

**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 245**

**Held at :**

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

Monday, June 23 2008

**Tenue à:**

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

Lundi, le 23 juin 2008



**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Me Pierre R. Dumais	Commission Counsel
Mr. Mark Crane Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
M <sup>e</sup> Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm Ms. Stephanie Gibson	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
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. Joseph St. Denis	Mr. Joesph St. Denis

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**NO.**

**DESCRIPTION**

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1 --- Upon resuming in Public Session at 4:02 p.m./

2 L'audience publique est reprise à 16h02

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  
10 afternoon, all.

11 **MR. ENGELMANN:** Good afternoon, Mr.  
12 Commissioner.

13 **THE COMMISSIONER:** Yes, sir.

14 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:

15 **MR. ENGELMANN:** Just for starting this  
16 afternoon, as you know, we have a motion being brought by  
17 the Cornwall Police Service. It is dealing with their  
18 request to excuse Officer Lefebvre from testifying ---

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

20 **MR. ENGELMANN:** --- based on medical  
21 evidence they've provided.

22 There are motion materials and I will just  
23 run through that in just a minute to enter the various  
24 materials as exhibits on the motion.

25 Just before doing that though, sir, I want

1 to explain that there has been a request by counsel for the  
2 CPS to this in camera. The parties opposing the request on  
3 the motion are all in favour of proceeding in that fashion,  
4 so I thought I would speak to it briefly and if you're  
5 satisfied that we meet the Dagenais/Mentuck test that we  
6 would then go in camera.

7 Just before doing that though, sir, I wanted  
8 to say publicly what is planned for this week ---

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

10 **MR. ENGELMANN:** --- on the record.

11 After the motion today, we will continue  
12 with the evidence of former Deputy Chief, Joseph St. Denis.

13 **THE COMMISSIONER:** Yes.

14 **MR. ENGELMANN:** He'll be called at -- my  
15 colleague, Maître Dumais, finished the chief and we're now  
16 in cross-examination. It's our estimate that that cross-  
17 examination will take three to three-and-a-half hours,  
18 approximately.

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

20 **MR. ENGELMANN:** And we hope to do that all  
21 today ---

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

23 **MR. ENGELMANN:** --- after the motion.

24 We have former Chief Anthony Repa available  
25 to start tomorrow morning.

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

2                   **MR. ENGELMANN:** And we hope to conclude his  
3 evidence in full sometime on Thursday and follow that with  
4 the first witness from our next institution; the next  
5 institution being the Diocese of Alexandria-Cornwall. So  
6 that would hopefully start Thursday afternoon and carry on  
7 to Friday and the first witness for the Diocese will be  
8 Father Denis Vaillancourt ---

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

10                  **MR. ENGELMANN:** --- and he will be  
11 testifying in French. That evidence will be led by my  
12 colleague, Maître Dumais.

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

14                  **MR. ENGELMANN:** And as I've explained to  
15 counsel earlier, I'll be leading the evidence of former  
16 Chief Repa.

17                               The week after -- the week of July 2<sup>nd</sup> --  
18 we've informed the parties that we are sitting the 2<sup>nd</sup>, 3<sup>rd</sup>  
19 and 4<sup>th</sup>.

20                               We'll start at one o'clock on the 2<sup>nd</sup>  
21 continuing with the evidence of Father Vaillancourt,  
22 followed by the evidence of Father Kevin Maloney and then  
23 Père Réjean Lebrun; Father Maloney in English, Réjean  
24 Lebrun in French.

25                               Sir, then to move right to the motion, we've

1 had a number of materials filed and if I could just have  
2 them identified for the record ---

3 **THE COMMISSIONER:** Yes.

4 **MR. ENGELMANN:** --- the Motion Record from  
5 the moving party, the Cornwall Police Service. Sir, if  
6 that could be M14-A1?

7 **THE COMMISSIONER:** M14-A1.

8 **MR. ENGELMANN:** Then there ---

9 **THE COMMISSIONER:** Hold on now.

10 **MR. ENGELMANN:** I'm sorry.

11 **THE COMMISSIONER:** So what is 14 -- M-14-18?

12 Madam Clerk, do you have that? You've got them all  
13 enumerated? Okay, okay, I just want to make sure that ---

14 **MR. ENGELMANN:** Yes, that's the motion  
15 record, sir ---

16 **THE COMMISSIONER:** Okay.

17 **MR. ENGELMANN:** --- and in the motion record  
18 you have a Tab 1 the notice of motion ---

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

20 **MR. ENGELMANN:** --- and at Tab 2, the  
21 Affidavit of Deputy Chief, Danny Aikman.

22 **THE COMMISSIONER:** M'hm. Yes.

23 **MR. ENGELMANN:** So if that could be 14-A1?

24 **THE COMMISSIONER:** Yes.

25 **MR. ENGELMANN:** Then M14-A2 is a Brief of

1 Evidence.

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

3 **MR. ENGELMANN:** This has been prepared by  
4 the moving party, the Cornwall Police Service, and you will  
5 see from reviewing it, sir, that it sets out some of the  
6 medical evidence that's been called not only in the  
7 Lefebvre motion, but in the Silmsers motion, the Leroux  
8 motion and the Sebalj.

9 Some of these were informal motions. It was  
10 with Ron Leroux, with David Silmsers and Heidi Sebalj.  
11 There were submissions made with respect to those  
12 witnesses, so you have some of the medical evidence that  
13 has been put in in these proceedings all compiled in this  
14 brief of evidence by the Cornwall Police Service.

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

16 **MR. ENGELMANN:** So if that could be M14-A2?

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

18 **MR. ENGELMANN:** Sir, then M14-A3 would then  
19 be the Book of Authorities of the moving party.

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

21 **MR. ENGELMANN:** You'll see references to  
22 four case references and, again, that is M14-A3.

23 And then, sir, we have the letter of  
24 submissions of the Citizens for Community Renewal.

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

1                   **MR. ENGELMANN:** They should be with you in  
2 letter form. It's a letter dated May 28, 2008 and if that  
3 could be M14-B1.

4                   **THE COMMISSIONER:** Okay, yes.

5                   **MR. ENGELMANN:** There was a follow-up letter  
6 from counsel for the CCR on June 5<sup>th</sup>, 2008 and if that could  
7 be M14-B2?

8                   Sir, following that, letter forms submission  
9 from counsel for the Coalition of Action, again, dated May  
10 28, 2008. If that could be M14-C1?

11                   Counsel for the Coalition also filed a case;  
12 it was the *Rumble* case. If that could be M14-C2.

13                   And then, likewise, there's a letter forms  
14 submission from the Victims' Group. If that could be filed  
15 as M14-D1? It's a letter from their counsel dated May 28<sup>th</sup>,  
16 2008.

17                   And lastly, sir, a case from counsel for the  
18 Victims' Group, *R & P*. If that could be filed as M14-D2?

19                   **THE COMMISSIONER:** Yes, thank you.

20                   **MR. ENGELMANN:** Sir, with respect to the  
21 preliminary motion to the motion -- and that is to have  
22 this matter heard in camera ---

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

24                   **MR. ENGELMANN:** --- sir, we've had these  
25 requests in the past. It's always a question of balancing

1 the rights of the public to knowledge and to information at  
2 this Public Inquiry with privacy rights, confidentiality  
3 rights of individuals.

4 In this particular motion, we're not only  
5 dealing with personal, medical records of Officer Lefebvre,  
6 but there will be references made to personal, medical  
7 records of various others including David Silmsler, Ron  
8 Leroux and Heidi Sebalj.

9 For those reasons, sir, and of course given  
10 statutory protection that is afforded to persons with  
11 respect to health information pursuant to the *Personal*  
12 *Health Information Protection Act*, it is my submission that  
13 in this particular case, those privacy rights outweigh the  
14 public right to know and this motion should be argued in  
15 camera.

16 In addition to the rights issue, it's my  
17 submission that if we're to argue -- have this motion  
18 argued efficiently, given the numerous references to what  
19 would otherwise be confidential exhibits, that it makes  
20 sense from an efficiency point-of-view to have this done in  
21 camera as well.

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

23 **MR. ENGELMANN:** So those are my very brief  
24 submissions with respect to having this matter heard in  
25 camera.

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

2                   **MR. ENGELMANN:** I'm not sure if any other  
3                   counsel has submissions to make.

4                   **THE COMMISSIONER:** I don't know that --  
5                   well, anyone opposed to the request? All right, thank you.

6                   **MR. ENGELMANN:** Sir, then if we could take a  
7                   brief recess -- if that is something you agree with -- and  
8                   hear from the parties.

9                   **THE COMMISSIONER:** Thank you. Madam Clerk,  
10                  do I have this -- all right, no.

11                  In the circumstances, I think that out of  
12                  respect for the individuals dealing with these sensitive  
13                  matters that it would not be contrary to the public  
14                  interest. In fact, it would be abandoning that principle  
15                  if we were to do that in open court. So accordingly, I  
16                  will adjourn the matter so that we can go in camera.

17                  I'm going to hear the argument and then when  
18                  I come back, I'll report back to those of the public that  
19                  were excluded here or on the webcast as to what went on and  
20                  we'll carry from there.

21                  **MR. ENGELMANN:** Thank you, sir.

22                  **THE COMMISSIONER:** Thank you.

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

25                  This hearing will resume at 2:20.

1 --- Upon recessing at 2:12 p.m.

2 L'audience est suspendue à 14h12

3 --- Upon resuming at 2.22 p.m. /

4 L'audience est reprise à 14h22

5 --- Upon resuming in Public Session at 3:55 p.m./

6 L'audience publique est reprise à 13h55

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

9 This hearing is now resumed. Please be  
10 seated. Veuillez vous asseoir.

11 **THE COMMISSIONER:** Thank you.

12 Now, for those of you who are on the website  
13 joining us and for those of you who were here or excluded  
14 because of the in camera session, we heard an application  
15 brought by the Cornwall Police Service on behalf of Mr.  
16 Lefebvre for an order excusing him from being a witness in  
17 this Inquiry.

18 Mr. Manderville argued for Mr. Lefebvre.  
19 Three parties, those being the Citizens for Community  
20 Renewal, the Coalition and the Victims' Group did not  
21 necessarily argue that Mr. Lefebvre should testify, but by  
22 and large argued that there was insufficient evidence  
23 before me to warrant that conclusion at this time.

24 So very interesting arguments on both sides  
25 and I will give you my thoughts on that later on this week.

1 So that being said, Maître Dumais?

2 **MR. DUMAIS:** We can call back Mr. St. Denis.

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

4 Good afternoon, sir. Thank you for coming  
5 back.

6 You understand you're still under oath, sir?

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

8 **THE COMMISSIONER:** Thank you.

9 **JOSEPH ST. DENIS, Resumed/Sous le même serment:**

10 --- EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.

11 DUMAIS, (Continued/Suite):

12 **MR. DUMAIS:** Mr. St. Denis, we had left off  
13 just about 10 days ago; I'd advise you that I'd finished  
14 asking my questions and it was now your opportunity to make  
15 comments on recommendations that you may have for the  
16 Commissioner.

17 So I'll leave it to you.

18 **MR. ST. DENIS:** Thank you, Mr. Commissioner,  
19 for allowing me some free time.

20 As you know, my testimony and evidence as  
21 Deputy Chief of Police consists of a short time frame  
22 between March of 1987 and March of 1998, whilst employed  
23 with Cornwall Community Police Services.

24 I have no intention of repeating my evidence  
25 and I'm not here to defend myself against any alleged

1 misconduct during my tenure as Deputy Chief.

2                   However, now that I've been given the  
3 opportunity to speak at this Inquiry I will take a few  
4 minutes to try and encourage people to stop speaking  
5 negatively about misinformation and false rumours that  
6 continue to circulate locally in our community,  
7 provincially, inter-provincially, as well as  
8 internationally.

9                   Unfortunately some of these false rumours  
10 and innuendo about people in our community has existed  
11 before I took over the Deputy Chief's position; some  
12 rumours continued during my tenure as Deputy Chief; some  
13 rumours continued after I officially retired from Cornwall  
14 Police Services, and some rumours even continue to  
15 circulate to this date.

16                   As I indicated at the beginning of my  
17 testimony on June 4<sup>th</sup> I clearly stated that no single  
18 person, and in my opinion, no single institution or agency  
19 is totally to blame or totally at fault with respect to any  
20 potential investigative shortcomings of alleged historical  
21 sexual abuse cases in Cornwall, Stormont Dundas, South  
22 Glengarry area.

23                   I believe that as and when any shortcomings  
24 were identified by one agency or another, these issues were  
25 examined over time and new policies and directives were

1 developed to meet the required needs at the time.

2 Yes, some mistakes were made; yes, there was  
3 some mismanagement of files, but overall, Mr. Commissioner,  
4 that represented, in my opinion, less than 1 or 2 percent  
5 of the overall workload at the time.

6 Yes, unfortunately a few historical sexual  
7 abuse cases may have been part of the 2 percent of case  
8 files at that time.

9 Well, I wish to clearly enunciate and  
10 unequivocally state that as Deputy Chief of Police I was  
11 not involved in any conspiracy or cover-up; these claims  
12 are completely false and completely unfounded.

13 I did not leak any documents, nor did I  
14 pressure any member of the Cornwall Police Services to do  
15 anything illegal or in bad faith.

16 I have no recommendations to make and will  
17 leave this up to the brilliant lawyers that have appeared  
18 before you.

19 Since I am no longer in a fixing or  
20 recommending mode I am nevertheless in the healing mode.  
21 As one citizen in Cornwall, I feel we cannot move forward  
22 unless we stop talking negatively about ourselves, our  
23 leaders, and our institutions. Our community as a whole  
24 must soon turn the page and I for one look forward to your  
25 final report which no doubt will shed some light and help

1 with the healing process.

2 If during my tenure as Deputy Chief of  
3 Police I offended any victims of sexual abuse, historically  
4 or otherwise, then I do sincerely apologize.

5 In conclusion, I would like to use this  
6 avenue to reach out and encourage Perry Dunlop to please  
7 attend this Inquiry. It is important for Perry, it is  
8 important for Perry's family, it is important for sexual  
9 abuse victims and it is very important for all citizens in  
10 Cornwall to hear from Perry as he can only enhance the  
11 healing process in our community.

12 I'd like to take this opportunity to thank  
13 the City of Cornwall and the citizens of Cornwall for  
14 allowing me to serve them as their Deputy Chief of Police.  
15 I must also thank my wife for her patience and  
16 understanding during some very tumultuous years in  
17 policing.

18 Finally, Mr. Commissioner, to use some of  
19 your terminology, in the big picture I hope any of the  
20 lessons learned from this Inquiry will serve as an  
21 opportunity for both fixing and healing.

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

23 **MR. DUPUIS:** Thank you, Mr. St. Denis.

24 My friends may have some questions for you.

25 **THE COMMISSIONER:** Thank you.

1 Ms. Daley?

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

3 DALEY:

4 MS. DALEY: Hello, sir.

5 MR. ST. DENIS: Good afternoon.

6 MS. DALEY: My name is Helen Daley.

7 MR. ST. DENIS: Nice meeting you.

8 MS. DALEY: And I'm counsel for the Citizens  
9 for Community Renewal which is a group of citizens whose  
10 prime mandate is to bring about institutional reform with a  
11 view to better protecting children.

12 I have a number of questions for you. First  
13 area I want us to focus on is, I guess the five-year period  
14 from the time you joined as Deputy Chief in '87, up until  
15 late '93 when Chief Shaver retired; all right, so in that  
16 window of time.

17 Sir, I took it from your evidence in-chief  
18 that not too long after your arrival in May of '87 you  
19 became aware of internal problems at the Service; correct?

20 MR. ST. DENIS: I became aware of stress  
21 levels being quite high ---

22 MS. DALEY: Yes.

23 MR. ST. DENIS: --- in some areas, yes.

24 MS. DALEY: And you became aware, did you  
25 not, sir, that there were concerns that were focused on

1 your Chief, Claude Shaver?

2 MR. ST. DENIS: Some concerns were about the  
3 Chief and other things.

4 MS. DALEY: And as your role did you  
5 consider that part of your role as Deputy Chief was  
6 essentially to support the Chief?

7 MR. ST. DENIS: That is -- that was my job,  
8 yes.

9 MS. DALEY: All right. And, sir, I'm using  
10 your words from a document that we've looked at here but I  
11 take it one of the things that you were called upon to do  
12 was, in your words, "To keep a lid on the mutiny against  
13 Chief Shaver."

14 MR. ST. DENIS: Poor terminology. I never  
15 thought that that report would see its way into a public  
16 inquiry. I never thought it would be released to the  
17 public.

18 However, those were -- those are my words  
19 and ---

20 MS. DALEY: You stand by them?

21 MR. ST. DENIS: --- I have to stand -- I  
22 have to stand by them.

23 MS. DALEY: I felt you would. You  
24 recognized we were quoting from Exhibit 1768. If you just  
25 want to have that -- you might want to have that handy.

1                   But I guess my question for you was this;  
2                   you kept a lid on the mutiny, how and what is it that you  
3                   did in that respect?

4                   **MR. ST. DENIS:** I don't know if I can define  
5                   a time period. I looked at it, I examined the letters that  
6                   came up to me from the staff sergeants and the inspectors  
7                   and I added my own comments to those letters, then it went  
8                   to the Board. The Board added their two cents worth and we  
9                   all came back and then the next thing I knew we were into a  
10                  strategic planning session with Suzanne McGlashan I believe  
11                  her name is.

12                  **MS. DALEY:** So should I take it from that  
13                  that in this context, keeping a lid on the mutiny primarily  
14                  meant responding to the officers' Morale Report?

15                  **MR. ST. DENIS:** Yes. Yes, and trying to  
16                  keep negative comments out of the workplace. There was  
17                  lots of rumours. Even as I terminated my speech here  
18                  contingent today ---

19                  **MS. DALEY:** Yes.

20                  **MR. ST. DENIS:** The rumours were rampant and  
21                  I guess I was trying to keep a lid on that and that was ---

22                  **MS. DALEY:** So you did what you could to try  
23                  to quell the rumours?

24                  **MR. ST. DENIS:** Yes.

25                  **MS. DALEY:** And obviously I take it from

1 your comments that you appreciate how hurtful rumours can  
2 be to a workforce and in other contexts as well?

3 MR. ST. DENIS: Yes.

4 MS. DALEY: Now, sir, I take it that the  
5 role you were playing at this time, trying to keep things  
6 functioning, was at great personal cost and stress to you?

7 MR. ST. DENIS: Yes.

8 MS. DALEY: And in fact, in the document  
9 that we've looked at -- again I'm quoting you but you went  
10 through hell over a period of years attempting ---

11 MR. ST. DENIS: Poor terminology but yes.

12 MS. DALEY: But you stand by that.

13 MR. ST. DENIS: Yes.

14 MS. DALEY: That must be how it felt like?

15 MR. ST. DENIS: Yeah. Yes.

16 MS. DALEY: But, sir, I take it again your  
17 view was that the work environment that existed prevented  
18 you from being as effective as you wanted to be?

19 MR. ST. DENIS: I think it may have had some  
20 bearing but we were still able to get the job done the best  
21 way we could.

22 MS. DALEY: Apart from the ordinary job of  
23 policing, if I could ask you to think about your job as a  
24 leader at the Force, did you feel that the work environment  
25 prevented you from being as effective a leader as you could

1 have been?

2 **MR. ST. DENIS:** If you look -- if you look  
3 at the first page, if I recall it was the first page or  
4 second page of Mrs. McGlashan or Ms. McGlashan's strategic  
5 plan; the first page told pretty well what I felt and I  
6 think what was happening in the Service, the Police  
7 Services and if those statements were not complied with as  
8 a group of managers then the rest of the document was  
9 useless to proceed with any further.

10 So if we couldn't get past stage one, and I  
11 just forget what the comments were right now, I don't have  
12 them at the top of my head here, but they're in the Suzanne  
13 McGlashan report.

14 **MS. DALEY:** Yes.

15 **MR. ST. DENIS:** And it hones in on senior  
16 management and it hones in on what we should be doing as a  
17 team. Not just the Chief, not just the Deputy, not just  
18 the Chief and the Deputy, but the senior officers, the  
19 staff sergeants, the Cornwall Police Association and  
20 everyone to work as a team, and I think those statements  
21 were very accurate at the time.

22 **MS. DALEY:** Well, sir, if I could ask you to  
23 look at Exhibit 1768, that's your January 24<sup>th</sup>, 1994 memo to  
24 the incoming Acting Chief.

25 **MR. ST. DENIS:** Seventeen-sixty-eight

1 (1768), I'm there.

2 MS. DALEY: Sorry, yes, 1768?

3 MR. ST. DENIS: Yes.

4 MS. DALEY: And I'm at Bates page ending  
5 054.

6 MR. ST. DENIS: Yes.

7 MS. DALEY: In the third paragraph of that  
8 document, sir, you say:

9 "My decisions and leadership abilities  
10 were seriously controlled, curtailed,  
11 bypassed, overruled, or ignored by both  
12 the Chief and some Board members."

13 And, again, although that's strong language,  
14 I take it you stand by that?

15 MR. ST. DENIS: Well, I would -- I would re-  
16 word that as to some decisions; depending on the mood of  
17 the day, at that time. Not all my decisions were  
18 overturned, no.

19 MS. DALEY: Fair enough. But I take it what  
20 you're expressing here is that in a significant way, not a  
21 small way but in a significant way, you feel that you're  
22 being bypassed?

23 MR. ST. DENIS: On some instances I was. I  
24 felt -- at least I felt that way, yes.

25 MS. DALEY: All right.

1                   And I take it as you said, fourth paragraph  
2                   of that page or the fifth long paragraph the environment  
3                   was not a healthy one at your level. Do you see that, sir?

4                   **MR. ST. DENIS:** Yes, and that's pretty well  
5                   in line what I'm trying to explain to you, the statements  
6                   made in that strategic plan.

7                   **MS. DALEY:** Yes.

8                   **MR. ST. DENIS:** Yes, I would stand by that.  
9                   Yes.

10                  **MS. DALEY:** And I take it, sir, you felt  
11                  that this environment and these factors, in part, made it  
12                  difficult for you to be a good leader of the Force. Is  
13                  that fair?

14                  **MR. ST. DENIS:** I guess without all these  
15                  issues I suppose I could have been a better leader, yes; a  
16                  stronger leader, yes.

17                  **MS. DALEY:** All right.

18                  Now, continuing on with what you're  
19                  expressing here, and I'm sorry, I want to get into this  
20                  area of your conflict with the Chief because I am not just  
21                  interested in exploring it because it's painful, but I'm  
22                  really trying to understand what the conflict between you  
23                  two was about.

24                  But you were indicating in this document,  
25                  sir, in the second-last paragraph that an internal document

1 of the Chief's of August 26, '91 put a muzzle on you.

2 And I appreciate we don't have the document,  
3 but here's what I'm wondering if you can help us with.  
4 Just in broader terms, sir, what was it you felt you were  
5 being muzzled over?

6 **MR. ST. DENIS:** I think I tried to explain  
7 that in my evidence in-chief. There were personal issues  
8 that the Chief and I discussed and perhaps we couldn't come  
9 to an agreement or an arrangement at that time.

10 **MS. DALEY:** Could I just -- I don't mean to  
11 interrupt but when you say "personal issues" you are  
12 talking about work-related issues?

13 **MR. ST. DENIS:** Both, work and personal.

14 **MS. DALEY:** All right. What was it you felt  
15 that he was muzzling you in relation to?

16 **MR. ST. DENIS:** Again, poor choice of words.  
17 I think some had to do with maybe bypassing my office from  
18 time-to-time which I didn't agree with.

19 Going to see -- but then he had a right to  
20 do that and I suppose if he wanted to find out the  
21 information, he bypassed me and went to the staff sergeant  
22 or the inspector or whoever.

23 **MS. DALEY:** So I take it, in part, on some  
24 issues you felt muzzled or disregarded because he leaped  
25 over you and went to someone else on the chain for

1 information?

2 MR. ST. DENIS: Sometimes, yes.

3 MS. DALEY: All right.

4 Were there ever occasions, sir, where you  
5 wanted to express a critical thought and he said, "You  
6 can't say that"?

7 MR. ST. DENIS: Not really. Not really.  
8 With the Chief he was very open.

9 THE COMMISSIONER: What are the kinds of  
10 things that -- were you telling him he's going golfing too  
11 often, you're away from the office too often?

12 MR. ST. DENIS: Yes, some of that.

13 THE COMMISSIONER: Okay, well ---

14 MR. ST. DENIS: Yes.

15 MS. DALEY: Anymore examples you can help us  
16 with?

17 MR. ST. DENIS: And that's -- I view that as  
18 personal, yes.

19 THE COMMISSIONER: All right, but anything  
20 else? Like ---

21 MR. ST. DENIS: Just management in general  
22 of our Service, management issues in general.

23 THE COMMISSIONER: You say personal, you  
24 know, we don't want to get into all that.

25 Was there ever any concern that the Chief

1 was doing anything illegal?

2 MR. ST. DENIS: No.

3 THE COMMISSIONER: All right.

4 MR. ST. DENIS: Absolutely, unequivocally,  
5 no.

6 THE COMMISSIONER: Immoral?

7 MR. ST. DENIS: That's not for me to judge.

8 THE COMMISSIONER: Okay. I'm just trying to  
9 clear the deck here of things. Anything -- any conduct  
10 outside of the office that you would think was unbecoming a  
11 Police Chief? Did you ever discuss anything like that?

12 MR. ST. DENIS: All I -- I think, sir, there  
13 were so many rumours out there and half of them were  
14 untrue.

15 THE COMMISSIONER: Right.

16 MR. ST. DENIS: And the other half I'm not  
17 sure where they were coming from, but there were rumours  
18 about my Chief, yes, and I don't dare repeat those rumours  
19 today because I don't think I have a right to do that.

20 THE COMMISSIONER: Well, no, no, no, what  
21 I'm asking, did you ever discuss those things with him?

22 MR. ST. DENIS: Yes, I did. Some of them  
23 yes, I did.

24 THE COMMISSIONER: All right, and that was  
25 just discussing so he'd be aware of them or did you ask him

1 out and out, have you been doing this?

2 MR. ST. DENIS: Yes, that also, just to  
3 confirm.

4 THE COMMISSIONER: Okay, well I'll give it  
5 back to you now.

6 MS. DALEY: Okay. Did you criticize his  
7 management?

8 MR. ST. DENIS: A little bit, yes.

9 MS. DALEY: Okay. And when you did that was  
10 his reaction to try to shut you down?

11 MR. ST. DENIS: A little bit, yes, not --  
12 the words I use here, "put the muzzle on me" ---

13 MS. DALEY: Yes.

14 MR. ST. DENIS: --- no, but it certainly  
15 would make me think twice before I challenged the Chief  
16 again. He is the boss and there's a protocol between his  
17 office and my office and sometimes I breached it and  
18 sometimes he breached it, but we were able to work things  
19 out.

20 MS. DALEY: In these difficult conversations  
21 you were having did you criticize his leadership?

22 MR. ST. DENIS: Yes, I believe I did.

23 MS. DALEY: And, again, he reacted in a  
24 negative fashion to that and wanted to close you down. Is  
25 that correct?

1                   **MR. ST. DENIS:** It was -- it was not so much  
2 closing me down but he would defend himself, which was only  
3 right, and I would definitely back off and always give the  
4 person a second chance and a third chance and a fourth  
5 chance so we could all move on, turn the page and move on.

6                   **MS. DALEY:** Okay. Now, sir, did you ever  
7 try to raise these problems elsewhere, with the Board for  
8 example?

9                   **MR. ST. DENIS:** No, I -- except maybe with  
10 this memorandum that we're talking about right now, I think  
11 it may have been sent to the Board but I'm not sure. I  
12 can't remember.

13                   **MS. DALEY:** Sorry. Sorry, let me just see  
14 if you can help me a little bit. Do you believe you sent a  
15 memo to the Board, sir?

16                   **MR. ST. DENIS:** No, I would have sent it  
17 through the Chief's office ---

18                   **MS. DALEY:** Yes.

19                   **MR. ST. DENIS:** --- to the Board.

20                   **MS. DALEY:** Do you remember the content of  
21 your memo?

22                   **MR. ST. DENIS:** I think it's this one we're  
23 talking about.

24                   **THE COMMISSIONER:** And isn't this the one  
25 that the Chief told you, "You better be careful". Is this

1 the one?

2 MR. ST. DENIS: No.

3 THE COMMISSIONER: No, that's a different --

4 -

5 MR. ST. DENIS: That's a different one,  
6 sorry.

7 MS. DALEY: Sorry, you just need to help me  
8 a little bit.

9 Is it -- do you think it's something you're  
10 referring to on this page of the exhibit?

11 MR. ST. DENIS: It could -- it could have  
12 something to do with the -- it could have something to do  
13 with the memos of the '91, September 2 and September 3,  
14 '91.

15 MS. DALEY: All right.

16 MR. ST. DENIS: After that so-called blow-up  
17 at the Chief's residence.

18 MS. DALEY: Okay. Now, again, I looked very  
19 closely at the evidence you gave about that event, sir, and  
20 again, I'm not trying to revive something painful just for  
21 the sake of doing that but I just don't understand really  
22 what the blow up was about. Can you help us with that? I  
23 take it it was work-related?

24 MR. ST. DENIS: It was work-related and  
25 personal.

1                   **MS. DALEY:** Okay, can we talk about the  
2 work-related side of that? What ---

3                   **MR. ST. DENIS:** I think we already did. We  
4 talked -- I guess the difference in leadership issues and  
5 management issues and how to keep the team on side and his  
6 views, my views and discussions and ---

7                   **THE COMMISSIONER:** And without being overly  
8 inquisitive, what were the personal issues?

9                   **MR. ST. DENIS:** You covered some of them  
10 already, Your Honour.

11                   **THE COMMISSIONER:** No.

12                   **MR. ST. DENIS:** Just rumours. There were  
13 vicious rumours out there.

14                   **THE COMMISSIONER:** Vicious rumours that he  
15 was hanging around with people who abused children?

16                   **MR. ST. DENIS:** No, no, no. Nothing like  
17 that, Your Honour.

18                   **THE COMMISSIONER:** Well -- yeah, but you  
19 see, what you're doing is by not saying -- I don't -- you  
20 know, I'm imagining the worst. As we tell our children  
21 when we don't tell them something -- not that you're a  
22 child -- but we always imagine the worst.

23                   Did you ever ask him to resign?

24                   **MR. ST. DENIS:** No. No, I did not.

25                   **THE COMMISSIONER:** So that night of the blow

1 up what were the other personal things?

2 MR. ST. DENIS: Again, what I was trying to  
3 do is the information that I would hear, the rumours that I  
4 would hear ---

5 THE COMMISSIONER: Right.

6 MR. ST. DENIS: I would try and pass those  
7 on to the Chief and see if they were correct or not.

8 THE COMMISSIONER: All right. That's good.

9 MR. ST. DENIS: And some may have been, but  
10 were denied as being correct. And some were totally off  
11 the wall and being totally incorrect.

12 THE COMMISSIONER: M'hm.

13 MR. ST. DENIS: And I was just trying to  
14 help the Chief to put these rumours to rest because these  
15 rumours were not helping us.

16 THE COMMISSIONER: So Ms. Daley is asking  
17 you what -- in the blow up at his home, what were the  
18 things, both personal and professional, that you talked  
19 about?

20 MR. ST. DENIS: Some of them we already  
21 talked about.

22 THE COMMISSIONER: Okay, well, keep going.

23 MR. ST. DENIS: That's it.

24 THE COMMISSIONER: Okay.

25 MS. DALEY: No need to identify any rumours,

1 but were these internal to the Police Force or out in the  
2 community or both?

3 MR. ST. DENIS: I would say some were both.

4 MS. DALEY: And I take it it'd be very  
5 concerning to you for there to be negative rumours about  
6 your Chief out in the community because that affects how  
7 people see the entire Force?

8 MR. ST. DENIS: Yes.

9 MS. DALEY: Correct?

10 MR. ST. DENIS: Negative about him or  
11 negative about me or negative about our Force.

12 MS. DALEY: Now, just to finish up with this  
13 discussion at the Chief's home. I take it there was -- it  
14 was not a productive conversation that you had. It didn't  
15 result in anything productive?

16 MR. ST. DENIS: No, but the next day we got  
17 together again and ironed out a few more things, I guess,  
18 and moved on.

19 MS. DALEY: Okay. Were you, yourself,  
20 concerned about what the root cause was of the rumours that  
21 were swirling around Chief Shaver?

22 MR. ST. DENIS: The root cause.

23 MS. DALEY: The root cause. The underlying  
24 cause of it.

25 MR. ST. DENIS: The causation in my opinion

1 was -- came from different areas. It came from my office  
2 maybe. It came from the Chief's office. It came from  
3 senior management team, senior managers.

4 If we were trying to work as one group, as  
5 one team, it was difficult if you had one out of stepped --  
6 out of step I should say -- and sometimes the Chief was out  
7 of step maybe. And sometimes maybe I was out of step, but  
8 we always try to come back on line or come together with  
9 some agreement.

10 **MS. DALEY:** To the extent that there's  
11 negative rumours in the community about your Chief, were  
12 you able to account for that? I mean, what was the cause  
13 of that? Did you ever think about that?

14 **MR. ST. DENIS:** No, I guess some of them  
15 were probably of his own making.

16 **MS. DALEY:** Meaning he did something then  
17 people talked about it afterwards?

18 **MR. ST. DENIS:** Yes, but again nothing  
19 illegal. Nothing to do with historical sexual abuse  
20 issues. It was his own personal life.

21 **MS. DALEY:** Would I be right to say to try  
22 to just put a label on it and move on, that there was a  
23 lack of respect in the community for your Chief?

24 **MR. ST. DENIS:** I would say for both our  
25 offices.

1                   **MS. DALEY:** All right. And clearly -- I  
2                   won't belabour it, inside the Force at this time there's a  
3                   lack of respect for both your offices?

4                   **MR. ST. DENIS:** Could very well be.

5                   **MS. DALEY:** Okay. Now, as between yourself  
6                   and the Chief, just to examine that little piece of it for  
7                   a second, I take it by the year 1992 he had already  
8                   threatened you with discipline charges?

9                   **MR. ST. DENIS:** I don't like the word  
10                  threatened. It was ---

11                  **MS. DALEY:** Give me a better word, what  
12                  happened?

13                  **MR. ST. DENIS:** We're always governed by the  
14                  Police Act and when you mention that that's -- you can view  
15                  that as a threat. It's no -- no police officer wants to be  
16                  charged. I certainly didn't want to as the Deputy, and the  
17                  insinuation that if I did this I'd be in violation of this  
18                  section or that section. That would be enough to cause  
19                  some concern and stress for me, yes.

20                  **MS. DALEY:** Do you ---

21                  **MR. ST. DENIS:** Or any other officer for  
22                  that matter.

23                  **MS. DALEY:** Do you recollect, sir, what the  
24                  this or the that was in your example? In other words, was  
25                  there something specific that you wanted to do that he said

1 ---

2 **MR. ST. DENIS:** Yes. I wanted to take the  
3 issues to the Board and I wanted not just one person on the  
4 Board, I wanted the entire Board to hear the issues. I did  
5 not want two people. I wanted all five members and I  
6 wanted the Chief and myself, but that never occurred.

7 **MS. DALEY:** Okay. And in that regard, sir,  
8 did Chief Shaver suggest that for you to take the matter to  
9 the Board ---

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

11 **MS. DALEY:** --- would be contrary to the  
12 *Police Services Act*?

13 **MR. ST. DENIS:** Yes, that's fair. Yes. And  
14 it would be because I do not report to the Board, I report  
15 to the Chief of Police.

16 **MS. DALEY:** Well, were you -- you attended --  
17 -- you did attend Board meetings?

18 **MR. ST. DENIS:** Yes, from time-to-time, not  
19 all.

20 **MS. DALEY:** Could you not -- did you feel  
21 you had no ability to put an issue of concern on the agenda  
22 at a Board meeting?

23 **MR. ST. DENIS:** No, not something like that,  
24 no.

25 **MS. DALEY:** Now, sir, you also mention in

1 your testimony that there had been mention by the Chief of  
2 a civil lawsuit against you. Do you recall that?

3 **MR. ST. DENIS:** Is that in this -- is -- I  
4 think I remember a little bit about that. It may have been  
5 overblown on my part.

6 **MS. DALEY:** Well, whether it was overblown  
7 or not, what did you understand the Chief's message to be?  
8 Was he suggesting he was going to sue you for something?

9 **MR. ST. DENIS:** If I went outside the realm  
10 that I should be sticking to. In other words, his office,  
11 then there would be that possibility, yeah.

12 **MS. DALEY:** I see. So ---

13 **MR. ST. DENIS:** There could be that  
14 possibility.

15 **MS. DALEY:** So that was his same -- that was  
16 another response he gave to the idea that you would go  
17 speak to the Board about the problems that you saw?

18 **MR. ST. DENIS:** Partly, yes.

19 **MS. DALEY:** All right.

20 Sir, it just occurs to me looking at these  
21 facts that you must have found it very hard to work with  
22 this man in a span of time?

23 **MR. ST. DENIS:** It depend -- like it's  
24 difficult, some days it was fine. It wasn't just me. It  
25 was -- maybe I was part of the problem too and no doubt I

1 was. And some days were excellent. We did our job  
2 professionally. We got it done the best way we could under  
3 any and all of the circumstances that existed no matter  
4 what was on the agenda.

5 **MS. DALEY:** But would you agree with this  
6 sir -- and I take this from what you've told us -- I'm  
7 taking from what you say that there was not mutual trust  
8 between yourself and the Chief?

9 **MR. ST. DENIS:** No, the trust was  
10 deteriorating, yes.

11 **MS. DALEY:** And similarly there was not  
12 mutual respect amongst you?

13 **MR. ST. DENIS:** That was deteriorating also.

14 **MS. DALEY:** All right.

15 I'm in the same timeframe, sir, but I just  
16 want to move to a different topic and that has to do with  
17 the strategic plan, the strategic planning process.

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

19 **MS. DALEY:** And you did give testimony about  
20 this in chief?

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

22 **MS. DALEY:** My overall impression from the  
23 testimony -- you tell me if you agree -- is that the  
24 strategic plan got off to a terrific start in 1990 when  
25 Suzanne McGlashan came to your Force, but then it sort of

1 died on the vine?

2 MR. ST. DENIS: That's ---

3 MS. DALEY: Would that be a correct way of  
4 putting it?

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

6 MS. DALEY: And, sir, I take it from -- as  
7 you said here I think on June the 5<sup>th</sup>, there was meant to be  
8 a joint committee that was working on the strategic plan  
9 but you weren't even sure if you were a member of not of  
10 that committee; correct?

11 MR. ST. DENIS: Did I say that?

12 MS. DALEY: Yes.

13 MR. ST. DENIS: I certainly was in the  
14 senior management committee but I wasn't on all the  
15 committees. Like if there was a committee that -- where  
16 the Association was going to be involved, I'm not sure if I  
17 was on that one. Like there was sub-committees within the  
18 committees kind of thing.

19 MS. DALEY: Well, was ---

20 MR. ST. DENIS: I wasn't on them all.

21 MS. DALEY: No, no. I'm not suggesting that  
22 you were but there was, according to your testimony, a  
23 joint committee or there was meant to be one that was  
24 working on a strategic plan, but you told us on June 5<sup>th</sup> you  
25 weren't positive if you were on that committee or not. Do

1           you remember that one?

2                       **MR. ST. DENIS:** Well -- okay. Just to clear  
3 the facts on that, what I probably meant by that is there  
4 was a planning -- a strategic planner identified in our  
5 Service and I believe it was Staff Carter at the time, I'm  
6 not 100 percent sure, and he was dealing either with  
7 Suzanne McGlashan or the Chief and he was calling certain  
8 sub-committees together.

9                       Like, he kind of took over. That person  
10 took over.

11                      **MS. DALEY:** That was Sergeant Carter?

12                      **MR. ST. DENIS:** Yes, I believe it was  
13 Carter, at the time.

14                      **MS. DALEY:** All right.

15                      **MR. ST. DENIS:** I could be wrong on the name  
16 there but ---

17                      **MS. DALEY:** I take it, with no criticism of  
18 Carter intended; whatever it was he was doing it wasn't  
19 able to generate a strategic plan, ultimately.

20                      **MR. ST. DENIS:** If that's what the report  
21 says, that would have to be reasonable, I guess.

22                      **MS. DALEY:** Right.

23                      It would be -- because, unfortunately, the  
24 endeavour fell off the rails?

25                      **MR. ST. DENIS:** It eventually fell off the

1 rails, but I'm not sure when.

2 **MS. DALEY:** And are we in agreement, sir,  
3 that the breakdown of that strategic planning process had a  
4 profoundly negative impact on your Service?

5 **MR. ST. DENIS:** Well, it certainly didn't  
6 help.

7 We needed this; we needed this plan, this  
8 was a life -- I'll try and change my wording, here.

9 This was a very important document for us --  
10 -

11 **MS. DALEY:** Yes.

12 **MR. ST. DENIS:** --- at that time.

13 **MS. DALEY:** And I think the thrust of that  
14 comment as well was because people had had their hopes  
15 elevated that things were going to be different, and then  
16 their hopes fell because nothing changed.

17 **MR. ST. DENIS:** I think that's fair.

18 **MS. DALEY:** And that kind of circumstance in  
19 a group that's having difficulty to begin with can have a  
20 very negative impact, correct?

21 **MR. ST. DENIS:** Yes, it could.

22 **MS. DALEY:** Who did you see as having  
23 ultimate responsibility for moving forward the strategic  
24 plan, for implementing it?

25 **MR. ST. DENIS:** Well, I was under the belief

1           that Suzanne McGlashan was going to see this through, at  
2           least to the point where we were up and running and  
3           maintaining a certain level within the plan.

4                       I'm not sure at what point Susanne was no  
5           longer part of the meetings; that's about it.

6                       **MS. DALEY:** Did you understand it was the  
7           Board's ultimate responsibility to deal with the plan?

8                       **MR. ST. DENIS:** I found out through some of  
9           these documents that I read that the Chief had, at one  
10          point, had not gone to the Board, but then he went to the  
11          Board, for permission. I ---

12                      **MS. DALEY:** Yes.

13                      **MR. ST. DENIS:** --- that's what I read in  
14          the document.

15                      **MS. DALEY:** The -- that's right.

16                      **MR. ST. DENIS:** But yes, I would suggest the  
17          Board had -- the Board was a major stakeholder in this, as  
18          senior managers were. We all were.

19                      **MS. DALEY:** And did you ever develop an  
20          understanding as to why Ms. McGlashan was not more broadly  
21          involved in it?

22                      **MR. ST. DENIS:** No, but I think it came up  
23          during this Inquiry, or I read it somewhere, that she was -  
24          - she was not retained.

25                      **MS. DALEY:** Yes.

1                   **MR. ST. DENIS:** Something like that.

2                   **THE COMMISSIONER:** Well, the evidence was, I  
3 think, that the Chief presented the strategic plan to the  
4 Board, but Mayor Martelle wouldn't want -- didn't want  
5 anything of it.

6                   Is that about right?

7                   **MR. ST. DENIS:** That's fair, your ---

8                   **MS. DALEY:** Did you know that, sir?

9                   **MR. ST. DENIS:** Yes, I was aware of that.

10                  **MS. DALEY:** All right.

11                  **MR. ST. DENIS:** I'm not sure if I read it or  
12 I heard it.

13                  **MS. DALEY:** Now, the question I have is  
14 this, you -- we saw in your evidence in-chief, a number of  
15 different reviews of the Service, that were ---

16                  **MR. ST. DENIS:** Yes.

17                  **MS. DALEY:** --- conducted by Police  
18 Services.

19                  And each one of them has recommendations;  
20 obviously, it was a strong recommendation in 1990 that  
21 there be a strategic plan. Unfortunately, there wasn't one  
22 for your Force.

23                  Do you have any understanding about this,  
24 sir? What's meant to happen when recommendations are made  
25 to a municipal force but not implemented?

1                   **MR. ST. DENIS:** What is to ---

2                   **MS. DALEY:** What -- do you understand that  
3                   there's anything that is -- that occurs when a  
4                   recommendation that's made in the context of ---

5                   **MR. ST. DENIS:** Yeah.

6                   **MS. DALEY:** --- an audit is not, in fact,  
7                   implemented?

8                   **MR. ST. DENIS:** Yes, I have some  
9                   understanding of that.

10                  **MS. DALEY:** What's your ---

11                  **MR. ST. DENIS:** What happens is that --  
12                  let's say the 1990 audit, whatever was recommended in that  
13                  the police agency is responsible for implementing, within  
14                  reason.

15                                And when I say "within reason," within  
16                                financial means. And if those recommendations cannot be  
17                                completed or achieved, then the next audit -- the next time  
18                                there would be an audit, those auditors would follow up to  
19                                see which recommendations were not implemented and why.  
20                                And there would have to be a very good reason as to why  
21                                they weren't -- they were not implemented.

22                   **MS. DALEY:** Are there any other ultimate  
23                   consequences that you know of if the Force fails to  
24                   implement a recommendation?

25                   **MR. ST. DENIS:** Back then, probably not.

1                   Again, it would come to the forefront if the  
2                   auditors saw fit to take them to the Board, to the Board  
3                   level and force -- use more legal means of -- than -- if I  
4                   could say that -- to make sure that the Chief did comply  
5                   with the recommendations.

6                   That was never an, I don't believe, an issue  
7                   in 1990, if I recall. I'm just using that one as an  
8                   example.

9                   **MS. DALEY:** All right.

10                  By 1993, and again, I don't have to dwell on  
11                  a lot of detail, but by 1993, the Human Resources Audit was  
12                  able to look back at a series of recommendations, and  
13                  unfortunately some of them just hadn't been implemented  
14                  back from the late 1980's. Do you recall that?

15                  **MR. ST. DENIS:** I believe some -- I believe  
16                  your -- I believe that's fair, yes.

17                  **MS. DALEY:** Okay.

18                  Moving to another topic, sir, I want to  
19                  speak about your efforts to establish the internal audit  
20                  process.

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

22                  **MS. DALEY:** And I -- obviously sir, I take  
23                  it that this is one area of expertise for you where you've  
24                  had training as an RCMP Officer, where you've actually  
25                  worked as an internal auditor.

1 MR. ST. DENIS: Yes.

2 MS. DALEY: And ---

3 MR. ST. DENIS: But I'm not an accountant.

4 MS. DALEY: No, no, I appreciate. So ---

5 MR. ST. DENIS: I just have management audit  
6 experience.

7 MS. DALEY: That's what I want to get clear  
8 about; the audits that you undertake are devoted at looking  
9 at management practices.

10 MR. ST. DENIS: Yes.

11 MS. DALEY: So you're not purporting to be  
12 an auditor in a financial sense.

13 MR. ST. DENIS: No.

14 MS. DALEY: But you look at a management of  
15 a force, and you evaluate its performance. Is that the  
16 gist of it?

17 MR. ST. DENIS: Yes.

18 MS. DALEY: And I take it that audits of  
19 municipal forces are very important because it's one way to  
20 ensure some form of accountability.

21 MR. ST. DENIS: Yes.

22 MS. DALEY: From your experience in  
23 management, what are the other functions of an audit? Why  
24 else is it important to a force?

25 MR. ST. DENIS: I think my report of '93

1       that I wrote to Chief Johnston basically covers some of the  
2       points I believed in, of what an audit should help  
3       accomplish.

4                   And the auditors play a very, very important  
5       role in achieving the goals of the audit, and I think I, if  
6       I recall, I explained that; that it's not always a  
7       "we/they" situation. The auditors are there to help the  
8       police agency, they're not there to -- naturally, they're  
9       there to perform the job and come up with the proper  
10      solutions. But they don't even do that; they make  
11      recommendations and then sometimes they leave you hanging  
12      without giving you help with the solutions.

13                   **MS. DALEY:** Well, to come at it from your  
14      point of view as to what a proper management audit would  
15      look at, I take it that one of the things it would do would  
16      be to try to determine whether or not standards are being  
17      met.

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

19                   **MS. DALEY:** Right.

20                   **MR. ST. DENIS:** And I take it that, another  
21      thing it's going to do is to try to measure the efficiency  
22      of the people who hold senior offices at a police force?

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

24                   **MS. DALEY:** Generally, it's a quality  
25      assurance mechanism, isn't sir? It's ---

1                   MR. ST. DENIS: Yes.

2                   MS. DALEY: --- one way that we can ---

3                   MR. ST. DENIS: That's a better word, yes.

4                   MS. DALEY: --- try to assure quality in

5                   what ---

6                   MR. ST. DENIS: Yes.

7                   MS. DALEY: --- we're doing?

8                   MR. ST. DENIS: Yes.

9                   MS. DALEY: All right.

10                  MR. ST. DENIS: Now, I just wonder if you

11                  could help me with this, because you did give evidence in-

12                  chief that you had undertaken an audit of the Executive

13                  Office, which included Chief Shaver, yourself ---

14                  MR. ST. DENIS: M'hm.

15                  MS. DALEY: --- and I presume, the

16                  inspectors?

17                  MR. ST. DENIS: I think at that time it was

18                  just the Executive, his office and my office ---

19                  MS. DALEY: Just the two of you?

20                  MR. ST. DENIS: --- and the ---

21                  THE COMMISSIONER: Support staff.

22                  MR. ST. DENIS: --- the support staff.

23                  MS. DALEY: And your support staff.

24                  And I assume, sir -- I guess we don't have

25                  your work product anymore. But that was an effort, on your

1 part, to determine whether you and he were meeting  
2 standards and were working effectively?

3 MR. ST. DENIS: Well, I looked at it as a --  
4 you should start from the top to do your audit, rather than  
5 the bottom ---

6 MS. DALEY: Right.

7 MR. ST. DENIS: --- to see -- and that's  
8 what I did.

9 MS. DALEY: So you applied an auditor's  
10 scrutiny to your office ---

11 MR. ST. DENIS: Yes.

12 MS. DALEY: --- and to his, and to the ---

13 MR. ST. DENIS: Yes.

14 MS. DALEY: --- civilian staff.

15 And I had the impression from your testimony  
16 that it was fairly readily shot down.

17 MR. ST. DENIS: Yes, some of it was. Yes.

18 MS. DALEY: And was it shot down by Chief  
19 Shaver?

20 MR. ST. DENIS: Yes.

21 MS. DALEY: And did he give you reasons, for  
22 why he disagreed with your findings?

23 MR. ST. DENIS: I may have overstepped my  
24 authority.

25 MS. DALEY: In what respect?

1                   **MR. ST. DENIS:** Through my recommendations.

2                   **MS. DALEY:** Do you remember any of the  
3 recommendations you made in your document, sir?

4                   **MR. ST. DENIS:** Some of them.

5                   **MS. DALEY:** Can you share them with us?

6                   **MR. ST. DENIS:** One, I was concerned about  
7 the use of police vehicles on -- after duty.

8                   One, I was concerned about expenditures from  
9 an account that the Board was supposed to be responsible  
10 for, I believe.

11                   **MS. DALEY:** Do you remember any  
12 recommendations that were directed to the Chief and how he  
13 performed his functions?

14                   **MR. ST. DENIS:** No, but I would have  
15 discussed those privately with him.

16                   **MS. DALEY:** All right.

17                   Sir, as you sit here today, did you feel  
18 that your recommendations were appropriate?

19                   **MR. ST. DENIS:** Yes, I do, for the overall  
20 governance of the Service, yes.

21                   **MS. DALEY:** All right.

22                   Now, there's a document that I'm happy to  
23 take you too -- I won't if we need to, but I take it at a  
24 later point in time when there was a follow-up visit, you  
25 and Chief Shaver were talked to about this, and you and he

1       agreed that there was a need to work towards a better  
2       auditing process. Do you recall that, sir?

3                   **MR. ST. DENIS:** I believe I do, yes.

4                   **MS. DALEY:** And as a matter of fact, just  
5       for everyone's benefit, I'm referring to Exhibit 1767,  
6       which is the follow-up inspection of July 30 and August 1,  
7       1991. Thank you. And at Bates 495, the last two  
8       paragraphs of that page -- did you locate that, sir?

9                   **MR. ST. DENIS:** Yes, I'm there.

10                  **MS. DALEY:** So the last two paragraphs at  
11       page 495 are speaking to this internal audit that you had  
12       attempted to do, and the indication is that it was  
13       discussed with yourself and Shaver that there was a need  
14       for more extensive research into existing internal audit  
15       procedures, the requirement of appropriate reporting  
16       structures, the development of a more realistic audit  
17       schedule. The Chief and the Deputy Chief concurred with  
18       these requirements.

19                   Do you have a recollection of that, sir?

20                  **MR. ST. DENIS:** Yes, I do.

21                  **MS. DALEY:** Okay. Now, I take it, though,  
22       for whatever reason, you have no recollection of doing any  
23       further work towards developing an audit.

24                  **MR. ST. DENIS:** I don't know if I explained  
25       it in my evidence in-chief, but at the beginning there were

1        few standards from the Sol Gen's Department at that time,  
2        so what I tried to do is consult with half a dozen other  
3        municipal area police services and obtain their criteria  
4        for auditing, let's say prisoners, or auditing exhibits, or  
5        auditing whatever ---

6                    **MS. DALEY:** Right.

7                    **MR. ST. DENIS:** --- to follow the criteria,  
8        because at that time each municipal service -- police  
9        service had a different criteria and a different way of  
10       working.

11                    Finally, I guess by 1993, you gradually see  
12        the standards being consistent across the province, where  
13        all municipal agencies would have to comply with these new  
14        standards that were coming out of Toronto.

15                    But at the beginning, there really was no  
16        standards. You went by the policies and procedures that  
17        existed, and at that time Cornwall Police Service, they  
18        don't have any policies and procedures with respect to  
19        quality reviews or managerial reviews, or audits or  
20        whatever.

21                    So I implemented a binder that contained  
22        criteria and the necessary tools to be able to do audits,  
23        and my intent was to have each inspector have this binder,  
24        this book with guidance and criteria as to how to monitor  
25        their own area of responsibility; do a quality review of

1           their own area or have one do the other person's area and  
2           vice versa.

3                       **MS. DALEY:** I understood that was your  
4           intention, but I thought I took from your testimony that in  
5           fact that was never able to get off the ground; it didn't  
6           happen.

7                       **MR. ST. DENIS:** In a formal way, no, it did  
8           not. In an informal way it did, because everything that  
9           crossed my desk was sort of reviewed in the same way I  
10          would have had I acted as a full-time auditor.

11                      **MS. DALEY:** Now, you made a comment a few  
12          moments ago about there being no policies or procedures  
13          concerning quality assurance or internal reviews. Is it  
14          your understanding that those policies would have been  
15          developed by the Board or by management at the Force?

16                      **MR. ST. DENIS:** Actually ---

17                      **MS. DENIS:** Where did that rest?

18                      **MR. ST. DENIS:** Actually I was developing --  
19          I developed them.

20                      **MS. DALEY:** Did you take them to the Board  
21          for approval or you just adopted them internally?

22                      **MR. ST. DENIS:** I just adopted them  
23          internally.

24                      **MS. DALEY:** All right. Would I be right,  
25          though, to take away that during the time that you worked

1 with Chief Shaver there was never any internal audit that  
2 was successfully completed or that the findings of which  
3 were respected?

4 MR. ST. DENIS: Within the Service?

5 MS. DALEY: Yes.

6 MR. ST. DENIS: At our level, no.

7 MS. DALEY: One other sort of discrete  
8 topic, sir, has to do with the workload study. Remember,  
9 we've talked about that.

10 MR. ST. DENIS: Yes.

11 MS. DALEY: I did notice that on a number of  
12 occasions in the external reviews there is comment that a  
13 workload study should be done, and there's some reference  
14 to it happening. But I thought from your evidence you  
15 never saw a report? You never saw any output from that?

16 MR. ST. DENIS: You're refreshing my memory.  
17 I don't remember having very much to do with that.

18 MS. DALEY: Yes.

19 MR. ST. DENIS: I'm not saying I didn't, I  
20 did not, but I just don't remember very much about that.

21 MS. DALEY: I guess the thought that  
22 occurred to me is that if there had been a report completed  
23 on a subject as important to your Force as the workforce  
24 issues, it would have gone to the Deputy Chief, surely.

25 MR. ST. DENIS: Yes. That's why I'm saying

1 I probably saw it, I probably read it and, if I did, you  
2 would see my initials at the bottom.

3 **MS. DALEY:** All right. Well, we've never  
4 seen the document itself.

5 Could I take from your evidence, sir, that  
6 if it did exist you had no real awareness of having seen  
7 it?

8 **MR. ST. DENIS:** Not -- to be able to comment  
9 today, I cannot.

10 **MS. DALEY:** And can I take a step further  
11 from that and take it that if it was in fact created, it  
12 doesn't seem as though the Force received much benefit from  
13 it, at least none that you can point to?

14 **MR. ST. DENIS:** If that was the report where  
15 the actuary looked at our hours of work, like going from a  
16 12-hour shift to the 10-hour shift, I do remember reading  
17 that, and I do remember that being a very difficult issue  
18 between management and the Association. We were -- now  
19 that I remember, if this is the same report, we were even  
20 looking at eight hours, or somebody had submitted a report  
21 looking at eight hours, 10 hours, 12-hour shifts. And  
22 there was a lot of concern, trying to get people to work  
23 the eight-hour shift. There was a new study out at the  
24 time, if I recall, saying that 12-hour shifts are no longer  
25 effective; it's proven. The psychiatrists were saying

1       this, psychologists were saying that, so we were actually  
2       looking at that.

3                       But to get that change even to 10 hours was  
4       going to be a major issue with the Cornwall Police  
5       Association. That's some of the -- if that's the same  
6       report we're talking about ---

7                       **MS. DALEY:** I have no idea because I haven't  
8       seen a workload report. But in any event, what I take from  
9       your last comments was that you don't remember any  
10      recommendations ---

11                      **MR. ST. DENIS:** No.

12                      **MS. DALEY:** --- that could easily be  
13      implemented?

14                      **MR. ST. DENIS:** No, I don't. I'm sorry, I  
15      don't.

16                      **MS. DALEY:** Okay.

17                      I want to just shift and talk about another  
18      document momentarily, and that's the Morale Report from  
19      roughly March of 1990 that you've spoken about. If I  
20      understood your evidence in-chief, I think you'll agree  
21      with these thoughts.

22                      I take it, sir, you believe that this  
23      document -- that the author of this document was not just  
24      expressing his own point of view, but rather he talked to  
25      fellow officers and he was reflecting their comments.

1 MR. ST. DENIS: Yes, he was.

2 MS. DALEY: Is that correct?

3 MR. ST. DENIS: Yes.

4 MS. DALEY: In fact, I think you refer to it  
5 as something akin to a managerial audit in its own way.

6 MR. ST. DENIS: In its own way.

7 MS. DALEY: Because this one constable is  
8 not just grinding his own axe; he's asked all his coworkers  
9 for their issues and he's reflected them. Correct?

10 MR. ST. DENIS: Yes.

11 MS. DALEY: And I take it, sir, you had no  
12 reason to doubt the sincerity of the points of view that  
13 were expressed in the Morale Report?

14 MR. ST. DENIS: No, and neither did the  
15 Chief, because I do remember him responding to each and  
16 every one of those.

17 MS. DALEY: All right.

18 You certainly felt that it was an exercise  
19 that management needed to take seriously?

20 MR. ST. DENIS: Yes.

21 MS. DALEY: All right.

22 Let me move then to my last sort of area of  
23 interest, and that has to do with two of the historic  
24 sexual assault investigations we've spoken about.

25 Firstly, let's talk about the Silmsler

1 investigation just a little bit. I take it, sir, right at  
2 the outset the assignment of Mr. Silmser's complaint to  
3 Claude Lortie, which we've talked about, did not follow the  
4 usual process.

5 **MR. ST. DENIS:** I don't know if you can say  
6 that. If the Inspector bypassed my office, whether I was  
7 there or not -- I'm not sure, I think I was there but I  
8 can't be sure -- and went directly to the Chief's office  
9 seeking an investigator, and Lortie was picked at the time,  
10 I don't know if that -- I don't know if that was in the  
11 normal flow of the channel -- of the line of command at  
12 that time.

13 **MS. DALEY:** Well I took it that -- assuming  
14 that that's what happened, that you didn't have input into  
15 the assignment or knowledge of it, it went directly to the  
16 Chief ---

17 **MR. ST. DENIS:** Yeah.

18 **MS. DALEY:** --- and there may a good reason  
19 for that, I'm not -- let's just -- to be neutral about it,  
20 that wasn't the ordinary course; that wasn't the way in  
21 which criminal investigations are usually assigned.

22 **MR. ST. DENIS:** No, well I should have been  
23 -- I should have been in the selection part of it at the  
24 beginning I suppose, yes.

25 **MS. DALEY:** Right, because the Deputy Chief

1 has to ultimately be within the chain of command in every  
2 investigation; correct?

3 **MR. ST. DENIS:** I should be, yes.

4 **MS. DALEY:** All right. And I take it  
5 another thing you would acknowledge was not the usual  
6 practice here, was -- there was no OMPPAC incident report  
7 created when the complaint first arrived at the station?

8 **MR. ST. DENIS:** I believe that's fair.

9 **MS. DALEY:** All right. And instead what  
10 happened is that it would appear that an intelligence  
11 officer who reported directly and solely to the Chief was  
12 assigned that, being Claude Lortie; correct?

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

14 **MS. DALEY:** And one of the aspects of this  
15 that I'm a little but curious about but I think I  
16 understand from your testimony is your role in reassigning  
17 the matter from Lortie to Staff Brunet and I think, sir, I  
18 have it right; you did that because you anticipated that  
19 due to Lortie's surgery he wouldn't be able to deal with it  
20 in January; correct?

21 **MR. ST. DENIS:** That's the bottom line.

22 **MS. DALEY:** All right. But in reality  
23 unbeknownst to you, he was back at work in time to have  
24 conducted the interview he had scheduled with the victim;  
25 correct?

1                   **MR. ST. DENIS:** Had I known that the  
2                   Sergeant would have been back to work when I found out he  
3                   was, I would never have reassigned the file.

4                   **MS. DALEY:** I figured not. So I guess what  
5                   I'm wondering about is why was that information not given  
6                   to you?

7                   **MR. ST. DENIS:** Well, I'm not sure.  
8                   Sergeant -- Staff Lortie was in my office, I asked him for  
9                   the file. If I recall, I'm not even sure he was sure as to  
10                  when he was coming back when we actually had that  
11                  discussion; we're going back here now.

12                  But my recollection tells me that I was -- I  
13                  was very concerned with time -- the time that he may or may  
14                  not be off on and I was most concerned because it was  
15                  already -- it was already tardy, the file should have been  
16                  acted on sooner and I took the file and asked him -- I said  
17                  I was going to assign it to OIC CIB, who happened to be  
18                  Staff Brunet at the time and that he or Brunet, they should  
19                  get together to find out what Lortie may or may not have  
20                  done on the file up to date and to brief Brunet.

21                  And so I drafted up a quick transmittal slip  
22                  asking that this be acted upon immediately, and you will  
23                  see that transmittal slip signed by me.

24                  **MS. DALEY:** Sir, so Staff Lortie, when you  
25                  met with him, he didn't say "Hey listen, I may be back in

1 time to do this interview"?

2 MR. ST. DENIS: I don't recall him telling  
3 me that.

4 MS. DALEY: Okay. And there was nobody else  
5 who had information about what his situation was that could  
6 have let you know that?

7 THE COMMISSIONER: I think Lortie's evidence  
8 was that he came back early. I don't think he planned --  
9 he didn't know ---

10 MS. DALEY: Fair enough.

11 THE COMMISSIONER: --- but he came back  
12 earlier than he thought.

13 MS. DALEY: All right. Well sir, when  
14 Lortie -- as things eventually unfolded, fortunately Lortie  
15 was back early; he was back prior to the originally  
16 scheduled interview.

17 So again, I'm wondering if this thought  
18 occurred to anybody; when Lortie returned would he have  
19 been able to resume the Silmsler investigation?

20 MR. ST. DENIS: Sure.

21 MS. DALEY: Okay. And when Mr. Silmsler  
22 complained about having a female officer assigned to his  
23 case it would have been possible at that time, I'm  
24 assuming, to reassign to Lortie?

25 MR. ST. DENIS: It could have been given

1 back to Lortie providing he wasn't truly involved on a JFO,  
2 a joint forces operation ---

3 MS. DALEY: Yes.

4 MR. ST. DENIS: --- which is what his job  
5 was, to look after those types of things.

6 MS. DALEY: All right. In any event, that's  
7 not what occurred; it stayed with Officer Sebalj as we all  
8 know.

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

10 MS. DALEY: And sir, is it fair to say that  
11 your first real concrete awareness of the Silmsler matter  
12 comes at the late September morning meeting in which  
13 Officer Lortie says he thinks there's been a cover up of  
14 some sort?

15 MR. ST. DENIS: I thought it may have been a  
16 little before that. I thought there was a memo that came  
17 from Nakic to MacDonald, Staff Inspector McDonald ---

18 THE COMMISSIONER: I think ---

19 MR. ST. DENIS: --- they had gone to my  
20 office.

21 THE COMMISSIONER: You're not in the right  
22 frame.

23 MS. DALEY: We're not in the right frame.  
24 What you're referring to, sir, has to do with the  
25 assignment of the file.

1                   **MR. ST. DENIS:** Okay.

2                   **THE COMMISSIONER:** Ms. Daley jumped over  
3 back to -- fast forwarded about ---

4                   **MR. ST. DENIS:** I'm slow; sorry.

5                   **THE COMMISSIONER:** --- a year. No, well,  
6 no, no, we'll put this one on Ms. Daley, I think she went  
7 forward -- fast forwarded to the point where the morning  
8 meeting where Lortie shows up and says what's going on.

9                   **MR. ST. DENIS:** Yes. I remember that  
10 meeting, yes.

11                   **MS. DALEY:** I take it, sir, that event made  
12 a big impression on you?

13                   **MR. ST. DENIS:** Well it made a bigger one,  
14 in my opinion, on -- I believe it was Staff Brunet.

15                   **MS. DALEY:** Yes. And I just want to explore  
16 that with you for one second. It made an impression on  
17 Brunet because Staff Lortie was actually suggesting that it  
18 was Brunet who had not done a good job; that somehow the  
19 Police Service was involved in a cover up; correct?

20                   **MR. ST. DENIS:** There was some criticism.  
21 Not that the Police Service was involved in a cover up; he  
22 used the -- I believe he used those words, I'm finding out  
23 that he's saying he didn't use those words.

24                   I have to go by what I wrote at that time  
25 and if I wrote in the notes, in the binder, the word "cover

1 up," those are the words I believe is what I heard.

2 MS. DALEY: That's what you heard?

3 MR. ST. DENIS: But the meaning or the use  
4 of those words by Lortie, I don't think he was referring to  
5 Cornwall -- a Cornwall Police cover up; I doubt that very  
6 much.

7 MS. DALEY: Well ---

8 MR. ST. DENIS: And he -- and he was -- it  
9 was a heated kind of meeting.

10 MS. DALEY: Yes.

11 MR. ST. DENIS: And it was short but to the  
12 point and I do remember the Staff Sergeant coming into my  
13 office after that meeting, Staff Sergeant Brunet, and --  
14 well he was quite upset as to the -- as to the approach and  
15 criticism coming from Sergeant Lortie with respect to the  
16 D.S. file.

17 That's like -- the best way I can word it.

18 MS. DALEY: Clearly what was happening is  
19 that Brunet felt he was being attacked by Lortie for how  
20 the file had been conducted?

21 MR. ST. DENIS: He was being criticised.

22 MS. DALEY: Being criticised?

23 MR. ST. DENIS: Yes.

24 MS. DALEY: In front of everybody?

25 MR. ST. DENIS: In front of whoever was at

1 that meeting, yes.

2 **MS. DALEY:** And, sir, would I be right to  
3 say that your involvement in the Silmsen matter, up to this  
4 point in time, had been fairly limited?

5 **MR. ST. DENIS:** Yes.

6 **MS. DALEY:** And I think it's -- I think it's  
7 not unfair to suggest that if Brunet had told you anything  
8 about it while it was ongoing you have no specific  
9 recollection of that event?

10 **MR. ST. DENIS:** I'd have to be careful  
11 because the Commissioner has pointed out to me several  
12 times during my testimony not to construct.

13 But I can honestly say that if there was any  
14 briefings Staff Brunet would have briefed me on updates,  
15 either at the morning meeting or the meeting after the  
16 morning meeting or meetings after the meetings because  
17 there were meetings -- I think I indicated in my evidence  
18 in-chief, we were meeting-out; we were meeting a lot.

19 **MS. DALEY:** I appreciate that but what I  
20 think is correct and I think you'll agree with me, sir, is  
21 you have no specific recollection of information coming  
22 from Brunet to you; you think it might have happened but --  
23 -

24 **MR. ST. DENIS:** If you could help me with  
25 what information I might be able to say yes, I do remember

1 that.

2 MS. DALEY: Well ---

3 MR. ST. DENIS: If you could give me -- is  
4 there a letter? Like I wrote a lot of memorandums.

5 MS. DALEY: No, there's no letters, there's  
6 no memos, there's nothing in writing between Brunet and  
7 yourself.

8 MR. ST. DENIS: Okay.

9 MS. DALEY: But -- so I'm just asking, and I  
10 think it's correct that you don't specifically recall  
11 updates from him, particular pieces of information he gave.

12 MR. ST. DENIS: I'd be -- I'd be  
13 constructing. I would say this is what I think happened,  
14 which is not what you want to hear.

15 MS. DALEY: Okay, that's fine, that's what I  
16 wanted to be able to confirm.

17 I had the impression also from your  
18 testimony, sir, that the events that occurred with respect  
19 to the statement and Constable Dunlop's role; his taking  
20 the statement out of the office, his handing the statement  
21 to Mr. Abell et cetera, you knew about those things after  
22 the fact because the Chief told you about them after the  
23 fact?

24 MR. ST. DENIS: Yes, or Staff Brunet.

25 MS. DALEY: Okay. Someone told you?

1                   **MR. ST. DENIS:** Someone, yes.

2                   **MS. DALEY:** But in terms of the action that  
3 the Chief took at that point, that is to say to go off to  
4 Ottawa to see a Papal Nuncio, he didn't ask your opinion on  
5 any of that; he bypassed you on those decisions?

6                   **MR. ST. DENIS:** Yes, he had the right to do  
7 that.

8                   **MS. DALEY:** How did you feel about being  
9 bypassed?

10                  **MR. ST. DENIS:** Well, I think I should have  
11 been included on those major decisions. Anyway, I think  
12 there was -- the Chief put an urgency on this also, in all  
13 fairness, and he acted -- he acted the way he thought was  
14 appropriate and quickly.

15                  **MS. DALEY:** That's fine, but from your point  
16 of view that would be exactly the type of thing a Deputy  
17 Chief should be involved in because it's a high-profile,  
18 important decision; correct?

19                  **MR. ST. DENIS:** That's an operational  
20 matter, yes.

21                  **MS. DALEY:** Yes. Now, at this point-in-  
22 time, sir -- so this is after the morning meeting, after  
23 the events of October, after you've tasked Staff Sergeant  
24 Derochie with his project -- did you ever hear discussion  
25 in the Service at all about whether the Silmsers

1 investigation could be reopened?

2 MR. ST. DENIS: Was it ever closed?

3 MS. DALEY: Well, the evidence we've heard  
4 is at a certain time Silmsler received some money from the  
5 church, he withheld his cooperation, and the Force came to  
6 certain conclusions about that?

7 MR. ST. DENIS: I guess.

8 MS. DALEY: So I guess what I'm wondering is  
9 whether you ever heard the thought expressed by anyone that  
10 perhaps, notwithstanding that he'd received money and that  
11 he wasn't being so cooperative, there might be some way to  
12 get him back onside or to continue with the investigation.  
13 Did you ever hear that kind of commentary?

14 MR. ST. DENIS: I'm not sure if I did or if  
15 I read it. I think I'd be -- I think I better say I don't  
16 recall that specifically.

17 MS. DALEY: Did you have an understanding at  
18 this time, sir, or did anyone tell you that Silmsler had  
19 received a payment from the Church and had stopped  
20 cooperating almost immediately after that?

21 MR. ST. DENIS: I would ---

22 MS. DALEY: Did you know about that?

23 MR. ST. DENIS: --- I believe I would have  
24 been briefed -- I was briefed by Staff Brunet on that, yes.

25 MS. DALEY: Now, did Staff Brunet or anyone

1 else you spoke to about it ever discuss just asking Mr.  
2 Silmsler for some information about that settlement and why  
3 he felt he couldn't talk to the police anymore?

4 **MR. ST. DENIS:** I did not raise the issue or  
5 the question.

6 **MS. DALEY:** I just want to speak momentarily  
7 about the Children's Aid Society and the notification to  
8 them.

9 I take you're aware that no one on the  
10 Force, prior to late September when Dunlop hands the  
11 statement to his friend, Mr. Abell, no one on the Force had  
12 notified the CAS about the allegations pertaining to either  
13 Father MacDonald or to Mr. Seguin; correct?

14 **MR. ST. DENIS:** That's -- I think that's  
15 fair, yes.

16 **MS. DALEY:** Now, is that an operational  
17 matter that would be within the purview of the Deputy  
18 Chief, that is to say, protocols for notifying CAS?

19 **MR. ST. DENIS:** Not necessarily. Your  
20 inspector would be more, I would believe, more the person  
21 that should be doing this.

22 **MS. DALEY:** I guess from your perspective,  
23 sir, as you understand the Silmsler allegations, can you  
24 account for or explain in any fashion why the matter  
25 wouldn't have, just as a routine matter, been notified to

1 the CAS?

2 MR. ST. DENIS: Why it -- why it wasn't?

3 MS. DALEY: Why it was not.

4 MR. ST. DENIS: Why it was not. I have no -  
5 - no explanation for that.

6 MS. DALEY: All right.

7 Moving then into the area concerning Officer  
8 Dunlop and your thoughts and the Chief's thoughts and  
9 Derochie's thoughts on his discipline. That's what I want  
10 to talk about here.

11 MR. ST. DENIS: M'hm.

12 MS. DALEY: I take it, ultimately, at some  
13 point in 1994 after the matter has come on the public radar  
14 screen, the decision of the Force at that time is that it  
15 should go forward and that there should be some *Police*  
16 *Services Act* discipline pertaining to it?

17 MR. ST. DENIS: I remember that and that  
18 would have been handled solely by Staff Wells and Chief  
19 Carl Johnston.

20 MS. DALEY: Okay.

21 MR. ST. DENIS: That -- that area was not  
22 under my -- my responsibility. It was under the Chief's  
23 office and the Complaints Officer who happened to be Staff  
24 Wells at the time; Inspector Wells today.

25 MS. DALEY: Sir, in that context, what I'm

1 wondering is this.

2 Was there ever any discussion that you were  
3 privy to about the impact of prosecuting Dunlop in these  
4 circumstances on the relationship between the Police Force  
5 and the Children's Aid Society who -- the latter of which  
6 is expecting abuse to be reported?

7 **MR. ST. DENIS:** No, my involvement was  
8 giving my own statement, which I did.

9 **MS. DALEY:** And that was it?

10 **MR. ST. DENIS:** That was it.

11 **MS. DALEY:** So to your knowledge, that's not  
12 something that Staff Wells or Acting Chief Johnston  
13 necessarily ---

14 **MR. ST. DENIS:** No.

15 **MS. DALEY:** --- turned their minds to?

16 **MR. ST. DENIS:** Not that I recall anyway.

17 **MS. DALEY:** All right.

18 Do you see using hindsight that ---

19 **MR. ST. DENIS:** Yes.

20 **MS. DALEY:** --- taking that discipline  
21 approach might ---

22 **MR. ST. DENIS:** Twenty-twenty (20/20), yes.

23 **MS. DALEY:** Well, creates a bit of a  
24 disincentive or other officers might think that they're at  
25 risk for discipline ---

1                   **MR. ST. DENIS:** Yes.

2                   **MS. DALEY:** --- if they do report? All  
3 right.

4                   **MR. ST. DENIS:** It -- it was -- those  
5 investigations were -- at least the lower ranks compare  
6 them to an internal investigation where the potential was  
7 there for a Police Act -- when you mention Police Act  
8 charges or Police Act involvement with peace officers, the  
9 stress levels go up. Nobody -- I should say no police  
10 officer wishes to be charged under the *Police Services Act*,  
11 so as soon as you mention that -- like if you were saying,  
12 well, we'll just -- we're going to investigate whether  
13 we'll deal with it informally, there's still stress there,  
14 but the stress level is not as high when you mention Police  
15 Act.

16                   **MS. DALEY:** And you had that experience  
17 yourself ---

18                   **MR. ST. DENIS:** Oh, I --

19                   **MS. DALEY:** --- with Johnston?

20                   **MR. ST. DENIS:** --- I was -- yes, I've been  
21 involved in Police Act myself.

22                   **MR. MANDERVILLE:** Mr. Commissioner, I know  
23 Mr. St. Denis is trying to be helpful. I'm not sure how  
24 he's in any position to speculate on the decision-making  
25 process of Mr. Wells and former Chief Johnston ---

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

2                   **MR. MANDERVILLE:** --- and, as you know,  
3                   there was a public complaint at that point.

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

5                   **MS. DALEY:** The other aspect of the Silmser  
6                   complaint -- I wondered if you just can help us here at all  
7                   -- has to do with the fact that in addition to Father  
8                   MacDonald, he also complained about a probation officer,  
9                   that being Ken Seguin?

10                  **MR. ST. DENIS:** Yes.

11                  **MS. DALEY:** And I take it that you didn't  
12                  personally know Mr. Seguin, but you knew he worked for the  
13                  probation office and had been a very senior man there for a  
14                  long time?

15                  **MR. ST. DENIS:** I would say, just after the  
16                  fact, I knew he worked for the probation office, but no  
17                  more than that. Whether he was senior or ---

18                  **MS. DALEY:** All right.

19                  **MR. ST. DENIS:** --- or junior, I had no  
20                  idea.

21                  **MS. DALEY:** But -- all right, fair enough.

22                                 You appreciated that the allegation that  
23                                 Silmser was making was that he'd been abused by Mr. Seguin  
24                                 when he was either a probationer or an ex-probationer?

25                  **MR. ST. DENIS:** That was an allegation ---

1                   **MS. DALEY:** Yes. I guess what I'm curious  
2                   about is this.

3                   Did you ever have any information or  
4                   understanding as to that allegation and what the  
5                   investigating officer was doing about it?

6                   **MR. ST. DENIS:** In all these reports, I only  
7                   saw one short memo from me with respect to the name Seguin.  
8                   Anymore than that, I can't help you ---

9                   **MS. DALEY:** All right.

10                  **MR. ST. DENIS:** --- I don't know.

11                  **MS. DALEY:** That's fair. I mean, that may  
12                  just be a reflection of what we've said earlier which is  
13                  that, unfortunately, you weren't in this loop very much?

14                  **MR. ST. DENIS:** Well, I -- I'm not saying I  
15                  wasn't in the loop. There was a lot of meetings. There  
16                  was a lot of briefings. Maybe I wasn't briefed on  
17                  everything, but I know Staff Brunet kept me posted weekly  
18                  at least.

19                  **MS. DALEY:** Be those things as they may, you  
20                  have no recollection of really ---

21                  **MR. ST. DENIS:** No, I ---

22                  **MS. DALEY:** --- turning your mind to the  
23                  Seguin aspect of Mr. Silmsers' complaint?

24                  **MR. ST. DENIS:** Not if you -- if you have  
25                  documents, I might be able to help you there, but other --

1 other than that, no, I can't help you.

2 MS. DALEY: All right.

3 Just a few questions about the -- your role,  
4 limited as it was, in Jeannette Antoine?

5 MR. ST. DENIS: Yes.

6 MS. DALEY: One second, sir.

7 Just to help refresh your memory about what  
8 you have said here I think you testified that you  
9 remembered attending a meeting with Mr. O'Brien who was  
10 then ---

11 MR. ST. DENIS: Yes.

12 MS. DALEY: --- the CAS Executive Director,  
13 Mr. Trew and a Crown attorney named ---

14 MR. ST. DENIS: Yes.

15 MS. DALEY: --- Don Johnson.

16 MR. ST. DENIS: Yes.

17 MS. DALEY: Okay. And I take it, sir, you  
18 left that meeting thinking -- for whatever reason -- there  
19 was nothing further that the Police Service could do to  
20 help Ms. Antoine?

21 MR. ST. DENIS: I believe that's -- that's  
22 was my conclusion.

23 MS. DALEY: All right.

24 But you do recall then a subsequent meeting  
25 that involved some of those same individuals?

1                   **MR. ST. DENIS:** I remember -- I remember the  
2                   -- what was the man's name from CAS?

3                   **MS. DALEY:** CAS fellow was Tom O'Brien.

4                   **MR. ST. DENIS:** Yes, Mr. -- I remember Mr.  
5                   O'Brien coming to my office and I believe Inspector Trew  
6                   was there and I don't know if he had a file or not but if  
7                   he did, it would have been given to Trew who subsequently  
8                   would have given it to the investigator, but I can't recall  
9                   if he had a file but he did have -- he did have issues; I  
10                  remember that. I can't explain them because I don't  
11                  remember what they are. He did have issues.

12                  **MS. DALEY:** He being Mr. O'Brien, had  
13                  issues?

14                  **MR. ST. DENIS:** He, Mr. O'Brien, yes.

15                  **MS. DALEY:** All right.

16                  And do you recall, at this point, sir, being  
17                  told that O'Brien's concern and the CAS' concern had  
18                  shifted a little bit; it's no longer just corporal  
19                  punishment they're worried about, but sexual improprieties  
20                  at the children's group home?

21                  **MR. ST. DENIS:** I'm -- I guess I was -- I'm  
22                  finding that out through the public Inquiry, but to put my  
23                  mind back at that time to say that, I -- I couldn't say  
24                  that, I -- I don't know that.

25                  **MS. DALEY:** That's not something that you --

1 -

2 MR. ST. DENIS: No.

3 MS. DALEY: --- recollect. All right.

4 Sir, would I be right to suggest that you --  
5 you just have no recollection of the Antoine case being  
6 discussed in your presence after this event with Mr.  
7 O'Brien?

8 MR. ST. DENIS: The best way I can describe  
9 it is that Derochie's report -- Staff Derochie's report is  
10 -- that's what I know about Ms. Antoine investigation.

11 MS. DALEY: And that's a report that he  
12 writes in 1995 ---

13 MR. ST. DENIS: That was ---

14 MS. DALEY: --- looking back at the events  
15 of 1989?

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

17 MS. DALEY: Okay, fair enough. So can we  
18 take it from that that whatever was occurring in 1989 or  
19 1990 -- when her file was in the Service -- you had no  
20 direct knowledge of it then? You learned about it in later  
21 years when Derochie looked into it?

22 MR. ST. DENIS: I believe that's fair, yes.

23 MS. DALEY: Okay, that's what I thought.

24 And the reason why Staff Sergeant Derochie  
25 is looking into the Jeannette Antoine allegation is because

1 in January of 1994, she is saying that she's going to go to  
2 the press and she's going to complain about this earlier  
3 investigation. So that's what reopens it; right?

4 **MR. ST. DENIS:** I remember reading that,  
5 yes.

6 **MS. DALEY:** Okay.

7 And I don't know, perhaps this will help  
8 you, sir, I just want to take you briefly to a document,  
9 Exhibit 1771. This should be the press release ---

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

11 **MR. ST. DENIS:** Yes, I'm there.

12 **MS. DALEY:** --- on -- do you have that, sir?

13 **MR. ST. DENIS:** Yes.

14 **MS. DALEY:** The way I read that, especially  
15 the introducing few words:

16 "During the second week of January '94,  
17 an Ottawa news media source advised the  
18 CPS that in 1989 a female is alleged to  
19 have reported to the CAS and the  
20 Cornwall Police ..."

21 et cetera, et cetera. I took it from this that what  
22 brought the matter to you -- sorry, what brought the matter  
23 back to the Force of course is the Ottawa news media and  
24 that at this point in time, that's all you've got to go on.  
25 You're going to look into it and see whether there is any

1 evidence that she complained to your Service in 1989.

2 MR. ST. DENIS: Actually I would have got  
3 the go on it from Staff Wells; he was our press officer.

4 MS. DALEY: Yes.

5 MR. ST. DENIS: That would not be something  
6 I would compose but that is my signature so I signed it.

7 MS. DALEY: This was composed by Wells?

8 MR. ST. DENIS: I would -- I believe so.

9 MS. DALEY: All right. But ---

10 MR. ST. DENIS: I don't even ---

11 MS. DALEY: --- you obviously signed it  
12 because you considered it was appropriate content that ---

13 MR. ST. DENIS: I think he probably thought  
14 it should go to my level and that's why I signed it.

15 MS. DALEY: All right.

16 But I guess all I'm trying to extract from  
17 this, sir, is that it's the news media ---

18 MR. ST. DENIS: Yes.

19 MS. DALEY: --- that has put this on your  
20 radar screen; you're otherwise not aware of this -- of this  
21 case; correct?

22 MR. ST. DENIS: I don't know -- I don't know  
23 if I can answer that.

24 MS. DALEY: Okay.

25 MR. ST. DENIS: I -- I just don't know. I I

1 -- maybe I was aware before this, but I don't know. I --  
2 this means nothing to me. I'm reading it right now, but it  
3 doesn't mean anything.

4 I do remember it was a lot of news being  
5 reported from Ottawa, from ---

6 **MS. DALEY:** Right.

7 **MR. ST. DENIS:** --- the Fifth Estate, from  
8 here, from there, from all over. Everybody wanted the  
9 news.

10 **MS. DALEY:** That's actually my last topic.  
11 I want to talk to you about that just for a minute before  
12 we finish here and you recall, obviously, sir, that  
13 throughout probably the mid to later nineties, there was a  
14 lot of media interest in -- amongst other people -- Officer  
15 Dunlop.

16 **MR. ST. DENIS:** Yes, I remember that.

17 **MS. DALEY:** Correct, sir?

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

19 **MS. DALEY:** And you mentioned the Fifth  
20 Estate, so you'd ---

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

22 **MS. DALEY:** --- be aware that he and his  
23 wife were featured prominently ---

24 **MR. ST. DENIS:** Yes. Yes, I was aware of  
25 that.

1                   **MS. DALEY:** --- in a national news  
2 broadcast?

3                   **MR. ST. DENIS:** Yes.

4                   **MS. DALEY:** And that the local media often  
5 picked up this story and his allegations about a conspiracy  
6 and a cover-up and a failed investigation?

7                   **MR. ST. DENIS:** I cannot tell you where the  
8 local media got their information, but ---

9                   **MS. DALEY:** But you read it in the press;  
10 you saw it?

11                   **MR. ST. DENIS:** I read it locally, yes.

12                   **MS. DALEY:** And I take it, sir, that the  
13 nature of a lot of that press coverage was negative in a  
14 sense -- negative, vis-à-vis the Cornwall Police?

15                   **MR. ST. DENIS:** Yes, it was.

16                   **MS. DALEY:** And is that a concern? Is that  
17 something that's on your plate? In other words, is it part  
18 of the Deputy Chief's job to concern himself with the  
19 Force's public reputation?

20                   **MR. ST. DENIS:** I would say it's -- it's  
21 part of it, yes.

22                   **MS. DALEY:** Right.

23                   And did you ever -- either on your own or  
24 with other people -- try to develop an approach to perhaps  
25 undo some of the harm that the press articles were causing?

1                   **MR. ST. DENIS:** I -- I think we were all --  
2                   we were also governed by our own internal policy of -- of  
3                   not making press releases. We were also governed by --  
4                   sometimes by the -- by the Board's lawyer or if a press  
5                   release was going out, someone else other than our offices  
6                   would compose the press release.

7                   But to say that my office should just turn a  
8                   blind eye on what was going on with respect to my Police  
9                   Service, I had a difficult time with -- with what was being  
10                  said and could I or should I have made press releases on my  
11                  own? I'm not sure. Even in hindsight, 20/20 today, I'm  
12                  not sure that it would have been wise.

13                  **MS. DALEY:** Apart from something as formal  
14                  as a press release, what about an initiative in the  
15                  community, for example? What about calling a meeting and  
16                  trying to reassure citizens that, indeed, the Force does  
17                  care about allegations of the abuse of children?

18                  **MR. ST. DENIS:** Well, that's a good point  
19                  and I believe shortly after Chief Carl Johnston came on, he  
20                  tried to do that. He made a press release -- oh my  
21                  goodness -- I don't think it was two weeks that he was into  
22                  the Chief's job and he made a press release that he tried  
23                  to straighten out the facts that were circulating perhaps  
24                  from the Standard Freeholder and elsewhere.

25                  So my office didn't necessarily make a press

1 release, but I do know that Chief Carl's office did.

2 **MS. DALEY:** I take it, sir, from one of your  
3 comments a moment ago that that notwithstanding,  
4 unfortunately, you accept that the overall impression that  
5 the media ended up creating was that Officer Dunlop really  
6 was the only one who had -- who had regard for the  
7 interests of children and that the Cornwall Police Force,  
8 unfortunately, didn't.

9 **MR. ST. DENIS:** It made it sound like that.  
10 I should say the press made it sound like that,  
11 unfortunately, yes. It wasn't -- it wasn't even -- the  
12 comments were not even and I think it's because we weren't  
13 allowed to make comments.

14 **MS. DALEY:** You can understand how members  
15 of the public who were exposed to that ---

16 **MR. ST. DENIS:** Yes.

17 **MS. DALEY:** --- would be concerned and  
18 worried about their police force?

19 **MR. ST. DENIS:** Yes, when you read one side  
20 of the story, absolutely. That's why, in my concluding  
21 remarks today, that's one of the reason I highlighted that.

22 **MS. DALEY:** Okay.

23 **MR. ST. DENIS:** It's good that we're having  
24 this Inquiry to get all the facts on the table and we look  
25 forward to the Commissioner's report.

1                   **MS. DALEY:** Sir, did you think that there  
2 was anything further that could have been done to perhaps  
3 keep Officer Dunlop more compliant with what the Force  
4 wished to have happen?

5                   **MR. ST. DENIS:** I'd like to think so. I  
6 really would like to think that we could have done more.  
7 I'm not so sure that we -- we could.

8                   Several attempts were made by my senior  
9 officers and staff sergeants to help, not excluding one  
10 that we brought him back on modified work and made him feel  
11 at home, in my opinion; made him feel at ease.

12                   Could we have curtailed his efforts that we  
13 viewed at the time as violating a policy? I'm not so sure,  
14 because he did it on his own without -- I don't believe he  
15 consulted anyone.

16                   **MS. DALEY:** Can I just stop you one moment?  
17 I think what you're referring to is this; you would have  
18 been aware from the various press articles that at some  
19 point Mr. Dunlop himself became a person to whom victims  
20 would go to make their disclosures of abuse.

21                   **MR. ST. DENIS:** Yes, I'm aware of that.

22                   **MS. DALEY:** And you saw the difficult  
23 implications that that might have, from a policing  
24 perspective, should there ever be charges in the future.  
25 Correct?

1                   **MR. ST. DENIS:** Yes, and I remember the OPP  
2                   briefing on the concerns they had with respect to that  
3                   issue, and Inspector Trew gave a direct order, verbally and  
4                   in writing, with respect to that, and I believe the issue  
5                   did not stop there, even with those orders.

6                   **MS. DALEY:** Certainly, from your  
7                   perspective, and I'm sure you've had a lot of time to think  
8                   it over, you don't feel that there was any opportunity that  
9                   the Force missed; anything different that could have been  
10                  done to prevent that ultimate problem?

11                  **MR. ST. DENIS:** Well, having read some of  
12                  the people that have testified in the local newspapers,  
13                  maybe if the policy was at that time that this type of a  
14                  situation should have been -- immediately include the  
15                  Children's Aid Society, maybe we wouldn't be here today.  
16                  I'm not sure.

17                  **MS. DALEY:** That's probably true. All  
18                  right.

19                  Was there a recognition in the Force that  
20                  what was occurring in relation to Mr. Dunlop, his wife, his  
21                  brother-in-law was extraordinary?

22                  **MR. ST. DENIS:** I believe it was  
23                  extraordinary. I'm not so sure that other people would use  
24                  that terminology. A lot of officers were very upset with  
25                  what was going on and, of course, the rumour mill was just

1 pumping out rumours like crazy. Some of them were true and  
2 many of them were not.

3 **MS. DALEY:** Did you become aware of a  
4 website operating?

5 **MR. ST. DENIS:** I knew there was one and I'm  
6 thankful to this day I never went on it. The first time I  
7 went on the website is when Chief Shaver indicated he had a  
8 concern about his reputation, and in the local Standard  
9 Freeholder, as I recall, the press release, it indicated  
10 that if you Googled "Shaver" you will come up with A, B, C.  
11 And I did that, we'll say, after I read that press release.  
12 That's the only time I looked at it.

13 But the other websites, no, and I don't know  
14 any of the people on there, even by reading the material.

15 **MS. DALEY:** But you appreciate that the  
16 website became a vehicle for the spread of the rumours?

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

18 **MS. DALEY:** Those are my questions. Thank  
19 you, sir.

20 **THE COMMISSIONER:** Thank you. Why don't we  
21 take 10 minutes and then come back.

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

24 This hearing will resume at 5:30.

25 --- Upon recessing at 5:20 p.m./

1 L'audience est suspendue à 17h20

2 --- Upon resuming at 5:32 p.m./

3 L'audience est reprise à 17h32

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

6 This hearing is now resumed. Please be  
7 seated. Veuillez vous asseoir.

8 ---JOSEPH ST. DENIS, Resumed/Sous le même serment:

9 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

10 **MR. PAUL:**

11 **MR. PAUL:** Good afternoon, Deputy Chief St.  
12 Denis.

13 **MR. ST. DENIS:** Good afternoon.

14 **MR. PAUL:** My name is Ian Paul. I appear  
15 for a group called the Coalition for Action, which is a  
16 citizens group.

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

18 **MR. PAUL:** And I have a number of questions.  
19 Most of them, maybe not all of them but most of them, will  
20 likely surround the Silmsler investigation.

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

22 **MR. PAUL:** Just perhaps at the outset, I  
23 think at the beginning of your involvement was the  
24 reassignment away from Sergeant Lortie. Is that correct?

25 **MR. ST. DENIS:** If the message from Nakic to

1 Staff Inspector MacDonald is before or after that meeting,  
2 that's what I'm not sure of, then I remember the name or at  
3 least the initials D.S.

4 MR. PAUL: Right, and that's ---

5 MR. ST. DENIS: So I'm just not sure of the  
6 date because -- but definitely the morning meeting is a  
7 good start-off.

8 MR. PAUL: All right, and it would have been  
9 around that time that you would have made some reference to  
10 the case as something that you thought might have a  
11 potential to be an Alfred and therefore it was very  
12 important.

13 MR. ST. DENIS: Yes, yes.

14 MR. PAUL: And so you viewed it as not an  
15 ordinary case, in the sense you viewed it as a fairly  
16 important case.

17 MR. ST. DENIS: Yes.

18 MR. PAUL: Something to deal with quickly.

19 MR. ST. DENIS: Yes.

20 MR. PAUL: And even a month delay involving  
21 an investigating officer was something that you didn't ---

22 MR. ST. DENIS: That was too much.

23 MR. PAUL: All right.

24 So certainly delays on the file of more than  
25 that, four to five months, would be something that you

1 would want to question and look at closely.

2 MR. ST. DENIS: Yes.

3 MR. PAUL: Now, just in terms of the  
4 assignment of Constable Sebalj, did you view her as an  
5 officer with enough experience to deal with that type of  
6 case?

7 MR. ST. DENIS: I didn't know her. I didn't  
8 know her file personally but the recommendation from the  
9 Inspector and Staff Sergeant was that she was competent,  
10 qualified.

11 MR. PAUL: So it was basically something  
12 left to, for example, Staff Sergeant Brunet.

13 MR. ST. DENIS: Yes.

14 MR. PAUL: Now, in terms of resources  
15 needed, can you comment on what -- the type of case  
16 involved would be something that perhaps the officers, such  
17 as Constable Sebalj, should be dedicated to that file only  
18 and not other files?

19 MR. ST. DENIS: If there was going to be  
20 more than one victim, yes, definitely.

21 MR. PAUL: So if it was the case that had  
22 the potential to be one that perhaps she should be -- if  
23 there were more -- it became more complex, something that  
24 perhaps only that case should be assigned to her?

25 MR. ST. DENIS: It could have developed into

1           that, yes.

2                       **MR. PAUL:** Now, you did make reference to --  
3           just a few minutes ago, I believe, to Staff Sergeant Brunet  
4           later on at some point, briefing you or advising you of the  
5           fact of the civil settlement between the Church and Mr.  
6           Silmser.

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

8                       **MR. PAUL:** And just to clarify that, did you  
9           also get an explanation, a briefing from Staff Sergeant  
10          Brunet that he was seeking legal advice from Murray  
11          MacDonald?

12                      **MR. ST. DENIS:** Who's Ray MacDonald?

13                      **MR. PAUL:** Murray MacDonald.

14                      **MR. ST. DENIS:** Murray MacDonald, yes. Yes,  
15          I was aware of that.

16                      **MR. PAUL:** Would you have suggested -- would  
17          you have been the one that suggested to Staff Sergeant  
18          Brunet that he get that down in writing?

19                      **MR. ST. DENIS:** I think I voiced probably my  
20          opinion on that, yes; not verbally but to do it in writing,  
21          yes.

22                      **MR. PAUL:** Okay, and then ---

23                      **MR. ST. DENIS:** If I didn't, I would think  
24          the Chief did, but I'm pretty sure I did.

25                      **MR. PAUL:** Okay.

1                   Would it be your understanding that at some  
2 point after that Staff Sergeant Brunet did receive a  
3 written opinion and you received a copy of it?

4                   **MR. ST. DENIS:** If I didn't receive a copy  
5 of it, I was briefed on it, yes.

6                   **MR. PAUL:** So you were aware of the written  
7 opinion.

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

9                   **MR. PAUL:** Now, I understand that at some  
10 point the file was assigned to a project file.

11                   **MR. ST. DENIS:** Yes.

12                   **MR. PAUL:** And that was by the Chief in your  
13 presence?

14                   **MR. ST. DENIS:** I believe I was at that  
15 meeting, yes.

16                   **MR. PAUL:** And that would have been -- that  
17 would not have been early on. That would have been in the  
18 fall of '93?

19                   **MR. ST. DENIS:** That's after the Lortie  
20 morning meeting?

21                   **MR. PAUL:** After the -- okay, so it would be  
22 -- to your knowledge, you have no knowledge of it being  
23 assigned to a project file early on back in December '92?

24                   **MR. ST. DENIS:** No, no. No, not until it  
25 was assigned.

1                   **MR. PAUL:** And you're not aware of any  
2                   directions to put it on a project file earlier?

3                   **MR. ST. DENIS:** No, I'm not.

4                   **MR. PAUL:** And when the Chief did -- Chief  
5                   Shaver did indicate it was going to a project file, was  
6                   there any discussion at that point of what had happened to  
7                   it prior to that; why it wasn't in a project file or why it  
8                   wasn't on OMPPAC?

9                   **MR. ST. DENIS:** The only thing I remember  
10                  about it at that time was when the Chief found out that it  
11                  wasn't -- information wasn't readily available, he ordered  
12                  the project file to be commenced immediately.

13                  **MR. PAUL:** Right, but you're not aware of  
14                  any specific complaint or suggestion that it should have  
15                  been done earlier?

16                  **MR. ST. DENIS:** No, I -- no, I'm not, but  
17                  I'm not sure I understand your question either.

18                  **THE COMMISSIONER:** It's like this; we've  
19                  heard evidence that the Chief wanted a project file opened  
20                  when he first assigned the case to Lortie.

21                  **MR. ST. DENIS:** I'm not aware of that.

22                  **THE COMMISSIONER:** Okay.

23                  **MR. ST. DENIS:** It's possible but I'm not  
24                  aware.

25                  **MR. PAUL:** Now, in the fall of '93 was there

1 ever any meeting, to your knowledge, where any of the  
2 senior management would have raised any kind of concern of  
3 whether it was appropriate to put it in a project file?

4 Was there ever any meeting, to your  
5 knowledge, where any of the senior management would have  
6 raised any kind of concern of whether it was appropriate to  
7 put it in a project file?

8 **MR. ST. DENIS:** I don't remember anyone  
9 being concerned about it at that time.

10 **MR. PAUL:** So you don't remember any concern  
11 or objection or any difficulty raised by anybody that it be  
12 ---

13 **MR. ST. DENIS:** No.

14 **MR. PAUL:** --- if it was appropriate for a  
15 project file?

16 **MR. ST. DENIS:** Not to my knowledge.

17 **MR. PAUL:** And on that point, would you  
18 agree that a sexual assault file is -- it's somewhat  
19 unusual that it be in a project file? It's not normal.

20 **MR. ST. DENIS:** I won't second guess her, be  
21 the Monday morning quarterback here. If there was -- if  
22 the potential was there to have more than one victim, I can  
23 see it going on a project-type file, but if the -- if there  
24 was only an indication that there was one victim, I'm not  
25 sure that I would -- I would view a project file as the

1 best way to go. It's usually when you have more than one  
2 victim or more than one perpetrator of a crime or more than  
3 one incident.

4 MR. PAUL: What about the idea of using a  
5 project file to protect the identity ---

6 MR. ST. DENIS: Yes.

7 MR. PAUL: --- of the suspects ---

8 MR. ST. DENIS: You're ---

9 MR. PAUL: --- I'm not talking about  
10 complainants or possible victims, but what about suspects?

11 MR. ST. DENIS: You're helping me out here.  
12 I do remember discussions about that issue; concerns about  
13 too many people getting -- having knowledge of the names in  
14 particular and that was maybe one of the reasons it went on  
15 a project file.

16 MR. PAUL: You're talking about the names of  
17 Ken Seguin and Charles MacDonald. Would those have been  
18 reasons -- the names of those people -- to protect their  
19 identity?

20 MR. ST. DENIS: I -- I was looking at more  
21 the victims ---

22 MR. PAUL: All right.

23 MR. ST. DENIS: --- and perhaps the clergy.

24 MR. PAUL: Was there any discussion with  
25 Chief Shaver about the purpose, whether it was to protect

1 victims' identity or complainants' identity or suspects' or  
2 who it was to protect?

3 MR. ST. DENIS: I do remember a  
4 conversation. I'm not sure if it was Chief Shaver, but it  
5 was to keep a lid on the -- on the names and the  
6 information from circulating and generating rumours or  
7 being released in an improper manner; something to that  
8 effect.

9 MR. PAUL: And at the time of that  
10 discussion, would that have been late in '93?

11 MR. ST. DENIS: I couldn't tell you the  
12 date. I ---

13 MR. PAUL: All right. At the time of the  
14 discussion, was there an ongoing investigation or was the  
15 investigation essentially terminated at ---

16 MR. ST. DENIS: I believe Constable Sebalj  
17 was still investigating; I believe she was.

18 MR. PAUL: Was this discussion about the  
19 purpose of a project file? Was this not after the morning  
20 meeting with Sergeant Lortie?

21 MR. ST. DENIS: It could have been.

22 MR. PAUL: Okay. It was not the  
23 investigation not proceeding at that point because of the  
24 civil settlement?

25 MR. ST. DENIS: I don't recall.

1                   **MR. PAUL:** Just a question back to when you  
2 first joined the Cornwall Police.

3                   When you first joined, did you have some  
4 kind of handover or exchange with the outgoing Deputy  
5 Chief?

6                   **MR. ST. DENIS:** No, he was not here. He was  
7 gone. Deputy O'Neill.

8                   **MR. PAUL:** Would you normally have a  
9 handover when you take over from a ---

10                  **MR. ST. DENIS:** Usually when you do --  
11 usually, yeah, you have somebody that briefs you on ongoing  
12 matters, yes.

13                  **MR. PAUL:** And do you have any understanding  
14 on why there wasn't a handover or why he was leaving?

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

16                  **MR. PAUL:** I want to ask you a few questions  
17 about your statement to the Ontario Provincial Police.

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

19                  **MR. PAUL:** I believe it would be Exhibit  
20 1487.

21                  **THE COMMISSIONER:** I'm sorry, the exhibit  
22 again; 1487?

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

24                  **MR. PAUL:** Now, I'd be asking you a few  
25 questions about pages 3 and 4; page 3 first.

1                   **MR. ST. DENIS:** That's 47 -- 460?

2                   **THE COMMISSIONER:** Yes it is, sir.

3                   **MR. PAUL:** Yes. And there's a question --  
4 this would be interview -- Ontario Provincial Police. This  
5 would have been the 20<sup>th</sup> of January, 2000, I believe. It's  
6 on the first page.

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

8                   **MR. PAUL:** There's some introductory  
9 questions and then they -- when they get into the Silmsers  
10 matter, one of the first questions I believe is:

11                               "Okay, when did you first learn about  
12                               the complaint of David Silmsers?"

13                               And I believe then you give a response; it  
14 refers to the morning meeting with Sergeant Lortie. Is  
15 that correct?

16                   **MR. ST. DENIS:** Yes, that's what it says  
17 there, yes.

18                   **MR. PAUL:** Okay. And then the next question  
19 is a I agree is a fairly general question:

20                               "What was your involvement in this  
21                               matter?"

22                               And you go on to explain ---

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

24                   **MR. PAUL:** --- some aspect of discipline  
25 involving Staff Sergeant Derochie and Constable Dunlop?

1                   **MR. ST. DENIS:** Yes, I see that.

2                   **MR. PAUL:** Then on the next page, page 4,  
3 the OPP come out and specifically ask you:

4                               "Did you assign anyone to investigate  
5                               any of the complaints of Silmsers?"

6                   Correct?

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

8                   **MR. PAUL:** And then you indicate that you  
9 originally went to Sergeant Lortie and you were involved in  
10 the assignment of it after that?

11                   **MR. ST. DENIS:** Yes.

12                   **MR. PAUL:** Now, I was wondering, when you  
13 were first asked the question about when did you first  
14 learn or become involved in the Silmsers matter, you don't,  
15 at that point, come right out and say that you were  
16 involved in reassigning it; correct?

17                   **MR. ST. DENIS:** That's what it looks like  
18 here, yes.

19                   **MR. PAUL:** And I'm just wondering for any  
20 reason, I mean, did you want to -- were you less inclined  
21 to give information about your involvement?

22                   **MR. ST. DENIS:** No, I was less inclined  
23 because of personal, medical reasons.

24                   **MR. PAUL:** Pardon me?

25                   **MR. ST. DENIS:** I said if anything I was

1 less inclined because of personal, medical reasons at that  
2 time ---

3 MR. PAUL: Okay.

4 MR. ST. DENIS: --- at the time of this  
5 interview.

6 MR. PAUL: Are you talking about you were  
7 under a lot of stress at the time of the interview?

8 MR. ST. DENIS: Well, that's a good way of  
9 putting it maybe.

10 MR. PAUL: Okay. I'm just wondering was  
11 there any attempt to sort of distance yourself from the  
12 earlier parts of the Silmsen investigation because of the  
13 controversial nature of them?

14 MR. ST. DENIS: No.

15 MR. PAUL: I just want to ask you as well, I  
16 ---

17 MR. NEVILLE: Commissioner, I think it's  
18 only fair to this witness and to the thrust of the last set  
19 of questions that we look at the very next page.

20 THE COMMISSIONER: Page?

21 MR. NEVILLE: Of Deputy Chief St. Denis'  
22 statement.

23 THE COMMISSIONER: Yes.

24 MR. NEVILLE: I have it as page 4 of 14.

25 THE COMMISSIONER: Yes.

1 "Did you assign anyone to investigate  
2 any of the complaints of Silmsers?"

3 **MR. NEVILLE:** Yes, it's all fully discussed  
4 there.

5 **MR. PAUL:** If I could respond to that.

6 I think I was very fair. Before I asked the  
7 questions, I put that to him and explained it. Before I  
8 began asking questions, I actually referred him to page 4  
9 and indicated that after the first two questions, he was  
10 asked a more specific question about assigning the file ---

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

12 **MR. PAUL:** --- and then he answered that  
13 question, so I've already put that to him.

14 **THE COMMISSIONER:** Well, okay.

15 Where are you going now?

16 **MR. PAUL:** I have further questions on this  
17 area.

18 **THE COMMISSIONER:** Okay, so what you're --  
19 okay, go ahead, let's see.

20 **MR. PAUL:** Now, you did indicate that in  
21 terms of your involvement with Staff Sergeant Brunet that  
22 you were involved in being briefed on the nature of the  
23 settlement?

24 **MR. ST. DENIS:** Yes.

25 **MR. PAUL:** And you were involved in, and at

1       least had knowledge of, the legal opinion being sought from  
2       ---

3                   **MR. ST. DENIS:** Yes.

4                   **MR. PAUL:** --- Murray MacDonald?

5                   **MR. ST. DENIS:** Yes, I do remember that.

6                   **MR. PAUL:** And I'm just wondering, given the  
7       general nature of the initial questions from the OPP,  
8       wouldn't that be something you'd explain to the OPP that  
9       you were involved also in the discussions with Staff  
10      Sergeant Brunet about the legal advice and the settlement?

11                  **MR. ST. DENIS:** That -- that's a very good  
12      point, sir, but I'll tell you what. In my frame of mind at  
13      that time, I don't know if I was in the right frame of  
14      mind.

15                  **MR. PAUL:** Okay.

16                  **MR. ST. DENIS:** I'll leave it at that.

17                  **MR. PAUL:** All right.

18                  Now, after the reassignment of the file away  
19      from Sergeant Lortie, I mean, your involvement just didn't  
20      come to an end at that point did it?

21                  **MR. ST. DENIS:** No, no.

22                  **MR. PAUL:** You were still involved in  
23      meetings?

24                  **MR. ST. DENIS:** Yes.

25                  **MR. PAUL:** Involved in morning meetings?

1                   **MR. ST. DENIS:** Yes.

2                   **MR. PAUL:** And you were getting periodic  
3 updates on the file; what was going on?

4                   **MR. ST. DENIS:** Yes.

5                   **MR. PAUL:** And that would be throughout the  
6 reassignment of the file right up until the time of the  
7 morning meeting with -- where Sergeant Lortie became  
8 involved?

9                   **MR. ST. DENIS:** I believe so, yes.

10                  **MR. PAUL:** And would it not have been more  
11 complete to indicate to the OPP that you were also involved  
12 in morning meetings being advised regularly?

13                  **MR. ST. DENIS:** I -- yes, I suppose, yes.

14                  **MR. PAUL:** Now, at this point, you say that  
15 you have no recollection of anything that was said at the  
16 morning meetings other than the meeting with Sergeant  
17 Lortie raising the issue?

18                  **MR. ST. DENIS:** I would be constructing and  
19 giving you what I believe was happening, or was being said.

20                                To tell you what exactly what was discussed,  
21 I couldn't do that today. It's impossible.

22                  **MR. PAUL:** So for example, in terms of  
23 whether there was any discussion about whether a suspect  
24 should or should not be interviewed by the police, you  
25 can't give any explanation of whether that was discussed at

1 the meetings?

2 MR. ST. DENIS: I don't recall.

3 MR. PAUL: Okay.

4 And the same, in terms of issues surrounding  
5 use of polygraphs on any of the suspects, such as Father  
6 Charles MacDonald, you can give no explanation of whether  
7 that was discussed at the meetings or not?

8 MR. ST. DENIS: It probably was, because  
9 polygraph does stand out.

10 MR. PAUL: All right.

11 But in terms of how it was discussed, you  
12 have no recollection?

13 MR. ST. DENIS: No.

14 MR. PAUL: In terms of progress of the  
15 investigation from April to September, whether there was  
16 any delay or gap when not much was done.

17 MR. ST. DENIS: In 90 -- what year?

18 MR. PAUL: Ninety-three ('93).

19 MR. ST. DENIS: Ninety-three ('93).

20 MR. PAUL: You can't give any explanation of  
21 whether this delay or a delay or a gap in the investigation  
22 was discussed at any of the meetings?

23 MR. MANDERVILLE: Mr. Commissioner.

24 THE COMMISSIONER: Yeah?

25 MR. MANDERVILLE: My friend keeps using the

1 word "explanation" as though there's some explaining to do.

2 I think he means, "Do you have any  
3 recollection of what was discussed." I'm sure that's what  
4 he means.

5 **MR. PAUL:** Well, I'm asking him if he has an  
6 explanation for what happened at the meetings, in relation  
7 to anything surrounding a gap in the investigation.

8 We have heard some information from, I  
9 believe, Chief Shaver on that already, that that was  
10 discussed at some point; and Staff Sergeant Brunet.

11 **THE COMMISSIONER:** Right. But why use the  
12 word "explanation" at this point?

13 **MR. PAUL:** Well, I can ask him if he has any  
14 recollection.

15 Do you have any recollection of that issue?

16 **MR. ST. DENIS:** I don't have any  
17 recollection, but we had -- there was a lot of discussion  
18 and a lot of meetings.

19 **MR. PAUL:** But just leading up to the  
20 morning meeting where Sergeant Lortie raises the topic of  
21 the Silmsner case, I just want to understand your  
22 relationship to chief Shaver.

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

24 **MR. PAUL:** Now, do I understand that back, I  
25 believe in '92, late '92, is when the -- what you call the

1 blow-up at Chief Shaver's house occurs? Sorry, is it '92  
2 or '91?

3 MR. ST. DENIS: In that area, yes.

4 THE COMMISSIONER: Before Silmsers?

5 MR. PAUL: Yes.

6 THE COMMISSIONER: Do you recall it; if it  
7 was before Silmsers?

8 MR. ST. DENIS: No, I don't. I don't --  
9 time frames, right now, do not mean too much to me unless I  
10 have a document in front of me that can help me.

11 MR. PAUL: Now, at the time of the meeting  
12 in the fall of '93, where Lortie raises ---

13 MR. ST. DENIS: Yes.

14 MR. PAUL: --- the Silmsers case ---

15 MR. ST. DENIS: I remember the meeting, but  
16 ---

17 MR. PAUL: Yes.

18 MR. ST. DENIS: --- to tell you exactly what  
19 we talked about ---

20 MR. PAUL: Just at that -- I'm not ---

21 MR. ST. DENIS: The words "cover up" stand  
22 out for some unknown reason.

23 MR. PAUL: Right. But at this point, all I  
24 want to know is, leading up to the meeting is your  
25 relationship with Chief Shaver still strained, leading up

1 and into the meeting?

2 MR. ST. DENIS: Our relationship was never  
3 strained on operational matters.

4 MR. PAUL: Only on a personal side it was  
5 strained?

6 MR. ST. DENIS: Management.

7 MR. PAUL: Okay.

8 But I just want to ask you, in terms of  
9 attending the meetings, the relationship with Chief Shaver,  
10 does it -- the blow-up and the effects of that; does it  
11 affect the way you present yourself at meetings? How you  
12 present yourself? Whether you're less likely to talk about  
13 things?

14 MR. ST. DENIS: No, not if it was an  
15 operational issue.

16 MR. PAUL: But at the actual meeting where  
17 Sergeant Lortie raises the Silmsler case, do you get  
18 involved in the discussion at all?

19 MR. ST. DENIS: I probably had some  
20 comments, but I couldn't tell you what I said, or if I said  
21 anything at all.

22 MR. PAUL: All right.

23 Did you give any information to Sergeant  
24 Lortie on the status of the Silmsler case?

25 MR. ST. DENIS: No; I would have expected

1 him to give me some information on the status of the case.

2 MR. PAUL: You would have expected Sergeant  
3 Lortie to give you it?

4 MR. ST. DENIS: Especially when he handed  
5 the file over to me when I assigned it to Brunet.

6 MR. PAUL: All right.

7 But to your knowledge, are you aware that --  
8 are you not aware that Sergeant Lortie would have had  
9 limited involvement in the investigation itself? It would  
10 have been mostly ---

11 MR. ST. DENIS: Actually, I don't think the  
12 briefing was that long, when he was in my office.

13 He handed me the file and the next thing I  
14 know, he was going off on sick leave.

15 MR. PAUL: Now, the morning meeting with  
16 Sergeant Lortie, the topic of the Silmsler case is -- that,  
17 I understand, is the first topic that's discussed.

18 MR. ST. DENIS: I'm not sure if it was the  
19 first topic that was discussed, because usually, in the  
20 morning meetings, you go over what happened the night  
21 before on the night shift. You get a briefing on what  
22 happened in the city at night.

23 And then sometimes, it would lead to  
24 discussions on a particular file, or some of the people  
25 that were at the morning -- the specific morning meeting,

1 would be excluded and another meeting would continue with  
2 respect to an issue, or a file, a specific file, i.e., the  
3 Silmsers file.

4 MR. PAUL: All right.

5 But would you agree -- is it near the  
6 beginning of the meeting that the Silmsers case is  
7 discussed?

8 MR. ST. DENIS: I don't recall. I don't  
9 recall what -- like, what specific time.

10 MR. PAUL: I was asking about a portion of  
11 his evidence in-chief, it would be volume 239, page 100.

12 THE COMMISSIONER: Hold on a second.  
13 What page again?

14 MR. PAUL: Page 100.

15 THE COMMISSIONER: Thank you.

16 MR. PAUL: Do you have that ---

17 MR. ST. DENIS: No, I missed the ---

18 MR. PAUL: Sorry, page 100.

19 MR. ST. DENIS: One hundred (100).

20 Yes.

21 MR. PAUL: Now, towards the middle, there's  
22 a reference to the meeting; line 12.

23 MR. ST. DENIS: All right.

24 MR. PAUL: There's an answer given"

25 "It was shortly after we got into the

1 meeting, not that long after."

2 If you need to look at the previous page or  
3 pages, you can do that, but I just want to ask you is --  
4 from looking at the evidence, is that reference -- does  
5 that relate to the Lortie reference to Silmsers?

6 **MR. ST. DENIS:** That's what I'm insinuating,  
7 yes.

8 **MR. PAUL:** So is it your recollection that  
9 it's fairly early in the meeting that the Silmsers case is  
10 brought up by Lortie.

11 **MR. ST. DENIS:** I said that, in my evidence-  
12 in-chief, so I guess I have to stay with that.

13 **THE COMMISSIONER:** Well, you don't have to  
14 if you have another, better memory. But ---

15 **MR. ST. DENIS:** Sir, it -- the memory is not  
16 very good at the best of times. It's not that great.

17 **THE COMMISSIONER:** Memory sometimes is  
18 replaced with wisdom at a certain point.

19 **MR. ST. DENIS:** Thank you, sir.

20 **MR. PAUL:** Would you agree that the  
21 discussion around Silmsers at this meeting was not at the  
22 very end of the meeting when people were about to leave?

23 **MR. ST. DENIS:** I -- yes, it would not be at  
24 the very end of the meeting.

25 **MR. PAUL:** Do you recall if there were any

1 other topics discussed after the Silmser topic was  
2 discussed by Sergeant ---

3 MR. ST. DENIS: I don't recall that; I don't  
4 recall.

5 MR. PAUL: And in terms of the discussion,  
6 did anybody bring up the civil settlement in the meeting?

7 MR. ST. DENIS: I know it was brought up but  
8 I don't know if it was at that meeting or -- I couldn't  
9 tell you which meeting it was at.

10 MR. PAUL: And did anybody suggest the --  
11 any legal advice from Murray MacDonald at the meeting? Or  
12 was that ---

13 MR. ST. DENIS: I remember that discussion  
14 also, probably from -- a briefing from Staff Brunet. Yes,  
15 I do remember.

16 MR. PAUL: Is it perhaps that that was after  
17 the meeting when you meet Staff Brunet, after?

18 MR. ST. DENIS: I have no idea, sir. I'm  
19 sorry.

20 MR. PAUL: Now, you do meet Staff Sergeant  
21 Brunet after the meeting, correct?

22 MR. ST. DENIS: Staff Brunet came into my  
23 office immediately after that meeting and I was concerned  
24 as to what Staff Sergeant Lortie had said at that time.  
25 Yes.

1                   **MR. PAUL:** And he is upset by the comments?

2                   **MR. ST. DENIS:** Staff Brunet is upset by  
3 Lortie's criticisms.

4                   **MR. PAUL:** And is he defending himself to  
5 you at that point?

6                   **MR. ST. DENIS:** He just wondered why he --  
7 why the sergeant had to do that in front of everyone that  
8 was in the -- in at that meeting.

9                   **MR. PAUL:** And did -- he would have -- he's  
10 taking the view, or he's under the impression that the  
11 comments are critical of him?

12                   **MR. ST. DENIS:** Yes.

13                   **MR. PAUL:** And does he defend himself in any  
14 way at the meeting and suggest anything in his defence at  
15 the meeting?

16                   **MR. ST. DENIS:** I consoled him, and I had  
17 full trust in Brunet's judgement and briefings that I had  
18 received from him.

19                   **THE COMMISSIONER:** Yeah, but that wasn't the  
20 question, though. The question was, during the meeting  
21 when Lortie tells -- says all of these things, does Brunet  
22 come out in his own defence and say, "That's not the way it  
23 went," or "You don't understand the full picture"?

24                   **MR. ST. DENIS:** To the best of my  
25 recollection, Mr. Commissioner, Brunet remained relatively

1 quiet and didn't want to make a big show, in other words.

2 THE COMMISSIONER: M'hm.

3 MR. ST. DENIS: And came into my office,  
4 after that.

5 MR. PAUL: All right.

6 And nobody else comes to his defence or says  
7 anything in his defence?

8 MR. ST. DENIS: At that point, no. But the  
9 meeting broke up real fast, I think, after the outburst.

10 MR. PAUL: I just want to ask you a couple  
11 of questions about your training.

12 I understand that prior to being in the  
13 Cornwall Police you were in the RCMP?

14 MR. ST. DENIS: Yes, sir.

15 MR. PAUL: And in terms of your training  
16 there, you were an undercover officer at some point?

17 MR. ST. DENIS: At one point, a long time --  
18 -

19 MR. PAUL: How many years in that capacity?

20 MR. ST. DENIS: It would be, on and off, for  
21 three.

22 MR. PAUL: And how many years as a handler  
23 or someone who was responsible for undercover officers?

24 MR. ST. DENIS: One, in Montreal.

25 MR. PAUL: I want to ask you whether you --

1 in terms of your association, whether you or Chief Shaver  
2 had any association to a few people I'm going to list.

3 **MR. ST. DENIS:** Sure.

4 **MR. PAUL:** There's a couple of individuals  
5 who were involved in the civil settlement; would have been  
6 lawyers in the civil settlement. One would have been  
7 Malcolm MacDonald. Were you involved with him, either on a  
8 personal or a professional basis?

9 **MR. ST. DENIS:** I was not involved with Mr.  
10 MacDonald. I met him at St. Andrews, a reception at the  
11 SD&G Highlanders. He had something to do -- I think he was  
12 a colonel, a retired colonel, an honorary colonel or  
13 something with the Highlanders, and that's about all I  
14 remember about that Mr. MacDonald.

15 **MR. PAUL:** And Chief Shaver, do you have any  
16 knowledge of any connection between him ---

17 **MR. ST. DENIS:** Maybe the Chief was with me  
18 at -- this was like a dinner. Like we weren't -- we didn't  
19 sit with that person. I forget the -- I don't even know  
20 who I was sitting beside, but I don't believe the Chief  
21 socialised with him either, but I can't speak for the  
22 Chief.

23 **MR. PAUL:** What about Jacques Leduc? Would  
24 he be someone you'd be familiar with?

25 **MR. ST. DENIS:** No, I know him from local

1 press. I know he's -- if that's the same guy, he's a  
2 lawyer.

3 MR. PAUL: Yes. Or Chief Shaver, to your  
4 knowledge, would he ---

5 MR. ST. DENIS: I have no idea. Somehow I  
6 doubt it.

7 MR. PAUL: The solicitor for Mr. Silmser,  
8 Sean Adams ---

9 MR. ST. DENIS: I know -- I knew Sean Adams'  
10 father. I had no dealings with Sean Adams. I had many  
11 dealings with Ron Adams because he was our Board chair.

12 MR. PAUL: Board chairman, yes.

13 MR. ST. DENIS: Yes.

14 THE COMMISSIONER: I'm sorry, Ron Adams is  
15 his father?

16 MR. PAUL: The father.

17 THE COMMISSIONER: Okay.

18 MR. PAUL: What about Chief Shaver? Would  
19 he have been associated ---

20 MR. ST. DENIS: He would have -- the same as  
21 I would ---

22 MR. PAUL: Associated, obviously, with the  
23 chairman of the ---

24 MR. ST. DENIS: We used to attend Ontario  
25 Association of Chiefs of Police conferences and we'd be

1 out, we'd be together.

2 MR. PAUL: Now, the individuals who the  
3 complaints by Mr. Silmser would have been made against, Mr.  
4 Seguin and Mr. MacDonald, did you know them at all?

5 MR. ST. DENIS: Did I know Mr. Silmser?

6 MR. PAUL: No, Mr. Seguin, the probation  
7 officer.

8 MR. ST. DENIS: I don't know Mr. Seguin and  
9 I don't know Mr. Silmser.

10 MR. PAUL: And Charles MacDonald?

11 MR. ST. DENIS: I know -- is that the  
12 priest?

13 MR. PAUL: Yes.

14 MR. ST. DENIS: I attended at Perry Dunlop's  
15 funeral in St. Andrews.

16 MR. PAUL: Wedding.

17 MR. ST. DENIS: I'm sorry?

18 THE COMMISSIONER: The wedding?

19 MR. ST. DENIS: Maybe it is getting late.  
20 It is the wedding. Sorry about that. I forget what year.

21 And that's where I met Father Charlie, as  
22 they call him, and that's the only time I met him or saw  
23 him, and I didn't even talk to him but I did meet him at  
24 the wedding.

25 MR. PAUL: To your knowledge, did Chief

1 Shaver have any personal relationship with Mr. Seguin or  
2 Mr. MacDonald?

3 **MR. ST. DENIS:** I don't believe he did. I  
4 never saw him -- I never saw that.

5 **MR. PAUL:** I have just a few questions about  
6 the Antoine case, and I would understand that the meetings  
7 you would have attended would have been with individuals at  
8 a high level, and other associations, such as the head of  
9 the Children's Aid?

10 **MR. ST. DENIS:** That I attended meetings?

11 **MR. PAUL:** Yes.

12 **MR. ST. DENIS:** Other than Mr. O'Brien, two  
13 meetings with Mr. O'Brien, I do not seem to recall any  
14 other high-level meetings.

15 **MR. PAUL:** What about -- would the Crown  
16 Attorney have been present?

17 **MR. ST. DENIS:** Mr. Johnson was at one of  
18 them, yes.

19 **MR. PAUL:** Now, you're aware of Constable  
20 Malloy being assigned a file to take action?

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

22 **MR. PAUL:** Just given your involvement and  
23 your involvement at the meetings and with the Crown  
24 Attorney and the head of Children's Aid, did you not see it  
25 appropriate to follow the case and track it after that?

1                   **MR. ST. DENIS:** I relied on my Inspector  
2 Trew for that.

3                   **MR. PAUL:** I would understand -- would it be  
4 a case that you did not track or follow, you left it to  
5 others?

6                   **MR. ST. DENIS:** I personally did not track  
7 it. No, I did not.

8                   **MR. PAUL:** So as far as the outcome of it,  
9 you didn't have any idea what happened with the outcome at  
10 the time back then?

11                   **MR. ST. DENIS:** No, no, I didn't.

12                   **MR. PAUL:** Those are my questions, Mr.  
13 Commissioner.

14                   **THE COMMISSIONER:** Thank you.

15                   Mr. Lee?

16                   **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

17                   **MR. LEE:**

18                   **MR. LEE:** Mr. St. Denis, my name is Dallas  
19 Lee. I'm counsel for the Victims' Group.

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

21                   Mr. Lee, are we looking at another hour-and-  
22 a-half?

23                   **MR. LEE:** I certainly hope not.

24                   **THE COMMISSIONER:** Do you have any concerns  
25 about going on?

1                   **MR. ST. DENIS:** No, but if it's going to be  
2                   -- are we finishing at eight tonight?

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

4                   Mr. Lee, how long are you going to be?

5                   **MR. LEE:** I had originally said an hour, and  
6                   I am hoping I can keep it well under that.

7                   **THE COMMISSIONER:** And then after that there  
8                   will be -- we'll reassess, but there shouldn't be much  
9                   longer after Mr. Lee, I think.

10                  **MR. ST. DENIS:** When I caught myself saying  
11                  "funeral" instead of "wedding", I -- that's ---

12                  **THE COMMISSIONER:** Are you concerned about  
13                  continuing?

14                  **MR. ST. DENIS:** No, I'm okay now.

15                  **THE COMMISSIONER:** All right. So if at any  
16                  time you feel that it's been enough, we can continue  
17                  tomorrow, and Mr. Lee is pretty good on his time now.

18                  **MR. LEE:** Thank you, sir.

19                  As I said, Mr. St. Denis, I'm on for the  
20                  victims group. I have a few areas that I want to ask you  
21                  about.

22                  Much of what I want to do is just sort of  
23                  clarify things, smaller points and a couple of things that  
24                  I'm just not sure I understand, that I'm just hoping you  
25                  can explain a little bit.

1 I'd like to start with -- and at points I  
2 may just put a proposition to you. For example, "We looked  
3 at a document and this is what the document said". If you  
4 want to look at the document to refresh your memory, let me  
5 know, okay?

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

7 **MR. LEE:** One of the documents that I want  
8 to ask you about is your response to the Staff Sergeant and  
9 Senior Officers' Report.

10 **MR. ST. DENIS:** Yes.

11 **MR. LEE:** And you'll recall you wrote just a  
12 short response and you said that you had every confidence  
13 in the Chief and that people had to essentially look in the  
14 mirror.

15 **MR. ST. DENIS:** Yes.

16 **MR. LEE:** And it's everybody's problem, not  
17 just his problem. Do you recall that?

18 **MR. ST. DENIS:** Yes, I do.

19 **MR. LEE:** During your examination in-chief  
20 what you said was;

21 "When I wrote this I was still holding  
22 in abeyance my full professional  
23 opinions, and that's why I wrote this."

24 **MR. ST. DENIS:** Yes.

25 **MR. LEE:** You recall saying that?

1                   **MR. ST. DENIS:** Something to that effect,  
2                   yes.

3                   **MR. LEE:** And when I heard you say that, it  
4                   gave me the impression that your response to the Staff  
5                   Sergeant and Senior OfficerS' Report came from a sense of  
6                   duty or obligation. Is that fair?

7                   **MR. ST. DENIS:** That, as well as continually  
8                   evaluating my Chief in my own way.

9                   **MR. LEE:** Some of what you told Ms. Daley  
10                  from the Citizens for Community Renewal was that part of  
11                  your job was to support the Chief. Is that right?

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

13                  **MR. LEE:** Did you feel at the time that  
14                  those -- the Senior Officer and Staff SergeantS' Report  
15                  came to your attention, that you would have been at the  
16                  liberty to agree with those reports in some kind of  
17                  official way?

18                  **MR. ST. DENIS:** I would say as the Chief's  
19                  right-hand man, I would have to support the Chief.

20                  **MR. LEE:** That's your job?

21                  **MR. ST. DENIS:** That's my job.

22                  **MR. LEE:** You've been asked a lot about what  
23                  you described in some correspondence about the blow up at  
24                  Chief Shaver's house, and I'm not going to get back into  
25                  trying to get details out of you about exactly what it was

1 about, but you recall that you did use the term "blow up"?

2 MR. ST. DENIS: Yes.

3 MR. LEE: You recall that?

4 MR. ST. DENIS: Poor terminology but that's  
5 what I used, yes.

6 MR. LEE: Can you tell me how heated this  
7 discussion with Chief Shaver got?

8 MR. ST. DENIS: Heated in the sense that  
9 there were -- neither one of us hesitated to say what we  
10 had to say to each other face-to-face. If you mean concern  
11 about a fight or something like that, no, there was no way  
12 that was going to happen. But very verbally, yes, our  
13 discussion was very verbal; verbose, I should say.

14 MR. LEE: Voices were raised?

15 MR. ST. DENIS: A little bit, yeah.

16 MR. LEE: You've obviously said this wasn't  
17 going to turn into a fist fight or anything like that.

18 MR. ST. DENIS: No, no.

19 MR. LEE: Anything thrown around? Any fists  
20 being pounded on tables? Anything like that?

21 MR. ST. DENIS: No. I don't remember him  
22 doing that, no.

23 MR. LEE: Had you ever had a conversation  
24 like that one with a superior before in your career?

25 MR. ST. DENIS: In the other service as

1 well?

2 MR. LEE: M'hm.

3 MR. ST. DENIS: Yes.

4 MR. LEE: And what about prior to that in  
5 your service with Cornwall Police?

6 MR. ST. DENIS: There was a few times a  
7 couple of my subordinates did that. A couple of times,  
8 yes, I do recall that.

9 MR. LEE: What about with you in the  
10 subordinate role? Was that a fairly unique situation?

11 MR. ST. DENIS: I would say if I ever did  
12 that, that would be a very unique situation and I just  
13 don't see myself ever pounding a desk to make my point.

14 MR. LEE: This was a pretty extraordinary  
15 event for you?

16 MR. ST. DENIS: Yes, I think so.

17 MR. LEE: And were both you and Chief Shaver  
18 engaged in this conversation or was it a one-way thing with  
19 you voicing your concerns?

20 MR. ST. DENIS: You're talking about ---

21 MR. LEE: The blow-up.

22 MR. ST. DENIS: Both of us.

23 MR. LEE: It was a conversation that went  
24 back and forth?

25 MR. ST. DENIS: You're talking about ---

1 MR. LEE: The blow up?

2 MR. ST. DENIS: Both of us.

3 MR. LEE: It was a conversation that went  
4 back and forth?

5 MR. ST. DENIS: Yes.

6 MR. LEE: You laid your cards on the table?

7 MR. ST. DENIS: Yes.

8 MR. LEE: He laid his cards on the table?

9 MR. ST. DENIS: Yes, sir. Yes, sir.

10 MR. LEE: And you were upset I take it,  
11 that's a fair way ---

12 MR. ST. DENIS: Yes.

13 MR. LEE: --- that's a fair word?

14 MR. ST. DENIS: So was he.

15 MR. LEE: He was upset. And it sounds like  
16 -- sitting here today looking back on it you think things  
17 maybe went a little bit further than they should have that  
18 night?

19 MR. ST. DENIS: Yes. Yes, I agree.

20 MR. LEE: And do you recall how the  
21 conversation ended?

22 MR. ST. DENIS: I think we decided that  
23 we'll discuss it -- continue the discussion the next day at  
24 the office.

25 MR. LEE: Did he -- did he ask you to leave

1 his residence or anything like that?

2 MR. ST. DENIS: Nope. Nope.

3 MR. LEE: And you've told us that in your  
4 mind that conversation with Chief Shaver was the last of  
5 your social relationship with him?

6 MR. ST. DENIS: Except for our conferences,  
7 it's pretty hard -- I say except for attending the  
8 conferences, the chief's conferences.

9 MR. LEE: Right, now but ---

10 MR. ST. DENIS: You had to -- we socialized.

11 MR. LEE: You weren't going over to his  
12 place for dinner on Saturday night or anything like that?

13 MR. ST. DENIS: No, unless it was a Board  
14 thing.

15 MR. LEE: And did you follow Chief Shaver's  
16 testimony when he was here?

17 MR. ST. DENIS: I sat in the back for the  
18 tail-end of it but don't ask me what was -- I don't  
19 remember what he said.

20 MR. LEE: Would it surprise you to hear that  
21 he testified here that he has no recollection of this blow  
22 up as you called it, of any such event occurring around  
23 that timeframe?

24 MR. ST. DENIS: That's possible. If he felt  
25 that way that's ---

1                   **MR. LEE:** Well it's not a -- it's not a  
2 feeling; he's telling us he has no recollection of it at  
3 all.

4                   **MR. ST. DENIS:** Again, I said my terminology  
5 may not have been the best.

6                   **MR. LEE:** Madam Clerk, can we take a look at  
7 Volume 240 of the transcript please?

8                   **THE COMMISSIONER:** Thank you.  
9 What page, Mr. Lee?

10                   **MR. LEE:** Three zero four (304) please, at  
11 the very bottom.

12                   **MR. ST. DENIS:** Yes, I'm there.

13                   **MR. LEE:** And the question from Mr.  
14 Engelmann who was the Commission counsel leading Chief  
15 Shaver's evidence is:

16                                   "Can you tell us then if something  
17 happened in 1991 that might have  
18 changed that to some extent?"

19                   And Chief Shaver answers that:

20                                   "I listened to the Deputy's testimony,  
21 I cannot for the life of me think of  
22 what that was. I know he mentioned  
23 there was an incident, I went back in  
24 my thinking."

25                   And then he goes on to explain:

1 "I always believed that discipline that  
2 should be firm, fair and then forgotten  
3 and I guess I just forgot it, if it was  
4 discipline which he made it sound like  
5 it was discipline."

6 And again, he reiterates at the top of page  
7 306:

8 "I haven't a clue, sir, I wish these  
9 documents were available then I could  
10 certainly tell you."

11 He just -- he really seems to have no  
12 recollection at all.

13 And the reason I'm asking you about this,  
14 sir, is listening to your testimony and your description of  
15 it as a blow up and something that was exceptional and  
16 where you were both upset; I'm going to ask you again, does  
17 it not surprise you that Chief Shaver wouldn't have any  
18 recollection of this?

19 **MR. ST. DENIS:** Sometimes the Chief over --  
20 gets overexcited and maybe he wouldn't remember. I know he  
21 got excited often or overreacted at times and maybe he did  
22 it often enough that he didn't remember this particular  
23 one. I don't know.

24 **MR. LEE:** So a blow up stands out a little  
25 more in your mind than it does in his mind?

1                   **MR. ST. DENIS:** Well, certainly very strong  
2                   disagreements. And like I said before, my choice of words  
3                   aren't necessarily the best here, but I do remember,  
4                   especially when I -- whenever I wrote this, whatever date  
5                   that's why I agree with the Chief here, if the document  
6                   said I said that; I would rely on my document that I wrote  
7                   at that time, whatever date that was than I am relying on  
8                   my memory today.

9                   **MR. LEE:** Right.

10                   Can we look at Exhibit 1768, please?

11                   **THE COMMISSIONER:** One one seven eight  
12                   (1178)?

13                   **MR. LEE:** One seven six eight (1768).

14                   **THE COMMISSIONER:** One seven six eight  
15                   (1768), okay, I got it.

16                   **MR. LEE:** This is the memo from the Deputy  
17                   Chief to Acting Chief Johnston.

18                   **THE COMMISSIONER:** M'hm. What page?

19                   **MR. LEE:** The first page, please.

20                   **THE COMMISSIONER:** All right, so ---

21                   **MR. ST. DENIS:** Seventeen seventy-six  
22                   (1776)?

23                   **THE COMMISSIONER:** No, seventeen sixty-eight  
24                   (1768).

25                   **MR. LEE:** Sixty-eight (68); 1768.

1                   **MR. ST. DENIS:** Sorry.

2                   **MR. LEE:** It's on the screen there now, sir,  
3 for you to -- you can see what we're doing.

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

5                   **MR. LEE:** You there?

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

7                   **MR. LEE:** And if you look at the third  
8 paragraph you write:

9                                   "Perhaps this writing could have been  
10 avoided had the auditors clearly  
11 identified the true single most  
12 important problem that existed within  
13 the Service as a whole, as well as with  
14 the Police Boards and local city  
15 councils."

16                   Do you see that?

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

18                   **MR. LEE:** I'm not exactly sure on what you  
19 mean by the "true single most important problem"; can you  
20 help me out with that?

21                   **MR. ST. DENIS:** At this point in time the  
22 trust of the Executive Office was -- it was lost amongst  
23 the managers and it appeared the Association and perhaps  
24 even the Board.

25                   That's what I'm trying to insinuate there, I

1 think.

2 MR. LEE: So you're suggesting that the  
3 auditors didn't fully grasp that that was the source of the  
4 other problems?

5 MR. ST. DENIS: That was my opinion, yes.

6 MR. LEE: That was your opinion, okay.

7 And if you turn over the page please, to  
8 page 2, near the bottom you have a heading labelled  
9 "Multidisciplinary" do you see that?

10 MR. ST. DENIS: Yes, sir.

11 MR. LEE: And if you read the three  
12 paragraphs to yourself and over on to the next page, the  
13 top paragraph, will you agree with me that what you're  
14 doing there is calling the qualifications of the auditors  
15 into question?

16 MR. ST. DENIS: A little bit, yes.

17 MR. LEE: And I take it you knew that these  
18 auditors were from the Policing Services Division of the  
19 Ministry of the Solicitor General?

20 MR. ST. DENIS: Yes, I did.

21 MR. LEE: And I think we've heard that these  
22 audits, from that agency are to be taken seriously?

23 MR. ST. DENIS: Yes, sir.

24 MR. LEE: And this one in particular was  
25 certainly a very serious matter?

1                   **MR. ST. DENIS:** Yes, it was.

2                   **MR. LEE:** It was comprehensive?

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

4                   **MR. LEE:** And over at the top of page 3 you  
5                   pose a number of questions; what are the qualifications and  
6                   experience of the auditors; how many years did they have,  
7                   all those kind of things.

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

9                   **MR. LEE:** Did you know the answers to those  
10                   questions at the time you wrote this?

11                   **MR. ST. DENIS:** One was a retired Chief,  
12                   that was Kopinak, I wasn't sure about the other advisor.  
13                   So he would have had Chief exposure, experience; that's  
14                   about all I knew. I didn't really know this gentleman  
15                   until he came to Cornwall.

16                   **MR. LEE:** So you were suggesting to Acting  
17                   Chief Johnston that he take a look at what their  
18                   qualifications were?

19                   **MR. ST. DENIS:** Yeah. Anything to improve  
20                   the audit process.

21                   **MR. LEE:** Sorry, anything to?

22                   **MR. ST. DENIS:** Improve the audit process.

23                   **MR. LEE:** Well this wasn't necessarily --  
24                   this section of ---

25                   **MR. ST. DENIS:** I didn't have to put that in

1           there no, if that's what you're ---

2                       **MR. LEE:** But it wasn't designed to improve  
3           the audit process, it was designed to discredit what they  
4           had found?

5                       **MR. ST. DENIS:** It was designed to point out  
6           that you should have qualifications to be an auditor.  
7           Obviously now, I guess these two had -- they had  
8           qualifications to do the audit.

9                       **MR. LEE:** You had no information at this  
10          time to suggest that they were not qualified to conduct the  
11          audit?

12                      **MR. ST. DENIS:** No, sorry.

13                      **MR. LEE:** And you have no such information  
14          now?

15                      **MR. ST. DENIS:** No, I don't.

16                      **MR. LEE:** Can you turn to page 7, please.  
17                      The second sentence at this page at the very  
18          top reads:

19                                "As Deputy I will accept my duties and  
20                                responsibilities."

21                                Page 7.

22                      **MR. ST. DENIS:** Page 7.

23                      **MR. LEE:** There is a heading "Office of the  
24          Deputy Chief".

25                      **THE COMMISSIONER:** Actually it should be

1 page -- oh yeah, it is page 7.

2 MR. ST. DENIS: Yes, I'm there now, sorry.

3 THE COMMISSIONER: Yes.

4 MR. LEE: You see the second sentence; "As  
5 Deputy I will accept my duties and responsibilities"?

6 MR. ST. DENIS: Yes.

7 MR. LEE: If you -- as I go through this  
8 response to the audit, sir ---

9 MR. ST. DENIS: Yes, sir.

10 MR. LEE: --- I don't see any suggestion  
11 from you anywhere in here that there was anything that you  
12 perhaps could have done better or anywhere that you do  
13 accept responsibility; would you agree with me on that?

14 MR. ST. DENIS: Yes, I do.

15 MR. LEE: And in fact if we look at the  
16 third paragraph on this page, as well as the fifth  
17 paragraph on this page, that's something that Ms. Daley  
18 touched on a little bit with you, where the suggestion  
19 seems to be that had your hands not been tied you may have  
20 done things differently and done more; is that right?

21 MR. ST. DENIS: Poor choice of words but  
22 yes, maybe.

23 MR. LEE: And the other thing on this page  
24 that I don't quite understand is the fourth paragraph down  
25 begins:

1 "I did not have three strong senior  
2 officers to help monitor or control CIB  
3 administration or field operations."

4 **THE COMMISSIONER:** You're going too far,  
5 Madam Clerk.

6 **MR. ST. DENIS:** I'm there.

7 **THE COMMISSIONER:** Right here, yes.

8 **MR. LEE:** Do you see that, sir

9 **MR. ST. DENIS:** Yes, I do.

10 **MR. LEE:** And what did you mean by that?

11 **MR. ST. DENIS:** The senior officer team was  
12 not functioning as a team. These three senior officers  
13 that I'm identifying here also belong to the Association.

14 So whenever an issue, a delicate issue came  
15 up and an opinion was sought by the -- let's say the  
16 Association's lawyer, you would lose your three senior  
17 officers' competence here, because they would never go  
18 against their Association's opinion.

19 **MR. LEE:** And that was -- but that's been  
20 identified elsewhere as a problem with having the senior  
21 officers ---

22 **MR. ST. DENIS:** That is a major problem.

23 **MR. LEE:** And you recognize that as a  
24 problem?

25 **MR. ST. DENIS:** Yes. I think it's been

1       rectified today. I think I heard that -- I heard it was  
2       rectified, but I'm not 100 percent sure.

3               **MR. LEE:** And the final question I have on  
4       this document is, if you look at the last paragraph on that  
5       same page ---

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

7               **MR. LEE:** --- about halfway down, at the end  
8       of the line, it reads:

9                       "Although no one is perfect, at least  
10                      Mayor Martelle and Alderman Green fully  
11                      realize that the first step to fixing  
12                      and heal our Service was to get the  
13                      Chief to retire. Unfortunately, this  
14                      should have happened much sooner."

15               Do you see that?

16               **MR. ST. DENIS:** Yes.

17               **MR. LEE:** And by the end of Chief Shaver's  
18       tenure, I take it that's an accurate statement; you agreed  
19       that it was time for him to move on?

20               **MR. ST. DENIS:** Yes.

21               **MR. LEE:** And ---

22               **MR. ST. DENIS:** Maybe me, too, but certainly  
23       the Chief, yes.

24               **MR. LEE:** Do you -- looking back on it, can  
25       you pinpoint to a time where you first believed that to be

1 true?

2 In other words, when should the -- you say  
3 here that it should have happened much sooner. When is  
4 much sooner?

5 **MR. ST. DENIS:** Ninety-three ('93).

6 **MR. LEE:** Sorry, sir?

7 **MR. ST. DENIS:** I would say '93. Maybe at  
8 the end of '92 but definitely, '93.

9 **MR. LEE:** And I think you've told us that in  
10 '91, 1991 ---

11 **MR. ST. DENIS:** Yes.

12 **MR. LEE:** --- at the -- in the heated  
13 conversation you had with Chief Shaver, you didn't go so  
14 far at that conversation to call for his job?

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

16 **MR. LEE:** Was it in your mind that, perhaps,  
17 it wouldn't be the worst thing in the world for him to move  
18 on, at that point?

19 **MR. ST. DENIS:** I always thought there was a  
20 chance that we could all move it along, and I'm a firm  
21 believer, if we all try, you can succeed.

22 But there's -- when you have a lot of  
23 stumbling blocks it causes more trouble. And if you have a  
24 Chief that sometimes is causing the stumbling blocks, or  
25 causing us to stumble, then -- or a Deputy, then you should

1 look at changing it -- the person.

2 MR. LEE: During your examination in-chief,  
3 a couple of times there was a mention made of the fact that  
4 we don't have a certain document or a letter or a memo, or  
5 whatever it was.

6 These include a few that relate to this  
7 heated conversation you had with Chief Shaver.

8 MR. ST. DENIS: M'hm.

9 MR. LEE: One of them is a letter dated  
10 September 3<sup>rd</sup> 1991, between you and Chief Shaver. Another  
11 one is the Chief's internal memo, dated August 26<sup>th</sup> 1991.

12 MR. ST. DENIS: Yes.

13 MR. LEE: Another is your internal  
14 correspondence to Chief Shaver, dated October 19<sup>th</sup>, 1992.

15 MR. ST. DENIS: Yes.

16 MR. LEE: And finally, a -- Chief Shaver's  
17 response to that, dated October 27 1992.

18 MR. ST. DENIS: Yes.

19 MR. LEE: So as I said, we don't have any of  
20 those documents. I'm wondering whether or not you have any  
21 of those documents?

22 MR. ST. DENIS: No, I don't, but I did send  
23 them to the Chief's office at that time.

24 MR. LEE: The reason I ask is that you were  
25 -- you became quite concerned, at some point, that your job

1           might be in jeopardy.

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

3                         **MR. LEE:** And you became concerned that  
4 Chief Shaver -- we've talked about your concerns about  
5 litigation or potential *Police Service Act* charges.

6                         **MR. ST. DENIS:** Just to back up a little  
7 bit; it wasn't only because of Chief Shaver. It was also  
8 because of these audits that were going on, and the  
9 pressure was mounting here, inside the Service. And it's  
10 just like a hockey team; the coach and the assistant coach  
11 are the first to go, and that's what I was looking at.

12                        **MR. LEE:** And ---

13                        **MR. ST. DENIS:** Not all Chief Shaver.

14                        **MR. LEE:** I would have expected, given the  
15 concerns that you had, that you would have kept a fairly  
16 detailed file ---

17                        **MR. ST. DENIS:** I ---

18                        **MR. LEE:** --- of these memorandum, and ---

19                        **MR. ST. DENIS:** I did.

20                        **MR. LEE:** And ---

21                        **MR. ST. DENIS:** I used to, yes.

22                        **MR. LEE:** And you no longer have that file,  
23 sir?

24                        **MR. ST. DENIS:** Well, these documents here  
25 were, I believe, given to Staff Derochie when they were

1 requested way back when.

2 MR. LEE: What do you mean by, "way back  
3 when"?

4 MR. ST. DENIS: Whatever date it was when  
5 the Inquiry began and Staff Derochie was asked to collect  
6 all the evidence that he possibly could, or all the files  
7 or all the memos or all -- any material that you may or may  
8 not have had.

9 MR. LEE: So at some point, the Inquiry's  
10 called. You're contacted and said ---

11 MR. ST. DENIS: Yes.

12 MR. LEE: --- "Take a look and see if you  
13 have any documents."

14 MR. ST. DENIS: "Please give us anything and  
15 everything you have."

16 MR. LEE: And you recall that conversation  
17 where you were asked to do that?

18 MR. ST. DENIS: I recall a memo.

19 MR. LEE: And what efforts did you take to  
20 find documents?

21 MR. ST. DENIS: I went in my basement and I  
22 found this report and some other stuff that was fallen  
23 behind some boxes in the basement that I don't go down to  
24 very often. And I handed this over to Gary, I believe.

25 MR. LEE: Are you satisfied that you found

1 any -- everything in your possession?

2 MR. ST. DENIS: Yes.

3 MR. LEE: And everything in your possession  
4 that you thought could, in any conceivable way, relate to  
5 this Inquiry you produced to the Cornwall Police?

6 MR. ST. DENIS: Sir, because there's all  
7 kinds of documents here that you haven't touched, that I  
8 wrote.

9 MR. MANDERVILLE: Mr. Commissioner ---

10 THE COMMISSIONER: Yes?

11 MR. MANDERVILLE: Mr. St. Denis has produced  
12 a whole host of documents, a number of which are subject to  
13 solicitor/client privilege. We have not disclosed those.

14 THE COMMISSIONER: Okay. Well.

15 MR. LEE: Yeah, fair enough.

16 I -- sorry, did I get an answer -- whatever  
17 you had that you thought could ---

18 MR. ST. DENIS: Yes.

19 MR. LEE: --- in any way be relevant, you  
20 produced to the Cornwall Police,

21 MR. ST. DENIS: Yes, and soon after, like  
22 2000 -- I would say by 2001, I didn't have -- I was glad to  
23 get rid of everything and so I have a woodstove at home and  
24 I burnt everything

25 MR. LEE: You -- when you were interviewed

1 by the OPP in January of 2000 ---

2 MR. ST. DENIS: Yes.

3 MR. LEE: --- you would have been on leave  
4 at that time.

5 MR. ST. DENIS: Yes.

6 MR. LEE: Am I right? And that was prior to  
7 your retirement?

8 MR. ST. DENIS: Yes.

9 MR. LEE: And you never, after that time ---

10 MR. ST. DENIS: No.

11 MR. LEE: --- came back to active duty?

12 MR. ST. DENIS: No sir.

13 MR. LEE: You were still on leave at the  
14 time you retired?

15 MR. ST. DENIS: Yes, sir.

16 MR. LEE: And one of the things that you  
17 told the OPP was that you had a confidential file at home.

18 MR. ST. DENIS: Yeah.

19 MR. LEE: Is that what you're referring to,  
20 with these documents?

21 MR. ST. DENIS: And I gave that file to ---

22 THE COMMISSIONER: Mr. Callaghan?

23 MR. ST. DENIS: No, no. That file went to  
24 the Constable that was with the Inspector of the OPP. He  
25 came to my house and got it.

1                   **MR. LEE:** What's ---

2                   **MR. ST. DENIS:** But then again, now that you  
3 mentioned it, it was solicitor/client information and I  
4 shouldn't have done that. But I'd given that, I think, to  
5 the OPP.

6                   **MR. LEE:** Let me go, just briefly, to that  
7 OPP interview, sir.

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

9                   **MR. LEE:** It is Exhibit 1487.

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

11                   **MR. ST. DENIS:** Yes.

12                   **MR. LEE:** Can you just give me one second,  
13 sir. I have the wrong Bates page ---

14                   **MR. ST. DENIS:** Yes.

15                   **MR. LEE:** --- written down here.

16                   **MR. ST. DENIS:** The name, now, is Dupuis.  
17 The name I was trying to think of a while  
18 ago.

19                   **MR. LEE:** I've written down the wrong page  
20 reference there, but my note says that you told the OPP  
21 that you had a confidential file at home and that you would  
22 show it to them, but not release it.

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

24                   **MR. LEE:** So is it your evidence that you  
25 changed your mind on that and ultimately did use it?

1                   **MR. ST. DENIS:** When he arrived at the door,  
2                   I gave him that file. And now that I recall, in that file,  
3                   there would have been solicitor/client information  
4                   pertaining to the civil actions and my comments; my  
5                   comments on all the allegations that were made against me,  
6                   in the civil actions and correspondence that I would have  
7                   dealt with, with Mr. Callaghan at 1996, 1997; something  
8                   like that.

9                   **MR. LEE:** Was that file ultimately returned  
10                  to you by the OPP?

11                  **MR. ST. DENIS:** Yes, I believe -- I think it  
12                  was. But I'm not 100 percent. Yes, I think it was.

13                  **MR. ST. DENIS:** And Mr. Commissioner, just  
14                  for your reference, the reference I was looking for is at  
15                  page 10 of 14. Inspector Hall asks if he has any notes and  
16                  he says:

17                                 "I will show those to you, but I'm not  
18                                 sure if I can release them to you."

19                  That was the reference I was looking for.

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

21                  **MR. LEE:** And so, sir, just going back to my  
22                  original question ---

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

24                  **MR. LEE:** --- when you did your search ---

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

1                   **MR. LEE:** --- after the Inquiry was called -  
2                   --

3                   **MR. ST. DENIS:** Yes.

4                   **MR. LEE:** --- do you recall whether or not  
5                   you found in your materials a letter dated September 3<sup>rd</sup>  
6                   1991 between you and Chief Shaver?

7                   **MR. ST. DENIS:** I -- no, I do not believe  
8                   so.

9                   **MR. LEE:** You do not believe you found it?

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

11                  **MR. LEE:** What about an internal memo dated  
12                  August 26<sup>th</sup>, 1991 in which you say that you put the muzzle -  
13                  - or that you had the muzzle put on you and you had no  
14                  where to go?

15                  **MR. ST. DENIS:** No, those would have been  
16                  destroyed.

17                  **MR. LEE:** As well as an internal  
18                  correspondence dated October 19<sup>th</sup>, 1992, from you to Chief  
19                  Shaver and his response on October 27<sup>th</sup>, 1992?

20                  **MR. ST. DENIS:** All those memos I do not  
21                  have copies of.

22                  **MR. LEE:** You did not find those in your  
23                  prep, okay.

24                  And you're satisfied that everything you had  
25                  at home you found?

1                   **MR. ST. DENIS:** You have -- you have here or  
2                   it's solicitor/client privilege.

3                   **MR. LEE:** One of the -- changing areas, sir.  
4                   One of the comments in the Staff Sergeant's report was  
5                   that:

6                                   "The Chief seeks every opportunity to  
7                                   be absent from his office, particularly  
8                                   during critical times."

9                   Okay, that was one of the comments in there  
10                   and you were asked about that here and you told us that  
11                   Chief Shaver was absent -- in response to that you said  
12                   that -- in response to the part about him being absent  
13                   frequently you said, "That's a reasonably fair statement."

14                   **MR. ST. DENIS:** Yes.

15                   **MR. LEE:** What you didn't particularly  
16                   address was the second part of the comment which was  
17                   particularly during critical times.

18                   **MR. ST. DENIS:** That I -- I never noticed  
19                   that.

20                   **MR. LEE:** Not something that jumped out at  
21                   you?

22                   **MR. ST. DENIS:** No.

23                   **MR. LEE:** And you can't -- looking back on  
24                   it you're not sure about that?

25                   **MR. ST. DENIS:** No. I don't think the Chief

1 would run away from an issue.

2 MR. LEE: Sorry?

3 MR. ST. DENIS: I don't think he would run  
4 away from an issue.

5 MR. LEE: Excuse me.

6 Mr. Paul, for the Coalition, asked you a  
7 moment ago about the project file issues ---

8 MR. ST. DENIS: Yes.

9 MR. LEE: --- in relation to David Silmser  
10 and you told us that project files were usually used when  
11 there was more than one victim or perhaps more than one  
12 perpetrator.

13 MR. ST. DENIS: I'll reword that. I would  
14 use a project file if I knew the potential was there for  
15 more than one victim or more than one offender; like  
16 there'd be more than one incident.

17 A single incident, I don't know if -- unless  
18 there's a million witnesses I can see it going on a project  
19 file but other than that, I'm not sure.

20 MR. LEE: Are you speaking hypothetically or  
21 are you telling us that in the past that that was your  
22 practice?

23 MR. ST. DENIS: No, I'm speaking  
24 hypothetically, from my experience; it has nothing to do  
25 with the project file that was opened in Cornwall. I'm

1 just speaking about a project file in general.

2 MR. LEE: And did you ever, during your time  
3 with the Cornwall Police, come across another sexual abuse  
4 investigation that was entered into a project file, other  
5 than Silmser?

6 MR. ST. DENIS: Not to my knowledge.

7 THE COMMISSIONER: Have you ever come into  
8 contact with any project file in your stay with the  
9 Cornwall?

10 MR. ST. DENIS: Just the JFOs which are  
11 totally different.

12 MR. LEE: Joint Forces Operation?

13 MR. ST. DENIS: Yes, those are ---

14 THE COMMISSIONER: Other than those?

15 MR. ST. DENIS: I don't recall another  
16 project file.

17 MR. LEE: The -- again, just to clarify  
18 something that stuck out a little but during your  
19 examination in-chief; you were talking about the chain of  
20 command and that as the Deputy Chief you reported only to  
21 the Chief.

22 MR. ST. DENIS: Yes.

23 MR. LEE: That's accurate?

24 MR. ST. DENIS: Yes.

25 MR. LEE: And you were asked whether or not

1           you would follow an order from the Chief if he gave you an  
2           order and you responded "If the order was lawful".

3                   **MR. ST. DENIS:** Lawful order, yes.

4                   **MR. LEE:** And what I want to know is whether  
5           there was ever an occasion where you were asked to follow  
6           an unlawful order?

7                   **MR. ST. DENIS:** Never. It's just  
8           terminology that I used.

9                   **MR. LEE:** The -- one of the issues that you  
10          discussed during your examination in-chief was the number  
11          of CPS officers on sick leave at various times.

12                   **MR. ST. DENIS:** Yes.

13                   **MR. LEE:** And you, at one point told us you  
14          can recall as many as 12 officers being off on leave at any  
15          one time.

16                   **MR. ST. DENIS:** Approximately 12, yes.

17                   **MR. LEE:** And you suggested that there had  
18          been a big spike in sick leave from 1992 to 1995 or so.

19                   **MR. ST. DENIS:** Yes.

20                   **MR. LEE:** And then you told us about -- sort  
21          of the vicious circle that you can get into with low morale  
22          leading to more sick leave.

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

24                   **MR. LEE:** But sick leave on its own  
25          contributing to low morale ---

1                   **MR. ST. DENIS:** Yes. Yes.

2                   **MR. LEE:** --- and some of the problems that  
3 relate there.

4                   **MR. ST. DENIS:** Yes.

5                   **MR. LEE:** How did the number of officers on  
6 sick leave at the Cornwall Police compare to the number of  
7 officers in your detachments during your RCMP career?

8                   **MR. ST. DENIS:** On detachment, we would be  
9 very high; detachment sickness would be very low; our  
10 Service in Cornwall would be considered high -- higher.

11                   **MR. LEE:** Do you know whether or not a study  
12 or report was ever commissioned during your tenure to look  
13 into the number of sick leaves and what could be done to  
14 eliminate them or reduce them or help that situation?

15                   **MR. ST. DENIS:** No, but I do know that -- I  
16 do know that a consultant was hired or retained, another  
17 lawyer from Ottawa and Staff Sergeant Dupuis, Inspector  
18 today, began a modified work program.

19                   They didn't have to do a study, they knew  
20 how many people were off and everyone was doing their best  
21 to get them all back to work because we needed -- we needed  
22 the bodies.

23                   **MR. LEE:** So there were some efforts made to  
24 try to improve the situation?

25                   **MR. ST. DENIS:** Absolutely.



1 someone else to answer.

2 MR. LEE: I don't suppose you can give us  
3 specific numbers?

4 MR. ST. DENIS: No but they were high enough  
5 that ---

6 MR. LEE: Can you ballpark it; what's your  
7 best guess?

8 MR. ST. DENIS: No, I prefer to leave --  
9 leave the other new Chief answer that.

10 MR. LEE: What about -- Chief Repa you mean?

11 MR. ST. DENIS: Yes.

12 MR. LEE: So during your tenure you didn't  
13 see it as being much of a problem?

14 MR. ST. DENIS: No. There were some but at  
15 the same time we were also stealing OPP officers from the  
16 OPP, so -- and I can remember one incident in particular,  
17 the old chief in Toronto, we happened to get one of his  
18 officers, just graduated from Aylmer but he was from the  
19 area; I think he was from Long Sault and we got him hired  
20 onto Cornwall and the old chief in Toronto called Chief  
21 Shaver and really laid it out as to why we shouldn't be  
22 doing this.

23 But it goes on; the RCMP do the same thing;  
24 the OPP.

25 MR. LEE: I want to preface this; I do not

1 intend to ask you about your health history or anything  
2 along those lines but we know that you were on leave from  
3 '98 to 2001.

4 MR. ST. DENIS: Yes.

5 MR. LEE: Can you tell me whether or not  
6 that was stress related?

7 MR. ST. DENIS: Yes.

8 MR. LEE: Yes, it was?

9 MR. ST. DENIS: Yes.

10 MR. LEE: Thirty-five (35) minutes, sir.

11 THE COMMISSIONER: You're done?

12 MR. LEE: Those are my questions. Yes, sir.

13 THE COMMISSIONER: Terrific; we're going  
14 home.

15 Can you come back tomorrow morning, sir?

16 MR. ST. DENIS: Yes, sir.

17 THE COMMISSIONER: All right; we'll start at  
18 9:30.

19 Thank you.

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

22 This hearing is adjourned until tomorrow  
23 morning at 9:30 a.m.

24 --- Upon adjourning at 6:36 p.m./

25 L'audience est adjournée à 18h36

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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