

**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 244**

**Held at :**

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

Friday, June 13 2008

**Tenue à:**

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

Vendredi, le 13 juin 2008

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Me Pierre R. Dumais	Commission Counsel
Ms. Janie Larocque	
Ms. Mary Simms	
Mr. Mark Crane	Cornwall Community Police
Mr. Peter Manderville	Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
M <sup>e</sup> Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
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. Ian Paul	Coalition for Action
Mr. John Olver	Mr. Claude Shaver
Mr. Claude Shaver	Mr. Claude Shaver
Mr. Joseph St. Denis	Mr. Joseph St. Denis

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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 all.

11 Good morning.

12 **MS. GIBSON:** Good morning, Mr. Commissioner.

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

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

15 **GIBSON:**

16 **MS. GIBSON:** Good morning, Mr. Shaver.

17 **MR. SHAVER:** Good morning.

18 **MS. GIBSON:** My name is Stephanie Gibson.

19 I'm counsel for the Children's Aid Society.

20 **MR. SHAVER:** Yes.

21 **MS. GIBSON:** I have a few questions for you  
22 this morning.

23 On Tuesday of this week, if you recall, Mr.  
24 Engelmann asked you about your recollection with respect to  
25 the Lucien Labelle investigation. Do you recall that?

1                   **MR. SHAVER:** Lucien Labelle, yes.

2                   **MS. GIBSON:** And during that conversation,  
3 Mr. Engelmann asked you about your memory specifically with  
4 respect to Mr. Bill Carriere ---

5                   **MR. SHAVER:** Yes, the ---

6                   **MS. GIBSON:** --- of the CAS?

7                   **MR. SHAVER:** Yes.

8                   **MS. GIBSON:** And you taking the position  
9 that you could not release information to him at that time  
10 because you had an ongoing investigation. Do you recall  
11 that?

12                   **MR. SHAVER:** I don't recall the conversation  
13 with Mr. Carriere, unfortunately. I know that that was  
14 said. I know that was part of the evidence.

15                   **MS. GIBSON:** And you told Mr. Engelmann, as  
16 you've said, that you have no memory of that ---

17                   **MR. SHAVER:** No, I do not.

18                   **MS. GIBSON:** --- conversation?  
19 And you still have no memory of that today?

20                   **MR. SHAVER:** No, I do not.

21                   **MS. GIBSON:** Thank you.

22                   Now, if we can turn to Volume 241 of the  
23 transcript, please?

24                   **THE COMMISSIONER:** Okay. What page, please?

25                   **MS. GIBSON:** At page 41.

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

2                   **MS. GIBSON:** And at line 8 through 12 ---

3                   **MR. SHAVER:** Yes.

4                   **MS. GIBSON:** --- Mr. Shaver, you stated:

5                                "Well, sir, I believe we were -- I  
6                                believe we were in 1985. I thought  
7                                that -- I'm not so sure I wasn't. I  
8                                don't know if I sat on the CPS Board --  
9                                on the Children's Aid Board at that  
10                               time, and if I would have, I would have  
11                               certainly been sharing information."

12                               Did you ever sit on the Board of Directors  
13                   of the Children's Aid Society?

14                   **MR. SHAVER:** I sat on the -- whatever the  
15                   Children's Aid Society Bike-a-thon, yes.

16                   **MS. GIBSON:** Okay. So the Bike-a-thon  
17                   Committee rather than the Board?

18                   **MR. SHAVER:** The Bike-a-thon Committee, not  
19                   the Board, yes.

20                   **MS. GIBSON:** Thank you.

21                               I'd like to briefly discuss your  
22                   conversation with Mr. Lee yesterday during cross-  
23                   examination about Sergeant Denis Moquin.

24                   **MR. SHAVER:** Yes.

25                   **MS. GIBSON:** You told him that Mr. Moquin

1 had an office in the CAS building.

2 MR. SHAVER: Yes.

3 MS. GIBSON: Do you recall that?

4 MR. SHAVER: At one point, yes.

5 MS. GIBSON: And do you know what year it  
6 would have been?

7 MR. SHAVER: I'm sorry; I can't remember. I  
8 know that -- I know it was in my term, but I can't remember  
9 what year that was.

10 MS. GIBSON: And was that the CAS building  
11 on York Street that you're referring to?

12 MR. SHAVER: On York, yes. M'hm.

13 MS. GIBSON: And do you recall what Sergeant  
14 Moquin would have done in that office?

15 MR. SHAVER: He was, I think, our liaison --  
16 well, he was our liaison with the Children's Aid Society.  
17 I think Sergeant Moquin was in the Youth Bureau at the  
18 time. I think he was, but I'm not sure.

19 MS. GIBSON: And can you tell me roughly how  
20 often Sergeant Moquin would have been in attendance at that  
21 office?

22 MR. SHAVER: I have no idea.

23 MS. GIBSON: Okay. Thank you.

24 I'd like to look briefly at your career  
25 profile, Mr. Shaver.



1 That's Exhibit 1772, please, Madam Clerk.

2 MR. SHAVER: Yes.

3 MS. GIBSON: On page 3 of your career  
4 profile, it indicates that in 1977 you took a course called  
5 "Effective Presentations Course" ---

6 MR. SHAVER: Yes.

7 MS. GIBSON: --- at the Canadian Police  
8 College.

9 MR. SHAVER: I did, yes.

10 MS. GIBSON: Is that correct?

11 And then on page 2, we see that you took a  
12 Media Communications Course in Bramshill, England?

13 MR. SHAVER: Bramshill, England, yes.

14 MS. GIBSON: And you also took "Delivery of  
15 the Media Course - Level 3" at the Ontario Police College?

16 MR. SHAVER: Yes, I took it and I taught it  
17 at the Police College, yes.

18 MS. GIBSON: Okay. And you also took a  
19 "Police Educators' Course" in May of '85 and May of 1986,  
20 it appears?

21 MR. SHAVER: Yes.

22 MS. GIBSON: And then you would have taught,  
23 on page 4, the "Effective Presentation Course" and the  
24 "Police Educators' Course"; is that correct?

25 MR. SHAVER: Yes, yes.

1                   **MS. GIBSON:** Would you agree with me, Mr.  
2 Shaver, that one of the purposes of these courses is to  
3 teach one to be an effective communicator?

4                   **MR. SHAVER:** Yes.

5                   **MS. GIBSON:** And would you agree that as  
6 Chief of Police, it's important that you're able to  
7 effectively convey the message that you wish to convey?

8                   **MR. SHAVER:** I would certainly hope so, yes.

9                   **MS. GIBSON:** And would you say, Mr. Shaver,  
10 that you're a good communicator?

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

12                   **MS. GIBSON:** Would you say that you're  
13 fairly direct when conveying a message and you don't ---

14                   **MR. SHAVER:** Yes.

15                   **MS. GIBSON:** --- beat around the bush?

16                   **MR. SHAVER:** No, I don't beat around the  
17 bush. I'm very direct.

18                   **MS. GIBSON:** Thank you.

19                   I'd just like to move on to discussing your  
20 October 1<sup>st</sup>, 1993 meeting with Rick Abell.

21                   **MR. SHAVER:** Yes.

22                   **MS. GIBSON:** If we can turn to Exhibit 1441,  
23 please? And that would be Bates page 665.

24                   **THE COMMISSIONER:** Exhibit again, 1441?

25                   **MS. GIBSON:** Fourteen-forty-one (1441),

1 Bates Number 665.

2 THE COMMISSIONER: Thank you.

3 MR. SHAVER: Thank you. Six-six-five (665)?

4 MS. GIBSON: Yes.

5 MR. SHAVER: Yes.

6 MS. GIBSON: And just about two-thirds of  
7 the way down the page, you can see before it says "Further  
8 note" there's a little paragraph there. It says -- sorry,  
9 I should clarify; these are notes of Rick Abell from  
10 September 30<sup>th</sup>, 1993.

11 Mr. Abell writes:

12 "I called station..."

13 Do you see where that is?

14 MR. SHAVER: Yes.

15 MS. GIBSON: "...leave message for Chief."

16 MR. SHAVER: Yes.

17 MS. GIBSON: "I want to meet with him  
18 Friday [morning] a.m."

19 MR. SHAVER: M'hm.

20 MS. GIBSON: Would you agree with the note  
21 that Mr. Abell left a message for you at the police station  
22 that morning?

23 MR. SHAVER: Oh yes, he did, he left two  
24 messages for me, yes.

25 MS. GIBSON: And the note also states that

1 Mr. Abell left a message for you on your machine at home.

2 MR. SHAVER: He did.

3 MS. GIBSON: Is that correct?

4 MR. SHAVER: Yes.

5 MS. GIBSON: Okay. And I just want to  
6 clarify; if we can go to the transcript, Volume 242,  
7 please, at page 17?

8 MR. SHAVER: Should I keep this one open  
9 also or do we just ---

10 MS. GIBSON: We will be referring to that  
11 one.

12 MR. SHAVER: Thank you.

13 THE COMMISSIONER: Page 15, you say?

14 MS. GIBSON: Seventeen (17).

15 THE COMMISSIONER: Seventeen (17).

16 MR. SHAVER: Yes.

17 MS. GIBSON: So at page 17, lines 8 through  
18 11 you stated:

19 "That's why I called Rick Abell, and  
20 then I found out that he was calling  
21 me. So I thought, okay, he's just  
22 returning my call. Maybe he thought I  
23 was returning his."

24 Now, from reading that it appeared to me  
25 that you're indicating that you didn't receive Mr. Abell's

1 messages prior to ---

2 MR. SHAVER: Oh no, I did.

3 MS. GIBSON: So you had received it?

4 MR. SHAVER: I did, Oh yes. I thought we  
5 were missing each other.

6 MS. GIBSON: Okay. Thank you.

7 Now, specifically with the actual meeting --  
8 with respect to the actual meeting on October 1<sup>st</sup>, you told  
9 Mr. Engelmann that you currently don't have any notes of  
10 that meeting?

11 MR. SHAVER: No, I do not.

12 MS. GIBSON: And do you recall if you made  
13 any notes at the time?

14 MR. SHAVER: At the time of the meeting, no.

15 MS. GIBSON: No. You didn't make any notes?  
16 Okay.

17 Now, my reading of Mr. Abell's notes, and I  
18 know this was discussed a bit at length, but was that you  
19 told Mr. Abell that the Cornwall Police Service had screwed  
20 up big time with respect to the investigation of the David  
21 Silmsler complaint.

22 Now, you've said that ---

23 MR. SHAVER: No, I'm sorry; no, I did not  
24 say that. I said we screwed up big time in the release of  
25 the information that came out of our offices.

1                   **MS. GIBSON:** Right.

2                   And what I was saying is my reading of the  
3 note is that it appears that it's with respect to the  
4 Silmsler investigation.

5                   You've told us that the reference to  
6 "screwed up big time" is with respect to Constable Dunlop  
7 releasing that document; correct?

8                   **MR. SHAVER:** Yes.

9                   **MS. GIBSON:** Now, if we can go back to  
10 Exhibit 1441, which I believe you still have?

11                   **MR. SHAVER:** Yes.

12                   **MS. GIBSON:** And Bates Number 659, please?

13                   **MR. SHAVER:** Yes.

14                   **MS. GIBSON:** And about three-quarters of the  
15 way down the page, that's where Mr. Abell's notes refer to:

16                   "Investigation not done, put on the  
17 backburner. Heidi Black facing  
18 discipline."

19                   And on Wednesday Mr. Engelmann took you  
20 through this part of the notes?

21                   **MR. SHAVER:** Yes.

22                   **MS. GIBSON:** And he asked you if you recall  
23 whether you were suggesting that you did not say these  
24 things or whether they were simply taken out of context.  
25 Do you recall that conversation?

1                   **MR. SHAVER:** Yes, I believe I do.

2                   **MS. GIBSON:** And you would have responded to  
3 Mr. Engelmann that the statements were taken out of  
4 context. Do you recall that?

5                   **MR. SHAVER:** Yes.

6                   **MS. GIBSON:** Okay. By stating to Mr. Abell  
7 that the statements were taken out of context, can I assume  
8 then that you acknowledge making those statements to Mr.  
9 Abell?

10                   **MR. SHAVER:** Sorry, you said by stating to  
11 Mr. Abell I was making ---

12                   **MS. GIBSON:** I apologize. By stating to Mr.  
13 Engelmann that those statements were taken out of context?

14                   **MR. SHAVER:** Do I -- I'm sorry. Okay.

15                   **MS. GIBSON:** Does it then not follow that  
16 you made those statements?

17                   **MR. SHAVER:** Oh, I never said that I didn't  
18 make them. I didn't know. I don't believe I made them,  
19 but if Mr. Abell had written it down in notes -- I thought  
20 that Mr. Abell had other information from other sources  
21 about that -- about that stuff because, again, when you go  
22 back to the file, I did not know that the file -- until I  
23 went back to the police station after this meeting, I  
24 didn't know that the file was not put together.

25                   So I couldn't possibly have said -- like I

1       feel myself -- I couldn't possibly have said that they're  
2       putting the file together because I would have assumed when  
3       I got back to the station the file was -- the file was  
4       there. When it wasn't, I said put it together.

5                   **MS. GIBSON:** Okay. So if we leave the issue  
6       of the file ---

7                   **MR. SHAVER:** Yes.

8                   **MS. GIBSON:** --- and just focus on the  
9       investigation not done, put on the back burner, Heidi Black  
10      facing discipline, are you saying today that there's a  
11      possibility you did say those things?

12                   **MR. SHAVER:** I don't remember saying them.  
13      I don't remember saying them but if Mr. Abell wrote them  
14      down, you know ---

15                   **MS. GIBSON:** Then it's possible that you did  
16      say them?

17                   **MR. SHAVER:** It's possible but if it was, if  
18      I did say those things, I would have said them in relation  
19      to the release of the information because Heidi Sebalj is  
20      in charge of the file. That statement left her possession.  
21      That should not have happened. That should not have  
22      happened.

23                   So if that would have happened, then it is  
24      possible.

25                   **MS. GIBSON:** Okay. Thank you.



1 Do you recall if you ever told Mr. Abell on  
2 either September 30<sup>th</sup> or October 1<sup>st</sup>, '93 that you had called  
3 him to share your child protection -- or your concerns with  
4 respect to child protection with the CAS?

5 **MR. SHAVER:** I thought that was the first  
6 thing we talked about when I walked through the door.

7 **MS. GIBSON:** Okay. And having reviewed Mr.  
8 Abell's notes, would you agree that there's no notation of  
9 that in his notes?

10 **MR. SHAVER:** Yes. There is no notation,  
11 yes.

12 **MS. GIBSON:** Okay. Thank you.

13 Now, just going back to the issue of whether  
14 there was a file open or not, with respect to Mr. Abell's  
15 notation that you did not have a police file on the OMPPAC  
16 open, you told Mr. Engelmann on Wednesday that you didn't  
17 say that, and you couldn't have said that, because at the  
18 time you didn't know that the OMPPAC file was put together  
19 until you went back to the office; correct?

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

21 **MS. GIBSON:** Now, it's my understanding that  
22 if asked, Mr. Abell will say that the only reason those  
23 notations are present in his notes is because you would  
24 have said that to him at the meeting.

25 Now, does that change your evidence at all

1 with respect to that meeting?

2 MR. SHAVER: It does not.

3 MS. GIBSON: It's also my understanding that  
4 if asked, Mr. Abell will say that he was not defending  
5 Perry Dunlop during that meeting of October 1<sup>st</sup>, '93.

6 Does that change your evidence with respect  
7 to that conversation?

8 MR. SHAVER: No, it does not.

9 MS. GIBSON: And it's further my  
10 understanding that if asked, Mr. Abell will say that it's  
11 very clear in his mind that your reference in his notes to  
12 "having screwed up big time" was a reference to the  
13 investigation of Mr. Silmsers' complaint rather than  
14 Constable Dunlop taking the statement out of the office?

15 MR. SHAVER: I have a great deal of respect  
16 for Mr. Abell, but, no.

17 MS. GIBSON: That doesn't change your  
18 evidence?

19 MR. SHAVER: It does not.

20 MS. GIBSON: Now, you have suggested that  
21 perhaps Mr. Abell's information on that point came from  
22 someone other than yourself?

23 MR. SHAVER: Yes.

24 MS. GIBSON: I'm wondering who do you  
25 suggest may have provided this information to Mr. Abell?

1                   **MR. SHAVER:** The obvious -- the obvious  
2 person would be Constable Dunlop because he actually spoke  
3 about the case.

4                   **MS. GIBSON:** Now, is that information that  
5 Constable Dunlop would have been privy to at this point;  
6 the discipline of another officer, whether or not a file is  
7 open on OMPPAC?

8                   **MR. SHAVER:** I don't know. I don't know.

9                   **MS. GIBSON:** Okay.

10                   I mean, was it generally the policy of -- or  
11 your policy to discuss other officers' disciplinary -- or  
12 discipline with other officers in the Force?

13                   **MR. SHAVER:** With other officers in the  
14 force?

15                   **MS. GIBSON:** M'hm.

16                   **MR. SHAVER:** No, unless it was his direct --  
17 -

18                   **MS. GIBSON:** The subordinates?

19                   **MR. SHAVER:** Unless it was his direct  
20 supervisor.

21                   **MS. GIBSON:** Okay. And Mr. Dunlop wasn't  
22 Heidi Sebalj's supervisor at that time?

23                   **MR. SHAVER:** He was not.

24                   **MS. GIBSON:** Is there any other indication -  
25 - or sorry, I guess I'm wondering why you would suspect

1 that Constable Dunlop would have been the one to give that  
2 information to Mr. Abell?

3 **MR. SHAVER:** Well, because Mr. Abell had the  
4 statement and he obviously knew about the case. I went to  
5 talk about the case and he knew all about it.

6 **MS. GIBSON:** Okay. Thank you.

7 It's my understanding that if asked, Mr.  
8 Abell would say that the message that you conveyed to him  
9 on October 1<sup>st</sup>, 1993 was that Constable Dunlop had crossed  
10 the line. Would you agree with that?

11 **MR. SHAVER:** Crossed the line?

12 **MS. GIBSON:** M'hm.

13 **MR. SHAVER:** It depends on your definition  
14 of cross the line.

15 He took -- he took information from the  
16 Police Department that he had no right to take and he took  
17 it outside of the Police Department; taking a statement  
18 outside the police department and sharing it, yes. If that  
19 is crossing the line, then yes.

20 **MS. GIBSON:** Thank you.

21 It's also my understanding that if asked,  
22 Mr. Abell would state that during that meeting of October  
23 1<sup>st</sup>, 1993, you "blew your cork" and those are Mr. Abell's  
24 words, not mine.

25 **MR. SHAVER:** I was very upset that that had

1           happened, yes. I don't know about blowing my cork. I  
2           don't know what that means.

3                   **MS. GIBSON:** And he suggested that you were  
4           going to go back and charge Constable Dunlop and Constable  
5           Black under the *Police Services Act*.

6                   **MR. SHAVER:** No, that was not -- I said I  
7           was going back and have an investigation done on Constable  
8           Dunlop. I never talked about Constable Black, I don't  
9           believe.

10                   **MS. GIBSON:** Okay. Thank you very much, Mr.  
11           Shaver.

12                   **MR. SHAVER:** Thank you.

13                   **MS. GIBSON:** Those are all my questions.  
14           Thank you, Mr. Commissioner.

15                   **THE COMMISSIONER:** Thank you.

16                   So Mr. Sherriff-Scott, are you ---

17                   **MR. SHERRIFF-SCOTT:** Yes.

18                   **THE COMMISSIONER:** You're next. Thank you.

19                   **MR. SHERRIFF-SCOTT:** Good morning.

20                   **THE COMMISSIONER:** Good morning.

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

22           **SHERRIFF-SCOTT:**

23                   **MR. SHERRIFF-SCOTT:** Good morning, Mr.  
24           Shaver.

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

1                   **MR. SHERRIFF-SCOTT:** Just take me a second  
2 here to get my notes straight.

3                   Okay. Are we ready?

4                   **MR. SHAVER:** Certainly are.

5                   **MR. SHERRIFF-SCOTT:** All right.

6                   **MR. SHAVER:** I hope.

7                   **MR. SHERRIFF-SCOTT:** You hope. Well, we can  
8 always live in hope.

9                   Just to orient our discussion here on the  
10 first subject I want to talk about and perhaps in a bit of  
11 an unusual approach, what I want to do is tell you exactly  
12 what I'm going to do in terms of an approach and where I'm  
13 going by identifying a number of points that I want to  
14 canvass with you in the evidence; okay?

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

16                   **MR. SHERRIFF-SCOTT:** And those points, in  
17 the first instance, relate to the meeting of October 7<sup>th</sup>,  
18 1993 between you, Officer Brunet and the bishop.

19                   **MR. SHAVER:** Yes.

20                   **MR. SHERRIFF-SCOTT:** As well as the phone  
21 call of that night, October 7, 1993, between yourself and  
22 the bgishop.

23                   **MR. SHAVER:** Yes.

24                   **MR. SHERRIFF-SCOTT:** Okay. And the points  
25 that I want to canvass with you in the evidence I don't

1 need you to comment on right now, but we're going to  
2 canvass them so I want you to know what they are.

3 The first is this. I'll contend with you,  
4 based on the evidence, that the version of the phone call  
5 between you and the bishop of October 7<sup>th</sup>, 1993, as recorded  
6 in Exhibit 1789, which is the document you prepared for Mr.  
7 McKinnon, was wrong.

8 Second, that the only notes you ever had in  
9 relation to the October 7<sup>th</sup> meeting with the bishop and the  
10 phone call of that night with him were the post-it notes  
11 that were put into your Day Timer and that Mr. Engelmann  
12 put to you as Exhibit 1787.

13 And I'll contend with you that the evidence  
14 shows that you had no other notes, notwithstanding the  
15 suggestion by Commission counsel that you may have had some  
16 other contemporaneous notes from which you reconstructed  
17 events and put those into the McKinnon document later, if I  
18 can use that expression, Exhibit 1789.

19 Are you with me so far?

20 **MR. SHAVER:** I am, sir.

21 **MR. SHERRIFF-SCOTT:** Okay. And, third, the  
22 bishop did not definitely link any potential decision by  
23 him to send Charles MacDonald for an assessment to an  
24 admission of guilt on David Silmser's allegations.

25 And, fourth, that what I'll call the

1 sociological argument by my friend on my left that no one  
2 was being sent for treatment for being a homosexual will, I  
3 suggest, miss the point of the interaction and information  
4 you were given.

5 And, finally, on these points and on this  
6 subject, that Exhibit 1789 was not written or constructed  
7 by you as a statement for the police and it was a briefing  
8 note for counsel, and it was not designed to effectively  
9 record your -- in a primary sense, your interactions with  
10 Bishop Larocque.

11 Okay. Now, I want to canvass those points.  
12 Are you clear on the points?

13 **MR. SHAVER:** Clear on the points, sir.

14 **MR. SHERRIFF-SCOTT:** All right.

15 First of all, Officer Brunet attended with  
16 you on the 7<sup>th</sup> with the bishop?

17 **MR. SHAVER:** He did.

18 **MR. SHERRIFF-SCOTT:** Okay. And the purpose  
19 of having Officer Brunet along was to record the  
20 conversations?

21 **MR. SHAVER:** Take notes, yes.

22 **MR. SHERRIFF-SCOTT:** Typically, when you  
23 have two officers going to meet one person, one person asks  
24 and the other records?

25 **MR. SHAVER:** Right.



1                   **MR. SHERRIFF-SCOTT:** So his function was to  
2                   record?

3                   **MR. SHAVER:** Yes.

4                   **MR. SHERRIFF-SCOTT:** To create a  
5                   contemporaneous record of the discussion between you and  
6                   Bishop Larocque; correct?

7                   **MR. SHAVER:** Yes. As much as possible, yes.

8                   **MR. SHERRIFF-SCOTT:** Yeah.

9                   Now, if we can turn up Officer Brunet's  
10                  note, which is Exhibit 1436.

11                  **MR. SHAVER:** Yes.

12                  **MR. SHERRIFF-SCOTT:** I'd like you to go to  
13                  Bates page 036.

14                  **MR. SHAVER:** Yes.

15                  **MR. SHERRIFF-SCOTT:** And I am focussed on  
16                  sort of midpoint in the page and if you blow up the  
17                  section, Madam Clerk, where it says, "Bishop Larocque"  
18                  under 1500 hours.

19                  **MR. SHAVER:** Yes.

20                  **MR. SHERRIFF-SCOTT:** Yes, that's where.

21                  Now, these are the officer's notes which  
22                  were entered into evidence during his testimony.

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

24                  **MR. SHERRIFF-SCOTT:** "Bishop Larocque was  
25                  very receptive, heard our concerns and

1                   stated he would be speaking to Father  
2                   Charles MacDonald this evening with  
3                   Father McDougald."

4                   **MR. SHAVER:** Yes.

5                   **MR. SHERRIFF-SCOTT:** "He will let the  
6                   Chief know of the results tomorrow  
7                   morning."

8                   **MR. SHAVER:** Yes.

9                   **MR. SHERRIFF-SCOTT:** Okay. First, on the  
10                  subject of this note for the record of the interaction, he  
11                  didn't record the bishop agreeing that if Charles MacDonald  
12                  admitted to the David Silmsler allegations he would send him  
13                  for treatment. That's not recorded there.

14                  **MR. SHAVER:** No, it's not.

15                  **MR. SHERRIFF-SCOTT:** Okay.

16                  And even if you asked the bishop later on or  
17                  at that meeting what he would do in the face of an  
18                  admission, I suggest there was no agreement that that would  
19                  be the only reason why he might be sent for treatment or  
20                  assessment?

21                  **MR. SHAVER:** No, sir, there wasn't.

22                  **MR. SHERRIFF-SCOTT:** Okay. And the bishop  
23                  did not say, "I will only send him for treatment if he  
24                  admits to the allegations", did he?

25                  **MR. SHAVER:** No, he did not.

1                   **MR. SHERRIFF-SCOTT:** Okay. The bishop, in  
2 any event, based on your *vive voce* recollections and the  
3 officer's notes, was quite shaken by the revelation of two  
4 additional potential complainants?

5                   **MR. SHAVER:** Yes.

6                   **MR. SHERRIFF-SCOTT:** This seemed  
7 inconsistent with his view of the facts as he knew them?

8                   **MR. SHAVER:** I think so, sir.

9                   **MR. SHERRIFF-SCOTT:** All right.

10                  **MR. SHAVER:** Fair point.

11                  **MR. SHERRIFF-SCOTT:** And if we can go to  
12 Exhibit 1790, which is the bishop's statement recounting  
13 your meeting ---

14                                   **(SHORT PAUSE/COURTE PAUSE)**

15                  **MR. SHERRIFF-SCOTT:** --- at Bates page 432  
16 towards the bottom of the page -- tell me when you've got  
17 that.

18                  **MR. SHAVER:** Yes.

19                  **MR. SHERRIFF-SCOTT:** No problem.

20                  **MR. SHAVER:** Yes, sir, I have it.

21                  **MR. SHERRIFF-SCOTT:** Looking down at the  
22 bottom of the page, now what's happening here is the  
23 officers are putting your Exhibit 1789 effectively to the  
24 bishop?

25                  **MR. SHAVER:** Yes.

1                   **MR. SHERRIFF-SCOTT:** Okay? And what he says  
2                   at the bottom is:

3                                    "What I think I told Father Charles is  
4                                   that I now knew from the Chief that  
5                                   there were two other alleged victims  
6                                   and on the strength of this I had to  
7                                   send the (inaudible) through -- that I  
8                                   had to send him away for analysis."

9                                   (As read)

10                   **MR. SHERRIFF-SCOTT:** So it seems at least  
11                   the bishop was -- based on your recollection -- shocked and  
12                   shaken by the revelation and this may have led him in  
13                   sufficient amount of concern to send him for assessment on  
14                   that alone?

15                   **MR. SHAVER:** Yes, sir, according to the  
16                   statement, absolutely.

17                   **MR. SHERRIFF-SCOTT:** And it certainly was  
18                   consistent with his demeanour on the day when you had the  
19                   meeting and your perception of his reaction to the  
20                   revelation. Isn't that right?

21                   **MR. SHAVER:** It was, sir, yes.

22                   **MR. SHERRIFF-SCOTT:** Now, back to Officer  
23                   Brunet's statement, Exhibit 1436 ---

24                   **MR. SHAVER:** I shouldn't have given the book  
25                   back. Thank you.

1                   **MR. SHERRIFF-SCOTT:** We're on the same page,  
2                   036. This time it's the October 8<sup>th</sup> entry.

3                   **MR. SHAVER:** Yes.

4                   **MR. SHERRIFF-SCOTT:** And we know from the  
5                   officer that these are his contemporaneous notes and his  
6                   discussion with you, if you can read it here, "Called to  
7                   see"; he dates it October 8<sup>th</sup>, '93, 0920 hours, that's 9:20  
8                   in the morning?

9                   **MR. SHAVER:** Yes.

10                  **MR. SHERRIFF-SCOTT:**

11                                "In to see Chief Shaver. He advised  
12                               that the bishop called him and advised  
13                               that Father Charles admitted he had a  
14                               homosexuality problem but only with  
15                               consenting adults. He agreed to go for  
16                               treatment and will be leaving  
17                               immediately."

18                  **MR. SHAVER:** Yes.

19                  **MR. SHERRIFF-SCOTT:** Now, this discussion  
20                  you had with the officer was within hours of your phone  
21                  call, not days?

22                  **MR. SHAVER:** It was the next morning, sir.

23                  **MR. SHERRIFF-SCOTT:** Yes, not even a full 24  
24                  hours?

25                  **MR. SHAVER:** No. No, it was not.

1                   **MR. SHERRIFF-SCOTT:** Okay. And whereas the  
2 officer's note even records the hour, minute and day of the  
3 discussion, your post-its, I suggest to you, have no  
4 present recollection of when you put those post-its on your  
5 Day Timer?

6                   **MR. SHAVER:** No, I do not. Well, the ones  
7 that were written with "From the Desk of the Chief" would  
8 have been written at the office when I came back after the  
9 October 1<sup>st</sup> meeting.

10                   **MR. SHERRIFF-SCOTT:** I don't want to know  
11 when you think it would be. I want to know if you have a  
12 present recollection at this time of when you would have  
13 done it?

14                   **MR. SHAVER:** No, sir, I do not.

15                   **MR. SHERRIFF-SCOTT:** And you didn't use your  
16 Day Timer as a duty logbook?

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

18                   **MR. SHERRIFF-SCOTT:** In fact, when I look at  
19 the Day Timer, sir, the only time there's anything ever put  
20 in there is on October 7<sup>th</sup> and 8<sup>th</sup>. The rest of them are  
21 names and times for appointments without any further  
22 descriptors?

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

24                   **MR. SHERRIFF-SCOTT:** Okay.

25                   I'd suggest to you, sir, the best

1 recollection here are to most contemporaneous piece of  
2 evidence about the phone call is Officer Brunet's notes.  
3 Would you agree with that?

4 **MR. SHAVER:** I will agree that Officer  
5 Brunet has notes. I think there was more in there than  
6 Officer Brunet had or had written down.

7 **MR. SHERRIFF-SCOTT:** Now, looking at this  
8 note from the officer, he says:

9 "Charles MacDonald admitted..."

10 And the word admitted or admit appears in  
11 your post-it as well, doesn't it?

12 **MR. SHAVER:** Yes.

13 **MR. SHERRIFF-SCOTT:** Without further  
14 description?

15 **MR. SHAVER:** It does, sir.

16 **MR. SHERRIFF-SCOTT:** But he goes on to  
17 elaborate what you say was admitted.

18 **MR. SHAVER:** Yes.

19 **MR. SHERRIFF-SCOTT:** And the admission here  
20 is to:

21 "...active homosexuality with  
22 consenting adults."

23 Right?

24 **MR. SHAVER:** Yes.

25 **MR. SHERRIFF-SCOTT:** And sexual contact

1 between consenting adults is sort of inimical to the  
2 concept of assault which is premised on the absence of  
3 consent. Is that not so?

4 MR. SHAVER: M'hm.

5 MR. SHERRIFF-SCOTT: Assault is premised on  
6 an absence of consent. Isn't that true?

7 MR. SHAVER: Yes.

8 MR. SHERRIFF-SCOTT: Okay.

9 MR. SHAVER: I'd agree.

10 MR. SHERRIFF-SCOTT: The idea of consenting  
11 adults here is inconsistent with an admission of assault?

12 MR. SHAVER: Oh, absolutely.

13 MR. SHERRIFF-SCOTT: Okay.

14 So at this point, you're on the phone and  
15 the bishop had the information of that day of two new  
16 potential complainants which you say visibly shook him;  
17 right?

18 MR. SHAVER: Yes.

19 MR. SHERRIFF-SCOTT: And now he had an  
20 admission, apparently from Charles MacDonald, not just that  
21 he was homosexual but that he was active sexually; correct?

22 MR. SHAVER: Yes.

23 MR. SHERRIFF-SCOTT: All right.

24 And so I suggest to you, sir, it's the  
25 combination of these startling things because both of them



1           were to be unexpected?

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

3                   **MR. SHERRIFF-SCOTT:** Isn't that so?

4                   **MR. SHAVER:** I would think so, yes.

5                   **MR. SHERRIFF-SCOTT:** Okay.

6                   And the proximity of these things, I suggest  
7           that's what you understood was the rationale for him being  
8           sent away?

9                   **MR. SHAVER:** It certainly was, yes.

10                  **MR. SHERRIFF-SCOTT:** Okay.

11                  The bishop, I suggest, sir, never told you  
12           Charles MacDonald admitted to David Silmser's allegations.  
13           Isn't that right?

14                  **MR. SHAVER:** That is absolutely correct.

15                  **MR. SHERRIFF-SCOTT:** He never told you  
16           Charles MacDonald admitted to sexually assaulting anyone?

17                  **MR. SHAVER:** Absolutely correct.

18                  **MR. SHERRIFF-SCOTT:** And, sir, if you ever  
19           said that or ever wrote it anywhere you were wrong weren't  
20           you?

21                  **MR. SHAVER:** Yes, if I -- if that was ever  
22           written in some place.

23                  **MR. SHERRIFF-SCOTT:** All right.

24                  **MR. SHAVER:** I don't believe I ever had.

25                  **MR. SHERRIFF-SCOTT:** Well, it was in 1789,

1 the exhibit. So we agree you're wrong there when you  
2 recount the events of October 7<sup>th</sup> in the evening on the  
3 phone call?

4 **MR. SHAVER:** No, sir. No, no, I was not  
5 wrong. Those notes were written as the bishop was talking  
6 to me.

7 **MR. SHERRIFF-SCOTT:** No, no, no. I'm  
8 talking about another exhibit. This is the McKinnon  
9 document.

10 **MR. SHAVER:** Oh, the McKinnon document.

11 **MR. SHERRIFF-SCOTT:** Yes.

12 **MR. SHAVER:** Yes, the McKinnon document was  
13 -- sir, was not intended to be a legal document. It was  
14 just a briefing from my lawyer.

15 **MR. SHERRIFF-SCOTT:** We'll get to that.

16 **MR. SHAVER:** Okay.

17 **MR. SHERRIFF-SCOTT:** When you recorded in  
18 that document, which is Exhibit 1789 ---

19 **MR. SHAVER:** Okay, right.

20 **MR. SHERRIFF-SCOTT:** --- the events of  
21 October 7<sup>th</sup> at night with the bishop ---

22 **MR. SHAVER:** Right.

23 **MR. SHERRIFF-SCOTT:** --- you were in error?

24 **MR. SHAVER:** Can I look at it, sir, again?

25 **MR. SHERRIFF-SCOTT:** Yes, certainly.

1 THE COMMISSIONER: Where are we going now?

2 MR. SHERRIFF-SCOTT: I'll just get the page  
3 for ---

4 MR. SHAVER: I think it's on the page -- on  
5 the second page of this document, sir, I believe.

6 MR. SHERRIFF-SCOTT: It's at page 715.

7 THE COMMISSIONER: Okay, and this is Exhibit  
8 1789?

9 MR. SHERRIFF-SCOTT: Yes.

10 THE COMMISSIONER: The McKinnon document.  
11 Is that what it is?

12 MR. SHAVER: Yes.

13 MR. SHERRIFF-SCOTT: And it's at the top in  
14 the second paragraph.

15 MR. SHAVER: Yes.

16 MR. SHERRIFF-SCOTT: Okay?

17 MR. SHAVER: Yeah, that was a -- the word --  
18 the bishop did use the word "assault", sir.

19 MR. SHERRIFF-SCOTT: I heard your -- I heard  
20 your version of events.

21 MR. SHAVER: Yes.

22 MR. SHERRIFF-SCOTT: What I'm saying here,  
23 sir, is your description here ---

24 MR. SHAVER: Right.

25 MR. SHERRIFF-SCOTT: --- that he admitted

1 the assault, et cetera, that that is wrong?

2 MR. SHAVER: Yes.

3 MR. SHERRIFF-SCOTT: Thank you.

4 Now, if we can go ---

5 MR. SHAVER: Admitted the assault on Silmser  
6 now. Is that what you're saying, sir, because he never  
7 admitted the assault on Silmser.

8 MR. SHERRIFF-SCOTT: He never admitted an  
9 assault on anybody.

10 MR. SHAVER: On anybody, no, that's right.

11 MR. SHERRIFF-SCOTT: Okay. We just  
12 clarified that in my two questions.

13 MR. SHAVER: Yes.

14 MR. SHERRIFF-SCOTT: Okay?

15 MR. SHAVER: Okay.

16 MR. SHERRIFF-SCOTT: You agree that the  
17 description here is incorrect?

18 MR. SHAVER: Yes, I do.

19 MR. SHERRIFF-SCOTT: Okay, thank you.

20 Now, let's go on to Exhibit 1208.

21 THE COMMISSIONER: Just a minute; just a  
22 minute, sir. No, no, no.

23 I don't want you to leave you -- he did say  
24 the bishop used the word "assault".

25 MR. SHERRIFF-SCOTT: I understand what he

1       said. I'm saying his written description of the matter  
2       here is incorrect and he's admitted that.

3                   **THE COMMISSIONER:** Okay.

4                   **MR. SHERRIFF-SCOTT:** Now, I'd like to go to  
5       Officer Blake's notes. Office Blake was with the Ottawa  
6       Police Service.

7                   **MR. SHAVER:** Yes.

8                   **MR. SHERRIFF-SCOTT:** Okay, and that's  
9       Exhibit 1208.

10                  **MR. SHAVER:** Get this out of the way.

11                  **MR. SHERRIFF-SCOTT:** And I'm only interested  
12       in the last two pages.

13                  **THE COMMISSIONER:** Just a second.

14                  **MR. SHERRIFF-SCOTT:** This is subject to a  
15       ban, sir.

16                  **THE COMMISSIONER:** Yeah.

17                  **MR. SHERRIFF-SCOTT:** But the last two pages  
18       I don't think believe engage any issues.

19                  **MR. SHAVER:** 1208, sir, and which page?

20                  **MR. SHERRIFF-SCOTT:** Bates pages 783 and 84.

21                  **MR. SHAVER:** Yes.

22                  **MR. SHERRIFF-SCOTT:** Okay.

23                         Now, you'll recall that the Ottawa Police  
24       Service got engaged here to review the investigation?

25                  **MR. SHAVER:** Yes, they did.

1                   **MR. SHERRIFF-SCOTT:** And the officer records  
2 here that you were interviewed on January 19<sup>th</sup> at  
3 approximately eleven-twenty in the morning; okay?

4                   **MR. SHAVER:** Yes.

5                   **MR. SHERRIFF-SCOTT:** All right. And he  
6 starts to record the October 7-8 stuff. Down below,  
7 towards the bottom of the page, you'll see the October 7  
8 entry about the office of the Nunciature with Mr. Curis and  
9 then there's reference to Bishop Larocque?

10                  **MR. SHAVER:** Yes.

11                  **MR. SHERRIFF-SCOTT:** And what I'm interested  
12 in is over on the top of the next page, three lines from  
13 the top.

14                                 And I take it here, the words, "admitted to  
15 bishop his homosexuality", this is your reference to the  
16 phone call and what you were told by the bishop about what  
17 he had heard from Charles MacDonald?

18                  **MR. SHAVER:** Yes.

19                  **MR. SHERRIFF-SCOTT:** Okay.

20                                 This is consistent with Officer Brunet's  
21 notes ---

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

23                  **MR. SHERRIFF-SCOTT:** You didn't tell Officer  
24 Blake, so it appears, anything that would be consistent  
25 with your version of events as captured in Exhibit 1789,

1 the McKinnon document?

2 **MR. SHAVER:** Well, sir, my version of the  
3 events, it was -- it was not -- in that document, the  
4 McKinnon document, it just wasn't elaborated on, sir. I  
5 just -- I just used kind of point form, yes.

6 **MR. SHERRIFF-SCOTT:** Put it this way, you  
7 didn't give him the incorrect version as contained in the  
8 McKinnon document. You gave him a version of the events  
9 here ---

10 **MR. SHAVER:** Sir, I ---

11 **MR. SHERRIFF-SCOTT:** --- that was consistent  
12 with the Brunet document?

13 **MR. SHAVER:** I gave him a -- not a different  
14 version -- I gave him the bottom-line version of what the  
15 bishop said.

16 **MR. SHERRIFF-SCOTT:** All right. And that's  
17 ---

18 **MR. SHAVER:** The McKinnon document did not  
19 have that in ---

20 **MR. SHERRIFF-SCOTT:** And that was the bottom  
21 line?

22 **MR. SHAVER:** That was the bottom line, yes.

23 **MR. SHERRIFF-SCOTT:** All right.

24 Now, the McKinnon document, as I call it,  
25 this Exhibit 1789, first of all, in the early months of

1 1994, the CPS had been sued by Mr. Silmsler in connection  
2 with the disclosure of his statement; correct?

3 **MR. SHAVER:** I don't know who's -- it was in  
4 the --- early '94, yes, it was early '94, but I believe it  
5 was later than when I spoke to the Ottawa Police  
6 Department.

7 **MR. SHERRIFF-SCOTT:** I think it was.

8 **MR. SHAVER:** Okay.

9 **MR. SHERRIFF-SCOTT:** It may have been  
10 February or later.

11 **MR. SHAVER:** Yes, sir, that's my  
12 recollection.

13 **MR. SHERRIFF-SCOTT:** And not only was the  
14 Cornwall Police Service named, but you were named  
15 personally weren't you?

16 **MR. SHAVER:** Yes.

17 **MR. SHERRIFF-SCOTT:** And there was sort of a  
18 page-and-a-half in the pleading of particulars of  
19 negligence against you?

20 **MR. SHAVER:** No.

21 **MR. SHERRIFF-SCOTT:** Do you recall that?

22 **MR. SHAVER:** I don't recall all of the  
23 wording, sir, yes.

24 **MR. SHERRIFF-SCOTT:** All right.

25 In any event, you prepared Exhibit 1789 as



1 sort of a briefing note for your counsel. Isn't that  
2 right?

3 MR. SHAVER: That's what it was, sir, yes.

4 MR. SHERRIFF-SCOTT: Okay. It wasn't  
5 intended as a statement for the police?

6 MR. SHAVER: Absolutely not.

7 MR. SHERRIFF-SCOTT: And it looks like, on  
8 my copy at least, it looks like June, 1994, but we're not  
9 entirely certain of the date of construction are we?

10 MR. SHAVER: I -- it was earlier than that,  
11 sir. It was -- it would have been when I found out that we  
12 were -- that the lawsuit was there. I would have started -  
13 - I'm not sure if I wasn't putting this together the whole  
14 time.

15 MR. SHERRIFF-SCOTT: Well, let's say this,  
16 it had to be after January of 1994?

17 MR. SHAVER: Yes, it was definitely after  
18 January, yes.

19 MR. SHERRIFF-SCOTT: And moreover it would  
20 be, can we say fairly, a number of months after the October  
21 7<sup>th</sup> date?

22 MR. SHAVER: Oh, yes, absolutely.

23 MR. SHERRIFF-SCOTT: Fair enough.

24 Now, just switching subjects. I want to  
25 talk to you very briefly about the Deslauriers matter.

1                   **MR. SHAVER:** Yes.

2                   **MR. SHERRIFF-SCOTT:** Okay. And what I took  
3 from your discussion and exchange with Mr. Engelmann was  
4 that you had, as he said to you, no direct knowledge of the  
5 specifics of the concerns of your officers and that you  
6 have sort of a recollection that it related to two things  
7 in terms of lack of cooperation?

8                   **MR. SHAVER:** Yes.

9                   **MR. SHERRIFF-SCOTT:** The first was the  
10 location or whereabouts of Father Deslauriers at the time?

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

12                   **MR. SHERRIFF-SCOTT:** And the second was lack  
13 of cooperation in relation to a document?

14                   **MR. SHAVER:** Lack of cooperation, yes. The  
15 bishop's overall demeanour at that time, sir, yes. With --  
16 when that happened with that document, sir.

17                   **MR. SHERRIFF-SCOTT:** Okay, document, fair  
18 enough.

19                   All right, so if we can just turn up Officer  
20 Lefebvre's statement, which is Exhibit 1785, and turn to  
21 Bates page 477. This is a will state of the officer?

22                   **MR. SHAVER:** Yes.

23                   **MR. SHERRIFF-SCOTT:** There's no concern with  
24 this page, sir. I know there is with another page. It can  
25 go on the screen in other words.

1                   Down on the bottom of the page, sir, the  
2                   second last paragraph.

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

4                   **MR. SHERRIFF-SCOTT:**  The officers here talk  
5                   about:

6                                 "1500 hours - Serving Gilles  
7                                 Charlebois, who was Mr. Deslauriers  
8                                 lawyer, with a notice of hearing for  
9                                 the seized file on Father Deslauriers,  
10                                who in turn signed consenting to the  
11                                order of detention after viewing the  
12                                contents of said file."

13                                It seems that by this point in late June,  
14                                the officers had been told by someone who Gilles  
15                                Deslauriers' lawyer was.  I suggest that was the diocese.

16                   **MR. SHAVER:**  I have no -- I have no  
17                   knowledge of this, sir.

18                   **MR. SHERRIFF-SCOTT:**  You don't have anything  
19                   inconsistent or consistent for that?

20                   **MR. SHAVER:**  No.

21                   **MR. SHERRIFF-SCOTT:**  Okay.

22                                Now, turning to the other issue, which is  
23                                the document, I take it from your evidence, sir, on the  
24                                subject of cooperation with respect to the document,  
25                                certainly what you knew from your officers only concerned

1           you sufficiently to make one phone call to the bishop and  
2           no phone calls after that?

3                   **MR. SHAVER:** Yes.

4                   **MR. SHERRIFF-SCOTT:** All right.

5                   Had you continued to have concerns, I  
6           suggest you would have done something else, just as you  
7           promised the bishop didn't you?

8                   **MR. SHAVER:** Yes.

9                   **MR. SHERRIFF-SCOTT:** Okay. You weren't  
10          making idle threats to the bishop on the phone, you were  
11          serious?

12                   **MR. SHAVER:** No, absolutely, I was not  
13          making an idle threat.

14                   **MR. SHERRIFF-SCOTT:** All right.

15                   So let's look at Officer Lefebvre's notes  
16          about his interactions with Bishop Larocque at least in one  
17          instance, and that's at Bates page 470. Do you still have  
18          the exhibit, sir?

19                   **MR. SHAVER:** Yeah. Bates page -- which one  
20          are we talking about?

21                   **MR. SHERRIFF-SCOTT:** Four-seven-zero (470).

22                   **THE COMMISSIONER:** Exhibit 1785?

23                   **MR. SHERRIFF-SCOTT:** One-seven-eight-five  
24          (1785), 470, yes.

25                   Now, you'll see, if we can -- and there's no

1 concern on that page, Commissioner ---

2 THE COMMISSIONER: M'hm.

3 MR. SHERRIFF-SCOTT: --- or the next one  
4 which are the pages that I wish to refer ---

5 THE COMMISSIONER: M'hm.

6 MR. SHERRIFF-SCOTT: --- to so they can go  
7 up, and I'm going to start down at the bottom of the page,  
8 sir.

9 MR. SHAVER: Yes.

10 MR. SHERRIFF-SCOTT: Okay, which is when  
11 your officers meet with the bishop the first time.

12 MR. SHAVER: All right.

13 MR. SHERRIFF-SCOTT: Excuse me, I'm just  
14 going to get a little water.

15 And you'll see four lines from the bottom it  
16 says:

17 "After this brief interview, we  
18 attended Bishop Larocque's office where  
19 a brief interview was had."

20 MR. SHAVER: M'hm.

21 MR. SHERRIFF-SCOTT: Okay? So let's see  
22 what the bishop told them.

23 "He acknowledged Deslauriers had a  
24 forceful character and that the man  
25 could manipulate people."

1                   **MR. SHAVER:** Right.

2                   **MR. SHERRIFF-SCOTT:** Right?

3                               "The bishop felt Father Deslauriers  
4                               could also influence bishops."

5                   He was a bishop.

6                   **MR. SHAVER:** Yes.

7                   **MR. SHERRIFF-SCOTT:** Okay.

8                               "He stated that he had spoken with  
9                               Father Deslauriers and that Deslauriers  
10                              claimed that it was therapy..."

11                   I suggest the way to read this or the only  
12                   way to read this is that the sexual touching in issue was  
13                   therapy?

14                   **MR. SHAVER:** I'm gathering, sir, yes.

15                   **MR. SHERRIFF-SCOTT:** Okay, and:

16                              "...although not the type taught at the  
17                              seminary".

18                   Certainly.

19                   **MR. SHAVER:** Certainly not. Not ---

20                   **MR. SHERRIFF-SCOTT:** Okay.

21                              "The bishop's opinion is that he,  
22                              Deslauriers, may deeply believe that he  
23                              does not have a problem."

24                   In other words, he's denying his problems.

25                   **MR. SHAVER:** Yes.

1                   **MR. SHERRIFF-SCOTT:** So he's recounted, at  
2                   least in part -- and we don't have the officer's notes  
3                   which may have more detail in them; right?

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

5                   **MR. SHERRIFF-SCOTT:** Yes, probably.

6                   He's recounted that he had an interaction  
7                   with the man, that he described his touching under the  
8                   guise of this therapy, that he thinks he's manipulative,  
9                   that he thinks he has -- that the bishop effectively is  
10                  implying the man has a problem which he's in denial about.

11                  **MR. SHAVER:** Yes.

12                  **MR. SHERRIFF-SCOTT:** And that he, therefore,  
13                  based on recommendations, had transferred him and sent him  
14                  for treatment effectively; right? If you read down.

15                  **MR. SHAVER:** Yes:

16                                 "Transferred Deslauriers with  
17                                 recommendations..." ---

18                  **MR. SHERRIFF-SCOTT:** Yes, and ---

19                  **MR. SHAVER:** I don't know if it says "for  
20                  treatment" there, sir, but ---

21                  **MR. SHERRIFF-SCOTT:** Fair enough, sir,  
22                  "transferred with recommendations".

23                                 "When asked further about the records  
24                                 of the committee's findings, if they  
25                                 were here at 220 Montreal Road. He

1                   replied, yes, but they are confidential  
2                   and could not show them to us. He  
3                   stated the transcript was approximately  
4                   180 pages long."

5                   **MR. SHAVER:** Yes.

6                   **MR. SHERRIFF-SCOTT:** So there's no doubt in  
7                   your officer's mind that the document sitting at 220  
8                   Montreal Road, it's 180 odd pages long and that it is the  
9                   document that your officers are talking about because  
10                  you'll see in the preceding pages they talk about this ad  
11                  hoc committee and the report. Your officers knew that?

12                  **MR. SHAVER:** The bishop had made them aware.

13                  **MR. SHERRIFF-SCOTT:** He told them  
14                  explicitly. It was in his office. He even told them how  
15                  long it was; right?

16                  **MR. SHAVER:** Yes.

17                  **MR. SHERRIFF-SCOTT:** Right.

18                  And he said it was confidential and you  
19                  didn't personally have any reason to doubt his sincerity of  
20                  his view of the confidentiality, rightly or wrongly held.  
21                  He may have been wrong.

22                  **MR. SHAVER:** No, no, that's his -- his  
23                  version of what it is, sir.

24                  **MR. SHERRIFF-SCOTT:** And if your officers  
25                  felt that they needed this document ---



1                   **MR. SHAVER:** Yes

2                   **MR. SHERRIFF-SCOTT:** --- what could they  
3 have done?

4                   **MR. SHAVER:** They could have gotten the  
5 warrant and got the document.

6                   **MR. SHERRIFF-SCOTT:** Sure they could,  
7 absolutely.

8                   **MR. SHAVER:** Yes.

9                   **MR. SHERRIFF-SCOTT:** Let's look at page 474  
10 of Mr. Lefebvre's will statement.

11                   **MR. SHAVER:** Right.

12                   **MR. SHERRIFF-SCOTT:** Okay. Now, I want to  
13 orient you by focusing down at the bottom of the page.

14                   Your officers go to see officials at La  
15 Citadelle High School where Delauriers taught -- or taught  
16 or ---

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

18                   **MR. SHERRIFF-SCOTT:** --- where he was  
19 employed at least in part, and they met with a Principal,  
20 Mr. Audet. See that?

21                   **MR. SHAVER:** Yes.

22                   **MR. SHERRIFF-SCOTT:** It was confirmed that  
23 Father Deslauriers still had a personnel file, it should be  
24 probably, or personal, I guess, at that school.

25                   "Therefore, at 1544," which you understood to be 3:44 in

1 the afternoon, right?

2 MR. SHAVER: Sorry. Where are you looking  
3 on this, sir?

4 MR. SHERRIFF-SCOTT: At the top of the next  
5 page.

6 MR. SHAVER: At the top of the next page.  
7 Okay.

8 MR. SHERRIFF-SCOTT: "Therefore, at 1544  
9 hours," which is 3:44, right?

10 MR. SHAVER: Yes.

11 MR. SHERRIFF-SCOTT: "A search warrant was  
12 obtained and Father Deslauriers file  
13 was seized at 1636."

14 MR. SHAVER: Yes.

15 MR. SHERRIFF-SCOTT: So, let's look at the  
16 rapidity of your officer's actions here. They meet with  
17 the man ---

18 MR. SHAVER: Yes.

19 MR. SHERRIFF-SCOTT: --- at 1450; 10 to  
20 3:00.

21 MR. SHAVER: Right.

22 MR. SHERRIFF-SCOTT: Less than 55 minutes  
23 later, approximately, they've got a warrant. Correct?

24 MR. SHAVER: Yes.

25 MR. SHERRIFF-SCOTT: And less than two hours

1 later they are back at the high school and they execute it.

2 MR. SHAVER: Yes.

3 MR. SHERRIFF-SCOTT: Right? Okay, so let's  
4 look at what they've got.

5 Now, Commissioner, there is a series of  
6 documents that for some reason -- I don't understand the  
7 database but maybe because they were in there early -- the  
8 various pages have separate document number and so it's a  
9 bit cumbersome but they run in sequence from Exhibit 703395  
10 through inclusive to 703397, and they are the documents  
11 seized and the warrant.

12 THE COMMISSIONER: M'hm.

13 MR. SHERRIFF-SCOTT: So I'm wondering how we  
14 can manage entering that material?

15 THE COMMISSIONER: Mr. Englemann?

16 MR. ENGLEMANN: I believe what my friend  
17 meant to say was the document numbers, not the -- not  
18 exhibit numbers.

19 THE COMMISSIONER: Right.

20 Document numbers.

21 MR. ENGLEMANN: And there was a tendency  
22 early on in some cases depending on how the file came to us  
23 ---

24 THE COMMISSIONER: Right.

25 MR. ENGLEMANN: --- to list individual

1 document numbers.

2 If I could just have a moment please?

3 (SHORT PAUSE/COURTE PAUSE)

4 THE COMMISSIONER: Yes.

5 MR. ENGELMANN: Sir, I'm fine with having in  
6 this particular case, multiple document numbers as one  
7 Exhibit because I understand it ---

8 THE COMMISSIONER: M'hm.

9 MR. ENGELMANN: Mr. Sherriff-Scott is more  
10 familiar with this document than I am but as I understand  
11 it, it is one document.

12 THE COMMISSIONER: M'hm.

13 MR. ENGELMANN: It is the search warrant and  
14 therefore ---

15 THE COMMISSIONER: And ---

16 MR. ENGELMANN: --- and it makes sense that  
17 we enter it as just one Exhibit.

18 THE COMMISSIONER: Okay, so logistically we  
19 just want to make sure that what you think we have in one  
20 Exhibit is going to be the same thing, so let's coordinate  
21 that a little bit.

22 MR. ENGELMANN: And I've just got to look at  
23 my document numbers as well, sir.

24 THE COMMISSIONER: Okay, so, Madam Clerk  
25 what have you got?

1 So how many pages, Mr. Sherriff-Scott?

2 **MR. SHERRIFF-SCOTT:** It's not very long  
3 Commissioner; it's one, two, three, four, five, six, seven,  
4 eight, nine, ten ---

5 **THE COMMISSIONER:** Well, we don't have all -  
6 --

7 **MR. SHERRIFF-SCOTT:** Thirteen (13) or 14  
8 pages.

9 **THE COMMISSIONER:** Yes. It's just the clerk  
10 is shaking her said saying that ---

11 **MR. ENGELMANN:** I think we gave notice with  
12 the whole bundle. We can do ---

13 **THE COMMISSIONER:** The problem is not -- the  
14 notice precipitates actions from our folks and so if he  
15 raises the word notice, it doesn't mean that ---

16 **MR. ENGELMANN:** Oh.

17 **THE COMMISSIONER:** --- you're ---  
18 Would a five-minute break ---

19 **MR. ENGELMANN:** If that would be of  
20 assistance; thank you, yes.

21 **THE COMMISSIONER:** Well, rather than ---

22 **MR. ENGELMANN:** We can get a result, yes.

23 **THE COMMISSIONER:** Great. Thank you.

24 **THE REGISTRAR:** Order; all rise. A l'ordre;  
25 veuillez vous lever.

1 This hearing will resume at 10:30.

2 --- Upon recessing at 10:23 a.m./

3 L'audience est suspendue à 10h23

4 --- Upon resuming at a.m./ 10:33 a.m.

5 L'audience est reprise à 10h33

6 **THE REGISTRAR:** Order; all rise. A l'ordre;  
7 veuillez vous lever.

8 **THE REGISTRAR:** This hearing is now resumed.  
9 Please be seated. Veuillez vous asseoir.

10 **THE COMMISSIONER:** All right. So?

11 **MR. ENGELMANN:** Mr. Commissioner, we've had  
12 a brief discussion during the break and I agree with the  
13 proposal that Mr. Sherriff-Scott's put forward. So what I  
14 suggest, sir, is documents -- Document Numbers 703395  
15 through Document 703403 -- they are consecutive document  
16 numbers -- all be entered as the next Exhibit.

17 **THE COMMISSIONER:** All right. Do you have  
18 them all, Madam Clerk?

19 We have them all together now?

20 All right. Great, thank you.

21 **MR. ENGELMANN:** I'll just turn ---

22 **THE COMMISSIONER:** I'm sorry.

23 **MR. ENGELMANN:** Is that acceptable, sir.

24 **THE COMMISSIONER:** It is. Of course it is.  
25 So, Exhibit 1802 is an information to obtain a search

1 warrant together with -- are these all of what was  
2 obtained?

3 **MR. SHERRIFF-SCOTT:** Yes, those are the  
4 seized materials.

5 **THE COMMISSIONER:** All right. So -- and  
6 with the accompanied seized materials; Exhibit 1802

7 --- **EXHIBIT NO./PIECE NO. 1802:**

8 (703395-703403) Search Warrant and  
9 Seized Documents regarding Gilles  
10 Deslauriers

11 **THE COMMISSIONER:** Mr. Sherriff-Scott?

12 **MR. SHERRIFF-SCOTT:** Thank you, sir.

13 Mr. Shaver.

14 **MR. SHAVER:** Yes.

15 **MR. SHERRIFF-SCOTT:** Just if you could just  
16 have a moment and scan those. I don't need you to read all  
17 of them. I just -- we'll look at the first one in  
18 particular.

19 **MR. SHAVER:** Okay.

20 **MR. SHERRIFF-SCOTT:** This is the warrant.  
21 You see it's dated June 20, 1986.

22 **MR. SHAVER:** Yes.

23 **MR. SHERRIFF-SCOTT:** It appears to be signed  
24 by Officer Lefebvre.

25 **MR. SHAVER:** Yes.

1                   **MR. SHERRIFF-SCOTT:** And it talks about the  
2 grounds for the warrant. And over the next page it talks  
3 about the authorization for hours for seizure between the  
4 times indicated.

5                   **MR. SHAVER:** Yes.

6                   **MR. SHERRIFF-SCOTT:** And it's dated the same  
7 day. All documentation on Father Deslauriers and this is  
8 the location of the school board as you see from page 1.

9                   **MR. SHAVER:** Yes.

10                  **MR. SHERRIFF-SCOTT:** And there follows his  
11 personnel file, in effect, of his contractual documents and  
12 relationship with this school board in detail, and the last  
13 document is the notice of hearing in connection with the  
14 seized documents, if you go to Bates 371 which is the last  
15 page.

16                  **MR. SHAVER:** Last page. Yes.

17                  **MR. SHERRIFF-SCOTT:** And, that's where Mr.  
18 Charleboix on the Officer's notes at least is -- has some  
19 interaction with your officers. In other words, notice of  
20 a seized hearing they have to -- he signed off effectively.

21                  **MR. SHAVER:** Yes.

22                  **MR. SHERRIFF-SCOTT:** Okay, so my point is  
23 this sir, that if your officers had been sufficiently  
24 concerned that they ought to get this document, then they  
25 could quite easily have done it considering that in the



1 connection of the school board they not only obtained but  
2 executed and seized documents within less than three hours.

3 **MR. SHAVER:** Yes.

4 **MR. SHERRIFF-SCOTT:** So it would have been a  
5 simple matter had they continued to be concerned? Right?

6 **MR. SHAVER:** Yes. It would appear so, yes.

7 **MR. SHERRIFF-SCOTT:** I suggest the inference  
8 that you draw from this is that they weren't concerned,  
9 otherwise, they would have done their duty, surely.

10 **MR. SHAVER:** Well, they were concerned, sir,  
11 because they brought it up -- they brought it to my  
12 attention, sir.

13 **MR. SHERRIFF-SCOTT:** The date of this is  
14 following the meeting.

15 **MR. SHAVER:** The date of this is following

16 ---

17 **MR. SHERRIFF-SCOTT:** Following their meeting  
18 with Bishop Larocque.

19 **MR. SHAVER:** Okay.

20 **MR. SHERRIFF-SCOTT:** Okay? So do you know  
21 if they continued to be concerned?

22 **MR. SHAVER:** I don't know if they were  
23 concerned about the document, sir, and I know they ---

24 **MR. SHERRIFF-SCOTT:** That's what I'm talking  
25 about.

1                   **MR. SHAVER:** Yeah, well, no, I don't know,  
2                   sir. I didn't talk to them. I only talked to them that  
3                   one time, sir.

4                   **MR. SHERRIFF-SCOTT:** I understand they  
5                   didn't like his demeanour. I understand that.

6                   **MR. SHAVER:** Yes.

7                   **MR. SHERRIFF-SCOTT:** Okay? I'm talking  
8                   about the document.

9                   **MR. SHAVER:** No.

10                  **MR. SHERRIFF-SCOTT:** Okay. Now on Tuesday  
11                  of this week when I read a version of your evidence in the  
12                  paper, my eyes popped open a little. It said:

13                                 "A city police probe into sexual  
14                                 abuse allegations were stymied by  
15                                 former bishop."

16                  That's not what you said on Monday of this  
17                  week. Correct?

18                  **MR. SHAVER:** Did I say that there?

19                  **MR. SHERRIFF-SCOTT:** You didn't say that,  
20                  did you?

21                  **MR. SHAVER:** Well, excuse me. Are you  
22                  saying did I said it in that article?

23                  **MR. SHERRIFF-SCOTT:** It's attributed to you  
24                  by the Freeholder on Monday -- on Tuesday's paper. That's  
25                  not what you were saying?

1                   **THE CHAIRMAN:** The words, stymied.

2                   **MR. SHERRIFF-SCOTT:** Stymied?

3                   **THE COMMISSIONER:** I don't think came out of  
4 your mouth.

5                   **MR. SHAVER:** No, it did not.

6                   **MR. SHERRIFF-SCOTT:** Cooperation, not that  
7 the investigation was thwarted.

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

9                   **MR. SHERRIFF-SCOTT:** There was a successful  
10 prosecution, albeit there are concerns about sentencing.

11                   **MR. SHAVER:** Yes.

12                   **MR. SHERRIFF-SCOTT:** Thank you.

13                   Those are my questions.

14                   **THE COMMISSIONER:** Thank you, sir.

15                   So who? Mr. Neville?

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

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

18                   --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
19 **NEVILLE:**

20                   **MR. NEVILLE:** Good morning, Chief Shaver.

21                   **MR. SHAVER:** Morning.

22                   **MR. NEVILLE:** My name is Michael Neville. I  
23 represent Father Charles MacDonald, also the Estate of Ken  
24 Seguin, his brother Doug and the family.

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

1                   **MR. NEVILLE:** And I'll just have a few  
2 questions for you.

3                   Could we start, Commissioner, with Exhibit  
4 301? And for your information and the Chief, it's the  
5 letter by Murray MacDonald on September 14<sup>th</sup>, 1993.

6                   **THE COMMISSIONER:** Three-zero-one (301)?

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

8                   **THE COMMISSIONER:** Thank you.

9                   **MR. NEVILLE:** For anybody else who's  
10 interested, if they want it, it's Document 101560.

11                   Do you have it there, Chief Shaver?

12                   **MR. SHAVER:** Letter from Murray, yes.

13                   **MR. NEVILLE:** Yes, dated September 14<sup>th</sup>,  
14 1993. Now, I'm not interested in the document per se.  
15 It's been well hashed over. I'm more interested in the  
16 notations.

17                   **MR. SHAVER:** Yes.

18                   **MR. NEVILLE:** We see in the bottom left-hand  
19 corner the following:

20                   "Noted and forwarded to Chief Shaver as  
21 requested/suggested at morning  
22 meeting."

23                   And then we see the initials of the Deputy  
24 Chief and the date, "16<sup>th</sup> of September 1993."

25                   **MR. SHAVER:** Yes.

1                   **MR. NEVILLE:** Now, I'll come back to that in  
2 a minute. The right-hand corner also has a notation, and  
3 there appears to be a letter. Is that "C" for you, the  
4 Chief?

5                   **MR. SHAVER:** That is. That is, yes. That's  
6 my handwriting.

7                   **MR. NEVILLE:** So that is your writing?

8                   **MR. SHAVER:** Yes.

9                   **MR. NEVILLE:** Reading as follows:

10                                "Noted. Forward to S/Sgt. Brunet."

11                   **MR. SHAVER:** Yes.

12                   **MR. NEVILLE:** Now, let me see if I just get  
13 this right. What would appear is this, and see if I'm  
14 correct. He is the apparent addressee?

15                   **MR. SHAVER:** Yes.

16                   **MR. NEVILLE:** And we know from other  
17 evidence and you eventually learn that he in fact had met  
18 with Mr. MacDonald, sent MacDonald a letter, got a letter  
19 back?

20                   **MR. SHAVER:** Right.

21                   **MR. NEVILLE:** All right?

22                                Now, what it appears has happened here --  
23 and tell me if I'm right or wrong -- is the letter of Mr.  
24 MacDonald comes in sometime very close to, presumably, the  
25 14<sup>th</sup> of September and it is a matter of discussion at a

1 morning meeting on the 16<sup>th</sup> of September.

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

3 MR. NEVILLE: Okay.

4 MR. SHAVER: I can't help you.

5 MR. NEVILLE: Well, the Deputy Chief, that's  
6 his writing?

7 MR. SHAVER: Yes, it is.

8 MR. NEVILLE: And he says, "as  
9 requested/suggested at morning meeting."

10 MR. SHAVER: Right.

11 MR. NEVILLE: And what he appears to be  
12 saying was requested or suggested is the forwarding of it  
13 to you?

14 MR. SHAVER: It would appear so, yes.

15 MR. NEVILLE: Right.

16 And what's interesting, of course, is he  
17 appears to have it forwarded to you on that date.

18 MR. SHAVER: Yes.

19 MR. NEVILLE: And you obviously get it  
20 because you write about sending it to the actual addressee.

21 MR. SHAVER: Yes.

22 MR. NEVILLE: So this would appear to  
23 indicate, possibly, if not likely, that it came in to the  
24 station, went through the Deputy Chief's hands as part of  
25 the chain of command, got to you as the Chief and,

1 ultimately, to Brunet?

2 **MR. SHAVER:** That's how this would look,  
3 yes.

4 **MR. NEVILLE:** Right. Okay.

5 Now, can we just look for a moment -- let me  
6 just ask you this. We've looked at your calendar for a  
7 portion of 1993. It's our Exhibit 1787 and, in particular,  
8 the sticky notes for the 7<sup>th</sup> of October.

9 **MR. SHAVER:** Yes.

10 **MR. NEVILLE:** And in the evening, and in  
11 relation to your conversation with Bishop Larocque, the  
12 last two words you've written are "Bishop sorry."

13 **MR. SHAVER:** Yes.

14 **MR. NEVILLE:** Okay. Now, you went on to say  
15 in evidence in-chief that he said that he felt he had been  
16 betrayed and lied to by Father MacDonald?

17 **MR. SHAVER:** Yes.

18 **MR. NEVILLE:** Now, that doesn't appear in  
19 the sticky?

20 **MR. SHAVER:** No, it doesn't.

21 **MR. NEVILLE:** And I've looked through the  
22 document that you prepared for Mr. McKinnon, our Exhibit  
23 1789, and those phrases do not appear there either.

24 **MR. SHAVER:** No, they do not.

25 **MR. NEVILLE:** And I've read carefully all 26

1 typed pages of your audio-taped interview with the OPP, and  
2 it doesn't appear there.

3 MR. SHAVER: No, it does not.

4 MR. NEVILLE: The first awareness I have  
5 that that might be your evidence was when we were provided  
6 by Commission counsel with a document indicating what your  
7 evidence might be.

8 MR. SHAVER: Yes, sir.

9 MR. NEVILLE: So in relation to the events  
10 of October '93, when did you recall that series of  
11 statements by the Bishop?

12 MR. SHAVER: Sir, that's always sort of been  
13 in my head about when the Bishop denies both.

14 MR. NEVILLE: Okay. So you have an  
15 independent recollection today, this week in 2008, that he  
16 said those things?

17 MR. SHAVER: I do, sir. I believe that he  
18 said those things, yes.

19 MR. NEVILLE: You believe that he did?

20 MR. SHAVER: Yes.

21 MR. NEVILLE: Do you actually have a clear,  
22 independent recollection?

23 MR. SHAVER: Yes, I've tried -- the Bishop's  
24 conversation with me, sir, stuck with me for a very, very  
25 long time. So that's -- I do.



1                   **MR. NEVILLE:** So you say today you  
2 independently recall those two sentences?

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

4                   **MR. NEVILLE:** Though they appear nowhere  
5 else, right?

6                   **MR. SHAVER:** That I have not noted anywhere  
7 else, sir.

8                   **MR. NEVILLE:** All right.

9                   Now, let's touch just for a moment, if I  
10 could, Exhibit, Commissioner, 1301. It's the report by  
11 Staff Sergeant Derochie to Acting Chief Johnston on the  
12 Silmsler/Dunlop issue.

13                   **THE COMMISSIONER:** Thirteen-zero-one (1301),  
14 okay.

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

16                   Brothers, if it's helpful, it's Document  
17 719992.

18                   **MR. SHAVER:** Which page did you want me at,  
19 Mr. Neville?

20                   **MR. NEVILLE:** Yes, if you would look for me

21 ---

22                   **MR. SHAVER:** Yes.

23                   **MR. NEVILLE:** --- it's the last Bates page  
24 that ends in 397. It's Appendix A.

25                   **MR. SHAVER:** Yes.

1                   **MR. NEVILLE:** Now, we know and the  
2                   Commissioner knows that this report actually ends up, for  
3                   reasons of your retirement, being sent directly to Acting  
4                   Chief Johnston.

5                   **MR. SHAVER:** It does, yes.

6                   **MR. NEVILLE:** Appendix A that you have in  
7                   front of you, as I understand it, was what you suggested as  
8                   a possible wording of Dunlop's counselling.

9                   **MR. SHAVER:** I believe that that's -- it  
10                  certainly has what I wanted in it, sir. So I believe that  
11                  that would be the document. I don't have it.

12                  **MR. NEVILLE:** All right.

13                  Well, it's attached by Staff Sergeant  
14                  Derochie as an appendix.

15                  **MR. SHAVER:** Yes.

16                  **MR. NEVILLE:** Okay? If you looked at the  
17                  next page, we have an Appendix B, which is actually three  
18                  pages -- well, two pages and part of a third page, although  
19                  I'm not sure it's part of it.

20                  **MR. SHAVER:** Right.

21                  **MR. NEVILLE:** Now, this version of the  
22                  counselling proposed for Mr. Dunlop, were you aware of this  
23                  version at some point?

24                  **MR. SHAVER:** Was I aware of this version?

25                  **MR. NEVILLE:** Yes.

1                   **MR. SHAVER:** No, this would have come up  
2 later, sir. I don't think I was aware of this version.

3                   **MR. NEVILLE:** So you don't have any  
4 recollection of seeing this proposed counselling document?

5                   **MR. SHAVER:** I don't think so, sir. I can't  
6 remember it.

7                   **MR. NEVILLE:** Do you have any -- so do you  
8 have any recollection of discussing this version put  
9 forward by Mr. Derochie?

10                   **MR. SHAVER:** My -- the document that I  
11 provided to Mr. Derochie or to Staff Sergeant Derochie was  
12 sort of a guideline as to what I would like to have seen in  
13 the document.

14                   **MR. NEVILLE:** Okay.

15                   **MR. SHAVER:** I don't remember ever seeing  
16 this, sir.

17                   **MR. NEVILLE:** Fair enough.

18                   And we know in any event the counselling  
19 didn't happen. I presume you learned that eventually?

20                   **MR. SHAVER:** Right. It never happened  
21 anyway.

22                   **MR. NEVILLE:** Right. All right.

23                   Can we now look briefly at your taped  
24 statement with the OPP? It's Exhibit, Commissioner, 1238.

25                   **MR. SHAVER:** I have that one over here.

1                   **MR. NEVILLE:** Document, Commissioner,  
2                   111606, also Exhibit 1238. The cover page is on the  
3                   screen.

4                   **THE COMMISSIONER:** What page, please?

5                   **MR. NEVILLE:** Yes, could we start,  
6                   Commissioner -- the version I hope the witness has and you  
7                   as well has the numbers in the top that are easy to use,  
8                   1687 ---

9                   **THE COMMISSIONER:** Yes.

10                  **MR. NEVILLE:** --- because they run  
11                  sequentially.

12                  **THE COMMISSIONER:** Yes.

13                  **MR. NEVILLE:** Now, if we just look at the --  
14                  do you have that page, Chief?

15                  **MR. SHAVER:** I think so.

16                  **MR. NEVILLE:** It's the second page.

17                  **MR. SHAVER:** Oh, the second page? Yes, I do  
18                  have that page, sir, yes.

19                  **MR. NEVILLE:** Okay. And I just want to make  
20                  clear for everybody here what it is they've come to talk to  
21                  you about.

22                  **MR. SHAVER:** Yes.

23                  **MR. NEVILLE:** And it's from Mr. Hall at the  
24                  bottom as follows:

25   "The reason you're being interviewed is

1 we have received allegations that you  
2 may have been present at certain  
3 locations with various people who were  
4 present and that you may have witnessed  
5 an allegation of sexual assault."

6 And then he says he has some questions to  
7 put to you that you agree to answer, right?

8 MR. SHAVER: Yes.

9 MR. NEVILLE: So that's what they introduce  
10 the topic as being ---

11 MR. SHAVER: Yes.

12 MR. NEVILLE: --- on 9 July '99?

13 MR. SHAVER: Yes.

14 MR. NEVILLE: All right.

15 And you'll see on the -- just in the middle  
16 of that page there's a question from Mr. Hall and the last  
17 sentence is he asks you about a dinner party at St. Andrews  
18 ---

19 MR. SHAVER: Yes.

20 MR. NEVILLE: --- which you say you never  
21 attended.

22 MR. SHAVER: Yes.

23 MR. NEVILLE: But did attend a wedding at  
24 St. Andrews?

25 MR. SHAVER: I did, yes.

1                   **MR. NEVILLE:** And then the -- it would  
2 appear because of that answer, that there was no dinner  
3 party involving you at that parish, if you look at the  
4 bottom, he then says:

5                                   "Were the following people present?"

6                   So he appears to be switching from a dinner  
7 party to the wedding?

8                   **MR. SHAVER:** To the wedding. That's how I  
9 took it, sir, yes.

10                   **MR. NEVILLE:** All right.

11                   And the first one you're asked about is the  
12 Crown, Murray MacDonald?

13                   **MR. SHAVER:** I'll look, sir.

14                   **MR. NEVILLE:** It's at the bottom.

15                   **MR. SHAVER:** Murray MacDonald, yes.

16                   **MR. NEVILLE:** Okay. And if you just  
17 yes.

18                   **MR. NEVILLE:** Okay. And if you just -- I'm  
19 not going to go through each page, but if you just look for  
20 me quickly over the next three pages they put to you a  
21 whole series of names.

22                   **MR. SHAVER:** They do.

23                   **MR. NEVILLE:** And without referring  
24 specifically to them, some of the names are on this list of  
25 people who said things about you.

1 MR. SHAVER: Yes.

2 MR. NEVILLE: Right?

3 MR. SHAVER: Yes, there are, yes.

4 MR. NEVILLE: Okay. You see Mr. Leroux's  
5 name.

6 MR. SHAVER: Yeah, I do.

7 MR. NEVILLE: And on another page you'll see  
8 C-8.

9 MR. SHAVER: I do.

10 MR. NEVILLE: All right.

11 Now, if we go to page -- I have a 1691.

12 That's Bates page 710, Commissioner.

13 THE COMMISSIONER: M'hm.

14 MR. NEVILLE: Actually, there is also  
15 numbers in the bottom right that are helpful, 6 of 26.

16 THE COMMISSIONER: Okay, when we've got a  
17 good thing going don't ---

18 (LAUGHTER/RIRES)

19 MR. NEVILLE: Well, the problem is I'm not  
20 sure Chief Shaver's version ---

21 MR. SHAVER: No, I'm fine, I've got it.

22 MR. NEVILLE: Okay, good.

23 MR. SHAVER: I have the exact thing you have  
24 here.

25 THE COMMISSIONER: Sixteen-ninety-one (1691)

1 is fine.

2 MR. NEVILLE: Oh, great.

3 So you'll see they finished the list with a  
4 whole bunch of more names.

5 MR. SHAVER: All right.

6 MR. NEVILLE: And then they have you confirm  
7 that the wedding you attended was Perry Dunlop's.

8 MR. SHAVER: Yes.

9 MR. NEVILLE: And you explain in this  
10 statement that the priest who presided at the wedding was  
11 Father Charles MacDonald.

12 MR. SHAVER: Yes.

13 MR. NEVILLE: Do you recall if as part of  
14 the wedding you even met Father Charles?

15 MR. SHAVER: No, I did not.

16 MR. NEVILLE: And other than seeing him  
17 there at the Dunlop wedding, which we understand was on or  
18 about the latter part of May, I think -- May 8 or 9,  
19 somewhere in there, did you ever have any contact with  
20 Father Charles MacDonald thereafter.

21 MR. SHAVER: Never. Never that I know of,  
22 sir.

23 MR. NEVILLE: All right.

24 And you know ---

25 THE COMMISSIONER: Do you know him to



1 recognize him?

2 **MR. SHAVER:** Sir, I saw him I believe for  
3 the first time at the wedding so I would -- I would  
4 remember him from that picture, sir, but I ---

5 **THE COMMISSIONER:** From that point on the  
6 person you saw presiding over the wedding you had no  
7 interaction with?

8 **MR. SHAVER:** I had no interaction with him  
9 at all, sir, no.

10 **MR. NEVILLE:** And you know from this  
11 document -- and we'll go to a couple of specifics in a  
12 moment, briefly -- that the allegation against you, that  
13 they're looking into here, is your role in a conspiracy to  
14 benefit Father Charles MacDonald among other things?

15 **MR. SHAVER:** Yes, I do.

16 **MR. NEVILLE:** A man you didn't know.

17 **MR. SHAVER:** I did not know.

18 **MR. NEVILLE:** Now, could we look at page  
19 1692?

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

21 **MR. NEVILLE:** Because they actually put to  
22 you very specific names, some of which came up yesterday.

23 **MR. SHAVER:** Yes.

24 **MR. NEVILLE:** Do you see one in the middle  
25 of the page, Gerald Renshaw?

1 MR. SHAVER: Yes.

2 MR. NEVILLE: And you see C-8?

3 MR. SHAVER: Yes.

4 MR. NEVILLE: All right.

5 Now, when asked about his allegation against  
6 you, your answer on that day was, "It is an absolute  
7 fabrication."

8 MR. SHAVER: Yes.

9 MR. NEVILLE: That was an accurate answer  
10 when you gave it?

11 MR. SHAVER: Yes, it was, sir.

12 MR. NEVILLE: Is an accurate answer today?

13 MR. SHAVER: It is, sir.

14 MR. NEVILLE: They asked you about C-8 at  
15 the bottom of the page?

16 MR. SHAVER: Right.

17 MR. NEVILLE: And about a party or parties  
18 at the top of the next page?

19 MR. SHAVER: Yes.

20 MR. NEVILLE: And what your answer was:

21 "I've never been to a party at Ken  
22 Seguin's house. I don't even know  
23 where Ken Seguin lives."

24 MR. SHAVER: That's true, sir.

25 MR. NEVILLE: That was accurate at the time?

1 MR. SHAVER: It was.

2 MR. NEVILLE: It is accurate today?

3 MR. SHAVER: It is.

4 MR. NEVILLE: You then asked about  
5 socializing with Malcolm MacDonald in the middle of the  
6 page?

7 MR. SHAVER: Yes.

8 MR. NEVILLE: And you, when asked about  
9 that, describe it as, "an absolute fabrication"?

10 MR. SHAVER: Yes.

11 MR. NEVILLE: It was true then?

12 MR. SHAVER: Yes, it was.

13 MR. NEVILLE: It is true now?

14 MR. SHAVER: It is.

15 MR. NEVILLE: You confirm you had never been  
16 to his cottage on Stanley Island?

17 MR. SHAVER: Never, sir.

18 MR. NEVILLE: If you look at the bottom of  
19 that page, over to the top of the next page, you see they  
20 refer to a very specific event with certain participants?

21 MR. SHAVER: Yes.

22 MR. NEVILLE: Including you, purportedly,  
23 which you understand from learning over things -- about  
24 things over the years was what has come to be known as the  
25 VIP meeting?

1                   **MR. SHAVER:** Yes.

2                   **MR. NEVILLE:** That was part of the grand  
3                   conspiracy?

4                   **MR. SHAVER:** It was, sir.

5                   **MR. NEVILLE:** You were never there?

6                   **MR. SHAVER:** I was not there.

7                   **MR. NEVILLE:** Page 1696, do you have it?

8                   **MR. SHAVER:** I'm not sure. I have to look  
9                   backwards here.

10                  **MR. NEVILLE:** Well, it's also called page 11  
11                  of 26, if that helps you.

12                  **MR. SHAVER:** Okay.

13                  **MR. NEVILLE:** Got it?

14                  **MR. SHAVER:** I have it, sir, yes.

15                  **MR. NEVILLE:** You were asked at the bottom  
16                  of that page through the top of the next page about matters  
17                  in Fort Lauderdale, a named motel and certain young men on  
18                  a street in Fort Lauderdale?

19                  **MR. SHAVER:** Yes.

20                  **MR. NEVILLE:** All of which you describe on  
21                  the fourth utterance in the top of the page as, "an  
22                  absolute fabrication"?

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

24                  **MR. NEVILLE:** True then?

25                  **MR. SHAVER:** True then.

1                   **MR. NEVILLE:** True now?

2                   **MR. SHAVER:** Absolutely.

3                   **MR. NEVILLE:** You're then asked about -- in  
4 the middle of the page -- the clan of paedophiles.

5                   **MR. SHAVER:** Yes.

6                   **MR. NEVILLE:** Let's look at your answer.  
7 It's at the bottom.

8                                    "My opinion..."

9                   You answer as if it's a question:

10                                    "My opinion, ah, I have a personal one  
11 and a professional one. The  
12 professional one I'm not -- whilst  
13 being the police chief, there was -- we  
14 had no indication of this ever existing  
15 that I've ever heard of. This term  
16 sort of came about later as an officer  
17 in the Cornwall Police Service decided  
18 to make some things public."

19                   That's Mr. Dunlop?

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

21                   **MR. NEVILLE:** "And since then it's been a  
22 term that I have heard bandied around  
23 many, many times, 'clan of  
24 paedophiles', people of influence and  
25 that sort of thing and sort of pick

1                   your favourite, pick your favourite  
2                   person that you know of, that everybody  
3                   seems to know and place them in the  
4                   clan."

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

6                   **MR. NEVILLE:** That's your view  
7 professionally of the clan?

8                   **MR. SHAVER:** Yes, it is, sir.

9                   **MR. NEVILLE:** Let's look at the next page  
10 where you give your personal opinion. And I just want to  
11 see if I understand what you're trying to say because it's  
12 a bit odd.

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

14                   **MR. NEVILLE:** Mr. Engelmann encourages me to  
15 also use the Bates page, Commissioner.

16                   **THE COMMISSIONER:** All right.

17                   **MR. NEVILLE:** It's 717. Are you with me?

18                   **MR. SHAVER:** I am, sir. The clerk is very  
19 good. She's got it up there.

20                   **MR. NEVILLE:** Okay, well, I think it's also  
21 for the record.

22                                "My personal opinion is we heard this.  
23                                It was like the black van theory in the  
24                                City of Cornwall."

25                   **MR. SHAVER:** Yes.

1                   **MR. NEVILLE:** What's that?

2                   **MR. SHAVER:** Every year, sir, just before --  
3                   at around springtime when the schools would start, we would  
4                   start to hear about this notorious black van that would  
5                   appear at schoolyards. All our officers would hear this.  
6                   I kept hearing the same thing. I would hear it from people  
7                   on the street, "What are we doing about the black van?" It  
8                   was like there was a stalker out there somewhere stalking  
9                   children.

10                  **MR. NEVILLE:** Right.

11                  **MR. SHAVER:** And it was just absolute  
12                  nonsense. It was just a rumour that got started in the  
13                  city and it just kept coming back, year after year after  
14                  year.

15                  **MR. NEVILLE:** All right.

16                  **MR. SHAVER:** And we've never had any  
17                  indications or any evidence of that. So that was just it.

18                  **MR. NEVILLE:** And that's the analogy you  
19                  would make to the clan of paedophiles?

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

21                  **MR. NEVILLE:** In fact, you say it in the  
22                  last two sentences:

23                                 "This thing never existed. It was just  
24                                 something that ran rampant in through  
25                                 rumour in the city."

1                   **MR. SHAVER:** Absolutely. Yes, it did.

2                   **MR. NEVILLE:** You meant the black van story,  
3 analogizing equally to the clan.

4                   **MR. SHAVER:** Like many other rumours that  
5 were started at that time, sir, they just absolutely ran  
6 rampant.

7                   **MR. NEVILLE:** All right.

8                   **MR. SHAVER:** Sir, could I give you two other  
9 examples -- no?

10                  **MR. NEVILLE:** Yeah, you have the floor.

11                  **MR. SHAVER:** Sorry, sir -- no? Sorry?

12                  **THE COMMISSIONER:** Go ahead.

13                  **MR. SHAVER:** Oh. For example, sir, I  
14 allegedly committed suicide in the city. That came -- that  
15 came ---

16                  **MR. NEVILLE:** You seem remarkably well.

17                  **MR. SHAVER:** I was remarkably well and I  
18 received -- I was living in Ottawa at the time, sir, and I  
19 was actually called by a national media representative  
20 after I received about seven or eight or nine phone calls,  
21 I think, from people in Cornwall, including my best friend  
22 and my best friend's son. They had heard that I had  
23 committed suicide over this whole thing and people were  
24 swearing that it was true. And I was called by the media  
25 to ask me if I would stick up for the reputation of Chief



1 Shaver.

2 That's just an example, sir, of how rumours  
3 got started and they just -- absolutely just kept going and  
4 going and going.

5 **MR. NEVILLE:** All right.

6 I have one more document briefly to refer  
7 you to, Commissioner. It's Exhibit 673.

8 And I preface it by telling you, Chief  
9 Shaver, I don't refer to this to upset you but this is one  
10 of Mr. Dunlop's Statements of Claim.

11 **MR. SHAVER:** Yes.

12 **MR. NEVILLE:** And it's what we understand it  
13 iteration number three from January of '98.

14 **MR. SHAVER:** I'm sorry, which number was it,  
15 sir?

16 **THE COMMISSIONER:** Six-seventy-three (673).

17 **MR. SHAVER:** Six-seven-three (673).

18 **MR. NEVILLE:** And Chief Shaver, if you would  
19 look for me, there are numbers in the top centre ---

20 **MR. SHAVER:** Yes.

21 **MR. NEVILLE:** --- of the page of the  
22 document itself and if you would just go to page 8 of the  
23 Document Number -- sorry, Commissioner -- 718931.

24 Now, Chief Shaver, you'll see in paragraph  
25 37 -- if you just read it to yourself?

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. NEVILLE: Have you read it?

3 MR. SHAVER: Yes, sir.

4 MR. NEVILLE: It says that you and the  
5 others -- but I'm just going to deal with you.

6 MR. SHAVER: Right.

7 MR. NEVILLE: --- that you somehow managed  
8 to cooperate with Acting Chief Johnson to reverse the  
9 decision about Dunlop's discipline for a malicious purpose  
10 motivated by reasons that we'll get to in paragraph 39.

11 Did that ever happen?

12 MR. SHAVER: A complete fabrication, sir.

13 MR. NEVILLE: All right.

14 And the reasons that he says will be  
15 hereinafter particularized, Mr. Shaver, are in paragraph  
16 39.

17 MR. SHAVER: Thirty-nine (39).

18 MR. NEVILLE: Thirty-nine (39).

19 And it starts at the bottom, eight reasons  
20 given from A to G.

21 MR. SHAVER: Yes, sir.

22 MR. NEVILLE: Seven reasons, sorry. Would  
23 you look at each of them for me, briefly?

24 MR. SHAVER: Do you want me to comment on  
25 each one as I go, sir?

1                   **MR. NEVILLE:** No, just look at them as a  
2                   group. I'm just trying to save time. Just look at each  
3                   one for yourself.

4                   **(SHORT PAUSE/COURTE PAUSE)**

5                   **MR. SHAVER:** Yes, sir. Thank you. I've  
6                   read them all.

7                   **MR. NEVILLE:** Is there a shred of truth in  
8                   any of them?

9                   **MR. SHAVER:** Not one.

10                  **MR. NEVILLE:** Those are my questions. Thank  
11                  you.

12                  **THE COMMISSIONER:** Thank you.

13                  Okay. So -- I'm sorry, I don't have --  
14                  here's my list. Who's next? Ah, Mr. Scharbach.

15                  **MR. SCHARBACH:** Good morning, Mr.  
16                  Commissioner.

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

18                  --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
19                  **SCHARBACH:**

20                  **MR. SCHARBACH:** Good morning, Mr. Shaver.

21                  **MR. SHAVER:** Good morning.

22                  **MR. SCHARBACH:** My name is Stephen  
23                  Scharbach. I'm counsel for the Ministry of the Attorney  
24                  General.

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

1                   **MR. SCHARBACH:** And I have only a few  
2 questions for you and they concern the meeting that you had  
3 with Mr. Murray MacDonald, the Crown Attorney, in September  
4 of 1993.

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

6                   **MR. SCHARBACH:** You -- 1993 was the last  
7 year that you were Police Chief in Cornwall; correct?

8                   **MR. SHAVER:** It was, sir.

9                   **MR. SCHARBACH:** And you had been with the  
10 Police Force for about 10 years at that point?

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

12                   **MR. SCHARBACH:** And when you started as  
13 Chief, Don Johnson was the Crown Attorney?

14                   **MR. SHAVER:** He was.

15                   **MR. SCHARBACH:** And I believe Murray  
16 MacDonald became the Crown Attorney around 1990?

17                   **MR. SHAVER:** Yes, that's approximately  
18 right, yes.

19                   **MR. SCHARBACH:** So your position as Chief  
20 and his position as Crown Attorney overlapped for about  
21 three years?

22                   **MR. SHAVER:** For about three years, yes.

23                   **MR. SCHARBACH:** Okay. And during those  
24 three -- during that three-year period, you would have  
25 interacted with Murray MacDonald on a number of cases, I

1 take it?

2 MR. SHAVER: On a number of cases? Not  
3 really, sir. Sometimes -- some cases, the ones that we've  
4 been discussing here.

5 MR. SCHARBACH: Right.

6 MR. SHAVER: I wasn't actively involved in  
7 the operations, but I did interact with Mr. MacDonald  
8 though on many, many other things.

9 MR. SCHARBACH: And he would have prosecuted  
10 cases brought by the Cornwall Police?

11 MR. SHAVER: He did, sir.

12 MR. SCHARBACH: And provided advice to the  
13 Cornwall Police?

14 MR. SHAVER: He did.

15 MR. SCHARBACH: Your officers, your  
16 constables, your middle-level staff, staff sergeants and so  
17 on, as well as yourself, the Deputy Chief?

18 MR. SHAVER: Straight up through the Deputy  
19 Chief, yes, sir.

20 MR. SCHARBACH: And was he -- was Mr.  
21 MacDonald accessible? Did you find him accessible to you  
22 and your office?

23 MR. SHAVER: Extremely.

24 MR. SCHARBACH: I understand that he  
25 maintained pretty much an open-door policy towards Cornwall

1 Police officers.

2 MR. SHAVER: He absolutely did.

3 MR. SCHARBACH: Is that true?

4 MR. SHAVER: Yes.

5 MR. SCHARBACH: And did you find the advice  
6 that he provided, the service he provided to the Cornwall  
7 Police valuable?

8 MR. SHAVER: He was an excellent, excellent  
9 Crown, in my opinion.

10 MR. SCHARBACH: Were your officers  
11 comfortable in approaching him?

12 MR. SHAVER: I had never heard anyone ever  
13 say that they were ever uncomfortable in approaching  
14 Murray.

15 MR. SCHARBACH: And many of the contacts  
16 that the officers would have made would have been in the  
17 nature of informal contacts, I take it?

18 MR. SHAVER: Yes.

19 MR. SCHARBACH: Advice sought quickly in the  
20 hallway of the courthouse, for example?

21 MR. SHAVER: They would wait for him in the  
22 hallway of the courthouse, yes, sir.

23 MR. SCHARBACH: Sometimes they would meet  
24 with him in his office?

25 MR. SHAVER: Yes.

1                   **MR. SCHARBACH:** And sometimes the meetings,  
2 I take it, were more formal and would be accompanied by a  
3 Crown Brief?

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

5                   **MR. SCHARBACH:** Now, getting to September, I  
6 understand that sometime in September of 1993 you would  
7 have learned that Mr. Silmsler and the diocese had reached a  
8 settlement and that Mr. Silmsler didn't want anything more  
9 to do with the police investigation. Is that correct?

10                  **MR. SHAVER:** That is correct, sir.

11                  **MR. SCHARBACH:** And at some point -- I know  
12 the date is a little uncertain -- but at some point you saw  
13 Mr. Murray MacDonald's letter of September the 14<sup>th</sup>  
14 expressing his opinion?

15                  **MR. SHAVER:** I did.

16                  **MR. SCHARBACH:** And I believe you said you  
17 saw it around September the 28<sup>th</sup>?

18                  **MR. SHAVER:** Sometime between the date that  
19 it was written and the 28<sup>th</sup>, sir, closer to the 28<sup>th</sup>, from my  
20 recollection, sir.

21                  **MR. SCHARBACH:** Right.

22                                 And you mentioned that you immediately  
23 phoned Mr. MacDonald ---

24                  **MR. SHAVER:** Yes.

25                  **MR. SCHARBACH:** --- and set up a meeting

1 with him.

2 MR. SHAVER: I did.

3 MR. SCHARBACH: Is that correct? Okay.

4 I want to take you to -- well, I want to  
5 say, first of all, Mr. MacDonald was interviewed by the OPP  
6 concerning his meeting with you in July of 1994?

7 MR. SHAVER: Yes.

8 MR. SCHARBACH: And I believe you've read  
9 the transcript of that interview?

10 MR. SHAVER: I have read it, yes.

11 MR. SCHARBACH: I want to refer to that  
12 transcript. I want to lead you to some of the things that  
13 he said and I want to get you to comment on them, if I may.

14 MR. SHAVER: Okay.

15 MR. SCHARBACH: That's Exhibit 30 -- sorry,  
16 1233.

17 THE COMMISSIONER: One-two-three-three  
18 (1233).

19 MR. SHAVER: I have it.

20 THE COMMISSIONER: You've got 1233? Yeah,  
21 it's ---

22 MR. SHAVER: No, I have 1289 to 1345 -- or  
23 1354.

24 THE COMMISSIONER: What page, Mr. Scharbach?

25 MR. SCHARBACH: I'm afraid the copy I have



1 in my materials was a different copy than what you're  
2 working from, but the number at the top of the page is 52.

3 **THE COMMISSIONER:** Okay. Well, that's ---

4 **MR. SCHARBACH:** Mr. Engelmann is giving me  
5 the document number. It's Document Number 111529.

6 **THE COMMISSIONER:** Thank you. So page 52 of  
7 Exhibit 1233.

8 **MR. SHAVER:** One-two-three-three (1233),  
9 page 52, sir, yes. Fifty-two (52) in the document, sir, on  
10 the left side?

11 **THE COMMISSIONER:** Fifty-two (52) in the  
12 document and it's on the left side.

13 **MR. SHAVER:** On the left side.

14 **THE COMMISSIONER:** Yes.

15 **MR. SCHARBACH:** At the bottom of page 52,  
16 OPP Officer Smith is asking Mr. MacDonald about the  
17 conversation that he had with you?

18 **MR. SHAVER:** Yes.

19 **MR. SCHARBACH:** And Mr. MacDonald describes  
20 it.

21 **MR. SHAVER:** Yes.

22 **MR. SCHARBACH:** And if I can just take you  
23 to the first part of it, and I'll read it out loud.  
24 Perhaps you can follow along with me. Mr. MacDonald says:

25 "Yes. Claude Shaver called me and

1                   said, 'Listen, I just heard about the  
2                   civil settlement with the reversing the  
3                   case against Father MacDonald and I  
4                   think it stinks.'"

5                   Now, if I can just stop there. Is that  
6                   accurate? Were you phoning him up to tell him that you had  
7                   heard about the civil settlement and you were expressing  
8                   your displeasure? Is that correct?

9                   **MR. SHAVER:** Yes, I was, sir.

10                  **MR. SCHARBACH:** Okay. If I can go on from  
11                  there? Perhaps I could start six lines from the top where  
12                  you say -- where Mr. MacDonald says:

13                                "I have no criticism..."

14                  I'm sorry, it would be better if we went --  
15                  a few lines below that, you'll see the line that starts:

16                                "Chief Shaver, he was consid[ering], he  
17                                told me..."

18                  Do you see that?

19                                **THE COMMISSIONER:** "...consid..."

20                                **MR. SCHARBACH:** The middle of the page.

21                                **MR. SHAVER:** Sorry, I'm just waiting for it  
22                  to come up on the screen. It's easier for me to read on  
23                  the screen.

24                                **THE COMMISSIONER:** It's right there.

25                                **MR. SHAVER:** That's right.

1                   **MR. SCHARBACH:** Mr. MacDonald is saying:

2                                   "Chief Shaver, he was consid..."

3                   I'm not sure what that word appears to be.

4                                   "He told that he would. He did not  
5                                   like my opinion. Rather, he did not  
6                                   like -- the word he got was the Crown  
7                                   is not recommending a prosecution or  
8                                   not recommending a charge."

9                                   So I take it Mr. MacDonald is saying there  
10                   that you had heard that the Crown had expressed an opinion.  
11                   You didn't like it and you wanted to discuss it with him.  
12                   Is that -- is that a fair reading of what Mr. MacDonald is  
13                   saying?

14                   **MR. SHAVER:** I -- sir, I can't comment on  
15                   what he was saying there. I was concerned, sir, that we  
16                   had our hands tied and I didn't know where I could go. So  
17                   I was trying to get advice from the Crown about where we  
18                   could go.

19                   **MR. SCHARBACH:** Right.

20                                   But is he accurate when he says the word  
21                   that you got was that the Crown was recommending -- was not  
22                   recommending a charge and not recommending a prosecution.  
23                   You didn't like it and you wanted to talk to him about  
24                   that?

25                   **MR. SHAVER:** No, my concern was not that,

1           sir. My concern was I didn't know what -- where I could go  
2           as a police force. I think you'd have to ask the Crown  
3           about this, sir.

4                   **MR. SCHARBACH:** Okay.

5                   **MR. SHAVER:** I don't remember -- I wouldn't  
6           -- I don't remember ever saying it this way.

7                   **MR. SCHARBACH:** Okay. Mr. MacDonald goes on  
8           to say:

9                                    "And so I explained to him why. I  
10                                   reiterated that before you can get to  
11                                   the charge stage, whether you've got a  
12                                   reluctant witness or not, after charge,  
13                                   the point is your officers didn't even  
14                                   form RPG here. If you don't have RPG,  
15                                   if you have a reluctant complainant,  
16                                   then you can't -- at law, you can't go  
17                                   any further. If you do, it's an abuse  
18                                   of process and -- rather, it's a  
19                                   malicious prosecution civilly, as well  
20                                   as it would be criminally -- the  
21                                   charge, criminally, wouldn't go  
22                                   anywhere. So I explained that to him  
23                                   and he accepted that explanation."

24                                   Now, is that -- is Murray MacDonald's  
25           description of what he told you about that accurate?

1                   **MR. SHAVER:** Yes. He did explain it in  
2                   great detail. He wanted to make sure that I understood  
3                   where we were.

4                   **MR. SCHARBACH:** And where he says that here  
5                   apparently you've got a reluctant complainant ---

6                   **MR. SHAVER:** Yes.

7                   **MR. SCHARBACH:** --- but fundamentally,  
8                   Officer Sebalj, the investigating officer, didn't have  
9                   reasonable and probable grounds to lay a charge.

10                  **MR. SHAVER:** Yes.

11                  **MR. SCHARBACH:** Is he accurate in that  
12                  regard?

13                  **MR. SHAVER:** He is definitely accurate in  
14                  that regard, sir.

15                  **MR. SCHARBACH:** Now, a few lines down, Mr.  
16                  MacDonald says, "He inquired about charging the  
17                  complainant." Do you see that? That's right.

18                  **MR. SHAVER:** Yes.

19                  **MR. SCHARBACH:** And according to Mr. -- Mr.  
20                  MacDonald says:

21                                 "He inquired about charging the  
22                                 complainant and I explained to him that  
23                                 there would have to be, you know, key  
24                                 evidence on the issue of obstructing  
25                                 justice or public mischief, none of

1                   which seemed to exist, at least for --  
2                   in terms of what the police were aware  
3                   there was none, nothing to support that  
4                   at that time. There -- there was no  
5                   crime in the complainant seeking a  
6                   civil settlement at the same time."

7                   **MR. SHAVER:** Yes.

8                   **MR. SCHARBACH:** Now, is that -- do you  
9                   recall that conversation?

10                  **MR. SHAVER:** Oh, yes, I ---

11                  **MR. SCHARBACH:** Is that an accurate ---

12                  **MR. SHAVER:** I did ask him that question,  
13                  yes.

14                  **MR. SCHARBACH:** And where Mr. MacDonald was  
15                  saying that -- where he advised you that there was nothing  
16                  illegal, nothing inherently illegal about a complainant  
17                  pursuing a civil settlement at the same time that the  
18                  police investigation is being -- is taking place ---

19                  **MR. SHAVER:** No, ---

20                  **MR. SCHARBACH:** --- there's nothing illegal  
21                  about that; right?

22                  **MR. SHAVER:** Nothing illegal about that, no.

23                  **MR. SCHARBACH:** Now, later you learn that  
24                  Mr. Silmsler had signed a document that required him as part  
25                  of the settlement to discontinue any civil or criminal

1 proceedings.

2 MR. SHAVER: I learned that much, much  
3 later, sir.

4 MR. SCHARBACH: Right. When you met with  
5 Mr. MacDonald, you didn't know about that?

6 MR. SHAVER: No, I did not.

7 MR. SCHARBACH: And as far as you know, Mr.  
8 MacDonald didn't know about that either at that point.

9 MR. SHAVER: I believe he did not.

10 MR. SCHARBACH: Well, Mr. MacDonald would  
11 have been relying for his information, his detailed  
12 information concerning the facts of the case from the  
13 Cornwall Police; correct?

14 MR. SHAVER: Yes.

15 MR. SCHARBACH: So if the Cornwall Police  
16 didn't have it, it's unlikely that Mr. MacDonald would have  
17 had it.

18 MR. SHAVER: No, he never indicated to me  
19 that he had it, sir.

20 MR. SCHARBACH: In fact, I understand that  
21 when he testifies, he'll say, as he did during this  
22 interview at another place, that at the time he gave you  
23 that opinion, he didn't know that those settlement  
24 documents were in place.

25 MR. SHAVER: Yes, sir, that would be

1 accurate.

2 MR. SCHARBACH: I guess my question to you  
3 is you have -- as far as you're concerned that's accurate.  
4 You know of nothing that contradicts that, I take it?

5 MR. SHAVER: No, nothing.

6 MR. SCHARBACH: Asking you now, if you had  
7 known about that settlement now and Mr. MacDonald had  
8 provided you with his opinion that it was unenforceable, I  
9 take it that would have changed the landscape somewhat?

10 MR. SHAVER: That it was unenforceable?

11 MR. SCHARBACH: Yeah.

12 MR. SHAVER: Unenforceable?

13 THE COMMISSIONER: Invalid.

14 MR. SHAVER: Invalid? No, I don't know if  
15 it would have changed, sir. I was trying to find a way to  
16 keep this thing going, sir. So ---

17 MR. SCHARBACH: Would that have given you  
18 any opportunities to continue the investigation?

19 MR. SHAVER: I think, sir, we might have  
20 taken a look at -- we would have certainly taken a much  
21 harder look at the Church and that document, yes, if we  
22 would have known.

23 MR. SCHARBACH: All right. If you can turn  
24 to page 55, please?

25 MR. SHAVER: M'hm.



1                   **THE COMMISSIONER:** It's right there.

2                   **MR. SHAVER:** Yeah.

3                   **THE COMMISSIONER:** Page 55? Okay.

4                   **MR. SCHARBACH:** In the middle of the page,  
5           Officer Smith says to MacDonald:

6                               "Did he..."

7                   Meaning you, Mr. Shaver:

8                               "...indicate that he was going to do  
9                               anything to speak to any members of the  
10                              Church in regard to whether it was  
11                              done?"

12                   Mr. MacDonald says:

13                              "He wanted -- he and I discussed that.  
14                              He said he wanted to basically hear my  
15                              view and this was, I guess, he wanted  
16                              to hear my legal opinion as to what do  
17                              you do or -- so we don't have grounds  
18                              to lay a charge. How do we look out  
19                              for children? Do we protect children  
20                              for -- how do we protect children from  
21                              potential abusers out there? He had  
22                              concerns about the information as  
23                              against the priest. He had concerns  
24                              about the complaints that were made by  
25                              Mr. Silmsler against the probation

1 officer, I believe Mr. Seguin. And so  
2 his concerns were, what do we do? How  
3 do we protect the community because  
4 that's what the police mandate is all  
5 about when all is said and done?"

6 If I can skip down a couple of lines, he  
7 says:

8 "But clearly, from my conversation with  
9 the Chief, his main concern was to go  
10 to the hierarchy of the Chief -- the  
11 Sheriff, sorry, and say you've got to  
12 protect children from this, from this  
13 complaint because the complaint would  
14 be all that's faced if the complaint  
15 focused on the police -- on the  
16 priest."

17 Is that an accurate description of the -- a  
18 summary I suppose of the discussion you had?

19 **MR. SHAVER:** Yes, we had -- we had quite a  
20 long talk about protecting children and how do we do it and  
21 so on, yes.

22 **MR. SCHARBACH:** And you had a discussion  
23 about -- with Mr. MacDonald concerning contacting the CAS,  
24 contacting the Ministry that governed probation and parole,  
25 as well as the priest, as well as the Church?

1                   **MR. SHAVER:** Sir, I'm not quite sure if we  
2 had the information about -- or we talked about contacting  
3 CAS. I think we did. As I remember, sir, I think we did.  
4 I don't know about parole, sir. I can't remember that,  
5 although I was concerned -- you know, concerned about the  
6 Seguin allegation.

7                   **MR. SCHARBACH:** He seems to suggest that  
8 your conversation touched on contacting the probation  
9 office concerning Mr. Seguin, as well as the CAS, but he  
10 says your focus was on what to do about the Church because  
11 that's where the complaint was focused.

12                   **MR. SHAVER:** Right.

13                   **MR. SCHARBACH:** Is that accurate?

14                   **MR. SHAVER:** Sir, I don't remember that  
15 portion of the conversation but if Mr. MacDonald believes  
16 that that's accurate, I have no reason to dispute his  
17 thinking or ---

18                   **MR. SCHARBACH:** Thank you. Those are all my  
19 questions. Thank you.

20                   **THE COMMISSIONER:** Thank you.

21                   So Mr. Kozloff, any questions?

22                   **MR. ENGELMANN:** Just before Mr. Kozloff  
23 rises, just for the record, I may have given Mr. Scharbach  
24 the wrong document number and he wasn't referring to Bates  
25 pages. So just for the record, the Document Number was

1           714888 and the pages he was referring to were the typed  
2           pages on the top of each page, so we'll have to correspond  
3           that with Bates pages.

4                           I just wanted to make that ---

5                           **THE COMMISSIONER:** We'll be taking a break  
6           now. So I just want to make sure that we finish with this  
7           witness today.

8                           **MR. ENGELMANN:** Yes.

9                           **THE COMMISSIONER:** So Mr. Kozloff, any idea  
10          how long you are going to be?

11                           **MR. KOZLOFF:** Ten minutes maximum.

12                           **THE COMMISSIONER:** Ten minutes.

13                           Mr. Wallace?

14                           **MR. WALLACE:** It hasn't changed from  
15          yesterday.

16                           **THE COMMISSIONER:** Thank you.

17                           And Mr. Manderville?

18                           **MR. MANDERVILLE:** Perhaps 30 minutes.

19                           **THE COMMISSIONER:** Thirty minutes. Okay.

20                           And you, Mr. Engelmann?

21                           **MR. ENGELMANN:** I'll have a few minutes  
22          only, sir.

23                           **THE COMMISSIONER:** Okay. Well, let's take  
24          the morning break and we'll go through, finish off.

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

1           veuillez vous lever.

2                           This hearing will resume at 11:30.

3           --- Upon recessing at 11:15 a.m. /

4                           L'audience est suspendue à 11h15

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

6                           L'audience est reprise à 11h30

7                           **THE REGISTRAR:** This hearing is now resumed.

8           Please be seated. Veuillez vous asseoir.

9                           **THE COMMISSIONER:** Good morning, Mr.

10          Kozloff.

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

12          **KOZLOFF:**

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

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

15                           **MR. KOZLOFF:** I'm Neil Kozloff. I'm counsel  
16          for the Ontario Provincial Police.

17                           I want to just direct a couple of questions  
18          to you with respect to a discrete area of your evidence and  
19          it arises from the meeting and later telephone call you had  
20          with the Bishop on October the 7<sup>th</sup>, ---

21                           **MR. SHAVER:** Yes.

22                           **MR. KOZLOFF:** --- 1993. And to chronologize  
23          the documents, you've referred to your own notations that  
24          you made in your Day Timer for October the 7<sup>th</sup>.

25                           **MR. SHAVER:** I did.

1                   **MR. KOZLOFF:** You've referred or have been  
2 referred to the notes of Staff Sergeant Brunet made  
3 contemporaneously on that day October 7<sup>th</sup> and then the  
4 following day October 8<sup>th</sup>.

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

6                   **MR. KOZLOFF:** You've been referred to the  
7 notes of Staff Sergeant Blake when he interviewed you in  
8 January of 1994 in connection with the Ottawa review.

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

10                  **MR. KOZLOFF:** And you've been referred to a  
11 briefing note that you prepared sometime in 1994 after your  
12 interview with Staff Sergeant Blake.

13                  **MR. SHAVER:** Yes.

14                  **MR. KOZLOFF:** It's undated.

15                  **MR. SHAVER:** It's undated, yes.

16                  **MR. KOZLOFF:** You've been referred to the  
17 interview of the Bishop on September the 12<sup>th</sup>, 1994.

18                  **MR. SHAVER:** September the 12<sup>th</sup>, 1994?

19                  **MR. KOZLOFF:** That's a document you were  
20 referred to.

21                  **MR. SHAVER:** Okay. Yes.

22                  **MR. KOZLOFF:** And then you were referred to  
23 your interview by Detective Inspector Hall on the 9<sup>th</sup> of  
24 July 1999.

25                  **MR. SHAVER:** Yes.

1                   **MR. KOZLOFF:** And during the course of your  
2 evidence, you testified that you could not recall speaking  
3 to Detective Inspector Smith of the Ontario Provincial  
4 Police in connection with this particular matter.

5                   **MR. SHAVER:** Yes, I'm not going to invent a  
6 recollection, sir.

7                   **MR. KOZLOFF:** I wonder if, Madam Registrar,  
8 you could pull up Document 111109. It may be an exhibit.

9                   Mr. Commissioner and Mr. Shaver, Document  
10 111109 is the notes of Detective Inspector Smith.

11                   **THE COMMISSIONER:** I take it we don't have  
12 them, Madam Clerk. We'll go with the -- do we have it on  
13 the screen?

14                   **MR. KOZLOFF:** I'm going to give you a Bates  
15 page if that will assist you. There we are.

16                   Could you go to Bates page 1054224?

17                   **THE COMMISSIONER:** So we're going to --  
18 we'll enter this as an exhibit. You'll find the hard copy  
19 later.

20                   Oh, it is already an exhibit? It will be  
21 Exhibit 1803 and these are notes from who, Mr. Kozloff?

22                   **MR. KOZLOFF:** Detective Inspector Tim Smith.

23                   **THE COMMISSIONER:** All right. And is there  
24 anything in there that we -- in that document that we  
25 should -- maybe put in -- a publication stamp on it?

1                   **MR. KOZLOFF:** No, sir.

2                   **THE COMMISSIONER:** Okay.

3           **--- EXHIBIT NO./PIÈCE NO. P-1803:**

4                   (111109) Notes of Tim Smith - 03 Feb 94 to  
5                   23 Mar 99

6                   **MR. KOZLOFF:** And are you -- Mr. Engelmann  
7           has asked me to confirm, are you entering simply that page  
8           or are you entering the entire document as an exhibit?  
9           It's lengthy. It begins on the 3<sup>rd</sup> of February 1994 and  
10          goes ---

11                   **THE COMMISSIONER:** You wouldn't happen to  
12          have the first Bates page?

13                   **MR. KOZLOFF:** I think she had it.

14                   **THE COMMISSIONER:** On the first page,  
15          though, the first page of the document? Oh, here we go.

16                   **MR. KOZLOFF:** That's it, yeah, 1054292 --  
17          sorry, 1054212. Beg your pardon.

18                   **MR. ENGELMANN:** Sir, if I could just state a  
19          preference for the record? We will be going to this  
20          document for many other things. My preference would be to  
21          enter the whole notes.

22                   **THE COMMISSIONER:** The whole.

23                   **MR. ENGELMANN:** Can we put a temporary ban  
24          just on publication? I hate to use that term.

25                   **THE COMMISSIONER:** No, no, we don't because



1 the ban on publication exists and it's an obligation of the  
2 press to make sure they're not breaching any bans. The  
3 only thing we're doing when we put on that stamp is an aide  
4 memoire, an alert or, God forbid, a red flag for people to  
5 understand that to mean that they cannot -- they have to be  
6 careful about what they're going to broadcast.

7 **MR. ENGELMANN:** Fair enough, sir. I know we  
8 have to clean up a number of things on the record.

9 **THE COMMISSIONER:** M'hm, okay.

10 So here we go.

11 **MR. KOZLOFF:** All right.

12 Madam Registrar, if you could go back to  
13 1054224, the 13<sup>th</sup> of July, 1994 date? And could you scroll  
14 down to 1405 hours?

15 I'm going to do something for you, Mr.  
16 Shaver.

17 **MR. SHAVER:** Yes.

18 **MR. KOZLOFF:** I'm going to read the note for  
19 you because ---

20 **MR. SHAVER:** Oh, thank you. Appreciate  
21 that.

22 **MR. KOZLOFF:** --- I have had three years to  
23 learn Detective Inspector Smith's writing. It says:

24 "With PC Fagan, speak with ex-Chief  
25 Claude Shaver, residence 3453 Sunnyview

1 Avenue, Cornwall, regarding statement  
2 he provided re conduct. No note re  
3 conversation with Bishop re Father  
4 Charlie admitting sex assault times one  
5 on Silmser."

6 **MR. SHAVER:** Yes.

7 **MR. KOZLOFF:** All right. We agree that  
8 that's what it says?

9 **MR. SHAVER:** Yes, I do.

10 **MR. KOZLOFF:** Okay.

11 So first of all, does this assist you -- and  
12 it appears, sir, that this meeting took place at your home  
13 at 1405 hours on the 13<sup>th</sup> of July 1994 and that they left  
14 your residence at 1605.

15 **MR. SHAVER:** Yes.

16 **MR. KOZLOFF:** Which would suggest a two-hour  
17 meeting.

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

19 **MR. KOZLOFF:** And first of all, let me ask  
20 whether this note refreshes your memory that you in fact  
21 met with Detective Inspector Smith and Detective Constable  
22 Fagan of the Ontario Provincial Police on that date.

23 **MR. SHAVER:** I'm sorry, sir. It doesn't  
24 help me. I don't have any recollection of that.

25 **MR. KOZLOFF:** All right.

1                   And I'm going to suggest to you, sir, that  
2                   the statement being referred to -- it says:

3                                   "...regarding statement he provided..."

4                   **THE COMMISSIONER:** Excuse me, my screen is  
5                   off, Madam Clerk.

6                                   Okay, go ahead.

7                   **MR. KOZLOFF:** Is Exhibit 1789 the briefing  
8                   note that you prepared for Colin McKinnon as he then was  
9                   sometime prior to the 13<sup>th</sup> of July and after your meeting  
10                   with Staff Sergeant Blake in January?

11                   **MR. SHAVER:** Yes.

12                   **MR. KOZLOFF:** That would be the timeframe?

13                   **MR. SHAVER:** Yes, that would be the  
14                   timeframe, yes, sir.

15                   **MR. KOZLOFF:** All right.

16                                   Does that make sense?

17                   **MR. SHAVER:** It makes sense, yes.

18                   **MR. KOZLOFF:** And I'm going to suggest to  
19                   you that his note refers to that portion of your statement  
20                   at Bates page 7058715, the paragraph that begins:

21                                   "The Bishop contacted me later and  
22                                   advised that the priest had admitted  
23                                   the assault and that it was an isolated  
24                                   incident and he was prepared to leave  
25                                   for treatment/assessment centre

1 immediately."

2 Those are the words that you ---

3 **MR. SHAVER:** That I put into the ---

4 **MR. KOZLOFF:** --- into the document.

5 **MR. SHAVER:** To my lawyer, yes.

6 **MR. KOZLOFF:** Right.

7 And you've already given the Inquiry an  
8 explanation for that particular entry but I'm going to  
9 suggest to you that Detective Inspector Smith and Detective  
10 Constable Fagan, prior to meeting with you on the 13<sup>th</sup> of  
11 July, 1994, didn't have that explanation so they addressed  
12 that particular point with you.

13 **MR. SHAVER:** I'm gathering that would have  
14 happened, sir. Yes, sir.

15 **MR. KOZLOFF:** All right.

16 And it would make sense from your point of  
17 view as a police officer that these two fellows who were  
18 reinvestigating the Silmsler allegation were looking for any  
19 additional evidence ---

20 **MR. SHAVER:** Yes, more detail.

21 **MR. KOZLOFF:** --- they could find to found a  
22 prosecution; is that fair?

23 **MR. SHAVER:** Yes, sir. That's very fair.

24 **MR. KOZLOFF:** Thank you very much, sir.

25 Those are my questions.

1                   **THE COMMISSIONER:** All right.

2                   Mr. Wallace, anything?

3                   **MR. WALLACE:** No, thank you.

4                   **THE COMMISSIONER:** Thank you.

5                   All right. So Mr. Manderville and Mr.  
6                   Olver, have you fellows decided who is going to ask  
7                   questions and how that's going to work?

8                   **MR. MANDERVILLE:** We both are and we have  
9                   decided how we want to divide it up.

10                  **THE COMMISSIONER:** Right.

11                  **MR. MANDERVILLE:** I mean, as you know Mr.  
12                  Olver is Mr. Shaver's personal solicitor; my questions will  
13                  be directed to his tenure as Deputy Chief and Chief and to  
14                  policing matters. I will not discuss in any way his  
15                  relationship with the Board.

16                  **THE COMMISSIONER:** Right.

17                  **MR. MANDERVILLE:** Matters purely personal to  
18                  Mr. Shaver will be addressed by Mr. Olver and, to the  
19                  greatest extent possible, we will try to avoid any overlap.

20                  **THE COMMISSIONER:** M'hm. And so you're  
21                  going to be half an hour.

22                  How long are you going to be, sir?

23                  **MR. OLVER:** Fifteen (15), 20 minutes.

24                  **THE COMMISSIONER:** Okay, good.

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

1           **MANDERVILLE:**

2                   **MR. MANDERVILLE:** Good morning, Mr. Shaver.

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

4                   **MR. MANDERVILLE:** We have met before. I  
5           don't need to introduce myself.

6                   Good morning, Mr. Commissioner.

7                   A few different areas I wish to cover with  
8           you and this pile of documents should not suggest I'm  
9           settling in for a long winter's nap.

10                   The first area I want to address with you --

11           -

12                   **THE COMMISSIONER:** We all might but ---

13                   **MR. MANDERVILLE:** Sorry?

14                   **THE COMMISSIONER:** We all might.

15                                   **(LAUGHTER/RIRES)**

16                   **MR. MANDERVILLE:** That's a given, sir. I'm  
17           speaking about my entertainment value, not ---

18                   **THE COMMISSIONER:** Oh, okay. That foot was  
19           just coming out of your mouth.

20                   **MR. MANDERVILLE:** Yeah, I know. I usually  
21           replace it with the other one.

22                                   **(LAUGHTER/RIRES)**

23                   **THE COMMISSIONER:** Oh, okay, there we go.

24                   **MR. MANDERVILLE:** The first area I wish to  
25           address with you, Mr. Shaver ---

1                   **MR. SHAVER:** Yes.

2                   **MR. MANDERVILLE:** --- are the various  
3                   audits, audit reports, inspection reports we've looked at.  
4                   And I take it to your understanding these inspection  
5                   reports are intended to be a fairly extensive review of the  
6                   Cornwall Police Service?

7                   **MR. SHAVER:** Yes, they are.

8                   **MR. MANDERVILLE:** And to assess at the time  
9                   they're done its strengths and areas it needs to work on?

10                  **MR. SHAVER:** Yes.

11                  **MR. MANDERVILLE:** And whether its policies  
12                  and practices are appropriate and comply with policing  
13                  standards of the day?

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

15                  **MR. MANDERVILLE:** The first review I'd like  
16                  you to look at is Exhibit 1773. It's Document 729846 for  
17                  those of you scoring at home.

18                  **MR. SHAVER:** I'm sorry, 1773?

19                  **MR. MANDERVILLE:** 1770 -- sorry, Mr.  
20                  Commissioner, I said 1773. I mean 1775, being the 1984  
21                  review, and that is Document 729848.

22                  And Mr. Shaver, this was the first review of  
23                  the Cornwall Police Service conducted after you had joined  
24                  the Service.

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

1                   **MR. MANDERVILLE:** The previous one in '82,  
2                   you were tasked with addressing it and acting on its  
3                   recommendations during your tenure as Deputy?

4                   **MR. SHAVER:** I was, sir.

5                   **MR. MANDERVILLE:** And by October 1984, the  
6                   date of this report, you had become Chief.

7                   **MR. SHAVER:** Yes.

8                   **MR. MANDERVILLE:** I'll ask you to turn to  
9                   page 10 of the report.

10                  **MR. SHAVER:** I have it, sir.

11                  **MR. MANDERVILLE:** They note there under the  
12                  heading "Community Relations" that the Cornwall Police  
13                  Force, as it was then called, was quite active in community  
14                  services work.

15                  **MR. SHAVER:** Yes, sir. Yes, we were.

16                  **MR. MANDERVILLE:** "...and has a good level  
17                  of cooperation with neighbouring  
18                  forces."

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

20                  **MR. MANDERVILLE:** The following page under  
21                  the heading "Evaluations" they note that:

22                                 "The Force has an excellent policy and  
23                                 procedure respecting the role of the  
24                                 coach officer..."

25                  **MR. SHAVER:** Yes.



1                   **MR. MANDERVILLE:** "...for training  
2   purposes."

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

4                   **MR. MANDERVILLE:** And at page 14 of the  
5                   report, under the heading "Planning," they note that much  
6                   had been done by you and your Deputy:

7   "...to carry out the prior  
8   recommendations concerning  
9   reorganization of the Force."

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

11                  **MR. MANDERVILLE:** And under the heading  
12                  "Procedures" on the following page, they noted that you had  
13                  your own operational and administrative procedures.

14                  **MR. SHAVER:** Yes.

15                  **MR. MANDERVILLE:** And in the conclusion, at  
16                  the last page of the report, being Bates page 7118001, they  
17                  note that since the 1982 inspection, much had been done to  
18                  accommodate needed change, that very positive direction had  
19                  been given by senior officers and that morale was high?

20                  **MR. SHAVER:** Yes.

21                  **MR. MANDERVILLE:** And that:  
22   "Of those interviewed, there could be little  
23   doubt that the Force is going in the right  
24   direction."

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

1                   **MR. MANDERVILLE:** And Mr. Shaver, you know  
2 what the mandate of this Inquiry is?

3                   **MR. SHAVER:** I do, sir.

4                   **MR. MANDERVILLE:** I take it that there's  
5 nothing in that report that gives any indication that the  
6 investigation of sexual assault or historical sexual  
7 assault is identified as a problem area?

8                   **MR. SHAVER:** No, it is not, sir.

9                   **MR. MANDERVILLE:** And there's no indication  
10 in that report that the Cornwall Police Force, as it was  
11 then called, is lacking in terms of its policies or  
12 procedures for carrying out sexual assault investigations?

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

14                   **MR. MANDERVILLE:** I'll ask you to turn to  
15 Exhibit 1776, and that is the 1986 review.

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

17                   **MR. MANDERVILLE:** And at this point, you'd  
18 been Chief of Police for slightly less than two years?  
19 It's dated in January '86.

20                   **MR. SHAVER:** Yes.

21                   **MR. MANDERVILLE:** And if you turn to page 5  
22 of the report or Bates page ending 011 ---

23                   **MR. SHAVER:** I'm there, sir.

24                   **MR. MANDERVILLE:** --- under "Community  
25 Relations," the report notes that:

1 "The police force has excellent  
2 relations with the news media and  
3 continues to dispense much needed  
4 information."

5 MR. SHAVER: Yes.

6 MR. MANDERVILLE: And under the heading  
7 "Crime Prevention," it notes that you have some very highly  
8 innovative crime prevention programs.

9 MR. SHAVER: Yes.

10 MR. MANDERVILLE: The following page 012  
11 under the heading "Career Development," it notes that since  
12 you assumed command of the Force that you had initiated an  
13 excellent career development program within it.

14 MR. SHAVER: Yes, sir.

15 MR. MANDERVILLE: And again, they're noting  
16 that relations with other police services in the area had  
17 improved considerably.

18 MR. SHAVER: Yes.

19 MR. MANDERVILLE: At Bates page ending 014  
20 under the heading "Governing Authority" ---

21 MR. SHAVER: Yes.

22 MR. MANDERVILLE: --- the reports writer had  
23 met with the then-Mayor and a member of the Board of  
24 Commissioners.

25 MR. SHAVER: Yes.

1                   **MR. MANDERVILLE:** And the inspector or the  
2 person carrying out the inspection advised the then-Mayor  
3 and member of the Police Services Board that the  
4 recommendations of the 1984 report had been completed and  
5 that matters within the Force looked healthy.

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

7                   **MR. MANDERVILLE:** If you turn to the  
8 following page, they're very complimentary of your -- of  
9 the leadership of the Force?

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

11                   **MR. MANDERVILLE:** And under the heading  
12 "Organizational Structure" it notes that:

13                                   "The operational areas of the Force  
14 structure appear designed to accomplish  
15 the goal of keeping the peace in an  
16 efficient and effective manner"?

17                   **MR. SHAVER:** It does say that, sir, yes.

18                   **MR. MANDERVILLE:** And if you turn to Bates  
19 page ending 016 under the heading "Procedures" ---

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

21                   **MR. MANDERVILLE:** --- they note that:

22                                   "The Cornwall Police Force directives  
23 or procedures are viewed to be  
24 extremely well thought out."

25                   **MR. SHAVER:** Yes.

1                   **MR. MANDERVILLE:** And again, this is  
2 generally a very complimentary report; isn't it?

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

4                   **MR. MANDERVILLE:** And in the conclusions, at  
5 Bates page ending 019, they note the cooperation they  
6 received and indicate that a great deal has been  
7 accomplished to the betterment of the Force.

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

9                   **MR. MANDERVILLE:** And that morale continues  
10 to be on a high plane.

11                   **MR. SHAVER:** Yes.

12                   **MR. MANDERVILLE:** And again, Mr. Shaver, I  
13 take it nowhere in that report do they note any deficiency  
14 within the Cornwall Police Force concerning its procedures,  
15 policies for carrying out sexual assault investigations?

16                   **MR. SHAVER:** Just the contrary, sir. They  
17 said it was -- they were very good, yes.

18                   **MR. MANDERVILLE:** I'd ask you, then, to turn  
19 to Exhibit 1388 and that's the 1989 inspection report.

20                   **MR. SHAVER:** One three eight eight (1388),  
21 sir?

22                   **MR. MANDERVILLE:** Exhibit 1388, yes.

23                   **MR. SHAVER:** Yes, m'hm, I have it.

24                   **MR. MANDERVILLE:** Okay.

25                   And at page 4 of that report, Bates page

1 ending 028, under the heading "Community Relations," the  
2 media -- or the editor of the Freeholder indicates they  
3 have a good rapport with the police force and they were  
4 always kept well-informed of all newsworthy items.

5 **MR. SHAVER:** Yes.

6 **MR. MANDERVILLE:** And that the citizens of  
7 the city are satisfied with the police service being  
8 provided?

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

10 **THE COMMISSIONER:** How they came to that  
11 conclusion, I don't know, but ---

12 **MR. MANDERVILLE:** Sorry?

13 **THE COMMISSIONER:** How they came to that  
14 conclusion, they don't say, but...

15 **MR. MANDERVILLE:** True enough, sir.

16 Page 8 of the report under "Procedures,"  
17 they note that the Force has adopted operational procedures  
18 which include those recommended by the Ontario Police  
19 Commission.

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

21 **MR. MANDERVILLE:** And on the same page under  
22 the heading "Review," they note that:

23 "A review of the Ontario Police  
24 Commission files indicate that previous  
25 OPC recommendations and observations

1                   have received positive attention from  
2                   the Chief and governing authority."

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

4                   **MR. MANDERVILLE:** However, at that time, the  
5                   1989 report, they note that:

6                   "          There appears to be a morale issue."

7                   **MR. SHAVER:** They do, sir.

8                   **MR. MANDERVILLE:** And this report is issued  
9                   a short time before the so-called Morale Report.

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

11                  **MR. MANDERVILLE:** And very soon thereafter,  
12                  from the Morale Report, comes the staff sergeants'  
13                  Inspectors' Report that we looked at.

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

15                  **MR. MANDERVILLE:** And you told us that that  
16                  report of the staff sergeants came as a complete surprise  
17                  to you?

18                  **MR. SHAVER:** It did, sir.

19                  **MR. MANDERVILLE:** And you realized that  
20                  there were some serious internal issues that you felt you  
21                  had to address?

22                  **MR. SHAVER:** Yes.

23                  **MR. MANDERVILLE:** And you sought to do so by  
24                  bringing in Ms. McGlashan?

25                  **MR. SHAVER:** Yes.

1                   **MR. MANDERVILLE:** And, indeed, you arranged  
2 for her to meet with the senior management team within six  
3 weeks of the Staff Sergeants' Report?

4                   **MR. SHAVER:** Yes, sir, it was pretty close  
5 after the Staff Sergeants' Report, yes.

6                   **MR. MANDERVILLE:** Ms. McGlashan's report is  
7 the next thing I'd like you to take a look at. That's  
8 Exhibit 1390.

9                   **MR. SHAVER:** I have it, sir.

10                  **MR. MANDERVILLE:** At that point she's  
11 issuing her report and commenting on management meetings  
12 that she attended with you and the senior members of the  
13 Force on May 11 and 12, 1990?

14                  **MR. SHAVER:** Yes.

15                  **MR. MANDERVILLE:** And at page 5 of her  
16 report she addresses what she perceives to be the strengths  
17 of the Cornwall Police Service?

18                  **MR. SHAVER:** Yes.

19                  **MR. MANDERVILLE:** She notes that the Force  
20 is running very well in spite of the morale problems?

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

22                  **MR. MANDERVILLE:** And that the Force has a  
23 good reputation with the community. Services are delivered  
24 well and consistently?

25                  **MR. SHAVER:** Yes.



1                   **MR. MANDERVILLE:** The Force is a good one,  
2 cooperative, efficient use of time, knows the major  
3 practices and procedures?

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

5                   **MR. MANDERVILLE:** And she also notes some  
6 weaknesses as well?

7                   **MR. SHAVER:** Yes, she does.

8                   **MR. MANDERVILLE:** And is it fair for me to  
9 suggest that the weaknesses are internal to the Force?

10                  **MR. SHAVER:** Yes, they are.

11                  **MR. MANDERVILLE:** And in your mind, they --  
12 the weaknesses or the issues within the Force did not  
13 impact on the policing service it provided to the  
14 community?

15                  **MR. SHAVER:** That is my opinion, sir, yes.

16                  **MR. MANDERVILLE:** And in your view, the  
17 results of Ms. McGlashan's involvement were quite positive?

18                  **MR. SHAVER:** Yes, very much.

19                  **MR. MANDERVILLE:** And there was a follow-up  
20 session with her in December, 1990?

21                  **MR. SHAVER:** There was a follow-up session.  
22 I believe it -- yes, I think it was December, yes.

23                  **MR. MANDERVILLE:** And, again, that was felt  
24 to be a very positive event and positive outcomes achieved?

25                  **MR. SHAVER:** Yeah. I heard nothing to the

1 contrary, sir, from anyone.

2 **MR. MANDERVILLE:** Could I ask that you turn  
3 to Exhibit 1391 which is the 1990 Inspection Report.

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

5 **MR. MANDERVILLE:** At page 2 of that report,  
6 the Executive Summary, the fourth paragraph on that page  
7 states:

8 "At close examination of service  
9 statistics, training records, excluding  
10 inservice, equipment and interviews  
11 with persons involved with the Service  
12 at ever level strongly indicated that  
13 the Cornwall Police Service is  
14 delivering an excellent level of  
15 policing."

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

17 **MR. MANDERVILLE:** And after your interaction  
18 with Ms. McGlashan, you worked, yourself, on a strategic  
19 plan and sought to address the issues she had highlighted?

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

21 **MR. MANDERVILLE:** And the next review is in  
22 1993, and we've looked at that.

23 **MR. SHAVER:** Yes.

24 **MR. MANDERVILLE:** And that's Exhibit 1393.  
25 Do you have that, sir?

1                   **MR. SHAVER:** I do see it, yes. I'm sorry.

2                   **MR. MANDERVILLE:** Page 5 of that report,  
3                   which is Bates page ending 072, the authors note in the  
4                   fourth paragraph on that page that the general community  
5                   perceptions about the delivery of policing services were  
6                   positive with some reservations about prioritization and  
7                   deployment of resources?

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

9                   **MR. MANDERVILLE:** They also note that the  
10                  state of morale, which was felt to be low in the Cornwall  
11                  Police, is something that is by no means unique to  
12                  Cornwall?

13                  **MR. SHAVER:** Yes.

14                  **MR. MANDERVILLE:** At page 8 of the report,  
15                  they note that the previous report's recommendation  
16                  concerning policing standards has, for the most part, been  
17                  addressed ---

18                  **MR. SHAVER:** Yes.

19                  **MR. MANDERVILLE:** --- and that work should  
20                  continue to keep abreast of new standards as they come  
21                  about?

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

23                  **MR. MANDERVILLE:** Now, by this -- by the  
24                  time of his report, and certainly before this report, you  
25                  told us you felt you had reached the end of your tether, so

1 to speak?

2 MR. SHAVER: Yes.

3 MR. MANDERVILLE: And that you felt it was  
4 time for you to move on?

5 MR. SHAVER: I did, sir.

6 MR. MANDERVILLE: You felt this would  
7 benefit you and the CPS?

8 MR. SHAVER: Absolutely, sir.

9 MR. MANDERVILLE: With the introduction of  
10 "fresh blood", so to speak?

11 MR. SHAVER: Yes. M'hm.

12 MR. MANDERVILLE: Now, we've looked at the  
13 various reports that were issued during your tenure as  
14 Chief, Mr. Shaver. None of these reports make any  
15 suggestion that the Cornwall Police Services' policies or  
16 procedures for investigating sexual assaults were lacking  
17 in any way, do they?

18 MR. SHAVER: They do not, sir.

19 THE COMMISSIONER: Well -- okay.

20 MR. MANDERVILLE: I want to change topics a  
21 little bit, sir, and I want to talk about the Deslauriers  
22 investigation.

23 MR. SHAVER: Yes, sir.

24 MR. MANDERVILLE: One of the issues that  
25 came up during your examination in-chief, to a degree, but

1 certainly during Mr. Lee's examination yesterday, was the  
2 notion that Father Deslauriers was seen serving mass  
3 somewhere in Quebec in the Laurentians?

4 **MR. SHAVER:** Yes.

5 **MR. MANDERVILLE:** And there was an issue as  
6 to his probation order?

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

8 **MR. MANDERVILLE:** And, Mr. Commissioner, I  
9 understand Mr. Engelmann may wish to speak to this issue  
10 very briefly.

11 **THE COMMISSIONER:** Yes.

12 **MR. ENGELMANN:** Sir, we received notice from  
13 the Cornwall Police Service last night from counsel that  
14 they were going to be referring to a couple of documents.  
15 As is the practice, they provided copies for the parties  
16 this morning.

17 One of the documents, which is Document  
18 736182, is -- it's a document in French. It is "Acte  
19 D'Accusation" ---

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

21 **MR. ENGELMANN:** --- is the caption on the  
22 document and it refers in it, sir, on the first page, which  
23 is Bates page 387 ---

24 **THE COMMISSIONER:** Can I see that?

25 **MR. ENGELMANN:** Perhaps it could be handed

1 up?

2 THE COMMISSIONER: Yes. Thank you. Okay.

3 Yes.

4 MR. ENGELMANN: In the third paragraph, sir

5 ---

6 THE COMMISSIONER: Yes.

7 MR. ENGELMANN: --- the third numbered  
8 paragraph, the last number on the page ---

9 THE COMMISSIONER: Yes.

10 MR. ENGELMANN: --- to the same individual  
11 that I spoke to earlier this week ---

12 THE COMMISSIONER: Yes.

13 MR. ENGELMANN: --- for the reasons I gave  
14 earlier this week that I set out and the order that you  
15 previously made back in November of 2006, I would simply  
16 ask that the name that's indicated on the fourth line be  
17 edited.

18 THE COMMISSIONER: Sure.

19 MR. ENGELMANN: I believe the remaining  
20 information that is indicated there in the indictment --  
21 and I believe this is the indictment itself ---

22 THE COMMISSIONER: Yes.

23 MR. ENGELMANN: --- is not identifying in  
24 any way. So it would simply be a question of editing the  
25 actual name that's on the fourth line of paragraph 3 at the

1 bottom of Bates page 387.

2 **THE COMMISSIONER:** Well, also a publication  
3 ban stamp on it because ---

4 **MR. ENGELMANN:** Certainly. Certainly, sir.  
5 I'm just talking about the more protective method of the  
6 edit itself.

7 **THE COMMISSIONER:** That's fine.

8 **MR. ENGELMANN:** But, yes, the document  
9 should be subject to a publication ban.

10 **THE COMMISSIONER:** Thank you.

11 **MR. ENGELMANN:** Thank you.

12 **THE COMMISSIONER:** Okay. So this is Exhibit  
13 1804, which is entitled "Acte D'Accusation".

14 --- **EXHIBIT NO./PIÈCE NO. P-1804:**

15 (736182) (SUBJECT TO PUBLICATION BAN)  
16 Acte D'Accusation - la Reine contre Gilles  
17 Deslauriers

18 **MR. MANDERVILLE:** Thank you, sir.

19 The next document I'd like to introduce is  
20 the probation order. It's Document 114283. And I don't  
21 believe there are any publication issues, sir.

22 **THE COMMISSIONER:** Thank you.

23 Exhibit 1805 is a probation order covering  
24 Gilles Deslauriers.

25 --- **EXHIBIT NO./PIÈCE NO. P-1805:**

1 (114283) Ordonnance de probation pour Gilles  
2 Deslauriers

3 **MR. MANDERVILLE:** Do you have a copy of that  
4 document, Mr. Shaver?

5 **MR. SHAVER:** I do, sir.

6 **MR. MANDERVILLE:** You'd agree with me there  
7 is nothing in that document suggesting that  
8 Mr. Deslauriers is to be enjoined in any way from serving  
9 mass?

10 (SHORT PAUSE/COURTE PAUSE)

11 **THE COMMISSIONER:** I think we can take  
12 notice of that fact.

13 **MR. SHAVER:** Yes.

14 **MR. MANDERVILLE:** And so whatever your  
15 officer observed in the Laurentians, it does not appear on  
16 the face of the order to have been a breach of his  
17 probation?

18 **MR. SHAVER:** No, it does not, sir.

19 **MR. MANDERVILLE:** Mr. Sherriff-Scott cross-  
20 examined you a little earlier this morning concerning the  
21 Deslauriers matter and spoke of search warrants and the  
22 fact that one had been obtained from the school -- or to  
23 deal with the school but not to deal with the diocese?

24 **MR. SHAVER:** Yes.

25 **MR. MANDERVILLE:** And am I correct in



1           understanding that the Cornwall Police felt that with the  
2           number of witnesses, officers -- the two Lefebvre officers,  
3           had located and through other means it did not need to  
4           issue a search warrant vis-à-vis the diocese because it was  
5           getting the information it needed?

6                       **MR. SHAVER:** It was, sir, yes.

7                       **MR. MANDERVILLE:** I want to turn now to the  
8           Earl Landry, Jr. matter and you were questioned by Mr.  
9           Manson, certainly, and some others concerning the  
10          involvement of Staff Sergeant Willis?

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

12                      **MR. MANDERVILLE:** And the fact that he knew  
13          certain members of the Landry family?

14                      **MR. SHAVER:** Yes.

15                      **MR. MANDERVILLE:** And am I correct, Mr.  
16          Shaver, in the suggestion that one school of thought about  
17          which people may disagree -- one school of thought is that  
18          the suspect may be more comfortable and more likely to  
19          speak and make admissions with someone he knows or who  
20          knows his family?

21                      **MR. SHAVER:** Yes, sir, that is -- that is a  
22          school of thought.

23                      **MR. MANDERVILLE:** And so Staff Sergeant  
24          Willis's involvement may have been for a valid intention?

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

1                   **MR. MANDERVILLE:** I'd like to turn now to  
2 the Silmsen investigation.

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

4                   **MR. MANDERVILLE:** In a response to some  
5 questions from Mr. Lee, I believe you agreed with the  
6 notion that you don't force a victim to pursue a complaint  
7 that he or she is not ready to pursue?

8                   **MR. SHAVER:** That's true, sir.

9                   **MR. MANDERVILLE:** You let the victim  
10 generally dictate the pace, to a degree, and whether  
11 they're ready to come forward?

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

13                   **MR. MANDERVILLE:** And it's felt to be a bad  
14 idea to have them forced onward if they don't feel they're  
15 ready?

16                   **MR. SHAVER:** Yes.

17                   **THE COMMISSIONER:** Mr. Manson.

18                   **MR. MANSON:** Could I interrupt for one  
19 second, please?

20                   I think Mr. Manderville, I'm sure  
21 unintentionally -- but the question about Sergeant Willis I  
22 think wasn't properly structured. If we check the -- and  
23 this is not grammar. This is substance, Mr. Commissioner.

24                   The way the sentence was put to the witness,  
25 it was Staff Sergeant Willis's intention may have had -- I

1           can't remember the phrase he used -- a legitimate basis or  
2           a---

3                       **MR. MANDERVILLE:** If you can't remember the  
4           phrase how can you criticize it?

5                                       **(LAUGHTER/RIRES)**

6                       **MR. MANSON:** I'm criticizing the first part.  
7           The first part is, "We have no evidence..." ---

8                       **THE COMMISSIONER:** Right.

9                       **MR. MANSON:** --- "...of Staff Sergeant  
10          Willis's intention".

11                               The point that Mr. Manderville put to the  
12          witness was "might it not be a good idea to have someone  
13          who knows the victim or the suspect involved in the  
14          interview" and then -- so I think if the question was  
15          rephrased, it could be an appropriate question but we have  
16          no intention of Staff Sergeant Willis's intention. If the  
17          -- no evidence of Staff Sergeant Willis's -- if the  
18          question was put, "Mr. Shaver, is it possible that Mr.  
19          Willis had an intention with a legitimate motive", for  
20          whatever that's worth, that would be an appropriate  
21          question, but the way it was put I think it's  
22          inappropriate, Mr. Commissioner.

23                               **MR. MANDERVILLE:** Mr. Manson, it pains me to  
24          say, has inaccurately cast my question.

25                               My question was the involvement of Staff

1 Sergeant Willis may have been for a valid intention. I was  
2 not addressing the intentions of Staff Sergeant Willis  
3 because it's impossible to know them.

4 **THE COMMISSIONER:** No.

5 **MR. MANDERVILLE:** Particularly since he's  
6 passed on.

7 **THE COMMISSIONER:** Right, but ---

8 **MR. MANDERVILLE:** I also feel like I'm back  
9 in criminal procedure class and the professor has just ---

10 **THE COMMISSIONER:** I know, it hurts  
11 sometimes.

12 Right, except that it really -- I don't know  
13 whether it matters what Constable Willis's intention was.

14 **MR. MANDERVILLE:** I quite agree, and I  
15 wasn't suggesting anything about his intention.

16 **THE COMMISSIONER:** The fact of the matter is  
17 nobody brought it up. And so that's the problem.

18 **MR. MANDERVILLE:** I'm not sure I understand  
19 you, sir, when you say nobody brought it up.

20 **THE COMMISSIONER:** Well, the idea is was it  
21 a potential conflict? And so the real issue, I think, is -  
22 - in this situation if Willis would have come up and said,  
23 "Look it, I know this fellow" all right? And there was a  
24 meeting and they say, "All right. You know him, that's  
25 great." Do you feel any impediment in doing this? No,

1 good. We are going to articulate a reason and say you go  
2 and do it for that reason, chum up to him, use your  
3 friendship and go like that." But there is no evidence  
4 that any of that was ever contemplated so does it really  
5 matter?

6 Like I think what we are looking at is maybe  
7 a policy that, you know, police officers should have a  
8 little -- whenever they're assigned something they should  
9 say, "I know this person" and get that cleared up whether  
10 or not he's -- you know, some people are saying you  
11 shouldn't have had Willis there because of his links to the  
12 police chief and the other one is a valid reason as to why  
13 he should be there.

14 So the idea is how do we rationalize the  
15 decision, and I don't think there was any rationalization.

16 **MR. MANDERVILLE:** I'll withdraw the  
17 intention element. I retain the school of thought this is  
18 one rationale for doing so.

19 **THE COMMISSIONER:** That's fine. That's  
20 okay.

21 **MR. MANSON:** A "B".

22 **(LAUGHTER/RIRES)**

23 **THE COMMISSIONER:** Don't worry, Mr. Manson  
24 is going to be handing out stars on the way out.

25 **MR. MANDERVILLE:** Returning to the -- I was

1 at the Silmsers matter, I believe.

2 MR. SHAVER: Yes, sir.

3 MR. MANDERVILLE: And Mr. Scharbach was  
4 speaking to you about Mr. MacDonald's interview with the  
5 OPP where he recounted your meeting with Mr. MacDonald,  
6 Murray MacDonald, the Crown?

7 MR. SHAVER: Yes, yes.

8 MR. MANDERVILLE: In late September '93, and  
9 I take it one problem the Cornwall Police had at that  
10 juncture was, irrespective of the terms of the settlement,  
11 at that point you didn't have a willing complainant?

12 MR. SHAVER: That was one of the terms, yes,  
13 sir.

14 MR. MANDERVILLE: And you were meeting with  
15 Mr. MacDonald and the CAS and the church in an effort to  
16 find some alternate means of addressing a possible problem  
17 in the community?

18 MR. SHAVER: Yes.

19 MR. MANDERVILLE: And one of the things that  
20 was put to you, I believe by Mr. Manson and Mr. Paul,  
21 concerned a follow-up with Sean Adams and/or David Silmsers  
22 following the settlement concerning his intentions vis-à-  
23 vis Ken Seguin?

24 MR. SHAVER: Yes, sir.

25 MR. MANDERVILLE: And am I correct in

1 understanding that the Cornwall Police had been advised to  
2 deal with Sean Adams concerning that issue?

3 **MR. SHAVER:** We had been, yes.

4 **THE COMMISSIONER:** By Mr. Silmser.

5 **MR. MANDERVILLE:** Correct.

6 And you had not been referred to Heidi  
7 Sebalj's notes, but if I were to suggest to you that her  
8 notes indicate that she followed up with Mr. Silmser on  
9 September 8, 9, 10, 13 and 29 of 1993 concerning his  
10 intentions with Ken Seguin ---

11 **MR. ENGELMANN:** Sir, I don't think there is  
12 any evidence of that with respect to intentions re Ken  
13 Seguin.

14 **THE COMMISSIONER:** Well, Mr. Manson is  
15 coming forward again, Mr. Manderville.

16 Is it with the word "intention" again?

17 **MR. MANSON:** No.

18 **THE COMMISSIONER:** No?

19 **MR. MANSON:** It's with the dates. My  
20 questions to the witness were very specifically about  
21 October of 1993.

22 **THE COMMISSIONER:** Okay.

23 **MR. ENGELMANN:** Sir, I maintain the  
24 objection that I am not aware of any evidence in her notes  
25 that suggest that she was doing that for the purpose of

1 following up regarding Ken Seguin.

2 **THE COMMISSIONER:** Okay. Well, we'll have  
3 to look at the notes then.

4 What exhibit, Mr. Manderville?

5 **MR. ENGELMANN:** Two ninety-five (295).

6 **THE COMMISSIONER:** Two ninety-five (295).

7 Okay. All right.

8 So what were the dates?

9 **MR. MANDERVILLE:** Starting with September 8,  
10 Mr. Commissioner.

11 **THE COMMISSIONER:** M'hm. So September 8<sup>th</sup>;  
12 okay. So we're at the latter part of the notes.

13 I'm sorry. Say again; September?

14 **MR. MANDERVILLE:** Starting September 8<sup>th</sup>.

15 **THE COMMISSIONER:** Of?

16 **MR. MANDERVILLE:** Ninety-three ('93), sir.

17 **THE COMMISSIONER:** Okay. So it's right at  
18 the end. September 8<sup>th</sup>, all right. So page 411, Bates page  
19 7063836.

20 **MR. MANDERVILLE:** Mr. Commissioner, I would  
21 rephrase the question.

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

23 **MR. MANDERVILLE:** She does follow up with  
24 Mr. Silmsler on each of the dates I mentioned. It's not  
25 clear whether it's with respect to his intentions for Ken



1 Seguin or his intentions with Charles MacDonald. So I  
2 apologize for that.

3 **THE COMMISSIONER:** Okay. All right.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MR. MANDERVILLE:** And following up on Mr.  
6 Manson's point concerning after October, Mr. Shaver, are  
7 you aware that in November of '93, Constable Sebalj and Mr.  
8 Silmsler spoke concerning his intentions vis-à-vis Ken  
9 Seguin?

10 **MR. SHAVER:** Yes.

11 **MR. MANDERVILLE:** And what do you understand  
12 Mr. Silmsler to have advised Constable Sebalj at that time?

13 **MR. SHAVER:** That we were not to proceed.

14 **MR. MANDERVILLE:** And Mr. Seguin died three  
15 weeks later?

16 **MR. SHAVER:** Approximately, yes.

17 **MR. MANDERVILLE:** Now, both Mr. Engelmann  
18 and Mr. Lee spoke to you concerning the people I'll refer  
19 to as your accusers, and you suggested three possible  
20 reasons or motives that they might have had in identifying  
21 you.

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

23 **MR. MANDERVILLE:** And what were they?

24 **MR. SHAVER:** That they either misidentified  
25 me, sir; that's number one. Number two that they were

1       either coerced or instructed I believe -- I can't remember  
2       the exact word -- coerced or -- I can't think of the other  
3       word. I'm sorry, sir, I can't remember the exact word that  
4       I used. It was either coerced or suggested that I -- that  
5       to identify me, or they -- they just flat out lied. They  
6       just lied.

7                   **MR. MANDERVILLE:** Now, we have the benefit  
8       of having had the evidence of a number of these people.

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

10                  **MR. MANDERVILLE:** And it would appear that  
11       Robert Renshaw misidentified your photograph as being a  
12       photograph of Charles MacDonald. Were you aware of that?

13                  **MR. SHAVER:** No, I was not aware of that,  
14       sir.

15                  **MR. MANDERVILLE:** And he identified you in  
16       statements he gave to Mr. Dunlop but not in any statements  
17       he gave under oath, he thought, to the OPP. Were you aware  
18       of that?

19                  **MR. SHAVER:** No, I don't think I was aware  
20       of that, sir.

21                  **MR. MANDERVILLE:** And Gerry Renshaw  
22       testified here and testified that he had a general dislike  
23       or distrust for all police officers as a consequence of his  
24       past criminal activity. Were you aware of that?

25                  **MR. SHAVER:** No, I was not aware of that,

1 sir.

2 **THE COMMISSIONER:** Mr. Lee?

3 **MR. LEE:** Sir, as Mr. Manderville quite  
4 accurately stated, we've had this evidence ---

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

6 **MR. LEE:** --- from the Renshaws and from  
7 others, who I presume Mr. Manderville will go to next. I  
8 don't see any utility in putting their evidence to Chief  
9 Shaver to ask him whether or not he understood it.

10 We have Chief Shaver's evidence of whether  
11 he was in certain places at certain times. We have the  
12 evidence of these other people of what they say and I'm not  
13 sure that Mr. -- Mr. Manderville will have his opportunity  
14 during submissions to re-canvass the evidence of my clients  
15 and others, and I'm not sure that there's any utility in  
16 putting this to Mr. Shaver as is.

17 **THE COMMISSIONER:** I have similar thoughts.

18 **MR. MANDERVILLE:** I thought I'd respond to  
19 the submissions we heard yesterday afternoon.

20 **THE COMMISSIONER:** Submissions?

21 **MR. MANDERVILLE:** Mr. Lee's purported cross  
22 of Mr. Shaver.

23 **THE COMMISSIONER:** Well, no, I can  
24 understand when you say with respect to Robert Renshaw  
25 that, you know, with the line-up and things, but it's

1        simply -- it's a rehash of what we've heard. And you know,  
2        I'm not on top of the evidence 100 percent but I think I've  
3        got a fairly good grasp of it. So I don't know that we  
4        need to go over all ---

5                    **MR. MANDERVILLE:** I want to address some of  
6        these points with Mr. Shaver, sir, and if you feel that the  
7        question is an irrelevant one, you will certainly tell me,  
8        I have no doubt.

9                    **THE COMMISSIONER:** M'hm. Well, so -- but  
10       what do you want to do? What are you going to do? Go over  
11       it and tell him what the other witnesses have said?

12                   **MR. MANDERVILLE:** To a degree, yes.

13                   **THE COMMISSIONER:** And why? He's already  
14       said that -- why he thinks they're wrong on three things.  
15       Whether or not -- the rest is already on the record and  
16       I'll be able to assess that.

17                   **MR. MANDERVILLE:** Sorry?

18                   **THE COMMISSIONER:** I will be able to assess  
19       that.

20                   **MR. MANDERVILLE:** Well, I'll move on to my  
21       next questions then.

22                   **THE COMMISSIONER:** Thank you.

23                   **MR. MANDERVILLE:** Mr. Shaver, Mr. Lee in his  
24       questions of you yesterday pointed out that the  
25       Commissioner has yet to render his report and advise as to

1           how he is weighing the evidence, and you remember him  
2           asking or pointing that out to you.

3                       **MR. SHAVER:** I do, sir.

4                       **MR. MANDERVILLE:** And you understand that?

5                       **MR. SHAVER:** I do.

6                       **MR. MANDERVILLE:** But I take it you did hear  
7           what Mr. Leroux testified to under oath?

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

9                       **MR. MANDERVILLE:** And you're aware of what  
10          his evidence under oath at this Commission is; correct?

11                      **MR. SHAVER:** Yes.

12                      **MR. MANDERVILLE:** And you're aware that he  
13          testified that he lied in his affidavits and statements?

14                      **MR. SHAVER:** Yes.

15                      **MR. MANDERVILLE:** And are you aware that all  
16          of your -- my term -- accusers are -- had been recruited by  
17          Mr. Dunlop to advance his civil lawsuit?

18                      **MR. SHAVER:** I am, sir.

19                      **MR. MANDERVILLE:** And that they were all  
20          supporters of Mr. Dunlop in his lawsuit against you?

21                      **MR. ENGELMANN:** I think, sir, we're getting  
22          into submissions at this stage again. I don't think --  
23          well, in any event, that's my comment.

24                      **THE COMMISSIONER:** "All" is a big word and I  
25          think you are wrong. There may be -- first of all, I think

1       you're wrong with the "all" about the accusers and number  
2       two, why is this relevant?

3                   **MR. MANDERVILLE:** I think it's relevant in a  
4       number of ways, Mr. Commissioner.

5                   **THE COMMISSIONER:** Okay.

6                   **MR. MANDERVILLE:** Not only am I to advance  
7       evidence through Mr. Shaver to you but we are to educate  
8       the public as well, are we not?

9                   **THE COMMISSIONER:** Well, yeah, but the  
10      public is going to wait until my report comes out and so  
11      we'll get there.

12                  **MR. MANDERVILLE:** Well ---

13                  **THE COMMISSIONER:** What was your question  
14      again?

15                  **MR. MANDERVILLE:** As you know, sir, the  
16      public is forming views each and every day. Yes, they'll  
17      wait for your report to get a distillation of what you've  
18      heard.

19                  **THE COMMISSIONER:** Well, if the public has  
20      been following everything that we've been doing, then  
21      they'll know where we stand, you know, where things are on  
22      the record.

23                  What was your question again? Just let me -  
24      --

25                  **MR. MANDERVILLE:** I asked Mr. Shaver if he

1 was aware that each of his so-called accusers were  
2 supporters of Mr. Dunlop in his civil suit against Mr.  
3 Shaver personally.

4 **THE COMMISSIONER:** Mr. Engelmann?

5 **MR. ENGELMANN:** Well, sir, these people all  
6 testified and I can't remember one of them actually  
7 acknowledging that they were supporting Mr. Dunlop's civil  
8 lawsuit. It may have been put to them by Mr. Manderville.

9 **MR. MANDERVILLE:** As you know, Mr.  
10 Commissioner, a number of them swore affidavits with the  
11 Perry Dunlop Style of Cause on it.

12 **THE COMMISSIONER:** Yes ---

13 **MR. ENGELMANN:** They did but ---

14 **THE COMMISSIONER:** Well, if you're going to  
15 put that as characterizing that as being supporting Mr.  
16 Dunlop, I think we've heard evidence from a lot of them  
17 that they thought this was the process to get a charge  
18 going. So ---

19 **MR. MANDERVILLE:** I suppose I'm not speaking  
20 to their intention, sir. I may be speaking to Perry  
21 Dunlop's intentions.

22 **THE COMMISSIONER:** No, I don't like that  
23 question either.

24 **MR. MANDERVILLE:** That wasn't a question.  
25 I'm making a point to you, sir.

1                   **THE COMMISSIONER:** Okay. Right, but I don't  
2 like -- then as I said, you're weakening Mr. Sherriff-  
3 Scott's argument of yesterday I guess; so no.

4                   **MR. MANDERVILLE:** "Dowsing" was the term you  
5 used, sir.

6                   **THE COMMISSIONER:** What did I say?

7                   **MR. MANDERVILLE:** Dowsing.

8                   **THE COMMISSIONER:** Oh, okay. Well, that was  
9 even better. Thank you.

10                   No, I don't -- you should go ahead.

11                   **MR. MANDERVILLE:** Mr. Shaver, thank you.

12                   **MR. SHAVER:** Thank you.

13                   **THE COMMISSIONER:** All right.

14                   Mr. Oliver?

15                   **MR. OLIVER:** Yes, thank you very much, Mr.  
16 Commissioner. Good afternoon, Mr. Shaver. I should be  
17 brief. Thank you.

18                   **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**  
19 **OLVER:**

20                   **MR. OLVER:** I just want to pick up on one  
21 area that Mr. Manderville touched upon.

22                   Can we refer to a document, Mr.  
23 Commissioner, it's in the cross docs. It is Doc Number  
24 740536. I don't believe it's an exhibit yet.

25                   **THE COMMISSIONER:** Thank you.



1                   Wait a minute, Strategic Plan? We have a  
2                   strategic plan already, but I don't know if it's this one.

3                   **MR. OLVER:** I don't believe it's this one,  
4                   Mr. Commissioner.

5                   **THE COMMISSIONER:** All right. Fine.

6                   **MR. OLVER:** If I could ---

7                   **THE COMMISSIONER:** Exhibit 1806 is a  
8                   Strategic Plan Draft Copy.

9                   **--- EXHIBIT NO./PIÈCE NO. P-1806:**

10                   (740536) Strategic Plan - Draft Copy

11                   **MR. OLVER:** Thank you very much, sir.

12                   **THE COMMISSIONER:** Go ahead.

13                   **MR. OLVER:** You have that now, Mr. Shaver?

14                   **MR. SHAVER:** I do, sir.

15                   **MR. OLVER:** Do you recognize this document,  
16                   sir?

17                   **MR. SHAVER:** I do.

18                   **MR. OLVER:** Who's the author of this  
19                   document?

20                   **MR. SHAVER:** I am.

21                   **MR. OLVER:** And can you tell us when you  
22                   drafted this, sir?

23                   **MR. SHAVER:** It would have been over 1992 --  
24                   from the time Ms. McGlashan left through to 1993, when I  
25                   tried to present it to the Board.

1                   **MR. OLVER:** And is this your response to the  
2                   McGlashan Report?

3                   **MR. SHAVER:** It is, yes. It is  
4                   incorporating the things that she said.

5                   **MR. OLVER:** And the purpose of drafting this  
6                   was to do what?

7                   **MR. SHAVER:** So that we could implement the  
8                   beginning of a five-year plan.

9                   **MR. OLVER:** Okay. And this is a document  
10                  that you proposed to the Board?

11                  **MR. SHAVER:** I did.

12                  **MR. OLVER:** And the Board's response to this  
13                  document was?

14                  **MR. SHAVER:** The Board said no to this  
15                  document.

16                  **MR. OLVER:** And was that the beginning of  
17                  the -- if I can call it this -- the falling out you had  
18                  with the Board at that point-in-time?

19                  **MR. SHAVER:** It was the beginning of the  
20                  falling out with the mayor. It was at that same time with  
21                  the mayor. It wasn't with the entire Board. It was just  
22                  with the mayor.

23                  **MR. OLVER:** Mayor Martelle?

24                  **MR. SHAVER:** Mayor Martelle, sir, yes.

25                  **MR. OLVER:** Okay. And this document is by

1 your hand. You're the author of this?

2 MR. SHAVER: I am with -- no, I drafted this  
3 with the assistance of Sergeant -- or Staff Sergeant Carter  
4 now.

5 MR. OLVER: And if I can just take you to  
6 Bates page 877, this is the Executive Summary, and in here  
7 you write:

8 "This document provides the framework  
9 for moving the Cornwall Police Service  
10 to the 1990s towards the next century.  
11 The primary philosophy will be to  
12 deliver a street-level uniform  
13 constable committed to community  
14 policing. All other aspects of the  
15 organization, including management and  
16 support services, will function to  
17 facilitate the frontline officers and  
18 meeting community needs."

19 Is that your writing, sir?

20 MR. SHAVER: Yes, it is, sir.

21 MR. OLVER: Okay. And that's your  
22 understanding of how to move the Force forward?

23 MR. SHAVER: Yes, sir.

24 MR. OLVER: Okay.

25 And on the next page, Bates page 878, you

1 have what's called the mission statement; correct?

2 MR. SHAVER: Yes, I do, sir.

3 MR. OLVER: And you write:

4 "The first responsibility of the  
5 Cornwall Police Service is to its  
6 members as its key resource to provide  
7 an environment for officer safety and  
8 job satisfaction so that they may serve  
9 the citizens of Cornwall to their  
10 utmost capability."

11 MR. SHAVER: Yes, sir.

12 MR. OLVER: "Each member must be  
13 considered as an individual. There  
14 must be mutual respect for and between  
15 all members."

16 MR. SHAVER: Yes, sir.

17 MR. OLVER: "The second responsibility of  
18 the Cornwall Police Service is to  
19 improve the quality of service to the  
20 community by working cooperatively with  
21 the public within the framework of the  
22 laws of Canada to enforce the laws,  
23 preserve the peace, reduce fear and  
24 provide for a safe environment for all  
25 citizens."

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

2                   **MR. OLVER:** And your third responsibility as  
3 noted is:

4                                “To maintain a strategic planning  
5 process which will keep the Cornwall  
6 Police Service prepared to meet the  
7 challenges of the future.”

8                   **MR. SHAVER:** It was, sir, yes.

9                   **MR. OLVER:** Was it your intention in writing  
10 this missions statement, sir, that you were setting a  
11 course for the Cornwall Police Service for the future?

12                   **MR. SHAVER:** It was my intention.

13                   **MR. OLVER:** And that it would be a quality  
14 police service?

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

16                   **MR. OLVER:** Provide good quality service to  
17 the Cornwall community?

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

19                   **MR. OLVER:** Okay. And you were hopeful at  
20 the time you drafted this, I take it, that you were going  
21 to be in a position to try and see this through?

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

23                   **MR. OLVER:** Okay. And it was because of the  
24 difficulty you expressed with Mayor Martelle that this  
25 document never really received any kind of approval by the

1 Board?

2 MR. SHAVER: Yes. And Mayor Martelle, at  
3 the meeting, objected strenuously to this.

4 MR. OLVER: Okay. And was it ---

5 THE COMMISSIONER: But it was voted on? Was  
6 it voted on?

7 MR. SHAVER: It never got voted on, sir. He  
8 just objected so much, so loudly and stated that it had --  
9 you know, that a strategic plan will not be prepared by a  
10 Chief of Police; it has to be prepared by he and the Board.

11 THE COMMISSIONER: Okay.

12 MR. OLVER: Thank you.

13 Was there any other efforts by yourself to  
14 try and put forward a strategic plan subsequent to this?

15 MR. SHAVER: No, that was the -- that was my  
16 last sort of kick at the can with the strategic plan, sir.

17 MR. OLVER: And was it shortly thereafter,  
18 with these difficulties with Mayor Martelle, that you had  
19 made the decision to retire from the Cornwall Police  
20 Service?

21 MR. SHAVER: Yes, sir.

22 MR. OLVER: And that would have been in the  
23 spring of '93?

24 MR. SHAVER: That's when he started, yes,  
25 sir. I made my decision to retire in early July of 1993.

1                   **MR. OLVER:** Okay. And just for the record,  
2                   and I think you've answered this previously, your decision  
3                   to retire had absolutely nothing to do with the Silmser  
4                   investigation?

5                   **MR. SHAVER:** Absolutely nothing.

6                   **MR. OLVER:** Okay. Your plans were in place  
7                   and your timetable was in place for that retirement?

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

9                   **MR. OLVER:** Thank you.

10                   Let me just switch gears and return to a  
11                   number of your questions or answers as posed in cross-exam  
12                   by Mr. Lee yesterday.

13                   Much has been made of your employment with  
14                   the RCMP Secret Service Branch ---

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

16                   **MR. OLVER:** --- early on in your career and  
17                   suggestions or inferences have been made that you would  
18                   have been party to some alleged and notorious law-breaking  
19                   type activity, if I can phrase it in that fashion?

20                   **MR. SHAVER:** Those suggestions -- I took  
21                   those as that, suggestion, yes, sir.

22                   **MR. OLVER:** Okay.

23                   **THE COMMISSIONER:** Which he denied.

24                   **MR. OLVER:** Which he denied.

25                   And you stand firm that you would have not

1 participated in any law-breaking activity whatsoever as a  
2 member of the RCMP SS?

3 **MR. SHAVER:** Absolutely, sir.

4 **MR. OLVER:** Thank you.

5 And while you may have been aware of some of  
6 that, you did not adopt any of the philosophy of fellow  
7 officers who might have conducted those types of  
8 activities?

9 **MR. SHAVER:** I would not have adopted that  
10 policy, sir.

11 **MR. OLVER:** And did I understand you to say  
12 that you do not support the ends-justifying-the-means  
13 philosophy?

14 **MR. SHAVER:** I certainly do.

15 **MR. OLVER:** And do I take it that you did  
16 not incorporate any of that type of philosophy into your  
17 role as the Chief of Police with Cornwall?

18 **MR. SHAVER:** I would hope -- I hope -- I  
19 would hope I wouldn't have, sir, yes.

20 **MR. OLVER:** Okay. Did I also understand  
21 your evidence that during your time with the RCMP SS -- did  
22 I also understand that your evidence with respect to your  
23 time with the RCMP Security Service, that you did not get  
24 trained in or learn techniques or tactics of deception?

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



1                   **MR. OLVER:** So there wouldn't have been any  
2 of that to bring to your role as the Chief of Police in  
3 Cornwall?

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

5                   **MR. OLVER:** Can I just move forward and  
6 address the concern that was expressed, and I believe it  
7 was in the Senior Officers' Report, with respect to Chief  
8 Shaver being an absentee chief?

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

10                  **MR. OLVER:** I take it your evidence is that  
11 you disagree with that observation?

12                  **MR. SHAVER:** I certainly do.

13                  **MR. OLVER:** And did I understand your  
14 evidence with respect to absenteeism from the job with the  
15 Cornwall Police Service is that you didn't, in fact, take  
16 all of your allotted leave time every year?

17                  **MR. SHAVER:** That's true, sir.

18                  **MR. OLVER:** And with the exception of the  
19 seven weeks, I believe you said you were involved in the  
20 Police Olympics?

21                  **MR. SHAVER:** Yes, in 1988, sir.

22                  **MR. OLVER:** And other than that, you never  
23 had an extended leave?

24                  **MR. SHAVER:** I would have a week or two,  
25 sir. That would be the extent.

1                   **MR. OLVER:** And that seven-week period with  
2                   respect to the Police Olympics, that was approved of by the  
3                   Board in advance?

4                   **MR. SHAVER:** Yes.

5                   **MR. OLVER:** Okay. Can I ask you about  
6                   questions that came from Mr. Lee with respect to clearance  
7                   stats and comments made or attributed to Stuart McDonald,  
8                   who I understand initially, as you became Chief, was in  
9                   charge or taking control of maintaining statistics in that  
10                  regard?

11                  **MR. SHAVER:** Yes, sir, he had been doing  
12                  that for several years.

13                  **MR. OLVER:** Okay. And there was a  
14                  suggestion made that you, in some fashion, altered or  
15                  changed or manipulated statistics, according to Mr.  
16                  McDonald.

17                  **MR. SHAVER:** I never altered or changed a  
18                  stat, sir.

19                  **MR. OLVER:** And I want to be clear about  
20                  what your evidence was yesterday because I'm not sure you  
21                  got the whole answer out in response to Mr. Lee's question.

22                  Is it my understanding that when Deputy  
23                  Chief O'Neill arrived with the Cornwall Police Service, he,  
24                  in his capacity as Deputy Chief, made the observation that  
25                  statistics were being kept incorrectly?

1                   **MR. SHAVER:** Yes, he did, sir.

2                   **MR. OLVER:** And did he advise you of the  
3 correct manner in which to maintain those statistics?

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

5                   **MR. OLVER:** And did you double check that  
6 with any higher authority?

7                   **MR. SHAVER:** Yeah, the OPC inspector, we  
8 checked it with him.

9                   **MR. OLVER:** Okay. And the OPC inspector  
10 confirmed that Deputy Chief O'Neill was correct?

11                   **MR. SHAVER:** He was.

12                   **MR. OLVER:** And, therefore, Staff Sergeant  
13 McDonald was incorrect?

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

15                   **MR. OLVER:** Okay.

16                   **MR. ENGELMANN:** Sir, I'm just -- I mean, the  
17 questions are terribly leading. I'm just concerned. I  
18 thought Mr. Oliver was dealing with personal issues, not  
19 policing issues. Clearly, we're getting into policing  
20 issues.

21                   So if he's going to be going here, I think  
22 the questions should be less leading. It would be more  
23 helpful to the evidence ---

24                   **THE COMMISSIONER:** Well, the other thing, I  
25 mean, other than reconfirming what he said yesterday, I

1 mean, we're not raising anything new.

2 MR. OLVER: Well, I don't think the answer  
3 was complete as it came out in cross-examination.

4 THE COMMISSIONER: It sure seemed complete  
5 to me.

6 MR. OLVER: Well, I'll stand to be corrected  
7 when I hear the rest of the answer, Mr. Commissioner.

8 THE COMMISSIONER: Okay.

9 MR. OLVER: With respect to my friend's  
10 comment, I'd only point out there was a very personal  
11 remark made, as I understand Staff Sergeant McDonald's  
12 evidence, suggesting that the Chief had lied in some  
13 fashion and manipulated statistics, and I wanted to be  
14 clear on that.

15 THE COMMISSIONER: Go ahead.

16 MR. OLVER: Thank you.

17 And just my last question in that regard,  
18 Chief Shaver was -- subsequent to finding out how to  
19 properly maintain the statistics Staff Sergeant McDonald  
20 was removed from that task.

21 MR. SHAVER: He was.

22 MR. OLVER: Okay. And who took over at that  
23 point?

24 MR. SHAVER: Deputy Chief O'Neill.

25 MR. OLVER: Okay. Did you personally have

1 anything to do with the collection of maintaining the  
2 stats?

3 **MR. SHAVER:** Nothing at all.

4 **MR. OLVER:** Thank you.

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **MR. OLVER:** Sorry, Mr. Commissioner.

7 One question I wanted to ask with respect to  
8 your meetings with Richard Abell October 1<sup>st</sup> and October 8<sup>th</sup>  
9 and I'm not sure that it was asked specifically.

10 During your meetings with Mr. Abell did Mr.  
11 Abell take notes in your presence?

12 **MR. SHAVER:** I don't believe he did, sir.

13 **MR. OLVER:** Okay.

14 Questions with respect to your involvement  
15 with the media in January of '94, as posed by Mr. Lee,  
16 these comments that you would have made to the media were  
17 post-retirement?

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

19 **MR. OLVER:** And do I understand it that  
20 these comments were made in response to queries by the  
21 media?

22 **MR. SHAVER:** They were.

23 **MR. OLVER:** Okay, just not to the case that  
24 you called up a reporter or somebody representing the media  
25 and made a statement yourself?

1                   **MR. SHAVER:** No, I did not, sir.

2                   **MR. OLVER:** Okay. And the purpose of  
3                   responding to these comments was to what?

4                   **MR. SHAVER:** It was to get the facts  
5                   straight, sir. The facts were not correct.

6                   **MR. OLVER:** Okay. And do I understand your  
7                   answer yesterday, in respect of your posted website was to  
8                   do the same thing?

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

10                  **MR. OLVER:** Just get out information, that  
11                  in your mind, set the record straight?

12                  **MR. SHAVER:** That it come through here and  
13                  was in the media, yes, sir.

14                  **MR. OLVER:** Thank you. And with respect to  
15                  your attendance here at this Inquiry, I understand you are  
16                  not compelled to attend here but you are here voluntarily?

17                  **MR. SHAVER:** Sir, nothing could have kept me  
18                  away from coming here.

19                  **MR. OLVER:** Okay. You've been waiting a  
20                  long time to come here?

21                  **MR. SHAVER:** I have, sir.

22                  **MR. OLVER:** Thank you.

23                  If I could just have your indulgence, Mr.  
24                  Commissioner?

25   **(SHORT PAUSE/COURTE PAUSE)**

1                   **MR. OLVER:** Yes, thank you, Mr.  
2 Commissioner.

3                   Mr. Shaver, just with respect to information  
4 that came forward from C-10 as I understand it, he had  
5 suggested that he had seen you at Ken Seguin's home in  
6 Summerstown in 1970 or 1971; correct?

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

8                   **MR. OLVER:** And you were not in Cornwall in  
9 1970 or 1971?

10                  **MR. SHAVER:** I was not.

11                  **MR. OLVER:** In fact, and that was during  
12 your tenure with the RCMP?

13                  **MR. SHAVER:** I was -- yeah, that is true,  
14 sir.

15                  **MR. OLVER:** And you would have been posted  
16 elsewhere, not in the Cornwall area?

17                  **MR. SHAVER:** Sorry, I would have been?

18                  **MR. OLVER:** You would have been posted  
19 elsewhere, not in the Cornwall area?

20                  **MR. SHAVER:** In Montreal, yes.

21                  **MR. OLVER:** In Montreal, okay. Thank you.  
22 Those are my questions. Thank you, Mr.  
23 Commissioner.

24                  **THE COMMISSIONER:** Very briefly, Mr.  
25 Engelmann.

1 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:

2 MR. ENGELMANN: Sir, just to follow-up on  
3 something that Mr. Olver asked you about, the strategic  
4 plan, the draft copy.

5 MR. SHAVER: Yes, sir.

6 MR. ENGELMANN: That was, sir, contained in  
7 some detail in the rebuttal you did to the 1993 inspection?

8 MR. SHAVER: Yes, I attached it to the  
9 rebuttal, sir.

10 MR. ENGELMANN: Fair enough.

11 So during the course of your cross-  
12 examination you were asked a number of times about the  
13 Silmsler investigation. I just want to ask you a couple of  
14 questions about it if I can. You would have stated, sir,  
15 that from time to time you were given verbal briefings.

16 MR. SHAVER: Yes, sir.

17 MR. ENGELMANN: And I'm just -- I'm not sure  
18 from the evidence whether those verbal briefings would have  
19 been from the deputy chief or from Staff Sergeant Brunet or  
20 both.

21 MR. SHAVER: They would have been both, sir,  
22 but mostly from my deputy.

23 MR. ENGELMANN: All right. I understand  
24 they were never from Heidi Sebalj.

25 MR. SHAVER: No, sir.



1                   **MR. ENGELMANN:** And that would have been  
2 unusual if they had been?

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

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

5                   And sir, I just want to refer you to Ms.  
6 Sebalj's notes. You were asked a number of questions about  
7 Ken Seguin and knowledge. It's Exhibit 295.

8                   **THE COMMISSIONER:** I think you have that  
9 book, sir.

10                  **MR. SHAVER:** I do, sir, thank you.

11                  **MR. ENGELMANN:** And the Bates page that I  
12 want to take you to, sir -- just give me a moment and I'll  
13 find it. It's probably where I put the green flag, yeah.

14                  Sir, it's Bates page 302 -- sorry, 802. I  
15 apologize.

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

17                  **MR. ENGELMANN:** And it's just above the  
18 caption that says "March 11<sup>th</sup>, 1993".

19                  **MR. SHAVER:** I'm sorry, sir, I'm still --  
20 I'm having difficulty right now.

21                  **THE COMMISSIONER:** It's on the screen if you  
22 want.

23                  **MR. SHAVER:** Oh, that's even better, sir,  
24 because I can read it better there.

25                               Thank you.

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

2                   So just to situate this for you, Chief  
3                   Shaver, on March 10<sup>th</sup>, 1993 Sergeant Lefebvre and Constable  
4                   Sebalj go out to see Mr. Silmsier in Bourget where he lives  
5                   and there are several pages of notes.

6                   This is the very end of those notes, sir,  
7                   and you'll see the reference -- they have a meeting that  
8                   goes on for several hours and this is at the very end of  
9                   the meeting. There is a reference at 1400 for Mr. Silmsier  
10                  apparently saying:

11                  "I don't think I can deal with this too  
12                  right now." (As read)

13                  And it says "re Seguin".

14                  **MR. SHAVER:** Yes.

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

16                  Would you have been informed of that, sir?

17                  **MR. SHAVER:** Yeah, I was informed, sir, that  
18                  he wanted to concentrate solely on Father MacDonald.

19                  **MR. ENGELMANN:** Would you have been told  
20                  that that was the first time that he specifically mentioned  
21                  to a Cornwall Police Officer that he doesn't want to deal  
22                  with that right now?

23                  **MR. SHAVER:** I can't -- I can't remember,  
24                  sir, but I know that this came up -- this came up more than  
25                  one time to me, that he did not want to deal with Mr.

1 Seguin.

2 MR. ENGELMANN: Okay. So you can't tell me  
3 whether or not this was the first and only time this was  
4 referenced?

5 MR. SHAVER: No, sir. I mean ---

6 MR. ENGELMANN: All right.

7 MR. SHAVER: --- long time back in the  
8 memory.

9 MR. ENGELMANN: Sir, would you have been  
10 informed that the next contact with Mr. Silmser after March  
11 10<sup>th</sup> would not have been until August 24<sup>th</sup>, some five and a  
12 half months later?

13 MR. SHAVER: I don't know, sir. I can't  
14 remember that.

15 MR. ENGELMANN: All right.

16 And in fact, sir, at that time, according to  
17 the notes, it's Mr. Silmser calling Ms. Sebalj for an  
18 update, a progress report.

19 MR. SHAVER: Sorry, sir, I don't ---

20 MR. ENGELMANN: No knowledge?

21 MR. SHAVER: No knowledge, sir.

22 MR. ENGELMANN: Okay. So in the verbal  
23 updates they wouldn't have told you about a five and a half  
24 month gap between discussions with Mr. ---

25 MR. SHAVER: No, sir, the -- when we got to

1 the July period, as I said in my evidence, I know that I  
2 talked to Staff Sergeant Brunet. I wanted this -- you  
3 know, it wasn't -- this thing wasn't -- this thing wasn't  
4 completed. I wanted it done. I gave him instructions to  
5 that, directly.

6 **MR. ENGELMANN:** Sir, would you have been  
7 told about a letter that came in, in early September '93  
8 from Malcolm MacDonald's office, including a direction from  
9 Mr. Silmsler and his counsel, not wanting to proceed?

10 **MR. SHAVER:** No, sir, I was not told that --  
11 I was not told and I did not see that letter, sir.

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

13 And sir, were you told that Staff Sergeant  
14 Brunet asked Heidi Sebalj to follow-up on that letter by  
15 trying to contact Mr. Silmsler in September?

16 **MR. SHAVER:** No, sir, I didn't -- I wasn't  
17 aware of the letter so I don't know what instructions he  
18 had given to Constable Sebalj.

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

20 And were you advised, sir, that Mr. Silmsler  
21 came into Cornwall Police Service on September 29<sup>th</sup>, 1993?

22 **MR. SHAVER:** Sir, yes, I was advised of  
23 that, yes.

24 **MR. ENGELMANN:** And at that time he signed a  
25 short note?

1                   **MR. SHAVER:** Yes.

2                   **MR. ENGELMANN:** Were you advised that during  
3 that visit he was not asked about Ken Seguin and his  
4 intentions?

5                   **MR. SHAVER:** No, I have no knowledge of  
6 that, sir.

7                   **MR. ENGELMANN:** And in fact, sir, were you  
8 advised that there was no meeting with him regarding Ken  
9 Seguin, other than apparently a phone call in early  
10 November, about his wishes on Ken Seguin?

11                   **MR. SHAVER:** I didn't know if it was a phone  
12 call but I knew that they -- the information that came to  
13 me, sir, was that he did not wish to proceed.

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

15                   And sir, with respect to verbal updates,  
16 again, you told us that your concern for the protection of  
17 children isn't something that would have started -- vis-à-  
18 vis these Silmsler complaints, isn't something that would  
19 have started in the fall of 1993, you would have had that  
20 concern from the get go?

21                   **MR. SHAVER:** Yes, sir, my basic philosophy,  
22 sir, when I came was that I think a society is judged on  
23 how we treat our old people and how we protect children.  
24 So those are my two major concerns and I spend -- I spent  
25 equally as amount of much time concerned with the elderly

1 as I was with children.

2 MR. ENGELMANN: Fair enough.

3 And sir, would you have been advised that  
4 during the course of the investigation through these verbal  
5 updates, that Ms. Sebalj -- neither Ms. Sebalj nor her  
6 peers were actually speaking with children, people who were  
7 current children?

8 MR. SHAVER: Sir, the only updates that I  
9 was receiving, sir, that had anything to do with that was  
10 that there were no children in need of protection. I  
11 didn't ask -- I didn't go down to ask specific questions.

12 MR. ENGELMANN: But to find out if there  
13 were children in need of protection, you'd presumably want  
14 to speak to some children?

15 MR. SHAVER: Sir, I didn't make that  
16 specific request.

17 MR. ENGELMANN: All right.

18 MR. SHAVER: I just -- I had the general  
19 question.

20 MR. ENGELMANN: Well, sir, were you ever  
21 advised that the people she was speaking to were people  
22 whose names she had received either from David Silmsen or  
23 his sister, or from the priest's lawyer? Were you ever  
24 advised of that?

25 MR. SHAVER: I don't remember ever being

1 advised of that, sir.

2 **MR. ENGELMANN:** And, sir, were you ever  
3 advised that the people she spoke to were essentially  
4 potential witnesses to events like a retreat, things of  
5 that nature?

6 **MR. SHAVER:** Yeah, I knew she was  
7 investigating the historical aspects of the sexual assault,  
8 yes.

9 **MR. ENGELMANN:** Okay. And you would have  
10 reviewed the OMPPAC reports that you did get in October --  
11 -

12 **MR. SHAVER:** I did review them, yes.

13 **MR. ENGELMANN:** --- that would have set out  
14 in short form who these people were and what they talked  
15 about?

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

17 **MR. ENGELMANN:** Fair enough.

18 Sir, Mr. Neville took you through -- it's  
19 Exhibit 301.

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

21 **MR. ENGELMANN:** Do you have that handy, sir?

22 **MR. SHAVER:** I have it in front of me, sir,  
23 yes.

24 **MR. ENGELMANN:** And as I understood your  
25 evidence in response to him, it appears that we've perhaps

1 confirmed that this letter would have been spoken to and  
2 seen in or around mid-September of 1993.

3 **MR. SHAVER:** Yes.

4 **MR. ENGELMANN:** And there's the note from  
5 the Deputy Chief to you and then there's a note from you  
6 saying, "Let's pass this back down the chain of command and  
7 have Sergeant Brunet -- or Staff Sergeant Brunet look at  
8 this."

9 **MR. SHAVER:** Right.

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

11 So the contents of this letter would have  
12 been known to you at or about mid-September?

13 **MR. SHAVER:** Sir, I don't remember that. I  
14 believe that I -- I thought it was later in the month that  
15 I knew about the contents of the letter, sir.

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

17 Well, we've heard from Staff Sergeant  
18 Brunet, and I'm just trying to figure out the context and  
19 why you're going to Murray MacDonald on the 30<sup>th</sup>, because  
20 you told us you took immediate action, and if the letter is  
21 on or about the 14<sup>th</sup>, 15<sup>th</sup> or 16<sup>th</sup> ---

22 **MR. SHAVER:** Right.

23 **MR. ENGELMANN:** --- and we're talking about  
24 a meeting on the 30<sup>th</sup>, that's not immediate.

25 **MR. SHAVER:** No.



1                   **MR. ENGELMANN:** So I'm just trying to  
2                   recreate some of the things that happened between ---

3                   **MR. SHAVER:** It was the morning meeting and  
4                   Sergeant Lortie's remarks that triggered me.

5                   **MR. ENGELMANN:** And we believe that morning  
6                   meeting to have occurred on the 28<sup>th</sup> of September?

7                   **MR. SHAVER:** The 28<sup>th</sup> of September, sir, yes.

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

9                   And we also understand from Staff Sergeant  
10                  Brunet's evidence that on the 29<sup>th</sup>, he's informed by Ms.  
11                  Sebalj about a contact that Helen Dunlop has had with David  
12                  Silmser.

13                  **MR. SHAVER:** Yes.

14                  **MR. ENGELMANN:** This would be on the 29<sup>th</sup>.

15                  **MR. SHAVER:** Yes.

16                  **MR. ENGELMANN:** And then we've heard that  
17                  Brunet goes to brief the Deputy Chief and the Deputy Chief  
18                  instructs him to take care of it by talking to Dunlop and  
19                  recording a conversation?

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

21                  **MR. ENGELMANN:** We've also heard from Brunet  
22                  that he met with Dunlop that morning on the 29<sup>th</sup>. This is  
23                  the day before you go to see Murray MacDonald. And they  
24                  would have discussed Dunlop's concern that the  
25                  investigation was not proper, that he has family in St.

1 Andrews, that he's concerned. He would have mentioned this  
2 Varley incident with Ken Seguin. Brunet would have talked  
3 to him about a breach of confidentiality and his concerns  
4 that his wife knew about it. Perry would have then  
5 suggested to Luc, "Well, someone should go see the Bishop  
6 about this." Luc suggests, "Well, I'll take that up  
7 through the chain of command." And Brunet asks him to turn  
8 over some documents.

9 And we understand as well from Staff  
10 Sergeant Brunet that immediately after that meeting, he  
11 briefs the Deputy Chief on the issues discussed with Dunlop  
12 and a suggestion of meeting with the Bishop.

13 That was on September 29<sup>th</sup>, sir.

14 **MR. SHAVER:** September 29th, yes.

15 **MR. ENGELMANN:** And I'm wondering if that --  
16 the content of Mr. Brunet's -- or Staff Sergeant Brunet's  
17 discussion with Mr. Dunlop would have found its way not  
18 only up to the Deputy Chief but also up to you, and that  
19 would have been yet another reason why you'd want to meet  
20 with Murray MacDonald on September 30<sup>th</sup>, to check some of  
21 these things out.

22 **MR. SHAVER:** Yes, that would make sense. I  
23 knew that information, sir, so yes.

24 **MR. ENGELMANN:** All right. Fair enough.  
25 Thank you.

1                   Sir, with respect to the October 7<sup>th</sup> notes --  
2                   and I just want to cover this very briefly, if I may -- and  
3                   that's Exhibit 1789, and in particular the comment or the  
4                   statement you make here about the telephone call with the  
5                   Bishop in the evening.

6                   **MR. SHAVER:** Yes.

7                   **MR. ENGELMANN:** And that's at Bates page  
8                   715. Sir, it's the paragraph -- the second paragraph.

9                   **MR. SHAVER:** Okay.

10                  **MR. ENGELMANN:** "The Bishop contacted me  
11                   later..."

12                  Et cetera. Do you see that?

13                  **MR. SHAVER:** Yes.

14                  **MR. ENGELMANN:** It was my understanding when  
15                  we discussed this earlier this week that you suggested to  
16                  me at that time that the paragraph was incomplete.

17                  **MR. SHAVER:** Yes.

18                  **MR. ENGELMANN:** Not incorrect but  
19                  incomplete.

20                  Did I understand that correctly?

21                  **MR. SHAVER:** Sir, the paragraph was designed  
22                  to just tell my lawyer that that's what happened on that  
23                  night. It was not designed to be a completeness in any  
24                  fashion -- to be complete in any fashion. It was not the  
25                  full -- the full conversation I had with the Bishop.

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

2                   My understanding is that when we talked  
3                   about it, you didn't suggest it was incorrect. You stood  
4                   by it, but you said it was incomplete. Is that correct?

5                   **MR. SHAVER:** Oh, I think I said it was  
6                   incorrect because the assault -- I explained the assault  
7                   portion, what the Bishop had said to me.

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

9                   Well, then let's go back to the transcript.

10                  **MR. SHAVER:** Okay.

11                  **MR. ENGELMANN:** Volume 242.

12                  **MR. SHAVER:** I have it, sir.

13                  **MR. ENGELMANN:** Page 99, line 16 --  
14                  actually, line 17. We're discussing this document.

15                                “So in this statement, again, just  
16                                fleshing out the statement before,  
17                                you're saying the priest had admitted  
18                                the assault, that it was an isolated  
19                                incident and he was prepared to leave  
20                                for the treatment/assessment?”

21                  **MR. SHAVER:** Yes.

22                  **MR. ENGELMANN:** “Mr. SHAVER: Right.

23                                Immediately.

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

25                  **MR. SHAVER:** I should have gone into

1 more detail.  
2 MR. ENGELMANN: Well, what's missing?  
3 MR. SHAVER: The fact that the Bishop  
4 used the word -- he used the word  
5 'assault' but then immediately changed  
6 that. You know, he was shaken when he  
7 called me, so he used the word  
8 'assault'. He changed it and then told  
9 me that Father Charlie admitted to a  
10 homosexual isolated incident and that  
11 was -- and he was prepared to go  
12 away..."

13 Et cetera.

14 MR. SHAVER: Yes.

15 MR. ENGELMANN: All right?

16 So are you still standing by that comment,  
17 sir, that you made that day?

18 MR. SHAVER: Yeah.

19 MR. ENGELMANN: All right. Fair enough.

20 Sir, you indicated this morning to Mr.  
21 Sherriff-Scott that Mr. Brunet -- Staff Sergeant Brunet  
22 would have been the note taker at the meeting on October  
23 7<sup>th</sup>?

24 MR. SHAVER: Yes.

25 MR. ENGELMANN: All right.

1                   And if we could look very briefly at his  
2 notes? It's Exhibit 1804.

3                   **MR. SHAVER:** No, 1799 is what I had.

4                   **MR. ENGELMANN:** Eighteen-zero-four (1804).

5                   **THE COMMISSIONER:** It should be loose.

6                   **MR. ENGELMANN:** Eighteen-zero-four (1804) --  
7 I'm terribly sorry; 1436. Ouch. I don't know what 1804  
8 is. Fourteen-thirty-six (1436).

9                   My apologies, Mr. Shaver.

10                  **MR. SHAVER:** Fourteen-three-six (1436)?

11                  **MR. ENGELMANN:** Fourteen-thirty-six (1436).

12                  **MR. SHAVER:** I have it, sir.

13                  **MR. ENGELMANN:** Sir, first of all, you were  
14 told that these notes were contemporaneous or relatively  
15 contemporaneous by Staff Sergeant Brunet?

16                  **MR. SHAVER:** By Staff Sergeant Brunet?

17                  **MR. ENGELMANN:** No, you were told of that  
18 fact, that these were his notes ---

19                  **MR. SHAVER:** Yes.

20                  **MR. ENGELMANN:** --- and that they were  
21 either contemporaneous or relatively contemporaneous?

22                  **MR. SHAVER:** Yes.

23                  **MR. ENGELMANN:** You'll note, sir, just  
24 looking at them briefly, they start on September 29<sup>th</sup>, '93?

25                  **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** This is not in the form of a  
2                   police notebook, is it, sir, like some of the other notes  
3                   we've looked at?

4                   **MR. SHAVER:** No, it isn't, sir.

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

6                   And you'll note, sir, for example, the first  
7                   reference says "Approximately 10:00 a.m."?

8                   **MR. SHAVER:** Right.

9                   **MR. ENGELMANN:** And if we look down further  
10                  on the page, at approximately 10:30 ---

11                  **MR. SHAVER:** Yes.

12                  **MR. ENGELMANN:** --- he's talking about then  
13                  the meeting with Dunlop?

14                  **MR. SHAVER:** Right.

15                  **MR. ENGELMANN:** Then on the following -- on  
16                  Bates page 034, he talks about approximately 1310 hours on  
17                  the 1<sup>st</sup> of October '93 that he meets with you?

18                  **MR. SHAVER:** Right.

19                  **MR. ENGELMANN:** It would appear, sir, that  
20                  he might have made these notes a few days after the fact if  
21                  he's approximating times?

22                  **MR. SHAVER:** You should have asked him, sir.  
23                  I don't know.

24                  **MR. ENGELMANN:** Yes. Okay.

25                  And, sir, with respect to the meeting with

1 the Bishop, if he was the note keeper at the meeting, let's  
2 go over to 036. The sole reference to the meeting at 1500  
3 with the Bishop is a short paragraph. Do you see that?

4 MR. SHAVER: Yes.

5 MR. ENGELMANN: And in fact, sir, that  
6 paragraph contains less information than your Post-it note.

7 MR. SHAVER: Absolutely.

8 MR. ENGELMANN: Would you agree with me?

9 MR. SHAVER: I do.

10 MR. ENGELMANN: All right. So did Staff  
11 Sergeant Brunet take notes at that meeting, to your  
12 knowledge?

13 MR. SHAVER: Take notes at the meeting, sir?

14 MR. ENGELMANN: Yes.

15 MR. SHAVER: Well, Staff Sergeant Brunet was  
16 involved in the discussion with the Bishop and I and so I  
17 asked him to take notes, separate notes so that when we got  
18 back, I would have my own little notes and he'd have his,  
19 so yes.

20 MR. ENGELMANN: All right. Well, this is  
21 all we seem to have from him.

22 MR. SHAVER: Yeah, he doesn't have very  
23 many. He doesn't have any notes, sir, yes.

24 MR. ENGELMANN: All right. But he was the  
25 official note taker for the meeting?



1                   **MR. SHAVER:** Well, sir, we went there as --  
2 we went there as part of a police investigation. So that  
3 was ---

4                   **MR. ENGELMANN:** Fair enough.

5                   **MR. SHAVER:** We weren't -- we were not  
6 looking at it from that perspective.

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

8                   **MR. SHAVER:** We were just ---

9                   **MR. ENGELMANN:** I'm sorry. So that's why  
10 perhaps his notes aren't in an official notebook?

11                   **MR. SHAVER:** They aren't in an official  
12 notebook and they aren't as detailed as they probably  
13 should have been, sir, yes.

14                   **MR. ENGELMANN:** Yeah, I was about to suggest  
15 the same thing to you.

16                   **MR. SHAVER:** Yes.

17                   **MR. ENGELMANN:** All right. I'm just about  
18 done.

19                   I'll just be a moment, sir.

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

21                   **MR. ENGELMANN:** Sir, just a quick question.  
22 You have referred to receiving a number of documents and I  
23 think on a couple of occasions you referred to binders and  
24 on a couple of occasions you referred to boxes.

25                   **MR. SHAVER:** Yes.

1                   **MR. ENGELMANN:** Can you give us a sense as  
2 to the number of documents you might have received to  
3 prepare for giving your evidence?

4                   **MR. SHAVER:** Well, sir, when I came across  
5 the border, they weighed them at the airport and I had over  
6 100 pounds of documents at that stage of the game, when I  
7 came -- when I came across.

8                   I guess that I referred to boxes; I meant to  
9 say binders. I received eight binders in probably the last  
10 week. Now, a lot of that was contained in those other  
11 documents but it still required me to keep going through it  
12 to make sure that that was the case.

13                   So that's what -- when I said I read a lot  
14 of documents, sir, that was the case.

15                   **MR. ENGELMANN:** All right. And you have now  
16 been reading documents probably from late last year; is  
17 that fair, from about December?

18                   **MR. SHAVER:** Yes, I have, yes.

19                   **MR. ENGELMANN:** To prepare for your  
20 evidence?

21                   **MR. SHAVER:** Probably, sir, yes.

22                   **MR. ENGELMANN:** All right. Thank you very  
23 much, Mr. Shaver.

24                   **MR. SHAVER:** Thank you.

25                   **MR. ENGELMANN:** Thank you, Mr. Commissioner.

1                   **THE COMMISSIONER:** Thank you.

2                   Mr. Shaver, thank you very much for  
3 attending and a safe trip back.

4                   **MR. SHAVER:** Thank you, sir. Could I say  
5 just something to you, sir? Just to you.

6                   **THE COMMISSIONER:** Okay.

7                   **MR. SHAVER:** Sir, I appreciate the empathy  
8 that you have shown me, the members of my department and  
9 other witnesses. Thank you.

10                  **THE COMMISSIONER:** Thank you.

11                  All right. So now, should we ---

12                  **MR. ENGELMANN:** Sir, I've been informed by  
13 my colleague, Mr. Dumais, Maître Dumais, that he is ready  
14 to go with Deputy Chief St. Denis and he can do that  
15 evidence in 45 minutes.

16                  **THE COMMISSIONER:** M'hm. All right. Well,  
17 should I leave for five minutes so people can set up?

18                  **MR. ENGELMANN:** I think that would work,  
19 sir.

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

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

23                  This hearing will resume at 1:05.

24                  --- Upon recessing at 12:56 p.m. /

25                  L'audience est suspendue à 12h56

1 --- Upon resuming at 1:04 p.m. /

2 L'audience est reprise à 13h04

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:** Good afternoon again.  
8 Thank you very much for coming on relatively short notice.

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

10 **THE COMMISSIONER:** And for a short period of  
11 time so that we can get your examination in-chief  
12 completed, as I understand.

13 **MR. ST. DENIS:** Yes, sir. Thank you.

14 **THE COMMISSIONER:** Thank you very much.  
15 You understand you're still under oath?

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

17 **THE COMMISSIONER:** Thank you.

18 **JOSEPH ST. DENIS, Resumed/Sous le même serment:**

19 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**  
20 **DUMAIS (Continued/Suite):**

21 **MR. DUMAIS:** Welcome back, Mr. St. Denis.

22 We had left off last Friday and I had  
23 advised that I had two very discrete themes or subjects to  
24 deal with you, and the first one was your involvement with  
25 Perry Dunlop and the fact that he was away from work for a

1 certain period of time.

2 And my understanding is that you had some  
3 involvement in corresponding with him during that period  
4 while he was away and orchestrating or organizing his  
5 return to work. Is that fair?

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

7 **MR. DUMAIS:** All right. If we can just  
8 start then with Document Number 731609.

9 **THE COMMISSIONER:** Thank you. Exhibit  
10 Number 1807 is a letter to Constable Perry Dunlop sent by  
11 registered mail July 26<sup>th</sup>, 1994 from Deputy Chief St. Denis.

12 --- **EXHIBIT NO./PIÈCE No. P-1807:**

13 (731609) Letter from Joseph St. Denis to  
14 Perry Dunlop - 26 Jul 94

15 **MR. ST. DENIS:** Yes, sir, that's my letter.

16 **MR. DUMAIS:** So Mr. St. Denis, you write  
17 this letter to Constable Dunlop. Essentially you're  
18 confirming in there that he's been off of work since  
19 January 12<sup>th</sup>, 1994.

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

21 **MR. DUMAIS:** And is that the first contact  
22 that you have with Mr. Dunlop, Constable Dunlop?

23 **MR. ST. DENIS:** I believe it is.

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

25 **MR. ST. DENIS:** I presume it is.

1                   **MR. DUMAIS:** And essentially what you're  
2 asking him then that -- is that you provide him with  
3 medical information to support his disability or his being  
4 away from work; is that correct?

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

6                   **MR. DUMAIS:** All right. And then if I can  
7 take you to Document Number 731784.

8                   **THE COMMISSIONER:** Thank you. Exhibit 1808,  
9 a letter dated April 10<sup>th</sup>, 1996 to Constable Perry Dunlop  
10 from Deputy Chief St. Denis.

11                   **--- EXHIBIT NO./PIÈCE No. P-1808:**

12                                   (731784) Letter from Joseph St. Denis to  
13 Perry Dunlop - 10 Apr 96

14                   **MR. ST. DENIS:** Yes, sir, that's my  
15 signature also. That's my letter.

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

17                                   And am I correct in understanding that in  
18 1994, his disability claim would have been accepted by the  
19 insurer in that he was in fact away from work until at  
20 least April 10<sup>th</sup>, 1996?

21                   **MR. ST. DENIS:** I believe that's pretty  
22 accurate.

23                   **MR. DUMAIS:** All right.

24                                   And is there any reason why you are the one  
25 that's corresponding with Constable Dunlop?

1                   **MR. ST. DENIS:** Yes. Yes, there is. We had  
2                   a new Chief, another new Chief I should say, and you'll see  
3                   the "A.R." at the bottom and any of these concerns, medical  
4                   or modified work issues, were coordinated through Mrs.  
5                   Currie, Sue Currie. I think she is mentioned in this  
6                   letter; yes. And basically, we were trying to implement a  
7                   consistent -- a consistent way of dealing with people that  
8                   were off sick on LTD and modified work.

9                   So I would say that this was discussed with  
10                  Mrs. Currie and the letter was suggested to be sent out as  
11                  indicated and it was, and it looks like Inspector Wells  
12                  hand delivered it to Perry Dunlop, I presume.

13                  **THE COMMISSIONER:** But the question is why  
14                  didn't Mrs. Currie just write to him? Why was it going all  
15                  through you? Is there a reason for that?

16                  **MR. ST. DENIS:** I guess -- the reason I  
17                  guess is I was the Deputy Chief.

18                  **THE COMMISSIONER:** All right.

19                  **MR. DUMAIS:** Sorry, I'm not sure if I  
20                  understand. And I guess let me rephrase the question.

21                  Are you dealing with all disability claims  
22                  at the police service during that period of time or are you  
23                  only dealing with Constable Dunlop?

24                  **MR. ST. DENIS:** I think at that time I was  
25                  probably only dealing with Constable Dunlop. Previous,

1 cases were usually handled by the financial services  
2 officers, Mr. Lefebvre, Rolly Lefebvre.

3 MR. DUMAIS: All right.

4 MR. ST. DENIS: And it was just a new  
5 approach that the new Chief wanted to adopt and that's why  
6 we ended up doing this.

7 MR. DUMAIS: All right.

8 And new Chief, do you mean Deputy Acting  
9 Chief Johnston?

10 MR. ST. DENIS: No, this would be Mr. Repa.

11 MR. DUMAIS: But I mean he would have been  
12 in contact with Constable Dunlop as early as 1994; right?

13 MR. ST. DENIS: With respect to this?

14 MR. DUMAIS: Right.

15 MR. ST. DENIS: Yes.

16 MR. DUMAIS: All right. And this new  
17 initiative by the Service or this new initiative by the  
18 Chief, are you referring to the Return to Work Program; is  
19 that correct?

20 MR. ST. DENIS: The Modified Work Program,  
21 yes.

22 MR. DUMAIS: All right.

23 And can you just give us an idea or a  
24 summary of what that program was?

25 MR. ST. DENIS: Well, actually, it had to do



1 with a number of people that were off on sick leave, short-  
2 term leave, sick leave, long-term disability, and so much  
3 so that we were looking at ways, a program to get these  
4 people back to work as we needed every body available at  
5 that time.

6 And it became so important that I think the  
7 new Chief saw fit to hire a human resources person and  
8 appoint -- shortly after this to appoint Staff Sergeant  
9 Dupuis, now Inspector, to be the modified work coordinator.  
10 And I believe that's how it was slowly implemented.

11 You may see my name on a lot of the papers  
12 or some of the papers that are obviously presented here,  
13 but this was a new program that was going to be coordinated  
14 through Staff Dupuis, presently Inspector Dupuis.

15 **MR. DUMAIS:** All right. And Inspector  
16 Dupuis would report to whom at that time?

17 **MR. ST. DENIS:** He was in -- he was  
18 reporting partially to the Human Resource person and to  
19 Chief Repa.

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

21 Now, if we can just have a look at your  
22 April 10<sup>th</sup> letter. So in this letter you appear to be  
23 advising Constable Dunlop that his banked time is about to  
24 expire. Is that correct?

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

1                   **MR. DUMAIS:** And you are requesting from him  
2                   that he provide you with a leave of absence without pay.  
3                   Is that correct?

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

5                   **MR. DUMAIS:** And do you know -- can you  
6                   explain to us what that's about, a leave of absence without  
7                   pay?

8                   **MR. ST. DENIS:** Sir, unfortunately, I'm not  
9                   sure what it is either. I believe it was explained by Mrs.  
10                  Sue Currie. It was a terminology she was using in the new  
11                  program.

12                  To say anymore than that, I really don't  
13                  know.

14                  **MR. MANDERVILLE:** Mr. Commissioner, I  
15                  believe it involves issues of long-term disability and then  
16                  the 104-week threshold.

17                  **THE COMMISSIONER:** Okay.

18                  **MR. DUMAIS:** All right. But, Mr. St. Denis,  
19                  do you believe that this was something that was new?  
20                  Because it became an issue with the Cornwall Police  
21                  Association. Is that correct?

22                  **MR. ST. DENIS:** I believe it did because I  
23                  think they probably were ---

24                  **THE COMMISSIONER:** Well, it says in the  
25                  letter, the Association lawyer was looking into the matter.

1 Second paragraph.

2 MR. ST. DENIS: Yes, sir.

3 Then it was an issue for the Association.

4 MR. DUMAIS: And as a matter of fact, you  
5 did receive some correspondence on this very issue from the  
6 Association. Do you recall that?

7 MR. ST. DENIS: I believe we did, yes.

8 MR. DUMAIS: And perhaps if I can just take  
9 you to that correspondence; Document Number 731782.

10 THE COMMISSIONER: Thank you.

11 Is it 1809; is it a zero nine, Madam Clerk?

12 THE REGISTRAR: Yes.

13 THE COMMISSIONER: All right. Letter to the  
14 Deputy Chief St. Denis, dated April 11<sup>th</sup>, 1996 from Claude  
15 Lortie, Cornwall Police Association.

16 --- EXHIBIT NO./PIÈCE NO. P=1809:

17 (731782) Letter from Claude Lortie to Joseph  
18 St. Denis - April 11, 1996

19 MR. ST. DENIS: Yes, sir.

20 MR. DUMAIS: So do you recall receiving this  
21 letter, Mr. St. Denis?

22 MR. ST. DENIS: I -- obviously my initials  
23 are there, 11<sup>th</sup> of April 1996, 4:05 p.m.

24 MR. DUMAIS: Because it appears to be making  
25 reference to the correspondence you would have sent to ---

1                   **MR. ST. DENIS:** Yes.

2                   **MR. DUMAIS:** --- to Constable Dunlop and  
3 your request for a leave of absence without pay and he  
4 appears to be indicating in this correspondence that he's  
5 never heard from this before and he's asking you to explain  
6 that?

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

8                   **MR. DUMAIS:** And his understanding is that -  
9 - and I'm just reading about mid-page.

10                                "If your leave banks are exhausted,  
11                               then it is up to the administration not  
12                               to pay the person's salary until they  
13                               return to work."

14                   So I guess he's questioning the fact that  
15 you're requesting a leave of absence without pay ---

16                   **MR. ST. DENIS:** Yes.

17                   **MR. DUMAIS:** --- application?

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

19                   **MR. DUMAIS:** So, Mr. St. Denis, do you  
20 recall whether or not this issue was ever resolved with the  
21 Cornwall Police Association?

22                   **MR. ST. DENIS:** I can only say that this  
23 would have gone to the human resources person, again, Mrs.  
24 Currie, possibly to Staff Dupuis. I believe it was  
25 resolved but I can't say 100 percent that it was. I'm not

1 -- I don't know.

2 MR. DUMAIS: All right.

3 Do you recall whether or not you ever did  
4 receive a leave of absence or an application for a leave of  
5 absence without pay from Constable Dunlop?

6 MR. ST. DENIS: No, I do not remember  
7 receiving one; that is not to say he didn't send one in.

8 MR. DUMAIS: Right, but you have no  
9 independent recollection, all right.

10 Now ---

11 MR. ST. DENIS: No.

12 MR. DUMAIS: All right. I understand at one  
13 point-in-time, Mr. St. Denis, that arrangements were being  
14 made for Constable Dunlop's return at work. Is that  
15 correct?

16 MR. ST. DENIS: Yes, sir.

17 MR. DUMAIS: Do you recall that you had  
18 expressed some concerns to Chief Repa about his return to  
19 work?

20 MR. ST. DENIS: Yes, I do.

21 MR. DUMAIS: And you had written out your  
22 concerns in a memo to him?

23 MR. ST. DENIS: Yes, I did.

24 MR. DUMAIS: And if I can just take you to  
25 that document, sir, which is 731750.

1                   **THE COMMISSIONER:** Thank you.

2                   Exhibit Number 1810 is internal  
3                   correspondence to Chief Repa from Deputy Chief St. Denis,  
4                   April 30<sup>th</sup>, 1997.

5                   **--- EXHIBIT NO./PIÈCE NO. P-1810:**

6                   (731750) Letter from Joseph St. Denis to A.  
7                   Repa - April 30, 1997

8                   **MR. ST. DENIS:** Yes, sir, that's my  
9                   signature.

10                  **MR. DUMAIS:** All right. And, Mr. St. Denis,  
11                  am I correct in understanding that as of April 30<sup>th</sup>, 1997,  
12                  Constable Dunlop had still not returned to work. Is that  
13                  correct?

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

15                  **MR. DUMAIS:** All right. And you appear to  
16                  be indicating in the first paragraph that you would have  
17                  found out that Constable Dunlop is prepared to work through  
18                  the Standard Freeholder. Is that correct?

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

20                  **MR. DUMAIS:** And did you subsequently  
21                  receive a formal request to return to work?

22                  **MR. ST. DENIS:** Yes, sir. I think -- I  
23                  think what was happening here is that the staff sergeant  
24                  had already been in position for the modified work program,  
25                  if I can say that, and that staff sergeant was reporting,

1 probably, directly to Mrs. Currie and/or the Chief.

2 So maybe that's why I was kind of left out -  
3 - left out of the loop.

4 **MR. DUMAIS:** Oh, you mean the fact that you  
5 ---

6 **MR. ST. DENIS:** Yeah, when I ---

7 **MR. DUMAIS:** --- get your knowledge?

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

9 **MR. DUMAIS:** All right.

10 And you express -- you're expressing  
11 concerns to the Chief in the next two paragraphs and if I  
12 can read you the second paragraph.

13 "I support our modified return to work  
14 policies, however, as Deputy Chief, I  
15 do have operational concerns as the  
16 Dunlop case is most different from the  
17 other modified work employees."

18 Do you recall writing about that?

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

20 **MR. DUMAIS:** Can you explain what you meant  
21 by that, Mr. St. Denis?

22 **MR. ST. DENIS:** Yes, I believe that he was  
23 off for so long I was concerned that -- I think the LTD was  
24 PTSD (Post-Traumatic Stress Disorder).

25 I was concerned about the use of firearms,

1 if he was going to be employed as a patrol officer. I was  
2 concerned because of the previous leak, what access -- what  
3 access authority he would have with respect to the Cornwall  
4 Police Service records and I think that covers pretty well.

5 **MR. DUMAIS:** But certainly, Mr. St. Denis,  
6 he was not -- he was not the first of your officers who had  
7 been off on mental distress. Is that correct?

8 **MR. ST. DENIS:** No.

9 **MR. DUMAIS:** And would it be fair to say  
10 that -- perhaps -- I'll rephrase that question.

11 So when you're saying that he's most  
12 different from the other modified work employees, you don't  
13 necessarily mean that he's been away for such a long period  
14 of time; you have other concerns with respect to Constable  
15 Dunlop?

16 **MR. ST. DENIS:** Yes.

17 **MR. DUMAIS:** Is that correct?

18 **MR. ST. DENIS:** Yes, I think I tried to  
19 enunciate those, some of them at least.

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

21 And as a matter of fact, during that exact  
22 period of time, Constable Dunlop is involved with civil  
23 litigation with the -- with the Service. Is that correct?

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

25 **MR. DUMAIS:** And as a matter of fact, one of



1 the persons being sued is yourself. Is that correct?

2 MR. ST. DENIS: Yes, sir.

3 MR. DUMAIS: And that is one of your  
4 concerns as well. Is that correct?

5 MR. ST. DENIS: Yes. Yes, it was.

6 MR. DUMAIS: Now, the next paragraph deals  
7 with the OPP. It says:

8 "The OPP will be investigating recent  
9 serious allegations of threats."

10 If we can deal with that statement first,  
11 the "recent serious allegations of threats". Do you know  
12 what you're referring to here, Mr. St. Denis?

13 MR. ST. DENIS: Not quite. No, I'm sorry.

14 THE COMMISSIONER: Could they had been the  
15 threats on his life. Had that come up by now?

16 MR. ST. DENIS: Yes. I think that's a good  
17 point. It could have been that but I -- thank you, Your  
18 Honour, it could have been that.

19 MR. DUMAIS: And "further conspiracies", do  
20 you recall what that was about?

21 MR. ST. DENIS: I think I was looking at the  
22 terminology in the civil action; everything was a  
23 conspiracy.

24 MR. DUMAIS: All right. But certainly you -  
25 - you appear to indicate here that the OPP is looking into

1 the investigation of these further conspiracies?

2 I guess I'm just asking whether or not  
3 there's something specific there?

4 **MR. ST. DENIS:** Not really.

5 **MR. DUMAIS:** All right. So then some of the  
6 concerns are found on the second page of that document.  
7 So, one, you're concerned about what assignments he would  
8 be given; whether or not he had access to OMPPAC file;  
9 whether or not he would be carrying a pistol, and whether  
10 or not he would use his return to work position to further  
11 his cause in civil action; is that correct?

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

13 **MR. DUMAIS:** So the access to the OMPPAC,  
14 you're making reference here to access to information he  
15 would have with respect to the investigation; is that  
16 correct?

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

18 **MR. DUMAIS:** And that was still a concern  
19 for you in your mind?

20 **MR. ST. DENIS:** Yes.

21 **MR. DUMAIS:** All right. And as well, you're  
22 concerned about the credibility that Constable Dunlop would  
23 have had with the Crown's office ---

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

25 **MR. DUMAIS:** --- Mr. Murray MacDonald ---

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

2                   **MR. DUMAIS:** --- more specifically?

3                   And my understanding is that this memo was  
4 given to Chief Repa and he did reply to you; is that  
5 correct?

6                   **MR. ST. DENIS:** That's -- that's correct.

7                   **MR. DUMAIS:** All right. And if I can then  
8 just take you to his response which is Document Number  
9 731749.

10                  **THE COMMISSIONER:** Thank you.

11                  Exhibit Number 1811, internal correspondence  
12 to Deputy Chief St. Denis from Chief Repa, May 2<sup>nd</sup>, 1997.

13                  --- **EXHIBIT NO./PIÈCE No. P-1811:**

14                         (731749) Internal Correspondence from A.  
15                         Repa to Joseph St. Denis - 02 May 97

16                  **MR. ST. DENIS:** Yes, sir, I have that.

17                  **MR. DUMAIS:** All right. So do you recall  
18 ever having a discussion with Chief Repa on the contents of  
19 your memo and his memo or was it simply an exchange of  
20 document?

21                  **MR. ST. DENIS:** No, no discussion.

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

23                  **MR. ST. DENIS:** The discussion would have  
24 occurred with Mrs. Currie, Chief Repa and Staff Dupuis; I  
25 was not included in this discussion.

1                   **MR. DUMAIS:** Okay but you're aware that  
2 they'd have a meeting on the ---

3                   **MR. ST. DENIS:** I cannot say if they had a  
4 meeting but I would -- I would suggest to you that the  
5 Chief would not have written this correspondence on his  
6 own, he would have the input of Mrs. Currie, in particular,  
7 and Staff Dupuis.

8                   **MR. DUMAIS:** Do you know of any reason why  
9 you're not being informed at this time?

10                   **MR. ST. DENIS:** I think the -- I think  
11 because of the new policy that was being implemented and he  
12 had this human -- human resource expert from Toronto. He  
13 was relying on that person.

14                   **MR. DUMAIS:** All right. So if we can just  
15 take a look at his response, briefly. The second paragraph  
16 indicates that he doesn't understand why Constable Dunlop  
17 would be different than any other officers returning to  
18 work on modified work duties.

19                   **MR. ST. DENIS:** I guess so. I see that.

20                   **MR. DUMAIS:** And he's asking whether or not  
21 you have any additional information?

22                   **MR. ST. DENIS:** Yes.

23                   **MR. DUMAIS:** And -- so you would not have  
24 provided him with any additional information?

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

1                   **MR. DUMAIS:** All right. And essentially on  
2 the second page he does confirm that Constable Dunlop can  
3 return to his duties and have access to OMPPAC; is that  
4 correct?

5                   **MR. ST. DENIS:** Sir, I just -- if I may back  
6 up?

7                   **MR. DUMAIS:** Yes, certainly.

8                   **MR. ST. DENIS:** I just read the third-last  
9 paragraph, I think this is ---

10                   **MR. DUMAIS:** The one that begins with "The  
11 answer"?

12                   **MR. ST. DENIS:** Yes. It kind of explains it  
13 there; that I was going to be -- and others were going to  
14 be, basically advised of what was going on after, once Mrs.  
15 Currie and Staff Dupuis have completed their discussions.

16                   So basically the Chief had put that with  
17 Mrs. Currie and Staff Dupuis.

18                   **MR. DUMAIS:** So do you recall being advised  
19 after their meeting?

20                   **MR. ST. DENIS:** I think the -- yeah, I think  
21 I was, yes. Yes.

22                   **MR. DUMAIS:** And again, in the last comment  
23 that the Chief makes, he indicates that he's relying on the  
24 Constable's professionalism to do his job; is that ---

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

1                   **MR. DUMAIS:** All right. And as a matter of  
2 fact, Constable Dunlop did return to work at one point in  
3 time?

4                   **MR. ST. DENIS:** Yes, he did.

5                   **MR. DUMAIS:** And you were -- you were there  
6 when he returned to work?

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

8                   **MR. DUMAIS:** And was -- did he return to  
9 work under modified duties; do you recall?

10                  **MR. ST. DENIS:** Initially, yes.

11                  **MR. DUMAIS:** And do you recall whether or  
12 not he's being supervised by anyone?

13                  **MR. ST. DENIS:** Yes, I just forget, I think  
14 Constable -- Sergeant Aikman at that time may have been the  
15 one; Deputy Chief Aikman and others. Then he went through  
16 -- he re-qualified for small arms. I think he took a  
17 refresher course and he was on the front desk for a while,  
18 in the radio room.

19                               That's what I recall.

20                  **MR. DUMAIS:** All right. Do you recall any  
21 specific problems with his return to work?

22                  **MR. ST. DENIS:** No, none.

23                  **MR. DUMAIS:** All right. Now, if I can then  
24 just perhaps take you to this next document and I'm dealing  
25 with the last issue I want to take up with you, Mr. St.

1 Denis.

2 So the document is Exhibit 657 and the last  
3 matter we're discussing is your involvement in the  
4 different victim assistant directives.

5 **THE COMMISSIONER:** Thank you. Which exhibit  
6 again?

7 **MR. DUMAIS:** Exhibit 657.

8 **THE COMMISSIONER:** Six five seven (657).

9 **MR. ST. DENIS:** Thank you. Six five seven  
10 (657)?

11 **MR. DUMAIS:** Sorry, it's 657.

12 **MR. ST. DENIS:** Yes, I have it now, sorry.

13 **MR. DUMAIS:** So if I can just put you in  
14 context a bit, Mr. St. Denis. This is a report that was  
15 completed following a complaint made by Helen Dunlop on  
16 August 9, 1996.

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

18 **MR. DUMAIS:** And this report was prepared by  
19 Staff Sergeant Dupuis who was tasked with investigating  
20 this matter.

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

22 **MR. DUMAIS:** All right. So do you recall  
23 this complaint from Mrs. Dunlop?

24 **MR. ST. DENIS:** Just a comment; first of  
25 all, the investigating officer, these were treated as

1 documents between the investigator and were directed to the  
2 Chief's office, they didn't come to the Deputy Chief's  
3 office; they did not have to come and they went directly  
4 into the Chief's office.

5 The only thing I remember about this is I  
6 was asked for a statement and I provided a statement but to  
7 see this document here, I would have only seen this during  
8 the Inquiry.

9 MR. DUMAIS: Right.

10 MR. ST. DENIS: Because I didn't have access  
11 to that, nor did anyone else except the investigator and  
12 the Chief.

13 MR. DUMAIS: Right. All right, so the  
14 report would have gone to the Chief?

15 MR. ST. DENIS: Yes.

16 MR. DUMAIS: And you don't recall receiving  
17 a copy of the report ---

18 MR. ST. DENIS: No.

19 MR. DUMAIS: --- in '96?

20 MR. ST. DENIS: No, we don't get that.

21 MR. DUMAIS: Okay.

22 MR. ST. DENIS: That's the -- that's the  
23 protocol.

24 MR. DUMAIS: Right.

25 Let me ask you this then, do you recall Mrs.



1 Dunlop making this complaint; were you made aware of that?

2 MR. ST. DENIS: Yes, I do. I wouldn't have  
3 known the date but yes I do remember Mrs. Dunlop.

4 MR. DUMAIS: All right. So I guess  
5 essentially her concern was that threats had been made  
6 against her by an individual; charges were laid and she was  
7 concerned because she had not been advised of the outcome  
8 of the court proceedings?

9 MR. ST. DENIS: Yes, I remember a little bit  
10 about that.

11 THE COMMISSIONER: I'm sorry?

12 MR. MANDERVILLE: I believe the threat was a  
13 telephone threat mentioning the daughter.

14 THE COMMISSIONER: Yes.

15 MR. MANDERVILLE: One of the Dunlop  
16 daughters, not Mrs. Dunlop.

17 MR. DUMAIS: Yes, correct.

18 MR. ST. DENIS: And that would have also  
19 come up at probably one of our meetings where one of the --  
20 one of the staff sergeants would have advised us.

21 MR. DUMAIS: All right. Do you recall  
22 whether or not you were involved in assigning this matter  
23 to Staff Sergeant Dupuis?

24 MR. ST. DENIS: I don't -- I'm not sure.

25 MR. DUMAIS: All right.

1                   **MR. ST. DENIS:** I don't know.

2                   **MR. DUMAIS:** Now, if I can just take you to  
3                   Bates pages 479.

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

5                   **MR. DUMAIS:** And as you've indicated, Mr.  
6                   St. Denis, some officers were asked to provide a statement  
7                   and you did provide a statement, but if we can firstly look  
8                   at the statement that Constable Aikman, as he then was,  
9                   which starts on page 5 of the report; do you see that?

10                  **MR. ST. DENIS:** Yes, yes, I do. I have it.

11                  **MR. DUMAIS:** All right. So in the first  
12                  paragraph Constable Aikman is indicating that he's recently  
13                  been assigned to the Training and Community Service Branch  
14                  of the Service ---

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

16                  **MR. DUMAIS:** --- and as a result thereof,  
17                  he's advised by Chief Shaver that he's also the Victim  
18                  Assistance Coordinator.

19                  **MR. ST. DENIS:** I see that, sir.

20                  **MR. DUMAIS:** So, do you recall that that was  
21                  ---

22                  **MR. ST. DENIS:** Briefly, yes.

23                  **MR. DUMAIS:** All right.

24                  And in the second paragraph Constable Aikman  
25                  is asked by the chief to try to obtain funding and he

1 indicates that he did put a proposal together, but that  
2 funding was cancelled by the Ministry.

3 MR. ST. DENIS: I seem to remember that. I  
4 recall that a little bit, yes.

5 MR. DUMAIS: And then in January of 1994,  
6 the Police Services is issuing a standard police response  
7 to wife assault.

8 MR. ST. DENIS: If it's stated there, I --  
9 yes.

10 MR. DUMAIS: But do you recall a police  
11 standard being issued with respect to that?

12 MR. ST. DENIS: I'd have to say yes. I  
13 would have read it.

14 MR. DUMAIS: All right. And he appears to  
15 have been assigned, again by Chief Shaver, to develop a  
16 policy which -- and I'm just reading the last three lines  
17 of that paragraph -- the third paragraph:

18 "I was assigned by Chief Shaver to  
19 develop a policy which minimally met  
20 the provincial standard."

21 MR. ST. DENIS: I see that.

22 MR. DUMAIS: All right. So do you recall  
23 ever discussing that with either Constable Aikman or the  
24 Chief or ---

25 MR. ST. DENIS: Yes, I ---

1                   **MR. DUMAIS:** --- what do you recall about  
2                   that?

3                   **MR. ST. DENIS:** I do remember talking to  
4                   Constable Aikman or Sergeant Aikman, at the time. I knew  
5                   he was busy, as most people were, we were trying to look at  
6                   reassigning it and/or redeveloping the policy in question.  
7                   That's about it.

8                   **MR. DUMAIS:** All right. So do you recall  
9                   seeing a draft of the policy that was prepared by Constable  
10                  Aikman.

11                  **MR. ST. DENIS:** I -- I probably should --  
12                  yeah, I probably did, yes.

13                  **MR. DUMAIS:** Because if we look at the next  
14                  line, it reads as follows:

15                                 "The draft directive was submitted to  
16                                 Chief Shaver prior to his retirement,  
17                                 but was not enacted."

18                  So apparently a draft would have been  
19                  prepared sometime before the end of '93 or at the latest, I  
20                  guess, the beginning of '94, the actual retirement date.

21                  **MR. ST. DENIS:** M'hm.

22                  **MR. DUMAIS:** But it was not enacted; do you  
23                  recall that, that there was a draft circulating, but it had  
24                  still not been enacted by the Service?

25                  **MR. ST. DENIS:** If I read the draft, then

1           there was a draft and I can't answer if it was enacted or  
2           not enacted.

3                   **MR. DUMAIS:** Okay, fair enough.

4                   And in the next paragraph, Constable Aikman  
5           indicates that there's -- he speaks of two directives.

6                   The first one is Directive 61 which is the  
7           directive on spousal assault/domestic violence. He  
8           indicates that that's already in place so he is drafting  
9           the other directive dealing with victim's assistance and  
10          that's Directive 98.

11                   **MR. ST. DENIS:** That's right. I'm confused;  
12          so there's two -- there's two different policies here.

13                   **MR. DUMAIS:** Right.

14                   **MR. ST. DENIS:** Okay.

15                   **MR. DUMAIS:** All right. So your previous  
16          comments about your discussion with Constable Dunlop was on  
17          the Directive 98; is that correct?

18                   **MR. ST. DENIS:** With Constable Aikman.

19                   **THE COMMISSIONER:** Aikman, not Dunlop.

20                   **MR. DUMAIS:** Sorry ---

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

22                   **MR. DUMAIS:** --- Constable Aikman.

23                   **MR. ST. DENIS:** Yeah, yes.

24                   **MR. DUMAIS:** And so I'm just looking at the  
25          fourth paragraph and Constable Aikman appears to be

1 referring to a conversation with you and I'll just let you  
2 -- well, perhaps I can read the four last lines:

3 "I was advised by Deputy Chief St.  
4 Denis that because most of our  
5 personnel were working at or above  
6 capacity, the directive should not  
7 include additional responsibilities to  
8 personnel. I advise the Deputy Chief  
9 of the requirement by the standards to  
10 appoint a person coordinator to contact  
11 victims of wife abuse to keep them  
12 updated on their cases."

13 **MR. ST. DENIS:** Yes.

14 **MR. DUMAIS:** And then the next paragraph,  
15 you appear to be asking Constable Aikman to speak to  
16 Constable Read and Constable Moquin about assuming that  
17 role.

18 **MR. ST. DENIS:** I would -- I think that's  
19 accurate.

20 **MR. DUMAIS:** Okay.

21 So do you recall ---

22 **MR. ST. DENIS:** Yes, I do remember -- I do  
23 remember some of this, yes.

24 **MR. DUMAIS:** And neither of the two officers  
25 wanted to assume that role, stating that they were too

1 busy; is that correct?

2 MR. ST. DENIS: Yes, sir.

3 MR. DUMAIS: And Constable Aikman would have  
4 come back to you, reported that to you?

5 MR. ST. DENIS: Yes.

6 MR. DUMAIS: And do you recall what your  
7 advice to him was then?

8 MR. ST. DENIS: To prioritize his work the  
9 best way he could.

10 MR. DUMAIS: Do you recall whether or not  
11 you had tasked Constable Aikman to be this coordinator? Or  
12 whether or not you had ---

13 MR. ST. DENIS: After this ---

14 MR. DUMAIS: --- asked someone else to do  
15 it?

16 MR. ST. DENIS: No, I don't remember tasking  
17 anyone else to do it.

18 MR. DUMAIS: Okay. Because in the last line  
19 of that fifth paragraph, it says:

20 "I was advised by Deputy Chief St.  
21 Denis to carry on with my other tasks;  
22 that he would address the Victim  
23 Assistance Coordinator's duty at a  
24 later time."

25 MR. ST. DENIS: That's -- that's highly

1 possible.

2 MR. DUMAIS: All right.

3 So do you recall, at all ---

4 MR. ST. DENIS: What I did?

5 MR. DUMAIS: --- taking that responsibility  
6 in hand?

7 MR. ST. DENIS: If I -- I think so, yes.

8 MR. DUMAIS: All right.

9 And do you recall what you would have done  
10 about assigning a coordinator or finding a coordinator?

11 MR. ST. DENIS: Right now -- is there  
12 anything else that would lead me there? I -- I don't  
13 remember.

14 MR. DUMAIS: I don't believe -- it doesn't  
15 say what you would have done. What we know -- and we'll  
16 get there shortly -- is that this directive would have been  
17 adopted in 1995, shortly before ---

18 MR. ST. DENIS: That was when Carl came in,  
19 Chief ---

20 MR. DUMAIS: Correct.

21 MR. ST. DENIS: --- Carl, yes.

22 MR. DUMAIS: Shortly before he left.

23 MR. ST. DENIS: I remember that. It was on  
24 -- it was on the committee. It was approved by  
25 stakeholders and it was made policy, that's correct.



1                   **MR. DUMAIS:** All right and I think you're  
2 correct about that.

3                   If you just turn the page to Bates pages  
4 480.

5                   **MR. ST. DENIS:** Yes.

6                   **MR. DUMAIS:** So apparently, it would have  
7 been submitted to the Acting Chief for consideration by the  
8 Working Committee, but apparently, it had not been adopted.

9                   **MR. ST. DENIS:** Yes, I think there may be  
10 something else in there that maybe -- I had signed the  
11 directive myself, as Deputy Chief, and I don't know if it  
12 was an audit or what the toe was set, any directives going  
13 out as policy must be signed by the Chief of Police, not  
14 the Deputy Chief of Police. I -- I don't see that in there  
15 so that may have been a wee bit of a stumbling block, but  
16 nevertheless, the policy did exist.

17                   **MR. DUMAIS:** But it had never been enacted  
18 until 1995; correct?

19                   **MR. ST. DENIS:** That's -- I think -- yes,  
20 that's accurate, I guess.

21                   **MR. DUMAIS:** And I take it that at least  
22 until July 6<sup>th</sup>, 1995, there would be no one specifically  
23 tasked with being the Victim Assistance Coordinator; is  
24 that correct.

25                   **MR. ST. DENIS:** I -- I think that's fair,

1           yes.

2                       **MR. DUMAIS:** And ---

3                       **MR. ST. DENIS:** That would've obviously been  
4 my responsibility to make sure someone was assigned and it  
5 doesn't look like someone was assigned.

6                       **MR. DUMAIS:** Well, the -- in the second  
7 paragraph of that page Constable Aikman does acknowledge  
8 that he is the Victim Assistance Coordinator; do you see  
9 that?

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

11                      **MR. DUMAIS:** And ---

12                      **MR. ST. DENIS:** That -- that's the way it  
13 was written.

14                      **MR. DUMAIS:** All right. But is it  
15 understanding that when the policy was adopted on July 6<sup>th</sup>,  
16 1995, that there was someone specifically tasked or ---

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

18                      **MR. DUMAIS:** --- assigned with the role of  
19 being a Victim Assistance Coordinator?

20                      **MR. ST. DENIS:** No, it would have been just  
21 the words we used. I think it -- where does it say that?

22                      I'm not sure. It may have, but I just don't  
23 remember.

24                      **MR. DUMAIS:** Okay. So my understanding, Mr.  
25 St. Denis, you also gave a statement to ---

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

2                   **MR. DUMAIS:** --- to Staff Sergeant Dupuy?

3                   **MR. ST. DENIS:** Yes. And I never did see  
4 Constable Aikman's statement before ---

5                   **MR. DUMAIS:** All right.

6                   **MR. ST. DENIS:** --- this Inquiry.

7                   **MR. DUMAIS:** So then your statement is found  
8 at Bates pages 482?

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

10                   **MR. DUMAIS:** So the third paragraph reads as  
11 follows:

12                                    "These discussions were then translated  
13 into Cornwall Police Service Directive  
14 Number 098, as ordered by Chief  
15 Johnston on July 6, 1995. The  
16 directive clearly indicates that the  
17 Victims Assistance Program will be  
18 administered by a Victims Assistance  
19 Coordinator; namely, the training  
20 and/or Community Service Officer. The  
21 Coordinator reports directly to the  
22 Officer in Charge of Administration and  
23 Support Services."

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

25                   **MR. DUMAIS:** And is that the ---

1                   **MR. ST. DENIS:** That was what the policy  
2                   read.

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

4                   And do you recall who the Officer in Charge  
5                   of Administration was in 1995?

6                   **MR. ST. DENIS:** No, I do not.

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

8                   And in your last -- in the last paragraph or  
9                   second-last paragraph, you indicate:

10                                "It may be due to the lack of  
11                                inspectors, supervisors and employee  
12                                illness, but the Victim Assistance  
13                                Program was not monitored closely by  
14                                management."

15                   Is that correct?

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

17                   **MR. DUMAIS:** And is that a fair statement?

18                   **MR. ST. DENIS:** At that time, that was a  
19                   fair statement.

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

21                   So this is the last question I had for you,  
22                   Mr. St. Denis. As I indicated to you while we were  
23                   meeting, you would be provided with the opportunity to give  
24                   your thoughts on impacts and recommendations that the  
25                   Commission may have for you. We can do that today.

1                   **THE COMMISSIONER:** No, no, I prefer -- for  
2                   two reasons, first of all, obviously it's Friday afternoon  
3                   and a lot of counsel are gone, and I prefer having  
4                   everybody here. And second of all, the webcast is down,  
5                   and so -- oh, it's back up now -- but still, I think --  
6                   would you mind if we did that next time?

7                   **MR. ST. DENIS:** You're in charge, sir.

8                   **THE COMMISSIONER:** Thank you. All right.  
9                   I'd prefer to do it next time when we're  
10                  fresh.

11                  **MR. ST. DENIS:** That's fine.

12                  **THE COMMISSIONER:** All right? Thank you.

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

14                  **THE COMMISSIONER:** So let's close off and  
15                  come back when, Madam Clerk?

16                  **THE REGISTRAR:** June 23<sup>rd</sup>.

17                  **THE COMMISSIONER:** Okay. Well, we can close  
18                  up. All right.

19                  Thank you very much, sir.

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

21                  **MR. DUMAIS:** Thank you, Mr. St. Denis.

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

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

25                  This hearing is adjourned until June 23<sup>rd</sup> at

1 1:00 p.m.

2 --- Upon adjourning at 1:45 p.m./

3 L'audience est ajournée à 14h45 ...

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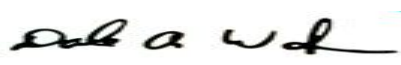
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C E R T I F I C A T I O N

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