER: Okay.

22 MR. ENGELMANN: What I'll be doing, in the  
23 main, is relying on Staff Sergeant Derochie's notes ---

24 MR. SHAVER: Okay.

25 MR. ENGELMANN: --- because they're

1 extensive.

2 MR. SHAVER: Yes.

3 MR. ENGELMANN: I know you've had a chance  
4 to review them and I think it's easier if we just use that  
5 as sort of our guidepost, if we can.

6 And we know, sir, that although he did  
7 prepare a final report on the Dunlop issue, and that was  
8 given to the new Chief, the Acting Chief Johnston ---

9 MR. SHAVER: Right.

10 MR. ENGELMANN: --- on the second matter, on  
11 the reinvestigation of the investigation, although he had  
12 started that work, he never completed it with a report, and  
13 he's told us that that was overtaken by events and the  
14 Ottawa Police Service came in and looked at that in any  
15 event?

16 MR. SHAVER: Yes.

17 MR. ENGELMANN: So there was no final report  
18 on the internal investigation but there was on the Dunlop;  
19 is that fair?

20 MR. SHAVER: There was on Dunlop. Dunlop --  
21 -

22 MR. ENGELMANN: But it was after your --  
23 after you had left?

24 MR. SHAVER: Yeah, Dunlop, I had given  
25 specific instructions on what I wanted done on Dunlop.

1                   **MR. ENGELMANN:** Yes.

2                   **MR. SHAVER:** In fact, I even wrote something  
3 out on it.

4                   **MR. ENGELMANN:** Right.

5                   And, in fact, those were contained in that  
6 final report as well, were they not?

7                   **MR. SHAVER:** Yes.

8                   **MR. ENGELMANN:** But we'll come there.

9                   **MR. SHAVER:** Yes. Okay.

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

11                  Now, we spoke briefly of a meeting on  
12 October 1<sup>st</sup> that you had with the Deputy Chief and Staff  
13 Sergeant Brunet where an internal investigation was  
14 discussed.

15                  And do you know; was Staff Sergeant Derochie  
16 assigned then or was it shortly thereafter?

17                  **MR. SHAVER:** I would think it would have  
18 been then or shortly thereafter, sir. I'm not -- I don't  
19 have a recollection of when it was.

20                  **MR. ENGELMANN:** Just to help, sir, I think  
21 if we look at 1292 -- Exhibit 1292 -- and this is a note  
22 from the Deputy Chief to Staff Sergeant Derochie, a  
23 confidential note dated October 7<sup>th</sup>, 1993. And, sir, this  
24 time the Deputy Chief appears to be assigning Staff  
25 Sergeant Derochie to look into the Dunlop aspect?

1                   **MR. SHAVER:** Yes.

2                   **MR. ENGELMANN:** Not the reinvestigation of  
3 the complaint but the Dunlop aspect in the release or  
4 breach of trust issue.

5                   Now, did you have some say in, one, who was  
6 being assigned, or was that just his decision?

7                   **MR. SHAVER:** I don't think I had any say. I  
8 think that was his decision.

9                   **MR. ENGELMANN:** All right.

10                  And, two, the mandate at that time, being  
11 the breach of trust issue, was that his decision as well or  
12 was there some mutual discussion on that?

13                  **MR. SHAVER:** No, we had a discussion, the  
14 deputy and I, and I said that there are two things I want  
15 done. Number one, I want to find out what happened with  
16 Dunlop. Let's get that one out of the way.

17                  **MR. ENGELMANN:** Yeah.

18                  **MR. SHAVER:** And then, because I knew the  
19 second part, looking into the investigation, was going to  
20 take a heck of a lot longer.

21                  **MR. ENGELMANN:** Right.

22                  **MR. SHAVER:** So Gary was assigned and he was  
23 to do the Dunlop inquiry, if you will, first and then when  
24 that was finished to get into the second investigation.

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

1                   And we'll see, as I think we go through  
2                   Staff Sergeant Derochie's notes, that a week or two later  
3                   he's actually specifically tasked with that other matter as  
4                   well.

5                   **MR. SHAVER:** Right.

6                   **MR. ENGELMANN:** The reinvestigation of the  
7                   Silmser investigation.

8                   **MR. SHAVER:** Yeah, I think that -- I think  
9                   that follows the chronological order.

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

11                  So let's look at his notes. It's Exhibit  
12                  1293, which should be right after the one we just looked  
13                  at.

14                  **MR. SHAVER:** Okay.

15                  **MR. ENGELMANN:** You've seen these notes  
16                  before.

17                  **MR. SHAVER:** I have, sir.

18                  **MR. ENGELMANN:** And if you could turn to  
19                  -- we've looked at Bates page 379, which is page 7 of the  
20                  notes starting at the bottom about that initial meeting on  
21                  October 1<sup>st</sup>. Correct?

22                  **MR. SHAVER:** Three-seven-nine (379). Yes.

23                  **MR. ENGELMANN:** The four points ---

24                  **MR. SHAVER:** Yes.

25                  **MR. ENGELMANN:** --- of Staff Sergeant



1 Brunet.

2 MR. SHAVER: M'hm.

3 MR. ENGELMANN: And then the first meeting  
4 that Staff Sergeant Derochie appears to have with you  
5 present is on October 14<sup>th</sup>. I'd like to take you there.  
6 It's Bates page 392, sir, which is also page 20 of his  
7 notes.

8 MR. SHAVER: Three-nine-two (392). I have  
9 it, sir.

10 MR. ENGELMANN: And you'll see at the bottom  
11 of that page he says:

12 "I met with the Chief and Deputy Chief.

13 We had a lengthy conversation."

14 This is first notation of meeting with you.

15 Do you have anything to suggest otherwise, sir?

16 MR. SHAVER: No, I do not, sir.

17 MR. ENGELMANN: All right. And just to  
18 situate you so that you'll remember this day, this is the  
19 same day that you have an unannounced visitor in the  
20 evening?

21 MR. SHAVER: Yes, yes.

22 MR. ENGELMANN: All right?

23 MR. SHAVER: Yeah.

24 MR. ENGELMANN: Does that maybe help the  
25 situation?

1                   **MR. SHAVER:** Yes, it does. Yes, it does.

2                   **MR. ENGELMANN:** All right. So it says that  
3 he had a lengthy discussion with you and the Deputy Chief.

4                   **MR. SHAVER:** Right.

5                   **MR. ENGELMANN:**

6                                "I learned that they were aware of all  
7                                of the facts relative to this  
8                                investigation."

9                                Now, by that point in time you would have  
10 had those OMPPAC reports, you would have had meetings with  
11 a number of external agencies. You may or may not have  
12 reviewed Constable Sebalj's notes, but he at least thought  
13 that you and the deputy were well versed in these facts.

14                   **MR. SHAVER:** I read the file, sir. I did  
15 not ever read Sebalj's notes. I don't know what the deputy  
16 did.

17                   **MR. ENGELMANN:** And what he is saying -- and  
18 these are his words, sir, at the top of the next page, 393:

19                                "They acknowledged" --  
20 presumably meaning you and the Deputy Chief --

21                                "that the case had fallen between the  
22 cracks and that there --

23 it said "had been"; it's crossed out --

24                                "may have been some mismanagement."

25                                All right?

1                   **MR. SHAVER:** Yes, that's his interpretation,  
2                   yes.

3                   **MR. ENGELMANN:** Right. Well ---

4                   **THE COMMISSIONER:** It's his interpretation  
5                   of what you said or ---

6                   **MR. SHAVER:** Yes. When we talked -- when we  
7                   looked at the investigation, remembering that the  
8                   investigation stopped in the spring, I ordered it back --  
9                   get going on this thing in July, now we're into September.  
10                  We're still having -- you know, we're still  
11                  -- so from that perspective that's what I'm looking at.  
12                  I'm saying, wait a minute. There's too many big holes  
13                  here.

14                  **THE COMMISSIONER:** Okay.

15                  **MR. SHAVER:** What happened between those  
16                  dates? So falling between the cracks would have been, yes.

17                  **MR. ENGELMANN:** Well, something like that  
18                  was said in those notes we looked at earlier to Rick Abell,  
19                  not the -- the investigation not done, put on back burner,  
20                  and so here you're -- at least Staff Sergeant Derochie's  
21                  interpretation of what you're saying is that the case had  
22                  fallen between the cracks, there may have been some  
23                  mismanagement.

24                  **MR. SHAVER:** Yes.

25                  **MR. ENGELMANN:** All right. And that's your

1 first meeting with him on this issue?

2 MR. SHAVER: I believe so.

3 MR. ENGELMANN: As far as you know?

4 MR. SHAVER: Yes.

5 MR. ENGELMANN: All right. And he is saying  
6 you're telling him to:

7 "Stay focused on the mandate, Dunlop's  
8 actions of discussing this matter with  
9 his wife and his subsequently giving  
10 CAS a copy of the statement."

11 Right?

12 MR. SHAVER: Yes.

13 MR. ENGELMANN: You want him to do that and  
14 do it first.

15 MR. SHAVER: Get it done.

16 MR. ENGELMANN: And get it out of the way.  
17 And if you follow through on the note, sir, at Bates page  
18 395, page 23 of his book, he refers to the fact that you  
19 called him that same evening between 8:30 and 9:00 p.m.

20 MR. SHAVER: Yes.

21 MR. ENGELMANN: All right. And quite aside  
22 from his notes here, it's my understanding you have an  
23 independent recollection of the events which took place  
24 that evening.

25 MR. SHAVER: I certainly do, yes.

1                   **MR. ENGELMANN:** And sir, we've heard from  
2 Helen Dunlop ---

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** --- witness here. She  
5 indicated to us that she attended your home that evening.

6                   **MR. SHAVER:** She did.

7                   **MR. ENGELMANN:** She also indicated to us  
8 that she did so because she was very concerned about her  
9 husband's job.

10                  **MR. SHAVER:** Yes.

11                  **MR. ENGELMANN:** And I believe she indicated  
12 to us at the meeting -- I think I have this right -- that  
13 you might have raised your voice and that you may well have  
14 banged your fist on a table in the house at some point,  
15 with force.

16                  **MR. SHAVER:** Absolutely did not happen.

17                  **MR. ENGELMANN:** All right. Do you recall  
18 either reading that or following that on the webcast?

19                  **MR. SHAVER:** Yes. I followed -- I read it,  
20 sir. I didn't see it.

21                  **MR. ENGELMANN:** And I'm not sure if I got it  
22 exactly right but I think she said something of that sort.

23                  **MR. SHAVER:** Exactly.

24                  **MR. ENGELMANN:** You recall hearing that or  
25 reading it?

1                   **MR. SHAVER:** I did, sir.

2                   **MR. ENGELMANN:** All right. Did you in fact  
3 do that?

4                   **MR. SHAVER:** No.

5                   **MR. ENGELMANN:** All right. Well, can you  
6 describe to us what happened that evening?

7                   **MR. SHAVER:** Yes. She came to my -- she  
8 came to actually my front door, which no one ever comes to  
9 at my home, knocked on the door and I opened the door and I  
10 recognized her. She said, "Do you know who I am?" and I  
11 said, "Yes, you're Perry's wife. I was at your wedding.  
12 You invited me to your wedding." And so I invited her in.  
13 She came into my living room. I asked her to sit down and  
14 she actually stood up the whole time. And she started on  
15 that what right did I have to do an investigation on Perry  
16 Dunlop? And then she -- I'd have to go back, sir, because  
17 I wrote it. It's in here somewhere. I have a written -- I  
18 have a written report on this in here someplace.

19                   **MR. ENGELMANN:** Well, that might be in the  
20 statement that you gave to Mr. McKinnon.

21                   **MR. SHAVER:** Yes, what I don't want to do is  
22 I just don't want to mess up the facts here, you know, the  
23 sequential order or whatever.

24                   **MR. ENGELMANN:** Just give me a moment, sir.

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

1                   **MR. ENGELMANN:** Mr. Shaver, it's Exhibit  
2                   1789.

3                   **THE COMMISSIONER:** That would be in ---

4                   **MR. ENGELMANN:** Bates page 715.

5                   **MR. SHAVER:** Thank you, 1789?

6                   **MR. ENGELMANN:** One-seven-eight-nine (1789).

7                   I think this would be the most contemporaneous note you  
8                   would have of that, this being the statement you wrote up  
9                   in the spring of '94 for Mr. McKinnon. Look at Bates page  
10                  715.

11                  **MR. SHAVER:** There's nothing in 789, sir.

12                  **MR. ENGELMANN:** Seventeen-eighty-nine  
13                  (1789). Sorry.

14                  **MR. SHAVER:** One-seven-eight-nine (1789).  
15                  There is a tab but there is no exhibit.

16                  **THE COMMISSIONER:** Oh, that's because we  
17                  just did it this morning.

18                  **MR. ENGELMANN:** It's probably loose on your  
19                  desk.

20                  **MR. SHAVER:** Oh, is that the one I had  
21                  earlier, sir?

22                  **MR. ENGELMANN:** Yes, yes, yes.

23                  **MR. SHAVER:** Oh, okay. I'm sure I still  
24                  have that one here someplace then. No, I don't.

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

1                   **THE COMMISSIONER:** Here, you can have my  
2 copy. There is an extra copy.

3                   **MR. SHAVER:** That's the ---

4                   **MR. ENGELMANN:** It's the fourth page in,  
5 sir. It's Bates 715, the final paragraph.

6                   **MR. SHAVER:** Yes, okay.

7                   **MR. ENGELMANN:** Just have a look at that and  
8 let us know whether that accurately reflects your  
9 recollection of what happened.

10                   **MR. SHAVER:** Yes, sir, that pretty much  
11 states it all.

12                   **MR. ENGELMANN:** Now, there is just -- the  
13 summary in Staff Sergeant Derochie's notes is somewhat  
14 different, in that at the end of it when he writes -- and  
15 this is apparently his call with you that evening.

16                   **MR. SHAVER:** Yes.

17                   **MR. ENGELMANN:** Because you call him right  
18 after she leaves your house.

19                   **MR. SHAVER:** I did.

20                   **MR. ENGELMANN:** And it says:

21                                "She accused the Chief of going after  
22 her husband's job and more or less said  
23 that Perry was forced to do what he did  
24 because of the incompetence of the  
25 service's supervisors."



1 Do you see that?

2 **MR. SHAVER:** No, she used the word "the  
3 people wearing stripes", yes.

4 **MR. ENGELMANN:** People wearing stripes,  
5 okay.

6 All right. Is there anything else, sir,  
7 that you wanted to tell us about that particular meeting?

8 **MR. SHAVER:** Well, two things. I didn't  
9 raise my voice.

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

11 **MR. SHAVER:** I never slammed my fist on the  
12 table.

13 She was doing all the raising of the voice  
14 and yelling, and I also had a guest in my house that  
15 evening who heard the whole conversation.

16 So Helen Dunlop's account of where she was  
17 at in my house and what she said is just not true.

18 **MR. ENGELMANN:** Would you agree, sir, that  
19 she was clearly concerned for her husband's job?

20 **MR. SHAVER:** Yes, she was, and that was the  
21 thing that lit me up actually, on that -- from that  
22 conversation. And that's why I called Derochie, because I  
23 called Derochie to say, "Listen, why -- where is this  
24 coming from? I've given you specific instructions about  
25 what we were going to do with Dunlop and now I'm hearing

1       that she's hearing and Perry's hearing that we're going  
2       after his job.  Where is that coming from?"

3                       That was my concern; that was why I was  
4       upset, and I had the same meeting with Staff Sergeant  
5       Derochie the next morning and we went back through this  
6       thing again because I wanted to know who in this -- who in  
7       my organization was saying things to Perry Dunlop that were  
8       totally outside of my wishes.

9                       **MR. ENGELMANN:**  All right.  And in fact, if  
10       you look at Staff Sergeant Derochie's notes at the bottom  
11       of the page, it appears that that's indicated by him:

12                      "The Chief called me to find out why  
13                      she was reacting this way when it was  
14                      understood that Dunlop's actions were  
15                      being viewed in an understanding way by  
16                      senior administration, and that the  
17                      consequences faced by Dunlop were  
18                      rather mild."

19                      **MR. SHAVER:**  Yes.

20                      **MR. ENGELMANN:**  All right.  Now, had you  
21       actually made a decision yet, though?  Didn't that actually  
22       come the next day as to what, likely, was going to be the  
23       outcome of this matter?

24                      **MR. SHAVER:**  No, we had -- I can't remember,  
25       sir, if we had another meeting prior to this but I know the

1 Deputy Chief and I certainly talked about it.

2 THE COMMISSIONER: You might want to pick a  
3 spot for lunch, Mr. ---

4 MR. ENGELMANN: I'll just be a couple of  
5 minutes, sir.

6 THE COMMISSIONER: Yeah, sure.

7 MR. ENGELMANN: Yes, sir -- thank you, Mr.  
8 Neville. If you go back, Bates page 393, Staff Sergeant  
9 Derochie's writing -- this is the meeting on the 14<sup>th</sup>, the  
10 lengthy meeting you have with him and the Deputy Chief  
11 ---

12 MR. SHAVER: Yes.

13 MR. ENGELMANN: "Although I didn't  
14 necessarily agree to the order in which  
15 these investigations were being  
16 done..."

17 That is, Dunlop first, reinvestigation,  
18 Silmser second.

19 "...I didn't see it as any great  
20 concern, especially when the Chief and  
21 Deputy Chief agreed that the Dunlop  
22 issue was secondary and that the real  
23 problem (criminal investigation) would  
24 be dealt with. We also agreed at this  
25 time that *Police Act* charges against

1                   Dunlop did not appear called for."

2                   **MR. SHAVER:** Yes.

3                   **MR. ENGELMANN:** All right. So there was  
4 some sense, amongst the three of you at least, that this  
5 might be dealt with in an informal way.

6                   **MR. SHAVER:** Yes, it was going to be dealt  
7 with. I'd made up my mind it was going to be dealt with  
8 informally.

9                   **MR. ENGELMANN:** Okay. It hadn't actually  
10 been investigated though, yet, had it, sir?

11                   **MR. SHAVER:** It had not been totally  
12 investigated yet, sir; yeah, that's true. But I looked at  
13 it and said, "What did Perry Dunlop do that I didn't do,  
14 basically?" All right?

15                   **MR. ENGELMANN:** All right. We're talking  
16 about actually going to the CAS with this ---

17                   **MR. SHAVER:** Going to the CAS.

18                   **MR. ENGELMANN:** --- information.

19                   **MR. SHAVER:** The only thing -- the  
20 difference was, he took a copy of a statement that he was  
21 not responsible for and took it to CAS.

22                   Now, my thought was, "Let's deal with this  
23 quickly." I believe in discipline; it should be fair, it  
24 should be firm and it should be forgotten. And you allow  
25 people -- if they make a mistake you deal with the

1 situation, you deal with it however it has to be done, and  
2 then it's over. But I wanted to make sure that the message  
3 gets out to everyone -- and I'm leaving the service at this  
4 time, right?

5 I'm -- and I'm trying to make a message out  
6 to everyone else in this organization that, "Hey, nothing  
7 leaves here that doesn't come through the Chief's office.  
8 So let's make sure that we all know that."

9 MR. ENGELMANN: Okay.

10 MR. SHAVER: And that was the -- that was  
11 what my thinking was, sir.

12 MR. ENGELMANN: All right, sir. I was going  
13 to just leave with -- you did meet on the 15<sup>th</sup>, the  
14 following morning?

15 MR. SHAVER: Yes.

16 MR. ENGELMANN: And you had requested  
17 Derochie to meet with you. If you look at Bates 397 ---

18 MR. SHAVER: Three-nine-seven (397)

19 MR. ENGELMANN: And, sorry, sir, I'm back in  
20 1293.

21 MR. SHAVER: Yes.

22 MR. ENGELMANN: And he says:

23 "The Chief was still shaken from Mrs.  
24 Dunlop's visit of the night before."

25 MR. SHAVER: Yes.

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

2                   **MR. SHAVER:** Yes, sir. Not shaken because  
3 of her visit; shaken because of what she told me, that  
4 people in my organization were threatening a person's job.

5                   **MR. ENGELMANN:** All right. It's ---

6                   **MR. SHAVER:** So that's the part that was  
7 bothering me. I think Staff Sergeant Derochie thought that  
8 it was the visit by Mrs. Dunlop that was causing me to be  
9 shaken. I was upset because I thought that he or somebody  
10 else had told Perry Dunlop that we were after his job.

11                   **MR. ENGELMANN:** And Derochie writes:

12                                    "He'd obviously spent at least part of  
13 last evening thinking about this  
14 matter, for he developed a strategy  
15 which he wanted me to use when it came  
16 time to discipline Dunlop. He was to  
17 be..."

18                   And he puts in quotes:

19                                   "... 'formally counselled' ..."

20                   Were those your words?

21                   **MR. SHAVER:** Those were, yes.

22                   **MR. ENGELMANN:** "... for going outside of  
23 channels and..."

24                   It says "See item 14" and this was an  
25 informal, handwritten counselling document that we

1 understand you wrote up that night.

2 MR. SHAVER: Yes. Yes.

3 MR. ENGELMANN: And that eventually, as  
4 we'll come to Staff Sergeant Derochie's report, it gets  
5 typed up and is one of the appendices to that ---

6 MR. SHAVER: Yes. I understand.

7 MR. ENGELMANN: --- report. Is that  
8 correct?

9 MR. SHAVER: Yeah, that is correct, sir.

10 MR. ENGELMANN: All right. All right.

11 Perhaps we could leave it there, sir.

12 THE COMMISSIONER: Thank you

13 See you at 2:00.

14 THE REGISTRAR: Order; all rise. À l'ordre;  
15 veuillez vous levez.

16 This hearing will resume at 2:00 p.m.

17 --- Upon recessing at 12:41 p.m. /

18 L'audience est suspendue à 12h41

19 --- Upon resuming at 2:02 p.m. /

20 L'audience est reprise à 14h02.

21 THE REGISTRAR: This hearing is now resumed,  
22 please be seated. Veuillez vous asseoir.

23 THE COMMISSIONER: Afternoon, Mr. Engelmann.

24 MR. ENGELMANN: Afternoon, Mr. Commissioner;  
25 afternoon, Mr. Shaver.

1                   **MR. SHAVER:** Good afternoon.

2                   **MR. ENGELMANN:** Sir, I believe we were  
3 looking at Mr. -- Staff Sergeant Derochie's notes ---

4                   **MR. SHAVER:** Yes, we were.

5                   **MR. ENGELMANN:** Exhibit 1293.

6                   **MR. SHAVER:** Yeah.

7                   **MR. ENGELMANN:** And we had -- we were on  
8 October 15<sup>th</sup>.

9                   **MR. SHAVER:** October 15<sup>th</sup>?

10                  **MR. ENGELMANN:** Right. And according to his  
11 notes you, he and the deputy chief discussed this matter at  
12 some length on that day. That was a Friday, mid-October.  
13 This is the day after the Helen Dunlop ---

14                  **MR. SHAVER:** Yes. M'hm.

15                  **MR. ENGELMANN:** --- meeting at your home.  
16 And at this meeting, we've talked about the informal  
17 discipline or counseling ---

18                  **MR. SHAVER:** Yes.

19                  **MR. ENGELMANN:** --- and, sir, I just want to  
20 show you something and just have you confirm whether or not  
21 it is a typed version of the informal counseling that you  
22 had anticipated, or that you had suggested or recommended.  
23 And if you could look at -- it's Exhibit 1301, it's the  
24 final report to acting Chief Carl Johnston from Staff  
25 Sergeant Derochie. Do you have that handy, sir?



1                   **MR. SHAVER:** I have that in my hand now.

2                   **MR. ENGELMANN:** All right. And, sir, can  
3 you tell me if -- could you look at Bates page 397.

4                   **MR. SHAVER:** Yes.

5                   **MR. ENGELMANN:** It's entitled Appendix A.

6                   **MR. SHAVER:** Yes.

7                   **MR. ENGELMANN:** Is this a typed version of  
8 the counseling note that you had written up the night of  
9 the 14<sup>th</sup> and presented to Staff Sergeant Derochie and Deputy  
10 Chief St. Denis on the 15<sup>th</sup>?

11                   **MR. SHAVER:** I believe it is, sir. I don't'  
12 have the -- I don't have my handwritten version to compare  
13 with but it certainly contains what I wanted it to contain.

14                   **MR. ENGELMANN:** All right, so if it's not  
15 identical, it's very close.

16                   **MR. SHAVER:** I would think so, yes.

17                   **MR. ENGELMANN:** All right.

18                   **MR. SHAVER:** Now, sir, on -- at that time,  
19 the meeting of the 15<sup>th</sup>, and this is in accordance, at  
20 least, with Staff Sergeant Derochie's notes. If we turn  
21 over to Bates page 399, he's saying that it's at this  
22 meeting on October 15<sup>th</sup> that he's also tasked with reviewing  
23 the events surrounding the service's investigation of the  
24 criminal complaint. I'll just let you situate, but ---

25                   **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** I'm on 399. It's also page  
2                   27.

3                   **MR. SHAVER:** Yes, I found it, sir.

4                   **MR. ENGELMANN:** All right. So he's saying  
5                   this is when he gets that second assignment, and he says:  
6                                    "I'm instructed to determine the chain  
7                                    of events from the time the complaint  
8                                    is received, right up to its current  
9                                    status."

10                   Do you recall him getting that assignment in  
11                   your presence, sir?

12                   **MR. SHAVER:** No, I do not, but I assume that  
13                   his -- these notes are correct.

14                   **MR. ENGELMANN:** All right. Okay. And if  
15                   there's a meeting between you, the Deputy Chief, and Staff  
16                   Sergeant Derochie with respect to an internal review, that  
17                   could be either you or the Deputy Chief that would be  
18                   assigning the work to you.

19                   **MR. SHAVER:** It could have been, yes. The  
20                   Deputy Chief and I certainly discussed it, and Staff  
21                   Sergeant Derochie was the obvious choice.

22                   **MR. ENGELMANN:** Fair enough.

23                   **MR. SHAVER:** Now, the next reference to  
24                   meeting with you or speaking with you in this document.  
25                   It's Bates page 408, sir.

1                   And this now is a couple of weeks later.

2                   It's Friday, October 29<sup>th</sup>?

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** And it says at the bottom of  
5                   that page:

6                                   "The Chief had been asking for updates  
7                                   on my progress. Wanted Dunlop dealt  
8                                   with in a timely manner, so I wrote the  
9                                   rough draft so he could see if I was in  
10                                  line with his thinking."

11                   So I think perhaps what has happened is he's  
12                   taken your rough draft notes and he's done some work on  
13                   them.

14                   **MR. SHAVER:** Manipulated it, yes.

15                   **MR. ENGELMANN:** Then the next meeting that I  
16                   have referenced, sir, is at Bates page 410? And it's dated  
17                   November 2<sup>nd</sup>. And he's saying:

18                                   "Met with Chief and Deputy Chief,  
19                                   brought them up to date on my progress.  
20                                   Showed them the rough draft of my  
21                                   counselling document. Chief was  
22                                   satisfied with the direction it took  
23                                   but wanted more details about NCO's  
24                                   Dunlop had went to. Changes will be  
25                                   made."

1                   So again it appears that he's working off  
2                   your original document and at least trying to come up with  
3                   a counselling note?

4                   **MR. SHAVER:** Right.

5                   **MR. ENGELMANN:** And it goes on onto the  
6                   following page:

7                                 "We discussed my concerns about  
8                                 Dunlop's involvement, my wishes to deal  
9                                 with him last. They agreed to go along  
10                                with my way of thinking on the matter."

11                   Okay?

12                   Now, sir, the next reference is a meeting on  
13                   the 4<sup>th</sup> of November?             And that reference is at Bates  
14                   page 425?

15                   Now, he says a couple of things here on this  
16                   page. There's a comment about Murray MacDonald and a  
17                   possible conflict of interest?

18                   **MR. SHAVER:** Yes.

19                   **MR. ENGELMANN:** And he says:

20                                " I have since been told by the Chief  
21                                that the Crown's reasons for declaring  
22                                the conflict were completely innocent  
23                                and I'm sure that they are."

24                   Do you recall what you would have told him  
25                   about the conflict of interest that Mr. MacDonald may have

1 had?

2 **MR. SHAVER:** Sir, I don't remember telling  
3 him about this. The only thing that I remember about  
4 Murray's conflict of interest was that he had somewhere sat  
5 on a -- on a council as a member of the church and he had  
6 helped write or draft a document. That's the only thing  
7 that I could remember that ---

8 **MR. ENGELMANN:** All right. Well, we'll  
9 certainly ask him about that as well.

10 **MR. SHAVER:** Okay.

11 **MR. ENGELMANN:** Bates page -- again, on that  
12 Bates page 425, he's saying he's briefing you on  
13 the progress of his inquiry? So he's -- he's  
14 consistently telling you how far he's gotten and  
15 what he's doing?

16 **MR. SHAVER:** Yes.

17 **MR. ENGELMANN:** Now, there's something he  
18 says here and I just want to ask you about it. He says --  
19 bottom of the page:

20 " I briefed the Chief and Deputy Chief  
21 on the progress, telling them of all  
22 the information. Spoke of Rick  
23 Dunlop's role again. I told them that  
24 Dunlop had either exercised incredibly  
25 bad judgement or that his actions had

1                   been more calculated and sinister than  
2                   originally thought. The Chief informed  
3                   me that he would have no trouble  
4                   considering more severe punishment for  
5                   Dunlop should that be required."

6                   **MR. SHAVER:** Yes.

7                   **MR. ENGELMANN:** Do you recall having the  
8                   discussion with Staff Sergeant Derochie?

9                   **MR. SHAVER:** I do.

10                  **MR. ENGELMANN:** And the concern was that if  
11                  there had been something in the form of bad  
12                  faith, something of that nature by Mr. Dunlop,  
13                  you were going to consider a harsher penalty?

14                  **MR. SHAVER:** Yes.

15                  **MR. ENGELMANN:** Was that ever uncovered,  
16                  sir?

17                  **MR. SHAVER:** Not to my knowledge.

18                  **MR. ENGELMANN:** And that's why you stuck  
19                  with the informal counselling ---

20                  **MR. SHAVER:** Yes.

21                  **MR. ENGELMANN:** --- at least while you were  
22                  involved?

23                  **MR. SHAVER:** Yes. While I was involved, it  
24                  was always informal counselling.

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

1 Now on that next page, 426 that we're on, it  
2 says:

3 "The Chief again informed my that the  
4 Crown, Murray MacDonald, had not been  
5 fully informed when he gave an opinion  
6 to Sebalj on proceeding with charges  
7 against the wishes of the victim. He  
8 did not know that other victims of  
9 Father MacDonald had been located. The  
10 Chief had since confirmed that the  
11 Crown's advice may have been different  
12 if he had possessed all information."

13 Do you recall having a discussion like that  
14 with Staff Sergeant Derochie?

15 **MR. SHAVER:** No, I do not, and it's  
16 confusing to me because the Crown knew the names of the  
17 other two people way back when I first talked to him. I  
18 only had the one meeting with the Crown, so ---

19 **MR. ENGELMANN:** All right. That would have  
20 been September 30<sup>th</sup>?

21 **MR. SHAVER:** Yes. And so this is now  
22 November 4<sup>th</sup>. I'm not coming up with any new information.  
23 I've not talked to the Crown since that day.

24 **MR. ENGELMANN:** But you were -- presumably,  
25 he was giving advice to Heidi Sebalj prior to her meeting

1 with him of September 30<sup>th</sup>?

2 MR. SHAVER: Crown was giving advice to  
3 Heidi Sebalj?

4 MR. ENGELMANN: Yes. They had had some  
5 meetings.

6 MR. SHAVER: Yes.

7 MR. ENGELMANN: So statements could still be  
8 consistent with that, that he wouldn't have known when he  
9 gave her advice on proceeding with charges because  
10 presumably ---

11 MR. SHAVER: Well, sir, I knew that he knew  
12 about the other two people because we discussed that. So I  
13 don't -- I can't see how that changed in a month-and-a-bit.

14 MR. ENGELMANN: Well, I'm just wondering why  
15 you might have said this to Staff Sergeant Derochie?

16 MR. SHAVER: I don't remember ever saying  
17 this to him, sir.

18 MR. ENGELMANN: All right.

19 MR. SHAVER: But that information was known  
20 a month earlier. If I would have been talking to him a  
21 month earlier, I'd have been saying that to him.

22 MR. ENGELMANN: I know, but the letter from  
23 Murray MacDonald is dated September 14<sup>th</sup>?

24 MR. SHAVER: Right?

25 MR. ENGELMANN: That's, you know, more than



1 two weeks before you met with him?

2 MR. SHAVER: Right.

3 MR. ENGELMANN: And presumably any meeting  
4 he would have had with Sebalj would have been before  
5 September 14<sup>th</sup>?

6 MR. SHAVER: Yes. He had several meetings  
7 with Sebalj before that date. Yes.

8 MR. ENGELMANN: Right. But they were  
9 informal meetings as you understood it?

10 MR. SHAVER: Well, they're always informal  
11 meetings with the Crown. We don't make formal -- we don't  
12 call up and say, "I'd like to see you at nine o'clock  
13 tomorrow morning". It's usually in a hallway, sir.

14 MR. ENGELMANN: No, but sir, if you present  
15 a Crown brief ---

16 MR. SHAVER: Oh, presenting a Crown brief?

17 MR. ENGELMANN: --- that would be a more  
18 formal meeting?

19 MR. SHAVER: Yes.

20 MR. ENGELMANN: All right.

21 Sir, still on that page and on to the next,  
22 he's saying:

23 "I'm still at this time very much  
24 interested in pursuing criminal  
25 charges. I informed the Chief and

1 Deputy Chief that CAS would very much  
2 like to see us, the service, continue  
3 with the criminal investigation."

4 And that's consistent with what Richard  
5 Abell was telling you as well?

6 **MR. SHAVER:** Yes.

7 **MR. ENGELMANN:** All right.

8 Sir, as well then, at the bottom of the  
9 page, there was some summary of your discussion and in  
10 particular:

11 "Without a cooperating victim, with at  
12 best a lukewarm [something] from the  
13 Crown, criminal charges would go  
14 nowhere in court. We would be accused  
15 of going on a fishing trip by laying  
16 charges. We knew we'd go nowhere in  
17 court but would allow us to identify  
18 the suspects in hopes that we could get  
19 the victims, who we are sure are out  
20 there, to come forward which could  
21 allow us to lay charges that would  
22 provide convictions."

23 See that discussion? Do you recall having a  
24 discussion of that nature with Derochie and the Deputy  
25 Chief?

1                   **MR. SHAVER:** No, I do not.

2                   **MR. ENGELMANN:** All right.

3                   There's a comment at the bottom on the page:

4                   "Our best bet to accomplish our  
5                   objective 'Identifying the suspects to  
6                   the community' is through the CAS  
7                   inquiry."

8                   Any recollection of that discussion?

9                   **MR. SHAVER:** No, but I agree with that  
10                  comment.

11                  **MR. ENGELMANN:** Well, how would -- okay.

12                  And there's something on the next page,  
13                  Bates page 429, about talking to an outside Crown.

14                  It says:

15                  "The Chief believed..."

16                  I'm towards the bottom.

17                  "...that it was worth a chance and gave  
18                  him the go-ahead."

19                  **MR. SHAVER:** Yes.

20                  **MR. ENGELMANN:** So you were encouraging him  
21                  or at least not discouraging him from seeing an outside  
22                  Crown?

23                  **MR. SHAVER:** Absolutely. Yes.

24                  **MR. ENGELMANN:** Did you know at the time  
25                  that that had to be set up through your own Crown?

1                   **MR. SHAVER:** Did I know that? I know  
2 originally they were going to see Robert Pelletier, that  
3 was supposed to be the one in the summertime and that was  
4 set up by our own Crown. I don't know if we ever had to  
5 seek permission to go see Robert Pelletier though, sir? I  
6 don't know. I can't answer that at all.

7                   **MR. ENGELMANN:** All right. Fair enough.

8                   Bates page 431, there's a discussion. This  
9 is Derochie talking about Bell, Greg Bell, of CAS:

10                   "Bell is one of the caseworkers  
11 assigned to the CAS investigation. He  
12 asked me if the names of the other two  
13 people assaulted by Father MacDonald  
14 could be provided to them. I told him  
15 I didn't know at this time."

16                   Then it says:

17                   "The Chief is of the opinion that we  
18 should not."

19                   Do you see that?

20                   **MR. SHAVER:** Yes.

21                   **MR. ENGELMANN:** Do you recall Staff Sergeant  
22 Derochie asking you about that and you telling him that you  
23 shouldn't do that?

24                   **MR. SHAVER:** No, I don't.

25                   **MR. ENGELMANN:** All right. Is that similar

1 to something that had happened years earlier? We'd looked  
2 at this earlier and ---

3 MR. SHAVER: The one with Bill Carriere  
4 again, yes.

5 MR. ENGELMANN: Yeah.

6 MR. SHAVER: The Brian Payment situation.

7 MR. ENGELMANN: Yeah.

8 MR. SHAVER: Yes.

9 MR. ENGELMANN: So you don't recall giving  
10 that advice?

11 MR. SHAVER: No. The only thing that I  
12 remember about that situation is if Heidi Sebalj had given  
13 her word to the two people that she would keep their  
14 information confidential.

15 And that's all I can remember about it. I  
16 don't know -- I don't know if I told Derochie that or not,  
17 that we would be violating Heidi Sebalj's word to those two  
18 people.

19 MR. ENGELMANN: Well, so couldn't -- my  
20 understanding is they were seen either in March or perhaps  
21 early April; this is now November.

22 MR. SHAVER: Yes.

23 MR. ENGELMANN: Couldn't you simply have  
24 instructed one of your officers to go back and see whether  
25 these individuals would mind if their names went forward to

1 the CAS?

2 **MR. SHAVER:** Sir, I was respecting the -- I  
3 was respecting the investigation that my officer had done,  
4 and she said that she had given her word to them. I  
5 wouldn't break one of my officer's words.

6 **THE COMMISSIONER:** Well, it's not a question  
7 of breaking the officer's word. If you go back and revisit  
8 it with them and say, "Look, I know that that's what we  
9 said. Things have changed a little bit and I'm just asking  
10 you once again, will you free me of that and let me go?" I  
11 mean that's ---

12 **MR. SHAVER:** Okay. No, that's a fair  
13 question, sir. I was never, in my recollection, sir, was  
14 never asked for -- I've never asked that.

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

16 **MR. ENGELMANN:** Nor did you suggest it?

17 **MR. SHAVER:** Nor suggest it, sir.

18 **MR. ENGELMANN:** Now, sir, just -- you were  
19 informed about the death of Mr. Seguin by one of your  
20 officers?

21 **MR. SHAVER:** Yes, I was.

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

23 **MR. SHAVER:** Yes.

24 **MR. ENGELMANN:** I'm just trying to find the  
25 reference; I'll just be a moment. Yes, Bates page 449.

1 I'm sorry, that's Staff Sergeant Derochie being informed.  
2 You were informed as well?

3 **MR. SHAVER:** Yes, I was.

4 **MR. ENGELMANN:** Would that have been by  
5 Staff Sergeant Brunet?

6 **MR. SHAVER:** Yes, it was.

7 **MR. ENGELMANN:** All right. And were you  
8 also informed about a call that was made to your station  
9 the night before Mr. Seguin's death? A call that was taken  
10 by one of your officers named Dupuis.

11 **MR. SHAVER:** Staff Sergeant Dupuis, yes.

12 **MR. ENGELMANN:** Yes. And what were you  
13 informed about that, sir?

14 **MR. SHAVER:** I know there's some  
15 documentation on it, sir, that I've read here. I'd like to  
16 see that, if I could.

17 **MR. ENGELMANN:** There's a description of at  
18 least what Garry Derochie is told by Staff Sergeant Dupuis  
19 at the bottom of page 447, if that's helpful.

20 **THE COMMISSIONER:** So you don't have any  
21 independent recollection of what the story line was?

22 **MR. SHAVER:** I'm trying to think of what I  
23 did know, sir. Staff Sergeant ---

24 **THE COMMISSIONER:** Just look at the -- you  
25 can read that and maybe that will help you. I was just ---

1                   **MR. ENGELMANN:** Sir, if you note at the top  
2 of 449, and just from the bottom of 448, it says:

3                                 "Dupuis told me that he had not  
4 confirmed this information but that he  
5 believed it to be pretty good. I  
6 advised him to attempt to confirm the  
7 information and then to call the Chief  
8 and advise him."

9                   **MR. SHAVER:** Staff Sergeant Dupuis never  
10 phoned me. I never talked to Staff Sergeant Dupuis about  
11 this, no.

12                   **MR. ENGELMANN:** All right. There was an  
13 occurrence report, sir, if I recall ---

14                   **MR. SHAVER:** There was, yes.

15                   **MR. ENGELMANN:** --- that set out the  
16 information. And I simply wanted to ask you, upon  
17 receiving that information, did you instruct one or more of  
18 your officers to refer that information to the OPP?

19                   **MR. SHAVER:** Yes, I did. And that was on  
20 the death of Mr. Seguin?

21                   **MR. ENGELMANN:** Yes.

22                   **MR. SHAVER:** Yes, I did.

23                   **MR. ENGELMANN:** Because, at the time, you  
24 would have been aware that they were investigating his  
25 death by the circumstances surrounding?



1 MR. SHAVER: Yes.

2 MR. ENGELMANN: All right.

3 MR. SHAVER: I wanted to make sure that  
4 there was no foul play so that the OPP knew ---

5 MR. ENGELMANN: Fair enough.

6 MR. SHAVER: --- knew about this call.

7 THE COMMISSIONER: Okay. But the call was -  
8 - just for the record, the call that was made to Dupuis was  
9 -- from the Silmsler call, is that what it was?

10 MR. ENGELMANN: Yes.

11 MR. SHAVER: Yeah.

12 THE COMMISSIONER: Saying that, "Things are  
13 happening very quickly and if something happens to me, you  
14 can look ---"

15 MR. SHAVER: Yes.

16 THE COMMISSIONER: "--- to Seguin and  
17 MacDonald as the culprits."

18 MR. SHAVER: Right.

19 THE COMMISSIONER: Okay.

20 MR. ENGELMANN: Do you recall that being the  
21 gist of the ---

22 MR. SHAVER: Yes, that was the gist of the  
23 conversation.

24 MR. ENGELMANN: Yeah. All right.

25 MR. SHAVER: He was calling to complain that

1 way, yes.

2 MR. ENGELMANN: Now, so those are the  
3 references to Staff Sergeant Derochie's conversations with  
4 you that I was able to find, at least.

5 MR. SHAVER: Yes.

6 MR. ENGELMANN: This goes on and goes into  
7 December and then into January. Is there anything else you  
8 can recall about meetings with him or discussions  
9 concerning either of these investigations, the  
10 investigation into Dunlop and the release and/or the  
11 reinvestigation of any particular import?

12 MR. SHAVER: No, sir. At the end of -- near  
13 the end of November, I actually went on leave.

14 MR. ENGELMANN: I was just going to ask you  
15 that.

16 MR. SHAVER: I did come back to the station  
17 a couple of times, you know, at Christmas, to wish people  
18 Merry Christmas, that kind of thing.

19 Derochie had not finished, and I think I  
20 talked to the Deputy about that. He had not finished  
21 either of the investigations at the time.

22 MR. ENGELMANN: Right.

23 MR. SHAVER: And I wanted them, I actually  
24 wanted them both finished before the new Chief came because  
25 I thought if, you know, he's going to have 40 -- 48

1 recommendations to deal with.

2 I wanted to give him the same sort of  
3 opportunity that I had, when I came, to try to not have  
4 some other superfluous issues out there. And unfortunately  
5 that didn't happen. When he arrived, this whole thing blew  
6 up in his face.

7 **MR. ENGELMANN:** Well, let's just talk about  
8 that. Let's switch tracks then. We're in early January  
9 1994.

10 **MR. SHAVER:** Yes.

11 **MR. ENGELMANN:** You've just retired. This  
12 whole issue hits the media and in a large way.

13 **MR. SHAVER:** Yes.

14 **MR. ENGELMANN:** And it's portrayed in the  
15 local and regional media in early January.

16 **MR. SHAVER:** It is.

17 **MR. ENGELMANN:** It's my understanding the  
18 story broke on or about January 5<sup>th</sup>.

19 **MR. SHAVER:** January 5<sup>th</sup>, yes.

20 **MR. ENGELMANN:** And it's also my  
21 understanding that you had a discussion with a reporter  
22 from a regional television station -- television station in  
23 Ottawa, CJOH?

24 **MR. SHAVER:** Yes.

25 **MR. ENGELMANN:** The reporter's name was

1 Greenwell?

2 **MR. SHAVER:** Charlie Greenwell, yes.

3 **MR. ENGELMANN:** And you actually spoke to  
4 him before the story broke?

5 **MR. SHAVER:** Yes, he wanted a quote. I  
6 refused to give him one. I said:

7 "This is a Cornwall police -- I'm no  
8 longer the Chief of police for  
9 Cornwall. You'll have to call the  
10 Cornwall Police Department."

11 And he said:

12 "Well, can you tell me, off the record,  
13 did you believe this guy?"

14 And I said:

15 "I had some concerns."

16 **MR. ENGELMANN:** All right. So these were  
17 off the record comments you made then?

18 **MR. SHAVER:** Yeah, it was an off the record  
19 -- agreed off the record comment that I had. And I said:

20 "Listen, call the Cornwall Police  
21 Department, they'll give you -- if ---

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

23 **MR. SHAVER:** --- you have -- if you need  
24 confirmation, call them."

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

1 him anything else?

2 MR. SHAVER: No, I did not.

3 MR. ENGELMANN: Now, at or about that time,  
4 did you also speak to the brother of one of the alleged  
5 perpetrators, sir, the deceased Ken Seguin?

6 MR. SHAVER: Yes. I spoke to Doug Seguin.  
7 It was after these things were reported on CJOH. I didn't  
8 make a note of when it was but it was definitely after they  
9 were all -- they'd all been aired. And his brother was  
10 then linked because of the -- the statement was then shown  
11 on television.

12 MR. ENGELMANN: All right. So it was not  
13 before it first came out?

14 MR. SHAVER: No.

15 MR. ENGELMANN: It was after?

16 MR. SHAVER: It was after.

17 MR. ENGELMANN: And how did that come about,  
18 your discussions with Ken -- with Doug Seguin?

19 MR. SHAVER: It started, sir, with a call to  
20 my house. He introduced himself. I didn't know -- I'd  
21 never met Doug Seguin; I didn't know who he was. We talked  
22 about -- I thought he was -- somehow I got the impression  
23 that he was related to Hilda Seguin, who was the Director  
24 of Social Services for the City of Cornwall who I had a lot  
25 of respect for. And he said that Sylvia -- that she had

1 told him that he could talk to me and that I was a good  
2 person to talk to. And that was pretty much it.

3 **MR. ENGELMANN:** So if I have this right,  
4 that in early January, at least after the story airs for  
5 the first time, you have some discussions with Mr. Seguin?

6 **MR. SHAVER:** I do.

7 **MR. ENGELMANN:** You also have some  
8 discussions again with Charlie Greenwell?

9 **MR. SHAVER:** Yes. What happened was the --  
10 I saw the newscast that evening and the facts were totally  
11 incorrect. But he also said in that piece that I had said  
12 that Mr. Silmsler was not credible. And -- which is not  
13 what I'd told him in the beginning. I said I had my  
14 doubts; that's all I had. So that was kind of upsetting,  
15 so I called the director of the news department, Max  
16 Keeping, whom I knew. And I asked -- I told Max, I said:

17 "Look, this isn't right. This is  
18 wrong. He used an off the record  
19 comment and he didn't get his facts  
20 right. You know, he should get his  
21 facts right. He should call the police  
22 department and ensure he got his facts  
23 correct."

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

25 **MR. SHAVER:** And then he asked me to talk to

1 Mr. Greenwell and I refused. And he said, "Please talk to  
2 him." It talked to him. He apologized. And he said, "I  
3 shouldn't have used your off the record comment."

4 MR. ENGELMANN: All right. And did -- when  
5 you had that further follow-up with Mr. Greenwell, did he  
6 ask you for -- to provide him with the facts ---

7 MR. SHAVER: Yes, he did.

8 MR. ENGELMANN: --- and correct what he had  
9 said before?

10 MR. SHAVER: Yes, and I told him to make  
11 sure he called the police department.

12 MR. ENGELMANN: Well, did you provide him  
13 with any other information at that time?

14 MR. SHAVER: Yeah, I just told him that -- I  
15 told him what his facts -- the facts that were not correct.

16 MR. ENGELMANN: All right.

17 MR. SHAVER: All right? I think the one  
18 fact was that the assault had taken place at the St.  
19 Andrews Church. I said, "That's not a correct fact, so get  
20 the fact right."

21 MR. ENGELMANN: All right.

22 MR. SHAVER: And I think there was one other  
23 one. I can't remember what it was, but I didn't tell him  
24 what the facts were. I just told him what the facts -- the  
25 information that he had in his newscast that was not

1 correct.

2 MR. ENGELMANN: All right.

3 And who did you advise that he should speak  
4 to at the Cornwall Police Service?

5 MR. SHAVER: Just to call the Service and  
6 talk to the media person; if they weren't there, to talk to  
7 whoever else would be there, whoever else had the  
8 responsibility.

9 MR. ENGELMANN: all right.

10 And were you aware that Mr. Seguin, Doug  
11 Seguin, was also having discussions with Mr. Greenwell?

12 MR. SHAVER: Not at that time. I don't  
13 think Mr. Seguin had a discussion with him until later on.

14 MR. ENGELMANN: All right.

15 MR. SHAVER: At least that's what I remember  
16 Mr. Seguin telling me.

17 MR. ENGELMANN: Sir, did you at any time  
18 inform a media person at the Cornwall Police Service about  
19 what you were doing during the month of January with these  
20 various calls to Max Keeping, Charlie Greenwell?

21 MR. SHAVER: No, I did not.

22 MR. ENGELMANN: Okay. Sir, you were also  
23 speaking with some newspaper journalists? I recall there  
24 were a number of articles in the month of January?

25 MR. SHAVER: Yes, there were.



1                   **MR. ENGELMANN:** And you're quoted in  
2                   several?

3                   **MR. SHAVER:** Quoted in several?

4                   **MR. ENGELMANN:** Yes.

5                   **MR. SHAVER:** I'd have to see them, sir.

6                   **MR. ENGELMANN:** All right. Okay.

7                   Do you at least acknowledge, sir, that you  
8                   had conversations with several newspaper journalists?

9                   **MR. SHAVER:** Well, sir, every night I came  
10                  home there was a TV truck at my door. So they -- I may  
11                  have had conversations, sir, with some.

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

13                  **MR. SHAVER:** I'd have to see which ones  
14                  you're speaking about, sir.

15                  **MR. ENGELMANN:** All right.

16                  Well, I'll show you a couple.

17                  **MR. SHAVER:** Yeah.

18                  **MR. ENGELMANN:** I was trying to avoid it.

19                  Sir, why didn't you contact someone from the  
20                  Cornwall Police Service and tell them what you were doing?

21                  **MR. SHAVER:** Tell them what I was doing?

22                  **MR. ENGELMANN:** Yeah.

23                  **MR. SHAVER:** Well, I wasn't doing anything,  
24                  sir.

25                  **MR. ENGELMANN:** Well, you were speaking to

1 television. You were speaking to newsprint.

2 MR. SHAVER: No, I did not speak to the  
3 television, sir. I spoke ---

4 MR. ENGELMANN: You spoke to Charlie  
5 Greenwell. You spoke to Max Keeping.

6 MR. SHAVER: Yes, just to ensure that their  
7 story was correct. They corrected their story. They  
8 obviously got it from the Cornwall Police Department.

9 MR. ENGELMANN: But, sir, you yourself had  
10 been subjected to a media directive when you were a member  
11 of the Cornwall Police Service?

12 MR. SHAVER: Yes.

13 MR. ENGELMANN: I think it's Directive 59?

14 MR. SHAVER: Yes.

15 MR. ENGELMANN: And there's a procedure that  
16 you had set up whereby if a member of your Service was  
17 speaking to any media person, they had to follow a certain  
18 protocol?

19 MR. SHAVER: Yes.

20 MR. ENGELMANN: And, sir, you were part of  
21 that protocol as a member of the Cornwall Police Service?

22 MR. SHAVER: Yes.

23 MR. ENGELMANN: And even as a retired member  
24 of the Cornwall Police Service, if you're talking about  
25 matters that came to your attention as a member of the

1 Service, did you not think that that protocol would still  
2 apply to you?

3 MR. SHAVER: Well, the protocol certainly  
4 wouldn't apply to me. I'm not -- I'm no longer a member of  
5 the police department. So ---

6 MR. ENGELMANN: But ---

7 MR. SHAVER: Protocol is only for a member  
8 of the department.

9 MR. ENGELMANN: But you received information  
10 as a result of your being a member of the Cornwall Police  
11 Service?

12 MR. SHAVER: I received information?

13 MR. ENGELMANN: Sure, the information you're  
14 providing to whether it's Charlie Greenwell, Max Keeping or  
15 other officials, other newspaper or radio people is  
16 information you would have obtained through your work as a  
17 Cornwall Police Service officer?

18 MR. SHAVER: Yes.

19 MR. ENGELMANN: And did you not think it  
20 just more appropriate just not to comment at all and simply  
21 let them comment, or at the very least tell them what you  
22 were doing and why?

23 THE COMMISSIONER: Sir, do you have an  
24 answer for that?

25 MR. SHAVER: I don't have an answer for it,

1           sorry.

2                       **MR. ENGELMANN:** All right. Fair enough.

3                       Sir, do you recall speaking with a Len  
4 Hooper from the Citizen?

5                       **MR. SHAVER:** Len Hooper was not with the  
6 Citizen, I don't believe, sir. Len was from the Standard  
7 Freeholder.

8                       **MR. ENGELMANN:** Oh, sorry, Standard  
9 Freeholder ---

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

11                      **MR. ENGELMANN:** --- about this matter,  
12 January 6<sup>th</sup>, 1994?

13                      **MR. SHAVER:** Sir, you'd have to show me the  
14 article. I'm sorry; I don't ---

15                      **MR. ENGELMANN:** I can just show you a  
16 couple, if I can.

17                      So are you saying you didn't talk to several  
18 newspaper journalists here about this matter in January?

19                      **MR. SHAVER:** No, no, I'm not saying I didn't  
20 talk to them.

21                      **MR. ENGELMANN:** All right.

22                      **MR. SHAVER:** There was -- what happened was  
23 they -- at one point they showed the statement on  
24 television. I got a call from the Director of the radio  
25 station that they had received a copy of the statement by

1 fax, and I said -- and they said, "We don't know what to do  
2 with this." And I said, "The thing you've got to do is  
3 turn it over to the Cornwall Police Department." I called  
4 Chief Johnston and said, "Look, this has just arrived at  
5 the radio station. Maybe you'd better have somebody go  
6 over and pick it up. Get this statement." And that's what  
7 he did. Carl Johnston, I guess, sent one of the officers  
8 over and they picked up the statement. If I did have that  
9 conversation, it was with Fred Fletch.

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

11 What about Scott Magnish or Robert Benzie at  
12 the Sun?

13 **MR. SHAVER:** No, I don't recognize -- I  
14 don't remember having a conversation with either of those  
15 people.

16 **MR. ENGELMANN:** All right.

17 Document Number 728767 -- I'll just do a  
18 couple.

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

20 **THE REGISTRAR:** Seven two eight (728) ---

21 **MR. ENGELMANN:** Seven two eight seven six  
22 seven (728767).

23 And, sir, you did not have a press  
24 conference of any sort?

25 **MR. SHAVER:** No.

1                   **MR. ENGELMANN:** So if you're quoted by  
2 individual reporters it's because you spoke to them,  
3 presumably?

4                   **MR. SHAVER:** I'd have to see, sir. Show me  
5 the article, please.

6                   **MR. ENGELMANN:** Fair enough.

7                   **THE COMMISSIONER:** Thank you. Exhibit 1793  
8 is an Ottawa Sun article. I don't see -- by Scott Magnish,  
9 M-A-G-N-I-S-H, and Robert Benzie, B-E-N-Z-I-E.

10                   **MR. ENGELMANN:** I'm not sure of the exact  
11 date, sir. All I've got is a fax record and it's January  
12 8<sup>th</sup>, '94.

13                   **THE COMMISSIONER:** That's okay. I've  
14 identified it for the record in any event.

15 --- **EXHIBIT NO./PIÈCE NO. P-1793:**

16                   (728767) Ottawa Sun media clipping "Sex  
17 Scandal probe eyed" - 08 Jan '94

18                   **MR. ENGELMANN:** So, sir, you're quoted in  
19 the right-hand column by these journalists:

20                   "Once you withdraw a complaint, you  
21 can't go on a fishing expedition. Our  
22 hands were tied. We no longer had a  
23 case, he said."

24                   Does that refresh your memory about possibly  
25 talking to people from the Ottawa Sun?

1                   **MR. SHAVER:** Probably, yes.

2                   **MR. ENGELMANN:** All right.

3                   Document Number 729505.

4                   **THE COMMISSIONER:** Thank you. Exhibit  
5                   Number 1794 is three articles from which ---

6                   **MR. ENGELMANN:** This is apparently the  
7                   Freeholder.

8                   **THE COMMISSIONER:** The Freeholder, Len  
9                   Hooper, Monday, January 6<sup>th</sup>, 1994.

10                  --- EXHIBIT NO./PIÈCE NO. P-1794:

11                   (729505) Standard Freeholder media clipping  
12                   written by Len Hooper, dated Monday, January  
13                   6, 1994

14                  **MR. ENGELMANN:** Sir, the second column:

15                   "Shaver said he doesn't feel it is  
16                   appropriate for him to comment on  
17                   details of the case without talking to  
18                   Johnston first. 'I'm no longer with  
19                   the Department,' he explained.

20                   However, Shaver absolutely denied  
21                   rumours the Department and he  
22                   specifically was involved in any  
23                   settlement of the complaint."

24                  And it goes on and you're quoted?

25                  **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** Okay. So you would have  
2 spoken with Mr. Hooper?

3                   **MR. SHAVER:** Yes, I guess.

4                   **MR. ENGELMANN:** Just one more. There's a  
5 few in here, but 728839 -- I'm sorry, 728389. This is an  
6 article written by a Caroline Abraham, Ottawa Citizen.

7                   Does that name ring a bell?

8                   **MR. SHAVER:** No, it does not.

9                   **MR. ENGELMANN:** "Police protested to Church  
10 over payoff sex abuse case."

11                   **THE COMMISSIONER:** Exhibit 1795.

12                   **--- EXHIBIT NO./PIÈCE NO. P-1795:**

13                   (728389) Ottawa Citizen news clipping -

14                   "Police protested to Church over payoff" -

15                   14 Jan '94

16                   **MR. ENGELMANN:** Right in the middle, sir:

17                   "Shaver, who was not involved in the  
18 investigation until it had to be called  
19 off says he was so incensed by the  
20 Church's deal that he and the head of  
21 the Force's Criminal Investigations  
22 visited the papal nuncio, Archbishop  
23 Carlo Curis in Ottawa last October 7<sup>th</sup>..."

24                   And then there's a couple of -- there's a  
25 quote.



1 Right? So it appears you talked to a  
2 reporter from the Citizen as well?

3 MR. SHAVER: I can't see the date on this,  
4 sir. What date was it?

5 MR. ENGELMANN: It's apparently January 14<sup>th</sup>,  
6 '94.

7 MR. SHAVER: M'hm.

8 MR. ENGELMANN: So we've got some from the  
9 6<sup>th</sup> and going on through the month.

10 MR. SHAVER: M'hm.

11 MR. ENGELMANN: And there are others as  
12 well.

13 So, sir, did it not bring back some memory  
14 that you talked to a number of reporters during the month  
15 of January?

16 MR. SHAVER: Obviously I did. Obviously, if  
17 I thought it was a personal attack on me, I certainly  
18 answered it.

19 MR. ENGELMANN: All right.

20 MR. SHAVER: Or my Force, that is.

21 MR. ENGELMANN: I'm sorry?

22 MR. SHAVER: I said if it was a personal  
23 attack on either me or my police service that I ran, under  
24 my watch, I obviously commented on it.

25 MR. ENGELMANN: Did you think that was

1 prudent, sir, given that directive and given what you'd  
2 said earlier about talking to the media?

3 **MR. SHAVER:** Well, sir, no -- yeah. Was it  
4 prudent? Forgetting the directive, sir -- I'm no longer  
5 bound by the directive. I'm now a private citizen. I'm  
6 now a private citizen, so I -- and they were coming up with  
7 facts that were not correct, and if they're saying, "Will  
8 you confirm or deny this thing?" So I gave them an  
9 explanation.

10 **MR. ENGELMANN:** I'm thinking back to some of  
11 your comments about, you know, the confidentiality of this  
12 type of information. It's information that you obtain as a  
13 police officer. You know, you're certainly -- I can't  
14 remember the example we used earlier, but, I mean, there's  
15 a reason for these directives. The fact that you're  
16 talking to the press, that could influence or interfere  
17 with ongoing work or work that's going to come either for  
18 your former Service or perhaps the OPP were coming in to  
19 reinvestigate. You've got the Ottawa Police Service coming  
20 in.

21 **MR. SHAVER:** Right.

22 **MR. ENGELMANN:** Did you not take some of  
23 those things into consideration?

24 **MR. SHAVER:** Well, first of all, I didn't  
25 know the Ottawa Police were coming in. I know they did

1           come in. So ---

2                       **THE COMMISSIONER:** I guess the issue is  
3           this, is that you're saying the minute you leave the Police  
4           Force, you can do what you want as a citizen, and what Mr.  
5           Engelmann is suggesting is that yeah, but the information  
6           that you left there -- I mean, you can't walk out and go  
7           and see somebody and say, "By the way, you're being  
8           investigated." That would be using the knowledge that you  
9           had as a police officer.

10                   **MR. SHAVER:** Right.

11                   **THE COMMISSIONER:** Right? Do you not see,  
12           morally at least, that there's something wrong there on  
13           that example, and then I'll get to yours?

14                   **MR. SHAVER:** Morally? Your example, sir,  
15           absolutely.

16                   **THE COMMISSIONER:** All right.

17                   So then we get into the grey area about you  
18           continuing to speak about things that happened when you  
19           were the Chief of Police. You're not ---

20                   **MR. SHAVER:** Things, sir, that I guess I  
21           controlled at the time when I was the Chief.

22                   **THE COMMISSIONER:** Okay.

23                   **MR. SHAVER:** Yes, I can understand what  
24           you're saying, sir.

25                   **THE COMMISSIONER:** I don't know that the

1 incoming Chief would like to have the outgoing Chief  
2 discussing things without him knowing or some arrangement  
3 being made.

4 **MR. SHAVER:** Okay.

5 **THE COMMISSIONER:** Okay.

6 **MR. ENGELMANN:** Did you ever -- just out of  
7 curiosity, did you ever get a call from the Cornwall Police  
8 Service just asking you to refrain from doing this though  
9 when you were doing it?

10 **MR. SHAVER:** No, I did not.

11 **MR. ENGELMANN:** In January or February of  
12 '94?

13 **MR. SHAVER:** Never got a call.

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

15 And, sir, I know that you had several  
16 conversations with members of the Seguin family during the  
17 months of January and February of '94. Is that correct?

18 **MR. SHAVER:** Just with Doug Seguin.

19 **MR. ENGELMANN:** Okay. And you discussed  
20 aspects of the case with him?

21 **MR. SHAVER:** No, I did not.

22 **MR. ENGELMANN:** Well, what did you talk  
23 about when you met?

24 **MR. SHAVER:** He wanted to come to me and he  
25 asked me about his brother. He said, "My brother's not

1           what he's being portrayed." He went through a lot of that.  
2           It was more consoling. I just listened to him. He offered  
3           some bits of information about the case. One was a diary  
4           that his brother had allegedly kept, and I told him he  
5           should turn that over to the OPP. "They're doing an  
6           investigation. Turn it over to them." But I did not  
7           discuss the case with him.

8                       **MR. ENGELMANN:** And you didn't know him from  
9           before?

10                      **MR. SHAVER:** Never met him.

11                      **MR. ENGELMANN:** And what about his brother  
12           Ken Seguin?

13                      **MR. SHAVER:** Did not know Ken Seguin at all.

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

15                      Because I'm just wondering why you're doing  
16           this, and I know you do talk in your statement to the fact  
17           that -- and this is Exhibit 1789. I don't know if it's  
18           filed yet or still loose.

19                      **THE COMMISSIONER:** Pardon me? It's filed.  
20           At lunchtime Madam Clerk files everything.

21                      **MR. SHAVER:** I got it.

22                      **MR. ENGELMANN:** Just at the very end of the  
23           statement ---

24                      **MR. SHAVER:** Yeah.

25                      **MR. ENGELMANN:** --- Bates page 718.

1                   MR. SHAVER: M'hm.

2                   MR. ENGELMANN: This would have been  
3                   written, sir, in the spring of '94, right, this statement,  
4                   sometime after ---

5                   MR. SHAVER: Yeah.

6                   MR. ENGELMANN: --- February because you  
7                   refer to February there and sometime before June 14<sup>th</sup>?

8                   MR. SHAVER: M'hm.

9                   MR. ENGELMANN: And you say:

10                                "During the months of January and  
11                                February '94, I had several  
12                                conversations with members of the  
13                                probation officer's family..."

14                                That would be the Seguin family, right?

15                   MR. SHAVER: Yeah, but it was "member"  
16                   because I never talked to anyone else besides Doug.

17                   MR. ENGELMANN: All right.

18                                "...who were extremely upset that their  
19                                loved one was being tarred as a child  
20                                molester..."

21                   Et cetera.

22                   MR. SHAVER: Yes.

23                   MR. ENGELMANN: All right.

24                                Were you aware, sir, that during this  
25                   timeframe, David Silmsler filed a *Police Services Act*

1 complaint concerning the release of his statement to the  
2 media and then also to the CAS?

3 MR. SHAVER: Yes, that did come to my  
4 attention.

5 MR. ENGELMANN: And during the course of  
6 that investigation, were you interviewed, at least briefly,  
7 by Staff Sergeant Wells?

8 MR. SHAVER: I was.

9 MR. ENGELMANN: All right.

10 When you were interviewed by him, do you  
11 recall expressing any opinions to him about the protection  
12 of children and whether or not you thought Perry Dunlop was  
13 acting with that goal in mind when providing the statement  
14 to the CAS?

15 MR. SHAVER: I'd have to see the statement,  
16 sir, but I -- if I could see the statement first, it would  
17 make it easier.

18 MR. ENGELMANN: It's Exhibit 643.

19 THE COMMISSIONER: I don't know if you have  
20 that, sir.

21 (SHORT PAUSE/COURTE PAUSE)

22 MR. ENGELMANN: The Bates pages are very  
23 small. It's Bates page 802.

24 MR. SHAVER: Thank you.

25 MR. ENGELMANN: There's a handwritten number

1 on the top of the page, sir, in handwriting, 137. That's a  
2 lot easier to see.

3 MR. SHAVER: Sir, what page -- what number,  
4 60 ---

5 MR. ENGELMANN: I'm sorry; 643.

6 MR. SHAVER: Six four three (643).

7 THE COMMISSIONER: All right. So ---

8 MR. ENGELMANN: Are we all on the same page?

9 THE COMMISSIONER: I hope so.

10 MR. ENGELMANN: Six forty-three (643) is the  
11 exhibit; 802 is the Bates page; 137 is the handwritten  
12 number.

13 THE COMMISSIONER: Yeah.

14 MR. ENGELMANN: A couple of very quick  
15 questions.

16 Sir ---

17 MR. SHAVER: Zero two (02) is the Bates  
18 page?

19 THE COMMISSIONER: I'm sorry?

20 MR. ENGELMANN: I was asking ---

21 MR. SHAVER: I'm sorry; 802 is the Bates  
22 page? I'm trying to find that, sir.

23 THE COMMISSIONER: Just look at 137.

24 MR. ENGELMANN: One three seven (137).

25 THE COMMISSIONER: Look in the right-hand



1 corner.

2 MR. SHAVER: Oh, the right-hand corner of  
3 this.

4 THE COMMISSIONER: Yes, this time, and  
5 there's a handwritten number, 137.

6 MR. SHAVER: Okay.

7 THE COMMISSIONER: Oh no, you're ---

8 MR. SHAVER: I'm ---

9 THE COMMISSIONER: It's way at the back of  
10 the exhibit.

11 MR. SHAVER: Are we at the back of the  
12 document?

13 THE COMMISSIONER: Of 643, yeah. So you're  
14 at Exhibit 643?

15 MR. SHAVER: I'm at Exhibit -- let's make  
16 sure -- 643, yes.

17 THE COMMISSIONER: Okay. Go -- well, go a  
18 third of the way in at page 137, and that's in a black  
19 Magic Marker. Do you see the page numbers now?

20 MR. SHAVER: Yes, I do.

21 THE COMMISSIONER: Okay.

22 MR. SHAVER: Got it.

23 MR. ENGELMANN: Okay. So you know ---

24 MR. SHAVER: You're crossing me up with the  
25 Bates page on this one.

1                   **THE COMMISSIONER:** I'm sorry; I know.

2                   **MR. ENGELMANN:** They're too small to make  
3 out.

4                   **THE COMMISSIONER:** We just want to make sure  
5 you're paying attention.

6                   **MR. SHAVER:** I obviously wasn't, sir,  
7 because I wasn't looking on that side of the page.

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

9                   So you know what Staff Sergeant Wells is  
10 doing? He's investigating ---

11                   **MR. SHAVER:** Yes.

12                   **MR. ENGELMANN:** --- and he's going to  
13 determine whether or not -- I can't remember the test.  
14 There's a sufficient basis to refer this matter to a  
15 Tribunal under the *Police Services Act*.

16                   **MR. SHAVER:** Right. A Professional  
17 Standards officer is doing this.

18                   **MR. ENGELMANN:** Right.

19                   And so you've already, in the fall, come to  
20 your own conclusion that this should be dealt with  
21 informally. So presumably at that point you didn't think  
22 any *Police Services Act* charges should be initiated, at  
23 least from your end. This is now a citizen's complaint?

24                   **MR. SHAVER:** Right.

25                   **MR. ENGELMANN:** You're being interviewed.

1 And my question to you is do you express any opinions or  
2 comments to Staff Sergeant Wells about the protection of  
3 children and whether or not Mr. Dunlop was acting with that  
4 goal in mind when he provided the statement to the CAS?

5 MR. SHAVER: Is that a question that's in  
6 here, sir?

7 MR. ENGELMANN: No.

8 MR. SHAVER: I answered the questions that  
9 Staff Sergeant Wells asked me.

10 MR. ENGELMANN: Well, one of the questions  
11 he asked you was, "What would you like to tell me about  
12 this incident?"

13 MR. SHAVER: Okay. Let me read that.

14 MR. ENGELMANN: And that would have been a  
15 spot to perhaps give the answer.

16 MR. SHAVER: Okay.

17 (SHORT PAUSE/COURTE PAUSE)

18 MR. SHAVER: Yes. Okay.

19 MR. ENGELMANN: So you don't express that  
20 opinion?

21 MR. SHAVER: No.

22 MR. ENGELMANN: That would have been a  
23 mitigating factor perhaps if you had?

24 MR. SHAVER: A mitigating factor based on  
25 what, sir?

1                   **MR. ENGELMANN:** Well, sir, you had already  
2                   formed an opinion back in the fall ---

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** --- that this should not be  
5                   formal discipline.

6                   **MR. SHAVER:** Right.

7                   **MR. ENGELMANN:** This should be an informal  
8                   counselling?

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

10                  **MR. ENGELMANN:** You, yourself, wanted to go  
11                  to the CAS and give them this information?

12                  **MR. SHAVER:** Yes.

13                  **MR. ENGELMANN:** Do you tell Wells that?

14                  **MR. SHAVER:** No.

15                  **MR. ENGELMANN:** All right.

16                  Don't you think it might have been important  
17                  to tell Wells that, "Hey, you know, Perry did do this, but  
18                  I was going to do it myself, or at least maybe not give the  
19                  statement, but I was going to give the facts because we  
20                  were -- this was the goal of protecting children," et  
21                  cetera?

22                  **MR. SHAVER:** It never dawned on me to do  
23                  that, sir.

24                  **MR. ENGELMANN:** Okay. But you do talk to  
25                  him about the fact that you meet with Abell at the

1 beginning of October, but you don't say in this interview  
2 that you were going to provide the same type of information  
3 that Dunlop provided.

4 MR. SHAVER: No, I did not.

5 MR. ENGELMANN: And that might have been  
6 useful for him to know?

7 MR. SHAVER: For Staff Sergeant Wells to  
8 know?

9 MR. ENGELMANN: Yes. Well, he's got to make  
10 a recommendation on proceeding to charges, right?

11 MR. SHAVER: No, Staff Sergeant Wells was  
12 investigating -- well, I'd have to take a look at the  
13 public complaint, but my take on the public complaint was  
14 he was -- Mr. Silmsler was upset that the statement that he  
15 -- that his statement was released to the press. That was  
16 my understanding.

17 MR. ENGELMANN: That was the initial concern  
18 he had, but then there was a press release, and then after  
19 that, he certainly amended his comments and he -- if you'll  
20 look at Bates page 662, but it's handwritten number 2 ---

21 MR. SHAVER: Right.

22 MR. ENGELMANN: --- paragraphs 4, 5 and 6,  
23 the public complaint is certainly expanded or amended to  
24 include concerns about release of information to the CAS?

25 MR. SHAVER: Sir, I answered the question

1 based on what Staff Sergeant Wells asked me in the first  
2 paragraph.

3 "I am investigating a public complaint  
4 made by David Silmser alleging that a  
5 member or members of the Cornwall  
6 Police Service released his  
7 confidential document which he gave to  
8 the police in context with a criminal  
9 investigation."

10 I answered that question about that  
11 incident, what I knew about that incident.

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

13 **MR. SHAVER:** I wasn't asked any other  
14 question. That was the question I was asked.

15 **MR. ENGELMANN:** Whether you were asked a  
16 question or not, sir, do you not think it was relevant to  
17 what he was investigating? He was investigating *Police*  
18 *Services Act* charges. Were you not aware of what the  
19 charges were?

20 **MR. SHAVER:** Was I not aware of what the  
21 charges were?

22 **MR. ENGELMANN:** Yeah.

23 **MR. SHAVER:** There were no charges at that  
24 time, I don't think.

25 **MR. ENGELMANN:** No, no, the ---

1                   **THE COMMISSIONER:** The complaint.

2                   **MR. ENGELMANN:** --- summary of the complaint  
3                   itself.

4                   **MR. SHAVER:** No.

5                   **MR. ENGELMANN:** Look at page 2. Were you  
6                   not aware of that?

7                   **MR. SHAVER:** No, I was not aware of that. I  
8                   was not shown the -- I was not shown the public complaint,  
9                   just that a public complaint had been made.

10                  **MR. ENGELMANN:** In any event, you didn't  
11                  tell him about your plans to release information to the  
12                  CAS? You didn't tell him about the fact that you thought  
13                  this should be dealt with by way of informal counselling,  
14                  et cetera?

15                  **MR. SHAVER:** No, I did not.

16                  **MR. ENGELMANN:** All right.

17                  Let's talk briefly then, sir, about your  
18                  relationship with Perry Dunlop.

19                  **MR. SHAVER:** Okay.

20                  **MR. ENGELMANN:** And let's talk about your  
21                  relationship with Perry Dunlop before September of 1993.

22                  **MR. SHAVER:** Okay.

23                  **MR. ENGELMANN:** You both joined the Cornwall  
24                  Police Service around the same time?

25                  **MR. SHAVER:** No, I hired Perry Dunlop.

1                   **MR. ENGELMANN:** All right.

2                   So you were there a year or two before him  
3 perhaps?

4                   **MR. SHAVER:** Probably, yes. It would have  
5 been about a year beforehand, yes.

6                   **MR. ENGELMANN:** All right.

7                   And any -- you have a number of members on  
8 your Force, but did you have some idea -- or how would you  
9 describe his career, if I could ask you that?

10                  **MR. SHAVER:** Perry Dunlop was a good police  
11 officer.

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

13                  And I just want to ask you about some ebbs  
14 and flows, if I can, for a minute, valleys and peaks.

15                  **MR. SHAVER:** Yeah.

16                  **MR. ENGELMANN:** Were you aware of the fact  
17 that he was convicted of some *Police Services Act* charges  
18 himself?

19                  **MR. SHAVER:** I certainly was, yes.

20                  **MR. ENGELMANN:** And these were from events  
21 arising in 1985?

22                  **MR. SHAVER:** In 1985, yes.

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

24                  And if you could just take a look, sir, at  
25 Tab 60 -- sorry; it's Document Number 731223.



1                   **MR. SHAVER:** Seven three one (731)?

2                   **THE COMMISSIONER:** No, it's okay; it's  
3 coming.

4                   **MR. ENGELMANN:** Seven three one two two  
5 three (731223).

6                   **THE COMMISSIONER:** Thank you. Exhibit  
7 Number 1796, an internal correspondence to Chief Shaver  
8 from Deputy Chief O'Neill, February 17<sup>th</sup>, 1986.

9                   **--- EXHIBIT NO./PIÈCE NO. P-1796:**

10                               (731223) Internal Correspondence from Denis  
11 B. O'Neill to Claude Shaver - 17 Feb '86

12                   **MR. ENGELMANN:** Sir, do you have the  
13 document?

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

15                   **MR. ENGELMANN:** This would have been a  
16 document you would have been sent from your Deputy Chief at  
17 the time?

18                   **MR. SHAVER:** It was, yes.

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

20                               And at the top left it says:

21                                       "Constable Perry Douglas Dunlop charged  
22                                       under the *Police Act* with neglect of  
23                                       duty, two counts, and deceit, one  
24                                       count."

25                   **MR. SHAVER:** Right.

1                   **MR. ENGELMANN:** And as I understand it, the  
2 two counts of neglect of duty were considered to be minor  
3 offences and then deceit a major offence?

4                   **MR. SHAVER:** Yes.

5                   **MR. ENGELMANN:** Is that how ---

6                   **MR. SHAVER:** Deceit was definitely a major  
7 offence, yes.

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

9                   And you'll see, sir, the findings are set  
10 out by the Deputy Chief, and I just want you to confirm  
11 whether or not these are accurate, as far as you know. The  
12 third paragraph from the bottom, November 19<sup>th</sup>, 1985, and  
13 this is on one count of minor offence of neglect of duty:

14                                 "After a full trial, the evidence given  
15                                 led to a conviction against Constable  
16                                 Dunlop. He was assessed four hours  
17                                 forfeiture of leave."

18                   **MR. SHAVER:** Yes.

19                   **MR. ENGELMANN:** Were you aware of that, sir?

20                   **MR. SHAVER:** I was.

21                   **MR. ENGELMANN:** At the last paragraph, sir,  
22 November 28<sup>th</sup>, '85, another count of minor offence of  
23 neglect of duty:

24                                 "After a full trial, the evidence given  
25                                 led to a conviction against Constable

1                   Dunlop and he was assessed four hours  
2                   forfeiture of leave."

3                   **MR. SHAVER:** Yes.

4                   **MR. ENGELMANN:** You were aware of that, sir?

5                   **MR. SHAVER:** I was.

6                   **MR. ENGELMANN:** And then there was a trial  
7                   scheduled for the last matter, and that's referred to on  
8                   Bates page 450 and it talks about, in the full paragraph on  
9                   Tuesday, February 4<sup>th</sup>, 1986:

10                   "Deputy Chief is contacted by a member  
11                   of the Executive of the Police  
12                   Association by the name of Gilmore."

13                   **MR. SHAVER:** Yes.

14                   **MR. ENGELMANN:** They have a discussion, and  
15                   as a result of it, the charge of deceit is -- there's a  
16                   charge substituted for it, neglect of duty.

17                   **MR. SHAVER:** Yes.

18                   **MR. ENGELMANN:** With a penalty of five days  
19                   to be assessed?

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

21                   **MR. ENGELMANN:** It was sort of a form of a  
22                   plea bargain or guilty plea ---

23                   **MR. SHAVER:** Yes, it was.

24                   **MR. ENGELMANN:** --- to a lower charge, if I  
25                   can call it that, but he is still assessed with five days

1 forfeiture of leave?

2 MR. SHAVER: He is.

3 MR. ENGELMANN: All right.

4 So he would have the one major conviction  
5 for neglect of duty and then two minor convictions for  
6 neglect of duty on his record?

7 MR. SHAVER: On his record, yes.

8 MR. ENGELMANN: As a result of what  
9 happened?

10 MR. SHAVER: Yes.

11 MR. ENGELMANN: All right.

12 Aside from that particular incident, to your  
13 knowledge, Constable Dunlop's record with your Force?

14 MR. SHAVER: Well, this was a major  
15 incident.

16 MR. ENGELMANN: I don't know.

17 MR. SHAVER: You can't pass this thing off.

18 MR. ENGELMANN: I'm not passing it off.

19 MR. SHAVER: Okay.

20 MR. ENGELMANN: That's why I went there.

21 MR. SHAVER: It's a major thing, yes.

22 MR. ENGELMANN: Aside from this ---

23 MR. SHAVER: Yes.

24 MR. ENGELMANN: --- were there other *Police*  
25 *Act* charges that you were aware of that he was convicted

1 of?

2 MR. SHAVER: No other *Police Act* charges  
3 that I was aware of, no.

4 MR. ENGELMANN: All right.

5 And, sir, on the other side, to your  
6 knowledge, did he receive a number of commendations for his  
7 service?

8 MR. SHAVER: He had, yes.

9 MR. ENGELMANN: And, sir, I understand that  
10 aside from commendations for police work, a number of them  
11 came because of community involvement?

12 MR. SHAVER: He -- Perry Dunlop was a very  
13 talented musician and ---

14 MR. ENGELMANN: Yes.

15 MR. SHAVER: --- played at a lot of  
16 functions. We got a lot of letters in about that, yes,  
17 saying "Thank you" and I would give him time off to go and  
18 do these things.

19 MR. ENGELMANN: All right.

20 And I understand, sir, on a couple of  
21 occasions he was awarded the Optimist Policeman of the  
22 Year?

23 MR. SHAVER: Yes, that's the Service Club  
24 Policeman of the Year Award, yes.

25 MR. ENGELMANN: All right.

1                   And that's, just by way of example, at Tab -  
2                   - sorry, Document Number 722621.

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

4                   **THE COMMISSIONER:** Thank you.

5                                   Exhibit Number 1797 is internal  
6                   correspondence from Chief Shaver to Constable Perry Dunlop,  
7                   dated May 17<sup>th</sup>, 1991.

8                   **--- EXHIBIT NO./PIÈCE NO. P-1797**

9                                   (722621) Internal Correspondence from Claude  
10                                  Shaver to Perry Dunlop - May 17, 1991

11                   **MR. SHAVER:** Yes.

12                   **MR. ENGELMANN:** Sir, you are saying:

13                    "It's a pleasure to advise that you have once again been  
14                    selected to receive the Optimist Policeman of the Year  
15                    Award..."

16                                  And you refer to an incident?

17                   **MR. SHAVER:** Yes.

18                   **MR. ENGELMANN:** "...for your  
19                                  professionalism and courage during..."

20                   -- such and such an incident?

21                   **MR. SHAVER:** Yes.

22                   **MR. ENGELMANN:** So he had received this  
23                   before?

24                   **MR. SHAVER:** Yes, he had received it one  
25                   other time, along with a Constable George Tyo. They tried

1 to save the life of a man who had a heart attack.

2 MR. ENGELMANN: I think I saw an article  
3 about that.

4 MR. SHAVER: Yes.

5 MR. ENGELMANN: And is this the same club  
6 that your father founded?

7 MR. SHAVER: Yes.

8 MR. ENGELMANN: Okay.

9 MR. SHAVER: Do you want me to explain why  
10 the Optimist Club do this or no?

11 MR. ENGELMANN: That's fine.

12 MR. SHAVER: The Optimist Club, because the  
13 have a very high regard for children, that's their base  
14 function.

15 They -- along with that they support the  
16 police and they asked us every year if we had an officer  
17 who did something during the year that would be above and  
18 beyond, like a single incident type of person, and those  
19 were the kinds -- and that's why Constable Dunlop was  
20 chosen. This is a recommendation made within the  
21 organization that comes up to my office and then we go over  
22 it.

23 MR. ENGELMANN: And that's given out once a  
24 year to an officer?

25 MR. SHAVER: Once a year, yes.

1                   At a dinner, they invite the police officer,  
2                   his wife or his girlfriend or his spouse, partner, and they  
3                   invite the Chief and they invite the Deputy and they try to  
4                   do it up well and they present a plaque to him.

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

6                   And, sir, I understand, and I don't know if  
7                   you're aware of this, that Mr. Dunlop would have been  
8                   selected by your Intelligence Officer, Staff Sergeant  
9                   Lortie, to be a member of an undercover team working on a  
10                  major drug project in 1993?

11                  **MR. SHAVER:** Yes. What I'd said earlier in  
12                  my testimony about my views about discipline should be  
13                  fair, should be fast and forgotten, Staff Sergeant Lortie  
14                  came to me and said, "Chief, you've said this before. I'd  
15                  like to get Dunlop out of the doghouse."

16                  And I said, "You know, Claude, it's a little  
17                  early but let's talk about this a little bit more". We  
18                  talked about it more. He made a very good case and said  
19                  that Perry would be excellent with me, working with me, and  
20                  so ---

21                  **MR. ENGELMANN:** But this is now 1993.  
22                  That's several years after ---

23                  **MR. SHAVER:** Oh, no, that's not 1993. This  
24                  is ---

25                  **MR. ENGELMANN:** Oh, previous to that?



1                   **MR. SHAVER:** --- oh, well before that.

2                   **MR. ENGELMANN:** Okay, but were you aware as  
3 well that he was selected with one other officer to be a  
4 member of an undercover team working on a major drug  
5 project in 1993?

6                   **MR. SHAVER:** In '93? Yes, I was.

7                   **MR. ENGELMANN:** All right.

8                   And would you describe your relationship --  
9 how would you describe your relationship with him, up until  
10 the fall of '93?

11                  **MR. SHAVER:** I thought our relationship was  
12 excellent.

13                  **MR. ENGELMANN:** All right.

14                               Was professional?

15                  **MR. SHAVER:** Always professional.

16                  **MR. ENGELMANN:** Amicable?

17                  **MR. SHAVER:** Yes.

18                  **MR. ENGELMANN:** Did that change after the  
19 release of the Silmsler statement to the CAS?

20                  **MR. SHAVER:** I never -- I didn't talk to  
21 Perry Dunlop after that. I -- I never spoke to him, sir.

22                               In my opinion, it wouldn't have changed,  
23 which is why, you know, I wanted him dealt with quickly  
24 there. I wanted that over and done.

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

1                   So after that happened, you had no further  
2                   discussions with him?

3                   **MR. SHAVER:** No, I have not spoken to Perry  
4                   Dunlop since.

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

6                   So you would have spoken to his wife on  
7                   October 14<sup>th</sup>, 1998?

8                   **MR. SHAVER:** One time, yes.

9                   **MR. ENGELMANN:** Yes, but never to him?

10                  **MR. SHAVER:** Never to him personally. No.

11                  **MR. ENGELMANN:** And you haven't since?

12                  **MR. SHAVER:** No.

13                  **MR. ENGELMANN:** Now, of course, there are  
14                  other things that happened after your retirement. You were  
15                  actually sued by Mr. Dunlop ---

16                  **MR. SHAVER:** Yes.

17                  **MR. ENGELMANN:** --- along with many others.

18                  **MR. SHAVER:** Nineteen-ninety-six (1996), I  
19                  believe?

20                  **MR. ENGELMANN:** And there's a statement of  
21                  claim?

22                  **MR. SHAVER:** Yes.

23                  **MR. ENGELMANN:** And there's an amended  
24                  statement of claim that talks about all sorts of  
25                  activities, and I think this is where we get into some of

1 the information that then finds its way onto websites and  
2 things of that nature. Is that fair?

3 **MR. SHAVER:** That's very fair.

4 **MR. ENGELMANN:** And after that, there's a  
5 fresh amended claim which takes a lot of that away, but  
6 still leaves allegations of malice on your part as a result  
7 of your association and/or friendship with certain  
8 individuals?

9 **MR. SHAVER:** Yes.

10 **MR. ENGELMANN:** And, sir, during the time of  
11 his lawsuit, you're aware that Mr. Dunlop took a number of  
12 statements from a number of individuals?

13 **MR. SHAVER:** Yes. I subsequently became  
14 aware when I read it on the website, yes.

15 **MR. ENGELMANN:** Fair enough. And we  
16 understand that in taking some of those statements, Perry  
17 Dunlop presented the people he was interviewing with --  
18 with a series of photos, and once people were identified,  
19 would also provide them with brief summaries of these  
20 people's backgrounds?

21 **MR. SHAVER:** Yes. I understand that. Yes.

22 **MR. ENGELMANN:** And did you ever see a  
23 summary that would have been prepared of you?

24 **MR. SHAVER:** I think somewhere in this  
25 material, sir.

1                   **MR. ENGELMANN:** I'll take a look at it ---

2                   **MR. SHAVER:** I found a summary, yes,  
3                   somewhere in this materials.

4                   **MR. ENGELMANN:** It's Document Number 723283?

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

6                   **MR. SHAVER:** Let me say thank God, Mr.  
7                   Commissioner, you don't put them all on my desk and I have  
8                   to find them, you know.

9                   **THE COMMISSIONER:** That's why we have a  
10                   court clerk.

11                   **MR. SHAVER:** A very efficient one at that.

12                   **THE COMMISSIONER:** Well, thank you.  
13                   Where's mine? Just when we're telling you  
14                   how efficient you are.

15                   Exhibit 1798 is a document entitled "Claude  
16                   Shaver Picture Number 2".

17                   --- **EXHIBIT NO./PIÈCE NO. P-1798**

18                   (723283) Summary of Claude Shaver by Perry  
19                   Dunlop

20                   **MR. ENGELMANN:** Sir, can I just run through  
21                   the list with you quickly?

22                   **MR. SHAVER:** Sure.

23                   **MR. ENGELMANN:** I'm pretty sure I know the  
24                   ones you're going to agree with and the ones you're not,  
25                   but let's just do that.

1 Ex-Chief of Police, Cornwall, Ontario?

2 MR. SHAVER: Yes.

3 MR. ENGELMANN: That's a yes?

4 MR. SHAVER: Yes.

5 MR. ENGELMANN: Chief from '83 to '93.

6 Well, it's really '84 to '93?

7 MR. SHAVER: Eighty-four ('84) to '93, yes.

8 MR. ENGELMANN: Announced his retirement  
9 just prior to Ken Seguin killing himself?

10 MR. SHAVER: Yes.

11 MR. ENGELMANN: Ex-RCMP officer who taught  
12 at Canadian Police College for 20 years?

13 MR. SHAVER: No.

14 MR. ENGELMANN: All right.

15 The 20 years is wrong but the rest of it's  
16 correct?

17 MR. SHAVER: Seven years. I taught at  
18 Canadian Police College for seven years. I was in the  
19 Mounted Police for twenty-one years.

20 MR. ENGELMANN: Fair enough.

21 Originally from Cornwall, Ontario?

22 MR. SHAVER: Yes.

23 MR. ENGELMANN: Raised here. Currently a  
24 trustee with the elementary public school board?

25 MR. SHAVER: Yes.

1                   MR. ENGELMANN: I believe ---

2                   MR. SHAVER: Not the elementary, the public  
3 school board. There's no "elementary" in there.

4                   MR. ENGELMANN: Sorry, yeah. I'm just  
5 reading what's there.

6                   MR. SHAVER: Yes.

7                   MR. ENGELMANN: And you can obviously  
8 disagree with all or any of it.

9                   MR. SHAVER: Okay.

10                  MR. ENGELMANN: This would have been in or  
11 about 1996, the fall of '96, okay?

12                  MR. SHAVER: Yes. Yes.

13                  MR. ENGELMANN: To situate yourself.  
14 Ordered the investigation of Constable

15 Dunlop and wanted firm control of same?

16                  MR. SHAVER: I ordered the investigation.

17                  MR. ENGELMANN: Fair enough.

18 Long-time friend of Ken Seguin and Malcolm  
19 MacDonald?

20                  MR. SHAVER: Absolutely incorrect.

21                  MR. ENGELMANN: And, did you know -- you  
22 knew Malcolm MacDonald?

23                  MR. SHAVER: Yes, I knew Malcolm MacDonald.

24                  MR. ENGELMANN: Would you consider yourself  
25 a friend or simply an acquaintance?

1                   **MR. SHAVER:** Sir, it would be acquaintance  
2                   at best.

3                   **MR. ENGELMANN:** All right.

4                   And Ken Seguin, you say you never met?

5                   **MR. SHAVER:** Never met Ken Seguin.

6                   **MR. ENGELMANN:** Seen at Ken Seguin's house  
7                   by several people?

8                   **MR. SHAVER:** Absolutely untrue.

9                   **MR. ENGELMANN:** Had hands on David Silmser  
10                  matter at all relevant times?

11                  **MR. SHAVER:** Abs -- well, I'm the Chief of  
12                  Police and it was in my department, yes.

13                  **MR. ENGELMANN:** All right.

14                  Seen in Florida with others?

15                               **(LAUGHTER/RIRES)**

16                  **MR. ENGELMANN:** I guess that could ---

17                  **MR. SHAVER:** I like to go to Florida alone,  
18                  sir, you know. I can't comment.

19                  **MR. ENGELMANN:** Did you have a place in  
20                  Florida that you went to in the winter?

21                  **MR. SHAVER:** Yes. I bought a place for my  
22                  mum and dad.

23                  **MR. ENGELMANN:** Was that in or near Fort  
24                  Lauderdale?

25                  **MR. SHAVER:** No. It's on the other side --

1 the other side of Florida, in Clearwater.

2 MR. ENGELMANN: And that is on the ---

3 MR. SHAVER: On the west coast.

4 MR. ENGELMANN: Attended the VIP meeting at  
5 Malcolm MacDonald's cottage August/September 1993, just to  
6 ---

7 MR. SHAVER: Complete fabrication there,  
8 sir.

9 MR. ENGELMANN: This would be a meeting with  
10 a number of other individuals including Ken Seguin, Malcolm  
11 MacDonald, I believe Father Charles and a number of others?  
12 You were not there?

13 MR. SHAVER: Again, sir, complete  
14 fabrication.

15 MR. ENGELMANN: Spoke to David Silmser  
16 personally during investigation?

17 MR. SHAVER: One time when he called me.

18 MR. ENGELMANN: All right, so that's true.  
19 Personally knows several involved players.  
20 Well, I guess it would depend on who the players were?

21 MR. SHAVER: That's right.

22 MR. ENGELMANN: Fair enough?

23 MR. SHAVER: And which team they were on,  
24 sir.

25 MR. ENGELMANN: All right.



1                   Okay, so we've heard here from a number of  
2                   people, and also statements from a number of people, that  
3                   you were seen with certain individuals alleged to be  
4                   involved in the sexual abuse of young people.

5                   We've had a statement tendered from an  
6                   alleged victim of sexual abuse by the name of Gerald  
7                   Renshaw?

8                   **MR. SHAVER:** Yes.

9                   **MR. ENGELMANN:** It's -- I'm not really going  
10                  to go into the details, sir.

11                  You would have heard his evidence here,  
12                  right, or read it?

13                  **MR. SHAVER:** I'm not sure if I heard --  
14                  heard it or read it, but I know what it said because I read  
15                  it in these documents also.

16                  **MR. ENGELMANN:** All right.

17                  You would have -- this was a statement I  
18                  believe that was put up on a website?

19                  **MR. SHAVER:** Yes, it ---

20                  **MR. ENGELMANN:** A statement from back in  
21                  1996?

22                  **MR. SHAVER:** I'm not sure if I saw that  
23                  particular statement, sir. The one that I always remember  
24                  seeing is the Ron Leroux one.

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

1 Well, the individuals who said they might  
2 have seen you at certain places or with certain people are  
3 the following ---

4 MR. SHAVER: Okay.

5 MR. ENGELMANN: --- that I know of.

6 MR. SHAVER: Okay.

7 MR. ENGELMANN: Gerry Renshaw, Robert  
8 Renshaw, Carol Hesse, also known as Carole Deschamps?

9 MR. SHAVER: Right.

10 MR. ENGELMANN: Who was a sister of the two  
11 Renshaw brothers?

12 MR. SHAVER: Yes.

13 MR. ENGELMANN: A man who goes by the  
14 moniker here of C-8?

15 MR. SHAVER: Yes.

16 MR. ENGELMANN: Ron Leroux?

17 MR. SHAVER: Yes.

18 MR. ENGELMANN: And another person who goes  
19 by the moniker C-10?

20 MR. SHAVER: C-10, I'm not sure, sir.

21 MR. ENGELMANN: If Madam Clerk could just  
22 write that name down for you?

23 MR. SHAVER: Sure.

24 MR. ENGELMANN: We'll just write the name  
25 for you.

1                   **MR. SHAVER:** Yeah, I don't want to go blurt  
2 the name out, obviously.

3                   **THE COMMISSIONER:** No.

4                   **(SHORT PAUSE/COURTE PAUSE)**

5                   **MR. SHAVER:** I know the name, sir. I don't  
6 know this person.

7                   **MR. ENGELMANN:** Okay. He is someone who  
8 testified here as well?

9                   **MR. SHAVER:** Yes, yes.

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

11                  As you know, we -- these people either  
12 testified in a victim -- alleged victim stage or in what we  
13 called our community context.

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

15                  **MR. ENGELMANN:** And, sir, I understand that  
16 you were interviewed by the OPP in 1999 and you were asked  
17 several questions about some of these contexts at that  
18 time.

19                  **MR. SHAVER:** Yes.

20                  **MR. ENGELMANN:** Do you remember that?

21                  **MR. SHAVER:** I do.

22                  **MR. ENGELMANN:** And you were interviewed by  
23 Inspector Pat Hall and Detective Constable Joe Dupuis?

24                  **MR. SHAVER:** Yes.

25                  **MR. ENGELMANN:** And that would have been on

1 July 9<sup>th</sup>, 1999?

2 MR. SHAVER: Yes. And for the record, sir,  
3 it was here. I've heard it mentioned several times when I  
4 was listening to the broadcast -- or listening to the  
5 website that I somehow was going to be visited in Florida  
6 or whatever. No, I came here.

7 MR. ENGELMANN: All right.

8 That might have been my fault just reading  
9 the front cover. But apparently you were living in  
10 Clearwater, Florida ---

11 MR. SHAVER: Yes.

12 MR. ENGELMANN: --- but we were interviewed  
13 at the Long Sault Department of the OPP; is that correct?

14 MR. SHAVER: Long Sault Detachment, sir.

15 MR. ENGELMANN: Yes.

16 MR. SHAVER: Yes.

17 MR. ENGELMANN: And do you have 1238 handy?

18 MR. SHAVER: I think so. Yeah.

19 MR. ENGELMANN: You might just want to have  
20 it next to you, sir. I don't know if you're going to need  
21 it to answer my questions.

22 MR. SHAVER: Okay. I don't think I'm going  
23 to need it to answer the questions, sir, but I'll look at  
24 it anyway. Twelve thirty eight (1238)?

25 MR. ENGELMANN: Yes, starting on Bates page

1 710.

2 MR. SHAVER: Yes.

3 THE COMMISSIONER: I'm sorry; what exhibit?

4 MR. ENGELMANN: It's Exhibit ---

5 THE COMMISSIONER: One-two-three-zero

6 (1230)?

7 MR. ENGELMANN: One-two-three-eight (1238).

8 THE COMMISSIONER: Eight.

9 MR. ENGELMANN: Sorry.

10 THE COMMISSIONER: No, no, it's my -- when  
11 you get old, Mr. Engelmann, you'll find out that your  
12 hearing goes.

13 MR. ENGELMANN: Mr. Shaver, it's really  
14 starting on the following page, Bates page -- you know,  
15 it's easier to look at that number that's stamped there,  
16 1692, which is Bates page 711.

17 MR. SHAVER: Sixteen-ninety-two (1692), yes.

18 MR. ENGELMANN: Yes. You're asked questions  
19 about having been to Ken Seguin's house.

20 MR. SHAVER: Yes.

21 MR. ENGELMANN: You're asked questions about  
22 being at parties at his house and it carries on over the  
23 next few pages.

24 MR. SHAVER: It does, yes.

25 MR. ENGELMANN: So certainly, we've heard

1 evidence here that you were seen at Ken Seguin's house with  
2 Malcolm MacDonald and Stuart McDonald, and that Stuart  
3 McDonald in question being the inspector on the Force.

4 MR. SHAVER: Yes.

5 MR. ENGELMANN: And that evidence was given  
6 here by a Gerry Renshaw.

7 MR. SHAVER: Yes.

8 MR. ENGELMANN: Is that true, sir?

9 MR. SHAVER: It is absolutely untrue.

10 MR. ENGELMANN: We also have heard evidence  
11 here from his sister, Carole Hesse, that she saw you at Ken  
12 Seguin's house in the company of Malcolm MacDonald.

13 MR. SHAVER: Absolutely untrue.

14 MR. ENGELMANN: We've also heard evidence  
15 from -- well, actually, from several people that they saw  
16 you at Ken Seguin's house and, by the way, this is his home  
17 in Summerstown.

18 MR. SHAVER: Summerstown, yes.

19 MR. ENGELMANN: Where he moved -- I hope I  
20 don't get the date wrong -- in the mid-'80s.

21 THE COMMISSIONER: Yeah, that's what I think  
22 it is.

23 MR. ENGELMANN: And he lived there until his  
24 death ---

25 MR. SHAVER: Okay.

1                   **MR. ENGELMANN:** --- in late 1993.

2                   Thank you, Mr. Manderville, May 1986.

3                   So the people who said they saw you at Ken  
4                   Seguin's house on more than one occasion are Gerry Renshaw,  
5                   Carole Deschamps, Robert Renshaw, Ron Leroux and C-8.

6                   **MR. SHAVER:** Totally untrue.

7                   **MR. ENGELMANN:** All right.

8                   And these are people, sir, who -- well, in  
9                   the case of Gerry Renshaw, was living at Ken Seguin's  
10                  residence for a couple of years in the late '80s; his  
11                  sister and brother visiting from time to time. And Ron  
12                  Leroux and C-8 were neighbours. So that's their access.

13                  **MR. SHAVER:** Right.

14                  **MR. ENGELMANN:** And certainly you would  
15                  acknowledge, sir, that you were well-known in the community  
16                  by that time?

17                  **MR. SHAVER:** I would think, yes.

18                  **MR. ENGELMANN:** People knew who you were?

19                  **MR. SHAVER:** I think so, sir.

20                  **MR. ENGELMANN:** So do you have any  
21                  explanation for why these people might be saying that  
22                  they're seeing you at Ken Seguin's house on more than one  
23                  occasion?

24                  **MR. SHAVER:** There's three possible  
25                  explanations, sir. Either they made a misidentification,

1 number one. Number two, they were either coerced or  
2 convinced that I was there or, number three, they outright  
3 fabricated the story.

4 **MR. ENGELMANN:** Sir, given your public  
5 persona, number one is unlikely; isn't that fair?

6 **MR. SHAVER:** Number one is unlikely, yes.

7 **MR. ENGELMANN:** Sir, as well, it was alleged  
8 that you were seen at Malcolm MacDonald's cottage. There  
9 is a couple of people who say that. This is a cottage on  
10 Stanley Island that is apparently -- and I don't know the  
11 area, sir, but not far from where the Seguin residence is,  
12 out into ---

13 **MR. SHAVER:** I know where Stanley Island is.  
14 I don't know where Seguin ---

15 **MR. ENGELMANN:** Stanley Island.

16 **MR. SHAVER:** Stanley. I know where Stanley  
17 Island is, yes.

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

19 There's a cottage that Malcolm MacDonald  
20 owned there and Mr. Leroux and C-8 claimed they saw you  
21 there.

22 **MR. SHAVER:** Fabrication.

23 **MR. ENGELMANN:** Were you ever at his cottage  
24 on Stanley Island?

25 **MR. SHAVER:** Never at his cottage.



1                   **MR. ENGELMANN:** All right.

2                   And as well, Mr. Leroux alleges he saw you  
3                   in Fort Lauderdale in an area of the city where there are  
4                   young male prostitutes known as Birch Road or Birch Avenue.

5                   **MR. SHAVER:** Complete and total fabrication.

6                   **MR. ENGELMANN:** Sir, do you recall if you  
7                   ever had any dealings with an individual by the name of  
8                   Keith Ouellette?

9                   **MR. SHAVER:** No, I've never had any dealings  
10                  with Keith Ouellette.

11                  **MR. ENGELMANN:** Okay. And were you familiar  
12                  with evidence he gave here, sir?

13                  **MR. SHAVER:** Yes, I was.

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

15                  **MR. SHAVER:** I listened to Sergeant Snyder's  
16                  -- Staff Sergeant Snyder's -- excuse me -- I don't want to  
17                  demote him.

18                  **MR. ENGELMANN:** Yes.

19                  **MR. SHAVER:** Staff Sergeant Snyder's  
20                  accounts of it, yes.

21                  **MR. ENGELMANN:** And I believe Mr. Ouellette  
22                  had given evidence that he tried to complain about sexual  
23                  abuse and suggested that you had failed to do anything  
24                  about the alleged abuse?

25                  **MR. SHAVER:** Yes, this was allegedly in

1 1978.

2 MR. ENGELMANN: Yes.

3 MR. SHAVER: I wasn't even here in '78.

4 MR. ENGELMANN: Yes.

5 MR. SHAVER: No.

6 MR. ENGELMANN: And later says there are  
7 things happening later in or around 1983. Sir, you have no  
8 recollection of ever having any dealings with a ---

9 MR. SHAVER: Never had any dealings with --

10 -

11 MR. ENGELMANN: --- Keith Ouellette or ---

12 MR. SHAVER: --- Keith Ouellette.

13 MR. ENGELMANN: --- Kenneth Keith Ouellette?

14 MR. SHAVER: Yes, never had any dealings  
15 with him at all.

16 MR. ENGELMANN: I'm talking about dealings  
17 when you would have been a member of the Cornwall Police.

18 MR. SHAVER: Yes, or any other times, sir.  
19 I don't know who Keith Ouellette is.

20 MR. ENGELMANN: All right.

21 THE COMMISSIONER: You know, Mr. Engelmann,  
22 the other thing you're going to learn when you grow older  
23 is the value of a health break.

24 Mr. Manson, are you joining me in that?

25 MR. MANSON: I thought you were going to say

1 the value of taking a break, and I was just standing up to  
2 do that.

3 (LAUGHTER/RIRES)

4 THE COMMISSIONER: That star keeps shining,  
5 Mr. Manson.

6 MR. MANSON: I think it's past its due date.

7 THE COMMISSIONER: All right.

8 Would you mind if ---

9 MR. ENGELMANN: I have very few questions  
10 left, but I will defer to my senior colleagues.

11 THE COMMISSIONER: There you go. We'll take  
12 a short break.

13 THE REGISTRAR: Order; all rise. À l'ordre;  
14 veuillez vous lever.

15 This hearing will resume at 3:30 p.m.

16 --- Upon recessing at 3:14 p.m. /

17 L'audience est suspendue à 15h14

18 --- Upon resuming at 3:33 p.m. /

19 L'audience est reprise à 15h33

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

22 This hearing is now resumed. Please be  
23 seated. Veuillez vous asseoir.

24 THE COMMISSIONER: Thank you. Just a  
25 minute, Mr. Engelmann.

1           **CLAUDE SHAVER, Resumed/Sous le même serment:**

2           **--- EXAMINATION IN CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**  
3           **ENGELMANN (Cont'd/suite):**

4                   **MR. SHAVER:** Mr. Engelmann, I wonder if I  
5           could? You asked me a question before, and I'm trying to  
6           remember how you phrased it. It was about being -- you  
7           asked me about being publicly identified. If I was a  
8           public figure, would I be more easily identified or more  
9           easily not to be identified?

10                   What was that? I can't remember the  
11           question. But it sort of bothered as I was leaving here.  
12           I kept thinking "I'm not sure I answered that one the way I  
13           would have answered it."

14                   **MR. ENGELMANN:** Oh, I guess ---

15                   **THE COMMISSIONER:** Were you recognizable as  
16           a public figure?

17                   **MR. SHAVER:** Yes, I was.

18                   **MR. ENGELMANN:** You were well-known in the  
19           community?

20                   **MR. SHAVER:** Yes.

21                   **MR. ENGELMANN:** And that had a lot to do  
22           with the tasks you were given when you started here where  
23           you were in the public eye very early on in your career.

24                   **MR. SHAVER:** Yes, I was.

25                   **MR. ENGELMANN:** And that's why I made the

1 comment that it was unlikely that people wouldn't be able  
2 to identify you. You were an identifiable figure because  
3 you were always in the public light?

4 **MR. SHAVER:** See, that's the question that  
5 I'm not so sure of. Would they -- would I be easily  
6 identifiable by everyone? Is that what you're thinking?

7 **MR. ENGELMANN:** You were clearly in the  
8 news.

9 Your picture was in the paper often.

10 **MR. SHAVER:** Yes.

11 **MR. ENGELMANN:** People knew who you were.

12 **MR. SHAVER:** Yes.

13 **MR. ENGELMANN:** That's all I'm saying.

14 **MR. SHAVER:** Okay. That's fine, sir.

15 **MR. ENGELMANN:** Now, where we left off was -  
16 - I had asked you about certain witnesses here who said  
17 they saw you at certain places and I neglected to ask you  
18 about a couple of others. I just want to put those to you  
19 as well.

20 **MR. SHAVER:** Okay.

21 **MR. ENGELMANN:** C-10, that name's been given  
22 to you?

23 **MR. SHAVER:** C-10, yes.

24 **MR. ENGELMANN:** I don't know if you know  
25 that person.

1                   **MR. SHAVER:** I haven't a clue who that man  
2                   is.

3                   **MR. ENGELMANN:** All right.

4                   He, I believe, he indicated he saw you at  
5                   Ken Seguin's house.

6                   **MR. SHAVER:** I think it was in 1970 or  
7                   something. Yes, I think that -- when I was still in the  
8                   Mounted Police in Montreal.

9                   **MR. ENGELMANN:** I don't know.

10                  **MR. SHAVER:** Yes, I believe that's -- that's  
11                  what I read, sir, in the ---

12                  **MR. ENGELMANN:** I don't have the transcript  
13                  handy. That was given to me by one of the lawyers here to  
14                  put to you.

15                  **MR. SHAVER:** Okay.

16                  **MR. ENGELMANN:** And I just, you know,  
17                  sometimes I take their questions. As well, and I do  
18                  remember this one, Gerry Renshaw saying that I believe he  
19                  also saw you at Malcolm MacDonald's cottage?

20                  **MR. SHAVER:** Total fabrication.

21                  **MR. ENGELMANN:** Sir, would you from time to  
22                  time eat at a local diner known as Harv's Diner?

23                  **MR. SHAVER:** Harv's Diner? I'm trying to  
24                  think. There were two places; one was owned by Harvey  
25                  Latour that was out on Highway Number 2, I remember. I

1 don't think he called it Harv's Diner. And then there was  
2 a place that was not owned by him that was called Harv's  
3 Diner and that was downtown on Fifth Street.

4 **MR. ENGELMANN:** That's the one.

5 **MR. SHAVER:** Seldomly. For breakfast only.

6 **MR. ENGELMANN:** All right.

7 Did you socialize from time to time with a  
8 former police officer and also a member of the board by the  
9 name of Ron Wilson?

10 **MR. SHAVER:** Never.

11 **MR. ENGELMANN:** You never socialized with  
12 Mr. Wilson?

13 **MR. SHAVER:** Never. Not a single time.

14 **THE COMMISSIONER:** Would you have been at  
15 the same place having lunch? Do you know him, first of  
16 all?

17 **MR. SHAVER:** Oh, I know him, yes. Of course  
18 I know him, yes.

19 **THE COMMISSIONER:** Okay.

20 **MR. SHAVER:** If we were, sir, we weren't  
21 together. I mean, he could've been in the same restaurant,  
22 but we were not together.

23 **MR. ENGELMANN:** Sir, I understand that a  
24 number of these statements and other statements were posted  
25 on an internet website that was known as Project Truth.

1                   **MR. SHAVER:** I don't know about the Project  
2 Truth one, sir. The one that I can remember is the one  
3 that's controlled by David Icke. I think -- I'm not sure  
4 what it's called. Maybe it is called Project Truth, I ---

5                   **MR. ENGELMANN:** All right. Well, let me  
6 just show you a document and see if you -- you can just  
7 tell us if you're familiar with it. Document 730679.

8                   **MR. SHAVER:** Yes. No chance.

9                   I think, Mr. Commissioner, if you had a  
10 conveyor belt that would have these coming one after the  
11 other would be a good idea.

12                   **MR. ENGELMANN:** He may have to work on that,  
13 actually.

14                   **MR. SHAVER:** My company would order the  
15 software package for you, sir, if you'd like to have that  
16 done.

17                   **THE COMMISSIONER:** We've got lots of  
18 software packages.

19                   Thank you. Exhibit Number 1799 ---

20                   **MR. SHAVER:** Thank you.

21                   **THE COMMISSIONER:** --- is a document  
22 entitled "Naming Names (Revised)".

23                   --- **EXHIBIT NO./PIÈCE NO. P-1799:**

24                   (730679) Project Truth Website "Naming names  
25 (revised)"



1                   **MR. ENGELMANN:** Mr. Shaver, I just wanted to  
2 ask you if this would be an example of some of the  
3 information that might have been posted on the website or a  
4 website concerning yourself and others?

5                   **MR. SHAVER:** I have never personally seen  
6 this one, sir, but if you tell me it was at the website --  
7 I did not look at the website until probably late '90s. I  
8 didn't know it was up there.

9                   **MR. ENGELMANN:** All right.

10                   Well, this is an example of some of the  
11 material that would've been posted on websites. I  
12 understand you became aware of the fact that your name and  
13 the names of others were posted on one or more websites?

14                   **MR. SHAVER:** Yes.

15                   **MR. ENGELMANN:** And this had information  
16 about you?

17                   **MR. SHAVER:** It did.

18                   **MR. ENGELMANN:** And some of the allegations  
19 that were listed about you. Can you give us an example of  
20 some of the things you might have read?

21                   **MR. SHAVER:** Yes, the complete Ron Leroux  
22 statement is on the website. If you were, and I was going  
23 to read that in my impact statement, sir, but if you were  
24 to Google my name, it would say Claude Shaver, definitely a  
25 clan -- definitely a member of a clan of pedophiles.

1 That's the first thing that comes up.

2 MR. ENGELMANN: If you Google your name?

3 MR. SHAVER: You Google my name, that's the  
4 first thing that comes up.

5 MR. ENGELMANN: Okay, well, maybe we can get  
6 into that when I ask you about impact then?

7 MR. SHAVER: Yes.

8 MR. ENGELMANN: I just, this was in our  
9 materials and I just wanted ---

10 MR. SHAVER: Yes.

11 MR. ENGELMANN: --- to see if it was one  
12 example and I certainly don't want you to read more than  
13 you have to about this.

14 MR. SHAVER: Yes, I see I'm an accused in  
15 this particular one.

16 MR. ENGELMANN: Yes.

17 MR. SHAVER: Accused of what? You know,  
18 it's ---

19 MR. ENGELMANN: Okay.

20 So why don't we go right there then, sir? I  
21 understand that -- well, as you probably know, every  
22 witness that we've called, we asked them if the events  
23 surrounding this matter have had a personal impact on them?

24 MR. SHAVER: Yes.

25 MR. ENGELMANN: And we also ask individuals

1 if they have some recommendations for the work of this  
2 Inquiry.

3 **MR. SHAVER:** Right.

4 **MR. ENGELMANN:** Because as you know, we're  
5 looking at the institutional response of allegations of  
6 historical abuse against young people.

7 **MR. SHAVER:** Right.

8 **MR. ENGELMANN:** And looking to make  
9 recommendations for how to better deal with these issues in  
10 the future.

11 **MR. SHAVER:** Yes. If I could have just a  
12 moment, my recommendations, I left with you this morning,  
13 John. You've got the recommendations on that. I left a  
14 sheet of paper on your desk.

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

16 **MR. SHAVER:** Excuse me, Mr. Commissioner,  
17 I'm sorry. I apologize.

18 **THE COMMISSIONER:** All right. So let me ---

19 **MR. SHAVER:** Okay. Mr. Commissioner, I want  
20 you to understand that the following remarks are solely my  
21 personal remarks and opinions and beliefs and in no way  
22 reflect or represent the interest or views of the Cornwall  
23 Police Service or any other party to these proceedings.

24 Excuse me, sir.

25 I must first state that having served 21

1 years in the Royal Canadian Mounted Police and Cornwall  
2 service for 11 years; I believe and support all facets of  
3 the Canadian justice system.

4 Despite my extensive experience serving as a  
5 police officer, I've never seen or even imagined the amount  
6 of innuendo, rumors, outright lies -- give me a second,  
7 sir?

8 **THE COMMISSIONER:** Sure, take your time.

9 **MR. SHAVER:** Okay.

10 **THE COMMISSIONER:** Outright lies?

11 **MR. SHAVER:** Outright lies -- yes, sir --  
12 that have circulated as a result of alleged -- of an  
13 alleged sexual abuse case that was purported to have taken  
14 place in 1970s -- in the 1970s. I have lived with an  
15 affidavit prepared for a civil case by Ron Leroux in 1996  
16 which has remained on the internet since that time.

17 He attempts to implicate me as well as many  
18 other innocent persons in a variety of criminal acts and/or  
19 omissions. I can also state that I support the actions of  
20 my officers who are under my command during my tenure with  
21 the Police Service. That's all my officers.

22 If there's any implication that they did not  
23 perform their duties to a high standard, then I accept that  
24 responsibility. I was their chief.

25 I understand that officers like myself are

1       also human and may and have made mistakes. And it may be  
2       evident at this Inquiry that mistakes were made. But I  
3       believe the citizens of Cornwall were excellently served by  
4       my officers and the Police service and they do not deserver  
5       the negative publicity that has been so skillfully  
6       misrepresented in the media and especially on the internet.

7               I again welcome my and my officers'  
8       opportunity to tell the citizens the truth. That's why I  
9       welcomed this Inquiry.

10              I also trust that the OPP investigation on  
11       Project Truth and hope that any person who has been  
12       properly identified as having assaulted children are  
13       brought to justice.

14              Police officers are accustomed to having  
15       criminals file negative statements and/or swear oaths about  
16       their actions and most officers will tell you that this is  
17       -- they have experienced this at some time in their career.  
18       Unfortunately, this has become part of the legal system to  
19       attempt to discredit the police officer in order to be  
20       found not guilty.

21              Police officers accept this disagreeable  
22       part of their employment and the oath they serve -- they  
23       swore. The police rely on their testimony based on their  
24       notes that were taken at the time to support this and  
25       substantiate their testimony as truthful by the courts and

1 the general public.

2 Of course, police officers expect a vigorous  
3 cross-examination of their evidence by defence lawyers.  
4 Police chiefs across the country rely on this time-proven  
5 principle in order to provide a service to their community  
6 by their officers, which is community based.

7 Canadian policing has enjoyed this level of  
8 support from the citizens of the communities in which they  
9 serve. And I can categorically state that this was the  
10 case in the City of Cornwall (inaudible) my tenure as  
11 Chief. And I apologize for again to the soundman.

12 The police have a duty to protect the  
13 identity of sexual assault victims in order that their  
14 names are not introduced to the general public, which would  
15 further victimize the person reporting the sexual -- the  
16 alleged offence.

17 Our legal system should do everything  
18 possible to ensure we do not have a trial on the Internet,  
19 in the press or over a police Officer's kitchen table with  
20 his wife and relatives, as opposed to our courts.

21 No matter how personal this case is to me, I  
22 nevertheless believe that this must be handled according to  
23 that time -- or that respected and time-proven process.

24 Those individuals who cast aspersions on me,  
25 the police, the Crown attorneys, the courts, the probation

1 officers, the Children's Aid Society or even the Catholic  
2 Church via the Internet or the press have, in my opinion,  
3 abused or deviated from this approach.

4 Now that all the criminal matters that have  
5 allegedly occurred during my tenure as Chief of Police have  
6 been dealt with within the courts, I feel it's -- very  
7 strongly it's now my time to comment.

8 Enough is enough, sir.

9 When I read the lies that were printed about  
10 me on the Internet, I was left with one option: proceed to  
11 a civil action. I -- excuse me -- I have been advised that  
12 that would personally cost me between \$20,000 and \$50,000,  
13 and that I would, in all likelihood, win the case and the  
14 judge would order the false information removed from the  
15 Internet, with no punitive action taken against the  
16 individuals involved unless they had money -- and I might  
17 be able to do that.

18 However, it would only be a temporary  
19 victory at best, since the information could then be  
20 uploaded to any other website, and I would be forced to  
21 begin that whole process again, to have a court ordered and  
22 -- a court-enforced removal.

23 Sadly, in today's society, the Internet has  
24 become the breeding ground for false information and  
25 unsubstantiated accusations, and there's no effective legal

1 protection that an individual has against such lies, except  
2 to commence a civil action.

3 This is the case -- this was the case here,  
4 in Cornwall, where a great many innocent persons had their  
5 reputations permanently ruined via the Internet or in media  
6 -- excuse me again, sir ---

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

8 **MR. SHAVER:** --- by persons who had either  
9 another agenda or had no personal remorse for their  
10 actions. A way must be found by this Commission, Mr.  
11 Commissioner, to address this issue, to restore some form  
12 of dignity to those falsely accused or implicated.

13 As for those persons who in court -- who, in  
14 a court of law, have been proven beyond a reasonable doubt  
15 to have committed pedophilia, I would hope that their  
16 punishment fits their horrendous crime.

17 I have no personal or professional sympathy  
18 for a pedophile.

19 I was forced to patiently wait for my day in  
20 court until the announcement of the Cornwall Public  
21 Inquiry, which I very much welcomed and would not been --  
22 would not have been kept away.

23 I thought it would finally allow me and the  
24 citizens of Cornwall and Ontario the opportunity to  
25 publicly, finally be allowed to hear the lies and have the



1 lawyers, who represent the police and others, cross-examine  
2 those who swore affidavits and then testified under oath at  
3 this Inquiry.

4 I again want to reiterate that I have the  
5 utmost faith in this system. The faith in the legal  
6 process was rewarded when Ron Leroux, under oath at this  
7 Inquiry, recanted his previously sworn statements and  
8 advised the Inquiry that he had been coerced and had not  
9 read his affidavits.

10 Even though he said that, it is still on the  
11 Internet. It is obvious to me that Leroux's statements and  
12 those of others were not taken to actively seek prosecution  
13 of alleged pedophiles but were simply to bolster a civil  
14 case by Perry Dunlop.

15 These statements, under the direct control  
16 of Dunlop and his lawyer, were also not protected. They  
17 were released to the media and on the Internet site which  
18 cast aspersions on a great many innocent people in this  
19 community.

20 Furthermore, it is my belief that many of  
21 the citizens of this community were duped into believing  
22 that this was part of an ongoing series of investigations  
23 to protect children, as opposed to its real purpose to  
24 solely support a civil lawsuit that would benefit Dunlop.

25 These statements -- these false allegations

1           being repeated again and again in the Ontario Parliament  
2           have become the cornerstone and foundation for this  
3           Inquiry.

4                       The civil case was settled out of court  
5           several years ago without an opportunity to put Leroux and  
6           others, including Dunlop, on the stand, under oath, to  
7           repeat the allegations; most importantly, without our  
8           lawyers having an opportunity to cross-examine the evidence  
9           provided by Leroux and others while under oath.

10                      This has again occurred at this Inquiry, and  
11           I would ask you, Mr. Commissioner, when do these falsely  
12           accused persons get the opportunity to testify to restore  
13           their good name, or what remedies are available to them?

14                      Leroux's statement was leaked to the press  
15           and then became the foundation of a website with an alleged  
16           cover-up of an investigation into sexual abuse in and  
17           around Cornwall. In all the correspondence in the media  
18           reports, Cornwall is always identified as the community of  
19           people who commit pedophilia, and it is my fervent belief  
20           that this -- that Cornwall is just a microcosm of any other  
21           community in this country, or in north America, for that  
22           matter.

23                      If you look at the names of this -- if you  
24           look at the names of this Inquiry, it states "Cornwall" not  
25           "Cornwall and area". Sadly, it singles out this community

1 and leaves a permanent scar on it.

2 I know this to be a good community with a  
3 great many wonderful people who would never hurt a child  
4 but, unfortunately, their voices may not be heard because  
5 good news and good people does not make for good headlines,  
6 whereas bad news and bad people does, whether it's true or  
7 not.

8 As I'm sure you know, Mr. Commissioner,  
9 Leroux's statement can be found on at least two websites,  
10 with the most prominent one being a site controlled by  
11 David Icke. And if you were to Google my name, you would  
12 find out that I was a -- definitely, a member, a clan  
13 member.

14 I have endured this information on two  
15 separate websites since 1996, even though it was ordered  
16 taken down during a criminal trial not related to this --  
17 not related to the website. It was taken down by court  
18 order and then immediately released on the Icke website.

19 I categorically deny any and all allegations  
20 made in the Leroux affidavit. I welcome this opportunity  
21 to give evidence under oath to prove that Leroux, as well  
22 as other witnesses before this Inquiry, have either made a  
23 wrong identification or have been coached or coerced into  
24 making a false identification, or have simply lied on their  
25 sworn affidavits and continue their lies under oath before

1       you, sir.

2                       For the record, I believe the Ontario  
3       Provincial Police has conducted an exhaustive investigation  
4       into Leduc's and -- excuse me, Leduc's -- into Leroux's and  
5       other related person's allegations. Although I'm not  
6       privileged to their internal reports, I trust in their  
7       professionalism in laying charges where the evidence  
8       indicates that a crime has been committed.

9                       To my knowledge, their investigation has  
10       proven that there is no clan of pedophiles, there was no  
11       cover-up in the investigation, and I look forward to  
12       hearing their testimony at the Inquiry.

13                      Again, Mr. Commissioner I categorically deny  
14       all these allegations. Number 1, there was no cover-up by  
15       me or any one of the Cornwall Police Service. There was no  
16       collusion between me or the Cornwall Police Service with  
17       the Catholic Church to protect Church or Father Charles  
18       MacDonald.

19                      Neither I or my officers were in any way  
20       involved in the payment made to David Silmsler by the Church  
21       and Bishop Larocque. I have never been to Malcolm  
22       MacDonald's home or cottage. I have never been to Ken  
23       Seguin's home. I have never been to a so-called VIP  
24       meeting with Bishop Larocque, Malcolm MacDonald, et cetera.  
25       I have never witnessed a clan of pedophiles being involved

1 with young boys and performing sexual acts.

2 I, to my knowledge, never met Ron Leroux and  
3 I did not travel with him to Florida as he stated under  
4 oath. I was not at a golf tournament in Florida where I  
5 met Gary Guzzo.

6 So, sir, I find it particularly disturbing  
7 when I, as retired Chief of Police, have been forced,  
8 because of lies, rumours and innuendos, to defend myself  
9 from persons, some of whom have long criminal records, who  
10 were charged by my officers and convicted in criminal  
11 court.

12 Something is dreadfully wrong with the  
13 system when this is allowed to happen. I have concluded  
14 that, if there's one thing that criminals in prison and  
15 police officers agree on, it's that pedophiles are the  
16 lowest form of human beings. And to be associated with  
17 them in any way is a stain that can never be washed out.

18 I, and a great many other persons, both in  
19 my police service and in this community, carry that stain  
20 that has absolutely no basis in fact. Leroux's affidavit  
21 on the Internet has caused me extreme pain and suffering.

22 I've lost personal friends -- I have lost  
23 personal friends who told me they don't believe the  
24 information, but they have children and they say it's  
25 better to be safe than sorry.

1 I'm an emotional person, sorry, sir.

2 **THE COMMISSIONER:** M'hm. It's okay, take  
3 your time.

4 **MR. SHAVER:** Okay.

5 I have spent my personal and professional  
6 life trying to either help or protect children and now to  
7 be linked or even mentioned in the same breath with  
8 pedophiles is personally abhorrent to me.

9 The negative consequences, sir, on my health  
10 and welfare have -- created by these allegations, sir, is  
11 incalculable. I cannot calculate to tell you.

12 Excuse me, sir. I was hoping I could do  
13 this. I was just going to have my lawyer read it. I wish  
14 I would've done it now.

15 Okay. Mr. Commissioner, I do have some  
16 recommendations for you to consider. I wish to qualify my  
17 recommendations by looking at the mandate of this Inquiry.  
18 I know it's looking into the institutional responses to  
19 sexual and historical assaults, especially with children  
20 who have been sexually abused. Although I cannot  
21 empirically validate what I am recommending, please accept  
22 this from my 32 years in policing and my one term on the  
23 Public School Board.

24 I believe there are far more children who  
25 are in an unsafe environment in their homes that suffer

1 more physical and psychological abuse than those who suffer  
2 sexual abuse. I also believe that the psychological trauma  
3 on these children is severe in all cases.

4 They are being raised by parents with no  
5 parenting skills who oft times at the lower end of the  
6 social-economic scale and are abusers of either drugs or  
7 alcohol. The children in these homes suffer greatly.

8 My first recommendation, sir, would be that  
9 if a child had been found in the very first instance by the  
10 police, the schools or the Children's Aid Society to have  
11 been verbally, physically or sexually abused, that the  
12 responsible adult or parent should be required to attend a  
13 parenting course or classes.

14 I believe an independent agency should  
15 decide the type of courses required and the parent or adult  
16 must pass a qualifying standard before the child is allowed  
17 to return to an otherwise poisoned home environment.

18 Number two. For policing. If you find,  
19 sir, that more training for police officers, sensitivity  
20 training for police officers is required and is recommended  
21 by this Inquiry, I think it would be a very good thing.

22 Three. I'd like to see a closer interaction  
23 between the various social agencies: The CAS, the police,  
24 the schools, the community groups, probation, courts and  
25 Crown. I would suggest a dedicated computer hook-up

1 between the CAS, police and school boards where a child  
2 could be identified should the respective agency suspect a  
3 child abuse of any kind. Any recommendation that allows  
4 for closer interaction and inter-operability with these  
5 agencies to protect children is a must.

6 I applaud the efforts thus far in providing  
7 psychological counselling for abuse victims which was long  
8 overdue. I also applaud the efforts of the Citizens for  
9 Community Renewal which will, hopefully, will allow this  
10 community to heal from the lies, the rumours and innuendos  
11 that Cornwall has been subjected to.

12 The internet, sir, must be regulated to  
13 ensure that it is not a place of -- that is not used in  
14 place of a criminal or civil trial and it should be a  
15 criminal offence for anyone who makes a false allegation  
16 against anyone on the net.

17 I also believe, sir, and I take this from my  
18 term as a police chief, that police chiefs have a life,  
19 have a shelf life, and I think that that shelf life should  
20 not be any more than seven years in one police department  
21 as a chief. After that time, your views, your new ideas  
22 become stale and I think that new chiefs taking over every  
23 seven years or under that period of time would be a good  
24 idea.

25 I also have a recommendation about police



1 commissions and police boards. I believe that they should  
2 serve a five-year minimum term, no matter what political  
3 party is in power. I, sir, served with 14 different  
4 trustees or 14 different board members in a five-year  
5 period and never could get the strategy straight. We could  
6 not get them to agree. So one board would say one thing,  
7 one board would say another. So I believe a five-year  
8 minimum term, sir, would be a good thing.

9 Those are my recommendations, sir.

10 **THE COMMISSIONER:** Thank you. Let's take a  
11 short five-minute break and then we'll start the cross-  
12 examination. All right? Thank you.

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

15 This hearing will resume at 4:05 p.m.

16 --- Upon recessing at 3:58 p.m. /

17 L'audience est suspendue à 15h58

18 --- upon resuming at 4:07 p.m. /

19 L'audience est reprise à 16h07

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

22 This hearing is now resumed. Please be  
23 seated; veuillez vous asseoir.

24 **CLAUDE SHAVER, Resumed/Sous le même serment:**

25 **THE COMMISSIONER:** Mr. Manson?

1                   **MR. MANSON:** Yes. Mr. Commissioner, please  
2                   feel free to call it a day whenever you like. I won't be  
3                   offended. It's in your hands.

4                   **THE COMMISSIONER:** I was thinking until  
5                   7:00. Well, thank you, Mr. Manson. Actually, I'll rely on  
6                   the witness and see how well he's doing.

7                   **(LAUGHTER/RIRES)**

8                   **THE COMMISSIONER:** Hockey season is over.

9                   **MR. MANSON:** And the last ball game was last  
10                  night.

11                  **THE COMMISSIONER:** Basketball?

12                  **MR. SHAVER:** We don't play that in Canada,  
13                  we can't run on skates.

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

15                  **MANSON:**

16                  **MR. MANSON:** Mr. Shaver, my name is Allan  
17                  Manson and I'm one of the lawyers for the Citizens for  
18                  Community Renewal which is a local organization of Cornwall  
19                  citizens who are concerned about institutional reform,  
20                  particularly protecting children.

21                  I've just listened to your remarks and I  
22                  think I could tell from some of your evidence that one of  
23                  your goals in coming here is to try to set the record  
24                  straight; is that fair?

25                  **MR. SHAVER:** It is, sir.

1                   **MR. MANSON:** And you came voluntarily?

2                   **MR. SHAVER:** Absolutely.

3                   **MR. MANSON:** I have some questions, if we  
4 can just go to your more recent comments, and I certainly  
5 don't want to get into anything that's upsetting, but you  
6 took me by surprise when you're talking about the websites.

7                   You mentioned a man's name, David Icke.

8                   **MR. SHAVER:** Yes.

9                   **MR. MANSON:** Have you seen the David Icke  
10 website?

11                   **MR. SHAVER:** Yes, I have.

12                   **MR. MANSON:** I just downloaded it as you  
13 were speaking. It's called the "Newsroom". I think he has  
14 a number of websites. He's an international -- I'm not  
15 sure if this is a real word, but it's been used to describe  
16 him -- a conspiologist.

17                   **MR. SHAVER:** Yes, he is.

18                   **MR. MANSON:** I take it that means someone  
19 who is very interested in conspiracy allegations. My  
20 question for you, though, is have you seen any of the local  
21 websites, particularly the one that was run by Dick or  
22 Richard Nadeau?

23                   **MR. SHAVER:** I did not see it, sir, but I  
24 was given a copy of what was up there at one point by one  
25 of my friends here in ---

1                   **MR. MANSON:** That's my question. You moved  
2                   in the late '90s to Florida, but you still have family and  
3                   friends in Cornwall?

4                   **MR. SHAVER:** Oh, yes. Many.

5                   **MR. MANSON:** And I take it some of these  
6                   people have talked to you about seeing the allegations on  
7                   the website?

8                   **MR. SHAVER:** Yes, they have sir.

9                   **MR. MANSON:** And that's the website that was  
10                  known as Project Truth?

11                  **MR. SHAVER:** Yes, the Project Truth 1, I  
12                  believe, sir, is what they -- how they described it to me.

13                  **MR. MANSON:** Now, there is a successor to  
14                  that called "theinquiry.ca". Have you ever looked at that?

15                  **MR. SHAVER:** "theinquiry.ca"? Is that the  
16                  site that's run by Sylvia MacEachern? Is that that site?

17                  **MR. MANSON:** I believe so, yes.

18                  **MR. SHAVER:** Yes, I've seen that one.

19                  **MR. MANSON:** And essentially, the old  
20                  allegations are there as well?

21                  **MR. SHAVER:** Constantly, yes.

22                  **MR. MANSON:** And have people mentioned this  
23                  to you?

24                  **MR. SHAVER:** Yes.

25                  **MR. MANSON:** Anybody that you do business

1 with ever mention to you the fact that we're interested in  
2 finding out a little about your background and were  
3 shocked?

4 **MR. SHAVER:** Sir, I run a multi-million  
5 dollar corporation and I deal with police and fire and  
6 ambulance services. They -- I had the person who was the  
7 majority shareholder in my -- in that corporation come up  
8 to me and say, "How much business do you think we're losing  
9 because you're on this website as a pedophile?" That was  
10 his exact quote.

11 And, sir, I think that if you, if I could,  
12 if a police officer reads that website, they realize that  
13 it's just so much garbage, but if a normal person reads  
14 that website, the person who's not used to looking at  
15 garbage every day, they would start to believe the things  
16 that are on there; or could believe it, all right. And  
17 that's -- that, I'm sure, has cost my corporation business.

18 **MR. MANSON:** And just to follow up on that,  
19 it's similarly manipulative that the first website was  
20 called Project Truth, the same name as the OPP task force,  
21 and the second website is called "theinquiry.ca".

22 **MR. SHAVER:** Right.

23 **MR. MANSON:** These are official sounding  
24 names; aren't they?

25 **MR. SHAVER:** Absolutely, sir, yes.

1                   **MR. MANSON:** And they're misleading?

2                   **MR. SHAVER:** They are.

3                   **MR. MANSON:** And dangerous?

4                   **MR. SHAVER:** I think so.

5                   **MR. MANSON:** Let's look at some of your  
6 evidence and some of the matters that were put to you by my  
7 friend Mr. Engelmann. And I'd like to start by looking at  
8 some of the criticisms and your responses to the criticisms  
9 about your role as chief here in Cornwall?

10                   **MR. SHAVER:** Yes.

11                   **MR. MANSON:** Can we have a look at Exhibit  
12 777, please? This is Document 729848 and it would be the  
13 1984 inspection report.

14                   **THE COMMISSIONER:** I'm sorry; what exhibit  
15 again? What exhibit?

16                   **MR. MANSON:** Seventeen seventy-five (1775).  
17 I'm sorry; I made a mistake, 1775.

18                   **THE COMMISSIONER:** Okay. That's a new one.  
19 I'll ask ---

20                   **MR. MANSON:** Document 729848.

21                   **MR. SHAVER:** Okay. So I'm not sure where  
22 I'm looking now.

23                   **THE COMMISSIONER:** Okay. Exhibit 17 ---

24                   **MR. MANSON:** Seven five (75).

25                   **THE COMMISSIONER:** One seven-seven five

1 (1775).

2 MR. SHAVER: This is 776, so I've got the  
3 wrong one.

4 MR. MANSON: Document 729848, and I'm just  
5 going to go to the conclusion, Mr. Commissioner, which is  
6 Bates page 001.

7 MR. SHAVER: One-seven-seven five (1775), I  
8 think I have it up here.

9 THE COMMISSIONER: Yeah, you do.

10 MR. SHAVER: Yes, I do, sir. I have it.  
11 First mistake?

12 MR. MANSON: It's up on the screen now.

13 MR. SHAVER: Yes.

14 MR. MANSON: Now, at this point, how long --  
15 the date on this, I believe, is November 15<sup>th</sup> '84. At this  
16 point, how long have you been Chief?

17 MR. SHAVER: I've been Chief about six  
18 months and I'd been with the Department for about 18  
19 months.

20 MR. MANSON: And if we look at the  
21 conclusion, it's very positive, but they express one  
22 caveat. Let me just read the positive part:

23 "Since the investigation inspection of  
24 April '92, much has been done to  
25 accommodate needed change."

1                   This is a positive conclusion that a new  
2           chief is happy to hear; correct?

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

4                   **MR. MANSON:** And the caveat is in the next  
5           paragraph:

6                                "In consequence, much change has come  
7                                about. Those interviewed felt there  
8                                was some positive direction given by  
9                                their senior officers. The writer felt  
10                              that there could be too much new  
11                              direction given too soon. However, the  
12                              chief of police assures that most of  
13                              the directives issued have been to  
14                              supervisory ranks who can sustain  
15                              change."

16                              Correct?

17                   **MR. SHAVER:** That was my thinking, yes, sir.

18                   **MR. MANSON:** And I suggest to you that this  
19           is an example of what you've said a number of times.  
20           You're the kind of person, when you see a problem, you want  
21           to fix it?

22                   **MR. SHAVER:** Absolutely.

23                   **MR. MANSON:** So you jumped in and you did  
24           things; correct?

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



1                   **MR. MANSON:** Between 1984 and then the 1989  
2 period, there's a lot of positive assessments and then the  
3 criticism starts.

4                   **MR. SHAVER:** Yes, sir.

5                   **MR. MANSON:** Correct?

6                   **MR. SHAVER:** Yes.

7                   **MR. MANSON:** Okay. What I want to put to  
8 you is just a general synopsis of the criticisms over the  
9 years, and then I want to try to understand your responses  
10 to them.

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

12                   **MR. MANSON:** One criticism that we see on a  
13 number of occasions, "He's an impulsive decision maker."  
14 Correct?

15                   **MR. SHAVER:** Yes.

16                   **MR. MANSON:** Another one is, "He was an  
17 absentee manager."

18                   **MR. SHAVER:** Yes.

19                   **MR. MANSON:** Correct?

20                   Another one is, "There were problems with  
21 promotion issues."

22                   **MR. SHAVER:** Yeah, with some people, sir.

23 The ones who weren't promoted, I told you about.

24                   **MR. MANSON:** Well, we'll come to your  
25 response in a second.

1                   **MR. SHAVER:** Okay, sir.

2                   **MR. MANSON:** Another one is that, "He's  
3 ignored the chain of command."

4                   **MR. SHAVER:** Yes.

5                   **MR. MANSON:** And then, lastly, and maybe  
6 it's a reflection on all of these, "These problems have  
7 resulted in further communication problems, which have led  
8 to a loss of confidence and trust within the Cornwall  
9 police service."

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

11                  **MR. MANSON:** Now, let me go through what I  
12 think are your positions in response to that, and please,  
13 if I get one wrong, correct me. And if there's anything  
14 you want to add, jump in as well.

15                    You told us that the original Board wanted  
16 you out and about in the Cornwall community and outside the  
17 Cornwall community, and they wanted you to continue  
18 teaching at the Canadian Police College and that,  
19 certainly, during those periods, these were the reasons for  
20 your absences.

21                  **MR. SHAVER:** Yes. They were -- yes.

22                  **MR. MANSON:** Now, what about annual leave?  
23 What annual leave did you get as a Police Chief?

24                  **MR. SHAVER:** Sir, I think I started, I had  
25 five weeks of annual leave. I never completed one year

1           that I took all my annual leave.

2                           When I finished with the Cornwall Police  
3           Service, I had seven weeks of annual leave and I never -- I  
4           forget how many days I had to turn back in. I know I gave  
5           a lot of them to two people in my organization when I left.

6                           **THE COMMISSIONER:** You what?

7                           **MR. SHAVER:** It was months and months of  
8           annual leave that I had not taken.

9                           **THE COMMISSIONER:** And you give them to  
10          somebody?

11                          **MR. SHAVER:** I gave them to someone. We  
12          were allowed to do that, sir.

13                          **THE COMMISSIONER:** Really?

14                          **MR. MANSON:** Well, I'd like to be on the  
15          list. I'm not sure how much good it would do me, leave  
16          from the Cornwall Police.

17                          But anyways, is it fair to -- is that your  
18          answer to the criticism that you were an absentee manager?  
19          Those two points, annual leave and being out as an  
20          ambassador for the Cornwall Police?

21                          **MR. SHAVER:** Yes, sir. And the one time  
22          that I did take a prolonged period of annual leave was at  
23          the end of 1998 -- or 1988, excuse me -- the end of 1988.  
24          I had competed in the Police Olympics here in Ontario and  
25          was -- won the gold medal for golf, and I went to compete

1 in Australia in the International Police Olympics.

2 So I took, with the permission of my Board,  
3 sir, I took seven weeks of holidays.

4 **MR. MANSON:** And you're also a curler,  
5 aren't you?

6 **MR. SHAVER:** I was, yes.

7 **MR. MANSON:** In 1976 you won an award,  
8 didn't you, at the ---

9 **MR. SHAVER:** Yeah, we probably won a couple  
10 of times, sir, yes.

11 **MR. MANSON:** Yeah. And did you curl while  
12 you were in Cornwall?

13 **MR. SHAVER:** I did for the first -- I think  
14 the first two years, sir, and then I just didn't have the  
15 time. I was just -- I tried to do it, but then you're  
16 always committed to a team, and I could never make it.

17 **MR. MANSON:** But you continued golfing?

18 **MR. SHAVER:** I continued golfing, yes.

19 **MR. MANSON:** How often would you golf a  
20 week?

21 **MR. SHAVER:** Probably two to three times,  
22 but both days on the weekends, if I wasn't working or out  
23 speaking, I would do that. I would always golf in the  
24 course of the -- you know, the men's league game, and maybe  
25 another -- maybe one other time, if I could.

1                   But, sir, I didn't do this in the middle of  
2                   the day. I did this at the end of the day.

3                   **MR. MANSON:** Let me go on to another issue.  
4                   With respect to the promotion concerns, I believe you said  
5                   that first people grumbled, the ones who don't get  
6                   promotions, but you also said that you started a process of  
7                   rotating younger officers into senior positions.

8                   **MR. SHAVER:** Yes, into CIB, sir. Yes, CIB  
9                   would be considered a senior position, yes.

10                  **MR. MANSON:** And another form of rebuttal  
11                  was your evidence about the introduction of OMPPAC in 1989.  
12                  And it's your view that there was a lot of resistance to  
13                  that; correct?

14                  **MR. SHAVER:** A tremendous amount of  
15                  resistance, sir.

16                  **MR. MANSON:** And that that may have been  
17                  part of the source of the dissention?

18                  **MR. SHAVER:** I think it was -- I definitely  
19                  think it was part of it, sir, yes.

20                  **MR. MANSON:** And then you also offered to  
21                  the Commissioner your comments about the general crime  
22                  rates in Cornwall and the social context. And with respect  
23                  to crime, you emphasized the impact of smuggling on  
24                  criminal activity in the area; correct?

25                  **MR. SHAVER:** Smuggling is a fact of life,

1 here, sir. It was a fact of life, and I don't -- I'm not  
2 sure, but I still believe it probably is. At that time, it  
3 certainly was.

4 Cigarette smuggling was an incredible --  
5 incredibly lucrative business.

6 **MR. MANSON:** And you made the point in one  
7 of the documents that this is why Cornwall had a higher --  
8 always higher crime stats than Peterborough, Kingston,  
9 comparable cities in this ---

10 **MR. SHAVER:** Yeah, I think I said, sir, that  
11 at that time I think it's because of the economic shutdown  
12 in this city, the factories that were lost, the amount of  
13 unemployment. That tended to lead to more crimes being  
14 committed. Certainly more alcoholic crimes were -- we used  
15 to see a lot of that. And in that period of time, one that  
16 I did forget, sir, is that that's at the time when drugs,  
17 especially cocaine, was now starting to come into this  
18 country and became a very, very popular thing and then --  
19 not that we saw a lot of crack here, but we certainly saw  
20 cocaine.

21 **MR. MANSON:** And if I can move onto another  
22 two more factors that you threw into the hopper, both of  
23 which are internal. One was the lack of Board support for  
24 a strategic plan.

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

1                   **MR. MANSON:** And you gave quite detailed  
2 evidence about the failure to re-engage Susan McGlashan and  
3 how this delayed a strategic plan which you believed the  
4 CPS needed.

5                   **MR. SHAVER:** Absolutely, sir, yes.

6                   **MR. MANSON:** And the last is also internal,  
7 your evidence about the Halton management model which you  
8 indicated seems like a good communications tool. You got  
9 negative material going up and you were concerned that some  
10 of the stuff that should have been going down wasn't  
11 getting down.

12                   **MR. SHAVER:** Right, sir, yes.

13                   **MR. MANSON:** Now, is there anything else you  
14 want to add to those six points I made about -- your  
15 general rebuttal to the general criticism? I'm going to  
16 look at a few of them ---

17                   **MR. SHAVER:** Sure.

18                   **MR. MANSON:** --- specifically, but just in  
19 general.

20                   **MR. SHAVER:** None that I can think of, sir.  
21 I may think of them as we go.

22                   **MR. MANSON:** And throughout your evidence,  
23 looking at these materials, especially this period until  
24 1990, it was your view that the CPS was doing a good job  
25 for the City of Cornwall; correct?

1                   **MR. SHAVER:** Sir, even right through, I  
2                   mean, right through to the last year I was here, we were  
3                   still -- the one thing that I insisted on and demanded was  
4                   that the officers be professional, and they were.

5                   I mean, there may have been some -- you  
6                   know, there were some people, you know, that said, "Okay,  
7                   I'm having a morale problem. I'm having a bad day."

8                   But in general, sir, the internal malaise  
9                   that was inside the department did not show in what we did  
10                  outside the department. At least I didn't believe it did.

11                  **MR. MANSON:** Can I just quickly go to 1990?  
12                  I don't want to spend a lot of time with it because Mr.  
13                  Engelmann did, but Exhibit 1389 is the famous Morale  
14                  Report?

15                  **MR. SHAVER:** Yes.

16                  **MR. MANSON:** When you received this ---

17                  **MR. SHAVER:** Yes.

18                  **MR. MANSON:** --- were you concerned to find  
19                  out its provenance, who wrote it and how it came to be?

20                  **MR. SHAVER:** Yes, I was, sir, yes.

21                  **MR. MANSON:** Can you tell us who wrote it?

22                  **MR. SHAVER:** Shawn White, Constable.

23                  **MR. MANSON:** And do you know how he got his  
24                  mandate to do this?

25                  **MR. SHAVER:** I have no idea, sir.



1                   **MR. MANSON:** Do you know if it came from the  
2 Association or ---

3                   **MR. SHAVER:** It's never been -- it's never  
4 been formally said that it came from the Association, and I  
5 think you had evidence from people who were on the  
6 Executive at that time who said that they had no idea that  
7 it was happening.

8                   **MR. MANSON:** And then when you got what's  
9 been referred to as the Staff Sergeants' document, the  
10 senior officers' document ---

11                   **MR. SHAVER:** Yes.

12                   **MR. MANSON:** --- you said you were quite  
13 surprised?

14                   **MR. SHAVER:** I was shocked was more -- if I  
15 said surprised, sir, I should have said shocked.

16                   **MR. MANSON:** And at this time, you're still  
17 of the view that CPS is doing a good job; correct?

18                   **MR. SHAVER:** Oh yes.

19                   **MR. MANSON:** Now, let me just suggest to you  
20 that to use your phrase, you were the CEO of the Cornwall  
21 police?

22                   **MR. SHAVER:** Yes.

23                   **MR. MANSON:** And from my limited experience  
24 with CEOs, it seems to me that there's two kinds. One is  
25 the kind who delegates a lot and, if there's a problem

1 below, blames the people below, and the other is the kind  
2 of CEO who says "The buck stops here; I'm responsible."

3 MR. SHAVER: Right.

4 MR. MANSON: From your evidence, I take it  
5 you're in the second category?

6 MR. SHAVER: I'm in "the buck stops here"  
7 category, definitely.

8 MR. MANSON: The buck stops here.

9 MR. SHAVER: Yes.

10 MR. MANSON: Can we now move to 1993? This  
11 is both the year of the Silmsler investigation but also your  
12 last year on the Cornwall Police Force.

13 Can we look at Exhibit 1393, the Inspectors'  
14 Report that comes in November '93? It's Exhibit 1393.

15 MR. SHAVER: I have it, sir.

16 MR. MANSON: You're quicker than I am.

17 Madam Clerk, can we just -- I don't have the  
18 Bates page, but I want to just go to the conclusion right  
19 near the end, before the appendices.

20 MR. SHAVER: Summary of Recommendations,  
21 sir, is that where you're looking?

22 MR. MANSON: You're going -- let me see if I  
23 can ---

24 THE COMMISSIONER: There's a bottom number.  
25 What's the page at the bottom that you want to go to?

1                   **MR. MANSON:** Let me just take a second to  
2 look for my copy, sir, and then I'll ---

3                   **THE COMMISSIONER:** Oh, there was a  
4 recommendation there, Madam Clerk ---

5                   **MR. MANSON:** It wasn't the recommendations.  
6 It was just the conclusions that I ---

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

8                   **MR. MANSON:** I believe it's just before the  
9 recommendations, Madam Clerk. I've now got the document.  
10 It's in the -- let's go to the Executive Summary, which is  
11 Bates page 072.

12                   **MR. SHAVER:** Sure.

13                   **MR. MANSON:** So this is the Josiah/Kopinak  
14 document. You recall ---

15                   **MR. SHAVER:** Yes.

16                   **MR. MANSON:** --- their inspection? And in a  
17 minute I'm going to go to some of your material. But I  
18 just want to read what the Executive Summary offers as a  
19 general conclusion, and it starts halfway down:

20                                "It was clear on the advisors' first  
21 visit to the Police service premises  
22 that there existed a serious  
23 organizational malaise. The internal  
24 problems have persisted for a long time  
25 and were contributing to a debilitating

1 work environment, the damaging effects  
2 of which are evidenced in a widespread  
3 lack of enthusiasm for work, a lack of  
4 trust among peers and managers and a  
5 pervasive sense of hopelessness and  
6 disempowerment among most ranks. The  
7 general community perception about the  
8 delivery of policing services were  
9 positive with some reservations ..."

10 And it goes on.

11 But it's that middle paragraph that was  
12 clear.

13 **MR. SHAVER:** Yes.

14 **MR. MANSON:** That's quite a devastating  
15 indictment of a police service; isn't it, sir?

16 **MR. SHAVER:** Yes, it is, sir.

17 **MR. MANSON:** And I know you've been  
18 following the evidence, but we've heard from a number of  
19 senior members of the Force that there were certainly  
20 problems in this '90 to '93 period. Some would even  
21 describe it as dysfunctional, but there were certainly  
22 problems of a number of kinds with respect to a number of  
23 issues?

24 **MR. SHAVER:** Yes.

25 **MR. MANSON:** And you would agree with that;

1           wouldn't you?

2                           **MR. SHAVER:** Absolutely.

3                           **MR. MANSON:** Because I want to go to Exhibit  
4           1392, which is your letter to Mr. Kopinak and Ms. Josiah of  
5           July 22<sup>nd</sup>, 1993. And I just want to read the second  
6           paragraph to you:

7   "The Police service has many fine  
8   employees. Our equipment is plentiful  
9   and top-of-the-line. Our salaries and  
10    benefits are the envy of the Province,  
11    but there was, and it continues today,  
12    cancerous rot in which the Service eats  
13    itself from the inside."

14    Can you explain to me what you mean by this  
15           cancerous rot?

16                           **MR. SHAVER:** Well, sir, I tried to explain  
17           it in the history, in the next paragraph, that there is --  
18           maybe if I could give you one other outside example that's  
19           not written in this report?

20    When I came from the Mounted Police, when we  
21           had a promotion, you may have competed for the job, when  
22           the promotion -- when the person was promoted, everybody  
23           would show up, including all the people that competed, and  
24           be congratulatory to the person who got the promotion and  
25           support that person because the next -- one day you might

1 be working with the person; the next day you might be  
2 working for the person.

3 In this department, when I came here, it was  
4 just the reverse. Whoever got promoted was all of a sudden  
5 -- if you weren't in the popular category, that person was  
6 -- it was like everybody wanted to -- I've got to find a  
7 different expression than I normally use for this --  
8 there's maybe stitch and bitch about it more than anything  
9 else.

10 There was no -- the thing that I did not see  
11 in the Cornwall Police Service is that there was no "esprit  
12 de corps". The Mounted Police, from my opinion, had 125  
13 years then of history and no past, and the Cornwall Police  
14 Service which, by the way, is the oldest one in North  
15 America that they could find at one point, had 200 years of  
16 past and no history. And that's what I -- that's something  
17 that I found. There wasn't an internal pride to be "We are  
18 the Cornwall Police Service. This is what we do. Here's  
19 how we do it. We do it well." And that would be more part  
20 of the answer, sir.

21 **MR. MANSON:** Are you still satisfied, when  
22 you write this letter in the summer of 1993, that the  
23 Cornwall Police Service is providing a good service to the  
24 community of Cornwall?

25 **MR. SHAVER:** I believe it still was, sir. I

1 think that our officers were professional. They were  
2 trained to be professional. I think that they were -- that  
3 when they got on the street, when they got out there and  
4 did the job, that they worked their very, very best to do  
5 the best job possible, now not in every case. You know, I  
6 can't say that every officer, but that wasn't happening  
7 when we were terrific either, when everything was going  
8 along very well.

9 You always have -- you have officers who go  
10 out and work their tails off, who are a credit to the  
11 community, a credit to the police service, and you have  
12 some officers who just are there. And that's the case.

13 **MR. MANSON:** I have to go back for a minute,  
14 Mr. Shaver. There's a few matters that I left out of the  
15 general criticisms.

16 **MR. SHAVER:** Okay. That's fine.

17 **MR. MANSON:** And they related to your  
18 particular experience and your hiring. One was the  
19 complaint that you had no municipal force experience.

20 **MR. SHAVER:** Yes.

21 **MR. MANSON:** And in your evidence, you  
22 indicated that through your teaching, which was the 1976 to  
23 '83 period ---

24 **MR. SHAVER:** Yes.

25 **MR. MANSON:** --- you had substantial contact

1 with municipal police officers. And so you didn't accept  
2 that criticism?

3 **MR. SHAVER:** Absolutely not.

4 **MR. MANSON:** Another criticism was that you  
5 had no CIB experience, and your answer to that was?

6 **MR. SHAVER:** I worked as an investigator,  
7 sir, in the Security and Intelligence Branch of the Royal  
8 Canadian Mounted Police at that time, and that's all we  
9 did.

10 **MR. MANSON:** That's what I ---

11 **MR. SHAVER:** That's all we did was  
12 investigations, note taking, investigations, note taking,  
13 investigations.

14 **MR. MANSON:** That's what I was going to come  
15 to. Your answer to both these qualifications, the first  
16 one was policing is policing, but the second one,  
17 specifically with respect to no CIB experience was, "I was  
18 an investigator. I was with the Security Service."  
19 Correct?

20 **MR. SHAVER:** Yes, and that is CIB.

21 **MR. MANSON:** Now, this is the period, but  
22 it's very special.

23 **MR. SHAVER:** Very specialized, yes.

24 **MR. MANSON:** This is the period '76 to --  
25 '67 to '76; correct?



1                   **MR. SHAVER:** No, that would have been --  
2                   yeah, '67 to '76; you're correct, sir.

3                   **MR. MANSON:** And you were stationed in  
4                   Montreal?

5                   **MR. SHAVER:** In Montreal, yes.

6                   **MR. MANSON:** How big was your unit?

7                   **MR. SHAVER:** The total -- "D" Section  
8                   probably had 70 or 80 of us in "D" Section. We were  
9                   separated into smaller groups.

10                  **MR. MANSON:** And the smaller group would be  
11                  called a unit or a ---

12                  **MR. SHAVER:** I'm not sure what we called  
13                  ourselves. I can't remember. Section, unit maybe.

14                  **MR. MANSON:** And the smaller group would  
15                  consist of how many officers or members?

16                  **MR. SHAVER:** There would be a sergeant, a  
17                  corporal, maybe five or six constables.

18                  **MR. MANSON:** So less than 10?

19                  **MR. SHAVER:** Yeah, less than 10 in most  
20                  groups, yes.

21                  **MR. MANSON:** And you -- in your evidence on  
22                  Monday, which is Volume 240, you spoke about your work with  
23                  the Security Service, explaining why in your view it was  
24                  the substitute or similar substitute to CIB work, and this  
25                  is at page 22 and 24. Let me just read to you what you

1           said.

2                       **MR. SHAVER:**   Okay, sir.

3                       **MR. MANSON:**   I don't know if you want to get  
4           the transcript up on the screen and we can all read it?

5                       **THE COMMISSIONER:**   Yes, we will.

6                       **MR. MANSON:**   We'll start at 22, line 13.

7           This was your first description:

8                                "Well, the Security Service was all  
9                                investigations because we had to  
10                              investigate. We were investigating  
11                              terrorism. So it's the same -- it's  
12                              the same technique. You're working  
13                              every day, investigating. You're doing  
14                              -- you're doing interviews. You're  
15                              setting up -- looking for people that  
16                              will help you. So it's all  
17                              investigation. The whole time in  
18                              Security Service was investigation."

19                              Correct?

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

21                       **MR. MANSON:**   And then you came back to this  
22           on page 24, starting at line 10, just after Mr. Engelmann  
23           had said to you:

24                              "So did you actually ever work in a  
25                              CIB-type unit?"

1           You said:

2                                 "No.

3                                 MR. ENGELMANN: All right."

4           But then you said:

5                                 "Well, no, the Security Service -- the  
6                                 Security Service was exactly like a CIB  
7                                 unit. I mean, that's what they did.  
8                                 They did investigations. What we just  
9                                 didn't..."

10          And here was your one distinction:

11                                 "What we didn't have is we don't have a  
12                                 complainant coming in to give us -- to  
13                                 give us the information to work on. We  
14                                 had to go out and basically find our  
15                                 own information."

16          And then if we look at the bottom line, starting at line  
17          25, sir, you told us:

18                                 "We were interested in knowing who they  
19                                 were, where they were going, what they  
20                                 were doing, who they were doing it with  
21                                 and keeping tabs on that and keeping --  
22                                 trying to keep, of course, other  
23                                 agitators from other countries from  
24                                 coming into the country."

25                                 **MR. SHAVER:** Sir ---

1                   **MR. MANSON:** Are those excerpts a fair  
2 description of what the Security Service did?

3                   **MR. SHAVER:** It's certainly a portion of  
4 what we did, yes, sir.

5                   **MR. MANSON:** But, I mean, the portion that  
6 is relevant to investigations, is that ---

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

8                   **MR. MANSON:** Is there anything you'd like to  
9 add to that?

10                  **MR. SHAVER:** Yes, sir, we also did informant  
11 development, which was a very key point, the same thing as  
12 a drug unit would do, CIB drug unit. All of us had -- we  
13 didn't call them informants in CIB -- in the Security  
14 Service. We called them -- what did we call them --  
15 sources.

16                  **MR. MANSON:** Sources.

17                  **MR. SHAVER:** Yeah, we just had a nicer  
18 sounding name than an informant. And there's people that  
19 would give us information, and you went out and you had to  
20 garner a person's trust, obviously, to be able to get that.  
21 It's not like in a drug unit when you're generally dealing  
22 with a person with a long criminal record that you know  
23 that you have some leverage with. With these people, they  
24 had to -- the only leverage that we had was that we would  
25 ask them, you know, "If you're a loyal Canadian citizen, we

1       need your help," basically.

2                   **MR. MANSON:** And another point that you made  
3       in your evidence was that you worked with other forces ---

4                   **MR. SHAVER:** All the time.

5                   **MR. MANSON:** --- in Quebec?

6                   **MR. SHAVER:** Yes.

7                   **MR. MANSON:** And you said the forces needed  
8       one of your people with them because you had the warrant.

9                   **MR. SHAVER:** Under the -- when the *War*  
10       *Measures Act* was imposed by Prime Minister Trudeau, yes.

11                   **MR. MANSON:** But even before that, you had  
12       what used to be called a writ of assistance?

13                   **MR. SHAVER:** Yes, we had a writ of  
14       assistance, yes.

15                   **MR. MANSON:** And only the Mounties had the  
16       writ of assistance; correct?

17                   **MR. SHAVER:** Yes, sir, yes.

18                   **MR. MANSON:** And that was shortly after the  
19       Charter was proclaimed and the Force was ruled  
20       unconstitutional?

21                   **MR. SHAVER:** Yes, yes.

22                   **MR. MANSON:** But that's what you meant with  
23       that reference? You had special powers that other police  
24       officers didn't have?

25                   **MR. SHAVER:** We did, sir, yes.

1                   **MR. MANSON:** And, in fact, being part of the  
2 Security Service was sort of the best of both worlds for  
3 someone who wanted to do policing because on the one hand  
4 you had full police powers plus, but on the other hand you  
5 also had a large degree of autonomy from the usual police  
6 command structure.

7                   **MR. SHAVER:** Oh, absolutely, yes.

8                   **MR. MANSON:** Now, the Security Service no  
9 longer exists; correct?

10                  **MR. SHAVER:** It does not.

11                  **MR. MANSON:** And you are familiar, are you  
12 not, with the McDonald Commission ---

13                  **MR. SHAVER:** I am, sir.

14                  **MR. MANSON:** --- in operation between 1977  
15 and 1981?

16                  **MR. SHAVER:** I am.

17                  **MR. MANSON:** Were you interviewed by the  
18 McDonald Commission?

19                  **MR. SHAVER:** I was fortunately not.

20                  **MR. MANSON:** But you were paying attention  
21 to the goings on?

22                  **MR. SHAVER:** Many of the people in my unit,  
23 sir, probably three-quarters of them, were.

24                  **MR. MANSON:** But, I mean, you were paying  
25 attention?

1                   **MR. SHAVER:** Oh, absolutely.

2                   **MR. MANSON:** Did you read the report?

3                   **MR. SHAVER:** Yes, I did, sir, a long time  
4 ago.

5                   **MR. MANSON:** I don't have the report and I'm  
6 not going to ask you questions about it.

7                   **MR. SHAVER:** Thank God.

8                   **MR. MANSON:** But as I'm doing most of this  
9 from memory as well, the central recommendation coming out  
10 of the McDonald Commission is there should no longer be a  
11 Security Service as part of the RCMP. We should have a  
12 civilian agency doing domestic and international terrorism,  
13 and that's now CSIS; correct?

14                   **MR. SHAVER:** Yes. Yeah. It basically said,  
15 sir, that the Security Service -- because in the Security  
16 Service, as a mounted police officer, you can't break the  
17 law.

18                   **MR. MANSON:** Yeah.

19                   **MR. SHAVER:** And in situations that happened  
20 in Montreal at that time, that did happen.

21                   **MR. MANSON:** Well ---

22                   **MR. SHAVER:** The ends did not justify the  
23 means.

24                   **MR. MANSON:** --- let's be frank about that.  
25 The McDonald Commission, in fact, catalogued many illegal

1 activities and improprieties on the part of the Security  
2 Service; correct?

3 MR. SHAVER: It did, sir, yes.

4 MR. MANSON: And probably the three most  
5 dramatic examples was, one, the burning of a barn in  
6 Quebec?

7 MR. SHAVER: The Rose Barn, yes.

8 MR. MANSON: And that was ostensibly to  
9 prevent a meeting between ---

10 MR. SHAVER: Between the Blank Panthers and  
11 the FLQ, sir.

12 MR. MANSON: Quebecois nationalists and  
13 American radicals?

14 MR. SHAVER: Yes.

15 MR. MANDERVILLE: Mr. Commissioner, I'm  
16 finding this intriguing and I'm taken back to my undergrad  
17 political science. I don't know how it's relevant to you  
18 or to this Inquiry.

19 THE COMMISSIONER: Mr. Manson?

20 MR. MANSON: Mr. Commissioner, I didn't  
21 really expect to be talking about these things, but I was  
22 taken by the witness' explanation to Mr. Engelmann's  
23 challenge that, of course, he was never in the CIB. He was  
24 in the Security Service and it's just like the CIB, and I'm  
25 trying to suggest maybe it wasn't quite like the CIB.



1                   **THE COMMISSIONER:** Okay. Well, our tour of

2                   ---

3                   **MR. MANSON:** It's almost finished.

4                   **THE COMMISSIONER:** Yeah, let's finish now.

5                   **MR. MANSON:** It's not finished, but it's  
6 almost finished.

7                   **THE COMMISSIONER:** Almost.

8                   **MR. SHAVER:** If you'd like to continue it on  
9 some other time, Mr. Manson, I'd love to talk to you about  
10 that.

11                   **MR. MANSON:** Well, okay. After the barn  
12 burning, the breaking in at Agence Presse?

13                   **MR. SHAVER:** Agence Presse, yes.

14                   **MR. MANSON:** The break-in at the PQ offices?

15                   **MR. SHAVER:** Yes.

16                   **MR. MANSON:** And the stealing of membership  
17 lists?

18                   **MR. SHAVER:** That was at the Agence Presse,  
19 yes.

20                   **MR. MANSON:** Yes. And so in general, the  
21 McDonald Commission found a number of illegal activities  
22 beyond the surreptitious entries; correct?

23                   **MR. SHAVER:** Yes.

24                   **MR. MANSON:** Mail opening; correct, without  
25 warrants?

1                   **MR. SHAVER:** No, sir, I didn't -- I don't  
2 know if the McDonald Commission found that. I never saw  
3 any of that, never heard of that.

4                   **MR. MANSON:** Maybe I'm wrong but, in any  
5 event, the Security Service didn't behave like other CIB  
6 members, did they?

7                   **MR. SHAVER:** No ---

8                   **MR. MANSON:** They had a different mandate.  
9 They had different powers, and it looks like they had a  
10 view that the ends justified the means, given that mandate?

11                   **MR. SHAVER:** Well ---

12                   **MR. MANSON:** Well, let's break it -- they  
13 had a different mandate. Certainly terrorism is different  
14 than domestic crime?

15                   **MR. SHAVER:** Right. Yeah.

16                   **MR. MANSON:** They have different powers. We  
17 just talked about writs of assistance.

18                   **MR. SHAVER:** Right, yes.

19                   **MR. MANSON:** And beyond those powers, they  
20 commit -- regularly committed illegal acts as part of  
21 pursuing their mandate as they saw it.

22                   **MR. SHAVER:** No, sir. The unit did not  
23 regularly commit those acts. There were four acts, as I  
24 remember, that were brought up throughout that whole  
25 McDonald Commission. So it wasn't a regular thing, but it

1 -- we were all conscious of being police officers. I was  
2 conscious of being a police officer, and I had just come  
3 from Saskatchewan, where I was a police officer.

4 No, I wouldn't break the law. That's one of  
5 the reasons I wasn't involved in any of the hearings.

6 **MR. MANSON:** You weren't interviewed?

7 **MR. SHAVER:** I wasn't interviewed.

8 **MR. MANSON:** Well, I want to go back to your  
9 comments before about the good job the Cornwall Police was  
10 doing.

11 **MR. SHAVER:** Yes.

12 **MR. MANSON:** And I want to look at some of  
13 the investigations.

14 **MR. SHAVER:** Okay.

15 **MR. MANSON:** Before we do that, tell me  
16 something about the morning meetings.

17 **MR. SHAVER:** The morning meetings were ---

18 **MR. MANSON:** Well, what was the objective  
19 and who would come?

20 **MR. SHAVER:** Okay. The morning meeting was  
21 to discuss what had happened the night before. All right?  
22 We weren't there to discuss old cases. It was what  
23 happened the night before or if it was on Monday, what  
24 happened over the weekend.

25 So we had 15 break-ins on St. Felix Street

1 or those kinds of things. And then we'd ask "Okay, who  
2 just got out of jail?" We'd take a look at that and say  
3 "Oh, okay. He just got out of jail; he is back in town.  
4 That's probably what's happening."

5 We'd all share information at the morning  
6 meeting. So we'd talk about break-ins. We talked about  
7 crime in the city, basically, overnight. That's what the  
8 morning meeting was all about.

9 **MR. MANSON:** And who'd be at the morning  
10 meetings?

11 **MR. SHAVER:** All the senior officers who  
12 were present in the building, the staff sergeant in charge  
13 of the team that was on the street that day, if he wasn't  
14 involved in his work, the staff sergeant or senior officer  
15 -- well, senior officer in charge of CIB and when there was  
16 a staff sergeant in CIB, that person was involved, and  
17 sometimes the Intelligence Officer, but he was seldom there  
18 because he was always out working.

19 **MR. MANSON:** What about the senior officer  
20 in the Youth Bureau?

21 **MR. SHAVER:** No, that would be a sergeant,  
22 so he would not be there.

23 **MR. MANSON:** He wouldn't be at the morning  
24 meeting?

25 **MR. SHAVER:** No. His boss would be there.

1                   **MR. MANSON:** And his boss would be?

2                   **MR. SHAVER:** A staff sergeant or a senior  
3 officer.

4                   **MR. MANSON:** But not the officer in charge  
5 of the CIB?

6                   **MR. SHAVER:** It could be. It could be, sir.  
7 For example, sir, if it was -- at that time, if it was an  
8 inspector in charge of CIB, the inspector would be coming  
9 to the meeting. If the inspector was not there, the staff  
10 sergeant who would replace him would come to the meeting.

11                   **MR. MANSON:** At the morning meetings, I take  
12 it this would be the time for a senior officer to say "So  
13 and so was arrested" or "We had a complaint against so and  
14 so. This is a serious matter. This is a distinct matter."  
15 "This is" -- your phrase -- "a high priority matter."

16                   **MR. SHAVER:** That's sometimes what happened,  
17 sir. Very seldom were we talking about arrests that we  
18 had. If they made arrests, for example, over a weekend and  
19 we made some significant arrests, then we might be saying  
20 "Okay. We just arrested so and so, and we know that he  
21 committed 12 B&Es." So maybe our B&E problem in that  
22 particular area would then stop.

23                   **MR. MANSON:** Was the morning meeting the  
24 place you first heard of the complaint against Earl Landry,  
25 Jr.?

1 MR. SHAVER: No.

2 MR. MANSON: Do you recall where you heard  
3 it?

4 MR. SHAVER: Inspector Trew.

5 MR. MANSON: Inspector Trew?

6 MR. SHAVER: Yes.

7 MR. MANSON: He came to see you specifically  
8 to tell you?

9 MR. SHAVER: I'm not sure if he phoned me,  
10 sir, or he came to me. I know I talked to Inspector Trew  
11 about the Earl Landry situation.

12 MR. MANSON: Now, in a number of places in  
13 your evidence, you pointed out that it's the job of the  
14 Deputy Chief to be responsible for operations; correct?

15 MR. SHAVER: Yes.

16 MR. MANSON: And that the Chief would never  
17 interfere in an investigation; correct?

18 MR. SHAVER: Correct.

19 MR. MANSON: But there were times ---

20 MR. SHAVER: Sorry. Sorry. Sorry. Never  
21 is a ---

22 MR. MANSON: Bad word.

23 MR. SHAVER: --- bad word.

24 MR. MANSON: What would you prefer?

25 MR. SHAVER: Would seldomly.

1                   **MR. MANSON:** Seldom.

2                   What kind of a situation would a Chief  
3 interfere in an investigation?

4                   **THE COMMISSIONER:** How about become  
5 involved?

6                   **MR. SHAVER:** Become involved, that's a  
7 better word, sir.

8                   **MR. MANSON:** Much better word.

9                   **MR. SHAVER:** Yes. As I tried to explain,  
10 the Chief would become involved ---

11                   **MR. MANSON:** Interpose oneself.

12                   **MR. SHAVER:** Sorry?

13                   **MR. MANSON:** Never mind.

14                   **( LAUGHTER/RIRES )**

15                   **MR. MANSON:** Become involved -- I'll go with  
16 the Commissioner.

17                   **MR. SHAVER:** Okay. I would become involved,  
18 sir, when my officers reached a roadblock, whatever the  
19 roadblock might be that they can't get past, and they think  
20 that if the Chief of Police could go back out and do  
21 something and that would come back up through my chain of  
22 command. Like it's -- you know, "We can't get in to see  
23 Mr. Manson. What can you do about it, Chief?" "Okay.  
24 I'll call Mr. Manson." You know.

25                   **MR. MANSON:** An example of that would be the

1 Deslauriers investigation and your visit to the Bishop?

2 MR. SHAVER: Yes.

3 MR. MANSON: Okay.

4 MR. SHAVER: My call to the Bishop regarding  
5 Deslauriers. I phoned him.

6 MR. MANSON: That's right. I -- sorry.

7 Now, when you were asked by Mr. Engelmann,  
8 you said you didn't recall the Luc Leblanc investigation;  
9 is that correct?

10 MR. SHAVER: I did. I did, yes, sir.

11 MR. MANSON: So I take it you don't recall  
12 ever speaking to the officers involved with Luc Leblanc?

13 MR. SHAVER: No.

14 MR. MANSON: And you said you didn't recall  
15 the Marcel Lalonde investigation ---

16 MR. SHAVER: Marcel Lalonde ---

17 MR. MANSON: --- from 1989?

18 MR. SHAVER: No.

19 MR. MANSON: And the investigative officer  
20 then would have been Kevin Malloy. And you don't recall  
21 ever talking to Ken Malloy?

22 MR. SHAVER: About that investigation, no.

23 MR. MANSON: You did speak to Mr. Payment  
24 about Lucien Labelle?

25 MR. SHAVER: Yes.



1                   **MR. MANSON:** Now, can you recall how you  
2                   heard about Lucien Labelle?

3                   **MR. SHAVER:** How I heard about Lucien  
4                   Labelle?

5                   **MR. MANSON:** This is the high school  
6                   principal; correct?

7                   **MR. SHAVER:** High school principal, yes.  
8                   Sorry, sir, right now I'm just drawing a blank. I can't  
9                   remember how I heard about it. I know I heard about it,  
10                  but I don't remember how.

11                  **MR. MANSON:** If we look at the transcript  
12                  from yesterday ---

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

14                  **MR. MANSON:** --- just to refresh your  
15                  memory, it's at page 35. Starting at the earlier page, Mr.  
16                  Engelmann had suggested to you that ---

17                  **MR. SHAVER:** Page 35 of the second volume  
18                  that I've just received?

19                  **MR. MANSON:** The transcript from yesterday.

20                  **MR. SHAVER:** Volume 241 or 240?

21                  **MR. MANSON:** Yes, 241.

22                  **MR. SHAVER:** Oh, sorry, I had 240. Yes?

23                  **MR. MANSON:** Mr. Engelmann had suggested to  
24                  you that in his testimony, Constable Payment had said that  
25                  you showed a great deal of interest in this, and then later

1 at line 5, you say:

2 "I heard him say that, sir. I had no  
3 more interest in that case than I had  
4 in a lot of other cases that were going  
5 on. My modus, what I used to do as my  
6 MO was to walk around and talk to some  
7 of my people. This was a case that was  
8 going on at the time. It talked to  
9 Constable Payment about it. I sat in  
10 the Youth Branch and I said, 'Listen,  
11 you know, you've got to do a thorough  
12 job on this thing. This is very  
13 important. This is important. This is  
14 a person who has many, many children  
15 that he could -- that he has access to.  
16 So just do a thorough job.'"

17 You recall having that conversation with Mr.  
18 Payment?

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

20 **MR. MANSON:** Constable Payment.

21 And if we go to page 36, again Mr. Engelmann  
22 suggests to you that -- I'll read his question at line 2:

23 "Because I got the sense that he told  
24 us that you were checking in and asking  
25 for updates and that you were showing

1 an interest, at least from his  
2 perspective, more of an interest in  
3 that case than other cases he was  
4 working on.

5 MR. SHAVER: Well, yes, more than other  
6 cases he was working on, absolutely.

7 MR. ENGELMANN: Okay. Fair enough."

8 Then you added:

9 "Absolutely. At that time we didn't  
10 have any other cases that had, you  
11 know, principals or teachers or, you  
12 know, whatever, no."

13 MR. SHAVER: I didn't make a heck of a lot  
14 of sense in that sentence, did I?

15 MR. MANSON: Well, I think what you're  
16 saying, isn't it, that this was an important case for  
17 Constable Payment? It was important case for the Cornwall  
18 Police Service because you're prosecuting a school  
19 principal; correct?

20 MR. SHAVER: I'm looking at prosecuting a  
21 school principal, yes.

22 MR. MANSON: So this would be one of your  
23 high-priority cases?

24 MR. SHAVER: It would have been a high --  
25 yes, high priority, yes.

1                   **MR. MANSON:** Yeah. Now, did you have any  
2 kind of protocol that would bring high-priority cases to  
3 your attention?

4                   **MR. SHAVER:** No protocol per se.

5                   **MR. MANSON:** Would you expect people to  
6 bring high-priority cases to your attention?

7                   **MR. SHAVER:** Absolutely. Deputy Chief  
8 O'Neill did it all the time. And that was in his tenure, I  
9 believe, here.

10                  **MR. MANSON:** Did the -- this is ---

11                  **MR. SHAVER:** What year was that, sir?

12                  **MR. MANSON:** This would be 1989. So it's  
13 already ---

14                  **MR. SHAVER:** No, it would have been Deputy  
15 Chief St. Denis, yes.

16                  **MR. MANSON:** St. Denis.

17                  **MR. SHAVER:** Okay.

18                  **MR. MANSON:** Did he also bring high-priority  
19 cases to your ---

20                  **MR. SHAVER:** Yes.

21                  **MR. MANSON:** Oh, I made a mistake, it's  
22 1985. You were right; it is Deputy O'Neill.

23                  **MR. SHAVER:** Okay.

24                  **MR. MANSON:** I wanted to move to 1989. No  
25 one brought the Malloy investigation of Marcel Lalonde to

1 your attention?

2 MR. SHAVER: Not that I can remember, sir.

3 MR. MANSON: You know now that Marcel  
4 Lalonde was a teacher ---

5 MR. SHAVER: Yes, I do.

6 MR. MANSON: --- who had access to many  
7 children?

8 MR. SHAVER: Many children, yes.

9 MR. MANSON: And he was subsequently  
10 prosecuted and there were a number of victims in the  
11 prosecution?

12 MR. SHAVER: Yes, sir.

13 MR. MANSON: And he was prosecuted  
14 successfully?

15 MR. SHAVER: Yes.

16 MR. MANSON: Let's look at the Jeannette  
17 Antoine investigation. Again, this is 1989.

18 MR. SHAVER: M'hm.

19 MR. MANSON: And again, the investigator was  
20 Constable Malloy.

21 MR. SHAVER: Yes.

22 MR. MANSON: Did you ever speak to Constable  
23 Malloy about this case?

24 MR. SHAVER: No, sir, not to my knowledge.

25 MR. MANSON: And it involved allegations, in

1 part, with respect to a CAS group home?

2 MR. SHAVER: Yes.

3 MR. MANSON: And later on, it resurfaced and  
4 there was an internal administrative review done by Staff  
5 Sergeant Derochie?

6 MR. SHAVER: Derochie, yes.

7 MR. MANSON: Can we just have a look at his  
8 report please?

9 (SHORT PAUSE/COURTE PAUSE)

10 MR. MANSON: This would be Exhibit 1286,  
11 Document 73910.

12 THE COMMISSIONER: There you go.

13 MR. SHAVER: Twelve eighty-six (1286), sir?

14 MR. MANSON: Yes.

15 MR. SHAVER: I do have the book up here.

16 MR. MANSON: Exhibit 1286, it's on the  
17 screen, Mr. Shaver.

18 MR. SHAVER: Yes, I've got it, the hardcopy  
19 also, sir.

20 MR. MANSON: This report was done after you  
21 left the Service?

22 MR. SHAVER: It was.

23 MR. MANSON: Have you had an opportunity to  
24 look at it?

25 MR. SHAVER: I did.

1                   **MR. MANSON:** And it's highly critical of the  
2 investigation done by Constable Malloy? Correct?

3                   **MR. SHAVER:** Yes.

4                   **MR. MANSON:** If we look first at page 4,  
5 halfway down, Staff Sergeant Derochie -- this is Bates page  
6 643, Mr. Commissioner ---

7                   **THE COMMISSIONER:** Yes.

8                   **MR. MANSON:** --- first documents a delay of  
9 well over four months as the case apparently remained  
10 inactive until February 5<sup>th</sup>, 1990; correct?

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

12                   **MR. MANSON:** And if we -- the earlier page,  
13 there was a meeting about this case on September 29<sup>th</sup>, 1989.  
14 I'm assuming that those senior officers quickly assigned  
15 it, so it sat with Constable Malloy until February 5<sup>th</sup> ---

16                   **THE COMMISSIONER:** Mr. Manderville?

17                   **MR. MANDERVILLE:** I just wish to make a  
18 point of clarification, Mr. Commissioner. The evidence was  
19 that the case was assigned to Malloy in September.  
20 However, Jeannette Antoine did not come in to give a  
21 statement until February of '90.

22                   **THE COMMISSIONER:** Yeah.

23                   **MR. MANDERVILLE:** And my friend put it to  
24 Chief Shaver that there was a delay from September to  
25 February. I think it needs to be put into context. She

1 was asked to come in and get the ball rolling, and she did  
2 not until February of '90. I'm not casting aspersions, but  
3 that is the timeline.

4 **THE COMMISSIONER:** Well, whatever happened  
5 in the middle will be relevant. I mean, if they phone once  
6 and say, "Well, come on in, Mrs. Antoine" and that's it  
7 after the first day and they don't call her back until  
8 February, then -- delay is something that we have to look  
9 into the details to be able to ascertain if there's fault  
10 or neglect.

11 **MR. MANDERVILLE:** Fair enough.

12 **THE COMMISSIONER:** Thank you.

13 **MR. MANSON:** Mr. Commissioner, this is a  
14 quotation from Staff Sergeant Derochie. The case  
15 apparently remained inactive until February 5<sup>th</sup>, 1990. I  
16 characterized it as delay. If I recall the evidence, there  
17 was an issue about statement taking and do you give someone  
18 a statement to go home and ---

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

20 **MR. MANSON:** But in any event, let's just  
21 stick with "remained inactive".

22 What I think, Mr. Shaver, is more  
23 significant, if we look at Bates pages 647 and 648, the  
24 -- do you see, starting at the bottom?

25 **MR. SHAVER:** At the bottom of the page, sir?



1 MR. MANSON: Yes.

2 MR. SHAVER: Yes.

3 MR. MANSON: I'm not going to go through all  
4 of them, but:

5 "Failure to register on OMPPAC. Didn't  
6 conduct a thorough investigation.  
7 Didn't keep proper notes. Failure by  
8 supervisors to monitor."

9 And number 4:

10 "No one appeared to have recognized the  
11 sensitivity of the subject matter  
12 involved in these allegations nor the  
13 potential consequences that an improper  
14 investigation might mean to the  
15 agencies involved."

16 Those were the observations of ---

17 MR. SHAVER: Yes.

18 MR. MANSON: --- Staff Sergeant Derochie.

19 And I want to suggest to you that certainly  
20 from the perspective of Jeannette Antoine, you can't say  
21 the Cornwall Police was doing a good job?

22 MR. SHAVER: No, I didn't say -- and you to  
23 take a specific case, sir, and you dissect the case. Yeah,  
24 we're going to find these things. No, I'm saying in  
25 general we had -- we have 2,000 CIB occurrences a year, you

1 know. So if you take a look at -- if you're looking at,  
2 what, one in 1989, one in '87, a couple in '85, you know,  
3 and the one in '93.

4 Is there more than that, sir?

5 **THE COMMISSIONER:** We're only looking as  
6 part of the mandate because we certainly don't want to  
7 exceed the mandate.

8 **MR. SHAVER:** I see.

9 **THE COMMISSIONER:** But historical sexual  
10 abuse ---

11 **MR. SHAVER:** Historical sexual abuse, yes.

12 **THE COMMISSIONER:** --- of young people by  
13 prominent people. So that kind of ---

14 **MR. SHAVER:** Okay. That narrows it down,  
15 yes.

16 **THE COMMISSIONER:** --- narrows it down.

17 **MR. MANSON:** My point, Mr. Shaver, is this  
18 was not a good job. You'd agree with that?

19 **MR. SHAVER:** I agree.

20 **MR. MANSON:** And as the Commissioner just  
21 pointed out, this is part of a subcategory of appendices;  
22 correct?

23 **MR. SHAVER:** Yes.

24 **MR. MANSON:** And, as well, I'd suggest to  
25 you that what it shows is some letting things sit, the

1 delay issue, number one; number two, note taking problems  
2 and, number three, monitoring and supervision problems.  
3 That's what this case shows. I'm just talking about this  
4 case.

5 MR. SHAVER: Okay. Then can I talk about  
6 that particular case?

7 MR. MANSON: Sure.

8 MR. SHAVER: Because it is Constable Malloy  
9 that you're talking about.

10 MR. MANSON: Yes.

11 MR. SHAVER: Constable Malloy's overall work  
12 was excellent. His note taking -- and I think they  
13 mentioned it here at the Inquiry; his note taking was  
14 excellent. He did very, very good police work. This is  
15 one he seems to have -- you know, it's like falling on your  
16 head. So he seems to have fallen on his head on this  
17 particular investigation.

18 But if you go back over all of Constable  
19 Malloy's evaluations, what he's done, his investigations,  
20 he investigated -- he was involved in a very, very ugly  
21 murder for a very long period of time, sir.

22 MR. MANSON: Mr. Shaver, I'm not talking  
23 about Constable -- I'm talking about his investigation of  
24 this case because it's part of a particular subcategory.

25 MR. SHAVER: Right. Yes.

1                   **MR. MANSON:** And I'm -- those areas of  
2 concern, I'm going to suggest to you, pop up regularly in  
3 this subcategory of case. I'm not talking about Constable  
4 Malloy. I'm talking about this subcategory of case.

5                   **MR. SHAVER:** Okay.

6                   **MR. MANSON:** Let's move from Jeannette  
7 Antoine to another investigation on your watch, Earl  
8 Landry, Jr.

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

10                  **MR. MANSON:** This goes back to 1985. Your  
11 evidence was Inspector Trew told you about it?

12                  **MR. SHAVER:** I guess I must be getting  
13 tired, sir, because I'm having difficulty thinking now.

14                  **THE COMMISSIONER:** We won't -- we'll be  
15 going for another half hour max.

16                  **MR. SHAVER:** Half an hour, sir?

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

18                  **MR. SHAVER:** Now I have to go back and  
19 really think about this again. Who told me about Earl  
20 Landry, Jr.? Right now, sir, I'm drawing a blank. I'm  
21 sorry; I'm just drawing a blank on this.

22                  **MR. MANSON:** Well, let me just -- what was  
23 Inspector Trew's job at the time; do you recall?

24                  **MR. SHAVER:** No, I don't, sir.

25                  **MR. MANSON:** Your evidence yesterday, if

1 this helps you, and this would again be Volume 241, page  
2 49. Mr. Engelmann asked you how you became aware that  
3 there was a complaint against Earl Landry, Jr.

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

5 **MR. MANSON:** If you go down to line 23,  
6 Madam Clerk.

7 "MR. ENGELMANN: Do you recall how you  
8 became aware?

9 MR. SHAVER: I don't, sir, but it  
10 probably would, in the normal chain of  
11 events -- it would have been through  
12 the officer in charge of CIB, through  
13 the Deputy, to me.

14 MR. ENGELMANN: And do you know why it  
15 would have been brought to your  
16 attention?

17 MR. SHAVER: Well, I'm sure it's  
18 because it's the Chief's son."

19 Does that refresh your memory that --  
20 whether it was Inspector Trew or someone else?

21 **MR. SHAVER:** No.

22 **MR. MANSON:** But certainly, if we look at  
23 Ron Lefebvre's notes, we know that almost immediately upon  
24 the complaint coming in, you've got Lefebvre and Willis in  
25 your office at 10 o'clock in the morning; correct?

1                   **MR. SHAVER:** I guess, Mr. Commissioner, I  
2 must -- I'm getting very tired.

3                   **MR. MANSON:** Okay. Well, let me go to the  
4 note.

5                   **MR. SHAVER:** I apologize.

6                   **THE COMMISSIONER:** No, no, if he's getting  
7 tired, we're going to take ---

8                   **MR. OLIVER:** I think we're at that limit.

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

10                  **MR. OLIVER:** I think we're at his limit.

11                  **THE COMMISSIONER:** I can't hear you.

12                  **MR. OLIVER:** I'm sorry; I think we're at Mr.  
13 Shaver's limit today, sir.

14                  **THE COMMISSIONER:** Yes.

15                  **MR. OLIVER:** Thank you very much.

16                  **THE COMMISSIONER:** Okay. I think, Mr.  
17 Manson, we'll start tomorrow morning at 9:30.

18                  **MR. MANSON:** I won't be more than, you know,  
19 20 minutes to a half an hour.

20                  **THE COMMISSIONER:** Good.

21                  **MR. MANSON:** Thank you, Mr. Commissioner.

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

24                                 This hearing is adjourned until tomorrow  
25 morning at 9:30 a.m.

1           --- Upon adjourning at 5:02 p.m./  
2           L'audience est ajournée à 17h02

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C E R T I F I C A T I O N

I, Marc Demers 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, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Marc Demers, CM