

**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 243

Held at :

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

Thursday, June 12 2008

Tenue à:

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

Jeudi, le 12 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 ^e Claude Rouleau | Ontario Ministry of Community and Correctional Services and Adult Community Corrections |
| Mr. Stephen Scharbach | Attorney General for Ontario |
| Mr. Peter Chisholm Ms. Stephanie Gibson | The Children's Aid Society of the United Counties |
| Mr. Allan Manson | Citizens for Community Renewal |
| Mr. Dallas Lee | 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. Frank T. Horn Mr. Ian Paul | Coalition for Action |
| Mr. John Olver | Mr. Claude Shaver |
| Mr. Claude Shaver | Mr. Claude Shaver |

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1 --- Upon commencing at 9:39 a.m./

2 L'audience débute à 9h39

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 sir.

11 **MR. SHAVER:** Good morning, sir.

12 **THE COMMISSIONER:** Mr. Manson.

13 **MR. MANSON:** Good morning, Mr. Commissioner.
14 Good morning, Mr. Shaver.

15 **THE COMMISSIONER:** Good morning. My, we're
16 full of spit and vinegar, strong voice this morning, Mr.
17 Manson.

18 **MR. MANSON:** It's morning.

19 **THE COMMISSIONER:** It's morning.

20 **MR. MANSON:** It's not nap time.

21 **THE COMMISSIONER:** Okay.

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

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

24 **MANSON (cont'd/suite):**

25 **MR. MANSON:** Mr. Shaver, if I could just

1 briefly go back to two points that we discussed yesterday,
2 and then I'll pick up where we left off. We were just
3 starting the Earl Landry, Jr. investigation ---

4 **MR. SHAVER:** Yes.

5 **MR. MANSON:** --- when we broke.

6 But I had a question about morning meetings.
7 You explained to us what they were about, but can you tell
8 me, during your tenure as Police Chief, what was your usual
9 practice for attendance? How regularly would you attend?

10 **MR. SHAVER:** Oh, every morning. If I was
11 here, I would attend every morning, sir, yes.

12 **MR. MANSON:** And that would be almost
13 without fail?

14 **MR. SHAVER:** Almost without fail.

15 **MR. MANSON:** So you regularly attended, no
16 question?

17 **MR. SHAVER:** Yes.

18 **MR. MANSON:** In the 1993 year, your last
19 year with the Force ---

20 **MR. SHAVER:** Yes.

21 **MR. MANSON:** --- were there any periods of
22 absence that would have kept you away from morning meetings
23 that you can recall, any protracted periods, more than a
24 day or two?

25 **MR. SHAVER:** Yes, I still sat -- I sat on

1 many chief's committees. I sat on the Drug Committee for
2 Ontario, and I would be away. Those were regular meetings
3 that we had in Toronto. I sat on the OMPPAC Committee.
4 That OMPPAC Committee, I think, had wound up by then. So
5 in '93, I sat -- I also sat on the Chief's Training
6 Committee. So I would be away there.

7 **MR. MANSON:** But these absences would only
8 be a couple of days?

9 **MR. SHAVER:** A couple of days, yes.

10 **MR. MANSON:** So you can't recall any
11 protracted period, like a month long annual leave or
12 anything like that?

13 **MR. SHAVER:** No. January, sir, I would
14 probably have taken some time to go down to Florida. I
15 used to bring my parents down there in the fall and I would
16 go back and pick them up. I would take them down in
17 November for a week and then I would leave them there, and
18 then I would come back and play golf in January sometime,
19 and then I would go pick them up in April. So there may be
20 a week, 10 days in those three periods of time, yes.

21 **MR. MANSON:** So fair to say, if we're
22 looking at '93, you were probably at a lot of morning
23 meetings and you can't recall any protracted absence from
24 the building?

25 **MR. SHAVER:** Just the ones I'm thinking

1 about there, sir.

2 MR. MANSON: But also during this time,
3 starting fairly early in '93, you were involved in a battle
4 with the mayor for your job, were you not?

5 MR. SHAVER: Not for my -- well, for my job
6 -- yeah, okay, I guess you could qualify it that way.

7 MR. MANSON: Well, it became a battle for
8 your job, didn't it?

9 MR. SHAVER: It became a method to early
10 retire.

11 MR. MANSON: And did you see this as a
12 battle for the leadership of the Cornwall Police between
13 you and the mayor?

14 MR. SHAVER: I did in parts, yes.

15 MR. MANSON: It must have been a major
16 distraction to you during that year?

17 MR. SHAVER: Well, it didn't help, sir. It
18 was a distraction, but as the Chief of Police, you get --
19 you have lots of these things. You're forever going from
20 sort of mini-crisis to mini-crisis. It happens a lot.

21 MR. MANSON: I want to also go back to your
22 answer to my question about the -- your July 22nd, '93
23 letter to Kopinak and Josiah. That's Exhibit 1392. We
24 don't have to refer to it.

25 MR. SHAVER: Okay.

1 **MR. MANSON:** But you recall the letter?

2 This is where you made the reference of a cancerous ---

3 **MR. SHAVER:** Yeah.

4 **MR. MANSON:** --- rot?

5 **MR. SHAVER:** Yes.

6 **MR. MANSON:** I re-read your answer, and I
7 guess it's because it was getting late yesterday, but I let
8 it sit.

9 It's fair to say that your answer yesterday
10 was essentially you thought there was no "esprit de corps"
11 in the Cornwall Police Service and there was too much
12 complaining?

13 **MR. SHAVER:** That, sir, was what I -- the
14 "esprit de corps", sir, I saw that right at the beginning
15 of my term with the Cornwall Police Service. That's one of
16 the first things that jumped out at me.

17 So are you talking about the '93 period now?
18 Because I ---

19 **MR. MANSON:** I'm talking about my question
20 to you, what did you perceive to be this "cancerous rot"?
21 And your answer yesterday, to be frank, Mr. Shaver, there's
22 got to be more to it. It's not just an absence of "esprit
23 de corps"?

24 **MR. SHAVER:** No, there obviously is, and as
25 I said yesterday, sir, like if you go back, I said, "Well,

1 the next paragraph certainly starts to describe that".
2 That's the sort of historical background of it.

3 **MR. MANSON:** But I would suggest to you that
4 in July of 1993, at that point, it was your view that there
5 were serious divisions within the Cornwall Police Service
6 and that these divisions were undermining its operation.
7 Is that a fair statement?

8 **MR. SHAVER:** There were divisions, sir. I
9 do not agree that it was undermining the operations of the
10 Service, no.

11 **MR. MANSON:** Well, let's look at some of
12 those divisions. I would suggest to you that you had a
13 very aggressive Association at that time?

14 **MR. SHAVER:** I did.

15 **MR. MANSON:** And you had some members who
16 were supporters and some members who were non-supporters;
17 correct?

18 **MR. SHAVER:** Supporters of what, sir?

19 **MR. MANSON:** The Association.

20 **MR. SHAVER:** Oh yes, yes.

21 **MR. MANSON:** And that would be a division?

22 **MR. SHAVER:** Yes.

23 **MR. MANSON:** You had a number of people who
24 were Cornwall boys. They'd grown up in Cornwall and had
25 been buddies since they were young; correct?

1 **MR. SHAVER:** Yes.

2 **MR. MANSON:** And then you had another group
3 who had come from outside or just weren't part of the
4 clique; correct?

5 **MR. SHAVER:** Yes.

6 **MR. MANSON:** You also had people who
7 supported the Chief and people who supported the Deputy
8 Chief, didn't you?

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

11 **MR. MANSON:** Okay. You also had a lot of
12 socialization between constables and senior officers,
13 didn't you?

14 **MR. SHAVER:** Socialization how, sir?

15 **MR. MANSON:** Buddies, constables and senior
16 officers being buddies, friends.

17 **MR. SHAVER:** Yeah, I would imagine that
18 would have happened, sir. The people that would have been
19 brought up in Cornwall, they may have been friends and some
20 of them may have been promoted and moved on, yes.

21 **MR. MANSON:** But one of your concerns at the
22 time was that you were trying to promote a separate
23 association for senior officers; correct?

24 **MR. SHAVER:** I did try to promote that, yes.

25 **MR. MANSON:** And I'd suggest to you that the

1 reason for that is you wanted your supervisors to feel and
2 act like supervisors; correct?

3 MR. SHAVER: Yes, that's a very fair
4 statement, sir, yes.

5 MR. MANSON: Because some of them weren't.
6 Isn't that true?

7 MR. SHAVER: Some of them were not as good
8 at supervision as others, yes.

9 MR. MANSON: And maybe part of that was they
10 were just too close to the constables because this
11 socialization was relatively common at the Cornwall Police;
12 correct?

13 MR. SHAVER: Sir, I can't really comment
14 again on that socialization, because if you're talking
15 about -- the teams would try to meet and would have a
16 social meeting once every period of time. It depended on
17 the staff sergeant in charge, and normally it was the
18 person that drove that. You know, I think they were
19 friends.

20 You know, police officers have a tendency to
21 stick together because that's what -- it's in the nature of
22 our business. You know, if you're sticking with your --
23 you're sticking with another officer; you can talk about
24 things openly. You don't have to worry about couching your
25 words and so on, sir, yes.

1 **MR. MANSON:** And one other aspect that I
2 would suggest to you was part of your thinking when you
3 used this phrase "cancerous rot", in many respects you had
4 a Board that didn't govern, didn't you?

5 **MR. SHAVER:** The Board, sir, at that time,
6 was having an awful lot of difficulty, yes.

7 **MR. MANSON:** And that would be part of your
8 collective -- your larger statement that there is a
9 cancerous rot; correct?

10 **MR. SHAVER:** When I was referring to the
11 cancerous rot, sir, I was referring to the rot, I believe,
12 inside the Police Force. The Board was sort of collateral
13 to that, but there was certainly -- there was definitely a
14 problem there. You know, there were very good people on
15 the Board and there was a problem.

16 **MR. MANSON:** Can we now look at Earl Landry,
17 Jr.?

18 **MR. SHAVER:** Yes.

19 **MR. MANSON:** We stopped yesterday when I was
20 asking you how you first learned about this.

21 **MR. SHAVER:** Yes.

22 **MR. MANSON:** Do you have any other thoughts
23 on that this morning?

24 **MR. SHAVER:** I thought about it overnight,
25 obviously.

1 Yeah, I believe I learned about it from the
2 Deputy Chief of Police, but I think -- because I remember
3 Mr. Engelmann's question, and he reminded me that Rick Trew
4 was the person that first got -- received the information.
5 So he may have told me, sir.

6 **MR. MANSON:** Now, what we know from Exhibit
7 1660, which is Ron Lefebvre's notes, is that you had a
8 meeting with Ron Lefebvre at 10 o'clock on June 25th;
9 correct?

10 **MR. SHAVER:** Yes, sir.

11 **MR. MANSON:** And you seem to recall -- when
12 Mr. Engelmann asked you, you couldn't quite recall whether
13 Sergeant Willis was there, but your thinking was if they
14 were the two investigators, they were probably both there?

15 **MR. SHAVER:** Yes, Staff Sergeant Willis,
16 sir, yes. He would have been Ron Lefebvre's supervisor
17 also.

18 **MR. MANSON:** Now, is it fair to say that
19 when you learn about this, before you have your meeting
20 with Lefebvre and Willis, you had two particular concerns.
21 You explained to us that you were concerned about
22 protecting the reputation of the Cornwall Police Service?

23 **MR. SHAVER:** Yes, sir, that was one.

24 **MR. MANSON:** Personally, you were also
25 concerned about the effect of this investigation on Earl

1 Landry, Sr.; correct?

2 MR. SHAVER: I was, yes.

3 MR. MANSON: And in your evidence, and we
4 can go to the portions if you like, you agreed that you
5 were very interested in this case.

6 MR. SHAVER: Interested, yes.

7 MR. MANSON: M'hm.

8 When you met with Willis and Lefebvre, can
9 you recall how long that meeting was?

10 MR. SHAVER: No, sir, I do not.

11 MR. MANSON: And your evidence was that it
12 was basically a pep talk in the sense that this is a
13 serious matter; go do a thorough job.

14 MR. SHAVER: Do it right, yes.

15 MR. MANSON: Do it right.

16 You didn't ask them any questions about
17 possible conflicts that they might have?

18 MR. SHAVER: No, sir.

19 MR. MANSON: That didn't occur to you or it
20 would never occur to you?

21 MR. SHAVER: Did not occur to me, sir.
22 They're professional police officers. They -- they're
23 trained to investigate.

24 MR. MANSON: We've had evidence from one of
25 your officers who testified and he admitted that this was

1 his personal protocol, but that he wouldn't be involved in
2 an investigation if he had any personal relationship with
3 the participants. Do you agree with that as a good
4 approach?

5 MR. SHAVER: Well, sir, if an officer feels
6 that strongly about it; yeah. He feels there's a conflict;
7 yes. Pull off the case if you felt there was a conflict,
8 yes.

9 MR. MANSON: But that wouldn't be your
10 personal protocol?

11 MR. SHAVER: Sir, I think I would do that.
12 I would -- I would have told my supervisor; say, "Look I'm
13 too close to this." I'm -- yes, that would have been -- I
14 would've -- I would agree with that. If it was -- if it
15 was too personal to me, I'd say "Listen, you know, I don't
16 want my personal relations or my personal feelings to
17 interfere with my professional feelings." So ---

18 MR. MANSON: And your professional judgment.

19 MR. SHAVER: And yes, that's -- that's the
20 worst part, sir, yes.

21 MR. MANSON: And so had Willis had stopped
22 and said, "You know, I'm good friends with this guy's
23 brother;" you would have suggested maybe we get another
24 second investigator?

25 MR. SHAVER: Yes.

1 **MR. MANSON:** And you agreed when Mr.
2 Engelmann was examining in-chief at pages 61 to 62 that you
3 considered this and it was your phrase "a high priority
4 case."

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

6 **MR. MANSON:** And your evidence was you
7 didn't speak with the officers again ---

8 **MR. SHAVER:** That's ---

9 **MR. MANSON:** --- after that meeting;
10 correct?

11 **MR. SHAVER:** Yes.

12 **MR. MANSON:** The Deputy Chief kept you
13 advised?

14 **MR. SHAVER:** Yes.

15 **MR. MANSON:** Do you recall any of the
16 reports from the Deputy Chief?

17 **MR. SHAVER:** No, sir, just kept me advised.

18 **MR. MANSON:** Now, by keeping you advised,
19 you have to explain that to me. If you can't recall the --
20 I mean, would he, on a regular basis say to you, "We're
21 still working on the Earl Landry, Jr. matter"?

22 **MR. SHAVER:** Yes, I -- the one -- the one
23 thing that I do recall, because it's close to my heart, is
24 that he told me that -- that the child that was allegedly
25 assaulted at the time; his mental capacity was not great.

1 **MR. MANSON:** But of course we know in
2 retrospect that the same child was a participant in the
3 prosecution of another person who was successfully
4 prosecuted; ---

5 **MR. SHAVER:** Absolutely.

6 **MR. MANSON:** --- correct?

7 **MR. SHAVER:** Yeah, absolutely, yes.

8 **MR. MANSON:** Did you specifically ask the
9 Deputy to keep you updated on this matter?

10 **MR. SHAVER:** I don't remember specifically
11 asking him, sir. The Deputy -- the Deputy always kept me
12 updated -- he kept me updated. I would get, sort of,
13 general views. You know, we were running 1,500 to 2,000
14 cases in CIB a year so he would give me -- he would take
15 the ones that he thought were the higher priority ones and
16 he would -- then he would come back and, sort of, keep me
17 informed, yes.

18 **MR. MANSON:** But you are certain that he
19 kept you apprised of what was going on with the Earl
20 Landry, Jr. investigation?

21 **MR. SHAVER:** Yes, in my own mind, yes.

22 **MR. MANSON:** But, if we go back and look at
23 Lefebvre's notes, it doesn't look like anything was going
24 on after June 27, 1995.

25 **MR. SHAVER:** If you look at his notes, sir,

1 I guess that's what it ---

2 MR. MANSON: Well ---

3 MR. SHAVER: --- will say, yes.

4 MR. MANSON: --- would you like to go
5 through them?

6 MR. SHAVER: No, no, I've seen the notes.
7 I've seen the notes, sir.

8 MR. MANSON: So there wouldn't be much to
9 tell you after June 27th; would there?

10 MR. SHAVER: I guess not, sir.

11 MR. MANSON: And he didn't tell you that
12 Lefebvre had concluded that there was no reasonable and
13 probable grounds; did he?

14 MR. SHAVER: No, I did not know that, sir.

15 MR. MANSON: You didn't learn that from the
16 Deputy; you learned that from Alan Ain; correct?

17 MR. SHAVER: Alan Ain, yes.

18 MR. MANSON: So let's go to your meeting
19 with Alan Ain. This is, you said, a few weeks after the
20 original ---

21 MR. SHAVER: I -- I ---

22 MR. MANSON: --- complaint came in?

23 MR. SHAVER: --- I'm sure I said in my
24 testimony, sir, I wasn't sure when it was, but I believed
25 it was in that sort of area, yes.

1 MR. MANSON: And it's at a social function?

2 MR. SHAVER: Yes ---

3 MR. MANSON: And you said ---

4 MR. SHAVER: --- at dinner.

5 MR. MANSON: --- that you asked him about
6 this matter.

7 MR. SHAVER: No, he told me. No, I'm sorry,
8 I didn't ask him. He told me. He started -- he started
9 the conversation sir.

10 MR. MANSON: Okay, well let's have a look at
11 the evidence.

12 If you go to -- I believe this is volume 241
13 ---

14 THE COMMISSIONER: What are we talking here;
15 transcripts?

16 MR. MANSON: Transcripts ---

17 THE COMMISSIONER: Yes, ---

18 MR. MANSON: --- sorry.

19 THE COMMISSIONER: --- thank you.

20 MR. SHAVER: Thank you.

21 THE COMMISSIONER: M'hm.

22 MR. MANSON: Before I give you a page
23 reference, let's just go back for a second. When this
24 matter first came into your office which would have been
25 June 25th of this year, after Earl Landry, Jr. was brought

1 in, you went to see Earl Landry, Sr.; correct?

2 MR. SHAVER: After he was brought in, yes.

3 MR. MANSON: And your evidence was that this
4 meeting was a couple of hours; correct?

5 MR. SHAVER: I believe so, sir.

6 MR. MANSON: And after a brief discussion
7 about the allegations, it then became very personal;
8 correct?

9 MR. SHAVER: Yes, it was all personal.

10 MR. MANSON: You were concerned about his
11 wife; correct?

12 MR. SHAVER: Yes.

13 MR. MANSON: He was crying?

14 MR. SHAVER: Yes.

15 MR. MANSON: You said he was flabbergasted
16 by this.

17 MR. SHAVER: He was.

18 MR. MANSON: And it was a difficult time for
19 you too; wasn't it?

20 MR. SHAVER: Yes, it was.

21 MR. MANSON: Yeah. And you thought you
22 probably went home afterwards because this was a difficult
23 couple of hours.

24 MR. SHAVER: I couldn't remember what I did
25 afterwards, sir.

1 **MR. MANSON:** And so now we're a few weeks
2 into the future; you're at a social event and Alan Ain
3 who's the Assistant Crown attorney is sitting besides you
4 at a table.

5 **MR. SHAVER:** Yes.

6 **MR. MANSON:** And if we look at page 74 of
7 transcript volume 241 -- we should start at 273.

8 **MR. SHAVER:** Seventy-three (73)?

9 **MR. MANSON:** Yes, line 25, right at the
10 bottom:

11 "The next -- the only time that I --the
12 next thing that I remember in this
13 chain of events probably happened
14 within a couple of weeks of this and we
15 were -- I was at a social function at a
16 dinner with Alan Ain, the Deputy Crown,
17 and Alan -- we talked about this."

18 You agree with that; correct?

19 **MR. SHAVER:** Yes.

20 **MR. MANSON:** Then you say:

21 "He knew about the case. I asked him
22 about it."

23 **MR. SHAVER:** Yes.

24 **MR. MANSON:** So you were the one who
25 initiated the conversation?

1 **MR. SHAVER:** No, sir. I believe Alan Ain --
2 Alan Ain started the conversation and so I asked him about
3 the case, yes.

4 **MR. MANSON:** Well, how did he start this
5 conversation with you? Can you recall?

6 **MR. SHAVER:** I don't recall, sir. I mean,
7 you're talking -- glory, this was 1985; we're talking 23
8 years ago, sir. How a conversation started and how it
9 ended sir.

10 My recollection was that Alan and I were
11 sitting there -- I know we were at the end of the table
12 together because we were far apart from everybody else and
13 -- and we just -- we started the case. And I -- I believe
14 that he's the one that started the information.

15 **MR. MANSON:** So he started talking about the
16 Earl Landry, Jr. prosecution?

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

18 **THE COMMISSIONER:** So your reference two
19 days ago "I asked him about it. He started the
20 conversation." and then you asked him ---

21 **MR. SHAVER:** How did we do?

22 **MR. MANSON:** How did we do?

23 **MR. SHAVER:** Yes.

24 **MR. MANSON:** Well, so he didn't start it by
25 saying, we're not going forward with Earl Landry, Jr.?

1 **MR. SHAVER:** I can't remember, sir, if he
2 said that or not.

3 **MR. MANSON:** Well, I'm just trying to
4 understand this. You're at a social function.

5 **MR. SHAVER:** Yes.

6 **MR. MANSON:** You're the one who ultimately
7 asks him "How did we do?" because he brought the topic up;
8 correct?

9 **MR. SHAVER:** I believe so, yes.

10 **MR. MANSON:** So how would he bring it up?
11 It's not like a ball game. It's not like he's saying,
12 "Amazing thing about that Earl --" he doesn't just say,
13 "Earl Landry, Jr."

14 **MR. SHAVER:** I -- I can't help you, sir. I
15 -- I ---

16 **MR. MANSON:** Okay.

17 **MR. SHAVER:** --- I've racked my brain on it
18 and I - I've given you all the information that I have from
19 my memory from that long ago.

20 **MR. MANSON:** Can we look at Exhibit 1660,
21 please. These are the Ron Lefebvre notes.

22 **THE COMMISSIONER:** Exhibit 1660?

23 **MR. MANSON:** Yes and I believe it's Bates
24 page 069.

25 **MR. SHAVER:** Sixteen-six-nine (1669), sir?

1 **THE COMMISSIONER:** No, 1660.

2 **MR. SHAVER:** One-six-six-zero (1660). I got
3 the wrong ---

4 **MR. MANSON:** Yeah and Bates page 069.

5 **THE COMMISSIONER:** Zero-six-nine (069). So
6 once you're at the exhibit, then go at the back of the
7 document and it's 069.

8 **MR. SHAVER:** Zero-six-nine (069). Okay,
9 sir.

10 **MR. MANSON:** And I don't want you to read
11 out any of these names, please, Mr. Shaver.

12 **MR. SHAVER:** No, I won't, sir.

13 Now, wait a minute, 069.

14 **THE COMMISSIONER:** The left-hand side, sir.

15 **MR. SHAVER:** Okay.

16 **THE COMMISSIONER:** Top left.

17 **MR. SHAVER:** Yes, I'm getting there, sir.

18 **THE COMMISSIONER:** It's the last -- the
19 second-last page.

20 **MR. SHAVER:** Got it.

21 **MR. MANSON:** And it's been redacted except
22 for a paragraph at the bottom that starts, "Monday, July
23 15th". Do you see that, Mr. Shaver?

24 **MR. SHAVER:** Yes.

25 **MR. MANSON:** And these are Sergeant

1 Lefebvre's notes, right?

2 MR. SHAVER: Yes.

3 MR. MANSON: And they're his notes about
4 this investigation and the related investigation that's
5 going on at the same time, Mr. Commissioner.

6 THE COMMISSIONER: M'hm.

7 MR. MANSON: And it looks like at eight-
8 twenty, Constable Lefebvre notes that he went to the
9 Crown's office to meet with Allan Ain about -- and then
10 there are some names. I guess these are other cases that
11 he's handling. The last name is the other case that has
12 the common complainant with the Earl Landry, Jr. case.

13 MR. SHAVER: Okay.

14 MR. MANSON: It seems to me that he's going
15 with his Crown briefs to meet with the Crown Attorney about
16 these matters; correct?

17 MR. SHAVER: Yes, I would gather.

18 MR. MANSON: That's what we would gather
19 from this; correct?

20 MR. SHAVER: M'hm.

21 MR. MANSON: Nowhere in the notes -- and
22 before Mr. Manderville stands up I'm going to add something
23 to this -- nowhere in the notes does he say, "I went to
24 meet with Allan Ain about Earl Landry, Jr.", but in one of
25 his statements later on he said, "I organized this meeting

1 about these cases and I think I probably talked about Earl
2 Landry, Jr. at the same time". That was Lefebvre's
3 evidence.

4 MR. SHAVER: Okay, sir.

5 MR. MANSON: So it looks like ---

6 MR. SHAVER: I'm sorry, Lefebvre's evidence
7 or Lefebvre's ---

8 MR. MANSON: Lefebvre's statement in another
9 ---

10 MR. SHAVER: Oh, okay, sir, yes.

11 MR. MANSON: And added with this, I'd
12 suggest to you that the major purpose of the meeting with
13 Allan Ain was to discuss these cases?

14 MR. SHAVER: Sir, you'd have to ask Sergeant
15 Lefebvre that. I'm sorry.

16 MR. MANSON: Okay.

17 And so when Allan Ain is talking to you
18 about the thorough professional job ---

19 MR. SHAVER: Yes.

20 MR. MANSON: --- are you clear that he was
21 talking about Earl Landry rather than these cases?

22 MR. SHAVER: It was definitely Earl Landry,
23 sir.

24 MR. MANSON: Definitely Earl Landry?

25 MR. SHAVER: Absolutely positive,

1 positively.

2 MR. MANSON: And he's telling you no
3 reasonable probable grounds, your guys did a great job?

4 MR. SHAVER: Yes, talked about the child
5 also.

6 MR. MANSON: And you are relieved because
7 you've been very interested in this case because of the CPS
8 relationship and because of your friendship with Earl
9 Landry. So you're relieved to hear this from Allan Ain?

10 MR. SHAVER: I'm relieved, yes. I thought,
11 you know, the pressure on the Chief's family I thought that
12 was good, thank you. You know, his wife was very ill and I
13 know what it did to him when I told him. And certainly,
14 for the Department, I was glad to hear that our officers
15 had done a professional job for the Crown.

16 MR. MANSON: But your evidence has been, Mr.
17 Shaver, that after you went to see Earl Landry you never
18 spoke to the investigators about this again; correct?

19 MR. SHAVER: I can't remember ever speaking
20 to them about it, sir. They had their task. They were
21 seasoned investigators. They were doing their job and the
22 Deputy Chief was supervising.

23 I had no reason to -- I had already done my
24 bit as the Chief and tried to buoy them up and get out
25 there and do a good job. I had done what I thought I could

1 do. After that, it's up to them and how they do their job.

2 **MR. MANSON:** Wasn't your evidence that you
3 didn't know that Earl Landry, Sr. had phoned and said, "My
4 boy is not coming in for a polygraph"?

5 **MR. SHAVER:** No, I did not know that. I had
6 no idea that that had happened.

7 **MR. MANSON:** So you weren't really getting
8 updates from the Deputy Chief?

9 **MR. SHAVER:** Yes, I was. The update that I
10 got -- I told you about the child, the one that I could
11 remember.

12 He may have told me that. I do not remember
13 ever knowing that the Chief had phoned, because if I would
14 have known that, sir, it would have registered with me. I
15 would not -- I would not have thought that that would have
16 been a good thing that he had phoned, so, no.

17 **MR. MANSON:** If we look at back at Constable
18 Lefebvre's notes, it really gives the impression -- and
19 it's Bates page 60, June 27th, bottom of the page, seven
20 o'clock:

21 "HQ and informed by Willis that Earl
22 Senior phoned and Junior's changed his
23 mind with regards to the polygraph.
24 Does not wish to attend. HQ follow
25 up."

1 That's June 27th, '85.

2 **MR. SHAVER:** Right.

3 **MR. MANSON:** And Mr. Oliver and Mr.

4 Manderville may correct me, but I don't see anything else
5 in these notes relating to Earl Landry, Jr. after June 27th
6 '85.

7 **MR. SHAVER:** Right.

8 **MR. MANSON:** It looks like the investigation
9 is over at that point?

10 **MR. SHAVER:** I can't comment, sir. I don't
11 know.

12 **MR. MANSON:** Can we move from Earl Landry,
13 Jr. to David Silmser?

14 **MR. SHAVER:** Sure.

15 **MR. MANSON:** So we're now into December of
16 1992.

17 **MR. SHAVER:** Yes.

18 **MR. MANSON:** Your evidence two days ago was
19 you had become aware of this almost immediately after the
20 complaint comes in -- Nakic and MccDonald come and advise
21 you; correct?

22 **MR. SHAVER:** I don't know if I said almost
23 immediately but I did become aware.

24 **MR. MANSON:** And you decided that -- or
25 Staff Inspector McDonald, rather, and you had a

1 conversation. He had resource problems and you decided
2 Lortie would be the right guy to do this?

3 **MR. SHAVER:** Staff Inspector McDonald
4 recommended that and I assigned ---

5 **MR. MANSON:** And you agreed?

6 **MR. SHAVER:** Yes, I agreed with him, yes.

7 **MR. MANSON:** And you very quickly had a
8 meeting with Lortie; correct?

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

10 **MR. MANSON:** And he gave evidence that he
11 came in to see you and you had a file folder for him. Do
12 you recall that?

13 **MR. SHAVER:** A file folder?

14 **MR. MANSON:** I believe that was his
15 evidence.

16 **MR. SHAVER:** The only piece of paper that I
17 had, sir, was the one that Sergeant Nakic had written on.
18 That's the only piece of paper I had.

19 **MR. MANSON:** But, more importantly, your
20 evidence two days ago was that you wanted him to create a
21 project file?

22 **MR. SHAVER:** Yes.

23 **MR. MANSON:** And we can look at Volume 241,
24 page 192, please, Madam Clerk.

25 **MR. SHAVER:** Two-forty-one (241), page what,

1 sir?

2 MR. MANSON: Volume 241, page 192. It'll be
3 up on -- oh, you've got one there.

4 Mr. Engelmann asked you:

5 "Did you ask him at that time to create
6 a project file?

7 MR. SHAVER: What Sergeant are you
8 talking about now? I'm meeting with
9 Sergeant Lortie.

10 MR. ENGELMANN: Yes.

11 MR. SHAVER: Yes, I did.

12 MR. ENGELMANN: Right from the get go?

13 MR. SHAVER: Right from the get go.

14 MR. ENGELMANN: And why was that,
15 sir..."

16 MR. SHAVER: That's not the same place.
17 You're in a different place, sir.

18 THE COMMISSIONER: Page 192. Page 192,
19 Madam Clerk.

20 MR. MANSON: One-ninety-two (192), oh, sorry
21 192. I apologize.

22 MR. SHAVER: You were going quite well
23 there, though, sir.

24 MR. MANSON: Well, I can -- there's another
25 180 pages I could read.

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(LAUGHTER/RIRES)

MR. MANSON: But it's clear in your mind that you wanted Lortie to create a project file right from the get go?

MR. SHAVER: Yes.

MR. MANSON: And then you go on to explain why you want a project file, and just to put it in a nutshell and please correct me, you were concerned where this might go?

MR. SHAVER: Yes.

MR. MANSON: Because it involved an allegation against a priest and a probation officer; correct?

MR. SHAVER: The probation officer did not come into my thinking at that time, sir, just that it was an allegation against a priest at that moment.

MR. MANSON: Later on at page 196, you say: "I thought that this was going to open up a lot of doors for that and I thought that we would have -- we would have an awful lot of people coming in to do this as they proved in the United States, sir."

You were concerned this was going to blow up; correct?

1 **MR. SHAVER:** I was concerned that it had the
2 possibility of doing that, yes.

3 **MR. MANSON:** Now, are you absolutely certain
4 you said to Claude Lortie, "I want a project file open"?

5 **MR. SHAVER:** I am certain, yes.

6 **MR. MANSON:** And he's your Intelligence
7 Officer; correct?

8 **MR. SHAVER:** He is.

9 **MR. MANSON:** He reports to you; correct?

10 **MR. SHAVER:** Right, sir.

11 **MR. MANSON:** And he also is the one, because
12 of that, who would have control of the project files,
13 correct?

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

15 **MR. MANSON:** He'd be the one to open it up;
16 correct?

17 **MR. SHAVER:** That's right. All of his files
18 -- they were project files.

19 **MR. MANSON:** Can we turn to Volume 214,
20 please? This is the evidence of Claude Lortie.

21 **MR. SHAVER:** Right.

22 **MR. MANSON:** And it's April 9th, 2008, Mr.
23 Commissioner.

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

25 **MR. MANSON:** Volume 214.

1 **THE COMMISSIONER:** Yeah, what page?

2 **MR. SHAVER:** Two-one-four (214), sir?

3 **MR. MANSON:** Yes.

4 **THE COMMISSIONER:** No, no, that's the --
5 that's the volume number. Now, he's going to give us the
6 page number.

7 **MR. MANSON:** I need to give you the page
8 number. I am not going to go back to look for the part
9 where he talks about the file folder, the paper. He gets
10 some paper from you and then you have a discussion about
11 the case; correct?

12 **MR. SHAVER:** Yes.

13 **MR. MANSON:** Can you recall how long the
14 discussion would have been?

15 **MR. SHAVER:** I remember Sergeant Lortie's
16 evidence that it was 10 minutes, and I know it was longer
17 than that, sir.

18 **MR. MANSON:** Can we look at page 173, start
19 of line 4. He's talking about the meeting with you and in
20 quotation marks -- I gather he's saying you said this to
21 him:

22 "I've got an investigation for you to
23 do and he knows full well that I'm
24 going to do it if it's given to me.

25 **MR. STAUFFER:** Okay.

1 MR. LORTIE: And there's not -- I don't
2 recall having -- there may have been
3 other words said, but whatever they
4 were they were minimal and I don't
5 really -- it's not as if we had a
6 discussion about the priest and the
7 probation officer. We didn't."

8 Does that sound accurate to you?

9 MR. SHAVER: Yeah, that sounds pretty
10 accurate, yes.

11 MR. MANSON: And then if we look at page
12 184, please. We start at line 17:

13 "MR. STAUFFER: All right. Did the
14 Chief say anything at all about
15 confidentiality regarding the Silmsen
16 file in that first meeting you had with
17 him?

18 MR. LORTIE: No.

19 MR. STAUFFER: Okay. And again just --
20 not to beat you over the head here, but
21 he didn't say put it into a
22 confidential file or I want it in the
23 project file, anything like that?

24 MR. LORTIE: Definitely no."

25 So your evidence is still you told him it

1 should be in a project file?

2 MR. SHAVER: Yes, sir.

3 MR. MANSON: And what we know is there was
4 no project file; correct?

5 THE COMMISSIONER: Until later.

6 MR. MANSON: At this time, we know there's
7 no project file?

8 THE COMMISSIONER: Yes.

9 MR. SHAVER: Sir, we know that Sergeant
10 Lortie did not open any file.

11 THE COMMISSIONER: Yes.

12 MR. SHAVER: So, yes.

13 MR. MANSON: But you dispute his evidence
14 about your instructions to him?

15 MR. SHAVER: I dispute the -- yes, I -- that
16 one, I would certainly dispute that evidence because I know
17 I told him about that.

18 MR. MANSON: So he must be mistaken?

19 MR. SHAVER: I believe he is, sir, yes. He
20 must think that I am also.

21 MR. MANSON: We know from your evidence that
22 this was a matter that you were very interested in;
23 correct?

24 MR. SHAVER: Yes.

25 MR. MANSON: And you expected updates;

1 correct?

2 MR. SHAVER: I did.

3 MR. MANSON: From whom did you expect the
4 updates? I just want to make sure Mr. Sherriff-Scott
5 didn't jump up and correct my grammar.

6 From whom did you expect the updates?

7 (LAUGHTER/RIRES)

8 MR. SHAVER: I would have expected the
9 updates to start with -- from Sergeant Lortie through my
10 Deputy and me, yes.

11 MR. MANSON: Did you specifically ask Lortie
12 or your Deputy to keep you advised?

13 MR. SHAVER: With Sergeant Lortie, sir, I
14 didn't think I ever had to ask him because Sergeant Lortie,
15 every time that he would ever assigned anything, he did
16 keep me advised -- at least I believe he did.

17 MR. MANSON: But other than the phone call
18 from Silmsen and the issue that you explored with Mr.
19 Engelmann about male or female investigators, my sense is
20 that you don't hear anything about this again until the
21 June or July morning meeting where you asked Brunet,
22 "What's going on with the Silmsen investigation?"

23 MR. SHAVER: No. No, there's a lot of
24 things that take place between Lortie ---

25 MR. MANSON: Oh, I know there's a lot ---

1 **MR. SHAVER:** --- between Lortie and there,
2 sir, no.

3 **MR. MANSON:** I know there's a lot of things
4 that take place ---

5 **MR. SHAVER:** That's not accurate.

6 **MR. MANSON:** --- but what did you know about
7 that took place?

8 **MR. SHAVER:** What did I know about what took
9 place?

10 **MR. MANSON:** Yes, between your meeting with
11 Lortie, aside from the conversations with Silmsner and your
12 officers about who should conduct the interviews and
13 whether the male-female issue. Because we know he finally
14 comes in in early February -- in late January, rather --
15 there's an interview.

16 After that first interview conducted by
17 Sebalj, Lefebvre and Malloy, did you learn anything about
18 this case until that morning meeting in the summer of '93?

19 **MR. SHAVER:** At -- okay, no -- so now, you
20 give me a timeframe; that's better.

21 **MR. MANSON:** Yes.

22 **MR. SHAVER:** After the -- they did the
23 interview?

24 **MR. MANSON:** Yes.

25 **MR. SHAVER:** So that was at the end of

1 January.

2 MR. MANSON: Yes.

3 MR. SHAVER: Yes, I received other
4 information after that point, sir, yes.

5 MR. MANSON: So you would have received
6 updates in February, March and April that Heidi Sebalj was
7 interviewing other potential victims?

8 MR. SHAVER: Yes.

9 MR. MANSON: And she in fact interviewed
10 many potential victims; correct?

11 MR. SHAVER: Yes. Yes, I forget how many.
12 It was in the forties or something.

13 MR. MANSON: And then that stopped at the
14 end of April. Did you know that?

15 MR. SHAVER: I didn't know it stopped at the
16 end of April, sir, it's just -- I found that out later on
17 than that, sir.

18 MR. MANSON: Can you remember what
19 precipitated this conversation with Luc Brunet at the
20 morning meeting in the summer?

21 MR. SHAVER: No, sir, I don't remember. I
22 don't remember how it happened. I don't -- unfortunately,
23 sir, I don't even remember if it was at a morning meeting.
24 I'm believing that -- that's what I've been told it was at
25 a morning meeting. I know that it was mentioned, but when

1 it was mentioned, then I decided I needed to talk to Luc
2 Brunet.

3 **MR. MANSON:** And there's no question that at
4 that point you tell Luc Brunet, "Get on with this thing"?

5 **MR. SHAVER:** Yes, in no uncertain terms,
6 yes, I did, sir.

7 **MR. MANSON:** Now, in your evidence, which we
8 see in Volume 241, on a number of occasions you indicated
9 that one of your concerns from the moment this matter came
10 to your attention was, are there any children in need of
11 protection right now; correct?

12 **MR. SHAVER:** Yes. Yes.

13 **MR. MANSON:** And if we can just look, for
14 example, at page 245 of Volume 241, line 5:

15 "MR. SHAVER: Yes, I was getting
16 regular briefings. The first -- my
17 main concern throughout all of the
18 briefings are, are there any children
19 in need of protection? That -- that
20 would have been my constant theme
21 throughout the process. Do you -- are
22 there -- do you have any continued
23 indication that there are any children
24 now in need of protection."

25 I won't read the rest of it, but it's clear

1 this was a major concern for you; correct?

2 **MR. SHAVER:** Yes.

3 **MR. MANSON:** And on page 246, you indicate
4 that you're getting updates on a regular basis from Deputy
5 Chief St. Denis; correct?

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

7 **MR. MANSON:** And at the bottom of that page,
8 Mr. Engelmann said:

9 "And, sir,..."

10 -- line 21:

11 "...if the issue is protection of
12 children ---

13 **MR. SHAVER:** Yes.

14 **MR. ENGELMANN:** I'm wondering, did you
15 express that back through the chain of
16 command?

17 **MR. SHAVER:** Yes."

18 **MR. SHAVER:** Yeah.

19 **MR. MANSON:** You told St. Denis you're
20 concerned about are there any children in need of
21 protection?

22 **MR. SHAVER:** Yes.

23 **MR. MANSON:** Did you tell Luc Brunet you're
24 concerned?

25 **MR. SHAVER:** From the get go, sir, yes.

1 **MR. MANSON:** So you recall having a
2 conversation like that at some point with Luc Brunet?

3 **MR. SHAVER:** I believe I did, sir, yes.

4 **MR. MANSON:** What about Constable Sebalj?

5 **MR. SHAVER:** I didn't have any other
6 meetings with Constable Sebalj. I only had the one meeting
7 and that's when -- with Sergeant Lefebvre -- and that was
8 about -- to tell her about the Silmser phone call. No
9 other -- I don't know if I said it at that meeting or not,
10 sir.

11 **MR. MANSON:** Now, during these months in
12 1993, you must have been aware that Father Charles was
13 still a practising parish priest; correct?

14 **MR. SHAVER:** I was.

15 **MR. MANSON:** And so you'd know that there
16 would be altar boys in that parish; correct?

17 **MR. SHAVER:** Yes. Yes.

18 **MR. MANSON:** Didn't this suggest to you that
19 this was an occasion to notify the CAS?

20 **MR. SHAVER:** No.

21 **MR. MANSON:** You've got a complaint that a
22 man, in the past, abused young boys who were altar boys,
23 and he is now working with altar boys. That is not grounds
24 to notify the CAS?

25 **MR. SHAVER:** I -- that's a, I believe, a

1 judgment call on the officer that's doing the investigation
2 and through her supervisor, yes, it's a judgment call.

3 MR. MANSON: Well, if this was a case
4 involving a Grade 6 teacher ---

5 MR. SHAVER: Right.

6 MR. MANSON: --- 20 year-old allegations but
7 he's still a Grade 6 teacher, wouldn't you agree we'd
8 better notify the CAS because he's got these kids there
9 every day?

10 MR. SHAVER: Sir, I'm saying that it's still
11 a judgment call on behalf -- on the officer. Yes.

12 MR. MANSON: So you would have expected Luc
13 Brunet or Heidi Sebalj to make that assessment?

14 MR. SHAVER: Yes. If they thought that
15 there were currently children in need of protection, yes,
16 they would make that assessment and they would notify
17 Children's Aid.

18 MR. MANSON: Well, Mr. Shaver, it was the
19 evidence of Luc Brunet that he believed at the time that
20 the proper approach was not to go to the CAS if the case
21 was historical and extra-familial.

22 MR. SHAVER: Yeah. I believe that he looked
23 at the protocol and the protocol had nothing -- said
24 nothing about historical sexual abuse. And if he looked at
25 that -- if that was his answer, sir, then I agree with him,

1 I mean, if that's what he said.

2 MR. MANSON: But then Luc Brunet also
3 testified that when he met later with Richard Abell,
4 Richard Abell said "No, the question is, are there children
5 today in need of protection?" And whether it's historical
6 or extra-familial doesn't matter if there are children
7 today who need protection.

8 MR. SHAVER: Sir, I can't comment on a
9 conversation between Luc Brunet and Mr. Abell.

10 MR. MANSON: Well, but do you agree with
11 that approach? Is Richard -- who's right, Richard Abell or
12 Luc Brunet? In terms of your interpretation ---

13 MR. MANDERVILLE: Sorry to interrupt. Mr.
14 Commissioner ---

15 THE COMMISSIONER: I promised to keep you in
16 your seat today.

17 MR. MANDERVILLE: I think we can agree that
18 the legislation says what it says.

19 THE COMMISSIONER: M'hm.

20 MR. MANDERVILLE: I don't think anyone can
21 dispute that.

22 THE COMMISSIONER: Well, my understanding,
23 sir -- sirs ---

24 MR. MANSON: That was another witness
25 earlier.

1 **THE COMMISSIONER:** Yes.

2 **MR. MANSON:** Mr. Sirrs.

3 **THE COMMISSIONER:** Oh, very good. Very
4 good.

5 Is that ---

6 **MR. MANDERVILLE:** How soon before a nap, Mr.
7 Commissioner?

8 **THE COMMISSIONER:** I think there's still a
9 live issue as to what the Children's Aid Society -- what
10 the legislation says and how Children's Aid Societies
11 interpreted at least then and how they interpret now what
12 that means.

13 I think it's fair to say that historically
14 that section was read and interpreted by at least this
15 Children's Aid Society, up until this situation, that you
16 would -- like in the -- it's likened to the example of
17 police forces, that they need a complainant; that you
18 needed a child identifiable as being "this is a child in
19 need of protection."

20 So I just want to make sure that we
21 understand that I'm not accepting one way or the other yet
22 and I think that we'll wait until we hear from the
23 Children's Aid Society to see how that approaches.

24 So, yes, the law -- the Act says what it
25 says, but it's subject to interpretation and evolution, I

1 think.

2 **MR. MANDERVILLE:** Certainly evolution. I
3 would agree with you, sir.

4 **THE COMMISSIONER:** Thank you.

5 **MR. MANSON:** Let me put the question a
6 different way, Mr. Shaver. In 1993, you knew that you had
7 an allegation of sexual assault against a practising
8 priest. You knew that it was historical; correct?

9 **MR. SHAVER:** Yes.

10 **MR. MANSON:** You knew that the complainant
11 alleged that the assault took place when he was quite
12 young; correct?

13 **MR. SHAVER:** Yes.

14 **MR. MANSON:** That he was an altar boy;
15 correct?

16 **MR. SHAVER:** Yes.

17 **MR. MANSON:** And you knew that the
18 practising priest would regularly be in the company of
19 altar boys in 1993; correct?

20 **MR. SHAVER:** Yes.

21 **MR. MANSON:** You didn't feel that you had
22 any duty to report this to the CAS on that basis, did you?

23 **MR. SHAVER:** No, I did not.

24 **MR. MANSON:** And while you're getting
25 updates about this matter, it never dawned on you that

1 there may be children currently in need of protection and
2 we should notify the CAS? It never dawned on you?

3 **MR. SHAVER:** Sir, I asked my investigators,
4 as has been my evidence already, repeatedly, are there any
5 -- "Are you uncovering any children in need of protection?"
6 And if they would have, we would have been -- the protocol
7 certainly would have kicked in and we would have been right
8 to the CAS whether -- yes.

9 **MR. MANSON:** But, Mr. Shaver, yesterday you
10 said Perry Dunlop was right in going to the CAS about his
11 concerns about children currently in need of protection.
12 Didn't you say that yesterday?

13 **MR. SHAVER:** He was -- what I said
14 yesterday, I believe, sir, was that he did -- what he did
15 was what I was planning on doing also. I mean -- so that
16 was -- I thought because we -- you know, when we were
17 investigating the actual complaint, I had no problem with
18 it. When the complaint was finished is when I had the
19 problem.

20 When the complaint was finished and there
21 was a monetary settlement, that's where I started -- that's
22 where I really had the problems. I said "Wait a minute,
23 what if we have children out there in need of protection?
24 What do we do about it?"

25 Now, I don't know what was in Perry Dunlop's

1 mind, but I would hope that it would have been that his
2 thoughts and my thoughts were very similar at that stage of
3 the game.

4 **MR. MANSON:** But, sir, if there are children
5 in need of protection in respect of Charles MacDonald at
6 the end of September of 1993, surely there were children in
7 need of protection in December of 1992. You don't have any
8 information that he's done anything, any allegations
9 between '92 and '93, do you?

10 **MR. SHAVER:** We have none.

11 **MR. MANSON:** So it's right to go to the CAS
12 with your concerns at the end of September of '93, surely
13 it would have been right to go in December of '92?

14 **MR. SHAVER:** It was not the practice at that
15 time, sir. It was just not the practice.

16 **MR. MANSON:** Let's move on to the things
17 that happened after you learned about the closure of the
18 file in respect of the David Silmsler investigation.

19 **MR. SHAVER:** Yes.

20 **MR. MANSON:** I take it that at a morning
21 meeting, Claude Lortie raises this and that's when you
22 learn for the first time that the matter has been closed;
23 correct?

24 **MR. SHAVER:** That the matter has been
25 closed? No. We learned about that with the letter from

1 the Crown Attorney. I knew about that before the morning
2 meeting. Lortie brought up at the morning meeting that
3 there had been a financial settlement.

4 **MR. MANSON:** So you recall seeing the
5 exchange of letters from Brunet and Murray MacDonald?

6 **MR. SHAVER:** Yes, but I didn't see -- well,
7 I wasn't sure exactly the date that I saw them. It was
8 later -- it was later than the letter was dated, I know
9 that.

10 **MR. MANSON:** Can you recall what the gap was
11 between you seeing the copy of the letter and this morning
12 meeting?

13 **MR. SHAVER:** No.

14 **MR. MANSON:** Because it's fair to say that
15 it's the morning meeting that really gets you into gear;
16 correct?

17 **MR. SHAVER:** The morning meeting certainly
18 did that, yes.

19 **MR. MANSON:** You jumped into action after
20 the morning meeting; correct? Let's look at some of the
21 things that you did.

22 And first I want to suggest to you that your
23 evidence has been, at this point, after that morning
24 meeting, you want to move into action because you're not
25 happy that the file's been closed; correct?

1 **MR. SHAVER:** Yes.

2 **MR. MANSON:** You've heard about a cash
3 payment and you're not happy about that; correct?

4 **MR. SHAVER:** Yes.

5 **MR. MANSON:** And basically your position is
6 "I want to find out what the CPS should be doing about this
7 situation because I don't like the situation." Correct?

8 **MR. SHAVER:** No, I wanted to find out if
9 there is anything more that we could do, sir.

10 **MR. MANSON:** Anything more that you could
11 do?

12 **MR. SHAVER:** Yes.

13 **MR. MANSON:** So you have a series of
14 meetings. Let's look at the meeting with Murray MacDonald.

15 **MR. SHAVER:** Okay.

16 **MR. MANSON:** Can you recall how long that
17 meeting took?

18 **MR. SHAVER:** No, sir. It was reasonably
19 lengthy, you know, for a meeting with the Crown.

20 **MR. MANSON:** So it wasn't five or ten
21 minutes?

22 **MR. SHAVER:** Oh, no, it wasn't five or ten
23 minutes, no.

24 **MR. MANSON:** And we do have a statement from
25 Mr. MacDonald. It's Exhibit 1233, and he explains that you

1 came to see him and he indicates that he talked to you
2 about the visits from Constable Sebalj, that he talked to
3 you about reasonable and probable grounds and an
4 uncooperative complainant; correct?

5 **MR. SHAVER:** Correct.

6 **MR. MANSON:** Then it went on to a
7 conversation about your concerns, "What could we do now
8 either about Silmser or about the Diocese?" Correct?

9 **MR. SHAVER:** Yes.

10 **MR. MANSON:** And in his statement he's quite
11 specific that you talked about a public mischief charge.
12 That would be with respect to Silmser; correct?

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

14 **MR. MANSON:** And you also talked about
15 obstruct justice. That would be with respect to the
16 Diocese; correct?

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

18 **MR. MANSON:** And he says to you "You've got
19 no evidence to support public mischief. You've got no
20 evidence to support obstruct justice." Correct?

21 **MR. SHAVER:** If we did, we didn't have
22 enough evidence, you know.

23 **MR. MANSON:** Did he ever say to you, "Just
24 because there's been a civil settlement, that doesn't stop
25 a criminal prosecution?" Did he ever say that to you?

1 **MR. SHAVER:** I don't remember. But I know
2 that I had that conversation someplace, yes. I don't
3 remember that specific -- I'd have to see his statement,
4 sir. I don't remember if he said that or not, but I know I
5 heard it someplace. It's just ---

6 **MR. MANSON:** But again, just to go back,
7 your point in going to meet with Murray MacDonald is "What
8 can we do now about this matter?" Correct?

9 **MR. SHAVER:** Exactly.

10 **MR. MANSON:** You then go have a meeting with
11 Richard Abell ---

12 **MR. SHAVER:** Well, sir, just before you
13 leave ---

14 **MR. MANSON:** Sure.

15 **MR. SHAVER:** Before you leave the Crown, we
16 talked -- I talked specifically with the Crown about --
17 "Listen, I'm concerned, really concerned, about the
18 protection of children in the community. What can we do?"
19 That was sort of the fire that I was building under the
20 Crown at the time saying, "We have children -- what if
21 there are children in the community?"

22 We didn't find any. I had no indication
23 that there were any during the investigation, but what if
24 there were? And what I'm trying to find is some sort of
25 roadmap that I can take from my position and go back out

1 and see what I can get done, obviously within the law.

2 MR. MANSON: And this is part of your
3 intention when you want to meet with Richard Abell;
4 correct?

5 MR. SHAVER: Yes.

6 MR. MANSON: Because when you go meet with
7 Richard Abell, at that point you don't know about the Perry
8 Dunlop involvement; correct?

9 MR. SHAVER: No, I did not.

10 MR. MANSON: Mr. Commissioner, we have to
11 look at Exhibit 1441, which are some of the notes from
12 Richard Abell, particularly because my copy is almost
13 illegible.

14 THE COMMISSIONER: Fourteen-forty-one
15 (1441).

16 MR. MANSON: I'm going to take you to a
17 specific page in a second.

18 MR. SHAVER: I apologized to him many times
19 yesterday, sir. I went ---

20 THE COMMISSIONER: I think there's a fee.

21 MR. SHAVER: There's a fee for this?

22 THE COMMISSIONER: Yes.

23 MR. SHAVER: We have to get either smaller
24 binders or a higher mic, sir, one of the two.

25 MR. MANSON: Before I take you to the

1 specific page, this is a lengthy discussion that you have
2 both -- with Mr. Abell; correct?

3 MR. SHAVER: Yes.

4 MR. MANSON: This is where you learn about
5 the Perry Dunlop involvement; correct?

6 MR. SHAVER: It is.

7 MR. MANSON: And you also learn that he
8 plans to commence a CAS investigation?

9 MR. SHAVER: I do, yes.

10 MR. MANSON: And you're pleased with that;
11 correct?

12 MR. SHAVER: Very much so, yes.

13 MR. MANSON: Can we just turn to Bates page
14 658?

15 MR. SHAVER: Where are we looking, sir, what
16 number?

17 MR. MANSON: It's Exhibit 1441.

18 MR. SHAVER: Okay.

19 MR. MANSON: Mr. Commissioner, I thought I
20 saw this on the screen yesterday. I can't read it in my
21 copy. It's that second paragraph.

22 THE COMMISSIONER: Wait a minute. Okay.

23 "So I ask about what they are..."

24 Is that the one?

25 MR. MANSON: Yes.

1 "...what they are doing re: Ken
2 Seguin."

3 These, of course, are the Abell notes, so
4 I'm assuming that the "I" is Richard Abell.

5 **THE COMMISSIONER:** "Tell [Trew] I am..."

6 **MR. MANSON:** "Tell them..."

7 **THE COMMISSIONER:** "Tell them..."

8 Okay.

9 "...I am about to inform Ministry
10 of..."

11 **MR. MANSON:** "...MCSS..."

12 **THE COMMISSIONER:** Ministry of Community and
13 Social Services.

14 **MR. MANSON:** Or is it the Ministry of --
15 what's the acronym for Corrections -- MCSC. I would think
16 this is the Ministry of Corrections.

17 **THE COMMISSIONER:** I don't -- no, because
18 when they were looking at probation officers, in those days
19 they still had Phase 1 under Ministry of Community and
20 Social Services, and I think we've heard evidence that
21 that's where they went the first time, but I'm not sure
22 about that. I'm getting the nod from the gallery.

23 **MR. MANSON:** So:

24 "I am about to inform [the ministry
25 that's responsible for probation]..."

1 **THE COMMISSIONER:** There's two of them at
2 that time, Mr. Manson.

3 **MR. MANSON:** A ministry that's responsible
4 for probation.

5 **THE COMMISSIONER:** All right.

6 **MR. MANSON:** "...of this matter..."

7 **THE COMMISSIONER:** Yeah.

8 **MR. MANSON:** Ministry of Community and
9 Social Services.

10 **THE COMMISSIONER:** That's what I said.

11 **MR. MANSON:** Yes.

12 **THE COMMISSIONER:** Mr. Kozloff is listening.

13 **MR. MANSON:** He's listening, and if Kozloff
14 agrees with you, Mr. Commissioner, it's got to be right.
15 Okay.

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

17 **MR. MANSON:** "...of this matter. They are
18 waiting to hear from the Crown on where
19 to go with that..."

20 **THE COMMISSIONER:** "Text", "next"?

21 **MR. MANSON:** "Someone agreed to keep me
22 informed. Luc."

23 Now, do you recall any of this happening in
24 the October 4th meeting, this discussion of Ken Seguin?

25 **MR. SHAVER:** Yes, we did speak about Ken

1 Seguin.

2 MR. MANSON: Who's going to go to the
3 Ministry? Is it CAS or CPS?

4 MR. SHAVER: CAS.

5 MR. MANSON: And who is waiting to hear from
6 the Crown?

7 "They are waiting to hear from the
8 Crown on where to go with that."

9 Can you help me?

10 MR. SHAVER: No, I can't.

11 MR. MANSON: I'm just advised that these are
12 notes from the October 8th meeting. Sorry.

13 Are you waiting to hear from the Crown about
14 going to Probation about Ken Seguin?

15 MR. SHAVER: No, I don't believe so.

16 MR. MANSON: At this point, you're not
17 planning to do anything about Ken Seguin; correct?

18 MR. SHAVER: No, I think at this stage --
19 this is the October 8th meeting?

20 MR. MANSON: Yes.

21 MR. SHAVER: I have to go back in my memory
22 again here, sir.

23 October 1st -- yes, I instructed Luc Brunet,
24 I believe, on October the 1st to go to Mr. Adams and find
25 out what Mr. Seguin wanted done -- or what Mr. Silmser

1 wanted done about Mr. Seguin.

2 MR. MANSON: Okay. Correct.

3 But other than that, you're not planning to
4 go to Probation?

5 MR. SHAVER: No, no.

6 MR. MANSON: And you're not waiting to hear
7 from the Crown about whether that's a good or bad idea?

8 MR. SHAVER: No.

9 MR. MANSON: Okay. This is the extent of
10 your conversation about Ken Seguin?

11 MR. SHAVER: I'm gathering, sir, on that
12 meeting. We -- obviously it's longer than four sentences
13 or so, but yes.

14 MR. MANSON: Another important meeting --
15 two meetings take place on October 7th, the archbishop in
16 Ottawa and then the bishop?

17 MR. SHAVER: Yes.

18 MR. MANSON: Okay. And your evidence was
19 Bishop Larocque was cooperative?

20 MR. SHAVER: Yes.

21 MR. MANSON: At this point, early October,
22 is it fair to say your concern is, are there children that
23 need to protect -- be protected in Cornwall and what can we
24 do to take steps in that direction?

25 MR. SHAVER: Yes.

1 **MR. MANSON:** Okay. This is already October
2 of '93. You're under pressure over your retirement?

3 **MR. SHAVER:** October? No, that was already
4 ---

5 **MR. MANSON:** You've already decided to
6 retire?

7 **MR. SHAVER:** Oh, I decided in June -- in
8 July, sir.

9 **MR. MANSON:** But you're involved in this
10 dispute over the terms of your retirement?

11 **MR. SHAVER:** I think, sir, at that stage of
12 the game I think all of the disputes were -- in fact, I was
13 sure all of the disputes were finished. They were just
14 writing up the -- they were writing it up in the legalese,
15 if you will, sir, yes.

16 **MR. MANSON:** My point is, Mr. Shaver, you've
17 made up your mind to retire. You've been involved in this
18 controversy over the terms of the retirement. You know in
19 your own mind you've only got a few weeks left; correct?

20 **MR. SHAVER:** Yes.

21 **MR. MANSON:** And now you've got a mess on
22 your hands; correct?

23 **MR. SHAVER:** Yes, yes, it's a mess.

24 **MR. MANSON:** You told us yesterday with
25 respect to your meeting with Bishop Larocque that if you

1 had heard anything that would have assisted in reopening
2 the investigation, you would have moved on it because you
3 wanted to reopen that investigation; correct?

4 **MR. SHAVER:** Absolutely, sir, yes.

5 **MR. MANSON:** Okay.

6 Did you send any -- anybody like your best
7 officer to go meet David Silmser and find out why did he
8 withdraw his complaint? Did you do that?

9 **MR. SHAVER:** Heidi Sebalj talked to David
10 Silmser.

11 **MR. MANSON:** No, we're talking about October
12 now, when you are concerned about protecting children.

13 Did you say, "I'm going to send my best guy
14 to go see David Silmser and find out why did he withdraw
15 his complaint"? You didn't do that, did you?

16 **MR. SHAVER:** I believe Heidi Sebalj did -- I
17 can't remember, sir, in my -- but I think -- either that or
18 I heard evidence.

19 **MR. MANSON:** No, I'm asking what you did,
20 sir.

21 **MR. SHAVER:** Oh, what I did? No, I didn't -
22 --

23 **MR. MANSON:** You didn't send anybody to see
24 David Silmser, did you?

25 **MR. SHAVER:** Sir, you're saying send my best

1 officer. I mean, Heidi Sebalj was an excellent police
2 officer. I'm not -- I wasn't worried about Heidi Sebalj's
3 ---

4 **MR. MANSON:** So ---

5 **MR. SHAVER:** You know, you're trying to say
6 that I would have tried to find somebody else better than
7 her to send?

8 **MR. MANSON:** Any officer. You didn't send
9 an officer to go see David Silmser and ask, "Why did you
10 withdraw your complaint"?

11 **MR. SHAVER:** I'm not sure at that time, sir,
12 if we had -- well, I am sure at that time that we had the
13 letter from the lawyer saying that the claim is going to be
14 withdrawn. We had Heidi Sebalj, I believe, talked to David
15 Silmser at that time or before this time. No, I didn't
16 send anybody else after that, no.

17 **MR. MANSON:** You know -- did you know then
18 that a civil settlement doesn't end a prosecution?

19 **MR. SHAVER:** Yes.

20 **MR. MANSON:** I mean, obviously you guys
21 prosecute people for impaired driving all the time, and
22 whether there's a civil settlement over it is totally
23 irrelevant, right?

24 **MR. SHAVER:** As far as I'm concerned, yes.

25 **MR. MANSON:** And you've talked to Murray

1 MacDonalld about obstruct justice; correct?

2 MR. SHAVER: Yes.

3 MR. MANSON: And he said, "You don't have
4 any evidence"?

5 MR. SHAVER: Right.

6 MR. MANSON: You talked to him about public
7 mischief. That would be if Silmsers was fabricating;
8 correct?

9 MR. SHAVER: Right. Yes.

10 MR. MANSON: But you don't send anybody to
11 see Silmsers, do you?

12 MR. SHAVER: No, I do not.

13 MR. MANSON: You asked Luc Brunet to get a
14 letter from Sean Adams; correct?

15 MR. SHAVER: I did.

16 MR. MANSON: Confirming that he didn't want
17 you to proceed against Ken Seguin; correct?

18 MR. SHAVER: Yes. But that had been the
19 case all along, Mr. Manson. I mean, that, I think it goes
20 back into sometime in February when ---

21 MR. MANSON: No, Mr. Shaver, I'm just trying
22 to figure out what you did in this period of October of
23 '93, okay? You didn't send someone to see David Silmsers;
24 correct?

25 MR. SHAVER: I did not instruct someone to

1 see Mr. Silmser, no.

2 MR. MANSON: Have you ever seen the
3 settlement papers?

4 MR. SHAVER: No, I have not.

5 MR. MANSON: Do you know if any of your
6 officers at this point in October had seen any of the
7 settlement papers?

8 MR. SHAVER: I don't believe they had, sir.

9 MR. MANSON: Obviously if anyone had seen
10 the settlement papers, they would have seen the illegal
11 paragraph; correct?

12 MR. SHAVER: If you tell me it was an
13 illegal paragraph, sir, yes.

14 MR. MANSON: Well ---

15 MR. SHAVER: I've never seen it.

16 MR. MANSON: It precipitated the prosecution
17 of Malcolm MacDonald, the illegal paragraph. You knew
18 about that; didn't you?

19 MR. SHAVER: I did, yes.

20 MR. MANSON: And it was because of the
21 illegal paragraph in the settlement papers; correct?

22 MR. SHAVER: Sir, I had no idea why.

23 MR. MANSON: At this period in October where
24 you're concerned about protecting children, did you send
25 any officers -- any officers -- to re-interview the two

1 other alleged victims?

2 MR. SHAVER: No, I gave no one no such
3 instructions, no.

4 MR. MANSON: Did you send any officers to
5 interview other altar boys?

6 MR. SHAVER: No, sir.

7 MR. MANSON: Because you knew Heidi Sebalj
8 had interviewed a lot of altar boys; ---

9 MR. SHAVER: Yes.

10 MR. MANSON: --- correct?

11 MR. SHAVER: Yes.

12 MR. MANSON: But did you ask the Bishop who
13 was being cooperative, "Could we get a list of altar boys?"

14 MR. SHAVER: I did not.

15 MR. MANSON: Other than asking Luc Brunet to
16 write to Sean Adams about Ken Seguin, you didn't do
17 anything to pursue that lead either; did you?

18 MR. SHAVER: Ken Seguin?

19 MR. MANSON: Yes.

20 MR. SHAVER: Other than that, no.

21 MR. MANSON: Sir, you've told us many times
22 that police officers investigate; right?

23 MR. SHAVER: Yes.

24 MR. MANSON: At this period in October of
25 1993 when you're concerned about what happened to the David

1 Silmser's investigation, isn't it correct that you did
2 nothing to investigate them anymore?

3 MR. SHAVER: Please repeat the question,
4 sir.

5 MR. MANSON: With respect to the David
6 Silmser investigation ---

7 MR. SHAVER: Yes.

8 MR. MANSON: --- in October of 1993, this
9 critical month, you didn't do anything to investigate; did
10 you?

11 MR. SHAVER: No.

12 MR. MANSON: I would suggest to you, sir,
13 that you weren't acting like a police officer. You were
14 acting like a politician. You wanted to make this mess
15 look more presentable; didn't you?

16 MR. SHAVER: Absolutely not.

17 MR. MANSON: Well, let's look at what you
18 did in October of 1993.

19 MR. SHAVER: All right.

20 MR. MANSON: You met with the Crown
21 Attorney.

22 MR. SHAVER: Yes.

23 MR. MANSON: You met with the Bishop?

24 MR. SHAVER: Yes.

25 MR. MANSON: You met with the Archbishop?

1 **MR. SHAVER:** Yes.

2 **MR. MANSON:** So you met with some import --
3 and you met with Rick Abell. You met with some important
4 people; correct?

5 **MR. SHAVER:** Yes.

6 **MR. MANSON:** And you talked about this
7 matter and you expressed your concern about it. Correct?

8 **MR. SHAVER:** I did.

9 **MR. MANSON:** You told Luc Brunet, "You write
10 to Sean Adams and let's find out from Sean Adams what DS
11 wants done about Ken Seguin."

12 **MR. SHAVER:** Right.

13 **MR. MANSON:** You did that; correct?

14 **MR. SHAVER:** Yes.

15 **MR. MANSON:** You told Luc Brunet, "Fill up
16 that OMPPAC file. Get all the details in that file."
17 Correct?

18 **MR. SHAVER:** Yes.

19 **MR. MANSON:** You instructed Sergeant
20 Derochie, "Deal with the Dunlop matter and then conduct an
21 administrative review of this investigation." Correct?

22 **MR. SHAVER:** Yes.

23 **MR. MANSON:** I'm suggesting to you that you
24 wanted to make the mess look more presentable. You didn't
25 really want to reopen this investigation; didn't you?

1 **MR. SHAVER:** Suggest all you'd like, Mr.
2 Manson. That was not the case.

3 **MR. MANSON:** Thank you, Mr. Shaver.
4 Those are my questions. Thank you, sir.

5 **THE COMMISSIONER:** Thank you.

6 Mr. Paul, would you prefer a break now or
7 start and then take a break?

8 **MR. PAUL:** I believe I can start.

9 **THE COMMISSIONER:** Okay.

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

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

12 **PAUL:**

13 **MR. PAUL:** Good morning, Mr. Shaver.

14 **MR. SHAVER:** Good morning, sir.

15 **MR. PAUL:** I'm appearing for the Coalition
16 for Action, which is a citizens group.

17 I'd like to clarify one point from Mr.
18 Manson's questions. He had asked you about the period of
19 your resignation and you have indicated that the
20 resignation was unrelated to the Silmsler investigation?

21 **MR. SHAVER:** Completely.

22 **MR. PAUL:** But I'm just wondering, given the
23 circumstances in the fall, did it have an effect in terms
24 of moving up the date? Did you move up the date and resign
25 earlier because of the investigation?

1 **MR. SHAVER:** No, sir, I didn't resign, I
2 retired. This wasn't a resignation. This was a retirement
3 -- early retirement agreement, so just to clear up that
4 language.

5 **MR. PAUL:** All right.
6 Did it have an effect in terms of changing
7 the date and moving it up more quickly?

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

9 **MR. PAUL:** I want to go to first general
10 areas. I understand that as the chief of police, you
11 generally wouldn't get involved in instructions on the
12 exact details of what investigators were to do?

13 **MR. SHAVER:** Absolutely not, yes.

14 **MR. PAUL:** In terms of investigative
15 procedures; correct?

16 **MR. SHAVER:** Yes.

17 **MR. PAUL:** In terms of Ms. Sebalj and her
18 grounds for -- whether she had grounds for arrest of any of
19 the suspects in the Silmsler case, did you ever get involved
20 in assessing that and reviewing to determine whether in
21 your view she had grounds?

22 **MR. SHAVER:** I couldn't hear what the last
23 part was.

24 **MR. PAUL:** Did you ever get involved in
25 terms of an assessment of whether you had grounds --

1 whether she had grounds to arrest Charles MacDonald, for
2 example?

3 **MR. SHAVER:** Did I have a conversation with
4 her directly, sir, about that?

5 **MR. PAUL:** Or did you review her file
6 material to determine whether there were grounds for an
7 arrest?

8 **MR. SHAVER:** Oh, the file material, sir,
9 only was available in October and all of my information
10 came up through the chain of command, sir. I did not speak
11 to her directly about this.

12 **MR. PAUL:** But while you were chief of
13 police, you would never have made an assessment of whether
14 there were reasonable and probable grounds for arrest?

15 **MR. SHAVER:** No; oh, no.

16 **MR. PAUL:** But in terms of your involvement,
17 you would agree that very early on you became involved
18 obviously in the Silmsler case; correct?

19 **MR. SHAVER:** Very early on, yes, right at
20 the beginning of it, sir.

21 **MR. PAUL:** At least by some point early in
22 December of '92, you would have had the matter in front of
23 you?

24 **MR. SHAVER:** Yes.

25 **MR. PAUL:** And in terms of that

1 investigation, you actually would have been the person
2 responsible for the first significant step in the file,
3 being the assignment of the file; correct?

4 **MR. SHAVER:** No, the assignment -- as I said
5 many times, sir, it was recommended by Staff Inspector
6 MacDonald and I assigned Sergeant Lortie because he worked
7 directly under me, yes.

8 **MR. PAUL:** All right. But you would have --
9 then you would have made the assignment; correct? You
10 would have been responsible for assigning the file?

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

12 **MR. PAUL:** So in terms of the first
13 significant step, that's a step taken by you; correct?

14 **MR. SHAVER:** Well, sir, I'm not sure about
15 significant step but it was a step, yes.

16 **MR. PAUL:** Well, the fact that it's in your
17 office. It comes to your office and you are assigning it,
18 would indicate that it's a file of significant interest to
19 the Cornwall police; correct?

20 **MR. SHAVER:** It was of interest, yes.

21 **MR. PAUL:** And I would suggest it's not just
22 of interest because it involves a priest. It's also of
23 interest because it involves a probation officer; correct?

24 **MR. SHAVER:** Well, sir, no. The complaint -
25 - the only complaint that we had -- I know the first letter

1 says Mr. Seguin is in there but Mr. Silmser never, to my
2 knowledge, ever said that he wanted to proceed with the
3 prosecution against Mr. Seguin.

4 **MR. PAUL:** If we could refer him perhaps,
5 Mr. Commissioner, to -- I believe it's Exhibit 1441,
6 memorandum from Sergeant Nakic.

7 **THE COMMISSIONER:** Fourteen-forty-one
8 (1441). No, that's the ---

9 **MR. PAUL:** Oh, I'm sorry. Sorry, just a
10 moment.

11 Sorry, it's 293. That's correct.

12 **THE COMMISSIONER:** Exhibit 293?

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

14 **MR. SHAVER:** I have that, sir.

15 **MR. PAUL:** Great. So this is the -- this
16 document would be the initial information you have on the
17 file?

18 **MR. SHAVER:** Yes.

19 **MR. PAUL:** And this is what causes you to
20 assign the file; correct?

21 **MR. SHAVER:** To reassign the file?

22 **MR. PAUL:** To assign the file.

23 **MR. SHAVER:** To assign the file, yes.

24 **MR. PAUL:** And what you have is a reference
25 to:

1 "He was sexually assaulted by a priest,
2 Father Charles MacDonald who he
3 believes is now in Williamstown.
4 Silmsler also stated that probation
5 officer Ken Seguin, a friend of the
6 priest, also sexually assaulted him."

7 **MR. SHAVER:** Yes.

8 **MR. PAUL:** That's what you have; correct?

9 **MR. SHAVER:** That's what we have, yeah.

10 **MR. PAUL:** Obviously, you have initially
11 complaints involving two suspects; correct? Isn't that
12 obvious?

13 **MR. SHAVER:** Yes, at that stage of the game,
14 yes.

15 **MR. PAUL:** All right.

16 So in terms of your initial assignment to
17 the file as chief of police, you're assigning a file for
18 further investigation involving a situation where you
19 believe there's going to be an investigation not only of a
20 priest but also of a probation officer. Correct?

21 **MR. SHAVER:** Yes, m'hm.

22 **MR. PAUL:** And I would suggest that it's not
23 for some period of time that it becomes apparent that
24 perhaps the complainant does not want to pursue the
25 probation officer. It's not immediately.

1 **MR. SHAVER:** No, it's not immediate, sir;
2 no. They had not spoken to -- at this stage of the game,
3 the investigating officer had not spoken to the
4 complainant.

5 **MR. PAUL:** So I wanted to perhaps dispel
6 this idea that you never had a complaint against the
7 probation officer. I would suggest from the beginning, the
8 very beginning of this file, you had a complaint against a
9 priest and a probation officer and that is how you, as
10 Chief of Police, would have assessed the situation, at
11 least at the beginning?

12 **MR. SHAVER:** Yes, yes. There were two
13 people involved, yes.

14 **MR. PAUL:** And in terms of your role, at
15 this stage, when you receive this complaint in late 1992,
16 at this stage you wouldn't be a novice in the job as Chief
17 of Police; correct?

18 **MR. SHAVER:** No.

19 **MR. PAUL:** And at this point you're no
20 longer likely the youngest Chief of Police in the Province?

21 **MR. SHAVER:** Oh no. I don't think so.

22 **MR. PAUL:** You're someone who initially had
23 also had what, about two years in training as Deputy to
24 learn the job?

25 **THE COMMISSIONER:** Eighteen (18) ---

1 **MR. SHAVER:** Less than that, sir.

2 **THE COMMISSIONER:** I thought you said 18
3 months.

4 **MR. SHAVER:** Eighteen (18) months, yes.
5 Approximately 18 months.

6 **MR. PAUL:** And the purpose of that, in some
7 way, was to learn the job of how to become the next Chief
8 of Police?

9 **MR. SHAVER:** At that stage of the game, sir,
10 it was -- I was trying to learn two jobs.

11 **MR. PAUL:** Right. And you had what by this
12 point, seven or eight years experience -- by the time the
13 Silmsler complaint comes, seven or eight years as experience
14 as a Chief of Police?

15 **MR. SHAVER:** From '94 to -- no, it would be
16 more than that, sir, eight years.

17 **MR. PAUL:** So at that point, would it be
18 fair to say that the community could expect a fairly high
19 standard from you based on the level of experience that you
20 had as a Chief of Police? Do you agree with that?

21 **MR. SHAVER:** I would hope so.

22 **MR. PAUL:** Now, I wanted to ask you about
23 the other exhibit. I mistakenly referred to "E" 1441. I
24 believe that's the notes of the Children's Aid and Mr.
25 Abell or ending in -- the page number ending in 651.

1 **THE COMMISSIONER:** Okay.

2 **MR. PAUL:** It would be ending in 651, notes
3 of the date 14th of October '93.

4 **THE COMMISSIONER:** Yes. It's coming up.
5 There we go.

6 **MR. PAUL:** I wanted to ask you about the
7 first paragraph on that page, if you could look at that?

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

9 **THE COMMISSIONER:** So the statement says:
10 "Says something should be done to
11 investigate allegation against Ken
12 Seguin. Repeat Chief's comment that
13 there have been stories about Seguin
14 for some time."

15 **MR. PAUL:** This is signed by Mr. Abell, but
16 I'm under the impression that he's not talking about a
17 conversation with you, but I'm under the impression he's
18 talking about perhaps a conversation with Staff Sergeant
19 Derochie?

20 **MR. SHAVER:** Yeah, this was a meeting with
21 Staff Sergeant Derochie.

22 **MR. PAUL:** Where Staff Sergeant Derochie
23 appears to be relating comments by you.

24 So what I wanted to ask you is would you
25 have discussed with Staff Sergeant Derochie at some time

1 about stories about Mr. Seguin for some time?

2 MR. SHAVER: Sir, I would not have. I
3 didn't know any stories about Ken Seguin at that time.

4 MR. PAUL: So you didn't know any history of
5 any difficulties with Mr. Seguin?

6 MR. SHAVER: Nothing.

7 MR. PAUL: And specifically, you didn't know
8 about any incident in which Mr. Seguin may have been
9 involved as a witness in an OPP investigation involving a
10 Mr. Varley? You weren't familiar with that?

11 MR. SHAVER: Absolutely no knowledge of that
12 at all, sir.

13 MR. PAUL: And Luc Brunet never advised you
14 of that?

15 MR. SHAVER: Never, sir.

16 MR. PAUL: He never related any conversation
17 where Mr. Dunlop, later in the fall of '93, brought that up
18 with him?

19 MR. SHAVER: An investigation with a Mr.
20 Barley (sic)?

21 MR. PAUL: Mr. Varley.

22 MR. SHAVER: Marley or Barley?

23 MR. PAUL: Varley, V-A-R ---

24 MR. SHAVER: Either way, sir, I don't have -
25 - I can't -- I don't have any independent recollection of

1 any of that.

2 MR. PAUL: All right.

3 Now, in terms of a few questions about the
4 aspect of the project file, I would understand that a
5 project file is normally a computer file; correct?

6 MR. SHAVER: Yes.

7 MR. PAUL: And I wondered in this case,
8 would you ever direct someone to make a project file only
9 on paper, not on the computer?

10 MR. SHAVER: Only on paper, not on a -- no,
11 at that time we had the computer system, sir. No, it would
12 have been on the computer system.

13 THE COMMISSIONER: That's not his question
14 though.

15 MR. SHAVER: Okay. What ---

16 MR. PAUL: Could a project file be -- in
17 terms of a secret, secretive file off OMPPAC, could another
18 way of an informal project file be just not entering it on
19 the computer at all? Is that what ---

20 MR. SHAVER: No, I would -- that would not -
21 - well, I wouldn't direct that, no.

22 MR. PAUL: Okay. So that would never be
23 done on your direction?

24 MR. SHAVER: No.

25 MR. PAUL: Now, I would understand that in

1 terms of the Silmsers investigation, it was your direction
2 that there not only be a project file but there be some
3 confidentiality to the file?

4 **MR. SHAVER:** Well, there's always
5 confidentiality in a project file, sir.

6 **MR. PAUL:** All right.

7 But you gave a -- in addition to saying
8 project file, you indicated at some point, "Keep it
9 confidential as well"?

10 **MR. SHAVER:** I don't have to issue that,
11 sir. That's automatic with the project file.

12 **MR. PAUL:** Right. But ---

13 **THE COMMISSIONER:** He's asking as an extra
14 caution, say, "Lortie, I want you to put this in a project
15 file and mum's the word around the station."

16 **MR. SHAVER:** No, I -- no, sir. Again, sir,
17 that -- if it's given to Sergeant Lortie and he's doing it
18 within inside CSO, everything is confidential.

19 **THE COMMISSIONER:** I'm just trying to ---

20 **MR. SHAVER:** Yeah. Get his answer.

21 **MR. PAUL:** I thought you indicated at one
22 point in Mr. Engelmann's questions that you also directed
23 it to be confidential. Didn't you -- do you recall saying
24 that?

25 **MR. SHAVER:** I don't recall saying that,

1 sir, but it's -- it goes with -- it's like the hand in a
2 glove, it goes with -- they're together, sir.

3 **MR. PAUL:** All right.

4 The intention of a project file is that it
5 not get out within the general public?

6 **MR. SHAVER:** Within the general public, sir,
7 and within the police station sometimes, yes.

8 **MR. PAUL:** And in this particular case, when
9 you ordered it be in a project file, you had indicated that
10 your purpose was in relation to the allegation against the
11 priest and not the probation officer? Is that -- am I
12 correct?

13 **MR. SHAVER:** Yes, because at that stage of
14 the game, when -- sir, you're talking about the very
15 beginning -- what period of time are you talking about,
16 sir?

17 **MR. PAUL:** The very beginning.

18 **THE COMMISSIONER:** The time when you told
19 Lortie to open a project file, which was when you had that
20 memo from Nakic. Is that his name?

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

22 **THE COMMISSIONER:** And you were in the
23 office and you called him in and you gave him the thing.

24 **MR. SHAVER:** It would have been both people,
25 sir, at that stage of the game, yes.

1 **MR. PAUL:** You knew that both allegations
2 are going to be in a project file, both the allegation
3 involving the priest and the probation officer; correct?

4 **MR. SHAVER:** They would have both been
5 investigated by Lortie, yes.

6 **MR. PAUL:** Now, being in a project file, it
7 doesn't go on general OMPPAC; correct?

8 **MR. SHAVER:** It does not go on general
9 OMPPAC.

10 **MR. PAUL:** And I think you were asked about
11 access of other police officers and agencies, but I wanted
12 to ask you; is your recollection -- would OMPPAC have been
13 available in the Crown Attorney's office to a police case
14 management officer?

15 **MR. SHAVER:** No.

16 **MR. PAUL:** You're certain of that?

17 **MR. SHAVER:** Unless it was -- unless he was
18 given permission, it would not be automatic.

19 **MR. PAUL:** So it would only be available
20 through police agencies?

21 **MR. SHAVER:** It would only be available to
22 police agencies?

23 **MR. PAUL:** To police officers. It wouldn't
24 be available in the Crown's office?

25 **MR. SHAVER:** It would be available, sir, to

1 anyone that the project file allowed.

2 **THE COMMISSIONER:** No, I guess what he's
3 asking you is did Crown attorneys have access to OMPPAC
4 from their offices?

5 **MR. SHAVER:** No, sir, not to my knowledge.

6 **THE COMMISSIONER:** Not then?

7 **MR. PAUL:** At that time, would there be
8 police officers or a police officer of the Cornwall Police
9 in the Crown's office?

10 **MR. SHAVER:** Yes, there was.

11 **MR. PAUL:** But they didn't have access to
12 OMPPAC in the office where they worked?

13 **MR. SHAVER:** No, I don't think our computer
14 -- no, I don't think our hook-up went to the Crown's office
15 then.

16 **MR. PAUL:** I just want to ask you, in terms
17 of progress of an investigation with respect to Mr. Seguin,
18 the probation officer, when you signed the file, are you
19 saying that your expectation would be that there would be
20 quick action in relation to that matter once it was
21 assigned?

22 **MR. SHAVER:** Yes. Once Sergeant Lortie got
23 organized and decided how he wanted to do this, of course,
24 the first thing is to talk to the complainant and get a
25 statement.

1 **MR. PAUL:** Would you not agree that that
2 type of file involving the probation officer, to put it in
3 a project file might be counterproductive in terms of
4 getting results for the investigation?

5 **MR. SHAVER:** No.

6 **MR. PAUL:** You wouldn't agree that an
7 investigator who is perhaps under the impression that it
8 has to be kept confidential may be under the impression
9 that they should limit the number of people, witnesses that
10 they contact on a matter like that?

11 **MR. SHAVER:** No, no, it has nothing to do
12 with contacting witnesses in the field. That's the
13 officer's ---

14 **MR. PAUL:** All right.

15 Well, you, yourself -- I mean, didn't you,
16 yourself, indicate that when you spoke to the Bishop later
17 in the year, you warned the Bishop once the Children's Aid
18 Society starts investigating the matter, that it's going to
19 go public? Didn't you tell the Bishop that?

20 **MR. SHAVER:** Yeah, I said it would not be
21 confidential any longer, yes.

22 **MR. PAUL:** So isn't it obvious that a type
23 of investigation, for example, that the probation officer,
24 if you go beyond asking questions to anybody beyond just
25 the accused, then you're taking a risk that it goes out in

1 the public?

2 MR. SHAVER: That I'm taking a risk? No,
3 the officer -- the officer has to go back out and do the
4 investigation.

5 MR. PAUL: Would you not agree that a type
6 of investigation involving Mr. Silmser, whether it be an
7 allegation against the priest or the probation officer,
8 it's not well suited for a project file?

9 First of all, would you agree that the
10 Cornwall Police had no control whatsoever over what Mr.
11 Silmser might go say in the public; correct?

12 MR. SHAVER: That's right.

13 MR. PAUL: So in terms of trying to achieve
14 a result of controlling the information there or going
15 public, you couldn't really do that anyways because Mr.
16 Silmser basically could say what he wanted without being
17 controlled by the Cornwall Police; correct?

18 MR. SHAVER: We had no control over Mr.
19 Silmser.

20 MR. PAUL: In terms of, ultimately, when Ms.
21 Sebalj starts to proceed to investigate are you aware that
22 she went about in the community and tried to contact former
23 altar boys ---

24 MR. SHAVER: Yes.

25 MR. PAUL: --- and question them?

1 **MR. SHAVER:** Yes, I am.

2 **MR. PAUL:** And given your comments about the
3 way you explained the situation to the Bishop, would you
4 not agree that Ms. Sebalj's investigation, contact with the
5 altar boys, certainly would be against the idea of keeping
6 the file in private as a project file.

7 She was basically communicating the events
8 out to the public.

9 **MR. SHAVER:** No, I don't -- I don't agree,
10 sir. What the project file is designed to do is to protect
11 the information once we get it in the police department.
12 How we get the information -- the only way we can get it,
13 sir, is throughout an investigation.

14 **MR. PAUL:** Did you feel at the time -- did
15 you find out at some point about the steps that Ms. Sebalj
16 was taking?

17 **MR. SHAVER:** I was generally kept informed
18 about what she was trying to do, yes.

19 **MR. PAUL:** Okay. Did you become angry or
20 upset at any point when you found out that she was speaking
21 to people in the community, perhaps risking that the priest
22 be identified, that her investigative steps were going
23 against your orders that the matter be confidential?

24 **MR. SHAVER:** Sir, I -- sir, I think you're
25 mixing up two points. The police officer has to do an

1 investigation. There, they have to go back out and talk to
2 people in the community. What they do with that
3 information is they bring it back and keep it confidential
4 inside.

5 We, the police, have to protect the
6 information. But if she talked to 50 people, then if those
7 50 people decided to say something, then we don't have no
8 control over that.

9 You know, we would say -- she may say to
10 them, "Please keep this between you and I", but if they
11 don't do it we have no control over that, sir.

12 **THE COMMISSIONER:** So what you are saying is
13 that the project file is to keep things away from wandering
14 eyes at the police station?

15 **MR. SHAVER:** Wandering eyes at the police
16 station, sir, yes, and we are sure that we're protecting
17 the information that we have. That's basically what it
18 would be.

19 **THE COMMISSIONER:** Well, the only people who
20 would have access to the information in the station would
21 be police officers ---

22 **MR. SHAVER:** Yes, they would.

23 **THE COMMISSIONER:** And then of course you'd
24 be keeping it away from other police agencies because with
25 OMPPAC somebody in Kenora could look at your investigation

1 if it wasn't in a project file?

2 MR. SHAVER: At that stage of the game, yes,
3 sir. Yes.

4 MR. PAUL: I understand your position that
5 you didn't think it was necessary for the Cornwall Police
6 to necessarily look for other complainants in the
7 community? Your idea was you look at only the one
8 complaint involving Mr. Silmsler, find out if you have
9 grounds, and you move on after that?

10 Is that my understanding of your evidence?

11 MR. SHAVER: I'm sorry, sir, could you
12 repeat that question?

13 MR. PAUL: Do I understand your evidence
14 correctly that your position is that -- or all the Cornwall
15 Police in this case should have been to essentially look at
16 Mr. Silmsler's evidence by itself and determine if there are
17 probable grounds and not actively look for other
18 complainants; that that wasn't necessary?

19 MR. SHAVER: Oh, no, no, sir. We actively
20 were looking for other complainants. That's part of the
21 investigation.

22 MR. PAUL: And by actively looking for other
23 complainants, that would risk identifying the priest?

24 MR. SHAVER: It would certainly identify the
25 priest when you were doing -- why they were talking

1 outside, yes.

2 MR. PAUL: And so really would you agree
3 that it was not an appropriate case for a project file;
4 that there was never really any likelihood that the matter
5 would be kept purely confidential, given the type of
6 investigation?

7 MR. SHAVER: Sir, the matter was to be kept
8 confidential inside so that we, the police department,
9 didn't release any of this information. That's -- that was
10 the purpose of it. Collecting the information was a whole
11 different ballgame.

12 MR. PAUL: Now, you understand that Ms.
13 Sebalj never actually interviewed Father Charles MacDonald?

14 MR. SHAVER: Yes.

15 MR. PAUL: And this file was originally
16 assigned by you; correct?

17 MR. SHAVER: Not to -- no, what is assigned
18 to Heidi Sebalj, it was assigned through the deputy's
19 office to Staff Sergeant Brunet who selected Heidi Sebalj.

20 MR. PAUL: You were personally involved in
21 the file from the very beginning; correct?

22 MR. SHAVER: On the first initial
23 assignment, yes.

24 MR. PAUL: You took an active interest in
25 it, I would assume?

1 **MR. SHAVER:** I took an interest in it, yes.

2 **MR. PAUL:** And I would assume it would come
3 to your attention at some point that there were no efforts
4 to contact Charles MacDonald and interview him?

5 **MR. SHAVER:** Sir, I didn't -- I didn't know
6 that until I read the file that Father Charlie had not been
7 -- had not been interviewed.

8 **MR. PAUL:** Right. So you didn't receive
9 periodic updates of what was going on the file?

10 **MR. SHAVER:** I did, sir, but the updates I
11 received are more global. They're not specific things
12 about we did this. It would be like Heidi talked to
13 several people; she's gone to former altar boys; that kind
14 of -- just kind of general information.

15 I didn't get into any specific information.
16 "She talked to so and so who said this, this, this, and
17 this". That didn't happen.

18 **MR. PAUL:** Never at any point did you
19 receive information that there were any efforts to
20 interview Charles MacDonald; correct?

21 **MR. SHAVER:** I never received that
22 information, no.

23 **MR. PAUL:** And you never gave any directions
24 to do that, to go interview him?

25 **MR. SHAVER:** No.

1 **MR. PAUL:** Were there any directions to Ms.
2 Sebalj, given the prominence of these people, a priest and
3 a probation officer, that she was not to go attempt to
4 interview them without approval from superiors?

5 **MR. SHAVER:** Absolutely not.

6 **MR. PAUL:** Now, I understand that you have
7 some experience at the Police College as well?

8 **MR. SHAVER:** I taught at the Police College,
9 yes.

10 **MR. PAUL:** And you taught for how many years
11 there?

12 **MR. SHAVER:** Seven.

13 **MR. PAUL:** And teaching there, you actually
14 taught Chiefs of Police as well?

15 **MR. SHAVER:** Yes.

16 **MR. PAUL:** And how many years would you have
17 actually taught Chiefs of Police throughout?

18 **MR. SHAVER:** How many years I taught? Well,
19 probably throughout the seven years at some point or other;
20 some various classes.

21 **MR. PAUL:** Given the level of experience you
22 had, that would include that you actually had experience
23 training Chiefs of Police; correct?

24 **MR. SHAVER:** Well, training Chiefs of
25 Police, most of the stuff that I did was to train future

1 Chiefs of Police.

2 MR. PAUL: Okay, so just in terms of
3 addressing a crisis situation, such as one might think
4 receiving a complaint involving a probation officer and a
5 priest, would you agree that perhaps you're in somewhat of
6 a better position than the average Chief of Police because
7 you've actually been not only a Chief of Police for some
8 years but you've trained Chiefs of Police yourself?

9 MR. SHAVER: I was in no better position
10 than a trained chief; no.

11 MR. PAUL: You were asked some questions
12 about the probation office, and I would understand from
13 your evidence that the Cornwall Police never contacted
14 Probation and advised them of any issue; correct?

15 MR. SHAVER: No, they did not.

16 MR. PAUL: And now while at some point you
17 may have received information that maybe Mr. Silmsler didn't
18 want to pursue the complaint against the Probation Officer,
19 at least initially, December '92 and January '93, your
20 department obviously would have known that there was an
21 active complaint against the Probation Officer; correct?

22 MR. SHAVER: Right up until -- I believe it
23 was early February where Heidi Sebalj receives specific
24 instructions from him that he did not want to proceed
25 against Mr. Seguin. I believe it was February of '93.

1 **MR. PAUL:** Right.

2 And despite your level of experience and
3 training at that point, you didn't identify the issue that
4 perhaps at least you should seek legal advice; go to the
5 Crown Attorney or someone, to see whether you should be
6 contacting Probation because of a possible risk to the
7 public or the judicial system?

8 **MR. SHAVER:** I didn't do that, sir, no.

9 **MR. PAUL:** Okay, and at no point did
10 Cornwall Police contact the Probation Officer; correct?

11 **MR. SHAVER:** Not to my knowledge, we never
12 contacted him.

13 **MR. PAUL:** And you agree, even later in the
14 fall when you meet Murray MacDonald, he doesn't just
15 indicate that perhaps you can go to the Church; he also
16 suggests that probation is another avenue that you could go
17 to?

18 **MR. SHAVER:** No, he did not. We were
19 talking specifically about Father MacDonald. We were not
20 talking about the Probation Officer then, sir.

21 **MR. PAUL:** Okay.

22 **MR. SHAVER:** He did tell me then -- he said,
23 "Perhaps you might want to go to the" -- I forget the words
24 he used, but it was -- well, he didn't say their bosses,
25 their superiors. He had another word that he used, sir.

1 **MR. PAUL:** But he suggested -- he didn't say
2 you had to but he suggested that was a possibility ---

3 **MR. SHAVER:** That was a possibility, yes.

4 **MR. PAUL:** And you didn't take that up?

5 **MR. SHAVER:** I'm sorry?

6 **MR. PAUL:** You didn't take that suggestion
7 up?

8 **MR. SHAVER:** Not -- no, sir, I just told you
9 that he did not say it about Ken Seguin going to probation.
10 This was about Father Charlie MacDonald going to the
11 bishop, sir.

12 **THE COMMISSIONER:** Mr. Paul, can we take a
13 break?

14 **MR. PAUL:** Yes, that's fine.

15 **THE COMMISSIONER:** Okay, thank you.
16 Let's take the morning break.

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

19 This hearing will resume at 11:25.

20 --- Upon recessing at 11:09 a.m./

21 L'audience est suspendue à 11h09

22 --- Upon resuming at 11:30 a.m./

23 L'audience est reprise à 11h30

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

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

3 **THE COMMISSIONER:** Mr. Paul?

4 **CLAUDE SHAVER:** Resumed/sous le même serment

5 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. PAUL**
6 **(cont'd/suite):**

7 **MR. PAUL:** I just want to refer the witness
8 to Document 714888.

9 **MR. SHAVER:** Sir, I wonder if you could
10 speak more into the microphone because I am having a lot of
11 difficulty hearing you.

12 **THE COMMISSIONER:** On the speaker box, on
13 the right-hand side, there's a "volume". But still, Mr.
14 Paul, you should try to speak into the microphone ---

15 **MR. PAUL:** Yes.

16 **THE COMMISSIONER:** --- because ---

17 **MR. SHAVER:** It -- it was at first volume,
18 sir.

19 **THE COMMISSIONER:** I know.

20 **MR. PAUL:** This is Exhibit 1233. It should
21 be a statement from Murray MacDonald and it would be at
22 page 56.

23 **THE COMMISSIONER:** Hold on now; 1233?

24 **MR. PAUL:** Yes.

25 **THE COMMISSIONER:** Okay and page 56. Page

1 56 as in the number that's in the middle of the page?

2 MR. PAUL: Yes, it's Bates page 890, I
3 believe.

4 THE COMMISSIONER: Seven-zero-five-five-
5 eight-nine-zero (7055890).

6 MR. PAUL: Perhaps I'll refer you to the
7 first -- towards the top of the page, there's a notation
8 Murray MacDonald was talking about, I believe, a meeting
9 with you. He's indicating it was discussed that perhaps --
10 -

11 MR. SHAVER: And when was this meeting, sir?

12 MR. PAUL: This would be I believe the
13 meeting in the fall ---

14 THE COMMISSIONER: Okay. So what we're
15 doing is we're looking at Murray MacDonald's statement to
16 Tim Smith in July of 1994. At page 56, he's talking to you
17 about the meeting he had when you sought him out to talk
18 about the Silmsen matter.

19 MR. PAUL: Yes, sir.

20 THE COMMISSIONER: All right, so ---

21 MR. SHAVER: Thank you, sir. I'm fine.

22 THE COMMISSIONER: Okay.

23 MR. PAUL: Yes. And you recall that meeting
24 with Mr. MacDonald being sometime, I believe, shortly after
25 the morning meeting where Sergeant Lortie raises the issue?

1 **MR. SHAVER:** Yes.

2 **MR. PAUL:** And Mr. MacDonald is indicating:

3 "I was discuss -- perhaps the church,
4 the CAS and the Ministry of
5 Correctional Services would be agencies
6 that it would be appropriate to
7 contact."

8 And then he goes on to indicate that you had
9 more -- seemed to have more concern to focus on the church.
10 But despite perhaps having more concern about that church
11 at that time, would you not agree that Mr. MacDonald likely
12 raised the issue and advised you that Probation or
13 Correctional Services was one area you could contact?

14 **MR. SHAVER:** He may have raised that, sir,
15 but the -- again, at that time, the only complaint that we
16 had was a complaint against Father Charles.

17 **THE COMMISSIONER:** Now, no, no. Just let's
18 -- you had a complaint with respect to Mr. Seguin?

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

20 **THE COMMISSIONER:** All right. You had a
21 person who was saying, "I'm not ready to proceed with it"?

22 **MR. SHAVER:** Yes.

23 **THE COMMISSIONER:** All right.

24 So my understanding is that -- never mind
25 what my understanding is.

1 All right, so that's where we're at.

2 **MR. SHAVER:** That's where we're at, sir.

3 **THE COMMISSIONER:** So on the book, there is
4 a complaint?

5 **MR. SHAVER:** Yes.

6 **THE COMMISSIONER:** Okay.

7 **MR. PAUL:** Do you agree that it was
8 discussed with Mr. MacDonald; that he indicated that that
9 would be a possible avenue that they could be contacted?

10 **MR. SHAVER:** He may have, sir. I -- I don't
11 have any independent recollection of that, but he may have,
12 sure.

13 **MR. PAUL:** Because you agree that in terms
14 of a probation officer and a priest, at this point when
15 you're talking to Mr. MacDonald, the situation is somewhat
16 similar in that you have the complainant backing off in
17 both cases; correct?

18 **MR. SHAVER:** He has -- yes, at that stage,
19 he has backed off both cases.

20 **MR. PAUL:** So in terms of your situation ---

21 **MR. SHAVER:** No sorry, I misspoke.

22 **MR. PAUL:** --- you're getting advice from --

23 -

24 **MR. SHAVER:** No, sir, I'm sorry. I
25 misspoke.

1 He had backed off the Father Charles -- when
2 I'm speaking with Mr. MacDonald, the Crown, he had backed
3 off Father Charles because that one was finished; we
4 received notification. I had not yet sent the direction to
5 Staff Sergeant Brunet to talk to Sean Adams about Mr.
6 Seguin ---

7 **MR. PAUL:** All right.

8 **MR. SHAVER:** --- whether we should be
9 proceeding on Mr. Seguin.

10 **THE COMMISSIONER:** Yes, I'm sorry, Mr. Paul,
11 I've got to ask this question.

12 You seem to give me the impression that the
13 minute a complainant says, "I don't want to go on with
14 this", that they are the one who is controlling the
15 complaint. And the way I see it is this is, is that the
16 person comes in and makes a complaint.

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

18 **THE COMMISSIONER:** He gives a complaint to
19 the police. The police are in charge of the complaint?

20 **MR. SHAVER:** Yes, sir, I believe ---

21 **THE COMMISSIONER:** When someone comes in and
22 says, "I don't know if I want to go on with this", it's out
23 of their hands and it's your police decision to make as to
24 what you're going to do with that.

25 You give me the impression that if a

1 complainant comes in one day and says, "No, I've changed my
2 mind", you wash your hands of it, and I don't think that's
3 a good perspective.

4 **MR. SHAVER:** No, sir. I -- I may be
5 misstating the way I'm -- maybe I'm not making myself clear
6 about that -- is that once -- once we do that, we would go
7 back and seek the Crown's -- the Crown, as we did in the
8 MacDonald case. Go to the Crown and say, "Listen, we have
9 a person who made a complaint, they're now coming back
10 saying they're withdrawing the complaint, what can we do?
11 Are we going to have a hostile witness here? Are we going
12 to have an unwilling witness?"

13 And the Crown will tell us whether we have
14 enough -- if we have reasonable and probable grounds here,
15 we're going to continue on.

16 **THE COMMISSIONER:** Right, okay, but when
17 you're answering questions you seem to say, "Oh, he
18 withdrew, that was the end of it".

19 And I don't ---

20 **MR. SHAVER:** I'm sorry. Well, then that --
21 I'm not meaning -- if I'm giving you that impression, sir,
22 that's not what I'm saying ---

23 **THE COMMISSIONER:** Well.

24 **MR. SHAVER:** --- okay?

25 **THE COMMISSIONER:** Okay.

1 Mr. Paul, sorry.

2 MR. PAUL: With respect to Mr. Silmser's
3 complaint involving the probation officer, when in the fall
4 of '93 you're waiting for information on his wishes, you
5 basically contend that if you have a letter from his
6 lawyer, that that's enough, you don't even need an officer
7 to have a first-hand meeting with him?

8 MR. SHAVER: Well, I was under the
9 understanding, sir, that Constable Sebalj did have a
10 meeting with him and he said he wished to withdraw his
11 complaint.

12 MR. PAUL: And it was your understanding
13 that that was the extent of it; that the details of why
14 were not really canvassed in much detail?

15 MR. SHAVER: I -- I don't know, sir. I
16 mean, that's -- that would be the officer that was there.
17 I don't have that information.

18 MR. PAUL: All right, but certainly you were
19 looking for that information, were you not? And you were
20 expecting Ms. Sebalj to come up with information on what
21 his wishes were?

22 MR. SHAVER: Yes, because I wanted to go
23 ahead with both complaints. I mean, I was looking at -- at
24 both complaints.

25 MR. PAUL: And I'm just going to ask you,

1 since you didn't receive -- I suggest you didn't really
2 receive a detailed explanation or reasons set out of why he
3 didn't want to proceed, I would suggest that you didn't
4 want a detailed explanation or you would have challenged
5 Ms. Sebalj on that to go back and see him again?

6 **MR. SHAVER:** No, to suggest that I didn't
7 want a detailed explanation? No, sir, that's not correct.

8 **MR. PAUL:** I'm just suggesting since you
9 didn't ever receive a detailed explanation, does that not
10 indicate that you didn't really want one?

11 **MR. SHAVER:** Sir, the information that I had
12 is we'd received a -- she had spoken with Mr. -- or Mr.
13 Silmser, who said he did not want to proceed. Then we get
14 the letter from the lawyer that says absolutely, we do not
15 want to proceed, so that's where I'm at.

16 So it's whether I want to or not, I'm still
17 looking -- I'm still looking for a way because I'm thinking
18 of children in the community. I'm still thinking is there
19 anything else that I can do, is there anything else that we
20 can do?

21 **MR. PAUL:** Right, but to a degree that
22 there's something barring the Cornwall Police at that point
23 from going directly to Mr. Silmser, not through the lawyer,
24 and finding out -- these lawyers, they're just lawyers
25 representing him on the civil proceedings, but there's

1 nothing barring you from going directly and speaking to a
2 complainant directly; correct?

3 MR. SHAVER: Are you saying me go directly
4 to the lawyer ---

5 MR. PAUL: You or ---

6 MR. SHAVER: --- Mr. Silmser?

7 MR. PAUL: --- anybody in the Cornwall
8 Police?

9 MR. SHAVER: Well, Heidi Sebalj did speak to
10 him, sir. She did go directly to him.

11 MR. PAUL: Again, she didn't receive a
12 detailed explanation. I'm suggesting that one wasn't being
13 sought or you would have expressed dissatisfaction with
14 what she -- what information you were getting?

15 MR. SHAVER: She went to him. She received
16 an explanation. She received a -- she received a -- well,
17 whether you say detailed or not, it was a -- it was, "I do
18 not wish to proceed, period".

19 MR. PAUL: You understand -- you didn't
20 receive information that he was refusing to give an
21 explanation, that wasn't your ---

22 MR. SHAVER: No, no, no, not that he
23 refused, no.

24 MR. PAUL: And it was your understanding
25 that back in February of -- sometime around early February

1 '93, you're receiving some indication that he didn't want
2 to proceed at that point against Mr. Seguin?

3 **MR. SHAVER:** Yes, that's the information
4 that I received, yes.

5 **MR. PAUL:** And do you also get information
6 at that point that that decision not to proceed coincides
7 with some kind of contact -- direct contact between Mr.
8 Silmsler and Mr. Seguin?

9 **MR. SHAVER:** I had no idea that that
10 happened, sir.

11 **MR. PAUL:** Do you agree that if there was
12 contact directly between a suspect and a complainant, then
13 the suspect -- sorry, the complainant then decides that
14 they don't want to proceed that's something that might
15 merit an interview of the complainant to find out what
16 happened?

17 **MR. SHAVER:** If the suspect and the
18 complainant -- yes, obviously. But I had no indication
19 that that had ever happened.

20 **MR. PAUL:** Given the significance of this
21 file, it's something that you personally assigned yourself.
22 The reasons why he doesn't want to proceed against a
23 probation officer, someone of that prominence in the
24 judicial system, that wasn't something that you would
25 demand more details, particulars, on back at that time?

1 **MR. SHAVER:** Sir, you've asked me two
2 questions again and you come back to that I assigned this.
3 I did not assign this. Okay? So I want to make that
4 perfectly clear.

5 **THE COMMISSIONER:** Well, you did assign it
6 to Lortie.

7 **MR. SHAVER:** Yes, but he's talking about the
8 investigation now, sir, and the investigation -- are you
9 not talking about the investigation, sir?

10 **MR. PAUL:** No, I'm saying that given it's a
11 significant case because you were involved and assigned it
12 from the beginning, would you not want to know the reasons
13 why a complainant doesn't want to proceed against a
14 probation officer?

15 **MR. SHAVER:** Okay. Perhaps I should --
16 maybe I should explain it this way. If this would have
17 come through the normal way it would, when it got assigned
18 from Slavko -- Slavko Nakic receiving the information. It
19 went to Staff Inspector MacDonald in charge of CIB. If
20 Staff Inspector MacDonald would have had the resources, he
21 would have assigned it into the Youth Bureau. And that --
22 and then Staff Sergeant Brunet, who makes the assignments,
23 would have assigned it to someone in the Youth Bureau.
24 That's what would normally have happened.

25 They did not have the resources. And the

1 one person that we could find that was available and
2 recommended by Staff Inspector MacDonald was Staff Sergeant
3 -- or Sergeant Lortie. That's how that happened.

4 So he gets assigned by me because he works
5 directly for me, but in the normal chain of events, it
6 would have been in -- that would have been the assignment.
7 It would have gone through that whole process and then
8 assigned into Youth.

9 **MR. PAUL:** That may be, but the fact remains
10 that you're dealing with a probation officer and you have
11 knowledge -- you're informed -- I understand that the
12 complaint is being withdrawn, that the complainant does not
13 want to proceed against a probation officer.

14 And in that situation, when you receive that
15 information, don't you want to know details of why?

16 **MR. SHAVER:** Do I not want to know or do my
17 officers not want to know?

18 **MR. PAUL:** I mean, am I incorrect when I say
19 that you became informed -- I understand from your
20 evidence, you became informed at some point. You knew that
21 the aspect of the case dealing with a probation officer was
22 not going to proceed because Mr. Silmsler didn't want it to.

23 **MR. SHAVER:** Yes.

24 **MR. PAUL:** You knew that?

25 **MR. SHAVER:** I was aware of that.

1 **MR. PAUL:** And this is not an ordinary case;
2 correct? It involves a probation officer, which perhaps
3 gives it some more interest to you?

4 **MR. SHAVER:** It becomes a higher priority,
5 yes.

6 **MR. PAUL:** Okay. When you heard that
7 information, I'm simply asking you -- I'm not asking about
8 the assignment. I'm just asking you, given the
9 significance of that case, did you not want to know why he
10 doesn't want to proceed?

11 **MR. SHAVER:** Do I want to -- no --
12 personally, do I want to know why? No. If he says he
13 doesn't want to proceed; he doesn't want to proceed.

14 **MR. PAUL:** This is a case that's a bit
15 unusual as well, is it not, because -- it's unusual because
16 you actually met Mr. Silmser; correct?

17 **MR. SHAVER:** No, I never met Mr. Silmser.

18 **THE COMMISSIONER:** Spoke to him on the
19 phone.

20 **MR. PAUL:** Oh, spoke to him on the phone.
21 I'm sorry.

22 So you had direct contact; correct?

23 **MR. SHAVER:** One time.

24 **MR. PAUL:** Okay. And I'm just wondering;
25 did anybody ever advise Mr. Silmser that he could make his

1 own internal complaint, contact Probation and make a
2 complaint there?

3 MR. SHAVER: I have no idea if that
4 happened, sir.

5 MR. PAUL: That's not something that was
6 considered, to your knowledge?

7 MR. SHAVER: I don't know. I don't know,
8 sir.

9 MR. PAUL: Just going back to the original
10 assignment of the file, Sergeant Lortie is assigned. I
11 just want to ask you; were you aware that Sergeant Lortie -
12 - at the time, I believe his wife was working in Probation,
13 Ms. Cardinal, I believe?

14 MR. SHAVER: Yes. I think maybe I was, sir.
15 I'm not sure. I don't have any independent recollection.
16 But once I heard it later on during -- when I was reading
17 the information, I said, "Yeah, okay. I didn't realize."

18 MR. PAUL: Would that be something that
19 would make you less likely to want to assign Sergeant
20 Lortie because he has some kind of contact indirectly with
21 ---

22 MR. SHAVER: No, that wouldn't -- if I would
23 have known, sir -- I don't believe that I knew. I don't
24 believe that I knew. I knew what his wife's name -- I
25 knew his wife's name, but I didn't realize that she worked

1 in Probations.

2 MR. PAUL: I just want to go back again to -

3 --

4 THE COMMISSIONER: So your answer was it
5 wouldn't have made a difference?

6 MR. SHAVER: I would have asked -- I think,
7 sir, if I would have known that, I would have asked
8 Sergeant Lortie if it would have made a difference to him
9 or have him tell me that I'm looking at it, and then he
10 says, "Oops, I'm sorry, you know my wife works up there."
11 Neither one of those things happened, sir.

12 MR. PAUL: I just want to go back a few
13 questions about your training. You did make reference to,
14 at the Canadian Police College, I believe, training or
15 giving courses in relation to undercover work?

16 MR. SHAVER: Yes, I did.

17 MR. PAUL: And in addition to teaching some
18 courses related to that field, did you take those courses
19 as well?

20 MR. SHAVER: The undercover course, no.

21 MR. PAUL: But you did give some -- train
22 some officers in related fields that covered undercover
23 work?

24 MR. SHAVER: Yes.

25 MR. PAUL: And would the two areas be neuro-

1 linguistic programming and non-verbal communication?

2 MR. SHAVER: Yes.

3 MR. PAUL: Just those two areas?

4 MR. SHAVER: And stress.

5 MR. PAUL: Oh, sorry, yes.

6 In terms of non-verbal communications, just
7 so I understand that, is that training on how not to -- for
8 an undercover officer to tip-off a target through body
9 movement, body language, that type of thing?

10 MR. SHAVER: Both ways, sir. It was what to
11 look for. For example, if the person you're dealing with
12 has a weapon, you know, where the weapon is most likely on
13 the person's body.

14 The neuro-linguistic programming in portion
15 of it was to take a look at the truthfulness of the person
16 by looking at the way his eyes move.

17 MR. PAUL: But you'd also train undercover
18 officers on matters such as body language, eye movement,
19 nervous activity, to avoid looking nervous when you're
20 undercover?

21 MR. SHAVER: To avoid looking nervous? Sir,
22 the training was more for them to be looking at the people
23 that they were dealing with.

24 MR. PAUL: It wouldn't be to hide their own
25 behaviour?

1 **MR. SHAVER:** No, no, that wasn't part of
2 that training.

3 **MR. PAUL:** Neuro-linguistic programming, is
4 that training in relation to using verbal skills to
5 basically deceive a target?

6 **MR. SHAVER:** It's using verbal skills to
7 assess the other person, the person that you're dealing
8 with, the person that you're talking to. For example, if
9 you were going to make a drug buy, do you believe that the
10 person is going to take you to someplace that's going to be
11 safe for you or not safe for you, that type of thing.
12 There was a series of questions you might want to ask.

13 **MR. PAUL:** Would you agree that all the
14 training in terms of undercover work has the primary goal
15 of assisting the officer in deceiving the target; correct?

16 **MR. SHAVER:** No, no, that isn't the primary
17 goal, sir.

18 **MR. PAUL:** It's certainly one of the main
19 goals?

20 **MR. SHAVER:** It's not -- not the primary
21 goal.

22 **MR. PAUL:** All right.

23 **MR. SHAVER:** Officers are selected on the
24 basis of that -- of them being able to do that. That's
25 their selection process to get into the -- into it.

1 **MR. PAUL:** It's your suggestion that non-
2 verbal communication and neuro-linguistic programming have
3 nothing to do with deception?

4 **MR. SHAVER:** Have nothing to do with
5 deception? No, they do. Neuro-linguistic programming
6 certainly has. But it was meant for the officer to be able
7 -- if the officer doesn't know what he's looking for -- the
8 undercover officer doesn't know what he's looking for --
9 police officers generally go on their gut feeling. And the
10 gut feeling is obviously predicated by your background.

11 **MR. PAUL:** Now, your own training, you
12 didn't do actually undercover work in the drug field;
13 correct?

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

15 **MR. PAUL:** But did you do some manner of
16 work that was similar to undercover work in the Security
17 Branch?

18 **MR. SHAVER:** Yes, we did street operations,
19 yes.

20 **MR. PAUL:** I don't understand what you mean
21 by street operations. Is that infiltrating political
22 protests or groups that were radical groups in the '60s and
23 '70s?

24 **MR. SHAVER:** It was dealing with those
25 groups, yes.

1 **MR. PAUL:** But it's somehow pretending
2 you're one of the members and infiltrating them and
3 pretending you're one of the group?

4 **MR. SHAVER:** It's not looking like you're
5 not one of the groups, sir, yes.

6 **MR. PAUL:** All right.
7 Again, it's using strategies of deception,
8 trying to fit in and act like a member of the group;
9 correct?

10 **MR. SHAVER:** In general, sir, back in those
11 days it was dress and the length of your hair and if you
12 had a beard and so on and so forth. My lawyer would have
13 fit in perfectly then, sir.

14 **MR. PAUL:** Generally -- I just want to ask
15 you generally -- a combination of your training through the
16 police college, your teaching and whatever activity you had
17 in the Security Branch, did you yourself become to some
18 extent skilled in tactics of deception?

19 **MR. SHAVER:** Skilled in tactics -- no, sir.

20 **MR. PAUL:** All right.
21 That isn't something that you're skilled in?

22 **MR. SHAVER:** I don't believe so.

23 **MR. PAUL:** All right.

24 Just getting back to Mr. Seguin again, I'm
25 not going to go through all the individuals that were

1 referred to, the Renshaws, Hesse, Leroux, C-8 and C-10 in
2 detail, but it is my understanding that you're taking the
3 position that you didn't have any contact with those
4 people. Is that correct?

5 MR. SHAVER: Go more slowly, sir. Which
6 people now?

7 MR. PAUL: The Renshaws ---

8 MR. SHAVER: No Renshaws, no contact, don't
9 know them.

10 MR. PAUL: Miss Hesse and then Mr. Leroux
11 and then there's two monikers, C-8 and C-10.

12 MR. SHAVER: Right. No, I do not know those
13 people, sir.

14 MR. PAUL: Are those people that you
15 wouldn't have had any direct dealings with as Chief of
16 Police?

17 MR. SHAVER: I have no -- I did not have any
18 contact with those people.

19 MR. PAUL: So you're not aware of any grudge
20 that those people might have against you through police
21 work? You didn't directly -- you didn't directly do any
22 police work involving them that you know of?

23 MR. SHAVER: No, no. My officers certainly
24 did, but I didn't.

25 MR. PAUL: All right.

1 Now, I think one of the individuals you
2 indicated that you weren't in Cornwall in the '70s. You
3 were in Montreal, I believe. I just want to ask you about
4 that. But I do understand that you are from Cornwall
5 originally?

6 **MR. SHAVER:** Yes -- no, I was born in
7 Montreal, but I brought up -- I was brought up here.

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

9 Would you -- in the early '70s would you be
10 visiting Cornwall to see relatives?

11 **MR. SHAVER:** No, my parents did not live
12 here in the early '70s. They were living in Cardinal. I
13 would sometimes see -- my best friend is still here, so I
14 sometimes would see him, but most of that time was in
15 Montreal.

16 **MR. PAUL:** All right.

17 Relatives in this area, would you visit
18 them?

19 **MR. SHAVER:** I have relatives, but in the
20 early '70s, no, they -- I would seldom come to Cornwall,
21 sir. I worked here for a little bit when I was with the
22 Mounted Police on an assignment, but that was it.

23 **MR. PAUL:** But you would occasionally come
24 here?

25 **MR. SHAVER:** Yes. Oh, yeah.

1 **MR. PAUL:** In RCMP, your training, did you
2 take the initial six-month training or roughly six-month
3 training?

4 **MR. SHAVER:** No, it was over nine months.

5 **MR. PAUL:** And where was that taken?

6 **MR. SHAVER:** Ottawa.

7 **MR. PAUL:** And it wasn't taken out west in
8 Regina or somewhere?

9 **MR. SHAVER:** No, no.

10 **MR. PAUL:** So it wasn't done out west at
11 that point?

12 **MR. SHAVER:** No, we had two training schools
13 at that time.

14 **MR. PAUL:** And you were only ever stationed
15 in -- were you ever stationed in the east in New Brunswick
16 or Newfoundland, out there?

17 **MR. SHAVER:** No, Saskatchewan was my first
18 posting; Montreal was my second; Ottawa was my third, but
19 many postings within Saskatchewan.

20 **MR. PAUL:** Now, you were asked by Mr. Manson
21 yesterday about the events surrounding the MacDonald
22 Commission, and I just had one or two questions.

23 **THE COMMISSIONER:** Lightly, lightly.

24 **MR. PAUL:** One or two questions on that.

25 He asked you about a number of incidents and

1 you said there were, I think, about four main incidents
2 involved in that Inquiry. And there was one I don't recall
3 being mentioned.

4 Do you recall at some point there was an
5 allegation of an attempt to steal dynamite and then plant
6 it on FLQ members?

7 **MR. SHAVER:** No, I don't remember that at
8 all.

9 **MR. PAUL:** I just wanted to ask you
10 generally, being a member of that unit, did that have any
11 negative effects on your ability to sort of draw the line
12 and see the line between proper and improper police
13 activity?

14 While you indicated that you had not
15 participated in those events, did your interaction with
16 other people have a negative effect on you?

17 **MR. SHAVER:** No, sir. I would not have done
18 anything in my activities there that would have been
19 contrary to the law.

20 **THE COMMISSIONER:** Even though -- even if
21 ordered to do so?

22 **MR. SHAVER:** Sir, if I was ordered to do so
23 I would not have done it.

24 My first duty, sir, was as a Royal Canadian
25 Mounted Police officer. The assignment was there, so ---

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

2 **MR. PAUL:** And you said you weren't even
3 aware of those activities at the time?

4 **MR. SHAVER:** I'm sorry, wasn't aware?

5 **MR. PAUL:** You said you weren't even aware
6 of those activities going on?

7 **MR. SHAVER:** I knew of those activities. I
8 knew of some of them. I didn't know whether they, you
9 know, they had received warrants or whatever they had done
10 to do whatever they were doing.

11 **MR. PAUL:** Did you come forward at any point
12 and complain about events?

13 **MR. SHAVER:** No, sir, because at that time
14 those things were kept as hush-hush as you possibly could
15 within the Branch. We were so busy at that time, sir, with
16 the *War Measures Act* and all of the stuff that was going
17 on, we literally -- we literally were working 15, 16 hours
18 a day.

19 **MR. PAUL:** But these events -- some of these
20 events were before or after the *War Measures Act*, were they
21 not?

22 **MR. SHAVER:** Right, yes, yes.

23 **MR. PAUL:** The *War Measures Act* was a fairly
24 limited period of time?

25 **MR. SHAVER:** Yes, the *War Measures Act* was

1 in the '70s, yes, '70-'71, yes.

2 MR. PAUL: Right.

3 Now, in terms of contacts, associations with
4 Mr. Seguin and Malcolm MacDonald, you're insisting that you
5 did not interact with those people?

6 MR. SHAVER: I never interacted with Mr.
7 Seguin ever. Mr. MacDonald was a -- I believe he was the
8 honourary colonel of the SDG Highlanders. The SDG
9 Highlanders I would be invited two times a year to their
10 mess because I was a former member of the Highlanders when
11 I was here. I would be invited to their mess as the Police
12 Chief, the same as the superintendent of the OPP. We would
13 do it on Remembrance Day and we would do it when they had
14 their -- what did they call that -- the regimental dinner.

15 MR. PAUL: So in terms of ---

16 THE COMMISSIONER: That means that you would
17 have seen him there?

18 MR. SHAVER: Oh, yes, I would have seen him
19 there, yes.

20 THE COMMISSIONER: Did you talk to him?

21 MR. SHAVER: No, sir, I don't think I -- I
22 don't believe I ever talked to him.

23 THE COMMISSIONER: Okay.

24 MR. SHAVER: I always stayed with the
25 Superintendent of the OPP. We just -- and my Deputy Chief

1 was there also, so the three of us would sort of stay
2 together.

3 MR. PAUL: So in terms of the suggestion
4 that you had a closer association and were perhaps in
5 conflict of interest because of association with some of
6 those people, you disagree with that?

7 MR. SHAVER: I had no conflict of interest
8 with any of those people.

9 MR. PAUL: Were you a member of the Knights
10 of Columbus at any point?

11 MR. SHAVER: No, I was not.

12 MR. PAUL: But I believe in the
13 correspondence with the papal nuncio -- you are a Catholic,
14 though?

15 MR. SHAVER: I'm a -- I guess the best
16 definition of me would be a recovering Catholic, yes.

17 MR. PAUL: I just want to ask you,
18 generally, given your level of experience, the number of
19 years you were a Police Chief and your experience in the
20 Police College, would you not agree that perhaps given your
21 level of experience, that it would have warranted some
22 greater action by you in relation to specifically the
23 allegations in relation to the probation officer that you
24 should have taken a stronger action initially over that?

25 MR. SHAVER: No, sir, I don't agree with

1 that.

2 MR. PAUL: A couple of questions about --
3 brief questions about -- there is reference to Mr.
4 McKinnon. You were asked, I think, some questions about a
5 libel issue with the Seaway News and Mr. Chisholm?

6 MR. SHAVER: Yes.

7 MR. PAUL: I just didn't understand. Maybe
8 I missed it, but I didn't understand whether Mr. McKinnon
9 was acting purely for you or is he acting for the Police
10 Commission or both or ---

11 MR. SHAVER: No, at that time, sir, I was no
12 longer a member of the police department. When Mr.
13 Chisholm wrote his -- whatever that thing was called ---

14 THE COMMISSIONER: Letter to the editor.

15 MR. SHAVER: Yes, whatever, the letter to
16 the editor, then I looked at it because I had been asked by
17 several of my friends and they thought that I would make a
18 good School Board trustee and they said, "You like -- you
19 know, "You have a particular interest" and they wanted me
20 to run and I was considering doing that. I thought that I
21 could -- I thought I could still assist and help the
22 community if I did that.

23 MR. PAUL: So basically, it's a personal
24 capacity he is representing you?

25 MR. SHAVER: Yes, he represented me

1 personally, yes.

2 MR. PAUL: Now, the earlier part where he is
3 representing, I believe, you and the Board, is he in
4 conflict with Mayor Martelle?

5 MR. SHAVER: Yes, yes.

6 MR. PAUL: And I think I heard that some of
7 the documentation couldn't be located on that, and I just
8 wanted to ask you, to your knowledge, did Mr. McKinnon have
9 all the documentation relating to, for example, what you
10 called a false accusation about the impaired driving? Mr.
11 McKinnon had documentation on that?

12 MR. SHAVER: Did he have documentation?

13 MR. PAUL: At the time back then when you
14 had ---

15 MR. SHAVER: He had -- we spoke about it
16 verbally. There was no documentation, not that I know of.

17 MR. PAUL: There wasn't documentation or any
18 materials from Mayor Martelle?

19 MR. SHAVER: No, not that I know of.

20 MR. PAUL: So any complaints Mayor Martelle
21 had were only verbal?

22 MR. SHAVER: I think everything was verbal,
23 yes.

24 MR. PAUL: Just another question to clarify,
25 in terms of RCMP, I didn't understand what rank you had

1 when you left. What rank were you when you left?

2 MR. SHAVER: I was a sergeant when I left.

3 MR. PAUL: I had a couple of questions in
4 relation to the issue of -- other issues surrounding your
5 meeting with Murray MacDonald later in the year. I
6 understand if I were to suggest that you only asked Mr.
7 MacDonald about whether charges of obstruction could go
8 against Mr. Silmsler, you disagree with that and you're
9 suggesting that you asked about charges against the Church
10 as well?

11 MR. SHAVER: Yes, we talked about that, yes.

12 MR. PAUL: Okay. And at that point there's
13 not even any file? You don't even have any file prepared
14 yet?

15 MR. SHAVER: Not at that stage, no.

16 MR. PAUL: Well, I would assume that the
17 Crown doesn't give you any kind of definitive answer in
18 relation to the Church in the absence of even a file. They
19 don't tell you, "Well, you can't do that," do they?

20 MR. SHAVER: Well, the Crown had the
21 information. The Crown had the written information and he
22 was certainly well informed from my officers what had
23 happened in the case.

24 MR. PAUL: All right.

25 Well, at that point, has anybody

1 interviewed, for example, Malcolm MacDonald at that point?
2 They haven't, had they?

3 **MR. SHAVER:** I have no idea if that had
4 happened, sir. I don't know that.

5 **MR. PAUL:** The Crown didn't say, when they
6 met you -- Murray MacDonald didn't say, "Well, we can't
7 give any opinion without interviews of people such as
8 Jacques Leduc, Malcolm MacDonald, Sean Adams, the Bishop,
9 Mr. Silmsler perhaps"? Did the Crown say, "Well, we can't
10 give you an answer because we don't have statements for any
11 of those people?"

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

13 **MR. PAUL:** And I would suggest to you that
14 there wouldn't have been any clear advice given to you
15 because there wasn't really any information that you were
16 giving to the Crown on what happened?

17 **MR. SHAVER:** There wasn't any clear -- I'm
18 sorry?

19 **MR. PAUL:** I would suggest that you wouldn't
20 have got a clear opinion.

21 **MR. MANDERVILLE:** Mr. Commissioner, I don't
22 know if that's fair. We have Murray MacDonald's OPP
23 interview where he recounts the advice he did give. I
24 think Mr. Paul should put that to Mr. Shaver.

25 **THE COMMISSIONER:** Mr. Paul, what do you

1 think?

2 **MR. PAUL:** Well, my recollection of that is
3 it refers to the Silmsler thing and there's only -- there's
4 no specific reference about obstructing the Church. I
5 believe there's a general discussion of the Church, but it
6 doesn't refer, in my recollection, to obstruct.

7 **THE COMMISSIONER:** Mr. Manderville, is
8 there?

9 **MR. MANDERVILLE:** I believe Mr. Shaver gave
10 evidence on this yesterday, that ---

11 **THE COMMISSIONER:** Yes, he did.

12 **MR. MANDERVILLE:** --- he addressed the issue
13 of both, possible mischief charges against Mr. Silmsler or
14 obstruction of justice against either the Church or Mr.
15 Silmsler, and it was recounted, to an extent at least, in
16 Mr. MacDonald's OPP interview.

17 **THE COMMISSIONER:** Okay. So what you're
18 saying is it's in the OPP interview?

19 **MR. MANDERVILLE:** I believe so, yes.

20 **THE COMMISSIONER:** All right.

21 So if it is ---

22 **MR. PAUL:** I would agree that there's an
23 indication of Mr. Shaver being upset and having concerns
24 about the Church. I agree with that, that Mr. MacDonald's
25 statement refers to that, but I would still take the

1 position that he doesn't come out and say that he gave
2 advice on obstruction in relation to the Church.

3 **THE COMMISSIONER:** Right. Okay. You can
4 continue on then.

5 **MR. PAUL:** Now, following the meeting with
6 Mr. MacDonald, you never -- you didn't have any further
7 meetings with Mr. MacDonald about this subject?

8 **MR. SHAVER:** I did not.

9 **MR. PAUL:** You didn't forward -- when the
10 file is prepared by Ms. Sebalj and put in the project file,
11 that file isn't sent to the Crown for an opinion?

12 **MR. SHAVER:** I don't know if it was, sir. I
13 have no knowledge of that.

14 **MR. PAUL:** Okay. And you don't give any
15 directions to conduct interviews of any of the lawyers or
16 prominent main parties involved in the settlement?

17 **MR. SHAVER:** No, I did not.

18 **MR. PAUL:** I'm going to suggest that if you
19 were really serious about looking at the issue of
20 obstruction and the Church, that you would have wanted a
21 series of people questioned about what happened, and I
22 would suggest since those people weren't questioned, that
23 you weren't really serious about looking at the role of the
24 Church in the settlement.

25 **MR. SHAVER:** I disagree with that

1 suggestion, sir.

2 MR. PAUL: Would you agree that in terms of
3 the file that's -- perhaps I'll have to refer the witness
4 to the documentation. I believe it's Exhibit 1243.

5 THE COMMISSIONER: So 1243 is the Crown
6 Brief is what were talking about?

7 MR. PAUL: Yes.

8 THE COMMISSIONER: Do you have it, sir?

9 MR. SHAVER: I do, sir.

10 THE COMMISSIONER: What page, Mr. Paul?

11 MR. PAUL: Just a moment.

12 (SHORT PAUSE/COURTE PAUSE)

13 MR. PAUL: There's a reference on page 5.

14 THE COMMISSIONER: Page 5. Right. Okay.
15 Are you there, sir?

16 MR. SHAVER: Yes, I am, sir.

17 THE COMMISSIONER: Okay. So where on page
18 5?

19 MR. PAUL: Towards the top, there's a
20 portion:

21 "He advised that Father McDougall had
22 called him the night before, February
23 15th, 1993..."

24 THE COMMISSIONER: First paragraph on top,
25 yes.

1 **MR. PAUL:** The very first:
2 "...wanting to discuss a settlement.
3 Silmser advised that he did not
4 entertain conversation. Constable
5 Sebalj reminded Silmser of the need for
6 his school records."

7 I'm just wondering; were you aware that -- I
8 mean, there's at least some indication of the complainant
9 being approached by Father McDougall about the settlement?

10 **MR. SHAVER:** I wasn't aware of that until I
11 read the Crown -- until I read this, sir.

12 **MR. PAUL:** So do you agree that there's at
13 least some information in the Crown Brief that might give
14 the impression that it's not all Mr. Silmser pushing for
15 the settlement, that there's some movement from the other
16 side?

17 **MR. SHAVER:** When you read that paragraph,
18 yes.

19 **MR. PAUL:** And would you agree that one
20 effect of this matter being put in a project file, it tends
21 to keep that information a secret, the information that
22 perhaps puts the complainant in a better light?

23 **THE COMMISSIONER:** Puts the complainant in a
24 better light?

25 **MR. PAUL:** Yes.

1 **THE COMMISSIONER:** Oh yes, you're hiding
2 that fact. Okay.

3 **MR. PAUL:** I'll just put it another way.
4 Was there any intention to put this matter in a project
5 file so that information suggesting that it was not Mr.
6 Silmser; it was the Church approaching him, that that be
7 hidden? Was there any attempt to ---

8 **MR. SHAVER:** No, not a consideration as far
9 as I know.

10 **MR. PAUL:** I want to ask you about a portion
11 of your statement. I believe it's Exhibit 1238, page 16.

12 **THE COMMISSIONER:** Page 16?

13 **MR. PAUL:** Yes, 16.

14 **THE COMMISSIONER:** The last -- Bates page
15 16?

16 **MR. PAUL:** Bates 720.

17 **THE COMMISSIONER:** Seven-two-zero (720).
18 Okay. We're all there.

19 **MR. PAUL:** I wanted to ask you about a
20 portion near the top. You're giving an answer in relation
21 to the investigation, and towards the bottom of the answer
22 you indicate:

23 "It was a little slower than what I
24 would have hoped, but that was because
25 of the reluctant witness at the time."

1 You appear to be -- this is in relation to
2 an interview by the Ontario Province Police, I believe, in
3 -- I think it's 1999?

4 **MR. SHAVER:** Yes.

5 **MR. PAUL:** And in that response you're
6 giving the impression that some of the delays associated
7 with the case are the fault of Mr. Silmsner?

8 **MR. SHAVER:** Part of the information that I
9 was given, sir, that came up through the chain was the
10 difficulty in contacting him, him not keeping appointments,
11 that kind of thing, yes.

12 **MR. PAUL:** But would you not have known that
13 as early as sometime in late January Mr. Silmsner, in fact,
14 goes to the police station and is interviewed in January?

15 **MR. SHAVER:** I didn't know that he was
16 interviewed, sir. I knew this later on.

17 **MR. PAUL:** And that's the next month after
18 the matter is initially reported; correct?

19 **MR. SHAVER:** Yes.

20 **MR. PAUL:** And you're aware some period
21 after that, I believe sometime in February you were aware
22 that he brings in a written statement?

23 **MR. SHAVER:** In February? Yes, I'm
24 gathering that that may be right.

25 **MR. PAUL:** Are you telling me that you're

1 aware of some additional requests that they want to go back
2 and interview him again? Is that what you're suggesting?

3 **MR. SHAVER:** No, I didn't suggest that at
4 all, sir. I don't know where you got that.

5 **MR. PAUL:** All right.

6 Then would you not agree that as of sometime
7 in February '93, his part is done and it's basically over
8 to the police to do their job?

9 **MR. SHAVER:** I think that there were some -
10 - they were looking for other things. I think it's school
11 records is the one thing that comes to mind that he was
12 going to contribute that he hadn't. I think there were
13 some things like that, yes. I think there were other
14 things, sir, that she was still looking for.

15 **MR. PAUL:** School records, is it? To your
16 knowledge, are they eventually given in?

17 **MR. SHAVER:** I don't remember, sir, if they
18 were or not. It just came to mind that that's one thing
19 that I just thought of, school records, and I don't know
20 why. I don't even know I heard it.

21 **MR. PAUL:** Okay, and the school records
22 basically would only establish what year he's in school;
23 correct? That's the school record for him; correct?

24 **MR. SHAVER:** I have no idea, sir, I just --
25 as I said, I just -- it just popped into my head; it's one

1 of the things.

2 MR. PAUL: So you are saying you don't know
3 what purpose the school records had in the investigation?

4 MR. SHAVER: I have no idea.

5 MR. PAUL: So you don't really know enough
6 about it to conclude that he's delaying the investigation
7 in relation to school records?

8 MR. SHAVER: I was told that he had a -- he
9 was asked about it and he was supposed to supply it, and he
10 hadn't for a period of time. For what -- you're asking me
11 about things, the reasons for delays, I think that that was
12 one of them. That was one of the things that I remember
13 hearing.

14 MR. PAUL: I am just wondering why you did
15 not indicate to the Ontario Provincial Police that perhaps
16 it was delays caused by the Cornwall police and not Mr.
17 Silmser. Isn't it more obvious that there were long delays
18 after April of '93 where it didn't appear to be much going
19 on in the file?

20 MR. SHAVER: Could you repeat the question
21 again sir?

22 MR. PAUL: I'm just going to suggest that
23 maybe to be fair in responding to the Ontario Provincial
24 Police, it should have been indicated that Cornwall police
25 were responsible for at least some of the delays in this

1 case as well?

2 MR. SHAVER: I suppose that that's a -- that
3 was a possibility.

4 MR. PAUL: Would it be fair also to have
5 said that perhaps some fault might be attributed to the
6 Cornwall police for not taking more active steps to try to
7 interview the suspect in the case? Or do you not opt to
8 conclude that?

9 MR. SHAVER: No, they -- that's up to the
10 investigating officer. When she believed that she had
11 enough information and then she would go to interview the
12 suspect. That's -- that's purely a decision that she has
13 to make sir.

14 I wouldn't interfere with that. I don't
15 have a comment on it.

16 MR. PAUL: I just want to ask you a couple
17 of questions about one of the meetings with the Children's
18 Aid. And I'm thinking more about -- I think it's the first
19 one, I think, around the 1st of October, when you go alone
20 and see Mr. Abell?

21 MR. SHAVER: I went alone the first time,
22 yes sir.

23 MR. PAUL: And I believe it's Mr. Abell and
24 Mr. Townsdale?

25 MR. SHAVER: Mr. Townsdale.

1 **MR. PAUL:** Yes. Now, you're basically
2 insisting that you don't believe you would have made
3 comments suggesting that Heidi Sebalj was being disciplined
4 or Sergeant Brunet was not managing Ms. Sebalj in an
5 appropriate way? You don't think you made those comments?

6 **MR. SHAVER:** I don't believe so, sir. They
7 -- I don't believe so. I don't -- I don't have a -- I
8 don't believe so, no.

9 **MR. PAUL:** Now, you did go there by
10 yourself; correct?

11 **MR. SHAVER:** Yes.

12 **MR. PAUL:** The later meeting, you go with
13 Staff Sergeant Brunet; correct?

14 **MR. SHAVER:** Yes.

15 **MR. PAUL:** Would you have felt a bit more
16 comfortable speaking about subordinates at the first
17 meeting, given that they're not there to hear it?

18 **MR. SHAVER:** Well, sir, it would not be my
19 practice to speak about my subordinates to anyone outside
20 of the police agency.

21 **MR. PAUL:** Because you ---

22 **MR. SHAVER:** That would not be my practice.

23 **MR. PAUL:** Your approach would not be to
24 speak unfavourably about subordinates ---

25 **MR. SHAVER:** No, I would not ---

1 **MR. PAUL:** --- outside the police service?

2 **MR. SHAVER:** I would attempt not to do that.

3 **THE COMMISSIONER:** So do you have an
4 explanation why it shows up in his notes?

5 **MR. SHAVER:** Sir, the only thing I could --
6 an explanation, sir, is I thought about it again, and I
7 keep thinking about it, what it was.

8 I don't doubt that Mr. Abell had it. What I
9 remember from our conversation is that Mr. Abell was
10 defending Perry Dunlop considerably. And I'm not so -- I'm
11 not sure, sir, that he didn't have that information and
12 maybe said that. Or if -- the only other thing that could
13 happen, sir, is if I was prejudging them. And I can't -- I
14 would have been very careful because I do not like to do
15 that in front of anyone else outside the agency.

16 **THE COMMISSIONER:** No, I don't know about
17 prejudging. It's just around that -- that was in October,
18 beginning of October?

19 **MR. SHAVER:** That was October I think the
20 first, sir. Was it October 1st? Yeah, the October first
21 meeting.

22 **THE COMMISSIONER:** So that's just about when
23 you figured out that you'd given Lortie some instructions
24 to open a file a year ago in project.

25 **MR. SHAVER:** Right.

1 **THE COMMISSIONER:** It hasn't been done.

2 **MR. SHAVER:** I still -- I didn't know that
3 at that time though, sir.

4 **THE COMMISSIONER:** October 8th?

5 **MR. SHAVER:** October 1st. You're talking --
6 he's talking about the October 1st meeting; are you?

7 **THE COMMISSIONER:** Okay.

8 **MR. PAUL:** Yes.

9 **MR. SHAVER:** Yes. The first meeting I had
10 when I was by myself.

11 **THE COMMISSIONER:** Oh, you didn't know that?

12 **MR. SHAVER:** I didn't know. I only knew
13 that when I went back to the office, sir.

14 **THE COMMISSIONER:** Okay. Forget it then.

15 **MR. PAUL:** I want to ask him some questions
16 about one document. I believe it's Exhibit 1227.

17 **MR. SHAVER:** Twelve-twenty-seven (1227)?

18 **THE COMMISSIONER:** Twelve-twenty-seven
19 (1227) are newspaper clippings.

20 **MR. PAUL:** It's a particular clipping;
21 there's a portion just under the picture of you, a full
22 paragraph.

23 **MR. SHAVER:** Yeah.

24 **MR. PAUL:** There's a portion that says:

25 "It was going to be checked by one of

1 our staff sergeants. He said 'did the
2 system break down? If it did break
3 down in the middle parts of my
4 organization, that's something that
5 should be fixed. '"

6 Do you recall that being a comment that
7 would have been attributed to you in the newspapers?

8 **MR. SHAVER:** It certainly is there, yes.

9 **MR. PAUL:** I'm just wondering, if you would
10 -- I know, I realise he didn't make a reference to any
11 names, Staff Sergeant Brunet or anybody. But given it
12 seems to imply something in relation to the middle area,
13 which would fall under Staff Sergeant Brunet likely; does
14 that not make it seem to you that it would be likely the --
15 in the confidence, in a situation where there's more
16 confidentiality, meeting with Children's Aid workers, that
17 it you probably would say something relating to a breakdown
18 within the organization?

19 You'd say that publicly in the newspaper?

20 **MR. SHAVER:** I said that after, sir, when I
21 was no longer the Chief. I believe that's -- when was this
22 -- when did this come out, sir? You have to give me dates.

23 **THE COMMISSIONER:** The 3rd of February '94,
24 I'm told.

25 **MR. SHAVER:** Then I was no longer the Chief,

1 sir.

2 MR. PAUL: So you don't -- you still don't
3 agree that, given your pronouncement to the public, that
4 you very well could have made a comment along the lines of
5 what Mr. Abell suggested?

6 MR. SHAVER: I've already answered that
7 question, sir.

8 MR. PAUL: You would agree that I think
9 there was some information in relation to two individuals
10 by monikers, C-56 and C-3, who were other altar boys, and
11 there was some issue of not giving that information to the
12 Children's Aid?

13 MR. SHAVER: I don't know who C-3 is, sir,
14 I'm not ---

15 THE COMMISSIONER: Madam Clerk will give you
16 ---

17 MR. SHAVER: --- C56, I remember from
18 yesterday, but C-3.

19 THE COMMISSIONER: You will get that very
20 shortly.

21 (SHORT PAUSE/COURTE PAUSE)

22 MR. SHAVER: Yes. I've got the name.

23 MR. PAUL: If it was your position as Chief
24 of Police, you didn't want information in relation to those
25 individuals given to Children's Aid?

1 **MR. SHAVER:** It -- when it came to me, sir,
2 it was -- it came to me as that the constable that did the
3 investigation, Constable Sebalj, said that she had given
4 them her word that she didn't want that released.

5 **MR. PAUL:** Do you agree though that those
6 individuals didn't come forward and give their names in
7 confidence. Those individuals were found by Constable
8 Sebalj. Do you agree with that?

9 **MR. SHAVER:** They were found by Constable
10 Sebalj. Yes.

11 **MR. PAUL:** All right. So do you agree that
12 in terms of confidentiality, the confidentiality attached
13 more to their statements, as to what they said, but since
14 the Cornwall police actually found their names, found them,
15 that there wasn't really any confidentiality in just their
16 names?

17 **MR. SHAVER:** Sir, the confidentiality came
18 between an officer doing an investigation, sitting back
19 with the person, giving her -- giving that person her word.
20 And I wouldn't break -- I wasn't going to break her word at
21 stage of the game. I didn't think the Children's Aid
22 Society needed to get that information then; not at -- and
23 not break her word sir.

24 Otherwise, why would they talk to her again?

25 **MR. PAUL:** Would you agree that during the

1 meeting, the first meeting with the Children's Aid, with
2 Mr. Abell, that at some point you actually questioned the
3 jurisdiction of Children's Aid?

4 **MR. SHAVER:** No. I know that's how Mr.
5 Abell put it in his notes. My question to him was "What
6 can you do?" All right? "What is your -- what are you
7 allowed to do?"

8 And he told me and I said "Great!"

9 I was on the other side of that when he --
10 he said, "Hey, now that we have the information, I can go
11 back out and do this." I said, "Terrific!"

12 That's -- that was -- to me, it was good
13 news.

14 **MR. PAUL:** So there wasn't any attempt to
15 pressure them or intimidate them to back off?

16 **MR. SHAVER:** No, in fact, it was just the
17 reverse. I was saying to him, "If you find any
18 information, we are going to reopen this thing and the way
19 we go." You know, "If you could get any information, let's
20 do it."

21 I thought that our hands were tied; we could
22 not do anything.

23 **MR. PAUL:** You did express some concern
24 about Mr. Dunlop's action to Mr. Abell?

25 **MR. SHAVER:** Yes, I -- that was -- that was

1 my major concern, sir, that first part of the meeting
2 because that was shocking news to me at that moment.

3 MR. PAUL: And you discussed that for some
4 period of time?

5 MR. SHAVER: We discussed it throughout this
6 whole conversation.

7 MR. PAUL: Did you express anger during the
8 meeting?

9 MR. SHAVER: Anger?

10 MR. PAUL: Yes.

11 MR. SHAVER: I certainly would have
12 expressed that I was upset. I don't know about anger.

13 MR. PAUL: Did you slam a fist down on a
14 desk, or anything like that during the meeting, over anger
15 with Mr. ---

16 MR. SHAVER: No, I did not.

17 MR. PAUL: I'm just wondering, did you
18 actually go to Children's Aid the first time, the 1st of
19 October, only because you essentially knew that Children's
20 Aid was already aware of the events?

21 MR. SHAVER: No, I went there to make them
22 aware of the events, sir.

23 MR. PAUL: Did you go to Children's Aid
24 because Sergeant Lortie was raising this matter as an issue
25 at the morning meeting?

1 **MR. SHAVER:** That was the precipitating
2 factor that started the process in my head, yes.

3 **MR. PAUL:** Okay. At the morning meeting --
4 sir, I'm not sure if I'm clear -- at the morning meeting,
5 are you fully aware of the correspondence from Mr.
6 MacDonald? You've seen the correspondence where he
7 indicates that, "We don't proceed where complainants don't
8 want to proceed."

9 **MR. SHAVER:** Yes, I was aware of that prior
10 to the morning meeting, yes.

11 **MR. PAUL:** Okay. It would be fair to say
12 that that correspondence isn't discussed at the morning
13 meeting?

14 **MR. SHAVER:** No, that correspondence would
15 not be discussed at the morning meeting. That was not the
16 purpose of the morning meeting, sir.

17 **MR. PAUL:** Okay. But at the morning
18 meeting, Sergeant Lortie brings up as a topic the Silmsler
19 investigation; correct?

20 **MR. SHAVER:** Yes.

21 **MR. PAUL:** And I would presume that you and
22 Staff Sergeant Brunet both know at that point that the
23 Silmsler investigation is not expected to go anywhere. It's
24 expected to be closed; correct?

25 **MR. SHAVER:** It was expected that it was not

1 to go anywhere. It was that Mr. Silmser had given us
2 instructions and his lawyer had given us instructions that
3 we were not going to be able to proceed and the Crown had
4 given us an opinion on it.

5 **MR. PAUL:** All right.

6 But in terms of the morning meeting, I would
7 suggest there's little, if any, information given to Staff
8 Sergeant -- or Sergeant Lortie about the status of the
9 investigation. Would you agree with that?

10 **MR. SHAVER:** You would suggest that at the
11 morning meeting, Sergeant Lortie was not given any
12 information about this?

13 **MR. PAUL:** Yes.

14 **MR. SHAVER:** No, we didn't discuss these
15 things at the morning meeting. The morning meeting, sir,
16 was to discuss crime from the night before.

17 **THE COMMISSIONER:** No, but on the -- on late
18 September ---

19 **MR. SHAVER:** Yes.

20 **THE COMMISSIONER:** --- Lortie goes in to the
21 morning meeting and raises the issue.

22 **MR. SHAVER:** Yes, totally out of context of
23 our normal morning meetings, sir, yes.

24 **THE COMMISSIONER:** That's fine.

25 And I think what Mr. Paul wants to know is,

1 well, you didn't inform him of anything. You didn't give
2 him any information?

3 **MR. SHAVER:** No, no. Mr. Lortie obviously
4 had information and he had brought it up at the time.
5 Sergeant Lortie had information and brought it up at the
6 time, yes.

7 **MR. PAUL:** But he's asking what's happening
8 to the file or what's happening to the Silmser case, isn't
9 he?

10 **MR. SHAVER:** He may have been, sir. I can't
11 remember. He just blurted out something at the morning
12 meeting about the case being closed.

13 **MR. PAUL:** And nothing is said at that point
14 about any plan to go to the Children's Aid or to Murray
15 MacDonald; correct?

16 **MR. SHAVER:** Nothing, no.

17 **MR. PAUL:** Had you made a decision already
18 at that point, prior to the morning meeting, that you're
19 going to go and ---

20 **MR. SHAVER:** No, I had not, sir.

21 **MR. PAUL:** Okay.

22 **MR. SHAVER:** I had not.

23 **MR. PAUL:** Would you agree that Sergeant
24 Lortie would have left that meeting based on what was
25 discussed, probably with the impression that nobody knows

1 what's going on on the case?

2 **MR. SHAVER:** You'd have to ask Sergeant
3 Lortie that, sir. I don't know.

4 **MR. PAUL:** Well, did Staff Sergeant Brunet
5 say something to the effect, "I'll have to look into that"
6 or "I'll look into it"?

7 **MR. SHAVER:** Not that I ever remember, sir.

8 **MR. PAUL:** Did Staff Sergeant Brunet give
9 the impression or try to give the impression at the meeting
10 that he didn't know what was going on in the case?

11 **MR. SHAVER:** No, that was not the case.

12 **MR. PAUL:** He didn't give that impression in
13 your presence?

14 **MR. SHAVER:** Not to my knowledge.

15 **MR. PAUL:** But he certainly did not give the
16 information or details that he knew about, the settlement,
17 the correspondence from Murray MacDonald? He never brought
18 that up; correct?

19 **MR. SHAVER:** Sir, there was no conversation.
20 Sergeant Lortie brought this up, dropped it like a little
21 bomb in the middle of the meeting. The meeting finished.
22 I spoke with the Deputy. He had spoken with Staff Sergeant
23 Brunet. Staff Sergeant Brunet came into my office with the
24 Deputy.

25 **MR. PAUL:** I'm just wondering; did you not

1 trust your own staff sergeants and senior officers that you
2 would not tell them what was going on with files?

3 MR. SHAVER: No, that never was the case,
4 sir, ever.

5 MR. PAUL: Okay. Well, if you trusted these
6 individuals and these morning meetings were to inform other
7 senior officers of what was going on, I would suggest the
8 normal course would have been Sergeant Lortie should have
9 been advised of what was going on?

10 MR. SHAVER: Sir, the -- my impression of
11 what Sergeant Lortie said was to clearly embarrass Staff
12 Sergeant Brunet at the meeting, and it stopped right there.
13 It just stopped right there. I was not going to let that -
14 - not let that kind of thing take place.

15 So after he said what he said, we stopped
16 the meeting and that was it.

17 MR. PAUL: All right.

18 MR. SHAVER: That was my impression of what
19 I believe happened at that morning meeting.

20 MR. PAUL: All right.

21 Would not your impression also be that there
22 was a clear question asked by Mr. Lortie?

23 MR. SHAVER: A clear question? No.

24 MR. PAUL: A question of what was going on
25 with the file?

1 **MR. SHAVER:** No. Lortie didn't put it in
2 the form of a question, sir. He just dropped it that this
3 thing is over; it's done; there's a settlement -- a cash
4 settlement.

5 **THE COMMISSIONER:** And did he say any --
6 give any -- comment on it? Was he happy with it, not
7 happy?

8 **MR. SHAVER:** Well, he was upset, sir. I
9 mean, he appeared upset, you know, and he just sort of
10 dropped it like a bomb and just -- and that was it, but
11 that was the end of the -- that was the end of that meeting
12 as I remembered it, and then after that, then we started to
13 deal with the other issues.

14 **MR. PAUL:** Did he say it was a shame or that
15 he was upset, something to that effect?

16 **MR. SHAVER:** He may have said that. He may
17 have said it was a shame. I never -- I do not remember
18 Sergeant Lortie ever saying it was a cover-up. I know it's
19 been said before here. I don't remember that as being
20 something that was said.

21 **MR. PAUL:** And whatever he did say, you
22 didn't reply back to him?

23 **MR. SHAVER:** I did not. Stopped the
24 meeting.

25 **MR. PAUL:** You didn't say at that point, "I

1 agree with you"?

2 MR. SHAVER: No.

3 MR. PAUL: You didn't say, "We're looking
4 into that issue"?

5 MR. SHAVER: No.

6 THE COMMISSIONER: So how would it embarrass
7 Sergeant Brunet?

8 MR. SHAVER: Because Staff Sergeant Brunet
9 was the person responsible, the senior person responsible
10 for the case.

11 THE COMMISSIONER: Right.

12 MR. SHAVER: And the way -- sir, that was
13 only my personal impression. The way it was said was meant
14 clearly, in my mind, to embarrass Staff Sergeant Brunet.

15 MR. PAUL: All right.

16 And then when this what you call
17 embarrassment occurred, you didn't step in immediately to
18 the defence of Staff Sergeant Brunet ---

19 MR. SHAVER: No.

20 MR. PAUL: ---- and give an explanation?

21 MR. SHAVER: No. It's just that was it.
22 The meeting, as far as I was concerned, was done. It was
23 at the end of the morning meeting. This was at the very,
24 very end of the morning meeting and just sort of got -- you
25 know, "Anybody else have anything else to say?" Boom!

1 That's what was said.

2 **THE COMMISSIONER:** And you say it was a
3 bomb. It wasn't a bomb because you guys knew all about it,
4 right?

5 **MR. SHAVER:** Yeah, but, sir, that's the way
6 -- that's the impression that I had on how it was said.
7 And maybe Sergeant Lortie did not mean it in that way. I
8 know at the time when I heard it, that's what I felt.

9 **THE COMMISSIONER:** Yeah.

10 **MR. SHAVER:** That's what I felt, and I think
11 some other people that were at that meeting felt the same
12 way, but you'd have to ask them.

13 **MR. PAUL:** Mr. Commissioner, I was about to
14 go into, I think, a final area that might be 20 minutes or
15 so.

16 **THE COMMISSIONER:** Well, then we'll take the
17 lunch break.

18 Thank you. Come back at 2:00.

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

21 This hearing will resume at 2:00 p.m.

22 --- Upon recessing at 12:28 p.m./

23 L'audience est suspendue à 12h28

24 --- Upon resuming at 2:05 p.m./

25 L'audience est reprise à 14h05

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

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

5 **THE COMMISSIONER:** Mr. Paul.

6 Good lunch, sir?

7 **MR. SHAVER:** Yes, I did. Thank you, sir.

8 **MR. PAUL:** Mr. Commissioner, the next
9 question that I was on, the statement of Mr. Shaver,
10 Exhibit 1238.

11 **THE COMMISSIONER:** Twelve-thirty-eight
12 (1238).

13 **MR. PAUL:** The Bates page ending 722.

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

15 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. PAUL**
16 **(cont'd/suite):**

17 **MR. SHAVER:** Seven-two-two (722), sir?

18 **MR. PAUL:** Yes.

19 Now, towards the middle there's a sentence
20 that starts:

21 "I told him that I believed the Church
22 was interfering in a police
23 investigation."

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

25 **MR. PAUL:** Then it goes on:

1 "They had actually tied our hands on
2 this particular investigation."

3 I want to ask you some questions about --
4 this is -- what you said to the Ontario Provincial Police
5 would be in 1999?

6 **MR. SHAVER:** Yes.

7 **MR. PAUL:** That would be -- the idea of your
8 hands being tied, that would be consistent with your
9 evidence here at the Inquiry?

10 **MR. SHAVER:** I would think so, yes.

11 **MR. PAUL:** And I think I've shown you, but
12 you recall making some pronouncements in the media where
13 you talk of being upset with the church and them tying your
14 hands?

15 **MR. SHAVER:** Yes.

16 **MR. PAUL:** So on that issue, I just want to
17 ask you, since you are saying -- that in your view the
18 Catholic Church should bear some responsibility in the
19 outcome of the Silmsler investigation? By "tying our
20 hands", you're saying that they have some responsibility
21 for the outcome?

22 **MR. SHAVER:** The financial settlement, sir,
23 if you are referring to that, yes.

24 **MR. PAUL:** Well, what I'm saying now -- just
25 to make sure I understand your answer clearly, "tying our

1 hands", you're saying by that that the Catholic Church
2 interfered, you actually used the word "interfere", with
3 the Ontario Provincial Police; correct?

4 **MR. SHAVER:** Yes.

5 **MR. PAUL:** So you're saying that the
6 Catholic Church made the investigation more difficult?

7 **MR. SHAVER:** Yes.

8 **MR. PAUL:** And the words "tying our hands",
9 you'll agree seem to go a bit farther than the idea of
10 causing difficulty. Tying hands almost seems to suggest
11 the Catholic Church put an end to this investigation; it's
12 their fault. Is that what you were trying to say?

13 **MR. SHAVER:** I think that the settlement and
14 the -- yes.

15 **MR. PAUL:** So in your view, it was more the
16 fault of the Catholic Church than any negligence or
17 anything done wrong by the Cornwall Police?

18 **MR. SHAVER:** No, I'm not going to say that,
19 sir.

20 **MR. PAUL:** Okay. In terms of tying the
21 hands of the Cornwall Police where you're basically saying
22 that this was a case -- the Silmsler case was very close to
23 a situation where charges could be laid, it was close to
24 reasonable, probable grounds and it was stopped by the
25 actions of the church. I just want to understand, is that

1 what you're saying?

2 **MR. SHAVER:** We never -- the officer that
3 was in charge of the case never got to reasonable and
4 probable grounds, sir, and -- but was continuing in that
5 direction.

6 **MR. PAUL:** All right.
7 Did you hear any of the evidence of Sergeant
8 Lortie?

9 **MR. SHAVER:** I heard some of the evidence of
10 Lortie -- yes.

11 **MR. PAUL:** Did you hear his evidence where
12 he seemed to suggest at least in the spring, at some point
13 in the spring of 1993, he looked at the file. He was under
14 the impression it may have been fairly close to reasonable,
15 probable grounds at some point in the investigation. Can
16 you ---

17 **MR. SHAVER:** I never heard that.

18 **MR. PAUL:** Okay.

19 And I'm just wondering, when you say "tie
20 our hands", were you saying tying hands in the sense of a
21 case that was very close to the point where charges could
22 be laid but it was interfered with?

23 **MR. SHAVER:** No, I'm saying that the
24 constable never got to that point.

25 **MR. PAUL:** Okay, the reason I say that, is

1 that I would suggest that if it was a case that, from the
2 perspective of the Cornwall Police, wasn't going anywhere
3 or there weren't going to be any charges, then whether
4 there was a settlement or not would be irrelevant. Would
5 you agree with that?

6 **MR. SHAVER:** If we got to the point where
7 there were no charges, where -- or the officer came back
8 and said I don't have reasonable, probable grounds, we
9 wouldn't lay charges, no. Whether the Church had done
10 anything or not, yes.

11 **MR. PAUL:** And you don't have any -- do you
12 have any understanding of why Mr. Silmsler might say he was
13 being told that the case wasn't going to proceed prior to
14 his settlement?

15 **MR. SHAVER:** Do I have any sense of it, sir?

16 **MR. PAUL:** Are you aware that he ---

17 **MR. SHAVER:** No.

18 **MR. PAUL:** --- indicated in his evidence
19 that he was under the belief from dealing with the Cornwall
20 Police that the case wasn't going anywhere?

21 **MR. SHAVER:** I never -- I never read -- or
22 read his evidence or watch him, sir. I don't know what he
23 said.

24 **MR. PAUL:** But you would agree that from the
25 point of view of the Cornwall Police, that the case was not

1 going anywhere, then you wouldn't be saying, "Our hands are
2 tied by the church"?

3 **MR. SHAVER:** I'm saying that we didn't have
4 reasonable, probable grounds, sir, yes. The officer never
5 got to that point.

6 **MR. PAUL:** It's just that perhaps given
7 that, for example, Charles MacDonald was never interviewed,
8 I would suggest that perhaps you shouldn't have been saying
9 the case -- your hands were tied by the actions of the
10 church.

11 Would it not be fair to say that the actions
12 of the Cornwall Police officers themselves, to some extent,
13 tied their own hands by the way they handled the case?

14 **MR. SHAVER:** Perhaps you would say that,
15 sir. I would not agree with that statement.

16 **MR. PAUL:** Okay.

17 So you wouldn't agree that the failure, for
18 example, to either interview or at least attempt to
19 interview the suspect or attempt to follow through on a
20 suggestion of a polygraph was, in essence, tying your own
21 hands?

22 **MR. SHAVER:** No. That's up to the -- that's
23 up to the individual officer to decide. The polygraph was
24 there. If she and Staff Sergeant Brunet decided that they
25 wanted to do it at that time, they would have done it.

1 They wanted to wait to gather more evidence, which is I
2 think could be standard procedure, it would have waited,
3 could have waited.

4 **MR. PAUL:** In terms of the state of the
5 investigation, a situation where it's not obvious that
6 there's any work being done since some point maybe in
7 April, in the spring, in terms of the idea in that
8 situation of hands being tied, you can't really point to
9 any future work that the Cornwall Police were going to do
10 after the settlement can you?

11 **MR. SHAVER:** Do after the settlement?

12 **MR. PAUL:** If the settlement hadn't
13 occurred, was there any particular plan in place of what
14 was going to be done that was tied up or stopped?

15 **MR. SHAVER:** No, my understanding was that
16 we -- they were going to talk to an outside Crown. They
17 were going to see what was going on there, and they would
18 have probably -- the case would have continued until the
19 officer came back and said, "I don't have reasonable and
20 probable".

21 **MR. PAUL:** But in terms of steps of
22 obtaining some other evidence, I mean whether there is a
23 settlement or not didn't stop a contact with the Crown;
24 correct?

25 **MR. SHAVER:** Didn't stop the contact with

1 the Crown?

2 MR. PAUL: The Crown Attorney; right?

3 MR. SHAVER: With which one?

4 MR. PAUL: Any Crown Attorney?

5 MR. SHAVER: No, it would not have stopped
6 it.

7 MR. PAUL: In terms of hands being tied and
8 some specific investigative steps stopped, you can't point
9 to any particular action that was about to be taken?

10 MR. SHAVER: No, the hands tied was right
11 through the settlement, sir. That's -- that comment was
12 made about the settlement.

13 MR. PAUL: That would suggest that there
14 wasn't any plan or any intention to take any particular
15 step in the fall or thereafter?

16 MR. SHAVER: I would disagree with that.

17 MR. PAUL: But you can't point to any
18 specific step other than an outside Crown?

19 MR. SHAVER: No, I can't.

20 MR. PAUL: Do you agree with the idea of
21 going to an outside Crown or any Crown prior to taking the
22 step of at least making an effort to interview the suspect?

23 MR. SHAVER: Yes. Yes, that's what the
24 officers decided to do, sir. I agree with what they did.

25 MR. PAUL: You don't think it was premature

1 to do it at that point without the final step of seeing if
2 the suspect would give a statement?

3 **MR. SHAVER:** No. No, I don't think it's
4 premature at all, sir.

5 **MR. PAUL:** You do agree that the interview
6 of a suspect certainly has a potential to completely change
7 the idea of whether there is reasonable probable grounds?

8 **MR. SHAVER:** Yes, it does.

9 **MR. PAUL:** I want to ask you a couple of
10 questions about your contact with the bishop and the Papal
11 Nuncio.

12 You did indicate -- I'm going to make
13 reference to a newspaper article. It's Number 728417.

14 **THE COMMISSIONER:** This is a new one.

15 (SHORT PAUSE/COURTE PAUSE)

16 Thank you.

17 Exhibit Number 1800 is an article of the
18 Standard Freeholder dated Friday, January 14th, 1994; 1-8-0-
19 0.

20 --- **EXHIBIT NO./PIÈCE NO. P-1800:**

21 (728417) Standard Freeholder media clipping
22 "Shaver says Settlement Made Him Furious"
23 dated January 14, 1994

24 **MR. PAUL:** I believe in the first column,
25 third paragraph, you indicate -- it's also in the title to

1 the article:

2 "I was extremely upset as a police
3 officer..."

4 Extremely upset -- you're essentially trying
5 to get across the point that you're very angry at the
6 Catholic Church over the settlement?

7 **MR. SHAVER:** Yeah, at the settlement, yes.

8 **MR. PAUL:** Now, the correspondence and
9 letters that we saw that went to the Papal Nuncio and the
10 bishop, am I to understand that from your perspective those
11 are more for public relations? One or both of them may be
12 for public relations?

13 **MR. SHAVER:** No, they were basically to say
14 thank you for cooperating.

15 **MR. PAUL:** And the level of cooperation is
16 basically that they are going to look at the issues
17 surrounding Father Charles MacDonald and take action if
18 appropriate?

19 **MR. SHAVER:** That was part of it, yes.

20 **MR. PAUL:** But from your evidence, whatever
21 action they took had nothing to do with any criminal act.
22 That's your evidence today; right?

23 **MR. SHAVER:** If they would have -- if the
24 bishop would have come back and told me that Father Charles
25 had committed a criminal act, we would have continued right

1 there.

2 **MR. PAUL:** Okay, but you're telling the
3 Commission that you didn't get any admission of a criminal
4 act because the word "assault" was a mistake or was not --
5 was not ---

6 **MR. SHAVER:** We had no admission or I had no
7 admission for the bishop of a criminal act.

8 **MR. PAUL:** So you're saying that whatever
9 action the bishop took was not in relation to any criminal
10 acts so it wasn't related to criminal activity; correct?

11 **MR. SHAVER:** Repeat the question, please?

12 **MR. PAUL:** It's your evidence -- you're
13 suggesting that whatever the bishop did, he was doing on
14 the basis of homosexual activity but nothing to do with a
15 crime; correct?

16 **MR. SHAVER:** Yes.

17 **MR. PAUL:** So in terms of what cooperation
18 you're talking about, you're not talking about cooperation
19 in relation to criminal activity?

20 **MR. SHAVER:** No, the cooperation was later
21 on with the bishop when he agreed that we would establish a
22 mutual protocol. Yes, that's what I was talking about.

23 **MR. PAUL:** But it's got nothing to do with
24 someone who perhaps -- there might be suspicion of a
25 criminal activity and they admit to -- agree to take

1 counselling because you don't even have an admission of a
2 crime. You have an admission to something that's legal,
3 that's what you're saying?

4 **THE COMMISSIONER:** Yes, something that's
5 legal?

6 **MR. PAUL:** Yes.

7 **THE COMMISSIONER:** I just want to make
8 certain of that.

9 **MR. SHAVER:** Legal, yes.

10 **MR. PAUL:** So the cooperation you're talking
11 about is an agreement to enter into a protocol or a
12 discussion later?

13 **MR. SHAVER:** In future, yes.

14 **MR. PAUL:** Okay.

15 And that will be with some other chief of
16 police, it won't be with you; correct?

17 **MR. SHAVER:** Yes.

18 **MR. PAUL:** And you make it clear in your
19 letters that you're retiring, correct -- retiring?

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

21 **MR. PAUL:** And so they won't have to deal
22 with you in terms of a protocol, they'll have to deal with
23 someone else?

24 **MR. SHAVER:** Deal with the new chief, yes.

25 **MR. PAUL:** Okay. And are you warning them -

1 - simply warning them that they'd have to deal with someone
2 else or are you giving an implied message that it might not
3 be necessary to even worry about the protocol because
4 you'll be retiring?

5 MR. SHAVER: No, no, no. Absolutely not.

6 MR. PAUL: Now, in terms of the cooperation,
7 there was no cooperation in relation to reopening an
8 investigation; correct?

9 MR. SHAVER: Not from the church at that
10 time, no.

11 MR. PAUL: Right, and you don't know if they
12 would have cooperated because you didn't ask that?

13 MR. SHAVER: I thought the bishop at that
14 point, after the second phone call or the first phone call
15 they made to me that evening, I thought the bishop would
16 have cooperated on anything we wanted. That was my
17 impression.

18 MR. PAUL: But you didn't seek his
19 cooperation to reopen it; correct?

20 MR. SHAVER: I didn't seek his cooperation
21 for what?

22 MR. PAUL: To reopen the file?

23 MR. SHAVER: No.

24 MR. PAUL: And you didn't seek his
25 cooperation to investigate whether there was an obstruction

1 of justice in relation ---

2 MR. SHAVER: No, I did not.

3 MR. PAUL: Now, so in terms of the other
4 case back in the '80s that you were involved in was the
5 Deslauriers case; correct?

6 MR. SHAVER: Yes.

7 MR. PAUL: And the lack of cooperation in
8 that case was all in the context of an ongoing criminal
9 investigation; correct?

10 MR. SHAVER: It was.

11 MR. PAUL: A case that was not closed or
12 they were not cooperating; correct?

13 MR. SHAVER: A case that was not closed?

14 MR. PAUL: Was not closed. It was an open
15 case; correct?

16 MR. SHAVER: It was an open case. We were
17 investigating Father Deslauriers, yes.

18 MR. PAUL: All right. In this case, the
19 cooperation that you're getting from the bishop, is it fair
20 to say the cooperation really is coming after the case is
21 closed and there isn't an ongoing investigation?

22 MR. SHAVER: Well, the case wasn't closed.
23 Well, the case -- yes, was the case closed then when I saw
24 the bishop? Yes, the case was closed then, yes.

25 MR. PAUL: Did you get a sense that the

1 cooperation was really only coming because they're really -
2 --

3 **THE COMMISSIONER:** Yes?

4 **MR. SHERRIFF-SCOTT:** There is no foundation
5 laid for this line of questioning.

6 For example, the witness hasn't been asked
7 whether there were any contacts with the church at any time
8 prior to this in connection with this matter. Thus, the -
9 --

10 **THE COMMISSIONER:** The Deslauriers matter,
11 you mean?

12 **MR. SHERRIFF-SCOTT:** No, no, the Silmser
13 matter.

14 **THE COMMISSIONER:** Right, okay.

15 **MR. SHERRIFF-SCOTT:** By the Cornwall Police
16 Service.

17 Thus, the inference is being attempted to be
18 made or drawn from the witness's testimony that there was
19 no cooperation prior to the closure of the file, when there
20 isn't even a foundation which establishes that there was
21 any contact by this Police Service with my client. I don't
22 think that's fair or appropriate. He should lay a
23 foundation to see whether the question was even available
24 to him.

25 **THE COMMISSIONER:** Mr. Paul?

1 **MR. PAUL:** The question is designed to look
2 at whether the approach of the Chief in terms of being
3 pleased or happy publicly indicating he's furious and
4 privately indicating that he's -- not indicating that he's
5 furious, presumably because of the level of cooperation,
6 and I'm suggesting that -- going to be suggesting that
7 there wasn't enough level of cooperation to justify the way
8 he behaved with the bishop and Papal Nuncio in the
9 correspondence. That's the purpose.

10 **THE COMMISSIONER:** Okay, but you still have
11 to -- I believe if you ask the Chief was there any -- do
12 you know of any communications with the diocese from the
13 time the Silmsler complaint comes in to the time late
14 October -- late September of 1993?

15 **MR. SHAVER:** I personally don't know of any
16 communications, sir.

17 **THE COMMISSIONER:** I haven't heard of any.
18 So are you happy -- are you content to leave
19 it that there wasn't -- as far as this witness is concerned
20 there was no communication one way or the other until the
21 7th?

22 **MR. PAUL:** Yes.

23 **THE COMMISSIONER:** Okay.

24 **MR. PAUL:** Now, in terms of the
25 correspondence that you followed up with the Papal Nuncio

1 and the bishop, you didn't express things in the way of
2 furor or being angry, did you?

3 MR. SHAVER: No.

4 MR. PAUL: Do you think in the circumstances
5 that you should have been somewhat firmer in the approach?

6 MR. SHAVER: No.

7 MR. PAUL: In the previous case, in the
8 Deslauriers case, in that case do you recall whether the
9 Deslauriers case, whether that was also in a project file?

10 MR. SHAVER: No, it was not.

11 MR. PAUL: It was not.

12 And I'm just wondering, given the present
13 case, the Silmsler case is in a project file, I believe
14 you're saying in part because of a priest involved;
15 correct?

16 MR. SHAVER: No.

17 MR. PAUL: That's not the reason it was in a
18 project file?

19 MR. SHAVER: Not -- not totally, no.

20 MR. PAUL: Did you not -- am I mistaken, did
21 you not indicate in part your evidence with Mr. Engelmann
22 was that the status of the priest and it could get out in
23 the public was part of the reason it was a project?

24 MR. SHAVER: That was part of the reason,
25 sir, but it was not the reason.

1 **MR. PAUL:** All right.

2 **THE COMMISSIONER:** What was the reasoning?

3 **MR. SHAVER:** Well, sir, it was because I had
4 that previous information, sir, that I was looking at from
5 a down-the-road perspective. That's what I was thinking,
6 sir. It wasn't because it was Father Charlie. I mean,
7 that's -- so I was thinking that ---

8 **THE COMMISSIONER:** No, but was it because it
9 was a priest?

10 **MR. SHAVER:** It was partially because of
11 that, sir, and partially because looking down the road I
12 thought, you know, that this could have large ramifications
13 for us if we started to get, you know, a tremendous amount
14 of victims coming in, that type of thing.

15 **THE COMMISSIONER:** Well, wouldn't that be a
16 good thing?

17 **MR. SHAVER:** Oh, yeah, it would be a great
18 thing; absolutely.

19 **THE COMMISSIONER:** Well ---

20 **MR. SHAVER:** From a police perspective, sir.

21 **THE COMMISSIONER:** Right, right. Would you
22 be holding the view that if you let the word out, maybe
23 false claims will be coming in or people claiming for
24 money, that they ---

25 **MR. SHAVER:** That was in my thinking, sir.

1 That was in my thinking. Not totally, but it was there,
2 certainly there.

3 **THE COMMISSIONER:** Well, then what relevance
4 can that have to you in the police investigation?

5 **MR. SHAVER:** What relevance, sir?

6 **THE COMMISSIONER:** Well, yeah, how could you
7 use that as a reason to put it in the project file? I
8 mean, one of the reasons that you don't put it in the
9 project file is because you want people to come forward and
10 either say, "No, I wasn't touched" or "I was", and so
11 that's a value judgment on your part, isn't it?

12 **MR. SHAVER:** Yes, it is, sir.

13 **THE COMMISSIONER:** And you know the unbiased
14 and analytical way of a police officer thinking with his
15 head as opposed to his heart, like where does that come in?

16 **MR. SHAVER:** Well, I thought -- I thought I
17 was thinking with my head, sir. I was thinking of it from
18 a future perspective in the Department, where we were at.

19 I looked at it, sir, that -- I mean, if you
20 go back to the beginning of this file, if we would have had
21 the manpower, sir, and it would have been assigned to us as
22 normal process it would have been assigned to, say, it
23 would have gone all the way down to Heidi Sebalj through
24 the normal process. Then I would have had to look at it
25 and say, "Well, wait a minute. We've got to keep these

1 things quiet if we can, you know."

2 But it got into my office and it sort of got
3 into where my thinking was of looking down the road, sir.
4 I thought I was doing the right thing at the time, sir.

5 **MR. PAUL:** I was just told that perhaps
6 OMPPAC didn't exist in '85. Is that correct?

7 **THE COMMISSIONER:** Oh, that's true.

8 **MR. SHAVER:** OMPPAC wasn't there in '85, no.

9 **MR. PAUL:** All right.

10 So in '85, is there any system of
11 prioritizing files for confidentiality?

12 **MR. SHAVER:** Only within the Department,
13 sir, yes.

14 **MR. PAUL:** And would some files be
15 classified confidential or secret?

16 **THE COMMISSIONER:** In other words, did you
17 have the equivalent of a project file pre-OMPPAC?

18 **MR. SHAVER:** Did we have that -- no, sir, I
19 don't believe we did.

20 **THE COMMISSIONER:** So how did Intelligence,
21 for example, keep things under cover up?

22 **MR. SHAVER:** Well, Intelligence would always
23 deal directly with the Chief, sir. That correspondence
24 only comes to the Chief.

25 **THE COMMISSIONER:** Right.

1 **MR. SHAVER:** Yes, that's the only way that
2 would -- always with the exception of Intelligence, sir,
3 the Intelligence Unit.

4 **MR. PAUL:** Just a question about Deputy
5 Chief St. Denis.

6 We heard that initially, I think, he made
7 reference to this as a potential Alfred situation?

8 **MR. SHAVER:** Yes.

9 **MR. PAUL:** There was some issue of a concern
10 he raised at some point in the file, thinking he was cut
11 out of the chain of command?

12 **MR. SHAVER:** In that one piece of
13 correspondence, yes.

14 **MR. PAUL:** Did you have any intention to
15 keep him out of the affair?

16 **MR. SHAVER:** Absolutely not.

17 **MR. PAUL:** In terms of Sergeant Lortie, you
18 indicated the meeting -- the morning meeting was closing as
19 he made his comments.

20 Did you close the meeting because he was
21 making those comments?

22 **MR. SHAVER:** No, sir. As I remember it, the
23 meeting was -- the meeting, for all intents and purposes,
24 was over and people were just sort of commenting around the
25 table, "Anything else? Anything else you want to talk

1 about?" You know, that kind of thing.

2 MR. PAUL: All right.

3 Is that a topic that you ended the meeting
4 perhaps because you did not want to talk about that topic?

5 MR. SHAVER: No, no.

6 MR. PAUL: Those are my questions, Mr.
7 Commissioner.

8 THE COMMISSIONER: Thank you.

9 Mr. Lee. Welcome back, Mr. Lee.

10 MR. LEE: Thank you, sir.

11 THE COMMISSIONER: I have to tell you, and I
12 don't want to be telling tales out of class, but your claim
13 to flamboyant neckties has been challenged by many,
14 including Mr. Kozloff.

15 MR. LEE: Mr. Horn is not doing too bad
16 today either, sir.

17 THE COMMISSIONER: I know. I saw that. I
18 saw that. So it's up to you to reclaim your status now.

19 MR. LEE: I'll see what I can do tomorrow,
20 sir.

21 THE COMMISSIONER: All right.

22 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

23 MR. LEE: Mr. Shaver, my name is Dallas Lee.
24 I'm on for the Victims Group.

25 MR. SHAVER: Yes, sir.

1 **MR. LEE:** If you can just give me one moment
2 to organize myself here?

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

4 **MR. LEE:** Okay. I'd like to -- I have a
5 number of areas that I want to cover with you, and I want
6 to deal with some preliminary matters first, and then we'll
7 get into the heart of things a little bit.

8 Can you tell me when you first learned that
9 an Inquiry had been called?

10 **MR. SHAVER:** No, sir, I can't remember.

11 **MR. LEE:** The Order in Council was April of
12 2005. Would you have learned right around the time that
13 happened?

14 **MR. SHAVER:** I'm not sure, sir. I don't
15 know.

16 **MR. LEE:** Had you heard that an Inquiry may
17 happen before it was called?

18 **MR. SHAVER:** Oh yes, there was all sorts of
19 media coverage about it. When I would -- I'd been living -
20 - at that stage of the game, I'd been living in Clearwater,
21 Florida since 1999. So the only time I would hear about
22 those kinds of things, if I came back or I talked to my
23 buddy or whatever.

24 **MR. LEE:** You have family in Cornwall still?

25 **MR. SHAVER:** I still have aunts, yes. I

1 just lost one two weeks ago at 103 years old.

2 MR. LEE: And you have some friends in
3 Cornwall still?

4 MR. SHAVER: I still do, yes.

5 MR. LEE: Your best friend, I think you told
6 us?

7 MR. SHAVER: Yes, my buddy's still here.

8 MR. LEE: And you remain in contact with
9 those people?

10 MR. SHAVER: I do.

11 MR. LEE: Do you have internet access in
12 Florida, sir?

13 MR. SHAVER: Yes, of course.

14 MR. LEE: Home -- at home?

15 MR. SHAVER: At home, of course, yes.

16 MR. LEE: And at work?

17 MR. SHAVER: Yes.

18 MR. LEE: And you realize that the Inquiry
19 coverage has been posted online by a few of the media
20 outlets here in Cornwall, the newspaper, the local radio
21 station?

22 MR. SHAVER: Yes.

23 MR. LEE: Have you followed that throughout
24 the course of the Inquiry?

25 MR. SHAVER: Off and on, sir.

1 **MR. LEE:** And you obviously know now that
2 there's an Inquiry website set up by this Commission that
3 posts transcripts, things like that?

4 **MR. SHAVER:** Yes. Oh yes.

5 **MR. LEE:** And have you accessed that in
6 Florida at all?

7 **MR. SHAVER:** I have.

8 **MR. LEE:** You've read some of the
9 transcripts?

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

11 **MR. LEE:** And you're aware that there's a
12 webcast?

13 **MR. SHAVER:** Yes.

14 **MR. LEE:** And you've viewed that at times?

15 **MR. SHAVER:** I did.

16 **MR. LEE:** Does that go back to near the
17 beginning of the Inquiry or is that a more recent thing for
18 you?

19 **MR. SHAVER:** No, no, it was -- I didn't
20 watch any of the beginning of the Inquiry at all. I was
21 more concerned when police officers were going to be here.
22 I watched a couple of the people that said that I was at
23 various places. I didn't see them all, but I watched a few
24 of them. I mean, I have a full-time job and I do a lot of
25 traveling, in and out of the country.

1 **MR. LEE:** We started off early on at the
2 Inquiry with some contextual evidence where we heard from
3 experts in various disciplines.

4 **MR. SHAVER:** I never saw any of that.

5 **MR. LEE:** Didn't watch any of that?

6 **MR. SHAVER:** No.

7 **MR. LEE:** So you mentioned that you did
8 watch some of the victim evidence and people saying they
9 saw you in certain places.

10 **MR. SHAVER:** Yes.

11 **MR. LEE:** Gerry Renshaw was somebody who
12 said he saw you in certain places. Did you watch his
13 evidence?

14 **MR. SHAVER:** I don't remember Gerry's -- I
15 saw Bob Renshaw. I saw parts of Bob Renshaw and I saw Bob
16 Renshaw's wife.

17 **MR. LEE:** So you saw some of it around that
18 period?

19 **MR. SHAVER:** Yeah, some of it, sir, back and
20 forth, yes.

21 **MR. LEE:** And I take it since the Cornwall
22 Police institutional response evidence has begun, you've
23 been watching that fairly regularly?

24 **MR. SHAVER:** Some of it, sir. It's more --
25 it was more sporadic.

1 **MR. LEE:** Have you been following the media
2 coverage since the institutional response started?

3 **MR. SHAVER:** Sometimes, sir, I would click
4 on the Freeholder to see what was there.

5 **MR. LEE:** Who have you discussed the Inquiry
6 with and the matters that we're dealing with here since
7 April of 2005?

8 **MR. SHAVER:** Always with Mr. Callaghan.
9 Let's see; I spoke to Staff Sergeant Derochie.

10 **MR. LEE:** When was that, sir?

11 **MR. SHAVER:** It would have been a year ago
12 or so. You know, I still see Staff Sergeant -- Staff
13 Sergeant Derochie is here today.

14 **MR. LEE:** Yes.

15 **MR. SHAVER:** I didn't speak to -- I haven't
16 spoken to any of my officers that were -- that testified
17 here.

18 **MR. LEE:** You have or have not?

19 **MR. SHAVER:** Have not.

20 **MR. LEE:** At any point?

21 **MR. SHAVER:** Not since ---

22 **MR. LEE:** Since April of 2005?

23 **MR. SHAVER:** Since April 2005, no.

24 **MR. LEE:** Since any of them have testified
25 here, have you spoken with them?

1 **MR. SHAVER:** Sorry? Since they testified?

2 **MR. LEE:** Since any of your former officers
3 have testified here?

4 **MR. SHAVER:** Yes, I've spoken -- I talked to
5 Staff Sergeant Derochie, "Hello" and tease him about his
6 tie, that kind of thing.

7 **MR. LEE:** Other than Staff Sergeant
8 Derochie, have you spoken with anybody?

9 **MR. SHAVER:** I spoke to -- I'm trying to
10 think. I'm trying to think who I met. No.

11 **MR. LEE:** What about former members of the -
12 - retired members or former members of the Cornwall Police
13 Service.

14 **MR. SHAVER:** Retired members? I haven't --
15 I spoke to Staff Sergeant Wells a couple of years ago when
16 I was in town. I happened to be driving down the street
17 and I saw him and I stopped and I talked to him.

18 **MR. LEE:** About Inquiry matters, sir?

19 **MR. SHAVER:** Oh God, no, no. We never
20 discussed the Inquiry.

21 **MR. LEE:** I'm not particularly interested in
22 somebody you discussed the weather with, a game of golf or
23 anything like that.

24 **MR. SHAVER:** Oh, no, no.

25 **MR. LEE:** Inquiry matters, past

1 investigations, your reign as Chief, things that happened
2 after you left as Chief that touch on this Inquiry?

3 MR. SHAVER: No, sir, none that I can think
4 of offhand, sir, no.

5 MR. LEE: What about anybody within the
6 Crown's office, past or present?

7 MR. SHAVER: I have not spoken to the Crown
8 since that one meeting that I had back in -- as my
9 recollection, since -- unless the Crown was at my
10 retirement roast, and I don't know if he was, sir, I can't
11 remember.

12 MR. LEE: Again, just -- I'm interested in
13 Inquiry matters.

14 MR. SHAVER: No, no, not about the Inquiry,
15 sir, not at all.

16 MR. LEE: Anybody from the OPP?

17 MR. SHAVER: No.

18 MR. LEE: Diocese?

19 MR. SHAVER: No.

20 MR. LEE: The -- what I call the Ministry of
21 Corrections? It's had several names over the years, but --
22 -

23 MR. SHAVER: No, sir.

24 MR. LEE: --- the persons responsible for
25 Probation and Parole. Nobody?

1 **MR. SHAVER:** Nobody.

2 **MR. LEE:** Children's Aid?

3 **MR. SHAVER:** No -- I met Richard Abell. I
4 guess that may have been the same time I was in town and I
5 saw Brendon Wells. I actually met him -- he was going in
6 the -- I was going in the store; he was coming out. We
7 said "Hello." And that was it.

8 **MR. LEE:** What about during the past couple
9 of months, let's say, in preparation for your attendance
10 here, have you spoken with any of your former officers?

11 **MR. SHAVER:** The only one I may have spoken
12 to would be Staff Sergeant Derochie because he was the
13 liaison at the time, coming back through to talk to John.

14 **MR. LEE:** Callaghan?

15 **MR. SHAVER:** Yes.

16 **MR. LEE:** So you haven't at any point picked
17 up the phone in Florida and called somebody to ask a few
18 questions or to discuss a document or discuss an
19 investigation?

20 **MR. SHAVER:** Never, sir.

21 **MR. LEE:** Nothing at all?

22 **MR. SHAVER:** Nothing.

23 **MR. LEE:** I don't need you to pull it up
24 unless you need to see it, but Exhibit 1787 is your Day
25 Timer, and that's the one that covers the period from

1 August of '93 to January of '94?

2 MR. SHAVER: M'hm. I have it here, sir, the
3 original.

4 MR. LEE: Yeah, there you go. Did you
5 produce that to the Inquiry or was that produced by the
6 Cornwall Police? Was it in your possession or was it left
7 with the Force?

8 MR. SHAVER: No, it was in my possession.

9 MR. LEE: At your home in Florida?

10 MR. SHAVER: No, it actually was in a
11 storage facility in Brockville. I moved three times and it
12 ended up, every time I moved my nephews ended up with more
13 furniture, it seemed, and I was still in Florida. So
14 whatever I had left, I have it in a storage facility, and I
15 went through that storage facility a year ago to try to
16 look and see if there's anything that I could find in that,
17 and I produced everything that I could find.

18 MR. LEE: Was that the only Day Timer you
19 produced?

20 MR. SHAVER: It was the only Day Timer I
21 had, sir, yes.

22 MR. LEE: What did you do with your Day
23 Timers during the period you were Chief as you would fill
24 one up and move on to another?

25 MR. SHAVER: Once the year was over, sir,

1 they were gone. If I had anything significant -- I used to
2 keep files, sir, on basically all my officers. So if I had
3 something complimentary, I would write it, stick it in the
4 file, or something that might be detrimental, because I
5 ended up having to see their evaluations at the end of the
6 process. So if I had some stuff I wanted -- you know,
7 something to say, "Okay, this is what it was," but then at
8 the end of the year I would get rid of all of that.

9 **MR. LEE:** That relates to matters --
10 personnel-type matters?

11 **MR. SHAVER:** Personnel matters, yes, sir.

12 **MR. LEE:** HR stuff?

13 **MR. SHAVER:** They did a good job. They were
14 here. They were there. Complimented or -- if I was
15 walking down the street, somebody came up to me and said,
16 "Hey, one of your officers was here and he did a really
17 good job," I would either -- I'd make some notes of that,
18 put it in the file, and if it was really significant
19 enough, I would go see the officer and say, "Hey," -- you
20 know, we'd write it out and do it formally or I would just
21 pat him on the back when I saw him.

22 **MR. LEE:** What about -- you didn't keep a
23 notebook -- a traditional police notebook as Chief?

24 **MR. SHAVER:** No, I did not keep a
25 traditional notebook, sir, no.

1 **MR. LEE:** And at times we've seen that you
2 use your Day Timer to sketch notes?

3 **MR. SHAVER:** Yeah, the Day Timer, Post-it
4 notes, sir, any piece of paper I could find at the time.

5 **MR. LEE:** Was there any sort of backup or
6 any system whereby you transferred information from a Day
7 Timer or a sticky note into some more ---

8 **MR. SHAVER:** If I talked to someone and it
9 required correspondence, I would come back, use my -- use
10 the sticky note or whatever I had and that would still --
11 and then I would write whatever the memo is, to whomever.
12 And once that was done I would destroy that.

13 **MR. LEE:** So you said at the end of the
14 year, I think the language you used was "the Day Timer was
15 just gone".

16 **MR. SHAVER:** Day Timer was gone.

17 **MR. LEE:** Can I presume that means
18 destroyed?

19 **MR. SHAVER:** Yes, destroyed.

20 **MR. LEE:** There was some kind of formal
21 process you used to do that or?

22 **MR. SHAVER:** No.

23 **MR. LEE:** Was it you? Would you shred it?
24 Would you burn it? What would you do?

25 **MR. SHAVER:** Probably shredded it, sir, yes.

1 **MR. LEE:** You didn't keep any of these?

2 **MR. SHAVER:** No. The only one -- in fact,
3 when I found this one, I was surprised and I was happy as
4 the devil when I found it.

5 **MR. LEE:** What about during your time as
6 Deputy Chief and as Chief of Police, did you have an
7 assistant, some kind of secretary?

8 **MR. SHAVER:** I did.

9 **MR. LEE:** And would your secretary handle
10 your appointments for you?

11 **MR. SHAVER:** She would.

12 **MR. LEE:** Do you know what the system was?
13 Would she have had access to your Day Timer or would she
14 have had her own Day Timer?

15 **MR. SHAVER:** Absolutely, she had access to
16 my Day Timer.

17 **MR. LEE:** So it was a shared Timer you would
18 use, both of you?

19 **MR. SHAVER:** Yeah. She would write in
20 appointments and so on.

21 **MR. LEE:** Am I correct that you were
22 stationed in Saskatchewan with the RCMP for 1963 to 1967?

23 **MR. SHAVER:** Yes.

24 **MR. LEE:** And does the name Richard
25 Hickerson mean anything to you?

1 MR. SHAVER: No.

2 MR. LEE: You've never ---

3 MR. SHAVER: Well, I know -- excuse me -- I
4 know the name but not from Saskatchewan.

5 MR. LEE: You know the name now?

6 MR. SHAVER: Yeah, I know the name now, yes.

7 MR. LEE: Were you familiar with that name
8 while you were the Chief of Police here?

9 MR. SHAVER: No.

10 MR. LEE: Never -- you didn't know him in
11 this context as an employee of Manpower?

12 MR. SHAVER: Did not know him at all, sir.

13 MR. LEE: When would you have first heard
14 that name? During the context of this Inquiry?

15 MR. SHAVER: During the context of this
16 Inquiry, yes.

17 MR. LEE: Are you aware that he was a priest
18 in Saskatchewan in the mid-1960s?

19 MR. SHAVER: Yes, I read that in the notes.

20 MR. LEE: You didn't know him out there?

21 MR. SHAVER: No. He was stationed -- he was
22 in Saskatoon. I was stationed in Regina subdivision, long
23 way away.

24 MR. LEE: I though he was in Prince Albert.

25 MR. SHAVER: Oh, he may have been.

1 **MR. LEE:** Did you ever hear any rumours
2 about anything going on with Hickerson at the time you were
3 in Saskatchewan?

4 **MR. SHAVER:** In Saskatchewan? No, never.

5 **MR. LEE:** You understand now that he was in
6 the priesthood and there was some sexual misconduct and
7 that he was forced out?

8 **MR. SHAVER:** I read parts of that in here,
9 sir.

10 **MR. LEE:** Never heard anything about that
11 while you were with the RCMP?

12 **MR. SHAVER:** No, no, never.

13 **MR. LEE:** I'm talking rumours, anything like
14 that.

15 **MR. SHAVER:** No, no, no.

16 **MR. LEE:** So when you came to Cornwall, if
17 you would have heard the name Richard Hickerson, it
18 wouldn't have meant anything to you?

19 **MR. SHAVER:** Meant nothing.

20 **MR. LEE:** I want to -- changing areas, I
21 want to go back to the very start of your career with CPS.

22 **MR. SHAVER:** Yes.

23 **MR. LEE:** And you told us about a meeting
24 you had at a major stress conference with Earl Landry and a
25 Mr. Comrie?

1 **MR. SHAVER:** Yes.

2 **MR. LEE:** I have that name right? And he
3 was the Chair of the Cornwall Police Commission?

4 **MR. SHAVER:** He was the Chair, yes.

5 **MR. LEE:** And you learned, for the first
6 time at a meeting you had with them, that the Cornwall
7 Police was looking for a deputy chief?

8 **MR. SHAVER:** Yes.

9 **MR. LEE:** Hadn't heard any rumours about
10 that?

11 **MR. SHAVER:** No.

12 **MR. LEE:** And you told us about having known
13 Chief Landry for your life, and his involvement in the
14 Optimist Club with your father, and living nearby him.

15 **MR. SHAVER:** Yes.

16 **MR. LEE:** All that's accurate?

17 **MR. SHAVER:** Yes.

18 **MR. LEE:** And am I right that the meeting at
19 this conference had not been set up beforehand?

20 **MR. SHAVER:** The meet -- oh, no, no. They
21 were in the audience. I didn't even know they were there.

22 **MR. LEE:** You didn't know Landry, Sr. was
23 going to be there before you arrived?

24 **MR. SHAVER:** No idea.

25 **MR. LEE:** Pleasant surprise?

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

2 **MR. LEE:** Happy to see him?

3 **MR. SHAVER:** Very happy.

4 **MR. LEE:** And so you had dinner with him and
5 Mr. Comrie, as I understand it?

6 **MR. SHAVER:** I did.

7 **MR. LEE:** And what you told us in chief was
8 that Mr. Comrie peppered you with questions a little bit at
9 that dinner.

10 **MR. SHAVER:** He certainly did, yes.

11 **MR. LEE:** And looking back on it now, was it
12 your impression that he was testing you a little bit?

13 **MR. SHAVER:** No. He was asking me what --
14 he was -- basically they were managerial and administrative
15 questions: "What would you do in this situation? What
16 would you do in that situation? Why would you think this
17 would happen?"

18 And it wasn't a normal dinner conversation,
19 you know. We never got a change to talk about how bad the
20 Maple Leafs were and how good the Canadians are, you know,
21 that kind of thing.

22 **MR. LEE:** The Red Wings against ---

23 **THE COMMISSIONER:** What, you mean a pre-
24 interview?

25 **MR. SHAVER:** Yes, it really was, sir. I

1 mean, he was pre-interviewing me. I didn't know it at the
2 time, sir.

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

4 **MR. LEE:** Looking back on it though, that's
5 a fair assessment. That really was the first interview.

6 **MR. SHAVER:** Oh, yes, it was, yes.

7 **MR. LEE:** And at the time you went for
8 dinner, you had no idea what Mr. Comrie did for a living?

9 **MR. SHAVER:** I knew he was -- well, he
10 introduced himself and that was pretty much it, that he was
11 with the Police Commission or -- I'm not even sure he said
12 Police Commission; he just said Commission. So he was just
13 with the Chief and I was happy to go out with the Chief.

14 **MR. LEE:** My recollection of your evidence-
15 in-chief was that you stopped him at some point in the
16 middle of his barrage of questions and asked whether or not
17 he was a police officer.

18 **MR. SHAVER:** I did. I said -- I asked him
19 if he was because he was asking questions like a police
20 officer would ask questions.

21 **MR. LEE:** And you asked that question
22 because you had no idea if he was a police officer or not?

23 **MR. SHAVER:** That's right, sir.

24 **MR. LEE:** And would you agree with me, given
25 the questions that Mr. Comrie was asking you, that he and

1 Chief Landry must have had some discussion prior to dinner
2 about you and what you did?

3 MR. SHAVER: I can't answer, sir. Probably
4 or likelihood.

5 MR. LEE: You didn't know Mr. Comrie?

6 MR. SHAVER: No, I'd never met him.

7 MR. LEE: He would have had no idea who you
8 were or what you did for a living?

9 MR. SHAVER: Mr. Comrie wouldn't know?

10 MR. LEE: Yes.

11 MR. SHAVER: Well, I was introduced. At the
12 conference, you know, they come back with, you know, "Here
13 it is, here's the background on the person, da da da." So
14 he would have had that information.

15 MR. LEE: By the time you got to dinner,
16 it's fairly clear in hindsight that Mr. Comrie at least had
17 it in the back of his mind that you might be a candidate
18 for the deputy chief's job.

19 MR. SHAVER: At the end of the dinner, yes,
20 I had -- that certainly in his mind.

21 MR. LEE: And I take it you'd agree with me
22 that Chief Landry must have talked you up a little bit
23 before dinner to send him down that road of questioning?

24 MR. SHAVER: Oh, I would hope he would have,
25 yes. I don't know if he did. I hope -- I would have hoped

1 he would have.

2 MR. LEE: And you eventually decide that you
3 would accept the invitation to compete for the deputy
4 chief's job?

5 MR. SHAVER: Yes, I did.

6 MR. LEE: And you won that competition?

7 MR. SHAVER: Yes.

8 MR. LEE: And is it fair to say that Chief
9 Landry would have had -- would have played a role in
10 choosing his Deputy Chief?

11 MR. SHAVER: The way the competition is set
12 up sir is that they bring in three police chiefs from
13 across the Province. And all of your questions, they --
14 Mr. Landry and Mr. Comrie sit back in the back of the room,
15 and you are peppered by the three police chiefs.

16 And they make a recommendation at the end of
17 the process, sir, as to who they would think would be the
18 best candidate for the job. They present that.

19 They present their recommendations to the
20 Board; not the Chief, to the Board. And then the Board
21 would decide, the Chief obviously has input, they would
22 decide then.

23 MR. LEE: And the deputy -- is it fair to
24 say that the Deputy Chief is essentially the Chief's right-
25 hand man?

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

2 **MR. LEE:** He reports directly to the Chief?

3 **MR. SHAVER:** Absolutely, yeah.

4 **MR. LEE:** And I take it you'd agree that
5 it's very important that the Chief be able to work with the
6 Deputy Chief?

7 **MR. SHAVER:** Very important.

8 **MR. LEE:** And it's somebody he feels
9 comfortable with?

10 **MR. SHAVER:** Yes.

11 **MR. LEE:** Later when you became Chief, did
12 you have input in the choice of your Deputy Chief?

13 **MR. SHAVER:** Yes. We went through the same
14 process for my first deputy. They -- the chiefs came back
15 and made a recommendation and their recommendation was
16 Deputy Chief O'Neill. And I was very impressed with him
17 during the interview process and he would have been my
18 first choice in the process. Yes.

19 **MR. LEE:** Do you know how long, and I
20 honestly don't know the answer to this question, do you
21 know how long Chief Landry was the Chief of Police, sir?

22 **MR. SHAVER:** I think maybe 10 or 11 years,
23 sir. I'm not sure. You'd have to -- Chief Clark was in
24 front of him ---

25 **MR. LEE:** Ballpark? Ten or 11 years?

1 **MR. SHAVER:** I don't know, sir. I think
2 that would be about right. Maybe even longer, I don't
3 know.

4 **MR. LEE:** He was well respected?

5 **MR. SHAVER:** Extremely.

6 **MR. LEE:** You certainly thought high of him?

7 **MR. SHAVER:** I did.

8 **MR. LEE:** And would you -- and this is not
9 meant to be disparaging in any way, so please let me get
10 through the questions before you ---

11 **MR. SHAVER:** Okay. Before I ---

12 **MR. LEE:** --- think I'm attacking you.

13 **MR. SHAVER:** --- jump up. Okay.

14 **MR. LEE:** Would you agree that, based on
15 what you told us, you weren't the most obvious choice to be
16 a deputy chief at that point?

17 **MR. SHAVER:** Oh, I was far from the obvious
18 choice, yes.

19 **MR. LEE:** And the reason I say that is that
20 -- did you say something, sir?

21 **THE COMMISSIONER:** No, not at all.

22 **MR. LEE:** You had no experience in a
23 municipal Force. Your experience had been with the RCMP
24 and as an instructor.

25 **MR. SHAVER:** No -- no experience working in

1 a municipal Force, no.

2 MR. LEE: Right. You talked with Mr. Manson
3 a little bit today, and I don't want to go back into it,
4 but you didn't have investigative experience that was
5 identical to what you'd get in CIB, for example?

6 MR. SHAVER: Well, I disagree with that.

7 MR. LEE: You say you had investigative
8 experience and an investigation is an investigation.

9 MR. SHAVER: Yeah.

10 MR. LEE: We have your evidence on that.
11 You didn't have experience overseeing the operational
12 details of a police force?

13 MR. SHAVER: The operational details, no.

14 MR. LEE: And you were being hired as a
15 deputy chief?

16 MR. SHAVER: Yes.

17 MR. LEE: It's my understanding that you
18 were -- at the time you were hired; you were the youngest
19 deputy chief of any major department in the country?

20 MR. SHAVER: Yes. That I knew of, sir.
21 That I was told.

22 MR. LEE: And you -- I think you told us you
23 sought counsel from somebody you trusted and that was his
24 comment to you.

25 MR. SHAVER: I sought counsel from many

1 people, sir, that take total trust in, yes.

2 MR. LEE: And at the time you were hired,
3 you'd spent the past number of years as an instructor?

4 MR. SHAVER: Yes.

5 MR. LEE: And you told us that when you were
6 named Chief and you were looking for a deputy chief, you
7 wanted one with, and I quote, "extreme operational
8 experience".

9 MR. SHAVER: Yes.

10 MR. LEE: Because he'd be running the
11 operational side of things?

12 MR. SHAVER: Yes.

13 MR. LEE: And I take it that was meant to be
14 in some contrast to you who didn't have that operational
15 municipal background? That's what you told us in chief.

16 MR. SHAVER: Sir, I wanted someone that
17 could walk in and didn't need to be trained in the
18 position. They could come back in and just sort of take
19 over and go. And I certainly found that right person
20 there, in my opinion.

21 MR. LEE: Would you agree with me, based on
22 all of that, that Chief Landry's confidence in you and his
23 relationship with you must have played a fairly strong --
24 major role in you being hired for that job?

25 MR. SHAVER: I don't know if it played a

1 major role, sir. Chief Landry was a very laid back person.
2 He wouldn't jump to the fore, sir, on those kinds of
3 things. I'm sure that, you know, when it came time to
4 making a recommendation, I'm sure he'd make the
5 recommendation.

6 **MR. LEE:** In favour of hiring you?

7 **MR. SHAVER:** I don't know. I would hope he
8 would have, sir, or else I wouldn't have been hired.

9 **MR. LEE:** Did you at any point during that
10 hiring process, and after you were selected to be deputy
11 chief, feel indebted to Chief Landry for the boost he'd
12 given your career, presumably?

13 **MR. SHAVER:** No, I never felt indebted, sir.
14 I mean, I felt I went through a competition and earned it
15 so I never felt indebted to the Chief.

16 **MR. LEE:** You were asked in-chief about Stan
17 Willis ---

18 **MR. SHAVER:** Yes.

19 **MR. LEE:** --- and you were quite
20 descriptive. You described him as a bulldog who would go
21 to the ends of the earth for information and would never
22 stop digging?

23 **MR. SHAVER:** That's it.

24 **MR. LEE:** Do you recall that?

25 **MR. SHAVER:** That's my perception of Stan

1 Willis, yes.

2 MR. LEE: What do you base that perception
3 on?

4 MR. SHAVER: My -- my thoughts -- and Stan
5 Willis unfortunately died the day after, I think, Chief
6 Landry died here just a short -- just a short time ago. So
7 I thought Stan Willis was a terrific police officer. He
8 was a -- he just -- he wouldn't let go. He probably, in my
9 opinion, probably got promoted past the level that he
10 should have because he was out of investigations. As a
11 staff sergeant, he was now in charge of his team and he
12 couldn't get out on the road and do the thing that he was
13 really, really good at.

14 MR. LEE: Can I interrupt you for one second
15 there?

16 MR. SHAVER: Sure.

17 MR. LEE: We'll come back to the Willis
18 saga.

19 I find it interesting that you said he may
20 have promoted beyond where he should have and I understand
21 that's not a slight against Willis in any way.

22 MR. SHAVER: No, beyond sir, because -- and
23 if I could explain it -- because he was a terrific police
24 officer, terrific investigator and he just -- he climbed up
25 through the ranks and got to be the supervisor of an entire

1 team, and as a supervisor of a team, you're basically
2 stuck inside the police station. You're not out on the
3 road any longer and he was -- he was a good road officer.

4 **MR. LEE:** And I take it your feeling is that
5 while he was undoubtedly an excellent supervisor, he was a
6 superior investigator and ---

7 **MR. SHAVER:** That was my -- that was my
8 perception of Stan, yes.

9 **MR. LEE:** And you recognize some value in
10 leaving exceptional investigators investigating?

11 **MR. SHAVER:** Yes, yeah.

12 **MR. LEE:** You obviously considered Willis to
13 be a good investigator. Would you say he was an excellent
14 investigator?

15 **MR. SHAVER:** Yes, I would say that.

16 **MR. LEE:** He was thorough?

17 **MR. SHAVER:** From everything I'd ever heard
18 about him, sir, yes.

19 **MR. LEE:** One of your better investigators
20 would you say?

21 **MR. SHAVER:** I had some very good ones, sir.
22 He was, you know, he was a very good investigator.

23 **MR. LEE:** Have you had the opportunity to
24 fully review the Landry, Jr. investigations?

25 **MR. SHAVER:** The Landry, Jr. ---

1 **MR. LEE:** In '85, complaints came forward
2 against Landry, Jr. and it's handled by the CPS and that's
3 something we've been looking at here.

4 **MR. SHAVER:** Right.

5 **MR. LEE:** And later on it goes -- I mean, I
6 take it you haven't done what we've done here and
7 scrutinized every aspect?

8 **MR. SHAVER:** No, no, I haven't -- I don't
9 know anything about the investigation that took place later
10 on, sir.

11 **MR. LEE:** And one of the things you told us
12 in-chief was that you were surprised to learn that Willis
13 did not take notes during the investigation?

14 **MR. SHAVER:** Yes, I was. Well, did not have
15 notes. I'm not so sure, sir, that he didn't take them.
16 They just -- they just couldn't find the notes is what I
17 understand.

18 **MR. LEE:** I thought we had some evidence
19 from Willis, himself, in some document that he didn't
20 really take notes, but ---

21 **MR. SHAVER:** Oh, okay.

22 **MR. LEE:** --- I'll leave that for a second.

23 **MR. SHAVER:** Yeah.

24 **MR. LEE:** And so you can't really assess for
25 us the sufficiency of the 1985 investigation?

1 **MR. SHAVER:** The ---

2 **MR. LEE:** Eighty-five (85).

3 **MR. SHAVER:** Eighty-five (85)? Yeah, the
4 '85 investigation is just what I've already testified to
5 here, sir.

6 **MR. LEE:** Right.

7 And what you can tell us is that Stan Willis
8 was typically a top-notch investigator?

9 **MR. SHAVER:** That would have been my opinion
10 of him, yes.

11 **MR. LEE:** And that you would have expected
12 him to do an excellent job with the Landry, Jr.
13 investigation?

14 **MR. SHAVER:** Yes, I would have, sir.

15 **MR. LEE:** And anything less than an
16 excellent investigation from him would have concerned you?

17 **MR. SHAVER:** Anything less, yes, yes.

18 **MR. LEE:** You recall meeting with Brian
19 Snyder in 2001?

20 **MR. SHAVER:** I do.

21 **MR. LEE:** And you told him, and you've told
22 us again here, that your understanding was that charges
23 were not laid against Landry, Jr. because the victim in
24 that case would not have been capable of testifying. Is
25 that right?

1 **MR. SHAVER:** That was what -- the
2 information that I'd been given, yes.

3 **MR. LEE:** I wasn't exactly clear earlier
4 today. Did the Deputy Chief tell you that or Alan Ain or
5 both?

6 **THE COMMISSIONER:** Your ---

7 **MR. SHAVER:** Both, sir. Well, I knew that
8 at the beginning of it because that filtered up to my
9 office through the Deputy at the time.

10 **MR. LEE:** And one of the things I thought I
11 heard you say to Mr. Paul today was that you specifically
12 recalled that because it was "close to your heart." Did I
13 mishear you on that?

14 **MR. SHAVER:** I don't know if I used that
15 expression, but I may have.

16 **MR. LEE:** What might you have meant by that
17 in the terms of this victim being of some kind of
18 diminished capacity that was ---

19 **MR. SHAVER:** Yes, yeah, I have a brother
20 that is.

21 **MR. LEE:** Okay, that makes sense then.
22 You were not involved in 1985 in assessing
23 this witness's capacity?

24 **MR. SHAVER:** No, oh ---

25 **MR. LEE:** You were told after the fact ---

1 MR. SHAVER: Yeah.

2 MR. LEE: --- that there were some issues
3 and that went to the charges not being laid. Is that
4 right?

5 MR. SHAVER: Yes.

6 MR. LEE: And there's been some talk here --
7 just for your own information, there's been some talk about
8 whether or not that assessment was valid or not and you're
9 not the witness to put that to, obviously?

10 MR. SHAVER: No.

11 MR. LEE: What we know is that you believed
12 that was true because that's what you had been told?

13 MR. SHAVER: That's what I was told, yes.

14 MR. LEE: In 1985?

15 MR. SHAVER: In '85.

16 MR. LEE: And you recall that in 2001, Brian
17 Snyder gave you a list of written questions and asked you
18 to forward responses?

19 MR. SHAVER: I did.

20 MR. LEE: And you did that in February of
21 2001?

22 MR. SHAVER: Yes.

23 MR. LEE: As an aside, you now understand
24 that in 2001, Snyder was conducting a criminal
25 investigation?

1 **MR. SHAVER:** Sir, I can't remember that at
2 all. I believed he was following up. I thought he was
3 doing an internal investigation about what we did in 1985.
4 I was ---

5 **MR. LEE:** You now understand it was a
6 criminal investigation?

7 **MR. SHAVER:** I now understand it. Well, I
8 heard the testimony that said it was a criminal
9 investigation, yes.

10 **MR. LEE:** And that surprised you, I take it,
11 when you heard that?

12 **MR. SHAVER:** Yes, it did.

13 **MR. LEE:** If I can ask you a question based
14 on your years in policing.

15 What do you think of Sergeant Snyder, I
16 think it was, providing written questions to a person he's
17 interviewing as part of a criminal investigation? Does
18 that concern you at all?

19 **MR. SHAVER:** No, no, that's the method that
20 he wishes to use, sir. Every police officer conducts an
21 investigation at his own method, his own way of doing it,
22 and if they were comfortable with that.

23 But Sergeant Snyder, you have to remember,
24 he went through -- I went through a literal interrogation
25 for about two or three hours with him prior to him ever

1 giving me the questions. He went through the -- I went
2 through every possible question he could ask me about that.
3 He was very thorough.

4 MR. LEE: And that was not audio or video
5 recorded?

6 MR. SHAVER: No.

7 MR. LEE: Have you seen Sergeant Snyder's
8 notes from that meeting with you?

9 MR. SHAVER: No, I have not. Excuse me, let
10 me just think about that. Were they in the documents, sir,
11 because I know I've seen so many notes and ---

12 MR. LEE: I'm not sure if they were or not.

13 MR. SHAVER: Remember, I got eight boxes of
14 things on Thursday of last week, so I'm -- I'm, sort of
15 trying to get through everything, you know.

16 MR. LEE: One of the things that you wrote
17 back in response to those written questions was that after
18 being told that charges would not proceed, that you
19 remember feeling relief for the Chief and his family as
20 well as being proud of the way the department handled the
21 investigation?

22 MR. SHAVER: Yes, both sir, yes.

23 MR. LEE: And I think you've reiterated that
24 here.

25 MR. SHAVER: Yes.

1 **MR. LEE:** The feeling of relief for the
2 Chief?

3 **MR. SHAVER:** Yes.

4 **MR. LEE:** And you spoke to us in-chief as
5 well about the relief, again, that you felt and for his son
6 to be vindicated, and when you said that you sort of paused
7 and you said, "I understand in the end he was ultimately
8 found guilty, but at the time..." ---

9 **MR. SHAVER:** Yes, I -- because I know how
10 the -- I know the Chief was suffering big time with it.

11 **MR. LEE:** What I'm confused about is your
12 feeling of relief. I understand when you look back on it
13 now and you know that Landry, Jr. did these things and you
14 know that that first complainant was one of the
15 complainants in the successful prosecution down the road,
16 surely you'll agree with me, your feeling about this whole
17 thing has changed?

18 **MR. SHAVER:** Oh, absolutely.

19 **MR. LEE:** And I take it, you wish as much as
20 everybody else here that there had been a successful
21 prosecution in 1985?

22 **MR. SHAVER:** I certainly do, sir, yes.

23 **MR. LEE:** And one of the things Mr.
24 Engelmann mentioned to you was the fact that we now know
25 that one victim, at least, would have been spared abuse

1 entirely ---

2 MR. SHAVER: Yes.

3 MR. LEE: --- had that happened and some
4 others would have been spared further abuse?

5 MR. SHAVER: Yes, sir.

6 MR. LEE: But in 1985, the information that
7 you had, as I see it, is that you knew that your officers
8 had done some kind of investigation?

9 MR. SHAVER: Yes.

10 MR. LEE: You knew that Earl Landry, Jr. had
11 been brought into the station?

12 MR. SHAVER: Yes.

13 MR. LEE: And that in the end you were told
14 that the matter could not proceed because the victim was
15 not capable of testifying?

16 MR. SHAVER: Yes.

17 MR. LEE: And you were not told, as an
18 example, that the victim had recanted his allegation?

19 MR. SHAVER: Recanted? No, I don't think I
20 was ever told that, sir.

21 MR. LEE: Or that Landry, Jr. had a solid
22 alibi?

23 MR. SHAVER: I can't remember being told
24 that.

25 MR. LEE: Or that there was no evidence?

1 **MR. SHAVER:** I -- the only thing I can
2 remember, sir, is I -- something about that he couldn't be
3 identified in a line-up. I'm not sure how that -- where
4 that was, sir.

5 **MR. LEE:** That's another issue we're dealing
6 with through other witnesses.

7 **(LAUGHTER/RIRES)**

8 **MR. SHAVER:** Oh, okay.

9 **MR. LEE:** And your officers didn't, at any
10 time, tell you that they disbelieved the complainant?

11 **MR. SHAVER:** That they disbelieved?

12 **MR. LEE:** The complainant.

13 **MR. SHAVER:** I never heard that sir, no.

14 **MR. LEE:** Because there's a big difference
15 between not being able to ---

16 **MR. SHAVER:** Not being able ---

17 **MR. LEE:** --- proceed and not believing the
18 complainant; right?

19 **MR. SHAVER:** In fact, and I'm not sure, sir,
20 because when you read so many documents coming into this
21 Inquiry, I'm not so sure that -- that I hadn't seen
22 something about that. That they -- I think they believed -
23 - I think they thought he had -- that the child was -- that
24 the child believed that it had happened. I'm not so sure,
25 sir. I can't ---

1 MR. LEE: They felt they couldn't prove it?

2 MR. SHAVER: Sorry?

3 MR. LEE: They couldn't prove it.

4 MR. SHAVER: They -- yes, maybe they
5 couldn't prove it, sir.

6 MR. LEE: This wasn't a case where the kid
7 was a liar as far as they were concerned?

8 MR. SHAVER: No, no, no, I don't -- I don't
9 think that ever came up, sir.

10 MR. LEE: And so the confusion on my part
11 stems from the fact that we had a person in Earl Landry,
12 Jr. who was in a position of authority ---

13 MR. SHAVER: Yes.

14 MR. LEE: --- over these kids.

15 MR. SHAVER: Yes.

16 MR. LEE: In a public position.

17 MR. SHAVER: Yeah, I guess if he's the
18 caretaker he would have ---

19 MR. LEE: Worked in a park?

20 MR. SHAVER: Okay.

21 MR. LEE: Who was allegedly abusing a
22 particularly vulnerable victim?

23 MR. SHAVER: Yes.

24 MR. LEE: Who was so vulnerable that he
25 could not testify?

1 **MR. SHAVER:** Yes.

2 **MR. LEE:** And you knew all that at the time?

3 **MR. SHAVER:** Yes.

4 **MR. LEE:** So the problem I'm having is how
5 you reconcile those facts with your reaction being of
6 relief and happiness for Chief Landry and his family?

7 **MR. SHAVER:** No, I was -- sir, setting aside
8 the actions of the son, I was looking at the Chief himself,
9 you know, he had served honourably for I don't know how
10 many years as a police officer. I thought was a role model
11 in his community. I think thousands of people would have
12 come here and lined up to say good things about him. So
13 that's what I was concerned with.

14 **MR. LEE:** I'm having a very hard time
15 setting aside the actions of the son.

16 **MR. SHAVER:** Well, so sir, so am I. I mean
17 if we -- if we could have found more evidence and had the
18 person testify in '85, it would have been great.

19 **MR. LEE:** Can you appreciate why -- I'll
20 limit it to my clients -- why my clients might have some
21 concern when we see documents that suggest you felt relief
22 for your predecessor?

23 **MR. SHAVER:** Your clients? Well, it depends
24 on ---

25 **MR. LEE:** Victims of abuse.

1 **MR. SHAVER:** I don't know who are all your
2 clients are, sir, but I can think of four that I -- I won't
3 say anymore, sir.

4 **THE COMMISSIONER:** Pardon me?

5 **MR. LEE:** I think you should say a little
6 more, sir.

7 **MR. SHAVER:** No, I can think -- well,
8 anyway, sir. I just got -- I think as I said yesterday
9 about your -- in my impact statement and I think I said it
10 in my evidence also, that I deny their allegations. So if
11 they're your clients, sir, they -- then they obviously had
12 those three things that I mentioned yesterday.

13 **MR. LEE:** You understand that Robert Renshaw
14 is one of my clients?

15 **MR. SHAVER:** Yes, I do.

16 **MR. LEE:** And Gerald Renshaw?

17 **MR. SHAVER:** Yes.

18 **MR. LEE:** And C-10?

19 **MR. SHAVER:** Yes.

20 **MR. LEE:** Do you still have C-10's name in
21 front of you? Do you know who ---

22 **MR. SHAVER:** I know who C-10 is, yes, I do.
23 I don't know who C-3 -- is it C-3 that I added earlier or -
24 --

25 **MR. LEE:** C-3 you asked about earlier.

1 **MR. SHAVER:** Yes.

2 **MR. LEE:** He's not one of my clients.

3 **MR. SHAVER:** Okay, no.

4 **MR. LEE:** So we have the two Renshaw
5 brothers.

6 **MR. SHAVER:** Right.

7 **MR. LEE:** We have C-10.

8 **MR. SHAVER:** Right.

9 **MR. LEE:** Keith Ouellette is one of my
10 clients, do you know that?

11 **MR. SHAVER:** I didn't know that, sir.

12 **MR. LEE:** So who was the fourth one that you
13 were just referring to? I can presume the two Renshaws and
14 C-10?

15 **MR. SHAVER:** Well, I was thinking of Carole
16 Deschamps. I didn't know if she was one of your clients or
17 not, so when I ---

18 **MR. LEE:** She's related to one of my
19 clients.

20 **MR. SHAVER:** Yes, I understand.

21 **MR. LEE:** She's not one of my clients.

22 **MR. SHAVER:** Yes. And I didn't know if Ron
23 Leroux is one of your clients either.

24 **MR. LEE:** No, he's not.

25 **MR. SHAVER:** Okay.

1 **MR. LEE:** You never investigated any
2 allegations of abuse by Gerald Renshaw?

3 **MR. SHAVER:** No, me personally?

4 **MR. LEE:** Yes.

5 **MR. SHAVER:** No.

6 **MR. LEE:** Or by Robert Renshaw?

7 **MR. SHAVER:** No.

8 **MR. LEE:** Or by C-10?

9 **MR. SHAVER:** No.

10 **MR. LEE:** Do you know anything of the
11 investigations that were made into their complaints of
12 abuse?

13 **MR. SHAVER:** Do I know anything of?

14 **MR. LEE:** The investigations that resulted
15 from their allegations of abuse when they did come forward
16 to the police?

17 **MR. SHAVER:** No, sir, I really don't.

18 **MR. LEE:** Do you know who any of my clients
19 were allegedly abused by?

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

21 **MR. LEE:** You do know that they have come
22 here and testified and in the past said in other forums
23 that they have seen you at certain places?

24 **MR. SHAVER:** Yes.

25 **MR. LEE:** And you deny being at those

1 places?

2 **MR. SHAVER:** I certainly do.

3 **MR. LEE:** Does your denial of their
4 statements as they relate to you somehow in your mind
5 convince you that my clients were not victimized, sir?

6 **MR. SHAVER:** No, not in the least.

7 **MR. LEE:** I'm a little confused by your
8 comment a moment ago, then.

9 **MR. SHAVER:** No, I'm just -- not in the
10 least, sir. They were -- if they were victims of --
11 victims of sexual abuse, sir, I feel sorry for them. I'm
12 on their side.

13 **MR. LEE:** Going back to the Landry, Sr.
14 issue I was discussing with you, given that Landry, Sr. was
15 the former chief of police, given that we now know you were
16 close to him, given that we know that Stan Willis was
17 friends with of Landry, Jr.'s brother, given obviously the
18 fact that Landry, Sr. was the chief of police and would
19 have supervised many of the officers within the Force in
20 1985, sitting here today can you appreciate why it's been
21 suggested that the Cornwall Police never should have
22 touched that investigation?

23 **MR. SHAVER:** Just to qualify something that
24 you just said, sir. You said that I was close to the
25 Chief. I wasn't close to him or a personal relationship

1 with the Chief. I had a solid professional relationship
2 with him and respected the man. So just to make sure that
3 -- I know you stuck that in the middle of that sentence.

4 Can I understand the perception?

5 Absolutely, sir.

6 **MR. LEE:** Can you sitting here today concede
7 that the CPS should not have handled that investigation?

8 **MR. SHAVER:** Sir, that was the -- that was
9 the procedure at the time, sir, that we didn't go outside.
10 It was the methodology that we used throughout all of
11 policing then.

12 Now, I can understand it, sir. I can
13 understand it in the light of day now. I can understand it
14 in the light of; for example, that we ended up with another
15 victim, all that sort of good stuff, sir. That bothers me.

16 But that was the way we did it in 1985.
17 It's now changed and I think it's going to -- I'm gathering
18 it's going to change some more, from what I hear.

19 **MR. LEE:** In terms of who investigates who?

20 **MR. SHAVER:** Yes, I think so, sir. Yes.

21 **MR. LEE:** And do you see that as a good
22 thing?

23 **MR. SHAVER:** Yes, yes. I mean, considering
24 why we're here today or why I'm here, yes, I think that's a
25 very good thing.

1 **MR. LEE:** Just briefly on the Deslauriers
2 matter. You told us in-chief that one of your officers saw
3 Deslauriers performing Mass in the Laurentians after he was
4 convicted?

5 **MR. SHAVER:** Yes.

6 **MR. LEE:** Is that correct?

7 **MR. SHAVER:** Yes, I did, sir.

8 **MR. LEE:** And I take it your officer
9 recognized that Deslauriers should not have been performing
10 Mass?

11 **MR. SHAVER:** Yes.

12 **MR. LEE:** And reported back to you?

13 **MR. SHAVER:** Yes.

14 **MR. LEE:** And your understanding at that
15 time was that it was a condition of his probation that he
16 not perform Mass?

17 **MR. SHAVER:** That's what I understood, sir,
18 yes. I didn't know what the conditions were but I was told
19 that that was a ---

20 **MR. LEE:** Do you recall what your
21 recollection was in the terms of -- was your understanding
22 that a condition of probation was not serving Mass or not
23 being around children?

24 **MR. SHAVER:** I think it was not serving Mass
25 and not -- it was the not serving Mass part, sir. He was

1 not supposed to be doing the duties -- the normal priest
2 duties, sir.

3 **MR. SHERRIFF-SCOTT:** Mr. Commissioner, the
4 document is in the database if my friend wants to put it to
5 him. Perhaps we should be accurate about the facts.

6 **THE COMMISSIONER:** Okay.

7 **MR. LEE:** I'm interested in Chief Shaver's
8 recollection, what his understanding at the time was.

9 **MR. SHERRIFF-SCOTT:** I'm not sure how useful
10 that is ---

11 **THE COMMISSIONER:** Well, let's -- I mean,
12 let's see the document so that we know that we're relying
13 on the facts, I think.

14 **MR. LEE:** My interest is in whether or not
15 Chief Shaver was relying on facts at the time.

16 **THE COMMISSIONER:** Right.

17 **MR. LEE:** And whether or not -- I mean, it
18 doesn't seem to me that -- I mean, perhaps the question
19 should be whether or not Chief Shaver ever pulled the
20 document and looked at what the conditions were.

21 Did you do that, sir?

22 **MR. SHAVER:** Never.

23 **MR. LEE:** It was just your understanding at
24 the time?

25 **MR. SHAVER:** Yes, I think that was the --

1 that was what was related to me, sir, yes.

2 **THE COMMISSIONER:** Mr. Lee, how much time do
3 you have left, do you think?

4 **MR. LEE:** I have quite some time left on
5 this matter.

6 **THE COMMISSIONER:** So why don't we take ---

7 **MR. LEE:** Can I just finish this Deslauriers
8 matter?

9 **THE COMMISSIONER:** Sure.

10 **MR. LEE:** Can I take it, given that you've
11 told us about this in-chief, that you recognized at that
12 time, regardless of what the probation condition was, that
13 Deslauriers should not have been performing Mass?

14 **MR. SHAVER:** That was my understanding, sir.

15 **MR. LEE:** And you told us that you tried to
16 contact the bishop when you received this information?

17 **MR. SHAVER:** Yes, I phoned the bishop, yes.

18 **MR. LEE:** And that was Bishop Larocque?

19 **MR. SHAVER:** Yes.

20 **MR. LEE:** And you didn't get through?

21 **MR. SHAVER:** No, I did not.

22 **MR. LEE:** And you didn't try again?

23 **MR. SHAVER:** No, no.

24 **MR. LEE:** Can you help me understand why you
25 didn't take any further steps?

1 **MR. SHAVER:** Any further steps?

2 **THE COMMISSIONER:** Well, in essence, what
3 you're saying is that you have -- I don't want to use RPG -
4 - but you think there's a condition in the probation order
5 ---

6 **MR. SHAVER:** Yes.

7 **THE COMMISSIONER:** --- that says thou shalt
8 not do this.

9 **MR. SHAVER:** Yes.

10 **THE COMMISSIONER:** You have information that
11 he is. Isn't that a criminal offence?

12 **MR. SHAVER:** Yes, yes. Again, sir, the
13 sergeant that reported it to me -- and I'm trying to
14 remember because all I wanted -- from my perception I just
15 wanted to get this call in to the bishop and I believe the
16 sergeant that -- it was either -- and again, as I mentioned
17 before, Sergeant Moquin or it was Sergeant Trottier. It
18 was one of those two. I can't remember which once.

19 **THE COMMISSIONER:** It doesn't matter which
20 one.

21 **MR. SHAVER:** And they were going on -- you
22 see, that's why I believe it was Sergeant Trottier. He was
23 going to go on. He was going to continue on with it. My
24 belief was that Sergeant Trottier was going to go back out
25 and check this thing out.

1 **THE COMMISSIONER:** So open an OMPPAC file
2 incident ---

3 **MR. SHAVER:** There's no -- there was no
4 OMPPAC then, sir, in 1985.

5 **THE COMMISSIONER:** Right, okay, but ---

6 **MR. SHAVER:** Just to go back out, look --
7 for example, look at the document. That's as far as I went
8 with it, sir, or I got with it at the time.

9 **THE COMMISSIONER:** Okay.

10 Mr. Lee, sorry.

11 **MR. LEE:** Just to clear up the dates, I
12 think Father Deslauriers was convicted in '86.

13 **THE COMMISSIONER:** Right.

14 **MR. SHAVER:** Yeah, the offence -- we started
15 in '85 the investigation.

16 **MR. LEE:** OMPPAC was summer of 1989.

17 **MR. SHAVER:** '89, yes.

18 **MR. LEE:** So pre-OMPPAC.

19 **MR. SHAVER:** So it was pre-OMPPAC, yes.

20 **MR. LEE:** So if I understand your evidence
21 then, your understanding -- you didn't take any further
22 steps because your understanding was that Sergeant Trottier
23 was going to do whatever needed to be done?

24 **MR. SHAVER:** That's -- going back to my
25 recall, sir, you know, back to that length of time, that's

1 what I was thinking.

2 **MR. LEE:** Did you instruct Sergeant Trottier
3 to do anything?

4 **MR. SHAVER:** I can't remember, sir. I don't
5 think so. I don't know.

6 **MR. LEE:** Do you have any information that
7 he contacted another police force, perhaps in Quebec?

8 **MR. SHAVER:** I don't know, sir.

9 **MR. LEE:** Or the Children's Aid Society?

10 **MR. SHAVER:** I don't know.

11 **MR. LEE:** Or the Crown Attorney's office?

12 **MR. SHAVER:** I phoned the Crown myself and
13 that's ---

14 **MR. LEE:** In relation to this?

15 **MR. SHAVER:** Yes.

16 **MR. LEE:** My understanding was that you had
17 only phoned the bishop the one time and hadn't taken any
18 other steps.

19 **MR. SHAVER:** No, I phoned the Crown also.

20 **MR. LEE:** Do you remember, did you speak to
21 anybody?

22 **MR. SHAVER:** I can't remember; sorry that's
23 -- I know I phoned and Don Johnson was the Crown. I can't
24 remember -- I can't remember, sir, at that stage. It's 22
25 years ago.

1 **MR. LEE:** Do you remember a conversation?

2 **MR. SHAVER:** No. I know that I phoned, but
3 I can't remember a conversation. That's what I've been
4 trying to think about, sir.

5 **MR. LEE:** Your best guess is that it would
6 have been Don Johnson?

7 **MR. SHAVER:** My best guess is I would have
8 phoned the Head Crown, yes.

9 **MR. LEE:** But you have no recollection of
10 actually speaking to anybody?

11 **MR. SHAVER:** No, I do not, sir.

12 **MR. LEE:** And do you have any recollection
13 of hearing back at any point that any agency, based on
14 information from the Cornwall Police, had done something
15 about Father Deslauriers (inaudible)

16 **MR. SHAVER:** No, I can't remember, sir.

17 **MR. LEE:** It's a good time for a break, Mr.
18 Commissioner.

19 **THE COMMISSIONER:** Thank you. We'll take
20 the afternoon break.

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

23 This hearing will resume at 3:25 p.m.

24 --- Upon recessing at 3:08 p.m./

25 L'audience est suspendue à 15h08

1 --- Upon resuming at 3:28 p.m./

2 L'audience est reprise à 15h08

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

5 This hearing is now resumed. Please be
6 seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Do we have any idea of
8 time, Mr. Engelmann, how much more time we'll need for
9 cross-examination? Have you canvassed the folks?

10 Mr. Lee, how much time do you think you are
11 going to need, just ballpark?

12 **MR. LEE:** I would hope to keep you no more
13 than an hour.

14 **THE COMMISSIONER:** One hour, all right.
15 And so Mr. Neville?

16 **MR. NEVILLE:** (off mic)

17 **THE COMMISSIONER:** Okay. Then who is next?

18 **MR. ENGELMANN:** I'm not sure.

19 **THE COMMISSIONER:** Mr. Chisholm?

20 **MR. CHISHOLM:** I spoke with Mr. Neville and
21 asked him if I could go in front of him if I'm able to do
22 it tonight because I have a Discovery tomorrow. So if
23 possible, I would -- if it goes tonight, I will be half an
24 hour or less.

25 **THE COMMISSIONER:** Oh, and if it's tomorrow?

1 **MR. CHISHOLM:** It will be Ms. Gibson who
2 will be doing it and ---

3 **THE COMMISSIONER:** She could do it in 15
4 minutes.

5 **MR. CHISHOLM:** Perhaps.

6 **(LAUGHTER/RIRES)**

7 **THE COMMISSIONER:** Okay. Mr. Neville?

8 **MR. NEVILLE:** Fifteen (15) to 20 minutes,
9 sir. It would depend on (off mic).

10 **THE COMMISSIONER:** All right.

11 **MR. SCHARBACH:** Fifteen (15) minutes, sir.

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

13 **MR. ROULEAU:** Nothing so far.

14 **THE COMMISSIONER:** I understand.

15 **UNIDENTIFIED SPEAKER:** Five to ten.

16 **THE COMMISSIONER:** Five to 10.

17 **MR. WALLACE:** Nothing so far.

18 **THE COMMISSIONER:** Okay. Thank you. Okay,
19 Mr. Lee?

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

21 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE**
22 **(cont'd/suite):**

23 **MR. LEE:** Chief Shaver, I forgot to ask you
24 specifically at the beginning of my examination whether or
25 not you had spoken with former Chief Repa at any point?

1 **MR. SHAVER:** I No, I never spoke -- well, I
2 think I spoke to Chief Repa once, I believe, way back when
3 he first got here.

4 **MR. LEE:** No, no, I mean since April 2005
5 about this Inquiry?

6 **MR. SHAVER:** Oh, God, no, no. No.

7 **MR. LEE:** No phone calls with him or
8 anything like that?

9 **MR. SHAVER:** No.

10 **MR. LEE:** One of the things that you told us
11 on Monday was about some of the changes that you made when
12 you came in as Deputy Chief under Earl Landry, Sr.?

13 **MR. SHAVER:** Yes.

14 **MR. LEE:** You recall that? And as I
15 understood, one of the changes was to transfer young people
16 into the CIB?

17 **MR. SHAVER:** Yes.

18 **MR. LEE:** And you told us that the average
19 age at the time that you arrived in the CIB was 45 or 46
20 years old?

21 **MR. SHAVER:** Approximately, yes.

22 **MR. LEE:** And you also told us that you
23 moved some people out of CIB because you felt they had
24 become a little bit too comfortable?

25 **MR. SHAVER:** Yes.

1 **MR. LEE:** And young people were brought in
2 who you described as go getters?

3 **MR. SHAVER:** Yes.

4 **MR. LEE:** And you told us that eventually
5 you rotated literally everybody in and out of CIB; is that
6 right?

7 **MR. SHAVER:** Yes.

8 **MR. LEE:** Can you explain to me the
9 rationale for those rotations?

10 **MR. SHAVER:** Well, first of all, it was --
11 it was my thinking that that would be good for the police
12 department, and it was recommended by -- by the Commission
13 or by the Police Commission when they came down and
14 investigated.

15 **MR. LEE:** And this was an initiative that
16 you spearheaded?

17 **MR. SHAVER:** Yes, it was part of the
18 recommendations. I believe it may have even been in the
19 recommendations of the '82 Report. It certainly was in the
20 '78 Report; I think in the '82 Report it said the same
21 thing, and I certainly agreed with that recommendation.

22 **MR. LEE:** Do I understand that another one
23 of your initiatives was to reassign older officers to
24 serving summons and warrants?

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

1 **MR. LEE:** What is the rationale there?

2 **MR. SHAVER:** Because the officers that we
3 assigned were two officers that were having difficulty on
4 the road with the 12-hour shifts. They were older than
5 most of the people on their shift, and if you got to do --
6 if we got to give them summons and warrants, they did a
7 very good job at doing that because they wanted to do it.
8 It was a day job and it took it away from the officers that
9 were on the shift, because that's how we had to do it.
10 Every shift got so many summons and warrants that they had
11 to execute.

12 **MR. LEE:** So in that situation, you are not
13 talking about 45-year-old people here. You're talking
14 about ---

15 **MR. SHAVER:** I'm not sure how old they were,
16 sir, at the time, but I would think they were 50, you know,
17 in that area. I don't consider that "old" now, sir, by the
18 way.

19 **MR. LEE:** Is it fair to say that some
20 members of the Force had concerns about the rotation system
21 in CIB?

22 **MR. SHAVER:** Not initially, sir. I think
23 that -- I think that came about later. I know it came
24 about in the Morale Report later on.

25 **MR. LEE:** Can we take a look at the Morale

1 Report? It's Exhibit 1389.

2 If you can go to Bates ending 258 please.

3 **MR. SHAVER:** Yes.

4 **MR. LEE:** This is under the general heading
5 of "Manpower" on the previous page, but the second problem
6 we have on the page is that:

7 "Transfers are made by liability rather
8 than warranted. Better to screw up one
9 life in CIB rather than screw up 12 in
10 uniform."

11 Do you see that?

12 **MR. SHAVER:** Yes.

13 **MR. LEE:** And the solution suggested is
14 that:

15 "This attitude has to change. The men
16 know the motives behind these senseless
17 changes and it hurts morale."

18 Do you see that?

19 **MR. SHAVER:** Yes.

20 **MR. LEE:** Then number 20, right below that,
21 is:

22 "In a day and age when everyone wishes
23 to be in CIB, in other forces most want
24 out, and the ones who want in won't get
25 it because they're too valuable in

1 uniform."

2 Do you see that?

3 **MR. SHAVER:** Yes.

4 **MR. LEE:** And the solution is:

5 "This too makes no sense. It would
6 appear as though if you're not
7 competent in uniform, you get
8 transferred to CIB."

9 And finally, if you turn over the page --
10 I'm going to give you one more ---

11 **MR. SHAVER:** Okay.

12 **MR. LEE:** --- if you turn over the page, the
13 final problem on that page, No. 28, is:

14 "Transfer for transfer's sake or the
15 often referred to theory 'rotation to
16 CIB' is to equally educate all our
17 members. The last set of transfers saw
18 three new sergeants come in to CIB, two
19 of which had previously served eight
20 years in the unit. So much for the
21 educational theory."

22 And the solution there is:

23 "CIB investigators should and must be
24 the cream of the Force. This will
25 induce personnel to strive to attain

1 this end."

2 Do you see that?

3 **MR. SHAVER:** Yes.

4 **MR. LEE:** And you would have reviewed the
5 Morale Report at the time and seen those criticisms?

6 **MR. SHAVER:** Yes.

7 **MR. LEE:** And would you agree at very least
8 with problem No. 28 that, as a result of the rotation
9 system, it wasn't necessarily always the cream of the crop
10 that was in CIB?

11 **MR. SHAVER:** I didn't have -- well, the
12 cream of the crop, sir, I mean that's a very subjective
13 analysis by whoever made this complaint.

14 **MR. LEE:** Inevitably in a police force,
15 there are going to be some people who are better
16 investigators than others, whether through natural ability
17 or through ---

18 **MR. SHAVER:** Yeah.

19 **MR. LEE:** --- experience or through whatever
20 it happens to be.

21 **MR. SHAVER:** Yeah. There are, yes.

22 **MR. LEE:** Did you ever, at any point, as
23 Chief of Police, come to the opinion that the CIB should be
24 staffed by the best investigators?

25 **MR. SHAVER:** By the best investigators, sir?

1 I wanted to take the rotational transfers and transfer
2 people that showed initiative on the road; that were
3 recommended by their staff sergeants on the road to be
4 moved into CIB. So whether they were their best or not,
5 you know, it's -- it's a -- hopefully, that the staff
6 sergeants had a very objective view of who the people they
7 wanted moved in to those positions.

8 That's my answer, sir, I'm sorry.

9 **MR. LEE:** So I'm not sure you answered the
10 question.

11 My question was did you, at any point during
12 your tenure as Chief, come to believe that it would be
13 preferable, rather than having a rotational system, to
14 simply have dedicated investigators who were, you know, as
15 it puts here "the cream of the Force" in CIB?

16 **MR. SHAVER:** Sir, there was so -- there's so
17 much work in CIB that these officers sometimes burn out in
18 there, sir. They were -- they just had too many cases and
19 to get them back on the road was probably a good thing.
20 It's a change of environment. So you had to look at that.

21 We would take the advice of the person who
22 was running the CIB Branch and say, "Listen, this person
23 just has way too much -- way too much on his plate. He's
24 just unable to handle this type of CIB work because it's
25 continual, continual, continual."

1 Whereas if you were back on the shift, you
2 would work your 12 hours and then you would be finished,
3 you know, and you would work very hard at 12 hours, but at
4 least you would be finished. At CIB, it just sort of
5 continued on.

6 **MR. LEE:** I take it one of the problems, or
7 would you agree with me that one of the problems with the
8 rotation system must have been that inevitably you were
9 constantly having people in new positions that they hadn't
10 been experiencing before?

11 **MR. SHAVER:** Sir, the rotational system was
12 for a three-year period. It was a three-year rotation, as
13 I remember. We'd take a person from the Uniform Team,
14 bring him in to CIB. He would go through the three-year
15 period, and then we would transfer them out. If the person
16 in CIB wasn't able to handle it, he would be transferred
17 out early. Some of them, they were kept, but the idea was
18 to take each -- take the younger officers, stick them in
19 there, give them that experience so that -- it was also to
20 break down -- one of the other things we had to break down,
21 sir, there was this huge division between CIB here, Uniform
22 over there. And I wanted -- I believed that every one of
23 my senior people, the sergeants, the staff sergeants,
24 senior officers, part of their whole -- their reason for
25 supervision is that they should be teaching. I always

1 said, "You should be teaching young people."

2 So if you get a person rotate in, teach him.
3 They can have him learn. When that person rotates back
4 out, then you get to a shift; he could become a coach
5 officer and teach the new people as they came in. That was
6 the idea. That was the idea of the rotational system.

7 **MR. LEE:** Given the resource issues that
8 we've heard a lot about ---

9 **MR. SHAVER:** Yes.

10 **MR. LEE:** --- I take it you would agree with
11 me that one of the luxuries that the Cornwall Police did
12 not have was easing people into the CIB slowly?

13 **MR. SHAVER:** Slowly? Sometimes, sir.
14 Sometimes we were able to get courses in advance. Other
15 times we had to make transfers and we had to -- or, say,
16 Aylmer would cancel their course, and that type of thing,
17 which happened. We would try to get them trained in
18 advance, if they could, but at least they would have had
19 the -- I'm not sure what the course was called. It was AD
20 something or other. It was a course that every -- that the
21 Police Commission suggested that a police officer should
22 attend every five years. It was a complete refresher of
23 everything that we do.

24 **MR. LEE:** It was not possible -- what I
25 meant by that, it was not possible to have somebody come in

1 to CIB and work on a drastically diminished caseload until
2 they got their feet wet?

3 **MR. SHAVER:** No, sir, they came in and they
4 got -- they may have started the first week with a
5 drastically diminished caseload, but at the end of week 2
6 or 3 or 4, they were back up with everybody else.

7 **MR. LEE:** The reason that I'm asking you
8 this is a number of the investigations that we've looked at
9 at this Inquiry were conducted by people who had just moved
10 into CIB. We have Kevin Malloy as a good example, who
11 investigated Marcel Lalonde and Jeannette Antoine's
12 allegations -- or the allegations against Marcel Lalonde
13 and the allegations made by Jeannette Antoine ---

14 **MR. SHAVER:** Right.

15 **MR. LEE:** --- in the very early stages of
16 his CIB career. Do you recall?

17 **MR. SHAVER:** You'd have to help me out
18 there, sir. I don't know when Kevin went in to CIB.

19 **MR. LEE:** Mr. Malloy's evidence was that the
20 Marcel Lalonde investigation, as an example, was given to
21 him five days after he joined -- after he went into the
22 Youth Bureau.

23 **MR. SHAVER:** Oh, he did?

24 **MR. LEE:** And it was his very first sexual
25 assault.

1 **MR. SHAVER:** Yes.

2 **MR. LEE:** We know that Luc Brunet had just
3 moved into the CIB when the DS allegation came in.

4 **MR. SHAVER:** Yes.

5 **MR. LEE:** Same with Heidi Sebalj. When she
6 began dealing with DS, she did not have a whole lot of
7 experience in the Youth Bureau?

8 **MR. SHAVER:** I think that she had some
9 experience in CIB though. I'm not sure. I'd have to go
10 back and -- you'd have to show me what her experience was,
11 sir. I can't remember.

12 **MR. LEE:** Looking back on it, do you think
13 that the rotation system and the constant influx of
14 investigators with less experience being brought in to CIB
15 and the Youth Bureau may have contributed to some of the
16 problems that we're dealing with at the Inquiry?

17 **MR. SHAVER:** I would hope not, sir. I think
18 it was a sound decision to do that. It was certainly
19 recommended, and I agreed with it. I hope not. If it's
20 proven that that was the case, then I will retract that
21 statement, but I hope not.

22 **MR. LEE:** So even today, at this moment
23 anyways, your position is that the rotational system was a
24 good one?

25 **MR. SHAVER:** Yes. Yes, I still believe in

1 rotation.

2 MR. LEE: And, as I understood it, one of
3 the rationales for implementing the changes to CIB that you
4 did when you came in as Deputy Chief was that the CPS had
5 poor crime statistics at the time?

6 MR. SHAVER: We did.

7 MR. LEE: And one of the examples you gave
8 was that the CPS was only solving 6.7 percent of break and
9 enters?

10 MR. SHAVER: That's the one I always seem to
11 keep in the back of my head, yes.

12 MR. LEE: And that one jumped out at you, I
13 take it, when you arrived?

14 MR. SHAVER: Yes.

15 MR. LEE: You found the numbers concerning?

16 MR. SHAVER: I did, sir, and I'm not a stats
17 person. I'm not a person that looks back and compares
18 people by statistics.

19 MR. LEE: Can you -- that 6.7 percent, would
20 that be what's called a clearance rate?

21 MR. SHAVER: Yes, it would be the clearance
22 rate.

23 MR. LEE: And can you just explain to me
24 what you understood a clearance rate to measure?

25 MR. SHAVER: Again, sir, I really can't.

1 This is going back now in my memory banks too far back to
2 start remembering the exact numbers. So I think if you
3 gave me some documentation, I'd tell you if I agree with
4 it.

5 **MR. LEE:** I'm not concerned specifically
6 with the specific numbers. I want to know what you
7 understood a clearance rate to be.

8 And what I'm really kind of thinking about
9 is something that Mr. Engelmann touched on very briefly in
10 chief where he said that he had a little bit of confusion
11 still between what happens when an occurrence is cleared as
12 opposed to when an occurrence is solved, for example.

13 **MR. SHAVER:** Well, cleared and solved, in my
14 mind, as I sit here, and I don't want to be held to it
15 because I'd have to see the documents again, sir, how that
16 was done. That was always done by the Deputy Chief of
17 Police and the officer in charge of CIB. I mean, the
18 files, when they came to me, would come for signature to be
19 sent away. The clearance rates were always done that way.

20 **MR. LEE:** Well, you were the Deputy Chief
21 for some period of time?

22 **MR. SHAVER:** Yes, I was, and that's the
23 first time I ever saw them, sir. But quite frankly, when I
24 looked at the documents, I don't -- I didn't understand how
25 they were put together. I had never done that before. I

1 took the person's word when it came back up that this was
2 correct, and I signed it and off it went.

3 **MR. LEE:** So you looked at 6.7 percent and
4 thought that's low?

5 **MR. SHAVER:** I think that's the one that I
6 looked at, sir, yes.

7 **MR. LEE:** Are you aware that -- I believe
8 his rank is Staff Inspector Stuart McDonald testified here
9 recently?

10 **MR. SHAVER:** Yes.

11 **MR. LEE:** Did you follow any of his
12 testimony?

13 **MR. SHAVER:** I did.

14 **MR. LEE:** I asked him about clearance rates,
15 and I'd like to put some of his comments to you, if I
16 could.

17 **MR. SHAVER:** Sure.

18 **MR. LEE:** Madam Clerk, it's Volume 225 of
19 the transcript, please.

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

21 **MR. LEE:** Beginning at page 130, please.
22 And, Mr. Shaver, this came about because of an interview
23 that Staff Inspector McDonald had given to the OPP in July
24 of 1999.

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

1 **MR. LEE:** And I, in reviewing that, came
2 across an excerpt there that I put to Staff Inspector
3 McDonald and asked him to read it. And if you look at the
4 very bottom of page 130, the last question from me is I
5 begin quoting from that OPP interview, and at the very
6 bottom of the page the question begins:

7 "When you said you didn't think Claude
8 Shaver was just always truthful in his
9 comments, was this pertaining to this
10 specifically or any other items through
11 your work relationship?"

12 And then I say:

13 "And you answer."

14 And I go back to the quote, Staff Inspector McDonald's
15 quote at the OPP:

16 "Other things through my work
17 relationship, putting out clearance
18 rates. I still see in the paper where
19 they're putting out clearance rates of
20 45 and 50 percent, and any police
21 department that can say that they're
22 solving 50 percent -- and I did
23 statistics for many, many years and I
24 know in the summer they get 2,000
25 bicycles and I know they don't solve

1 1,000 of them -- and anybody, any
2 police department that says they're
3 solving 50 percent of their caseload, I
4 look at with a wry eye, I'll put it
5 that way."

6 **MR. SHAVER:** Yes.

7 **MR. LEE:** And if you go down, over onto page
8 132, Staff Inspector McDonald confirms that he recalls that
9 answer and that he still agrees with it, and he goes on,
10 and I ask him if he can explain what he understands
11 clearance rates to mean. Do you see that? And his answer
12 begins at line 11.

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

14 **MR. LEE:** And he says:

15 "Every time you have a crime, the crime
16 is either cleared by charge or cleared
17 otherwise or unfounded, or not cleared
18 at all."

19 **MR. SHAVER:** Yes.

20 **MR. LEE:** "And a clearance rate means
21 that you've cleared the crime by laying
22 a charge or saying it was unfounded,
23 which means it didn't happen at all or
24 it cleared otherwise, meaning that
25 there were circumstances. Sometimes a

1 person might be charged with 15 break
2 and enters and you'll say, "Well, we'll
3 only charge you with five of them and
4 we'll clear the other 10," otherwise
5 not using up the court's time."

6 **MR. SHAVER:** Yes.

7 **MR. LEE:** "Most of the time, it's a guilty
8 plea is going to be received on five of
9 them and the other ten are just cleared
10 otherwise. So for every crime you
11 have, if you have a clearance, if you
12 have 100 crimes and you clear 10 of
13 them or you charge 10 people, you've
14 got a 10 percent clearance rate..."

15 And he goes on. Do you see that?

16 **MR. SHAVER:** Yes, I do.

17 **MR. LEE:** And if you go over onto page 134,
18 at line 6, I ask Staff Inspector McDonald:

19 "And do you recall ever having a
20 discussion with Chief Shaver at any
21 point about these clearance rates that
22 were being put out there?"

23 And he replies:

24 "Yes, sir."

25 And I ask:

1 "And can you tell us what was said?"

2 He says:

3 "I objected to the way that they were
4 attempting to clear crimes, merely to
5 have the statistics look good."

6 And I asked for your response to that, and Mr. McDonald
7 says:

8 "I don't think he cared much one way or
9 another what my opinion was at the
10 time."

11 **MR. SHAVER:** Yeah.

12 **MR. LEE:** Do you see that?

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

14 **MR. LEE:** And finally, the last area that
15 I'll read you over on page 135 at line 16 ---

16 **MR. SHAVER:** Right.

17 **MR. LEE:** I ask him:

18 "What about sitting here today, looking
19 back on it? Do you have any other
20 concerns about Chief Shaver's
21 truthfulness in his relations and
22 conversations?"

23 And Mr. McDonald says, "Yes, sir," and he
24 expands:

25 "No, in general conversations I often -

1 - I often felt that Chief Shaver used
2 numbers to his convenience and where
3 they came from was suspect."

4 And I asked:

5 "Was this with you generally that you
6 observed this?"

7 And he replies:

8 "No, with everybody.

9 Did you ever raise that issue with
10 Chief Shaver?

11 A lot of people did. I think that's
12 what led to some of the correspondence
13 we looked at earlier."

14 Then I confirm that he means the report from
15 the Staff Sergeant or from the inspectors.

16 **MR. SHAVER:** Yes.

17 **MR. LEE:** Do you see all that, sir?

18 **MR. SHAVER:** I do.

19 **MR. LEE:** And do you recall ever having a
20 conversation or conversations with Staff Inspector McDonald
21 about clearance rates?

22 **MR. SHAVER:** I did.

23 **MR. LEE:** And can you tell us about that
24 conversation?

25 **MR. SHAVER:** Yes, it was when Deputy Chief

1 O'Neill came from the Peel Regional Police Department.
2 Deputy Chief O'Neill ran the CIB, the branch of a very
3 large police department. He came into our department and
4 one of the things I said to him was, "Well, we've got to do
5 something about these statistics. We've got to get our
6 people working. We've got to get young people." We were
7 talking about all of that.

8 So Deputy Chief O'Neill looked at how we
9 were doing it and he came back to me and said, "The person
10 that's doing this doesn't have a clue what he's doing.
11 He's not doing it correctly". I said, "Really, well, tell
12 me what correctly is". So he told me what correctly was.
13 We checked it with the Police Commission of Ontario and
14 they came back and said, "Yes, you are doing it correctly".

15 Stuart McDonald -- we had the conversation
16 and Stuart doesn't mention here but it was with the Deputy
17 Chief, myself and himself, and that conversation came
18 about. And he didn't like the answer and I said, "Well,
19 that's too bad. Deputy Chief O'Neill -- we're finding out
20 that this is the way we're supposed to do it and that's
21 what we're going to do, period.

22 **MR. LEE:** Do you recall what your clearance
23 rates were like once they were being calculated properly,
24 as you put it?

25 **MR. SHAVER:** They rose, sir, they rose --

1 they rose, I think, because of two factors; because we had
2 young people in the CIB branch. They worked very hard.
3 They -- I don't know if they got to 50 percent.

4 Stuart was talking about clearing -- you
5 know, he starts to talk about bicycles and I'm not sure
6 that that's even in that statistical package. It may not
7 be. But they'd come back with an average. I don't know
8 how they -- to be perfectly honest with you, sir, I don't
9 know how they average it out but that's how they average
10 it. They average it out.

11 **MR. LEE:** Are you aware that Leo Courville
12 testified here as well?

13 **MR. SHAVER:** Yeah.

14 **MR. LEE:** And you knew Mr. Courville was a
15 member of the Board while you were Chief?

16 **MR. SHAVER:** Yes.

17 **MR. LEE:** And he talked about clearance
18 rates too. And one of the things that he told us was that
19 the statistics the Board was receiving suggested that the
20 Cornwall Police's manpower complement was where it should
21 be, okay? That's one of the things he told us here.

22 So in other words, when the Board looked at
23 the statistics, it seemed to them that the number of
24 resources and the number of officers with the Cornwall
25 Police was adequate because the statistics were where they

1 were.

2 **MR. SHAVER:** Well, that certainly wouldn't
3 have been the information we were giving the Board. I
4 didn't know he said that, sir.

5 **MR. LEE:** And he told us that the Cornwall
6 Police's clearance rates were consistently better than the
7 provincial average.

8 **MR. SHAVER:** They were?

9 **MR. LEE:** And he put them in the mid-40
10 percent range.

11 **MR. SHAVER:** Yes, that's my recollection of
12 that.

13 **MR. LEE:** And he recalled -- he told us that
14 he recalled that being quite a favourable statistic.

15 **MR. SHAVER:** Yes.

16 **MR. LEE:** Is that your recollection?

17 **MR. SHAVER:** Well, I believe it's a
18 favourable statistic also, sir.

19 **MR. LEE:** And was it your understanding that
20 your rates were typically above average for the province?

21 **MR. SHAVER:** They were -- yes, they were
22 just a little bit above average, but yes.

23 **MR. LEE:** And given that the Board looked at
24 those stats at budget time as part of its determination of
25 whether there were adequate resources, would you agree with

1 me that having accurate statistics to present to the Board
2 was very important?

3 MR. SHAVER: Absolutely, yes.

4 MR. LEE: And those statistics affected
5 budget decisions?

6 MR. SHAVER: No, not really. No, they never
7 affected budget decisions.

8 MR. LEE: Well, it seems to be what Mr.
9 Courville told us.

10 MR. SHAVER: Well, then ask him, sir. Don't
11 ask me that because I don't think it did.

12 MR. LEE: You don't believe Mr. Courville
13 when he tells you that the Board was looking -- tells us
14 that the Board was looking at clearance rates as part of
15 its consideration of whether more manpower and resources
16 were needed?

17 MR. SHAVER: No, you asked me if I thought
18 it was part of it. I thought that was -- if Mr. Courville
19 thought that, yes, great, but that's not -- that wasn't my
20 thinking when he came to the Board.

21 MR. LEE: Okay, fair enough. What I'm
22 putting to you is that Mr. Courville came here and told us
23 that was one of the factors the Board considered. And what
24 I'm asking you is, given that, would you agree with me that
25 accurate statistics being given to the Board would have

1 been important so that it can make budget decisions
2 accordingly?

3 **MR. SHAVER:** Absolutely, accurate statistics
4 are always important, sir. Yes.

5 **MR. LEE:** And conversely then, if those
6 statistics would have been inflated in some way, it would
7 have directly impacted upon the service in terms of
8 resources?

9 **MR. SHAVER:** Well, in my opinion those
10 statistics -- those facts were never inflated. They were
11 done correctly.

12 **MR. LEE:** Based on what I've read to you,
13 Staff Inspector McDonald suggests that the statistics going
14 out were not an accurate indicator of the performance.

15 **MR. SHAVER:** Staff Inspector McDonald, as I
16 told you, sir, was not doing those statistics correctly.
17 It was part of a reason that Staff Inspector -- well, he
18 wasn't a staff inspector. He was the Deputy Chief and he
19 became a staff inspector after that, sir.

20 **MR. LEE:** Was there ever a point in time
21 during your tenure as Chief where you had to choose between
22 great statistics or a good budget, sir?

23 **MR. SHAVER:** No.

24 **MR. LEE:** That wasn't something that
25 happened?

1 **MR. SHAVER:** No.

2 **MR. LEE:** I'd like to -- moving on, if we
3 can pull up Volume 241 of the transcript, please?

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MR. SHAVER:** I have that one.

6 **MR. LEE:** And what I want to do is I'm going
7 to put a few different excerpts from the transcript to you
8 and then ask you to expand a little bit and comment on
9 these, okay?

10 **MR. SHAVER:** Okay.

11 **MR. LEE:** If we can start at page 11,
12 please, line 18.

13 **MR. SHAVER:** Line 18.

14 **MR. LEE:** And this is during your
15 examination in-chief with Mr. Engelmann. And he asked you
16 at line 16 when victims were starting to get compensation
17 and you reply:

18 "I believe that was in '92. I think
19 that was when the Church was starting
20 to pay compensation throughout North
21 America."

22 And you confirm at line 23 that you were
23 following those developments at the time.

24 **MR. SHAVER:** Yes.

25 **MR. LEE:** And Mr. Engelmann asked you at the

1 top of page 12 how that might have impacted your work and
2 you say that locally you:

3 "...had the Alfred Boys School
4 situation where I think they proved
5 that there was sexual abuse of boys,
6 young boys that were in custody there.
7 I believe when I heard -- when I first
8 heard that the Church started to pay
9 and I believe that was in late '92 that
10 I thought, you know, this was going to
11 open the door."

12 **MR. SHAVER:** Yes.

13 **MR. LEE:**

14 "We had better be prepared as a police
15 agency to take a look at these things."

16 Do you see that, sir?

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

18 **MR. LEE:** And if you go over to page 13, Mr.
19 Engelmann asks you at line 15:

20 "What was your view as to the impact
21 once those payments started to be
22 made?"

23 And you reply:

24 "I thought, sir, that we may have a lot
25 of people coming to our door saying

1 that they had been sexually assaulted."

2 **MR. SHAVER:** Yes.

3 **MR. LEE:** Mr. Engelmann follows you up on
4 that and you answer:

5 "Well, as the payments became known,
6 sir, I think all across North America,
7 as soon as it happened then there was a
8 plethora of other people that came
9 forward. So I thought we're not going
10 to be any different than that. It
11 would just be following the same
12 pattern and several people would come
13 forward after that."

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

15 **MR. LEE:** And then, finally, if you can flip
16 to page 196, please, the Commissioner on the previous page
17 had been asking you about project files and whether or not
18 a project file would be opened for a school teacher, as an
19 example, as compared to a priest. And beginning at line 2
20 you say:

21 "Well, sir, because at this time in my
22 mind I was looking at there's never
23 been a payout that I know of -- knew of
24 from a schoolteacher. There had been a
25 payout by the Catholic Church. I

1 thought this was going to open up a lot
2 of doors for that and I thought that we
3 would have -- we would have an awful
4 lot of people coming in to do this, as
5 they proved in the United States, sir."

6 **MR. SHAVER:** Yes.

7 **MR. LEE:**

8 "That was my logic, sir, whether you
9 agree with it -- I'm sorry, that was my
10 logic in looking at this. I wanted to
11 keep it as well under wraps as I could
12 until it was investigated and we can
13 start looking at reasonable and
14 probable grounds and then after that it
15 would go wherever we had to have it
16 go."

17 You see that?

18 **MR. SHAVER:** Yes.

19 **MR. LEE:** My reading of those excerpts is
20 that you seem to be talking about a fear of false
21 disclosures of abuse.

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

23 **MR. LEE:** That's not what you're saying?

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

25 **MR. LEE:** And you touched on this a little

1 bit earlier today and I'm still confused. I don't
2 understand what you're talking about here in terms of the
3 rush of people coming to the door and why that was a
4 concern. Can you help me out with that?

5 **MR. SHAVER:** Sir, I think it's sort of two
6 things. One is that when the Church began to pay, I think
7 people that were -- that had been abused would say, "Well,
8 wait a minute. There's so many people coming forward, so
9 many people coming forward," that they weren't going to
10 feel like they were alone. That was the first
11 consideration. They wouldn't be alone. They would be --
12 you know, if I come in the door and I do this I'm not going
13 to be the first person that came in the door.

14 **MR. LEE:** And just -- you understood that
15 phenomenon?

16 **MR. SHAVER:** Yeah.

17 **MR. LEE:** Just one person comes over and
18 breaks things open. People understand they're not alone
19 and ---

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

21 **MR. LEE:** Okay.

22 **MR. SHAVER:** And that was my first
23 consideration. The second consideration was we also have
24 to be prepared, sir, because now there's a financial
25 consideration being there, that we may have to do a lot of

1 weeding out in our investigations just in case people are
2 coming forward who have not legitimately been sexually
3 assaulted and are just looking at making claims.

4 We have people, sir, all the time that do
5 that in police agencies.

6 So my first consideration though, sir, was
7 for the true victims because I thought once this happens,
8 they're going to be -- they're going to want to come. Once
9 they realize they're not alone and the support system might
10 be out there and they won't have to go and testify by
11 themselves, that that would be the case.

12 **MR. LEE:** Okay. So a couple of things
13 there. There are two groups?

14 **MR. SHAVER:** Yes.

15 **MR. LEE:** Legitimate victims ---

16 **MR. SHAVER:** Yes.

17 **MR. LEE:** --- who are going to come forward
18 because someone else has come forward and broken the mould
19 and there's going to be a little bit of a rush?

20 **MR. SHAVER:** Yes.

21 **MR. LEE:** And, as you see it, there might be
22 a problem with that rush because interspersed with the
23 legitimate victims coming forward, there could be key
24 people making false allegations with an eye to
25 compensation?

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

2 **MR. LEE:** That's what you're thinking?

3 **MR. SHAVER:** That's what I'm thinking.

4 **MR. LEE:** So as it relates to placing the
5 Silmser allegation in a project file ---

6 **MR. SHAVER:** Right.

7 **MR. LEE:** --- what is the goal as it relates
8 to those two people? Why is this discussion relevant to
9 placing it in the project file?

10 **MR. SHAVER:** Well, first of all, sir, I put
11 Mr. Silmser in the first category in terms of my own
12 thinking. He's in the first category.

13 **THE COMMISSIONER:** Which is?

14 **MR. SHAVER:** Which is he's a legitimate
15 person who's been sexually assaulted. He's now seeing
16 people all over the place that have been sexually
17 assaulted. People are coming forward. He's coming
18 forward. That was my first thinking. So that's how we had
19 to view it, sir. We had to view it that anybody that came
20 through the door that told us these -- that told us these
21 things, that they were legitimately sexually assaulted. We
22 had to think that. That's our -- we have to be cognizant
23 of them being victims.

24 **MR. LEE:** So what does that have to do with
25 putting it in a project file? What I don't understand is

1 you're telling us there are going to be two streams of
2 people coming?

3 **MR. SHAVER:** Right.

4 **MR. LEE:** Legitimate victims?

5 **MR. SHAVER:** Right.

6 **MR. LEE:** False allegations?

7 **MR. SHAVER:** Yes.

8 **MR. LEE:** And for some reason, because you
9 might expect that influx of people, you better put it in a
10 project file and keep it out of the public eye for now?

11 **MR. SHAVER:** Just for now, yes.

12 **MR. LEE:** Why?

13 **MR. SHAVER:** Well, once we prove -- once we
14 got the first case investigated, found reasonable and
15 probable grounds to lay a charge, we'd lay that charge and
16 then we'd see what was going to happen because the mould,
17 if you will, would have been broken with us.

18 The Father Deslauriers case in 1985 should
19 have broken the mould. It didn't. We didn't have people
20 coming in to talk about sexual assaults. I mean, Mr.
21 Silmsler did not come in in 1985, and neither did other
22 victims. So we had the first time.

23 We had many victims, I believe, in 1985 with
24 Father Deslauriers, but then I thought if we had that many
25 in '85, what's going to happen now? I mean, the world was

1 changing. Now all of a sudden sexual abuse all over North
2 America -- in fact, all over the world at that time, that
3 was a paramount thing. You read it on the news -- you saw
4 it on the news every night.

5 So that was my thinking. It was just ---

6 **MR. LEE:** Were you concerned about
7 resources? Is that part of the issue? Too many people
8 have come forward and you couldn't handle it?

9 **MR. SHAVER:** Well, if they would have, sir,
10 then we would have had a major project. We would have had
11 to do something with resources. There's no question about
12 that.

13 **MR. LEE:** Is that part of the rationale for
14 putting it in a project file: to buy you some time?

15 **MR. SHAVER:** It wasn't -- that was part of
16 it, but it wasn't the first part, sir. It was a
17 consideration, no question.

18 **MR. LEE:** So it was a consideration?

19 **MR. SHAVER:** Yes.

20 **MR. LEE:** Did you do anything to try to
21 prepare yourself or the Force to receive ---

22 **MR. SHAVER:** Well, I tried with my Board,
23 sir, to get -- to fill our complement. If you'll go back -
24 - and I'm not sure if you've had testimony -- I think you
25 did have testimony here that our resources were very low.

1 We had several people off. Now, if you'd take a Force of
2 100 people -- and at one point I know we had nine people
3 off. So you've got almost 10 per cent of your Force that's
4 down. So you put officers on the road. One shift would go
5 on the road, and let's say it had 15 officers on the shift,
6 well, it sounds nice, but three are automatically gone.
7 For whatever reason, they're automatically gone. You put
8 anybody else on top of that; you put the staff sergeant
9 inside. The staff sergeant's not there for whatever
10 reason. The sergeant goes inside. You end up with --
11 basically, on the road you end up with six or seven people
12 if you're lucky, and that was a real consideration, sir,
13 yes.

14 **MR. LEE:** As the Chief of Police, you are
15 constantly lobbying the Board for more resources; right?

16 **MR. SHAVER:** I was just trying to refill the
17 complement that I had, sir, then.

18 **MR. LEE:** Can I assume that during your
19 entire tenure as Chief you were never satisfied that you
20 had all the resources you could use?

21 **MR. SHAVER:** Sir, as the Chief of Police,
22 you have to understand that I'm forever trying to get more
23 resources, forever. I mean, it's -- like, I wanted a
24 joint-force drug operation, but I wanted it run in the
25 Cornwall Police Department as opposed to the RCMP running

1 it. It took me two and a half years of negotiating to get
2 it and I got it.

3 **MR. LEE:** I think we're on the same page
4 here. It benefits the Force to have more resources?

5 **MR. SHAVER:** It did. It would.

6 **MR. LEE:** And so you were always going to
7 the Board, asking for everything they can give you?

8 **MR. SHAVER:** I was going to the Board, sir.
9 I always went to the Board asking to fill whatever position
10 was vacant at the time.

11 **MR. LEE:** My question is did you, in the
12 wake of the Silmsler allegation and these concerns about
13 sort of a flood of people coming forward ---

14 **MR. SHAVER:** Yes.

15 **MR. LEE:** --- go to the Board and
16 specifically make a request relating to these concerns?

17 **MR. SHAVER:** No, but, sir, in the back of my
18 mind I had it that if we found reasonable and probable
19 grounds, and all of a sudden that was going to happen, I
20 was going to go back to them and ask for the resources,
21 yes.

22 **MR. LEE:** You talk in the excerpts that I
23 read about the experience in the United States ---

24 **MR. SHAVER:** Yes.

25 **MR. LEE:** --- and that you would follow the

1 developments there?

2 MR. SHAVER: Yes.

3 MR. LEE: When I heard you talking about
4 that, what went off in my mind was that you were talking
5 about a rash of false allegations in the United States.

6 MR. SHAVER: No, no, I was talking about
7 legitimate people coming forward. That's what I was
8 thinking, sir.

9 MR. LEE: You said a few moments ago --
10 several moments ago now -- that police often receive false
11 allegations.

12 MR. SHAVER: A lot, sir.

13 MR. LEE: Let's limit our discussion to
14 allegations of historic sexual abuse.

15 MR. SHAVER: Okay.

16 MR. LEE: Was it your experience as the
17 Chief of Police in Cornwall that you would receive false
18 allegations of historic abuse?

19 MR. SHAVER: Of historic abuse? No, I had
20 not -- see, sir, I always had difficulty when I heard in
21 the Inquiry talking about historical sexual abuse. I
22 looked at sexual abuse as being sexual abuse. Whether it
23 happened 20 years ago or it happened yesterday, it's still
24 sexual abuse. I never put "historical" in any part of my
25 thinking.

1 **MR. LEE:** Well, let's talk sexual abuse
2 then. During your time as the Chief of the Cornwall
3 Police, did you have a problem with false allegations of
4 sexual abuse being made?

5 **MR. SHAVER:** I'm sure there must have been,
6 sir. Cases just don't jump to mind.

7 **MR. LEE:** Undoubtedly, there must have been.
8 Was it a problem? Were there many coming forward? Was
9 there a high percentage?

10 **MR. SHAVER:** I can't answer it, sir. I
11 don't know.

12 **MR. LEE:** Your officers never brought that
13 to your attention, that you recall?

14 **MR. SHAVER:** Not specifically, sir.
15 Officers bring -- officers will always -- any officer will
16 tell you that we get people that are consistently coming to
17 the door saying whatever happened, you know, "This happened
18 to me. This happened to me. This happened to me. This
19 happened to me." We see the same people a lot, sir.

20 **MR. LEE:** And as it related to clergy sexual
21 abuse in Cornwall, certainly you didn't have any experience
22 with ---

23 **MR. SHAVER:** No, no, we had ---

24 **MR. LEE:** --- proving false allegations?

25 **MR. SHAVER:** No, we had the '85 experience

1 and then we had the Silmsler investigation, sir.

2 MR. LEE: And you didn't have any knowledge
3 of a situation in the States in 1992 of a high percentage
4 of false allegations against clergy coming forward?

5 MR. SHAVER: I think, sir, at some
6 conference that I was at, that did come up, a Chief's
7 conference. I'm not sure where it was or whether it was in
8 Canada or the United States, because I used to attend many,
9 many conferences, the Canadian Chiefs' Association, the
10 Ontario Chiefs and International Chiefs. I know that there
11 was a complete seminar on this at one of them that caught
12 my attention. You know, it was -- I can't remember when it
13 was, sir. I know that it dug at me and said, "Oh boy,
14 you'd better be considering this."

15 MR. LEE: A seminar on what?

16 MR. SHAVER: It was a seminar on sexual
17 abuse, on false allegations of sexual abuse. I think it
18 may have been in Canada somewhere, sir, because I'm
19 thinking that it was at the time that the *Criminal Code* was
20 about to change, that a domestic assault was going to
21 become -- you had to charge. If the wife came in and said
22 she beat up her husband, you had to charge. I'm not sure
23 exactly when that was, but I think it was in this era.

24 MR. LEE: So you have some recollection of
25 attending a conference where there was a suggestion that

1 there was a problem with high rates of false allegations of
2 sexual abuse?

3 **MR. SHAVER:** Yes, yes. That could be a
4 problem, yes, that that was happening.

5 **MR. LEE:** Well, two thoughts are that it
6 could be a problem or that it was happening?

7 **MR. SHAVER:** Yeah, it could be a problem.
8 It was happening, so therefore, "It could be a problem for
9 you, Chief, when you go back home. It could be a problem
10 if you're thinking about it."

11 **MR. LEE:** It was happening in the United
12 States? Is that where that reference comes from?

13 **MR. SHAVER:** It seems to me, sir, that it
14 would have been at one of the Canadian Chiefs' conferences
15 because in my recollection, sir, the two things that always
16 connected were the police -- the *Criminal Code* is going to
17 change on domestic abuse and, therefore, this was part of
18 it.

19 The Canadian Chiefs had a great many
20 conferences, sir, with a lot of very high-powered people to
21 come back and speak to us.

22 **MR. LEE:** I asked you earlier about some of
23 the contextual evidence at this Inquiry. Did you listen to
24 or read transcripts from the evidence of Dr. David Wolfe?

25 **MR. SHAVER:** No, I did not, sir.

1 **MR. LEE:** He would have testified in
2 February of 2006.

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

4 **MR. LEE:** You didn't follow that at all?

5 **MR. SHAVER:** No.

6 **MR. LEE:** The reason I ask is that he spoke
7 to us about false allegations.

8 **MR. SHAVER:** Oh, did he? Okay.

9 **MR. LEE:** He did. And his evidence was that
10 fabrications constitute a relatively small fraction of the
11 reports received.

12 **MR. SHAVER:** Oh, okay.

13 **MR. LEE:** You didn't realise that?

14 **MR. SHAVER:** No.

15 **MR. LEE:** You hadn't heard that?

16 **MR. SHAVER:** No, I did not.

17 **MR. LEE:** So if we get back to the project
18 file, my understanding of your evidence is that putting
19 that -- the Silmsier allegation in the project had nothing
20 to do with any kind of cover-up or your desire to protect
21 Charlie MacDonald or the diocese or Ken Seguin?

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

23 **MR. LEE:** And instead, one of the reasons
24 for it was because you were concerned about a potential
25 flood of victims and false allegations?

1 **MR. SHAVER:** Potential flood of, yes,
2 victims. Number one, legitimate victims and, number two,
3 false allegations. Yes.

4 **MR. LEE:** And as you've told us now, because
5 that's what you had learned at a conference?

6 **MR. SHAVER:** Yes, I did that, sir, yes.

7 **MR. LEE:** You -- I don't intend to get into
8 details with you on this, but a couple of days ago, you
9 became quite emotional referencing something that almost
10 happened to you when you were 11 years old?

11 **MR. SHAVER:** Yes.

12 **MR. LEE:** You recall that?

13 **MR. SHAVER:** Yes, I do, sir.

14 **MR. LEE:** And that was at a point in the
15 testimony where you were being asked if you understood that
16 victims sometimes come forward only when someone else comes
17 forward first?

18 **MR. SHAVER:** Yes.

19 **MR. LEE:** Essentially, you were being asked
20 if you had an appreciation of some of the difficulties the
21 victims face in deciding to come forward?

22 **MR. SHAVER:** I did.

23 **MR. LEE:** Is that right?

24 **MR. SHAVER:** Yes.

25 **MR. LEE:** And you said, "It almost happened

1 to me when I was 11 and so it's very personal". Is that
2 right?

3 MR. SHAVER: Yes, sir.

4 MR. LEE: And, again, I don't want to get
5 into details, but am I right to understand that you were
6 describing some kind of situation where you were almost
7 victimised as a child?

8 MR. SHAVER: I certainly was, sir, yes.

9 MR. LEE: And the point of that, I take it,
10 was to drive home the point that you had some appreciation
11 of what these people went through at some level at least?

12 MR. SHAVER: More than some appreciation,
13 sir, yes.

14 MR. LEE: And, as I said, you got emotional
15 telling us about it?

16 MR. SHAVER: Yes.

17 MR. LEE: All these years later?

18 MR. SHAVER: Yes.

19 MR. LEE: And I said a moment ago that the
20 evidence surprised me, and the reason that I say it
21 surprised me is when I look back on your tenure as Chief of
22 the Cornwall Police, I can't pinpoint anything that you did
23 or any initiative that you took that suggests that you had
24 this unique understanding of the issues facing victims.

25 Let me give you some examples here.

1 Historic sex abuse investigations ---

2 MR. SHAVER: Please do -- sorry, please do.

3 MR. LEE: Historic sex abuse investigations
4 were not made a specific priority during your tenure. You
5 didn't issue an order or a directive saying these things
6 are going to be our top priority?

7 MR. SHAVER: No, there was no directive on
8 it, no.

9 MR. LEE: And the reason I say that is we
10 know that later on such a directive was issued; that
11 historic situations were going to be treated with the same
12 urgency as the recent sexual assaults?

13 MR. SHAVER: Yes, in 20/20 hindsight when
14 their Chief came in and he as an opportunity to see what
15 happened, yes.

16 MR. LEE: Victim assistance programs were
17 not implemented during your tenure?

18 MR. SHAVER: Victims' assistance programs
19 were attempted to be -- during my tenure, yes.

20 MR. LEE: What do you mean by attempted?

21 MR. SHAVER: We tried to get a victims'
22 program started. I believe it was Constable Aikman that --
23 who is now the Deputy Chief who was the first person that
24 was involved with that.

25 MR. LEE: We've had a little bit of evidence

1 on that, and my recollection is that nobody could find the
2 time?

3 **THE COMMISSIONER:** Mr. Manderville?

4 **MR. MANDERVILLE:** A victims' assistance
5 program, sir, as you will recall, is subject to provincial
6 funding. That's out of our hands; out of the Chief's
7 hands.

8 **THE COMMISSIONER:** M'hm. It is a provincial
9 -- it answers half of the problem. It is a provincial
10 initiative, but I guess it depends on how the local
11 community pushes and "squeaky wheel gets the grease".

12 **MR. MANDERVILE:** Sorry, sir?

13 **THE COMMISSIONER:** "Squeaky wheel gets the
14 grease." So Mr. Lee can ask him how hard did he clamour
15 for it, I guess.

16 **MR. LEE:** You heard the Commissioner's
17 question. How hard did you clamour for the victims'
18 assistance?

19 **MR. SHAVER:** Deputy Chief Aikman or
20 Constable Aikman then at the time, I know, I put him in
21 charge of that, and he -- I know he tried. He worked very,
22 very hard. He kept me informed on it. He was trying to
23 get the funding. He was trying very, very hard to get the
24 funding. He came back and he said, "No, we can't get it".
25 I'm not sure for what reason, sir.

1 I don't remember the reason. I know he
2 tried very hard to get it.

3 **MR. LEE:** Specific training on historic
4 abuse cases wasn't offered by the Cornwall Police?

5 **MR. SHAVER:** Well, sir, we did -- I didn't
6 care if it was historic, sir. If it's sexual abuse, it's
7 sexual abuse. I didn't care if it was 35 years old or
8 yesterday.

9 So we didn't do anything and call it
10 "historical", no.

11 **MR. LEE:** You told us about being a
12 signatory of a joint protocol that didn't mention historic
13 abuse?

14 **MR. SHAVER:** That's right. It didn't
15 mention it.

16 **MR. LEE:** And you consider that to be an
17 oversight, is the impression I got from your ---

18 **MR. SHAVER:** Well, it's an oversight now
19 that historical sexual abuse seems to be a buzzword here.
20 It certainly was. I mean, if it was defined now, if I was
21 going to do this tomorrow morning and doing with that same
22 group, historical sexual abuse would have had its own --
23 its own section.

24 **MR. LEE:** We've heard evidence about some of
25 the -- what I would categorize as problems that the CAS

1 encountered in trying to get information from you?

2 **MR. SHAVER:** Problem -- I don't ---

3 **MR. LEE:** We know at one point that the CAS
4 was asked -- or you were asked, rather -- your Force was
5 asked to provide the names of two alleged victims of abuse
6 to the CAS, and that request went to your office and was
7 denied?

8 **MR. SHAVER:** Yes, and I gave you the answer
9 on that earlier, sir.

10 **MR. LEE:** Can you point to anything you did
11 during your tenure as Chief that would evidence this unique
12 understanding you say you have of victims?

13 **MR. SHAVER:** Yes, yes, I can.

14 I worked with Children's Aid Society for at
15 least -- if you're going to turn your back on me, sir, then
16 I'm ---

17 **THE COMMISSIONER:** No, no. He's just going
18 to get some water.

19 **MR. LEE:** I'm just getting water, sir.

20 **MR. SHAVER:** Oh, I'm sorry.

21 **MR. LEE:** I'm listening attentively.

22 **MR. SHAVER:** All right.

23 So the Children's Aid Society, I worked with
24 them. I was the major fundraiser for them for the 10 years
25 that I was here. I had my officers working with Children's

1 Aid. At one point, I had an office in Children's Aid that
2 Sergeant Moquin occupied. We had an actual office inside
3 the building.

4 I sat on committees, sir, to start the
5 victims for sexual assault here, in this community. I was
6 on that steering committee.

7 Also was on the committee that formed a
8 committee for -- called the York House or -- the York
9 House, yes, and it was a place for estranged parents to
10 bring a child in complete safety where the child might be
11 in danger of either being verbally abused, maybe physically
12 abused, hopefully not ever sexually abused.

13 We started a thing; got the government
14 funding; worked our tail off to get that. We started it so
15 that if -- say, it was the wife, the mother, she would
16 bring the child in. The mother was then placed in a place
17 of safety. The father would then be allowed to come into
18 the York Centre, be with the child but supervised. There
19 would be a person there watching what that person did.

20 I sat on -- I also sat on the Big Brothers
21 Association and to suggest that, sir, is just -- to suggest
22 that I had no consideration for that is just totally,
23 totally wrong.

24 **MR. LEE:** In all sincerity, all of the
25 initiatives and projects you've just mentioned ---

1 **MR. SHAVER:** Yes?

2 **MR. LEE:** --- are commendable.

3 What I am interested in at this particular
4 point-in-time is what you did in your capacity as Chief of
5 Police to effect change within the Cornwall Police Service
6 that would benefit victims of abuse coming forward within
7 your Force; investigations; victim support?

8 **MR. SHAVER:** Well, sir, we did have victim
9 support. We had -- you know, for example, if a child -- if
10 it was a child, we had the Teddy Bear Program where we
11 would bring the teddy bear there so the child could talk to
12 the bear. We had those in the back of our cars. They were
13 supplied by the Optimist Club at the time.

14 Sir, we did have a lot of programs and to
15 suggest that we didn't -- and then if you take a look, I'm
16 certain, sir, that we had as many as any other police
17 department in this province at that time.

18 We are looking at a whole different era
19 here. You're looking 16 years later than the last -- the
20 last thing that happened. This is a whole different era.
21 There's a -- everybody in the public has a whole different
22 mindset about victims and victims of sexual assault now
23 than they did back then.

24 I thought that I had a fairly good
25 understanding of it from several reasons, including a

1 personal one. So I really don't -- I really don't agree
2 with -- well, I don't agree with your analogy of the
3 question, sir, with asking me that question.

4 **MR. LEE:** You are aware that Luc Brunet
5 testified here recently?

6 **MR. SHAVER:** I do. I did.

7 **MR. LEE:** I want to talk to you about OMPPAC
8 briefly.

9 **MR. SHAVER:** Yes.

10 **MR. LEE:** Did you follow his testimony?

11 **MR. SHAVER:** Some of it, sir. I tried to
12 follow Luc's testimony as much as I could.

13 **MR. LEE:** He told us that he became the
14 Officer-in-Charge of the CIB on January 11th, '93?

15 **MR. SHAVER:** Yes.

16 **MR. LEE:** Okay?

17 **MR. SHAVER:** Approximately, yes that would
18 be about right.

19 **MR. LEE:** So he would have been in that
20 position for the last year of your tenure as Chief?

21 **MR. SHAVER:** Yes.

22 **MR. LEE:** And one of the things that he told
23 us was that supplementary occurrence reports in OMPPAC at
24 that time were supposed to be inputted every 30 days by the
25 investigating officers?

1 **MR. SHAVER:** It was a suggestion, sir. It
2 was not a command from OMPPAC. OMPPAC, sir, was evolving.
3 I mean every -- as I said earlier in my testimony, OMPPAC -
4 - it didn't -- you did not come in with a software package
5 that was working perfectly. It was evolving. Every month
6 or two -- I know that Luc Brunet, Staff Sergeant Derochie
7 and Doug Shaw all were on that committee. I believe that
8 it was mostly Garry Derochie and Doug Shaw.

9 **MR. LEE:** Is Doug Shaw another officer?

10 **MR. SHAVER:** Doug Shaw was an officer. He
11 became a civilian, and I think that it was his
12 responsibility. I think he was given the responsibility,
13 along with Staff Sergeant Derochie, of implementing OMPPAC.

14 But OMPPAC -- I never wanted to hold out
15 OMPPAC as the know-all, beat-all, end-all system because it
16 certainly wasn't. It had a lot of holes in it. It was
17 down a lot of times more than it was ever up. It was new.
18 We were the second force to get it, and OMPPAC just kept
19 evolving and evolving and evolving until -- I mean, I don't
20 think Crown Briefs came in until -- I could be wrong, but
21 1991-'92. It could not produce a Crown Brief. So ---

22 **MR. LEE:** Let's be fair here. OMPPAC came
23 in in the middle of 1989?

24 **MR. SHAVER:** It did, yes.

25 **MR. LEE:** And Brunet took over in January

1 '93?

2 MR. SHAVER: Yes.

3 MR. LEE: So this isn't in its infancy?

4 MR. SHAVER: No, it's not. But I said, sir,
5 this is a software that was evolving, and that's how it was
6 intended to be. It was an evolving software.

7 MR. LEE: Is it your recollection that
8 investigating officers were supposed to file supplementary
9 occurrence reports in OMPPAC every 30 days?

10 MR. SHAVER: I think it was recommended,
11 sir. I don't think it was ever -- I don't think that I --
12 I can't remember, sir, if it was ever a directive that that
13 would happen.

14 MR. LEE: What Luc Brunet told us was that
15 he did not enforce that -- compliance with that requirement
16 by his officers.

17 MR. SHAVER: Yes, I heard him say that in
18 his testimony.

19 MR. LEE: And what he told us was that he
20 permitted his officers to file verbal reports, essentially,
21 updating him.

22 MR. SHAVER: Yes.

23 MR. LEE: And were you aware of that at the
24 time?

25 MR. SHAVER: Was I aware that he was getting

1 verbal reports?

2 MR. LEE: Well, I'm less concerned about
3 whether he was getting verbal reports and more concerned
4 about were you aware that OMPPAC wasn't being utilized as a
5 ---

6 MR. SHAVER: No, sir, I was not aware that
7 OMPPAC was not being utilized to its full extent, no.

8 MR. LEE: And Mr. Brunet told us that he
9 reported directly to the Deputy Chief for some time because
10 Inspector Trew was away.

11 MR. SHAVER: Yes.

12 MR. LEE: And once Inspector Trew came back,
13 he then reported back to him.

14 MR. SHAVER: There was a passage there, yes.

15 MR. LEE: And did either Inspector Trew or
16 the Deputy Chief at the time bring this supplementary
17 occurrence report issue to your attention for discussion?

18 MR. SHAVER: Not that I can ever remember,
19 sir.

20 MR. LEE: You say it wasn't a policy in 1993
21 to have a 30-day reporting?

22 MR. SHAVER: I don't believe it was a
23 policy. I always thought it was a recommendation. I
24 believe it was a recommendation.

25 MR. LEE: Recommendation from whom?

1 **MR. SHAVER:** It was a recommendation from
2 the OMPPAC system itself. I mean, it's ---

3 **MR. LEE:** Well ---

4 **MR. SHAVER:** Well, no, the system was
5 supposed to be -- it would develop that. It was supposed
6 to be a -- like, you know, the buzzer goes off, you'd need
7 a report here.

8 **MR. LEE:** But presumably the software is
9 tailored somewhat to the police force using it. What was
10 the rule or the suggestion or the recommendation at CPS?

11 **MR. SHAVER:** No. First of all, sir, it was
12 not tailored to the police force using it. It was
13 standardized across the Province. So we didn't have any
14 tailored -- it was not tailored to the Cornwall Police
15 Department. It was what it was when it was.

16 **MR. LEE:** We heard evidence from a couple of
17 witnesses now that originally the supplementary occurrence
18 report inputting deadline would be seven days, and it was
19 recognized that that would be too much to ask, so it went
20 to 14 days, and eventually it was settled on 30 days?

21 **MR. SHAVER:** That's possible, sir. I ---

22 **MR. LEE:** Did that recommendation or
23 suggestion come from you or would that have come from the
24 Deputy Chief; do you know?

25 **MR. SHAVER:** I have no idea where it came

1 from, sir.

2 MR. LEE: Regardless of what we want to call
3 this, a recommendation or a suggestion, was it acceptable
4 in your mind for supervisors to waive compliance with that
5 supplementary occurrence?

6 MR. SHAVER: Was it acceptable?

7 MR. LEE: Was it acceptable in your mind for
8 Luc Brunet to not require his officers to input
9 supplementary occurrence reports?

10 MR. SHAVER: Staff Sergeant Brunet had to
11 run his CIB Branch the way he wanted to run it, and I had
12 the utmost confidence in him to do so.

13 MR. LEE: OMPPAC was brought in under your
14 tenure?

15 MR. SHAVER: Yes.

16 MR. LEE: And I take it it was, in part,
17 brought in to improve efficiency?

18 MR. SHAVER: To improve efficiency? It was
19 -- it was brought in ---

20 MR. LEE: I'm not asking what it did. I'm
21 asking what it was intended to do.

22 MR. SHAVER: I'm thinking about some of the
23 testimony I heard.

24 It was brought in to -- because it was the
25 beginning -- it's where policing was going. It was

1 technology. We were going to become technology-driven and
2 that's where we were going. That was the reason it was
3 brought in.

4 **MR. LEE:** One of its benefits was that it
5 was part of a cooperative that linked police forces?

6 **MR. SHAVER:** Well, yes. And the benefit
7 from that was that we didn't have to pay the amount of
8 money that we would have had to pay a private firm.

9 **MR. LEE:** And another benefit is that you're
10 linked with other police forces, surely?

11 **MR. SHAVER:** Linked with other police
12 forces, yes.

13 **MR. LEE:** That's an important benefit, isn't
14 it?

15 **MR. SHAVER:** Oh, absolutely.

16 **MR. LEE:** And you would agree that ---

17 **MR. SHAVER:** Especially -- sir, with us,
18 especially with the OPP because we worked very closely with
19 them. They were our neighbours.

20 **MR. LEE:** And would you agree that the
21 success of the system depended entirely on it being used
22 properly and to its full potential?

23 **MR. SHAVER:** Yes, if it had a full potential
24 at the time, sir. I'm still not -- I was never convinced
25 that the OMPPAC system ever lived up to the full potential

1 that we wanted it to do.

2 **MR. LEE:** Would you agree that it would have
3 been difficult for Mr. Brunet's supervisors to follow the
4 progress of investigations, given that he was receiving
5 verbal reports?

6 **MR. SHAVER:** Yes, yes, absolutely. The
7 Deputy Chief would have had -- the Deputy Chief would have
8 had to have been right behind the verbal reports and
9 received the other reports. He would have had no way of
10 checking, you know, without having to go to the Staff
11 Sergeant.

12 **MR. LEE:** And we can throw Inspector Trew in
13 there if he were there at the time?

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

15 **MR. LEE:** And the Deputy Chief in that case
16 would be one further step removed from Mr. Brunet.

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

18 **MR. LEE:** And you didn't know anything about
19 this system that Mr. Brunet had set up with the verbal
20 reporting?

21 **MR. SHAVER:** No, I had no -- I didn't
22 realize that he was doing it, but I support what he did.
23 You know, you have to understand Staff Sergeant Brunet.
24 Staff Sergeant Brunet was a very efficient -- was and is a
25 very -- I believe, a very efficient officer, and honest to

1 a fault and tell you everything, and not worry about it.
2 He could give you the good, the bad and the ugly all in the
3 same sentence. So, no, Staff Sergeant Brunet, I had the
4 utmost confidence in him, sir, and I'm sure if you asked
5 the Deputy, I'm sure he would have said the same thing, and
6 if you asked Inspector Trew, I believe he would have said
7 the same thing about Staff Sergeant Brunet.

8 MR. LEE: Your confidence in Staff Sergeant
9 Brunet's abilities aside, there's a reason for the chain of
10 command?

11 MR. SHAVER: Absolutely, yes.

12 MR. LEE: And Inspector Trew would have
13 served a purpose ---

14 MR. SHAVER: Yes.

15 MR. LEE: --- as the inspector in
16 supervising Staff Sergeant Brunet?

17 MR. SHAVER: Yes, exactly.

18 MR. LEE: Similarly, the Deputy Chief?

19 MR. SHAVER: Yes.

20 MR. LEE: And right up to you?

21 MR. SHAVER: Yes, exactly.

22 MR. LEE: And if that supervision breaks
23 down somewhere, we've got problems?

24 MR. SHAVER: Yes.

25 MR. LEE: And you need to rely on Inspector

1 Trew to be able to supervise Staff Sergeant Brunet?

2 MR. SHAVER: Yes, I needed Staff Sergeant
3 Brunet to supervise CIB, then Inspector Trew to supervise
4 him, yes.

5 MR. LEE: Well, don't you see it as a
6 problem, then, that inevitably that relationship wasn't as
7 strong as that -- that supervision relationship wasn't as
8 strong as it could have been had OMPPAC been used?

9 MR. SHAVER: I understand your point, sir.

10 MR. LEE: Do you agree with it?

11 MR. SHAVER: I understand it, sir. Would it
12 have been better if it would have been used, sir? Yes.
13 Would the 30 -- seeing where we are today, would it have
14 been better? Yes. If we'd have had the OMPPAC system up
15 working and the reports would have all been in there every
16 month, then any supervisor up the chain of command could
17 have gone back in and checked.

18 But, sir, it -- well, yes, that's as much as
19 I can say about that. I'm not sure where else to go there.

20 MR. LEE: I want to ask you very briefly
21 about some of the evidence you've given about being at Mr.
22 Seguin's home or Mr. MacDonald's cottage, or both.

23 MR. SHAVER: Yes.

24 MR. LEE: You've denied ever having been at
25 either of those places?

1 **MR. SHAVER:** Absolutely.

2 **MR. LEE:** And Mr. Paul asked you
3 individually for each of the six people whether you had had
4 any contact with them or knew of them at any point, and you
5 said you did not?

6 **MR. SHAVER:** Sir, to the point that I took a
7 polygraph to just do that same thing.

8 **MR. LEE:** How long were you a police
9 officer, sir?

10 **MR. SHAVER:** Thirty-two (32) years.

11 **MR. LEE:** And did you at any point come to
12 understand what the value of a polygraph was?

13 **MR. SHAVER:** I do.

14 **MR. LEE:** And did you ever at any point come
15 to understand its admissibility in legal proceedings?

16 **MR. SHAVER:** I do.

17 **MR. LEE:** And what is your understanding,
18 sir?

19 **MR. SHAVER:** That it's inadmissible in a
20 legal proceeding -- in a criminal proceeding.

21 **MR. LEE:** In a criminal proceeding is your
22 understanding?

23 **MR. SHAVER:** Yes.

24 **MR. LEE:** So an Inquiry might be different?

25 **MR. SHAVER:** I don't know, sir.

1 **MR. LEE:** You've produced to this Commission
2 a polygraph report, haven't you?

3 **MR. SHAVER:** I did.

4 **MR. LEE:** And that's a polygraph that you
5 sought on your own?

6 **MR. SHAVER:** It is.

7 **MR. LEE:** And I presume you paid for?

8 **MR. SHAVER:** I did pay for it.

9 **MR. LEE:** And it was conducted in Florida?

10 **THE COMMISSIONER:** Whoa, whoa, just a
11 minute. Just a minute.

12 A polygraph is ---

13 **MR. LEE:** I'm in a very difficult position
14 here, sir.

15 **THE COMMISSIONER:** Yeah.

16 **MR. LEE:** The cat is now out of the bag, and
17 I would say that the only reason for Chief Shaver to have
18 just mentioned that he took a polygraph was to do an end-
19 run around what he fully understands to be an inadmissible
20 document. He knows he can't get it in.

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

22 **MR. LEE:** So he's blurted it out.

23 And now we have members of the public, we
24 have the media, we have you sitting here thinking, "Well,
25 isn't that interesting that Chief Shaver himself has just

1 alluded to a polygraph." The obvious inference is that it
2 is positive in the sense that it is something that helps
3 his cause.

4 And I'm now in an impossible position where
5 I don't believe it's admissible. We have a polygraph
6 conducted in Florida with a polygraph operator that I can't
7 examine. It's not proper for evidence of a polygraph, if
8 it were going to be admissible, would go in through the
9 examinee rather than the examiner. And I have no way now
10 of pointing out the various deficiencies in the polygraph,
11 the various questions not put to Chief Shaver in the
12 polygraph. And now here we are.

13 So I'm not exactly sure what I should be
14 doing here.

15 **THE COMMISSIONER:** Well, when in doubt,
16 we'll ask for some advice.

17 Mr. Engelmann.

18 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:**

19 **MR. ENGELMANN:** This could possibly be
20 partially my fault; but I'll just tell you what we did. I
21 met with Chief Shaver and his counsel, John Olver, last
22 Wednesday at which time I was given a two or three-page
23 document by them. Given my -- given our obligations as
24 Commission counsel to disclose any kind of document that
25 might be arguably relevant to counsel for parties

1 withstanding that's what we did.

2 I would have indicated to both Chief Shaver
3 and John Olver at that time some of what Mr. Lee just said
4 about inadmissibility of documents of this nature, opinion
5 evidence, et cetera. But that is some of the background,
6 sir.

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

8 **MR. ENGELMANN:** And that's all I can really
9 say unless you have some questions.

10 **THE COMMISSIONER:** Thank you, no.

11 Mr. Olver.

12 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. OLVER:**

13 **MR. OLVER:** Yes, Mr. Commissioner, if I can
14 weigh in on this issue. Mr. Engelmann is correct. We had
15 a meeting last week, last Wednesday, Mr. Shaver, myself and
16 Mr. Engelmann. I believe Ms. Simms was present as well.

17 Without getting into solicitor-client
18 privileges with Mr. Shaver, he had already ---

19 **THE COMMISSIONER:** Careful if you raise it.

20 **MR. OLVER:** Absolutely.

21 **THE COMMISSIONER:** You open the door -- I
22 mean you might be bare.

23 **MR. OLVER:** I understand that. And I'm very
24 cautious right now about any of this.

25 Mr. Shaver was concerned about something

1 that he had done before I was counsel. And whether that
2 may come out in some fashion at this Inquiry. Because of
3 the fact that he had produced this on his own and the
4 concern that certain cross-examination questions may in
5 fact induce a response about it, I felt it appropriate to
6 disclose to Mr. Engelmann with my client's instructions.

7 **THE COMMISSIONER:** Were there any questions
8 today that would lead him to disclose it?

9 **MR. OLVER:** He was never asked a direct
10 question about that.

11 **THE COMMISSIONER:** Exactly.

12 **MR. OLVER:** Absolutely, sir.

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

14 **MR. OLVER:** And I think, if Your Honour --
15 as your -- Mr. Commissioner recalls his impact statement
16 yesterday where he specifically addresses the accusations
17 that have been levelled against him in the internet, I
18 think that's -- I think that's what's motivating the
19 response if I can put it in that fashion.

20 **THE COMMISSIONER:** Fine.

21 Anybody else?

22 Mr. Shaver.

23 **MR. SHAVER:** Yes, sir.è

24 ---**RULING BY THE COMMISSIONER/DÉCISION PAR LE COMMISSAIRE:**

25 **THE COMMISSIONER:** I find that you are a

1 man, a very intelligent man, that you know how things work
2 and that your blurting out this thing is not only improper,
3 I think it's beneath you.

4 And so I am going to admonish you now. And
5 I'm going to say for the record that lie detector tests are
6 inadmissible. You knew that. That it helps this Inquiry
7 in no way that you've mentioned it. And unless some
8 counsel come up with a really good reason -- really good
9 reason to go there, I don't want to hear another word about
10 it.

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

12 **THE COMMISSIONER:** Is that really clear to
13 you, sir?

14 **MR. SHAVER:** Very clear, sir.

15 **THE COMMISSIONER:** Thank you.

16 I consider the matter now closed unless
17 anybody else has any further comments.

18 Mr. Lee, how much longer do you have?

19 **MR. LEE:** Not very, sir.

20 **THE COMMISSIONER:** Go ahead.

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

22 **LEE(cont'd/suite):**

23 **MR. LEE:** Thank you.

24 Chief Shaver, I was asking you about some of
25 the evidence you've given about your rebuttal to

1 suggestions that you were either at Ken Seguin's home or
2 Malcolm MacDonald's cottage.

3 MR. SHAVER: Yes.

4 MR. LEE: And what I was asking you was --
5 Mr. Paul read you a list of names, being Ron Leroux, Robert
6 Renshaw, Gerald Renshaw, Carole Deschamps -- now Hesse or
7 Hesse -- C-10 and C-8.

8 MR. SHAVER: Yes.

9 MR. LEE: And Mr. Engelmann put to you in-
10 chief that those were persons who had come forward at the
11 Inquiry or/and in documents to say that they had seen you
12 at one of those two places.

13 MR. SHAVER: Yes.

14 MR. LEE: And Mr. Paul asked you whether or
15 not you knew any of them in any context and you said you
16 did not.

17 MR. SHAVER: I do not.

18 MR. LEE: You recollect no contact with any
19 of these people?

20 MR. SHAVER: No.

21 MR. LEE: You never dealt with them in your
22 dealings as a police officer?

23 MR. SHAVER: No, not to my knowledge sir.

24 MR. LEE: And would you agree with me that
25 you know of no reason that any of these people would have

1 an axe to grind with you?

2 MR. SHAVER: Other than being a police
3 officer and being the Chief of this Force, no.

4 MR. LEE: And as I understood your evidence,
5 you've agreed that it's unlikely that any of these six
6 people would have misidentified you, given your profile in
7 the community?

8 MR. SHAVER: Sir, I don't know that.

9 MR. LEE: You gave us three options.

10 MR. SHAVER: I gave you three options, yes.

11 MR. LEE: They were just mistaken; they were
12 coerced or they're lying.

13 MR. SHAVER: Yes.

14 THE COMMISSIONER: Well, influenced or
15 coerced.

16 MR. LEE: Influenced or coerced.

17 MR. SHAVER: Yes.

18 MR. LEE: Or they're lying.

19 MR. SHAVER: Right.

20 MR. LEE: In terms of the misidentification,
21 do you think that's a reasonable explanation given your
22 stature in the community?

23 MR. SHAVER: It's one possibility, sir.

24 MR. LEE: Is it your evidence, sir, that
25 these six people are flatly and intentionally lying about

1 having you seen at these places?

2 **MR. SHAVER:** Is it my -- I don't know, sir.
3 I gave you the three options. I don't know which one of
4 those three options it is.

5 **MR. LEE:** Do you ---

6 **MR. SHAVER:** I was never there. I was never
7 at any of those places. I never attended those things.
8 All of the questions that were asked of me, I never
9 attended any of those places.

10 **MR. LEE:** Do you believe that there has been
11 some kind of conspiracy amongst these people to drag you
12 into this?

13 **MR. SHAVER:** No, I go back, sir. It was one
14 of those three options that they had. You know, they
15 misidentified me, they were influenced or coerced into
16 identifying me or they just flat out lied. Those are the
17 only three options I can think of, sir, unless there are
18 other options.

19 **MR. LEE:** You are aware that Doug Seguin
20 testified here?

21 **MR. SHAVER:** Yes.

22 **MR. LEE:** Did you follow his testimony at
23 all?

24 **MR. SHAVER:** No.

25 **MR. LEE:** And he told us a story about being

1 on a boat with his brother one time and having you wave to
2 them.

3 MR. SHAVER: Yeah, I heard that, yes.

4 MR. LEE: Do you recall that?

5 MR. SHAVER: Yes.

6 MR. LEE: Do you recall that incident having
7 occurred?

8 MR. SHAVER: No, sir. I've been on very few
9 boats, sir. I don't recall the incident. It could have
10 happened. I did -- I did go out a couple of times on a
11 boat.

12 MR. LEE: But I take it your evidence is you
13 certainly weren't waving out of recognition of Ken Seguin?

14 MR. SHAVER: Oh, no, absolutely not, sir.

15 MR. LEE: Just being friendly?

16 MR. SHAVER: Well, on boats, sir, when you
17 drive by people they -- everybody waves at everybody.

18 MR. LEE: I'm not a boater.

19 MR. SHAVER: No?

20 MR. LEE: He also told us that he spoke with
21 you -- Doug Seguin told us that he spoke with you after his
22 brother's death.

23 MR. SHAVER: Yes.

24 MR. LEE: And that his impression was that
25 you had known his brother and that you had thought

1 favourably of him.

2 **MR. SHAVER:** No, I -- I did tell Mr. Seguin
3 that, you know, that I was trying to be -- I was trying to
4 console Mr. Seguin. He was -- he was in pretty bad shape
5 when he came. You know, he's thinking that his brother --
6 all these things happened and his brother has committed
7 suicide.

8 When he came to came to my house, I took --
9 you know, what I told him is I had never heard anything
10 bad about his brother because I had never heard anything
11 about his brother, to be quite frank with you.

12 **MR. LEE:** Your evidence is clear that you
13 never met Ken Seguin. What I'm not clear of is, did you
14 know there was a senior probation officer in Cornwall named
15 Ken Seguin?

16 **MR. SHAVER:** I'm not sure, sir. The names
17 of the probation officers were not familiar to me.

18 **MR. LEE:** Had you ever heard any rumours
19 whatsoever about Ken Seguin prior to his death?

20 **MR. SHAVER:** No, never.

21 **MR. LEE:** Nothing about him being too close
22 to probationers?

23 **MR. SHAVER:** No.

24 **MR. LEE:** Or about him abusing probationers?

25 **MR. SHAVER:** No.

1 **MR. LEE:** Or having consensual sex with
2 probationers?

3 **MR. SHAVER:** No.

4 **MR. LEE:** Nothing like that?

5 **MR. SHAVER:** No.

6 **MR. LEE:** And you were taken earlier today
7 by Mr. Paul through notes from Richard Abell saying that
8 there had been some stories about Ken Seguin. You have no
9 idea what Mr. Abell was talking about there?

10 **MR. SHAVER:** No, I don't, sir.

11 **MR. LEE:** The final area I would like to
12 talk to you about is you raised a few issues in your
13 statement -- for lack of a better words -- at the end of
14 your examination in-chief. Do you know what I'm referring
15 to where he asked about impact and ---

16 **MR. SHAVER:** Impact, yes.

17 **MR. LEE:** And you were able to read
18 something to us?

19 **MR. SHAVER:** Yes.

20 **MR. LEE:** You told us that you believe and
21 support all facets of the justice system.

22 **MR. SHAVER:** I do.

23 **MR. LEE:** And I take it that would include
24 this Inquiry?

25 **MR. SHAVER:** Absolutely, sir, yes.

1 **MR. LEE:** And you respect the process here?

2 **MR. SHAVER:** I do.

3 **MR. LEE:** And you told us that no matter how
4 personal this case is to you, it must be handled according
5 to the respected and time-proven process?

6 **MR. SHAVER:** Yes.

7 **MR. LEE:** And I took that to mean the legal
8 process.

9 **MR. SHAVER:** I'm thinking yes.

10 **MR. LEE:** And you told us that you waited
11 patiently for your day in court to come.

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

13 **MR. LEE:** And that you have the utmost faith
14 in the legal system?

15 **MR. SHAVER:** I do.

16 **MR. LEE:** And can I take it from all of that
17 that you respect the job that the Commissioner is here to
18 do?

19 **MR. SHAVER:** Absolutely, sir.

20 **MR. LEE:** And you respect that he has a
21 process to follow?

22 **MR. SHAVER:** I do.

23 **MR. LEE:** And you know that it's been a
24 lengthy process but I take it you would agree with me that
25 it must be thorough and complete?

1 **MR. SHAVER:** I do, sir. That's why I wanted
2 to be here.

3 **MR. LEE:** And would you agree with me that
4 it is important for the Commissioner to hear all of the
5 evidence before making his findings?

6 **MR. SHAVER:** Absolutely.

7 **MR. LEE:** Certainly, it was important for
8 him to hear your evidence before making any findings in
9 relation to you?

10 **MR. SHAVER:** I hope so, yes.

11 **MR. LEE:** And would you agree that the
12 public needs to be patient and must also wait for all of
13 the evidence before making conclusions?

14 **MR. SHAVER:** Yes.

15 **MR. LEE:** And you include yourself in that
16 group?

17 **MR. SHAVER:** I do.

18 **MR. LEE:** In hindsight do you feel you may
19 have jumped the gun a little bit with your comments about
20 Mr. Leroux' testimony yesterday?

21 **MR. SHAVER:** No.

22 **MR. LEE:** You told -- one of the things you
23 told us was that he tried to implicate, I quote "many other
24 innocent people in a variety of criminal acts and/or
25 admissions". Do you remember saying that?

1 **MR. SHAVER:** No, I didn't say that about Mr.
2 Leroux. I said that about, in general, what was -- the
3 stuff that was on the Internet.

4 **MR. LEE:** Referring mostly to Mr. Leroux' --
5 -

6 **MR. SHAVER:** Well, the thing -- if you read
7 the stuff that's on the Internet, sir, it implicates a lot
8 of other people. I was handed a document yesterday that
9 I'd never seen, and it has a whole list of, you know, what
10 was it? A list of pedophiles and where I was accused of
11 being a pedophile.

12 **MR. LEE:** You recall offering us your
13 opinions on Mr. Leroux' testimony yesterday ---

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

15 **MR. LEE:** --- when you commented on
16 (indistinct) and the like?

17 **MR. SHAVER:** Yes, I did; yes, I did.

18 **MR. LEE:** And are you aware that the
19 Commissioner has not made any findings in relation to Mr.
20 Leroux' testimony?

21 **MR. SHAVER:** Yes, I am, sir. I'm -- I was
22 giving, sir -- I asked and I stated it quite frankly at the
23 beginning that it was my personal opinion. All right?
24 That's my personal opinion. I've lived with that for a
25 very long time on the Internet. So it's very -- it hits me

1 hard.

2 MR. LEE: I'll get to the Internet.

3 MR. SHAVER: Okay.

4 MR. LEE: But you understand, do you, that
5 the Commissioner has not made findings in relation to Mr.
6 Leroux ---

7 MR. SHAVER: I understand, sir, yes.

8 MR. LEE: And that Mr. Leroux is not able to
9 complete his testimony?

10 MR. SHAVER: Yes, I was understood -- I
11 understood that.

12 MR. LEE: He was not subjected to cross-
13 examination?

14 MR. SHAVER: I understand that, yes.

15 THE COMMISSIONER: Excuse me. He was
16 subjected to part of a single cross-examination.

17 MR. LEE: He was not subjected to full
18 cross-examination. You understand that?

19 MR. SHAVER: I understand that, sir, yes.

20 MR. LEE: And what you did tell us, that you
21 were content to endorse the OPP investigations even though
22 you don't know a tremendous amount about them?

23 MR. SHAVER: That's true, sir, yes.

24 MR. LEE: And you told us that you trust in
25 their professionalism and that you're confident that there

1 was no clan of pedophiles or a cover-up in the
2 investigation. Is that right?

3 **MR. SHAVER:** That's true, sir, yes.

4 **MR. LEE:** Do you think, sir, that it might
5 be prudent to wait for the Commissioner's report before you
6 draw that conclusion?

7 **MR. SHAVER:** No, sir. I gave my personal
8 opinion, sir. I know the OPP to be a professional police
9 force and that was my personal opinion.

10 **MR. LEE:** Just like the CPS?

11 **MR. SHAVER:** Yes.

12 **MR. LEE:** You also spoke to us about the
13 damage that can be caused by information posted on the
14 Internet?

15 **MR. SHAVER:** Yes.

16 **MR. LEE:** And you told us that those persons
17 who have cast aspersions on you and the public institutions
18 in Cornwall, via the internet or press, have deviated from
19 the respected and time-proven legal process?

20 **MR. SHAVER:** Yes.

21 **MR. LEE:** And that the Internet has become
22 the breeding ground for false information and
23 unsubstantiated accusations?

24 **MR. SHAVER:** Yes.

25 **MR. LEE:** Sir, would you agree with me that

1 you've decided to fight fire with fire on the Internet?

2 **MR. SHAVER:** Yes, I do.

3 **MR. LEE:** You've set up your own website?

4 **MR. SHAVER:** I did.

5 **MR. LEE:** And it's claudeshaver.com?

6 **MR. SHAVER:** It is.

7 **MR. LEE:** And am I right that on that

8 website you've reproduced several media articles?

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

10 **MR. LEE:** And that is the bulk of the

11 website; it's a reproduction of media articles?

12 **MR. SHAVER:** That is all that's on that

13 website, sir.

14 **MR. LEE:** And those articles focus on

15 coverage of witnesses allegedly lying, or editorials about

16 witch-hunts and crumbling theories?

17 **MR. SHAVER:** Allegedly lying -- I took the

18 media coverage as it was from the Inquiry and just posted

19 it. It's public information, sir.

20 **MR. LEE:** You took select media coverage?

21 **MR. SHAVER:** Of course, yes.

22 **MR. LEE:** Very select?

23 **MR. SHAVER:** Yes, because it was -- because

24 it's on my website. Because on -- as I told you, if you

25 Google, you -- if you Google, what you'll see about me is

1 horrendous.

2 So obviously I am going to take anything --
3 and I'm going to look at this. It was public information,
4 sir. It was given here and placed in the press.

5 Now, it could have been out anywhere; of
6 course I'm going to put it on it. I was just tired of
7 looking at that stuff about me.

8 **MR. LEE:** And the focus of your website is a
9 reproduction of media articles relating to Mr. Leroux'
10 testimony?

11 **MR. SHAVER:** That's the -- that was the
12 focus, yes.

13 **MR. LEE:** And articles relating to Helen and
14 Perry Dunlop?

15 **MR. SHAVER:** Some of those, yes.

16 **MR. LEE:** Typically articles that are less
17 than flattering about the Dunlops?

18 **MR. SHAVER:** They're articles, sir, that
19 came back up that disputed what -- that disputed the
20 information that was out there on the Leroux site, yes.

21 **MR. LEE:** And am I right that you did not
22 endeavour to provide a comprehensive review of the Inquiry?

23 **MR. SHAVER:** No. No. It's ---

24 **MR. LEE:** Or a balanced commentary on the
25 testimonies?

1 **MR. SHAVER:** Certainly not my intent, sir.

2 **MR. LEE:** You didn't provide a link to the
3 Commission's official website?

4 **MR. SHAVER:** No, I did not, sir.

5 **MR. LEE:** You picked out a few articles that
6 served your purpose and you posted them on the Internet; is
7 that right?

8 **MR. SHAVER:** Well, I picked out a few
9 articles, sir, that said something different than what was
10 out there originally and that had already been given under
11 testimony.

12 **MR. LEE:** And would you agree with me there
13 is very little editorial, and by that I mean your own
14 statements on this website?

15 **MR. SHAVER:** I did not put anything on my --
16 that's -- I didn't put a single statement on my website.
17 It was all stuff that had appeared in the media.

18 **MR. LEE:** Well, the Internet -- or the
19 website, rather, ends with the phrase "summary of newspaper
20 accounts and testimony at the Inquiry". Is that fair?

21 **MR. SHAVER:** I'm not sure, sir, but I guess
22 it does. Yes.

23 **MR. LEE:** Madam Clerk, you were provided
24 copies of the website that was printed in full this
25 morning. I have -- it was mentioned, Mr. Commissioner, in

1 the AE as something Mr. Engelmann may get to. He didn't
2 get there, so I've brought copies for my friends, if they
3 need them.

4 **THE COMMISSIONER:** Fair enough.

5 **MR. LEE:** This I'm told does not have a
6 document number, Mr. Commissioner.

7 **THE COMMISSIONER:** All right. So Exhibit
8 number 1601 (sic) is documents pulled from a website called
9 Claude Shaver.

10 **MR. LEE:** If you look at the bottom of the
11 page, Mr. Commissioner, it has the official web link and
12 the time it was printed.

13 **THE COMMISSIONER:** Okay, claudeshaver.com, 1
14 of 32 pages printed on the 12th of June 2008.

15 **--- EXHIBIT NO./PIÈCE No P-1801:**

16 Printout of Claude Shaver's website

17 **MR. LEE:** Do you have it in front of you,
18 Mr. Shaver?

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

20 **MR. LEE:** And this is your website, a
21 printout of it?

22 **MR. SHAVER:** I'm gathering it is, sir. It
23 looks like it.

24 **MR. LEE:** Can you turn to the very last page
25 please, sir? Can you see the end of the last media article

1 posted ends with, "The Inquiry will resume Monday"?

2 **THE COMMISSIONER:** Or "continues Monday"?

3 **MR. LEE:** No, the very last page on the flip
4 side of it.

5 **MR. SHAVER:** Oh, very last page.

6 **THE COMMISSIONER:** Right, sorry.

7 **MR. LEE:** Do you see that, sir, "The Inquiry
8 will resume Monday"?

9 **MR. SHAVER:** Yes.

10 **MR. LEE:** And following that, we have
11 "summary of newspaper accounts and testimony at the
12 Inquiry". Do you see that?

13 **MR. SHAVER:** Yes.

14 **MR. LEE:** Just above the copyright?

15 **MR. SHAVER:** Right.

16 **MR. LEE:** And would you agree with me that
17 "summary of newspaper accounts and testimony at the
18 Inquiry" is something that you've added to the website?

19 **MR. SHAVER:** No. I don't think I did. I
20 didn't add that to the website, sir.

21 **MR. LEE:** How did it get there, sir?

22 **MR. SHAVER:** I have no idea. I probably
23 just copied the last page as it was, and that was there, I
24 think.

25 **MR. LEE:** So your evidence is that Terri

1 Saunders in her article, "Pain of Abuse Resurfaces"
2 finished with the lines "summary of newspaper accounts and
3 testimony at the Inquiry" with "newspaper" misspelt?

4 **MR. SHAVER:** Sir, I don't remember adding
5 that to the account -- to it. So I don't know.

6 **MR. LEE:** Would you concede ---

7 **MR. SHAVER:** Maybe I did. I'm not sure.

8 **MR. LEE:** Would you concede you must have,
9 sir?

10 **MR. SHAVER:** Okay, then maybe I did, sir.
11 I'm not sure. I don't know how it otherwise would have
12 gotten there.

13 **THE COMMISSIONER:** Okay, but it's your
14 website.

15 **MR. SHAVER:** Yeah.

16 **THE COMMISSIONER:** You're responsible.

17 **MR. SHAVER:** I'm responsible. Absolutely,
18 sir, I agree. I agree. I'll accept responsibility.

19 **MR. LEE:** Sir, finally, one thing that
20 jumped out at me during your statement at the end of your
21 examination-in-chief was something you said to the
22 Commissioner, and I quote:

23 "I would ask you, Mr. Commissioner,
24 when do these falsely accused persons
25 get the opportunity to testify to

1 restore their good name?"

2 MR. SHAVER: Yes.

3 MR. LEE: Do you recall saying that?

4 MR. SHAVER: Yes, I do.

5 MR. LEE: And that's a question that you
6 have?

7 MR. SHAVER: I said it is a question I have.

8 MR. LEE: It's something you are concerned
9 about?

10 MR. SHAVER: Yes.

11 MR. LEE: Are you aware that during the
12 course of this Inquiry both Mr. Commissioner and Commission
13 Counsel have repeatedly invited alleged perpetrators and
14 accused persons to come forward to testify?

15 MR. SHAVER: Was I aware of that totally?
16 No, sir, I was not. I would hope that that would have
17 happened. That's why I was -- that's why I mentioned it to
18 the Commissioner.

19 MR. LEE: You're not aware that that offer
20 has been made multiple times very publicly?

21 MR. SHAVER: No, sir, I was not aware that
22 it was made publicly many times.

23 MR. LEE: Or that the call has gone out to
24 these people to come forward to tell the Commissioner about
25 how they have been treated by institutions and about how

1 these allegations have affected them?

2 **MR. SHAVER:** You are talking about victims
3 of sexual assault now, sir, or who are you talking about?

4 **MR. LEE:** No, I'm talking about ---

5 **MR. SHAVER:** Everybody?

6 **MR. LEE:** --- those persons that you
7 referred to as "falsely accused persons".

8 **MR. SHAVER:** Yes.

9 **MR. LEE:** Accused persons.

10 **MR. SHAVER:** Yeah, falsely.

11 **MR. LEE:** Right?

12 **MR. SHAVER:** Yes.

13 **MR. LEE:** Those are who you expressed some
14 concern for yesterday, that they need a forum to tell their
15 story.

16 **MR. SHAVER:** Yes. All of those people that
17 were on that other website that you -- that I saw
18 yesterday.

19 **MR. LEE:** And what I'm asking you is were
20 you aware, through following this Inquiry, that that offer
21 has been made repeatedly?

22 **MR. SHAVER:** No, I was not aware of that,
23 sir.

24 **MR. LEE:** And so I take it you're not aware
25 that those offers have not been taken up.

1 **MR. SHAVER:** Sir, I -- I'm not aware -- I
2 wasn't aware that the offer had been made. I was hoping
3 the offer would have been made, sir. I really was.

4 You know, that the offer had been made to
5 anyone who felt that they were falsely accused to come --
6 to be able to come here. That's why I wanted to come here.

7 **MR. LEE:** And I take it you are pleased to
8 hear that the offer has been made?

9 **MR. SHAVER:** Yes, I am. Absolutely.

10 **MR. LEE:** Are you somewhat surprised to hear
11 that nobody has taken us up on that offer?

12 **MR. SHAVER:** Yes, I am.

13 **MR. LEE:** You would have expected them ---

14 **MR. SHAVER:** You say no one -- you say no
15 one has taken you up on the offer, sir?

16 **MR. LEE:** That's what I say.

17 **THE COMMISSIONER:** Hold on.

18 **MR. NEVILLE:** Commissioner, this is not a
19 criminal trial.

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

21 **MR. NEVILLE:** And you know, sir, that you've
22 twice made statements, pronounced them as rulings in
23 effect, sir, in 2007, that: "Should any alleged
24 perpetrator wish to testify, they cannot and will not be
25 asked anything about the offence".

1 **THE COMMISSIONER:** That's right.

2 **MR. NEVILLE:** So Mr. Lee knows that.

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

4 **MR. NEVILLE:** He knows that because he was
5 here when you ruled that.

6 **THE COMMISSIONER:** He's looking a little
7 perplexed but ---

8 **MR. NEVILLE:** Well, if he's perplexed, sir,
9 he should maybe go and read it for himself because I, sir,
10 have put it in correspondence that I know he got.

11 Now, what Chief Shaver is saying here, as I
12 just heard him say -- I'm not here to speak for him, I have
13 no brief for him -- is that what he meant was that those
14 falsely accused on the scandalous websites may wish to come
15 and defend themselves.

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

17 **MR. NEVILLE:** You know, sir, what the law
18 does or doesn't permit at an Inquiry and, frankly, whether
19 he read your pronouncement or not, he knows.

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

21 **MR. NEVILLE:** You know, sir, what the law
22 does or doesn't permit at an Inquiry and, frankly, whether
23 he read your pronouncement or not, he knows. So this
24 cross-examination is improper.

25 **THE COMMISSIONER:** Mr. Lee?

1 **MR. LEE:** Can I respond please?

2 **THE COMMISSIONER:** Sure.

3 **MR. LEE:** I was very, very careful in how I
4 put it to Chief Shaver.

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

6 **MR. LEE:** And what I put to him was that the
7 offer's gone out for falsely accused persons to come here
8 and talk about how they have been treated by institutions -
9 --

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

11 **MR. LEE:** --- and about how these
12 allegations have affected him them.

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

14 **MR. LEE:** Full stop.

15 **THE COMMISSIONER:** Yeah. At the beginning
16 though, I think there was that grey area where, you know,
17 Mr. Shaver was saying, "Well, you know, I wanted all of the
18 people accused to come over here and I guess, by
19 insinuation, proclaim their innocence and stuff like that".
20 And we know we can't -- we're not supposed to do that.

21 **MR. LEE:** That's not how I took his
22 evidence. If that's how you took it, then perhaps I should
23 have.

24 **THE COMMISSIONER:** Well -- and that's why
25 Mr. Neville got up and, quite frankly, I'm a little

1 surprised it took so long to get up. But in any event, be
2 careful about that.

3 **MR. LEE:** My suggestion is not that we turn
4 this into a federal trial.

5 **THE COMMISSIONER:** Well, we're not going to,
6 that's for sure.

7 **MR. LEE:** That was the offer that was made
8 by you or Commission counsel.

9 **THE COMMISSIONER:** Pardon me?

10 **MR. LEE:** My suggestion was not that that
11 was the offer ---

12 **THE COMMISSIONER:** Okay.

13 **MR. NEVILLE:** --- that was made by you or
14 Commission counsel. I'm responding to something Chief
15 Shaver said at the end of his ---

16 **THE COMMISSIONER:** So let's make it clear
17 here, sir, that if -- if, for example, somebody who was
18 accused and was found not guilty or whatever, whoever went
19 through the process and was accused or whatever, the offer
20 has gone out that they can come here and talk to us about
21 the institutional response and how they felt they were
22 treated by the institutions.

23 **MR. SHAVER:** Right.

24 **THE COMMISSIONER:** We are not going to call
25 anyone to say on the stand whether they did or did not do

1 anything of those things.

2 **MR. SHAVER:** I understand.

3 **THE COMMISSIONER:** Okay.

4 **MR. LEE:** Those are my questions. Thank
5 you.

6 **THE COMMISSIONER:** Thank you.

7 Mr. Chisholm, I'm sorry, but I'm going to
8 have to call it a day and so we will miss your riveting
9 cross-examination but we'll probably see another good one.

10 **MR. CHISHOLM:** Some other time, sir.

11 **THE COMMISSIONER:** Yes, nine-thirty
12 tomorrow, sir?

13 **MR. SHAVER:** Yes, sir. Thank you.

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

16 This hearing is adjourned until tomorrow
17 morning at 9:30 a.m.

18 --- Upon adjourning at 4:49 p.m. /

19 L'audience est ajournée à 16h49

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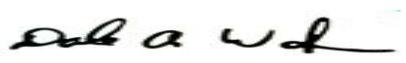
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CM