

**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 248

Held at :

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

Thursday, June 26 2008

Tenue à:

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

Jeudi, le 26 juin 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Ms. Maya Hamou	
Mr. John E. Callaghan	Cornwall Community Police
Mr. Mark Crane	Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Phil Pothen	
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Juda Stawczynski	
Mr. Dallas Lee	Victims' Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	
Mr. Anthony Repa	Mr. Anthony Repa
Fr. Denis Vaillancourt	Fr. Denis Vaillancourt

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1 --- Upon commencing at 10:01 a.m. /

2 L'audience débute à 10h01

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 My apologies for being late. We'll make it
12 up; we'll cut the lunch hour.

13 Mr. Wardle, how are you doing today?

14 **MR. WARDLE:** Good morning, Mr. Commissioner.

15 **THE COMMISSIONER:** Welcome back.

16 **MR. WARDLE:** Thank you. It's good to be
17 back, surrounded by all my friends.

18 (LAUGHTER/RIRES)

19 **ANTHONY REPA:** Resumed/Sous le même serment

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

21 **WARDLE:**

22 **MR. WARDLE:** Mr. Repa, my name is Peter
23 Wardle and I act for Citizens for Community Renewal, which
24 is one of the parties here.

25 And just to indicate for the record and for

1 you, sir, that Citizens for Community Renewal is an
2 organization of concerned Cornwall citizens which is
3 determined to promote needed institutional reform so as to
4 ensure the protection of children and justice for all.

5 **MR. REPA:** Yes. Well, thank you for that
6 explanation, Mr. Wardle, and good morning, sir.

7 **MR. WARDLE:** Thank you.

8 I'm going to be fairly focussed on one
9 issue, sir, and that is your dealings and your Force's
10 dealings with Constable Dunlop in the period after you
11 joined the Cornwall Force in August of 1995.

12 **MR. REPA:** Yes, sir.

13 **MR. WARDLE:** So I want to just start with
14 just -- you arrive August the 1st and as of that point, as I
15 understand it, Mr. Dunlop was off on long-term disability;
16 correct?

17 **MR. REPA:** That's correct, sir.

18 **MR. WARDLE:** And there had been this *Police*
19 *Services Act* proceeding which had been going through a
20 variety of stages; correct?

21 **MR. REPA:** That's correct, sir.

22 **MR. WARDLE:** And, in fact, the charges
23 against him had been stayed by a tribunal and the matter
24 was now on its way to the Divisional Court?

25 **MR. REPA:** That's correct, sir.

1 **MR. WARDLE:** And there's a lengthy
2 background that led up to those proceedings and that
3 included obviously the disclosure of the Silmsler statement
4 by Constable Dunlop to the CAS in 1993; correct?

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

6 **MR. WARDLE:** And some of this had been the
7 subject of media attention at that point; correct?

8 **MR. REPA:** Some or all; I'm not sure.

9 **MR. WARDLE:** Some or all, but that's before
10 your arrival obviously?

11 **MR. REPA:** Yes, sir. Yes, sir.

12 **MR. WARDLE:** And then as I understand it,
13 after your arrival, a couple of things happened within the
14 first six months. First in December, there is a decision
15 of the Divisional Court which in effect upholds the
16 decision of the tribunal to stay the proceedings; correct?

17 **MR. REPA:** To stay -- yes. Well, I didn't
18 recall it was to stay but I accept that, yes.

19 **MR. WARDLE:** So as far as these charges were
20 concerned and Mr. Dunlop, it was over. He had been
21 successful.

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

23 **MR. WARDLE:** And that obviously was reported
24 in the media; correct?

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

1 **MR. WARDLE:** And would it be fair to say
2 that the media generally in its coverage of this issue was
3 not flattering to the Cornwall Police Service; correct?

4 **MR. REPA:** That would be -- if you're
5 talking about over a period of time, that would be a fair
6 statement. I did not know whether your question was
7 specifically when the news release came out about the stay
8 or up -- leading up to that.

9 **MR. WARDLE:** Really interested at this point
10 in just when Constable Dunlop was successful in the
11 Divisional Court, any media coverage of that would not have
12 been flattering to your Force; correct?

13 **MR. REPA:** That's correct, sir. Yes, sir.

14 **MR. WARDLE:** And in addition at around that
15 time, there was the first of what became media reports
16 dealing with Officer Dunlop in connection with being a
17 whistleblower and that's the CBC program "The Man Who Made
18 Waves"; correct?

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

20 **MR. WARDLE:** And that came out around the
21 same time, December of 1995?

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

23 **MR. WARDLE:** So would it be fair to say that
24 based on the media coverage, some people in the community
25 at that time viewed Perry Dunlop as a whistleblower?

1 **MR. REPA:** That would be fair, sir, yes.

2 **MR. WARDLE:** And there was certainly a
3 perception, and obviously you can't say how many people
4 shared it, that his employer, the Cornwall Police Service,
5 had treated him unfairly. Some people thought that in the
6 community?

7 **MR. REPA:** That would be fair, yes, sir.

8 **MR. WARDLE:** And am I right, sir, that
9 you're kind of the new broom coming into the Cornwall
10 Police Service. You're focussed at this point on
11 organizational change for the long term. Is that fair?

12 **MR. REPA:** That's the chief's job, yes, sir.

13 **MR. WARDLE:** And these matters had all
14 preceded your arrivals. In other words, they really
15 weren't on your watch. They had all happened under
16 previous chiefs?

17 **MR. REPA:** That's correct, sir.

18 **MR. WARDLE:** So now I want to go a little
19 forward in time and June of 1996. Now, you've been there
20 almost a year and Constable Dunlop, who is still off on
21 long-term disability, issues a statement of claim against
22 his police service and others?

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

24 **MR. WARDLE:** And that would have been an
25 unusual event but it's not -- it does happen that officers,

1 serving officers, do sue their force. It's unusual but it
2 does happen?

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

4 **MR. WARDLE:** You, as I understand it,
5 wouldn't have known at the time that Constable Dunlop was
6 starting to interview individuals who claimed to be victims
7 of sexual assaults, while he was off on disability. You
8 wouldn't have known that in June of 1996?

9 **MR. REPA:** I'm not sure when I would have
10 become aware of that activity. It was at some point I did
11 become aware, sir, but I cannot recall when. So I could
12 possibly agree with you but we might be out by a few
13 months.

14 **MR. WARDLE:** Okay. And I'll come back to
15 that, but am I right, sir, that for a serving officer who
16 is on long-term disability to be conducting in effect a
17 private investigation of alleged criminal activity would
18 raise serious issues for the Force?

19 **MR. REPA:** Extremely serious, sir.

20 **MR. WARDLE:** Okay.

21 **MR. REPA:** Especially if they were not being
22 reported to the Force.

23 **MR. WARDLE:** And as the Commissioner
24 indicated yesterday, the fact that the individual has a
25 badge and may be using the badge, for example, could be a

1 serious issue?

2 MR. REPA: If in fact he was using the
3 badge, yes, sir, that would be -- may compound the issue,
4 yes, sir.

5 MR. WARDLE: Or even the fact that for an
6 individual who was interviewed, that individual may or may
7 not know that Constable Dunlop is off on long-term
8 disability, for example? They may have no idea.

9 MR. REPA: That would -- that theory would
10 be correct, yes, sir.

11 MR. WARDLE: Okay.

12 So now I want to go forward a little bit
13 further and we know that in November of 1996, Constable
14 Dunlop sent some binders to Chief Fantino of the London
15 Police Force?

16 MR. REPA: Yes, sir.

17 MR. WARDLE: Sorry. Mr. Callaghan is
18 telling me it's December. My note from yesterday was
19 November, but ---

20 THE COMMISSIONER: No, it's December. It's
21 right around Christmas time.

22 MR. WARDLE: That's fine. That's why Mr.
23 Callaghan is here.

24 (LAUGHTER/RIRES)

25 MR. WARDLE: So do I take it that you would

1 have become aware of that shortly after it occurred?

2 **MR. REPA:** I definitely became aware of the
3 incident of PC Dunlop turning documents over to Chief --
4 then Chief Fantino. It would have been well after the
5 fact, and probably well after the fact, and I just don't --
6 I don't recall the time, sir, but I did become aware of it
7 I would say well after the fact.

8 **MR. WARDLE:** Okay. Well, just to put some
9 markers around this, December 1996 is when the material is
10 turned over. We know that Project Truth starts around the
11 end of April of 1997?

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

13 **MR. WARDLE:** So would you say that you
14 became aware of the information being turned over to Chief
15 Fantino sometime in that four-month period?

16 **MR. REPA:** I have no reason to dispute it.
17 It would be fair. It would be fair, sir.

18 **MR. WARDLE:** And is it also fair to say that
19 this would accentuate any concerns you might have had about
20 Constable Dunlop? Now, this officer was going to another
21 police force and signalling in effect that he had no faith
22 in your Police Force's ability to investigate these
23 matters?

24 **MR. REPA:** I don't know if it went to your
25 last few words there about no faith in us to investigate

1 it. It was -- it was an escalating series of events that
2 occurred. The information, when I received it, about the
3 papers, documents being turned over to Chief Fantino, just
4 was another layer of what was going on that was beginning
5 to cause me concern, sir.

6 And your conclusion that he had no faith in
7 the Cornwall Police Service investigating could probably be
8 included in that, yes, but it wasn't paramount in my mind.

9 **MR. WARDLE:** And I think you told us the
10 other day that you were concerned at various points in time
11 about the oath of office and confidentiality; correct?

12 **MR. REPA:** Yes, sir.

13 **MR. WARDLE:** And then around the same time
14 period, as I understand it, December of 1996, Mr. Dunlop's
15 statement -- Constable Dunlop's statement of claim is
16 amended to make a new series of allegations about a
17 conspiracy and a cover-up. And I think you told us the
18 other day that you became aware of those allegations at
19 some point and they were passed on to the OPP in April of
20 1997?

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

22 **MR. WARDLE:** So I want to just bring that
23 forward, so now you have Constable Dunlop returning to work
24 around the end of April 1997; correct?

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

1 **MR. WARDLE:** And so we have the matters that
2 we've already canvassed. We have the *Police Services Act*
3 matters that have gone to the Divisional Court and been
4 stopped in their tracks. We have the media publicity,
5 which we've talked about, the lawsuit and the fact that now
6 we have these materials that have been turned over to
7 another police force. And now, April of 1997, this is
8 being treated as a serious matter and leads to the
9 initiation of Project Truth; correct?

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

11 **MR. WARDLE:** And all of that takes place
12 before Constable Dunlop returns to work?

13 **MR. REPA:** That would be fair, yes, sir.

14 **MR. WARDLE:** So I just want to take you then
15 to the Deputy Chief's memo, which is Exhibit 1810, and
16 that's April 30 of 1997.

17 **MR. REPA:** I'm sorry, the number, Mr.
18 Wardle?

19 **THE COMMISSIONER:** Eighteen-ten (1810).

20 **MR. WARDLE:** Eighteen-ten (1810).

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

22 **MR. WARDLE:** And just looking at the first
23 page and going down to the fourth paragraph, it says:

24 "The OPP will be investigating recent
25 serious allegations of threats and

1 further conspiracies."

2 And just stopping there, putting aside the
3 threats, the further conspiracies that would be in the
4 material that's contained in the new amended statement of
5 claim and the other material that you had turned over to
6 Project Truth; correct?

7 **MR. REPA:** I wouldn't know precisely what
8 Deputy Chief Joe St. Denis meant by that but I'm sure it
9 would encompass that, sir, yeah.

10 **MR. WARDLE:** And then you'll see he goes on
11 to say:

12 "And if Constable Dunlop is involved
13 with the new allegations, and I assume
14 that he is, I have concerns as to how
15 and where he is getting this new
16 information if he is off on stress."

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

18 **MR. WARDLE:** And would it be around that
19 time that you became aware that Constable Dunlop may have
20 been gathering information while he was off on long-term
21 disability?

22 **MR. REPA:** That would be fair. There was
23 discussion, meetings, talks about it and, yes, that would
24 be fair, sir.

25 **MR. WARDLE:** And then you'll see there's a

1 reference to the media coverage and then over the page the
2 Deputy Chief poses a number of questions.

3 And the general question he seems to raise,
4 aside from the specifics that are set out there, is you'll
5 see in the last paragraph he says:

6 "I believe Constable Dunlop's situation
7 should be viewed very carefully as the
8 evidence from LTD, the Fifth Estate and
9 the civil action all point to a person
10 who continues to suffer from mental
11 distress."

12 And I guess my question for you at that
13 point, Mr. Repa, was given the background and putting aside
14 for the moment Constable Dunlop's perspective on all these
15 events and what his motivation may have been ---

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

17 **MR. WARDLE:** --- his return to work,
18 wouldn't that have been an event that, you know, created
19 some serious issues for you to deal with?

20 **MR. REPA:** That would be correct, sir.

21 **MR. WARDLE:** Yeah.

22 And I'll just look briefly at your
23 responding memo at Exhibit 1811 which is the May 2, '97
24 response.

25 **MR. REPA:** Yes, sir, I have it.

1 **MR. WARDLE:** And, you know, in a formal
2 sense I appreciate that you're saying, you know, "We should
3 be treating him like any other employee coming back to
4 work"; correct?

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

6 **MR. WARDLE:** But is it fair to say that it
7 was actually quite a bit more complex than that?

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

9 **MR. WARDLE:** So now I want to go forward, if
10 I may, to August of 1997. And again, Mr. Callaghan will
11 help me if I get any of these dates wrong.

12 But as I understand it, there's a meeting
13 that takes place between Constable Dunlop, Inspector Trew
14 and representatives from Project Truth on August the 7th,
15 1997. Of course you weren't present at that meeting, but I
16 understand that you were aware that it took place?

17 **MR. REPA:** I don't dispute what you're
18 saying. The date -- unless I saw the document I couldn't
19 confirm the date but I accept what you're saying, sir.

20 **MR. WARDLE:** And my understanding from the
21 material that we have and that has been put into evidence
22 in some of the other testimony is that at this time
23 Inspector Trew gave a series of orders to Constable Dunlop.
24 One was to make disclosure to Project Truth, one was not to
25 talk to the media. And those orders were initially given

1 orally and then were followed up in writing?

2 MR. REPA: I would agree with you, sir.

3 MR. WARDLE: Okay.

4 And as I understand it, at the August
5 meeting -- and you may have not been aware of this -- there
6 was certainly advice from the Project Truth team that he
7 shouldn't be talking to victims?

8 MR. REPA: I would accept that, sir.

9 MR. WARDLE: Okay.

10 And am I right that the problem from Project
11 Truth's point-of-view is that Officer Dunlop was the source
12 of the allegations, many of the allegations at that point
13 that they were investigating, but he was not an officer
14 with their force; correct?

15 MR. REPA: Yes, I would agree that it would
16 be -- the correct way would be -- at that time many of the
17 allegations and he was not an officer with their force.
18 That's correct, sir.

19 MR. WARDLE: So from Pat Hall's perspective
20 or Tim Smith's perspective or any of the other officers,
21 they couldn't give any direct orders to Constable Dunlop;
22 correct?

23 MR. REPA: No, sir. No.

24 MR. WARDLE: So anything that had to be done
25 to get Constable Dunlop to comply had to be done in

1 conjunction with your Force?

2 **MR. REPA:** That's correct, sir.

3 **MR. WARDLE:** Is it also fair to say that
4 even at this point, August of 1997, there was concern by
5 both the OPP and your Force that based on all the history
6 of the events that Constable Dunlop might not comply with
7 orders to turnover material to the OPP?

8 **MR. REPA:** I can't say that from my
9 perspective as Chief that there was a concern that he might
10 not comply. I think it would be fair to say that this was
11 the beginning. This was the platform or the level where
12 his beginning of not to comply began.

13 **MR. WARDLE:** Okay.

14 **MR. REPA:** Okay?

15 **MR. WARDLE:** And I want to look briefly if I
16 can at Exhibit 731, which is one of the formal orders I
17 mentioned. This is dated September 25, 1997.

18 **THE COMMISSIONER:** Seven-thirty-one (731),
19 sir.

20 (SHORT PAUSE/COURTE PAUSE)

21 **MR. WARDLE:** I'm just going to wait for that
22 to come up on the screen.

23 (SHORT PAUSE/COURTE PAUSE)

24 **MR. WARDLE:** So as I understand the
25 chronology, after the August 7th meeting, according to this

1 letter there was an agreement that disclosure would take
2 place before a certain date. Constable Dunlop at some
3 point, was indicating that he wanted his lawyer to be
4 involved and there was then a decision to make this formal
5 order and that's this letter that we're looking at now.

6 **MR. REPA:** Yes, sir, that would be a formal
7 order. Yes, the word "order" is in there. That's a formal
8 order, sir, yes.

9 **MR. WARDLE:** Now, would you agree, Mr. Repa,
10 that the success of the Project Truth investigation, at
11 this point, was, to a certain extent, dependant upon
12 getting Constable Dunlop's full cooperation?

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

14 **MR. WARDLE:** So, the August meeting and this
15 directive is a critical point in that investigation; would
16 that be fair?

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

18 **MR. WARDLE:** So now I want to go forward a
19 little bit, now into the end of 1997 and just ask you very
20 briefly about the incident with the PA system.

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

22 **MR. WARDLE:** And I think for that we only
23 really need to look at one document and that is Exhibit
24 1313.

25 **MR. REPA:** Yes, sir, I have it.

1 **MR. WARDLE:** In reading this document, sir,
2 it seems to be pretty clear that Staff Sergeant Derochie
3 really had no doubt that the incident had taken place -- an
4 incident had taken place.

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

6 **MR. WARDLE:** The issue was whether it could
7 be proved and whether that would be disruptive to the Force
8 and to some families of some deceased members.

9 **MR. REPA:** That's correct, sir.

10 **MR. WARDLE:** But am I right that in your
11 mind and as the person managing the Force this would have
12 raised an additional alarm bell relating to Constable
13 Dunlop?

14 **MR. REPA:** Yes, sir, into his behaviour.

15 **MR. WARDLE:** Into his behaviour?

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

17 **MR. WARDLE:** And perhaps, sir, into his
18 judgement and his state of mind; is that fair?

19 **MR. REPA:** That might be going a little too
20 far, sir, but when I say behaviour, this is not the
21 behaviour you expect of a police officer talking about what
22 was said over the intercom.

23 **MR. WARDLE:** All right. And then -- I won't
24 take you to this but as I understand it, shortly after this
25 incident there's correspondence from the local Crown,

1 Murray MacDonald, and my friend took you through this the
2 other day.

3 MR. REPA: Yes, sir.

4 MR. WARDLE: And I'm not going to go through
5 the details of that but the Force has to set up a somewhat
6 unusual protocol ---

7 MR. REPA: Yes.

8 MR. WARDLE: --- to ensure that Office
9 Dunlop doesn't come into contact with Crown MacDonald and
10 when he is in contact with a Crown there's going to be
11 someone else present there.

12 MR. REPA: A witness person. A witness
13 person, yes, sir.

14 MR. WARDLE: Okay.

15 MR. REPA: It is unusual.

16 MR. WARDLE: All right. Now, what I want to
17 do now then is just look a little bit at 1998 because we've
18 had this meeting in August; Project Truth is underway; we
19 have the order that we looked at from Inspector Trew and
20 now we're into 1998 and you indicated in your evidence the
21 other day that you were being kept aware of the efforts
22 that were being made by Project Truth to get disclosure
23 from Constable Dunlop; correct?

24 MR. REPA: That's correct. Yes, sir, I was.

25 MR. WARDLE: And I'm going to take you, if I

1 can, to some notes of Pat Hall and these are -- my note
2 says they're Exhibit 660G which I hope means something to
3 somebody. I have a document number, it's 727748.

4 **THE COMMISSIONER:** Six six eight (668), you
5 said, sir?

6 **MR. WARDLE:** Six six zero (660).

7 **THE COMMISSIONER:** Six six zero (660), the
8 clerk says that that's right on; 8G.

9 **MR. WARDLE:** Yeah, I'm going to come to the
10 Bates page in a minute.

11 **THE COMMISSIONER:** Yes, yes, yes.

12 **MR. REPA:** Thank you.

13 **MR. WARDLE:** So the Bates page I have is
14 7109898.

15 **THE COMMISSIONER:** Nine eight nine eight
16 (9898), yes.

17 **MR. WARDLE:** And 99.

18 **THE COMMISSIONER:** Hold it now.

19 **MR. WARDLE:** That's the correct page,
20 actually, up on the screen now, Mr. Commissioner. If you
21 could just scroll down to the bottom of the page.

22 So I'm going to just put this to you, sir,
23 and hope you accept it. These are notes, as I understand
24 it, of Officer Hall, on July 23, 1998 and it's recording a
25 meeting at 1430; do you see that?

1 **MR. REPA:** Yes, sir.

2 **MR. WARDLE:** It doesn't actually have the
3 date.

4 **MR. REPA:** No, that's fine; I accept it.

5 **MR. WARDLE:** Okay. And you'll see -- I'm
6 not going to go through all of it but it indicates that
7 there was a meeting with Constable Dunlop, Inspector Trew
8 and Detective Inspector Smith, discussed issues of
9 disclosure and then it goes on to suggest that -- it's a
10 little difficult to read:

11 "Wanted to ascertain from Constable
12 Dunlop if we have all of his notes,
13 tape, et cetera, regarding our
14 investigation. Requested a memo from
15 him, indicating he had..."

16 I'm not sure ---

17 **THE COMMISSIONER:** "We had."

18 **MR. WARDLE:** "...we had everything."

19 **THE COMMISSIONER:** "We had."

20 **MR. WARDLE:** Yeah.

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

22 **MR. WARDLE:** "After discussion we learned
23 that there were more volumes that apparently
24 did not accompany the original volume..."

25 And this is now over to the next page.

1 **THE COMMISSIONER:** Actually, it says that
2 there were "three more volumes."

3 **MR. WARDLE:** Yes. And then you'll see:
4 "He is to photocopy them and deliver
5 them to us by August 7."

6 And then you'll see it goes on to say that
7 there's a discussion with Inspector Trew and Chief Repa.

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

9 **MR. WARDLE:** And I just picked this as an
10 example of an occasion where there's a meeting at an
11 operational level at which the officers from Project Truth
12 are meeting with Officer Dunlop with Inspector Trew there,
13 and then after that meeting you're being briefed on what's
14 taking place.

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

16 **MR. WARDLE:** And is it fair to say that
17 throughout 1998 there are ongoing issues between Project
18 Truth and Officer Dunlop about disclosure?

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

20 **MR. WARDLE:** And as those issues arise
21 you're being briefed on them and -- I guess to keep you in
22 the loop as to what's going on?

23 **MR. REPA:** Well, yes, sir, to keep me in the
24 loop but also under the *Ontario Police Services Act* the
25 Chief of Police is responsible for all discipline in the

1 police service. This comes under the umbrella of
2 discipline.

3 **MR. WARDLE:** And I'm going to just give you
4 one other example. And again, it's from Pat Hall's notes
5 and I'm not sure we need to turn it up but the indications
6 I have from his notebook is that in November of 1998 there
7 are further discussions with Officer Dunlop about the fact
8 that Officer Hall is not convinced that he has all the
9 disclosure and that again your Force is being briefed on
10 all of that?

11 **MR. REPA:** I would accept that, sir.

12 **MR. WARDLE:** Now, am I right -- and I took
13 this from some evidence given earlier by Inspector Trew --
14 that you made a decision that the Force would try to use a
15 carrot rather than a stick with Officer Dunlop.

16 He didn't put it that way but that's the way
17 I'm putting it.

18 **MR. REPA:** I know. I think -- I don't think
19 that was my position. I think I agreed to a position where
20 the -- somewhere in that great timeframe that we were
21 working with Constable Dunlop to bring forth the evidence
22 that Project Truth officers required, I think, somewhere in
23 there, the Ontario Provincial Police wanted to use --
24 that's the wrong -- they didn't want to use him; they were
25 hoping to gain his cooperation to bring victims forward to

1 them. He was going to be the intermediary between some
2 victims that were reluctant to come forward, or something
3 along that line. And to -- Perry Dunlop would be the
4 conduit for assisting in matters, so I think this carrot
5 and stick you're talking about was -- began with the OPP
6 and my position as Chief was that was paramount. Anything
7 we could do to assist with the prosecutions of these
8 charges would be -- and at their request, would be
9 honoured.

10 However, it did not preclude us from -- I
11 did not abdicate my authority to hold Constable Dunlop
12 accountable under the Code of Conduct of the *Police*
13 *Services Act*. I didn't relinquish it; I -- there were
14 things we agreed to but he was still going to be held
15 accountable, if it became necessary.

16 **MR. WARDLE:** I guess what -- and I'll come
17 to something a little more specific in a minute, but as we
18 look through 1998 and there are these repeated meetings and
19 ---

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

21 **MR. WARDLE:** --- and attempts, and you know,
22 there is the issue of the receipt that gets into the
23 newspaper.

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

25 **MR. WARDLE:** And there's a whole story about

1 the receipt and whether the receipt is going to be given
2 and all of that.

3 MR. REPA: Yes, sir.

4 MR. WARDLE: And I'm not going to go through
5 those details with you, but ---

6 MR. REPA: No, no. No, I'm aware of what
7 you're talking about.

8 MR. WARDLE: Okay.

9 MR. REPA: I mean, I lived through it so I'm
10 aware of it.

11 MR. WARDLE: I'm sure you lived through it.
12 But I guess the issue is there's a very
13 specific order from your Force to Officer Dunlop right at
14 the beginning in September of '97. And there's really no
15 steps taken, that I could find, in a formal way, to try to
16 enforce that order until much later. And so, I'm
17 interested in your motivation for not taking those steps at
18 an earlier point in time.

19 MR. REPA: That's an excellent question,
20 sir, and it's an answer that encompasses about three or
21 four years of my time on the Cornwall Community Police
22 Service.

23 I probably gave what you're asking me about
24 more thought and it occupied more of my time as Chief of
25 Police than any other single issue I had to deal with in

1 the Corn -- in my eight and a half years in Cornwall.

2 Let me -- I will -- I'm going to answer your
3 question because what you're saying to me is, why didn't I
4 -- if I may paraphrase, what you're saying to me is why
5 didn't I hold him accountable and charge him under the Code
6 of Conduct and be more strict with him.

7 Is that what you're basically asking?

8 **MR. WARDLE:** Well, I'm not -- you had a
9 number of options ---

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

11 **MR. WARDLE:** --- as I think Mr. Engelmann
12 explored with you the other day.

13 **MR. REPA:** Yes I did, sir.

14 **MR. WARDLE:** There were options short of
15 *Police Services Act* charges.

16 **MR. REPA:** Well, yes. All right. I ---

17 **MR. WARDLE:** So, you know, the question is -
18 - I think it's an obvious question is, during this time
19 period, you know, why weren't those steps taken?

20 **MR. REPA:** Okay. I can -- I'll try to be as
21 brief as I can be, for three or four years.

22 The first step I took was I seeked (sic) out
23 a legal counsel who had -- was very familiar with the
24 *Ontario Police Services Act* and, not only that, but very
25 familiar with police culture, and that's very important.

1 And I found that in a Mrs. Lynda Bordeleau in Ottawa.

2 So I can assure you that almost all of the -
3 - a lot of the decisions that were made pertaining to Perry
4 Dunlop's alleged misconduct, there was legal counsel input
5 on the fine approaches to the law.

6 Because what we were facing, here, and I say
7 this as my -- with my past career and being rather
8 knowledgeable of *Police Act* discipline, because I was the
9 prosecutor for three years in Halton under the *Police Act*,
10 the alleged misconducts is what we're talking about here of
11 Constable Dunlop and all of these issues -- and that's what
12 they are, they're alleged misconducts. That's how I have
13 to look at them as Chief -- were unique.

14 They were almost a first time for us. I had
15 read all the Ontario Police reports, I couldn't find a
16 similar case. Mrs. Bordeleau had never heard of anything
17 like this so we were breaking new ground. I wanted to be
18 very careful what I was doing.

19 That was the first level.

20 The second level was, a chief of police --
21 the way the *Ontario Police Act* is structured, it's to allow
22 the chief of the force to control and discipline and hold
23 accountable his or her members, all right?

24 Well, now we have a second force involved.
25 We have another layer coming in on top, the OPP.

1 And we have to be aware of what they want
2 and what they wish. And then, eventually, as the charges
3 are laid we have a third layer involved now, we have the
4 office of the Crown attorney. And we now have to be
5 cognizant of what they want to prosecute their cases
6 properly.

7 So rather than just being an officer that
8 came on duty with alcohol on his breath, and we would deal
9 with it very quickly, on a lot of the issues with Constable
10 Dunlop we sort of had to say, well, to the OPP and to the
11 Crown's office, "Is this offending you? Are you
12 complaining about this?" And work it from there and then
13 try to sort out what we had.

14 What I did, sir, was with -- and you're
15 absolutely correct; I agree with you completely. He was
16 probably -- Constable Dunlop was probably -- we probably
17 rewrote more orders for him directly than I would for
18 anyone else because of the seriousness of the criminal
19 allegations that he had immersed himself in.

20 So I had to be very careful. What I -- what
21 we did was -- and we were very strict about this, is that
22 each alleged misconduct that we undertook to review that
23 Constable Dunlop was involved in, we treated as a separate
24 and distinct issue. Not that -- well, we've done three,
25 this is the fourth one, let's do something.

1 No, we looked for evidence. Would there be
2 a likelihood of a finding of misconduct? Was -- I can't
3 think of one time when we didn't interact with legal
4 counsel on this matter, who may very well have ended up
5 being our prosecutor or whatever.

6 **MR. WARDLE:** No, I understand you had, you
7 know ---

8 **MR. REPA:** No, so ---

9 **THE COMMISSIONER:** Hold it, hold it. Mr.
10 Callaghan ---

11 **MR. WARDLE:** A little jumpy this morning.

12 **THE COMMISSIONER:** First ---

13 **MR. CALLAGHAN:** (Off mic - inaudible).

14 **THE COMMISSIONER:** --- if you're going to
15 get up and talk, get up and talk.

16 **MR. CALLAGHAN:** I'm sorry; I just thought
17 you should let the witness continue his answer. And you
18 can come back. That's all I was trying to ---

19 **MR. WARDLE:** I wasn't trying to interrupt
20 you, sir.

21 **MR. REPA:** No, I know that. This -- I told
22 -- as I said Mr. Wardle, I respect that.

23 I'm trying to encompass three or four years
24 into maybe five minutes and it's awkward. I'm trying to
25 give you the reasons why we didn't go more formally.

1 I think, sir, with respect to the intercom
2 incident, I think you would agree that was the correct
3 decision not to proceed, given the sensitivity to two
4 families in Cornwall. I think anybody would -- anybody
5 that would have proceeded with that shouldn't have been a
6 police chief.

7 As for the major one, the major case here
8 that we would have gone ahead on with Perry Dunlop with a
9 major allegation of misconduct was his -- and this occupied
10 so much of our time, debating what we were going to do
11 about it, was his taking of alleged victim statements while
12 he was off on LTD or when he came back to work, any
13 statements he took that he -- whatever. Eventually they --
14 I'm presuming, all of them, eventually, over a year or two,
15 were turned over to the OPP or were -- to further his civil
16 action.

17 The charge would have been -- the
18 allegations of misconduct would have been that when an
19 individual approached him and said, "Okay, I'm going to
20 give you a statement of what happened to me, 20, 30 years
21 ago," and Constable Dunlop, off-duty or whatever, took the
22 statement, he has a sworn duty under the *Police Services*
23 *Act* and under what existed as our general orders of the
24 day, to forthwith investigate it.

25 In other words, turn it into the Force,

1 generate an occurrence number, put it on OMPPAC and had to
2 be assigned for immediate investigation.

3 I would suggest to you, regardless of what
4 the courts are saying about whether there's a duty to
5 report under the *Family Services Act* historical child
6 abuse, I would suggest to you my position would be you will
7 report it to the CAS. Let somebody else decide. We're the
8 police, that's the law; follow it.

9 So to issue an investigation order and to
10 proceed with a formal hearing, would have meant, Mr.
11 Wardle, that my witnesses, or the witnesses for the *Police*
12 *Prosecution Act*, would be mainly all of the victims of
13 sexual abuse going back 20, 30 years.

14 So I was put in the position where, okay,
15 I'm going to issue the order of major misconduct against
16 Constable Dunlop, we're going to have a full-blown hearing.
17 And who are my witnesses? People who were complaining to
18 Perry who they viewed as the only honest cop; the white
19 knight. I'm now going to force them, I'm going to go try
20 to take statements from them, put them in the witness stand
21 to testify against what they see as their saviour? I
22 shouldn't use that word, I'm sorry. Their only police
23 Officer they could trust in.

24 **MR. WARDLE:** Right.

25 **MR. REPA:** So I have this situation now

1 where, yes, under normal circumstances, Constable Dunlop
2 should have been charged and if you don't think this caused
3 me the greatest of consternation to say finally -- to come
4 to the conclusion that on that issue, I could not proceed
5 against Constable Dunlop because it would mean a very
6 trying time for all of the men who were -- who said they'd
7 been abused as young boys.

8 I knew they were eventually going to have to
9 testify, possibly at a preliminary hearing, possibly at
10 criminal trials and civil trials. And there's always the
11 talk of the inquiry coming, and now I'm going to force them
12 to testify at a police misconduct trial.

13 And really police misconduct is an
14 employer/employee relationship. It's the way it's -- the
15 code of conduct is the process by which a chief of police
16 controls his or her staff.

17 Well, that's fine, but am I now going to
18 ruin and force people and they're going to -- to come into
19 Police Act court and testify, if they even did.

20 The second issue is, sir, that the *Police*
21 *Services Act* allows for that if a criminal trial precedes
22 from a Police Act allegation, the Crown Attorney can write
23 to the chief of police -- it's in the *Ontario Police*
24 *Services Act* -- and say -- because it has happened to me on
25 cases I prosecuted. He can say you are to stay the Police

1 Act hearing until the criminal trials are over because he
2 doesn't want to change venue because all the evidence has
3 come out of the *Police Services Act*.

4 And there are some other little
5 complications that came up, but those were the two main
6 ones. So on the main issue of Constable Dunlop and why I
7 did not order allegations of misconduct against him, it was
8 to protect -- to protect the men who were the victims of
9 sexual abuse. And then if you want to go through each case
10 and for me to explain why we didn't issue charges, I'm
11 prepared -- or we didn't order an allegation of misconduct
12 trial, I will.

13 But, Mr. Wardle, I want to assure you, in 40
14 years of policing, and 30 of that as a supervisor and
15 manager and chief, nothing gave me more heartache or
16 consternation than not proceeding with misconduct
17 allegations against Perry Dunlop.

18 **MR. WARDLE:** All right. Well, I appreciate
19 that answer. And I appreciate that one of the issues you
20 gave serious attention to was whether Officer Dunlop should
21 be charged or in some way disciplined for, let's call it
22 the private investigation.

23 **MR. REPA:** Yes, sir, that's fair.

24 **MR. WARDLE:** Okay. But I'm -- my focus is a
25 -- slightly different. I'm interested at this point in the

1 disclosure issue.

2 MR. REPA: Yes, sir.

3 MR. WARDLE: And you know, I appreciate that
4 this is a complex topic.

5 MR. REPA: Yes, sir.

6 MR. WARDLE: So what I'm interested in is
7 the efforts that were made to get Officer Dunlop to
8 disclose material to the OPP. And, you know, the
9 significance of that is obvious given what happened in some
10 of the later prosecutions.

11 MR. REPA: Yes, sir.

12 MR. WARDLE: And let me just take you if I
13 may to Exhibit 1315?

14 THE COMMISSIONER: So, if I understand this
15 correctly, I understand your answer, but what Mr. Wardle is
16 saying "No, no, no, no. This was -- you have documents
17 that you're not giving, disclosure."

18 So, in that case, you wouldn't necessarily
19 have to call the victims?

20 MR. REPA: No. No, you're right, sir. And,
21 Mr. Commissioner, I apologize if I was a little long-winded
22 there.

23 THE COMMISSIONER: No, no, no, no, fine.

24 MR. REPA: I was trying to give -- it's
25 difficult and I understand, yes, sir, I understand what

1 you're saying and what Mr. Wardle would like to talk about,
2 but I think it has to be taken in the context of the total
3 package because -- well, for just the reasons I stated.

4 **THE COMMISSIONER:** No. No, I understand
5 that ---

6 **MR. REPA:** But I will try to concentrate now
7 on the -- on what Mr. Wardle wants to hear, sir.

8 **MR. WARDLE:** So ---

9 **THE COMMISSIONER:** Where are we going?

10 **MR. WARDLE:** I just want to take you, and
11 this is slightly off our topic, but I want to take you to
12 Exhibit 1315 which is 729936.

13 **MR. REPA:** Thirteen-fifteen (1315), yes sir,
14 I have it.

15 **MR. WARDLE:** Now, I'm going to try and
16 summarize this but basically, as I understand it, one of
17 the orders that Inspector Trew had given to Officer Dunlop
18 in August of 1997 was that he not talk to the media?

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

20 **MR. WARDLE:** He's now given a series of
21 media interviews and Sergeant Derochie was charged to
22 investigate one specific interview and in fact while he was
23 doing his investigation, there were other interviews that -
24 --

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

1 **MR. WARDLE:** --- just popped up out of the
2 blue?

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

4 **MR. WARDLE:** Okay. And, again, as I
5 understand it, he's saying there's no doubt he's violated
6 the order. The issue is what do we do about it?

7 **MR. REPA:** Yes, sir, that's correct.

8 **MR. WARDLE:** Right?

9 **MR. REPA:** Yes.

10 **MR. WARDLE:** And if you look at page 3 of
11 Exhibit 1315, under "Conclusions".

12 So first he says:

13 "It's my opinion and that of our
14 solicitor that Constable Dunlop did
15 breach the order."

16 And then he goes on to say:

17 "In particular, Constable Dunlop's
18 comments relative to the victims
19 statement can be viewed as a direct
20 challenge to the August 7th, 1997
21 order."

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

23 **MR. WARDLE:** In other words, it's not just
24 that he's breached the order; it's that he's flouting it?

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

1 **MR. WARDLE:** Isn't that fair?

2 **MR. REPA:** Well, an open breach of an order
3 would be flouting it, yes, sir.

4 **MR. WARDLE:** And then, of course, there's
5 the security issue which is -- which you described in your
6 evidence the other day. And these are the comments that
7 Officer Dunlop apparently made about not being backed up.

8 **MR. REPA:** That's correct, sir.

9 **MR. WARDLE:** Okay.

10 Let's go on to the next page, page 4. And
11 under "Recommendations", you'll see there's two paragraphs.

12 First of all, there-s a -- Staff Sergeant
13 Derochie sort of summarizes the status of the civil action
14 and speculates about whether that's running out of steam,
15 and whether these are part of an effort to raise money from
16 the public. Do you see that?

17 **MR. REPA:** Sir, which paragraph, sir?

18 **MR. WARDLE:** This is page 4.

19 **MR. REPA:** I've got the page, yes.

20 **MR. WARDLE:** Under "Recommendations - Breach
21 of Discipline" starting with "I am suspicious".

22 **MR. REPA:** Oh yes, I have it. Yes.

23 **MR. WARDLE:** Okay.

24 **MR. REPA:** Thank you.

25 **MR. WARDLE:** So you'll see the discussion of

1 the civil lawsuit and then the next paragraph says:

2 "I have also considered that any actual
3 or apparent disciplinary action we may
4 take against Constable Dunlop would
5 most likely become the subject of
6 national media attention."

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

8 **MR. WARDLE:** "Further, I must admit to
9 you that I've considered that this may
10 be exactly what the officer wants.
11 Although my first reaction is to ignore
12 this possibility in making a
13 determination, I must take it into
14 account."

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

16 **MR. WARDLE:** And then we know in this
17 particular instance that there is no formal process
18 initiated in relation to this specific matter, but my
19 question is this.

20 Was one of the considerations for the
21 Cornwall Police Service the fact that any step you took was
22 going to lead to media scrutiny?

23 **MR. REPA:** It would have been naturally a
24 topic of discussion but, Mr. Wardle, Mr. Commissioner, let
25 me assure you it would not have deterred me from

1 instituting a formal process against Constable Dunlop.

2 **MR. WARDLE:** Okay.

3 Well, so help me with this then, moving to
4 the disclosure issue. We've seen all the, you know, the
5 back-and-forth?

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

7 **MR. WARDLE:** By 1998, Officer Dunlop is
8 testifying in a preliminary inquiry in the Lalonde matter.
9 There are issues raised about whether he's made full
10 disclosure in that.

11 **MR. REPA:** Yes, sir.

12 **MR. WARDLE:** Why are there no steps taken to
13 enforce the order, either through formal steps or informal
14 steps, with Officer Dunlop before January of 2000?

15 **MR. CALLAGHAN:** The evidence thus far, if I
16 might, is that there was the order issue by Inspector Trew.

17 **THE COMMISSIONER:** Yeah.

18 **MR. CALLAGHAN:** There was disclosure given.
19 The next time it comes up again is when Ptak's letter comes
20 up in '99.

21 And I think the evidence thus far is -- and
22 I think the statement by Pat Hall of the OPP was they were
23 of the belief that Dunlop had given them everything. When
24 Ptak's letter comes in '99, it starts the ball rolling. So
25 it's not fair to say that throughout that piece, people are

1 of the view that Dunlop still had more disclosure to give.
2 They are of the view that Dunlop had given the disclosure.
3 It surfaced again and obviously we know -- you heard from
4 Staff Sergeant Derochie about the steps he took once it
5 came up again. So I think the characterization is a little
6 off and I know Mr. Wardle wasn't here.

7 **THE COMMISSIONER:** Mr. Engelmann.

8 **MR. ENGELMANN:** I'm not sure if the
9 intervention was useful or helpful, sir, with the greatest
10 of respect. The Ptak letter dealt with a specific request
11 for two documents that had already been disclosed by Mr.
12 Dunlop to the OPP.

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

14 **MR. CALLAGHAN:** And I don't quibble with the
15 fact that that's the case but that's what triggers them
16 that there may be more. I mean that's what starts the
17 process. I don't quibble with what Mr. Engelmann says but
18 to suggest throughout that there was some knowledge that
19 Dunlop wasn't -- had other documents that he wasn't
20 providing, I'm not sure is a fair characterization.

21 **THE COMMISSIONER:** Okay, we'll see.

22 Mr. Wardle, what do you think?

23 **MR. WARDLE:** Well, I wasn't going to go
24 through all of Pat Hall's notes but, certainly, there are
25 ongoing issues involving disclosure right through 1998 and

1 continuing concerns. And I don't really want to put it any
2 higher than that for the purpose of this question.

3 **THE COMMISSIONER:** All right.

4 **MR. WARDLE:** So maybe I'll reword the
5 question a little bit, Mr. Repa.

6 We certainly know that there are these
7 ongoing issues.

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

9 **MR. WARDLE:** And I don't think, with all
10 fairness to my friend, Mr. Callaghan, they don't ever go
11 away, do they?

12 **MR. REPA:** No, sir.

13 **MR. WARDLE:** No.

14 **MR. REPA:** Not really until the date he
15 retires or resigns from the police service.

16 **MR. WARDLE:** All right.

17 So we know that in January of 2000 you
18 really read the riot act to him. You know, there is a two-
19 page written directive that outlines everything in
20 exhaustive detail. He's told, you know, "You are going to
21 be off active duty. You're going to sit at a desk and
22 you're going to write out, you know, this Will Say," right?

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

24 **MR. WARDLE:** Okay. And the question is why
25 did it take so long to get to that point and could some of

1 those steps or alternative steps been taken earlier in
2 time, you know, when these issues started to percolate?

3 **MR. REPA:** Well, I can only answer by saying
4 that each issue was dealt with in the manner with legal
5 advice that we thought it would be best handled, taking
6 into consideration the wishes of the OPP and the Crown
7 Attorney's office. And I'm not saying in every case we had
8 their input. The door was always open to proceeding
9 formally against Mr. Dunlop but we did not want to proceed
10 unless we were on solid ground. The legal advice and a lot
11 of the talking with the media and whatever, was that it was
12 touch and go. It wasn't all there.

13 So whatever steps we took, we took with a
14 great deal of thought, a great deal of input and that's the
15 way it evolved. And I know -- I agree with you that to
16 have -- no police officer should have to -- it's in the
17 general orders. You cannot -- we have an order about who
18 can talk to the media.

19 So we gave him a second order that's general
20 to everybody on the Force and then we had to follow it up
21 with a third order. It was frustrating but the course of
22 action we chose on how to deal with this unique problem
23 that we had on our hands that was -- couldn't find any
24 similar case to it, this is how we chose to deal with it,
25 sir. Rightly or wrongly that -- and then at the end of the

1 day I would agree that's what we are going to do, so the
2 ball is in my court.

3 **MR. WARDLE:** And you know, I understand your
4 position with respect to some of the issues; for example,
5 the media contact. I understand the position that ---

6 **MR. REPA:** Yes.

7 **MR. WARDLE:** --- the advice that was given
8 to you but, you know, one has to look back on the series of
9 events from the time of establishment of Project Truth to
10 when Constable Dunlop, you know, leaves the Force, and
11 there just seems to have been a lot of missed opportunities
12 along the way. And you know, we know that the failure to
13 make disclosure had an impact on some of these
14 prosecutions.

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

16 **MR. WARDLE:** I'm not suggesting, by the way,
17 that he should have been formally charged with anything.
18 I'm simply wondering whether your Force could have taken
19 more steps at an earlier point in time to sit him down and
20 say, "Look, you know, you've got to come clean. We're
21 going to make sure that you do." You could have suspended
22 him from active duty. There's lots of steps you have that
23 you could have taken.

24 And I appreciate this is all -- we're
25 looking at this with the benefit of hindsight and you were

1 there at the time and, you know ---

2 **MR. REPA:** No, I respect the question. As
3 Chief of Police I am responsible for discipline. The
4 person who occupies that office is responsible for the
5 discipline of the Service, for the application of it or the
6 non-application of it.

7 I can only assure you, Mr. Wardle, and the
8 Commission -- Mr. Commissioner, that nothing we did was not
9 without a great deal of thought, consultation and input,
10 taking into account the layers above us that were involved
11 in this and in no way was there any fear or concern of -- I
12 mean, how could I be concerned about publicity? We had all
13 we wanted. It would have just been another paper written
14 on it.

15 **MR. WARDLE:** Well, I'm not so sure about
16 that, sir. I mean, to be fair, you know, there's a certain
17 tone that comes out of these documents written by your
18 subordinate that one of the concerns is if you take any
19 more steps with respect to Officer Dunlop it's going to
20 immediately be on the national media. You're going to see
21 it on the CBC news and that's something the Cornwall Police
22 Service really didn't want at that point in time. Isn't
23 that right?

24 **MR. REPA:** No, sir, that's not correct, with
25 respect, sir. What -- I can tell you what the concern was,

1 and I hesitate to use the phrase here but I'm going to have
2 to use it.

3 When he talks about the media we're not
4 concerned about having our names in the paper. I mean when
5 you're a police officer for 40 years your name is in the
6 paper all the time; good, bad and ugly is always there so
7 you just live with it.

8 The concern here was that police discipline
9 -- discipline means to train or correct. It doesn't mean
10 to punish. You want to keep -- it's to draw people back
11 into the fold.

12 We were concerned. In this discussion a
13 term was used often. When he mentions the media we're not
14 concerned about media. What do I care about what the media
15 says? As long as we're operating within the framework of
16 the law, people can say what they want.

17 The concern was that if the whole purpose of
18 disciplining an officer is to bring them back into some
19 form of control or compliance, when we talk about the media
20 one of the issues that we were not concerned about, that we
21 were alive to, was the fact that if we went ahead with
22 formal misconduct allegations against him, in the eyes of
23 some we would elevate Constable Dunlop to the level of
24 martyrdom. And that does not bring a Chief to controlling
25 his staff as suddenly his rates go up. I'm supposed to be

1 trying to bring him back into the fold, so to speak. And
2 we use that term often, that this could elevate him to
3 martyrdom.

4 **MR. WARDLE:** Well, to some extent that's
5 precisely what I'm getting at. You had to balance that
6 issue in your own Force ---

7 **MR. REPA:** Yes.

8 **MR. WARDLE:** --- and the effect that any
9 steps you might take would have on Officer Dunlop himself,
10 on his supporters, on the community at large. But didn't
11 you also have to evaluate what effect what you weren't
12 doing was going to have on ongoing criminal prosecutions?

13 **MR. REPA:** Let's just make it very clear,
14 Mr. Wardle. When I say about being elevated in the eyes of
15 some to the level of martyrdom, that was just one
16 consideration. That wasn't the reason we didn't do
17 anything. It was just, yes, we were alive to the fact that
18 he could become more popular with this instead of us
19 training and disciplining him back into functioning as a
20 regular police officer would in these situations.

21 So that was not the only reason. It was
22 just one consideration that we thought about as we went
23 through our series of what are we going to do.

24 I'm sorry. I may have not answered your
25 question. I might have got off on a tangent there.

1 **MR. WARDLE:** Well, you know, let's put
2 formal discipline on one side and, you know, why is it that
3 no steps were taken, short of formal discipline, to get
4 Officer Dunlop to comply with the original order with
5 respect to disclosure?

6 **MR. REPA:** Oh, I think the steps were taken.
7 Mr. Wardle, I think everything that you read in here and
8 everything we did were the steps, short of formal
9 discipline. We did -- I mean, I agree. It was agony. It
10 was over a protracted period of time and it probably did
11 interfere with the OPP, and obviously with the prosecutions
12 it had an impact. But when the information was forthcoming
13 we gave them what, three months to do it, to photocopy
14 everything and write his report. You think that's the end
15 of it and then you find out there's more behind or forward.
16 So it was a continual series of surprises to us and bear in
17 mind that we also had -- it was the OPP's decision what
18 their input to us what they want to do. It wasn't just
19 Chief Tony Repa deciding.

20 **MR. WARDLE:** No, I understand that, sir.

21 **MR. REPA:** As it was with the intercom or
22 anything that was in-house.

23 So did we do the best job we could have done
24 under the circumstances? I think, sir, Mr. Wardle, you can
25 always do better. I'm a believer of that. Okay. We've

1 got it a 100 percent but maybe we can do it 110 percent. I
2 agree.

3 I can't even begin to tell you or Mr.
4 Commissioner the discussions that this man sitting here,
5 Staff Sergeant Derochie, Rick Trew -- Inspector Rick Trew,
6 Lynda Bordeleau, the people, the input we sought and
7 discussed and the number of times, and we are experienced
8 officers. I mean, they're all senior staff. And we all
9 have a wealth of knowledge and of experience and there's
10 also common sense that comes into this and we're well aware
11 of what was going on and the ramifications of doing or not
12 doing something.

13 And, sir, what we did is documented here and
14 I have to stand by it. And if someone can show us that we
15 should have done it -- you could have done it this way,
16 fine. If I ever get in that situation again, I will do it,
17 sir, but we tried our best and ---

18 **MR. WARDLE:** It sounds like you're not going
19 to be in that situation again.

20 **(LAUGHTER/RIRES)**

21 **MR. REPA:** No, I enjoyed the 40 years, sir,
22 but there's a time to move on and I'm moving on now, but,
23 Mr. Wardle, I'm going to stop talking because I do have a
24 tendency to go on, I know that, but it's because I try to
25 get people to understand what I was thinking or what we

1 went through.

2 But, Mr. Wardle, you're absolutely correct.
3 I only wish I could sit here and say, yes, we did that, we
4 got this faster and we knew we saved the case by doing
5 this, but, sir, the only person that can answer the
6 questions that you want to know why he didn't bring it
7 forward has refused to come and testify.

8 I don't know how else to -- I just have to
9 believe that eventually someone will accept that Staff
10 Sergeant Derochie, Inspector Trew and I and Mrs. Lynda
11 Bordeleau, we tried our very, very best in a unique,
12 unheard of situation. I mean, this is what recruits do at
13 a police college. They know. You've got to get stuff in
14 and run after it and get it, and he refused and wasn't
15 doing it, declined to do it and over -- he just put it over
16 a series of time and, sir, I'm as frustrated today about it
17 as I was back then.

18 **MR. WARDLE:** All right. Well, thank you,
19 sir. I appreciate your answer.

20 **MR. REPA:** Thank you, Mr. Wardle.

21 **MR. WARDLE:** Those are all my questions,
22 sir.

23 **THE COMMISSIONER:** Thank you very much.
24 Let's take a short break.

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

1 veuillez vous lever.

2 This hearing will resume at 11:20.

3 --- Upon recessing at 11:04 a.m. /

4 L'audience est suspendue à 11h04

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

6 L'audience est reprise à 11h22

7 **THE REGISTRAR:** This hearing is now resumed.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning, Mr. Horn.

10 **ANTHONY REPA:** Resumed/Sous le même serment

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

12 **HORN:**

13 **MR. HORN:** Yes. My name is Frank Horn and I
14 represent the Coalition for Action and our position has
15 always been from the very beginning was -- is that there
16 was a conspiracy to hide certain situations and that this
17 has never been our -- we've never deviated from that
18 position.

19 And that what we're here to do is to put
20 forth or have some information come from you which would
21 explain some of the things that we've been very interested
22 in having answered. And I'm so happy that you're here to
23 be in the position to be able to answer some of the
24 questions that we -- our Coalition have. And I think that
25 one of the first questions that we have is this.

1 It seems that the major problem that Mr.
2 Dunlop seems to have caused or in the eyes of the Police
3 Department and the Crown Attorneys and everyone else is
4 that somehow he was responsible for not giving full
5 disclosure on evidence that he might have had access to or
6 he had.

7 Now, the question that I have is, if that
8 was what was a major problem, why didn't you or the Crown
9 Attorneys or the Ontario Provincial Police get together and
10 go before a judge and have a court order ordering him to
11 give full disclosure or getting a warrant to go into the --
12 wherever he's got any of these items that you wanted to go
13 before the court? Why wasn't that done?

14 **MR. REPA:** Well, sir, thank you and good
15 morning, Mr. Horn. I appreciate the description of the
16 group that you're representing.

17 The -- to take Constable Perry Dunlop before
18 a court, I believe that there was a discussion on that or a
19 direction from a Crown Attorney or input from a Crown
20 Attorney that I believe the process called judicial review,
21 if I'm not mistaken, to order him to do that. Why it
22 wasn't done, sir, I don't know.

23 That would be -- that would be more the OPP
24 mandate to do that because it was their cases before the
25 court. I do know that there is paperwork on the

1 recommendation to have Mr. -- have Constable Dunlop appear
2 before a judicial review. Our position would be that's an
3 OPP matter.

4 As for the warrant, sir, to -- to obtain a
5 warrant under the *Criminal Code*, there has to be, of
6 course, an allegation of a criminal offence and basically
7 when it came to criminal investigation of Constable Dunlop,
8 and there were some as we know, we had pretty well agreed
9 in-house that we were not going to get involved in that.
10 So that would have been up to another police service to do
11 that, sir, not the Cornwall Police.

12 I hope that answers your question, sir.

13 **MR. HORN:** Okay. If that's the case, why
14 then didn't you speak to the OPP and get them to do their
15 job?

16 **MR. REPA:** I could say they outnumber us.
17 No, I'm sorry, I don't mean to be trite.

18 They -- the OPP Project Truth officers were
19 working very closely and I believe the Crown Attorneys were
20 brought in from Toronto. I believe it was called Special
21 Prosecutions. I don't know what discussions went on about
22 a judicial review or exercising a search warrant or having
23 at least another service do it, the Ottawa Police or
24 Kingston or somebody.

25 You'd have to ask them that question, Mr.

1 Horn, but I was not in the position to instruct the OPP as
2 to what to do with matters concerning them, although it
3 involved our officer, sir.

4 MR. HORN: Okay. The problem is they didn't
5 do that and as a result, they put it in your hands and they
6 said, "You get your police officer to do what we want to do
7 and you're going to be using your authority as the Chief of
8 Police and your authority that comes through the statutes
9 that govern policing" and they wanted you to use that and
10 it sounds like you didn't do that?

11 MR. REPA: Well, we did it, sir, you're
12 quite correct. Other than the part that we didn't do that,
13 you're quite correct.

14 It was a -- it was a -- to facilitate
15 Constable Dunlop bringing forth what the OPP required for
16 the Crown to prosecute, it was a joint venture. You're
17 quite correct.

18 To speak to Constable Dunlop, they had to do
19 it in the presence of one of our supervisory or senior
20 staff. That's just protocol and etiquette to do that. And
21 indirectly, yes, we were facilitating by allowing him to
22 work three months or whatever it was to photocopy and write
23 up his report. So you could put it -- in that respect
24 you're quite correct. It was a joint effort to allow him
25 to facilitate the bringing forth of documents. I don't

1 know what else to say on that, sir.

2 MR. HORN: Okay.

3 You've had a lot of experience in dealing
4 with police officers over the years?

5 MR. REPA: Yes, sir.

6 MR. HORN: And you were brought in, into a
7 very volatile situation and you have a police officer that
8 you've got to deal with. Wouldn't the first thing that you
9 would do is to somehow maybe make some kind of a personal
10 effort on your part to Mr. Dunlop?

11 MR. REPA: Personal effort to do what, sir?

12 MR. HORN: Just to talk to him because the
13 impression that I got was, "Oh, yeah, I saw him and I just
14 kind of -- in the hallway I passed him a few times" and
15 that's about the extent of your involvement with Mr.
16 Dunlop. But you never went and said, "I want to have a
17 talk with you on a man-to-man basis". You didn't do that?

18 MR. REPA: That's correct, sir.

19 MR. HORN: Why wouldn't you do that? You're
20 a man with a great deal of experience in dealing with men
21 and you know that that's probably the best approach that
22 you could have made in dealing with -- he didn't know who
23 you were?

24 MR. REPA: Yes, sir.

25 MR. HORN: You're from outside the area.

1 You come into the scene. All of a sudden you're dealing
2 with a situation. Why didn't you go to him that way?

3 **MR. REPA:** Sir, given the history prior to
4 his return from sick leave to the Service, given his
5 history and given what was evolving and, as I said -- I
6 just want to deviate for one minute -- I can't remember
7 whether in fact I invited him into the office just to
8 welcome him back to work or not. That would be my style
9 but certainly it would not be for talking. It would just
10 be a welcome back.

11 Given Constable Dunlop's -- as he came back
12 in the spring of '97 -- given his history and what was
13 evolving; two things. It was best left to the supervisory
14 staff to engage him and take him into work and that he
15 would follow supervisor's orders.

16 And, sir, I think it would not have been
17 prudent of me to have him in and have a fireside chat with
18 him. As a Chief of Police this was probably -- given the
19 circumstances it probably would have been an inappropriate
20 thing to do, sir, in my opinion -- in my opinion.

21 I'm not saying that your suggestion isn't
22 valid in a lot of cases, but I think in this case it was a
23 little different.

24 **MR. HORN:** Okay. As a result, it doesn't
25 surprise you then that he would have the attitude that,

1 "Well, you're like all the other guys who turned their back
2 on me when things got bad, that you're the same. You're
3 stand-offish. You don't want to talk to me anymore."

4 **MR. REPA:** Well, sir ---

5 **MR. HORN:** Have you joined -- have you
6 joined them in that way giving that impression to Mr.
7 Dunlop?

8 **MR. REPA:** Okay. Yes, sir, that's a good
9 question. And I think to counter that what I have to say
10 is that when the Divisional Court issued, as I now
11 understand it, was a stay against the misconduct
12 allegations against Perry Dunlop or just prior to that I
13 should say -- I'm sorry, just prior to that when it was
14 launched, I issued a media release in which I clarified
15 that he was off on sick leave, not suspended and that right
16 in my media release, which was in the papers, I said he is
17 welcome back to work at any time and Constable Dunlop
18 responded in the media by saying something to the effect
19 that it was nice to hear.

20 When he did return to work in the spring of
21 '97, as I said yesterday and I can't take credit for it but
22 I did authorize it, but he had zero time in his time banks.
23 He had nothing. He has young children. The summer's
24 coming up. Mrs. Sue Currie recommended to me that we give
25 time. It was 120 hours which is three weeks. He'd be off

1 with full pay if he took the time.

2 I think, sir, the way he was welcomed back
3 into the Service, the way he was facilitated by staff who
4 are expert in that area, I would -- Mr. Horn, with respect,
5 I would tend to disagree with you that the outwards signs
6 at least of the administration of that service was that
7 that he was welcome back.

8 And by the way, Mr. Horn, just as an add-on,
9 Constable Dunlop in his uniform duties as a constable, in
10 his day-to-day operational work within the Service, did a
11 very good job, and I have absolutely no complaints about
12 his activity as a police officer in uniform on duty.

13 **MR. HORN:** Okay. Here we're dealing with a
14 police officer who is caught in a jam. You know the
15 situation. You've been through it. You've been
16 prosecuting other police officers in the past, haven't you?

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

18 **MR. HORN:** And that's really one of the
19 things that you've done when you were with the Halton
20 Police?

21 **MR. REPA:** That's correct, sir.

22 **MR. HORN:** And you know the situations that
23 anything like what you did to a police officer would put
24 them in a very, very difficult position?

25 **MR. REPA:** Yes, sir, that's correct.

1 **MR. HORN:** You were aware of that; right?

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

3 **MR. HORN:** And yet, putting him in that
4 position wouldn't you -- putting him into the position
5 where he thinks that here's someone coming from Halton who
6 has a prosecutorial mindset. Is that the kind of image
7 that you would project to him?

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

9 **MR. CALLAGHAN:** How did we get into what Mr.
10 Dunlop thinks? I mean, there may be another way to frame
11 the question.

12 **THE COMMISSIONER:** Yes. Maybe -- just a
13 minute, Mr. Horn.

14 **MR. HORN:** Yes.

15 **THE COMMISSIONER:** And how do we know that
16 Mr. Dunlop knew about this person's history?

17 **MR. HORN:** Prior to coming to the
18 Department, was there any evidence given -- oh, not
19 evidence -- but anything given to the Police Department so
20 that police officers would know who you were and where you
21 come from?

22 **MR. REPA:** Well, yes, they were very well
23 aware of the fact I came from Halton Regional Police and I
24 know how the network works in policing. There would have
25 been several phone calls made by Cornwall officers to the

1 Halton Police Association, yes, but I wasn't privy to it.

2 MR. HORN: So you're saying possibly in the
3 grapevine they would know your background?

4 MR. REPA: It was no secret, sir.

5 MR. HORN: No secret.

6 And what you did there was you were the
7 prosecutor for police officers who were disciplined, right?

8 MR. REPA: That's correct, sir. One of my
9 duties was the Police Act prosecutor, yes.

10 MR. HORN: So it's possible Mr. Dunlop may
11 have heard that on the grapevine?

12 MR. REPA: Anything's possible, sir.

13 MR. HORN: Okay.

14 So let's say he did hear that, like all the
15 other police officers in the police, then when you came to
16 deal with him why didn't you go to him and say, "Look,
17 whatever you might have thought of me, let's sit down. I
18 want to talk to you on a person-to-person basis and we'll
19 put everything else aside". Could you have done that?

20 MR. REPA: Could I have done it? Yes, sir.
21 Did I do it? No, sir.

22 MR. HORN: You didn't do it. Was it because
23 of legal advice?

24 MR. REPA: No, sir.

25 MR. HORN: Told "Don't talk to him"?

1 MR. REPA: No, sir.

2 MR. HORN: "Don't do that."

3 MR. REPA: No, sir.

4 MR. HORN: Is it because you had an OPP
5 officer sitting at your door occupying the CPS, Cornwall
6 Police Services?

7 MR. REPA: No, sir.

8 MR. HORN: You did mention that. It seems
9 like they took over your Police Force?

10 MR. REPA: Yes, sir, but they were
11 interacting with Staff Sergeant Derochie and Inspector --
12 well, Inspector Trew and then Staff Sergeant Derochie, sir.

13 MR. HORN: So as you indicated, that puts a
14 little damper on what you feel you can do and can't do.
15 Wouldn't that put a little damper on you?

16 MR. REPA: No, sir.

17 Sir, I'm the type of chief who refused my
18 staff to even say we had female or male officers on the
19 Force. We have police officers. I like to think that my
20 style and my training and my career was everyone was
21 treated equally. When they stepped out of line appropriate
22 discipline was dispensed.

23 I can only -- Mr. Horn, I respect what
24 you're doing and what you're saying but, Mr. Horn, from my
25 position Perry Dunlop was -- Constable Dunlop was welcomed

1 back to work and treated no differently than any other
2 officer. And, sir, I can only say again, not that I
3 thought about it but you've asked me and if I had thought
4 about it at the time, I would not have sat down and had a
5 man-to-man chat.

6 MR. HORN: You wouldn't have?

7 MR. REPA: No, sir, I would not have, not
8 under the circumstances.

9 MR. HORN: And what were those circumstances
10 that prevented that?

11 MR. REPA: Well, it was everything that was
12 going on around that appeared to be emanating from
13 Constable Dunlop; the ingredients of the civil action, the
14 allegations that were being made, the media. It was just
15 too much, sir. It would have been totally inappropriate.

16 MR. HORN: Okay. So then you would say that
17 if you saw him walking down the hall and you were going
18 down you would kind of stay on your side and he'd stay on
19 his side?

20 MR. REPA: No, sir.

21 MR. HORN: You'd pass him by?

22 MR. REPA: No, pleasantries are -- you know,
23 I really wish -- excuse me -- I really wish I could
24 remember if, just to be able to say here under oath, yes, I
25 took him in the office with a sergeant and said welcome

1 back to the Service and that; I cannot remember. If I saw
2 him in the halls, he got the same good morning or good
3 afternoon that every other staff member got, sir.

4 And by the way, I do respect Constable
5 Dunlop for returning to work as a uniform constable with
6 all that was circulating around him. There is a certain
7 amount of -- I admire his courage, with everything that was
8 going on to come back to work. You had to admire the man
9 for that. And to do a good job. It didn't seem to bother
10 him on the road. There were absolutely no complaints about
11 him, sir.

12 **MR. HORN:** All right.

13 What about the situation where he is a
14 police officer who went to the Children's Aid Society and he
15 didn't go through normal protocol? What was your attitude
16 towards that?

17 **MR. REPA:** Well, I had to take it into
18 consideration because he did do it. Even though it was
19 prior to my arrival, he did do it, and now he's coming back
20 as my officer. The first thing I took was that eventually
21 the courts cleared up that there was no problem, right?
22 The Divisional Court ---

23 **MR. HORN:** Certainly.

24 **MR. REPA:** --- said it's over. And we agree
25 with that.

1 I think he could have achieved the same
2 goals by staying within police protocol and the chain of
3 command. He could have done it a different way. That's
4 what I thought when I heard all of this. There's a way to
5 do things if you're unhappy with what a service is doing by
6 staying within the police culture and not going outside of
7 it. And I'm not condemning what he did because the courts
8 have cleared it. So that's fine.

9 MR. HORN: Okay. I understand that you in
10 Halton Region had a close relationship with the local
11 Children's Aid Society?

12 MR. REPA: Me, sir?

13 MR. HORN: The Halton Regional Police ---

14 MR. REPA: Police.

15 MR. HORN: --- that their relationship with
16 the CAS was quite good?

17 MR. REPA: Well, we certainly reported to
18 them effectively. I can remember days when I worked in the
19 Youth and Family Services that -- we had our friction, you
20 know, you always do, but overall, I ---

21 MR. HORN: No, I'm talking about that issue
22 of reporting to the CAS.

23 MR. REPA: Oh, reporting to, yes, sir.

24 MR. HORN: I'm talking about reporting to
25 the CAS.

1 **MR. REPA:** Yes, I think we burned up the
2 lines between the Halton Police and the CAS intake
3 officers, yes, sir.

4 **MR. HORN:** Okay. So Mr. Dunlop did exactly
5 what you already do in Halton?

6 **MR. REPA:** Yes.

7 **MR. HORN:** And so did you take him aside and
8 tell him, I agreed with what you did because we did that in
9 Halton?

10 **MR. REPA:** No, sir, I did not.

11 **MR. HORN:** Why didn't you?

12 **MR. REPA:** Well, initially, it was before
13 the courts and then when the decision was handed down I
14 believe in late '95, he was off on sick leave till the
15 spring of '97. I just didn't do it. It never occurred to
16 me, sir, and I wouldn't have done it had it occurred to me.

17 **MR. HORN:** So you don't do those sort of
18 little gestures?

19 **MR. REPA:** Not in this case, sir, no.

20 **MR. HORN:** Pardon?

21 **MR. REPA:** No, I don't think I could ever --
22 no, sir, I didn't.

23 **MR. HORN:** So we can maybe take it that the
24 reason why is because you have that prosecutorial blinders
25 on ---

1 **MR. REPA:** No, sir.

2 **MR. HORN:** --- is that what it is?

3 **MR. REPA:** No, sir. I -- sir, because one
4 is a prosecutor doesn't mean one is -- in a police service,
5 the chiefs of police or my chief did not appoint people
6 into Professional Standards who -- or the prosecution
7 office to -- who are out to get officers. He appointed
8 people who would do the correct thing and be also fair to
9 the officers and take into account their situation. And I
10 can tell you -- enough said, sir, that is not true.

11 **MR. HORN:** Okay.

12 Now one other things that you mention in
13 your recommendations at the end of the in-chief was that
14 you had the -- you felt that it was a small group of people
15 that really were creating this whole situation against the
16 Cornwall Police?

17 **MR. REPA:** No, I think I pluralized it sir,
18 I said "groups of people". And not that they were -- they
19 were doing this against the police, that they were the ones
20 who are -- the media was reporting what they said, and
21 certain individuals also, and that galvanized into the
22 negative media that we received. The media wasn't making
23 it up. They were quoting people. And that's their job.

24 **MR. HORN:** All right. Okay.

25 What about the 10,000 people who signed

1 petitions to say that what Mr. Dunlop did was right?

2 MR. REPA: Yes, I was aware of that, sir.

3 MR. HORN: So the people then were behind
4 Mr. Dunlop and what he did when he went to the Children's
5 Aid Society?

6 MR. REPA: I would say that the people were
7 supporting the wording on the petition. Yes, I would agree
8 with that.

9 MR. HORN: And they also agitated to have
10 this public inquiry because they thought that there's -- we
11 have to deal with this problem over Cornwall and that we
12 have to get somebody from outside to come in here and
13 settle the matter once and for all.

14 MR. REPA: Yes, sir. And the members of the
15 Cornwall Police fully supported the starting up of a public
16 inquiry. It was -- we wanted it. We wanted to clear it up
17 too. Well, we're hoping it will clear it up.

18 MR. HORN: Okay. So in your final words to
19 -- is that you want -- if they find none of the police
20 officers were involved, you want them -- something to be
21 said to emphasize that, basically?

22 MR. REPA: Yes, I respectfully ask Mr.
23 Commissioner if he would at least consider doing that if,
24 in fact, they were -- all these officers' names were
25 cleared, there was no evidence. I think -- I think after

1 the number of years they've lived under this and their
2 families have, I think that would be a kind gesture on the
3 part of society, yes.

4 MR. HORN: Okay.

5 So you believe that there was no problem in
6 the Police Service then?

7 MR. REPA: I ---

8 MR. HORN: In this regard, in regard to this
9 issue.

10 MR. REPA: Of cover-up?

11 MR. HORN: Cover-up, conspiracy ---

12 MR. REPA: Yes, sir.

13 MR. HORN: --- and that there was no
14 knowledge on the part of police officers of the pedophile
15 ring going on in the city.

16 MR. REPA: Well sir, yes, and I have valid
17 reasons for believing that. And first of all, knowledge is
18 one thing, sir, but proving is another. I have knowledge
19 of many, many heinous crimes going on in Ontario and
20 there's nothing we can do about it because they don't have
21 the evidence.

22 But I think what you mean is knowledge in
23 the sense that they allowed -- they were part of a
24 conspiracy to allow the pedophile people to operate. What
25 I had, sir, that I based -- that I hung my hat on when I

1 arrived was when I sat with Chief -- Acting Chief Carl
2 Johnston for two weeks, he told me in detail -- I never
3 read it till 2000, he told me about the Ottawa Police
4 investigation report; he told me about the OPP clearance of
5 our staff.

6 So I had two police investigations which
7 cleared our staff. I had no fresh evidence to indicate
8 that these officers on my staff had in any way been
9 involved in a cover-up or were being involved.

10 And, Mr. Horn, let me assure of one thing.
11 If I ever receive a shred of evidence that any of my staff
12 were involved in protecting a pedophile, that officer would
13 have been immediately suspended and someone would have been
14 called in to investigate it the same day.

15 **MR. HORN:** Okay.

16 Now, there's another area that I was
17 interested in is -- and that's the area involving the --
18 what is it called -- the Phoenix Project?

19 **MR. REPA:** Yes, sir. The Phoenix Song
20 Project, yes, sir.

21 **MR. HORN:** Okay. Were you either involved
22 in any way in implementing this project?

23 **MR. REPA:** No, sir. This was a Cornwall
24 Police Service Board initiative by the members of the
25 Board. I was involved as sort of a -- I was party to it,

1 but I was not involved in the -- I was present at the Board
2 meetings and asked to do a few things to get it off the
3 ground, yes, sir.

4 MR. HORN: Okay. Did you sanction what they
5 were doing?

6 MR. REPA: Oh, I thought it was a wonderful
7 idea, the concept.

8 MR. HORN: Did you agree with your Officer
9 Carroll, Jeff Carroll, in his criticisms of the -- of some
10 of the -- one of the flyers that went out?

11 MR. REPA: Yes, sir. I -- if you wish, I
12 can explain that.

13 MR. HORN: Pardon?

14 MR. REPA: Yes, sir. I supported ---

15 MR. HORN: What was the ---

16 MR. REPA: --- Sergeant Carroll.

17 MR. HORN: --- problem there?

18 MR. REPA: The problem was, sir, that the --
19 one -- it was only one of many facets of the Project
20 Phoenix Song was that there would be a pamphlet -- I think
21 it was four pages -- issued to put out to schools and the
22 public. Just a flyer, a pamphlet, but the pamphlet was --
23 the wording on it was done by non-police people, non-
24 lawyers, non-Crown attorney's and it was how to tell young
25 people, mainly, if you're sexually assaulted this, this and

1 that.

2 Well, when my staff in the SACA Unit viewed
3 this they became alarmed. They went to the Crown
4 attorney's office and the way it was worded, sir, the
5 Crowns felt that if a victim came in, based on that
6 pamphlet, if the defence bar got the pamphlet, it would be
7 grounds for dismissal.

8 It wasn't worded properly. So I had to then
9 -- I had the job of taking the news and the pamphlet to the
10 Board, to tell them my staff and the Crown Attorney do not
11 agree with this; it's going to hamper the prosecution of
12 criminal cases.

13 Naturally, the pamphlet was altered. So
14 yes, I agree completely with Sergeant Carroll on that
15 issue.

16 **MR. HORN:** Okay. What about the wording
17 that sort of indicates that, in general, a great deal of
18 sexual abuse of children can be traced to disadvantaged and
19 dysfunctional families? Basically what they were saying is
20 if you come from a poor background there's more likelihood
21 there's going to be found sexual molestation of kids.

22 **MR. REPA:** Those are not my words, sir.

23 **MR. HORN:** I understand that but what was
24 your position when that came to your knowledge?

25 **MR. CALLAGHAN:** If my friend has a document?

1 I mean there was a ---

2 **THE COMMISSIONER:** Okay, I don't know what -

3 --

4 **MR. CALLAGHAN:** There are documents
5 explaining that particular issue so we may want to take him
6 to that document as well.

7 **MR. HORN:** Okay. The document is Document
8 Number 729913.

9 (SHORT PAUSE/COURTE PAUSE)

10 **THE REGISTRAR:** Exhibit 1708.

11 **THE COMMISSIONER:** Seventeen zero eight
12 (1708), okay.

13 (SHORT PAUSE/COURTE PAUSE)

14 **MR. HORN:** It would be on the third page at
15 the top left-hand.

16 **MR. REPA:** Mr. Horn, I have it and I'm
17 reading it and of course I can't -- I have no way of
18 knowing if this is the original pamphlet that we declined
19 and altered or if this is the second draft. I don't know,
20 sir, from looking at it but I have the words in front of
21 me, yes.

22 **MR. HORN:** Okay. See, the problem is our
23 organization, the Coalition for Action, believes that what
24 -- this is an example of an attempt to divert attention
25 away from the pedophile ring which we consider as being

1 people -- prominent people in the community.

2 MR. REPA: I see.

3 MR. HORN: And putting the blame on the poor
4 people and say, "They're the ones that have the problem and
5 it's not the rich and the influential people."

6 MR. REPA: Well, sir, just glancing over
7 this, sir, I can see -- I can appreciate why you would say
8 that. Yes, sir, I understand and there's no argument based
9 on what's read here.

10 I can only say that this was not -- this
11 wording was not put in place by any member of the Cornwall
12 Community Police Service, this was done by a marketing firm
13 out of Toronto and where they got this from, sir, I have no
14 idea.

15 But I do respect that our crest is on the
16 document, yes.

17 MR. HORN: Okay. So when that organization
18 ---

19 THE COMMISSIONER: Which organization?

20 MR. HORN: --- got a budget of -- let's see,
21 where's the budget, I think it was \$30,000. It's on page -
22 - oh, sorry -- on the Document 739916. It's another
23 document, not this one.

24 MR. REPA: Okay, all right. Thank you.

25 MR. HORN: There was a budget of \$30,200.

1 **THE COMMISSIONER:** Just a second. Mr. Horn,
2 did you want ---

3 **MR. HORN:** Yes, I'd that ---

4 **THE COMMISSIONER:** --- us to see that
5 document?

6 **MR. HORN:** Yes.

7 **THE COMMISSIONER:** You want it filed as an
8 exhibit if it hasn't already been?

9 **MR. HORN:** Oh, I don't know if it has been
10 already.

11 **MR. ENGELMANN:** This was already an exhibit,
12 729.

13 **MR. HORN:** Seven two nine nine one six
14 (729916).

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

16 **MR. ENGELMANN:** I believe it's Exhibit 1706.
17 Sorry.

18 **MR. HORN:** It's 729916. Prepared, yeah
19 that's the one.

20 The budget of \$30,200 that would be ---

21 **MR. ENGELMANN:** Some are still looking for
22 it.

23 **MR. HORN:** Oh, sorry.

24 **THE COMMISSIONER:** What page?

25 **MR. HORN:** Page 9.

1 **THE COMMISSIONER:** Okay. So we don't have a
2 hard copy, okay. So this exhibit will be 1844? All right.
3 And that's a Phoenix -- a Project Phoenix Song prepared by
4 Bedford Communications International in September 2000.

5 **--- EXHIBIT NO./PIÈCE No. P-1844:**

6 (739916) Project Phoenix Song - A proposal
7 for Judy Bobka, Chair CPSB - Sep, 00

8 **THE COMMISSIONER:** All right, what page, Mr.
9 Horn?

10 **MR. HORN:** Page 9.

11 **THE COMMISSIONER:** Page 9. Have you ever
12 seen this document, sir?

13 **MR. REPA:** Yes, oh yes.

14 **THE COMMISSIONER:** Okay.

15 **MR. REPA:** Yes, I'm aware of it.

16 **THE COMMISSIONER:** Okay. So do you agree
17 that there was a budget of \$30,000 or some?

18 **MR. REPA:** There was definitely a budget and
19 \$30,000 sound appropriate sir, yes.

20 **MR. HORN:** Okay. Now, there was \$3,000
21 assigned materials, one-day session for Police Services
22 Board.

23 **THE COMMISSIONER:** Page 9, Madam Clerk.

24 **MR. HORN:** And then -- yeah, page 9, yes.

25 And then there was another \$3,000 and then

1 there was a \$1,500. Basically what they were doing was
2 media training for people who were involved, when they
3 spoke to the media.

4 Now, one of the interesting things is, in
5 there it talks about the angle -- could you look at page 16
6 on that, the angle of the story.

7 **THE COMMISSIONER:** Where?

8 **MR. HORN:** That would be on page 16. It's
9 page 16 at the bottom.

10 **THE COMMISSIONER:** Well, page 16 -- look at
11 the screen, Mr. Horn.

12 **MR. HORN:** I'm sorry, that's a different
13 document, this is a document -- this is Document 729926;
14 it's another document but maybe if I could just ask you
15 about this.

16 The other document involves some of the ways
17 in which they were going to be trained. Some of the topics
18 were quite interesting; some of them, how to deal with
19 media, controlling interviews with the media, and what
20 angle should be used in order to get the story across.

21 Wouldn't that sound a little bit like
22 manipulation of the media? You were being trained to
23 manipulate the media and control the media?

24 **MR. REPA:** Well, manipulation and control of
25 the media -- I don't think anyone's ever achieved that

1 goal. But I can tell you that in the training I had to do
2 with the media presentations, it's more training to allow -
3 - to put you in a situation where the media doesn't control
4 you, the presenter. That's what it is in effect.

5 You're taught -- I went through this at the
6 FBI Academy. You're taught how to do things with the media
7 so you can get your story out in a meaningful and factual
8 way, without being cornered or whatever.

9 So this would be to -- I'm trying to recall
10 it now. And if you're saying it's there, then what
11 happened was it was to attune the Board members, who were
12 going to be present at what he hoped to be a massive media
13 release, that when they were questioned and spoken to by
14 the media how to present themselves and how to answer
15 questions, like not to speculate and things like that.

16 So it would have been, sir, I can assure
17 you, regarding to what -- regardless of what you're reading
18 into this, it was legitimate media training. Anyone that
19 speaks to the media that doesn't take training first is
20 really -- could be setting themselves up, sir.

21 **MR. HORN:** I understand. But is that -- was
22 this the impetus to hire a media relations person for the
23 police department, Mr. Paquin?

24 **MR. REPA:** No, sir. No, that was ---

25 **MR. HORN:** Was he there before this?

1 **MR. REPA:** Yes, sir. Yes sir.

2 **MR. HORN:** Okay. Did he go through this
3 training?

4 **MR. REPA:** Yes, I believe there's a one-week
5 course at the Canadian Police College in Ottawa. I believe
6 he attended it, yes, sir.

7 **MR. HORN:** And would you say that that was
8 one of the topics that they would make sure that they'd
9 learn how to control interviews with the news?

10 **MR. REPA:** Yeah. "Control" is a strong
11 word, sir. It would be how to set the stage for an
12 interview.

13 In other words, don't stand in a corner of a
14 room and let the media surround you in a corner. Put a
15 desk between you and the media or have a door behind you.
16 It's just things like that.

17 **MR. HORN:** Okay.

18 **MR. REPA:** It's not control, sir. You
19 cannot control the media. I've learned that in 40 years in
20 policing. And that's probably a good thing. That is a
21 good thing.

22 **MR. HORN:** Okay but -- all right. The
23 intention of this project was to change the image of
24 Cornwall, but wouldn't have the image have been better
25 served if the police department caught someone who was a

1 prominent person who was a paedophile and arrested him and
2 then had him charged and convicted?

3 That would have been the greatest media
4 event that could have occurred.

5 **MR. REPA:** I think, during this time frame,
6 sir, the SACA unit was investigating and arresting
7 offenders and taking them to the criminal court system.
8 The status that they were in the community, in all honesty,
9 sir, I don't care if it's the Prime Minister down to
10 someone on the street; it doesn't matter.

11 You don't look at class; you just go in and
12 do your job and wherever the investigation leads you to,
13 that's who you take into custody. And I know what you're
14 saying and I respect it, but as the complaints came in,
15 they were processed, and if the complaint was for a high-
16 profile person, they were processed. If it was for a
17 person living on the street, they were processed. It
18 doesn't matter; it never mattered to me, the status of
19 someone's lifestyle.

20 **MR. HORN:** Okay. Wouldn't -- what we're
21 really dealing with is the perception in the public that
22 Cornwall Police didn't do their job so we had to call
23 outside police forces to come in and do the job that you
24 were doing. Isn't that what happened when the OPP had to
25 come in and Ottawa police come in? The perception is you

1 didn't do your own job.

2 **MR. REPA:** I can understand that some people
3 would develop that perception, yes, sir.

4 **MR. HORN:** And one of the problems is one
5 police officer is not going to turn in another police
6 officer. They have to work together for good. Isn't that
7 one of the reasons why you have to have an outside police
8 force to come in?

9 **MR. REPA:** That has not been my experience,
10 sir.

11 **MR. HORN:** Pardon?

12 **MR. REPA:** That has not been my experience.
13 My experience is, sir, that -- and interacting with other
14 agencies, the police in Ontario do a very, very good job of
15 turning in or arresting or charging or investigating their
16 own.

17 I'm sorry, but that's the reality. I don't
18 know -- I can understand the public perception of it. I
19 understand it completely, but there's perception and
20 there's reality. And the reality is, sir, the system
21 works.

22 **MR. HORN:** Okay.

23 The system works because when you had the
24 investigation, nothing happened but when the OPP took it
25 over, 115 charges were laid. Isn't that what happened?

1 **MR. CALLAGHAN:** Sorry.

2 First of all, he's talking about prior to
3 this man's arrival. I'm not sure these are fair questions.

4 **MR. HORN:** Okay.

5 **THE COMMISSIONER:** Whoa, just a minute.

6 **MR. HORN:** Okay. What -- how did you feel
7 about that, that the police department that you were with
8 was -- had investigations that went nowhere and the OPP
9 were the ones that laid all the charges?

10 **MR. REPA:** Well the -- in fairness, Mr.
11 Horn, if we're talking in generalities here, the OPP 115
12 charges, some of those would have been generated by the
13 interviews that Constable Dunlop had completed and turned
14 that information over to the OPP. So indirectly, it did
15 come to the Cornwall Police, albeit rather in a convoluted
16 fashion.

17 The rest would be that there was so much --
18 across Canada and the States, there was so much talk going
19 on and media coverage -- and I believe it started in
20 Newfoundland and there were other places and I just can't
21 name the geographical spots right now -- that it was
22 becoming -- I don't want to use the word "popular" but
23 people who had been abused when they were children, they
24 realized now it was okay to come forward. And we were
25 right in that timeframe when this was occurring across

1 Canada, and I think it started in the States, too.

2 And so, when Project Truth was set up and
3 with the negative media attention directed towards the
4 Cornwall Police, it made sense that they went to the OPP
5 Project Truth. Did it bother me? No. It was more
6 important that the persons who committed these offences,
7 and may still be committing them, were caught.

8 What bothered me slightly was the fact that
9 we were under investigation again. But I've been in the
10 business long enough to respect the reason for the
11 investigation and the way it was handled. And you just
12 acquiesce and basically say, "We're here to cooperate with
13 you. Do your thing and you know, hopefully it's going to
14 come out in our favour."

15 But -- it bothers you, yes. I think the
16 negative media publicity bothered me more than the OPP
17 investigation. And when I say that about the OPP, sir, I
18 wasn't upset at them or that. Somebody had to do and it
19 was the OPP that was chosen.

20 I hope I -- somehow I have answered your
21 question. I wasn't angry at anybody for investigating us.
22 It had to be done.

23 **MR. HORN:** Okay. I understand the --
24 something that you said yesterday which was interesting;
25 when Constable Dunlop wanted to go to British Columbia to

1 receive an award ---

2 MR. REPA: Yes, sir.

3 MR. HORN: --- and you indicated that you
4 didn't want to get into a fight over it, because you pick
5 your fights.

6 MR. REPA: I was using the common
7 vernacular, when I said that, yes, sir. I know it's not a
8 very professional thing to say, but yes.

9 MR. HORN: I understand. But that means,
10 really, the way we have to take it is that you're in a
11 fighting mood with Mr. Dunlop. Is that what that ---

12 MR. REPA: No.

13 MR. HORN: Is that what that means?

14 MR. REPA: No, sir. No.

15 MR. HORN: Pardon?

16 MR. REPA: No, sir.

17 MR. HORN: You're going to -- you're not
18 going to fight on this one, but you're going to get him
19 later. Is that what it comes -- was that what you really
20 mean?

21 MR. REPA: No, sir. And I -- if that's the
22 -- what you're taking from it, then it was a very bad
23 phrase, it was the wrong phrase for me to use, sir.

24 I was just trying to speed up what I meant,
25 that's all. And it was not -- no, I was not going to --

1 not looking to fight with Constable Dunlop.

2 MR. HORN: All right.

3 MR. REPA: I was looking to bring him back
4 into the fold, and just get back to doing normal police
5 work again.

6 MR. HORN: Okay.

7 We have a situation in where there's a
8 police officer who gets the ball rolling on some pretty
9 serious investigations, all right?

10 MR. REPA: Yes sir, he did.

11 MR. HORN: And he got it going.

12 MR. REPA: He did sir, yes.

13 MR. HORN: And someone out in British
14 Columbia recognizes that. But you, sitting right next to
15 him in the same police department, don't recognize that.

16 Is that what it is?

17 MR. REPA: Well, I certainly recognize that
18 there was a great deal of activity as a result of what
19 Constable Dunlop brought forward. And if he had handled
20 the follow-up process correctly, what he brought forward
21 was a good thing.

22 The way he brought it forward was
23 inconsistent with policies and orders and the way things
24 are done in the justice system. So I agreed, indirectly,
25 that in bringing the victims forward to the OPP, that was a

1 good thing, yes, sir.

2 MR. HORN: So you don't believe then that
3 when Mr. Dunlop did this, that really the police were
4 bidding their time and they were eventually going to get him
5 somewhere along the way?

6 MR. REPA: Mr. Dunlop?

7 MR. HORN: They were going to get Mr.
8 Dunlop.

9 THE COMMISSIONER: Who is "they"?

10 MR. HORN: I'm talking about the Cornwall
11 Police Services. Mr. Derochie and other people were going
12 to investigate and, "eventually we'll get him with
13 something."

14 MR. REPA: Well, Mr. Horn, I can understand
15 why you're saying that but the way it works and the way it
16 works while I was Chief of Police and the way it works in
17 any rank I held for any officer I supervised or was over is
18 this way: The officer creates the stimulus to which I
19 react. If there were no stimuli there, I would not react.
20 So Constable Dunlop was provoking reaction and each
21 incident was treated separately and thought out and -- with
22 legal counsel. There was no -- if anything, sir, with
23 Constable Dunlop, we bent over backwards to ensure his
24 rights beyond probably what we would have done for -- and
25 I'm reluctant to say this but probably for the average

1 constable who would come in to work with alcohol on his or
2 her breath, because the issues were so complex that he was
3 involved in.

4 There was more thought and input put into it
5 by high ranking officers and lawyers. Most officers are
6 dealt with by sergeants or staff sergeants at the -- right
7 at the level where the incident is occurring.

8 So to suggest that we, sir, were out to get
9 him, and I say this with respect, I find it offensive. I
10 find it offensive not only to me but to my staff, to the
11 lawyer we retained. I can understand though that there are
12 people out in the community that may have thought that but,
13 Mr. Horn, let me assure you, while I was Chief of Police,
14 that never happened and it would never happen under my
15 watch.

16 I have too much respect for the system and
17 the court system and justice and being fair to people.
18 That has been my career.

19 **MR. HORN:** Okay. So what were the last
20 meetings that you had prior to your retirement? I thought
21 there were discussions about possible charges against Mr.
22 Dunlop.

23 **MR. REPA:** Yes, sir, because we had been put
24 on notice by the Ontario Provincial Police Inspector Pat
25 Hall -- and rightly so, he did his job; I have the greatest

1 of respect for Inspector Hall. Put on notice that the
2 Crowns had advised him that Constable -- or Mr. Dunlop at
3 that time had committed criminal offences in the City of
4 Cornwall while testifying or not testifying or whatever.

5 We really never got to the bottom of what
6 they were complaining about and naturally then that's
7 another stimulus that's come to us. I had to react. As
8 the Chief of Police of Cornwall, I have a mandatory duty to
9 investigate crime. And then the year and a half of letters
10 back and forth is us trying to ascertain what happened so
11 we could proceed. And under my time, it never came to
12 fruition.

13 **MR. HORN:** Okay. I think the major issue
14 that we're dealing with here before this Inquiry is we had
15 a situation that occurred and somebody made a mistake.
16 Here's a guy that does the right thing and it escalates to
17 the point now where we have to have an inquiry and all
18 these things. Somebody should have saw ahead of time that
19 they should have nipped it in the bud, dealt with it
20 properly. Instead, we've got what we got now.

21 I mean how did the police department -- are
22 they so rigid in the way they conduct themselves with
23 protocols and laws and regulations that they are not
24 allowed to use a little commonsense and go to Dunlop and
25 say, "Let's talk this thing over; let's find out what your

1 side is"? How come they couldn't do that?

2 **MR. REPA:** Sir, the rigidity of the police
3 service, I can only speak for Ontario, and the rules you
4 talk about is because police officers carry guns and they
5 have the legal right to terminate someone's life under the
6 correct circumstances. They have the right to take away
7 people's freedom which are the two greatest things in
8 Canada that we are enshrined with our protection, is life
9 and freedom.

10 You had better have strict laws and
11 regulations to control police officers that go out on a
12 street armed and have the ability to take away people's
13 freedom.

14 Secondly ---

15 **MR. HORN:** But we're not dealing with that
16 kind of a situation.

17 **THE COMMISSIONER:** Mr. Horn, Mr. Horn ---

18 **MR. HORN:** Sorry.

19 **THE COMMISSIONER:** He said secondly.

20 **MR. HORN:** I'm sorry.

21 **MR. REPA:** Yeah, and I've lost my train of
22 thought. What was I saying? I'm sorry, Mr. Horn, I was
23 coming to -- I was answering the first part about whether
24 we were rigid in our laws to control police officers. I
25 was giving you the reasons why.

1 Oh, commonsense, yes. So then we have all
2 these laws in place and then what a chief or Staff Sergeant
3 Derochie or Inspector Trew has to decide or anybody to
4 decide when you're dealing with police discipline or what
5 you're going to do is, are you making your decision within
6 the framework of the law? Are you making your decision
7 within accepted written protocols? Are you making your
8 decision within stan -- within unwritten standard practices
9 of Ontario? And then you apply commonsense to all that,
10 sir. And I'm going to suggest to you very strongly, Mr.
11 Horn, that we applied that to Perry Dunlop, to Constable
12 Dunlop.

13 **MR. HORN:** Okay. Then how did it escalate
14 then from a guy who did the right thing to the point where
15 he's now in jail?

16 **MR. REPA:** Well ---

17 **THE COMMISSIONER:** Mr. Callaghan?

18 **MR. HORN:** Now, he ---

19 **MR. CALLAGHAN:** I suppose that's the
20 ultimate question. So I mean -- and he's not responsible
21 for what the Div Court did, so ---

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

23 **MR. HORN:** Okay. And then ---

24 **THE COMMISSIONER:** Mr. Horn, Mr. Horn ---

25 **MR. HORN:** But it's gotten to that point.

1 **THE COMMISSIONER:** Mr. Horn.

2 **MR. HORN:** Yes, what?

3 **THE COMMISSIONER:** Sit down. No, no. Mr.
4 Horn, when somebody objects you can respond and then I
5 rule.

6 **MR. HORN:** Okay.

7 **THE COMMISSIONER:** All right?

8 **MR. HORN:** They had ---

9 **THE COMMISSIONER:** No, hold on. Do you have
10 anything to say vis-à-vis Mr. Callaghan's objection?

11 **MR. HORN:** No, I don't. I don't have -- I
12 don't -- I'll take back my questions and the way I was
13 conducting it.

14 **THE COMMISSIONER:** You weren't
15 misconducting. You were just asking the wrong question.

16 **MR. HORN:** Okay. I'll ask -- I'll try to
17 ask more appropriate questions.

18 **THE COMMISSIONER:** It's not the point, Mr.
19 Horn. Mr. Horn, the point is you're representing an
20 organization. You have a viewpoint which this gentleman is
21 trying to answer to. And so you can ask questions and I
22 invite you to ask as many questions as you want, but the
23 fact that Mr. Dunlop is in jail today has nothing to do
24 with this man.

25 **MR. HORN:** Okay.

1 **THE COMMISSIONER:** And so you're putting him
2 in a tough spot.

3 **MR. HORN:** Okay. I understand that. Thank
4 you.

5 **THE COMMISSIONER:** Officer Repa?

6 **MR. REPA:** Yes, sir?

7 **THE COMMISSIONER:** Are you ready to go?

8 **MR. REPA:** Oh, yes, yes.

9 **THE COMMISSIONER:** Go ahead, Mr. Horn.

10 **MR. HORN:** Yes. I'm saying police officers
11 all over the country are going to be looking at the
12 situation and what happened with Mr. Dunlop and they're
13 going to say -- they're going to weigh their decisions as
14 to whether to do anything because of what happened to --
15 what he went through.

16 Do you think that if you had been the Chief
17 of Police you would have done something differently when a
18 situation like this ---

19 **THE COMMISSIONER:** He was the Chief of
20 Police but ---

21 **MR. HORN:** I'm talking about at the initial
22 stage when the Silmsler allegations came up, if he had been
23 the Chief of Police then.

24 **MR. CALLAGHAN:** You know, those types of
25 questions are somewhat unfair. I mean there are a whole

1 lot of matrix of facts that can't be presented in a
2 question. Mr. Commissioner, you've heard all that
3 evidence. Obviously, you'll weigh all that at the end of
4 the day. I'm not sure that's of assistance.

5 **THE COMMISSIONER:** Mr. Horn, do you want to
6 respond to that?

7 **MR. HORN:** Well, I think that it would be a
8 hypothetical question as to if he was the Chief of Police
9 would he have done things differently.

10 **THE COMMISSIONER:** Right, and in a
11 hypothetical question, what you have to do is set out all
12 of the facts, right? And this gentleman wasn't there and
13 if you want to attempt to put all the facts to him to form
14 your hypothetical, we're going to be here a long time.

15 **MR. HORN:** That's right.

16 **THE COMMISSIONER:** All right. So ---

17 **MR. HORN:** That's right, yes.

18 **THE COMMISSIONER:** Okay.

19 **MR. HORN:** He doesn't have the luxury of
20 going through all the documents ---

21 **THE COMMISSIONER:** Exactly.

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

23 **THE COMMISSIONER:** Exactly.

24 **MR. HORN:** The -- would you agree that Perry
25 Dunlop and Helen Dunlop did something to the Cornwall

1 Police Services to enhance its efficiency in dealing with
2 situations like when a complaint -- like the complaint that
3 Helen Dunlop made about the fact that her family was not
4 being properly protected, that something was done to let
5 that not ever happen again?

6 MR. REPA: Yes, yes. Mrs. ---

7 MR. CALLAGHAN: Again, I mean it's a matter
8 of facts. I mean the complaint dealt with obviously the
9 notice on the bail.

10 THE COMMISSIONER: Right.

11 MR. CALLAGHAN: I think that's what he's
12 talking about.

13 THE COMMISSIONER: Yes.

14 MR. CALLAGHAN: But I think it's fair to put
15 to him properly.

16 THE COMMISSIONER: Yes.

17 MR. HORN: Okay. I understand that in your
18 letter that you -- in your dealing with the situation that
19 you had certain procedures put in place because of what she
20 had done.

21 MR. REPA: That's correct, sir.

22 MR. HORN: Okay. Do you give her credit for
23 what she did there?

24 MR. REPA: I do, sir.

25 MR. HORN: Pardon?

1 **MR. REPA:** I do. Yes, I do. Mrs. Dunlop
2 brought to out attention through the public complaint
3 system a deficiency in our Service that was corrected, yes,
4 sir, and I'll thank her for that.

5 **MR. HORN:** Okay. Do you also thank Mr.
6 Dunlop in what he did to make big huge changes in the
7 Cornwall Police Services because of what he did initially
8 in going to this Children's Aid Society? Have you
9 implemented any of the changes that stem from that?

10 **MR. CALLAGHAN:** Can I ask what are the huge
11 changes -- I mean if you could be specific?

12 **MR. HORN:** Okay, in terms of changing in the
13 way in which SACA works, the way in which assignment of
14 officers to do sexual assault investigations and
15 supervision and reporting and putting information on OMPPAC
16 and all of the other things that were put in place as a
17 result of Mr. Dunlop's initial going to the Children's Aid
18 Society?

19 **MR. CALLAGHAN:** You know, the evidence is
20 there. I don't know how this ties Mr. Dunlop to half of
21 that, or Constable Dunlop, or however we refer to him.

22 Unless he's going to break it down and say
23 Mr. Dunlop did this, therefore did you do Y, I don't see
24 how you can ask these questions and obviously, Mr.
25 Commissioner, you've heard the evidence and no doubt you'll

1 make your own assessment if that becomes an issue.

2 **THE COMMISSIONER:** Mr. Engelmann?

3 **MR. HORN:** Well, I just want to ---

4 **THE COMMISSIONER:** No, no, just a minute,
5 Mr. Horn.

6 **MR. ENGELMANN:** I don't disagree with the
7 reason for Mr. Callaghan getting up but I think the witness
8 can answer the question, yes.

9 **THE COMMISSIONER:** Okay. Now, Mr. Horn,
10 I'll blend both of them.

11 I want to give you as wide a latitude as I
12 can to cross-examine this man, but the issues are so
13 complex that for you to say A plus B is equal to C is just
14 not fair to this man. I mean, there are so many nuances
15 and findings of fact that have to be made that, you know,
16 what you're asking is you know some general conclusions
17 without looking at all of the intricacies. I mean, I don't
18 know. Can you rephrase it? I'd like you to rephrase it if
19 you could.

20 **MR. HORN:** All right.

21 Mr. Dunlop went to the Children's Aid
22 Society with certain information which did not go along
23 with police procedures. Has there been anything done to
24 deal with those kinds of situations where information would
25 have to go to the Children's Aid in the future? Did you

1 have anything to do with that or did you see any changes
2 take place?

3 **MR. REPA:** When I arrived, and I am almost
4 positive they were doing it prior to my arrival after this
5 incident, but I made it very clear. I just probably
6 reiterated what the staff were doing is that if you even
7 think it comes under the mandatory obligation of the family
8 -- I always call it the *Child Welfare Act* -- that's the old
9 one -- Family and -- Child and Family Act?

10 **THE COMMISSIONER:** *Child and Family Services*
11 *Act*

12 **MR. REPA:** I'm sorry, yeah. You are to
13 report it. It's just a phone call or send a letter,
14 whatever it is through the intake officer but do it. And
15 so I would -- I would agree, Mr. Horn, that prior to
16 Constable Dunlop, from my understanding of what occurred
17 and I wasn't there, prior to Constable Dunlop the issue of
18 taking the document to the Children's Aid Society, that
19 there were gaps or times when the police interpretation of
20 sending or not sending maybe had holes in it, that after
21 that date, yes, definitely more was sent and definitely
22 when I arrived.

23 So he -- by his action, Constable Dunlop
24 probably caused more information to flow from the Police
25 Service to the Children's Aid Society, yes, sir.

1 **MR. HORN:** Okay, that's good.

2 **THE COMMISSIONER:** Mr. Callaghan is just
3 readjusting himself. He's not getting up to object.

4 **(LAUGHTER/RIRES)**

5 **THE COMMISSIONER:** Do you know how much
6 longer you have?

7 **MR. HORN:** No, I'm almost finished.

8 **THE COMMISSIONER:** Okay.

9 **MR. HORN:** I think that's all I have.

10 **THE COMMISSIONER:** Okay.

11 **MR. REPA:** Mr. Commissioner, if I could just
12 say something to Mr. Horn?

13 **THE COMMISSIONER:** Okay.

14 **MR. REPA:** Just, Mr. Horn, thank you for
15 your questions and if you could just convey back to your
16 group that while I was Chief of Police naturally we were
17 aware of groups, but we were trying everything in our power
18 to -- and I'm sorry that there's still a belief that there
19 was a conspiracy. But I want you to know as Chief that I
20 and my staff were doing everything to improve the situation
21 that we were in and that I -- with the groups thinking that
22 about us but, Mr. Horn, I respect the groups position. I
23 don't agree with it but I do respect it and I respect your
24 questions that you asked me, sir, and thank you very much.

25 **MR. HORN:** So you respect us for not

1 agreeing with you?

2 MR. REPA: Yes, sir. Yes, I do.

3 (LAUGHTER/RIRES)

4 MR. REPA: This is Canada and we can agree
5 to disagree, sir.

6 MR. HORN: Okay.

7 MR. REPA: Thank you, Mr. Horn.

8 MR. HORN: Thank you.

9 THE COMMISSIONER: All right.

10 On that note we'll come back at two.

11 THE REGISTRAR: Order; all rise. À l'ordre;
12 veuillez vous lever.

13 The hearing will resume at two p.m.

14 --- Upon recessing at 12:25 p.m. /

15 L'audience est suspendue à 12h25

16 --- Upon resuming at 2:02 p.m. /

17 L'audience est reprise à 14h02

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

20 This hearing is now resumed. Please be
21 seated. Veuillez vous asseoir.

22 THE COMMISSIONER: Mr. Lee, how are you
23 doing today?

24 MR. LEE: I'm well. How are you, Mr.
25 Commissioner.

1 ANTHONY REPA: Resumed/Sous le même serment

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

3 MR. LEE: Mr. Repa, my name is Dallas Lee.
4 I'm counsel to a party at the Inquiry called the Victims
5 Group.

6 MR. REPA: Yes, sir.

7 MR. LEE: And what the Victims Group is, I
8 represent roughly 50 victims and alleged victims of sexual
9 abuse who came together at the beginning of this Inquiry to
10 ask for standing and funding and were granted those. So
11 we've have been here throughout the process and I'm the
12 only lawyer in the room who has among his clients victims
13 of abuse.

14 MR. REPA: Yes, sir.

15 MR. LEE: So that's the perspective I'm
16 coming from; okay?

17 MR. REPA: Thank you, sir.

18 MR. LEE: I have a number of areas that I'd
19 like to canvass with you. Some of them will deal directly
20 with investigations in your time as Chief of Police. Other
21 things I just want to -- I frankly want to pick your brain
22 a little bit as a senior police officer with a lot of
23 experience who was trained outside of Cornwall.

24 MR. REPA: Yes, sir.

25 MR. LEE: Okay? So I'd like to start with

1 discussing the duty to report. You've talked a fair bit
2 about it and you were asked about it, the duty to report
3 under the *Child and Family Services Act*?

4 **MR. REPA:** Yes.

5 **MR. LEE:** And you were asked about it in-
6 chief and you told us that once you became Chief here in
7 Cornwall you had a discussion with Luc Brunet where you
8 advised him that everything should be sent to the CAS and
9 that they could sort it out on their end. Is that right?

10 **MR. REPA:** Well, that's -- yes. Yes, I did.
11 But it's a general term, everything. It has to do with
12 what is covered by the mandate.

13 **MR. LEE:** Potentially within the mandate of
14 the CAS?

15 **MR. REPA:** Yes, sir, yes.

16 **MR. LEE:** Is that a good way of putting it?

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

18 **MR. LEE:** Because I take it sometimes you
19 would have a situation where there was something clearly
20 within the mandate of the CAS?

21 **MR. REPA:** Yes.

22 **MR. LEE:** And other times you would have
23 something clearly not within the mandate of the CAS?

24 **MR. REPA:** That can happen, yes.

25 **MR. LEE:** And there's some gray area in

1 between and better safe than sorry is the impression I got
2 of your evidence.

3 MR. REPA: That's -- yes, that would be the
4 gist of it, yes, sir.

5 MR. LEE: And what I was particularly
6 interested in, you'll agree with me that there are
7 different situations?

8 You can have a complaint to the Cornwall
9 Police Service made by the mother of a seven year-old
10 saying, "My child was abused yesterday"?

11 MR. REPA: Yes, sir.

12 MR. LEE: Pretty clear cut that that needs
13 to go to the CAS. Am I right?

14 MR. REPA: Yes.

15 MR. LEE: On the flip side, you could have a
16 47 year-old man coming in to say, "I was abused 40 years
17 ago when I was seven years old"?

18 MR. REPA: Yes, sir.

19 MR. LEE: And what you told us, as I
20 understood it, was that in that situation you would still
21 report to the CAS if the perpetrator were still alive?

22 MR. REPA: Yes, sir.

23 MR. LEE: Because there would be children in
24 the community?

25 MR. REPA: That would be my position, yes,

1 sir.

2 MR. LEE: And that was the position you
3 communicated to Luc Brunet. Am I correct?

4 MR. REPA: I hope that's the position that
5 was received by Luc Brunet and the other staff, yes, sir.

6 MR. LEE: That was your intention?

7 MR. REPA: That was my intention, yes, sir.

8 MR. LEE: And another thing you told us was
9 that an agency like the CAS can never have too much
10 information about sexual abuse. Is that right?

11 MR. REPA: Yes.

12 MR. LEE: And what I want to ask you about
13 is you told us that -- and I quote -- your training in
14 Halton was to send everything to the CAS. That's something
15 you told us on your first day here?

16 MR. REPA: Yes, sir.

17 MR. LEE: And I don't want you to get caught
18 up on "everything", the word "everything" there.

19 MR. REPA: No, I understand. Yes.

20 MR. LEE: You've explained it here; you've
21 qualified what you meant by that.

22 Do you recall while in Halton being
23 specifically instructed to adopt that approach that you've
24 articulated here?

25 MR. REPA: Yes, sir. I can give you one

1 example.

2 When you are a uniform patrol sergeant or a
3 staff sergeant and you're signing the occurrences that are
4 coming from in from the previous shift or your shift,
5 everything has to be -- occurrence reports on incidents
6 have to be -- we did paper then, we didn't have computer
7 input. And everything has to be viewed by a supervisor and
8 then initialled.

9 And the one thing you look for on anything
10 involving a child under the age of 16 involved in any type
11 of abuse or sexual assault or whatever, you had to ensure
12 that somewhere on the report the officer had typed in or
13 written in the date, time and who he had called at the
14 Children's Aid Society.

15 So it was built in to our structure that the
16 supervisors would ensure that in case the constable forgot
17 to call, that the CAS was notified and that the person who
18 was notified, their name and whatever. It was done
19 initially, telephone intake, they have intake officers at
20 the CAS.

21 **MR. LEE:** And can you give us an idea of
22 when in your career that check would have been put in
23 place; that requirement that the officer put directly into
24 the report?

25 **MR. REPA:** Oh goodness. When was it? I was

1 a sergeant. It would have been -- I would probably guess,
2 in Burlington because of our chief. The first chief we had
3 in Burlington was very progressive. We were probably the
4 first police service in Canada to hire a social worker to
5 place into our child -- Youth Bureau. I would say, sir, it
6 was my whole career, right when I first went to Burlington,
7 the Town of Burlington in '67.

8 MR. LEE: I'm sorry, 1967?

9 MR. REPA: Yes, sir.

10 MR. LEE: And ---

11 MR. REPA: To notify the CAS and to document
12 it, yes, sir.

13 MR. LEE: Now, the example you just gave us
14 was a file where a child was under 16 years old?

15 MR. REPA: Where the child in danger was
16 under ---

17 MR. LEE: Yes.

18 MR. REPA: Yes.

19 MR. LEE: And this is my language, but those
20 are a little bit of an easier call when dealing with the
21 CAS duty to report?

22 MR. REPA: They are, yes.

23 MR. LEE: So let's shift focus to the
24 historical ---

25 MR. REPA: Yes.

1 **MR. LEE:** --- reporting.

2 Do you recall when in your time in
3 Burlington or Halton or wherever it was, where you would
4 have recognized that even in an historical case, there
5 should be report to the CAS if the perpetrator was still
6 alive?

7 **MR. REPA:** Mr. Lee, in all honesty, I --
8 maybe other staff did because as we grew we were becoming
9 quite a large region, but I never -- I cannot recall ever,
10 ever dealing with an historical sexual complaint, either as
11 a patrol sergeant or a staff sergeant signing occurrences
12 or in the Criminal Investigation Bureau. I just -- I've no
13 recollection of one. I don't think it ever happened, with
14 me anyways.

15 **MR. LEE:** So sitting here today, you can
16 tell us that your belief, as I understand it, is today if
17 the CPS were to receive an allegation of an historical
18 sexual abuse and the perpetrator was still alive, they
19 should refer to the CAS?

20 **MR. REPA:** That is my position, yes.

21 **MR. LEE:** And that was your position in 1995
22 when you took over the CPS?

23 **MR. REPA:** It was my position, my
24 understanding that that would be done simply for the reason
25 that there are still children at risk although not

1 identifiable.

2 MR. LEE: Right. And do you recall whether
3 or not you would ever turn your mind to that issue before
4 arriving in Cornwall?

5 MR. REPA: On historical sexual assault?

6 MR. LEE: Because you've told us you never
7 dealt with it.

8 MR. REPA: No, I've never -- no, my mind was
9 never turned to that issue, sir, ever, 'til I arrived here.

10 MR. LEE: So you arrived here. You were
11 faced with historical sexual abuse issues from prior to
12 your arrival and some ongoing. And when you turned your
13 mind to it, that's what you came up with?

14 MR. REPA: Yes. I -- if you ask me
15 specifically how I conveyed this message, I don't recall.
16 It was verbal, but it was -- everything was to go. I think
17 I was pretty clear on that.

18 MR. LEE: Okay.

19 MR. REPA: And I can't recall the specific
20 discussions I was having but that would have been included.
21 I realize the CAS is basically to protect children under 16
22 who are in immediate abuse and I know that this is now an
23 issue as to what their mandate is, but I am of the belief,
24 send it; they'll sort it out.

25 MR. LEE: Moving forward now -- I'm done

1 with that area.

2 MR. REPA: Yes, sir.

3 MR. LEE: Moving forward now to the time
4 when you -- I suppose, when you learned of the open
5 position for Chief in Cornwall up until the time you
6 accepted the job, you told us that one of the things you
7 did was you telephoned a local RCMP officer and asked him
8 some questions generally about Cornwall?

9 MR. REPA: Yes. Yes, I did.

10 MR. LEE: And at some point, obviously, you
11 decide you were going to apply for the job. You got the
12 position. And I take it you then in Halton where you were
13 working at the time, must have -- the word was out that
14 you'd accepted this position in Cornwall?

15 MR. REPA: The word got out very quickly,
16 yes, sir.

17 MR. LEE: And you would have discussed, I
18 take it, your new position with some of your colleagues in
19 Halton?

20 MR. REPA: It was the usual -- yes, it was
21 usual, yes.

22 MR. LEE: Certainly, it was a topic of
23 discussion the fact that you were leaving ---

24 MR. REPA: It was.

25 MR. LEE: --- Halton and becoming the Chief

1 in Cornwall.

2 Can you tell us what the general reaction to
3 that decision or that announcement was among your
4 colleagues in Halton?

5 Specifically what I'm interested in is, I'm
6 interested in canvassing with you the general reaction of
7 people in Halton -- police officers in Halton vis-à-vis the
8 Cornwall Force and whether they knew anything about it;
9 whether or not it had a reputation; whether or not ---

10 **MR. REPA:** Yes.

11 **MR. LEE:** --- you were advised that, you
12 know, "Congratulations, that's fantastic" or perhaps on the
13 flip side, "You've got to be kidding me, I can't believe
14 you're going up to Cornwall"?

15 **MR. REPA:** Yes.

16 **MR. LEE:** I'm interested in what reactions
17 you got.

18 **MR. REPA:** The -- constables, sergeants,
19 staff sergeants, inspectors, the people I dealt with at
20 that level, it was congratulations and things like that.

21 Some of the senior staff that were perhaps
22 more in tune with what was going on in the province, it was
23 congratulations but a reserved congratulations. They -- I
24 can't remember the exact words and that because I was too
25 excited, but it was basically that, "Have you not heard

1 about what's going on there? Are you sure this is what you
2 want to do?"

3 And, I mean, I had a very good position and
4 I had it very good in Halton and I was sure this is what I
5 wanted to do, but -- and as I think I said the day before
6 or the first day I was here, my impressions when I got
7 here, when I learned about all of the policing services
8 audits or inquiries here, I just took it for granted that
9 that's what they meant and I had never heard of them.

10 **MR. LEE:** So at the time, these people were
11 expressing some cautiousness ---

12 **MR. REPA:** Well, with a handshake and a
13 smile and good luck but are you sure you want to do this?
14 Have you not heard anything about Cornwall? I said, well,
15 no.

16 **MR. LEE:** And were you -- did it go any
17 further than that?

18 **MR. REPA:** No, sir, no.

19 **MR. LEE:** So you really had no clue what you
20 were getting into until you got to Cornwall?

21 **MR. REPA:** Well, I figure we're in the
22 Province of Ontario, I work under the *Police Services Act*,
23 I've got all this experience ---

24 **THE COMMISSIONER:** What could go wrong?

25 **MR. REPA:** What could go wrong?

1 (LAUGHTER/RIRES)

2 MR. LEE: So you get here and you spend two
3 weeks with Acting Chief Carl Johnston?

4 MR. REPA: Yes, sir.

5 MR. LEE: And you've told us, you were asked
6 directly by Mr. Engelmann, what you discussed and you talk
7 about that a little bit and at different times throughout
8 your testimony you've come back and you've said, "And I
9 discussed that with Carl Johnston".

10 I'm not certain at this point that I have a
11 full understanding of what the purpose of that two weeks
12 was and what issues you discussed that might relate to this
13 Inquiry specifically?

14 MR. REPA: That might what, sir, I ---

15 MR. LEE: Relate to this Inquiry? Let me --

16 -

17 MR. REPA: Well, I can tell you -- to answer
18 your question, I can tell you it was information overload
19 to begin with.

20 It was a request from the Board to me that
21 Acting Chief Carl Johnston wanted to -- would have liked me
22 to come for two weeks -- to attend two weeks earlier so he
23 could brief me on the organization so I just didn't walk in
24 cold.

25 MR. LEE: Right.

1 **MR. REPA:** And I agreed to do this. And I
2 arrived here two weeks before my official taking on
3 strength day. And -- mind you, while he was talking to me,
4 it wasn't two weeks solid, he had his work to do as chief
5 and I would observe him, but he covered the range of issues
6 that have been covered by this Inquiry, up to that point,
7 yes.

8 **MR. LEE:** Did he express to you any issues
9 that he may have had at that time with other agencies in
10 the city, Crown Attorney's office, Probation and Parole,
11 Children's Aid Society?

12 **MR. REPA:** No. Concerns, you mean?

13 **MR. LEE:** Concerns, yes.

14 **MR. REPA:** I do not recall any sir, no.

15 **MR. LEE:** Did he have any concerns about the
16 Police Services Board at that time that he expressed to
17 you?

18 **MR. REPA:** No, sir.

19 **MR. LEE:** Did he express any specific
20 concerns about personnel at that time still with the
21 Cornwall Police Service?

22 **MR. REPA:** Personnel?

23 **MR. LEE:** Did he essentially say, "You'd
24 better watch out for so and so?"

25 **MR. REPA:** No, no, sir.

1 **MR. LEE:** Do you recall whether or not
2 during those two weeks you discussed Claude Shaver at all?

3 **MR. REPA:** Oh, I'm sure his name came up and
4 just as he gave me the background of the Service and
5 everything that transpired and led up to my arrival, shall
6 we say, until my arrival. But I don't recall what was said
7 now, sir.

8 **MR. LEE:** Did Chief Johnston speak to you
9 about his own transition into the Chief's position, having
10 taken over from ---

11 **MR. REPA:** Oh, yes. Yes, he did. Yes, he
12 did. He was a -- yes, he did, sir.

13 **MR. LEE:** Did he discuss with you what kind
14 of shape the Force was in when he took over?

15 **MR. REPA:** Well, he reviewed all the
16 documents with me and he didn't -- Carl -- Acting Chief
17 Carl Johnston is a professional police officer and he's a
18 gentleman of the old school.

19 He certainly was not down on anyone.
20 Everything he said was with a -- he told me or informed me
21 of -- although it may have been the act or what he was
22 talking about may have been negative, but he projected it
23 in a positive way. He didn't have a bad word to really say
24 about anybody or anything that was going on.

25 It was all -- because he had completed a lot

1 of improvements there, mainly the 45 of the 48
2 recommendations from Toronto. So he was a busy man.

3 But no, there was nothing negative that I
4 can recall that he told me, sir.

5 **MR. LEE:** He was not the type to close the
6 door and tell you all about Claude Shaver and the mess he
7 left and the things that ---

8 **MR. REPA:** No. No, not at all, sir.

9 **MR. LEE:** Did you -- I -- at the time you
10 took over from Acting Chief Johnston, did he turn over to
11 you any kind of confidential chief's file or anything like
12 that? Documents for the eyes of the chief of police only?

13 **MR. REPA:** Well, there would just be the
14 regular filing cabinet of letters and correspondence, Board
15 matters that would be under the control of -- at that time,
16 there were two executive assistants. But confidential in
17 the sense that nobody else in the Service had seen
18 something other than his eyes only, no, sir. I -- no.

19 **MR. LEE:** Nothing like that at all?

20 **MR. REPA:** No. No, sir.

21 **MR. LEE:** Was that a kind of file you would
22 have kept during your tenure?

23 **MR. REPA:** No.

24 **MR. LEE:** Let me -- outside of the Inquiry,
25 I spend a lot of time dealing with the Roman Catholic

1 Church.

2 MR. REPA: Yes?

3 MR. LEE: And in that institution, the
4 bishop has a file.

5 MR. REPA: Has a what?

6 MR. LEE: It's his file. The Bishop has a
7 file.

8 MR. REPA: Yes.

9 MR. LEE: And it's his file.

10 MR. REPA: Yes, sir.

11 MR. LEE: And it goes to the next bishop and
12 nobody else sees it. It's the bishop's file.

13 Is there anything like that in policing?

14 MR. REPA: No, sir. I've heard -- not
15 through the bishop, I've heard of this in other
16 institutions but no, we -- it was quite transparent and
17 open.

18 MR. LEE: Fair enough.

19 I understand that Joe St. Denis was you
20 Deputy Chief when you arrived?

21 MR. REPA: Yes, sir.

22 MR. LEE: Is that correct?

23 MR. REPA: Yes, sir.

24 MR. LEE: And you understand that he
25 testified here?

1 **MR. REPA:** Yes, sir.

2 **MR. LEE:** And he told us that he was off on
3 leave from April 1998 to June of 2001 when he retired?

4 **MR. REPA:** Yes, sir.

5 **MR. LEE:** And what I'm wondering is whether
6 or not an acting or interim deputy chief was appointed
7 during that period?

8 **MR. REPA:** I have to get my years straight
9 here, but no. The answer is no until his retirement date.
10 Once -- I'm sorry, when did you say the Deputy retired
11 again?

12 **MR. LEE:** June, 2001.

13 **MR. REPA:** Okay. Then the process probably
14 would have started in the fall of 2001. Yes, sir. But in
15 the interim, I did not have a deputy chief of police and I
16 was very -- I was short of senior officers -- when I say
17 senior officers, inspectors and above.

18 **MR. LEE:** Right.

19 **MR. REPA:** So I ran -- I managed the Force
20 without a deputy chief for -- well, from the time you said
21 he went off on sick leave until his retirement day and then
22 for a few months beyond that until another deputy was
23 hired.

24 I -- Inspector Brendon Wells was off sick
25 and then Inspector Trew retired. And basically, sir, for

1 quite a period of time -- and I don't know the timeframe --
2 the staff sergeants pretty well managed the Force and I was
3 dealing directly with the staff sergeants.

4 **MR. LEE:** My understanding, based on some of
5 the evidence we've had here, is that the deputy chief is
6 typically responsible for the operational matters within
7 the police force?

8 **MR. REPA:** The deputy chief in a municipal
9 police setting in Ontario is the chief's right-hand person.
10 He's the vice-principal; he's the disciplinarian; he's
11 everything. He's supposed to -- it's supposed to allow the
12 chief the freedom to be the conceptual thinker and plan
13 where's the force going to be five years from today. Yes,
14 that's correct.

15 **MR. LEE:** So when Deputy Chief St. Denis was
16 gone, did you step into that operational role?

17 **MR. REPA:** I absorbed it, yes.

18 **MR. LEE:** And as an example, would
19 inspectors then have been reporting directly to you on
20 operational matters?

21 **MR. REPA:** Yes, sir. And then when they
22 left, the staff sergeants did, sir.

23 **MR. LEE:** When the inspectors left, the
24 staff ---

25 **MR. REPA:** Well, one retired and one was off

1 sick. I had three inspectors. One passed away and then
2 Inspector Trew retired and there was quite a period of time
3 that Inspector Wells was off on sick leave.

4 **MR. LEE:** If I can, Madam Clerk, if we could
5 show the witness Volume 246 of his evidence, please?
6 That's the first day of evidence.

7 **THE COMMISSIONER:** What page, Mr. Lee?

8 **MR. LEE:** Two-five-seven (257), please?

9 **THE COMMISSIONER:** Are you at that page,
10 sir?

11 **MR. REPA:** At 257?

12 **THE COMMISSIONER:** Yes.

13 **MR. REPA:** Yes.

14 **THE COMMISSIONER:** All right.

15 **MR. LEE:** And if we could look around line
16 13 please?

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

18 **MR. LEE:** The answer you give to Mr.
19 Engelmann talking about an outside police force coming into
20 the CPS to do an investigation, you say:

21 "I've been a police officer by then
22 long enough to know how the police
23 culture functions when another police
24 unit is coming in to do an
25 investigation. There's a certain

1 decorum or a certain approach that's
2 taken and out of respect, then you just
3 -- you just, please come in and do your
4 job."

5 Do you see that, sir?

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

7 **MR. LEE:** What did you mean by "a certain
8 decorum"?"

9 **MR. REPA:** Oh, okay. Well, this is -- now
10 this is the OPP coming in to do the investigation on the
11 Cornwall police, that's what we're referring to here?

12 **MR. LEE:** Yes.

13 **MR. REPA:** Yes. Having been sort of on both
14 ends, having investigated police officers and now having
15 been -- my service is going to be investigated, the decorum
16 is that you show an attitude of complete welcome, respect.
17 I understand the job you have to do. Our house is opened
18 to you. Whatever you want is yours. We'll cooperate 100
19 percent. And that's what I meant, sir.

20 It's just -- you understand having done it
21 the other way to investigate officers that when it's your
22 turn, you don't put -- you don't become obstructive in any
23 way or make life difficult for them. We all want the
24 process to go through and be over as quickly as --
25 efficiently as possible, so you act in a cooperative

1 spirit.

2 MR. LEE: I assume it's a little bit of an
3 awkward situation ---

4 MR. REPA: Oh, yeah, yeah, it's ---

5 MR. LEE: --- on both sides?

6 MR. REPA: It's awkward on both sides, but
7 if you -- it's something that you live with. You just do
8 it. It's not detrimental; you don't stop functioning in
9 any way. It's just -- it is awkward, mildly awkward, yes.

10 MR. LEE: And I take it you would agree
11 having been on the investigator's side of things looking at
12 other police officers and other police forces, that
13 typically the officer or force being investigated does not
14 necessarily behave as a typical person out on the street
15 being investigated might. There's more cooperation and
16 there's more respect?

17 MR. REPA: Oh yes, yes.

18 MR. LEE: And that goes both ways I take it?
19 There's more respect afforded to that person perhaps than
20 it might otherwise be?

21 MR. REPA: To the investigators coming in
22 you mean?

23 MR. LEE: To the investigators coming in and
24 flowing the other way?

25 MR. REPA: Yes, you do. It's -- because you

1 know the job they have to do and it's the law and you just
2 go with it.

3 MR. LEE: You were asked during your
4 examination in-chief by Mr. Engelmann about Cornwall Police
5 officers leaving the service ---

6 MR. REPA: Yes.

7 MR. LEE: --- for other services in 1990.
8 Do you recall that?

9 MR. REPA: Yes, sir.

10 MR. LEE: And one of the things you told us
11 was that the only issue you had with that was trying to
12 replace those who had left?

13 MR. REPA: Yes, sir.

14 MR. LEE: And you explained to us that
15 policing is more transitory now than it used to be?

16 MR. REPA: Definitely sir, yes.

17 MR. LEE: And the impression I took from
18 your evidence on that point was that the issue with
19 officers leaving the CPS was common to policing across the
20 board and not exceptional in any way within the Cornwall
21 Police Service?

22 MR. REPA: Oh, I don't -- I think I quoted
23 Toronto as being quite high and some other forces, but ---

24 MR. LEE: I'm not from Toronto, so I ---

25 MR. REPA: No. I don't know if it's common

1 across the board. I was using Toronto as an illustration.

2 MR. LEE: Do you know how many officers
3 would have left the CPS for other forces ---

4 MR. REPA: I ---

5 MR. LEE: during your tenure?

6 MR. REPA: Over the years? I don't know the
7 number off the top of my head, no, sir.

8 MR. LEE: At least 10?

9 MR. REPA: Over the eight-and-a-half years,
10 that would be fair, yes.

11 MR. LEE: And could it be a size 20?

12 MR. REPA: I don't think so, no. I stand to
13 be corrected, but no. That's a little high.

14 MR. LEE: So you can say at least 10 you
15 think is a fair guess?

16 MR. REPA: I couldn't dispute it, no, sir.

17 MR. LEE: If we take the number 10, do you
18 consider that to be a high number for a Force the size of
19 the CPS?

20 MR. REPA: Oh, I suppose you could argue
21 either way. You could advance an argument either way.

22 MR. LEE: And, again, I want to be clear,
23 we're talking about police officers leaving to go another
24 force, not retirements ---

25 MR. REPA: That's right.

1 **MR. LEE:** -- or sick leave, career changes,
2 or anything like that?

3 **MR. REPA:** Yes, I took it that's what you
4 meant, sir.

5 I think over the number of years, 10 is
6 probably not what one would call high. It was unfortunate,
7 you don't like to lose officers, but it's the fact of life.
8 I don't really know how to answer the question, sir.

9 **MR. LEE:** You don't -- you didn't take the
10 numbers while you were here as Chief anyways as an
11 indication of people trying to get away from the CPS?

12 **MR. REPA:** Not in the ones that where the
13 officers were courteous enough to come in and knock on my
14 door and explain to me why they were going to another
15 service and not on the ones where maybe officers -- they
16 did not come to me, but they explained to supervisors who
17 explained to me why certain officers were leaving. Not all
18 of the officers that left did I receive an explanation for,
19 no, but enough that I was content.

20 So if you had 10 -- if four or five had an
21 acceptable explanation -- they're all acceptable but -- as
22 to why they were leaving they had a valid reason other than
23 just they wanted to get away from the Cornwall Police, and
24 since your numbers are now cut in half -- so.

25 **MR. LEE:** Can you turn up Exhibit 1816,

1 please?

2 Moving to a different area. I don't know if
3 you have it front of you or not; 1816.

4 **THE COMMISSIONER:** No.

5 **MR. REPA:** I might have it, 1816?

6 **THE COMMISSIONER:** No, I don't have it.

7 One eight one six (1816), oh, yes I do.

8 Thank you. You should have it too.

9 **MR. REPA:** Yes. Yes, I have it, sir, 1816,
10 yes.

11 **MR. LEE:** Yes, please. Do you have that,
12 sir?

13 **MR. REPA:** Yes.

14 **MR. LEE:** This is the letter that you're
15 sending in August of 1995 to Superintendent Edgar at the
16 OPP about taking over the Father Charles MacDonald
17 investigation.

18 **MR. REPA:** That's correct, sir.

19 **MR. LEE:** And Mr. Engelmann went through
20 this with you in a fair amount of detail. If I can turn
21 your attention to the bottom of the first page?

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

23 **MR. LEE:** Your second reason you're giving
24 for asking the OPP to take this over, the last sentence you
25 write:

1 "Re-interviewing or double statement
2 taking by a new investigator would
3 possibly be upsetting to the public and
4 the victims."

5 Do you see that?

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

7 **MR. LEE:** What do you mean by that, sir?

8 **MR. REPA:** Well, I'm presuming from what I
9 was briefed on about this -- I don't recall it now, but
10 that the -- some of the victims, the sexual assault victims
11 may have been interviewed before and now they're going to
12 be re-interviewed again. That may be upsetting to them.

13 I think it was done with the intent of
14 trying to reduce the statement taking by different
15 officers, as opposed to Inspector Tim Smith. I'm guessing
16 that's what it meant, sir.

17 **MR. LEE:** So ---

18 **MR. REPA:** Trying to reduce the need for the
19 victims to tell their story to a new officer or a different
20 officer.

21 **MR. LEE:** And I take it one consideration in
22 that regard is trauma or re-victimization of the victim.

23 **MR. REPA:** I would guess. Now, this is a
24 long time ago and, you know, I'm just reading from the
25 lines; I don't recall what I was told about the victims and

1 what I was briefed on to cause us to write this letter, but
2 when I see double -- re-interviewing or double statement
3 taking by a new investigator, and that's the key in that
4 sentence, I believe, and we're saying that they might be
5 more comfortable with the officers they already were
6 interviewed by.

7 **MR. LEE:** Did you have concerns at this time
8 about double statement taking in terms of the impact it may
9 have on a prosecution?

10 **MR. REPA:** No, sir, I can't say that I did,
11 sir.

12 **MR. LEE:** Was that ever a concern to you as
13 a police officer, taking multiple statements from a victim
14 of abuse, or a complainant generally, I suppose?

15 **MR. REPA:** I don't think, sir, when I was in
16 Operations doing that type of work that -- I don't think
17 that that ever came up.

18 **MR. LEE:** It never came up that you needed
19 multiple statements, or it never came up that you turned
20 your mind to it?

21 **MR. REPA:** Well, it never came up that the
22 same victim had to be interviewed twice for two separate
23 statements, as far as I can recall, in my operational
24 career.

25 **MR. LEE:** So it wasn't a matter of you

1 avoiding it, it wasn't just never necessary?

2 **MR. REPA:** Oh, no, heavens no, sir. You
3 learn in policing you can't avoid; if it's there you're
4 going to do it, no matter what it is. You don't avoid
5 anything in policing, sir.

6 **MR. LEE:** Do you appreciate that there may
7 be some issues with taking multiple statements?

8 **MR. REPA:** Oh yes. Yes.

9 **MR. LEE:** It should be avoided, I take it?

10 **MR. REPA:** Well, sometimes it may be
11 absolutely necessary. I suppose circumstances are going to
12 alter cases and ---

13 **MR. LEE:** As I understood your evidence in-
14 chief, the main reason for asking the OPP to take over this
15 investigation was the fact that the Cornwall Police had
16 been sued by an earlier Father Charles MacDonald
17 complainant named David Silmser. Is that right?

18 **MR. REPA:** I don't know if that was the main
19 reason. I'd only been there, I think, 25 days and trying
20 to digest what I'd been told by the former Chief and then
21 by my staff. It seemed -- this seemed the appropriate
22 action to take at that time, without a lot of the rationale
23 going into it. It was accepted and off it went.

24 **MR. LEE:** And I think what you told us in-
25 chief there was -- you were concerned about at least a

1 perception of conflict or bias?

2 **MR. REPA:** Oh yes, that would be -- that
3 would have been one of the considerations.

4 **MR. LEE:** Stemming from the fact that the
5 Cornwall Police had been sued and now we have the same
6 alleged perpetrator back again.

7 **MR. REPA:** It would have been a
8 consideration, yes.

9 **MR. LEE:** The reason I ask is that I'm not
10 exactly clear -- in the Charles MacDonald case we have John
11 MacDonald coming forward with an allegation; this is the
12 second allegation against Father Charles MacDonald because
13 there's already been one by David Silmsen.

14 He's sued, there's a lawsuit, you say that's
15 a consideration and you're worried about the perception of
16 conflict and bias.

17 And then in 2000 we have the Earl Landry
18 situation where the CPS is being sued, and yet you're
19 comfortable taking that investigation and there aren't
20 these concerns with bias or with the perception of bias or
21 conflict.

22 And I'm just not sure, can you articulate to
23 me how you see these as being different?

24 **MR. REPA:** Well, the first one, sir, as I
25 said, I was only there 25 days and I accepted the

1 recommendation and advice I was given, and it was accepted
2 by the OPP. So that was -- and I think in this doesn't it
3 say -- I have to read this, but doesn't it say that some of
4 the occurrences may have occurred -- some of the incidents
5 may have occurred in OPP territory?

6 **MR. LEE:** First bullet.

7 **MR. REPA:** Well, that alone would be -- I
8 mean, now you're down to two police services investigating
9 -- I can see now why it went to the OPP. That, plus
10 coupled with the work that Inspector Tim Smith had done
11 previously.

12 With the Landry case, first of all, it
13 didn't have the history that these matters did that are
14 covered by this letter. The suspect was the former Chief's
15 son and I think it's a completely different ballpark, sir.
16 And that -- if you're asking me -- I can see the
17 differentiation here between the two, yes.

18 **MR. LEE:** Well, that's -- that's where I'm
19 going actually, with the -- the distinction between the
20 accused persons here.

21 And we have a third investigation that
22 you're asked a little bit about, the allegation from
23 Shelley Price.

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

25 **MR. LEE:** And again, you went to -- a very

1 well-crafted letter went out explaining why the CPS should
2 be capable of handling that investigation.

3 **MR. REPA:** Yes.

4 **MR. LEE:** You did your best to convince the
5 Prices to come over to the CPS and to be content with that,
6 and to satisfy them that they were going to get a proper
7 investigation?

8 **MR. REPA:** That was my intent. Yes, sir.

9 **MR. LEE:** And the question that's left seems
10 to be that when you have Father MacDonald as the accused
11 you refer it out. When you have Earl Landry's son as the
12 accused and when you have CPS officers, in the case of the
13 Price complaint, as the accused you keep it in-house.

14 **MR. REPA:** Well ---

15 **MR. LEE:** So it begs the -- I mean, can you
16 appreciate that it leaves the impression that you may be
17 interested in making sure that the CPS handles allegations
18 against CPS officers?

19 **MR. REPA:** Well, first of all, sir, Mr. Lee,
20 on the Price matter we had a third-party complaint. No-one
21 had spoken to the victim yet; we had no statement. My -- I
22 felt compelled and I felt responsible to write the initial
23 letter of assurance to Mr. and Mrs. Price, Mrs. Price in
24 particular, that we could handle the situation.

25 I wanted her to know that I had newly

1 arrived, I was not, as they called me, one of the old guard
2 of Cornwall. That the officers that would -- well, you've
3 read the letter, I don't have to repeat it.

4 But it was my full intent all along that if
5 they declined my offer that we would -- it would be --
6 another police service would be asked to do it, and on
7 February 10th -- and now, remember, they retracted -- he
8 called and said, "My wife doesn't want anything done at
9 all," up and down, up and down, and then finally on
10 February the 10th I made the arrangements with the OPP to
11 fly out and take the original statement, and then we'd look
12 at it and see what we had.

13 So I don't think really that one, sir, is a
14 fair -- with respect, I don't think that's fair to put that
15 one to me. And as for former Cornwall Police officers, my
16 goodness, we're talking 40 years earlier -- so anyways.

17 As for Landry, Mr. Landry, Sr., I was the
18 complainant.

19 I read the civil action, and I'm not going
20 to re-state everything I said yesterday when I was talking
21 to Mr. Engelmann, unless you want me to, but, sir, in the
22 civil action, I could not find one piece of credible
23 evidence that would lead anyone to have reasonable and
24 probable grounds from those unsubstantiated adjectives that
25 anything criminal had occurred, but I decided I wanted to

1 and in my note -- in my memo to Staff Sergeant Derochie, I
2 think it says very clearly "to ascertain the facts".

3 Had Staff Sergeant Derochie or Sergeant --
4 I've forgotten his name at the moment here -- had the other
5 investigator found something that was "Oh, maybe we do have
6 a problem here", then that would have been brought back to
7 me and we might have re-evaluated it.

8 I will tell you this, that if any of my --
9 if Staff Sergeant Derochie or any of my investigators that
10 were allowed to do these types of investigations, had they
11 ever come to me and said, "I am uncomfortable with doing
12 this", it would have been -- it would have gone to another
13 service.

14 If they are comfortable and they're
15 professionals and I was comfortable, it never caused me any
16 concern then, sir, I had all the faith in the world that it
17 would be conducted properly.

18 **MR. LEE:** I intend to ask you some questions
19 about Sergeant Snyder's investigation ---

20 **MR. REPA:** Yes, Sergeant Snyder, that's the
21 one I was -- sorry, for a moment, his name escaped me.

22 **MR. LEE:** Let's talk about the original
23 decision to investigate and what I'm asking you essentially
24 is it appears, to some of my clients at least, that the
25 distinction between all of these cases is that when it's a

1 former CPS officer, you want control, and when it's a
2 priest that you don't know anything about, the OPP can have
3 it?

4 MR. REPA: Is that a question or ---

5 MR. LEE: Do you agree?

6 (LAUGHTER/RIRES)

7 MR. REPA: No, I do not agree, and I'm -- I
8 can understand -- I have to say that, but I can appreciate
9 and understand perception of whatever people wanted to be,
10 sir, and I understand what you're saying. That is not the
11 way it was.

12 MR. LEE: And my understanding of your
13 evidence in-chief was that you didn't consider at any point
14 sending the Landry, Sr. investigation out to another force.
15 Is that correct?

16 MR. REPA: No, sir.

17 MR. LEE: And as I understand it, that
18 investigation arose directly from the allegations in the
19 statement of claim filed against the Cornwall Police
20 Service by a victim of Earl Landry. Is that right?

21 MR. REPA: That's correct, sir.

22 MR. LEE: You took a look at the claim and
23 saw the allegations and you ordered an investigation?

24 MR. REPA: Yes, sir.

25 MR. LEE: And one of the things you talked

1 about a little bit yesterday and you alluded to it a moment
2 ago as well was your thoughts on the merits of the
3 allegations as set out on the Landry, Sr. statement of
4 claim?

5 MR. REPA: Yes, sir.

6 MR. LEE: And you told us yesterday, you
7 used the terms "fluff, unsubstantiated adjectives; a lot of
8 words and absolutely no evidence". Is that right?

9 MR. REPA: Yes, sir, there -- in the -- if
10 you take, and I did qualify it by saying if you take out
11 the claims about -- I think there was something there --
12 for instance that said had Mr. Landry, Jr. been arrested
13 and charged in 1985, it may have very well prevented the
14 sexual abuse on further young boys, which is absolutely
15 correct. I'm not disputing that point in the action.

16 It was just, I remember I did it -- I think
17 I did it with a -- I know I did it with a yellow
18 highlighter, I picked out what it was that there was in the
19 civil document that would lead one to believe that there
20 was any, a modicum of evidence, to support the verbiage
21 that was being used and, sir, there was none.

22 But even without that -- and the lawyer that
23 issued this action is an Officer of the Court. He knows
24 very well that if he had evidence that Mr. Landry, Sr. or
25 the officers that were doing the investigation had come

1 together to suppress or obstruct the investigation, he
2 knows very well he could have forwarded it to the OPP
3 Commissioner, the Attorney General's office. He had
4 avenues to follow this up with this on.

5 I read -- I suppose Staff Sergeant Derochie
6 put it correctly in his report back to me, I had an
7 overabundance of caution when I read into this, and I
8 wanted to clarify what went on back then. And the report
9 that came back to me, I was satisfied that they did all
10 that was reasonably expected of police investigators in
11 1985 on this type of occurrence, given the laws that were
12 in our land at that time.

13 **MR. LEE:** You can appreciate, I take it, the
14 position that the plaintiff was in in that matter in terms
15 of his access to information and what would be within his
16 knowledge about the operation of the Cornwall Police
17 Service and the conduct in that investigation?

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

19 **MR. LEE:** You have to agree with me he's
20 behind the eight ball isn't he?

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

22 **MR. LEE:** And, you know, one of the reasons
23 that you may commence a claim is that there are certain
24 rights you are entitled to once that happens?

25 **MR. REPA:** Yes, sir, I agree.

1 **MR. LEE:** Document reproduction ---

2 **MR. REPA:** I don't dispute ---

3 **MR. LEE:** --- examination for discovery?

4 **MR. REPA:** I don't dispute the issuance of
5 the civil action. I'm talking about it from a criminal
6 perspective, sir.

7 **MR. LEE:** When I hear you talk about the
8 "unsubstantiated adjectives" and the "absolutely no
9 evidence" as disclosed in the claim, it leaves the
10 impression that the allegations, as set out in the claim
11 against Landry, Sr., had been prejudged by the time you
12 assigned that investigation?

13 **MR. REPA:** No, sir.

14 I'm not -- I probably know next to nothing
15 about civil law, and my thought was that maybe in civil law
16 the wording that was there was sufficient to reach a
17 settlement. I don't know because I won't even pretend to
18 understand civil law.

19 I will say that I sent a copy of the action
20 and a covering letter to our solicitor, our legal counsel
21 on this matter, and discussed it with her at length and as
22 a matter of fact what -- the other thing we did, sir, in
23 follow-up to that, we also did a pre-media release
24 statement just in case this document made its way to the
25 media. And that was ready to go should we receive a phone

1 call.

2 And I saw myself as being proactive,
3 responsible and this was the correct thing to do because
4 if, in fact, there was an issue with this, I wanted to know
5 and we would take the action. Had there been an issue, had
6 Staff Sergeant Derochie come to me and said, "Look, I think
7 we have something here and I'm a little uncomfortable
8 because he was my former chief", I would have called in
9 another force, yes sir.

10 **MR. LEE:** In fairness, sir, the call of
11 whether to call in another force and whether there's a
12 conflict of interest rests with you, the Chief?

13 **MR. REPA:** Yes, it does, sir.

14 **MR. LEE:** Not with ---

15 **MR. REPA:** No, not ---

16 **MR. LEE:** --- Staff Sergeant Derochie's
17 comfort level?

18 **MR. REPA:** You're absolutely correct.

19 **MR. LEE:** Can you appreciate that one of the
20 problems we're discussing here in terms of conflict of
21 interest and bias and things along those lines in terms of
22 these internal investigations, is the very real risk of the
23 perception being that when an accused person is a police
24 officer or is the family member, in the Landry, Jr. case,
25 of the former Chief of Police, that there may be an unusual

1 benefit of the doubt afforded to the accused by the
2 investigating officers? Do you appreciate that might be
3 the perception?

4 **MR. REPA:** I appreciate that that might be
5 the perception but not the reality.

6 **MR. LEE:** Given -- did you, at any point
7 during your tenure as Chief of Police in Cornwall, come to
8 understand that this wasn't your typical community and this
9 wasn't your typical Police Force in terms of the confidence
10 of the public in the Police Force; in terms of the media
11 attention. There's a lot of water under the bridge by the
12 time you get here and it's not going away.

13 At some point, did you consider adopting an
14 approach of "We need to be extra careful. We need to be --
15 go above and beyond. There are segments in this community
16 that don't consider us to have the benefit of the doubt
17 anymore. And if there can even be a perception of a
18 conflict, we're going step back."

19 Did that ever cross your mind?

20 **MR. REPA:** Well, sir, you've asked several
21 questions in one. I'll try to answer them.

22 **THE COMMISSIONER:** That's Mr. Lee's
23 standard.

24 **(LAUGHTER/RIRES)**

25 **THE COMMISSIONER:** Just joking.

1 MR. LEE: I know, sir.

2 MR. REPA: Sir, you -- I'd like to take the
3 first two issues that I think you've asked me -- is this
4 wasn't your standard community, your standard Police Force.

5 In the eight-and-a-half years I was here, I
6 will agree there were some very vocal people and rightly
7 so; that's their right in Canada to be vocal. We respect
8 that and that can bring about good change, but to suggest
9 that the general population of the City of Cornwall was not
10 standard, I have found -- I found during my time here, in
11 all of the fundraising I was involved in and that and
12 everything that went on -- the ice storm we went through, I
13 found the people of Cornwall to be above standard. I found
14 them to be generous, cooperative, friendly, welcoming. I
15 cannot say enough. I was so happy to have served in this
16 City.

17 So I cannot say that the community was
18 distressed over this. A lot of them were interested but I
19 received numerous -- each year -- letters of commendation
20 about my staff.

21 We held an Open House when we opened the
22 second floor of the police station and doubled our work
23 space, I think it was from four to seven, and my staff
24 came to me well before four o'clock and said, "Chief,
25 they're lined up down the street". When 7 o'clock came,

1 our police station was packed with visitors still. We had
2 to stay open I think another hour or two, if I recall. We
3 had more people come through our police station.

4 So to me, these were signs. Yes, I was well
5 aware of a vocal group we had -- groups -- and I completely
6 respect them and I understand where they stood, but to
7 suggest it was the whole community and it was not standard,
8 it was above standard.

9 The City hosted the Special Olympics. We
10 were the first Police Service, with the assistance of the
11 people of Cornwall, to pay for a whole week of Special
12 Olympics. No other entity or city or police service has
13 ever done that.

14 As for saying it's not a standard Police
15 Force, sir, you heard my presentation yesterday. Every
16 organization has a few -- they're not hundred percenters or
17 hundred and twenty percenters but, my goodness, my staff
18 just took off. All they said was, "Chief, can I do this?
19 Can you provide me the funding?" and they facilitated the
20 growth of our organization. I couldn't have been happier.

21 So, sir, on those two counts I know -- I
22 know publicity and the media and scuttlebutt and whatever
23 can be extremely damaging but, sir, the reality was the
24 people of Cornwall and this Police Service was -- I
25 couldn't have been happier.

1 I had issues I wasn't happy with, but not
2 the staff and not the citizens. And now, I'm sorry, I've
3 forgotten the rest of the questions.

4 **MR. LEE:** To go back on that, my question
5 obviously did not mean to suggest that the community was
6 substandard in some way. I was asking you whether or not
7 you came to appreciate at any point during your tenure as
8 Chief of Police that the citizens of Cornwall, or at least
9 segments of the population of Cornwall, had a diminished
10 faith in the Cornwall Police Service?

11 **MR. REPA:** I would say there were segments
12 that perhaps didn't view us in the way I would have wished
13 they would have viewed us, yes, sir.

14 **MR. LEE:** And did you come to appreciate at
15 some point that the lack of faith in those segments of the
16 Cornwall Police Service was to a greater extent than in
17 other towns and other cities and other municipalities?

18 **MR. REPA:** I wouldn't -- I think because
19 Cornwall had the issue that was going on, that separated us
20 from the other communities. It would be hard -- there's no
21 marker, there's no benchmark here. How do you compare --
22 what other community had the same issue that was ongoing,
23 that started with the DS matter and then everything that
24 piled up on top of that?

25 There was a catalyst. There was a reason

1 for these groups having a negative view of the Police in
2 Cornwall. I don't know what other city I could compare it
3 to that had the same major catalyst to cause people to look
4 askance at the police.

5 I guess what I'm saying is, if we didn't
6 have the DS matter, if this had never occurred, we wouldn't
7 have the groups who were unhappy with the Cornwall Police.
8 That's the best way I can answer it.

9 **MR. LEE:** That's exactly my point, and
10 that's what I was asking you, sir.

11 Given that all of that had happened and
12 given everything you were dealing with, did you at some
13 point say, the Cornwall Police has to be exceptionally
14 careful. We have to do absolutely everything we can to
15 ensure that we don't feed this monster?

16 **MR. REPA:** Yes, and I thought we were. And,
17 as a matter of fact, on the issue with the Landry matter,
18 when it was brought to my attention about the length of
19 time that it took before it was formally investigated, that
20 is precisely what I said to my staff. I said, "With all
21 of the negative publicity we're receiving, how could you
22 let this happen?" And their silence was the answer. They
23 realised they had committed a wrong and that was the end of
24 it. Then we set about fixing it.

25 So I thought we were doing what -- I was

1 acutely aware -- and I would have been anyways. I would
2 have managed the Police Force with or without these issues
3 the same way, and that's to try to serve the public in the
4 best way possible.

5 MR. LEE: Mr. Engelmann asked you in-chief
6 about Earl Landry, Sr. not being interviewed as part of
7 Sergeant Snyder's investigation?

8 MR. REPA: Yes, sir.

9 MR. LEE: And you told us that, as I
10 understood your evidence and I'll paraphrase it, it wasn't
11 an issue for you because they had essentially cleared
12 Lefebvre and Willis. And if Lefebvre and Willis had been
13 cleared, Landry, Sr. couldn't have done any wrong because
14 it would have had to have been a team effort to obstruct
15 justice?

16 MR. REPA: Yeah, yeah.

17 MR. LEE: Is that right?

18 MR. REPA: Yes, yes.

19 MR. LEE: If the people running the
20 investigation have clean hands, then there was no
21 influence?

22 MR. REPA: That's correct.

23 MR. LEE: And hence Landry, Sr. couldn't
24 have done anything wrong. Is that right?

25 MR. REPA: That ---

1 **MR. LEE:** It's the gist of it?

2 **MR. REPA:** That would be the gist of it,
3 yes, sir.

4 **MR. LEE:** Can I just get you to confirm --
5 you obviously were not with the CPS in 1985 at the time of
6 the original Landry, Jr. investigation?

7 **MR. REPA:** No.

8 **MR. LEE:** You were not the investigating
9 officer or direct supervisor on the 1997 investigation of
10 the criminal complaints against Landry, Jr?

11 **MR. REPA:** No, sir.

12 **MR. LEE:** You were not the investigating
13 officer or the direct supervisor in 2000 at the time of
14 Sergeant Snyder and Staff Sergeant Derochie's review of
15 that? At the time of the Landry, Sr. investigation
16 essentially.

17 **MR. REPA:** Yeah, the ---

18 **MR. LEE:** Not the investigating officer and
19 not the direct supervisor?

20 **MR. REPA:** No, no, no, it would have been --
21 no.

22 **MR. LEE:** You did not personally review all
23 of the notes from the 1985 investigation?

24 **MR. REPA:** The notes from the 19 -- no, but
25 they would have been alluded to -- they should have been

1 alluded to, I hope I'm not wrong, in Staff Sergeant
2 Derochie's report, sir.

3 MR. LEE: I'm not suggesting they weren't
4 reviewed.

5 MR. REPA: Okay.

6 MR. LEE: I'm asking did you review them?

7 MR. REPA: Did I see the notes myself?

8 MR. LEE: Yes.

9 MR. REPA: No, sir.

10 MR. LEE: You didn't do a full documentary
11 review or investigate the 1985 investigation in any way?

12 MR. REPA: No, that's Staff Sergeant
13 Derochie's job.

14 MR. LEE: And so your knowledge of that is
15 derived from the report?

16 MR. REPA: Yes, sir.

17 MR. LEE: Is that correct?

18 MR. REPA: Yes, sir.

19 MR. LEE: Can we turn up Exhibit 731,
20 please.

21 THE COMMISSIONER: You might have that book,
22 sir.

23 MR. REPA: Oh, sorry. What was the number?

24 THE COMMISSIONER: Seven-three-one (731).

25 MR. REPA: No.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. LEE: I'm going to need this one on the
3 screen. I don't have a copy.

4 THE COMMISSIONER: What page, sir, do you
5 know?

6 MR. LEE: I don't think it's a very lengthy
7 letter.

8 THE COMMISSIONER: No, it's a one-page
9 letter.

10 MR. REPA: Seven-three-one, sir, was it?

11 MR. LEE: Exhibit 731, yes, sir.

12 MR. REPA: Yes, I have it.

13 MR. LEE: It's the September 25th, '97 letter
14 from Inspector Trew to Perry Dunlop.

15 MR. REPA: Yes, sir.

16 MR. LEE: And you see in the middle
17 paragraph there's a reference to a meeting on August 7,
18 1997?

19 MR. REPA: Yes.

20 MR. LEE: And the second-last paragraph of
21 this is a direct order, do you see that, to turn over -- to
22 disclose materials?

23 MR. REPA: Yes.

24 MR. LEE: And I think you'll agree with me
25 that this letter is essentially the written version of what

1 was ordered on August 7th, 1997?

2 MR. REPA: Yes.

3 MR. LEE: Is that right?

4 MR. REPA: Yes, sir.

5 MR. LEE: And at the end of the letter he
6 says that the disclosure is to be made Friday, October 3rd,
7 1997?

8 MR. REPA: Yes, sir.

9 MR. LEE: So a little more than a week after
10 the day of this letter?

11 MR. REPA: Okay.

12 MR. LEE: Do you see that?

13 MR. REPA: Yes, sir.

14 MR. LEE: And I take it you were fully up-
15 to-speed on what was happening at this time? You would
16 have known this order had been made on August 7th?

17 MR. REPA: I would have been briefed on it,
18 yes.

19 MR. LEE: And you would have been briefed on
20 the fact that it was being put into a letter by Inspector
21 Trew and going -- formal?

22 MR. REPA: Yes, I would have been aware. A
23 written order has more substance than a verbal order, yes,
24 sir.

25 MR. LEE: And you would have been aware that

1 they were taking that additional step. Is that right?

2 **MR. REPA:** Yes.

3 **MR. LEE:** I take it -- well, we'll show you.
4 Can we pull up Exhibit 732 please?

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **MR. LEE:** You have that, sir?

7 **MR. REPA:** Yes, yes. It's the first time
8 I've seen it. I was just looking at it, sir.

9 **MR. LEE:** You haven't seen this before, sir?

10 **MR. REPA:** Not to my knowledge.

11 **MR. LEE:** Take some time to read it.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **MR. CALLAGHAN:** No notice of that had been
14 given on this document, so this witness has never seen it I
15 don't believe.

16 **THE COMMISSIONER:** Yeah. No. Okay, but
17 it's -- there's ---

18 **MR. CALLAGHAN:** I understand that. I'm just
19 -- I don't know if there are other documents around this.

20 **THE COMMISSIONER:** Three paragraphs, no, no.
21 Just -- sir, take the time and read that.

22 **MR. REPA:** No, I'm fine. I'm fine with
23 that. No, I've read it sir. I just -- I don't ever recall
24 seeing anything from Mr. Dunlop's lawyer ever, in my career
25 before, sir. That's all I meant. I've read it. Thank

1 you.

2 **MR. LEE:** And so, obviously, you didn't
3 prepare this during the course of your preparation here --
4 or read this, rather, during the course of your
5 preparation?

6 **MR. REPA:** No. No.

7 **MR. LEE:** What about back in ---

8 **MR. REPA:** I think I was aware of this
9 through other sources back then. And I may have read it,
10 and notes, but I was never -- I've never seen the actual
11 letter. This is the first time.

12 **MR. LEE:** So you may not have had the letter
13 in your hand but you were briefed generally on the
14 contents?

15 **MR. REPA:** Yeah, I would have been. Yes,
16 sir. Because it's a delay in the order.

17 **MR. LEE:** Sorry, it's what?

18 **MR. REPA:** Because it appears to be a delay
19 in the order.

20 **MR. LEE:** Yes.

21 **MR. REPA:** Yes.

22 **MR. LEE:** And I take it you take that from
23 the third paragraph where he says he'll attempt to have the
24 relevant materials by 4:30 on October 10th?

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

1 **MR. LEE:** So that's a week later than what
2 Inspector Trew had ordered?

3 **MR. REPA:** That's correct, sir.

4 **MR. LEE:** Is that right?

5 **MR. REPA:** Yes.

6 **MR. LEE:** And if you look at the final
7 paragraph, it reads:

8 "We can advise that my client will
9 forward to the OPP all relevant
10 materials in his possession by 4:30
11 p.m. on October 10, 1997, except for
12 any materials previously provided to
13 the OPP or any materials that fall
14 under the solicitor-client privilege."

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

16 **MR. LEE:** Do you see that?

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

18 **MR. LEE:** And my understanding is that the
19 CPS did not respond to this letter. Do you have any
20 information otherwise, sir?

21 **MR. REPA:** I ---

22 **MR. CALLAGHAN:** This would be one of those
23 things that I suspect, if I knew the document, sir, I might
24 be ready for. But I -- the evidence would be of Inspector
25 Trew, and I thought there was communication with Bourgeois

1 on a couple of fronts. But we're here for the evidence of
2 Trew. There's some in the notebooks but we'll have to
3 defer to Trew's evidence.

4 **MR. ENGELMANN:** There's also a -- and
5 someone gave notice on it. There was a chronology that was
6 prepared by the Ottawa Police Service that talks -- okay --
7 that talks about this and then what happens on the 10th.

8 It's in the documents that notice was given
9 on; I just can't remember the Exhibit number. It would
10 have been something that Mr. Repa would have seen, but ---

11 **MR. LEE:** I have that and we can pull it up.
12 It's Exhibit 1727.

13 **THE COMMISSIONER:** One seven two seven
14 (1727).

15 **MR. LEE:** The document number is 731891.

16 **MR. REPA:** Thank you.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. LEE:** Do you have that up, sir?

19 **MR. REPA:** Yes, I have 1727.

20 **MR. LEE:** If I can have you turn to page 12
21 of 33, down at the bottom, Bates page ending 408.

22 **MR. REPA:** I have page 12, yes.

23 **MR. LEE:** You have that, sir?

24 **MR. REPA:** I have page 12, yes.

25 **MR. LEE:** And so we have -- you see that you

1 recognize this as a -- sorry. If we can just have this on
2 the screen, please?

3 The screen is frozen at the moment.

4 **THE COMMISSIONER:** So Madam Clerk, is it
5 frozen? Do you need to reboot it?

6 It's going to take a minute. How long do
7 you have, Mr. Lee?

8 **MR. LEE:** Not very, sir. Ten (10) minutes
9 perhaps.

10 Do you have it? Okay, Mr. Callaghan has it,
11 sir. We can go on. Are you okay to continue without the
12 screen, Mr. Commissioner?

13 **THE COMMISSIONER:** Yeah.

14 **MR. LEE:** You're at page 12, Mr. Repa?

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

16 **MR. LEE:** And so we have September 26, '97.
17 The previous day's letter given to Dunlop. You see that?

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

19 **MR. LEE:** Yes. And we then have, on October
20 3rd, Constable Dunlop calling Inspector Trew regarding the
21 deadline.

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

23 **MR. LEE:** On the following day we have
24 Dunlop at Bourgeois' office, advising Pat Hall that he
25 would get the material by the middle of next week.

1 **MR. REPA:** M'hm, yes, sir.

2 **MR. LEE:** And then on the 8th we have Dunlop
3 speaking with Inspector Trew about the package.

4 **MR. REPA:** Yes, sir.

5 **MR. LEE:** And then if you flip the page over
6 -- and we're up on the screen now -- we have, on October
7 10th, Dunlop turning over a number of materials.

8 **MR. REPA:** Yes.

9 **MR. LEE:** Do you see those set up -- or set
10 out, rather, at that page?

11 **MR. REPA:** Yes, sir.

12 **MR. LEE:** And the reason that I brought you
13 to these materials is the last paragraph of the Bourgeois
14 letter states that he will not be providing any materials
15 that fall under the solicitor-client privilege.

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

17 **MR. LEE:** And I thought that you had
18 suggested during your examination-in-chief that privilege
19 was not an issue that the Cornwall Police was concerned
20 about.

21 **MR. REPA:** Well, it was not my issue, no,
22 sir.

23 It's not an issue with me; I believe -- and
24 I'm only -- I was only a Chief of Police. If you get into
25 the legalistics of it, I could very well be wrong, but my

1 view was that if you're given an order, you produce it now.

2 MR. LEE: But what we have here is we have a
3 letter from Mr. Dunlop's lawyer saying, "We're going to
4 comply. We need an extra week."

5 MR. REPA: Yes, sir.

6 MR. LEE: Or, "We're going to comply with
7 the order, but for two categories of documents ---"

8 MR. REPA: That's correct.

9 MR. LEE: "--- those we've already disclosed
10 to the OPP--- "

11 MR. REPA: Yes.

12 MR. LEE: "--- and those that are solicitor
13 and client privilege."

14 MR. REPA: Yes, sir.

15 MR. LEE: And then on October 10th we have
16 disclosure.

17 MR. REPA: Yes, sir.

18 MR. LEE: And I don't see in here any letter
19 flowing back from the CPS saying, "Well, hold on a second.
20 We take issue with this claim of privilege."

21 MR. REPA: Yes, sir.

22 MR. LEE: Or anything along those lines.

23 MR. REPA: Yes, sir. Well, that's a very
24 good question, and the thing is here that -- as I
25 mentioned, I think earlier today, about -- first it's the

1 Cornwall Police, then you have the layer of the OPP and
2 then you have the layer of the Crown Attorney.

3 The Cornwall Police and Inspector Trew in
4 these matters that we're discussing were simply -- because
5 Constable Dunlop was on our service, we were the conduit or
6 the -- not the conduit. We were the people that had to
7 give the orders but we were reacting to what the OPP
8 wanted.

9 So although technically this is a breach of
10 the orders -- but with an explanation, which is acceptable
11 -- I can't answer for why this was agreed to. I think only
12 the OPP and Inspector Trew could explain that.

13 I understand what you're saying completely,
14 but we were just the writers of the orders at the behest of
15 the Ontario Provincial Police in the way they wanted to
16 handle the situation. Because he was our employee they
17 could not order him to do it.

18 **MR. LEE:** So had the OPP taken issue with
19 the solicitor-client privilege, you would have issued an
20 order, being specific? I mean, is that what you're saying?
21 Ask the OPP, essentially?

22 **MR. REPA:** Yeah, I'm -- like this is getting
23 beyond my scope of knowledge or recollection of it, but
24 that -- I see -- I understand completely, Mr. Lee, the
25 issue you're taking here and, if you read it just in the

1 paper, it looks like we've just disregarded our order, our
2 written orders to Constable Dunlop.

3 But you have to pull back and say, "Well,
4 just a minute now. we're reacting to the stance or the
5 position the OPP want to take in getting this information
6 to them from Perry Dunlop and his lawyer, and I can't go
7 any further than that because I would just be speculating.

8 **MR. LEE:** Okay, fair enough.

9 Finally, the last issue that I want to
10 discuss with you arises from Mr. Wardle's cross-
11 examination. And, as I understood your evidence, a
12 significant factor that you considered in your decision not
13 to discipline Dunlop, as matters moved along, was a concern
14 about forcing victims of abuse to testify at a *Police*
15 *Services Act* hearing. Is that right?

16 **MR. REPA:** Yes. On that issue, yes, sir, it
17 was.

18 **MR. LEE:** And my impression was that the
19 possible discipline you were speaking of related to a few
20 different matters. One of them was the PA system matter.

21 **MR. REPA:** Yes.

22 **MR. LEE:** One of them concerned media
23 interviews.

24 **MR. REPA:** Yes.

25 **MR. LEE:** And the other dealt with

1 nondisclosure of material.

2 **MR. REPA:** With nondisclosure?

3 **MR. LEE:** Nondisclosure of materials.

4 Can you help me understand why any of those
5 matters, should they proceed to a discipline hearing, would
6 involve victims of abuse testifying?

7 **MR. REPA:** Well, sir, that would have -- it
8 turns out that would have been the most serious allegation
9 he -- Constable Dunlop would have faced.

10 **MR. LEE:** Which one, sir?

11 **MR. REPA:** The one of taking statements from
12 victims of abuse -- complainants, and then not immediately,
13 or forthwith processing them at the Cornwall Police office,
14 putting them on OMPPAC and then that they be assigned for
15 immediate investigation.

16 That would have been the numbers and I'm not
17 sure what the numbers were anymore. Over such a period of
18 time, it would have been a very serious misconduct charge,
19 possibly leading to dismissal from the service or a
20 demotion in rank. You just can't do that.

21 **MR. LEE:** The question is: why does any of
22 that involve victims of abuse testifying?

23 **MR. REPA:** Oh, I'm sorry. Okay. I
24 apologize.

25 Well, they would be the witnesses. They

1 would have to testify. If I were a sexual assault victim
2 and I had met with Constable Dunlop when he was off on sick
3 leave or off duty, and he made his notes, and then those
4 notes don't surface for a year or two and then we finally
5 find out who they are, these individuals, and we interview
6 them, if they would have allowed us to interview them, and
7 we find out, "Yes, I did give Constable Dunlop a
8 statement," that would be the main piece of evidence on
9 that one specific allegation of misconduct against
10 Constable Dunlop.

11 Without the victim, we could not move. He -
12 - I guess they're all "he". So he would have to sit in the
13 witness box at a Police Act Tribunal and say, "Yes, on this
14 date, I gave Constable Dunlop a statement that I was
15 sexually abused." The next evidence would be from the
16 records people saying, "We have no record of this on our
17 system," Staff Sergeant CIB saying, "I never heard of this
18 complaint," and then I would suggest to you very strongly
19 there would be a finding of misconduct and then we'd be
20 into the penalty phase.

21 **MR. LEE:** I would have thought that the
22 materials ultimately disclosed by Dunlop would have been
23 the evidence on that hearing. The statement that would --
24 in order for you to proceed with those ---

25 **MR. REPA:** Yes.

1 **MR. LEE:** --- you would have had to
2 ultimately at some point get disclosure. So you would have
3 had a piece of paper in your hand.

4 **MR. REPA:** Well, the OPP got disclosure.

5 **MR. LEE:** Well, whoever it is. Did you seek
6 a legal opinion at any point on whether or not a victim
7 would need to testify at the hearing?

8 **MR. REPA:** Oh, yes, on -- I don't think -- I
9 cannot recall on any matter to deal with the alleged
10 misconduct of then Constable Dunlop that we did not seek a
11 legal opinion. I just cannot ---

12 **MR. LEE:** I'm asking on that specific point.

13 **MR. REPA:** On that specific ---

14 **MR. LEE:** On that specific point.

15 **MR. REPA:** Yes.

16 **MR. LEE:** You would agree with me, I take
17 it, that there would be absolutely no need for a victim of
18 abuse to testify in a discipline hearing relating to the PA
19 system, and you've explained why you didn't go there but
20 obviously there would be no need for a victim to testify on
21 that hearing.

22 **MR. REPA:** Okay. That's a victimless
23 misconduct, sir?

24 **MR. LEE:** Yes.

25 **MR. REPA:** There is no victim on that one.

1 That is just -- it would be the officers testifying of what
2 they heard coming over the intercom. I would call it a
3 victimless misconduct. It's the action that he did that
4 would be -- I would suggest it would be conduct unbecoming
5 a police officer, something along that line.

6 **MR. LEE:** And the same goes for the media
7 interviews, I take it, a victimless misconduct?

8 **MR. REPA:** No. That was -- it's getting
9 technical now. That was -- our legal advice was that it
10 wasn't -- it wasn't appropriate to do it, or whatever it
11 was. There were reasons we were given but I can't remember
12 what.

13 **MR. LEE:** But one of the reasons wasn't a
14 reluctance to force victims of abuse to testify at a
15 hearing in relation to media interviews given by Constable
16 Dunlop.

17 **MR. REPA:** Well, I don't think they'd have -
18 - we'd have to subpoena the victims of abuse. It would be
19 just the fact that he spoke to the media and said anything
20 would breach the general order.

21 **MR. LEE:** You were asked a little bit in-
22 chief as well as during cross about the stay of proceedings
23 being ultimately upheld by the Div Court in late 1995.

24 **MR. REPA:** Yes.

25 **MR. LEE:** And the result of that, I take it

1 you'll agree, is that Constable Dunlop was vindicated?

2 **MR. REPA:** Yes.

3 **MR. LEE:** Would you agree with me that that
4 situation was embarrassing for the Cornwall Police?

5 **MR. REPA:** That he was vindicated?

6 **MR. LEE:** Yes.

7 **MR. REPA:** I wasn't embarrassed by it. I
8 don't think the Force was. I was the Chief. I wasn't
9 embarrassed. It's the process and you accept these things
10 happen.

11 **MR. LEE:** This began -- that saga began in
12 early 19 -- or late 1993, rather, with the disclosure of
13 the DS name to the CAS.

14 **MR. REPA:** Yes.

15 **MR. LEE:** All kinds of media attention.

16 **MR. REPA:** Well, it grew, yes.

17 **MR. LEE:** Over the next two years all kind
18 of media attention.

19 **MR. REPA:** Yes, I would agree with that.
20 I've seen some of it.

21 **MR. LEE:** Charges; a hearing, stayed;
22 there's an appeal.

23 **MR. REPA:** Yes.

24 **MR. LEE:** The stay is upheld. You're
25 telling me there was no embarrassment at the CPS on the

1 fact that this constable had gone through that process and
2 in the end had been vindicated?

3 **MR. REPA:** Well, I can't speak for prior to
4 my arrival, but once I got there -- it was certainly talked
5 about, but embarrassed, sir, I -- I think the staff were a
6 little more hardened than that.

7 **MR. LEE:** Is it possible that one of the
8 reasons why you didn't initiate discipline against Perry
9 Dunlop after that time, so after late 1995, was that there
10 was some intimidation in play, in the sense that the CPS
11 had gone up against Dunlop once, he had won, it had been
12 embarrassing and they weren't going to risk it again?

13 **MR. REPA:** Well, in my response, sir, I'm
14 tempted to say -- I'm going to say it but then I'll
15 withdraw it: you don't know me very well, sir. No, sir,
16 not at all. With intimidation, I -- I don't know where
17 that comes from -- Hollywood, wherever -- but it's not --
18 I've never been intimidated. You couldn't intimidate Staff
19 Sergeant Garry Derochie. You can't -- I mean we're acting
20 within the framework of the law. How can we be
21 intimidated?

22 I just -- I'm sorry, I -- I didn't mean to
23 be flip with my answer ---

24 **MR. LEE:** No, no, that's fine.

25 **MR. REPA:** --- but like ---

1 **MR. LEE:** Mr. Wardle took you through a
2 number of actions ---

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

4 **MR. LEE:** --- over a number of years and, as
5 you might expect, my clients have a rather different view
6 than many people in this room on the legitimacy of Dunlop's
7 actions and whether he's right or wrong. Leave all that --
8 all of that aside.

9 **MR. REPA:** Yes.

10 **MR. LEE:** You have all these things
11 happening and it obviously is a legitimately-held belief
12 and an honest belief on your part that Dunlop is in the
13 wrong, and he's repeatedly in the wrong. Isn't that true?

14 **MR. REPA:** No, I -- no, I think I either
15 qualified this with Mr. Horn or -- I can't remember --
16 either yesterday. Constable Dunlop, from my perspective,
17 was not constantly in the wrong. He was cleared by a court
18 on that issue of delivering the piece of paper to the CAS.
19 Therefore, how could I say he was in the wrong?

20 It was a terrible confusion. It shouldn't
21 have happened. He's not in the wrong. Why would I even
22 care about it? It's over.

23 Where the wrong starts is, as I said to Mr.
24 Horn this morning -- is when he starts to become
25 obstructive or reluctant to deliver what he's supposed to

1 do when he starts to "coach witnesses". That litany of
2 things that occurred, that's when he becomes in the wrong,
3 and you don't -- it's not Perry Dunlop that is upsetting to
4 me or distressing. It's his misbehaviours that are bad,
5 not Perry Dunlop, and you're trying to control that.

6 Maybe I've got off your question here. I
7 kind of ---

8 **MR. LEE:** Well, you haven't. That's my
9 point, is that there are -- in your eyes there are
10 misbehaviours ongoing ---

11 **MR. REPA:** Yes.

12 **MR. LEE:** --- and ongoing and ongoing, and
13 you tell about how -- the fact that you're looking at them
14 independently of one another.

15 **MR. REPA:** Yes.

16 **MR. LEE:** And I'm right about that
17 completely?

18 **MR. REPA:** Yes.

19 **MR. LEE:** "A" has nothing to do with "B" as
20 far as you're concerned. "B" is (inaudible)

21 **MR. REPA:** Under the *Police Act*, yes. No,
22 they don't.

23 **MR. LEE:** And when I listen to all this I
24 can't help but wonder whether or not the CPS, and you as
25 its leader, was gun-shy after that stay.

1 **MR. REPA:** Well, sir, the answer I -- two
2 answers. First, I think I've already covered that, and
3 secondly, no. Gun-shy is not the word. I think we were
4 being -- no, I'll take that back. I don't think we were.
5 We were not gun-shy. We were being professional.

6 **MR. LEE:** Those are my questions. Thank
7 you.

8 **MR. REPA:** Thank you, Mr. Lee.

9 **THE COMMISSIONER:** Thank you.

10 **MR. REPA:** Thank you.

11 **THE COMMISSIONER:** Let's take the afternoon
12 break.

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

15 This hearing will resume at 3:30.

16 --- Upon recessing at 3:14 p.m. /

17 L'audience est suspendue à 15h14

18 --- Upon resuming at 3:32 p.m. /

19 L'audience est reprise à 15h32

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

22 **THE COMMISSIONER:** Mr. Neville?

23 **ANTHONY REPA:** Resumed/Sous le même serment

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

25 **NEVILLE:**

1 **MR. NEVILLE:** Good afternoon, Commissioner.
2 Good afternoon, Chief Repa. My name is
3 Michael Neville.

4 **MR. REPA:** Yes, sir.

5 **MR. NEVILLE:** I represent Father Charles
6 MacDonald and the estate of Ken Seguin, his brother Doug
7 Seguin and the Seguin family.

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

9 **MR. NEVILLE:** And I expect to be just a very
10 brief few minutes with you.

11 A document I would like to have Chief Repa
12 see, Commissioner, I could not find it as an exhibit, but
13 the document number is 723496. It's been mentioned a
14 number of times, sir. It's the Media Release and Directive
15 Policy 059 of the CPS issued by Chief Repa. I know it's
16 come up but I'm not sure we ever put it in. It was in my
17 notice.

18 **THE COMMISSIONER:** Exhibit Number 1845 is a
19 Cornwall Police Service Directive Number 059, revised June
20 12, 1996.

21 **---EXHIBIT NO./PIÈCE NO. P-1845:**

22 (723496) CPS Directive No. 059 - Media
23 Release and News Release Policy - Revised
24 June 12, 1996

25 **MR. NEVILLE:** You have your copy there,

1 Chief Repa?

2 MR. REPA: Yes, sir, I do.

3 MR. NEVILLE: I'll use the pagination on the
4 document itself and if I could just refer you to page 9 in
5 the top right corner, Bates page 166, Commissioner, for the
6 record.

7 That's your signature, sir, as the issuing
8 Chief?

9 MR. REPA: Yes, sir.

10 MR. NEVILLE: And the date on it is June 12,
11 1996 and it's described -- you can flip back to page 1 --
12 as revised that date. Was there a -- if you can recall for
13 us -- a pre-existing policy of a similar type that you
14 authored or directed a revision to?

15 MR. REPA: This revision would indicate to
16 me there was a -- this revision would indicate to me there
17 was a previous ---

18 MR. NEVILLE: Right.

19 MR. REPA: --- document.

20 MR. NEVILLE: That's why I asked.

21 MR. REPA: And that I am the author of the
22 revision. I don't know if I did anything previous to this;
23 that might have been the one that was in place already.

24 MR. NEVILLE: I know it may be taxing
25 anyone's memory -- anybody's memory, including yours, to

1 ask you this question almost exactly 12 years ago, can you
2 recall if there was any particular precipitating event or
3 circumstance to lead you to create or issue this order?

4 **MR. REPA:** Yes. I believe one of the things
5 I did when I left Halton was I brought the General Order
6 Book with me and I had a media release order in there.

7 **MR. NEVILLE:** Right.

8 **MR. REPA:** And when I compared the two I
9 realized it needed some upgrading. I wanted it to be
10 upgraded and as I said, I believe yesterday, we invited
11 most of -- well all of the local media were invited to
12 attend at a meeting to have their input into the
13 development of this media release. Yes, sir.

14 **MR. NEVILLE:** All right.

15 **MR. REPA:** There was no -- other than my
16 urge to upgrade it there was no specific reason to do it,
17 sir.

18 **MR. NEVILLE:** Fair enough. And I'm not
19 going to go into the details of it because we've heard as
20 you know extensively from Staff Sergeant Derochie, but one
21 of the matters he was tasked by you to investigate and
22 report to you on was the breach of media policy by Mr.
23 Dunlop in speaking with the media. And I take it from what
24 we know, this is the document in issue?

25 **MR. REPA:** If this -- yes. If this was --

1 if there were no revisions for the next few years, this
2 would be the document, sir, yes.

3 **MR. NEVILLE:** I'm not aware of any, and that
4 investigation and report to you which was referred to in-
5 chief briefly was in '99. So it would appear that this is
6 the document that ---

7 **MR. REPA:** I -- I would have no reason to
8 dispute that, sir.

9 **MR. NEVILLE:** That's fine.

10 Now, during your evidence in-chief, and I'll
11 just touch on it in summary, two or three points and then
12 refer you to a document, you were asked about the exchange
13 of memos between yourself and Deputy Chief St. Denis
14 surrounding the return of Mr. Dunlop to work?

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

16 **MR. NEVILLE:** The concerns he raised in his
17 memo to you and your response?

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

19 **MR. NEVILLE:** And those are our Exhibits
20 1810 and 1811.

21 And what you told the Commissioner was you
22 knew that Deputy Chief St. Denis was one of the named
23 defendants, and here I'm talking the Dunlop lawsuit.

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

25 **MR. NEVILLE:** You describe him as a caring

1 person, you knew the suit bothered Joe was the way you put
2 it. You said you could understand and empathize with him?

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

4 **MR. NEVILLE:** You then were asked about Mr.
5 Dunlop returning to work in the context of the St. Denis
6 memo and what might happen vis-à-vis named defendants. You
7 were asked in-chief, what about those he had named -- he
8 being Dunlop -- and you indicated that you did have some
9 concerns about possible friction.

10 And then you said that all that had been
11 named said that they would be professional?

12 **MR. REPA:** Well, they didn't use those exact
13 words. but as I circulated around it was obvious -- what
14 was said to me individually by them in conversations was
15 that it wouldn't be a problem with him when he returned to
16 work.

17 **MR. NEVILLE:** All right.

18 **MR. REPA:** In their interaction with him on
19 duty.

20 **MR. NEVILLE:** All right.

21 Well, what I'm trying to get at and come to
22 is this. The lawsuit we know was commenced in the summer
23 of '96, about a year into your tenure?

24 **MR. REPA:** Okay.

25 **MR. NEVILLE:** Then there was an amended

1 statement of claim in the fall of '96, in November, that
2 was quite lengthy and you were referred to brief portions
3 of it by Mr. Engelmann?

4 **MR. REPA:** Yes, sir.

5 **MR. NEVILLE:** And then there was an amended
6 or what's called a "fresh amended statement of claim" that
7 came out in January of '98.

8 And just for your benefit, Commissioner, I
9 gather we now have actually the real one?

10 **THE COMMISSIONER:** Well, almost.

11 **MR. NEVILLE:** Okay. I'm just saying that we
12 have a document that showed up on everybody's desk and,
13 among other things, appears to at least get us the right
14 year.

15 And I don't think it went in, sir, I don't
16 know whether you ---

17 **THE COMMISSIONER:** Yes, it did.

18 **MR. NEVILLE:** It did, okay; 738324. Oh
19 sorry, I missed the entry of it, thank you very much; 673A.

20 Now, if you have in front of you -- if you
21 could have with you there please, Chief, 673A and 673 for
22 that matter because the passages in question, Commissioner,
23 are almost the same. but maybe we should use A.

24 **THE COMMISSIONER:** Six ---

25 **MR. NEVILLE:** Seventy-three A (673A).

1 ---EXHIBIT NO./PIÈCE NO. P-673A:

2 (738324) Order re: Fresh Amended
3 Statement of Claim - 02 Feb, 98

4 **THE COMMISSIONER:** Yes.

5 **MR. NEVILLE:** Do you have it, Chief?

6 **MR. REPA:** I'm sorry. I have 673.

7 **MR. NEVILLE:** You have the document?

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

9 **MR. NEVILLE:** And this obviously we know was
10 brought to your attention; you've talked about that and the
11 Board were aware but of course because they're defendants -
12 --

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

14 **MR. NEVILLE:** And the named defendants
15 include Deputy Chief St. Denis, Staff Sergeant Lucien
16 Brunet, Staff Sergeant Brendon Wells, former Acting Chief
17 Johnston, et cetera and retired Chief Shaver; right?

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

19 **MR. NEVILLE:** So -- and three of them, by
20 the time you're Chief, are serving members under you.

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

22 **MR. NEVILLE:** And they are the named
23 defendants with allegations made against them by Mr.
24 Dunlop?

25 **MR. REPA:** That's correct.

1 **MR. NEVILLE:** Now, you served as Chief from
2 August, '95 to December, 2003?

3 **MR. REPA:** Correct.

4 **MR. NEVILLE:** Just over eight years?

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

6 **MR. NEVILLE:** And all of these men, if I'm
7 correct in my recollection, served under you throughout
8 that eight-year tenure, with the exception of the Deputy
9 Chief who, I think, went on leave for stress and then
10 retired in '01?

11 **MR. REPA:** That's correct, so that would be
12 ---

13 **MR. NEVILLE:** For a period -- for a period
14 of time, some six years, he was your Deputy Chief, albeit
15 he was on leave for three of them?

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

17 **MR. NEVILLE:** And the other two were there
18 actively involved?

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

20 **MR. NEVILLE:** And you knew them? You knew
21 them personally?

22 **MR. REPA:** I knew them professionally, yes.

23 **MR. NEVILLE:** Yes. And you knew their --
24 the quality of their work?

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

1 **MR. NEVILLE:** And you knew their character?

2 **MR. REPA:** Yes. Their work character, yes.

3 **MR. NEVILLE:** Yes.

4 Now, you read this claim put forward by
5 Perry Dunlop?

6 **MR. REPA:** I certainly looked at it. I
7 don't know how thoroughly I read it but I certainly went
8 over it, yes, sir.

9 **MR. NEVILLE:** All right. Can I refer you to
10 our Exhibit 673A? And in particular I'll -- using the
11 pagination of the document ---

12 **THE COMMISSIONER:** We don't have it.

13 **MR. NEVILLE:** Six-seventy-three-A,
14 Commissioner, 738324; I thought that was the new one?

15 **THE COMMISSIONER:** It is the new one.

16 **MR. ENGELMANN:** I thought I entered it
17 yesterday afternoon.

18 **THE COMMISSIONER:** I thought -- we didn't?

19 **MR. NEVILLE:** I didn't think we had.

20 **THE COMMISSIONER:** Oh, there you go, I stand
21 corrected.

22 Pardon?

23 **THE REGISTRAR:** You only talked about it.

24 **THE COMMISSIONER:** We only talked about it,
25 we didn't do it.

1 **MR. ENGELMANN:** I described the order and I
2 described Appendix A and I asked ---

3 **THE COMMISSIONER:** Yes, I thought for sure
4 you did.

5 **MR. NEVILLE:** That's it. Your Honour has it
6 -- you have it there, I think the witness does.

7 **THE COMMISSIONER:** Yeah.

8 **MR. NEVILLE:** Do you have it, Chief Repa?

9 **MR. REPA:** Six-seven-three-A (673A)?

10 **THE COMMISSIONER:** Yeah, go at the back
11 there, is there ---

12 **MR. NEVILLE:** On the front there shows a
13 document called "Order".

14 **THE COMMISSIONER:** No, I don't think he has
15 it.

16 **MR. NEVILLE:** No? Our clerk has copies.

17 **THE COMMISSIONER:** Okay.

18 **MR. NEVILLE:** I only gave it to the
19 Commissioner because ---

20 **THE COMMISSIONER:** Do you have one for the
21 witness? Okay, give one to the witness.

22 **MR. NEVILLE:** You now have it?

23 **MR. REPA:** Yes.

24 **MR. NEVILLE:** Very good.

25 So using the pagination of the document,

1 page 8, Chief. The Bates page is 396.

2 MR. REPA: Yes.

3 MR. NEVILLE: And it's paragraph 35. Do you
4 see that?

5 MR. REPA: Yes, sir.

6 MR. NEVILLE: And you can see that amongst
7 the allegations by Mr. Dunlop is one that former Chief
8 Shaver and, in particular, Officers Brunet and St. Denis
9 were guilty of or participated in the obstruction of
10 justice. Do you see that?

11 MR. REPA: I'm sorry; is that 35, you said?

12 MR. NEVILLE: Yes.

13 THE COMMISSIONER: Paragraph 35.

14 MR. NEVILLE: Paragraph 35.

15 THE COMMISSIONER: "Further and in the
16 alternate that Dunlop pleads that the
17 Board of Inquiry was instituted for the
18 purposes of making Dunlop a 'scapegoat'
19 ---"

20 MR. NEVILLE: "--- for the publicity
21 surrounding the subverted investigation
22 and obstruction of justice engaged in
23 by Shaver, Brunet and St. Denis."

24 MR. REPA: Okay, yes.

25 MR. NEVILLE: You found that?

1 **MR. REPA:** Yes, I see that sir.

2 **MR. NEVILLE:** All right. So could you then
3 look for me at paragraph 37. Mr. Dunlop pleads that the
4 same three men -- and he adds in Staff Sergeant, again
5 eventually Inspector Wells -- that they cooperated with
6 Acting Chief Johnson, and you will see in the third line:

7 "for the malicious purposes hereinafter
8 particularized in terms of setting up
9 the Board of Inquiry."

10 Right?

11 **MR. REPA:** Yes.

12 **MR. NEVILLE:** Now, the malicious purposes
13 particularized, sir, you will find on page 9, paragraph 39,
14 and they're listed as "A" to "H".

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

16 **MR. NEVILLE:** You see them there?

17 **MR. REPA:** Yes.

18 **MR. NEVILLE:** Would you just take a moment
19 and read those allegations to yourself.

20 **MR. ENGELMANN:** Mr. Commissioner?

21 **THE COMMISSIONER:** Yes.

22 **MR. ENGELMANN:** I'm not sure if my friend is
23 now going to ask the witness if he has an opinion ---

24 **MR. NEVILLE:** No.

25 **THE COMMISSIONER:** No?

1 **MR. ENGELMANN:** I don't see the relevance
2 of this (a) to the institutional response; and (b)
3 (inaudible) interests but ---

4 **THE COMMISSIONER:** Well, I'm waiting for the
5 question.

6 **MR. NEVILLE:** Well, I note with great
7 interest that Mr. Engelmann didn't rise once during other
8 cross-examinations, but I'll move on about people's
9 interests.

10 My client is the main beneficiary of this
11 alleged conspiracy.

12 **THE COMMISSIONER:** Yeah.

13 **MR. NEVILLE:** Now, my question, sir, so you
14 can rule on it.

15 **THE COMMISSIONER:** Yeah.

16 **MR. NEVILLE:** So you can rule on it, is
17 whether Chief Repa, in the years that he served with these
18 men, himself learned or was advised of any evidence in
19 support of any of those allegations.

20 **THE COMMISSIONER:** Yes, but we are talking
21 about things that happened before he showed up.

22 **MR. NEVILLE:** I'm asking him, sir, whether -
23 -- this lawsuit was served in 1996.

24 **THE COMMISSIONER:** Yes.

25 **MR. NEVILLE:** And it makes these allegations

1 that they conspired to obstruct justice in relation to my
2 client, actually two of my clients because Seguin is
3 included.

4 **THE COMMISSIONER:** Yeah, yeah.

5 **MR. NEVILLE:** And he alleges as particulars
6 those reasons in paragraph 39: the association and
7 friendship, et cetera, items "A" through "H".

8 **THE COMMISSIONER:** Well.

9 **MR. NEVILLE:** And this ---

10 **MR. ENGELMANN:** Sir, we already know that
11 these matters were not investigated by the Cornwall Police
12 Service. They were investigated by the OPP.

13 **THE COMMISSIONER:** Right.

14 **MR. ENGELMANN:** And I think it's perfectly
15 fine for Mr. Neville to put these questions at that time to
16 OPP officers who were involved. But this witness ---

17 **THE COMMISSIONER:** Right, no, but ---

18 **MR. ENGELMANN:** --- isn't investigated ---

19 **THE COMMISSIONER:** No, no. I don't think
20 that's his point. I think his point is even though all of
21 this happened before Mr. -- Chief Repa showed up, in the
22 aftermath did he see anything in Brunet's and the other
23 people in their interactions with, let's say, Dunlop when
24 he came back in those things.

25 And I'm looking at -- well, just a minute,

1 Mr. -- I don't know about all of the things, but their
2 desire to punish Dunlop for having exposed a cover-up of
3 the complaint engaged in individually or jointly by the
4 Defendant. I think that's relevant. I think that he can
5 ask because that would be a continuing thing.

6 With the rest of them, I don't know how ---

7 **MR. NEVILLE:** Well, there would be "A",
8 Commissioner, "Association and/or friendship" -- I'll leave
9 out the deceased man, obviously.

10 **THE COMMISSIONER:** Yes.

11 **MR. NEVILLE:** Things like that.

12 **THE COMMISSIONER:** No, well, so ---

13 **MR. NEVILLE:** I'm suggesting, sir, that the
14 Chief, in the position in was in ---

15 **THE COMMISSIONER:** Yes?

16 **MR. NEVILLE:** --- with these men serving
17 under him and reading these allegations, would likely have
18 at least addressed his mind to whether there would be any
19 evidence available to him in support of these factual
20 assertions. That's all I'm asking.

21 **THE COMMISSIONER:** Well, we're getting --
22 yes.

23 Okay, sir, do you -- did you see anything,
24 in your tenure as Chief, that would show that the name --
25 the defendants here for the Police Officers -- and look at

1 "F" -- showed any desire to punish Dunlop for having
2 exposed the cover-up of the complainant -- of the complaint
3 engaged in individually or jointly by the defendants?

4 **MR. REPA:** No, sir. No, Mr. Commissioner, I
5 did not.

6 **THE COMMISSIONER:** All right.

7 **MR. NEVILLE:** Thank you, sir.

8 One last point, Chief Repa. You were asked
9 questions in brief, in-chief, by Mr. Engelmann about the
10 Dick Nadeau website.

11 **MR. REPA:** Yes, sir.

12 **MR. NEVILLE:** And of course that was
13 something that came to your attention during your tenure?

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

15 **MR. NEVILLE:** And what you said was, among
16 other things that I noted, that people were offended by the
17 unsubstantiated materials on that website.

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

19 **MR. NEVILLE:** And did you become aware that
20 some of the people against whom -- and I'll use your phrase
21 "unsubstantiated materials were put forward" included
22 members of your Force, past or present?

23 **MR. REPA:** Well, I cannot recall because I,
24 sir, with respect, I don't think I ever -- I may have
25 looked at it once on a computer, but it wasn't a website

1 that would be entertaining to me to read, and I -- the
2 answer to your question is no, I cannot recall now if my
3 members were mentioned on it. And secondly, it was of no
4 interest to me. I just disregarded it.

5 **MR. NEVILLE:** All right. So my question
6 then would be, when you gave that response to Mr.
7 Engelmann, "People were offended by the unsubstantiated
8 materials on that site ---"

9 **MR. REPA:** I was speaking -- sorry, I
10 apologise.

11 **MR. NEVILLE:** What did you mean?

12 **MR. REPA:** I was speaking generally.

13 **MR. NEVILLE:** About people generally, i.e.
14 many people here in the Cornwall community?

15 **MR. REPA:** Well, and certain people that
16 were named on it, you know.

17 **MR. NEVILLE:** Right.

18 **MR. REPA:** But generally, I was just
19 speaking generally that people were offended by it.

20 **MR. NEVILLE:** Right.

21 **MR. REPA:** That this was the talk of the
22 day, you know.

23 **MR. NEVILLE:** I'm sure it was.

24 **MR. REPA:** Yes.

25 **MR. NEVILLE:** Did you become aware or were

1 you advised that one of the sources of the material on that
2 website was Mr. Dunlop?

3 **MR. REPA:** No, sir, I -- no, sir. I thought
4 it was Mr. Nadeau.

5 **THE COMMISSIONER:** I'm sorry? What was -- I
6 missed that question.

7 **MR. NEVILLE:** That Mr. Dunlop was the source
8 of some of the material posted to the website.

9 **THE COMMISSIONER:** Was the source of some of
10 the material.

11 **MR. NEVILLE:** That was posted by Mr. Nadeau.

12 **THE COMMISSIONER:** Yes, okay. Fair enough.

13 **MR. NEVILLE:** Thank you. Those are my
14 questions.

15 **THE COMMISSIONER:** Thank you.

16 **MR. REPA:** Thank you.

17 **THE COMMISSIONER:** Mr. Chisholm?

18 **MR. CHISHOLM:** Good afternoon, sir. Chief
19 Repa, you know who I am.

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

21 **MR. CHISHOLM:** I act for the CAS. I have no
22 questions for you. Thank you for coming.

23 **MR. REPA:** Thank you.

24 **THE COMMISSIONER:** Thank you. Mr. Rose?

25 **MR. ROSE:** Chief Repa, we have not met. I

1 am counsel for the Ministry of Community Safety and
2 Correctional Services. I have no questions for you. Thank
3 you for coming.

4 **MR. REPA:** Thank you.

5 **THE COMMISSIONER:** Ms. Robitaille, do you
6 have any questions?

7 **MS. ROBITAILLE:** No questions.

8 **THE COMMISSIONER:** Thank you. Mr. Kozloff?
9 I'm sorry, Mr. Thompson. I'm sorry.

10 **MR. THOMPSON:** That's all right, Mr.
11 Commissioner.

12 **THE COMMISSIONER:** And I have the list right
13 in front of me.

14 **MR. THOMPSON:** Thank you. We have no
15 questions. I am counsel for the Ministry of the Attorney
16 General. Thank you sir.

17 **MR. REPA:** Thank you, Mr. Thompson.

18 **THE COMMISSIONER:** All right. Now, Mr.
19 Kozloff. Good afternoon, sir.

20 **MR. KOZLOFF:** Good afternoon, sir. Neil
21 Kozloff, I am counsel for the Ontario Provincial Police. I
22 have no questions. Thank you for your evidence.

23 **MR. REPA:** Thank you.

24 **THE COMMISSIONER:** Mr. Wallace.

25 **MR. WALLACE:** Good afternoon, Chief. My

1 name is Mark Wallace. I am counsel for the Ontario
2 Provincial Police Association. I have no questions for
3 you. Thank you.

4 **MR. REPA:** Thank you sir.

5 **THE COMMISSIONER:** Mr. Callaghan?

6 **MR. CALLAGHAN:** And I am John Callaghan,
7 well known to you, and I have a few questions.

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

9 **CALLAGHAN:**

10 **MR. CALLAGHAN:** Chief Repa, I would like to
11 start with the Staffing Report, which is Exhibit 1814.

12 **MR. REPA:** Yes, sir, I have it.

13 **MR. CALLAGHAN:** In that -- now, this is a
14 report that you commissioned when you first arrived in
15 Cornwall. Correct?

16 **MR. REPA:** That's correct.

17 **MR. CALLAGHAN:** And in it you used two
18 phrases. You used the phrase "reactive policing" and
19 "proactive policing".

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

21 **MR. CALLAGHAN:** It's in a couple of places.
22 Can you just describe what you mean by those two phrases?

23 **MR. REPA:** Yes, sir. Basically, reactive
24 policing is the basic function of any police service. It's
25 to respond to radio calls, to do those first things that

1 are necessary and the follow-up investigation afterwards.
2 It's the basic core function of any police service.

3 **MR. CALLAGHAN:** And the other ---

4 **MR. REPA:** The proactive is -- it sort of
5 becomes a fragment of community policing. Proactive
6 policing is where you go out proactively to reduce the
7 likelihood of a crime occurring. One quick example; you
8 put a team together if you have a high incidence of break
9 and enters at night in a factory area. They go out and
10 stake out the area with the hope of apprehending the
11 suspects; anything like that.

12 It could do with frauds. It's to be
13 proactive and there are two distinct differences, and all
14 police services aspire to react -- to have both, reactive
15 and proactive policing.

16 **MR. CALLAGHAN:** And do police forces
17 generally get to the proactive stage or is there -- is that
18 a struggle?

19 **MR. REPA:** I think in my career experience I
20 would say intermittently.

21 **MR. CALLAGHAN:** As it relates to sexual
22 assault investigations, I take it that you found the
23 Cornwall Police to be reactive, actually reacting to the
24 calls that were given?

25 **MR. REPA:** Oh yes, yes.

1 **MR. CALLAGHAN:** I would like to direct your
2 attention, by way of illustration to some of the points
3 you're making, to Bates page 986.

4 **MR. REPA:** Yes, I have it, sir.

5 **MR. CALLAGHAN:** Right. Now, this is a
6 review of your complement of staff, both civilian and sworn
7 police officers?

8 **MR. REPA:** Yes, and special constables.

9 **MR. CALLAGHAN:** And there is discussion in
10 the first section about people off on sick leave and
11 permanent disability. I take it these numbers wouldn't
12 include transitory sickness, holidays and things of that
13 nature.

14 **MR. REPA:** No, no, long term.

15 **MR. CALLAGHAN:** Right. If I could just try
16 to dissect this just a little bit, if we're talking about
17 field operations -- that is, police in the field who
18 actually are responding to calls -- we wouldn't be
19 including, obviously, the staff sergeants and above because
20 they're in a supervisory role. Correct?

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

22 **MR. CALLAGHAN:** So you'd be talking about
23 sergeants and the 50 constables, essentially?

24 **MR. REPA:** I see here -- no, I think it
25 would be less than that, sir, because the way it's

1 categorised here it's got field operations, C.I., Ident,
2 Communications, Community -- it lists them all, sir, as
3 being a total of 50 constables.

4 **MR. CALLAGHAN:** So it would be something
5 less than 50 constables and our sergeants?

6 **MR. REPA:** No, there would be four sergeants
7 for sure. There's one sergeant on each shift; there's four
8 shifts. But there would be definitely less than 50
9 constables responding for the Uniform Patrol Division.

10 **MR. CALLAGHAN:** All right, so what I'm
11 trying to get -- what I'm going to try to illustrate, and
12 it may be that the numbers change, but when you look at the
13 sergeants and what you had by way of those off on sickness,
14 you had -- and this is up in the top portion. You had
15 three sergeants off with WCB LTD sick leave.

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

17 **MR. CALLAGHAN:** You had one constable off on
18 sick leave.

19 **MR. REPA:** Yes.

20 **MR. CALLAGHAN:** And you had one off on RTF?

21 **MR. REPA:** I think -- I'm going to have to
22 say I think RTF is a Regional Task Force.

23 **MR. CALLAGHAN:** But they were assigned out,
24 in terms of wasn't available for your complement.

25 **MR. REPA:** That's correct.

1 **MR. CALLAGHAN:** And then you had six on
2 permanent disability.

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

4 **MR. CALLAGHAN:** So you would have 11 of your
5 complement not available out of something less than 54, say
6 50 people, sergeants and field constables. Correct?

7 **MR. REPA:** That'd be correct, yes.

8 **MR. CALLAGHAN:** So by my rough calculation
9 you're talking 17 to 20 percent of the complement are not
10 available to deploy in the field.

11 **MR. REPA:** That's correct.

12 **MR. CALLAGHAN:** And that was, to your mind,
13 unusual insofar as that type of percentage?

14 **MR. REPA:** Yes, sir, highly unusual.

15 **MR. CALLAGHAN:** You talked about getting
16 people back to work and I'm going to use an example, that
17 of somebody we heard here. For example, of those permanent
18 disabled constables, one of them would have been Kevin
19 Malloy. Correct?

20 **MR. REPA:** Yes, I believe he would come
21 under that umbrella. Yes, sir.

22 **MR. CALLAGHAN:** All right, and I take it to
23 get him back to work it took a fair bit of effort because
24 you had to work with Workers' Comp. and create a civilian
25 role for him in the courts; it took time.

1 **MR. REPA:** Yeah, it took time. It also took
2 bringing in a contract H.R. person, lawyers and the
3 association. Yes, it was a timely -- a time-consuming
4 process.

5 **MR. CALLAGHAN:** So while you got there in
6 August '95, you didn't have a magic wand to fix it
7 immediately, did you?

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

9 **MR. CALLAGHAN:** And to use another example,
10 I take it that budgeting often comes into play when you're
11 trying to hire police officers, increase a rank from
12 constable to sergeant, because there's more pay, so it's a
13 budgeting process.

14 **MR. REPA:** Approximately 90 per cent of the
15 budget was always dedicated to human resources, yes, sir.

16 **MR. CALLAGHAN:** Right.

17 **MR. REPA:** Salaries and benefits.

18 **MR. CALLAGHAN:** But let's take for the
19 example, Staff Sergeant Brunet was looking for a sergeant
20 in CIB.

21 **MR. REPA:** Yes, right.

22 **MR. CALLAGHAN:** And I take it one of the
23 budget -- the budget process was in the spring?

24 **MR. REPA:** Let me think now.

25 **MR. CALLAGHAN:** That's when the budget was

1 done?

2 **MR. REPA:** We commenced the budget process
3 in the fall so it could get to the city council by early
4 winter or early spring to be finalised, yes.

5 **MR. CALLAGHAN:** Right, and it's only at that
6 point that you would have authority to hire another
7 sergeant or to elevate someone to the sergeant category?

8 **MR. REPA:** That would be fair, yes.

9 **MR. CALLAGHAN:** And then you'd have to go
10 on, you'd have to have an internal search. In other words,
11 who was the best ---

12 **MR. REPA:** Yes.

13 **MR. CALLAGHAN:** --- qualified person.

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

15 **MR. CALLAGHAN:** And do you recall that that
16 was the process that led to Sergeant Snyder being appointed
17 sergeant in 1996 in the -- I believe summer or early fall
18 1996, and thereby being that sergeant that Staff Sergeant
19 Brunet wanted in CIB?

20 **MR. REPA:** There would have been a -- as I
21 recall, there was a freeze at the direction of the Ministry
22 in Toronto, Policing Services. They suggested, and it was
23 adopted by the Board and Chief Johnston, to put a freeze on
24 all promotions until the permanent chief was hired.

25 And I'm going to -- to the best of my

1 recollection, though, that was probably the first
2 promotional process we ran, and that's why Sergeant Snyder
3 was promoted.

4 **MR. CALLAGHAN:** But my point is that you'd
5 have to go through the budget process to allocate the money
6 to hire a sergeant. You can't just walk in and say, "Now I
7 need a sergeant," if you don't have the money.

8 **MR. REPA:** Because what it affects, sir,
9 basically is if you're going to promote a constable to
10 sergeant, then you're going to have to hire a new constable
11 off the road. So, yes, it does create budgetary concerns,
12 yes.

13 **MR. CALLAGHAN:** All of which takes time as
14 well.

15 **MR. REPA:** It takes time, yes, sir.

16 **MR. CALLAGHAN:** And if during the process
17 that you went under -- you undertook in the staffing, you
18 looked, I gather, or got information from other police
19 services. And if I could direct your attention first to
20 Bates page 017, and Mr. Engelmann took you to this
21 document, this page, earlier.

22 **MR. REPA:** Oh one seven (017), sir? I'm
23 just not ---

24 **MR. CALLAGHAN:** At Bates page 017 and the
25 staffing ---

1 **THE COMMISSIONER:** It's near the end, sir.

2 If you look in the top left-hand corner ---

3 **MR. REPA:** Oh, yes, okay.

4 **THE COMMISSIONER:** --- 017.

5 **MR. REPA:** Okay.

6 **MR. CALLAGHAN:** CIB. It's page 47 on the
7 bottom.

8 **THE COMMISSIONER:** It's on the screen.

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

10 **MR. CALLAGHAN:** All right, and this is the
11 approved strengths. It doesn't take into consideration
12 your disabilities that you referred to earlier. Correct?

13 **MR. REPA:** No.

14 **MR. CALLAGHAN:** All right. And it states
15 the population of Cornwall as 46,000. Correct?

16 **MR. REPA:** Correct.

17 **MR. CALLAGHAN:** And it shows that you had
18 two constables in the Youth Division. Correct?

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

20 **MR. CALLAGHAN:** All right. And you talk
21 about the numbers regarding sexual assault. I just want to
22 take a look at some of the other police forces that you are
23 compared with.

24 If you look at, say, for example, Chatham,
25 which is the page before Cornwall ---

1 **MR. REPA:** Yes, I have it.

2 **MR. CALLAGHAN:** And they have about a
3 similar population, and then it says at the bottom:
4 "They do not specialize. Cases are
5 assigned to the officer that is working
6 that day. Above that, a criminal
7 investigator advised that each officer
8 in CIB are behind 20 to 60 cases."

9 You see that?

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

11 **MR. CALLAGHAN:** All right. Now, they don't
12 have a youth branch that specializes in sexual assaults, do
13 they?

14 **MR. REPA:** Not according to this, no, sir.

15 **MR. CALLAGHAN:** And if you go back over to
16 Bates the North Bay, and I'm going to suggest that they're
17 all slightly different, and they have a population of
18 55,000.

19 They have only one Youth Officer. Do you
20 see that?

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

22 **MR. CALLAGHAN:** At the bottom, they say
23 their general investigators do all sexual assaults. So
24 their Youth Branch doesn't do the sexual assaults that your
25 Youth Branch does, correct?

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

2 **MR. CALLAGHAN:** And then it says above -- at
3 the -- above that:

4 "Uniform officers investigate all
5 physical abuse cases against children."

6 That would have been done by your Youth
7 Bureau?

8 **MR. REPA:** Yes, yes.

9 **MR. CALLAGHAN:** And then they say they are
10 approximately 10 sexual assault cases behind at this time.

11 **MR. REPA:** Yes, sir.

12 **MR. CALLAGHAN:** All right.

13 If you go over to Peterborough, they have a
14 population of 65,000. And there's a note:

15 "Uniform officers follow-up their
16 investigations, including sexual
17 assaults. Very few are done by CIB."

18 **MR. REPA:** That's right.

19 **MR. CALLAGHAN:** Which wouldn't be the way
20 it's done in Cornwall; correct?

21 **MR. REPA:** No, sir, no, sir.

22 **MR. CALLAGHAN:** No, sir -- sorry?

23 **MR. REPA:** No, sir, there would not --
24 that's not the way it's done in Cornwall.

25 **MR. CALLAGHAN:** And then, if you go over one

1 more page, to Timmins.

2 MR. REPA: Yes.

3 MR. CALLAGHAN: They are a population of
4 46,000. They do have a Youth Department which handles
5 sexual assaults and missing persons which is similar to
6 yours.

7 MR. REPA: Yes, sir.

8 MR. CALLAGHAN: And they usually run between
9 25 to 45 sexual assaults behind; correct?

10 MR. REPA: Correct.

11 MR. CALLAGHAN: All right.

12 And if you go over to the next page, and
13 again, I'm not suggesting cities are the same.

14 So we shouldn't -- no one should make that
15 assumption. But you have some of the statistics relating
16 to robbery, break and enters, frauds and sexual assaults.
17 Do you see that?

18 MR. REPA: Yes, sir.

19 MR. CALLAGHAN: All right.

20 And -- so for example, in Cornwall, in 1993,
21 there were 55 sexual assaults but yet, in Chatham there are
22 107; correct?

23 MR. REPA: Yes.

24 MR. CALLAGHAN: So there's no indication
25 that Cornwall would have a disproportionate number of

1 sexual assaults, at least according to this.

2 MR. REPA: That's correct.

3 MR. CALLAGHAN: All right.

4 And to be clear, you know, there are Stats
5 Canada figures that -- whether this comes to them, I can't
6 verify, but we should all -- there's also the Stats Canada
7 figures. Correct?

8 MR. REPA: That's correct.

9 MR. CALLAGHAN: And you had indicated in
10 your testimony that one of the things you noticed in
11 Cornwall when you arrived was the knock-on criminal
12 activity that happened because of the smuggling and some of
13 the other unique aspects to Cornwall.

14 Do you remember testifying ---

15 MR. REPA: Yes.

16 MR. CALLAGHAN: --- to that?

17 MR. REPA: Yes.

18 If Cornwall were 40 miles away from the
19 border, the incidence of crime would probably be less.
20 It's because of their close proximity to the border and
21 being the only, sort of major city, it attracts -- it can
22 attract the criminal element here, to meet and settle
23 scores and whatever. And it does create a lot of criminal
24 activity for the Cornwall police.

25 MR. CALLAGHAN: And if you look at break and

1 enters, you'll see that the break and enters in Chatham are
2 60 per cent of what they are in Cornwall. In North Bay,
3 they're approximately 60 per cent. So that, the break and
4 enters in 1994 I'm looking at -- because it just happens to
5 be -- we have a thousand and I can work the numbers out.
6 They're considerably more in Cornwall than they are in
7 other -- in these other towns.

8 **MR. REPA:** That's correct, yes.

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

10 And I'm not -- and I think it's fair to say
11 that each town is different.

12 **MR. REPA:** Yes, sir.

13 **MR. CALLAGHAN:** And clearly, it's fair to
14 say that in Cornwall, they're addressing sexual assaults
15 and youth crimes. Unlike other forces, they had a
16 dedicated group of people.

17 **MR. REPA:** A dedicated group of people, as
18 opposed to the spreading it out to the general divisions,
19 yes, sir.

20 **MR. CALLAGHAN:** All right.

21 And if I could, then -- in your background,
22 I was interested to hear what you said to Mr. Lee.

23 In Halton, they didn't have a computer
24 system. Is that what I understood?

25 **MR. REPA:** Not for criminal occurrence or

1 occurrence data entry. They had it for radio dispatch and
2 NDTs in the cars and the initial complaint, but when it
3 came to actually -- the officer going to the door to take
4 the complaint, it was a triplicate -- eventually, it was a
5 triplicate paper form.

6 **MR. CALLAGHAN:** The pinkies?

7 **MR. REPA:** Yeah, the pinkies. Yeah. The
8 fellow officer calls it pinkies.

9 **MR. CALLAGHAN:** And is it fair to say that
10 when you came to Cornwall, they were more advanced in the
11 sense that they actually were in the computerized age?

12 **MR. REPA:** Yes, they had electronic data
13 entry. It was definitely an advance over the paper method
14 of doing it.

15 **MR. CALLAGHAN:** And can you enlighten us:
16 in Halton, you talked about having GI training when you go
17 into CIB.

18 **MR. REPA:** Yes.

19 **MR. CALLAGHAN:** Did that training happen
20 before you went in CIB, or after you were in the CIB, when
21 you were in Halton?

22 **MR. REPA:** Usually after, especially in the
23 '60s, '70s and '80s. You went in usually for years,
24 probationary period, whatever, and teamed up with another
25 officer and gave them a chance to have a look at you. And

1 if they thought you'd be successful in the future as being
2 a detective, then you went off on the six-week CI course.
3 Yes.

4 You did not go on the course first, in case
5 you weren't the right type of person to be in there.

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

7 Was that generally the way it was until you
8 left in Halton?

9 **MR. REPA:** Yeah, pretty well. They have
10 the people come in on short-terms, long terms, and then see
11 how they act in there. How they work, what their ethic is,
12 and then you could start sending them on the courses.

13 **MR. CALLAGHAN:** All right.

14 And when you were in Halton, did they have
15 any directives or orders regarding the investigation of
16 historic sexual assaults?

17 **MR. REPA:** No, sir.

18 **MR. CALLAGHAN:** And by the time you left
19 Halton, did they have any orders or directive regarding the
20 investigations of sexual assaults?

21 **MR. REPA:** I think there was a -- yes,
22 rudimentary. It was a basic order on, you know, idents to
23 respond; what to do with the kits; the hospital and all
24 that. There was the basic order, yes.

25 Not what it is today.

1 **MR. CALLAGHAN:** And you issued a standing
2 order on historical sexual assaults in 1999, did you ever
3 hear of another police force in Ontario having a similar
4 order?

5 **MR. REPA:** Historical? No. No.

6 **MR. CALLAGHAN:** And I take it that policing
7 services divisions would suggest best practices, from time
8 to time?

9 **MR. REPA:** Oh, yes, yes. Continually.

10 **MR. CALLAGHAN:** And they would be
11 incorporated in orders?

12 **MR. REPA:** Yes.

13 **MR. CALLAGHAN:** And did the policing
14 services ever give you any direction regarding orders or
15 other directions on historic sexual assaults, ---

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

17 **MR. CALLAGHAN:** --- as far as you know?

18 **MR. REPA:** No, sir.

19 **MR. CALLAGHAN:** Now, Mr. Engelmann pointed
20 out that the general order in -- I believe it was 2000 or
21 2002, thereabouts, did not address historic sexual
22 assaults.

23 **MR. REPA:** That's correct.

24 **MR. CALLAGHAN:** Do you remember that?

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

1 **MR. CALLAGHAN:** The general order on sexual
2 assaults?

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

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

5 Now, I take it the standing order dealt
6 specifically with historic sexual assaults, correct?

7 That's what the standing order ---

8 **MR. REPA:** I think the one that I issued; I
9 think it also covered elder abuse, didn't it? And ---

10 **MR. CALLAGHAN:** Well, can we look at it?

11 **MR. REPA:** I didn't look at it.

12 **MR. CALLAGHAN:** I'm told it's Exhibit 1336 -
13 - 1356.

14 **MR. REPA:** Thank you.

15 **(SHORT PAUSE/COURT PAUSE)**

16 **MR. CALLAGHAN:** Do you have it there?

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

18 **MR. CALLAGHAN:** And you're right, it does
19 refer to abuse of the elderly, which is a very specific
20 issue; correct? Historical sexual assault; abuse of the
21 elderly?

22 **MR. REPA:** Yes. The reason I put abuse of
23 the elderly in there, it was the -- before the new
24 regulation -- the 55 or 56 new standards came out. There's
25 always information on what's coming down the road, and it's

1 continually updated and that was one of the ones that was
2 included in the preliminary mail I received.

3 And it's an excellent idea, and I thought,
4 "Well, the reason they gave was that some elderly people
5 have Alzheimer's and whatever, and they're just as
6 vulnerable as a child is." So that's why I included it in
7 there.

8 **MR. CALLAGHAN:** Well, given that this
9 Standing Order 03-99 deals with specific subject matter, is
10 there any reason why it could not stand as an effective
11 order, alongside the general order that doesn't
12 specifically deal with these issues?

13 **MR. REPA:** Yes, because a standing order is
14 a temporary order, and then this one will replace it.

15 The general order replaces it, sir.

16 **MR. CALLAGHAN:** And, if I could ask you,
17 there's a subject that's come up on a couple of times here,
18 that wasn't covered with you. But I know you know
19 something about it. And that is, intelligence in CISO.

20 Are you familiar with CISO?

21 **MR. REPA:** C-I-S-O? Yes.

22 **MR. CALLAGHAN:** Okay. And ---

23 **THE COMMISSIONER:** Okay, so humour me.
24 What's C-I-S-O?

25 **MR. REPA:** Criminal Intelligence Services

1 Ontario.

2 **MR. CALLAGHAN:** This is -- do you remember
3 there's some evidence that -- I think that there was some
4 suggestion by another Commission counsel about the
5 intelligence officers and what they should or shouldn't be
6 doing? It's come up a couple times, Mr. Commissioner.
7 This gentleman has a great deal of knowledge and he can
8 just fill you in. It may be the last time you have to hear
9 about the subject.

10 Can you tell me, what is the role of CISO?

11 **MR. REPA:** Basically, CISO -- I served on
12 the board of directors for a number of years. Basically,
13 it's an organization that was developed by the Province to
14 unite all of the intelligence services of all the municipal
15 and OPP Services as a common sort of a pool of intelligence
16 gathering.

17 Intelligence is the gathering of information
18 and the dissemination of information on criminal activity
19 and criminals; usually organized crime.

20 And by all the municipal police services
21 being separate, there was no place -- there was no
22 repository to put all this information and CISO is in
23 Toronto and it has data analysts and inputters and people
24 who audit the information.

25 It's granted about \$7 million a year by the

1 provincial government to fund joint forces operations. So
2 each police service that becomes a member of CISO, and I
3 think all police services in Ontario are, are now under the
4 CISO umbrella and thus there's certain functions they're
5 expected to perform, meetings to attend, and it becomes a
6 massive intelligence operation to deal with organized
7 crime, as opposed to 50 or 60 separate little intelligence
8 units running around.

9 **MR. CALLAGHAN:** What's the role of an
10 intelligence officer, say at Cornwall to do? What's their
11 role at CISO?

12 **MR. REPA:** Well, it's to gather intelligence
13 information. They'll receive phone calls from other police
14 services or from CISO in Toronto saying -- or mainly other
15 police services saying, "Look, we have a wire running and
16 these two guys are going to meet in your city. Could you
17 go and cover it and get photographs and then send them to
18 us."

19 They have to always be available to respond
20 to requests for observing people or following people, or
21 whatever.

22 **MR. CALLAGHAN:** Who sets the priority for
23 CISO?

24 **MR. REPA:** Well, the general day-to-day is
25 just everything that's going on. CISO, the board of

1 directors will annually pick targets for close police
2 scrutiny -- organised crime groups.

3 **MR. CALLAGHAN:** And have you ever heard of
4 CISO being involved in sort of sexual assault
5 investigations?

6 **MR. REPA:** It's not on their target list,
7 sir; it's ethnic organized crime and ---

8 **MR. CALLAGHAN:** All right, let's then move
9 then to your two weeks with Carl Johnston. Did you know
10 Carl Johnston or did you get to know Carl Johnston? Maybe
11 that's a better way to put it?

12 **MR. REPA:** Only in the two weeks -- I had
13 never met him prior to my arrival here and then when he
14 left I think I saw him once more. In his area where he
15 lives there was a torch run ceremony and I was up there and
16 I met him there.

17 **MR. CALLAGHAN:** But during that two weeks
18 did you get to know him as a policeman?

19 **MR. REPA:** Oh, yes, as well as you get to
20 know a person in two weeks of 40 hours of being -- 80 hours
21 of being with him, yes, sir.

22 **MR. CALLAGHAN:** And you're aware that he was
23 a former Assistant Deputy Minister of Policing Services in
24 Ontario?

25 **MR. REPA:** That's correct, yes.

1 **MR. CALLAGHAN:** And I take it you also knew
2 that he'd been a Chief of Police in a number of
3 municipalities?

4 **MR. REPA:** Yes, sir, he was a highly-
5 experienced police officer.

6 **MR. CALLAGHAN:** All right. And as a former
7 Assistant Deputy Minister of Policing Services would he be
8 aware of the policing practices in Ontario?

9 **MR. REPA:** Very much so.

10 **MR. CALLAGHAN:** And I take it that would
11 include an understanding -- understanding of the current
12 obligations or the obligations as understood at that time,
13 regarding the duty to report under the *Child and Family*
14 *Services Act* for police?

15 **MR. REPA:** Oh, I would think so, yes. Yes.

16 **MR. CALLAGHAN:** And did he ever express to
17 you any concern about his having charged Constable Dunlop
18 under the *Police Services Act* for having released the
19 statement to the CAS?

20 **MR. REPA:** Concern, no, sir. No, sir.

21 **MR. CALLAGHAN:** And I take it you would have
22 been aware that Constable Dunlop's -- charges regarding
23 Constable Dunlop were sent to a Board of Inquiry, to be
24 dealt with by a Board of Inquiry, rather than the Chief of
25 Police?

1 **MR. REPA:** I seem to recall that. Yes, sir.

2 **MR. CALLAGHAN:** How common is that?

3 **MR. REPA:** Well ---

4 **MR. CALLAGHAN:** I know that you can do it.
5 We saw it in the statute.

6 **MR. REPA:** The *Police Act*, every so many
7 years -- the *Police Services Act* changes in who has control
8 over complaints against police officers.

9 I don't think I can answer that question
10 because I'm hard-pressed to think back -- it would be my
11 experience in Halton; I really can't recall any going
12 there.

13 **MR. CALLAGHAN:** So in your experience you
14 hadn't done it?

15 **MR. REPA:** No. No.

16 **MR. CALLAGHAN:** Which would mean that the
17 adjudication in Halton would have been done by a senior
18 officer, Deputy Chief Inspector?

19 **MR. REPA:** Yes. Yes, it would

20 **MR. CALLAGHAN:** And I take it you're aware,
21 sir, that not only did he send out the issues regarding the
22 discipline issues for Mr. Dunlop, but he also sent out to
23 the OPP the re-investigation of Father Charlie MacDonald,
24 for example; the obstruct justice allegations of Malcolm
25 MacDonald; and the allegations of a conspiracy by the

1 Cornwall Police?

2 MR. REPA: Yes, sir, I understand he did.

3 Yes, sir.

4 MR. CALLAGHAN: And when you wrote that
5 letter to John MacDonald you would have known of that
6 history of sending issues surrounding this series of events
7 out to the OPP? Do you recall the letter regarding the
8 allegations of John MacDonald that Mr. Lee took you to?

9 MR. REPA: John MacDonald was -- I'm just
10 trying to remember here.

11 THE COMMISSIONER: He's a second complainant
12 on the ---

13 MR. CALLAGHAN: Exhibit 1816.

14 MR. REPA: Yes, I have it, sir.

15 MR. CALLAGHAN: All right. So I take it
16 when you sent this letter off to Superintendent Edgar you
17 would have been aware that the practice regarding these
18 incidents, as started by Acting Chief Johnston, regarding
19 the investigation of Charlie MacDonald by allegations of
20 David Silmser, the allegations of obstruct justice by the
21 lawyers involved in the settlement, and the allegations of
22 a cover-up were all being sent to the OPP?

23 MR. REPA: That's correct.

24 MR. CALLAGHAN: All right. And would this
25 be any different, in you mind, than continuing that trend

1 as started by Acting Chief Johnston?

2 MR. REPA: No, sir.

3 MR. CALLAGHAN: I want to move on to the
4 lawsuit. I'm going to try to move quickly because of the
5 time; not too quickly but as quickly as I can.

6 There is -- you had sent to both the OPP and
7 to Children's Aid the response to demand particulars,
8 Exhibit 728; do you have that?

9 I don't think you've actually identified it.
10 I'm not sure Exhibit 728 would be there.

11 There were -- I'm not going to take you to
12 them unless I need to but there were letters wherein you
13 enclosed a response to demand particulars in April of --
14 April 16th, 1997, for example, the OPP.

15 MR. REPA: Yes.

16 MR. CALLAGHAN: And if you look at the back
17 of this document you'll see it's dated March 25th, 1997?

18 MR. REPA: Yes.

19 MR. CALLAGHAN: All right. I take it this
20 is a document you would have forwarded on to the OPP?

21 MR. REPA: I believe it is. Yes, sir.

22 MR. CALLAGHAN: And I won't ask you to read
23 it but these outline pretty much the allegations being
24 asserted by Mr. Dunlop; correct?

25 MR. REPA: Yes, sir.

1 **MR. CALLAGHAN:** All right. And if I could
2 take you -- draw your attention to Exhibit 1822.

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

4 **MR. CALLAGHAN:** Okay, if we just look at the
5 second and third paragraph:

6 "I have reviewed these documents ..."

7 And he's referring to the document you sent
8 him which included Exhibit 728.

9 "... and note several allegations which
10 appear to be criminal in nature. I'm
11 already aware of several of these
12 allegations and prior to your notifying
13 me of your concerns I had already
14 arranged a meeting with Regional
15 Director of Crown Attorneys, Peter
16 Griffiths, for April 24th, 1997.

17
18 At that time I wished to review with
19 him all criminal allegations that have
20 recently come to light; the ongoing
21 prosecution of Father Charles MacDonald
22 and the manner in which the subsequent
23 investigations will be conducted. Your
24 concerns wherein the allegations of
25 criminality contained within the demand

1 for particulars will be brought to his
2 attention at that time."

3 Do you see that?

4 **MR. REPA:** Yes, sir.

5 **MR. CALLAGHAN:** Was that what you intended
6 to happen, that the senior officers and the senior Crowns
7 would address the concerns in the document you sent to
8 Inspector Tim Smith?

9 **MR. REPA:** I don't know that I expected it
10 to happen. I sent it to the OPP and this was the outcome
11 of -- they included it with the other evidence they were
12 going to take to the Crown Attorney.

13 I expected something to be done with it,
14 yes.

15 **MR. CALLAGHAN:** Right. So somebody would
16 look into ---

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

18 **MR. CALLAGHAN:** --- to what was in this
19 piece of paper?

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

21 **MR. CALLAGHAN:** Exhibit 728.

22 And if I could take you to Exhibit 673A,
23 which is ---

24 **THE COMMISSIONER:** I think that is that --
25 did you put it in the book? That's the one that we ---

1 **MR. CALLAGHAN:** Yes. Yes, I have.

2 **THE COMMISSIONER:** --- the one you just ---

3 **MR. CALLAGHAN:** Yes.

4 **THE COMMISSIONER:** Thank you.

5 **MR. REPA:** Yes, sir, I have it.

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

7 And, on top, you'll see an order and you'll
8 see that the Court is permitting the striking of an amended
9 statement of claim in paragraph 1, which is the November
10 '96 claim subsequently amended, and you'll see that they're
11 permitting them to file a fresh as-amended claim.

12 That's in paragraph 1?

13 **MR. REPA:** Okay.

14 **MR. CALLAGHAN:** And you'll see that costs
15 were awarded in favour of the defendants being,
16 particularly, the Cornwall Police persons, Claude Shaver,
17 et cetera.

18 And that's in paragraph 3. Do you see that?

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

20 **MR. CALLAGHAN:** All right.

21 Now, I want to direct your attention to the
22 paragraphs that Mr. Neville directed you to. There is, in
23 paragraph 35, an allegation against some of your officers
24 and Chief Shaver obstructing justice.

25 **THE COMMISSIONER:** It's in that same claim.

1 MR. REPA: This one?

2 THE COMMISSIONER: Paragraph 35.

3 MR. REPA: Yes.

4 MR. CALLAGHAN: Can you tell me, as a person
5 who was a police officer for 40 years, what would it mean
6 to a police officer to be alleged of obstructed justice?

7 MR. REPA: Well, it's a career-ending -- if
8 it's found to be true, it's a career-ending allegation.

9 MR. CALLAGHAN: And what if it's not true?

10 MR. REPA: Well, if it's -- if the officer
11 is cleared of it completely, if it was false or whatever,
12 then life goes on, you know.

13 MR. CALLAGHAN: If you could then -- if I
14 could direct you then to a new document, document 124039.

15 THE COMMISSIONER: That's a new one, sir.

16 MR. REPA: Okay.

17 (SHORT PAUSE/COURTE PAUSE)

18 THE COMMISSIONER: Okay, Exhibit Number 1846
19 is a mediation brief of the plaintiff Perry Dunlop in
20 action number 40752/96.

21 --- EXHIBIT NO./PIÈCE No. 1846

22 Mediation brief of plaintiff Perry
23 Dunlop in action number 40752/96
24 (Document 124039)

25 MR. CALLAGHAN: Do you have that?

1 **MR. REPA:** Yes, sir.

2 **MR. CALLAGHAN:** I went over briefly what
3 that order was. They struck out the large -- what was
4 called the "gargantuan statement of claim" in November '96
5 and replaced with the smaller claim which had the
6 allegation of obstruct justice.

7 I'd like you to turn to page 5. Now, while
8 you do that, you'll recall that this was a mediation brief
9 that was filed by Mr. Dunlop in order to try to settle the
10 lawsuit; so he's tried to explain what his case is through
11 this mediation brief. Do you recall that?

12 **MR. REPA:** Is this the meeting I attended in
13 Toronto or ...?

14 **MR. CALLAGHAN:** Yes.

15 **MR. REPA:** Yes, I recall attending with --
16 the Dunlops were there, and various people, yes.

17 **MR. CALLAGHAN:** In an attempt to see if you
18 could resolve the lawsuit; correct?

19 **MR. REPA:** That's correct.

20 **MR. CALLAGHAN:** In his explanation of what
21 obstruction justice is, I just want to direct your
22 attention to paragraph 20, and he says:

23 "Subsequent events have disclosed that
24 the allegations of sexual abuse against
25 MacDonald and Seguin by the victim

1 represent a small fraction of the
2 allegations or charges which would be
3 made against them. That the Cornwall
4 Police Department had knowledge of this
5 information and that members of the
6 Cornwall Police Department, including
7 Shaver and Brunet, participated in
8 obstruction of justice."

9 and then he goes on.

10 **MR. REPA:** Yes.

11 **MR. CALLAGHAN:** So if we go on to paragraph
12 20, 21 -- I'm just going to go through this quickly. It
13 will be on the record for people to read:

14 "Shaver, the Chief of the Cornwall
15 Police Department up until December 31st
16 '93 was a close associate of MacDonald,
17 Seguin and Malcolm MacDonald."

18 and he goes through the associations in paragraph 21.

19 Paragraph 22:

20 "On a weekend shortly before the
21 monetary settlement with the victim and
22 the decision not to prosecute
23 MacDonald, Shaver was observed by Ron
24 Leroux, a long-time associate of
25 Seguin, to be in attendance at a

1 gathering at Malcolm MacDonald's summer
2 home.
3 Others present at the gathering, apart
4 from Chief Shaver, include the Bishop,
5 Bishop Larocque, Bishop of the Diocese,
6 that funded the monetary settlement;
7 Father MacDonald; Malcolm MacDonald,
8 Father MacDonald's counsel; Seguin;
9 Staff Sergeant Brunet; Staff Inspector
10 Stuart McDonald; and Murray MacDonald,
11 the Crown Attorney involved in the
12 decision not to prosecute."

13 Paragraph 23:

14 "Late the same day, following the
15 gathering, Seguin told Leroux that the
16 allegations against him were settled
17 and that he could get on with his
18 life."

19 24:

20 "Several weeks later, contemporaneous
21 with events involving Constable
22 Dunlop's disclosure of the victim
23 statement to the CAS, Seguin advised
24 Leroux that calls were starting again,
25 that the cop was not going to let it

1 go. He referred to Dunlop as 'Fucking
2 Dunlop.' "

3 25, "On October 21st '93 ..."

4 and then he goes through Staff Sergeant Brunet summoning
5 him to his office.

6 Then he goes through further allegations.

7 Twenty-seven (27):

8 "Chief Shaver, without disclosing his
9 close relationship with the subjects of
10 the complaint and his participation in
11 the obstruction of justice, continued
12 to be directly involved in activities
13 related to Perry Dunlop's conduct."

14 28:

15 "Shaver continued to be involved in
16 early January '94, even though he had
17 resigned."

18 and it goes on.

19 Chief Repa, these are essentially, are they
20 not, the same allegations that were in the November '96
21 statement of claim?

22 **MR. REPA:** To my recollection, yes, they
23 would be similar.

24 **MR. CALLAGHAN:** And so the obstruct justice
25 still had this story to it, correct, about the Stanley

1 Island meeting ---

2 MR. REPA: Yes.

3 MR. CALLAGHAN: --- the cover-up, et cetera?

4 MR. REPA: That's correct.

5 MR. CALLAGHAN: And Mr. -- it was already
6 pointed out there was a settlement of the statement -- of
7 the action.

8 Did the Cornwall Police Service actually pay
9 any money in respect of that? Did they -- in the
10 settlement to Perry Dunlop?

11 MR. REPA: The Cornwall Police Service? No,
12 sir.

13 MR. CALLAGHAN: Who paid the money?

14 MR. REPA: It would've been the insurance
15 carrier.

16 MR. CALLAGHAN: And what was the reaction by
17 yourself and the Board?

18 MR. REPA: Well, that we were not a -- I
19 think we wrote up a media release that we were not parties
20 to the agreement; that that was strictly an insurance
21 settlement, not the Board or the Police Service.

22 MR. CALLAGHAN: I want to just then move
23 back to -- quickly to Mr. Dunlop coming back to work.

24 Oh, and by the way, the affidavit that you
25 received and that you forwarded on from Ron Leroux, do you

1 recall that?

2 MR. REPA: Yes.

3 MR. CALLAGHAN: Was that the only affidavit
4 you received to the civil process or at any time regarding
5 Ron Leroux?

6 MR. REPA: I believe so, yes.

7 MR. CALLAGHAN: If I could then take you to
8 -- I want to just touch base briefly on his return to work.
9 We reviewed earlier Exhibits 1810 and 1811. I don't think
10 you have to turn them up. This is Acting Chief St-Denis'
11 memos to you.

12 MR. REPA: Yes, sir.

13 MR. CALLAGHAN: And he refers to
14 Mr. Dunlop's mental health. You recall that?

15 MR. REPA: Yes.

16 MR. CALLAGHAN: And I'd like to show you a
17 new document, 731740.

18 (SHORT PAUSE)/(COURTE PAUSE)

19 THE COMMISSIONER: Thank you.

20 Exhibit number 1847 is a letter from the
21 Royal -- from Dr. Horn to Chief Repa, dated May 13th, 1997.

22 --- EXHIBIT NO./PIÈCE No. P-1847:

23 (731740) Letter From Dr. E. Horn to Anthony
24 Repa - 13 May, 97

25 MR. CALLAGHAN: And Dr. Horn is, from his

1 credentials, a psychiatrist?

2 MR. REPA: Yes.

3 MR. CALLAGHAN: And I take it -- in the
4 middle of the paragraph, he says:

5 "I last saw and assessed Constable
6 Dunlop on April 22nd, '97. At that time
7 he's improved enough so to begin on a
8 part-time basis."

9 Do you see that?

10 MR. REPA: That's correct.

11 MR. CALLAGHAN: All right.

12 And so did you have -- and this letter is
13 addressed to you; would you have had this letter in your
14 possession before you allowed Mr. Dunlop to return to work?

15 MR. REPA: Yes. Yes, sir.

16 MR. CALLAGHAN: If I then could move on to
17 the Project Truth. You had indicated that part of Project
18 Truth was that the Cornwall Police Service was under
19 investigation by Project Truth?

20 MR. REPA: Yes.

21 MR. CALLAGHAN: And you discussed having to
22 keep an arm's-length from Project Truth?

23 MR. REPA: Yes.

24 MR. CALLAGHAN: And was that as a result of
25 being under investigation?

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

2 **MR. CALLAGHAN:** And you talked about
3 Inspector Trew and I'd just like to refer to his notes,
4 which I think is Exhibit 733 if I didn't say so.

5 And in answer to Mr. Lee you clarified that
6 Inspector Trew was to facilitate the providing of documents
7 from Dunlop to the OPP; correct?

8 **MR. REPA:** Yes, he'd be the signing person,
9 the order person, the -- yes. Someone would have to be
10 present from our Service to instruct Constable Dunlop what
11 to do.

12 **MR. CALLAGHAN:** Now, Inspector Trew
13 testified that he didn't actually review the documents; he
14 was just facilitating the OPP, in part because you were
15 under investigation?

16 **MR. REPA:** Okay.

17 **MR. CALLAGHAN:** Is that consistent with your
18 understanding that he was merely turning the documents over
19 and the OPP were directing what documents and whether
20 further documents were needed?

21 **MR. REPA:** And there would be no reason for
22 us to have looked at them, sir.

23 **MR. CALLAGHAN:** And my friend talked about
24 the understanding that you may have had as to the duties of
25 Constable Dunlop when he was off and I'd like to direct

1 your attention to Bates page 367.

2 And ---

3 **MR. REPA:** On which -- I'm sorry, sir?

4 **MR. CALLAGHAN:** Exhibit 733. Exhibit 733.

5 **THE COMMISSIONER:** It's on the screen in any
6 event.

7 **MR. REPA:** Okay.

8 **MR. CALLAGHAN:** Now, this is Mr. Dunlop --
9 pardon me, Inspector Trew speaking to Mr. Dunlop's lawyer
10 and it says, starting:

11 "I advised Mr. Bourgeois that Constable
12 Dunlop was a police officer when he had
13 interviews with victims, witnesses.
14 Therefore, a note should have been made
15 of these events."

16 And if we go to below?

17 "I also stated notes made by police
18 officers concerning..."

19 And over the side.

20 "...criminal offences have to be
21 disclosed to proper authorities when
22 asked for."

23 Do you see that?

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

25 **MR. CALLAGHAN:** And was it -- did you have

1 an understanding, along with Inspector Trew that, as you
2 say, Constable Dunlop, as a sworn police officer, had an
3 obligation to disclose, regardless whether he was on duty
4 or not?

5 **MR. REPA:** That's correct, sir.

6 **MR. CALLAGHAN:** And if I just take you over,
7 the other issue discussed was your relationship with the
8 OPP on the exchange of information regarding possible cases
9 to be referred to the Cornwall Police.

10 **MR. REPA:** Yes.

11 **MR. CALLAGHAN:** If I can take you to Bates
12 page 373.

13 It says:

14 "Smith briefs me that they have five to
15 seven further victims that are
16 historical sexual assaults on males by
17 adult males. He basically calls to let
18 the CPS know they will be working on
19 them. That discussion then takes place
20 with Inspector Smith and I on the
21 possibility that some or (are) could be
22 solely in the jurisdiction of Cornwall.
23 I advised Inspector Smith that I was
24 speaking to Chief Repa."

25 We go down.

1 "Spoke with Chief Repa and he advised
2 me to sit with Inspector Smith and go
3 through these new cases one by one.
4 Chief feels that if there is some cases
5 that do not connect with the Father
6 Charlie incident or P.C. Dunlop
7 association that the CPS should be
8 investigating if it's in our
9 jurisdiction."

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

11 **MR. CALLAGHAN:** All right. And then further
12 on, later that day he meets with Inspector Smith and went
13 over the recent cases.

14 Goes down to the bottom.

15 "Close to half of the allegations took
16 place outside Cornwall's jurisdiction
17 or occurred in both areas. Some of
18 these victims have already talked
19 directly with P.C. Dunlop or to other
20 victims from Father Charlie incidents."

21 Go down further and here's where he talks
22 about the mandate.

23 "Project Truth was formed to deal with
24 historical sexual assaults that
25 happened in and around the Cornwall

1 area dealing with male pedophiles
2 victimizing young males."

3 Do you see that?

4 **MR. REPA:** Yes, sir.

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

6 "All these victims are historical. The
7 assaults range from the sixties up to
8 1983. A special prosecutor was made
9 available by the A.G. Office to handle
10 these cases. Special Prosecutor
11 instructed Project Truth investigators
12 to interview each witness and possible
13 victims, not leaving any stone
14 unturned. Many of the victim/witnesses
15 might have contacted Project Truth
16 because they did not want to deal with
17 the Cornwall Police perception problem
18 because of what they read and see by
19 the media, Fifth Estate, Ottawa Sun,
20 Standard Freeholder, et cetera."

21 "New cases will be monitored by
22 Inspector Smith and possible further
23 discussions can take place as to who
24 will do the investigation."

25 Now, over on February 4th:

1 "Chief's office; I briefed A. Repa on
2 my meeting with Inspector Smith."

3 Do you recall being briefed on that meeting
4 about the mandate of Project Truth and a discussion with
5 Inspector Smith?

6 **MR. REPA:** I accept -- I accept the notes
7 that I was, yes. I have no -- I do not contest these
8 notes.

9 **MR. CALLAGHAN:** All right. Well, let's just
10 on. Below:

11 "Chief's comments; he agreed with
12 double jurisdiction and not to take
13 them. Any involvement by Dunlop with
14 suspects, victims, witnesses on these
15 cases we would not take. Any
16 investigation solely in Cornwall
17 jurisdiction that could possibly lead
18 back to the original cases through
19 other witnesses or accused males, we,
20 CPS, could not take."

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

22 **MR. CALLAGHAN:** Over, next page:

23 "Chief directed me to speak with
24 Inspector Smith and thank him for
25 keeping us informed. I was instructed

1 to advise Inspector Smith that the CPS
2 will leave to his discretion which
3 cases should be referred to the CPS."

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

5 **MR. CALLAGHAN:** And was that the arrangement
6 you had, that you would defer to the OPP since it was their
7 investigation as to which cases should be sent back to you?

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

9 **MR. CALLAGHAN:** There was an issue in
10 respect of the discipline of Constable Dunlop. If you
11 actually charged him with any offence, did you have any
12 concerns about whether you'd get future cooperation from
13 him?

14 **MR. REPA:** It was one consideration that you
15 had to look at, yes. It was one of several considerations
16 that would run through my mind. Yes, sir.

17 **MR. CALLAGHAN:** And what was your belief as
18 to what would happen if you charged him?

19 **MR. REPA:** As for his cooperation, I don't
20 know, sir. It could be -- you know, it ranged from
21 anything; book off on stress leave again. It could have
22 been anything, mere speculation.

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

24 **MR. CALLAGHAN:** And if you -- in respect of
25 -- you'll recall that there was an element about the media

1 that came up, and Exhibit 1315.

2 **MR. REPA:** Thirteen fifteen (1315).

3 Yes, sir.

4 **MR. CALLAGHAN:** It says, we look at this to
5 the date and it says -- at Bates page 678, the fourth page
6 in, under "Recommendations", at the bottom:

7 "I recommended that we do not proceed
8 with any type of foreign police service
9 investigation. I believe that this
10 issue can be dealt -- best dealt with
11 by way of counselling, which reminds
12 the officer that he must abide by our
13 directives. This counselling should be
14 conducted by a supervisor of the
15 officer. Inspector Trew should be
16 tasked with this duty given the
17 previous involvement, because of the
18 position that Staff Sergeant Brunet is
19 in, relative to this matter."

20 **MR. REPA:** Yes.

21 **MR. CALLAGHAN:** If I could ask you to turn
22 up in that same book, Exhibit 1319.

23 And Inspector Trew testified to this.

24 **THE COMMISSIONER:** What's the Bates page
25 number, please?

1 **MR. CALLAGHAN:** The Bates page would be
2 7060503. I hope we've got the right document. But it's
3 Exhibit 1319.

4 Now, the report we just looked at with the
5 recommendation was March 9th, 1999. This is April 7th, 1999.
6 Inspector Trew testified to this. But you'll see that it's
7 Inspector Trew to Perry Dunlop, a memo.

8 **MR. REPA:** Yes sir.

9 **MR. CALLAGHAN:** And it says:

10 "I would ask that you attend my office
11 on Thursday April 8th next at 11:00
12 a.m."

13 And he talks about the interviews, and about
14 the serious allegation regarding -- no back-up. But at the
15 bottom, he said:

16 "I'd also like to bring to your
17 attention your mandatory obligations as
18 a Cornwall police officer, under Media
19 Directive number 59. You and all
20 members of the Cornwall Police Service
21 are required to adhere to this
22 directive. If you have any questions
23 regarding this policy, I'd be pleased
24 to discuss them with you."

25 Is this the type of counselling you had

1 envisioned, that he would be reminded of the obligations?

2 **MR. REPA:** Yes. Counselling -- that would
3 be -- fall under the umbrella of counselling, yes. It's
4 kind of wide; you can pretty well do what you want.

5 **THE COMMISSIONER:** Well, well, hold on now.
6 I thought you had said yesterday that a
7 counselling -- if he didn't sign it ---

8 **MR. REPA:** Yes, yes.

9 **THE COMMISSIONER:** --- right? Then you'd
10 have two people to witness it.

11 **MR. REPA:** That's correct.

12 **THE COMMISSIONER:** So how can this be -- no,
13 sorry.

14 Is this -- is that the same kind of
15 counselling?

16 **MR. REPA:** No, he's asked that he attend his
17 office to receive the counselling.

18 The first line is:

19 "I would ask you to attend my office on
20 Thursday, April the 8th at 11:00 a.m."

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

22 **MR. CALLAGHAN:** I think Inspector Trew
23 testified to this, Mr. Commissioner. And you remember
24 there were two letters, and then there was correspondence,
25 and ---

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

2 Yes.

3 **MR. CALLAGHAN:** This is the start of the
4 process.

5 **THE COMMISSIONER:** Right. But to qualify as
6 counselling ---

7 **MR. REPA:** Yes.

8 **THE COMMISSIONER:** Do you see -- I guess ---

9 **MR. REPA:** Okay.

10 **THE COMMISSIONER:** --- maybe it's getting
11 late. But counselling to me, from what I have understood,
12 was you bring the person in.

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

14 **THE COMMISSIONER:** They agree ---

15 **MR. REPA:** That's right. There has to be an
16 agreement.

17 **THE COMMISSIONER:** Right.

18 Otherwise, if there's not an agreement, I
19 thought you ---

20 **MR. REPA:** That's correct.

21 **THE COMMISSIONER:** --- brought in the
22 element that you bring two other people in; they witness
23 the thing as in, hearing and listening.

24 **MR. REPA:** Yeah.

25 **THE COMMISSIONER:** And then that's the end

1 of the matter.

2 MR. REPA: Yes.

3 THE COMMISSIONER: So this isn't exactly
4 counselling. But ---

5 MR. REPA: Well, I would suggest that what
6 he's done here is he's laid out -- this is dated April 7th.
7 He's asked him to be in the office the next day, on April
8 the 8th ---

9 THE COMMISSIONER: Right.

10 MR. REPA: --- at 11:00 a.m. And the only
11 thing that's a little unusual about it is that I would not
12 have told the person in advance what I'm going to counsel
13 him on. I would have just had him attend.

14 THE COMMISSIONER: M'hm.

15 MR. REPA: But this may have been done to
16 facilitate any police Association concerns. Because under
17 the contract, they could have an Association rep come in
18 with him.

19 THE COMMISSIONER: M'hm.

20 MR. REPA: And that could be it. But my ---

21 THE COMMISSIONER: Okay. So -- but this is
22 not counselling by itself. You're saying it's the
23 beginning of the process ---

24 MR. REPA: Yes. It's ---

25 THE COMMISSIONER: Okay. Okay.

1 **MR. REPA:** --- the counselling would have
2 taken place on Thursday, April the 8th at 11:00 a.m. when he
3 attended.

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

5 **MR. CALLAGHAN:** Mr. Commissioner, may I?

6 **THE COMMISSIONER:** Yeah, go ahead.

7 **MR. CALLAGHAN:** I'm trying to move through a
8 number of subject areas. If I could show the witness
9 document 728171.

10 **(SHORT PAUSE/COURT PAUSE)**

11 **THE COMMISSIONER:** Okay. Exhibit Number
12 1848 is -- well, the top is email correspondence from Ron
13 Laverty, dated May 3rd, 2002 to Garry Derochie; copy to
14 Chief Repa.

15 **--- EXHIBIT NO./PIÈCE No. P-1848:**

16 (728171) Email Correspondence from Ron
17 Laverty to Garry Derochie - 03 May, 02

18 **MR. CALLAGHAN:** And Chief Repa, you recall
19 that there was one or two short questions regarding an
20 allegation about Father Desilets that was found in the
21 notes, I believe, of Staff Sergeant Derochie that Mr.
22 Engelmann took you to.

23 Do you recall that?

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

25 **MR. CALLAGHAN:** And I just want to be clear

1 as to what was going on.

2 If you go down to the bottom, it says,
3 "Chief" and this is from Ron Laverty to you.

4 "As per our previous discussion, Staff
5 Sergeant Derochie has received a letter
6 from Detective Sergeant Perry from the
7 Bellingham Police Department,
8 requesting information that we may have
9 on Father Paul Desilets. You will look
10 -- he will look into our records and
11 see what, if any, information that we
12 may be able to provide."

13 **MR. REPA:** Yes sir.

14 **MR. CALLAGHAN:** The next one up -- and this
15 is from Garry Derochie to Ron Laverty.

16 "I've spoken to lead investigator this
17 morning. He is taking -- he is asking
18 for our assistance in obtaining a
19 current address for their suspect and
20 any other assistance we may be able to
21 provide."

22 And it goes on. And up further, it's Ron
23 Laverty telling Garry Derochie:

24 "Please provide whatever assistance we
25 can. We want to assure that we assist

1 our American counterparts to the best
2 of our capabilities."

3 You see that?

4 **MR. REPA:** Yes sir.

5 **MR. CALLAGHAN:** Does that refresh your
6 recollection, that you're assisting the Bellingham police
7 with respect to locating a suspect of their investigations?

8 **MR. REPA:** Or any information they wanted,
9 yes, sir.

10 **MR. CALLAGHAN:** Addressing Project Phoenix
11 Song for one second, there; if I could show the witness --
12 and I'm sorry that this may be an Exhibit under Jeff
13 Carroll but I couldn't find it, if it was.

14 Document 729907.

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

16 **MR. CALLAGHAN:** I believe Mr. Horn gave
17 notice of the document.

18 All right; sorry. I -- maybe -- it may have
19 been Mr. Wardle.

20 **THE COMMISSIONER:** Exhibit Number 1849 is
21 internal correspondence to Deputy Chief Ron Laverty from
22 Acting Sergeant Jeff Carroll.

23 **--- EXHIBIT NO./PIÈCE No. P-1849:**

24 Internal correspondence to Deputy Chief
25 Ron Laverty from Acting Sergeant Jeff

1 Carroll

2 MR. CALLAGHAN: All right. And you'll
3 recall that Mr. Horn asked you questions about the pamphlet
4 that he presented to you and you weren't certain whether it
5 was the pamphlet that was finally approved or not.

6 MR. REPA: Yes, sir.

7 MR. CALLAGHAN: And he took your -- he
8 addressed your concerns directly to the issue, about sexual
9 abuse of children can be linked to disadvantaged and
10 dysfunctional families. Do you recall that?

11 MR. REPA: That's correct sir, yes.

12 MR. CALLAGHAN: All right.

13 This memo, and I won't go through the whole
14 thing -- is a memo from Acting Sergeant Jeff Carroll
15 explaining some of the problems they found with the
16 original pamphlet. And I'd just like to direct your
17 attention to page 2 of that document, paragraph 7.

18 And it says:

19 "Page 3 is of most concern. Statements
20 such as 'sexual abuse of children can
21 be linked to disadvantaged and
22 dysfunctional families' they are not in
23 the context as their source has
24 intended. Linking abuse to socio-
25 economic status is misleading and not

1 fair to people who will be targeted as
2 abusers because of their socio-economic
3 status."

4 Do you see that?

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

6 **MR. CALLAGHAN:** And was that not the point
7 you were making back to Mr. Horn?

8 **MR. REPA:** Yes, that did -- we go from top
9 to bottom, there's no such thing as a -- and we did not
10 write that on the pamphlet, so ---

11 **MR. CALLAGHAN:** Right. You didn't write it
12 ---

13 **MR. REPA:** No.

14 **MR. CALLAGHAN:** --- and when you saw it,
15 your people objected ---

16 **MR. REPA:** They reacted to it, yes.

17 **MR. CALLAGHAN:** I just want to take a moment
18 to put in one or two documents.

19 But you know, Mr. Commissioner, given the
20 lateness of the day, putting documents in takes time.

21 Mr. Engelmann has agreed, these are the
22 documents that my friend. Now the witness testified to,
23 you'll recall, on the price evidence, he talked about
24 second letter, third letter. I think they should go in.

25 With my friend's agreement and your

1 concurrence, sir, I would suggest, given the lateness of
2 the day to get this witness done, not take the time to do
3 that but we'll agree to put them in at a later date.

4 No, you'd like to do it now? All right.

5 Sorry, Mr. Commissioner.

6 Then if I could, I'm not going to ask any
7 questions. I'm just going to put them in just so that it
8 has a reference to it.

9 If I could ---

10 **THE COMMISSIONER:** I'm sorry? You're not
11 going to ask him questions?

12 **MR. CALLAGHAN:** Well, no. He's referred to
13 them all.

14 **THE COMMISSIONER:** Okay. I'm sorry. Okay,
15 okay.

16 **MR. CALLAGHAN:** It's just that when he
17 referred to them, he recalled. He said I did this, I did
18 this, I did this.

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

20 **MR. CALLAGHAN:** Mr. Engelmann didn't have
21 the documents available.

22 **THE COMMISSIONER:** Right. Right. No, no,
23 it's okay.

24 **MR. ENGELMANN:** And there is no recent
25 further document that we seek, sir. We're just putting the

1 documents in my consent with any questions ---

2 **THE COMMISSIONER:** No, no, I'm sorry. I
3 thought there would be some questions. And late in the
4 day, if you don't have the document, people get mixed up
5 and then things -- so no, if there -- if you're not going
6 to ask any questions, then that's fine.

7 **MR. CALLAGHAN:** Okay. Those are my
8 questions. Thank you, Chief Repa.

9 **THE COMMISSIONER:** Thank you.

10 **MR. REPA:** Thank you, sir.

11 **THE COMMISSIONER:** Mr. Engelmann?

12 **MR. CALLAGHAN:** Just one second. I've got
13 to check.

14 I hazard to ask the question. If you need
15 to hear about clearance rates that you once asked about, I
16 think this witness could clarify some of the questions on
17 clearance rates, but I'm not sure it's that big a deal for
18 the Inquiry.

19 **THE COMMISSIONER:** No.

20 **MR. CALLAGHAN:** Thank you.

21 **THE COMMISSIONER:** Mr. Engelmann?

22 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:

23 **MR. ENGELMANN:** Sir, do you still have the
24 last document with you?

25 **MR. REPA:** The one on Project Phoenix Song,

1 sir?

2 MR. ENGELMANN: Yes.

3 MR. REPA: Yes, sir.

4 MR. ENGELMANN: You had -- you testified
5 this morning that one of your concerns or you thought the
6 concerns of the SACA Unit was that the pamphlet might
7 hamper prosecutions?

8 MR. REPA: Yes, sir. That's just
9 generalization, yes, sir.

10 MR. ENGELMANN: Yeah. Just looking at the
11 document, sir, it would appear that much of the concerns
12 from at least Acting Sergeant Jeff Carroll are about the
13 possibility of civil liability against the Force if the
14 document was to go out in its current form.

15 MR. REPA: Yes.

16 MR. ENGELMANN: Would you agree?

17 MR. REPA: Yes. That was another major
18 concern that was brought to our attention. Yes, sir.

19 MR. ENGELMANN: Thank you, Mr. Repa. I have
20 no further questions.

21 MR. REPA: Thank you.

22 THE COMMISSIONER: Mr. Repa, I want to thank
23 you for taking the time and the days that you have
24 sacrificed to come here. I can tell you that I've listened
25 to your evidence and I certainly will take it into

1 consideration in making my report.

2 **MR. REPA:** Thank you, Mr. Commissioner. It
3 was my pleasure to be here, sir.

4 **THE COMMISSIONER:** Thank you.

5 **MR. REPA:** Thank you.

6 **MR. ENGELMANN:** Sir, I know it's late in the
7 day. If I could just have a moment though to -- just to
8 let you know and members of the public that with the
9 exception of the outstanding motion dealing with Ron
10 Lefebvre and the possibility that he may still be
11 testifying, and one other medical matter, that, for all
12 intents and purposes, would conclude ---

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

14 **MR. ENGELMANN:** --- the institutional
15 response evidence that Commission counsel is intending to
16 lead for the Cornwall Police Service.

17 **THE COMMISSIONER:** Okay.

18 **MR. ENGELMANN:** And the next witness that we
19 have ready to go, depending on when you want to start that
20 witness, will be with the new institution, the Diocese of
21 Alexandria-Cornwall. That's my colleague, Maître Dumais,
22 who will be leading that evidence.

23 **THE COMMISSIONER:** Well, we can go for
24 another half hour or so.

25 **MR. ENGELMANN:** All right. I will get him

1 here immediately, sir.

2 **THE COMMISSIONER:** So let's take five
3 minutes and then we'll carry on.

4 **MR. ENGELMANN:** Thank you.

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

7 This hearing will resume at 5:05 p.m.

8 --- Upon recessing at 4:56 p.m. /

9 L'audience est suspendue à 16h56

10 --- Upon resuming at 5:03 p.m. /

11 L'audience est reprise à 17h03

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

14 This hearing is now resumed. Please be
15 seated. Veuillez vous asseoir.

16 **Me DUMAIS:** Bonjour, monsieur le
17 commissaire.

18 Juste en terme de brève introduction, on
19 commence aujourd'hui avec la réponse institutionnelle du
20 Diocèse d'Alexandria-Cornwall.

21 **LE COMMISSAIRE:** M'hm.

22 **Me DUMAIS:** On s'attend d'appeler environ 10
23 témoins; également à présenter des résumés de preuves
24 documentaires pour certains des témoins. À peu près la
25 moitié des témoins vont témoigner en français.

1 **LE COMMISSAIRE:** M'hm.

2 **Me DUMAIS:** L'autre moitié en anglais.

3 Évidemment, on a le bénéfice de la traduction simultanée
4 pour permettre à tout le monde de suivre.

5 Donc, sans plus tarder, notre premier
6 témoin, le père Denis Vaillancourt.

7 **LE COMMISSAIRE:** O.k. Merci.

8 **DENIS VAILLANCOURT:** Sworn/Assermenté

9 **LE COMMISSAIRE:** Bonjour. Merci beaucoup,
10 Père Vaillancourt, d'être venu et d'avoir attendu si
11 longtemps. Ce qu'on va faire c'est qu'on va commencer puis
12 faire les introductions-là pour à peu près 30 minutes, 40
13 minutes. Ensuite, on revient demain matin autour de 9h00
14 pour continuer votre témoignage.

15 Donc, pour vous aider, vous avez de l'eau et
16 puis des verres. Le microphone, j'aimerais que vous le
17 mettiez à votre niveau pour qu'on puisse vous entendre.

18 La petite boîte, c'est un microphone, mais
19 en fin de compte, c'est -- je vous ai vu là. Celui à la
20 gauche -- à la droite je veux dire, vous le tournez puis
21 c'est le maximum; je pense qu'on l'a déjà.

22 Comme de raison, l'ordinateur est là pour
23 vous montrer les pièces. Si vous avez des questions, si
24 vous ne vous sentez pas bien ou quelque chose du genre au
25 sujet des questions qu'on vous pose, tout simplement

1 m'adresser et puis je vais vous aider dans ce domaine-là.

2 Je vous demanderais d'écouter la question
3 complètement avant de donner une réponse. Si vous ne
4 connaissez pas la réponse, nous dire que vous ne connaissez
5 pas. Si vous avez oublié un fait qu'on vous demande,
6 simplement nous dire ça.

7 **PÈRE VAILLANCOURT:** Merci.

8 **LE COMMISSAIRE:** Si vous ne comprenez pas la
9 question, demandez tout simplement et puis nous allons la
10 reformuler pour vous.

11 **PÈRE VAILLANCOURT:** Merci.

12 **LE COMMISSAIRE:** D'accord? Merci.

13 Maître Dumais.

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

16 **Me DUMAIS:** Alors bonjour, Père
17 Vaillancourt.

18 **PÈRE VAILLANCOURT:** Bonjour.

19 **Me DUMAIS:** À ce que je comprenne, vous êtes
20 né le 31 octobre 1945?

21 **PÈRE VAILLANCOURT:** C'est exact.

22 **Me DUMAIS:** Et puis, vous avez été élevé à
23 Glen Robertson?

24 **PÈRE VAILLANCOURT:** C'est ça.

25 **Me DUMAIS:** Puis vous avez complété une

1 partie de vos études secondaires ici à Cornwall au Collège
2 classique. C'est bien ça?

3 **PÈRE VAILLANCOURT:** C'est bien ça.

4 **Me DUMAIS:** À ce que je comprenne, vous avez
5 complété un bachelier en arts à l'Université d'Ottawa en
6 1970?

7 **PÈRE VAILLANCOURT:** Oui.

8 **Me DUMAIS:** Et puis, par la suite, vous avez
9 complété votre séminaire à l'Université Saint-Paul à Ottawa
10 en 1974?

11 **PÈRE VAILLANCOURT:** Soixante-treize ('73).

12 **Me DUMAIS:** En 1973. Et puis, vous avez été
13 ordonné prêtre par l'Évêque Larocque en 1974?

14 **PÈRE VAILLANCOURT:** C'est exact.

15 **Me DUMAIS:** Et puis, à ce que je comprenne,
16 vous avez également complété des études ou une formation en
17 droit canonique. C'est bien ça?

18 **PÈRE VAILLANCOURT:** Oui.

19 **Me DUMAIS:** Et puis, à ce que je comprenne,
20 vous avez complété ces études-là à l'Université Saint-Paul.

21 **PÈRE VAILLANCOURT:** Oui.

22 **Me DUMAIS:** Et puis ça été pour une période
23 de deux ans ---

24 **PÈRE VAILLANCOURT:** Deux ans.

25 **Me DUMAIS:** --- ces études-là?

1 **PÈRE VAILLANCOURT:** Oui.

2 **Me DUMAIS:** Et qui vous donne l'équivalent
3 d'une maîtrise. C'est bien ça?

4 **PÈRE VAILLANCOURT:** C'est la licence en
5 droit canonique. La maîtrise, ça vient de l'Université
6 d'Ottawa, mais y'a pas de travail supplémentaire à faire
7 pour obtenir le degré.

8 **Me DUMAIS:** O.k. Donc vous avez complété
9 votre licence en droit canonique.

10 **PÈRE VAILLANCOURT:** Oui.

11 **Me DUMAIS:** Puis est-ce que c'est juste que
12 vous avez l'option de faire une année, deux années ou
13 quatre années en droit canonique?

14 **PÈRE VAILLANCOURT:** Il y certaines personnes
15 qui faisaient juste une année dépendant de l'exigence; par
16 exemple, des religieuses. Moi, j'ai fait deux ans pour la
17 licence. Ensuite, il y en a d'autres qui vont plus loin
18 pour faire le doctorat.

19 **Me DUMAIS:** O.k. Donc, à ce que je
20 comprenne, ensuite vous avez été incardiné dans le Diocèse
21 d'Alexandria-Cornwall?

22 **PÈRE VAILLANCOURT:** Au moment de mon
23 ordination au diaconat.

24 **Me DUMAIS:** Donc -- et puis, c'était en
25 1974; c'est bien ça?

1 **PÈRE VAILLANCOURT:** Ça c'est un an avant par
2 Monseigneur Proulx qui était l'évêque du temps à ce moment-
3 là.

4 **Me DUMAIS:** O.k.

5 **PÈRE VAILLANCOURT:** Qui était évêque ici.

6 **Me DUMAIS:** Donc -- pardon, en 1973?

7 **PÈRE VAILLANCOURT:** Oui.

8 **Me DUMAIS:** O.k. Merci.

9 Puis, à ce que je comprenne, à un certain
10 moment donné vous avez été nommé juge associé du Tribunal
11 du mariage dans le diocèse. C'est bien ça?

12 **PÈRE VAILLANCOURT:** Oui.

13 **Me DUMAIS:** Et puis vos fonctions en terme
14 de juge associé, c'est quoi au juste?

15 **PÈRE VAILLANCOURT:** Je faisais l'audition de
16 témoins. Je recevais la plaignante ou le plaignant
17 lorsqu'ils voulaient faire une demande pour une déclaration
18 de nullité et aussi j'étais juge collégial.

19 **Me DUMAIS:** O.k. Et puis votre titre était
20 juge associé. Est-ce qu'il y avait quelqu'un d'autre qui
21 était ---

22 **PÈRE VAILLANCOURT:** Oui, il y avait
23 Monseigneur Guindon et aussi à l'époque il y avait Évarice
24 -- père Évarice Martin.

25 **Me DUMAIS:** Puis à ce que je comprenne, vous

1 êtes maintenant à la tête de ce Tribunal-là depuis 2000?

2 **PÈRE VAILLANCOURT:** C'est ça.

3 **Me DUMAIS:** Et puis, à ce que je comprenne,
4 à un certain moment donné, vous avez été assigné comme
5 aumônier à l'École secondaire Citadelle, c'est bien ça?

6 **PÈRE VAILLANCOURT:** Oui.

7 **Me DUMAIS:** En 1985?

8 **PÈRE VAILLANCOURT:** C'est exact.

9 **Me DUMAIS:** Et puis, à ce que je comprenne,
10 à ce moment-là, vous auriez remplacé le père Gilles
11 Deslauriers. C'est bien ça?

12 **PÈRE VAILLANCOURT:** Oui.

13 **Me DUMAIS:** Et puis vous avez exercé ce rôle
14 pour une année et demie jusqu'en décembre 1986?

15 **PÈRE VAILLANCOURT:** Oui.

16 **Me DUMAIS:** O.k. Est-ce que vous pouvez
17 juste nous donner une indication qu'est-ce qui était votre
18 rôle à l'école secondaire comme aumônier?

19 **PÈRE VAILLANCOURT:** Je recevais des élèves
20 qui voulaient me rencontrer disons pour poser des questions
21 d'ordre personnel, s'ils voulaient recevoir le sacrement de
22 confession. Et pendant le carême, j'offrais la messe
23 pendant l'heure du dîner aux élèves qui voulaient venir
24 participer à la messe.

25 **Me DUMAIS:** Donc, est-ce que c'était un

1 poste à temps plein?

2 **PÈRE VAILLANCOURT:** J'étais là à temps
3 plein, oui.

4 **Me DUMAIS:** Et puis durant votre assignation
5 à l'école secondaire, votre salaire était payé par le
6 diocèse ou par le conseil?

7 **PÈRE VAILLANCOURT:** Par le diocèse.

8 **Me DUMAIS:** O.k. Et puis à ce que je
9 comprenne avec le Père Deslauriers, son salaire était payé
10 par le conseil. C'est ça? Ou est-ce que vous êtes au
11 courant?

12 **PÈRE VAILLANCOURT:** J'suis pas au courant.

13 **Me DUMAIS:** C'est bien.

14 Et puis est-ce que vous preniez des
15 directions du principal de l'école ou est-ce que vous
16 preniez vos directions de l'évêque?

17 **PÈRE VAILLANCOURT:** Je travaillais avec les
18 deux.

19 **Me DUMAIS:** Donc, les deux là pouvaient ---

20 **PÈRE VAILLANCOURT:** Le directeur de l'école
21 et Monseigneur Larocque.

22 **Me DUMAIS:** O.k. Et puis est-ce que votre
23 rôle comme aumônier à la citadelle était différent de celui
24 que le Père Deslauriers exerçait ou c'était essentiellement
25 la même chose?

1 **PÈRE VAILLANCOURT:** La seule différence que
2 je peux voir c'est que lui animait à ce moment-là des week-
3 ends de R³ et quand moi, je suis arrivé, on ne faisait plus
4 de R³ localement.

5 **Me DUMAIS:** O.k. Donc, à ce que je
6 comprenne, vous avez à un moment donné été nommé Chancelier
7 du diocèse par Monsieur Larocque?

8 **PÈRE VAILLANCOURT:** Oui.

9 **Me DUMAIS:** Et puis ça, c'est survenu en
10 1985?

11 **PÈRE VAILLANCOURT:** Oui.

12 **Me DUMAIS:** Et puis est-ce que vous pouvez
13 nous donner une indication-là qu'est-ce qu'est le rôle de
14 chancelier?

15 **PÈRE VAILLANCOURT:** Le chancelier est
16 responsable des archives du diocèse et aussi cosigne avec
17 l'évêque les nominations de curés et de vicaires dans
18 différentes -- dans les paroisses et aussi je cosigne avec
19 l'évêque et le vicaire général lorsqu'il y a des
20 transactions immobilières.

21 **Me DUMAIS:** Donc, à ce que je comprenne,
22 vous exercez toujours le rôle de chancelier aujourd'hui?

23 **PÈRE VAILLANCOURT:** Oui.

24 **Me DUMAIS:** Et puis à ce que je comprenne,
25 comme chancelier, vous siégez au Sénat des prêtres. C'est

1 bien ça?

2 **PÈRE VAILLANCOURT:** Oui.

3 **Me DUMAIS:** Et puis est-ce que vous -- vous
4 avez également le titre d'assistant vicaire juridique.
5 Est-ce que c'est ça?

6 **PÈRE VAILLANCOURT:** Je suis vicaire
7 judiciaire adjoint ---

8 **Me DUMAIS:** O.k.

9 **PÈRE VAILLANCOURT:** --- du Tribunal régional
10 de Toronto.

11 **Me DUMAIS:** O.k. Et puis le vicaire
12 judiciaire se trouve à être qui?

13 **PÈRE VAILLANCOURT:** À être à Toronto. C'est
14 Monseigneur Larry Bordonaro.

15 **Me DUMAIS:** O.k. Et puis vos fonctions en
16 tant que vicaire judiciaire adjoint sont quoi?

17 **PÈRE VAILLANCOURT:** Comme j'ai décrit
18 tantôt, on reçoit des demandes pour des déclarations de
19 nullité de mariage.

20 **Me DUMAIS:** O.k. Et puis c'est un poste qui
21 vous amène à voyager à Toronto de façon régulière?

22 **PÈRE VAILLANCOURT:** Pas maintenant. Depuis
23 le 1^{er} septembre 2005, étant donné que je suis curé à
24 Alexandria et à Green Valley, je ne viens plus au Tribunal.
25 Je n'ai pas le temps.

1 Alors, tout le travail de base est fait ici
2 au bureau et ensuite c'est envoyé au Tribunal matrimonial,
3 à London, Ontario.

4 **Me DUMAIS:** Donc, essentiellement, vous ne
5 siégez plus.

6 **PÈRE VAILLANCOURT:** Non.

7 **Me DUMAIS:** O.k. Et puis juste si je peux
8 adresser un peu la formation que vous auriez complétée sur
9 un sujet qui nous touche ici à l'enquête au sujet d'abus
10 sexuel. Puis à ce que je comprenne, vous auriez complété -
11 - vous auriez assisté à une présentation qui a été offerte
12 par le Père Loftus durant les années 1992?

13 **PÈRE VAILLANCOURT:** Oui.

14 **Me DUMAIS:** Est-ce que vous vous souvenez de
15 la formation ---

16 **PÈRE VAILLANCOURT:** Non.

17 **Me DUMAIS:** --- ou de la présentation?

18 **PÈRE VAILLANCOURT:** Non.

19 **Me DUMAIS:** Est-ce que vous pouvez nous dire
20 comment longtemps que ça avait duré?

21 **PÈRE VAILLANCOURT:** C'était une journée.

22 **Me DUMAIS:** Il s'était rendu au diocèse,
23 vous aviez assisté?

24 **PÈRE VAILLANCOURT:** C'est ça.

25 **Me DUMAIS:** Et puis est-ce que vous vous

1 souvenez qui assistait à cette présentation-là? C'était
2 tous les prêtres du diocèse ou?

3 **PÈRE VAILLANCOURT:** Les prêtres du diocèse
4 étaient invités à participer dans la mesure du possible.

5 **Me DUMAIS:** Et puis en terme donc de
6 formation pour traiter de toute matière-là d'allégations
7 d'abus sexuel, c'est la seule formation que vous auriez
8 suivie. C'est ça?

9 **PÈRE VAILLANCOURT:** Oui.

10 **Me DUMAIS:** Puis à ce que je comprenne,
11 depuis mille neuf cent -- depuis les années '70, vous avez
12 été affecté, si je peux utiliser le terme, ou assigné à
13 différentes paroisses, dont celle de St-Francis-de-Salle,
14 celle de Sacré Cœur, la Nativité, St-Paul, Précieux Sang,
15 Ste-Thérèse, et à ce que je comprenne, vous êtes maintenant
16 pasteur à l'Église Sacré Cœur depuis 2005.

17 **PÈRE VAILLANCOURT:** Oui.

18 **Me DUMAIS:** Et puis tantôt, Père
19 Vaillancourt, on a parlé un petit peu que vous assistiez --
20 vous faisiez partie du Sénat des prêtres comme chancelier.
21 Juste comme point de clarification, il y a trois différents
22 termes qui sont utilisés: Sénat des prêtres, Conseil des
23 prêtres et Conseil du presbytère. Et puis à ce que je
24 comprenne, ces trois termes-là sont interchangeable.
25 C'est exact?

1 **PÈRE VAILLANCOURT:** C'est ça.

2 **Me DUMAIS:** Et puis le terme que, vous, vous
3 utilisez c'est bien Sénat des prêtres?

4 **PÈRE VAILLANCOURT:** Le Sénat des prêtres ou
5 le Conseil presbytéral.

6 **Me DUMAIS:** O.k. Et puis peut-être si vous
7 pouvez juste nous expliquer là en quelques mots qu'est-ce
8 qui est la fonction du Sénat des prêtres.

9 **PÈRE VAILLANCOURT:** Le Sénat des prêtres
10 c'est pour consulter ou aviser l'évêque dans des matières
11 d'ordre pastoral et diocésain.

12 **Me DUMAIS:** Donc, je veux dire c'est une
13 définition assez large. Je veux dire ça peut toucher
14 toutes les affaires qui touchent le diocèse
15 essentiellement.

16 **PÈRE VAILLANCOURT:** Oui.

17 **Me DUMAIS:** Et puis peut-être vous pouvez
18 nous expliquer un peu le fonctionnement, comment souvent
19 que vous vous rencontrez, qui fait partie de ce Sénat-là.

20 **PÈRE VAILLANCOURT:** On se rencontre environ
21 cinq fois par année. Le Sénat des prêtres est composé de
22 l'évêque, bien sûr, du vicaire général, du chancelier, les
23 doyens de zones pastorales et de prêtres qui sont élus par
24 leurs pairs.

25 **Me DUMAIS:** O.k. Est-ce que vous pourriez

1 juste nous donner une idée de combien de doyens, combien
2 d'élus et combien qu'il y a de membres *ex officio*?

3 **PÈRE VAILLANCOURT:** Actuellement? Est-ce
4 que ---

5 **Me DUMAIS:** Oui.

6 **PÈRE VAILLANCOURT:** O.k. Membres *ex*
7 *officio*, il y en a trois: l'évêque, le vicaire général, le
8 chancelier. Il y a quatre doyens et quatre représentants
9 élus par leurs pairs selon les groupes d'âge.

10 **Me DUMAIS:** Et puis quand on est élu au
11 Sénat des prêtres, c'est pour un terme de cinq ans. C'est
12 bien ça?

13 **PÈRE VAILLANCOURT:** Les doyens sont élus
14 pour cinq ans et les membres élus par leurs pairs sont élus
15 pour un mandat de trois ans.

16 **Me DUMAIS:** O.k. Et puis les gens qui ont
17 droit de vote sont les prêtres du diocèse. C'est bien ça?

18 **PÈRE VAILLANCOURT:** Oui.

19 **Me DUMAIS:** Et puis à la réunion, aux
20 réunions, qui se trouve à être en charge de l'agenda, les
21 choses qui sont placées sur les agendas?

22 **PÈRE VAILLANCOURT:** C'est l'évêque du lieu.

23 **Me DUMAIS:** O.k. Puis est-ce que vous -- je
24 comprends que vous faites maintenant partie à temps plein
25 du Sénat en raison du fait que vous êtes chancelier, mais à

1 un certain moment donné, vous aviez été élu au Sénat.

2 **PÈRE VAILLANCOURT:** Oui.

3 **Me DUMAIS:** Est-ce que vous vous souvenez la
4 première fois que vous avez fait partie du Sénat?

5 **PÈRE VAILLANCOURT:** Je me souviens pas.

6 **Me DUMAIS:** O.k. Est-ce que c'était
7 quelques années auparavant de ---

8 **PÈRE VAILLANCOURT:** Probablement, oui.

9 **Me DUMAIS:** O.k. Il serait juste de dire
10 que vous auriez fait au moins un terme?

11 **PÈRE VAILLANCOURT:** Oui.

12 **Me DUMAIS:** Et puis à ce que je comprenne --
13 à ce que je comprends, un certain moment donné, on vous a
14 élu comme secrétaire du Sénat des prêtres. C'est ça?

15 **PÈRE VAILLANCOURT:** C'est ça, parce que
16 personne voulait prendre la place.

17 **Me DUMAIS:** Élu par acclamation.

18 **PÈRE VAILLANCOURT:** Oui, c'est ça.

19 **Me DUMAIS:** Et puis à ce que je comprenne,
20 personne a essayé de prendre ce poste de vous depuis ce
21 temps-là?

22 **PÈRE VAILLANCOURT:** Je ne suis plus
23 secrétaire actuellement.

24 **Me DUMAIS:** O.k. Vous avez -- vous
25 n'exercez plus le rôle?

1 **PÈRE VAILLANCOURT:** Non.

2 **Me DUMAIS:** Mais vous l'avez exercé pendant
3 plusieurs années?

4 **PÈRE VAILLANCOURT:** Oui.

5 **Me DUMAIS:** Et puis votre rôle en terme de
6 secrétaire consiste de quoi?

7 **PÈRE VAILLANCOURT:** C'était de rédiger le
8 procès verbal de la réunion du Conseil presbytéral et
9 ensuite la présenter pour qu'elle soit traduit dans les
10 deux langues.

11 **Me DUMAIS:** O.k. Parce qu'évidemment au
12 Sénat des prêtres, il y a des prêtres anglophones et
13 francophones qui siègent.

14 **PÈRE VAILLANCOURT:** Oui.

15 **Me DUMAIS:** Et puis est-ce que les
16 discussions durant les réunions se déroulent dans les deux
17 langues ou dans une des deux langues?

18 **PÈRE VAILLANCOURT:** Dans les deux langues.

19 **Me DUMAIS:** Dans les deux langues. Et puis
20 à ce que je comprenne, comme secrétaire, après -- vous avez
21 le rôle de faire un sommaire du point de discussion et puis
22 vous préparez des minutes qui sont circulées et approuvées
23 par après.

24 **PÈRE VAILLANCOURT:** C'est ça.

25 **Me DUMAIS:** Est-ce que en terme -- en tant

1 que chancelier, est-ce que vous avez un rôle dans la
2 détermination de ce qui va être placé sur l'agenda pour une
3 réunion spécifique?

4 **PÈRE VAILLANCOURT:** Quand Monseigneur
5 Larocque était ici, habituellement, il convoquait
6 l'exécutif qui était composé de lui-même, du Vicaire
7 général, du Chancelier, et ensemble là, on établissait
8 l'ordre du jour, mais avec Monseigneur Durocher, c'est
9 différent. C'est lui qui fait l'ordre du jour.

10 **Me DUMAIS:** O.k. Et puis ---

11 **PÈRE VAILLANCOURT:** On peut toujours -- les
12 membres, à la réunion, au début de la réunion, peuvent
13 toujours ajouter quelque chose qui leur semble important.

14 **Me DUMAIS:** Et puis ça c'est quelque chose
15 qui est apporté à la réunion comme tel ou ça peut se faire
16 auparavant?

17 **PÈRE VAILLANCOURT:** Oui.

18 **Me DUMAIS:** Mais évidemment l'évêque a
19 toujours le choix de ne pas mettre le point sur l'ordre du
20 jour. Est-ce que ce serait juste?

21 **PÈRE VAILLANCOURT:** Oui.

22 **Me DUMAIS:** Puis on va regarder plusieurs
23 des minutes du Sénat des prêtres commençant avec les
24 minutes du 4 mars 1986 et je vais vous demander qu'on vous
25 place devant vous le document 740607.

1 **LE COMMISSAIRE:** Bon, la Pièce numéro 1850,
2 c'est les minutes de la réunion du Conseil presbytéral,
3 mardi, le 4 mars 1986.

4 **--- EXHIBIT NO./PIÈCE No P-1850:**

5 (740607) Minutes of the meeting of the
6 Council of Priests - 04 Mar, 86

7 **Me DUMAIS:** Donc, essentiellement, Père
8 Vaillancourt, le premier sujet que je vais aborder avec
9 vous est votre contribution à la rédaction de différentes
10 lignes directrices du diocèse pour traiter l'allégation
11 d'abus sexuel. Et puis si vous me le permettez, on va
12 essayer de faire une évolution chronologique à travers des
13 minutes du Sénat des prêtres pour seulement nous donner un
14 point de repère.

15 Donc, la première réunion à laquelle je vais
16 faire référence est celle du 4 mars 1986 et puis si vous
17 pouvez regarder à la page 7181425.

18 **LE COMMISSAIRE:** C'est la page 4.

19 **Me DUMAIS:** Page 4 des minutes; si vous
20 regardez dans le coin gauche ---

21 **LE COMMISSAIRE:** L'autre gauche.

22 **Me DUMAIS:** En haut, il y a toujours un
23 numéro.

24 **PÈRE VAILLANCOURT:** Oui.

25 **Me DUMAIS:** Donc, quand je fais référence à

1 une page, je vais vous donner le numéro puis
2 habituellement, je vais vous donner les trois derniers
3 chiffres.

4 Donc, si on regarde au point 13 en bas ici,
5 au bas de la page. Je vais le lire pour les fins de la
6 transcription:

7 « La question suivante fut posée par le
8 Père Roméo Major: Que devons-nous
9 répondre aux gens qui nous demandent
10 des questions à propos de son départ. »

11 Et puis évidemment, ils font référence au
12 départ du Père Gilles Deslauriers.

13 « La réponse fut donnée par Monseigneur
14 Larocque qu'il a quitté le Diocèse pour
15 des raisons personnelles. »

16 Donc, évidemment, on va regarder qu'est-ce
17 qui a été votre implication avec les allégations qui ont
18 été faites contre le Père Deslauriers, mais ma question
19 est, est-ce qu'il serait juste de dire que le 4 mars 1986,
20 c'était la première date ou la première fois que le sujet
21 d'allégation d'abus sexuel par un prêtre aurait été
22 discuté?

23 **PÈRE VAILLANCOURT:** Oui.

24 **Me DUMAIS:** Et puis donc pendant le temps
25 que vous avez fait partie du Sénat des prêtres, y'a jamais

1 eu aucune discussion au sujet de soit a) des allégations ou
2 b) développer une politique ou des lignes directrices pour
3 traiter de la matière?

4 **PÈRE VAILLANCOURT:** Pas avant ça, non.

5 **Me DUMAIS:** O.k. Ensuite, les deuxièmes
6 minutes que je voudrais faire référence ont déjà été
7 déposées comme pièce de preuve 58 à l'onglet 5. Ça va vous
8 être apporté dans juste une minute.

9 Donc, vous devriez avoir devant vous les
10 minutes de la réunion du Sénat des prêtres du 25 septembre
11 1986.

12 **PÈRE VAILLANCOURT:** C'est à quel tab?

13 **LE COMMISSAIRE:** Cinq.

14 **Me DUMAIS:** Cinq.

15 **PÈRE VAILLANCOURT:** O.k.

16 **Me DUMAIS:** Et puis si je peux porter votre
17 attention à la page ---

18 **LE COMMISSAIRE:** Cinq.

19 **Me DUMAIS:** Quatre et cinq des minutes.

20 **PÈRE VAILLANCOURT:** Oui?

21 **Me DUMAIS:** Donc, le premier point a comme
22 entête « Vocation » et je commence à lire au deuxième
23 paragraphe, vous parliez français:

24 « Il y a trois candidats, deux au Grand
25 Séminaire de Montréal et un en stage

1 à une réunion du Sénat?

2 **PÈRE VAILLANCOURT:** Probablement, oui.

3 **Me DUMAIS:** O.k. Donc, si on peut regarder
4 le deuxième point qui se trouve à être à la page suivante,
5 donc l'item 7.2, l'affaire du Père Deslauriers. Et je vais
6 lire ce qui est indiqué dans les minutes:

7 « Qu'est-ce qu'on aurait pu faire?
8 Peut-on avoir un comité pour nous dire
9 quoi faire, nous donner une ligne de
10 conduite devant une situation
11 semblable? According to the Canadian
12 law, we have no privilege. »

13 Donc, c'est un peu un résumé de la
14 discussion, Père Vaillancourt, si vous pouvez nous donner
15 une idée de qu'est-ce qui était le point de discussion ou
16 qu'est-ce qui avait été soulevé comme étant une inquiétude?

17 **PÈRE VAILLANCOURT:** Bien, c'est exactement
18 ça. Qu'est-ce qu'on aurait pu faire pour éviter la
19 situation du Père Deslauriers et des incidents semblables?

20 **Me DUMAIS:** Et puis, il semblerait qu'il y
21 avait eu une suggestion qu'un comité soit formé. C'est
22 bien ça?

23 **PÈRE VAILLANCOURT:** Je le sais pas. C'est
24 pas indiqué là.

25 **Me DUMAIS:** Pardon? Je fais juste lire là

1 la deuxième phrase:

2 « Peut-on avoir un comité pour nous
3 dire quoi faire, nous donner une ligne
4 de conduite? »

5 Disons, un comité qui serait formé ---

6 **PÈRE VAILLANCOURT:** Mais, je ne sais pas si
7 la décision a été prise à ce moment-là.

8 **Me DUMAIS:** O.k. Vous pouvez pas nous dire
9 là si cela ça a mené à la formation d'un comité?

10 **PÈRE VAILLANCOURT:** Non.

11 **Me DUMAIS:** Mais certainement, à ce moment-
12 là, donc en septembre 1986, vous étiez pas impliqué dans le
13 développement de ligne directrice?

14 **PÈRE VAILLANCOURT:** Non.

15 **Me DUMAIS:** Et puis on va traiter de
16 l'affaire Deslauriers probablement demain, Père
17 Vaillancourt, mais essentiellement en septembre 1986, vous
18 avez été impliqué dans l'affaire parce que vous aviez parlé
19 à bon nombre de victimes?

20 **PÈRE VAILLANCOURT:** Oui.

21 **Me DUMAIS:** Vous aviez également rendu un
22 témoignage au Comité *ad hoc* je crois au mois d'avril 1986?

23 **PÈRE VAILLANCOURT:** Oui.

24 **Me DUMAIS:** Et puis vous avez eu des
25 discussions, des réunions avec le Père Ménard, avec le Père

1 Bisailon. Vous avez également, à un certain moment donné,
2 rencontré l'évêque à ce sujet?

3 **PÈRE VAILLANCOURT:** Oui.

4 **Me DUMAIS:** Et puis, à ce que je comprenne,
5 le comité ad hoc avait rendu un rapport durant l'été de
6 1986.

7 **PÈRE VAILLANCOURT:** Oui.

8 **Me DUMAIS:** Est-ce qu'en septembre 1986,
9 vous étiez au courant de ce fait-là?

10 **PÈRE VAILLANCOURT:** De?

11 **Me DUMAIS:** Du fait que le comité ad hoc
12 avait rendu un rapport ou rédigé un rapport?

13 **PÈRE VAILLANCOURT:** Oui.

14 **Me DUMAIS:** Et puis est-ce que le rapport,
15 le contenu de ce rapport-là a jamais -- a été un point de
16 discussion à aucune des réunions du Sénat des prêtres?

17 **PÈRE VAILLANCOURT:** Non.

18 **Me DUMAIS:** Donc, ça jamais été soulevé?

19 **PÈRE VAILLANCOURT:** Non.

20 **Me DUMAIS:** Est-ce qu'il y a déjà eu une
21 discussion à savoir que le rapport devrait faire partie de
22 l'agenda ou devrait être discuté?

23 **PÈRE VAILLANCOURT:** Non.

24 **Me DUMAIS:** Donc, c'est -- vous avez jamais
25 eu cette discussion-là avec l'évêque et vous n'avez jamais

1 fait la suggestion-là que ça soit apporté au Sénat des
2 prêtres?

3 **PÈRE VAILLANCOURT:** Non.

4 **Me DUMAIS:** Est-ce qu'il y a une raison pour
5 ça, Père Vaillancourt?

6 **PÈRE VAILLANCOURT:** Je me souviens pas d'une
7 raison.

8 **Me DUMAIS:** Puis, à ce que je comprenne -- à
9 ce que je comprends, à un certain moment donné durant cette
10 année-là, le Père Ménard avait également rédigé une lettre
11 adressée à l'évêque en son nom, mais je comprends que vous
12 aviez endossé certaines des recommandations; c'est ça?

13 **PÈRE VAILLANCOURT:** Oui.

14 **Me DUMAIS:** Et puis est-ce que cette lettre
15 a jamais été portée à l'attention du Sénat des prêtres ou
16 est-ce que ça jamais fait parti d'une discussion lors d'une
17 réunion ?

18 **PÈRE VAILLANCOURT:** Elle n'a pas été
19 présentée.

20 **Me DUMAIS:** O.k. Donc, si vous pouvez
21 regarder la Pièce 58 à l'onglet 7 qui devrait être les
22 minutes de la réunion du Sénat du 17 mars 1987.

23 **PÈRE VAILLANCOURT:** Oui.

24 **Me DUMAIS:** Vous avez le document devant
25 vous? Si vous pouvez simplement tourner la page, regardez

1 c'est la page 621 ou la page 2 des minutes, au point 5.

2 Donc, ça se lit comme suit:

3 "Critères pour recevoir des aspirants
4 ou des prêtres dans le diocèse"

5 Et puis c'est indiqué

6 "Father Kevin presented the criteria."

7 Donc, est-ce que c'est essentiellement le
8 point -- la question que je vous ai posée auparavant que il
9 y a des critères qui allaient être établies pour déterminer
10 l'admissibilité d'un prêtre de l'extérieur du diocèse?

11 **PÈRE VAILLANCOURT:** Oui.

12 **Me DUMAIS:** O.k. Et puis est-ce que vous
13 vous souvenez si ça été présenté, si ça été adopté par le
14 conseil du Sénat ou le Sénat des prêtres?

15 **PÈRE VAILLANCOURT:** Je me souviens pas.

16 **Me DUMAIS:** O.k. Si on regarde le point 6
17 maintenant, "Procédures diocésaines pour des cas qui
18 pourraient se poursuivre en cour".

19 Et puis avant de vous poser la prochaine
20 question, je vais ---

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **Me DUMAIS:** Et puis, monsieur le
23 commissaire, simplement là sur le point 5, les critères
24 pour recevoir des aspirants, c'est un document qui va être
25 présenté en preuve par un autre témoin du diocèse.

1 **LE COMMISSAIRE:** O.k.

2 **Me DUMAIS:** Donc, je vous posais une
3 question sur les procédures diocésaines pour des cas qui
4 pourraient se poursuivre en cour.

5 Puis si on pouvait placer ou si vous
6 pourriez regarder juste à l'onglet 6 de la Pièce
7 justificative 58; donc, le même document que vous avez
8 devant vous.

9 **PÈRE VAILLANCOURT:** Oui.

10 **Me DUMAIS:** C'est un document qui est rédigé
11 simplement en anglais et puis qui a comme titre "Principles
12 and procedures for clergy in difficulty" et c'est un -- si
13 vous regardez à la dernière page du document, est-ce que
14 vous reconnaissez la signature de Monseigneur Larocque?

15 **PÈRE VAILLANCOURT:** Oui.

16 **Me DUMAIS:** Et puis il semble également --
17 je ne sais pas si on peut appeler ça un sceau mais il y a
18 une étampe à la fin du document.

19 **PÈRE VAILLANCOURT:** Oui.

20 **Me DUMAIS:** Et puis, est-ce que vous vous
21 souvenez d'avoir déjà vu ce document-là, Père Vaillancourt?

22 **PÈRE VAILLANCOURT:** Oui, je me souviens de
23 l'avoir vu.

24 **Me DUMAIS:** Et puis est-ce que ça serait
25 raisonnable de croire que ça été le document qui aurait été

1 révisé durant cette réunion du 17 mars 1987?

2 **PÈRE VAILLANCOURT:** Je me souviens pas.

3 **Me DUMAIS:** Vous ne vous souvenez pas. Et
4 puis quand vous me dites que vous vous souvenez de ce
5 document-là, est-ce que vous vous souvenez de ce document-
6 là, de l'avoir révisé dans le passé, ou de l'avoir regardé,
7 ou est-ce que vous vous souvenez -- ou est-ce que vous en
8 avez pris connaissance en préparation pour votre témoignage
9 ici?

10 **PÈRE VAILLANCOURT:** C'est ça, j'en ai pris
11 connaissance pour le témoignage ici. Je peux l'avoir vu
12 auparavant mais je me souviens pas.

13 **Me DUMAIS:** O.k. Donc, si je vous demandais
14 si en 1987 ce document ici était les lignes directrices à
15 suivre dans le Diocèse d'Alexandria-Cornwall lors
16 d'allégations d'abus sexuel contre un prêtre, est-ce que
17 vous pouvez me répondre si oui ou non c'est la ligne
18 directrice qui était en place à ce moment-là?

19 **PÈRE VAILLANCOURT:** Je le sais pas.

20 **Me DUMAIS:** À ce que je comprenne, vous avez
21 travaillé en 1992 sur des lignes directrices sur ce sujet-
22 là; c'est ça?

23 **PÈRE VAILLANCOURT:** Oui.

24 **Me DUMAIS:** Et puis, est-ce que vous vous
25 souvenez si en 1992 vous aviez le bénéfice de ce document-

1 ci en main pour rédiger la ---

2 **PÈRE VAILLANCOURT:** C'était pas ce document-
3 là que je me suis servi pour travailler aux directives que
4 j'ai rédigées. C'était un document qui m'était parvenu par
5 le chancelier de l'Archidiocèse de Québec.

6 **Me DUMAIS:** O.k. Donc, vous sou --- puis,
7 est-ce que ce serait juste de dire qu'en 1992 quand vous
8 avez rédigé ces lignes directrices-là que c'est le seul
9 document que vous vous basez dessus?

10 **PÈRE VAILLANCOURT:** Oui.

11 **Me DUMAIS:** Et puis, est-ce que ce serait
12 juste de dire que, essentiellement, vous avez pris le
13 document ou le précédent de l'Archidiocèse de Québec et
14 puis vous avez changé des noms?

15 **PÈRE VAILLANCOURT:** Oui.

16 **Me DUMAIS:** Donc, ou est-ce que vous avez
17 modifié le document de l'Archidiocèse?

18 **PÈRE VAILLANCOURT:** Je peux l'avoir modifié
19 quelque peu, oui.

20 **Me DUMAIS:** O.k.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **Me DUMAIS:** Donc, si vous pouvez juste
23 retourner à l'onglet 7 de la Pièce justificative 58, Père
24 Vaillancourt, j'ai simplement un dernier point.

25 Donc, c'est encore au numéro 6. C'est

1 indiqué:

2 "Monseigneur Larocque fait une lecture
3 des notes qu'il a préparé pour le
4 comité de la CECO..."

5 Qui je crois est le Conseil d'évêques
6 catholiques de l'Ontario; c'est bien ça?

7 **PÈRE VAILLANCOURT:** C'est ça.

8 **Me DUMAIS:** Est-ce que vous vous souvenez de
9 cette lecture de note-là?

10 **PÈRE VAILLANCOURT:** Non.

11 **Me DUMAIS:** Et puis vous êtes pas capable
12 nous dire aujourd'hui là de quoi il s'agissait ou qu'est-ce
13 qui était le sujet?

14 **PÈRE VAILLANCOURT:** Non.

15 **Me DUMAIS:** Donc, si vous pouvez -- encore
16 la même pièce justificative 58, à l'onglet 15, qui devrait,
17 Père Vaillancourt, être les minutes datées du 29 mai 1990
18 encore d'une réunion du Sénat des prêtres, si vous pouvez
19 regarder la quatrième page, à l'item 15. Je vais lire en
20 anglais pour le dossier:

21 "Should we organize something at the
22 Diocesan level or should we wait for
23 the Bishop's report? It was decided to
24 wait."

25 Est-ce que vous vous souvenez là qu'est-ce

1 qui était le point de discussion lors de cette réunion?

2 Ça, ça se trouve à être en 1990.

3 **PÈRE VAILLANCOURT:** C'est probablement des
4 directives, mais j'peux pas confirmer.

5 **Me DUMAIS:** O.k. Puis vous pouvez pas nous
6 dire non plus là si les -- dans la discussion, on parlait
7 d'établir un comité ou des lignes directrices ou qu'est-ce
8 qui étaient les spécificités?

9 **PÈRE VAILLANCOURT:** J'me souviens pas.

10 **Me DUMAIS:** O.k. Merci.

11 Et puis quand c'est indiqué que la décision
12 a été prise d'attendre pour le rapport de l'évêque, est-ce
13 que vous savez de quel rapport vous faites référence ici?

14 **PÈRE VAILLANCOURT:** Non.

15 **Me DUMAIS:** O.k. Donc, si vous pouvez
16 maintenant tourner à l'onglet 16 de la même pièce de
17 preuve, qui se trouve être des minutes de la réunion du
18 Sénat du 18 septembre 1990. Puis le premier point se
19 trouve à l'item 9, qui a comme titre "Diocesan Committee on
20 Sexual Abuse." Le premier point est le suivant et si vous
21 me permettez, je vais lire des minutes:

22 "The time has come that the Diocese has
23 to set up a committee. In Toronto, as
24 soon as a complaint is made, the
25 Committee of Priests goes out to find

1 the facts and deal with it as
2 truthfully as possible."

3 Il me semble avoir eu une discussion ici sur
4 la mise sur pied d'un comité. Est-ce que vous vous
5 souvenez de cette discussion-là?

6 **PÈRE VAILLANCOURT:** La discussion a
7 probablement eu lieu à la CECO et l'évêque a rapporté
8 qu'est-ce qu'il avait reçu là-bas.

9 **Me DUMAIS:** O.k. Puis est-ce que vous vous
10 souvenez si, lors de cette réunion-là, y'a eu une décision
11 qui avait été prise au Sénat des prêtres d'établir le même
12 genre de comité?

13 **PÈRE VAILLANCOURT:** J'me souviens pas.

14 **Me DUMAIS:** Puis il semble avoir eu une
15 discussion que si un comité était formé, qu'un psychiatre
16 ou un psychologue devrait faire partie de ce comité-là.
17 Puis il semble avoir eu une discussion que le docteur
18 Denise Messier de l'hôpital de Cornwall soit considérée
19 pour ce poste-là? Est-ce que vous vous souvenez de cette
20 discussion-là?

21 **PÈRE VAILLANCOURT:** Oui.

22 **Me DUMAIS:** Et puis est-ce que vous vous
23 souvenez s'il est arrivé quelque chose avec cette
24 suggestion?

25 **PÈRE VAILLANCOURT:** Non.

1 **Me DUMAIS:** Est-ce que le Docteur Messier a
2 jamais été approchée pour faire partie d'un comité
3 quelconque?

4 **PÈRE VAILLANCOURT:** Pas que je sache.

5 **Me DUMAIS:** O.k. Le deuxième point
6 pertinent de la réunion se trouve à l'item 11 qui est
7 « Rapport du CCCB » et puis je crois qu'on fait référence -
8 - qu'on fait référence au Conseil des évêques catholiques
9 national; c'est bien ça, canadien?

10 **PÈRE VAILLANCOURT:** Canadien, oui.

11 **Me DUMAIS:** O.k. Et puis il semble avoir eu
12 un rapport de progrès sur des cas d'abus sexuel et puis la
13 Commission Winter aurait fait des recommandations à la
14 conférence des évêques.

15 Est-ce que vous vous souvenez si les
16 recommandations qui avaient été présentées à la conférence
17 ont été présentées par l'évêque ici, à la réunion du Sénat?

18 **PÈRE VAILLANCOURT:** J'me souviens pas.

19 **Me DUMAIS:** O.k. Puis si je vous demandais
20 qu'est-ce qu'étaient les recommandations de la Commission
21 Winter, est-ce que ça vous dit quelque chose?

22 **PÈRE VAILLANCOURT:** Non.

23 **Me DUMAIS:** Et puis si je vous demandais si
24 vous vous souvenez d'avoir consulté ce rapport-là avant
25 d'avoir rédigé les lignes directrices de 1992?

1 **PÈRE VAILLANCOURT:** Je n'l'ai pas consulté.

2 **Me DUMAIS:** O.k.

3 **LE COMMISSAIRE:** Si vous pourriez choisir un
4 endroit pour terminer la séance.

5 **Me DUMAIS:** C'était ma dernière question sur
6 ces minutes-là. J'allais changer de document, monsieur le
7 Commissaire.

8 **LE COMMISSAIRE:** Parfait. Père
9 Vaillancourt, nous allons -- est-ce que vous pensez on peut
10 commencer à 9h30 et finir à temps ou est-ce que vous
11 voudriez commencer à 9h00 demain matin?

12 **PÈRE VAILLANCOURT:** Moi, je préférerais
13 commencer à 9h30 parce que la messe chez moi.

14 **LE COMMISSAIRE:** Bon.

15 **Me DUMAIS:** On va ---

16 **LE COMMISSAIRE:** C'est pas moi qui va
17 interrompre une messe.

18 **Me DUMAIS:** Moi non plus, monsieur le
19 Commissaire, 9h30 demain matin.

20 **LE COMMISSAIRE:** Neuf heures trente (9h30),
21 parfait. Merci.

22 **PÈRE VAILLANCOURT:** Merci.

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

25 This hearing is adjourned until tomorrow

1 morning at 9:30 a.m.

2 --- Upon adjourning at 5:47 p.m. /

3 --- L'audience est ajournée à 17h47

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter inthe Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CM